CONGRESSIONAL RECORD:

102940

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-SIXTH CONGRESS, SECOND SESSION.

VOLUME XXXIV.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1901.

VOLUME XXXIV, PART I.

CONGRESSIONAL RECORD,

FIFTY-SIXTH CONGRESS, SECOND SESSION.

CONGRESSIONAL RECORD.

PROCEEDINGS AND DEBATES OF THE FIFTY-SIXTH CONGRESS.

SECOND SESSION.

SENATE.

MONDAY, *December 3, 1900.*

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the second session of the Fifty-sixth Congress commenced this day.

The Senate assembled in its Chamber at the Capitol.

The PRESIDENT pro tempore (Mr. WILLIAM P. FRYE, a Senator from the State of Maine) took the chair and called the Senate to order at 12 o'clock noon.

PRAYER.

Rev. W. H. MILBURN, D. D., Chaplain to the Senate, offered the following prayer:

O Eternal God, rejoicing with gratitude to Thee that so many members of this body are in their places, strong in health and resolve for the responsible and onerous duties of their places, yet as the psalm of our thanksgiving rises, the heavy hand of sorrow is laid upon us as we remember the irreparable loss which this body and the country at large has sustained in the departure from earth of some of our notable members.

We recall the venerable figure of a late member of the Senate, who, looking back upon nearly fifty years of public service, had ingratiated himself into the regard, affection, and veneration of his brethren and of a large portion of the people of the country.

We recall the form and presence of the junior Senator from Iowa, taken from us and leaving a gap in his State, as well as in this body.

And now we stand with unspeakable grief by the new-made grave in the capital of Minnesota, which within the last two days has received all that was mortal of the brilliant, attractive, and serviceable senior Senator from that State. By his genius, his labor, his devotion to the interests not only of his own State, but of the whole country, and by his attractive and winsome qualities he drew the love and fixed regard of his colleagues. O Lord, the sense of our sorrow and loss is unspeakable.

Let Thy consolation come to the members of these families; let it come to the venerable father and mother as well as the wife of the Minnesota Senator.

Grant, O Lord, that the sense of our mortality may rest with becoming gravity upon the hearts and consciences of all here, and may we gird up our loins and walk reverently and humbly before Thee. Through Jesus Christ our Lord. Amen.

SENATORS PRESENT.

The PRESIDENT pro tempore. The Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

From the State of—

Alabama—John T. Morgan and Edmund W. Pettus.
Arkansas—James H. Berry and James K. Jones.
California—Thomas R. Bard and George C. Perkins.
Colorado—Henry M. Teller and Edward O. Wolcott.
Connecticut—Joseph R. Hawley and Orville H. Platt.
Delaware—Richard R. Kenney.
Florida—Stephen R. Mallory and James P. Taliaferro.
Georgia—Augustus O. Bacon and Alexander S. Clay.
Idaho—George L. Shoup.
Illinois—Shelby M. Cullom and William E. Mason.
Indiana—Albert J. Beveridge and Charles W. Fairbanks.
Iowa—William B. Allison.
Kansas—William A. Harris.
Kentucky—William J. Deboe and William Lindsay.
Louisiana—Samuel D. McEnery.
Maine—William P. Frye and Eugene Hale.
Maryland—Louis E. McComas and George L. Wellington.
Massachusetts—George F. Hoar and Henry Cabot Lodge.
Michigan—Julius C. Burrows and James McMillan.
Minnesota—Knute Nelson.
Mississippi—Hernando D. Money and William V. Sullivan.
Missouri—Francis M. Cockrell and George G. Vest.
Montana—Thomas H. Carter.
Nebraska—John M. Thurston.
Nevada—William M. Stewart.
New Hampshire—Jacob H. Gallinger.
New Jersey—John Kean and William J. Sewell.
New York—Chauncey M. Depew and Thomas C. Platt.
North Carolina—Jeter C. Pritchard.
North Dakota—Porter J. McCumber.
Ohio—Joseph B. Foraker and Marcus A. Hanna.
Oregon—George W. McBride.
Pennsylvania—Boies Penrose.
Rhode Island—Nelson W. Aldrich and George P. Wetmore.
South Carolina—John L. McLaurin and Benjamin R. Tillman.
South Dakota—James H. Kyle.
Texas—Charles A. Culberson.
Utah—Joseph L. Rawlins.
Vermont—Redfield Proctor.
Virginia—John W. Daniel and Thomas S. Martin.
Washington—Addison G. Foster and George Turner.
West Virginia—Stephen B. Elkins and Nathan B. Scott.
Wisconsin—Joseph V. Quarles.
Wyoming—Francis E. Warren.

The PRESIDENT pro tempore. Senators, sixty-eight Senators have responded to their names. There is a quorum of Senators present, and the Senate is ready to proceed with business.

SENATOR FROM VERMONT.

Mr. PROCTOR. Mr. President, I present the certificate of election of the Hon. William P. Dillingham as a Senator of the United States from the State of Vermont for the unexpired portion of the term of the late Senator Morrill.

The PRESIDENT pro tempore. The certificate will be received and the Secretary will read it to the Senate.

The Secretary read the credentials of William Paul Dillingham, chosen by the legislature of the State of Vermont a Senator from that State for the unexpired portion of the term ending March 3, 1903.

The PRESIDENT pro tempore. The credentials will be placed on file, and if there be no objection the Senator-elect will present himself to take the necessary oath of office.

Mr. Dillingham was escorted to the Vice-President's desk by Mr. PROCTOR, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

NOTIFICATION TO THE HOUSE.

Mr. PLATT of Connecticut submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two Senators be appointed, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that a quorum of each House is assembled, and that Congress is ready to receive any communication he may be pleased to make.

The PRESIDENT pro tempore appointed as the committee Mr. HOAR and Mr. COCKRELL.

HOUR OF MEETING.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

RECESS.

Mr. HALE (at 12 o'clock and 15 minutes p. m.). Mr. President, as no business can be done until the committee which has been appointed reports, I move that the Senate take a recess for forty minutes.

The motion was agreed to; and at the expiration of the recess (at 12 o'clock and 55 minutes p. m.) the Senate reassembled.

Mr. ALDRICH. I move that the Senate take a further recess until 1 o'clock and 45 minutes p. m.

The motion was agreed to; and at the expiration of the recess (at 1 o'clock and 45 minutes p. m.) the Senate reassembled.

MESSAGE FROM THE HOUSE.

Mr. WILLIAM J. BROWNING, the Chief Clerk of the House of Representatives, appeared below the bar of the Senate and delivered the following message:

Mr. President, I am directed by the House of Representatives to inform the Senate that a quorum of the House of Representatives has appeared, and that the House is ready to proceed to business.

Also, that a committee of three members had been appointed on the part of the House of Representatives to join the committee already appointed by the Senate to wait upon the President of the United States and inform him that a quorum of each of the two Houses had assembled, and that Congress was ready to receive any communication he might be pleased to make, and that Mr. PAYNE of New York, Mr. GROSVENOR of Ohio, and Mr. RICHARDSON of Tennessee had been appointed such committee on the part of the House.

NOTIFICATION TO THE PRESIDENT.

Mr. HOAR and Mr. COCKRELL, the committee appointed to wait upon the President of the United States, appeared at the bar, and

Mr. HOAR said: Mr. President, the committee appointed by the Senate, in conjunction with a committee appointed by the House of Representatives, to inform the President that a quorum of the two Houses is present and that they are ready to receive any communication from him, have discharged that commission. They are directed by the President to say that he is much gratified by the return of the members of the two Houses to the Capitol, and that he will make a communication in writing forthwith.

PRESIDENT'S MESSAGE.

Mr. O. L. PRUDEN, one of the secretaries of the President of the United States, appeared below the bar and said:

Mr. President, I am directed by the President of the United States to deliver to the Senate a message in writing.

The message was received from the secretary and handed to the President pro tempore.

The PRESIDENT pro tempore. The Chair lays before the Senate the following message from the President of the United States, which the Secretary will read.

The Secretary read the message, as follows:

To the Senate and House of Representatives:

At the outgoing of the old and the incoming of the new century you begin the last session of the Fifty-sixth Congress with evidences on every hand of individual and national prosperity and with proof of the growing strength and increasing power for good of republican institutions. Your countrymen will join with you in felicitation that American liberty is more firmly established than ever before, and that love for it and the determination to preserve it are more universal than at any former period of our history.

The Republic was never so strong, because never so strongly intrenched in the hearts of the people as now. The Constitution, with few amendments, exists as it left the hands of its authors. The additions which have been made to it proclaim larger freedom and more extended citizenship. Popular government has demonstrated in its one hundred and twenty-four years of trial here its stability and security, and its efficiency as the best instrument of national development and the best safeguard to human rights.

When the Sixth Congress assembled in November, 1800, the population of the United States was 5,308,483. It is now 76,304,799. Then we had 16 States. Now we have 45. Then our territory consisted of 909,050 square miles. It is now 3,846,595 square miles. Education, religion, and morality have kept pace with our advancement in other directions, and while extending its power the Government has adhered to its foundation principles and abated none of them in dealing with our new peoples and possessions. A nation so preserved and blessed gives reverent thanks to God and invokes His guidance and the continuance of His care and favor.

In our foreign intercourse the dominant question has been the treatment of the Chinese problem. Apart from this our relations with the powers have been happy.

The recent troubles in China spring from the antiforeign agitation which for the past three years has gained strength in the northern provinces. Their origin lies deep in the character of the Chinese races and in the traditions of their Government. The Taiping rebellion and the opening of Chinese ports to foreign trade and settlement disturbed alike the homogeneity and the seclusion of China.

Meanwhile foreign activity made itself felt in all quarters, not alone on the coast, but along the great river arteries and in the remoter districts, carrying new ideas and introducing new associations among a primitive people which had pursued for centuries a national policy of isolation.

The telegraph and the railway spreading over their land, the steamers plying on their waterways, the merchant and the missionary penetrating year by year farther to the interior, became to the Chinese mind types of an alien invasion, changing the course of their national life and fraught with vague forebodings of disaster to their beliefs and their self-control.

For several years before the present troubles all the resources of foreign diplomacy, backed by moral demonstrations of the physical force of fleets and arms, have been needed to secure due respect for the treaty rights of foreigners and to obtain satisfaction from the responsible authorities for the sporadic outrages upon the persons and property of unoffending sojourners, which from time to time occurred at widely separated points in the northern provinces, as in the case of the outbreaks in Sze-chuen and Shan-tung.

Posting of antiforeign placards became a daily occurrence, which the repeated reprobation of the Imperial power failed to check or punish. These imflammatory appeals to the ignorance and superstition of the masses, mendacious and absurd in their accusations and deeply hostile in their spirit, could not but work cumulative harm. They aimed at no particular class of foreigners; they were impartial in attacking everything foreign.

An outbreak in Shan-tung, in which German missionaries were slain, was the too natural result of these malevolent teachings. The posting of seditious placards, exhorting to the utter destruction of foreigners and of every foreign thing, continued unrebuked. Hostile demonstrations toward the stranger gained strength by organization.

The sect commonly styled the Boxers developed greatly in the provinces north of the Yang-Tse, and with the collusion of many notable officials, including some in the immediate councils of the Throne itself, became alarmingly aggressive. No foreigner's life outside of the protected treaty ports was safe. No foreign interest was secure from spoliation.

The diplomatic representatives of the powers in Peking strove in vain to check this movement. Protest was followed by demand, and demand by renewed protest, to be met with perfunctory edicts from the Palace and evasive and futile assurances from the Tsung-li Yamen. The circle of the Boxer influence narrowed about Peking, and while nominally stigmatized as seditious, it was felt that its spirit pervaded the capital itself, that the Imperial forces were imbued with its doctrines, and that the immediate counselors of the Empress Dowager were in full sympathy with the antiforeign movement.

The increasing gravity of the conditions in China and the imminence of peril to our own diversified interests in the Empire, as well as to those of all the other treaty governments, were soon appreciated by this Government, causing it profound solicitude. The United States from the earliest days of foreign intercourse with China had followed a policy of peace, omitting no occasions to testify good will, to further the extension of lawful trade, to respect the sovereignty of its Government, and to insure by all legitimate and kindly but earnest means the fullest measure of protection for the lives and property of our law-abiding citizens and for the exercise of their beneficent callings among the Chinese people.

Mindful of this, it was felt to be appropriate that our purposes should be pronounced in favor of such course as would hasten united action of the powers at Peking to promote the administrative reforms so greatly needed for strengthening the Imperial Government and maintaining the integrity of China, in which we believed the whole western world to be alike concerned. To these ends I caused to be addressed to the several powers occupying territory and maintaining spheres of influence in China the circular proposals of 1899, inviting from them declarations of their intentions and views as to the desirability of the adoption of measures

insuring the benefits of equality of treatment of all foreign trade throughout China.

With gratifying unanimity the responses coincided in this common policy, enabling me to see in the successful termination of these negotiations proof of the friendly spirit which animates the various powers interested in the untrammeled development of commerce and industry in the Chinese Empire as a source of vast benefit to the whole commercial world.

In this conclusion, which I had the gratification to announce as a completed engagement to the interested powers on March 20, 1900, I hopefully discerned a potential factor for the abatement of the distrust of foreign purposes which for a year past had appeared to inspire the policy of the Imperial Government, and for the effective exertion by it of power and authority to quell the critical antiforeign movement in the northern provinces most immediately influenced by the Manchu sentiment.

Seeking to testify confidence in the willingness and ability of the Imperial administration to redress the wrongs and prevent the evils we suffered and feared, the marine guard, which had been sent to Peking in the autumn of 1899 for the protection of the legation, was withdrawn at the earliest practicable moment, and all pending questions were remitted, as far as we were concerned, to the ordinary resorts of diplomatic intercourse.

The Chinese Government proved, however, unable to check the rising strength of the Boxers, and appeared to be a prey to internal dissensions. In the unequal contest the antiforeign influences soon gained the ascendancy under the leadership of Prince Tuan. Organized armies of Boxers, with which the Imperial forces affiliated, held the country between Peking and the coast, penetrated into Manchuria up to the Russian borders, and through their emissaries threatened a like rising throughout northern China.

Attacks upon foreigners, destruction of their property, and slaughter of native converts were reported from all sides. The Tsung-li Yamen, already permeated with hostile sympathies, could make no effective response to the appeals of the legations. At this critical juncture, in the early spring of this year, a proposal was made by the other powers that a combined fleet should be assembled in Chinese waters as a moral demonstration, under cover of which to exact of the Chinese Government respect for foreign treaty rights and the suppression of the Boxers.

The United States, while not participating in the joint demonstration, promptly sent from the Philippines all ships that could be spared for service on the Chinese coast. A small force of marines was landed at Taku and sent to Peking for the protection of the American legation. Other powers took similar action, until some 400 men were assembled in the capital as legation guards.

Still the peril increased. The legations reported the development of the seditious movement in Peking and the need of increased provision for defense against it. While preparations were in progress for a larger expedition, to strengthen the legation guards and keep the railway open, an attempt of the foreign ships to make a landing at Taku was met by a fire from the Chinese forts. The forts were thereupon shelled by the foreign vessels, the American admiral taking no part in the attack, on the ground that we were not at war with China and that a hostile demonstration might consolidate the antiforeign elements and strengthen the Boxers to oppose the relieving column.

Two days later the Taku forts were captured after a sanguinary conflict. Severance of communication with Peking followed, and a combined force of additional guards, which was advancing to Peking by the Pei-Ho, was checked at Langfang. The isolation of the legations was complete.

The siege and the relief of the legations has passed into undying history. In all the stirring chapter which records the heroism of the devoted band, clinging to hope in the face of despair, and the undaunted spirit that led their relievers through battle and suffering to the goal, it is a memory of which my countrymen may be justly proud that the honor of our flag was maintained alike in the siege and the rescue, and that stout American hearts have again set high, in fervent emulation with true men of other race and language, the indomitable courage that ever strives for the cause of right and justice.

By June 19 the legations were cut off. An identical note from the Yamen ordered each minister to leave Peking, under a promised escort, within twenty-four hours. To gain time they replied, asking prolongation of the time, which was afterwards granted, and requesting an interview with the Tsung-li Yamen on the following day. No reply being received, on the morning of the 20th the German minister, Baron von Ketteler, set out for the Yamen to obtain a response, and on the way was murdered.

An attempt by the legation guard to recover his body was foiled by the Chinese. Armed forces turned out against the legations. Their quarters were surrounded and attacked. The mission compounds were abandoned, their inmates taking refuge in the British legation, where all the other legations and guards gathered for more effective defense. Four hundred persons were crowded in its narrow compass. Two thousand native converts were assembled in a near-by palace under protection of the foreigners. Lines of defense were strengthened, trenches dug, barricades raised, and preparations made to stand a siege, which at once began.

From June 20 until July 17, writes Minister Conger, "there was scarcely an hour during which there was not firing upon some part of our lines and into some of the legations, varying from a single shot to a general and continuous attack along the whole line." Artillery was placed around the legations and on the overlooking palace walls, and thousands of 3-inch shot and shell were fired, destroying some buildings and damaging all. So thickly did the balls rain that, when the ammunition of the besieged ran low, five quarts of Chinese bullets were gathered in an hour in one compound and recast.

Attempts were made to burn the legations by setting neighboring houses on fire, but the flames were successfully fought off, although the Austrian, Belgian, Italian, and Dutch legations were then and subsequently burned. With the aid of the native converts, directed by the missionaries, to whose helpful cooperation Mr. Conger awards unstinted praise, the British legation was made a veritable fortress. The British minister, Sir Claude MacDonald, was chosen general commander of the defense, with the secretary of the American legation, Mr. E. G. Squiers, as chief of staff.

To save life and ammunition the besieged sparingly returned the incessant fire of the Chinese soldiery, fighting only to repel attack or make an occasional successful sortie for strategic advantage, such as that of fifty-five American, British, and Russian marines led by Captain Myers, of the United States Marine Corps, which resulted in the capture of a formidable barricade on the wall that gravely menaced the American position. It was held to the last, and proved an invaluable acquisition, because commanding the water gate through which the relief column entered.

During the siege the defenders lost 65 killed, 135 wounded, and 7 by disease—the last all children.

On July 14 the besieged had their first communication with the Tsung-li Yamen, from whom a message came inviting to a conference, which was declined. Correspondence, however, ensued and a sort of armistice was agreed upon, which stopped the bombardment and lessened the rifle fire for a time. Even then no protection whatever was afforded, nor any aid given, save to send to the legations a small supply of fruit and three sacks of flour.

Indeed, the only communication had with the Chinese Government related to the occasional delivery or dispatch of a telegram or to the demands of the Tsung-li Yamen for the withdrawal of the legations to the coast under escort. Not only are the protestations of the Chinese Government that it protected and succored the legations positively contradicted, but irresistible proof accumulates that the attacks upon them were made by Imperial troops, regularly uniformed, armed, and officered, belonging to the command of Jung Lu, the Imperial commander in chief. Decrees encouraging the Boxers, organizing them under prominent Imperial officers, provisioning them, and even granting them large sums in the name of the Empress Dowager, are known to exist. Members of the Tsung-li Yamen who counseled protection of the foreigners were beheaded. Even in the distant provinces men suspected of foreign sympathy were put to death, prominent among these being Chang Yen-hoon, formerly Chinese minister in Washington.

With the negotiation of the partial armistice of July 14, a proceeding which was doubtless promoted by the representations of the Chinese envoy in Washington, the way was opened for the conveyance to Mr. Conger of a test message sent by the Secretary of State through the kind offices of Minister Wu Ting-fang. Mr. Conger's reply, dispatched from Peking on July 18 through the same channel, afforded to the outside world the first tidings that the inmates of the legations were still alive and hoping for succor.

This news stimulated the preparations for a joint relief expedition in numbers sufficient to overcome the resistance which for a month had been organizing between Taku and the capital. Reinforcements sent by all the cooperating governments were constantly arriving. The United States contingent, hastily assembled from the Philippines or dispatched from this country, amounted to some 5,000 men, under the able command first of the lamented Colonel Liscum and afterwards of General Chaffee.

Toward the end of July the movement began. A severe conflict followed at Tientsin, in which Colonel Liscum was killed. The city was stormed and partly destroyed. Its capture afforded the base of operations from which to make the final advance, which began in the first days of August, the expedition being made up of Japanese, Russian, British, and American troops at the outset.

Another battle was fought and won at Yangtsun. Thereafter the disheartened Chinese troops offered little show of resistance. A few days later the important position of Ho-si-woo was taken. A rapid march brought the united forces to the populous city of Tung Chow, which capitulated without a contest.

On August 14 the capital was reached. After a brief conflict beneath the wall the relief column entered and the legations were saved. The United States soldiers, sailors, and marines, officers and men alike, in those distant climes and unusual surroundings,

showed the same valor, discipline, and good conduct and gave proof of the same high degree of intelligence and efficiency which have distinguished them in every emergency.

The Imperial family and the Government had fled a few days before. The city was without visible control. The remaining Imperial soldiery had made on the night of the 13th a last attempt to exterminate the besieged, which was gallantly repelled. It fell to the occupying forces to restore order and organize a provisional administration.

Happily the acute disturbances were confined to the northern provinces. It is a relief to recall and a pleasure to record the loyal conduct of the viceroys and local authorities of the southern and eastern provinces. Their efforts were continuously directed to the pacific control of the vast populations under their rule and to the scrupulous observance of foreign treaty rights. At critical moments they did not hesitate to memorialize the Throne, urging the protection of the legations, the restoration of communication, and the assertion of the Imperial authority against the subversive elements. They maintained excellent relations with the official representatives of foreign powers. To their kindly disposition is largely due the success of the consuls in removing many of the missionaries from the interior to places of safety. In this relation the action of the consuls should be highly commended. In Shantung and eastern Chi-li the task was difficult, but, thanks to their energy and the cooperation of American and foreign naval commanders, hundreds of foreigners, including those of other nationalities than ours, were rescued from imminent peril.

The policy of the United States through all this trying period was clearly announced and scrupulously carried out. A circular note to the powers dated July 3 proclaimed our attitude. Treating the condition in the north as one of virtual anarchy, in which the great provinces of the south and southeast had no share, we regarded the local authorities in the latter quarters as representing the Chinese people with whom we sought to remain in peace and friendship. Our declared aims involved no war against the Chinese nation. We adhered to the legitimate office of rescuing the imperiled legation, obtaining redress for wrongs already suffered, securing wherever possible the safety of American life and property in China, and preventing a spread of the disorders or their recurrence.

As was then said, "The policy of the Government of the United States is to seek a solution which may bring about permanent safety and peace to China, preserve Chinese territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty and international law, and safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire."

Faithful to those professions which, as it proved, reflected the views and purposes of the other cooperating governments, all our efforts have been directed toward ending the anomalous situation in China by negotiations for a settlement at the earliest possible moment. As soon as the sacred duty of relieving our legation and its dependents was accomplished we withdrew from active hostilities, leaving our legation under an adequate guard in Peking as a channel of negotiation and settlement—a course adopted by others of the interested powers. Overtures of the empowered representatives of the Chinese Emperor have been considerately entertained.

The Russian proposition looking to the restoration of the Imperial power in Peking has been accepted as in full consonance with our own desires, for we have held and hold that effective reparation for wrongs suffered and an enduring settlement that will make their recurrence impossible can best be brought about under an authority which the Chinese nation reverences and obeys. While so doing we forego no jot of our undoubted right to exact exemplary and deterrent punishment of the responsible authors and abettors of the criminal acts whereby we and other nations have suffered grievous injury.

For the real culprits, the evil counselors who have misled the Imperial judgment and diverted the sovereign authority to their own guilty ends, full expiation becomes imperative within the national limits of retributive justice. Regarding this as the initial condition of an acceptable settlement between China and the powers, I said in my message of October 18 to the Chinese Emperor:

"I trust that negotiations may begin so soon as we and the other offended governments shall be effectively satisfied of Your Majesty's ability and power to treat with just sternness the principal offenders, who are doubly culpable, not alone toward the foreigners, but toward Your Majesty, under whose rule the purpose of China to dwell in concord with the world had hitherto found expression in the welcome and protection assured to strangers."

Taking, as a point of departure, the Imperial edict appointing Earl Li Hung Chang and Prince Ching plenipotentiaries to arrange a settlement, and the edict of September 25, whereby certain high officials were designated for punishment, this Government has moved, in concert with the other powers, toward the opening of negotiations, which Mr. Conger, assisted by Mr. Rockhill, has been authorized to conduct on behalf of the United States.

General bases of negotiation formulated by the Government of the French Republic have been accepted with certain reservations as to details, made necessary by our own circumstances, but, like similar reservations by other powers, open to discussion in the progress of the negotiations. The disposition of the Emperor's Government to admit liability for wrongs done to foreign governments and their nationals, and to act upon such additional designation of the guilty persons as the foreign ministers at Peking may be in a position to make, gives hope of a complete settlement of all questions involved, assuring foreign rights of residence and intercourse on terms of equality for all the world.

I regard as one of the essential factors of a durable adjustment the securement of adequate guarantees for liberty of faith, since insecurity of those natives who may embrace alien creeds is a scarcely less effectual assault upon the rights of foreign worship and teaching than would be the direct invasion thereof.

The matter of indemnity for our wronged citizens is a question of grave concern. Measured in money alone, a sufficient reparation may prove to be beyond the ability of China to meet. All the powers concur in emphatic disclaimers of any purpose of aggrandizement through the dismemberment of the Empire. I am disposed to think that due compensation may be made in part by increased guarantees of security for foreign rights and immunities, and, most important of all, by the opening of China to the equal commerce of all the world. These views have been and will be earnestly advocated by our representatives.

The Government of Russia has put forward a suggestion, that in the event of protracted divergence of views in regard to indemnities the matter may be relegated to the Court of Arbitration at The Hague. I favorably incline to this, believing that high tribunal could not fail to reach a solution no less conducive to the stability and enlarged prosperity of China itself than immediately beneficial to the powers.

Ratifications of a treaty of extradition with the Argentine Republic were exchanged on June 2 last.

While the Austro-Hungarian Government has in the many cases that have been reported of the arrest of our naturalized citizens for alleged evasion of military service faithfully observed the provisions of the treaty and released such persons from military obligations, it has in some instances expelled those whose presence in the community of their origin was asserted to have a pernicious influence. Representations have been made against this course whenever its adoption has appeared unduly onerous.

We have been urgently solicited by Belgium to ratify the international convention of June, 1899, amendatory of the previous convention of 1890 in respect to the regulation of the liquor trade in Africa. Compliance was necessarily withheld, in the absence of the advice and consent of the Senate thereto. The principle involved has the cordial sympathy of this Government, which in the revisionary negotiations advocated more drastic measures, and I would gladly see its extension, by international agreement, to the restriction of the liquor traffic with all uncivilized peoples, especially in the western Pacific.

A conference will be held at Brussels December 11, 1900, under the convention for the protection of industrial property concluded at Paris March 20, 1883, to which delegates from this country have been appointed. Any lessening of the difficulties that our inventors encounter in obtaining patents abroad for their inventions and that our farmers, manufacturers, and merchants may have in the protection of their trade-marks is worthy of careful consideration, and your attention will be called to the results of the conference at the proper time.

In the interest of expanding trade between this country and South America, efforts have been made during the past year to conclude conventions with the southern republics for the enlargement of postal facilities. Two such agreements, signed with Bolivia on April 24, of which that establishing the money-order system is undergoing certain changes suggested by the Post-Office Department, have not yet been ratified by this Government. A treaty of extradition with that country, signed on the same day, is before the Senate.

A boundary dispute between Brazil and Bolivia over the territory of Acre is in a fair way of friendly adjustment, a protocol signed in December, 1899, having agreed on a definite frontier and provided for its demarcation by a joint commission.

Conditions in Brazil have weighed heavily on our export trade to that country, in marked contrast to the favorable conditions upon which Brazilian products are admitted into our markets. Urgent representations have been made to that Government on the subject, and some amelioration has been effected. We rely upon the reciprocal justice and good will of that Government to assure to us a further improvement in our commercial relations.

The convention signed May 24, 1897, for the final settlement of claims left in abeyance upon the dissolution of the commission of

1893 was at length ratified by the Chilean Congress, and the supplemental commission has been organized.

It remains for the Congress to appropriate for the necessary expenses of the commission.

The insurrectionary movement which disturbed Colombia in the latter part of 1899 has been practically suppressed, although guerrillas still operate in some departments. The executive power of that Republic changed hands in August last by the act of Vice-President Marroquin in assuming the reins of government during the absence of President San Clemente from the capital. The change met with no serious opposition, and, following the precedents in such cases, the United States minister entered into relations with the new de facto Government on September 17th.

It is gratifying to announce that the residual questions between Costa Rica and Nicaragua growing out of the award of President Cleveland in 1888 have been adjusted through the choice of an American engineer, Gen. E. P. Alexander, as umpire to run the disputed line. His task has been accomplished to the satisfaction of both contestants.

A revolution in the Dominican Republic toward the close of last year resulted in the installation of President Jimenez, whose Government was formally recognized in January. Since then final payment has been made of the American claim in regard to the Ozama bridge.

The year of the Exposition has been fruitful in occasions for displaying the good will that exists between this country and France. This great competition brought together from every nation the best in natural productions, industry, science, and the arts, submitted in generous rivalry to a judgment made all the more searching because of that rivalry. The extraordinary increase of exportations from this country during the past three years and the activity with which our inventions and wares had invaded new markets caused much interest to center upon the American exhibit, and every encouragement was offered in the way of space and facilities to permit of its being comprehensive as a whole and complete in every part.

It was, however, not an easy task to assemble exhibits that could fitly illustrate our diversified resources and manufactures. Singularly enough our national prosperity lessened the incentive to exhibit. The dealer in raw materials knew that the user must come to him; the great factories were contented with the phenomenal demand for their output, not alone at home, but also abroad, where merit had already won a profitable trade.

Appeals had to be made to the patriotism of exhibitors to induce them to incur outlays promising no immediate return. This was especially the case where it became needful to complete an industrial sequence or illustrate a class of processes. One manufacturer after another had to be visited and importuned, and at times, after a promise to exhibit in a particular section had been obtained, it would be withdrawn, owing to pressure of trade orders, and a new quest would have to be made.

The installation of exhibits, too, encountered many obstacles and involved unexpected cost. The Exposition was far from ready at the date fixed for its opening. The French transportation lines were congested with offered freight. Belated goods had to be hastily installed in unfinished quarters with whatever labor could be obtained in the prevailing confusion. Nor was the task of the Commission lightened by the fact that, owing to the scheme of classification adopted, it was impossible to have the entire exhibit of any one country in the same building or more than one group of exhibits in the same part of any building. Our installations were scattered on both sides of the Seine and in widely remote suburbs of Paris, so that additional assistants were needed for the work of supervision and arrangement.

Despite all these drawbacks the contribution of the United States was not only the largest foreign display, but was among the earliest in place and the most orderly in arrangement. Our exhibits were shown in one hundred and one out of one hundred and twenty-one classes, and more completely covered the entire classification than those of any other nation. In total number they ranked next after those of France, and the attractive form in which they were presented secured general attention.

A criterion of the extent and success of our participation and of the thoroughness with which our exhibits were organized is seen in the awards granted to American exhibitors by the international jury, namely, grand prizes, 240; gold medals, 597; silver medals, 776; bronze medals, 541, and honorable mentions, 322—2,476 in all, being the greatest total number given to the exhibit of any exhibiting nation, as well as the largest number in each grade. This significant recognition of merit in competition with the chosen exhibits of all other nations and at the hands of juries almost wholly made up of representatives of France and other competing countries is not only most gratifying, but is especially valuable, since it sets us to the front in international questions of supply and demand, while the large proportion of awards in the classes of art and artistic manufactures afforded unexpected proof of the stimulation of national culture by the prosperity that flows from natural productiveness joined to industrial excellence.

Apart from the Exposition several occasions for showing international good will occurred. The inauguration in Paris of the Lafayette monument, presented by the school children of the United States, and the designing of a commemorative coin by our Mint and the presentation of the first piece struck to the President of the Republic, were marked by appropriate ceremonies, and the Fourth of July was especially observed in the French capital.

Good will prevails in our relations with the German Empire. An amicable adjustment of the long-pending question of the admission of our life-insurance companies to do business in Prussia has been reached. One of the principal companies has already been readmitted and the way is opened for the others to share the privilege.

The settlement of the Samoan problem, to which I adverted in my last message, has accomplished good results. Peace and contentment prevail in the islands, especially in Tutuila, where a convenient administration that has won the confidence and esteem of the kindly disposed natives has been organized under the direction of the commander of the United States naval station at Pago-Pago.

An Imperial meat-inspection law has been enacted for Germany. While it may simplify the inspections, it prohibits certain products heretofore admitted. There is still great uncertainty as to whether our well-nigh extinguished German trade in meat products can revive under its new burdens. Much will depend upon regulations not yet promulgated, which we confidently hope will be free from the discriminations which attended the enforcement of the old statutes.

The remaining link in the new lines of direct telegraphic communication between the United States and the German Empire has recently been completed, affording a gratifying occasion for exchange of friendly congratulations with the German Emperor.

Our friendly relations with Great Britain continue. The war in Southern Africa introduced important questions. A condition unusual in international wars was presented in that while one beligerent had control of the seas, the other had no ports, shipping, or direct trade, but was only accessible through the territory of a neutral. Vexatious questions arose through Great Britain's action in respect to neutral cargoes, not contraband in their own nature, shipped to Portuguese South Africa, on the score of probable or suspected ultimate destination to the Boer States.

Such consignments in British ships, by which alone direct trade is kept up between our ports and southern Africa, were seized in application of a municipal law prohibiting British vessels from trading with the enemy without regard to any contraband character of the goods, while cargoes shipped to Delagoa Bay in neutral bottoms were arrested on the ground of alleged destination to enemy's country. Appropriate representations on our part resulted in the British Government agreeing to purchase outright all such goods shown to be the actual property of American citizens, thus closing the incident to the satisfaction of the immediately interested parties, although, unfortunately, without a broad settlement of the question of a neutral's right to send goods not contraband *per se* to a neutral port adjacent to a belligerent area.

The work of making certain provisional boundary points, for convenience of administration, around the head of Lynn Canal, in accordance with the temporary arrangement of October, 1899, was completed by a joint survey in July last. The modus vivendi has so far worked without friction, and the Dominion Government has provided rules and regulations for securing to our citizens the benefit of the reciprocal stipulation that the citizens or subjects of either power found by that arrangement within the temporary jurisdiction of the other shall suffer no diminution of the rights and privileges they have hitherto enjoyed. But however necessary such an expedient may have been to tide over the grave emergencies of the situation, it is at best but an unsatisfactory makeshift which should not be suffered to delay the speedy and complete establishment of the frontier line to which we are entitled under the Russo-American treaty for the cession of Alaska.

In this relation I may refer again to the need of definitely marking the Alaskan boundary where it follows the one hundred and forty-first meridian. A convention to that end has been before the Senate for some two years, but as no action has been taken I contemplate negotiating a new convention for a joint determination of the meridian by telegraphic observations. These, it is believed, will give more accurate and unquestionable results than the sidereal methods heretofore independently followed, which, as is known, proved discrepant at several points on the line, although not varying at any place more than 700 feet.

The pending claim of R. H. May against the Guatemalan Government has been settled by arbitration, Mr. George F. B. Jenner, British minister at Guatemala, who was chosen as sole arbitrator, having awarded $143,750.73 in gold to the claimant.

Various American claims against Haiti have been or are being advanced to the resort of arbitration.

As the result of negotiations with the Government of Honduras in regard to the indemnity demanded for the murder of Frank H.

Pears in Honduras, that Government has paid $10,000 in settlement of the claim of the heirs.

The assassination of King Humbert called forth sincere expressions of sorrow from this Government and people, and occasion was fitly taken to testify to the Italian nation the high regard here felt for the memory of the lamented ruler.

In my last message I referred at considerable length to the lynching of five Italians at Tallulah. Notwithstanding the efforts of the Federal Government, the production of evidence tending to inculpate the authors of this grievous offense against our civilization, and the repeated inquests set on foot by the authorities of the State of Louisiana, no punishments have followed. Successive grand juries have failed to indict. The representations of the Italian Government in the face of this miscarriage have been most temperate and just.

Setting the principle at issue high above all consideration of merely pecuniary indemnification, such as this Government made in the three previous cases, Italy has solemnly invoked the pledges of existing treaty and asked that the justice to which she is entitled shall be meted in regard to her unfortunate countrymen in our territory with the same full measure she herself would give to any American were his reciprocal treaty rights contemned.

I renew the urgent recommendations I made last year that the Congress appropriately confer upon the Federal courts jurisdiction in this class of international cases where the ultimate responsibility of the Federal Government may be involved, and I invite action upon the bills to accomplish this which were introduced in the Senate and House. It is incumbent upon us to remedy the statutory omission which has led, and may again lead, to such untoward results. I have pointed out the necessity and the precedent for legislation of this character. Its enactment is a simple measure of previsory justice toward the nations with which we as a sovereign equal make treaties requiring reciprocal observance.

While the Italian Government naturally regards such action as the primary and, indeed, the most essential element in the disposal of the Tallulah incident, I advise that, in accordance with precedent and in view of the improbabilty of that particular case being reached by the bill now pending, Congress make gracious provision for indemnity to the Italian sufferers in the same form and proportion as heretofore.

In my inaugural address I referred to the general subject of lynching in these words:

"Lynching must not be tolerated in a great and civilized country like the United States; courts, not mobs, must execute the penalties of the law. The preservation of public order, the right of discussion, the integrity of courts, and the orderly administration of justice must continue forever the rock of safety upon which our Government securely rests."

This I most urgently reiterate and again invite the attention of my countrymen to this reproach upon our civilization.

The closing year has witnessed a decided strengthening of Japan's relations to other states. The development of her independent, judicial, and administrative functions under the treaties which took effect July 17, 1899, has proceeded without international friction, showing the competence of the Japanese to hold a foremost place among modern peoples.

In the treatment of the difficult Chinese problems Japan has acted in harmonious concert with the other powers, and her generous cooperation materially aided in the joint relief of the beleaguered legations in Peking and in bringing about an understanding preliminary to a settlement of the issues between the powers and China. Japan's declarations in favor of the integrity of the Chinese Empire and the conservation of open world trade therewith have been frank and positive. As a factor for promoting the general interests of peace, order, and fair commerce in the Far East the influence of Japan can hardly be overestimated.

The valuable aid and kindly courtesies extended by the Japanese Government and naval officers to the battle ship *Oregon* are gratefully appreciated.

Complaint was made last summer of the discriminatory enforcement of a bubonic quarantine against Japanese on the Pacific coast and of interference with their travel in California and Colorado under the health laws of those States. The latter restrictions have been adjudged by a Federal court to be unconstitutional. No recurrence of either cause of complaint is apprehended.

No noteworthy incident has occurred in our relations with our important southern neighbor. Commercial intercourse with Mexico continues to thrive, and the two Governments neglect no opportunity to foster their mutual interests in all practicable ways.

Pursuant to the declaration of the Supreme Court that the awards of the late joint commission in the La Abra and Weil claims were obtained through fraud, the sum awarded in the first case, $403,030.08, has been returned to Mexico, and the amount of the Weil award will be returned in like manner.

A convention indefinitely extending the time for the labors of the United States and Mexican International (Water) Boundary Commission has been signed.

It is with satisfaction that I am able to announce the formal notification at The Hague, on September 4, of the deposit of ratifications of the Convention for the Pacific Settlement of International Disputes by sixteen powers, namely, the United States, Austria, Belgium, Denmark, England, France, Germany, Italy, Persia, Portugal, Roumania, Russia, Siam, Spain, Sweden and Norway, and the Netherlands. Japan also has since ratified the convention.

The Administrative Council of the Permanent Court of Arbitration has been organized and has adopted rules of order and a constitution for the International Arbitration Bureau. In accordance with Article XXIII of the convention, providing for the appointment by each signatory power of persons of known competency in questions of international law as arbitrators, I have appointed as members of this court Hon. Benjamin Harrison, of Indiana, ex-President of the United States; Hon. Melville W. Fuller, of Illinois, Chief Justice of the United States; Hon. John W. Griggs, of New Jersey, Attorney-General of the United States, and Hon. George Gray, of Delaware, a judge of the circuit court of the United States.

As an incident of the brief revolution in the Mosquito district of Nicaragua early in 1899, the insurgents forcibly collected from American merchants duties upon imports. On the restoration of order the Nicaraguan authorities demanded a second payment of such duties on the ground that they were due to the titular Government and that their diversion had aided the revolt.

This position was not accepted by us. After prolonged discussion a compromise was effected under which the amount of the second payments was deposited with the British consul at San Juan del Norte in trust until the two Governments should determine whether the first payments had been made under compulsion to a *de facto* authority. Agreement as to this was not reached, and the point was waived by the act of the Nicaraguan Government in requesting the British consul to return the deposits to the merchants.

Menacing differences between several of the Central American States have been accommodated, our ministers rendering good offices toward an understanding.

The all-important matter of an interoceanic canal has assumed a new phase. Adhering to its refusal to reopen the question of the forfeiture of the contract of the Maritime Canal Company, which was terminated for alleged nonexecution in October, 1899, the Government of Nicaragua has since supplemented that action by declaring the so-styled Eyre-Cragin option void for nonpayment of the stipulated advance. Protests in relation to these acts have been filed in the State Department and are under consideration. Deeming itself relieved from existing engagements, the Nicaraguan Government shows a disposition to deal freely with the canal question either in the way of negotiations with the United States or by taking measures to promote the waterway.

Overtures for a convention to effect the building of a canal under the auspices of the United States are under consideration. In the meantime, the views of the Congress upon the general subject, in the light of the report of the Commission appointed to examine the comparative merits of the various trans-Isthmian ship-canal projects, may be awaited.

I commend to the early attention of the Senate the convention with Great Britain to facilitate the construction of such a canal and to remove any objection which might arise out of the convention commonly called the Clayton-Bulwer Treaty.

The long-standing contention with Portugal, growing out of the seizure of the Delagoa Bay Railway, has been at last determined by a favorable award of the tribunal of arbitration at Berne, to which it was submitted. The amount of the award, which was deposited in London awaiting arrangements by the Governments of the United States and Great Britain for its disposal, has recently been paid over to the two Governments.

A lately signed Convention of Extradition with Peru as amended by the Senate has been ratified by the Peruvian Congress.

Another illustration of the policy of this Government to refer international disputes to impartial arbitration is seen in the agreement reached with Russia to submit the claims on behalf of American sealing vessels seized in Bering Sea to determination by Mr. T. M. C. Asser, a distinguished statesman and jurist of the Netherlands.

Thanks are due to the Imperial Russian Government for the kindly aid rendered by its authorities in eastern Siberia to American missionaries fleeing from Manchuria.

Satisfactory progress has been made toward the conclusion of a general treaty of friendship and intercourse with Spain, in replacement of the old treaty, which passed into abeyance by reason of the late war. A new convention of extradition is approaching completion, and I should be much pleased were a commercial arrangement to follow. I feel that we should not suffer to pass any opportunity to reaffirm the cordial ties that existed between us and Spain from the time of our earliest independence, and to enhance the mutual benefits of that commercial intercourse which is natural between the two countries.

By the terms of the Treaty of Peace the line bounding the ceded

Philippine group in the southwest failed to include several small islands lying westward of the Sulús, which have always been recognized as under Spanish control. The occupation of Sibutú and Cagayan Sulú by our naval forces elicited a claim on the part of Spain, the essential equity of which could not be gainsaid. In order to cure the defect of the treaty by removing all possible ground of future misunderstanding respecting the interpretation of its third article, I directed the negotiation of a supplementary treaty, which will be forthwith laid before the Senate, whereby Spain quits all title and claim of title to the islands named as well as to any and all islands belonging to the Philippine Archipelago lying outside the lines described in said third article, and agrees that all such islands shall be comprehended in the cession of the archipelago as fully as if they had been expressly included within those lines. In consideration of this cession the United States is to pay to Spain the sum of $100,000.

A bill is now pending to effect the recommendation made in my last Annual Message that appropriate legislation be had to carry into execution Article VII of the Treaty of Peace with Spain, by which the United States assumed the payment of certain claims for indemnity of its citizens against Spain. I ask that action be taken to fulfill this obligation.

The King of Sweden and Norway has accepted the joint invitation of the United States, Germany, and Great Britain to arbitrate claims growing out of losses sustained in the Samoan Islands in the course of military operations made necessary by the disturbances in 1899.

Our claims upon the Government of the Sultan for reparation for injuries suffered by American citizens in Armenia and elsewhere give promise of early and satisfactory settlement. His Majesty's good disposition in this regard has been evinced by the issuance of an iradé for rebuilding the American college at Harpoot.

The failure of action by the Senate at its last session upon the commercial conventions then submitted for its consideration and approval, although caused by the great pressure of other legislative business, has caused much disappointment to the agricultural and industrial interests of the country, which hoped to profit by their provisions. The conventional periods for their ratification having expired, it became necessary to sign additional articles extending the time for that purpose. This was requested on our part, and the other governments interested have concurred with the exception of one convention, in respect to which no formal reply has been received.

Since my last communication to the Congress on this subject special commercial agreements under the third section of the tariff act have been proclaimed with Portugal, with Italy, and with Germany. Commercial conventions under the general limitations of the fourth section of the same act have been concluded with Nicaragua, with Ecuador, with the Dominican Republic, with Great Britain on behalf of the island of Trinidad, and with Denmark on behalf of the island of St. Croix. These will be early communicated to the Senate. Negotiations with other governments are in progress for the improvement and security of our commercial relations.

The policy of reciprocity so manifestly rests upon the principles of international equity and has been so repeatedly approved by the people of the United States that there ought to be no hesitation in either branch of the Congress in giving to it full effect.

This Government desires to preserve the most just and amicable commercial relations with all foreign countries, unmoved by the industrial rivalries necessarily developed in the expansion of international trade. It is believed that the foreign governments generally entertain the same purpose, although in some instances there are clamorous demands upon them for legislation specifically hostile to American interests. Should these demands prevail I shall communicate with the Congress with the view of advising such legislation as may be necessary to meet the emergency.

The exposition of the resources and products of the Western Hemisphere to be held at Buffalo next year promises important results not only for the United States but for the other participating countries. It is gratifying that the Latin-American States have evinced the liveliest interest, and the fact that an international American congress will be held in the City of Mexico while the exposition is in progress encourages the hope of a larger display at Buffalo than might otherwise be practicable. The work of preparing an exhibit of our national resources is making satisfactory progress under the direction of different officials of the Federal Government, and the various States of the Union have shown a disposition toward the most liberal participation in the enterprise.

The Bureau of the American Republics continues to discharge, with the happiest results, the important work of promoting cordial relations between the United States and the Latin-American countries, all of which are now active members of the International Union. The Bureau has been instrumental in bringing about the agreement for another international American congress, which is to meet in the City of Mexico in October, 1901. The Bureau's future for another term of ten years is assured by the international compact, but the congress will doubtless have much to do with shaping new lines of work and a general policy. Its usefulness to the interests of Latin-American trade is widely appreciated and shows a gratifying development.

The practical utility of the consular service in obtaining a wide range of information as to the industries and commerce of other countries and the opportunities thereby afforded for introducing the sale of our goods have kept steadily in advance of the notable expansion of our foreign trade, and abundant evidence has been furnished, both at home and abroad, of the fact that the Consular Reports, including many from our diplomatic representatives, have to a considerable extent pointed out ways and means of disposing of a great variety of manufactured goods which otherwise might not have found sale abroad.

Testimony of foreign observers to the commercial efficiency of the consular corps seems to be conclusive, and our own manufacturers and exporters highly appreciate the value of the services rendered, not only in the printed reports, but also in the individual efforts of consular officers to promote American trade. An increasing part of the work of the Bureau of Foreign Commerce, whose primary duty it is to compile and print the reports, is to answer inquiries from trade organizations, business houses, etc., as to conditions in various parts of the world, and, notwithstanding the smallness of the force employed, the work has been so systematized that responses are made with such promptitude and accuracy as to elicit flattering encomiums. The experiment of printing the Consular Reports daily for immediate use by trade bodies, exporters, and the press, which was begun in January, 1898, continues to give general satisfaction.

It is gratifying to be able to state that the surplus revenues for the fiscal year ended June 30, 1900, were $79,527,060.18. For the six preceding years we had only deficits, the aggregate of which from 1894 to 1899, inclusive, amounted to $283,022,991.14. The receipts for the year from all sources, exclusive of postal revenues, aggregated $567,240,851.89, and expenditures for all purposes, except for the administration of the postal department, aggregated $487,713,791.71. The receipts from customs were $233,164,871.16, an increase over the preceding year of $27,036,389.41. The receipts from internal revenue were $295,327,926.76, an increase of $21,890,765.25 over 1899. The receipts from miscellaneous sources were $38,748,053.97, as against $36,394,976.92 for the previous year.

It is gratifying also to note that during the year a considerable reduction is shown in the expenditures of the Government. The War Department expenditures for the fiscal year 1900 were $134,774,767.78, a reduction of $95,066,486.69 over those of 1899. In the Navy Department the expenditures were $55,953,077.72 for the year 1900, as against $63,942,104.25 for the preceding year, a decrease of $7,989,026.53. In the expenditures on account of Indians there was a decrease in 1900 over 1899 of $2,630,604.38; and in the civil and miscellaneous expenses for 1900 there was a reduction of $13,418,065.74.

Because of the excess of revenues over expenditures the Secretary of the Treasury was enabled to apply bonds and other securities to the sinking fund to the amount of $56,544,556.06. The details of the sinking fund are set forth in the report of the Secretary of the Treasury, to which I invite attention. The Secretary of the Treasury estimates that the receipts for the current fiscal year will aggregate $580,000,000 and the expenditures $500,000,000, leaving an excess of revenues over expenditures of $80,000,000. The present condition of the Treasury is one of undoubted strength. The available cash balance November 30 was $139,303,794.50. Under the form of statement prior to the financial law of March 14 last there would have been included in the statement of available cash gold coin and bullion held for the redemption of United States notes.

If this form were pursued, the cash balance, including the present gold reserve of $150,000,000, would be $289,303,794.50. Such balance November 30, 1899, was $296,495,301.55. In the general fund, which is wholly separate from the reserve and trust funds, there was on November 30, $70,090,073.15 in gold coin and bullion, to which should be added $22,957,300 in gold certificates subject to issue, against which there is held in the Division of Redemption gold coin and bullion, making a total holding of free gold amounting to $93,047,373.15.

It will be the duty as I am sure it will be the disposition of the Congress to provide whatever further legislation is needed to insure the continued parity under all conditions between our two forms of metallic money, silver and gold.

Our surplus revenues have permitted the Secretary of the Treasury since the close of the fiscal year to call in the funded loan of 1891 continued at 2 per cent, in the sum of $25,364,500. To and including November 30, $23,458,100 of these bonds have been paid. This sum, together with the amount which may accrue from further redemptions under the call, will be applied to the sinking fund.

The law of March 14, 1900, provided for refunding into 2 per cent thirty-year bonds, payable, principal and interest, in gold coin of the present standard value, that portion of the public debt represented by the 3 per cent bonds of 1908, the 4 percents of 1907, and the 5 percents of 1904, of which there was outstanding at the date of said law $839,149,930. The holders of the old bonds presented them for exchange between March 14 and November 30 to the amount of $364,943,750. The net saving to the Government on these transactions aggregates $9,106,166.

Another effect of the operation, as stated by the Secretary, is to reduce the charge upon the Treasury for the payment of interest from the dates of refunding to February 1, 1904, by the sum of more than seven million dollars annually. From February 1, 1904, to July 1, 1907, the annual interest charge will be reduced by the sum of more than five millions, and for the thirteen months ending August 1, 1908, by about one million. The full details of the refunding are given in the Annual Report of the Secretary of the Treasury.

The beneficial effect of the financial act of 1900, so far as it relates to a modification of the national banking act, is already apparent. The provision for the incorporation of national banks with a capital of not less than $25,000 in places not exceeding three thousand inhabitants has resulted in the extension of banking facilities to many small communities hitherto unable to provide themselves with banking institutions under the national system. There were organized from the enactment of the law up to and including November 30, 369 national banks, of which 266 were with capital less than $50,000, and 103 with capital of $50,000 or more.

It is worthy of mention that the greater number of banks being organized under the new law are in sections where the need of banking facilities has been most pronounced. Iowa stands first, with 30 banks of the smaller class, while Texas, Oklahoma, Indian Territory, and the middle and western sections of the country have also availed themselves largely of the privileges under the new law.

A large increase in national-bank-note circulation has resulted from the provision of the act which permits national banks to issue circulating notes to the par value of the United States bonds deposited as security instead of only 90 per cent thereof, as heretofore. The increase in circulating notes from March 14 to November 30 is $77,889,570.

The party in power is committed to such legislation as will better make the currency responsive to the varying needs of business at all seasons and in all sections.

Our foreign trade shows a remarkable record of commercial and industrial progress. The total of imports and exports for the first time in the history of the country exceeded two billions of dollars. The exports are greater than they have ever been before, the total for the fiscal year 1900 being $1,394,483,082, an increase over 1899 of $167,459,780, an increase over 1898 of $163,000,752, over 1897 of $343,489,526, and greater than 1896 by $511,876,144.

The growth of manufactures in the United States is evidenced by the fact that exports of manufactured products largely exceed those of any previous year, their value for 1900 being $433,851,756, against $339,592,146 in 1899, an increase of 28 per cent.

Agricultural products were also exported during 1900 in greater volume than in 1899, the total for the year being $835,858,123, against $784,776,142 in 1899.

The imports for the year amounted to $849,941,184, an increase over 1899 of $152,792,695. This increase is largely in materials for manufacture, and is in response to the rapid development of manufacturing in the United States. While there was imported for use in manufactures in 1900 material to the value of $79,768,972 in excess of 1899, it is reassuring to observe that there is a tendency toward decrease in the importation of articles manufactured ready for consumption, which in 1900 formed 15.17 per cent of the total imports, against 15.54 per cent in 1899 and 21.09 per cent in 1896.

I recommend that the Congress at its present session reduce the internal-revenue taxes imposed to meet the expenses of the war with Spain in the sum of thirty million dollars. This reduction should be secured by the remission of those taxes which experience has shown to be the most burdensome to the industries of the people.

I specially urge that there be included in whatever reduction is made the legacy tax on bequests for public uses of a literary, educational, or charitable character.

American vessels during the past three years have carried about 9 per cent of our exports and imports. Foreign ships should carry the least, not the greatest, part of American trade. The remarkable growth of our steel industries, the progress of shipbuilding for the domestic trade, and our steadily maintained expenditures for the Navy have created an opportunity to place the United States in the first rank of commercial maritime powers.

Besides realizing a proper national aspiration this will mean the establishment and healthy growth along all our coasts of a distinctive national industry, expanding the field for the profitable employment of labor and capital. It will increase the transportation facilities and reduce freight charges on the vast volume of products brought from the interior to the seaboard for export, and will strengthen an arm of the national defense upon which the founders of the Government and their successors have relied. In again urging immediate action by the Congress on measures to promote American shipping and foreign trade, I direct attention to the recommendations on the subject in previous messages, and particularly to the opinion expressed in the Message of 1899:

"I am satisfied the judgment of the country favors the policy of aid to our merchant marine, which will broaden our commerce and markets and upbuild our sea-carrying capacity for the products of agriculture and manufacture, which, with the increase of our Navy, mean more work and wages to our countrymen, as well as a safeguard to American interests in every part of the world."

The attention of the Congress is invited to the recommendation of the Secretary of the Treasury in his Annual Report for legislation in behalf of the Revenue-Cutter Service, and favorable action is urged.

In my last annual message to the Congress I called attention to the necessity for early action to remedy such evils as might be found to exist in connection with combinations of capital organized into trusts, and again invite attention to my discussion of the subject at that time, which concluded with these words:

"It is apparent that uniformity of legislation upon this subject in the several States is much to be desired. It is to be hoped that such uniformity, founded in a wise and just discrimination between what is injurious and what is useful and necessary in business operations, may be obtained, and that means may be found for the Congress, within the limitations of its constitutional power, so to supplement an effective code of State legislation as to make a complete system of laws throughout the United States adequate to compel a general observance of the salutary rules to which I have referred.

"The whole question is so important and far-reaching that I am sure no part of it will be lightly considered, but every phase of it will have the studied deliberation of the Congress, resulting in wise and judicious action."

Restraint upon such combinations as are injurious and which are within Federal jurisdiction should be promptly applied by the Congress.

In my last annual message I dwelt at some length upon the condition of affairs in the Philippines. While seeking to impress upon you that the grave responsibility of the future government of those islands rests with the Congress of the United States, I abstained from recommending at that time a specific and final form of government for the territory actually held by the United States forces and in which as long as insurrection continues the military arm must necessarily be supreme. I stated my purpose, until the Congress shall have made the formal expression of its will, to use the authority vested in me by the Constitution and the statutes to uphold the sovereignty of the United States in those distant islands as in all other places where our flag rightfully floats, placing, to that end, at the disposal of the Army and Navy all the means which the liberality of the Congress and the people have provided. No contrary expression of the will of the Congress having been made, I have steadfastly pursued the purpose so declared, employing the civil arm as well toward the accomplishment of pacification and the institution of local governments within the lines of authority and law.

Progress in the hoped-for direction has been favorable. Our forces have successfully controlled the greater part of the islands, overcoming the organized forces of the insurgents and carrying order and administrative regularity to all quarters. What opposition remains is for the most part scattered, obeying no concerted plan of strategic action, operating only by the methods common to the traditions of guerrilla warfare, which, while ineffective to alter the general control now established, are still sufficient to beget insecurity among the populations that have felt the good results of our control and thus delay the conferment upon them of the fuller measures of local self-government, of education, and of industrial and agricultural development which we stand ready to give to them.

By the spring of this year the effective opposition of the dissatisfied Tagals to the authority of the United States was virtually ended, thus opening the door for the extension of a stable administration over much of the territory of the Archipelago. Desiring to bring this about, I appointed in March last a civil Commission composed of the Hon. William H. Taft, of Ohio; Prof. Dean C. Worcester, of Michigan; the Hon. Luke I. Wright, of Tennessee; the Hon. Henry C. Ide, of Vermont, and Prof. Bernard Moses, of California. The aims of their mission and the scope of their authority are clearly set forth in my instructions of April 7, 1900, addressed to the Secretary of War to be transmitted to them:

"In the message transmitted to the Congress on the 5th of

December, 1899, I said, speaking of the Philippine Islands: 'As long as the insurrection continues the military arm must necessarily be supreme. But there is no reason why steps should not be taken from time to time to inaugurate governments essentially popular in their form as fast as territory is held and controlled by our troops. To this end I am considering the advisability of the return of the commission, or such of the members thereof as can be secured, to aid the existing authorities and facilitate this work throughout the islands.'

"To give effect to the intention thus expressed, I have appointed Hon. William H. Taft, of Ohio; Prof. Dean C. Worcester, of Michigan; Hon. Luke I. Wright, of Tennessee; Hon. Henry C. Ide, of Vermont, and Prof. Bernard Moses, of California, Commissioners to the Philippine Islands to continue and perfect the work of organizing and establishing civil government already commenced by the military authorities, subject in all respects to any laws which the Congress may hereafter enact.

"The Commissioners named will meet and act as a board, and the Hon. William H. Taft is designated as president of the board. It is probable that the transfer of authority from military commanders to civil officers will be gradual and will occupy a considerable period. Its successful accomplishment and the maintenance of peace and order in the meantime will require the most perfect cooperation between the civil and military authorities in the island, and both should be directed during the transition period by the same Executive Department. The commission will therefore report to the Secretary of War, and all their action will be subject to your approval and control.

"You will instruct the commission to proceed to the city of Manila, where they will make their principal office, and to communicate with the military governor of the Philippine Islands, whom you will at the same time direct to render to them every assistance within his power in the performance of their duties. Without hampering them by too specific instructions, they should in general be enjoined, after making themselves familiar with the conditions and needs of the country, to devote their attention in the first instance to the establishment of municipal governments, in which the natives of the islands, both in the cities and in the rural communities, shall be afforded the opportunity to manage their own local affairs to the fullest extent of which they are capable and subject to the least degree of supervision and control which a careful study of their capacities and observation of the workings of native control show to be consistent with the maintenance of law, order, and loyalty.

"The next subject in order of importance should be the organization of government in the larger administrative divisions corresponding to counties, departments, or provinces, in which the common interests of many or several municipalities falling within the same tribal lines, or the same natural geographical limits, may best be subserved by a common administration. Whenever the commission is of the opinion that the condition of affairs in the islands is such that the central administration may safely be transferred from military to civil control they will report that conclusion to you, with their recommendations as to the form of central government to be established for the purpose of taking over the control.

"Beginning with the 1st day of September, 1900, the authority to exercise, subject to my approval, through the Secretary of War, that part of the power of government in the Philippine Islands which is of a legislative nature is to be transferred from the military governor of the islands to this commission, to be thereafter exercised by them in the place and stead of the military governor, under such rules and regulations as you shall prescribe, until the establishment of the civil central government for the islands contemplated in the last foregoing paragraph, or until Congress shall otherwise provide. Exercise of this legislative authority will include the making of rules and orders, having the effect of law, for the raising of revenue by taxes, customs duties, and imposts; the appropriation and expenditure of public funds of the islands; the establishment of an educational system throughout the islands; the establishment of a system to secure an efficient civil service; the organization and establishment of courts; the organization and establishment of municipal and departmental governments, and all other matters of a civil nature for which the military governor is now competent to provide by rules or orders of a legislative character.

"The commission will also have power during the same period to appoint to office such officers under the judicial, educational, and civil-service systems and in the municipal and departmental governments as shall be provided for. Until the complete transfer of control the military governor will remain the chief executive head of the government of the islands, and will exercise the executive authority now possessed by him and not herein expressly assigned to the commission, subject, however, to the rules and orders enacted by the commission in the exercise of the legislative powers conferred upon them. In the meantime the municipal and departmental governments will continue to report to the military governor and be subject to his administrative supervision and control, under your direction, but that supervision and control will be confined within the narrowest limits consistent with the requirement that the powers of government in the municipalities and departments shall be honestly and effectively exercised and that law and order and individual freedom shall be maintained.

"All legislative rules and orders, establishments of government, and appointments to office by the commission will take effect immediately, or at such times as they shall designate, subject to your approval and action upon the coming in of the commission's reports, which are to be made from time to time as their action is taken. Wherever civil governments are constituted under the direction of the commission such military posts, garrisons, and forces will be continued for the suppression of insurrection and brigandage and the maintenance of law and order as the military commander shall deem requisite, and the military forces shall be at all times subject, under his orders, to the call of the civil authorities for the maintenance of law and order and the enforcement of their authority.

"In the establishment of municipal governments the commission will take as the basis of their work the governments established by the military governor under his order of August 8, 1899, and under the report of the board constituted by the military governor by his order of January 29, 1900, to formulate and report a plan of municipal government, of which His Honor Cayetano Arellano, President of the Audiencia, was chairman, and they will give to the conclusions of that board the weight and consideration which the high character and distinguished abilities of its members justify.

"In the constitution of departmental or provincial governments they will give especial attention to the existing government of the island of Negros, constituted, with the approval of the people of that island, under the order of the military governor of July 22, 1899, and after verifying, so far as may be practicable, the reports of the successful working of that government, they will be guided by the experience thus acquired so far as it may be applicable to the condition existing in other portions of the Philippines. They will avail themselves, to the fullest degree practicable, of the conclusions reached by the previous commission to the Philippines.

"In the distribution of powers among the governments organized by the commission, the presumption is always to be in favor of the smaller subdivision, so that all the powers which can properly be exercised by the municipal government shall be vested in that government, and all the powers of a more general character which can be exercised by the departmental government shall be vested in that government, and so that in the governmental system, which is the result of the process, the central government of the islands, following the example of the distribution of the powers between the States and the National Government of the United States, shall have no direct administration except of matters of purely general concern, and shall have only such supervision and control over local governments as may be necessary to secure and enforce faithful and efficient administration by local officers.

"The many different degrees of civilization and varieties of custom and capacity among the people of the different islands preclude very definite instruction as to the part which the people shall take in the selection of their own officers; but these general rules are to be observed: That in all cases the municipal officers, who administer the local affairs of the people, are to be selected by the people, and that wherever officers of more extended jurisdiction are to be selected in any way natives of the islands are to be preferred, and if they can be found competent and willing to perform the duties, they are to receive the offices in preference to any others.

"It will be necessary to fill some offices for the present with Americans which after a time may well be filled by natives of the islands. As soon as practicable a system for ascertaining the merit and fitness of candidates for civil office should be put in force. An indispensable qualification for all offices and positions of trust and authority in the islands must be absolute and unconditional loyalty to the United States, and absolute and unhampered authority and power to remove and punish any officer deviating from that standard must at all times be retained in the hands of the central authority of the islands.

"In all the forms of government and administrative provisions which they are authorized to prescribe the commission should bear in mind that the government which they are establishing is designed not for our satisfaction, or for the expression of our theoretical views, but for the happiness, peace, and prosperity of the people of the Philippine Islands, and the measures adopted should be made to conform to their customs, their habits, and even their prejudices, to the fullest extent consistent with the accomplishment of the indispensable requisites of just and effective government.

"At the same time the commission should bear in mind, and

the people of the islands should be made plainly to understand, that there are certain great principles of government which have been made the basis of our governmental system which we deem essential to the rule of law and the maintenance of individual freedom, and of which they have, unfortunately, been denied the experience possessed by us; that there are also certain practical rules of government which we have found to be essential to the preservation of these great principles of liberty and law, and that these principles and these rules of government must be established and maintained in their islands for the sake of their liberty and happiness, however much they may conflict with the customs or laws of procedure with which they are familiar.

"It is evident that the most enlightened thought of the Philippine Islands fully appreciates the importance of these principles and rules, and they will inevitably within a short time command universal assent. Upon every division and branch of the government of the Philippines, therefore, must be imposed these inviolable rules:

"That no person shall be deprived of life, liberty, or property without due process of law; that private property shall not be taken for public use without just compensation; that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense; that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted; that no person shall be put twice in jeopardy for the same offense, or be compelled in any criminal case to be a witness against himself; that the right to be secure against unreasonable searches and seizures shall not be violated; that neither slavery nor involuntary servitude shall exist except as a punishment for crime; that no bill of attainder or ex-post-facto law shall be passed; that no law shall be passed abridging the freedom of speech or of the press, or the rights of the people to peaceably assemble and petition the Government for a redress of grievances; that no law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed.

"It will be the duty of the commission to make a thorough investigation into the titles to the large tracts of land held or claimed by individuals or by religious orders; into the justice of the claims and complaints made against such landholders by the people of the island or any part of the people, and to seek by wise and peaceable measures a just settlement of the controversies and redress of wrongs which have caused strife and bloodshed in the past. In the performance of this duty the commission is enjoined to see that no injustice is done; to have regard for substantial rights and equity, disregarding technicalities so far as substantial right permits, and to observe the following rules:

"That the provision of the treaty of Paris pledging the United States to the protection of all rights of property in the islands, and as well the principle of our own Government which prohibits the taking of private property without due process of law, shall not be violated; that the welfare of the people of the islands, which should be a paramount consideration, shall be attained consistently with this rule of property right; that if it becomes necessary for the public interest of the people of the islands to dispose of claims to property which the commission finds to be not lawfully acquired and held disposition shall be made thereof by due legal procedure, in which there shall be full opportunity for fair and impartial hearing and judgment; that if the same public interests require the extinguishment of property rights lawfully acquired and held due compensation shall be made out of the public treasury therefor; that no form of religion and no minister of religion shall be forced upon any community or upon any citizen of the islands; that, upon the other hand, no minister of religion shall be interfered with or molested in following his calling, and that the separation between state and church shall be real, entire, and absolute.

"It will be the duty of the commission to promote and extend, and, as they find occasion, to improve, the system of education already inaugurated by the military authorities. In doing this they should regard as of first importance the extension of a system of primary education which shall be free to all, and which shall tend to fit the people for the duties of citizenship and for the ordinary avocations of a civilized community. This instruction should be given in the first instance in every part of the islands in the language of the people. In view of the great number of languages spoken by the different tribes, it is especially important to the prosperity of the islands that a common medium of communication may be established, and it is obviously desirable that this medium should be the English language. Especial attention should be at once given to affording full opportunity to all the people of the islands to acquire the use of the English language.

"It may be well that the main changes which should be made in the system of taxation and in the body of the laws under which the people are governed, except such changes as have already been made by the military government, should be relegated to the civil government which is to be established under the auspices of the commission. It will, however, be the duty of the commission to inquire diligently as to whether there are any further changes which ought not to be delayed, and if so, they are authorized to make such changes, subject to your approval. In doing so they are to bear in mind that taxes which tend to penalize or repress industry and enterprise are to be avoided; that provisions for taxation should be simple, so that they may be understood by the people; that they should affect the fewest practicable subjects of taxation which will serve for the general distribution of the burden.

"The main body of the laws which regulate the rights and obligations of the people should be maintained with as little interference as possible. Changes made should be mainly in procedure, and in the criminal laws to secure speedy and impartial trials, and at the same time effective administration and respect for individual rights.

"In dealing with the uncivilized tribes of the islands the commission should adopt the same course followed by Congress in permitting the tribes of our North American Indians to maintain their tribal organization and government, and under which many of those tribes are now living in peace and contentment, surrounded by a civilization to which they are unable or unwilling to conform. Such tribal governments should, however, be subjected to wise and firm regulation, and, without undue or petty interference, constant and active effort should be exercised to prevent barbarous practices and introduce civilized customs.

"Upon all officers and employees of the United States, both civil and military, should be impressed a sense of the duty to observe not merely the material but the personal and social rights of the people of the islands, and to treat them with the same courtesy and respect for their personal dignity which the people of the United States are accustomed to require from each other.

"The articles of capitulation of the city of Manila on the 13th of August, 1898, concluded with these words:

"'This city, its inhabitants, its churches and religious worship, its educational establishments, and its private property of all descriptions, are placed under the special safeguard of the faith and honor of the American Army.'

"I believe that this pledge has been faithfully kept. As high and sacred an obligation rests upon the Government of the United States to give protection for property and life, civil and religious freedom, and wise, firm, and unselfish guidance in the paths of peace and prosperity to all the people of the Philippine Islands. I charge this commission to labor for the full performance of this obligation, which concerns the honor and conscience of their country, in the firm hope that through their labors all the inhabitants of the Philippine Islands may come to look back with gratitude to the day when God gave victory to American arms at Manila and set their land under the sovereignty and the protection of the people of the United States."

Coincidently with the entrance of the commission upon its labors I caused to be issued by General MacArthur, the military governor of the Philippines, on June 21, 1900, a proclamation of amnesty in generous terms, of which many of the insurgents took advantage, among them a number of important leaders.

This Commission, composed of eminent citizens representing the diverse geographical and political interests of the country, and bringing to their task the ripe fruits of long and intelligent service in educational, administrative, and judicial careers, made great progress from the outset. As early as August 21, 1900, it submitted a preliminary report, which will be laid before the Congress, and from which it appears that already the good effects of returning order are felt; that business, interrupted by hostilities, is improving as peace extends; that a larger area is under sugar cultivation than ever before; that the customs revenues are greater than at any time during the Spanish rule; that economy and efficiency in the military administration have created a surplus fund of $6,000,000, available for needed public improvements; that a stringent civil-service law is in preparation; that railroad communications are expanding, opening up rich districts, and that a comprehensive scheme of education is being organized.

Later reports from the commission show yet more encouraging advance toward insuring the benefits of liberty and good government to the Filipinos, in the interest of humanity and with the aim of building up an enduring, self-supporting, and self-administering community in those far eastern seas. I would impress upon the Congress that whatever legislation may be enacted in respect to the Philippine Islands should be along these generous lines. The fortune of war has thrown upon this nation an unsought trust which should be unselfishly discharged, and devolved upon this Government a moral as well as material responsibility toward these millions whom we have freed from an oppressive yoke.

I have on another occasion called the Filipinos "the wards of the nation." Our obligation as guardian was not lightly assumed; it must not be otherwise than honestly fulfilled, aiming first of all to benefit those who have come under our fostering care. It is our duty so to treat them that our flag may be no less beloved in the mountains of Luzon and the fertile zones of Mindanao and Negros than it is at home; that there as here it shall be the revered symbol of liberty, enlightenment, and progress in every avenue of development.

The Filipinos are a race quick to learn and to profit by knowledge. He would be rash who, with the teachings of contemporaneous history in view, would fix a limit to the degree of culture and advancement yet within the reach of these people if our duty toward them be faithfully performed.

The civil government of Porto Rico provided for by the act of the Congress approved April 12, 1900, is in successful operation. The courts have been established. The governor and his associates, working intelligently and harmoniously, are meeting with commendable success.

On the 6th of November a general election was held in the island for members of the Legislature, and the body elected has been called to convene on the first Monday of December.

I recommend that legislation be enacted by the Congress conferring upon the Secretary of the Interior supervision over the public lands in Porto Rico, and that he be directed to ascertain the location and quantity of lands the title to which remained in the Crown of Spain at the date of cession of Porto Rico to the United States, and that appropriations necessary for surveys be made, and that the methods of the disposition of such lands be prescribed by law.

On the 25th of July, 1900, I directed that a call be issued for an election in Cuba for members of a constitutional convention to frame a constitution as a basis for a stable and independent government in the island. In pursuance thereof the military governor issued the following instructions:

"Whereas the Congress of the United States by its joint resolution of April 20, 1898, declared—

"'That the people of the island of Cuba are, and of right ought to be, free and independent.

"'That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people;'

"And whereas the people of Cuba have established municipal governments, deriving their authority from the suffrages of the people given under just and equal laws, and are now ready, in like manner, to proceed to the establishment of a general government which shall assume and exercise sovereignty, jurisdiction, and control over the island:

"Therefore, it is ordered that a general election be held in the island of Cuba on the third Saturday of September, in the year nineteen hundred, to elect delegates to a convention to meet in the city of Havana at twelve o'clock noon on the first Monday of November, in the year nineteen hundred, to frame and adopt a constitution for the people of Cuba, and as a part thereof to provide for and agree with the Government of the United States upon the relations to exist between that Government and the government of Cuba, and to provide for the election by the people of officers under such constitution and the transfer of government to the officers so elected.

"The election will be held in the several voting precincts of the island under, and pursuant to, the provisions of the electoral law of April 18, 1900, and the amendments thereof."

The election was held on the 15th of September, and the convention assembled on the 5th of November, 1900, and is now in session.

In calling the convention to order, the military governor of Cuba made the following statement:

"As military governor of the island, representing the President of the United States, I call this convention to order.

"It will be your duty, first, to frame and adopt a constitution for Cuba, and when that has been done to formulate what in your opinion ought to be the relations between Cuba and the United States.

"The Constitution must be adequate to secure a stable, orderly, and free government.

"When you have formulated the relations which in your opinion ought to exist between Cuba and the United States the Government of the United States will doubtless take such action on its part as shall lead to a final and authoritative agreement between the people of the two countries to the promotion of their common interests.

"All friends of Cuba will follow your deliberations with the deepest interest, earnestly desiring that you shall reach just conclusions, and that by the dignity, individual self-restraint, and wise conservatism which shall characterize your proceedings the capacity of the Cuban people for representative government may be signally illustrated.

"The fundamental distinction between true representative government and dictatorship is that in the former every representative of the people, in whatever office, confines himself strictly within the limits of his defined powers. Without such restraint there can be no free constitutional government.

"Under the order pursuant to which you have been elected and convened, you have no duty and no authority to take part in the present government of the island. Your powers are strictly limited by the terms of that order."

When the convention concludes its labors I will transmit to the Congress the constitution as framed by the convention for its consideration and for such action as it may deem advisable.

I renew the recommendation made in my special message of February 10, 1899, as to the necessity for cable communication between the United States and Hawaii, with extension to Manila. Since then circumstances have strikingly emphasized this need. Surveys have shown the entire feasibility of a chain of cables which at each stopping place shall touch on American territory, so that the system shall be under our own complete control. Manila once within telegraphic reach, connection with the systems of the Asiatic coast would open increased and profitable opportunities for a more direct cable route from our shores to the Orient than is now afforded by the trans-Atlantic, continental, and trans-Asian lines. I urge attention to this important matter.

The present strength of the Army is 100,000 men—65,000 regulars and 35,000 volunteers. Under the act of March 2, 1899, on the 30th of June next the present volunteer force will be discharged and the Regular Army will be reduced to 2,447 officers and 29,025 enlisted men.

In 1888 a board of officers convened by President Cleveland adopted a comprehensive scheme of coast-defense fortifications, which involved the outlay of something over one hundred million dollars. This plan received the approval of the Congress, and since then regular appropriations have been made and the work of fortification has steadily progressed.

More than sixty millions of dollars have been invested in a great number of forts and guns, with all the complicated and scientific machinery and electrical appliances necessary for their use. The proper care of this defensive machinery requires men trained in its use. The number of men necessary to perform this duty alone is ascertained by the War Department, at a minimum allowance, to be 18,420.

There are fifty-eight or more military posts in the United States other than the coast-defense fortifications.

The number of these posts is being constantly increased by the Congress. More than $22,000,000 have been expended in building and equipment, and they can only be cared for by the Regular Army. The posts now in existence and others to be built provide for accommodations for, and if fully garrisoned require, 26,000 troops. Many of these posts are along our frontier or at important strategic points, the occupation of which is necessary.

We have in Cuba between 5,000 and 6,000 troops. For the present our troops in that island can not be withdrawn or materially diminished, and certainly not until the conclusion of the labors of the constitutional convention now in session and a government provided by the new constitution shall have been established and its stability assured.

In Porto Rico we have reduced the garrisons to 1,636, which includes 879 native troops. There is no room for further reduction here.

We will be required to keep a considerable force in the Philippine Islands for some time to come. From the best information obtainable we will need there for the immediate future from 45,000 to 60,000 men. I am sure the number may be reduced as the insurgents shall come to acknowledge the authority of the United States, of which there are assuring indications.

It must be apparent that we will require an army of about 60,000, and that during present conditions in Cuba and the Philippines the President should have authority to increase the force to the present number of 100,000. Included in this number authority should be given to raise native troops in the Philippines up to 15,000, which the Taft Commission believe will be more effective in detecting and suppressing guerrillas, assassins, and ladrones than our own soldiers.

The full discussion of this subject by the Secretary of War in his annual report is called to your earnest attention.

I renew the recommendation made in my last Annual Message that the Congress provide a special medal of honor for the volunteers, regulars, sailors, and marines on duty in the Philippines who voluntarily remained in the service after their terms of enlistment had expired.

I favor the recommendation of the Secretary of War for the detail of officers from the line of the Army when vacancies occur in the Adjutant-General's Department, Inspector-General's Department, Quartermaster's Department, Subsistence Department, Pay Department, Ordnance Department, and Signal Corps.

The Army can not be too highly commended for its faithful and effective service in active military operations in the field and the difficult work of civil administration.

The continued and rapid growth of the postal service is a sure index of the great and increasing business activity of the country. Its most striking new development is the extension of rural free delivery. This has come almost wholly within the last year. At the beginning of the fiscal year 1899–1900 the number of routes in operation was only 391, and most of these had been running less than twelve months. On the 15th of November, 1900, the number had increased to 2,614, reaching into forty-four States and Territories, and serving a population of 1,801,524. The number of applications now pending and awaiting action nearly equals all those granted up to the present time, and by the close of the current fiscal year about 4,000 routes will have been established, providing for the daily delivery of mails at the scattered homes of about three and a half millions of rural population.

This service ameliorates the isolation of farm life, conduces to good roads, and quickens and extends the dissemination of general information. Experience thus far has tended to allay the apprehension that it would be so expensive as to forbid its general adoption or make it a serious burden. Its actual application has shown that it increases postal receipts, and can be accompanied by reductions in other branches of the service, so that the augmented revenues and the accomplished savings together materially reduce the net cost. The evidences which point to these conclusions are presented in detail in the annual report of the Postmaster-General, which, with its recommendations, is commended to the consideration of the Congress. The full development of this special service, however, requires such a large outlay of money that it should be undertaken only after a careful study and thorough understanding of all that it involves.

Very efficient service has been rendered by the Navy in connection with the insurrection in the Philippines and the recent disturbance in China.

A very satisfactory settlement has been made of the long-pending question of the manufacture of armor plate. A reasonable price has been secured and the necessity for a Government armor plant avoided.

I approve of the recommendations of the Secretary for new vessels and for additional officers and men which the required increase of the Navy makes necessary. I commend to the favorable action of the Congress the measure now pending for the erection of a statue to the memory of the late Admiral David D. Porter. I commend also the establishment of a national naval reserve and of the grade of vice-admiral. Provision should be made, as recommended by the Secretary, for suitable rewards for special merit. Many officers who rendered the most distinguished service during the recent war with Spain have received in return no recognition from the Congress.

The total area of public lands as given by the Secretary of the Interior is approximately 1,071,881,662 acres, of which 917,135,880 acres are undisposed of and 154,745,782 acres have been reserved for various purposes. The public lands disposed of during the year amount to 13,453,887.96 acres, including 62,423.09 acres of Indian lands, an increase of 4,271,474.80 over the preceding year. The total receipts from the sale of public lands during the fiscal year were $4,379,758.10, an increase of $1,309,620.76 over the preceding year.

The results obtained from our forest policy have demonstrated its wisdom and the necessity in the interest of the public for its continuance and increased appropriations by the Congress for the carrying on of the work. On June 30, 1900, there were thirty-seven forest reserves, created by Presidential proclamations under section 24 of the act of March 3, 1891, embracing an area of 46,425,529 acres.

During the past year the Olympic Reserve, in the State of Washington, was reduced 265,040 acres, leaving its present area at 1,923,840 acres. The Prescott Reserve, in Arizona, was increased from 10,240 acres to 423,680 acres, and the Big Horn Reserve, in Wyoming, was increased from 1,127,680 acres to 1,180,800 acres. A new reserve, the Santa Ynez, in California, embracing an area of 145,000 acres, was created during this year. On October 10, 1900, the Crow Creek Forest Reserve, in Wyoming, was created, with an area of 56,320 acres.

At the end of the fiscal year there were on the pension roll 993,529 names, a net increase of 2,010 over the fiscal year 1899. The number added to the rolls during the year was 45,344. The amount disbursed for Army pensions during the year was $134,700,597.24, and for Navy pensions $3,761,533.41, a total of $138,462,130.65, leaving an unexpended balance of $5,542,768.25 to be covered into the Treasury, which shows an increase over the previous year's expenditure of $107,077.70. There were 684 names added to the rolls during the year by special acts passed at the first session of the Fifty-sixth Congress.

The act of May 9, 1900, among other things provides for an extension of income to widows pensioned under said act to $250 per annum. The Secretary of the Interior believes that by the operations of this act the number of persons pensioned under it will increase and the increased annual payment for pensions will be between $3,000,000 and $4,000,000.

The Government justly appreciates the services of its soldiers and sailors by making pension payments liberal beyond precedent to them, their widows and orphans.

There were 36,540 letters patent granted, including reissues and designs, during the fiscal year ended June 30, 1900; 1,660 trademarks, 682 labels, and 93 prints registered. The number of patents which expired was 19,988. The total receipts for patents were $1,358,228.35. The expenditures were $1,247,827.58, showing a surplus of $110,400.77.

The attention of the Congress is called to the report of the Secretary of the Interior touching the necessity for the further establishment of schools in the Territory of Alaska, and favorable action is invited thereon.

Much interesting information is given in the report of the governor of Hawaii as to the progress and development of the islands during the period from July 7, 1898, the date of the approval of the joint resolution of the Congress providing for their annexation, up to April 30, 1900, the date of the approval of the act providing a government for the Territory, and thereafter.

The last Hawaiian census, taken in the year 1896, gives a total population of 109,020, of which 31,019 were native Hawaiians. The number of Americans reported was 8,485. The results of the Federal census, taken this year, show the islands to have a total population of 154,001, showing an increase over that reported in 1896 of 44,981, or 41.2 per cent.

There has been marked progress in the educational, agricultural, and railroad development of the islands.

In the Territorial act of April 30, 1900, section 7 of said act repeals chapter 34 of the civil laws of Hawaii, whereby the Government was to assist in encouraging and developing the agricultural resources of the Republic, especially irrigation. The governor of Hawaii recommends legislation looking to the development of such water supply as may exist on the public lands, with a view of promoting land settlement. The earnest consideration of the Congress is invited to this important recommendation and others, as embodied in the report of the Secretary of the Interior.

The Director of the Census states that the work in connection with the Twelfth Census is progressing favorably. This national undertaking, ordered by the Congress each decade, has finally resulted in the collection of an aggregation of statistical facts to determine the industrial growth of the country, its manufacturing and mechanical resources, its richness in mines and forests, the number of its agriculturists, their farms and products, its educational and religious opportunities, as well as questions pertaining to sociological conditions.

The labors of the officials in charge of the Bureau indicate that the four important and most-desired subjects, namely, population, agricultural, manufacturing, and vital statistics, will be completed within the limit prescribed by the law of March 3, 1899.

The field work incident to the above inquiries is now practically finished, and as a result the population of the States and Territories, including the Hawaiian Islands and Alaska, has been announced. The growth of population during the last decade amounts to over 13,000,000, a greater numerical increase than in any previous census in the history of the country.

Bulletins will be issued as rapidly as possible giving the population by States and Territories, by minor civil divisions. Several announcements of this kind have already been made, and it is hoped that the list will be completed by January 1. Other bulletins giving the results of the manufacturing and agricultural inquiries will be given to the public as rapidly as circumstances will admit.

The Director, while confident of his ability to complete the different branches of the undertaking in the allotted time, finds himself embarrassed by the lack of a trained force properly equipped for statistical work, thus raising the question whether in the interest of economy and a thorough execution of the census work there should not be retained in the Government employ a certain number of experts, not only to aid in the preliminary organization prior to the taking of the decennial census, but in addition to have the advantage in the field and office work of the Bureau of trained assistants to facilitate the early completion of this enormous undertaking.

I recommend that the Congress at its present session apportion representation among the several States as provided by the Constitution.

The Department of Agriculture has been extending its work during the past year, reaching farther for new varieties of seeds and plants; cooperating more fully with the States and Territories in research along useful lines; making progress in meteorological work relating to lines of wireless telegraphy and forecasts for ocean-going vessels; continuing inquiry as to animal disease; looking into the extent and character of food adulteration; outlining plans for the care, preservation, and intelligent harvesting of our woodlands; studying soils that producers may cultivate with better knowledge of conditions, and helping to clothe desert places with grasses suitable to our arid regions. Our island possessions are being considered that their peoples may be helped to produce the tropical products now so extensively brought into the

United States. Inquiry into methods of improving our roads has been active during the year; help has been given to many localities, and scientific investigation of material in the States and Territories has been inaugurated. Irrigation problems in our semi-arid regions are receiving careful and increased consideration.

An extensive exhibit at Paris of the products of agriculture has made the peoples of many countries more familiar with the varied products of our fields and their comparative excellence.

The collection of statistics regarding our crops is being improved and sources of information are being enlarged, to the end that producers may have the earliest advices regarding crop conditions. There has never been a time when those for whom it was established have shown more appreciation of the services of the Department.

In my annual message of December 5, 1898, I called attention to the necessity for some amendment of the alien-contract law. There still remain important features of the rightful application of the eight-hour law for the benefit of labor and of the principle of arbitration, and I again commend these subjects to the careful attention of the Congress.

That there may be secured the best service possible in the Philippine Islands, I have issued, under date of November 30, 1900, the following order:

"The United States Civil Service Commission is directed to render such assistance as may be practicable to the Civil Service Board, created under the act of the United States Philippine Commission, for the establishment and maintenance of an honest and efficient civil service in the Philippine Islands, and for that purpose to conduct examinations for the civil service of the Philippine Islands upon the request of the Civil Service Board of said islands, under such regulations as may be agreed upon by the said Board and the said United States Civil Service Commission."

The Civil Service Commission is greatly embarrassed in its work for want of an adequate permanent force for clerical and other assistance. Its needs are fully set forth in its report. I invite attention to the report, and especially urge upon the Congress that this important bureau of the public service, which passes upon the qualifications and character of so large a number of the officers and employees of the Government, should be supported by all needed appropriations to secure promptness and efficiency.

I am very much impressed with the statement made by the heads of all the Departments of the urgent necessity of a hall of public records. In every departmental building in Washington, so far as I am informed, the space for official records is not only exhausted, but the walls of rooms are lined with shelves, the middle floor space of many rooms is filled with file cases, and garrets and basements, which were never intended and are unfitted for their accommodation, are crowded with them. Aside from the inconvenience, there is great danger, not only from fire, but from the weight of these records upon timbers not intended for their support. There should be a separate building especially designed for the purpose of receiving and preserving the annually accumulating archives of the several Executive Departments. Such a hall need not be a costly structure, but should be so arranged as to admit of enlargement from time to time. I urgently recommend that the Congress take early action in this matter.

I transmit to the Congress a resolution adopted at a recent meeting of the American Bar Association concerning the proposed celebration of John Marshall Day, February 4, 1901. Fitting exercises have been arranged, and it is earnestly desired by the committee that the Congress may participate in this movement to honor the memory of the great jurist.

The transfer of the Government to this city is a fact of great historical interest. Among the people there is a feeling of genuine pride in the Capital of the Republic.

It is a matter of interest in this connection that in 1800 the population of the District of Columbia was 14,093; to-day it is 278,718. The population of the city of Washington was then 3,210; to-day it is 218,196.

The Congress having provided for "an appropriate national celebration of the Centennial Anniversary of the Establishment of the Seat of Government in the District of Columbia," the committees authorized by it have prepared a programme for the 12th of December, 1900, which date has been selected as the anniversary day. Deep interest has been shown in the arrangements for the celebration by the members of the committees of the Senate and House of Representatives, the committee of Governors appointed by the President, and the committees appointed by the citizens and inhabitants of the District of Columbia generally. The programme, in addition to a reception and other exercises at the Executive Mansion, provides commemorative exercises to be held jointly by the Senate and House of Representatives in the Hall of the House of Representatives, and a reception in the evening at the Corcoran Gallery of Art in honor of the governors of the States and Territories.

In our great prosperity we must guard against the danger it invites of extravagance in Government expenditures and appropriations; and the chosen representatives of the people will, I doubt not, furnish an example in their legislation of that wise economy which in a season of plenty husbands for the future. In this era of great business activity and opportunity caution is not untimely. It will not abate, but strengthen, confidence. It will not retard, but promote, legitimate industrial and commercial expansion. Our growing power brings with it temptations and perils requiring constant vigilance to avoid. It must not be used to invite conflicts, nor for oppression, but for the more effective maintenance of those principles of equality and justice upon which our institutions and happiness depend. Let us keep always in mind that the foundation of our Government is liberty; its superstructure peace.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *December 3, 1900.*

The PRESIDENT pro tempore. In the absence of objection, the message, with the accompanying papers, will be laid upon the table and printed for the use of the Senate.

DEATH OF SENATORS GEAR AND DAVIS.

Mr. ALLISON. Mr. President, it is with deep regret and profound sorrow that I announce to the Senate the death of my late colleague, Hon. JOHN HENRY GEAR, which occurred in this city on the 14th day of July last. At some future time, of which I shall give due notice, I desire to afford the Senate an opportunity of paying tribute to the memory of Senator GEAR and his long and distinguished services to his State and his country. At this time I beg leave to offer the resolutions which I send to the desk, and for which I ask immediate consideration.

The PRESIDENT pro tempore. The resolutions submitted by the Senator from Iowa will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of the Hon. JOHN HENRY GEAR, late a Senator from the State of Iowa.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

The resolutions were considered by unanimous consent, and unanimously agreed to.

Mr. NELSON. Mr. President, it is my sad duty to announce to the Senate the death of my late colleague, Senator CUSHMAN K. DAVIS, at his home in St. Paul, Minn., on the 27th of November last, at 9 o'clock in the evening, after a lingering illness of more than two months. In his death our nation has lost one of its foremost public servants and Minnesota one of the noblest and best of her sons.

On some future occasion I shall ask the Senate to set aside a day for the consideration of tributes to the memory of my deceased colleague. On this occasion I offer the resolutions which I send to the desk, and ask for their immediate consideration.

The PRESIDENT pro tempore. The resolutions submitted by the Senator from Minnesota will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of the Hon. CUSHMAN KELLOGG DAVIS, late a Senator from the State of Minnesota.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

The resolutions were considered by unanimous consent, and unanimously agreed to.

Mr. ALLISON. Mr. President, I offer an additional resolution, which I ask to have read and considered at this time.

The PRESIDENT pro tempore. The resolution submitted by the Senator from Iowa will be read.

The Secretary read the resolution, as follows:

Resolved, That as a further mark of respect to the memory of the deceased, Hon. JOHN HENRY GEAR and Hon. CUSHMAN KELLOGG DAVIS, the Senate do now adjourn.

The resolution was unanimously agreed to; and (at 3 o'clock and 46 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 4, 1900, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 3, 1900.*

This being the day designated by the Constitution, the members of the House of Representatives assembled in their Hall for the second session of the Fifty-sixth Congress.

At 12 o'clock noon, the Speaker, Hon. DAVID B. HENDERSON, a Representative from the State of Iowa, called the House to order.

The Chaplain, Rev. HENRY N. COUDEN, offered the following prayer:

Infinite Spirit, God over all, through whose eternal energy all things proceed, and by whose infinite power all things at last must fulfill their appointed destiny, humbly and most reverently we bow before Thee.

Let Thy blessings descend upon us and so move upon the hearts of these Thy servants, that all the legislative acts of this session of Congress may be in accordance with Thy will. To this end encourage every noble endeavor and discourage all unworthiness.

Rule Thou in the hearts of our rulers, that the genius of our nation may more and more obtain. Bless every skill and worthy industry throughout our land, every school and college; strengthen the ties of fraternity and make Christian patriots of us all.

That in the great things of life we may grow greater, deepen Thou our sense of responsibility and our consciousness of wrong so that justice and truth and right may ever be the glory of our Union.

Since last we met Thou hast called two of our members to their homes above. Bless, we pray Thee, their colleagues and friends; comfort their dear ones with the hope of immortality.

And Thine shall be the praise through Jesus Christ our Lord. Amen.

CALL OF THE ROLL.

In accordance with the direction of the Speaker, the roll of members was then called, by States, when the following responded present:

ALABAMA.

George W. Taylor.
Henry D. Clayton.
William F. Aldrich.
John H. Bankhead.
Oscar W. Underwood.

ARKANSAS.

Philip D. McCulloch.
John S. Little.
William L. Terry.
Stephen Brundidge, jr.

CALIFORNIA.

Victor H. Metcalf.
Julius Kahn.
Eugene F. Loud.
James Carson Needham.

COLORADO.

John F. Shafroth.
John C. Bell.

CONNECTICUT.

E. Stevens Henry.
Charles A. Russell.
Ebenezer J. Hill.

FLORIDA.

Stephen M. Sparkman.
Robert W. Davis.

GEORGIA.

Rufus E. Lester.
James M. Griggs.
Elijah B. Lewis.
William C. Adamson.
Leonidas F. Livingston.
John W. Maddox.
William M. Howard.
Farish Carter Tate.
William H. Fleming.
William G. Brantley.

ILLINOIS.

James R. Mann.
William Lorimer.
Henry S. Boutell.
George E. Foss.
Robert R. Hitt.
George W. Prince.
Joseph G. Cannon.
Joseph V. Graff.
Benjamin F. Marsh.
William E. Williams.
Ben F. Caldwell.
Thomas M. Jett.
James R. Williams.
William A. Rodenberg.
George W. Smith.

INDIANA.

James A. Hemenway.
William T. Zenor.
Francis M. Griffith.
George W. Faris.
James E. Watson.
Jesse Overstreet.
George W. Cromer.
Charles B. Landis.
Edgar D. Crumpacker.
George W. Steele.
James M. Robinson.

IOWA.

Thomas Hedge.
Joe R. Lane.
David B. Henderson.
Gilbert N. Haugen.
Robert G. Cousins.
John F. Lacey.
John A. T. Hull.
William P. Hepburn.
Lot Thomas.

KANSAS.

Willis J. Bailey (at large).
Justin D. Bowersock.
James M. Miller.
William A. Reeder.
Chester I. Long.

KENTUCKY.

Charles K. Wheeler.
Henry D. Allen.
John S. Rhea.
David H. Smith.
Oscar Turner.
Albert S. Berry.
June W. Gayle.
George G. Gilbert.
Samuel J. Pugh.
Thomas Y. Fitzpatrick.
Vincent Boreing.

LOUISIANA.

Adolph Meyer.
Robert C. Davey.
Phanor Breazeale.
Joseph E. Ransdell.

MAINE.

Amos L. Allen.
Chas. E. Littlefield.
Edwin C. Burleigh.

MARYLAND.

William B. Baker.
Frank C. Wachter.
James W. Denny.
Sydney E. Mudd.
George A. Pearre.

MASSACHUSETTS.

George P. Lawrence.
Frederick H. Gillett.
John R. Thayer.
William H. Moody.
Ernest W. Roberts.
Samuel W. McCall.
John F. Fitzgerald.
Henry F. Naphen.
Charles F. Sprague.
William C. Lovering.
William S. Greene.

MICHIGAN.

John B. Corliss.
Henry C. Smith.
Washington Gardner.
Edward L. Hamilton.
William Alden Smith.
Samuel W. Smith.
Edgar Weeks.
Joseph W. Fordney.
Roswell P. Bishop.
Rosseau O. Crump.
William S. Mesick.
Carlos D. Shelden.

MINNESOTA.

James A. Tawney.
James T. McCleary.
Joel P. Heatwole.

MISSISSIPPI.

John M. Allen.
Thomas Spight.
Thomas C. Catchings.
Andrew F. Fox.
Frank A. McLain.
Patrick Henry.

MISSOURI.

James T. Lloyd.
William W. Rucker.
John Dougherty.
William S. Cowherd.
David A. De Armond.
James Cooney.
Champ Clark.
Richard Bartholdt.
Charles F. Joy.
Charles E. Pearce.
Willard D. Vandiver.
Maecenas E. Benton.

NEBRASKA.

Elmer J. Burkett.
David H. Mercer.
John S. Robinson.
William L. Stark.
Roderick D. Sutherland.
William Neville.

NEVADA.

Francis G. Newlands.

NEW HAMPSHIRE.

Cyrus A. Sulloway.

NEW JERSEY.

Henry C. Loudenslager.
John J. Gardner.
Benjamin F. Howell.
Joshua S. Salmon.
James F. Stewart.
Richard Wayne Parker.
Charles N. Fowler.

NEW YORK.

Townsend Scudder.
John J. Fitzgerald.
Edmund H. Driggs.
Bertram T. Clayton.
Frank E. Wilson.
Mitchell May.
Daniel J. Riordan.
Amos J. Cummings.
William Sulzer.
George B. McClellan.
Jefferson M. Levy.
William Astor Chanler.
Jacob Ruppert, jr.
John Q. Underhill.
Arthur S. Tompkins.
John H. Ketcham.
Aaron V. S. Cochrane.
John K. Stewart.
Louis W. Emerson.
George W. Ray.
Michael E. Driscoll.
Sereno E. Payne.
Charles W. Gillet.
James W. Wadsworth.
James M. E. O'Grady.
William H. Ryan.
De Alva S. Alexander.
Edward B. Vreeland.

NORTH CAROLINA.

George H. White.
Charles R. Thomas.
John W. Atwater.
William W. Kitchin.
John D. Bellamy.
Romulus Z. Linney.
Richmond Pearson.

NORTH DAKOTA.

Burleigh F. Spalding.

OHIO.

William B. Shattuc.
Jacob H. Bromwell.
Robert B. Gordon.
David Meekison.
Walter L. Weaver.
James H. Southard.
Stephen R. Morgan.
Charles H. Grosvenor.
James A. Norton.
Winfield S. Kerr.
Henry C. Van Voorhis.
Joseph J. Gill.
John Anderson McDowell.
Robert W. Tayler.
Chas. Dick.
Fremont O. Phillips.
Theo. E. Burton.

OREGON.

Malcolm A. Moody.

PENNSYLVANIA.

Galusha A. Grow.
Henry H. Bingham.
Robert Adams, jr.
James R. Young.
Thomas S. Butler.
Irving P. Wanger.
Laird H. Barber.
Henry D. Green.
Marriott Brosius.
William Connell.
James W. Ryan.
Marlin E. Olmsted.
Charles Frederick Wright.
Horace B. Packer.
Rufus K. Polk.
Thaddeus M. Mahon.
Edward D. Ziegler.
Joseph E. Thropp.
Summers M. Jack.
John Dalzell.
William H. Graham.
Ernest F. Acheson.
Joseph B. Showalter.
Athelston Gaston.
Joseph C. Sibley.
James K. P. Hall.

RHODE ISLAND.

Melville Bull.
Adin B. Capron.

SOUTH CAROLINA.

William Elliott.
W. Jasper Talbert.
Asbury C. Latimer.
J. William Stokes.

SOUTH DAKOTA.

Robert J. Gamble.
Charles H. Burke.

TENNESSEE.

Walter P. Brownlow.
Henry R. Gibson.
John A. Moon.
Charles E. Snodgrass.
James D. Richardson.
John W. Gaines.
Nicholas N. Cox.
Thetus W. Sims.
Rice A. Pierce.
Edward W. Carmack.

TEXAS.

Thomas H. Ball.
Sam Bronson Cooper.
R. C. De Graffenreid.
John L. Sheppard.
Joseph W. Bailey.
Robert E. Burke.
Robert L. Henry.
Samuel W. T. Lanham.
Albert S. Burleson.
R. B. Hawley.
Rudolph Kleberg.
James L. Slayden.
John H. Stephens.

UTAH.

William H. King.

VERMONT.

H. Henry Powers.
William W. Grout.

VIRGINIA.

William A. Jones.
Richard A. Wise.
John Lamb.
Claude A. Swanson.
Peter J. Otey.
James Hay.
John F. Rixey.
William F. Rhea.
Julian M. Quarles.

WASHINGTON.
Wesley L. Jones.
WEST VIRGINIA.

Blackburn B. Dovener.	David E. Johnston.
Alston G. Dayton.	Romeo H. Freer.

WISCONSIN.

Henry A. Cooper.	James H. Davidson.
Joseph W. Babcock.	John J. Esch.
Theobold Otjen.	Edward S. Minor.
Samuel S. Barney.	John J. Jenkins.

WYOMING.
Frank W. Mondell.

The following-named Delegates also responded:

ARIZONA.
John F. Wilson.
NEW MEXICO.
Pedro Perea.

The SPEAKER. The call of the roll discloses the presence of 287 members, more than a quorum; and therefore the House is ready to proceed to business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Also resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait on the President of the United States and inform him that a quorum of each House is assembled and that Congress is ready to receive any communication he may be pleased to make.

And that, in accordance with the provisions of the preceding resolution, the President pro tempore of the Senate had appointed Mr. HOAR and Mr. COCKRELL as such committee on the part of the Senate.

SWEARING IN OF MEMBERS-ELECT.

Mr. HEPBURN. Mr. Speaker, I rise to a question of privilege—the swearing in of a member-elect.

The SPEAKER. The Clerk will read the credentials of several members-elect who, the Chair is advised, are present; and after the reading of the credentials these gentlemen will step forward and take the oath of office. The Chair thinks this will expedite business somewhat.

The Clerk read as follows:

The STATE OF IOWA, *ss:*

To Hon. ALEXANDER MCDOWELL,
Clerk of the House of Representatives:

This is to certify that at an election holden on Tuesday, November 6, A. D. 1900, the following-named persons were duly elected Representatives in Congress, to represent the Congressional districts of said State herein set forth, to fill vacancies, to wit:

Walter I. Smith, of Council Bluffs, in the county of Pottawattamie, to succeed Smith McPherson, resigned on the 6th day of June, A. D. 1900.

James P. Conner, of Denison, in the county of Crawford, to succeed JONATHAN P. DOLLIVER, resigned, to take effect on the first Monday of December, A. D. 1900.

In testimony whereof I have hereunto set my hand and caused to be affixed the great seal of the State of Iowa, this 28th day of November, A. D. 1900.

LESLIE M. SHAW.

By the governor:

G. L. DOBSON, *Secretary of State.*

Mr. BAILEY of Texas. Mr. Speaker, I doubt if the credentials just read entitle the holder to be sworn in as member of the House. They recite that Mr. DOLLIVER'S resignation was to take effect after this election, and that does not seem possible. I have no desire, however, to interrupt the proceedings at this point.

The Clerk read the credentials of the following-named members-elect:

Edward De V. Morrell, of Pennsylvania, to fill the unexpired term of Hon. Alfred C. Harmer, deceased.

Josiah L. Kerr, of Maryland, to fill the vacancy caused by the resignation of Hon. John Walter Smith.

Allan L. McDermott, of New Jersey, to fill the vacancy caused by the death of William D. Daly.

Samuel D. Woods, of California, for the unexpired term of Marion De Vries, resigned.

William Richardson, of Alabama, to fill the vacancy caused by the resignation of Hon. Joseph Wheeler.

Walter O. Hoffecker, of Delaware, to fill the vacancy caused by the death of Hon. John H. Hoffecker.

Mr. BAILEY of Texas. Mr. Speaker, the more I reflect upon it the more I am convinced that the credentials of the gentleman elected to succeed Mr. DOLLIVER are not in a form which can be accepted by the House. The credentials on their face show that this gentleman was elected to fill a vacancy that had not occurred when the election was held, Mr. DOLLIVER'S resignation having been tendered to the governor to take effect the first Monday of December. Without any careful examination of the question, my impression is distinct that the courts have held more than once that a resignation to take effect at some future day is not a resignation at all, but merely a notice of an intention to resign. If that is true, then Mr. DOLLIVER had not resigned his seat as a member of this House when the governor of Iowa ordered that election.

I believe the case I now have in my mind was decided by the supreme court of Indiana, and the court declared that a resignation to take effect at some future day was not a resignation at all in law, but merely a notice of an intention to resign, and that such notice could be withdrawn.

Now, I realize that the district from which this gentleman comes ought not to be without a Representative. I realize that it was the intention of the people of that district that Mr. Conner should succeed Mr. DOLLIVER, lately appointed to the Senate. But so far as this House is concerned, it does not know the day when the appointment of Mr. DOLLIVER to the Senate took effect. Surely the governor of Iowa had no power to appoint him to the Senate to take effect at some future day. His appointment must have taken effect the day it was made, because a vacancy in the representation of Iowa in the Senate existed the day the appointment was made, and the governor had no option as to when his appointment should take effect.

Now, if the governor issued the commission as Senator to Mr. DOLLIVER—I have no personal knowledge of this—but if he did, no matter when it was stated in the commission that the appointment should take effect, that statement was beyond the power of the governor to make; and therefore the appointment, if effective at all, was effective from the day the commission was granted.

Though I regret to press this matter, I am unwilling that this credential shall be accepted by the House as properly and legally entitling the holder of it to membership in this body.

The SPEAKER. This objection being made, Mr. Conner will step aside until the other gentlemen whose credentials have been read are sworn.

Mr. RAY of New York. Mr. Speaker, if it be in order, I desire to ask consent for the swearing in of Albert D. Shaw, who has been elected to this Congress to succeed Charles A. Chickering, who lately represented the Twenty-fourth New York district, and by whose death the vacancy was created. To fill that vacancy Colonel Shaw has been elected by a majority exceeding 11,000. There is no contest, no question over his election. The reason his credentials are not here at this time is that under the laws of the State of New York the State returning board does not assemble until this week, and it will be some days before the credentials are made out in due form. In accordance with the custom of the House in such cases, I ask that Colonel Shaw be sworn in with these other gentlemen.

The SPEAKER. The gentleman from New York [Mr. RAY] asks unanimous consent that his colleague-elect, Mr. Shaw, be sworn in at this time, notwithstanding the fact that his credentials have not been filed. Is there objection? The Chair hears none, and it is so ordered. The gentlemen whose credentials have been read, with the exception of Mr. Conner, of Iowa, will step forward to take the oath of office, and also Mr. Shaw, of New York.

The gentlemen named came forward and were duly sworn.

MEMBERSHIP OF COMMITTEE ON WAYS AND MEANS.

The SPEAKER. The Chair desires to make an announcement, which the Clerk will read.

The Clerk read as follows:

Hon. J. P. DOLLIVER having resigned as a member of the House, the Chair appoints Mr. J. W. BABCOCK as a member on the Committee on Ways and Means.

NOTIFICATIONS TO THE PRESIDENT AND THE SENATE.

Mr. PAYNE. Mr. Speaker, I offer for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That a committee of three members be appointed on the part of the House, to join the committee appointed by the Senate, to wait upon the President and inform him that a quorum of the two Houses has assembled and that Congress is ready to receive any communication he may have to make.

The resolution was adopted; and the Speaker appointed as the committee on the part of the House Mr. PAYNE, Mr. GROSVENOR, and Mr. RICHARDSON of Tennessee.

Mr. BINGHAM offered the following resolution; which was adopted:

Resolved, That the Clerk of the House inform the Senate that a quorum of the House of Representatives has appeared, and that the House is ready to proceed to business.

MINORITY REPORT ON SHIPPING SUBSIDY BILL.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I ask unanimous consent that the report of the minority of the Committee on Merchant Marine and Fisheries upon the shipping subsidy bill be reprinted.

There was no objection; and it was ordered accordingly.

Mr. DALZELL (at 12 o'clock and 55 minutes p. m.). I move that the House take a recess until 2 o'clock.

The motion was agreed to.

The recess having expired, the House (at 2 o'clock p. m.) resumed its session.

REPORT OF COMMITTEE TO WAIT UPON THE PRESIDENT.

The committee appointed to wait on the President appeared at the bar of the House.

Mr. PAYNE. Mr. Speaker, the committee appointed by the House, to join a like committee on the part of the Senate, to wait upon the President of the United States and inform him that a quorum of the House had assembled and was ready to receive any communication he might be pleased to make report that they have performed that duty, and the President informed them that he would immediately communicate a message in writing.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

The SPEAKER. The Chair lays before the House a message from the President of the United States, which the Clerk will report.

The message was read at length.

[For message see Senate proceedings for this day.]

At the conclusion of the reading of the message there was general applause.

Mr. PAYNE. Mr. Speaker, I move that the President's message and the accompanying documents be referred to the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from New York moves that the President's message, with the accompanying documents, be referred to the Committee of the Whole House on the state of the Union.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of the Hon. JOHN HENRY GEAR, late a Senator from the State of Iowa.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

Also:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of the Hon. CUSHMAN KELLOGG DAVIS, late a Senator from the State of Minnesota.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. REEVES, indefinitely, on account of sickness in his family.

To Mr. BARTLETT, for to-day, on account of important business.

To Mr. CAMPBELL, for ten days, on account of important business.

To Mr. CUSHMAN, indefinitely, on account of sickness.

To Mr. RIORDAN, indefinitely, on account of sickness in his family.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, on motion of Mr. OVERSTREET, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Edward G. Fugate, Fifty-fifth Congress, no adverse report having been made thereon.

REPRINT OF REPORTS ON SHIPPING SUBSIDY BILL.

Mr. GILBERT. Mr. Speaker, I desire to amend the motion that was made by the gentleman from Massachusetts [Mr. FITZGERALD] just before the recess this morning. He moved, as you will remember, that the minority report of the Committee on Merchant Marine and Fisheries on House bill 64 be reprinted. I desire to remind the House that there are two minority reports, and I want to so amend the motion that both of these minority reports shall be included in the motion, and be reprinted.

Mr. GROSVENOR. Mr. Speaker, I hope the gentleman will allow that motion to lie over until to-morrow. I should like to look into the matter of the present condition of those reports, and also to see what is left, if anything, of the copies of the bill and of the majority report.

Mr. GILBERT. I have no objection.

Mr. GROSVENOR. If the gentleman will wait, I will confer with him to-morrow in regard to it.

The SPEAKER. The Chair will state to the gentleman from Ohio that the House has already given consent, on the request of the gentleman from Massachusetts [Mr. FITZGERALD], to the reprinting of one of the minority reports.

Mr. GROSVENOR. I wish the gentleman would withdraw that also. I think it would be better that all the reprinting be done at one time.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I would say to the gentleman from Ohio that there is not a single copy of the minority report to be had.

Mr. GILBERT. Neither one of them.

Mr. FITZGERALD of Massachusetts. They are not to be found, either in the document room of the House or on the Senate side; and inasmuch as it is stated that the Senate will take up this bill to-morrow, and as the minority of the Senate have not submitted any report, I hardly feel like withdrawing my request, which has been already granted.

Mr. MCCLELLAN. Are there not two minority reports?

Mr. GILBERT. There are.

Mr. GROSVENOR. It will only delay the printing one day. We are not generally anxious to print documents for the benefit of the Senate. By to-morrow I will confer with both gentlemen, and we will agree on what ought to be done about it. I am not opposed to the printing of all that may be required.

Mr. FITZGERALD of Massachusetts. I will say to the gentleman that I have already told members of the Senate that the resolution went through, and that copies of the minority report can be obtained to-morrow. I believe the gentleman must agree with me that as this bill is to be debated, the report ought to be in print so that it can be had by members.

Mr. GROSVENOR. The gentleman took advantage of my absence to secure an agreement which ought not to have been made in my absence. So far as information for the Senate is concerned, the Senate has some power of printing when they want information. I understand, from information I have just received, there are no copies of either one of the reports now available. That being true, it seems to me that an agreement ought to be made as to the number of each one of the reports that should be supplied, and then a resolution asking for the printing offered, and I am entirely ready and willing to have the order made; but I do not think one of the minority reports ought to be printed in the absence of the other reports.

Mr. FITZGERALD of Massachusetts. I have no objection to the gentleman from Ohio having an order made that the majority report be reprinted, and that the two minority reports be reprinted. It seems to me that, while the matter is being investigated and an agreement made as to the number of each of the reports that should be printed, this reprint might go through this afternoon, so that the copies might be available to-morrow. A great many members have asked me for a copy of the minority report, and I have made inquiries in the Clerk's office and found that there is not a single copy available. I do not think that is a situation that ought to be allowed to continue.

Mr. GROSVENOR. That is accounted for by the very great value of the minority report. I think that it is caused also by the interest which has been excited in the subject, and is true of either of the minority reports, and I think it true of the very valuable and able majority report.

The SPEAKER. The question is on the request of the gentleman from Kentucky asking a reprint of part 2 of report 890.

Mr. MCCLELLAN. That does not include the minority report signed by three members?

The SPEAKER. Just one. The Chair will state for the information of the House that the majority report is No. 890; then report 890, part 2, is signed by the gentleman from New York [Mr. CHANLER], the gentleman from North Carolina [Mr. SMALL], and the gentleman from Louisiana [Mr. RANSDELL], and the report 890, part 3, signed by Mr. FITZGERALD of Massachusetts. That gentleman secured the consent of the House this morning to the reprint of his part of the report. The gentleman from Kentucky now asks consent of the House for a reprint of this part of the report.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I desire to make a correction. The report is signed by Mr. Daly, Mr. De Vries, and Mr. SPIGHT, with myself, constituting a majority of the minority.

Mr. MCCLELLAN. Two of those gentlemen are no longer members of the House.

The SPEAKER. That does not appear in the title; but I see their names are attached to the end. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none, and it is so ordered.

Mr. GROSVENOR. I will not make a request for the reprinting of the majority report now, as that can be printed under another order of the House.

DEATH OF HON. JOHN H. HOFFECKER.

Mr. BINGHAM. Mr. Speaker, I submit the following resolution.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. JOHN H. HOFFECKER, a member of this House from the State of Delaware.

The resolution was unanimously agreed to.

DEATH OF HON. WILLIAM D. DALY.

Mr. McDERMOTT. Mr. Speaker, I submit the following resolution.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. WILLIAM D. DALY, a member of this House from the State of New Jersey.

The resolution was unanimously agreed to.

DEATH OF HON. JOHN HENRY GEAR.

Mr. HEPBURN. Mr. Speaker, it is my painful duty to announce to the House of Representatives the death of JOHN HENRY GEAR, late a Senator from the State of Iowa, who died in the city of Washington on the 14th day of July last.

Senator GEAR's public career was long and illustrious. It began with Iowa's first political organization. He was perhaps more widely known and beloved than any of her public servants. Regret at his sudden death in the midst of his great career and marked usefulness is everywhere felt in that Commonwealth.

I submit the following resolution.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. JOHN HENRY GEAR, a Senator of the United States from the State of Iowa.

The resolution was unanimously agreed to.

DEATH OF HON. CUSHMAN K. DAVIS.

Mr. TAWNEY. Mr. Speaker, it becomes my painful duty to officially announce to this House the death of that distinguished statesman, scholar, and accomplished diplomat, Senator CUSHMAN KELLOGG DAVIS, of Minnesota. His death occurred at his home, in St. Paul, Tuesday evening of last week, at about 11 o'clock. For several weeks he struggled heroically against a disease which at last proved too formidable for him to longer resist, and he yielded with a prayer upon his lips for the future glory of his country.

This is not the appropriate time to speak of the illustrious character and distinguished public services of Senator DAVIS. We will hereafter ask the House to devote a portion of its time to the paying of such tributes to his memory as are befitting his remarkable career of public usefulness, not only in the Senate of the United States, but also in the councils and administrative affairs of his adopted State.

His death has occurred at a time when his great ability and learning were most needed and when his country could least afford to lose him.

As a further mark of our esteem for the distinguished dead, I now offer the following resolutions.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of the Hon. CUSHMAN K. DAVIS, a Senator of the United States from the State of Minnesota.

Resolved, That as a further mark of respect to the memories of the late Representatives HOFFECKER and DALY and the late Senators GEAR and DAVIS, this House do now adjourn.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the families of the deceased Senators and Representatives herein named.

The resolutions were unanimously agreed to; and accordingly (at 4 o'clock and 22 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred by the Speaker as follows:

A letter from the Secretary of Agriculture, presenting a detailed statement of expenditures for the Department for the year ending June 30, 1900—to the Committee on Expenditures in the Department of Agriculture, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a report of contingent expenses of the Department for the year ended June 30, 1900—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

A letter from the chief clerk of the Court of Claims, transmitting statement of all judgments rendered for the year ended November 30, 1900—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of State, transmitting a resolution of the general assembly of Vermont relating to recognition of the services of Capt. Charles E. Clark—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Sergeant-at-Arms, transmitting a list of property in his charge on December 4, 1900—to the Committee on Accounts, and ordered to be printed.

A letter from the Sergeant-at-Arms, submitting a report of the several sums drawn and disbursed by him—to the Committee on Accounts, and ordered to be printed.

A letter from the Chief of Engineers, submitting the report of operations in the new building for the Government Printing Office—to the Committee on Printing, and ordered to be printed, except photographs.

A letter from the Doorkeeper of the House of Representatives, transmitting an inventory of property under his charge—to the Committee on Accounts, and ordered to be printed.

A letter from the Secretary of the Smithsonian Institution, submitting a statement of the expenditures for the year ended June 30, 1899, under the appropriations for "International exchanges," "American Ethnology," "National Museum," "Astrophysical Observatory," and "National Zoological Park"—to the Committee on Appropriations, and ordered to be printed.

A letter from the Superintendent of Library and Grounds, transmitting a report of his office for the year ending December 4, 1900—to the Committee on the Library, and ordered to be printed.

A letter from the Attorney-General, transmitting his annual report—to the Committee on the Judiciary, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George W. Brown against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Matthias App against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Elizabeth J. Hampton against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George W. Westcott against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John F. Haupt against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of A. A. Caldwell, administrator of estate of Sarah McCampbell, against the United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James K. McCurdy, administrator of estate of Samuel McCurdy, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Stanford Guyton, administrator of estate of John Lewis, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Alfred McKinney against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Samuel Worthington, administrator of estate of Samuel Worthington, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Martha L. Dixon against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Solomon Beery against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of W. L. Head, administrator of estate of Francis Hyland, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Edward S. Nace, administrator of estate of John M. Nace, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of S. S. Faulkner, administrator of estate of John R. Williams, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William S. Rogers, administrator of estate of James M. Rogers,

against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William F. Williams, administrator of estate of James Williams, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. Clarence Lane, administrator of estate of William L. Knode, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of W. J. Voils, administrator of estate of Anthony Voils, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Doorkeeper of the House, transmitting an inventory of property under his charge—to the Committee on Accounts, and ordered to be printed.

A report from the superintendent of the folding room of the House, together with an inventory authorized by Congress May 9, 1900, of all books, maps, pamphlets, etc., remaining in the folding room September 4, 1900—to the Committee on Printing, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 8917) to limit the meaning of the word "conspiracy" and also the use of "restraining orders and injunctions" as applied to disputes between employers and employees in the District of Columbia and Territories, or engaged in commerce between the several States, District of Columbia, and Territories, and with foreign nations, reported the same with amendment, accompanied by a report (No. 2007); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

The bill (H. R. 5253) to correct the military record of Alexander Nugent and grant him a discharge—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 393) granting an increase of pension to Mrs. Patrick J. Grady—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 11658) to place on the pension roll the name of Mary I. Nelson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 8330) granting an increase of pension to R. G. Morris—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 7119) removing the charge of desertion from the military record of Edgar B. Willoughby, deceased—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 6574) granting a pension to Hiram J. Reamer—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following petitions; which were thereupon referred as follows:

Petitions of Grand Army of the Republic posts of Shamokin, Pa., Chelsea, Mass., and Orleans, Ind., to accompany House bill No. 7094—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 7579, for the relief of John Holbrook—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 6506, for the relief of Edith L. Sturdy—to the Committee on Pensions.

Also, papers to accompany House bill No. 8415, granting an increase of pension to Jesse F. Gates—to the Committee on Pensions.

Also, papers in support of House bill No. 2812, granting a pension to George W. McCinston—to the Committee on Pensions.

Also, papers to accompany House bill No. 9382—to the Committee on Pensions.

Also, papers to accompany House bill No. 4899—to the Committee on Pensions.

Also, papers to accompany House bill No. 10875—to the Committee on Pensions.

Also, papers to accompany House bill No. 2813—to the Committee on Pensions.

Also, papers to accompany House bill No. 4079—to the Committee on Pensions.

Also, papers to accompany House bill No. 6928—to the Committee on Pensions.

Also, papers to accompany Senate bill No. 3216—to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BOUTELL of Illinois: A bill (H. R. 12221) to provide for the education of the blind, and so forth—to the Committee on Education.

By Mr. CRUMPACKER: A bill (H. R. 12222) making an apportionment of Representatives in Congress under the Twelfth Census—to the Select Committee on the Census.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 12223) granting additional pay to soldiers engaged in the Spanish-American war—to the Committee on Military Affairs.

By Mr. HULL: A bill (H. R. 12224) for the reorganization of the Army of the United States, and for other purposes—to the Committee on Military Affairs.

By Mr. GREENE of Massachusetts: A bill (H. R. 12225) for the establishment of a port of delivery at New Bedford, Mass.—to the Committee on Ways and Means.

Also, a bill (H. R. 12226) for the establishment of a port of delivery at Fall River, Mass.—to the Committee on Ways and Means.

By Mr. BULL: A bill (H. R. 12227) to equalize the pay of the officers of the line, Medical and Pay Corps of the Navy with officers of corresponding rank in the Army and Marine Corps—to the Committee on Naval Affairs.

Also, a bill (H. R. 12228) providing for the retirement of petty officers and enlisted men of the Navy—to the Committee on Naval Affairs.

By Mr. SCUDDER: A bill (H. R. 12229) to fix the compensation of the keepers employed in the Life-Saving Service of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. SHAFROTH: A bill (H. R. 12230) for the construction of reservoirs in the arid-land States and for the disposal of the public lands reclaimed thereby—to the Committee on the Public Lands.

By Mr. HAWLEY: A bill (H. R. 12231) authorizing the Secretary of War to secure plans and estimates for a breakwater at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. LOUD: A bill (H. R. 12281) to amend section 3255 of the Revised Statutes of the United States concerning the distilling of brandy from fruits—to the Committee on Ways and Means.

By Mr. CANNON: A bill (H. R. 12283) in relation to the celebration of the centennial anniversary of the establishment of the permanent seat of government in the District of Columbia—to the Committee on Appropriations.

By Mr. FITZGERALD of Massachusetts: A joint resolution (H. J. Res. 271) sympathizing with the Boer Republics—to the Committee on Foreign Affairs.

By Mr. PAYNE: A resolution (H. Res. 305) relating to the President's message—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BALL: A bill (H. R. 12232) for the relief of Hannah Martha Dusenberry—to the Committee on Pensions.

By Mr. BERRY: A bill (H. R. 12233) granting a pension to Ashel C. Aulick—to the Committee on Pensions.

Also, a bill (H. R. 12234) granting a pension to Joseph Crist—to the Committee on Pensions.

By Mr. CATCHINGS: A bill (H. R. 12235) for the relief of J. C. Williams, administrator of Haller Nutt, deceased—to the Committee on Claims.

By Mr. CUMMINGS: A bill (H. R. 12236) granting a pension to Safa T. Philip—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12237) granting a pension to Patrick J. Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12238) for the relief of the widow of Isaiah Smith Hyatt—to the Committee on Patents.

By Mr. EMERSON: A bill (H. R. 12239) granting a pension to Lizana D. Streeter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12240) granting a pension to J. G. Viall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12241) granting an increase of pension to Franklin Warren—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 12242) granting an increase of pension to James M. Paul—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12243) to correct the military record of George E. O'Neil—to the Committee on Military Affairs.

By Mr. HAY: A bill (H. R. 12244) to correct the military record of Harrison Wagner—to the Committee on Military Affairs.

By Mr. HENDERSON: A bill (H. R. 12245) granting a pension to Henry A. Jordan—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 12246) granting an increase of pension to Samuel Fish—to the Committee on Invalid Pensions.

By Mr. JOHNSTON: A bill (H. R. 12247) to refund and repay to Robert Lilley the sum of $200—to the Committee on Claims.

By Mr. McCLELLAN: A bill (H. R. 12248) granting an increase of pension to William B. Crosby—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 12249) granting an increase of pension to Gideon Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12250) granting an increase of pension to Patrick Brennan—to the Committee on Invalid Pensions.

By Mr. RUPPERT: A bill (H. R. 12251) granting an increase of pension to Louisa Wigand—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 12252) granting an increase of pension to Gideon Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12253) granting an increase of pension to Colin R. Cundey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12254) granting an increase of pension to John B. Hanna—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 12255) granting an increase of pension to Thomas Milsted—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12256) granting an increase of pension to John W. Bedell—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 12257) for the relief of the heirs of A. T. Hensley—to the Committee on War Claims.

By Mr. STEWART of New Jersey: A bill (H. R. 12258) for the relief of John H. Doremus—to the Committee on Pensions.

By Mr. STEWART of New York: A bill (H. R. 12259) granting an increase of pension to Norman W. Herdman—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 12260) granting an increase of pension to Franklin Follansbee—to the Committee on Pensions.

Also, a bill (H. R. 12261) granting an increase of pension to John Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12262) granting an increase of pension to Alonzo F. Page—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12263) granting an increase of pension to Henry Ball—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12264) granting an increase of pension to Sherwood Wesley Goodwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12265) granting an increase of pension to George D. Totman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12266) granting an increase of pension to Ransolier Hurd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12267) granting an increase of pension to Edwin H. Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12268) granting an increase of pension to Charles McCartee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12269) granting an increase of pension to Joshua Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12270) granting an increase of pension to Richard A. Lawrence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12271) granting an increase of pension to Edwin J. Godfrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12272) granting an increase of pension to John C. Towne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12273) granting an increase of pension to Frederick A. Condon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12274) granting an increase of pension to Rollins D. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12275) granting a pension to Francis Roy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12276) to amend the military record of Joseph McDaniel and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. WEAVER: A bill (H. R. 12277) for the removal of the charge of desertion against Lewis Wells—to the Committee on Military Affairs.

Also, a bill (H. R. 12278) for the removal of the charge of desertion against Charles S. Gillespie—to the Committee on Military Affairs.

Also, a bill (H. R. 12279) for the removal of the charge of desertion against William Wardel—to the Committee on Military Affairs.

By Mr. WILSON of New York: A bill (H. R. 12280) granting a pension to Emil Frank—to the Committee on Invalid Pensions.

By Mr. GROUT: A bill (H. R. 12282) granting a pension to Frances Helen Lewis—to the Committee on Invalid Pensions.

By Mr. BULL: A resolution (H. Res. 304) to pay Walter O. Hoffecker amount due him as clerk to the late Representative John H. Hoffecker—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolutions of W. A. Morse Post, No. 190, Grand Army of the Republic, Department of Iowa, in favor of House bill No. 5779, known as the veteran preference measure—to the Committee on Reform in the Civil Service.

Also, petitions of C. W. Snow & Co., of Syracuse, N. Y.; Schotten & Co., of St. Louis, Mo.; Sharp & Dohme, of Baltimore, Md.; Meyers Brothers' Drug Company, of St. Louis, Mo.; Yahr & Lange Drug Company, of Milwaukee, Wis.; and the National Pure Food and Drug Congress, in behalf of the pure-food bill—to the Committee on Agriculture.

Also, petition of Hon. J. G. Schurman, president of Cornell University, Ithaca, N. Y., in favor of the land-grant college bill—to the Committee on Mines and Mining.

Also, resolutions of the Woman's Christian Temperance Union of New Hartford, Iowa; also, resolutions of Friends' Church, New Providence, Iowa, in favor of provision to prohibit the importation of intoxicating liquors into countries chiefly inhabited by native races—to the Committee on Alcoholic Liquor Traffic.

Also, resolutions of the Presbytery of Dubuque, Iowa, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. ADAMS: Resolutions of select and common councils of Philadelphia, Pa., and of the Trades League of Philadelphia, and the New Century Club, in favor of legislation transferring the present mint building to the City of Philadelphia—to the Committee on Public Buildings and Grounds.

Also, petition of the United States Brewers' Association for the repeal of the war tax of $1 per barrel on beer in the war-revenue act—to the Committee on Ways and Means.

Also, petition of the Philadelphia Board of Trade for such legislation as will strengthen our maritime position—to the Committee on Merchant Marine and Fisheries.

By Mr. ALLEN of Maine: Petition of Frederick Robie, president of the First National Bank of Portland, Me., and other officers of the various national and savings banks and trust companies of Portland, for the repeal of stamp tax on checks, drafts, etc.—to the Committee on Ways and Means.

By Mr. BABCOCK: Resolutions of John McDermott Post, Grand Army of the Republic, Department of Wisconsin, favoring the passage of House bill No. 5779, giving veterans preferment in public service—to the Committee on Reform in the Civil Service.

By Mr. BROMWELL: Petition of N. G. Hildreth, of Cincinnati, Ohio, for the repeal of the tax on proprietary medicines—to the Committee on Ways and Means.

Also, resolution of William H. Lytle Post, No. 47, Grand Army of the Republic, of Cincinnati, Ohio, indorsing House bill No. 5779, relating to appointments in the Government service—to the Committee on Reform in the Civil Service.

By Mr. BROSIUS: Petition of 36 citizens of Lancaster County, Pa., for the abolition of the canteen in the Army—to the Committee on Military Affairs.

Also, petition of Irwin B. Lutz, of Denver, Pa., for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. BULL: Resolutions of George H. Browne Post, Grand Army of the Republic, of Providence, R. I., for the passage of the veterans' preference bill—to the Committee on Reform in the Civil Service.

By Mr. CONNELL: Petition of Charles Lee and 45 other citizens of Carbondale, Pa., for the passage of bills to forbid liquor selling in Army canteens, and the sale of intoxicants, etc., in the Philippines to native races—to the Committee on Military Affairs.

By Mr. EMERSON: Papers to accompany House bill granting a pension to J. G. Viall—to the Committee on Invalid Pensions.

Also, affidavit of G. Fitzgerald in relation to the removal of the charge of desertion from the military record of William Brown—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of General Thomas A. Rowley Post, No. 495, Department of Pennsylvania, favoring the passage of House bill No. 5779, relating to the appointment of war veterans to the public service—to the Committee on Reform in the Civil Service.

Also, petition of the National Association of Manufacturers, T. C. Search, president, of Cincinnati, Ohio, in favor of various measures for the promotion of American industries and commercial progress with other nations—to the Committee on Ways and Means.

By Mr. HILL: Resolutions of Elias Howe Post, Grand Army of the Republic, Bridgeport, Conn., favoring the passage of House bill No. 5779, the veteran-preference bill—to the Committee on Reform in the Civil Service.

Also, resolution of the Connecticut State Board of Trade, in favor of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Petition of citizens of Orangeville, Ill., favoring the passage of the Grout bill—to the Committee on Agriculture.

Also, resolutions of Home Missionary societies and certain churches of Rockford, Freeport, Cedarville, Galena, Dakota, Elizabeth, and Polo, Ill., against the importation and sale of intoxicating liquors in the insular possessions and for the reenactment of the anti-canteen law—to the Committee on Military Affairs.

By Mr. LACEY: Sixty-two affidavits of settlers and occupants of certain lands in the State of Washington and blue print relating to House bill No. 12124, to authorize the issuance of patents to settlers—to the Committee on the Public Lands.

By Mr. LITTLEFIELD: Sundry petitions of farmers and others in the State of Maine, urging the passage of the Grout bill and House bill No 9677, known as the Brosius bill—to the Committee on Agriculture.

By Mr. MILLER: Petitions of J. F. Jett, J. Radcliff, and T. Jensen and others in the State of Kansas, favoring the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Agriculture.

By Mr. OVERSTREET: Petition of the Mathews Medical Company and 11 other drug companies of Indianapolis, Ind., praying for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

Also, papers to accompany House bill granting a pension to Patrick Brennan—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Gideon Johnson—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Papers to accompany House bill granting an increase of pension to Thomas Milsted—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: Paper to accompany House bill for the relief of A. T. Hensley—to the Committee on War Claims.

By Mr. STEWART of New York: Petition of Young People's Society of Christian Endeavor and Epworth League, of Sloansville, N. Y., for the suppression of liquor selling in our new islands and in our Army—to the Committee on Military Affairs.

Also, paper to accompany House bill for the relief of Norman W. Herdman—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: Resolution of the Medina (Mich.) Farmers' Club, favoring the passage of an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. YOUNG of Pennsylvania: Petition of A. H. Scherzer, of Chicago, Ill., for "the commercial freedom of the United States"—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Third Corps of the Army of the Potomac for an appropriation sufficient to complete at an early date the work provided for by the national park act—to the Committee on Military Affairs.

Also, memorial of the Merchants' Exchange and other commercial and industrial bodies of St. Louis, Mo., for the improvement of the Mississippi River—to the Committee on Rivers and Harbors.

SENATE.

TUESDAY, *December 4, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

LUCIEN BAKER, a Senator from the State of Kansas; MARION BUTLER, a Senator from the State of North Carolina; CLARENCE D. CLARK, a Senator from the State of Wyoming; HENRY C. HANSBROUGH, a Senator from the State of North Dakota; HENRY HEITFELD, a Senator from the State of Idaho, and RICHARD F. PETTIGREW, a Senator from the State of South Dakota, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM IOWA.

Mr. ALLISON. Mr. President, I present the credentials of Hon. Jonathan P. Dolliver, appointed by the governor of Iowa to the place in the Senate made vacant by the death of the late Senator Gear.

The credentials of Jonathan Prentiss Dolliver, appointed by the governor of the State of Iowa to fill the vacancy from that State in the term ending March 3, 1905, occasioned by the death of Senator John H. Gear, were read and ordered to be filed.

The PRESIDENT pro tempore. The Senator appointed will present himself at the desk and take the necessary oath.

Mr. Dolliver was escorted to the Vice-President's desk by Mr. ALLISON, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

PARIS EXPOSITION OF 1900.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and referred to the Select Committee on Industrial Expositions, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of Congress, copy of a letter from the Commissioner-General of the United States to the Paris Exposition of 1900, of November 17, 1900, giving a detailed statement of the expenditures of the commission for the year ended November 15, 1900.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, December 4, 1900.

ISTHMIAN CANAL COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Interoceanic Canals, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a preliminary report of the Isthmian Canal Commission, dated November 30, 1900.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *December 4, 1900.*

Mr. MORGAN. I move that 10,000 extra copies of that report be printed; 6,000 for the use of the House, 3,000 for the use of the Senate, and 1,000 for the use of the commission.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent for an order of the Senate that 10,000 extra copies of the report be printed.

Mr. HALE. I have no objection, but the rule—in fact, the law—provides that a motion to print any document, where the printing will cost more than $500, shall go to the Committee on Printing.

Mr. MORGAN. I do not know, but I suppose that the extra copies would not cost more than $500.

Mr. HALE. It is a pretty extensive report.

The PRESIDENT pro tempore. It is not voluminous at all.

Mr. LODGE. Is not this the preliminary report?

The PRESIDENT pro tempore. It is the preliminary report.

Mr. MORGAN. It is the preliminary report.

Mr. LODGE. It is a very short report.

Mr. HALE. Then undoubtedly the cost will be within $500. I do not object to the motion.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

REPORT OF THE SECRETARY OF THE TREASURY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1900; which was referred to the Committee on Finance, and ordered to be printed.

REPORT OF THE ATTORNEY-GENERAL.

The PRESIDENT pro tempore laid before the Senate the annual report of the Attorney-General for the fiscal year ended June 30, 1900; which was referred to the Committee on the Judiciary, and ordered to be printed.

REPORT OF THE COMPTROLLER OF THE CURRENCY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Comptroller of the Currency for the year ended October 31, 1900; which was referred to the Committee on Finance, and ordered to be printed.

REPORT OF THE COMMISSIONER OF FISH AND FISHERIES.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioner of Fish and Fisheries, transmitting, in compliance with law, a statement showing expenditures under all appropriations for propagation of food-fishes during the fiscal year ended June 30, 1900, etc.; which, with the accompanying papers, was referred to the Committee on Fisheries, and ordered to be printed.

REPORT OF THE PUBLIC PRINTER.

The PRESIDENT pro tempore laid before the Senate the annual report of the operations of the Government Printing Office for the fiscal year ended June 30, 1900; which was referred to the Committee on Printing, and ordered to be printed.

GOVERNMENT PRINTING OFFICE.

The PRESIDENT pro tempore laid before the Senate a communication from Brig. Gen. John M. Wilson, Chief of Engineers, United States Army, transmitting the report of operations upon the new building for the Government Printing Office for the year

ended November 30, 1900; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REVISION OF LAWS RELATIVE TO PATENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the commission appointed by the President under the act entitled "An act appointing commissioners to revise the statutes relating to patents, trade and other marks, and trade and commercial names," approved June 4, 1898, transmitting the report called for by that act; which, with the accompanying papers, was referred to the Committee on Patents, and ordered to be printed.

LAND ENTRIES IN OREGON.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of June 7, 1900, a letter from the Commissioner of the General Land Office relative to the allowance of entries for lands within the limits of wagon-road or railroad grants in the State of Oregon; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

ELECTORAL VOTES OF NEW JERSEY, VERMONT, AND DELAWARE.

The PRESIDENT pro tempore laid before the Senate three communications from the Secretary of State, transmitting certified copies of the final ascertainment of the electors for President and Vice-President from the States of New Jersey, Vermont, and Delaware; which, with the accompanying papers, were ordered to lie on the table.

REPORT ON THE CONGRESSIONAL LIBRARY BUILDING.

The PRESIDENT pro tempore laid before the Senate a communication from the superintendent of the Library building and grounds, transmitting the report of the operations and proceedings in connection with the building for the Library of Congress; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JUDGMENTS OF COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, in compliance with law, a statement of the judgments rendered by that court for the year ended November 29, 1900, etc.; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Caroline*, Elihu Cotton, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of John Mann *vs.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed finding by the court relating to the vessel sloop *Abigail*, Samuel Robinson, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of N. C. Perkins, administrator of J. J. Todd, deceased, *vs.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

JUDGMENTS IN INDIAN DEPREDATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, pursuant to the provisions of section 8 of the act of Congress approved March 3, 1891, a list of judgments rendered in favor of claimants and against the United States and defendant Indian tribes, not heretofore appropriated for; which, with the accompanying papers, was referred to the Committee on Indian Depredations, and ordered to be printed.

REPORTS OF SECRETARY OF THE SENATE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Senate, transmitting a full and complete account of all property, including stationery, belonging to the United States in his possession on December 3, 1900; which, with the accompanying papers, was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of the Senate, transmitting a full and complete statement of the receipts and expenditures of the Senate, showing in detail the items of expense under the proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining in his possession from February 1, 1900, to June 30, 1900; which, with the accompanying papers, was ordered to lie on the table and be printed.

REPORTS OF SERGEANT-AT-ARMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Sergeant-at-Arms of the Senate, transmitting a full and complete account of all property belonging to the United States in his possession December 3, 1900; which, with the accompanying papers, was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Sergeant-at-Arms of the Senate, transmitting a statement of receipts from the sale of condemned property; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a petition of Sheridan Post, No. 34, Grand Army of the Republic, of Salem, Mass., praying for the enactment of legislation granting preference to veterans in the public service; which was referred to the Committee on Military Affairs.

He also presented 41 petitions of citizens of Massachusetts, praying for the enactment of legislation relative to the sale and manufacture of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. SEWELL presented petitions of the Woman's Home and Foreign Missionary societies of the Presbyterian Synod; of sundry citizens of Orange and East Orange, Irvington, Lambertville, Newark, Leonia, New Vernon, Millington, Sterling, Longhill, and Logansville; of the Woman's Christian Temperance Union of Orange; of the Woman's Home Missionary Society of the Central Presbyterian Church, of Orange; of the Ladies' Aid Society of the Calvary Methodist Episcopal Church of East Orange, and of the Political Study Club, of Orange, all in the State of New Jersey, praying for an adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. PENROSE presented a petition of members of the Third Corps of the Army of the Potomac, praying that an appropriation be made to enable the Gettysburg National Park Commission to secure lands needed for that park, etc.; which was referred to the Committee on Military Affairs.

He also presented a petition of the select and common councils of Philadelphia, Pa., praying for the enactment of legislation authorizing the present site of the United States mint in that city to be used as a free public library; which was referred to the Committee on Public Buildings and Grounds.

Mr. McMILLAN presented a petition of the Woman's Christian Temperance Union of Detroit, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange or canteen, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

He also presented petitions of the Woman's Home Missionary Society of Detroit, the Young Lady's Missionary Society of Palmyra, the Woman's Missionary Society of the Central Presbyterian Church of Detroit, the Woman's Missionary Society of the Jefferson Avenue Presbyterian Church of Detroit, the Woman's Missionary Society of the First Presbyterian Church of Marquette, the Westminster Woman's Association of Detroit, the Woman's Missionary Society of the First Presbyterian Church of Ithaca, the Woman's Missionary Society of the Memorial Presbyterian Church of Detroit, the First Presbyterian Church of Bay City, and of sundry citizens of Benzonia, all in the State of Michigan, praying for an adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of the congregation of the Methodist Episcopal Church of Elwood, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in countries inhabited by native races; which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Manufacturers' Association of New York, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Third Army Corps Union, Army of the Potomac, praying that an appropriation be made to enable the Gettysburg National Park Commission to secure the lands needed for that park, etc.; which was referred to the Committee on Military Affairs.

He also presented the petition of J. W. Gale, praying for the enactment of legislation changing the date for the inauguration of the President of the United States from March 4 to January 1; which was referred to the Committee on the Judiciary.

Mr. GALLINGER. I present numerous petitions and letters from farmers in the State of New Hampshire for reference to the Committee on Agriculture and Forestry. They ask for the enactment of a law governing the matter of oleomargarine, requiring that it shall be sold for what it really is, a contention that I very heartily support.

The PRESIDENT pro tempore. The petitions and letters will be referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented a petition of Pomona Grange, No. 13, Patrons of Husbandry, of Grafton County, N. H., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. PROCTOR. I present a joint resolution of the legislature of Vermont relative to the procurement of recognition of the service of Capt. Charles E. Clark, which I ask may be read and referred to the Committee on Naval Affairs.

The memorial was read, and referred to the Committee on Naval Affairs, as follows:

STATE OF VERMONT, OFFICE OF SECRETARY OF STATE.
Montpelier, November 16, 1900.

SIR: I have the honor to transmit herewith a certified copy of a joint resolution relating to the procurement of recognition of the service of Capt. Charles E. Clark adopted by the general assembly of Vermont at its pending biennial session, and which by its terms requires that copies be transmitted to Vermont's Senators and Representatives in Congress.

Very respectfully, yours,

FRED A. HOWLAND,
Secretary of State.

Hon. REDFIELD PROCTOR,
Proctor, Vt.

Resolved by the senate and house of representatives, That our Senators in Congress be instructed, and our Representatives be requested, to endeavor to secure from Congress some proper recognition of and reward for the extraordinary service of Capt. Charles E. Clark, in command of the battle ship *Oregon* during the late Spanish war.

Resolved further, That a copy of these resolutions be forwarded to our said Senators and Representatives and to the President of the Senate and the Speaker of the House of Representatives of the United States.

FLETCHER D. PROCTOR,
Speaker of House of Representatives.

MARTIN F. ALLEN,
President of the Senate.

STATE OF VERMONT,
Office of the Secretary of State:

I hereby certify that the foregoing is a true copy of a joint resolution relating to securing proper recognition of the service of Capt. Charles E. Clark adopted by the general assembly of the State of Vermont at its pending biennial session, as appears by the files and records of this office.

Witness my signature and the seal of this office, at Montpelier, this 16th day of November, 1900.

[SEAL.]

FRED. A. HOWLAND,
Secretary of State.

Mr. BURROWS presented petitions of the Woman's Missionary Society of the Jefferson Avenue Church, of Detroit; the Presbytery of Kalamazoo; the Westminster Woman's Association, of Detroit; the Woman's Missionary Society of the First Presbyterian Church of Ithica; of A. B. Barnes and 73 other citizens of Richland; the Young Ladies' Missionary Society of Palmyra; the congregation of the First Presbyterian Church of Bay City; the Woman's Missionary Society of the Memorial Church, of Detroit; of Fred E. Ash and 59 other citizens of Adrian; the Woman's Missionary Society of the Presbyterian Church of Plainwell; the Woman's Christian Temperance Union of Plainwell; the Woman's Missionary Society of the First Presbyterian Church of Marquette; of G. A. Jackson and 97 other citizens of Hillsdale; the Ladies' Aid Society of the Second Avenue Presbyterian Church, of Detroit; the Ladies' Missionary Society of the First Presbyterian Church of Harbor Springs; of 29 citizens of Detroit; the congregation of the Presbyterian Church of Adrian; the congregation of the First Presbyterian Church of Jackson; the Foreign Missionary Society of the First Presbyterian Church of Saginaw; the Home Missionary Society of the First Presbyterian Church of Saginaw; the Woman's Missionary Society of the Second Memorial Church, of Detroit; the Woman's Christian Temperance Union of Laingsburg; of 20 citizens of Benzonia, and of the Woman's Home and Foreign Mission Society of the Presbyterian Church of Decatur, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woodland Creamery Company; of H. E. Miller; of the Leonidas Locust Farm Creamery, of Adrian; the Cherry Creek Stock Farm, of Hilliards; of Orrin J. Stone, of Kalamazoo; of W. G. Hoffman, of Ida; of J. W. Henley, of Adrian; of V. A. Shubkland, of Sandlake; of A. J. Uphams, of Ida; of A. Hardy, of Burnips Corners; of John Munn, of Salem; of Hershel S. Munn, of Salem; of W. E. Locklin, of Leslie; of E. C. Cowell, of Unionville; of the Martin Creamery Company, of Martin; of J. O. Pengra, of Unionville; of S. D. Towers, of Kalamazoo; of Samuel T. Meredith, of Edwardsburg; of B. A. Joy, of Albion; of D. J. Johnson, of Augusta; of Peter Nelson, of Bark River; of W. J. Miller, of Leonidas; of B. S. Hally, of Woodland, and of D. C. Dean, of Adrian, all in the State of Michigan, praying for the enactment of legislation relative to the sale and manufacture of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. SCOTT presented 90 petitions of citizens of West Virginia, praying for the enactment of legislation relative to the sale and manufacture of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. PERKINS presented a petition of the congregation of the United Presbyterian Church of Easton, Cal., praying for the enactment of legislation to prohibit the sale of intoxicating liquors on premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of the board of directors of the Manufacturers and Producers' Association of California, praying for the construction of the Nicaraguan Canal; which was referred to the Committee on Interoceanic Canals.

He also presented a petition of the Chamber of Commerce of Riverside, Cal., praying for the enactment of legislation relative to the reclamation of arid land in the United States; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of the board of directors of the Manufacturers and Producers' Association of California, praying for the enactment of legislation to provide for the preservation, reclamation, and settlement of the public domain; which was referred to the Committee on Public Lands.

He also presented a petition of the Chamber of Commerce of San Diego, Cal., praying that an increased appropriation be made for the maintenance of the hydrographic branch of the United States Geological Survey; which was referred to the Committee on Appropriations.

He also presented petitions of the Christian Endeavor Society, the Epworth League, the Woman's Christian Temperance Union, the congregations of the Methodist Episcopal Church and the Congregational Church, all of Oroville, and a petition of the congregation of the Methodist Episcopal Church of Linden, all in the State of California, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, or canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

Mr. HALE presented petitions of the Woman's Christian Temperance Union of Winthrop, the Young Woman's Christian Temperance Union of Bangor, the Woman's Christian Temperance Union of Bangor, and of V. L. Coffin and sundry other citizens of Harrington, all in the State of Maine, praying for an adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented a petition of the Fletcher National Bank; the Indiana National Bank; the Merchants' National Bank; the Capital National Bank; the State Bank of Indiana; the Indiana Trust Company; the Union Trust Company; the Marion Trust Company, and the Central Trust Company, all of Indianapolis, in the State of Indiana, praying for the repeal of the stamp tax on checks, drafts, notes, deeds, etc.; which was referred to the Committee on Finance.

He also presented a petition of the National Coopers' Association, praying for the enactment of legislation to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

Mr. FRYE presented a petition of the Woman's Christian Temperance Union of Fairfield, Me., praying for the enactment of legislation to prohibit the importation of intoxicating liquors into the Philippine Islands, etc.; which was referred to the Committee on the Philippines.

He also presented fifteen petitions of citizens of Maine, praying for the enactment of legislation relative to the sale and manufacture of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Jedediah J. Varney, of Unity, and 9 other citizens; of 17 citizens of Windham, of the Woman's Christian Temperance Union of Bangor, the Woman's Christian Temperance Union of Winthrop, the Young Woman's Christian Temperance Union of Bangor, of the congregations of the Church of Friends of the Third Congressional district, and of the Church of Friends of Vassalboro, all in the State of Maine, praying for an adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Methodist Episcopal Church of Ellicott City, Md., praying for the enactment of legislation to prohibit the importation of intoxicating liquors into countries inhabited by native races; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Publishers' Press Association of New York, praying that they be granted the privileges of the floor of the Senate; which was referred to the Committee on Rules.

Mr. FRYE. I present resolutions adopted by the National Farmers' Congress, praying that liberal appropriations be made for river and harbor improvements; that the mail service to Brazil be under the American flag; for the construction of an interoceanic canal, and for governmental aid to our merchant marine, etc., and remonstrating against the leasing of public lands. The petitioners request that the resolutions be printed as a document. Is there objection to the request? The Chair hears none, and it is so ordered.

SUPREME COURT FOR THE PHILIPPINE ISLANDS.

Mr. STEWART. I introduce a bill to create a supreme court for the Philippine Islands, and I beg leave to call the attention of the Judiciary Committee to the importance of legislation of that character.

The bill provides for a supreme court, consisting of five judges with an annual salary of $20,000 each.

Mr. HOAR. I suppose that in the usage of the Senate, under the arrangement at any rate made last winter, it is not expected that the Judiciary Committee shall have jurisdiction, at the beginning, of this subject. Indeed, it is not the practice of the Senate to send a bill relating solely to the Territorial courts to the Judiciary Committee, but such measures go to the Committee on Territories. I think therefore this bill should go to the Committee on the Philippines.

The bill (S. 4962) to create a supreme court for the Philippine Islands was read twice by its title.

Mr. STEWART. I wish to make one further remark in regard to the bill. Our Territorial system of judges has been a success in the agricultural parts of the country, but it has been a failure in the mining regions where great interests were involved. The supreme court, as provided for in this bill, would have appellate jurisdiction in all matters and the appointment of all inferior judges. This matter must be taken hold of earnestly or we will have on a large scale a repetition of what has occurred in many of our mining States where the judiciary system has been utterly inadequate for a mining community or a community far off where there are great interests involved.

It is idle to send a man out on a salary of $3,000 a year where he has to spend $10,000 to live and where millions are involved in cases that come before him. The bill makes provision for a very urgent matter—I believe it is the most important matter connected with governing our newly acquired territory. To do justice there you must have the appointing power on the ground, and you must give sufficient salary to take judges from the top of the bar if you expect success.

I am not particular as to what committee it goes, but it seems to me that the Judiciary Committee should have charge of the bill.

Mr. LODGE. As the bill relates to the Philippine Islands, I suggest that it go to that committee.

Mr. STEWART. Very well; let it go there.

The PRESIDENT pro tempore. The bill will be referred to the Committee on the Philippines.

BILLS INTRODUCED.

Mr. WOLCOTT introduced a bill (S. 4963) for the relief of Frank W. Howbert; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4964) granting an increase of pension to Edward Conrey;

A bill (S. 4965) granting a pension to Thomas Robbins;

A bill (S. 4966) granting a pension to Jose Pablo Garcia;

A bill (S. 4967) granting an increase of pension to Solomon D. Taylor;

A bill (S. 4968) granting an increase of pension to John Milburn;

A bill (S. 4969) granting a pension to Edgar L. Beckwith;

A bill (S. 4970) granting an increase of pension to Stanley M. Casper;

A bill (S. 4971) granting an increase of pension to George H. Smith (with an accompanying paper);

A bill (S. 4972) granting an increase of pension to Edward D. Lashley;

A bill (S. 4973) granting an increase of pension to Dallas W. Spencer (with an accompanying paper);

A bill (S. 4974) granting a pension to Mary Pollock;

A bill (S. 4975) granting a pension to F. J. Landis (with accompanying papers);

A bill (S. 4976) granting an increase of pension to Charles W. Brown; and

A bill (S. 4977) granting an increase of pension to Charles W. Scherzer.

Mr. SCOTT introduced a bill (S. 4978) for the relief of Richard Emmons and others; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4979) for the relief of the estate of Daniel Heflebower, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4980) to authorize the issuance of a patent to James Seldon Cowdon upon the payment of certain fees; which was read twice by its title, and referred to the Committee on Patents.

Mr. McCUMBER introduced a bill (S. 4981) to repeal the bankrupt law; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HAWLEY introduced a bill (S. 4982) for the reorganization of the Army of the United States, and for other purposes; which was read twice by its title.

Mr. HAWLEY. To accompany the bill I present an explanatory letter from the Secretary of War, which I move be printed, and that it be referred, with the bill, to the Committee on Military Affairs.

The motion was agreed to.

Mr. HAWLEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4983) granting a pension to Louisa A. Crosby;

A bill (S. 4984) granting an increase of pension to Joseph H. Barnum; and

A bill (S. 4985) granting an increase of pension to Dr. George C. Jarvis.

Mr. HALE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, which were ordered to be printed, referred to the Committee on Naval Affairs:

A bill (S. 4986) relating to the examination for promotion of warrant officers in the Navy;

A bill (S. 4987) authorizing the President to reclassify vessels of the Navy, and to formulate rules governing assignments to command; and

A bill (S. 4988) to amend an act entitled "An act to amend section thirty-seven hundred and nineteen of the Revised Statutes, relative to guaranties on proposals for naval supplies."

Mr. FAIRBANKS introduced a bill (S. 4989) to enable the people of Oklahoma to form a constitution and State government and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to said State; which was read twice by its title, and referred to the Committee on Territories.

Mr. PLATT of New York introduced a bill (S. 4990) for the relief of James Chieves; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 4991) for the relief of William C. Bragg; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4992) for the relief of the estate of George W. Drake, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4993) for the relief of the estates of Mrs. Amy Anderson, deceased, Robert K. Anderson, deceased, and Adeliza Pickett Quays, deceased;

A bill (S. 4994) for the relief of the estate of Henry Bauman, deceased;

A bill (S. 4995) for the relief of Evelyn Clark;

A bill (S. 4996) for the relief of the estate of George W. Dyson, deceased;

A bill (S. 4997) for the relief of Victorie C. Avet and of the estate of Vincent Avet;

A bill (S. 4998) for the relief of Mrs. E. H. Briant; and

A bill (S. 4999) for the relief of James A. Verret, administrator of Adolphe Verret, deceased.

Mr. LINDSAY introduced a bill (S. 5000) granting an increase of pension to Etta Scott Mitchell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MONEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5001) for the relief of Mrs. M. H. Coles;

A bill (S. 5002) for the relief of the estates of Robert Bradley and Mary C. Bradley, deceased;

A bill (S. 5003) for the relief of the estate of James A. Ford, deceased; and

A bill (S. 5004) for the relief of the estate of R. T. Brown, deceased.

Mr. KENNEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5005) granting an increase of pension to Frederick Vogel;

A bill (S. 5006) granting an increase of pension to John T. Comegys;

A bill (S. 5007) granting an increase of pension to George N. Tarburton;

A bill (S. 5008) granting a pension to David Pollock;

A bill (S. 5009) granting an increase of pension to Cornelius Ridgway; and

A bill (S. 5010) granting a pension to Thomas E. Clark.

Mr. KENNEY introduced a bill (S. 5011) to remove the charge of desertion from the military record of John W. Cheesman; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PENROSE introduced a bill (S. 5012) to establish a national military park at Valley Forge, Pa.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5013) creating the office of superintendent and inspector of national cemeteries under the authority and control of the United States, and providing for the same; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5014) to authorize the Fourth Pool Connecting Railroad Company to construct and maintain a bridge across the Monongahela River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5015) granting a pension to Betsey L. Woodman;

A bill (S. 5016) granting an increase of pension to Francis H. Buffum; and

A bill (S. 5017) granting a pension to George H. Shapley.

Mr. SEWELL introduced a bill (S. 5018) to incorporate the National Army Relief Society; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CLAY introduced a bill (S. 5019) granting an increase of pension to Julia Crenshaw; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5020) to admit free of duty articles controlled by a trust; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 5021) to provide for refunding the tax laid and collected on raw cotton in the event that the Supreme Court holds the laws under which the same was collected to have been unconstitutional; which was read twice by its title, and referred to the Committee on Finance.

Mr. LODGE introduced a bill (S. 5022) to provide for the establishment of a port of delivery at Fall River, Mass.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 5023) to provide for the establishment of a port of delivery at New Bedford, Mass.; which was read twice by its title, and referred to the Committee on Commerce.

REPORT ON REINDEER IN ALASKA.

Mr. TELLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to transmit to the Senate the report of Dr. Sheldon Jackson upon "The introduction of domestic reindeer into the district of Alaska," for 1900.

COMMITTEE SERVICE.

On motion of Mr. ALDRICH, it was

Ordered, That Mr. DILLINGHAM be appointed to fill vacancies on the following committees: To Examine the Several Branches of the Civil Service, Engrossed Bills, Territories, Transportation Routes to the Seaboard, Additional Accommodations for the Library of Congress (select), and Indian Depredations; and

That Mr. DOLLIVER be appointed to fill vacancies on the following committees: Pacific Railroads, Agriculture and Forestry, Education and Labor, Interstate Commerce, Post-Offices and Post-Roads, and Improvement of the Mississippi River and its Tributaries.

ASSISTANT CLERK TO COMMITTEE ON PRINTING.

Mr. PLATT of New York submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Printing be, and it hereby is, authorized to employ an assistant clerk, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided for by law.

CUBAN POSTAL SERVICE.

Mr. PETTIGREW. I offer a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Postmaster-General be, and he is hereby, directed to send to the Senate all the information in his possession in relation to frauds in the postal service of Cuba.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. PLATT of Connecticut. Let it go over, Mr. President.

The PRESIDENT pro tempore. The resolution lies over under objection.

MESSENGER FOR COMMITTEE.

Mr. BURROWS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, directed to appoint a messenger for the Committee on Privileges and Elections, whose services shall be devoted exclusively to the business of said committee, and that the messenger so appointed shall be selected by said committee, and paid from the contingent fund of the Senate at the rate of $1,440 per annum until otherwise provided by law.

AID TO ASYLUMS FOR THE BLIND.

The PRESIDENT pro tempore. If there be no further concurrent or other resolutions, the Calendar under Rule VIII is in order. The Secretary will report the first case on the Calendar.

The bill (S. 706) granting to the State of Montana 50,000 acres of land to aid in the establishment and maintenance of an asylum for the blind was announced as first in order on the Calendar; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. Is there a report with the bill?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Chair is informed that no written report has been made.

Mr. COCKRELL. I should like to have the Senator from Montana explain the effect of the bill.

Mr. CARTER. Mr. President, the bill merely provides for what, I think, is provided in other cases, but not in this particular enabling act—the donation of public lands to establish and maintain a school for the blind. There was a provision made for the deaf and dumb, but not for the blind in our State. We are maintaining such a school, and it seems but proper that this indemnity or grant should be made in order to assist in maintaining the school.

The General Government is somewhat interested in the school, because the local school maintained by the State has been burdened with the care of blind from the Indian reservations, for whom no provision of law has been made and for which no compensation has been allowed. It is but an auxiliary to the maintenance of this school, and I think it is a just appropriation.

Mr. PETTIGREW. The same enabling act applies to South Dakota. The State of South Dakota has recently built a school for the blind. I therefore move to insert the words "and South Dakota" after the word "Montana" in the bill.

Mr. PLATT of Connecticut. Let the bill be read, so that we may know what it is.

Mr. WOLCOTT. I desire also to add an amendment. It seems there was an omission in the enabling act, and there was no grant of public lands for institutions for the blind. At the proper time I shall want to add "and the State of Colorado."

The PRESIDING OFFICER. The amendment proposed by the Senator from South Dakota will be read.

The SECRETARY. It is proposed to amend by adding at the end of line 4, after the word "Montana," the words "and South Dakota."

Mr. WOLCOTT. And after the words "South Dakota" add "and Colorado."

The PRESIDING OFFICER. The Senator from Colorado moves to amend by adding what will be read.

Mr. PLATT of Connecticut. And then you will provide for 50,000 acres each?

Mr. WOLCOTT. Yes.

The SECRETARY. After the amendment it is proposed to add the words "and Colorado," so that the bill will read as follows:

Be it enacted, etc., That there be, and is hereby, granted 50,000 acres of the unappropriated public lands within the State of Montana, South Dakota, and Colorado unto said State, to be selected by the proper authorities thereof, to aid in the establishment and maintenance of an institution for the blind, which institution may be established and maintained separately or in conjunction with the asylum for the care and maintenance of the deaf and dumb.

Mr. SHOUP. Mr. President——

The PRESIDING OFFICER. The Chair will suggest that the word "State" will be changed by consent to the plural, provided the amendments prevail. The question is on agreeing to the amendment to the amendment.

Mr. ALLISON. I would be glad to have read the sections of the enabling act that apply to this matter.

Mr. ALDRICH. We had better get all the States in first.

Mr. ALLISON. Very well; later on let it be read.

The PRESIDING OFFICER. The Senator from Idaho [Mr. SHOUP] is recognized.

Mr. SHOUP. I move that Idaho be also added to the States named.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Idaho that no further amendment can be received at the present time. The question is on the amendment of the Senator from Colorado [Mr. WOLCOTT] to the amendment of the Senator from South Dakota [Mr. PETTIGREW], inserting the words "and Colorado."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is upon the amendment of the Senator from South Dakota as amended.

The amendment as amended was agreed to.

Mr. PETTIGREW. I desire to have the bill amended so that 50,000 acres will be donated to each institution. The bill as it now reads carries only 50,000 acres for one institution.

The PRESIDING OFFICER. Will the Senator from South Dakota kindly prepare his amendment and send it to the desk?

Mr. PETTIGREW. I think the clerks can put it in in proper form. "Fifty thousand acres each for the following States," I think, would be the proper wording.

Mr. ALDRICH. This is a complicated sort of a bill, and I suggest that it had better be recommitted to the committee to prepare the amendments.

The PRESIDING OFFICER. Does the Senator from Rhode Island make that motion?

Mr. ALDRICH. I do.

The PRESIDING OFFICER. The Senator from Rhode Island moves that the bill be recommitted to the Committee on Public Lands.

The motion was agreed to.

DEPOSITIONS BEFORE NAVAL COURTS.

Mr. HALE. There are one or two bills that are important for the operations of the Navy Department to which there is no objection and which I wish to have passed. The first one is Order of Business 533, Senate bill 1358. I ask to have taken up the bill (S. 1358) to authorize the use of depositions before naval courts in certain cases. There are two bills on the Calendar that are necessary to the taking of testimony in the Navy Department.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent for the present consideration of a bill which will be read for the information of the Senate.

Mr. HALE. The bill will speak for itself as it is read.

The Secretary read the bill (S. 1358) to authorize the use of depositions before naval courts in certain cases, and by unanimous consent the Senate as in Committee of the Whole proceeded to its consideration. It provides that the depositions of witnesses stationed or residing at such a distance from the place at which a naval court is ordered to sit, or who are under orders and about to go to such a distance that it is not practicable to secure their personal attendance without incurring great expense or serious loss of time, if taken on reasonable notice to the opposite party and duly authenticated, may be put in evidence before such court in cases not capital.

The bill was reported to the Senate without ammendment.

Mr. VEST. Let the bill be again read.

The PRESIDING OFFICER. The bill will be again read.

The Secretary read the bill.

Mr. VEST. Mr. President, do I understand that bill to provide that in anything less than a capital case a deposition can be read without the consent of the accused?

Mr. HALE. No; it is just the reverse.

Mr. VEST. Then I did not catch the meaning of the bill. It says "either party."

Mr. HALE. It excepts capital cases.

Mr. VEST. I understand; but how does the Senator dispose of that clause of the Constitution which provides that in all criminal cases the accused shall be entitled to be confronted with the witnesses? Suppose a man is accused of robbery or any of the felonies below murder, can you force him to submit to evidence taken by deposition without his consent? It seems to me that the bill is clearly unconstitutional.

Mr. HALE. The committee considered that, and did not believe that courts-martial came under the provision of the Constitution. Nearly all courts-martial are for the trial of small offenses, involving no heavy punishment. In many cases it is impossible, except at great expense and delay, to examine witnesses; and the committee did not consider, when capital cases are excepted, that any harm would result. Of course, as the Senator from Connecticut [Mr. PLATT] suggests to me, wherever the provision of the Constitution applies, the accused has the right to trial by jury. These, of course, are not in that class of cases. I have no idea that any harm can come from the bill.

Mr. MORGAN. If the committee would insert an amendment that depositions taken at the instance of the accused might be read in evidence, that would be all right, but certainly in every criminal proceeding the accused has the right to be confronted by the witnesses. Here is a man locked up in prison; the case comes to trial before a court-martial; he can not get out on bail to go and attend the examination, to examine or cross-examine the witnesses upon such matters as might arise in the course of the trial. The constitutional provision is necessary in every one of the judicial tribunals of the United States, and more eminently so in courts-martial. Courts-martial should know that they are subject to the provisions of the Constitution of the United States, and that those provisions can not be violated. I suggest to the Senator from Maine that he insert the words "at the instance of the accused."

Mr. HALE. There was so much noise in the Chamber that I could not hear the Senator.

Mr. MORGAN. I suggest to the Senator to put in the words "depositions taken at the instance of the accused." That, I think, will dispel the objection.

The PRESIDING OFFICER. Senators will please take their seats and visitors to the Senate Chamber will preserve order.

Mr. HALE. Let the bill be read as proposed to be amended, so that we can see how it would stand.

The Secretary read as follows:

Be it enacted, etc., That the depositions, taken at the instance of the accused, of witnesses stationed or residing at such a distance from the place at which a naval court is ordered to sit, or who are under orders and about to go to such a distance that it is not practicable to secure their personal attendance without incurring great expense or serious loss of time, if taken on reasonable notice to the opposite party and duly authenticated, may be put in evidence before such court in cases not capital.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Alabama [Mr. MORGAN].

The amendment was agreed to.

Mr. TELLER. I should like to have the bill read. I have not heard a word the Senator from Alabama said. It was utterly impossible to hear a word. It was not his fault, but the fault of the Senate. I have tried to listen to the reading and discussion of this bill, but I do not know any more about it than if it had not been read, though I sit within a few feet of the Senator who has it in charge. I do not know how important this bill may be.

Mr. COCKRELL. Let us have order, Mr. President, and let us stop business until we do have it.

Mr. TELLER. It seems to me that this is an important bill, and I think we had better suspend operations until order is restored and then have the bill read. I heard something said about trial by jury in a military court. If there is any such opportunity allowed to the accused, I should like to know exactly how it comes, and what provision is made for it. I have been under the impression that in a military court there was not much opportunity for a man to defend himself, and that the right of trial by jury was not accorded to him under those circumstances.

Mr. HALE. Of course not, and the statement I made was to that effect. This is a matter in which the accused certainly ought to have an opportunity, on giving notice to the other side, to take depositions to be used in court-martial cases. Under the amendment suggested by the Senator from Alabama it only applies to the side of the accused, and no harm can come from it. As I said, in many of these cases the charges are what we may call slight; the punishment is slight; and the party accused ought to have the opportunity of giving notice to the Government and taking depositions, which can be done at very little expense, where it would be impossible for him to attend when he is a thousand miles away.

Mr. TELLER. I am not going to object to the bill. I think the accused ought to have that right, but I was in absolute ignorance of whether this was a provision for the benefit of the accused, or whether it was in the interest of the Government and against the accused. If it is an attempt to give greater protection to the individual charged with an offense, I am in favor of it.

The PRESIDING OFFICER. The Chair will once more request that the Senate shall be in order. Senators will please resume their seats and visitors to the Senate Chamber will observe the rules of the Senate. The Chair will call the attention of the Sergeant-at-Arms to the necessity of enforcing the rule. [A pause.] The Senator from Colorado asks that the bill be again read.

Mr. COCKRELL. Let us have the rule enforced, Mr. President.

Mr. TELLER. I should like to have the bill read. It has not been read in the hearing of the Senate.

The PRESIDING OFFICER. The Chair has so ordered.

Mr. COCKRELL. I insist before the bill is read that we shall have order. We have plenty of time. The whole session is before us now, and let us start out with good order.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary again read the bill as amended.

Mr. HOAR. Who is to determine under the bill what seems to be an essential preliminary to the validity of a deposition whether the evidence can be had and whether the party can not attend? It seems to me that there should be somewhere lodged the power to decide that question. The court-martial, when a deposition is offered, or the magistrate who takes the deposition, or somebody should determine that question, because the deposition is valid in one case and in the other it is not.

Mr. HALE. Of course, we can make no iron rule that shall settle that. I can not conceive of any language that is better than that employed in the bill. It is only to be done in such cases. I suppose if the privilege is abused, or if it was sought to give the deposition of a witness who was near by and whom the court knew could be had, the court would not receive the deposition, but would send for the witness. For the present I can not think of any description that would settle that any better than it is now. The court itself must decide whether it will receive the deposition under the circumstances, as all courts do.

Mr. HOAR. Suppose there should be added these words, which will carry out the idea suggested by the Senator:

Such deposition to be admissible in case the tribunal to whom it is offered find that the aforesaid cause for taking the same exist.

Mr. HALE. That would put it in a form which would undoubtedly be the practice.

Mr. HOAR. I dare say it might be, but I think it better to have the words inserted.

Mr. HALE. There is no objection to that.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts [Mr. HOAR] will be stated.

The SECRETARY. At the end of the bill it is proposed to add:

Such deposition to be admissible in case the tribunal to whom it is offered find that the aforesaid cause for taking the same exist.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. Before the next bill in order on the Calendar will be stated, the Chair would say to the Senator from Maine that he understood the Senator to state that he had another bill which he desired to be acted upon by the Senate.

Mr. HALE. I have sent for the other bill, but I want to examine it a little further, and will not call it up now.

The PRESIDING OFFICER. The Calendar will be proceeded with.

ABRAM G. HOYT.

The bill (S. 1981) for the relief of Abram G. Hoyt was announced as next in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. Let the report be read in that case, Mr. President.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report submitted by Mr. WARREN February 5, 1900, as follows:

The Committee on Claims, to whom was referred the bill (S. 1981) for the relief of Abram G. Hoyt, having had the same under consideration, submit the following report thereon:

In the Fifty-first Congress H. R. 3609, in similar language, was favorably reported to the House from the Committee on Claims by House Report No. 1658, which your committee adopt as their report and recommend the passage of the bill.

The report is as follows:

[House Report No. 1658, Fifty-first Congress, first session.]

The Committee on Claims, to whom was referred the bill (H. R. 3609) for the relief of Abram G. Hoyt, having carefully considered the same, beg leave to submit the following report:

Abram G. Hoyt, of Wilkesbarre, Pa., was, during the year 1876, designated depositary of the United States in the city of Santa Fe, Territory of New Mexico. One A. P. Gates was employed in the office of the designated depositary as a clerk, having the care and charge of the books and papers pertaining to the duties of the said office. He came to Mr. Hoyt highly recommended by gentlemen of character and high standing.

Between February 23, 1876, and March 17, 1876, while engaged in making a thorough examination of the books and papers of the designated depositary, Mr. Hoyt discovered that Gates had committed an embezzlement of $2,943.62; that the books had been altered, and that the balances in many instances were false ones. Previous to the date of this examination Mr. Hoyt was ignorant of the defalcation of Gates. Upon verifying the fact he at once replaced the entire amount of the embezzlement.

Gates was first employed in the said office on or about the 1st day of August, 1874, and so remained as a clerk up to the 23d day of February, 1876, when his employment ceased.

In December, 1874, he stole a check after it had been paid by Mr. Hoyt, and previous to its cancellation. The check was signed by Capt. A. J. McGonigle, assistant quartermaster, for the sum of $188.98. Gates negotiated the check after it had been paid, and had it paid a second time by said Hoyt; and thereafter, from December, 1874, until February 23, 1876, he at divers times stole and negotiated certain checks in the same manner, and Mr. Hoyt paid them all a second time.

Through the efforts of Mr. Hoyt, Gates was arrested, tried, and convicted of the theft, and sentenced to two years' imprisonment.

The committee recommend the passage of the bill.

Mr. ALDRICH. I should like to ask some member of the committee—I do not see the Senator who reported the bill in his seat—whether they think it desirable to establish the precedent that a designated depository shall be reimbursed for money stolen by trusted employees? I have in mind the case of the First National Bank of New York, which lost $790,000 through a trusted employee. Is the Government of the United States to be held responsible for the repayment of that money? In the absence of the chairman of the committee reporting the bill, I think it had better go over unless some Senator can explain it.

Mr. HALE. Let the bill go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

PROTESTANT EPISCOPAL CHURCH OF THE DIOCESE OF WASHINGTON.

The bill (S. 2399) to amend section 2 of an act entitled "An act to incorporate the convention of the Protestant Episcopal Church of the Diocese of Washington" was considered as in Committee of the Whole.

Mr. COCKRELL. Is there a report accompanying the bill?

The PRESIDING OFFICER. There is.

Mr. COCKRELL. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report submitted by Mr. BAKER February 5, 1900, as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 2399) to amend section 2 of an act entitled "An act to incorporate the convention of the Protestant Episcopal Church of the diocese of Washington," make a favorable report thereon. The object of the bill is to remove the ambiguity in the original act of incorporation, so as to make it certain that the corporation referred to shall have power to take contributions and bequests for the purpose of the episcopal residence and such educational institutions as may be founded by the convention.

The favorable report of the Commissioners of the District of Columbia is given below.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 25, 1900.

DEAR SIR: The Commissioners of the District of Columbia recommend favorable action upon Senate bill 2399, "To amend section 2 of an act entitled 'An act to incorporate the convention of the Protestant Episcopal Church of the diocese of Washington,'" which was referred to them at your instance for their examination and report.

The object of this bill is to remove any doubt there may be as to the right of the body corporate under said act to take and hold real estate, under the words "grants and devises," for the purpose of an episcopal residence, diocesan house, church, colleges, church or parish schools, etc. There has been some question whether under section 2 of the act of March 16, 1896, the corporation may take real estate by deed or will.

Very respectfully,

JOHN B. WIGHT, *President.*

Senator JAMES MCMILLAN,
Chairman Committee on the District of Columbia,
United States Senate.

Mr. COCKRELL. There is a question under the language of this bill as to the quantity of real estate that may be held. I think it is entirely too indefinite. I sent for the original law of March 16, 1896, which this bill proposes to amend so as to give greater power to the Protestant Episcopal Church of the diocese of Washington to hold real estate according to the report which has just been read. The question now is whether under this new grant of power they could not hold real estate indefinitely, and I should like to have a limitation on that power.

I call the attention of the Senator reporting the bill to the exact language as it occurs here:

That the said corporation shall have full power and authority to take and hold subscriptions, contributions, donations, grants, devises, or bequests, in money, real estate, or otherwise, which heretofore have been made or which may hereafter be made for the purpose of an episcopal residence, diocesan house, church colleges, church or parish schools, churches, or mission chapels, and for the purpose of creating a permanent fund or endowment for the support of the episcopate in said diocese.

The language of the bill would extend the right to hold real estate to any and every purpose. They could hold land for endowment purposes. I move to amend by adding at the end of the bill the words:

And provided further, That under this act no real estate shall be held for any other purpose than an episcopal residence, diocesan house, church colleges, church or parish schools, churches, and mission chapels.

Mr. MCCOMAS. I think if the Senator will add the words "or for similar uses" it will answer his purpose.

Mr. COCKRELL. I do not know about "similar uses." You might extend that indefinitely.

Mr. MCCOMAS. No; it must be of like kind.

Mr. COCKRELL. I do not believe in granting to any corporation the power to hold indefinite amounts of real estate.

Mr. MCCOMAS. The object of the bill is not to do other than what the Senator desires.

Mr. COCKRELL. I understand that.

Mr. MCCOMAS. But if you begin to specify you may exclude unwittingly, and if you add the words "or for like uses" you will serve your purpose and there will be no objection to the amendment.

Mr. COCKRELL. I do not see that there are "like uses;" and if that language is employed, who is to determine what those "like uses" are and all that? What other uses can they have for the land except for an episcopal residence? That is all that is named here. Then, there is a drag net at the end of the bill. I want to get it right.

The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri [Mr. COCKRELL] will be stated.

The SECRETARY. At the end of the bill it is proposed to add the following:

And provided further, That under this act no real estate shall be held for any other purpose than an episcopal residence, diocesan house, church colleges, church or parish schools, churches, and mission chapels.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri.

Mr. MCCOMAS. Before the question is put, I would suggest to the Senator to use words giving a little more latitude, such as "for the like purposes," which he really has in mind.

Mr. COCKRELL. What would be a "like purpose?" Let us see. We understand the English language just about as well as the ordinary average person, and let us specify what that like purpose is.

Mr. PLATT of Connecticut. An orphan asylum, for instance.

Mr. McCOMAS. Yes; an orphan asylum might be one.

Mr. COCKRELL. I am willing to put that in, but I do not want the bill to so read that the object for which it is designed can be avoided.

Mr. McCOMAS. I think perhaps the language in connection with the bill may be broad enough.

Mr. COCKRELL. I think it is ample.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

N. M. BROOKS.

Mr. LODGE. I ask unanimous consent to take from the Calendar two small bills reported from the Committee on Foreign Relations, which are merely formal in character and will excite no debate. The first one is the bill (S. 4284) to authorize Capt. N. M. Brooks, Superintendent of Foreign Mails, Post-Office Department, to accept a decoration tendered to him by the Emperor of Germany.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HON. GEORGE D. MEIKLEJOHN.

Mr. LODGE. The next measure for which I ask present consideration is the bill (S. 4439) to authorize Hon. George D. Meiklejohn, Assistant Secretary of War, to accept a decoration tendered to him by the Government of Sweden and Norway.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IRA J. PAXTON.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 4830) to correct the military record of Ira J. Paxton.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to insert at the end of the bill the words "on account of being under 18 years of age," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to remove the charge of desertion from the military record of Ira J. Paxton, late a private in Company I, Eighth Regiment Missouri State Militia, and to issue to him a discharge as of date August 2, 1862, on account of being under 18 years of age.

The amendment was agreed to.

Mr. ALDRICH. Is there a report in the case?

The PRESIDING OFFICER. There is.

Mr. ALDRICH. I ask that the report may be read.

The PRESIDING OFFICER. The report will be read.

The report submitted by Mr. COCKRELL May 31, 1900, was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 4830) to correct the military record of Ira J. Paxton, have duly considered the same and submit the following report:

This bill directs the Secretary of War to remove the charge of desertion from the military record of Ira J. Paxton and issue to him an honorable discharge as of date August 2, 1862.

Your committee hereto attach the letter from the War Department as part of this report. The facts, as shown by the petition of the claimant, verified by his affidavit and by the affidavits of his father, brother, and several citizens and comrades, are that claimant was born December 12, 1845, and on March 13, 1862, being 16 years and 9 months old, enlisted in Company I, Eighth Regiment Missouri State Militia, without the permission or consent of his father and against his wishes and without his knowledge.

The company afterwards camped near his father's residence. His father visited the camp and begged his minor son to return home to aid him and his mother to care for five small children at home. His father's importunities continued, adding that his three older brothers were defending the flag and country, and finally the son yielded to the demands of his father and returned home and remained there during the war openly, and known to the company officers and soldiers, who were at times camped in the neighborhood, and visited his father's house and saw and talked with him and never asked for his return and never made any complaints to him for his absence.

Under the law at the time there was no authority to enlist or accept him of his then age into the service, and such enlistment was in violation of the law and orders.

His father could have had him discharged on writ of habeas corpus beyond any doubt, and in such a case the War Department has authority to remove such charge and issue discharge. It is perfectly manifest that this soldier did not intend to desert the flag or the cause of his country, and did not believe he was committing any offense, and did believe that, in obedience to his father's demands, he was doing right in staying at home to aid his parents and his brothers and sisters, only small children. He did not know that he was charged with desertion until after the close of the war.

The War Department has no authority to remove such charge and the case is exceptional.

Your committee believe that this stain upon the record of this soldier and citizen should be removed, and a discharge granted to him as of date August 2, 1862, and report the bill back to the Senate and recommend its passage with an amendment by adding "on account of being under the age of 18 years."

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, March 30, 1900.

SIR: In reply to your letter of yesterday, received to-day, in which you request to be furnished with the complete military and medical record of Ira J. Paxton, as of Company I, Eighth Missouri State Militia, together with such facts as the records show relative to the soldier's desertion, etc., I beg to inform you that the records show that Ira J. Paxton was enrolled March 13, 1862, at Linn Creek, Mo., as a private in Captain Reeder's company, Missouri State Militia, which eventually became Company I, Eighth Missouri State Militia Cavalry, and that he deserted at Warsaw, Mo., August 2, 1862, never thereafter returning to his command, which remained in the service until April 23, 1865. It does not appear that he was under medical treatment at any time during his service.

It is stated on the records that he was born in Hickory County, Mo.; was 18 years of age at the time of enlistment; by occupation, a farmer; 5 feet 3½ inches high; of fair complexion, and that he had hazel eyes and dark hair.

No record has been found of any application for removal of the charge of desertion, nor does it appear that the case has heretofore been under investigation.

It is proper to add that in the absence of an explanation of the circumstances under which this soldier left his command, and of his failure to return thereto, the Department is unable to determine whether the case is covered by the provisions of the act of Congress approved March 2, 1889, the law governing the subject of removal of charges of desertion.

Very respectfully,

JOHN TWEEDALE,
Acting Chief Record and Pension Office.

Hon. F. M. COCKRELL, *United States Senate.*

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLARA H. FULFORD.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of the bill (S. 21) for the relief of Clara H. Fulford.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent for the present consideration of the bill which will be read for the information of the Senate.

The Secretary read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PLATT of Connecticut. Is there a report?

Mr. PETTIGREW. There is a report.

Mr. PLATT of Connecticut. Is it a long report? If it is not long, I should like to hear it read.

The PRESIDING OFFICER. The report will be read.

Mr. PETTIGREW. I think I can state the facts. The report is quite long.

Mr. COCKRELL. It is a short report. Let it be read.

The report (submitted by Mr. TELLER June 2, 1900) was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 21) for the relief of Clara H. Fulford, having considered the same, respectfully recommend that the bill shall pass.

Your committee further report that Congress passed an act which was approved January 20, 1897, and is as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and is hereby, instructed to redeem, in favor of the heirs at law of D. Fulford, two bonds of the United States, consols of 1867, of the denomination of $500, $100, and known as five-twenties, said bonds having been destroyed by fire the 9th day of July, 1872, and to pay to the heirs at law of said D. Fulford the amount of said bonds, together with accrued interest from July 1, 1872, to the date of the maturity of said bonds.

"SEC. 2. That the said heirs of D. Fulford shall also execute and file with the Secretary of the Treasury a bond with sufficient sureties, to be approved by the Secretary of the Treasury, in the penalty of $2,000, conditioned to save harmless the United States from loss or liability on account of said bonds or the interest accrued thereon: *Provided*, That as it appears from the records of the Treasury Department that there are now outstanding and unpaid a $100 coupon bond, No. 83482, and two $500 coupon bonds, Nos. 12792 and 34411, of the loan known as consols of 1867, of which the last coupon bears date of July 1, 1872, the Secretary of the Treasury is hereby authorized and directed to proceed against said bond of indemnity whenever said coupon bonds shall have been redeemed.

"Approved, January 20, 1897."

When the above bill was reported to the Senate by the Committee on Claims, the committee in its report said:

"It has been ascertained by your committee that D. Fulford, deceased, who is represented in this claim by his heirs, was a minister of the Methodist Church and a resident of Dekalb, N. Y., and was the owner of four Government bonds, one for $500 and one for $100 and two for $50 each. On the 9th of July, 1872, these bonds were destroyed in a fire which consumed his residence. He was unable to describe them or give their numbers, as he had failed to procure a record thereof. He had received payment of the coupons due July 1, 1872. His understanding was that all the bonds destroyed by fire were of the class known as consols of 1867. The accompanying letter of the Secretary of the Treasury confirms this understanding as to the $500 and $100 bonds, but indicates an error regarding the character of the two $50 bonds.

"Your committee has concluded upon the evidence that Mr. Fulford was the owner of the bonds described, and that the bonds were destroyed by fire as claimed. The Secretary of the Treasury answers in his communication, herewith submitted, that the outstanding $100 bond may be one of Mr. Fulford's burned bonds, but says he has no way of determining which, if either, of the two outstanding $500 bonds belonged to him. No process of investigation can bring the missing bonds any closer to identification than this. It is reasonable to presume that one of them was his property and that the $100 unredeemed bond of the same class was also his.

"Your committee is satisfied that the entire claim of the heirs of D. Fulford is a just one; that the Government was the recipient from him of the face of these bonds; and that he should be compensated, though unable, through misfortune, to present the evidence of governmental indebtedness.

"The accompanying paper hereto attached is submitted as part of this report.

"TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
"*Washington, D. C., January 25, 1896.*

"SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant, inclosing Senate bill for the relief of the heirs of D. Fulford, and requesting the opinion of the Department as to whether a bond of indemnity can be so framed as to protect the United States from loss should the bill become a law; and also desiring to know how many bonds are now outstanding and unpaid, known as consols of 1867, denominations of $100 and $500, of which the last coupon paid is dated July 1, 1872.

"In reply I have to inform you that Mr. Fulford made application to this Department for the payment of $700 United States 5.26 per cent coupon bonds, known as consols of 1867, alleged to have been destroyed by fire July 9, 1872, viz: Two bonds of the denominations of $50 each, one bond of $100, and one bond of $500. He was unable to give the numbers of the bonds, and his only means of identifying them was by the date of the last matured coupons detached and sold, which he said were dated July 1, 1872, he having collected the interest on the bonds to that date. An examination of the records of this Department shows that there are no $50 coupon bonds outstanding of the consols of 1867 of which the last coupon paid was dated July 1, 1872; and of the denominations of $100 and $500 of said loan there are found to be outstanding one bond of $100, No. 8382, and two of $500, Nos. 12792 and 34411, of which the last coupon paid was dated July 1, 1872. It is evident, therefore, that the $50 bonds alleged to have been destroyed do not belong to the loan of consols of 1867, and assuming that the $100 bond referred to is one of the lost bonds, there is apparently no way of determining which, if either, of the two $500 bonds was the property of Mr. Fulford.

"In view of these facts, and to further protect the Government against a second payment by reason of the passage of said bill, it is respectfully suggested that Senate bill be amended so as to cover the redemption of $600 only of the amount claimed, and that a proviso be inserted therein to the following effect, viz: '*Provided*, That as it appears from the records of the Treasury Department that there are now outstanding and unpaid a $100 coupon bond, No. 8382, and two $500 coupon bonds, Nos. 12792 and 34411, of the loan known as consols of 1867, of which the last coupon paid bears date of July 1, 1872, the Secretary of the Treasury is hereby authorized and directed to proceed against said bond of indemnity whenever said coupon bonds shall have been redeemed.'

"Very respectfully, S. WILKE, *Acting Secretary.*

"Hon. R. F. PETTIGREW,
"*United States Senate.*"

The two bonds of $50 each provided for in this bill are the bonds referred to in the above report, and are as yet unpaid.

It is the opinion of your committee that a bond can be prepared by the Treasury Department so as to protect the interest of the Government, and that the two $50 bonds should be paid.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ALDRICH. I should like to ask the Senator from Colorado [Mr. TELLER] what evidence the committee had of the burning of those bonds. This is a pretty dangerous precedent to establish.

Mr. TELLER. So far as that is concerned, there was no doubt that bonds were burned. Of course it is a little uncertain whether these two bonds were, because the claimant was not quite prepared to describe them. These bonds have never come to the Department, and no claim for interest has been made since, and the Department itself believes those bonds were the bonds which were burned.

Mr. ALDRICH. A large number of bonds of different issues have never been paid by the Government. If hereafter persons, knowing the numbers of the bonds, should file claims, it would be a very unfortunate thing for the Government.

Mr. TELLER. There is no controversy but that this man lost certain fifty-dollar bonds. That is proved. I think it is clear enough that these were the bonds. We suppose they were. If it should turn out that there were other bonds and that these were not the bonds which were burned, the bond that the claimant is to give will be ample to protect the Government. It is a small matter, and has been before the committee two or three times. I hope the bill will be passed.

Mr. PETTUS. I should like to be advised by the Senator in charge of the bill why it is that the widow is entitled to this money and not the heirs of the deceased also?

Mr. TELLER. That is a point which I do not recall now without going over the case again. It was not large enough for me to carry in my mind a great while. But I have no doubt it is correct that the widow is entitled to the money, or the committee would not have so reported. Perhaps the Senator whose constituent this woman is may be able to tell about it.

Mr. PETTIGREW. The widow is about 75 years old, and without property. She has some children who are of age and abundantly able to take care of themselves, and therefore I drew the bill so as to give the money to her. I think she is the person who ought to have it.

Mr. PLATT of Connecticut. In the original bill, passed upon the application of the heirs of Mr. Fulford, no provision was made for the two fifty-dollar bonds. It is now claimed that those should be paid, and that point suggests an inquiry, namely: The letter of the Department of January 25, 1896, only says that the two bonds of the denomination of $50 each do not belong to the loan of 1867, known as consols of 1867, and it further fails to show that there were any fifty-dollar bonds of any issue outstanding and unpaid. I suppose it is all right, but I think the evidence ought to be a little more precise and particular.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INTERSTATE AND WEST INDIAN EXPOSITION AT CHARLESTON, S. C.

Mr. TILLMAN. I ask unanimous consent to call up the bill (S. 4673) to encourage the holding of an interstate and West Indian exposition in the city of Charleston, in the State of South Carolina, in the year 1901.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent for the present consideration of a bill, which will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. In section 6, page 8, line 4, there is evidently a word left out. It reads: "The United States shall not in any manner nor under any circumstances be liable for any of said South Carolina Interstate and West Indian Exposition Association." It ought to read "for any acts or doings." I move to insert "acts or doings."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend section 6, page 8, line 4, by inserting, after the words "for any," the words "acts or doings."

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. PLATT of Connecticut. I wish to suggest to the Senator from South Carolina that there are two appropriating clauses in the bill. One appropriates $75,000 for the building, and then there is another clause which appropriates $250,000, apparently including the building. There are two appropriating clauses; and while I do not wish to propose any amendment, I suggest that if it passes here and goes to the House it will be well enough to look at it and not have two appropriating clauses in the bill.

Mr. TILLMAN. I hope the Senator will point out anything that is defective and let us fix it right now. We do not want to have any hitch or a double appropriation. We want merely the appropriation of $250,000, and that is all we do want. Seventy-five thousand dollars of that amount, as I understand the bill, is for buildings, and $175,000 for all other expenses. It is a duplicate, or was intended to be a duplicate, of the Buffalo Exposition bill.

Mr. PLATT of Connecticut. On page 5, I noticed, as the bill was being read, this language in line 21:

But the contract for said building or buildings shall not exceed the sum of $75,000, said sum being hereby appropriated for said purpose out of any money in the Treasury not otherwise appropriated.

Now, if I can find it in a moment, there is another appropriation.

Mr. COCKRELL. It is at the bottom of page 6.

Mr. PLATT of Connecticut. Beginning near the bottom of page 6, the bill reads:

And the total cost of said building or buildings shall not exceed the sum of $75,000, nor shall the expenses of said Government exhibit for each and every other purpose connected therewith, including transportation, exceed the sum of $175,000, amounting in all—

"Amounting in all," it says—

to not exceeding the sum of $250,000, which said sum of $250,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury.

There are two appropriation clauses. I do not think it is necessary to appropriate in the first instance.

Mr. COCKRELL. I suggest that we strike out, in line 22, page 5, after the word "dollars," the words "said sum being hereby appropriated for said purpose, out of any money in the Treasury not otherwise appropriated."

Mr. PLATT of Connecticut. It is all included in the last appropriation.

Mr. COCKRELL. On page 5 I move to strike out lines 22, 23, and 24. Then that will leave the other appropriation and make only one.

The PRESIDING OFFICER. The amendment proposed by the Senate from Missouri will be stated.

The SECRETARY. On page 5, section 3, line 22, after the word "dollars," strike out:

Said sum being hereby appropriated for said purpose, out of any money in the Treasury not otherwise appropriated.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, transmitted to the Senate resolutions on the death of Hon. Cushman K. Davis, late a Senator from the State of Minnesota; Hon. John H. Gear, late a Senator from the

State of Iowa; Hon. John H. Hoffecker, late a Representative from the State of Delaware, and Hon. William D. Daly, late a Representative from the State of New Jersey.

The message also announced that the House had passed a bill (H. R. 11548) to authorize the Kingston Bridge and Terminal Railway Company to construct a bridge across the Clinch River at Kingston, Tenn.; in which it requested the concurrence of the Senate.

ABANDONED PROPERTY IN INSURRECTIONARY DISTRICTS.

Mr. MONEY. I ask to have a reprint made of the bill (S. 602) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof, so as to incorporate an amendment constituting the sixth section of the bill, which amendment has been reported favorably by the Committee on Claims. I ask to have the bill reprinted with that amendment added.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Mississippi? The Chair hears none, and it is so ordered.

SENATOR FROM MONTANA.

Mr. CARTER. Mr. President, as a matter of privilege I desire to call up for present consideration resolution No. 371 on the Calendar, found under the caption of "Subjects on the table." The resolution is one introduced by the Senator from New Hampshire [Mr. CHANDLER] for the purpose of referring certain credentials of Senators appointed from Montana to the Committee on Privileges and Elections. It proposes to refer the credentials of William A. Clark and Martin Maginnis, appointed Senators from Montana, to the Committee on Privileges and Elections for report, and so forth.

Mr. PETTUS. What is the motion, Mr. President?

Mr. CARTER. That the resolution referred to be taken up for present consideration to the end that the credentials may be referred and reported upon, as the resolution provides.

The PRESIDING OFFICER. The resolution will first be read for the information of the Senate.

The Secretary read the resolution submitted by Mr. CHANDLER on the 25th day of May, 1900, as follows:

Resolved, That the credentials showing the appointment as Senator from the State of Montana of William A. Clark, signed by Acting Governor A. E. Spriggs, and the credentials showing a like appointment of Martin Maginnis, signed by Governor Robert B. Smith, be taken from the table and referred to the Committee on Privileges and Elections, and that said committee be directed to inquire whether either of said appointees has been duly and legally appointed to a seat in the Senate as Senator from said State of Montana, and if so, to report which of said appointees is entitled to be admitted to the seat.

Mr. CARTER. I ask for the adoption of the resolution.

Mr. COCKRELL. Has it been to any committee?

Mr. CARTER. I wish to refer the matter to the committee. The resolution has been on the table since the latter part of May. It will be recalled by the Senator from Missouri that the credentials of Mr. Clark were presented and laid on the table. The credentials of Mr. Maginnis were, I think, presented and likewise laid on the table. Thereupon the chairman of the Committee on Privileges and Elections submitted resolution No. 371, which has just been read. That resolution was not acted upon at the last session of Congress. It is desirable that the State shall be informed who is entitled to represent it upon the floor. An effort has been made by the lieutenant-governor, and likewise by the governor, to get an appointment to the Senate of a Senator to fill the vacancy created by the resignation of Mr. Clark. I do not know how the matter can be disposed of except by the reference provided for in the resolution. I think the State is entitled to a prompt report upon the resolution, and that such a report should indicate who is entitled to the seat under the appointments now pending in the Senate.

Mr. BACON. Mr. President, I would take the liberty of suggesting to the Senator from Montana that the resolution which it is now proposed to adopt should make provision for due notice being given to these several gentlemen, one of whom, as I am informed, is in the distant State of Montana, and he should have an opportunity to be present at the time the investigation is to be entered upon by the committee.

Mr. CARTER. I understand that such notice would be given in conformity with the regular rules of the committee. I have no objection whatever to having the resolution state that the respective applicants for the seat shall be duly notified. I assume that that will be done.

Mr. HOAR. I hope the Senate would trust any committee of this body to see that if there were any doubt upon the title of a Senator to be sworn in the committee would give him a hearing before reporting upon the case; but supposing——

Mr. BACON. The Senator will pardon me a moment.

Mr. HOAR. I have not quite completed the sentence; then I will yield. Supposing it should turn out that there was no doubt whatever as to the title of one of these persons to take the seat in the minds of anybody on the committee, it would be an injustice to him then to give him a notice to appear to argue in favor of a conclusion which the committee had already reached; and if the Senator's amendment is made to the resolution that must be the result.

Mr. BACON. With all due deference to the learned Senator, there is a difference between this and an ordinary case. If the investigation were to be limited to the right of a single party to a seat, then the proposition of the Senator would be correct. But the Senator will observe that here are two claimants, and the right of one is necessarily antagonistic to the right of the other. Therefore, if the committee should determine that one of the contestants or claimants is entitled to the seat, it would certainly be due to the other claimant that he should have the opportunity to show to the committee that they were in error.

Mr. HOAR. Unquestionably.

Mr. BACON. Therefore it is important, in view of this particular complication, that both the claimants should have notice not only of the investigation the committee might make as to the particular right of one, but of the investigation which the committee would proceed to make as to the claimant whose right to the seat the other opposes.

Mr. HOAR. I do not see any objection——

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

Mr. COCKRELL (to Mr. CARTER). Let the matter go over until to-morrow.

Mr. CARTER. The pending business is, I understand, of the highest privilege, and takes precedence.

Mr. HOAR. I suggest to the Senator from Montana to accept the amendment of the Senator from Georgia.

Mr. CARTER. I have no objection to the amendment, Mr. President.

Mr. BACON. If the committee state it is their purpose to give both claimants notice and not to limit the notice to the particular one whose right they may propose to investigate, I do not desire that there shall be any amendment proposed. If the committee should indicate that that is the purpose, that would be entirely satisfactory.

Mr. HOAR. The chairman of the committee is not present, and being next in seniority I think I can safely give the assurance, in behalf of the committee, that these gentlemen will be notified.

Mr. BACON. That both of them will be notified?

Mr. HOAR. Yes.

The PRESIDING OFFICER. The unfinished business will be stated.

Mr. BACON. And that they will have the opportunity to be heard before the committee?

Mr. VEST. I appeal to the Senator from Montana to let this matter go over until to-morrow. I should like to look into it. It has come up suddenly; it is a matter of very extreme importance in more ways than one, and no harm can come from its going over until to-morrow. Although it is a question of the highest privilege, there is no necessity for rushing it right through the Senate now.

Mr. CARTER. I beg the Senator to remember that there has been no undue haste in pressing it. I have no objection to the resolution going over until to-morrow. I do insist, however, that the State, having made an effort to secure a full representation on the floor of the Senate, is entitled to know what, if any, defect exists in either of the credentials, and whether the proper proceedings have been followed to secure representation here, and that the State is entitled to that information at as early a date as practicable. That is all. I have no objection to the resolution going over until to-morrow.

THE PHILIPPINE ISLANDS.

The PRESIDING OFFICER. The Chair lays the unfinished business before the Senate. It will be announced by title.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

PROMOTION OF COMMERCE AND INCREASE OF TRADE.

Mr. FRYE. I move that the Senate proceed to the consideration of the bill (S. 727) to promote the commerce and increase the foreign trade of the United States, and to provide auxiliary cruisers, transports, and seamen for Government use when necessary.

Mr. PETTIGREW. Let the bill be read for information.

The PRESIDING OFFICER. The Senator from Maine moves that the Senate proceed to the consideration of Senate bill 727. Does the Chair understand the Senator from South Dakota to demand the reading of the bill?

Mr. PETTIGREW. I demand the reading of the bill.

Mr. FRYE. I was going to ask unanimous consent that the formal reading might be dispensed with and that when read it might be read for amendment, the committee amendments to be first considered.

Mr. VEST. Let it be read.

Mr. PETTIGREW. Do I understand that the Senator from Maine wishes to make some remarks?

Mr. FRYE. Yes; I wish to explain the bill.

Mr. PETTIGREW. Very well. I will withdraw my request.

Mr. FRYE. Will the Senator consent to that request?

Mr. BACON. What is it?

Mr. FRYE. That the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments shall first receive consideration.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Maine that the bill has not yet been taken up for consideration. The question is upon the motion made by the Senator from Maine, that the Senate proceed to the consideration of Senate bill 727, the title of which will be read.

The SECRETARY. A bill (S. 727) to promote the commerce and increase the foreign trade of the United States, and to provide auxiliary cruisers, transports, and seamen for Government use when necessary.

Mr. JONES of Arkansas. I ask for the yeas and nays on the motion of the Senator from Maine.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULBERSON (when Mr. CHILTON'S name was called). My colleague [Mr. CHILTON] is absent on account of illness.

Mr. MCCUMBER (when his name was called). I have a general pair with the Senator from Nebraska [Mr. ALLEN]. I will transfer that pair to the Senator from Ohio [Mr. FORAKER], and vote "yea."

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. MCLAURIN]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. MONEY. I am paired with the Senator from Oregon [Mr. MCBRIDE]. If he were present, he would vote "yea" and I should vote "nay."

Mr. BURROWS (after having voted in the affirmative). I am paired with the senior Senator from Louisiana [Mr. CAFFERY], and withdraw my vote.

Mr. HANNA (after having voted in the affirmative). I wish to inquire if the Senator from Utah [Mr. RAWLINS] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. HANNA. I will transfer my pair with that Senator to the Senator from New York [Mr. DEPEW], and let my vote stand.

Mr. WARREN. On this vote I am paired with the Senator from Washington [Mr. TURNER]. If he were present, I should vote in favor of taking up the bill, and I assume that the Senator from Washington would vote in the negative.

The result was announced—yeas 38, nays 20; as follows:

YEAS—38.

Aldrich,	Fairbanks,	Lodge,	Quarles,
Allison,	Foster,	McComas,	Scott,
Baker,	Frye,	McCumber,	Sewell,
Bard,	Gallinger,	McMillan,	Shoup,
Beveridge,	Hale,	Mason,	Stewart,
Carter,	Hanna,	Nelson,	Thurston,
Clark,	Hansbrough,	Penrose,	Wetmore,
Cullom,	Hawley,	Perkins,	Wolcott.
Dolliver,	Hoar,	Platt, Conn.	
Elkins,	Kean,	Platt, N. Y.	

NAYS—20.

Bacon,	Culberson,	Lindsay,	Taliaferro,
Berry,	Harris,	Morgan,	Teller,
Butler,	Heitfeld,	Pettigrew,	Tillman,
Clay,	Jones, Ark.	Pettus,	Vest,
Cockrell,	Kenney,	Sullivan,	Wellington.

NOT VOTING—27.

Allen,	Deboe,	McEnery,	Rawlins,
Bate,	Depew,	McLaurin,	Simon,
Burrows,	Dillingham,	Mallory,	Spooner,
Caffery,	Foraker,	Martin,	Turley,
Chandler,	Jones, Nev.	Money,	Turner,
Chilton,	Kyle,	Pritchard,	Warren.
Daniel,	McBride,	Proctor,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. FRYE. Mr. President, our present condition as a great maritime nation is humiliating beyond expression. With thousands of miles of seacoast equipped with fine harbors, boundless forests, iron and coal enough to supply the world, skilled mechanics, enterprising shipbuilders, the largest exportations of any country in the world, imports amounting last year to $840,000,000, and abundant capital, we have permitted other countries—our commercial rivals, our inferiors in most of these regards—to seize upon the pathways of the oceans and hold them to our practical exclusion. Last year we carried under our flag to and from Europe only 2¼ per cent of our exports and imports; to and from the world a fraction over 9 per cent. We paid foreign nations, principally Great Britain and Germany, $500,000 a day in gold for transporting our foreign commerce.

I fail to see how anyone can be blind to the dangers of our position in this regard. Our short and decisive war with Spain compelled us to hunt the seas over for transports and colliers; to purchase or charter forty ships from foreign nations. Suppose the war had lasted a year, or had been with a more powerful nation, and neutrality had been enforced, as it should be, we would have been in most serious straits. As it was, our producers paid heavy penalties in increased freight rates. Great Britain in her war with the Boers had transports enough; but even then rates were seriously advanced in the East. Suppose there should be a European war or a conflict between Great Britain and Germany, what would become of our enormous export trade? Who would be our carriers? Who would pay the war insurance premiums on our cargoes, even if carriers could be found? We should suffer almost as seriously as either of the combatants. Our farmers, manufacturers, and wage-earners would pay almost as much as a cost of the war as they.

From a purely commercial point of view in peaceful hours could anything be less helpful to us than the employment of agencies whose interests were entirely antagonistic to ours? How would they help us to find markets for our products? Could we expect them to be ambitious to extend our foreign trade?

I have been trying for many years to find a remedy for this unfortunate condition. A few years ago, as chairman of the Committee on Commerce, I reported a bill to the Senate, which became a law, removing all statute burdens from our ships. The decline still kept on. I reported an amendment to the Post-Office appropriation bill, intended and well designed to establish steamship lines to the South American Republics and to promote our trade with them. It became a law, but the Postmaster-General refused to execute it, resorting to the statutes authorizing the Post-Office Department to compel our vessels to take and deliver the mails, receiving as compensation sea and inland postage not sufficient to pay the actual cost of the service. Congress repealed those statutes.

In 1891 I reported from the Committee on Commerce two bills, one paying a bounty to all ships engaged in the foreign trade, the other postal subsidies. The bounty was nearly double that contained in the pending measure. It passed the Senate and was defeated in the House by a majority of 3. The subsidy bill cost me several months of hard work. To be certain of providing rates just and adequate for the several classes of steamers I consulted leading experts, who made most careful and painstaking examination. The completed bill was submitted to capitalists who were willing to consider the propriety of establishing steamship lines to South America, in the Pacific, and across the Atlantic.

I received assurances that if the bill was enacted into law six or eight lines would be established of ships from 14 to 21 knots an hour. The House crippled the bill by a large and unscientific reduction of rates, returned it to the Senate too late in the session for any contest, and it became a law. Of course, it proved a dead failure. We did succeed under it in securing the American Line from New York to Southampton by admitting the *New York* and *Paris* to an American registry on condition that the company should build two ships here of like tonnage and speed. But those four ships have ever since been run at a loss to the corporation, not to us, for their value as auxiliaries to our Navy during the Spanish war was beyond computation.

Now, in these regards we are at our worst when we should be at our best. The world has entered upon a fierce commercial war, each of the great powers seeking an extension of its foreign markets. The most of them are already intrenched in all of the commercial ports of the world, with subsidized steamship lines, banking facilities, long-established business agencies. They are all, too, looking especially to the East for the desired extension; Russia, England, Germany, France, and Italy are paying $5,000,000 in aid of steamship lines to Asia, while we are paying $48,000; and yet our necessities are as pressing, if not more so, than theirs.

Our productive forces are greater than those of any other country. We raise more wheat, ten times more corn, five times more cotton, produce more coal, more pig iron, more copper, have cheaper freight rates on rail, by river and lake, than any country in the world. Our product from farm, factory, shop, and mine is increasing enormously. During the last three years we have exported $500,000,000 worth more of farm products than during the preceding three years. Our manufactures are showing a corresponding increase. In 1897 we exported $151,000,000 and imported twice more than we exported. Last year we exported $200,000,000 more than we imported.

This increase will continue, and to us an extension of our foreign markets is an absolute necessity if prosperity is to continue, for an unsold surplus would prove its death knell. In some regards there is no nation better equipped to secure its share of the

trade of the Pacific than ours. With our Pacific coast, Hawaii and Pearl Harbor, the best in the Pacific; Tutuilla, with the second best harbor, a coaling and naval station already completely equipped there; Guam, a coaling station and a landing place for our cable, and I sincerely hope that the cable will be provided for at this session; the Philippine Archipelago, with Manila for a distributing point for our products, we lack but one thing—ships to carry our exports. This is a serious handicap. One of the most efficient possible agencies for the extension of our markets would be American ships, officered by intelligent, active, and interested American citizens, seeking markets for our goods, establishing abroad all the necessary agencies for trade.

Why do we find ourselves in this unfortunate and humiliating condition as to our foreign carrying trade? In my opinion there can be but one answer. Our ships costing 25 per cent more than those of England and Germany, with operating charges at least 40 per cent greater by reason of higher wages and better living, unprotected, are compelled to compete with those protected.

We outstrip other nations in nearly all of the industries by law encouraged and protected. This one alone, more important than any other, because national, is left to fight the battle with the world unaided. We have to-day a most magnificent fleet of coastwise, river, and lake vessels, with a tonnage of documented and undocumented close on to six millions. It carried last year 168,000,000 tons of freight and 200,000,000 passengers at lower rates than elsewhere known.

This industry has been protected for a hundred years by a law prohibiting any foreign ship from engaging in it.

This brings me to the consideration of the pending measure. Three years ago, instructed by resolutions of State legislatures, of political conventions, of commercial organizations, by recommendations of public officials, it seemed to me that our people were taking a greater interest in the restoration of our merchant marine than ever before, and that it was an opportune time to once more call the attention of Congress to the subject. I found, however, a great diversity of opinion among friends of the ship as to the remedy to be proposed. Discriminating duties had many advocates; bounties, subsidies, free ships each some. I knew that success was dependent upon united action. As a method of securing that I selected a committee of twenty-five, all friends of Congressional action; some of them shipbuilders and ship owners, experts, required for intelligent conclusions; a majority having no interest other than as American citizens; those interested hardly any two in the same trade or in the same type of ships, selected from every part of the country; some favoring each proposed remedy except that of free ships, a majority at the start for discriminating duties.

This committee was composed as follows: Senators HANNA, ELKINS, PERKINS, FRYE, gentlemen who had shown great interest, and some of whom had had experience in shipping matters; Hon. SERENO E. PAYNE, then chairman of the House Committee on Merchant Marine; Charles H. Cramp, the well-known shipbuilder of Philadelphia; C. P. Huntington, who has probably at Newport News the finest shipyard in the world; Samuel S. Sewall, representing the largest building company of sailing ships in the country; Edwin W. Hyde, connected with the Bath shipbuilding works; C. A. Griscom, president of the American Line; Joseph P. Grace, representing the line between New York and Chile; H. P. Booth, president of the New York and Cuba Mail; William P. Clyde, president of the Clyde Steamship Company; Eugene T. Chamberlain, Commissioner of Navigation; Theodore C. Search, president of the National Manufacturers' Association, the largest association, probably, that is known in the world, having a membership from nearly every State in the Union, an association whose sole object is to promote the export trade of the United States; Aaron Vanderbilt, secretary of the American Shipping League; Harvey D. Goulder, attorney for the Lake Carriers' Association, one of the most accomplished admiralty lawyers in the United States; Charles H. Keep, secretary of the Lake Carriers' Association, which represents nine-tenths of the lake interests; D. D. C. Mink, president of the Coastwise Steamship Association, having no interest in this subject except as an American citizen and understanding shipping interests; A. R. Smith, formerly editor of the Seaboard, now secretary of the New York Commission of Commerce; Frank J. Firth, president of the Lake Carriers' Association, and Thomas Clyde, of the Clyde Steamship Company. The subject-matter was committed to this committee in 1897.

Leaving out myself, Mr. President, I think it would be very difficult to select from the entire country men more capable of just and intelligent conclusions. It was possibly unfortunate for the American Line that Mr. Griscom, its president, was made chairman. To escape even the seeming of selfish purpose for his own, he assented to terms which gave that line the lowest subsidy.

Knowing that the subject to be considered would involve many important legal questions, I advised the employment of counsel. Hon. George F. Edmunds was very wisely selected. The committee was indefatigable in its labors, meeting many times in New York, Philadelphia, and Washington. After full, complete, and the most careful consideration this committee finally, with entire unanimity, decided against discriminating duties, against discriminating tonnage taxes, against bounties to be paid on the exportation of the products of the American farm, and in favor of sailing bounties for our ships, and in my opinion these conclusions were eminently wise.

I am aware that in the early days when we carried but little of our commerce we adopted discriminating duties and that our carrying trade increased. I am equally aware that we surrendered the discriminating duties. The conditions prevailing then do not prevail at all to-day. Then we were not an exporting nation. Then we imported the most of what we used in the country. Then other countries discriminated and could not complain of our doing so. Then we had no commercial treaties with other nations; and then, again, no man could tell whether or not it was the discriminating duties which increased our carrying trade. We had at the same time a prohibitory tonnage tax against certain classes of ships—absolutely prohibitory. How much did that have to do with our getting our carrying trade back? Again, in those days we built the cheapest ships built in the world. We even built ships for other nations. Then, again, there was not the difference in wages in those days nor in the manner of living on shipboard there is to-day.

Suppose you pass a law providing for discriminating duties of 10, 15, or 20 per cent; who knows but that the next Congress would repeal it? With the danger of such repeal, do you suppose you are going to induce any capital to build these ships, costing all the way from a million to two million dollars apiece? Take our position to-day. See where we would be under discriminating duties. Of course no duty can be laid on exports, and we must deal with imports alone. Our imports last year amounted to $840,000,000. Thirty-five per cent of those were raw materials for our manufacturers. Is it likely that Congress would impose a duty on those raw materials? Is it likely that the country would receive that with favor? Again, 44 per cent of all those imports are on the free list, placed there by Congress for good and undoubtedly sufficient reasons. Would Congress, then, turn around and impose a duty of 10 or 15 per cent on the entire free list? Certainly it would not. Then it leaves us with three or four hundred million dollars in imports and a discriminating duty to establish our merchant marine once more upon the oceans of the world. It is simply an utterly absurd proposition. It would not be a bagatelle in solving the problem.

Take the matter of bounties on exports. Can you place a bounty on wheat? I do not think the Constitution would permit it. Can you select certain products of the farm and place bounties upon them? I am inclined to think that the lawyers here would say "no." But there are twenty or thirty treaties which would be violated by such a course, and you would be compelled to abrogate all of them. Again, you would be compelled to pay those bounties to all ships alike, and you would simply leave us in the same relative position that we are to-day.

Then, again, who would receive the bounties? The ship, to be sure. You could not hunt up the farmers all over this country and pay them the bounty. They had counsel here, and he proposed a dollar a ton placed on agricultural products. But the tonnage of such products would amount, I think, to between twenty and twenty-nine million tons. That would require an expenditure of from twenty to twenty-nine million dollars every year; and the expenditure would be to the ships, never to the farmer. He would not get the slightest possible benefit from it, while under the measure which is pending I have no doubt that the farmers of this country will receive an immense benefit. You let this bill become a law, and commence building our ships, do you suppose that Germany and Great Britain are going to surrender without a contest the profits that they have been receiving from our carrying trade? It will be one of the sharpest we have ever seen on the oceans. Every witness before our committee and before the House committee declared that in his judgment it would reduce the freight rates for transportation across the oceans at least 25 per cent within two years.

What is the tonnage of our exports and imports? About 30,000,000 tons, as to our exports. Perhaps exports and imports both might amount to in the neighborhood of 40,000,000 tons. What is the average rate across the oceans of the world? It is nearer $6 than $5, but call it $5, and then you have $200,000,000 paid for freight on your exports and your imports. Suppose these gentlemen are right and that the competition will reduce freight rates 25 per cent. Then you have a saving of $50,000,000 a year in rates. Who saves that? Not the shipowner. He loses it. It is the producer who saves it. In that way the farmer, the producer, receives a direct benefit. In the other way of bounty it is utterly impossible for him to get any benefit.

I wish to say right here what I should have said before, that in the matter of discriminating duties we encountered thirty-one commercial treaties, every one of which we should be compelled to

abrogate. Some of them you can abrogate, on notice, in a year, some of them in two years. Those treaties are reasonably satisfactory to the people of the United States. Suppose that after we had placed discriminating duties upon the imports sent into this country we should desire once more to place ourselves in accord with the commercial nations of the earth. Do you think we could easily renew our treaties, when we had given this direct offense to all these nations of abrogation and then the discriminating duties? Our relations with the peoples of Europe to-day are of the very best, and our exports to them to-day are enormous, especially to Great Britain. Is it wise to do anything which shall disturb the present amicable commercial relations between us and those countries?

And, as I say, the same trouble will be encountered with the bounties. I wrote to Senator Edmunds in relation to the bounty business, and received a reply which I think I will not take the time of the Senate to read, but with the consent of the Senate I will have it printed as a part of my remarks. It names the treaties a bounty would interfere with, etc.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection that order will be made.

The statement referred to is as follows:

WASHINGTON, D. C., *January 15, 1900.*

DEAR SIR: Agreeably to your request, I have examined all the treaties in force between the United States and other countries on the subject of the ships of other countries being entitled to bounties on exportations if the United States grant bounties to its own ships, etc. The following list is taken from the book published this year, Compilation of Treaties in Force, being House Doc. No. 276, Fifty-fifth Congress, third session. This list contains the names of countries which by express provision of our treaties would be entitled to have their ships receive the same bounties for the exportation of goods from the United States that the United States may grant to its own ships.

1. The Argentine Republic. Treaty of 1853, page 6, article 6.
2. Austria. Treaty of 1829, page 11, article 6.
3. Belgium. Treaty of 1879, page 48, article 7.
4. Bolivia. Treaty of 1858, page 63, article 4.
5. Brazil. Treaty of 1828, pages 77-78, article 4.
6. Colombia. Treaty of 1846, page 127, article 4.
7. Costa Rica. Treaty of 1851, page 148, article 6. This bounty provision is confined to exportations between the two countries.
8. Denmark. Treaty of 1826, page 153, article 3.
9. Great Britain. Treaty of 1815, page 217, article 2. This bounty provision is limited to exportations between the two countries.
10. Greece. Treaty of 1837, page 270, article 9.
11. Haiti. Treaty of 1864, page 279, article 2.
12. Hanseatic Republics. Treaty of 1827 (Bremen, Hamburg, Lubeck), page 290, article 1. These Republics are now in the North German Union.
13. Honduras. Treaty of 1864, page 301, article 6. This bounty provision is limited to exportations between the two countries.
14. Italy. Treaty of 1871, page 311, article 5.
15. Japan. Treaty of 1894, page 355, article 8.
16. Mecklenburg-Schwerin. Treaty of 1847, page 384, article 1.
17. Mexico. Treaties of 1831 and 1848. The bounty provision under the treaty of 1831 is found in the large book of treaties, page 665, article 6, and is continued in force by the treaty of 1848, Book of Treaties in Force, page 398, article 17.
18. Netherlands. Treaty of 1852, page 441, article 1.
19. Nicaragua. Treaty of 1867, page 456, article 3. This treaty does not mention bounties, but provides that each country shall have every right and benefit or concession that may be granted to other countries at any time.
20. Paraguay. Treaty of 1859, page 484, article 3. This treaty provides that every favor, privilege, etc., granted to citizens of other States shall extend to the citizens of both countries.
21. Peru. Treaty of 1887, page 499, article 6.
22. Prussia. Treaty of 1828, page 518, article 9. This treaty provides that any particular favor in navigation or commerce granted to citizens of other countries shall belong to citizens of both parties.
23. Servia. Treaty of 1881, page 570, articles 1 and 6. This treaty provides that all rights, privileges, etc., enjoyed by citizens of other countries, with respect to commerce, etc., shall extend to the citizens of each.
24. Sweden and Norway. Treaty of 1827, page 614, article 10.

It will be seen from an examination of the foregoing named treaties that it is impossible for the United States to grant export bounties to their own ships without bringing into the benefits of the bounty the ships of nearly all the commercial and maritime competitors of the United States, or else by the abrogation of quite or nearly all the treaties above referred to.

To grant export bounties without abrogating the treaties would obviously increase the advantage the foreign ships now have, for an equal increase of payments to two competitors always helps the stronger of the two more than the weaker. Such a bounty could not in the least increase competition and thus lower freight charges.

Again, it is certain that in such case the American producer and manufacturer would neither increase their exports nor get any higher prices for their products.

The supporters of bounty legislation as against the bill under consideration entirely mistake the nature of the bill. It is said that speed, and not carrying goods, is the chief test. It is not. The very first clause of rates provides for all vessels without regard to speed. Speed is also provided for by additional compensation. This is important for many reasons:

First. Speed is sometimes, and indeed often, of high importance in the transportation of food products, especially over warm seas or to tropical countries.

Second. It is also very often important in the transportation of manufactured goods, as much or more so than on land.

Third. Fast and large ships are absolutely necessary to the safety of the United States in time of strain and trouble.

Fourth. At the present time and in the future, under the existing and continuing international struggle for the commerce of the globe, the nation that does not possess, under its own flag, a great fleet of merchant vessels will shortly find itself incapable of either extending its commerce or of defending its rights and honor.

The Constitution of the United States as it now stands is designed to prevent Congress as well as the States from enacting any class legislation whatever. Equal rights and equal opportunities to engage in any business or enterprise, and to receive equal or corresponding benefits from public expenditures, are among the fundamental principles embodied in that instrument. Congress may raise and support armies and navies, and do whatever is fairly incidental to those ends, and thus may provide for inducing the building of ships which may be taken and used in the national defense. It may possibly grant bounties on the exportation of all the products of the country as a means of improving commercial relations with other countries. But if it discriminates by granting bounties on the exportation of particular classes of products it does at once establish a governmental difference in favor of those particular classes and against all other products capable of and designed for similar exportation. It is clear to me, therefore, that a bounty on the exportation of woolen goods or wheat, for instance, while the exportation of cotton goods or corn was left unaided, would be in violation of the Constitution. I think, then, that a law granting a bounty on agricultural products alone, as has been suggested, could not be upheld, just as a bounty on the exportation of manufactured products alone could not be upheld.

If a bounty on exports is to be granted, it must apply to all exports. If such a course of legislation can be maintained at all, it must be on the ground that it is impartial and universal. The instance in our history of the fisheries bounty stood on the principle and policy of providing seamen for national defense. And the sugar bounty of a few years ago, if it could have been held valid at all, which is extremely doubtful, must have been upheld on the ground of the special and peculiar circumstances attending that subject.

A general bounty on exports, if valid, must necessarily be equal, value for value, and if large enough to reach and benefit the original producers and manufacturers would be startling in amount. Every class of industry can be benefited in only two ways:

First. By increasing sales at home and abroad.

Second. By cheapening the cost of carriage from the purchaser to the consumer; and this can in the main only be done by enlarging the means of transportation and thus reducing prices of carriage through competition. It is true that the original cost of production can be reduced by a reduction of the wages of labor, which labor constitutes in almost, if not in all, cases a very large proportion of the value of the thing produced; but such a means of promoting national happiness or welfare would have the opposite effect.

I have condensed these considerations in respect of bounty, and in respect of the opposition to the bill by those favoring the bounty, to the smallest compass, knowing that the committee will understand the points I have suggested and the extensive range of considerations that enter into the subject.

Very truly, yours,

GEO. F. EDMUNDS.

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce.

Mr. FRYE. None of the committee were in favor of free ships; and I do not know why any of them should be. The highest duty of the United States of America to-day is to provide more shipyards, more docks, more facilities for the construction of ships for the oceans. A great maritime nation like ours might just as well be without a constitution as without shipyards. And free ships would simply relegate all of our shipyards to doing Government work, or supplying the necessities of the coastwise trade and the Great Lakes. Besides, what benefit would a free ship be? What would you save by it? You would save the depreciation, the interest, and the insurance on the additional cost of the American ship over the English, and that is all. You would save, on the average, about $4.50 a gross ton. That you would save, I admit, but you would still be handicapped by the difference of operation, from 40 to 80 per cent in wages, as between a foreign ship and your own. I assert, and I assert it without the slightest hesitation, that you can admit free ships to the United States to-day, and you will find no capital to invest in them. You will not be able to sail them on the oceans of the world in competition with the Norwegian ships or the English.

A bill was finally drafted embodying the views of this committee, was presented to the Senate in the last Congress by Senator HANNA, and to the House by Representative PAYNE, referred to the respective committees having jurisdiction, was carefully considered, evidence taken, discussion had, amendments adopted, and favorable reports were made; but for want of time the measure was not considered. The general committee agreed to the amendments proposed by the Congressional committees; the press gave the details of the bill to the country. The result was further criticisms, additional amendments. All were considered, and those seeming reasonable were adopted. At the last session of this Congress the amended bills were again referred, were again discussed in committee, additional amendments were adopted, and agreed to by a subcommittee of the general committee, which was continually in session here.

Finally the pending measure, with proposed amendments, was favorably reported to the Senate by the chairman of the Committee on Commerce. In regard to it I wish to say that there never was any other bill before Congress which received such close and critical consideration, on which was expended such careful, conscientious, and intelligent work. Nor was there ever one with this purpose in view which so generally commended itself to the friends of the American ship. Its critics and opponents are those who honestly believe in, and have always advocated, free ships, and the foreign lines who will not tamely submit to surrender the profits of their carrying trade. The former contest it from principle, but are not dangerous, for the country rejects their theory; the latter are inspired only by self-interest, one of the most powerful of all motives, and they will make a most determined, vigorous, and never-ending fight.

I now call your attention to the provisions of the pending bill. The first section authorizes the Secretary of the Treasury to pay to American ships registered and engaged in the foreign carrying trade of our exports and imports one cent and a half a ton for each 100 miles sailed up to 1,500; beyond the 1,500, 1 cent per ton

for each 100 miles. Those figures were reached with the greatest possible care, the only purpose being to equalize the conditions of the British ship and the American ship. The committee did not take the ships which can carry at the lowest possible cost.

The Norwegian ships can beat the world to-day in cheapness of carrying. It did not take the German ships or the Spanish. For its comparison it took the English ship, which in wages and manner of living on shipboard leads the other nations, except perhaps, in the matter of food, Germany, and it only intended that it should equalize the difference between the two. That provision applies to all ships, sail or steam, registered and engaged in the foreign carrying trade. It is the purest kind of democracy. A postal subsidy law is aristocracy; it is monopoly. The subsidy is paid to one great line, for instance, running between this port and the other port, thus practically excluding every other line from running between those ports. But the provisions of this bill seeks to encourage the building of ships by any man who has money enough to build them, and the establishing of lines by any corporation that desires to establish them, and to run them between any ports they please.

The difference between the 1,500 miles and the balance of the long voyages was made on the principle of the long and short haul. The ship that sailed but 1,500 miles would make a great many more entries in a year than the one that sailed 10,000 miles, and the former would have to handle cargo a great many times more frequently than the latter. The ship on the long voyage would have a decided advantage over the ship on the short. It would pay less in port charges, because it would be less frequently in port. It would pay less light-house dues and other port charges abroad for the same reason. Therefore the committee believed that for voyages under 1,500 miles, which would be confined very largely to those between here and the Caribbean Sea ports and the West Indies, the rate fixed was wise, because we have for some time been losing trade there.

Mr. PLATT of Connecticut. The shorter-voyage vessel gets the greater pay?

Mr. FRYE. Yes; for reasons which were very obvious.

Now, is the committee correct in its statement that it costs more to build and more to operate an American ship than it costs our commercial rivals to build and operate theirs? If the committee is mistaken in that respect, then the foundation of this bill falls through. If the committee is correct, then any Senator can see that we never will run American ships on the oceans against foreign ships until there is legislation which will equalize the difference.

Mr. MONEY. I desire to ask the Senator from Maine a question for information.

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Mississippi?

Mr. FRYE. Certainly.

Mr. MONEY. The Senator speaks of the results of the work of the committee. Am I to understand him to refer to the committee of 25 distinguished men?

Mr. FRYE. The committee of 25 men.

Mr. MONEY. Not the Committee on Commerce?

Mr. FRYE. I have not yet reached the Committee on Commerce. I am dealing with the bill which two years ago the committee of 25 finally concluded.

Mr. CULLOM. That is not this bill.

Mr. FRYE. Oh, no. It is not this bill by any manner of means.

Mr. HANNA. It has been changed.

Mr. FRYE. It has been changed very materially in a great many respects.

Mr. HANNA. By the Commerce Committee.

Mr. CULLOM. I see there are changes in it.

Mr. FRYE. Now, as to the relative cost of ships. The *St. Louis* and *St. Paul* cost $5,100,000. Builders on the Clyde offered to construct them for four millions. The *St. Louis* and *St. Paul* cost $220 a ton. Great Britain's offer was a hundred and seventy-two dollars a ton. I have a report from the Pacific Mail Steamship Company. That company is now building two 18-knot ships at Newport News at a cost of a hundred and sixty dollars a ton. The *Egypt* and the *Arabia*, 19-knot ships, built in England for the Asiatic trade, cost a hundred and forty-two dollars a ton. The 10-knot steamer *Mascanoma*, of forty-two hundred tons, built in England, cost $53 a ton. The lowest offer made here on bid was $80 a ton. The fair average cost here of these steamships is a hundred and sixty dollars a ton. In England it is a hundred and forty dollars a ton. I will give the difference on 18-knot steamships. First comes depreciation, which is calculated on all of these ships at from 5 to 6 per cent a year. The depreciation on the American ship would be $8; on the English $7. The insurance increase on the American ship would be $9.60; on the English $8.40. The interest, which in England is only 3 and 3½ per cent on ship property and here never has been known to be less than 6 per cent and is now no less than that, would be $8 on the American ship and $5.60 on the English ship. The difference, total, is $4.60 a gross ton.

There was very much more evidence than that before the committee as to the comparative cost of ships which I do not deem it necessary at this time to lay before the Senate, but the conclusion reached by the general committee was that from $4.60 to $5 a gross ton is the difference in favor of an English ship over an American ship.

Now, as to the cost of operating. I am considering now wages alone. The Pacific Mail Steamship Company is operating the *City of Sydney*, running under the American flag. The wages of officers and men, monthly, are $3,675. Corresponding ship of the *Campania, Sud Americana de Vapores*, under the Chilean flag, $1,408.66, the American ship wages being considerably more than double the wages of the ship of the Spanish line. Pacific Mail steamer *Peru*, wages per month, $3,835; corresponding ship under the Chilean flag, $1,426.97; still in the American ship a good deal more than double the Spanish. The *St. Louis*, under the American flag, monthly wages, $12,004.35; same steamship under the Belgian flag, $8,250.02.

Then from the Commissioner of Navigation I have a table giving the different wages, which I will print.

Comparison of officers' and seamen's wages.

	American S. S. Cherokee (2,557 gross).		British S. S. Critic (2,601 gross).		German S.S. Sonnenburg (2,477 gross).		Dutch S. S. Teutonia (3,209 gross).		Norwegian S. S. Fortuna (2,994 gross).	
	No.	Wages.	No.	Wages.	No.	Wages.	No.	Wages.	No.	Wages.
Captain	1	$175	1	$92.34	1	$102.06	1	$121.50	1	$119.21
First mate	1	70	1	46.17	1	42.53	1	40.50	1	29.68
Second mate	1	45	1	31.59	1	26.73	1	24.30	1	21.41
Third mate			1	26.73	1	19.44			1	16.06
Carpenter	1	40	1	29.16	1	21.87	1	18.22	1	17.51
Steward	1	60	1	31.59	1	13.36	1	14.17	1	21.41
Cook	1	50	1	26.73	1	21.87	1	16.20	1	8.75
Mess-room boy	1	25	1	12.15	1	4.86	1	6.07	1	4.13
A.B. and lamps	1	25	1	21.87						
Able seamen	9	225	7	144.57	6	80.16	7	90.72	4	41.83
Ordinary seamen					1	10.93			3	23.75
1st engineer	1	125	1	78.97	1	72.90	1	72.90	1	53.03
2d engineer	1	75	1	58.32	1	43.74	1	32.40	1	30.65
3d engineer	1	65	1	38.88	1	29.16	1	24.30	1	21.40
4th engineer			1	35.23	1	14.58				
Donkeyman			1	24.30					1	16.06
Firemen	6	210	7	153.09	7	102.06	4	58.32	6	85.84
Trimmers	3	75			3	40.08	3	34.02		
Oilers	3	120								
Month	32	1,385	28	851.69	29	646.33	24	553.62	25	510.72
Year		16,620		10,219.80		7,755.96		6,643.44		6,128.64

It is said that it is very singular that an American ship, for instance, lying right beside a British must pay $35 a month for a fireman and the British ship only $19; and yet that is the fact. The firemen, of course, are the principal part of the crew on one of these steamships. It takes one fireman for every 3 tons of coal. A 10-knot ship will take about 40 tons of coal. It will take, then, about fifteen or sixteen men in a 10-knot ship. A 21-knot ship will take 378 tons of coal a day, and it will require a hundred and twenty-five men to handle it. The increased cost of high-powered ships as compared with low-powered ships is in geometrical ratio, almost.

Young Mr. Clyde, who is one of the most accomplished ship men I know in this country, who has been before the committees of both Houses and impressed them all very favorably indeed, told us that he chartered a Norwegian ship to run to Haiti from New York, and that he was running an American ship of exactly the same size to and from the same ports. Singularly enough, for he said it was very unusual to do so, the captain of the Norwegian ship, a pleasant gentleman and one who had been in his employ some time, gave him the exact pay roll of the Norwegian ship, and to his utter amazement he found that it was but one-half the wages he was paying in the American ship. Being young and vigorous, he made up his mind to reform it promptly. So he determined that he would not run the American ship unless he could get sailors for the Norwegian wages. He undertook it. In the course of a week he succeeded in getting four at Norwegian wages, and he got them on board ship. That night one of them went ashore and barely escaped with his life. He was immediately mobbed by the rest of the sailors because he had consented to serve under the American flag at Norwegian wages. Mr. Clyde went to the rescue of the man, and when he got back the other three had fled. He gave up the business and paid American wages under the American flag and Norwegian wages under the Norwegian flag. That is the experience everywhere.

Men say, "Suppose your American ship is in Liverpool; is she not to obtain sailors for Liverpool wages?" Not one bit of it, if she flies the American flag. Those sailors know just as much about

wages as the men who run the ship, and they know the going wages under our flag just as well as the captain does. If you ask a man to go on an American ship, where he will have better living and better quarters, he will not do so in a foreign port unless he has the wages the other sailors on the American ship have. Sailorlike, he will take the poorer food, the poorer quarters, and the lower wages and sail under the British flag.

I have in my hand a statement of the wages on the *St. Louis*, from the captain down, under the American flag, and on the *St. Louis* under the Belgian flag, which I will print.

INTERNATIONAL NAVIGATION COMPANY,
Philadelphia, January 30, 1900.

PURSER, *Steamship St. Louis.*

DEAR SIR: Immediately on arrival please furnish this office with two copies of the information called for below relating to the crew of your vessel. One copy to be sent to Mr. G. H. Higbee, manager, and one copy to this office.

Yours, truly,

J. W. SHACKFORD,
Marine Superintendent.

		American rate.	Total per month.
	Sailing department:		
	1 captain		$375.00
	1 chief officer		120.00
	3 second officers	$70.00	210.00
	2 third officers	60.00, 55.00	115.00
	1 fourth officer		40.00
	2 carpenters	50.00, 40.00	90.00
	2 boatswains	37.50, 27.50	65.00
	8 quartermasters	27.50	220.00
	4 masters-at-arms	25.00	100.00
	19 A. B.'s	25.00	475.00
	4 lookout quartermasters	26.25	105.00
	2 cadets	15.00	30.00
49	Total sailing department		1,945.00
	Passenger department:		
	1 purser		137.50
	1 surgeon		45.00
	1 chief steward		62.50
	1 second steward		40.00
	7 stewardesses		111.55
	117 assistant stewards (first cabin, 77; second cabin, 24; steerage, 16)		1,954.44
	15 cooks (first cabin, 8; second cabin, 4; steerage, 3)		402.90
	4 storekeepers (first cabin, 2; second cabin, 1; steerage, 1)		90.00
	5 bakers (first cabin, 2; second cabin, 1; steerage, 2)		129.73
	3 butchers (first cabin 1; second cabin, 1; steerage, 1)		66.38
	1 barber		
	1 linen keeper, 4 scullery men, 6 pantry men } stewards, 11, at £3 5s		173.39
	4 boys		63.05
	1 purser's assistant		30.00
	1 printer		29.10
	5 mess-room stewards		78.81
178	Total passenger department		3,414.35
	Engine department:		
	1 chief engineer		150.00
	3 second engineers (1 at $100, 2 at $85)		270.00
	6 third engineers (1 at $70.5 at $65)		395.00
	6 fourth engineers (1 at $60, 5 at $55)		335.00
	3 fifth engineers, at $50		150.00
	2 electric engineers (1 at $70, 1 at $55)		125.00
	2 refrigerator engineers (1 at $45, 1 at $40)		85.00
	1 deck engineer		50.00
	2 storekeepers, 1 at $40, 1 at $35		75.00
	21 greasers, at $40		840.00
	66 firemen, at $40		2,640.00
	48 trimmers, at $30		1,440.00
	6 cadets, at $15		90.00
167	Total engine department		6,645.00
394	Total crew		12,004.35

C. M. BENGLESS.

INTERNATIONAL NAVIGATION COMPANY,
Philadelphia, January 30, 1900.

PURSER, *S. S. St. Louis.*

DEAR SIR: Immediately on arrival please furnish this office with two copies of the information called for below, relating to the crew of your vessel; one copy to be sent to Mr. G. H. Higbee, manager, and one copy to this office.

Yours, truly,

J. W. SHACKFORD,
Marine Superintendent.

		Belgian rates.	Total per month.
	Sailing department:		
	1 captain		$187.67
	1 chief officer		72.12
	3 second officers	$57.69	173.07
	2 third officers	48.08	96.16
	1 fourth officer		38.46
	2 carpenters	28.85, 24.04	52.89
	2 boatswains	24.04	52.89
	8 quartermasters	21.63	173.04
	4 masters-at-arms	19.23	76.92
	19 A. B.'s	19.23	365.37
	4 lookout quartermasters	19.23	76.92
47	Total sailing department		1,365.51
	Passenger department:		
	1 purser		$87.31
	1 surgeon		52.88
	1 chief steward		50.00
	1 second steward		33.65
	7 stewardesses (1 at $19.23, 7 at $14.42)		120.17
	117 assistant stewards (1 at $19.23, 116 at $14.42)		1,691.95
	15 cooks (first cabin, 1 at $28.85; second cabin, 14 at $14.42)		230.73
	4 storekeepers (first cabin, 1 at $28.85; second cabin, 3 at $14.42)		72.11
	5 bakers (first cabin, 1 at $38.46; second cabin, 1 at $19.23; steerage, 3 at $14.42)		100.95
	3 butchers (first cabin, 1 at $28.85; second cabin, 2 at $14.42)		57.69
	1 barber		
	1 linen keeper, 4 scullery men, 6 pantry men } 11 at $14.42		$158.62
	4 boys		
	1 purser's assistant		28.85
	1 printer		25.00
	5 mess-room stewards, at $14.42		72.10
178	Total passenger department		2,762.01
	Engine department:		
	1 chief engineer		96.15
	3 second engineers	$72.12	216.36
	6 third engineers	57.69	346.14
	6 fourth engineers	52.88	317.28
	3 fifth engineers	40.86	122.58
	2 electric engineers	43.26	86.52
	2 refrigerator engineers	45.00, 35.00	80.00
	1 deck engineer		28.85
	2 storekeepers	28.85	57.70
	21 greasers	25.50	535.50
	66 firemen	21.63	1,427.58
	48 trimmers	16.83	807.84
161	Total engine department		4,122.50
386	Total crew		8,250.02

C. M. BENGLESS.

Now, take the matter of food. If you have two or three hundred sailors, that is of some considerable importance. The British have no statutory provision at all as to the food requirement, and many of the nations have not. The shipping federation provided one, but it is not followed. They agree upon the food practically between the master and the crew. Our scale requires from one-half to three-quarters more than the shipping federation of England calls for, which, as I say, is not complied with, and a greater variety. I do not believe that Senators have ever looked at the law which we passed two or three years ago as to the food sailors shall be supplied with on shipboard. Why, it is up to almost the menu of Delmonico's. I am not going to read it. With the permission of the Senate, I will print it, so that Senators may see how we serve our sailors.

By the act of December 21, 1898, which went into effect last February, a minimum scale of provisions for seamen on American merchant vessels was fixed by law. That scale is as follows:

	Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.
Water ..... quarts	4	4	4	4	4	4	4
Biscuit ..... pound	1	1	1	1	1	1	1
Beef, salt ..... pounds			1½		1½		1½
Pork, salt ..... pound		1		1		1	
Flour ..... do	½		½		½		
Canned meat ..... do	1			1			
Fresh bread ..... pounds	1½	1½	1½	1½	1½	1½	½
Fish, dry, preserved, or fresh, pound						1	
Potatoes or yams ..... pound	1	1	1	1	1	1	1
Canned tomatoes ..... do	½					½	
Pease ..... pint			½			½	
Beans ..... do		½		½			
Rice ..... do		½					½
Coffee (green berry) ..... ounce	½	½	½	½	½	½	½
Tea ..... do	½	½	½	½	½	½	½
Sugar ..... ounces	3	3	3	3	3	3	3
Molasses ..... pint	½		½		½		
Dried fruit ..... ounces	3		3		3		
Pickles ..... pint		½		½		½	
Vinegar ..... do			½				½
Corn meal ..... ounces	4				4		
Onions ..... do	4				4		4
Lard ..... ounce	1	1	1	1	1	1	1
Butter ..... do	1	1	1	1	1	1	1
Mustard, pepper, and salt, sufficient for seasoning.							

The best estimate which can possibly be made as to the difference in food between English sailors and Americans is that it costs 10 cents a day more for the latter than for the former, and as a matter of course it costs a great deal more than in several other countries of Europe.

I had occasion myself to look into this a number of years ago,

and there has been no change since, except that we have been demanding more and more of our ships. I was in Liverpool and stayed there for a week or ten days, anxious to get home. I became acquainted with Captain Russell, who was consul-general of the United States, appointed by Mr. Cleveland. He was an old shipmaster and a very accomplished man. He was a free trader and a free shipman, and of course he and I had sundry discussions on this matter of free ships.

I made the assertion to him about the difference in wages and the difference in food, and he denied it very promptly. I finally prevailed upon him out of friendship—he and I were personal friends—to make himself entirely acquainted with the wages and the food cost on shipboard of all the maritime nations in the world, and he consented to do it. He told me that he spent a year in the inquiry, and did the work with the utmost thoroughness. Then, instead of sending his report to me he forwarded it to our Secretary of State, Mr. Bayard. It is in the State Department today, and can be seen by any Senator. He wrote to me that he had dropped his free-ship theory and no longer held to it, for he said he was perfectly amazed at the result. I wish to quote from that report.

Reference to these tables—

That is, to the tables which he furnished the State Department—

Reference to these tables will show that the vessels of the United States pay the highest rate of wages, besides costing more for maintenance of the crews than those of any other nation. British vessels in domestic ports can procure crews from 37 to 32 per cent lower than are paid on American vessels, which is a serious item in the disbursement account. Then, again, the cost of maintenance on American ships is about 40 cents a man per day, against the English 29 cents, or a difference of 27 per cent in favor of the latter. It is an acknowledged fact that the living on board our vessels is superior to that of other nations, and it is generally asserted that large quantities of food are supplied to the crews, the scale of provisions laid down by Congress being rarely, if ever, resorted to. The wages paid on vessels belonging to Norway, Sweden, Russia, Germany, Denmark, Austria, Spain, and Italy average from 47 to 50 per cent lower than those of the United States vessels, and the cost of maintenance about 32 per cent less, except that of Germany, which is about 10 per cent less only.

The consul gave carefully prepared tables, illustrative of these statements. I took those statements and the tables which he furnished the Secretary of State and undertook (and I spent a great deal of time in doing it) to take one of John Roach's ships which was then running between New York and Brazil and a Spanish ship, I think she was the *Alameda*, of the same tonnage, which was receiving a subsidy from an act of the Cortes of Spain, and to make a carefully prepared comparison between the two ships. All the figures given were figures taken from the books. I had employed to get it from the Spanish ship a man who had lived in Spain a great many years and was on the most familiar terms with the captain of the *Alameda*, if that was the name of the ship.

I give here all of the items of difference between the two ships making the same voyages and of the same tonnage and of the same speed. I found that the Spanish ship had an advantage of the American ship, including her subsidy, of $10,748.95 a month, which is over $120,000 a year. I found that the American ship could carry for $7.50 a ton, and the Spanish ship could carry for $5 a ton and make just as much money as the American ship.

	American steamer.	Spanish steamer.	Difference in favor of Spanish.
S. S. Alliance, cost	$382,378.00		
Spanish, exactly similar		$344,140.00	
Difference of cost in favor		38,238.00	
Equal in interest per month			$191.19
Cost of crew, wages per month	2,500.00	1,750.00	750.00
Cost of crew, food per month	1,152.00	691.20	460.80
Mail service, Brazil Government, distance 11,490 miles, time 2 months—$4,750—or per month	2,375.00		
Mail service, Spanish Government with Spanish Co. of Nov. 1, 1886, approved Nov. 1, 1886, article 285, clause A, distance 10,230 miles, at 10.18 pesetas, or $1.99 per mile, amounting to $20,307.50; difference of mileage compared with Brazil steamers, 1,260 miles, at $1,992,-501.10; total, 11,490 miles, at $22,808.60 per month		11,404.30	9,029.30
Ship chandlery *	450.00	500.00	
Coal about equal			
Engine-room stores, oil waste, etc	250.00	180.04	70.00
Insurance, 5½ per cent per month	1,673.00	1,505.00	168.00
Wear and tear, 2½ per cent per month	796.62	716.95	79.66
Total			10,748.95

*Difference in favor of American, $50.

Total difference per month in favor of Spanish ship, $10,698.95; total difference per annum in favor of Spanish ship, $128,387.40; $10,698.95 per month in favor of Spanish ship enables same to carry cargo 33 per cent less than United States ship, same tonnage.

Now, what happened? John Roach lost money year after year; then sold out his line to Mr. Thurber and other gentlemen in New York; they lost their entire investment, and the line was withdrawn. Could any other result have by any possibility happened?

Well, now, what was true of the Spanish ship and John Roach's is true of every American ship to-day engaged in the foreign trade, though not quite to the same extent.

Take a British ship at the average subsidy of the postal lines and institute the same comparison, and you will find that she has an advantage of the American of at least $6,000 a month.

I had a carefully prepared comparison covering all these things, a statement of the difference in the three elements of cost of ocean transportation in vessels of the type of the steamship *St. Louis* under the American flag as compared with the Belgium flag, and with the permission of the Senate I will print that as a part of my remarks without reading it.

The PRESIDING OFFICER. The order will be made.

The statement referred to is as follows:

Cost in the United States	$2,550,000
Cost in England	2,000,000
Difference in cost	550,000
	Per annum.
Depreciation in difference in cost, at 6 per cent	$33,000
Average interest on difference in cost, at 3 per cent	16,500
Average insurance on difference in cost, at 3 per cent	16,500
Difference in wages, based on 394 men at an average of $30 per man per month under American wage scale, as compared with $20 per man per month under Belgian wage scale	43,908
Difference in subsistence, based on 10 cents per man per day, which is a reasonable estimate of the difference in cost of American food scale as compared with Belgian food scale	14,184
Difference in cost of repairs, based on 20 per cent of average cost of repairs; this difference of 20 per cent being a reasonable estimate of the difference on cost of all repairs in the United States as compared with Belgium	9,554
Total	133,646

The steamship *St. Louis*, being 11,629 gross tons and making on an average 12 round voyages of 6,200 miles per year, could earn under the full rates of compensation provided for in clause (a) of the bill $108,448 per annum. Since, as stated above, the actual difference in the cost of furnishing transportation with the *St. Louis* under the American flag as compared with the Belgian flag in the same service and on the same scale would be $133,646 per annum, and the amount the *St. Louis* would receive for this service, under the full rates provided in clause (a) of the bill, would be only $108,448 per annum, there will be a loss of $25,198 per annum that has got to be made good to the owners of the *St. Louis* in some other way than as provided in clause (a) of the bill.

In addition to this it must be borne in mind that while, as indicated in the foregoing statement, the American owner must charge and pay 6 per cent interest on the money used in building his ship the Belgian, or other foreign owner in good credit, can get this money at a much lower rate. It is a fact that the International Navigation Company, in the construction of its foreign-built ships, has for years been able to borrow money at not exceeding 3½ per cent, while in the United States this same company has been obliged, and will be obliged, to pay 6 per cent; therefore really in addition to the difference in the cost of furnishing transportation in the *St. Louis*, under the American flag, as compared with the Belgian flag already stated, there should also be charged a difference of 2½ per cent interest upon the entire original cost of the ship, which, taking into consideration the 6 per cent depreciation account, as I have done throughout this statement, would be equivalent to 1½ per cent on the original cost, or $31,875 per annum. This latter amount, together with the loss of $25,198 per annum, as above stated, makes a total loss, after receiving all the compensation that can be earned under clause (a), $57,073 per annum.

This amount, say $57,073, must therefore be carried forward to be made good to the owners of the *St. Louis* out of the compensation that can be earned under the (b) clause, which latter compensation must also cover the equivalent of the mail pay, admiralty, and other subventions paid by the foreign governments to their steamers of the class of the *St. Louis*.

The *St. Louis*, making an average of twelve voyages per year across the North Atlantic, if under the British flag would receive relatively the same government subventions as similar steamers of the Cunard and White Star lines receive, to wit, $12 per gross ton, which, upon the gross tonnage of the *St. Louis*, say 11,629 tons, is equivalent to $147,339.46 per annum. Adding this last amount to the loss of $57,073 per annum, carried forward above, we have a total of $204,412.46 per annum, to be made good to the owners of the *St. Louis* out of the compensation to be paid under clause (b).

The *St. Louis*, being a 20-knot ship, can earn on twelve round voyages of 6,260 miles, under clause (b), $173,040 per annum; therefore, even after receiving all of the compensation that the *St. Louis* can earn under the bill, under both clauses (a) and (b), she is worse off than her British competitor of the same type in the same service by $31,372.46 per annum.

This shows conclusively that the rates of compensation provided in clause (b) are not excessive, and it will require all the ingenuity and better management of which the American owner is capable to maintain his position, even with all the assistance rendered by the bill.

Mr. FRYE. Now, the next provision in the bill reaches another class of ships. Originally, as the bill was agreed upon, we commenced a speed premium at steamships of 14 knots, with a gradual increase up to and including the 21-knot ship. This was in addition to the sailing bounty heretofore referred to.

We did it in part because the most of those ships were liable to carry our mail, this bill providing that all of those ships shall carry the United States mail for nothing, furnish all the necessary quarters for messengers, and everything of that kind without charge. Then, again, from 14 knots and upward they are liable to be called upon in case of war as auxiliaries and transports.

Then, again, they were obliged to meet the subsidized ships of the world, and I think Senators will be surprised to note to what extent those ships are subsidized. Take 16-knot ships up to 22-knot, and in the world outside of the United States there are only six to-day which are not running under subsidies from other governments.

Mr. TELLER. To what classes of ships?

Mr. FRYE. Sixteen-knot ships up to 21 knots, both inclusive. There are only six in the whole world to-day unsubsidized by their governments. From 14-knot ships up to 21, inclusive, 80 per cent

of all are to-day subsidized by foreign governments, and those are the ships with which we are obliged to compete with our American steamships, in addition to the other difficulties.

Mr. TELLER. I should like to ask the Senator a question. Does the Senator put in a table showing what countries subsidize their ships?

Mr. FRYE. I can do so.

Mr. TELLER. I wish the Senator would do it.

Mr. FRYE. I wish first to give a recent act of the German Reichstag. They are preparing to secure the trade of Africa and at least to get their share of it as soon as the Boer war is over. I insert an article from a German newspaper:

[Shipping Weekly Summary, London, March 16, 1900—London Morning Post Correspondent.]

GERMAN STEAMSHIP PROJECT.

BERLIN, *March 12, 1900.*

A bill has been laid before the federal council providing for an augmentation of the German mail service to South Africa commensurate with the rapid increase in commercial prosperity of that quarter of the globe which may be expected to follow the conclusion of the war. The present contract with the German East Africa line terminates at the end of this year.

It is proposed to establish a fortnightly mail service, running alternately from the east and from the west round the Cape of Good Hope, and assisted by an intermediary line to and from East Africa through the Suez Canal. The imperial subsidy to the contractors is to be raised from 900,000 marks to 1,350,000 marks annually.

The bill also stipulates for the construction of five new large steamers at a cost of 2,500,000 marks each, and of four medium-sized steamers at 1,300,000 marks.

That became a law last May. The subsidy will pay in thirteen years the entire cost of this new fleet of nine German steamships of 12 knots and under. Or, viewed in another way, these nine German ships will draw a subsidy about 25 per cent greater than proposed in the shipping bill now pending.

That, I think, does not appear in the Commissioner's report, because it was so late that the law was passed. But the Commissioner of Navigation is one of the most accomplished Commissioners we have ever had and is very faithful in his work. I commend his report to Senators who desire to make themselves familiar with this subject—last year's report and this year's report.

THE SUBSIDIES OF OTHER NATIONS.

Take Great Britain. She does not pay so much now as she used to. She has been in the habit, if we undertook to interfere with her, of doubling her subsidies, and drove the Collins line off in that way.

Great Britain		$5,851,525
Mail contracts and mail pay, 1899[1]	$3,755,395	
Colonial mail contracts, 1899[2]	765,450	
Mail contracts not ascertained (about), 1899[3]	100,000	
Admiralty subventions, 1899[1]	316,323	
Retainers to merchant seamen, 1899[1]	606,853	

That is money paid to the merchant seamen, so much a year, not for any service, but to retain them in case service is required in war.

Refunds to British ships with naval-reserve apprentices (about), 1899[2]	$150,000
Canadian fishing bounties, 1897[1]	157,504

Making in all, $5,851,525.

That is Great Britain's, and this gives Germany, France, Italy, Russia, Austria-Hungary, Spain, Portugal, Netherlands, Norway and Sweden, Denmark, and Japan. With the permission of the Senate, I will print the whole statement in my remarks.

Germany		$1,894,620
Mail subsidies, 1899[2]	$1,544,620	
Trans-Atlantic mails (about)[3]	350,000	
France		7,632,242
Mail subsidies, 1899[2]	4,655,791	
Navigation bounties (annual average for past five years)[1]	1,863,469	
Construction bounties, 1897[1]	993,142	
Fishing bounties, 1897[1]	119,840	
Italy		2,185,206
Mail subsidies, 1899[2]	1,679,985	
Navigation bounties, 1897[1]	394,557	
Construction bounties, 1897[1]	110,724	
Russia		1,371,187
Subsidies, 1899[1]	1,065,187	
Refund Suez Canal dues, 1899[1]	306,000	
Austria-Hungary		$1,724,249
Mail subsidies 1899[1]	$1,724,249	
Navigation and construction bounties		(?)
Spain		1,629,927
Mail subsidies, 1896[2]	1,629,927	
Construction bounties		(?)
Portugal		63,300
Mail subsidies, 1898[2]	63,300	
Netherlands, 1898		259,971
Mail subsidies[2]	259,971	
Norway		136,948
Mails and subsidies, 1899[2]	136,948	
Sweden		31,844
Mails, 1898[1]	31,844	
Denmark		82,455
Mails[1]	82,455	
Japan		3,492,107
Mail subsidies, 1899[1]	3,316,482	
Navigation bounties		
Construction bounties, 1899[1]	138,625	
Fishing bounties, 1898[1]	37,000	
Grand total		26,355,641
United States, 1899[1]		998,211

[1] Government report or statute. [2] Steamship report or contract. [3] Estimate.

I wish right here to insert something else in the RECORD. Strange and wonderful criticisms have been made as to this bill, and their number will be like the sands on the seashore. The bill has enemies. The foreign lines will fight it to the bitter end. Perhaps later on in the debate I may wish to make further reply. One criticism constantly urged is that the compensation provided for is unreasonable and extravagant.

Now, I wish to give the Senate certain British lines subsidized, as compared with these which we propose to subsidize. In the Peninsular and Oriental, which is one of the first steamship lines subsidized by Great Britain, the British contract called for $1,650,297 a year. For exactly the same line of American steamships, making exactly the same voyages, under all the terms of this bill it would be $1,146,941, nearly $500,000 less than what Great Britain pays.

The Pacific Steam and Orient figures are given here, the Castle Mail, the Royal Mail, the Canadian Pacific, the Cunard, and White Star.

The totals under those corporations are tonnage, 887,262—more tonnage than we have in the United States engaged in the foreign carrying trade to-day. The contract annually with those companies by Great Britain is $3,778,982. Put our ships in their place exactly as to size, tonnage, speed, and voyages, and under the Senate bill the pay would be $3,488,834. This Senate bill proposes to offset the amount awarded under the British contracts of $3,778,982 by $3,488,834 awarded under American contracts.

The finding on the part of the general committee was that they could stand this difference in the Pacific Ocean, this advantage on the part of Great Britain, because these ships, nearly all of them, will be obliged to go through the Suez Canal and pay a dollar a ton toll, while the American ships will not be obliged to do the same thing. I will, with the permission of the Senate, insert this statement as a part of my remarks:

Some of the recent criticisms of this bill convey the impression that the compensation it provides for steamships is wholly unreasonable. On the general principle of the bill differences of opinion are to be expected, but its details are not, I believe, subject to criticism on the score of extravagance, at least when compared with the support foreign governments offer to their mail steamships.

The bill gives a uniform rate of compensation to all vessels (sail or steam), virtually 1 cent per gross ton for each 100 nautical miles traversed, to offset the increased cost of construction and operation in the United States. This has not, so far as I am aware, been criticised as unreasonable, if one accepts the theory that the Government is warranted in offsetting those differences in order to give our merchant shipping in foreign trade a start.

The bill, as it is proposed to amend it, also gives (over and above that virtually 1 cent per ton per 100 miles) a special allowance for steamships of over 2,000 gross tons and of 12 knots speed or upward. About 80 per cent of the seagoing screw steamships in the world which comply with the requirements named as to size and speed now receive and for some years have received the assistance in some form of the various governments whose flags they respectively fly. The proposition in Senate bill 5590, so far from being unwarrantable, therefore, is mere compliance with the ordinary maritime custom of years. It seems strange only to those who have not looked at the facts.

The special and additional rates for steamships of 12 knots or over, which have been condemned as extravagant and unheard of, are designed to offset the corresponding allowances given to similar steamships by foreign governments. Bearing in mind that these rates only (not the allowance for difference in cost of construction and operation) are being considered, the rates proposed are not more than enough to counterbalance contributions by foreign governments to similar steamships.

The large British mail contracts are awarded in lump sums, but I have been at the pains to ascertain the steamships by which they are performed, their size, speed, number of voyages, and distances traversed during a year. With this data it is easy to ascertain the additional rates named to which similar vessels would be entitled to under Senate bill 5590. Viewed another way this comparison will show what foreign governments pay to certain steamships and what American steamships of precisely the same size and speed running parallel to them throughout a year would receive as an offset under this bill. The detailed computations would fill several columns, but following are the summaries (including tonnage of the contract vessels):

	Tonnage.	British contracts.	Senate No. 5590.
Peninsular and Oriental	148,355	$1,060,297	$1,146,941
Pacific Steam and Orient S. S. Cos	56,305	413,100	465,531
Castle Mail and Union S. S. Co	63,676	456,840	498,410
Royal Mail	21,733	291,600	196,742
Canadian Pacific	17,715	291,600	140,586
Cunard and White Star	79,478	665,545	1,040,624
Total	387,262	3,778,982	3,488,834

Senate bill 5590 thus proposes to offset $3,778,982 awarded under British contracts with $3,488,834 awarded under American contracts. The proposition is not extravagant, nor does it mean a pot of money for the owners of fast American steamships. Were it not for two facts—that Americans will obtain advantages for operating slow cargo boats in conjunction with mail steamships, and that our Pacific intercourse with Asia is not subject to Suez Canal tolls—the bill would probably fail to accomplish its purpose.

The last item in the table, which shows a marked difference, calls for a word. The United States has been paying the Cunard and White Star lines annually $180,000, on the average, for some years ($225,000 in 1898) for carrying the outward mails. Unless this amount be added to the $665,000 paid those lines by the British Government, it ought to be deducted from the $1,040,624, which corresponding American vessels performing the same service would receive under Senate bill 5590 as being "merely mail pay," and having nothing to do with ship subsidies.

Any method of comparing facts with which I am familiar will show that such advantages as this bill gives to American shipping are as much to the benefit of cargo vessels as to mail steamships, in spite of the higher rates given to the latter class, which have been computed on the basis of efforts by other nations to maintain fast ocean mail lines.

Mr. CULLOM. May I ask a question of the Senator?

Mr. FRYE. With pleasure.

Mr. CULLOM. I see that the Senator is thoroughly familiar, apparently, with everything pertaining to this subject. I should like to have him state whether, under the operation of this bill, if it should pass, the South American commerce with the United States will be aided at all, and if so, to what extent, probably.

Mr. FRYE. Under the original postal subsidy bill which I alluded to a while ago, which I reported to the Senate, and which passed the Senate, if it had become a law there would have been two lines between the United States and the South American republics. That had been promised by men who are entirely competent to fulfill their promises. It is absolutely certain that if this bill becomes a law there will be two lines between the United States and the South American republics, of fast ships, because fast ships are more needed sailing south than they are across east and west, on account of tropical climates and the danger by the long voyages of the cargo becoming destroyed.

Mr. CULLOM. The reason why I asked the question is that I have heard people state that they did not think this bill, if it should become a law, would encourage commerce between the United States and the South American republics, and I think it is very important that that should be done in some way.

Mr. FRYE. It is required more between the United States and the South American republics and on the Pacific Ocean than anywhere else, and the purpose of the framers of the bill was to secure our share of the markets of South America and those of Asia. I have no doubt that the bill, if it should become a law, would accomplish those purposes.

I wish, as a matter of interest to Senators, right here to give them an idea of the difference in the consumption of coal on these various ships. A 10-knot ship will consume 44 tons of coal a day and require 15 firemen; an 11-knot ship will consume 53 tons of coal a day and require 18 firemen; a 12-knot ship will consume 65 tons of coal and require 22 firemen; an 18-knot ship will require 209 tons of coal a day and 70 firemen; a 19-knot ship will consume 254 tons of coal and require 85 firemen; a 20-knot ship will consume 305 tons of coal and require 102 firemen, and a 21-knot ship will consume 371 tons of coal and require 127 firemen. So, while the 21-knot ship makes a trifle more than twice as much speed as the 10-knot ship, the one requires 44 tons of coal and the other, instead of requiring twice the amount of coal, requires 371 tons.

Mr. JONES of Arkansas. Ships of the same size?

Mr. FRYE. Just the same size. I will print this statement, which is a carefully prepared one. It is a statement showing the annual cost of coal and handling coal, compared with the compensation under this bill, at various rates of speed, of a steamship of 10,000 gross tons from San Francisco to Nagasaki, 5,000 nautical miles, coal being $4 a ton, firemen costing $1 per day, and navigation at full speed for 175 days. A steamship will not be at sea more than 175 days in any year. The rest of the time she is laid off for repairs or in dock, or is taking cargo on board or discharging cargo. Consequently I think this statement will be very instructive.

I wish to explain further about this matter: I said that the bill as agreed to by the general committee commenced the speed premium at 14 knots, but before the Senate Committee on Commerce there were quite a number of gentlemen who appeared in behalf, as they said—and I suppose they did—of the agriculture of the country. They contended that what they were after were low-powered ships—freight ships. They did not care anything about high-powered ships. They wanted low-powered ships to carry freight from the Pacific coast to the East—commonly called "tramps"—especially low-powered ships running from 12 or 13 knots down to 6 and 8 knots an hour. They thought that we had given undue compensation to the higher grade ships. They persuaded the Senate Committee on Commerce that there was something in that contention, and in our investigation we found a singular fact, difficult to explain, but still a fact: A 10-knot ship, running 175 days at the speed provided for it, would pay for coal and handling it under this bill and have $15,000 left at the end of the year. That is the subvention for the 10-knot ship.

The sailing bounty for a 10-knot ship would give it $15,000 a year more than its coal and handling; an 11-knot ship would get $12,000 more; and a 12-knot ship would get only $8,000 more. The increased cost begins to become somewhat rapid when you strike a 13-knot ship. A 13-knot ship would get only $2,730 more than its coal, evidently leaving the 12 and 13 knot ships subject to the criticism of the gentlemen who were before us. Therefore we offered an amendment in the Senate Committee on Commerce to the general committee's bill commencing the speed subsidy at 12 knots instead of at 14, and as the bill is before the Senate to-day there is such an amendment pending, which, if adopted, will pay the low-powered vessels more in proportion than the highest.

Mr. CLAY. Will the Senator permit me to ask him a question?

Mr. FRYE. Yes.

Mr. CLAY. Under the provisions of the bill, about how much subsidy would a 21-knot ship get? Would it not draw about $304,000 a year?

Mr. FRYE. I can tell you what it gets here. A 21-knot ship will travel 504 miles a day, and get $304,290. She will burn 371 tons of coal; she will employ 127 firemen, and she will receive as compensation, beyond the cost of handling the coal, $22,932.

Mr. CLAY. How much would she receive in gross in a year? Would it not be about $304,000?

Mr. FRYE. Three hundred and four thousand two hundred and ninety dollars.

Mr. CLAY. That is a 21-knot ship?

Mr. FRYE. Yes.

Mr. CLAY. Does a 21-knot ship really carry any farm products?

Mr. FRYE. Of course she does not, other than fresh meats, etc.

Mr. CLAY. Now, how much will a 14-knot ship receive under this bill? Will it not be about a third as much as a 21-knot ship? Is not that true?

Mr. FRYE. No; the 14-knot ship receives over and above the cost of coal $53,508, while the 21-knot ship only receives $22,932.

Mr. CLAY. I understand; but the total amount received by the 21-knot ship, which is a fast passenger steamer, will amount to $304,290.

Mr. FRYE. That is a little over twice as much as a 14-knot ship.

Mr. CLAY. That is the total amount.

Mr. FRYE. Yes.

Mr. CLAY. I understand that most of our farm products are carried by ships of about 12 knots.

Mr. FRYE. Certainly they are.

Mr. CLAY. I understand that to be true, and I understand that the ships that are to convey our farm products under the provisions of this bill will not draw more than a third of the amount of subsidy that the fast passenger steamships will get.

Mr. FRYE. Certainly they will not, and it will not cost more than a quarter as much to run them. But the idea of carrying farm products, wheat, cotton, corn, bacon, and all that sort of thing, in a 21-knot ship! Why, the carrying capacity of a 21-knot ship, so far as freight is concerned, is not over 1,400 tons. Its space is taken up with machinery and with the coal in its bunkers, taking coal for its round voyage, with its passenger and post-office accommodations. Such ships were never in the world intended for freight-carrying ships, and nobody would ever dream of carrying farm products in them.

Mr. CLAY. I so understand.

Mr. FRYE. And nobody would ever dream of carrying farm products in a 14-knot ship.

Mr. CLAY. I never intended to convey the impression that a fast passenger steamship carried farm products, but in the report of the majority of the committee it is stated that the object and purpose of this bill is to increase our exports, which consist chiefly of agricultural products.

Mr. FRYE. Yes.

Mr. CLAY. The idea I wished to convey was simply that the passenger steamers that would draw the largest part of this subsidy do not carry any agricultural products, and that the ships which really convey our agricultural products would not draw a third as much subsidy as the passenger steamers.

Mr. FRYE. And I was undertaking to show just at the time the Senator interrupted me that, in order to aid the lower-powered ships, which do carry agricultural products, we are giving them a higher premium under this bill than we do the fast ships, which do not carry them, and it was done at the demand of the agriculturists. That is just the point I was making about this bill. I will print this table, with the permission of the Senate.

Statement showing annual cost of coal and handling coal, compared with compensation under bills S. 727 and H. R. 6, at various rates of speed of a steamship of 10,000 gross tons from San Francisco to Nagasaki (5,000 nautical miles); coal, $4 per ton; firemen, $1 per day; navigation at full speed, 175 days.

Knots per hour.	Miles per day.	Tons coal per day.	Number firemen.	Cost of coal and handling.		Mileage per annum.	Cost of coal and handling per annum.	Compensation.	Excess compensation.
				Per day.	Per mile.				
10	240	44	15	$191	$0.79	42,000	$33,180	$48,300	$15,120
11	264	53	18	230	.87	46,200	40,194	53,130	12,936
11*	264	53	18	230	.87	46,200	40,194	*71,610	*31,416
12	288	65	22	282	.98	50,400	49,392	57,960	8,568
12*	288	65	22	282	.98	50,400	49,392	*88,200	*38,808
13	312	79	26	342	1.10	54,600	60,060	62,790	2,730
13*	312	79	26	342	1.10	54,600	60,060	*106,470	*46,410
14	336	96	32	416	1.24	58,800	72,912	126,426	53,508
15	360	117	39	507	1.41	63,000	88,830	141,750	52,920
16	384	144	48	624	1.62	67,200	108,864	157,920	49,056
17	408	173	58	750	1.84	71,400	131,376	182,070	50,694
18	432	209	70	906	2.09	75,600	158,004	207,900	49,896
19	456	254	85	1,101	2.41	79,800	192,318	235,410	43,092
20	480	305	102	1,322	2.75	84,000	231,000	264,600	33,600
21	504	371	127	1,611	3.19	88,200	281,358	304,290	22,932

*Assuming that a speed compensation of 0.4 cent is allowed on 11-knot vessels, 0.6 cent on 12-knot vessels, and 0.8 cent on 13-knot vessels.

For consumption of coal and number of firemen, third and fourth columns, see the Report of the Commissioner of Navigation for 1899, pages 53, 54 and 283; also pages 44, 45.

For annual mileage and number of trips, see the above-named report, pages 46, 47 and 282.

For rate of compensation for 5,000 miles, see page 263.

The Senator from Ohio [Mr. HANNA] reminds me that these fast ships do carry dressed beef, and all that sort of thing.

Mr. CLAY. I believe that is correct, and I think I have a manifest showing that they carry crockery and dressed beef.

Mr. TELLER. Before the Senator from Maine gets through I want to ask him a question regarding the bill. Can the Senator give us a statement as to what the different speed premiums would be on these steamships? If the Senator has that I should be glad to have him present it. I do not understand it.

Mr. FRYE. I have it here, and I shall print it.

Mr. TELLER. I want to ask the Senator one other question. I want to ask if the committee have determined as to which is the most economic speed for carrying products like our farm products?

Mr. FRYE. From 8 to 12 knots.

Mr. TELLER. So I understand. That is my information.

Mr. FRYE. That is why the general committee commenced in the first place the speed premium at 14 knots, for vessels having that speed immediately become available as auxiliaries to the Navy in case of need.

Mr. ALLISON. If it be convenient to the Senator to complete his observations to-morrow, I will move that the Senate proceed to the consideration of executive business, if he will yield for that purpose.

Mr. FRYE. I have taken so much time on the first two propositions of the bill that I should like to spend some additional time on the other provisions contained in the bill, and therefore it will suit my convenience entirely.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

Mr. VEST. Before that motion is put, I desire to offer an amendment by way of a substitute for the pending bill, and ask that it be read and printed.

The PRESIDING OFFICER. Does the Senator from Iowa withdraw his motion?

Mr. ALLISON. I do for that purpose.

The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri will be read.

The Secretary read the proposed substitute, as follows:

Amendatory of Title XLVIII of the Revised Statutes of the United States so as to authorize the purchase of foreign-built ships by citizens of the United States for use in the foreign carrying trade.

Be it enacted, etc., That so many of the various provisions of the Title XLVIII of the Revised Statutes of the United States, entitled "Regulation of commerce and navigation," embraced in chapters 1 to 9 of said title, and from section 4131 to section 4305, both inclusive, as either prohibit or restrict citizens of the United States from purchasing ships built in other countries, to be used in the foreign carrying trade of the United States, or which impose taxes, burdens, or restrictions on such ships when owned by American citizens which are not imposed on ships built in the United States, are hereby repealed; and it shall be lawful hereafter for all citizens of the United States to buy ships built in whole or in part in any foreign country and have them registered as ships of the United States; and when so registered such ships so bought shall be entitled to all the rights and subjected only to the same regulations as are now provided by law for the government and management of ships built wholly within the United States and owned and controlled by citizens thereof.

The PRESIDING OFFICER. In the absence of objection, the amendment will lie upon the table and be printed.

EXECUTIVE SESSION.

Mr. ALLISON. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, December 5, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 4, 1900.

APPOINTMENTS IN THE ARMY.

TO BE SECOND LIEUTENANTS.

Infantry arm.

Harry W. Graham, of Ohio (corporal, Company D, Twelfth Infantry, United States Army), September 1, 1900, vice Price, Sixth Infantry, promoted.

James C. Williams, of the District of Columbia (second lieutenant, squadron Philippine Cavalry, United States Volunteers), September 1, 1900, vice Kinney, Thirteenth Infantry, promoted.

John Royden Kelly, of South Dakota, September 1, 1900, vice Hocker, Eleventh Infantry, promoted.

E. R. Warner McCabe, of Virginia, September 1, 1900, vice Boyle, Twenty-first Infantry, promoted.

William Swift Martin, of New York, October 11, 1900, vice Young, Tenth Infantry, promoted.

William G. Ball, of Ohio, October 15, 1900, vice Parker, First Infantry, promoted.

Joseph A. Marmon, of Ohio, October 15, 1900, vice Clark, Twenty-third Infantry, promoted.

Emery T. Smith, of California, October 15, 1900, vice Hunt, Nineteenth Infantry, promoted.

Cavalry arm.

Sergt. James Huston, Troop F, Sixth Cavalry, July 25, 1900, vice Holbrook, Fourth Cavalry, promoted.

First Sergt. Edward Calvert, Troop M, First Cavalry, July 25, 1900, vice Wade, Fifth Cavalry, promoted.

Sergt. Bruce Palmer, Troop H, Sixth Cavalry, July 25, 1900, vice Heiberg, Sixth Cavalry, promoted.

Sergt. James E. Fechét, Troop D, Sixth Cavalry, July 25, 1900, vice Kochersperger, Second Cavalry, promoted.

First Sergt. Philip W. Corbusier, Troop C, Fourth Cavalry, July 25, 1900, vice McIntyre, Ninth Cavalry, transferred to artillery arm.

Infantry arm.

Corpl. Ward Dabney, Company H, Tenth Infantry, July 25, 1900, vice Bumpus, Twenty-first Infantry, promoted.

Corpl. John T. Berry, Battery A, Third Artillery, July 25, 1900, vice Miller, Tenth Infantry, resigned.

First Sergt. Paul M. Goodrich, Company M, Fourteenth Infantry, July 25, 1900, vice Hill, Fourth Infantry, promoted.

Sergt. Frank H. Kalde, Company M, Second Infantry, July 25, 1900, vice Dalton, Ninth Infantry, promoted.

Battalion Sergt. Maj. William W. Taylor, jr., Fourth Infantry, July 25, 1900, vice Straat, Twenty-fifth Infantry, promoted.

Q. M. Sergt. John B. Murphy, Battery D, Fourth Artillery, July 25, 1900, vice Catlin, Tenth Infantry, promoted.

Corpl. Russell C. Hand, Troop G, Second Cavalry, July 25, 1900, vice McNulta, Fourteenth Infantry, promoted.

First Sergt. Henry A. Bell, Company M, Twentieth Infantry, July 25, 1900, vice Faulkner, Fourteenth Infantry, promoted.

Corpl. Bruno T. Scher, Company M, Eighth Infantry, July 25, 1900, vice Perkins, Eighth Infantry, promoted.

Private George A. Herbst, Battery K, Sixth Artillery, July 25, 1900, vice Morse, Ninth Infantry, deceased.

Corpl. Jairus A. Moore, Company G, Twenty-first Infantry, July 25, 1900, vice Childs, Sixth Infantry, promoted.

Corpl. Philip J. Lauber, Battery B, Sixth Artillery, July 25, 1900, vice Wagner, Eighth Infantry, promoted.

Com. Sergt. James V. Guthrie, Thirteenth Infantry, July 25, 1900, vice Knabenshue, Fourth Infantry, promoted.

Corpl. Thomas M. Hunter, Battery [illegible], Second Artillery, July 25, 1900, vice Harrison, Twenty-fifth Infantry, promoted.

Private Gad Morgan, Company K, Fifteenth Infantry, July 25, 1900, vice Knox, Twentieth Infantry, promoted.

Corpl. Elverton E. Fuller, Company E, Third Infantry, July 25, 1900, vice Powers, Twenty-fifth Infantry, promoted.

Sergt. William S. Neely, Battery A, Sixth Artillery, July 25, 1900, vice Lieber, Twenty-third Infantry, promoted.

First Sergt. Frank H. Adams, Company I, Seventeenth Infantry, July 25, 1900, vice Bell, Second Infantry, promoted.

Sergt. George C. Lewis, Troop M, Third Cavalry, July 25, 1900, vice Ramsay, Twenty-first Infantry, promoted.

First Sergt. Ernest G. Smith, Company L, Seventeenth Infantry, July 25, 1900, vice Mitchell, Twelfth Infantry, promoted.

Private William H. Patterson, Troop B, Third Cavalry, July 25, 1900, vice Drouillard, Sixth Infantry, promoted.

Sergt. David A. Lindsay, Battery L, Second Artillery, July 25, 1900, vice Crimmins, Eighteenth Infantry, promoted.

Corpl. Leonard J. Mygatt, Company H, Twenty-third Infantry, July 25, 1900, vice Weeks, Twenty-first Infantry, promoted.

Corpl. Elliott M. Norton, Company L, Eighteenth Infantry, July 25, 1900, vice Graham, Fifth Infantry, resigned.

Q. M. Sergt. Thomas M. Bains, jr., Battery E, Sixth Artillery, July 25, 1900, vice Love, Twenty-first Infantry, promoted.

Sergt. Roscoe H. Hearn, Troop M, Fourth Cavalry, July 25, 1900, vice McCook, Fifth Infantry, promoted.

Sergt. Nels Anderson, Troop C, First Cavalry, July 25, 1900, vice Coleman, Thirteenth Infantry, promoted.

Corpl. William McE. Walton, Battery H, Sixth Artillery, July 25, 1900, vice Schindel, Sixth Infantry, promoted.

Sergt. Frank B. Edwards, Battery H, Fourth Artillery, July 25, 1900, vice Pond, Third Infantry, promoted.

Corpl. Arthur H. Freshwater, Troop K, Sixth Cavalry, July 25, 1900, vice Merrill, Twelfth Infantry, promoted.

Electrician Sergt. William Korst, United States Army, July 25, 1900, vice Wetherill, Sixth Infantry, promoted.

Corpl. Joseph C. Kay, Company D, Battalion of Engineers, July 25, 1900, vice Murphy, Twenty-second Infantry, promoted.

Hosp. Steward John Jackson, United States Army, July 25, 1900, vice Baldwin, Twenty-fourth Infantry, promoted.

Acting Hosp. Steward Walter C. Jones, United States Army, July 25, 1900, vice Smith, Eighteenth Infantry, deceased.

Com. Sergt. Charles Abel, United States Army, July 25, 1900, vice Keyes, Third Infantry, killed in action.

Com. Sergt. George R. Greene, Ninth Infantry, July 25, 1900, vice Shields, Fifteenth Infantry, promoted.

Private Elliot Caziarc, Company F, Fifteenth Infantry, July 25, 1900, vice Cooke, Tenth Infantry, promoted.

First Sergt. La Vergne L. Gregg, Company M, Twenty-second Infantry, July 25, 1900, vice Conger, Eighteenth Infantry, promoted.

Acting Hosp. Steward Oliver F. Snyder, United States Army, July 25, 1900, vice Kemper, Fourteenth Infantry, promoted.

Acting Hosp. Steward Edward Lee Rains, United States Army, July 25, 1900, vice Barnes, Eighteenth Infantry, promoted.

Electrician Sergt. Charles L. Woodhouse, United States Army, July 25, 1900, vice Saxton, Fourth Infantry, promoted.

Private Bertram P. Johnson, Company H, Seventh Infantry, July 25, 1900, vice Foy, Eighth Infantry, transferred to cavalry arm.

Sergt. Gustave A. Wieser, Battery G, Fourth Artillery, July 25, 1900, vice McNally, Twenty-fifth Infantry, transferred to cavalry arm.

First Sergt. Walter L. Reed, Battery N, Second Artillery, July 25, 1900, vice Thorne, Twenty-second Infantry, promoted.

Sergt. Ira F. Fravel, Company L, Fifth Infantry, July 25, 1900, vice Howland, Twenty-third Infantry, promoted.

Sergt. William M. Kistler, Battery D, Seventh Artillery, July 25, 1900, vice Aloe, Eighteenth Infantry, promoted.

Electrician Sergt. Robert M. Ellicott, United States Army, July 25, 1900 (since transferred to the artillery arm), vice Oliver, Second Infantry, transferred to cavalry arm.

Corpl. Ned M. Green, Company D, Seventh Infantry, July 30, 1900, vice Fealy, Fifth Infantry, promoted.

Corpl. Theodore H. Koch, Battery I, Sixth Artillery, August 3, 1900, vice Rowell, Second Infantry, promoted.

Corpl. William C. Stone, Troop F, Second Cavalry, August 7, 1900, vice Drum, Fifth Infantry, promoted.

Corpl. James A. Moss, Company B, Seventh Infantry, August 13, 1900, vice Campbell, Twenty-fifth Infantry, promoted.

Corpl. Charles F. Leonard, Company K, Twenty-first Infantry, August 14, 1900, vice Foster, Ninth Infantry, resigned.

Sergt. Henry C. Merriam, Battery H, Sixth Artillery, August 20, 1900, vice Allison, Seventh Infantry, promoted.

Corpl. John Sherman Chambers, Company M, Second Infantry, August 22, 1900, vice De Witt, Twentieth Infantry, promoted.

Battalion Sergt. Maj. James Regan, jr, Ninth Infantry, August 24, 1900, vice Morton, Twenty-second Infantry, promoted.

Corpl. Gilbert M. Allen, Company B, Sixth Infantry, August 29, 1900, vice Wills, Twelfth Infantry, promoted.

Private Raymond W. Briggs, unassigned, Fourth Infantry, August 31, 1900, vice Breckinridge, Seventh Infantry, promoted.

Acting Hosp. Steward Cleaveland Hilson, United States Army, August 31, 1900, vice McCaskey, Twenty-fifth Infantry, promoted.

Corpl. John Randolph, Company G, Sixth Infantry, August 31, 1900, vice McCue, First Infantry, promoted.

APPOINTMENTS OF GRADUATES OF THE MILITARY ACADEMY IN THE ARMY.

CORPS OF ENGINEERS.

To be second lieutenants.

1. Cadet George B. Pillsbury, vice Boggs, promoted.
2. Cadet Edward M. Adams, vice Smith, promoted.

To be additional second lieutenants.

3. Cadet Gustave R. Lukesh.
4. Cadet Edmund M. Rhett.
5. Cadet John R. Slattery.

TO BE SECOND LIEUTENANTS.

Artillery arm.

6. Cadet Charles R. Lawson, vice Tanner, transferred to infantry arm.
7. Cadet Francis A. Pope, vice Conklin, promoted.
8. Cadet Gilbert A. Youngberg, vice West, resigned.
9. Cadet Stanley B. Hamilton, vice Pearce, deceased.
15. Cadet William P. Stokey, vice McCleave, transferred to infantry arm.
16. Cadet William I. Westerveldt, vice Koehler, promoted.
19. Cadet Frederick L. Buck, vice Brady, promoted.
20. Cadet Jay P. Hopkins, vice Goodnow, transferred to infantry arm.
22. Cadet Leroy T. Hillman, vice Applewhite, promoted.
23. Cadet Upton Birnie, jr., vice Carmichael, promoted.
24. Cadet Archibald H. Sunderland, vice Bishop, promoted.
25. Cadet Clarence Deems, jr., vice Boutelle, killed in action.
26. Cadet Raymond H. Fenner, vice Moses, promoted.
28. Cadet Charles L. J. Frohwitter, vice Whipple, transferred to infantry arm.
30. Cadet Edward P. Nones, vice Ashburn, promoted.
33. Cadet Clifford C. Carson, vice Bottoms, promoted.
50. Cadet John McManus, vice Newbill, promoted.

Cavalry arm.

10. Cadet Joseph A. Baer, vice Cavenaugh, promoted.
11. Cadet Frank O. Whitlock, vice Bigelow, promoted.
12. Cadet Charles F. Martin, vice Sills, promoted.
13. Cadet Robert E. Wood, vice Nissen, promoted.
14. Cadet Willis V. Morris, vice Hawkins, promoted.
18. Cadet Walter S. Grant, vice Parker, promoted.
21. Cadet Charles M. Wesson, vice Herron, promoted.
27. Cadet Morton C. Mumma, vice Dixon, promoted.
29. Cadet Frank P. Amos, vice Pritchard, promoted.
35. Cadet Julian A. Benjamin, vice Reisinger, resigned.
37. Cadet John Watson, vice Anderson, promoted.
38. Cadet Samuel R. Gleaves, vice Sievert, promoted.
41. Cadet Lewis S. Morey, vice Jervey, promoted.
43. Cadet James Goethe, vice Eltinge, promoted.
44. Cadet Robert F. Jackson, vice Christian, promoted.
45. Cadet Varien D. Dixon, vice Howard, retired from active service.
46. Cadet Verne La S. Rockwell, vice Moses, promoted.
49. Cadet John W. Wilen, vice Stodter, promoted.
51. Cadet George B. Comly, vice Miller, promoted.
52. Cadet Augustine McIntyre (since transferred to artillery arm), vice Drake, promoted.
53. Cadet Charles G. Harvey, vice Saltzman, promoted.
54. Richard M. Thomas, vice Morrison, promoted.

Infantry arm.

17. Cadet Edwin G. Davis, vice Hassaurek, deceased.
31. Cadet Herman Glade, vice Foster, deceased.
32. Cadet Arthur P. S. Hyde (since transferred to artillery arm), vice Burr, promoted.
34. Cadet Harry E. Mitchell, vice Cheney, promoted.
36. Cadet Ernest E. Allen, vice Howland, promoted.
39. Cadet Frank S. Bowen, vice Parrott, promoted.
40. Cadet Fred C. Doyle, vice Ford, promoted.
42. Cadet James P. Robinson, vice Connor, promoted.
47. Cadet Pressley K. Brice, vice Watkins, promoted.
48. Cadet George T. Perkins, vice Brambila, promoted.

APPOINTMENTS IN THE ARMY.

ADJUTANT-GENERAL'S DEPARTMENT.

Capt. Henry P. McCain, Fourteenth Infantry, to be assistant adjutant-general with the rank of major, November 9, 1900, vice Barry, promoted.

Capt. James T. Kerr, Seventeenth Infantry, to be assistant adjutant-general with the rank of major, November 12, 1900, vice Heistand, promoted.

INSPECTOR-GENERAL'S DEPARTMENT.

Capt. John L. Chamberlain, First Artillery, to be inspector-general with the rank of major, November 10, 1900, vice Heyl, promoted.

QUARTERMASTER'S DEPARTMENT.

First Lieut. David S. Stanley, Twenty-second Infantry, to be assistant quartermaster with the rank of captain, August 13, 1900, vice Miller, promoted.

First Lieut. Richmond McA. Scholfield, Fifth Cavalry, to be assistant quartermaster with the rank of captain, November 1, 1900, vice Jones, promoted.

SUBSISTENCE DEPARTMENT.

First Lieut. William H. Bean, Second Cavalry, to be commissary of subsistence with the rank of captain, July 31, 1900, vice Little, deceased.

First Lieut. William H. Hart, Seventh Cavalry, to be commissary of subsistence with the rank of captain, November 10, 1900, vice Peterson, deceased.

MEDICAL DEPARTMENT.

To be assistant surgeons with the rank of first lieutenant.

Walter D. Webb, of New York, captain and assistant surgeon, Forty-third Infantry, United States Volunteers, October 3, 1900, vice Westnedge, deceased.

George W. Mathews, of Massachusetts, captain and assistant surgeon, Thirty-sixth Infantry, United States Volunteers, October 3, 1900, vice Clendenin, deceased.

Maj. A. W. Shockley, of Kansas, late surgeon, Seventh United States Volunteer Infantry, October 3, 1900, vice Ware, wholly retired.

Robert N. Winn, of Kentucky, late captain and assistant surgeon, Second Kentucky Volunteer Infantry, October 3, 1900, vice Johnson, promoted.

Theodore C. Lyster, of Michigan, October 3, 1900, vice Owen, promoted.

Sanford H. Wadhams, of Connecticut, October 3, 1900, vice Egan, promoted.

Chandler P. Robbins, of Kentucky, October 3, 1900, vice Higley, deceased.

Thomas L. Rhoads, of Pennsylvania, October 3, 1900, vice Wakeman, promoted.

Harry L. Gilchrist, of Ohio, October 3, 1900, vice Heyl, resigned.

William J. L. Lyster, of Michigan, October 3, 1900, vice Everts, retired from active service.

Elbert E. Persons, of Illinois, October 3, 1900, vice Stephenson, promoted.

William N. Bispham, of Maryland, October 3, 1900, vice Rash, whose commission expired by constitutional limitation.

Edward F. Geddings, of South Carolina, October 9, 1900, vice Phillips, promoted.

Howard W. Beal, of Maine, November 1, 1900, vice Pilcher, retired from active service.

SIGNAL CORPS.

First Lieut. Edgar Russel, Sixth Artillery, to be first lieutenant, August 30, 1900, vice Thompson, promoted.

TO BE CAPTAIN OF INFANTRY.

George W. Kirkman, of Illinois, late captain, Twelfth Infantry, United States Army, to be captain of infantry, with rank from July 19, 1899.

TO BE CAPTAIN IN SIGNAL CORPS.

First Lieut. Samuel Reber, to be captain, to date from July 1, 1900.

PROMOTIONS IN THE ARMY.

QUARTERMASTER'S DEPARTMENT.

Lieut. Col. John V. Furey, deputy quartermaster-general, to be assistant quartermaster-general with the rank of colonel, August 12, 1900, vice Lee, retired from active service.

Lieut. Col. Edwin B. Atwood, deputy quartermaster-general, to be assistant quartermaster-general with the rank of colonel, November 1, 1900, vice Scully, retired from active service.

Maj. Forrest H. Hathaway, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, August 12, 1900, vice Furey, promoted.

Maj. Joshua W. Jacobs, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, November 1, 1900, vice Atwood, promoted.

Capt. William H. Miller, assistant quartermaster, to be quartermaster with the rank of major, August 12, 1900, vice Hathaway, promoted.

Capt. Samuel R. Jones, assistant quartermaster, to be quartermaster with the rank of major, November 1, 1900, vice Jacobs, promoted.

MEDICAL DEPARTMENT.

Lieut. Col. Alfred A. Woodhull, deputy surgeon-general, to be assistant surgeon-general with the rank of colonel, October 8, 1900, vice Wright, deceased.

Maj. Alfred C. Girard, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel, October 8, 1900, vice Woodhull, promoted.

Capt. John L. Phillips, assistant surgeon, to be surgeon with the rank of major, October 8, 1900, vice Girard, promoted.

CAVALRY ARM.

First Lieut. Herbert S. Whipple, Seventh Cavalry, to be captain, July 10, 1900, vice Mackay, Third Cavalry, retired from active service.

First Lieut. Charles W. Farber, Eighth Cavalry, to be captain, November 14, 1900, vice Lockwood, Fourth Cavalry, retired from active service.

Second Lieut. Stephen M. Kochersperger, Second Cavalry, to be first lieutenant, July 10, 1900, vice Whipple, Seventh Cavalry, promoted.

Second Lieut. Ola W. Bell, Third Cavalry, to be first lieutenant, November 14, 1900, vice Farber, Eighth Cavalry, promoted.

ARTILLERY ARM.

Lieut. Col. Tully McCrea, Fifth Artillery, to be colonel, July 15, 1900, vice Williston, Sixth Artillery, retired from active service.

Maj. John H. Calef, First Artillery (since retired), to be lieutenant-colonel, June 6, 1900, vice Field, Third Artillery, retired from active service.

Maj. John L. Tiernon, First Artillery, to be lieutenant-colonel, July 15, 1900, vice McCrea, Fifth Artillery, promoted.

Maj. James M. Lancaster, Fourth Artillery (since deceased), to be lieutenant-colonel, August 10, 1900, vice Calef, Third Artillery, retired from active service.

Maj. James M. Ingalls, Fifth Artillery, to be lieutenant-colonel, October 5, 1900, vice Lancaster, Third Artillery, deceased.

Capt. James O'Hara, Third Artillery, to be major, June 6, 1900, vice Calef, First Artillery, promoted.

Capt. Asher C. Taylor, Second Artillery, to be major, June 18, 1900, vice Fuger, Fourth Artillery, retired from active service.

Capt. Richard P. Strong, Fourth Artillery, to be major, July 15, 1900, vice Tiernon, First Artillery, promoted.

Capt. Henry W. Hubbell, First Artillery, to be major, August 10, 1900, vice Lancaster, Fourth Artillery, promoted.

Capt. William F. Stewart, Fourth Artillery, to be major, October 1, 1900, vice Scantling, Second Artillery, retired.

Capt. Anthony W. Vogdes, Fifth Artillery, to be major, October 5, 1900, vice Ingalls, Fifth Artillery, promoted.

First Lieut. Elisha S. Benton, Seventh Artillery, to be captain, June 6, 1900, vice O'Hara, Third Artillery, promoted.

First Lieut. Harry L. Hawthorne, Sixth Artillery, to be captain, June 18, 1900, vice Taylor, Second Artillery, promoted.

First Lieut. Cornélis De W. Willcox, Seventh Artillery, to be captain, July 15, 1900, vice Strong, Fourth Artillery, promoted.

First Lieut. Arthur F. Curtis, Sixth Artillery, to be captain, August 10, 1900, vice Hubbell, First Artillery, promoted.

First Lieut. John D. Barrette, Seventh Artillery, to be captain, August 15, 1900, vice Reilly, Fifth Artillery, killed in action.

First Lieut. Charles F. Parker, Second Artillery, to be captain, October 1, 1900, vice Stewart, Fourth Artillery, promoted.

First Lieut. Elmer W. Hubbard, Seventh Artillery, to be captain, October 5, 1900, vice Vogdes, Fifth Artillery, promoted.

Second Lieut. Willard D. Newbill, Seventh Artillery, to be first lieutenant, April 8, 1900, vice Sturgis, Sixth Artillery, promoted.

Second Lieut. Harold E. Cloke, Third Artillery, to be first lieutenant, May 31, 1900, vice Hazzard, First Artillery, dropped as a deserter.

Second Lieut. Samuel C. Vestal, Seventh Artillery, to be first lieutenant, June 6, 1900, vice Benton, Seventh Artillery, promoted.

Second Lieut. Thomas H. R. McIntyre, Sixth Artillery, to be first lieutenant, June 18, 1900, vice Hawthorne, Sixth Artillery, promoted.

Second Lieut. Richard H. McMaster, Sixth Artillery, to be first lieutenant, July 15, 1900, vice Willcox, Seventh Artillery, promoted.

Second Lieut. Philip R. Ward, Seventh Artillery, to be first lieutenant, August 10, 1900, vice Curtis, Sixth Artillery, promoted.

Second Lieut. Manus McCloskey, Fifth Artillery, to be first lieutenant, August 15, 1900, vice Barrette, Seventh Artillery, promoted.

Second Lieut. John E. Stephens, Seventh Artillery, to be first lieutenant, September 4, 1900, vice Russel, Sixth Artillery, who vacates by appointment in Signal Corps.

Second Lieut. Thomas E. Merrill, First Artillery, to be first lieutenant, October 1, 1900, vice Parker, Second Artillery, promoted.

Second Lieut. George A. Nugent, Fourth Artillery, to be first lieutenant, October 5, 1900, vice Hubbard, Seventh Artillery, promoted.

INFANTRY ARM.

Lieut. Col. Charles F. Robe, Seventeenth Infantry, to be colonel, July 13, 1900, vice Liscum, Ninth Infantry, killed in action.

Maj. Alfred C. Markley, Twenty-fourth Infantry, to be lieutenant-colonel, June 9, 1900, vice Potter, Twenty-second Infantry, retired from active service.

Maj. Lyster M. O'Brien, Seventeenth Infantry, to be lieutenant-colonel, July 13, 1900, vice Robe, Seventeenth Infantry, promoted.

Maj. William Auman, Thirteenth Infantry, to be lieutenant-colonel, September 7, 1900, vice Clapp, Twenty-first Infantry, retired from active service.

Maj. Jesse M. Lee, Fifteenth Infantry, to be lieutenant-colonel, October 9, 1900, vice Brinkerhoff, Sixth Infantry, retired from active service.

Maj. James M. Miller, Twenty-second Infantry, to be lieutenant-colonel, November 13, 1900, vice Boyle, Nineteenth Infantry, retired from active service.

Capt. Edwin B. Bolton, Sixteenth Infantry, to be major, June 9, 1900, vice Markley, Twenty-fourth Infantry, promoted.

Capt. James S. Pettit, First Infantry, to be major, June 18, 1900, vice Edmunds, First Infantry, deceased.

Capt. Charles L. Hodges, Twenty-fifth Infantry, to be major, July 13, 1900, vice O'Brien, Seventeenth Infantry, promoted.

Capt. Robert H. R. Loughborough, Twenty-fifth Infantry, to be major, August 11, 1900, vice Whitney, Sixth Infantry, deceased.

Capt. John G. Ballance, Twenty-second Infantry, to be major, September 7, 1900, vice Auman, Thirteenth Infantry, promoted.

Capt. William J. Turner, Second Infantry, to be major, October 5, 1900, vice Kendrick, Seventh Infantry, retired from active service.

Capt. Frank Taylor, Eighth Infantry, to be major, October 9, 1900, vice Lee, Fifteenth Infantry, promoted.

Capt. Richard T. Yeatman, Third Infantry, to be major, November 13, 1900, vice Miller, Twenty-second Infantry, promoted.

First Lieut. Francis H. Schoeffel, Ninth Infantry, to be captain, April 18, 1900, vice O'Connor, Twenty-third Infantry, retired from active service.

First Lieut. William H. Bertsch, Fifteenth Infantry, to be captain, May 12, 1900, vice McCammon, Fourth Infantry, promoted.

First Lieut. Ross L. Bush, Twenty-fifth Infantry, to be captain, May 31, 1900, vice Greene, Twentieth Infantry, promoted.

First Lieut. Joseph L. Donovan, Sixteenth Infantry, to be captain, June 3, 1900, vice Godfrey, Twenty-second Infantry, killed in action.

First Lieut. John B. Bennet, Sixth Infantry, to be captain, June 9, 1900, vice Bolton, Sixteenth Infantry, promoted.

First Lieut. Melville S. Jarvis, Fifth Infantry, to be captain, June 18, 1900, vice Pettit, First Infantry, promoted.

First Lieut. John W. Heavey, Eleventh Infantry, to be captain, July 9, 1900, vice Nickerson, Seventeenth Infantry, retired from active service.

First Lieut. Harry J. Hirsch, Fourth Infantry, to be captain, July 13, 1900, vice Hodges, Twenty-fifth Infantry, promoted.

First Lieut. Joseph Frazier, Ninth Infantry, to be captain, August 11, 1900, vice Loughborough, Twenty-fifth Infantry, promoted.

First Lieut. Robert L. Hamilton, Fifth Infantry, to be captain, September 7, 1900, vice Ballance, Twenty-second Infantry, promoted.

First Lieut. La Roy S. Upton, Fifth Infantry, to be captain, September 15, 1900, vice McQuiston, Fourth Infantry, deceased.

First Lieut. Harry A. Smith, Fifth Infantry, to be captain, September 17, 1900, vice Mitchell, Fifteenth Infantry, killed in action.

Second Lieut. Clifton C. Kinney, Thirteenth Infantry, to be first lieutenant, April 18, 1900, vice Schoeffel, Ninth Infantry, promoted.

Second Lieut. Woodson Hocker, Eleventh Infantry, to be first lieutenant, May 12, 1900, vice Bertsch, Fifteenth Infantry, promoted.

Second Lieut. Juan A. Boyle, Twenty-first Infantry, to be first lieutenant, May 25, 1900, vice Stetson, Third Infantry, retired from active service.

Second Lieut. James S. Young, jr., Tenth Infantry, to be first lieutenant, May 31, 1900, vice Bush, Twenty-fifth Infantry, promoted.

Second Lieut. William M. Parker, First Infantry, to be first lieutenant, June 3, 1900, vice Donovan, Sixteenth Infantry, promoted.

Second Lieut. Charles B. Clark, Twenty-third Infantry, to be first lieutenant, June 9, 1900, vice Bennet, Sixth Infantry, promoted.

Second Lieut. Irvin L. Hunt, Nineteenth Infantry, to be first lieutenant, June 18, 1900, vice Jarvis, Fifth Infantry, promoted.

Second Lieut. George S. Simonds, Twenty-second Infantry, to be first lieutenant, July 2, 1900, vice Geiger, Fourteenth Infantry, deceased.

Second Lieut. Louis S. D. Rucker, jr., Sixteenth Infantry, to be first lieutenant, July 9, 1900, vice Heavey, Eleventh Infantry, promoted.

Second Lieut. Robert E. Frith, Twenty-fourth Infantry, to be first lieutenant, July 13, 1900, vice Hirsch, Fourth Infantry, promoted.

Second Lieut. Llewellyn N. Bushfield, Seventeenth Infantry, to be first lieutenant, July 29, 1900, vice Spurgin, Twenty-first Infantry, deceased.

Second Lieut. Samuel T. Ansell, Eleventh Infantry, to be first lieutenant, August 11, 1900, vice Frazier, Ninth Infantry, promoted.

Second Lieut. Robert H. Peck, Tenth Infantry, to be first lieutenant, August 13, 1900, vice Murphy, Twenty-fourth Infantry, killed in action.

Second Lieut. Halsey E. Yates, Fifth Infantry, to be first lieutenant, September 7, 1900, vice Hamilton, Fifth Infantry, promoted.

Second Lieut. Clement A. Trott, Seventh Infantry, to be first lieutenant, September 15, 1900, vice Upton, Fifth Infantry, promoted.

Second Lieut. Wilson B. Burtt, Eighth Infantry, to be first lieutenant, September 17, 1900, vice Smith, Fifth Infantry, promoted.

Second Lieut. Walter S. Brown, Third Infantry, to be first lieutenant, September 20, 1900, vice Hill, Fourth Infantry, resigned.

Second Lieut. Josiah C. Minus, Twentieth Infantry, to be first lieutenant, September 22, 1900, vice Meade, Twenty-first Infantry, deceased.

PROMOTIONS IN THE VOLUNTEER ARMY.

ELEVENTH CAVALRY.

First Lieut. George W. Winterburn, to be captain, June 7, 1900, vice England, whose commission expired by constitutional limitation.

Second Lieut. George Curry, to be first lieutenant, June 7, 1900, vice Winterburn, promoted.

SQUADRON PHILIPPINE CAVALRY.

First Lieut. David H. Biddle, to be captain, July 2, 1900, vice Geiger, deceased.

Second Lieut. Frank I. Otis, to be first lieutenant, July 2, 1900, vice Biddle, promoted.

TWENTY-SEVENTH INFANTRY.

Second Lieut. Daniel Hyman, to be first lieutenant, September 10, 1900, vice O'Flaherty, honorably discharged.

Second Lieut. Thomas MacAllister Knox, to be first lieutenant, September 15, 1900, vice Kennedy, honorably discharged.

Second Lieut. Matthew T. E. Ward, to be first lieutenant, September 15, 1900, vice Rodney, honorably discharged.

Second Lieut. Arthur L. McCoy, to be first lieutenant, September 30, 1900, vice Cassells, resigned.

TWENTY-EIGHTH INFANTRY.

First Lieut. John P. Teagarden, to be captain, August 28, 1900, vice Crenshaw, deceased.

Second Lieut. William H. Lyons, to be first lieutenant, August 28, 1900, vice Teagarden, promoted.

TWENTY-NINTH INFANTRY.

First Lieut. Edward Hill, to be captain, July 31, 1900, vice Whitman, resigned.

First Lieut. James Longstreet, jr., to be captain, September 3, 1900, vice Rash, resigned.

Second Lieut. Vincent M. Elmore, jr., to be first lieutenant, July 31, 1900, vice Hill, promoted.

Second Lieut. Thomas S. Moorman, jr., to be first lieutenant, September 3, 1900, vice Longstreet, promoted.

THIRTIETH INFANTRY.

Second Lieut. Guilford S. Garber, to be first lieutenant, June 30, 1900, vice McMillan, honorably discharged.

THIRTY-FIRST INFANTRY.

First Lieut. Kent Browning, to be captain, August 10, 1900, vice Gillenwater, honorably discharged.

Second Lieut. Henry Gibbins, to be first lieutenant, August 10, 1900, vice Browning, promoted.

THIRTY-SECOND INFANTRY.

First Lieut. George S. Ralston, to be captain, September 1, 1900, vice Summerlin, resigned.

Second Lieut. Benjamin R. Wade, to be first lieutenant, June 6, 1900, vice Weaver, resigned.

Second Lieut. Archie Miller, to be first lieutenant, September 1, 1900, vice Ralston, promoted.

THIRTY-THIRD INFANTRY.

Lieut. Col. Marcus D. Cronin, to be colonel, June 9, 1900, vice Hare, who vacates by acceptance of appointment as brigadier-general of volunteers.

Maj. Peyton C. March, to be lieutenant-colonel, June 9, 1900, vice Cronin, promoted.

Capt. Edmund G. Shields, to be major, June 9, 1900, vice March, promoted.

First Lieut. Edgar N. Coffey, to be captain, June 9, 1900, vice Shields, promoted.

Second Lieut. Henry J. McKenney, to be first lieutenant, June 9, 1900, vice Coffey, promoted.

Second Lieut. Donald C. McClelland, to be first lieutenant, October 6, 1900, vice Hall, honorably discharged.

Second Lieut. Hugh Williams, to be first lieutenant, October 24, 1900, vice Febiger, killed in action.

THIRTY-FOURTH INFANTRY.

First Lieut. Harry W. Newton, to be captain, July 25, 1900, vice Miller, resigned.

First Lieut. Harry C. Barnes, to be captain, November 15, 1900, vice Calverley, honorably discharged.

Second Lieut. Charles P. Hirst, to be first lieutenant, July 25, 1900, vice Newton, promoted.

Second Lieut. Cleveland C. Lansing, to be first lieutenant, September 10, 1900, vice Montgomery, resigned.

Second Lieut. John T. Dunn, to be first lieutenant, November 15, 1900, vice Barnes, promoted.

THIRTY-FIFTH INFANTRY.

Second Lieut. Samuel M. English, to be first lieutenant, August 20, 1900, vice Thomas, resigned.

THIRTY-NINTH INFANTRY.

First Lieut. Frank Maloney, to be captain, August 13, 1900, vice Murphy, killed in action.

Second Lieut. Edward H. White, to be first lieutenant, August 13, 1900, vice Maloney, promoted.

FORTIETH INFANTRY.

Second Lieut. John M. Kelso, jr., to be first lieutenant, July 15, 1900, vice Crotty, honorably discharged.

FORTY-SECOND INFANTRY.

Second Lieut. R. Howard Williams, to be first lieutenant, July 7, 1900, vice Webster, deceased.

FORTY-THIRD INFANTRY.

Second Lieut. Morton L. Avery, to be first lieutenant, May 11, 1900, vice Evens, killed in action.

Second Lieut. Robert Sterrett, to be first lieutenant, June 13, 1900, vice Cilley, deceased.

Second Lieut. William H. Burt, to be first lieutenant, September 15, 1900, vice Power, resigned.

FORTY-FOURTH INFANTRY.

Second Lieut. Arthur J. Cadden, to be first lieutenant, October 30, 1900, vice Koontz, killed in action.

Second Lieut. Frederick L. Dengler, to be first lieutenant, November 1, 1900, vice Levens, honorably discharged.

FORTY-FIFTH INFANTRY.

First Lieut. Willard M. Flynn, to be captain, August 17, 1900, vice Brown, killed in action.

Second Lieut. Roy I. Taylor, to be first lieutenant, June 10, 1900, vice Brown (since deceased), promoted.

Second Lieut. William E. W. MacKinlay, to be first lieutenant, August 17, 1900, vice Flynn, promoted.

FORTY-SIXTH INFANTRY.

Second Lieut. Moses R. Ross, to be first lieutenant, August 31, 1900, vice Ely, honorably discharged.

FORTY-SEVENTH INFANTRY.

First Lieut. Leonard S. Goddard, to be captain, July 6, 1900, vice Huston, deceased.

First Lieut. Thomas R. J. Campbell, to be captain, August 28, 1900, vice Bentley, deceased.

Second Lieut. William R. Harrison, to be first lieutenant, July 6, 1900, vice Goddard, promoted.

Second Lieut. Charles L. Lanham, to be first lieutenant, August 10, 1900, vice Dyer, resigned.

Second Lieut. Walter T. Slack, to be first lieutenant, August 28, 1900, vice Campbell, promoted.

FORTY-NINTH INFANTRY.

Lirst Lieut. David J. Gilmer, to be captain, October 6, 1900, vice Jefferson, resigned.

Second Lieut. Alfred M. Ray, to be first lieutenant, October 3, 1900, vice Blakeman, deceased.

Second Lieut. William McBryar, to be first lieutenant, October 6, 1900, vice Gilmer, promoted.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. Augustine McIntyre, from the cavalry arm to the artillery arm, July 11, 1900, with rank from June 13, 1900.

Second Lieut. Arthur P. S. Hyde, from the infantry arm to the artillery arm, July 11, 1900, with rank from June 13, 1900.

Second Lieut. Albert N. McClure, from the infantry arm to the cavalry arm, June 15, 1900, with rank from February 16, 1899.

Second Lieut. Fred W. Hershler, from the infantry arm to the cavalry arm, June 30, 1900, with rank from June 14, 1900.

Second Lieut. Robert M. Ellicott, from the infantry arm to the artillery arm, August 25, 1900, with rank from July 25, 1900.

PROMOTIONS IN THE VOLUNTEER ARMY.

TO BE SURGEONS WITH THE RANK OF MAJOR.

Capt. Frank E. Artaud, assistant surgeon, Forty-fifth Infantry, United States Volunteers, July 9, 1900, vice Ireland, Forty-fifth Infantry, transferred to volunteer staff as surgeon with the rank of major.

Capt. Seaton Norman, assistant surgeon, Thirty-ninth Infantry, United States Volunteers, October 30, 1900, vice Wales, Thirty-ninth Infantry, honorably discharged.

TO BE ASSISTANT SURGEONS WITH THE RANK OF CAPTAIN.

First Lieut. William C. Berlin, assistant surgeon, Forty-fifth Infantry, United States Volunteers, July 9, 1900, vice Artaud, Forty-fifth Infantry, promoted.

First Lieut. Edward G. Beeson, assistant surgeon, Thirty-ninth Infantry, United States Volunteers, October 30, 1900, vice Norman, Thirty-ninth Infantry, promoted.

First Lieut. Isaac W. Brewer, assistant surgeon, Thirty-sixth Infantry, United States Volunteers, October 12, 1900, vice Mathews, Thirty-sixth Infantry, honorably discharged.

First Lieut. Dudley W. Welch, assistant surgeon, Forty-third Infantry, United States Volunteers, November 12, 1900, vice Webb, Forty-third Infantry, honorably discharged.

APPOINTMENTS IN THE VOLUNTEER ARMY.

GENERAL OFFICERS.

To be major-generals.

Brig. Gen. Loyd Wheaton, United States Volunteers (colonel Seventh Infantry, United States Army), June 18, 1900, vice Otis, who vacates by appointment as major-general, United States Army.

Brig. Gen. Adna R. Chaffee, United States Volunteers (colonel Eighth Cavalry, United States Army), July 19, 1900, to fill an original vacancy.

To be brigadier-general.

Lieut. Col. Thomas H. Barry, assistant adjutant-general, United States Army, June 18, 1900, vice Wheeler, who vacates by appointment as brigadier-general, United States Army.

To be inspector-general with the rank of lieutenant-colonel.

Maj. Parker W. West, inspector-general, United States Volunteers (captain, Fifth Cavalry, United States Army), December 1, 1900, vice Harrison, honorably discharged.

STAFF OFFICERS.

To be quartermasters with the rank of major.

Capt. William W. Robinson, jr., assistant quartermaster, United States Army, August 14, 1900, vice Miller, who vacates by promotion to quartermaster, with the rank of major, United States Army.

Capt. Joseph C. Byron, assistant quartermaster, United States Army, September 27, 1900, vice Cartwright, deceased.

To be assistant quartermasters with the rank of captain.

First Lieut. George C. Barnhardt, Sixth Cavalry, United States Army, July 27, 1900, vice Johnson, resigned.

First Lieut. Pegram Whitworth, Eighteenth Infantry, United States Army, October 12, 1900, to fill a vacancy in the Volunteer Army created under the first proviso to said section 14, by the appointment of Byron, assistant quartermaster, United States Army, to be quartermaster, United States Volunteers.

First Lieut. William C. Davis, Sixth Artillery, United States Army, October 29, 1900, vice Brookfield, resigned.

To be commissary of subsistence with the rank of major.

Capt. Albert D. Niskern, commissary of subsistence, United States Army, October 19, 1900, vice Peterson, deceased.

To be assistant commissaries of subsistence with the rank of captain.

First Lieut. John E. Woodward, Sixteenth Infantry, United States Army, June 15, 1900, vice Deming, dismissed.

First Lieut. Frank B. Watson, Nineteenth Infantry, United States Army, August 31, 1900, vice Milliken, resigned.

To be surgeons with the rank of major.

Maj. Merritte W. Ireland, surgeon, Forty-fifth Infantry, United States Volunteers, June 30, 1900, vice Crosby, honorably discharged. (This is a transfer from line to staff.)

Capt. John S. Kulp, assistant surgeon, United States Army, June 11, 1900, vice Shiels, resigned.

Capt. Frederick P. Reynolds, assistant surgeon, United States Army, June 16, 1900, vice Keefer, resigned.

Capt. William F. Lewis, assistant surgeon, United States Army, October 1, 1900, vice Ducker, honorably discharged.

Capt. Alexander N. Stark, assistant surgeon, United States Army, November 7, 1900, vice Balch, honorably discharged.

Capt. Paul Shillock, assistant surgeon, United States Army, November 2, 1900, vice Davis, deceased.

Capt. Powell C. Fauntleroy, assistant surgeon, United States Army, November 30, 1900, vice Echeverria, honorably discharged.

First Lieut. George W. Mathews, assistant surgeon, United States Army, November 30, 1900, vice Matthews, honorably discharged.

Capt. William L. Kneedler, assistant surgeon, United States Army, December 1, 1900, vice Potter, honorably discharged.

To be signal officer with the rank of captain.

First Lieut. Carl F. Hartmann, signal officer, United States Volunteers, July 1, 1900, vice Reber, who vacates by promotion to captain, Signal Corps, United States Army.

To be signal officer with the rank of first lieutenant.

Second Lieut. Alfred T. Clifton, signal officer, United States Volunteers, July 1, 1900, vice Hartmann, appointed captain.

Second Lieut. William W. Colt, signal officer, United States Volunteers, August 31, 1900, vice Talbott, resigned.

To be signal officers with the rank of second lieutenant.

First-Class Sergt. John T. Sayles, Signal Corps, United States Army, June 8, 1900, vice Davies, appointed first lieutenant.

First-Class Sergt. Charles O. Hastings, Signal Corps, United States Army, June 8, 1900, vice Mitchell, appointed first lieutenant.

First-Class Sergt. Burt E. Grabo, Signal Corps, United States Army, June 8, 1900, vice Wallace, appointed first lieutenant.

First-Class Sergt. Magnus Nordquist, Signal Corps, United States Army, June 8, 1900, vice Cunningham, appointed first lieutenant.

First-Class Sergt. Otto B. Grimm, Signal Corps, United States Army, June 8, 1900, vice Rickard, appointed first lieutenant.

First-Class Sergt. Charles E. Booth, Signal Corps, United States Army, June 8, 1900, vice Jones, appointed first lieutenant.

First-Class Sergt. Henry S. Hathaway, Signal Corps, United States Army, June 8, 1900, vice Gibbs, appointed first lieutenant.

First-Class Sergt. Peter Bartsch, Signal Corps, United States Army, June 8, 1900, vice Shepherd, appointed first lieutenant.

First-Class Sergt. Rush P. Wheat, Signal Corps, United States Army, June 8, 1900, vice Stamford, appointed first lieutenant.

First-Class Sergt. Clifton R. Berry, Signal Corps, United States Army, June 8, 1900, vice Rogan, appointed first lieutenant.

First-Class Sergt. Earle W. Binkley, Signal Corps, United States Army, September 1, 1900, vice Colt, appointed first lieutenant.

First-Class Sergt. Harry W. Capron, Signal Corps, United States Army, September 8, 1900, to fill a vacancy in the Volunteer Army created under the first proviso to said section 14 by the transfer of First Lieut. Edgar Russel (signal officer, with the rank of captain, United States Volunteers) from the Sixth Artillery to the Signal Corps, United States Army.

First-Class Sergt. Joseph Smith, Signal Corps, United States Army, November 28, 1900, vice Kennedy, deceased.

To be signal officers with the rank of first lieutenant.

Second Lieut. Charles B. Rogan, jr., signal officer, United States Volunteers, June 8, 1900, to fill an original vacancy.

Second Lieut. William Mitchell, signal officer, United States Volunteers, June 8, 1900, to fill an original vacancy.

Second Lieut. Henry W. Stamford, signal officer, United States Volunteers, June 8, 1900, to fill an original vacancy.

Second Lieut. Frederick M. Jones, signal officer, United States Volunteers, June 8, 1900, to fill an original vacancy.

Second Lieut. Victor Shepherd, signal officer, United States Volunteers, June 8, 1900, to fill an original vacancy.

Second Lieut. William E. Davies, signal officer, United States Volunteers, June 8, 1900, to fill an original vacancy.

Second Lieut. Richard O. Rickard, signal officer, United States Volunteers, June 8, 1900, to fill an original vacancy.

Second Lieut. Charles S. Wallace, signal officer, United States Volunteers, June 8, 1900, to fill an original vacancy.

Second Lieut. George S. Gibbs, jr., signal officer, United States Volunteers, June 8, 1900, to fill an original vacancy.

Second Lieut. Mack K. Cunningham, signal officer, United States Volunteers, June 8, 1900, to fill an original vacancy.

To be assistant surgeons with the rank of first lieutenant.

H. Brookman Wilkinson, of Alabama, acting assistant surgeon, United States Army, June 8, 1900, vice Edmonston, Thirty-fourth Infantry, deceased.

Charles Fitzpatrick, of Pennsylvania, acting assistant surgeon, United States Army, August 9, 1900, vice Berlin, Forty-fifth Infantry, promoted.

George S. Wallace, of Pennsylvania, acting assistant surgeon, United States Army, August 21, 1900, vice Griffith, Forty-second Infantry, resigned.

William J. Boyd, of New York, acting assistant surgeon, United States Army, September 6, 1900, vice Burchard, Fortieth Infantry, deceased.

Loren B. T. Johnson, of the District of Columbia, acting assistant surgeon, United States Army, November 19, 1900, vice Brewer, Thirty-sixth Infantry, promoted.

Harold L. Coffin, of Rhode Island, acting assistant surgeon, United States Army, November 19, 1900, vice Beeson, Thirty-ninth Infantry, promoted.

Laurel B. Sandall, of Michigan, acting assistant surgeon, United States Army, November 19, 1900, vice Welch, Forty-third Infantry, promoted.

George B. Lawrason, of Louisiana, acting assistant surgeon, United States Army, November 19, 1900, vice Stuart, Eleventh Cavalry, deceased.

ELEVENTH CAVALRY.

Q. M. Sergt. Thomas H. Jennings, Troop B, Eleventh Cavalry, United States Volunteers, to be second lieutenant, July 30, 1900, vice Quinlan, vacated by appointment as first lieutenant, Squadron Philippine Cavalry.

First Sergt. Carl C. Jones, Troop L, Eleventh Cavalry, United States Volunteers, to be second lieutenant, July 30, 1900, vice Ballard, resigned.

First Sergt. Frank M. Gaskill, Troop A, Eleventh Cavalry, United States Volunteers, to be second lieutenant, September 8, 1900, vice Curry, promoted.

SQUADRON PHILIPPINE CAVALRY.

Second Lieut. Frank T. McNarney, Thirty-sixth Infantry, United States Volunteers, to be first lieutenant, Squadron Philippine Cavalry, June 15, 1900, to fill an original vacancy.

Second Lieut. Frank I. Otis, Thirty-fifth Infantry, United States Volunteers, to be second lieutenant, Squadron Philippine Cavalry, June 15, 1900, to fill an original vacancy.

Sergt. Clarence M. Condon, Battery G, Third Artillery, United States Army, to be second lieutenant, Squadron Philippine Cavalry, June 15, 1900, to fill an original vacancy.

First Sergt. Boss Reese, Company D, Twenty-ninth Infantry, United States Volunteers, to be second lieutenant, Squadron Philippine Cavalry, June 15, 1900, to fill an original vacancy.

Sergt. Edward B. Howell, Company A, Twenty-ninth Infantry, United States Volunteers, to be second lieutenant, Squadron Philippine Cavalry, June 15, 1900, to fill an original vacancy.

Corpl. Robert M. Barton, Company B, Twenty-first Infantry, United States Army, to be second lieutenant, Squadron Philippine Cavalry, October 1, 1900, vice Williams, vacated by appointment as second lieutenant, United States Army.

TWENTY-SIXTH INFANTRY.

Battalion Sergt. Maj. Earl C. Pierce, Twenty-sixth Infantry, United States Volunteers, to be second lieutenant, September 11, 1900, vice Fernald, drowned.

Sergt. Josiah H. Byerley, Company F, Twenty-sixth Infantry, United States Volunteers, to be second lieutenant, October 5, 1900, vice Wagner, killed in action.

TWENTY-SEVENTH INFANTRY.

Battalion Sergt. Maj. Allen T. Crockett, Twenty-seventh Infantry, United States Volunteers, to be second lieutenant, June 25, 1900, vice Vernon, promoted.

First Sergt. James G. Taylor, Company E, Twenty-seventh Infantry, United States Volunteers, to be second lieutenant, August 20, 1900, vice Oliver, resigned.

Battalion Sergt. Maj. Charles Schneider, jr., Twenty-seventh Infantry, United States Volunteers, to be second lieutenant, September 15, 1900, vice Hyman, promoted.

First Sergt. Harry F. Smith, Company B, Twenty-seventh Infantry, United States Volunteers, to be second lieutenant, September 24, 1900, vice Knox, promoted.

First Sergt. Alfred J. Booth, Company H, Twenty-seventh Infantry, United States Volunteers, to be second lieutenant, September 24, 1900, vice Ward, promoted.

First Sergt. Charles B. Baker, Company I, Twenty-seventh Infantry, United States Volunteers, to be second lieutenant, October 15, 1900, vice McCoy, promoted.

TWENTY-EIGHTH INFANTRY.

Battalion Sergt. Maj. John F. Bishop, Twenty-eighth Infantry, United States Volunteers, to be second lieutenant, August 4, 1900, vice Newhall, honorably discharged.

Battalion Sergt. Maj. James M. Grey, Twenty-eighth Infantry, United States Volunteers, to be second lieutenant, September 1, 1900, vice Lyons, promoted.

Battalion Sergt. Maj. Anton H. Schroeter, Twenty-eighth Infantry, United States Volunteers, to be second lieutenant, October 12, 1900, vice Danner, deceased.

TWENTY-NINTH INFANTRY.

Sergt. Maj. Hugh S. Brown, Twenty-ninth Infantry, United States Volunteers, to be second lieutenant, September 14, 1900, vice Elmore, promoted.

Battalion Sergt. Maj. William E. Persons, Twenty-ninth Infantry, United States Volunteers, to be second lieutenant, October 15, 1900, vice Moorman, promoted.

THIRTIETH INFANTRY.

Sergt. Maj. William R. Downey, Thirtieth Infantry, United States Volunteers, to be second lieutenant, August 4, 1900, vice Garber, promoted.

Com. Sergt. William E. Twight, Thirtieth Infantry, United States Volunteers, to be second lieutenant, November 6, 1900, vice Boyle, resigned.

THIRTY-FIRST INFANTRY.

First Sergt. Curtis G. Rorebeck, Company A, Thirty-first Infantry, United States Volunteers, to be second lieutenant, June 28, 1900, vice Twyman, promoted.

Sergt. James Totten, Company A, Thirty-first Infantry, United States Volunteers, to be second lieutenant, September 8, 1900, vice Gibbins, promoted.

THIRTY-SECOND INFANTRY.

First Sergt. John Ryan, Company I, Thirty-second Infantry, United States Volunteers, to be second lieutenant, July 12, 1900, vice Wade, promoted.

Battalion Sergt. Maj. Edward C. Wells, Thirty-second Infantry, United States Volunteers, to be second lieutenant, September 4, 1900, vice Ballard, honorably discharged.

Corpl. Junius I. Boyle, Company L, Thirty-second Infantry, United States Volunteers, to be second lieutenant, September 5, 1900, vice Miller, promoted.

THIRTY-THIRD INFANTRY.

Sergt. Maj. Albert E. Gebert, Thirty-third Infantry, United States Volunteers, to be second lieutenant, June 16, 1900, vice McKenney, promoted.

Sergt. Maj. Edward G. McDougall, Thirty-third Infantry, United States Volunteers, to be second lieutenant, October 15, 1900, vice McClelland, promoted.

First Sergt. Robert F. Tate, Company A, Thirty-third Infantry, United States Volunteers, to be second lieutenant, November 6, 1900, vice Jackson, honorably discharged.

Battalion Sergt. Maj. Sebring C. Megill, Thirty-third Infantry, United States Volunteers, to be second lieutenant, November 28, 1900, vice Williams, promoted.

THIRTY-FOURTH INFANTRY.

First Sergt. William M. Milne, Company K, Thirty-fourth Infantry, United States Volunteers, to be second lieutenant, August 10, 1900, vice Hirst, promoted.

Sergt. John N. Currie, Company C, Thirty-fourth Infantry, United States Volunteers, to be second lieutenant, October 3, 1900, vice Lansing, promoted.

THIRTY-FIFTH INFANTRY.

Sergt. Maj. Bernard Goss, Thirty-fifth Infantry, United States Volunteers, to be second lieutenant, July 7, 1900, vice Otis, vacated by appointment as second lieutenant, Squadron Philippine Cavalry.

Hosp. Steward John F. Newport, Thirty-fifth Infantry, United States Volunteers, to be second lieutenant, August 28, 1900, vice English, promoted.

THIRTY-SIXTH INFANTRY.

Com. Sergt. George K. Wilson, Thirty-sixth Infantry, United States Volunteers, to be second lieutenant, June 25, 1900, vice Biddle, vacated by appointment as first lieutenant, Squadron Philippine Cavalry.

Battalion Sergt. Maj. John A. Brown, Thirty-sixth Infantry, United States Volunteers, to be second lieutenant, June 25, 1900, vice Gwynne, promoted.

Hosp. Steward Frank L. Hemsted, Thirty-sixth Infantry, United States Volunteers, to be second lieutenant, August 4, 1900, vice McNarney, vacated by appointment as first lieutenant, Squadron Philippine Cavalry.

Sergt. Maj. Victor J. Bergstrom, Thirty-sixth Infantry, United States Volunteers, to be second lieutenant, August 20, 1900, vice Young, resigned.

First Sergt. Allen P. Norton, Company E, Thirty-sixth Infantry, United States Volunteers, to be second lieutenant, September 27, 1900, vice Mann, resigned.

THIRTY-SEVENTH INFANTRY.

First Sergt. Thomas Embry, Company C, Thirty-seventh Infantry, United States Volunteers, to be second lieutenant, June 25, 1900, vice Baskette, promoted.

First Sergt. Harry E. Potter, Company A, Thirty-seventh Infantry, United States Volunteers, to be second lieutenant, August 20, 1900, vice Fuller, resigned.

Battalion Sergt. Maj. James W. McIntyre, Thirty-seventh Infantry, United States Volunteers, to be second lieutenant, October 2, 1900, vice Peck, resigned.

THIRTY-NINTH INFANTRY.

Sergt. Fred Cooke, Company K, Thirty-ninth Infantry, United States Volunteers, to be second lieutenant, August 27, 1900, vice White, promoted.

First Sergt. Robert B. McConnell, Company D, Thirty-ninth Infantry, United States Volunteers, to be second lieutenant, September 20, 1900, vice Mohr, resigned.

FORTIETH INFANTRY.

Sergt. Frank R. Weeks, Company F, Fortieth Infantry, United States Volunteers, to be second lieutenant, September 8, 1900, vice Kelso, promoted.

FORTY-FIRST INFANTRY.

Q. M. Sergt. Herbert G. Millar, Forty-first Infantry, United States Volunteers, to be second lieutenant, June 25, 1900, vice Towson, promoted.

FORTY-SECOND INFANTRY.

Sergt. Maj. Frank T. Allbright, Forty-second Infantry, United States Volunteers, to be second lieutenant, July 13, 1900, vice Williams, promoted.

FORTY-THIRD INFANTRY.

Sergt. Maj. Walter M. Lindsay, Forty-third Infantry, United States Volunteers, to be second lieutenant, July 12, 1900, vice Avery, promoted.

First Sergt. Louis B. Chandler, Company E, Forty-third Infantry, United States Volunteers, to be second lieutenant, July 12, 1900, vice Sterrett, promoted.

Sergt. Maj. George E. Steele, Forty-third Infantry, United States Volunteers, to be second lieutenant, October 12, 1900, vice Burt, promoted.

FORTY-FOURTH INFANTRY.

Com. Sergt. Elias J. Hinchen, Forty-fourth Infantry, United States Volunteers, to be second lieutenant, November 1, 1900, vice Cadden, promoted.

Sergt. Maj. Leonard H. Cook, Forty-fourth Infantry, United States Volunteers, to be second lieutenant, November 19, 1900, vice Dengler, promoted.

FORTY-FIFTH INFANTRY.

Sergt. Maj. Oscar Danielson, Forty-fifth Infantry, United States Volunteers, to be second lieutenant, June 16, 1900, vice Mender, whose commission expired by constitutional limitation.

Q. M. Sergt. George K. Armstrong, Forty-fifth Infantry, United States Volunteers, to be second lieutenant, June 21, 1900, vice Taylor, promoted.

First Sergt. George A. F. Trumbo, Company D, Forty-fifth Infantry, United States Volunteers, to be second lieutenant, September 5, 1900, vice MacKinlay, promoted.

Sergt. Fred D. Shiras, Company B, Forty-fifth Infantry, United States Volunteers, to be second lieutenant, September 24, 1900, vice Mobley, resigned.

Corpl. Charles E. Dority, Company E, Forty-fifth Infantry, United States Volunteers, to be second lieutenant, September 24, 1900, vice Sweitzer, honorably discharged.

FORTY-SIXTH INFANTRY.

Sergt. Maj. Gustavus J. Hasson, Forty-sixth Infantry, United States Volunteers, to be second lieutenant, September 5, 1900, vice Ross, promoted.

FORTY-SEVENTH INFANTRY.

Sergt. Maj. Edwin Burke, Forty-seventh Infantry, United States Volunteers, to be second lieutenant, July 23, 1900, vice Devine, honorably discharged. (First Sergt. Wiley J. Brickey, Company H, Forty-seventh Infantry, was nominated and confirmed for this vacancy, but died prior to the receipt by him of his commission.)

First Sergt. William P. Barber, jr., Company I, Forty-seventh Infantry, United States Volunteers, to be second lieutenant, July 24, 1900, vice Harrison, promoted.

First Sergt. Thomas T. Page, Company F, Forty-seventh Infantry, United States Volunteers, to be second lieutenant, August 11, 1900, vice Lanham, promoted.

First Sergt. Robert C. Q. Clark, Company L, Forty-seventh Infantry, United States Volunteers, to be second lieutenant, October 6, 1900, vice Slack, promoted.

FORTY-NINTH INFANTRY.

Capt. Robert Gage, Forty-ninth Infantry, United States Volunteers, to be major, June 15, 1900, vice Kirkman, dismissed.

Capt. William J. Vaiden, Thirty-eighth Infantry, United States Volunteers, to be captain in the Forty-ninth Infantry, United States Volunteers (by transfer), July 16, 1900, with rank from August 17, 1899, vice Gage, appointed major.

Sergt. Maj. George R. Grau, Twelfth Infantry, United States Army, to be first lieutenant, Forty-ninth Infantry, United States Volunteers, July 16, 1900, vice Gregg, dismissed.

Sergt. Maj. John R. Blackburn, Forty-ninth Infantry, United States Volunteers, to be second lieutenant, June 15, 1900, vice Johnson, dismissed.

Sergt. Maj. George A. Williams, Forty-ninth Infantry, United States Volunteers, to be second lieutenant, October 17, 1900, vice Ray, promoted.

Sergt. Maj. William E. Tyler, Forty-ninth Infantry, United States Volunteers, to be second lieutenant, November 6, 1900, vice McBryar, promoted.

PORTO RICO REGIMENT, UNITED STATES VOLUNTEER INFANTRY.

First Lieut. Charles H. Hamilton, Porto Rico Regiment, to be captain, November 5, 1900, vice Page, deceased.

Second Lieut. Blas Nadal, Porto Rico Regiment, to be first lieutenant, November 5, 1900, vice Hamilton, appointed captain.

William Ridgely Hay, of Illinois (late trumpeter, Troop H, Eighth Cavalry, United States Army), to be second lieutenant, November 5, 1900, vice Nadal, appointed first lieutenant.

FIRST ASSISTANT POSTMASTER-GENERAL.

William M. Johnson, of New Jersey, to be First Assistant Postmaster-General, to which office he was appointed during the last recess of the Senate, vice Perry S. Heath, resigned.

MEMBER CALIFORNIA DÉBRIS COMMISSION.

Col. Jared A. Smith, Corps of Engineers, United States Army, for appointment as a member of the California Débris Commission, provided for by the act of Congress, approved March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," vice Col.

Samuel M. Mansfield, Corps of Engineers, United States Army, relieved.

INDIAN AGENTS.

John R. Brennan, of Rapid City, S. Dak., who was appointed September 27, 1900, during the recess of the Senate, to be agent for the Indians of the Pine Ridge Agency in South Dakota, vice Lieut. Col. William H. Clapp, United States Army, relieved from duty as acting Indian agent.

Nimrod S. Walpole, of Pueblo, Colo., to be agent for the Indians of the Jicarilla Agency in New Mexico, being the agency known as the "Pueblo and Jicarilla" until its name was changed July 1, 1900, by the Indian appropriation act, and said Walpole being then, and since his original appointment of May 25, 1898, the agent thereof. This appointment is to complete the term of four years contemplated in said original appointment.

REGISTER OF LAND OFFICE.

Harry H. Myers, of Brinkley, Ark., who was appointed August 13, 1900, during the recess of the Senate, to be register of the land office at Little Rock, Ark., vice William G. Whipple, resigned.

MINERAL-LAND COMMISSIONERS.

William W. Alderson, of Bozeman, Mont., who was appointed August 1, 1900, during the recess of the Senate, to be a mineral-land commissioner in Montana. (Reinstatement.)

Joseph C. Auld, of Glendive, Mont., who was appointed August 1, 1900, during the recess of the Senate, to be a mineral-land commissioner in Montana. (Reinstatement.)

George A. Black, of Fairhaven, Wash., who was appointed August 1, 1900, during the recess of the Senate, to be a mineral-land commissioner in Idaho. (Reinstatement.)

Watson Boyle, of Washington, D. C., who was appointed September 1, 1900, during the recess of the Senate, to be a mineral-land commissioner in Montana. (Reinstatement.)

Miles Cavanaugh, of Helena, Mont., who was appointed August 1, 1900, during the recess of the Senate, to be a mineral-land commissioner in Montana. (Reinstatement.)

Charles D. Curtis, of Helena, Mont., who was appointed August 1, 1900, during the recess of the Senate, to be a mineral-land commissioner in Montana.

Thomas A. Davis, of Malad, Idaho, who was appointed August 1, 1900, during the recess of the Senate, to be a mineral-land commissioner in Idaho. (Reinstatement.)

John W. Eddy, of Helena, Mont., who was appointed August 1, 1900, during the recess of the Senate, to be a mineral-land commissioner in Montana.

George W. Garrett, of Arkadelphia, Ark., who was appointed August 1, 1900, during the recess of the Senate, to be a mineral-land commissioner in Montana. (Reinstatement.)

Jule M. Hartley, of Missoula, Mont., who was appointed September 1, 1900, during the recess of the Senate, to be a mineral-land commissioner in Montana. (Reinstatement.)

Edwin S. Hathaway, of Missoula, Mont., who was appointed August 1, 1900, during the recess of the Senate, to be a mineral-land commissioner in Montana. (Reinstatement.)

Edwin A. Jones, of Ottumwa, Iowa, who was appointed August 1, 1900, during the recess of the Senate, to be a mineral-land commissioner in Montana. (Reinstatement.)

Homer B. King, of Idaho, who was appointed August 1, 1900, during the recess of the Senate, to be a mineral-land commissioner in Idaho.

Peter T. Morris, of Bozeman, Mont., who was appointed August 1, 1900, during the recess of the Senate, to be a mineral-land commissioner in Montana. (Reinstatement.)

William H. Williams, of Cokedale, Mont., who was appointed August 23, 1900, during the recess of the Senate, to be a mineral-land commissioner in Montana.

PENSION AGENT.

Leslie Combs, of Lexington, Ky., who was appointed November 17, 1900, during the recess of the Senate, to be pension agent at Louisville, Ky., vice Daniel R. Collier, resigned. (Reinstatement.)

MEMBERS OF BOARD OF CHARITIES.

George W. Cook, of the District of Columbia, to be a member of the board of charities of the District of Columbia for the term of one year from July 1, 1900, to which office he was appointed during the last recess of the Senate to fill an original vacancy.

John Joy Edson, of the District of Columbia, to be a member of the board of charities of the District of Columbia for the term of three years from July 1, 1900, to which office he was appointed during the last recess of the Senate to fill an original vacancy.

Charles P. Neill, of the District of Columbia, to be a member of the board of charities of the District of Columbia for the term of two years from July 1, 1900, to which office he was appointed during the last recess of the Senate to fill an original vacancy.

Simon Wolf, of the District of Columbia, to be a member of the board of charities of the District of Columbia for the term of two years from July 1, 1900, to which office he was appointed during the last recess of the Senate to fill an original vacancy.

S. W. Woodward, of the District of Columbia, to be a member of the board of charities of the District of Columbia for the term of three years from July 1, 1900, to which office he was appointed during the last recess of the Senate to fill an original vacancy.

MEMBERS OF EXECUTIVE COUNCIL OF PORTO RICO.

José Guzman Benitez, of Ponce, to be a member of the executive council of Porto Rico, to which office he was appointed during the last recess of the Senate, vice José de Diego, resigned.

José Gomez Brioso, of Ponce, to be a member of the executive council of Porto Rico, to which office he was appointed during the last recess of the Senate, vice Manuel Camuñas, resigned.

SECOND SECRETARY OF EMBASSY.

H. Percival Dodge, of Massachusetts, to be second secretary of the embassy of the United States at Berlin, Germany, to which office he was appointed during the last recess of the Senate, vice George M. Fisk, resigned.

THIRD SECRETARIES OF EMBASSY.

Samuel Morrill, of Massachusetts, to be third secretary of the embassy of the United States at Berlin, Germany, to which office he was appointed during the last recess of the Senate, vice H. Percival Dodge, appointed second secretary of the embassy at Berlin.

Arthur Bailly Blanchard, of Louisiana, to be third secretary of the embassy of the United States at Paris, France, to which office he was appointed during the last recess of the Senate, vice Samuel Morrill, appointed third secretary of the embassy at Berlin.

SECRETARY OF LEGATION.

Huntington Wilson, of Illinois, to be secretary of the legation of the United States to Japan, to which office he was appointed during the last recess of the Senate, vice Joseph R. Herod, resigned.

SECOND SECRETARY OF LEGATION.

John Mackintosh Ferguson, of Pennsylvania, to be second secretary of the legation of the United States to Japan, to which office he was appointed during the last recess of the Senate, vice Huntington Wilson, appointed secretary of the legation.

CONSULTING ENGINEER.

Paul D. Cunningham, of Tennessee, to be consulting engineer of the United States on the International Boundary Commission, provided for in the convention with Mexico of March 1, 1889, to which office he was appointed during the last recess of the Senate, vice W. W. Follett, resigned.

SECRETARY OF CLAIMS COMMISSION.

John F. Baker, of New York, to be secretary on the part of the United States under the conventions for a claims commission concluded between the United States and Chile August 7, 1892, and May 24, 1897, to which office he was appointed during the last recess of the Senate, to fill a vacancy.

AGENT OF CLAIMS COMMISSION.

John H. Perry, of Connecticut, to be agent on the part of the United States under the conventions for a claims commission concluded between the United States and Chile August 7, 1892, and May 24, 1897, to which office he was appointed during the last recess of the Senate, to fill a vacancy.

CONSUL-GENERAL.

W. Irvin Shaw, of Pennsylvania, to be consul-general of the United States at Singapore, Straits Settlements, to which office he was appointed during the last recess of the Senate, vice Robert A. Moseley, jr., deceased.

CONSULS.

Orlando H. Baker, of Iowa, to be consul of the United States at Sydney, New South Wales, to which office he was appointed during the last recess of the Senate, vice George W. Bell, recalled.

Richard M. Bartleman, of Massachusetts, to be consul of the United States at Valencia, Spain, to which office he was appointed during the last recess of the Senate, vice Horace Lee Washington, appointed consul at Geneva.

Church Howe, of Nebraska, to be consul of the United States at Sheffield, England, to which office he was appointed during the last recess of the Senate, vice James M. Johnston, appointed consul at Palermo.

John C. Ingersoll, of Illinois, to be consul of the United States at Cartagena, Colombia, to which office he was appointed during the last recess of the Senate, vice Rafael Madrigal, resigned.

James Johnston, of New Jersey, to be consul of the United States at Palermo, Sicily, to which office he was appointed during the last recess of the Senate, vice Church Howe, appointed consul at Sheffield, England.

Thomas T. Prentis, of Massachusetts, to be consul of the United

States at Martinique, West Indies, to which office he was appointed during the last recess of the Senate, vice Alonzo C. Yates, resigned.

Bradstreet S. Rairden, of Maine, to be consul of the United States at Batavia, Java, to which office he was appointed during the last recess of the Senate, vice Thomas T. Prentis, appointed consul at Martinique.

Horace Lee Washington, of the District of Columbia, to be consul of the United States at Geneva, Switzerland, to which office he was appointed during the last recess of the Senate, vice Richard M. Bartleman, appointed consul at Valencia.

UNITED STATES ATTORNEY.

William G. Whipple, of Arkansas, to be attorney of the United States for the eastern district of Arkansas, vice Jacob Trieber, resigned. William G. Whipple was temporarily appointed to the above-named position July 26, 1900, during the recess of the Senate.

DISTRICT JUDGE.

Jacob Trieber, of Arkansas, to be United States district judge for the eastern district of Arkansas, vice John A. Williams, deceased. Jacob Trieber was temporarily appointed to the above-named position July 26, 1900, during the recess of the Senate.

UNITED STATES ATTORNEY.

James B. Holland, of Pennsylvania, to be attorney of the United States for the eastern district of Pennsylvania, vice James M. Beck, resigned. James B. Holland was temporarily appointed to the above-named position July 12, 1900, during the recess of the Senate.

ASSOCIATE JUSTICE.

Silas Alexander, of New Mexico, to be associate justice of the supreme court of the Territory of New Mexico, vice Charles A. Leland, resigned.

ASSISTANT ATTORNEY-GENERAL.

James M. Beck, of Pennsylvania, to be Assistant Attorney-General, vice James E. Boyd, resigned. James M. Beck was temporarily appointed to the above-named position July 12, 1900, during the recess of the Senate.

COMMISSIONER TO REVISE AND CODIFY CRIMINAL AND PENAL LAWS OF UNITED STATES.

William D. Bynum, of Indiana, to be commissioner to revise and codify the criminal and penal laws of the United States, vice D. B. Culberson, deceased. William D. Bynum was temporarily appointed to the above-named position June 13, 1900, during the recess of the Senate.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 4, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

SWEARING IN OF A MEMBER.

Mr. HEPBURN. Mr. Speaker, I ask that the election case from the Tenth Iowa district be taken up.

The SPEAKER. The gentleman from Iowa [Mr. HEPBURN] asks to have the member-elect from the Tenth Iowa district sworn in.

Mr. BAILEY of Texas. Mr. Speaker, I do not object to Judge Conner being sworn in, but the certificate submitted yesterday ought to be withdrawn, the new and proper certificate ought to be filed in place thereof, and a statement of the facts put in the RECORD.

The SPEAKER. Does the gentleman from Iowa [Mr. HEPBURN] withdraw the credentials offered yesterday?

Mr. HEPBURN. I desire to withdraw those offered yesterday.

The SPEAKER. The credentials of yesterday being withdrawn, the following credentials of the governor of Iowa will be read to the House.

The Clerk read as follows:

United States of America, State of Iowa, executive department.

To Hon. JAMES P. CONNER, greeting:

It is hereby certified that at an election holden on the 6th day of November, 1900, you were elected to the office of Representative in Congress from the Tenth Congressional district of said State for the residue of the term ending the 3d day of March, 1901.

Given at the seat of government this 27th day of November, A. D. 1900.

[SEAL.] LESLIE M. SHAW.

By the governor:

G. L. DOBSON, *Secretary of State.*

Mr. BAILEY of Texas. Mr. Speaker, I desire to say to the gentleman from Iowa [Mr. HEPBURN] that I think the credentials addressed to the member-elect are not exactly in form, but that is immaterial. I think they should have been addressed to the Speaker of the House, but I would not make any objection to that mere informality. I desire, however, that it should go into the record that a vacancy did exist, in view of the certificate presented yesterday, and to which I felt constrained to object.

Mr. HEPBURN. There can be no question about that. Whatever defect there may have been about the written resignation of Mr. DOLLIVER, it was cured by the fact that he immediately, after the date of that, accepted another office, the holding of which would be inconsistent with his remaining a Representative.

Mr. BAILEY of Texas. That is perfectly true.

Mr. HEPBURN. I am told that the acceptance was in writing and was filed with the governor long prior to the date of his ordering the election.

Mr. BAILEY of Texas. But until the gentleman's statement there was nothing in the record of the House to show that Mr. DOLLIVER had accepted an appointment which vacated his seat in the House, without reference to his resignation. If Mr. Conner's right to a seat depended upon Mr. DOLLIVER'S resignation, he would not be entitled to admission as a member of the House, because no vacancy which authorized the governor of Iowa to order an election existed by reason of Mr. DOLLIVER'S resignation, and the election would have been void; but in this case it happened that Mr. DOLLIVER accepted an appointment as Senator from the State of Iowa, and thus created a vacancy, to fill which the governor of Iowa was authorized to issue a writ of election. With that statement made a part of the record it is entirely proper that the member-elect should be sworn in.

The SPEAKER. The gentleman from Iowa will step forward and take the oath of office.

Thereupon Mr. Conner came forward, accompanied by Mr. HEPBURN, and the oath of office was administered to him by the Speaker.

RESIGNATION OF A MEMBER FROM CALIFORNIA.

The SPEAKER laid before the House the following resignation:

Hon. D. B. HENDERSON,
Speaker of the House of Representatives of the United States, Dubuque, Iowa.

DEAR SIR: I beg to respectfully advise you that I have this day resigned as a Representative in the Fifty-sixth Congress of the United States from the Second Congressional district of the State of California.

Very respectfully, yours,

MARION DE VRIES.

WASHINGTON, D. C., *August 20, A. D. 1900.*

COMMITTEE CHANGES.

The SPEAKER also laid before the House the following resignation:

The honorable the SPEAKER HOUSE OF REPRESENTATIVES.

SIR: I hereby tender my resignation as a member of the Committee on Insular Affairs.

Very respectfully, J. W. BABCOCK.

The SPEAKER. Without objection, this resignation will be approved. [After a pause.] The Chair hears no objection.

The SPEAKER made the following announcement of committee appointments:

EDWARD L. HAMILTON, of Michigan, to be a member of the Committee on Insular Affairs.

JESSE OVERSTREET, of Indiana, to be chairman of the Committee on Expenditures in the Department of Justice.

ROBERT W. DAVIS, of Florida, and ALLAN L. MCDERMOTT, of New Jersey, to be members of the Committee on the Merchant Marine and Fisheries.

Mr. HULL. Mr. Speaker, I desire to make a statement, and then to make a request by unanimous consent. The Committee on Military Affairs has completed the consideration of the bill for the reorganization of the Army, and will make a report this afternoon. I desire to ask unanimous consent that the bill may be taken up for consideration to-morrow——

Mr. SULZER. Mr. Speaker, I object.

Mr. HULL. Before my request is submitted, I want to say that under the law as it now exists we must commence mustering out the present Army of the United States in the very near future. We should commence returning them to the United States in January, and there are at least four hundred stations in the Philippines from which troops could not be withdrawn without endangering the life of every man who has shown himself friendly to the United States Government. The necessity for immediate action on this subject is, in my judgment, apparent not only to every member of the House, but to every citizen of the United States. The importance for immediate action is imperative. I therefore ask unanimous consent that to-morrow, immediately after the reading of the Journal, the bill I have named may be taken up for consideration.

The SPEAKER. The gentleman from Iowa, the chairman of the Committee on Military Affairs, asks unanimous consent that the Army reorganization bill be taken up to-morrow immediately after the approval of the Journal. Is there objection?

Mr. SULZER. Mr. Speaker, I object. The gentleman can

have a rule brought in for the consideration of the bill if the House wants to expedite it.

The SPEAKER. The gentleman from New York [Mr. SULZER] objects.

MESSAGE FROM THE PRESIDENT.

Sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries.

CENTENNIAL ANNIVERSARY—SEAT OF NATIONAL GOVERNMENT.

Mr. CANNON. Mr. Speaker, by direction of the Committee on Appropriations, I report back without amendment the bill which I send to the desk, and ask for its immediate consideration.

The bill (H. R. 12283) was read, as follows:

A bill (H. R. 12283) in relation to the celebration of the centennial anniversary of the establishment of the permanent seat of government in the District of Columbia.

Whereas the Senate and House of Representatives have each appointed a committee to act with other committees appointed respectively by the President of the United States and by the citizens of the District of Columbia (in a mass meeting assembled), which committees have in charge the celebration of the centennial anniversary of the establishment of the permanent seat of government in the District of Columbia; and

Whereas said committees have in joint session adopted a plan of celebration which has been submitted to the President of the United States and by him transmitted to Congress, such plan proposing as a feature of the celebration the holding by the Senate and House of Representatives, jointly, commemorative exercises in the Hall of the House of Representatives in the afternoon of the 12th day of December, 1900, in honor of the centennial anniversary of the first session of Congress held in the permanent Capitol: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the two Houses of Congress shall assemble in the Hall of the House of Representatives on the 12th day of December, 1900, at the hour of half past 3 o'clock p. m., and that addresses on subjects bearing on the celebration shall be made by Senators and Representatives to be chosen by the joint committee mentioned in the preamble; that the President and ex-Presidents of the United States, the heads of the several Executive Departments, the Justices of the Supreme Court, representatives of foreign governments accredited to this Government, the governors of the several States and Territories, the Commissioners of the District of Columbia, the Lieutenant-General of the Army and the Admiral of the Navy, officers of the Army and Navy who have received the thanks of Congress, and all persons who have the privilege of the floor either of the Senate or the House be, and are hereby, invited to be present on the occasion, and that the members of the committee from the country at large, the members of the said citizens' committee, and the chairmen and vice-chairmen of the committees of the national capital centennial are hereby granted the privilege of the floor of the House during the exercises; that the said citizens' committees shall issue cards of admission to such portions of the public galleries of the Hall of the House as may be set apart by the Doorkeeper of the House for that purpose. That the Speaker of the House shall call the assembly to order and the President pro tempore of the Senate shall act as presiding officer during the exercises. That the 12th day of December, 1900, be a legal holiday within the District of Columbia. That the Secretary of War and the Secretary of the Navy are authorized to deliver to the Architect of the Capitol, for the purpose of decorating the Capitol, its approaches, and the reviewing stands in the Capitol grounds for the occasion, such United States ensigns and flags, except battle flags, and such signal numbers and other flags as may be spared, the same to be delivered to the Architect immediately, and returned by him not later than the 31st day of December, 1900. That admission of the general public to the southern portion of the Capitol, including the Rotunda, on the said 12th day of December, 1900, shall be by card only, under the direction of the Doorkeeper of the House. That the Commissioners of the District of Columbia are authorized and directed, for the occasion, to make all reasonable regulations necessary to secure the preservation of public order and protection of life and property, and to grant authority or permits for the use of such thoroughfares and sidewalks in the city of Washington as may be necessary for parades, and that the citizens' committee are authorized to erect for the occasion a reviewing stand at the east side of or on the east steps of the Capitol.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

EXPENDITURES OF PARIS EXPOSITION COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States; which was read and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, copy of a letter from the Commissioner-General of the United States to the Paris Exposition of 1900, of November 17, 1900, giving a detailed statement of the expenditures of the Commission for the year ended November 15, 1900.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, December 4, 1900.

PRELIMINARY REPORT OF ISTHMIAN CANAL COMMISSION.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a preliminary report of the Isthmian Canal Commission, dated November 30, 1900.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *December 4, 1900.*

DISTRIBUTION OF PRESIDENT'S MESSAGE.

Mr. PAYNE. Mr. Speaker, by direction of the Committee on Ways and Means I report back with amendments the resolution for the distribution of the President's message, and ask its present consideration in the House as in Committee of the Whole.

There being no objection, the House proceeded to the consideration of the resolution; which was read, as follows:

Resolved, That so much of the annual message of the President of the United States to the two Houses of Congress at the present session as relates to the revenue, the bonded debt of the United States, and the treaties affecting the revenue be referred to the Committee on Ways and Means.

That so much as relates to the foreign affairs, the consular and diplomatic service, including appropriations therefor, together with the accompanying correspondence and documents, and to the revision of treaties other than treaties affecting the revenue, be referred to the Committee on Foreign Affairs.

That so much as relates to the appropriations of the public revenue for support of the Government as herein provided, namely, for the legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for pensions; for the District of Columbia, and for all deficiencies, and also for the exposition at Paris in 1900, be referred to the Committee on Appropriations.

That so much as relates to the judiciary of the United States, to the administration of justice, and the organization of courts be referred to the Committee on the Judiciary.

That so much as relates to banks and banking and the currency be referred to the Committee on Banking and Currency.

That so much as relates to the mints of the United States and to the coinage of gold and silver bullion be referred to the Committee on Coinage, Weights, and Measures.

That so much as relates to the commerce of the United States, domestic and foreign, except so far as it affects the revenue, to intercolonial railways, and the Nicaragua Canal be referred to the Committee on Interstate and Foreign Commerce.

That so much as relates to agriculture and appropriations therefor be referred to the Committee on Agriculture.

That so much as relates to the merchant marine and fisheries be referred to the Committee on Merchant Marine and Fisheries.

That so much as relates to the military establishment and appropriations therefor be referred to the Committee on Military Affairs.

That so much as relates to the naval establishment and to the construction of additional vessels for the Navy, and appropriations therefor, be referred to the Committee on Naval Affairs.

That so much as relates to the post-offices and post-roads and to the carrying of the foreign mails, and appropriations therefor, be referred to the Committee on the Post-Office and Post-Roads.

That so much as relates to the public domain be referred to the Committee on the Public Lands.

That so much as relates to the relations of the United States to the Indian tribes, and appropriations therefor, be referred to the Committee on Indian Affairs.

That so much as relates to the Territories, Alaska, and the Hawaiian Islands be referred to the Committee on the Territories.

That so much as relates to the islands which came to the United States through the treaty of 1899 with Spain, and to Cuba (except so much as relates to the revenue and the appropriations), be referred to the Committee on Insular Affairs.

That so much as relates to pensions be referred to the Committee on Invalid Pensions.

That so much as relates to the Pacific railroads be referred to the Committee on Pacific Railroads.

That so much as relates to the civil service be referred to the Committee on Reform in the Civil Service.

That so much as relates to foreign immigration be referred to the Committee on Immigration and Naturalization.

That so much as relates to the census be referred to the Select Committee on the Twelfth Census.

The amendments reported by the committee were read, as follows:

After the words "nineteen hundred," on page 2, insert "the celebration of the centennial anniversary of the establishment of the seat of Government in the District of Columbia, and also the Pan-American Exposition in Buffalo in 1901."

On page 4, after the word "census," in line 5, insert "including apportionment of representation in Congress." At the end of the resolution add the following: "That so much as relates to public buildings be referred to the Committee on Public Buildings and Grounds."

The amendments were agreed to.

The resolution as amended was adopted.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

ORDER OF BUSINESS.

The SPEAKER. The next business in order is the consideration of reports to be called up by the standing committees.

The Clerk proceeded to call the committees.

MILITARY JUSTICE.

Mr. PARKER of New Jersey. I am instructed by the Committee on Military Affairs to call up House bill No. 7571.

The bill (H. R. 7571) to prevent the failure of military justice, and for other purposes, was read, as follows:

Be it enacted, etc., That every person not belonging to the Army of the United States who, being duly subpœnaed to appear as a witness before a general court-martial of the Army, willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or produce documentary evidence which such person may have been legally subpœnaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States; and it shall be the duty of the United States district attorney, on the certification of the facts to him by the general court-martial, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than $500 or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That this shall not apply to persons residing beyond the State, Territory, or District in which such general court-martial is held, and that the fees of such witness, at the

rate of 5 cents a mile from his place of residence to the place of trial and $1.50 for each day required for such travel, shall be tendered him, and that after testifying he shall be paid at the same rate for returning and $1.50 per day while in attendance on the court-martial, such amounts to be paid by the Pay Department of the Army out of the appropriation for compensation of witnesses.

SEC. 2. That article 94, section 1342, of the Revised Statutes of the United States be, and the same is hereby, repealed.

SEC. 3. That section 183 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 183. Any officer or clerk of any of the departments lawfully detailed to investigate frauds on, or attempts to defraud, the Government, or any irregularity or misconduct of any officer or agent of the United States, and any officer of the Army detailed to conduct an investigation, and the recorder, and, if there be none, the presiding officer of any military board appointed for such purpose, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation."

SEC. 4. That article 83, section 1342, of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"ART. 83. Regimental and garrison courts-martial and summary courts detailed under existing laws to try enlisted men shall not have power to try capital cases or commissioned officers, but shall have power to award punishment not to exceed confinement at hard labor for three months or forfeiture of three months' pay, or both, and in addition thereto, in the case of noncommissioned officers, reduction to the ranks, and in the case of first-class privates, reduction to second-class privates."

SEC. 5. That article 60, section 1342, of the Revised Statutes of the United States be, and the same is hereby, amended by striking out the words "shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may adjudge," and substituting therefor the words "shall, on conviction thereof by a court-martial, be punished at the discretion of the court, subject to such limitation as may be prescribed by the President by virtue of the power vested in him."

The amendments reported by the committee were read, as follows:

At the end of section 1 add the following:

"*Provided*, That no witness shall be compelled to incriminate himself or to answer any questions which may tend to incriminate or degrade him."

At the end of section 4 add the following:

"*Provided*, That a summary court shall not adjudge confinement and forfeiture in excess of a period of one month unless the accused shall, before trial, consent in writing to trial by said court; but in any case of refusal to so consent the trial may be had either by general, regimental, or garrison court-martial, or by said summary court, but in case of trial by said summary court without consent as aforesaid the court shall not adjudge confinement or forfeiture of pay for more than one month."

Strike out section 5 and insert the following:

"SEC. 5. That article 60, section 1342, of the Revised Statutes of the United States be, and the same is hereby, amended by inserting, after the words 'shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may adjudge,' the words 'or by any or all of said penalties.'"

Mr. PARKER of New Jersey. Mr. Speaker, this bill is well named a bill to prevent the failure of military justice. It was originally prepared by the War Department for the relief of the military courts and of the soldier. Every section has received very careful attention from the committee. The substance of the measure may be stated very briefly.

At present, by statute, a military court may subpœna a witness to come before it, but when that witness appears there is no provision of law by which he can be compelled to testify. Military courts have no power to punish for contempt. In the present state of public feeling it was not thought advisable to give that power to military courts, but it was thought right that in such cases, in order to prevent the failure of justice, the military court might present the facts to the United States civil court, and that the man who refuses to attend and to testify might be tried and convicted of an offense against the United States.

It will readily be seen that in cases, especially of stealing, embezzling, etc., where other parties who are not soldiers have been privy to the offense, justice will often fail as regards the soldier himself unless evidence can be compelled.

The second section is directed to a curious anomaly. In the old days it was thought advisable to provide that courts-martial should sit only between the hours of 8 in the morning and 3 in the afternoon. The result is that proceedings are often delayed by this provision. This bill repeals that section of the Articles of War.

The third section gives to military officers who are appointed to conduct investigations the power to swear witnesses. At present officers of the Treasury Department or the Post-Office Department have the right to administer oaths; but an officer of the Army, intent on the same course of investigation, has no such power, but must go to a notary public; and if he happen to be in Alaska or in any of the Western Territories, he may be unable to find an officer to take an affidavit. This bill simply gives a military officer the same power which belongs to other officers of the Government.

The fourth section, Mr. Speaker, is one that tends most to the relief of the soldier himself; and I desire to call the special attention of the members present to it. For the past ten or fifteen years there has existed in the Army what has been called a summary court, which, in part, takes the place of a general court-martial, and has jurisdiction of small infractions of discipline and trifling offenses committed by the soldier. Under the court-martial system, a soldier who is accused of some trifling infraction of duty must wait sometimes even as long as three or four months before the court can be convened, and is subjected to great inconvenience, and often to imprisonment for the entire time.

Of course, until the question of guilt or innocence can be tried by the court-martial, the soldier is under certain restraints according to the rules of the service. To avoid this condition, and for the punishment of slight offenses, like being late at quarters or failure to respond to roll call, it is thought desirable to enlarge the jurisdiction and scope of the powers of these summary courts. By the present law the commanding officer of the post or of a detachment of troops might appoint a summary court to try small offenders and inflict punishment not exceeding confinement in the guardhouse or labor for one month and the forfeiture of one month's pay.

In the case of a noncommissioned officer, he might be reduced to the ranks in addition to the other punishment provided. The pending bill amends the jurisdiction given to such officers who are detailed to try these offenses, and is believed to be in the interest of the service as well as of the soldier himself. The amendment provides for cases that where there are several small offenses that might be tried together, or where the penalty is increased by reason of its being the second offense, under the law as it stands the accused is often kept waiting trial for months, in the more remote garrisons, and is sometimes forced to go long distances to a court-martial. To prevent these evils the jurisdiction of the summary court is extended to punishment for three months and forfeiture of three months' pay, but with the express proviso, which the committee added by amendment, that in case of trial by summary court the penalty shall not exceed one month, as heretofore, unless the accused himself, before the trial, waives his right to a trial by a court-martial and consents in writing to trial by the summary court.

The fifth section of the bill is an amendment to the sixtieth article of war, which provides for the punishment of high crimes and misdemeanors in officers and men, such as embezzlement, stealing, frauds committed against the United States, and crimes of like character. The article provides that the party convicted shall be punished by fine or imprisonment, or by such other punishment as the court-martial may adjudge. This bill adds the words "or by any or all of said penalties."

It will be recalled by members present that in the progress of a famous military trial within the last year, which involved what was believed to be the embezzlement of many thousands of dollars on the part of an officer of engineers, it was contended that only a fine or imprisonment could be awarded, and that on conviction of the fraud a guilty officer could not be punished by fine and imprisonment and by such other punishment as the court-martial may adjudge, but only by one of them, and that if both fine and imprisonment should be awarded the sentence would be illegal. It was therefore deemed necessary to add the words "or by any or all of said penalties," so that the full limit of punishment that the law evidently intended could be awarded in such cases. This new section provides that under this article of war, on conviction, any or all of such penalties may be invoked.

If, Mr. Speaker, there are any other matters requiring explanation to the House, I shall be very glad on inquiry to respond to them and give a full explanation of all the provisions of the bill.

Mr. WHEELER. The bill, in the first section to which the gentleman has just referred, relates, as I understand it, to contempt cases?

Mr. PARKER of New Jersey. Yes.

Mr. WHEELER. What is the extreme penalty for contempt which is proposed by the bill?

Mr. PARKER of New Jersey. It authorizes a fine not exceeding $500 to be imposed by the civil court——

Mr. WHEELER. Does any imprisonment attach?

Mr. PARKER of New Jersey (continuing). Or imprisonment, at the option of the court. I beg pardon. I did not read all of the provisions which the bill carries; but the gentleman will see that it covers both fine and imprisonment.

Mr. WHEELER. And that is the punishment for contempt merely?

Mr. PARKER of New Jersey. Yes; for contempt in refusing to obey a subpœna or refusing to testify when subpœnaed. The bill provides as follows:

That every person not belonging to the Army of the United States who, being duly subpœnaed to appear as a witness before a general court-martial of the Army, willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or produce documentary evidence which such person may have been legally subpœnaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished, on information, in the district court of the United States; and it shall be the duty of the United States district attorney, on the certification of the facts to him by the general court-martial, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than $500 or imprisonment not to exceed six months, or both, at the discretion of the court.

There are provisos that all fees shall be paid, and that no witness should be compelled to incriminate himself.

Mr. WHEELER. I desire to call the gentleman's attention to the phraseology of the bill. It says "if he willfully fails to attend." Suppose his failure to attend is occasioned by unavoidable casualty, such as sickness, misfortune, or something of that sort?

Mr. PARKER of New Jersey. That would not be willful.

Mr. WHEELER. Ah, yes; but I am just about to point out to the gentleman where a whimsical court might impose that penalty.

Mr. PARKER of New Jersey. I think not. I think in a legal sense he would not be guilty of willful failure, because this is a criminal prosecution, subject to the rules of criminal law, which regards willfulness as implying intention.

Mr. WHEELER. I will not dispute with my friend about a judicial construction of the language, but I desire to call attention to the fact that in statutes of that sort the phraseology generally embraces the language "unless prevented by unavoidable casualty." Now, has there been no criticism of that exact phraseology by any member of the committee?

Mr. PARKER of New Jersey. The phraseology of that section has been entirely changed from that originally suggested, and it has been very carefully drawn, so as to apply only to willful defaults.

Mr. WHEELER. I am quite sure that is the intention.

Mr. PARKER of New Jersey. Yes.

Mr. WHEELER. And I believe that will be the intention of the House; but I am trying to point out to the gentleman how it is subject to another construction. My observation has been that in statutes of that sort, to guard against the whimsical construction of some dyspeptic judge, if such can be found, they put in the language "unless prevented by unavoidable casualty."

Mr. PARKER of New Jersey. I think any jury would take care of that, inasmuch as this is an offense that would have to be tried by a jury.

Mr. WHEELER. Do you so provide?

Mr. PARKER of New Jersey. No; but it is a misdemeanor, punishable on conviction.

Mr. WHEELER. Contempt cases are always tried by the court.

Mr. PARKER of New Jersey. This is not a provision for punishment for contempt by the court. It refers the matter to the civil authorities, and there must be a conviction of a misdemeanor.

Mr. WHEELER. Yes; but contempt proceedings look to the dignity of the tribunal, and unless specifically provided that the trial shall be by jury it addresses itself to the conscience of the judge.

Mr. PARKER of New Jersey. This is not a punishment for contempt. It says that the man who refuses to attend shall be deemed guilty of a misdemeanor, for which he can be tried in a United States district court. It is not for contempt, and the judge does not have the power of punishment for contempt. A good many of us, or some of us, at least, would have liked to give the power to the military courts to punish for contempt, as they can in other countries; but that was thought inadvisable, as seeming to be an attack upon the rights of the citizen.

Mr. WHEELER. Is the penalty of $500 an arbitrary one, or is it left to the discretion of the court?

Mr. PARKER of New Jersey. It provides that the punishment for the misdemeanor shall be in the discretion of the court, as in all other cases.

Mr. WHEELER. It shall not exceed $500.

Mr. PARKER of New Jersey. It shall not exceed $500.

Mr. WHEELER. One other question, if the gentleman will pardon me for one moment. In that section relating to trial by what are ordinarily termed drumhead courts-martial it is provided that the soldier shall not be so tried unless he gives written consent?

Mr. PARKER of New Jersey. Yes.

Mr. WHEELER. For cumulative offenses; where more than one offense is tried.

Mr. PARKER of New Jersey. Yes.

Mr. WHEELER. Now, when he gives written consent, do you authorize that drumhead court-martial to imprison him in their discretion?

Mr. PARKER of New Jersey. Not to exceed three months.

Mr. WHEELER. Well, that is the law that you are proposing to change, as I understand it?

Mr. PARKER of New Jersey. No; the present law limits it to one month.

Mr. WHEELER. And now you propose to make it three.

Mr. PARKER of New Jersey. Up to three.

Mr. WHEELER. I think the bill would be more acceptable if the gentleman would consent to put that expression in there "unless prevented by unavoidable casualty."

Mr. PARKER of New Jersey. There might be a great many other excuses.

Mr. COOPER of Wisconsin. Mr. Speaker——

The SPEAKER. Does the gentleman from New Jersey yield to the gentleman from Wisconsin?

Mr. PARKER of New Jersey. I do.

Mr. COOPER of Wisconsin. I wish to say in reply to the gentleman from Kentucky [Mr. WHEELER] that as I understand it in the construction of criminal statutes the word "willful" implies moral turpitude. I think the objection raised by the gentleman from Kentucky would not be tenable, because an unavoidable detention or accident does not come under that head at all.

Mr. WHEELER. Mr. Speaker, it is a well-known rule of criminal procedure that no conviction can be had unless it is based upon criminal intent. The point I want to make on the word "willfully" is that it is subject entirely to the construction of the court. The jury passes on the guilt or innocence of the defendant, and the court decides on what the punishment shall be.

The SPEAKER. The question is upon agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PARKER of New Jersey, a motion to reconsider the vote by which the bill was passed was laid on the table.

DETAIL OF RETIRED OFFICERS, ETC.

Mr. MARSH. Mr. Speaker, I am instructed by the Committee on Military Affairs to call up for consideration and passage the bill H. R. 4742.

The bill was read, as follows:

A bill (H. R. 4742) to amend section 1225 of Revised Statutes so as to provide for detail of active or retired officers of the Army and Navy to assist in military instruction in public schools.

Whereas the national defense must depend upon the volunteer service of the people of the several States; and

Whereas those cities and towns which shall adopt a system of military instruction in their public schools are entitled to the assistance of the Government in order to secure to the United States such a knowledge of military affairs among the youth of the country as will render them efficient as volunteers if called upon for the national defense: Therefore,

Be it enacted, etc., That section 1225 of the Revised Statutes, concerning the detail of officers of the Army and Navy to educational institutions be, and the same is hereby, amended so as to permit the President to detail, under the provisions of that act, and in addition to the detail of the officers of the Army and Navy now authorized to be detailed under the existing provisions of this act, such active or retired officers and noncommissioned officers of the Army and Navy of the United States as in his judgment may be required for that purpose, not exceeding the limit provided for in section 2 of this bill, to act as instructors in military drill and tactics in normal schools of the several States, and in the public schools of the various cities in the United States, where such instruction shall have been authorized by the educational authorities thereof, and where the services of such instructors shall have been applied for by said authorities.

SEC. 2. That details of such active or retired officers and noncommissioned officers shall be made according to population, and apportioned as follows: Commissioned officers, not above the rank of captain, to cities of 100,000 and upward; sergeants, to cities of 50,000 and less than 100,000; corporals, to cities of 25,000 and less than 50,000: *Provided*, That in cities of 200,000 and upward a sergeant may be detailed for each 100,000 above 100,000 inhabitants: *And provided further*, That an active or retired commissioned officer may be detailed for this duty in the capital of any State not having 100,000 inhabitants. The maximum number of active or retired commissioned officers to be detailed under the provision of this act in State normal and public schools as herein prescribed shall not exceed 100, and shall be exclusive of the details of officers of the Army and Navy authorized by the section hereby amended, and this amendment shall not affect any provision thereof. The maximum number of active or retired noncommissioned officers to be detailed under the provisions of this act is not to exceed 300.

SEC. 3. That no detail shall be made under this act to any city or town unless it shall pay the cost of commutation of quarters of the active or retired officers or noncommissioned officers detailed thereto and the extra-duty pay to which the latter may be entitled by law to receive for the performance of special duty.

SEC. 4. That the Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government, and which can be spared for that purpose, upon the approval of the governors of the respective States, such number of the same as may be required for military instruction and practice by the normal school of any State or public schools of any city which shall adopt military instruction as a part of its public school system, and the Secretary shall require a bond in each case, for double the value of the property, for the care and safe-keeping thereof and for the return of the same when required.

SEC. 5. That this act shall take effect immediately.

The amendments recommended by the committee were read, as follows:

That the title and preamble be amended so as to read as follows:

"A bill to amend section 1225 of Revised Statutes so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools.

"Whereas the national defense must depend upon the volunteer service of the people of the several States; and

"Whereas those schools which shall adopt a system of military instruction are entitled to the assistance of the Government in order to secure to the United States such a knowledge of military affairs among the youth of the country as will render them efficient as volunteers if called upon for the national defense: Therefore."

On page 2, line 3, strike out the word "this" and insert in lieu thereof the word "said." On the same line strike out the words "active or."

Strike out all after the word "purpose," line 2, page 6, down to and including the word "bill" in line 7, page 2.

Strike out the word "normal," line 8, page 2, and strike out all after the word "school" in line 8, page 2, down to and including the word "cities" in line 9, page 2.

Strike out all of section 2 of said bill, and change the number of section 3 to section 2.

In line 10, page 3, strike out the words "city or town" and insert in lieu thereof the word "school."

In line 11, page 3, strike out the words "active or."

After the word "duty," line 14, page 3, at the end of section 2, as renumbered, add the following:

"*Provided*, That no detail shall be made under the provision of this act unless the officers or noncommissioned officers to be detailed are willing to accept such position."

Strike out in line 15, page 3, the figure "4" and insert in lieu thereof the figure "3."

In line 21, page 3, strike out the words "the normal" and insert in lieu thereof the word "such." In the same line and page, strike out all after the word "school" down to and including the word "system," page 3, line 23.

Page 4, line 3, strike out the figure "5" and insert in lieu thereof the figure "4."

Mr. MARSH. Mr. Speaker——

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to know if this bill is on the House Calendar?

The SPEAKER. The gentleman from Illinois has the floor.

Mr. RICHARDSON of Tennessee. I make the point of order—first I want to know if this bill is on the House Calendar?

The SPEAKER. What is the point of order of the gentleman?

Mr. RICHARDSON of Tennessee. I desire to know if this bill is on the House Calendar?

The SPEAKER. It is on the House Calendar.

Mr. RICHARDSON of Tennessee (continuing). And if the gentleman has been authorized by the Committee on Military Affairs to call it up.

The SPEAKER. The gentleman so stated.

Mr. RICHARDSON of Tennessee (continuing). At a regular session of the committee was he instructed to call it up?

The SPEAKER. When the bill was called up the gentleman made that statement.

Mr. RICHARDSON of Tennessee. I did not hear the statement of the gentleman.

Mr. MARSH. I stated that I was instructed by the Committee on Military Affairs to call up the bill for consideration and passage.

Mr. RICHARDSON of Tennessee. I have been unable to get a copy of the bill, and I do not know whether it has any appropriation in it or not.

Mr. MARSH. I would be glad to give the gentleman a copy of the bill.

Mr. RICHARDSON of Tennessee. Is there any appropriation in the bill?

Mr. MARSH. There is no appropriation in this bill whatever.

Mr. Speaker, under existing law officers of the Army and Navy may be detailed to educational institutions of the country, not exceeding a hundred in number, This bill authorizes the Secretary of War, in his discretion, when requested by the educational institutions, to detail to the schools of the country officers upon the retired list and noncommissioned officers as instructors in military matters. In other words, it proposes to do for the public and common schools of the country what the Government is now doing for the great colleges of the country. There is no expense whatever to the United States Government involved in it.

The bill is carefully and thoroughly guarded in that respect. The soldier or officer can not be detailed excepting by his own consent; he can not be detailed excepting upon the application of the proper school authorities making the application, it being left finally in the discretion of the Secretary of War whether the public service will admit of the detail as asked for. If gentlemen will read the bill and the numerous amendments therein it will be seen the bill is very carefully guarded in all respects and simply provides for the detail of retired Army officers, with their consent, and of the noncommissioned officers of the Army, with their consent, to teach military tactics in the schools of the country, not confined to public schools, but including public schools, including academies, and including everything that comes under the head of schools. It is an amendment of the existing law, which provides what I have just called the attention of the House to. It also provides for the issue of ordnance and ordnance stores, and I will read the section.

SEC. 3. That the Secretary of War is authorized to issue, at his discretion, and under proper regulations to be prescribed by him out of ordnance and ordnance stores belonging to the Government, and which can be spared for that purpose, upon the approval of the governors of the respective States, such number of the same as may be required for military instruction and practice by such school, and the Secretary shall require a bond in each case for double the value of the property for the care and safe keeping thereof and for the return of the same when required.

Mr. Speaker, I think this bill is a preeminently proper one, and I ask for the previous question on the bill and amendments unless some gentleman has something to say.

Mr. ADAMS rose.

The SPEAKER. The gentleman from Illinois asks for the previous question.

Mr. ADAMS. I would like to ask, pending that motion, if this bill makes any increase in the number of commissioned officers who can be detailed for this purpose?

Mr. MARSH. It makes no increase whatever. No commissioned officer can be detailed, except one on the retired list and with his consent. The noncommissioned officers that this bill provides for can not be detailed except by their consent; and it further provides that where the officer upon the retired list is detailed the school authorities shall provide the extra pay that the officer would be entitled to.

The SPEAKER. The gentleman from Illinois asks for the previous question on the bill and amendments.

The question was taken, and the previous question was ordered.

The amendments were agreed to.

The bill was then ordered to be engrossed and read the third time; and it was read the third time, and passed.

The title was amended.

On motion of Mr. MARSH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM, from the Committee on Appropriations, submitted the bill (H. R. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Tennessee reserves all points of order on the bill.

Mr. BINGHAM. Mr. Speaker, I desire to state to the House that unless the House should otherwise determine as to the procedure to-morrow I shall call up this bill immediately after the reading of the Journal.

The Clerk, proceeding with the call of committees, called the Committee on the Post-Office and Post-Roads.

SECOND-CLASS MAIL MATTER.

Mr. LOUD. Mr. Speaker, I desire to call up House bill 10374, to amend the laws relating to the second class of mail matter.

The SPEAKER. The gentleman from California, the chairman of the Committee on the Post-Office and Post-Roads, by authority of that committee, calls up the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the act of March 3, 1879, prescribing the conditions under which periodical publications shall be admitted to the second class of mail matter, shall not hereafter be so construed as to admit to the second-class rates publications purporting to be issued periodically and to subscribers, but which are merely books or reprints of books, whether they be issued complete or in parts, whether they be bound or unbound, whether they be sold by subscription or otherwise, or whether they purport to be premiums or supplements or parts of regular newspapers or periodicals.

SEC. 2. That news agents shall not be allowed to return to news agents or publishers at the pound rate unsold periodical publications, but shall pay postage on the same at the rate of one cent for four ounces.

Mr. RICHARDSON of Tennessee. Mr. Speaker, this bill, I submit, ought not to be on the House Calendar. It affects the revenue. It certainly relates to the postage rates. I do not see how it can be placed on the House Calendar.

Mr. LOUD. It (or a bill similar to this) has been on the House Calendar a number of years.

Mr. RICHARDSON of Tennessee. This bill certainly affects the revenue, and under the rules ought not to be on the House Calendar.

Mr. LOUD. It does not involve an expenditure of public money.

Mr. RICHARDSON of Tennessee. It does involve an expenditure, because it affects the rates of postage. As I understand the rule, a bill, to be placed upon the House Calendar, must be a bill that does not affect the revenues in any way. I did not catch the full reading of the bill, and therefore do not know the merits of the bill, but we ought to adhere to the rule.

Mr. LOUD. I would like to suggest to the gentleman from Tennessee [Mr. RICHARDSON] that when the original bill was on the House Calendar there was no objection raised against it. I think that was in 1896.

Mr. WHEELER. 1896? That is cut off by the statute of limitations. [Laughter.]

Mr. RICHARDSON of Tennessee. I have already stated that it might be a meritorious bill or I might have voted for an improper bill, but I do not think that affects the question of the point of order raised.

The SPEAKER. The Chair will hear the gentleman from California on the point of order.

Mr. LOUD. I will state to the House, Mr. Speaker, that my understanding of this bill is that it is properly on the House Calendar. The question came up some years ago. When the bill was first reported, or a bill similar in character, it was placed on the Union Calendar, but subsequently was placed on the House Calendar, as it involves no expenditure of public money. House bill No. 6071 was on the House Calendar, and was considered by the House at its last session. It was recommitted to the Committee on the Post-Office and Post-Roads. Whether the question as to its being properly on the House Calendar was then raised or not I do not know. The bill, however, was recommitted to the committee, and this bill has been reported by the committee in place of House bill

No. 6071. We have, in fact, Mr. Speaker, a long line of precedents showing that this bill was properly placed on the House Calendar. That is all I have to offer. It has been on the House Calendar, permit me to say, for four years. I also call attention again to the fact that it is reported by the House committee in place of the bill which was recommitted to that committee.

Mr. MOON. I ask the gentleman from California whether this is not an entirely new bill?

Mr. LOUD. Well, no; it is not a new bill. It is a portion of House bill No. 6071.

Mr. MOON. The gentleman introduced a new bill on this subject; and this, as I understand, is the bill which he introduced.

Mr. LOUD. I think so; yet it is a portion of House bill No. 6071. There is nothing in this bill that was not in that bill—not a single letter or word.

Mr. MOON. But there is more in this bill?

Mr. LOUD. Nothing more; there is not a word in this bill that was not in the other.

Mr. MOON. Nothing more and nothing less?

Mr. LOUD. There is something less, but nothing more.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I want to say a word to the gentleman from California. Although this bill may have been on the House Calendar, it may have been there improperly. Now, if the point of order has been made and has been adjudicated by the present occupant of the chair, that is one question; but that is not the case as I understand it. The rule requires that the bill must not only be on the House Calendar, but must properly be there. That is the object of this inquiry—Is this bill properly on the House Calendar; and if so, how did it get there? We are now asked to consider this bill, but unless the gentleman has been authorized by his committee to call it up in this hour, it can not be considered as I understand the rule. I make that point of order also. I desire to sustain the integrity of the rule, because I believe that living up to rules in every case is our only safety.

Mr. HEPBURN. Will the gentleman quote the language of the rule on which he relies?

Mr. RICHARDSON of Tennessee. It will be found in clause 4 of Rule XXIV.

The SPEAKER. Does the gentleman from Tennessee make the point that the committee has not authorized the consideration of this bill under this call?

Mr. RICHARDSON of Tennessee. The gentleman from California has not so stated.

The SPEAKER. The Chair understood the gentleman to so state in answer to a question of the Chair.

Mr. RICHARDSON of Tennessee. I did not so understand.

Mr. LOUD. The Chair asked me that question when the bill was first presented; and permit me to say that we do not attempt to smuggle anything through the House.

Mr. RICHARDSON of Tennessee. I did not intimate any such thing. The gentleman must have misunderstood me. I did not understand the gentleman to have answered that question. If I had I should not have made the point.

Mr. LOUD. I wish to call attention to the language of Rule XIII, which I suppose the Chair has looked at. I call attention to the second clause, which refers to bills on the House Calendar:

> A House Calendar, to which shall be referred all bills of a public character not raising revenue nor directly or indirectly appropriating money or property.

Now, this bill is clearly within clause 2 of that rule. It does not directly or indirectly appropriate any money, neither does it propose to raise revenue.

Mr. RICHARDSON of Tennessee. It deals with postage rates, and it certainly affects the revenue. The present occupant of the chair, at the first session of this Congress—I refer to the RECORD, page 2455—held that the bill must be properly on the Calendar—not simply there, but properly there—before it could be considered in this hour.

Taking the statement of the gentleman from California, which I always take as true, that he is authorized to call this bill up, I insist that the bill ought not to be here, because it is not properly on this Calendar. If it deals with revenue in any way, it can not be considered in this hour. And the rule is founded in wisdom. It ought not to be departed from.

Mr. HEPBURN. Does the gentleman regard this as a bill raising revenue?

Mr. RICHARDSON of Tennessee. No, it does not raise revenue, but it affects the revenue; it expends the revenue. Take, for instance, a bill reducing the revenue; it can not be said that it raises revenue, but it affects the revenue; so with an appropriation of any kind. This bill regulates the rates of postage, and postage is public money.

Mr. HEPBURN. Is it not true that the bills which may not be on the House Calendar are bills raising revenue—in other words, revenue bills—in other words, bills reported by the Committee on Ways and Means.

Mr. RICHARDSON of Tennessee. Does the gentleman mean to say that such bills may go on the House Calendar?

Mr. HEPBURN. No; I say such bills go to the Union Calendar.

Mr. RICHARDSON of Tennessee. Certainly.

Mr. HEPBURN. But this not being a bill of that kind—not raising revenue, not coming from the Committee on Ways and Means—goes properly to the House Calendar.

Mr. RICHARDSON of Tennessee. But does not this bill propose to expend the public revenue?

Mr. HEPBURN. Not a dollar.

Mr. RICHARDSON of Tennessee. Does it not provide how the public revenue shall be expended in the matter of postage?

Mr. HEPBURN. Not a dollar.

Mr. RICHARDSON of Tennessee. Why, certainly it does; it fixes the rates of postage to be paid on periodicals, and in some cases, one at least, raises the rate.

Mr. HEPBURN. It fixes certain rates of postage; but that does not make it a revenue bill; that does not make it a bill which should come from the Committee on Ways and Means.

Mr. RICHARDSON of Tennessee. A bill affecting the revenue does not have to come, necessarily, from the Committee on Ways and Means.

Mr. HEPBURN. I undertake to say that the proper test would be this: If this were a revenue bill, it would necessarily go to the Committee on Ways and Means, and the Post-Office Committee would not have jurisdiction of it.

Mr. RICHARDSON of Tennessee. No; if it were a bill affecting postage rates, it would not have to go to the Ways and Means Committee.

Mr. HEPBURN. But this is not a revenue bill; it does not propose to raise revenue in the sense in which that term is used in the rule.

Mr. RICHARDSON of Tennessee. The object of the rule, as I understand, is that whenever you expend the people's money or whenever you dispose of public property, the matter must be considered in Committee of the Whole, and such a bill must not go upon the House Calendar. This bill provides a charge upon the people and should go to Committee of the Whole.

The House Calendar is provided, under the rule, for such bills as make no charge upon the people—bills that carry no appropriation or that provide for no expenditure of the public money—bills that do not dispose of any of the public property. I think that we ought to adhere to the rule, and that is the only object I have in view.

The SPEAKER. The Chair would ask the gentleman from California to give his attention to page 2 of the bill, which prescribes that the postage shall be hereafter 1 cent for each 4 ounces of weight. Is that an increase or a decrease?

Mr. LOUD. It is an increase, Mr. Speaker, on the present rate. That is, I should say there is a decision of the Department which fixes that rate. But I defy any man to find any statute on the statute books of the United States that provides for the return of unsold copies of the printed matter referred to in that paragraph; and I repeat that the law, as it now stands, is simply a decision of the Department, or a regulation if you please, or a custom, which has grown up in the Department, and without any warrant whatever of law. And I challenge anyone to show any warrant of law for the return through the mails of any such unsold copies of periodicals as are covered by this provision.

Section 2 of the bill fixes the rate at 4 cents per pound, postage on such periodicals.

Mr. MOON. I would like to ask the gentleman from California a question. I understand that this is the Loud bill, which was before the House and the committee at the last session of Congress?

Mr. LOUD. The gentleman, of course, being a member of the Committee on Post-Offices and Post-Roads, understands what the bill is, and is thoroughly familiar with it. It is a similar bill, from which certain provisions have been eliminated.

Mr. MOON. I understand that, Mr. Speaker. I, as a member of the committee, know the facts to be as the gentleman has stated them to the House; but I wanted the question fairly brought out before the House, and to have it understood whether this bill was or was not identical with the bill which was defeated on the occasion to which I have referred.

Mr. LOUD. I will state to my colleague on the committee that the bill (10374) now proposed to be called up simply includes—or excludes, I should say—books, serial novels, and such publications from the mails under the provision prescribed in the bill, and prohibits the return of any unsold copies of such publications, as is the custom now, at 1 cent a pound.

Mr. MOON. And that embraces the amendment which was sought to be placed on the original bill?

Mr. LOUD. This is, in substance, the language of House bill No. 6071, so far as that bill went. But there is eliminated from

the bill all reference to newspapers; and the bill is confined directly to periodicals such as books and magazines.

Mr. MOON. Because, if the gentleman will permit me, that was largely the subject of contention with reference to the other bill; and as a member of the committee I desired to get the facts before the House.

Mr. LOUD. The gentleman is entirely correct in that. This refers, not to newspapers, but to books and periodicals, such as magazines and novels.

The SPEAKER. The Chair is ready to rule upon the question of order which has been presented.

Rule XIII, referred to by the gentleman from California, prescribes the class of legislation that can go upon the House Calendar, as well as the other Calendars of the House, and the second paragraph of that rule is in the following language:

Second. A House Calendar, to which shall be referred all bills of a public character not raising revenue, nor directly or indirectly appropriating money or property.

That, of course, indicates the class of bills that may properly be placed upon the House Calendar.

Rule XXIII prescribes the class of business before the House which must be sent to the Committee of the Whole House on the state of the Union for consideration, and is in the following language:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Now, it seems to the Chair that the vital question presented in this discussion is as to whether or not this is a matter affecting the revenues of the Government.

It is admitted by the gentleman in charge of the bill—and the Chair is not familiar with the rate of taxation under such conditions—that this increases the rate of postage, and to that extent increases the burdens on the people of the country. It may probably raise more revenue. As to that the Chair is unable to say; but it clearly affects the revenue. That is admitted. There can be no question as to that fact. Now, if the contention be made that increasing the rate of postage does not affect the revenue, it may be answered that the House has already taken a decided stand on that question.

In 1859, when the Post-Office appropriation bill went from the House to the Senate, that body added to the bill a proposition increasing the rate of postage. The House, under the leadership of Mr. GROW, of Pennsylvania, took the ground that that did affect the revenue, and a stubborn and long-continued fight followed between the two Houses. The House of Representatives allowed the Post-Office appropriation bill to fail before it would yield on that point.

Now, it seems to the Chair to be clear that an increase of the rate of postage does affect taxation, does affect the revenue; and the Chair is clearly of the opinion that it is a matter that should first be considered in the Committee of the Whole House on the state of the Union, and therefore sustains the point of order.

Mr. LOUD. Mr. Speaker, I will ask how much time has expired since the beginning of the morning hour?

The SPEAKER. Three-quarters of an hour. Has the gentleman anything further from the Committee on the Post-Office and Post-Roads?

Mr. LOUD. I have not.

The SPEAKER. The Clerk will proceed with the call.

BUSINESS FROM THE COMMITTEE ON THE PUBLIC LANDS.

The Committee on the Public Lands was called.

Mr. LACEY. Mr. Speaker, there are two or three matters of minor importance upon this Calendar from the Committee on the Public Lands, but the Clerk has been unable to furnish the Calendar showing the present condition of the bills before the House, and I have been unable, for that reason, since the call of committees has commenced, to get those bills ready. I ask that the committee be passed without prejudice, so that when the bills are ready they may be called up.

The SPEAKER. The gentleman from Iowa [Mr. LACEY] asks unanimous consent that the Public Lands Committee be passed on this call without prejudice. Is there objection?

There was no objection.

BONDS OF PIMA COUNTY, ARIZONA TERRITORY.

The Committee on the Territories was called.

Mr. KNOX. Mr. Speaker, I call up the bill H. R. 8068, which is on the House Calendar.

The SPEAKER. It is essential, in calling up bills in the morning hour, for the gentleman calling them up to state whether it is by authority of the committee that he does so.

Mr. KNOX. It is by authority of the Committee on the Territories.

The SPEAKER. The gentleman from Massachusetts, from the Committee on the Territories, and by authority of that committee, calls up a bill, which the Clerk will now report.

The bill (H. R. 8068) authorizing the board of supervisors of Pima County, Arizona Territory, to issue fifty-year 5 per cent bonds of Pima County, Arizona Territory, to redeem certain funded indebtedness of said county, was read, as follows:

Whereas under and by virtue of the authority of Title XXXI, chapter 2, county indebtedness, paragraphs 2053, et seq., of the revised statutes of Arizona Territory, approved March 2, 1887, the board of supervisors of Pima County, Ariz., issued $250,000 of negotiable coupon bonds of said county, all dated June 30, 1887, being 250 bonds, each for the sum of $1,000, and falling due after their date as follows, to wit: One to 25 (both inclusive), ten years after date; 26 to 50 (both inclusive), eleven years after date; 51 to 75 (both inclusive), twelve years after date; 76 to 100 (both inclusive), thirteen years after date; 101 to 125 (both inclusive), fourteen years after date; 126 to 150 (both inclusive), fifteen years after date; 151 to 175 (both inclusive), sixteen years after date; 176 to 200 (both inclusive), seventeen years after date; 201 to 225 (both inclusive), eighteen years after date; 226 to 250 (both inclusive), nineteen years after date; and

Whereas under and by virtue of the provision of title 31, chapter 1, Territorial indebtedness, revised statutes of Arizona, approved March 10, 1887, and of the act of Congress approved June 25, 1890, approving, with amendments, the said funding act of Arizona Territory, and of act No. 79 of the Territory of Arizona, approved March 18, 1891, and of the act of Congress approved June 6, 1896, part of the said bonds, to wit; Nos. 1 to 103 (both inclusive), were funded; and

Whereas it will be of great advantage to Pima County to refund the remainder of said bonds, to wit, Nos. 104 to 250 (both inclusive); and

Whereas paragraph 2059 of the said title 31 of chapter 1, revised statutes of Arizona, approved March 10, 1887, has been repealed, and said bonds can not be refunded under any of the provisions of said chapter 1, or of the act of Congress of June 25, 1890, or of the act of Congress of June 6, 1896, or of the act No. 79 of the Territory of Arizona, approved March 18, 1891: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the board of supervisors of Pima County, Arizona Territory, be, and they are hereby, authorized to prepare, execute, sell, and deliver, from time to time, bonds of the said Pima County, in accordance with the provisions of title 31, chapter 2, county indebtedness, of the revised statutes of Arizona, approved March 2, 1887, bearing interest not exceeding 5 per cent per annum, both principal and interest payable only in gold coin of the United States of America of present standard, the proceeds to be used only for the redemption of the aforesaid 147 bonds of Pima County, Arizona Territory. The total amount of the bonds hereby authorized to be issued shall not exceed $147,000, and no bonds shall be issued under the provisions of this act except when it is necessary so to do in order to refund the aforesaid indebtedness of Pima County, and then only in amounts sufficient to refund such indebtedness as it falls due as hereinbefore set out. None of said bonds shall be sold or exchanged for less than their par value and any interest that may be due thereon, and this act shall be printed on the back of all bonds issued under the provisions of this act.

SEC. 2. That this act take effect and be in force from and after its passage.

Mr. KNOX. Mr. Speaker, I yield such time as I may be entitled to on this bill to the gentleman from Arizona [Mr. WILSON].

Mr. WILSON of Arizona. Mr. Speaker, as will appear from the preamble of the bill, a little more than thirteen years ago $300,000 of the outstanding indebtedness of Pima County was refunded. One hundred and fifty-three thousand dollars of that has been settled. There is still $147,000 of it yet unsettled, falling due $25,000 annually.

The bonds bear interest at 7 per cent per annum. The holders of those old bonds propose to exchange them for new ones, fifty-year 5 per cent bonds. The county is without authority to refund the bonds without the consent of Congress. In order that she may save about $3,000 a year in interest, and save herself from being cramped for payment of the principal at the present time, this bill has been introduced. The effect of it is to give the county fifty years' time in which to raise a sinking fund for the payment of the principal and to save $3,000 annually in interest, as a new settlement or a new contract with the holders of the old bonds, who agree to take the new ones. For that reason, of course, we can see no reason why the bill should not be passed, and I ask that it do pass.

Mr. GAINES. I should like to ask the gentleman a question. In what are these old bonds payable?

Mr. WILSON of Arizona. They are payable in cash, to be paid by a tax levied by the county.

Mr. GAINES. Payable in coin—gold and silver or gold or silver, and if either, which?

Mr. WILSON of Arizona. The old bonds are gold bonds, and the new ones necessarily must be.

Mr. GAINES. You are certain they are gold bonds?

Mr. WILSON of Arizona. I am certain of that.

Mr. GAINES. They are payable on their face in gold?

Mr. WILSON of Arizona. That is specified on their face; yes.

Mr. GAINES. When were these bonds issued?

Mr. WILSON of Arizona. In 1887.

Mr. GAINES. I want to record my opposition to making our obligations payable in only one of our coin monies or in any specific kind of our several moneys. We say, and by law, our moneys are all equal. Such legislation is a confession, and that, too, by law, that they are not equal or equally good, thereby discrediting the money contracted against, and crediting, and unnecessarily so if they are all equal, to the one contracted for, in this case gold. This also produces a disparity of the two coins, when our very laws say and the policy of this Government has been to keep the two coins—indeed, our moneys—on a parity. This kind of

legislation and these kind of contracts break down the very thing we declare by law is our fixed policy—the keeping at least our coin, gold and silver, on a parity. This particular bill, it seems, is excused, from the fact that it carries out the original undertaking to pay these bonds in gold, protecting to that extent what the creditor would claim his right to be. The policy of such legislation is wrong and should never have been started.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CRUMP (on the request of Mr. WM. ALDEN SMITH), indefinitely, on account of sickness.

To Mr. BREWER, indefinitely, on account of sickness.

And then, on motion of Mr. PAYNE (at 1 o'clock and 33 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred by the Speaker as follows:

Annual report of the Secretary of the Treasury for the year ended June 30, 1900—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Commissioner of Fish and Fisheries, showing expenditures for propagation of food-fishes during the year ending June 30, 1900—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Comptroller of the Currency, transmitting the annual report for the year ending October 31, 1900—to the Committee on Banking and Currency, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for preparation of Official Register of the United States—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Chief of Bureau of Statistics submitting an estimate of appropriation for increase of a salary—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for repairs on roof of Capitol—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Assistant Secretary of the Treasury submitting an estimate of appropriation for salaries in division of customs—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for increase of salary of chief clerk—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Superintendent of the Coast and Geodetic Survey submitting an estimate in relation to appropriations for Coast and Geodetic Survey—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for third secretary of the embassy at Rome—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Postmaster-General submitting an estimate of appropriation for salaries in the Post-Office Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Auditor for the War Department submitting an estimate of appropriation for pay of certified claims arising from war with Spain—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Auditor for the Navy Department submitting an estimate of appropriation for one law clerk—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Treasurer of the United States submitting an estimate of appropriation for additional chief of division in Treasury Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate of appropriation for fees for clerks in lunacy cases—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the secretary of the Territory of Hawaii submitting an estimate of appropriation for improvements and miscellaneous expenses—to the Committee on Appropriations, and ordered to be printed.

A letter from the Attorney-General, transmitting a list of judgments rendered in Indian depredation claims—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CANNON, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 12283) in relation to the celebration of the centennial anniversary of the establishment of the permanent seat of government in the District of Columbia, reported the same, accompanied by a report (No. 2008).

Mr. BINGHAM, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, reported the same, accompanied by a report (No. 2009); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 4300) to increase the efficiency of the military establishment of the United States, reported the same with amendments, accompanied by a report (No. 2010); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LANE: A bill (H. R. 12284) authorizing construction of bridge—to the Committee on Interstate and Foreign Commerce.

By Mr. MCALEER: A bill (H. R. 12285) to establish a national military park at Valley Forge, Pa.—to the Committee on Military Affairs.

By Mr. JONES of Washington: A bill (H. R. 12286) providing that disabilities existing prior to enlistment shall not be considered ground for rejection of claim for pension—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12287) forbidding the payment of witness fees and mileage to Indians who instigate violations of the laws prohibiting the selling or disposal of intoxicating liquors to Indians—to the Committee on the Judiciary.

By Mr. BRENNER: A bill (H. R. 12288) to provide for the purchase of a site and the erection of a public building thereon at Hamilton, in the State of Ohio—to the Committee on Public Buildings and Grounds.

By Mr. NORTON of Ohio: A bill (H. R. 12289) making the salary of the collector of customs for the Sandusky, Ohio, district $2,500, in lieu of all fees, commissions, and other emoluments heretofore allowed—to the Committee on Ways and Means.

By Mr. BOWERSOCK: A bill (H. R. 12290) to amend an act entitled "An act to regulate commerce"—to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM, from the Committee on Appropriations: A bill (H. R. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, accompanied by a report (No. 2009).

By Mr. BROMWELL: A bill (H. R. 12292) for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Arizona: A bill (H. R. 12293) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona—to the Committee on Indian Affairs.

By Mr. MORRIS: A bill (H. R. 12327) to amend an act granting to railroads the right of way through the public lands of the United States, approved March 3, 1875—to the Committee on Rivers and Harbors.

By Mr. RIXEY: A bill (H. R. 12328) to increase the membership of the Court of Claims, and for other purposes—to the Committee on the Judiciary.

Also, a bill (H. R. 12329) for the judicial ascertainment of claims against the United States—to the Committee on the Judiciary.

By Mr. KITCHIN: A joint resolution (H. J. Res. 272) proposing an amendment to the Constitution providing for the repeal of the fifteenth amendment—to the Committee on the Judiciary.

By Mr. DICK: A joint resolution (H. J. Res. 273) permitting certain officers and enlisted men to wear distinctive badges—to the Committee on Military Affairs.

By Mr. SULZER: A joint resolution (H. J. Res. 274) protesting against the continuation of the war in South Africa—to the Committee on Foreign Affairs.

By Mr. HULL: A resolution (H. Res. 306) relating to the consideration of Senate bill 4300—to the Committee on Rules.

By Mr. DRIGGS: A resolution (H. Res. 307) requesting the Secretary of War to investigate the practice of hazing at the West Point Military Academy, and more particularly the hazing of Oscar L. Booz, formerly a cadet at the said Military Academy from the Seventh Congressional district of Pennsylvania—to the Committee on Military Affairs.

By Mr. CAPRON: A resolution (H. Res. 308) for the employment of eight additional folders during the present session—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Maine: A bill (H. R. 12294) granting a pension to Lottie M. V. Rankins—to the Committee on Invalid Pensions.

By Mr. BENTON: A bill (H. R. 12295) granting an increase of pension to John Maxwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12296) granting an increase of pension to John F. Starcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12297) granting an increase of pension to Andrew J. Harbison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12298) granting an increase of pension to John Revely—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12299) granting a pension to Wells Palmer—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 12300) granting an increase of pension to William W. Thornton—to the Committee on Invalid Pensions.

By Mr. GASTON: A bill (H. R. 12301) granting an increase of pension to Jacob E. Swap—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12302) to restore pension to William F. Blanchard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12303) for the relief of Henry Mulvin—to the Committee on Military Affairs.

Also, a bill (H. R. 12304) granting a pension to Mrs. Mary B. Whiteley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12305) granting an increase of pension to Thomas Williams—to the Committee on Invalid Pensions.

By Mr. ALEXANDER: A bill (H. R. 12306) to reimburse Horatio V. Warner for loss during the civil war and for pension commensurate with the services rendered—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12307) for the relief of Susan C. Thorne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12308) for the relief of Sarah Riddle—to the Committee on Pensions.

Also, a bill (H. R. 12309) for the relief of John Brill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12310) to grant authority and jurisdiction to the Court of Claims—to the Committee on Claims.

By Mr. BELLAMY: A bill (H. R. 12311) for the relief of St. James Episcopal Church, of Wilmington, N. C.—to the Committee on War Claims.

By Mr. CONNELL: A bill (H. R. 12312) granting a pension to Mrs. Eliza J. Norris and her three minor children—to the Committee on Invalid Pensions.

By Mr. DRIGGS: A bill (H. R. 12313) granting an increase of pension to Francis McCarthy—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 12314) correcting the military record of Elphas Coakley—to the Committee on Military Affairs.

By Mr. LAWRENCE: A bill (H. R. 12315) granting an increase of pension to William J. Simmons—to the Committee on Invalid Pensions.

By Mr. LANHAM (by request): A bill (H. R. 12316) granting arrears of pension to Elmira E. Harris, formerly Elmira E. Pool—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 12317) granting a pension to Mary Tripp—to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 12318) granting an increase of pension to Sarah K. Joyce—to the Committee on Invalid Pensions.

By Mr. NORTON of Ohio: A bill (H. R. 12319) to correct the military record of Jacob McDowell—to the Committee on Military Affairs.

By Mr. OTEY: A bill (H. R. 12320) for relief of Thomas V. Mosby—to the Committee on War Claims.

By Mr. RIXEY (by request): A bill (H. R. 12321) to authorize the issuance of a patent to James Seldon Cowdon upon the payment of certain fees—to the Committee on Patents.

By Mr. SHERMAN: A bill (H. R. 12322) granting a pension to Daniel Madigan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12323) for the relief of Jacob H. Harter—to the Committee on Military Affairs.

By Mr. SIBLEY: A bill (H. R. 12324) granting a pension to James McMurtrie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12325) granting an increase of pension to Edward P. Shaw—to the Committee on Invalid Pensions.

By Mr. WILSON of New York: A bill (H. R. 12326) to remove the charge of desertion from the naval record of John Hogan—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the McFadden Coffee and Spice Company, of Dubuque, Iowa, in favor of certain amendments to the Brosius pure-food bill—to the Committee on Agriculture.

By Mr. ADAMS: Petition of the Philadelphia Board of Trade, urging a reduction of the war revenue tax of June 13, 1898—to the Committee on Ways and Means.

By Mr. BARTHOLDT: Petition of certain commercial and industrial bodies of St. Louis, Mo., in favor of the improvement of the Mississippi river between St. Louis and Cairo—to the Committee on Rivers and Harbors.

By Mr. BINGHAM: Memorial of the Philadelphia Board of Trade recommending such modification of the stamp taxes as can be obtained without hampering the Administration in necessary expenditures—to the Committee on Ways and Means.

By Mr. BOUTELLE of Maine: Petition of Maine State Grange, Patrons of Husbandry, in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. BROSIUS: Resolutions of the Woman's Christian Temperance Union of New Providence, Pa., against saloons in our island possessions and for the abolition of the Army canteen—to the Committee on Insular Affairs.

Also, petition of brewers of Lancaster, Pa., for relief from the revenue tax on beer—to the Committee on Ways and Means.

By Mr. BULL: Petition of Friends' Church of Portsmouth, R. I., against island saloons and canteens—to the Committee on Military Affairs.

By Mr. BURKETT: Petition of E. S. Rouse and sundry other persons in Nebraska in favor of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. COCHRANE of New York: Petition of druggists of Troy, N. Y., for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. CORLISS: Sundry petitions of home and foreign missionary societies and Presbyterian churches of Detroit, Mich., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. DOVENER: Affidavit in support of House bill No. 1758, for the relief of Joseph Fitzpatrick—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of Charles Miller, department commander of Pennsylvania, Grand Army of the Republic, praying for the passage of House bill No. 5499, for the relief of the officers of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON: Resolutions of the woman's home missionary societies of Presbyterian churches of Buchanan and Decatur, Mich., and petition of 97 citizens of Buchanan, for the restriction of polygamy—to the Committee on the Judiciary.

By Mr. JENKINS: Petition of Gus Olson and other citizens of Orange, Wis., relating to Government lands in Wisconsin and to prohibit its sale to speculators—to the Committee on the Public Lands.

By Mr. KLUTTZ: Petition of D. E. G. Parsons, of Dallas, N. C., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. LANHAM: Papers to accompany House bill granting arrears of pension to Elmira E. Harris, formerly Elmira E. Pool—to the Committee on Invalid Pensions.

By Mr. LESTER: Petition of the heirs of Alfred E. Jones, deceased, late of Chatham County, Ga., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. LITTLEFIELD: Protest of John R. Kelley and 64 other citizens of Maine, against subsidy to foreign-built vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. LONG: Resolutions of the Woman's Christian Temperance Union of Anthony and the Methodist Episcopal Church of Marquette, Kans., in relation to the exclusion of all spirituous liquors from our insular possessions—to the Committee on Insular Affairs.

By Mr. MADDOX: Petition of Washington Ransom, of Walker County, Ga., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MANN: Resolutions of L. H. Drury Post, No. 467, and George G. Meade Post, No. 444, Grand Army of the Republic, Department of Illinois, in favor of House bill No. 5779, known as the "veteran preference measure"—to the Committee on Reform in the Civil Service.

By Mr. MCALEER: Petition of retail druggists of Philadelphia, Pa., for the repeal of the special tax on proprietary medicines, etc.—to the Committee on Ways and Means.

Also, resolutions of the Produce Exchange of Philadelphia, Pa., favoring the Grout bill—to the Committee on Agriculture.

By Mr. PAYNE: Resolutions of Albert M. Murray Post, No. 162, Department of New York, in favor of House bill No. 5779, known as the "veteran preference measure"—to the Committee on Reform in the Civil Service.

Also, petitions of the Woman's Christian Temperance Unions of East Auburn and of Cayuga County, N. Y., union meetings of Methodist Episcopal churches of Wolcott, N. Y., and the Methodist Episcopal Church of Sodus, N. Y., against island saloons and Army canteens—to the Committee on Military Affairs.

Also, resolutions of the Woman's Missionary Society of the Methodist Episcopal Church of Weedsport, N. Y., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana: Petitions of A. H. Holt, W. F. Wilken, R. E. Weidler, and other citizens of Indiana, in favor of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. SHERMAN: Paper to accompany House bill for the relief of Jacob H. Harter—to the Committee on Military Affairs.

By Mr. SPERRY: Petition of George Van Horn Post, No. 39, Grand Army of the Republic, Department of Connecticut, favoring the passage of House bill No. 5779, relating to the appointment of war veterans to the public service—to the Committee on Reform in the Civil Service.

Also, petition of druggists of Waterbury, Conn., for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

Also, resolutions of the State Board of Trade of Connecticut, urging the passage of House bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of various citizens of New Haven, Conn., against the Army canteen—to the Committee on Military Affairs.

Also, petition of citizens of Meriden, Conn., against the sale of intoxicating liquors in our new possessions—to the Committee on Insular Affairs.

By Mr. STEVENS of Minnesota: Resolutions of the Retail Grocers' Association of Minneapolis, Minn., against the parcel-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Resolutions of the Manufacturers' Association of New York, urging the improvement of Buttermilk Channel—to the Committee on Rivers and Harbors.

Also, petition of the United States Brewers' Association, for the repeal of the war tax of $1 per barrel on beer in the war-revenue act—to the Committee on Ways and Means.

Also, resolution of the New York Mercantile Exchange, in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. WADSWORTH: Resolutions of Staunton Post, No. 396, Grand Army of the Republic, Department of New York, favoring the passage of House bill No. 5779, giving veterans preferment in public service—to the Committee on Reform in the Civil Service.

Also, petition of 6 citizens of Kendall, N. Y., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, resolutions of Presbyterian, Baptist, and Methodist congregations of Wyoming County, N. Y., asking extension of treaty excluding slavery, rifles, and spirituous liquors from portions of Africa, etc.—to the Committee on Foreign Affairs.

By Mr. YOUNG: Petition of the Philadelphia Board of Trade, praying for a reduction of the war-revenue tax—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *December 5, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

JOHN C. SPOONER, a Senator from the State of Wisconsin, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

COST OF NAVAL TRANSPORTATION, ETC.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of May 23, 1900, reports from the various bureaus of the Navy Department, containing information relative to the armed vessels, tenders, and war ships sent to the Philippines, or from there since May 1, 1898, their tonnage, traveling distances, etc., tolls paid the Suez Canal Company, distances covered in time of the cruise of the *Oregon* from the Pacific coast to Manila, etc.; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

ELECTORAL VOTES OF MARYLAND.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a certified copy of the final ascertainment of the electors for President and Vice-President appointed in the State of Maryland at the election held therein on the 6th day of November, 1900; which, with the accompanying papers, was ordered to lie on the table.

SARAH E. NORTON.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Sarah E. Norton, administratrix, *vs.* The United States; which, with the accompanying papers, was referred to the Committee on Claims and ordered to be printed.

CREDENTIALS.

Mr. BERRY. Mr. President, I present the credentials of SAMUEL D. MCENERY, elected a Senator from the State of Louisiana for the term beginning the 4th of March, 1903. I ask that they be read and placed on file.

The credentials of SAMUEL DOUGLAS MCENERY, chosen by the legislature of the State of Louisiana a Senator from that State for the term beginning March 4, 1903, were read and ordered to be filed.

Mr. MCENERY presented the credentials of Murphy James Foster, chosen by the legislature of the State of Louisiana a Senator from that State for the term commencing March 4, 1901; which were read and ordered to be filed.

Mr. ALDRICH. I present the credentials of my colleague, who has been elected a Senator from the State of Rhode Island for six years, commencing March 4, 1901.

The credentials of GEORGE PEABODY WETMORE, chosen by the legislature of the State of Rhode Island a Senator from that State for the term beginning March 4, 1901, were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of sundry citizens of Chicago, Ill., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of the Dental Society, the Odontographic Society, and the Odontological Society, all of Chicago, in the State of Illinois, and of the Tri-State Dental Societies of Indiana, Michigan, and Ohio, praying for the enactment of legislation providing for the appointment of Army dental surgeons in the Philippine Islands; which were referred to the Committee on Military Affairs.

He also presented a petition of members of the National Convention of Good Roads, praying that an appropriation be made to carry on the construction of good roads under the supervision of the director of public road inquiries; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Ladies' Aid Society of the Presbyterian Church of Minonk, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Alaska, Hawaii, the Philippines, Porto Rico, and Cuba; which was referred to the Committee on Military Affairs.

He also presented the petitions of Isaac Norris, of Deselm; John Rice, of Deselm; F. M. Wright, of Manteno; V. W. Lawrence, of Manteno; J. J. Mattingly, of Champaign; John J. Lingle, of Millcreek; Jacob Gerhart, of Allison; Walter Vantile, of Carthage; A. L. Hitz, of Grantfork; John Andrew, of Caledonia; C. E. Drake,

of Chapin; Charles I. Forrest, of Woodstock; Fred C. Schrodt, of Sugar Creek; W. F. Mason, of Willow Hill; C. M. Wright, of Manteno; Edgar Durham, of Princeton; F. Arnold & Co., of Woodbine; W. H. Keefe, of Long View; T. A. Manning, of Pittwood; George Ralston, of Caledonia; F. Shintz, of Shipman; E. Brantigam, of Shipman; R. W. Hiff, of Washburn; H. M. Burbank, of Elkville; Mason Hatch, of Griggsville; E. E. Pratt, of Tompkin; H. H. Spooner, of Hebron; John Overby, of Dongola; C. W. Risley, of Mount Carmel; E. G. Britton, of Beechwood; James A. Jackson, of Dale; Geo. R. Wilson, of Cameron; Joseph Vogel, of Benson; G. N. Melenay, of Thompson; Pleasant Valley Creamery Company; N. C. Bank, of Ellsworth; S. G. Stagin, of Elliott; Hiram Wallace, of Golconda; John R. Logan, of Junction City; J. F. Bute, of Kempton; M. I. Brown, of Garden Prairie; U. Garrett, of Weldon; J. S. Blackman, of Stonefort; J. W. Bradford, of Adrian; Joseph Beland, of Danforth; Herbert Lemenage, of Clifton; A. C. McCullough, of Savoy; the Rock Island County Farmers' Institute; Isaac Cole, of Sidney; J. P. Brenneman, of Vandalia; Isaac Thomas, of Donovan; Bird C. Pate, of Catlin; Henry H. Dusslen, of Garrett; John A. Demand, of Wapella; Joel D. Jones, of Wilton Center; J. J. Shively, of Cerrogordo; Christian Camp, of Metamora; James H. Olle, of Pittwood; A. H. Gernand, of Rossville; J. R. Black, of Hastings; L. C. Newcomb, of Iron; S. J. Harrington, of Cisne; John M. Pearson, of Goodfrey; Martin I. Engler, of Willstadt; Ora E. Hanna, of Ava; John Ellet, of Grand Tower; John Sinoot, of Pulaski; Wiley Sipe, of Elkville; Iscar Maxey, of Mount Vernon; Nicholas Hahn, of Ogden; David Allan, of Weldon; J. M. Rock, of Tiatt; J. B. Smith, of Galden Gate; Hiram Reed, of Mossville; John Holdman, of Joliet; J. A. Phillips, of Damascus; M. Hubbell, of Carthage; A. J. Cunningham, of Bowen; George H. Baldwin, of Mendon; the Eleroy Stock Creamery Co., of Eleroy; Frederick Nilkenning, of Crete; John T. Lee, of Arthur; C. W. McNair, of Dahlgren; William McFarland, of Allendale; Simon Block, of Harper; S. W. Peak, of Winchester; H. B. Rice, of Lewistown; Eli C. Fisk, of Havana; G. H. Gurler, of Dekalb; H. D. De Long, of Galesburg; G. W. Ferner, of Washington; John W. Reid, of Argyle; M. C. Clory, of Rockton; A. A. Spickerman, of Dekalb; Oliver H. Perry, of Mount Sterling; John Pratt, of Loraine; John Beck, of Milan; William A. Mealiff, of Mendon; Harry Binney, of Binney; Riley Smith, of Colusa; T. J. Armstrong, of Mount Vernon; F. M. Brown, of Diswood; G. D. Jones, of Mount Vernon; F. Thies, of Campbell Hill; G. G. Corley, of Unionville; M. H. Bagby, of Olmsted; Jos. Miller, of Louisville; L. R. Stricklin, of Raleigh; R. F. Jenkins, of Frankfort; T. M. Carroll, of Ina; J. W. Hill, of Charleston; J. H. Riter, of Powellton; William Trainer, of Custer Park, Ill.; F. D. Bacon, of Media; E. D. Morrill, of Powellton; Frank W. Baird, of Custer Park; M. H. Creider, of Otten; James Morris, of Galena; W. M. Miller, of Haldane; Fred. Buser, of Marshall; William Dittman, of Marshall; F. A. Drury, of Carlton; A. Stewart, of Kirkwood; L. E. Smith, of Muncie; C. W. Somme, of Dewey; John F. Hubbell, of Wapella; Harvey Abbott, of Danvers; J. C. South, of Orin; P. H. Blanchet, of Exlim; J. R. Elder, of Ogden; T. M. Cavitt, of Ozark; Jacob Deen, of Azotus; Eben Stookey, of Freeburg; J. Alphonsus, of Ruma; James H. Simpson, of Ruma; John Jone, of Wilton Center; C. D. Greve, of Garrett; John M. Tudor, of McLean; Christ Gebhardt, of Blackstone; J. B. Humphreys, of Midland City; Harry R. Smith, of Stillman Valley; B. H. Daugherty, of Onargo; C. W. Cardiff, of Dewitt; T. O. Thompson, of Perdue; B. N. Powley, of Papapinsau; W. H. Luxton, of Hudson, Ill.; John Blank, of Rio; C. C. Safford, of Hamilton; J. B. Campbell, of Lacrosse; Riber Merrill, of Youngstown; G. Wilcox, of Eno; H. W. Frederick, of Washington; C. E. Schlots, of Elmwood; J. F. Oldendorf, of Hoxen; J. Wright & Sons, of Fenton; J. C. Wenner, of Pontiac; E. Santer, of Marseilles; John W. Cutforth, of Liberty; Charles A. Hummell, of Dewey; John Maffitt, of Martinton, and J. Bartlett, of Colusa, all in the State of Illinois, praying for the enactment of legislation relative to the sale and manufacture of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. PLATT of New York presented sundry petitions of citizens of New York, praying for the enactment of legislation relative to the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Gainesville, of Albert Roy, jr., and sundry other citizens of Elmira; of W. K. Palmer and sundry other citizens of New Rochelle; of J. B. Rice and sundry other citizens of Cambridge; of Thomas Smith and sundry other citizens of New York City; of H. H. Todd and sundry other citizens of New Rochelle, Mount Vernon, and Brooklyn; of Frank J. New and sundry other citizens of New Rochelle; of Howard R. Ware and sundry other citizens of New Rochelle; of Charles Hyatt and sundry other citizens of New York City; of D. P. Whitaker and sundry other citizens of Savona; of the Woman's Missionary Society of the Presbytery of Rochester; of the League for Social Service; of the Woman's Home and Foreign Missionary Society of the Presbytery of Brooklyn, and of the Oneida, Chenango, and Delaware Association of the Congregational churches of Sherburne, all in the State of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented the petition of Lucius K. Smalling, of Cohoes, N. Y., praying that he be granted a pension; which was referred to the Committee on Pensions.

He also presented a petition of the Manufacturers' Association of New York, praying for the establishment of a department of commerce and manufactures; which was ordered to lie on the table.

He also presented a petition of E. S. Young Post, No. 33, Department of New York, Grand Army of the Republic, of Amsterdam, N. Y., and a petition of Frank Head Post, No. 16, Department of New York, Grand Army of the Republic, of Brooklyn, N. Y., praying for the enactment of legislation giving preference to veterans in the public service; which were referred to the Committee on Military Affairs.

He also presented petitions of Joseph M. Huffman, of Lockport; of the United Trades and Labor Council of Erie County, and of the Onondaga Whisk Broom Works, of Syracuse, all in the State of New York, praying for the enactment of legislation to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the Baptist Church of Reed Corners, N. Y., and a petition of the Woman's Christian Temperance Union of Groton, N. Y., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in Alaska, Cuba, Porto Rico, Hawaii, and the Philippine Islands; which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of Rev. W. H. Dodd, of Garfield; of Edward Kirktalcott, of Goshen, and of the Woman's Christian Temperance Union of Yonkers, all in the State of New York, praying for the ratification of the treaty providing for the protection of the people of Central Africa against the sale of intoxicating liquors; which were referred to the Committee on Foreign Relations.

He also presented the petition of Thomas J. Deyo and sundry other citizens of Wallkill, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all of our new island possessions, including the Philippines; which was referred to the Committee on Military Affairs.

He also presented the petition of B. G. Dutton, of Buffalo, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Philippines to native races, as in Alaska, and also to abolish saloons and the opium traffic; which was referred to the Committee on Foreign Relations.

He also presented a petition of the American Library Association of Dorchester, Mass., praying for the enactment of legislation providing for the better publication and distribution of public documents; which was referred to the Committee on Printing.

Mr. BURROWS presented the petition of W. A. Ellis, of Marlette, and sundry other citizens of Michigan, and the petition of J. B. Moore, of Lennon, and sundry other citizens of Michigan, praying for the enactment of legislation relative to the sale and manufacture of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. THURSTON presented 31 petitions of citizens of Nebraska, praying for the enactment of legislation relative to the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. QUARLES presented a petition of the congregation of the First Methodist Church of Neenah, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all countries inhabited chiefly by native races; which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. SEWELL presented sundry petitions of citizens of Mullica Hill, Trenton, Allentown, Wrightstown, Madison, Ardena, Morristown, Burlington, Hackettstown, Jacksonville, Harrington, Williamstown, Woodstown, Whitehouse, Readington, Newmarket, Rosemont, Franklin Park, Oxford, and Cranberry, all in the State of New Jersey, praying for the enactment of legislation relative to the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Boonton, Newark, Hanover, Dividing Creek, and East Orange, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. PENROSE presented a petition of the executive council of the Board of Trade of Philadelphia, Pa., praying for a modification of the stamp-tax law; which was referred to the Committee on Finance.

He also presented petitions of Captain George Lawrence Post, No. 17, Grand Army of the Republic, of Minersville; of General Thomas A. Rowley Post, No. 495, Grand Army of the Republic, of Natrona, and of General Welsh Post, No. 118, Grand Army of

the Republic, of Columbia, all in the State of Pennsylvania, praying for the enactment of legislation giving preference to veterans in the public service; which were referred to the Committee on Military Affairs.

He also presented petitions of 27 citizens of Pennsylvania, 44 citizens of Carbondale, 36 citizens of Chester County, of the congregation of the Presbyterian Church of Wilkesbarre, of the Young Men's Christian Association of Wilkesbarre, and of the Ladies' Foreign Missionary Society of Montrose, all in the State of Pennsylvania, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Philippines, in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Pacific Islands and Porto Rico.

Mr. HARRIS presented a petition of sundry citizens of Highland, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Army and all island possessions; which was referred to the Committee on Military Affairs.

Mr. BARD presented a petition of the Manufacturers and Producers' Association of California, praying for the construction of the Nicaragua Canal; which was referred to the Committee on Interoceanic Canals.

He also presented a petition of the Manufacturers and Producers' Association of California, praying for the enactment of legislation providing for the preservation, reclamation, and settlement of the public domain; which was referred to the Committee on Public Lands.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation providing for the extension of the soil surveys in that State; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Wholesalers' Board of Trade of Los Angeles, Cal., praying for the adoption of certain amendments to the bankruptcy law; which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented 13 petitions of sundry citizens of New Hampshire, praying for the enactment of legislation relative to the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. FRYE presented the petition of Jacob L. Crosby and 19 other citizens of Bath, Me., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented fifteen petitions of sundry citizens of Maine, praying for the enactment of legislation relative to the sale and manufacture of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

ZERILDA COBB.

Mr. COCKRELL. For reference to the Committee on Pensions, to accompany the bill (S. 496) for the relief of Zerilda Cobb, I present the affidavits of Eliza Murphy, William Chitwood, E. A. Lee, and Alice Lee, and move that they be referred to that committee.

The motion was agreed to.

SIOUX INDIAN OUTBREAK AND MASSACRE OF 1862.

Mr. PETTIGREW. I ask unanimous consent to have printed as a document and referred to the Committee on Indian Affairs the history, by Samuel J. Brown, of the Minnesota outbreak and massacre of 1862. It is not long, and I think it is a very important document. It is a portion of the history that has never been written before. It ought to go into the archives of the Government.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Dakota to print as a document the paper he sends to the desk? The Chair hears none and it is so ordered. It will be referred to the Committee on Indian Affairs.

REPORT OF A COMMITTEE.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 4936) to provide for the construction of a bridge by the Fargo, Duluth and Northwestern Railroad Company across the Red River of the North at Fargo, N. Dak., reported it without amendment.

CLINCH RIVER BRIDGE AT KINGSTON, TENN.

Mr. VEST. I move that the bill (H. R. 11548) to authorize the Kingston Bridge and Terminal Railway Company to construct a bridge across the Clinch River at Kingston, Tenn., which came from the House of Representatives yesterday, be substituted on the Calendar for the bill (S. 4852 to authorize the Kingston Bridge and Terminal Railway Company to construct a bridge across the Clinch River at Kingston, Tenn., being Order of Business 1471 on the Calendar, which I reported at the last session and which is identical with the House bill, and that the Senate bill be indefinitely postponed.

The motion was agreed to.

CAPT. B. H. MACALLA AND COMMANDER WILLIAM C. WISE.

Mr. BACON. I am directed by the Committee on Foreign Relations to report a bill granting permission to Capt. B. H. MacCalla, United States Navy, and Commander William C. Wise, also of the United States Navy, to accept decorations tendered to them by the Emperor of Germany. Accompanying the bill are letters from the Secretary of State and the Secretary of the Navy indorsing the propriety of receiving these decorations. I am instructed by the committee to ask for the immediate consideration by the Senate of the bill.

The bill (S. 5024) granting permission to Capt. B. H. MacCalla, United States Navy, and Commander William C. Wise, United States Navy, to accept decorations tendered to them by the Emperor of Germany was read the first time by its title.

The PRESIDENT pro tempore. The Senator from Georgia is instructed by the committee to ask for the present consideration of the bill. It will be read in full to the Senate for its information.

The bill was read the second time at length, as follows:

Be it enacted, etc., That Capt. B. H. MacCalla, United States Navy, and Commander William C. Wise, United States Navy, be, and they are hereby, authorized to accept, respectively, the decoration (including a diploma and insignia) of the Order of the Second Class of the Red Eagle with Swords, and the decoration (including a diploma and insignia) of the Order of the Second Class of the Royal Crown with Swords, tendered to them by the Emperor of Germany through the Department of State of the United States; and the Department of State is hereby authorized to deliver to them the decorations herein named.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 5025) to correct the military record of Jacob S. Allen, alias Jacob Eikly; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PRITCHARD introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Patents:

A bill (S. 5026) to revise the laws of the United States relating to trade-marks;

A bill (S. 5027) to regulate and protect marks, trade-marks, commercial names, and symbols used in commerce, and to enforce treaties regarding the same;

A bill (S. 5028) respecting applicants for patents not residing in the United States;

A bill (S. 5029) to give effect to treaty stipulations relating to letters patent for inventions; and

A bill (S. 5030) to revise the patent laws of the United States.

Mr. QUARLES introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5031) granting a pension to Margaret A. Potts (with an accompanying paper);

A bill (S. 5032) granting a pension to John Geibel (with accompanying papers); and

A bill (S. 5033) granting a pension to Lizzie Barrett.

Mr. THURSTON introduced a bill (S. 5034) to create a circuit court of the United States for the tenth circuit, and to create a court of appeals of the United States for the tenth circuit; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WARREN introduced a bill (S. 5035) to provide for medical care and surgical treatment of honorably discharged soldiers, sailors, and marines; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. KYLE introduced a bill (S. 5036) granting an increase of pension to Norton Schermerhorn; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 5037) granting an increase of pension to Aaron Gardner; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5038) granting an increase of pension to John W. Burns; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULBERSON introduced a bill (S. 5039) granting an increase of pension to Lucie M. Mabry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURNER introduced a bill (S. 5040) forbidding the payment of witness fees and mileage to Indians who instigate violations of the laws prohibiting the selling or disposal of intoxicating liquors to Indians; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SULLIVAN introduced a bill (S. 5041) for the relief of W. D. Gibbs, jr.; which was read twice by its title, and, with the

accompanying papers, referred to the Committee on Military Affairs.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Foreign Relations:

A bill (S. 5042) to authorize Ethelbert Watts, consul of the United States at Kingston, Jamaica, to accept a decoration tendered to him by the Khedive of Egypt; and

A bill (S. 5043) to authorize George W. Hill, chief of the Division of Publications of the Department of Agriculture, to accept a decoration tendered to him by the Government of the French Republic.

Mr. BARD introduced a bill (S. 5044) granting an increase of pension to George W. Frasher; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 5045) granting a pension to Eliza N. Lord; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 5046) to revive the grade of Vice-Admiral in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. COCKRELL introduced a bill (S. 5047) granting a pension to Lucinda W. Cavender; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL. To accompany the bill I present the petition of Mrs. Lucinda W. Cavender, widow of John S. Cavender, late colonel Twenty-ninth Regiment Missouri Infantry Volunteers, together with the affidavits of several physicians and the military record. I move that these papers be referred to the Committee on Pensions, to accompany the bill.

The motion was agreed to.

Mr. CLAY introduced a bill (S. 5048) for the relief of W. O. Donovan and the heirs of Lizzie M. Donovan, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 5049) granting an increase of pension to Marcellus A. Lothrop; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5050) granting an increase of pension to Charles A. Marsh; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 5051) authorizing the Navajo and Moqui Indians to lease mineral lands within their reservations on a royalty basis; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FAIRBANKS introduced a bill (S. 5052) to declare the St. Joseph River in the State of Indiana, not navigable and validating structures thereon; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. MASON submitted an amendment fixing the salary of the private secretary to the Public Printer at $2,400 per annum, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

SENATOR FROM MONTANA.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day.

Mr. LODGE. If the routine business is concluded, I desire to move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. Does the Senator make that motion now?

Mr. HOAR. I hope before my colleague makes the motion he will yield, that I may ask that the resolution called up yesterday by the Senator from Montana [Mr. CARTER], in regard to the credentials of claimants to the vacant seat from that State, may stand over until to-morrow with the same privilege that it would have to-day.

The PRESIDENT pro tempore. Is there objection to the request of the senior Senator from Massachusetts? The Chair hears none, and it is so ordered.

CUBAN POSTAL SERVICE.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a former day. Did the junior Senator from Massachusetts make a motion to proceed to the consideration of executive business, or did he only give notice of a motion?

Mr. LODGE. I intended to make the motion now. I do not know what is desired in regard to the resolution which the Chair lays before the Senate.

Mr. PLATT of Connecticut. I shall move to refer the resolution to the Committee on Relations with Cuba. I presume that will be satisfactory, perhaps, to the Senator from South Dakota.

Mr. PETTIGREW. I presume so, Mr. President. Of course I take it for granted that the Committee on Relations with Cuba will report or act promptly upon the resolution.

Mr. PLATT of Connecticut. I think within this week the committee will be able to furnish from the committee all the information that the Senator desires.

Mr. PETTIGREW. Then, very well. Let the resolution go to the Committee on Relations with Cuba.

The PRESIDENT pro tempore. The resolution will be read to the Senate.

The Secretary read the resolution submitted yesterday by Mr. PETTIGREW, as follows:

Resolved, That the Postmaster-General be, and he is hereby, directed to send to the Senate all the information in his possession in relation to frauds in the postal service of Cuba.

The PRESIDENT pro tempore. Without objection, the resolution will be referred to the Committee on Relations with Cuba.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty-five minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4742) to amend section 1225 of Revised Statutes so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools;

A bill (H. R. 7571) to prevent the failure of military justice, and for other purposes;

A bill (H. R. 8068) authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 5 per cent bonds of Pima County, Ariz., to redeem certain funded indebtedness of said county; and

A bill (H. R. 12283) in relation to the celebration of the centennial anniversary of the establishment of the permanent seat of government in the District of Columbia.

CENTENNIAL CELEBRATION AT WASHINGTON.

Mr. HALE. Mr. President, a bill has just come over from the House of Representatives providing for the exercises of the centennial celebration here on the 12th of this month. It is important. It simply provides for the order of exercises and the use of the Hall of the House of Representatives for the celebration. I should like very much to have it put upon its passage now. There is no objection to it.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 12283) in relation to the celebration of the centennial anniversary of the establishment of the permanent seat of government in the District of Columbia was read the first time by its title.

Mr. COCKRELL. Let the bill be read the second time in full.

The PRESIDING OFFICER. The bill will be read for the information of the Senate. Before the reading begins, the hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 727) to promote the commerce and increase the foreign trade of the United States, and to provide auxiliary cruisers, transports, and seamen for Government use when necessary.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside pending the consideration of the bill from the House, which will be read the second time at length.

The bill was read the second time at length, as follows:

Whereas the Senate and House of Representatives have each appointed a committee to act with other committees appointed respectively by the President of the United States and by the citizens of the District of Columbia (in a mass meeting assembled), which committees have in charge the celebration of the centennial anniversary of the establishment of the permanent seat of government in the District of Columbia; and

Whereas said committees have in joint session adopted a plan of celebration which has been submitted to the President of the United States and by him transmitted to Congress, such plan proposing as a feature of the celebration the holding by the Senate and House of Representatives, jointly, commemorative exercises in the Hall of the House of Representatives in the afternoon of the 12th day of December, 1900, in honor of the centennial anniversary of the first session of Congress held in the permanent capital: Therefore,

Be it enacted, etc., That the two Houses of Congress shall assemble in the Hall of the House of Representatives on the 12th day of December, 1900, at the hour of half past 3 o'clock p. m., and that addresses on subjects bearing on the celebration shall be made by Senators and Representatives to be chosen by the joint committee mentioned in the preamble; that the President and ex-Presidents of the United States, the heads of the several Executive Departments, the justices of the Supreme Court, representatives of foreign governments accredited to this Government, the governors of the several States and Territories, the Commissioners of the District of Columbia, the Lieutenant-General of the Army and the Admiral of the Navy, officers of

the Army and Navy who have received the thanks of Congress, and all persons who have the privilege of the floor either of the Senate or the House be, and are hereby, invited to be present on the occasion, and that the members of the committee from the country at large, the members of the said citizens' committee, and the chairmen and vice-chairmen of the committees of the national capital centennial are hereby granted the privilege of the floor of the House during the exercises; that the said citizens' committees shall issue cards of admission to such portions of the public galleries of the Hall of the House as may be set apart by the Doorkeeper of the House for that purpose; that the Speaker of the House shall call the assembly to order and the President pro tempore of the Senate shall act as presiding officer during the exercises; that the 12th day of December, 1900, be a legal holiday within the District of Columbia; that the Secretary of War and the Secretary of the Navy are authorized to deliver to the Architect of the Capitol, for the purpose of decorating the Capitol, its approaches, and the reviewing stands in the Capitol grounds for the occasion, such United States ensigns and flags, except battle flags, and such signal numbers and others flags as may be spared, the same to be delivered to the Architect immediately, and returned by him not later than the 31st day of December, 1900; that admission of the general public to the southern portion of the Capitol, including the Rotunda, on the said 12th day of December, 1900, shall be by card only, under the direction of the Doorkeeper of the House; that the Commissioners of the District of Columbia are authorized and directed, for the occasion, to make all reasonable regulations necessary to secure the preservation of public order and protection of life and property, and to grant authority or permits for the use of such thoroughfares and sidewalks in the city of Washington as may be necessary for parades, and that the citizens' committee are authorized to erect for the occasion a reviewing stand at the east side of or on the east steps of the Capitol.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. COCKRELL. I should like to ask whether the bill makes the 12th day of December a national holiday?

Mr. HALE. It makes it a legal holiday for the District of Columbia. The committee——

Mr. COCKRELL. For all time to come, or just simply for this year?

Mr. HALE. Only for this year. The committee that had it in charge at the other end of the Capitol——

Mr. COCKRELL. The Senator is sure that it is only for this year?

Mr. HALE. Undoubtedly.

Mr. COCKRELL. If it is for all time to come, I am unalterably opposed to it.

Mr. HALE. Let that part of the bill be read.

Mr. COCKRELL. Let that part be read again.

Mr. HALE. I know what the intention is. The provision in reference to the holiday is in the latter part of the bill.

Mr. COCKRELL. I did not catch it. There were others talking equally as loud while it was being read.

Mr. HALE. Of course, it ought to apply only to the present 12th of December.

Mr. PLATT of Connecticut. It is on the third page of the bill.

The Secretary read as follows:

That the 12th day of December, 1900, be a legal holiday within the District of Columbia.

Mr. HALE. That is very clear.

The PRESIDING OFFICER. If there be no amendment proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. COCKRELL. I understand that the Senator from Maine, the committee, and all those interested in this matter agree that the 12th of December is not to be a permanent holiday, but only in the year 1900.

Mr. HALE. It is so stated definitively in the bill.

Mr. COCKRELL. I know it may be claimed——

Mr. HALE. It is the 12th of this December. There is no doubt about it at all.

Mr. COCKRELL. I want to have it clearly understood, because there are a little too many holidays already.

The bill was ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (H. R. 4742) to amend section 1225 of Revised Statutes so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools; and

A bill (H. R. 7571) to prevent the failure of military justice, and for other purposes.

The bill (H. R. 8068) authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 5 per cent bonds of Pima County, Ariz., to redeem certain funded indebtedness of said county, was read twice by its title and referred to the Committee on Territories.

PROMOTION OF COMMERCE AND INCREASE OF TRADE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 727) to promote the commerce and increase the foreign trade of the United States, and to provide auxiliary cruisers, transports, and seamen for Government use when necessary.

Mr. FRYE. Mr. President, I wish to call the attention of the Senate now to certain limitations upon the expenditures authorized in this bill.

There is a limitation of $9,000,000; no more than that sum can be expended in any one year. So far as the cost to the Government is concerned, it is practically $7,500,000, because these ships are required to carry the mails without charge. I think last year the mail pay was about $1,400,000, and in a year or two years it will amount certainly to the $1,500,000.

This limitation was placed in the bill by the Senate Committee on Commerce. It was in response to one of the misstatements and exaggerations about this measure that it would cost us $50,000,000 a year, and I have seen a declaration that it would cost a hundred million dollars a year. There seems to be no method whatever in the madness of the critics of this bill.

The general committee of which I have spoken approved of that limitation without any hesitation, and they did it on this theory: We have been building in our shipyards the last twenty years possibly one merchant ship for the foreign carrying trade a year. I notice by the report of the Commissioner of Navigation that during the last ten years we have constructed about ten thousand of tonnage a year. Ten thousand tons would be the carrying capacity of about one low-power freight ship in modern times.

Now, Great Britain in the same time has been building these ships—low-power freight ships—by the wholesale. You would find in a single yard there fifteen or twenty merchant ships of the same tonnage, plans, dimensions, and speed. It is entirely clear that if you build ships by the wholesale you can construct them much more cheaply than you can where you have but one in your yard. For instance, take it in one of our shipyards now, one with which I am somewhat familiar. There are on the stocks a yacht, a side-wheel steamer, a barge, a torpedo boat, a schooner, and a bark. You put the mechanics upon the yacht and they must finish it as completely and as carefully in every appointment as you would one of the finest parlors in an American palace. They get into the habit of that finish. You put them immediately on a tramp ship, which is finished in the rough, practically, and half of their time for weeks is wasted in adapting themselves to the new work.

I was talking with a shipbuilder a few days ago, and he told me that in building two ships instead of one he could afford to make a discount of 10 per cent. He said that the same plans for the ship and the same patterns for all machinery could be used for the two, and that that would be a saving of nearly 10 per cent. Now, these skilled men on the general committee said they had no doubt at all that if this bill became a law and was the success they expected, in five years from now, with our immensely increased shipyards, with the increased competition, and with the building by wholesale instead of by retail, we would construct these ships as cheaply as Great Britain.

This $9,000,000 limit will not be reached before five years from now. When it is, the Secretary of the Treasury is instructed in this measure to reduce pro rata the bounty sailing and the premium speed pay. The result of the limitation will be undoubtedly that in five years, the following years of five—because the bill limits the power of the Treasurer to make contracts to ten years—the five following years there will be annually a reduction in the amount which the Secretary is authorized to pay to these ships. So, no friends of the bill feel that there is any danger whatever in this limitation of $9,000,000.

The American ships which are to receive the advantage of this pay are those to be registered and to engage in the foreign carrying trade. They will be required to file with the Secretary of the Treasury a satisfactory bond that within the next five years they will build in our own yards 25 per cent more of tonnage than they register and engage in foreign trade. They will receive no pay on the extra tonnage until it is completed and ready to carry.

Later on in the bill there is a provision admitting certain foreign-built ships to an American registry. There is a limitation upon the amount of the pay to be made to them of 50 per cent, and the Secretary of the Treasury is instructed to pay to them no part of the subsidy until they have duplicated the tonnage so admitted in our yards. The Secretary of the Treasury is to retain all those foreign-built ships, after they are registered here, would earn each year until they have made that duplication. Of course, when one ship is brought in under the registry and one of the same size, speed, and tonnage is constructed here, then they will receive their 50 per cent pay on the foreign-built ships and the full pay on the one which is constructed here.

Mr. HALE. Will my colleague yield to me?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Maine yield to his colleague?

Mr. FRYE. With pleasure.

Mr. HALE. Will my colleague tell the Senate what were the considerations moving the committee that led them to put in this provision for the admission of foreign-built ships?

Mr. FRYE. I will do that with pleasure a little later on when I come to that section.

There is another limitation contained in the bill that no ship shall be paid for more than 16 entries—that would be 16 trips—in any one year. I wish just here to call the attention of the Senate now to this fact. Senator Edmunds drafted this bill, and it may be unnecessary for me to say that he protected with steel armor the Government of the United States against all chances for fraud or evasion, as Senators will find when they read the bill in full.

There is an amendment proposed here touching American vessels. It is that those registered prior to January 1, 1900, shall not be paid the subsidy for more than ten years. Those built and registered after January 1, 1900, the Secretary may make contracts with for twenty years. The reason for that is this: Many of these ships have been in business for five, six, eight, and ten years, and the practical life of a ship is twenty. It was not deemed by the Senate Committee on Commerce that it was wise to take a ship, for instance, ten years old, and authorize a contract to be made with it extending over twenty years. The only division that could be made, entirely logical, was to take the ships which were in existence before this bill became a law or before January 1, 1900, and draw the line there.

There is another amendment on page 3, to which I will call the attention of the Senate. It requires these ships to carry as freight, sailing from a port in the United States to a foreign port, 50 per cent of their gross tonnage. The reason, if there is any reason for such an amendment as that, was that it was asserted, broad and large, that these ships would run, under the subsidy provided for, with a couple of barrels of flour and one passenger from a port of the United States to a foreign port and back from a foreign port to the United States—a mere sentimentality, the absurdity of which can be seen in one moment by just one ship which I will take as an example. I have quite a number of them, but I will take only one—a ship of 3,500 tons, a low-powered freight ship, running in ballast across the Atlantic Ocean and back.

The expense charged up against that ship for that voyage would be $18,805. The subsidy paid to the ship would be $3,344. The balance against the ship and the loss on that single voyage would be $15,461. So Senators will see that it would not take many trips of such a ship as that to conclude her ship existence.

The amendment which has been offered by the committee, in my opinion, requires still further amendment, and for this reason: This requires 50 per cent of the gross tonnage in freight. Take a low-powered freight-carrying ship, *The Pleiades*, about a three or four thousand ton ship, and this requirement here would simply compel her to take an outgoing cargo of 20 per cent of her carrying capacity. Take the ship *St. Louis*, and the same requirement would compel her to take a cargo to the extent of her entire carrying capacity.

Now, the ships from 16 knots speed up to 21 knots, inclusive, will all undoubtedly be mail ships. The *St. Louis*, for instance, would, of course, be a mail ship. She would be compelled by the Government to sail at stated times, whether she had any cargo or not; and this requirement of the low-powered ship to take but 20 per cent and of the highest powered ship to take the entire cargo capacity is clearly entirely unjust and indefensible.

I shall submit to the Committee on Commerce to-morrow morning at its meeting an amendment to be substituted for this—an amendment which will provide that all ships shall take 50 per cent of their cargo capacity when leaving a port of the United States for a foreign port. That will increase the amount of cargo which must be taken, but it will so distribute it amongst the various ships that there will be no inequality or injustice; and I hope the Senate Committee on Commerce will adopt the amendment.

There was an amendment to clause E proposed by the Senate Committee on Commerce where the limitation of $9,000,000 was contained. The amendment reads:

Of which $9,000,000 not more than $2,000,000 shall, in respect of any one fiscal year, be paid as compensation to the vessels described in parag raphs 8 and 9 of clause *b* of this section—

That is, to the two higher powered ships—

and of which $9,000,000 not more than 70 per cent shall be expended in any one fiscal year in respect of vessels engaged in the Atlantic Ocean trade, except in case the Pacific Ocean trade shall not require, in respect of the vessels engaged in said last-mentioned trade, the expenditure of the whole amount of 30 per cent of said $9,000,000 in any such year.

That amendment was agreed to by the committee in answer to certain criticisms, which were raised by friends of transportation in the Pacific Ocean, that there was danger that the Atlantic trade, which to-day so much exceeds the Pacific and has so many more ships in it, would consume the entire $9,000,000 and leave nothing for the Pacific. The Senate Committee on Commerce was very desirous, indeed more desirous, of building up the transportation in the Pacific than they were in the Atlantic. They regard it as now of more importance than the trade in the Atlantic, and they very readily agreed to this amendment providing that no greater sum than is mentioned here should be expended in the Atlantic in any one year.

Section 2 is also an amendment proposed by the Senate Committee on Commerce, which provides that no ship shall receive any of this pay, either bounty, sailing, or speed premium, unless it is rated A1; in other words, unless it shall be a first-class ship in every respect.

Section 4 contains a provision by which, if a ship is lost, another of like tonnage and speed may be substituted in her place.

Section 5 provides that at least one-fourth of the crews of all these aided ships shall be American citizens; and we have a law, to which reference is made here in this bill, which requires that all the officers of American ships shall be American citizens.

Section 6 provides for the usual naval tests as to the speeed of these vessels.

Sections 7 and 8 provide bounties for fishing vessels and for fishermen. I do not think it is necessary for me to argue to the Senate that this is a valuable provision. In all of the wars this country has ever been engaged in on the ocean I think that the fishery fleet have furnished more and better sailors than have been found anywhere else. I remember that General Knox applauded the Marblehead fishermen in a speech he made for the wonderful ability, courage, and fidelity they displayed in the war of the Revolution.

The bill simply gives a bounty of $2 a gross ton on the vessel which is engaged for three years.

Mr. PLATT of Connecticut. Does that come out of the $9,000,000?

Mr. FRYE. No; I do not think so. It pays, also, to each American sailor on a fishing vessel for three months' service $1 a month during the time necessarily employed in the voyage of such vessel. That will take about one hundred and seventy or one hundred and seventy-five thousand dollars a year. I am sorry to say to the Senate that our fishing fleet is gradually being reduced year by year.

Mr. HALE. What does the Senator understand the scope of the phrase "deep-sea fisheries" to be?

Mr. FRYE. I understand it to refer to fishermen on the Banks. It is used to distinguish it from inshore.

Mr. HALE. To those on the Banks, and not to the mackerel fishermen?

Mr. FRYE. No.

Mr. HALE. Although that may be deep water. But this refers to the Newfoundland Banks?

Mr. FRYE. I am inclined to think if the mackerel fishing was pursued on the deep sea it would receive the bounty.

I wish to call the attention of the Senate to what other nations are doing in this regard. Canada's judicious use of the Halifax award of $5,500,000, paid by the United States in 1878, is shown by the latest report of the Dominion department of marine and fisheries. That report shows that from 1882 to 1897, inclusive, Canada has paid $2,521,909 in fishing bounties. The value of the catch in 1897, the last year reported, was $22,783,546, the largest recorded in the report. The bounty paid was $157,504, fishing vessels receiving $1 per ton, and fishermen $6, or about $1 a month of actual service.

Of Germany's efforts, the British commercial attaché at Berlin has reported this year:

The large falling off in the sailing tonnage of the German mercantile marine is considered to be unsatisfactory from the point of view of training crews for sea service, and it is partly on account of this consideration that the Government now does a great deal to develop the fishing fleets of the Baltic and North seas.

The French consul at Dusseldorf reports that in about ten years Germany has spent upward of $3,000,000 in opening up fishing harbors, and that at the Geestemunde Harbor the sales increased from 5,864 hundredweight in 1888 to 274,950 hundredweight in 1895. France in 1897 spent 620,935 francs directly in encouraging fishing vessels, besides more liberal bounties on the exported catch, and Japan last year voted $75,000 per annum to develop deep-sea fisheries, an incident to maritime strength.

This bill proposes to expend about $170,000 annually on American fisheries by precisely the same method Great Britain has employed for years in supporting Canadian fisheries. It must be remembered that our fishing vessels are compelled to pay a fishing license to purchase bait in Canadian waters.

I have forgotten exactly what that license for our fishing vessels is. Does my colleague remember it?

Mr. HALE. No; I do not now remember just what it is.

Mr. FRYE. My impression is that it is quite large, but I have forgotten the amount.

Section 9 is a section of exclusion. It excludes all vessels not in trade. Of course, that means yachts. It excludes vessels which under our statute have been wrecked on our shores and have been admitted, after an expenditure of three-quarters of their value has been laid out upon them here, to an American register. It excludes a vessel employed in the coasting trade, as a matter of course, because coasting vessels are protected absolutely now against any intervention from foreign ships. It also excludes—

A vessel on a voyage during any part of which she shall have carried passengers or cargo which under the laws of the United States could not

lawfully have been carried by a foreign vessel, or a vessel employed in the fisheries.

That peculiar language there is used because we found some few years ago that foreign ships were evading the coastwise law by carrying material or freight from one port of the United States to a foreign port and bringing it back to a home port again. Congress passed a law prohibiting that, and that is a reference to that law.

"D" excludes vessels between ports on the Atlantic coast and ports on the Pacific coast. They are coastwise, and coastwise whether they land the cargo at Panama and transport it across the Isthmus by rail and then reload and take it to San Francisco or elsewhere on the Pacific coast. Also—

(e) a vessel owned by a citizen of the United States which shall not be entitled under the provisions of section 4131 of the Revised Statutes of the United States.

The statute referred to is that which requires certain officers to be American citizens—all watch officers, etc.

"F" excludes all vessels sailing not more than 150 miles. That applies to all the vessels upon Puget Sound from Tacoma up to Vancouver or Victoria. They are not much more than ferries. Also to vessels, for instance, in Maine from Eastport to St. John.

Mr. PLATT of Connecticut. What about vessels plying between Habana and Key West?

Mr. FRYE. It excludes those.

(g) A vessel on a voyage less than one-half of the whole length of which, on her outward and homeward voyages, respectively, shall have been on the sea, between a port of the United States and a foreign port.

That excludes vessels from the Great Lakes through the Welland Canal to Montreal.

Now I come to section 10, which admits foreign-built ships to American registry. There are three classes. The first is, ships engaged in an established freight business before January 1, 1900, that business being from ports of the United States to foreign ports, a majority of the ownership being in American citizens; second, also ships actually under construction by American citizens in foreign shipyards January 1, 1900; third, ships actually contracted for by American citizens in foreign yards before January 1, 1900; and it provides that all these ships must be rated A1, as first-class ships.

The reasons for that may be possibly partly sentimental. It has been utterly impossible for an American citizen, under existing conditions, to invest his money in American ships to engage in the foreign carrying trade. I think I must have satisfied Senators yesterday in that very long speech, which I wish to apologize for, that it was utterly absurd for an American to think for a moment of putting any money, under present conditions, into a ship which was to sail from our ports to foreign ports. The only way we have lived at all in this trade is that we have a few sailing ships engaged in it.

Mr. PLATT of Connecticut. Will the Senator allow me?

Mr. FRYE. In a moment. These ships have taken cargoes of coal from the Atlantic side around the Cape and up to San Francisco, and then have registered and gone on voyages to foreign ports, being part coastwise and part foreign. Now I will yield to the Senator.

Mr. PLATT of Connecticut. Perhaps the Senator was going to allude to it, but I wish to inquire why was the date January 1, 1900, fixed?

Mr. FRYE. We were obliged to fix a date in order to be at all certain of how many ships this would include. If the bill was an invitation—and I am afraid it will not prove to be much of an invitation—if it was an invitation or a temptation to place these ships under the American flag with an American registry, then there might be a great many contracts made, of which we have but little knowledge, and we could make no real, genuine calculation as to what the requirements of the bill would be.

Mr. PLATT of Connecticut. But suppose a contract had been made in good faith by American citizens for the building of an American ship in a foreign yard, and concluded on the 1st of April last. Why would not that ship be just as much entitled to these advantages as if the contract had been made before the 1st of January, 1900?

Mr. FRYE. Suppose it was three months later, or four months. You might have made it the 1st of April, to be sure, but here was the bill pending. Everybody in the country knew what the bill was and what its terms were, and we desired to have a fixed limit, as nearly as it could be fixed, of the ships built in foreign ports which would be admitted to an American registry.

I was saying that perhaps part of this is sentiment. These men have been compelled if they wished to engage in shipping—and many men think that they can do nothing except on the sea—to go abroad to buy their ships, and, on account of operating expenses, to run them under foreign flags. We thought it would do no harm to admit such ships as those of the highest class to an American register.

Then again we were desirous of obtaining within the next five years as many ships under the American flag engaged in the foreign trade as it was possible to do. The requirement upon these shipowners is that they shall build here an equal amount of the same kind of tonnage for every ship which is registered here. They shall have ten years in which to do it. The best calculation that we could make was that about 350,000 tons would be so registered. If there were, that would require in ten years the expenditure of about $50,000,000 in our American shipyards by American citizens. It would more than double the present capacity of our shipyards; it would employ many thousands more men, and it would create an enormous industry of infinite value in all the future to our country, both in times of peace and in times of war.

The objection has been made to that since, or it has been asserted since, by men of intelligence that 500,000 gross tons of ships will come in under that provision. That would be a carrying capacity of about 700,000 tons. I shall submit to the Senate Committee on Commerce to-morrow a substitute for this provision. One can be drafted without difficulty which shall make it absolutely certain just how many ships will come in under this provision.

Mr. PERKINS. Mr. President——

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from Maine yield to the Senator from California?

Mr. FRYE. With pleasure.

Mr. PERKINS. If the Senator please, I should like to ask why the committee reduced the ownership in corporations operating foreign-built ships from 80 per cent to a bare majority. One of the strongest features of the bill is that it encourages American shipbuilding. If you permit foreign ships to come in, there will be no necessity for us to build any more ships.

Mr. FRYE. But they are compelled to build just as many more in our shipyards. As I said a moment ago, under this bill if 300,000 tons come in, they must build within ten years at least $40,000,000 worth of ships in our yards, or else they will not get a dollar of this subsidy, and the registration under the terms of the bill will be revoked. That is provided for.

Mr. PERKINS. Those vessels were built by foreign mechanics.

Mr. FRYE. I will tell the Senator why I was willing. I think a majority is more logical than any particular per cent—80, 90, 70, or any other which might be named. Nearly all of the lines that would come in under the provisions of this bill are owned entirely by American citizens, with the exception of what little is required to be owned abroad in order that they may be able to sail under foreign flags. But I know of one line with a few very fine vessels where it was not certain that 60 per cent or 70 per cent would cover it. I was certain that 50 per cent would. So far as I was concerned, I was entirely willing that that line should come in and build four ships like the ones they have now in use.

Mr. HALE. Before the Senator leaves this most interesting feature of the bill I desire to say to him that while I am in entire sympathy with him on the general purposes of the bill, as so completely stated by him yesterday, I am troubled by the feature of introducing into the bill the provision for foreign-built ships. The Senator says that the provision for admitting foreign-built ships is accompanied with another provision that an equal amount of tonnage shall be built by the owners of the ships in our shipyards.

With the provisions that have been so carefully incorporated into the bill to equalize the difference, as he stated yesterday, between the cost of building and the cost of running, does the Senator think that without this provision for foreign-built ships there will not be in the next five years a very large addition to our marine of American-built ships? If he does, then the bill fails of its original purpose, and I want to call his attention to this point. I should like to have him state, because he has made himself master of this question, whether what is set forth in the memorial I have here is true:

We, the undersigned builders and owners of American vessels, respectfully petition that the provision for the admission to American registry of and payment of bounties to foreign-built vessels be stricken from the shipping bill now before Congress, being unqualifiedly opposed to the depletion of the United States Treasury in aid of foreign shipbuilders.

Accompanying that protest is a statement which perhaps the Senator has heard, and I should like to have him tell us whether he believes it is correct. The statement is that already, in view and expectation of the passage of this bill, parties who are urging this provision for foreign-built ships are engaged in building a great many ships in foreign yards which will come in and get the benefit of this bill the moment it passes. I am going to turn these papers over to my colleague, because I want him to have them before the Committee on Commerce to-morrow morning. They represent to me that the bounties that will be paid under the bill for the foreign-built ships which are now being constructed in view of the passage of this bill will amount to more than $3,000,000.

Now, I do not think my colleague, who has most faithfully studied this question and who believes not in free ships, but in American-built ships, would urge upon the Senate the passage of a bill that would result in the great bulk of the subsidy being

turned over immediately to foreign-built ships. As I said, I am going to turn these papers over to him unless he already has copies of them, in order that when this matter comes up, as he indicates it will be up in the morning, before the Committee on Commerce it may be thoroughly looked into.

Mr. JONES of Arkansas. Will the Senator from Maine tell the Senate from what paper he has read?

Mr. HALE. I read from an original petition of shipbuilders, this particular one being signed, I should think, by forty or fifty, perhaps sixty, shipbuilders. Then accompanying that is a document giving the figures I have indicated of the amount that will be paid to these foreign-built ships, and in that reference is made to the report of the Commissioner of Navigation for 1899, in which lists are given of these vessels now being constructed in foreign yards to come in and take this bounty as soon as the bill passes. That is a new feature to me, Mr. President.

Mr. JONES of Arkansas. All that would be of interest to the entire Senate as well as the Committee on Commerce, and I hope the Senator from Maine will let it all be printed in the RECORD.

Mr. MONEY. Now.

Mr. JONES of Arkansas. Now.

Mr. MONEY. Will the Senator from Maine allow me to ask him for information whether or not these foreign-built ships, which he says are being built with a view of getting the advantage of this bounty, are to sail under the American flag by some act admitting them to registry?

Mr. HALE. The provisions of the bill cover that.

Mr. MONEY. They do?

Mr. HALE. They are admitted to the privileges of our flag.

Mr. MONEY. How does that encourage American shipbuilding?

Mr. HALE. The Senator can answer that better than I.

Mr. MONEY. I will ask the Senator to do so.

Mr. JONES of Arkansas. I hope the document referred to by the Senator from Maine will be printed in the RECORD. It contains information which would be valuable to the entire Senate.

Mr. FRYE. I do not regard it as of any particular value.

Mr. JONES of Arkansas. Before the Senator proceeds, may I ask the senior Senator from Maine if the document referred to by him will be printed?

Mr. HALE. I have not got this in form. I have the big document here. I do not know what I should want to put in.

Mr. JONES of Arkansas. I do not refer to the report of the Commissioner. All I ask for is for the printing of the document from which the Senator from Maine quoted.

Mr. FRYE. I think Senators opposed to the bill will be flooded with all such documents before the debate is closed.

Mr. JONES of Arkansas. I should like to have this printed now.

Mr. FORAKER. I should like to ask, if the Senator from Maine will state it, what is the amount of the tonnage referred to in the communication he has?

Mr. HALE. It says:

The International Navigation Company, for example, is now completing in English yards 44,000 tons of high-class steamships (the *Zeeland*, *Haverford*, *Merion*, and one not yet named), and these results of the expenditure of millions of American money in foreign yards will be ready to begin drawing American bounties as soon as this bill becomes law.

Mr. FRYE. It is not true at all.

Mr. HALE. That is what I want the Senator to state to the Senate.

Mr. FRYE. Under the provisions of the bill they can not draw a cent of bounty until after they have built an equal amount of tonnage in American shipyards.

Mr. HALE. The provision is that the money shall be held in the Treasury until they build the ships.

Mr. FRYE. Until they build the ships; and, so far as I know, there are now two freight ships of 20,000 tons each building in American yards, the largest ships ever built in the world, which will come under the provisions of this bill undoubtedly, and ought to come under the provisions of this bill.

Mr. HALE. They are being built here.

Mr. FRYE. In American shipyards.

Mr. TELLER. Where?

Mr. FRYE. New London, Conn.

Mr. HALE. They ought to come in.

Mr. FRYE. Of course they ought to come in, and my judgment is that this foreign tonnage referred to here ought to come in to enable us within five years to have a respectable and encouraging fleet of our own to carry our commerce abroad. We have about 800,000 tons, or a little more than that, now. You admit 300,000 tons from abroad. They must build 300,000 tons here. That gives us 600,000 tons of first-class ships, which, added to your 800,000, makes 1,400,000 tons. Add to that 300,000 tons, built in your own country, and you are getting a very respectable carrying fleet for our country under the provisions of this bill.

If you simply call upon the United States to furnish these vessels, under the provisions of the bill they are required to furnish only 25 per cent more of tonnage for each vessel that receives pay under the provisions of the bill, and you would be ten or fifteen or twenty years in getting what would be an encouraging fleet of vessels, which would be an inducement to others to invest their capital in this sort of business. American capital has been slow and will be slow to invest. It has been investing in railroads and all that sort of thing. You can not hire a dollar here on ship security short of 6 per cent a year.

The International Line go to Great Britain, build a ship there, and hire for 3½ per cent interest. They must pay in this country 6 per cent. Why? Because we have been entirely out of the habit of having anything to do with ships on the ocean, and we must induce Americans to take an interest in this kind of investment. My judgment is that the building of $40,000,000 worth of ships in our own shipyards, doubling their capacity, and more, too, will attract the attention of American capital, and that we will go on and make the bill ultimately a profound success. That is what I am after. It will not be a success—that is, you will not get fleet enough to carry all your exports in the next five years or ten years.

I desire a bill which, through its provisions, shall in twenty or thirty years place us on the ocean where we legitimately belong, carrying all our exports to all the foreign ports of the world. I said before the Senator interrupted me that I proposed to bring this matter to the attention of the Committee on Commerce tomorrow morning, not that we should decline to admit any foreign-built ships to American registry, for I do not believe in that, but in order that we may draft a provision by which there will be no guesswork whatever as to the amount of foreign-built ships which shall be registered in our country. I have already stated that the foreign-built ships are to receive only 50 per cent of the bounty.

Now, I wish to say right here that, being in favor of registering these ships, I have great fears that we will not succeed under the terms of the bill in doing it to any great extent. There is the Grace Line between New York and Chili, a valuable line to American commerce, owned entirely by American citizens—Mayor Grace, of New York. His son is engaged in business with him. He was over here two or three days ago, and informed me that they had investigated this subject with great care and that they could not afford under the terms of the bill to register their line of ships in America, and that they should not do it.

Mr. Baker, of the Atlantic Transport Company, told me a few days ago that he could not possibly, under the terms of the bill, register all of the ships in his line, because they get only 50 per cent, and, in his judgment, the whole amount paid here does no more than to equalize foreign and American ships.

Mr. HALE. That is the Atlantic Transport Company?

Mr. FRYE. Yes; the Atlantic Transport Company. The American Line informed me that at least ten of their ships would never be admitted to American registry; that about six, I think, or seven, under the terms of the bill, would be, and that the amount admitted would compel them to build $14,000,000 worth of ships in our yards.

Section 11 requires an inspection of the foreign-built ships.

Section 14 requires all of these ships to—

carry on each foreign voyage as a member of the ship's company one American boy, under 21 years of age and suitable for such employment, for each 1,000 tons gross registered tonnage, which boys shall be taught in the duties of seamanship, or engineering, or other maritime knowledge, as the case may be, respectively, and receive such pay for their services as shall be reasonable.

Mr. HALE. What section is that?

Mr. FRYE. Section 14.

Mr. HALE. What page?

Mr. FRYE. Page 20. That, in the course of five years, if the bill was a reasonable success, would result in at least a thousand of our boys being trained and educated on shipboard.

Section 15 provides for the employment of these vessels as auxiliaries of the Navy under the usual terms. There is a proposed amendment at the close of this section.

Mr. TELLER. What print has the Senator? It is different from mine.

Mr. FRYE. This is the last print of Senate bill 727.

Mr. TELLER. The print of February 26?

Mr. BEVERIDGE. It is at the bottom of the page.

Mr. FRYE. The last clause of that section is a proposed amendment, as follows:

In case of any taking or employment as provided in this section the shipping obligations of the officers and crews existing at the time shall be deemed to have terminated.

Of course, such a provision was entirely unnecessary, but the seamen's attorney, who has been in Washington for the last ten years, in a published statement declared that the bill provided for the impressment of sailors, and that amendment was proposed to take from the bill all such fear.

Section 17 provides that all of these vessels when required shall carry the United States mails without pay, and furnish all the necessary accommodations, carrying messengers, and all that sort of thing.

Section 19 provides for a forfeiture in the event that the contracts upon the part of the ship contractors are not faithfully carried out.

I believe I have now said all I desire to say in relation to the bill.

Mr. FORAKER. If it will not interrupt the Senator from Maine, I should like, before he passes from his explanation of the bill, to call his attention to a criticism I have heard upon it, and I call the Senator's attention to it in order that he may make answer to it in connection with his remarks. As I understood the Senator to say a while ago, one of the apprehensions he has as to the operation of the bill is that it will not bring into American registry foreign-built ships to the extent that has been expected or contemplated, reciting some facts in that connection.

The criticism I have heard upon the bill would seem to be a proper one to be considered in that connection. It is that there is a limitation and restriction in the provisions of the bill as to the admission of foreign-built ships to American registry, of this character, namely, that none shall be admitted except only those which are foreign built and American owned at the time of the passage of the bill or at a date named in the bill, or such as are actually under construction, coming within that description, at the date named. It is contended by those who criticise the bill on that account that it stands in the way of the development of our merchant marine.

I call the Senator's attention to it because I have seen that repeatedly in the newspapers and because quite recently a gentleman from Boston, Mr. Henry W. Peabody, has been going about over the country making some addresses. He made one at Cincinnati and he made one at Chicago. I heard the one at Cincinnati, and this was the point upon which he particularly dwelt. It may be that the Senator on yesterday, when I had the misfortune to be absent from the Chamber, commented upon this point. If so, it is unnecessary for me to have him do so again; but if he has not paid particular attention to it, I should be glad if he would do so. While it does not trouble me particularly, I know it has troubled some people who are very warm friends of the proposition, stated generally, to restore the merchant marine.

Mr. FRYE. I have been all my public life contending against the doctrine of free ships. I fought most vigorously every proposition for rehabilitating our ships that were practically compelled to go under a foreign flag during the civil war. I never yielded until the dead failure of a subsidy bill, on which I had spent an immense amount of time and as to which, and an accompanying bounty bill, I had great hopes that they would, if they became law, be a great success, and that we would once more occupy the position such a nation as this ought to on the ocean.

When I found that it was a dead failure, caused by amendments without reason or rhyme, the proposition was made to admit the *New York* and *Paris*. First the proposition was made to admit the entire fleet, with an agreement that they would build corresponding tonnage in the United States. I finally consented to favor the admission of two of the best of their ships, with the agreement that they would complement them here with two more of like speed, etc. In that way we succeeded in having a line between our country and Europe by which, if we wished to go abroad, we could sail under the American flag, and it removed to some extent my prejudices and induced me in this measure, in my anxiety to have it a success as early as possible, for the reasons I stated just now, to consent to a certain fixed number of ships which should receive an American register.

I would not dare follow Mr. Henry Peabody. I have known him; I have heard all of his arguments; I have had all of his pamphlets; he has been before our committee; I know everything he says, and I do not at all yield my judgment to his in this matter. He is, I believe, a free-ship advocate. I do not myself pretend to have great knowledge of shipping affairs, but for twenty-five years my attention has been very largely absorbed in commercial questions, and especially in those relating to shipping, and I am happy to say that I never yet have reported from the Committee on Commerce a bill to the United States Senate touching ships that has not passed this body.

I regard that as a very great compliment to what little knowledge the Senate may think that I have about shipping matters. I do not believe in Mr. Peabody's proposition. I do not believe it would be safe or wise to adopt it. I believe it is the next thing to free ships. I do not suppose there ever will be, under this bill, another foreign-built ship admitted to American registry——

Mr. TELLER. How is that?

Mr. FRYE. I do not believe there will ever be another foreign-built ship admitted to our registry, if this bill becomes a law, other than those which are provided for in it.

Mr. TELLER. Oh! That is what I did not understand.

Mr. FRYE. I believe that the result, if this becomes a law, will be such a picture to the American people that with the enormous capital we have now in this country, with nothing hardly for it to invest itself in, it will flow toward the ships of the ocean, where it has refused absolutely to go up to the present time.

Mr. TELLER. Why?

Mr. FRYE. Because their attention is drawn now largely away from the railroad investments and——

Mr. TELLER. What I meant to ask the Senator is why capital has refused to flow toward the building and running of ships?

Mr. FRYE. Because there was more money in other things. There was money in coastwise ships and lake ships and capital flowed thitherward freely.

Mr. TELLER. I wish to ask if it will not be necessary that we shall make some arrangement by which money can be made in building and running ships before money will flow there.

Mr. FRYE. The men who are building and running ships, and who ought to know, believe that under the provisions of the bill capital will go into the business to the full extent that it is needed. They believe that the bill will do what it professes to do—restore the American merchant marine to the ocean. They are willing to take their chances and to come under contracts to build this enormous amount of American tonnage. They know where they can get capital. They are willing to establish lines to South America and across the Pacific to the Orient. They know perfectly well that at any rate for three or four years it is to be one of the fiercest fights—I mean a commercial fight—that has been seen upon the ocean; that Germany and Great Britain and Norway and other countries are not going to surrender to us if they can help it.

You know perfectly well that when we subsidized the Collins Line Great Britain immediately doubled the subsidy to the Cunard Line, and the Collins Line in eight years was driven away from the ocean. That attempt is to be made here. But these men, who ought to know, and who are going to invest their money, are the men who are willing to take the risk of undertaking to restore the merchant marine under the conditions of this bill.

Mr. TELLER. I should like to ask, if the Senator will let me interrupt him, whether he does not think when that financial competition begins between the shipowners of Europe and the United States, and they double their subsidy, as he says they did, and as very likely they will, that they may drop their freight rates and their passage rates to such an extent as to make the investment unprofitable; and if these people will not then come here and ask us to double their subsidy too. Will we not be in the position of having induced them to go into it, so that they can appeal to us to give them a remuneration for their capital by giving them an additional subsidy; and are we not likely to get into a good deal of difficulty about this matter?

Mr. FRYE. We are not establishing in this bill, if the Senator please, one line from New York to Liverpool. We are hoping to establish lines to all the commercial ports of the whole world. When Great Britain had the Cunard line running between Liverpool and New York, and it was the only line there, and we put on a line which jeopardized it, she could well afford to double that subsidy. But when we are having lines running to all the commercial ports Great Britain will never dream of doubling the subsidies which she is paying now, and making them ten or fifteen million dollars instead of what she is paying to-day.

Our safety lies in that. It is in the multiplicity of the lines. If we under this bill were going to establish only one line, like the Collins, I should agree entirely with the Senator. They would drive us off the ocean; I have no doubt about it at all. But under the provisions of this bill, if it is successful, as we hope it will be, and as these gentlemen believe it will be, I have not any fear of that at all.

I said yesterday, and I fully believe it, that in less than three years the competition which will result on account of the provisions of this bill, if it becomes a law, will reduce freight rates across the ocean to the world 25 per cent. They can stand a 25 per cent reduction to-day on the Pacific. There is where the profits are made to-day in ship sailing and carrying freight.

Mr. TELLER. How about the Atlantic?

Mr. FRYE. On the Atlantic ships are carrying, or two years ago were carrying, as low as they could profitably; but these rates have increased very largely since the Spanish war.

Mr. HANNA. One hundred per cent.

Mr. FRYE. One hundred per cent, I understand. The withdrawal of so many ships, first by the United States for sea transport and collier service in the Spanish war and then by England of her transports for the Boer war, has made us short of ships. We were exporting coal, but we had to stop. The freights went to that extent of increase we could not afford to do it. That there will be a reduction of freight rates of 25 per cent in two or three years I have not the shadow of a doubt, and I argued yesterday that the producer would get the entire benefit of that reduction, while in a bounty paid to ships he will get absolutely nothing.

Mr. TELLER. The reduction that you prophesy is from present rates to 25 per cent?

Mr. FRYE. No: I prophesy it from the normal rates.

Mr. TELLER. The former rates?

Mr. FRYE. The former rates; the normal rates.

Mr. MONEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Mississippi?

Mr. FRYE. I shall be delighted to hear the Senator.

Mr. MONEY. If it will not interrupt the Senator, I should like to ask a question. He was asked if the English Government would not double the bounty in order to still further compete. The Senator replied that when they had a single line they could afford to do it; that when an American line was put on which jeopardized the interest of the Cunarders, then the British Government doubled its subsidy.

Mr. FRYE. It was the Collins Line.

Mr. MONEY. But the Cunard Line was threatened?

Mr. FRYE. Yes.

Mr. MONEY. The Collins Line was put on. Is not the Senator aware of the fact that the British Government discriminate in favor of some lines of their own against other lines of their own as well as of other nations, and to such an extent that they have even doubled the postage from the home countries to the Australian colonies on some lines in excess of that over others? They have not only continued these discriminations as to foreign ships but as to their own, and as a matter of fact they have charged doubled postage on a route over the postage on another route in order to build up a certain route. Of course, we are not going to follow the example of Great Britain in a matter of that sort.

Mr. FRYE. I am persuaded now that while the policy pursued by Great Britain, and commenced many and many years ago, was a good policy for her, establishing certain lines to her colonies and elsewhere and paying them large subsidies, and while I think that policy worked admirably for her, I do not think it would work well in this Republic.

I think the law here should give every man the same chance that any other man has. Any man who has money should be permitted to put it into a ship and establish a line if he pleases. Any corporation should be permitted to do it. Take our American Line from New York to Southampton. That receives $750,000 a year for carrying the mails. It is a losing game for the ships. While the company receives that amount of money, and no other company could receive anything because the contract is with that company, of course you never will have another line established.

Under this bill there is the same invitation to all men and to all corporations. Nobody is selected as England selects them and then adjusts the subsidies as she pleases, as the Senator from Mississippi says. I know that she does it. I know when she wishes to establish a line in order to gain commercial opportunities in certain directions she will increase it, or if one is established she is satisfied and is inclined to let well enough alone.

Mr. President, I wish to apologize to the Senate for taking the time I did yesterday and have taken to-day in discussing this bill, and I thank Senators for the patience they have exercised and the attention they have given me. My only justification is my intense interest in this matter, the importance of the subject, and the wild and insane criticisms and misrepresentations which have been made about a bill of which the people who made them knew absolutely little or nothing.

The bill has not been sent over the country. It has been represented to the country as these foreign lines and their agents desire to represent it. No amendment has ever been alluded to. It has been talked about as the Hanna-Payne bill, which was introduced in the Senate two years ago. It has been changed in very many material particulars, seriously changed, too, and yet the same old criticisms and misrepresentations are repeated day in and day out about the Hanna-Payne bill.

Mr. PETTIGREW. Has it been improved?

Mr. FRYE. I think it has been improved decidedly. I beg the Senate's pardon for talking so long.

Mr. TELLER. Mr. President, I do not think the Senator from Maine need apologize for the speech that he has made. I think that he might go on and help us out in some features of this difficulty. I followed the Senator very carefully, and I do not see that he has really told us what is the cause of the decadence of American shipping. If he has done so, I was at lunch for a few moments and lost it. Now, that is what I want to know. If I knew the cause, I should think I knew something about the remedy; but I have been unable to find any adequate cause for the decadence which began, I think, about 1860 or 1861.

I know the Senator from Maine has given a great deal of attention to this matter, and I should like, either now or at some time while he is speaking, to have him tell us, if he can, what are the difficulties. He told us yesterday that we had removed several obstacles, which we have done, as I know, and yet the decadence continued; it was rather accelerated, I think, after the effort which was made in some way.

I should like to have his opinion on that question either now or at some time before the debate is over. I join with him in the desire to restore the American marine. I have not got a bit of encouragement from what the Senator has said. Really it seemed to me, after he got through, as if he had put us in a position where we have to bolster up this business for all time or else the decadence is to go on. If I knew that that was so, I should not vote for this bill. If that is to be the case, I am not going to vote for it.

Mr. FRYE. The bill provides that no contract shall be made after ten years.

Mr. TELLER. I understand that; but what is the use of our attempting to establish the American marine for twenty years and then go back? They will come to us then and say, "Why, we built these ships, and you must keep us afloat." Are we to do that always? I believe we will do it always until we find out what the difficulty is. If it is a difficulty which can not be overcome except by subsidy, let us accept the situation and say that for some reason we are denied the privilege of carrying our products abroad in our own ships, as we did carry them to the extent of 75 per cent from our earliest infancy clear up to 1860 and 1861.

Mr. FORAKER. Ninety per cent.

Mr. TELLER. It was 90 per cent at one time, but when the decadence began we were carrying 75 per cent of all our imports and exports in our own ships.

Now, that is what I want the Senator to address himself to, if he will. I do not care if he takes two or three days to do it. I believe it would be profitable for us if he could give us any information on that subject.

Mr. FRYE. I could repeat one of my old speeches on ships and the decline in shipping, and the Senator from Missouri [Mr. VEST] could repeat one of his old ones on free ships. There would not be the slightest difficulty about it. I could do it now, but in my remarks yesterday (I do not know that the Senator heard me; I doubt if he did) I think that I gave very directly and distinctly my opinion as to what the cause was.

Now, what I have said will be published to-morrow morning in the RECORD, and if the Senator is not at all satisfied, later on in this debate, when I have heard from the opposition, I shall be very happy to indulge, if the Senate will permit me, in some more remarks on the shipping question. But I would rather not do it now.

Mr. MONEY. Mr. President, the question of the Senator from Colorado [Mr. TELLER] reminds me of a very learned lecture delivered by the late John Roach, the celebrated American shipbuilder, in which he undertook to compare the cause of the decline of American shipping and shipbuilding, and used a very splendid Irish bull. He said that the civil war and the discovery that iron was better than wood was the twin mother of the decay of the American marine. That bull carried as much of truth in it as it did of wit; and it was very nearly the exact truth at the time he uttered it, which was about eighteen years ago.

Since that time, however, we have got in the habit of exporting iron to Great Britain, and we have in one locality that I have in mind iron of the best quality of ore, coal of the finest kind, unlimited quantities of both, and the limestone for the flux, all in such juxtaposition that it seems that nature intended to make us the cheapest producer of iron in the world. We are not only selling steel rails to the North, but we are selling iron to England, and we are selling iron all over the world. I think that Mr. Cramp, if I am not very much mistaken, admitted some year or two ago that he could build a ship as cheap as it could be built anywhere in the world.

Mr. TELLER. Mr. President, I do not want to defeat this bill, but I want to challenge the statement, if I may, so that the Senator may look it up, that there is a difference between the cost of building a ship in the United States and Great Britain of 25 per cent. I know that as long as six or eight years ago the shipbuilders of this country declared that there was not to exceed the difference of 10 per cent. Since that time there has been a very great reduction in the price of iron, if we go back to the normal condition. Perhaps just now that may not be the case, but the rise in iron is probably temporary. However, there has been a rise in iron and steel, of course in Europe as well as here. I believe that to-day all the material which goes into a ship of iron can be produced in the United States cheaper than in any other place in the world. The timber that goes in is certainly cheaper here than it is in any other place in the world, and all the material you may say that goes into a ship ought to be produced and is produced in the United States as cheap as anywhere else.

Mr. FRYE rose.

Mr. TELLER. But it is possible that there is some difference in the labor.

Mr. FRYE. I was going to ask the Senator what percentage of the first-class ships is the material.

Mr. TELLER. I suppose the labor is, of course, the larger cost.

Mr. FRYE. But what percentage of the entire cost of the ship is the material itself?

Mr. TELLER. I do not know about that.

Mr. FRYE. It is only 45 per cent. That is where the trouble comes in.

Mr. TELLER. I know labor enters largely into it, and there is probably some difference there.

Mr. FRYE. There is the trouble; it is in the labor.

Mr. TELLER. But if the statement the Senator from Mississippi made is true, that they declared they could build them as cheap here in a few years as they could in Europe, there can not be that difference. However, if that difference exists now it will continue to exist, undoubtedly, and that is one of the difficulties we shall have to meet. In my judgment, the greatest difficulty that we meet with in running American ships is what the Senator himself presented, which I know of no way to avoid, and that is that we can not hire American seamen for the same rate that other countries hire theirs.

Until conditions change in that respect, or we assume the position that we are going to level up by subsidy the difference between the labor in foreign countries, or the cheapest labor and ours, as well as the difference in the cost of building ships, this condition is going to exist until money gets cheaper in this country than in Europe. When it does that, I suppose capital will turn its attention to ships. A Senator in front of me says it is cheaper now. At times undoubtedly it is. There is plenty of money here to build ships. There is not any question about it. We do not want to go abroad to seek investment, and will not, simply because it does not pay. We will not put money there, because it does not pay.

Now, if we can find some way to make shipping pay without a subsidy, and I do not know but that we can, that is the thing we ought to do. If we could give shipping some preferentials, some advantages that we do not give to everybody else, that we did give for many years in our history, I believe we could return to some of the old conditions; perhaps not entirely, for we had 90 per cent; but we could at least increase the number of ships carrying our flag abroad.

I can not for myself feel very kindly disposed toward this present proposition, although I am willing to say that if I believed it would bring a return within a reasonable time with a reasonable outlay of money I should not object to it. That is all I want to be convinced of. I am not at the present time convinced that that will be the case.

EXECUTIVE SESSION.

Mr. PLATT of Connecticut. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 6, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 5, 1900.

ASSISTANT SURGEONS, MARINE-HOSPITAL SERVICE.

Louis P. H. Bahrenburg, of Ohio, to be an assistant surgeon in the Marine-Hospital Service of the United States. Mr. Bahrenburg is now serving under a temporary commission issued during the recess of the Senate.

John S. Boggess, of the District of Columbia, to be an assistant surgeon in the Marine-Hospital Service of the United States. Mr. Boggess is now serving under a temporary commission issued during the recess of the Senate.

John T. Burkhalter, of Maryland, to be an assistant surgeon in the Marine-Hospital Service of the United States. Mr. Burkhalter is now serving under a temporary commission issued during the recess of the Senate.

PASSED ASSISTANT SURGEON, MARINE-HOSPITAL SERVICE.

Asst. Surg. Leland E. Cofer, of Virginia, to be a passed assistant surgeon in the Marine-Hospital Service of the United States. Mr. Cofer is now serving under a temporary commission issued during the recess of the Senate.

ASSISTANT COLLECTOR OF CUSTOMS.

Samuel D. Dickinson, of New Jersey, to be assistant collector of customs at Jersey City, N. J., in the district of New York, in the State of New York, to succeed Michael I. Fagen, removed.

ASSISTANT SURGEONS, MARINE-HOSPITAL SERVICE.

Edward Francis, of Ohio, to be an assistant surgeon in the Marine-Hospital Service of the United States, in place of S. R. Tabb, deceased. Mr. Francis is now serving under a temporary commission issued during the recess of the Senate.

George W. McCoy, of Tennessee, to be an assistant surgeon in the Marine-Hospital Service of the United States. Mr. McCoy is now serving under a temporary commission issued during the recess of the Senate.

Claude C. Pierce, of Tennessee, to be an assistant surgeon in the Marine-Hospital Service of the United States. Mr. Pierce is now serving under a temporary commission issued during the recess of the Senate.

Benjamin S. Warren, of Washington, to be an assistant surgeon in the Marine-Hospital Service of the United States. Mr. Warren is now serving under a temporary commission issued during the recess of the Senate.

COLLECTOR OF CUSTOMS.

Frederick S. Stratton, of California, to be collector of customs for the district of San Francisco, in the State of California, in place of John P. Jackson, deceased. Mr. Stratton is now serving under a temporary commission issued during the recess of the Senate.

NAVAL OFFICER OF CUSTOMS.

Walter T. Merrick, of Pennsylvania, to be naval officer of customs in the district of Philadelphia, in the State of Pennsylvania, to succeed James B. Holland, resigned. Mr. Merrick is now serving under a temporary commission issued during the recess of the Senate.

GENERAL APPRAISER.

Marion De Vries, of California, to be general appraiser of merchandise, in place of William D. Bynum, failed of confirmation. Mr. De Vries is now serving under a temporary commission issued during the recess of the Senate.

MEMBERS OF INDUSTRIAL COMMISSION.

Charles H. Litchman, of New Jersey, to be a member of the Industrial Commission authorized by the act of Congress approved June 18, 1898, to succeed M. D. Ratchford, resigned. Mr. Litchman is now serving under a temporary commission issued during the recess of the Senate.

Daniel A. Tompkins, of North Carolina, to be a member of the Industrial Commission authorized by the act of Congress approved June 18, 1898, to succeed Ellison A. Smythe, resigned. Mr. Tompkins is now serving under a temporary commission issued during the recess of the Senate.

COLLECTOR OF INTERNAL REVENUE.

Roy H. Chamberlain, of Iowa, to be collector of internal revenue for the district of Hawaii, to succeed William Haywood, resigned.

ASSAYER.

Benjamin H. Tatem, of Montana, to be assayer in charge of the United States assay office at Helena, Mont., to succeed Eugene B. Braden, resigned.

SUPERINTENDENT OF COAST AND GEODETIC SURVEY.

Otto H. Tittmann, of Missouri, to be Superintendent of the United States Coast and Geodetic Survey, to succeed Henry S. Pritchett, resigned. Mr. Tittmann is now serving under a temporary commission issued during the recess of the Senate.

COLLECTOR OF INTERNAL REVENUE.

John W. Yerkes, of Kentucky, to be collector of internal revenue for the Eighth district of Kentucky, to succeed John W. Yerkes, resigned. Mr. Yerkes is now serving under a temporary commission issued during the recess of the Senate.

ASSISTANT AGENT.

Abram D. Harlan, of Pennsylvania, to be assistant agent at the salmon fisheries in Alaska, to succeed W. S. Ballard, resigned. Mr. Harlan is now serving under a temporary commission issued during the recess of the Senate.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 5, 1900.

FIRST ASSISTANT POSTMASTER-GENERAL.

William M. Johnson, of New Jersey, to be First Assistant Postmaster-General.

CONSUL-GENERAL.

W. Irvin Shaw, of Pennsylvania, to be consul-general of the United States at Singapore, Straits Settlements.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 5, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

COMMITTEE ASSIGNMENTS.

The SPEAKER. The Chair makes the following announcement: Mr. SHAW of New York to be a member of the Committee on Invalid Pensions.

COMMITTEE ON NAVAL AFFAIRS.

The SPEAKER. The Chair desires to state to the House that he has received a communication from Mr. BOUTELLE of Maine, or his family, resigning his place as chairman of the Committee on Naval Affairs; and, without objection and with the consent of the House, that resignation will be approved. [After a pause.] The Chair hears no objection.

ARMY BILL.

Mr. DALZELL. Mr. Speaker, I am instructed by the Committee on Rules to submit the following privileged report.

The Clerk read as follows:

The Committee on Rules, to whom was referred House Resolution No. 306, has had the same under consideration and herewith report the following substitute therefor:

Resolved, That immediately after the adoption of this resolution the House shall resolve itself into Committee of the Whole House on the state of the Union and consider Senate bill 4390, "An act increasing the efficiency of the military establishment of the United States;" this rule not to interfere with other special orders.

Mr. DALZELL. Mr. Speaker, under existing law the Army on the 30th day of next June will consist of only about 26,000 men, or less than one-half of the number that are now at Manila. It is perfectly apparent, therefore, to every one that legislation of some character must be had with respect to Army reorganization. We are advised by the War Department that there is necessity for haste. It takes some considerable time to recruit a new army and to get it ready for action, hence this rule. It will be observed that the rule simply provides for consideration of the bill, leaving to the judgment of the House the time to be occupied by general debate and the time to be occupied in debate under the five-minute rule. I yield to the gentleman from Tennessee [Mr. RICHARDSON] ten minutes, and reserve the balance of my time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, we recognize the fact, as stated by the gentleman from Pennsylvania, that it may be necessary that there shall be some legislation with respect to the Army, but we do not agree with him that this bill ought to become law. The bill that we are called upon to consider is a bill which is intended to provide a permanent military establishment for this country, a military establishment, Mr. Speaker, which is to exist permanently, in time of profound peace. If you say that we are not in a state of profound peace to-day, then this bill ought not to pass, for it does not contain the remedy for present conditions. We ought to consider this bill, or any bill providing a permanent military establishment, as if we were considering it in time of peace, because that is the natural condition of the United States.

In legislating for the Army, when we consider a bill making a standing army, we ought to legislate as if we were legislating for our country upon a permanent peace basis, not an emergency. If an emergency exists, as intimated by the gentleman from Pennsylvania, it ought not to be dealt with in this bill, or any bill making a permanent military establishment. This, in brief, is the position we take on this side of the House. We are opposed to this bill because of a number of its provisions. I can not attempt in the few moments that I shall discuss it to refer to all the obnoxious features. The first and fundamental objection to this bill is that it provides a standing army of not less than 58,000, speaking in general numbers, nor more than 100,000.

There is a margin, Mr. Speaker, of 42,000 men that this bill provides for or allows in the permanent military establishment of the country. Whether you are to have a standing army of 58,000 or 100,000 depends upon the option of one man. I care not how able, or patriotic, or good that man may be, nor whoever he may be, I am not willing to say any one man ought to control in a matter of that importance. It is the duty of Congress, Mr. Speaker, to say what the standing Army of the United States shall be. We have not the right to abdicate our powers in a matter of so grave importance as this. We ought not to leave it optional with any man—and I say it in no disparagement of the gentleman now in the Executive Mansion, but I would not be willing to leave it to any man to say whether we shall have permanently 58,000, 100,000, or any number between those two numbers. Congress should say exactly how many men the standing Army shall consist of, and that number, Mr. Speaker, ought to be fixed with the idea that it is permanent and not an emergency, as suggested by the gentleman from Pennsylvania [Mr. DALZELL].

I undertake to say that this country has never fought her battles with a standing army. There is patriotism enough left in the country now, and always will be, I trust, to fight our battles with volunteers. That is the way we managed to get along successfully in the most stupendous war of modern times. We did not depend on the Regular Army then. The Regular Army in existence when we had two million and a half soldiers in the field in the greatest war of modern times was not equal to the standing Army that we propose now in this bill to create for the Government of the United States. I am opposed to it for that reason, I am opposed to it for the other reason mentioned, and still other reasons which I will not now take time to discuss.

I say, Mr. Speaker, upon the question of a permanent army at this time, it is not necessary to deal with it now; but if I am mistaken in this, and if there is an emergency upon us, let us provide for it with volunteers. I am willing to give the President of the United States, as Commander in Chief of the Army, every dollar and every man necessary to put down rebellion against the established authority anywhere and everywhere, but I am opposed to putting a provision for an emergency into a bill intended to provide a permanent military establishment. I now yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, the bill as brought before the House for consideration under this rule does not purport to be a bill for the continuation of the Philippine army in the Philippine Islands or to strengthen the Executive to carry on that war, but it is a bill brought here to establish a permanent army in the United States, no matter what may be the ultimate condition or ownership of those islands. The bill itself contemplates that it may not be necessary for the police force of this country. It carries on its very face the fact that it can be reduced to 58,000 men.

Now, what does that demonstrate? This bill does not receive its birth in the House of Representatives. It comes here under the approval of the Secretary of War; it comes here vouched for by the Executive of this nation. Does that mean that the Executive of the National Government mistrusts the legislative body of this country, and believes that a time may come when the legislative portion of the Government, the Congress of the United States, will not respond with men in order to maintain the dignity and preserve the peace of this country? For what other reason can this sliding scale be put in this bill? There has never been a time in the history of the Government of the United States, from its very foundation up to the present hour, when the Executive of the country called on the Congress for men to sustain the flag and uphold the Government that the Congress has not responded. And why should we in this day and hour be met at the very beginning of this legislation with the distrust of the representatives of the people of the United States—a distrust believing that the men here on the floor of this House, who represent the people of the country, would not respond and provide a sufficient army to protect and maintain peace in this country if conditions require it?

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. DALZELL. I yield, Mr. Speaker, to the gentleman from Ohio [Mr. GROSVENOR] such time as he may require.

Mr. GROSVENOR. Mr. Speaker, there has never been a moment of time in the history of this country, from the days of George Washington down to the present time, when we did not have a standing army. The word "standing army" is not a scarecrow to the people of the United States. They have heard that word a good deal during the last four or five months, and they seem to have lived and got along very well up to the present time. There has never been a question, until it was made here this morning, in opposition to a standing army. Does the gentleman from Alabama [Mr. UNDERWOOD] understand that that is an open question in the history of the United States? George Washington provided us, with the instrumentalities of his mighty influence, with a standing army more than four times greater per capita to the people of the United States than is proposed in this bill, and that army was maintained until the days of Jefferson, when it was reduced, and at that time, under the reduction which Jefferson made, the standing army was twice greater than is proposed under this bill.

Mr. UNDERWOOD. The gentleman from Ohio will allow me to say that he did not understand what I stated. I stated that under this bill there is provided for the first time a sliding scale whereby the Executive and not the Congress of the United States can regulate how many men shall be in the Regular Army.

Mr. GROSVENOR. Mr. Speaker, it is a play upon terms to say there is a sliding scale in this proposition. For myself, and speaking, as I believe, in behalf of the sentiment of a majority, a very large majority, of the people of the United States, I would favor a permanent establishment of 100,000 men. The people of this country are not frightened when a demagogue says that the Army is to be located at places where they can suppress labor riots. The people of the United States are not frightened by the cry of the demagogue who undertakes to make citizens of a Republic, such as we have, fearful of the subversion of their liberties. The "sliding scale" is simply this: It is proposed to authorize the President of the United States, when a proper emergency shall arise, to fill up the skeleton companies from 60 to the maximum of 100 men. Is not that in line with the duties of the Chief Magistrate of the country?

I wish to call the attention of the gentleman from Tennessee to this fact: The President of the United States has had power from the foundation of the Government down to the present time to use the Army of the country practically without limitation except in the law of the land, with a broad discretion given to him under all circumstances as to when, where, and how he shall use the

Army. Is it a great deviation from the established policy of the Government to give the President also this discretionary power as to the number of men to be enlisted when already he has the discretionary power as to the use of the men of the Army? And let it be said to the glory of the American Republic—going back to its foundation and coming down through all the exigencies of party change—there never was a time when the President of the United States made use of that power which has been given to him to the discredit of his office or the disturbance of the happiness and peace of the country. Only on one or two or three occasions from the foundation of the Government down has this discretion ever been used. Why, Mr. Speaker, there is no record of the public acts of men in the United States that discloses such hesitancy, such unwillingness, such a determination not to act, as is shown in the whole record of the President's action in the matter of the troops.

There is one great, magnificent act to the credit of Grover Cleveland that will stamp upon his Administration, even under the condemnation of his own party, a glory that will always shine—when, upon the advice of his Attorney-General, he assumed authority to keep the peace and protect property in a Commonwealth of this Republic, when the governor not only did not call for it, but protested against it. And in that instance, and perhaps in two others, you have the whole history of the intervention by the Executive through the agency of the armed forces of the United States in the matter of suppressing riots or anything of that character.

Now, then, I take it for granted that we must have a new organization of the Army. While the voice of the country is still echoing in the ears of our friends on the other side, I do not believe that they are willing that the armed forces of the United States shall be cut down to 25,000 men on the 1st day of next July. And I do not believe that the gentleman from Tennessee is in earnest when he talks about a volunteer force to meet an exigency such as is claimed we have at our doors to-day. For how long a time would the gentleman enlist that volunteer force; and what would he do with it after he got it? Would he send a volunteer regiment organized for one year over to the Philippines, or would he not himself—party politics being entirely excluded from his judgment—would he not organize a force sufficient for the present emergency, but looking forward to the possibility that a greater force might be demanded?

We had at the beginning of the Spanish war something like 20,000 available troops. We organized under the votes of this House a force of 250,000 men. That force in that emergency would have been equaled by the presence in an armed organization of 50,000 regular troops of, say, two years' service. And if we had had 50,000 regular troops we would have saved away up into a host of millions of money that we expended on that volunteer force. The gentleman will understand—he does understand as well as I do—the impossibility of suddenly meeting such an emergency by an organization of volunteer troops.

A gentleman sitting near me to-day, who had some experience during the war, has said to me—and I think he has said exactly what we all believe—that if the old United States, the United States under the unamended Constitution, had had, on the day of the first Bull Run, 50,000 regular soldiers, officered by loyal men, favorable to the upholding of the Union, the rebellion would not have lasted thirty days following the memorable 2d day of July, 1861.

Mr. HOPKINS. May I ask the gentleman a question?

Mr. GROSVENOR. Certainly.

Mr. HOPKINS. Does not the gentleman think that if in the war of 1812 we had had a regular army, our Capitol would not have been burned?

Mr. GROSVENOR. I have no doubt of that. Proud as I am of the record of the volunteer soldiery, proud as I am of the little participation that I had the honor to have in those great events, I yet recognize what I am sure the gentleman from Tennessee will duly appreciate, that volunteer regiments, organized under the most favorable circumstances, are absolutely worthless in a great emergency until they have been at least one year in the field under competent organization and competent officers.

Mr. RICHARDSON of Tennessee. But, Mr. Speaker, if the gentleman from Ohio will permit an interruption, I wish to suggest to him that volunteers in our Army are enlisted for a period of two years. Now you enlist men in the Regular Army for a period of three years, and I fail to find any necessity for making such a radical change as the bill proposes, or why we can not secure sufficient efficiency in the Army by the two-year enlistment plan in place of the three years now proposed.

Mr. GROSVENOR. Mr. Speaker, by the time the volunteer regiments have served one or two years, under proper officers, they would become, practically, regular troops, I would state in answer to the gentleman.

Mr. RICHARDSON of Tennessee. Then let me see if I understand the argument of the gentleman from Ohio. If he insists that an emergency exists at the present time—and I suppose he refers to the condition of affairs in the Philippine Islands—if he insists that an emergency requires an army of 100,000 men for the country, then I would like to have that clearly stated.

Mr. GROSVENOR. Mr. Speaker, I will say very frankly to the gentleman from Tennessee that I do not know anything about it. I know no more than he does about it. That is one of the few things that the gentleman from Tennessee and myself put together know nothing about. [Laughter.]

But it is well enough to provide for any emergency, and to provide this small army of 100,000 men if it should be necessary to use them. It is well enough to have the machinery provided by law for such organization if we should need it. And I say to the gentleman from Tennessee, what I believe he will reecho, that I have no fear, and I think that he has none, that the present President of the United States, or any other President of the United States who may succeed him, will blur, blot, disgrace, or obscure the magnificent record which has been made by their predecessors in that high office.

Mr. RICHARDSON of Tennessee. Let me ask the gentleman from Ohio another question. The gentleman from Alabama [Mr. UNDERWOOD] stated that there was never a time in the history of the country when the President of the United States had the discretion which you now propose to confer upon him, of using a sliding scale with reference to the number of troops in the Regular Army. Now, I ask the gentleman from Ohio whether that is true or not. Was there ever a time in the history of the country when the President of the United States had, in respect to the military establishment, absolute discretion to increase or decrease the standing army at will?

Mr. GROSVENOR. I will state to the gentleman from Tennessee that there never was a time when the President of the United States did not have the power to use the sliding scale.

Mr. UNDERWOOD. Then let the gentleman point out the law.

Mr. RICHARDSON of Tennessee. I hope the gentleman from Ohio will give us full information upon the point that he has just suggested.

Mr. GROSVENOR. So far as the gentleman from Alabama is concerned, his statement is radically wrong and is precisely the reverse of the facts.

Mr. RICHARDSON of Tennessee. Then will the gentleman from Ohio point to the law?

Mr. UNDERWOOD. I have stated that there was no law which authorized an increase or diminution of the Army at the will of the President; and I challenge the gentlemen from Ohio to point to any such law.

Mr. GROSVENOR. I am going to do so as I proceed.

Mr. UNDERWOOD (continuing). I ask him to show any law which authorizes the President of the United States to increase or diminish the Army at will. Of course, I know that he would have discretion to enlist men up to the full number authorized by law; but I ask the gentleman to point to any statute of the United States which authorizes an increase or diminution of the Army at the will of the President.

Mr. GROSVENOR. The point of the gentleman from Alabama as to the finding of the law which authorized this practice is, of course, well taken. The law covers the statute books of the country during all our history.

Mr. UNDERWOOD. That is precisely what I stated.

Mr. GROSVENOR. But, let me continue, the very fact of the organization of an army in the United States necessarily gives the President power of administering the sliding scale with reference to the number of troops, as I have stated. The present organization of a regiment of infantry, for instance, authorizes the formation of three battalions of four companies each and 100 men to each company. There is no law that compels the President of the United States to maintain that maximum up to 100 men in a company, and in practice it has not been the case. Practically, no Administration in time of profound peace would maintain the maximum of the companies at 100 men each, although authorized by the law. The only difference between the action of the long line of Presidents and the uniform policy of the Government heretofore with the present bill, now pending before the House, is to give to the President of the United States by law a right which has been exercised practically heretofore to increase the Army above the maximum of 58,000 men in case of necessity. So that the power has always been there, and if it was a dangerous power it has always been in the hands of the President; and my point is that it has never been used to the injury of the Republic nor the disgrace of the Army or the country.

Mr. UNDERWOOD. Now, if the gentleman will allow me for a moment, I wish to call his attention to the fact that so far as the skeleton companies were concerned that existed before the Spanish war, it took the legislation of Congress to fill those companies, and the only place where any question of a sliding scale came in was where the Executive allowed the enlistments to fall below the

number of men authorized by Congress, and that was only a temporary matter of a few months until the enlistments were picked up again; but it was not an authorized act.

Mr. GROSVENOR. My point is this: Practically there has always been a sliding scale in the matter of the minimum and the maximum of the Army. I assert that it has never been misused or abused by the President; and, furthermore, with regard to this bill, I assert that it is not any derogation of the principle and policy upon which the Government has hitherto always acted.

Mr. DALZELL. Mr. Speaker, I now ask for the previous question on the adoption of the resolution.

The SPEAKER. The gentleman from Pennsylvania asks for the previous question.

The previous question was ordered.

The resolution was agreed to.

Mr. HULL. Mr. Speaker, before going into the bill, I should like to know if we can not arrange some time when general debate may be closed, and when we may proceed to the consideration of the bill under the five-minute rule.

Mr. SULZER. Mr. Speaker, I trust the gentleman from Iowa will agree to two hours on a side, and then that the bill shall be taken up under the five-minute rule, with general leave to print for ten days, the time on that side to be controlled by the gentlemen from Iowa [Mr. HULL] and the time on this side to be controlled by myself.

Mr. HULL. Mr. Speaker, I am perfectly willing to agree to that proposition, that the general debate shall continue for two hour on a side, the time to be controlled equally, as suggested.

The SPEAKER. The gentleman from New York [Mr. SULZER] proposes that general debate be limited to two hours on a side on this bill, after which discussion under the five-minute rule shall be proceeded with, with general leave to print for ten days, the time on the Republican side to be controlled by the gentleman from Iowa [Mr. HULL], chairman of the Committee on Military Affairs, and the time on the Democratic side to be controlled by the gentleman from New York [Mr. SULZER]. Is there objection to this arrangement?

There was no objection.

Mr. HULL. Mr. Speaker, there is a special order set for to-morrow——

Mr. BANKHEAD. Mr. Speaker, before the discussion begins, I desire to give notice that at the proper time I shall offer a substitute for the majority report.

The SPEAKER. That will be in order at the proper time.

Mr. HULL. Mr. Speaker, there is a special order for to-morrow. That special order was made some months ago, and I hope by agreement it may be set down to follow this bill. We hope to pass the bill to-morrow if we can have the opportunity to continue the consideration of it. I ask unanimous consent that what is called the oleo bill—I really do not know the number of it—made the special order for to-morrow, may be made the special order to follow the passage of this Army bill; that the special order setting the oleo bill down for to-morrow may be vacated.

Mr. WADSWORTH. Mr. Speaker, pending the granting of unanimous consent, I should like, as a member of the Agricultural Committee, to have it definitely understood when the oleo bill is to be taken up, and how much time for debate is to be granted.

Mr. BAILEY of Texas. Mr. Speaker, we can not hear the gentleman from New York.

Mr. WADSWORTH. As I understand it, Friday is private bill day and Monday is District of Columbia day. I simply mention that fact. I am not particular as to the day on which the oleo bill shall be taken up, but I want it settled on what day it is to be taken up before the granting of unanimous consent.

The SPEAKER. The Chair will suggest that if this request is granted, providing that the oleomargarine bill shall immediately follow the disposition of this bill, and the consideration of it be continued until it is disposed of, there can be no misapprehension.

Mr. WADSWORTH. That is understood, then.

Mr. BAILEY of Texas. A parliamentary inquiry. Pending that request, I desire to know, if the request was denied, if the military bill would displace the oleomargarine bill, and if it should fail to be taken up to-morrow, if it would lose its place as a special order.

The SPEAKER. A second assignment can not displace a first assignment or first special order.

Mr. DALZELL. I will say to the gentleman from Texas that there is a clause in the rule that saves the oleomargarine bill its place.

Mr. BAILEY of Texas. I did not attend the meeting of the Committee on Rules.

The SPEAKER. The Chair is of the opinion that even without that rule the first order would not be displaced.

Mr. RICHARDSON of Tennessee. As I understand the request of the gentleman from Iowa, it provides positively that a vote shall be taken upon the military bill to-morrow?

Mr. HULL. Oh, no. I said "I hoped" to have a vote to-morrow.

Mr. RICHARDSON of Tennessee. You "hoped." I do not want to have any understanding that we are to fix a time to take a vote on the military bill before reading it under the five-minute rule.

Mr. HULL. My understanding is that general debate is to run for two hours on a side—four hours; and that then the bill is to be considered under the five-minute rule; and I hoped by proper attention to business that we may conclude the consideration of the bill to-morrow without much doubt, and have a vote on it before we adjourn to-morrow.

Mr. BAILEY of Texas. Following my parliamentary inquiry, the only result of an objection to this request will be, then, to simply lay the military bill aside and begin the consideration of the oleomargarine bill to-morrow?

The SPEAKER. And to be continued until completed.

Mr. BAILEY of Texas. Yes. Well, nothing can be gained by that, and therefore I have no objection to the request. I would like to object to that bill.

Mr. TAWNEY. If the Military Committee occupied a portion of to-morrow in the consideration of this bill, and the order of the House was by unanimous consent that we commence immediately the consideration of the Grout bill, to be continued until concluded, would that displace the special order for Friday, or the rule in regard to the District of Columbia on Monday?

The SPEAKER. The Chair thinks it would. The Chair will state the request of the gentleman from Iowa, as he understands it. The gentleman asks that the special order made for December 6, for the consideration of House bill 3717, be so modified that it will be postponed until the disposition of the Army reorganization bill, the one which has just been passed upon by the House, and then that this special order on the bill just referred to will be taken up immediately and that the consideration thereof shall continue until that is disposed of. Is that the request of the gentleman?

Mr. HULL. That is the request.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. I want to ask if it is intended to modify the rule already adopted at the first session of this Congress for the consideration of the Grout bill?

Mr. TAWNEY. That will be the effect of it, whether the intention or not.

Mr. PAYNE. How will it be?

Mr. RICHARDSON of Tennessee. I do not want to tie our hands any tighter than they are.

Mr. TAWNEY. I desire to ask the chairman of the Committee on Military Affairs if he does not think it possible to conclude this bill in three hours to-morrow?

Mr. HULL. Now, Mr. Speaker, it is impossible for me to make any determination of that. The gentleman from New York [Mr. SULZER], representing gentlemen on the opposite side of the House, in talking with me this morning, said he had no question but what we could conclude the bill to-morrow; but whether we conclude the bill to-morrow or not depends upon the action of the House. I shall myself quicken that all I can without being unfair to any parties who desire to be heard.

Mr. UNDERWOOD. I want to inquire of the gentleman from Minnesota if I understand him to say that if this request for unanimous consent be given that it will place the oleomargarine bill in a position that it does not now get under the rule?

Mr. TAWNEY. The gentleman from Minnesota's inquiry was as to the beginning of the discussion or consideration of that bill. It merely postpones the consideration of it until the conclusion of the consideration of the military bill.

Mr. DALZELL. And does not affect it in any other way.

Mr. UNDERWOOD. I do not desire to object to the consideration of this request if it does not affect the oleomargarine bill; and I make this parliamentary inquiry—whether this unanimous consent now asked will give to the oleomargarine bill a place on the Calendar that it would not have under the rule already adopted?

The SPEAKER. That is a question that the Chair would be unwilling to decide at this stage of the proceedings.

Mr. UNDERWOOD. Because if it does, I am constrained to object. I am unwilling to give that bill a position by unanimous consent that it could not otherwise have occupied under the rules, and to such a request for unanimous consent I desire to object.

The SPEAKER. It is a question, the Chair will state, whether under this rule more than one day can be given to the consideration of the oleomargarine bill. That is a question that the Chair does not desire to decide.

Mr. CANNON. As I understand, the request for unanimous consent covers merely the completion of the Army bill, and on the completion of that the oleomargarine bill comes up precisely as it does now under the special order.

Mr. DALZELL. I understand that, Mr. Speaker, was practically the request of the gentleman from Iowa.

Mr. HULL. My understanding was that this oleomargarine bill would come up to-morrow and occupy the time until completed, and we wanted to displace it for the time being, provided that we did not displace it altogether.

Mr. HOPKINS. Mr. Speaker, why can not we take up the military bill to-day and to-morrow take up the oleomargarine bill, in accordance with the special order, and then let the military bill, partly finished, follow that?

The SPEAKER. That will be the order, unless unanimous consent is given.

Mr. HOPKINS. I think that is the better way to dispose of it.

The SPEAKER. The Chair understands the gentleman from Illinois to object.

Mr. HENRY of Connecticut. Mr. Speaker, a parliamentary inquiry. If this request——

The SPEAKER. Will the House please be in order? An effort is being made to reach an agreement, and that can not be done unless the House is in order.

Mr. HULL. Mr. Speaker, let me modify my request.

The SPEAKER. The gentleman from Connecticut [Mr. HENRY] has the floor.

Mr. HENRY of Connecticut. I want to make an inquiry. No one cares to antagonize the Army bill. We are all in favor of it, at least on this side of the House; but gentlemen representing the Agricultural Committee are anxious to know how it will affect the special order for to-morrow. We have a special order for one day only; and now if we agree to this request of the chairman of the Military Committee, can we have time on Friday? As I understand, there is a general order giving the Committee on Claims the first Friday of each month. Now, if we agree to this request of the chairman of the Military Committee, can the oleomargarine bill have the right of way on Friday?

The SPEAKER. The oleomargarine bill has the right of way on Friday under the order previously made.

Mr. GROUT. It is assigned for Thursday.

The SPEAKER. The Chair intended to say Thursday.

Mr. HULL. Mr. Speaker, it has been suggested to me by the gentleman from Minnesota [Mr. TAWNEY] that, in order to obviate this trouble, we let the consideration of the oleomargarine bill begin on Monday next.

Mr. UNDERWOOD. Mr. Speaker, I propose to object to any unanimous consent that includes the oleomargarine bill. If that is not included in the request, I shall not object.

Mr. GROUT. Mr. Speaker, what is the request that is made for unanimous consent? I was not on the floor at the time.

The SPEAKER. The latest request is that made by the gentleman from Iowa [Mr. HULL], namely, that the special setting of the oleomargarine bill on the 6th—Thursday of this week—be changed to Monday of next week, reserving the same rights, no more and no less, that it now possesses.

Mr. UNDERWOOD. I object.

The SPEAKER. Objection is made by the gentleman from Alabama [Mr. UNDERWOOD]. Under the order of the House, the House now resolves itself into Committee of the Whole House on the state of the Union for the consideration of the Army reorganization bill, and the gentleman from Pennsylvania [Mr. DALZELL] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of Union, with Mr. DALZELL in the chair, for the consideration of the Army reorganization bill.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of Senate bill 4300, and the Clerk will report the bill.

The Clerk read as follows:

S. 4300. An act to increase the efficiency of the military establishment of the United States.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HULL. Mr. Chairman, the result of the action of the Committee on Military Affairs is to present an Army bill going both to the line and staff of the Army and making a permanent establishment for the United States. It does not make a permanent establishment of 96,000 men. It really creates a permanent establishment in round numbers of 58,000 men, eighteen thousand and some hundreds being in the artillery branch of the service, and in that branch it provides that but 20 per cent of the increased number provided for the artillery, something over ten thousand men, shall be recruited from year to year for a period of five years, so that at the present establishment, if there are no exigencies demanding a larger force, a permanent establishment of the United States by this bill would be at less than fifty thousand men. And when the bill works out its full provisions during the next five years for the permanent establishment of the force provided in the bill, exclusive of the artillery, for all other branches of the service is less than forty thousand men, so that the talk of a great army is not well advised.

The bill does provide for 96,000 men at this time.

Section 31 is as follows:

That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this act during the present exigencies of the service, or until such time as Congress may hereafter direct.

This gives the maximum in the bill now—authorizes the President to enlist the full number. He can reduce the Army or Congress can act at any time.

In other words, Congress next year, if it shall determine that the Army shall be reduced, has the absolute power to say whether the additional men shall be maintained or not, and it would have that power without this provision in the bill. It gives no additional power to us and it takes nothing from it. During our entire history the Regular Army has been the subject of constant legislation. And there has never been a question but that we, the representatives of the people, have the right, at any session, to determine whether the Army is greater or less than the needs of the country demand.

This bill in its organization lines follows practically the same lines of organization adopted by this House on two separate occasions. It does give battalion commissioned officers where the first bill passed by the House did not. It gives a commissary and quartermaster combined for each battalion, in addition to what was given by the original House bill passed two years ago. Outside of that, it is practically the organization passed upon favorably by this House on two separate occasions.

And, Mr. Chairman, the only criticism that I have heard on the bill, so far as it relates to the line, is with regard to the fact that the proportion of cavalry regiments is larger than ordinarily obtains in the organization of an army. The bill gives fifteen cavalry regiments to thirty regiments of infantry. There is this reason for that, which influenced the minds of a majority of the committee, that the different States of the Union, in their militia organizations, do not provide cavalry organizations. They can multiply the infantry regiments almost without number in every crisis. And there is the further reason that in the operations in the Philippine Islands cavalry will be more useful in scouting the country, in suppressing lawlessness, and in overcoming the brigands that now infest the islands than would infantry regiments. These are the arguments that have induced the committee to recommend fifteen regiments of cavalry, as provided in this bill.

The main contest in the committee and before the country has been in regard to the staff organization of the Army. Members of the House are familiar with the recommendations of the present Secretary of War in favor of an unlimited detail of staff and changing what is now the fixed or permanent staff into one of detail in nearly all of the departments of the Army, making even the chiefs of the staff corps a matter of detail. So far as I am concerned I can see no special harm in a detailed staff applying only to the military branches of the Government, which would be the Adjutant-General's and Inspector-General's departments. The officers of those departments are educated in their duties all the time during their service in the line; but the great supply departments of the Government, or the technical departments of the Government, must have more than a temporary detail to render an officer efficient. Take for instance our Engineer Corps. The officers of that corps are engaged in special work; and while the matter was left out of the recommendations of the Secretary of War, the hearings before the Military Committee in the past showed that this corps was placed on all fours with the Ordnance Bureau, and was only left out of the recommendations of the present Secretary of War because of the fear that it would endanger the passage of the measure.

There has been criticism of our staff, and there always will be criticism of the staff and the organization of an army in this country when the time comes that we must multiply the military force of the United States ten or more times in less than three weeks.

Mr. COX. In this connection I would like to ask the gentleman a question in order that we may get at the points of this bill.

Mr. HULL. What is the gentleman's question?

Mr. COX. By the exercise of the President's power under this bill, what will be the number of your standing army?

Mr. HULL. If the President sees fit it will be ninety-six thousand and a few hundred men.

Mr. COX. Then the President can enlist a standing army of 96,000 men. Is that right?

Mr. HULL. The bill specifically authorizes him to do so.

Mr. COX. Now, suppose the President does not exercise that power, what will be the number of our standing army?

Mr. HULL. Fifty-eight thousand, in five years from now. It will be less than 50,000 now.

Mr. COX. So the President can increase the Army to 96,000 men upon his own volition; is that true?

Mr. HULL. The bill specifically provides that the President, in

the present exigency, shall have the right to recruit the Army to a maximum of 96,000 and a few hundred men.

Mr. COX. I hope my colleague on the committee will yield a moment or two further. We want to get a few facts in this matter. It appears then that you are proposing to confer upon the President the power to increase the Army to 96,000 men?

Mr. HULL. Yes, sir; and two years ago the Senate——

Mr. COX. I do not care what the Senate did.

Mr. HULL. Two years ago the Senate proposed to confer upon the President the right to expand the Regular Army from 27,000 to 65,000, and also proposed to give him the right to organize 35,000 men into 30 provisional regiments, to be used in his discretion. That was done by the Senate and concurred in by the House—a much larger discretion than conferred by this bill.

Mr. COX. Now, if the gentleman will pardon me, let me ask one more question.

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. HULL. I am anxious to yield to the gentleman all I can; but this debate is limited to two hours, and there are others who want to talk.

Mr. COX. I am not going to indulge in any debate. I am going to let the gentleman make the debate.

Mr. HULL. The five-minute rule will let all these gentlemen in. I will yield once more, and then I hope I shall not be further interrupted.

Mr. COX. I do not wish to interrupt the gentleman. As I understand, this bill confers upon the President the power to increase the standing army to 96,000 men.

Mr. HULL. Oh, yes.

Mr. COX. Now, let us settle that.

Mr. HULL. That is settled. And that being settled, I hope my colleague will let me go on.

Mr. COX. If the gentleman objects, I will not say another word; but I may say something before we get through with this bill.

Mr. HULL. I hope so. I shall be delighted to hear from my friend from Tennessee, as I always am; but at present there is only a short time at my disposal. I think there is no difference between the gentleman and myself, or between any members of the House, as to what the bill does in that respect.

I was discussing the staff, Mr. Chairman, when the gentleman from Tennessee interposed his inquiry, and I desire to say that the committee was divided in opinion as to the matters suggested by the Secretary of War, whether they would accept the entire recommendation made by that official or not. But a large majority of the committee determined that in certain departments of the staff of the Army details might be made in the lower rank, and that when a man had reached the position of a major on the staff, then that he should be fixed in that rank. In the more technical corps of the Army no detail system was thought advisable.

The provision of the bill also proceeds to modify existing conditions to the extent that no man can be detailed who has not passed an examination, and no man can come up and take this examination—that is, no officer of the line—until he has been so recommended by his commanding officer. The committee, of course, recognize the need of the most careful selection of staff officers, and have provided for details in the lower grades in the Quartermaster's, Subsistence, Judge-Advocate's, and Pay Departments and Signal Corps.

We believe that we have so guarded these and also provided for final promotions as to give the most efficient officers the rewards to which they are entitled and give the Army an efficient staff for time of war, so far as the numbers authorized will permit. This allows each officer who is recommended for detail upon this service to stand absolutely upon his own merits. In this regard it provides for efficiency just as is provided in the other departments of the Army. It applies to the Quartermaster's, Commissary's, and Judge-Advocate's Departments and the Pay and Signal Corps, but does not apply to what may be called the more technical corps, like the Engineers, the Ordnance, and the Medical Corps. Now, by the operation of this law a man must give some indication of his aptitude for the position before he is fixed on the staff in the corps where details are allowed and as now provided by law in the three, and I think that the result, and that is the opinion of the committee, is to give the very best service to the country when the service of the Army is needed.

Now, Mr. Chairman, a word as to the criticisms that have been made on the line and the staff. Since 1838 the staff has existed substantially as it is now established. Previous to that we had the detail system throughout the staff.

The Seminole war, which has been frequently referred to during the previous investigations on the subject, demonstrated the utter inability of the staff, as then organized, to grasp existing conditions, and Congress changed to present organization. Since then, however, since the adoption of the change to which I was referring, we have educated men in all the lines of duty connected with the Army, so that the entire world recognizes the fact that never was an army so well cared for, fed, or clad, or provided with all that was necessary to make it effective, as the Army of the United States since the beginning of the late war with Spain; and the same can be said as to the civil war. The 2,000,000 men then in the service were thoroughly cared for in all respects by the present staff organization, and no general of experience then has ever advocated a radical change.

Our Quartermaster's Department in the late war not only met all of the conditions which were forced upon it in such an emergency, but at the same time has organized a transport service, entirely new to our country, that stands to day without a rival in the armies or navies of the world. Our Ordnance Department is recognized as being managed by men of the highest technical skill, men who administer upon property of the United States year after year involving more than $40,000,000 and in capacity stand, I may say, without a rival amongst the nations of the world. The Corps of Engineers have shown the highest skill and are entitled to the confidence and admiration of our people; and when you come to the Signal Corps, crippled as it has been, organized upon a system of detail, which was after years of trial abandoned, you will find a corps of regulars and volunteers working in harmony, whose skill in technical electric work compares more than favorably with that of any army in the world.

The head of it was a signal officer of the Regular Army. We all recognize the fact that through the excellent system organized by him the first line connecting the world and making communication between the world and the old city of Pekin possible was due to the enterprise, skill, and work of our Signal Corps, and it has been recognized throughout this war that it has kept pace with the movements of the troops and with the requirements of the service under all circumstances and in all places where war was progressing, so that the people of the United States have been informed day by day what has been going on in different parts of the world where its Army is stationed. This chief believes in selection and a permanent corps, and opposes the detail system.

And, Mr. Chairman, we believe the system which carried the country through the great wars of recent years should not be abandoned, but that we should broaden it at the bottom, improve it if it is possible to improve it, and make such changes as have been demonstrated to be necessary; and that we shall avail ourselves of all the information and of all of the facts which a trial of the system in actual service has demonstrated to be necessary and desirable. The committee, I think, have no difference of opinion on that point now. No one from civil life can be appointed to the lower ranks of the staff corps after these vacancies have been filled. The committee have struck out the age limit in all these corps, with the proviso that men who are now serving in the volunteers, holding commissions in the Volunteer Army, shall be eligible to these appointments, regardless of their age; after original vacancies are filled and all places are filled from the line of the Army, no age limit is necessary.

Mr. MARSH. You mean now serving.

Mr. HULL. Now serving or who have been commissioned since the 21st day of April, 1898. This opens the Pay Department, the Judge-Advocate's Department, the Quartermaster's Department, and the Commissary Department to those who have served the country during this war, without regard to age. They are left with the record they have made, and that matter is left with the President of the United States, with the exception of a provision of two lines that I do not regard as of importance enough to keep in the bill if any member of this committee objects to it. That provision is—

> Who shall establish their mental and moral fitness to the satisfaction of the Secretary of War.

I see nothing in that one way or the other. It has been objected to by some, but, so far as I am concerned, I regard it as of no consequence, because these men have their records made of actual service. They are to be appointed by the President. They must be confirmed by the Senate; and if they run that gauntlet, I have no fear as to their mental and moral qualifications.

Mr. MOODY of Massachusetts. I should like to call the gentleman's attention to section 19, with regard to the establishment of a nurse corps, and to ask him if that section does not in substance embody the bill that was defeated by a very overwhelming vote in the House at the last session of Congress?

Mr. HULL. No.

Mr. MOODY of Massachusetts. What is the difference?

Mr. HULL. That bill provided for a separate corps of nurses and a more elaborate programme. This is sent by the War Department, and is simply what they have adopted and what is now in force in the Department.

Mr. MOODY of Massachusetts. It is not the old bill?

Mr. HULL. Oh, no; not at all. It is recommended by the Surgeon-General, and the only reason that we put it in this bill is this: There is an old law, I think nearly fifty years old, which provides that nurses in the Army shall have 20 cents a day. This regulation of the War Department now gives these nurses exactly

what this bill provides. The Comptroller of the Treasury has notified the War Department that unless this Congress fixes the pay of these nurses he is going to reduce them to 20 cents a day, and everybody knows you can not get nurses at any such figure.

It is an anomaly to put a nurse corps in an Army organization bill, but this provision was sent by the War Department. The Surgeon-General and the Secretary of War believe that this provision ought to be passed with this bill.

Now, Mr. Chairman, one word. An attempt has been made during the last campaign to make it appear that the Republican party, as a whole, were in favor of a great standing army and that they would not depend upon the volunteers in the future. I want to say to this committee and the country that there is no man on this side of the House who believes in a great standing army; but I hope there is no man on this side of the House who does not believe that we should have an army large enough for the needs of the country from year to year, in time of peace as well as in time of war; in time of peace, because the volunteer soldier will not enlist and remain in the service to perform the duties performed by the Regular Army.

The volunteer is a man who leaves his home and business, under the temporary necessities of the Government, from a high sense of patriotism to fight its battles. The volunteer has been the great fighting arm of this Government in all of its past, and the volunteer will remain the great fighting arm of this Government in all of its future. There is no question about that. But the volunteers will not remain in the service in times like these, because they do not desire to make the Army their permanent business. We need a regular army large enough to take the first fighting line until our volunteers can be organized in every great war. This bill gives that in a small measure, and in a small measure only. It does not create an army that can be for one moment compared with any army of Europe.

My good friends of the opposition went through all of our districts in the North in the last campaign saying that we were adopting the German system, and almost every opposition paper had a picture of every citizen carrying a soldier. A discussion of the bills which had been before Congress convinced the people of the falsity of such charges, and the result of the discussion can be read in the election returns from almost every district in the North.

Germany, with only a little more than two-thirds—hardly two-thirds—of our population, has an army of over 600,000 men all the time. It has an army of more than 3,000,000 of trained soldiers, with their organization in every neighborhood, with their arms and accouterments ready to put on in twenty-four hours, has these trained soldiers all the time. We have nothing of the kind and ask nothing of the kind. A man who would deal fairly with this question as a patriotic American citizen will concede the fact that this Army is the very lowest number that this great nation should provide. I know that it will be said, in criticism of this measure, that we have too many officers.

Gentlemen, this nation has never had a trained corps of officers sufficient to meet its demands. In this last war there was a scarcity of officers; there were cases where there was only one man commissioned commanding companies. We depleted the Regular Army to provide for the volunteers, and it has continued to be depleted since the beginning of the war. To-day in the Philippines and in Cuba and Porto Rico and in the United States a large number of companies have with them but one commissioned officer. This bill does increase the commissioned force, making it a permanent increase, which ought to be done.

Mr. HEPBURN. Will it interrupt my colleague to ask him a question right here at this point?

Mr. HULL. Not at all.

Mr. HEPBURN. I would like to know what provision, if any, has been made in this bill for retaining in the permanent service those volunteer officers who have distinguished themselves in the Spanish war or the Philippines, or what grades it will be possible for them to attain.

Mr. HULL. You mean in the line or staff?

Mr. HEPBURN. In the line and staff.

Mr. HULL. In most staff places held by regulars the same is open to volunteers on the staff without regard to age. In the line of the Army there is no age limit; but, Mr. Chairman, there is a limit as to where they go in. They go in as first or second lieutenants in the line and in the lower grades of the staff.

Mr. HEPBURN. Will my colleague allow me to ask him a further question? Under the provisions of this bill, for instance, take the case of Brigadier-General Funston, now in the Philippines, or Lieutenant-Colonel Miller, of the Fifty-first Iowa, officers who have distinguished themselves—is there a possibility under the terms of this bill of either of those distinguished officers attaining any grade above that of first lieutenancy?

Mr. HULL. No; there is not, unless they shall be appointed brigadier-generals.

Mr. HEPBURN. Will the gentleman allow me to ask him still another question?

Mr. HULL. Certainly.

Mr. HEPBURN. Would you object, at the proper place, to the insertion of an amendment of this character—I do not know just where it should come in:

Provided, That any and all officers below the grade of colonel authorized by this act may be filled by appointment from the list of volunteer officers, either of the line or staff, that have been commissioned since the 1st day of April, 1898, it being the intent and meaning of this act to place the volunteer officers commissioned since April, 1898, upon a complete equality with any and all other persons as to their eligibility for appointments authorized by this act.

Mr. HULL. Yes, I should object to that for this reason, that you would put men in that way over those who have served in the same war, and who have in addition to that served, some of them, twenty years and more, some of them thirty-five years, without having yet reached the grade of major, men who have served on the Indian frontier, risking their lives in all the battles that have pushed our civilization forward as the frontier has been pushed backward during the last thirty years, and make a man who has served but two years in the same battles these men served in their ranking officers. It would not be just.

Mr. HEPBURN. Would it be unjust to these gentlemen when you remember that you are increasing the number? You do not disturb the possibility of promotions as they now exist for these officers you have named, but you have increased the total number of officers. Would it be unjust if you increased the eligible list from which the officers should be drawn?

Mr. HULL. We have increased the number of officers in the Regular Army from civil life, during the last two years, to such an extent that the proposition of the gentleman from Iowa would displace all of them as well as the regulars. For instance, each regiment from my State had certified to the President one man for a commission in the Regular Army under the bill that we passed two years ago. That same thing applied to other States. I do not believe that it is fair to give a man who served two years a field officer's rank.

Mr. HEPBURN. Will the gentleman permit me? Have not all these officers been provided for upon the basis of an Army of 65,000 men? Now, with this addition of 35,000, you are increasing the number of officers?

Mr. HULL. Yes, but that is not the point with me.

Mr. HEPBURN. And you are leaving all the places for these officers in the Army of 65,000 as they are now substantially. They are not in any way affected as to the rapidity of their promotion beyond what they now have.

Mr. HULL. They are affected because there are more men in the lower grade. But not only that; I do not believe it is fair to say to the man who has served two years that he can rank a man that has served twenty-five years. I believe that it would destroy the efficiency of the Army. I believe that the officers who have served through all the lower grades so slowly ought not to be outranked. Some of them who served through the civil war are now only captains in the Regular Army and are only waiting to get one more promotion before retiring. It would be an injustice to give a man who participated in the same battle, because he happens to hold a higher temporary rank than the other, a place in the permanent establishment way above those who have fought for years to attain their rank. But this can come up under the five-minute rule, and I wish the gentleman would take it up at that time.

Mr. MOODY of Massachusetts. If the gentleman from Iowa will permit me, I would like to ask a question.

Mr. HULL. Certainly.

Mr. MOODY of Massachusetts. Section 36 provides as follows:

That any officer of the Army on the active list below the grade of brigadier-general who served during the civil war shall, when retired, be retired with the rank and pay of the next higher grade, except such officers as may be retired under section 34 of this act.

Now, that is a similar provision to the one in the naval personnel bill, and I would like to call the attention of the gentleman to the fact that that provision aroused very great feeling and resulted in a bill in the Senate to make it retroactive.

Mr. HULL. The committee considered that and refused to take up the question of a retired list. As far as I am concerned, I do not think there would be any injustice in doing it, but this bill confines it to grades below that of brigadier-general, taking in the grade of colonel. In my judgment this section does as small an amount of justice to the old soldiers of the civil war as it is possible, if we do anything for them.

Mr. MOODY of Massachusetts. It is justice with discrimination. [Laughter.]

Mr. HULL. Oh, yes. But if we can not do full justice let us do what we can. Now, Mr. Chairman, I reserve the balance of my time.

Mr. HEPBURN. Before the gentleman from Iowa takes his seat I would like to ask a question.

Mr. HULL. Very well.

Mr. HEPBURN. Can you give the grade of that officer who in 1866 was in the civil war and who occupies the lowest grade now? Are there any of them who are not field officers?

Mr. HULL. I was told at the Department yesterday that there were one or two who are yet captains. I can tell by looking over the Army Register, but that is something of a job.

Mr. HEPBURN. That is in the artillery?

Mr. HULL. I did not ask what branch of the service.

Mr. MARSH. It is in the cavalry—Captain Chase.

Mr. HULL. I can give the names of a great many who are majors.

Mr. GAINES. I would like to ask the chairman a question.

Mr. HULL. Very well.

Mr. GAINES. At the bottom of page 22 of the bill, section 19 provides, among other things, as follows:

That the nurse corps (female) shall consist of one superintendent, to be appointed by the Secretary of War, and whose term of office may be terminated at his discretion, whose compensation shall be $1,800 per annum, and of as many chief nurses, nurses, and reserve nurses as may be needed. Reserve nurses may be assigned to active duty when the emergency of the service demands, but shall receive no compensation except when on such duty: *Provided*, That all nurses in the nurse corps shall be appointed or removed by the Surgeon-General, with the approval of the Secretary of War; that they shall be graduates of hospital training schools, and shall have passed a satisfactory professional, moral, mental, and physical examination.

Now, suppose the nurse is already in the employ of the Government, say in the Philippine Islands, what provision is made for taking care of that efficient nurse who has passed the examination and is not a graduate of one of these schools?

Mr. HULL. There is no provision on that subject other than that in the bill. The bill conforms to what the War Department is now doing.

Mr. GAINES. Will you turn out all those nurses?

Mr. HULL. Those who are now in have come in under provisions similar to those in this bill.

Mr. GAINES. I would like to ask another question. It relates to the question of compensation. On page 23 the bill provides:

That the pay and allowances of nurses, and of reserve nurses, when on active service, shall be $40 per month when on duty in the United States and $50 per month when without the limits of the United States.

Where does that apply? What do you mean by the term "United States" differently used here?

Mr. HULL. The gentleman can answer that question just as well as I can. That is the same old question that we have already gone over. I decline to yield further to these questions, because it is taking up time which should be devoted to general debate and is not for real information. When we come to discuss the bill under the five-minute rule I shall be glad to answer any question that any gentleman may desire to ask.

Mr. BARTHOLDT. I would like to ask a question in relation to section 40. Does my friend understand that that section abolishes the canteen? Will that be the effect?

Mr. HULL. If the gentleman will read the section, and then read the provision of the existing law, he can answer that question.

Mr. BARTHOLDT. I am assured that it does not abolish the canteen, but I would like to have an assurance from the chairman of the committee.

Mr. HULL. Well, I do not want to give any assurance on that subject. The language is something which the gentleman can construe for himself.

Mr. BARTHOLDT. I ask this question because there was a good deal of discussion as to the intent of the legislation enacted in the last Congress on this subject.

Mr. SULZER. That is a very tender subject. The gentleman ought not to press his question upon the chairman of the committee.

Mr. HEPBURN. The gentleman from Iowa is familiar with this bill, and I am not. I would like him to indicate at what point the matter, which I read some time ago, will properly come in.

Mr. HULL. I do not remember the section exactly, but I will inform my colleague when I look it up.

Mr. CORLISS. Will the gentleman allow me a question?

Mr. HULL. The only objection I have to yielding is that this is not really general debate, but matter which should come in under the five-minute rule.

Mr. CORLISS. I wish only to ask this question: What effect will the provisions of this bill have upon volunteer officers holding the position, say, of captain in the Commissary or Quartermaster's Department?

Mr. HULL. It leaves such officers eligible to appointment.

Mr. CORLISS. To what position?

Mr. HULL. To the position of captain in the Commissary or Quartermaster's Department, without regard to age.

Mr. CORLISS. So that a captain in the Volunteer Commissary Department in the Spanish War may be continued by the President permanently in the Army without regard to age?

Mr. HULL. Yes, sir. We give that concession to the volunteers.

Mr. MARSH. The chairman ought to state, perhaps, that there is a limit to that process. The limit is when vacancies are filled that are provided for in this bill.

Mr. HULL. Certainly.

Mr. MARSH. When they are once filled, that ends the promotions from the volunteer force?

Mr. HULL. Yes; I supposed the gentleman from Michigan understood that.

Mr. CORLISS. Take, for instance, a captain in the Commissary Department now serving in the Philippine Islands. As I understand, he will serve until July 1, 1901. Without action on the part of the President would he, under this bill, be retired from the service?

Mr. HULL. Without action on the part of the President recommissioning him he would be. But the President has authority to commission him in the regular service as a member of the permanent staff corps if he desires to retain him in the service.

Mr. CORLISS. But is he not given a preference over one who has not served in that capacity?

Mr. HULL. He is given an absolute preference, by being the only man not in the Regular Army who can be appointed; and the bill gives him a positive preference, which, in my judgment, is almost a direction, that when these vacancies occur, if there are suitable men in the volunteer service they shall be appointed to these places. The provision of the bill is an expression of opinion by Congress as to that matter, and that is just as far as we can go, because the President has the right of appointment. We can not take it from him, and should not if we could. I now reserve the balance of my time.

Mr. SULZER obtained the floor.

Mr. SULZER. I yield fifteen minutes to the gentleman from Missouri [Mr. COCHRAN].

[Mr. COCHRAN of Missouri addressed the committee. See Appendix.]

Mr. SULZER. I yield ten minutes to the gentleman from Texas.

Mr. KLEBERG. Mr. Chairman, it will be impossible in the short time allotted to me to go over a vast field and discuss the questions presented upon an issue of this kind, and I shall have to content myself mainly with a general protest against the passage of this measure.

I would, however, call attention to the House of the undue haste with which this measure is being foisted upon the consideration of this House.

I can not see the necessity of the haste. Five or six months yet remain before the temporary force now in the field will have to be discharged because the time of their service will expire. Is it because, Mr. Chairman, that a decision of another branch of this Government is anticipated which would possibly make it unnecessary that there should be a large permanent or temporary military establishment created?

In a short time, we are informed by the public press, this great question, this question involving the validity of constitutional government in our foreign possession, will be decided, and it is known to the public mind everywhere that the highest court must soon pass upon this question, and may probably decide against the constitutionality not only of the Porto Rican bill, but of the anticipated similar legislation with reference to the Philippines. Then, I presume, it will be unnecessary to have any army for the Philippines, and the Republican Administration will make post haste to withdraw its jurisdiction and control from the Philippines. Can it be possible that the Republican party anticipates such a contingency and is therefore attempting to forestall such a decision and to provide for a large standing army at all events?

But, sir, I am opposed to any material increase of the Regular Army, either temporary or permanent, for purposes of conquest, because it strikes at the fundamental principles of our institutions. It is a departure from American traditions. It is in the face of constitutional government, and it is in the face of local self-government. Everyone knows, although not disclosed in this measure, that this army is intended for a military government over the Philippines; that it is intended to inaugurate a species of government in those distant islands which is foreign to every constitutional precedent in this country.

Military governors and commissioners, backed by the strong arm of the military, are to rule and are to be the future government of these people; and when that is done, as it is declared in this bill, although indirectly it will be done, I say it flies in the face not only of constitutional government, but of such government as is vouchsafed by our Declaration of Independence, which provides for a government by the consent of the governed.

We can not maintain a republic here and inaugurate a colonial government in the Philippines. We can not maintain here the principles that all men are created equal, that they are endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness, that governments are instituted to secure these rights, and that all just powers of

government are derived from the consent of the governed, and at the same time force a government, however beneficent, upon the people in the Philippines against their consent, without doing violence to the Declaration of Independence and the Constitution. Such a course must end sooner or later in absolutism and destroy our free institutions. This, if no other reason—and there are many others, such as the enormous expense which the great increase of a large standing army would entail, the injustice of a war of conquest, etc.—compels me to oppose this bill.

It is said by gentlemen that it will be policy to vote for some increase in the Regular Army, and that it is policy to bow to the inevitable; that the American people have spoken and by their voice have pronounced for an increased Regular Army and a colonial form of government.

Mr. Chairman, when the mad passions of the hour shall have subsided, when the people, before it may be too late, upon sober second thought, shall have restored this great Republic to its pristine strength and glory, or perhaps when it is too late and this Republic shall have crumbled into the dust—in either event, when the calm historian shall record this sad chapter in our country's history, let it be said that the Democratic party, through its chosen representatives, stood with unflinching courage by the Constitution, by the Declaration of Independence, by local self-government, by civil liberty, and, like the faithful mother, amid the deadly blasts of the storm, drew its children closer in its loving embrace, ready to perish with them rather than to desert them in the hour of their peril. [Applause.]

Mr. SULZER. Mr. Chairman, I now yield five minutes to my colleague from New York [Mr. McCLELLAN].

Mr. McCLELLAN. Mr. Chairman, I regret that I can not bring myself to vote for this bill, for there is a great deal of good in it. The sections that refer to reorganization contain many excellent provisions, and did the bill have no other object in view but the reorganization of the Army I should vote for it. The reorganization features are by no means perfect, but if enacted they would work great improvement in the efficiency of the service.

I concede that we need a large increase in the artillery, as we are far short of the number required to man our seacoast guns now in position. I also concede that for tactical purposes we need an increase in our field army.

While opposed heart and soul to militarism, I am not one of those who has fixed upon an arbitrary number for the size of the Army and has declared that one private more than that number means militarism and oppression, while one private less means liberty. I have always maintained, since I have been a member of this House, that the standing Army in time of peace should be large enough, and no larger, to be expanded in time of war so as to constitute a first line of defense behind which volunteer regiments may be raised. For this purpose, and for this purpose only, I am willing, and always have been, to vote for a reasonable increase of the standing Army in time of peace. I do not think, however, that in time of peace, for tactical or for any other reasons, the Army need be 100,000 strong.

This bill fixes a minimum skeleton Army. While I think that that minimum is possibly larger than tactical considerations require in time of peace, it is merely a difference of opinion; and did the bill stop there I might be willing to waive my opinion in deference to that of the Committee on Military Affairs. But the bill goes further than this in an entirely new and unthought-of direction.

It authorizes the President, whenever he may see fit, to increase the Army to 100,000 men. It is conceded that if this bill becomes a law, because of present conditions in the Philippines the President will forthwith increase the Army to its maximum.

Article 1, section 8, of the Constitution empowers Congress "to raise and support armies." There is no constitutional authority in the President to raise armies; it is a power distinctly limited by the Constitution to Congress; it is a trust power that we as trustees can not delegate to another. It has been said upon the floor that this power can never be exercised by the President without an appropriation to support the increased establishment; but the moment the President increases the establishment under this bill a charge has been created upon the Treasury, and if Congress fails to appropriate, then every enlisted man provided in this bill and not appropriated for can go to the Court of Claims and recover his pay. I have the greatest personal respect for the present incumbent of the White House, but I do not believe that any man, be he never so wise and never so good, should be intrusted, or can be intrusted under our Constitution, with the vast power that this bill proposes to confer upon the Chief Executive. It would make him the most independent and supreme war lord on earth, with the exception of the Czar of Russia and the Sultan of Turkey.

It is said that the conditions that require an army of 100,000 men are only temporary in their character. If this be true, why not provide temporarily to meet them? If present conditions in the Philippines are, in the opinion of the majority, permanent, why not say so and prepare to meet them? In the face of an emergency it is proposed to entirely reorganize our Army on a permanent basis for all time to come, and with the reorganization to incorporate provisions to meet an emergency that ought only to occur in war. In time of war I believe that powers ought and can be constitutionally conferred upon the President, as commander in chief, that can not be so conferred in time of peace. If the bill had limited the President's power to increase the Army to time of war, then my position would have been different, for under our Constitution Congress would first be obliged to act in declaring war before the President would have the right to raise the Army to its maximum.

I recognize the existence of the emergency with which we are confronted in the Philippines. I am unwilling to deprive the President of a single man deemed by him to be necessary at the present time; but I am equally unwilling, in the face of emergency, to yield powers to the President which I feel we have no constitutional right to give him. I shall, therefore, at the proper time, move to recommit the bill to the Committee on Military Affairs, with instructions to report back forthwith a substitute continuing the present Army law for a further period of two years, or until the end of the fiscal year ending June 30, 1903.

If my substitute is agreed to, it will give the President all the men he wants to meet the emergency, and then, during the next session, with ample time at our disposal, we will be able to enact a law intelligently and scientifically reorganize the Army. If at the end of two years there is still need of an Army of 60,000 men in the Philippines, we can then determine if conditions now called temporary have become permanent; and if so, we can legislate to meet them.

Mr. HULL. Mr. Chairman, I now yield twenty minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Chairman, I would like to ask the gentleman who has just taken his seat whether he, in common with the gentleman who addressed the committee before him, thinks that this provision giving the President the power to increase or diminish the Army in a time of emergency is unprecedented?

Mr. McCLELLAN. What does the gentleman mean by the term "emergency?" There can only be one emergency, the time of war.

Mr. PARKER of New Jersey. I mean danger of war.

Mr. McCLELLAN. Not without Congressional action—certainly not.

Mr. PARKER of New Jersey. I desire to call the attention of gentlemen on the other side to several acts of the Congress of the United States with respect to that matter. Practically everyone knows that the time to increase an army is not after you have war, but before. In peace prepare for war.

Mr. McCLELLAN. But that would necessitate the maintenance of an army of war strength, which even this bill does not contemplate.

Mr. PARKER of New Jersey. It necessitates only what ought, perhaps, to have been definitely expressed in this bill—the giving of power to the Executive of the United States, in case the situation proves dangerous, to increase the active force of the Army, at his discretion, within certain bounds.

Now, this is not unprecedented. On the contrary, acts which give that power are many, and they begin with the fathers of our country. In the year 1798 there was difficulty, but not war, with France. By an act of May 28 of that year the President of the United States was authorized——

Mr. COX. Will my colleague on the committee allow me one question?

Mr. PARKER of New Jersey. I will be glad if the gentleman will wait until I have finished the statement of these statutes.

The President of the United States was authorized, "in the event of a declaration of war against the United States, or of actual invasion of their territory by a foreign power, or of imminent danger of such invasion, discovered, in his opinion, to exist, before the next session of Congress, to cause to be enlisted and called into service a number of troops not exceeding 10,000," etc.

On July 16 of that year—remember, there was no war then—the President was given a general authority—a discretionary authority—"to raise, in addition to the present military establishment, 12 regiments of infantry and 6 troops of light dragoons, to be enlisted for and during the continuance of the existing differences between the United States and the French Republic, unless sooner discharged."

In March, 1799, it was declared lawful for the President of the United States, among other things, "in case imminent danger of the invasion of their territory by any power shall, in his opinion, be discovered to exist," to organize 24 regiments of infantry, besides riflemen, artillerists, and cavalry.

And he was allowed, when it appeared expedient, during the session of the Senate or in their recess, to appoint their officers.

Again, in the year 1800—May 14—when we were not at war, the

President was authorized to suspend further military appointments.

Again, March 16, 1802, he was authorized, when he should deem it expedient, to organize a corps of engineers.

Again, in 1803—March 3—he was authorized, whenever he should judge it expedient, to require the executives of such of the States as he might deem expedient, and from their local situation most convenient, to take effectual measures to organize, arm, and equip, according to law, and hold in readiness to march at a moment's warning, a detachment of militia not exceeding 80,000, officers included.

Again, January 2, 1812, he was authorized, when he should have satisfactory evidence of actual or threatened invasion of any State by any Indian tribe or tribes, to raise, either by the acceptance of volunteers or by enlistment for one year, as many companies as he might deem necessary, not exceeding 6, as rangers.

Again, January 29, 1813, it was provided by Congress that there be raised such number of regiments of infantry, not exceeding 20, as, in the opinion of the President, may be necessary for the public service, to be enlisted for one year, unless sooner discharged.

Again, in 1832—June 15—the President was authorized to raise, by the acceptance of volunteers or by enlistments for one year, 600 mounted rangers, as the nature of the service may, in his opinion, make necessary.

Again, May 23, 1836, he was authorized to accept volunteers, either infantry or cavalry, not exceeding 10,000 men, to serve six or twelve months after they arrived at the rendezvous.

Gentlemen may say that these provisions merely give authority to enlist volunteers, and that the enlistment of volunteers is in accordance with precedent. But that is not all. In the year 1846—May 13—it was enacted——

That the President of the United States be, and is hereby, authorized by voluntary enlistment to increase the number of privates in each and any of the companies of the existing regiments of dragoons, artillery, and infantry, to any number not exceeding 100, whenever in his opinion the exigencies of the public service may require the same; and to reduce the same to 64 when the exigencies requiring the present increase shall cease: *Provided*, That said enlistment shall be for the term of five years and no longer, unless sooner disbanded by the President.

A subsequent act, June 18, 1846, extends that power of enlarging or diminishing the companies to the volunteers already in service. Why, my friends, why? This is exactly the principle adopted by the present bill.

Gentlemen say this is a time of peace; or they ask us whether it is not a time of peace. It would be a time of peace except for such speeches as we have heard all too recently, declaring the right of the Philippine insurgents to hold their islands, notwithstanding the treaty with Spain. Every word of that sort speeds a Mauser bullet on its way; every word of that sort prolongs the time when the maximum of the Army will have to be maintained, and puts off the time when, by the provisions of this bill, the President of the United States is authorized to decrease that Army. It creates more danger of foreign complications and more difficulty of internal management. It makes more necessary the provisions of this bill in order that the Executive, whom we trust, shall have full power to increase or diminish the Army as may be necessary to meet any emergency which might arise. And how is it to be done?

Mr. Chairman, two years ago we had a bill before the House, which was known as the Hull bill, for the increase of the Army. It was a bill that very slightly enlarged the number of regular officers to be provided for the companies serving in the Regular Army; it contained provisions for increase of each company, which gave a total of about 85,000 men, in the discretion of the President. But that bill was not enacted into law. Congress chose to do otherwise. It chose to enlist an independent volunteer force of 35,000 men. We had passed the Hull bill through this House, and were forced to accept another bill for a volunteer army, and as a consequence there is not a member of this House who does not know some officer coming home from the Philippines——

Mr. SULZER. I know a large number who will never come home.

Mr. PARKER of New Jersey (continuing). And some who are not coming home, who do not intend to make an army life their profession, who do not have the benefit of the retirement provision under the general law, who have served their country faithfully but have not the benefit of belonging to the Regular Army because they are men who served in a temporary army organized for a temporary purpose, who have given up their business affairs, but who will have no claim upon the Government in any shape after their present service expires. There is not a member present who does not know officers who are coming home in this condition and who will necessarily ask relief at their hands.

Now, with that condition of affairs before us, gentlemen propose to organize another volunteer army and repeat the mistakes which have already been made, and at the end of the two years' enlistment (or, as we hope, within less time) they will be coming back, not as officers of the Regular Army, but simply as citizens, to find their employment gone. That is not our proposition, Mr. Chairman. That is not the condition of affairs which we seek to promote by the pending bill. Our proposition is that the Army of the United States shall be officered by men whose duty is there for life, and so organized as that it shall not be bound by hard and fast rule as to the number of men in each company, but capable of enlargement as occasion may require, so that if an emergency arises we should be in such condition as that the Executive of the Government might have the power to enlarge and diminish the Army from time to time as may be deemed expedient and necessary.

Now, Mr. Chairman, to meet such an emergency as that we do not propose to add another thirty-five regiments of infantry, but only five of infantry and five of cavalry. The artillery is recognized by all to be upon a peace basis and only for the protection of our coasts; and we only enlarge the present army to be sent to the Philippines by ten regiments instead of thirty-five. The bill gives places as a reward to the most deserving of all our Philippine volunteers, and does not attempt to enlist a new volunteer army, because it is not intended to enlarge the Army of the United States by thirty-five regiments of infantry and cavalry, but only by ten regiments altogether. That is the purpose of the bill, and that is the principle upon which it is based.

To continue your thirty-five regiments another two years would enable the officers to say that they had had four years' of active service, and the claim would then come from these same gentlemen on the other side of the House that these men have done such service that they will be entitled to have the Regular Army enlarged enough to make places for them all—that this is the pledge now made to them. That pledge has not been yet made. They were enlisted for two years only. Some of them have proved fit—fit to take rank with our Regular Army officers in the Regular Army; but (I say it with all deference) some of them have not had as much active service and have not shown their fitness so thoroughly, and some, perhaps, are not in good enough condition of health to remain in the Army.

The ten new regiments of infantry and cavalry will give room for the most deserving of these officers of volunteers to take their places in the Regular Army, whereby in the end they will receive the reward of a grateful country, in the ranks of retired Army officers, with retirement on three-quarters pay, when they are unable to continue longer in the service of the country.

The bill, therefore, enlarges the Army as a whole but little when at its minimum in time of peace; while, on the other hand, it gives to us in time of war, or when there is threatening of war, the right to increase these ranks from within, so that we can put forth as the first line against any attacking force, in case of sudden invasion, an army, not of 25,000 men, but of 100,000 men, under good officers, well armed, well equipped, and well organized, leaving time for the volunteers to come to the front afterwards.

Let no man tell me that these views are engendered by the difficulties in the Philippines. They were expressed in a bill which I introduced over four years ago, a bill to provide that regiments should be recruited locally, and that in time of war or expectation of war the members of every troop, battery, and company might be doubled in the discretion of the President. Those views were then supported by a report upon that line. They were supported on the floor at the introduction of the Hull bill. They are before this House. Experience has proved that this plan of organization, the one followed by the chief military nations of the world, giving the power to expand the line in time of war or threatened war by calling in new men to serve in old companies under tried officers, instead of by calling in new companies and new officers who know not their men—I say that this is the only plan upon which any nation can thoroughly rely in these days of great armaments, when attacks may come suddenly, and when we must provide in time of peace a system so elastic that it will respond immediately to the wants of the country in time of war.

Mr. HULL. Will the gentleman from New York [Mr. SULZER] occupy some of his time now?

Mr. SULZER. Mr. Chairman, I yield fifteen minutes to the gentleman from Colorado [Mr. SHAFROTH].

[Mr. SHAFROTH addressed the committee. See Appendix.]

Mr. SULZER. Will the gentleman on the other side use a part of his time?

Mr. HULL. I do not know that we have anybody else that wants to participate in the general debate. If the gentleman from New York has no one who wants to speak, why can not we proceed under the five-minute rule?

Mr. SULZER. We have several gentlemen on this side who want to use up our two hours.

Mr. HULL. The gentlemen on this side seem more anxious to get on with the bill than they are to talk.

Mr. SULZER. Then, if there is no one on that side who wishes

to speak, I will yield one hour to the gentleman from Massachusetts [Mr. McCALL].

Mr. HULL. Mr. Chairman, before the gentleman proceeds I would like a statement as to the time which is left for each side.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] has one hour and three minutes remaining. The gentleman from New York [Mr. SULZER] has one hour and twenty-two minutes.

Mr. McCALL. Mr. Chairman, I am compelled to judge the pending bill by the newspaper reports, because it has been so recently reported to the House that there has been no opportunity to study its details; but as I understand them it fixes the minimum limit of the Regular Army at more than twice the number of men that it contained at the beginning of the Spanish war and gives to the President authority to increase the number by 66 per cent, or to make it nearly four times as large as it was at the outbreak of the war. Undoubtedly some increase is needed. Sufficient men should be provided to man our coast defenses. But taking into account every probable demand, it seems to me that a military establishment of 50,000 men should be ample for all needs of the country upon this hemisphere. This estimate is in harmony with the message of the President, which puts the number required for the Philippine Islands at from 45,000 to 60,000. There should undoubtedly be reform in the organization of the Army. We have had too many officers in proportion to the number of men, and the cost per soldier has thus been greatly increased. One objection to bill is that for a minimum army of 60,000 substantially the same number of commissioned officers are provided as would be needed for the maximum number of nearly 100,000. It is to be regretted that the bill does not give us the efficient and economical organization in the smaller army.

I am unable to accept the principle which would confer upon the Executive the discretion to multiply almost by two the regular standing Army of the United States; and I say this without regard to the present Executive, who would exercise the discretion, I believe, as patriotically and wisely as it could be exercised. The objection is one of fundamental principle. Congress should fix the number of men in our military establishment. The importance of an army in any government, and most of all in a republican government, is so great that it is a dangerous grant of power, and I believe one that can not be paralleled even in the constitutional monarchies, to bestow upon the Executive such authority in fixing the number of the Army. This extraordinary discretion is not conferred for an emergency or with any limitation as to time. The power is his, not for a day or a year, but it will require to terminate it a law which must pass both Houses of Congress and be approved by the President, or be passed by a two-thirds vote of both Houses over his veto.

It may be said that money must still be provided by Congress to maintain the Army. But after a charge upon the public Treasury has been created by law, an appropriation becomes merely a matter of form. In fact, a soldier for whose pay an appropriation should be denied might proceed in the Court of Claims and recover judgment against the Government. We propose by this bill, therefore, to confer upon the Executive the power to raise the Regular Army from about 60,000 men to about 100,000 men, and also the power of creating a charge upon the Treasury equal to the difference in the cost between those two armies. It strikes me that this is a violation of most essential principles. Congress should not confer such a responsibility upon the Executive; but, as the great political organ of the Government, and the direct representative of the people, it should always maintain control in a matter of such importance.

Furthermore, I do not believe that it is necessary that Congress should authorize a permanent military organization of 100,000 men. I believe that such an organization is vastly in excess of the permanent need of this country. I do not say that that number is too great if we are to decide to maintain perpetually an empire over those 1,300 islands in the tropics of Asia. I fear we shall need them all as long as we shall maintain our government there. I am firmly convinced that the honor and interests of the United States demand that we should make it the goal of American statesmanship to extricate ourselves from responsibility for the government of those islands and to return again to the historic policy discerned by the eagle eye of Washington more than a hundred years ago, and which was marked out by the location of this country, by the character of our Government, and by our obvious interests.

It seems to me the time has arrived at last when the question of the ultimate relations of this country to the Philippine Archipelago should be considered and our position as a nation declared. Before the treaty we were told that the question could not with propriety be discussed; that we were at war with Spain, and that a discussion of that character should wait the return of peace. After peace had been declared and we had bought from her the civil war which we had at least encouraged against her, we were told that it would not do to discuss the ultimate relations of the Philippine Islands with us while they were in what was called a state of rebellion against their purchasers. We have been told, however, with a good deal of iteration by our generals and commissioners and other civil officers that the organized rebellion was broken up; that an appearance of war was only kept up by the hope of a political occurrence in this country which has not taken place.

If the question can not with propriety be discussed to-day, if we must wait until the Philippine Islands are as peaceful as Ohio or Massachusetts, I fear that it will never become proper for us to discuss what our duties and our interests demand, but we shall be thrust along to one ill-considered step after another until our position shall become irretrievably fixed. In my opinion our policy in the Philippines should have been declared at the outset and should have been a similar policy to that which we declared for Cuba. Unfortunately our course was consistent with no other theory than that the Filipino had been fighting simply for a change of masters and that the yoke of the United States might be substituted for the yoke of Spain. If we had practiced a similar policy in Cuba, which some influential gentlemen seem to regret, who can doubt that we should have had a war in Cuba as we have one in the Philippine Islands?

The Filipinos had an army more thoroughly organized than the army of Cuba. They had been treated more nearly as our allies, and had conducted themselves bravely and efficiently in battles in which our own soldiers were engaged. Would it not have been beyond the bounds of all belief that we should not have had war if, under these conditions, we purchased and endeavored to assert the title over them which we ourselves had encouraged them to resist? But whether or not there should have been a definite declaration of our policy two years ago, I believe that to-day, when we are proposing a military establishment to deal with that problem, it becomes of the greatest importance to consider whether the problem itself is to be perpetual and what is the ultimate purpose of this nation with reference to those people.

If we shall decide that it is for our interests not to remain permanently in the Philippine Archipelago—if our statesmen shall apply their ingenuity, not to the discovery of difficulties in the way of our getting out, but to find some means by which we can honorably recur to our ancient policy—a solution of the problem will more certainly be found consistent with that view. If, on the other hand, it shall be found for the interest or the honor of this country to embark permanently upon a colonial policy in the tropics of the Orient, it will be a thousand times better to embark upon that policy understandingly and having beforehand carefully weighed its disadvantages.

I do not propose to discuss at any length the unfitness of our system of government for the colonial policy, because that proposition has been so often and so thoroughly discussed. There is undoubtedly an irrepressible conflict between the principle of that policy and the great lesson of our history. I believe that nothing is more strongly established by experience than the general wisdom of the principle as applied to communities that governments "derive their just powers from the consent of the governed." The power of the strong state to make laws for the weaker state without its consent, to impose taxes according to its own will, disguised, as such a power has always been, under the sounding terms of freedom and civilization, has usually been productive of a national slavery as bad in principle and practice as individual slavery.

There is no community of interest between the people of the Philippine Islands and the people of the United States. We and they are geographically and ethnologically almost as far apart as the poles asunder. No advocate of retaining them (however he may have asserted as a reason for taking them that we had annexed contiguous territory, destined to become a corporate part of the United States) has been daring enough to maintain that we should make them a part of our political system. In fact, the argument against treating the inhabitants of an island which is geographically part of this hemisphere and may well some day enter into our political system as entirely outside the Constitution, without any of the fundamental human rights safeguarded there and subject absolutely to such laws as Congress might see fit to impose, was that if the people of Porto Rico were put upon a different basis, we should therefore be compelled to extend the same rights to the people of the Philippine Islands. The able lawyers and orators who defended the principle of the tariff upon Porto Rico were unable to discover a stronger argument for their position than that if we did not have the power to impose it, we could not retain the Philippine Islands. From the notion that the people of those islands should have constitutional rights they recoiled with a species of horror. I am making no extravagant assertion, therefore, when I say that no responsible public man in this country dreams of having the Philippine Islands become a part of the United States, as Louisiana and Florida became a part of the United States, and having them participate jointly with us in making laws for a common country.

Since, then, they are to have no share in our country's government—since we do not propose to "benevolently assimilate" them

to the point where they shall become an integral part of ourselves—upon what theory are we to remain there, and for what purpose? I believe that the underlying motive, and in fact the motive that has been most widely proclaimed upon the stump and in the debates in Congress, is that it is broadly for the advantage of the people of the United States, and especially for their pecuniary advantage, to remain there. I propose, therefore, to present briefly some of the reasons which lead me to believe that it is not for the interest of the United States permanently to occupy those islands. This is a view of the question which has not usually been discussed; and I discuss it to-day not because I think it of more importance that or of equal importance with the great question of principle, but because I consider it material to meet as fairly as I can the underlying argument which is presented in support of the policy. I do not claim novelty for my argument. It will only be upon a different line from that which is commonly pursued.

As a portion of the cost of retaining the Philippine Islands we are to include the maintenance of the greater part of the army established by this very bill. This measure is the firstborn and legitimate offspring of that policy. The cost of our Army is, on the average, about $1,000 per man. With 27,000 men our war bill has been about $27,000,000. With 100,000 men it has been about $100,000,000. Those who are comparing our standing army with the armies of other nations are usually careful not also to compare the relative cost. On the basis of 100,000 men you will find that the direct cost of our Army is nearly equal to that of the great and overburdened military nations of Europe. The French army cost in the year 1899 $125,000,000; the German army in the year ending March 31, 1900, $130,000,000; the British army cost in the year 1900 $100,000,000, and the Russian army in the year 1898 $153,000,000. I understand these figures include the cost of pensions and fortifications. On the basis of this bill the estimate of the War Department calls for $113,000,000, putting us fourth on the list of the five great powers I have named. But these figures by no means tell the whole story. There is another expense, not included in a direct military appropriation, which is a necessary incident to our Army and as much a part of its cost as the pay of a soldier. That is seen in our pension system. The American people have generously declared the policy of liberal pensions for their soldiers. The poorhouse is no place for the deserving soldier who has fought for his country. We are appropriating for pensions at the rate of $145,000,000 a year. We have, then, from these two sources—from the direct war bill and from the pension appropriations—a total of about $260,000,000 a year, which is vastly greater than the similar charges of any other nation, and greater even than the combined military expenses of France and Germany, those two great enemies who are armed to the teeth against each other. It has been supposed that we enjoyed an immunity from the warlike burdens which curse Europe; but the point is already reached where we have far outstripped any other nation in the element of military cost, and where, at the speed with which we are forging ahead, it is not unreasonable to expect that our annual outlay will equal that of three of the four greatest powers of Europe combined.

The pension charge of the system which we are now embarking upon is liable to be a heavy one. The American soldier born and brought up in a temperate climate is most certain to develop some weakness in his system by any protracted service in the Philippine Islands, or in any other tropical country. There are already nearly 40,000 applications for pensions growing out of the Spanish war, a greater number than that of the soldiers who actually participated in it. A pension roll has some of the elements of immortality. We still have a pension list growing out of the war of the Revolution which ended nearly a century and a quarter ago, and the policy of maintaining an army of 60,000 American boys in the Philippine Islands, that will be constantly decimated by disease and have to be fed with fresh supplies, will entail upon us and upon our posterity an enormous burden.

Let us look at the practical effect of this policy upon the actual expenditures of our Government. During the fiscal year which began more than twenty months after the ratification of the treaty of peace with Spain our expenditures were $120,000,000 greater than during our last peace year; and for the next year the estimates call for $70,000,000 more than this enormous sum, which is an increase of $190,000,000 over what the expenses were during the last year prior to the war. The effect of this policy is to bring with it a certain extravagance of expenditure in all the Departments of Government; and its cost is not measured simply by the money that is paid out for the greater Army and the greater Navy, although the extra charges for these two items undeniably account for the greater part of the increase. I have indicated to you, then, something of the actual cash cost of this policy; and it seems to me that a continuance of it is likely to increase rather than diminish that cost. But from a financial standpoint the expense is likely to be far greater than this. Great wars are most expensive things, simply from the money standpoint and disregarding the vastly greater expense incurred by the loss of human life. If a country is liable to such a war, the insurance cost to meet the expense should be proportionately great.

Consider for a moment this element of expense to us. By our purchase of Louisiana we got rid of one powerful neighbor upon this continent. By the Spanish war we got rid of another neighbor that was once powerful. We have to-day only one great neighbor, and we are likely under present conditions to continue at peace with her, unless from the lack of something to take up their minds or to demonstrate that we are a great world power some of our enterprising statesmen may find it necessary to set us up in a war with Great Britain. We are therefore to-day in the possession of a continent with those inestimable possessions for a nation—two immense oceans for our boundaries. We have only one great neighbor, and with her we are not likely to go to war. But when we take the Philippine Islands, and force ourselves as a political power into the Orient, we do two things: We divide by two the ability of this country for offensive or defensive war, and we multiply at least by two our liability to war with some great power.

Under the condition of things that existed up to two years ago, we were practically invulnerable against attack except by a single nation. We had these two great scientific natural frontiers. With ordinary prudence we were beyond all question safe from attack, and it would be entirely for us to decide whether we should pursue any adversary where we could suffer material damage. But with 1,300 islands 10,000 miles from our capital city, and on the other side of the greatest ocean in the world, if any nation should see fit to take advantage of anything in our internal condition or our relations with other nations to deal us a blow, all that it would be necessary to do would be to seize some sand reef in the Asiatic tropics, run up its flag, and then the honor of this nation would demand that we should expend billions of dollars and the lives of tens of thousands of our boys in order again to get possession of that strip of sand.

We have thrown away our invulnerability, therefore, and have weakened our power in war for all its justifiable purposes by the adoption of this policy. And that we have increased the liability of war follows, necessarily, from the fact that we are thrusting ourselves among great and hostile neighbors and are taking a position which will invite an attack where war can be made upon equal terms, whereas under our old policy it was practically useless for other nations to attack us.

After you shall have fastened upon the country the policy furthered by this bill, it will be the merest theatric and spectacular display to declaim about economy. You may make some miserable savings by cheeseparing; you may check the construction of great public works demanded for our development at home in order to continue abroad a policy without profit and without glory. But if you continue this policy of Asiatic empire, you will lay broad and deep the foundations for a system of expenditure which will rest heavily upon future generations. This country was happily placed in a position making possible an exemption from foreign war. If we are deliberately and wantonly to throw away this advantage—if we are to adopt a policy which shall tax and burden two-thirds of our people in order that the other third may wear uniforms or be borne upon pension rolls, we shall be rejecting the most precious gift that Providence ever bestowed upon a nation.

Let us consider, then, possibilities of profit. We have seen prominent gentlemen upon the stump weave from their imaginations glittering fabrics of trade, and airily draw checks for $100,000,000 of commerce each year with the Philippine Islands. Let us see if these drafts are liable to be paid when they are presented. When it was first proposed to set up an Asiatic empire the Treasury Department, with a commendable willingness to give members of Congress all possible light over this new pathway, presented to us the report of a commissioner who had investigated the question of trade. It appeared from that report that the yearly imports into the Philippine Islands amounted to less than $20,000,000 on a silver basis, or about $10,000,000 on a gold basis.

Assuming that we did not propose to adopt the Spanish system of colonial government, and that one of our methods of taking freedom to the people of those islands was not to compel them to buy American goods if they could purchase similar goods elsewhere at lower prices, we could not, of course, expect the whole of this trade. As a matter of fact, we have thus far secured only a small percentage of it. During the two years that we have been there that percentage has not materially increased. Most of the few things which these people want they apparently are able to purchase from other nations at cheaper prices; and so far as trade is not governed by price, but by sentiment, it is difficult to see how our trade prospects have been advanced by a policy which, according to the report of our commanding general, has produced for us a hatred that is widespread, and, I fear, will soon become ineradicable. Those islands, from their climate and situation, are never likely to become centers of trade; and the average inhabitant is not likely to be a better customer than the North American Indian. The latter at least requires, from his situation,

clothing to supply that warmth which the Filipino gets from his climate. Their own soil supplies them with food which is better adapted to them than our own products. The increase of our trade during the last two years is of slight importance in volume, and that increase has been mainly in those articles which it does no great credit to this nation to send there.

It must be remembered, too, in connection with the growth of trade, that we are maintaining 70,000 soldiers in the Philippines, or six times the total white population which was there at the time we occupied them, and who are consumers of our products. You may increase the foreign purchases of these people more than three times, and increase by as many times the percentage of the goods we sell them. These estimates are fanciful, and I believe improbable; yet, even upon that basis, and allowing 20 per cent of our sales as profits, you would not have $5,000,000 per year. What is this paltry sum, which will go to a few individuals, compared to the enormous burden put upon the American people in order to secure it; and I have said nothing about the loss of thousands of American lives, for which there can be no recompense whatever in trade.

But in some mysterious way, by having the Philippines, we are to secure the trade of untold millions in the East. The Treasury Department, at the time it issued the report to which I have just referred, also put forth another document, holding before us the great aggregate of a billion dollars or more in trade with seven or eight hundred millions of people in the Orient. The bare scrutiny of the details of that trade, however, will disclose very little that we can gain. A great portion of it consists of the exports and imports of India and Australasia, colonies of Great Britain, many of whose products we shut out from our own markets because we can not compete with them in our own home. Does anyone imagine that the Philippine Islands can be a factor in securing us that trade? The great open field is China. The total imports into that country from the various nations appeared to be $170,000,000, and one-half of this amount was in the products of India, that great contiguous country. Another large portion was from Hongkong, which, although it belongs to Great Britain, is a natural part of China. We will need something more than imposing columns of figures to demonstrate how even the possession of the Philippine Islands is to enable us to compete in China with the products of Hindostan or with the trade from Hongkong. The imports from the United States to China, as appears from the document to which I have referred, are about equal in value to the imports to that country from the whole continent of Europe. In the natural course of things you would naturally expect that the 250,000,000 or more people in Europe would sell China as much merchandise in value as the 70,000,000 in the United States.

The only chance for us to gain materially in China is from Great Britain, a country which was exceedingly anxious for us to enter into the competition, if it is considered that our going to the Philippines made us a competitor in any different sense from what we were before. If the exports to China from the United States and from Great Britain, not including Hindostan and Hongkong, were equally divided between the two countries our exports to that country would aggregate something over $30,000,000. How many war ships or how many soldiers would the profit on that trade, which would go to a few individuals, pay the American people for maintaining it? And what reason is there why we should not have substantially all of it if we had nothing whatever to do with the Philippine Islands beyond at the most maintaining a naval station there? We can manufacture no more cheaply in the United States with the Philippines than without them. We shall have to go to China in competition with the other nations. The Philippines have had no immediate trade relations with China which by becoming their possessors we have secured the advantage of. You will find from the document to which I called your attention that the total trade between China and the Philippine Islands, going both ways, was an absolutely insignificant item.

There is no possible advantage that the possession of the Philippine Islands can give us in securing the trade with China, unless it should be that the other powers might shut us out from our natural rights of trade and that the possession of the Philippines would afford us a place from which we could send our ships of war to threaten the Chinese coast. That is the sum total of the possible advantage of the possession of the Philippine Islands in preserving the Chinese trade. A coaling station would, as I have said, give us the same advantage in this regard that we should derive from the whole group, although no nation has ever yet attempted to abridge our trade. Certainly our recent experience has not very forcibly demonstrated the value of the Philippines with reference to China from the war point of view. The attention of our 65,000 men seems to have been so thoroughly engrossed with the internal affairs of those islands that it was only after a considerable time and most painful efforts that a few thousand men were available for the movement in China. Assuming that we possessed the transport facilities, we could have landed in China about the same time about the same number of men from San Francisco and taken them from our small ante-bellum Army.

But we are not treading upon new ground. The recent history of other nations is rich in the experience for which we are about to pay. The experience of England with the tropical colony of Jamaica is well known to all. Jamaica was a losing venture for England on any other basis than the contract-labor system, which meant practical slavery. Take the experience of Italy in Abyssinia. The financial statement of the minister of the treasury to the Chamber on May 5, 1896, showed that 160,000,000 lire had been actually appropriated for the African expedition, and that the expenditures for the fiscal year 1895-96 amounted to 124,738,000 lire, or nearly $25,000,000. The war was abandoned because General Recotti, the minister of war, calculated that to succeed would require the employment of an army of 150,000 men for two years, at a cost of 1,000,000,000 lire. In about six months the Italians lost nearly 11,000 men, not counting prisoners; and this does not include the number who succumbed to the climate. The death rate among the troops from disease reached the enormous figure of 167 in 1,000. The total trade for that same year, in which $25,000,000 were expended, amounted to 15,000,000 lire, or $3,000,000, which is higher than the average annual trade. The average cost to Italy of maintaining her east African possessions for thirteen years was more than $4,680,000 each year, or more than 50 per cent in excess of the total trade; and it is notorious that the official reports of the Italian Government do not show the full extent of the cost. The result was not merely most adverse to Italy, so far as the loss of men and the expenditure of money was concerned, but a revolution was produced in Italy and the throne itself was shaken.

The experience of France in Tonkin is directly in point. Tonkin, including Cochin China, has about the area of the Philippine Islands. They do not approach by many hundred miles so near the equator as the Philippines. The population is almost exactly the same. From the enormous cost of the war in 1885 France has not yet fully recovered. Her men perished by thousands; she expended in less than a year 470,000,000 francs. The cost of Tonkin to France for the eleven years from 1883 to 1894 amounted to 534,000,000 francs, or a yearly average of 45,000,000. France, as is well known, pursues a most rigorous closed-door policy, making the most favorable possible conditions for the importation of her own products. The total trade between France and all her colonies with Tonkin amounted in the ten years 1883 to 1892 to $12,642,000, a yearly average of $1,264,000, as against a yearly average cost to her of $8,908,000. Notwithstanding France's efforts, other nations have traded with Tonkin during that period to the amount of $3,876,000 per year, or more than three times the trade of France. In other words, in ten years France spent 476,000,000 francs on Tonkin, in order to dispose of a total of 59,000,000 francs of products. I imagine that no one would contendthat we should govern the Philippines more economically than France has governed Tonkin. We are a Republic more than in name, and republican governments are not cheap governments. The death rate of the French soldiers was enormous—almost equal to that of the Italian soldiers in eastern Africa.

The returns in the Statesman's Year-Book show a very similar condition in Madagascar, another French tropical colony. In the last two fiscal years for which reports are available the cost to France for running that colony has been about 15,800,000 francs for each year, or more than $3,000,000. On the other hand, the total trade with France, including both imports and exports, amounted to about $800,000 a year. Notwithstanding the discriminating French laws, the trade of Great Britain with this colony was more than double that of France. I believe that the Philippine Islands, from their location, from the character of their population, and from the wants of their people, would be less profitable in trade to us than Madagascar or Tonkin were to France, or Abyssinia to Italy. And what, during the last half century, has been the experience of Spain with tropical colonies? Surely no one will contend that we made her any the less strong by taking the Philippines from her.

The study of modern colonial history will dispel the illusion that colonies are usually a source of profit to the mother country. The chief exception is England. By reason of her contracted natural limits and her location the colonial policy was inevitable to England, and after she has with more or less success scoured the earth for two or three centuries in pursuit of her colonial policy very few things that are desirable in the way of colonies are left. England has shown judgment in the colonies which she has refused to keep as well as in those which she has taken. She once captured the Philippine Islands in war, and yet such was her idea of their value that she gave them up to Spain upon the payment of a small indemnity. The fact that they alone were substantially the only colonies which remained in the hands of Spain after three or four centuries of decay, except such colonies as she held in this hemisphere and which were practically saved to her

by the Monroe doctrine, is some evidence of the estimate put upon their value by the great powers. It is a doubtful question whether the trade of India compensates Great Britain for the enormous obligations that she is under. But no comparison can be made between India and the Philippines. The former had a great development of civilization more than two thousand years ago. Much wealth had been accumulated, and the consumption of her 300,000,000 people is infinitely greater than we could ever expect the consumption of the Philippine people to be. Great Britain has a colonial system which has been developing for hundreds of years. The cost to us of acquiring her efficiency and experience would be enormous; and as to the effect of colonies upon the trade of a nation, tell me, if you can, how it happens that while Great Britain is the greatest colonial power in the world the two countries that have been going by her with rapid strides in the matter of commerce are the United States, which until yesterday had no colonies, and Germany, whose scattered possessions are an admitted drain.

With reference, however, to the expansion of England, the expansion which has added to her strength and to her wealth has been mainly that which has occurred in vast and empty territories within the Temperate Zone. Those territories were fitted in character and climate to become the homes of Englishmen; and they have gone to them, bearing with them the institutions, laws, and habits of their native land, and have thus added strength to the mother country. India, for the reasons I have referred to, has probably been a source of profit to England: but when you take into account the serious problems which she has presented in England's foreign policy, and the wars to which her possession has given rise, she has come far short of being of unmixed advantage to England.

The Philippine Islands are lacking in the primary requisite of a colony, and that is the fitness to become the home of the people of the colonizing power. In the first place, those islands are not empty and unoccupied, but they are as densely populated as New England. The present population will have to be cleared off with the forests in order to make room for any great number of our own people. But, in the next place, the climatic conditions are such that they are not fitted to become the home of the Caucasian. The fact that after several centuries less than 20,000 whites are found living there, not counting the soldiers, is pretty strong proof that they are not fitted for the white man. The northernmost point of the islands is south of Calcutta, and from that point they extend for about 1,500 miles toward the equator.

It is urged that the possession of the Philippines will open new fields for the investment of capital, such fields being nearly exhausted at home. Possibly the limit is nearly reached for the exploitation of franchises in this country, but when vast tracts of land shall have been reclaimed, when the wooden stage of development shall have given place to stone and iron habitations built for 300,000,000 instead of 70,000,000 people, it will be time enough then to consider the exhaustion of our home field for investment.

The barest survey of the question convinces me that the cost to this nation in money of Philippine colonies will be greater than any pecuniary benefits it will receive; that while a few fortunes may be made by exploitation, a vastly greater burden will be imposed upon the nation as a whole than the benefits which any individuals may secure; that the islands are not likely ever to become a corporate part of this country; that they are not fitted to be the home of Americans; that they will greatly weaken the country in time of war and expose it to liability to war; that, worst of all, their retention will involve the destruction of tens of thousands of American lives, and that it will involve the departure from the traditional policy which has made this nation great.

The assertion of a policy of Asiatic domination will bring the Monroe doctrine tumbling about our ears, for we shall make ourselves the laughingstock of mankind if we say to the overcrowded nations of the other hemisphere, "Keep your hands off the empty and unoccupied portions of this continent," and then at the same time, having a sparse population, embrace a thousand islands in the other hemisphere. Such a course would deprive the Monroe doctrine of the last appearance of justice, and thenceforward it would have to stand upon force alone. In my opinion, in no proper sense of the word can this policy be called expansion. It is no more expansion or growth than is the cancer or the horrible tumor which swells the bulk of the human body, but saps it of its vitality and strength.

Then comes the accumulation of horrible race problems, of which we already have our full share in this country. Let me call to your attention the testimony of Lord Elgin, who was governor-general of India, and who could speak with the greatest authority upon this question. The quotations I make were cited in a pamphlet entitled "Commonwealth or Empire," written by one of the greatest scholars and writers in the British Empire, a man who has shown himself a sympathetic friend of American institutions—Prof. Goldwin Smith.

It is a terrible business, however, this living among inferior races. I have seldom, from man or woman, since I came to the East, heard a sentence which was reconcilable with the hypothesis that Christianity had ever come into the world. Detestation, contempt, ferocity, vengeance, whether Chinamen or Indians be the object. There are some three or four hundred servants in this house. When one first passes by their salaaming, one feels a little awkward. But the feeling soon wears off, and one moves among them with perfect indifference, treating them, not as dogs, because in that case one would whistle to them and pat them, but as machines with which one can have no communion or sympathy. Of course, those who can speak the language are somewhat more en rapport with the natives, but very slightly so, I take it. When the passions of fear and hatred are ingrafted on this indifference, the result is frightful; an absolute callousness as to the sufferings of the objects of those passions, which must be witnessed to be understood and believed.

—— tells me that yesterday, at dinner, the fact that government had removed some commissioners who, not content with hanging all the rebels they could lay their hands on, had been insulting them by destroying their caste, telling them that after death they should be cast to the dogs to be devoured, etc., was mentioned. A reverend gentleman could not understand the conduct of government; could not see that there was any impropriety in torturing men's souls; seemed to think a good deal might be said in favor of bodily torture as well! These are your teachers, O Israel! Imagine what the pupils become under such leading!

The newspapers of this country have frequently contained reports (whether true or false I do not know) of cruel treatment of the Filipinos by American soldiers and of Americans by Filipinos. But we can accurately predict what will take place if we permanently remain in that country. We shall have the race problem, and race hatred in general, in its bitterest forms.

But what shall we do with the Philippines? We are told that we have already taken them, we have already expanded. It is said, "You are arguing a question that is already closed." I insist, however, that we are not to submit to the perpetual drain which this policy will impose, because what was never an American problem has been treated as an American problem. Why should not the Philippine Islanders govern themselves? If they are not fitted to become the abode of Americans or a part of the American commonwealth, for what righteous purpose are Americans there? Let us treat the Philippine Islands according to American precedents. I would have no loosely defined protectorate. But it seems to me, from all the testimony, that if those people were permitted to govern themselves, after their own rude fashion, but still a fashion that fits them better than does our fashion, they could after a brief time walk alone as well as the people of many of the South American countries or the people of Haiti or of Cuba. I said let us treat them according to American precedents. What are those precedents?

How did we treat Mexico, that had only recently been a Spanish colony? After a checkered experience as a nation of hardly a generation, in which were seen disorder and governmental chaos, and all things that, it is predicted, will take place in the Philippine Islands, the people of the United States conquered that country and subjugated it as completely as a conquest can ever be effected by arms. Our flag was over the City of Mexico. A movement was made in this country, as general and widespread certainly as the movement for the annexation of the Philippines before the ratification of the treaty, in favor of our annexing the whole of Mexico. There was this to be said at least for that policy, that it was complicated with no delicate question of an alliance, that the territory was contiguous, and that it some time might become an integral part of the United States. Professor Bourne has reviewed, with a good deal of learning, a discussion of that subject. President Polk resisted the policy of wholesale annexation. Some of his advisors favored it, and among them James Buchanan; and the course of the latter curiously brings to view the cant with which it is invariably sought to conceal the felonious designs which a strong nation sometimes entertains toward a weak one. Buchanan desired to take the whole of Mexico. Polk resolutely opposed this policy, and in his message proposed to encourage the friends of peace in Mexico to establish "a republican government able and willing to make peace." Buchanan piously proposed to substitute for this the declaration that "we must fulfill that destiny which Providence may have in store for both countries." This submissive Christian spirit was not destined to have sway, and Mexico was not completely crushed under the heel of the victor and stripped of her last possession, even of her existence as a nation. We aided her in setting up a government that could meet some of the ends of government, although imperfectly. She was established under our protection. When our attention was engrossed by civil war, a foreign power, ostensibly in the interest of liberty and civilization, took possession of Mexico. We had no sooner terminated our own struggle than we massed our troops along the Rio Grande and gave France notice that she must withdraw, and she withdrew. After years of struggle and revolution, Mexico has to-day a stable government, and I think no one would contend that it was not fortunate for her—fortunate, too, for the United States—that the extreme policy of extinction was not accomplished.

We have held up Haiti, although no other portion of the world has come so near not having a civil government as the Republic of Haiti. When such an enlightened governing agency as Great

Britain claimed a strip of Venezuela a few years ago we gave her notice to keep her hands off, to submit her claims to arbitration, although we were keeping out this high governing agency from a considerable portion of the country of South America and were maintaining a power which had government by revolution. There is at least one thing in government worse than government by revolution, and that is government by brute force. The government of one community by another community, of one race by another race, contrary to the customs and ideas of the governed, is something worse than government by revolution. I say, then, let us follow the American precedents, the policy that we have followed in the case of Haiti, Mexico, and Venezuela, and that we have proclaimed for Cuba. I say let us follow the dictates of justice; for this great nation, after favoring a people who were struggling for independence and encouraging them in that struggle, can never stand before the bar of history, having purchased that people, and having endeavored to crush those aspirations which not merely our own glorious example but our own direct incitement had aroused. The Filipino does not, perhaps, come up to Anglo-Saxon standards, and should not be judged by them. He may not make war according to civilized precedents, although if we are to judge from the statements of one party to the controversy, there is nothing barbarous that he has committed in this war that can not be duplicated by the conduct of Great Britain in South Africa. He seems advanced enough, however, to fight for his freedom. Give him the benefit of that.

I have seen this spirit called somewhere, and I think admirably called, the "unconquerable spirit." It is the spirit that kept George Washington fighting after Valley Forge. It is the spirit which animates De Wet to-day in South Africa after the organization of the republican armies has been destroyed and they have been broken up into bands of roving patriots. It is the same spirit which, according to the reports of our own generals, has broken down tribal lines and made the people of the Philippines unanimous in their hostility to this nation. It is the same spirit which would have shown itself in Cuba had we turned our war of deliverance in that country, as we did in Asia, into one of conquest. Those who think that the Filipinos continue to wage against us the war we purchased from Spain because of some speech made by somebody against the treaty have read history to but little purpose, if, indeed, they have read it at all. They are inspired by that same unconquerable spirit which is the noblest heritage of the human heart, which I am glad to believe is universal; it is man's best title to freedom, and that is the spirit to wage unrelenting war in behalf of liberty.

The Empire of Great Britain never attained a loftier moral stature than when, after Majuba Hill, she showed herself willing to do justice to the Boers. Standing almost peerless in physical strength among the nations, she displayed that nobler and more essential quality of greatness when after a reverse she yet listened to the demands of that weak little republic in South Africa. That act of Gladstone's strengthened his country in the hearts of men the world over; and it will shine in history all the more brightly in contrast with the brutal and merciless policy of extermination which is now shocking the sensibilities of Christendom. But how much easier is it for us to-day to pursue a policy of justice? We have suffered no reverse, or none indeed unless it be a moral one which our own conduct has inflicted. The organized armies have been dispersed. The Filipino leader, whom we bore to Luzon with arms in one of our own ships, has been driven by us to the caves of the mountains, if indeed he yet lives. The time has come when we should frankly declare to those people our ultimate purpose toward them. Let us give them that assurance which all our history inspires. Let us tell them that we will aid them for one year—for five years if need be—in setting up a government of their own, symbolized by their own flag, and that we will leave with them all that is most glorious in the meaning of another flag—liberty, independence, self-government. [Loud applause.]

Mr. HULL. There is still some time remaining, I believe, for debate on the other side.

Mr. SULZER. I trust the gentleman from Iowa will now consume some of his time.

Mr. HULL. The chances are that we shall not want to consume all our time. We want the right to close this debate.

Mr. SULZER. I hope the gentleman will take some of his time now.

Mr. HULL. Are there not some gentlemen on the other side desiring to occupy the floor?

Mr. SULZER. Oh, yes; but the gentleman who wanted to speak just now is not in the Hall at present.

Mr. HULL. Well, Mr. Chairman, I do not know that we shall want on this side more than ten or fifteen minutes. I think the gentlemen on the other side, if they desire to speak, ought to proceed now. We certainly have the right to close the debate.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] is entitled to close the debate.

Mr. HULL. I think so. I have not had any applications from gentlemen on this side desiring to speak. I do not wish to occupy, myself, any great amount of time. For this reason I would like gentlemen on the other side to conclude their remarks or yield the floor, in order that I may close the debate.

Mr. SULZER. I hope the gentleman will consume some of his time.

The CHAIRMAN. The gentleman from Iowa says that he only wants to close the debate, which he is entitled to do.

Mr. SULZER. How much time will the gentleman occupy in closing the debate?

Mr. HULL. I should say twenty minutes at the outside.

Mr. SULZER. I yield five minutes to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Chairman, after a casual reading of this bill, it seems to me that in its preparation the interests of the seaboard States have been entirely overlooked. We have appropriated and expended nearly $100,000,000 for the construction of coast defenses and for making guns with which to repel attack and defend them. I understand that to properly man these defenses the artillery branch of the service must be increased to 18,000 men. This bill fails to make the required increase. It proposes to increase the number of our cavalry regiments from ten to fifteen. It seems to me that the proper method of providing for an increase in the Army at this time is to promptly provide for the manning of our coast defenses. Billions of dollars in property are at stake in the cities of New York, Boston, Philadelphia, Baltimore, Charleston, Savannah, New Orleans, and San Francisco. The looting spirit is abroad among the nations, and we can not take action too soon. It seems to me that it would be prudent to carry out the system already adopted of building coast defenses, of supplying them with the most formidable guns, and of manning them with a superior force of artillery.

I would like to vote for this bill if it provided for a proper increase of the Army by the adoption of measures putting the artillery, and not cavalry, to the front. The cavalry ought not to be increased at the expense of the artillery. Even the infantry regiments have no corresponding increase with the cavalry.

This ought not to be a bill drawn up in the interest of horse dealers. I hope, sir, that before the bill is brought to a vote the proper increase in the artillery will be made. Then the people and property on our coasts will be comparatively safe, and the nation itself bid defiance to the armies and navies of Europe.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. SHOWALTER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

S. 1358. An act to authorize the use of depositions before naval courts in certain cases;

S. 2399. An act to amend section 2 of an act entitled "An act to incorporate the convention of the Protestant Episcopal Church of the diocese of Washington;"

S. 4284. An act to authorize Capt. N. M. Brooks, Superintendent of Foreign Mails, Post-Office Department, to accept a decoration tendered to him by the Emperor of Germany;

S. 4439. An act to authorize Hon. George D. Meiklejohn, Assistant Secretary of War, to accept a decoration tendered to him by the Government of Sweden and Norway;

S. 4673. An act to encourage the holding of an interstate and West Indian exposition in the city of Charleston, in the State of South Carolina, in the year 1901;

S. 4830. An act to correct the military record of Ira J. Paxton;

S. 21. An act for the relief of Clara H. Fulford;

The message also announced that the Senate had passed without amendment the bill (H. R. 12283) in relation to the celebration of the centennial anniversary of the establishment of the permanent seat of government in the District of Columbia.

ARMY BILL.

The committee resumed its session.

Mr. SULZER. I yield the balance of the time to my colleague on the committee [Mr. COX].

Mr. COX. Mr. Chairman, what I may say about this bill will be of a general character. In the few minutes which I shall occupy I am not going to enter into a discussion of the details of the measure. When the last Army bill was passed through this House, calling for a volunteer force of 35,000 men, I foresaw what would be the end. What is your proposition now? Let it be distinctly understood by the country. It is to increase your standing army to about 96,000. If any gentleman on the Republican side thinks that I am making a mistake in my figures, I will thank him very kindly for a correction. You propose to increase your standing army to 96,000 men. Now, I want to ask, what is that done for?

What is the object? What is the point that you expect to accomplish by making a standing army of 96,000? Why, sir, but a short time ago our Regular Army was down to between 20,000 and 25,000 men. I desire to emphasize the question, and I call upon some one to answer it, What do you want with a standing army of 96,000 men? The question is unnecessary; we do not need such an army.

But let me go one step further on this matter; and I am surprised that the chairman of our committee is not at this moment on the floor, for he is generally ready to answer everything, whether he answers it right or not. [Laughter.] I repeat, Mr. Chairman, I want the country to understand the position of the gentleman. I have no politics in this matter myself. What would you want with an army of 96,000 men? I wish the chairman of the committee would tell me.

Mr. HULL. I suppose the country will understand, Mr. Chairman, that we want an army to enforce the authority and maintain the power of the United States of America over every foot of soil that belongs to the United States and is under its jurisdiction.

Mr. COX. I am glad to hear the gentleman. Then, you must have an army, let us say, of 96,000 men to enforce the authority of the United States over every foot of territory that you assume to control. I hope the question is squarely put now before the House and before the people. Now, in this connection, I want to ask the chairman of the committee if, under a former bill, when he called for 35,000 volunteers, he did not say that it was plenty to assert the jurisdiction of the United States and to enable it to exercise control over every foot of territory that Congress claimed jurisdiction over. I want to meet this face to face. I do not want any sophistry about the matter. Let us come down to the plain question. What do you want with such an army?

Now, Mr. Chairman, I have waited for a reply, but the gentleman seems to acquiesce in what I have just said, and he does not give me much trouble in his responses. But let us understand the question squarely and honestly. Do you intend to increase the standing army of the United States to 96,000 men—we will call it hereafter 100,000 men, for that is more like the number, and that is what you mean by the bill—do you intend, when you increase the standing army—and I ask the chairman of the Committee on Military Affairs to answer me—to go into war with anybody? What do you want with the increase? Who are you going to fight? [Laughter.] Why, Mr. Chairman, I get no response. Our chairman, always so ready on the floor, seems to be in trouble.

Mr. HULL. I did not understand the inquiry of the gentleman from Tennessee, my attention having been temporarily attracted.

Mr. COX. Well, I will make it so plain that you can not misunderstand it.

Mr. HULL. Well, you will have to be very plain indeed.

Mr. COX. I intend to be. I do not deal in sophistry. I make the inquiry plainly. If you increase the Army to 96,000, what are you going to increase the Army to 96,000 men for? What are you going to do with them?

Mr. HULL. Well, I will state to the gentleman that they will largely take the place of the hundred thousand men our friends on the other side aided to give us in the last two or three years.

Mr. COX. Oh, well, now, there is no dodging about that. [Laughter.] Let me see if I understand the thing properly. You increase the Army to 96,000 men—the Regular Army. Now what are you going to do with them? Who are you going to fight? Who are you going to whip? [Laughter.]

Mr. Chairman, it seems that gentlemen in charge of the bill are absolutely void of an answer. What is the matter with our chairman? [Laughter.]

But I will come to a question that is plain and tangible and about which there can be no dodging. The chairman knows that I do not believe in a regular standing army of 96,000 men. Well, if you have a standing army of 96,000 men or 100,000 men, whom are you going to fight? Is any man ready to tell me whom is going to be fought by this army? Who is fighting us now? Give us an honest, common-sense reason and a fair answer to the inquiry. Whom are you going to fight? [Laughter.] Get up in your place and say that you have a proposition for an army of 96,000 men to fight somebody, and tell us whom it is that you are going to fight. [Laughter and applause.] Well, what is the matter with you over there? [Laughter.] Mr. Chairman, I have got it pretty near to a point, evidently. I repeat the inquiry again; the gentleman can not escape it. If you want an army of 100,000 or 96,000 men, call it as you please, whom are you going to fight? [Renewed laughter and applause.]

I heard Speaker Reed say one thing which struck me forcibly at one time. He is a man that I have a great deal of respect for—a man of genius, and intelligence, and judgment. He said to us over here, "I pity you poor fellows; you don't know what to say." Now, what in the world is the matter with you gentlemen over there? [Laughter.] Whom are you going to fight? [Applause.] Now, I never was in favor of this war against the Filipinos. My record shows how I stood; but the country seems to have declared in favor of it. Gentlemen on the other side, you stand there like a set of dummies and will not tell us whom you are going to fight. [Laughter.] What is the matter with you? If you are not going to fight anybody, what do you want of an army? I should like to hear the chairman of the Committee on Military Affairs answer that question. I ask the gentleman from New York [Mr. PAYNE], who is a warm personal friend of mine, whom are you going to fight? Do you want to catch Aguinaldo?

Mr. PAYNE. I do not wonder that the gentleman asks the question, because we have whipped almost everything in sight. [Laughter.]

Mr. COX. Well, if you have whipped everything in sight, what do you want with an army of a hundred thousand men? [Laughter.]

Now, Mr. Chairman, I did not intend to produce any pleasantry at all, but it seems to me that the question which I have asked is one that gentlemen can not answer. Gentlemen may say I have but one idea, but that is a better one than a good many men in this Congress have. You want to increase the standing army. When you undertook to increase the regiments in the artillery division, I called your attention to the fact that you can never reduce a standing army after you have once created it.

Whenever the institutions of the United States are threatened and it is necessary to protect them, give me the old volunteer soldier, with his own regimental officers and his own company officers, every time. There never was a battle fought in the United States—in the civil war or in any of our foreign wars—in which the victory was not achieved by our volunteers. I am not afraid of Tennesseans failing to defend the flag. We hold the proud distinction of being the banner volunteer State. That means that the citizens of the United States are ready to defend their Government whenever called upon. Is there a Republican over on the other side who says that is wrong? You can not maintain the United States as a republican government without the assistance or sanction of the volunteers. Talk as you may, I have no criticisms to make about our Army. It is good to a certain extent; it is bad to another extent; but if I had to fight a war for the United States, give me the old volunteer. Even if he had not been in the service more than three days I would depend on him. He would shoot.

Now, in conclusion, I wish to say a few words. When the last bill was under consideration by this House, I asked my distinguished friend from Ohio [Mr. GROSVENOR] what he wanted with 35,000 volunteers. He said they would show us after a while. Now, I want to know what are you going to do with an army of 96,000? Whom are you going to fight? I can not keep away from that question. Are you going to shoot the Filipinos? Is that your intention? Let me ask you one simple, common-sense question. What did the Filipinos ever do to us that should make you want to shoot them? When we were fighting Spain you thought they were very good allies. I say now, as I said when the first bill came to this House, I will not vote to take away the money from an honest soldier who is called into the service.

In my ten years' experience no man has ever heard me raise my voice or my hand against the old soldier, I do not care which side he was on. But if you are going to call out your 96,000 men to shoot the Filipinos, who are fighting for what we fought for, I will never vote a nickel for that proposition.

I beg you to remember one thing. You will never be able, after you have increased your standing army, to reduce it. You will never be able to create a great army and then reduce it. The circumstances which surround it make that impossible. But if you want to conquer the Filipinos and that is your idea, I think it will take you longer than you think. I am not in politics any more, and I want to call the attention of gentlemen to the fact that I will never vote a dollar to shoot a man who is fighting in favor of his own independence. [Applause on the Democratic side.]

Mr. HULL. Mr. Chairman, the gentleman from New York [Mr. CUMMINGS] in his remarks upon the bill said he would vote for a bill if it created 18,000 artillerymen to man our coast defenses. I desire to call the gentleman's attention to the provisions of the bill making the artillery corps 18,920 men, both as a maximum and a minimum. The bill provides against any reduction in that corps when the Army shall be reduced. In this respect the bill meets every want of the gentleman from New York.

So that the gentleman's objection to the bill is entirely overcome by the provision itself. There is to be a reduction in the infantry and cavalry when the Army comes to its minimum, but none whatever in the artillery; and the increase in the artillery is made from year to year, precisely as the necessities of the Government require by the completion of the coast defenses. This estimate is made by officers who know what the needs of the Government will be.

The gentleman from Massachusetts [Mr. MCCALL], Mr. Chairman, seems to misapprehend the character of the measure before the House. It is not a question as to what we want to do or

what will be done in the way of trade or future policy. It is a question of what the demands of the Government require to-day under the conditions confronting us. The war that we undertook was not a partisan one. All parties were for it. The results of the war, by which we have acquired territory, have been ratified by both Houses of Congress, after a treaty was negotiated, and the President of the United States, by his sworn duty to the people of the country, must maintain the authority of this Government over every foot of our territory as long as it remains our territory.

What shall be done in the future remains for this Congress or future Congresses to determine. What shall be done to-day is to maintain the authority of the Government, not only upon the mainland, but upon all the islands of the sea where our flag floats by authority of law [applause]; and when the gentleman from Massachusetts weighs the cost against what we are compelled to do in honor, it seems to me that he weighs dollars against the honor of this great Republic. [Renewed applause.] So far as I am concerned as an individual, I believe we will maintain our authority upon the Philippine Islands as long as the Republic endures.

Whether that will be the policy of the Government or not depends upon the wishes of the people of the United States in the future. But, Mr. Chairman, as long as they are ours we disgrace ourselves at home and abroad or we have got to supply the necessary force to maintain our authority. The gentleman speaks about fighting the Filipinos. We are. Why? Because they are fighting us. We did not begin it; we tried to avoid it.

With infinite patience and, as it seems to me, with great wisdom the President kept from organizing the larger force until the very last moment, hoping by his generous concessions for self-government and the liberty that would bring to them would obviate the necessity of organizing the extra 35,000 men; and they were only organized because the people in the islands, subject to the authority of the Government just as much as our people are, refused to yield assent to the demands of the constituted authorities of the United States. If the President had been anxious for a large army he would at once have organized the full force.

You talk about the Filipino establishing a government. Let them demonstrate the fact of their ability before turning it over to them. The opportunity is offered them by the wise and humane policy of the President to exercise local government. They refuse. We are there to-day, and have been there every day since we acquired our sovereignty, affording a local government so far as it has been possible to give it to them, and have gone to the extreme, in my judgment, in trying to induce these people to exercise local government. They have preferred lawlessness to order, murder and arson to settled conditions, and pillage to labor.

You talk about people fighting for their liberties. My good friends, let me say this to you, that the few numbers engaged in hostilities as against the United States Government do not demonstrate that the people of this country are forcing their sovereignty over an unwilling people. Less than 5 per cent of the Tagalog tribe are in revolt against our authority. All the rest of them are anxious to pursue the avocations of peace supported by the authority of the United States; and the time will not come when the people of this great Republic will treat on any terms whatever with any people of the islands in rebellion until they lay down their arms and acknowledge the jurisdiction of this country. The people of the United States are generous, but they are not cowards.

Mr. COX. I would like to ask the gentleman one question.

Mr. HULL. Now, Mr. Chairman, I will be glad to yield to the gentleman before I conclude.

This condition confronts us, and this only, in my mind: We are in the Philippine Islands by solemn treaty. We are there under the sanction of law enacted by the Senate and House. Our power and our jurisdiction is as absolute there as in any part of the United States. We have over 60,000 troops in the Philippine Islands who are soon to be brought home. If you withdraw those troops from those stations without replacing them with others, you expose to murder every friend of this Government in the Philippine Islands. You destroy our authority. You encourage rebellion, and sow seeds in the future of untold loss of blood and treasure by such action. That is what confronts this Congress. Now I will listen to my friend from Tennessee.

Mr. COX. If there is only 5 per cent of the Filipinos, as you say, that resist the Government of the United States, why do you want an army of 96,000 men? [Laughter.]

Mr. HULL. I am delighted if I can only enlighten my friend on that. A very small per cent in a country like the Philippines, without a government, as we understand the name, acting as brigands, rushing in and destroying property and killing their own kinsmen for friendship to us, can cover a large space of country and will require a considerable number of troops to protect them adequately, and this Government has taken on itself the obligation to protect established government in the Philippine Islands. I did not say 5 per cent of the 12,000,000 of inhabitants. That would be a larger number than our Army. It is not quite 5 per cent of the Tagalos tribe, which is about 1,000,000.

Mr. COX. I said that you said there was only about 5 per cent of the Filipinos resisting the authority of the United States.

Mr. HULL. I will qualify that if it will help my friend out by saying that it is not 5 per cent of the Tagalos tribe alone. But even if it were 5 per cent of the entire island, it strikes me that the other 95 per cent ought to have some consideration from so distinguished a patriot as my friend from Tennessee. [Laughter.]

Mr. COX. Will my friend yield——

Mr. HULL. I now yield to the gentleman from Kentucky [Mr. WHEELER].

Mr. WHEELER. Does not the gentleman from Iowa think that a permanent declaration of what our policy will be in regard to the islands would tend to pacify them?

Mr. HULL. I think not. I think it would have no effect at all, unless you had such a guaranty as that given by your late candidate for the Presidency, that we would stand between them and all foreign nations and let them play the devil with the people.

Mr. WHEELER. Does the gentleman think it would have no effect, beneficial or not, upon the people of the Philippine Islands? Is it not a matter to be desired?

Mr. HULL. I think the greatest mistake——

Mr. WHEELER. I beg the gentleman's pardon; I have not finished. Is it not a matter to be desired, since a permanent declaration of the policy of the Administration is desired by a great portion of this country and one that would give the inhabitants all the elements of our citizenship?

Mr. HULL. I want to say that they have had every assurance by proclamation that the largest measure of self-government of which they are capable would be granted to them.

Mr. WILLIAMS of Mississippi. But what does that amount to?

Mr. HULL. The gentleman from Mississippi may say that they are as civilized as the rest of the world, but the testimony of the men who have been there is that they are not capable of self-government; that their idea of liberty is only the liberty to cut their enemies' throats. Now, we can wait until we reach the proper degree of information; let Congress take up that when they reach it. The idea that the Army has got to wait until such questions have been determined in the future is rather far-fetched.

Mr. WILLIAMS of Mississippi. Why not make the establishment for the Philippine war?

Mr. HULL. Because we do not want to. This army is for the United States of America, and will go wherever the authority of the Government extends, and do what the necessities of the Government require. [Applause.]

Mr. WILLIAMS of Mississippi. During the war between the States you enlisted men for this war.

Mr. HULL. That was a well-defined job we had to do, and it took us a good while to finish it. [Laughter.]

Mr. WILLIAMS of Mississippi. As a matter of fact, between you and me, outside of the Philippine question, independently of it and beyond it, do you not want 90,000 men for a standing army?

Mr. HULL. Beyond it? No; most emphatically no. The gentleman from Massachusetts [Mr. MCCALL] stated that it would require an act of Congress to compel the President to reduce the number because the bill makes it a permanent army of 100,000 men. What does the bill say? It says:

> That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this act during the present exigencies of the service, or until such time as Congress may hereafter direct.

Do you think that is an unusual thing? Why, my good Democratic friends, from the day of George Washington to the present time the Congress of the United States has put the Army up and down at its own pleasure.

Mr. KING. Has the President done so?

Mr. HULL. Yes, repeatedly, and been authorized to do it. But even if he does not, the whole question is in the hands of Congress. Gentlemen seem to forget that we have a three years' enlistment. About one-third of the entire force of the Regular Army goes out every year. You talk as though you could not refuse to appropriate because men are enlisted for three years. You can stop the enlistment any year and one-third will step out. Another year you can stop another third. You have the power in your own hands all the time. You talk as though this was as unalterable as the laws of the Medes and Persians. Two years ago we passed a bill giving 100,000 men for two years, and a larger number of officers by nearly 500 than this bill provides for.

Mr. SULZER rose.

Mr. HULL. I decline to yield at present.

Mr. SULZER. I simply want to ask whether the gentleman will consent to that now?

Mr. HULL. No; that is easily answered.

Mr. HAY rose.

Mr. HULL. In one moment I will yield to my friend from Virginia [Mr. HAY], whom I am always delighted to work with and sorry when I disagree with him.

We took that bill. At that time every man in the Senate and House conceded that we needed an army of 100,000 men. Gentlemen said that in two years they could tell what we needed as a permanent army. You [addressing the Democratic side] cost the Government at least $25,000,000 additional by your bill beyond what our bill would have cost.

Mr. WHEELER. And you cost the Government three hundred millions by refusing to declare your policy.

Mr. HULL. Our Democratic friends want to know why it would not be well to limit this increase of the Army to two years. I say that if we provide for a permanent establishment, then if we need this army two years from now, we shall have it, without the large expense of recruiting a new army; and if we do not need it, the matter will adjust itself without any harm to the Government.

Mr. HAY. Now will the gentleman permit me a question?

Mr. HULL. Certainly. I yield to the gentleman.

Mr. HAY. The gentleman has stated on three different occasions that our party forced upon the country the bill which is now in operation, and thereby caused a great deal of the expense which has been incurred. I want to ask him whether his party at that time did not have a majority in the House and in the Senate, and whether they had not a President of their own party? How, then, can the responsibility for legislation enacted at that time be shifted upon the shoulders of gentlemen on this side of the House?

Mr. HULL. It is true, as the gentleman has said, that we had a majority in this House and that we had the President of the United States, but those other gentlemen had the Senate——

Mr. HAY. No, we had not.

Mr. HULL. And the Senate notified us that unless we accepted their compromise, bad as it was, the defects of which were pointed out in debate here and fully recognized, we could go without an army; that they could talk in the Senate until the 4th of March, and thus force an extra session. We accepted that measure simply as a temporary makeshift. We ought not to have accepted it. But now you gentlemen want to continue that same expensive, worthless system of makeshifts from year to year, in order to go before the people trying to frighten them with the idea of a great standing army. You gentlemen tried that in the last campaign, and I should imagine that the average Democrat had had all of that kind of amusement he would want, because in every place where the question was discussed the people said, "Give the President every man he wants to maintain the authority of this Government." [Applause.]

Mr. WHEELER. Does the gentleman think it fair to allude to the last election?

Mr. HULL. No; it is not. It is never proper to speak disrespectfully of the dead. [Applause and laughter.]

Now, Mr. Speaker, so far as the policy of this Government in regard to the future is concerned, this Congress can not establish that absolutely. The next Congress can do as it pleases in these matters. But this one thing is sure—that the people of the United States have never yet turned down a party that believed in growth and expansion and in the dignity and power and majesty of the people of the United States. They believe in their flag, in their institutions; they believe in our future. The party that has no better thing to appeal to than prejudice and reaction and opposition can never hope to rule in this Republic. [Applause.]

There is one other thing to which I wish to refer. My friend from Massachusetts [Mr. MCCALL] referred to the great cost of the Army of the United States. Gentlemen, it does cost more to support a United States soldier than it does to support the soldier of any other nation on earth. Thank God for that. Germany pays her soldiers, if I remember rightly, about $2.50 a month; Austria, about 90 cents a month; France, about $2.50 a month; England, $9 a month. At the same time these nations manage, by a series of fines, to bring the private out about even with the Government every month. We do not believe in that kind of thing. We have no compulsory military service in this country. Our soldier is the volunteer; whether you call him a regular or not, he is a volunteer. Both the volunteer and the regular are citizens of the Republic. Each of them enlists by his own volition; each of them must furnish a certificate of good character.

Would my friend from Massachusetts advocate giving to our soldiers what is now given to the soldiers of the Old World? We have not acted that way in regard to the labor of the United States. His State has been built up into a great hive of industry by putting into practice the American theory that an American citizen is entitled to higher wages than any other man on earth. Is the gentleman from Massachusetts in favor of reducing our soldiers to a level with the European soldier because he is afraid of the expense? Let me advise him, then, to remove the shield of the Government from before the face of the workingman of Massachusetts and let him take his stand with the rest of the world. He would not last long as a statesman there if he advocated that.

Massachusetts has always had some man in public life opposed to every step forward. All through the course of our Indian wars Massachusetts had some man to advocate always the theory that we had no right to capture the wilds of the West. Massachusetts has always had some man afraid, as Phillips said once, to brush the cobwebs from the rafters for fear the roof of the house would fall in. Massachusetts has always had men in great crises to oppose the onward march of the Republic. Some of her citizens did this in 1814, and have done it at every opportunity since. But, thank God, the heart of the great old Commonwealth has always been true to the best interests of the country, and her people have been against her recreant sons.

Mr. COX. Now I want to ask the gentleman a question. [Laughter.]

Mr. HULL. Now, Mr. Chairman, my friend from Tennessee and I have had so many interesting seances in the committee that I hope he will not bring them up here on the floor of the House.

Mr. COX. I only want to ask you a short question.

Mr. HULL. I can not find it in my heart to decline to yield to my friend.

Mr. COX. I am sorry that the chairman of the committee will not allow me——

Mr. HULL. I have yielded and yielded to the gentleman. I am always glad to yield to my friend from Tennessee.

Mr. COX. Well, I do not find that the gentleman has overburdened himself in yielding to me to-day. [Laughter.]

But my point is this: That so far as the soldier is concerned, I have never said a word in Congress against any soldier; I do not care on which side he fought.

Now, then, what do you want with these soldiers? [Laughter.]

Mr. HULL. I tried to explain to the gentleman from Tennessee why we wanted the Army more than once during the course of my remarks, and if, after all that has been said upon that subject in the committee and on the floor of the House, he is not satisfied, I am afraid to enter upon a further explanation for his benefit. [Laughter.]

Now, Mr. Chairman, I want to put in the RECORD a table showing the cost of the different armies of the world, the per diem pay of the soldier in the different armies of the world, and a general table showing the expenses of the armies of different countries, which I understand I have a right to submit at this time.

The CHAIRMAN. Without objection, the gentleman from Iowa will be permitted to print such tables as he may desire in connection with the pending bill.

There was no objection.

Mr. HULL. The general debate being now ended, I ask for the reading of the bill by paragraphs.

The Clerk read as follows:

That from and after the approval of this bill the Army of the United States shall consist of 15 regiments of cavalry, a corps of artillery, 30 regiments of infantry, 1 Lieutenant-General, 6 major-generals, 15 brigadier-generals, an Adjutant-General's Department, an Inspector-General's Department, a Judge-Advocate-General's Department, a Quartermaster's Department, a Subsistence Department, a Medical Department, a Pay Department, an Engineer Corps, an Ordnance Department, a Signal Corps, the officers of the Record and Pension Office, the chaplains, the officers and enlisted men of the Army on the retired list, the professors, corps of cadets, the army-service detachment and band at the United States Military Academy, and such other officers and enlisted men as may hereinafter be provided for: *Provided*, That when a vacancy shall occur through death, retirement, or other separation from active service in the office of storekeeper, now provided for by law in the Quartermaster's Department and Ordnance Department, respectively, said office shall cease to exist.

Mr. HEPBURN. Is the bill now being read for amendment?

The CHAIRMAN (Mr. DALZELL). It is.

Mr. HEPBURN. I desire to offer an amendment to that paragraph.

The CHAIRMAN. The gentleman will send it up. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the word "exist," in line 11, page 11, the following:

"*Provided*, That any vacancy in the offices of the Pay Department, the Quartermaster's Department, the Ordnance Department, or Medical Department may be filled by appointment from the Army or from civil life."

Mr. HEPBURN. As I understand, Mr. Chairman, from the examination that I have been able to make of this bill——

Mr. HULL. Mr. Chairman, before proceeding further, I raise the point of order to this amendment that it is not germane to this paragraph, because this simply goes on to tell what shall comprise the Army. There are sections further on in the bill which tell how the different corps shall be filled. There is certainly nothing in this paragraph that would justify an amendment of this character.

Mr. HEPBURN. I do not think it makes any difference where it comes. It is pertinent here.

Mr. HULL. I make the point of order, Mr. Chairman, that this paragraph simply deals with the general statement of what the Army shall consist of, without any reference whatever to the matter covered by the amendment, without any reference whatever to how the different departments shall be constituted, and that other sections of the bill deal with that question, which will be reached as we progress.

Mr. HEPBURN. I do not think there is any other section where it would be more appropriate than here. There is clearly nothing in the nature of this bill to prohibit an amendment of the character I have offered.

The CHAIRMAN. Does the Chair understand the gentleman from Iowa to say that there is a point in the bill where such an amendment would be germane?

Mr. HULL. Oh, yes. There are sections that deal with the question how these different forces shall be made up. All the staff corps have specific provisions in the bill as to how they shall be constituted. This section does not deal with that question at all, but simply deals with the question what corps and divisions shall comprise the Army, without regard to the make-up of the different divisions.

Mr. HEPBURN. What sections does the gentleman refer to?

Mr. HULL. There are sections relating to the Pay Department and to all the other departments.

Mr. HEPBURN. But each section applies to a specific corps.

Mr. HULL. Yes, and you can strike out that provision and make any general provision that you desire.

Mr. PARKER of New Jersey. Sections 26, 27, and 28 relate especially to the subject.

Mr. HULL. Certainly, sections 26, 27, and 28 relate to the details. The gentleman could move to strike out those sections and put in the provision which he has offered. The amendment certainly is not in order at this part of the bill.

Mr. HEPBURN. I will submit to the ruling of the Chair.

The CHAIRMAN. The Chair thinks the point is well taken, and sustains the point of order.

Mr. HEPBURN. Then, I will offer the amendment at the proper time.

The Clerk read as follows:

SEC. 11. That the enlisted force of the Corps of Engineers shall consist of one band and three battalions of engineers. The engineers band shall be organized as now provided by law for bands of infantry regiments. Each battalion of engineers shall consist of 1 sergeant-major, 1 quartermaster-sergeant, and 4 companies. Each company of engineers shall consist of 1 first sergeant; 1 quartermaster-sergeant, with the rank, pay, and allowances of sergeant; 8 sergeants, 10 corporals, 2 musicians, 2 cooks, 38 first-class and 38 second-class privates: *Provided*, That the President may, in his discretion, increase the number of sergeants in any company of engineers to 12, the number of corporals to 18, the number of first-class privates to 64, and the number of second-class privates to 64, but the total number of enlisted men authorized for the whole Army shall not, at any time, be exceeded.

Mr. HULL. In the first line of section 11 the letter "s" has been dropped off from the word "engineer," which should be "engineers."

The CHAIRMAN. Without objection, the amendment suggested by the gentleman will be considered as agreed to.

There was no objection.

The Clerk read as follows:

SEC. 15. That the Judge-Advocate-General's Department shall consist of one Judge-Advocate-General with the rank of brigadier-general two judge-advocates with the rank of colonel, three judge-advocates with the rank of lieutenant-colonel, six judge-advocates with the rank of major, and for each geographical department or tactical division of troops not provided with a judge-advocate from the list of officers holding permanent commissions in the Judge-Advocate-General's Department one judge-advocate with the rank, pay, and allowances of captain, mounted. Promotions to vacancies above the grade of major, created or caused by this act, shall be made, according to the rules of seniority, from officers now holding commission in the Judge-Advocate-General's Department. Vacancies created or caused by this act in the grade of major may be filled by appointment of officers holding commissions as judge-advocate of volunteers since April 21, 1897, under such regulations as may be prescribed by the Secretary of War. Vacancies which may occur hereafter in the grade of major in the Judge-Advocate-General's Department shall be filled by selection of officers of the line.

Mr. CANNON. I should like to call the attention of the gentleman from Iowa to lines 17 and 18 in section 15 on page 19, to the words "under such regulations as may be prescribed by the Secretary of War." My amendment is to strike out the words which I have quoted.

Mr. HULL. The same words appear in all of the sections relating to the staff corps that are open to appointment from civil life. The President makes the appointments. I understand the idea of my friend from Illinois is that if the President makes the appointment, and it is confirmed by the Senate, that ought to be sufficient without the limitation which the gentleman from Illinois [Mr. CANNON] has quoted. The committee have no objection to striking that out, and have no feeling about it one way or the other. Those words were simply put in because the sections were sent to us in that form.

Mr. CANNON. I will say to my friend that my reason for offering the amendment is that if a man has performed service in the war with Spain or in the Philippines, in the Volunteer Army, and if the President appoints such an officer and the Senate confirms the appointment, that man ought to go into the service without the consent of the Secretary of War, and without any regulations that might be made from the standpoint, perhaps, of some martinet in the service, if there be any such. Possibly there may be officers who have done service in the Philippines in the Volunteer Army that may not be able to calculate the distance from the earth to the sun, but who are good soldiers in fact, and could do good service after their nomination by the President and confirmation by the Senate.

Mr. PARKER of New Jersey. Will the gentleman allow me a suggestion about physical examination, health, etc.? These are usual regulations.

Mr. CANNON. I think we can trust the President and the Senate. Given the volunteer officer, given the vacancy under this Army bill that we are now proposing to pass, it seems to me the President and the Senate could be trusted, without adding qualifications that might be equal to a civil-service examination, and perhaps much more severe, and bar out, perchance, worthy volunteer officers. I ask for a vote.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 19, lines 17 and 18, strike out the words "under such regulations as may be prescribed by the Secretary of War."

The question was taken, and the amendment was agreed to.

Mr. HULL. Mr. Chairman, I want to amend, in the same line, 17, by striking out the word "seven" and inserting the word "eight." It is 1898 all the way through the bill, and it was intended to be that here.

The Clerk read as follows:

Strike out the word "ninety-seven" and insert the word "ninety-eight."

The amendment was agreed to.

The Clerk read as follows:

SEC. 16. That the Quartermaster's Department shall consist of 1 Quartermaster-General with the rank of brigadier-general, 6 quartermasters with the rank of colonel, 9 quartermasters with the rank of lieutenant-colonel, 18 quartermasters with the rank of major, 54 quartermasters with the rank of captain, mounted; the military storekeeper now provided for by law, and 150 post quartermaster-sergeants: *Provided*, That all vacancies in the grade of colonel, lieutenant-colonel, and major created or caused by this section shall be filled by promotion according to seniority, as now prescribed by law. That to fill vacancies in the grade of captain created by this act in the Quartermaster's Department the President is authorized to appoint officers of volunteers commissioned since April 21, 1898, and whose professional and physical fitness have been established to the satisfaction of the Secretary of War.

Mr. HULL. Mr. Chairman, in order to make the bill conform to the amendment just adopted, I move to strike out all after the word "ninety-eight," in lines 21, 22, and 23:

And whose professional and physical fitness have been established to the satisfaction of the Secretary of War.

Mr. SLAYDEN. May I ask the gentleman from Iowa this question: Would not it meet the purpose of your amendment and at the same time preserve some little security in the matter of physical fitness if you merely strike out the words "to the satisfaction of the Secretary of War?"

Mr. HULL. I assume that a man who has made his record by actual service will not be put in the Army by the President if he is an unfit man to go in.

Mr. SLAYDEN. The President may not be informed.

Mr. HULL. The War Department has the whole record with it, and before a single man is appointed the President will have this record. The fear of some gentlemen was that by setting up a stiff technical examination for a volunteer quartermaster or commissary or others it would be impossible for the volunteer to pass the examination unless he was a graduate and recent graduate of some college. Personally I do not believe there is a particle of danger of that, but with the words out or not the President will undoubtedly inquire into the efficiency of every man now in the Army presented to him for commission in the Regular Army, and the Senate will undoubtedly make examination on their own account before voting to confirm.

Mr. PAYNE. I would like to ask the gentleman if this is stricken out and left entirely out of the bill, does it not still leave with the President the right to prescribe any rule for physical examination?

Mr. HULL. No doubt. I do not think that it will make any change at all, but it obviates some objection made to the bill on this side, and as it does no harm to the service, I am willing that it shall go out.

The question was taken; and the amendment was agreed to.

Mr. HULL. Mr. Chairman, I have a letter from the Quartermaster's Department, transmitted to me by the Secretary of War, and I desire to offer an amendment after conferring with some members of the committee, but I do not offer it as a committee amendment. I have no authority to offer it as such. The Secretary of War sends it to me with the simple statement that the Department sending up their propositions, in considering the number of officers provided for their departments in the pending bill for the reorganization of the Army, claim that the number which was

submitted was insufficient. I will now ask to have read the letter from the Quartermaster-General, which will give all the information I could possibly give and more.

The letter was read, as follows:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, December 3, 1900.

SIR: In referring to the advance copy of the proposed bill, prepared by the War Department, for the reorganization of the Army of the United States, it is observed that the bill provides for only 88 officers for the Quartermaster's Department. This number is so inadequate, in the judgment of the undersigned, that special attention is called thereto.

The department has now 128 officers, including both regulars and volunteers. After a most careful consideration of this subject, this office reported to the Secretary of War, in letter of August 25 last, that a reduction of 6 officers might be made without detriment to the service. The War department bill provides for a reduction of 40 officers from the number now in service. Considering the magnitude and importance of the work with which this department is charged, covering at this time the supply of troops in the United States, Cuba, Porto Rico, Hawaii, China, and the Philippines, with the great supply depots and the transport service to be efficiently managed and maintained, and the enormous quantities of quartermaster supplies to be constantly purchased, inspected, and distributed, this reduction—in the opinion of the Quartermaster-General—can not be made without resulting in great injury to the public service.

In this connection I desire to state that since the beginning of the Spanish-American war this department has been frequently embarrassed in finding officers to meet all the requirements of the service, and at this time there is not a single officer fit for duty unassigned. The chief quartermaster at Manila has recently informed me that other officers of the Quartermaster's Department will be constantly required there to take the place of those rendered unfit for duty by reason of the unfavorable climatic conditions incident to Philippine service.

In view of the foregoing, I feel that I would be derelict in my public duty did I not call attention to this matter, with a view to rectifying what may be an oversight in fixing, in the proposed Army reorganization measure, the small number of officers for this department. I regard 122 officers as the very lowest number which can properly and efficiently transact the business pertaining to this department, and earnestly urge and recommend that Congress be requested to supply that number. This department can not be expected to assume the great responsibility resting upon it by law and regulations if an adequate force of officers is not furnished by Congress to perform the work.

I further call attention to the age limit provided in the proposed bill at which volunteer quartermasters will be allowed to receive appointment in the permanent establishment of the department. This limit will prevent a large majority of the most valuable volunteer officers from being appointed, thereby depriving the department of their experience and services. Many of the volunteer officers have been performing such efficient and responsible duties since the beginning of the war with Spain that they are, in my judgment, entitled to special consideration, and it is hoped and recommended that this bar to the appointment of the most meritorious of these officers be eliminated from the bill, leaving to the Secretary of War and the President, in their discretion, the consideration of each case on its merits as to whether appointment in the regular establishment would or would not enhance the public interests.

I notice also in this proposed measure that a very small increase in the higher grades of this department is provided for. It seems proper that the Quartermaster's Department, composed of 122 officers, should have a greater proportion of colonels, lieutenant-colonels, and majors than a staff corps having but half or a fourth of this number of officers. I hope, therefore, that this may be rectified, and that the higher grades be fixed and this department established on the basis recommended in my communication of August 25 last, viz, 1 brigadier-general, 8 colonels, 16 lieutenant-colonels, 30 majors, and 67 captains. The military storekeeper will retire early in January next, and the vacancy will not be filled.

It is recommended that favorable consideration be given to the foregoing by the honorable the Secretary of War, and that this letter be transmitted to the chairman of the Committee on Military Affairs of the House for consideration in connection with the Army reorganization measure now being framed by that committee.

Very respectfully,
M. I. LUDINGTON,
Quartermaster-General United States Army.

The SECRETARY OF WAR.

Mr. HULL. Mr. Chairman, after consultation with those members of the committee I could reach, and believing that the Quartermaster-General's statement is correct, and that they should have more officers than this bill gives them, I move to amend the section by striking out the word "six," in line 9, and inserting the word "seven." That would make one additional colonel. Also, in line 10, strike out "nine" and insert "eleven;" and in line 11 strike out "fifty-four" and insert "seventy-two." That will give about 119. A hundred and twenty-two, he says, is what he absolutely needs, but he also, in his supplemental statement, says that 118 is the closest approach to the danger line that it is possible to run and administer his Department.

Mr. BROMWELL. I have not heard you make any change in the number of majors.

Mr. HULL. I thank the gentleman for the suggestion. I thought I included them. There should be twenty-eight. I move to strike out in lines 10 and 11 the word "eighteen" and insert "twenty-eight."

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

In line 9, page 20, strike out the word "six" and insert "seven."
In line 10 strike out "nine" and insert "eleven."
At the end of line 11 strike out "eighteen" and insert "twenty-eight."
In line 11 strike out "fifty-four" and insert "seventy-two."

The CHAIRMAN. The question is on agreeing to the amendments offered by the gentleman from Iowa.

The question was taken, and the amendments were agreed to.

Mr. HEPBURN. Mr. Chairman, in examining the bill since I called the attention of the committee to the amendment I offered, I am unable to find any place where the gentleman from Iowa might not make a captious objection on the ground of want of similarity if he saw fit, and it may be that I will have to divide the amendment I want to make.

Mr. HULL. I will ask the gentleman from Iowa if he is not willing to let this go over and examine sections 36 and 37 of the bill, which is in regard to the detail system.

Mr. HEPBURN. By dividing my amendment there is one part of it which I am satisfied is germane to this paragraph, and I offer to amend by adding to the end of the paragraph the following, "*Provided*, That any vacancy in the Quartermaster's Department may be filled by appointment from civil life or from volunteers serving since April 21, 1898."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Provided, That any vacancy in the Quartermaster's Department may be filled by appointment from civil life or from volunteers serving since April 21, 1898.

Mr. HEPBURN. Mr. Chairman, the amendment offered affects the Quartermaster's Department, the Subsistence Department, the Pay Department, and the Medical Department, the four departments that may properly be called the supply departments of the Army, and the departments that do not require for the efficient discharge of the duties military science or military knowledge and experience. On the contrary, what is wanted in these departments is a business capacity as distinguished from a military capacity.

I am satisfied that I could cite instances in the history of this country during the last three years that show conclusively that the method which we have adopted for filling these four corps has not been a success. You will remember some two years ago it became necessary to send an expedition to the eastern end of the island of Cuba. Sixteen thousand men were sent. They were sent under the immediate control, or so far as the loading of their ships, furnishing them with supplies, under the control of the Quartermaster's Department. Yet we have authority for saying that in the fitting out of that expedition some parts of the battery would be sent on one ship, some parts on another, and again on a third ship would be a portion of the same battery. They were sent there without any method, or any means whatever for unloading, although it was known that they were to unload from a roadstead a mile or more from shore, and yet there were neither launches nor boats of any character to facilitate their unloading.

We were told at the time that it became necessary because of this inefficient action of the Quartermaster's Department to throw animals—mules and horses—into the sea a mile or more from shore, and some of them succeeded at last in reaching it, while others were lost by going in the wrong direction. We know that at the time we got the news of the first military performance on the east end of that island, that when we heard that complaints were made as to these things, that the responsibility was thrown upon the Quartermaster's Department that there was not sufficient means to transport supplies and to move the army after they got them on land. So that I say in my judgment it can not be claimed that this branch of the service is to be improved by adhering to the old methods of filling these corps.

I believe that the President ought to have the opportunity and the power of selecting efficient men without regard to their service in the Army. I can conceive of no reason why long experience in the military service adds materially to the fitness of an officer to discharge the duties of quartermaster. This is par excellence a business place, where you need activity and energy and good common sense, and where you need to be relieved, as far as possible, from the routine of red tape and from those methods that grow up after long years of usage and custom in a given line.

Mr. BROMWELL. I wish to call the attention of the gentleman from Iowa [Mr. HEPBURN] to the reading of this paragraph, commencing on line 17. I think his proposed amendment will have to take the place of this last sentence, or else the sentence will have to be largely modified, because it is a proviso that vacancies in the grade of captain shall be filled by appointments from the volunteers, etc. The gentleman's provision is a general one for filling all vacancies.

Mr. HEPBURN. I have noticed what the gentleman states, but I want to see whether the House has any disposition whatever to adopt this amendment, and if so I shall be glad to have the assistance of the gentleman in making the bill conform to the general idea embraced in my proposition. And, Mr. Chairman, I may add that I would propose to apply this rule of appointment from civil life or from the volunteers to all four of the corps to which I have referred.

[Here the hammer fell.]

Mr. HULL. Mr. Chairman, I do not believe it is necessary to enter upon a discussion of the amendment at this time. But I wish to say in reply to the gentleman's criticism of the Quartermaster's Department as to moving troops to Santiago without proper arrangements having been made in advance, that the very necessity of the case demanded that those troops should

be moved without proper arrangements having been provided. They could not be provided without long delay, and delay meant probable defeat of the movement. Transports were chartered and rushed down to Key West and from there to Santiago.

The Government had made no preparations whatever for moving troops by water up to the war with Spain. The necessity for an immediate advance was regarded as imperative, if our troops were to accomplish the great purpose which was afterwards accomplished. And when they reached Santiago there was no wharf for them to land at; there were no facilities for disembarking, although the Navy and the Army were cooperating in the transportation of troops and the landing of troops and supplies.

Mr. STEELE. The lighter was lost.

Mr. HULL. Yes; the lighter was lost.

If we had waited until preparations such as those suggested by the gentleman from Iowa had been made, the war might have been going on for some months after the time when it in fact closed and more suffering and loss of life entailed than was caused by the prompt advance.

But I appeal to the gentlemen whether it is not true that as soon as it was known what the Government needed in this line the Quartermaster's Department met all the requirements of that occasion, and of every occasion that came up, with a wonderful ability in providing for the transportation and care of troops on land and water.

Now, Mr. Chairman, it is impossible to conclude this question to-night——

Mr. HEPBURN. One moment, before the gentleman makes the motion that the committee rise.

Mr. HULL. I withhold that motion, of course.

Mr. HEPBURN. I have no disposition to criticise querulously any branch of the Army. I have as much pride in it and in the aggregate of its great performances as my colleague or anyone else. But I am not blind to certain defects in that organization, and I want to call my friend's attention to the fact that after the expedition to which I have referred was prepared for sailing it went back because of a report that a hostile fleet might be in the way, and remained for many days at Tampa. I insist that the gentleman who had charge of this expedition knew where the landing was to be; knew that there would be no wharf for them to land at; knew that the unlading of those vessels must be from the open sea; and under those circumstances efficient men would have had at hand the necessary facilities to carry on that proceeding in a proper and orderly way.

It will not do to say that those gentlemen, charged with that responsible duty, and who proved so derelict, had not knowledge of all the circumstances of the case. They knew all the surroundings; and I believe that if there had been an infusion of new blood in that force—if it had been possible for the President to call to his aid, as the Secretary of War in one instance did, men from the outside—the lamentable exhibition that was made would not have been made. I remember that when those grave duties incident to the Quartermaster's Department devolved with such suddenness upon the Secretary of War he did not rely upon the Regular Army or the Quartermaster's Department. He called to his aid business men from the outside, and it was they who provided the transports. They were the men who did the active duties that brought credit in the greatest degree to the performances of the Army.

It was by reason of the fact that the Secretary of War was able to do this at that time that we reaped such marked advantage as we did. I want to put in the power of the President in all instances the right to call to his aid efficient men; and I do not believe that our systems of Army life do give efficiency in business matters.

I am willing to say that military experience is essential in the command of troops, essential in the laying out of campaigns and in all matters of strategy; but there is no reason in the world why a man should become fitted for the duties of a quartermaster simply because he has been in the American Army. On the contrary, there are many reasons why he may become unfitted for the best discharge of the duties of the Quartermaster's Department.

Mr. HULL. Mr. Chairman, the proposition of the gentleman from Iowa seems to assume, in the first place, that the Quartermaster's Department was perfectly organized for war when the war came, while it is well known that Congress had been, year after year since the close of the civil war, clipping off that and all other staff departments, here and there. Nearly all of the officers of the Quartermaster's Department had been taken from civil life, so that the very splendid efficiency of that department may help to bear out the argument of my colleague, but not his conclusions. They were trained men, but of such limited number as to make it impossible for them to do all the immense increase of work. Congress is to blame, not the department. We ignored the advice of every educated soldier, to provide a larger staff in peace than was absolutely needed, so that we could be prepared for war, and crippled the staff corps even for a peace establishment.

We provided in the volunteer act for a large number of men from civil life, who were rushed into the service without preparation or previous training, who finally, in many instances, came to be most efficient officers, and the idea that the Quartermaster's Department, because the troops were brought back to Key West after starting, could provide for their landing in Cuba in advance of any knowledge of the place of landing shows that my friend has given but little thought to the matter.

Mr. HEPBURN. At all events, facilities for landing might have been provided.

Mr. HULL (continuing). And the Quartermaster's Department did not know where the troops were going. From the moment the troops were placed on the transport they were under the control of the General of the Army and under his orders and the military authorities here and at Tampa. It might have been a bad thing, but as a matter of fact it resulted at last in good. The Quartermaster's Department could not send men to Santiago in advance of the troops to provide a place of landing. They had no money for the accomplishment of that purpose assigned to them by the Secretary of War in the first place, and in the second place they would not have lived long after they had landed there and undertook to do the work under the circumstances then existing, without an army to protect them.

My friend will also remember that a lighter was provided and started off with the troops. This was wrecked, and would my friend say that they ought to wait and stop the expedition until another lighter could have been procured rather than take the chance of losing a mule by landing from the vessels as was done? We unloaded safely the food for the troops, the arms, and the men themselves. It was a matter of grave difficulty to furnish the rations to the men on the fighting line at first, but the organization of pack trains, composed of men and mules, which had been safely landed, in a little while enabled the Department to provide full rations for all the men engaged in the service on the fighting line.

The Army suffered a great deal, it is true. War means suffering in an active campaign; but the boys who did the fighting have not complained. They, the regulars and the volunteers, standing shoulder to shoulder on the fighting line, knew that the Government was doing everything that could be done in their behalf, and they were satisfied that there was no neglect or want of care as far as their interests were concerned. The capture of 22,000 Spanish soldiers by less than 17,000 American soldiers is a practical illustration of the capacity of the men who stood on the fighting line and endured the hardships and dangers.

In this connection let me say that the line and staff of the Army worked in absolute harmony. There is no legitimate criticism on the staff for what took place in reference to the shipment of troops from Tampa to Santiago.

I move that the committee do now rise.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I desire to be recognized, if I may be recognized at this time.

The CHAIRMAN. The gentleman from Iowa has moved that the committee rise.

Mr. HULL. I will withdraw that motion if the gentleman from Mississippi desires to proceed now. I will state to him, however, that the debate under the five-minute rule will proceed when this bill is taken up again.

Mr. WILLIAMS of Mississippi. I did not understand the situation. It is now after 5 o'clock, and I understand that the five-minute debate will proceed to-morrow when this bill comes up. I will take occasion then to ask recognition.

Mr. HULL. We may not take up the bill to-morrow. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DALZELL reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (S. 4300) to increase the efficiency of the military establishment of the United States, had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. HULL. I wish now, Mr. Speaker, to renew a request I made a short time ago. I am informed by the gentleman from Minnesota [Mr. TAWNEY] and by one or two others—I know not, of course, after how full a conference—that if we ask unanimous consent that the bill known as the "Grout bill," which was fixed as a special order for to-morrow, be taken up on Monday next, there would be no objection. I ask now of the members present if that is the understanding?

Mr. HENRY of Connecticut. No; it is not. I object.

Mr. HULL. Will the gentleman object to unanimous consent to go on with this bill to-morrow, and let the Grout bill come up immediately afterwards?

Mr. HENRY of Connecticut. Mr. Speaker, prior to the adjournment of Congress last June a majority of the House was in favor of the present consideration of the Grout bill—an overwhelming majority. We were overruled, and as a compromise accepted the special order fixing the consideration of the bill for the 6th day of December—to-morrow. I can not consent to any arrangement that will vacate that order.

The SPEAKER. Objection is made.

RESIGNATION FROM A COMMITTEE.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES, *December 4, 1900.*

Hon. D. B. HENDERSON,
Speaker of the House of Representatives:

I hereby respectfully resign my place on the Committee on Invalid Pensions.

THOMAS HEDGE.

The SPEAKER. Without objection, this resignation will be accepted.

There was no objection.

COMMITTEE APPOINTMENTS.

The SPEAKER announced the following committee appointments:

To the Committee on Pensions, Mr. WILLIAM RICHARDSON, of Alabama.

To the Committee on the Public Lands, Mr. FRANCIS R. LASSITER, of Virginia.

To the Committee on Railways and Canals, Mr. JOSIAH L. KERR, of Maryland.

To the Committee on Expenditures on Public Buildings, Mr. RICHARD A. WISE, of Virginia.

To the Select Committee on the Centennial of the Establishment of the Seat of Government in Washington, Mr. JAMES W. DENNY, of Maryland.

To the Committee on Invalid Pensions, Mr. JAMES P. CONNER, of Iowa.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. MCCALL, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Charles S. Hall, Fifty-sixth Congress, no adverse report having been made thereon.

CHANGE OF REFERENCE.

The SPEAKER. The Chair calls attention to House bill 11327, which was referred to the Committee on Ways and Means, and is returned, with the request that it be referred to the Committee on Rivers and Harbors. Without objection, this change of reference will be made.

There was no objection.

ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (H. R. 12283) in relation to the celebration of the centennial anniversary of the establishment of the permanent seat of government in the District of Columbia; when the Speaker signed the same.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1358. An act to authorize the use of depositions before naval courts in certain cases—to the Committee on Naval Affairs.

S. 2399. An act to amend section 2 of an act entitled "An act to incorporate the convention of the Protestant Episcopal Church of the Diocese of Washington"—to the Committee on the District of Columbia.

S. 4439. An act to authorize Hon. George D. Meiklejohn, Assistant Secretary of War, to accept a decoration tendered to him by the Government of Sweden and Norway—to the Committee on Foreign Affairs.

S. 4830. An act to correct the military record of Ira J. Paxton—to the Committee on Military Affairs.

S. 21. An act for the relief of Clara H. Fulford—to the Committee on Claims.

S. 4673. An act to encourage the holding of an interstate and West Indian exposition in the city of Charleston, in the State of South Carolina, in the year 1901—to the Committee on Appropriations.

S. 4284. An act to authorize Capt. N. M. Brooks, superintendent of foreign mails, Post-Office Department, to accept a decoration tendered to him by the Emperor of Germany—to the Committee on Foreign Affairs.

REPRINT OF THE ARMY REORGANIZATION BILL.

Mr. HULL. Mr. Speaker, the edition of the Army bill as printed has been entirely exhausted, and there is such a constant demand for it that I ask unanimous consent that a reprint be ordered of the bill and report.

The SPEAKER. The gentleman from Iowa asks unanimous consent for a reprint of the Army bill, S. 4300.

Mr. HULL. And also the report.

The SPEAKER. Including the report upon that bill. Is there objection? The Chair hears none.

Mr. RICHARDSON of Tennessee. I understand that the gentleman from Iowa asks leave to reprint the Senate bill with the House amendments.

Mr. HULL. The whole thing is together. I suppose it would mean that.

Mr. RICHARDSON of Tennessee. It ought to be reprinted in that form.

Mr. HULL. The whole thing, in the form in which it now appears?

Mr. RICHARDSON of Tennessee. That is understood. You mean the Senate bill with the House amendments.

Mr. HULL. Yes.

And then, on motion of Mr. HULL (at 5 o'clock and 7 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table, and referred as follows:

A letter from the Secretary of the Treasury, transmitting a combined statement of the receipts and expenditures of the Government for the fiscal year ended June 30, 1900—to the Committee on Appropriations, and ordered to be printed.

A letter from the Commissioner of Labor, transmitting a statement of all moneys expended during the fiscal year ended June 30, 1900—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of harbor of Havre de Grace, Md.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Colorado River, Nevada—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and estimate for removing bar near the pier of the Southern Railway Company, Norfolk, Va.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Ohio River in Kentucky—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of San Joaquin River, California—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Sabine Pass, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of harbor of Harrisonville, Ill.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Mahon (harbor) River, Delaware—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Lynn Harbor, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Little Tennessee River, Tennessee—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Clinch River, Tennessee—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Hiwassee River, Tennessee—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey

of Tacoma Harbor, Washington—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the President of the Board of Managers of the National Home for Disabled Volunteer Soldiers, transmitting the report of the board for the year ended June 30, 1900—to the Committee on Appropriations, so much as refers to appropriations; so much as refers to other matters, to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Pagan River, Virginia—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Pawtucket River, Rhode Island—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Muskegon Harbor, Michigan—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the sloop *Abigail*, Samuel Robinson, master, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the brig *Caroline*, Elihu Cotton, master, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Smyrna River, Delaware—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Chesconnessex Creek, Virginia—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Red River—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Fire Island Inlet, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Portland Harbor, Maine—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Trinity River, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Quantico Creek, Virginia—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Mispillion River, Delaware—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Branford Harbor, Connecticut—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of river and harbor at Camden, Ark.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Beach Thoroughfare, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Warroad Harbor and Warroad River, Minnesota—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Sioux River, South Dakota—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Skiddaway Narrows, Georgia—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Manitowoc Harbor, Wisconsin—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Sakonnet Harbor, Rhode Island—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Long Prairie River, Minnesota—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Kootenai River, Montana—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Milwaukee Harbor, Wisconsin—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Detroit River, Michigan—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Interior, transmitting a statement of the expenditures of the Department for contingent expenses for the fiscal year ended June 30, 1900—to the Committee on Expenditures in the Interior Department, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

The bill (H. R. 12317) granting a pension to Mary Tripp—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 12236) granting a pension to Sofa T. Philip—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 11237) making an appropriation for the destruction of the aquatic plant known as the water hyacinth from streams, bayous, and other waters in Florida, Louisiana, and other Southern Atlantic and Gulf States, by chemical or mechanical means—Committee on Ways and Means discharged, and referred to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Mr. DALZELL, from the Committee on Rules, to which was referred the resolution of the House (H. Res. 306) relative to the consideration of Senate bill 4300, reported in lieu thereof H. Res. 309, accompanied by a report (No. 2011).

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MUDD: A bill (H. R. 12330) for the relief of inspectors of customs who performed double duty—to the Committee on Claims.

By Mr. JENKINS: A bill (H. R. 12331) to amend an act entitled "An act conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes," approved June 8, 1898—to the Committee on the District of Columbia.

By Mr. OTEY: A bill (H. R. 12332) for the erection of a monument to Andrew Lewis—to the Committee on the Library.

By Mr. BROSIUS: A bill (H. R. 12333) to provide for the extension of the charters of national banks—to the Committee on Banking and Currency.

By Mr. WILSON of Arizona: A bill (H. R. 12334) to establish a supreme court for the Territories of Arizona, New Mexico, and Oklahoma—to the Committee on the Judiciary.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 12335) providing for extra pay for certain soldiers—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: A bill (H. R. 12336) to prohibit the sale of firearms, opium, and intoxicants to aboriginal tribes and native races on the Pacific islands—to the Committee on Insular Affairs.

By Mr. PAYNE: A bill (H. R. 12394) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder—to the Committee on Ways and Means.

By Mr. TERRY: A bill (H. R. 12395) to provide for the holding of the circuit and district courts of the United States for the eastern district of Arkansas—to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: A bill (H. R. 12396) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said act—to the Committee on Insular Affairs.

By Mr. SIBLEY: A bill (H. R. 12397) proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. MONDELL: A bill (H. R. 12398) to provide for medical care and surgical treatment of honorably discharged soldiers, sailors, and marines—to the Committee on Military Affairs.

By Mr. FITZGERALD of Massachusetts: A joint resolution (H. J. Res. 275) requesting the President to furnish transportation to the Boers who desire to immigrate to this country—to the Committee on Foreign Affairs.

By Mr. LANE: A joint resolution (H. J. Res. 276) for the diversion of moneys heretofore appropriated for the harbor of Davenport, Iowa—to the Committee on Rivers and Harbors.

By Mr. STEELE: A concurrent resolution (H. C. Res. 59) for the printing of the report of the Board of Managers of the National Home for Disabled Volunteer Soldiers—to the Committee on Printing.

By Mr. DALZELL, from Committee on Rules: A resolution (H. Res. 309) relative to the consideration of Senate bill 4300 (in lieu of H. Res. 306), accompanied by a report (No. 2011).

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BERRY: A bill (H. R. 12337) for the relief of Maria Roth—to the Committee on Invalid Pensions.

By Mr. DRIGGS: A bill (H. R. 12338) paying certain claims of Charles Moran—to the Committee on War Claims.

Also, a bill (H. R. 12339) granting an increase of pension to James F. Conner—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 12340) referring to the Court of Claims the claims of O. P. Cobb and others—to the Committee on War Claims.

By Mr. HEMENWAY: A bill (H. R. 12341) to remove the charge of desertion against Jeremiah C. Lamar, late of Company E, Twenty-fifth Regiment Indiana Volunteers, and authorize his honorable discharge—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: A bill (H. R. 12342) to remove the charge of desertion from the military record of Augustin H. Finn—to the Committee on Military Affairs.

Also, a bill (H. R. 12343) for the relief of James H. De Coster—to the Committee on Claims.

By Mr. MADDOX: A bill (H. R. 12344) granting an increase of pension to Julia Crenshaw—to the Committee on Pensions.

By Mr. MANN: A bill (H. R. 12345) to remove the charge of desertion from the naval record of Ezekiel Downey—to the Committee on Naval Affairs.

By Mr. NEEDHAM: A bill (H. R. 12346) to remove the charge of absence without leave against the military record of Peleg T. Griffith—to the Committee on Military Affairs.

By Mr. OTEY: A bill (H. R. 12347) granting a pension to G. W. Warnick—to the Committee on Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 12348) to authorize the Secretary of War to cause to be investigated and to provide for the payment of the claim of the Presbyterian Church of Huntsville, Ala., for the use and occupation of said church building for Government purposes by the United States military authorities during the late war, and all claims for damages resulting from the appropriation to Government use of any of the furnishings or materials pertaining to said building, and for damage to said building—to the Committee on War Claims.

Also, a bill (H. R. 12349) to authorize the Secretary of War to cause to be investigated and to provide for the payment of the claim of the Methodist Episcopal Church of Huntsville, Ala., for the use and occupation of said church building for Government purposes by the United States military authorities during the late war, and all claims for damages resulting from the appropriation to Government use of any of the furnishings or materials pertaining to said building, and for damage to said building—to the Committee on War Claims.

By Mr. RYAN of New York: A bill (H. R. 12350) granting an increase of pension to James Paul—to the Committee on Invalid Pensions.

By Mr. SHOWALTER: A bill (H. R. 12351) granting a pension to William P. Morrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12352) granting an increase of pension to Abram P. Pew—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 12353) granting an increase of pension to Lucie M. Mabry—to the Committee on Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 12354) granting a pension to Edna K. Hoyt—to the Committee on Pensions.

Also, a bill (H. R. 12355) granting an increase of pension to Mary Elizabeth Humphrey—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 12356) granting a pension to General M. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12357) granting a pension to Albert Guernsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12358) granting an increase of pension to Andrew J. Bellinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12359) granting a pension to Peter Weber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12360) granting a pension to Josephine A. Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12361) granting a pension to Raynor H. Newton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12362) granting a pension to Sylvia H. Lamoreaux—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12363) granting a pension to Phila A. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12364) granting a pension to Mary Butler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12365) granting a pension to Eliza Burcaw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12366) for the relief of Lemon Barnes—to the Committee on Military Affairs.

Also, a bill (H. R. 12367) to correct the military record of Fremont C. Downing—to the Committee on Military Affairs.

Also, a bill (H. R. 12368) to correct the military record of Henry Harris—to the Committee on Military Affairs.

Also, a bill (H. R. 12369) to correct the military record of Dayton S. Peck—to the Committee on Military Affairs.

Also, a bill (H. R. 12370) granting a pension to all surviving employees of the Franklin shops, at Nashville, Tenn., who served six months and over during the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 12371) for the relief of Andrew G. Gorrell—to the Committee on War Claims.

Also, a bill (H. R. 12372) for the relief of John P. Jones—to the Committee on War Claims.

Also, a bill (H. R. 12373) for the relief of Elisha R. Swain—to the Committee on War Claims.

Also, a bill (H. R. 12374) for the relief of Lemuel C. Canfield—to the Committee on War Claims.

Also, a bill (H. R. 12375) for the relief of Carrie M. Boone—to the Committee on War Claims.

Also, a bill (H. R. 12376) for the relief of Lawrence H. Rousseau—to the Committee on War Claims.

Also, a bill (H. R. 12377) for the relief of August Schlapp—to the Committee on War Claims.

Also, a bill (H. R. 12378) for the relief of Columbus P. French—to the Committee on War Claims.

Also, a bill (H. R. 12379) for the relief of Omar H. Case—to the Committee on War Claims.

Also, a bill (H. R. 12380) for the relief of Joseph Murray—to the Committee on War Claims.

Also, a bill (H. R. 12381) for the relief of Frank M. Vowels—to the Committee on War Claims.

Also, a bill (H. R. 12382) for the relief of Fenelon B. Matthews—to the Committee on War Claims.

Also, a bill (H. R. 12383) for the relief of John Fuller—to the Committee on War Claims.

Also, a bill (H. R. 12384) for the relief of John A. Heald—to the Committee on War Claims.

Also, a bill (H. R. 12385) for the relief of Hubbard K. Milward—to the Committee on War Claims.

By Mr. SOUTHARD: A bill (H. R. 12386) granting an increase of pension to William N. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12387) granting a pension to Frances L. Poe—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 12388) for the relief of Caroline V. English—to the Committee on Military Affairs.

Also, a bill (H. R. 12389) for the relief of Marion McKibben—to the Committee on Military Affairs.

Also, a bill (H. R. 12390) for the relief of Maj. James Rockwell, jr.—to the Committee on Military Affairs.

By Mr. SUTHERLAND: A bill (H. R. 12391) granting an increase of pension to James M. Campbell—to the Committee on Invalid Pensions.

By Mr. WISE: A bill (H. R. 12392) granting a pension to Dr. Henry Smith—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 12393) for the relief of Thomas Christy—to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 12399) to correct the military record of Thomas Curneen—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH: Petition of George B. Randolph, department commander of Alabama, Grand Army of the Republic, praying for the passage of House bill No. 5499, for the relief of the officers of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN of Maine: Petition of Seth T. Snipe, of Bath, Me., in behalf of the Maine Department of the Grand Army of the Republic, for the consideration of House bill No. 5499, promoting the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL: Petition of H. M. Orahood, department commander of Colorado and Wyoming, urging favorable action on House bill No. 5499, relating to the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. BERRY: Paper to accompany House bill granting an increase of pension to Maria Roth—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: Petition of S. T. Harris, department commander of Tennessee, favoring the passage of House bill No. 5499, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of the heirs of Elmore Preston, deceased, late of Knox County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of John A. Keebler, of Washington County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of Joseph Henderson, deceased, late of Washington County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of Levi Carmack, deceased, late of Claiborne County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Elijah Simerly, deceased, late of Carter County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BURKETT: Resolutions of Trinity Methodist Episcopal Church, of Lincoln, Nebr., for the exclusion of slavery, rifles, and spirituous liquors from portions of Africa, etc.—to the Committee on Foreign Affairs.

By Mr. BURLEIGH: Petition of E. A. Jones, J. A. Jones, and other citizens of China, Me., against the sale of intoxicating liquors, etc., in our new possessions—to the Committee on Insular Affairs.

Also, resolutions of the Woman's Christian Temperance unions of Vasselboro and Winthrop and petition of citizens of Unity, Me., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. CALDERHEAD: Petitions of citizens of Belleville, Brookville, Salina, and Marysville, Kans., in favor of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. CANNON: Papers to accompany House bill to correct the military record of Thomas Curneen—to the Committee on Military Affairs.

By Mr. CHANLER: Petitions of Egbert & Case, J. A. Willett & Co., and Fitch, Rowland & Co., of the city of New York, in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

Also, petition of the United States Brewers' Association, for the repeal of the tax on beer in the war-revenue act—to the Committee on Ways and Means.

Also, resolutions of the Manufacturers' Association and the Maritime Association, of New York, urging the improvement of Buttermilk Channel—to the Committee on Rivers and Harbors.

By Mr. CORLISS: Petition of citizens of Detroit, Mich., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. FITZGERALD of Massachusetts: Petition of the Massachusetts Total Abstinence Society, to prohibit the sale of intoxicants in Army canteens and trading posts—to the Committee on Military Affairs.

By Mr. FITZGERALD of New York: Petition of certain commercial and industrial bodies of St. Louis, Mo., in favor of the improvement of the Mississippi River between St. Louis and Cairo—to the Committee on Rivers and Harbors.

Also, resolutions of the Manufacturers' Association, Maritime Association, and Produce Exchange, all of New York, advocating an appropriation for the improvement of Buttermilk Channel—to the Committee on Rivers and Harbors.

Also, resolutions of Frank Head Post, No. 16, Grand Army of the Republic, Department of New York, favoring the passage of House bill No. 5779, giving veterans preferment in public service—to the Committee on Reform in the Civil Service.

Also, resolutions adopted at a meeting of citizens in the Westminster Presbyterian Church of Brooklyn, N. Y., asking for the exclusion of slavery, rifles, and spirituous liquors from portions of Africa—to the Committee on Foreign Affairs.

Also, resolutions of the Manufacturers' Association of New York, asking for the passage of Senate bill No. 1439, to amend the interstate-commerce law so as to provide for the enforcement of the provisions regulating transportation rates—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Petition of Philip Lawrence, department commander of South Dakota, Grand Army of the Republic, favoring early consideration of House bill No. 5499—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFITH: Resolutions of Stony Point Grange, No. 1733, Patrons of Husbandry, of Jefferson County, Ind., in favor of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. HAY: Petition of the heirs of John Evers, deceased, late of Rockingham County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. HEMENWAY: Papers to accompany House bill to remove the charge of desertion from the military record of Jeremiah C. Lamar—to the Committee on Military Affairs.

By Mr. JOHNSON: Petition of the heirs of Frederick Phillips, deceased, late of Pocahontas County, W. Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. JOY: Petition of Wilbur F. Henry, department commander of Missouri Grand Army of the Republic, praying for the passage of House bill No. 5499, for the relief of the officers of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: Papers to accompany House bill for the relief of Ezekiel Downey—to the Committee on Naval Affairs.

By Mr. McDOWELL: Petitions of J. M. Smucker, of Orrville, Ohio, and citizens of Wayne County, Ohio, in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. McRAE: Petition of J. M. Roundtree, of Corinth, Ark., for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. MOODY of Oregon: Petitions of A. J. Goodbrod, department commander of Oregon, Grand Army of the Republic, and T. A. W. Shock, commander Oregon Commandery, Loyal Legion, requesting early consideration of House bill No. 5499—to the Committee on Interstate and Foreign Commerce.

By Mr. NEEDHAM: Resolutions of the San Diego Shakespeare Club for the purchase of the Calavaras Big Tree Grove, California, by the Government—to the Committee on Public Lands.

Also, resolutions of the Wholesalers' Board of Trade, of Los Angeles, Cal., in support of Senate bill No. 4282, and House bill No. 9882, known as the Ray bankruptcy bill—to the Committee on the Judiciary.

Also, resolutions of the board of directors of the Manufacturers and Producers' Association of California, relating to the preservation, reclamation, and settlement of the public domain—to the Committee on Public Lands.

Also, papers to accompany House bill No. 5685, to remove the charge of desertion from the military record of C. F. Hertweck—to the Committee on Military Affairs.

By Mr. ROBERTS: Petition of Peter D. Smith, department commander of Massachusetts, Grand Army of the Republic, praying for the passage of House bill No. 5499, for the relief of the officers of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Indiana: Petitions of citizens of New Haven, Fort Wayne, and Waterloo, Ind., in favor of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petition of the Independent Cavalry Troop of Fort Wayne, Ind., relating to Army reorganization—to the Committee on Military Affairs.

By Mr. RUSSELL: Petition of John K. Bucklyn, department commander of Connecticut, Grand Army of the Republic, for action on House bill No. 5499, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN of New York: Petition of James Paul, of Company K, New York Volunteer Infantry, for increase of pension, to accompany House bill—to the Committee on Invalid Pensions.

By Mr. SHOWALTER: Petition of druggists of Sharon, Pa., for the repeal of the tax on proprietary medicines—to the Committee on Ways and Means.

Also, papers to accompany House bill for the relief of William P. Morrison, of Lawrence County, Pa.—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: Petition of Daniel L. Griesser and others, asking for increase of pay for keepers in the Life-Saving Service—to the Committee on Merchant Marine and Fisheries.

Also, petition of citizens of Fulton County, Ohio, favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

Also, petition of Frances M. Monasmith and others, for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Resolutions of the Minnesota Butter and Cheese Makers' Association, favoring the Grout bill—to the Committee on Agriculture.

By Mr. SUTHERLAND: Resolutions of Old Abe Post, Grand Army of the Republic, Department of Nebraska, indorsing House bill No. 5779, relating to appointments in the Government service—to the Committee on Reform in the Civil Service.

Also, petition of Post No. 80, Grand Army of the Republic, Department of Nebraska, in support of House bill No. 4742, amending section 1225 of the Revised Statutes, relating to military instruction in public schools—to the Committee on Military Affairs.

Also, resolution of the Congregational Church of Clay Center, Nebr., for the exclusion of intoxicants from all countries inhabited by native races—to the Committee on Foreign Affairs.

By Mr. WACHTER: Petition of John R. King, department commander of Maryland Grand Army of the Republic, favoring the passage of House bill No. 5499, for the relief of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. WISE: Paper to accompany House bill granting a pension to Henry Smith—to the Committee on Invalid Pensions.

By Mr. YOUNG: Petitions of Isaac W. Davis and P. W. Kiefaber Company, of Philadelphia, Pa., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

Also, petition of J. J. Williams, civil engineer, favoring the Nicaragua Ship Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Philadelphia Board of Trade, for such legislation as will strengthen our maritime position—to the Committee on Merchant Marine and Fisheries.

Also, petition of the National Association of Manufacturers, T. C. Search, president, of Cincinnati, Ohio, in favor of various measures for the promotion of American industries and commercial progress with other nations—to the Committee on Ways and Means.

Also, resolutions of select and common councils of Philadelphia, Pa., and of the Trades League of Philadelphia, and the New Century Club and the Civic Club of Philadelphia, in favor of legislation transferring the present mint building to the city of Philadelphia—to the Committee on Public Buildings and Grounds.

Also, petition of chemists and druggists of Philadelphia, Pa., for the repeal of the special tax on proprietary medicines, etc.—to the Committee on Ways and Means.

Also, paper to accompany House bill for the removal of the charge of desertion from the military record of Thomas Christy—to the Committee on Military Affairs.

By Mr. ZIEGLER: Affidavits of 26 members of the Worth Infantry and York Rifles, in favor of the bill granting the surviving members of said companies medals of honor—to the Committee on Military Affairs.

Also, petition of citizens of Gettysburg, Pa., to accompany House bill No. 9278, for the relief of George W. Cook—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *December 6, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

LANDS IN WASHINGTON CITY.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, transmitting, pursuant to the provisions of the act of Congress approved June 6, 1900, a letter from the Chief of Engineers, United States Army, together with a copy of a report from Col. Theo. A. Bingham, submitting plans, estimate of cost, etc., for the treatment of that section of the District of Columbia situated south of Pennsylvania avenue, etc.

The Chair does not know to what committee the communication should go.

Mr. GALLINGER. I think beyond a question it should go to the Committee on the District of Columbia primarily.

The PRESIDENT pro tempore. It will be referred to the Committee on the District of Columbia and the manuscript ordered printed. I think the Chair had perhaps better not order the plans to be printed until the committee has examined them.

Mr. GALLINGER. Certainly not. The manuscript will be sufficient.

REPORT OF THE LIBRARIAN OF CONGRESS.

The PRESIDENT pro tempore laid before the Senate the annual report of the Librarian of Congress for the fiscal year ended June 30, 1900; which, with the accompanying papers, was referred to the Committee on the Library, and ordered to be printed.

REPORT ON REINDEER IN ALASKA.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting the report of Dr. Sheldon Jackson upon "The introduction of domestic reindeer into the district of Alaska" for the year 1900.

The Chair calls the attention of the senior Senator from Colorado [Mr. TELLER] to this report.

Mr. TELLER. I have a resolution to offer, providing for the printing of an extra number of copies, which I suppose must go to the Committee on Printing.

The PRESIDENT pro tempore. Where will the Senator have the report go?

Mr. TELLER. I do not know where the report ought to go. I want to have it printed, and that is about all there is of it. It should go to the Committee on Appropriations, I suppose.

Mr. KYLE. The Committee on Territories.

Mr. COCKRELL. The Committee on Printing.

The PRESIDENT pro tempore. It will be referred to the Committee on Printing, with the accompanying map.

Mr. TELLER. I ask for the adoption of the resolution.

Mr. VEST. What is the resolution?

The PRESIDENT pro tempore. It is not in order, but if there is no objection it will be received.

Mr. TELLER. I ask unanimous consent that it may be passed now.

The PRESIDENT pro tempore. The resolution will be read.

The concurrent resolution was read, and referred to the Committee on Printing, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies additional to the usual number of the report of Dr. Sheldon Jackson upon the Introduction of Domestic Reindeer into the District of Alaska, for 1900, of which 1,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 6,000 copies for the use of the Commissioner of Education.

LIST OF PUBLIC BUILDINGS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a list of buildings under the control of that Department for which, for reasons stated in each case, it is necessary, in order to insure their proper completion, that the limit of cost should be extended by Congress; which, on motion of Mr. ALLISON, was, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed.

HARBOR AT GALVESTON, TEX.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, together with a copy of a report of the Board of Engineers recently convened at Galveston, Tex., to make an examination of the effect of the storm of September 8, 1900, on the jetties and main ship channel at Galveston.

The communication and accompanying papers will be printed and referred to the Committee on Commerce, and the accompanying plans will be referred to the committee without printing.

The Chair also lays before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, together with copy of a report of the Board of Engineers recently convened at Galveston, Tex., for the purpose of reporting upon the damage to the fortifications at Galveston Harbor by the hurricane of September 8, 1900, etc.; which, with the accompanying papers, will be referred to the Committee on Coast Defenses, and ordered to be printed.

The PRESIDENT pro tempore. The Chair also lays before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, together with a copy of a report of the Board of Engineers recently convened at Galveston, Tex., for the purpose of investigating the effect of the storm of September 8, 1900, on the jetties of the Brazos River, etc.

The communication and manuscript will be printed and referred to the Committee on Commerce, and the plans accompanying the same will be referred to the committee without printing.

NATIONAL ARMORY, SPRINGFIELD, MASS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in compliance with law, a statement exhibiting the expenditures at the Springfield Armory, Springfield, Mass., for the fiscal year ended June 30, 1900; which, with the accompanying papers, will be referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CULLOM. The communication should go to the Committee on Appropriations, I think.

The PRESIDENT pro tempore. Does the Senator ask that it shall go to the Committee on Appropriations?

Mr. ALLISON. I think the communication should go to the Committee on Appropriations. These appropriations are usually made in the sundry civil appropriation bill.

The PRESIDENT pro tempore. The communication and accompanying papers will be referred to the Committee on Appropriations.

CONTRACTS FOR ARMY SUPPLIES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Quartermaster-General of the Army calling attention to the necessity for suspending indefinitely the operation of certain provisions of law relating to the War Department, which provisions of law were last suspended by the act of February 24, 1900, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

ELECTORAL VOTES OF OHIO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a certified copy of the final ascertainment of the electors for President and Vice-President, appointed in the State of Ohio, at the election held therein on the 6th day of November, 1900; which, with the accompanying papers, was ordered to lie on the table.

CREDENTIALS.

Mr. CLAY. Mr. President, I present the credentials of my colleague, certifying his reelection to the Senate for the period of six years commencing March 4, 1901. I ask that the credentials be read and take the usual course.

The Secretary read the credentials of AUGUSTUS O. BACON, chosen by the legislature of the State of Georgia a Senator from that State for the term beginning March 4, 1901; and they were ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented 72 petitions of sundry citizens of Illinois, praying for the enactment of legislation relative to the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of 260 citizens of Illinois, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Quincy Freight Bureau, of Quincy, Ill., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Quincy Freight Bureau, of Quincy, Ill., praying for the adoption of an amendment to the war-revenue law repealing the provisions of Section A, requiring revenue stamps to be affixed to express receipts, bills of lading, telegrams, etc.; which was referred to the Committee on Finance.

Mr. GALLINGER presented a petition of C. W. Sawyer Post, No. 17, Department of New Hampshire, Grand Army of the Republic, of Dover, N. H., praying for the enactment of legislation giving preference to veterans in the public service; which was referred to the Committee on Military Affairs.

He also presented 23 petitions of citizens of New Hampshire, praying for the enactment of legislation relative to the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. HANSBROUGH presented 88 petitions of citizens of North Dakota, praying for the enactment of legislation relative to the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. QUARLES presented 33 petitions of citizens of Wisconsin, praying for the enactment of legislation relative to the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. PENROSE presented a petition of the Woman's Home Missionary Society of the Presbyterian Church, of Morrisville, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. SCOTT presented 38 petitions of citizens of West Virginia, praying for the enactment of legislation relative to the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. McMILLAN presented a petition of Heber Le Favour Post, No. 181, Department of Michigan, Grand Army of the Republic, of Milford, Mich., praying for the enactment of legislation giving preference to veterans in the public service; which was referred to the Committee on Military Affairs.

He also presented petitions of the Woman's Historical Club of Detroit; of the Woman's Missionary Society of the Presbyterian Church of Plainwell, and of the Woman's Christian Temperance Union of Plainwell, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. SPOONER presented 11 petitions of citizens of Wisconsin, praying for the enactment of legislation relative to the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. LODGE presented a petition of the board of managers of the Missionary Society of the Methodist Episcopal Church of New York, praying for an extension of the treaty of 1892 by the exclusion of all intoxicants from all countries inhabited chiefly by native races; which was referred to the Committee on Foreign Relations.

Mr. FRYE presented seven petitions of citizens of Maine, praying for the enactment of legislation relative to the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

TEMPLE FARM AND MOORE HOUSE, AT YORKTOWN, VA.

Mr. HOAR. I present resolutions of the legislature of the Commonwealth of Massachusetts, which, in accordance with the usual custom, I suppose will be read at the desk, and I desire to call the attention of the Senators from Virginia to these resolutions.

The memorial was read, as follows:

Commonwealth of Massachusetts. In the year one thousand nine hundred.
Resolutions relative to the purchase of Temple Farm and Moore House, at Yorktown, Va., by the United States Government.

Whereas the Moore House, and Temple Farm, upon which it is situated, at Yorktown, Va., will carry with them through all time memories of the siege and victory by which the allied armies of France and the American colonies secured the independence of our nation; and

Whereas it is reported that the property can at this time be bought for a nominal sum, and it is believed that the product of the farm will be sufficient to keep the buildings in repair, and the buildings are so situated as to be well adapted for Government purposes on occasions of naval inspection and reviews on York River: Be it

Resolved, That the Senators and Representatives in Congress from this Commonwealth be, and are hereby, requested to consider and, if in their judgment they can wisely do so, to support a bill for the purchase of Temple Farm and Moore House, at Yorktown, Va., by the Government of the United States of America: *Provided*, That the cost of the said farm with its improvements shall not exceed a reasonable sum: And be it

Resolved, That properly attested copies of these resolutions be sent to the Senators and Representatives in Congress from this Commonwealth.

HOUSE OF REPRESENTATIVES, *May 29, 1900.*

Adopted. Sent up for concurrence.

JAMES W. KIMBALL, *Clerk.*

SENATE, *June 4, 1900.*

Adopted in concurrence.

HENRY D. COOLIDGE, *Clerk.*

A true copy. Attest:

JAMES W. KIMBALL,
Clerk House of Representatives.

Mr. MARTIN. Mr. President, I simply desire to say that I am much gratified to find the interest taken by the State of Massachusetts in this matter. It is a subject which has attracted a good deal of attention in Virginia, and it has had to some extent already the attention of the Senators from that State. A bill will be presented at an early day intended to carry out the purposes expressed in the memorial.

The PRESIDENT pro tempore. What reference does the Senator from Massachusetts desire?

Mr. HOAR. Let the memorial be referred to the Committee on the Library.

The PRESIDENT pro tempore. It will be referred to the Committee on the Library.

MARY A. MOORE.

Mr. COCKRELL. In connection with the bill (S. 532) to increase the pension of Mary A. Moore, widow of Col. David Moore, late colonel Twenty-first and Fifty-first Regiments Missouri Volunteers, I present memoranda and data by Hon. John W. Noble, late Secretary of the Interior, in regard to Colonel Moore, and I move that the papers be referred to the Committee on Pensions.

The motion was agreed to.

MICHAEL CONNOR.

Mr. COCKRELL. To accompany the bill (S. 551) granting a pension to Michael Connor, I present the affidavits of Michael Connor and the affidavits of Andrew Condra and James Kinsley. I move that the papers be referred to the Committee on Pensions for consideration in connection with that bill.

The motion was agreed to.

REPORT OF A COMMITTEE.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 11588) permitting the building of a dam across the Osage River at the city of Warsaw, Benton County, Mo., reported it without amendment.

MISSISSIPPI RIVER BRIDGE AT DUBUQUE, IOWA.

Mr. VEST. I am directed by the Committee on Commerce to report a bill to amend an act authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa, approved March 6, 1900.

Mr. ALLISON. That is a brief bill and of a local character. I ask that it may be now considered. It will take but a moment.

The bill (S. 5053) to amend an act authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa, approved March 6, 1900, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That section 2 of an act authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa, approved March 6, 1900, is hereby amended by striking out the words "two hundred" and inserting in lieu thereof the words "one hundred and seventy-five."

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ALLISON. I ask unanimous consent that the letter of the Secretary of War relating to this subject may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter is as follows:

WAR DEPARTMENT, *Washington, December 3, 1900.*

MY DEAR SIR: Your telegram of 16th ultimo, bespeaking the approval of the plans of a bridge proposed to be constructed by the Dubuque and Wisconsin Bridge Company across the Mississippi River in the vicinity of Eagle Point, in the city of Dubuque, Iowa, under the provisions of the act of Congress approved March 6, 1900, was received during my absence from the city.

Replying thereto, I beg to state that the plans submitted by the company do not comply with the requirements of the act under which they are submitted, section 2 of which act provides "that said bridge, between the Iowa shore and the lowlands or islands on the Wisconsin side of the river, shall be constructed with unbroken and continuous spans, and the main span shall be over the main navigable channel of the river and shall give a clear width of waterway not less than 350 feet. * * * The remaining spans shall each give a clear width of waterway of not less than 200 feet." Instead of one channel span of 350 feet and other spans of 200 feet, the plans provide for two channel spans of 380 feet each and two side spans of 175 each, and while it is thought by the engineer officers and others concerned that this arrangement would give increased facilities for navigation, at the same time offering less obstruction to the flow of the water, I would not feel justified in giving the present plans my approval unless Congress should change the act so as to legalize the proposed spans which are of less width than the minimum fixed by the act referred to.

The proposed plans and location of the bridge are favorably indorsed by the engineer authorities and will receive the approval of the Department upon the passage of the necessary legislation.

Very respectfully,

ELIHU ROOT,
Secretary of War.

Hon. WILLIAM B. ALLISON,
United States Senate.

MESSENGER FOR COMMITTEE.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. BURROWS on the 4th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, directed to appoint a messenger for the Committee on Privileges and Elections, whose services shall be devoted exclusively to the business of said committee, and that the messenger so appointed shall be selected by said committee, and paid from the contingent fund of the Senate at the rate of $1,440 per annum until otherwise provided by law.

ASSISTANT CLERK TO COMMITTEE ON PRINTING.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PLATT of New York on the 4th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Printing be, and it hereby is, authorized to employ an assistant clerk, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided for by law.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 5054) granting an increase of pension to Annie E. Joseph; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5055) granting pensions to soldiers and sailors confined in so-called Confederate prisons; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 5056) for the relief of the estate of William Booth; which was read twice by its title, and referred to the Committee on Claims.

Mr. MCMILLAN introduced a bill (S. 5057) to amend certain sections of the Revised Statutes of the United States relating to the District of Columbia as to the Metropolitan police, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5058) to amend an act entitled "An act conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes," approved June 8, 1898; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5059) granting an increase of pension to Benjamin S. Harrower; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5060) to prohibit the sale of firearms, opium, and intoxicants to aboriginal tribes and native races in the Pacific islands; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. PROCTOR (by request) introduced a bill (S. 5061) to provide for the refundment of certain moneys to the Republic of Mexico; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. KYLE introduced a bill (S. 5062) to provide for building and maintaining an Indian industrial school at or near Evarts, in the State of South Dakota, and to provide a farm in conjunction therewith; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. COCKRELL introduced a bill (S. 5063) for the relief of the Missouri State Lunatic Asylum No. 1, at Fulton, Mo.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5064) to grant an honorable discharge to William B. Barnes; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5065) granting an increase of pension to George F. Bowers; which was read twice by its title.

Mr. COCKRELL. To accompany the bill, I present the petition of George F. Bowers, together with the affidavits of Dr. George D. Coe, Renard Napper, Timothy Meador, and M. H. Fisher. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 5066) granting a pension to Catharine Moore; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5067) granting an increase of pension to Robert Voigt;

A bill (S. 5068) granting a pension to Rosannah J. Ross (with accompanying papers); and

A bill (S. 5069) granting an increase of pension to Mahala Litton (with accompanying papers).

Mr. HOAR introduced a bill (S. 5070) granting an increase of pension to Marcellus A. Lothrop; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 5071) for the relief of Albert V. Conway, trustee; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 5072) to correct the military record of Robert Moore; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MALLORY (by request) introduced a bill (S. 5073) to provide for the construction and administration of an isthmian canal; which was read twice by its title, and referred to the Committee on Interoceanic Canals.

Mr. FRYE introduced a bill (S. 5074) granting an increase of pension to Sarah F. Bridges; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 5075) to correct the military record of Otis B. Vanfleet; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FORAKER introduced a bill (S. 5076) to provide for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

AMENDMENT TO DISTRICT OF COLUMBIA CODE BILL.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 9835) to establish a code of law for the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PROTECTION OF NATIVE AND UNCIVILIZED RACES.

Mr. LODGE submitted the following resolution; which was referred to the Committee on Foreign Relations:

Resolved by the Senate of the United States of America in Congress assembled, That in the opinion of this body the time has come when the principle, twice affirmed in international treaties for Central Africa, that native races should be protected against the destructive traffic in intoxicants should be

extended to all uncivilized peoples by the enactment of such laws and the making of such treaties as will effectually prohibit the sale to aboriginal tribes and uncivilized races of firearms, opium, and intoxicating beverages.

ADULTERATION OF FOOD, ETC.

Mr. PERKINS. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Industrial Commission is hereby directed to prepare and send to the Senate, as soon as possible, a digest of any testimony it may have taken on the subject of adulterating food and drink products, a digest of the so-called pure food and drug laws of the various States, and also a digest of the testimony recently taken before the Committee on Manufactures of the Senate on the same subject.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. ALDRICH. Where does the resolution come from?

The PRESIDENT pro tempore. It was offered by the Senator from California [Mr. PERKINS].

Mr. PERKINS. I will state that all this data has been compiled and is now ready to be presented by the Industrial Commission. There is no expense whatever attached to it, and it is information which the Senate should have while discussing the bill that is soon to be brought up for consideration, known as the Grout pure-food bill.

Mr. SPOONER. I simply wish to suggest to the Senator from California that the Industrial Commission is a commission created by law, and I doubt somewhat the power of one House to instruct it to transmit a portion of the testimony taken before it. I think, perhaps, it should be made a joint or concurrent resolution.

Mr. PERKINS. The chairman of the commission thought it unnecessary to make it a joint or concurrent resolution. They are very desirous of furnishing Congress with this information. However, if the Senator thinks it advisable, the resolution can be so amended.

Mr. HOAR. The two Houses would have no more power than one. If the suggestion of the Senator from Wisconsin be well taken it would have to be a law.

Mr. SPOONER. A joint resolution.

Mr. HOAR. I should think the Senate might give such a direction.

Mr. SPOONER. The commission is instructed by law to make certain reports and certain communications to the Houses. I hardly see that one House can modify that and impose additional duties upon them.

Mr. HOAR. The two Houses?

Mr. SPOONER. Yes; by joint resolution, and then if it is approved by the President it is a law.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

MESSENGER FOR OFFICIAL REPORTERS.

Mr. ALLISON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, directed to appoint a messenger for the Official Reporters of the Senate, whose services shall be devoted exclusively to the business of said Official Reporters, and that the messenger so appointed shall be selected by said Official Reporters, and paid from the contingent fund of the Senate at the rate of $1,440 per annum until otherwise provided by law, said appointment to date from the beginning of the present session.

EXTRA PAY OF DISABLED SURFMEN, ETC.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to transmit to the Senate a copy of the decision of the Comptroller of the Treasury holding that applications of members of the Life-Saving Service for the benefit of section 7 of the act of May 4, 1882, allowing disabled surfmen, etc., one year's extra pay, must be made before the expiration of the term of enlistment of such surfmen, etc., together with a list of such applications as have been denied under said decision.

COMMITTEE SERVICE.

Mr. PROCTOR was, on his own motion, excused from further service upon the Committee on the District of Columbia and the Committee on Coast Defenses.

Mr. ALDRICH. I suggest that the junior Senator from Vermont [Mr. DILLINGHAM] be appointed a member of the Committee on the District of Columbia in the place of the senior Senator from Vermont, who has been excused.

The PRESIDENT pro tempore. The Senator from Rhode Island moves that the junior Senator from Vermont be placed upon the Committee on the District of Columbia in the place made vacant by the resignation of the senior Senator from Vermont. Is there objection? The Chair hears none, and it is so ordered.

SENATOR FROM MONTANA.

Mr. LODGE. Mr. President——

Mr. CARTER. If the Senator from Massachusetts will allow me, I desire to give notice that on Tuesday next, at some convenient hour, I shall call up Senate resolution No. 371, presented by the chairman of the Committee on Privileges and Elections, for the reference of the credentials of Mr. Maginnis and Mr. Clark to the Committee on Privileges and Elections, as provided by that resolution.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and fifty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, December 7, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate December 6, 1900.

ASSOCIATE JUSTICE.

Daniel H. McMillan, of New York, to be associate justice of the supreme court of the Territory of New Mexico, vice Charles Leland, resigned. The nomination of Silas Alexander for the above-named position, which was delivered to the Senate December 4, 1900, is hereby withdrawn.

JUSTICE OF THE PEACE.

Lewis I. O. Neal, of the District of Columbia, to be a justice of the peace in the District of Columbia (assigned to the city of Washington), his present term expiring December 14, 1900.

PROMOTIONS IN THE NAVY.

Pay Director Edwin Stewart, to be Paymaster-General and Chief of the Bureau of Supplies and Accounts in the Department of the Navy, with the rank of rear-admiral, from the 3d day of March, 1899, until the 6th day of May, 1899.

Walter S. Harshman, a citizen of Ohio, to be a professor of mathematics in the Navy, from the 25th day of August, 1900, to fill a vacancy existing in that corps.

Gunner Michael W. Gilmartin, to be a chief gunner in the Navy, from the 28th day of October, 1900, in accordance with the provisions of section 12 of an act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States."

Officers of the Pay Corps.

Asst. Paymaster William H. Doherty, to be a passed assistant paymaster in the Navy, from the 12th day of November, 1899, vice P. A. Paymaster Martin McM. Ramsay, promoted.

Willam B. Rogers, a citizen of Pennsylvania, to be an assistant paymaster in the Navy from the 12th day of June, 1900, to fill a vacancy existing in that corps.

Thomas D. Harris, a citizen of Michigan, to be an assistant paymaster in the Navy, from the 15th day of June, 1900, to fill a vacancy existing in that corps.

Pay Inspector Albert W. Bacon, to be a pay director in the Navy, from the 10th day of July, 1900, vice Pay Director George Cochran, deceased.

Paymaster James A. Ring, to be a pay inspector in the Navy, from the 10th day of July, 1900, vice Pay Inspector Albert W. Bacon, promoted.

P. A. Paymaster Barron P. Du Bois, to be a paymaster in the Navy, from the 10th day of July, 1900, vice Paymaster James A. Ring, promoted.

Frederick Chunn, a citizen of Maryland, to be an assistant paymaster in the Navy, from the 4th day of September, 1900, to fill a vacancy existing in that corps.

Officers of the line.

Lieut. (Junior Grade) Noble E. Irwin, to be a lieutenant in the Navy, from the 8th day of December, 1899, vice Lieut. William S. Hogg, promoted.

Lieut. (Junior Grade) Bion B. Bierer, to be a lieutenant in the Navy, from the 18th day of January, 1900, vice Lieut. Albert G. Winterhalter, promoted.

Lieut. (Junior Grade) William H. McGrann, to be a lieutenant in the Navy, from the 2d day of February, 1900, vice Lieut. George P. Blow, resigned.

Lieut. (Junior Grade) Horace G. Macfarland, to be a lieutenant in the Navy, from the 18th day of February, 1900, vice Lieut. John M. Orchard, promoted.

Lieut. (Junior Grade) Charles F. Preston, to be a lieutenant in the Navy, from the 24th day of February, 1900, vice Lieut. Charles R. Emrich, deceased.

Lieut. (Junior Grade) Richard H. Leigh, to be a lieutenant in the Navy, from the 9th day of March, 1900, vice Lieut. John N. Jordan, promoted.

Lieut. (Junior Grade) Adelbert Althouse, to be a lieutenant in the Navy, from the 27th day of March, 1900 (subject to the examinations required by law), vice Lieut. Augustus F. Fechteler, promoted.

Lieut. (Junior Grade) William D. Brotherton, to be a lieutenant in the Navy, from the 29th day of March, 1900, vice Lieut. Henry E. Wright, promoted.

Lieut. (Junior Grade) James F. Carter, to be a lieutenant in the Navy, from the 26th day of May, 1900 (subject to the examinations required by law), vice Lieut. Albert Gleaves, promoted.

Lieut. (Junior Grade) Harry E. Smith, to be a lieutenant in the Navy, from the 2d day of June, 1900, vice Lieut. Ryland D. Tisdale, deceased.

Lieut. Commander George P. Colvocoresses to be a commander in the Navy, from the 30th day of June, 1900, vice Commander Daniel Delehanty, retired.

Lieut. James P. Parker to be a lieutenant-commander in the Navy, from the 30th day of June, 1900, vice Lieut. Commander George P. Colvocoresses, promoted.

Lieut. (Junior Grade) George W. Laws to be a lieutenant in the Navy, from the 30th day of June, 1900, vice Lieut. James P. Parker, promoted.

Capt. Merrill Miller, to be a rear-admiral in the Navy, from the 1st day of July, 1900, vice Rear-Admiral John W. Philip, deceased.

Commander Morris R. S. Mackenzie, to be a captain in the Navy, from the 1st day of July, 1900, vice Capt. Merrill Miller, promoted.

Lieut. Commander Charles E. Colahan, to be a commander in the Navy, from the 1st day of July, 1900, vice Commander Morris R. S. Mackenzie, promoted.

Lieut. Ben W. Hodges, to be a lieutenant-commander in the Navy, from the 1st day of July, 1900, vice Lieut. Commander Charles E. Colahan, promoted.

Commander Charles S. Sperry, to be a captain in the Navy, from the 1st day of July, 1900, vice Capt. William H. Harris, retired.

Lieut. Commander Albert G. Berry, to be a commander in the Navy, from the 1st day of July, 1900, vice Commander Charles S. Sperry, promoted.

Lieut. Herbert O. Dunn, to be a lieutenent-commander in the Navy, from the 1st day of July, 1900, vice Lieut. Commander Albert G. Berry, promoted.

Lieut. (Junior Grade) George C. Day, to be a lieutenant in the Navy, from the 1st day of July, 1900 (subject to the examinations required by law), vice Lieut. Herbert O. Dunn, promoted.

Lieut. Commander John A. Norris, to be a commander in the Navy, from the 1st day of July, 1900, vice Commander William L. Moore, retired.

Lieut. Arthur W. Dodd, to be a lieutenant-commander in the Navy, from the 1st day of July, 1900, vice Lieut. Commander John A. Norris, promoted.

Lieut. (Junior Grade) Luke McNamee, to be a lieutenant in the Navy, from the 1st day of July, 1900 (subject to the examinations required by law), vice Lieut. Arthur W. Dodd, promoted.

Lieut. George W. Denfield, to be a lieutenant-commander in the Navy, from the 1st day of July, 1900, vice Lieut. Commander William F. Low, retired.

Lieut. (Junior Grade) Frederick L. Sawyer, to be a lieutenant in the Navy, from the 1st day of July, 1900 (subject to the examinations required by law), vice Lieut. George W. Denfield, promoted.

Lieut. Albert W. Grant, to be a lieutenant-commander in the Navy, from the 1st day of July, 1900, vice Lieut. Commander Nelson T. Houston, retired.

Lieut. (Junior Grade) Charles L. Hussey, to be a lieutenant in the Navy, from the 1st day of July, 1900, vice Lieut. Albert W. Grant, promoted.

Lieut. Horace W. Harrison, to be a lieutenant-commander in the Navy, from the 1st day of July, 1900, vice Lieut. Commander Clayton S. Richman, retired.

Lieut. (Junior Grade) John R. Y. Blakely, to be a lieutenant in the Navy, from the 1st day of July, 1900, vice Lieut. Horace W. Harrison, promoted.

Lieut. Valentine S. Nelson, to be a lieutenant-commander in the Navy, from the 1st day of July, 1900, vice Lieut. Commander Martin E. Hall, retired.

Lieut. (Junior Grade) Charles T. Jewell, to be a lieutenant in the Navy, from the 1st day of July, 1900, vice Lieut. Valentine S. Nelson, promoted.

Lieut. William S. Benson, to be a lieutenant-commander in the Navy, from the 1st day of July, 1900, vice Lieut. Commander Lazarus L. Reamey, retired.

Lieut. (Junior Grade) Gregory C. Davison, to be a lieutenant in the Navy, from the 1st day of July, 1900, vice Lieut. William S. Benson, promoted.

Lieut. William V. Bronaugh, to be a lieutenant-commander in the Navy, from the 1st day of July, 1900, vice Lieut. Commander William Kilburn, retired.

Lieut. (Junior Grade) Leon S. Thompson, to be a lieutenant in the Navy, from the 1st day of July, 1900, vice Lieut. William V. Bronaugh, promoted.

Lieut. (Junior Grade) Frederick A. Traut, to be a lieutenant in the Navy, from the 1st day of July, 1900, vice Lieut. John Gibson, retired.

Lieut. (Junior Grade) John F. Hine, to be a lieutenant in the Navy, from the 1st day of July, 1900, vice Lieut. Stokely Morgan, retired.

Lieut. Frank M. Bostwick, to be a lieutenant-commander in the Navy, from the 1st day of July, 1900 (subject to the examinations required by law), vice Lieut. Commander William G. Hannum, reduced to grade of lieutenant.

Commander Frank Courtis, to be a captain in the Navy, from the 23d day of July, 1900, vice Capt. William C. Gibson, retired.

Lieut. Commander Nathaniel J. K. Patch, to be a commander in the Navy, from the 23d day of July, 1900, vice Commander Frank Courtis, promoted.

Lieut. James H. Oliver, to be a lieutenant-commander in the Navy, from the 23d day of July, 1900 (subject to the examinations required by law), vice Lieut. Commander Nathaniel J. K. Patch, promoted.

Lieut. (Junior Grade) Fed R. Payne, to be a lieutenant in the Navy, from the 23d day of July, 1900 (subject to the examinations required by law), vice Lieut. James H. Oliver, promoted.

Lieut. Commander Thomas S. Phelps, jr., to be a commander in the Navy, from the 19th day of August, 1900, vice Commander George Cowie, retired.

Lieut. Harry M. Dombaugh, to be a lieutenant-commander in the Navy, from the 19th day of August, 1900, vice Lieut. Commander Thomas S. Phelps, jr., promoted.

Lieut. (Junior Grade) Robert K. Crank, to be a lieutenant in the Navy, from the 19th day of August, 1900 (subject to the examinations required by law), vice Lieut. Harry M. Dombaugh, promoted.

Lieut. (Junior Grade) Stanford E. Moses, to be a lieutenant in the Navy, from the 23d day of August, 1900 (subject to the examinations required by law), vice Lieut. Henry S. Ritter, retired.

Lieut. Simon Cook, to be a lieutenant-commander in the Navy, from the 30th day of August, 1900 (subject to the examinations required by law), vice Lieut. Commander John A. Shearman, deceased.

Lieut. (Junior Grade) Powers Symington, to be a lieutenant in the Navy, from the 30th day of August, 1900, vice Lieut. Simon Cook, promoted.

Lieut. (Junior Grade) Yates Stirling, jr., to be a lieutenant in the Navy, from the 24th day of October, 1900 (subject to the examinations required by law), vice Lieut. William G. Hannum, retired.

Lieut. (Junior Grade) Raymond D. Hasbrouck, to be a lieutenant in the Navy, from the 21st day of November, 1900 (subject to the examinations required by law), vice Lieut. Francis J. Haeseler, deceased.

Commander William W. Reisinger, to be a captain in the Navy, from the 22d day of November, 1900, vice Capt. Edward T. Strong, retired.

Lieut. Commander Karl Rohrer, to be a commander in the Navy, from the 22d day of November, 1900, vice Commander William W. Reisinger, promoted.

Lieut. Thomas S. Rodgers, to be a lieutenant-commander in the Navy, from the 22d day of November, 1900, vice Lieut. Commander Karl Rohrer, promoted.

Capt. John J. Read, to be a rear-admiral in the Navy, from the 29th day of November, 1900 (subject to the examinations required by law), vice Rear-Admiral Frederick V. McNair, deceased.

Commander William T. Burwell, to be a captain in the Navy, from the 29th day of November, 1900, vice Capt. John J. Read, promoted.

Lieut. Commander John A. H. Nickels, to be a commander in the Navy, from the 29th day of November, 1900, vice Commander William T. Burwell, promoted.

Officers of the Medical Corps.

P. A. Surg. Albert M. D. McCormick, to be a surgeon in the Navy, from the 11th day of November, 1899, vice Surg. George E. H. Harmon, promoted.

Asst. Surg. Daniel H. Morgan, to be a passed assistant surgeon in the Navy, from the 27th day of November, 1899, to fill a vacancy existing in that grade.

P. A. Surg. George B. Wilson, to be a surgeon in the Navy, from the 7th day of February, 1900, vice Surg. Ezra Z. Derr, promoted.

Medical Inspector George P. Bradley, to be a medical director in the Navy, from the 31st day of May, 1900 (subject to the examinations required by law), vice Medical Director Thomas C. Walton, retired.

Surg. Frank B. Stephenson, to be a medical inspector in the Navy, from the 31st day of May, 1900, vice Medical Inspector George P. Bradley, promoted.

P. A. Surg. Charles F. Stokes, to be a surgeon in the Navy, from the 31st day of May, 1900, vice Surg. Frank B. Stephenson, promoted.

To be assistant surgeons in the Navy.

John J. Snyder, a citizen of Pennsylvania.
Henry A. Dunn, a citizen of the District of Columbia.
Allan Stuart, a citizen of South Carolina,
Edward M. Blackwell, a citizen of Virginia.
William H. Ulsh, a citizen of Pennsylvania.
Mack V. Stone, a citizen of California.
Chauncey R. Burr, a citizen of California.
George F. Freeman, a citizen of Massachusetts.
Raphael O. Marcour, a citizen of Louisiana.
James H. Payne, jr., a citizen of Massachusetts.
Jacob Stepp, a citizen of Massachusetts.
Charles H. De Lancey, a citizen of New York.
Fred M. Bogan, a citizen of the District of Columbia.
Rice K. McClanahan, a citizen of Virginia.
Warren E. G. High, a citizen of Pennsylvania.

P. A. Surg. Edward R. Stitt, to be a surgeon in the Navy, from the 7th day of June, 1900 (subject to the examinations required by law), to fill a vacancy existing in that grade.

P. A. Surg. Manley F. Gates, to be a surgeon in the Navy, from the 7th day of June, 1900, to fill a vacancy existing in that grade.

P. A. Surg. Charles H. T. Lowndes, to be a surgeon in the Navy, from the 7th day of June, 1900, to fill a vacancy existing in that grade.

P. A. Surg. George Rothganger, to be a surgeon in the Navy, from the 7th day of June, 1900, to fill a vacancy existing in that grade.

Asst. Surg. Raymond Spear, to be a passed assistant surgeon in the Navy, from the 22d day of June, 1900, to fill a vacancy existing in that grade.

Macomb K. Elmer, a citizen of Pennsylvania, to be an assistant surgeon in the Navy, from the 18th day of July, 1900, to fill a vacancy existing in that corps.

Medical Inspector Charles U. Gravatt, to be a medical director in the Navy, from the 24th day of August, 1900, vice Medical Director George W. Woods, retired.

Surg. Presley M. Rixey, to be a medical inspector in the Navy, from the 24th day of August, 1900, vice Medical Inspector Charles U. Gravatt, promoted.

P. A. Surg. George T. Smith, to be a surgeon in the Navy, from the 24th day of August, 1900, vice Surg. Presley M. Rixey, promoted.

Robert E. Ledbetter, a citizen of Texas, to be an assistant surgeon in the Navy, from the 19th day of October, 1900, to fill a vacancy existing in that corps.

Charles St. John Butler, a citizen of Tennessee, to be an assistant surgeon in the Navy, from the 26th day of October, 1900, to fill a vacancy existing in that corps.

Richard Bland Williams, a citizen of Virginia, to be an assistant surgeon in the Navy, from the 17th day of November, 1900, to fill a vacancy existing in that corps.

MEDICAL DIRECTOR.

Medical Inspector Paul Fitzsimons, to be a medical director in the Navy, from the 19th day of November, 1900, vice Medical Director Charles H. White, retired.

SECOND LIEUTENANTS IN MARINE CORPS.

John W. McClaskey, a noncommissioned officer of the Marine Corps, to be a second lieutenant in the Marine Corps, from the 5th day of December, 1900, to fill a vacancy existing in that corps.

Fred A. Ramsey, a noncommissioned officer of the Marine Corps, to be a second lieutenant in the Marine Corps, from the 5th day of December, 1900, to fill a vacancy existing in that corps.

Hilary A. Herbert, jr., a citizen of Alabama, to be a second lieutenant in the Marine Corps, from the 5th day of December, 1900, to fill a vacancy existing in that corps.

PROMOTIONS IN THE MARINE CORPS.

Lieut. Col. Francis H. Harrington, to be a colonel in the Marine Corps, from the 15th day of August, 1900, vice Col. William S. Muse, retired.

Maj. Otway C. Berryman, to be a lieutenant-colonel in the Marine Corps, from the 15th day of August, 1900, vice Lieut. Col. Francis H. Harrington, promoted.

Capt. Henry C. Haines, to be a major in the Marine Corps, from the 15th day of August, 1900, vice Maj. Otway C. Berryman, promoted.

TO BE SECOND LIEUTENANTS IN THE MARINE CORPS.

Rupert C. Dewey, a citizen of Minnesota.
Edward A. Greene, a citizen of Georgia.
Edward B. Manwaring, a citizen of Wisconsin.
William E. Smith, a citizen of Connecticut.
Thomas M. Clinton, a citizen of Maryland.
Hamilton D. South, a citizen of Pennsylvania.
Theodore Monell, a citizen of New York.
Edgar Hayes, a citizen of Alabama.
James T. Buttrick, a citizen of Rhode Island.
Raymond B. Sullivan, a citizen of Colorado.
Giles Bishop, jr., a citizen of Connecticut.
Frank Halford, a citizen of Indiana.
James K. Tracy, a citizen of New Hampshire.
Ellis B. Miller, a citizen of Iowa.
Arthur J. O'Leary, a citizen of Montana.
Berton W. Sibley, a citizen of Vermont.
Frank F. Robards, a citizen of Texas.
Raymond W. Dikeman, a citizen of Michigan.
Harold Colvocoresses, appointed at large.
William Brackett, a citizen of Illinois.
Chandler Campbell, a citizen of West Virginia.
William L. Redles, a citizen of Pennsylvania.
Fred A. Udell, a citizen of Washington.
Austin C. Rogers, a citizen of Texas.
Provence McCormick, appointed from noncommissioned officer.
Woodel Pickering, a citizen of Indiana.
Franklin S. Wiltse, a citizen of New York.
Howard H. Kipp, a citizen of New York.
William D. A. Junkin, a citizen of the District of Columbia.
Henry H. Scott, a citizen of California.

PROMOTIONS IN THE ARMY.

Infantry arm.

First Lieut. Hollis C. Clark, Twenty-fifth Infantry, to be captain, September 23, 1900, vice Cartwright, Twenty-fourth Infantry, deceased.

First Lieut. George C. Saffarrans, Tenth Infantry, to be captain, October 5, 1900, vice Turner, Second Infantry, promoted.

First Lieut. Palmer E. Pierce, Thirteenth Infantry, to be captain, October 9, 1900, vice Taylor, Eighth Infantry, promoted.

First Lieut. Lutz Wahl, Twenty-first Infantry, to be captain, October 31, 1900, vice Sparrow, Twenty-first Infantry, retired from active service.

First Lieut. William P. Jackson, Twenty-fourth Infantry, to be captain, November 13, 1900, vice Yeatman, Third Infantry, promoted.

Second Lieut. Charles M. Bundel, Fourth Infantry, to be first lieutenant, September 23, 1900, vice Clark, Twenty-fifth Infantry, promoted.

Second Lieut. Henry L. Harris, jr., Twentieth Infantry, to be first lieutenant, October 5, 1900, vice Saffarrans, Tenth Infantry, promoted.

Second Lieut. Laurence Halstead, Eleventh Infantry, to be first lieutenant, October 9, 1900, vice Pierce, Thirteenth Infantry, promoted.

Second Lieut. Frederick W. Van Duyne, Twenty-fourth Infantry, to be first lieutenant, October 15, 1900, vice Brookfield, Eleventh Infantry, resigned.

Second Lieut. Charles D. Herron, Eighteenth Infantry, to be first lieutenant, October 31, 1900, vice Wahl, Twenty-first Infantry, promoted.

Second Lieut. Robert B. Calvert, Eighteenth Infantry, to be first lieutenant, November 13, 1900, vice Jackson, Twenty-fourth Infantry, promoted.

APPOINTMENT IN THE VOLUNTEER ARMY.

Capt. Daniel E. McCarthy, assistant quartermaster, United States Army, to be quartermaster of volunteers, with the rank of major, December 3, 1900, vice Jones, who vacates by promotion to major and quartermaster, United States Army.

APPOINTMENT IN THE ARMY—INFANTRY ARM.

To be second lieutenant.

Harry Graham, of Ohio (corporal, Company D, Twelfth Infantry, United States Army), September 1, 1900, vice Price, Sixth Infantry, promoted. The nomination of Harry W. Graham, of Ohio, for this appointment, which was delivered to the Senate December 4, 1900, is hereby withdrawn.

POSTMASTERS.

Joseph C. Manning, to be postmaster at Alexander City, in the county of Tallapoosa and State of Alabama, in the place of E. M. Barnes, deceased.

Josiah R. Baker, to be postmaster at Antioch, in the county of Contra Costa and State of California, in the place of David Macartney, whose commission expires January 12, 1901.

Charles Durner, to be postmaster at Benicia, in the county of Solano and State of California, in the place of James Clyne, whose commission expired April 16, 1900.

I. T. Bassett, to be postmaster at Titusville, in the county of Brevard and State of Florida, in the place of R. C. Scrimgeoru, deceased.

Newell B. Hull, to be postmaster at Starke, in the county of Bradford and State of Florida, in the place of L. C. Hull, deceased.

Alfred J. Dunn, to be postmaster at Wallace, in the county of Shoshone and State of Idaho, in the place of R. N. Dunn, resigned.

Henry C. Jones, to be postmaster at Marion, in the county of

Williamson and State of Illinois, in the place of L. D. Hartwell, resigned.

William O. Butler, to be postmaster at Laharpe, in the county of Hancock and State of Illinois, in the place of Judd Hartzell, resigned.

Orange L. Campbell, to be postmaster at Knoxville, in the county of Knox and State of Illinois, in the place of L. M. Smith, resigned.

Howard H. Newby, to be postmaster at Sheridan, in the county of Hamilton and State of Indiana, in the place of Frank Oldham, removed.

George K. Covert, to be postmaster at Vinton, in the county of Benton and State of Iowa, in the place of Bernard Murphy, resigned.

Edson E. Burnham, to be postmaster at Amite (late Amite City), in the county of Tangipahoa and State of Louisiana, in the place of Edson E. Burnham. (Reappointment by reason of change in name of post-office.)

Grace W. Buck, to be postmaster at Foxcroft, in the county of Piscataquis and State of Maine, in the place of A. P. Buck, deceased.

Olive P. Smith, to be postmaster at Ipswich, in the county of Essex and State of Massachusetts, in the place of G. P. Smith, deceased.

John K. Fancher, to be postmaster at Dodge Center, in the county of Dodge and State of Minnesota, in the place of O. H. Phillips, removed.

William Bostian, to be postmaster at Independence, in the county of Jackson and State of Missouri, in the place of G. W. Coakley, removed.

Abram D. Runyon, to be postmaster at Millington, in the county of Morris and State of New Jersey, in the place of M. J. Munson, whose commission expires January 12, 1901.

James E. Munger, to be postmaster at Fishkill on the Hudson, in the county of Dutchess and State of New York, in the place of C. W. Anderson, whose commission expires January 7, 1901.

Alfred C. Hodgman, to be postmaster at Fort Edward, county of Washington and State of New York, in the place of B. M. Tasker, whose commission expires December 22, 1900.

John Rielley, to be postmaster at Highland Falls, in the county of Orange and State of New York, in the place of J. E. Brennan, deceased.

Annie Larrabee, to be postmaster at Oyster Bay, in the county of Nassau and State of New York, in the place of Annie Larrabee, whose commission expired May 14, 1900. (Reappointed.)

Isaac W. Sherrill, to be postmaster at Poughkeepsie, in the county of Dutchess and State of New York, in the place of F. W. Halsted, resigned.

George B. Tripp, to be postmaster at Mechanicsville, in the county of Saratoga and State of New York, in the place of N. W. Kelso, removed.

George M. Nicol, to be postmaster at Morristown, in the county of St. Lawrence and State of New York, in the place of J. V. Crawford, whose commission expired March 27, 1900.

William T. Chapman, to be postmaster at Pawling, in the county of Dutchess and State of New York, in the place of W. R. Lee, resigned.

Ellis H. Timm, to be postmaster at Cold Spring, in the county of Putnam and State of New York, in the place of J. S. Boyd, removed.

Charles E. Ainger, to be postmaster at Andover, in the county of Ashtabula and State of Ohio, in the place of J. S. Morley, deceased.

Grenville Reed, to be postmaster at Astoria, in the county of Clatsop and State of Oregon, in the place of Charles McDonald, removed.

Hambleton P. Wilson, to be postmaster at Altoona, in the county of Blair and State of Pennsylvania, in the place of Hambleton P. Wilson, whose commission expired January 7, 1900.

William W. Champion, to be postmaster at Montoursville, in the county of Lycoming and State of Pennsylvania, in the place of David Trump, removed.

Ira R. Burns, to be postmaster at Bellwood, in the county of Blair and State of Pennsylvania, in the place of A. M. Cornmesser, whose commission expired January 9, 1900.

T. F. Berner, to be postmaster at Henrietta, in the county of Clay and State of Texas, in the place of F. E. Squires, whose commission expired March 11, 1900.

Elmer L. Stevens, to be postmaster at Seymour, in the county of Baylor and State of Texas, in the place of A. L. Board, whose commission expired December 21, 1899.

I. R. Nye, to be postmaster at Wittenberg, in the county of Shawano and State of Wisconsin, in the place of W. E. Homme, resigned.

Ramon Alfonzo Rivera, to be postmaster at Arecibo, Porto Rico, an original vacancy under the provisions of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 10, 1900.

CONFIRMATION.

Executive nomination confirmed by the Senate December 6, 1900.

SUPERINTENDENT OF COAST AND GEODETIC SURVEY.

Otto H. Tittmann, of Missouri, to be Superintendent of the United States Coast and Geodetic Survey.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 6, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

CONSPIRACY, ETC.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent that the minority have until the 4th day of February to file their views, if they so desire, in regard to the bill H. R. 8917, limiting the meaning of the word "conspiracy," etc.

The SPEAKER. The gentleman from New York asks unanimous consent that the minority have until February 4 to file their views, if they so desire, on the bill H. R. 8917.

Mr. RICHARDSON of Tennessee. What is the title of the bill?

Mr. RAY of New York. Affecting conspiracy.

Mr. SULZER. Is that a House bill or a Senate bill?

Mr. RAY of New York. It is a House bill. I ask this unanimous consent, Mr. Speaker, to accommodate the minority side of the House, and make it at the request of the gentleman from Arkansas [Mr. TERRY].

Mr. TERRY. The author of the original bill is not present, and it is nothing but fair that the extension of time asked for should be allowed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ORDER OF BUSINESS.

Mr. HULL. Mr. Speaker, I want to renew my request of yesterday for unanimous consent that the bill made the special order for to-day be postponed until to-morrow, so that we may proceed with the Army bill to-day.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the special order for to-day be carried over until to-morrow. Is there objection?

Mr. HENRY of Connecticut. Mr. Speaker, in deference to the views of the friends of the Army bill, who regard immediate action as of very great importance, the friends of the Grout bill with some reluctance consent.

Mr. HOPKINS. Before they all do that, I would like to know whether this motion made by the gentleman from Iowa will fix it so that the so-called Grout bill will have the same standing before the House on the opening of the session to-morrow that it has to-day under the present order.

The SPEAKER. It will have absolutely the same position.

Mr. RICHARDSON of Tennessee. And we want to know if it will have no more privilege than to-day.

The SPEAKER. None whatever, if postponed. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

REPRINT OF OLEOMARGARINE BILL.

Mr. GROUT. Mr. Speaker, I am informed that the edition of the bill H. R. 3717, known as the oleomargarine bill, has been exhausted. I ask unanimous consent that 2,000 copies be printed, together with the report.

The SPEAKER. The gentleman from Vermont asks unanimous consent that there be a reprint of 2,000 copies of the bill H. R. 3717, together with the report thereon, this being what is known as the oleomargarine bill. Is there objection?

Mr. GROSVENOR. Does that include the minority report?

The SPEAKER. The request includes the report.

Mr. GROUT. Of course it would include the minority report.

The SPEAKER. Together with the views of the minority. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ARMY BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill S. 4300.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DALZELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill S. 4300. The Clerk will report the pending amendment.

The Clerk read as follows:

Insert at end of line 23, page 20:

"*Provided*, That any vacancy in the Quartermaster's Department may be filled by appointment from civil life or from volunteers serving since April 21, 1898."

Mr. HULL. Mr. Chairman, I hope that amendment will be voted down.

The question was taken, and the amendment was rejected.

Mr. HULL. Mr. Chairman, a question for information. My remembrance is that we struck out all after the word "ninety-eight," in line 21, did we not, yesterday?

Mr. SULZER. Yes, sir.

The CHAIRMAN. That is all stricken out.

Mr. HULL. That is all right. Read the next section, then.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 17. That the Subsistence Department shall consist of 1 Commissary-General with the rank of brigadier-general, 3 commissaries with the rank of colonel, 4 commissaries with the rank of lieutenant-colonel, 9 commissaries with the rank of major, 27 commissaries with the rank of captain, mounted, and 150 commissary-sergeants who shall hereafter be known as post commissary-sergeants: *Provided*, That all vacancies in the grades of colonel, lieutenant-colonel, and major, created or caused by this section, shall be filled by promotion, according to seniority, as now prescribed by law. That to fill vacancies in the grade of captain, created by this act, in the Subsistence Department the President is authorized to appoint officers of volunteers, commissioned since April 21, 1898, and whose professional and physical fitness have been established to the satisfaction of the Secretary of War.

Mr. HULL. Mr. Chairman, I want to offer an amendment to this section. In line 11, page 21, after the word "Department," insert a comma.

The amendment was agreed to.

Mr. HULL. Now, Mr. Chairman, in order to carry out the agreement entered into with the committee yesterday, I move to strike out all after the word "ninety-eight," in line 13, at the end of the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 21, line 13, after the word "ninety-eight," strike out the words "and whose professional and physical fitness have been established to the satisfaction of the Secretary of War."

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 18. That the Medical Department shall consist of 1 Surgeon-General with the rank of brigadier-general, 8 surgeons with the rank of colonel, 12 surgeons with the rank of lieutenant-colonel, 60 surgeons with the rank of major, 240 assistant surgeons with the rank of captain or first lieutenant, the Hospital Corps, as now authorized by law, and the nurse corps: *Provided*, That all vacancies in the grades of colonel, lieutenant-colonel, and major created or caused by this section shall be filled by promotion according to seniority, subject to the examination now prescribed by law: *And provided*, That the period during which any assistant surgeon shall have served as a surgeon or assistant surgeon in the Volunteer Army during the war with Spain or since shall be counted as a portion of the five years' service required to entitle him to rank of captain: *And provided also*, That nothing in this section shall change the relative rank for subsequent promotion of medical officers as arranged by results of competitive examination: *Provided further*, That in emergencies the Surgeon-General of the Army, with the approval of the Secretary of War, may appoint as many contract surgeons as may be necessary, at a compensation not to exceed $150 per month.

Mr. HULL. Mr. Chairman, I have here a letter from the Surgeon-General of the Army, transmitted to the Secretary of War, which I desire to have read in view of the gentleman from Virginia [Mr. HAY] offering an amendment contained in the letter, as a proviso.

The Clerk read as follows:

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
Washington, December 4, 1900.

SIR: In view of the inadequate number of commissioned medical officers provided for in the bill for the reorganization of the Army of the United States, now under consideration by the Military Committee of the House, I have the honor to recommend that the following provision shall be added to section 18:

"That on or after the passage of this act the President may appoint for duty in the Philippine Islands 50 surgeons of volunteers with the rank and pay of major and 150 assistant surgeons of volunteers with the rank and pay of captain for a period of two years: *Provided*, That so many of these volunteer medical officers as are not required shall be honorably discharged the service whenever in the opinion of the Secretary of War their services are no longer necessary."

The present method of depending upon contract surgeons for a greater part of the medical service with troops in garrisons and in the field is expensive and extremely unsatisfactory. A constant stream of physicians employed under contract has been sent to the Philippines to replace those returning. Contracts are made for one year, and it takes on an average six weeks from the time contract is made before the physician from civil life arrives at his station in the Philippines. At the end of the year, if he so desires, he is entitled to return home, and as there is no prospect of promotion a considerable proportion of those appointed insist upon returning home at the expiration of the period for which the contract was made. Meanwhile they have scarcely had time to familiarize themselves with the important duties of a medical officer aside from those relating to the medical care of the sick. These duties include the sanitary supervision of camps, the care and accountability for Government property, the instruction and discipline of members of the Hospital Corps, the making of prescribed reports and returns, etc.

Unfortunately these physicians from civil life, unacquainted with the emergencies of the service, must be sent at once to garrisons or to duty with troops in the field, where, as a rule, they are not under the immediate supervision of a trained medical officer who might give them the instruction they so much need. The result is that our troops are being cared for by physicians without knowledge or experience with reference to the special duties pertaining to a medical officer of the Army, and that just when they are beginning to acquire this knowledge their services are frequently lost, and they must be replaced by other physicians from civil life. I would say, however, that a considerable proportion of the acting assistant surgeons who have been employed are young men of excellent professional attainments, who only lack experience and special training to make them desirable medical officers.

The commissioned officers of volunteers provided for should, in my opinion, be selected from the volunteer medical officers and acting assistant surgeons now in the Philippines, many of whom would no doubt be willing to remain if they could be commissioned as proposed.

Very respectfully,

GEORGE M. STERNBERG,
Surgeon-General United States Army.

The SECRETARY OF WAR.

Mr. HULL. Mr. Chairman, I will say that the Surgeon-General asked for a very much larger increase for permanent officers than the Secretary of War recommended. This recommendation is not for increasing the permanent corps, but for continuing practically in the service volunteer medical officers who are now in the service and thoroughly trained and who can not be retained unless continued as volunteers. It will be much less expensive to the Government to retain these officers, who can be mustered out when the emergency shall disappear, than to largely increase the Medical Corps. For that reason I am in favor of adopting the suggestion, and giving the rank of captain and major to these volunteer surgeons, and retaining them in the service. If the gentleman from Virginia will offer the amendment, I will consent to it.

Mr. HAY. Mr. Chairman, I will offer the amendment contained in the letter.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add to section 18 the following:

"That on or after the passage of this act the President may appoint for duty in the Philippine Islands 50 surgeons of volunteers with the rank and pay of major, and 150 assistant surgeons of volunteers with the rank and pay of captain, for a period of two years: *Provided*, That so many of these volunteer medical officers as are not required shall be honorably discharged the service whenever in the opinion of the Secretary of War their services are no longer necessary."

The amendment was agreed to.

Mr. OTEY. Mr. Chairman, I want to offer an amendment to the section which has just been read and which I will send to the Clerk's desk.

The Clerk read as follows:

Add at the end of the amendment just adopted the following:

"That the Surgeon-General of the Army, with the approval of the Secretary of War, be, and he is hereby, authorized to employ dental surgeons to serve the officers and enlisted men of the Regular and Volunteer Army, in the proportion of not to exceed 1 for every 1,000 of said Army, and not exceeding 30 in all. Said dental surgeons shall be employed as contract dental surgeons under the terms and conditions applicable to Army contract surgeons, and shall be graduates of standard medical or dental colleges, trained in the several branches of dentistry, of good moral and professional character, and shall pass a satisfactory professional examination: *Provided*, That 3 of the number of dental surgeons to be employed shall be first appointed by the Surgeon-General, with the approval of the Secretary of War, with reference to their fitness for assignment, under the direction of the Surgeon-General, to the special service of conducting the examinations and supervising the operations of the others; and for such special service an extra compensation of $60 a month will be allowed: *Provided further*, That dental college graduates now employed in the Hospital Corps who have been detailed for a period of not less than twelve months to render dental service to the Army and who are shown by the reports of their superior officers to have rendered such service satisfactorily may be appointed contract dental surgeons without examination."

Mr. OTEY. Mr. Chairman, this amendment is the bill which was reported unanimously by the Senate committee, the same bill having been reported by the House committee unanimously on two occasions except that the House bill provided for 1 dentist for every 1,000 men. The Senate bill changed that to 1 dentist for every 1,000, men but not to exceed 30 in all. I believe every member of this House has been interviewed on this subject, and I have yet to find a single one who has openly opposed it. I have a list of a few of them here which I will give.

The following are members of Congress who have cordially approved this bill:

Senator JOHN H. GEAR, Iowa.
Representative WILLIAM W. GROUT, Vermont.
Representative IRVING P. WANGER, Pennsylvania.
Representative J. A. TAWNEY, Minnesota.
Delegate D. T. FLYNN, Oklahoma.
Representative J. B. SHOWALTER, Pennsylvania.
Senator C. W. FAIRBANKS, Indiana.
Reprsentative C. B. LANDIS, Indiana.
Representative T. C. CATCHINGS, Mississippi.
Representative C. R. THOMAS, North Carolina.
Representative W. T. CRAWFORD, North Carolina.
Representative J. D. BELLAMY, North Carolina.
Representative H. H. POWERS, Vermont.
Representative N. D. SPERRY, Connecticut.
Representative E. S. HENRY, Connecticut.
Representative CHARLES A. RUSSELL, Connecticut.
Senator JOHN W. DANIEL, Virginia.
Representative L. FLETCHER, Minnesota.
Representative FRANK M. EDDY, Minnesota.
Representative R. C. DAVEY, Louisiana.
Senator KNUTE NELSON, Minnesota.
Senator THOMAS S. MARTIN, Virginia.
Representative H. B. PACKER, Pennsylvania.
Senator A. J. BEVERIDGE, Indiana.
Representative J. OVERSTREET, Indiana.
Senator BOIES PENROSE, Pennsylvania.

Representative J. C. SIBLEY, Pennsylvania.
Representative A. C. HARMER, Pennsylvania.
Senator GEORGE C. PERKINS, California.
Representative JOHN LAMB, Virginia.
Representative H. R. GIBSON, Tennessee.
Representative MARION DE VRIES, California.
Representative J. A. BARHAM, California.
Representative R. J. WATERS, California.
Representative V. H. METCALF, California.
Senator S. B. ELKINS, West Virginia.
Representative S. W. SMITH, Michigan.
Senator J. B. FORAKER, Ohio.
Representative J. B. CORLISS, Wisconsin.
Representative J. C. NEEDHAM, California.
Representative T. F. KLUTTZ, North Carolina.
Senator N. B. SCOTT, West Virginia.
Representative JAMES HAY, Virginia.
Representative W. A. YOUNG, Virginia.
Representative W. F. RHEA, Virginia.
Representative WALTER P. BROWNLOW, Tennessee.
Representative WILLIAM SULZER, New York.
Representative WILLIAM W. KITCHIN, North Carolina.
Representative J. H. SMALL, North Carolina.
Representative John W. ATWATER, North Carolina.

Here are 80 distinguished Army officers—surgeons—I will not read the names of all of them; but they include such distinguished men as Dr. Senn, of Chicago, whom you all know; Dr. Latimer, of Baltimore, whom you all know. And then here is the name of Governor Pingree, of Michigan; Governor Shaw, of Iowa; Governor Lind, of Minnesota, recently elected; Governor J. W. Leedy, of Kansas; Lieutenant-Governor Richter, of Kansas. I could go on and give the names of a number of other distinguished men.

[Here the hammer fell.]

Mr. BAILEY of Texas. I ask that the gentleman from Virginia [Mr. OTEY] be permitted to occupy five minutes longer.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. SLAYDEN. Before the gentleman resumes, may I ask him a question?

Mr. OTEY. Certainly—with pleasure.

Mr. SLAYDEN. Has the gentleman no way of demonstrating the qualifications of dentists and the necessity for their services without reading the roll of all the public officials in the country?

Mr. OTEY. I did not hear what the gentleman said.

Mr. SLAYDEN. Very well; go ahead. Your time is rolling on.

Mr. OTEY. Now, Mr. Chairman, I do not thrust myself upon the House very often. When I do, I have something to say that is tangible and worth talking about. [Laughter.] I do not know to what the gentleman from Texas [Mr. SLAYDEN] has referred. He reminds me of the Irishman of whom I heard a story. He was eating eggs. The first one he swallowed went down all right; but in swallowing another he heard the sound of a chick as it went down his throat; and then he exclaimed, "Begorrah, you have a swate voice, but you spake too late." [Laughter.] I think, sir, that anybody who opposes this bill "spakes" too late. I want gentlemen to come out now and say whether they are going to take care of 3,200,000 teeth, half of which are aching all the time. [Laughter.] I appeal to gentlemen on this side of the House and on the other side of the House, regardless of recent elections and regardless of political affiliations, to come forward and give the old soldier—that grand old soldier—a chance to get rid of the toothache.

I do not care to occupy further time. I ask for a vote on this question, and I hope every man will stand up or sit down. [Laughter.]

Mr. HULL. Mr. Chairman, this amendment is one of very great importance, and one which, it seems to me, ought to be considered as a separate, independent proposition, so that each member might have intelligently before him the different provisions. I hope, therefore, the House will not put it on this bill, but will take it up as an independent proposition.

The question being taken, the amendment was agreed to.

The Clerk read as follows:

SEC. 19. That the nurse corps (female) shall consist of one superintendent, to be appointed by the Secretary of War and whose term of office may be terminated at his discretion, whose compensation shall be $1,800 per annum, and of as many chief nurses, nurses, and reserve nurses as may be needed. Reserve nurses may be assigned to active duty when the emergency of the service demands, but shall receive no compensation except when on such duty: *Provided*, That all nurses in the nurse corps shall be appointed or removed by the Surgeon-General, with the approval of the Secretary of War; that they shall be graduates of hospital training schools, and shall have passed a satisfactory professional, moral, mental, and physical examination: *And provided*, That the superintendent and nurses shall receive transportation and necessary expenses when traveling under orders; that the pay and allowances of nurses, and of reserve nurses, when on active service, shall be $40 per month when on duty in the United States and $50 per month when without the limits of the United States. They shall be entitled to quarters, subsistence, and medical attendance during illness, and they may be granted leaves of absence for thirty days, with pay, for each calendar year; and when serving as chief nurses their pay may be increased by authority of the Secretary of War, such increase not to exceed $25 per month. Payments to the nurse corps shall be made by the Pay Department.

Mr. BINGHAM. I desire to offer as an amendment a provision which appears on pages 7 and 8 of the present bill, being paragraphs of the Senate bill which have been struck out in the preparation of this bill. I see in the report no statement of reasons why the veterinary corps, as established by the Senate bill, has been excluded entirely from this bill. I am desirous, however, to have an expression of the judgment of the House upon this question. I therefore offer as an amendment the provision beginning on line 21, page 7, and covering the whole of page 8, relating to the veterinary corps.

Mr. HULL. I object to going back now. We had better finish the bill.

Mr. BINGHAM. There is no going back.

Mr. HULL. We are considering the bill by sections, and we have passed over those sections which the gentleman now proposes to take up.

Mr. BINGHAM. We have not passed over these sections. They are parts of the Senate bill which have been excluded from this bill.

Mr. HULL. We have passed over those sections. If the gentleman desires to amend our bill by putting in those provisions, he can do that, I suppose, when we get through regularly with the bill.

Mr. BINGHAM. Why should not these provisions go in now as independent paragraphs the same as any other amendment?

Mr. HULL. Unless the gentleman proposes to offer his amendment to follow the provision in regard to the nurse corps, I object to going back, because I am anxious to get through with the bill.

Mr. BINGHAM. I can not understand why there is any going back. The provisions which I offer have never been read. Therefore there is no going back. I claim that this amendment is fairly eligible for position in any part of this bill.

Mr. HULL. But the amendment, in my judgment, is not germane to the part of the bill we are considering. The gentleman, if he wants to put in those provisions, taken from a part of the bill which we have gone over, ought to wait until we have completed the consideration of the subsequent portions of the bill. Unless we adhere to the regular order of proceeding we shall be constantly jumping backward and forward, considering propositions having no relevancy to the matter under consideration.

Mr. BINGHAM. There is no purpose to jump forward or backward. We have already considered paragraphs pertaining to the Surgeon-General's establishment; we have just concluded a paragraph pertaining to the nurses' establishment. The amendment I desire to offer has direct relation to those two paragraphs, and is consistent at this point as a part of the bill.

The CHAIRMAN. The gentleman from Pennsylvania proposes to introduce a new paragraph at this point. Is that the proposition?

Mr. BINGHAM. I simply ask that an additional paragraph, covering the wording of the Senate bill, may be considered at this time.

The CHAIRMAN. The Chair thinks that is the order. The Clerk will report the gentleman's amendment.

The Clerk read as follows:

After line 14, page 23, insert the following:

"SEC. 20. That the veterinary corps shall consist of—

"A chief veterinarian with the rank, pay, and allowances of a colonel, United States Army.

"An assistant chief veterinarian with the rank, pay, and allowances of a major, United States Army, to be promoted in 1905, after competitive satisfactory examination, from the grade of veterinarian and captain.

"Four veterinarians with the rank, pay, and allowances of a captain of cavalry, to be promoted in 1903, after competitive satisfactory examination, from the grade of assistant veterinarian and first lieutenant.

"Ten assistant veterinarians with the rank, pay, and allowances of a first lieutenant of cavalry, to be promoted, after a satisfactory examination, from the grade of assistant veterinarian and second lieutenant after one year's service in this grade.

"Twenty assistant veterinarians with the rank, pay, and allowances of a second lieutenant of cavalry, to be appointed after satisfactory examination: *Provided*, That these twenty positions shall include the veterinarians, first class, provided for in the act of March 2, 1899, who have passed satisfactory examinations, and also the six veterinarians, second class, who are now employed in the Army under said act of March 2, 1899.

"All rules and regulations governing the veterinary corps shall be made by the Secretray of War, and the chief veterinarian shall report directly to that officer.

"For pay of officers of the veterinary corps, $33,500."

Mr. BINGHAM. Mr. Chairman, I fully recognize that the amendment I have submitted (being word for word a part of the Senate bill as it came to the House) would go to conference as soon as this bill passes, along with the other paragraphs of the Senate bill, and would be subject to consideration there. I think, however, at the same time, that this subject has been gone over so thoroughly that there is a conviction on the part of the House of the wisdom and necessity of the establishment of this additional branch of service, so as to be a part of the reorganization of the Army.

This proposition, Mr. Chairman, was carefully considered in the Senate, a great deal of testimony was taken in reference to it, and it passed that body and became a part of the bill which was transmitted to the House. There is nothing whatever in the report of the House Committee on Military Affairs, as I read it, that in any wise refers to crossing out or wiping out the paragraph in the Senate bill to which reference is made in the amendment. We have not been given any information upon that subject.

In the brief I hold in my hand, prepared by Senator KENNEY,

appears this amendment. The statement is made that the entire cost, under the amendment, will not exceed $6,500. It is asserted in this brief that that is the entire cost over and above the cost of the civil employees now engaged in that service. It is also alleged that this will be more than compensated for by the organization of this veterinary corps which the amendment proposes.

Under the rulings of the Department, as well as the judicial decisions, the present force of the veterinary surgeons is declared to be a force of civilian employees—so rated and so paid—$75 a month to one class and $125 a month to another. They hold no commissions and have no commissioned relations with the other branches of the service. It is claimed in this proposition, which has had the indorsement of the most efficient and careful officers of the Army, General Merritt, General Brooke, Major-General Wilson, and other high officers, as well as the approval of President McKinley, General Miles, Commander in Chief of the Army, Quartermaster-General Ludington, and others high in rank, that the proposition is one for the best interest of the service, and that under the proposed organization or reorganization of the Army such a proposition is desirable and necessary. I am informed that, as the Army will be reorganized under the provisions of this bill, if it becomes a law, there will be upward of 25,000 animals to be cared for. The cavalry, the artillery, and the necessary transportation required for the Quartermaster's Department will involve the care of this large number of animals.

Mr. JETT. Let me ask the gentleman from Pennsylvania a question for information.

Mr. BINGHAM. Certainly.

Mr. JETT. I would like to ask if the amendment that the gentleman offers is not a section of the bill that was before the Senate and passed by that body and came here during the last session of the House for our consideration?

Mr. BINGHAM. Absolutely the same, word for word. I have simply torn out the printed sheet of the original bill and presented it here as an amendment.

Mr. Chairman, this matter is so thoroughly understood by the House that I have no desire to take time to discuss it. I have shown what the increase of expenditures will be. I have shown that it would be a little in excess of $6,000. Certainly such an organization, indorsed by the leading officers of the service, deserves consideration at our hands, and I think it but fair to say that by the action we now take here the House will either make the paragraph a part of the bill agreed to by both the Houses or leave it as a paragraph to be settled in conference.

[Here the hammer fell.]

Mr. HULL. Mr. Chairman, I sincerely hope that the amendment of the gentleman from Pennsylvania will not prevail. The Committee on Military Affairs took the Senate bill and struck from it all after the enacting clause and inserted the bill which is now reported here to the House and recommended by the committee. Now, if we take a part of the bill here and there and insert it in the House proposition, you reduce the power of the House to enforce its own will just to that extent; and it seems to me that the position of veterinary surgeon should stand with the other provisions of the Senate bill and let it go to conference as a whole.

Further than that, Mr. Chairman, I am strongly in favor of commissioned ranks for the veterinary corps of the Army. I believe they ought to have commissioned rank. As to whether we want to create a new corps, a new bureau in the Army, is another and entirely different question, that ought to be thought over very carefully before this House shall adopt it. I do not believe we ought to put it in this bill. I will say, Mr. Chairman, at the request of one of my friends here, that the veterinary corps has commissioned rank in all the other armies of the world.

Mr. BINGHAM. That is true.

Mr. STEELE. Assimilated rank.

Mr. HULL. Well, that is true of the army surgeons in other armies also. They do not have rank for their doctors there. It is only assimilated rank for them, too.

Mr. SULZER. Mr. Chairman, just a few words with regard to the amendment offered by the gentleman from Pennsylvania [Mr. BINGHAM]. As a member of the Committee on Military Affairs, familiar with this subject, I concur in all that the gentleman has said. This amendment for a veterinary corps should be incorporated into this bill now. It should not be eliminated here and allowed to go to conference. There is no doubt in the world but what this veterinary corps is one of the most important at the present time in the Army. As the gentleman from Pennsylvania [Mr. BINGHAM] has truly said, there will be over 25,000 animals in the Army if this bill becomes a law, and as a friend of the horse I want to see this House adopt it. I trust it will. It is right. There ought to be veterinary surgeons to look after them. The veterinary corps is one of the most important branches in relation to the Army to-day, and this amendment should be adopted. To defeat it now will probably mean its permanent defeat. I appeal for fairness in the matter in order that our Army animals may be protected.

Mr. GAINES. Why did not the Military Committee report the provision in the bill which they brought in here?

Mr. SULZER. The committee should have reported it.

Mr. GAINES. Why did they not report it?

Mr. SULZER. Because the committee struck out the entire Senate bill and put in the War Department bill without any amendments whatever. This amendment was in the Senate bill passed last session.

Mr. GAINES. Why did they not leave that provision of the Senate bill in the bill which they brought in here?

Mr. SULZER. They should have done so.

Mr. GAINES. Did they give any reasons for their failure to do so?

Mr. SULZER. You will have to ask the chairman of the committee about that. The minority of the committee had nothing to do with it; but as a member of the minority, and speaking for the veterinary surgeons of this country, and for the best interests of the animals that will be in the Army, I think this amendment should be adopted, and I hope every friend of the horse will vote for it.

Mr. HAY. Mr. Chairman, I am sorry that I can not agree with the gentleman from New York [Mr. SULZER], because after a careful consideration of the provision contained in the amendment proposed by the gentleman from Pennsylvania [Mr. BINGHAM], after hearing all the evidence which was adduced before us, I came to the conclusion that it would not be for the benefit of the surgeons to have the veterinary corps established in the form in which it is provided in the Senate bill.

In the first place it creates a new bureau down here in the War Department. It creates a new staff bureau, and we may expect that bureau to be built up as other bureaus have been, at considerable cost. Moreover, the present veterinary corps, if they are given rank such as was suggested by the chairman of the committee [Mr. HULL], should be satisfied. That is all they ought to ask for. They have worked very well so far. They have done good service up to this time, and the animals of the Army have not suffered, so far as I have been able to ascertain. Therefore I do not see why we should create a new bureau in the War Department, at a considerable expense, when there is no necessity for it, and when these veterinary surgeons can have the rank which will give them the authority they now say is necessary in order to enable them to carry on their work in the Army. I hope, therefore, that the committee will vote down the amendment.

Mr. GAINES. What does the bill provide with reference to veterinary surgeons?

Mr. HAY. The bill does not provide anything with reference to veterinary surgeons, as it now stands; but, as I understand it, the probability is that in conference these surgeons will be given the rank of second lieutenants of cavalry.

Mr. GAINES. The bill does provide for veterinary surgeons.

Mr. HAY. Oh, yes; it provides for the employment of them now, but it does not provide for a bureau here.

Mr. ADAMS. Mr. Chairman, I ask the attention of the House for one minute while I submit some reasons why this amendment should be inserted in this bill.

This represents the progress that is taking place in our country, both in science and in army improvement. In the old days the farriers were sufficient to take care of the live stock of the Army, but with the progress of science now every man who practices the veterinary calling must have a diploma from a university. A man who is educated to that point should be raised above the farrier, and is entitled to the recognition of rank in the Army of the United States. If these men are to be established as a corps, they should be organized as such if you are to have efficiency throughout the Army, $2,000,000 representing the value of the live stock in the United States Army to-day. It is of sufficient value to warrant an additional $6,500 for their care and promotion.

Not only that; I would call attention to the fact that every civilized nation to-day has its veterinary corps to examine animals purchased. England, in the war with South Africa, sent veterinary surgeons to this country, when they were buying live stock, and saved hundreds of thousands of dollars in the purchase of those animals by means of careful inspection. There is another point I would earnestly press upon the House. One of the few disagreeable things that we want to forget about is the spoiled meat served to our gallant troops that were fighting in the armies of this country. If we had had this corps, that meat would all be inspected, and there could no such scandal take place.

It is seldom, Mr. Chairman, that I find myself in opposition to the committee. I can not agree with the suggestion of the chairman of the committee that this matter should go over so that it could be dealt with in conference with the Senate. If this House believes in the measure, they should vote for it now and put it in the bill. This is the proper place to put it in and let it be estab-

lished, and then it is beyond peradventure and can not be traded off for any other proposition, and will be in the bill for the benefit of the Army and economy to the Government. It will be a recognition of a profession which is rising to-day; and all the veterinary schools and that great profession throughout our country are solidly behind this measure. I hope the House will act now and not trust to chance. A wise man never trusts to chance if he can get what he wants in hand. Vote to put this in as the Senate had it in the bill and it places this question beyond peradventure.

Mr. STEELE. Does not the gentleman say that this bureau is to cost $6,500?

Mr. ADAMS. Additional.

Mr. STEELE. The cost is given here as $33,500.

Mr. ADAMS. That gives the entire corps. This will be an additional amount of $6,500.

Mr. MONDELL. Mr. Chairman, I hope this amendment will not be adopted by the House at this or any subsequent time. I do not believe it is necessary for the best interest of the service; neither do I believe it would be wise to commission horse doctors as officers of the United States Army. It has been stated here that the armies of all civilized countries have a veterinary corps, with rank It should have been stated "assimilated rank." Assimilated gives the pay, but not the honor or the title of the rank. There is not an army in the world that has a veterinary corps ranking with the officers of the line. It is not necessary, in my opinion, for the best interest of the service that the veterinary corps of the United States Army should have rank.

Mr. BUTLER. Will the gentleman allow me to ask him a question?

Mr. MONDELL. Certainly.

Mr. BUTLER. Why should we not give the horse doctor rank the same as we give the medical doctor?

Mr. MONDELL. I think there is some difference between a man and a horse.

Mr. BUTLER. One is the doctor for the man and the other the doctor for the horse.

Mr. MONDELL. I think there is a difference between doctoring one of our soldiers and doctoring an army mule.

Mr. BUTLER. Are they not both educated men, and ought not both to be men of intelligence?

Mr. MONDELL. The fact that a veterinary might be an educated man is no reason why the horse doctor should be commissioned. An army surgeon in time of action is often necessarily under fire. If the gentleman will recollect the occurrences of the Santiago campaign, he will remember that the surgeons of the Army the most of the time during the operations before Santiago were under fire quite as much as some of the men in the advance. The horse doctor, I do not imagine, under any circumstances, would ever be under fire. I see no reason why a horse doctor, any more than a wagoner, a blacksmith, or other men connected with the Army in various capacities, should also receive a commission.

Mr. GROSVENOR. Will the gentleman from Wyoming allow me to make a suggestion? The surgeon comes in immediate contact with the men about him who are engaged in carrying men on the stretchers to the hospitals, and furthermore, he comes in contact with other enlisted men who are employed with the men in the hospital, and it is necessary to give him some rank in order that he may discharge his duties and assert the difference in rank between himself and the enlisted men. That is not true in the case of the veterinary surgeon who goes to the cavalry stables to doctor their horses. You might as well give rank to the men who curry the colonel's horse as to confer rank upon the veterinary surgeons.

Mr. MONDELL. I agree with the gentleman from Ohio in all that he says, and I thank him for his remarks. The surgeon in the Army is not only the physician who attends to the wounds and the ailments of the soldiers, but he is also the one who goes among the wounded in the hospital and on the field and cheers and encourages them, and he shares with them largely their privations and their dangers. He does not belong to the same class as the wagoners and the farriers.

It has been stated here that the change would only mean an additional expense of $6,000. Possibly so at the time of the passage of the bill, but it means a constantly increasing corps of officers who in the course of time are to go to swell the retired list, and, instead of $6,000 annual expenditure, in a short time it would add a very much larger sum. If we are not able to secure the services of good veterinary surgeons at the present prices paid, let us pay better prices for our veterinary surgeons, but never give horse doctors, honorable though their calling is, rank and authority with the fighting men of the American Army.

Mr. FITZGERALD of Massachusetts. May I ask the gentleman a question?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FITZGERALD of Massachusetts. I want to say that he referred to the Santiago campaign, and undertook to show to the House that there was a difference between the doctor who doctors the soldiers and one who doctors the army mule. I want to say, as an incident of that campaign, that it developed that a horse doctor, Dr. Huidekoper, was assigned to the treatment of soldiers in the hospital, so I do not think that that point amounts to much.

Mr. BINGHAM. Mr. Chairman, the gentleman who has charge of this bill states that he does not desire to mar the integrity and unity of his bill for the reason that they have crossed out all of the Senate bill and submitted this as a subsitute. He doubtless is as familiar as myself with what goes on in the conference committee. I have had some experience, in common with other gentlemen in the House, and it is simply that when a bill is presented, like this bill, a clean wipe-out, a clean submission of something new, that it comes to a mere barter and trade in conference—"If you will give us that, we will give you this," and you come into the House with a mongrel bill. So far as this bill is concerned I do not want it to have that form or shape. I want this committee to determine the paragraph one way or another and not subject it to rejection because some other paragraph may be admitted.

One word with reference to the statement of the gentleman as to the horse doctor, as he designated him, not being a party to field action or to the battle. Granted. The surgeon is only thus detailed for that special work; others are back in the hospital. The officers of the Ordnance Corps, a large and one of the most intellectual corps of the service, are not in action. It is only occasionally that an officer of the Engineer Corps of the Army is detailed to be in a position under fire.

Mr. BUTLER. How about the paymasters?

Mr. BINGHAM. The paymasters are never in action. That does not make for or against the veterinary surgeon or lessen their usefulness.

As to the objection of the gentleman on the other side who says that the establishment will create a bureau in Washington. The whole cost of these surgeons will be $33,500, an increase simply of $6,500 over the current law. If any bureau was ever established in Washington, they could have the supervision of only $33,500. Therefore, I contend that this criticism does not bring any strength against the proposition contained in the Senate bill.

Mr. Chairman, I ask permission to insert at the end of my remarks a "brief in the House of Representatives May 5, 1900, of facts in support of Senator KENNEY'S amendment to the Army reorganization bill, which passed the Senate and goes to the House of Representatives for concurrence."

The CHAIRMAN. Without objection, the request of the gentleman from Pennsylvania will be granted. [After a pause.] The Chair hears no objection.

The brief referred to by Mr. BINGHAM is as follows:

Brief (S. 4300. In the House of Representatives, May 5, 1900) of facts in support of Senator KENNEY'S amendment to the Army reorganization bill, which has passed the Senate and now goes to the House of Representatives for concurrence.

Senator KENNEY'S amendment to the Army reorganization bill provides for the establishment of an organized veterinary service, with reputable officers, whose education and competency is insured by rigid examination; to replace the present system of employment of an unorganized class of individual civilians, with no rank, no future, no responsibility, and no official position.

The United States Army is absolutely deficient in a proper veterinary service, which exists in the army of every other civilized country in the world. The present system in the United States Army has less method in it than that found needful in any large contractor's stable or stock farm in the country.

ECONOMY.

The entire cost under the amendment is only $6,500 over the present cost of civilian employees under the present system, and will be more than compensated for by the economy resulting from an organized veterinary corps.

The establishment of an organized veterinary service—

To give proper instruction in hippology, inspection of forage, stable hygiene, and farriery, to officers, cadets, noncommissioned officers, and farriers, at our military schools and large posts;

To furnish expert veterinarians for service as members on boards of purchase of remounts;

To furnish qualified inspectors of live stock and dressed meat for our soldiers' rations [there is not a qualified meat-inspection service in the United States Army];

To furnish practical services in prevention and cure of diseases—

is needed, both on the ground of economy, for the efficiency of the Army, and for the health of our soldiers.

The letters, copies of which have been furnished, from Major-General Merritt, Major-General Brooke, Major-General Wilson, and numerous others of the higher officers of the Army indorse such an organization.

The establishment of such an organization has had the approval of the President, William McKinley.

The General Commanding the Army, Major-General Miles, and the Quartermaster-General, Brigadier-General Ludington strongly approve and favor the amendment.

(Committee on Army legislation, American Veterinary Medical Association, Rush S. Huidekoper, secretary, Washington, May 4, 1900.)

Mr. GAINES. I should like to ask the gentleman from Pennsylvania if the veterinary surgeons contemplated by this amendment are to be graduates of a school or college.

Mr. BINGHAM. The surgeons employed under this corps will be subject to the directions of the Secretary of War, who will make regulations as to their credentials.

Mr. GAINES. Does the gentleman give that as one reason why this amendment should pass?

Mr. BINGHAM. I do. The veterinary surgeon not only does this work for the benefit of the animal, but for the protection of millions of dollars of Government property.

Mr. GREEN of Pennsylvania. Mr. Chairman, it seems to me, from the remarks which have been made by members of the House in opposition to this amendment, that the value of the horse and mule in the Army is not at all appreciated. I call the attention of gentlemen to the fact that the fighting of our Army is to-day on an entirely different principle from the fighting of twenty years ago, or even of ten years ago. The long-range guns of the artillery and the infantry require the utmost celerity of movement. We shall find in the future that the victories will be gained as often by the rapid movement of our cavalry and our infantry as in any other manner. In fact, the army horse and mule rank second only to the soldier and the gun.

This proposition seems to me an exceedingly fair one. Any man who has watched the movements of even an infantry regiment must have seen the absolute necessity of having some responsible, qualified person in charge of the horses of a regiment. Why, sir, an infantry company can be delayed not only hours, but days, by having a few of its mules out of condition. Almost every part of the impedimenta of an infantry company to-day is moved by the company wagons, and the movements of the company are entirely dependent upon having the horses in condition to move rapidly. If there is any valuable provision that could be introduced into this Army bill—one which will pay the nation in time of war for its adoption, one which would help in winning victories, whether on this side of the ocean or on foreign shores—I believe that this amendment, if adopted, will be one of the most valuable improvements that can be made in the framing of an Army bill.

I ask the members of the House to consider the fact that most of the military work, not only carried on to-day, but which will be carried on by the United States in the future, will be in foreign lands. We all know that the sickness which has prevailed among our troops in the Philippine Islands and in China has been shared by the horses and mules of the Army. Any man who has watched the war in South Africa has had forced upon his attention the fact that the trouble with the English troops has been that they have been constantly hampered by the sickness of their horses everywhere. Thousands and thousands of horses and mules have recently been purchased in this country for use in Africa, simply because of the terrible amount of death and disease among the horses there. It is an old saw that every man's business is nobody's business, and if you want the horses and mules of the Army to be taken care of—if you think they are worth taking care of, as I certainly do—it is absolutely necessary to have a bureau to take charge of this subject, with a competent head, and with persons under him qualified for the peculiar work.

There is only one way to get men who are properly qualified to take charge of horses or to give general directions for that purpose, and that is by giving qualified men rank in our Army. It requires educated men to take care of horses. Perhaps just as much education is required in this line as in taking care of men. And, as I have just said, the only way to secure proper service in this line is to give rank to the officers who have charge of such work. It must be a badge of honor. I am not only pleased to vote for this proposition, but I think it is the duty of every member, especially as the expense of the proposed amendment is certainly not great—though if it were five times as much I should favor it—I believe it to be the duty of every man who has at heart the creation of an efficient Army to vote for this provision.

Mr. BUTLER. Mr. Chairman, I desire to say one word in favor of the most faithful animal that ever moved a foot or served a master. I would go further than the present proposition; I would require, if I had the power, that these veterinary surgeons should go into places of danger to attend and treat horses, in the same way that a medical officer is required to go on the field of battle under the present regulations. I think this regulation will overcome the distinction made by the gentleman from Wyoming in answer to a question which I put to him a few moments ago.

Mr. STEELE. Mr. Chairman, it has been stated by the gentleman from Pennsylvania that the total cost of this service, in the pay of the officers provided, would be $33,500. I find by looking at the pay table that a colonel who has just entered the service is entitled to $3,500; and this bill provides for 1 colonel. A major (one such officer being provided by this bill) receives as pay proper, $2,500, allowing nothing for longevity service. Then the amendment provides for 4 captains, the pay of whom would be $2,000 each, without any additional allowances, amounting to $8,000. Then there are to be 10 first lieutenants, at $2,000 (saying nothing of allowances) making $20,000. Then there are 20 second lieutenants at $1,500 each (taking into account nothing for allowances) making $30,000. It will thus be found that the total amount of pay for this corps under this amendment will be $64,000. In addition to that, officers who have been in this service for fifteen years as veterinarians, would receive longevity pay and other allowances. The cost for pay and allowances, saying nothing of traveling expenses, would be about $100,000.

I think, as the chairman of the committee has suggested, that it would be perfectly fair to let this matter go to conference with the other provisions of the bill. In that way we could arrive at a much better conclusion than, I think, can be arrived at by undertaking to act on this subject here and now. While this amendment at the beginning would simply call for a colonel and a major at the War Department headquarters, mark my words, inside of five years the number of field officers will be materially increased, as well as the expense.

Mr. SULZER. The gentleman says let this go to conference. Why not adopt the amendment and then let it go to conference?

Mr. STEELE. If we adopt the amendment, there can be no conference, so far as this provision is concerned.

Mr. SULZER. The gentleman is mistaken.

Mr. STEELE. I beg the gentleman's pardon. This is a provision of the Senate bill, and if the House and the Senate agree upon the proposition there will be nothing to confer about.

Mr. PARKER of New Jersey. Mr. Chairman, many of my friends are veterinary surgeons. We should have the very best talent in that service that the United States can afford, and the most experienced surgeons should be found and honored in our Army. But I can not accept the proposition which is now before the House as an amendment to the pending bill; and I beg the House to bear with me a moment and to understand with me what that provision is.

As has been pointed out by the chairman of the Committee on Military Affairs, it is not a question whether veterinary surgeons should have rank or pay or honor, but whether they should constitute a new and separate staff corps. It is whether we should accept this particular provision for such a corps without recommendation by the War Department or the Army, without the opinion of that Department, and without opportunity under the rules to perfect this proposition. We are asked not to accept surgeons as officers, but to establish a new corps. What does that mean?

What is a corps? It is an independent branch of the Army. If this provision is adopted it means that the officers of such a corps are not under the control of the officers of the line.

In the last war with Spain there was a case—there may have been others—but there was a case where a brigadier-general in charge of a camp with a thousand sick men found that the doctors in charge of the hospital were spending their afternoons on hotel porticos away from the camp. He told them to go back to duty and take charge of the sick men in the hospital. He was informed that he was not in a position to give such an order. And, Mr. Chairman, he only got the medical corps back to their duties when, after going 120 miles, he was enabled to find at division headquarters an authority which had the right to give the order to them.

Now, a doctor may rightly order a man out of the ranks, if he is sick and unable to perform duty, and the doctor may rightly send him to a hospital whether his commander assent or no. That is where the question is of human life. But when we come to dealing with horses and mules, a very different case is presented, for there may be conditions which require the quartermaster to work his mules or horses for army transportation whether they are sick or well, and there should be no interference with the performance of his duty under such circumstances.

If a captain of a troop or battery desires to use the horses or mules under his command, sick or well, and finds it necessary to do so if the exigencies of the service so require, no man should be allowed to interfere. You can and should employ a veterinary surgeon where his services are needed; you may make him an officer, but you can not safely employ or establish a veterinary corps which shall in any way supersede the power of the commanding officer.

As I have already said, the surgeon may send a man into the hospital and may order him out of the ranks in case of sickness, but the officer in charge of a battery or a company has the right to use horseflesh—noble as that animal may be—under any circumstances which may present themselves to him. He has enough staff subjection already. The man of the Army, the officer of the line, is subject to a system of staff inspection and orders unknown in any other country. It may be now noticed because it will come up later on in the consideration of the bill. He can not get provisions without going to the subsistence department or transportation without the aid of the quartermaster's corps.

He can not get his men paid without going to a separate pay department, nor get guns or ammunition without applying to a separate ordnance department. His life is a life of requisitions and red tape. Other armies put these departments in each division under the general commanding the division, and in each post, while the staff have assimilated rank and good pay, they are under the commander of the post, under any captain of an

independent command, who keeps, and is bound to keep, all branches of the service under his control so far as his command extends.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. SULZER. I ask that the gentleman's time be extended five minutes more.

The CHAIRMAN. The gentleman from New York asks that the time of the gentleman from New Jersey may be extended five minutes. Is there objection?

There was no objection.

Mr. PARKER of New Jersey. In every other army, especially in the German army, the staff in all its branches is made the servant, or at any rate the friend, of the line. Our great Secretary of War, the greatest, I believe, that we have had since Stanton, says that the need of our Army is to bring the line and staff together. He therefore proposed and urged upon us that details should go from the line to the staff, and from the staff back to the line, as proposed in the Senate bill; that there should be only details and no permanent appointments, so that the whole Army should be one, working harmoniously together through the system of details without subjection of the line to permanent and separate staffs.

The committee and perhaps a majority of this House concluded that we should go slowly. That may be wise. We therefore provide by the House bill that there shall be details, but only in the lower grades of the staff, and we add to the Secretary's plan that these details shall be settled by competition before boards of officers, so as to avoid favoritism and to determine fairly what men shall go into the lower ranks of the staff. The bill thus provides for a perpetual change and flow between the line and the lower ranks of the staff of the Army.

For the higher ranks of the staff the bill provides that from those who have been detailed there shall be competitive examination for appointment to these higher ranks, so that we shall get the cream of our young men in the great staff departments of the Army, while we give them enough army service to keep them in touch with the needs of that Army, and prevent the disposition to red tape that assails anybody who is permanently in a separate corps.

That is the object of this bill, to abolish or, at least, mitigate the evils of separate staff corps. Let us not attack the general object of this bill by establishing another separate corps and counteract the views of our great Secretary of War by putting alongside of the many independent staff corps another corps with independent command, free from control by the line.

Give rank if you please, or honor if you please, but let us aim to unite and not to disunite each division of the Army.

This provision is in the Senate bill. When the matter goes into conference a satisfactory and proper section can be put in its place. But if this amendment be adopted, it must be taken as it is, with its faults.

Mr. BINGHAM. Mr. Chairman——

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. HULL. I ask for a vote on the amendment.

The question was taken on the amendment of Mr. BINGHAM, and the Chairman announced that the "noes" appeared to have it.

Mr. BINGHAM and Mr. SULZER demanded a division.

The committee divided; and there were—ayes 58, noes 56.

Mr. HULL. I ask for tellers.

Tellers were ordered; and the Chairman appointed Mr. BINGHAM and Mr. HULL.

The committee again divided; and the tellers reported—ayes 80, noes 72.

Accordingly the amendment was agreed to.

The Clerk read as follows:

SEC. 20. That the Pay Department shall consist of 1 Paymaster-General with the rank of brigadier-general, 3 paymasters with the rank of colonel, 4 paymasters with the rank of lieutenant-colonel, 9 paymasters with the rank of major, and 27 paymasters with the rank of captain: *Provided*, That all vacancies in the grade of colonel and lieutenant-colonel created or caused by this section shall be filled by promotion according to seniority, as now prescribed by law, and no more appointments to the grade of major and paymaster shall be made until the number of paymasters is reduced below 9: *And provided*, That persons who have served in the Volunteer Army since April 21, 1898, as additional paymasters may be appointed to positions in the grade of captain, created by this section. So long as there remain surplus majors an equal number of vacancies shall be held in the grade of captain, so that the total number of paymasters authorized by this section shall not be exceeded at any time.

Mr. DICK. With a view to offering an amendment to that section, I desire to have the Clerk read the letter which I send to the desk. It is a letter from the Paymaster-General, U. S. Army, to the Secretary of War.

The CHAIRMAN. The letter will be read in the time of the gentleman.

The Clerk read as follows:

WAR DEPARTMENT, PAYMASTER-GENERAL'S OFFICE,
Washington, December 3, 1900.

SIR: Will you permit me, as head of the Pay Department, to respectfully call your attention to the fact that the organization of the Pay Department as proposed in section 20 of the bill for the reorganization of the Army, copy of which has been furnished me from your office, does not, in my judgment, give us sufficient force to perform the duties which the Pay Department is called upon to perform.

The present number of officers in the regular and volunteer force of the Pay Department is, aside from the Paymaster-General, 55. The proposed bill gives us 43, a reduction of 12 officers. At the present moment there is but one officer of this department on leave of absence, and he was granted one month's leave from the Department of California, succeeding his return to this country from a two years' detail in the Philippines. There is not an officer in the service who could be granted a leave for two months without detriment to the service, unless his place could be filled by some other paymaster during that time.

As the Army is now distributed, we have between four and five hundred different stations to pay in the Philippines, and we have there and en route there 26 paymasters, and I have constant reports of the very severe service the officers there are called upon to perform and the necessity for more help. If the force is reduced it must be by taking away some of the officers from that point, as there is not now stationed within the limits of the United States a single officer whose place could be made vacant without detriment to the service.

Very respectfully,

A. E. BATES,
Paymaster-General, U. S. A.

The SECRETARY OF WAR.

Mr. DICK. I move to amend section 20, line 16, page 23, by striking out the word "three" and inserting the word "four."

In line 17, after the word "colonel," insert the words "and assistant paymaster-general;" also, in line 17, strike out the word "four" and insert the word "five."

In line 18, after the words "lieutenant-colonel," insert the words "and deputy paymaster-general;" also, in line 18, strike out the word "nine" and insert the word "twenty."

In line 19, strike out the words "twenty-seven" and insert the words "twenty-five."

In line 24, after the words "number of," insert the words "majors and."

In line 25, strike out the word "nine" and insert the word "twenty."

Mr. HULL. That simply gives them the titles which they have at present.

Mr. DICK. The purpose of the changed phraseology is simply to preserve the phraseology of the law as it now stands. The increase asked for is explained by the letters of the Paymaster-General to the Secretary of War, and its purpose is to give to the Army as it will be reorganized a force sufficient to pay it. At the present time, as fixed by the act of March 2, 1899, the force is 56. This amendment asks for 55. The section which we seek to amend gives but 44. Prior to the Spanish-American war the Army in the United States amounted to about a corps as now organized, but widely distributed over the whole country. The force was then a total of 26 officers, the payments monthly, and the force was sufficiently occupied.

Now the Army is about four times as large, more widely distributed—and paid by a force, but not with the requisite promptness—of 56 officers, and as to the Philippines, and because of the limited number of officers, payments are made every two months, or as nearly so as possible.

It is not the number of troops so much as the manner of their distribution which should determine the numerical strength of the Pay Department.

Then, it is stated that in 15 of the Philippine Islands alone there are 420 garrisoned posts to be visited by paymasters, or about four times as many as there were in the United States preceding the war with Spain; that there are 102 posts in the United States, 8 in Cuba, 8 in Alaska, 4 in Porto Rico; that, except as to the 120-odd miles of railroad in the Philippines, all other means of land communication in these islands is of the crudest kind and surrounded with danger, and that with the present number of 55 working paymasters it is at times possible, in the Philippine group, to pay the Army there with reasonable regularity. It will be easily understood that the present strength of the Pay Department, 56 officers, is the minimum force under which payments can be effected.

This seems not only like a fair request, but a demand to meet the very necessities of the situation. I trust the amendment will be adopted by the House. [Cries of "Vote!"]

The CHAIRMAN. The Clerk will report the amendment.

Mr. SLAYDEN. Mr. Chairman, the amendment offered by the gentleman from Ohio proposes to increase the officials in the Pay Department beyond the estimates submitted by the Secretary of War, which were presumably based upon absolute knowledge of the necessities of the situation. While I was unable, owing to the confusion in the House, to hear all my distinguished friend from Ohio said in justification of his amendment, what I did hear did not convince me that we ought to go beyond the estimates submitted by the Secretary of War; and it looks to me like making a needless increase in the officers of the Paymaster's Department and a needless tax upon this country. I hope that the amendment will be defeated.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 23, line 16, strike out the word "three" and insert the word "four;" in line 17 strike out the word "four" and insert the word "five;" in line 18 strike out the word "nine" and insert the word "twenty;" in line

19 strike out "twenty-seven" and insert "twenty-five;" line 18, after the word "lieutenant-colonel," insert "and deputy paymaster-general;" in line 24, after the word "of," insert the words "major and."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. DICK. Just one omission, Mr. Chairman, in line 17, "assistant and paymaster," and in line 18, "assistant deputy paymaster."

Mr. HULL. Not assistant at all, but lieutenant-colonel and deputy paymaster-general.

The CHAIRMAN. Will the gentleman from Ohio indicate the word preceding what he proposes to introduce?

Mr. HULL. My understanding of the gentleman's amendment is, after the word "colonel" to insert the words "and assistant paymaster-general," and in line 18, after the word "lieutenant-colonel," insert the words "and deputy paymaster-general;" and in line 24, after the word "of," insert the words "major and;" and these amendments are simply to preserve the titles as they are now and have been for so many years known.

Mr. HAY. I would like to ask the gentleman a question, and that is, whether it increases the corps of the Paymaster's Department?

Mr. DICK. It reduces it one.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

SEC. 21. That the Corps of Engineers shall consist of 1 Chief of Engineers with the rank of brigadier-general, 7 colonels, 14 lieutenant-colonels, 28 majors, 40 captains, 40 first lieutenants, and 30 second lieutenants. The enlisted force provided in section 11 of this act and the officers serving therewith shall constitute a part of the line of the Army: *Provided*, That vacancies in the Corps of Engineers created or caused by this act in the grade above that of second lieutenant shall be filled, as far as possible, by promotion according to seniority from the Corps of Engineers: *And provided also*, That vacancies remaining in the grades of first and second lieutenant may be filled by transfer of officers of the Regular Army, subject to such professional examination as may be approved by the Secretary of War. Vacancies in the grade of second lieutenant not filled by transfer shall be left for future promotions from the corps of cadets at the United States Military Academy.

Mr. HULL. Mr. Chairman, I have received the following communication from the Secretary of War and Chief of Engineers, which I desire to have read for the information of the House.

The CHAIRMAN. The letter will be read in the gentleman's time.

The letter was read, as follows:

WAR DEPARTMENT, *Washington, December 5, 1900.*

SIR: I have the honor to transmit herewith a letter (memoranda accompanying) from the Chief of Engineers, United States Army, of this date, by which it would appear that the head of that department considers that the number of officers provided for his department by the pending bill for the reorganization of the Army, which was submitted by this Department to your committee, are insufficient.

Very respectfully,

ELIHU ROOT,
Secretary of War.

Hon. JOHN A. T. HULL,
Chairman Committee on Military Affairs,
House of Representatives.

Memoranda relating to proposed legislation for reorganization of the Corps of Engineers.

July 24 the Adjutant-General called on the Chief of Engineers as to the specific reorganization recommended for the Corps of Engineers.

August 10 the Chief of Engineers submitted for the consideration of the Secretary of War certain memoranda showing the necessity for the increase of the Corps of Engineers, together with a draft of proposed legislation. These were based on most careful and detailed consideration of the subject, and the legislation recommended was considered of most vital importance. The numbers proposed for the various grades were the minimum consistent with the efficient performance of duties devolving upon the corps, and the proportionate number of each grade was worked out with great care, with a view to providing for the various duties and for such gradual and proper promotion as must be provided for to keep the Corps of Engineers alive.

The number of officers recommended was as follows:

One brigadier-general, 12 colonels, 24 lieutenant-colonels, 36 majors, 50 captains, 40 first lieutenants, and 25 second lieutenants.

The numbers proposed by the newly printed bill are:

One brigadier-general, 7 colonels, 14 lieutenant-colonels, 28 majors, 40 captains, 40 first lieutenants, and 30 second lieutenants—an increase over present organization of 5 captains, 14 first lieutenants, and 18 second lieutenants, without any increase in the field officers.

In determining the relative number of officers of the different grades the following system was followed:

Two divisions were considered—the first of and above the rank of major, the second including officers below the rank of major.

The average time of service through all grades was taken at forty years. It was assumed twenty years of this time should be spent in the lower division and twenty in the higher; that is, that an officer should serve twenty years before reaching the grade of major; their age at such time would average forty-three years.

Under the present organization the percentage of officers above and including the grade of major is 40, and below, 61. This percentage is about correct to give twenty years in lower division and twenty years in upper division, as shown by a table giving percentages of the number of officers of various terms of service for each year during past twenty-five years and the average for the entire period. It was therefore considered desirable to maintain the present percentage in any increase recommended, and this was done.

The proportion proposed would provide approximately for a service of six years as colonel, six years as lieutenant-colonel, eight years as major, and twenty years as a subaltern.

Considering the relative numbers throughout, they are such as to provide for the duties of the corps without any surplus numbers, and to also provide for a fair and reasonable if not rapid promotion.

The increase provided for in bill is all in the junior officers. It will destroy the approximately fair division of existing organization, interfere materially with merited promotion, and render it more desirable for the highest graduates of the Military Academy to enter the line rather than the Corps of Engineers.

Mr. HULL. Mr. Chairman, I move to amend, after the word "that," in line 15, page 24, by inserting the words "Chief of Engineers shall be selected as now provided by law, and hereafter."

Also, in line 16, strike out the words "created or caused by this act" and insert after the word "in," in the same line, the words "all other grades;" and strike out the words "the grade," in lines 16 and 17.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 24, line 15, after the word "part," insert the words "Chief of Engineers shall be selected as now provided by law, and hereafter."

In line 16 strike out the words "created or caused by this act" and insert "all other grades."

After the word "in," strike out the words "the grade."

Mr. HULL. Mr. Chairman, one minute. The first amendment comes in after the word "that," and before the word "vacancies," in line 15, and not the word "part," as read by the Clerk.

The question was taken; and the amendment was agreed to.

Mr. BROMWELL. Mr. Chairman, I have an amendment.

The Clerk read as follows:

Strike out "seven," "fourteen," and "twenty-eight," in line 11, page 24, and "forty" after the word "majors," and "thirty," in line 12, page 24, and insert the words "twelve" before "colonels," "twenty-four" before "lieutenant-colonels," "thirty-six" before "majors," in line 11; also "fifty" before "captains" and "twenty-five" before the word "second," in line 12.

Mr. BROMWELL. Mr. Chairman, the object of this amendment is to make this bill conform to the recommendation of the Chief of Engineers as contained in the communication which has just been read. The increase which is provided in the Engineer Corps by this bill is an increase in the lower grade of that corps.

The colonels remain the same as at present, the lieutenant-colonels the same, and the majors the same. There is an increase of 5 captains, an increase of 26 first lieutenants, and an increase of 12 second lieutenants. It is in the lower grades of this corps that the increase is not needed to such an extent as it is in the upper grade, and for this reason: The Engineer Corps is devoted almost entirely—in fact, entirely—to the work of constructing the fortifications and great public improvements carried on the river and harbor bill. The independent work given to the officers of the Engineer Corps is not intrusted to the officers of these lower grades. As a rule they are assistants to the officers of the engineers in charge of the actual work.

Now, with the increase of our territory and the necessity of sending engineers to Porto Rico and the Philippines, with the natural increase also of the public works from year to year, the necessity of officers capable of handling this independent work increases, and thus calls for an increase in the corps in the grades above that of first lieutenant. The Chief of Engineers does not recommend any increase over this bill in the corps of first lieutenants, being satisfied with the forty. He recommends five less in the grade of second lieutenants, recommending twenty-five instead of thirty, as the bill provides. But he does provide for a substantial increase in officers of the higher grades, twelve instead of seven colonels, twenty-four instead of fourteen lieutenant-colonels, thirty-six instead of twenty-eight of the grade of major.

Now, the precedent has been in all the bills governing this corps that there should be, as the Chief of Engineers says, 39 per cent of the corps of the grade of majors and above, and 61 per cent of the corps of the grade below that of major. That has been the record of the corps. The amendment which he has suggested to the Secretary of War provides for the continuation of that ratio; whereas the House bill as now presented reverses that and puts a much greater proportion of Engineer Corps below the grade of major than at present.

Not only that, but according to the record in this corps it takes twenty years for an officer in this branch of the service to reach the grade of major. He starts in as a cadet from West Point of the age of 21 to 23 years, and the record shows that he is at least 43 to 45 years of age before he becomes a major. The present Chief of Engineers did not reach the grade of colonel until he was 57 years of age. Now, under the recommendation of the Chief of Engineers, twenty years will be the usual length of time for a graduate from West Point in this corps to reach the grade of major. He will then have eight years as major, six years as a lieutenant-colonel, and six years as a colonel before his retirement. It does seem to me, in view of the vast interests committed to this corps, in view of the special training these officers have in this service, that this recommendation of the Chief of Engineers should be followed by this House and the bill amended in accordance with the terms I have submitted.

Mr. HULL. Mr. Chairman, I sincerely hope this amendment will not be adopted. If adopted it puts the Engineer Corps way beyond every other corps in the Army in regard to promotion. The gentleman forgets that two years ago we gave this corps promotion in the higher grade, additional officers, improving their opportunities by which the whole corps was moved up. If you

adopt this, you give the engineers one major for two captains, and one lieutenant-colonel for every two majors, something unknown in every other corps. We did increase the quartermasters yesterday, but how did we do it? In the lower grades. We gave them, where they asked for twelve colonels, one increase; we gave them only two in the lieutenant-colonels, and put the others in as captains. The Engineer Corps under this bill, figured out with the ratio of the other grades in the Department, have to-day an equal chance for promotion with the Ordnance or any other corps of Army.

Not only that, Mr. Chairman, but they are lieutenants in six years, captains in fourteen years, and in the other lines of the Army they have all to serve twenty years to get to the grade of captain. If we listen to what the different bureaus want in regard to the higher grades, they will all be colonels, lieutenant-colonels, and majors. I want to see the line drawn somewhere which will preserve something like equity and justice as between these corps, and I hope this amendment will not be adopted.

Mr. HAY. Is it not a fact that this bill was carefully prepared by the Secretary of War with a view to the needs of each one of these various departments?

Mr. HULL. Yes.

Mr. HAY. And that we have not in any case, except in the Quartermaster's Department, I believe, increased these corps.

Mr. HULL. We made an increase in the Quartermaster-General's Department and in the Pay Department.

Mr. HAY. But not in the lower ranks.

Mr. HULL. None in the grades of colonel and lieutenant-colonel to amount to anything. We have in the Quartermaster's Department 72 captains, who have to look forward to only seven colonelcies, as I remember now. If we adopt the amendment offered by the gentleman from Ohio, we shall have 40 captains looking forward to 12 colonelcies. I hope the amendment will be voted down.

Mr. SULZER. Mr. Chairman, I entirely concur in the view of the chairman of our committee that this amendment should not be adopted. If adopted, it would make the Engineer Corps top-heavy. The recommendations of the Secretary of War in regard to the Engineer Corps do that corps more than justice. I trust the amendment will be voted down.

The question being taken, the amendment of Mr. BROMWELL was rejected.

The Clerk read as follows:

SEC. 22. That the Ordnance Department shall consist of 1 Chief of Ordnance with the rank of brigadier-general, 4 colonels, 6 lieutenant-colonels, 12 majors, 24 captains, and 24 first lieutenants, the ordnance storekeeper, and the enlisted men, including ordnance sergeants, as now authorized by law. All vacancies created or caused by this section shall be filled by promotion and appointment as now prescribed by law.

Mr. MCCLELLAN. I move to amend by striking out the last word. I will occupy only one minute of the committee's time to say that as I do not desire to go upon record as appearing to vote against any increase of the Army in the present emergency, I shall, at the proper time, if no one else does so, offer a substitute continuing the existing establishment for two years.

I withdraw the pro forma amendment.

The Clerk read as follows:

SEC. 23. That the Signal Corps shall consist of 1 Chief Signal Officer with the rank of brigadier-general, 1 colonel, 1 lieutenant-colonel, 3 majors, 9 captains, 9 first lieutenants, 80 first-class sergeants, 120 sergeants, 150 corporals, 200 first-class privates, 150 second-class privates, and 10 cooks: *Provided*, That vacancies created or caused by this section shall be filled by promotion of officers of the Signal Corps according to seniority, as now provided by law. Vacancies remaining after such promotions may be filled by appointment of persons who have served in the Volunteer Signal Corps since April 21, 1898: *Provided*, That the President is authorized to continue in service, during the present emergency, for duty in the Philippine Islands, 10 volunteer signal officers with the rank of first lieutenant and 10 volunteer signal officers with the rank of second lieutenant. This authority shall extend only for the period when their services may be absolutely necessary, and not beyond July 1, 1902.

Mr. HEPBURN. I now offer an amendment in regard to which I have consulted with the chairman of the committee, and I think that it meets his approval and perhaps that of other members of the committee.

The Clerk read as follows:

On page 25, in line 11, strike out "one" and insert "two;" also strike out "three" and insert "five;" also strike out "nine" wherever it occurs in line 11 and insert "nineteen;" so that the section will read:

"That the Signal Corps shall consist of 1 Chief Signal Officer with the rank of brigadier-general, 1 colonel, 2 lieutenant-colonels, 5 majors, 19 captains, 19 first lieutenants, etc."

The question being taken, the amendment was adopted.

Mr. HULL. Now, Mr. Chairman, I think that the proviso, beginning in line 21, with regard to ten volunteer signal officers being continued should be stricken out. I offer an amendment to strike out that proviso. My understanding is that we have already taken these volunteer signal officers, authorized their continuance, and put them in the regular establishment.

The Clerk read the amendment, as follows:

On page 25 strike out all of section 23 after the word "ninety-eight," in line 21.

The amendment was agreed to.

The Clerk read as follows:

SEC. 26. That whenever there shall occur a vacancy, which can not be filled by promotion or appointment under the provisions of preceding sections of this act, in offices of the grades of lieutenant-colonel and major in the Adjutant-General's and Inspector-General's departments; of captain in the Quartermaster's, Subsistence, and Pay departments, and of first lieutenant in the Ordnance Department and the Signal Corps, such vacancy shall not be filled by a permanent appointment, but shall be filled by the detail, by the Secretary of War, after competitive examination, as hereinafter provided, of an officer of the line, who shall serve for the period of four years unless sooner relieved, and shall not again be eligible for detail in any staff corps or department until he shall have rendered actual service for two years with troops of the arm in which he is commissioned. Any officer detailed for staff duty under the provisions of this section shall be selected from the grade corresponding to, or from the grade next below, that to which the detail is to be made, and shall have the rank, pay, and allowances of the grade to which detailed. No detail for staff duty as herein provided shall be made in the case of any officer until he has actually served with troops for at least four years if his rank is above that of a second lieutenant, and for at least two years if he is a second lieutenant; and no such detail shall be made in the case of any officer until he shall have passed a satisfactory competitive examination by an examining board composed of three officers, of whom one may be a line officer and two shall be permanent or detailed officers of the department or corps in which the detail is to be made, said examination to be conducted under regulations to be prescribed by the examining boards, to be constituted as herein prescribed, for the various departments and corps in which details are to be made shall be convened by the Secretary of War at such times and places as the exigencies of the service may require, and said boards shall examine and report upon, as far as practicable, all line officers who may be applicants for details to staff duty, and who shall have been recommended by their commanding officers for such details. A separate list of officers reported on favorably by such examining boards shall be kept for each department or corps in which details are to be made, the officers on said list to be arranged in accordance with the ratings given them by the examining boards, and to be detailed for duty, in the department or corps to which the list pertains, in the order of their standing upon said list, beginning with the officers having the highest rating; but no officer shall remain eligible for detail for more than two years unless he shall again successfully pass the examination hereinbefore prescribed: *Provided*, That nothing in this act shall be so construed as to require the detail for staff duty of any officer who, in the judgment of the Secretary of War, is mentally, morally, or physically unfit for such detail.

Mr. HULL. Mr. Chairman, I believe the bill as printed does not correspond with the action of the committee. The committee resolved to leave the Ordnance Department out of the detail system absolutely; so that the words "the Ordnance Department and," in line 25, should be stricken out. I move that amendment.

The amendment was agreed to.

Mr. BINGHAM. Will the gentleman allow me a question at this point?

Mr. HULL. Certainly.

Mr. BINGHAM. Will this bill make the Adjutant-General's Department or the Inspector-General's Department larger than they are under the statute organizing the Regular Army, on the basis of 27,000 or 29,000 men? There are men now in that corps detailed to other branches of the service. When it comes to filling the vacancies that your bill makes, will the men in that corps be relegated back to their rank in the Regular Army or will they have precedence for appointment in the volunteers?

Mr. HULL. If this bill passes they will, in my judgment, remain permanently in the corps. They have reached there by examination.

Mr. BINGHAM. In other words, I understand that, according to the gentleman's judgment, if there should be any vacancies they will be filled from the men now in the Adjutant-General's and Inspector-General's corps?

Mr. HULL. That would be my judgment, they being now in the Regular Army.

Mr. HAY. I wish to call the attention of the gentleman to this proviso on page 28, beginning with line 18:

Provided, That nothing in this act shall be so construed as to require the detail for staff duty of any officer who, in the judgment of the Secretary of War, is mentally, morally, or physically unfit for such detail.

I do not understand that those words were put in the bill when we had it under consideration in the committee.

Mr. HULL. Yes; they were inserted in the amended bill as adopted.

Mr. HAY. I think they ought to be stricken out, because they give the Secretary of War absolute power to turn down any officer who may have passed an examination.

Mr. HULL. I do not believe that any officer who is mentally, morally, or physically unfit will be given an examination.

Mr. HAY. I do not think so either. Therefore that proviso ought to be stricken out.

Mr. HULL. This proviso does not apply to volunteer officers. So far as the regulars are concerned, I did not object to the Department fixing up the provision in whatever way it wanted to.

Mr. HAY. But we ought not to give the Secretary of War arbitrary power to turn a man down.

Mr. HULL. I assume that the Secretary of War would not have a man mentally, morally, or physically unfit examined. With regard to volunteers, where we struck out a similar authority on the part of the Secretary of War, the idea of the men who opposed that provision was that the Secretary of War might prescribe a rigid examination which the average volunteer would

be unable to pass. But in this case, where officers of the Regular Army are concerned, the man can not pass the examination until his commanding officer has designated him in orders for that purpose.

Mr. HAY. Does the gentleman from Iowa regard this provision as at all necessary in the bill? Does he not think that it might be stricken out without injury to this provision of the bill?

Mr. HULL. In my opinion, Mr. Chairman, the provision does neither harm nor good.

Mr. HAY. Then why not let it go out?

Mr. HULL. I have no special objection.

Mr. HAY. I move, Mr. Chairman, to strike out that provision which has just been read.

Mr. HULL. I have no objection to its going out.

The amendment proposed by Mr. HAY was agreed to.

The Clerk read as follows:

SEC. 27. That whenever there shall occur a vacancy, which can not be filled under the provisions of preceding sections of this act by the promotion of officers holding permanent appointments, in offices of the grades of colonel in the Adjutant-General's and Inspector-General's Departments, of major in the Quartermaster's and Subsistence Departments, of major in the Pay Department after the number of paymasters of that grade shall have been reduced below nine, and of captain in the Ordnance Department and the Signal Corps, such vacancy shall be filled by the appointment of an officer to be selected from among those who have served by detail, under the provisions of this act, in the next lower grade in the department or corps in which the vacancy occurs.

Mr. HULL. Mr. Chairman, the word "nine" in line 4 of this section should be stricken out and "twenty" inserted, in order to correspond with the amendment made to the bill in regard to paymasters.

I move that amendment.

The amendment was agreed to.

Mr. HULL. I move also, in line 5 of the same section, to amend by striking out the words "The Ordnance Department and."

This would make the provision conform to the action already taken by the committee.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next section.

The Clerk read section 29, as follows:

SEC. 29. That vacancies in the grade of field officers and captain, created by this act, in the cavalry, artillery, and infantry shall be filled by promotion according to seniority in each branch, respectively. Vacancies existing after the promotions have been made shall be provided for as follows: A sufficient number shall be reserved in the rank of second lieutenant for the next graduating class at the United States Military Academy. Officers now holding commissions in the Volunteer Army may be ordered before boards of officers for such examination as may be prescribed by the Secretary of War. Volunteer officers who establish their fitness before these examining boards may be appointed to the grade of first or second lieutenant in the Regular Army. Volunteer officers so appointed to the grade of first or second lieutenant shall be arranged according to rank, on a separate list. All vacancies then existing in the grade of first lieutenant in each arm of the service shall be filled from this list and the lineal lists of second lieutenants, according to seniority, as determined by length of prior commissioned service; but nothing herein contained shall change the relative rank of officers heretofore commissioned as second lieutenants in the Regular Army.

When the vacancies in the grade of first lieutenant shall have been filled from the two lists, the names of the remaining second lieutenants shall then be placed on one list in each branch, arranged as to seniority, according to the dates of their commissions, and promotions thereafter shall be made as provided for in existing law.

Mr. HULL. Mr. Chairman, the Committee on Military Affairs made some amendments to this section which would make the officers under it eligible as volunteer officers of the Army without regard to any age limit. I am afraid that by the provision as it stands we have injured, instead of benefited, the volunteer officers, because under the present law a man could not come in from the ranks and would necessarily be under 30 years of age.

Now I desire to offer an amendment to carry out the idea of the committee, providing that a volunteer officer shall be eligible to the grades of first and second lieutenant without regard to age.

Mr. PARKER of New Jersey. All who served as volunteers to be so eligible?

Mr. HULL. Yes; that is the idea. I have not yet prepared the amendment, because I understood that Mr. MONDELL or Mr. PARKER would offer it. But I will prepare and offer the amendment if the Chair will indulge me for a moment.

Mr. PARKER of New Jersey. Will this amendment which I have here answer the gentleman's purpose?

Mr. HULL. Will the gentleman from New Jersey give his attention and see if I have this in a form which is satisfactory to him?

That the present restrictions of law or regulations as to age shall not apply to those who have served as volunteers since April 21, 1898.

Mr. PARKER of New Jersey. For the purposes of appointment.

Mr. HULL. I will add that—

So far as appointments to the grades of second or first lieutenants of the line are concerned.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert after line 24, page 30:

"That the present restrictions of law or regulations as to age shall not apply to those who have served as volunteers since April 21, 1898, so far as appointments to the grades of second or first lieutenants of the line are concerned."

The amendment was agreed to.

Mr. BINGHAM. Mr. Chairman, as I understand this paragraph, any volunteer officer is eligible, after examination, in the creation of this new army, to be made either a first or a second lieutenant. Am I correct in that?

Mr. HULL. I think that is correct, because I think this list limits it to volunteer officers.

Mr. BINGHAM. Now, you say this further, that it shall be done according to seniority as determined by length of prior commissioned service.

The cadets of the class of 1899 were graduated some months before the usual date of graduation, as well, I think, as the class of 1900. According to this provision, a volunteer officer who has served prior to the graduation of those young men from the Academy will get credit in his rank as either first or second lieutenant when it comes to his commissions. Therefore each one of those cadets who were graduated in 1900 and in 1899 will be junior to this body of men transferred from the volunteer service to the regular service. Is that so?

Mr. HULL. Mr. Chairman, if the gentleman will look at the bill he will see that it makes two lists—one list of those who are in the Regular Army and one list of those who are volunteers. The commissions of the volunteers govern as against each other in the matter of length of service. Those who are now in the Regular Army will be pushed up in their promotion according to their seniority in their own list, but the volunteers will be in another list, and their length of service will balance with each other.

Mr. BINGHAM. But not in competition with or antagonism to the Regular Army officers.

Mr. HULL. No; not in competition with the Regular Army officers. They are already in the Regular Army, and are on a lineal list provided for in the same section, upon which they go according to their rank.

Mr. BINGHAM. Therefore none of these men who are in the classes from the Academy to which I have referred will be junior to these volunteers to be appointed hereafter.

Mr. HULL. Not at all. Of course there are men now in the Regular Army, appointed from civil life, who are a part of the permanent establishment under present law, who will hold their present places above cadets who have been graduated since.

Mr. BINGHAM. Oh, yes; they are now in the permanent establishment. I refer to those to be appointed hereafter.

Mr. HULL. I ask that the Clerk proceed with the reading.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 30. That to fill vacancies occurring from time to time in the several organizations serving without the limits of the United States with trained men the President is authorized to enlist recruits in numbers equal to 4 per cent in excess of the total strength authorized for such organizations.

Mr. HAY. Mr. Chairman, we live in the most extraordinary age and in the greatest country of the world. What shall we say of the two mighty revolutions which have marked the progress of our own country during the last one hundred and twenty-five years? One converted thirteen weak colonies into a nation which has spread itself from the Atlantic to the Pacific, not by the desolations of successful war, but by the triumphant march of industry and enterprise. The other threatened to disrupt this great Republic, but, guided and governed by the inscrutable wisdom of Providence, its results are renewed prosperity and a more closely united people.

No epoch of the world's history can exhibit a people so numerous, so homogeneous; we have one form of government; we speak a common language; our people enjoy the widest personal and political liberty; we have a domain of imperial expanse wherein may be found every variety of climate and every character of soil. Our population is something over 76,000,000 people. The arts of civilization, the benefits of commerce, have been carried to their utmost perfection; education is diffused throughout our population and its benefits are felt alike by rich and poor. The productions of our farmers, the yields of our mines, the vast wealth of all kinds with which our country abounds, strike the mind as something stupendous.

We live under the freest Government in the world. This happy condition of affairs has been brought about, first, by the goodness of Almighty God, and, second, by the institutions of government under which we have lived since 1776. The Declaration of Independence and the Constitution of the United States, adhered to by our forefathers, have made this a great country and a happy and prosperous people. Because of our free institutions millions of people have come to us from other lands, and the tide of immigration is continuing to flow toward our shores. Up to the time of the passage of the bill for the government of Porto Rico this Government had taken no step which could be called a departure from those policies and principles which have guided and governed our statesmen during the past one hundred and twenty-four years.

The question of the Philippine Islands was then and still is unsettled. For, while the President has governed it as a military province, his policy has neither been indorsed by the people of the country nor by this House. In the past we have steered clear of the quarrels of Europe. We have obeyed the behest of Washington and have formed no entangling alliances abroad. We have adhered to the principles and practices of the Monroe doctrine. Since the war of 1812 no foreign soldier has set his foot upon our soil, and no foreign country has insulted our dignity at home or abroad. It is now proposed to depart from the settled policy of this country, and the first step to be taken in that direction is the maintenance of the great standing Army under the provisions of this bill.

The next step will be the building of many ships and the enlistment of many sailors. The next is the conferring upon the President of the United States absolute military and civil power in the Philippine Islands. It is within the power of this House to give to the Executive all the soldiers necessary to maintain the authority of the United States in the Philippine Islands and at the same time to adhere to these maxims of government which are recognized as best for our country. It is dangerous to depart from our well-settled policy of maintaining only a small standing army. It is true that the Republican party in the last campaign ridiculed the idea of imperialism and denied strenuously that there was any intention on the part of the Government to enter upon such a policy. But that the granting of such enormous powers to the Executive is cause for serious alarm no candid man will deny. It will be argued that the people by their votes have retained in power the party which advocates these measures, but it is equally true that the votes of the people did not indorse the policy of military expansion, of great standing armies, of enormous expenditures.

If all the people who then and now condemn the Philippine policy of the Administration, the raising of a great standing army, the possibility of conscription, and the enormous taxation which must accompany this policy had voted against the Republican party, its candidate would have suffered an ignominious defeat. There were other questions which seemed to the people of more importance for the moment, and they were satisfied that they could deal with the question of imperialism later on. The battle is just now joined, and will not be decided until the people of this country have an opportunity, untrammeled by other matters, to express their opinions at the polls. It may be true that many members of this House honestly believe that there is no harm to result to the Republic from the steps which are now proposed. It has been the history of all republics that imperialism has crept upon them unawares; that the advocates of such a policy—some of them honestly—have diverted the minds of the people from issues so vitally important.

But to all who have studied the history of the past and have marked the trend of current events the policy of the Administration seems fraught with great danger to the Republic. The greatest and wisest statesman of this country has said "that a great standing army is a menace to freedom." He said this, having before him the examples of history, and had he lived in this age he might have seen the whole of Europe bending under the burden of armies and groaning under taxation levied for their support. These great European armies and navies are maintained and supported for the same purposes and for the same ends which this Administration is striving to accomplish. Shall we enter the same pathways and pursue the same course which have been fatal to those who have gone before us?

The present Administration has given to us two examples of its purpose to govern as dependent colonies the territory which we have unfortunately acquired from Spain. Take as the first example the treatment of the people of the island of Porto Rico. We all know that when our Army, commanded by General Miles, invaded that island the people welcomed him with open arms; that the little children came down to the shores of that island with United States flags in their hands and garlands of flowers to strew the pathway of our soldiers. They did so because they believed that this was a free and independent republic; that it would suffer no subjects under its flag, and that it would confer upon them the free institutions of the United States—that they would receive the immunities and privileges of our own citizens. They were strengthened in this belief by the proclamation of the Commanding General of our Armies, which declared that they should be free. And yet in the last session of Congress a bill was passed for the civil government of Porto Rico, which while it provided for a representative body to be elected by 27 per cent of the people of that island, it also provided for an executive council, which was given the power to pass upon every measure adopted by the representative body.

The members of the executive council are appointed by the President of the United States. They are his creatures. They depend for their offices upon his will and pleasure, and thus he holds within his grasp the absolute power of governing the people of that island. They are not even given a representative upon this floor. They are taxed without representation, and every principle of freedom is violated by that measure. This legislation was an astounding revelation to the people of Porto Rico, particularly so when they were about to send representatives to the Spanish Cortes. I will not stop to speak of the outrage perpetrated upon these people by forcing them to pay tariff duties. Thus we see what the purpose of the Administration is in this instance.

Another example of the intention of the Administration to disregard the principles of the Constitution and to violate every maxim of our republican form of government is the treatment which has been accorded to the people of the Philippine Islands. In the first place, why should we ever have acquired islands from seven to eight thousand miles from our nearest seaport, populated by from eight to ten millions of people who can never become citizens of this country, having a climate unsuited to our people, presenting no advantages for enterprise or for business and situated in a part of the globe which is the storm center of the world, right at the door of China, where the eagles are gathered together for a division of spoil; where it will be almost necessary that we should take an active and perhaps a militant part in the quarrels of the great powers—islands whose permanent retention means a war with some one or other of the great European powers? We are told that it was a manifest destiny which placed upon us the burden of these islands. Was it manifest destiny which caused the commissioners of this country at Paris to demand the Philippine Islands and to pay for them $20,000,000? Was it not rather the will and wish of the President to acquire these islands which caused that clause to be incorporated in the treaty? The public knows nothing of the secret instructions given to the commissioners who negotiated the treaty of Paris, but assuredly they simply obeyed their instructions. Why should the President have desired the possession of these islands, and, having acquired the possession of them, why did not he lay down a policy to be pursued toward them which would have assured them of self-government? If this had been done we would have been spared the loss of blood and treasure which has marked every step taken by the Administration in the Philippine Islands.

In casting about to find the reason for this remarkable purchase of these islands we can only come to the conclusion that it was done for the purpose of giving to the Administration an opportunity of pursuing and building up a policy of colonization and imperialism. It is an excuse for a standing army, for a great navy. What will be the result of this permanent retention of the Philippines? First, it is necessary to maintain a large standing army—witness the provisions of this bill, which provides for an army of over 100,000 men—and which it will cost this country at least $125,000,000 a year to support. Nor will this cost be confined to one year, or two years, or twenty years. By the passage of this bill we are fixing upon us and our posterity a great burden of taxation. Generations yet unborn will bear it, for it has been the history of all European countries which have undertaken to conquer and subdue Asiatic populations that they were compelled to maintain for generations large standing armies in those countries.

England has been governing India for two hundred years, and yet to-day she maintains in that country an army of 80,000 men. France has been undertaking to subdue Algiers for seventy-five years, and she maintains there to-day a standing army of 72,000 men. Nor can it be said that it is possible to pay these armies from the revenue of the colonies. I venture the assertion that after the payment of the civil officers and other internal governmental expenses of the Philippine Islands out of the island revenues nothing will remain with which to pay the Army. I desire to call attention to another phase of this question of a standing army, and that is whether it will be possible to recruit the same by voluntary enlistment.

At no time in our history has the standing Army of this country been recruited up to the number of men allowed by law, and there is no reason to believe that it can be done now. Everyone familiar with the conditions in the Philippine Islands knows that it will be necessary, if they are to be permanently retained by this country, to have the Army up to its full complement, and if they can not be obtained by voluntary enlistment they must be by conscription. Another inevitable consequence of the permanent retention of the Philippine Islands is the building of a navy as large as any other navy in the world, because, being in the very center, as it were, of those entanglements and quarrels which are now pending between the great European powers, we must prepare ourselves to defend the possessions which we have acquired in the Orient, and to do this we must build up our Navy.

To build a navy equal to that of England it will cost for years to come a hundred million of dollars per year. Then, too, we must fortify the coasts of these islands, and that expense, together with the expense of the civil government of those islands, will amount to no less than fifty millions per annum. The pension list of this country is now $150,000,000 per year, and the increase of the Army will mean a corresponding increase of pensions, and

the ultimate result of this policy advocated and insisted upon by the President and his party means, in money alone, $500,000,000 per year, to be collected in shape of taxes from the people of this country.

I do not speak of the blood which will be shed, of the many who will die of disease as a result of this imperial policy. There have been very many deaths among our soldiers in the Philippines. Hundreds of them are in lunatic asylums; hundreds of them have become useless from disease and are pensioners upon the bounty of the country. We are told that the time has come for this country to be a world power, and by world power is meant a fighting power, for since the Declaration of Independence one hundred and twenty-four years ago we have been a world power in the best sense of the word. Under our influence this continent has been free from European aggression, and every State in Southern and Central America has had over them the protecting wings of our Government.

Our commerce has been projected into every sea. Products of our factories and of our farms are sold in the uttermost parts of the earth. Our inventions, our improvements in all the arts of civilization have been diffused into every corner of the globe. The power and dignity of our Government have been respected by the great States of Europe. We have been appealed to to settle the difficulties of other countries, and we have been recognized the world over as one of the great powers of the earth. No amount of warfare can add to our renown. The acquisition of no island and of no foreign territory can enhance our greatness. No standing army and no great navy can do more for our commerce; no imperial policy, no colonization can be of benefit to our people.

We are to-day the greatest, the most independent, of the nations, and we will remain so as long as we faithfully adhere to the Declaration of Independence and to the Constitution. But it is said that the Democratic party, under the lead of Thomas Jefferson, was the first to inaugurate a policy of expansion. It is true that in the early years of our country, and while the Democratic party was in power, we added to our domain the Louisiana purchase in 1803, Florida in 1819, Texas in 1845, California, New Mexico, Arizona, and a part of Colorado as a consequence of the Mexican war; but that was true expansion. It was an expansion over territory where the Constitution followed the flag. It was expansion over people who could become a part of and be assimilated with our people. It was the expansion of our political ideas, and it produced for this country great States and statesmen.

In order to carry it out it was not necessary to maintain great standing armies and vast navies. The territories which we took were within our geographical limitations. We did not have to send our soldiers 8,000 miles across the ocean. In other words, it was true and natural expansion of the boundaries of our country. In one sense it was an expansion for self-defense, because through the Louisiana purchase we obtained control of the Mississippi River—that great artery of commerce which extends from Minnesota to Louisiana—and it would not have been unwise had we further extended our power and controlled the St. Lawrence as well. How different was that expansion from that which is now proposed by the Republican party. That party proposes to erect in distant lands governments antagonistic to ours in form and substance, to be maintained by military force, and to necessitate for all times a tremendous burden of taxation and a useless waste of life.

I am unalterably opposed to the creation of this great standing Army, because I know that once created it will remain forever an incubus upon us and our posterity. I do not believe that there is any necessity for it if the Administration will declare its purpose to grant to the people of the Philippine Islands self-government. The war now being waged there will cease, and all necessity for such a body of soldiers as 65,000 men in those islands will be obviated. There are now in those islands a large number of men. There are a large number of military stations. There are many ships and many sailors stationed in the waters of those islands, and yet, after two years of warfare, the authority of the United States does not extend beyond the sound of their guns.

It is reliably stated that one can not go from one garrison to another without the protection of an armed escort. It is a crime to continue a policy such as this, under the conditions now existing, when all could be changed by a mere declaration of the Government. This Government owes it to itself and to its people and to the traditions of the past and to the hopes of the future that a perpetual warfare should cease, that the blood and treasure of this country should no longer be poured out for purposes of conquest.

However much I may be opposed to this incubus of standing Army, I recognize that it is necessary to provide troops for the immediate necessities in the Philippines and in this country. From the best information I can obtain I am inclined to the belief that 100,000 men will not be too many for the present needs. While we were told before the election that Mr. McKinley's election meant immediate cessation of hostilities in the Philippines; while the Philippine Commission made a report to this effect, which was widely used as a campaign document, yet we are now confronted with a report from General MacArthur, the commanding general of the United States in the Philippines, in which it it is declared that it is absolutely necessary to continue the present number of troops now in the Philippines, and indeed to increase that number.

Therefore it is that we must provide the necessary number of soldiers until this Administration shall declare a policy which will make it possible to have peace in those islands. The substitute offered by the gentleman from New York will give to this Administration all the time it needs to pacify these islands, if they can be pacified. It keeps the Army up for the length of time that enlistments are made in the Regular Army. Best of all, it provides for a temporary instead of a permanent army. If during the two years before us the people of this country shall determine that they want a permanent standing army, that army can be provided for without additional cost or expense by repealing the act proposed by the gentleman from New York.

I want now to call attention to the fact that the section which has just been read shows that the President is authorized to maintain and raise a standing army of 100,000 men.

I shall vote for the substitute which will be offered by the gentleman from New York [Mr. McCLELLAN], which gives the country the law now on the statute books and continues it for two years. It does seem to me that it is the duty certainly of every Democrat on this floor to do everything in his power to prevent a permanent standing army, and the only way to do this is to vote for a temporary army. If there is one principle which we have contended against, it is against a permanent standing army. Under this bill we have a permanent standing army of a hundred thousand men placed upon us.

Now, it may be said that the responsibility is not upon us upon this side; but the minority has a responsibility as well as the majority, and if the members on this side of the House want to do their duty by the country under the circumstances which now confront us they must vote for the lesser of two evils. By so doing we may prevent the passage of this bill. We know that we can not avoid voting at this particular time for some bill which will provide for troops in the Philippine Islands. It may be that the decision of the Supreme Court may so affect the minds of our friends on the other side that they will not want to stay in the Philippines. That is another reason why this question of a permanent standing army should be postponed as long as possible. I say that we want to defeat a permanent standing army, and in order to give an opportunity to the members of this House to vote against a permanent standing army we should offer something affirmative; we should construct something.

When we offer them the same military system under which the country has been living for the past two years, we give ourselves time, so that circumstances may change and the Republicans not be able to insist that there is any necessity for a large standing army by reason of conditions in the Philippines. In this way we may avoid entirely a permanent standing army in this country. It is the only feasible plan, it does seem to me, for a great party to assume; it is the only position which can be defended; and I believe that if gentlemen will think about this proposition and about this standing army they will vote for the substitute to be offered by the gentleman from New York, and if that is not accepted by the House they will then vote against this bill providing for this permanent standing army. [Applause on the Democratic side.]

Mr. HULL. Mr. Chairman, I simply want to say one word about this section. The reason it is put in the bill is because if you make the net a little low the enlistments are stopped at once, and by giving this authority you can hold the maximum at 96,000, if it is desired, or above the 58,000, so that the full number of the minimum can be maintained.

Mr. HAY. I withdraw my amendment.

The Clerk read as follows:

SEC. 31. That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this act during the present exigencies of the service, or until such time as Congress may hereafter direct.

Mr. WM. ALDEN SMITH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Add after the word "direct," in line 9, section 31, the following:

"*Provided*, That in the event of the enlistment of a soldier in the Army for the period required by law, and after the expiration of one year's service, should either of his parents die leaving the other solely dependent upon the soldier for support, such soldier may be honorably discharged from the service of the United States, upon due proof being made of such condition to the Secretary of War."

Mr. WM. ALDEN SMITH. Mr. Chairman, I can see no sense of justice whatever in holding a soldier in the service under such circumstances. Of what use is a man in the Army if his mother is at home dependent upon him, and mourning her life away because of his absence under circumstances which entirely changed after his voluntary admission into the Army? I know of

cases where parents have spared their sons to the Army when the emergency arose which required them to go, and without hesitation they parted with perhaps their only son.

At the time the family of the soldier was intact, his father and mother were living, and no particular necessity existed for him to remain at home; but after his admission into the Army his father may have died, leaving the mother solely dependent upon her soldier boy. Is it right or proper that the mother should be deprived of the services of her son at home under such circumstances? All praise should be accorded to the generous, patriotic mothers of the country who have spared their sons in time of the nation's peril, and no better appreciation can be shown for this great and voluntary sacrifice than to permit the son to return with an honorable discharge when he may be needed to sustain his widowed mother at home.

I believe it is the custom, and one of the regulations, of countries operating under conscription laws, that they will not take an only son, even under conscription or draft, as they recognize the fact that he may be as necessary to his widowed mother as to the country itself. Surely, our country can be as generous as the empires across the sea, when we recollect that the greatest armies that the world has ever seen have been recruited from among the young men of our country, who voluntarily came to its service whenever peril or disaster threatened our land. I am unwilling that there should be no law regulating matters of this kind. It may be said that the Department regulations should control, but I deny that they are either as effective, as just, or as kindly as they should be in their administration, and I think if we put into the statute law governing the Army a wholesome provision of this character we will be doing but justice to the families of enlisted men. I understand that this is not objected to by the committee, and call for a vote.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

SEC. 32. That the Secretary of War is authorized to detach from the Army at large such number of enlisted men as may be necessary to perform duty at the various recruiting rendezvous, and while performing such duty one member of each party shall have the rank, pay, and allowances of sergeant, and one the rank, pay, and allowances of corporal of the arm of the service to which they respectively belong.

Mr. COWHERD. Mr. Chairman, I desire to offer the following amendment, to be added after the section.

The Clerk read as follows:

And that the Secretary of War is hereby directed to have made and delivered to each officer and enlisted man who served during the war with Spain and who has not been dishonorably discharged from the service a bronze medal of such design as he may approve, such medals to cost not more than $1 each.

Mr. HULL. I raise the point of order against the amendment. It has nothing to do with the organization of the Army or any part of it.

Mr. COWHERD. Will the gentleman withhold the point of order for a moment?

Mr. HULL. I withhold it at the gentleman's request.

Mr. COWHERD. Mr. Chairman, I will say frankly that I am inclined to think that the gentleman's point of order is probably well taken. I intend to introduce a bill along the line of this amendment, and knowing that when introduced it will go to its long sleep, and probably its last, in the box of the proper committee and may never be heard from again in the House, I wanted to bring it before the House at this time, in the hope of getting the attention of the proper committee to the matter. I believe that it is a wise and just provision. We are following so many precedents set by foreign armies, and a good many of them, it appears to me, bad precedents, that I think it is time we borrow some good ideas from them. A medal is given, as I understand it, in nearly every service except that of the United States to every soldier who participates in actual war. It becomes an heirloom in the family; it is preserved and handed down from father to son, and I believe that any boy raised in the presence of his father's old musket or old sword, or who has received as part of his heritage one of these medals for gallant service in actual war, is a better citizen and more likely to be a patriot and offer his services when the country needs them than one who is not. For this reason I have presented this amendment and intend to introduce a bill containing similar provisions.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

SEC. 36. That any officer of the Army on the active list below the grade of brigadier-general who served during the civil war shall, when retired, be retired with the rank and pay of the next higher grade, except such officers as may be retired under section 34 of this act.

Mr. MOODY of Massachusetts. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 22, page 32, after the word "act," insert the following:

"And all officers of the Army who served during the civil war and have heretofore been retired at a grade below that of brigadier-general, and are still living, shall hereafter be entitled to the rank and pay of the next higher grade."

Mr. MOODY of Massachusetts. Mr. Chairman, when this bill was under general debate I called the attention of the committee to the effect of the provision which has been reported by the Committee on Military Affairs, which is to retire all officers now upon the active list who served during the civil war at one grade higher than that which they occupy on the date of their retirement. It leaves out of consideration a large list of officers who served during the civil war and were compelled by the wounds which they received in that war, or in the Indian wars following it, to retire before their age compelled their retirement. In other words, it rewards length of service without rewarding hardship of service.

The naval personnel bill which we passed a few years ago contained the same provision with respect to the Navy as that now before the committee. The result has been that there has been a continued agitation by the officers who were discriminated against in favor of some such measure as I have now proposed. Such a measure has passed the Senate, is now before the Committee on Naval Affairs, and I understand it is giving them a great deal of trouble. The gentleman from Iowa, in reply to my questions, admitted that this provision was discriminating justice; that it discriminated against the officer who has heretofore retired. I think the provision ought to go out or be amended. Without further delay I ask the Clerk to read a letter which I have received since the beginning of this session of the House, which puts in graphic form the hardship of the discrimination which the committee proposes.

The Clerk read as follows:

Hon. W. H. MOODY.

DEAR SIR: That clause in the Army reorganization bill, now up in the House of Representatives, relating to the future retirement of officers with one grade who served during the civil war, etc., fails entirely to cover that class of officers who served during the civil war, but who were compelled to be retired on low rank on account of the severity of their service by reason of wounds or disability incurred in the service. That is no disgrace and should not militate against them now that they are on the shady side of life. That clause was originally intended as a bill in equity to even up things as a matter of justice. The law of October, 1890, gave many officers, also disabled since the civil war, an advanced grade, some of whom were never on a battlefield, and consequently not so much entitled to this distinction as we are. They are comparatively young men, and it is very galling to those of us who know what we went through in that war to see such discrimination. This bill will have practically the same effect. In short, the whole thing is a discrimination now in favor of those who, by length of service, but not by wounds or disease or necessarily severe service (perhaps they never once placed their lives in jeopardy), have already got all the rank they were ever entitled to or could reasonably expect, and will result in again making the retired list top-heavy with brigadier-generals and colonels, instead of giving those who got the brunt of that war and were retired as first lieutenants and captains, the advanced grade to even up matters in equity and justice.

Mr. Chairman, the writer of that letter is a type of the many hundred officers who served throughout the civil war and in our Indian hostilities after the close of the civil war. He was compelled to retire long before the age limit on account of disabilities he had incurred in the service. If you pass this provision in the manner in which it is reported, we shall all be beset by officers on the retired list who will believe that they have been discriminated against, and their cause will be a just one. The provision ought not to be passed at all, or it ought to do equal justice to all soldiers.

Mr. JETT. Mr. Chairman, I ask that the amendment of the gentleman from Massachusetts be reported again to the House.

The amendment was again read.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. MAHON having taken the chair as Speaker pro tempore, sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries.

ARMY BILL.

The committee resumed its session.

Mr. MAHON. Mr. Chairman, I am heartily in favor of this amendment. If this section in the bill passes, a rank injustice will be done to a large number of men on the retired list. I agree with the gentleman from Massachusetts [Mr. MOODY] that the provision of this section must cover all the men on the retired list or cover none.

Mr. Chairman, the Committee on Military Affairs time and time again have been appealed to to allow officers to be retired with the rank and pay above the rank which they now held, and the committee has uniformly refused to report such bill. Now, I will say to the gentleman from Massachusetts [Mr. MOODY] that personally I have no objection to this amendment, but of the men that this section will cover I can safely say that seven-eighths of them were never under fire. You retired last year three officers who went through the civil war and had four or five wounds on their persons, who served twenty-two years on the frontier fighting Indians. Do you propose that these men shall be discriminated against? Mr. Chairman, if you are going to discriminate and have any class legislation, let it be in favor of the men who bore the brunt of the civil war. [Applause.] You propose to put in a young man who entered the service in 1865 and

since that time has been holding a position in the War Department.

Mr. HULL. I want to suggest to the gentleman that the bill provides that these men shall be men who served through the civil war.

Mr. MAHON. "Served in the civil war" or "during the civil war;" that is, any part of it. Now, Mr. Chairman, this section covers men that have never been under fire, but because they have been detailed to perform civil services in the War Department, will you put men of that kind on the retired list, with rank and pay above the grade they hold, and turn down old men who are walking through the streets of Washington to-day, many of them with one arm and many on crutches, men who bore the brunt of battle and served many long years in our Indian wars? I hope this amendment will be adopted or the whole section stricken out.

Mr. BINGHAM. Does this amendment include the Indian wars?

Mr. MAHON. I think not.

Mr. GROSVENOR. Mr. Chairman, I appreciate the justice, or partial justice, of this proposed amendment; but I warn the gentleman from Massachusetts [Mr. MOODY] and the committee that if it is adopted, and the living men to come within the scope of the amendment are put on the retired list at a grade above that which they hold, what are you going to do about the discrimination that has already, or will thereby be done, against the dead men who were carried on the retired list at the grade they did hold? It will simply result, in my judgment, in a general provision shortly that the heirs and legal representatives of these dead persons shall have the right to assert a claim to equalize them as representatives upon the same basis as the men who have lived to see this day; and there probably would be a great equity in their favor, because a great many of them died on account of the superior service which they rendered.

Mr. MOODY of Massachusetts. I call the attention of the gentleman from Ohio to the fact that this is not retroactive.

Mr. GROSVENOR. I understand that; but it creates a retroactive principle.

Mr. MOODY of Massachusetts. I see the embarrassment, but it arises out of the section; strike out the section altogether.

Mr. HULL. Mr. Chairman, the trouble about the amendment as offered is that you enter upon a wide field, and there has been no definite information given as to what it will do.

The section as reported by the committee confines its benefits to a very few cases; there is no question about that. It corresponds in some degree with what the nation has already done for the Navy. In the provision for the Navy no restriction was made as to rank, but each officer as he retired was allowed to do so at the next higher grade than that which he actually held. In this bill the benefits of the provision are confined to officers below the rank of brigadier-general.

I can sympathize with what my friend from Pennsylvania says to some extent, but not to the full extent that he goes. I know men who are now in the service who have performed service continuously since 1861 and who are now simply majors in the regular establishment. One such officer, whom I now call to mind, has just returned from Manila broken in health, compelled to retire before he could attain the next higher grade. If this provision be stricken out entirely, he will be compelled to retire with the rank of major.

It seems to me that if my friend from Pennsylvania can not get all that he wants he ought not, for that reason, to stand here and refuse to such men as Major McClure the small meed of recognition for long, faithful, and distinguished service by allowing him to attain one grade higher before he retires. For many reasons I would prefer that the section remain as it is, rather than that we should endanger the passage of a measure recognizing men who have been performing this meritorious service.

I know the case which my friend has especially in mind—the case of a gallant soldier who fought his way up from civil life to be a colonel, when he reached the age of retirement. I would be willing to see this recognition given to such officers; but in the committee and since it has been my conviction that if we undertake to provide for all these officers we shall endanger the passage of the amendment and thereby fail to do justice to those who should have justice done to them.

Many officers now on the retired list have for the last twenty years been engaged in other business, making more money than the amount they would receive as full pay. There has been nothing to prevent any man on the retired list from transacting some line of business, or doing something by which his pay might be increased, while men in the regular line, with only one-fourth more pay, can not do anything to add one penny to their salary.

Mr. MOODY of Massachusetts. Suppose the retired officer is disabled, which is frequently the case.

Mr. HULL. I have known such officers to be disabled, with an arm off or a leg off. I have known men to have served in the volunteers—men who had been shot through the body and who were living on a pension. But when we undertake to extend this provision as proposed, we are liable to enlarge the scope of the measure to such an extent as to endanger the entire proposition, and thus deny justice to many officers who have been in the service during all these years.

Mr. MAHON. Mr. Chairman, if this section had been drawn so as to confine its benefits to officers who have been for thirty or forty years in the Regular Army there might be some excuse for it. But I want to repeat, in regard to the men who bore the brunt of the battle in the civil war as regular officers—who went through four years of active service in the field—that there are not many of those men who are not to-day on the retired list, forced there by reason of exposure or wounds in the field.

But you propose to take men who are still on the active list—which is evidence of the fact that they have never performed any extraordinarily hard service during the civil war—men who are still in active service forty years after that war has ended, and put them on the retired list, promoting them over the heads of men who deserve this recognition at the hands of the Government.

Mr. HULL. General Lawton served all through the civil war, and but for his recent death in battle he would be in active service to-day.

Mr. MAHON. I offered a bill for the benefit of a man who belonged to Senator Lane's company, who entered the White House on the 16th of April, 1861, to defend that house and the President, who served as a sergeant in that company and was discharged, who carries to-day a discharge signed by President Lincoln, he being one of the only five men in this country who hold such a discharge. Having been wounded three times during the war, besides having been confined in Libby Prison, he went into the regular service as a second lieutenant. After the war he was sent to the frontier. He was not one of the pets of the Department. For thirty-four long years he served in the Rocky Mountains, fighting the Indians, without even a detail, and, notwithstanding the fact that his body was scarred with wounds, this committee refused to bring in a bill here to authorize the President to put him on the retired list as a brigadier-general.

Mr. HULL. Did not the committee report that bill?

Mr. MAHON. No, sir.

Mr. HULL. It did.

Mr. MAHON. Well, you never called it up in the House.

Mr. HULL. We could not get it up.

Mr. MAHON. That man fought his way up from civil life to the rank of colonel in the Sixth United States Cavalry, and by operation of law he was compelled to retire as a colonel.

I for one, as a member of this House, will never agree that men who have been holding down chairs in the War Department shall have the benefit of a provision of this kind, while men such as those I have named are kept out. With me this is not a matter of money. Justice is justice, let it cost what it will. If the men embraced in the provision of the committee are to be retired, in the name of God, I appeal to the chairman of this committee to allow my amendment to pass, to do justice to such men as those for whom I am now speaking. I remember that on the battlefield of Gettysburg a division of regulars marched into that bloody wheat field and were swept into those woods, so that in less than nine minutes eighteen hundred of them were on their backs. Men who were regular officers in that charge are walking the streets of this city to-day, maimed for life. Yet the provision of the committee would forbid those men being placed on the retired list at a grade above the rank they held when forced out of the service on account of being crippled.

Now, the gentleman talks of the families of these men. Why, Mr. Chairman, we take care of the men in their lives. We take care of them in this world, but do not propose to provide for them in other worlds. We are not bound to take care of their families in this respect. Our pension laws provide ample protection for them. But if you place these men on the retired list, then I appeal for justice in the first place for the men who fought the terrible struggle during the civil war and fought it to a successful conclusion. And even though near forty years have elapsed since that war began, there are many men who fought in that war still on the active list, which is proof positive that their service was not of the hardest kind and did not disable them from active service in the affairs of life.

[Here the hammer fell.]

Mr. HULL. I understood the gentleman to refer to men who were not in perfect health.

Mr. MAHON. Mr. Chairman, I wish a moment longer. I wish to offer an amendment which will include all Indian officers in the same category. There are many men still living who were crippled by wounds or ill health in the Indian wars, and I want the House to adopt an amendment to provide for them, and then, if you see proper to do so thereafter, you can vote down this whole provision as amended if this section is not regarded as a wise one.

The CHAIRMAN. The Chair will state to the gentleman from

Pennsylvania that the amendment would not be in order at this time, as another is pending.

Mr. MAHON. I understand that, Mr. Chairman, but I simply gave notice that I shall offer the amendment at the proper time.

The CHAIRMAN. The Clerk will report the pending amendment.

The amendment proposed by Mr. MOODY of Massachusetts was again read.

The question was taken; and on a division (demanded by Mr. HULL) there were—ayes 61, noes 74.

Mr. MOODY of Massachusetts. I call for tellers on the vote just taken.

Mr. MAHON. I move to strike out the entire section, No. 36.

The CHAIRMAN. The first question is on the amendment now pending, and upon which tellers are demanded.

Tellers were ordered.

The Chair appointed Mr. MOODY of Massachusetts and Mr. HULL as tellers.

The committee proceeded to divide.

Before the vote was announced,

Mr. MOODY of Massachusetts. Mr. Chairman, if I may be permitted to do so, I shall withdraw the demand for tellers and move to strike out the entire section.

The CHAIRMAN. The Chair will state that that motion has been suggested by the gentleman from Pennsylvania.

Mr. JETT. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The motion has already been made by two gentlemen on the floor.

Mr. HULL. What is the pending motion now?

The CHAIRMAN. The motion is to strike out the entire section.

Mr. HULL. Before action is taken upon that, Mr. Chairman, I wish to be heard for a moment.

I hope the motion of the gentleman from Massachusetts, which I understand to be to strike out the section, will not be agreed to by the committee. The provision as it stands in the bill simply gives to those who are now entitled to be upon the active list and who served throughout or during the civil war, or in the Indian war, of which my friend from Pennsylvania speaks so pathetically, or during the last war with Spain, a grade higher than that to which they are now entitled upon their retirement. The appeal for the old soldier who was on the retired list for some years can be made more eloquently by the gentleman from Pennsylvania for those who are now on the active list and must soon retire at low grades in the Army.

When the Navy personnel bill was passed the officers of the Navy received one grade higher, regardless of rank, for all those who served through the civil war and were then on the active list. This provision confines the rank below that of brigadier-general, so that it will not give the higher ranks to men placed on the retired list under this provision. There are a few of the old soldiers of the civil war who served from 1861 who are now ready to be retired and who will retire as majors, one or two as captains, and one or two as lieutenant-colonels, unless this provision is adopted. It simply gives to the Army in a small degree the recognition so generously and freely and heartily accorded to the Navy during the last Congress. It seems to me that because an amendment extending its scope was not adopted by the committee, that should be no reason for refusing this act of justice to these old men, who have served their country continuously for almost forty years.

It does not apply to the men to whom my friend refers, men holding soft jobs in Washington; because in almost every case of that character, where a man has been in Washington continuously, holding staff positions, having served through the civil war, he is now on the retired list as a colonel or as a brigadier-general. It refers to the men who have been on the frontier, who have not had the opportunities for promotion, who have served their country, who have been confined to the meager pay of each rank of the service, and who now come to Congress through this provision, adopted, I think, with practical unanimity by the committee, recommended by two or three Secretaries of War, approved, in my judgment, by the conscience of everyone who has investigated it.

I hope this provision will be held in the bill by the votes of this committee. It does seem to me that the man who poses as the friend of the old soldier will not take occasion, through pique at not getting all that he wanted, to strike in the face the most deserving old soldiers who can be found.

Mr. GAINES. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Tennessee?

Mr. HULL. Oh, yes; I yield, if he wants to ask me a question.

Mr. GAINES. I desire to ask if, when this officer is retired with higher grade, he also gets a larger salary?

Mr. HULL. Why, of course; it gives him three-fourths of the salary of the grade.

Mr. GAINES. It not only retires him, but gives him a higher salary?

Mr. HULL. Well, if he is a major now, and there is one case of that kind, he would be retired as a lieutenant-colonel, and the salary of a lieutenant-colonel on the active list is $500 a year more than the salary of a major. This provision would give him three-quarters of that extra $500.

Mr. GAINES. Then you are not satisfied, when he retires from active service, that he shall have the same salary that he has been getting while in the active service, but, in other words, you want to promote him and give him a higher salary when he is doing nothing than he received when he was in active service.

Mr. HULL. I believe that you ought to give to the Army in this small degree what you have already given to the Navy in a much larger degree.

Mr. GAINES. You propose to retire a man and give him an increased salary for the privilege of doing nothing.

Mr. HAY. Mr. Chairman, apart from the glaring injustice of this bill advocated by the gentleman from Iowa [Mr. HULL], which gives to a few men emoluments which ought to have been given to all of the class if they ought to have been given at all, the provision is vicious for the further reason that it builds up the retired list of the Army. Already this list is enormous, and you have to-day added 36 officers—a colonel, a major, 4 captains, and 20 or 30 lieutenants and second lieutenants of the Regular Army—who will be placed upon this retired list. Moreover, your bill, which provides for a minimum standing army of 58,000 men, provides for officers enough for an army of 100,000 men. In other words, when you decrease your army of 100,000 men down to 58,000 men you will still have officers for 100,000 men, who will have no troops to command. So that I say from every point of view it is not right to keep this section in the bill. It is an injustice to a large number of retired Army officers, and it is taking another step toward building up the retired list, which is growing in numbers every day, which is costing millions of dollars, and which will continue to cost more with this permanent large army which you propose to put upon the country.

Mr. MAHON. Mr. Chairman, we might as well be frank about this matter, and I propose to state my position. I am willing to put any man on the retired list with the grade and pay above his rank for distinguished services in behalf of his country. We have many men in this country, many men as brave as any country ever produced, that this Congress could with great propriety and great justice put upon the retired list with a slight promotion. The gentleman talks about being in the way of the old soldiers. I am not in favor of putting a man on the retired list with promotion and additional pay unless he has rendered some service to the Government that entitles him to that promotion. Now, if the gentleman will amend the bill and say it shall apply to all the officers on the active list and retired list who served through the entire civil war and the Indian wars, and after the civil war on the frontier in active service for twenty-five years, I will vote for your amendment.

In the last Congress, Mr. Chairman, in what was intended to be only a small bureau of the War Department, we now have a gentleman holding the position of chief clerk with the rank of brigadier-general. The people of this country, Mr. Chairman, will stand so much and no more, and I believe we have reached the extreme point of making soft places for men who have not earned them by compelling this House to promote them by putting measures for their benefit into general bills that we can not defeat. If gentlemen think of services which entitle a man to promotion, bring in a private bill, and if you convince the House he is entitled to it he will get it.

Now, Mr. Chairman, maybe a few cases of hardship may come from the striking out of this section; but, on the other hand, a large number of men who will be benefited by this section are men who never earned it on the battlefield. The men on the active list to-day are few that were in the civil war from 1861 and in it all through, and then spent their days on the frontier in fighting the Indians. There are not many of those men on the active list to day. The officer who did no hard service and who was not exposed to the elements, did not expose his body to the deadly bullet, is the one to be benefited by this. I will venture to say that seven out of eight men that this bill will favor never had a bullet scratch upon their bodies.

I have no doubt that some of them had; but I will not, for one, allow you to take these men and promote them and give them extra pay who are still on the active list and could go out and work at blacksmithing if they were compelled to do it. There are men on the active list and on the retired list by operation of law of 63 years, and there are some old soldiers maimed in battle now in their eighties, or at least in great age, and yet you would give these men on the active list more pay. Many of these old men were compelled to lay down their swords because they had no hands to hold them, many of them because they had no limbs to march with, and many of them quit the service because they were broken in health, and they have been living all these days until they are now old men. The gentleman says it is not going to cost much. This also will not cost much. I am in favor of striking

out this section and do justice to all these men. I will favor a bill promoting men for distinguished service, but will not favor it otherwise.

Mr. GAINES. Mr. Chairman, in addition to what the gentleman from Pennsylvania has said, I desire to call just one proposition to the attention of the House. The bill provides, and the chairman who reports it says, that however long or short a time an officer has served in the Army, whether he has been in active service or not, when he is retired he shall be retired at a higher salary. In other words, when he does nothing he receives more than when he is doing something. This section so provides. Is this right? Mr. Chairman, is there to be no such thing as retrenchment and reform again? If so, is it not high time when such a brazen proposition as this is presented that we should begin? I say in justice to the Government and in justice to the taxpayers that no man who retires, to do nothing but luxuriate at the summer resorts and take his Eastern trips, should have his salary increased, when for years he served actively for what he considered a satisfactory sum, with the right to resign. Such a law is an inducement to retire from posts of duty and for monetary considerations.

Mr. HEPBURN. Mr. Chairman, in my judgment this section ought to be stricken out. The principle involved in it is illogical. Promotion is given to a man in service for two reasons—one as a reward and a stimulant, and the other to give a higher field and broader opportunity of service, so that the experience secured in the lower grade may be utilized for the public good. Now, this proposition is that a man who has reached that point where no other services can be rendered by giving him this broader field of usefulness shall be promoted. I do not believe that it is right. I believe that it is an attempt to modify the pay of these men, the retired officers. I believe it ought to be done by direction rather than by indirection, if done at all. [Applause.]

Mr. FOSS. Mr. Chairman, I understand that during my absence from the floor the retired list of the Navy has been referred to. In the reorganization of the Navy, in an act passed some two years ago, we made provision that those officers who served during the civil war should be retired with the rank and pay of the next higher grade, but the reason we did it at that time was due to the special conditions which then existed in the line of the Navy. We found that there were a great many officers who had come in during the civil war and were clogging up the higher grades of the Navy and keeping back the younger men, so that, for instance, we had lieutenants in the line of the Navy who were 50 years of age, and they were not reaching the rank of command until they were really too old to command a ship. Now, we inserted that clause as an incentive and an encouragement to the men who had served in the civil war to retire from the service for the benfit of the whole Navy.

Since that time those who served during the civil war, but who retired before the passage of that act, have been importuning us to give them the same rank and pay which have been received by those who retired under the operation of the personnel bill.

But if you retire these officers as a reward for past services, in that case you should treat them all alike, in my judgment, the whole retired list.

But the reason why we inserted a similar clause in the Navy bill at that time was due to the peculiar conditions which existed in the line of the Navy. I do not consider that can be used as an argument in connection with this section of the reorganization bill of the Army.

Mr. HULL. Why did you not insert a clause retiring them without giving them the extra rank and pay?

Mr. FOSS. We did not have the power, under the old law.

Mr. HULL. Oh, yes; you could have retired them at any age you wanted to.

Mr. FOSS. Not unless they were retired for disability.

Mr. HULL. It is not the disability which retires a man; it is the law. Congress can fix the age at 54 as well as it can fix it at 64. Congress can retire a man at any age it sees fit.

Mr. FOSS. Oh, yes; we could have passed a new law.

Mr. HULL. You could have provided that all men who have been in the service thirty or twenty years should be retired, and covered your civil-war soldiers by that provision, as easily as you could by giving them additional rank and pay. All I ask is that the Army be placed in some degree on the same footing as the Navy.

Mr. FOSS. Mr. Chairman, I have nothing further to say. I wanted to point out the special reason why we did it at that particular time. It was not as a reward to these men who served during the civil war, but, as I say, it was put in as an incentive and encouragement for them to retire for the good of the service.

Mr. DAYTON. I would like to suggest that the provisions for the retirement under the personnel bill of the Navy provided two methods for retirement, one voluntary and one involuntary. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment proposing to strike out all of section 36.

The question was taken, and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

When, in the opinion of the President, natives of the Philippine Islands shall, by their services and character, show fitness for command, the President is authorized to make provisional appointments to the grades of second and first lieutenants from such natives, who, when so appointed, shall have the pay and allowances to be fixed by the Secretary of War, not exceeding those of corresponding grades of the Regular Army.

[Mr. JAMES R. WILLIAMS addressed the committee. See Appendix.]

The Clerk read as follows:

SEC. 39. That the President is authorized to organize and maintain one provisional regiment of not exceeding three battalions of infantry for service in Porto Rico, the enlisted strength thereof to be composed of natives of that island. The regiment shall be organized as to numbers, pay, and allowances as authorized for infantry regiments of the Regular Army. The field officers shall be selected from officers of the next lower grades in the Regular Army and shall, while so serving in the higher grade, have the rank, pay, and allowances thereof. The company and regimental and battalion staff officers shall be appointed by the President. The President may, in his discretion, continue with their own consent the volunteer officers and enlisted men of the Porto Rico regiment, whose terms of service expire by law July 1, 1901. Enlistments for the Porto Rico regiment shall be made for periods of three years, unless sooner discharged. The regiment shall be continued in service until further directed by Congress.

Mr. McDERMOTT. I move to amend by adding to this section the words—

The President shall, on or before the 1st day of December, 1902, reduce the enlisted force to 25,000, which number shall not thereafter be exceeded.

Mr. HULL. I rise to a point of order. Unless the gentleman applies this provision to the whole bill, the amendment is not in order. The pending section relates to a regiment of Porto Ricans. You can not reduce that regiment to 25,000. I submit that the amendment is not germane.

The CHAIRMAN. In the opinion of the Chair, the amendment is not germane.

Mr. McDERMOTT. I move it, then, as an independent section.

The CHAIRMAN. That is in order. It will be in order as an additional section.

Mr. McDERMOTT. Mr. Chairman, probably this proposition should have been offered as an amendment to section 35, but in the rapidity of reading and discussion I failed to offer it when that section was before the Committee of the Whole.

Now, Mr. Chairman, I believe that it is the duty of every patriotic citizen, absolutely independent of partisan affiliation, to uphold the Executive hand in putting down the revolt now existing in the Philippine Islands. Those islands having become part of the land owned by this Union, it is our duty to uphold the hand of the Executive in restoring order there. After order is restored the line of demarcation between the great parties of this country will be sufficiently in evidence to allow full discussion of questions of political policy with reference to the government there—questions of such moment that they have not, in my opinion, been paralleled in our history.

But this proposition of reorganizing the Army of the United States finds its base and support when presented to the people of this country upon the ground that we must of necessity protect our possessions in Asia. Having grown from being the United States of America to be the United States of America and Asia, popular glamour, created by words of war, by reference to armed troops and generals and captains and lieutenants and the rank and file, that glamour may for the moment deceive the public, so that a temporary applause will be given to the passage of this bill. But, Mr. Chairman, this bill does not mean the mere suppression of riots in the Philippines. It means the undemocratic and un-American creation of a standing army for all time. If your excuse is the existing condition in the Philippine Islands, then limit your bill to an army of 100,000 men for two years. If you can not suppress the insurrection in the Philippine Islands within those two years, then it will be proper policy for the United States of America to do what Spain did after she had held those islands for three centuries—to find some other nation that wants to buy a gold brick in Asia and sell those islands to her. [Laughter.]

That excuse, Mr. Chairman, is the only one that has been given to the people for the creation of an army that is 25,000 greater in number than the troops called for by President Lincoln in 1861. There is no necessity for such an army. If there is a temporary necessity, let there be a limitation. If in two years 100,000 men can not quell a riot in islands populated by 9,000,000 of Malay Indians and Chinese—populated by 9,000,000 of people, only 5,000 of whom are of Castilian blood and pure whites—if you can not make American citizens of those people in two years, you can not do it at all.

[Here the hammer fell.]

Mr. HULL. It seems to me there is no necessity for further debate on this amendment, and I call for a vote.

The question being taken, the amendment of Mr. McDERMOTT was rejected.

The CHAIRMAN. The Clerk will proceed with the reading of of the bill.

The Clerk read section 40, as follows:

SEC. 40. That no officer or private soldier shall sell intoxicating drinks of any kind, as a bartender or otherwise, in any army post, or on any army transport, or in any encampment, or fort, or on any premises used for military purposes by the United States; and the Secretary of War is hereby directed to issue such general order as may be necessary to carry the provisions of this section into full force and effect.

Mr. LITTLEFIELD. Mr. Chairman, I offer the amendment I send to the desk.

The CHAIRMAN. The amendment proposed by the gentleman from Maine will be read.

The Clerk read as follows:

Amend by striking out section 40 of the bill, and inserting in lieu thereof the following section:

"SEC. 40. The sale of or dealing in beer, wine, or intoxicating liquors by any person in any post, exchange, or canteen, or army transport, or upon any premises used for military purposes by the United States, is hereby prohibited. The Secretary of War is hereby directed to carry the provisions of this section into full force and effect."

Mr. LITTLEFIELD. Mr. Chairman, this section of the committee's bill involves what is known as the "canteen" question. The section as reported by the committee is substantially the existing provision of law, with regard to the provisions of which there has been so much controversy in the last few months.

I will read the provision of law as it now stands:

SEC. 17. That no officer or private soldier shall be detailed to sell intoxicating drinks, as a bartender or otherwise, in any post exchange or canteen, nor shall any other person be required or allowed to sell such liquors in any encampment or fort or on any premises used for military purposes by the United States; and the Secretary of War is hereby directed to issue such general order as may be necessary to carry the provisions of this section into full force and effect.

Very serious criticism has been made of the Attorney-General of the United States because he held that under this section of the existing law the sale of intoxicants and liquors of any kind was not prohibited in the canteen. Now, I think that due justice to him requires the statement on the floor of the House that this section did not accomplish that result. All that the section accomplished, practically, was simply to prohibit the detail of any person in the service of the United States for the sale of intoxicating liquors at such places, and to provide that persons not in the service of the United States were not allowed to sell intoxicants at such places. The obvious inference from this language is that persons in the service might be allowed to sell, although they could not be detailed for that purpose. To this extent, at least, the opinion of the Attorney-General is not properly the subject of criticism, and it is clear that the section did not accomplish the desired purpose.

Now, the provision of the bill that the amendment attacks is substantially that which has been construed by the Attorney-General, and about which such criticism has attached throughout the country. The amendment is substantially the Bowersock bill, which was reported at the last session of Congress by the Committee on Military Affairs, and with the concurrence of all of the committee with the exception, I think, of the gentleman from New Jersey [Mr. PARKER] and the gentleman from Texas [Mr. SLAYDEN], who submitted their minority views. The amendment as read will absolutely prohibit the sale of intoxicating liquors in any canteen, exchange, or premises occupied for military purposes by the United States.

I should say, before going further, that the amendment is not quite as drastic a proposition as the one which the Military Affairs Committee reported favorably, because the bill reported by the Military Affairs Committee provided that no intoxicating liquors should be sold on any premises used or owned by the United States, which goes vastly further than to prohibit the sale of intoxicating liquors in the canteen. Briefly, as to the propriety of the amendment, I am fully aware that there is a great difference of opinion, and an honest difference of opinion, as to the wisdom and propriety of this amendment. I am fully aware that the Committee on Military Affairs received from the War Department an adverse recommendation in connection with this measure, and I will read very briefly the succinct statement of General Corbin in relation thereto, because I desire later to read another statement by General Corbin, made earlier, in connection with the same subject. The extract that I read from General Corbin's letter to the committee is as follows:

In conclusion I desire to say that the canteen system is carefully watched by this office and any reported infraction of the regulations thoroughly investigated and, if well founded, promptly corrected. At present it is working well. It has the approval of more than 95 per cent of the officers of the Army, and, in justice to the best interests of the service, ought not to be disturbed.

The CHAIRMAN. The gentleman's time has expired.

Mr. LITTLEFIELD. I shall have to ask for a few moments more.

Mr. BROSIUS. I ask unanimous consent that the gentleman be allowed to continue for five minutes more.

The CHAIRMAN. Is there objection to the request that the gentleman from Maine be allowed to continue his remarks for five minutes?

There was no objection.

Mr. LITTLEFIELD. I ought to state that the figures upon which the Adjutant-General bases his statement are taken from answers to inquiries received from 1,020 officers, when there are something like 2,200 officers in the service. Now, as against the opinion of General Corbin in 1900, I feel as though I ought to give the House the benefit of his opinion, announced in 1892, upon the same subject, which was as follows, referring to the canteen:

A cause of restlessness (in the Army) is traced to the excesses of the exchange, the saloon feature of which is not productive of good, and should be done away with without further experiment. The sale of beer, superintended by a commissioned officer and served by noncommissioned officers and soldiers, is not conducive to discipline, nor is it a picture that can be submitted to the people for their approval. The men who drink spend the greater portion of their money for beer. The credit system brings them to the pay table with little or no money due. This takes all heart out of them, and makes them quite ready to ask their discharge and try some other calling.

This extract is from his official report when he ranked as assistant adjutant-general.

And I ought also to state that as late as February 9, 1899, as I am advised, General Corbin reiterated these conclusions, which I assume he reached in 1892 after due and reasonable consideration. So that was his opinion, I may safely assume, up to 1899.

Now, I make no criticism of General Corbin. It is an important question, and one upon which any man has a perfect right at any time to change his opinion; but I call the attention of the House to these facts in order that they may understand that a condition of things, at least, existed in 1899 which, in the opinion of General Corbin, would justify and require this legislation. I read a brief extract now from the report of General Miles, in which he makes an extract from a report by General Ludlow, then in Cuba, relating to this same subject:

In this department thus far endeavor has been made to make the prohibition absolute, and, while it is perhaps not possible to enforce this with entire thoroughness, the weight of authority and precept is thrown against the use of intoxicants, and the men are in every way discouraged from its use. It is believed that these measures are practically imperative. * * * It is particularly important where a large proportion of the troops are recruits that nothing be officially done to create in them any habit of using intoxicants; and this, it is believed, would be the result if, as has been deemed desirable in some portions of the United States, canteens be established in the posts, where light wines and beer are regularly furnished. In such circumstances the temptations of sociability and companionship are practically irresistible, and the habit of drinking is readily acquired.

I have called attention to these statements by these distinguished men for the reason that I think it may suggest the foundation for the able report of the Military Affairs Committee made to the House May 24, 1900, from which I now read, a report, as I have already stated, concurred in by every man on the committee except the gentleman from New Jersey and the gentleman from Texas. Referring to the Bowersock bill, which is in substance the amendment that I propose, the report says:

The bill was referred to the War Department and a very voluminous report was returned to the committee against the passage of the bill, but the committee believes that, in view of the legislation of the last Congress, when it was intended by Congress to abolish the canteen, but on account of faulty language did not accomplish it, the present bill should pass. The expressions received from all parts of the United States go to the point that even if the canteen results in the decreased consumption of liquor by the Army, the United States Government should not in any sense be connected with the liquor traffic, but let private parties conduct it under the laws of the different States.

[Here the hammer fell.]

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I sincerely trust that the amendment which has just been offered by the gentleman from Maine will not prevail. I think he, as well as every sensible member of this House, must realize the fact that the canteen system as now practiced and carried out in the Army is easily the best method of handling this great question, and it seems to me that if we are not going to act as hypocrites we ought to vote down the amendment offered by the gentleman from Maine, and to vote for the provision as it exists in the bill now before the House. It is, in my judgment, impossible to enforce prohibition in any portion of this country or in any portion of the world.

It is impossible to enlist an army of 65,000 men, in my judgment, to serve in the Philippine Islands or any other portion of the world where their services may be needed by the United States Government and attempt to have all those men total abstainers. In this condition of affairs, if these men must obtain liquor, it seems to me the part of prudence and the part of wisdom on the part of the United States Congress to provide the means of obtaining that liquor that will give the most temperance and the best results.

I witnessed a good deal of the agitation on this question during the past two years. I have heard of the benefits of the present system at the Charleston Navy-Yard, and I have heard, within an hour, of the great improvement brought about by the establishment of the canteen system at Togus, Me., in the gentleman's own State; and it is only within the last hour that persons well acquainted with the conditions that existed in that State told me

that the conduct and morals of the soldiers of that Home had improved wonderfully with the system now in vogue.

The gentleman comes from the State of Maine, where a prohibition law is in existence, and has been for the past twenty years, and yet the law has never been enforced, and is not enforced there to-day; there is more liquor sold, and as openly, as in any community in the United States, and when it was made an issue in the city of Portland the Prohibitionist candidate was elected because he promised to enforce the law. Now, the gentleman knows I am speaking the truth upon this question. He knows how the prohibition law has operated in Maine—that it has not decreased crime there, but has resulted in bringing about improper relations between the officers of the law and private individuals engaged in selling liquor. He knows that corruption has increased in different portions of the State, and that the people, in order to be relieved of this condition of affairs, in one community elected the Prohibitionist candidate to office, something unheard of in the State of Maine before.

Now, Mr. Chairman, it seems to me that we ought at least to be honest in this question. We all have read the stories that come to us from the Philippine Islands about the character of the liquor that is served there to the soldiers and the evil effects that it has upon the men. I say in all fairness that we ought to consider this question as men interested in the soldier, interested in the best method of dealing with this question; and if we act upon this question honestly, in accordance with the reports that have been submitted upon this very question, after an experience of twenty-five years, by the majority of the officers in the United States Government, men who have dealt with this question from a practical standpoint, then we must vote for the bill as it is reported by the committee and vote down the amendment offered by the gentleman from Maine.

I am not a drinking man myself, and think if the soldiers refrained from drinking liquor they would be better off. I can not, however, be blind to the conditions that surround us on this question, and I therefore hope the amendment will be voted down.

Mr. GROSVENOR. Mr. Chairman, I propose to place myself in an attitude the propriety of which I am in some doubt about. I do not believe a great deal in, nor have I hitherto had faith in, the suppression of intemperance by law. I believe that the evils of intoxicating drink can be minimized by law. I believe that the experiments heretofore made in total prohibition in this country have been substantial if not absolute failures, and have resulted in the increase of the sale of bad liquors, violations of law, and degradation of the law by reason of its violation.

I have been led to believe that the report of the Army officials correctly states the facts in regard to this question. They above all men have the greatest interest in the question. General Corbin has not given his opinion upon his own judgment and knowledge alone, and it is due to General Corbin—and I am sure that the distinguished gentleman from Maine does not intend to do him an injustice—it is due to him to say that in 1892 he was not Adjutant-General of the Army and was only acting in a subordinate capacity, but he became Adjutant-General of the Army during the last two or two and a half years. So that his means of observation and general knowledge was not in 1892 what it was in 1900, at the time he made the report to which reference has been made. I treat with very small appreciation the report that somebody is said to have made that somebody had heard him say that somebody thought in 1899 he had a different opinion from what he has this year.

I have a grave apprehension that the adoption of this amendment will do harm and not good. I am going to vote for the amendment, and I am going to state my reasons for it. I am satisfied that no amount of testimony, though one should rise from the dead, will disabuse the minds of the vast majority of the people of this country upon this question.

I know very well that it was believed—firmly believed and distinctly understood—that the adoption of the prohibition law in the State of Maine a great many years ago was going to create a condition of absolute immunity from the evils caused by the sale of liquor in that State, and consequently be a great moral object lesson that was to sweep over the country; and yet I have lived to see the time when the object lesson of Maine is a warning to statesmanship from one end of the country to the other. No man now seriously believes that the attempts at State prohibition can be successful, and local option of towns or municipal corporations, with taxation and stringent limitations, is the best course.

The result in Maine does not stand alone. The same is true of the results in Kansas and in Iowa, and the same will be true of every other State that relinquishes the regulation of and the taxation and partial prohibition of liquor traffic and which substitutes the attempt at prohibition. But the people of this country have the impression firmly fixed that we will have a temperate army, a virtuous military army, if this canteen is only abolished. I think the experiment must be tried. They will not hear the testimony of men who say that it is a great modification of the saloon.

General Corbin was talking about the saloon in 1892. All these saloon features have long ago been eliminated from the Army canteen. Therefore the people of the country have the impression that drunkenness will be eliminated, in the absolute teeth of the testimony that if you drive out the sale of light wines and beer in the canteen the soldier will go and get drunk on the outside of the limits of the camp or reservation. There is not a saloon keeper in the United States of America to-day resident near an Army post who does not favor the abolition of the canteen in the Army—not one. I can take you to a city where they are now standing ready to come down upon the Army posts so soon as the canteen is abolished.

I am going to vote to abolish it, and if good comes from it, if temperance comes from it, and if sobriety in the Army comes out of the result, I shall thank God that I had the privilege of voting for it. If I am mistaken, and good comes from it, nobody will be more willing to testify to it than I will. If no good comes from it, and we discover that we made a mistake in overriding all the opinions of the Army officers of the country, all that I have heard from, then we can easily retrace our steps.

But when there is such an uprising, such a great moral determination among the people of this country, I am willing that the experiment shall be made, and this, too, even in the light of the unreasonable criticism which has been made of the Attorney-General and the false and malicious attacks upon the President, all of which have been utterly without foundation. I overlook the false and scandalous assaults upon the President by a petty preacher, a petty candidate for office, a peregrinating libeler who traveled over the country during the recent campaign and impugned the motives of the President of the United States. While I condemn these things, I vote for the amendment with the hope that good shall come of it.

Mr. HULL. Mr. Chairman, I ask unanimous consent that all debate on this paragraph be closed in twenty minutes.

Mr. HAY and others. I object to that, Mr. Chairman.

Mr. HULL. Well, I will make it thirty minutes.

Several members objected.

Mr. HULL. I give notice, then, that at the end of thirty minutes I shall move to close debate.

Mr. SLAYDEN. Mr. Chairman, in May of last year I, together with the gentleman from New Jersey [Mr. PARKER], signed a minority report upon the canteen question. That report opened with these words: "The passage of this bill we think would be a calamity to the cause of temperance." I had arrived at that opinion after a careful examination of the question and after a personal investigation at various military posts throughout the country. I say I had arrived at the opinion expressed in the opening paragraph of this report after mature deliberation and to the extent of my opportunities after examining the operation at the posts in this country. I believed then, and I believe now, that the abolition of the post exchange would be a calamity. I believed then, upon the evidence submitted by hundreds of officers of the United States Army, that it would be detrimental to the good order and discipline of the Army if the post exchange were abolished.

I am absolutely convinced, Mr. Chairman, that if the members of this House would read the report, submitted by the Secretary of War last year, of the testimony of the officers of the various branches of the military service they would also come to that view. But, Mr. Chairman, they utterly disregard testimony submitted on this question which, in my humble judgment, should convince any jury after a careful examination.

Furthermore, Mr. Chairman, there are gentlemen in this House who will not vote their convictions upon this question. It is the Woman's Christian Temperance Union which "doth make cowards of us all" on this occasion. If all the gentlemen in this House who have read this testimony, and who believe that the post exchange contributes not merely to the comfort and the discipline and good order of the Army but to its temperance, will vote against the amendment offered by the gentleman from Maine, it will go down in overwhelming defeat.

Now, Mr. Chairman, I am going to briefly call the attention of the House to a little evidence which I have gathered, and which has been submitted by the Secretary of War. I will ask the Clerk to read from the desk a letter addressed to me by the quartermaster of the Military Academy at West Point in reply to interrogatories which I submitted.

The Clerk read as follows:

UNITED STATES MILITARY ACADEMY,
QUARTERMASTER'S OFFICE,
West Point, N. Y., June 5, 1900.

SIR: In reply to your queries in regard to the post exchange, I would say that after fourteen years' service I have become convinced, beyond any question of a doubt, that the post exchange works for the good of the temperance cause in the Army. It promotes discipline and increases the contentment and self-respect of the enlisted men.

Since its establishment the records of the Army show a very great diminution in the number of cases of drunkenness and other accompanying offenses.

Were the post exchange to be abolished there would inevitably be a return

to the condition that prevailed before its establishment, viz, numerous cases of drunkenness in the towns adjacent to military posts, followed by fights among the soldiers or between the soldiers and citizens, the soldier finally lying drunk in the street or along the roadside.

Such occurrences as these are now almost unheard of.

I wish to add that I am a temperance man, and that I do, and always have done, all I can to promote temperance in the Army.

Respectfully,

MALVERN-HILL BARNUM,
First Lieutenant, Tenth United States Cavalry.

Hon. J. L. SLAYDEN,
Member of Board of Visitors, West Point, N. Y.

Mr. SLAYDEN. That letter is signed by a gentleman of distinguished service in the Army of the United States, who for fourteen years has been connected with the Quartermaster-General's Department and who has had opportunity to observe the practical working of the post exchange.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. Mr. Chairman, how much time have I occupied?

The CHAIRMAN. Six minutes.

Mr. FITZGERALD of Massachusetts. I ask that the gentleman have four minutes more.

Mr. SLAYDEN. Mr. Chairman, in conjunction with the gentleman from New Jersey [Mr. PARKER] I had the temerity to sign a report which has made me the object of attack by various temperance organizations throughout the country; and I ask for more time in which——

The CHAIRMAN. How much more time?

Mr. SLAYDEN. Ten minutes.

The CHAIRMAN. The gentleman asks unanimous consent that he may continue his remarks for ten minutes. Is there objection?

Mr. PEARCE of Missouri. I would like to have five minutes; and unless that time can be allowed me, I must object to the gentleman's request.

Mr. SLAYDEN. I ask, then, for five minutes.

The CHAIRMAN. Consent is asked that the gentleman may continue his remarks for five minutes. Is there objection? The Chair hears none.

Mr. SLAYDEN. Mr. Chairman, if reputable gentlemen can be believed, and if reason and not hysteria is to control in legislation, this amendment will be voted down. All of the evidence submitted, or practically all of it, goes to confirm the statement made by its advocates that the post exchange is an agency for temperance. Out of a thousand replies received by the War Department from both commissioned and noncommissioned officers, the overwhelming preponderance of the testimony was to that effect.

Mr. Chairman, in five minutes I can not, of course, undertake to make the argument upon this question which I had hoped to make; but I want to say that there is evidence here from gentlemen whom I have personally known for twenty years—whom I know to be men of character and truth—men who have been brought into personal contact with the operations of the post exchange and who know whereof they speak; and without a dissenting voice they urge its continuance. To-day I had a personal interview with a chaplain of the United States Army recently returned from a fourteen months' term of service in the Philippines. He tells me that he went out there strongly opposed to the principle of the post exchange, as well as being an active and zealous prohibitionist in civil life.

He said to me this afternoon that his observation of the operations of the post exchange in the Philippines convinced him of the fact that at least there it was a necessity and that perhaps he had been mistaken as to its operations in other parts of the world. That clergyman, who served fourteen months in the Philippines and who has been brought into personal contact with the soldiers, tells me that he saw no drunkenness about the canteens or post exchanges. He tells me that the profits made on the sale of the beer, wines, and foods sold there are subsequently distributed in the way of dividends among the soldiers and contribute to the physical comfort of the men in that unhappy climate. No whisky, no ardent spirits of any kind, are permitted to be sold at those post exchanges.

Now, unless you intend to make prisoners of your soldiers, unless you intend to keep them under constant surveillance from the time of their enlistment to the time of their discharge, you can not prevent them from drinking. The practical question, then, is whether you will give them a harmless beverage at a reasonable cost, which will satisfy their longings for something more than the mere rations given by the Government, or whether you will drive them to the outskirts of the military posts, where they will, according to the evidence of this chaplain and other chaplains, fall not only into the habit of drinking ardent spirits, but into other habits of a more immoral nature; for, as this clergyman said, upon the confines of the posts, just beyond the limits of the military jurisdiction, you will find flagrant immorality allied with the opportunity to obtain intoxicating drink. And he says that there is not the same temptation to the soldiers where they are permitted the privileges of the post exchange as conducted in this country.

Allusion has been made to the opinion of the Adjutant-General given in 1892. His mature judgment, given in the fall of 1900, is entitled to your respect; and he says, in his report just issued, that—

The operation of the post exchanges during the past year, despite the attacks of the opposition outside the Army—

Mark you, the opposition comes from men who are not informed—

which have been persistent and unremitting, has been especially gratifying.

Now, Mr. Chairman, there are other members here who want to say something on this question, and I yield the balance of my time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PEARCE of Missouri. Mr. Chairman, I am glad to be able to inform my friend from Texas [Mr. SLAYDEN] that upon this, as upon every other question, I have the courage to vote in accordance with my convictions; and I have no hesitation in saying that I shall vote against this amendment, not because I am not just as sincerely in sympathy with temperance as my friend from Maine, but because I believe, after a very careful examination of this canteen system as it is operated at every post of the United States (and I have visited nearly all of them), there is no institution which does more to fortify temperate habits and induce temperance in the Army than the canteen system; and there is no measure of law that would do more to break down the temperance influence of the Army officers and to increase intemperance than the measure proposed by the gentleman from Maine.

Why, let me ask him, has he not included in his amendment a proposition to forbid and absolutely prohibit the carrying of any kind of intoxicants upon a governmental reservation by the officers as well as by the men? If an officer of the Army has the right to drink beer or wine, certainly the enlisted man has precisely the same right, and we ought not to withdraw that right from him. I have seen the canteen introduced in the Army, and I well remember the condition of affairs before its introduction. There are now, I may state, in every city of the Union, saloon keepers and dive keepers waiting and watching the enactment of such an amendment as this, to enable them to surround the Government reservations with their saloons, where the business they conduct can be carried on safely and the poisonous compounds which they dispense may be furnished to the soldiers of the Army. That is the reason that I am opposed to such legislation as has been suggested here. Under the care and regulations which now exist for the control of the canteen system of the Army it is, in my judgment, a wise provision and one which should be continued, and for that reason I shall vote against the proposition which is now pending, to prohibit the continuance of that system in the future. I think the suggestion is unwise and unwarranted, and I hope it will not be adopted.

Mr. HAY. Mr. Chairman, I should not take up the time of the House even for a moment on this question were it not for the fact that I advocated this amendment in the Committee on Military Affairs and desire to state the reason on the floor of the House for doing so. I do not regard it whatever as a question of prohibition. We are not undertaking to prohibit the sale of ardent spirits throughout the country. That is not the proposition at all. It is not a question of "hysterical legislation" in any sense of the word. I am supporting the amendment because I believe that it is wrong for the Government of the United States to engage in the sale of intoxicating liquors, either upon its own property or in any other place anywhere. [Applause.]

Mr. BARTHOLDT. Will the gentleman allow an interruption?

Mr. HAY. Certainly.

Mr. BARTHOLDT. This bill provides that no officer or private soldier shall engage in the sale of intoxicating liquors, and consequently you can not implicate the Government of the United States under the provisions of the bill.

Mr. HAY. Oh, yes, I can; because under the decision of the Attorney-General somebody else can be authorized to engage in this traffic near the Army post or upon the Government reservation.

Mr. BARTHOLDT. But if he does so engage, it is as a private citizen, and it is not in any sense of the word the action of the Government.

Mr. HAY. But how does he get there? He gets there by force of a permission which is granted to him by the authorities of the United States, because under other circumstances he would be absolutely excluded.

Now, Mr. Chairman, I will say that I am in favor of the amendment proposed by the gentleman from Maine, because the young men of this country who join our Army either at home or for service in the Philippines ought not to have this temptation offered to them at all times in the very posts of the Army in which they go to serve their country.

Mr. WILLIAMS of Mississippi. And by the Government of the United States as well.

Mr. HAY. Yes, and by the Government itself, which offers the temptation by the sale of whisky.

Mr. SLAYDEN. Will the gentleman from Virginia permit me

to interrupt him for a correction? I am sure he does not want to misstate the matter. The Government does not permit the sale of whisky at any post at all.

Mr. HAY. Oh, well, I understand that. It does not permit the sale of whisky, in direct words; but it permits soldiers and civilians about the posts to sell intoxicating liquors. It is simply a begging of the question when you say they are not permitted to sell whisky.

Mr. SLAYDEN. The gentleman certainly knows that the soldier or the civilian is only permitted to sell the mildest classes of beverages, like beer or wine, and there is no permission granted to any civilian to sell whisky at the Army post.

Mr. HAY. Of course I understand that. But they are permitted to sell beers and wines and liquors of that class, and a man can get drunk just as well on beer or wine as on whisky——

Mr. SLAYDEN. Hardly.

Mr. HAY (continuing). Although it may be a little more expensive proceeding. And at all events, the use of these intoxicants under such conditions gives him a taste for the whisky, and we do not propose to allow that to exist if it can possibly be avoided in connection with our young recruits.

I am told that this thing should be allowed to proceed in the Army posts because otherwise these establishments would be erected around the posts, and the temptation would be furnished to the soldier in that way. Why, Mr. Chairman, they are around the posts now, and the man in the Army who wants whisky can go outside and get it in a few moments, notwithstanding the operation of the canteen system.

It is absurd to say because you have a canteen where you only sell wine and beer that the man who wants whisky is not going out to get it. He does go out to get it, and the evidence of Army officers is not all on one side upon this question. There are very many Army officers who have testified to the fact that this canteen is a bad thing for the soldiers.

Some people say that the private soldiers ought to have the same rights as the officers, and that they ought to have their clubs. Why, they can have their clubs, but they can have them in a healthy way, and these canteens ought not to be permitted in the posts, or upon the transports, or upon the encampments of the armies of the United States. I trust, therefore, that this House will adopt the amendment of the gentleman from Maine. [Applause.]

Mr. PARKER of New Jersey. Mr. Chairman, I do not sympathize with the views of the man who decides to vote for this amendment in order to please any general sentiment which through ignorance has grown up among the people of the United States, and thereby knowingly votes to hurt the soldier. We are trustees for the soldier. [Applause.] We are charged to speak and act for his temperance and his good order, and when we abolish the canteen system of the post exchange temperance in the Army will have received almost a death blow.

The adoption of this amendment, we think, would be a calamity to the cause of temperance. None greater could befall that cause in the Army and in the Soldiers' Home than the prohibition of the canteen feature of the post exchange. This is not a matter of theory, but one of actual experience. Soldiers, as well as everyone else, resent interference with their personal freedom. To adopt this amendment means that those who would otherwise drink beer in moderation under the eyes of their fellows will go outside where they will get strong drink, and that all the evils that once existed will be renewed.

In old times we had the sutler's canteen, the sutler being employed by the Government to sell liquors as desired, and at that time the Army was a whisky-drinking army. Later we had the post-trader system, where the post trader, a private individual, was licensed to sell whisky to soldiers, and then we also had a whisky-drinking army. It was an army in which pay day meant absence from the post of half of the command, men imprisoned by the score in the guardhouse, men who overstayed their leave, and men who were fleeced by dive keepers on all sides.

There were rows of liquor saloons at the gates of every post, where vile liquor and sometimes vile drugs were dispensed, and where all the abominations that are annexed to such places were put in the way of the young men who were in the Army. At last an experiment was tried; at first at but one post. It spread gradually through the Army until it has become a matter of regulation in all posts and is called the post exchange.

This post exchange system is one developed for and by Americans. By the Army Regulations, of which I annex an abstract, the post exchange is to combine the features of reading and recreation rooms, a cooperative store, and a restaurant in order to supply the troops at reasonable prices with the articles of ordinary use, wear, and consumption not supplied by the Government, and to afford them means of rational recreation and amusement, while through exchange profits it provides means for improving the messes. Buildings are ordered to be set apart or rented at every post for the exchange. An officer is put in charge of the management and a noncommissioned officer of firmness, now an outsider, is made exchange steward. The exchange is superintended by a council of officers, with a subcommittee of noncommissioned officers. Rules of order are prescribed, prohibiting gambling and restricting the entry of civilians.

The sale and use of ardent spirits * * * is strictly prohibited. But on the recommendation of the exchange council the commanding officer may permit beer and light wines to be sold at the canteen by the drink whenever he is satisfied that giving to the troops the opportunity of obtaining such beverages within the post limits will prevent them from resorting for strong intoxicants to places without such limits and tends to promote temperance and discipline among them.

The canteen must be in a separate room, preferably in a separate building. The sale of beer is limited to week days, the beer to be consumed upon the premises, and treating is not permitted.

In the cooperative store the goods are got at cheap prices, and lunchroom prices are made as small as possible. Sales are made on credit, and the profits applied, 5 per cent to the band, a part to gardens, reading room, and gymnastic appliances, and the rest to company funds, which enable the soldiers to get better meals and comforts, or returned in dividends.

Such an exchange was first undertaken as an experiment in Vancouver Barracks in 1880, but was not established in the Army till 1889, and came into full use in the year 1891.

This is the American system that treats the soldier as entitled to his home and his reading room, where he may meet his friends and do what he wishes, always in moderation. It has attracted attention abroad. It is recommended by General Roberts in place of the sutler's canteen system. By it the soldier has his club. It is, by regulation, attached to every post. There is thus established a building in which there are reading rooms, newspapers; a cooperative store for the sale to the soldiers of what they need and can not get in the ordinary rations.

There is a refreshment saloon for coffee and tea and for food at odd times when the soldier can not get meals or comes in from guard duty and wants something to eat. Generally there is provided a gymnasium. It pays something toward the regimental band, in which they all have pride. It supplies the material for polo, football, and other games, and all this is done by saying to those who wish to have a drink, "Do not go outside; come in here and buy among your friends in your own club." Without the profits of these sales it could not be supported. But nothing except beer and light wines are sold—no heavy intoxicants—and there is no treating.

The results have been marvelous. They are embodied in Report No. 1701, at the last session of this Congress.

Mr. HAY. Will the gentleman let me ask him one question?

Mr. PARKER of New Jersey. I should be glad to answer any question if I had the time. If the gentleman's question does not come out of my time, I shall be glad to answer it.

Mr. HAY. Would you advocate putting a canteen at the Military Academy at West Point?

Mr. PARKER of New Jersey. Yes, sir.

Mr. HAY. You would?

Mr. PARKER of New Jersey. I would, for the soldiers stationed there. There is a canteen at the Military Academy for the soldiers stationed there, and the officers at West Point have testified to the benefit of it. Major Hess, in a report to the War Department——

Mr. HAY. Do you mean to tell me——

Mr. PARKER of New Jersey. I hope the gentleman will excuse me. I decline to yield further.

Mr. HAY. Do you mean to say there is a canteen for the cadets at West Point?

Mr. PARKER of New Jersey. I will answer all questions, if I can have the time, but I must have some time for myself.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. HAY. I ask that the gentleman be allowed further time.

Mr. WILLIAMS of Mississippi. I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from New Jersey be extended five minutes. Is there objection?

There was no objection.

Mr. PARKER of New Jersey. Now, if the gentleman from Virginia will ask me his question——

Mr. HAY. The question I wanted to ask was if there was any canteen at the Military Academy for the cadets.

Mr. PARKER of New Jersey. No; certainly not. Cadets can not go outside; soldiers can. It is to prevent the evils of outside saloons that canteens are established. Let us go a step further. In order to find out the sentiment of the Army on this subject inquiries were sent out to every post commander, every troop, battery, and company commander, every regimental commander, and to many noncommissioned officers. Over a thousand replies were received.

The results are contained in the report of the Secretary of War in 1899, which contains the views of the practical experience of over a thousand officers and noncommissioned officers, including

company, troop, and battery commanders and post commanders (to all of whom inquiry was addressed), and also a number of noncommissioned officers of long experience. Each man gives his own views.

These officers are charged with the discipline of the Army. They know their men, and they fear drunkenness as no one here can fear it. The decision is almost unanimous; 981 are opposed to prohibiting the canteen, 36 for prohibition, and 3 are doubtful.

We learn that since its establishment hospital admissions for alcoholism have diminished by more than half, and desertions by the like ratio, as well as convictions for drunkenness.

I quote from the report referred to, No. 1701, of the first session Fifty-sixth Congress, when a like measure was proposed by bill 8752. The references are to the appendixes to the Secretary of War's report of 1899.

Its results are carefully tabulated by Surgeon Munson, on pages 277 to 281 of the same appendix. Comparing the years before 1891 with those afterwards, hospital admissions for alcoholism gradually diminished from 64.28 per thousand in that year to 30 per thousand in 1897.

In 1890 there were 17 posts in which the admission rate exceeded 10 per cent of the strength. In 1897 there were but 2. Particular posts are instanced on pages 277 and 278. The percentage of desertions (see p. 279) fell from an average of 9.18 per cent of the enlisted force in seven years before 1891 to 4.54 per cent of the enlisted force in six years after that year. The total trials and convictions for drunkenness in the Army during the seven years before 1891 averaged 372.5 each year, and in the six years after 1891 160.6 in each year. The average number of men making savings deposits increased over 13 per cent (p. 280).

The opinions of the officers (pp. 97 to 276) are almost unanimous. They have to be read to be appreciated, and experience is the only thing to be thoroughly believed. Many of them say that they are total abstainers themselves. Many more state that they viewed the establishment of the canteen with disapproval, but after their experience changed their minds. Those who are opposed to prohibiting the canteen are 981. Those who are for its prohibition are 36, and 3 are doubtful.

Almost all of them have expressed their official opinions as to the effect of the canteen upon the morality, discipline, desertions, the number of courts-martial, and cases of drunkenness, and on the likelihood of the soldier to go outside the camp for intoxicants. The following table shows the number of those who think the canteen beneficial in those regards, the number who think it is detrimental, the number who think these effects doubtful, the number who think it is of no effect, and the number who expressed no opinion.

Answers of various commanders of troops, companies, batteries, and regiments, and noncommissioned officers of long service in the ranks as to the working of the canteen system and its effect on the Army.

Answers made.	Effects of the canteen system on—					
	Morality.	Discipline.	Desertions.	Courts-martial.	Drunkenness.	Outside saloons.
Beneficial	892	908	730	825	909	980
Detrimental	35	40	6	20	20	11
Doubtful	29	27	49	38		
No effect	90	71	116	43	33	61
No opinion	19	19	155	139	103	13

These opinions have to be read to be appreciated. I give only a few quotations as to their views of the post exchange. "It is the enlisted man's social club." "They have no such desire to visit disorderly places outside." "Desertions lessened." "Drunkenness decreased." "Nearly all drunkenness at present can be traced to strong liquor purchased outside." "It has been the essential feature for the prevention of desertion. Under the old system men would visit saloons outside the posts, overstay their passes, or absent themselves without leave."

These officers state that the effect of absolute prohibition would be an increase of drunkenness, a decrease of comforts, an increase of absenteeism and of trial by summary court-martial; that it would cause the smuggling of whisky into camp; that any unprejudiced man who has served with troops in the field for twenty years will be convinced that prohibition would result in the increase of low dives near the reservations, with attendant evils; that the temporary suspension of the canteen has always proved the effect to be disastrous; that prohibition would increase the grosser forms of drunkenness and the frequenting of disreputable, disorderly, and degrading saloons; that they have seldom or never known of any drunkenness resulting from the canteen; that prohibition would remove the checks which now exist; that the canteen has certainly lessened the evil of drink in the Army, and that it has done much to elevate the character and moral tone of the soldier; that the soldier would resent any uncalled-for denial of his privileges; that the canteen gives a way of exercising restraint of drinking which is wholesome and yet not provoking.

In various places through this report it is noted that the grogshops outside of a camp are often houses of prostitution and that the temptation, if men go there, is very great; that the sad diseases have greatly decreased since the establishment of the post exchange, and that in case of prohibition the soldiers would obtain liquor clandestinely, or would visit resorts where other and worse temptations await them; that in the exchange "the sale of beer is limited and controlled by officers who have at heart the best interests of the soldier as well as the efficiency of the service," and that "the institution promotes temperance." (Page 105.)

"In 1888 I was called upon to officially express my opinion as to the advisability of replacing the post traders by the canteen. I was strongly against the move. Since then I have been convinced that the change as made was a good one;" that "prohibition would deprive the enlisted man of the moderate indulgence in garrison, and cut off a fund which procures him many benefits." "Proprietors of vicious resorts in the neighborhood of military camps or stations are loud in denouncing the canteen." Officers state that prohibition would result in the resumption "of the old-time sprees" every pay day, and the renewal of the growth of gin mills and rum shops near all military posts.

We are told that prohibition encourages the drinking of whisky, because beer is too bulky to be smuggled into camp, and that "abolition would double the burden of officers and men in their efforts to improve the health, morality, and usefulness of the Army."

And page 117, Captain Wilder, of the Fourth Cavalry, says:

"An army of whisky drinkers has been converted into an army of moderate beer drinkers. As for myself, I seldom touch a glass of beer. The canteen serves the cause of temperance."

Captain Walsh, of the Fourth Cavalry (page 118), says:

"The exchange is strictly a temperance measure; lessens and controls drinking, decreases desertion and trial by courts-martial, and tends to elevate, as conducted in the Regular Army, the morals of a command. It is probable that if the present agitators thoroughly understood the situation, and realized that they were unwittingly allying themselves on the side of the worst features of the liquor traffic and the lowest forms of prostitution, they would insist on the retention of the exchange in place of asking for its abolishment."

Captain Erwin, Fourth Cavalry (page 118), says abolition would increase immorality, lower discipline, increase desertion and trials by courts-martial for drunkenness, decrease money savings, impoverish table fare, and lower the moral and physical standard of the enlisted men.

Lieutenant Carr, Fifth Cavalry, that it would be a return to the time when pay day was dreaded; that volunteer camps are an example of what might happen in the Army if the system were abolished and troops subject again to the villainy and extortion practiced by post traders and saloon keepers.

Captain Macomb, Fifth Cavalry (page 119), believes in the canteen system because prohibition is not practicable. License without abuse is what the canteen system desires.

Lieutenant Rhodes, Sixth Cavalry (page 122), favors the present exchange, with continued improvements; that he uses no intoxicants himself; that when he joined the regiment in 1889 drunkenness, under the old system of post traders, was disgraceful and alarming; that around Fort Wingate little rum shops thrived, crimes, and debauchery, and after each pay day patrols dragged soldiers from the keepers of these dives; the guardhouse always full of drunkards and absentees; that those who were prejudiced against what was termed "Government barrooms" found the benefit so startling that it could not be combated, and now the improvements in morality and discipline have been so marked that officers fairly shuddered when there was a possibility of a return to the old system.

Other officers urge (page 123) that to abolish the sale of beer means smuggling of cheap whisky by soldiers and civilians; that saloon keepers, gamblers, and prostitutes would obtain the money now being used to improve and add to rations now provided; that the post exchange is all right since enlisted men were taken from the bar, and that all retail liquor dealers, kitchen bar room, and dive keepers in the vicinity of garrisons are anxious to have the sale of beer in garrisons put to an end; that at Fort Meade a village of outlaws near the garrison has been abandoned; at Fort Yates the same; that there is no truer friend to the frontier dive keeper than the ignorant partisan of temperance who builds up their business on the ruin of the post canteen.

Officers of the Seventh Cavalry have observed it for 25 years (p. 125) and say that the exchange is a practical means of controlling and regulating the sale of beer; that abolishment would cause discontent and trouble to control the men. "It helps here in Cuba, where before its establishment they used aguardiente or some other Cuban drink, which for a time set them crazy," and more often absent from duty (p. 126); that with the exchange system the men are contented and have no encouragement to drink to excess; that without it in low places which they can not be prevented from visiting, and where they usually procure the vilest liquor, they have every encouragement; that the majority do not abuse the beer feature; that the better element appreciate the fact that when they want a glass of beer they can procure it at a respectable place; that soldiers are not different from others in respect of drinking and should not be treated as children in the matter.

Page 127: That opposition to the post exchange is from misguided persons who desire to change human nature and to enforce total abstinence, the saintly and sordid cooperating to drive our young men from the convenient, clean, sanitary, and respectable places of refreshment and entertainment, where excesses are forbidden, and where the profits are theirs, to the dives which surround military posts and litter the roads to the nearest towns.

Page 128: That to abolish the canteen will make the post exchange unprofitable, lead to the discontinuance of most of them, deprive troop and post libraries of athletic sport and games of support and encouragement; that discontinuance means the partial but certain return to pay-day orgies, increased desertion due to lessened variety in troop mess, lack of amusement and recreation in the post, all of which are purchased by profits of the exchange, and that in North Dakota—when the exchange was established a prohibition State—drunkenness was common, what was called whisky being smuggled; that temperance associations are, strange to say, assisted by the liquor dealers.

Page 129: In Oklahoma in 1898, the exchange being closed, liquor was smuggled. When reopened there was no further trouble.

Page 130: To abolish it would not materially decrease the amount of liquor consumed by the Army, but would be detrimental to the interests of the service. Rum shops would spring up, and men would go where they would not be under control. At present troop messes are really quite satisfactory, the ration supplemented by purchases wholly due to exchange profits.

Captain McBlain, Troop D, Ninth Cavalry (p. 131), says:

"Many years ago, while an enlisted man, I had to invest a portion of my pay in food. The exchange system enabled me to take for use of my troop in Cuba last summer tobacco and canned fruits; to purchase vegetables and ice for my troop while encamped at Port Tampa."

Captain Cole: "The whole discipline of our Army is founded on the character of the American soldier. It is impossible to cram American men into a mold, apply pressure, and turn out the soldier as is done in the continental armies. We have no ignorant class in the European sense. All restrictions must be founded on reason and good sense. We get all conditions of men looking for adventure, who like to ride, hunt, shoot, and see the country—out of a job, wishing the service as a start in life—restless, wandering men. Training makes these men strong, healthy, enduring discipline; association develops good-fellowship and comradeship. They do duty gloriously; stand hardship like Spartans; do not growl at the inevitable; are as apt to laugh as to growl in suffering unnecessary privation.

"A vicious element is speedily eliminated. The mass are firm, hearty, wholesome Americans, each with an independent mind, shrewd judgment, and no especial reverence for anything but the colors. Like all men who have periods of tremendous nervous strain followed by periods of rest, they use intoxicating liquor; are used to it, want it, and are going to get it. The question now can not be one of eliminating this evil, but of minimizing it. Prohibitory legislation is a history of failure."

Page 132: That Kansas is a prohibition State, and Leavenworth abounds with wide-open saloons; that if a law is enacted prohibiting sale of liquor on military reservations it will not be sold openly, but clandestinely; dives with vile liquor will spring up, infinitely more disastrous to health, morals, and discipline than the worst old post-traders' establishment, to say nothing of the canteen, which is a means of control; that sincere people who advocate total abstinence have their work cut out for them in their own homes.

In attempting to grapple with a condition they can not possibly understand, they place themselves in the position of fools, who "rush in where angels fear to tread;" * * * that a great majority of the soldiers will spend all their money, and why not provide a place where they can get the most pleasure and comfort from it? And the profits, instead of filling the pockets of some grasping trader, are given to an increased quality of the mess;

that the majority will drink—if nothing better, horse medicine, Jamaica ginger, and even red ink—but give them beer, control the sale, and your men will be all right.

Page 133: That abolishment will lead to "boot legging" and low dives; that since the canteen system the old soak has become impossible among the enlisted men, almost to his disappearance; that the exchange furnishes a decent place for the soldier to get his beer among his fellows without the danger of assault or robbery; that it is the soldiers' club, and it is his right to have it; that the soldier says it is unfair for people who can not control their local community and enforce prohibition among people whom they know to attempt to enforce their doctrine in a temperate community among people whom they do not know and for whom they do not care.

Page 134: That the more pay a soldier uses at the exchange the less he has to get into trouble outside; that if he is of saving disposition he will not spend more than a certain amount at any place; that the profits provide billiards, tenpins, dominoes, football, tennis, field sports, and affords a comfortable place to sit, smoke, write, talk, meet comrades from other companies, and promote the esprit de corps; that the beer feature is by no means the principal one; that men will drink, but indulgence may through the canteen be restricted and regulated; that no mistaken zeal for a nominal temperance should take from him that which has steadily bettered his condition for a decade and reduced desertions over 50 per cent.

Page 135: That soldiers should be treated like men, not boys; that a paternal attitude ruins discipline and esprit de corps; that the post exchange is almost indispensable. "Liquor would be procured, vile stuff that makes men wild and hard to control."

Page 136: That dives would increase 100 per cent.

Page 137: That if abolished, conditions would return to those when, out of a six-company post, 25 cases before a court every pay day were not uncommon, with a long list of absentees every pay day, increase of intemperance, and frequent courts-martial; that prohibition is a severe blow to discipline and contentment; that with an exchange a small number of men apply for permission to go away, but without, a large number would make application, be refused and the first step towards discontent is made.

Page 138: That the exchange is a pleasant, clean, respectful club in which he feels ownership and meets no loose characters; that associations here promote good-fellowship; that the exchange has benefited the men more than anything instituted since the civil war; "I am an almost strictly temperate man, and brought up so. The canteen part of the post exchange has my unqualified approval, however;" that it is not too much to ask these good people to trust the officers to do what is right and good for the soldiers' moral and material welfare.

Page 140: That no complaint has come up from the Army against the canteen; "In my opinion it has done more for the material comfort and moral welfare of the soldier than any one thing that I can recall;" that selling beer having been prohibited in this department (Habana), men must be restricted to post limits to keep them from drinking vile native liquors; that it increases drunkenness and is our greatest danger as regards infection from yellow fever; that better saloons refuse liquor to soldiers, and only low dives and resorts will sell; that, as many good men occasionally like a drink of beer, the present situation is debasing.

Page 141: I am practically a "teetotaler." Would stop the sale if possible, but the only practical course is to regulate the sale, and after years of observation I am firmly convinced that a well-regulated canteen is beneficial to a command on point of temperance, morality, and discipline.

The great effort of a battery commander is to inculcate temperate habits among men who desire strong drink; to make it much more expensive, disagreeable, and uncomfortable to get drunk than to remain sober. The post exchange is one of the greatest assistants to this end that can be devised. Rational amusements are furnished.

It is patronized in preference to going out into the streets, contentment is promoted, articles sold at reasonable prices—the vast majorities are satisfied with beer, and no stronger liquor kept. Prohibition of beer in the post exchange will practically break up that institution and turn our soldiers out into the street again to become the prey of unprincipled dealers and liquor sellers. These remarks apply tenfold to service in Cuba, where conditions make it imperative to control drunkenness, but where the cheapness and vileness of the stronger liquor, and the eagerness of dealers to sell despite all law, make it a far more difficult problem than in the United States. (Page 142.)

Page 142: Since arrival in Cuba I have seen the evil of prohibiting beer in post exchange. Men who have been good, steady, reliable, accustomed to drinking beer in moderate quantities, have gone outside and bought cheap liquor that has made brutes of them.

With the exchange "there has been more time spent in garrison, are absent without leave less frequently, and very much more contented and at home." As a choice of evils, the continuation of the exchange, provided the sale of beer can be restricted and the practice of treating prevented.

Page 143: Major Hess, Third Artillery, says:

"When the post canteen was first introduced he was at Washington Barracks, opposed to it, and wrote a report that it would simply add another place to the too long list; that the first month's experience proved the canteen a great success, and before the second month more than half of the little saloons outside had closed up and their proprietors had moved away—drunkenness and trial for absence without leave greatly decreased. This object lesson had the effect of changing his views. He saw in the canteen, and still sees, a powerful instrument of discipline when properly conducted; and that the fear of losing his privileges at the club and being debarred from associating with his fellows there operates as a powerful deterrent upon the occasionally unruly."

Page 144: Captain Hoskins says:

"Thirsty men will drink; go to the nearest saloon, where birds of prey lie in wait, where he is served with vilest liquors, and when his money is gone will be kicked into the street; that every post is surrounded by the lowest type of dives, where the soldier is made much of; that frequently before he is aware he is under the influence of some potent drug; they entice men to dispose of blankets in trade for liquor; they are bitterly opposed to the exchange and desire it abolished."

Captain Califf:

"I am in favor of the present exchange unless prohibition were a fact and not a name."

Captain Humphreys:

That in a year he has had ten men tried for drunkenness—five found drunk at saloons in the city; the other five returned to post drunk.

Captain Potts (page 145):

"With the opportunity at hand to obtain beer almost whenever wanted, weak men are less apt to drink to excess and men of character soon learn the value of their money, properly spent. Under other circumstances, with the very young men now so numerous in the Army, half of the temptation lies in the risk of obtaining it."

Captain Danes:

"Under present conditions there are quite a number of men in my battery who do not use intoxicants."

Lieutenant Kessler (page 145):

"Here in the Philippines men should be supplied with beer by means of the canteen; if not, they will drink it elsewhere, or something worse, and the native drinks are most terrible."

Captain Rumbough:

"When the canteen was first introduced, I was opposed to it, but since I have seen the results I have changed my views entirely. The number of saloons, nearly always of loose character, in the vicinity of post has decreased, and the men now drink beer instead of bad whisky. Advocates of temperance could not do a worse thing for their cause than to abolish beer in the post exchange."

Captain Bennett:

"The only real valid objection to the canteen I have heard is that recruits learn to drink from the contact with the same, when otherwise they would not do so. But many would, but for the canteen, acquire worse habits outside at saloons, in all probability, since, in absence of the exchange, saloons always flourish just outside of a post."

Colonel Guenther (page 147). That he has lived in a garrison ever since the close of the war of the rebellion, and states as his conviction and belief that the sale of beer at posts as conducted under the regulations has done more to advance the cause of temperance and good morals in the Army than anything else he knows of.

Major Fuger (page 147). That he was three months in Florida in 1889 with no canteen, with the consequence that men were absent without leave and summary courts filled, trials daily; that he started a canteen, with the result that he had few cases for trial.

Major Andruss, Fourth Artillery (page 147). That prohibition in the Army would relegate it to the experience of the service before this privilege was permitted; that the men would seek outside saloons where poisonous liquors are sold, and the results on morals and discipline ruinous.

Captain Howes (page 148). That nearly half the trials by court-martial at his post are caused by the use of bad whisky. That an exchange at the post did not prevent them entirely, but reduced it very materially.

Captain Leary, jr.:

"It would drive men who are temperate beer drinkers to the saloon and brothels outside the post in order to get a glass of beer. When the canteen system was begun I objected. With some years' experience, I am heartily its advocate. Its discontinuance would throw the enlisted men back ten years in their moral progress as a body, which moral progress is now patent to all the old officers of the Army."

Page 149: Captain Cummins, that abolition would be little short of a calamity to the soldier and the Army.

It is idle to multiply citations. If we wish to have an army composed of self-controlling, self-respecting men, we must give them the opportunity to exercise the virtue of temperance by choice, instead of trying to enforce total abstinence.

The American Army is not to be governed by State prison rules. When at home they have the right to use liquor in moderation within the walls of their own homes.

When in the Army they claim the same right. If it be denied, those who wish to drink are driven outside to fiery spirits, or worse.

There is no vice more to be feared in any army than intemperance. It is because the post exchange and the canteen has been shown beyond all question to promote temperance that we favor it and deprecate any efforts which by statute will forbid the officers of the Army to do what they find best for the morality, health, and discipline of their men.

The testimonials as to the matter from the various Soldiers' Homes are equally convincing. Some of them are already printed.

This is the first time that this matter has really come up for careful consideration. The anticanteen amendment does not cover this question; no lawyer has challenged Attorney-General Griggs's construction of its terms. It was placed upon a bill for the increase of the Army without much consideration, and certainly without such full knowledge of the facts as we now have. The misunderstanding which earnest people throughout the United States have upon this matter is appalling.

It is certainly true that drunkenness and the vices attendant thereon are of all things the evils most greatly to be feared in an army, and that they are all too rife in any army, but when we are referred to their prevalence among the volunteers we must remember that the volunteers generally had no post exchange, and sometimes allowed them to become mere post traders' institutions, where sales were made without proper restriction.

For example, a very impassioned address was made before the committee by the chaplain of the First Tennessee Volunteer Infantry. That regiment had no canteen, and its adjutant tells us that its good order and sobriety were best when it was brigaded with the Twenty-third Infantry, and the men found their way to the canteen, "where, with much good-fellowship, there was a minimum of disorder" (B. N. Coffman, first lieutenant and adjutant, First Tennessee Volunteers). Lieutenant Coffman states that the same experience was had at Iloilo, where the strictest prohibition measures were adopted, resulting in the greatest amount of drunkenness on native liquors, while as soon as the Eighteenth Infantry established their canteen near the regiment the drunkenness fell off.

This is a question of our practical duty as men and brethren to our brothers in the Army. We must treat them exactly as we do our brothers at home. Unless we are prepared to deny to our friends at home the right to drink a glass of beer in their own houses, it is neither our duty nor our right to enforce such prohibition against our brothers in the Army as distinguished from proper restrictions. For the sake of the cause of order and sobriety and temperance we oppose the adoption of this amendment.

Why should we assume to know more of the Army and its needs than the brigade, regimental, and company commanders, who know their men and have their interests most at heart? I have

no apology for quoting their opinion. Why should we deny to our brothers in the Army the right to moderation in their own home which we claim for ourselves? Why should we drive them out to the vile saloon outside? How can we pardon ourselves if we put the Army back as it was ten years ago?

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARKER of New Jersey. I ask leave to extend my remarks.

The CHAIRMAN. Without objection, the gentleman will have leave to extend his remarks.

Mr. HULL. The gentleman has the right under the rule to extend his remarks.

Mr. PARKER of New Jersey. I only protest, for the soldiers, that we should not carry this amendment. I add as an appendix the laws and regulations on this subject, taken from the report of the Secretary of War for 1899:

APPENDIX A.—POST EXCHANGES.

By the act of June 13, 1890, Congress provided:

"That no alcoholic liquors, beer, or wine shall be sold or supplied to the enlisted men in any canteen or post-trader's store, or in any room or building at any garrison or military post in any State or Territory in which the sale of alcoholic liquors, beer, or wine is prohibited by law."

By section 17 of the act of March 2, 1899, Congress provided:

"That no officer or private soldier shall be detailed to sell intoxicating drinks, as a bartender or otherwise, in any post exchange or canteen, nor shall any other person be required or allowed to sell such liquors in any encampment or fort or on any premises used for military purposes by the United States; and the Secretary of War is hereby directed to issue such general order as may be necessary to carry the provisions of this section into full force and effect."

The post exchange is thus described by the regulations prescribed by the War Department:

"The post exchange will combine the features of reading and recreation rooms, a cooperative store, and a restaurant. Its primary purpose is to supply the troops at reasonable prices with the articles of ordinary use, wear, and consumption not supplied by the Government, and to afford the means of rational recreation and amusement.

"Its secondary purpose is through exchange profits to provide the means for improving the messes."

The money which constitutes the capital employed in the operation of the exchange is the money of the men themselves, so that the business conducted is their own business conducted for them, and the benefits of all kinds are equally shared by them.

The regulations relating to the conduct of exchanges have for several years provided:

"9. *Exchange features.*—An exchange doing its full work should embrace the following sections: (*a*) A well-stocked general store, in which such goods are kept as are usually required at military posts, and as extensive in number and variety as conditions will justify; (*b*) a well-kept lunch counter, supplied with as great a variety of viands as circumstances permit, such as tea, coffee, cocoa, nonalcoholic drinks, soup, fish, cooked and canned meats, sandwiches, pastries, etc.; (*c*) a canteen, at which, under the conditions hereinafter set forth, beer and light wines by the drink, and tobaccos, may be sold; (*d*) reading and recreation rooms, supplied with books, periodicals and other reading matter, billiard and pool tables, bowling alley, and facilities for other proper indoor games, as well as apparatus for outdoor sports and exercises, such as cricket, football, baseball, tennis, etc.; a well-equipped gymnasium, possessing also the requisite paraphernalia for outdoor athletics. At small posts it may be impracticable to maintain all of these sections, but at every exchange there should be no less than two departments—the refreshment, embracing store, lunch counter, and canteen, and the recreation, which includes all the other branches.

"10. *Sale of liquors prohibited.*—The sale or use of ardent spirits in any branch of the exchange, and in any encampment or fort, or on any premises used for military purposes by the United States, is strictly prohibited; but on the recommendation of the exchange council the commanding officer may permit beer and light wines to be sold at the canteen by the drink whenever he is satisfied that giving to the troops the opportunity of obtaining such beverages within the post limits will prevent them from resorting for strong intoxicants to places without such limits, and tend to promote temperance and discipline among them.

"Should the commanding officer not approve the recommendation of the exchange council, it will be submitted for final decision to the department commander. The canteen must be in a room used for no other purpose, and when practicable in a building apart from that in which the recreation and reading rooms are located. The sale of beer must be limited to week days, and the beer consumed upon the premises. The practice known as 'treating' will not be permitted."

These exchanges have largely replaced the old and objectionable post-trader store at military posts, and have furnished the only means to relieve the cheerlessness and tedium of an enlisted man's life in time of peace, which lower the morale of the force and repel the better class of enlistments.

During the year ending June 30, 1898, the aggregate receipts of the exchanges in operation in the Army amounted to $1,621,398.67, and there was received as money on deposit $189,258.81, making the total amount of money received $1,810,657.48. There was expended for merchandise purchased, rent, fixtures, and repairs, and expenses of operation $1,297,737.16, which, less deposit, give a profit of $323,661.51. From this amount there was donated to the funds of the several regimental bands $9,154.51; to the maintenance of post gardens, $1,559.17; to post libraries, $640.06; to gymnasiums, $2,913.75; as prizes for the encouragement of athletic sports, $3,338.41; and after setting aside the sum of $60,877.58 as a reserve fund to meet anticipated expenses for at least one month there was returned to the members in the form of dividends the sum of $254,890.93.

During the year ending June 30, 1899, the aggregate receipts of the 80 post exchanges and the 34 regimental exchanges in the Army, so far as reports have been received, amounted to $1,609,492.33, and the expenditures $979,012.26, which, less deposit, give a net profit of $309,588.27. From this amount there was donated to the funds of the several regimental bands $5,563.09, to the maintenance of post gardens $1,089.74, to post libraries $1,121.55, to gymnasiums $1,527.07, to athletic sports $1,312.18, and after setting aside the sum of $104,008.03 as a reserve fund there was returned to the members in the form of dividends the sum of $275,580.74.

The aggregate receipts of the post exchanges, therefore, during the past two years have been $3,420,149.81, and the dividends $530,471.67. The net value of these exchanges—that is to say, the balance of their combined assets over their liabilities—was on June 30, 1899, $253,792.26.

The wide difference between the terms used by Congress in the act of June 13, 1890, distinctly and unmistakably prohibiting all sales of alcoholic liquors, beer, or wine in military posts in States where sales to civilians are prohibited by law, and the terms used in the act of March 2, 1899, which seemed to be designed as a regulation of the sale in post exchanges and a prohibition of such sale by post traders, led to a reference by my predecessor to the Attorney-General for a construction of this provision of the act of March 2, 1899.

The Attorney-General, on the 12th of April, rendered an opinion to the effect that the section in question "does not prohibit the continuance of the sale of intoxicating drinks through the canteen sections of the post exchanges as heretofore organized and carried on, except that, of course, no officer or soldier can be put on duty in the canteen section to do the selling, either directly or indirectly."

The regulations have been amended to comply with the statute as thus construed. I agree with the view that this is the more reasonable construction of the statute. It is, however, questioned by many citizens, and it is very desirable that if Congress does in fact intend to absolutely prohibit the sale of beers and light wines in post exchanges to the soldiers of our Army in States where such sale is permitted by law to all other persons, this intention should be expressed in terms which are free from doubt.

It is to be observed that the sale of ardent spirits is now strictly prohibited by the Army Regulations and that the sale of beer and light wines is limited to the cases where the commanding officer of the post "is satisfied that giving to the troops the opportunity of obtaining such beverages within the post limits will prevent them from resorting for strong intoxicants to places without such limits, and tends to promote temperance and discipline among them."

For the purpose of ascertaining the effect of this regulation a circular letter was sent to each department commander on the 2d of May last, directing the submission of a series of questions to the officers of the Army, designed to elicit the results of their experience and observation as to the effect of the sale of beer, etc., in post exchanges upon the morality, sobriety, and discipline of the troops, and their opinions as to the effect of an actual prohibition.

I append hereto (marked Appendix C) a copy of the circular letter, and an abstract giving the substance of the expressions which have been received in response.

Some troops were of course so situated at the time that it was not practicable to secure expressions from them. Expressions have been received from 24 of the 25 regiments of infantry, substantially all of the 10 regiments of cavalry, and of the 7 regiments of artillery. It will be perceived that the overwhelming testimony of the Army is to the effect that the present regulation has promoted the temperance, discipline, morals, and health of the enlisted men, and that in the interest of morality and effective service it should be retained. No change has accordingly been made in the regulation.

In considering the testimony of these officers it should be borne in mind that enlisted men are not always on duty; that during considerable portions of their time they always are, and necessarily must be, permitted to go about outside of their camps and posts just as other citizens do, and that when they are thus at liberty it is impossible to subject them to restraints which are not also imposed upon the other members of the community. In States where the sale of intoxicants is permitted by law soldiers will drink outside the camp or post just as other people drink, and it can not be prevented except by confining them to the limits of the camp or post.

This would not only be unjust and injurious, but would reduce enlistment to imprisonment, and immediately put an end to enlistments. The practical question to be considered is not whether soldiers should drink or not drink, but whether they should be permitted to drink beer in the camp, surrounded they be driven to drink bad whisky in the vile resorts which cluster around by the restraining influences of discipline and good association, or whether the limits of every military post and camp, and especially around those in which prohibition is maintained. I have no doubt that the present regulation furnishes the wise answer to this question.

I present the subject thus fully in order that, if Congress takes a different view, the matter may be fully before it for action.

Mr. HULL. I move that all debate on this amendment and this paragraph close in five minutes.

The CHAIRMAN. The gentleman from Iowa, chairman of the committee, moves that all debate upon this amendment be closed in five minutes.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. LITTLEFIELD. Division!

The Chair proceeded to count, and had announced the affirmative vote, when

Mr. LITTLEFIELD. I withdraw the request for a division and do not desire to take the time of the House, and will not request tellers if it can be so that I can have a few moments in closing debate.

Mr. HULL. How much time does the gentleman want?

Mr. LITTLEFIELD. Perhaps five minutes.

The CHAIRMAN. The Chair will say to the gentleman from Maine, if it remain at five minutes, he will be compelled to recognize the gentlemen on the committee in preference to others.

Mr. HULL. Mr. Chairman, everyone has the right to print whatever he desires on this bill, or any part of it, and I want to have a vote on the bill to-night, and must get it, or it goes over indefinitely.

Mr. LITTLEFIELD. Will the gentleman on the committee consent to ten minutes?

Mr. HULL. The committee has voted for five minutes. I have no right to give it.

The CHAIRMAN. The motion of the gentleman from Iowa has carried, and debate is limited to five minutes.

Mr. HULL. I yield two minutes to the gentleman from Missouri. I will yield to the gentleman from Maine two minutes.

Mr. BARTHOLDT. Mr. Chairman, I suppose that section 40 of this bill represents the sentiment of the War Department on this question. If that is so, I desire to impress my friends here upon the floor with the idea that if the War Department reports or recommends a section of this kind it is presumed that it is based upon practical experience. There is practical experience upon one side and sentiment upon the other. Practical experience teaches the generals, the colonels, and the officers of the War Department that the canteen is an institution in the interest of temperance. The

sentiment which we strike upon the other side is in the interest of temperance. It is only a question as to which side is right.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL. I yield one minute to the gentleman from Ohio [Mr. DICK].

Mr. DICK. Mr. Chairman, the gentleman from Massachusetts gives the best reason why section 40 should not pass unamended—simply because it is inoperative law, and therefore accomplishes nothing. The gentleman from Texas is wrong when he says that all army officers testify to the wisdom of the sale of liquors at the army canteen. On the contrary, we have the testimony of General Miles, General Shafter, General Wheeler, Surgeon-General Sternberg, and many other officers who regard it as demoralizing to discipline and as interfering seriously with the efficiency, the health, and the service of the soldier. Contrary to the expression of the member from Texas, and taking decided issue with him, I insist that the mothers of this country who give their sons to the Army of the United States have the right to petition the American Congress, and that these appeals to protect their boys from undue temptation ought not to go unheeded. [Loud applause.]

The gentleman from New Jersey is wrong when he assumes that this amendment aims to destroy the army canteen. Its simple purpose is to keep the canteen from being converted into a saloon, and does not interfere with any of its social features.

The overwhelming public opinion which brought this question into the House at the close of last session has not changed, nor have the conditions it was intended to affect. The amendment may not accomplish all its friends expect of it, but why shall we legislate to encourage an evil? It is not a function of our Government to engage in the sale of intoxicating liquors.

Mr. Chairman, consistent with the report of the Committee on Military Affairs at the close of last session, and in which action I joined, I shall support with my vote the amendment of the gentleman from Maine and urge its adoption by the House. [Applause.]

Mr. LITTLEFIELD. Mr. Chairman, I only wish to say, in answer to the suggestions of the gentleman from Massachusetts [Mr. FITZGERALD], that I challenge absolutely the accuracy of the statements made by him in relation to the operation of the prohibitory law of Maine. I do not contend that it is an absolute success, that it is enforced with such a degree of success as ought to attend it, but I do contend, and every man who has any knowledge of the conditions knows, that the result of the enactment and enforcement of the prohibitory law has been vastly in favor of the improvement of the people of Maine during the whole of its history. It has increased sobriety, and conserved law and order, and been conducive to good citizenship.

I deny the proposition that during the history of the law there has been any increase of crime or of the evils that are attendant upon the sale of intoxicating liquor. I assert that the contrary is true. I deny the assertion that liquor is sold in Maine as openly as in any other community. In Washington, for instance, it is sold as openly as dry goods, groceries, and other articles of legitimate merchandise. The saloons advertise in the papers, by signs over their doors, upon their windows, and by a display of their goods in the windows on the street to attract the attention of the traveler.

I have lived in Maine all my life and I never saw or had my attention called to a saloon in Maine that thus advertised its business upon the streets or in the press, and I deny that there are any such. While there are saloons in Maine, principally in the cities and larger towns, they have been driven behind the door by the law, where they are looked for, instead of openly and publicly drawing the attention of customers by attractive devices, as do saloons elsewhere. And this, I submit, is far different from the open selling as it exists elsewhere.

But the State of Maine is not on trial here. The only question is whether or not it shall be the policy of the United States to say that its soldiers shall be protected from the evils of intemperance by this legislation. That is the only proposition. Now, I care not what reasons men may have, whether it is because the saloons favor it or not, or whether it is a proposition that temperance people favor, so long as they record their votes in favor of this amendment. I give a list of military and naval officers, many of them eminent in their profession, who condemn liquor selling in canteens.

British Generals Wolseley, Roberts, and Kitchener.

Generals Miles, Shafter, Wheeler, Corbin, Sternberg (Surgeon-General), Howard, Henry, Boynton, Wilcox, Stanley, Rochester, Harries, Carr, Carlin, Graham, Bliss, Lee (Assistant Quartermaster-General).

Colonels of following regiments, which had no canteens: First and Third Nebraska (Col. W. J. Bryan); First Texas; First Wisconsin; Second, Fourth, Sixth, and Eighth Ohio; Fifth, Eighth, Twelfth, and Thirteenth Pennsylvania; Second and Fifth Missouri; Twenty-fifth Kansas; One hundred and fifty-seventh, One hundred and fifty-ninth, and One hundred and sixtieth Indiana; First, Third, Fourth, Fifth, Sixth, and Ninth Illinois; First, Second, Third, and Fourth Kentucky; District of Columbia Regiment; First and Second Mississippi; First New Hampshire; Fifth and Eighth Massachusetts; First Washington; Fifteenth Minnesota; First and Second Arkansas; Forty-ninth, Fiftieth, and Fifty-second Iowa; First South Dakota; Second Virginia; Second South Carolina, and Second Louisiana. (Many of these regiments tried the canteen and then abolished it.)

Lieutenant-Colonels Treuman, North Dakota; Beck, Kansas.

Chaplains Sam Small, Third United States Engineers (no canteen); Crawford and Harbaugh, Ohio; House, Massachusetts; Hunter and Brady, Pennsylvania; White, Texas; Todd, Illinois; Phillips, Nebraska; Cook, Georgia; Stamper, Kentucky; Solomon, Missouri; Babcock, Arkansas; Kimball (regulars); Watts, Texas, and Lyman, Louisiana.

Surgeons Genella (regulars); Ward, Missouri; Penrose, Utah; Epler, Tennessee.

Adjutant Venable (United States Engineers).

Maj. Burton R. Ross, District of Columbia.

Capt. R. S. Woodson (expert on tropical diseases); Hunt, Battery D, Pennsylvania.

Lieut. A. K. Taylor (Regular Army), article in United Service Magazine.

Rear-Admiral Sampson, Rear-Admiral Kimberly, and Commodore I. H. Gibbs; Captains Folger, Barker, Higginson, Crowninshield, Bradford.

The following orders, and extracts from letters and articles, fully sustain my contention:

THE CANTEEN IN THE REGULAR ARMY.

[Lieut. A. K. Taylor, then of the Ninth Infantry, in the United Service Magazine for April, 1892.]

What is this institution but one of licensed idleness, with the attraction of beer, cards, dice, billiards, and other kindred solicitations to extravagance and dissipation? The young recruit, fresh from the rural districts, of whom we hope much from his enlistment, is met on the threshold of his military life with the invitation to waste his money, become a beer drinker, a card player, a dice thrower, and an idler of his time. We may, and doubtless will, return him to civil life, if we limit him to one enlistment, as now proposed, enfeebled in body, weakened in mind, and morals tainted—the end a ruined manhood.

OPINIONS EXPRESSED DURING THE LATE WAR.

[General Miles's anti-canteen order.]

GENERAL ORDER, No. 87.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, July 2, 1898.*

The Army is engaged in active service under climatic conditions which it has not before experienced.

In order that it may perform its most difficult and laborious duties with the least practicable loss from sickness, the utmost care consistent with prompt and efficient service must be exercised by all, especially by officers.

The history of other armies has demonstrated that in a hot climate abstinence from the use of intoxicating drink is essential to continued health and efficiency.

Commanding officers of all grades and officers of the medical staff will carefully note the effect of the use of such light beverages—wines and beer—as are permitted to be sold at the post and camp exchanges, and the commanders of all independent commands are enjoined to restrict, or to entirely prohibit, the sale of such beverages, if the welfare of the troops or the interests of the service require such action.

In this most important hour of the nation's history it is due the Government from all those in its service that they should not only render the most earnest efforts for its honor and welfare, but that their full physical and intellectual force should be given to their public duties, uncontaminated by any indulgences that shall dim, stultify, weaken, or impair their faculties and strength in any particular.

Officers of every grade, by example as well as by authority, will contribute to the enforcement of the order.

By command of Major-General Miles:

H. C. CORBIN, *Adjutant-General.*

[General Shafter.]

HEADQUARTERS OF THE FIFTH ARMY CORPS, *Santiago de Cuba, July 30, 1898.*

I have always been strongly opposed to the canteen system or the sale of intoxicating drinks of any kind on military reservations, and have opposed it until absolutely overruled and required to establish a canteen at my post.

I regard it demoralizing to the men, besides impairing seriously their efficiency. There are always in every regiment a number of men that will under any circumstances get and drink liquor, but the great majority are temperate, abstemious men, and it is to those that the evil effects of the post-exchange system work the greatest injury, as young men who would not think of going away from the post for liquor will, when it is placed before them and every inducement offered them to purchase, do so and thus gradually acquire habits of intemperance.

The plea that it furnishes a large sum, which it does, to improve the table fare of the men is, in my opinion, a very poor one, as the Government of the United States is perfectly able to feed its men without any assistance from the profits of rum selling. I have absolutely prohibited the sale of liquor or the opening of saloons in the city of Santiago, and have refused permission for cargoes of beer to come from the States here. I think that the necessity of refraining from drink is fully realized by all the men, and of their own accord they would refrain from drinking.

WILLIAM H. SHAFTER, *Major-General United States Volunteers, Commanding.*

["Fighting Joe Wheeler."]

HEADQUARTERS UNITED STATES FORCES, *Camp Wikoff, Montauk Point, Long Island, September 20, 1898.*

I am a thorough believer in temperance in all things, and am utterly opposed to soldiers being sold intoxicating liquors, and I believe that every effort should be exercised to remove the temptation of such dissipation from them.

You must recollect that all men are human, and if we can not make every thing perfect, we must make it as near perfect as possible.

J. WHEELER, *Major-General, United States Volunteers.*

[Surgeon-General Sternberg.]

I do not think much of the beer canteen. The theory that the soldier needs a beer canteen to keep him from going to outside saloons for something stronger is all wrong. There is nothing in it. On the contrary, a great many young soldiers who are not accustomed to drink contract drinking habits at these canteens, and are ruined. There is no need whatever for intoxicating drinks at these canteens, and it will be a good thing for the Army if they are abolished.

[Milo B. Ward, major and surgeon, United States Volunteers, Kansas City, Mo., September 23, 1898.]

I have had good opportunity to observe the effects of beer on the health of the men in the Second Division, Third Army Corps, and I am forced to confess that it was one of the features of camp life which caused the medical

department much concern. I was some of the time medical officer of the day, and in that capacity I visited and inspected the entire division.

I urged in each report made that the canteens be closed. I found the troops who drank beer suffered from malarial jaundice, and many of them were very ill.

I can not say that a limited quantity of beer would have been injurious, but the quantity can not be controlled if canteens are permitted to be open. Many of the regiments found it necessary to close their canteens.

[Surgeon Genella.]

HOSPITAL HEADQUARTERS, CAMP WIKOFF, LONG ISLAND,
September 23, 1898.

What the houses of prostitution are to the youth of the city, so are the canteens of our Army to the soldiers.

W. GENELLA,
Regimental Surgeon Seventh Regular United States Infantry.

[Chaplain E. L. House, Fifth Massachusetts, United States Volunteers, Camp Meade, Middletown, Pa., September 22, 1898.]

There is no doubt in my mind that the sale of intoxicating liquors has done more to contribute to the sickness, death, and troubles of camp life than all other things combined. In our post exchange we have never allowed anything but tonics to be sold. Lager beer, etc., have been entirely excluded, and we have held the record, wherever we have been, of being the best behaved and most gentlemanly regiment of the field. Our colonel, while not a prohibitionist, would not assume the moral consequences that would surely come from the sale of beer. His own words are: "I am not going to educate men to drink, through the sale of beer, that have never drank intoxicating liquors." Almost all our own court sentences have been the result of men getting liquor outside of the camp when on leave, or else running the guard to get the same.

In fact, I have been told by the most trustworthy source that the great disaster of deaths that came to one of our regiments was due, not to the fighting in the trenches of Santiago, but to a weakened condition and disturbance of the stomachs of the men, brought on by the use of intoxicating liquors before arriving in Cuba, which, with the extreme heat and exposure, brought fever to many men.

[Colonel Glenn.]

HEADQUARTERS FOURTEENTH REGIMENT
PENNSYLVANIA VOLUNTEER INFANTRY,
Camp Meade, Middletown, Pa., September 23, 1898.

There are many ways that a soldier can ruin himself, but I think the canteen is the most damnable of all. I have never allowed one in my regiment, and I never will.

W. J. GLENN, *Colonel, Commanding.*

[General Willcox.]

It is my opinion that the public good, as well as personal character of those concerned, would be enhanced very much by the exclusion of liquor from the rank and file of the Army, except under due medical prescription.

O. B. WILLCOX,
Brevet Major-General (retired).

WASHINGTON, D. C.

[General Rochester.]

There is no doubt that the drink habit works very great injury to the Army. It has been shown over and over again that those who endure the greatest fatigue and exposure are the men who do not drink.

WILLIAM B. ROCHESTER,
Brigadier-General, United States Army (retired).

WASHINGTON, D. C.

[General Carlin.]

It has always, since I was old enough to have an opinion, been my conviction that the public good would be enhanced by the exclusion of liquor from all circles. It does no good anywhere and countless evils everywhere. It is useless to discriminate between the Army and other people. Liquor is a nuisance and an evil, and no greater blessing to mankind could come to it than the total prohibition of its manufacture, sale, and use.

WILLIAM R. CARLIN,
Brigadier-General, United States Army (retired).

GRAND HOTEL, NEW YORK CITY.

TESTIMONY BEFORE THE WAR INVESTIGATION COMMISSION.

Major-General Boynton, who was then in command at Camp Thomas, testified before the commission, and his testimony was in part reported by the New York Tribune as follows:

"Asked if each regiment had a sutler, General Boynton replied: 'They had something worse than a sutler; each one had a canteen.' He said that 372 car loads of beer had been sold in the camp. He deprecated the fact that Army regulations permitted the canteen system."

Col. James C. Lee, assistant quartermaster-general, testified to facts with regard to drink in the camp that were reported in the New York Sun in the following paragraph:

"I think the freedom of the admission of beer and other articles into camp and the frequenting of the rum-selling holes in town more dangerous than sleeping on the ground."

Chaplain Phillips testifies that the canteen was prohibited by Col. William Jennings Bryan in his Nebraska regiment.

ABSTINENCE BEST FOR THE NAVY, TOO.

Rear-Admiral Sampson, in interview published in New Voice:

"I think there is but one opinion among officers of the Navy about grog, and it is that alcoholic liquors have no place in the Navy of the United States except as a medicine. Intoxicating liquors of all sorts should be abolished."

[Commodore Gibbs.]

In my opinion, there can be no question that the public good would be greatly enhanced by the exclusion of alcoholic drink, as a beverage, from both Army and Navy circles. The man who needs the stimulus of alcoholic liquor to enable him to perform his duty is not to be trusted in any capacity. In my experience of nearly fifty years as an officer in the United States Navy I think I can safely say that 90 per cent of all punishments inflicted on board ship that have come under my observation can be traced directly to rum.

I. H. GIBBS,
Commodore, United States Navy.

ALEXANDRIA, VA.

[Rear-Admiral Kimberly.]

I should say, as a naval man, that alcoholic liquor could be dispensed with with advantage, except for medical purposes.

In the Navy the grog ration has been abolished for years and coffee substituted in the early morning before any work is done. I look upon alcoholic drinks as medicine, and they should only be used as such.

L. A. KIMBERLY,
Rear-Admiral United States Navy (retired).

SECRETARY LONG'S ANTI-CANTEEN ORDER.

GENERAL ORDER, No. 508. NAVY DEPARTMENT, *Washington, February 3, 1899.*

After mature deliberation the Department has decided that it is for the best interest of the service that the sale or issue to enlisted men of malt or other alcoholic liquors on board ships of the Navy, or within the limits of naval stations, be prohibited.

Therefore, after the receipt of this order, commanding officers and commandants are forbidden to allow any malt or other alcoholic liquor to be sold to, or issued to, enlisted men, either on board ship, or within the limits of navy-yards, naval stations, or marine barracks, except in the medical department.

JOHN D. LONG, *Secretary.*

In regard to the above order, Secretary Long, in an interview February 19, 1899, said that the order was issued principally for the protection of apprentice boys in the service. He said in part:

"It is not true that any society outside the service caused the issuing of the order. It was done at the solicitation of naval officers themselves. The matter was first suggested to the Department by Captain Folger, of the cruiser *New Orleans*. After his return from the war he wrote a letter in which he fully explained the evils which, in his judgment, resulted from permitting the sale of liquor on shipboard. This letter I referred to a number of other captains. Among them were Captains Barker, Higginson, Crowninshield, and Bradford. After a careful consideration of the matter they reported, a majority of them favoring the absolute prohibition of beer and liquor on board. Then it was that the order was issued. The Department felt that its duty to the boys and men in the service required such an order." (Washington Post, February 20.)

GENERAL KITCHENER'S VICTORIOUS ABSTAINERS.

The British army has gathered the first experimental evidence bearing upon this military temperance question. Three regiments were selected from each of several brigades for tests at different times, partly during maneuvers. In one every man was forbidden to drink a drop while the test lasted; in the second, malt liquor only could be purchased; in the third, a sailor's ration of whisky was given to eachman.

The experiment was repeated in several instances where forced marches and other hard work was required. The whisky drinkers showed more dash at first, but generally in about four days showed signs of lassitude and abnormal fatigue. Those given malt liquor displayed less dash at first, but their endurance lasted somewhat longer. The abstainers, however, are said to have increased daily in alertness and staying powers. As a result of this experiment the British war department decided that in the recent Soudan campaign not a single drop of stimulant should be allowed in camp, save for hospital use.

The officers, including even the generals, could no longer enjoy their accustomed spirits, wines, and malt liquors at their mess tables. There must have been some wry faces, especially among the Scotch laddies, when the order was published that for all hands, including even camp followers, liquid refreshment was to be limited to tea, oatmeal water, or lime juice and Nile water. To-day it is a great feather in the headgear of the advocates of military total abstainers that Lord Kitchener's recent victory was won for him by an army of teetotalers, who made phenomenal forced marches through the desert, under a burning sun, and in a climate famed for its power to kill or prematurely age the unacclimated. Indeed, it is said that never has there been a British campaign occasioning so little sickness and profiting by so much endurance. (Washington Star.)

Hon. William S. Caine, M. P., of England, at a reception in New York City on October 20, 1898, stated that Lord Roberts, commander in chief, had said to him that one-third of the British army in India, 24,800 out of 75,000, furnish 2,000 more effective troops than the other two-thirds, who are not abstainers.

In a speech before the English Army Temperance Association, Lord Wolseley said: "There are yet some battles to be fought, some great enemies to be encountered by the United Kingdom, but the most pressing enemy at present is drink. It kills more than all our newest weapons of warfare, and not only destroys the body, but the mind and soul also.

These are only a few among similar views expressed by many Army officers of all grades.

EFFECT OF THE CANTEEN AT FORT VANCOUVER, WASH.

PORTLAND, OREG., *March 20, 1900.*

DEAR SIR: I have read the article written in opposition to the anti-canteen law, and would say I have lived for seven years on a car line that goes to and from the barracks of Vancouver, Wash., and will say as a positive fact that until liquor was sold inside the barracks that we never saw drunken soldiers on the car. Nine were on the car on Sunday morning coming in Portland from the barracks, all in different stages of drunkenness, but all drunk. It is awful. As a member of the body to vote on this, won't you please cast your vote in favor of no canteen, for the sake of our soldier boys?

Respectfully, yours,

S. J. STEWART.

JOHN H. KETCHAM.

In the report of the Adjutant-General for 1899 it is claimed that the "work of these exchanges, so far as the regular regiments are concerned, has been fulfilled in a satisfactory manner," and an effort is made to answer the criticism that had grown out of the operation of certain regimental exchanges by the suggestion that they were in volunteer regiments, and were operated contrary to the principle of the exchange system. It seems that the canteen, in some form in which intoxicating liquor was sold, existed in the regular and volunteer regiments. An analysis of the vital statistics, found in the same report, demonstrates very clearly that there was in operation some cause that was much more disastrous to the regular than the volunteer.

These statistics show that from May 1, 1898, to June 30, 1899, the average monthly strength of regulars was 56,218; average monthly strength of volunteers, 112,041—nearly twice as many volunteers as regulars.

Between above dates, among regulars 1 officer and 32 enlisted men committed suicide; among volunteers 1 officer and 20 enlisted men committed suicide; among 56,218 regulars 26 soldiers died from murder or homicide, and among 112,041 volunteers the same number, 26; among regulars, 924 men were dishonorably discharged by sentence of general court-martial, and 508 among twice as many volunteers; among 56,218 regulars in above period 3,036 deserted while out of twice as many volunteers only 2,736 deserted.

If we are at liberty to infer that this was principally caused by the sale of intoxicants in the canteen, it could hardly be said to operate in "a satisfactory manner" so far as the regulars are concerned.

Finally, the following summary, compiled from the official returns of the English army in India, fully corroborates the position which we maintain:

THE EFFECT OF ARMY ABSTINENCE IN INDIA IN 1898.

	Members Army Temperance Association.	Nonmembers.
Number of soldiers included in return	18,663	48,842
Convictions by court-martial, per 1,000	4.12	30.38
Summary punishments for insubordination, per 1,000	39.70	92.32
Admissions to hospital, per 1,000	209	302

The CHAIRMAN. The time of the gentleman from Maine has expired. The question is on agreeing to the amendment offered by the gentleman from Maine.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, a parliamentary inquiry. Would it be in order to cross out the words "military purposes" and put in "on any premises?"

The CHAIRMAN. It would not. There are two amendments already pending. The question is on agreeing to the amendment of the gentleman from Maine.

The question was taken.

The CHAIRMAN. The Chair is in doubt.

The question was again taken; and there were 159 in the affirmative and 51 in the negative.

So the amendment was agreed to.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I move the adoption of a new section, to be numbered section 41.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after section 40, a new section, as follows:
"That no intoxicating drink of any kind shall be sold upon any premises owned or controlled by the United States."

Mr. HULL. Mr. Chairman, I raise the point of order on that. It is not in order on this bill, and I call for a ruling.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I wish to address myself to the point of order. The gentleman from Ohio [Mr. GROSVENOR] a few moments ago spoke of the great demand of the people of the United States for the abolition of liquor selling in the military camps of the United States, and said that in answer to that demand, although he did not believe in the amendment, he was going to vote for the proposition; and the gentleman from Virginia——

Mr. HULL. Mr. Chairman, the gentleman is not speaking to the point of order.

Mr. FITZGERALD of Massachusetts. I am leading gradually up to the point of order. The gentleman from Virginia spoke about the bad effect the canteens have upon the common soldier. He said their establishment was a constant source of temptation to the soldier to drink. Now, if we are to deprive the soldier of an opportunity to purchase his beer upon the property of the United States let us deprive the members of Congress of the same opportunity and do equal justice and drive liquor selling out of the Capitol. If, as the gentleman from Virginia has stated, it seems discreditable to a large number of the people of the United States to allow liquor to be sold to the soldiers and sailors upon the property of the United States, how much more discreditable must it seem to allow liquor to be sold right here in the National Capitol. [Laughter and applause.]

The CHAIRMAN. The gentleman is not speaking to the point of order.

Mr. FITZGERALD of Massachusetts. It seems to me, Mr. Chairman, after the members of this House have voted overwhelmingly a few moments ago to prohibit liquor selling on all property under the jurisdiction of the military government, that it is perfectly proper for us to do a little penance ourselves, therefore I ask for a vote of the House upon this proposition. Let us put ourselves right upon this great question, and let us be consistent by meting out the same policy to ourselves that we deal out to the soldiers and sailors in the service of the United States.

I think the members of this House are as well able to stint themselves in the matter of liquor drinking, particularly when there are so many opportunities near at hand to satisfy their thirst, as the soldier or sailor who may be thousands of miles away from home. We will have the satisfaction at the same time of driving the sale of intoxicating liquor from the National Capitol.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts may offer the amendment which he desires.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the gentleman from Massachusetts [Mr. FITZGERALD] may offer the amendment which he desires.

Mr. SHATTUC. I object.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 41. That the President is hereby authorized to select from the retired list of the Army an officer, not above the rank of brigadier-general, who may have distinguished himself during the war with Spain, in command of a separate army, and to appoint, by and with the advice and consent of the Senate, the officer so selected to be major-general, United States Army, with the pay and allowances established by law for officers of that grade on the retired list.

Mr. KLUTTZ. Mr. Chairman, I move to strike out section 41 of the bill. I do so——

Mr. HULL. Mr. Chairman, I move that all debate on this section close in ten minutes.

Mr. KLUTTZ. For the same reasons that moved the House to strike out section 36. Section 41 is intended, and can only be intended, for one purpose, and that is to enable the President to retire one certain officer, whose name I shall not call, with the pay and allowances of a major-general of the Regular Army. I believe there is but one officer on the retired list above the grade of brigadier-general who may be affected by this provision, and it is manifestly in his personal interest that this section is proposed.

I am opposed to any and all personal legislation superimposed upon general bills; and I give notice that if this motion prevails I shall then move to strike out section 42, which is, as I understand, a correlative proposition. I hope the House will sustain the motion to strike out.

Mr. JETT. Mr. Chairman, I most heartily second the motion of the gentleman from North Carolina [Mr. KLUTTZ]. The purpose of section 41 is to give to the President of the United States authority to place another officer upon the retired list; and, if I am properly informed, it is an officer now on the retired list of volunteers as a brigadier-general. I do not care to whom the provision may apply, but I believe the time has come when the Congress of the United States should not be trying at every session to increase the retired list.

I have the same objection to section 42 of this bill that I have to section 41. By examining the records, it will be ascertained that since the 2d of April, 1897, there has been placed upon the retired list 3 major-generals and 23 brigadier-generals. And here now it is sought to give the President of the United States the opportunity to increase that retired list. The last Army appropriation bill carried $1,273,000 to pay the salaries of the officers who have heretofore been placed upon the retired list of the Army.

This is direct class legislation. It is that class of legislation to which I am opposed. I stand now, as heretofore, in opposition to the character of legislation that is continually increasing the retired list. I am therefore in favor of striking out section 41 and section 42 of this bill. This bill was introduced for the purpose, as is shown upon its face, not of placing men on the retired list, but for increasing the efficiency of the military establishment of the United States. That being the purpose of the bill, why should these two sections be put in here expressly to give the President the opportunity to place these gentlemen upon the retired list?

I know it will be said that they have rendered distinguished services to the Government of the United States. Let that be granted for the sake of argument; still if they have done so, it is simply because of the fact that they have had an opportunity to do so. There are other distinguished gentlemen in the Army, had they had the opportunity, who would have rendered just as able and distinguished services as have any of the gentlemen who are sought to be taken care of by this bill at this time. I believe that now, when we have seen that we have been compelled to appropriate over a million dollars to pay the salaries of these retired officers, the time has come for us to stop placing men on the retired list. For that reason I am in favor of striking out sections 41 and 42 of this bill. [Applause.]

Mr. HULL. I ask unanimous consent that all debate on this section close in ten minutes.

Several MEMBERS. Five minutes.

Mr. HULL. Very well; five minutes.

The CHAIRMAN. Is there objection to closing the debate on this question in five minutes?

There was no objection.

Mr. HULL. Mr. Chairman, the section now under consideration authorizes the President to place a man on the retired list who has had a separate command and who has performed distinguished service during the Spanish war. The House, I suppose, knows whom this is intended for. I assume that if the provision should pass, Brigadier-General Shafter will be made a major-general on the retired list. And so far as I am concerned, I believe that he has earned this recognition by long and distinguished service, commenced in 1861 and continuing without a day's intermission up to the present hour. He has been in the

Army, volunteer or regular, since 1861. He performed distinguished service during the Spanish war. No matter what criticism may have been made at the time, the results of the campaign in Santiago have demonstrated the fact that it was magnificently planned and splendidly executed. So far as I am concerned, it seems to me that an act of Congress giving the President the right to retire this officer just one grade beyond what he has attained will be but an act of mere justice to one of the most distinguished officers of the American Army, who is acting now as major-general of volunteers. I call for a vote.

The question being taken on the amendment of Mr. KLUTTZ to strike out section 41, it was agreed to; there being on a division—ayes 121, noes 100.

The Clerk read as follows:

SEC. 42. That the President is authorized to select from the brigadier-generals of volunteers two volunteer officers, without regard to age, and appoint them brigadier-generals, United States Army, for the purpose of placing them upon the retired list.

Mr. KLUTTZ. I move to strike out section 142. [Laughter.]

Mr. GROSVENOR. I move to strike out section 42.

Mr. KLUTTZ. I move to strike out section 42.

Mr. JETT. I move to strike out the section.

Mr. GROSVENOR. I made the motion first.

Mr. KLUTTZ. I gave notice in advance that I would make this motion, and I hope the gentleman from Ohio will yield to me, because my friend the chairman of the committee has said——

The CHAIRMAN. The gentleman from Illinois [Mr. JETT], who is a member of the committee, has been recognized by the Chair, and has moved to strike out section 42.

Mr. GROSVENOR. Does the Chair rule that that gentleman made the motion first?

The CHAIRMAN. The gentleman from Illinois, a member of the committee, was recognized.

Mr. GROSVENOR. Any way, so the section goes out, I do not care.

Mr. JETT. I ask for a vote on my proposition.

The question being taken, the motion to amend by striking out section 42 was agreed to.

The next section was read, as follows:

SEC. 43. That nothing in this act shall be held or construed so as to discharge any officer from the Army or to deprive him of the commission which he now holds.

Mr. HULL. I move to amend the section just read by inserting before the word "Army" the word "Regular."

The motion was agreed to.

Mr. HULL. I move further to amend by adding at the end of the section the word "therein."

The amendment was agreed to.

The CHAIRMAN. The bill having now been read through, the question is on the adoption of the substitute as amended.

The substitute was agreed to.

Mr. HULL. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendment and with a favorable recommendation.

The motion was agreed to.

The SPEAKER accordingly resumed the chair, and Mr. DALZELL reported that the Committee of the Whole House on the state of the Union having had under consideration the bill S. 4300, a bill to increase the efficiency of the military establishment of the United States, had instructed him to report the same to the House with an amendment in the nature of a substitute and that as so amended the bill do pass.

Mr. MCCLELLAN. Mr. Speaker, I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MCCLELLAN. I have a motion which I desire to submit to recommit this bill with instructions to the Committee on Military Affairs. I desire to offer that motion at the proper time. I would ask the Chair when it should be done.

The SPEAKER. The time has not yet come.

Mr. HULL. Mr. Speaker, I move the previous question on the amendments to the substitute and on the bill to its final passage.

Mr. FITZGERALD of Massachusetts. Is it in order, Mr. Speaker, to ask the yeas and nays on the amendment offered by the gentleman from Maine [Mr. LITTLEFIELD]?

The SPEAKER. It is not, the Chair will state, because that question is not before the House in a separate form, not being reported as a separate amendment, as the Chair understands it, from the Committee of the Whole.

The question now is on the motion of the gentleman from Iowa [Mr. HULL] for the previous question.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the substitute.

Mr. BARTHOLDT. Is it not in order to have a vote on the amendments?

The SPEAKER. The Chair understands from the report of the Chairman of the committee that no separate amendment was reported to the House, but that a substitute was presented for its action.

Mr. DALZELL. The report was, Mr. Speaker, that the committee had instructed me to report an amendment to the bill in the nature of a substitute.

The SPEAKER. That is what the Chair understood.

Mr. HULL. And we have adopted the previous question.

Mr. DALZELL. As Chairman of the Committee of the Whole, I reported to the House the amendment adopted by the committee in the nature of a substitute for the Senate bill.

The SPEAKER. The Chair understood that to be the report, and has no knowledge of matters taking place in the Committee of the Whole House on the state of the Union.

Mr. BARTHOLDT. Is it not possible now, Mr. Speaker, to demand a separate vote on one of the amendments?

The SPEAKER. The Chair will state to the gentleman from Missouri that there is but one amendment before the House, and that is the substitute bill.

Mr. BARTHOLDT. And no separate vote can be asked upon the several provisions of that substitute?

The SPEAKER. No; as there is but one amendment to be voted on, and hence no separate vote can be taken upon the various provisions of that amendment.

Mr. HAY. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAY. I understand that we considered in Committee of the Whole the bill, which was finally amended by the adoption of a substitute. That substitute was amended in various ways in the Committee of the Whole. Do I understand now that the vote is only upon the substitute as a whole, and not upon the various parts of it which were considered by the committee?

The SPEAKER. The Chair will state to the gentleman that the House can only vote upon the perfected amendment which has been reported from the Committee of the Whole—that is, the substitute for the Senate bill as amended.

The question is on agreeing to that amendment.

The question was taken on the substitute for the Senate bill as amended; and on a division (demanded by Mr. SULZER) there were—ayes 193, noes 107.

So the substitute as amended was agreed to.

The SPEAKER. The question is now on agreeing to the third reading of the Senate bill as amended.

The third reading of the bill was ordered, and the bill was accordingly read the third time.

Mr. MCCLELLAN. Mr. Speaker, I move now, if it be in order, to recommit this Senate bill (No. 4300) to the Committee on Military Affairs with the instructions I send to the desk.

The Clerk began reading the motion of Mr. MCCLELLAN.

Mr. MCCLELLAN. I have no desire to force the House to listen to this entire bill. It is six printed pages long. It is the present law with the exception that its provisions are continued until the end of the fiscal year 1903.

Mr. HULL. Mr. Speaker, I call for the yeas and nays.

Mr. MCCLELLAN. To save time, I ask unanimous consent that the reading of my motion to recommit be dispensed with.

The SPEAKER. The gentleman asks unanimous consent to dispense with the reading of the motion.

Mr. BARTHOLDT. Mr. Speaker——

The SPEAKER. The Chair will first submit the request of the gentleman from New York.

Mr. BARTHOLDT. Will it be in order now to ask to amend the instructions contained in that motion?

The SPEAKER. One thing at a time. The gentleman from New York has been on his feet while this motion is being considered. He has not as yet demanded the previous question. If the previous question is ordered by the House, no amendment will then be in order. If not, then an amendment will be in order. The question before the House——

Mr. MCCLELLAN. Has not the previous question been already ordered?

The SPEAKER. Gentlemen will suspend. If the House will be patient we will reach the matter in order. The question now before the House is the request of the gentleman from New York [Mr. MCCLELLAN] to dispense with the further reading of the motion. Is there objection to that request?

Mr. HULL. I should like to couple with that a request that the motion of the gentleman from New York be printed in the RECORD. It will not be unless that is granted.

Mr. MCCLELLAN. I have no objection to that, although I supposed it would go into the RECORD anyway.

The SPEAKER. Coupled with that is the request that the proposed bill be printed in the RECORD. Is there objection?

There was no objection.

The motion is as follows:

Mr. MCCLELLAN moved to recommit Senate bill 4300 to the Committee on Military Affairs with instructions to report it back, forthwith, with the following amendments:

Strike out all after the enacting clause and insert the following:

"That from and after the date of approval of this act the Army of the United States shall consist of 3 major-generals, 6 brigadier-generals, 10 regiments of cavalry, 7 regiments of artillery, 25 regiments of infantry, an Adjutant-General's Department, an Inspector-General's Department, a Judge-

Advocate-General's Department, a Quartermaster's Department, a Subsistence Department, a Medical Department, a Pay Department, a Corps of Engineers, an Ordnance Department, a Signal Corps, 30 chaplains, to be assigned to regiments or posts in the discretion of the Secretary of War, the officers of the Record and Pension Office, the officers and enlisted men of the Army on the retired list, the professors, corps of cadets, an Army service detachment and band at the United States Military Academy, and such other officers and enlisted men as may hereinafter be provided for: *Provided*, That when a vacancy shall occur through death, retirement, or other separation from active service, in the office of storekeeper in the Quartermaster's Department and Ordnance Department, respectively, now provided for by law, said offices shall cease to exist.

"SEC. 2. That each regiment of cavalry shall consist of 1 colonel; 1 lieutenant-colonel; 3 majors; 14 captains, 2 of whom shall be available for detail as adjutant and quartermaster; 16 first lieutenants, of whom 1 shall be available for detail as commissary and 3 for detail as squadron adjutants; 12 second lieutenants, 2 veterinarians, 1 sergeant-major, 1 quartermaster-sergeant, 1 commissary-sergeant, who shall have the rank, pay, and allowances of a regimental quartermaster-sergeant of cavalry; 3 squadron sergeant-majors, who shall be senior to and have the pay and allowances of first sergeants of cavalry; 1 band; and 12 troops organized into three squadrons of four troops each: *Provided*, That nothing herein contained shall be construed as abolishing the office of chaplain in each regiment of colored cavalry. Each cavalry band shall consist of 1 chief musician; 1 chief trumpeter; 1 principal musician; 1 drum major, who shall have the rank, pay, and allowances of a first sergeant; 4 sergeants; 8 corporals; 1 cook, and 11 privates. Each troop of cavalry shall consist of 1 captain; 1 first lieutenant; 1 second lieutenant; 1 first sergeant; 1 quartermaster-sergeant, who shall have the pay and allowances of a sergeant; 6 sergeants, 6 corporals, 2 cooks, 2 farriers and blacksmiths, 1 saddler, 1 wagoner, 2 trumpeters, and 43 privates. Of the veterinarians provided for in this act, 1 shall have the pay and allowances of a second lieutenant of cavalry and 1 shall have the pay of $75 per month and the allowances of a sergeant-major: *Provided*, That the veterinarian appointed to the first grade shall not be so appointed until he shall have passed an examination, to be prescribed by the Secretary of War, as to his physical, moral, and professional qualifications: *Provided further*, That the veterinarians now in the service who do not pass such competitive examination shall be eligible to the positions of the second class under such rules as are now prescribed by the regulations. The regimental sergeant-major and the regimental quartermaster sergeant provided for in this section shall have the pay and allowances of ordnance sergeants.

"SEC. 3. That each regiment of artillery shall consist of 1 colonel, 1 lieutenant-colonel, 3 majors, 16 captains, 2 of whom shall be available for detail as adjutant and quartermaster; 16 first lieutenants, 14 second lieutenants, 1 sergeant-major, 1 quartermaster-sergeant, 1 band, and 14 batteries, of which 2 may be organized as field artillery.

"Each artillery band shall consist of 1 chief musician, 1 chief trumpeter, 1 principal musician, 1 drum major, who shall have the rank, pay, and allowances of a first sergeant; 4 sergeants, 8 corporals, 1 cook, and 11 privates.

"Each battery of heavy artillery shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 quartermaster-sergeant, who shall have the pay and allowances of a sergeant; 8 sergeants, 12 corporals, 2 musicians, 2 mechanics, who shall have the pay and allowances of sergeants of artillery; 2 cooks, and 52 privates.

"Each battery of field artillery shall consist of 1 captain, 2 first lieutenants, 1 second lieutenant, 1 first sergeant, 1 stable sergeant, 1 quartermaster-sergeant, 6 sergeants, 12 corporals, 4 artificers, 2 musicians, 2 cooks, and 51 privates.

"In addition to the enlisted men specified there shall be 1 electrician sergeant to each post garrisoned by coast artillery having electrical appliances, who shall have the pay and allowances of an ordnance sergeant.

"SEC. 4. That each regiment of infantry shall consist of 1 colonel, 1 lieutenant-colonel, 3 majors, 14 captains, 2 of whom shall be available for detail as adjutant and quartermaster, 16 first lieutenants, of whom 1 shall be available for detail as commissary and 3 for detail as battalion adjutants; 12 second lieutenants, 1 sergeant-major, 1 quartermaster-sergeant, 1 commissary-sergeant, who shall have the rank, pay, and allowances of a regimental quartermaster-sergeant of infantry; 3 battalion sergeant-majors, who shall be senior to and have the pay and allowances of a first sergeant; 1 band, and 12 companies, organized into 3 battalions of 4 companies each: *Provided*, That nothing herein contained shall be construed as abolishing the office of chaplain in each regiment of colored infantry.

"Each infantry band shall consist of 1 chief musician, 1 principal musician, 1 drum major, who shall have the rank, pay, and allowances of a first sergeant; 4 sergeants, 8 corporals, 1 cook, and 12 privates.

"Each infantry company shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 quartermaster-sergeant, who shall have the pay and allowances of a sergeant, 4 sergeants, 6 corporals, 2 cooks, 2 musicians, 1 artificer, and 48 privates: *Provided*, That the limits of age for original enlistments in the Army shall be 18 and 35 years.

"SEC. 5. That all vacancies created or caused by the provisions of this act above the grade of second lieutenant in the line of the Army shall be filled by promotion according to seniority in the several arms, subject to the examinations now prescribed by law: *Provided*, That the additional second lieutenants now attached to each regiment of artillery shall be absorbed in the artillery or transferred to other arms where vacancies exist without loss of relative rank, leaving but one second lieutenant in each battery.

"Vacancies in the grade of second lieutenant shall be filled as now provided by law, except that no person shall be appointed from civil life before he shall have reached the age of 21 years nor after he shall have reached the age of 27 years, nor until he shall have passed a satisfactory examination as to his moral, physical, and educational qualifications.

"SEC. 6. That the Adjutant-General's and Inspector-General's departments shall consist of the number of officers now in those departments, respectively: *Provided*, That vacancies in the grade of major occurring in either department shall hereafter be filled from captains in the line of the Army: *And provided further*, That all such captains who have evinced marked aptitude in the command of troops shall be reported by their regimental commanders to the War Department and shall be entitled to compete for any such vacancy under such system of examination as the President shall prescribe.

"SEC. 7. That the Judge-Advocate-General's Department, Quartermaster's Department, Subsistence Department, Medical Department, Pay Department, Corps of Engineers, Ordnance Department, and Signal Corps shall consist of the officers and enlisted men now provided by law: *Provided*, That the battalion of engineers, and the officers serving therewith, shall constitute a part of the line of the Army: *Provided further*, That in time of war retired officers of the Army may, in the discretion of the President, be employed on active duty, other than in the command of troops, and when so employed they shall receive the full pay and allowances of their grades: *And provided also*, That no person in civil life shall hereafter be appointed a judge-advocate, paymaster, or chaplain until he shall have passed satisfactorily such examination as to his moral, mental, and physical qualifications as may be prescribed by the President; and no such person shall be appointed who is more than forty-four years of age: *Provided further*, That in case of the appointment of an officer who has served in a similar capacity during the war with Spain and has demonstrated his moral, mental, and physical qualifications for the position, then such examination shall not be required.

"SEC. 8. That the Chief of the Record and Pension Office of the War Department shall hereafter have the rank, pay, and allowances of a brigadier-general, and there shall be an assistant chief of said office, who shall have the rank, pay, and allowances of a major, and who may be appointed from civil life: *Provided*, That whenever a vacancy shall occur in the office of Chief of the Record and Pension Office subsequent to the passage of this act said grade shall cease and determine, and thereafter the chief of said office shall have the rank, pay, and allowances of a colonel.

"SEC. 9. That the cooks authorized by this act shall have the pay and allowances of sergeants of infantry.

"SEC. 10. That the corps of cadets shall consist of 1 from each Congressional district, 1 from each Territory, 1 from the District of Columbia, and 20 from the United States at large. They shall be appointed by the President, and shall, with the exception of the 20 cadets appointed at large, be actual residents of the Congressional or Territorial districts, or of the District of Columbia, or of the States, respectively, from which they purport to be appointed.

"SEC. 11. That so much of the acts approved July 7, 1898, as authorizes the assignment of certain officers of the Quartermaster's and Subsistence departments with increased rank and the continuance in service of certain volunteer officers of those departments for a period of one year after the close of the present war is repealed.

"SEC. 12. That to meet the present exigencies of the military service the President is hereby authorized to maintain the Regular Army at a strength of not exceeding 65,000 enlisted men, to be distributed amongst the several branches of the service, including the Signal Corps, according to the needs of each, and raise a force of not more than 35,000 volunteers to be recruited as he may determine from the country at large, or from the localities where their services are needed, without restriction as to citizenship or educational qualifications, and to organize the same into not more than 27 regiments organized as are infantry regiments of war strength in the Regular Army, and 3 regiments to be composed of men of special qualifications in horsemanship and marksmanship, to be organized as cavalry for service mounted or dismounted: *Provided*, That each regiment shall have one surgeon, with the rank of major; two assistant surgeons, one of whom shall have the rank of captain and one that of first lieutenant, and three hospital stewards: *Provided further*, That such increased regular and volunteer force shall continue in service only during the necessity therefor, and not later than July 1, 1901.

"All enlistments for the volunteer force herein authorized shall be for the term of two years and four months, unless sooner discharged.

"SEC. 13. That the President shall have power to continue in service or to appoint, by and with the advice and consent of the Senate, brigadier-generals of volunteers, who, including the brigadier-generals of the Regular Army, shall not exceed 1 for every 4,000 enlisted men actually in service, and major-generals of volunteers, who, including the major-generals of the Regular Army, shall not exceed 1 for every 12,000 enlisted men: *Provided*, That Regular Army officers continued or appointed as general officers or as field or staff officers of volunteers, under the provisions of this Act, shall not vacate their Regular Army commissions: *And provided further*, That no general officers appointed under the provisions of this section shall be continued in service as such beyond July 1, 1901: *And provided also*, That any officer now in the Army, who was graduated at the head of his class at the United States Military Academy and who is not now in the Corps of Engineers, may be appointed to the Corps of Engineers with the same grade and date of commission that he would have if he had been appointed to the Corps of Engineers on graduation; but said commission shall not entitle an officer to any back pay or allowance.

"SEC. 14. That the President is hereby authorized to continue in service, or to appoint by and with the advice and consent of the Senate, officers of the volunteer staff, as follows:

"Three assistant adjutant-generals with the rank of lieutenant-colonel, and 6 assistant adjutant-generals with the rank of major.

"Three inspectors-general with the rank of lieutenant-colonel, and 6 inspectors-general with the rank of major.

"Five judge-advocates with the rank of major.

"Thirty quartermasters with the rank of major, and 40 assistant quartermasters with the rank of captain.

"Six commissaries of subsistence with the rank of major, and 12 assistant commissaries of subsistence with the rank of captain.

"Thirty-four surgeons with the rank of major.

"Thirty additional paymasters with the rank of major.

"Four signal officers with the rank of major, 9 signal officers with the rank of captain, 9 signal officers with the rank of first lieutenant, and 9 signal officers with the rank of second lieutenant.

"*Provided*, That for each Regular Army officer of a staff corps or department who may be retained in or appointed to a higher volunteer rank in said staff corps or department than that actually held by him in the regular establishment there may be appointed one officer of volunteers of the lowest grade mentioned in this section for such staff corps or department, but no appointment shall be made which will increase the total number of officers, regular and volunteer, serving in any grade, above the number authorized by this act: *And provided also*, That all the volunteer staff officers herein authorized to be appointed or retained in the service shall be honorably discharged on July 1, 1901, or sooner if their services are no longer required: *And provided further*, That the officers herein authorized shall be appointed by the President, by and with the advice and consent of the Senate.

"SEC. 15. That the officers and enlisted men of the Volunteer Army shall be mustered out of the military service of the United States and discharged as provided in the act of April 22, 1898: *Provided*, That enlisted men of volunteers who desire to remain in the military service, either in the Regular Army or the temporary force authorized by this act, may, if found qualified therefor, be transferred to and enlisted in such batteries, troops, or companies as may be below the maximum authorized strength, and when so transferred and enlisted shall be credited on their new enlistment with the periods of service rendered by them, respectively, as volunteers: *And provided further*, That the President is authorized to enlist temporarily in service for absolutely necessary purposes in the Philippine Islands volunteers, officers and men, individually or by organization, now in those islands and about to be discharged, provided their retention shall not extend beyond the time necessary to replace them by troops authorized to be maintained under the provisions of this act and not beyond a period of six months: *Provided, also*, That each and every provision of this act shall continue in force until July 1, 1903; and on and after that date all the general, staff, and line officers appointed to the Army under this act shall be discharged and the numbers restored in each grade to those existing at the passage of this act, and the enlisted force of the line of the Army shall be reduced to the number as provided for by a law prior to April 1, 1898, exclusive of such additions as have been, or may be, made under this act to the artillery, and except the cadets provided for by this act, who may be appointed prior to July 1, 1901: *And provided further*, That no officer who has been, or may be, promoted under existing law, or under the rules of seniority, shall be disturbed in his rank.

"SEC. 16. That the Secretary of War be, and he is hereby, authorized to permit enlisted men of the United States Army to make allotments of their pay, under such regulations as he may prescribe, for the support of their families or relatives, for their own savings, or for other purposes, during

such time as they may be absent on distant duty, or under other circumstances warranting such action.

"SEC. 17. That no officer or private soldier shall be detailed to sell intoxicating drinks, as a bartender or otherwise, in any post exchange or canteen, nor shall any other person be required or allowed to sell such liquors in any encampment or fort or on any premises used for military purposes by the United States; and the Secretary of War is hereby directed to issue such general order as may be necessary to carry the provisions of this section into full force and effect.

"SEC. 18. That all laws or parts of laws which conflict with the provisions of this act are hereby repealed."

Mr. HULL. Now I move the previous question. I thought I had moved it to the passage of the bill.

The SPEAKER. That applied to the bill, but not to the motion to recommit made by the gentleman from New York.

Mr. WILLIAMS of Mississippi. A point of order.

The SPEAKER. Did the Chair understand the gentleman from New York to demand the previous question on his motion?

Mr. MCCLELLAN. I do not. I yield to the gentleman from Missouri.

The SPEAKER. Then the gentleman from Missouri is recognized.

Mr. PAYNE. The gentleman from Iowa moved the previous question, and said he thought he had done so before, in moving the previous question on the bill to the final passage.

The SPEAKER. The Chair is not advised of any motion made by the gentleman from Iowa for the previous question on the motion of the gentleman from New York.

Mr. HULL. I did make the motion, but the gentleman from Missouri insisted that he was recognized by the Chair.

The SPEAKER. The gentleman from Missouri had not been recognized except for a parliamentary inquiry.

Mr. HULL. I move the previous question.

Mr. MCCLELLAN. I think I have the floor.

The SPEAKER. The gentleman from Iowa demands the previous question on the motion of the gentleman from New York [Mr. MCCLELLAN].

Mr. BAILEY of Texas. Mr. Speaker, a parliamentary inquiry. In the interest of proper practice I wish to say that it seems to me that the gentleman from Iowa did move the previous question upon the bill to its passage. If that is true, then it included all motions, with the motion to recommit among the rest.

The SPEAKER. The Chair can not take that view of it. The gentleman did ask for the previous question and that was ordered by the House upon the bill to its passage; but that does not preclude the House from voting on a motion to recommit. However, the gentleman from Iowa [Mr. HULL] now asks for the previous question on the motion to recommit made by the gentleman from New York. That is the question now before the House.

The previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from New York [Mr. MCCLELLAN] to recommit the bill to the Committee on Military Affairs with instructions.

Mr. HULL. I call for the yeas and nays on that.

Mr. BARTHOLDT. Mr. Speaker——

Mr. MCCLELLAN. I join in the request for the yeas and nays made by the gentleman from Iowa.

Mr. BARTHOLDT. Now I ask again whether it will be in order to amend the motion to instruct?

The SPEAKER. No amendment of any kind can now be made. As many as are in favor of ordering this vote to be taken by the yeas and nays will rise in their places and remain standing until counted.

The yeas and nays were ordered.

The question was taken; and there were—yeas 70, nays 246, answered "present" 2, not voting 38; as follows:

YEAS—70.

Bankhead,	Davey,	Little,	Ruppert,
Barber,	Davis,	Livingston,	Ryan, N. Y.
Bartlett,	Denny,	McCall,	Ryan, Pa.
Bell,	Elliott,	McClellan,	Slayden,
Bellamy,	Fitzgerald, Mass.	McCulloch,	Sparkman,
Brantley,	Fitzgerald, N. Y.	McDowell,	Stark,
Breazeale,	Fleming,	Maddox,	Sutherland,
Brenner,	Gaston,	Mann,	Swanson,
Broussard,	Gayle,	Meekison,	Taylor, Ala.
Burke, Tex.	Glynn,	Meyer, La.	Terry,
Burleson,	Gordon,	Miers, Ind.	Thayer,
Caldwell,	Griffith,	Muller,	Underhill,
Cooney,	Hay,	Naphen,	Underwood,
Cooper, Tex.	Jett,	Newlands,	Williams, W. E.
Cox,	King,	Polk,	Zenor,
Crowley,	Lamb,	Richardson, Ala.	Ziegler.
Cummings,	Lassiter,	Robinson, Ind.	
Davenport, S. W.	Lester,	Robinson, Nebr.	

NAYS—246.

Acheson,	Ball,	Bromwell,	Calderhead,
Adams,	Barney,	Brosius,	Cannon,
Aldrich,	Bartholdt,	Brown,	Capron,
Alexander,	Benton,	Brownlow,	Carmack,
Allen, Ky.	Bingham,	Bull,	Clark, Mo.
Allen, Me.	Bishop,	Burke, S. Dak.	Clayton, Ala.
Atwater,	Boreing,	Burkett,	Clayton, N. Y.
Babcock,	Boutell, Ill.	Burleigh,	Cochran, Mo.
Bailey, Kans.	Bowersock,	Burnett,	Cochrane, N. Y.
Bailey, Tex.	Brewer,	Burton,	Connell,
Baker,	Brick,	Butler,	Conner,
Cooper, Wis.	Hedge,	Miller,	Sibley,
Corliss,	Hemenway,	Minor,	Sims,
Cousins,	Henry, Conn.	Mondell,	Smith, Ill.
Cowherd,	Henry, Miss.	Moody, Mass.	Smith, Iowa,
Cromer,	Henry, Tex.	Moody, Oreg.	Smith, Ky.
Crumpacker,	Hepburn,	Moon,	Smith, H. C.
Curtis,	Hill,	Morgan,	Smith, Samuel W.
Cusack,	Hitt,	Morrell,	Smith, Wm. Alden
Dahle,	Hoffecker,	Morris,	Snodgrass,
Dalzell,	Hopkins,	Mudd,	Southard,
Davenport, S. A.	Howard,	Needham,	Spalding,
Davidson,	Howell,	Neville,	Sperry,
Dayton,	Hull,	Noonan,	Spight,
De Armond,	Jack,	Norton, Ohio,	Sprague,
De Graffenreid,	Johnston,	O'Grady,	Steele,
Dick,	Jones, Va.	Olmsted,	Stephens, Tex.
Dougherty,	Jones, Wash.	Otey,	Stevens, Minn.
Dovener,	Joy,	Otjen,	Stewart, N. J.
Driscoll,	Kahn,	Overstreet,	Stewart, N. Y.
Eddy,	Kerr, Md.	Packer, Pa.	Stewart, Wis.
Emerson,	Kerr, Ohio,	Parker, N. J.	Stokes,
Esch,	Ketcham,	Payne,	Sulloway,
Faris,	Kitchin,	Pearce, Mo.	Sulzer,
Finley,	Kleberg,	Pierce, Tenn.	Talbert,
Fitzpatrick,	Kluttz,	Pearre,	Tate,
Fletcher,	Knox,	Phillips,	Tawney,
Fordney,	Lacey,	Powers,	Tayler, Ohio
Foss,	Landis,	Prince,	Thomas, Iowa
Fowler,	Lane,	Pugh,	Thomas, N. C.
Fox,	Lanham,	Quarles,	Thropp,
Gaines,	Latimer,	Ray, N. Y.	Tompkins,
Gamble,	Lawrence,	Reeder,	Tongue,
Gardner, Mich.	Lewis,	Rhea, Ky.	Turner,
Gardner, N. J.	Linney,	Rhea, Va.	Vandiver,
Gibson,	Littauer,	Richardson, Tenn.	Van Voorhis,
Gilbert,	Littlefield,	Rixey,	Vreeland,
Gill,	Lloyd,	Robb,	Wadsworth,
Gillet, N. Y.	Long,	Roberts,	Watson,
Gillett, Mass.	Lorimer,	Rodenberg,	Weaver,
Graff,	Loud,	Rucker,	Weeks,
Green, Pa.	Loudenslager,	Russell,	Weymouth,
Greene, Mass.	Lovering	Salmon,	Wheeler,
Griggs,	Lybrand,	Scudder,	Williams, J. R.
Grosvenor,	McCleary,	Shackleford,	Williams, Miss.
Grout,	McDermott,	Shafroth,	Wilson, S. C.
Grow,	McLain,	Shattuc,	Wise,
Hall,	McRae,	Shaw,	Wood,
Hamilton,	Mahon,	Shelden,	Wright,
Haugen,	Marsh,	Sheppard,	Young.
Hawley,	Mercer,	Sherman,	
Heatwole,	Metcalf,	Showalter,	

ANSWERED "PRESENT"—2.

Adamson, Jenkins.

NOT VOTING—38.

Allen, Miss.	Crump,	May,	Stallings,
Barham,	Cushman,	Mesick,	Wachter,
Berry,	Dinsmore,	Norton, S. C.	Wanger,
Boutelle, Me.	Driggs,	Pearson,	Warner,
Bradley,	Foster,	Ransdell,	Waters,
Brundidge,	Freer,	Reeves,	White,
Campbell,	Graham,	Ridgely,	Wilson, Idaho
Catchings,	Lents,	Riordan,	Wilson, N. Y.
Chanler,	Levy,	Robertson, La.	
Clarke, N. H.	McAleer,	Small,	

So the motion to recommit with instructions was rejected.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

Mr. HAY. Mr. Speaker, on that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 171, nays 133, answered "present" 4, not voting 48; as follows:

YEAS—171.

Acheson,	Davenport, S. A.	Hoffecker,	Mudd,
Aldrich,	Davidson,	Hopkins,	Needham,
Alexander,	Dayton,	Howell,	O'Grady,
Allen, Me.	Dick,	Hull,	Olmsted,
Babcock,	Dovener,	Jack,	Otjen,
Baker,	Driscoll,	Jones, Wash.	Overstreet,
Barney,	Eddy,	Joy,	Packer, Pa.
Bingham,	Emerson,	Kahn,	Parker, N. J.
Bishop,	Esch,	Kerr, Md.	Payne,
Boreing,	Faris,	Kerr, Ohio.	Pearce, Mo.
Boutell, Ill.	Fletcher,	Ketcham,	Pearre,
Bowersock,	Fordney,	Knox,	Phillips,
Brick,	Foss,	Lacey,	Powers,
Bromwell,	Fowler,	Landis,	Prince,
Brosius,	Gamble,	Lane,	Pugh,
Brown,	Gardner, Mich.	Lawrence,	Ray, N. Y.
Brownlow,	Gardner, N. J.	Linney,	Reeder.
Bull,	Gibson,	Littauer,	Roberts,
Burke, S. Dak.	Gill,	Littlefield,	Rodenberg,
Burkett,	Gillet, N. Y.	Long,	Russell,
Burleigh,	Gillett, Mass.	Lorimer,	Scudder,
Burton	Graff,	Loud,	Shattuc,
Butler,	Greene, Mass.	Loudenslager,	Shaw.
Calderhead,	Grosvenor,	Lovering,	Shelden,
Cannon,	Grout,	Lybrand,	Sherman,
Capron,	Grow,	Mahon,	Showalter,
Clayton, N. Y.	Hall,	Mann,	Sibley,
Cochrane, N. Y.	Hamilton,	Marsh,	Smith, Ill.
Connell,	Haugen,	Mercer,	Smith, Iowa.
Conner,	Hawley,	Metcalf,	Smith, H. C.
Cooper, Wis.	Heatwole,	Miller,	Smith, Samuel W.
Cousins,	Hedge,	Minor,	Smith, Wm. Alden
Cromer,	Hemenway,	Mondell,	Southard,
Crumpacker,	Henry, Conn.	Moody, Mass.	Spalding,
Curtis,	Hepburn,	Moody, Oreg.	Sperry,
Dahle,	Hill,	Morrell,	Sprague,
Dalzell,	Hitt,	Morris,	Steele,

Stevens, Minn.	Tayler, Ohio	Van Voorhis,	Weymouth,
Stewart, N. J.	Thomas, Iowa	Vreeland,	Wise,
Stewart, N. Y.	Thropp,	Wadsworth,	Wood,
Stewart, Wis.	Tompkins,	Watson,	Wright,
Sulloway,	Tongue,	Weaver,	Young.
Tawney,	Underhill,	Weeks,	

NAYS—133.

Allen, Ky.	Dougherty,	Lloyd,	Salmon,
Atwater,	Elliott,	McCall,	Shackleford,
Bailey, Tex.	Finley,	McClellan,	Shafroth,
Ball,	Fitzgerald, Mass.	McCulloch,	Sheppard,
Bankhead,	Fitzgerald, N. Y.	McDermott,	Sims,
Barber,	Fleming,	McDowell,	Slayden,
Bartlett,	Fox,	McLain,	Smith, Ky.
Bell,	Gaines,	McRae,	Snodgrass,
Bellamy,	Gaston,	Maddox,	Sparkman,
Benton,	Gayle,	Meekison,	Spight,
Brantley,	Gilbert,	Meyer, La.	Stark,
Breazeale,	Glynn,	Miers, Ind.	Stephens, Tex.
Brenner,	Gordon,	Moon,	Stokes,
Brewer,	Green, Pa.	Muller,	Sulzer,
Broussard,	Griffith,	Naphen,	Sutherland,
Burke, Tex.	Griggs,	Neville,	Swanson,
Burleson,	Hay,	Newlands,	Talbert,
Burnett,	Henry, Miss.	Noonan,	Tate,
Caldwell,	Henry, Tex.	Otey,	Taylor, Ala.
Carmack,	Howard,	Pierce, Tenn.	Terry,
Clark, Mo.	Jett,	Polk,	Thomas, N. C.
Clayton, Ala.	Johnston,	Quarles,	Turner,
Cochran, Mo.	Jones, Va.	Rhea, Ky.	Underwood,
Cooney,	King,	Rhea, Va.	Vandiver,
Cooper, Tex.	Kitchin,	Richardson, Ala.	Wheeler,
Cowherd,	Kleberg,	Richardson, Tenn.	Williams, J. R.
Cox,	Klutts,	Rixey,	Williams, W. E.
Crowley,	Lamb,	Robb,	Williams, Miss.
Cummings,	Lanham,	Robinson, Ind.	Wilson, S. C.
Cusack,	Lassiter,	Robinson, Nebr.	Zenor,
Davenport, S. W.	Lester,	Rucker,	Ziegler.
Davis,	Lewis,	Ruppert,	
De Armond,	Little,	Ryan, N. Y.	
De Graffenreid,	Livingston,	Ryan, Pa.	

ANSWERED "PRESENT"—4.

Adamson,	Denny,	Jenkins,	Norton, Ohio.

NOT VOTING—48.

Adams,	Clarke, N. H.	Lentz,	Riordan,
Allen, Miss.	Corliss,	Levy,	Robertson, La.
Bailey, Kans.	Crump,	McAleer,	Small,
Barham,	Cushman,	McCleary,	Stallings,
Bartholdt,	Davey,	May,	Thayer,
Berry,	Dinsmore,	Mesick,	Wachter,
Boutelle, Me.	Driggs,	Morgan,	Wanger,
Bradley,	Fitzpatrick,	Norton, S. C.	Warner,
Brundidge,	Foster,	Pearson,	Waters,
Campbell,	Freer,	Ransdell,	White,
Catchings,	Graham,	Reeves,	Wilson, Idaho
Chanler,	Latimer,	Ridgely,	Wilson, N. Y.

So the bill was passed.

The following pairs were announced:

Until further notice:

Mr. MESICK with Mr. RIORDAN.

Mr. CRUMP with Mr. CAMPBELL.

Mr. BOUTELLE of Maine with Mr. BRADLEY.

Mr. CUSHMAN with Mr. ROBERTSON of Louisiana.

Mr. WANGER with Mr. ADAMSON, for this session.

Mr. GRAHAM with Mr. CHANLER, until Monday.

Mr. REEVES with Mr. DINSMORE, for this week.

For this day:

Mr. MCCLEARY with Mr. DRIGGS.

Mr. WARNER with Mr. SMALL.

Mr. CLARKE of New Hampshire with Mr. CATCHINGS.

Mr. BARHAM with Mr. ALLEN of Mississippi.

Mr. PEARSON with Mr. BRUNDIDGE.

Mr. WATERS with Mr. WILSON of Idaho.

Mr. MORGAN with Mr. LENTZ.

On this bill:

Mr. JENKINS with Mr. LEVY.

Mr. FREER with Mr. RANSDELL.

Mr. WILSON of New York with Mr. MCALEER.

Mr. ADAMS with Mr. NORTON of Ohio.

Mr. BAILEY of Kansas with Mr. LATIMER.

Mr. BARTHOLDT with Mr. DAVEY.

Mr. WACHTER with Mr. DENNY.

The result of the vote was then announced as above recorded.

On motion of Mr. HULL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States; which was ordered to be printed, and referred to the Committee on Appropriations:

To the Senate and House of Representatives:

I transmit herewith the report from the Secretary of State and accompanying papers relating to the claim against the United States of the Russian subject Gustad Isak Dahlberg, master and principal owner of the Russian bark *Hams*, based on his wrongful and illegal arrest and imprisonment by officers of the United States district court for the southern district of Mississippi, and, in view of the opinion expressed by the Department of Justice that the said arrest and detention of the complainant were wrongful and without the authority of law, I recommend the appropriation by Congress of the sum of $5,000 to reimburse the master and owners of the vessel for all losses and damages incurred by reason of his said wrongful and illegal arrest and detention.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, December 6, 1900.

The SPEAKER also laid before the House the following message from the President of the United States; which was ordered to be printed, and referred to the Committee on Appropriations:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State, with accompanying papers, in relation to the lynching, in La Salle County, Tex., on October 5, 1895, of Florentino Suaste, a Mexican citizen.

Following the course pursued in the case of the lynching of three Italian subjects at Hahnsville, La., on August 8, 1896, and in that of the lynching of the Mexican citizen Luis Moreno, at Yreka, Cal., in August, 1895, I recommend the appropriation by Congress, out of humane consideration, and without reference to the question of liability of the Government of the United States, of the sum of $2,000, to be paid by the Secretary of State to the Government of Mexico, and by that Government distributed to the heirs of the above-mentioned Florentino Suaste.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, December 6, 1900.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit a communication from the Secretary of State, inclosing the annual report of the Director of the Bureau of the American Republics, with accompanying documents.

The attention of Congress is called to the request of the Secretary of State that 2,500 copies of the report be printed for the use of the Bureau.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, December 6, 1900.

CHANGE OF REFERENCE.

The SPEAKER. The Chair desires to call the attention of the House to Executive Document No. 58, a letter from the Secretary of the Treasury, transmitting a copy of the communication from the Secretary of State submitting an estimate of the appropriation for third secretary of embassy, Italy, which by mistake was sent to the Committee on Appropriations, when it should have gone to the Committee on Foreign Affairs. Without objection, this change of reference will be made. [After a pause.] The Chair hears none, and it is so ordered.

PERSONAL REQUESTS OF MEMBERS.

By unanimous consent, leave of absence was granted as follows:

To Mr. FREER, for one week, on account of important business.

To Mr. DAVEY, for five days, on account of important business.

Mr. MCCULLOCH. Mr. Speaker, I desire to ask indefinite leave of absence for my colleague, Mr. BRUNDIDGE, on account of sickness.

The SPEAKER. Without objection, the request of the gentleman from Arkansas will be granted.

There was no objection.

Mr. HULL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly the House (at 6 o'clock and 7 minutes) adjourned until to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred by the Speaker as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and estimates of cost for treatment of that portion of the District of Columbia south of Pennsylvania avenue and north of B street SW., and for a connection between the Potomac and Geological parks—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting report of receipts and disbursements by the treasurer of Porto Rico for the months of May to September, 1900, inclusive—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Chattahoochee River, Georgia—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the auditor of Porto Rico, submitting reports of receipts and disbursements for the months of May to October, 1900, inclusive—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a list of buildings for the construction of which the limit of cost should be extended—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of

Burlington Bay, Minnesota—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Mississippi River between Sandy Lake and Brainerd, Minn.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting a communication from the Quartermaster-General of the Army relating to suspension of certain provisions of law relating to the War Department—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriations for searchlights in New York Harbor—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Ashley River, South Carolina—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Superintendent of the Coast and Geodetic Survey submitting an estimate of appropriation for repairs to steamer *Gedney*—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Upper Illinois and Lower Des Plaines rivers, Illinois—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for observation of the eclipse of the sun May 17, 1901—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for employees of the Naval War College—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Ernest L. Yourtee, administrator of estate of Barton Boteler, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of damage to fortifications at Galveston, Tex.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Boston Harbor, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of effect of storm on Galveston jetties—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of effects of storm on Brazos River jetties—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Buttermilk Channel, New York Harbor—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Appomattox River, Virginia—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Sturgeon Bay and Lake Michigan Ship Canal—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Hay Lake Channel, St. Marys River, Michigan—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Snake River, Idaho and Washington—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Cleveland Harbor, Ohio—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Great Pedee River, South Carolina—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Mississippi River in Kentucky and Tennessee, with the view to the construction of levees—to the Committee on Levees and Improvement of the Mississippi River, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Rock River, Illinois—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Beverly Harbor, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Sandusky Harbor, Ohio—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Scuppernong River, North Carolina—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Savannah Harbor, Georgia—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Trent River, North Carolina—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Lake Erie entrance to Black Rock Harbor and Erie Basin, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

Report of the Librarian of Congress for the year ended June 30, 1900—to the Committee on Library, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting the report of the Maritime Canal Company of Nicaragua—to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 12281) to amend section 3255 of the Revised Statutes of the United States, concerning the distilling of brandy from fruits, reported the same without amendment, accompanied by a report (No. 2012); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the resolution of the House (H. Res. 305) for reference of the several topics treated in the President's message, reported the same with amendments, accompanied by a report (No. 2013).

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 6725) to pension Mary E. Beaton—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12386) granting an increase of pension to William N. Hall—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10130) to increase the pension of James Moss—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HENRY C. SMITH: A bill (H. R. 12400) to provide for the erection of dwellings for the keepers of the Grosse Isle, Michigan, light-houses—to the Committee on Interstate and Foreign Commerce.

By Mr. HAY: A bill (H. R. 12401) to define the duties of the

Medical Department of the Army of the United States—to the Committee on Military Affairs.

By Mr. RIXEY: A bill (H. R. 12402) for the enlargement and improvement of the public building at Alexandria, Va.—to the Committee on Public Buildings and Grounds.

By Mr. DALZELL: A bill (H. R. 12403) to authorize the construction of bridges across the Ohio, Monongahela, Allegheny, Great Kanawha, Cumberland, Tennessee, and Illinois rivers, and the Mississippi River between the mouth of the Minnesota River and the city of Natchez, Miss., and to regulate the location, dimensions, and character of the same—to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERWOOD: A bill (H. R. 12404) to repeal an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and for other purposes—to the Committee on Ways and Means.

By Mr. TERRY: A bill (H. R. 12446) for the erection of a Federal jail at Little Rock, Ark.—to the Committee on the Judiciary.

By Mr. HEPBURN: A bill (H. R. 12447) to amend an act approved June 1, A. D. 1900, entitled "An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein"—to the Committee on the Judiciary.

By Mr. SHAFROTH: A bill (H. R. 12448) to increase the limit of cost for the purchase of site and erection of a mint building thereon at Denver, Colo.—to the Committee on Public Buildings and Grounds.

By Mr. NAPHEN: A bill (H. R. 12449) to provide homes and employment for the homeless poor and make them self-sustaining home owners—to the Committee on the Public Lands.

By Mr. BURLEIGH: A joint resolution (H. J. Res. 277) to appoint Charles A. Boutelle a captain on the retired list of the Navy—to the Committee on Naval Affairs.

By Mr. CANNON: A joint resolution (H. J. Res. 278) authorizing the Commissioners of the District of Columbia to employ an additional assistant to the attorney—to the Committee on the District of Columbia.

By Mr. ROBERTS: A memorial of the legislature of the State of Massachusetts, relative to the purchase of Temple Farm and Moore House, at Yorktown, Va., by the United States Government—to the Committee on Military Affairs.

By Mr. NAPHEN: A memorial of the legislature of the State of Massachusetts, relative to the purchase of Temple Farm and Moore House, at Yorktown, Va., by the United States Government—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 12405) granting an increase of pension to Samuel Briscoe—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 12406) for the recognition of the military service of company officers and enlisted men of the First Union League Regiment Pennsylvania Volunteers as emergency militia who served under the field and staff officers of the Forty-fifth Regiment Pennsylvania Militia and were mustered out as part of the latter regiment—to the Committee on Military Affairs.

By Mr. BROWNLOW: A bill (H. R. 12407) for the relief of George F. Brott—to the Committee on War Claims.

By Mr. COCHRANE of New York: A bill (H. R. 12408) granting an increase of pension to Charlotte D. Alden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12409) granting a pension to Choe E. Miller—to the Committee on Invalid Pensions.

By Mr. CROWLEY: A bill (H. R. 12410) granting a pension to Elmer Decker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12411) granting a pension to Catherine T. Howell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12412) granting an increase of pension to James T. Maxfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12413) to correct the military record of Clark Brashear—to the Committee on Military Affairs.

Also, a bill (H. R. 12414) to correct the military record of Henry Simmons—to the Committee on Military Affairs.

By Mr. FINLEY: A bill (H. R. 12415) granting an increase of pension to Carrie Otis Wallace—to the Committee on Pensions.

By Mr. FLEMING: A bill (H. R. 12416) for the relief of W. O. Donovan and the heirs of Lizzie M. Donovan, deceased—to the Committee on War Claims.

By Mr. FREER: A bill (H. R. 12417) for the relief of the late Andrew S. Core—to the Committee on War Claims.

By Mr. GARDNER of New Jersey: A bill (H. R. 12418) for the relief of Anna M. Mershon, administratrix of Daniel S. Mershon, deceased—to the Committee on War Claims.

By Mr. GILL: A bill (H. R. 12419) granting an increase of pension to Enoch Pearce, jr.—to the Committee on Invalid Pensions.

By Mr. HOWELL: A bill (H. R. 12420) for the relief of Henry Lane—to the Committee on Military Affairs.

By Mr. MANN: A bill (H. R. 12421) granting a pension to Mrs. Alice Asbury Abbott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12422) to correct the military record of Hall P. Talbot—to the Committee on Military Affairs.

Also, a bill (H. R. 12423) granting an honorable discharge to William Noble—to the Committee on Military Affairs.

By Mr. NORTON of Ohio: A bill (H. R. 12424) granting a pension to Henry Wascher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12425) granting a pension to Lizzie A. Campbell—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 12426) granting an increase of pension to Jefferson M. Wilson—to the Committee on Invalid Pensions.

By Mr. RAY of New York: A bill (H. R. 12427) granting an increase of pension to Michael Haley—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 12428) for the relief of James M. Gullatt—to the Committee on War Claims.

Also, a bill (H. R. 12429) for the relief of Peter Crenshaw—to the Committee on Military Affairs.

By Mr. RODENBERG: A bill (H. R. 12430) to correct the military record of Robert Moore—to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 12431) granting an increase of pension to Albert E. Daniels—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 12432) for the relief of J. R. Claybrooke—to the Committee on War Claims.

By Mr. SULLOWAY: A bill (H. R. 12433) granting an increase of pension to Ferdinand Wagner—to the Committee on Invalid Pensions.

By Mr. THAYER: A bill (H. R. 12434) granting a pension to Marie Barton Greene—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 12435) granting a pension to Benjamin G. Page—to the Committee on Pensions.

Also, a bill (H. R. 12436) for the relief of the First Baptist Church, of Newbern, N. C.—to the Committee on War Claims.

By Mr. YOUNG: A bill (H. R. 12437) for the relief of William H. Crawford—to the Committee on Naval Affairs.

Also, a bill (H. R. 12438) granting an increase of pension to Alonzo C. Schank—to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 12439) granting a pension to Elmira Mead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12440) for the relief of William Brown—to the Committee on Military Affairs.

By Mr. GREEN of Pennsylvania: A bill (H. R. 12441) granting an increase of pension to Aaron R. Rohrbach—to the Committee on Pensions.

By Mr. HILL: A bill (H. R. 12442) granting an increase of pension to Mary E. Starr—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 12443) for the relief of Ann Gallois—to the Committee on Military Affairs.

By Mr. O'GRADY: A bill (H. R. 12444) granting an increase of pension to John D. Cohler—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 12445) for the relief of Robert Spring—to the Committee on Military Affairs.

By Mr. PEARRE: A bill (H. R. 12450) granting a pension to Charles Forrest—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12451) to remove the charge of desertion from the record of Nathan Trail—to the Committee on Military Affairs.

Also, a bill (H. R. 12452) to remove the charge of desertion from the record of David Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 12453) for the relief of the trustees of the German Reformed Church, Middletown, Md.—to the Committee on War Claims.

By Mr. HITT: A bill (H. R. 12454) to authorize Commander Frederick M. Wise, United States Navy, to accept a testimonial from the Emperor of Germany—to the Committee on Foreign Affairs.

Also, a bill (H. R. 12455) to authorize Capt. Bowman H. McCalla, United States Navy, to accept a testimonial from the Emperor of Germany—to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Friday Conversational Club, of

Monongahela, Pa., for forestry reserve and national park in Minnesota—to the Committee on the Public Lands.

By Mr. BARTHOLDT: Petition of the United States Brewers' Association, praying for the reduction of the war tax on beer—to the Committee on Ways and Means.

By Mr. BINGHAM: Resolutions of the Society of the Army of L. B. Miller, D. H. Horst, P. S. Brubaker, and others, of the State of Ohio, favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. BROSIUS: Petition of George H. Slaybaugh, department commander of the Potomac, Grand Army of the Republic, favoring the passage of House bill No. 5499, for the relief of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKETT: Petition of R. M. Taggart and other members of Post No. 214, Grand Army of the Republic, Department of Delegate from the Territory of Hawaii—to the Committee on Elections No. 1.

By Mr. CALDERHEAD: Petitions of citizens of Clay Center, Acme, Enterprise, and Manhattan, Kans., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. CALDWELL: Petition of M. O. and Carl Atterbery, of Oakford, Ill., for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. CROMER: Petition of Indianapolis Branch, No. 39, National Association of Letter Carriers, of Indianapolis, Ind., in favor of the letter carriers' salary bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of substitute letter carriers of Brooklyn, N. Y., in favor of House bill No. 1051, relating to grading of substitute letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of railway postal clerks of Indiana, favoring the bill for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, petition of post-office clerks of Anderson, Ind., urging the passage of the post-office reclassification bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Indiana Bankers' Association, for the repeal of stamp tax on checks, drafts, etc.—to the Committee on Ways and Means.

By Mr. CROWLEY: Evidence to accompany House bill granting a pension to Elmer Decker—to the Committee on Invalid Pensions.

By Mr. EMERSON: Papers to accompany House bill for the relief of William Brown—to the Committee on Military Affairs.

Also, papers to accompany House bill granting a pension to Elmira Mead—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: Petitions of S. Johnson and J. F. Kimble, of Jacksonville, N. J.; S. W. K. Emley, of Burlington, and E. A. Davis, of Wrightstown, N. J., in favor of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. GREENE of Massachusetts: Resolutions of the New Bedford (Mass.) District Ministerial Association, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, petition of Marshall L. Eldridge, H. F. Doane, J. H. Charles, and others, keepers of various life-saving stations on Cape Cod, to increase the pay of keepers to $100 per month—to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Pennsylvania: Papers to accompany House bill granting an increase of pension to Aaron R. Rohrbach, a veteran of the Mexican war—to the Committee on Pensions.

By Mr. HALL: Petition of retail druggists of Bellefonte, Pa., for the repeal of the special tax on proprietary medicines, etc.—to the Committee on Ways and Means.

By Mr. HEPBURN: Petition of Central Life Assurance Society, Equitable Life Insurance Company, Royal Union Mutual Life, National Life and Trust Company, Des Moines Life Insurance Company, Chicago Life Insurance Company, and the Bankers' Life Association, for the repeal or modification of the war-revenue law—to the Committee on Ways and Means.

By Mr. HOWELL: Petition of common council of Perth Amboy, N. J., asking for the erection of a public building on land owned by the Government in that city—to the Committee on Public Buildings and Grounds.

Also, petitions of the Methodist Episcopal Church of Freehold, N. J., and Woman's Missionary Society of First Presbyterian Church of Metuchen, N. J., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. KLUTTZ: Petitions of J. M. Harrison and W. B. Harris, of North Carolina, favoring the Grout bill—to the Committee on Agriculture.

By Mr. MANN: Papers to accompany House bill to correct the military record of Hall P. Talbot—to the Committee on Military Affairs.

Also, petition of Illinois Federation of Women's Clubs, for the establishment of forestry reserve and national park in Minnesota—to the Committee on the Public Lands.

By Mr. McDOWELL: Petition of John Richards, J. C. Hanby, the Potomac, commending the work already accomplished on the National Military Park at Gettysburg, and asking that continued aid be given thereto—to the Committee on Appropriations.

By Mr. MINOR: Petition of D. G. James, department commander of Wisconsin, Grand Army of the Republic, for action on House bill No. 5499, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: Petition of Albert B. Loebenstein, of Hawaii, protesting against the seating of Robert W. Wilcox as a Nebraska, in support of House bill No. 4742, amending section 1225 of the Revised Statutes, relating to military instruction in public schools—to the Committee on Military Affairs.

By Mr. NAPHEN: Resolution of the Third Army Corps Union, of Gettysburg, Pa., commending the work accomplished by the Gettysburg National Park Commission, and asking for further appropriation to complete the work—to the Committee on Appropriations.

By Mr. NORTON of Ohio: Papers to accompany House bill granting a pension to Lizzie A. Campbell—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: Paper to accompany House bill granting an increase of pension to Jefferson M. Wilson—to the Committee on Invalid Pensions.

By Mr. PEARRE: Petition of the estate of Thomas Murphy, deceased, late of Washington, D. C., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of Hezekiah and Barton Boteler, deceased, late of Washington County, Md., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RAY of New York: Resolution of Groton (N. Y.) Methodist Episcopal Sunday School, against island saloons and canteens—to the Committee on Military Affairs.

By Mr. ROBINSON of Indiana: Petitions of H. L. Taylor, of Walcottville, and J. D. Butt, of Arcola, Ind., in favor of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. RUSSELL: Petition of Ekouk Grange, No. 89, Patrons of Husbandry, of Connecticut, and citizens of North Stonington, Conn., in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

Also, papers to accompany House bill granting an increase of pension to Albert E. Daniels—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: Petition of Mrs. O. G. La Rue and others, of Ypsilanti, Mich., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. SMITH of Kentucky: Papers to accompany House bill for the relief of J. C. Claybrooke—to the Committee on War Claims.

By Mr. STARK: Papers to accompany Senate bill No. 2161, granting an increase of pension to Eli F. Chittenden, of York County, Nebr.—to the Committee on Invalid Pensions.

By Mr. TERRY: Paper to accompany House bill for the erection of a Federal jail at Little Rock, Ark.—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: Papers to accompany House bill for the relief of Benjamin Page—to the Committee on Pensions.

Also, papers to accompany House bill for the relief of the First Baptist Church of Newbern, N. C.—to the Committee on War Claims.

By Mr. WADSWORTH: Petitions of citizens of Niagara County, N. Y., asking for an appropriation for the improvement of the harbor at Wilson, Niagara County, N. Y.—to the Committee on Rivers and Harbors.

Also, petition of property owners and citizens of Oak Orchard Harbor, New York, for the improvement of harbor—to the Committee on Rivers and Harbors.

By Mr. YOUNG: Papers to accompany House bill for the relief of Alonzo C. Schank—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of William H. Crawford—to the Committee on Naval Affairs.

Also, petition of J. H. Musser, of Philadelphia, for the repeal of the war-revenue tax on legacies to educational, charitable, and religious societies—to the Committee on Ways and Means.

Also, petition of the Society of the Army of the Potomac, in relation to the National Memorial Park at Gettysburg, Pa.—to the Committee on Military Affairs.

Also, petition of George H. Peace, of Philadelphia, Pa., in favor of the anti-polygamy amendment and certain other reform measures—to the Committee on the Judiciary.

SENATE.

FRIDAY, *December 7, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

Mr. WOLCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Fairbanks,	Kyle,	Pettus,
Bard,	Foster,	Lindsay,	Platt, N. Y.
Berry,	Frye,	Lodge,	Pritchard,
Beveridge,	Gallinger,	McLaurin,	Proctor,
Burrows,	Hale,	McMillan,	Quarles,
Clark,	Hansbrough,	Mallory,	Scott,
Clay,	Harris,	Martin,	Sewell,
Cockrell,	Hawley,	Mason,	Spooner,
Cullom,	Heitfeld,	Money,	Stewart,
Deboe,	Jones, Ark.	Morgan,	Taliaferro,
Dillingham,	Kean,	Perkins,	Teller,
Dolliver,	Kenney,	Pettigrew,	Wolcott.

The PRESIDENT pro tempore. Forty-eight Senators have responded to their names on the roll call. There is a quorum present.

GUSTAV ISAK DAHLBERG.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State and accompanying papers relating to the claim against the United States of the Russian subject, Gustav Isak Dahlberg, master and principal owner of the Russian bark *Hans*, based on his wrongful and illegal arrest and imprisonment by officers of the United States district court for the southern district of Mississippi, and, in view of the opinion expressed by the Department of Justice that the said arrest and detention of the complainant were wrongful and without authority of law, I recommend the appropriation by Congress of the sum of $5,000 to reimburse the master and owners of the vessel for all losses and damages incurred by reason of his said wrongful and illegal arrest and detention.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, December 6, 1900.

FLORENTINO SUASTE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State, with accompanying papers, in relation to the lynching in Lasalle County, Tex., on October 5, 1895, of Florentino Suaste, a Mexican citizen.

Following the course pursued in the case of the lynching of three Italian subjects at Hahnsville, La., on August 8, 1896, and in that of the lynching of the Mexican citizen, Luis Moreno, at Yreka, Cal., in August, 1895, I recommend the appropriation by Congress, out of humane consideration and without reference to the question of liability of the Government of the United States, of the sum of $2,000, to be paid by the Secretary of State to the Government of Mexico and by that Government distributed to the heirs of the above-mentioned Florentino Suaste.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, December 6, 1900.

REPORT OF BUREAU OF THE AMERICAN REPUBLICS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying report, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit a communication from the Secretary of State inclosing the annual report of the Director of the American Republics, with accompanying documents.

The attention of Congress is called to the request of the Secretary of State that 2,500 copies of the report be printed for the use of the Bureau.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, December 6, 1900.

MARITIME CANAL COMPANY OF NICARAGUA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to section 6 of the act of Congress approved February 26, 1889, the report of the Maritime Canal Company of Nicaragua; which, on motion of Mr. MORGAN, was, with the accompanying papers, referred to the Committee on Interoceanic Canals, and ordered to be printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 12283) in relation to the celebration of the centennial anniversary of the establishment of the permanent seat of government in the District of Columbia; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. GALLINGER. Mr. President, I have been handed a telegram addressed to the President of the Senate, which is of sufficient importance that it should be read to the Senate. It is dated New Orleans, La., December 6, and is as follows:

NEW ORLEANS, LA., *December 6, 1900.*

The PRESIDENT OF THE UNITED STATES SENATE,
Washington, D. C:

The Southern Industrial Convention, now in session, passed the accompanying resolutions and directed they be sent to you to be read to the Senate:

Be it resolved, That the upbuilding of our American merchant marine is very important to the further development of Southern industry, and, therefore, we recommend to our National Congress the early passage of a ship subsidy bill for all American vessels, which shall be equitably based upon the tonnage actually carried, besides compensation for carrying the mails.

N. F. THOMPSON, *Secretary.*

I move that this important telegram, in the nature of a petition, be referred to the Committee on Commerce.

The motion was agreed to.

Mr. PENROSE presented a petition of the pastors of sundry churches of Turtle Creek, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry druggists of Bellefonte, Pa., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the executive committee of the Home Missionary Society of the Presbytery of Washington, Pa., and a petition of the Children's Aid Society of Washington County, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. KYLE presented a petition of the Woman's Christian Temperance Union of Brookings, S. Dak., and a petition of the South Dakota Christian Temperance Union, praying for the enactment of legislation to abolish the Army canteen; which were referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union of South Dakota, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in our new island possessions; which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. PLATT of New York presented 157 petitions of citizens of New York, praying for the enactment of the Grout bill, so called, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. KEAN presented 45 petitions of citizens of New Jersey, praying for the enactment of the Grout bill, so called, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented 13 petitions of citizens of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. SCOTT presented 11 petitions of citizens of West Virginia, praying for the enactment of the Grout bill, so called, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. QUARLES presented sundry petitions of business men of Wisconsin, praying for the enactment of legislation reducing the tax on beer; which were referred to the Committee on Finance.

He also presented 23 petitions of citizens of Wisconsin, praying for the enactment of the Grout bill, so called, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. NELSON presented a petition of the Presbytery of Winona, Minn., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of 50 citizens of Illinois, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Decatur Brewing Company, of Decatur, Ill., praying for the enactment of legislation reducing the tax on beer to $1 per barrel; which was referred to the Committee on Finance.

Mr. THURSTON presented a petition of sundry shippers of

Omaha, Nebr., praying that the revenue-stamp tax on bills of lading and telegraphic messages be repealed; which was referred to the Committee on Finance.

He also presented 13 petitions of citizens of Nebraska, praying for the enactment of the Grout bill, so called, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. FRYE presented a petition of Knox Post, No. 120, Department of Maine, Grand Army of the Republic, praying for the enactment of legislation giving preference to veterans in the public service; which was referred to the Committee on Military Affairs.

He also presented three petitions of citizens of Maine, praying for the enactment of the Grout bill, so called, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

DISTRICT WATER SUPPLY.

Mr. GALLINGER. Mr. President, it will be recalled that during the past few years there has been much agitation in the District of Columbia concerning the water supply. The death rate from typhoid fever in this city has been alarmingly large, much greater than in most of our American cities and seven or eight times greater than in the great European cities.

Some years ago the health authorities in Washington concluded that the wells of the city were contaminated, and most of the wells were closed, greatly to the disadvantage of the poor people of the District. That having been done, typhoid fever continued, and the death rate has increased rather than diminished.

The agitation now is that the water supply from the Potomac River is responsible for the continuance of typhoid, and that filtration of the water has become an absolute necessity. It is believed by the medical profession that if that shall be attended to the high death rate from typhoid will disappear.

The Medical Society of the District of Columbia, always alert in matters of this kind, appointed a committee of five distinguished physicians, Drs. Samuel C. Busey, G. Wythe Cook, George M. Kober, Z. T. Sowers, and William C. Woodward, who have taken this matter into very careful consideration, and after investigating it with great thoroughness these gentlemen have prepared a report in reference to the proper method to be employed to filter the water, and they also discuss the relative merits between what is called sand and mechanical filtration. They have reached the conclusion that sand filtration, while it is more expensive to install than mechanical filtration, is the desirable method to employ in this District. I am not myself prepared to express an opinion as to the wisdom of the conclusion that these distinguished gentlemen have reached, but think it very probable that it is correct. Of one thing I am fully persuaded, and that is that a filtration plant of the best possible kind should be installed at the earliest possible moment, and the movement in that behalf will have my earnest and cordial support.

I rise now, Mr. President, to present the report of this committee of the Medical Society of the District, and to ask that it may be printed as a document, and that 500 copies in paper covers be printed in addition for the use of the Committee on the District of Columbia.

Mr. COCKRELL. It is not long?

Mr. GALLINGER. It is not a long document.

Mr. COCKRELL. Then let a thousand extra copies be printed, 500 for the committee and 500 additional for the use of the Senate.

Mr. GALLINGER. I think that is a very proper suggestion.

Mr. COCKRELL. I make it because there will be applications for copies to Senators not upon the committee.

Mr. GALLINGER. I ask for an order that 500 copies for the committee and 500 additional copies for the use of the Senate be printed.

The PRESIDENT pro tempore. The Senator from New Hampshire presents the paper to which he has referred and asks that it be printed as a document, and that 500 additional copies be printed for the committee and 500 for the use of the Senate. Is there objection? The Chair hears none, and it is so ordered.

ADDITIONAL TAX UPON MALT LIQUORS.

Mr. MASON. I present a statement from Mr. Rudolph Brand, of Chicago, president of the United States Brewers' Association, showing the effect of the present war tax on beer, and claiming that it is paralyzing their industry, and praying that the extra tax be repealed. I ask that the statement be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the statement was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

WAR ON THE BEER TAX—BREWERS CLAIM IT IS PARALYZING THEIR INDUSTRY—A LARGE NUMBER OF FAILURES—PRESIDENT RUDOLPH BRAND, OF THE UNITED STATES BREWERS' ASSOCIATION, PRESENTS STATISTICS SHOWING EFFECT OF THE WAR TAX—CLAIMS MANY ESTABLISHMENTS ARE BEING CONDUCTED WITHOUT PROFIT—SMALL PERCENTAGE OF ENGLISH CAPITAL INVESTED.

Mr. Rudolph Brand, of Chicago, president of the United States Brewers' Association, with other representative brewers, is in the city, having come to Washington for the purpose of impressing upon the minds of the lawmakers the justice of their demand that the extra tax upon beer be repealed. When asked last night by a Post reporter as to the action taken by the committee relative to the tax reduction, Mr. Brand asserted that, in his opinion, the committee would have reached a different conclusion had it not been for many erroneous and untenable statements concerning the effects of the double war tax upon the brewing industry.

"Our recent letter to the Ways and Means Committee," said Mr. Brand, "does not cover the whole ground, as it was simply intended to supplement the arguments we submitted to the committee in April last."

Attention was called by Mr. Brand to the following extracts from the letter referred to:

"Since April the destructive effects of the double war tax have been augmented and aggravated to such an extent that a very large proportion of the smaller establishments have been forced into bankruptcy and out of business, or compelled to seek escape from utter ruin by combining with other breweries, equally hampered and harassed by a tax representing 40 per cent of the market price of their product and entailing losses which, for reasons explained in our previous statements, they can not recoup in the ordinary way in which any tax upon consumption is usually recovered. Since April, 1900, no less than fifteen combinations of from three to twelve once prosperous establishments have been formed under the distressing pressure of the double war tax, and this baneful tendency toward the destruction or the absorption of the smaller manufactories and the combination of large numbers of establishments, whose profits have been either wiped out or reduced to an infinitesimal minimum, is not confined to the smaller cities, but embraces such large brewing centers as Boston, Baltimore, Pittsburg, and others. But even these combinations offer no appreciable relief; they are mere makeshifts of a transitory character. The best proof of this lies in the fact that of the companies whose stocks are quoted in the trade papers, scarcely 20 per cent can pay any interest even on their preferred stock.

"If you consider what an immense cash capital it requires to place the finished product into the market, exclusive of the vast sums of money expended in the purchase of material, the payment of workmen, and the storage and distribution of malt liquors—not to speak of the interest on the capital permanently invested—you will readily perceive why the smaller brewer, whose establishment represents the savings of a lifetime and who has no accumulated available capital to draw upon, must necessarily succumb in an industrial struggle which the imposition of a double war tax has rendered almost hopeless even to those manufacturers who possess a considerable reserve of cash capital.

CIVIL WAR TAX NEVER REMOVED.

"This is only one side of the question, but it is the one which shows the pernicious effects of a most unjust tax in the most glaring light, and appeals to other sentiments besides that of justice in the abstract. In our opinion, it should not, however, require such appeals in order to bring about the immediate repeal of the entire extra war tax, superimposed upon the old war tax.

"There was no equitable justification for it at the time of its imposition, because the brewing industry had up to that time uninterruptedly paid the old war tax of $1 per barrel, while all other manufactures, products, professions, and occupations embraced in the original revenue system, as organized between the years 1861 and 1864, have not paid a single dollar into the Federal Treasury since the termination of the civil war, and do not now contribute one penny toward the Federal revenue. Is it unfair or unpatriotic to ask why one American industry, consuming almost exclusively those highly protected American products which are a source of wealth to the American farmer, should pay a double war tax, amounting to 40 per cent of the market value of its product, while all other American industries remain untaxed? It will not be deemed to be presumptuous, we trust, if we ask what justification there was for imposing or what good reason there is for continuing a tax of $2 upon a barrel of beer costing $5, in the face of the fact that at a time (thirty-five years ago) when the market price of beer was $12, a Republican Administration and a Republican Congress asserted and maintained that a tax of $1 'was fully up to the revenue standard and should not be increased.'" (See report of the Special Revenue Commission for 1865-66, p. 27.)

"We maintain that common justice imperatively demands the immediate repeal of the additional war tax upon malt liquors. In the entire war-revenue act of 1898 there is not a single tax item, excepting our own, that is unjust or inequitable in itself; none, excepting the beer tax, that has caused or is likely to cause widespread industrial ruin; none, again with the same exception, that must be borne by a comparatively small number of citizens for the exclusive benefit of all those numerous and immensely wealthy industries which, while protected by wise tariff laws, contribute not a single dollar to the internal revenue, and, finally, none that must ultimately affect such large masses of the poorer people.

"The most striking evidence of the correctness of our contention as to the inequality and injustice of the present tax rate lies in the fact that in 1866, when the receipts from internal revenue reached the highest point, viz, $310,906,984, the three revenue items which have remained in force (at reduced rates as to spirits) since the civil war only yielded $50,129,877, of which the sum of $5,115,140 was derived from malt liquors, then selling at $12 per barrel. The remainder, amounting to $260,777,107, came from sources of revenue the greater portion of which are not mentioned in the act which imposed upon our product an additional war tax of $1."

SMALL INVESTMENT OF ENGLISH CAPITAL.

"Is it true, as reported in a New York paper," Mr. Brand was asked, "that 80 per cent of capital invested in American breweries is owned by English capitalists?"

In answer to the question Mr. Brand produced figures, from which the following statement is compiled:

There are 24 consolidated companies, originally comprising 79 American breweries, in which English capital is invested. Three of these have been repurchased by their original owners. The total number of American breweries is 1,751. The total capital invested in the 76 English syndicate breweries is about $80,000,000. The total capital invested in all American breweries (computation based on $18 for every barrel produced and a production of 39,000,000 barrels, in round numbers) is $702,000,000.

Of the stock invested in syndicate breweries, fully 40 per cent is held by American citizens; hence the English capital invested in American breweries amounts to $48,000,000, or less than 7 per cent.

RECAPITULATION.

Number of syndicate breweries	76
Total number of American breweries	1,751
English capital invested in American breweries	$48,000,000
Total capital invested in American breweries	$702,000,000

Proportion of English capital, 7 per cent.

The capital invested in the breweries of Great Britain and Ireland amounted, according to official figures, to $1,050,000,000 when the production of beer in Great Britain and Ireland amounted to the equivalent of about 48,000,000 American barrels. This shows that our estimate is very low—certainly lower than the actual facts would warrant.

The larger establishments, like those of Ehret, Pabst, Busch, Schlitz, Lemp, Bernheimer, Ruppert, etc., are owned exclusively by American citizens, and

all others, excepting the 76 syndicate concerns, are also exclusively in the hands of Americans, generally their founders or their offsprings, and most of these represent the savings of half a lifetime of arduous labor, economic methods, and frugal habits on the part of their owners.

GOVERNMENT POCKETS PROFITS.

"Although there was a decrease in the production of beer last year amounting to 1,000,000 barrels, does not the increase of 7 per cent shown this year weaken the argument of the brewers that the war tax was responsible for last year's decrease?" Mr. Brand was asked.

"This might, as I stated in my letter to the committee, be construed as an evidence of the industry's prosperous condition," said Mr. Brand, "but such a conclusion would be totally erroneous. Continued and ever-increasing prosperity created an increased demand for beer, which the brewers met by a corresponding supply; but in doing so very many realized no profit at all, while all the others manufactured at a very slight margin of gain. It is the Government that pockets the profits, while the brewers, rather than close up their establishments (as so many of them had to do of late), continue operations—some at a loss, others with the smallest possible profit, and many without any profit whatever; all hoping that the double war tax would be repealed at once.

"Besides this, the increase of 7 per cent following a decrease of 1,000,000 barrels in the preceding year only serves to emphasize the correctness of our general statements. In a period of such unusual prosperity as characterized the last two years, the natural increase in the production of beer would, in the absence of the exorbitant tax, have amounted to at least 25 per cent in each one of the prosperous years. If you analyze the development of the industry from 1863 up to date, you will find that, far from being an exaggerated estimate, this is rather lower than facts warrant. As an example, I may quote the increase in the production of malt liquors in the very first year of prosperity (1880) after the long period of depression following the panic of the fall of 1873. The production then increased from about 11,000,000 barrels in 1879 to about thirteen and one-third millions in 1880, being 20 per cent."

AN ERROR CORRECTED.

"By the way," continued Mr. Brand, "I heard a statement made that the increase in the consumption of beer since the civil war was not at all uniform, the inference intended to be conveyed being that the war tax had nothing to do with the decrease of 1899 and the inconsiderable increase of the past year. Now, the fact is that there never was a decrease in the production of beer, excepting in one instance, unless caused either by business panics or excessive taxation. The one single exception is a decrease of 1 per cent in the year 1868, the result of overproduction of the preceding two years, in which the aggregate increase amounted to 61 per cent. There was no decrease, in fact, excepting this one from 1863 to 1874, the year following the panic of 1873. In that period of business depression, which lasted six years, there were three slight decreases, followed in 1880, the first year of prosperity, by the enormous increase of 20 per cent. From 1880 to the next panic, in 1893, a period of thirteen years, there was not a single decrease. The next decrease was caused by the Raines law in the State of New York, the numerical limitation of saloons in some and the unfavorable results of the no-license vote in other States.

"The two years of the greatest prosperity ever experienced in our country brought to the brewers, as I have stated, a loss of 1,000,000 barrels in 1899, and an insignificant increase of 7 per cent in the past year. According to the nature of the industry and its product and the character of its development, as demonstrated by the figures which I shall give further on, there should at the least have been as large an increase in both years as is recorded for the first year of prosperity after the panic of 1873, viz, 20 per cent. Without the imposition of this unjust additional tax the Government would then have derived an enormously increased revenue from malt liquors, and American brewing, instead of being in a most deplorable condition, would to-day be as prosperous as all other trades."

STATISTICS OF PRODUCTION.

The figures to which Mr. Brand referred follow:

Year.	Barrels.	Increase.	Decrease.
		Per cent.	*Per cent.*
1863	2,006,625		
1864	3,141,581	56½	
1865	3,657,181	16	
1866	5,115,140	40	
1867	6,207,403	21	
1868 *a*	6,146,662		1
1869	6,342,055	3	
1870	6,574,617	3½	
1871	7,740,260	17½	
1872	8,695,427	11	
1873 *b*	9,633,323	11	
1874	9,600,897		⅓
1875	9,452,697		1½
1876	9,902,352	5	
1877	9,810,060		1
1878	10,241,471	4	
1879	11,103,084	8	
1880 *c*	13,347,111	20	
1881	14,311,028	7	
1882	16,952,085	18½	
1883	17,757,892	5	
1884	18,908,619	7	
1885	19,185,953	1	
1886	20,710,933	8	
1887	23,121,526	11½	
1888	24,683,119	6¾	
1889	25,119,853	2	
1890	27,561,944	9¾	
1891	30,021,079	8¾	
1892	31,856,626	6	
1893 *d*	34,591,179	8½	
1894	33,362,373		3½
1895	33,589,784	7/10	
1896	25,859,250	7	
1897 *e*	34,462,822		4
1898	37,529,339	9	
1899 *f*	36,581,114		2½
1900	39,331,150	7½	

a Result of overproduction of preceding two years.
b Panic in the fall of 1873.
c First year of prosperity after the long depression of business following the panic of 1873.
d Panic in August, 1893.
e Raines law in State of New York went into effect March 23, 1896.
f War-revenue act.

BRITISH TAX ON BEER.

"How does the tax on beer in Great Britain compare with the American tax?" Mr. Brand was asked.

"The recent history of British beer taxation presents two very interesting and highly significant facts," he said. "The one is that when Gladstone endeavored to saddle the expense of the Egyptian war upon the brewers, or, as the British papers had it, upon the poor man, he was not only defeated in his object, but had to vacate his seat to make room for Salisbury. To defray the expenses of the present Boer war, the Government, among other taxes, imposed an additional tax of 1 shilling upon malt liquors, the tax then amounting to 6 shillings 8 pence upon a barrel of beer of 36 imperial gallons, equal to 43 American gallons; hence the present British beer tax, with the added war tax, is $1.35 upon the equivalent of an American barrel.

"It is to be considered, however, that the American brewer, although he gets less for his product than his British colleague, pays wages doubly as high as are being paid in Great Britain, and is at a further disadvantage, as compared with the British brewer, in so far as all the raw materials he uses are protected by a high tariff, which naturally increases the cost, while the British brewer has all the benefits of free trade. Furthermore, his economic condition is far more favorable, because the dispensers of his product are not harassed by excessive municipal and State taxes, as is the case in our country."

"What is the nature of the rebate of 7½ per cent now allowed upon the beer tax?"

"The rebate of 7½ per cent represents the losses sustained by the brewer by reason of leakage, the bursting of barrels, and the spoiling of beer, either in transit or in the hands of the dealers. In such cases the brewer not only loses entirely the value of his product, but also the $2 which he paid to the Government in the form of the stamp affixed to the vessels containing the liquid rendered unfit for use. It has been ascertained with almost absolute accuracy that the losses sustained by the brewer in this manner amount to 7½ per cent, and the allowance of this amount as a rebate is purely a matter of justice, and not at all a favor to the brewer, as some are inclined to regard it. A similar allowance is made in all beer-producing countries."

OTIS B. VANFLEET.

Mr. COCKRELL. In connection with the bill (S. 5075) to correct the military record of Otis B. Vanfleet, I present the petition of Otis B. Vanfleet, his affidavit, and the affidavits of James Gregory, E. J. Collison, and S. A. Smith. I move that the papers be referred to the Committee on Military Affairs, for consideration in connection with that bill.

The motion was agreed to.

ASSISTANT TO ATTORNEY FOR THE DISTRICT OF COLUMBIA.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia to report a joint resolution and to ask for its present consideration. It relates to a small matter connected with the District, and there is some reason why the joint resolution should be passed at once.

The joint resolution (S. R. 135) authorizing the Commissioners of the District of Columbia to employ an additional assistant to the attorney was read the first time by its title and the second time at length, as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia be, and they are, authorized to employ an additional assistant to the attorney for said District, with compensation at a rate not exceeding $1,600 per annum from the date of this act.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROMOTION OF COMMERCE AND INCREASE OF TRADE.

The PRESIDENT pro tempore. The Committee on Commerce instructed the chairman of the committee, the junior Senator from Maine, to report certain amendments to the pending shipping bill, so called. The committee directed the amendment to be printed in a bill indicating the amendments reported to-day from the amendment hitherto reported, and the junior Senator from Maine reports it to the Senate and asks the following order in relation to the bill:

Ordered, That there be printed for the use of the Senate 1,000 copies, in addition to the usual number, of Senate bill No. 727, known as the shipping bill, with the amendments proposed by the Committee on Commerce.

Mr. VEST. I should like to have the amendments read as they stand now.

The PRESIDENT pro tempore. They will be printed by to-morrow morning and on every Senator's desk.

Mr. VEST. I should like to hear them this morning for certain reasons.

The PRESIDENT pro tempore. The Secretary will read only the last amendments, those in large letters.

The Secretary read as follows:

In section 1, page 2, line 1, after the words "nineteen hundred," insert "and one;" so as to read:

"That from and after the 1st day of July, A. D. 1901, there shall be paid, subject to the provisions hereinafter contained, out of any money in the Treasury not otherwise appropriated, to the owner or owners of any vessel duly registered by a citizen or citizens of the United States (including as such citizens corporations created under the laws of the United States or any of the States thereof), and being at the time of entry engaged in the foreign trade of the United States, which shall be entered in the United States from a foreign port, or from any port belonging to the United States, the trade between which and the Atlantic, Gulf, and Pacific coast ports of the United States shall happen not to be confined to vessels of the United States, compensation as hereinafter provided; that is to say."

In section 1, page 3, line 15, after the word "her," insert "capacity for carrying commercial cargo," striking out all from the word "her" to the word "aforesaid," in line 9, on page 4; so as to make the amendment read:

No vessel shall be entitled to the full compensation under this clause unless she shall have cleared from a port of the United States with cargo to the amount of 50 per cent of her capacity for carrying commercial cargo; and any shortage in the amount of cargo required and defined as aforesaid shall diminish the amount of the compensation in this paragraph provided for in the proportion that such shortage bears to the total cargo or its equivalent so required.

In section 1, page 7, line 6, after the word "year," insert:

And in case the said Atlantic Ocean trade shall not require the whole amount of the said 70 per cent and the said Pacific Ocean trade shall require, in respect of the vessels engaged in said Pacific Ocean trade, the expenditure of more than the said 30 per cent of said $9,000,000 in any such year, there may be expended, pursuant to the provisions of this act, any sum within the said $9,000,000 remaining and not earned, as aforesaid, in respect of the vessels in the Atlantic Ocean trade.

In section 8, page 12, line 19, after the word "vessel," insert "while;" and in line 24, after the word "one," insert "and seven," striking out the words "six, nine, and ten;" so as to read:

(c) A vessel while employed in the coasting trade, a vessel on a voyage during any part of which she shall have carried passengers or cargo which, under the laws of the United States, could not lawfully have been carried by a foreign vessel, or a vessel employed in the fisheries, except as provided in sections 1 and 7 of this act.

In section 10, strike out from page 14, line 8, to page 16, line 7, inclusive, and insert:

(a) To such foreign-built steamships as were on the 1st day of February, A. D. 1899, engaged in an established freight or passenger business, or both, from a port of the United States, and as have received, or shall be fit to receive, the Class A1 in the Record of American and Foreign Shipping, or the United States Standard Owners, Builders, and Underwriters' Association, or equivalent classification in any other register of shipping of at least equal merit, and as were also on the said 1st day of February, A. D. 1899, actually owned by and then really representing the capital of a citizen or citizens of the United States (including as such citizens corporations created under the laws of the United States or any of the States thereof), or a foreign corporation or association of which not less than a majority of the capital stock thereof was on the 1st day of February, A. D. 1899, actually owned by and really representing the capital of a citizen or citizens of the United States (including as such citizens corporations created under the laws of the United States or any of the States thereof), upon such American owner or owners of such majority interest obtaining a full and complete transfer of and title to such steamships from the foreign corporation or association owning the same, and proving to the satisfaction of the Secretary of the Treasury that all the foregoing stated requirements have been complied with.

(b) To such foreign-built steamships as shall have been under contract for construction and duly authenticated copies of said contract or contracts therefor shall have been filed with the Secretary of the Treasury on or before the 1st day of February, A. D. 1899, and which contract or contracts shall have been in due course carried into execution and either completed or in the course of performance on or before the 1st day of January, A. D. 1900, and which steamship shall have been already completed under any such contract or contracts or shall, when built as provided for in this act and the registry requested, receive, or be fit to receive, the Class A1 in the Record of American and Foreign Shipping, or the United States Standard Owners, Builders, and Underwriters' Association, or equivalent classification in any other register of shipping of at least equal merit, such vessels having been actually and originally contracted for on or before the said 1st day of February, A. D. 1899, by a citizen or citizens of the United States (including as such citizens corporations created under the laws of the United States or any of the States thereof), who shall have been such since the 1st day of February, A. D. 1899, or by a foreign corporation or association of which not less than a majority of the shares of the capital thereof shall have been actually owned by a citizen or citizens of the United States (including as such citizens corporations created under the laws of the United States or any of the States thereof), and really representing American capital on the said 1st day of February, A. D. 1899, and shall have continued to be so owned until.

On page 21, line 19, at the end of section 10, insert:

All fittings and machinery forming a part of the construction of vessels built in the United States under the provisions of this act shall be of American manufacture, provided they can be obtained in this country.

The PRESIDENT pro tempore. Is there objection to the order printing the bill with these amendments? Without objection, the order is made.

MESSENGER FOR OFFICIAL REPORTERS.

Mr. GALLINGER. I report favorably, with an amendment, from the Committee to Audit and Control the Contingent Expenses of the Senate, a resolution which was referred to that committee. I ask that it be read, and I also ask for its immediate consideration.

The resolution submitted yesterday by Mr. ALLISON was read, as follows:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, directed to appoint a messenger for the Official Reporters of the Senate, whose services shall be devoted exclusively to the business of said Official Reporters, and that the messenger so appointed shall be selected by said Official Reporters, and paid from the contingent fund of the Senate at the rate of $1,440 per annum until otherwise provided by law, said appointment to date from the beginning of the present session.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Strike out the words at the end of the resolution, "said appointment to date from the beginning of the present session."

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. DEBOE introduced a bill (S. 5077) to divide Kentucky into two judicial districts and to provide officials therefor and to fix the times and places of holding courts therein; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PLATT of New York introduced a bill (S. 5078) granting a pension to Charles Sabin Taft; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 5079) for the relief of William H. Crawford; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 5080) granting an increase of pension to James T. Chalfant; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 5081) granting a pension to J. B. Whiting; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. JONES of Arkansas introduced a bill (S. 5082) to provide for the holding of the circuit and district courts of the United States for the eastern district of Arkansas; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WOLCOTT introduced a bill (S. 5083) granting an increase of pension to Charles Ambrook; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5084) granting a pension to Charles J. Clark; which was read twice by its title, and referred to the Committee or Pensions.

Mr. PRITCHARD introduced a bill (S. 5085) to correct the military record of H. A. White; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. THURSTON introduced a bill (S. 5086) for the relief of the members of the First, Second, and Third Marine Corps, organized under the order of Maj. Gen. John C. Frémont, dated September 12, 1861, and also for the relief of the legal representatives of the deceased members of the said Marine Corps, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

REPORT ON FOREIGN LABOR LAWS.

Mr. KYLE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That from the plates of the Bulletins of the Department of Labor there shall be printed and bound in cloth, as a separate document, with introduction and index, 8,000 copies of a Report on Foreign Labor Laws, 1,000 copies for the Senate, 2,000 copies for the House of Representatives, and 5,000 copies for the Department of Labor.

FRANK E. KELLOGG.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (H. R. 4400) for the relief of Frank E. Kellogg, collector of the Sixth internal-revenue district of Missouri. It is a House bill, reported favorably by the senior Senator from Rhode Island [Mr. ALDRICH], and relieves the beneficiary from responsibility for some stamps that were destroyed in the office without any fault of his.

The PRESIDENT pro tempore. The morning business is closed. The Senator from Missouri asks unanimous consent for the present consideration of a bill which will be read in full to the Senate for its information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to release and discharge Frank E. Kellogg, collector of the Sixth internal-revenue district of the State of Missouri, from any liability he may be under to the United States by reason of the alleged loss of a certain book, No. 1929, containing retail liquor dealers' internal-revenue special-tax stamps of the value of $2,331.25, and the Auditor for the Treasury Department is hereby authorized to make the necessary entries upon his books showing the discharge of said Kellogg from such liability: *Provided*, That the Secretary of the Treasury shall first be satisfied that said loss really occurred, and that no damage has been or will be sustained by the United States by such release: *And provided further*, That the said Kellogg shall first execute a bond of indemnity to the United States, with sufficient surety, to be approved by the Secretary of the Treasury.

Mr. PLATT of Connecticut. I think the bill is all right, and if the report is not long I ask that the report may be inserted in the RECORD without reading. I want the RECORD to show why it is that we give this relief.

Mr. COCKRELL. I do not think the Senator from Rhode Island, who reported the bill——

Mr. PLATT of Connecticut. There is no objection to having the report put in the RECORD?

Mr. COCKRELL. I do not think the Senator from Rhode Island accompanied it with any report.

The PRESIDENT pro tempore. There is no report accompanying the bill.

Mr. PLATT of Connecticut. I know about the case; I know it is all right; but I want the RECORD to show why it is passed.

Mr. COCKRELL. The Senator from Rhode Island did not present a written report.

Mr. PLATT of Connecticut. That is all right.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with an amendment the bill (S. 4300) to increase the efficiency of the military establishment of the United States in which it requested the concurrence of the Senate.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and forty-five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, December 10, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 7, 1900.

APPOINTMENT IN THE ARMY.

Col. John F. Weston, Assistant Commissary-General of Subsistence, to be Commissary-General of Subsistence with the rank of brigadier-general, December 6, 1900, vice Eagan, retired from active service.

APPOINTMENT IN THE VOLUNTEER ARMY.

Capt. Frank B. McKenna, Forty-sixth Infantry, United States Volunteers (first lieutenant, Fifteenth Infantry, United States Army), to be inspector-general of volunteers with the rank of major, December 6, 1900, vice West, appointed lieutenant-colonel and inspector-general of volunteers.

WITHDRAWALS.

Executive nominations withdrawn December 7, 1900.

Joseph C. Auld, William W. Alderson, and Jule M. Hartley to be mineral-land commissioners in Montana.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 7, 1900.

ASSISTANT COLLECTOR OF CUSTOMS.

Samuel D. Dickinson, of New Jersey, to be assistant collector of customs at Jersey City, N. J., in the district of New York, in the State of New York.

POSTMASTER.

Alfred J. Dunn, to be postmaster at Wallace, in the county of Shoshone and State of Idaho.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 7, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. CLARKE of New Hampshire indefinitely, on account of sickness.

OLEOMARGARINE BILL.

The SPEAKER. The Clerk will report the special order for to-day.

The Clerk read as follows:

Resolved, That on December 6, immediately after the reading of the Journal, it shall be in order to consider in the House, as in the Committee of the Whole, the bill (H. R. 3717) "making oleomargarine and other imitation dairy products subject to the laws of the State and Territory into which they are transported, and to change the tax on oleomargarine." (Order made June 5, 1900, and changed on December 6 to Friday, December 7, 1900.)

The SPEAKER. In pursuance of these orders, the Clerk will report the bill to the House as in Committee of the Whole.

The Clerk read as follows:

Be it enacted, etc., That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted into the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise: *Provided*, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

SEC. 2. That after the passage of this act the tax upon oleomargarine, as prescribed in section 8 of the act approved August 2, 1886, and entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," shall be one-fourth of 1 cent per pound when the same is not colored in imitation of butter; but when colored in imitation of butter the tax to be paid by the manufacturer shall be 10 cents per pound, to be levied and collected in accordance with the provisions of said act.

Mr. HENRY of Connecticut. Mr. Speaker, in view of the brief time allowed to consider this bill—only one day—and the urgent demand of many gentlemen to occupy time, I wish to ask unanimous consent for general leave to print for ten days.

The SPEAKER. The gentleman from Connecticut asks unanimous consent for general leave to print upon this bill—for what length of time?

Mr. HENRY of Connecticut. For ten days, confined to the subject-matter.

The SPEAKER. For ten days, the debate to be confined to the subject-matter of the bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HENRY of Connecticut. Mr. Speaker, the bill now before the House comes here with a report approved by the majority of the Committee on Agriculture. It is but fair to say, however, that seven members of that committee, including the chairman, dissent and prefer to report a substitute bill of an entirely different character.

The SPEAKER. Will the House please be in order, and gentlemen take their seats?

Mr. BAILEY of Texas. Mr. Speaker, before the gentleman from Connecticut proceeds, I desire to inquire if there has been any attempt to agree upon the time when debate shall conclude and a vote be taken?

Mr. HENRY of Connecticut. Not yet; but of course there will be an equal division of time.

Mr. BAILEY of Texas. There are a good many gentlemen on this side, and doubtless on the other side, inquiring when the vote will be taken, and, if there has been any time agreed upon, I should like to be able to answer the question.

Mr. TAWNEY. I would like to ask the gentleman from Connecticut if it is not possible to effect an agreement at this time, so that members may know about when the vote is to be taken. A number have asked me, and some of them want to stay here and hear the discussion, while others do not, but want to be here when the vote is taken.

Mr. BAILEY of Texas. There are many gentlemen here who are anxious to know when the vote is to be taken.

Mr. TAWNEY. That is what I say.

Mr. BAILEY of Texas. And if it is possible to agree on a time, or if it is expected that an attempt to reach an agreement will be made, that had better be done in the beginning.

Mr. GROUT. It has been thought it would be well enough to let the debate run for a time and then make some arrangement about closing the debate.

Mr. BAILEY of Texas. The only trouble is this: We should dislike to have the debate proceed for two or three hours and then have a motion made for the previous question.

Mr. GROUT. Oh, there will be no snap judgment with reference to this bill; none whatever.

Mr. PAYNE. It strikes me it would be much easier to agree upon a limitation of debate before the debate begins than to have the debate proceed without such an understanding.

Mr. GROUT. Very well; if the gentleman so desires, an understanding can probably be reached now as to when the vote shall be taken.

Mr. WADSWORTH. I suggest that the general debate run until half past 4 o'clock, that then the debate under the five-minute rule proceed until half past 5 o'clock, at which time a vote be taken. That is only my suggestion. I am willing, of course, to abide by the wish of the House.

Mr. TAWNEY. I suggest that the vote be taken at 5 o'clock.

Mr. GROUT. It is expected that there will be two roll calls before this matter can be disposed of. One will be upon the bill which I understand is to be proposed as a substitute, and then the friends of the bill will want a roll call on the bill itself. Now, if we do not begin to vote until 5 o'clock, it will be half past 6 o'clock or 7 o'clock before the session closes.

Mr. PAYNE. What does the gentleman suggest?

Mr. GROUT. I would suggest half past 4 as the time for the conclusion of the debate, thus allowing time for the votes to be taken and still permitting us to close the session at a seasonable hour.

Mr. WILLIAMS of Mississippi. Is it proposed to limit the general debate on this bill to four hours and a half?

The SPEAKER. The Chair can not answer that question.

Mr. WILLIAMS of Mississippi. That arrangement would leave only two hours and a quarter on each side; and this is a very important bill.

Mr. GROUT. The gentleman will be able to say a great deal in a small space of time.

Mr. WILLIAMS of Mississippi. But there are other gentlemen to be considered besides myself.

Mr. GROUT. Doubtless they can do the same thing.

The SPEAKER. Is there any proposition submitted to the House?

Mr. GROUT. I ask unanimous consent that the debate close and a vote be taken at half past 4 o'clock.

The SPEAKER. The gentleman's proposition draws no distinction between the general debate and the five-minute debate.

Mr. GROUT. This is a bill of but two sections. Debate under the five-minute rule amounts to practically nothing on such a bill.

The SPEAKER. The gentleman from Vermont [Mr. GROUT] asks unanimous consent that all debate on this bill close at half past 4 o'clock.

Mr. WADSWORTH. I object.

Mr. GROUT. Then let the debate run on a while.

Mr. WADSWORTH. I suggest that the general debate run until 4 o'clock, that then the five-minute debate begin and run on until 5 o'clock, at which time the vote shall be taken.

Mr. GROUT. I object to that.

The SPEAKER. The gentleman from New York [Mr. WADSWORTH] asks unanimous consent that general debate on this bill terminate at 4 o'clock, at which time the debate under the five-minute rule shall begin, and that the vote be taken at 5 o'clock.

Mr. GROUT. I object.

The SPEAKER. The gentlemen from Vermont [Mr. GROUT] objects. The gentleman from Connecticut [Mr. HENRY] is entitled to the floor.

Mr. HENRY of Connecticut. Mr. Speaker, the bill now before the House comes here with a report approved by a majority of the Committee on Agriculture. It is fair to say, however, that seven members of that committee, including the chairman, dissent and prefer to report a substitute bill of an entirely different character.

The bill favored by the majority, and with which most of the members of the House are doubtless more or less familiar, is the Grout bill, without any change or amendment whatever. Substantially all there is of great importance in the bill is the reduction of the internal-revenue tax upon uncolored oleomargarine to the nominal rate of one-fourth cent per pound and an increase of the tax upon oleo colored in the semblance of butter to 10 cents per pound.

This increased taxation is believed by the majority of your committee to be justifiable and indispensable for the protection of the great dairy interests of the country from disastrous competition with a cheap and fraudulent article, illegally sold, and represented to be the pure product of the farm and dairy.

The clandestine sale of imitation butter has rapidly increased during recent years, and has now reached the danger point when more drastic restrictive measures are required. This illegitimate traffic is backed and upheld by interests and influences apparently beyond the power of State governments to successfully regulate and control.

Moreover, the present Federal laws are obviously inadequate to remedy or mitigate the evil, and additional national restrictive legislation is demanded by the farmers and producers of dairy butter as imperatively and immediately necessary.

The report accompanying the bill is not overdrawn and fairly sets forth indisputable facts. In this report the majority say:

We are of the opinion that the people have ample cause for alarm at the tremendous illegal growth of the oleomargarine traffic in this country during the past few years, which now appears to have reached proportions beyond the power of the States to successfully regulate or control, and the present Federal laws are apparently altogether inadequate for the emergency.

After carefully weighing the evidence and suggestions offered for remedies for the regulation of this traffic, we are constrained to hold that the provisions of H. R. 3717 offer the best practical solution of the difficulty.

We believe that the States should be protected in their rights to regulate their internal affairs to the fullest extent in relation to articles of food which have been adjudged adulterated or of a deceitful character, and we do not think that the interstate-commerce law of the Government should protect a deceitful imitation from the jurisdiction of the State's laws, even if the article in question is in the original package and is shipped from an outsider into the State in such package.

We find that the very foundation and cause of the enormous amount of fraud and illegal selling of oleomargarine is in the great profits which are derived from the sale of the imitation article because of its absolute counterfeit of butter, which enables unscrupulous dealers to impose upon unsuspecting customers. These profits are sufficiently large to cause the retailer to run the chances of detection and prosecution, and they are further emboldened and encouraged through the guaranties of the manufacturers of protection against prosecutions under the State laws.

Thirty-two States, having four-fifths of the entire population of the United States, absolutely forbid the manufacture and sale of oleomargarine colored to resemble butter. These laws have been upheld in the higher courts without a single exception, and the question has twice been passed upon favorably by the Supreme Court of the United States. Therefore the policy of a very large majority of our people is plainly against the sale of the article in such counterfeit form.

The tax of 10 cents per pound upon oleomargarine colored to resemble butter will not deprive the manufacturers and dealers or consumers of any great amount of legal right they now possess. Four-fifths of the colored article made is sold illegally now, as indicated by the reports of the Treasury Department, and the only effect of this tax, even were it prohibitive upon this class of oleomargarine, would be to prevent the manufacture of an article the sale of which is contrary to the laws of thirty-two States of the Union.

This tax will bring the cost of the colored article up to a figure that will take from it the possibility for the large profits which have been the incentive to violate the laws of the State and Government and defraud innocent purchasers, while the reduction of the tax on oleomargarine in its natural color from 2 cents to one-fourth cent per pound will make it possible for the man who really desires to consume oleomargarine to procure it at a much lower cost than heretofore, the only difference being that it will not contain coloring matter, which not even the opponents of this measure claim contributes anything to its palatableness or nutritive value.

We believe the manufacture and sale of oleomargarine will continue under this measure and that those who desire a cheap substitute for butter will purchase the uncolored article. The only difference is that the counterfeit article, colored in imitation of butter, will no longer be accessible to hotel keepers, restaurant keepers, and boarding-house proprietors at such prices as will be an inducement for them to deceive the guests, as is now, we believe, absolutely universal where it is served, and thus another class of consumers who have been subjected to imposition for more than twenty years will be able to know whether they are eating butter fat or hog fat when they spread their bread. If colored oleomargarine is served, it will be because it is better and not because it is cheaper than butter.

Serious conditions require drastic measures, and it certainly appears from the testimony of those representing the producers of butter, as well as from the admissions of the witnesses for the other side, that those who are engaged in this oleomargarine traffic have absolutely no regard for State laws, and regard the public as their legitimate victim, in whose behalf they resent the interference of the General Government. The continued existence of such a condition we can not but believe furnishes a demoralizing example to our people in trade, who are being tutored by this oleomargarine interest in the art of evasion and defiance of the legally constituted authorities.

The Agricultural Committee had the Grout bill under consideration for nearly three months. Full and exhaustive hearings were given to all comers, and to every interest directly affected by the proposed legislation.

Representatives of the National Dairymen's Union and its allied organizations, with middlemen representing legitimate dealers in dairy products, have been heard in behalf of the bill. Representatives of the manufacturers of oleomargarine, of stock growers, of producers of cotton-seed oil and other affected interests, have appeared in opposition.

The broad sunlight and X-rays of inquiry have been turned on in investigating and endeavoring to find a solution of a difficult and embarrassing problem. Much time has been given and great patience exercised, with the result that the majority of your committee are of the opinion that the best hope of improving and protecting the great dairy industry rests in enacting the Grout bill into law.

It is claimed by the manufacturers of oleomargarine that its production is a legitimate business; that oleo is a wholesome food, honestly made, and sold by the manufacturers for what it is, without deception. This may be true of the larger manufacturers, but it is not always the fact with some manufacturing firms, for I have before me the engraved letter head of a prominent manufacturer, reading, in bold characters, "Union Dairy Company, manufacturers of choice oleomargarine," and like misleading devices are used by other manufacturers and many dealers, all indicating an intention of misleading and deceiving prospective purchasers and consumers of dairy butter.

Middlemen and retailers constantly and unscrupulously exhibit and fraudulently sell to an unsuspecting public oleomargarine put up in the form of creamery print butter with wrappers conspicuously labeled as "Clover Hill Creamery," "Crystal Spring Dairy," etc.

It is a notorious fact, of which many of us have personal knowledge, that oleo, sometimes called "butterine," is put up in this manner and sold even in the markets of Washington, almost within the shadow of the Capitol.

The imposition is still more apparent and reprehensible when the purchaser, believing he is buying butter, frequently pays 25 cents or more per pound, or a price approximating the cost of pure creamery butter.

It was shown at the committee hearings that the best quality of oleomargarine, put up and packed ready for market, only costs about 10 cents per pound, including the revenue tax of 2 cents. The statement made by Secretary Gage regarding oleomargarine also shows conclusively that the average cost of the finished product is only slightly in excess of 8 cents a pound before the revenue tax is paid; yet consumers are constantly compelled to pay from 20 cents upward per pound. With such a margin of profit, who shall say that a 10-cent tax will prevent the continued manufacture and sale of oleomargarine?

In connection with this I quote from the official reply of the Commissioner of Internal Revenue, through the Secretary of the Treasury, to the inquiry of Congress:

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., May 14, 1900.

SIR: In compliance with your instructions in responding to House resolution of May 8, 1900, I have the honor to submit herewith data therein called for.

The original forms in which this information is submitted to this office are not only very large in bulk, but voluminous in number, and can not very well

be transmitted; besides, they are a part of the records of the Internal-Revenue Bureau, and should not, therefore, leave the custody of the Treasury Department.

The data submitted discloses the kinds of material used, the amount of each ingredient, and the per cent that each bears to the total amount of oleomargarine produced in the country for the periods named, and it is believed furnishes all the information intended to be called for in the resolution.

Very respectfully,

G. W. WILSON, *Commissioner.*

THE SECRETARY OF THE TREASURY.

Quantities and kinds of ingredients used in the production of oleomargarine in the United States for the fiscal year ending June 30, 1899; also the percentage each ingredient bears to the whole quantity.

Material.	Pounds.	Percentage each ingredient bears to the whole.
Neutral lard	31,297,251	34.27
Oleo oil	24,491,769	26.82
Cotton-seed oil	4,357,514	4.77
Sesame	486,310	.53
Coloring matter	148,970	.16
Sugar	110,164	.12
Glycerin	8,963	.01
Stearin	5,890	.007
Glucose	2,550	.003
Milk	14,200,576	15.55
Salt	6,773,670	7.42
Butter oil	4,342,904	4.76
Butter	1,568,319	1.72
Cream	3,527,410	3.86
Total	91,322,260	100

Or, more definitely stated, the quantity, character, and value of ingredients used in the production of oleomargarine for the time specified above are as follows:

Material.	Pounds.	Value per pound.	Total value.
		Cents.	
Neutral lard	31,297,251	8	$2,503,780.08
Oleo oil	24,491,769	9	2,144,917.69
Cotton-seed oil	8,700,418	6	522,025.08
Sesame oil	486,310	10	4,863.10
Coloring matter	148,970	20	29,296.00
Sugar	100,164	4	4,406.50
Glycerin	8,963	10	896.30
Stearin	5,890	8	459.60
Glucose	2,550	3	76.50
Milk	14,250,576	1	142,005.76
Salt	6,772,670	1	67,726.70
Butter	1,568,319	20	313,663.80
Cream	3,527,410	5	176,370.50
Butter oil	4,342,000	6	260,520.00

Average value per pound of materials, 7.00 cents.
Average cost of packages (extreme), one-half cent per pound.
Highest possible cost all expenses connected with manufacturing, 1 cent per pound.
Internal-revenue tax, per pound, 2 cents.
Total cost to manufacturer of finished product, average, 10.59 cents.
Finished product quoted at from 11½ cents for lowest grade to 18 cents for highest quality, averaging, probably, 14 cents per pound.

We all know with what persistence information regarding the quality, character, and value of oleomargarine was withheld and refused, both by the manufacturers and by the Internal-Revenue Office—information that was only obtained from the Bureau in response to an imperative request of the House of Representatives.

When this disclosure was made it became perfectly evident why exact information was withheld. We now, for the first time, have exact knowledge of from just what oleomargarine is made, as well as of what it costs to produce the finished product.

The Secretary's report also makes plain the fact that an effort was deliberately made to hoodwink and mislead the gentlemen representing the cotton-growing States by falsely representing that a very large percentage of cotton-seed oil was used in the manufacture of this substitute for butter, while the Bureau report reveals the fact that in the manufacture of oleomargarine a little more than 10 per cent of cotton-seed oil and of so-called butter oil made from cotton seed was used; or, as another surprising disclosure reveals, less than two-thirds of the percentage of milk and butter consumed in disguising this fraud and assisting in giving the semblance, color, and flavor of dairy butter.

I commend this fact to the consideration of Southern members who have been bunkoed into the belief that much larger quantities of cotton-seed oil are used and that this consumption of a Southern product is of great importance to the South Atlantic and Gulf States.

That this fact is becoming recognized in the South is shown by the comments of some of the Southern papers. I quote from one of these, the Jacksonville Times-Union, of Florida:

The cotton-seed oil men of the South who defended the oleomargarine manufacturers to secure a market for their product now learn that little clean vegetable oil is needed in the composition of the sham butter and that they have pulled the chestnuts out of the fire again for others to eat. Few amateurs can grasp the full meaning of protection for revenue only in the current politics of a faithless generation.

It now appears that the entire aggregate amount of cotton-seed oil used in the manufacture of oleomargarine is only about 2 per cent of the total production of that oil. This small percentage is not likely to be materially reduced by the passage of this bill, for the manufacture and consumption of oleomargarine, both colored and uncolored, will still continue, and even if honestly sold the quantity produced and sold is likely to rather increase than diminish.

The following letter from W. L. Taber, of the Producers' Price-Current, fairly indicates the effect of the proposed legislation:

NEW YORK, *May 21, 1900.*

DEAR SIR: In relation to our note in Producers' Price-Current of last Saturday relative to the oleo agitation in Pennsylvania, and the consequent increased demand from that source, I would like to say, that since this agitation began there has been a marked increase in the consumption of butter in Pennsylvania. The result of this is that Philadelphia merchants have been unable to secure sufficient supplies at home and have been large buyers on this market. To just what extent I can not say, but our receivers report constant sales to them, and this demand has been a potent factor in shaping the course of our market, during the past week at least. One receiver mentions having shipped 1,000 tubs within two weeks to Philadelphia, and others have shared largely in the trade.

I thought possibly this information might interest you in connection with the present investigation of the subject of oleo legislation by the Agricultural Committee.

Very truly, yours,

W. L. TABER,
Reporter of the Butter Market for the Producers' Price-Current.

Hon. E. STEVENS HENRY,
Agricultural Committee, House of Representatives, Washington, D. C.

It is alleged that the passage of this bill will destroy a great industry and prevent the further manufacture of oleomargarine. The fallacy of this claim is evident when we remember that 32 States of the Union now have laws prohibiting the sale of oleomargarine colored in imitation of butter, namely (in order of population, census of 1890):

	Population.		Population.
New York	5,997,853	South Carolina	1,151,149
Pennsylvania	5,258,014	Nebraska	1,058,910
Illinois	3,826,351	Maryland	1,042,390
Ohio	3,672,316	West Virginia	762,794
Missouri	2,679,184	Connecticut	746,253
Massachusetts	2,238,943	Maine	661,086
Michigan	2,093,889	Colorado	412,198
Iowa	1,911,896	New Hampshire	376,530
Kentucky	1,858,635	Washington	349,390
Georgia	1,837,353	Oregon	313,767
Tennessee	1,766,518	Vermont	332,442
Wisconsin	1,686,880	South Dakota	328,808
Virginia	1,655,980	Utah	207,905
Alabama	1,513,017	North Dakota	182,711
New Jersey	1,444,933	Delaware	168,493
Minnesota	1,301,826		
California	1,208,130	Total population	50,117,440

The States and Territories which have not yet passed laws prohibiting the sale of oleomargarine colored in imitation of butter are, with populations:

	Population.		Population.
Texas	2,235,523	New Mexico	153,593
Indiana	2,192,404	Montana	132,156
North Carolina	1,617,947	Idaho	84,385
Kansas	1,427,096	Oklahoma	61,834
Mississippi	1,289,700	Wyoming	60,705
Arkansas	1,128,179	Arizona	59,620
Louisiana	1,118,587	Nevada	45,761
Florida	321,422		
Rhode Island	345,506	Total population	12,604,790
District of Columbia	230,392		

These laws, while varying in form, express the opinion of the law-making representatives of the 60,000,000 people now living in the States named; and for your information I have summarized these laws, as follows:

ALABAMA—ANTI-COLOR LAW.

(Approved February 18, 1895.)

No article which is in imitation of pure yellow butter, and is not made wholly from pure milk and cream, shall be manufactured, sold, or used in any public eating place, hospital, or penal institution, etc.; but oleomargarine, free from color or other ingredient to cause it to look like butter, and made in such manner as will advise the consumer of its real character, is permitted. It must be stamped with its name.

ARIZONA.

No dairy laws.

ARKANSAS—MUST BE LABELED.

(Approved April 2, 1885.)

Substitutes for butter, whether in wholesale or retail packages, shall be plainly labeled "Adulterated butter," "Oleomargarine," or such other names as shall properly describe them. In hotels, etc., dishes containing said articles must be plainly marked in same manner.

CALIFORNIA—ANTI-COLOR LAW.

(Approved March 4, 1897.)

Imitation butter and cheese is defined as any article not produced from pure milk or cream, salt, rennet, and harmless coloring matter, which is in semblance of butter or cheese and designed as a substitute for such. Shall not be colored to imitate butter or cheese, and must be in such form as will advise consumer of its real character. Every package must be plainly marked "Substitute for butter" or "Substitute for cheese" and accompanied

by a statement giving name of manufacturer, ingredients, etc., a copy of which must be given to each purchaser, with verbal notice, at the time of sale, in connection with which words like 'creamery," "dairy," etc., are prohibited. Patrons of eating places shall be notified if substitutes of butter or cheese are used. Prohibited in State charitable institutions.

COLORADO—ANTI-COLOR LAW.

(Approved April 1, 1895.)

All articles not produced from pure milk or cream, in imitation of pure cheese or yellow butter, are prohibited; but oleomargarine and filled cheese are permitted if free from color or other ingredient to cause them to look like butter or cheese. They must be made in such form and sold in such manner as will advise the consumer of their real character. Cheese containing any foreign fats, oleaginous substances, rancid butter, etc., shall be branded "imitation cheese."

CONNECTICUT—ANTI-COLOR LAW.

(Public Acts, 1895.)

Imitation butter, defined as any article resembling butter in appearance and not made wholly, salt and coloring matter excepted, from cow's milk, is prohibited; but oleomargarine or imitation butter, free from color or other ingredient to cause it to look like butter, and made in such form and sold in such manner aa will advise consumer of its real chaaacter, is permitted. Words like "butter," "dairy," etc., shall not form a part of its name or appear on its package. Imitation butter shall be sold only in labeled packages, or registered places which display signs, and purchasers shall be informed orally of the character of the article at the time of sale. Use of imitation butter in public eating places, bakeries, etc., must be made known by signs.

DELAWARE—ANTI-COLOR LAW.

(Passed May 8, 1895.)

The manufacture or sale of any article not produced from unadulterated milk or cream, which is in imitation of pure yellow butter or designed to take the place of pure cheese, is prohibited; but oleomargarine is permitted if in a distinct form, free from butter color, and sold in such manner as to show its real character; it shall be plainly marked "Oleomargarine."

DISTRICT OF COLUMBIA—BRANDING LAW.

(Approved March 2, 1895.)

Substances in semblance of butter or cheese, not made exclusively of milk or cream, but with the addition of melted butter or any oil, shall be plainly branded on each package "Oleomargarine," and a label, similarly printed, must accompany each retail sale.

FLORIDA—MUST NOTIFY GUESTS.

(Approved February 17, 1891.)

The sale of any spurious preparation, purporting to be butter, is prohibited. Guests at hotels, etc., must be notified if oleomargarine or other spurious butter is used.

GEORGIA—ANTI-COLOR LAW.

(Approved December 16, 1895.)

Imitation butter and cheese are defined as any article not produced from pure milk or cream—salt, rennet, and coloring matter excepted—in semblance of butter or cheese and designed to be used as a substitute for either. Shall not be colored to resemble butter or cheese. Every package must be plainly marked "Substitute for butter" or "Substitute for cheese," and each sale shall be accompanied by verbal notice and by a printed statement that the article is an imitation, the statement giving also the name of the producer. The use of these imitations in eating places, bakeries, etc., must be made known by signs.

IDAHO—BRANDING REQUIRED.

(Approved January 27, 1885.)

Brand required for sale of oleomargarine or butterine, imitation butter, or mixture imitating butter. These shall not be sold as butter.

ILLINOIS—ANTI-COLOR LAW.

(Approved June 14, 1897.)

Imitation butter is defined as any article not produced from pure milk or cream—salt, rennet, and coloring matter excepted—in semblance of butter and designed to be used as a substitute for it. Shall not be colored to resemble butter. All packages must be plainly branded "Oleomargarine," "Butterine," "Substitute for butter," or "Imitation butter." Each sale shall be accompanied by notice to the purchaser that the substitute is imitation butter.

INDIANA—LABEL LAW.

Butter other than that made from pure milk, when sold or used in hotels, etc., must be plainly labeled "Oleomargarine."

IOWA—ANTI-COLOR LAW.

(Passed in 1893.)

Imitation butter or cheese is defined as an article not produced from pure milk or cream—salt, rennet, and coloring matter excepted—in semblance of butter or cheese and designed to be sold as a substitute for either of them. Shall not be colored to resemble butter or cheese. Every package shall be plainly marked "Substitute for butter" or "Substitute for cheese," and each sale shall be accompanied by a verbal notice and a printed statement that the article is an imitation, the statement giving also the address of the maker. The use of these imitations in hotels, bakeries, etc., must be made known by signs.

KANSAS.

No law.

KENTUCKY—ANTI-COLOR LAW.

(Act of 1898.)

Oleomargarine, butterine, or kindred compounds, made in such form and sold in such manner as will advise the customer of its real character, and free from color or other ingredient to cause it to look like butter, is permitted.

LOUISIANA—LABEL LAW.

(Approved July 6, 1888.)

Such substances as oleomargarine, butterine, bogus butter, etc., shall be plainly labeled to indicate their composition. They shall not be sold as butter.

MAINE—ANTI-COLOR LAW.

(Approved March 27, 1895.)

Any article in imitation of yellow butter or cheese and not made exclusively of milk or cream is prohibited.

MARYLAND—ANTI-COLOR LAW.

(Passed in 1888.)

The manufacture, sale, or use in public eating places of any article in imitation of and designed to take the place of pure butter or cheese, and not made wholly from milk or cream, is prohibited. Mixtures of any animal fats or animal or vegetable oils with milk, cream, or butter shall be uncolored and marked with names and percentages of adulterants, and this information shall be given to purchasers.

MASSACHUSETTS—ANTI-COLOR LAW.

(Approved June 11, 1891.)

An article made wholly or partly out of any fat or oil, etc., not from pure cream, and which is in imitation of yellow butter, is prohibited; but oleomargarine, free from color or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted. It shall not be sold as butter, nor shall words like "dairy," "creamery," etc., or the name of any breed of dairy cattle, be used in connection with it. All packages exposed for sale must be plainly marked "Oleomargarine," and labels similarly marked must accompany retail sales. Stores where it is sold and wagons used for delivery must display signs, and hotels, etc., using it must notify guests. Persons selling oleomargarine must be registered and conveyors licensed.

MICHIGAN—ANTI-COLOR LAW.

(Approved April 15, 1897.)

Any article not made wholly from milk or cream, and containing melted butter, fats, or oils not produced from milk, and which is in imitation of pure butter, is prohibited; but oleomargarine, free from color or any ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted; its sale as butter is prohibited; signs must be displayed where it is sold or used, and its original packages must be plainly marked "Oleomargarine" if the article contains suet or tallow, or "Butterine" if it contains lard; retail sales shall be made from a package so marked, and a label similarly printed and bearing the name of the manufacturer shall be delivered with each sale; shall not be used in any public institution. (N. B.—The above law was invalidated in 1897 by the supreme court because of the fact that the enacting clause was omitted when it passed the senate.)

MINNESOTA—ANTI-COLOR LAW.

(Approved 1899.)

This law prohibits the sale of oleomargarine made in imitation of butter, and took the place of the pink law of 1891.

MISSISSIPPI—LABEL LAW.

(Approved March 9, 1882.)

Packages of oleomargarine or similarly manufactured butters shall be plainly labeled with the correct name of their contents, and the product shall be sold by that name. A privilege tax of $5 is imposed upon persons selling the articles named.

MISSOURI—ANTI-COLOR LAW.

(Approved April 19, 1895.)

Imitation butter is defined as every article not produced wholly from pure milk or cream, made in semblance of and designed to be used as a substitute for pure butter; it shall not be sold as butter; shall not be colored to resemble butter unless it is to be sold outside the State; original packages shall be plainly stamped "Substitute for butter;" in hotels, etc., vessels in which it is served must be marked "Oleomargarine" or "Impure butter."

MONTANA—TAXED 10 CENTS A POUND.

(Penal code of 1895.)

Any article in semblance of butter or cheese and not made wholly from milk or cream must be plainly labeled "Oleomargarine" or "Imitation cheese," and a printed label bearing the same word or words must be delivered to the purchaser with retail sales. Places where these articles are sold or used must display signs, and information as to their character be given if requested. Dealers must pay a license of 10 cents a pound on each pound sold.

NEVADA—BRANDING LAW.

(Approved February 14, 1881.)

Any article in semblance of butter, but not made exclusively of milk or cream, or containing melted butter, shall be in packages plainly marked "Oleomargarine."

NEBRASKA—ANTI-COLOR LAW.

(Approved March 16, 1895.)

Imitation butter and cheese are defined as any article made in semblance of and designed to be used as a substitute for pure butter or cheese and not produced wholly from pure milk or cream, salt, rennet, and harmless coloring matter. These articles, including any having melted butter added to them, shall not be colored to resemble butter or cheese; shall be plainly marked "Imitation butter," or "Imitation cheese;" verbal and printed information of the character of the articles, and address of the maker, shall be given at time of sale; signs shall be displayed in public eating places where used.

NEW HAMPSHIRE—ANTI-COLOR LAW.

(Approved March 29, 1895.)

Any article not made wholly from unadulterated milk or cream, which is in imitation of pure yellow butter or cheese, is prohibited, unless in packages plainly marked "Adulterated butter," "Oleomargarine," or "Imitation cheese." A label printed with the words on the original package shall be delivered with each retail sale. Oleomargarine, free from color or ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted. Notice of the use of substitutes for butter in hotels, etc., shall be given to patrons.

NEW JERSEY—ANTI-COLOR LAW.

(Approved March 22, 1886.)

Any article made wholly or partly out of any fat, oil, etc., not from pure milk or cream, artificially colored in imitation of pure yellow butter, is prohibited; but oleomargarine and imitation cheese are permitted, if free from artificial color and in original package encircled by a wide black band bearing the name of the maker and having the name of the contents plainly branded on them with a hot iron. Retail sales shall be accompanied by a printed card on which the name of the substance and the address of the maker are plainly printed, and the customer shall be orally informed of the character of the article at the time of sale.

NEW MEXICO.

No law.

NEW YORK—ANTI-COLOR LAW.

(Approved April 10, 1893.)

The terms oleomargarine, butterine, imitation butter, or imitation cheese means any article in the semblance of butter or cheese not the usual product of the dairy and not made exclusively from unadulterated milk, or having any oil, lard, melted butter, etc., as a component part. Imitation butter: The manufacture of oleomargarine or any article in imitation of butter wholly or partly from fats or oils not produced from milk, or the sale or the use in hotels, etc., of such articles, is prohibited. No article intended as an imitation of butter and containing oils, fats, etc., not from milk, or melted butter in any condition, shall be colored yellow.

NORTH CAROLINA—LABOR LAW.

(Ratified February 28, 1895.)

Oleomargarine and butterine are defined as articles manufactured in imitation of butter, and which are composed of no ingredient or ingredients in combination with butter. Original packages shall be labeled with chemical ingredients and their proportions.

NORTH DAKOTA—ANTI-COLOR LAW.

(Laws of 1899.)

Law prohibits manufacture and sale of oleomargarine colored in semblance of butter.

OHIO—ANTI-COLOR LAW.

(Approved May 16, 1894.)

Oleomargarine is defined as any substance not pure butter of not less than 80 per cent butter fat and made for use as butter. It is permitted if free from coloring matter or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its real character.

OKLAHOMA.

No laws.

OREGON—ANTI-COLOR LAW.

(Filed February 21, 1899.)

Forbids the manufacture and sale of oleomargarine colored in semblance of butter.

PENNSYLVANIA—ANTI-COLOR LAW.

(Passed in 1899.)

Prohibits manufacture and sale of oleomargarine made in semblance of butter.

RHODE ISLAND—BRANDING LAW.

(Laws of 1882.)

Any article not made wholly from milk or cream, but containing any melted butter or animal oil or fat not the product of milk, shall be plainly marked "Oleomargarine," and a label similarly printed shall be delivered with all retail sales.

SOUTH CAROLINA—ANTI-COLOR LAW.

(Approved March 9, 1893.)

Imitation butter and cheese are defined as every article not produced from pure milk or cream, with or without salt, rennet, and harmless coloring matter, which is in semblance of, and designed to be used, as a substitute for butter or cheese; they shall not be colored to resemble butter or cheese; original packages shall be marked "Substitute for butter," or "Substitute for cheese;" shall not be sold as genuine butter or cheese, nor used in hotels, etc., unless signs are displayed.

SOUTH DAKOTA—ANTI-COLOR LAW.

(Laws of 1897.)

Any article not made wholly from pure milk or cream, and in imitation of pure butter, is prohibited; but oleomargarine, colored pink and made in such form and sold in such manner as will advise the consumer of its real character, is permitted; notice of its use in public eating places must be given.

TENNESSEE—ANTI-COLOR LAW.

(Act of 1895.)

Any article which is in imitation of yellow butter and not made exclusively from pure milk or cream is prohibited; but oleomargarine, free from color or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its true character, and other imitations if uncolored and labeled with their correct names, are permitted; wholesale packages shall be plainly labeled, and a label shall accompany retail sales.

TEXAS.

No law.

UTAH—ANTI-COLOR LAW.

(Approved March 8, 1894.)

Any article in semblance of butter or cheese, and not made wholly from milk or cream, shall be plainly marked "Oleomargarine butter," or "Imitation cheese," and retail sales shall be made from packages so marked. Such articles shall not be colored to resemble butter or cheese.

VERMONT—PINK LAW.

(Laws of 1884.)

The manufacture of any article in imitation of butter or cheese which contains any animal fat, or animal or vegetable oils or acids not produced from pure milk or cream, is prohibited.

Imitation butter.—Imitation butter for use in public eating places, or for sale, shall be colored pink.

VIRGINIA—ANTI-COLOR LAW.

(Approved January 29, 1898.)

The manufacture or sale of any article made wholly or partly from any fat or oil not produced from unadulterated milk or cream, which is in imitation of pure yellow butter, is prohibited; but oleomargarine, butterine, or kindred compound, made in such form and sold in such manner as will advise the consumer of its real character, and free from color or other ingredient to cause it to look like butter, are permitted. Signs, with the words "Imitation butter used here," shall be displayed in eating places, bakeries, etc., where the articles above named are used.

WASHINGTON—ANTI-COLOR LAW.

(Approved March 11, 1895.)

No article which is in imitation of pure yellow butter and is not made wholly from pure milk or cream, with or without harmless coloring matter, shall be manufactured, sold, or used in any public eating house or eleemosynary or penal institution, etc.; but oleomargarine, free from color or other ingredient to make it look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted.

WEST VIRGINIA—PINK LAW.

(Approved February 16, 1891.]

Any substance in semblance of butter or cheese, and not made wholly from pure milk or cream, and packages containing such substances, shall be plainly marked; printed statements explaining the character of the substance must be given to consumers.

Oleomargarine.—Oleomargarine and artificial and adulterated butter shall be colored pink.

WISCONSIN—ANTI-COLOR LAW.

(Laws of 1895.)

Any article made partly or wholly out of any fat or oil, etc., not from pure milk or cream, and in imitation of yellow butter, is prohibited; but oleomargarine, free from color or other ingredient to make it look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted. It shall not be sold as butter. All packages exposed for sale must be plainly marked "Oleomargarine." Signs must be displayed in selling places and on wagons. Hotels, etc., using it must notify guests. Use not permitted in charitable or penal institutions.

WYOMING.

No dairy laws.

The following official table, prepared by the Department of Agriculture, indicates the remarkable increase in the production of oleomargarine, and also makes plain the fact that only about 3 per cent of the quantity annually manufactured is exported, and Professor Pierson, assistant chief of the Dairy Division, pertinently remarks, "These figures furnish strong evidence that it is sold not only for use as butter, but as butter itself:"

Production and distribution of oleomargarine and total revenue receipts therefrom, 1887 to 1899.

Fiscal year ended June 30—	Quantity produced.	Withdrawn tax paid.[a]	Withdrawn for export.[b]	Received all sources.
	Pounds.	*Pounds.*	*Pounds.*	*Dollars.*
On hand Nov. 1, 1886	181,090			
1887 (from Nov. 1, 1886)	21,513,537	20,743,569	724,532	723,948.04
1888	34,325,527	31,589,165	1,686,198	894,139.88
1889	35,004,020	33,863,642	1,748,895	894,247.91
1890	32,324,032	30,797,935	1,618,397	786,291.72
1891	44,392,409	43,215,512	1,229,116	1,077,924.14
1892	48,364,155	46,915,501	1,295,782	1,266,326.00
1893	67,224,298	64,463,875	2,785,494	1,670,643.50
1894	69,622,246	66,096,058	3,406,683	1,723,479.90
1895	56,958,105	53,636,242	3,337,186	1,409,211.18
1896	50,853,234	47,741,798	3,106,204	1,219,432.46
1897	45,531,293	42,508,469	3,148,407	1,034,129.60
1898	57,516,136	55,079,887	2,259,705	1,315,708.54
1899	83,139,901	79,701,108	3,095,738	1,956,618.56
Total	647,009,989	616,352,756	29,442,337	15,942,101.43

[a] Two cents per pound. [b] Without tax.

In my own State of Connecticut we have a very efficient dairy commission, and the laws are effectively enforced, with the result that while the sale of colored oleo is prohibited, considerable quantities of uncolored are sold and used. This is undoubtedly the case in other States where similar laws are enforced.

I have in my hands several bills of sale of uncolored oleomargarine, given by a Chicago manufacturer, being actual sales made to customers. This manufacturer also claims to have agencies in Philadelphia, Boston, Washington, Richmond, and other large cities, all indicating that unless there is a considerable and regular demand for the uncolored article these agencies would not be established and maintained.

I read from a bill rendered, without giving the purchaser's name:

CHICAGO, *January 25, 1900.*

William J. Moxley, manufacturer of fine butterine.

Two 56-pound packages uncolored oleomargarine prints, 112 pounds, at 13 cents a pound, $14.56.

It will be observed that the price paid, 13 cents per pound, is much lower than the usual market price of the colored article, enabling the retailer to sell with a fair profit at from 16 to 18 cents a pound.

With such facts in evidence, who shall say that by the prevention of the fraudulent sale of colored oleo at prices nearly approximating the cost of butter, together with a reduction in the cost of the uncolored article of nearly 2 cents per pound, enabling its sale at a price not exceeding 15 cents per pound, the laboring man or another who chooses or is forced to use oleomargarine in place of butter will not be benefited?

Certainly, none can deny that the great consuming public should be protected from the grasp of unscrupulous manufacturers and trusts, and if a combination of beef and hog fats, cotton-seed oil, and other waste or refuse products is to be made, colored and sold as a substitute for farmer's butter, then the manufacture and sale should be conducted openly and honestly rather than secretly and fraudulently.

The present Congress has been in session more than six months. Many important legislative measures have been enacted into laws, benefiting the financial, commercial, and manufacturing interests of the country, while very little has been done for agriculture. Why not now do something for the farmers? The passage of the Grout bill is asked for, and will be approved, not only by the farming and dairy interests, but by all lovers of fair play, fair trade, and honest dealing. [Loud applause.]

Mr. Speaker, I reserve the balance of my time. How much more time have I?

The SPEAKER. Forty minutes.

Mr. HENRY of Connecticut. I yield the control of the time of the majority, except this hour, to the gentleman from Vermont [Mr. GROUT].

The SPEAKER. Let the Chair understand this matter. The gentleman can reserve the remainder of his hour, but he can not cut off gentlemen on the other side from occupying their first hour.

Mr. HENRY of Connecticut. I transfer the control of the bill to the gentleman from Vermont, reserving the balance of my time.

The SPEAKER. Nothing can be done now, except that the gentleman can reserve the remainder of his time; and the Chair must recognize some one opposed to the bill.

Mr. HENRY of Connecticut. All right.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Speaker, it is not my intention to discuss at length or in detail this proposed legislation, but simply to state to the House in a general way the position of the minority in regard to it, and I shall leave to my colleagues of the minority of the Agricultural Committee the task of explaining in detail the substitute bill which we shall offer in lieu of the Grout bill, and the legal and constitutional questions involved.

On one point, however, first of all, the minority wish to be thoroughly understood—i. e., they are just as sincere and just as earnest in their wish and their determination to prevent the fraud now practiced, not by the manufacturers, mark you, but by the retail butter dealers, in the sale of oleomargarine as self-respecting men can be, and they believe the substitute bill which will be offered by them at the proper time will reduce the possibility of this fraud to a minimum.

In examining this proposed legislation the first question which naturally arose was, Is oleomargarine a wholesome food product? On this point I wish to read the testimony of many well-known chemists and scientific men, and I ask the close attention of the House to the character of this testimony, because I have found many members in absolute ignorance on this point, and many with the idea that it was a vile, filthy, and unwholesome stuff.

Prof. S. C. Caldwell, of Cornell University, Ithaca, N. Y., says:

While not equal to fine butter in respect to flavor, it nevertheless contains all the essential ingredients of butter, and since it contains a smaller proportion of volatile fats than is found in genuine butter, it is, in my opinion, less liable to become rancid. It can not enter into competition with fine butter, but so far as it may serve to drive poor butter out of the market, its manufacture will be a public benefit.

I have also the testimony of Prof. C. F. Chandler, professor of chemistry at Columbia College, New York; Prof. George F. Barker, of the University of Pennsylvania; Prof. Henry Morton, of the Stevens Institute of Technology, New Jersey; Prof. S. W. Johnson, director of the Connecticut Agricultural Experiment Station and professor of agricultural chemistry in Yale College, New Haven; Prof. C. A. Goessmann, of Amherst Agricultural College; Prof. Charles P. Williams, professor in the Missouri State University; Prof. J. W. S. Arnold, professor of physiology in the University of New York; Prof. W. O. Atwater, director of the United States Government Agricultural Experiment Station at Washington; Prof. Henry E. Alvord, formerly of the Massachusetts Agricultural College and president of the Maryland College of Agriculture, and now chief of the dairy division of the United States Department of Agriculture, and Prof. Paul Schweitzer, Ph. D., LL. D., professor of chemistry, Missouri State University.

This evidence was enough to convince the minority that oleomargarine was a nutritious and wholesome article of food, and therefore entitled to a place among the food products of the country.

Now, what does the Grout bill propose to do with this nutritious and wholesome food product? I will read you, and again I ask the most careful attention of the House to what the most strenuous advocates of the Grout bill told our committee.

Let me refer first to the testimony of Mr. Adams, pure-food commissioner of the State of Wisconsin. In his testimony before the committee on March 7, 1900, he says:

There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business.

That is what he says, and he ought to know.

Then here is the testimony of Charles Y. Knight, secretary of the National Dairymen's Union. In a letter to the Virginia Dairyman, dated March 18, 1900, he says:

Now is the time for you to clip the fangs of the mighty octopus of the oleomargarine manufacturers who are ruining the dairy interests of this country by manufacturing and selling, in defiance of law, a spurious article in imitation of pure butter.

Observe, this gentleman undertakes to say what the oleomargarine manufacturers are doing. I deny his statement. They are not doing what he charges. It is the retail dealers in butter who are doing it.

Mr. MCCLEARY rose.

Mr. WADSWORTH. I decline to be interrupted. The gentleman understands, of course, that I do not mean to be discourteous.

Mr. Knight continues:

We have a remedy almost in grasp which will eliminate the manufacture of this article from the food-product list. The Grout bill, now pending in the Agricultural Committee of the House of Representatives in Congress, meets the demand.

Mr. W. D. Hoard, ex-governor of Wisconsin and president of the National Dairymen's Union, stated in his testimony before the committee, March 7, 1900, as follows:

To give added force to the first section of the bill, it is provided in the second section that a tax of 10 cents a pound shall be imposed on all oleomargarine in the color or semblance of butter. In plain words, this is repressive taxation.

Let me say that the first section of the bill to which this gentleman refers always met the approval of the Committee on Agriculture and was reported by them favorably and passed two years ago.

Mr. Hoard and Mr. Knight are officers of the National Dairymen's Union, the organization that framed the second section of the Grout bill and sent it to the gentleman from Vermont to introduce. They certainly ought to know what object they set out to accomplish through the means of this second section, and they had the courage to boldly avow it before the committee.

Just here, the minority of the Agricultural Committee parted company with the National Dairymen's Union, for we do not believe that the Congress ought to ruin one American industry to benefit another, and that is just the object sought by these men by their own confession.

I want to touch very briefly on the color question. It is claimed by the extreme butter men that yellow is the natural butter color, and that practically no other food product has the right to use it. If that claim is true, what shade of yellow is it entitled to? Here are samples of butter purchased by me this morning, and no two of them are alike in color. Mr. Speaker, as a matter of fact every sample before you is artificially colored.

Mr. MCCLEARY. How does the gentleman know that those samples are butter?

Mr. WADSWORTH. I bought them of a reputable dealer in Center Market, this city.

Mr. STEELE. What is the objection, whether they are butter or oleomargarine, if they are not unwholesome?

Mr. WADSWORTH. I am not entering into that question now. I am simply showing that butter is colored all sorts of shades.

Mr. DAHLE. How does the gentleman know that those are colored specimens of butter?

Mr. WADSWORTH. I am a butter maker myself.

Mr. DAHLE. I am, also.

Mr. WADSWORTH. As a matter of fact, every sample which I here exhibit is artificially colored.

Mr. Speaker, it is only in the months of May and June—and I speak as a practical butter maker myself when I make the assertion—that creamery butter, and that, of course, is the butter of commerce, has a decided yellow color or tint, and that color disappears entirely, or almost so, when the fall and winter sets in. The truth of the matter is that we all color our butter for the purpose of making it uniform in appearance and to meet the demands of the trade throughout the country, just as the wagon maker has to paint his wagons to meet the demands of his trade and to make his goods pleasing to the eye of his customers.

Let me read to you an advertisement in the Chicago Dairy Produce Journal, which appears right on the front page and where no honest butter maker, or anybody else who looked at the Journal, can possibly miss seeing it. It says:

The conventions are over. Between hay and grass you will want a butter color that can be depended upon to give your butter the true June shade. That color is Wells Richardson Co. Improved, the kind that has no mud.

Mr. TAWNEY. Will the gentleman allow me to interrupt him for a question?

Mr. WADSWORTH. Certainly.

Mr. TAWNEY. Do you color the butter that is placed upon the market for the purpose of representing anything else but butter?

Mr. WADSWORTH. I deny, Mr. Speaker, that butter has the copyright, patent right, or any other right to any particular color, whether yellow or otherwise.

Mr. GAINES. Was the butter the gentleman exhibited here genuine?

Mr. WADSWORTH. I am not able to answer the gentleman. I bought it, I will state, from a reputable dealer in the Center Market in this city, as I have stated. If it is not genuine, then I was misled. If the gentleman has any doubt about it, he can take the samples I have submitted to the Agricultural Department and have them tested for himself.

Mr. GAINES. For what purpose did you present these samples here?

Mr. WADSWORTH. For the purpose of showing to the House that the color of butter is a varying quantity.

Mr. GAINES. It is understood to be genuine butter?

Mr. WADSWORTH. I bought it for that purpose and to exhibit it on the floor of the House.

Now, Mr. Speaker, I think I need not say anything more in regard to the color question of butter, except that if coloring oleomargarine a shade of yellow helps to perpetrate a fraud, then the coloring of butter is actually a fraud, because it makes the consumer believe, and necessarily, that fall or winter or white butter of any season of the year is June butter, which is generally considered the best. Therefore, there is nothing whatever in the color question.

Mr. Speaker, before sitting down, I desire to call the attention of the House to a matter which I think will interest personally every member, and I do not know but that it affects the dignity and good standing of this body before the country. During the last two weeks of the campaign just closed there was scattered broadcast through my district and through many other districts by the National Dairymen's Union, through one Knight, its secretary, and therefore its agent, this circular. [Showing the House copy of a circular representing oleomargarine manufacturer in prison garb tendering money to member.]

It is a cowardly attack—by innuendo—upon the integrity of many members of this body who dare to differ from them. I can hardly believe that the National Dairymen's Union approve of methods employed by their secretary in this matter. But if they do not, they should disavow these methods and dismiss from their service an agent who is guilty of such practices; otherwise, they themselves are knowingly guilty of the miserable, cowardly attack upon the integrity of many members of this House, and neither they nor their opinions nor their wishes are deserving of any consideration at our hands.

I will print as a part of my remarks the minority report of the committee.

The report is as follows:

VIEWS OF THE MINORITY.

The minority of the Committee on Agriculture of the House of Representatives beg leave to submit the accompanying bill, which we offer as a substitute for H. R. 3717, known as the Grout bill.

We first wish to bring to the attention of the House proof positive that oleomargarine is a wholesome and nutritious article of food, and is therefore entitled to a legitimate place in the commerce of our country. In substantiation of this statement we beg to submit the following testimony taken before the committee:

"OPINIONS OF LEADING SCIENTISTS.

"Prof. C. F. Chandler, professor of chemistry at Columbia College, New York, says: 'I have studied the question of its use as food, in comparison with the ordinary butter made from cream, and have satisfied myself that it is quite as valuable as the butter from the cow. The product is palatable and wholesome, and I regard it as a most valuable article of food.'

"Prof. George F. Barker, of the University of Pennsylvania, says: 'Butterine is, in my opinion, quite as valuable as a nutritive agent as butter itself. It is perfectly wholesome, and is desirable as an article of food. I can see no reason why butterine should not be an entirely satisfactory equivalent for ordinary butter, whether considered from the physiological or commercial standpoint.'

"Prof. Henry Morton, of the Stevens Institute of Technology, New Jersey, says: 'I am able to say with confidence that it contains nothing whatever which is injurious as an article of diet, but, on the contrary, is essentially identical with the best fresh butter, and is superior to much of the butter made from cream alone which is found in the market. The conditions of its manufacture involve a degree of cleanliness and consequent purity in the product such as are by no means necessarily or generally attained in the ordinary making of butter from cream.'

"Prof. S. W. Johnson, director of the Connecticut Agricultural Experiment Station, and professor of agricultural chemistry in Yale College, New Haven, says: 'It is a product that is entirely attractive and wholesome as food, and one that is for all ordinary and culinary purposes the full equivalent of good butter made from cream. I regard the manufacture of oleomargarine as a legitimate and beneficent industry.'

"Prof. S. C. Caldwell, of Cornell University, Ithaca, N. Y., says: 'While not equal to fine butter in respect to flavor, it nevertheless contains all the essential ingredients of butter, and since it contains a smaller proportion of volatile fats than is found in genuine butter it is, in my opinion, less liable to become rancid. It can not enter into competition with fine butter; but so far as it may serve to drive poor butter out of the market its manufacture will be a public benefit.'

"Prof. C. A. Goessmann, of Amherst Agricultural College, says: 'Oleomargarine butter compares in general appearance and in taste very favorably with the average quality of the better kinds of dairy butter in our markets. In its composition it resembles that of ordinary dairy butter, and in its keeping quality, under corresponding circumstances, I believe it will surpass the former, for it contains a smaller percentage of those constituents which, in the main, cause the well-known rancid taste and odor of a stored butter.'

"Prof. Charles P. Williams, professor in the Missouri State University, says: 'It is a pure and wholesome article of food, and in this respect, as well as in respect to its chemical composition, fully the equivalent of the best quality of dairy butter.'

"Prof. J. W. S. Arnold, professor of physiology in the University of New York, says: 'I consider that each and every article employed in the manufacture of oleomargarine butter is perfectly pure and wholesome; that oleomargarine butter differs in no essential manner from butter made from cream. In fact, oleomargarine butter possesses the advantage over natural butter of not decomposing so readily, as it contains fewer volatile fats. In my opinion, oleomargarine is to be considered a great discovery, a blessing for the poor, and in every way a perfectly pure, wholesome, and palatable article of food.'

"Prof. W. O. Atwater, director of the United States Government Agricultural Experiment Station at Washington, says: 'It contains essentially the same ingredients as natural butter from cow's milk. It is perfectly wholesome and healthy and has a high nutritious value.'

"Prof. Henry E. Alvord, formerly of the Massachusetts Agricultural College, and president of the Maryland College of Agriculture, and now chief of the Dairy Division of the United States Department of Agriculture, and one of the best butter makers in the country, says: 'The great bulk of butterine and its kindred products is as wholesome, cleaner, and in many respects better than the low grades of butter of which so much reaches the market.'

"Prof. Paul Schweitzer, Ph. D., LL. D., professor of chemistry, Missouri State University, says: 'As a result of my examination, made both with the microscope and the delicate chemical tests applicable to such cases, I pronounce butterine to be wholly and unequivocally free from any deleterious or in the least objectionable substances. Carefully made physiological experiments reveal no difference whatever in the palatability and digestibility between butterine and butter.'"

Professor Wiley, Chief of the Division of Chemistry of the United States Department of Agriculture, also appeared before the committee and testified to the nutritive and wholesome qualities of oleomargarine.

The Committee on Manufactures of the United States Senate, in a report dated February 28, 1900, finds, from the evidence before it, "that the product known commercially as oleomargarine is healthful and nutritious."

Judge Hughes, of the Federal court of Virginia, in a decision, says:

"It is a fact of common knowledge that oleomargarine has been subjected to the severest scientific scrutiny, and has been adopted by every leading government in Europe as well as America for use by their armies and navies. Though not originally invented by us, it is a gift of American enterprise and progressive invention to the world. It has become one of the conspicuous articles of interstate commerce and furnishes a large income to the General Government annually."

Believing that this testimony establishes beyond controversy that oleomargarine is a nutritious and wholesome article of food, the main question to be considered is the complaint that fraud is practiced in its sale.

The only just complaint (indeed, the only complaint) against the existing oleomargarine law consists in the facility with which the retail dealer, in selling from the original or wholesale package and substituting a new and unmarked wrapper, may violate the law. There is nothing in H. R. 3717 (known as the Grout bill) which would decrease the temptation or increase the difficulty of such violations. On the contrary, the increased taxation would either be fraudulently evaded, or else would force the honest manufacturer out of business. H. R. 3717 merely increases taxation without providing any new or additional penalties or any new methods to prevent the sale of oleomargarine as butter, either in its colored or uncolored state. In fact, the radical advocates of the Grout bill do not seek this end, as they have declared in their testimony before the committee and in declarations elsewhere that their sole intention is to absolutely crush out the manufacture of oleomargarine and eliminate it as a food product.

In substantiation of this assertion we quote the following:

Mr. Adams, pure food commissioner of the State of Wisconsin, in his testimony before the committee on March 7, 1900, said:

"There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business."

Charles Y. Knight, secretary of the National Dairy Union, in a letter to the Virginia Dairymen, dated May 18, 1900, writes:

"Now is the time for you to clip the fangs of the mighty octopus of the oleomargarine manufacturers, who are ruining the dairy interests of this country by manufacturing and selling in defiance of law a spurious article in imitation of pure butter. We have a remedy almost in grasp which will eliminate the manufacture of this article from the food-product list. The Grout bill, now pending in the Agricultural Committee of the House of Representatives in Congress, meets the demand."

W. D. Hoard, ex-governor of Wisconsin and president of the National Dairy Union, stated in his testimony before the committee on March 7, 1900, as follows:

"To give added force to the first section of the bill, it is provided in the second section that a tax of 10 cents a pound shall be imposed on all oleomargarine in the color or semblance of butter. In plain words, this is repressive taxation."

In view of this testimony the minority believe they are justified in claiming that the Grout bill, if enacted into law, would destroy the business of the legitimate oleomargarine manufacturers. In other words, Congress is being asked to ruin one industry to benefit another; and this, in the opinion of the minority, is a thing Congress ought not to do. The minority believe it to be class legislation of the most pronounced kind and would establish a precedent which, if followed, would create monopolies, destroy competition, and militate against the public good.

The substitute bill offered by the minority would, in our opinion, eliminate all possibility of fraud, and would compel the manufacturers of and dealers in oleomargarine to sell it for what it really is and not for butter. The substitute offered is practically an amendment to sections 3 and 6 of the existing oleomargarine law. The licenses for manufacture and sale of this article are not changed, and are as follows: Manufacturers, $600 per annum; wholesale dealers, $480 per annum; retailers, $48 per annum, while the penalties imposed for violations of the law are materially increased. We quote in full section 2 of the substitute bill, and ask for it the careful and thoughtful consideration of the House, believing that it is just and fair to all the interests involved:

"SEC. 2. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word 'oleomargarine' in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word 'oleomargarine' printed thereon in distinct letters, and said wrapper shall also bear the name of the manufacturer, and then shall be put by the manufacturer thereof in such wooden or paper packages or in such wrappers, with the word 'oleomargarine' printed thereon in distinct letters, and marked, stamped, and branded in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word 'oleomargarine,' with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed.

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale as butter any oleomargarine, colored or uncolored, or who falsely brands any package, or

affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than one hundred nor more than five hundred dollars and be imprisoned not less than thirty days nor more than six months; and for the second and every subsequent offense shall be fined not less than two hundred nor more than one thousand dollars and be imprisoned not less than sixty days nor more than two years."

One of the claims made by the friends of the Grout bill is that it will protect the interests of the farmer. We call attention to the fact that every ingredient that enters into the manufacture of oleomargarine is as much a product of the farm as is butter, and that such ingredients are made more valuable on account of their use in the manufacture of oleomargarine.

Your committee has had before it representatives of both the cattle and hog raisers of the country and also representatives of the cotton industry, and they are unanimous in their opinion that their business will be materially injured and the price of their product lowered by the passage of the Grout bill and the destruction of the oleomargarine industry.

The manufacture and sale of oleomargarine does not interfere with the growth and prosperity of the butter industry. Statistics show a much greater percentage in the increase of the production of butter than in the production of oleomargarine. Though similar in ingredients, they are not strictly competing, as the oleomargarine is practically all bought by the poorer class of our people.

In justification of this statement we have received a large number of petitions from the labor organizations of our country protesting against the passage of this bill for the above-given reasons.

It being possible to keep oleomargarine in a sweet and sound condition much longer than butter, it is also used extensively in the mining and lumber camps, on exploring and hunting expeditions, on ships at sea, and by armies in the field.

The claim made by the friends of the Grout bill that the manufacture and sale of oleomargarine has greatly depreciated the price of butter will not obtain when it is known that there is now manufactured in the United States nearly 2,000,000,000 pounds of butter annually, and it is positively known that there only were 83,000,000 pounds of oleomargarine manufactured last year, which shows that the amount of oleomargarine produced is about 4 per cent of the amount of butter produced. Therefore, the argument that oleomargarine in any material sense controls the price of butter is not justified by the facts.

The manufacture and sale of oleomargarine have in no way depreciated the price of butter, as more butter is being sold at higher price in this country than ever before, as shown by testimony.

It is a suggestive fact that those sections of our country which are most exclusively devoted to the dairy interests are blessed with the greatest prosperity, as brought out in the testimony of ex-Governor Hoard, of Wisconsin, before our committee, who said that a few years ago land was worth only $15 an acre in that State, but as the State began to be devoted more exclusively to the dairy interests land had rapidly appreciated in price, and that farmers had gotten out of debt, had paid their mortgages, and the land is now worth the sum of $80 per acre, this price averaging much higher than agricultural lands in other parts of the country.

In conclusion, the members of the Committee on Agriculture who have joined in this minority report beg to assure the House and the country in the most solemn manner possible that it has been their earnest intention, and is now their determination, to do everything possible to be done to enforce the sale of oleomargarine as oleomargarine and to prevent its sale as butter. To prevent fraud, and not to stamp out an industry, has been and is our purpose. We believe that it ought to be the sole purpose of all legislation and the sole motive of all just men.

J. W. WADSWORTH.
WM. LORIMER.
W. J. BAILEY.
G. H. WHITE.
JOHN S. WILLIAMS.
J. WM. STOKES.
H. D. ALLEN.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 5053. An act to amend an act authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa, approved March 6, 1900; and

S. 5024. An act granting permission to Capt. B. H. McCalla, United States Navy, and Commander William C. Wise, United States Navy, to accept decorations tendered to them by the Emperor of Germany.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 4400. An act for the relief of Frank E. Kellogg, collector of the Sixth internal-revenue district of Missouri.

OLEOMARGARINE.

Mr. HENRY of Connecticut. Mr. Speaker, I desire to resign the charge of this bill on the floor of the House to the gentleman from Vermont [Mr. GROUT].

Mr. McCLELLAN. Do I understand that the gentleman yields the remainder of his time?

The SPEAKER. No; only the control of the bill, as he has suggested.

Mr. McCLELLAN. No arrangement has been made as to the time for debate?

The SPEAKER. None.

Mr. McCLELLAN. Then I suppose the gentleman from Connecticut has only an hour?

The SPEAKER. The gentleman from Vermont, by this arrangement, will be placed in charge of the bill instead of the gentleman from Connecticut, and may make such motion with reference to its consideration in the House as he desires.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent that general debate be closed at half past 4 o'clock to-day and that the time shall be equally divided between both sides, the control of the proposition being in the hands of the gentleman from Vermont [Mr. GROUT] and the minority report in the hands of the gentleman from New York [Mr. WADSWORTH], and also that the time between half past 4 and 5 o'clock be devoted to the consideration of the bill under the five-minute rule, the vote to be taken at 5 o'clock.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I object to that. That is not sufficient time for the discussion of a bill which is as important as this bill.

The SPEAKER. Objection is made.

Mr. GROUT. Mr. Speaker, I wish to thank the gentleman from Connecticut [Mr. HENRY] who reported this bill for yielding to me its custody. It is an old acquaintance, and I am glad to see it, after much tribulation, so well on its way through the House.

I wish also to thank the gentleman and all others of the majority of the Committee on Agriculture for the resolute fight made by them in committee in behalf of the bill, and for bringing it into the House against great odds with a favorable report. It is a bill, sir, in which the whole body of the American people is interested. It looks to the suppression of fraud upon a food product that is consumed by every man, woman, and child of our 76,000,000 people. It seeks to stop the fraudulent sale of oleomargarine for butter. Over 104,000,000 pounds of oleomargarine were manufactured and sold last year, and probably not 1 pound in a thousand of this strange compound but what was consumed by a confiding public, supposing it to be butter. This was an average of about 1¼ pounds of this stuff per capita of our entire population, and I expect we all ate our allowance.

The amount of butter sold in the markets of the country is estimated to be about 800,000,000 pounds annually. Thus do we see that about one-ninth of what is sold to the American people as butter is really oleomargerine. One supposes he is eating butter; but the chances are one in nine that he is eating oleomargarine, and this is the case whether one sits at table in a hotel, restaurant, boarding house, or perchance in the house of a friend, unless that friend resides on a farm where honest butter is made.

Mr. HILL. How about the rest of the things on the table?

Mr. GROUT. Very likely, not all pure, but they are not up for consideration in this bill. We will discuss other food adulterations when they are before us. This bill is leveled at the biggest fraud of them all, one of colossal proportions, and if we can handle this the smaller food adulterations will be all the more easily dealt with. One point at a time, if you please.

Every ninth pound of what passes for butter through the channels of trade in the United States is oleomargarine. Think of it, and tell me if the people of this country are not entitled to relief from this dirty fraud? Tell me also if the makers of butter, which costs at least 17 or 18 cents per pound, are not entitled to relief from the destructive competition of this villainous stuff, which costs not over 6 or 7 cents per pound, but is sold for the price of butter?

This could not be done were it not for the false color that is given it. In its natural state it is colorless. The trouble all comes from giving it a color not its own, the color of butter—always yellow. The oleomargarine men complain because butter is sometimes colored, but the coloring of butter only intensifies a little its natural color—the color that belongs to it, the color by which the world knows it, the color that this false product seeks in order that it may palm itself off for butter.

Mr. BURKE of Texas. Do I understand the gentleman to assert to the House that the manufacturers of butter do not color it?

Mr. GROUT. No; we know that it is sometimes colored. We know that, to meet a varying taste, coloring matter is introduced into butter. I myself think it a foolish practice. I think that the taste of anyone which requires artificial coloring matter in butter is an abnormal and perverted taste. It were better to let it go in its natural color. My friend, the gentleman from New York [Mr. WADSWORTH], chairman of the Committee on Agriculture, showed us some samples here a few minutes ago, claiming them to be highly colored. I undertake to say that a good Jersey cow, well fed, in the month of December—for this is supposed to be a December product, or November at the farthest—a good Jersey cow, well fed on good, fresh hay and a suitable supply of corn meal properly intermixed with shorts, so that it shall not cloy her, will color her butter as well as the specimens which the gentleman put on exhibition here.

Mr. WADSWORTH. Will the gentleman allow me?

Mr. GROUT. Certainly.

Mr. WADSWORTH. I distinctly stated that I referred to the butter of commerce. I did not refer to butter made on private farms from the milk of Jersey cows, well fed with corn meal and all that sort of thing. I referred to the butter of commerce, not to the butter produced by private dairies.

Mr. GROUT. The butter of commerce, Mr. Speaker, is largely produced from Jersey cows, of which there is a vast number in the country, and which are constantly becoming more numerous.

The Jersey is the proper butter-making cow and is so recognized the world over. But we will not dwell upon that.

Now, Mr. Speaker, 32 States have prohibited the sale of oleomargarine when colored like butter. Those 32 States contain 62,000,000 of the people of this country. That shows what 32 States think of colored oleomargarine. And I want every member of this House, when he comes to vote on this bill, to remember what his own State has done on the subject. He will find that in 32 instances the sale of oleomargarine colored like butter is prohibited. The practical effect of this bill will be to bring into harmony the State and Federal laws. I will now explain briefly the provisions of the bill and then yield to others, taking time hereafter to answer points that may be raised if not satisfactorily answered by gentlemen who will follow me.

The first section of the bill simply puts oleomargarine and all imitation butter products under control of the State law the moment they enter the State from another State, the same as though manufactured within the State. This section is an almost exact reproduction of the Wilson law relative to intoxicating liquors and on which there has been a decision of the Supreme Court holding the law to be constitutional. It was to overcome the original-package decision that the Wilson law was passed. It had previously been held by the Supreme Court that articles brought from one State into another were entitled to one exchange, one sale, before the local laws could reach them. And while this decision was concerning the rights of a package of intoxicating liquor, the same principle would apply to all interstate transactions. I repeat, the Wilson law has been held by the Supreme Court to be constitutional. Hence there can be no question as to the constitutionality of this first section.

But let me say, further, that the Supreme Court, in the case of Plumley *vs.* The State of Massachusetts, which came up on a writ of error, has held that under the police power of the State oleomargarine colored in imitation of butter was subject to control of State laws, inasmuch as it was calculated to deceive. The man Plumley was convicted under the anti-color law of Massachusetts of selling oleomargarine for butter, and fined and imprisoned. He brought a writ of habeas corpus in the supreme court of that State on the ground that the Massachusetts statute was unconstitutional, but the court held that the proceeding was regular. Then he brought his case to the United States Supreme Court on a writ of error, and that court affirmed the decision. In other words, that court held in exact accordance with section 1 of this bill. Some one says, "Then why the necessity for this section?"

I will tell you why. That decision was rendered by a divided court. The Chief Justice and two associate justices dissented from the view taken by the rest of the court, whose opinion was delivered by Mr. Justice Harlan. And lest on some evil day the Supreme Court, in the mutations of time, may hold the other way—because this is a vexed question, with millions of dollars behind it—I say lest they may hold the other way, the dairymen of the country want this provision written in the statute law of the land as well as in the decisions of the Supreme Court, thus establishing a double guaranty for the States to exercise their police power to prevent fraud and crime whenever an article enters one State from another, the interstate-commerce clause of the Constitution to the contrary notwithstanding. This is the purpose which section 1 will serve.

Now, some one may say, with this section, and with the laws in 32 States prohibiting the sale of colored oleomargarine, Why does not that settle the question? My friend from Texas nods smilingly, as if it ought to; but it does not, and I will tell you why. Mr. Speaker, it is because the enormous profits arising from the fraudulent sale of oleomargarine for butter present an overpowering temptation to the manufacturer and retailer to sell it for butter and at the price of butter. These profits could not have been less than fourteen or fifteen million dollars on the 104,263,651 pounds produced during the last fiscal year. The cost per pound was a little over 8 cents, with the tax paid. It was sold all the way from 15 or 16 cents, for that which went to hotels, restaurants, and boarding houses, to 20 or 30 cents per pound, for which price the enterprising retailer works off some of it for the best dairy butter. Think of it. Fourteen or fifteen million dollars profits!

Mr. BURKE of Texas. Will the gentleman yield to a question?

Mr. GROUT. Certainly.

Mr. BURKE of Texas. Then, as I understand the gentleman, the dairy interests are proposing this measure on account of the enormous profits?

Mr. GROUT. Not simply because of profits, but because they are fraudulent profits. The dairymen propose this measure because of the fraud that is perpetrated upon them by the sale of oleo as butter, and they mention the profits as the inducement for people to enter into this business and practice this fraud. They also refer to these enormous profits as stimulating and encouraging the fraud. Not only do the butter men propose this measure and make these suggestions, but the whole American people, all of whom eat butter, propose it in the interest of honest dealing and that they may know what they are eating.

Mr. BURKE of Texas. One other suggestion, with the permission of the gentleman from Vermont.

Mr. GROUT. Certainly.

Mr. BURKE of Texas. This, then, in the way of a suggestion, that if the bill proposed by the minority——

Mr. GROUT. Do not take me away from this point. I desire to close as soon as possible and yield to others.

Mr. BURKE of Texas. Does not the gentleman from Vermont think that if the bill proposed to the House by the minority were enacted every protection that the people of this country could have would be afforded?

Mr. GROUT. I do not think they would have one particle more protection than they have now; and later, when this substitute bill has been presented, if some other speaker does not absolutely riddle it, I will give attention to it myself. I shall not, however, just now discuss it, but do wish to explain the bill before the House, and make plain the way in which, as I believe, it will stop the fraud, and then I will yield the floor to others.

Mr. Speaker, lest these interruptions have turned aside the attention of the House, let me ask that gentlemen keep in mind the point I am endeavoring to make, viz, that State control as given by the first section of the bill and the anti-color laws of the States are found insufficient to suppress the fraudulent sale of oleomargarine as butter. A simple statement of the facts will prove this. We already have State control under the Supreme Court decision in the Plumley case, and we have anti-color State laws, but still oleo is sold as butter.

Right here let me again tell you why. It is because of the enormous profits realized therefrom, and of which I have already spoken. Does anyone question the cost of this stuff as already given? If so, let me tell the House that Armour & Co., in a legal proceeding, stated that it cost less than 5 cents per pound, exclusive of the tax. But that was a few years ago, when the greases of which it is made were somewhat cheaper than now. I hold in my hand a prospectus issued by a company now erecting an oleomargarine factory in this city, in which the cost is given as 5.54 cents per pound, not including the tax. This stuff is sold to the hotel men, the boarding house and restaurant keepers at 15 or 16 cents per pound. These men put it off in turn on their unsuspecting guests for butter, and thus the fraud is accomplished. But as to the retail dealer——

Mr. WADSWORTH. Will the gentleman allow me to correct his statement where he has read the cost? He has only read the cost of the material; but if he will read the cost of labor, paper, tubs, etc., he will find that that is 1.38, and, with the internal revenue, 8.92 cents, and not 5.54 cents, as he has stated.

Mr. GROUT. I stand corrected in part, but the 5.54 cents did not include the tax. I see, however, in another paragraph below the one from which I read, a further estimate, which is for labor, paper, tubs, etc., 1.38 cents, which would make it 6.92 cents instead of 5.54 cents. But the retail dealer, Mr. Speaker, has another job on his hands. To reap his harvest he must sell it for butter. Now, I wish I had some of the samples of oleomargarine which I have, so that you may see how it is done.

Mr. WADSWORTH. The gentleman from Illinois [Mr. LORIMER] will have them here.

Mr. GROUT. I want my own samples. Will the Doorkeeper——

Mr. WADSWORTH. Does the gentleman manufacture it himself?

Mr. GROUT. No; I am neither a manufacturer nor a defender of it. Will the Doorkeeper ask that the samples in the room of the Committee on Expenditures of the War Department be brought in?

Mr. FLEMING. Possibly the gentleman can get them in the restaurant.

Mr. GROUT. No, Mr. Speaker, I wish to say I have tasted of the butter served in the restaurant below several times. In order to tell butter from oleomargarine by the taste you have to wait a little. It takes a little time to do it. You must not be in a hurry. The sense of smell also helps to a conclusion. Instead of the delicate aroma and fine flavor of pure butter, oleomargarine gives you the odor of dead flowers and the taste of the charnal house. I am glad to say I have never tasted anything but butter in this restaurant, and I have had my tasters after it several times. It is in many places, Mr. Speaker, but I do not think in this Congress it would very likely be found in the restaurants in the Capitol in the face of the present agitation, however it might be in more peaceful times. But to go back to the seller. He enters into the business of selling the stuff, and he works it off all the way from 18 to 30 cents a pound, and is able to do this because it is colored like butter. He takes it—and I can read to you from original circular letters of manufacturers, if I had the time, I have them here—that he takes it with the guarantee from the manufacturers

that they will see him harmless "on account of fines, costs, and expenses because of State law."

That is what they do. They defy the State laws. They stand right behind the retailer and tell him to sell the goods and they will take care of him, and he does sell the goods. The manufacturers undoubtedly make the retailer, who is going to get from 18 to 30 cents a pound for what he sells, pay rather more for the product than do the hotel, restaurant, or boarding-house keepers, because there is a larger margin of profits for him. I do not say this is so; it may not vary at all. But it is clear that from 10 to 20 cents profit per pound is divided between the manufacturer and retailer on all that he handles. It is also clear that the retailer goes forward with his business in spite of local laws. He is doing it all over the country. In this city there are 50 or 60 oleomargarine indictments which have been on the calendar over four years. There are in the State of Pennsylvania nearly a thousand indictments for the illegal sale of oleomargarine, many of which are three and four years old. It was only last year in Pennsylvania——

Mr. HOPKINS. Will the gentleman allow an interruption?

Mr. GROUT. Certainly.

Mr. HOPKINS. What is the matter with the cause of justice in that State?

Mr. GROUT. What is the matter with the cause of justice in the city of Chicago, State of Illinois, from which the gentleman comes, where the judges, made by the oleomargarine manufacturers and retailers, make oleomargarine decisions which ought to make an American blush for shame? I repeat, what is the matter in Chicago, where hundreds of retailers sell oleomargarine for butter, in defiance of law, a specimen of which I will show you in a moment from the sample packages I have here.

Mr. HOPKINS. The gentleman from Vermont does not answer my question. The people of the State of Illinois are alive on this issue; but I ask the gentleman, what is the matter with the cause of justice in the State of Pennsylvania? The gentleman from Vermont has made a very serious charge, and if there is any such delay I would like to know it.

Mr. WILLIAMS of Mississippi. May I ask the gentleman a question?

Mr. GROUT. Certainly; after saying to the gentleman from Illinois that there are just such delays not only in Illinois, Pennsylvania, and the District of Columbia, but in every State where oleomargarine is sold except New York, which appropriates $60,000 annually for the prosecution of oleomargarine cases.

Mr. WILLIAMS of Mississippi. I understand now the gravamen of the gentleman's objection to the existing laws is that they are not executed by the State authorities?

Mr. GROUT. Precisely so, and because of the immense corruption fund growing out of the vast profits arising from the fraudulent sale of this article for butter.

Mr. WILLIAMS of Mississippi. Never mind why. Upon that I want to ask the gentleman from Vermont this question: How does he hope to remedy this evil of misfeasance and nonfeasance on the part of the State law officers by relegating this to the State legal machinery, as he does in the text of this bill?

Mr. GROUT. Mr. Speaker, I will tell the gentleman how. That is the very question I wanted the gentleman to ask, only he is a little ahead of the proper place in my argument. I answer, by putting a 10-cent tax, just as the second section of this bill provides, upon all oleomargarine colored to imitate butter, and by so much cut down the enormous profits now realized, and thus take away the inducement to work it off as butter. Ten cents added to the cost of production will carry it up into the neighborhood of the cost of producing butter, and then you have not this great margin of profit, amounting to millions of dollars annually—$14,000,000 or $15,000,000 last year—constantly tempting to a violation of the law. That is how I would remedy this evil.

Mr. WILLIAMS of Mississippi. But the gentleman does not answer my question.

Mr. GROUT. If the gentleman from Mississippi will excuse me, I thought I had answered it; but if I have not made myself understood by the gentleman, I will try to.

I said the 10-cent tax would cut down the profits and remove the temptation to sell oleo for butter. Is there any doubt about this? Let us figure it out right here. The article costs something less than 7 cents per pound to manufacture; call it 7; add present tax, 2 cents, it makes 9. It is sold to the consumer for butter at from 15 to 30 cents per pound; call the average 22 cents. This leaves an average profit of 13 cents per pound, which on last year's product would amount to $14,560,000. Now, if instead of 2 cents tax added to 7 cents, cost of production, 10 cents tax be added, it would make the article cost 17 cents per pound, leaving 5 cents for profit for the manufacturer and retailer, making a total profit on last year's production of $5,200,000 only.

Now, who believes that these oleo folks would put forth the same effort and go to the same lengths to fraudulently market 104,000,000 pounds of oleomargarine for $5,200,000 profit that they would if they got the old profit, $14,560,000. The Lord's Prayer says: "Lead us not into temptation." But the way the law now stands there are $14,560,000 as a standing annual temptation to fraudulently sell oleomargarine for butter. And is it any wonder that the manufacturer of this fraudulent product guarantees the man who sells, against fines, costs, and expenses on account of State laws? Is it any wonder that with $14,560,000 in hand prosecutions for violations of the local laws are held up? Who doubts that this vast fund, the very harvest of fraud, would be used without scruple to clear the field for the sale of oleomargarine? And who fails to see that when the profits are taken away, as they will be by this 10-cent tax, there is no inducement left, or if any, very little indeed, for the retailer to make himself a criminal under State law in the sale of oleo for butter? The manufacturer no longer has such profits that he feels like guaranteeing against State laws, and the retailer lets the stuff alone. The moment the business ceases to be profitable it ceases altogether. This 10-cent tax takes away the profit, and that is how it will stop the fraud. It deals with the question fundamentally. It lays the ax at the very root of the fraud by cutting away the profits.

Another way of putting it is this: The 10-cent tax is only on the right to color the product in imitation of butter, and the fraud is practiced by means of the color. It is therefore only a tax on the fraud. This tax is believed to be large enough to stop the coloring by making the sale of the colored article unprofitable and thereby stop the fraud.

Now, Mr. Speaker, let me ask gentlemen to unfold the packages I will have passed around and see what they can find about them that indicates that they are oleomargarine.

Mr. MERCER. Will the gentleman from Vermont answer a question?

Mr. GROUT. Certainly.

Mr. MERCER. A few moments ago the gentleman referred to a large corruption fund that had been created by the manufacturers of oleomargarine. Do I understand the gentleman to be quoting from the Salem, Ill., speech? [Laughter.]

Mr. GROUT. No, sir; the Salem, Ill., speech, having been made by a distinguished Nebraskan, will, of course, be carefully studied by all Nebraskans, and I expect the gentleman from Nebraska can repeat the whole speech. Now, let me ask, gentlemen of the House, What do you find indicating that these packages contain oleomargarine? Not a thing, of course. Now, look at me, will you, every member? On top of this package you will find a little flap. Unfold it and you will find the word "oleomargarine" printed in accordance with the law of the United States, but carefully concealed from view. It is stamped, but it is deftly folded away so that no one would mistrust that it was there, and the chances are that not one in one hundred would ever unfold that little flap and discover it. This is a fair sample of the whole business. These packages were bought of a house in Chicago, Ill., which State is represented in part by my amiable friend the gentleman from Aurora. The grocer from whom these were obtained professes to sell nothing but butter—advertises nothing for sale but butter. These were bought for butter; and you will find on the back of the wrapper the name of the man who bought each package and the price he paid.

Mr. HOPKINS. Does the gentleman pretend to say that in my Congressional district there are any of these industries devoted to the manufacture of oleomargarine?

Mr. GROUT. No, sir; not at all.

Mr. HOPKINS. Does not the gentleman know that I represent one of the best dairy districts in America?

Mr. GROUT. Yes; that is true. Neither the gentleman nor his constituents deal in oleomargarine. They do not believe in it. They make butter. But I thought the sale of these packages by a grocery man in a city of his own State in defiance of both United States and State law might give the gentleman a glimpse of the devious methods resorted to to sell the stuff for butter. I also thought that these fraudulent sales to these 20 different men of these 20 packages of oleomargarine, when butter was called for and the price of butter paid, would give the gentleman and the House some idea of the difficulty of stopping these sales till the profits were so reduced as to take away the inducement. Impose this 10-cent tax and you will stop the profits, and at the same time stop this fraudulent business. You will at the same time relieve the whole American people of an imposition at once unsavory and unscrupulous, and the struggling, hard-working butter makers of the country of a competition both dishonest and damaging. At the same time, if it be true that people really prefer oleomargarine, but want it colored to resemble butter, they can have it at no greater cost than now and still pay this tax.

Mr. FLEMING. Will the gentleman permit a question?

Mr. GROUT. Yes, sir.

Mr. FLEMING. Will the gentleman consent to an amendment to this bill placing an equal tax of 10 cents a pound upon all butter that is artificially colored?

Mr. GROUT. No.

Mr. FLEMING. Why?

Mr. GROUT. I have already fully explained the reason. I can not stop to explain it again. In a word, it is because yellow is the proper color of butter.

Mr. FLEMING. Then why put an artificial coloring substance into the butter? Will the gentleman answer that question?

Mr. GROUT. There is no object, except to meet varying tastes. Some people want a high color, others do not. There is no fraud in this. The butter always tells its own story. The color in butter is always a small consideration, bearing on its value.

Mr. FLEMING. Why color it at all?

Mr. GROUT. I have said that I prefer butter without artificial coloring matter; but others want it colored, and if they do there can be no objection.

Mr. FLEMING. If you put a tax on artificially-colored butter the same as on oleomargarine——

Mr. GROUT. Will the gentleman allow me to complete my answer? I do not yield further at present. As I have said, the natural color of butter is yellow. It has been that color ever since Jael, the wife of Heber, the Kenite, "brought forth butter in a lordly dish." If it is varied a little by artificial coloring no one is deceived. The coloring matter is put in simply to meet different tastes. The butter itself tells its own story. The color, as I have said, does not enter into the element of value of the butter except to a very small per cent, five points, I believe, in a hundred. If butter is bad, it tells you of it. If it is rancid, you can not help but know it. If it is off-flavor, that is perfectly plain. If the residuum of the barn gets into it, you have full notice; it condemns itself; no one need be deceived. And if it is colored a little more than the natural product of the cow, to meet the taste of some particular class of customers, there is still no fraud practiced. But in regard to oleomargarine, the color of butter is given it so that the article may wear the garb of butter, for the express purpose of being sold as butter.

Mr. COWHERD. Will the gentleman yield for a question?

Mr. GROUT. I am taking too much time, and I must decline to yield further. I hope the gentleman will excuse me and ask his question of some other speaker. Let me explain one other feature of the bill. I said a moment since that if people really want oleomargarine and want it colored, really prefer it to butter, as the oleo folks claim, they could pay the 10-cent tax and have the article in an honest, straightforward manner as oleomargarine, without paying for it any more than they are now paying. But they do not want it. The oleo folks' claim that they do is a "whopper." There is not a word of truth in it. It is one of the falsehoods of this false business. For such, however, as really want oleomargarine, as feel that they can not afford butter, but want a cheaper grease for their bread, the bill reduces the present tax of 2 cents a pound to a quarter of 1 cent per pound on all that is not colored in imitation of butter, thus favoring its production at the lowest possible cost. It will then cost the consumer less than one-half what it does now. It will not cost the manufacturer, tax and all, over 7 cents per pound, and can be carried to the consumer with a good profit at 10 cents per pound, precisely the same thing, with all its nutritive properties except color alone, which feeds only the eye. I repeat this can be done at less than one-half what it costs him now. But I deny that it is as wholesome as butter. I wish I had time to fully develop this point. I say this article is not altogether wholesome.

It may suit the stomach of the average workingman, but it is true that it is not assimilated by the delicate, and is a burden with most people of sedentary habits.

The very fact that it contains either stearin or paraffin to make the soft oils used in its manufacture, especially cotton-seed oil, stand up and look and act like butter proves conclusively its difficulty of digestion.

Paraffin is a by-product of coal oil, and used to protect from weather bronze and marble, and is quite as indigestible as either. Joseph G. Geisher, State chemist of New York, found 10 per cent of paraffin in several samples of oleomargarine seized in Brooklyn in July, 1899—6 pounds of paraffin in each of several 60-pound tubs of oleo.

Stearin is the hard tallow from which candles are made, and, as is well known, candles are so hard that one can be shot through an inch board.

Oleomargarine, made as it is out of soft fats and oils, must contain one or the other of these hard, stiffening substances to make it stand up and behave itself like butter, and solidity and firmness in warm weather are among the boasted excellences of the product. There was never a pound of oleomargarine made that did not of necessity contain one or the other of these hard, indigestible substances; and who will claim that this stuff is as healthful as butter? The strong, copper-fastened stomach may handle it with impunity, but what of the weak and the delicate, on whom this vile counterfeit is foisted every day?

The oleo folks talk much about the pure ingredients out of which it is made. They do not tell you that the oil extracted from the garbage of our great cities goes to the oleo factories. But according to Street-Cleaning Commissioner Iglehart, of Baltimore, it does. (See Baltimore American of August 17, 1900.) They do not tell you that horse fat is especially adapted to making oleomargarine, and that in an article on the horse in Frank Leslie's Monthly, July, 1894, this fact is stated as showing the uses to which the horse is put. They do not tell you that renderers' grease from the rendering establishments in our great cities, which gather up all the dead animals, from whatever cause, goes to the oleo factories. But this fact is shown by proof in court in a legal proceeding in the city of New York in 1884 to suppress the nuisance at Hunters Point, which consisted of a boiling and rendering establishment; and though this was some time ago, no one will claim that the habits and morals of the oleo tribe have improved with time.

Now, I do not say that the fat from the horse that died of the glanders or the dog that died of rabies may not be made chemically pure by the process through which they put it. But who wants this grease for butter? The oleo folks say many good people prefer it to butter if it can only be colored to look like butter. But there is a growing belief that the word of the oleo folks can not always be taken for truth. In short; no one believes this.

But enough; I must leave this and other phases of the subject to be elaborated by those who follow. I have already taken more time than I intended. I have explained the provisions of the bill and indicated what I believe the effect of it will be if it becomes a law. I believe the 10-cent tax will stop the manufacture of colored oleomargarine by making the article cost so much that the profits will not induce men to undertake its sale for butter. I believe at the same time that the greatly reduced tax on the uncolored article, and the very low price at which it can be furnished, will result in a considerable output in that form, which will be used by working men, chiefly those engaged in mining and lumbering. I believe, in short, that this tax provision in the second section will compel oleomargarine to go upon the market for just what it is, which is all that the friends of honest butter are contending for. This done, the days of colored oleomargarine are numbered. Most of the 38 oleomargarine factories now running will make room for 1,000,000 additional cows, and the butter maker, whose business now suffers from this competition, will feel the relief as from a nightmare and will rejoice that he is at last permitted to reap the fruit of honest toil; that he is no longer compelled to compete with a fraudulent product. And the whole American people will be thankful that they are relieved at last from this oily monster, which now lurks for entrance into every household and for a place at every table.

Mr. GRIGGS. I would like to ask the gentleman from Vermont a question before he takes his seat.

Mr. GROUT. I will yield to the gentleman.

Mr. GRIGGS. I would like to know if the gentleman would support or accept an amendment to his bill requiring the dairies which color their butter to stamp the same as colored?

Mr. GROUT. Oh, Mr. Speaker, that question will answer itself. I covered that point substantially in what I said about coloring butter, and I must not take more time in discussing it. I will, however, print with my remarks extracts from a speech which I delivered in the House in 1886, at the time the oleomargarine law now on the statute book was enacted. What was true of this fraud then is true of it now. I reserve the remainder of my time.

OLEOMARGARINE.

[Extracts from remarks of William W. Grout, of Vermont, in the House of Representatives.]

Tuesday, May 25, 1886.

An ancient writer of high repute said: "God hath made man upright; but they have sought out many inventions." Oleomargarine is one of them. It must have been the very one that crowded in ahead of all others upon Solomon's sorrowing vision as he bewailed the departure of man from the "upright." In all the crookedness of man, in both ancient and modern times, the manufacture and sale of oleomargarine must stand first among his false and deceptive works. It is in the first place a counterfeit. It is studiously made to resemble in all respects butter. And the resemblance is so close that only the microscope or a chemical analysis will detect the difference; and some assert that neither the microscope nor chemistry can tell the one from the other.

But this last is one of the falsehoods of this false business, to which is always added, "If science can not tell the difference, then what is the difference? Why is it not as good as butter?" But I repeat, this should be branded as a falsehood. Certainly Professor Taylor's microscope reveals even to the unpracticed eye an unmistakable difference, much like the difference between the green leaf of spring and the dead leaf of autumn. To this many gentlemen on this floor can testify. But it is a counterfeit, a confessed counterfeit, better calculated to deceive than the most skillful counterfeit of the current coin or paper money of the United States. Like the pirate, who displays a friendly flag, it sails under false colors; and like the pirate and the counterfeiter it takes from others without giving an equivalent in return. It is manufactured for 8 or 9 cents per pound and sold to the consumer for 20 or 30 cents per pound; not for what it is, but for pure butter; just as the counterfeit dollar is passed, not for what it is, but for what it appears to be.

But it is said that the manufacturer sells to the dealer for just what it is. In most instances very likely. So does the maker of counterfeit money supply the one who puts it into circulation for just what it is; but never at a fair profit only on what it cost him to make it. He would want at least about one-

half the whole fruit of the fraud; just as he who steals a horse would be willing to pass it to the receiver at perhaps half its value, who in turn would have a margin left for his share. So it is with this oleomargarine trade. Between the first cost and the price paid by the consumer enormous profits cluster along the way. If these profits were legitimate, no fault could be found; but they are won by fraud. They are made by selling oleomargarine for butter. Not one pound in a million of this counterfeit stuff is bought and eaten by the consumer for what it is. Like the counterfeiter's victim, who "took it for a dollar," one always buys butter, but in blissful ignorance he too often eats oleomargarine. The only way one can be certain is to establish a chemist's laboratory in his kitchen and plant a microscope by his plate.

* * * * * * *

If oleomargarine be the poor man's blessing, as is claimed, it should be secured to him at the poor man's price. But this will never be till compelled, as proposed by this bill, to go upon the market in no guise but its own and under no name but its own. As oleomargarine it will pay the tax proposed by this bill, and then reach the poor man's table at much less cost than it now does; if, indeed, it be fit to eat, of which a word in a moment. But it now sells for the price of butter, from 20 to 30 cents per pound, and leaves the poor man without the blessing which it falsely promises him. It thus gathers in $15,000,000 ill-gotten gains annually, the very harvest of fraud itself, and at the same time strikes a staggering blow upon an honest industry in which millions of the working men and women of this country now gain only a hard-earned livelihood.

Now this is oleomargarine, an acknowledged counterfeit, but deceitfully passed for the true; intrenched behind the millions it has filched from the people in the name of butter; false to its promises to the poor: the disturber of our industries; the very embodiment of falsehood and fraud. And yet this false-faced monster sits with us familiarly at table in the dress of an old friend, and makes his oily way into the very citadel of man's affections. Then if in the silent watches of the night the stomach becomes suspicious that it may be "entertaining an angel unawares," and yearns for information as to the character of this nocturnal visitor, which the friends of oleomargarine tell us comes as an angel laden with blessings for the race, it is respectfully referred to the Patent Office reports. [Laughter.]

Volume 5 is taken down and opened to page 329, and the poor benighted stomach asks if the angel was made under patent No. 148767, which is as follows: "This substitute for butter" "consists of a base of yolk of eggs, butter, and milk, agitated in a zinc vessel that has been coated with a solution of niter." But hearing no response, it takes down volume 22 and opens to page 1489, and reads in patent No. 266777 this formula for making a "substitute for butter," "consisting of cotton-seed oil or other vegetable oils treated with a solution of caustic soda in combination with farinaceous flour, which had previously been thoroughly cooked in salt water, as described; incorporating and agitating the mass, working in the oil, milk, coloring, and flavoring as per process described." But still there is no response.

There can be no certainty of the parentage of the child in this patent; and lest the wondering stomach may find some worse formula for the manufacture of angels, it takes down volume 28 and looks hopefully for the pedigree of its particular guest in patent No. 301782, found on page 173:

"The process consists in first forming a soap emulsion of the fats or fatty oils with caustic soda; then precipitate the lyes; then applying chlorinated alkaline lye, or chlorinated gas, to the soap emulsion, as described."

But this formula is found to be so full of lyes (lies) and sounds so much like a receipt for making soap that the bewildered stomach abandons the inquiry, declaring in tones of astonishment that oleomargarine is, indeed, the mystery of mysteries—a far profounder mystery than hash or sausage. [Laughter.]

Let not this sad tale of a child without a father divert attention from the fact—let it the rather fix the mind upon it—that so long as bastard butter is sold for the genuine no purchaser can be sure but that he is eating it, nor can he be sure either of what ingredients it may be composed. It presents the well-known condition of every illegitimate birth, namely, an uncertain paternity; and as a doubtful place in the pedigree may let in bad blood, so uncertainty as to the ingredients of counterfeit butter admits the possibility that they may be unclean and unwholesome. Who can look with entire composure upon this possibility? Who will say that the things we eat ought not, like Cæsar's wife to be above suspicion?

It will not be pretended but that a substitute for butter made according to the formula of M. Mégé, the French inventor, is a wholesome food product. But this can not be said of all the American devices in which lard and vegetable oils and tallows take the place of margarine oil and in which various acids and alkalis are used, some of which, as everyone knows, are not only unwholesome but absolutely dangerous. The following are a few of the many articles named in the many patents granted for the manufacture of substitute butter: Bisulphate of lime, borax, salicylic acid, benzoic acid, orris root, cotton-seed oil, bicarbonate of soda, glycerin, capsylic acid, alum, capsic acid, sulphite of soda, cows' udders, sulphuric acid, pepsin, tallow, lard, salt, cornstarch, butyric ether, caustic potash, castor oil, chalk, slippery-elm bark, caul, oil of sesame, oil of sunflower seed, olive oil, turnip-seed oil, broma chloralum, chlorate of potash, oil of sweet almonds, oil of peanuts, peroxide of manganese, stomach of pigs, sheep, or calf, nitrate of soda, mustard-seed oil, nitric acid, dry blood, albumen, sugar, butyric acid, bicarbonate of potash, and caustic soda.

One of the great packing establishments in Chicago has of the Elgin creameries the buttermilk in which to baptize, in the name of butter, probably a thousand tons a year of this counterfeit product; and pay for it—if the statement of their agent now in charge of their goods in the Central Market in this city can be relied upon, for he made the statement to me—$100 per day. Now, this is almost equal to the wag's formula for making a first-class article of chicken soup for boarding-house consumption, namely, drive a hen through a dish of hot water. O tempora! O mores! [Laughter.]

But enough about the character of counterfeit butter. It may be that the cheap grease known in the market as "neutral grease," when subjected to treatment by the alkalis and acids named in the various imitation-butter formulas, is not absolutely unwholesome, for chemistry works wonders in the transformation of physical substances. I say this may be; but suppose it is, who wants to eat it? That this "neutral grease" is to a great extent used in the manufacture of these imitation products no reasonable person will doubt. The different formulas themselves prove it by the chemical agents which they contain for the manifest purpose of deodorizing and correcting it. Besides, as everyone knows, it is a counterfeit and a fraud; and who is verdant enough to suppose that the counterfeiter would be at all scrupulous as to the materials he used in his business? The object is to make the counterfeit article at the least possible expense for the sake of the greatest possible profit. And if "neutral grease" can be obtained at one-fourth or one-third the expense of tallow or lard, who for a moment doubts which the counterfeiter would use?

But this stuff, even if not absolutely unwholesome, is not fit for a self-respecting American citizen to eat. It might answer for a Digger Indian, who lives on snakes, or for the Mexican peon, who in his poverty consumes with avidity every organic part of the animal, excepting only the horns, hoofs, hair, and bones. It might answer for these, but it does not comport with our American civilization. It is no credit to it. It has no proper place in it, and it could not exist for a moment except through fraud and imposition. The American people can be in better business. With "cattle upon a thousand hills," and many, many thousand hills scattered all over our vast domain, where now grows wild grass or stands "the forest primeval," but where hardy husbandmen might graze and milk their herds of kine, and thrifty housewives might emulate the virtue and valor of Jael, the wife of Heber the Kenite, who "brought forth butter in a lordly dish," does it not seem like small business, like the disreputable business it is, for an able-bodied American citizen to be trying to find out how chemistry can extract from "cow's udders" the oil that shall give to tallow and lard and the intestinal and offal fats and "neutral grease" and the vegetable oils the taste of butter, thereby enabling the unscrupulous to sell them, after they are washed in buttermilk, for butter, and thus put these cheap and nasty fats in competition with the golden issues of the housewife's churn?

And this brings me to the chief reason for the passage of this bill, namely, the ruinous effect of this dishonest competition upon the great, in fact the greatest, industry of this country—an industry which, while it gives employment to millions of capital and millions of men and women, is yet made up from an aggregation of humble interests which, when treated fairly, only afford very small profits in return for much hard work.

Dairying is the largest single branch of American agriculture. The butter, milk, and cheese produced for the last year, as estimated by reliable experts, amounted to the enormous sum of $564,559,500. This is more than four times the value of the entire oat crop of the country; more than five times the value of the pig-iron product; more than twice the value of the iron and steel product; about four and one-half times the value of the cotton crop; and about $150,000,000 more than the entire wheat crop of the country. The amount invested in milch cows is about $700,000,000—more than the entire capital stock of all the national banks of the country.

Not only is dairying the great leading branch of our agriculture, but it is so related to every other branch of that great industry that when it suffers the whole feels the depressing effect. Especially is this true in our older States, where the soil, well-nigh exhausted by long-continued cropping, is arrested from further deterioration and brought back to a high degree of fertility by dairy farming, and thus worn-out lands are restored and more of every kind of agricultural product is produced, more forage for animals and more food for man. It is estimated that in dairying at least four millions of our population are employed, while agriculture in all its branches gives employment to almost one-half of our entire population, who therefrom feed and clothe themselves and feed and clothe the other half.

Without agriculture we should go both hungry and cold. We should relapse into barbarism, should go back to the skins of beasts for clothing and hunt again the wild boar for food. A thrifty agriculture makes every other work of civilization possible. Without it the earth, the source of all wealth, would fail to yield her fruits and every other enterprise and industry would languish. We have already seen that the dairy interest is the very soul itself of our agriculture. Now, shall this interest be preserved, or shall it be sacrificed, not to a fair competition—if the competition were fair no fault would be found—but to a downright fraud, to a filthy counterfeit, masquerading in the stolen livery of the very industry it is seeking to overthrow? [Applause.]

Even if the competition were fair it would still present a serious question of public policy; one not only involving public health, but the public intelligence and morals also, namely, whether we should kill out the dairy industry and cease to be a butter-eating people and feed upon the coarser and more cloying animal fats, thus taking a step back toward the raw tallow and lard which were the delight of our Saxon ancestors in the forests of Germany. It involves also another question which takes strong hold upon the labor problem, which has long vexed the governments of Europe, and now threatens the peace and prosperity of this Republic. It is this: Whether a few capitalists giving employment to a few thousand men shall be allowed to overwhelm with a fraudulent business an honest industry which gives employment to millions, and which is the very cream of that grand pursuit which, through the common mother of the race, provides for us all.

You have just passed a labor-arbitration bill and sent out a special committee to collect data for the adjustment of the delicate relations between capital and labor. But right here, in the disposition of this bill, is an opportunity to deal with the labor question from the very foundation, and in a way to dispense with arbitration bills and special committees, or make them a standing necessity. It has been said that "an ounce of prevention is better than a pound of cure." Enactments preventive of threatening evils are always wiser than the wisest provisions for the correction of those evils after they are developed. It is always the highest achievement of legislation to formulate laws which in their practical operation shall reconcile antagonisms and bring all interests into harmony. This can only be done by giving all men and all honest enterprises a fair chance.

Now, pass this bill and you take an important step in both remedial and preventive legislation. You at once relieve the dairy industry of the killing fraud which now completely paralyzes it. And as one of the immediate results the milch cows, which as shown by the last report of the Commissioner of Agriculture were depreciated during the last year to the amount of $32,751,392, will be restored and doubtless somewhat advanced. This vast sum will thus be added to the exchangeable value of property not belonging to capitalists but to the millions of hard-working men who own those cows and are struggling to pay with the income from them the mortgages which capital holds upon their farms.

Not only this, but the number of cows will be greatly increased. There will not be slaughtered 30,000 of them for beef in the city of Chicago for the year to come, as your committee reported there was in the year that is past. They will be wanted for the dairy. To this extent, certainly, there will be an increased demand upon those who breed cattle for beef; and that branch of agriculture, now sadly discouraged, will take a fresh start. More hay and grain must be provided for the support of this increased number of animals, both for beef and the dairy, and more men found to feed and care for them. A corresponding demand for labor on the farm will surely follow and will draw off from the employ of the great corporations, to which all surplus labor tends, the discontented ones who are now the leaders in labor disturbances, but who would find in the great open field of agriculture, every department of which would feel the impulse of a restored dairy industry, an opportunity to gain for themselves and their families a subsistence; nay, more, a competence; and this is how the passage of this bill would begin to solve the labor problem. It would begin at the right end of it. [Applause.]

It would be more to the point than arbitration bills and investigating committees. A restored dairy industry would surely occupy, with valuable improvements, new areas of land and as surely restore to fertility the old, much of which now lies fallow, thus adding millions to the productive and taxable wealth of the country. Nor is this all. A return to the production of honest butter would restore our export trade. For the last five years, since false butter has usurped the place of the true, there has been a steady decline in the annual export of American butter. That which was bought and shipped for genuine too often turned out to be spurious. As a result, no dealer would risk the sale of American dairy products in foreign markets, and the trade fell off.

The extent of this decline is shown by the fact that in 1881 the total amount of American dairy exports was $22,636,272. In 1885 it was but $14,086,055, a decrease in four years of $8,548,220. Instead of this there should have been an equal or greater increase. There is still another humiliating fact in this

connection. It is this: Much of the butter which we exported in 1885 was not handled by American merchants, but by Canadian merchants, who first bought in our markets and shipped to Canada. Then, when reshipped from Canadian ports, it would go upon the European markets as Canadian butter, which is not yet under suspicion like our own, for there the manufacture of oleomargarine is absolutely prohibited. But let this same butter, perhaps perfectly pure, be shipped from an American port or by an American merchant, and it could be sold only at a reduced price.

Thus, because of these fraudulent imitations, is the commerce of this the foremost people in all the earth driven like a culprit to the use of an alias in order to make its way into foreign markets; thus also are American merchants deprived of the profits of handling this merchandise in those markets; thus is an annual outlet for nearly $9,000,000 worth of dairy products closed and the business to that extent depressed; and thus as a people are we that amount poorer than we should be if that trade were not interrupted. We have that amount less annually of circulating medium, that amount less of gold and silver; for remember that our foreign exchange is always in gold and silver. Now, pass this bill and give to American dairy products a reputable entrance into foreign markets, and you will bring into the United States within the next ten years of foreign gold $35,000,000 at least, and probably more. * * *

Pass this bill and you correct all the evils arising from counterfeit butter and put not only the dairy industry but the whole vast industry of agriculture upon a career of prosperity; and in its train shall follow all the other industries and the arts and the best culture of a progressive civilization. Refuse it, and you perpetuate all the evils above enumerated and engender others which in turn shall "become the hatch and brood of time." You deliberately protect a fraud which is sapping the very foundations of the farmer's success and crippling his every effort to get on in the world. You help capital, which holds the mortgage on his farm and owns also the oleomargarine factory, to destroy the butter market and thus deprive him of his last opportunity to keep down the interest on that mortgage, and then take from him the farm itself and turn him into the street a vagabond and a tramp; and when next you hear from him he is in the front rank of some labor agitation. Then, to tide over the troubles produced by your unwise legislation, a Congressional investigating committee will be in order.

By refusing this bill you continue a policy calculated to destroy the hope of the husbandman and drive not a few only but thousands from agriculture into other departments of labor already overcrowded. Can you afford to do this? Can you afford to break down and disperse into other pursuits the hardy tillers of the soil, thus lessening the number of producers and increasing the number of consumers? A sound public policy lies in just the opposite direction—in developing and fostering every department of our agriculture, whereby enough may be gathered of the products of the earth to feed and clothe and preserve from distress and agitation all other departments of industry, and at the same time contribute in the most effectual manner possible to the national wealth. But enough. The general wisdom of this bill will not be disputed. Its justice to the farmer must be admitted. The salutary effect it will have upon our industries is apparent. The general demand of the American people for wholesome articles of food calls for it.

* * * * * * *

The absolute power over commerce between the States given by the Constitution to the National Government is one of the principal badges of the national sovereignty. It is an important, far-reaching power, and should be duly magnified. The future will bring it into exercise more than the past has done. The rapidly increasing commerce between the States will require from Congress constant supervision, and new rules will be required as new emergencies arise. In interstate commerce, which will increase with our increasing numbers and better facilities for intercommunication, shall be found the strongest future bond of union between these States. A free and fair interchange of commodities between the remote sections of the country will to our political and social relations add the ties of trade, than which between peoples and States none are stronger; and thus, in a vast domestic commerce, so regulated by Congress as to be mutually beneficial to all sections and all industries, shall be heard—

"In the rushing wheels
"Of trade's tumultuous jar"—

the richest music of the Union.

Down the future, as our population becomes denser and our commercial rivalries sharper and our accumulated wealth greater, who can tell how this controlling authority of the National Government may be used to allay those rivalries, to check the greed of monopolies, to protect one State against the fraudulent products of another, and bring all departments of our domestic commerce, which is but the sum of our domestic industries, into such relations with each other as that each part shall contribute to the vigor of every other part, and thus create a harmonious system in which labor shall find employment, capital shall have its own, and every honest industry a fair chance? Now, this will be the problem for the future statesmen of this country to solve. This problem is, in fact, crowding upon us to-day. We have seen how this measure before us reaches out into all these questions. We have also seen that Congress has a double power over the subject. Let us, then, rise to the occasion and pass this bill. [Applause.]

Saturday, May 29, 1886.

Mr. Chairman, I rise to a question of privilege—the privilege of not being classed with any set of men whose convictions are at all "mixed" upon the question now under consideration; the privilege, to be more specific, of not going into the RECORD in this debate as from the State of Pennsylvania, as yesterday's issue, on page 5254, in giving remarks of the gentleman from Illinois [Mr. HITT], puts me. Ordinarily, sir, I might not object to being credited to the grand old State of Pennsylvania—the State of "brotherly love," the nobility and hospitality of whose people are proverbial; but I can not permit it in this connection, for the reason that her Representatives on this floor are somewhat "mixed" on this question of oleomargarine, some of them showing a strange disposition to pay their devotions at the shrine of this myriad monster, this mixed mystery of the modern magician. Hence, I ask that the RECORD at the point I have indicated may be corrected and that I may be credited where I belong.

Mr. KELLEY. Pennsylvania makes no objection. [Laughter.]

Mr. GROUT. I thank you, sir, Mr. Chairman, only for the kind consent of the distinguished gentleman it might have been difficult.

Mr. BAYNE. My friend will allow me to suggest that when the vote shall be taken on this bill it will be found that the Representatives of Pennsylvania are not very much "mixed."

Mr. GROUT. Very likely; but I want to be credited where I belong, since Judge Kelley is willing I should be; and that is to the little but constant State of Vermont, whose people neither make nor eat oleomargarine, but do make 25,000,000 pounds of butter annually, with which you may butter your bread and not feel under the knife blade as you do it the wiggling kick of a million animalcules. [Laughter.]

But, since the gentleman from Pennsylvania, my friend Colonel Bayne, speaks hopefully of the Pennsylvania delegation, let me ask that this correction be made without prejudice to him and without prejudice also to all others of that delegation who prefer butter to oleomargarine. [Applause.]

The SPEAKER. The gentleman has thirty-two minutes remaining.

Mr. LORIMER. Mr. Speaker, the Grout bill and the substitute recommended by the minority of the Committee on Agriculture are practically amendments to the oleomargarine act which became a law on the 2d day of August, 1886. That law then enacted provides for a tax on oleomargarine of 2 cents a pound; it also provides that the manufacturers shall pay an annual license of $600. Wholesale dealers shall pay a license of $480, and retail dealers a license of $48 annually. I submit as part of my remarks a copy of H. R. 3717, known as the Grout bill, the substitute recommended by the minority of the committee and their report.

A bill (H. R. 3717) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine.

Be it enacted, etc., That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted into the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise: *Provided*, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character free from coloration or ingredient that causes it to look like butter.

SEC. 2. That after the passage of this act the tax upon oleomargarine as prescribed in section 8 of the act approved August 2, 1886, and entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," shall be one-fourth of 1 cent per pound when the same is not colored in imitation of butter; but when colored in imitation of butter the tax to be paid by the manufacturer shall be 10 cents per pound, to be levied and collected in accordance with the provisions of said act.

SUBSTITUTE FOR H. R. 3717.

A bill to amend sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approve August 2, 1886, and also to define manufacturers and dealers and to provide for the payment of special taxes by them.

Be it enacted, etc., That sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, be amended so as to read as follows:

"SECTION 1. That special tax on the manufacture and sale of oleomargarine shall be imposed as follows: Manufacturers of oleomargarine shall pay $600 per annum. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer thereof.

"Wholesale dealers in oleomargarine shall pay $480 per annum. Every person who sells or offers for sale oleomargarine in quantities greater than 10 pounds at a time shall be deemed a wholesale dealer therein; but a manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells oleomargarine of his own production only at the place of its manufacture in the original packages to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer on account of such sales.

"Retail dealers in oleomargarine shall pay $48 per annum. Every person who sells or offers for sale oleomargarine in quantities not greater than 10 pounds at a time shall be regarded as a retail dealer therein.

"SEC. 2. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word 'oleomargarine' in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word 'oleomargarine' printed thereon in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put by the manufacturer thereof in such wooden or paper packages or in such wrappers and marked, stamped, and branded with the word 'oleomargarine' printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word 'oleomargarine,' with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed.

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale, as butter, any oleomargarine, colored or uncolored, or who falsely brands any package, or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than one hundred nor more than five hundred dollars and be imprisoned not less than thirty days nor more than six months; and for the second and every subsequent offense shall be fined not less than two hundred nor more than one thousand dollars and be imprisoned not less than sixty days nor more than two years."

VIEWS OF THE MINORITY.

The minority of the Committee on Agriculture of the House of Representatives beg leave to submit the accompanying bill, which we offer as a substitute for H. R. 3717, known as the Grout bill.

We first wish to bring to the attention of the House proof positive that oleomargarine is a wholesome and nutritious article of food, and is therefore entitled to a legitimate place in the commerce of our country. In substantiation of this statement we beg to submit the following testimony taken before the committee:

"OPINIONS OF LEADING SCIENTISTS.

"Prof. C. F. Chandler, professor of chemistry at Columbia College, New York, says: 'I have studied the question of its use as food, in comparison with the ordinary butter made from cream, and have satisfied myself that it is quite as valuable as the butter from the cow. The product is palatable and wholesome, and I regard it as a most valuable article of food.'

"Prof. George F. Barker, of the University of Pennsylvania, says: 'Butterine is, in my opinion, quite as valuable as a nutritive agent as butter itself. It is perfectly wholesome, and is desirable as an article of food. I can see no reason why butterine should not be an entirely satisfactory equivalent for ordinary butter, whether considered from the physiological or commercial standpoint.'

"Prof. Henry Morton, of the Stevens Institute of Technology, New Jersey, says: 'I am able to say with confidence that it contains nothing whatever which is injurious as an article of diet, but, on the contrary, is essentially identical with the best fresh butter, and is superior to much of the butter made from cream alone which is found in the market. The conditions of its manufacture involve a degree of cleanliness and consequent purity in the product such as are by no means necessarily or generally attained in the ordinary making of butter from cream.'

"Prof. S. W. Johnson, director of the Connecticut Agricultural Experiment Station, and professor of agricultural chemistry in Yale College, New Haven, says: 'It is a product that is entirely attractive and wholesome as food, and one that is for all ordinary and culinary purposes the full equivalent of good butter made from cream. I regard the manufacture of oleomargarine as a legitimate and beneficent industry.'

"Prof. S. C. Caldwell, of Cornell University, Ithaca, N. Y., says: 'While not equal to fine butter in respect to flavor, it nevertheless contains all the essential ingredients of butter, and since it contains a smaller proportion of volatile fats than is found in genuine butter, it is, in my opinion, less liable to become rancid. It can not enter into competition with fine butter, but so far as it may serve to drive poor butter out of the market, its manufacture will be a public benefit.'

"Prof. C. A. Goessmann, of Amherst Agricultural College, says: 'Oleomargarine butter compares in general appearance and in taste very favorably with the average quality of the better kinds of dairy butter in our markets. In its composition it resembles that of ordinary dairy butter, and in its keeping quality, under corresponding circumstances, I believe it will surpass the former, for it contains a smaller percentage of those constituents which, in the main, cause the well-known rancid taste and odor of a stored butter.'

"Prof. Charles P. Williams, professor in the Missouri State University, says: 'It is a pure and wholesome article of food, and in this respect, as well as in respect to its chemical composition, fully the equivalent of the best quality of dairy butter.'

"Prof. J. W. S. Arnold, professor of physiology in the University of New York, says: 'I consider that each and every article employed in the manufacture of oleomargarine butter is perfectly pure and wholesome; that oleomargarine butter differs in no essential manner from butter made from cream. In fact, oleomargarine butter possesses the advantage over natural butter of not decomposing so readily, as it contains fewer volatile fats. In my opinion, oleomargarine is to be considered a great discovery, a blessing for the poor, and in every way a perfectly pure, wholesome, and palatable article of food.'

"Prof. W. O. Atwater, director of the United States Government Agricultural Experiment Station at Washington, says: 'It contains essentially the same ingredients as natural butter from cow's milk. It is perfectly wholesome and healthy, and has a high nutritious value.'

"Prof. Henry E. Alvord, formerly of the Massachusetts Agricultural College and president of the Maryland College of Agriculture and now chief of the dairy division of the United States Department of Agriculture, and one of the best butter makers in the country, says: 'The great bulk of butterine and its kindred products is as wholesome, cleaner, and in many respects better, than the low grades of butter of which so much reaches the market.'

"Prof. Paul Schweitzer, Ph. D., LL. D., professor of chemistry, Missouri State University, says: 'As a result of my examination, made both with the microscope and the delicate chemical tests applicable to such cases, I pronounce butterine to be wholly and unequivocally free from any deleterious or in the least objectionable substances. Carefully made physiological experiments reveal no difference whatever in the palatability and digestibility between butterine and butter.'"

Professor Wiley, chief of the Division of Chemistry of the United States Department of Agriculture, also appeared before the committee and testified to the nutritive and wholesome qualities of oleomargarine.

The Committee on Manufactures of the United States Senate, in a report dated February 28, 1900, finds, from the evidence before it, "that the product known commercially as oleomargarine is healthful and nutritious."

Judge Hughes, of the Federal court of Virginia, in a decision says:

"It is a fact of common knowledge that oleomargarine has been subjected to the severest scientific scrutiny, and has been adopted by every leading government in Europe as well as America for use by their armies and navies. Though not originally invented by us, it is a gift of American enterprise and progressive invention to the world. It has become one of the conspicuous articles of interstate commerce and furnishes a large income to the General Government annually."

Believing that this testimony establishes beyond controversy that oleomargarine is a nutritious and wholesome article of food, the main question to be considered is the complaint that fraud is practiced in its sale.

The only just complaint (indeed the only complaint) against the existing oleomargarine law consists in the facility with which the retail dealer, in selling from the original or wholesale package and substituting a new and unmarked wrapper, may violate the law. There is nothing in H. R. 3717 (known as the Grout bill) which would decrease the temptation or increase the difficulty of such violations. On the contrary, the increased taxation would either be fraudulently evaded or else would force the honest manufacturer out of business. H. R. 3717 merely increases taxation without providing any new or additional penalties or any new methods to prevent the sale of oleomargarine as butter, either in its colored or uncolored state. In fact, the radical advocates of the Grout bill do not seek this end, as they have declared in their testimony before the committee, and in declarations elsewhere, that their sole intention is to absolutely crush out the manufacture of oleomargarine and eliminate it as a food product.

In substantiation of this assertion we quote the following:

Mr. Adams, pure food commissioner of the State of Wisconsin, in his testimony before the committee on March 7, 1900, said:

"There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business."

Charles Y. Knight, secretary of the National Dairy Union, in a letter to the Virginia Dairymen, dated May 18, 1900, writes:

"Now is the time for you to clip the fangs of the mighty octopus of the oleomargarine manufacturers who are ruining the dairy interests of this country by manufacturing and selling in defiance of law a spurious article in imitation of pure butter. We have a remedy almost in grasp which will eliminate the manufacture of this article from the food product list. The Grout bill, now pending in the Agricultural Committee of the House of Representatives in Congress, meets the demand."

W. D. Hoard, ex-governor of Wisconsin and president of the National Dairymen's Union, stated in his testimony before the committee on March 7, 1900, as follows:

"To give added force to the first section of the bill, it is provided in the second section that a tax of 10 cents a pound shall be imposed on all oleomargarine in the color or semblance of butter. In plain words, this is repressive taxation."

In view of this testimony the minority believe they are justified in claiming that the Grout bill, if enacted into law, would destroy the business of the legitimate oleomargarine manufacturers. In other words, Congress is being asked to ruin one industry to benefit another; and this, in the opinion of the minority, is a thing Congress ought not to do. The minority believe it to be class legislation of the most pronounced kind and would establish a precedent which, if followed, would create monopolies, destroy competition, and militate against the public good.

The substitute bill offered by the minority would, in our opinion, eliminate all possibility of fraud, and would compel the manufacturers of and dealers in oleomargarine to sell it for what it really is and not for butter. The substitute offered is practically an amendment to sections 3 and 6 of the existing oleomargarine law. The licenses for manufacture and sale of this article are not changed, and are as follows: Manufacturers, $600 per annum; wholesale dealers, $480 per annum; retailers, $48 per annum, while the penalties imposed for violations of the law are materially increased. We quote in full section 2 of the substitute bill, and ask for it the careful and thoughtful consideration of the House, believing that it is just and fair to all the interests involved:

"SEC. 2. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word 'oleomargarine' in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word 'oleomargarine' printed thereon in distinct letters, and said wrapper shall also bear the name of the manufacturer, and then shall be put by the manufacturer thereof in such wooden or paper packages or in such wrappers, with the word 'oleomargarine' printed thereon in distinct letters, and marked, stamped, and branded in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word 'oleomargarine,' with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed.

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale as butter any oleomargarine, colored or uncolored, or who falsely brands any package, or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than one hundred nor more than five hundred dollars and be imprisoned not less than thirty days nor more than six months; and for the second and every subsequent offense shall be fined not less than two hundred nor more than one thousand dollars and be imprisoned not less than sixty days nor more than two years."

One of the claims made by the friends of the Grout bill is that it will protect the interests of the farmer. We call attention to the fact that every ingredient that enters into the manufacture of oleomargarine is as much a product of the farm as is butter, and that such ingredients are made more valuable on account of their use in the manufacture of oleomargarine.

Your committee has had before it representatives of both the cattle and hog raisers of the country, and also representatives of the cotton industry, and they are unanimous in their opinion that their business will be materially injured and the price of their product lowered by the passage of the Grout bill and the destruction of the oleomargarine industry.

The manufacture and sale of oleomargarine does not interfere with the growth and prosperity of the butter industry. Statistics show a much greater percentage in the increase of the production of butter than in the production of oleomargarine. Though similar in ingredients, they are not strictly competing, as the oleomargarine is practically all bought by the poorer class of our people.

In justification of this statement we have received a large number of petitions from the labor organizations of our country protesting against the passage of this bill for the above-given reasons.

It being possible to keep oleomargarine in a sweet and sound condition much longer than butter, it is also used extensively in the mining and lumber camps, on exploring and hunting expeditions, on ships at sea, and by armies in the field.

The claim made by the friends of the Grout bill that the manufacture and sale of oleomargarine has greatly depreciated the price of butter will not obtain when it is known that there is now manufactured in the United States nearly 2,000,000,000 pounds of butter annually, and it is positively known that there only were 83,000,000 pounds of oleomargarine manufactured last year, which shows that the amount of oleomargarine produced is about 4 per cent of the amount of butter produced. Therefore, the argument that oleomargarine in any material sense controls the price of butter is not justified by the facts.

The manufacture and sale of oleomargarine have in no way depreciated the price of butter, as more butter is being sold at higher price in this country than ever before, as shown by testimony.

It is a suggestive fact that those sections of our country which are most exclusively devoted to the dairy interests are blessed with the greatest prosperity, as brought out in the testimony of ex-Governor Hoard, of Wisconsin, before our committee, who said that a few years ago land was worth only $15 an acre in that State, but as the State began to be devoted more exclusively to the dairy interests land had rapidly appreciated in price, and that farmers had gotten out of debt, had paid their mortgages, and the land is now worth the sum of $80 per acre, this price averaging much higher than agricultural lands in other parts of the country.

In conclusion, the members of the Committee on Agriculture who have joined in this minority report beg to assure the House and the country in the most solemn manner possible that it has been their earnest intention, and is now their determination, to do everything possible to be done to enforce the

sale of oleomargarine as oleomargarine and to prevent its sale as butter. To prevent fraud and not to stamp out an industry has been and is our purpose. We believe that it ought to be the sole purpose of all legislation and the sole motive of all just men.

J. W. WADSWORTH.
WM. LORIMER.
W. J. BAILEY.
G. H. WHITE.
JOHN S. WILLIAMS.
J. WM. STOKES.
H. D. ALLEN.

Mr. Speaker, there is nothing in the substitute presented by the minority that in any way alters or changes the per-pound tax or license fee on manufacturers of or dealers in oleomargarine. The Grout bill proposes to increase the tax on colored oleomargarine to 10 cents per pound and decrease the tax on uncolored oleomargarine to one-fourth of 1 cent per pound, and it is claimed by the friends of the Grout bill that if the tax of 10 cents per pound is placed on colored oleomargarine it will prevent fraud in the manufacture and sale of that commodity.

The minority of the committee can not find in any particular provision of the bill where it will change the law except as to an increase or decrease of the tax, and make the sale of oleo subject to the State laws when shipped from one State into another. No safeguards are thrown about the sale of this product for the prevention of fraud upon the general public in the proposed bill. The substitute bill we believe, on the contrary, will prevent fraud in the sale of oleo.

I have here on my desk samples of oleo for the purpose of giving an ocular demonstration of the sale of oleomargarine under the present law—a demonstration of the operation of the sale of oleo under the Grout bill, and of the sale of the same product under the substitute bill submitted by the minority of the committee.

I wish to state that the minority of the committee have no feeling in this matter except that fair treatment should be given to the legitimate industry. It has been their effort to frame a bill to prevent the fraudulent sale of this product. We do not charge that dead cats and dogs are being manufactured into butter as has been suggested by the gentleman from Connecticut that they are probably used in the manufacture of oleomargarine. That sort of talk is humbug. I am confident that there is not a gentleman in this House who believes that cats and dogs or any matter repugnant to taste or deleterious to health is used in the manufacture of the oleomargarine that is sold on the market throughout this country.

A few days ago I read the speeches that were made here in 1886 on the subject of oleo, and I found all sorts of charges about deleterious matter said to be used in oleo in those days, but I had thought no gentleman at this time would have the hardihood to state to this House that there is anything in oleomargarine but pure and nutritious matter.

Mr. GROUT. Mr. Speaker, will the gentleman allow me?

The SPEAKER. Does the gentleman yield?

Mr. LORIMER. Yes; I will yield.

Mr. GROUT. Do you deny that paraffin is put in oleomargarine?

Mr. LORIMER. I emphatically deny that paraffin is put in oleomargarine, and if it were necessary to prove it, it is only necessary to say that paraffin is selling to-day at a higher price than you can buy oleomargarine for at retail in the markets in this city. Why, Mr. Speaker, paraffin is now selling, I am informed, for 15 cents a pound wholesale. There was a time when paraffin could be bought for 7 cents.

Mr. GROUT. Do you deny that it has been found in oleomargarine, put in to stiffen it and make it stand up like butter?

Mr. LORIMER. I deny the statement that it is now or has been used in oleomargarine, and I say to you that no statement was made before our committee, backed up by any expert, to that effect.

Mr. GROUT. Has your attention been called to the analyses made by the State chemist of New York of half a dozen tubs of oleomargarine found in Brooklyn some year and a half ago, of which 10 per cent was paraffin.

Mr. LORIMER. I have recollection of a gentleman who said he was the State chemist of the State of New York appearing before the Agricultural Committee, stating that paraffin was used in oleomargarine, and we asked him to submit testimony that we might use in our hearings to present to Congress, and told him that he could submit it at any time prior to the publication of the testimony; but up to date we have received no statement from that gentleman.

Mr. TAWNEY. Will the gentleman allow me?

Mr. LORIMER. Gladly.

Mr. TAWNEY. You say that no deleterious substances are used in the manufacture of oleomargarine. Is it not possible for substances deleterious to health to be used and the consumer not know anything about it?

Mr. LORIMER. Yes, my friend, it is possible for substances deleterious to health to be used in oleomargarine.

Mr. WILLIAMS of Mississippi. And also in butter.

Mr. LORIMER. But it is also possible to use deleterious substances in butter.

Mr. TAWNEY. Can you make butter out of anything except cream or milk?

Mr. LORIMER. I have known of butter being shipped from butter territory that had oleo oil in it. I do not know whether you would call it butter or oleomargarine.

Mr. WILLIAMS of Mississippi. Is it not a fact that some of the very dairymen in this association who are back of this bill use—have we not been led, at any rate, to believe that they used—oleo oil very largely in their so-called butter that they would protect now at the expense of oleomargarine?

Mr. LORIMER. From testimony before the committee I have that impression——

Mr. GROUT. Who gave the testimony? Will the gentleman allow me to ask him to refer to it in the printed testimony?

Mr. LORIMER. I think it was Mr. Oliver, of North Carolina. I am not exactly certain, but I know you will find in the testimony of one of the cotton-seed oil men a suggestion that oleo is now used and will be used in butter more extensively than it now is if the Grout bill should pass.

Mr. GROUT. It was merely a suggestion. It was not stated as a fact.

Mr. LORIMER. I do not say that there was any such statement made as a fact.

Mr. GROUT. Anybody can make a suggestion.

Mr. LORIMER. Mr. Speaker, I was about to say that the minority of the commitee are in favor of stamping out fraud in the sale of oleomargarine, and it is admitted by every member of the committee that fraud is and has been perpetrated in the sale of oleomargarine, and I propose to show to the House to-day just how those frauds are committed, to show to the members of the House how they would continue to perpetrate fraud under the Grout bill, and to show the House how absolutely impossible it would be to perpetrate fraud under the substitute submitted by the minority of the committee.

I have here a firkin of oleomargarine, with the Government stamp upon it, as provided under the oleomargarine law. This is sold by the manufacturer to the wholesaler or retailer. A purchaser comes into a store and asks for a pound of butter. The grocer goes back into his ice box and takes out of this oleo firkin a pound of oleo and sells it as a pound of pure butter. In many instances they put the stamp upon the paper and turn it in; but very frequently it is sold for butter. This the minority of the committee admit. And the minority seek to prevent this fraud by the passage of the substitute. Under the law oleo may be put up in rolls and packed in boxes or crates for shipment, about the size of this box I have on my desk, with the Government stamp upon it, as provided by law.

Nothing is required to be stamped upon the roll to indicate what it is. No mark is required in the firkin to indicate its contents. A purchaser asks the storekeeper for a roll of butter. The keeper wraps up a roll of oleo, and nobody is the wiser. This is the way a fraud is perpetrated upon the purchaser. Fraud is committed by the retail dealer; but it is not in testimony before our committee that any manufacturer has ever failed to comply with every letter of the law. Now, suppose you pass the Grout bill. What is there in the Grout bill that will prevent the selfsame operation and perpetration of fraud as it is now perpetrated under the present law?

Mr. GROUT. Will the gentleman allow me?

Mr. LORIMER. Certainly.

Mr. GROUT. The Grout bill takes that coloring matter away, so that they can not fool anybody in the product.

Mr. LORIMER. The Grout bill takes that coloring matter away, but it does not prevent anybody from committing fraud. He who wishes to commit fraud and take the chance will color oleo and sell it for butter, and the incentive to do it when the tax is increased to 10 cents per pound from 2 cents is much greater than under the present law.

Mr. GROUT. Does the gentleman intend to be understood that it will be done by the manufacturers?

Mr. LORIMER. No; I intend to be understood that anybody who is now fraudulently selling oleomargarine would color oleomargarine after it is sent to their store and sell it at the increased price for butter.

Mr. GROUT. But is it not a fact that it can not be reworked unless it is remelted and refashioned? Is not that the fact?

Mr. LORIMER. I am not absolutely certain that it is; I am not absolutely certain that it is not so; but I am absolutely certain that a man who sells it fraudulently would very soon find a way to do the coloring.

Mr. Speaker, under the Grout bill a package of oleomargarine that is fraudulently sold would be sold just the same as it is sold under the present law. There is no difference in the operation of

the two laws. There is nothing excepting the 10-cent tax, which absolutely wipes the oleomargarine manufacturer out of business. Gentlemen favoring the Grout bill hope to prevent the sale of oleomargarine by stamping out the industry.

You have not in your bill one safeguard thrown around the sale of oleo to prevent fraud. It is absolutely absurd, Mr. Speaker, to talk of preventing the fraudulent sale of oleomargarine by increasing the tax to 10 cents a pound. I think that under a tax of 10 cents a pound there would be more oleomargarine sold fraudulently than there is now. Right on that point I would like to call attention to this fact. The gentlemen who have spoken here this afternoon have tried to create the impression that almost all the oleomargarine sold in this country is sold for butter by the retailers. We had in testimony before the committee, from Mr. Wilson, Commissioner of Internal Revenue, that less than 10 per cent of it is sold fraudulently. This talk of it all being sold fraudulently is absolutely without foundation.

Now, I wish to show how oleo would be sold under the substitute presented by the minority of the committee. The substitute provides, first, that oleo must be put up in not larger than 2-pound nor smaller than 1-pound packages; there shall be no larger than 2 nor smaller than 1 pound package. It is put up in the factory. When it is patted into a 1 or 2 pound roll, the word "oleomargarine" shall be stamped on the 1-pound or 2-pound roll of oleo. Then this substitute provides that a wrapper shall be placed about the package, with the name of the manufacturer, printed in large letters, the word "oleomargarine," as this roll that I hold in my hand, "W. J. Moxley, high grade of oleomargarine," in big letters.

The size of all these letters is to be determined upon by the Commissioner of Internal Revenue. Then another wrapper may be placed upon the package, and the word "oleomargarine" must be printed upon that wrapper. Following that, the substitute provides that the internal-revenue stamp shall be wrapped around the package. Now, this blue ribbon represents an internal-revenue stamp. It is absolutely impossible, under the operation of this substitute, to sell a pound of oleomargarine for anything but what it is.

Mr. PEARRE. Will the gentleman permit me to ask him a question?

Mr. LORIMER. Certainly.

Mr. PEARRE. How will that protect the public any more than the law now protects them?

Mr. LORIMER. I was just about to come to that point.

Mr. PEARRE. Will the gentleman permit me to add another question?

Mr. LORIMER. Let me answer the first, and I will answer any other question you desire to ask. The substitute provides that no portion of a pound package or 2-pound package shall be sold. It provides that these packages shall not be broken, and the stamp shall not be broken, and it can only be sold in the original package.

Mr. PEARRE. Exactly.

Mr. LORIMER. Yes.

Mr. PEARRE. Now, the Government gets its revenue from the manufacturer when that stamp is put on the package?

Mr. LORIMER. That is true.

Mr. PEARRE. Then the incentive for the Goverment to track down the violator of the law does not exist, but ends when that package leaves the factory. Is not that true?

Mr. LORIMER. I do not believe that it is true.

Mr. PEARRE. Is not that true?

Mr. LORIMER. I have more confidence in the Government than to believe that it is true.

Mr. PEARRE. Do not you know that the act of 1886 has failed in its original purpose, as passed by the Congress of the United States, because after the Government collected its revenue it did not have the incentive to enforce the police provisions of that bill?

Mr. LORIMER. Just a moment. How does the gentleman harmonize that statement with the fact that we have quite a number of fellows in the penitentiary to-day, placed there by the Government authorities for violating the oleomargarine act?

Mr. PEARRE. I do not want the gentleman to answer my question by asking another, but I will answer his. The people of the United States who desire to eat butter in preference to oleomargarine have gotten after the public officials to such an extent that they have brought about a small number of prosecutions, a very small number, and secured an almost infinitesimal number of convictions compared with the great number of violators of the oleomargarine law.

Will the gentleman answer my question?

Mr. LORIMER. The tobacco sold in this country to-day is put up and sold in the same way that the substitute would regulate traffic in this product and protect the butter against the fraudulent sale of oleomargarine.

Mr. PEARRE. I do not care anything about tobacco.

Mr. LORIMER. No; the gentleman does not care for anything, only to drive the oleomargarine interests out of business. [Laughter.]

Mr. PEARRE. And the gentleman from Illinois does not care for anything except to advocate and defend the oleomargarine interests, if he desires to make this a personal matter. [Laughter.]

Mr. LORIMER. The only thing I am advocating and defending in this House, on this oleomargarine proposition, is fair play, and that we shall not establish a precedent in this House for future time, stamping out any legitimate business in the interest of another. [Applause.]

Mr. PEARRE. If the gentleman will permit me——

Mr. LORIMER. No; I decline to yield further to the gentleman, because it is evident that he has made up his mind to put the oleomargarine manufacturers out of business, and if I should talk to him eight weeks I could not convince him.

Mr. McCLEARY. May I ask the gentleman a question?

Mr. LORIMER. Certainly.

Mr. McCLEARY. I infer from your statement that you believe that the oleomargarine business could not succeed except by this fraud.

Mr. LORIMER. I did not make any such statement.

Mr. McCLEARY. That the only way they could sell it is by coloring it to resemble another product.

Mr. LORIMER. I did not say that. The gentleman says the only way to sell it would be to sell it by making it resemble something else. The real truth, Mr. Speaker, is that the commercial butter two months from now will be as white as chalk when it is taken from the churn, and it will only be yellow after it is artificially colored.

Mr. McCLEARY. But when it is colored it is what it purports to be; it is butter.

Mr. LORIMER. Colored butter. [Laughter.]

Mr. WADSWORTH. And when he sells oleo, it is colored oleo? [Laughter.]

Mr. LORIMER. Now, nobody on this side of the question will undertake to say that they sell butter for anything but what it is. Our contention is that butter is not naturally of the yellow June color all the year round. Here is a roll of colored butter, artificially colored, and here is a roll of butter made one week ago, and gentlemen will see how light colored it is. Six weeks from now it will be as white as that paper on your desk.

Mr. McCLEARY. But it will still be butter.

Mr. LORIMER. It does not have the natural yellow color all the year round. We contend, if you place any yellow substance in butter for the purpose of making it look good and make it more palatable to those who consume it, oleo manufacturers have the same right to place it in the oleomargarine for the same purpose. We contend that it is not counterfeiting butter by adding a yellow substance to the oleo. What we propose to do is to prevent any fraud in its sale by the passage of this substitute. You know that all the tobacco sold in this country is sold with a stamp across the top, and I do not remember of hearing for a good many years of any fraudulent sale of tobacco put up in that way.

On cigars we put a stamp around the box, as my friend beside me suggests, and I am certain, and I know the gentlemen in this House, too, are satisfied, that if this substitute is passed we will never hear anything about a fraudulent sale of oleomargarine in this country. If it were not for the desire of certain gentlemen to kill the oleo industry, I do not know of a man on the floor but what would accept this substitute. The bill H. R. 3717 is not to compel oleo to be sold for what it is. It is being urged by gentlemen in favor of the Grout bill to stamp the oleomargarine industry out of existence. That is all there is to it. [Applause.]

Mr. McCLEARY. If the gentleman will pardon an interruption, I would like to ask him how he can make that statement when this bill specifically provides that oleomargarine uncolored shall have the tax upon it reduced.

Mr. LORIMER. I will tell the gentleman how I can make that statement. This tax was inspired not by members of this House, but by gentlemen who want to stamp out the oleomargarine industry. They made their statements before the Committee on Agriculture. The pure-food commissioner of the State of Wisconsin, after he had furnished this testimony, said:

> There is no use of beating about the bush. We want to pass this law and drive oleomargarine manufacturers out of business.

Ex-Governor Hoard, of Wisconsin, in winding up his statement, said:

> This is repressive taxation.

And the secretary of the Dairymen's Union, Mr. Knight, wrote a letter to a butter man in Virginia, which appears in the report of the minority of the committee, in which he stated that—

> The Agricultural Committee is now considering a bill that will effectually stamp out the oleo industry, and that is what we want.

I have talked with many gentlemen on this floor who favor this bill, and they have said to me that that is why they are going to vote for it.

Mr. McCLEARY. This industry, as defined in the gentleman's

statement, means undoubtedly the industry of making colored oleomargarine.

Mr. LORIMER. There is no doubt about that.

Mr. NEVILLE. Is it not true that butter would not be stamped out of existence by an anti-color law? And if that is true, then why will this 10 per cent tax stamp out oleomargarine?

Mr. LORIMER. I would answer the gentleman's question in this way: I am willing to vote for an amendment that would prevent the coloring of either oleomagarine or butter.

Mr. NEVILLE. That does not answer the question.

Mr. LORIMER. I do not think that such a tax would effectually stamp out the sale of butter, but it would not bring as high a price in its white state as it brings when it is colored. I admit that fraud has been perpetrated and is being perpetrated every day.

Mr. NEVILLE. But, if such a tax would not stamp out the butter business, if it would not prevent the sale of butter, then, if oleomargarine is sold upon its merits, why would such a tax stamp oleomargarine out of existence?

Mr. LORIMER. One reason is because colored butter would be more palatable. If I should go out to-day to buy a substance to put upon my bread, I would just as willingly take high-grade oleomargarine as good butter; but if I were called upon to decide between high-grade white oleomargarine and yellow butter, yellow butter is more palatable, and I would prefer it; and I think that everybody else would decide in favor of the colored article, because it would be more palatable.

The whole purpose of the Grout bill, and the gentlemen know it, is to prevent the sale of yellow oleomargarine, in order to stamp it out of existence. What is the use of fooling about the matter? We might as well be fair with each other.

Mr. TONGUE. Does the gentleman think that the manufacturers of oleomargarine color their product for the mere purpose of pleasing the eye, or is the object to induce the people to buy the product in the belief that they are buying butter? In other words, is the coloring in the interest of art or in the interest of fraud?

Mr. LORIMER. I believe that oleomargarine is colored by the manufacturers because they think in that form it is more salable, for the reason that it is more palatable—more pleasing to the eye.

Mr. TONGUE. Do they not believe that it will be more salable because people who buy it believe it to be butter and would not otherwise buy it?

Mr. LORIMER. No; but suppose that to be so; what we propose to do is to pass the substitute in order that oleomargarine shall be put up in such a way that it will be absolutely impossible to sell it for anything but what it is.

Mr. TONGUE. When the wrappers are off, what protection will there be for the public against the sale of this article as butter?

Mr. LORIMER. There is the impress on the oleomargarine itself.

Mr. TONGUE. When that has been removed, what then?

Mr. LORIMER. Nothing.

Mr. THROPP. Is it not true that the coloring matters used in this manufacture are neutrals; and, if so, how do they add to the palatability of the oleomargarine?

Mr. LORIMER. When you sit down to a table that is clean and pleasant in appearance, in comparison with one that has a dirty tablecloth, you enjoy your meal best at the clean table.

Mr. THROPP. Then it is the question of appearance?

Mr. LORIMER. Palatability, that is all. People think the article they consume is more palatable, and enjoy it more. Now, why should we discriminate in favor of one industry as against the other?

Mr. THROPP. My object was simply to inquire whether the coloring matter added to the quality of the oleomargarine.

Mr. LORIMER. Everybody knows that it does not.

The only complaint, Mr. Speaker, as I understand it, is that oleomargarine has been manufactured and sold fraudulently as butter. The only complaint that gentlemen make on the floor of the House is that it is sold as such. If that be so, and we simply desire to stamp out the fraudulent sale of it, as we should, then let us adopt legislation that looks to that end. It is a very simple matter, if that is what you wish to accomplish. The only legislation—the only bill that is submitted to the House that will accomplish that end—is the substitute which is now before us.

I think, Mr. Speaker, that I have fully and thoroughly demonstrated the fact that there is nothing new in the Grout bill to stamp out the fraudulent sale of this product in the markets of the country. Because, if it can be sold fraudulently under the present law, there is nothing whatever in the Grout bill which changes the law to prevent the same fraud. The substitute bill affords a safeguard against this fraud, and under its provisions it is possible to shut out the fraudulent sale of this product. I am absolutely certain, Mr. Speaker, that if the substitute is adopted, oleomargarine can be sold and will be sold only for what it is. Thus the fraud would be absolutely cured.

The gentleman from Vermont [Mr. GROUT] suggested that oleomargarine was shipped from the city of Chicago to a dealer somewhere in the East and sold at 13 cents a pound, and suggested that this was because of the fact that it was sent in its natural white color. Now, the truth of the matter is that you can buy as much oleomargarine, either white or yellow, as you wish in the factories in the city of Chicago or in any factory in the United States at 12½ cents a pound. The color has nothing to do with the present price of oleomargarine, and the friend of the gentleman in the East who purchased at 13 cents a pound was actually paying a half cent a pound higher than the market price where it is made. So there is nothing in that argument.

I do not know, of course, how carefully the gentleman from Vermont [Mr. GROUT] has figured the statistics on the subject of butter, but at the adjournment of the House in June last I made a comparison, and from the statistics which were then available the amount of oleomargarine manufactured and sold in this country, as compared with the butter manufactured and sold, was a little over 4 per cent—quite considerable less the 5 per cent of the total amount. Now, I remember well, also, that before oleomargarine was manufactured and sold at all, in the city of Chicago, of buying butter in small quantities at 12, 13, 14, 15, or 16 cents a pound.

But since the manufacture of oleomargarine has been started it has been absolutely impossible, at least within the last two or three years, to buy butter at the Elgin factory at a less price than 16 cents a pound even at wholesale. And yet, before oleomargarine became a product in the market of the country, I was able to buy butter at the price I have stated, and there must have been a profit between the manufacturer and the retailer at some point when I purchased butter at from 12 to 16 cents. This proves the fact that the argument which has been made by gentlemen on the other side that the sale of oleo depreciates the price of butter is entirely without foundation, and the records of the market of the country, I venture to assert, will not bear out their assertion.

Mr. Speaker, the greatest dairy industry probably in the United States is in the State of Illinois. I have lived in Chicago for thirty years, and am perfectly willing to take up the statistics on the sale of butter in that city with the gentleman from Vermont, and I am sure they will establish the fact that the price of butter has not been as low since oleo has come on the market as it had been before.

I am absolutely positive that the manufacture of oleomargarine has not affected the price of butter in any respect, but it has furnished the poor with a wholesome article of food in seasons when they could not afford to buy butter on account of its high price, say in the winter months, for instance.

Mr. Speaker, I would like to ask a question for information. Am I talking in my own time or am I consuming the time belonging to the chairman of the committee?

The SPEAKER pro tempore (Mr. HOPKINS). The gentleman, as a member of the committee, is entitled to an hour in his own right. He has nineteen minutes of that time left.

Mr. LORIMER. Then, Mr. Speaker, I reserve the remainder of the time.

Mr. HENRY of Connecticut. Mr. Speaker, I yield twenty minutes to the gentleman from Virginia [Mr. LAMB].

Mr. LAMB. Mr. Speaker, the Committee on Agriculture reported favorably the bill under discussion (H. R. 3717) after carefully weighing all the evidence for and against it. Thirty-two States of the Union, containing a population of over 50,000,000, have passed laws forbidding the manufacture and sale of oleomargarine colored to resemble butter. These laws have been upheld in the courts, and twice sustained by the Supreme Court of the United States. No State has ever repealed one of these laws. The law enacted in 1886 placed a tax of 2 cents per pound upon oleomargarine in order to enforce the clause requiring the branding of every package sold. The revenue has been collected by the Government, but the law has not been enforced, except in rare cases, against the offenders. The more the branding clause of the law of 1886 is violated the greater the revenue, because the oleomargarine pays the tax when sold for what it is or as butter.

The tax of 10 cents imposed by this bill would be collected on all oleomargarine colored to resemble butter. The collection of this tax would likely result in taking out the large profit now realized by the retailers in the counterfeit article, and tend to even up the profits on butter and colored oleomargarine. We have abundant evidence to show that the cost of oleomargarine is about 7 cents a pound. The tax of 10 cents imposed upon the colored to resemble butter would make it stand at 17 cents. These two articles, then, if of even value, as some claim, would have the same chance in an open market, while the oleomargarine uncolored could be sold for 10 or 12 cents to those who preferred to buy it in the natural state.

On one side of this contention stands a great agricultural interest, backed by millions of farmers and the large bulk of the consumers, as well as hundreds of thousands who are engaged in buying and selling butter. On the other hand we have the manufacturers

of oleomargarine and the dealers, who in at least 32 of the States are evading or violating the laws. In passing this bill we will have public opinion strongly and broadly behind us.

Three vocations are asking this legislation—the dairymen, the small farmers throughout the country, who perhaps are the greatest sufferers, and the retail dealers in butter. The letters and petitions from my own district indicate this. I have received a great number of letters urging the passage of this bill, not only from the farmers of the six counties I represent, but from the retail dealers of the city of Richmond and many of the citizens of that city. As a sample of the many letters from the counties, I quote the following:

CHESTERFIELD COUNTY, VA., *March 12, 1900.*

DEAR SIR: The measure now before Congress, the Grout bill, seems to me to be a great improvement on the present law relating to oleomargarine.

Let the poor have it cheaply, but compel them to sell it as it is made—white in color.

When it is colored to imitate butter it is a fraud that injures farmers. Dairy interests should be fostered in your district.

There are few if any farmers in this section who have anything like money gain to show for the last ten years of hard work.

It seems to me that the best thing we can do to improve our farms and improve this section is to produce stock and dairy products.

All the farmers I have seen approve of the Grout bill. I trust you have or will vote for it.

Yours, truly,

S. E. MORSE.

Hon. JOHN LAMB.

Here is another, even more pronounced:

SABOT ISLAND, VA., *February 24, 1900.*

DEAR SIR: If you know as much about the disreputable competition which we people have to contend with who are endeavoring to do an honest business in the production of an honest article of butter, we do not believe you would hesitate long about getting down to work for the passage of the Grout bill taxing butterine 10 cents per pound when made in semblance of butter and giving the States the right of jurisdiction over imitations as soon as they enter the State.

We are willing that all who want oleomargarine shall have it, but we want it fixed so that people who do not want it will not have to have it palmed off on them for butter.

We are willing to reduce the tax on that oleomargarine which is made so it will comply with the State laws of our thirty-two principal States, but the revenue law as it now stands is a detriment rather than an aid in carrying out the wishes of the people. Please give us your support in getting the Grout bill passed.

Respectfully, yours,

W. S. SANDERS.

Hon. JOHN LAMB,
House of Representatives, Washington, D. C.

These letters from farmers might be multiplied indefinitely. As showing the feeling of another class, here is a sample from the dealers and commission merchants.

RICHMOND, VA., *March 26, 1900.*

DEAR SIR: As president of the Richmond, Va., Branch of Commission Merchants of the United States, I write in the interests of the Grout bill, that you give it your support, believing its passage will meet with the approval of the people of the Third district.

I have understood you have received few letters from merchants here claiming it would not be to the interest of Richmond people for the passage. I beg to differ with them, and only think they wrote in their own personal interest as dealers, direct or indirectly, and must say if some change don't take place the butter interest in Virginia is of short duration. And what then will become of our farmers whose main support is the cow? Hoping again our request will meet with your hearty support, I am,

Very truly, yours,

W. F. SEYMOUR,
President Richmond Branch N. L. C. M. of the United States.

Hon. JOHN LAMB, *Washington, D. C.*

Here is another equally to the point:

RICHMOND, VA., *March 26, 1900.*

DEAR SIR: We, the undersigned, dealers in pure butter in the city of Richmond, Va., note with pleasure the active interest and work manifested by you in the Grout bill, which raises the tax on oleomargarine made in semblance of butter from 2 to 10 cents per pound, the sale of such oleomargarine being forbidden by the laws of our State; also provides for the lowering of the tax on that which will meet the requirements of our State laws from 2 cents to one-fourth cent per pound, and gives the States jurisdiction over imitation dairy products upon entering their borders. We highly commend your position in this matter, and assure you that your attitude can not affect the interest of anybody in our State who is complying with our State laws, while the accomplishment of the object which you seek to attain would put thousands of dollars into the pockets of the people of your State now going into the coffers of bogus makers of other States.

The merchants of this city are all in favor of this law except those dealing in the bogus article.

Yours, very respectfully,

W. W. SPRATLEY & CO.

Hon. JOHN LAMB, *Washington, D. C.*

Here is an extract from a letter inclosing a petition, largely signed, in favor of the Grout bill:

DEAR SIR: I have not been able to see the trade or private citizens as I would like, else would send you hundreds of more names. We know the sentiment of Richmond on this line, and know it is against the sale of this bogus stuff, and we know you will do what you think is just and right, and are willing to trust you in this matter, as well as all others.

S. F. PADGETT & CO.

Here is one that presents in concise form three reasons for the passage of this bill that will appeal to the minds and hearts of these Representatives:

RICHMOND, VA., *March 26, 1900.*

DEAR SIR: We write in the interests of the Grout bill to beg for it your vote and influence.

Because the manufacture of butterine has almost destroyed the butter interests in this State; because it is not right that the few who are making this bogus butter should add to their millions at the expense of every poor woman in the land who owns a cow; because the business in oleomargarine or butterine encourages deception, it being regularly advertised and palmed off as genuine butter, and it is so advertised now in this city. I mention but few of the many reasons that call for the passage of this Grout bill, and beg you to support the bill.

Yours, truly,

J. D. McINTIRE.

Hon. JOHN LAMB, *Washington, D. C.*

The editor of the Southern Planter, a leading agricultural journal of the South, published in Richmond, Va., writes as follows:

DEAR SIR: I hope that we may count on you using all your influence in favor of the Grout bill now before the Agricultural Committee. The dairying interest in the South, and especially in Virginia, is becoming a large one, and this bill is of great importance to that interest.

Yours, truly,

J. F. JACKSON.

A petition from the merchants and citizens of Richmond, Va., numerously signed, asking for the passage of this bill, says in part:

We highly commend your position in this matter and assure you that your attitude can not affect the interest of anybody in this State who is complying with our State laws, while the accomplishment of the object which you seek to attain would put thousands of dollars into the pockets of the people now going into the pockets of bogus butter makers of other States.

We believe the bill a just and honest one, and we further know that public opinion demands it, and, were it put to a vote with our people, that 90 per cent of the people would vote for it. We further assure you that 90 per cent of our people who buy oleomargarine buy and eat it for butter, as we have never seen or heard of oleomargarine being advertised as oleomargarine, but always as puro or fine creamery butter. See the deception used.

These letters and petitions clearly indicate the views of my constituents on this important subject, and I take it that the same opinions are held by a large majority of citizens of the rest of the State.

The commissioner of agriculture of the State of Virginia, in a letter of recent date written to me on the subject, says:

The merchants make such a large profit from the sale of oleomargarine they prefer handling it to butter, and it has consequently ruined the dairy interest in this State. Ten years ago the dairy business in this State was developing splendidly, but now most of them have closed up on account of competition of oleomargarine. Our farmers are heavy losers on this account.

The failure of our farmers to keep a large number of cows and raise more stock is hurtful to the agricultural advancement in this State.

The State board of agriculture at its last meeting, November 30, unanimously passed a resolution requesting the Congressmen and Senators of this State to support the Grout bill.

I produce this witness, and could easily add many others, to offset the declaration made in the very able report of the minority of the committee that "the manufacture and sale of oleomargarine does not interfere with the growth and prosperity of the butter industry."

The minority report also says:

The oleomargarine is practically all bought by the poorer class of people. In justification of this statement we have received a large number of petitions from the labor organizations of our country protesting against the passage of this bill for the above given reasons.

I have never received a petition from a labor organization protesting against the passage of this measure, although there are fifty to seventy-five organizations in the two cities I represent, and fully 10,000 laborers. In fact, I have had only two letters, and two telegrams from my district protesting against the Grout bill, while I have received hundreds favoring its passage. The opponents of this measure have a good deal to say about oleomargarine as a cheap food for the poor. You will observe that the poor, for the most part are silent on this bill. We take it that they desire good butter and not a counterfeit. Some say oleomargarine is the poor man's butter, and that the tax on this article comes finally out of his hard earnings. I have a few letters on this line. For such as these Shakespeare gives an answer:

Mark you this, Bassanio,
The devil can cite Scripture for his purpose.
An evil soul, producing holy witness,
Is like a villain with a smiling cheek;
A goodly apple rotten at the heart;
O, what a goodly outside falsehood hath!

[Applause.]

We claim that the advocates of this measure, who ask that the force of law be turned against the counterfeit, are the best friends of the poor.

When this measure is enacted into law the uncolored article can be sold at 10 or 12 cents a pound. This will be the poor man's opportunity. He pays now from 15 to 25 cents for oleomargarine. The minority report claims that this bill, if enacted into law, would destroy the business of the oleomargarine manufacturers, and cite in proof of this the strong language of a few of the gentlemen who testified before our committee. In reply I beg to quote the language of my colleague, who drew the majority report.

We believe the manufacture and sale of oleomargarine will continue under this measure, and that those who desire a cheap substitute for butter will purchase the uncolored article. The only difference is that the counterfeit article, colored in imitation of butter, will no longer be accessible to hotel keepers, restaurant keepers, and boarding house proprietors at such prices as will be an inducement for them to deceive their guests, as is now, we believe, absolutely universal where it is served, and thus another class of consumers, who have been subject to imposition for more than twenty years, will be able to know whether they are eating butter fat or hog fat when they spread their bread. If colored oleomargarine is served it will be because it is better, and not because it is cheaper than butter.

The minority report has a good deal to say about the healthfulness of this article and quotes a number of professors of chemistry in proof of their contention.

On the other hand, there are a great number of reports in England, France, and this country going to show that the effects of oleomargarine are harmful. On this point I beg to refer you to the able argument of ex-Governor W. D. Hoard, made before the Committee on Agriculture March 17, 1900, and printed in the hearings before that committee.

But we hold it immaterial to this discussion whether this article is wholesome or not. The object of this bill is to secure honesty in trade; to protect the public pocket, rather than the public health. We are not called upon to prove that oleomargarine makes people sick. We are required to prove that the sale of the great bulk of the product is permeated with fraud and that it is purchased for and as butter by consumers who would not want it were it not colored in imitation of a more valuable product.

The substitute bill so earnestly advocated by the minority members of the Committee on Agriculture will not, for many reasons, meet the difficulty.

First. It attempts to legalize the coloring of oleomargarine against which thirty-two States of the Union have passed laws.

Second. It will completely destroy the butter interest of the country.

Third. The temptation to fraud will only be removed in the degree that the price of the article is lowered by the absence of competition, for the hotel, restaurant, and boarding-house keepers can buy from the retail butter dealers any number of these original 1 and 2 pound packages and put it upon their tables as butter, removing easily the impress made on the packages. The present law, bad as it is, will be far preferable to the substitute. There is not much in this substitute about the coloring of oleomargarine in imitation of butter. Indeed, the advocates of the substitute ask you why it is not as permissible to color oleomargarine as it is to color butter. We reply: Because they are not colored for the same purpose. Butter is not colored to resemble a superior article and impose on the consumer.

Oleomargarine is colored to make it resemble a better product. It is colored to deceive the consumer. The coloring adds nothing to the food value of the article. The proposed taxation against colored oleomargarine works no hardship to the consumer. Those who want this fat substitute for butter can buy it much cheaper in its natural state. The Grout bill, when enacted into law, will force out this color or semblance to butter; will check or entirely destroy the fraud; will protect the great army of producers of butter from competition with a counterfeit, and will enable those who want a cheap food to buy this oleomargarine at a fair price in the market, knowing what they buy and what they are eating.

But the opponents of this measure say the cattle raisers of this country will be injured, and our minority committee grow eloquent over the evils of taxing one industry to benefit another. They appear more interested for the dead cow than the living animal. If the dairy interest be destroyed or crippled and the cows are sold off and slaughtered, as is being done in some districts to an alarming extent, what about an increase of beef cattle and feeders? Will not the falling off in this way lose to the cattle raisers more than the 40 or 50 cents per head now claimed for the sale of oleo oil? You will find this a two-edged sword cutting both ways. [Applause.]

We do not propose to sacrifice the cow's udder in order to save a few cents on the beef fat.

Pass your substitute allowing the coloring of oleomargarine. Let this counterfeit that can be made at about one-third the cost of genuine butter and sold at about one-half and leave a margin of profit drive the great dairy and butter interests to the wall, and the effect will not be confined to those extensive interests alone, but will be felt in every nerve of our great system—through thousands of happy homes it will be felt. Helpless women and defenseless children even now cry unto you for help. These cries will be turned into curses when your special privilege to the few shall have deprived them of the sale of the last pound of butter that brought to their cheerless homes 3 pounds of sugar. Impoverished mother earth, that has been forced to give without receiving back, will enter protest. Let us not, I pray you, sacrifice the cow for her tallow.

> Oh, what a noble cow was here undone,
> When Brindle's self destroyed her favorite son!
> Yes, she too much indulged thy fond pursuit,
> She sow'd the seeds, but death has reap'd the fruit.
> 'Twas thine own genius gave the final blow,
> And help'd to plant the wound that laid thee low;
> So the struck milker stretch'd upon the plain,
> No more through waving grass to browse again,
> View'd her own tallow on the fatal dart,
> And wing'd the shaft that quiver'd in her heart.

[Applause.]

But there is another interest that will suffer, we are told, if the Grout bill passes.

The manufacturers of cotton-seed oil claim that their interests will suffer if the oleomargarine manufacturers are crippled or destroyed by the operations of this bill. It is well known that the foreign demand for cotton-seed oil is great now and constantly increasing. There is a demand from every country on the globe for this article. The small quantity used in the manufacture of oleomargarine can not affect to any appreciable degree the sale of cotton-seed oil. The amount used is only 7 per cent, as reported by the Secretary of the Treasury in response to an inquiry from this House.

The broad-minded statesmen from the cotton States here will not refuse their vote for a measure proposing to check or destroy a fraud that is being perpetrated upon the people of this country, even were temporary inconvenience or loss to follow for their own Heaven-favored land, with a monopoly in cotton itself, now commanding $50 a bale. With cotton manufactories springing up all around them, with the cereals flourishing in every State, with cattle upon a thousand plains, with hogs everywhere, and cows not yet counted by the 1900 census, what damage can come to them through the loss of a market for a few thousand gallons of oil, made from the seed that a few years ago they hauled out for manure? I do not think these brave and noble people who have endured so much and are now advancing so marvelously in material development would have us vote to cripple the great butter and dairy interest of the whole country, in which they have a deep and increasing interest themselves, in order to encourage the manufacture of cotton-seed oil.

As a matter of fact, the 83,000,000 pounds of oleomargarine manufactured each year and valued at $12,450,000 only contains $207,500 worth of cotton-seed oil, which is only $24,000 to each of the cotton-growing States. Suppose this estimate too low; that $500,000 is nearer right. Then $50,000 for each of these 7 States is a mere bagatelle. The last report shows 17 manufacturers of oleomargarine in 8 States. There were 164 wholesale dealers. There are nearly 10,000,000 people in this country directly interested in the dairy can. The fraudulent sale of oleomargarine hurts each one of them. Shall the 17 have their way against the 10,000,000?

But there is a weightier reason than the value of oil bearing on the minds of my Southern colleagues. They claim that it is an improper exercise of Congressional authority to destroy business through Federal taxation. The opposite view has been held by distinguished authorities. The Supreme Court, in McCulloch *vs.* Maryland (4 Wheat., 428), says:

> It is admitted that the power of taxing the people and their property is essential to the very existence of the Government and may be legitimately exercised to the utmost extent to which the Government may choose to carry it. The people give to their Government the right of taxing themselves and their property; and as the exigencies of the Government can not be limited, hey prescribe no limits to th e exercise of this right, resting confidently on he interest of the legislator and on the influence of the constituents over their representatives to guard them against its abuse.

Desty, in his work on Taxation, says:

> One purpose of taxation sometimes is to discourage a business, and perhaps put it out of existence, and it is taxed without any idea of protection attending the burden.

Chief Justice Marshall, in the case of McCulloch *vs.* Maryland, also said:

> That the power to tax involves the power to destroy; that the power to destroy may defeat and render useless the power to create; that there is a plain repugnance in conferring on one government a power to control the constitutional measures of another, which other, with respect to those very measures, is declared to be supreme over that which exerts the control, are propositions not to be denied.

Justice Story, in his work on the Constitution (Book 1, pp. 677, 678), says:

> Nothing is more clear from the history of nations than the fact that the taxing power is very often applied for other purposes than revenue. It is often applied as a virtual prohibition; sometimes to banish a noxious article of consumption, sometimes as a suppression of particular employments.

Justice Woodbury, in the case of Pierce et al. *vs.* New Hampshire (5 Wheat., 608), said:

> But I go further on this point than some of the courts and wish to meet the case in front and in its worst bearings. If, as in the view of some, these license laws are in the nature of partial or entire prohibitions to sell certain articles as being dangerous to public health and morals, it does not seem to me that their conflict with the Constitution would by any means be clear. Taking for granted that the real design in passing them is the avowed one (prohibition), they would appear entirely defensible as a matter of right, though prohibiting sales.

In Walker's Science of Wealth this rule of taxation is also general:

> The heaviest taxes should be imposed upon those commodities the consumption of which is especially prejudicial to the interests of the people.

I leave to more capable hands the further discussion of this point. I know that it will be contended that this is a drastic measure. It is offered to meet serious conditions and not for the purpose of transferring the earnings of one class to increase the profits of another.

Its provisions when enacted into law will work in harmony with the laws of thirty-two States of the Union.

Oleomargarine, colored in imitation of butter, will have a fair

chance. The temptation to perpetrate fraud and deceive customers will be abated, if not entirely removed.

It is the duty of every legislative body to pass the necessary laws to prevent fraud and deception. Nothing grows so fast as crime. Countenance the smallest crime, and it will increase tenfold. License one crime, and there are persons always willing to commit a greater crime and point to the crime licensed as their excuse.

Pass this bill, and 5,000,000 farmers will approve your action, while their children will rise up and call you blessed. Pass this bill, and thousands upon thousands of dealers in butter all through our land will heave a sigh of relief and say, "Well done, thou good and faithful servants."

The patient toiling tillers of the soil, the bone and sinew of the land, the producers, as well as the consumers, who do not often ask legislation at your hands, now urge you to pass a measure that will help resuscitate our common mother earth.

It is the earth alone of all the elements around us that is never found an enemy to man. The great body of waters deluge him with rain, oppress him with hail, and drown him with inundations. The air rushes on in storms and prepares the tempest or lights up the volcanoes, but the earth, gentle and indulgent, ever subservient to the wants of man, spreads his walks with flowers and his table with plenty; returns with interest every good intrusted to her care, and though she produces the poison, still supplies the antidote, though teased more to furnish the luxuries of man than his necessities, yet even to the last she continues her kind indulgence, and when life is over piously hides his remains in her bosom.

[Loud applause.]

During the delivery of the foregoing remarks, the time of Mr. LAMB having expired,

Mr. HENRY of Connecticut yielded to him five minutes more.

Mr. GAINES. I should like to ask the gentleman a question.

Mr. LAMB. Certainly.

Mr. GAINES. Is this 10 per cent tax under the Grout bill a prohibitory tax?

Mr. LAMB. It will very likely have that effect, so far as the colored butter is concerned, but it will not prohibit the manufacture of this article in its natural state. I have no question that more of it will be manufactured after the tax is imposed. A taste will be educated for this article and people will buy it, not under the guise of something else, but buy it for what it is, at what it is worth. If they want to color it they have a right to do so in their own homes.

Mr. BAILEY of Kansas. Mr. Speaker, during the early days of this session of Congress House bill 3717, now known as the Grout bill, was introduced, and was referred to the Committee on Agriculture, and by the chairman of that committee was referred to a subcommittee of five. Immediately the mail of this subcommittee was flooded with petitions for the passage of the bill and with protests against its passage. The petitions for the passage came from those who were immediately interested in the dairy business, and were nearly all exactly alike, printed upon postal cards, with the address of the different members of the committee printed upon the cards.

These cards and petitions were printed in Chicago, at the headquarters of the National Dairy Union, and were sent to the farmers and dairymen all over the country, with the request that they sign the same and forward to Congress. The protests came from the stock raisers and stock feeders of the country, from the live stock associations, and from the stock exchanges. Almost the entire cotton belt of our country united in protesting against the passing of the bill in the form that it was introduced.

The labor organizations from all over the country also sent in their protests against the bill on the ground that it was putting a tax upon a product that to them had become a staple article of food and one of the necessaries of life. Each one of these great interests also demanded that an opportunity be given them to appear before the committee and give their reasons why they were for or against the bill. In accordance with this request, the subcommittee arranged to give all who were interested a hearing. The first hearing was accorded to the representatives of the National Dairymen's Union. Ex-Governor Hoard, of Wisconsin, president, and C. Y. Knight, secretary, with other gentlemen, testified before our committee, representing this association, and advocated the passage of the Grout bill.

Mr. Speaker, the reason given by the friends of the Grout bill for the support of this measure, on its face, is to suppress the fraudulent sale of oleomargarine as butter. It is claimed by the friends of the bill that a very large per cent of oleomargarine that is sold is palmed off upon an unsuspecting public as pure butter. Indeed, the gentleman from Vermont [Mr. GROUT], in his remarks before the House to-day, said 90 per cent of the oleomargarine manufactured was sold as butter.

Mr. Speaker, the evidence before our committee does not bear out the statement made by the gentleman from Vermont. Mr. Wilson, late Commissioner of Internal Revenue, was before the committee, and in his published testimony, on page 177, Commissioner Wilson testifies that not to exceed 10 per cent of oleomargarine is sold for butter, but that 90 per cent of oleomargarine is sold as oleomargarine and that the people who buy it are fully advised of what they are buying. Now, I submit that the Commissioner of Internal Revenue is in the best position of any man in the entire country to form an accurate and correct opinion upon this subject, and his official opinion should be given credence by this House and by the country at large over the statement of men who have no data upon which to base their judgment and have formed their opinions solely upon prejudice.

Now, Mr. Speaker, there is no contention upon the part of the friends of the proposed bill that either the manufacturer or wholesale dealer commits any fraud in the sale of oleomargarine, but the whole contention is that the fraud is perpetrated by the retailer, and considerable testimony was introduced showing this fraud. And speaking for myself, and, as I believe I do, for the subcommittee who drafted the substitute bill, it was our honest opinion, after listening to all the testimony, that the Grout bill offered no remedy for the suppression of this fraud, and it was for that reason that we drafted the bill which, at the proper time, will be offered as a substitute for the pending bill.

Mr. Speaker, I desire to read at this point and incorporate into my remarks both the Grout bill and the substitute offered by the subcommittee.

THE GROUT BILL.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted into the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory, or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise: *Provided*, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character free from coloration or ingredient that causes it to look like butter.

SEC. 2. That on and after July 1, 1901, the tax upon oleomargarine as prescribed in section 8 of the act approved August 2, 1886, and entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," shall be one-fourth of 1 cent per pound when the same is not colored in imitation of butter; but when colored in imitation of butter the tax to be paid by the manufacturer shall be 10 cents per pound, to be levied and collected in accordance with the provisions of said act.

The proposed substitute is as follows:

Strike out all after the enacting clause and insert: "That sections 3 and 6 of an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, be amended so as to read as follows:

"'SEC. 3. That special tax on the manufacture and sale of oleomargarine shall be imposed as follows: Manufacturers of oleomargarine shall pay $600 per annum. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer thereof.

"'Wholesale dealers in oleomargarine shall pay $480 per annum. Every person who sells or offers for sale oleomargarine in quantities greater than 10 pounds at a time shall be deemed a wholesale dealer therein; but a manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells oleomargarine of his own production only at the place of its manufacture in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer on account of such sales.

"'Retail dealers in oleomargarine shall pay $48 per annum. Every person who sells or offers for sale oleomargarine in quantities not greater than 10 pounds at a time shall be regarded as a retail dealer therein.

"'SEC. 6. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word "Oleomargarine" in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word "Oleomargarine" printed on the outside thereof in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put singly by the manufacturer thereof in such wooden or paper packages or in such wrappers and marked, stamped, and branded with the word "Oleomargarine" printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word "Oleomargarine," with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"'Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed, and shall sell only from the original crates or boxes in which they receive the pound or 2-pound prints, bricks, rolls, or lumps.

"'Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale, as butter, any oleomargarine, colored or uncolored, or who falsely brands any package, or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than one hundred nor more than five hundred dollars and be imprisoned not less than thirty days nor more than six months; and for the second and every subsequent offense shall be fined not less than two hundred nor more than one thousand dollars and be imprisoned not less than sixty days nor more than two years.'"

Now, Mr. Speaker, if the suppression of fraud in the sale of oleomargarine is the thing to be accomplished, I submit this proposition: The substitute bill closes every avenue of fraud in the sale of oleomargarine as butter, and the Grout bill utterly fails in this purpose. All the Grout bill does is to add 8 cents a pound to the cost of manufacturing oleomargarine and is going entirely upon the theory that this will make the cost so great that the manufacturers will be driven out of business, thereby ruining their industry and confiscating their property; and, indeed, it was brought out in the testimony of Mr. Knight, Governor Hoard, and Mr. Adams, pure-food commissioner of Wisconsin, that this was the avowed purpose of the bill.

But suppose this does not obtain, and the manufacturers of oleomargarine still continue to make their product, I want some one of the friends of the pending bill to tell me in what way the dairy interests are better protected than they are now. Several times during the past year I have gone upon the market in this city and have inquired the retail price of creamery butter and the best grade of oleomargarine. During that time the average price of butter has been 35 cents per pound and oleomargarine 20 cents.

Now add your 8 cents, making oleomargarine worth 28 cents, it is still cheaper than creamery butter by 7 seven cents per pound, and the dishonest dealer will have a greater incentive to sell it for butter, having paid more for the article. On the other hand, the substitute bill provides that oleomargarine shall be put up by the manufacturers in 1 and 2 pound packages and in no larger or smaller amounts, and that the word "oleomargarine" shall be impressed in the package; then it shall be wrapped with paper upon which is plainly printed the word "oleomargarine," with the name of the manufacturer.

This, of course, will be the thin wrapping paper usually wrapped around pound prints of both butter and oleomargarine. And then they shall place around this package another wrapper, upon which the word "oleomargarine" is printed, and around this the Government revenue stamp is placed, and the size of the letters and the marking shall be under the direction of the Commissioner of Internal Revenue; then a penalty is provided for selling or offering to sell oleomargarine that is not put up and wrapped and stamped according to the terms of the substitute bill, thereby preventing, as far as law can prevent, the selling of oleomargarine as butter.

Mr. Speaker, in view of all these facts, I say to this House and to the people of this country that the substitute bill is the true friend and protector of the dairy interests, and that the Grout bill, if enacted into law, will prove a disappointment to its advocates and will fail utterly to accomplish the purpose claimed by its supporters.

But gentlemen ask what protection is given to the patrons of hotels and restaurants if you pass this substitute bill? I answer, he has greater protection than he has under the Grout bill. If the Grout bill is enacted into law, what protection has the man who goes to a restaurant or to a hotel under that bill? Under this law, when these wrappers are put on in this way, no one can buy oleomargarine without it being known to everybody in his establishment that he has bought oleomargarine. At once every man who works for him, every helper, and every waiter knows that he is using oleomargarine. If the Grout bill passes, he can go and buy a 50-pound firkin of oleomargarine and he can remove the stamp and take it to the hotel and tell his servants to place butter upon the table. The protection you have under the substitute is this, that it becomes apparent at once to the help that he is setting butterine on his table. And the hotel keeper that poses as using only butter will at all times be subject to the mercy of his help.

Mr. GAINES. Would they raise the wages of the help?

Mr. BAILEY of Kansas. I can not answer that question, but this thing is sure, that everybody connected with the hotel would know at once that the hotel keeper had taken oleomargarine into his establishment, and the first time that a waiter was discharged he would publish to every guest the deception, if it was practiced. Under the workings of the Grout bill no one would know it. The difference between these two bills is that the substitute gives greater protection to the patrons of hotels and restaurants than the law as it is now or the Grout bill.

Mr. Speaker, up to this point in my remarks I have attempted to discuss the merits and demerits of the bill and substitute purely from the standpoint of protecting the dairy interests and the suppression of fraud in the sale of oleomargarine. But there are other great questions at issue and other potent reasons why the Grout bill should not be enacted into law. In the first place, the Grout bill is class legislation of the most radical kind; in that it seeks to build up by legislation one industry at the expense of another.

It has been the policy of our Government in the past to use its taxing power to protect American interests and American industry against foreign competition, but if this bill becomes a law it will be the first time in our history that the taxing power of the Government has been used to protect one American industry against another American industry. And I believe it is clearly a perversion of the taxing power of our Government. And I call the attention of this House to this fact: You pass this bill and you establish a precedent that will encourage monopoly and lay the foundation for commercial oppression. Pass this bill and any industry, when it realizes that it will be the loser with competition by some innovation that science or ingenuity has devised, can point to our action to-day as a precedent, and by manufacturing sentiment, based upon prejudice, can come to Congress and suppress their competitor by legislative action.

Mr. Speaker, as a raiser of horses on my farm in Kansas, I have as much right to come and ask you to suppress the automobile and electric cars, because, forsooth, from time immemorial the horse has been used to draw carriages and street cars, and these innovations upon his time-honored right threatens what has been a legitimate and lucrative industry. And in this way and by such legislation as this we will create the mother of trusts and monopolies. But some gentlemen will claim that this legislation can be justified under the police power.

Mr. Speaker, I deny this proposition, for even the most ardent advocates of the Grout bill never have during this session of Congress attempted to claim that either the public health or public morals of our people are prejudiced by the sale of oleomargarine as oleomargarine. Indeed, Mr. Speaker, if there has been anything established by the testimony taken before our subcommittee it is this, that oleomargarine is a healthful and wholesome article of food, and I quote but a part of the large amount of testimony that was before our committee bearing upon this question:

OPINIONS OF LEADING SCIENTISTS.

Prof. C. F. Chandler, professor of chemistry at Columbia College, New York, says: "I have studied the question of its use as food, in comparison with the ordinary butter made from cream, and have satisfied myself that it is quite as valuable as the butter from the cow. The product is palatable and wholesome, and I regard it as a most valuable article of food."

Prof. George F. Barker, of the University of Pennsylvania, says: "Butterine is, in my opinion, quite as valuable as a nutritive agent as butter itself. It is perfectly wholesome, and is desirable as an article of food. I can see no reason why butterine should not be an entirely satisfactory equivalent for ordinary butter, whether considered from the physiological or commercial standpoint."

Prof. Henry Morton, of the Stevens Institute of Technology, New Jersey, says: "I am able to say with confidence that it contains nothing whatever which is injurious as an article of diet, but, on the contrary, is essentially identical with the best fresh butter, and is superior to much of the butter made from cream alone which is found in the market. The conditions of its manufacture involve a degree of cleanliness and consequent purity in the product such as are by no means necessarily or generally attained in the ordinary making of butter from cream."

Prof. S. W. Johnson, director of the Connecticut Agricultural Experiment Station and professor of agricultural chemistry in Yale College, New Haven, says: "It is a product that is entirely attractive and wholesome as food, and one that is for all ordinary and culinary purposes the full equivalent of good butter made from cream. I regard the manufacture of oleomargarine as a legitimate and beneficent industry."

Prof. S. C. Caldwell, of Cornell University, Ithaca, N. Y., says: "While not equal to fine butter in respect to flavor, it nevertheless contains all the essential ingredients of butter, and since it contains a smaller proportion of volatile fats than is found in genuine butter it is, in my opinion, less liable to become rancid. It can not enter into competition with fine butter, but so far as it may serve to drive poor butter out of the market its manufacture will be a public benefit."

Prof. C. A. Goessmann, of Amherst Agricultural College, says: "Oleomargarine butter compares in general appearance and in taste very favorably with the average quality of the better kinds of dairy butter in our markets. In its composition it resembles that of ordinary dairy butter, and in its keeping quality, under corresponding circumstances, I believe it will surpass the former, for it contains a smaller percentage of those constituents which, in the main, cause the well-known rancid taste and odor of a stored butter."

Prof. Charles P. Williams, professor in the Missouri State University, says: "It is a pure and wholesome article of food, and in this respect, as well as in respect to its chemical composition, fully the equivalent of the best quality of dairy butter."

Prof. J. W. S. Arnold, professor of physiology in the University of New York, says: "I consider that each and every article employed in the manufacture of oleomargarine butter is perfectly pure and wholesome; that oleomargarine butter differs in no essential manner from butter made from cream. In fact, oleomargarine butter possesses the advantage over natural butter of not decomposing so readily, as it contains fewer volatile fats. In my opinion, oleomargarine is to be considered a great discovery, a blessing for the poor, and in every way a perfectly pure, wholesome, and palatable article of food."

Prof. W. O. Atwater, director of the United States Government Agricultural Experiment Station at Washington, says: "It contains essentially the same ingredients as natural butter from cow's milk. It is perfectly wholesome and healthy and has a high nutritious value."

Prof. Henry E. Alvord, formerly of the Massachusetts Agricultural College, and president of the Maryland College of Agriculture, and now chief of the Dairy Division of the United States Department of Agriculture, and one of the best butter makers in the country, says: "The great bulk of butterine and its kindred products is as wholesome, cleaner, and in many respects better than the low grades of butter, of which so much reaches the market."

Prof. Paul Schweitzer, Ph. D., LL. D., professor of chemistry, Missouri State University, says: "As a result of my examination, made both with the microscope and the delicate chemical tests applicable to such cases, I pronounce butterine to be wholly and unequivocally free from any deleterious or in the least objectionable substances. Carefully made physiological experiments reveal no difference whatever in the palatability and digestibility between butterine and butter."

Professor Wiley, Chief of the Division of Chemistry of the United States Department of Agriculture, also appeared before the committee and testified to the nutritive and wholesome qualities of oleomargarine.

The Committee on Manufactures of the United States Senate, in a report

dated February 28, 1900, finds, from the evidence before it, "that the product known commercially as oleomargarine is healthful and nutritious."

Judge Hughes, of the Federal court of Virginia, in a decision says:

"It is a fact of common knowledge that oleomargarine has been subjected to the severest scientific scrutiny, and has been adopted by every leading government in Europe as well as America for use by their armies and navies. Though not originally invented by us, it is a gift of American enterprise and progressive invention to the world. It has become one of the conspicuous articles of interstate commerce and furnishes a large income to the General Government annually."

Mr. Speaker, I wish to call attention of the House to the men and the great industries who sent their written protests and appeared in person before the subcommittee in opposition to the passage of the Grout bill. They came representing the great live-stock interests of our country. The National Live Stock Association, at their annual meeting in 1900, held at Fort Worth, Tex., passed resolutions against the passage of the Grout bill, and sent a delegation to Washington, who appeared before our committee and presented the memorial. Each one of the great live-stock exchanges sent their petitions and remonstrated against the injustice to the live-stock interests of the country that would be perpetrated by the enactment of such legislation as is proposed by the pending bill.

And men who are engaged in the fattening of cattle and hogs sent their individual protests. Statistics tell us that there were five million cattle slaughtered in the United States during the past year. The average bullock produces about fifty pounds of oleo oil, and the difference between the price of oleo oil and tallow is 4 cents a pound. Now, if there are fifty pounds in the average bullock worth more by 4 cents a pound as oleo than as tallow, there is a net loss of $2 on each bullock, and if this industry is stamped out of existence there will be a loss to the cattle raisers of this country of $10,000,000 annually, and there will be a similar loss of $3,000,000 to the hog raisers of our country, making a loss of $13,000,000 annually to our live-stock interests.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. BAILEY of Kansas. Yes.

Mr. TAWNEY. Do you include in that the 150,000,000 pounds of oleo oil exported abroad?

Mr. BAILEY of Kansas. I do.

Mr. TAWNEY. Why?

Mr. BAILEY of Kansas. I will tell you why.

Mr. TAWNEY. How does this bill affect the oleo exported abroad?

Mr. BAILEY of Kansas. Just in the same way that the exploiting of embalmed beef and decayed canned beef closed the markets of Germany against the products of the great animal industries of this country. To-day, in the American Congress, you propose to take up another by-product and discredit it to the world by putting the seal of national condemnation upon it, and the agrarian feeling on the other side of the Atlantic that closed the markets of Germany against the products of the farms and the ranges will close their markets against oleo oil that we are now exporting.

This is the answer I give to the gentleman. It is true that not all the oleo oil that is manufactured is used in oleomargarine, but is exported; but I insist that the same rule will obtain with regard to this that has obtained as to every other article produced by the farmers of this country against which we have legislated at home. The action of this Congress to-day, if you pass the Grout bill, will give the agrarians of Europe the excuse they so much desire to close their markets against this by-product of the great meat interests of our country.

Now, Mr. Speaker, there is another class of people who are entitled to some consideration at the hands of this Congress when we come to passing such legislation as is proposed by the pending bill. They did not appear before our committee in person, but they exercised that right that belongs to every American citizen, however humble he may be—the right to petition Congress to redress their wrongs. These petitions came from the poorer class of our people, who find in oleomargarine a satisfactory substitute for high-priced butter.

And from labor organizations everywhere petitions have come to members of Congress protesting against the passage of the Grout bill, that would add nearly one-half to the cost of an article of food that is wholesome, nutritious, and that they desire to buy. In this city to-day standard creamery butter is selling at 35 cents per pound, the best grade of oleomargarine at 20 cents, and the oleomargarine is bought by thousands of people who are unable to buy butter at the present prices. And, as a member of the American Congress, I will not be a party to adding 8 cents per pound to an article of food that goes upon the table of the man who earns his bread by the sweat of his brow.

But gentlemen upon the other side say if these people desire oleomargarine they can get it at 1¼ cents a pound cheaper under the Grout bill, if they will be content to use it without color. Now, oleomargarine in its uncolored state is as white as the paper I hold in my hand. And it is useless for men to argue that it will be as acceptable to anyone in this state. Our eye largely controls our appetite. Any article that is placed before us that is pleasing to the eye is relished much more than an article equally as wholesome that is unpleasant or offensive to the eye.

And, Mr. Speaker, I believe it is an injustice and a wrong to place the brand of poverty and social ostracism upon an article of food of the poorer class of our people when by so doing you neither conserve their morals or their health. In this connection I wish to introduce the testimony of Dr. Wiley, Chief Chemist of the Department of Agriculture, that bears directly upon this question:

Representative ALLEN. What is the result of your experiments as to digestion?

Dr. WILEY. My impression in regard to the digestibility of butter as compared to oleomargarine is formed from a purely theoretical standpoint, without having tried experiments on human beings and noted the time of digestion, because I do not know that that has been accomplished, and more than that the actual time of digestion is a matter of very little consequence, provided the food is digested. In fact, it is a very good thing that we do not digest all our food instantaneously, because otherwise we would be hungry after one meal before we would get the next. The fact that a food is slow of digestion, like fruit, for instance, is no reason that it is unwholesome. No one would say that meat is necessarily more wholesome than fruit because it is more easily digested. You can digest meat in much less time than you can digest fruit, and yet nobody claims that fruits are unwholesome.

The ACTING CHAIRMAN. You would say, then, that butter is more quickly digested than oleomargarine?

Dr. WILEY. I believe it is more easily digested; that it requires less effort.

The CHAIRMAN. You think that is the reasonable inference?

Dr. WILEY. From a chemical study of the composition of butter, it is reasonable to infer that it requires less effort on the part of the vital organs to ferment the butter, and that is the reason why I say that I believe butter is a more digestible substance, more easily digested, more quickly digested than oleomargarine.

Now, the value of a food is measured solely by two standards. First, its palatability, and second, its nutritive properties. You need not try to convince human beings that palatability is not an element in nutrition, because it is, and yet you get a great deal more out of a food if it is palatable in its taste and attractive in its appearance, because the attitude of the digestive organs changes absolutely with the appearance of the food. If you were to put butter up in the form of ink, it might be just as digestible, and all that, and yet it would not be so useful as a food. The appearance of a food has a great deal to do with the attitude of the digestive organs toward it.

A MEMBER. It is simply a reflex action from it?

Dr. WILEY (continuing). Yes; because the mind, the mental attitude, influences the secretion of the ferments which produce the digestion, and hence we must have some regard to that appearance.

Representative WILLIAMS. Have you read this Grout bill?

Dr. WILEY. Yes, sir.

Representative WILLIAMS. Is there anything in the Grout bill which executes the law, from the pure-food standpoint, any better than any existing legislation?

Dr. WILEY. Of course, I am not lawyer enough to give an opinion in respect to that; but what I want to call to your attention on this point is this matter of color.

Now, I am not a Prohibitionist in regard to color. I think if people want to color their food with harmless materials it is perfectly proper that they should do so, provided the purchaser understands in buying a food that he is buying an artificially colored one, and let him be the judge. If he wants the artificially colored article, all right.

I sent out just a few weeks ago into the markets of this town to buy some oleomargarine and butter. I also got a piece of white silk. I took the samples of oleomargarine and butter which I got, took about the amount which one would use in an ordinary meal, and I dyed this silk with the coloring matter which these samples contained. I could not find on the markets of this town a sample of uncolored butter nor of uncolored oleomargarine; but I did find this—that instead of securing uniformity by coloring butter we get the greatest disparity in appearance.

One argument which has been advanced in support of coloring butter is that it is made uniform. But the point is not a good one, because the people who color butter do not color it uniformly. We find the most remarkable variations in color. Some of it is almost red and, on the other hand, there [exhibiting a piece of silk] is a pale yellow, closely resembling the natural tint of butter.

Now, these colors are all coal-tar dyes, every one of them. The vegetable dyes, like annotto, have almost ceased to be used in coloring butter. You may find them in some localities. Some States require that butter be colored with annotto and not with coal-tar dyes, but every one of these is a coal-tar dye, and you will see by the variations in tint (they do not show very well in artificial light) that the amount of color in the samples was very different. The same amount of material was used in each case. Now, compare these two [exhibiting samples]. That [indicating] was a very light-colored sample; this [indicating] was a very heavily colored sample.

Dr. Wiley at this point submitted the following statement:

"COLORING MATTERS USED FOR COLORING BUTTER AND ITS IMITATIONS.

"Annotto, the principal vegetable dye used, is mainly composed of the pulp surrounding the fruit *Bixa orellana*, growing in the East and West Indies and South America. Allen states that two different kinds reach England, namely, the Spanish annotto, imported from Brazil, and the flag or French annotto, which comes from Cayenne.

"Annotto contains two yellow coloring matters which have been given names derived from the botanical names of the plants.

"Bixin, $C_{25}H_{34}O_5$, is one of these, but its properties and chemical relationships have been imperfectly studied. When separated in the form of its soda salt it has a reddish color.

"Olellin is described as yellow and soluble in water and alcohol. These two coloring matters combined, in annotto, give the substance its characteristic orange-yellow color.

"*Coal-tar dyes.*—When diazobenzene-sulphonic acid acts on amids, with an alkaline solution of phenols, a series of coloring matters is obtained ranging from yellow to deep orange or red. These dyes are called tropæolins, because the shades of color they produce resemble those of the nasturtium flower (*Tropæolum magnus*). They usually occur in commerce as soda salts, and are distinguished according to their shades, tropæolin Y being the most yellow, and the tropæolin 0, 00, and so on, as the shades become redder. The shade of the color becomes redder by the substitution of toluene, xylene, or cumene for benzene.

"Two of these dyes which have been used for coloring foods are the acid or fast yellow and the orange yellow or orange G.

"The acid yellow, or the fast yellow, is the soda salt of amido-azobenzene sulphonic acid, represented by the formula

"$C_6H_4(SO_3Na).\ N:N.\ C_6H_4.NH_2$.

Orange G is sodium salt of benzene—azobetanaphtol-disulphonic acid, having the formula

$$"C_6H_5\,N:N.\,C_{10}H_4\begin{cases}(SO_3Na)_2\\OH_2\end{cases}$$

"This class of dyes is also known as sulphonated-azo dyes.

"Victoria yellow has also been reported as a coloring material for butter. This substance is a mixture of the sodium salts of the dinitro-ortho and dinitro-paracresol $C_6H_2(CH_3).(NO_2)_2.ONa$."

Representative WILLIAMS. Do you get the colors in these samples from butter?

Dr. WILEY. From butter and oleomargarine, indiscriminately.

Representative HENRY. Are we to understand that aniline dyes are used in coloring oleomargarine and butter?

Dr. WILEY. Yes, sir; almost exclusively.

Representative HENRY. I supposed that annotto was the coloring matter used.

Dr. WILEY. I doubt if you can find a sample of butter in this town colored with annotto.

Representative HENRY. Annotto is used all through the creameries of the North, so far as I know.

Representative WILLIAMS. Perhaps the law in Connecticut requires butter to be colored with annotto.

Dr. WILEY. They use coal-tar dyes in the product sold here.

Representative WILLIAMS. Do you regard the aniline dyes as equally wholesome?

Dr. WILEY. I do not say that coloring your intestines saffron injures your health. The amount of color used in these substances, however, is very small. I do not myself fancy eating artificial colors. I would rather have the good old-fashioned butter, with its natural color, whether deep or light, and I believe that we ought to educate the taste of our people in that way. I believe we are ruining the taste of our people by coloring our butter; and the farther south you go, the deeper the color gets.

Representative HENRY. Pardon me again—do you think these aniline dyes affect the flavor of butter?

Dr. WILEY. No, sir; oh, no. These dyes are absolutely without flavor.

Representative HENRY. Wherein are they unwholesome?

Dr. WILEY. I did not say they were. I said I did not, myself, fancy eating them.

Representative NEVILLE. Do you think the fact that people color butter is any excuse for people being permitted to color oleomargarine, if, as a matter of fact, it results in putting butter and oleomargarine onto people who do not want to eat it in that shape?

Representative BAILEY. Then reverse the question.

Representative NEVILLE. Yes, sir; answer it, and then reverse it?

Dr. WILEY. I believe that every food product should have the same right before the law. I do not see why there should be a distinction.

Representative BAKER. You stated a minute ago that the manufacturer of every food product has the right to make it palatable to the consumer.

Dr. WILEY. And to make it attractive in its taste, provided he tells what is in it—provided he does not injure the health of the consumer.

Representative NEVILLE. You just stated that you would prefer to have butter without coloring?

Dr. WILEY. Yes, sir; I prefer it so, very much, for myself.

Representative NEVILLE. So do I, and I apprehend there are a great many people in the same position.

Dr. WILEY. I prefer it very much; and having been brought up in the dairy industry, and being interested in the subject, I believe we are injuring our dairy industries by permitting the coloring of butter.

Representative HENRY. That has been for years my contention with butter makers—that the dairy interests were injuring their own products by artificial coloring.

Dr. WILEY. Yes; that is my idea, my conviction. You can get uncolored butter in New York; you can go and get it at Delmonico's and some other high-priced restaurants; and the fact that the uncolored butter brings the highest price in the market ought to be an object lesson to our dairymen that they are standing in their own light when they color their butter. Now, if they would let the manufacturers color oleomargarine, and would keep butter at its natural color, there would be no difficulty in discriminating between the two.

Representative BAILEY. Dr. Wiley, let me ask you this question: Do you consider oleomargarine a wholesome article of food?

Dr. WILEY. I do.

Now, Mr. Speaker, this is the testimony which was given before our committee by a man who is at the head of his division in our Government service, whose duty it has been for years to make a scientific study of the question of pure and wholesome food. And why has not the poor man the same right, under the law, to have the articles that go upon his table made as attractive and pleasant to the eye as the articles that go upon the table of his more wealthy and opulent brother? And, again, I ask what right in morals or equity have the makers of butter to demand that the manufacturer of oleomargarine shall be taxed for coloring his product when they reserve the right and do color their product as their fancy or judgment shall dictate?

But, says some gentleman, butter when it is colored is still butter. I grant that; but there are different qualities and standards of butter, and when during the winter months butter is colored, what is the purpose in doing it? Everyone knows it is to give it the tint of June butter, so that it can be sold for something different than it really is; the deception only differs in degree. And in justification of this point I desire to call the attention of the House to what is known as renovated or process butter. Now, to use the argument of the gentleman from Vermont [Mr. GROUT] and the gentleman from Connecticut [Mr. HENRY], this renovated butter is still butter. What is renovated butter? Every man in the country knows that the country store buys little lumps of butter brought in by the housewife and traded for the necessities of the family.

Now, a cleanly housewife will bring in a good quality of butter, while a slovenly housewife brings in a bad quality; but it is all dumped into one barrel and bought at a very low price during the grass months of the year. It makes no difference to the country merchant whether the butter is well made or not, whether it comes from a cleanly woman or slovenly one, the price paid by the merchant is the same. He pays the same price to Mrs. Smith, who makes good butter, as to Mrs. Jones, who makes bad. It is all dumped into the same barrel and is shipped out and sold to the man in the renovating business for "process butter." I hold in my hand a letter which shows the fraud that is perpetrated on the people in regard to this kind of butter, which I will read:

WICHITA, KANS., *November 15, 1900.*

DEAR SIR: For about seven months during the year 1900 I was manager of the meat market in this city, which was run in the same building and in connection with the Wichita Creamery Company, both businesses being owned by A. E. Sweet. I am thoroughly familiar, by personal observation, with the process of butter making in the Wichita creamery.

In this institution no cream whatever is used. Country butter is bought in large quantities from grocers, or whoever will ship it, from all stations in this section.

This butter is first sorted as well as possible; it is then melted by steam and colored. In the spring and early summer this melted butter is run into barrels and allowed to stand until such time as butter becomes scarce, when it is remelted and put in the churns.

After this butter is melted it is strained through metal sieves into churns. Ice water is then turned into the churns and the churns started. The object is to wash the butter and to harden it. The water is then drawn off, and buttermilk obtained from the creameries, salt, and crushed ice are put in the churns. The churns are again operated. This process is intended to resalt the butter, give it a butter flavor, and harden it.

After remaining over night in the refrigerator the product is molded into bricks, or otherwise packed for shipment and put on the market. The only real creamery butter sold by the Wichita Creamery Company is what has been bought from other creameries.

This creamery has received as high as 9,000 pounds of country butter per day and has had as high as 150,000 pounds stored in barrels waiting for the second melting.

Very truly, yours,

J. T. WEIGHTMAN.

Hon. W. J. BAILEY, *Baileyville, Kans.*

And still another letter, from a gentleman who worked for the Parker Creamery Company, at Hutchinson, Kans., showing the way this creamery company renovates rancid and stale butter and turns it out as creamery butter:

The Parker Creamery Company receive from 300 to 500 pounds of rancid or stale butter per day. The average the year round would probably be nearer 500 pounds. This butter comes to the creamery in barrels, tubs, and jars, or, in other words, packed in anything that is convenient for the merchant to dump it into. Some of it at times is fair butter, and a part of it is simply stuff that looked as though it would be impossible to cleanse and get it into shape to make it decent even to look at. The butter is first weighed and then dumped into a vat which has a steam connection.

The butter is melted by the steam and is left to stand for five or six hours; then it is siphoned over to two vats placed above the vat in which this butter was first melted, and then strained through a sack. To this butter, as melted, is then added from 3 to 5 pounds of soda, and thoroughly mixed; then ice is added, by which to cool it to the right temperature.

This is drawn off into the churn, in which is fresh buttermilk, then churned until the butter is broke. Then from 3 to 5 gallons of glucose is added and churned for about twenty minutes longer. The buttermilk is drawn off, more glucose added, and then thoroughly worked, rinsed off with fresh water, and salted thoroughly, taken out in tubs, and printed in the same style that they print their separator butter, and put on the market as creamery butter No. 2.

And in this same manner renovating or processing butter is carried on all over our country. At Elgin, Ill., that has grown to be a synonym for pure butter, there is located one of these process creameries.

Hucksters will go out into the country and buy butter from the farmer and country stores, and in the hot, unseasonable weather of summer, when it is in a condition unfit, as j dged by the eye, for human food, they bring it in and sell it to these butter factories—the so-called creameries—which will renovate that butter and place it upon the market as "Elgin creamery butter" or "Elgin creamery butter No. 2;" and you and I buy it in the belief that we are buying pure, fresh, sweet butter. And according to the gentleman from Vermont [Mr. GROUT] no fraud is perpetrated, for it is still butter.

I speak of this to show that the Grout bill, while it will protect men who carry on the fraudulent sale of butter, undertakes to suppress, if it can, the business of men who deal in a legitimate article that comes into competition with butter.

I repeat—for this is the keynote of this whole question—that the Grout bill does not close one single avenue of fraud, while the substitute proposed by the minority of the committee will close, as we believe, every possibility of oleomargarine being sold for anything more or less than what it is.

Some of the gentlemen who are defending the Grout bill seem to be very zealous of the welfare and interests of the farmers of our country, and claim that this bill is the outgrowth of a demand for legislation in their interests. Mr. Speaker, I am a farmer myself, a farmer who lives upon and conducts his farm, and I challenge the statement that there is a demand by the farmers of this country for such legislation as is contemplated by this bill. That there is a demand for a law that will prevent the selling of oleomargarine as butter is true, and I join most earnestly in that demand.

The National Dairy Union have exploited the idea that the Grout bill meets this demand. Mr. Speaker, four out of five of the members of the subcommittee before whom the hearings on this bill were taken, after listening to all the testimony, are of the opinion that the Grout bill will not prevent the fraud which is perpetrated by dishonest retail dealers in selling oleomargarine

as butter, and, inspired with an honest purpose to meet the demands of the farmers and dairy people, and in fact all classes of people who believe in fair play and honest competition, drafted what is known as the substitute bill, and for which eight votes were cast in the Committee on Agriculture when the subcommittee made its report to the full committee.

I wish to call the attention of the House to this fact: Every ingredient that enters into the manufacture of oleomargarine is as much a product of the farm as is butter. Oleo oil, which is obtained from the caul fat of the beef; neutral oil, made from the pure leaf lard of the hog, cotton-seed oil, grown upon the farms of the South, salt, and coloring matter are the constituent parts of oleomargarine. Oleo oil, neutral oil, and cotton-seed oil, I I repeat, are as much products of the farms of our country as butter itself. I desire at this point to read the reasons given by the minority of the Committee on Agriculture for their support of the substitute bill in opposition to the pending bill, which are as follows:

One of the claims made by the friends of the Grout bill is that it will protect the interests of the farmer. We call attention to the fact that every ingredient that enters into the manufacture of oleomargarine is as much a product of the farm as is butter and that such ingredients are made more valuable on account of their use in the manufacture of oleomargarine.

Your committee has had before it representatives of both the cattle and hog raisers of the country, and also representatives of the cotton industry, and they are unanimous in their opinion that their business will be materially injured and the price of their product lowered by the passage of the Grout bill and the destruction of the oleomargarine industry.

The manufacture and sale of oleomargarine does not interfere with the growth and prosperity of the butter industry. Statistics show a much greater percentage in the increase of the production of butter than in the production of oleomargarine. Though similar in ingredients, they are not strictly competing, as the oleomargarine is practically all bought by the poorer class of our people.

In justification of this statement, we have received a large number of petitions from the labor organizations of our country, protesting against the passage of the bill for the above-given reasons.

It being possible to keep oleomargarine in a sweet and sound condition much longer than butter, it is also used extensively in the mining and lumber camps, on exploring and hunting expeditions, on ships at sea, and by armies in the field.

The claim made by the friends of the Grout bill that the manufacture and sale of oleomargarine has greatly depreciated the price of butter will not obtain when it is known that there is now manufactured in the United States nearly 2,000,000,000 pounds of butter annually, and it is positively known that there were only 83,000,000 pounds of oleomargarine manufactured last year, which shows that the amount of oleomargarine produced is about 4 per cent of the amount of butter produced. Therefore the argument that oleomargarine in any material sense controls the price of butter is not justified by the facts.

The manufacture and sale of oleomargarine have in no way depreciated the price of butter, as more butter is being sold at higher price in this country than ever before, as shown by testimony.

It is a suggestive fact that those sections of our country which are most exclusively devoted to the dairy interests are blessed with the greatest prosperity, as brought out in the testimony of ex-Governor Hoard, of Wisconsin, before our committee, who said that a few years ago land was worth only $15 an acre in that State, but as the State began to be devoted more exclusively to the dairy interests land had rapidly appreciated in price, and that farmers had gotten out of debt, had paid their mortgages, and the land is now worth the sum of $80 per acre, this price averaging much higher than agricultural lands in other parts of the country.

In conclusion, the members of the Committee on Agriculture who have joined in this minority report beg to assure the House and the country in the most solemn manner possible that it has been their earnest intention, and is now their determination, to do everything possible to be done to enforce the sale of oleomargarine as oleomargarine and to prevent its sale as butter. To prevent fraud and not to stamp out an industry has been and is our purpose. We believe that it ought to be the sole purpose of all legislation and the sole motive of all just men.

J. W. WADSWORTH.
WM. LORIMER.
W. J. BAILEY.
G. H. WHITE.
JOHN S. WILLIAMS.
J. WM. STOKES.
H. D. ALLEN.

Mr. Speaker, these reasons given by the minority of the Committee on Agriculture give in a concise and clear manner the reasons why the substitute bill should become a law. Pass the substitute bill, and I believe this vexing question will be eliminated from political discussion; pass the Grout bill, and I believe it means the continuation of the embarrassing agitation that has taken the time and attention of Congress for years. The people who make butter ask protection; the people who eat butter ask protection. The people who desire to eat oleomargarine protest against the Grout bill. The farmers and stock raisers object to the discrimination against their products. The substitute bill meets the requirements of all and should become a law. [Loud applause.]

Mr. GROUT. I yield two minutes to the gentleman from Pennsylvania [Mr. SIBLEY].

Mr. SIBLEY. Mr. Speaker, two minutes will not afford anyone a very wide opportunity to discuss the merits of this measure.

I believe that there are in Pennsylvania at least 100,000 dairymen watching to-day the result of our action on this bill. I believe the sentiment is universal with every man living upon a Pennsylvania farm in favor of the passage of this measure; and not alone from Pennsylvania, but from every dairy State in the Union comes up the demand for the passage of the Grout bill. Whether this be an absolutely perfect measure or not I am not prepared to state; but the fact that it will control or regulate this traffic is evident by the opposition that is called out here on this occasion.

The Agricultural Committee of the Fifty-third Congress had under investigation the adulteration of foods and food products. We found that people were grinding up cocoanut shells and selling the product for pepper. We found that coffee berries were being imitated so closely that the human eye could not distinguish the genuine berry from the imitation. And we proposed legislation forbidding the imitation of the genuine coffee berry. And when I have heard gentlemen on this side, representatives of the cotton-seed interest, opposing this measure because the cotton-seed product enters into oleomargarine, I am reminded of the reason we could not pass the bill to insure to the people pure coffee, to suppress the imitation of which I have spoken. We could not pass that bill because there was a man over in New Jersey who said that it would hurt his clay bank from which that imitation coffee berry was made.

Mr. GROSVENOR. Mr. Speaker, nothing that I can say will prevent the passage of this bill. We have reached a time in American politics when the greatest number will represent the survival of the fittest, and when the taxing power of the Government is to be used to destroy one industry in the interest of another.

I point out to the House the principle upon which I stand on this question by quoting very briefly from the opinion of the Supreme Court in the case of the Loan Association *vs.* Topeka, 20 Wallace's United States Reports. I read from the opinion of Mr. Justice Miller:

Of all the powers conferred upon government, that of taxation is most liable to abuse. Given a purpose or object for which taxation may be lawfully used, and the extent of its exercise is in its very nature unlimited. It is true that express limitation on the amount of tax to be levied or the things to be taxed may be imposed by constitution or statute; but in most instances for which taxes are levied, as the support of government, the prosecution of war, the national defense, any limitation is unsafe. The entire resources of the people should, in some instances, be at the disposal of the Government.

The power to tax is therefore the strongest, the most pervading of all the powers of Government, reaching directly or indirectly to all classes of the people. It was said by Chief Justice Marshall, in the case of McCulloch *vs.* The State of Maryland, that the power to tax is the power to destroy. A striking instance of the truth of the proposition is seen in the fact that the existing tax of 10 per cent imposed by the United States on the circulation of all other banks than the national bank drove out of existence every State bank of circulation within a year or two after its passage. This power can as readily be employed against one class of individuals and in favor of another so as to ruin the one class and give unlimited wealth and prosperity to the other if there is no implied limitation of the uses for which the power may be exercised.

To lay with one hand the power of the Government on the property of the citizen and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.

* * * * * * *

We have established, we think, beyond cavil that there can be no lawful tax which is not laid for a public purpose. It may not be easy to draw the line in all cases so as to decide what is a public purpose in this sense and what is not.

It is undoubtedly the duty of the legislature which imposes or authorizes municipalities to impose a tax to see that it is not to be used for purposes of private interest instead of a public use, and the courts can only be justified in interposing when a violation of this principle is clear and the reason for interference cogent. And in deciding whether, in the given case, the object for which the taxes are assessed falls upon the one side or the other of this line, they must be governed mainly by the course and usage of the Government, the objects for which taxes have customarily and by long course of legislation been levied, what objects or purposes have been considered necessary to the support and for the proper use of the government, whether State or municipal. Whatever lawfully pertains to this and is sanctioned by time and the acquiescence of the people, may well be held to belong to the public use and proper for the maintenance of good government, though this may not be the only criterion of rightful taxation.

But in the case before us, in which the towns are authorized to contribute aid by way of taxation to any class of manufacturers, there is no difficulty in holding that this is not such a public purpose as we have been considering. If it be said that a benefit results as to the local public of a town by establishing manufactures, the same may be said of any other business or pursuit which employs capital or labor. The merchant, the mechanic, the innkeeper, the banker, the builder, the steamboat owner, are equally promoters of the public good and equally deserving the aid of the citizens by forced contributions. No line can be drawn in favor of the manufacturer which would not open the coffers of the public Treasury to the importunities of two-thirds of the business men of the city or town.

That is the principle upon which I shall proceed for a few minutes in my opposition to this bill. Step by step this aggressive purpose has been manifested by the introduction of legislation in this House. I was a member of the House when the first oleomargarine bill was introduced. It was presented and pushed at that time by the same dairy association that stands behind this bill; and the sole argument in favor of it was the claim asserted by General Hatch, of Missouri, the president of that association, before the committee of which I was a member—that the manufacture and sale of oleomargarine was deleterious to the public health; that this article contained deleterious ingredients. Long before the hearing before the committee was over General Hatch, with that frankness which always marked his career, backed down wholly and entirely from that proposition, and from that day to this we have never heard a word about the bad character of this article as a food product, but instead we have the argument that the manufacture of this product is tramping on somebody's toes,

and the taxing power of the Government must be brought to bear to destroy a rival industry.

I have voted for these agricultural benefits solidly and steadily all the time, so long as I could apologize to my conscience by saying that the taxation was for some incidental and collateral purpose and not for the purpose inveighed against by the Supreme Court of the United States. So I voted for the oleomargarine bill. I voted for and championed on this floor and made the report in favor of the filled-cheese bill. I supported the mixed-flour bill upon the ground urged by the distinguished gentleman from Minnesota, that the mingling or mixing of that flour was endangering public health.

The legislation of Congress taxing a specific article for the purpose of regulating and controlling its sale because of alleged or supposed infirmity of the character of the article is necessarily in and of itself vicious and inappropriate. It was never intended in the formation of government, either State or national, that the taxing power of the Government should be used in execution of its police power. A government is weak beyond comparison that can not prevent the sale of deleterious articles of food; and I believe now that had the ingenuity and the zeal of the gentlemen who are pushing this oleomargarine bill been applied with half the vigor in the direction of a general revision, organization, and reenactment of the pure-food laws of the country, we might have had a system of laws guaranteeing the people of the United States against the incursion of poisoned food into the stomachs of our people, but there is no zeal on that subject.

The Committee on Agriculture of the House, which improperly by some means secured this bill, which is strictly a revenue bill, strictly belonging to the Committee on Ways and Means, has not worried itself about poisoned pepper, the vile Vermont compounds called maple sirup, the vile sugars coming from the tree manufactures of the States—nothing of that.

It was the Ways and Means Committee that reported the filled-cheese bill and the mixed-flour bill, both of which were justified upon the score of actual adulteration and actual injury to the public health. No zeal has been manifested, so far as I know, in that direction, and this Congress will expire without anything beyond a feeble effort to right the enormous wrongs under which the country is suffering. But an article of food called for, desired, consumed by one-fourth of the people of the United States is set upon upon the specious plea that our people are not smart enough to detect a counterfeit and that the ingenuity of legislation does not rise to the capacity of providing remedies except by the all-pervading power of taxation to destroy this evil.

I know no reason why the taxing power of this Government should be brought to bear to suppress a good commodity, a splendid food product, while there is no sincere and vigorous effort made to suppress deleterious food products. What has been done along this line in this Congress? Ah, Mr. Speaker, the whole movement is unfortunately discolored and tainted by the deliberate purpose manifested to build up one industry at the expense of another. And so, Mr. Speaker, we have gone on, step by step, until there seems to be nothing further and no other avenue by which to apply a correct principle of law, and we are now engaged in a business, confessedly a deliberate business, to destroy an industry producing a product not injurious to public health, but, on the contrary, useful to the people of the country as a food product, and prevent practically its manufacture altogether; a product that is widely sought for by purchasers and consumers of such a commodity in the United States.

We are asked now to destroy the manufacture and sale of it, and thus put money into the pockets of another class of the American people. It is useless for us to deny the fact. It is manifest to all men. It shows for itself plainly in the legislation we propose. It lacks frankness for gentlemen to get up on the floor of the House and say that that is not the purpose, and that there is no such idea in view. The bill itself is so plain that there can be no mistake as to its operation. The bill is one for the benefit of the butter seller, and I would like to know one butter buyer in the United States who favors the bill.

Mr. Speaker, I know of men, or have heard of them, who do not hesitate to buy horses or diseased cattle or sheep and impose them upon the buyers of horses and cattle throughout the country as sound animals. Everybody knows that that condition of things exists. Why not, then, put such a tax as you propose on oleomargarine upon the buyers of horses and cattle and sheep so as to protect other people throughout the country from being imposed upon by diseased or unsound animals? These are sold in the market constantly, day after day. They are sold throughout all the States of the Union. We all know that to be a fact.

Mr. Speaker, this question goes a great deal beyond that. The honest man, of course, will not impose upon his neighbor in that regard. And, fortunately, in this case the honest man manfully comes to the front as a witness in this business, and here is the testimony of a thoroughly honest man regarding this question of manufacture, which I shall insert in my speech.

It will be seen by the testimony throughout, a large portion of which I append to my speech, that the men who came here to prosecute this enterprise boldly announced that they proposed this legislation for the direct and deliberate purpose of destroying the manufacture and sale of oleomargarine. That is to say, they come here to procure legislation that shall put into the hands of the United States authorities a weapon that shall be used to destroy the production of a certain article of food, confessedly nutritious and wholesome, confessedly in great demand among the people, for the sole and simple purpose of grasping the market of the United States in the interest of their own products. Read the testimony. See how they were compelled at last to admit that that was the sole and single purpose they had in view. The argument of fraud has no force with those who understand the facts. It will be seen by a careful examination of the testimony that the ground of their complaint is the aggressive character of this product, which is growing in popularity, crowding in the markets the sale of butter. In all this line of testimony there is not one word said about fraud, except as it affects the sale of butter.

So it may as well be quietly and conscientiously conceded that we are entering for the first time confessedly, openly, and above board upon the work of the extermination of a great food product with the sole and single purpose of the benefit to another industry that will grow out of this legislation.

Now, I ask gentlemen who favor the pending bill, what is the difference between taxing the product itself or making it impossible to manufacture it by legislation? Either proposition would lead to the same constitutional objection. We must confront the question whether the Supreme Court would permit such an enactment to become a law. Is it possible that one industry in the United States with the largest number of beneficiaries in its ranks may come to a legislative body and make it impossible to manufacture an article infinitely valuable to the people as a food product, and not deleterious to the public health, a product that is cheap and desirable in many of the households of the land—I say is it possible that one industry in this country can come here and absolutely destroy the possibility of the manufacture of such a competitor?

We are placed in a very peculiar condition when the legislators of the House of Representatives say to the people of the country that they do not possess ingenuity enough to pass legislation here which would prevent fraud in the sale of one of the most important food products in the country. Thirty-two States in the Union have already authorized laws upon the subject. Some States forbid absolutely the manufacture, I think, altogether, and I believe two have declared it to be unconstitutional, and perhaps the same condition exists in other States. Of that I am not positive.

I was born and raised a farmer and the only property I have amounting to anything, outside of the house in which I live, is farm property. There is not one interest of the farming community of my State or of the United States that is legitimate that I would not honestly support and protect. I have voted in season and out of season for every suggestion of honest legislation and fair protection to the interests of these people. They constitute a great intelligent, patriotic body of men. Nobody estimates them at a higher value than I do, and I would go out of my way at any time to assist them, but I furthermore stand here as a representative of other interests and other people who desire most earnestly that the strong hand of the law shall not be put upon this industry to its destruction. I represent a large class of people who desire to be allowed to buy this commodity. They are perfectly willing that all the stringency that can be invented to protect the buyer and prevent deception shall be enacted, and for it all I have voted and for it all I will continue to vote, but they deny the power of Congress in this behalf.

The gentleman has talked about the pure-food law with regard to the adulteration of pepper. Have we ever taxed adulterated pepper? Have we ever taxed adulterated tea differently from what we have any other kind of tea? Have we ever committed any such violation of legal and constitutional principles as this does? Most assuredly not. This is the first and only time when there could be no dodging the question. I would vote for any degree of regulation, any degree of legislation, any degree of restriction, any degree of punishment that is necessary to prevent frauds upon the consumer of the butter products of this country. If it had to be done in order to protect the people, I would vote to put 10 cents a pound internal-revenue tax upon all kinds of adulterated butter, and if that could be done you would find the markets of this country bare of more than one-third of the butter product.

Who colored this butter first, and where did it come from? The coloring used to-day in the manufacture of oleomargarine was first used by the oleomargarine manufacturers. It was never used by a butter maker until long after the article of oleomargarine came into the market. Then the farmer discovered that he could color his white butter to make it a little more attractive, and he began to adulterate his butter, if it is adulteration, by the

introduction of this annato coloring that is used by the oleomargarine manufacturer. In the olden times we used to have some coloring of butter made by the use of carrots, and in one way and another, by our mothers and by the manufacturers of butter at home; but it was the oleomargarine manufacturer who first used this coloring matter which has since become a staple article in the State of Vermont, and which is advertised by one of the greatest houses in the State of Vermont, and which is now entering into the commerce of the whole world for the purpose of coloring the cow butter of the country.

I say the principle is absolutely wrong. I represent in Ohio a district composed of a very large body of laboring men. Constantly, from the outset of these discussions, they have opposed the passage of this bill, and they have always put it upon the solid ground that they had a right to buy in the markets of this country a good, pure, healthful food product without the intervention of any legislation of Congress that confessedly will prevent their having the opportunity to do so.

Only yesterday the Federation of Labor, holding its annual convention in the State of Ohio, sent the following telegram to the delegation from Ohio:

NEWARK, OHIO, *December 6, 1900.*

To the chairman of the Ohio Congressional delegation, Washington, greeting:

The Ohio Federation of Labor in convention assembled passed vigorous resolutions protesting against the passage of the Grout bill taxing oleomargarine, and directed its officers to notify Ohio Congressmen of their action and ask for your cooperation.

JOSEPH A. BAUER, *Secretary.*

Now, I want to ask gentlemen to bear this suggestion of mine in mind. This bill will doubtless pass and become a law. It will destroy the manufacture and sale of oleomargarine. Butter will, of course, advance about 25 per cent above its present price to the laboring man and to the purchaser. What is to be the next victim? Anthracite coal? Why not? I can muster upon the floor of this House ten representatives of bituminous coal where there is one representative of anthracite. Why not put a tax of $5 a ton upon the production of anthracite coal? It will benefit the innumerable coal miners—more than 250,000 in the United States.

What is to be the next victim? Coarse-wool sheep, by putting a tax on them, so as to destroy them, because they are too heavy for the small sheep? Why not? What is the difference? One sheep is just as palatable as another. The food of one is just as healthful as another. So is the product of the cow and the oleomargarine factory. The one is as healthful as the other, and in nine cases out of ten the oleomargarine has the advantage.

Mr. BURKE of Texas. Why not tax beet sugar or cane sugar also?

Mr. GROSVENOR. Beet sugar and cane sugar. Why not? Why not put a tax upon the production of beet sugar or cane sugar as you please. What is the difference?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GROSVENOR. Mr. Speaker, under the order of the House, I will extend my remarks in the RECORD.

I warn Congress that this is the entering wedge to a system. This is the first time that this character of legislation has been attempted in the United States. There is no doubt whatever that the secret purpose of much of the legislation has been to destroy one industry in the interest of another, but it has never been done in a way openly to bring the question before Congress. The argument was used and had much plausibility in it, that the filled-cheese bill was not intended to destroy the manufacture of filled cheese, but was intended to protect our exporters and domestic consumers from the evils of fraudulent goods; and for that bill I worked with all my might. But Congress has never yet set an example of which this is a legitimate outcome.

I know gentlemen are saying that the tax upon State bank circulation, a law that Congress made in the heat of war and maintained up to the present time, and which exterminated State bank currency from circulation in the country, is on all fours in principle with this. Not by any means. The most casual observer, the most casual thinker, will at once see that he is in error in this regard. That was a law of Congress made in pursuance of its power over the currency of the country, and was made as a legitimate protection to the right and power of Congress to dictate the circulation of the country, and was apologized for, if that is the true name, by a divided Supreme Court, putting the apology upon that ground alone; and if it be true that that law is a license to the Supreme Court of the United States to uphold legislation having no national purpose, but having a sole and direct purpose to manipulate the industrial affairs of the country in the interests of a monopoly, then the sooner the Supreme Court retraces its steps to the solid ground of justice and fair play the better it will be for the country.

A precedent that would uphold this law and make it legal and binding would be the most far-reaching that any law has ever attained in the United States. It would put into Congress the power by legislation to destroy the freedom of work and labor. Why not? I put it to the gentlemen on the other side and challenge an answer. Why not go to the coal fields of Ohio, Pennsylvania, Indiana, and Illinois, where thousands and tens of thousands of men have been thrown out of employment by the introduction of machines into the mines, and tax those articles of machinery to such an extent that they can not be profitably used? This is a fair and just illustration, bearing in mind that, under the pretense of suppressing a fraud, this bill is confessedly in the interests of one industry against another. Why not go among the farmers of the country? Why may not the laboring men of the country come to Congress—there are eight or ten millions of them—and demand of Congress a law taxing the manufacture of farming implements? Why not? What is the difference in principle, bearing in mind and admitting, as you must admit, that the whole of this legislation has in its purpose a real object to destroy and not to build up?

If anything is lacking to show the character and purpose of this bill and the utter illegality, if not unconstitutionality, of its provisions, the fact that it taxes by a law of Congress one kind of oleomargarine, which is said not to be a competitor of butter and which is put upon the market containing all the ingredients of the other, at a quarter of a cent a pound tax, while the other, with the same ingredients, barring the slight coloring, is charged 10 cents a pound tax, discloses the whole aim, object, and animus of the performance; and now can it be possible that our Government, under our Constitution, which proposes equal and exact justice to all and special privileges to none, can be prostituted to purposes so base as these?

Ex-Governor Hoard, of Wisconsin, says:

Whom do we represent? The united dairy sentiment of the nation. That means over 5,000,000 farmers, and an annual cash value in their product of over $600,000,000. A vast army of consumers of dairy products, who are constantly duped and swindled by a counterfeit substitute for butter.

Statement of Charles Y. Knight:

My business is that of editor of the Chicago Dairy Produce, a publication devoted to the dairy and butter business. I have for the past three years been secretary of the National Dairymen's Union, an organization of farmers who keep cows, and others engaged in pursuits allied therewith. This organization at present comprises about 30,000 members who are farmers, and they are scattered all over the United States. The organization has for its aim the protection of producers and consumers of dairy products against fraud, and its officers serve absolutely without further compensation than their actual and necessary expenses incurred in the discharge of their duty. No officer has ever received one cent salary, but upon the other hand they have spent hundreds of dollars in expenses while working in the interest of the cause, for which no account has ever been rendered the organization.

I have had charge of the work of organization and the collection of facts regarding the oleomargarine traffic of this country, and it is the enormous illegal and fraudulent growth of the business during the past two years, in face of the best restrictive laws the States have been able to devise, that has brought us to Congress as a last resort to ask for relief.

THE ASSOCIATIONS BELONGING TO THE NATIONAL ASSOCIATION.

Now I want particularly to call the attention of the members of this committee to the list of associations that belong to this national association which met at Fort Worth, and I want to say that every one of these had a good delegation there.

Mr. WILLIAMS. Please just read that list.

(The list referred to was here read by Mr. Cowan, and is as follows:)

Oneida County Wool Growers' Association, Idaho; Colorado Cattle Growers' Association, Colorado; Kansas City Stock Yards Company, Missouri; Union Stock Yards Company, South Omaha, Nebr.; Denver Union Stock Yards, Colorado; Pueblo Union Stock Yards, Colorado; Arizona Stock Growers' Association, Arizona; Fort Worth Stock Yards Company, Texas; South Omaha Live Stock Exchange, Nebraska; American Feeders and Breeders' Association, St. Paul, Minn.; Larimer County Stock Growers' Association, Colorado; Cattle Raisers' Association, Texas; Custer County Cattle Growers' Association, Colorado; Stock Feeders' Association, eastern Routt County, Colo.; Sioux City Stock Yards Company, Iowa; Sioux City Live Stock Exchange, Iowa; Live Stock Sanitary Board, Arizona; Saguache Stock Growers' Association, Colorado; Kern County Cattle Growers' Association, California; Western South Dakota Stock Growers' Association, South Dakota; Live Stock Exchange, St. Joseph, Mo.; South St. Joseph Stock Yards Company, Missouri; Utah Wool Growers' Association, Utah; Southern Colorado Stock Growers' Protective Association, Colorado; American Hereford Cattle Breeders' Association, Missouri; Union Stock Yards and Transit Company, Chicago, Ill.; Cattle Sanitary Board, New Mexico; State Veterinary Board, Colorado; Live Stock Association, North Dakota; Fort Collins Sheep Feeders' Association, Colorado; American Short-Horn Breeders' Association, Illinois; Roaring Fork and Eagle River Stock Association, Colorado; Uinta County Wool Growers' Association, Wyoming; Cattle and Horse Protective Association, District 9, Colorado; Elko County Cattle Association, Nevada; American Galloway Breeders' Association, Missouri; North Fork Valley Cattle Growers' Association, Colorado; Park County Cattle Growers' Association, Colorado; Grand and Eagle River Stock Growers' Association, Colorado; San Luis Valley Cattle and Horse Protective Association, Colorado; Lincoln County Cattle Growers' Association, Colorado; Texas Live Stock Association, Texas; Lincoln and Elbert County Wool Growers' Association, Colorado; Kansas City Live Stock Exchange, Missouri; Weld County Live Stock Association, Colorado; Eastern Colorado Stockmen's Association, Colorado; Sheep and Wool Growers' Association, Idaho; Black Range Protective Association, New Mexico; Western Nebraska Stock Growers' Association, Nebraska; State Board of Live Stock Commissioners, Illinois; Board of Trade, Tucson, Ariz.; Chamber of Commerce and Board of Trade, Denver, Colo.; Union Commercial Club, Lincoln, Nebr.; Logan County Cattle and Horse Protective Association, Colorado; Snake River Stock Growers' Association, Wyoming; Gunnison County Stock Growers' Association, Colorado; Cincinnati Union Stock Yards Company, Ohio; Colorado Midland Railway Company, Colorado; Colorado and Southern Railway Company, Colorado; Oregon Short Line Railway Company, Utah; Yuma County Cattle Growers' Association, Colorado; Fremont, Elkhorn and Missouri Valley Railroad, Omaha; Rio Grande Western Railway Company, Salt Lake City; American Shropshire Registry Association, Indiana; St. Louis Live Stock Exchange, Illinois; Sheep Sanitary Board, New Mexico; Board of Sheep Commissioners, Wyoming; Oklahoma

Live Stock Association, Oklahoma; American Shetland Pony Club, Indiana; Iowa Improved Stock Breeders' Association; Cincinnati Live Stock Commission Merchants' Association, Ohio; Chicago and Northwestern Railway Company, Illinois; North Park Stock Growers' Association, Colorado; Chicago Live Stock Exchange, Illinois; Pacific Northwest Wool Growers' Association, Oregon; Dominion Short-Horn Breeders' Association, Canada; Fremont County Cattle Growers' Association, Colorado; Crystal River Railroad Company, Colorado; National Association Exhibitors of Live Stock of America, New York; Northern Wyoming Wool Growers' Association, Wyoming; Pecos Valley Railroad, New Mexico; Cincinnati Chamber of Commerce, Ohio; Red Polled Cattle Club, America, Iowa; State Board of Agriculture, Kansas; State Irrigation Association, Utah; Union Pacific Railroad Company, Omaha; State Agricultural College, Wyoming; Saguache County Wool Growers' Association, Colorado; Polled Durham Cattle Club of America, Indiana.

Mr. ALLEN. Were you present at this meeting that passed the resolution that you first read?

Mr. COWAN. Yes, sir; I was.

Mr. ALLEN. Do you know personally the men who were there representing those different breeders' associations?

Mr. COWAN. I know some of them. I knew a good many of the men.

All the cotton-seed-oil interests representing mills in North Carolina, South Carolina, and Georgia, as follows:

Southern Cotton Oil Co., Columbia.	Williamston Oil and F. Co.
Produce Mills.	Clinton Oil Mill.
Interstate Cotton Oil Co.	Gray Court Oil Mill.
Newberry Oil Co.	Seneca Oil Mill.
Laurens Oil and Fertilizer Co.	Southern Cotton Oil Co., Savannah.
Union Oil and Manufacturing Co.	Saluda Oil Mill.
Greenwood Oil Co.	Campobello Oil Mill.
Victor Cotton Oil Co.	Excelsior Oil Mill.
Woodruff Cotton Oil Co.	Abbeville Oil and F. Co.
Simpsonville Oil Mill.	Elberton Oil Mill.
Easley Oil Mill.	Fountain Inn Oil Mill.
Honea Path Oil Mill.	Tiger Shoals Oil Mill.
Ninety-six Oil Co.	Goldville Oil Mill.
Greers Cotton Oil Co.	Fair Forest Oil Mill.
Coronaca Oil Mill.	Anderson Oil and F. Co.
Belton Oil Mill.	Lowndesville Oil Mill.
Liberty Oil Mill.	McCormick Oil Mill.
Atlantic Cotton Oil Co.:	Moneynick Oil Mill.
Sumter.	Charlotte Oil and F. Co.
Bennettsville.	Concord Cotton Oil Mill.
Southern Cotton Oil Co., Columbia.	Davidson Cotton-Seed Oil Mill.
Southern Cotton Oil Co., Barnwell.	Monroe Oil and F. Co.
Darlington Oil Co.	Rowland Oil Mill Co.
Dillon Cotton-Seed Oil Co.	Laurinburg Oil Co.
Orangeburg Oil Mill.	Gibson Station Oil Co.
Florence Oil Mill.	Fayetteville Oil Co.
Marion Oil Mill.	Selma Oil and F. Co.
Edgefield Manufacturing Co.	Goldsboro Oil Co.
Ridge Spring Oil Mill.	Wilson Oil Co.
St. Matthews Oil Mill.	Tar River Oil Co.
Chester Oil Mills.	Edgecomb Oil Co.
Fairfield Oil and F. Co.	Newbern Oil Co.
Kathwood Manufacturing Co.	Weldon Oil Co.

Mr. John McCoy, of Kansas City Live Stock Exchange, says:

There is a bill pending before the House of Representatives, viz. House bill No. 3717, known as the Grout bill, which has been referred to your honorable body, and it is for the purpose of discussing that measure we have asked for a hearing. This bill is aimed at the life of a great commercial industry, that of oleomargarine. We believe it will, if enacted into a law, seriously cripple one with which by comparison both oleomargarine and that of its opponent, butter, pale into insignificance. I refer to the live-stock industry. My associates and myself, representing as we do the second largest live-stock market in the world, a market at which was received, during the year 1899, 5,965,573 head of live stock that had a valuation of $120,946,439; a market which loans annually from $20,000,000 to $30,000,000 to the farmers, feeders, stock growers, and ranchmen to assist them in carrying on their industries; a market that had for its patrons during 1899 the stock raisers of 32 States and Territories, feel that our interests in these measures are of sufficient importance to be our apology for thus trespassing upon the time of the committee.

Opposition to the bill: Lincoln Lodge, No. 445, Brotherhood of Locomotive Firemen, Columbus, Ohio; Central Labor Council of Cincinnati, Ohio; International Bicycle Works, etc., Columbus, Ohio; Union Dairy Company, Cleveland; St. Paul Live Stock Exchange, St. Paul, Minn.

As to character of correspondence in favor of the bill, Mr. Dadie, of Chicago, says:

A vast amount of importance seems to attach itself to the correspondence received by members of Congress from country districts urging the passage of this bill as a protection to the dairy interests. It may be of interest to you gentlemen to know through what channels this correspondence passes before reaching members in Washington. These appeals for protection are compiled and printed by one man in South Water street, in Chicago, and mailed by him broadcast to the rural districts throughout the country, with a personal letter asking the party addressed to sign and direct the letter furnished him to his Representative in Congress, and as a reward for his trouble extend to him the hope of a permanent increase in the price of his butter if they are successful in destroying the oleomargarine industry.

OBJECTS OF THE MEASURE.

Hoard says:

The consumers and producers of butter ask Congress to enact into law House bill 3717, which provides by the first section that all counterfeit substitutes for butter, when taken into any State or Territory, shall be subject to the laws of that State or Territory concerning such counterfeit, the same as the Wilson law in regard to liquors, enacted, I think, in 1891. It was deemed for the public welfare to enact that law. We claim it is for the public welfare to place oleomargarine under the operation of a similar law.

Charles Y. Knight, editor of the Chicago Dairy Produce, and the most active single person advocating this bill, says:

WHY THE 10-CENT TAX ON COLORED OLEOMARGARINE?

We expect to show to the satisfaction of Congress that national legislation of the character embraced in H. R. 3717, known as the Grout bill, with its 10-cent tax provision, is absolutely essential to prevent the almost absolute destruction of an industry bringing to the agriculturists of this country fully $500,000,000 per year.

First. Because oleomargarine, when made in exact imitation in package and color of butter, is an ideal counterfeit, furnishing a commodity which can be readily, and in nine cases out of ten with safety, palmed off upon the known but unskilled consumer as butter at butter prices, as only a chemical analysis will, with a degree of certainty necessary in evidence, establish the identity of the substitute.

Second. Because the large profit resulting from the sale of oleomargarine as butter in itself furnishes incentive to practice fraud and means of protection in case of detection, and to-day, with the traffic aggregating close to 100,000,000 pounds per year, the sum collected through the assessment of even a fraction of a cent per pound as a fund for defense is sufficiently large, when judiciously expended through organized channels, to render prosecutions so expensive that in many of the States the courts have scarcely the capacity to handle offenders, so numerous have they become under the persistent and aggressive solicitation of the wealthy manufacturers.

Mr. Davis, of Philadelphia, in his testimony admits that incidentally the purport of the bill is to drive colored oleomargarine out of the market:

Mr. LORIMER. You say that if this tax is put on oleomargarine then there will be no sale of it in competition with butter?

Mr. DAVIS. That is about it. They can not sell it.

Mr. LORIMER. You mean to say they can not sell it in competition. They can sell it if anybody buys it. Would not that virtually mean the driving of colored oleomargarine out of the market as a matter of trade?

Mr. DAVIS. That might be incidental to the operation of the law.

Mr. LORIMER. If they can not pay this 10 cents tax, would that not drive it out of the market?

Mr. DAVIS. Not necessarily.

Mr. LORIMER. You do not believe it would interfere with the sale of it?

Mr. DAVIS. I do.

Mr. LORIMER. Is it not the intention of many who favor the passage of this bill to drive colored oleomargarine out of the market?

Mr. DAVIS. The object, as I take it, of the men interested in this is to prevent illegal competition with butter—to protect the law-abiding people. In Philadelphia we believe that 90 per cent of this traffic is done illegally. Of course that operates to the disadvantage of people who do business in a proper way. For instance, I am alongside of a man selling oleomargarine for butter, and he makes an enormous profit, whereas the butter seller makes only a legitimate profit.

Mr. LORIMER. You say you think the passage of this bill will prevent dealing illegally. If you have a tax of 10 cents, how will that prevent the illegal traffic in your city?

Mr. DAVIS. There would be less inducement offered. It would be that much accomplished. Everything helps for the protection of the dealer who is law abiding.

Mr. LORIMER. Is not the object to drive colored oleomargarine out of the market?

Mr. DAVIS. We want to prevent this illegal traffic which operates to the injury of the law-abiding people who are doing a legitimate business.

Mr. LORIMER. The reason I am asking this question is because a gentleman who appeared before the committee a week ago to-day said it is the desire of the butter men to drive oleomargarine out of the market—that they want to drive the oleomargarine manufacturer out of business. I wanted to find out whether or not that sentiment prevails over the country.

Mr. DAVIS. If driving it out would be incidental to the operation of this law, then oleomargarine would have to be sold upon its merits.

Mr. LORIMER. In its white state?

Mr. DAVIS. Yes, sir.

INJURE OUR TRADE ABROAD.

Mr. LAVERY. Foreign countries, and especially Germany, are watching for every opportunity to legislate against the entrance of American meats and by-products, and if our own Congress should pass a law which would practically kill the oleo industry in this country, we have no reason to believe that Germany and other European countries would not take similar action and prohibit the entrance into their country of oleo oil and such materials as we have legislated against ourselves; and such action would therefore kill, or at least greatly injure, the export oleo-oil business.

Amount of production of oleomargarine.

Amount of oleomargarine produced in the United States in—	Pounds.
1888	21,513,573
1899	83,145,981

Mr. J. A. Hake, a live-stock dealer, says:

The butterine business of 1890 was 2.6 per cent of the total amount of butter made in the United States. These figures are taken from the records of the Bureau of Internal Revenue and the Agricultural Department. For the year ending June 30, 1899, there were 83,000,000 pounds of butterine manufactured in the United States, and, according to the estimate of Mr. Wilson, editor of the Elgin Dairy Report, Elgin, Ill., there were something over 3,000,000,000 pounds of butter made in the United States for that year. Figuring on this basis, the amount of butterine manufactured, as compared with the amount of butter made, is 2½ per cent, showing that the make of butterine has decreased, in comparison to the make of butter, in the past ten years to the extent of one-tenth of 1 per cent. The Government received, for the year ending June 30, 1899, about $2,000,000 from tax and license on butterine.

INGREDIENTS OF OLEOMARGARINE AND OF BUTTER.

Dr. Crampton, chemist, Internal Revenue Bureau, says:

Representative WILSON. I would like to ask Dr. Crampton just one more question. I want to know, Doctor (if you know), what is the difference between butter and oleomargarine, so far as the chemical elements which enter into each are concerned?

Dr. CRAMPTON. They are very much the same, with the exception of the small amount of what are called the volatile or soluble fatty acids, which enter into butter and which do not enter into oleomargarine. The great bulk of the fat is of the same composition, chemically speaking; they are both glycerides. Of course, these volatile, fatty acids are very important, however; they give butter its flavor and taste, the pleasant "bouquet," you might say; and that is very important. There is no question about that.

Mr. Miller, of Kansas City, Kans., representing Armour & Co., says:

Butterine is wholesome, nutritious, and palatable. There is no secret whatever about the process of manufacture. Our factory is open to the public at all times. This product is composed of the following ingredients: Oleo oil (made from choice fats of the beef), neutral lard (or the leaf lard of the hog), refined cotton-seed oil, milk, cream, salt, and butter.

We have never had a pound of paraffin in our factory, and we do not desire stearin.

THE INGREDIENTS OF OLEOMARGARINE.

In their statement Swift & Co. have the following to say regarding the ingredients of oleomargarine:

Second. Oleomargarine is an absolutely pure and healthful product. It contains the following ingredients.

1. Oleo oil: A selected fat from beef that is obtained from the caul fat. This is the principal ingredient. This fat is thoroughly washed, thrown into a vat of ice water to remove the animal heat, then thoroughly cooked, cooled, and put into hydraulic presses, by which the oil is extracted, the residue being commercially known as stearin.

2. Neutral: This is the leaf lard of the pig. The leaf fat when taken out of the animal is thoroughly washed and put into a refrigerator, where it remains twenty-four hours. It is then thoroughly cooked. It is absolutely without color, being snow white, and has neither taste nor odor. Both pigs and cattle are examined by Government inspectors before and after killing, thereby insuring protection against disease. England, France, Germany, Holland, and many other foreign countries where oleomargarine is manufactured more extensively than in the United States, depend entirely upon American manufacturers for oleo oil and neutral.

3. Cotton-seed oil: This ingredient is not always used; it is used in limited quantities in the medium grade. The oil is extracted from selected cotton seed and then highly refined. It is a pure, sweet product, and is used quite generally for cooking purposes. Prominent chemists have asserted that it has the same qualities as and is equally digestible with the best of olive oil.

4. Milk.

5. Salt.

Mr. LAVERY. I stated that oleomargarine consists of four principal ingredients—oleo oil, neutral lard, milk and cream, and cotton-seed oil. Now, of those four ingredients cotton-seed oil comprises about 25 per cent. Of course we add salt and coloring matter.

HEALTHFULNESS OF OLEOMARGARINE AND CLEANLINESS OF ITS PRODUCTION.

Mr. Kimball, of Philadelphia, representing the butter sellers, in his testimony says:

If this Grout bill prevails, then oleomargarine, if it is a good thing, and we admit it is a good thing, will be sold at a price to reach the poor man, and it is intended to reach him, and the legitimate butter will sell at a price which the people are willing to pay for it. It will do away with the practice of deceiving the customer who goes into a store and asks for a pound of butter and gets a pound of oleomargarine.

Again:

Mr. ALLEN. Since the sale of oleomargarine has increased has the death rate of the city increased?

Mr. KIMBALL. We do not know that there is anything unhealthful in oleomargarine.

A Mr. Davis, who was with Mr. Kimball, also stated:

Mr. WHITE. What has been your observation with reference to the healthfulness of this oleomargarine product?

Mr. DAVIS. I do not know that there is any evidence as to its injurious effect upon consumers. That is a subordinate matter.

In concluding his testimony Kimball says:

Mr. LORIMER. I understand you are willing to have oleomargarine shipped in and sold in its natural state?

Mr. KIMBALL. Yes; I believe it is healthful. It is a good thing for the poor man, but it should be sold on its merits. Where it is sold as butter there is a profit of 15 cents a pound on it.

Upon the other hand, Mr. Hoard intimates that oleomargarine is unhealthy.

Is oleomargarine a healthful food? There is no way to determine this question except by actual trial; not for a day, a week, or a month, but for several successive months, and not with strong, robust men, with plenty of outdoor exercise.

Chemistry can not answer. For example, the chemist will tell you that he finds the same elements in swamp peat that are found in the grasses and hays that are fed to our cows, and in approximately the same proportion. And the chemist is at a loss to determine from the standpoint of his science why cattle should not feed on swamp peat. Chemistry can not determine whether any particular substance is poisonous or not. It must take a stomach to do that.

There is no credible evidence to show that oleomargarine is innocuous; no evidence to show that when eaten continuously in place of butter it is not harmful. But there are reports in great abundance to the effect that oleomargarine is harmful.

It is shown that 32 States have anti-color laws, but each one of those States allows oleomargarine, uncolored, to be sold. They do not forbid its sale because of unwholesomeness or deleteriousness, but simply because it may, if colored, be sold as butter from milk or cream.

NO GERMS IN MANUFACTURE.

We claim that it is absolutely impossible for germ life to exist in our oleomargarine factory, and we want the public to come and see for themselves. These are the reasons the oleomargarine business is growing, and not that this product is palmed off on innocent purchasers for butter.

Mr. Aldredge submitted the following as chemical testimony:

This is from Prof. W. O. Atwater, director of the United States Government agricultural experiment station, Washington, D. C.

"Butterine is perfectly wholesome and healthy and has a high nutritive value. The same entirely favorable opinion I find expressed by the most prominent European authorities, English, French, and German. It contains essentially the same ingredients as natural butter from cow's milk. It is perfectly wholesome and healthy and has a high nutritive value."

The other is from Prof. Harvey W. Wiley, Chief Chemist of the United States Department of Agriculture:

"There can be no reasonable objection to the use of oleomargarine. It is clean, wholesome, and digestible. When it is to be kept for a long time before use, as on shipboard, or in distant mining camps"—

And he might have said, in the Army—

"it is preferable to butter, because it has but little tendency to become rancid. For similar reasons, there can be no possible objection to the use of cotton-seed oil as a substitute for lard, or when mixed with lard."

Now, here are certificates from the greatest chemists in America and Europe outside of the ones that I have read; but I will not take up your time with reading them.

Representative WILLIAMS. Just hand them, if you please, to the stenographer, so that they may be made a part of the record.

(The certificates above referred to by the witness are as follows:)

Prof. G. C. Caldwell, of Cornell University, says:

"The process for making butterine, when properly conducted, is cleanly throughout, free from animal tissue or other impurities, and consists of pure fat, made up of the fats commonly known as alaine and margarine. It possesses no qualities whatever that can make it in the least degree unwholesome."

Prof. Paul Schweitzer, Ph. D., LL. D., professor of chemistry, Missouri State University, says:

"As a result of my examination, made both with the microscope and the delicate chemical tests applicable to such cases, I pronounce butterine to be wholly and unequivocally free from any deleterious or in the least objectionable substances. Carefully made physiological experiments reveal no difference whatever in the palatability and digestibility between butterine and butter."

Dr. Adolph Jolles, of Vienna, from address before section 7 of the International Hygienic Congress, at Budapest, says:

"As regards nutritive value, pure butterine or oleomargarine is as digestible and nutritious as pure butter."

Prof. George F. Barker, of the University of Pennsylvania:

"Butterine is, in my opinion, quite as valuable as a nutritive agent as butter itself. It is perfectly wholesome and is desirable as an article of food. I can see no reason why butterine should not be an entirely satisfactory equivalent for ordinary butter, whether considered from the physiological or commercial standpoint."

Prof. S. W. Johnson, director of the Connecticut Agricultural Experiment Station, and professor of agricultural chemistry at Yale College, New Haven, says:

"It is a product that is entirely attractive and wholesome as food, and one that is for all ordinary and culinary purposes the full equivalent of good butter made from cream. I regard the manufacture of oleomargarine as a legitimate and beneficent industry."

Dr. A. G. Stockwell, who needs no introduction, says in the Scientific American:

"In everyday life butter is very essential. Its free use by sufferers from wasting diseases is to be encouraged to the utmost. Considering the foregoing, it seems strange that oleomargarine has not been thought of as a palatable and suitable article of diet for those suffering from wasting diseases.

"It is free from all objections. As a matter of fact, it is a better and purer butter than nine-tenths of the dairy product that is marketed, and one that is far more easily preserved. There are a large number who imagine oleomargarine is made from any old scraps of grease, regardless of age or cleanliness. The reverse is the fact. Good oleo can only be had by employing the very best and freshest of fat. This artificial butter is as purely wholesome (and perhaps even better as food) as the best dairy or creamery product."

Jollies and Winkler, the official chemists of the Austrian Government, after thorough investigation of butterine, reported:

"The only germs found in 'oleo' are those common to air and water. Although carefully searched for, tubercular bacilli and other obnoxious bacilli were conspicuous by their absence."

HEALTHFULNESS, ETC., OF OLEOMARGARINE.

Mr. John S. Hobbs, editor of the National Provisioner, of New York and Chicago, says:

After a thorough personal inspection of the Government licensed and Government inspected butterine factories, some of these inspections made in company with our chief food chemist and expert, and all of them made without any knowledge of the oleomargarine people that I was coming, I find the following a summary of them all.

Of course the formulas change, but only as to proportions of the same ingredients, and the temperatures vary a few degrees, according to the experience of the particular factory making the variation. There is no material difference. I quote from my memoranda:

The oleomargarine is made up of a mixture of—

	Per cent.
Cotton-seed oil	15 to 25
Neutral lard	20 to 35
Oleo oil	20 to 35
Butter	20 to 35

This formula changes in the same factory slightly with the varying temperatures of the seasons.

THE ORIGIN OF THE INGREDIENTS.

The healthfulness of the ingredients which go into butterine and the product itself is better understood when it is known whence and how these parts of the product come.

Neutral lard is a swine oil made from the leaf fat of Government-inspected animals. It is the richest, cleanest, and finest fat of the hog. Being a hog product, it might from religious scruples be objected to by the orthodox Jew, just as he would from scruples of conscience object to the whole hog and all his connections.

Oleo oil is made from the caul fat of prime hand-fed Government-inspected beeves. It is the best oil which comes from the bovine species.

Butter oil, or that grade of cotton-seed oil which is so known because of its extra prime quality, is made from a certain grade of cotton seed, gathered and selected at a certain stage of the cotton crop. They must be well matured or butter oil will not result. It is the finest and dearest of the grades of cotton oil. The butterine maker might desire to use a cheaper oil, but no other quality can be used. To attempt it would be to ruin his product. The above grades of the above ingredients must be employed: no other will mix perfectly. These ingredients are perfectly healthful and very nutritious. Neutral lard has neither taste nor smell. The same may be said of butter and oleo oils; such is virtually true.

Butter, of course, comes from dairy cream. It is the other ingredient, and is pasteurized because not from Government-inspected stock, and to kill the germs which are well known to generally exist in milk from the dairy.

The neutral lard is melted at about 160° F.; the oleo oil 160°; the cream is sterilized at 170°.

Most factories buy their neutral lard ready for mixing. When it is not so bought it is made as follows:

1. The fresh leaf fat is hashed; that is, cut up for cooking the oil out.

2. The pieces go into a rendering kettle, where the oil is cooked out at a temperature of about 170°. This temperature destroys all germs, if any remain in a Government-inspected hog.

3. The oil is then drawn off through fine hair-mesh sieves into receiving tanks, where it is cooled down to about 110° F. for churning.

4. From the tanks this neutral is taken in its proportion to the butterine churn, where it becomes one of the ingredients of the oleomargarine.

Most factories buy their oleo oil ready for mixing in the churn. Where this is not done, the oil is made as follows:

1. The caul-fat of prime hand-fed beef purchased. No other grade of fat will do for this extra prime oleo oil.

2. The fat is then hashed for cooking. The oil is cooked out at a temperature of about 170° F.

3. The oil is next drawn off through a thin, hair-mesh wire screen into tanks, where it is cooled down to a lower temperature.
4. Thence it goes into a room which is kept above 90° F., where it remains about twenty-four hours.
5. The oil is then pressed to separate the stearin from it.
6. The oleo oil then goes into the churn as the oleo ingredient of oleomargarine.

The butter oil joins these as the cotton-seed oil ingredient of the forming product.

The cream is obtained, of course, from milk bought of the dairy farmers. Very few butterine factories use less than 3,500 quarts per day, and some as high as 14,000 quarts daily. When the milk reaches the factory, it takes the following course to the margarine churn:

1. The milk is dumped from the dairy can into a factory receiving can, where it is tested for conditions of sweetness, etc.
2. It is then pumped into an open, zinc-lined vat.
3. From this vats it runs into a zinc-lined, copper cooling trough, where it is brought to a temperature of about 80° F.
4. It then goes into a separator, which revolves at about 4,000 and throws out the milk from it. The bulk of the cream filth is dropped into a trough.
5. The cream then goes to the pasteurizer to be sterilized. The skim milk runs through chilling coils which cool it down to about 40° F. by the time it reaches the cans that receive and hold it for disposal to farmers and others. The cream is pasteurized at about 170° F.
6. From the pasteurizer the cream goes to a can which is placed in ice water to keep it at a temperature of 34° to 35° F.
7. From this ice-water tank it is taken to the churn room on an upper floor.
8. Where it is ripened at a temperature slightly above 70° F. for the churn. This ripening process takes about thirty hours, more or less, according to the season.
9. When properly ripened the cream also goes into the butterine churn as an ingredient of oleomargarine.

This completes the parts which go to make the product called oleomargarine or butterine. The "butter color" is also added now, and the whole is churned into one homogeneous mass. This is completed in about eight minutes.

THE FINISHED PRODUCT.

After leaving the churn the mass is run into vats of water, at the bottom of which are anchored cakes of ice to keep the temperature down to about 35° F. The butterine is left in this ice bath about ten minutes to set it.

This is found in the National Provisioner, in an editorial entitled "The care of butterine," of December 23, 1899:

Our own laboratory experiments, covering hundreds of samples, show that the ordinary melting point of butter is 89° F. The exhaustive experiments of A. Winter Blyth confirm our own conclusions. With our chemist, Blyth also says that butterine melts at 79° F. The "Clover Hill" brand of butter, one of the finest dairy products in the market, has a melting point slightly over 91° F. While the ordinary melting point of butter is found to be 89° F., an average of a large number of samples from certain creamery districts where a certain class of feed was used showed an average melting point of 96.5° F., or only 2° F. lower than the heat of the stomach.

The results from an examination by us of 33 samples of genuine butter, taken from a large dairy area, gave melting points as follows: The highest was 96° F. The lowest melting point observed was 84°. The average was 90° F.

The melting point of margarine itself is 88.5° F. The results of the examination of 15 samples of oleomargarine by Benedikt & Lewkowitsch, the highest authorities in the world, were as follows: Highest melting point, 81° F.; lowest melting point, 74° F.; average melting point, 77° F. An examination of a 10-pound commercial bucket of the Armour Packing Company's Silver Churn Butterine, one of Swift & Co.'s Premium brand of butterine, and a similar-sized package of butterine made by the G. H. Hammond Packing Company showed the following results:

"Silver Churn," melting point 91.8° F., contains no paraffin; Hammond, melting point 94° F., contains no paraffin; Swift's "Premium" brand melts at a little above 94° F., contains no paraffin. All melt below the normal temperature of the stomach.

These concerns make the greater part of the oleomargarine or butterine now in the market in this country. The statement, then, that butterine's melting point is over 102° F. is unfounded and untrue. The statement made by J. F. Geisler, of New York, that butterine contains 10 per cent of paraffin is contrary to facts.

COLORING OF OLEOMARGARINE AND BUTTER: ITS PURPOSES.

Ex-Governor Hoard charges, without any proof, that—

A great many people ask why it is not as permissible to color oleomargarine as it is to color butter. I would answer because they are not colored for the same purpose. Butter in winter is too light to suit the taste of most consumers. The highest value is in fresh butter not more than ten days old. The consumer asks that it bear the yellow summer color of butter. That is a matter of taste, not deception, for it is not colored to resemble something it is not. But oleomargarine is colored to make it resemble butter, which it is not. It is colored, not for the benefit or taste of its consumer, but to deceive the consumer.

Mr. John Dadie, representing W. J. Moxley Corporation, an oleomargarine manufacturer of Chicago, testified:

Now, as to color; it is a well-known fact that large dealers in butter or oleomargarine will display and sell goods of different colors, and they find it necessary to do so in order to suit the requirements of their different customers. Then, too, some particular district will use an article that could not be sold in another market by reason of its being too high or too light in color to properly appeal to the consumer's taste. For example, the markets of the South, notably in St. Louis and New Orleans, order what is known to the trade as an orange or brick color, and it is popular with certain people in those districts, while in other sections of the country it could not be sold at all, as a different shade of color is demanded, and the concern who issued the color card referred to, recognizing the importance of every detail of its business, did so for the purpose of avoiding confusion by supplying its customers with goods that would suit in color the requirements of their trade. There is no deception practiced or intended, nor could there be, as the internal-revenue law and regulations apply to all our product regardless of the amount of color used.

Mr. John S. Hobbs, editor of the National Provisioner, of New York and Chicago, testified:

Housewives know that oleomargarine is colored. They do not know that butter is artificially colored. On the contrary, they believe that real rich creamery butter is sold in its natural color, and that the complexion of it as seen in the tub is that given to it by the cream of the cow. I ascertained the truth of this for myself in New York City. I interviewed more than 300 housewives in that city on their reasons for purchasing butter of such and such color. All but 8 of them purchased butter of certain colors because they thought that hue was given the substance by the natural richness of the cream; these generally purchased butter of lighter color because they feared that the others were artificially colored.

Thus in no instance did a grocery shopper buy a butter which she thought was artificially colored. Yet all of these butters were artificial in color. Was the woman in each case deceived? Butterine is the same quality, whether colored or not. That is not true of butter when a 60 per cent tallowy white stuff goes masquerading under the color of a 100 per cent pure article selling at the same price. If the light-buff summer product—its natural color—were placed alongside of the white winter wax on the same counter the housewife would severely let the poor white stuff alone. Yet some people ask Congress to tax a pure and a wholesome product that the dairies might get higher prices for their deceptions.

Mr. C. N. Lavery, of Kansas City, Kans., representing Swift & Co., says:

We claim the same right to color oleomargarine yellow that a creamery claims to color butter, and most respectfully ask this committee not to vote to prohibit the use of a harmless coloring in one in favor of the other. We claim that oleomargarine is not an imitation of butter, but that it is recognized "in the exact form it has always been sold" by the United States Government as a separate and distinct article of commerce, and that through public use it is acknowledged to be at the present time a staple article of food.

It is a well-known fact that the manufacturer of oleomargarine first conceived the idea of giving to his product a uniform color and thereby rendering it more pleasing to the eye by the use of a harmless coloring. The creameries throughout the country, taking advantage of the idea suggested, adopted the same color as their standard. They found it improved the appearance of butter as well as of oleomargarine. Now these same creameries come before Congress and ask to have a law enacted to force the manufacturer of oleomargarine to abolish the use of coloring, claiming that they have the exclusive right to its use.

A prominent dairy authority writes:

"The manufacture of oleomargarine is as legitimate as that of butter. It suppresses the lower grades of butter and makes the finer butter more sought after. There is nothing for the dairyman to fear in it; his safety can be insured by improving the quality of his butter. The trade in oleomargarine might safely be left to itself. It is a blessing to the community to supply it, at a low price, a clean, sweet substitute for costly butter."

It will be seen that there are yet some people in the butter business who are willing to admit that the manufacture and sale of oleomargarine is legitimate, and a separate and distinct business, and not maintained for the purpose of antagonizing the dairy interests of the country.

We make oleomargarine because the people demand it. We color it yellow because it has always been sold that way.

Mr. W. E. Miller, esq., representing Armour & Co., Kansas City, Kans., says:

Representative BAILEY. I will say to the committee that Mr. Miller is the expert who has control of the butterine factory of Armour & Co. at Kansas City.

Mr. MILLER. Mr. Chairman and members of this committee, no manufactured article has been so grossly misrepresented and abused as the product known as "butterine" or "oleomargarine," and the first point we wish to make is that butterine is not an imitation.

Butterine possesses merit, and it is not necessary to imitate another article in order to sell it. This product has a separate and distinct value commercially, and is not confused with butter in the mind of the housewife.

The first butterine manufactured was of very high color, while butter at that time was almost universally sold in its natural state. The dairymen were quick to see that the high color pleased the public, and they immediately commenced to color their product also. We have taken the aggressive at all times. The progressive butterine manufacturers conceived the idea of new shape rolls, brick, and prints, and also attractive packages, which appealed to the eye of the buyer. We have had many prominent dairymen, acknowledge that the butterine manufacturers discount them when it comes to attractive appearance of their product in packages.

Butterine has a great deal of merit. People know what they are buying, and call for it. On pages 7 and 9 of the report of the committee appointed by the Senate to investigate pure food we read the following:

I will not read all that I intended to read, on account of the lateness of the hour. This is a summary of their report:

"In regard to butterine or oleomargarine, it is not claimed by any of the witnesses before your committee that it is in any way deleterious to public health. On the contrary, all expert evidence upon the point strongly confirms the testimony of the manufacturers of this article to the effect that it is a healthful food product."

As regards the much discussed question of color, I would say that we use exactly the same as that sold to a majority of all the creameries in the West and in about the same proportion. In order to sell our product we must color it now the same as we did when we commenced its manufacture. If we had started out using no coloring whatever we would doubtless have had as large a business established on uncolored to-day as we have on colored butterine. However, as the trade have become accustomed to colored goods, we could not at this late hour get them accustomed to the uncolored product. In fact, we have attempted to sell uncolored butterine in a number of prohibitive States, but it has proved a rank failure.

I will say just here that in case this Grout bill is passed, it will kill the industry. The uncolored product will not sell. We have tried it in a number of prohibitive States, and, as I say, it has proved a failure in each instance.

Why should color be prohibited from butterine and not from butter? The same color is used in similar quantities in both articles. If it is undesirable in one, why is it not undesirable in the other?

Dr. Wiley, Chief Chemist of the United States Department of Agriculture, submitted the following statement:

COLORING MATTER USED FOR COLORING BUTTER AND ITS IMITATIONS.

Annotto, the principal vegetable dye used, is mainly composed of the pulp surrounding the fruit *Bixa orellana* growing in the East and West Indies and South America. Allen states that two different kinds reach England, namely, the Spanish annotto, imported from Brazil, and the flag or French annotto, which comes from Cayenne.

Annotto contains two yellow coloring matters which have been given names derived from the botanical names of the plants.

Bixin, $C_{25}H_{34}O_5$, is one of these, but its properties and chemical relationships have been imperfectly studied. When separated in the form of its soda salt it has a reddish color.

Olellin is described as yellow and soluble in water and alcohol. These two coloring matters combined, in annotto, give the substance its characteristic orange-yellow color.

Coal-tar dyes.—When diazobenzene-sulphonic acid acts on amids, with an alkaline solution of phenols, a series of coloring matters is obtained ranging from yellow to deep orange or red. These dyes are called tropæolins, because the shades of color they produce resemble those of the nasturtium flower (*Tropæolum magnus*). They usually occur in commerce as soda salts and are distinguished according to their shades, tropæolin Y, being the most yellow, and the tropæolin 0, 00, and so on, as the shades become redder. The shade of the color becomes redder by the substitution of toluene, xylene, or cumene for benzene.

Two of these dyes which have been used for coloring foods are the acid or fast yellow and the orange yellow or orange G.

The acid yellow, or the fast yellow, is the soda salt of amido-azobenzene sulphonic acid, represented by the formula:

$$C_6H_4(SO_3Na).\ N{:}N.\ C_6H_4.NH_2.$$

Orange G is sodium salt of benzene—azobetanaphtol-disulphonic acid, having the formula:

$$C_6H_5\ N{:}N.\ C_{10}H_4 \begin{cases} (SO_3Na)_2 \\ OH_2 \end{cases}$$

This class of dyes is also known as sulphonated-azo dyes.

Victoria yellow has also been reported as a coloring material for butter. This substance is a mixture of the sodium salts of the dinitro-ortho and dinitro-para-cresol $C_6H_2(CH_3).(NO_2)_2.ONa$.

AS TO PRIORITY OF COLORING.

Representative NEVILLE. You think that is what they think they are getting. Now, I would like to ask you another question or two. You state that you are the originators of the process of coloring matter in oleomargarine, and that you used it prior to any color having been used in butter. Do you mean to assert that as a fact?

Mr. DADIE. I am talking about a commercial product. Everybody knows that on a farm, before oleomargarine was ever invented, the people used to grate carrots and use other things to color their butter. But it is a fact that butter has not been colored to any extent until after oleomargarine was manufactured and colored, and that the introduction of color is the result of the introduction of oleomargarine as an article of commerce.

Figures as to the money value directly and indirectly interested in the production of oleomargarine, as compiled from the testimony before the House Committee on Agriculture.

* * * * * * *

Texas Cattle Raisers' Association, cattle valued at	$100,000,000
St. Joseph Live Stock Exchange do an annual business aggregating	50,000,000

Mr. Oliver says in reference to the cotton-seed oil interests:

Amount in plant		$50,000,000
Capital to conduct business		50,000,000
There has been paid this season, 1900, to—		
Cotton producers	$40,000,000	
Railroads for hauling	15,000,000	
Laborers	10,000,000	
A grand total of		65,000,000

Mr. John C. McCoy, of Kansas City, says:

From January 1, 1899, to January 1, 1900, we slaughtered 991,783 head of cattle, which produced 49,589,150 pounds of oleo oil, worth to-day 10 cents per pound, or 4 cents per pound more than if sold as tallow, and valued at $4,958,915; which is $1,983,566, or $2 per steer slaughtered, in favor of this industry.

There were slaughtered during the same period of hogs 2,700,109, producing 21,600,872 pounds of neutral lard, which, at 8¼ cents per pound, netted $1,836,074. This product would, in the absence of this industry, have sold for 6 cents per pound, or a loss of 20 cents on a hog, or of $540,022 on the total output.

Continuing, he says:

The Government report shows that on January 1, 1900, there were in the United States 43,902,414 head of cattle, of which 16,252,360 head were milch cows; and of cattle other than milch cows, 27,610,054. By the enactment of laws prohibiting the use of oleomargarine each head of those cattle, other than milch cows, would have a depreciation in value, as shown above, of $2 per head, or a total of $55,220,108. Again, the Government report showed that on January 1, 1899—no estimate being made by the Government for the year 1899, it having decided to await the census enumeration in June, but it is safe to assume that the numbers were approximately the same January 1, 1899, and January 1, 1900—there were in the United States 38,651,631 hogs. If the leaf lard of the hogs of the United States had to be used for lard by the death of oleomargarine, it would mean a depreciation in value of 20 cents per head, a total of $7,730,326. Thus it will be seen if these measures become laws, at that instant $62,950,434 will be taken directly from the farmers and stock raisers of the country. To that could be added the vast sums invested in manufacturing plants and the loss in wages to an army of laborers; but that is a field outside of my domain.

And now, gentlemen, I wish to call your attention to another phase of this question, and to illustrate it you will find below the number of cattle in the United States as given by the Government report, those States divided into three classes, viz, dairy States, cattle-growing States, and States that are agricultural, but having fewer milch cows than other cattle, which I will term Southern States.

CATTLE-GROWING STATES.

Arkansas	419,422
Texas	5,046,335
Kentucky	539,449
Iowa	3,442,012
Missouri	2,047,346
Kansas	2,807,224
Nebraska	2,206,792
South Dakota	879,200
North Dakota	431,371
Montana	959,808
Wyoming	747,826
Colorado	1,115,421
New Mexico	679,359
Arizona	381,861
Utah	396,076
Nevada	238,081
Idaho	397,928
Washington	390,444
Oregon	637,433
California	913,753
Oklahoma	323,971
Total	25,001,112

DAIRY STATES.

Maine	316,537
New Hampshire	214,678
Vermont	401,396
Massachusetts	254,967
Rhode Island	35,405
Connecticut	210,717
New York	2,059,715
New Jersey	263,157
Pennsylvania	1,494,126
Delaware	58,035
Maryland	257,435
Ohio	1,455,558
Michigan	801,818
Indiana	1,234,930
Illinois	2,324,254
Wisconsin	2,598,529
Minnesota	1,237,003
Total	14,218,200

SOUTHERN STATES (MORE CATTLE GROWING THAN DAIRY).

Virginia	567,488
North Carolina	518,141
South Carolina	280,223
Georgia	666,147
Florida	412,820
Alabama	511,080
Mississippi	517,809
Louisiana	294,961
Tennessee	526,235
West Virginia	408,198
Total	4,683,102
Grand total	43,902,414

By the above it is shown that 17 States, all of them in the extreme East, except 6, which are in the middle West, have 14,218,200, while 31 States in the West and South have 29,684,214, the 6 great cattle-growing States of the West, Missouri, Kansas, Iowa, Nebraska, Texas, and Colorado, alone having 16,724,930, or 2,506,730 head more than the whole 17 dairy States combined. Where then, gentlemen, will the burden of such legislation fall? Nor is that all. Is it to be supposed that the stock raisers, farmers, and feeders of the State of Illinois, with their 1,303,018 cattle, other than milch cows, will willingly consent to have their property depreciated $2,606,036 for the benefit of their creamery neighbors?

It is claimed by the manufacturers of oleomargarine that they have invested in the industry $15,000,000, and that there is probably invested in the wholesale and retail trade besides fifteen to twenty millions more. Mr. Knight responds to this claim as follows:

THE MAGNITUDE OF THE INDUSTRY.

First. Oleomargarine has been manufactured in this country for about twenty-five years, and in its manufacture there is now invested more than $15,000,000, furnishing employment to many thousand men. The wholesale and retail sale and delivery of oleomargarine furnish employment to 25,000 men. There is probably $15,000,000 to $20,000,000 invested in the wholesale and retail trade separate and apart from the manufacture of the article.

Here, as well as in every other effort to influence Congress by holding up to public gaze the "enormous proportions" of the oleomargarine industry, Swift & Co. have evidently included in what they term the "manufacture of oleomargarine" the neutral lard and oleo oil industry, which will be treated thoroughly under the department devoted to the effect of the Grout bill upon the live-stock interests.

It is a well-known fact that Messrs. Braun & Fitts, and William J. Moxley, of Chicago, produce almost if not quite one-third of all the oleomargarine manufactured in the United States. The combined extreme rating of these firms by Dunn is $400,000. While we do not doubt that their resources, from profits earned during the past few years, is greatly in excess of this amount, anybody who is acquainted with their establishments can readily realize that the rating, so far as money actually invested is concerned, is amply liberal. If it took an investment of $400,000 to produce one-third of the oleomargarine made in this country—not the oleo oil and neutral lard—then their estimate of $15,000,000 as the amount invested in the oleomargarine manufacturing business is more than twelve times too high.

SOME ABSURD FIGURES.

Just contemplate, if you please, the statement of Swift & Co. that "there is now more than $15,000,000" invested in the manufacture of oleomargarine, "employing many thousand people."

And "the wholesale and retail sale and delivery of oleomargarine furnish employment to 20,000 men." Also, that "there is probably $15,000,000 to $20,000,000 invested in the wholesale and retail trade, separate and apart from the manufacture of the article."

If this is true, let us sum up the total cost of handling this product of 83,000 pounds made in 1898-99, according to the statement of Swift & Co. as to the number of people employed outside of those in the factories, and the interest upon the capital which they claim to be invested:

Six per cent on $20,000,000 claimed to be invested by wholesale and retail dealers	$1,200,000
Six per cent upon the $15,000,000 capital employed in manufacturing, as claimed by Swift & Co	900,000
Wages of 25,000 persons engaged in the handling of oleomargarine, at $750 per year each	18,750,000
Total cost of one year's business of handling oleomargarine, outside of wages of factory employees and cost of materials.	20,850,000

Add to this claimed expense the actual expense of manufacture of probably 2 cents per pound, $1,660,000; the present 2-cent tax, aggregating $1,660,000 more, and the average cost of materials, probably 8 cents per pound, and we have a total cost of 83,000,000 pounds of oleomargarine, according to Swift & Co., as follows:

Interest on capital, cost of handling, as shown in foregoing table	$20,850,000
Cost of manufacturing	1,660,000
Cost of 2-cent tax	1,660,000
Cost of raw material, at 8 cents per pound	6,640,000
Paid for wholesale, retail, and manufacturers' licenses (estimated)	300,000
Total cost of 83,000,000 pounds	29,110,000

Or, to reduce it to pounds and cents, it requires an expenditure of 35.06 cents to produce a pound of oleomargarine, which, the same firm says a little further along, "sells at an average of 10 cents per pound!"

What does Congress think of such an attempt to mislead its members upon this matter?

Were not the statement of Swift & Co. made ridiculous in itself by the claims of the importance of the oleomargarine traffic, their plea might find an answer in the counterclaim that every man employed in the oleomargarine traffic displaces at least three men who hitherto had found employment upon the farm, and that the greater the showing made by this industry the greater the necessity for Congressional action to check a growth which is prima facie illegal.

Mr. J. A. Hake of South Omaha, Nebr., says:

South Omaha is the third largest live-stock market in the world.

For the year ending December 31, 1899, there were 540,502 cattle slaughtered, and for the same period there were slaughtered 2,188,779 hogs. The makers of oleomargarine create a demand for oleo oil, which is made from the choice fats of the beef, and which is worth, for butter purposes, 10 cents per pound. If these choice fats were not utilized in the manufacture of butter they would have to be sold as tallow, which is worth about 5 cents per pound. A steer will yield 40 to 50 pounds of oleo oil; therefore should the butterine industry be destroyed each steer would depreciate in value at least $2.

Now, the same is true of hogs. Leaf lard, or neutral, being used in the manufacture of butterine, is worth 8 to 9 cents per pound; lard is worth about 6 cents; a hog will yield about 8 pounds of neutral, and if there was no demand for neutral as a butterine ingredient, it would have no greater value than ordinary lard; hence each hog would be worth about 20 cents per head less than present price. Upon this basis the loss to the producers of cattle and hogs during 1899 in South Omaha alone would be—

On 540,502 cattle, at $2	$1,081,004.00
On 2,188,779 hogs, at 20 cents	437,755.80
Total	1,518,759.80

The total number of beef cattle and hogs in the United States is a matter of statistics, which has doubtless been presented for your consideration, or, if not, can be easily obtained.

The probable loss to the beef producers of this country, should this measure become a law, has been estimated by different persons to be about $100,000,000, to say nothing of the confiscation of about $15,000,000 invested in the manufacture of oleomargarine and butterine and the loss of employment to about 25,000 men.

The butterine business of 1890 was 2.6 per cent of the total amount of butter made in the United States. These figures are taken from the records of the Bureau of Internal Revenue and the Agricultural Department. For the year ending June 30, 1899, there were 83,000,000 pounds of butterine manufactured in the United States, and, according to the estimate of Mr. Wilson, editor of the Elgin Dairy Report, Elgin, Ill., there were something over 3,000,000,000 pounds of butter made in the United States for that year. Figuring on this basis, the amount of butterine manufactured as compared with the amount of butter made is 2½ per cent, showing that the make of butterine has decreased, in comparison to the make of butter, in the past ten years to the extent of one-tenth of 1 per cent. The Government received, for the year ending June 30, 1899, about $2,000,000 from tax and license on butterine.

THE QUESTION OF FRAUD IN THE SALE OF OLEOMARGARINE.

Mr. Charles Y. Knight, editor of the Chicago Dairy Produce, in his brief (see pages 29 and 30), and in his statement before the Committee on Agriculture of the House (see page 55), makes charges of wholesale fraud and deception in sales of oleomargarine by wholesalers and retailers. He cites a number of cases, some of which are susceptible of an honest construction; some are no doubt in point; but his whole number does not exceed 15 cases, except that by inference, because of the alleged amount of oleomargarine sold in the anti-color States, he assumes that all or nearly all retailers are lawbreakers.

REPLIES TO THIS CHARGE.

Representative ALLEN. There have been exhibited here some original packages of the wrappings of oleomargarine, and the stamp has been impressed upon the corner of the wrapper and turned down in that manner [indicating], so as not to be seen by the purchaser. What do you know about that?

Mr. DADIE. I understand that charge has been made against him; but there are about 2,500 licensed dealers in the First district of Illinois, and it appears that this man Broadwell is about the only one against whom they have been able to get any cases of that kind.

Representative ALLEN. You say he is one out of about 2,500?

Mr. DADIE. One out of about 2,500.

Representative Allen. Of the retail dealers?

Mr. DADIE. Retail licensed dealers in that district.

Internal-Revenue Commissioner Wilson says:

Representative BAILEY. Mr. Wilson, a statement was made here by the friends of the dairy interests that 90 per cent of the oleomargarine marketed in this country was sold as butter. Do you believe that is true?

Commissioner WILSON. I say it is nearer 10 per cent.

Representative WILLIAMS. What was that question?

Representative BAILEY. The question was that it had been stated to this committee that 90 per cent of the oleomargarine sold in this country was sold as butter.

Commissioner WILSON. Of course I can not tell, but I do not think that is accurate. I simply do not think so. That is my honest conviction about it.

THE LEGAL ASPECT OF THE QUESTION.

The parties urging the enactment of the Grout bill rely upon two decisions of the Supreme Court of the United States for the legal justification of the measure. They are, Plumley *vs.* Massachusetts (155 U. S., 461) and Schollenberger *vs.* Pennsylvania (171 U. S., 1).

The question in the Plumley case was this, whether, as contended by petitioner, the statute under examination in its application to sales of oleomargarine brought into Massachusetts from other States is in conflict with the clause of the Constitution of the United States investing Congress with power to regulate commerce among the several States.

The record in this case shows that the statute in question forbade the sale of any product "not made from unadulterated milk or cream in imitation of yellow butter produced from pure, unadulterated milk or cream."

The basis and all the assumptions of this case were that the sales in question were fraudulent and deceptive, and the quotation from the decision given below and relied upon by the parties urging this legislation must be read in view of the facts of the record and as a comment upon that fraud and upon that deception.

Judge Harlan, in delivering this opinion, said:

And yet it is supposed the owners of a compound which has been put in a condition to cheat the public into believing it is a particular article of food in daily use and eagerly sought for by people in every condition of life are protected by the Constitution in making a sale of it against the will of the States in which it is offered for sale because of the circumstance that it is in an original package and has become a subject of ordinary traffic. We are unwilling to accept this view. We are of the opinion that it is within the power of a State to exclude from its markets any compound manufactured in another State which has been artificially colored or adulterated so as to cause it to look like an article of food in general use and the sale of which may, by reason of such coloration or adulteration, cheat the general public into purchasing that which they may not intend to buy.

The Constitution of the United States does not secure to anyone the privilege of defrauding the public. The deception against which the statute of Massachusetts is aimed is an offense against society. The States are as competent to protect their people against such offenses or wrongs as they are to protect them against crimes or wrongs of more serious character, and this protection may be given without violating any right secured by the National Constitution and without infringing the authority of the General Government. A State enactment forbidding the sale of deceitful imitations of articles of food in general use among the people does not abridge any privilege secured to citizens of the United States, nor in any just sense interfere with the freedom of commerce among the several States.

But even upon the record of the case, so narrowed, there was a vigorous dissent by the Chief Justice, Fuller, and Justices Field and Brewer. The Chief Justice says, in part:

I deny that a State may exclude from commerce legitimate subjects of commercial dealings because of the possibility that their appearance may deceive purchasers in regard to their qualities. In the language of Knowlton, J., in the dissenting opinion below, I am not "prepared to hold that no cloth whose fabric is so carded and spun and woven and finished as to give it the appearance of being wholly wool, when in fact it is part cotton, can be a subject of commercial transactions, or that no jewelry which is not gold, but is made to resemble gold, and no imitations of precious stones, however desirable they may be considered by those who wish to wear them, shall be deemed articles of merchandise in regard to which Congress may make commercial regulations."

But in the case of Schollenberger *vs.* Pennsylvania (171 U. S., 1) the Supreme Court indorsed the principle at the foundation of the Wadsworth substitute for the Grout bill. In this case the court held that any act of the State legislature is invalid which seeks to prevent the sale of a product colored like butter (which is otherwise wholesome and a matter of interstate commerce) in the original packages when it is sold for what it is, as the law interferes with interstate commerce. In other words, if the product is known and marked as oleomargarine, the fact that it is colored like butter is not a legal evidence of deception, and hence can not be excluded from the original sale. The Plumley case was discriminated, and not overruled.

The court (by Justice Peckham) says:

This court held that a conviction under that statute—

The Massachusetts statute—

for having sold an article known as oleomargarine, not produced from unadulterated milk or cream, but manufactured *in imitation of yellow butter produced from pure unadulterated milk or cream, was valid.*

The italics are those of the court.

The principle contended for by this proposed legislation is here condemned from its legal aspect, and if adopted in this case would seem to found a precedent for every other business in the land—woolen goods, jewelry, precious stones, or what not—to demand a law in the nature of a prohibitive tax upon the imitative process.

Mr. GROUT. I yield to the gentleman from Wisconsin [Mr. DAVIDSON] three minutes.

[Mr. DAVIDSON addressed the House. See Appendix.]

Mr. WADSWORTH. I yield ten minutes to the gentleman from Texas [Mr. BAILEY].

Mr. WILLIAMS of Mississippi rose.

Mr. BAILEY of Texas. I yield the floor to the gentleman from Mississippi.

Mr. WADSWORTH. I yield to my colleague from Mississippi.

The SPEAKER. The gentleman from Mississippi is recognized for ten minutes.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I am a member of the committee.

Mr. WADSWORTH. I yield to the gentleman from Mississippi what time he requires.

The SPEAKER. The gentleman from New York yields to the gentleman from Mississippi. Does the gentleman from Mississippi ask recognition in his own right?

Mr. WILLIAMS of Mississippi. I ask recognition in my own right if recognized at all.

The SPEAKER. The gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I listened with a great deal of interest to the speech of the gentleman who has just taken his seat, and what he says is true. But it is not only true that the oleomargarine people advertise the sale of coloring and advertise the sale of oleomargarine colored in various ways to suit

the local trade, but it is true that the great dairy people do exactly the same thing. Now, it is true, and if that be fraud to a certain extent—and there is no doubt about that—then it is true that the butter men are just as guilty as the oleomargarine men; and if that be true, it follows necessarily that if the gentleman from Wisconsin and others want to be sincere and honest they will do what I asked the Committee on Agriculture to do at its committee meeting—pass a law punishing as fraud anybody who colored any sort of food product to resemble another, and who sells it instead and in lieu of that which it represented to be, to the deception or detriment of the purchaser.

Mr. DAVIDSON. Is butter sold as anything but butter?

Mr. WILLIAMS of Mississippi. Yes, sir; but because dogs are dogs all hounds are not curs; and butter is sold colored as "June butter," and it is sold as "June butter" when it is not, for the purpose of getting a higher price in making the purchaser believe that he has gotten June butter.

Mr. DAVIDSON. June butter does not contain cotton-seed oil.

Mr. WILLIAMS of Mississippi. June butter does not contain cotton-seed oil, but summer butter or December butter is no more June butter than is oleo, and one deception is just as much a fraud as the other, and it is for a fraudulent purpose, namely, that of getting money out of the pocket of the purchaser under the pretense that it is something other than what it is sold for. That is all.

Now, Mr. Speaker, there are two purposes behind this oleomargarine question. One is dishonest and insincere, and conceals the real purpose under the guise of taxation, and under the pretext of stopping fraud would tax out of existence a perfectly wholesome and perfectly healthful product. And then, in the second place, there are men with a tyrannical and unjust purpose, avowed and not concealed, as was the case with several people who appeared before the Committee on Agriculture with an avowed purpose of stamping out this industry, and making it impossible for men to manufacture and sell, and for other men to buy, oleomargarine.

Now, Mr. Speaker, this question is not a hard question to solve by any means. We have been through, in the committee, the hearings upon all sides. There are two bills presented for your consideration. One of them does nothing under the sun except to relegate, in the first section, back to the States the constitutional power of Congress to control interstate commerce in oleomargarine as in other things. Now, I can not see how a Democrat or a Republican can vote for that first section. The gentleman from Vermont [Mr. GROUT] says that it gives to the States no rights except the rights they already have, and which the courts have decided they already have. If that be true, then the legislation is unnecessary. But if that be not true——

Mr. TAWNEY. Will the gentleman allow me an interruption?

Mr. WILLIAMS of Mississippi. Yes.

Mr. TAWNEY. Is it not a fact that the Federal courts differ in their interpretation as to the Plumley case?

Mr. WILLIAMS of Mississippi. Of course.

Mr. TAWNEY. Is not it a fact that Judge Lochran has held that the State has not the power to regulate this in the jurisdiction of the State, on account of the interstate-commerce law and the original-package decision?

Mr. WILLIAMS of Mississippi. Well, Mr. Speaker, if it be true that the interstate-commerce clause does forbid the State from legislating, as the gentleman has stated, then this Congress can not do away with the interstate-commerce clause.

Mr. TAWNEY. It did it, however, in a celebrated case.

Mr. WILLIAMS of Mississippi. It did it on a totally different ground, and I want, in that connection, to call the attention of this House to the injustice of this legislation, the defamatory and calumniatory character of this legislation. The Supreme Court had decided that whisky, when imported in original packages, could not be dealt with by the State, notwithstanding the reserved police powers of the State to deal with those things injurious to public health and public morals. The Supreme Court held that whisky was an article of that sort, and Congress, upon the ground that whisky was an article of that sort and deleterious to public health and public morals—that the trade in it had always been considered within the police powers of a State—passed the legislation which they did, and to which the gentleman refers.

Now gentlemen want to come in here and put oleomargarine, an absolutely healthful product, upon the same footing with whisky.

Mr. BARTLETT. Will the gentleman allow me a suggestion?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. BARTLETT. Is it not true that the Supreme Court distinctly, in a case in 165 United States Court Reports, decided that the whisky case did not apply, and would not be extended to apply, to the case where the State had enacted a law to affect it, against the sale of oleomargarine?

Mr. WILLIAMS of Mississippi. Yes; there are a good many decisions, and they are very diverse. Now, to come back to the committee view, if this first clause is designed to give the State any right which it has not already, then it is unnecessary. If it does give the State any rights in controvention of the interstate-commerce clause, then it is unconstitutional. It can not be both, and it must be one or the other.

Now, my friend the gentleman from Vermont [Mr. GROUT] says that the reason why they want to pass this legislation is because the court was almost evenly divided. I suppose, then, they want to overbear the Federal courts with some sort of a law enacted so as to act coercively upon them—as a moral coercion. There can be no sense in that.

Now, Mr. Speaker, how can anybody be in favor of relegating back to the States any power which is conferred by the Constitution upon the Congress of the United States? Certainly no strict constructionist could be. It is just as wrong for the Federal Government to put back into the hands of the States a power vested in the Federal Government by the fundamental voice of the people—the Constitution of the United States—as it would be for the Federal Government to usurp to itself powers reserved to the States. So that if this is the intention, then it is wrong.

But that is not the main clause in this bill. That clause might be stricken out, and this bill would still do what these gentlemen want to do with it, some of them, and what other people are deluded into thinking that it would not do—that is, stamp out by taxation this industry whose products compete to some extent with butter in the market.

Now, it is not true, as stated by the gentleman from Vermont [Mr. GROUT], that 95 per cent of the oleomargarine is sold for butter. It was the opinion of the Internal-Revenue Commissioner that not more than 5 per cent is sold in that way.

And talking about the laws not being executed, that officer testified before the committee that this was the best executed Federal law upon the statute book.

Now, let us see what the evil is, because there is an evil. There is nothing evil in the manufacture; nobody has contended that there is. Nobody contends that you go to the manufacturer and buy oleomargarine as butter. The oleomargarine is sold from the factory as oleomargarine, colored or uncolored. This goes to the jobber, and from the jobber it goes in wholesale packages to the retailer. Then begins the fraud. When a dealer breaks a package like that firkin on Mr. LORIMER'S desk and begins to retail the article, the law requires him to wrap the retail package in a piece of paper upon which the word "Oleomargarine" is printed. But if he is a dishonest dealer, he of course may not do that; and in very many cases he does not.

Now, Mr. Speaker, I am willing to stamp out not only every particle of fraud in connection with the sale of oleomargarine, but to stamp out every particle of fraud in connection with the sale of so-called Vermont maple sirup and a dozen other things of the same fraudulent character which are in the market. I believe that any man who sells an article in the name of and for another thing commits a fraud for which he ought to be punished both by State legislation and Federal legislation, each in its appropriate sphere. Does the Grout bill punish him? It does not. It merely increases the tax which he pays to 10 cents, and thereby stimulates him with a larger motive to commit fraud. That is all.

Now, what does the substitute bill do? I say that the substitute bill, which has been drawn in accordance with the recommendation—I do not say whether formal recommendation, but at any rate drawn with the advice of the Commissioner of Internal Revenue—does stop this fraud. What is this substitute bill? A part of it is a repetition of the old law; another part is new. I will not have time to read it, because other gentlemen want to be heard; but I will explain just what this substitute bill does. It forces the oleomargarine manufacturer to sell his oleomargarine in packages of 1 or 2 pounds ready for retailing. It forces him to put around that package not only the name "oleomargarine" and the name of the manufacturer, but the Government stamp must go all around it, so that if the package is broken the Government stamp must be broken. It leaves the amount of licenses to be paid by the manufacturer, by the wholesale and retail dealer, and by the jobber just what they are to-day, and it leaves every penalty of the law in force and provides penalties for new offenses.

Under this substitute the oleomargarine reaches the retailer's shop in 1 and 2 pound packages. People buy their butter and butterine and oleomargarine in 1 and 2 pound packages for their tables. The consequence is that, in order to violate the law, the retailer can not do what he does now in the case of the firkin. He can not pick out a pound and wrap it up in a piece of unmarked paper. But in order to violate the law and deceive anybody he must remove from that package both the Government stamp and the name "oleomargarine" wrapped around it. And this bill makes such removal itself a crime.

Further than this, the bill requires the word "oleomargarine" to be sunk into the product. Then the article goes from the retailer to the private table; so that when my friend from Connecticut buys a pound package of this article, there is nothing to prevent him from taking a paddle or something else and rubbing

out the name "oleomargarine" imprinted in the stuff. But I ask, if there is anywhere along the line of the provisions of this bill a defect, why not remedy the defect if you can? So far as I am concerned, I do not see how you can possibly prevent a citizen of the United States who has bought oleomargarine for his own table, after the package wrapper has been removed, from rubbing out the word "oleomargarine" imprinted on the product itself. The trouble is simply that you have struck right there a legal impossibility.

Nor do I care, so far as I am concerned, whether the gentleman wants to fool his neighbors or his wife with the idea that they are eating butter instead of oleomargarine. There is no possibility of his buying oleomargarine for butter. There is no possibility of his being defrauded by the dealer, because when the dealer breaks that package he has violated the law. So that by our substitute bill we increase by an enormous percentage the chances of conviction for a violation of the law, whereas by the Grout bill absolutely nothing is done to prevent fraud; what is done is to interfere with the business of an honest man; to punish him by an additional tax while giving the dishonest dealer a larger incentive to commit fraud.

Now, let me come to this suggestion that the coloring of oleomargarine is in itself a fraud. Why do manufacturers color oleomargarine, and what color do they color it? Gentlemen say it has been colored butter color. Not so. They are coloring butter oleomargarine color. The oleomargarine people discovered this material for coloring, which is now called "standard butter color;" after that the butter men got to using it; and now they come to Congress in order that the other fellows may be prohibited from using it. [Laughter.]

Mr. DAHLE. In what year was that coloring matter discovered?

Mr. WILLIAMS of Mississippi. Oh, I do not remember.

Mr. DAHLE. Was it not ten or twenty years ago?

Mr. WILLIAMS of Mississippi. Oh, butter was colored years ago. I do not mean to say that the introduction of this coloring material was the first time that butter was ever colored. The gentleman must not so understand me. My grandmother colored butter with carrots; and I presume the gentleman's grandmother did the same. But I am talking about this particular coloring material which is called "Standard butter color" and about which so much fuss is made.

Now, Mr. Speaker, let me get back to the question that I was about to discuss. What is "butter color?" Who can define exactly what it should be? Why, it runs all the way in the hill country of Mississippi and the piney districts of the United States from a pure white—almost as white as this piece of paper that I hold in my hand—to as red a color as that which used to be the glory of the Goshen butter manufactured in Pennsylvania—the butter which had the widest reputation and the largest sale of any in the country, and which everybody who was able to secure it desired for his table. There is no limit to the coloring. There are eight or nine different colors, all of which might be called "butter color," and ranging from pure white down to a dark red. But it is not true, as a matter of fact, that the colored butter is a fraud.

It is not true that it is a fraud for me, when I am making butter for my own table, to have it yellow rather than white, and to make it such color as will suit my own ideas of taste, or to adopt the suggestion of somebody else as to the color he thinks it ought to be made. It is no more fraud to color my butter in this manner than it is to color the whisky that comes from the distilleries. We all know that that comes from the still white in color. And it is no more a fraud to color oleomargarine to suit the public taste and the public demands than it is to color butter or to color whisky.

What is the difference? How are you going to draw a distinction? Where is the line between them? Suppose I had an oleomargarine factory and my friend in New York over there, Mr. WADSWORTH, had, as he has, a dairy or a creamery; suppose that I manufactured oleomargarine and he manufactured butter; I color my oleomargarine; he colors his butter; is there any difference or distinction between the acts in each case? Is one any more a fraud than the other? Why, of course, it is absurd to make such a statement. The same motive, identically, is manifest in each case, namely, to make a product that suits the public taste and incidentally therewith to obtain the higher price which the market allows under such circumstances; and if it be decided that there is a fraud in both of these instances, then every man who buys a bottle of whisky is absolutely defrauded, because it comes from the still white in form and is colored afterwards.

Now, Mr. Speaker, I might extend this illustration and say that the same fraud will be found even in such an article as calico. That is colored after it is woven, and the public demands that it shall be done. It is a requirement of the public taste, and to meet that the coloring matter is applied after the fabric has been woven.

Mr. MERCER. How about maple sirup?

Mr. WILLIAMS of Mississippi. Well, Mr. Speaker, in response to the gentleman from Nebraska, I will state that there is more maple sirup turned out in one town in Iowa and known as Vermont pure maple sirup than has been tapped from the trees in Vermont in the last ten years. [Laughter.]

Mr. GROUT. And perhaps some in Nebraska.

Mr. WILLIAMS of Mississippi. Yes, no doubt some has been also manufactured in Nebraska.

Now, Mr. Speaker, with these illustrations before the House, I ask the question plainly and simply why you single out this particular product. Why not deal uniformly with all of this subject? If the object is to stop the adulteration of food products, why do not the pure-food people bring in a bill that they know could be passed by this House to accomplish that purpose? Why does not the committee accept the amendment that any food product colored or made in imitation of another product, or sold in the name of that product, shall be taxed as you propose to tax this product?

Why is it, when the gentleman from Georgia [Mr. GRIGGS] asked the gentleman from Vermont this morning if he would be willing to make the dairyman put the word "colored" upon his butter, if it was colored, that he refused to answer the question? Why should it not be done? Where is the distinction? Why make a difference? It is just as much a fraud as that which you propose to legislate against in the pending bill.

Let us take as an illustration the "renovated" butter industry. That is unquestionably a real fraud; and if the committee is anxious to deal with questions of this character they should introduce a bill to stop that. An effort was made by us to do so. We could not get it up in the House. What do these people do? They go along the lines of the railroads, send their employees and purchasers out and buy all sorts of butter and stuff that is called butter, varying from the color of my friend's shirt over here to that of my friend's mustache on the other side [laughter and applause], and put it into a common dumping place, and, after treatment according to their own methods, sell it to the public as "Jersey creamery" butter. Now let us put a stop to all such fraud as that. Let us not single out this product to which the pending legislation refers and make that a special exception.

Let me call your attention to something else, to show how unfair this is. Why should you tax uncolored oleomargarine at all upon the theory of the advocates of the Grout bill? Is it less healthful, is it less important as a food product, than half a dozen others?

Mr. HENRY of Connecticut. It is taxed a quarter of a cent a pound in order to keep it under Government supervision.

Mr. WILLIAMS of Mississippi. Why not put butter under Government supervision by putting a quarter of a cent a pound tax on uncolored butter? Why not put carrots and turnips under Government supervision by putting a quarter of a cent a pound tax upon them? Why not put coffee under Government supervision by putting a quarter of a cent a pound on it? Why not do the same thing for all sorts of sugar, including maple sugar? The truth is that they—the dairymen—just singled out this product because they had learned to dread it as a substitute food stuff for food stuffs already existing, and when they first began they singled it out on the ground that it was "unhealthful" and "impure;" but now everyone of you has been compelled to quit talking about that, because everybody recognizes that that is not true, and that it is as pure and as healthful as anything. Take cotton-seed oil, for example; it is the purest vegetable oil known to the world today, and purer than butter in every sense of the word. Nobody ever caught any disease from it, and you can catch all sorts of diseases from butter made from the milk of diseased cows, tuberculosis included.

Now, why do they tax uncolored oleomargarine? If they are going to tax uncolored oleomargarine, why do they not tax uncolored butter; and if they are going to tax colored oleomargarine out of existence why do they not also tax colored butter out of existence and let everything stand upon its own basis of color, without artificial incentive to the buyer and without any sort of attempt at deceit? Why can you not do what you want to do here under a pure-food bill applying to all foods?

And then, in conclusion, I want any gentleman in this House to tell the House how the Grout bill can possibly stop the only sort of fraud that exists, namely, the fraud that takes place between the retailer and the consumer. And then I want him to tell me if he can possibly think of any legal device that would come nearer stopping it than the device furnished to this House in this substitute bill.

Now, Mr. Speaker, I want to yield fifteen minutes of my time to the gentleman from Illinois [Mr. FOSTER], and after that I will yield the balance of my time to the gentleman from New York [Mr. WADSWORTH].

Mr. GROUT. Will the gentleman from Mississippi yield to me to make a motion now as to closing debate?

Mr. WILLIAMS of Mississippi. Yes, with the understanding

that it does not come out of the time of the gentleman from Illinois [Mr. FOSTER].

Mr. GROUT. Mr. Speaker, the gentleman from Mississippi [Mr. WILLIAMS] yields to me for the purpose of making a motion to close general debate. I accordingly move that general debate be closed at a quarter past 4, and that then the bill be read under the five-minute rule, and the five-minute debate be continued for half an hour longer.

The SPEAKER. Does the gentleman ask unanimous consent, or does he make a motion?

Mr. GROUT. I made the motion. I understood there would be objection. If not, I will put it in the form of a request for unanimous consent.

The SPEAKER. The gentleman from Vermont asks unanimous consent that general debate be closed——

Mr. WILLIAMS of Mississippi. I understood the gentleman to put that in the form of a motion. If unanimous consent were asked, I should feel compelled, under the circumstances, to object, as so many of our people have been unable to be heard. It might just as well go as a motion. I will not ask for the yeas and nays upon it.

The SPEAKER. If the gentleman puts it in the form of a motion, he is putting too much into his motion.

Mr. GROUT. Then I move that general debate be closed at a quarter past 4.

The SPEAKER. The gentleman from Vermont moves——

Mr. GROUT. I want to embrace it all in one motion, if the Speaker please. Then, if a division is demanded, it can be voted upon all at once. My motion, further, is that then the bill be read for thirty minutes under the five-minute rule, by paragraphs, and that then the vote be taken——

The SPEAKER. That motion can not be made in that form. The gentleman moves that general debate be closed at a quarter past 4 o'clock.

The motion was agreed to.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] is recognized for fifteen minutes.

Mr. FOSTER. Mr. Speaker, the pending bill, popularly known as the Grout bill, receives its strength and acquires its unworthiness from two sources—bigotry and greed. These two elements, from time to time, as far back as the memory of man runneth, have consistently opposed every effort to improve the condition of mankind by destroying the power of tyrants, frustrating the avarice of classes or the prejudices of precedent.

In this case the bigotry referred to is the bigotry of custom, which is as blind, ignorant, and inconsiderate as that of race, nationality, class, or creed. It opposes the adoption of a healthful food, which may be enjoyed by poor and rich alike, because that food was unknown to past generations. In like manner it opposed steam and electricity. It did not believe a steamer could cross the ocean, because one never had crossed it. It tried on the plains to lasso the railroad engine. The lasso was in the hands of the savage red man. But in that effort he was as reasonable, as enlightened, and as effective as the better-lettered but equally narrow-minded pale-faced brethren of his class, who declared the steamship an impossibility and the railroad a dangerous, trespassing, man-devouring, cattle-destroying gourmand and juggernaut.

Modern discovery, aided by science, has brought into use a new food, known as oleomargarine.

Prof. C. F. Chandler, professor of chemistry at Columbia College, New York; Prof. George F. Barker, of the University of Pennsylvania; Prof. Henry Morton, of the Stevens Institute of Technology, New Jersey; Prof. S. W. Johnson, director of the Connecticut agricultural experiment station and professor of agricultural chemistry in Yale College, New Haven; Prof. S. C. Caldwell, of Cornell University, Ithaca, N. Y.; Prof. C. A. Goessmann, of Amherst Agricultural College; Prof. Charles P. Williams, professor in the Missouri State University; Prof. J. W. S. Arnold, professor of physiology in the University of New York; Prof. W. O. Atwater, director of the United States Government agricultural experiment station at Washington; Prof. Henry E. Alvord, formerly of the Massachusetts Agricultural College and president of the Maryland College of Agriculture, and now Chief of the Dairy Division of the United States Department of Agriculture; Prof. Paul Schweitzer, Ph. D., LL. D., professor of chemistry, Missouri State University; and last, but not least, Professor Wiley, Chief of the Division of Chemistry of the United States Department of Agriculture, whose opinions in brief are given in the minority report on the pending bill, all testify to the healthfulness and purity of this food. But bigotry, represented by the pale-faced conservative, says:

> Our fathers got along very well without this new-fangled food. They ate butter whenever they ate anything of that kind. See what sons they left to the world!

The predecessors of these gentlemen said:

> Our fathers got along very well with stagecoaches whenever they traveled beyond their own townships. Behold the brilliant intellects their children inherited! Therefore, down with the railroad and special anathema upon the sleeping car.

The bigots are in comradeship with the monopolists in this case. The former oppose all innovations, whether good or bad. They are sticklers for precedent. The latter oppose all competition. They think the world was made for their class, and they want the world. They produce butter. Why should anyone else come into competition with them? They could control the market. Why should others be allowed to influence prices? Their product was uniform neither in appearance nor in quality. They furnished it in every color, from that of the rich sunflower to that of the pale lard. They delivered it in every variety of age and strength, and, in their prodigal and artistic love of the beautiful, they decorated their contributions to the joy of the human palate with every variety of shade which the Lord, in His gracious generosity gave for the adornment of the hair of His daughter children, regardless of their age, race, color, or present or previous condition of servitude. Therefore, let oleomargarine be excommunicated by bigotry and its manufacture be destroyed by greed!

There is no pretense that oleomargarine is impure or unhealthy. There is no denial that it is a nutritive food. Yet it is proposed to destroy the oleomargarine industry. That is the meaning and intent of the Grout bill. If this industry gives employment, as it does, to tens of thousands of people, it should not be suppressed unless its continuance injuriously affects public morals or public health. If it enables, as it does, hundreds of thousands of people to enjoy a food as a substitute for butter, those people should not be robbed of that enjoyment unless it can be shown to be injurious to their health or their morals. The proposed tax of 10 cents per pound is a prohibitive tax.

The majority report excuses the legislation it recommends by an argument the irresistible conclusion from which must be either that "hotel keepers, restaurant keepers, and boarding-house proprietors" as a class are knaves or that the much larger class, who are their patrons, are fools. While this is severe upon the large body of people included in those two classes, is it not also severe on butter? If that idol of conservatism is so superior, how can oleomargarine deceive so many people? The people who travel are bright, sharp people as a rule. The business interests which make them travel and the contact of travel generally result in making them keen and shrewd. It appears, however, that this bright and large body of people are unable to tell butter from oleomargarine and must be aided in differentiation by an act of Congress putting a penalty of 10 cents a pound on every wicked piece of oleomargarine which audaciously looks like butter. In the language of the majority report it is necessary to adopt this legislation so that the consumers "will be able to know whether they are eating butter fat or hog fat when they spread their bread."

The substitute bill proposed by the minority provides:

> That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word "Oleomargarine" in sunken letters.

Also that it be wrapped with paper on which that terrible word shall be printed, and that all boxes or crates containing these packages shall bear the same word of awful warning, and that the Commissioner of Internal Revenue prescribe the size of all these letters and any additional marks and brands he may deem necessary.

Surely all this ought to furnish ample protection to the unsophisticated. The manufacturer can not deceive the wholesale dealer; the latter can not deceive the retail dealer. The purchaser can not be deceived. Only the wicked hotel, restaurant, and boarding-house keepers can get a chance to make their patrons think hog fat or oil fat is cream fat. Then the measure proposed by the majority report must be intended only to restrain these outlaws. If they need such restraint, why limit it to butter and oleomargarine? Why not compel them to have tags and brands and certificates on their lean as well as on their fat hog? And why fail to pursue the villains when administering bread, coffee, vinegar, sirup, red and black pepper, salt, and mince pie? The vigilant majority of the Committee on Agriculture should not neglect mince pie, sausage, and hash—the great mysteries of the boarding-house, restaurant, and hotel tables. If butter is sacred, with what reverence should not the bigotry of conservatism bow before and protect these three gods of the table, who or which are always shrouded in mystery and are always taken on faith.

We have a word in our language, Mr. Speaker, peculiarly applicable to this bill. It is "bosh." The Grout bill ought to be called "the bosh bill." At a former time the butter monopoly tried to control the markets of Holland and England. Oleomargarine was then unknown. The butter monopoly imposed on the consumers a corrupt product shipped chiefly from Boschengarten, in the Netherlands. The popular struggle with the pronunciation of the name of the place resulted in designating the corrupt commodity simply "Bosh," a word which in the lapse of time has acquired a large but still specific significance. For obvious

reasons, therefore, the Grout bill—a bill to create a butter monopoly, much of it bad butter—ought to be known as "the bosh bill." And I believe that some of the gentlemen who are now advocating the bill will admit hereafter, on reflection, that their arguments in support of it were largely composed of "bosh."

After all that has been said is duly considered, these facts, in my judgment, remain undisputed:

First. Butter is not uniformly good. It comes to the market, to the dealer, and, finally, to the table reflecting the good or bad condition of the cows from whose milk it has been made and the cleanliness or the negligence, the ability or the inability, of its maker.

Second. Butterine is almost uniformly good. It is made systematically and scientifically. Its manufacture is guarded by strict supervision.

Third. Butterine is healthful and nutritious.

Fourth. Butterine is a perfect substitute for the very best butter.

Fifth. Its manufacture brings that class of food within the means of hundreds of thousands who could not afford to buy if the demand for such food depended solely on the butter supply. Its price is reasonable. Thus it prevents monopoly and extortion by keeping the price of butter at figures which enable the poor to procure one or the other of these commodities.

Sixth. It is a great boon to hunters, miners, woodsmen, soldiers, and sailors, because it keeps much longer than butter can be kept. The unhealthy and uncleanly ingredients, if any, in the raw materials from which it is manufactured are removed and excluded with a certainty unattainable in the manufacture of butter, in view of the variety of butter makers and the equally great variety of their methods, characteristics, and experience.

Seventh. Its manufacture creates demand for various farm products, not limited to the yield of any class or section, and, therefore, is of advantage to the agriculturists of the country as a whole.

For these and other reasons which might be given, if the time kindly allotted to me was not so limited, I heartily favor the substitute bill proposed by the minority and trust the bill proposed by the majority will be defeated.

I am indebted to the minority report of the Committee on Agriculture for the following extracts from the opinions of the distinguished professors heretofore quoted:

Prof. C. F. Chandler, professor of chemistry at Columbia College, New York, says: "I have studied the question of its use as food, in comparison with the ordinary butter made from cream, and have satisfied myself that it is quite as valuable as the butter from the cow. The product is palatable and wholesome, and I regard it as a most valuable article of food."

Prof. George F. Barker, of the University of Pennsylvania, says: "Butterine is, in my opinion, quite as valuable as a nutritive agent as butter itself. It is perfectly wholesome, and is desirable as an article of food. I can see no reason why butterine should not be an entirely satisfactory equivalent for ordinary butter, whether considered from the physiological or commercial standpoint."

Prof. Henry Morton, of the Stevens Institute of Technology, New Jersey, says: "I am able to say with confidence that it contains nothing whatever which is injurious as an article of diet, but, on the contrary, is essentially identical with the best fresh butter, and is superior to much of the butter made from cream alone which is found in the market. The conditions of its manufacture involve a degree of cleanliness and consequent purity in the product such as are by no means necessarily or generally attained in the ordinary making of butter from cream."

Prof. S. W. Johnson, director of the Connecticut Agricultural Experiment Station and professor of agricultural chemistry in Yale College, New Haven, says: "It is a product that is entirely attractive and wholesome as food, and one that is for all ordinary and culinary purposes the full equivalent of good butter made from cream. I regard the manufacture of oleomargarine as a legitimate and beneficent industry."

Prof. S. C. Caldwell, of Cornell University, Ithaca, N. Y., says: "While not equal to fine butter in respect to flavor, it nevertheless contains all the essential ingredients of butter, and since it contains a smaller proportion of volatile fats than is found in genuine butter, it is, in my opinion, less liable to become rancid. It can not enter into competition with fine butter, but so far as it may serve to drive poor butter out of the market its manufacture will be a public benefit."

Prof. C. A. Goessmann, of Amherst Agricultural College, says: "Oleomargarine butter compares in general appearance and in taste very favorably with the average quality of the better kinds of dairy butter in our markets. In its composition it resembles that of ordinary dairy butter, and in its keeping quality, under corresponding circumstances, I believe it will surpass the former, for it contains a smaller percentage of those constituents which, in the main, cause the well-known rancid taste and odor of a stored butter."

Prof. Charles P. Williams, professor in the Missouri State University, says: "It is a pure and wholesome article of food, and in this respect, as well as in respect to its chemical composition, fully the equivalent of the best quality of dairy butter."

Prof. J. W. S. Arnold, professor of physiology in the University of New York, says: "I consider that each and every article employed in the manufacture of oleomargarine butter is perfectly pure and wholesome; that oleomargarine butter differs in no essential manner from butter made from cream. In fact, oleomargarine butter possesses the advantage over natural butter of not decomposing so readily, as it contains fewer volatile fats. In my opinion, oleomargarine is to be considered a great discovery, a blessing for the poor, and in every way a perfectly pure, wholesome, and palatable article of food."

Prof. W. O. Atwater, director of the United States Government Agricultural Experiment Station at Washington, says: "It contains essentially the same ingredients as natural butter from cow's milk. It is perfectly wholesome and healthy and has a high nutritious value."

Prof. Henry E. Alvord, formerly of the Massachusetts Agricultural College, and president of the Maryland College of Agriculture, and now Chief of the Dairy Division of the United States Department of Agriculture, and one of the best butter makers in the country, says: "The great bulk of butterine and its kindred products is as wholesome, cleaner, and in many respects better than the low grades of butter of which so much reaches the market."

Prof. Paul Schweitzer, Ph. D., LL. D., professor of chemistry, Missouri State University, says: "As a result of my examination, made both with the microscope and the delicate chemical tests applicable to such cases, I pronounce butterine to be wholly and unequivocally free from any deleterious or in the least objectionable substances. Carefully made physiological experiments reveal no difference whatever in the palatability and digestibility between butterine and butter."

Professor Wiley, Chief of the Division of Chemistry of the United States Department of Agriculture, also appeared before the committee and testified to the nutritive and wholesome qualities of oleomargarine.

The Committee on Manufactures of the United States Senate, in a report dated February 28, 1900, finds, from the evidence before it, "that the product known commercially as oleomargarine is healthful and nutritious."

Judge Hughes, of the Federal court of Virginia, in a decision says:

"It is a fact of common knowledge that oleomargarine has been subjected to the severest scientific scrutiny and has been adopted by every leading government in Europe as well as America for use by their armies and navies. Though not originally invented by us, it is a gift of American enterprise and progressive invention to the world. It has become one of the conspicuous articles of interstate commerce and furnishes a large income to the General Government annually."

Believing that this testimony establishes beyond controversy that oleomargarine is a nutritious and wholesome article of food, the main question to be considered is the complaint that fraud is practiced in its sale.

Mr. TAWNEY. Mr. Speaker, the bill under consideration concerns on the one hand at least 70,000,000 consumers and 5,000,000 producers or makers of butter, while upon the other hand it affects 26 manufacturers of oleomargarine, engaged in the manufacture of counterfeit butter, depending principally upon lawbreaking, falsehood, deception, and fraud for their success.

Oleomargarine is the outgrowth of a necessity for a substitute for butter during the siege of Paris. Thereafter it was introduced into the United States through our Patent Office, the inventor receiving a patent therefor.

It was not at that time supposed that it could be successfully manufactured and sold for butter or that the purchaser and consumer could be deceived or made to believe that he was purchasing butter when buying this spurious product. In this, however, the public was mistaken. The manufacture and sale of oleomargarine for butter increased so rapidly that in 1886 it seriously menaced the public health and demoralized the open market for the sale of butter to such an extent that a universal demand came from the people for the enactment of legislation to prevent the serious consequences thus threatened by the deception and fraud practiced upon the people in the manufacture and sale of this product. The law thus enacted is to-day commonly known as the oleomargarine law. It was in the interest of the public health, in the interest of honesty in the production and fair dealing in the sale of a product intended for human consumption, and also for the protection of the farmer and the dairyman against fraudulent and illegitimate competition that it was enacted. Although it has been upon our statute books for more than fourteen years, its constitutionality has never been successfully assailed.

GROWTH OF THE OLEOMARGARINE INDUSTRY UNDER EXISTING LAW.

The year following the enactment of this law there were manufactured only 21,000,000 pounds of oleomargarine. During the last fiscal year there were manufactured 107,000,000 pounds, the increase in the last two years being 50,000,000 pounds. If this rate of increase continues for a period of twelve or fifteen years, the market of the farmer for the sale of butter at a reasonable profit will be so demoralized, if not destroyed, that the dairy industry, one of the greatest industries of our country, will be practically ruined, while the public health will be constantly menaced by the opportunity which the manufacturers of oleomargarine always have of using materials in the manufacture of their product that are deleterious to health.

OLEOMARGARINE NOT SOLD OR CONSUMED FOR WHAT IT IS.

If oleomargarine was sold to those who eat it as oleomargarine or as a substitute for butter, and its sale and consumption increased at the marvelous rate it has in the past few years, that would be proof positive that the people prefer it as a butter substitute. In that case it would have a right to enter the market in open competition with butter, free from all taxes or other legal restrictions, and it would be wrong to enact this proposed legislation. But the evidence is conclusive—in fact, it is admitted by the friends of oleomargarine upon this floor—that it is not so sold to the consumer for what it is. It therefore enters the market in competition with butter in the same manner and for the same purpose that counterfeit money is placed in circulation by the counterfeiter and his willing coadjutors.

In spite of every provision of the existing law and of every regulation of the Department intended to compel manufacturer and dealer in oleomargarine to inform the consumer and purchaser of its true character, it continues to enter the market to-day and is sold and consumed as butter, and in the garb of that which it is not. This clearly constitutes a fraud, and this fraud is magnified by the fact that this product is purchased, not for what it is worth, but at a price for which pure butter can be obtained. It is consumed by the patrons of our restaurants, boarding houses, and hotels, not as oleomargarine, for no living man has ever eaten a

meal at either one of these places who has been known to call for oleomargarine instead of butter. It is thus consumed without any knowledge whatever on the part of the consumer that it is not butter or that it is merely a combination of by-grease products or a product of the chemical laboratory.

THE CAUSE OF THE FAILURE OF THE PRESENT LAW.

As I have attempted to show, the purpose of the existing law was to protect the public health against a combination of this character manufactured out of material that might be injurious to health and also to protect the consumers and makers of butter against the fraud and illegitimate competition of the manufacturers and dealers in this product. It was supposed at that time that this would be accomplished by the imposition of a tax of 2 cents a pound on oleomargarine and by placing its manufacture and sale under the supervision of the Internal-Revenue Department of the Government. Our experience, however, teaches us that these purposes of the law have not been fully accomplished. As a revenue-producing measure it has proved a success. During the last fiscal year we collected $2,543,785.18 from this source. But that fraud and deception are being practiced continually upon the consumer and producer of butter is admitted in this controversy.

If we stop for a moment and consider the fact that the Internal Revenue Department of the Government is one of those arms of the public service charged with the function of collecting the revenue of the Government, and that it does not possess the necessary facilities for policing the manufacture and sale of any product beyond the enforcement of the revenue provisions of Federal laws, we will readily see why the present oleomargarine law has failed to accomplish some of its most important purposes. As the late Commissioner of Internal Revenue often said to me, "My department of the Government is a revenue-collecting department, not a police department. So that when the revenue is collected this department does not and can not see to the enforcement of those provisions of this law and the regulations intended to protect the public from fraud and deceit."

THE PURPOSE OF THE PENDING MEASURE.

In addition to the matter of revenue, the bill under consideration is intended, as far as possible, to remedy this defect in the present oleomargarine law by making definite and certain the right of the State, independent of the question of interstate commerce and the original-package decisions of the Supreme Court of the United States, to regulate the manufacture and sale of oleomargarine, and by removing the inducement for the violation of State laws and the practice of fraud and deception upon the general public by making the enormous profits in the illegitimate part of the business so small that dealers will not take the risk of incurring the penalties incident to a violation of State law by selling, as they now are, oleomargarine in violation of the laws of their States.

During the discussion upon the pending measure it has been claimed on the part of the friends of oleomargarine that this bill will not remedy the evils which it is admitted on both sides exist, but that the substitute bill reported by the minority of the Committee on Agriculture is the one which should be adopted.

FRAUD IN THE MANUFACTURE AND SALE OF OLEOMARGARINE ADMITTED.

We are fortunate, Mr. Speaker, at the close of this debate, in that there is no controversy among us as to the fact that fraud and deception are practiced by the manufacturers and dealers in this product. In fact, this was admitted by the champion of the oleomargarine interests [Mr. LORIMER].

Mr. LORIMER. I would like to ask the gentleman from Minnesota a question.

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Illinois?

Mr. TAWNEY. I do.

Mr. LORIMER. The gentleman just made a statement that we admitted that fraud is practiced in the manufacture and sale of oleomargarine. Now, I would like to ask the gentleman——

Mr. TAWNEY. I will amend that remark by saying that the gentleman from Illinois confined his admission to the sale of oleomargarine.

Mr. LORIMER. Not by the manufacturer?

Mr. TAWNEY. Not by the manufacturer, so far as the gentleman's admission is concerned. It is only in the sale of oleomargarine that fraud is practiced.

It being conceded, therefore, that fraud is practiced in the sale of this product, the only question between us is what is the best remedy for this admitted evil. Which of these two measures will be most successful in stamping out the fraud and deception it is conceded is now practiced on the public, the one proposed by the majority of the Committee on Agriculture or the one proposed by the minority, which is the substitute offered for the Grout bill?

Mr. NEVILLE. I would like to make a suggestion with regard to the question just asked the gentleman.

Mr. TAWNEY. Certainly.

Mr. NEVILLE. Is it not true that when the manufacturer manufactures oleomargarine colored in semblance of butter and sells it to his customers in the States where the colored oleomargarine is prohibited the manufacturer is just as fraudulent as the seller?

Mr. TAWNEY. Unquestionably he is, and he carries on the business of selling his product in defiance of the laws of these States and induces citizens of these States to violate the laws of their States in the hope thereby of reaping an enormous profit out of the fraud thus practiced—just like the maker of counterfeit money; the practice and its purpose are the same in both cases.

THE PROPOSED SUBSTITUTE FOR THE GROUT BILL.

In view of the fact that the opponents of the Grout bill appeal to this House with so much fervor and eloquence in behalf of this substitute measure, I want to address myself to it for just a moment.

It was prepared either by the manufacturers of oleomargarine or their friends. It is another case of the Greeks bearing gifts. For that reason alone it is stamped with suspicion and should be scrutinized with the utmost care. It is the oleomargarine people, not the dairyman, who ask for its passage. I would ask the representatives of the dairymen and the farmers upon this floor whether it is safe for us, in trying to secure legislation to protect their rights and interests and also to protect the consumers of butter from fraud and deception, to rely upon legislation prepared specifically in the interest of those who are engaged in practicing the fraud and deception we are trying to stamp out?

This substitute first proposes to amend the existing law. The law now requires the dealer in selling oleomargarine to the consumer to inform the purchaser that he is buying oleomargarine and not butter. This it attempts to accomplish by requiring him to wrap the same in paper or put it up in any other package with the word "oleomargarine" plainly stamped or printed upon the outside covering of the package. This part of the existing law and regulations it is proposed to amend by requiring the manufacturer to make oleomargarine in not less than 1 nor more than 2 pound packages. The manufacturer is also required to wrap these 1 and 2 pound packages in the factory in wrappers, upon which must be printed the word "oleomargarine," and around this package he will then be required to place a 2-cent or a 4-cent revenue stamp. This package the substitute defines as the "original package." It then provides that it must be sold by the dealer in this legally defined "original package." It is true the manufacturer is authorized to pack these packages thus defined as the original packages in crates or other larger packages, but, nevertheless, the 1 and 2 pound packages are the statutory original packages until they reach the hand of the consumer.

This would enable the manufacturer to carry his product in these statutory original packages as interstate commerce into every State in the Union, and either through his agent or the dealer or retail merchant deliver them to the customer in defiance of the laws of any State, heretofore or hereafter enacted, prohibiting the manufacture and sale of oleomargarine colored in semblance of butter. This would afford absolute protection against the laws of any State. On the face of it it would seem impossible to practice a deception upon the purchaser, and the freedom of commerce among the States which the Supreme Court of the United States has always upheld in the absence of fraud and deceit would protect oleomargarine sold in these statutory defined "original packages" in the color of butter, notwithstanding the prohibitory laws of the States.

In the State of New York the manufacturers of oleomargarine to-day, by reason of the force of inspectors which that State employs under its laws on this subject to protect the consumers and producers of butter from fraud and deception, are unable to sell more than 500,000 pounds of their product a year. Under this substitute they would be able to flood that State with their product, notwithstanding the State law. This would be so because the Federal statute has defined the original package and ostensibly provides against deception as to its contents, and it is also provided that the form of that package shall not be changed until it reaches the consumer.

I am aware that the friends of this substitute claim that there will be no opportunity whatever to practice fraud or deceit in the sale of oleomargarine under this substitute, because, as they say, it goes into the hand of the consumer with all the information plainly stamped upon it as to its character or as to what it is; but they do not inform this House of the fact that when the Internal-Revenue Department of the Government has collected the revenue from the manufacturers that department of the Government has no further interest in the enforcement of this law, and the retail dealer could violate the same with impunity by removing the outside covering and with his butter paddle remove the indented word on the product itself, and then sell this oleomargarine, in 1 or 2 pound packages, or in any form he sees fit, as butter.

APPLICATION OF CERTAIN SECTIONS OF REVISED STATUTES OMITTED.

There is another very important fact in connection with this substitute. Section 3 of the original oleomargarine law enumerates eleven sections of the Revised Statutes of the United States, and then makes these sections, which were originally intended to apply only to the manufacture and sale of tobacco, cigars, and distilled spirits, applicable to the manufacture of oleomargarine. These sections are 3232 to 3243, inclusive. Upon examining section 3, as proposed by the substitute, it will be found that for some reason or another these eleven sections relating to penalties and other provisions to which the manufacturers of oleomargarine have heretofore been obliged to conform have been omitted. It is significant, is it not, that these gentlemen bring in a substitute for the Grout bill in the form of an amendment to the existing oleomargarine law and omit to reenact that provision of section 3 of the present law which, as that section now stands, subjects every manufacturer of oleomargarine to the provisions of the sections referred to?

If I had the time I would read these sections, which might explain the cause of their being omitted. Every lawyer on this floor knows that if this substitute is adopted the law will hereafter be as it is declared in sections 3 and 6, as proposed in the substitute, and that sections 3 and 6 of the present law, or any part of them not reenacted, will no longer have any force or effect. Therefore, by implication, that provision of section 3 of the present law, which makes these eleven sections of the Revised Statutes applicable to the manufacture and sale of oleomargarine and which it was deemed necessary at that time, will be repealed.

Mr. LORIMER. Will the gentleman yield for a moment?

Mr. TAWNEY. No; I will not.

I want to read the language of the substitute——

Mr. LORIMER. The only thing I wanted to say——

Mr. TAWNEY. The enacting clause of the substitute is this:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, be amended so as to read as follows.

Then follows the language of the proposed substitute for section 3 of the present law, and which singularly makes no reference whatever to the eleven sections of the Revised Statutes now applicable to the manufactures of oleomargarine under the original oleomargarine act.

Mr. LORIMER. Right there——

Mr. TAWNEY. By the passage of that substitute you repeal the application of those sections of the statute to the manufacturers of oleomargarine.

Mr. WADSWORTH. The gentleman from Minnesota I know does not wish to do an injustice.

Mr. TAWNEY. Certainly not.

Mr. WADSWORTH. I ask, then, that the gentleman yield to the gentleman from Illinois [Mr. LORIMER].

Mr. TAWNEY. I have only a few moments, and do not want to yield any of my time.

Mr. LORIMER. Only one moment.

Mr. TAWNEY. If I have made any misstatement of fact or of law I will yield.

Mr. LORIMER. I simply want to suggest that if we have omitted any provision of legislation that should have gone into this substitute, the minority of the committee stand prepared to accept any amendment that will throw all necessary safeguards around that substitute.

Mr. TAWNEY. It is singular, however, that it was at least attempted on the part of those who prepared this substitute to pass this substitute without any reference to this omission or without any explanation.

From this hasty analysis of the proposed substitute it must be evident to every man upon this floor that its passage as an amendment to the existing oleomargarine act, instead of preventing fraud and deception, instead of protecting the dairy interests of this country against the illegitimate competition of the oleomargarine manufacturers, would have just the opposite effect, while it would also relieve these manufacturers of counterfeit butter from many of the penalties which are now imposed for the violation of certain statutes and regulations intended to protect the public and the revenues of the Government.

THE PURPOSE OF GROUT BILL EXPLAINED.

Now, Mr. Speaker, let us briefly examine the provisions of the Grout bill for the purpose of ascertaining whether or not it will be likely to meet the evil complained of. This bill contemplates the accomplishment of three things.

First. It is proposed to take away from oleomargarine colored as butter, which is to-day branded as an outlaw in 32 States of the Union, the protection it now enjoys within these States under the interstate-commerce law and the original-package decisions of the Supreme Court of the United States. This is accomplished by subjecting this outlawed product to the laws of the State immediately upon its coming within the jurisdiction of that State.

Second. It is proposed, as an evidence of good faith on the part of the friends of the dairymen, to enable the manufacturer of oleomargarine the opportunity of manufacturing and selling his product in its natural color and under more favorable circumstances than he can under existing law. This is accomplished by reducing the tax on oleomargarine manufactured and sold in its own color or in any other color than that of butter, 87½ per cent, or from 2 cents to one-fourth cent per pound.

Third. It is proposed to increase the tax on oleomargarine, when colored as butter, from 2 cents to 10 cents per pound, or, in other words, it is proposed to tax the artificial coloring matter in oleomargarine, thereby taking away a part of the enormous profit in the business as now carried on, and which constitutes the inducement for the willful lawbreaking, deception, and fraud now practiced by those engaged in it.

PECULIARLY A MATTER FOR REGULATION.

The argument has frequently been made that this is not a matter for Federal regulation; that the right to regulate the manufacture and sale of food products is one that belongs peculiarly to the States, and that the States have it within their power to protect their citizens from frauds and impositions of this kind. Thirty-two States of the Union have enacted laws prohibiting the manufacture and sale of oleomargarine colored in the semblance of butter. These States have 285 members on the floor of this House. In the exercise of their power they have endeavored to accomplish what the friends of oleomargarine say they have a right to do, but the experience of the people within these States proves conclusively that the State can not successfully regulate this matter. As long as this product can be shipped into the State and there sold under the protection of the original-package decisions of the Supreme Court of the United States, the laws of these States will continue to be ineffective.

Are we, therefore, in favor of sustaining the laws of our own States by enacting the first section of the Grout bill, or are we going to vote in favor of continuing the opportunity to the manufacturers of oleomargarine and their agents to break down and defy these laws enacted and approved by the people who have sent us here?

ALL DOUBT AS TO WHETHER OLEOMARGARINE CAN BE SOLD AS AN ARTICLE OF COMMERCE IN VIOLATION OF STATE LAW SHOULD BE REMOVED.

During the fiscal year ending June 30, 1899, 62,000,000 pounds of oleomargarine were sold in the thirty-two States that have by law absolutely prohibited its manufacture and sale in the color of butter. That this was all sold in the color of butter, and 90 per cent of it sold as butter, is established beyond dispute by the evidence taken before the Committee on Agriculture.

By enacting the first section of the so-called Grout bill we will make this product subject to the laws of these States the moment it enters any of them, and in that way fully accomplish what the friends of the oleomargarine manufacturers say the State has the right to do with respect to the manufacture and sale of any food product. The precedent for this section of the bill will be found in what is commonly known as the Wilson law, enacted some years ago for the purpose of giving full force and effect to the prohibitory laws of the State of Iowa in the manufacture and sale of intoxicating liquor, which law was thereafter sustained by the Supreme Court of the United States.

The friends of the Grout bill have no desire whatever to destroy the legitimate part of the oleomargarine industry; that is, the manufacture and sale of oleomargarine in its own color.

If it is as wholesome, as sweet, and as toothsome as its friends upon this floor claim, the coloring matter which is used for the purpose of deceiving the public and the consumer adds nothing whatever to its flavor nor to its nutritive qualities. Certainly any man who desires to purchase and consume oleomargarine as a substitute for butter would not hesitate to do so if it lacked this coloring matter, which adds nothing whatever to its quality. Therefore the manufacturer of oleomargarine, under the Grout bill, will have the same opportunity he has to-day of doing a legitimate business by manufacturing and selling his product for what it is, for when it is manufactured and sold in its own color none can be deceived, as the color is pure white. A business that can not be successfully conducted if conducted legitimately has no right to be conducted at all, or in fraud of the rights of the public

TO PROTECT THE CONSUMERS OF OLEO.

Then, again, this provision of the Grout bill will protect those who have here to-day eulogized in such eloquent terms the virtues and nutritious qualities of oleomargarine from being imposed upon by the farmer, who, if oleomargarine is colored as butter, may impose butter upon them for oleomargarine.

If the manufacturer of oleomargarine is compelled to sell his product in its natural color, certainly no farmer can deceive my

distinguished friend from Ohio [Mr. GROSVENOR] or my distinguished friend from Mississippi [Mr. WILLIAMS] [laughter] by selling them butter for oleomargarine, and I take it that neither of them would eat butter if they can possibly obtain that product manufactured from garbage, offal, soap grease, and other by-grease products called oleomargarine. [Applause.] If they want to eat oleomargarine, if it is so delicious in flavor and so nutritious in quality, they will have the opportunity, in the event of the passage of this bill, of enjoying their meals three times a day without the danger of being imposed upon by the producer and seller of pure butter, which can not be colored white to represent oleomargarine even if the farmer wanted to practice a fraud of that kind upon them.

Mr. WILLIAMS of Mississippi. Will the gentleman yield a moment?

Mr. TAWNEY. I have not the time.

Mr. WILLIAMS of Mississippi. Just one moment. I understand that while I was out the gentleman said that the substitute repealed, or virtually repealed, the act of 1886, except the sections which are repeated here.

Mr. TAWNEY. No; the gentleman is entirely mistaken. He has been misinformed. I made no such statement.

Mr. WILLIAMS of Mississippi. I wanted to correct such a statement if it had been made.

Mr. TAWNEY. I say, therefore, we propose to reduce the tax on oleomargarine when manufactured and sold in its own color or when manufactured and sold in any other color than that of butter. And instead of destroying a so-called legitimate industry we will promote the legitimate part of that business by reducing the tax on this product, when manufactured and sold for what it is, from 2 cents to one-fourth cent per pound.

PROTECTION TO THOSE WHO WANT TO EAT BUTTER.

But, Mr. Speaker, there is another class of people who are as much entitled to protection against fraud and deception as are those distinguished gentlemen who have spoken so eloquently to-day of oleomargarine. That class consists of 70,000,000 of American people who desire to eat butter and to know when they are purchasing and eating the same that it is not a counterfeit nor a spurious article, and that it is not a product resulting from a combination of by-grease products, and possibly containing substances that are absolutely deleterious to health. Hence that provision in the bill now under consideration which imposes a tax of 10 cents a pound on oleomargarine manufactured and sold in the natural color of butter. In opposition to this provision it is claimed that the farmers and dairymen color their butter, and this fact is used as a justification for permitting the manufacturers of oleomargarine to color oleomargarine.

Assuming that it is true that some makers of butter do color their butter, those who make this claim ignore the important fact that the farmer and dairyman who color their butter do not do so for the purpose of enabling their product to pass current for that which it is not, while the manufacturer of oleomargarine colors his product for no other purpose than that of enabling those who are engaged in the sale of butter to sell oleomargarine as butter and at butter prices. The dairyman who colors his butter does not thereby change the character of his product at all. It is still butter, while the manufacturer of oleomargarine colors his product for the express purpose of changing the character of the same in the estimation of the consumer. In the one case coloring matter is used simply to suit the fancy of the consumer, while in the other case coloring matter is used for the purpose of enabling the product to be sold for what it is not, thereby practicing deception and an absolute fraud upon the public. The distinction, therefore, between the purposes for which coloring matter is used should be kept constantly in mind; the one is legitimate, the other illegitimate.

When before the Committee on Agriculture, one of the manufacturers of oleomargarine, Mr. W. E. Miller, representing Armour & Co., Kansas City, Kans., frankly admitted that in its natural color oleomargarine could not be sold, or at least could not be sold to any extent that would make the business at all profitable. He said:

Representative BAKER. How large a percentage of your production of oleomargarine or butterine is uncolored?

Mr. MILLER. Uncolored? We make practically no uncolored butterine at all. There is no demand for it.

Representative BAKER. It is sold to some extent?

Mr. MILLER. Very little. I do not suppose we make 2,000 pounds of uncolored butterine a week. When the prohibitive laws went into effect in Missouri and Iowa and a number of other States we tried to do some uncolored butterine business, but we could not sell the product at all.

It is evident, therefore, that the opposition to this feature of the bill under consideration comes from the fact that to-day the business of manufacturing and selling oleomargarine thrives only because it is sold to those who are unable to distinguish between colored oleomargarine and pure butter. To do this successfully it must be sold practically at butter prices; otherwise the price would be so low that the purchaser or consumer would know at once that it was not genuine butter.

IT IS OUR DUTY TO PROTECT THE PUBLIC AGAINST FRAUD WHEN WE CAN.

I maintain, therefore, that if it is possible for Congress in the interest of the public health, in the interest of honesty and fair dealing in a product intended for human consumption, to so legislate as to put a stop to the fraud which is to-day practiced upon the people in the sale of oleomargarine, that it is our duty to do so, and I also maintain that by the imposition of a tax of 10 cents a pound on the coloring matter used in oleomargarine for the purpose of deceiving will go as far as anything possibly can in that direction. The original cost of oleomargarine, according to the testimony both in court and before the committee, including the 2-cent tax, is only 8 cents a pound. It is sold to the retail dealer at from 12 to 15 cents a pound, and by the retailer dealer is sold to the consumer at from 25 cents to 30 cents, accordingly as the price of butter varies in the different markets.

Swift & Co., of Chicago, in a brief say:

The average price of the cheapest grade of oleomargarine for the year ending December 31, 1899, was exactly 10¼ cents per pound.

This is the price charged by both manufacturers and jobbers to the retail dealer. The manufacturers, in offering their product to the retail dealer, hold out as an inducement the fact that their product is of such quality and is such a perfect imitation of butter that it can be sold at butter prices. In a circular sent the Chicago trade October 22, 1898, William J. Moxley, the largest manufacturer of oleomargarine in the United States, says, among other things:

Your profit will be double the amount made from the butter you are now handling, and your butter trade will be more satisfied if you will sell them such butterine as you can buy from me.

Or again, under date of March 17, 1899, Messrs. Braun & Fitts, of Chicago, sent to the trade a circular containing the following:

Now is your chance to build up a first-class trade by handling only first-class butterine. Eggs are selling at cost, but "The Only High Grade" will give you profit, so keep pushing its sale and build up a reputation for good butter.

They do not say, "Build up a reputation for good butterine," but for "good butter," thereby admitting that they are encouraging the retail dealer in practicing absolute fraud upon his customers.

In another circular which I have here, sent out by the Capital City Dairy Company, they represent to the trade that their butterine or oleomargarine should sell to the consumer at from 25 cents to 30 cents a pound. If, therefore, the dealer has the opportunity of buying butterine at an average of 10¼ cents a pound, as stated by Swift & Co., and can sell that product for butter at from 25 cents to 30 cents a pound, here is a profit the size of which constitutes the inducement the dealer has for engaging in this fraudulent business and also the inducement for violating the laws of his own State which prohibit him from selling oleomargarine colored as butter. This profit would be so reduced by the imposition of a tax of 10 cents a pound that no retail merchant could afford to incur the risk of being punished for thus violating the laws of his own State, and if he had customers who wanted to buy or consume oleomargarine, he would buy it in its natural color and sell it for what it is. In this way the imposition of the tax of 10 cents a pound would stamp out the fraud that is now being practiced in the business of manufacturing and selling oleomargarine.

The gentleman from Illinois [Mr. LORIMER] claimed in his remarks that this 10-cent tax would operate to drive the oleomargarine manufacturers out of existence. This necessarily implies that oleomargarine can not be sold except when it is colored to resemble that which it is not, and yet he asserts that the bill under consideration will tend to encourage fraud in the sale of oleomargarine. If the effect of this measure will be to destroy the industry, it can not certainly encourage fraud.

THE MANUFACTURER PROTECTS THE DEALER.

The manufacturers of oleomargarine have themselves admitted before the Committee on Agriculture that they protect the dealers in the various States against the violation of the laws of their States. I have here a circular issued by Mr. Moxley, of Chicago, under date of August 2, 1899, in which he says to the trade:

We know exactly where we stand; we are properly advised on the subject, and now we make you a fair offer. Handle our goods as you always have; we in turn promise to guarantee full protection against the State law.

In other words, he says to the trade, "Sell our goods for butter, as you always have, and we will afford you full protection against the violation of the laws of your State."

Can any gentleman defend upon this floor or anywhere else any business or the men engaged in any business who will thus openly encourage the violation of law in the sale of their product or in the carrying on of their business by those whom they can induce to handle their product? It is an outrageous proposition, and it shows the extent to which men can be induced to go in the violation of a law for the purpose of reaping the enormous profit there is in the manufacture and sale of a counterfeit product or the

manufacture and sale of oleomargarine for butter and at butter prices.

THE ALLEGED INJURY TO THE CATTLE INDUSTRY.

But it is claimed by the opponents of this bill that its passage will work great harm and injury to those engaged in the cattle business, in that it will reduce the price of cattle $3 per head. This claim rests entirely upon the supposition that all the material used in the manufacture of oleomargarine is furnished by cattle and the cattle raiser gets all the profit from the manufacture of oleo oil—a proposition that is absurd on the face of it. Let us assume that in the year 1899 5,000,000 head of cattle were slaughtered, which is a large estimate. During that year there were manufactured 83,000,000 pounds of oleomargarine.

According to the report of the Secretary of the Treasury, made to this House last May, it would be a very liberal estimate to say that one-third of the material used in the manufacture of this oleomargarine was oleo oil. Therefore there were consumed in the manufacture of these 83,000,000 pounds of oleomargarine 27,600,000 pounds of oleo oil, and it is also a very liberal estimate to say that all of this oleo oil is the product of tallow or the fat of cattle. But assuming that it was, this oleo oil was worth at a fair estimate 8 cents per pound. The value of the oleo oil entering into the manufacture of oleomargarine in the year 1899 was $2,208,000, or 44 cents' worth of oil from each head of cattle killed in the slaughterhouses of the country that year.

Suppose the manufacture of oleomargarine were to cease in this country and in Europe, thus destroying the market for the sale of oleo oil. The material out of which it is manufactured would then be sold for tallow, which is worth more than half the price of oleo oil. In that case the 44 cents' worth of tallow now sold as oleo oil would sell for 22 cents as tallow, and the actual loss in the event of the destruction of this business would be 22 cents a head on every steer worth from $30 to $60. The evidence before the committee does not sustain the claim that oleo oil is manufactured entirely from tallow. It appears from letters in my possession, written by men who work in this business, that a great deal of it is manufactured from garbage, refuse, offal, and all by-grease products; so that the actual loss would be infinitesimal as compared with the loss that the dairymen sustain by reason of their being driven out of the market by the manufacturers of spurious butter, or by being compelled to sell genuine butter at prices that do not afford a reasonable profit.

Another fact worthy of our consideration is that it nowhere appears, and is not claimed by the friends of oleomargarine on the floor of this House, that the man who sells the steer derives any benefit whatever on account of the increased value of oleo oil over that of tallow. A steer is bought upon the basis of the price of meat in the open market and not upon the basis of the price for which oleo oil can be sold. Instead of the farmer getting the difference there is between the price of the tallow in the beef and oleo oil it goes to either the man who slaughters the beef or to the man who manufactures and sells oleo oil. Another fact worthy of our consideration is that less than one-third of the oleo oil manufactured in this country is consumed in the manufacture of oleomargarine. During the fiscal year 1900 we exported 150,000,000 pounds of oleo oil, and this business will continue hereafter as heretofore, for the bill under consideration in no way affects the business of manufacturing and selling oleo oil as such. So that the claim that this bill, if enacted into law, will injuriously affect the cattle raisers or dealers in cattle in this country rests upon nothing whatever except the desire of these cattle associations to aid the manufacturers of oleomargarine in their effort to build up their business in defiance of the laws of the State and at the expense of the dairy industry of this country, an industry with which they are not directly or indirectly connected.

MAGNITUDE OF THE DAIRY INDUSTRY OF THE UNION.

Aside from the protection which this bill will afford every consumer of butter against the frauds and deceptions now practiced upon him, it will also afford protection to that great industry in which more than 5,000,000 farmers of the United States are directly interested—the dairy industry.

According to the statistics of the Agricultural Department there is invested in dairying in the United States more than $2,000,000,000. This includes the value of milk, cows, lands, and creameries. The production of butter the past year was 1,500,000,000 pounds, but it is estimated that only about 900,000,000 pounds of this was sold in the open market, the remainder being consumed by the producers. These statistics are amply verified by the magnitude of the dairy industry in the State which I have the honor in part to represent.

MINNESOTA'S DAIRY INDUSTRY.

For the number of its inhabitants, Minnesota is to-day the greatest dairy State in the Union. Not only in the magnitude of the industry does it excel, but it stands preeminent also because of the superior excellence of the butter manufactured by the dairymen of that State. It was the butter manufactured by Samuel Haugdahl, of New Sweden, Nicollet County, Minn., that won the first prize at the Paris Exposition of 1900, and won it, too, in competition with the butter of the whole world; it was the butter manufactured by S. P. Bork, of Bixby, Steele County, Minn., that won the first prize at the Trans-Mississippi Exposition, at Omaha, in 1898; it was the butter of Thomas Milton, of St. Paul, Minn., that carried off the prize at Cedar Rapids, Iowa, in competition with the butter makers of the United States; and it was the butter of H. F. Snodergaard, of Litchfield, Minn., that won the prize for butter in the contest at Lincoln, Nebr., in 1899, with 700 competitors.

We have in our State 720 creameries, valued at $2,880,000. These creameries have 54,600 patrons. Four hundred thousand cows contribute the milk manufactured by these creameries into butter. These cows are valued at $12,000,000. Sixty-three million pounds of butter was the product of our creameries last year, and the value of that product was $12,000,000. There was in addition to this 350,000 calves, valued at $5,250,000. The value of the farm lands used for dairying, allowing 40 acres to each patron of the creameries, is $65,525,000. The farm fixtures especially used in dairying in our State are worth $5,640,000, allowing only $100 for each dairy farm. The total investment in the creamery and butter industry of Minnesota is therefore $85,860,000. Taking the butter yield, value of calves, value of surplus skim milk for feeding purposes, the annual income on this investment to the farmers of Minnesota is $19,600,000.

In addition to this we have, in the State of Minnesota, a farm dairying industry. The statistics furnished me by Prof. T. L. Haecker, of the State agricultural experiment station, show that in the farm dairying industry we have 385,000 cows, valued at $11,550,000. The value of our dairy farms, allowing 5½ acres per cow, is $63,525,000. The value of farm fixtures especially intended for dairying is $5,000,000, making a total investment in the farm dairying industry of Minnesota of $80,075,000 and an annual income to the farmers of the State from this branch of the dairy industry of $15,000,000.

The grand total, therefore, of the investment in both branches of the dairying industry in the State of Minnesota is $165,925,000, producing an income of $34,600,000 per annum.

It must be apparent to everyone, therefore, from the magnitude of the dairy industry in Minnesota alone, that in the entire country this industry leads all others except agriculture. That the future growth and prosperity of this industry is seriously menaced by the manufacture and sale of a by-grease product for butter which can only be sold in the color of butter and is sold, too, in open violation of the laws of thirty-two States, deceiving and defrauding every man and woman who purchases it or who consumes it, supposing it to be that which it resembles, is apparent from the fact that about 14 per cent of the open-market demand for butter is to-day supplied by this spurious product and that its manufacture and sale is increasing at the rate of 25,000,000 pounds a year. There are only 26 manufacturers of oleomargarine in the United States, yet these 26 manufacturers are supplying this large percentage of the open market for butter in competition with 5,000,000 farmers. They are able to do this only because they color their product so as to resemble every shade of yellow demanded by the butter trade of the country, varying the shade to conform to the color of butter in the various seasons of the year, and then they override the laws of the States and deceive the public by selling their product to the consumer for the butter of the farmer. This is the business which distinguished gentlemen upon this floor tell us is a legitimate business and should be permitted to continue.

The product of these 26 oleomargarine factories for the fiscal year ending June 30, 1900, was 107,000,000 pounds of oleomargarine, or 53,500 tons, sufficient to fill 5,200 freight cars and make a train 35 miles in length. If this enormous quantity of oleomargarine went to the consumer as oleomargarine, or as a substitute for butter, there could be no legitimate complaint, for in that case it would be the result of the law of the survival of the fittest; but it was not. The testimony shows conclusively that 90 per of it was consumed by people who supposed they were eating butter and who paid butter prices for it.

METHODS EMPLOYED TO DEFEAT THIS MEASURE.

Not since I have been a member of this House has there been a more persistent or systematic effort to defeat any measure than there has been to defeat the Grout bill. Every means within the power of the oleomargarine people have been employed for that purpose. These people have not only employed every available means at their command here in Washington, but they have gone into the districts represented on this floor by men who have worked conscientiously and led in this fight from the beginning of the fight for the passage of the bill, and by the use of money, charges of bribery, and every other disreputable means sought their defeat.

The gentleman from New York [Mr. WADSWORTH] told us this afternoon how certain men connected with the National Dairy

Union tried to secure his defeat. There are others upon this floor who had to contend against the influence and power of the oleo people, that overshadows by far the opposition he met.

If I would relate to this House my own experience with the dastardly efforts of these counterfeiters to discredit me in the estimation of the people I have had the honor to represent upon this floor the past eight years, it would reveal the fact that in this fight these imposters, these law-breakers, like all other men engaged in the practice of fraud and deception for profit, have had no regard for truth, reputation, or character in matters affecting their interest.

THE FARMER AND THE FUTURE SAFETY OF THE REPUBLIC.

Mr. Speaker, the farmer does not often appear before Congress asking for legislation in his interest, but he is here now, and here in earnest. He is subjected to-day to that which no industry would quietly submit to—illegitimate and fraudulent competition.

The market for the sale of one of his most important products, which belongs to him as a matter of right, is seriously menaced. He demands protection against the loss of his legitimate market by the fraud practiced by the 26 manufacturers of oleomargarine in this country. The farmer is never aggressive, but always patient. He devotes his life to the production of those things which are relied upon for the sustenance of the people, and has, therefore, a primal right to be heard and to receive the relief which he demands by the passage of this bill. Every farmer is a stockholder in our Republic. As you protect and prosper him you add to the blessings of the whole people. Let Congress, therefore, do its duty to the farmer, who belongs to that large patriotic class of our people whose intelligent minds, rugged and patriotic hearts, are the impregnable fortress and safety of the Republic. [Prolonged applause.]

The SPEAKER. The time of the gentleman from Minnesota has expired, and the time for general debate under the order of the House is exhausted. The Clerk will now report the bill by paragraphs for debate and amendment under the five-minute rule.

The Clerk read as follows:

SECTION 1. *Be it enacted, etc.*, That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted into the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise: *Provided*, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character free from coloration or ingredient that causes it to look like butter.

[Mr. DAHLE addressed the House. See Appendix.]

The SPEAKER. The Chair will regard the amendment as withdrawn.

Mr. GROUT. Mr. Speaker, I move to insert after the word "Territory," in the tenth line, on the first page, and after the word "Territory," in line 7, on the same page, and also in line 1, on page 2 of the bill, after the word "Territory," the words "or the District of Columbia."

These were omitted in making up the bill.

Mr. WILLIAMS of Mississippi. If the purpose of the gentleman is to perfect the bill in that respect, the words to which he has referred ought to be inserted in line 9 also.

Mr. GROUT. The gentleman is doubtless correct. My eye did not catch the omission at the time. I move to insert these words, where it may be necessary, to complete the bill.

The amendment proposed by Mr. GROUT was agreed to.

Mr. BARTLETT. Mr. Speaker, I move to strike out the proviso in this paragraph.

The SPEAKER. The amendment proposed by the gentleman from Georgia will be read.

The Clerk read as follows:

Strike out all after the word "otherwise," in line 3, down to the end of the paragraph.

[Mr. BARTLETT addressed the House. See Appendix.]

Mr. GROUT. Mr. Speaker——

The SPEAKER. The Chair understands that the gentleman in charge of the bill has a correction to propose to the printed bill.

Mr. McCLELLAN. Is not the amendment of the gentleman from Georgia [Mr. BARTLETT] in order?

The SPEAKER. Does the gentleman from Georgia insist upon his amendment?

Mr. BARTLETT. Yes; most assuredly.

The question being taken on the amendment of Mr. BARTLETT, on a division (demanded by Mr. BARTLETT) there were—ayes 48, noes 117.

Accordingly the amendment was rejected.

Mr. GROUT. Mr. Speaker, in line 11 there is a misprint. The word "in" is printed "into." I move to strike out "into" and insert "in."

The amendment was read, as follows:

In line 11, page 1, strike out "into" and insert "in."

The SPEAKER. Without objection, this correction will be made.

There was no objection.

Mr. GROUT. Mr. Speaker, another correction. The Clerk informs me that in the print, which he has, in line 5 the word "dairy" is printed "diary." In the reprint this morning it is correct, but it is necessary to make the correction in the copy which the Clerk has.

The SPEAKER. Without objection, the correction will be made.

There was no objection.

Mr. BUTLER. Mr. Speaker, there are two points of advantage to be gained by the passage of this bill—the one to suppress deceptive and counterfeit practices and the other to increase the revenues of the Government. Upon the former ground more than 7,000,000 people of this country, engaged in an industry of the value of more than five hundred millions each year, urge its passage. This unanimous appeal alone should move this body to a favorable consideration of the present bill, because it is not pretended—indeed, it can not be—that the appeal is without great merit and that the complaints are without just foundation. This universal demand of the butter producers should receive in this body immediate and conclusive favorable action, because good will come to them and no harm happen thereby to others. Legislation which defines the rights of people and describes the paths in which men shall operate can certainly do no harm, especially when it results, on the one hand, in stimulating and maintaining an honest industry, and, on the other, in the suppression of fraud and deceit.

It is not the intention of the advocates of this measure to take anything from the natural privileges of the people, nor to add one particle to the expense incident to their enjoyment. The passage of this bill will not increase the expenses of obtaining a commodity which anyone may desire. If oleomargarine is given its proper name, and given other than butter color when offered for sale, the revenue to be derived by this bill is reduced to the nominal sum of one-fourth of 1 cent per pound. This is not only a relief to the consumer, but a slight inducement to the manufacturer and the storekeeper to keep themselves honest. The assumed interest of the dealer in oleomargarine and its relations to secure it to the consumer as cheaply as possible is so beautifully generous that even the farmers are tempted to apologize for the hard feelings which they are accused of possessing. To this time it is not recorded in commercial history that the manufacturer of fatty substances had reason to manifest more benevolence than is usual to humanity.

The solicitude of these fellows for the rights of the consumers is not more real than the stuff which they make and permit to be sold under another name. They manufacture oleomargarine and sell it for butter because of the enormous profit resulting to them. If this bill did not interfere in some way with those profits, the poor of the country, for whose benefit this stir has been so well managed, might still look after their own rights and still continue as heretofore to provide their own suppers. The petitions and protests from the laborers of our and urging the defeat of this bill do not mean what they pretend to mean. As I take it, no sensible man means to petition this body to increase his cost of living or to decline to pass a law which would prevent the practices of fraud upon him. The provisions of this bill do not in any way change the ingredients of oleomargarine. They simply tend to compel the product to be kept and be known by its proper name. Oleomargarine will be cheaper and taste as good and suffice all its purposes as heretofore by the passage of this bill.

Why do the oleomargarine dealers insist upon giving their product the same color as that of butter made from milk and cream? One answer only can be made, and it is that they desire the product to look like butter. Why have it look like butter? is the natural question. The question answers itself: So that it may be mistaken for butter. It has always been the aim of oleomargarine manufacturers to make their product resemble in every way butter made from milk and cream. Their skill has enabled them to produce a material that defies the expert. Nothing short of an analysis will disclose the difference. The contention is made by those opposing the passage of this bill that the makers of butter have no right to the exclusive use of the color "yellow" and its various shades. By common consent, by long and continued usage, this color has become the property of the farmer, the dairyman, and the agriculturist. Trade, unfeeling as it may be, never thought of robbing him of his trade-mark, admitted to be his; and this Congress should be pleased to recognize his right and to assist him in its protection. The Supreme Court of the United States has held it to be within the range of legislative action to define the mode and manner in which everyone may so use his own as

not to injure others. This doctrine is not new, and is not misunderstood by anyone; a principle that is recognized in every State of the Union, and made the basis of the practical administration and regulation of its police powers in the control of domestic order.

I suppose that it will not be contended by anyone that the butter producer has a statutory right to the exclusive and accepted use of this color. No statute has been passed by any tribunal pretending to confer directly upon him such a privilege. But he has established his trade and identified his product by the use of the color "yellow and its shades," so that everyone consuming it would know from what it was manufactured. The color has always been the identifier. The color adopted for centuries was selected by both producer and consumer. It was selected to be used to distinguish butter made from unadulterated milk and cream from all other substances. It is as important to the pure-butter trade as any trade-mark can be which alone distinguishes and describes the commodity which it presents.

This great business which relies upon this trade-mark can not survive if imitators are allowed to enter its precincts. It is not only for the protection of the makers of butter, but for that of the consumer also that this bill is pressed to passage. If oleomargarine be manufactured free from coloration that "causes it to look like butter," this bill does not interfere with public or private rights nor produce hardships of any kind. The sale of oleomargarine is not only permitted thereby, but encouraged to the extent of a reduction in the internal-revenue tax. The restrictive part of the bill is "aimed at the designed and intentional imitation of dairy butter in manufacturing the new product."

The opposition to this bill can not conceal itself behind the pretended interest which it manifests for the tastes and desires of the consumer. The object in coloring oleomargarine is well described by Mr. Justice Harlan in delivering the opinion of the United States Supreme Court, in Plumley *v.* Commonwealth of Massachusetts (155 U. S. Reports, p. 223):

> Now the real object of coloring oleomargarine so as to make it look like genuine butter is that it may appear to be what it is not, and thus induce unwary purchasers who do not closely scrutinize the label upon the package in which it is contained, to buy it, and as for butter produced from unadulterated milk or cream from such milk. The suggestion that oleomargarine is artificially colored so as to render it more palatable and attractive can only mean that consumers are deluded by such coloration into believing that they are getting genuine butter.
>
> If any one thinks that oleomargarine, not artificially colored so as to cause it to look like butter, is as palatable or as wholesome for purposes of food as pure butter, he is, as already observed, at liberty, under the statute of Massachusetts, to manufacture it in that state or to sell it there in such manner as to inform the customer of its real character. He is only forbidden to practice, in such matters, a fraud upon the general public. The statute seeks to suppress false pretenses and to promote fair dealing in the sale of an article of food. It compels the sale of oleomargarine for what it really is by preventing its sale for what it is not.

The Massachusetts legislature had passed a law prohibiting the sale of colored imitation butter made from unadulterated milk or cream.

This language was used by Justice Harlan in determining whether this law was in conflict with the provision of the Constitution of the United States giving Congress the power to regulate commerce between the States. The court held that the State act in no way violated the Federal Constitution, and, moreover, that any one who endeavored to commit fraud upon the public could not use that document as a shield. The justice further said in the course of the opinion:

> Can it be true that the Constitution of the United States secures to any one the privilege of manufacturing and selling an article of food in such manner as to induce the mass of people to believe that they are buying something which in fact is wholly different from that which is offered for sale? Does the freedom of commerce among the States demand a recognition of the right to practice a deception upon the public in the sale of any articles, even those that may become the subject of trade in different parts of the country?

After a most careful and elaborate review of all the cases decided in different States bearing upon the reservation of power committed to them to regulate and control commerce therein tending to permit the practice of deception upon the public, the justice disposed of the present case in the following forcible declaration of the rights of the people to protection against deceptive practices:

> It has therefore been adjudged that the States may legislate to prevent the spread of crime, and may exclude from their limits paupers, convicts, persons likely to become a public charge, and persons afflicted with contagious or infectious diseases. These and other like things having immediate connection with the health, morals, and safety of the people may be done by the States in the exercise of the right of self-defense. And yet it is supposed that the owners of a compound which has been put in a condition to cheat the public into believing that it is a particular article of food in daily use and eagerly sought by people in every condition of life are protected by the Constitution in making a sale of it against the will of the State in which it is offered for sale, because of the circumstances that it is in an original package and has become a subject of ordinary traffic. We are unwilling to accept this view.
>
> We are of the opinion that it is within the power of a State to exclude from its markets any compound manufactured in another State which has been artificially colored or adulterated so as to cause it to look like an article of food in general use, and the sale of which may, by reason of such coloration or adulteration, cheat the general public into purchasing that which they did not intend to buy. The Constitution of the United States does not secure o anyone the privilege of defrauding the public. The deception against whica the statute of Massachusetts is aimed is an offense against society, and the States are as competent to protect their people against such offenses or wrongs as they are to protect them against crimes or wrongs of more serious character; and this protection may be given without violating any right secured by the national Constitution and without infringing the authority of the General Government. A State enactment forbidding the sale of deceitful imitations of articles of food in general use among the people does not abridge any privilege secured to citizens of the United States nor, in any just sense, interfere with the freedom of commerce among the several States.

I have heard no one dispute the proposition that the sale of oleomargarine in imitation of butter is a fraud, and that those guilty of the practice are amenable to punishment in courts of justice. Why, then, should there be such an effort made to enable the makers and sellers of oleomargarine to deal in their imitation product? Why should its advocates avow their purpose to maintain, through the failure of legislation, a business that has but two great objects—deception and enormous profits. The only way to secure to the farmer the protection he demands is to separate butter and oleomargarine from each other. The only way to protect the general public from the results of deception and cheating is to require these two products to maintain different colors. It is not the purpose of this bill or its advocates to keep butter and oleomargarine from the same market stall. The butter dealer does not demand permission to color his product in imitation of any color which the oleomargarine dealer may select; he demands protection from the admitted wrongs of the latter; he asks to have continued possession of a property which he by great diligence and persistence has lawfully and in good conscience acquired.

The first section of the bill enables courts in the different States to enforce their laws against what is known as the original-package man. Nearly every State in the Union has a law either driving the butter imitator from the field or restraining him in his business, so as to afford the public the best possible protection. Prosecuting officers are oftentimes baffled in their attempts to enforce State laws because of their fear of crossing boundaries defining their jurisdiction. This provision, if it should become a law, will supply them with an assured power which nearly every defendant denies, and will relieve prosecutions from an embarrassment which nearly every offender seeks or threatens to inflict. State courts will then stand ready and fully equipped to execute statutes made to enforce its police powers in the regulation of its internal affairs and to restrain the noxious acts of its inhabitants.

The second section of the act in no wise licenses fraud or permits the sale of imitation food products. If the manufacturer insists upon coloring his product in imitation of butter he shall be compelled to pay to the Government 10 cents per pound for such colored commodity, subject to all the provisions of the act of Congress of August 2, 1886, entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine." These provisions are made to secure the public against imposition, and the oleomargarine manufacturer will still have to comply with them in addition to making the payment of a tax of 10 cents per pound. When oleomargarine reaches the boundaries of the State in which it is consigned, although it may have had on it a tax of 10 cents per pound, and although all the provisions of the act above referred to may have been complied with, the State authorities without interruption may sieze it if it is in imitation of butter, provided a State law exists prohibiting its sale in that condition. Here is where the offender will find himself confronted by an obstacle which he has himself erected.

It may not be a sensible argument in support of this measure, nor of any service to its advocates, to recite the monstrous wrongs committed by the manufacturers and dealers in oleomargarine against the farmers, dairymen, creamery men, and agriculturists of my State and of my Congressional district. In the latter territory the farmer and the dairymen have lived and thrived since the day William Penn marked it for his own. The productions of the farm and the dairy have been to them a chief source of living at all times and have supplied Philadelphia, within a morning's trip, with the finest and most palatable luxuries. It stands an equal in agricultural and dairy products with any section of the United States, as an examination of the statistics of the Agricultural Department will show me justified in stating.

Here the farmer has always prided himself on his progress and has earned a reputation for high honor in the practice of his profession. He has always kept himself modern in all actions of life and quit an old habit as soon as he discovered a better one. Farming and dairying have at all times brought him a good living and enabled him to indulge in luxuries common to a well regulated and cultivated society. While his ways may perhaps have been classed as amongst those of the simpler ones of life, he has well earned his reputation for honesty, for observance of domestic order, and for exemption from the social vices found in ordinary society. Many a farm can trace in its present occupant and his ancestry a possession of the same fields for more than two centuries. He has never cared to go beyond the legitimate boundaries of his occupation, and no thought of swindling either his patrons or his competitors ever took possession of him.

The ills of life he has borne without complaint, and has always expressed his satisfaction in the success of enterprises other than his own. That the fertile fields of Chester and Delaware have rewarded these sober-minded people for all their toil their present condition of life bears ample evidence. That they have moved with the rest of the world, advanced as it advanced, and improved as it improved the appearance of magnificent farms, cultivated with the most modern machinery and in the most approved manner, stocked with fine cattle, and adorned with handsome farm buildings supplied with every betterment known to the profession, furnish conclusive evidence and testify to their thrift and intelligence. The creamery has supplanted the spring, and within the last twenty years, because of this modern and successful method of producing butter, the business of the dairyman has more than doubled in this district.

The farmer has gone through business depression without complaint and without appeal to his Government for help. Not until the hand of the imitator and the swindler was found in his midst, an evil which he could not remedy alone, and an obstruction to his legitimate business which he could not remove alone, has he ever made an appeal to the greatest law-giving tribunal of this land for relief. This imitation product has come as his competitor, and after a struggle of fifteen years to keep it to itself, to be called by its right name, the farmer is prepared to prove that but one successful and complete remedy is left to him, and that is through this body, for a law which will enable the different States of the Union to legislate effectually against the article shipped therein in what is known as an original package. The farmer has no fear of this ruinous competition so long as oleomargarine may be sold by its right name. To secure this result, they must be offered on the market dissimilar in color. Every other remedy has been tried, every trial has resulted in failure. The more perfect the imitation, the better the opportunity to work the deception.

On good butter the farmer has a profit when the retail price exceeds the sum of 25 cents per pound, for it costs him that much to produce it. On the counterfeit sold as "Extra Fancy Creamery," the favorite name adopted by its counterfeiter, a profit is realized if the sale is made above the price of 7 cents per pound, the cost of its production. The aim of the counterfeiter is to sell his well-made counterfeit, in both appearance and name, at about the sum of 25 cents per pound. In this he is not always successful, but an enumeration of a number of sales in Philadelphia during the winter of 1900, in which the date of the sale is given, the name of the vender with his address, and the price at which he succeeded in working off his imitation, will at least prove my statement to be truthful:

Oleomargarine bought for butter.

Date.	Name.	Address.	Price.
1900.			*Cents.*
Jan. 2	A. Levinson	1132 Columbia avenue, Philadelphia	28
Jan. 5	Geo. W. Powell	Ash and Thompson streets, Philadelphia.	26
Jan. 6	A. Levinson	1132 Columbia avenue, Philadelphia	28
Jan. 13	John McAteer	2916 Richmond street, Philadelphia	25
Jan. 13	Omaha Meat Market	2856 Richmond street, Philadelphia	18
Jan. 16	Daniel Dougherty	Eighth and McKean streets, Philadelphia.	21
Jan. 16	George Macmunn	Third and Norris streets, Philadelphia.	25
Jan. 16	James Bell	5123 Germantown avenue, Philadelphia.	23
Jan. 16	Ogden's Market	2419 Ridge avenue, Philadelphia	20
Jan. 18	W. J. Strange	607 North Second street, Philadelphia	22
Jan. 24	Daniel Dougherty	1604 Ridge avenue, Philadelphia	21
Feb. 6	Eagleson & Poole	1534 Cumberland street, Philadelphia	21
Feb. 6	James Bell	Howard and Cumberland streets, Philadelphia.	22
Feb. 6	W. N. Andrew	2022 Frankford avenue, Philadelphia	21
Feb. 6	James Farraher	2990 Richmond street, Philadelphia	20
Feb. 6	D. S. Ogden	1143 Vine street, Philadelphia	20
Feb. 12	McFarland Bros	32 South Main street, Phœnixville	26
Jan. 4	J. P. Kelley	Fortieth Street Market, Philadelphia	25
Jan. 14	W. M. Begley	1413 South Twentieth street, Philadelphia.	20
Feb. 22	Wm. Stewart	5129 Germantown avenue, Philadelphia.	24
Mar. 3	J. Madden	1109 Passyunk avenue, Philadelphia.	26
Jan. 15	W. J. Strange	2238 Callowhill street, Philadelphia	25
Feb. 10	Fayer & Fink	1118 South street, Philadelphia	20
Mar. 10	J. L. Neal	1022 South street, Philadelphia	25
Feb. 24	D. S. Ogden	2417 Ridge avenue, Philadelphia	25
Feb. 24	E. W. Harvey	2145 Ridge avenue, Philadelphia	25
Jan. 15	C. P. Smith	2342 Callowhill street, Philadelphia	25
	W. J. Strange	2048 Ridge avenue, Philadelphia	22
Jan. 27	....do	607 North Second street, Philadelphia	25
Feb. 3	Jos. A. Wurster	817 Vine street, Philadelphia	20

LEVI WELLS,
Dairy and Food Commissioner.

This list was furnished me by Mr. Wells last spring, the then dairy and food commissioner of Pennsylvania, at my request, with the additional information that high-grade butter during that period ranged in price in Philadelphia markets from 30 to 35 cents per pound. He further informed me that in each one of these sales butter was inquired for, and the vendor pushed on his supposedly innocent customer oleomargarine, on which a profit of 15 to 20 cents per pound had been secured to somebody. The farmer's high-grade butter should have brought at the retailer's stall 40 cents per pound, and his profits should have been 15 cents per pound instead of 5 or 6 cents.

In addition to this official list of violators of the oleomargarine laws of Pennsylvania, I have a statement from a reliable agent of the dairy and food commissioner of that State showing that he had bought, within a period of a few months, over two hundred samples of this counterfeit put up in rolls to imitate farmers' rolls and creamery prints. In every case he inquired for butter and received and paid for oleomargarine at butter prices or within two or three cents of it. In every case it was colored in exact imitation of butter, and in many cases the prints were neatly put up in wrappers on which was branded the illusory, tempting, and familiar designation belonging to the manufacturers of good butter, "Mf's Creamery," "Crescent," "Clover," etc.

Farmers in my Congressional district can not survive on a profit of 5 or 6 cents per pound for butter. The competition which takes from him what he is justly entitled to demand is a dishonest one and courts and legislatures should act with promptness and unanimity where their power is invoked in order to prevent it. This deceptive practice is held, by the highest judicial tribunal in our land, to warrant the legislatures of the different States in the enactment of laws prohibiting the manufacture or sale of oleomargarine colored like butter. Because the business is a swindle, and for this reason alone, are the lawmakers clothed with sufficient power to exclude the imitation from the markets and to punish everyone who lays his hand on it for the purpose of profit.

Should this bill pass, the Government will furnish the preliminary remedy by the imposition of a tax of 10 cents per pound on the counterfeit, reducing the profit of the counterfeiter, thereby depriving him of so much profit, and his temptation to dishonesty in that proportion. This addition to his burdens will force him to raise the price of his commodity, thereby raising the price of butter, while the best article will have the same effect upon the farmer's best production. While this kind of competition can not, perhaps, be urged as a good reason for the passage of legislation, admitting oleomargarine to be not unhealthful, yet the great wrong done thereby should induce the legislature to look for the reasons warranting favorable action.

The reasons which I have given should be sufficient to induce the support of this bill as reported by the Committee on Agriculture. It tends to the suppression of crime and the maintenance of good order. It furnishes additional remedies to those already in existence.

Mr. Speaker, it is contended here that the present Federal law supplies all the power necessary to suppress the swindle, which the adversaries of the present bill coolly admit in this debate is practiced everywhere in the United States with defiance and deliberate design. This is not so, and a few facts will rebut their arguments and turn aside theories which I am inclined to think are made to please their constituents rather than convince their hearers.

In Pennsylvania there are now pending 946 prosecutions for violation of its statute of 1899, imposing penalties. These prosecutions have all been brought since the first day of the present year. During that same period of time 126 prosecutions, brought within it, have been terminated, making a grand total of 1,072 prosecutions, and all these in addition to the many infractions of the same law which have not been discovered. Detections are difficult and convictions are obtained after long and spirited contest. Officers of the law have been faithful and diligent in their pursuit after these violators. When detection takes place every art known to the legal profession is employed in their defense. Questions of the law's constitutionality are raised, test cases made, appeals to higher courts taken, and all possible delays resorted to in order that justice may fail or punishment be postponed.

The seller of colored oleomargarine has become as cute and wary as those who deal in any other counterfeit commodity. His profit is large enough to induce him to break a penal law, but does not furnish him a remuneration sufficient to enable him to hire good legal talent and keep up a war which is often ended in a court of last resort. Where do the means come from for such purposes? I believe they come from the manufacturers. I believe it because they ship their colored product into States which have enacted laws prohibiting its sale. It is against them the provisions of this law are directed, and until they can be restrained the swindle will go on. When State laws can be used to punish the original-package man, and Federal laws are in force to compel the manufacturers to pay the Government a tax, as provided in this bill, the demands of justice and equality will be reached.

The substitute for this bill, reported by the minority of the

Committee on Agriculture, does not pretend to furnish the remedy demanded. Without further restraint imposed upon him than that provided in existing law, the manufacturer may continue to practice his deceit. The provisions in the substitute for wrapper stamping and branding, etc., to be done by the manufacturer, are satisfactory to him. Any law which permits him to imitate butter meets his approval. Such restrictions proposed in the substitute have been tried in many of the different States, only to find them unsuccessful.

Oleomargarine in its natural state is one commodity; when colored resembling butter it becomes another. In the former case it has a value; in the latter a much larger one. The tax of 2 cents per pound imposed by existing law is held to be fair. The size of the tax was predicated upon the understanding that it was to be placed upon oleomargarine. If the value of the product is to be increased, and indeed the product itself changed to another, the proposed tax of 10 cents per pound is equally fair. Lawyers differ upon the power of Congress to impose this tax of 10 cents. No argument, however, has been made here to-day that convinces this body of its lack of such power. If it does not exist, another tribunal is constituted for the express purpose of making it known. My duty is plain, and its performance a pleasure.

If, when this measure becomes a law, as I believe it will at the present session of Congress, it shall be found ineffectual for the purpose of correcting this great evil, the war just begun will continue. It will go on and on until a remedy is secured through this legislative body that, when enforced by courts of justice, will correct one of the great wrongs of its time and secure to the agriculturist, the farmer, and the dairyman a protection for his product against the work of the imitator, whose imitation threatens their destruction.

Mr. FLEMING. Mr. Speaker, we have all become familiar with the principle——

The SPEAKER. Does the gentleman withdraw his amendment?

Mr. BUTLER. I withdraw my amendment.

Mr. FLEMING. I desire to renew the amendment.

We have all become familiar with the principle known as the American protective system, by which the National Congress levies a tariff tax, collected at the custom-house, for the purpose of protecting an American industry against a foreign competitor; but this will be the only law upon the statute books of the United States which seeks to apply that principle of tariff protection in favor of one American citizen or one American industry against another American citizen or another American industry. We are accustomed to tariff protection at the custom-house, but this is a bill under which we have tariff protection through the Internal-Revenue Department.

We have heard a good deal, Mr. Speaker, about the deception practiced by the manufacturers of oleomargarine. I admire candor in all men, and I only wish that the men in charge of this bill would have the candor to put upon the face of the bill the real purpose that they have in view. They have argued for hours upon the passage of this measure. Not one word has been said in favor of its passage on the ground that it is a revenue-producing measure, and yet that would be the only legal justification this bill could have here or could have before the Supreme Court of the United States. We know its purpose is not to raise revenue, but to give advantage to one industry over another competitive industry; and we know that if the gentlemen in charge of the bill will only write on its face its real purpose it can do no harm, because the Supreme Court of the United States would declare it illegal without a moment's hesitation. The bill as it is now drawn is not unconstitutional, and will not be held so by the Supreme Court.

But why? Simply because the Supreme Court of the United States can not impugn the purpose, intention, or motive of the legislative department of the Government. And yet every man in this House knows what that purpose is. Your purpose is not to raise revenue, but to strike down one industry for the benefit of another. If the Supreme Court could take judicial knowledge of the real object of the bill, they would declare it unconstitutional without the slightest hesitation.

Mr. Speaker, it is a bad precedent when the taxing power of the Government is used, not as we have done heretofore, by a tariff to protect our people against foreigners, but when it is used to protect one American industry against another legitimate American industry. When you start out in that course, where are you going to stop? Just as well, sir, might the producer of cane sugar in Louisiana come to Congress and say, "I can not compete with the beet-sugar producer of the West," and ask that a tax of 10 cents a pound be put on beet sugar. Just as well might the beet-sugar producer of the West say, "I can not compete with the cane-sugar producer of Louisiana," and ask that that industry be crushed. Mr. Speaker, such a practice will leave the whole matter to be decided by a mere numerical majority, and of all the tyrannies known to legislative history none is so great as the tyranny of numerical majorities.

Mr. ALEXANDER. Mr. Speaker, this measure, familiarly known as "the Grout bill," is one of the most important that can go upon the statute books. It seeks to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported and to impose a tax of 10 cents a pound on oleomargarine when colored to resemble butter. It is not new in the field of legislation, nor are the questions involved either novel or of uncertain legality. Thirty-two States, possessing four-fifths of the population of the United States, absolutely forbid the manufacture and sale of oleomargarine when colored to resemble butter, and the highest courts in those States, including the Supreme Court of the United States, have upheld the constitutionality and validity of these laws. This proposed legislation, therefore, is in line with the policy and the expressed wish of a large majority of the people of our country.

The opponents of this bill assume at the outset of the discussion that oleomargarine is as wholesome and healthful a food product as butter. In its report the minority of the committee labors hard to prove this assumption. Opinions of "leading scientists" are given at length, backed by "Ph. D.'s" and "LL. D.'s," and supported by chemists' certificates and the dicta of courts. But plain everyday facts show that oleomargarine is neither as wholesome nor as healthful as butter. The oleomargarine tested by the friends of this measure is taken from the stock offered for sale in the grocery stores—not from the supply made purposely for the laboratories.

In July, 1899, samples of oleomargarine taken from stores in New York and Brooklyn were found to contain 10 per cent of paraffin. In other words, a 60-pound tub of oleomargarine would contain 6 pounds of paraffin, "a substance," says the president of the National Dairy Union, "which the strongest acids are unable to affect." One of the uses of paraffin is to protect bronze and marble statues from the weather. As a food product it is absolutely indigestible.

Among the articles named in the patents granted for the manufacture of substitute butter are borax, cotton-seed oil, bicarbonate of soda, alum, glycerin, sulphuric acid, tallow, corn starch, caustic potash, castor oil, chalk, slippery-elm bark, olive oil, turnip-seed oil, chlorate of potash, oil of peanuts, nitrate of soda, stomach of pigs, nitric acid, mustard-seed oil, sugar, caustic soda, and bicarbonate of potash. It is possible that so-called "neutral grease," when subjected to these acids and alkalies, may be wholesome butter, but, "leading scientists" to the contrary, 32 States, having over 60,000,000 people, have prohibited such deodorized grease from being colored in imitation of butter and sold in the market.

It is no secret that butter fat, found in the milk of all mammals, is the natural food of infant offspring, having the most delicate of all digestion, and that milk and its butter product are among the most healthful and important articles of food. The young, the sick, the old—everybody can use them with the least possible harm. Butter melts at 92 degrees, and the normal heat of the human stomach is 98 degrees. Naturally this fat, taken in its raw state into the stomach, will digest easily and imperceptibly. Nature so intended.

On the other hand, oleomargarine melts at a temperature varying from 102° to 106°, "a temperature," says ex-Governor Hoard, of Wisconsin, "which no healthful stomach ever attains. As a consequence, this unnatural foreign fat must be expelled by sheer gastric action and force." When stearin, of which candles are made, or paraffin, whose use has already been indicated, is added, in order to make the cotton-seed oil stand up like butter, the digestible character of the mixture may well be doubted. Possibly strong men whose work keeps them out of doors ten or twelve hours a day may be able to dispose of it without injury, but men of sedentary habits and people with delicate stomachs can not use it with impunity.

But, Mr. Speaker, oleomargarine is used in public institutions, say the opponents of this bill. That is undoubtedly true. Mr. Edmund Hill, of the Somerset County council, England, is authority for the statement that it is eaten by the inmates of the Wells county asylum, with which he is connected. In the asylums of the neighboring counties—Dorset and Hants—butter is furnished, and the death rate at Wells is 30 per cent higher. At the Taunton Hospital, when butter was used, 11 deaths occurred in thirteen months; when oleomargarine was substituted, 22 deaths occurred in nine months. The same authority states that the use of oleomargarine is forbidden in the hospitals of France. The president of the National Dairy Union declares that in institutions for the blind and for girls in the United States the use of oleomargarine has very perceptibly lowered the vitality of the inmates. Many other well-authenticated reports show that oleomargarine is clearly not as healthful as butter.

But whether healthful or not, if people prefer to use oleomargarine in its uncolored state as a substitute for butter because of

its cheapness or for other reasons they have and ought to have the right to do so, and dealers should have the privilege of selling it to them. Nor does this bill withdraw or curtail that right. It seeks only to impose upon it a tax of 10 cents per pound when colored in imitation of butter. No one has a moral right nor a legal right, under existing laws in 32 States, to color it or sell it as butter.

The fact that it is a recognized food product can make no difference. Flour is a staple article of food, but it is a deception to sell it in pulverized sugar. Peas, as a food product, are healthful and desirable, but it is a swindle to sell them for coffee. So oleomargarine may be clean and palatable, but to give it the color of butter and sell it as butter is a deception—probably the greatest deception practiced in the sale of food products.

Mr. Speaker, it is stated, apparently on good authority, that 83,000,000 pounds of oleomargarine were manufactured last year and sold to the people of the country for about $20,000,000, with a profit to the manufacturers and dealers of $10,000,000 to $12,000,000. There is no wrong in this if it is uncolored and sold as oleomargarine; but when colored in imitation of butter and sold as butter the transaction takes the form of a swindle.

The fact that inferior qualities of butter are colored and sold as a superior quality does not make it right to color and sell oleomargarine as butter. A reprehensible practice in the sale of butter is no excuse for the perpetration of a fraud in the sale of oleomargarine, nor does it extenuate or lessen the fraud because oleomargarine may be a clean food product and capable of use as a substitute for butter. Such suggestions are unworthy the gentlemen making them.

Mr. Speaker, admitting all that is claimed for oleomargarine as a food product, the fact remains, as appears from the reports, that its ready sale is dependent almost entirely upon its imitation of butter. The author of this bill is authority for the statement that not one pound in a million of colored oleomargarine is bought and eaten by the consumer for what t is. The dealer may know its true character, and hotel and restaurant keepers and other customers may have purchased it with the same information, but those, as a rule, who eat it do so believing it to be butter. It is put up like butter, served like butter, and colored like butter, while its taste, unfamiliar to the consumer because butter is never present for comparison, may not disclose its character.

The methods of its sale prove that it is never intended to be known by its right name. Four-fifths of the colored article, says the majority report of the committee, is sold illegally, as indicated by the reports of the Treasury Department. Wrappers and stamps are removed, not only to deceive revenue officers and secure its salesmen from arrest and prosecution, but to prevent consumers and small purchasers from obtaining knowledge of its true character.

The assistant commissioner of agriculture in the State of New York reports that it is put up in 2, 3, and 5 pound packages and delivered by wagons to boarding houses, restaurants, hotels, and other customers whose names and addresses are designated by registered numbers, so that if venders are detected and arrested for violating law, their customers may not be involved with them. A prominent firm in Newark, N. J., declared, under date of June 4, 1900, that the whole business of marketing oleomargarine is deceit and deception. The dairy commissioners in the State of Connecticut report finding 3,600 pounds hidden in the cellar of an undertaker's warehouse, concealed behind coffins and within caskets.

The great profits arising from its sale make men willing to take such chances. Oleomargarine sold as butter returns an average profit of about 15 cents per pound. Armour & Co. report that its cost, including a 2-cent tax, does not exceed 7 cents per pound. When sold as butter, it brings from 18 to 30 cents per pound. Such profits not only become an irresistible temptation to sell the product, despite State and United States laws, but they too often create a fund whose influence prevents the rigid enforcement of law.

The opponents of this measure, in the minority report, complain that as nothing in the bill decreases the temptation or increases the difficulty of such violations, the increased taxation must either be fraudulently evaded or force the honest manufacturers out of business. A bill need not safeguard the collection of an increased tax on oleomargarine any more than an increased tax on whisky. Penalties for violation of law and methods for detecting fraud are already sufficient. But why should an honest manufacturer of oleomargarine be forced out of business by this bill? An honest manufacturer will not now seek to color his product in imitation of butter, because that is prohibited by law in 32 States, while this measure reduces the tax on the honest product from 2 cents to one-fourth of a cent per pound.

Nor will this measure crush out the manufacture of oleomargarine and eliminate it as a food product unless it be true that the people now purchasing it in the belief that it is butter will refuse to buy it when it appears as "white grease," without the color or semblance of butter. The minority of the committee in its report claim that "oleomargarine is now practically all bought by the poorer classes of our people." Whether these consumers will continue to eat it after their eyes are opened to its character is a problem for the future. If they refuse, the manufacturers of oleomargarine will be crippled, if not crushed; if they continue to buy it, its manufacture and sale will at least be transferred into honest methods.

It is idle to compare the sales of butter with those of oleomargarine, and argue that since the latter do not curtail the former, the manufacture and sale of oleomargarine should not be disturbed. Suppose 2,000,000,000 pounds of butter are made and sold annually and only 83,000,000 pounds of oleomargarine, what has that to do with the question? This measure is not predicated upon commercialism. No one objects to the manufacture and sale of uncolored oleomargarine, and all are indifferent as to whether the price of butter is or can be controlled by the price of uncolored oleomargarine.

The principle involved in this measure is one of common, every-day honesty. It is only when the manufacturers and venders of oleomargarine seek to dispose of it for what it is not, that the people are aroused, and the law invoked. The public can not be deceived. They know what influences its sale. Only when colored in imitation of butter and sold as butter is it purchased or eaten. In other words, only when fraud is perpetrated can it be profitably put upon the market. If this were not true, the manufacturers and venders of oleomargarine would not be now so bitterly assailing this bill.

It is to prevent deception, therefore, that this measure is presented, and the farmer who eats butter churned from the milk given by his own cows is not any more interested in its passage than the millions of people who are compelled to purchase butter, and who desire protection from the deception of oleomargarine vendors.

Mr. HAUGEN rose.

Mr. GROUT. I move that all debate on this paragraph be closed.

The SPEAKER. The gentleman from Vermont moves that all debate upon this paragraph be closed. Pending that the Chair will recognize the gentleman from Iowa, a member of the committee.

Mr. WILLIAMS of Mississippi. I ask the gentleman from Vermont to withdraw his motion until the gentleman from Iowa has been heard.

Mr. GROUT. Mr. Speaker, why can not the gentleman wait until the next paragraph has been read, and let us go on and get through with this paragraph? I ask unanimous consent that debate be closed on this paragraph.

The SPEAKER. The gentleman from Vermont asks unanimous consent that debate on this paragraph be closed. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the second section.

The Clerk read as follows:

SEC. 2. That after the passage of this act the tax upon oleomargarine as prescribed in section 8 of the act approved August 2, 1886, and entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," shall be one-fourth of 1 cent per pound when the same is not colored in imitation of butter; but when colored in imitation of butter the tax to be paid by the manufacturer shall be 10 cents per pound, to be levied and collected in accordance with the provisions of said act.

Mr. GROUT. Mr. Speaker, if the gentleman will allow me one moment. In this connection there should be a time fixed when this act shall take effect, inasmuch as it changes the proceedings of the Internal-Revenue Department; and I ask that these words be added: "This act shall take effect July 1, 1901."

I move the adoption of that amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

And this act shall take effect July 1, 1901.

Mr. WILLIAMS of Mississippi. The first line of section 2 reads: "That after the passage of this act the tax upon," etc., "shall be," etc. Now, if you want to change the time fixed in the bill, you must make some amendment to line 1 of section 2, and say, "Upon July 1, after the passage," etc.

Mr. GROUT. Very well, if the gentleman desires, we will substitute that language there, "On July 1——

Mr. HOPKINS. I would like to know from the gentleman from Vermont why postpone this tax on this article to July?

Mr. GROUT. The Department can not arrange for the necessary inspection at once. I move that the words "after the passage" be stricken out in line 9 of section 2 and the words "on and after July 1, 1901," be inserted.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the words "after the passage of this act" in line 9, page 2, and insert "on and after July 1, 1901;" so that it will read: "That on and after July 1, 1901, the tax," etc.

The amendment was agreed to.

Mr. HAUGEN. Mr. Speaker, we are confronted with the fact

that the manufacture and sale of oleomargarine has grown from the insignificant sum of 21,513,537 pounds in 1888 to 83,000,000 in 1899, and to the enormous sum of 107,045,028 in the past year, a gain of 500 per cent in twelve years. I venture the assertion, without fear of successful contradiction, that at least 75 per cent of this counterfeit substitute is sold and eaten for pure butter, at butter prices, and in defiance of the law.

I need make no apology for my statement when I say that the public welfare demands the enactment of the Grout bill, that the gross fraud and deception being perpetrated may be suppressed, and to protect the millions of consumers and at least give them the right and privilege to choose between the genuine article and this unwholesome substitute.

Thirty-two States, representing according to the Federal census of 1890, a population of 50,117,440, or about five-sixths of the total population of the United States, have enacted laws absolutely prohibiting the sale of yellow oleomargarine. Yet we find, according to Secretary Gage's report in response to a resolution passed by this House the first session of the Fifty-sixth Congress, that 5,492 dealers are engaged in the selling of this counterfeit, and that in violation of the laws. That these dealers are flourishing and doing a wholesale business is evidenced by the fact, according to Secretary Gage's report during the fiscal year ending June, 1899, that 62,825,582 pounds of yellow oleomargarine made in semblance of butter was sold by the 5,492 dealers in these thirty-two States, while 1,501 dealers sold only 16,860,141 pounds in the remaining twenty States and Territories.

In my State we have a drastic law absolutely prohibiting the coloring of imitation butter or cheese. It provides "that every package shall be plainly marked 'Substitute for butter' or 'Substitute for cheese,' and each sale shall be accompanied by a verbal notice and a printed statement that the article is an imitation, * * * giving the address of the maker; and that the use of these imitations in hotels, bakeries, etc., must be made known by signs." Nevertheless, as shown by Secretary Gage's report, I find that three dealers sold 79,923 pounds of yellow oleomargarine in the year 1899, in my own State, every pound of it sold in violation of the law; and every pound thus sold displaced a pound of butter and robbed the dairy producer of his legitimate market.

I have before me a letter from our dairy commissioner, dated December 3, 1900, in response to my inquiry made a few days ago, as to the operation of our State law, etc. I will read a part of this letter which bears upon this point:

> Iowa makes one-tenth the butter of the United States, and we are correspondingly injured by fraudulent competition with butter (?) made out of something not the fat from the milk of the cow. I have no doubt that we are injured $2,500,000 every year for the benefit of the oleomargarine producer, and the consumer is not at all benefited. There is only one place in Iowa where oleomargarine is used as such, but there are plenty of places where it is used as butter, which is proved by the fact that we get one of them about once in six weeks.
>
> There is not a dairyman in Iowa that is not in favor of the Grout bill, and I sincerely hope it will pass both Houses of Congress.
>
> Respectfully,
>
> B. P. NORTON, *Dairy Commissioner.*

Notwithstanding the fact that this law has been violated and is being violated every day of the year, in spite of the able and most persistent efforts on the part of our efficient dairy commissioner to enforce this law, I am pleased that I had the pleasure and honor of being a member of the legislature that enacted this law and assisting in its passage.

While this law does not totally check the fraudulent sale of this article, everything was done that could be done by State legislation, and it has to a great degree checked the perpetration of this fraud.

Experience has taught us that State laws are inadequate, and our dairy producers are justly demanding national legislation, and I am glad of the opportunity to put forth my humble efforts in securing the passage of a measure which is of such vital importance to the producers as well as the consumers.

The Grout bill is not an unjust or oppressive measure. It is not a bill, as stated in the views of the minority, "to ruin one industry to benefit another, and to destroy the business of the legitimate oleomargarine manufacturers." Purity and wholesomeness is the purpose of this legislation, and a protection to pure-butter producers against fraudulent competition, as well as to reduce the price of oleomargarine to its consumers—that is, when sold in its natural color, and for what it is.

The bill simply provides that all counterfeit substitutes for butter, when taken into any State or Territory, shall be subject to the laws of the States or Territories concerning such counterfeit. The bill also provides that on all oleomargarine not in semblance of butter the present Federal tax of 2 cents per pound shall be reduced to ¼ cent per pound.

So if there is anyone who wishes to buy this inferior article in preference to pure butter they will be able to buy it for what it is worth, and not be swindled and compelled to pay butter prices. Or, in other words, the poor, for whom the oleomargarine combine profess to have so much sympathy, can buy the oleomargarine from 8 to 12 cents per pound where they are now compelled to pay from 12 to 35 cents per pound. I base this estimate on Armour & Co.'s own statement, made before the Federal district court in New York, where they testified that "with the 2 cents Federal tax added the cost of oleomargarine was less than 7 cents per pound;" also upon statements to our committee by representatives of oleomargarine during the last session of Congress. According to their own statements, if the tax is reduced 1¾ cents per pound the cost would be less than 5¼ cents, and it certainly could be sold for 8 to 12 cents per pound.

The bill further provides that a tax of 10 cents per pound shall be imposed on all oleomargarine colored in semblance of butter, leaving license fees for its manufacture and sale the same as provided for in the law of 1886. The fact that oleomargarine can be manufactured, colored, and sold to dealers for 8 to 12 cents per pound, with pure butter selling from 20 to 30 cents per pound, is an incentive to the dealers to deal fraudulently with their customers in palming off the substitute for the genuine article. This 10-cent tax added to the cost of manufacturing this counterfeit substitute colored in semblance of butter will bring it nearer to the price of pure butter, and in my opinion will lessen the temptation of deceptive sale and do away with the competition between a fraudulent and an honest industry. It will at least modify it.

Besides this, it will protect our dairy export trade. Of late years the Dominion of Canada has taken away from us a large portion of our export trade. Canada absolutely prohibits the making of counterfeit butter and cheese, and thus reaps the benefit of foreign trade.

According to the Federal census of 1890, there were over 12,000,000 heads of families engaged in agricultural pursuits, and of this number there were more than 5,000,000 farmers engaged in the dairy business, producing more than 2,000,000,000 pounds of butter annually, valued at more than $500,000,000. These millions of producers are entitled to some consideration, and their industry should be protected against fraud and deception, as well as protecting the millions and millions of consumers of dairy products who are imposed upon and swindled by a counterfeit substitute which is so detrimental to health.

Much has been said in favor of oleomargarine and many able arguments presented before the committee of which I have the honor of being a member, especially as to its wholesomeness. I am not a chemist; however, I have had some experience with oleomargarine, and have been where it is manufactured, and I state without fear of contradiction that there is something about the odor of some of its ingredients that is sickening and far from pleasing. I, for my part, prefer to be at least a mile away from where these obnoxious elements of oleomargarine are handled.

Without going into further details, I wish to read the statement of Hugh Reed, foreman of one of the departments of public printing, and whose truthworthiness is vouched for by one of the honored members of this House, a statement which appeared in the Evening Star May 10, 1900, in an interview given in response to the question, "Is it true that all kinds of fat are used in Chicago to make oleo oil, which is made into oleomargarine?" Reed replied:

> I know positively that this is true. I was one of the few who in workmen's clothes was permitted to go through some of the establishments where oleo oil is made in that city. There was one place, at the corner of Archer avenue and —— street (he gave its name), where the scraps from the restaurants and hotels of Chicago were taken by their ten collectors with wagons for the purpose every day. I have been right in this place and seen these scraps of fat put through the processes that bring them finally into the bags in the presses where the oil is pressed out of them.
>
> The scraps from these restaurants and hotels are divided into two classes—one from which the oleo oil is made, the other going into soap. Not only that, but this same establishment purchased the fat from the horse butchery out on the Brighton road, which fat was used in the same manner as the scraps from the hotels and restaurants. And what I saw with my own eyes at this place is well known to the employees and workingmen in that neighborhood, and the subject of common discussion throughout that locality. I have a close relative employed in one of these concerns right now, and he knows all about the business from a to z.
>
> Dr. De Schweinitz, of the Agricultural Department, in his visit to a factory which was several years ago located in Philadelphia, found the same condition of affairs. Oleo oil was being made from a pile of fat scraps collected from the hotels, restaurants, and butcher shops, which pile gave out such an odor that it was sickening, and the makers admitted it was being made into oleomargarine. The same thing was found by a reporter of the Newark Advertiser early in January of this year, when he stumbled onto a rendering establishment near that city that was doing the same thing.
>
> But it is easy to prove by statistics which are indisputable that every kind of fat and scraps are being used in the manufacture of oleo oil, which goes later into oleomargarine. The makers of oleomargarine claim that the carcasses from which their fats are taken "are killed under the supervision of the Government," hence perfectly wholesome and healthful. This is their strong argument—"all oleomargarine made under the supervision of the Government."

We also have the evidence before our committee of ex-Governor Hoard, of Wisconsin, a gentleman whose veracity can not be questioned and whose character is above reproach; a man who has given this subject much thought and attention. Up to this time his statements have not been refuted, so far as I know. I refer to his testimony as given on pages 3 and 4 of the hearings on oleomargarine before the Agricultural Committee, March 7, 1900:

> Is oleomargarine a healthful food? There is no way to determine this question except by actual trial; not for a day, a week, or a month, but for

several successive months, and not with strong, robust men with plenty of outdoor exercise.

Chemistry can not answer. For example, the chemist will tell you that he finds the same elements in swamp peat that are found in the grasses and hays that are fed to our cows, and in approximately the same proportion. And the chemist is at a loss to determine from the standpoint of his science why cattle should not feed on swamp peat. Chemistry can not determine whether any particular substance is poisonous or not. It must take a stomache to do that.

There is no credible evidence to show that oleomargarine is innocuous; no evidence to show that when eaten continuously in place of butter it is not harmful. But there are reports in great abundance to the effect that oleomargarine is harmful.

Mr. Edmund Hill, a member of the Somerset County council, England, reports that the great bulk of oleomargarine, or "margarine" as it is called there, is eaten in public institutions, convents, schools, etc. At the Wells Asylum, with which he is connected, the inmates receive oleomargarine. In the asylums of Dorset, Wells, and Hants—the adjoining counties—butter is furnished, and the death rate at Wells is 30 per cent higher. At the Taunton Hospital there were 11 deaths in thirteen months. Oleomargarine was substituted, and in nine months the deaths rose to 22.

This accords with the experience in France, where its use in hospitals is forbidden. In the United States, in institutions for the blind and for girls, it has been noticed that the use of oleomargarine lowered the vitality of the inmates very perceptibly.

There is abundant reason for this. The normal heat of the human stomach is 98°. Butter melts at 92°, 6° below the heat of the stomach, passes into pancreatic emulsion and digestion. Nature designed this fat in its raw state for food.

Oleomargarine melts at the varying temperature of 102° to 108°, a temperature no healthful stomach ever attains. As a consequence, this unnatural foreign fat must be expelled by sheer gastric action and force.

Butter fat is found in the milk of all mammals. It is chemically and physically unlike any other fat in existence. It was designed by nature for the food and sustenance of infant offspring, having the most delicate of all digestion. Because of this most evident purpose and provision of nature, butter forms a healthful and important article of food in milk, cream, and in its separated state.

No matter what paid chemists may say, no counterfeit, even in its purest state, is wholesome or healthful.

But there is another phase of this question. There is absolutely no protection for the public against most dangerous introduction of positively unhealthful compounds into oleomargarine.

The Journal of the American Chemical Society and the department of agriculture of New York abound in proof of the adulteration of oleomargarine with paraffin, a substance which the strongest acids even are unable to affect. There is no reason on earth why the foulest of germ-laden fats should not be used in the making of this compound, when once they are deodorized by the aid of chemistry.

This would indicate that oleomargarine is not altogether a wholesome food and far from what is claimed for it.

Another argument advanced by the friends of oleomargarine is that the enactment of this bill would ruin the cattle industry of this country. I will read some resolutions adopted by cattle-raisers' associations claiming a membership of 1,200 from different sections of this country. The meeting was held at Fort Worth on the 13th and 14th of March, 1900, and printed on page 71 of the hearings before the Agricultural Committee on March 7, 1900, which reads as follows:

The enactment of such laws would completely destroy a business which has been recognized by law, which now furnishes a large annual revenue to the Government ($1,956,618 in A. D. 1899), which provides employment for thousands of men, and in which citizens of the United States have invested fortunes. It would seriously affect the cattle industry, as the manufacturers of oleomargarine have created a demand for oleo oil, made from the choice fats from the beef, at a price at least $3 per animal greater than it would be worth if it had to be used, as before the advent of oleomargarine, for tallow, thereby entailing a loss on the producers of millions of dollars annually.

Also a resolution adopted by the South St. Joseph Live Stock Exchange, which meeting was held at St. Joseph. I read from page 73, same hearings:

The "butter fat" of an average beef animal for the purpose of making oleomargarine is worth from $3 to $4 per head more than it was before the advent of oleomargarine, when the same had to be used for tallow, which increased value of the beef steer has been added to the market value of the animal, and consequently to the profit of the producer.

To legislate this article of commerce out of existence, as the passage of this law would surely do, would compel slaughterers to use this fat for tallow, depreciate the value of the beef steer of this country $3 to $4 per head, which would entail a loss on the producers of this country of millions of dollars.

The use of this fat for the purpose set forth is an encouragement to the producer to improve his herd and raise a class of grade or thoroughbred cattle capable of making and carrying this fat, rather than the common or scrub animal, which is so hard and unprofitable to fatten, and the cattle raiser or producer has come to know the value of this product, and the amount of the increase in the market value of his matured animal depends somewhat on the value of the "butter fat" carried by the animal.

The rights and privileges of the producers of beef cattle should be as well respected as those of others, and as they are the beneficiaries in the manufacture of this wholesome article of food, they should not be burdened with unnecessary special taxes other than is absolutely necessary for the support of the Government and the proper governmental regulations surrounding the handling of same.

The product of the "beef steer" should receive at the hands of Congress no greater exactions than imposed upon competing food products. It is already surrounded by numerous safeguards, which Congress, in its wisdom, has seen fit to provide, stipulating severe punishments for selling same under misrepresentation as to its composition. It has by experience proven to be just what a large majority of the people of this country want, and in behalf of the producers and consumers of this great country we do solemnly protest against the enactment of legislation calculated to ruin a great industry and to deprive not only the working classes, but many others, of a cheap, wholesome, nutritious, and acceptable article of food.

Very respectfully submitted.

THE SOUTH ST. JOSEPH LIVE STOCK EXCHANGE,
By HORACE WOOD, *President*.
JOHN P. EMMERT, *Secretary*.

I also read from statement of H. H. Cowen, general attorney of the cattle raisers of Texas, page 73:

It will affect the value of our cattle from two to three dollars per head.

Referring to the Grout bill.

Also from a statement by Swift & Co.:

The enactment of these bills would seriously affect the cattle industry. The manufacturer of oleomargarine has created a demand for oleo oil, which is made from the choice fats from the beef, and is worth to-day 10 cents per pound. If these choice fats were not utilized in the manufacture of oleomargarine they would have to be sold as tallow, which is worth 6 cents per pound. A steer will yield 50 pounds of oleo oil; therefore, should the oleomargarine industry be destroyed each steer would depreciate in value $2. The same is true of the hog. Leaf lard (or neutral) is used in the manufacture of oleomargarine. Neutral is to-day worth 8¼ cents per pound; lard is worth 6 cents per pound. A hog will yield about 8 pounds of neutral. If there was no demand for neutral as an oleomargarine ingredient it would have no greater value than lard; hence each hog would be worth 20 cents less than present price.

For the year ending December 31, 1899, there were 1,702,572 cattle slaughtered at the Union Stock Yards in Chicago. At $2 per head this would make $3,405,144. For the same period there were 7,032,430 hogs slaughtered at the Union Stock Yards in Chicago. At 20 cents per head this would make $1,406,486. Therefore, should Congress pass a law which would destroy the oleomargarine business the cattle and hog raisers marketing their stock in Chicago would actually lose in the course of a year $4,811,630 by depreciation in value of stock, and this will apply to every other slaughtering point in the United States—Kansas City, Omaha, St. Louis, etc.

These statements sound very nice, and if true would have some weight. If true, as stated in these resolutions and statements, that the passage of this bill would seriously affect the cattle industry; if the manufacture of oleomargarine has created a demand for oleo oil made from the choice fat of beef at a price of at least $3 per animal greater than it would be worth if it had been used for tallow, as before the advent of the oleomargarine, and thereby entailing a loss to the producers of millions of dollars annually by depreciating the value of the beef steer of this country from three to four dollars per head; if it should lessen the encouragement to the producers and they should go back to the common scrub animal which is hard and unprofitable to fatten; and if this bill should restrict the rights and privileges of producers of beef cattle and burden them with this so-called unnecessary tax and ruin a great industry, and deprive not only the working classes but others of a cheap and wholesome article of food to any great extent, certainly this bill ought not to pass.

We raise a few beef cattle, as well as hogs, in Iowa, and we also have the so-called working classes, and were there a word of truth in these statements, it would be my duty, as a Representative from this great State, to protect their interests. However, before being led astray by such wholesale misrepresentation, let us investigate.

First, this bill does not increase the cost of oleomargarine by imposing an additional or burdensome tax. It reduces the tax 1¼ cents per pound on oleomargarine not made in semblance of butter, thus reducing the cost, except where it is made in semblance of butter.

Certainly it does not affect the price of beef cattle from $3 to $4 per head. In 1899, there were 5,000,000 head of cattle slaughtered in the United States—Chicago, 1,821,061; Kansas City, 1,032,586; Omaha, 549,089; St. Louis, 506,249; total, 3,908,985. Enough were slaughtered outside of these centers to make the number from five to six millions. We will say, for the sake of argument, that there were only 5,000,000 in all. Three to four dollars per head, or an average of $3.50 per head, would amount to $17,500,000. Besides this, they claim 20 cents on each head of the 15,000,000 hogs marketed in this country for the same year, making a total of $20,500,000, while the oleo oil consumed in making oleomargarine is valued at only $2,313,333, or about one-tenth of this amount, which would be about 40 cents per head.

In the fiscal year ending June 30, 1899, there were 83,000,000 pounds of oleomargarine manufactured in the United States. It is claimed by the friends of oleomargarine that one-third of oleomargarine is composed of oleo oil. One-third of 83,000,000 pounds is 27,666,666, or an average of 5½ pounds to each head of cattle slaughtered in this country. It is also claimed that oleo oil is worth on an average about 8 cents per pound, making it an average to each head of cattle of 44 cents, barring the scraps from the restaurants, hotels, and horse butchery consumed, as referred to by Mr. Reed, Dr. De Schweinitz, and others.

If the contention holds good that the oleo oil is made out of the choice fat of the beef, this fat would certainly be worth something for other purposes and the depreciation would be slight. It would at least bring 5 cents per pound for tallow and other purposes, or $1,383,333.30, a loss of only $830,000, or 16½ cents for each head of cattle; that is, figuring tallow on a basis of 5 cents per pound. Swift & Co., however, in their statement estimate tallow at 6 cents per pound. On this basis the loss would be only 2 cents a pound, or $553,333.32; or 11 cents per head. The loss per head is less than the price of 1 pound of beef sold on the block, or 2 pounds on hoof, or one seven hundred and fiftieth part of the value of a 1,500-pound steer, or the total loss is one one-thousandth part of the value of butter produced in this country.

For the sake of argument we will grant that there will be a loss

to the beef producers to this extent, the difference between the selling price of oleo oil and tallow, which is 11 cents on each head of cattle. The dairy producers are also beef producers. Can they not better suffer a loss of 11 cents on a steer selling from $40 to $80 than they can to see a great industry producing 2,000,000,000 pounds of butter annually, amounting to more than five hundred million of dollars, ruined by a fraudulent competitor?

Another matter that should be taken into consideration in this connection is, if true, as stated by Mr. Reed and others, that oleo oil is largely made out of fat scraps from restaurants and hotels, and I have no doubt but it is; that whatever these hotels realize out of the sale of the refuse would be a loss to them but not to the cattle producers. The cattle raisers certainly get no benefit out of these sales; and it would diminish the loss of 11 cents on each beef to the extent of whatever fat scraps were consumed in manufacturing oleomargarine.

Another argument advanced is that the passage of this bill will destroy the cotton-seed industry of the South. Upon this subject we have the statement of Mr. Oliver, a prophet and one who poses as an expert statistician and a representative of the cotton-seed industry of North and South Carolina, evidently not a friend of the farmers, who appeared before our committee. I read to you from pages 83, 84, 85, 86, evidence submitted by him, and signed by himself and others of the same committee.

Farmers will become as skillful in evading these laws as the western North Carolinian is in evading the liquor laws. Increase the tax on whisky to $2 per gallon, and then see how many more men all over the United States will be making "moonshine" goods. Reduce the tax to 25 cents per gallon and you will reduce the number of cases before each United States criminal court in North Carolina to probably one-tenth the present number. If the proposed laws to impose 10 cents per pound tax on oleomargarine are enacted, you will have to increase the revenue detective service many times its present number and hold criminal United States courts every week in every district. Butterine or oleomargarine will be produced, and the laws will not prevent it. The proposed laws, if passed, will prevent open, aboveboard, taxpaying, honorable manufacturers from continuing to carry on their present business, but it will not prevent the secret manufacture of the article by a class of men hard to detect and still harder to convict.

We earnestly protest against the passage of the proposed bills as being unnecessary and very harmful to our business, to the country's business at large, and to the morals of many farmers and others. It will be a temptation that a great many present law-abiding, honorable farmers will not be able to resist, and they will become the same as a great many western North Carolinians, "moonshiners," for the manufacture of oleomargarine.

The cotton-seed-oil interests of the South have invested in plants not less than $50,000,000. The working capital necessary to conduct the business is not less than $50,000,000 more, making $100,000,000 employed in the business. The mills have converted a product, namely, cotton seed, which was once considered a perfect nuisance by the farmers and ginners, into an article bringing to the cotton planter millions of dollars and the laboring man millions more and to the railroads a large and profitable tonnage in and out, amounting to millions of dollars in freight.

There has been paid to the cotton producers this season not less than $40,000,000 for about two-fifths of the seed produced. There has been paid to the railroads to haul the seed in and the products of oil mills out not less than $15,000,000. There has been paid to laborers dependent upon the manufacture of cotton seed at least $10,000,000, making a grand total paid out by the oil mills of not less than $65,000,000, and this for a product that forty years ago was considered absolutely worthless, and for only two-fifths of the seed produced, the balance being used on the farms for fertilizing and for cattle feed.

If the oil mills are not crippled by adverse legislation in this country and others it is only a matter of time when all cotton seed not required for planting will be worked up in oil mills, creating a market value for the seed, money paid out for transportation and labor, from a crop of 12,000,000 bales of cotton, a grand total amounting to at least $150,000,000, or about one-half of the value of the cotton crop itself. Oil mills employ colored men exclusively in every department excepting superintendents and skilled mechanics, at least 95 per cent of all the help employed being colored. These colored men earn from 75 cents to $2.50 per day, and are a very worthy, self-sustaining, law-abiding class of citizens. Why should the product of their labor be legislated against simply to give another class of citizens—the dairymen—a monopoly as against oleomargarine, a food product that the buying consumer is now satisfied to furnish to his family and himself? The consumer knows that this product, oleomargarine, is healthy and clean, and it costs him much less money than cow butter and is equally as satisfactory, and suits him much better than low grades of dirty butter costing the same or less money.

It is simply a fight in which the "survival of the fittest" should be allowed to prevail, and it is not right or just, no matter in what light it is looked upon, to handicap, by a 10 cents per pound tax, or any other tax or regulation, a manufactured article that has been, is now, and always will gradually overcome the public prejudice and work itself into public favor to the detriment of much so-called butter that is only fit for the soap boiler's kettle. Why not tax cotton clothing of all kinds, simply because it is supplanting woolen and silk goods? Why not tax beet sugar because it will, in the end, drive out cane sugar if left to a free fight on their merits and cost? Why not prohibit by tax or impose restrictions upon electric light and power because it is driving out of use gas and horse power? Why, oh, why, did not the farmer that furnished tallow to the candle makers look far enough into the future, years ago, and prevent the almost total annihilation of the candle manufacturing by the products of petroleum? Why not pass laws to prevent all inventions and improvements to the conditions of the human race just because there are some farmers selfish enough and self-satisfied to live and die as their fathers and grandfathers lived and died years before them?

GEO. L. BAKER,
A. C. PHELPS,
THOS. TAYLOR, JR.,
F. K. BORDEN,
C. FITZSIMMONS,
FRED OLIVER,
Committee.

This paper is subscribed by a committee representing in North and South Carolina and Georgia about 70 oil mills, and representing in the South about 400 oil mills.

Mr. HAUGEN. How much of this $65,000,000 goes into the butterine?

Mr. OLIVER. Of this $65,000,000?

Mr. HAUGEN. I understand you to say that $65,000,000 goes to the interests of the cotton raisers of the South?

Mr. OLIVER. About $40,000,000 was paid to the farmers for seed, about $15,000,000 for the transportation of the seed in and products out; about $10,000,000 for labor. In this country there is used probably 150,000 barrels of 50 gallons each of butter oil in manufacturing oleomargarine—at least aboveboard. How much there is used secretly, I do not know.

Mr. HAUGEN. What part of it is cotton-seed oil?

Mr. OLIVER. About 150,000 barrels of cotton-seed oil of 50 gallons each goes into the oleomargarine through the large manufacturers that are now being taxed and living up to the regulations.

Mr. HAUGEN. About how much is this worth?

Mr. OLIVER. About 40 cents a gallon of 7½ pounds to the gallon.

Mr. NEVILLE. Have you figured out the number of pounds so that you know?

Mr. OLIVER. No; it is only from what is published and the amount of taxes paid on oleomargarine. Oleomargarine contains from 25 to 40 per cent of cotton-seed oil, depending upon the weather and the season of the year it is made.

Mr. ALLEN. Are you engaged in the manufacture of oleomargarine in any way?

Mr. OLIVER. Not at all, sir.

Mr. ALLEN. Are you a cotton raiser?

Mr. OLIVER. Yes, sir; to a limited extent I am a cotton raiser. I am more of a wheat and oat raiser in the farming line.

Mr. ALLEN. Are you engaged in the manufacture of cotton-seed oil?

Mr. OLIVER. Yes, sir; in that I am very largely engaged. Our plant to-day has more than $1,000,000 right now invested in cotton-seed-oil machinery and products.

Mr. NEVILLE. One hundred and fifty thousand barrels, of 50 gallons each, or 375 pounds to the barrel. Do you mean that that amount you have given is for the oil sold, or is that including the cake sold for feeding cattle?

Mr. OLIVER. No, sir; only the cotton-seed oil used in butter making.

Mr. NEVILLE. Now, you have stated it as a fact that there was no one advocating this legislation excepting a few farmers, disreputable and dishonorable men, who wanted to palm off a fraud with their home-manufactured oleomargarine; that they were the only ones urging this?

Mr. OLIVER. That was my statement, that it was being urged by that class.

Mr. NEVILLE. How do you account for the fact that the legislatures of thirty-two States have already passed stringent laws prohibiting the sale of oleomargarine?

Mr. OLIVER. Simply because the political power of the parties in those States has been used in that way, and those in power are dictated to, or their leg pulled, or wire-pulling of some kind, which made them think it was necessary to advocate these laws.

Mr. NEVILLE. That would not apply to those who are represented by legislators who are not of their political faith?

Mr. OLIVER. It applies to both parties, or all three parties, if you want to call it three parties.

Mr. NEVILLE. Then it is simply that condition of corruption which you think has spread all over this country to which your remarks apply?

Mr. OLIVER. Yes, sir; I do think so, in this line. But, when it comes to corruption and defrauding of the public, there is more defrauding to-day in the clothing you are wearing and others are wearing in this room than in any article you can mention.

Mr. NEVILLE. Do you believe, because it has gotten to this corrupt state in all manufacturing matters with the people of this country, that it is too late, and no use to try to do anything to make it better?

Mr. OLIVER. I believe the more laws you have the greater will be the corruption. You will kill, absolutely, the manufacture of oleomargarine on an honest, honorable basis; and you will put it into the hands of the secret manufacturers, farmers, and others, who are like money shavers, and the Government will not receive any tax to amount to anything.

This is not only a gross misrepresentation of facts, but it is an attack on the integrity and intelligence of our Western farmers. At first this expert and prophet would have us believe that the cotton-seed industry amounts to $65,000,000 and all consumed in making oleomargarine in the United States. However, upon cross-examination, in response to a question as to what part of it (oleomargarine) is cotton seed, he replied that about 150,000 barrels of cotton-seed oil, of 50 gallons each, go into the oleomargarine through the large manufacturers that are now being taxed and who are living up to the regulations. In response to a question as to its value his answer is "About 40 cents per gallon, 7½ pounds to the gallon," or, in other words, 7,500,000 gallons, or 56,250,000 pounds, valued at $3,000,000.

We will compare this statement with Secretary Gage's report transmitted to this House, giving the amount and character of materials consumed in the manufacture of oleomargarine for the year ending June 30, 1900:

Ingredients of 80,000,000 pounds oleomargarine made in 1899.

	Pounds.		Pounds.
Neutral lard	31,297,251	Stearin	5,890
Oleo oil (tallow)	24,491,769	Glucose	2,550
Cotton-seed oil	4,357,514	Milk	14,200,576
Sesame	486,310	Butter oil	4,342,904
Coloring matter	148,970	Salt	6,773,670
Sugar	110,164	Butter	1,568,319
Glycerin	8,963	Cream	3,527,410

You will see that Secretary Gage's report shows that only 4,357,514 pounds of cotton-seed oil and 4,342,904 pounds of butter oil, which is practically the same as cotton-seed oil, all told only 8,700,418 pounds, were used in the manufacture of oleomargarine in the United States, which, if valued at 5 cents per pound, would amount to only $435,020.90, or about two-thirds of 1 per cent of the total cotton-seed industry, which is $65,000,000 according to this expert statistician, Mr. Oliver.

The total export of cotton-seed oil is 50,627,219 gallons, as given in the Agriculture Year Book for 1899, page 325, if valued at 40 cents, or $20,250,916, while only a little over one million gallons is being consumed in the manufacture of oleomargarine in the United States, at a value of only $435,000, which is only about one-fiftieth, or 2 per cent of the total amount exported; and there

is nothing to fear whatever that this legislation will ruin the cotton industry of the South.

The representatives of oleomargarine manufacturers have put much stress on the amount of money invested. Let us make a comparison. The Moxley Company, as stated by one of its own representatives, estimate the actual value of their plant at $30,850; and this being one of the largest plants in this country, the average value certainly can not be more than $25,000. There being 26 of these establishments in the United States, we have a total investment of $650,000, while on the other hand, in the State of Iowa alone we have 994 creameries, at an estimated average value of $3,000 each, making a total investment of $2,982,000, or more than four and one-half times greater than the amount invested by oleomargarine manufacturers in the whole United States.

The gentlemen in opposition to this bill have had much to say about this 10 cents tax; that the 8 cents additional tax on colored oleomargarine in semblance of butter is to suppress and to stamp the legitimate manufacturers of oleomargarine out of existence for the benefit of dairy producers, denouncing it as class legislation, etc.

Much stress has been put upon the statement of Mr. Adams, commissioner of pure food in Wisconsin, wherein it is claimed that he said: "There is no use beating about the bush in this matter; we want to pass this law and drive the oleomargarine manufacturer out of business." If true that he made this statement, it does not necessarily voice the sentiment of the members of the committee who made the majority report or any member of this House who favors its passage, nor does it necessarily prove that this is the purpose of the bill or the intent of the promoters and author of the bill. If these were the facts, I have too high an opinion of the members of this House to think that any one of them would give this bill any support whatever.

On the other hand, how do you harmonize this statement with the statement made by the gentleman from Kansas, who has investigated as to the selling price of the two articles? He himself made the statement that creamery butter is selling at 35 cents, while oleomargarine is selling at 20 cents, a difference of 15 cents per pound.

To satisfy myself, some time ago, in company with the Wisconsin member, Mr. DAHLE, of this committee, I went to the market and there purchased oleomargarine as well as butter, paying 15 to 18 cents for oleomargarine and 35 cents for butter. Here you have a difference of 20 cents per pound. It is fair to assume that if oleomargarine is as nutritious, palatable, and wholesome as butter, it ought to sell at the same price as butter. And if oleomargarine can now be sold at 15 or even 20 cents per pound, the additional 8 cents tax certainly will not deprive it of its market.

With this additional tax of 8 cents it can be sold at 23 to 28 cents, which is 7 to 12 cents less than the present price of butter. According to the statement of the gentleman from Kansas, it is absolutely proved that oleomargarine can be sold in competition with butter with this 10 cents tax, or that this industry will not be ruined by increased taxation as provided in this bill.

Besides this we have abundance of evidence proving conclusively that the cost of oleomargarine is not anywhere near 15 or 20 cents per pound. Not even one-half of that amount. I hold in my hand a prospectus of the Standard Butterine Company, issued by W. P. Wilkins, president, Gurley & Johnson, bankers, 1335 F street NW., Washington, D. C., dated September 1, 1900, a concern incorporated under the laws of the State of Virginia, with a capital stock of $1,000,000. No one will question the authority of these parties. They are all men of high standing—Wilkins a man of large experience in the manufacture of oleomargarine, and a man who knows what he is talking about.

Let me read to you what they have to say on the subject of the manufacture of oleomargarine, trades, profits, etc.:

It is perhaps best to add to this prospectus a statement of the exact cost of and profits in the manufacture of butterine, compiled from manufacturing statistics and recent market quotations:

Cost, showing proportions used for each 100 pounds:

Oleo oil, 32 pounds, at 9½ cents per pound	$3.04
Neutral lard, 17 pounds, at 8½ cents per pound	1.44½
Cotton oil, 17 pounds, at 5 cents per pound	.85
Milk, 17 pounds, at 1 cent per pound	.17
Salt, 7 pounds, at ½ cent per pound	.03½
Moisture, 10 pounds, at 00 per pound	.00
Total	5.54
Labor, parchment paper, tubs, etc	1.38
Internal revenue, 2 cents per pound	2.00
Total cost	8.92

F. o. b. Washington.

The above cost, when deducted from the market price of $13 per 100 pounds, shows a net profit of $4.08.

It will be seen that even if the company produced only the 400,000 pounds per month for which it now has definite orders a net profit of over $16,320 a month, or $195,840 a year, would be assured.

This would mean 8 per cent on the preferred stock of the company or 20 per cent on the entire capitalization.

This is a simple statement of actual facts which can be easily verified.

This showing surely ought to be of interest to everybody with money for which a highly profitable investment is desired.

The president of the company, Mr. W. P. Wilkins, has been engaged in the butterine business for many years and is certainly thoroughly competent to place the company on an immediate paying basis.

Mr. Wilkins has just returned from Europe, where he made a careful examination of all the great butterine manufactories.

The question of a sale for the product, however, is not problematic. The company already has from responsible dealers orders for 400,000 pounds a month, to be taken just as soon as it is possible to place the factory in operation.

It is confidently expected that within a very short time after operations are begun the regular output of the factory will not be less than 1,000,000 pounds a month.

In addition to the manufacture of butterine, the company proposes to refine for export both oleo oil and neutral lard, over 800,000,000 pounds of which are exported annually from the United States. There are only a few factories now operating that supply these products, and the field is ripe for the erection of a large plant such as this company will have.

Active operations will be commenced at an early date, and intending investors should give the matter their early attention. The company will gladly give all information desired and stands ready to satisfy everyone interested upon any points which may be raised.

STANDARD BUTTERINE COMPANY,
W. P. WILKINS, *President.*
Offices, 208 Ninth street NW., Washington, D. C.

For further particulars in regard to purchase of stock, address Gurley & Johnson, bankers, 1335 F street NW., Washington, D. C.]

In addition to this we have the statement of C. N. Lavery, representing Swift & Co., Kansas City (on pp. 225, 226 of the hearings before our committee), giving the average price of oleomargarine at 11 to 14 cents, including the 2 cents tax. By adding the proposed 8 cents additional tax to the price of oleomargarine it would make the cost to the consumer from 19 to 22 cents, according to Mr. Lavery's statement. And according to the Standard Butterine Company's statement the 8 cents tax added to their estimated cost of 8.92 cents would make the cost 16.92, or less than 17 cents.

We are all familiar with the price of butter enough to know that butter hardly ever sells below this, and I think it is fair to assume that the average price of butter is 25 cents the year around. If this estimate holds good, we have a difference of cost in the two articles of 8 cents, with the 8 cents additional tax added. Certainly, if butterine is what it is claimed to be by its friends, it can be sold in competition with butter with a large profit to its manufacturers, and there is nothing whatever in the statement that this bill will legislate oleomargarine out of existence.

The gentleman from New York dwelt at length and read from statements of employees of the Agricultural Department, quoting them as authority, why this bill should not pass. In reply to this let me read what the Secretary of Agriculture, the head of that Department, has to say, in a statement in the Philadelphia Inquirer of last April:

The farmers have a right to expect legislation sufficient to give them protection against unfair competition by fraudulent imitation.

I also read to you from pages 244–245 of the Year Book of the Department of Agriculture:

The practice of adulterating human foods, which has been so largely prevalent in all parts of the world, has proved an incalculable injury to honest agriculture. As an illustration of the way in which adulterated food may injure the farmer's profession may be cited the sale of oleomargarine for butter and glucose for honey. The food value of oleomargarine and glucose is not denied. They are, however, very much cheaper products than butter and honey. These adulterated foods, unfortunately, are often not offered for sale under their own names, except by legal compulsion, but are placed upon the market under the names of the genuine article which they are manufactured to imitate. Buyers therefore pay, as a rule, prices which would be asked for the pure article. The market for the pure article is diminished just to the extent to which these other substances are sold, and in this way positive injury to great agricultural interests is done.

This would indicate that the Department of Agriculture is not altogether opposed to the passage of this bill.

The exposures of the fraudulent sale of oleomargarine recently in the State of Pennsylvania and other States has disclosed the fact that manufacturers have entered into a conspiracy to break down the State laws, resorting to dishonorable methods; by deception of all kinds in substituting and forcing this counterfeit on the public; by evading and disobeying the laws of the land, and even going so far as to adopt a policy of encouraging and urging retailers to violate the laws of the State, and providing for a defense fund; and wherever prosecutions are made those prosecuted are defended by the best legal counsel obtainable, who resort to all technicalities, as well as—with the united efforts of the oleo industry with its millions—bringing every possible influence to bear in securing dismissals and acquittals, piling up costs and expenses to the State, and making everything as disagreeable as possible, both to the State and all connected therewith.

In view of the facts I feel justified in supporting this bill, and have no apology to make in so doing. And I repeat that this bill is not to destroy one industry to benefit another or to ruin the cattle or cotton industries; not for selfish motives or greed; not to enhance the price of oleomargarine to its consumers, but rather for wholesomeness, the suppression of fraud and deception, and the protection of an honest and legitimate industry against fraudulent competition, as well as to protect the consumers, giving them the right and privilege of choosing between a deleterious and a wholesome article, that they may buy it for what it is and at a much reduced price.

Justice and the welfare of the public demands the passage of this bill, and I have no doubt it will be done. [Applause.]

I submit herewith a table which shows the amount of oleomargarine produced each year since November, 1886, when the present law went into effect:

	Produced.	Revenue paid.
	Pounds.	*Dollars.*
On hand November 1, 1886	181,000	
During the fiscal year ended June 30—		
1887 (from November 1, 1886)	21,513,537	723,948.04
1888	34,325,527	864,139.88
1889	35,664,026	894,247.91
1890	32,324,032	786,291.72
1891	44,302,409	1,077,924.14
1892	48,364,155	1,206,326.00
1893	67,224,298	1,670,643.50
1894	69,632,246	1,723,479.90
1895	56,958,105	1,409,211.18
1896	50,853,234	1,219,432.46
1897	45,531,207	1,034,129.60
1898	57,516,136	1,315,708.54
1899	83,130,474	1,956,618.56
Total	647,610,476	15,942,101.43

I submit here a list of these States, with the population of each as shown by the census of 1890:

	Population.		Population.
New York	5,997,853	South Carolina	1,151,149
Pennsylvania	5,258,014	Nebraska	1,058,910
Illinois	3,826,351	Maryland	1,042,390
Ohio	3,672,316	West Virginia	762,798
Missouri	2,679,184	Connecticut	746,253
Massachusetts	2,238,943	Maine	661,086
Michigan	2,093,889	Colorado	412,198
Iowa	1,911,896	New Hampshire	376,530
Kentucky	1,858,635	Washington	349,390
Georgia	1,837,353	Oregon	313,767
Tennessee	1,766,518	Vermont	332,442
Wisconsin	1,686,880	South Dakota	328,808
Virginia	1,655,980	Utah	207,905
Alabama	1,513,017	North Dakota	182,711
New Jersey	1,444,933	Delaware	168,493
Minnesota	1,301,826		
California	1,208,130	Total	50,117,440

The States and Territories which have not passed laws forbidding the sale of oleomargarine colored in semblance of butter are:

	Population.		Population.
Texas	2,235,523	New Mexico	153,593
Indiana	2,192,404	Montana	132,156
North Carolina	1,617,947	Idaho	84,385
Kansas	1,427,096	Oklahoma	61,834
Mississippi	1,289,700	Wyoming	60,705
Arkansas	1,128,179	Arizona	59,620
Louisiana	1,118,587	Nevada	45,761
Florida	321,422		
Rhode Island	345,506	Total	12,604,790
District of Columbia	230,392		

I also submit a statement showing the States into which it was shipped, together with the number of dealers in each State and the number of pounds so disposed of:

Yellow oleomargarine sold contrary to law in 1899.

	Number of dealers	Quantity sold.		Number of dealers	Quantity sold.
		Pounds.			*Pounds.*
Alabama	21	226,053	New York	14	222,788
California		74,923	North Dakota	18	7,710
Colorado	95	1,123,537	Ohio	1,005	8,830,969
Connecticut	5	134,255	Oregon	3	41,250
Delaware	48	40,475	Pennsylvania	717	11,433,341
Georgia	61	495,004	South Carolina	24	258,159
Illinois	2,020	18,638,921	South Dakota	4	55,432
Iowa	3	79,922	Tennessee	63	714,640
Kentucky	217	1,490,577	Utah		8,450
Maine	17	102,274	Vermont	1	2,990
Maryland	58	1,791,950	Virginia	121	1,159,400
Massachusetts	108	2,083,889	Washington	5	63,345
Minnesota	30	1,343,865	West Virginia	172	1,206,865
Missouri	231	3,133,313	Wisconsin	23	714,742
Nebraska	73	1,024,985			
New Hampshire	19	445,583	Total	5,492	62,825,582
New Jersey	206	5,875,975			

Oleomargarine sold in States where legal to color.

	Number of dealers	Quantity sold.		Number of dealers	Quantity sold.
		Pounds.			*Pounds.*
Alaska	5	18,080	Mississippi	17	104,622
Arkansas	35	380,389	Montana		446,022
Arizona	5	78,767	Nevada		625
District of Columbia	61	816,848	New Mexico	12	115,850
Florida	82	590,225	North Carolina	9	110,224
Idaho	3	58,224	Oklahoma	10	117,398
Indiana	906	3,923,228	Rhode Island	333	3,594,984
Indian Territory	21	152,278	Texas	162	1,518,264
Kansas	186	1,658,544	Wyoming	5	39,547
Louisiana	140	1,043,502			
Michigan	109	2,092,521	Total	1,501	16,860,142

Also the following compilations of the substance of the dairy laws of the United States as published by the Agricultural Department:

ALABAMA—ANTI-COLOR LAW.

(Approved February 18, 1895.)

No article which is in imitation of pure yellow butter, and is not made wholly from pure milk and cream, shall be manufactured, sold, or used in any public eating place, hospital, or penal institution, etc.; but oleomargarine, free from color or other ingredient to cause it to look like butter, and made in such manner as will advise the consumer of its real character, is permitted. It must be stamped with its name.

ARIZONA.

No dairy laws.

ARKANSAS—MUST BE LABELED.

(Approved April 2, 1885.)

Substitutes for butter, whether in wholesale or retail packages, shall be plainly labeled "Adulterated butter," "Oleomargarine," or such other names as shall properly describe them. In hotels, etc., dishes containing said articles must be plainly marked in same manner.

CALIFORNIA—ANTI-COLOR LAW.

(Approved March 4, 1897.)

Imitation butter and cheese is defined as any article not produced from pure milk or cream, salt, rennet, and harmless coloring matter, which is in semblance of butter or cheese and designed as a substitute for such. Shall not be colored to imitate butter or cheese, and must be in such form as will advise consumer of its real character. Every package must be plainly marked "Substitute for butter" or "Substitute for cheese" and accompanied by a statement giving name of manufacturer, ingredients, etc., a copy of which must be given to each purchaser, with verbal notice, at the time of sale, in connection with which words like "creamery," "dairy," etc., are prohibited. Patrons of eating places shall be notified if substitutes of butter or cheese are used. Prohibited in State charitable institutions.

COLORADO—ANTI-COLOR LAW.

(Approved April 1, 1895.)

All articles not produced from pure milk or cream, in imitation of pure cheese or yellow butter, are prohibited; but oleomargarine and filled cheese are permitted if free from color or other ingredient to cause them to look like butter or cheese. They must be made in such form and sold in such manner as will advise the consumer of their real character. Cheese containing any foreign fats, oleaginous substances, rancid butter, etc., shall be branded "imitation cheese."

CONNECTICUT—ANTI-COLOR LAW.

(Public Acts, 1895.)

Imitation butter, defined as any article resembling butter in appearance and not made wholly, salt and coloring matter excepted, from cow's milk, is prohibited; but oleomargarine or imitation butter, free from color or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise consumer of its real character, is permitted. Words like "butter," "dairy," etc., shall not form a part of its name or appear on its package. Imitation butter shall be sold only in labeled packages, or registered places which display signs, and purchasers shall be informed orally of the character of the article at the time of sale. Use of imitation butter in public eating places, bakeries, etc., must be made known by signs.

DELAWARE—ANTI-COLOR LAW.

(Passed May 8, 1895.)

The manufacture or sale of any article not produced from unadulterated milk or cream, which is in imitation of pure yellow butter or designed to take the place of pure cheese, is prohibited; but oleomargarine is permitted if in a distinct form, free from butter color, and sold in such manner as to show its real character; it shall be plainly marked "Oleomargarine."

DISTRICT OF COLUMBIA—BRANDING LAW.

(Approved March 2, 1895.)

Substances in semblance of butter or cheese, not made exclusively of milk or cream, but with the addition of melted butter or any oil, shall be plainly branded on each package "Oleomargarine," and a label, similarly printed, must accompany each retail sale.

FLORIDA—MUST NOTIFY GUESTS.

(Approved February 17, 1881.)

The sale of any spurious preparation, purporting to be butter, is prohibited. Guests at hotels, etc., must be notified if oleomargarine or other spurious butter is used.

GEORGIA—ANTI-COLOR LAW.

(Approved December 16, 1895.)

Imitation butter and cheese are defined as any article not produced from pure milk or cream—salt, rennet, and coloring matter excepted—in semblance of butter or cheese and designed to be used as a substitute for either. Shall not be colored to resemble butter or cheese. Every package must be plainly marked "Substitute for butter" or "Substitute for cheese," and each sale shall be accompanied by verbal notice and by a printed statement that the article is an imitation, the statement giving also the name of the producer. The use of these imitations in eating places, bakeries, etc., must be made known by signs.

IDAHO—BRANDING REQUIRED.

(Approved January 27, 1885.)

Brand required for sale of oleomargarine or butterine, imitation butter, or mixture imitating butter. These shall not be sold as butter.

ILLINOIS—ANTI-COLOR LAW.

(Approved June 14, 1897.)

Imitation butter is defined as any article not produced from pure milk or cream—salt, rennet, and coloring matter excepted—in semblance of butter and designed to be used as a substitute for it. Shall not be colored to resemble butter. All packages must be plainly branded "Oleomargarine," "Butterine," "Substitute for butter," or "Imitation butter." Each sale shall be accompanied by notice to the purchaser that the substitute is imitation butter.

INDIANA—LABEL LAW.

Butter other than that made from pure milk, when sold or used in hotels, etc., must be plainly labeled "Oleomargarine."

IOWA—ANTI-COLOR LAW.

(Passed in 1893.)

Imitation butter or cheese is defined as an article not produced from pure milk or cream—salt, rennet, and coloring matter excepted—in semblance of butter or cheese and designed to be sold as a substitute for either of them,

shall not be colored to resemble butter or cheese. Every package shall be plainly marked "Substitute for butter" or "Substitute for cheese," and each sale shall be accompanied by a verbal notice and a printed statement that the article is an imitation, the statement giving also the address of the maker. The use of these imitations in hotels, bakeries, etc., must be made known by signs.

KANSAS.

No law.

KENTUCKY—ANTI-COLOR LAW.

(Act of 1898.)

Oleomargarine, butterine, or kindred compounds, made in such from and sold in such manner as will advise the customer of its real character, and free from color or other ingredient to cause it to look like butter, is permitted.

LOUISIANA—LABEL LAW.

(Approved July 6, 1888.)

Such substances as oleomargarine, butterine, bogus butter, etc., shall be plainly labeled to indicate their composition. They shall not be sold as butter.

MAINE—ANTI-COLOR LAW.

(Approved March 27, 1895.)

Any article in imitation of yellow butter or cheese and not made exclusively of milk or cream is prohibited.

MARYLAND—ANTI-COLOR LAW.

(Passed in 1888.)

The manufacture, sale, or use in public eating places of any article in imitation of and designed to take the place of pure butter or cheese, and not made wholly from milk or cream, is prohibited. Mixtures of any animal fats or animal or vegetable oils with milk, cream, or butter shall be uncolored and marked with names and percentages of adulterants, and this information shall be given to purchasers.

MASSACHUSETTS—ANTI-COLOR LAW.

(Approved June 11, 1891.)

An article made wholly or partly out of any fat or oil, etc., not from pure cream, and which is in imitation of yellow butter, is prohibited; but oleomargarine, free from color or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted. It shall not be sold as butter, nor shall words like "dairy," "creamery," etc., or the name of any breed of dairy cattle, be used in connection with it. All packages exposed for sale must be plainly marked "Oleomargarine," and labels similarly marked must accompany retail sales. Stores where it is sold and wagons used for delivery must display signs, and hotels, etc., using it must notify guests. Persons selling oleomargarine must be registered and conveyors licensed.

MICHIGAN—ANTI-COLOR LAW.

(Approved April 15, 1897.)

Any article not made wholly from milk or cream, and containing melted butter, fats, or oils not produced from milk, and which is in imitation of pure butter, is prohibited; but oleomargarine, free from color or any ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted; its sale as butter is prohibited; signs must be displayed where it is sold or used, and its original packages must be plainly marked "Oleomargarine" if the article contains suet or tallow, or "Butterine" if it contains lard; retail sales shall be made from a package so marked, and a label similarly printed and bearing the name of the manufacturer shall be delivered with each sale; shall not be used in any public institution. (N. B.—The above law was invalidated in 1897 by the supreme court because of the fact that the enacting clause was omitted when it passed the senate.)

MINNESOTA—ANTI-COLOR LAW.

(Approved 1899.)

This law prohibits the sale of oleomargarine made in imitation of butter, and took the place of the pink law of 1891.

MISSISSIPPI—LABEL LAW.

(Approved March 9, 1882.)

Packages of oleomargarine or similarly manufactured butters shall be plainly labeled with the correct name of their contents, and the product shall be sold by that name. A privilege tax of $5 is imposed upon persons selling the articles named.

MISSOURI—ANTI-COLOR LAW.

(Approved April 19, 1895.)

Imitation butter is defined as every article not produced wholly from pure milk or cream, made in semblance of and designed to be used as a substitute for pure butter; it shall not be sold as butter; shall not be colored to resemble butter unless it is to be sold outside the State; original packages shall be plainly stamped "Substitute for butter;" in hotels, etc., vessels in which it is served must be marked "Oleomargarine" or "Impure butter."

MONTANA—TAXED 10 CENTS A POUND.

(Penal code of 1895.)

Any article in semblance of butter or cheese and not made wholly from milk or cream must be plainly labeled "Oleomargarine" or "Imitation cheese," and a printed label bearing the same word or words must be delivered to the purchaser with retail sales. Places where these articles are sold or used must display signs, and information as to their character be given if requested. Dealers must pay a license of 10 cents a pound on each pound sold.

NEVADA—BRANDING LAW.

(Approved February 14, 1881.)

Any article in semblance of butter, but not made exclusively of milk or cream, or containing melted butter, shall be in packages plainly marked "Oleomargarine."

NEBRASKA—ANTI-COLOR LAW.

(Approved March 16, 1895.)

Imitation butter and cheese are defined as any article made in semblance of and designed to be used as a substitute for pure butter or cheese and not produced wholly from pure milk or cream, salt, rennet, and harmless coloring matter. These articles, including any having melted butter added to them, shall not be colored to resemble butter or cheese; shall be plainly marked "Imitation butter," or "Imitation cheese;" verbal and printed information of the character of the articles, and address of the maker, shall be given at time of sale; signs shall be displayed in public eating places where used.

NEW HAMPSHIRE—ANTI-COLOR LAW.

(Approved March 29, 1895.)

Any article not made wholly from unadulterated milk or cream, which is in imitation of pure yellow butter or cheese, is prohibited, unless in packages plainly marked "Adulterated butter," "Oleomargarine," or "Imitation cheese." A label printed with the words on the original package shall be delivered with each retail sale. Oleomargarine, free from color or ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted. Notice of the use of substitutes for butter in hotels, etc., shall be given to patrons.

NEW JERSEY—ANTI-COLOR LAW.

(Approved March 22, 1886.)

Any article made wholly or partly out of any fat, oil, etc., not from pure milk or cream, artificially colored in imitation of pure yellow butter, is prohibited; but oleomargarine and imitation cheese are permitted, if free from artificial color and in original package encircled by a wide black band bearing the name of the maker and having the name of the contents plainly branded on them with a hot iron. Retail sales shall be accompanied by a printed card on which the name of the substance and the address of the maker are plainly printed, and the customer shall be orally informed of the character of the article at the time of sale.

NEW MEXICO.

No law.

NEW YORK—ANTI-COLOR LAW.

(Approved April 10, 1893.)

The terms oleomargarine, butterine, imitation butter, or imitation cheese means any article in the semblance of butter or cheese not the usual product of the dairy and not made exclusively from unadulterated milk, or having any oil, lard, melted butter, etc., as a component part. Imitation butter: The manufacture of oleomargarine or any article in imitation of butter wholly or partly from fats or oils not produced from milk, or the sale or the use in hotels, etc., of such articles, is prohibited. No article intended as an imitation of butter and containing oils, fats, etc., not from milk, or melted butter in any condition, shall be colored yellow.

NORTH CAROLINA—LABOR LAW.

(Ratified February 28, 1895.)

Oleomargarine and butterine are defined as articles manufactured in imitation of butter, and which are composed of no ingredient or ingredients in combination with butter. Original packages shall be labeled with chemical ingredients and their proportions.

NORTH DAKOTA—ANTI-COLOR LAW.

(Laws of 1899.)

Law prohibits manufacture and sale of oleomargarine colored in semblance of butter.

OHIO—ANTI-COLOR LAW.

(Approved May 16, 1894.)

Oleomargarine is defined as any substance not pure butter of not less than 80 per cent butter fat and made for use as butter. It is permitted if free from coloring matter or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its real character.

OKLAHOMA.

No laws.

OREGON—ANTI-COLOR LAW.

(Filed February 21, 1899.)

Forbids the manufacture and sale of oleomargarine colored in semblance of butter.

PENNSYLVANIA—ANTI-COLOR LAW.

(Passed in 1899.)

Prohibits manufacture and sale of oleomargarine made in semblance of butter.

RHODE ISLAND—BRANDING LAW.

(Laws of 1882.)

Any article not made wholly from milk or cream, but containing any melted butter or animal oil or fat not the product of milk, shall be plainly marked "Oleomargarine," and a label similarly printed shall be delivered with all retail sales.

SOUTH CAROLINA—ANTI-COLOR LAW.

(Approved March 9, 1896.)

Imitation butter and cheese are defined as every article not produced from pure milk or cream, with or without salt, rennet, and harmless coloring matter, which is in semblance of, and designed to be used as, a substitute for butter or cheese; they shall not be colored to resemble butter or cheese; original packages shall be marked "Substitute for butter," or "Substitute for cheese;" shall not be sold as genuine butter or cheese, nor used in hotels, etc., unless signs are displayed.

SOUTH DAKOTA—ANTI-COLOR LAW.

(Laws of 1897.)

Any article not made wholly from pure milk or cream, and in imitation of pure butter, is prohibited; but oleomargarine, colored pink and made in such form and sold in such manner as will advise the consumer of its real character, is permitted; notice of its use in public eating places must be given.

TENNESSEE—ANTI-COLOR LAW.

(Act of 1895.)

Any article which is in imitation of yellow butter and not made exclusively from pure milk or cream is prohibited; but oleomargarine, free from color or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its true character, and other imitations if uncolored and labeled with their correct names, are permitted; wholesale packages shall be plainly labeled, and a label shall accompany retail sales.

TEXAS.

No law.

UTAH—ANTI-COLOR LAW.

(Approved March 8, 1894.)

Any article in semblance of butter or cheese, and not made wholly from milk or cream, shall be plainly marked "Oleomargarine butter," or "Imitation cheese," and retail sales shall be made from packages so marked. Such articles shall not be colored to resemble butter or cheese.

VERMONT—PINK LAW.

(Laws of 1884.)

The manufacture of any article in imitation of butter or cheese which contains any animal fat, or animal or vegetable oils or acids not produced from pure milk or cream, is prohibited.

Imitation butter.—Imitation butter for use in public eating places, or for sale, shall be colored pink.

VIRGINIA—ANTI-COLOR LAW.

(Approved January 29, 1898.)

The manufacture or sale of any article made wholly or partly from any fat or oil not produced from unadulterated milk or cream, which is in imitation of pure yellow butter, is prohibited; but oleomargarine, butterine, or kindred compound, made in such form and sold in such manner as will advise the consumer of its real character, and free from color or other ingredient to cause it to look like butter, are permitted. Signs with the words "Imitation butter used here" shall be displayed in eating places, bakeries, etc., where the articles above named are used.

WASHINGTON—ANTI-COLOR LAW.

(Approved March 11, 1895.)

No article which is in imitation of pure yellow butter and is not made wholly from pure milk or cream, with or without harmless coloring matter, shall be manufactured, sold, or used in any public eating house or eleemosynary or penal institution, etc.; but oleomargarine free from color or other ingredient to make it look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted.

WEST VIRGINIA—PINK LAW.

(Approved February 16, 1891.)

Any substance in semblance of butter or cheese, and not made wholly from pure milk or cream, and packages containing such substances, shall be plainly marked; printed statements explaining the character of the substance must be given to consumers.

Oleomargarine.—Oleomargarine and artificial and adulterated butter shall be colored pink.

WISCONSIN—ANTI-COLOR LAW.

(Laws of 1895.)

Any article made partly or wholly out of any fat or oil, etc., not from pure milk or cream, and in imitation of yellow butter, is prohibited; but oleomargarine, free from color or other ingredient to make it look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted. It shall not be sold as butter. All packages exposed for sale must be plainly marked "Oleomargarine." Signs must be displayed in selling places and on wagons. Hotels, etc., using it must notify guests. Use not permitted in charitable or penal institutions.

WYOMING.

No dairy laws.

Also what Judge Harlan had to say in delivering this opinion:

And yet it is supposed the owners of a compound which has been put in a condition to cheat the public into believing it is a particular article of food in daily use and eagerly sought for by people in every condition of life are protected by the Constitution in making a sale of it against the will of the States in which it is offered for sale because of the circumstance that it is in an original package and has become a subject of ordinary traffic. We are unwilling to accept this view. We are of the opinion that it is within the power of a State to exclude from its markets any compound manufactured in another State which has been artificially colored or adulterated so as to cause it to look like an article of food in general use and the sale of which may, by reason of such coloration or adulteration, cheat the general public into purchasing that which they may not intend to buy.

The Constitution of the United States does not secure to anyone the privilege of defrauding the public. The deception against which the statute of Massachusetts is aimed is an offense against society. The States are as competent to protect their people against such offenses or wrongs as they are to protect them against crimes or wrongs of more serious character, and this protection may be given without violating any right secured by the national Constitution and without infringing the authority of the General Government. A State enactment forbidding the sale of deceitful imitations of articles of food in general use among the people does not abridge any privilege secured to citizens of the United States, nor in any just sense interfere with the freedom of commerce among the several States.

From other authorities:

It has been uniformly held that the legislature, in the exercise of its police powers for the protection of the general welfare of the community and the promotion of the public health, has the right to prohibit the manufacture and sale of any article of food in imitation or semblance of another well-known article of food in a form which is calculated or likely to deceive the buyer or the consumer, and in any substitutes for butter, where the act is aimed at a designed and intentional imitation of butter in the manufacture of the new product and not at a resemblance of qualities inherent in the articles themselves and common to both. (Plumley *vs.* Massachusetts, 155 U. S., 461; Commonwealth *vs.* Plumley, 163 Mass., 169; Waterbury *vs.* Newton, 50 N. J. Law, 534; People *vs.* Aarensburg, 105 N. Y., 123; McAllister *vs.* State, 72 Mo., 360; State *vs.* Addington, 77 Mo., 110; Commonwealth *vs.* Schollenberger, 155 Pa., 201; State *vs.* Marshall, 64 N. H., 549; Weilmon *vs.* State, 56 N. W. Rep., 688 Minn.; Cook *vs.* State, 20 Southern Rep., 566 Ala.)

Also the Attorney-General's letter to President McKinley, which is as follows:

The petitioners, Joseph Wilkins and Howard Butler, were convicted of fraudulently removing labels from packages containing oleomargarine in violation of the act of August 2, 1886, and were sentenced on March 17, 1898, as to Wilkins, to imprisonment for six months and to pay a fine of $1,500 and costs, and, as to Butler, to imprisonment for four months and to pay a fine of $500 and costs.

The judgment of the district court was subsequently affirmed in the circuit court of appeals, to which it was taken by the defendants, and an application subsequently made to the Supreme Court for a writ of certiorari was denied. Thereupon, in November last, the petitioners were committed to serve their sentences of imprisonment.

The grounds of the application for a pardon as to Joseph Wilkins are that he has a wife and child, and that each of the prisoners is of good reputation and standing and has never been convicted of any other crime. They request, in view of the humiliation and disgrace already suffered by them, as well as of the heavy fines imposed, and in view of their good reputation and standing in the community, and of the fact that no revenue has been lost to the Government, that that portion of the sentence providing for imprisonment be remitted.

The records of the office of internal revenue show that Wilkins has been a persistent violator of the oleomargarine laws and that prior to the present prosecution he has escaped punishment by means of money payments in compromise. The records show that on December 14, 1893, Wilkins filed a proposition to pay $2,100 and costs in compromise of all liabilities, civil and criminal, incurred in the first district of Illinois for selling oleomargarine as butter and by violating various sections of the law relating to wholesale dealers in oleomargarine. This offer was accepted December 26, 1893.

April 4, 1895, less than a year and a half after the last settlement, Wilkins again filed an offer of compromise, agreeing to pay $2,000 in settlement of his liabilities for alleged frauds under the oleomargarine law committed in connection with a firm in West Virginia. This offer was also accepted.

A year later, April 2, 1896, Wilkins was indicted with another in the District of Columbia for selling unstamped oleomargarine. On June 20, 1896, he offered to pay $1,000 in compromise, but this being rejected, the case went to trial and the accused was acquitted. There are three separate indictments against him pending now in the District of Columbia for selling oleomargarine in unstamped packages. These indictments were found January 4, 1897.

The offense of which the petitioners are now convicted was committed December 20, 1896, two days after the verdict of acquittal in the trial in the District of Columbia. The petitioners were discovered by a revenue agent in the act of scraping off the stamps, marks, and brands from packages of oleomargarine.

In connection with the present case, an offer to pay $3,000 and costs in compromise was made, but rejected February 23, 1898, and thereupon the case went to trial with the result above stated.

It is obvious that the business in which Wilkins was engaged must have been one of great profit, otherwise he could not have afforded to make the very large payments in compromise which he did make or offered to make.

That he was aware of the fraudulent and dishonorable nature of the business in which he was persistently engaged appears from his own statement made in a letter addressed to the Commissioner of Internal Revenue, October 31, 1893, from which I quote the following:

"Having a thorough knowledge of the butterine business, and knowing the possibilities of that business if worked in certain directions and ways, I determined to try it, having the desire to make large gains quick. * * * After I found that some of my goods had been seized in Cincinnati I settled up my business as quickly as possible and did not ship any more. I came to you voluntarily, and I sincerely trust you will deal with me as leniently as the law will allow you, promising you faithfully that no such thing as this will ever occur again with me, and, if I am allowed to make a request, I ask that I be allowed to settle without having the Western houses know anything of my doings, because I know it was very dishonorable in me to do as I have done, and if I am allowed to go along in life without the public knowing of my misdeeds, then I shall feel sure that I can make a new start in some way that is entirely honorable.

"I realize full well that I could have in some way kept away from the hands of the law, but to do this would mean the staying away from home and relatives, and, above all, the constant strain on my mind, and with the sense that I had done a great wrong, I could not stand it. Trusting that you will allow me to settle immediately, which will allow me to drift back into the channels of straight and legitimate business soon, I remain."

Notwithstanding that the authorities were induced to settle with him upon his promise of abstention in the future from similar violations of the law, it appears that he straightway resumed his operations, undoubtedly taking courage from the success with which he had compromised the first offenses in which he had been discovered.

It is absolutely clear that for such a persistent violator of the law something more than a money penalty was essential. The sentence of imprisonment imposed in this case was peremptorily required by the circumstances. Nor can I say that the sentence was anything but moderate. It is less than the average sentence imposed upon persistent violators of the internal-revenue laws relating to the distillation of spirits, and much less than the ordinary sentences imposed for violation of the laws against the use of the mails for fraudulent purposes.

Not only is the dignity of the law to be upheld against such persistent violations, but the public is entitled to be protected by the salutary influence of stern punishment against fraud and deception, such as were practiced in this case, by means of which the petitioners were enabled to impose upon innocent purchasers as genuine butter a counterfeit article, which, if sold for what it really was, would have brought very much less in the open market.

I do not think that the sentences should be interfered with.

Mr. KLEBERG. Mr. Speaker, I have looked with some degree of curiosity over this entire bill, and one of the strange features of it is that it puts a tax of one-fourth of 1 per cent on the uncolored material. This tax is not only aimed against the colored article, but even at the uncolored raw material. Now, why uncolored oleomargarine should be singled out I can not see. I think that Congress might as well put a tax of one-fourth of 1 per cent on apples, or peanuts, or on bacon, or any other article of food, as to put it on the pure article of uncolored oleomargarine. This whole matter seems to be on a color line. It is so apparent in the first section of this bill. The idea is not to stop the adulteration of food, or to prosecute the frauds against the illegal sale of oleomargarine, but it is simply to stamp it out, and to stamp out one industry for the benefit of another.

This bill, if it is constitutional, gives the legislature of every State a positive right to stamp out the manufacture of all classes of oleomargarine, whether colored or not. First, it says practically that no oleomargarine of any color shall be manufactured in any State, or at least the legislature in any State is given the power to prevent it. It says that it shall not look like butter, but we are not informed whether butter is to look yellow or whether it should be white or green. The legislature in these States would have the power to absolutely suppress the manufacture of oleomargarine in any form that looks like butter, not only with reference to the color, but in reference to the shape. I suppose, if oleomargarine were to be manufactured and sold in bricks, like it is now, although it be white, green, or whatever color, the legislature, under this act, if it would be constitutional—which I can not think it is—would be authorized to suppress the manufacture and sale of oleomargarine.

So there is just one intention in this bill, and it is disclosed on the very face of it—that is the utter destruction of the manufac-

ture and enterprise and industry of oleomargarine and the sale of it, and to prefer to it another interest—the dairy interest.

Now, Mr. Speaker, in the name of the live-stock interest of this country, not only of my district and my State, but throughout this nation, in the name of the cotton planters of the South, I protest against any such rank class legislation. [Applause.]

That this legislation is not intended to prevent adulteration of butter is evident from the fact that under this bill, if it be enacted, there are no greater safeguards to prevent the manufacture and sale of adulterated and impure butter than there are under the law as it exists now. If it were the intention of the advocates of this bill to suppress the manufacture and sale of spurious butter generally, whether made wholly or partly of either cream or oleomargarine, and thus invoke by indirection the taxing power of the Congress under the Constitution, there might be found an excuse for it; but no such intention is revealed in the bill or the discussions of its advocates.

Yet it is a well-known fact, denied by no one, that a great deal of so-called spurious, impure, and unwholesome butter, ostensibly made of cream of milk, is manufactured and sold as pure butter, and that the consumer is deceived and defrauded every time he uses this spurious article. The evidence before the committee discloses beyond dispute the fact that old and rancid country butter is bought up indiscriminately by certain establishments and by a renovating process is placed upon the market as fresh cow butter, when it is nothing of the kind; yet there is nothing in this bill which even squints at the suppression of this palpable fraud of adulteration.

The evidence before the committee further discloses the fact that so-called dairy butter is frequently impregnated with tuberculosis bacilli, and is thus made the purveyor of consumption and tuberculosis in various phases into the human system, while on the other hand oleomargarine or butterine is comparatively free of all germs injurious to the human system; that it is manufactured of the pure caul tallow from the beef, the lard leaf of the hog, the best of cotton-seed oil, and sterilized cream, all of which ingredients undergo a careful inspection and a process of heating and sterilization which render the finished article absolutely pure, or at least approximately so.

The evidence further discloses the fact as given by many eminent chemists, including the Chief Chemist of the Agricultural Department of the United States, that oleomargarine as manufactured by the leading factories of this country is a wholesome article of food, but that tuberculosis is very prevalent among dairy cows, and that it is much safer and healthier for a consumer to eat oleomargarine than creamery butter, so that in the face of such testimony it will not be contended by the advocates of this bill that they ask its passage to prevent the sale or manufacture of impure butter as an article of food.

Neither can it be said that this bill is aimed at the fraudulent sale of oleomargarine for creamery butter, because such fraud can be committed as well under this bill as under the present law, and by reason of the higher tax of 10 cents per pound on colored oleomargarine, which this bill provides, increases the temptation to commit such fraud. The substitute offered by the minority of the committee, however, would practically make it impossible that such frauds could be committed. It would have the effect of placing creamery butter and oleomargarine upon their respective merits by making it practically impossible to sell one for the other, and would moreover have the effect of crowding impure, inferior, spurious, or so-called renovated process and adulterated creamery butter, which is now fraudulently sold for pure creamery butter and at the same high prices, out of the market, and would substitute for it the cheaper and more wholesome article of genuine oleomargarine. Yet the advocates of the Grout bill, who speak so much of fraud and adulteration, will not support the substitute for their bill. It can not be their intention, then, to suppress fraud and adulteration in the sale and manufacture of butter or butterine as an article of food.

But it is contended that it is a fraud on the part of the manufacturers of oleomargarine to color it yellow like creamery butter. But we reply that creamery butter is not offered upon the market in its natural color, and that if it be a fraud—which we deny—to color oleomargarine, why is it not a fraud to color butter yellow, which in its natural color during a great part of the year is white or not sufficiently yellow? The color is put in both substances to make them more palatable to the consumer, not in imitation of one or the other article.

It is a further fact that the yellow color was first used in oleomargarine and then adopted by the dairymen to make creamery butter more salable. Then where is the justice to draw the color line against oleomargarine? Why, if creamery butter sells on its merits, color it? If it needs no color to recommend its sale and use, why not offer it to the market in its natural state and permit oleomargarine to be sold in its yellow color, when it would be impossible to sell it as creamery butter, because its color would brand it as oleomargarine? But the fact is the consumer demands, for reasons of appearance and palatability that both creamery butter and oleomargarine shall be colored, and therefore it would injure the sale to discontinue the coloring of either and a manifest injustice to compel the discoloring of one by law, not only to the manufacturer and the producer, but to the consumer, who should always have the privilege of choice.

The hearings before the committee disclose the fact that the price of choice creamery butter has steadily advanced and has had no competition from the manufacture and sale of pure oleomargarine, and that the latter, on account of its good qualities and its cheapness, has had the effect of competing with the inferior and spurious articles of creamery butter, thus promoting the legitimate business of the dairymen and the health, comfort, and demand of the consumer, as well as benefiting the producer of beef tallow, leaf lard, and cotton-seed oil. Where, then, is to be found the reason for the enactment of this drastic piece of class legislation?

It must be found in the business of the manufacturer of so-called inferior and spurious creamery butter, who contemplates building up a trust or monopoly by law in an article of food which is neither desirable nor wholesome, by destroying the manufacture and sale of oleomargarine or butterine, which is a more wholesome and cheaper article of food than his so-called creamery butter, so that it can no longer compete with his inferior butter, and compel the consumer to buy and use his article alone. To effect this he has worked up a public sentiment in favor of pure creamery butter and a prejudice against oleomargarine, and flooded the country with cut-and-dried resolutions of dairy associations and letters and postal cards of individual dairymen, and bombarded members of Congress with them, and even threatened to defeat all those who oppose this bill.

There is a great hue and cry that the dairy business of this country is threatened and will be driven out of existence by the oleomargarine industry. I assert that upon the evidence before the Committee on Agriculture upon this bill the testimony of disinterested witnesses proves that no such result is impending; but the whole testimony of nearly all the witnesses shows that a great and legitimate enterprise, involving millions of dollars, to wit, the manufacture of oleomargarine, is, if not totally destroyed, to be seriously crippled, and the price of every bovine and swine in the country reduced, involving the loss of over $100,000,000; that the cotton-seed oil-mill industry and the cultivation of this great staple in the South is to be seriously affected: that thousands of laborers and producers engaged in these great enterprises will be injuriously affected, and that thousands upon thousands of consumers of oleomargarine will be compelled to use it in its uncolored state or quit eating it. This is not only an unjust discrimination against the people who are interested in the production of the raw material entering into oleomargarine, and its manufacturers, but an unwarranted attack upon the rights of the consumer who may prefer on his table colored oleomargarine to the best creamery butter, colored or uncolored, on earth. This is class legislation run mad, which, whether constitutional or not, is the essence of tyranny. [Loud applause.]

Mr. GROUT. I yield to the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. I send to the desk an amendment in the nature of a substitute for the Grout bill.

The SPEAKER. The proposed substitute will be read.

Mr. WADSWORTH. Unless the House wants to hear the substitute read, I ask unanimous consent that the reading be dispensed with and that it be printed in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent that the reading of the substitute be dispensed with and that it be printed in full in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The proposed substitute is as follows:

Strike out all after the enacting clause and insert: "That sections 3 and 6 of an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, be amended so as to read as follows:

"'SEC. 3. That special tax on the manufacture and sale of oleomargarine shall be imposed as follows: Manufacturers of oleomargarine shall pay $600 per annum. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer thereof.

"'Wholesale dealers in oleomargarine shall pay $480 per annum. Every person who sells or offers for sale oleomargarine in quantities greater than 10 pounds at a time shall be deemed a wholesale dealer therein; but a manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells oleomargarine of his own production only at the place of its manufacture in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer on account of such sales.

"'Retail dealers in oleomargarine shall pay $48 per annum. Every person who sells or offers for sale oleomargarine in quantities not greater than 10 pounds at a time shall be regarded as a retail dealer therein.

"'SEC. 6. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word "Oleomargarine" in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury: that every such print, brick, roll, or lump of oleomargarine shall first be

wrapped with paper wrapper with the word "Oleomargarine" printed on the outside thereof in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put singly by the manufacturer thereof in such wooden or paper packages or in such wrappers and marked, stamped, and branded with the word "Oleomargarine" printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word "Oleomargarine," with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"'Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed, and shall sell only from the original crates or boxes in which they receive the pound or 2-pound prints, bricks, rolls, or lumps.

"'Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale, as butter, any oleomargarine, colored or uncolored, or who falsely brands any package, or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than one hundred nor more than five hundred dollars and be imprisoned not less than thirty days nor more than six months; and for the second and every subsequent offense shall be fined not less than two hundred nor more than one thousand dollars and be imprisoned not less than sixty days nor more than two years.'"

Mr. GROUT. I now ask the previous question on the bill and amendments. It is time that we should proceed to a vote.

Mr. BAILEY of Texas. I ask the gentleman to withdraw for a moment the call for the previous question. I would like to be heard.

Mr. GROUT. How much time does the gentleman desire to occupy?

Mr. BAILEY of Texas. I shall not go farther than the rule allows. I shall be content with five minutes.

Mr. GROUT. The gentleman must notice that it is getting very late and we are to have two roll calls; but I yield to him.

The SPEAKER. The gentleman from Texas is recognized for five minutes.

Mr. BAILEY of Texas. Mr. Speaker, the pretense of those who support the bill reported by the committee has been that it is an effort to prevent a fraud; but the gentleman from Pennsylvania—unwittingly, no doubt—revealed to the House the true purpose of the measure when he argued that it will prevent the enormous loss which he declares the dairy interests of this country have sustained from competition with oleomargarine. He thus admits what has been so often charged in this debate, that this bill simply invokes the taxing power of the Government to suppress one legitimate industry in favor of another. These gentlemen can not be sincere in alleging that their purpose is to prevent fraudulent practice, because they must know that every State in this Union possesses to-day ample power to accomplish that end. The Supreme Court of the United States, in the case of Plumley *vs.* The State of Massachusetts, has distinctly and positively affirmed the plenary power of the States over the suppression of fraudulent practices with respect to this very article. The court in that case wisely said:

> If there be any subject over which it would seem the States ought to have plenary control and the power to legislate in respect to which it ought not to be supposed was intended to be surrendered to the General Government, it is the protection of the people against fraud and deception in the sale of food products. Such legislation may, indeed, indirectly or incidentally affect trade in such products transported from one State to another State. But that circumstance does not show that laws of the character alluded to are inconsistent with the power of Congress to regulate commerce among the States.

It is very true, sir, that that decision was given by a divided court——

Mr. BUTLER. Will the gentleman allow me one question?

Mr. BAILEY of Texas. I have only five minutes, but I will yield.

Mr. BUTLER. I am very much obliged to the gentleman. Will he kindly answer whether or not the commodity which was in question in that case of Plumley *vs.* Massachusetts was sold in the original package?

Mr. BAILEY of Texas. The case did not turn on that question. The act was entitled "An act to prevent fraudulent practice in respect to the imitation and sale of butter." It imposed severe penalties; and the court upheld the law as an exercise of the police power of the State. It declared that the State had the right to control imitations and fraudulent practices such as are involved in the sale of oleomargarine for butter.

There was in that case, as I was about to say when interrupted by the gentleman from Pennsylvania, a dissenting opinion delivered by the Chief Justice and concurred in by two of his associates; but, sir, that dissenting opinion proceeded upon the theory that oleomargarine, so far as that record disclosed, was as healthy as butter itself. The majority of the court held that the State could suppress a fraud; the minority dissented, upon the ground that oleomargarine was not a fraud.

Why, Mr. Speaker, it frequently happens that a deception is an innocent one. No man claims that a dairy establishment—such, for instance, as the great Elgin Creamery—when it sends its butter to one city more deeply colored than to another, does so fraudulently. Nobody claims that a fraud is intended. Nobody claims that there is any attempt to rob an unsuspecting public. There are many innocent and harmless deceptions, and most of all about the question of color. Who believes that a beautiful woman, when she happens to paint her cheek, is trying to deceive us to our injury? [Laughter.] Yet, sir, many ladies—God bless them!—color their cheeks different from what God and nature painted them. If it is to be charged that every time an article is colored or discolored somebody is attempting to practice a fraud, then why not make it a crime to color butter, just as it is now proposed to make it a crime to color oleomargarine? [Applause.]

[Here the hammer fell.]

Mr. GROUT. Mr. Speaker, the case to which the gentleman from Texas [Mr. BAILEY] has just referred—a case which arose in the State courts of Massachusetts, but came up on writ of error to the Supreme Court of the United States—was fully discussed by me, as will be remembered, in the opening of this debate. It is true no question was made in that case but that oleomargarine might be a wholesome article of food. The case went on the ground that it was a fraud——

Mr. BAILEY of Texas. You say that what you are after is fraud. I say not.

Mr. GROUT. The Supreme Court said that oleomargarine was a fraud and that it was within the province of the local law of Massachusetts to prohibit it. I explained to the House that the decision still stands, but as it was by a divided court it might be reversed, and that it is the desire of the dairymen of the country to have it written also in the statute law of the land, where it can not be reversed except by legislative action. So much for this.

Now, Mr. Speaker, the first question will be upon the Wadsworth bill just offered as a substitute for the bill before the House——

Mr. WADSWORTH. Not the Wadsworth bill, but the substitute reported by the minority of the committee.

Mr. GROUT. Yes, the minority substitute; but it is known as the Wadsworth substitute. The objections to this substitute have been fully presented by other speakers and I have no time to enter into a serious discussion of it, and will close by reading a letter forwarded to me by Hon. STEPHEN B. ELKINS, Senator from West Virginia:

MONTROSE, W. VA., *December 1, 1900.*

DEAR SENATOR: I have a small family, small farm, and a Jersey cow. I am satisfied, for everything has gone my way. It's the cow that's kicking. She's "kickin" 'ginst the Wadsworth substitute for the Grout bill.

Yours, truly,

ORB WHITE.

STEPHEN B. ELKINS.

[Laughter.]

Mr. WADSWORTH. All I can say in answer to the gentleman from Vermont and to the letter which he has read is that I am not ashamed to look the cow in the face. [Laughter.]

Mr. GROUT. Mr. Speaker, I will let the gentleman from New York and the cow have it out. I now call for the previous question upon the bill and amendments.

The previous question was ordered.

The SPEAKER. The first question is upon the substitute offered by the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Speaker, I ask for the yeas and nays on the adoption of the substitute.

The yeas and nays were ordered.

The question was taken; and there were—yeas 114, nays 179, answered "present" 5, not voting 58.

YEAS—114.

Aldrich,	Cooney,	Lane,	Rodenberg,
Allen, Ky.	Cooper, Tex.	Lanham,	Shackleford,
Allen, Miss.	Cowherd,	Lassiter,	Sheppard,
Atwater,	Crumpacker,	Latimer,	Sims,
Bailey, Kans.	Cummings,	Lester,	Slayden,
Bailey, Tex.	Cusack,	Lewis,	Smith, Ky.
Ball,	Davis,	Linney,	Snodgrass,
Bankhead,	De Graffenried,	Little,	Southard,
Bartholdt,	Finley,	Livingston,	Sparkman,
Bartlett,	Fitzgerald, Mass.	Long,	Steele,
Bellamy,	Fleming,	Lorimer,	Stephens, Tex.
Benton,	Foster,	Loud,	Stewart, Wis.
Boutell, Ill.	Fowler,	Loudenslager,	Stokes,
Bowersock,	Fox,	Lovering,	Talbert,
Brantley,	Gaines,	McClellan,	Taylor, Ala.
Bromwell,	Gayle,	McCulloch,	Terry,
Broussard,	Gibson,	McDermott,	Thomas, N. C.
Burke, Tex.	Graham,	McLain,	Turner,
Burleson,	Griggs,	McRae,	Underwood,
Burnett,	Grosvenor,	Mann,	Vandiver,
Burton,	Hawley,	Mercer,	Wadsworth,
Capron,	Hedge,	Naphen,	Warner,
Carmack,	Henry, Miss.	Noonan,	Wheeler,
Catchings,	Henry, Tex.	Overstreet,	White,
Clark, Mo.	Johnston,	Pearce, Mo.	Williams, W. E.
Clayton, Ala.	Joy,	Pierce, Tenn.	Williams, Miss.
Clayton, N. Y.	Kitchin,	Ransdell,	Wilson, S. C.
Cochran, Mo.	Kleberg,	Rhea, Ky.	
Connell,	Knox,	Richardson, Ala.	

NAYS—179.

Acheson,	Faris,	Lawrence,	Russell,
Adams,	Fletcher,	Littauer,	Ryan, N. Y.
Alexander,	Fordney,	Littlefield,	Ryan, Pa.
Allen, Me.	Foss,	Lloyd,	Salmon,
Babcock,	Gamble,	Lybrand,	Scudder,
Barber,	Gardner, Mich.	McCleary,	Shattuc,
Barney,	Gardner, N. J.	McDowell,	Shaw,
Bell,	Gaston,	Mahon,	Shelden.
Bingham,	Gilbert,	Marsh,	Sherman,
Bishop,	Gill,	Meekison,	Showalter,
Boreing,	Gillet, N. Y.	Metcalf,	Sibley,
Breazeale,	Gillett, Mass.	Miers, Ind.	Smith, Ill.
Brenner,	Glynn,	Miller,	Smith, Iowa
Brick,	Gordon,	Minor,	Smith, H. C.
Brown,	Graff,	Moody, Mass.	Smith, Samuel W.
Brownlow,	Greene, Mass.	Moody, Oreg.	Smith, Wm. Alden
Bull,	Green, Pa.	Moon,	Spalding,
Burke, S. Dak.	Griffith,	Morgan,	Sperry,
Burkett,	Grout,	Morris,	Stark,
Burleigh,	Grow,	Mudd,	Stevens, Minn.
Butler,	Hall,	Needham,	Stewart, N. J.
Calderhead,	Hamilton,	Neville,	Stewart, N. Y.
Caldwell,	Haugen,	Newlands,	Sulloway,
Cannon,	Hay,	Norton, Ohio	Sutherland,
Cochrane, N. Y.	Heatwole,	O'Grady,	Tate,
Conner,	Henry, Conn.	Olmsted,	Tawney,
Cooper, Wis.	Hepburn,	Otey,	Tayler, Ohio
Corliss,	Hill,	Packer, Pa.	Thayer,
Cousins,	Hitt,	Payne,	Thomas, Iowa
Cromer,	Hoffecker,	Pearson,	Thropp,
Crowley,	Hopkins,	Pearre,	Tompkins,
Curtis,	Howard,	Phillips,	Tongue,
Dahle,	Howell,	Polk,	Van Voorhis,
Dalzell,	Hull,	Powers,	Vreeland,
Davenport, S. A.	Jack,	Prince,	Watson,
Davenport, S. W.	Jenkins,	Pugh,	Weaver,
Davidson,	Jett,	Quarles,	Weeks,
De Armond,	Jones, Va.	Ray, N. Y.	Weymouth,
Dick,	Jones, Wash.	Reeder,	Williams, J. R.
Dougherty,	Kerr, Ohio	Rhea, Va.	Wood,
Dovener,	Ketcham,	Rixey,	Wright,
Driscoll,	Kluttz,	Robb,	Young.
Eddy,	Lacey,	Robinson, Ind.	Zenor,
Emerson,	Lamb,	Robinson, Nebr.	Ziegler.
Esch,	Landis,	Rucker,	

ANSWERED "PRESENT"—5.

Adamson,	Maddox,	Meyer, La.	Morrell.
King,			

NOT VOTING—58.

Baker,	Dayton,	May,	Small,
Barham,	Denny,	Mesick,	Spight,
Berry,	Dinsmore,	Mondell,	Sprague,
Boutelle, Me.	Driggs,	Muller,	Stallings.
Bradley,	Elliott,	Norton, S. C.	Sulzer,
Brewer,	Fitzgerald, N. Y.	Otjen,	Swanson,
Brosius,	Fitzpatrick,	Parker, N. J.	Underhill,
Brundidge,	Freer,	Reeves,	Wachter,
Campbell,	Hemenway,	Richardson, Tenn.	Wanger,
Chanler,	Kahn,	Ridgely,	Waters,
Clarke, N. H.	Kerr, Md.	Riordan,	Wilson, Idaho
Cox,	Lentz,	Roberts,	Wilson, N. Y.
Crump,	Levy,	Robertson, La.	Wise.
Cushman,	McAleer,	Ruppert,	
Davey,	McCall,	Shafroth,	

So the substitute was rejected.

The following pairs were announced:

Until further notice:

Mr. BARHAM with Mr. SMALL.

Mr. CLARKE of New Hampshire with Mr. RUPPERT.

Mr. WILSON of Idaho with Mr. WILSON of New York.

Mr. PARKER of New Jersey with Mr. ELLIOTT.

Mr. MESICK with Mr. FITZGERALD of New York.

Mr. WATERS with Mr. DAVEY.

Mr. FREER with Mr. RANSDELL.

Mr. PEARSON with Mr. BRUNDIDGE.

Mr. REEVES with Mr. DINSMORE.

Mr. CUSHMAN with Mr. ROBERTSON of Louisiana.

Mr. CRUMP with Mr. CAMPBELL.

For this day:

Mr. BERRY with Mr. SULZER.

Mr. MONDELL with Mr. SHAFROTH.

Mr. BROSIUS with Mr. MADDOX.

Mr. ROBERTS with Mr. MULLER.

Mr. MORGAN with Mr. LENTZ.

Mr. GRAHAM with Mr. CHANLER.

Mr. WACHTER with Mr. BAKER.

Mr. OTJEN with Mr. MCALEER.

Mr. MCCALL with Mr. SWANSON.

Mr. KERR of Maryland with Mr. RICHARDSON of Tennessee.

Mr. KAHN with Mr. CHANLER.

For this session:

Mr. WANGER with Mr. ADAMSON.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. KING. I desire to be recorded as present only, Mr. Speaker.

The SPEAKER. That will be done.

Mr. MEYER of Louisiana. I also withdraw my vote, and ask to be recorded as present.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is now upon the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GROUT. And upon that, Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 197, nays 92, answered "present" 4, not voting 64; as follows:

YEAS—197.

Acheson,	Faris,	Littauer,	Ryan, Pa.
Adams,	Fitzgerald, Mass.	Littlefield,	Salmon,
Alexander,	Fletcher,	Lloyd,	Scudder,
Allen, Me.	Fordney,	Loudenslager,	Shackleford,
Babcock,	Foss,	Lybrand,	Shattuc,
Barber,	Gamble,	McCleary,	Shaw,
Barney,	Gardner, Mich.	McDowell,	Shelden,
Bell,	Gardner, N. J.	Mahon,	Sherman,
Benton,	Gaston,	Marsh,	Showalter,
Bingham,	Gibson,	Meekison,	Sibley,
Bishop,	Gilbert,	Mercer,	Smith, Ill.
Boreing,	Gill,	Metcalf,	Smith, Iowa
Bowersock,	Gillet, N. Y.	Miers, Ind.	Smith, H. C.
Breazeale,	Gillett, Mass.	Miller,	Smith, Samuel W.
Brenner,	Glynn,	Minor,	Smith, Wm. Alden
Brick,	Gordon,	Moody, Mass.	Southard,
Brown,	Graff,	Moody, Oreg.	Spalding,
Brownlow,	Graham,	Moon,	Sperry,
Burke, S. Dak.	Green, Pa.	Morgan,	Stark,
Burkett,	Greene, Mass.	Morrell,	Steele,
Burleigh,	Griffith,	Morris,	Stevens, Minn.
Butler,	Grout,	Mudd,	Stewart, N. J.
Calderhead,	Grow,	Needham,	Stewart, N. Y.
Caldwell,	Hall,	Neville,	Sulloway,
Cannon,	Hamilton,	Newlands,	Sutherland,
Clark, Mo.	Haugen,	Norton, Ohio	Tate,
Cochran, Mo.	Heatwole,	O'Grady,	Tawney,
Cochrane, N. Y.	Hemenway,	Olmsted,	Tayler, Ohio
Conner,	Henry, Conn.	Otey,	Thayer,
Cooney,	Hepburn,	Overstreet,	Thomas, Iowa
Cooper, Wis.	Hill,	Packer, Pa.	Thropp,
Corliss,	Hitt,	Payne,	Tompkins,
Cousins,	Hoffecker,	Pearson,	Tongue,
Cromer,	Hopkins,	Pearre,	Van Voorhis,
Crowley,	Howard,	Phillips,	Vreeland,
Crumpacker,	Howell,	Polk,	Warner,
Curtis,	Hull,	Powers,	Watson,
Dahle,	Jack,	Prince,	Weaver,
Dalzell,	Jenkins,	Pugh,	Weeks,
Davenport, S. A.	Jett,	Quarles,	Weymouth,
Davenport, S. W.	Jones, Wash.	Ray, N. Y.	Williams, J. R.
Davidson,	Kerr, Ohio	Reeder,	Williams, W. E.
De Armond,	Ketcham,	Rixey,	Wood,
Dick,	Kluttz,	Robb,	Wright,
Dougherty,	Knox,	Robinson, Ind.	Young,
Dovener,	Lacey,	Robinson, Nebr.	Zenor,
Driscoll,	Lamb,	Rodenberg,	Ziegler.
Eddy,	Landis,	Rucker,	
Emerson,	Lane,	Russell.	
Esch,	Lawrence,	Ryan, N. Y.	

NAYS—92.

Aldrich,	Cooper, Tex.	Kleberg,	Ransdell,
Allen, Ky.	Cowherd,	Lanham,	Rhea, Ky.
Allen, Miss.	Cummings,	Lassiter,	Rhea, Va.
Atwater,	Cusack,	Latimer,	Richardson, Ala.
Bailey, Kans.	Davis,	Lester,	Sheppard,
Bailey, Tex.	De Graffenreid,	Lewis,	Sims,
Ball,	Finley,	Linney,	Slayden,
Bankhead,	Fleming,	Little,	Smith, Ky.
Bartholdt,	Foster,	Livingston,	Snodgrass,
Bartlett,	Fowler,	Long,	Sparkman,
Bellamy,	Fox,	Lorimer,	Stephens, Tex.
Boutell, Ill.	Gaines,	Loud,	Stewart, Wis.
Brantley,	Gayle,	Lovering,	Stokes,
Bromwell,	Griggs,	McClellan,	Talbert,
Broussard,	Grosvenor,	McCulloch,	Taylor, Ala.
Burke, Tex.	Hawley,	McDermott,	Terry,
Burleson,	Hay,	McLain,	Thomas, N. C.
Burnett,	Hedge,	McRae,	Underwood,
Burton,	Henry, Miss.	Mann,	Wadsworth,
Carmack,	Henry, Tex.	Naphen,	Wheeler,
Catchings,	Johnston,	Noonan,	White,
Clayton, Ala.	Joy,	Pearce, Mo.	Williams, Miss.
Clayton, N. Y.	Kitchin,	Pierce, Tenn.	Wilson, S. C.

ANSWERED "PRESENT"—4.

Adamson,	King,	Maddox,	Meyer, La.

NOT VOTING—64.

Adamson,	Crump,	McAleer,	Shafroth,
Baker,	Cushman,	McCall,	Small,
Barham,	Davey,	May,	Spight,
Berry,	Dayton,	Mesick,	Sprague,
Boutelle, Me.	Denny,	Mondell,	Stallings,
Bradley,	Dinsmore,	Muller,	Sulzer,
Brewer,	Driggs,	Norton, S. C.	Swanson,
Brosius,	Elliott,	Otjen,	Turner,
Brundidge,	Fitzgerald, N. Y.	Parker,	Underhill,
Bull,	Fitzpatrick,	Reeves,	Vandiver,
Campbell,	Freer,	Richardson, Tenn.	Wachter,
Capron,	Jones, Va.	Ridgely,	Wanger,
Chanler,	Kahn,	Riordan,	Waters,
Clarke, N. H.	Kerr, Md.	Roberts,	Wilson, Idaho
Connell,	Lentz,	Robertson, La.	Wilson, N. Y.
Cox,	Levy,	Ruppert,	Wise.

So the bill was passed.

The Clerk announced the following additional pairs:
Until further notice:
Mr. ROBERTS with Mr. MULLER. Mr. ROBERTS against the Grout bill, Mr. MULLER for it.
Mr. MONDELL with Mr. SHAFROTH.
Mr. JONES of Virginia with Mr. VANDIVER.
On this vote:
Mr. BARHAM with Mr. KING.
For the balance of this day:
Mr. BULL with Mr. RIORDAN.
Mr. VANDIVER. I desire to say that I am paired with the gentleman from Virginia, Mr. JONES. If he were present, he would vote "yea."
The result of the vote was announced as above recorded.
On motion of Mr. GROUT, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:
H. R. 4400. An act for the relief of Frank E. Kellogg, collector of the Sixth internal-revenue district, Missouri.

CHANGE OF REFERENCE.

The SPEAKER. The bills H. R. 12163 and 12164, which were referred to the Committee on the District of Columbia, should have been referred to the Committee on Rivers and Harbors. Without objection, that change of reference will be made.
There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MCDERMOTT, indefinitely, on account of sickness.

WAR-REVENUE REDUCTION.

Mr. PAYNE, from the Committee on Ways and Means, reported the bill (H. R. 12394) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder; which was ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.
Mr. PAYNE. Mr. Speaker, by agreement with the members of the minority of the committee, I ask unanimous consent that the minority have until the adjournment of the House on Monday to file their views.
The SPEAKER. The gentleman from New York [Mr. PAYNE] asks unanimous consent that the minority have until the adjournment on Monday next to file their views. Is there objection?
There was no objection.
Mr. UNDERWOOD. Mr. Speaker, I wish to ask the gentleman from New York if he expects to call up the bill on Tuesday?
Mr. PAYNE. I was just going to make a statement in reference to that. In the first place, I ask unanimous consent that 3,000 copies of the bill and report may be printed. I shall also ask that consent for the views of the minority when they are presented.
Mr. UNDERWOOD. I ask the gentleman to include that in his request.
Mr. PAYNE. They can not very well be printed together. I want the report printed as soon as possible, and I want the members to see the changes made in the bill. On Monday I will ask that a further edition be printed. I will present the request in this form: I ask that 3,000 copies of the bill and report be printed, and that after the views of the minority are submitted 3,000 additional copies of the bill and of the report and views of the minority be printed.
The SPEAKER. The Chair would ask the gentleman from New York if it is his purpose to have these copies go to the folding room to the credit of members? Otherwise they would go to the document room.
Mr. BAILEY of Texas. I suggest that that be done; otherwise somebody will go to the document room and take them out, and the members who will be applied to for copies will not be able to get them.
Mr. PAYNE. I have no objection.
The SPEAKER. The gentleman from New York asks unanimous consent that 3,000 copies of the bill just reported be printed for the use of the House, to go to the folding room to the credit of members like other documents; also, after the views of the minority are submitted, 3,000 additional copies, with the views of the minority, the same to go to the folding room to the credit of members.
Mr. PAYNE. I ask to have the report printed also in each instance.
The SPEAKER. Including the report in each instance. Is there objection?
There was no objection.
Mr. PAYNE. Now, I desire to give notice that I shall endeavor to call up this bill for consideration after the legislative appropriation bill has been disposed of, and I think that will probably be on Tuesday next.

CAPITAL CENTENNIAL EXERCISES.

Mr. PAYNE. I also wish to call the attention of the House to another matter. As is known to members of the House, next Wednesday is, by an act of Congress, set apart as a day to celebrate the anniversary of the establishment of a seat of government in the District of Columbia, and in that bill it is provided that there shall be a joint meeting of the two Houses of Congress at 3.30 on Wednesday in this Hall. I therefore ask unanimous consent that when the House adjourn on Tuesday next it adjourn to meet at 3.15 on Wednesday, in order to give an opportunity to the doorkeepers to arrange the House for the joint meeting at 3.30.
The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourn on Tuesday next it adjourn to meet at 3.15 on Wednesday next. Is there objection?
There was no objection.
And then, on motion of Mr. PAYNE (at 5 o'clock and 55 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:
A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for support of the Turtle Mountain Band of Chippewas and the Sioux of Devils Lake, North Dakota—to the Committee on Appropriations, and ordered to be printed.
A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Comptroller of the Treasury submitting an estimate of appropriation for an additional force of clerks in his office—to the Committee on Appropriations, and ordered to be printed.
A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for armament of fortifications—to the Committee on Appropriations, and ordered to be printed.
A letter from the Secretary of War, transmitting report of Board of Engineers on deep waterways—to the Committee on Rivers and Harbors, and ordered to be printed.
A letter from the Secretary of War, transmitting a list of expenditures at the Springfield Armory, and of arms, etc., altered and repaired during the fiscal year ended June 30, 1900—to the Committee on Military Affairs, and ordered to be printed.
A letter from the Secretary of the Treasury, submitting an estimate of appropriation for additional revenue cutters to be used in Porto Rican waters—to the Committee on Insular Affairs, and ordered to be printed.
A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Ohio River near Maysville, Ky.—to the Committee on Rivers and Harbors, and ordered to be printed.
A letter from the Secretary of War, transmitting a report of the receipts and expenditures on account of appropriations for contingent expenses of the War Department during the fiscal year ended June 30, 1900—to the Committee on Expenditures in the War Department, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calenders therein named, as follows:
Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the joint resolution of the House (H. J. Res. 278) authorizing the Commissioners of the District of Columbia to employ an additional assistant to the attorney, reported the same without amendment, accompanied by a report (No. 2015); which said bill and report were referred to the Committee of the Whole House on the state of the Union.
Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 12394) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder, reported the same with amendment, accompanied by a report (No. 2016); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. WEAVER, from the Committee on War Claims, to which was referred the bill of the Senate (S. 1618) to confer jurisdiction upon the Court of Claims to hear and adjudicate the claim of the personal representatives of William Kiskadden, deceased, reported the same without amendment, accompanied by a report (No. 2014); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 12237) granting a pension to Patrick J. Murphy—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. BABCOCK: A bill (H. R. 12456) to amend certain sections of the Revised Statutes of the United States relating to the District of Columbia as to the Metropolitan police, and for other purposes—to the Committee on the District of Columbia.

By Mr. WHEELER: A bill (H. R. 12457) for the relief of the State of Kentucky—to the Committee on War Claims.

By Mr. S. A. DAVENPORT: A bill (H. R. 12458) providing for raising and preserving the hull of the *Niagara*, the flagship of Commodore Perry in the battle of Lake Erie—to the Committee on Naval Affairs.

By Mr. BARTHOLDT: A bill (H. R. 12459) for a customs warehouse at St. Louis, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. ALLEN of Maine: A bill (H. R. 12460) to build an abutment for a bridge across the channel of the Anacostia River west of Congress Heights—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: A bill (H. R. 12461) granting pensions to soldiers and sailors confined in so-called Confederate prisons—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 12462) to declare the St. Joseph River, in the State of Indiana, not navigable, and validating structures thereon—to the Committee on Interstate and Foreign Commerce.

By Mr. MOODY of Massachusetts (by request): A bill (H. R. 12463) to establish the sleeping-berth rights of passengers who ride at night in ordinary day cars—to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Virginia: A bill (H. R. 12464) to amend sections 7 and 8 of an act entitled "An act to promote the efficiency of the Life-Saving Service and encourage the saving of life from shipwreck"—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: A bill (H. R. 12504) to revive the grade of Vice-Admiral in the Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 12505) to charter the American Legion of Honor—to the Committee on the Library.

By Mr. FLYNN: A bill (H. R. 12506) to appropriate the sum of $100,000 to erect a public building at Guthrie, Okla.—to the Committee on Public Buildings and Grounds.

By Mr. TAYLER of Ohio: A joint resolution (H. J. Res. 279) proposing an amendment to the Constitution of the United States conferring power on Congress to enact uniform laws on the subject of marriage and divorce—to the Committee on the Judiciary.

By Mr. WHITE: A resolution (H. Res. 310) relative to the consideration of H. R. 10305—to the Committee on Rules.

By Mr. FITZGERALD of Massachusetts: A resolution (H. Res. 311) relative to claim against the Turkish Government—to the Committee on Foreign Affairs.

By Mr. GREENE of Massachusetts: A memorial of the legislature of the State of Massachusetts, relative to the purchase of Temple Farm and Moore House, at Yorktown, Va., by the United States Government—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CALDWELL: A bill (H. R. 12465) granting a pension to Ebenezer H. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12466) granting a pension to Henry G. Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12467) for relief of John F. Bretz—to the Committee on Claims.

By Mr. CARMACK: A bill (H. R. 12468) for the relief of the estate of James Crews, deceased—to the Committee on War Claims.

By Mr. COCHRANE of New York: A bill (H. R. 12469) for the relief of Anthony Mixted—to the Committee on Military Affairs.

By Mr. CROWLEY: A bill (H. R. 12470) granting a pension to Jonas Stough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12471) to remove charge of desertion against Elisha K. White and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. EMERSON: A bill (H. R. 12472) granting an increase of pension to Nathan Thurber—to the Committee on Invalid Pensions.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 12473) granting an increase of pension to E. Bradford Gay—to the Committee on Invalid Pensions.

By Mr. GASTON: A bill (H. R. 12474) granting an increase of pension to James Noble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12475) granting an increase of pension to George W. Luce—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 12476) granting an increase of pension to Samuel Minnick—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 12477) for the relief of Charlotte G. Robertson—to the Committee on War Claims.

Also, a bill (H. R. 12478) for the relief of Waldo W. Putnam—to the Committee on War Claims.

Also, a bill (H. R. 12479) for the relief of the estate of James P. Smith—to the Committee on War Claims.

By Mr. JOHNSTON: A bill (H. R. 12480) for the relief of C. F. Cook, heir of John Cook, deceased—to the Committee on War Claims.

By Mr. LIVINGSTON: A bill (H. R. 12481) granting an increase of pension to John J. Martin—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 12482) for the relief of Henry C. Wolfe—to the Committee on Military Affairs.

By Mr. MERCER: A bill (H. R. 12483) for the relief of the members of the First, Second, and Third Marine Corps, and for other purposes—to the Committee on Claims.

By Mr. PEARRE: A bill (H. R. 12484) to refer the war claim of the estate of John Peacher, deceased, late of Washington County, Md., to the Court of Claims—to the Committee on War Claims.

By Mr. RAY of New York: A bill (H. R. 12485) granting a pension to Amanda Northrop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12486) granting a pension to Ada L. McFarland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12487) granting an increase of pension to Bolivar Aldrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12488) granting an increase of pension to Charles B. Weeks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12489) granting an increase of pension to Moses B. Sneden—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 12490) granting an increase of pension to Andrew J. West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12491) granting an increase of pension to Robert H. Metcalf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12492) granting a pension to Alfred Hatfield—to the Committee on Invalid Pensions,

Also, a bill (H. R. 12493) granting a pension to Lewis A. Vaughn—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 12494) for the relief of James D. Livesay, administrator John W. Livesay, deceased—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 12495) granting an increase of pension to John Downing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12496) granting an increase of pension to James A. Bates—to the Committee on Invalid Pensions.

By Mr. SIBLEY: A bill (H. R. 12497) granting an increase of pension to Samuel R. Smith—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 12498) granting an increase of pension to Simon R. Marston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12499) granting an increase of pension to John A. Laughton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12500) granting an increase of pension to Rollins D. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12501) granting an increase of pension to John E. White—to the Committee on Invalid Pensions.

By Mr. TERRY: A bill (H. R. 12502) for the relief of M. E. Saville—to the Committee on Military Affairs.

By Mr. UNDERHILL: A bill (H. R. 12503) to remove the charge of desertion from the military record of James H. Epps—to the Committee on Military Affairs.

By Mr. HOFFECKER: A bill (H. R. 12507) granting an increase of pension to Ezekiel Dawson—to the Committee on Invalid Pensions.

By Mr. RANSDELL: A bill (H. R. 12508) for the relief of John McDonnell—to the Committee on Military Affairs.

By Mr. KLEBERG: A bill (H. R. 12509) for the relief of Maria Thornton, residuary legatee of Richard Miller, deceased—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of J. D. Moffat and other citizens of Washington County, Pa., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. ADAMSON: Petition of O. Wyrm and other citizens of Coweta County, Ga., to accompany House bill granting an increase of pension to Mrs. N. T. Hardy—to the Committee on Invalid Pensions.

Also, petition of Temple Drug Company, of Temple, Ga., for the repeal of the special tax on proprietary medicines, etc.—to the Committee on Ways and Means.

By Mr. BURKETT: Papers to accompany House bill to remove the charge of desertion from the military record of James Plymate—to the Committee on Military Affairs.

Also, paper to accompany House bill for the relief of John T. Bretz—to the Committee on Claims.

Also, papers to accompany House bill for the relief of Henry G. Wheeler—to the Committee on Invalid Pensions.

By Mr. CORLISS: Petition of E. T. Carrington, commander Loyal Legion of Michigan, praying for the passage of House bill No. 5499, for the relief of the officers of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. COUSINS: Resolutions of citizens of Shellburg, Iowa, in favor of provision to prohibit the importation of intoxicating liquors into countries chiefly inhabited by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. CROWLEY: Paper to accompany House bill No. 3759, to correct the military record of David Horner, of Olney, Ill.—to the Committee on Military Affairs.

By Mr. GAMBLE: Petition of Garrett Droppers, president, and other members of the faculty of the University of South Dakota, favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

By Mr. GASTON: Petition of Anna C. McDonald and others, for forestry reserve and national park in Minnesota—to the Committee on the Public Lands.

By Mr. HAMILTON: Resolutions of the Kalamazoo Presbytery, Michigan, favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, resolution of the First Presbyterian Church of Plainwell, Mich., against the sale of intoxicating liquors in our new possessions—to the Committee on Insular Affairs.

By Mr. JOHNSTON: Petition of C. F. Cook, heir of John Cook, deceased, late of West Virginia, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. KETCHAM: Petition of 37 citizens of Carmel, N. Y., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. LACEY: Petition of Post No. 72, Grand Army of the Republic, of Eldon, Iowa, favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LYBRAND: Resolutions of Stoker Post, Grand Army of the Republic, Department of Ohio, indorsing House bill No. 5779, relating to appointments in the Government service—to the Committee on Reform in the Civil Service.

By Mr. MAHON: Papers to accompany House bill for the relief of Henry C. Wolfe—to the Committee on Military Affairs.

By Mr. MANN: Papers to accompany House bill No. 3568, for the relief of Sarah Maley—to the Committee on Invalid Pensions.

By Mr. MOODY of Massachusetts: Petition of 24 veterans of the civil war, of Essex County, Mass., in favor of pensioning Union soldiers who were confined in Confederate prisons during the civil war, and for compensating such soldiers for the period confined—to the Committee on Invalid Pensions.

By Mr. RAY of New York: Petition of the Woman's Christian Temperance Union, of Kiester, Minn., for the passage of the Bowersock bill—to the Committee on Military Affairs.

Also, petition of Amanda Northrop, of Binghamton, N. Y., widow of William T. Northrop, for a pension—to the Committee on Invalid Pensions.

Also, petition of Ada L. McFarland, of Binghamton, N. Y., widow of Solomon F. McFarland, for a penison—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Advance Grange, No. 2100, Patrons of Husbandry, of Fremont, Ind., favoring pure-food legislation—to the Committee on Agriculture.

By Mr. RYAN of New York: Petition of Rev. George B. Newcomb and others, of Buffalo, N. Y., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. SHACKLEFORD: Petition of the estate of John W. Livesay, deceased, of Missouri, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. SIBLEY: Petitions of druggists of Warren County, Pa., for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

Also, petition of citizens of Warren, Pa., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. VREELAND: Petition of the First Methodist Episcopal Church of Falconer, N. Y., in relation to the exclusion of all spirituous liquors from our insular possessions—to the Committee on Insular Affairs.

By Mr. YOUNG: Petition of Barker & Co., of Philadelphia, Pa., urging a reduction of the war-revenue tax of June 13, 1898—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December 8, 1900.*

The House met at 12 o'clock m.

The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.:

O thou great Spirit, in whom we live and move and have our being, through whose influence all progress is due, make us more susceptible, that we may go forward to greater manhood; that when the time comes that we shall depart this life we shall have left behind us a record worthy of Christian manhood. Hear us, and answer us in the name of Christ, the Lord. Amen.

The Journal of yesterday's proceedings was read, corrected, and approved.

CHAIRMANSHIP OF COMMITTEE ON NAVAL AFFAIRS.

The SPEAKER. The Chair lays the following communication before the House for its information:

COMMITTEE ON NAVAL AFFAIRS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, December 7, 1900.

SIR: I am instructed by the Committee on Naval Affairs of the House to inform you that by the unanimous vote of the committee at its session this morning, a quorum being present, Hon. GEORGE EDMUND FOSS was unanimously chosen as chairman of the said committee, to fill the vacancy caused by the resignation of the Hon. CHARLES A. BOUTELLE.

I have the honor to be, very respectfully, yours,

J. E. HALL,
Clerk Committee on Naval Affairs.

Hon. D. B. HENDERSON,
Speaker House of Representatives.

DISTILLATION OF BRANDY FROM CHERRIES.

Mr. PAYNE. Mr. Speaker, I would like to call up and have unanimous consent for the consideration of a bill which belongs to the Committee of the Whole. It is a bill to amend section 3255 of the Revised Statutes, and would place brandy made from cherries on the same basis as brandy made from berries, apples, and other fruits. That is the only change made by the proposed bill, and it comes from the Committee on Ways and Means. I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New York asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

The bill was read, as follows:

A bill (H. R. 12281) to amend section 3255 of the Revised Statutes of the United States, concerning the distilling of brandy from fruits.

Be it enacted, etc., That section 3255 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 3255. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, grapes, pears, pineapples, oranges, apricots, berries, prunes, or cherries from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when, in his judgment, it may seem expedient to do so."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. PAYNE. As I stated, Mr. Speaker, the only change made in the existing law would apply the same rule to brandy distilled from cherries as already applies under this statute to brandies distilled from other fruits. Cherries seem to have been omitted in the original statute.

The bill was ordered to be engrossed for a third reading; and

being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the bill was passed was laid on the table.

RECESS.

Mr. PAYNE. Mr. Speaker, I move that a recess be taken until 1 o'clock.

The motion was agreed to; and accordingly (at 12 o'clock and 8 minutes) the House was declared in recess.

DEATH OF HON. ALFRED C. HARMER.

After the recess,

The SPEAKER. The Clerk will report to the House the special order for this hour.

The Clerk read as follows:

On motion of Mr. BINGHAM, by unanimous consent, it was ordered that Saturday, at 1 p. m., the 8th day of December, be set apart for the purpose of paying tribute to the memory of Hon. ALFRED C. HARMER, late a member of the House of Representatives from the State of Pennsylvania.

Mr. BINGHAM. Mr. Speaker, I have sent to the Clerk's desk the resolutions which I desire to submit to the House.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. ALFRED C. HARMER, late a member of the House of Representatives from the State of Pennsylvania.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased.

The resolutions were unanimously agreed to.

Mr. BINGHAM. Mr. Speaker, in this great Hall, where our late colleague and associate, ALFRED C. HARMER, with rare fidelity to his public trusts, did good work, we have assembled to-day to express a loving and affectionate farewell and to pay tribute to a distinguished citizen of Pennsylvania, late a member of this body, who for years—more than a quarter of a century—held the confidence of his immediate constituency, the high esteem of associate Representatives in fourteen Congresses, and who, on the 6th day of March, 1900, after a long and painful illness, passed away to join the unreturning caravan "to where," beyond these voices, "there is rest."

He was born August 8, 1825, in Germantown, Pa., a township in the county of Philadelphia which in later years became a part of the city of Philadelphia. At an exceptionally early age—before he was 20—he began his active business career in independent enterprise, which developed in a short time into a large wholesale establishment.

In his young years—in fact, we all know, even to the days nearing his final departure—he was marked by handsome face, commanding form, and genial comradeship, always conspicuous in the gatherings of his friends and public assemblages.

At the age of 21 he was elected a director of the public schools of Germantown and a few years later a member of the city councils of Philadelphia—most distinguished honors for a very young man. Although of the youngest, if not the youngest, of that body, by his watchful care over the interests of his people, by his sound judgment, and by his patient energy he soon associated himself with and became one of the leaders and strong men of the city legislature.

About that time Philadelphia held stock in the North Pennsylvania Railroad to the amount of $1,400,000. So great was the confidence in his integrity that he was elected three times by the councils of the city as a director to protect and watch over the interests of the city in the great corporation.

In 1860, as a candidate of the People's Party, successor to the old Whig party, he was elected recorder of deeds for the city of Philadelphia. He filled this important trust with his usual fidelity and untiring industry, while during all the years of the civil war he devoted much of his time and active energy to the cause of the Union, raising funds and equipping large numbers of soldiers in the field.

In the summer of 1870 he received the nomination of the Republican party for Congress for the Fifth Pennsylvania district and was elected a member of the Forty-third Congress. This was the beginning of his long and useful Congressional career, exceeded in the history of this body by but few men, and identified with legislation as important as any quarter of a century's work in the history of the nation.

From 1871 until the date of his death, twenty-seven years of service, there was but one Congress for which he met defeat, and that occurred by reason of two Republicans antagonizing each other in the district. The Democratic candidate polled a larger vote than either in a district whose normal Republican majority was 7,000.

While Mr. HARMER was recognized as a Representative of positive force and accepted ability in the House, he rarely entered upon general debate or word contests upon the floor. He was one—and there are many of like character in every Congress—whose work and results aimed for were reached in the committee room, a contribution as valuable to good legislation as oratory or prepared argument. His committee associates regarded him as a colleague always punctual, full of industry, watchful of the interests of his great State and industrial city, sound in judgment, clear in the expression of his convictions, fearless and aggressive, though most patient, and distinguished for his integrity, good purposes, zeal, and fidelity.

The records of the many Congresses in which he served as a Representative will show by his votes that at all times he exhibited good judgment, that he was true to his party convictions, and that he was always a patriot. To no division or part of his constituency did he show more faithful solicitude and devote more personal labor than to the soldiers and widows of our wars since 1861. He made their claims and privileges immediate and special. In every case he wrote an autograph letter to the claimant, with words of interest, sympathy, and hope. He pressed those cases personally and never rested until a fair and just judgment was rendered. Every soldier and soldier's widow among his people mourned for him when he died. They felt that they had lost their best friend. I trust his honorable successor will feel that in the obligations that will press upon him his richest legacy will be to take up and continue ALFRED C. HARMER'S work for the old soldiers, their widows and orphans.

He was one of a group of four men in the House, all born in the city of Philadelphia, whose combined service reached the aggregate of one hundred and twelve years, commencing in 1861 and ending in 1900, two of whom served twenty-nine years, and two of whom served twenty-seven years, with but one Congress wherein there was defeat: William D. Kelley, who served twenty-nine years continuously; Samuel J. Randall, who served twenty-seven years continuously; Charles O'Neill, who served twenty-nine years, and our lamented colleague of this Congress, Mr. HARMER, who served twenty-seven years, each of the two latter with one Congress of defeat. All were exceptionally strong men, influential in the House, and possessing the confidence, approval, and affection of their constituents. Let their names go into the history of this House as exceptional in work well done, as well as exceptional in the great confidence of their respective constituencies.

When, with trembling hand and voice filled with serious sadness and emotion, Mr. HARMER had administered the oath of office to the Speaker of this House, on returning to his seat near the rostrum, with tears in his eyes and in faltering tones he said to me, "This closes my public life—so near the end of my life physical. My work is done, and the curtain falls."

We send greetings to-day, dear colleague and friend. The work you did for so many years was work well done. Your people loved you, and they remember you with affectionate devotion. The record of your active, earnest life will ever remain a part of your country's history.

In words eloquent and impressive the pastor of his church, concluding the funeral services at the home of our colleague, in the hearing of thousands of his friends, thus spoke:

Lastly, I would speak of him as a believer. In youth he owned his faith in Christ, and in old age he shrank not when he came to the valley of death's shade; and after all, as he believed, death is but a shadow. He adopted Whittier's words—

"On easy terms with law and fate,
For what must be I calmly wait,
And trust the path I can not see—
That God is good sufficeth me."

And so he passed away as one long absent from his home who hears his father's summons in a foreign land and gladly hastens to obey, in sorrow only for the friends he leaves behind. We dry our tears and give him joy. With honor's chaplet long upon his brow, he went away to change it for a crown of immortality.

The curtain falls. Farewell!

Mr. CUMMINGS. Mr. Speaker, far more than endearing was our departed friend to his associates. He had all the lovable qualities so characteristic of his Quaker ancestry. Indeed, the spirit of William Penn was the light of his existence. It seemed to permeate him, body and soul. His temperament was as even as the temperature of tropical seas and his disposition as genial as the breezes of summer. He gleaned his friendships silently and unconsciously. They were a part of his being, and as lasting as his soul itself. His sympathies were easily awakened and his generosity almost proverbial. With him life was a quiet stream, winding its way between the hills of adversity, rippling through the meadows of peaceful industry and strict integrity, until it reached the boundless ocean of eternity. It had no rapids, no cataracts, no great freshets. Its banks were fringed with flowers, and shaded with elms and maples. He had the spirit of a philanthropist and the serenity of a philosopher. Forty-four years had he trodden the highways of public life in the sunlight

of popular favor without encountering storms and cyclones. Showers there were, but only enough to produce flowers and add zest to life. Twenty-seven of these forty-four years were spent in this House. The service was arduous and faithful, but silently and conscientiously performed.

Mr. HARMER was par excellence the silent man of the House. He never ventured into the paths of oratory, but paid the strictest attention to the wants of his constituents. His life work was performed in the privacy of the committee room rather than on the floor of the House. He was a true representative of the City of Brotherly Love. He witnessed many an exciting scene in our legislative annals, and remained a quiet spectator, guided by common sense and unruffled with anger. In his Congressional career he sat under the rulings of nine Speakers and saw eight Presidents inaugurated. It was probably the proudest moment of his life when, as Father of the House, he administered the oath to the present occupant of the chair. It was his last public duty, performed while standing on the brink of the grave. It was a striking exhibition of Philadelphia's appreciation of the services of her Congressional delegation. Three times in succession had she supplied Congress with a Father of the House. Talented William D. Kelley had been succeeded by cheery and lovable Charles O'Neill, who in his turn had given place to his estimable colleague, ALFRED C. HARMER, and now HARMER in his turn has departed, leaving the mantle with another colleague, who has served twenty-two years without a break.

But, Mr. Speaker, there was one trait about our friend, now in the unknown world, that peculiarly endeared him to every American heart. It was his unswerving devotion to his country. Placid and undisturbed he heard the fierce discussions attending the consideration of the "force bills" under the rulings of those great Speakers from Maine, Thomas B. Reed and James G. Blaine. He listened to many almost interminable tariff debates without showing the least impatience. When the very foundations of the Republic were shaken by the uproar attending the seating of Rutherford B. Hayes he remained as tranquil as an Indian summer. But his emotions were stirred to their inmost depths when war with Spain was declared and Liberty rescued Cuba from the talons of Despotism. It was a war for humanity. He recognized the spirit of the age. By vote and action he supported the war, straining every nerve toward a successful result. There was no alloy in his patriotism. Love of country filled his heart more completely than any other emotion.

In one respect our dear friend was unique. Unlike the rest of us, he never made a speech, and, unlike many of us, he impressed himself upon the legislation of the country. His services were varied and wide in scope. Twelve years was he a member of the Committee on Naval Affairs; twelve years was he a valued worker in the Committee on the District of Columbia; four years did he serve on the Committee on Foreign Affairs; two years on Coinage, Weights, and Measures; four years on Pacific Railroads; two years on Indian Affairs, and six years was chairman of the Committee on the Library. Aside from these, he served for a score of years on numerous select and minor committees vitally affecting the interests of the country. It was while I was associated with him in the Committee on the Library that I first appreciated the extent and variety of his services to the nation. Few men have had more experience in Congressional life. It was a pleasure to sit with him in committee. The spirit of brotherly kindness was always present, and the burden of work was ever alleviated by the sunshine of his presence.

Mr. Speaker, Mr. HARMER'S love of his country was only equaled by his love for his family. A more devoted husband and a more kind and indulgent father never blessed the earth. To them his loss is irreparable. But death has discharged him from all earthly duties, and naught remains but his memory. We shall miss him; his constituents will miss him; the country will miss him. May we all meet him in the blest hereafter with a consciousness of duty as faithfully performed.

Mr. GROSVENOR. Mr. Speaker, when it was suggested to me that upon this occasion I should address a few words of eulogy to the House upon the memory of our departed colleague, I could not refuse to comply; and yet I come with no prepared words, but only to contribute a few sentences to this occasion.

When I came to the House of Representatives, in the Forty-ninth Congress, I found General HARMER an old, experienced member, and I became acquainted with him through availing myself of his kindness, his generosity, and his great knowledge of the details of the business and affairs of Congress. I knew him intimately until the time of his death. One of the pleasantest memories of my career here will be that I had in some degree at least his confidence and enjoyed in some degree his friendship.

He had become noted for his silence before I came to Congress. If he ever made a speech in this House, he made it before I came. But he was recognized at all times as a man of thorough ability in the matter of mastering the details of legislation. At least that was true of him until the very close of his career.

In this connection I wish to deflect a moment from discussing the character of the deceased to speak of the wonderful effect that the policy of the people of Philadelphia has had upon their own interests and upon the interests of the country. The policy of sending men to Congress for long successive terms of service has been adhered to with greater tenacity in the city and county of Philadelphia than in any other locality in the United States.

I do not suppose that it will be claimed that all of the men who have represented Philadelphia here during the period covering the service of many of us were originally men of the greatest ability, although some of them were men of distinguished character when they came here, and all of them have become men of distinguished ability and character while here, so that it has come to be a fact that there is no city in the United States that has impressed its own views and interests one-half so much upon the legislation of Congress as has the city of Philadelphia. I do not know what is the occult method by which the people there ascertain in the first place the possible capacity of the men they select. But within my knowledge none of those men have failed, and it is a remarkable history, given by the gentleman from New York, that in these successive Representatives Philadelphia has had the honor to have upon the floor of this House that personage distinguished by the friendly but important and conspicuous name of "Father of the House."

At the time I came here Judge Kelley was a member of the House, rapidly going into a physical decline. He lasted, I believe, for but two Congresses after I came. Judge Kelley was a man of remarkable character and ability. I did not know him before I came to Congress, but I have doubted whether it was absolutely inferable from his characteristics that he would become the great leader of a great idea here; but he did.

And while "Charlie O'Neill," as we so fondly called him (for everybody loved him), was not a man of strikingly brilliant attainments, yet he became a man of wonderful influence here, and no man was more influential in matters pertaining to the interests of Philadelphia and of his own State than was he.

And then came General HARMER to this position. Influential he certainly was; kind and loving we always recognized him to be; distinguished by the confidence that his people had in him; and while it is not exactly the proper and necessary corollary of the few remarks which I am making, we are still satisfied that the star of ascendency in these matters of influence and good-fellowship has not set in the sky of Philadelphia's relations to the House of Representatives. It comes in large part from the character of the men that they select; it comes also from the persistent and cordial support that the people at home give to their Representatives here.

I, too, witnessed the affecting scene at the opening of this House of Representatives. I did not know that General HARMER had said to others what he said to me; but after he had taken his seat at the close of the organization of the House, when he administered the oath to the Speaker, he said in just a word or two, "Good-bye, GROSVENOR; you will never see me do the like of that again." It touched me as I have never been affected by the words of any member of the House; for while I had not witnessed his greatness in debate, I had recognized his influence upon the legislation of the country by his wisdom, by his faithfulness, and by his presence here when he was able to be here.

I think there can be no higher testimonial given to any man who is a member of the House of Representatives than that which was given to General HARMER by his constituency at home. I never knew the details of his political conflicts, if he had any; but I knew that for that long time he came here credentialed by the confidence, the loving confidence, of his constituents. He has gone, and has left behind him a record that ought to be studied by the people of the United States and understood by them. It is a grand commentary upon the criticisms of public men that we hear so much about from the public press and in the public pulpit and from the public forum that a great city, sometimes criticised bitterly in the heat of political contests, has sent to this House of Representatives a column of men, a galaxy of men, such as Randall and Kelley and HARMER and O'Neill, dead; and I might add the names of those who are living. Yet, in all this period of scandal and detraction, the faithfulness, the honor, the integrity of that cluster of men has never been criticised. It goes to show that the attacks upon the public men of America—the sneers and criticisms upon public men—have in ninety-nine cases out of every hundred, when applied to the Congress of the United States, been unfair and unjust. I gladly testify my fond remembrance and great appreciation of the high character and loveliness of the deceased.

Mr. ADAMS. Mr. Speaker, a man who for thirty long years retained the confidence of the people of his district and held the respect and affection of the members of this House needs no

eulogy at the hands of any man, but so long as this honorable House deems it proper to set apart a day for memorial exercises to its deceased members, I can not refrain from laying my tribute on the bier of my late venerable colleague. ALFRED C. HARMER was no ordinary man. He belonged to that class of citizens who entered public life with the strong determination to do what was right and to represent the interests intrusted to his care with energy and fidelity. His career was not of accidental origin. He entered with a fixed purpose to succeed, and his untiring energies, supported by a fine physique, so impressed the people of Philadelphia that they not only retained his services, but rewarded his conscientious performance of his duties by continued promotion.

Mr. HARMER was first elected to the city council of Philadelphia, next as recorder of deeds, a most responsible office, having charge of all the titles to real estate of that city. He was elected to the Forty-second Congress and continually reelected up to the Fifty-sixth. During all this long period he never failed in regular attendance upon the sessions of the House, or of giving his strict attention to the questions under consideration. No constituent ever had to write him a second time to secure attention to his request, and no interview was ever denied an applicant at the Capitol or at his home. Mr. HARMER, so far as I know, never addressed the House during his long incumbency, but as a committee man, where the real work of the session is done, he was most regular in his attendance and took an active part in formulating legislation.

His record as a legislator bears no taint. During his service Congress was besmirched with the Crédit Mobilier and star-route frauds; but no man dare associate the name of Pennsylvania's Representative with these corruptions. During his term of service he had as colleagues Thaddeus Stevens, James K. Moorhead, Edward McPherson, and our still venerable member, GALUSHA A. GROW; Representatives Morrill of Vermont, Dawes of Massachusetts, Logan of Illinois, Windom of Minnesota, Conkling of New York, Garfield of Ohio, and Holman of Indiana. With these men he labored for all the great acts of legislation which reconstructed our country after the rebellion and the great financial questions that preserved the monetary integrity of our Republic.

It was in his private life and actions that he gained so great a hold on his constituents. He loved to see others prosperous and happy. His generous heart had no place for enmity. He was a friend of the poor, their defender and protector, and to-day many a happy household dates its prosperity from some kind act of Mr. HARMER. His agreeable and genial manners drew around him swarms of ardent friends and admirers, adding largely to his popularity as a man of influence and as a politician. His lifelong wish was gratified. He died in harness. His last official act was to administer as Father of the House the oath of office to the new Speaker. After this he failed rapidly in health, and died leaving an example to be added to that of those distinguished sons of Pennsylvania, Kelley, Randall, and O'Neill, who, like him, had outlived all their colleagues, and left long records of usefulness and ability to their city and State.

[Mr. McCLEARY addressed the House. See Appendix.]

Mr. WHITE. Mr. Speaker, there are two periods in the life of every public man which provoke attention. If he has enemies or opponents, when he starts out in his public career, seeking high office and public trust, the worst possible phase of his character is ventilated to the world. The tongues of his maligners will run at rapid pace. The defamer of character will know no limit.

The other important period of a public man's life is when his work is done, death claims its own, and he shuffles off this mortal coil and goes hence. It is then that the virtues of the man's life are portrayed. It is then that his morals are held up in a glittering galaxy of beauty. It is pleasing to note, however, that neither one of these periods will apply to the gentleman whom we are eulogizing here today. His character and life were so pure, his deportment was so upright, his deeds were so honorable, that the vilest enemy, if such he had, dared not raise his voice in calumny or slander against him, even though the would-be office seeker desired the position held by ALFRED C. HARMER.

In the second period to which I have referred, it is not at all necessary for those of us who survive him on this floor to say one word in the least exaggerated term. Perhaps in all that we say we shall not be able to state the half that is due the man and the life that he led. It is true that his voice was not frequently heard, perhaps not at all, in speech making in this Hall. It is true also that a little brooklet that flows down the hillside is noisy; whether profitable or not remains for investigation. It is true that the great placid rivers of the country move with silent majesty to the bosom of the broad ocean, bearing commerce for the utility of nations. The latter applies to Mr. HARMER. He was not noisy, but he was grand, useful, noble, in every instance, and in every purpose strictly honest.

Nations, like individuals, can never properly appreciate the services of their great men until they have been called hence never to return. Man breathes freely the pure air with which he is surrounded, and never thinks of the blessings and life-giving qualities it carries until the supply is shut off. We look as a matter of course for the cherished loved ones in our homes day after day as we return from our toil, but never realize how dear they are until there is a vacant chair at the fireside or at the table. So with nations. We are accustomed to receive the results of great men's public lives and look upon them as matters of right, never properly appreciating the true value of such individuals until we follow them for the last time to their final resting place. We have in the person of the late Hon. ALFRED C. HARMER an example in question. For over twenty-seven years his valuable counsel was unstintingly given the nation as a member of this House. No man born and reared as was Mr. HARMER, in the immediate district which he so continuously and so faithfully represented, could hold such a position for the length of time that he was here without having in him the true qualities of honesty, purity of character, faithfulness to friends, unalloying and unswerving fidelity in the discharge of every public trust placed in his hands.

One has said that a prophet is not without honor save in his own country. This adage has been reversed in the case of Mr. HARMER, for nowhere on earth was he honored and respected more than in the midst of those whom he knew longest and knew best.

I shall not attempt to deal with the inner circle of his life, except to say, in passing, that he must have been devoted to all who were near and dear to him, and loved by all who had the honor of his personal acquaintance. The nation loses perhaps one of its oldest and wisest counselors and lawmakers, his native State one of its most devoted and trusted statesmen, his district its ideal Representative, and friends and acquaintances a man of honor and integrity, whose life is worthy the emulation of the young.

With him wrong was a foe; with him right was a duty. He sought to know the right, and always had the courage to do the right; and at the close of a long, eventful, and useful life he was doubtless prepared to receive the divine blessing, "Well done, good and faithful servant," and, looking across the river, to present to the great and good One who rules us all the sheaves of a long and well-spent life, and to receive the benediction of a loving Father in heaven.

Mr. McALEER. Mr. Speaker, we have assembled to-day to express our appreciation of the life, service, and character of our late distinguished colleague, Mr. ALFRED C. HARMER, of Pennsylvania.

Mr. HARMER was born in Germantown, a suburb of Philadelphia, his whole life having been spent in that section. The esteem in which he was held was shown by the people among whom he cast his lot repeatedly electing him to positions of responsibility and trust previous to his election to Congress. Time after time were his services recognized, and for a period of twenty-eight years he worked with untiring zeal and an interest that never flagged, gaining, as did his illustrious colleagues, Kelley, Randall, and O'Neill, through length of service, the proud title of Father of the House.

Though not an orator, his marked ability was shown in another direction—in the committee room. There his influence, through knowledge of legislation, made itself felt and was quick to be recognized. In fact, his ability was so well known I hardly think it requires further mention, it being conceded that Mr. HARMER was one of the most faithful Representatives Pennsylvania ever sent to Congress. He commanded the respect, love, and confidence of the people—a man of magnificent presence, of scrupulous integrity, and of marked strength of mind and will, and, at the same time, of rare kindness and gentleness of manner. This same gentleness always characterized him in all his relations of life. He loved his home and family with an undying love, and often in conversation has he told me of the great interest his beloved wife took in his work and the assistance she had given him. In the death of Mr. HARMER his city, his State, and the nation have lost a most efficient and patriotic public servant, a man whose good deeds will live long in the hearts of a grateful people. To his family we tender our sincere sympathy in their irreparable loss, and, although he has gone from us, we shall cherish his memory as that of a true and trusted friend, and look forward to that union in the great hereafter.

In the poet's words, "What a world were this—how unendurable its weight—if they whom death sundered did not meet again."

Mr. DE ARMOND. Mr. Speaker, the tribute of respect which the House pays to-day to the memory of ALFRED C. HARMER is more than formal. He had been here so long, he had known so many Representatives, he was known of so many, that it is but natural and proper, now that he has gone, that some should speak feelingly and sincerely of his virtues and his services.

How long he was here, how many he knew, of how much of the history of our country were he and his performances a part! How many great men came here and went hence in the long time from

his entrance to his departure! How many stirring scenes did he witness here! And while a quiet man himself, in his own way and effectively he had his part in all of them. As remarked by one of his colleagues and by the eloquent gentleman from New York [Mr. CUMMINGS], he was not a maker of speeches; he was a performer of deeds. He worked and did not talk.

Mr. Speaker, no one remembers General HARMER except in a kindly way. His course of conduct and his service in the House of Representatives produced none of the heartburnings or annoyances or wounds that so frequently come to us in our public service here. He did nothing to hurt or offend anyone. Believing in transacting the business intrusted to him by his people and by his country quietly and plainly upon the floor and in committee, rather than by engaging in the gladiatorial contests of debaters in the House, in all his long career he escaped the antagonisms, the discomfitures, and the hard feelings which come to so many members who pursue a different course. He went through the many phases of the warfare upon the floor of the House without encountering the obstacles which many others meet, and came from every engagement scathless and serene. He dealt no blows; he fostered no animosities; he received no hurts, for he gave none, and succeeded in securing, as he merited, the good will and affection of his associates here. A pleasant career and a satisfactory one, Mr. Speaker, must we pronounce that of our lamented friend, when we take into consideration all the circumstances connected with his life and service.

That he accomplished much of benefit to his people I have not the slightest doubt. The continued confidence of his constituents, and their love for him; his election time and time again, for fourteen successive terms to this body—how complimentary, how honorable it all appears! Though elected from the same territory, in the main, he was not so often elected by the same constituency; the sons followed the fathers in doing him honor. The unshaken confidence of two generations of electors is a noble tribute to his worth and fitness for the place; to his steadfastness, his truth, and his fidelity. His people were true to him to the end of life, because to life's end he was true to them.

The opinion prevails in many quarters that the public is disposed to be harsh and unjust in its criticisms and judgment of the public services rendered by those elected to public office, and in its treatment of public servants. I am of the opinion, Mr. Speaker, that the reverse of that is absolutely true. It seems to me that the great body politic is kind, charitable, and patient in dealing with those occupying positions of trust and responsibility where there is good reason to believe that they are entitled to favorable consideration. When the public finds a man to be faithful—one who can be depended upon in emergencies, who can be trusted in public life—there is a tendency on the part of the public to continue his incumbency; and it is not singular that sometimes, as in the case of General HARMER, there should grow up in the public mind a strong affection for him and a generous disposition to continue his services as long as possible.

The career of our deceased colleague is an evidence of the truth of the statement I have just made. His service in the House of Representatives affords a most striking illustration of the fact I have suggested. In the beginning of his official career, men of his age and generation elected him to the responsible position then intrusted to him. They continued to do so as they grew older, and, when they passed away from the scene of action, their sons and grandsons, who had grown to appreciate his services, recognized his worth and his character and emulated their fathers in sending him again and again to Congress, supporting their fathers' friend faithfully until he was gathered to his own fathers, at the end of a long career of honorable and useful public service.

Many men occupying positions in public life, who must at stated periods go before the people for their support and reelection, are forced into aggressiveness; they must give and take blows in the open arena, and often go down in the storm of political battle. Many of them must retire wounded in the fray. But the steady support of the constituents of our deceased friend, their trust in him, and his long and efficient career here, accomplished silently, kindly, sweetly, constitute a double tribute—a tribute to them, a tribute to him.

He was the Father of the House—the third Father of the House from the same city of Philadelphia. In speaking to his memory I express the hope of all, I think, that the succeeding Father of the House, also from that great city, the courteous gentleman who first addressed the House upon this occasion, may long be spared to render service to his people and to his country.

Mr. Speaker, as we pause to-day to pay our tribute of respect to the friend that is gone, there come to us sentiments and feelings beyond our power to express or control. How little life is, after all! There comes to us the full appreciation of the fact that in this arena, as in all the battle of life, we must encounter obstacles on every hand whenever we strive to accomplish anything. We appreciate more clearly the fact that there are many shortcomings, many vain endeavors, many mistakes in the short period allotted to us for the performance of life's duties; and then comes the end for each of us, in turn, of all things temporal, and then the limitless future of another life or the unending doom of nothingness—extinction. Into the future none can peer save with the eye of faith. Of the myriads gone hence we have no tidings from mortal lips. They are in that undiscovered country from whose bourne no traveler returns.

Our friend performed well his allotted tasks here. He was gentleness, modesty, and kindness personified. Having lived graciously, honestly, gently, and kindly, he entered the portals of the unknown country without doubt and without fear; and we who remain behind fondly cherish his memory, and kindly, lovingly, trustfully hope that in a higher and better existence his noble spirit may expand and triumph in achievements far beyond the reach of mortals in this mortal existence.

Mr. OTEY. Mr. Speaker, ALFRED C. HARMER is gone to us, it is true; but in the light we can not see, he lives the life that never dies.

Seldom is it that any legislative body mourns the loss of one so mature in its service, so useful in its labors, so fearless amid its turmoils, so gentle and kind amid its discords; seldom one with a record so spotless, a character so pure, an experience so ripe, one so generally known, respected, and beloved; seldom, too, one whose public career was so extended, and whose presence produced such fragrance, whose absence created such void.

My remembrance of him was first as the "Father of the House," standing alone before the first Speaker under whom it was my privilege to serve in this body, as he swore in that exalted officer, in the discharge of which duty his gentleness of manner gave assurance of a "kindlier half to the human heart which kindly deeds might reach."

My last remembrance of him was as he presided over a committee of this body of which I was an humble member, impressing me that his influence was like a gentle tide, making life more pure as it lifted the soul above the sordid problems of life.

My acquaintance with him was incidental; by no means intimate; and far be it from me to attempt any portrayal of his life and character. I knew him only to discern that the life of such a man made life worth living and that the world was better for his having lived. He was embalmed in the innermost shrines of the hearts of those who knew him best, and the honors crowded on him were purchased only with merit. His position, whether high or low, was ever dignified by his good deeds and graced by the fruit of his virtues. As I saw him, and as I knew him, his life reflected the tints of heaven's own light, being clothed in the pure white garment of truth, that effluence of the divine ray which shed light on the paths he pursued.

His great heart was like an exhaustless urn, pouring forth never-ending love, flooding his long and useful days as they rolled nearer and nearer to shine in the beyond.

He was possessed of a governed mind, which had no thought but good, and his self-restraint flowed clear in the tide, widening the waves of peace, good will, and truth.

He was no flatterer, and as an honest man despised the slime of insincerity.

> He would not flatter Neptune for his trident,
> Or Jove for 's power to thunder.

Silent in his own praise, he gave freely to others just merit and took none from them that was their own.

His courteous demeanor and gentlemanly bearing paralyzed malice and disarmed resentment.

His wisdom saw and seized right, which knowledge ofttimes feared to own.

Wise in counsel, modest in manner, constant in principle, impartial in method, he was just in judgment. He governed his lips as palace doors, and pure and polished were the words that passed their portals.

The lesson of his life taught that here all was naught, and that though we weep with those who weep, yet it is not the room we love, but the inmate; not the broken shell, but the pearl within. The daily walk of ALFRED C. HARMER absolved a fault and helped a virtue grow. He dared the rugged road of right, and while pursuing perilous paths he lived to find easier ascent and lighter loads till he reached the twin sister peaks of Life and Death, around whose chilling snows the gilded clouds were painted in the warmer colors of love.

The cares of anxious days are past to him; and his sun sank slowly as each parting ray gleamed through the clouds of silent sadness, and he dreamed undreamed the tale untold and reached the day that knew only eternal noon.

We are here to drop a tear and to embalm his memory with our love; to plant a flower in his honor whose fragrance may reach those who were so near and dear to him. I say to them, "ALFRED C. HARMER, whom you call dead, sleeps well, and lives and loves you."

Mr. MEYER of Louisiana. Mr. Speaker, I rise for the purpose of joining in the tribute so well and fitly rendered by others to the memory of the late ALFRED C. HARMER, of Pennsylvania. I have known him well during ten years of mutual association as a member of this body, and to know Mr. HARMER well was to hold him in esteem and respect.

Mr. HARMER's term of service began on the 4th of March, 1871, long before I entered this body. With the exception of the Forty-fourth Congress, Mr. HARMER steadily represented the great State of Pennsylvania, and especially the city of Philadelphia, of which he was a citizen. It is no common honor to be thus chosen to represent a city which in the infancy of our Republic was its national capital, the city where the Continental Congress first met, where our Independence was proclaimed, and where our Federal Constitution was framed by the patriots of 1789. This high honor was enhanced by the growth of this city in population, wealth, educational institutions, commerce, and the arts which have contributed so greatly to our national development. That in a city so important and so fertile in men of talent and force Mr. HARMER should be chosen and so long retained in the public service as he was is a fact that is more impressive than a costly monument would be or any words of eulogy that I could utter.

Nothing less than high qualities of personal integrity, fidelity, and business efficiency could have gained for him such a steady and unwavering support from those who knew him best and were most competent to estimate his value. It is creditable to the city of Philadelphia that, probably more than any other great center of population, she has shown a marked disposition to retain in her service in this Hall Representatives of tried efficiency and fidelity. It is a striking proof of what I say that two of her Representatives have been lately known successively as the "Father of the House," a term given to the oldest member in continuous service. I am free to say that in setting this honorable example this great city has sacrificed none of her important interests in our legislation, but has, on the contrary, promoted those interests and also the interests and influence of the whole Commonwealth to which they belonged.

The year 1871, when Mr. HARMER entered the House of Representatives, was an important period in our history. Among his associates on the State delegation was the Hon. William D. Kelley, a gentleman of uncommon industry, ability, and influence; Mr. Leonard Myers, of Philadelphia, who also rendered long and efficient service; and that grand patriot and statesman, Samuel J. Randall. All these have passed away except Mr. Myers. In the same House we find the honored names of James G. Blaine, Michael C. Kerr, George W. McCrary, James B. Beck, WILLIAM P. FRYE, EUGENE HALE, Henry L. Dawes, Samuel S. Cox, James A. Garfield, Charles Foster, Luke P. Poland, and Jeremiah M. Rusk—all active and forceful men in those stirring times. Only two or three of these illustrious men survive, and to speak of them all now is to recall a past generation. Between that and the present epoch Mr. HARMER was, up to the other day, a connecting link.

Mr. HARMER was not a lawyer by profession, nor did he possess special oratorical gifts. He was a merchant and a business man, and as such amply qualified to represent a great commercial and manufacturing center. He was here in a period of unusual party and sectional bitterness; but, while a strong party man, he was personally devoid of acrimony, and he aroused no animosities. In this way, following the natural bent of a kindly, fair, and just disposition, he was able to secure an appreciative consideration for the business interests which he undertook to champion. I think that I may freely assert that he never made an enemy on either side of this House, and that he enjoyed an uncommon measure of its good will and confidence. There was no one whom he could not freely approach in matters of public business, and no one to whom he in turn would have refused a fair hearing and just consideration. His industry, punctuality, and attention to his duties were not confined to his own city and State. They embraced the Union, and every part of it.

In a period of party strife and undue acrimony in debate, and probably an over-tendency to personal conflicts and imputations, I consider it a fortunate thing for the House to possess a body of members, like Mr. HARMER, whose moderation, good sense, and modesty serve to compose strife and pave the road for judicious and patriotic determinations. The sensible and fair member of this House, wherever he may sit, is as apt to wield a good and great influence as the man who exceeds him in oratory.

It is well known here that a very large part of the most effective and valuable work of a member consists in committee work, either as a member of a committee or in presenting to other committees matters specially affecting the representative's constituents. This service is rarely ostentatious, but it is often laborious, and requires industry, order, tact, and personal influence in order to accomplish the best results. During the last ten years General HARMER has served upon the Committees upon Indian Affairs, Naval Affairs, Foreign Affairs, the Library, and the District of Columbia. All these were very important committees. The last two were those on which General HARMER last served, and of late years their duties have become much more varied and difficult. Congress is, in fact, the government of this District. This community is entitled to fair and generous treatment, and the city of Washington has always received it at the hands of our deceased associate.

General HARMER never neglected his public work, but he was of a marked social turn. He enjoyed the society of his family and his friends. In his later life he spent many of his summer hours at Brigantine Beach, a place on the New Jersey coast that he was instrumental in developing and building up, and where he enjoyed in a quiet, simple way the outdoor life and relaxation in which he was to all a most agreeable, cheerful, and hospitable companion.

In this brief and hasty sketch I have endeavored to portray the public life of one who for many years pursued the path of steady and unostentatious duty in this Hall. His memory will abide with us and will be remembered by those of us who were his fellow-members with the affection and respect due to his many virtues, his unvarying courtesy and kindness, and the personal worth which characterized him both in private and public life. He has left us forever, it is true, but he has left us nothing to forgive, nothing that we could wish to forget, nothing in which his State, his constituents, and family may not take a just and honorable pride. He was fit to represent a great Commonwealth such as that which honored and trusted him to his latest hours on earth.

Mr. MORRELL. Mr. Speaker, I feel sure that the members present who have come to honor the memory of their departed brother and friend, the late Hon. ALFRED C. HARMER, will accord to me some degree of indulgence, realizing as they must the ordeal through which I have been compelled to pass; first, in presenting myself to the voters of the Fifth Pennsylvania Congressional district as a successor to a man held in the esteem in which they held the late Hon. A. C. HARMER, and, having been elected, in presenting myself to be sworn in at the bar of this House as the substitute in this honorable body of a man who had won so many friends through the love which he inspired during the many years he was a member of this House by his sincerity of purpose and faithful discharge of duty. As they loved him, so, I trust, they will deal gently with my shortcomings.

The late Hon. ALFRED C. HARMER belonged to a group of statesmen coming from the great Keystone State, Pennsylvania, whose record for length of service and services performed can not be equaled by any State in the Union. I refer to the Hon. William D. Kelley and the Hon. Charles O'Neill, who each served fifteen terms in Congress; to the Hon. Samuel J. Randall and to our late lamented friend, who each served fourteen terms in Congress, and to the Hon. GALUSHA A. GROW and the Hon. H. H. BINGHAM, who, thank God, are here with us, strong in health and strong in their usefulness in the councils of this body.

It has been well said that it is not greatness simply to have held important trusts; greatness lies in the faithful performance of all duties committed to us. That man is not truly great who does not display homely, honest nobility in the small affairs of life in his daily intercourse with his fellow-man.

In the Hon. ALFRED C. HARMER, the great State of Pennsylvania, greatest in the Union in its history and resources, found a son well adapted to fill the measure of a representative of all the varied elements of her greatness and power.

The distinguished services of the late Hon. A. C. HARMER on the important committees of this House, which numbers among its members so many efficient men, is sufficient to stamp him as a man far above ordinary attainments and ability. He may not have possessed to the same degree as some others the ability to dazzle the public with bursts of oratory, sallies of wit, or biting sarcasm, but in soundness of judgment, and in thorough grasp of the subjects of legislation, and in patient and conscientious discharge of duty, he stands, and deserves to stand, in the foremost rank; while the number of times he was returned as a member of this House is a monument to his integrity as a man and to his ability as a statesman.

The personality of the late Hon. ALFRED C. HARMER, not only in his own district, but wherever he chanced to go, won for him friends. His kindly bearing and nobility of character were speedily recognized by all with whom he came into intimate contact. To say that he was beloved by all who knew him is but to feebly express the feelings that were entertained toward him.

In his last years of service he was known as the "Father of the House." He was indeed a father to his constituents in the best sense of the word, for it was his constant aim to care for the fatherless children and widows and all who were desolate and oppressed. He was not a politician in the general acceptance of the term; he never posed as such before either his constituents or this body, of which he was a member for so many years. Just as his path was straight, so were his doings as bright as the noonday

sun. Elected by the people, he was of the people and for the people, and his name in his own district was a household word. To one class above all others was he especially a friend. I refer to the old soldier, his widow and orphan. None of those, or none of those that belonged to them, ever appealed to the late Hon. ALFRED C. HARMER in vain.

Above all else on this earth, the Hon. ALFRED C. HARMER loved his home. There it was he found his greatest happiness. Can it, then, be wondered that the loss to his widow and children is what it is? We can extend to them sympathy, but only time and that God who is the father of the widow and the fatherless can succeed in his bountiful mercy in assuaging the irreparable loss. It was they who realized the sacrifices made, the truth of the doctrine, "No greater love hath man than this: that he lay down his life for his friend."

So it was that when the death of this statesman and friend became known it was a sorrow that touched all classes and conditions of men; and not the men only, but the women and the children joined with their husbands and fathers in an expression of the loss they had sustained, which lamentation was as sincere as it was outspoken, for "Out of the fullness of the heart the mouth speaketh."

As I said on a late occasion in Philadelphia, in visiting the different portions of the Fifth Pennsylvania district which my campaign necessitated, I was often touched beyond measure and at the same time brought to realize most forcibly the largeness of the place which I was endeavoring to fill. While of course generalities were always indulged in regarding the capabilities and kindliness of the late Hon. A. C. HARMER, yet here and there this man or that man, perhaps the humblest in the assemblage, would take me aside and say, "Do for us as AL. HARMER did and you will be all right; do not forget us people." In fact, it reminded me of being called home on the occasion of the sudden death of a near friend or relative. Upon opening the front door one perhaps sees the familiar hat or coat still hanging on the rack, and turning aside into room after room first one familiar object and then another greets one. In this room perhaps a book open at some favorite passage; in another a bunch of flowers of the variety especially loved, or some pictures on the wall representing the favorite sport or pastime, and so on until is reached the room familiarly called "the study." There is the writing table, there the books and papers spread out and arranged, the letter half written, the ink scarcely dry on the pen, and there the easy chair in front of the fire, in which at times a few minutes would be snatched from labor.

And so it was as I journeyed through the Fifth Pennsylvania district. Everywhere there was something to remind me of the late Hon. ALFRED C. HARMER. And just as I likened the club bearing his name to the easy chair before the fire, so I might liken his life here to the writing table heaped up on the one side with documents framed for the benefit of the people of the country and his district, on the other side with documents acknowledging services rendered.

His last official act in this House was to administer the oath of office to the present Speaker, the Hon. DAVID B. HENDERSON, a duty which he performed when scarcely able to make his way to the desk and raise his arm. Performing this duty, as he did, contrary to the advice of his physician, it might be said that he was "faithful unto death." What a glorious career, what an ending to a long life—one to be envied by the rich or the poor. For as we brought nothing into this world so can we take nothing out. At the last moment we find him, having completed his threescore years, full of honors, mourned by all who knew him. Can we not, therefore, feel confident that the same voice which brought him the last summons went on to say, "Well done, thou good and faithful servant; enter thou into the joy of thy Lord?"

Mr. BINGHAM. Mr. Speaker, there are a number of Mr. HARMER'S friends who had desired to make remarks upon this occasion, but who have been for one reason or another compelled to be absent. I therefore ask unanimous consent that all who desire to print their remarks in the RECORD may be permitted to do so.

The SPEAKER pro tempore (Mr. LOVERING). The gentleman asks that permission be granted for all who desire to do so to print remarks in the RECORD. Without objection, it is so ordered. As a further mark of respect, and in accordance with the resolution previously adopted, the House now stands adjourned until 12 o'clock on Monday next.

And accordingly (at 2 o'clock and 25 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred by the Speaker as follows:

A letter from the Secretary of War, transmitting reports of inspections of disbursements by officers of the Army—to the Committee on Expenditures in the War Department.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Arkansas River—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of damages by storm at Sabine Pass, Tex.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, in relation to land donated for the improvement of the harbor at Kenosha, Wis.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter of the Secretary of War, transmitting the annual report of the Board of Ordnance and Fortification—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Grasse River, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a communication from the Commissioner of Indian Affairs, together with copies of agreements with the Klamath Indians for relinquishment of part of their reservation, a draft of a bill—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a draft of a bill relating to reciprocal recognition of boiler-inspection certificates between maritime nations—to the Committee on Merchant Marine and Fisheries, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for the United States and Chilean Claims Commission—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Marie Eliza Payne against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Buchanan Schley and William P. Miller, administrators of estate of David R. Miller, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a compilation of the records of the War Department pertinent in connection therewith—to the Committee on Insular Affairs, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 12481) granting an increase of pension to John J. Martin—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McLAIN: A bill (H. R. 12510) for a survey of the Pearl River, in the State of Mississippi, from, and including, its mouth to Monticello, Miss.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12511) for a survey for a channel through Horn Island Pass, Mississippi, leading from the Gulf of Mexico into the Horn Island Harbor, Mississippi—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12512) for a survey of the present channel leading from the wharf at Biloxi, Miss., to Horn Island Harbor, Mississippi—to the Committee on Rivers and Harbors.

By Mr. FORDNEY: A bill (H. R. 12513) to provide for the establishment of a port of delivery at Saginaw, Mich.—to the Committee on Ways and Means.

By Mr. RICHARDSON of Alabama: A bill (H. R. 12514) to donate certain lands in Alabama for educational purposes—to the Committee on the Public Lands.

By Mr. GRAHAM: A bill (H. R. 12515) granting per diem pension service to honorably discharged officers and enlisted men of the Union Army in the civil war—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A joint resolution (H. J. Res. 280) in relation to the navigation of Green and Barren rivers, Kentucky—to the Committee on Rivers and Harbors.

By Mr. MONDELL: A resolution (H. Res. 312) relative to the consideration of S. 3982—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BULL: A bill (H. R. 12516) granting an increase of pension to Edward Warner—to the Committee on Invalid Pensions.

By Mr. CLAYTON of Alabama: A bill (H. R. 12517) granting a pension to Susan Kennedy—to the Committee on Pensions.

By Mr. COONEY: A bill (H. R. 12518) granting a pension to J. W. Pelts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12519) granting a pension to John Ethridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12520) granting a pension to Ozias Hawkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12521) granting a pension to John Chapman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12522) granting a pension to Nercena Wyatt—to the Committee on Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 12523) to correct the military record of the late First Lieut. S. Spencer Carr, Company E, Eighth Illinois Cavalry—to the Committee on Military Affairs.

By Mr. HAY: A bill (H. R. 12524) for the relief of Henry Neff—to the Committee on War Claims.

By Mr. MADDOX: A bill (H. R. 12525) for the relief of the trustees, or their successors in office, of the Cherokee Baptist College, located in Cassville, Ga.—to the Committee on War Claims.

By Mr. MIERS of Indiana: A bill (H. R. 12526) granting an increase of pension to Alexander C. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12527) granting an increase of pension to Thomas F. Townsend—to the Committee on Invalid Pensions.

By Mr. O'GRADY: A bill (H. R. 12528) granting a pension to Anna E. Reed—to the Committee on Invalid Pensions.

By Mr. RAY of New York: A bill (H. R. 12529) granting an increase of pension to Charles Folsom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12530) granting an increase of pension to Almon W. Gould—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12531) granting a pension to Amelia M. Newton—to the Committee on Invalid Pensions.

Mr. RICHARDSON of Alabama: A bill (H. R. 12532) for the relief of W. C. Tipton—to the Committee on War Claims.

Also, a bill (H. R. 12533) for the relief of H. C. Armistead—to the Committee on War Claims.

Also, a bill (H. R. 12534) for the relief of Houston L. Bell—to the Committee on War Claims.

Also, a bill (H. R. 12535) for the relief of the estate of A. L. Logan, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12536) for the relief of William Moseley, jr., administrator of the estate of Mrs. Temperance Moseley—to the Committee on War Claims.

Also, a bill (H. R. 12537) to refer the claim against the United States of J. M. Huston to the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 12538) to authorize the Secretary of War to cause to be investigated, and to provide for the payment of, the claim of the North Alabama College, of Huntsville, Ala., for the destruction of said building for Government purposes by the United States military authorities during the late war, and all claims for damages resulting from the appropriation to Government use of any of the furnishings or materials pertaining to said building, and for damage to said building—to the Committee on War Claims.

Also, a bill (H. R. 12539) to authorize the Secretary of War to cause to be investigated and to provide for the payment of the claim of the Cumberland Presbyterian Church of Athens, Limestone County, Ala., for the use and occupation of said church building for Government purposes by the United States military authorities during the late war, and all claims for damages resulting from the appropriation to Government use of any of the furnishings or materials pertaining to said building, and for damage to said building—to the Committee on War Claims.

Also, a bill (H. R. 12540) to pay the claim against the United States of the Cumberland Presbyterian Church, of Athens, Limestone County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 12541) to authorize the Secretary of War to cause to be investigated and to provide for the payment of the claim of the Walnut Grove Cumberland Presbyterian Church, of Madison County, for destruction of said church by the United States military authorities during the war—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 12542) for the relief of Jonas Early—to the Committee on War Claims.

Also, a bill (H. R. 12543) granting an increase of pension to Capt. R. H. Atkinson—to the Committee on Pensions.

By Mr. RUCKER: A bill (H. R. 12544) granting a pension to Taylor Jones—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 12545) granting an increase of pension to William M. Strope—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELLAMY: Petition of Stokes & Shannonhouse and sundry other brokers of Charlotte, N. C., asking for the repeal of paragraph 4, section 2, of the war-revenue act—to the Committee on Ways and Means.

Also, resolutions of Hartranft Post, No. 40, Grand Army of the Republic, Department of North Carolina, favoring the passage of House bill No. 5779, giving veterans preferment in public service—to the Committee on Reform in the Civil Service.

By Mr. BROMWELL: Petition of certain brokers of Cincinnati, Ohio, in regard to reduction of war tax—to the Committee on Ways and Means.

By Mr. BULL: Petition of Thomas H. Herndon, president of the American Legion of Honor, relating to the aim and scope of the society—to the Committee on the Library.

Also, papers to accompany House bill granting an increase of pension to Edward Warner, late a private of the United States Signal Corps—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of the monthly meeting of the Friends' Church of Winthrop, Me., in favor of provision to prohibit the importation of intoxicating liquors into countries chiefly inhabited by native races—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the National Dorothea Dix Memorial Association, praying for an appropriation for the erection of a monument at Hampden, Me., to mark the birthplace of Miss Dorothea Lynde Dix—to the Committee on the Library.

By Mr. CALDWELL: Papers to accompany House bill No. 12465, granting a pension to Ebenezer H. Wood—to the Committee on Invalid Pensions.

By Mr. COONEY: Petition of citizens of Boone County, Mo., for the improvement of the Missouri River between Wilton and Hartsburg, in said county—to the Committee on Rivers and Harbors.

By Mr. COOPER of Wisconsin: Petition of citizens of Green County, Wis., to accompany House bill granting a pension to Joel Rice—to the Committee on Invalid Pensions.

By Mr. DALZELL: Twenty-two petitions of sundry citizens of Wilkinsburg, Allegheny County, Pa., in favor of the suppression of the liquor traffic, and of several other measures—to the Committee on Alcoholic Liquor Traffic.

Also, petition of sundry citizens of Pennsylvania, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, petitions of Otis Shepard & Co., George K. Stevenson & Co., J. M. Houston & Co., and S. B. Charters, all of Pittsburg, Pa., for the repeal of the duty on tea—to the Committee on Ways and Means.

Also, petition of American Association of Masters and Pilots of Steam Vessels, for marine hospital at Pittsburg, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. GILLETT of Massachusetts: Petitions of the board of directors of the Massachusetts Total Abstinence Society and the Methodist Episcopal Missionary Board, for the protection of native races in our islands against intoxicants and opium—to the Committee on Insular Affairs.

By Mr. GRAHAM: Petitions of William C. Lilley and citizens of Pittsburg and Allegheny, Pa., and D. M. Sloane, of Bellevue, Pa., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. HAUGEN: Petition of the Central Life Assurance Society and other insurance agencies of Des Moines, Iowa, for the repeal or modification of the war-revenue law—to the Committee on Ways and Means.

By Mr. LACEY: Petition of L. H. Ross and other citizens of Martinsburg, Iowa, for increase of pension ratings—to the Committee on Invalid Pensions.

Also, resolutions of the German Methodist Episcopal Church of Victor, Iowa, favoring the exclusion of the liquor traffic in Africa—to the Committee on Foreign Affairs.

By Mr. LITTLEFIELD: Petition of Jacob T. Crosby and 19 other citizens of the Second Congressional district of Maine, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. MIERS of Indiana: Papers to accompany House bill granting a pension to Thomas F. Townsend, of Vandalia, Ind.—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Alexander C. Scott—to the Committee on Invalid Pensions.

By Mr. O'GRADY: Papers to accompany House bill granting a pension to Anna E. Reed—to the Committee on Invalid Pensions.

By Mr. RAY of New York: Petition of New York State Federation of Women's Clubs, favoring forestry reserve and national park in Minnesota—to the Committee on the Public Lands.

By Mr. RIXEY: Petition of the heirs of Gibson R. Whaley, deceased, late of Fairfax County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of William Sullivan, deceased, late of Stafford County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, paper to accompany House bill granting an increase of pension to Capt. R. H. Atkinson, of Alexandria, Va.—to the Committee on Pensions.

By Mr. ROBINSON of Indiana: Petition of A. R. Otis, of Kendallville, Ind., for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. SPRAGUE: Petition of the New England Shoe and Leather Association relative to mailable matter of the second class—to the Committee on the Post-Office and Post-Roads.

SENATE.

MONDAY, *December 10, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

WILLIAM B. BATE, a Senator from the State of Tennessee; WILLIAM E. CHANDLER, a Senator from the State of New Hampshire, and THOMAS B. TURLEY, a Senator from the State of Tennessee, appeared in their seats to-day.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

SENATOR FROM MINNESOTA.

Mr. NELSON. Mr. President, I beg leave to present the credentials of Hon. Charles A. Towne, appointed by the governor of the State of Minnesota a Senator from that State to fill the vacancy caused by the death of Senator Davis, deceased.

The PRESIDENT pro tempore. The credentials will be received and read.

The Secretary read the credentials of Charles A. Towne, appointed by the governor of the State of Minnesota a Senator from that State to fill until the next meeting of the legislature thereof the vacancy caused by the death of Cushman K. Davis in the term ending March 3, 1905, as follows:

STATE OF MINNESOTA, EXECUTIVE DEPARTMENT.

This is to certify that on the 5th day of December, 1900, pursuant to the provisions of section 3 of Article I of the Constitution of the United States and of paragraph 254 of the general statutes of the State of Minnesota of 1894, Charles A. Towne was duly appointed by me a Senator from the State of Minnesota to represent said State in the Senate of the United States to fill the vacancy caused by the death of the Hon. Cushman K. Davis, said appointment to be in full force and effect until the next meeting of the legislature of this State and until a successor is elected and qualified.

Done at St. Paul the 6th day of December, 1900.

JOHN LIND, *Governor.*

ALBERT BERG, *Secretary of State.*

Mr. CHANDLER. Mr. President, I have examined these credentials and I also heard them read. They are correct in form, except in one respect. I will ask the Clerk to read the last clause, beginning "said appointment."

The Secretary read as follows:

Said appointment to be in full force and effect until the next meeting of the legislature of this State and until a successor is elected and qualified.

Mr. CHANDLER. The language of the Constitution is that "the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies." The governor of the State by adding the words "and until a successor is elected and qualified" has undertaken to prescribe the length of the term under this appointment. The governor of a State can not do that. The length of the term is determined by the Constitution, and those words should have been omitted. They are mere surplusage; and I therefore make no objection to having Mr. Towne sworn in under the appointment as it reads.

The PRESIDENT pro tempore. The Senator appointed will present himself at the desk and take the required oath.

Mr. Towne was escorted to the Vice-President's desk by Mr. NELSON, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

KLAMATH INDIAN RESERVATION.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, together with copies of agreements made by Indian Inspectors McConnell and McLaughlin with the Klamath Indians, for the relinquishment of all their rights and interest in and to any part of their reservation in the State of Oregon, as provided by the Indian appropriation act of July 1, 1898, etc.

The communication and accompanying papers will be printed and referred to the Committee on Indian Affairs, and the map of the survey of the reservation accompanying the same will be referred to that committee, without printing.

LANDS IN THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of January 27, 1898, a letter from the Chief of Engineers, United States Army, together with a letter from Col. Theodore A. Bingham, submitting a new list of lots in the city of Washington, D. C., the title to which the records in the office of public buildings and grounds show to be in the United States, etc.; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in further response to a resolution of January 27, 1898, a letter from the Chief of Engineers, United States Army, together with a letter from Col. Theodore A. Bingham, submitting a final list of lots in the District of Columbia sold by the United States; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

MONETARY SYSTEM FOR THE PHILIPPINES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a compilation of the records of the War Department relative to the establishment of a stable currency in the Philippine Islands; which, with the accompanying papers, was referred to the Committee on the Philippines, and ordered to be printed.

REPORT OF BOARD OF ORDNANCE AND FORTIFICATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting the annual report of the Board of Ordnance and Fortification for the year ended October 31, 1900; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS J. WOODWARD AND HORACE TYLER.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings filed by the court in the cause of Thomas J. Woodward and Horace Tyler, receivers of the New Orleans Towboat Association, *vs.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed resolutions commemorative of the life and public services of Hon. Alfred C. Harmer, late a Representative from the State of Pennsylvania.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3717) making oleomargarine and other imitation dairy products subject to the laws of the State and Territory into which they are transported, and to change the tax on oleomargarine; and

A bill (H. R. 12281) to amend section 3255 of the Revised Statutes of the United States, concerning the distilling of brandy from fruits.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 4400) for the relief of Frank E. Kellogg, collector of the Sixth internal-revenue district of Missouri; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. CULLOM. I present a petition signed by Union veterans, soldiers of the civil war, principally from Illinois, praying for the enactment of a graded service pension bill. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. CULLOM presented a petition of the Armstrong Cork Company, of Chicago, Ill., praying for a reduction of the war-revenue tax on beer; which was referred to the Committee on Finance.

He also presented a petition of the Chicago Jewelers' Association, of Chicago, Ill., praying for the establishment of a national park on the Leech Lake, Cass Lake, and Winnibigoshish Lake Indian Reservation, in the State of Minnesota; which was referred to the Committee on Indian Affairs.

Mr. LODGE presented a petition of sundry tea dealers of Boston, Mass., praying for the repeal of the present tax on tea; which was referred to the Committee on Finance.

He also presented the petition of Rev. Edwin L. Noble and 6 other citizens of Dorchester, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented 23 petitions of citizens of Massachusetts, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. BURROWS presented the petition of Frank H. Fuller, of Lawrence, Mich., and sundry petitions of citizens of Michigan, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. SEWELL presented the petition of Rev. John Liggins, of Cape May, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in our new island possessions and in the Army; which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of sundry citizens of Madison, Woodbury, Jacksonville, Richwood, Whitehouse, Washington, and Prospect Plain, all in the State of New Jersey, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Englewood, of the congregation of the Presbyterian Church of Newton, of sundry citizens of Succasunna, and of sundry citizens of Pennington and Newark, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. SCOTT presented sundry petitions of citizens of West Virginia, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. HALE presented a petition of sundry citizens of Bath, Me., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented 19 petitions of citizens of Maine, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. SPOONER presented 16 petitions of citizens of Wisconsin, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregatian of the Methodist Episcopal Church of Lakemills, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Army and in all our island possessions; which was referred to the Committee on Military Affairs.

Mr. DOLLIVER presented memorials of the Retail Grocers' associations of Ames, Cedar Rapids, and Clinton, all in the State of Iowa, remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry farmers of Grundy and Blackhawk counties, in the State of Iowa, praying for the passage of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Belknap Post, No. 515, Department of Iowa, Grand Army of the Republic, of Keokuk, Iowa, and a petition of Kinsman Post, No. 7, Department of Iowa, Grand Army of the Republic, of Des Moines, Iowa, praying for the enactment of legislation giving preference to veterans in the public service; which were referred to the Committee on Military Affairs.

He also presented petitions of the congregations of the Friends Church of New Providence, of the Presbyterian Church of Russell, and of the Methodist Episcopal Church of Blanchard, all in the State of Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Army and all our island possessions; which were referred to the Committee on Foreign Relations.

Mr. PLATT of Connecticut presented the petition of F. F. Street and sundry other citizens of Hartford, Conn., praying for the repeal of the war-revenue tax imposed upon medicinal preparations; which was referred to the Committee on Finance.

He also presented a petition of the State Board of Trade of Connecticut, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Ralph Catlett and sundry other citizens of Meriden, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which was referred to the Committee on Foreign Relations.

He also presented a petition of Elias Howe, Jr., Post, No. 3, Department of Connecticut, Grand Army of the Republic, of Bridgeport, Conn., and a petition of William T. Minor Post, No. 85, Department of Connecticut, Grand Army of the Republic, of Stamford, Conn., praying for the enactment of legislation giving preference to veterans in the public service; which were referred to the Committee on Military Affairs.

Mr. KYLE presented a petition of the faculty of the University of South Dakota and a petition of the faculty of the South Dakota School of Mines, of Rapid City, S. Dak., praying for the establishment of a national standardizing bureau; which were referred to the Committee on Education and Labor.

Mr. HARRIS presented a petition of the Woman's Christian Temperance Union of Concordia, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Alaska and the insular possessions of the United States; which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented 69 petitions of citizens of Kansas, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented sundry petitions of citizens of Kansas, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. BARD presented a petition of Riverside Post, No. 118, Department of California and Nevada, Grand Army of the Republic, of Riverside, Cal., praying for the enactment of legislation granting preference to veterans in the public service; which was referred to the Committee on Military Affairs.

Mr. NELSON presented a petition of 56 citizens of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented sundry memorials of citizens of Gaylord, Wylie, Taylors Falls, and Mabel, all in the State of Minnesota, remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HANSBROUGH presented 31 petitions of citizens of North Dakota, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. JONES of Arkansas presented the petition of Harvey R. McRaven, of Mississippi, praying that his claim for property taken by the Army during the civil war be referred to the Court of Claims; which was referred to the Committee on Claims.

Mr. VEST presented a memorial of sundry citizens of Savannah, Mo., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a memorial of the members of the Department of New Hampshire, Grand Army of the Republic, of Concord, N. H., relative to the establishment, control, and maintenance of the northern branch of the sanitarium at Hot Springs, S. Dak.; which was referred to the Committee on Military Affairs.

He also presented 7 petitions of citizens of New Hampshire, praying for the passage of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. FRYE presented a petition of the faculty of the Maryland Agricultural College, of College Park, Md., praying for the enactment of legislation to establish a national standardizing bureau; which was referred to the Committee on Education and Labor.

He also presented a petition of the Southern Industrial Convention, praying for the construction of the Nicaraguan Canal; which was referred to the Committee on Interoceanic Canals.

He also presented the petition of J. Frank Jones and 74 other citizens of Bowdoinham, Me., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented the petition of E. W. Rogers, of Belgrade, Me., and the petition of E. W. Burrill, of Dedham, Me., praying for the passage of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Post-Offices and Post-Roads.

THE SHANSI MASSACRE IN CHINA.

Mr. KYLE. I present a short paper, prepared by W. O. Elterich, a member of the American Board of Presbyterian Missionaries, of Chefoo, China, recounting the story of the Shansi massacre of foreign missionaries by direction of Yü Hien, the governor of that province. I move that the paper be printed as a document, and referred to the Committee on Foreign Relations.

The motion was agreed to.

ADDITIONAL DISTRICT JUDGE IN OHIO.

Mr. HOAR. By direction of the Committee on the Judiciary I report back without amendment the bill (S. 5076) to provide for

the appointment of an additional district judge in and for the northern judicial district of the State of Ohio. I desire that the bill may be taken up for consideration, and I ask the attention of the junior Senator from Missouri [Mr. VEST] to the bill.

Mr. VEST. Yes; I am listening.

The bill (S. 5076) to provide for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio was read.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. WOLCOTT introduced a bill (S. 5087) granting an increase of pension to Thomas H. Muchmore; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5088) granting an increase of pension to Zachariah Bradfield; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STEWART introduced a bill (S. 5089) for the relief of the widow of Isaiah Smith Hyatt; which was read twice by its title, and referred to the Committee on Patents.

Mr. CULLOM introduced a bill (S. 5090) granting a pension to Minerva McClernand; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5091) granting a pension to Hannah L. Palmer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURLEY introduced a bill (S. 5092) to provide for the erection of a public building at Greeneville, Greene County, Tenn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CULBERSON introduced a bill (S. 5093) granting an increase of pension to Charlotte W. Drew; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SULLIVAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5094) for the relief of the heirs or legal representatives of A. M. Rayburn, deceased; and

A bill (S. 5095) for the relief of the estate of James S. Douglass, deceased.

Mr. SULLIVAN introduced a bill (S. 5096) granting an increase of pension to Mary Moore; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MONEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5097) for the relief of the estate of John M. Hawkins, deceased;

A bill (S. 5098) for the relief of Mrs. Mattie H. Jarnagin; and

A bill (S. 5099) for the relief of the estate of Sarah A. Gayle, deceased.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5100) for the relief of Mrs. Martha B. King;

A bill (S. 5101) for the relief of the estate of H. P. Morancy, deceased; and

A bill (S. 5102) for the relief of Mrs. M. L. Holt, Mrs. Jane E. Cannon, and Mrs. I. B. Shipp.

Mr. PRITCHARD introduced a bill (S. 5103) to correct the military record of Benjamin Moseley; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5104) to grant an honorable discharge to T. J. Murphy; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BURROWS introduced a bill (S. 5105) granting a pension to Rosanna C. Fitch; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5106) to remove the charge of desertion from the military record of Charles A. Hall; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DOLLIVER introduced a bill (S. 5107) granting a pension to Adoniram J. Holmes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 5108) granting an increase of pension to Frances M. Reilly; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 5109) granting an increase of pension to Albion Robbins; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5110) granting an increase of pension to Horatio N. Francis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5111) to amend an act entitled "An act to promote the efficiency of the Naval Militia," approved August 3, 1894; which was read twice by its title, and, with the accompanying letter from the Secretary of the Navy, which was ordered to be printed, referred to the Committee on Naval Affairs.

Mr. SPOONER introduced a bill (S. 5112) granting an increase of pension to David H. George; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5113) granting an increase of pension to John W. Roberts; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 5114) for the relief of Elizabeth Fitemaster; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 5115) granting permission to Herbert W. Bowen, minister resident and consul-general of the United States to Persia, to accept a decoration tendered to him by His Majesty the Shah of Persia; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. TELLER introduced a bill (S. 5116) to increase the limit of cost for the purchase of site and erection of a public building thereon at Leadville, Colo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 5117) for the relief of Jesse W. Coleman; which was read twice by its title, and referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 5118) for the relief of the surviving executors of Mrs. Anna Maria Fitzhugh, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 5119) granting a pension to Jessie A. Bruner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 5120) granting an increase of pension to Edward Thompson; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Edward Thompson, a soldier of the Mexican war, now nearly 87 years old, together with the affidavits of Dr. I. N. McNutt, George D. Hawkins, and Dr. M. F. Higginbotham. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. JONES of Arkansas introduced a bill (S. 5121) for the relief of Harvey R. McRaven; which was read twice by its title, and referred to the Committee on Claims.

Mr. MASON introduced a bill (S. 5122) to authorize the construction of a bridge across the Mississippi River at or near Grays Point, Missouri; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HALE introduced a joint resolution (S. R. 136) authorizing the appointment of Charles A. Boutelle as a captain on the retired list of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

GEORGE W. WALDEN.

On motion of Mr. FRYE, it was

Ordered, That the petition and other papers filed in the Fifty-fourth Congress, first session, in behalf of George W. Walden may be withdrawn from the files of the Senate on compliance with the rules governing such action.

COMMITTEE OF ARRANGEMENTS FOR THE INAUGURATION.

Mr. HANNA submitted the following resolution; which was read:

Resolved, That a committee of three Senators be appointed by the President pro tempore of the Senate to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March next.

The PRESIDENT pro tempore. Does the Senator from Ohio request the consideration of the resolution?

Mr. HANNA. Not to-day.

The PRESIDENT pro tempore. The resolution will go over under the rule.

SUBMARINE TORPEDO BOAT HOLLAND.

Mr. STEWART submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to send to the Senate, at his earliest convenience, for its information, copies of all reports made to the Navy Department, or any of its bureaus, or to the commanding officer of the torpedo station, Newport, R. I., by officers of the Navy, concerning the performance of the submarine torpedo boat *Holland* since her purchase by the Navy Department to this date, including the reports made by Admiral N. H. Farquhar, commanding the North Atlantic Squadron; Capt. W. M. Folger, commanding the battle ship *Kearsarge*; Lieut.

Commander N. E. Mason, in charge of the torpedo station at Newport, R. I.; Lieut. Commander A. C. Hodgson, commander of the naval tug *Leyden;* Lieut. Robert L. Russell, commander of the naval tug *Osceola;* Lieut. H. H. Caldwell, commander of the *Holland,* and Lieut. E. E. Capehart, commander of the naval tug *Leyden.*

FUNERALS OF THE LATE SENATORS GEAR AND DAVIS.

Mr. GALLINGER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses incurred by the committees appointed by the President pro tempore of the Senate in arranging for and attending the funerals of the late Senator from Iowa, John H. Gear, and the late Senator from Minnesota, Cushman K. Davis, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

CONSIDERATION OF THE PENSION CALENDAR.

Mr. GALLINGER. Mr. President, I rise to make a request that to-morrow, at the conclusion of the routine morning business, not exceeding thirty minutes be given to the Committee on Pensions for the consideration of private pension bills, unobjected to, on the Calendar.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that to-morrow, after the completion of the morning business, thirty minutes be given to the consideration of pension bills now on the Calendar. Is there objection?

Mr. COCKRELL. What was the request?

The PRESIDENT pro tempore. That to-morrow, after the completion of the morning business, thirty minutes be allowed for the consideration of unobjected pension cases on the Calendar. The Chair hears no objection.

Mr. HOAR. I understood the request to be that the order should go into effect after the conclusion of the routine morning business.

Mr. GALLINGER. Yes.

The PRESIDENT pro tempore. After the conclusion of the routine morning business. It is so ordered, in the absence of objection.

HOUSE BILL REFERRED.

The bill (H. R. 12281) to amend section 3255 of the Revised Statutes of the United States, concerning the distilling of brandy from fruits, was read twice by its title, and referred to the Committee on Finance.

DANIEL W. LIGHT.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

Mr. HARRIS. Will the Senator from Massachusetts yield just a moment?

Mr. LODGE. I will yield for a moment.

Mr. HARRIS. I ask unanimous consent for the consideration of the bill (S. 812) for the relief of Daniel W. Light. It is a case of peculiar hardship, and will involve no discussion.

The bill was read, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Military Affairs with an amendment, in line 4, after the words "directed to," to strike out the words "correct the military record of, and grant an honorable discharge to, Daniel W. Light, of Company M, Fifth Regiment Ohio Cavalry, who was court-martialed and dishonorably discharged from the United States service," and to insert:

Review and disapprove General Orders, No. 89, Headquarters District Memphis, October 10, 1863, approving the finding and confirming the sentence in the case of Daniel W. Light, a private of Company M, Fifth Regiment Ohio Cavalry, and to issue to him an honorable discharge as of date October 10, 1863.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to review and disapprove General Orders, Headquarters District Memphis, October 10, 1863, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE F. BURRAGE.

Mr. TELLER. I will thank the Senator from Massachusetts if he will yield to me for a moment.

Mr. LODGE. I will yield to the Senator from Colorado. After that I shall press my motion.

Mr. TELLER. I ask the unanimous consent of the Senate to call up the bill (S. 2037) granting a pension to George F. Burrage. It is a very deserving bill; the old gentleman is in very bad shape and the bill ought to pass at once.

The bill was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George F. Burrage, late of the Signal Corps, United States Army, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George F. Burrage."

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours and twenty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 11, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 10, 1900.

POSTMASTERS.

Edwin R. Baldridge, to be postmaster at Hollidaysburg, in the county of Blair and State of Pennsylvania, in the place of S. G. Barr, whose commission expired January 30, 1900.

Edgar J. Corwin, to be postmaster at Belle Vernon, in the county of Fayette and State of Pennsylvania, in the place of A. J. Dessent, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 6, 1900.

CONSULS.

Orlando H. Baker, of Iowa, to be consul of the United States at Sydney, New South Wales.

Richard M. Bartleman, of Massachusetts, to be consul of the United States at Valencia, Spain.

Thomas T. Prentis, of Massachusetts, to be consul of the United States at Martinique, West Indies.

Executive nominations confirmed by the Senate December 7, 1900.

COLLECTOR OF INTERNAL REVENUE.

Roy H. Chamberlain, of Iowa, to be collector of internal revenue for the district of Hawaii.

CONSUL.

Horace Lee Washington, of the District of Columbia, to be consul of the United States at Geneva, Switzerland.

GENERAL APPRAISER OF MERCHANDISE.

Marion De Vries, of California, to be general appraiser of merchandise.

JUSTICE OF THE PEACE.

Lewis I. O. Neal, of the District of Columbia, to be a justice of the peace in the District of Columbia (assigned to the city of Washington).

COLLECTOR OF CUSTOMS.

Frederick S. Stratton, of California, to be collector of customs for the district of San Francisco, in the State of California.

ASSISTANT AGENT.

Abram D. Harlan, of Pennsylvania, to be assistant agent at the salmon fisheries in Alaska.

MEMBERS OF BOARD OF CHARITIES.

John Joy Edson, of the District of Columbia, to be a member of the board of charities of the District of Columbia for the term of three years from July 1, 1900.

George W. Cook, of the District of Columbia, to be a member of the board of charities of the District of Columbia for the term of one year from July 1, 1900.

S. W. Woodward, of the District of Columbia, to be a member of the board of charities of the District of Columbia for the term of three years from July 1, 1900.

Simon Wolf, of the District of Columbia, to be a member of the board of charities of the District of Columbia for the term of two years from July 1, 1900.

Charles P. Neill, of the District of Columbia, to be a member of the board of charities of the District of Columbia for the term of two years from July 1, 1900.

INDUSTRIAL COMMISSION.

Charles H. Litchman, of New Jersey, to be a member of the Industrial Commission authorized by the act of Congress approved June 18, 1898.

Daniel A. Tompkins, of North Carolina, to be a member of the Industrial Commission authorized by the act of Congress approved June 18, 1898.

NAVAL OFFICER OF CUSTOMS.

Walter T. Merrick, of Pennsylvania, to be naval officer of customs in the district of Philadelphia, in the State of Pennsylvania.

APPOINTMENTS IN THE MARINE-HOSPITAL SERVICE.

Louis P. H. Bahrenburg, of Ohio, to be an assistant surgeon in the Marine-Hospital Service of the United States.

John S. Boggess, of the District of Columbia, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Edward Francis, of Ohio, to be an assistant surgeon in the Marine-Hospital Service of the United States.

John T. Burkhalter, of Maryland, to be an assistant surgeon in the Marine-Hospital Service of the United States.

PROMOTION IN THE MARINE-HOSPITAL SERVICE.

Asst. Surg. Leland E. Cofer, of Virginia, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

APPOINTMENT IN THE NAVY.

Walter S. Harshman, a citizen of Ohio, to be a professor of mathematics in the Navy, from the 25th day of August, 1900.

PROMOTIONS IN THE NAVY.

Pay Director Edwin Stewart, to be paymaster-general and chief of the Bureau of Supplies and Accounts in the Department of the Navy, with the rank of rear-admiral, from the 3d day of March, 1899.

Gunner Michael W. Gilmartin, to be a chief gunner in the Navy, from the 28th day of October, 1900.

Officers of the Pay Corps.

Assistant Paymaster William H. Doherty, to be a passed assistant paymaster in the Navy, from the 12th day of November, 1899.

William B. Rogers, a citizen of Pennsylvania, to be an assistant paymaster in the Navy, from the 12th day of June, 1900.

Thomas D. Harris, a citizen of Michigan, to be an assistant paymaster in the Navy, from the 15th day of June, 1900.

Pay Inspector Albert W. Bacon, to be a pay director in the Navy, from the 10th day of July, 1900.

Paymaster James A. Ring, to be a pay inspector in the Navy, from the 10th day of July, 1900.

Passed Assistant Paymaster Barron P. Du Bois, to be a paymaster in the Navy, from the 10th day of July, 1900.

Frederick Chunn, a citizen of Maryland, to be an assistant paymaster in the Navy, from the 4th day of September, 1900.

Officers of the line.

Lieut. (Junior Grade) Noble E. Irwin, to be a lieutenant in the Navy, from the 8th day of December, 1899.

Lieut. (Junior Grade) Bion B. Bierer, to be a lieutenant in the Navy, from the 18th day of January, 1900.

Lieut. (Junior Grade) William H. McGrann, to be a lieutenant in the Navy, from the 2d day of February, 1900.

Lieut. (Junior Grade) Horace G. Macfarland, to be a lieutenant in the Navy, from the 18th day of February, 1900.

Lieut. (Junior Grade) Charles F. Preston, to be a lieutenant in the Navy, from the 24th day of February, 1900.

Lieut. (Junior Grade) Richard H. Leigh, to be a lieutenant in the Navy, from the 9th day of March, 1900.

Lieut. (Junior Grade) Adelbert Althouse, to be a lieutenant in the Navy, from the 27th day of March, 1900.

Lieut. (Junior Grade) William D. Brotherton, to be a lieutenant in the Navy, from the 29th day of March, 1900.

Lieut. (Junior Grade) James F. Carter, to be a lieutenant in the Navy, from the 26th day of May, 1900.

Lieut. (Junior Grade) Harry E. Smith, to be a lieutenant in the Navy, from the 2d day of June, 1900.

Lieut. Commander George P. Colvocoresses, to be a commander in the Navy, from the 30th day of June, 1900.

Lieut. James P. Parker, to be a lieutenant-commander in the Navy, from the 30th day of June, 1900.

Lieut. (Junior Grade) George W. Laws, to be a lieutenant in the Navy, from the 30th day of June, 1900.

Capt. Merrill Miller, to be a rear-admiral in the Navy, from the 1st day of July, 1900.

Commander Morris R. S. Mackenzie, to be a captain in the Navy, from the 1st day of July, 1900.

Lieut. Commander Charles E. Colahan, to be a commander in the Navy, from the 1st day of July, 1900.

Lieut. Ben W. Hodges, to be a lieutenant-commander in the Navy, from the 1st day of July, 1900.

Commander Charles S. Sperry, to be a captain in the Navy, from the 1st day of July, 1900.

Lieut. Commander Albert G. Berry, to be a commander in the Navy, from the 1st day of July, 1900.

Lieut. Herbert O. Dunn, to be a lieutenant-commander in the Navy, from the 1st day of July, 1900.

Lieut. (Junior Grade) George C. Day, to be a lieutenant in the Navy, from the 1st day of July, 1900.

Lieut. Commander John A. Norris, to be a commander in the Navy, from the 1st day of July, 1900.

Lieut. Arthur W. Dodd, to be a lieutenant-commander in the Navy, from the 1st day of July, 1900.

Lieut. (Junior Grade) Luke McNamee, to be a lieutenant in the Navy, from the 1st day of July, 1900.

Lieut. George W. Denfeld, to be a lieutenant-commander in the Navy, from the 1st day of July, 1900.

Lieut. (Junior Grade) Frederick L. Sawyer, to be a lieutenant in the Navy, from the 1st day of July, 1900.

Lieut. Albert W. Grant, to be a lieutenant-commander in the Navy, from the 1st day of July, 1900.

Lieut. (Junior Grade) Charles L. Hussey, to be a lieutenant in the Navy, from the 1st day of July, 1900.

Lieut. Horace W. Harrison, to be a lieutenant-commander in the Navy, from the 1st day of July, 1900.

Lieut. (Junior Grade) John R. Y. Blakely, to be a lieutenant in the Navy, from the 1st day of July, 1900.

Lieut. Valentine S. Nelson, to be a lieutenant-commander in the Navy, from the 1st day of July, 1900.

Lieut. (Junior Grade) Charles T. Jewell, to be a lieutenant in the Navy, from the 1st day of July, 1900.

Lieut. William S. Benson, to be a lieutenant-commander in the Navy, from the 1st day of July, 1900.

Lieut. (Junior Grade) Gregory C. Davison, to be a lieutenant in the Navy, from the 1st day of July, 1900.

Lieut. William V. Bronaugh, to be a lieutenant-commander in the Navy, from the 1st day of July, 1900.

Lieut. (Junior Grade) Leon S. Thompson, to be a lieutenant in the Navy, from the 1st day of July, 1900.

Lieut. (Junior Grade) Frederick A. Traut, to be a lieutenant in the Navy, from the 1st day of July, 1900.

Lieut. (Junior Grade) John F. Hines, to be a lieutenant in the Navy, from the 1st day of July, 1900.

Lieut. Frank M. Bostwick, to be a lieutenant-commander in the Navy, from the 1st day of July, 1900.

Commander Frank Courtis, to be a captain in the Navy, from the 23d day of July, 1900.

Lieut. Commander Nathaniel J. K. Patch, to be a commander in the Navy, from the 23d day of July, 1900.

Lieut. James H. Oliver, to be a lieutenant-commander in the Navy, from the 23d day of July, 1900.

Lieut. (Junior Grade) Fed R. Payne, to be a lieutenant in the Navy, from the 23d day of July, 1900.

Lieut. Commander Thomas S. Phelps, jr., to be a commander in the Navy, from the 19th day of August, 1900.

Lieut. Harry M. Dombaugh, to be a lieutenant-commander in the Navy, from the 19th day of August, 1900.

Lieut. (Junior Grade) Robert K. Crank, to be a lieutenant in the Navy, from the 19th day of August, 1900.

Lieut. (Junior Grade) Stanford E. Moses, to be a lieutenant in the Navy ,from the 23d day of August, 1900.

Lieut. Simon Cook, to be a lieutenant-commander in the Navy, from the 30th day of August, 1900.

Lieut. (Junior Grade) Powers Symington, to be a lieutenant in the Navy, from the 30th day of August, 1900.

Lieut. (Junior Grade) Yates Stirling, jr., to be a lieutenant in the Navy, from the 24th day of October, 1900.

Lieut. (Junior Grade) Raymond D. Hasbrouck, to be a lieutenant in the Navy, from the 21st day of November, 1900.

Commander William W. Reisinger, to be a captain in the Navy, from the 22d day of November, 1900.

Lieut. Commander Karl Rohrer, to be a commander in the Navy, from the 22d day of November, 1900.

Lieut. Thomas S. Rodgers, to be a lieutenant-commander in the Navy, from the 22d day of November, 1900.

Capt. John J. Read, to be a rear-admiral in the Navy, from the 29th day of November, 1900.

Commander William T. Burwell, to be a captain in the Navy, from the 29th day of November, 1900.

Lieut. Commander John A. H. Nickels, to be a commander in the Navy, from the 29th day of November, 1900.

Lieut. Col. Francis H. Harrington, to be a colonel in the Marine Corps, from the 15th day of August, 1900.

Maj. Otway C. Berryman, to be a lieutenant-colonel in the Marine Corps, from the 15th day of August, 1900.

Capt. Henry C. Haines, to be a major in the Marine Corps, from the 15th day of August, 1900.

Officers of the Medical Corps.

P. A. Surg. Albert M. D. McCormick, to be a surgeon in the Navy, from the 11th day of November, 1899.

Asst. Surg. Daniel H. Morgan, to be a passed assistant surgeon in the Navy, from the 27th day of November, 1899.

P. A. Surg. George B. Wilson, to be a surgeon in the Navy, from the 7th day of February, 1900.

Medical Inspector George P. Bradley, to be a medical director in the Navy, from the 31st day of May, 1900.

Surg. Frank B. Stephenson, to be a medical inspector in the Navy, from the 31st day of May, 1900.

P. A. Surg. Charles F. Stokes, to be a surgeon in the Navy, from the 31st day of May, 1900.

Medical Inspector Paul Fitzsimons, to be a medical director in the Navy, from the 19th day of November, 1900.

APPOINTMENTS IN THE NAVY.

To be assistant surgeons.

John J. Snyder, a citizen of Pennsylvania.
Henry A. Dunn, a citizen of the District of Columbia.
Allan Stuart, a citizen of South Carolina.
Edward M. Blackwell, a citizen of Virginia.
William H. Ulsh, a citizen of Pennsylvania.
Mack V. Stone, a citizen of California.
Chauncey R. Burr, a citizen of California.
George F. Freeman, a citizen of Massachusetts.
Raphael O. Marcour, a citizen of Louisiana.
James H. Payne, jr., a citizen of Massachusetts.
Jacob Stepp, a citizen of Massachusetts.
Charles H. De Lancey, a citizen of New York.
Fred M. Bogan, a citizen of the District of Columbia.
Rice K. McClanahan, a citizen of Virginia.
Warren E. G. High, a citizen of Pennsylvania.

To be surgeons.

P. A. Surg. Edward R. Stitt, to be a surgeon in the Navy, from the 7th day of June, 1900.

P. A. Surg. Manley F. Gates, to be a surgeon in the Navy, from the 7th day of June, 1900.

P. A. Surg. Charles H. T. Lowndes, to be a surgeon in the Navy, from the 7th day of June, 1900.

P. A. Surg. George Rothganger, to be a surgeon in the Navy, from the 7th day of June, 1900.

Asst. Surg. Raymond Spear, to be a passed assistant surgeon in the Navy, from the 22d day of June, 1900.

Macomb K. Elmer, a citizen of Pennsylvania, to be an assistant surgeon in the Navy, from the 18th day of July, 1900.

Medical Inspector Charles U. Gravatt, to be a medical director in the Navy, from the 24th day of August, 1900.

Surg. Presley M. Rixey, to be a medical inspector in the Navy, from the 24th day of August, 1900.

P. A. Surg. George T. Smith, to be a surgeon in the Navy, from the 24th day of August, 1900.

Robert E. Ledbetter, a citizen of Texas, to be an assistant surgeon in the Navy, from the 19th day of October, 1900.

Charles St. John Butler, a citizen of Tennessee, to be an assistant surgeon in the Navy, from the 26th day of October, 1900.

Richard Bland Williams, a citizen of Virginia, to be an assistant surgeon in the Navy, from the 17th day of November, 1900.

APPOINTMENTS IN THE MARINE CORPS.

To be second lieutenants.

To take rank from the 23d day of July, 1900:
Rupert C. Dewey, a citizen of Minnesota.
Edward A. Greene, a citizen of Georgia.
Edward B. Manwaring, a citizen of Wisconsin.
William E. Smith, a citizen of Connecticut.
Thomas M. Clinton, a citizen of Maryland.
Hamilton D. South, a citizen of Pennsylvania.
Theodore Monell, a citizen of New York.
Edgar Hayes, a citizen of Alabama.
James T. Buttrick, a citizen of Rhode Island.
Raymond B. Sullivan, a citizen of Colorado.
Giles Bishop, jr., a citizen of Connecticut.
Frank Halford, a citizen of Indiana.
James K. Tracy, a citizen of New Hampshire.
Ellis B. Miller, a citizen of Iowa.
Arthur J. O'Leary, a citizen of Montana.
Berton W. Sibley, a citizen of Vermont.
Frank F. Robards, a citizen of Texas.
Raymond W. Dikeman, a citizen of Michigan.
To take rank from the 5th day of September, 1900:
Harold Colvocoresses, appointed at large.
To take rank from the 11th day of September, 1900:
William Brackett, a citizen of Illinois.
Chandler Campbell, a citizen of West Virginia.
William L. Redles, a citizen of Pennsylvania.
Fred A. Udell, a citizen of Washington.
Austin C. Rogers, a citizen of Texas.
Provence McCormick, appointed from noncommissioned officer.
To take rank from the 21st day of October, 1900:
Woodel Pickering, a citizen of Indiana.
To take rank from the 22d day of October, 1900:
Franklin S. Wiltse, a citizen of New York.
To take rank from the 3d day of December, 1900:
Howard H. Kipp, a citizen of New York.
William D. A. Junkin, a citizen of the District of Columbia.
Henry H. Scott, a citizen of California.

John W. McClaskey, a noncommissioned officer of the Marine Corps, to be a second lieutenant in the Marine Corps, from the 5th day of December, 1900.

Fred A. Ramsey, a noncommissioned officer of the Marine Corps, to be a second lieutenant in the Marine Corps, from the 5th day of December, 1900.

Hilary A. Herbert, jr., a citizen of Alabama, to be a second lieutenant in the Marine Corps, from the 5th day of December, 1900.

POSTMASTERS.

Abram D. Runyon, to be postmaster at Millington, in the county of Morris and State of New Jersey.

James E. Munger, to be postmaster at Fishkill on the Hudson, in the county of Dutchess and State of New York.

Grace W. Buck, to be postmaster at Foxcroft, in the county of Piscataquis and State of Maine.

Olive P. Smith, to be postmaster at Ipswich, in the county of Essex and State of Massachusetts.

William Bostian, to be postmaster at Independence, in the county of Jackson and State of Missouri.

Howard H. Newby, to be postmaster at Sheridan, in the county of Hamilton and State of Indiana.

George K. Covert, to be postmaster at Vinton, in the county of Benton and State of Iowa.

Edson E. Burnham, to be postmaster at Amite (late Amite City), in the county of Tangipahoa and State of Louisiana.

Henry C. Jones, to be postmaster at Marion, in the county of Williamson and State of Illinois.

William O. Butler, to be postmaster at La Harpe, in the county of Hancock and State of Illinois.

Orange L. Campbell, to be postmaster at Knoxville, in the county of Knox and State of Illinois.

Alfred C. Hodgman, to be postmaster at Fort Edward, in the county of Washington and State of New York.

Josiah R. Baker, to be postmaster at Antioch, in the county of Contra Costa and State of California.

Charles Durner, to be postmaster at Benicia, in the county of Solano and State of California.

Isaac W. Sherrill, to be postmaster at Poughkeepsie, in the county of Dutchess and State of New York.

Annie Larrabee, to be postmaster at Oyster Bay, in the county of Nassau and State of New York.

John Rielley, to be postmaster a Highland Falls, in the county of Orange and State of New York.

William T. Chapman, to be postmaster at Pawling, in the county of Dutchess and State of New York.

George M. Nichol, to be postmaster at Morristown, in the county of St. Lawrence and State of New York.

George B. Tripp, to be postmaster at Mechanicsville, in the county of Saratoga and State of New York.

I. R. Nye, to be postmaster at Wittenberg, in the county of Shawano and State of Wisconsin.

Charles E. Ainger, to be postmaster at Andover, in the county of Ashtabula and State of Ohio.

Ellis H. Timm, to be postmaster at Coldspring, in the county of Putnam and State of New York.

INJUNCTION OF SECRECY REMOVED.

On motion of Mr. LODGE, the injunction of secrecy was removed from the convention (Executive G) signed at Brussels, June 8, 1899, by the plenipotentiaries of certain powers for the regulation of the importation of spirituous liquors into certain regions of Africa.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 10, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

DISTRICT BUSINESS.

Mr. BABCOCK. Mr. Speaker, under the rules of the House this is District day. I understand there is pressing business, and for that reason I ask that next Monday or Tuesday be assigned for District business instead of to-day, subject to the completion of the war revenue reduction bill.

The SPEAKER. The gentleman from Wisconsin, chairman of the Committee on the District of Columbia, asks unanimous consent to substitute Monday or Tuesday next week, instead of to-day, for District business, subject to the war revenue reduction bill.

Mr. LANHAM. Is it for Monday or Tuesday that the gentleman makes the request? I hope that he will not make it for next Monday, as that is suspension day.

The SPEAKER. The gentleman from Texas objects to Monday. Is there objection to Tuesday? [After a pause.] The Chair hears none.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of appropriation bills, with the view of taking up the legislative, executive, and judicial appropriation bill.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills, with the view of taking up the legislative bill.

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the appropriation bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12291) making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes.

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. BINGHAM. I would state, Mr. Chairman——

Mr. RICHARDSON of Tennessee. Mr. Chairman, I would like to ask the gentleman who represents the minority?

Mr. BINGHAM. I would state to the House there have been no requests, as I understand from Mr. LIVINGSTON, that have come to him for general debate on that side of the House. There has been one request made on this side, to which I have demurred, and the gentleman accepts my demurrer; and therefore there will be no request for general debate on this side of the House.

The CHAIRMAN. The Chair understands there is to be no general debate.

Mr. RICHARDSON of Tennessee. No one has spoken to me.

The CHAIRMAN. General debate on the bill, then, is closed, and the Clerk will read the bill.

Mr. BINGHAM. Prior to reading the bill, I desire to make a statement.

The CHAIRMAN. General debate is not closed, then.

Mr. BINGHAM. Mr. Chairman, this is the usual annual bill covering almost wholly the question of the salaries of the existing subordinate force of the Departments, together with such necessary increases as may be recommended from the Book of Estimates. Your committee have gone carefully over the estimates of the Departments, which in sum total amounted to $25,399,509.43, of which amount there is recommended in the bill $24,496,308.27. The appropriations for the same purposes for the current fiscal year, including $105,800 carried in the sundry civil and deficiency acts, aggregated $24,257,012.53, being $239,295.74 less than is recommended in the bill for the service of the fiscal year 1902.

The total amount recommended in the bill is $903,201.16 less than the aggregate of the estimates submitted.

You will therefore observe that of the almost $1,200,000 recommended in the Book of Estimates by the Departments in the items increase of salaries and increase of force your committee has simply allowed as increase $239,000 and have reduced the estimates of the Departments $903,000. The whole number of salaries specifically provided for in the bill is 786 less than the number estimated for and 90 more than the number provided for in the law for the current year. It is proper to state, however, that of the 786 specific salaries estimated for in excess of those recommended in the bill 495 were for or in lieu of clerks and others in the War Department now employed and paid from a general appropriation made for the current fiscal year for additional employees rendered necessary in the War Department because of the increased work incident to the war with Spain, which general appropriation it is proposed to continue during the next fiscal year in the same sum as was provided for the current year, and 45 of such specific salaries estimated for were in place of employments in the Navy Department now paid from appropriations "for increase of the Navy."

As your committee did not deem it wise to recommend the repeal at this time of the law authorizing such employments in the Navy Department, they have not provided appropriations in the accompanying bill for them, and leave them under the language, "Increase of the Navy." The number of increases of salaries of the existing force in the pending bill have been but 35, and of that number we have 18 watchmen in the public grounds of Washington, a part of whom are receiving $660 and the other part $720 each, and we have made the compensation of the day watchmen and night watchmen equal, making the division of labor equal and making the pay equal.

I desire to suggest to the committee that both the great political parties in the recent campaign proclaimed for economy in the administration of the Government. This is the first bill coming from the Committee on Appropriations which exhibits upon its face economy in a reduction from the Book of Estimates from the Departments of $903,000; or, in other words, for the next fiscal year we will not have to pay taxes to secure this $903,000, but simply for the increase to secure the $239,000.

In other words, we commence now and here to carry out our pledges to the people; and as all the people during the conditions of war for the last two or three years have been subjected to large taxation to carry on that war, in many cases claiming that hardship and loss were inflicted upon certain lines of trade and business, we make now and here our first effort to keep faith with our promises. On the Calendar of the House, to be considered at an early date, is the bill reducing war taxes $40,000,000. Our contribution to-day to this bill will be almost one million more.

Of course all know that in conditions of war larger taxation runs, for war means the expenditure of the people's moneys as well as the lives and health of the patriots.

Your committee is of the opinion that at this time, when we are reducing taxation, the question of increased compensation for clerical work should have no standing in this House, or, if any, but most limited. No one of this body of clerks not increased has lost anything, because he does not now possess it. Each one of the clerks of the Departments who during the past few years has worked over the normal or regular hours from 9 until 4 has his bill from the Department here before the several committees of the House, claiming additional compensation for every hour of work over the rule of office hours from 9 a. m. to 4 p. m. Therefore I say that if this House proposes to make a reduction in taxation, as the bill on the Calendar proposes, to the extent of $40,000,000, the last thing that this House should think of doing, that which it should condemn most emphatically, is a large increase of compensation to the subordinate force. If we refrain from making any such increase, the business of the Departments can go on as it is now going on, and no one will suffer. As I have said, this bill, as drawn, will make a contribution of almost a million of dollars in the way of reduction of taxation for the next year and for all the years to come.

Mr. Chairman, I am cognizant of the fact that gentlemen on both sides of this floor have been importuned by those not appropriated for in this bill either by increase of the subordinate force of the Departments or by increase of compensation. It is, perhaps, perfectly natural that those not carried on the bill should make complaint. This bill has been critically scanned by members of the subordinate force of the Departments, and wherever a man sees that his pay has not been increased as suggested in the Book of Estimates, he immediately goes to his Representative and asks that he may be personally cared for. We have carefully looked into these questions—not as to the individuals, because we did not know them—but we simply looked into the question of the second, third, or fourth class Department clerks, or whatever other class of Government employees there might be. We inquired into the character of the work required and determined whether it was fair at this time to make an increase.

Mr. GAINES. I see that on page 72 of this bill an appropriation is made of $3,000 for the compensation of the governor of Oklahoma. I see also that the governor of Hawaii is allowed a salary of $5,000. I should like to know why this discrimination of $2,000 is made.

Mr. BINGHAM. I will say in reply to the gentleman that the statutes fix the salaries in that way, and the committee has no discretion in the subject.

Mr. GAINES. The salaries paid to the governors of the Western Territories have generally been about $2,500 or $3,000. I was wondering why this distinction should have been made.

Mr. BINGHAM. We simply followed the statutes in both cases.

Mr. LIVINGSTON. The salary has been fixed by act of Congress in both instances.

Mr. GAINES. I concur with the gentleman from Pennsylvania in his idea in favor of retrenchment and reform. But it will be remembered that when the proposition to raise this salary was before the House I then objected. I repeat that the salaries of the old Territorial governors was usually about $2,500.

Mr. BINGHAM. The gentleman will understand that the Committee on Appropriations, where the law makes the salary mandatory, had no discretion, but were obliged to report the sum fixed by law.

Mr. GAINES. But I want to remind my friend that we on this side objected to this increase, and now we are paying the penalty for having been defeated in this very matter when we insisted on reform last session, yet to-day you urge retrenchment and reform when it is too late.

Mr. BINGHAM. Mr. Chairman, I do not know that I have anything more to say upon the general outline of this bill.

Mr. ROBINSON of Indiana. Mr. Chairman, I should like to call the attention of the gentleman from Pennsylvania to a subject which has heretofore been before this House, the subject of the sick-leave privilege allowed to clerks and employees in the various Executive Departments in Washington. Under the present law they receive a vacation privilege of thirty days in each year, and in addition a privilege which is much abused—a sick-leave privilege of thirty days in each year. I should like to know from the gentleman from Pennsylvania whether anything in the line of retrenchment and reform has been done in the direction of correcting the abuse of the sick-leave privilege by his committee. It seems to me there is almost a consensus of opinion in this House that this sick leave of thirty days should be withdrawn. As there has been no general debate I may be allowed to state my reasons for this opinion.

In a bill passed at the last session of Congress for the relief of the employees of the Bureau of Animal Industry outside of Washington we granted them fifteen days' leave. The post-office and other employees generally outside of the city of Washington have no vacation or sick-leave privilege granted to them as a matter of right. There is a bill now on the Calendar to grant vacation with pay to the employees of the Navy Department outside of Washington and to the employees of the navy-yard here. Every class of Government employees is about to ask, or is asking, for the thirty days' annual leave with pay. The vacation of thirty days is not now enjoyed by the printing department of the Census Department, nor by the employees of the navy-yard in Washington, nor by the Government employees outside of the city of Washington, except as stated. I think it would be in the direction of retrenchment and reform, and it would save annually nearly one-twelfth of the salaries of these various classes of employees, if the gentleman's committee would at some time take steps to cut off the sick-leave privilege granted to employees of the Executive Departments in Washington. I had hoped that this bill would include some feature of this kind. Knowing that this leave privilege, which was formerly ninety days, had already been cut off to the extent of thirty days, I hoped that there would be a further retrenchment of this kind by the cutting off of this sick-leave privilege altogether. It is greatly abused. It requires troublesome and expensive machinery to carry it out, and it is not popular with many of the employees of the Executive Departments in Washington, and they would be satisfied with the thirty days' vacation per annum which is accorded to them. I think there should be adopted some rule or legislation for the correction of this abused privilege. I should like to ask the gentleman whether anything has been done yet in that line by his committee.

Mr. BINGHAM. Mr. Chairman, I will state, in response to the gentleman from Indiana, that the bill which we are now considering has nothing to do with the proposition he submits. We have no jurisdiction of that matter. Some two or three years ago Congress determined that in lieu of the discretion then vested in the Secretaries or heads of the various Departments with reference to leaves of absence, instead of the possibility of allowing ninety days it should be reduced to sixty, thirty days for the annual leave, if desired, and thirty days, under the fixed rules of the Department, in cases of illness, injury, or for other reasons of that character.

Now, as to the existing law, let me say a word. It is not, I will state to the gentleman, as he is well aware, mandatory. A clerk does not of right get a single day of leave from his duties in the Department. The law vests the discretion in the head of the Department. The Secretary is vested with power, and he can refuse every application for leave of absence if he so desires. As I have just stated, the law gives him discretionary power, and it is absolutely within his discretion as to how he shall exercise it.

Now, another question, and that is as to the economy of the proposition to which the gentleman has referred. I have just stated that we are endeavoring in this bill to show the spirit of the House, as promised to the people of this country in the last election, to economize the public expenditures to the greatest possible degree. There are pending before the various committees of the House many bills to increase the compensation of subordinate clerks or officers in the Executive Departments of the Government, as well as enlarged time for leaves of absence. These bills aggregate a total, as I am informed, of some $10,000,000, and possibly more.

I know many members have been importuned with regard to these various bills, because I have received the same character of requests myself. But I can say to the committee that we have resisted absolutely every importunity of that kind, for the reason that the committee knows no individual in the preparation of this bill. We take the bill and make it up from the Book of Estimates submitted to us. We started from the beginning and proceeded throughout its consideration without knowledge of the individual who might be an applicant for an increase of salary. Of course I know what members would desire in various cases of this kind to aid deserving and worthy constituents.

Mr. ROBINSON of Indiana. I would like to ask the gentleman from Pennsylvania a further question as to whether it would not be strongly and clearly in the interest of economy to cut off the thirty days sick leave now granted to the various employees here in Washington with the addition of thirty days which may be granted, as he states, at the discretion of the heads of these Departments? It has become in many instances a crying evil, and, as the gentleman will remember, when this question was before us on a former occasion he himself took the same view of the matter.

Mr. BINGHAM. But the gentleman must understand that this is a question with which the committee has no power to deal in the way he suggests. As I have stated, the law vests this discretion in the heads of the Departments.

Mr. ROBINSON of Indiana. But it is the privilege and power of the committee to take cognizance of these matters which are now fixed by statute, for as the law authorizes the heads of Departments to give thirty days with pay in addition to thirty days' vacation it will be granted till limited by law. And in view of the fact that the old abuse of ninety days has been cut down, at least to sixty days, I think that a further reduction in that regard might apply to the officials at Washington. Of course the gentleman knows that this vacation of thirty days and additional thirty days' sick leave does not apply to all the employees throughout the country, but only to those in Washington. There seems to be a special exception in favor of those employed in this city. And, as I have said, we are being importuned on all sides to at least make the thirty-day leave of absence uniform throughout the country. I would ask if it is not a fact that the Government employees outside of the city of Washington do not receive the same privileges with reference to leaves of absence that are accorded to those in this city; in other words, that they have not, to the same extent, that privilege granted to employees here?

Mr. BINGHAM. Oh, yes; take, for instance, the letter carriers, numbering, I think, 16,000 in the United States. They have this leave as a matter of right, and we appropriate specially for leave of absence in their cases.

Mr. ROBINSON of Indiana. In my city, of 50,000 inhabitants, I will say to the gentleman that they are not granted it as a matter of right, because of some block in the regulation, but get only fifteen days, by doubling up and performing work for each other, while the employees here receive thirty days' leave as a vacation and thirty days of sick leave, making sixty in all. And I again call the gentleman's attention to the importance and necessity of giving exactly the same privilege to all the employees of the Government everywhere that is given them in this city.

Mr. BINGHAM. I can only answer, Mr. Chairman, that the provision to which the gentleman refers has no place in our bill and is not under our jurisdiction.

Mr. ROBINSON of Indiana. But the gentleman from Pennsylvania wisely, as I think, on a former occasion, cut down the old ninety-day leave to sixty; and I had hoped that something of the same kind would appear in this bill. Is there no such provision?

Mr. GAINES. If the gentleman from Pennsylvania will allow me, I think I can answer the suggestion.

Mr. BINGHAM. I will yield to the gentleman from Tennessee.

Mr. GAINES. I will state to the gentleman from Indiana that, as he knows as well as I do, the discretion to which he refers is lodged in the heads of the Departments. Now, as to whether or not it is abused is a question of fact, and is a matter of history. But I know, sir, of one bureau here where it has not been exercised soon enough. I know of employees of the Government who have fainted on the floor of the Department where they were employed here because the head of that Department had not exercised that gracious and proper discretion that should have been exercised.

Mr. ROBINSON of Indiana. In what Department was that?

Mr. GAINES. To say that these people must be worked all the year round, without giving the little girls and larger girls and the older people some few days of the rest that my friend from Indiana [Mr. ROBINSON] himself takes, is to say that this Government must be run in an inhuman and harsh way, which is unnecessary for the public welfare. The fact that this discretion may be abused is no reason why it should not be lodged somewhere, as it properly is, and I do not myself agree that this thirty days should be cut off. It is given when the parties are sick and unable to work.

Mr. BINGHAM. On a doctor's certificate?

Mr. GAINES. Yes.

Mr. ROBINSON of Indiana. Is that all they get?

Mr. GAINES. Certainly; when they are sick they should not be cut off.

Mr. ROBINSON of Indiana. How much is the gentleman in favor of granting them?

Mr. GAINES. Leave that in the discretion of some good man at the head of each Department; not to exceed a maximum time, of course.

Mr. ROBINSON of Indiana. They get thirty days' vacation.

Mr. GAINES. We certainly do not want to make ourselves the umpires to decide how much sick leave they shall have. We could not attend to that. We can put a limit in the law.

Mr. ROBINSON of Indiana. You have done it under the law. You give them thirty days' vacation leave and, in addition, the privilege of thirty days' sick leave, which is much abused by the employees themselves; and neither of these privileges are accorded to employees outside of Washington, and is denied to several classes of employees here.

Mr. GAINES. If an employee gets sick he ought to have his sick leave.

Mr. ROBINSON of Indiana. How many days vacation would you give them?

Mr. GAINES. That is a matter in the discretion of the Department, unless fixed by law.

Mr. ROBINSON of Indiana. How much is granted them now?

Mr. GAINES. I do not know.

Mr. ROBINSON of Indiana. They get thirty days' vacation.

Mr. GAINES. It is not a matter of absolute right, as I understand from the distinguished gentleman from Pennsylvania, chairman of the committee [Mr. BINGHAM], but it is a matter of discretion.

Mr. BINGHAM. A matter of discretion only.

Mr. GAINES. It may be a day, a week, or twenty or thirty days.

Mr. ROBINSON of Indiana. They got thirty days as a matter of right, and another thirty days' sick leave, in all making sixty days' vacation with pay.

Mr. LIVINGSTON. They must bring a physician's certificate in order to obtain one day's sick leave.

Mr. GAINES. They must obtain a physician's certificate; they get the sick leave when they are actually sick and unable to work, certified to by a reputable physician.

Mr. ROBINSON of Indiana. For the second thirty days.

Mr. GAINES. May they not require it for the first?

Mr. ROBINSON of Indiana. No; that is a matter of right.

Mr. GAINES. Sick leave is a matter of discretion, and in order to get any they must bring the certificate of a reputable physician.

Mr. ROBINSON of Indiana. They have thirty days as a matter of law. I have no objection to their having their vacation of thirty days, but economy requires that they should have but thirty days' vacation in one year.

Mr. GAINES. It is a matter of discretion with the Department and not one of law, as the chairman reporting this bill states, and that is my information.

Mr. CALDERHEAD. While the matter is under consideration I should like to ask the gentleman for an explanation. Why are these thirty days' annual leave and thirty days' sick leave not permitted to employees of the Government outside of the city of Washington, except the letter carriers, who, I understand, obtain some part of it?

Mr. BINGHAM. The only answer to that is that it is not upon the statute books. This bill carries no authority for anything except what is on the statute books.

Mr. CALDERHEAD. But if provision is made for discretion in the Secretary to grant thirty days' leave and thirty days' sick leave to each employee in the District of Columbia, why should not that same privilege extend to employees of the Bureau of Animal Industry in the various other cities of the country, who obtain no leave?

Mr. BINGHAM. There is but one answer to the gentleman. This bill carries the Executive Departments of the Government, the legislative, executive, and judicial. The Post-Office appropriation bill carries the appropriation for the subordinate force of the post-offices of the country. So the other appropriation bills carry appropriations for the subordinate forces of the Government in other Departments. The proposition of legislation which the gentleman submits would come of right on those bills, but upon this bill we have nothing to do with it. We do not appropriate for the clerks and carriers in the postal service in this bill at all. We appropriate for the Department service.

Mr. CALDERHEAD. I am inquiring about a branch of the Department service, not the postal service. Take, for instance, the Bureau of Animal Industry.

Mr. BINGHAM. The Agricultural appropriation bill carries that service.

Mr. LIVINGSTON. I would suggest to my colleague that that inquiry would properly come up when the Agricultural bill is under consideration.

Mr. BINGHAM. Oh, yes.

Mr. MOODY of Massachusetts. I should like to suggest that the discrimination to which the gentleman refers, which undoubtedly exists in the law to-day, exists not only in respect to leave of absence, but in every other way. Before the subcommittee the other day, on examination of the chief clerk of the Treasury, it appeared that the salaries paid for services throughout the country in the public buildings were very much smaller than the salaries paid for corresponding services in Washington. The people at Washington are here. They get a chance at members of Congress, and the result is that they have higher privileges than other Government employees have. They have less work and longer leave of absence. I agree with the gentleman that it is unjust, as a general proposition, but we can not, of course, remedy it on this bill.

Mr. CALDERHEAD. I was only making the inquiry for the purpose of ascertaining where it could be remedied.

Mr. HENRY of Connecticut. As regards the Bureau of Animal Industry, I am quite certain that the last Agricultural bill gave the employees of that Bureau leave of absence.

Mr. CALDERHEAD. The gentleman is mistaken, or if it did, it has not been carried into effect yet.

Mr. BINGHAM. Mr. Chairman, I simply say to the Hous that members know the general purpose that governed the Committee on Appropriations in making these reductions, and they have only been made after the greatest care and examination. If we have the aid of that side of the House as well as this side of the House in noncontinuing the demand for increase of pay, and leaving the bill run with the reduction that we have made, for the reasons that I have stated, we ought to get through with this bill to day. I call for the reading of the bill.

Mr. RAY of New York. Before the reading is proceeded with, with the permission of the gentleman, I desire to ask a question in regard to a provision of the bill before I leave the room. I notice on page 130 of the bill, section 4, it says:

SEC. 4. That the appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons permanently incapacitated for performing such service.

I suppose that is an old provision?

Mr. BINGHAM. That is the usual provision.

Mr. RAY of New York. My attention has been called to the fact that one of the judges of one of the United States courts has become permanently incapacitated from performing his duty. Is this intended to interfere with his drawing his pay, or would it interfere? Of course the salaries of judges are permanent, and there is no provision for retirement under the circumstances I have stated.

Mr. GAINES. There is on page 126 a provision.

Mr. RAY of New York. It would probably depend on this appropriation.

Mr. BINGHAM. This is an appropriation only for the judges' salaries.

Mr. RAY of New York. This would restrict the disbursement of that appropriation, because it is a permanent law.

Mr. GAINES. Would it not be covered by the heading "Retired judges," on page 126, "To pay the salaries of United States judges, retired?"

Mr. RAY of New York. There is no provision to retire a judge who becomes sick and permanently disabled.

Mr. BINGHAM. That has to be done by special act.

Mr. RAY of New York. It is done by a special act. It would seem rather dangerous that he should not draw his salary, if that was the intent of this provision.

Mr. MOODY of Massachusetts. If I may be permitted, I will state to the gentleman that this is a provision which I drew some years ago, and was intended to meet an evil growing up in the Departments. The gentleman will recollect that there was an attempt to establish a "roll of honor" in the Treasury Department, and this provision was drawn for the purpose of meeting that which was deemed to be an evil by some of us. It did not have in view what the gentleman suggests. I suggest that there might be at least a question whether officers, clerks, etc., employed by the public service included members of the judiciary; but it would be a legal question.

Mr. RAY of New York. I do not suppose that was your purpose.

Mr. MOODY of Massachusetts. That was not our purpose at all.

Mr. RAY of New York. It would seem improper that a disbursing officer should become judge of the permanent disability of a member of the judiciary. That was not the intent, I suppose, of the gentleman.

Mr. MOODY of Massachusetts. It was not; and if the gentleman thinks an amendment is required, it can be inserted.

Mr. LIVINGSTON. An amendment would probably destroy the force of the whole section.

Mr. GAINES. I should like to ask the gentleman in charge of the bill a question. On page 125, you provide for the payment of the circuit and district judges of the United States courts. Will you please tell me what provision is made, in this or any other bill, for the payment of their expenses, and what constitutes "expenses?"

Mr. BINGHAM. That comes in another bill, the sundry civil

bill. We are simply providing for the salaries, and not for the contingent expenses.

Mr. GAINES. What I mean is for railroad fare and hotel bills and what would be necessary expenses.

Mr. BINGHAM. We have nothing to do with that. We simply provide the salaries of the judges in this bill.

If there is no other discussion desired, Mr. Chairman, or inquiries to be made, I would suggest that the Clerk proceed with the reading of the bill.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MERCER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced the Senate had passed joint resolution (S. R. 135) authorizing the Commissioners of the District of Columbia to employ an additional assistant to the attorney; in which the concurrence of the House was requested.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Office of Comptroller of the Treasury: For Comptroller of the Treasury, $5,500; Assistant Comptroller of the Treasury, $4,500; chief clerk, $2,500; chief law clerk, $2,500; five law clerks revising accounts and briefing opinions, 1 at $2,100 and 4 at $2,000 each; private secretary, $1,800; 4 expert accountants, at $2,000 each; 7 clerks of class 4; 1 clerk of class 3; 2 clerks of class 2; typewriter-copyist, $1,000; 2 messengers; 1 assistant messenger; and 1 laborer; in all, $55,900.

Mr. BINGHAM. Mr. Chairman, the gentleman from Indiana [Mr. HEMENWAY] is temporarily absent, and he desired me to submit the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 40, in line 1, after the word "each," insert "five temporary clerks during the fiscal year 1902, at $1,600 each, to dispose of accumulated appeals from the Auditor from the War Department."

In line 2, after the word "accountants," insert "to be employed hereafter exclusively on work other than that of revising accounts and briefing opinions."

In line 6 strike out "fifty-five" and insert "sixty-three."

Mr. MADDOX. Mr. Chairman, I should like to ask the gentleman in charge of the bill what is the purpose of this?

Mr. BINGHAM. This is made at the special request of the Secretary. It pertains to the matter of appeals only, all the other work of the Auditor's office being up and even. These appeals come because of the vast amount of work thrown upon the Auditor for the War Department in consequence of the war. He claims that he has, I think, about seventy-five or more important appeals resting upon his desk, requiring immediate attention, which can not be disposed of with his present force.

Mr. MADDOX. Does that require five additional clerks?

Mr. BINGHAM. I want to say this to the gentleman, also: The Auditor, being under the Treasury Department, can not avail himself, nor can the Department avail itself, of what are called the "war allowances" of the War Department. Otherwise this matter could be readily settled by a simple order. Therefore they ask, in order that this work may be brought up, that this additional force be given. It is made special on that account.

Mr. MADDOX. I understood the gentleman to say that he offered the amendment for some one else who was absent. I wish to ask the gentleman if he has investigated the matter himself?

Mr. BINGHAM. The gentleman from Indiana [Mr. HEMENWAY], a member of the committee, went to the Department, made personal inquiry concerning this whole question, and thoroughly satisfied himself of the necessity for it. He is now temporarily absent, and so impressed was he with the importance of it that he asked me if I would submit the amendment which the subcommittee examined and agreed to. I will say to the gentleman that members of the committee on his own side have agreed to it.

Mr. MADDOX. I know nothing about it, and therefore I desired to hear some explanation.

Mr. BINGHAM. I wish the gentleman from Indiana were here. He could give perhaps a fuller explanation than I have given, but I think I have sufficiently covered the ground to show that the Secretary regards this as all-important. The employment is only temporary—for the next year.

The amendment was agreed to.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. LITTAUER having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed a bill of the following title:

H. R. 12283. An act in relation to the celebration of the centennial anniversary of the establishment of the permanent seat of government in the District of Columbia.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For surveyor-general of Utah, $2,000; and for the clerks in his office, $8,000; in all, —— thousand dollars.

Mr. BINGHAM. I move to amend the paragraph just read by inserting in the blank the word "ten."

The amendment was agreed to.

The Clerk read as follows:

POST-OFFICE DEPARTMENT.

Office Postmaster-General: For compensation of the Postmaster-General, $8,000; chief clerk, Post-Office Department, $2,500; private secretary, $2,250; stenographer, $1,600; appointment clerk, $1,800; 1 clerk of class 4; 2 clerks of class 3; 4 clerks of class 2; 1 clerk of class 1; 1 clerk, $1,000; curator of Museum, $1,000; 1 clerk, $900; 1 messenger; 1 assistant messenger; 1 telephone operator, $660; page, $360; in all, $33,430.

Mr. FARIS. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 1, page 113, after the words "nine hundred dollars," insert "one telephone operator, $900."

In line 2, page 113, strike out "one telephone operator."

In line 4, page 113, strike out "four" and insert "six;" and in same line strike out "thirty" and insert "seventy."

Mr. FARIS. Mr. Chairman, the purpose of this amendment is to provide for the telephone operator at the Post-Office Department the same compensation that has been provided in this bill for the telephone operator at the Interior Department and perhaps for telephone operators elsewhere. That is the sole purpose of the amendment, and its language regulates and harmonizes the clauses of the bill to which it applies.

Mr. BINGHAM. Mr. Chairman, I have no objection to the amendment. It simply makes this telephone operator's compensation correspond with that of those engaged in the same line of work in other Departments under this bill. The special telephone operator referred to is the one standing at the phone with the instrument at his ear the whole day long. This is considered most severe work, and perhaps to a certain degree dangerous to the hearing. This man has parts of the instrument strapped about his head and held to his ears the entire eight hours of daily labor, other than the time casually occupied going to and from the phone. The committee in other parts of the bill took cognizance of the fact that this is a harder line of labor in connection with the phone than the usual use of the phone.

Mr. FARIS. Mr. Chairman, my attention has been called to the fact that perhaps the words in line 3—"six hundred and sixty dollars"—should be stricken out.

The CHAIRMAN. The gentleman, as the Chair understands, modifies his amendment by adding a clause striking out those words.

Mr. BINGHAM. That is correct.

The question being taken on agreeing to the amendment as modified, it was agreed to.

The Clerk read as follows:

Court of Private Land Claims: For chief justice and four associate justices, at $5,000 each;

For clerk, $2,000;

For stenographer, $1,500;

For attorney, $3,500;

For interpreter and translator, $1,500; in all, $33,500.

For deputy clerks, as authorized by law, so much therefor as may be necessary.

Mr. SHAFROTH. Mr. Chairman, I desire to make an inquiry of the gentleman in charge of this bill. The custom, I believe, has been in these bills to extend the time of the existence of this court for an additional year or for two fiscal years. Is there any such provision anywhere in the present bill; and if not, should there not be such a provision?

Mr. BINGHAM. The bill for the current year makes such an extension for two years.

Mr. SHAFROTH. Two years from when?

Mr. BINGHAM. Two years from last year.

Mr. SHAFROTH. So that it is unnecessary to insert such a provision this year.

Mr. BINGHAM. Yes, sir; it is in the law for the current year.

Mr. SHAFROTH. Then it will be necessary to adopt such a provision next year.

The Clerk read as follows:

District court, Territory of Hawaii: For the payment of the salaries of the clerk and the reporter of the United States district court for the Territory of Hawaii, at $3,000 and $1,200, respectively, $4,200.

Mr. GAINES. I move to amend the paragraph by striking out the last word. I wish to ask the gentleman reporting this bill whether it contains any provision, and if there is none, why there should not be a provision for reporting the learned opinions handed down by the distinguished supreme court of Hawaii. I have industriously inquired this morning at several of the departments to get copies of the opinions of that court, and particularly one by which the court swept away a man's property upon the finding of a majority of a jury of twelve—a proceeding which we all know could not be had obeying the law of the land. I wish to see whether

that court has assumed divine power to act in such matters. Such an adjudication is contrary to the oath which the judges took to support the Federal Constitution, which gives our people the right to have verdicts agreed on by twelve jurors, no more, no less.

Mr. BINGHAM. On page 126 of the bill will be found this provision:

District court, Territory of Hawaii: For the payment of the salaries of the clerk and the reporter of the United States district court for the Territory of Hawaii, at $3,000 and $1,200, respectively, $4,200.

Mr. GAINES. Would that cover the publication of the opinions of the court?

Mr. BINGHAM. Not necessarily.

Mr. GAINES. In what bill should such a provision be included?

Mr. BINGHAM. The sundry civil bill. This is a salary bill.

The Clerk read as follows:

Court of appeals, District of Columbia: For the chief justice of court of appeals of the District of Columbia, $6,500; and for two associate justices, at $6,000 each;
For clerk, $3,000;
For assistant or deputy clerk, $2,000;
For reporter, $1,000: *Provided*, That the reports issued by him shall not be sold for more than $5 per volume;
For messenger, $720.

Mr. SHAFROTH. Mr. Chairman, I would like to ask the gentleman in charge of this bill a question.

Mr. BINGHAM. I yield to the gentleman.

Mr. SHAFROTH. I wish to ask whether or not the salaries provided for by this bill with reference to this court in the District of Columbia are larger than those heretofore paid, or whether there is any change of existing law in this provision?

Mr. BINGHAM. I will state to the gentleman that there is no change whatever.

Mr. SHAFROTH. While on my feet I would like to ask as to another feature of the bill. I would like to know whether as to the supreme court of the District and its organization there is any change in existing law?

Mr. BINGHAM. None whatever.

Mr. SHAFROTH. That is all I desire to know.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk resumed and concluded the reading of the bill.

Mr. BINGHAM. Mr. Chairman, I move to strike out the last word of the last clause, for the purpose of making a brief statement, which I think is due to the Committee of the Whole House having this bill under consideration to-day.

The generous confidence which has marked our procedure during the past two hours, carrying a great bill covering almost $25,000,000 through to conclusion without break or opposition of any character at this early stage of the session deserves from me personal thanks, and from the Committee on Appropriations additional obligations for your votes and concurrence in our work. [Applause.]

Mr. Chairman, I withdraw the formal amendment and move that the committee rise and report the bill and amendments to the House with favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, had directed him to report the same to the House favorably with certain amendments, and that as so amended the bill do pass.

Mr. BINGHAM. Mr. Speaker, I move the previous question on the bill and the amendments to its passage.

The motion was agreed to; and the previous question was ordered.

The SPEAKER. Is a separate vote demanded on any of the amendments?

There being no separate vote demanded, the amendments were agreed to as reported by the Committee of the Whole.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BINGHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

AGRICULTURAL RESOURCES AND CAPABILITIES OF PORTO RICO.

The SPEAKER. The Chair lays before the House a message from the President of the United States, which will be read.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith a report on investigations of the agricultural resources and capabilities of Porto Rico, with special reference to the establishment of an agricultural experiment station in that island, made in accordance with the act of Congress making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *December 10, 1900.*

The SPEAKER. The message and accompanying papers will be printed and referred to the Committee on Insular Affairs.

REPORT OF THE COMMISSIONER ON INTERNATIONAL FISHERIES EXHIBITION.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, ordered to be printed, and referred to the Committee on Merchant Marine and Fisheries:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State forwarding the report of the United State Commissioner to the International Fisheries Exhibition of 1898, at Bergen, Norway.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, December 10, 1900.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted indefinitely to Mr. FITZPATRICK, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. ESCH to withdraw from the files of the House, without leaving copies, the papers in the case of Timothy A. Lewis, Fifty-sixth Congress, no adverse report having been made.

ASSISTANT TO THE ATTORNEY FOR THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent to call up from the Speaker's table a Senate joint resolution for immediate consideration.

The SPEAKER. The Clerk will report the title of the resolution.

The Clerk read as follows:

Senate joint resolution No. 135, authorizing the Commissioners of the District of Columbia to employ an additional assistant to the attorney.

The SPEAKER. Is there objection to taking up this joint resolution for present consideration?

Mr. COX. Mr. Speaker, I should like to ask a question about that.

Mr. BABCOCK. Certainly.

Mr. COX. Who pays the assistant?

Mr. BABCOCK. The assistant will be paid out of the revenues of the District, the same as all other expenses of the District are paid.

Mr. COX. Is that to be paid, one-half of it, by general taxation?

Mr. BABCOCK. Yes.

Mr. COX. I do not see why that is necessary at all.

Mr. BABCOCK. I will say, Mr. Speaker, that the form of the resolution was suggested by the chairman of the Committee on Appropriations [Mr. CANNON], and that at this particular time street opening and condemnation cases are coming in, and the Commissioners came here in a body and made the request——

Mr. COX. Will the gentleman kindly repeat his statement?

Mr. BABCOCK. The necessity for this additional help is caused by the street opening and condemnation cases, particularly Sixteenth street, requiring a large amount of work. The Commissioners came before the Committee on Appropriations in a body asking that they be given this assistant for such time as was necessary.

Mr. COX. How long is this office to run?

Mr. BABCOCK. That is not limited. It will be so long as the Committee on Appropriations may see fit to report an appropriation for it.

Mr. COX. That makes a permanent office, does it not?

Mr. BABCOCK. Oh, no. This does not carry an appropriation.

Mr. WILLIAMS of Mississippi. It will have to be paid, though.

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] desires to ask a question.

Mr. UNDERWOOD. Mr. Speaker, the question I wished to ask was the question that the gentleman from Tennessee [Mr. COX] has asked already, as to whether or not this creates a permanent office. So far as I can see from the resolution it does create a permanent office, because it enacts into statute law a provision for the creation of this office, which puts it in just the same position as all other offices in the District that run continually. Of course any other office in the District would be limited if we failed to make an appropriation, although the man holding the office could sue the Government for his salary if he filled the office.

I will ask the gentleman, if this is only brought in here to provide for an emergency which arises for this additional work, why there is not a limitation placed on the bill limiting the term of the office to the time that this additional work is required?

Mr. BABCOCK. Oh, I suppose there will be no objection to that. It was thought to be an emergency matter only, and was not intended for a permanent thing at all. The view taken of it by the chairman of the Committee on Appropriations was: "This

is a matter of legislation. If you will handle that, I will see that the appropriations are made whenever the necessity arises."

Mr. UNDERWOOD. How long does the gentleman think, from the statements made before the committee, this additional work will be required?

Mr. BABCOCK. I should judge this ought to continue for a year at least.

Mr. UNDERWOOD. Will the gentleman consent to an amendment limiting it to a year?

Mr. BABCOCK. Certainly.

Mr. COX. How long does this office run?

Mr. UNDERWOOD. The gentleman from Wisconsin has just stated that the time necessary would be one year and that he was willing to allow an amendment limiting the term of service to one year, which I think is satisfactory.

Mr. BABCOCK. I would suggest, Mr. Speaker, an amendment limiting this term to one year from the date of the passage of the act.

Mr. COX. When you get this man in there for one year you will never get him out.

Mr. BABCOCK. Well, this is an absolute necessity now.

Mr. COX. That may be true, but I know how you work these things, and I object.

The SPEAKER. Objection is made.

And then, on motion of Mr. BINGHAM (at 3 o'clock and 14 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, recommending a credit to the account of Maj. T. E. True, for payment made by him to Sheldon Jackson—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Lewis Bonlin, administrator of estate of Charles Hogan, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph Engle against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. G. Leach, administrator of estate of Eli Whitaker, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Samuel F. Davidson against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John C. Woods, administrator of estate of Crisman Conrad, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James C. Wallace, administrator of estate of Thomas J. Owen, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for the post-office at Brooklyn, N. Y.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for an additional story to the Treasury building—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for repairs of building at the Pan-American Exposition, Buffalo, N. Y.—to the Committee on Claims, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. BROWNLOW: A bill (H. R. 12546) to change and fix the time for holding the district and circuit courts of the United States for the northeastern division of the eastern district of Tennessee—to the Committee on the Judiciary.

By Mr. JENKINS: A bill (H. R. 12547) amending section 715 of the Revised Statutes of the United States regulating the compensation and number of criers and bailiffs in the United States courts—to the Committee on the Judiciary.

By Mr. SMITH of Illinois: A bill (H. R. 12548) to authorize the construction of a bridge across the Mississippi River at or near Grays Point, Missouri—to the Committee on Interstate and Foreign Commerce.

By Mr. NORTON of Ohio: A bill (H. R. 12549) fixing the rate of postage on all first-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. EDDY: A bill (H. R. 12550) to amend an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes," approved June 7, 1897—to the Committee on Indian Affairs.

By Mr. GILLETT of Massachusetts: A bill (H. R. 12551) to prevent the sale of firearms, opium, and intoxicating liquors in certain islands of the Pacific—to the Committee on Alcoholic Liquor Traffic.

By Mr. METCALF: A bill (H. R. 12552) providing for the purchase and making free of certain toll roads leading into and passing over the Yosemite National Park—to the Committee on the Public Lands.

By Mr. KERR of Maryland: A bill (H. R. 12553) for the establishment of a light-house on the bar at the entrance of Cambridge Harbor, Maryland—to the Committee on Interstate and Foreign Commerce.

By Mr. OTEY: A concurrent resolution (H. C. Res. 60) to print 15,000 copies of Messages and Papers of the Presidents—to the Committee on Printing.

By Mr. ROBERTS: A resolution (H. Res. 313) relative to moving, cleaning, and cataloguing books in the House and Clerk's document rooms—to the Committee on Accounts.

By Mr. OTEY: A memorial of the legislature of the State of Virginia for the passage of the Temple Farm bill—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BAILEY of Kansas: A bill (H. R. 12554) for the relief of James M. Chisham—to the Committee on Claims.

By Mr. BELL: A bill (H. R. 12555) for the relief of Jesse W. Coleman—to the Committee on War Claims.

Also, a bill (H. R. 12556) for the relief of Dallas W. Spencer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12557) for the relief of Harvey Thompson—to the Committee on Pensions.

By Mr. BURKETT: A bill (H. R. 12558) granting an increase of pension to Eliza Knight—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12559) granting an increase of pension to T. A. Willson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12560) granting an increase of pension to H. G. Knights—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12561) to remove charge of desertion from military record of Robert M. Mann—to the Committee on Military Affairs.

By Mr. CARMACK: A bill (H. R. 12562) for the relief of the estate of Mrs. E. B. Pugh, deceased—to the Committee on War Claims.

By Mr. DE ARMOND (by request): A bill (H. R. 12563) to correct the military record of Elliott L. Dorman and grant him an honorable discharge—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 12564) granting an increase of pension to Jeremiah Brown—to the Committee on Invalid Pensions.

By Mr. DRIGGS: A bill (H. R. 12565) granting a pension to Elizabeth V. Pitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12566) granting a pension to George M. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12567) granting a pension to Catharine V. Chevallier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12568) granting an increase of pension to Gabriel Wolff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12569) granting an increase of pension to Clarisa J. Brush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12570) granting an increase of pension to Robert Amner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12571) granting an increase of pension to Charles R. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12572) to authorize the Court of Claims to hear and determine the claims of the legal representatives and assigns of Carpenter & Plass against the United States of America for munitions of war, labor, and materials furnished the Government, and claims arising under contracts made by said firm with the Government of the United States; also to authorize the Court of Claims to hear and determine the claims of the legal representative and assignee of Oran M. Beach against the United States of America for balance due on transports *Savannah* and *Augusta*, and for repairs and insurance, and coal, stores, chains, sails, and pumps furnished the Government for said steamers—to the Committee on War Claims.

By Mr. EDDY: A bill (H. R. 12573) granting an increase of pension to Stephen H. French—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12574) granting an increase of pension to Richard Furry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12575) granting an increase of pension to James W. Roath—to the Committee on Invalid Pensions.

By Mr. FITZGERALD of New York: A bill (H. R. 12576) for the relief of Johann A. Killian—to the Committee on Claims.

By Mr. FLETCHER: A bill (H. R. 12577) granting a pension to Sarah B. Schaeffer—to the Committee on Pensions.

Also, a bill (H. R. 12578) granting an increase of pension to Caroline Otis Wallace—to the Committee on Pensions.

By Mr. GILBERT: A bill (H. R. 12579) for the relief of John P. Willis—to the Committee on War Claims.

Also, a bill (H. R. 12580) for the relief of Jacob Robinson's estate—to the Committee on War Claims.

Also, a bill (H. R. 12581) granting a pension to Thomas W. Cardwell—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 12582) granting an increase of pension to James Billingsley—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 12583) for the relief of Emily Waterman—to the Committee on War Claims.

By Mr. HULL: A bill (H. R. 12584) granting an increase of pension to Mary R. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12585) granting a pension to Mary Cavanaugh—to the Committee on Pensions.

Also, a bill (H. R. 12586) granting an increase of pension to Hendrix Cool—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 12587) granting a pension to Mary Elizabeth Craig—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 12588) for the relief of Samuel Marsh—to the Committee on War Claims.

By Mr. McRAE (by request): A bill (H. R. 12589) granting a pension to Lucinda E. Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12590) for the relief of E. C. Young, O. P. Young, and the estate of J. A. McGinnis, deceased—to the Committee on Claims.

By Mr. MANN: A bill (H. R. 12591) granting a pension to Phylinda Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12592) granting a pension to Gregor MacGregor Breadalbane—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 12593) granting an increase of pension to Stewart Barnes—to the Committee on Invalid Pensions.

By Mr. NEVILLE: A bill (H. R. 12594) granting a pension to Walter L. Allison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12595) granting a pension to Eugene J. Boblits—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 12596) for the relief of Mrs. Julia L. Hall—to the Committee on Claims.

Also, a bill (H. R. 12597) granting an increase of pension to John H. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12598) granting an increase of pension to William H. Seip—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 12599) granting a pension to Jacob T. Wise—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12600) granting a pension to Catherine A. Sawdy—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 12601) granting an increase of pension to Christopher C. McGinnis—to the Committee on Pensions.

By Mr. SWANSON: A bill (H. R. 12602) granting a pension to Mrs. Jane Townsend—to the Committee on Pensions.

Also, a bill (H. R. 12603) granting a pension to Mrs. Martha V. Keenan—to the Committee on Pensions.

By Mr. TERRY (by request): A bill (H. R. 12604) for the relief of Mrs. Mary F. Pollan, for herself, and as administratrix of the estate of Dr. N. P. Horne, deceased—to the Committee on War Claims.

By Mr. UNDERWOOD: A bill (H. R. 12605) for the relief of Charles H. Adams—to the Committee on War Claims.

By Mr. WEYMOUTH: A bill (H. R. 12606) granting an increase of pension to Marcellus A. Lothrop—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 12607) granting an increase of pension to Louis M. Chasteau—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the Home Mission Society of the Presbytery of Washington, and the Children's Aid Society of Washington County, Pa., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. CALDERHEAD: Petition of the Woman's Christian Temperance Union of Concordia, Kans., for the protection of native races in our islands against intoxicants and opium—to the Committee on Insular Affairs.

Also, petition of the National Pure Food Society, in behalf of the Brosius pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Association of Manufacturers, T. C. Search, president, of Cincinnati, Ohio, in favor of various measures for the promotion of American industries and commercial progress with other nations—to the Committee on Ways and Means.

Also, petition of Fitzgerald & Sons, Philadelphia, Pa., relative to mailable matter of the second class—to the Committee on the Post-Office and Post-Roads.

By Mr. CORLISS: Petitions of W. T. Nash and numerous citizens of Detroit, Mich., the Hypatia Club and Woman's Baptist Missionary Society, of Detroit, in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. EMERSON: Paper to accompany House bill No. 12239, granting a pension to Lizana D. Streeter—to the Committee on Invalid Pensions.

By Mr. FITZGERALD of Massachusetts: Petition of New England Shoe and Leather Association, of Boston, Mass., urging the passage of House bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the annual meeting of the Third Army Corps Union, of Gettysburg, Pa., in relation to the National Memorial Park at Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. FITZGERALD of New York: Resolutions of the Chamber of Commerce of New York, urging the improvement of Buttermilk Channel—to the Committee on Rivers and Harbors.

Also, resolution of the Third Army Corps Union, of Gettysburg, Pa., commending the work accomplished by the Gettysburg National Park Commission, and asking for further appropriation to complete the work—to the Committee on Appropriations.

Also, resolutions of the Chamber of Commerce of New York, urging the passage of a bill authorizing the Secretary of the Treasury to exchange gold coin for any other money coined by the United States whenever it may be necessary to do so—to the Committee on Banking and Currency.

Also, petition of John McGahie, of Brooklyn, N. Y., for the repeal of the duty on tea—to the Committee on Ways and Means.

By Mr. GAMBLE: Resolutions of the city council of Watertown, N. Dak., favoring an appropriation for the storage of the flood waters of the Big Sioux River in Lake Kampaska and other lakes at the head waters of said river—to the Committee on Rivers and Harbors.

Also, resolutions of Atlanta Post, No. 77, Grand Army of the Republic, Department of South Dakota, favoring the passage of House bill No. 5779, giving veterans preferment in public service—to the Committee on Reform in the Civil Service.

By Mr. HOPKINS: Petition of the First Methodist Episcopal Church, the First Baptist Church, the Christian Church, and Woman's Christian Temperance Union, all of Batavia, Ill., against the sale of intoxicating liquors in our new possessions—to the Committee on Insular Affairs.

By Mr. HOWELL: Petition of citizens of East Millstone, N. J., favoring the Littlefield bill to forbid the transmission of race-gambling bets by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of East Millstone, N. J., favoring uniform marriage and divorce laws—to the Committee on the Judiciary.

Also, petition of citizens of East Millstone, N. J., favoring the exclusion of the liquor traffic in Africa—to the Committee on Foreign Affairs.

Also, petition of citizens of East Millstone, N. J., favoring House bill No. 10592, to stop Sunday traffic in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of East Millstone, N. J., favoring House bill No. 8752, for the suppression of Army canteen—to the Committee on Military Affairs.

Also, petition of citizens of East Millstone, N. J., against the sale of intoxicating liquors in our new possessions—to the Committee on Insular Affairs.

By Mr. HULL: Petition of the Retail Grocers' Associations of Des Moines and Ames, Iowa, favoring the establishment of the parcel-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Commercial Exchange of Des Moines, Iowa, favoring forestry reserve and national park in Minnesota—to the Committee on the Public Lands.

Also, resolutions of Kinsman Post, No. 7, Grand Army of the Republic, Department of Iowa, favoring the passage of House bill No. 5779, giving veterans preferment in public service—to the Committee on Reform in the Civil Service.

By Mr. JENKINS: Petition of W. L. Breckenridge, J. S. Atkinson, and other citizens of Bayfield, Wis., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. KLEBERG: Petition of J. L. Ladd and other citizens of Bay City, Tex., asking for the construction of a coastwise canal along the Texas coast—to the Committee on Rivers and Harbors.

By Mr. LACEY: Resolutions of the Commercial Exchange of Des Moines, Iowa, for forestry reserve and national park in Minnesota—to the Committee on the Public Lands.

Also, resolutions of Kinsman Post, No. 7, Grand Army of the Republic, of Des Moines, Iowa, for the passage of the veterans' preference bill—to the Committee on Reform in the Civil Service.

By Mr. LIVINGSTON: Papers relating to the claim of Hamden Hudgins, of Dekalb County, Ga.—to the Committee on War Claims.

By Mr. MANN: Resolutions of the Chicago Jewelers' Association, favoring forestry reserve and national park in Minnesota—to the Committee on the Public Lands.

Also, papers to accompany House bill granting a pension to Phylinda Wright for services as Army nurse—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Gregor MacGregor Breadalbane—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: Paper to accompany House bill No. 4263, granting an increase of pension to Cook Burk, of Bloomfield, Ind.—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to Stewart Barnes—to the Committee on Invalid Pensions.

By Mr. NEVILLE: Petition of D. S. Beynon, of Burwell, Nebr., for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

Also, petition of members of Foote Post, No. 40, Department of Nebraska, in support of House bill No. 4742, amending section 1225 of the Revised Statutes, relating to military instruction in public schools—to the Committee on Military Affairs.

Also, papers to accompany House bill for the relief of Walter L. Allison—to the Committee on Invalid Pensions.

By Mr. OTEY: Petition of the Virginia State Board of Agriculture, and resolution of the Daughters of the American Revolution, of the State of Virginia, in favor of House bill No. 10, for the purchase of Temple Farm, near Yorktown, Va., by the Government, that it may be preserved for future generations—to the Committee on Military Affairs.

By Mr. OTJEN: Resolution of Federated Trades Council of Milwaukee, Wis., against the proposed increase of the Regular Army—to the Committee on Military Affairs.

By Mr. ROBINSON of Indiana: Petition of Clark Fairbanks, of Fort Wayne, Ind., praying for a reduction of the war-revenue tax—to the Committee on Ways and Means.

By Mr. TERRY (by request): Paper to accompany House bill for the relief of Mrs. Mary F. Pollan, of Little Rock, Ark.—to the Committee on War Claims.

By Mr. WILSON of Idaho: Petition of Charles A. Clark, department commander of Idaho, Grand Army of the Republic, favoring early consideration of House bill No. 5499—to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG: Petition of the Chamber of Commerce of New York, favoring a bill authorizing the Secretary of the Treasury to exchange gold coin for any other money coined by the United States whenever it may be necessary to do so—to the Committee on Banking and Currency.

Also, petition of the Valley Forge National Park Association in favor of the passage of a bill for the preservation of the field of Valley Forge—to the Committee on Military Affairs.

Also, petition of John Boyle, of Philadelphia, Pa., for the repeal of the duty on tea—to the Committee on Ways and Means.

SENATE.

TUESDAY, *December 11, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

WILLIAM V. ALLEN, a Senator from the State of Nebraska, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

AGRICULTURAL EXPERIMENT STATION IN PORTO RICO.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, on motion of Mr. GALLINGER, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report on investigations of the agricultural resources and capabilities of Porto Rico with special reference to the establishment of an agricultural experiment station in that island, made in accordance with the act of Congress making appropriations for the Department of Agriculture for he fiscal year ending June 30, 1901.

WILLIAM MCKINLEY.

EXECUTIVE MANSION *December 10, 1900.*

STATUE OF LAFAYETTE AT PARIS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying papers, respecting the unveiling at Paris, France, on July 4, 1900, of the statue of Lafayette provided by the contributions of school children of the United States.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, December 11, 1900.

BENJAMIN WEIL.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying papers, showing the return to the Government of Mexico of the unexpended balance of the award in favor of Benjamin Weil made by the United States and Mexican Claims Commission established under the convention of July 4, 1868.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, December 11, 1900.

SANTEE SIOUX INDIANS OF NEBRASKA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of May 8, 1900, certain information relative to the amount due the Santee Sioux Indians of Nebraska under the fifth article of the treaty of 1876, known as the Black Hills treaty, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

CODE OF LAW FOR THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from Col. Theodore A. Bingham, United States Army, major, Corps of Engineers, calling attention to certain provisions in House bill No. 9835, to establish a code of law for the District of Columbia, and urging, for reasons stated, certain modifications in that bill in the interest of the General Government, etc.; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

J. E. TURTLE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, together with a letter from Capt. C. A. F. Flagler, Corps of Engineers, relative to the payment of a bill of cost in a suit brought in the courts of Florida against Mr. J. E. Turtle, United States assistant engineer, employed on river and harbor works in that State; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

INTERNATIONAL FISHERIES EXHIBITION OF 1898.

The PRESIDENT pro tempore laid before the Senate the report of the United States commissioner to the International Fisheries Exhibition of 1898 at Bergen, Norway; which was referred to the Committee on Fisheries, and ordered to be printed.

ELECTORAL VOTES OF ALABAMA AND MISSISSIPPI.

The PRESIDENT pro tempore laid before the Senate two communications from the Secretary of State, transmitting certified copies of the final ascertainment of the electors for President and Vice-President appointed in the States of Alabama and Mississippi at the election held therein on the 6th day of November, 1900; which, with the accompanying papers, were ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. PENROSE presented a petition of the Commercial Exchange of Philadelphia, Pa., praying for the enactment of legislation to abolish the stamp tax upon sales of commodities in the exchange of the country and upon bills of exchange drawn by American exporters on foreign buyers; which was referred to the Committee on Finance.

He also presented a petition of the Society of the Army of the Potomac, praying that an appropriation be made to enable the Gettysburg National Park Commission to secure additional lands for the use of that park; which was referred to the Committee on Military Affairs.

He also presented petitions of the Christian Endeavor Society of the Third Reformed Presbyterian Church of Philadelphia, the Christian Endeavor Union of Pittston, and of George H. Peace, of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

He also presented a petition of the Board of Trade of Wilkesbarre, Pa., praying for the enactment of legislation to promote the commerce and increase the foreign trade of the United States; which was referred to the Committee on Commerce.

He also presented petitions of 45 citizens of Philadelphia, of 464 citizens of Washington, of the congregations of the Presbyterian and Methodist Episcopal churches, the Woman's Home and Foreign Missionary Society, and the Woman's Christian Temperance Union of Honeybrook, and of 53 citizens of Bloomsburg, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. WELLINGTON presented a petition of 151 citizens of Maryland, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of 37 citizens of Maryland, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. ALLEN presented a petition of the congregation of the Congregational Church of South Platte, Nebr., and a petition of the congregation of the First Methodist Episcopal Church of Ulysses, Nebr., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in all the possessions of the United States; which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Omaha Clearing House Association, of Omaha, Nebr., praying for a reduction of the war-revenue tax on the capital of banks; which was referred to the Committee on Finance.

He also presented 32 petitions of citizens of Nebraska, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. NELSON presented a petition of the Board of Trade of Rochester, Minn., praying for the establishment of a national park on the Leech Lake Indian Reservation in that State; which was referred to the Committee on Public Lands.

He also presented memorials of 90 citizens of Minnesota, remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BAKER presented petitions of Rev. E. M. Paddleford and sundry other citizens of Highland, and of the congregations of the Methodist Episcopal churches of Cherokee and Marquette, all in the State of Kansas, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in countries inhabited by native races; which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of the congregations of the Methodist Episcopal and Congregational churches and of sundry citizens of Edwards County, Junction City, White City, Waubaunsee, and Alma, all in the State of Kansas, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. KYLE presented a petition of the city council of Watertown, S. Dak., praying for the construction of reservoirs to store the flood waters of the Upper Big Sioux River in Lake Kampeska and other lakes near the head of that stream; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. CULLOM presented a petition of the Woman's Christian Temperance Union of Coral, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Bloomington, Ill., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented the petition of J. H. Whitmack and 8 other citizens of Crawfordsville, Ind., praying for the repeal of the war-revenue tax on proprietary medicines; which was referred to the Committee on Finance.

He also presented the petition of W. A. Hamilton, of Terre Haute, Ind., praying for the repeal of the war-revenue tax on insurance policies; which was referred to the Committee on Finance.

He also presented the petition of George E. Terpen and 30 other citizens of Red Key, Ind., praying for the adoption of an amendment to the Constitution defining legal marriage; which was referred to the Committee on the Judiciary.

Mr. DEPEW presented 294 petitions of citizens of New York, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. PETTIGREW presented a petition of the faculty of the University of South Dakota and a petition of the faculty of the South Dakota School of Mines, praying for the establishment of a national standardizing bureau; which were referred to the Committee on Education and Labor.

Mr. QUARLES presented a petition of the Chamber of Commerce of Milwaukee, Wis., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Wisconsin Conference of the Methodist Episcopal Church, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any territory under the control of the United States; which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of 14 business firms of Milwaukee, Wis., praying for a reduction of the war-revenue tax on beer; which was referred to the Committee on Finance.

He also presented a petition of 8 citizens of Wisconsin, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of 82 citizens of Bayfield County, Wis., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Milton, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in the island possessions of the United States; which was referred to the Committee on Foreign Relations.

Mr. MASON presented a petition of sundry druggists of Rock Island, Ill., praying for the repeal of the revenue-stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of Burden Post, No. 494, Department of Illinois, Grand Army of the Republic, of Channahon, Ill., and a petition of Highland Post, No. 437, Department of Illinois, Grand Army of the Republic, of Highland, Ill., praying for the enactment of legislation giving preference to veterans in the public service; which were referred to the Committee on Military Affairs.

He also presented 6 petitions of citizens of Illinois, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. COCKRELL presented a memorial of sundry merchants and business men of Savannah, Mo., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. THURSTON presented a petition of sundry citizens of Nebraska, praying for the enactment of the so-called Grout bill regulating the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. FORAKER presented petitions of 91 citizens of Ohio, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Presbyterian Church of Williamsburg, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Army and all the island possessions of the United States; which was referred to the Committee on Military Affairs.

Mr. THURSTON. I present a memorial of the Eastern or Emigrant Cherokees, so called, praying for the payment to them per capita of the fund pledged to them by the ninth article of the treaty of 1846, being the balance of the purchase price due them for the lands ceded by them to the United States under the treaty of 1835, etc. The memorial is not a lengthy paper and I move that it be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5015) granting a pension to Betsey L. Woodman;

A bill (S. 4841) granting an increase of pension to George A. Parker;

A bill (S. 5090) granting a pension to Minerva McClernand; and

A bill (S. 5091) granting a pension to Hannah L. Palmer.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 4836) granting an increase of pension to Phebe Babcock, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5016) granting an increase of pension to Francis H. Buffum;

A bill (S. 5045) granting a pension to Eliza N. Lord;

A bill (S. 5017) granting a pension to George H. Shapley;

A bill (H. R. 10381) granting an increase of pension to Gideon W. T. Ridlon; and

A bill (H. R. 9719) granting a pension to Amos W. Felker.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 10834) granting an increase of pension to Michael Dempsey, reported it without amendment, and submitted a report thereon.

Mr. KYLE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6424) granting a pension to Charles S. Devine; and

A bill (H. R. 10743) granting a pension to Augusta Ullman.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 5655) granting a pension to Lurinda Laughlin, reported it with an amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 1550) granting an increase of pension to Mrs. Kate Ezekiel, reported it with amendments, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 3219) for the protection of subsurface pipes, cables, wires, and other metallic constructions in the District of Columbia from danger by electrolysis, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. QUARLES, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5032) granting a pension to John Geibel;

A bill (S. 136) granting a pension to Harriet Clarissa Mercur, widow of James Mercur, late professor of civil and military engineering in the United States Military Academy at Westpoint, N. Y.; and

A bill (S. 5081) granting a pension to J. B. Whiting.

Mr. QUARLES, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 1734) granting a pension to Mary A. Whitmore; and

A bill (H. R. 10062) granting an increase of pension to Harriet Crotsenburg.

Mr. QUARLES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7190) granting an increase of pension to George S. Cole; and

A bill (H. R. 7012) granting an increase of pension to Emma C. Stephenson.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (H. R. 9555) granting an increase of pension to Nicholas Briggeman, reported it without amendment, and submitted a report thereon.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (S. 4418) granting an increase of pension to Andrew J. Woodman, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4277) granting a pension to Albert Wetzel, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9010) granting an increase of pension to Charles A. Westfield, reported it without amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (H. R. 1288) granting a pension to Cornelius W. Roberts, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4856) granting an increase of pension to William F. Cloud; and

A bill (S. 1986) granting a pension to Fanny Healy.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the bill (H. R. 5117) granting a pension to Roland Burnett, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7553) granting an increase of pension to Fannie M. O'Linn;

A bill (H. R. 7328) granting an increase of pension to John Nicklin;

A bill (H. R. 1803) granting a pension to Julia E. G. Lewis;

A bill (H. R. 6096) granting an increase of pension to Samuel W. Kirkendall; and

A bill (H. R. 8540) granting a pension to Lydia J. De Silva.

Mr. ALLEN (for Mr. LINDSAY), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10750) granting a pension to James H. Rainey;

A bill (H. R. 4679) granting a pension to Micager Philpot; and

A bill (H. R. 10749) granting a pension to Henry L. White.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 2752) granting an increase of pension to Edmund P. Tierney, reported it with an amendment, and submitted a report thereon.

ETHELBERT WATTS.

Mr. LODGE. I am directed by the Committee on Foreign Relations, to whom was referred the bill (S. 5042) to authorize Ethelbert Watts, consul of the United States at Kingston, Jamaica, to accept a decoration tendered to him by the Khedive of Egypt, to report it favorably without amendment, and I ask for its present consideration. This and another bill I am about to report are merely formal matters.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. HILL.

Mr. LODGE. I am directed by the Committee on Foreign Relations, to whom was referred the bill (S. 5043) to authorize George W. Hill, Chief of the Division of Publications of the Department of Agriculture, to accept a decoration tendered to him by the Government of the French Republic, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FUNERALS OF THE LATE SENATORS GEAR AND DAVIS.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by himself, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committees appointed by the President pro tempore of the Senate in arranging for and attending the funerals of the late Senator from Iowa (JOHN H. GEAR) and the late Senator from Minnesota (CUSHMAN K. DAVIS) upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

CENTENNIAL CELEBRATION AT WASHINGTON.

Mr. HALE. Mr. President, I rise to a question as to the order of business; that is, in reference to the proceedings to-morrow, which I think ought to be settled by the Senate when it is full.

Congress passed an act, approved December 7, providing for the entire centennial celebration of the establishment of the permanent seat of government in this District, which is to take place to-morrow, the 12th of December. It has made in the act that day a legal holiday. It provided for "the holding by the Senate and House of Representatives, jointly, commemorative exercises in the Hall of the House of Representatives in the afternoon of the 12th of December, 1900, in honor of the centennial anniversary," and provided further "that the two Houses of Congress shall assemble in the Hall of the House of Representatives on the 12th day of December, 1900, at the hour of half past 3 o'clock" in the afternoon, and then goes on and details what the exercises shall be.

Now, as representing the committee which has the celebration in charge, I bring the matter before the Senate that it may decide what shall be the order of business of the Senate to-morrow. It has been made a legal holiday and the expectation is that neither House will do business. Of course, I can move that when the Senate adjourn to-day it be to meet on Thursday, leaving to-morrow a holiday, with an informal notice, which I now give, that the Senate is expected to assemble with the House in the Hall of the House of Representatives, where places will be reserved for the entire Senate, or I can move, which I myself rather incline to think is in the best taste, that the Senate shall meet to-morrow here at 3 o'clock and then proceed as a body to the Hall of the House of Representatives.

It seems to me, in reading over the act, that it is contemplated there shall be a joint session, and that the fitting way would be for the Senate, or Senators who may be here, to go to the Chamber of the House as a body. I should like to have the suggestion of any Senator as to which is the better way.

Mr. COCKRELL. Does not the law itself contemplate that both bodies shall meet officially?

Mr. HALE. The language is as I have read:

That the two Houses of Congress shall assemble in the Hall of the House of Representatives on the 12th day of December, 1900, at the hour of half past 3 o'clock p. m.

Mr. COCKRELL. That means as an organization?

Mr. LODGE. Oh, yes; as a body.

Mr. HALE. It seems to me that way.

Mr. COCKRELL. I understand the House of Representatives has agreed that when it adjourns to-day it shall meet at 3.15 to-morrow, and it seems to me that it would be appropriate for us not to adjourn over until Thursday, but to adjourn to-day to meet at 3 o'clock to-morrow and then go as a body to the Hall of the House.

Mr. HALE. That is what seemed to me to be the desirable course to pursue. If there is no objection, then, I will move that when the Senate adjourns to-day it be to meet to-morrow at 3 o'clock, giving notice to all Senators present that no business will be done, and that the Senate will be expected as a body to proceed to the Hall of the House of Representatives. I make that motion, Mr. President.

The PRESIDENT pro tempore. The Senator from Maine moves that when the Senate adjourns to-day it adjourn to meet to-morrow at 3 o'clock.

The motion was agreed to.

BILLS INTRODUCED.

Mr. BERRY introduced a bill (S. 5123) to remove the charge of desertion against Thomas Cordingly; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. KYLE introduced a bill (S. 5124) for the survey and construction of reservoirs on the head waters of the Big Sioux River, in the State of South Dakota; which was read twice by its title, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. KENNEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5125) granting an increase of pension to Sarah A. Hayes;

A bill (S. 5126) granting a pension to John T. Thompson;

A bill (S. 5127) granting a pension to Annie M. McHugh;

A bill (S. 5128) granting an increase of pension to Benjamin R. Wiley; and

A bill (S. 5129) granting a pension to Eliza P. Carter.

Mr. TALIAFERRO introduced a bill (S. 5130) providing for the erection of a public building at the city of Fernandina, Fla., and for other purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MONEY introduced a bill (S. 5131) for the relief of Capt. Jefferson Dickerson; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5132) for the relief of William W. Leake; which was read twice by its title, and referred to the Committee on Claims.

Mr. SEWELL introduced a bill (S. 5133) for the relief of William D. Rutan; which was read twice by its title, and referred to the Committee on Claims.

Mr. SCOTT introduced the following bills, which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5134) for the relief of Goff A. Hall;

A bill (S. 5135) for the relief of Annie C. Osborne, sole heir of William B. Beall, deceased;

A bill (S. 5136) for the relief of Edward Tearney; and

A bill (S. 5137) for the relief of the estate of Walter Shirley, deceased.

Mr. McMILLAN introduced a bill (S. 5138) to provide for the establishment of a port of delivery at Saginaw, Mich.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BAKER introduced a bill (S. 5139) granting an increase of pension to Jacob Hight; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5140) granting a pension to Mary C. Coombs; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 5141) extending the provisions of section 2301 of the Revised Statutes of the United States to homestead settlers on the ceded Indian reservation in Minnesota; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 5142) granting an increase of pension to Emma Foote Glenn; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PETTIGREW introduced a bill (S. 5143) to provide for the acquisition, purchase, construction, and condemnation by the United States of America of railroads lying in the Territories of the United States, the respective States, and the District of Columbia engaged in interstate commerce in carrying the mails, and to provide for the operation of said roads by the United States, and amending the act of Congress of February 4, 1887, entitled "An act to regulate interstate commerce," and for other purposes; which was read twice by its title, and, with the accompanying paper, which was ordered to be printed, referred to the Committee on Interstate Commerce.

Mr. GALLINGER introduced a bill (S. 5144) granting an increase of pension to Charles Scott; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLAY (by request) introduced a bill (S. 5145) granting an increase of pension to John J. Martin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 5146) for the relief of Robert H. Jones; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5147) for the relief of B. J. D. Irwin; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 5148) to provide for raising and preserving the hull of the *Niagara*, the flagship of Commodore Perry in the battle of Lake Erie; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PETTUS (for Mr. MORGAN) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5149) for the relief of H. C. Armistead (with accompanying papers);

A bill (S. 5150) for the relief of the estate of Jonathan Paulk, deceased; and

A bill (S. 5151) for the relief of the estate of William McD. Taylor, deceased.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McMILLAN submitted an amendment proposing to appropriate $10,000 to enable the Librarian to keep open the Library of Congress from 2 until 10 o'clock p. m. on Sundays, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

Mr. PETTIGREW submitted an amendment proposing to build dams and construct reservoirs on the Sioux River in South Dakota, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate

$150,000 for the construction of permanent buildings at Fort Meade, S. Dak., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

NANNIE E. YASTE.

Mr. WELLINGTON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Nannie E. Yaste, widow of Daniel A. Yaste, deceased, late a member of the Capitol police force, a sum equal to six months' salary, at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

HARVEY R. M'RAVEN.

Mr. JONES of Arkansas submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That the bill (S. 5121) entitled "A bill for the relief of Harvey R. McRaven, son of Tranquilla McRaven, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims in pursuance of the provisions of the act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

COMMITTEE SERVICE.

Mr. COCKRELL. I move that the vacancies upon the Committee on the District of Columbia, the Committee on the Geological Survey, the Committee on Indian Affairs, the Committee on Mines and Mining, the Committee on Pacific Islands and Porto Rico, the Committee on Territories, and the Committee on Railroads be filled by the appointment of the junior Senator from Minnesota [Mr. TOWNE].

The PRESIDENT pro tempore. The Senator from Missouri moves that the vacancies on the several committees which he has read in the presence of the Senate be filled by the appointment of the junior Senator from Minnesota [Mr. TOWNE]. Is there objection? The Chair hears none; and it is so ordered.

THE PURE-FOOD BILL.

Mr. MASON. Mr. President, I desire to give a notice, and I ask the attention of the Senate.

I wish to give notice that as soon as it may be convenient in the consideration of other bills and treaties, I shall ask the Senate, some time in the coming week, to take up for consideration the bill known as the pure-food bill, what is known in the House as the Brosius bill. I ask Senators to give the matter attention. It is the general legislation recommended by the committee of the House and the committee of the Senate. I think that the Agricultural Committee have also reported a bill, but I have no pride of opinion so far as committees are concerned. I am just as willing to take up their bill as the one reported by the committee of which I am chairman, the Committee on Manufactures.

I will say to the Senate that we have taken several hundred printed pages of evidence; that the subject is one of very great importance; that the matter of pure food and food adulteration has attracted the attention of a large number of people in the United States, and that I most sincerely hope there will be no objection to the consideration of the measure within the next week or ten days, when more important matters, if they are more important, shall have been disposed of. I do not fix any time now, but I shall ask some time in the coming week for a vote upon the bill, the substance of which is the Brosius bill.

COMMITTEE OF ARRANGEMENTS FOR THE INAUGURATION.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The resolution submitted yesterday by Mr. HANNA was read, as follows:

Resolved, That a committee of three Senators be appointed by the President pro tempore of the Senate to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March next.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

THE OLEOMARGARINE BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives and calls the attention of the Senator from Rhode Island [Mr. ALDRICH] to the bill.

The bill (H. R. 3717) making oleomargarine and other imitation dairy products subject to the laws of the State and Territory into which they are transported, and to change the tax on oleomargarine, was read twice by its title.

The PRESIDENT pro tempore. The Senate having, on a former occasion, by a majority vote, referred a similar bill to the Committee on Agriculture and Forestry, the Chair would feel obliged, without instructions, to make the same reference.

Mr. ALDRICH. I was about to say that the Senate, having invariably, as I remember, referred bills in regard to the production and sale of oleomargarine to the Committee on Agriculture and Forestry, I do not object to the reference.

Mr. COCKRELL. We can not hear the Senator from Rhode Island.

Mr. ALDRICH. I do not object to the reference suggested by the Chair.

The PRESIDENT pro tempore. The bill, then, is referred to the Committee on Agriculture and Forestry.

Mr. VEST. What bill is that?

The PRESIDENT pro tempore. The oleomargarine bill, as it is known.

Mr. VEST. Is that a motion?

The PRESIDENT pro tempore. No; the Chair stated that, instructed by a former majority vote of the Senate, he felt himself constrained to refer the bill to the Committee on Agriculture and Forestry.

Mr. VEST. What majority vote was that?

The PRESIDENT pro tempore. It was a vote taken at some previous date, I do not remember when, after the matter had been thoroughly discussed on a similar bill, when the Senate by a majority of 1 referred the bill to the Committee on Agriculture and Forestry.

Mr. GALLINGER. It was in the Forty-ninth Congress.

Mr. VEST. Mr. President, the statement that it was a similar bill may be correct to a certain extent, but it was a very different bill.

We might as well right now meet the question in regard to the reference of this measure. It is either a revenue bill or it is not a revenue bill. The Grout bill, as it is termed, imposes a tax of 10 cents a pound upon colored oleomargarine without reference to whether it is an article of interstate commerce or not.

Now, if it is an honest bill its object is to increase revenue. If it is a dishonest bill and an attempt to use the taxing power of the United States for the police exercise of the State, then in default of any statement by the chairman of the Committee on Finance, of which I am a member, I insist——

Mr. BERRY. The chairman of the Committee on Finance, as I understood him, said he did not object to its going to the Committee on Agriculture and Forestry. Was that the statement?

Mr. ALDRICH. I stated that in view of the action taken heretofore upon a bill of this nature I did not care to raise a question or make any objection to its reference to the Committee on Agriculture and Forestry.

Mr. VEST. I did not hear the Senator, for there was great confusion here. I did not hear even the Senator who made the motion or suggested that it be referred to the Committee on Agriculture and Forestry, or, if the Chair made the suggestion, I did not even hear that.

It seems to me, Mr. President, that all bills affecting the revenues and finances of the United States ought to go to the Committee on Finance, or else that committee ought to abdicate its functions as marked out by the rules and leave the bills to float promiscuously around amongst other committees at the option of different Senators.

Here is a bill which is unquestionably a revenue bill, or it is a dishonest bill. If it is a police regulation, let us know it; but I see no reason why the rules of the Senate should be set aside in order that this matter should be, to a certain extent, prejudged.

I will say right in this connection that for the first time in my public service I have been inundated—that is the word—with petitions, not only from my own State, but other States, asking that this bill shall be referred to the Committee on Agriculture and Forestry. It is no unusual thing for Senators and Representatives to be asked to vote for or against a measure, but this is the first time in all my experience that petitions have been sent here in floods asking that the Senate shall set aside its rules and refer a financial bill, a revenue bill, to the Committee on Agriculture and Forestry. It seems to be the impression of the friends of this measure—I do not propose to discuss its details now—that it would be unsafe to send it to the proper committee, and therefore an exception is to be made.

I shall enter my objection to the reference to that committee, and ask that the Senate shall be called upon to dispose of the question.

The PRESIDENT pro tempore. The Chair will regard it as an open question.

Mr. KYLE. Mr. President, it strikes me that the reference of any bill to a committee is determined by its main character. The primary feature of the Grout bill is to prevent the adulteration

of food and to prevent the sale of colored oleomargarine. The taxing feature of the bill is a secondary consideration. That being the case, it seems to me that it should go naturally to the Committee on Agriculture and Forestry. The petitions to which the Senator from Missouri refers come from the farmers and the dairymen of the country, and they are very important factors to be considered.

Mr. PROCTOR. Mr. President, I move the reference of the bill to the Committee on Agriculture and Forestry.

I have no desire as a member of that committee to bring any measure to it that does not properly belong there. A great number of petitions and remonstrances upon both sides and a great many delegations have come before that committee, papers upon the subject have been referred to it, and it appears that measures of this kind have always gone to that committee.

I do not think it is in its essence and spirit a bill for the raising of revenue. It is for the protection of the agricultural industry that this manufacture shall not sail under false colors, and the tax is only a method of insuring that that shall not be done. It is not a measure for revenue.

The PRESIDENT pro tempore. The question before the Senate is on the motion of the Senator from Vermont [Mr. PROCTOR] to refer the bill to the Committee on Agriculture and Forestry.

Mr. STEWART. Mr. President, to whatever committee the bill goes, it ought to be investigated pretty carefully. I have always been in favor of stringent laws requiring oleomargarine to be designated so that people may know what they are buying, but this bill, if passed, of course stops the manufacture of it altogether. Whether it is so injurious to health, when, as we know, many poor people buy it, that we ought to stop absolutely its manufacture is a very serious question, and that will be the effect of this bill. It goes beyond anything heretofore.

Mr. GALLINGER. If the Senator from Nevada will permit me, it does not stop its manufacture if it is not colored. It may stop the manufacture of colored oleomargarine in imitation of butter.

Mr. STEWART. As far as that is concerned, I think nearly all butter and dairy products are colored. The investigation of dairy products presents a great field. Undoubtedly there is much of disease in all cities, so all the physicians say, resulting from unclean dairy products. This question might be investigated. Nearly all manufacturers use coloring matter. The butter you see is not of its natural color. That is the fact.

So I say, without discussing the question now, that before a bill of this character is passed, which practically destroys an industry, it ought to be thoroughly investigated to see if we can not have a law passed to protect everybody; that will let us know what we are buying, and still not destroy an industry.

Mr. KYLE. Will the Senator allow me to ask him if the Committee on Agriculture is not the proper committee for the consideration of such a subject?

Mr. STEWART. To whatever committee the bill may go, I wish to protest against its being rushed through without being fully investigated. I think it should be investigated. I have received a very large number of petitions from persons living in portions of my State where they have this manufacture. They are all pretty much in the same language, showing that there is an extraordinary effort to push such a bill through without consideration. Whatever committee gets it, I only request that there shall be a thorough investigation had before legislation as radical as that which is proposed shall be adopted.

Mr. SPOONER. Mr. President, I am a member of the Committee on Finance, but I think this bill ought to go to the Committee on Agriculture in view of the precedents heretofore established by the Senate.

This is no occasion, of course, to discuss the merits of the bill, but whether the bill is rushed through or not as legislation depends not upon any committee of the Senate, but upon the Senate. I do not suppose this bill, or any other bill to which there is opposition, will go through without discussion, analysis, and investigation.

The Senator from Missouri [Mr. VEST] is not quite right, I think, in assuming that a tax, in order to be an honest tax, must be of necessity a tax for revenue. So far as taxation ordinarily is exercised it is, of course, for revenue, but there have been cases, and I presume there will be others, where there is no pretense that the taxation is for revenue. When the 10 per cent tax was levied upon the circulation of State banks, no one pretended that it was a revenue tax.

They exercised the taxing power, which is not limited by the Constitution, in the wisdom of Congress for entirely different purposes. When the oleomargarine bill was before the Senate, I think it was in the Forty-ninth Congress, it levied a tax that no one pretended was a revenue tax. It was a tax to give Congress jurisdiction to regulate—a tax which the authorities show was legitimately exercised by Congress if Congress thought it a proper case. We had a very elaborate discussion at that time as to whether that bill should go to the Finance Committee or to the Committee on Agriculture, and the Senate decided, as the President pro tempore has stated, by a majority vote in favor of the deference to the Committee on Agriculture. When that bill was passed by Congress, I was not a member. The bill was before the Senate committee and contained a tax upon the same theory that the old oleomargarine bill, the present law, contains a tax. That was referred to the Committee on Agriculture, and I think this bill should be referred to the Committee on Agriculture. It is altogether within the control of the Senate. I hope the motion of the Senator from Vermont [Mr. PROCTOR] will be adopted.

Mr. DANIEL. Before the Senator sits down, I should like to ask him a question. Would he be willing to express in this bill that it is not for the purpose of revenue, but for the exercise of the police power?

Mr. SPOONER. I shall not contend, so far as I am concerned, that it is for the purpose of revenue.

Mr. FORAKER. What is the bill?

Mr. DANIEL. The bill is not before the Senate. This is a question of its reference. It is the Grout bill.

Mr. FORAKER. I know that; but I wish to know what is the exact title of the bill.

The PRESIDENT pro tempore. The title of the bill will be stated.

The SECRETARY. A bill (H. R. 3717) making oleomargarine and other imitation dairy products subject to the laws of the State and Territory into which they are transported, and to change the tax on oleomargarine.

The PRESIDENT pro tempore. Is the Senate ready for the question?

Mr. MONEY. Mr. President, with reference to the remark of the Senator from Wisconsin [Mr. SPOONER] as to the tax of 10 per cent on State banks, that was construed by the courts, if I recollect aright, as a suppression of a competition with the General Government in the supply of currency to the country; and it was adjudged that they had a right to do it; that when they undertook to issue paper currency they had a right to make it good; and that one means of accomplishing it was to tax the State banks.

Mr. SPOONER. Will the Senator allow me there?

Mr. MONEY. Certainly.

Mr. SPOONER. The statement of the Senator does not at all differ from mine that the tax was not a tax imposed for revenue.

Mr. MONEY. I agree with the Senator about that; but I am also talking about the motive. I do not agree with the Senator from South Dakota [Mr. KYLE], who says the primary object of this bill is to prevent the adulteration of food and that the revenue to be derived from it is entirely secondary. I think the primary object of this bill is to tax one interest at the expense of another interest. It is a tax on an industry which is lawful and legitimate in every way, as to the using of a wholesome food product, that another industry may profit by it. That is the real question involved in this bill. As a member of the Committee on Agriculture, I follow the lead of the distinguished chairman, but it is no use for us to go into a discussion of this question upon the reference of the bill, not understanding exactly what is intended.

I do not suppose there is a Senator here who has not gotten thousands of printed cards, issued from some general headquarters—I do not know where—and letters without number praying us to enable the dairyman to make money by suppressing an industry that competes in the market with their product as a food. I am myself willing to protect the dairyman from fraud or imposition, and especially I am willing to protect the consumer. I am willing also to protect the seller of oleomargarine and prevent his deceiving his consumer; but it is as well for the Senate to consider that this is a proposition to tax one industry for the benefit of another. That is the whole thing.

Mr. FORAKER. If that be true, I will ask the Senator, without interrupting him, if the bill should not go to the Committee on Agriculture and Forestry?

Mr. MONEY. I think it should.

Mr. ALLISON. I only desire to say a word on this subject. I understand this bill—although I have not examined it with care—proposes to reduce the tax on oleomargarine in one condition and to increase it in another. It is an amendment really to the existing law, which was examined and considered originally by the Committee on Agriculture and Forestry. I believe it is a proper subject for that committee rather than for the Committee on Finance. I think we all agree that the question of the tax is rather incidental than otherwise.

Mr. VEST. Mr. President, a single word. I do not want to detain the Senate unnecessarily. If my objection to the reference of the bill to the Committee on Agriculture has done nothing else, it has elicited the confession, to use that word, or the statement, if that word be preferred, that this is not a bill to raise revenue.

In reply to the Senator from Iowa [Mr. ALLISON] I will say that the salient point, as everybody will admit who wants to be sincere and honest about this matter, is in regard to the second section of

the bill. There is no especial conflict in regard to the first, but it is as to that provision which puts a tax of 10 cents a pound upon colored oleomargarine.

I repeat, Mr. President, and I do so at the risk of being sneered at as a constitutional lawyer—which seems to be a most obnoxious phrase at the present time, the Constitution being very much at a discount—I risk the statement that if this bill has for its primary object the exercise of the police power by the Federal Government inside the respective States without regard to the interstate-commerce clause of the Constitution, it is a plain violation of the fundamental law of the land; and I want to ask any Senator here if this bill could have originated in the Senate? That is the test. Why did it come here from the House of Representatives? Because all bills raising revenue or affecting the revenue, under the Constitution, must originate in the popular branch of Congress.

The Senator from Wisconsin [Mr. SPOONER] frankly admits, as was stated—if I may be permitted to say so without violating the rules of debate—in the other branch of Congress openly, boldly, and unhesitatingly that they care nothing for revenue. They could not very well have said anything else, considering we are now engaged in reducing the revenue, when there is a surplus of $80,000,000, down to $40,000,000. But all argument is unnecessary in regard to that matter, because it is admitted by the friends of the bill that it is not for the purpose of raising revenue, but it is a police regulation; and it is now proposed to turn the Congress of the United States into a State legislature and to treat all the States of the Union as if they were one State.

There are 32 States now in the United States, including my own State, that absolutely prohibit the sale of colored oleomargarine. Not satisfied with the legislation in 32 States, which is entirely in accordance with the Constitution, remitting all police and inspection laws to the plenary jurisdiction of the States, these dairymen now come to Congress and want to take away the jurisdiction of the 32 States that have acted, and all the balance that might act, and to make Congress the sole tribunal for exercising police power within the States. Mr. President, if that is not a violation of the Constitution of the United States I am utterly unable to ever discover one.

I repeat, that the test in regard to this question is whether this bill could have originated in the Senate, and every Senator here knows that it could not, for it is a revenue measure.

Whatever the chairman of my Committee on Finance may do, I feel very much like saying that I would rather have service on some other committee if we are to stand here silent and see the jurisdiction which the rules of the Senate give to the great Finance Committee of this body absolutely destroyed.

Mr. ALDRICH. Mr. President, the Senator from Missouri [Mr. VEST] is quite as well aware as I am that when this bill is reported back from the Committee on Agriculture, if it should go there—and I believe it will, whether he or any other member of the Committee on Finance desires it—we shall have full opportunity to discuss the bill on its merits. Neither that bill nor any other bill of that nature is likely to pass this Senate in secrecy and without discussion. We all understand what the bill is for—that is, most of us do—and when it gets back here from the Committee on Agriculture, there will be ample opportunity to discuss it and have a reference to another committee if the Senate itself shall think that that action is desirable. I do not, however, see anything to be gained at this stage of the proceedings in antagonizing the motion of the Senator from Vermont [Mr. PROCTOR].

The PRESIDENT pro tempore. The question is on the motion to refer the bill to the Committee on Agriculture and Forestry.

The motion was agreed to.

SENATOR FROM MONTANA.

Mr. CARTER. Mr. President, pursuant to notice heretofore given, I now call up for consideration Senate resolution No. 371, relating to the appointment of a Senator from Montana.

The PRESIDENT pro tempore. The Senator from Montana calls up a resolution, which will be read.

The Secretary read the resolution submitted by Mr. CHANDLER May 25, 1900, as follows:

Resolved, That the credentials showing the appointment as Senator from the State of Montana of William A. Clark, signed by Acting Governor A. E. Spriggs, and the credentials showing a like appointment of Martin Maginnis, signed by Governor Robert B. Smith, be taken from the table and referred to the Committee on Privileges and Elections, and that said committee be directed to inquire whether either of said appointees has been duly and legally appointed to a seat in the Senate as Senator from said State of Montana, and if so, to report which of said appointees is entitled to be admitted to the seat.

Mr. PETTUS. Mr. President, I have no objection at all to the reference of the resolution, but I do not see that it is necessary to give the committee instructions as to what they shall do.

Mr. CARTER. My duty in the matter will be disposed of by a reference, as the resolution requires, of the credentials to the Committee on Privileges and Elections.

Mr. PETTUS. If the Senator will merely move that the credentials be referred, there will be no objection, as I understand.

Mr. CARTER. That is the extent of the motion and that is all the resolution provides, as I understand.

Mr. PETTUS. The resolution gives instructions to the committee as to what they shall do.

Mr. CARTER. In that particular the resolution is appropriate in form and does not go beyond the limits of propriety. I move the adoption of the resolution.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. PETTUS. I hope the Senator will not force the committee to do certain things by instruction. As I stated before, there is no objection to the reference of the resolution to the Committee on Privileges and Elections. The committee will then do what it thinks right and proper. The chairman of the committee is here present. I do not see that anything is to be gained by ordering the committee to do certain things, and therefore I object to the resolution in that form.

Mr. CARTER. The resolution as presented by the chairman of the Committee on Privileges and Elections is on the table. I think it is very important that whatsoever of instruction may be found contained in the resolution should be executed. My duty in the matter, as I see it, requires me to ascertain to the extent of my ability what prevents the State of Montana from having at this time full representation on the floor of the Senate.

The lieutenant-governor, in the absence of the governor of the State, sought to make an appointment to fill the vacancy caused by the resignation of Mr. Clark. Thereafter, some objection being urged to that appointment, the governor, upon his return to the State, attempted to revoke the appointment made by the lieutenant-governor, and having performed that act, as he supposed he had a right to do, the governor appointed another person, a different person from the one named by the lieutenant-governor in the previous certificate.

One or the other of these appointments must be effective, legal, and regular. If the appointment made by the lieutenant-governor is for any reason void, then, as a matter of fact, the appointment subsequently made by the governor would be valid. If, on the other hand, the appointment made by the lieutenant-governor was a valid appointment, the subsequent action of the governor in attempting to revoke that appointment raises a serious question requiring investigation. I assume that if the lieutenant-governor had ample authority under the constitution of the State to make the appointment and did make the appointment in regular manner and form, the power of the governor to make a subsequent appointment to fill the same vacancy could not be considered as well founded.

Mr. SPOONER. Mr. President——

Mr. CARTER. If the Senator will allow me one moment further, I will yield.

I am not prepared to say, nor can the Senate in the present situation of the case, unadvised by any committee, say, what the very right of the matter is and what the legal status of these respective appointments may be, and I think it eminently proper in referring the credentials to the Committee on Privileges and Elections to advise that committee of the desire of the Senate to be informed as to what it is right and proper and legal to do in the premises. The State of Montana is entitled to full representation on the floor of the Senate, and I feel it my duty to urge such action as will result in securing at the earliest practicable date the representation to which the State is entitled.

Mr. SPOONER. Is the Senator from Montana satisfied that he is accurate in his statement that one or the other of these appointments must be, and is, valid? If the Senate should adopt the report of the Committee on Privileges and Elections, which is on the table and unacted upon, or on the Calendar, in which they declare unanimously that there was no election whatever by the legislature of Montana, would it not follow from the decision of the Senate in the Quay case and in the Oregon case that the governor could not appoint at all?

Mr. CARTER. My statement was made upon the assumption that Mr. Clark was at the time of his resignation a Senator. I did not have reference to the legal proposition raised by the Senator from Wisconsin, which is a very serious one indeed.

Mr. SPOONER. But the Senator is proposing to instruct the committee to report upon this legal proposition.

Mr. CARTER. The resolution speaks for itself; and I will read it, if the Senator will permit me.

Resolved, That the credentials showing the appointment as Senator from the State of Montana of William A. Clark, signed by Acting Governor A. E. Spriggs, and the credentials showing a like appointment of Martin Maginnis, signed by Governor Robert B. Smith, be taken from the table and referred to the Committee on Privileges and Elections, and that said committee be directed to inquire whether either of said appointees has been duly and legally appointed to a seat in the Senate as Senator from said State of Montana; and if so, to report which of said appointees is entitled to be admitted to the seat.

It was not the purpose of the Senator from Montana to give any instruction to the Committee on Privileges and Elections; indeed,

that could not be done, as the resolution if adopted would contain its own warrant to that committee.

Mr. SPOONER. I have no objection to the resolution; but it seems to me, as the foundation of the whole business, there must be a determination by the Senate of the question whether the Committee on Privileges and Elections was right in its report that no one was elected in Montana. That presents, then, the question which has been so often discussed and which, of course, will be discussed again, whether, after the legislature meets and for any reason fails to elect, any governor or lieutenant-governor under any circumstances has the power to appoint.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. CHANDLER. I now ask that the resolution No. 284 on the Calendar, the resolution reported by the Committee on Privileges and Elections on May 30, 1900, may be recommitted to the committee.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Hampshire?

Mr. BACON. What resolution is that?

Mr. CHANDLER. The resolution declaring that William A. Clark was not duly elected to a seat in the Senate of the United States by the legislature of the State of Montana.

Mr. BACON. What is the motion of the Senator?

Mr. CHANDLER. To recommit that resolution to the Committee on Privileges and Elections.

Mr. BACON. Would the Senator object to stating to the Senate what is the purpose of the recommittal, as the matter has been disposed of?

Mr. CHANDLER. I will state with pleasure, Mr. President, the object of the motion.

When that resolution was reported unanimously by the committee Senator Clark was here in his seat under the election which had taken place. Before an opportunity was given to the Senate to act upon that resolution the Senator from Montana rose, made explanations, and went through the form of a resignation of his seat in the Senate. That changed the whole aspect of the case. The Senator left the Senate. The seat was undoubtedly vacant from that time on. The Senator did not wait to have an inquiry by the Senate or a discussion by the Senate into the merits of the resolution which had been reported, but forestalled and for the time being prevented any discussion of the merits of that resolution and the question of whether or not he had been legally elected.

In the opinion of some Senators if Mr. Clark had not been legally elected, the seat, in contemplation of law, had always been vacant, and the vacancy occurred by a failure to elect in the proper, lawful, and constitutional method. Other Senators think that the vacancy was created by the resignation of an office to which the incumbent had at the time a legal right. Now, Mr. President, that question becomes material in connection with the reference of the credentials of two persons claiming to have been appointed to fill this vacant place; and it is a proper subject for the Committee on Privileges and Elections to consider in connection with those credentials.

Then, further, Mr. President, to be perfectly frank with the Senator from Georgia, it seems to me that the committee might desire to report a different resolution from the one which they did report. The one which they reported was never acted upon by the Senate. The Senator from Montana went away from the Senate; he did not wait for the consideration of that resolution and the declaration that the seat was vacant. It may be that the committee will now desire to further consider whether a different kind of resolution should not be reported to the Senate for its action. The whole case has not been disposed of by the departure of Senator Clark. The committee has the right to propose and the Senate has the right to take action in view of the methods by which the committee unanimously declared the election of the Senator from Montana had been obtained.

Mr. VEST. May I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield?

Mr. CHANDLER. Certainly.

Mr. VEST. I should like to ask the Senator from New Hampshire if, in any event, taking his own position in regard to that resolution, or considering the resignation of Senator Clark, whether there is not a vacancy and was not a vacancy when he filed that resignation?

Mr. CHANDLER. The Senator from Nebraska did me the honor to ask me that question last summer, and the only concession I made was that the seat was undoubtedly vacant. How it was vacated I did not say.

Mr. VEST. Does it make any difference, really, how it was vacated, if it was vacant?

Mr. CHANDLER. Theoretically, perhaps, it does. Undoubtedly it has a bearing uponthe right otf he governor to make an appointment. I should say again, speaking frankly on a question of which I have not a matured opinion, that the Senators who were opposed to the seating of Senator Quay would be obliged to treat what may be the valid one of these appointments as invalid if there never had been a legal election, and to treat it as valid if the vacancy took place by resignation.

These, Mr. President, may be mere academic questions. They may not have any direct bearing upon the proposed action of the Senate.

It seems to me that this resolution ought to go back to the committee—a resolution reported when the Senator from Montana was here; a resolution which may not be the appropriate resolution for the committee to report, the Senator from Montana having gone away.

Mr. BACON. Mr. President, the resolution which the Senator from New Hampshire now asks to have recommitted to the committee is one which related, if I recollect its terms correctly, exclusively to the question of the right of William A. Clark to a seat in this body. That was the scope of it; that was the beginning of it and the ending of it; and when William A. Clark vacated his seat in this body, that question was necessarily no longer a live question—it was ended.

Mr. President, the Senator from New Hampshire says that the contention of some members of this body is that if the position of the committee was correct a vacancy in the office of Senator from Montana in consequence existed from the beginning. I do not think there is any lawyer in the Senate who would take such a position. However true it might be that the opinion of the committee and the conclusion which it reached were correct, no one will deny that while Senator Clark sat in this Chamber he was a de facto member of this body. There is no court which would not uphold any action of this body, even though that action might have been determined by a majority of one and that majority of one been had by the vote of the then Senator from Montana.

Mr. President, another necessary feature of the case is that suggested by the inquiry of the Senator from Missouri, and that is not only that William A. Clark was at one time a de facto officer, a de facto Senator, one whose vote as such counted as much as the vote of any Senator here, but that when he resigned a vacancy was created, and that no longer was he thereafter a Senator in this body. The President pro tempore, so soon as Senator Clark announced to the Senate that he had resigned his seat, directed the Secretary to omit to call his name, and in a roll call had on the same day the name of William A. Clark was not called. Very properly, I think, Mr. President, that direction was given, and it was a full recognition, a recognition acquiesced in by the Senate and continued to this day, of the fact that William A. Clark was no longer a member of the Senate, and that he had ceased to be a Senator by virtue of his resignation.

Mr. CHANDLER. It is the last statement of the Senator that I challenge. I submit that the presiding officer recognized nothing but the fact that the seat was then vacant. How the vacancy had been created the President pro tempore of the Senate did not undertake to decide.

I wish to ask the Senator this question, whether, if in contemplation of law that election was void from the beginning by bribery and corruption, the Senator from Montana who sat here under that election could change the quality of the vacancy by tendering a resignation, or would the quality of the vacancy be exactly the same as if the Senate had passed the resolution reported by the committee?

Mr. BACON. The Senator from New Hampshire entirely begs the question.

Mr. CHANDLER. I beg the Senator to state his distinction.

Mr. BACON. I will do so if the Senator from New Hampshire will give me the opportunity. The Senator from New Hampshire begs the question when he avoids the proposition that Mr. Clark was a de facto Senator. If he was a de facto Senator, his acts as a Senator were valid, and his vote counted as the vote of any other Senator; and any act which was passed by a majority of only one was a valid law, and would be so held by any court, although his vote was necessary to make that majority.

Mr. CHANDLER. Mr. President——

Mr. BACON. Will the Senator pardon me for a moment? I have not had time to answer his question. I will take one question at a time, with his permission. If he was a de facto Senator, then necessarily he must cease to be such de facto Senator either by his own act in resigning or by his death or by the action of this body in expelling him or declaring his seat vacant, as the case might be.

Mr. CHANDLER. Now will the Senator allow me?

Mr. BACON. No, sir; if the Senator will pardon me. I do not, of course, wish to be discourteous, and I will yield to him in one moment. Therefore it necessarily follows that that vacancy was created by the fact of his resignation. If he had never taken his seat and it had been declared to be vacant, that would be one con-

dition; but having taken his seat, having been admitted to a seat in this body, having taken the oath, having become a de facto officer, he was clothed with all the rights of a Senator, and his ceasing to be an officer of this body must in that ceasing and in the cause of it have created the vacancy.

Now, the Senator says that the presiding officer did not indicate upon what ground he based his direction to the Secretary not to call the name of Senator Clark, because of the fact that there was a vacancy, but it is not to be presumed that the President pro tempore would have assumed that the report of the committee would be the judgment of this body, and that he declared a vacancy upon that assumption. There is no possible conjecture of any design on the part of the President pro tempore other than to recognize the fact that the resignation had created a vacancy.

Mr. CHANDLER. Will the Senator from Georgia yield now?

Mr. BACON. With pleasure.

Mr. CHANDLER. I wish to ask the Senator this question: Suppose the Senate had passed the resolution reported by the committee and the Senator from Montana had retired from the Senate; how would the vacancy then have been created? It would not have been by resignation, certainly; but how?

Mr. BACON. It would have been created by the judgment of this body that he was not entitled to sit here.

Mr. CHANDLER. And upon the resolution that he never had been lawfully elected?

Mr. BACON. True.

Mr. CHANDLER. Now I ask the Senator whether he thinks that the Senator from Montana when he left the Senate changed the quality of that vacancy and made it a vacancy by resignation, when it would not have been a vacancy by resignation if the resolution reported by the committee had been adopted by the Senate?

Mr. BACON. That does not in any manner alter the character of the issue. The question is whether or not he was a de facto officer. If he was a de facto officer, the vacancy was created when he ceased to be such de facto officer, and even though that vacancy may have been created by virtue of the judgment of this body that his original election was void, still, having sat here as a Senator and exercised the functions of a Senator, the vacancy did not exist until the judgment of this body created it.

Mr. President, that is all preliminary to the point I am coming to, because I do not desire in anything I am saying to trench upon the question suggested by the Senator from Wisconsin, as to whether or not there was such a vacancy as would justify the governor in appointing a Senator to fill the vacancy. But the point to which I desire to direct the attention of the Senate is the question of the propriety of the motion now made by the Senator from New Hampshire to have this matter recommitted to the committee. If I am correct in stating that the scope of the resolution originally referred to the committee was limited exclusively and solely to the question of the right of William A. Clark to sit in this body, and if he is no longer a member of this body, what is there of that question surviving which can be properly submitted to the committee?

Mr. President, under the resolution which has just been sent to the Committee on Privileges and Elections relative to the subsequent appointment of Mr. Clark the committee, I presume, will have the utmost latitude in determining what they will consider in order to bring to the attention of the Senate the matter necessary to show the propriety of the conclusion which may be reached by them; but it is not necessary that a defunct resolution should be sent to them for that purpose; and no purpose is a legitimate purpose with reference to that resolution which does not have in view the practical determination of a question as to the right of William A. Clark to sit in this body. His right to sit in the body under the credentials which he then had is no longer a question, because he no longer sits here. His right to sit in the body under the credentials now on the table can in no manner be determined by the conclusion which the Senators may reach as to the question formerly submitted to them. I submit, Mr. President, that it is not competent for the Senate, if there has been a determination of the question by the vacation of a seat by a Senator, to pursue him into private life for the purpose of determining a question which is no longer within their jurisdiction and which is no longer a living question in this body.

I do not know, Mr. President, what use Senators propose to make of this resolution; I do not know what is in the minds of Senators; but I submit that it is not proper that a resolution relating exclusively to the question of the right of Mr. Clark to sit in this body under the credentials as an elected Senator by the legislature of Montana should now be sent to that committee for any action on its part, he having ceased to be a member of this body and claiming no rights under those credentials.

Mr. CHANDLER. I think the Senator from Georgia has made, or has undertaken to make, a large thing out of a small one. Evidently the Senator from Georgia is not in favor of passing this resolution now.

Mr. BACON. Which resolution?

Mr. CHANDLER. And I do not know that any member of the Senate desires to have it passed.

Mr. BACON. I will say to the Senator that I never was in favor of passing it.

Mr. CHANDLER. I understand the Senator.

Mr. BACON. The Senator emphasizes the word "now."

Mr. CHANDLER. However, I never before heard a Senator oppose the recommittal of a resolution to which he was opposed; but the Senator has a right to make that objection.

The change of circumstances that has taken place in the Senate has led me, as chairman of the committee, to suggest, as there probably was to be no action on this resolution, that it be recommitted, and I did not think there could possibly be any objection to the request of the chairman of the committee for such a little thing as that, especially from a Senator who was opposed to the resolution itself. I hope the Senator from Georgia will let the resolution go back to the committee. If he will not, I will not press the request at this time.

Mr. BACON. Mr. President, when this resolution was a live subject before the Senate, and when there was, in the opinion of some of us, an intention to proceed with unseemly haste in the determination of the grave questions which were presented to the Senate, with the vast mass of testimony, covering some three volumes, the Senator will remember that some of us were called upon to protest against what we considered to be unseemly haste, and to suggest that in so doing, in place of sitting as judges, we might appear in the attitude of prosecutors. If the Senator from New Hampshire will pardon me for saying it, if now, after the matter has been carried beyond the jurisdiction of the Senate, it is still designed and attempted that this investigation shall be proceeded with, and that the committee shall be turned loose to do what they please in the way of a report or in the way of an investigation relative to a man no longer a member of this body, it may not be simply what we apprehended then, a prosecution, but it may appear to be in the eyes of the world a persecution. That may be, in the opinion of the Senator from New Hampshire, a very small matter, but in the opinion of others it may be considered a large one.

Mr. TURLEY obtained the floor.

Mr. CHANDLER. Will the Senator from Tennessee allow me to say one word? I will take only a moment.

Mr. TURLEY. Certainly.

Mr. CHANDLER. There was no unseemly haste last summer in connection with this case. The Senator from Georgia made that charge, and then he qualified it, and I thought he withdrew it. I did not feel like sitting under the charge without objecting to the injustice of it, and I only refer to it now——

Mr. BACON. If the Senator will permit me, I will call his attention to the fact that it was gravely contended and insisted by the Senator that there should be a consideration of this case within a time when it was a physical impossibility for Senators to read the evidence which had been laid upon their tables. That is what I denominated as unseemly haste.

Mr. CHANDLER. That is not quite a fair way for the Senator from Georgia, and he is always fair, to state the question. There were then three large volumes of testimony. No Senator said, as the Senator now says, that we ought to delay proceeding with the case until every Senator could read through those three large volumes. It was a question of reasonable time. The committee waited a considerable period, and finally asked Senators whom they supposed would object to the passage of the resolution to indicate what they thought would be a reasonable time when the resolution could be taken up; and while that question was pending and being good-naturedly considered among Senators on both sides, the Senator from Montana made what seemed to me unseemly haste to go away from the Chamber and avoid the discussion which the Senator from Georgia had prevented from occurring up to that time. I am sorry the Senator has brought up his old charge against the committee, which was unfounded then and is unfounded now.

Mr. BACON. Does the Senator fail to remember that when the attention of the Senator was called to the fact by Senators on this floor that there were three large volumes of testimony, and not only that there had not been any opportunity to read it, but that within the time the Senator proposed that the question should be acted upon it was a physical impossibility for Senators to read it, he still urged the early consideration and determination of the question?

Mr. CHANDLER. I do fail to recall that the Senator's statement is correct. It was simply a question as to what was a reasonable time. The chairman of the committee and every member of the committee were willing to give reasonable delay, and the only question was what would be a reasonable delay; and it seems that reasonable delay was only wanted until Senator Clark was ready to come in and read his speech and retire.

Mr. BACON. But the reasonable time that the Senator then indicated was not the time necessary to read the testimony.

Mr. CHANDLER. No. If the Senator wants to make the point that we were to make an agreement upon this floor that the case should not be proceeded with until every Senator had read every word of the testimony, I say nobody contended for that. I did not understand the Senator to be so unreasonable as that. But that the committee were willing that there should be delay in the consideration of the resolution for a reasonable time, according to the judgment of the Senate, is a correct statement. The Senator from Montana put an end to the question by retiring from the Senate.

Now, the purpose of my request for the recommittal of the resolution, which, manifestly, Senators do not want to pass now, was only that the committee might take into consideration the question of what kind of a vacancy was created, as bearing upon the questions that may arise during the consideration of the credentials of the two persons who appear here claiming the seat. The question as to the quality of the vacancy can be considered when the committee is obeying the instructions of the Senate to make inquiry as to which of the two persons claiming under the two appointments has a right to the appointment. It is not necessary that this resolution should be recommitted; but I think, in view of the fact of the change of circumstances which makes its passage unnecessary, the Senator from Georgia ought not to object to the recommittal of the resolution.

Mr. BACON. Will the Senator permit me to ask him one question? In his opinion, as chairman of the committee, when the credentials of these two gentlemen are before the committee will or will not the committee be restricted in its examination as to the nature and origin of the vacancy by the absence of this particular resolution?

Mr. CHANDLER. I do not think they will be.

Mr. BACON. Of course not. Furthermore, there is nothing in that resolution which can aid them in that investigation. They are authorized in their investigation of the credentials presented by the present claimants to travel over the same ground, if they wish to take the same testimony as that which they formerly took; but that resolution is one which relates solely to the question of the right of William A. Clark to a seat under the credentials which he claimed as the duly elected Senator from Montana by the legislature of Montana; and what the Senator from New Hampshire asks to have recommitted is that particular resolution, devolving upon the committee the duty to make that inquiry and to make answer to it to the Senate.

Mr. CHANDLER. Does the Senator want that resolution to pass?

Mr. BACON. The Senator trifles with the Senate when he asks that question.

Mr. CHANDLER. No. I will assume that the Senator does not. Will the Senator kindly tell me, if it is not to pass, what objection he has to having it recommitted to the committee?

Mr. BACON. My objection to it is that I can conceive of no legitimate purpose of the Senator from New Hampshire in desiring to have the resolution recommitted, because the resolution relates to a matter which has been disposed of and is no longer before the Senate. Therefore, if there is no legitimate purpose, there must be a purpose which I myself can not possibly divine.

Mr. CHANDLER. I stated to the Senator what it was.

Mr. BACON. And the Senator in the same breath states——

Mr. CHANDLER. If the Senator will allow me, I think I ought to have said, when he asked me before, that this is not an unusual motion. It is a perfectly proper motion. The Senator asked me what my object was, and I told him frankly that as the resolution was not to be passed, the object was to recommit it in order that the committee, the Senator from Montana having resigned, might consider what was the quality and characteristics of the vacancy which exists in the Senate. Is that a legitimate purpose?

Mr. BACON. And the Senator has himself stated in the last five minutes that the reference of the resolution to the committee is not necessary in order to enable them to make that particular investigation.

Mr. CHANDLER. I do not think it is, I will say to the Senator, but I do not see any harm in it. The Senator is very suspicious, too suspicious altogether, certainly of myself.

Mr. TURLEY. I suggest to the Senator from New Hampshire and the Senate that this matter go over until day after to-morrow. I think probably some understanding can be reached about it, and further discussion of it may be avoided.

Mr. CHANDLER. That will be agreeable to me.

The PRESIDENT pro tempore. By unanimous consent, the subject goes over until Thursday.

Mr. CHANDLER. I desire, in connection with the matter, to offer a resolution, to be referred to the Committee on Contingent Expenses.

The PRESIDENT pro tempore. The Senator from New Hampshire offers a resolution, which will be read.

The Secretary read as follows:

Resolved, That the Committee on Privileges and Elections, in making the inquiry directed by the Senate in resolution 371, concerning the credentials and appointments of William A. Clark and Martin Maginnis as Senator from Montana, shall have the authority to send for and examine persons and papers and to employ a stenographer, the expenses of the inquiry to be paid from the contingent fund of the Senate.

The PRESIDENT pro tempore. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

DORA RENFRO.

Mr. GALLINGER. I ask that the unanimous-consent agreement reached yesterday in respect to pension bills may now be executed.

The PRESIDENT pro tempore. The Secretary will announce the first pension bill on the Calendar.

The bill (S. 4165) granting a pension to Dora Renfro was announced as the first bill in order; and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dora Renfro, former widow of Ferdinand Yeager, late captain Company G, Seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT A. EDWARDS, JR.

The bill (S. 4073) granting an increase of pension to Robert A. Edwards, jr., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "second lieutenant;" and in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert A. Edwards, jr., late second lieutenant Company L, Fourth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM FOX.

The bill (S. 4556) granting an increase of pension to William Fox was considered as in Committee of the Whole.

The bill was reported from the Committee on pensions with an amendment, in line 7, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Fox, late of Company A, Sixth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read third time, and passed.

WILLIAM B. CALDWELL.

The bill (S. 4022) granting a pension to William B. Caldwell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry;" and in line 8, before the word "dollars," to strike out "twenty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William B. Caldwell, late of Company C, Ninth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $25 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE P. BEACH.

The bill (S. 4788) granting an increase of pension to George P. Beach was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George P. Beach, late of Company A, Thirty-sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES BROWN.

The bill (S. 2107) granting a pension to James Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Brown, late first lieutenant Company M, Sixth Regiment Iowa Volunteer Cavalry, at $30 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James Brown."

CARROLL W. FULLER.

The bill (S. 2109) granting an increase of pension to C. W. Fuller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carroll W. Fuller, late of Company F, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Carroll W. Fuller."

MARY A. MORTON.

The bill (S. 3338) granting a pension to Mary A. Morton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "Infantry," to insert "and pay her a pension at the rate of $8 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Morton, widow of Alfred Morton, late major, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OLIVER W. MILLER.

The bill (S. 2228) granting an increase of pension to Oliver W. Miller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver W. Miller, late of Company C, Twenty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $14 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW REED.

The bill (S. 2102) granting an increase of pension to Andrew Reed was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Reed, late of Company G, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GIRARD WELCH.

The bill (S. 1761) granting a pension to Girard Welch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Girard Welch, late a member of Company —, Fourth Regiment of Ohio Volunteer Infantry, and to pay him a pension of $12 per month.

Mr. GALLINGER. I move to amend the bill by striking out all after the enacting clause and inserting—the company does not appear in the amendment, but no matter.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Girard Welch, late first lieutenant and adjutant, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE M. WILSON.

The bill (S. 2905) granting a pension to George M. Wilson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "and hospital steward, United States Army;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George M. Wilson, late of Company K, Twenty-eighth Regiment Iowa Volunteer Infantry, and hospital steward, United States Army, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA C. M. FISHER.

The bill (S. 1792) granting a pension to Martha C. M. Fisher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha C. M. Fisher, of Washington, D. C., widow of the late George S. Fisher, a veteran of the Mexican war and a member of Colonel Harding's regiment of Illinois Volunteers, and to pay her a pension of $50 per month in lieu of the pension she is now receiving.

Mr. GALLINGER. I move, in line 6, to strike out the words "of Washington, District of Columbia."

The amendment was agreed to.

Mr. GALLINGER. In line 9 I move to strike out "fifty" and insert "twenty;" so as to read:

And pay her a pension at the rate of $20 per month.

The amendment was agreed to.

Mr. GALLINGER. In line 10 I move to strike out the words "the pension" and insert the word "that," so as to read "in lieu of that she is now receiving."

The amendment was agreed to.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the following report, submitted by Mr. ALLEN May 29, 1900:

The Committee on Pensions, to whom was referred the bill (S. 1792) granting a pension to Martha C. M. Fisher, have examined the same and report:

This bill proposes to increase from $8 to $50 per month the pension of Martha C. M. Fisher, widow of George S. Fisher, late of Company I, First Regiment Illinois Volunteers, Mexican war, who served from June 22, 1846, to June 17, 1847.

Claimant, now 75 years of age, was married to the soldier February 22, 1849, and is receiving a pension under the Mexican-war act of January 29, 1887, at the rate of $8 per month.

A similar bill was introduced in the Fifty-fifth Congress, but no action was taken thereon.

It is recommended that the bill do pass without amendment.

Mr. COCKRELL. I should like to ask the Senator if the rate stated in the report is the usual rate allowed in such cases.

Mr. GALLINGER. In all Mexican-war pensions of $8 a month, where the claimant is in advanced years, we have increased the rate to $20, and I have never known an instance where it was placed beyond that figure. This bill seems to have slipped through at $50. I think it would be a very bad precedent, and on my motion the bill has been amended so as to make the rate $20, which is in accordance with our custom.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

A. C. RICKETTS.

The bill (S. 2901) granting a pension to A. C. Ricketts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of A. C. Ricketts, late of Company H, Eightieth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month.

Mr. GALLINGER. I move to amend by inserting the word "Abner" in line 6, in place of the initial "A," so as to read "Abner C. Ricketts."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Abner C. Ricketts."

MARY M. F. FLAGLER.

The bill (S. 2703) granting a pension to Mary M. F. Flagler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary M. F. Flagler, widow of Daniel W. Flagler, late brigadier-general, Chief of Ordnance United States Army, and to pay her a pension of $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADOLPH SCHREI.

The bill (S. 1628) granting a pension to Adolph Schrei was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments, in line 6, after the name "Adolph Schrei," to strike out "of Burlington, Iowa;" in the same line, after the word "late," to strike out "member;" in line 7, before the word "Infantry," to insert "Volunteer;" and in line 8, before the word "and," to strike out "Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adolph Schrei, late of Company E, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M'FRY.

The bill (S. 3376) granting an increase of pension to James M. Fry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 6, before the word "late," to strike out "M. Fry" and insert "McFry"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James McFry, late of Company H, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James McFry."

BERTHA LEAVEY.

The bill (S. 1722) granting a pension to Bertha Leavey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "widow of," to strike out "the late:" in the same line, after the name "Morris Leavey," to insert "alias Lewis;" in line 7, after the word "late," to strike out "member;" in line 8, before the word "Cavalry," to insert "Volunteer;" in the same line, before the word "and," to strike out "Volunteers;" and in line 9, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bertha Leavey, widow of Morris Leavey, alias Lewis, late of Company D, Eighteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Bertha Leavey."

ROSS WHEATLEY.

The bill (S. 1211) granting a pension to Ross Wheatley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ross Wheatley, late of Company F, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

Mr. GALLINGER. I move to amend the amendment by striking out "thirty-six" and inserting "thirty," so as to read "and pay him a pension at the rate of $30 per month." I think that is the rate which ought to be in the bill.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Ross Wheatley."

CHARLES STEWART.

The bill (S. 4440) granting an increase of pension to Charles Stewart was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a private;" in line 7, after the word "Regiment," to strike out "of;" in the same line, after the word "Infantry," to insert "and pay him a pension," and in line 9, before the word "he," to strike out "which;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Stewart, late of Company H, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY MUHS.

The bill (S. 2226) granting an increase of pension to Henry Muhs was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Muhs, late captain Company A, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM GADDIS.

The bill (S. 1204) granting a pension to William Gaddis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Ohio," to insert "Volunteer," and in the same line, after the word "Infantry," to strike out "Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws the name of William Gaddis, late of Company C, Eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendments were agreed to.

Mr. GALLINGER. I move to strike out "twenty-four," in line 8, and insert "twelve;" so as to read, "and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JULIA S. GOODFELLOW.

The bill (S. 4155) granting a pension to Julia S. Goodfellow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia S. Goodfellow, widow of Edward Goodfellow, late captain Company E, Forty-fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of —dollars per month

Mr. GALLINGER. I move that the blank be filled by inserting the word "eight."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEWIS S. HORSEY.

The bill (S. 1203) granting a pension to Lewis S. Horsey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis S. Horsey, of Warren, Iowa, late private, Company K, Nineteenth Regiment Iowa Infantry Volunteers, and to pay him a pension of $12 per month.

Mr. GALLINGER. I move to strike out the words "of Warren, Iowa," in line 6.

The amendment was agreed to.

Mr. GALLINGER. I move that the words "in lieu of that he is now receiving" be added to the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Lewis S. Horsey."

MARY J. KRAMER.

The bill (S. 1195) granting a pension to Mary J. Kramer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary J. Kramer, of Fairfield, Iowa, widow of Andrew J. Kramer, late of Company E, First Regiment Pennsylvania Infantry Volunteers, and to pay her a pension of $12 per month.

Mr. GALLINGER. I move that the words "of Fairfield, Iowa," be stricken out in line 6.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRIETTA PARROTT.

The bill (S. 2907) to pension Henrietta B. Parrott was considered as in Committee of the Whole. It proposes to place the name of Henrietta Parrott, widow of the late Byt. Brig. Gen. James C. Parrott, upon the pension roll, and to pay her a pension of $30 per month.

Mr. GALLINGER. I move to amend by striking out all after the enacting clause and inserting:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henrietta Parrott, widow of the late Lieut. Col. James C. Parrott, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Henrietta Parrott."

PROMOTION OF COMMERCE AND INCREASE OF TRADE.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 727) to promote the commerce and increase the foreign trade of the United States, and to provide auxiliary cruisers, transports, and seamen for Government use when necessary.

Mr. GALLINGER. I ask that the unfinished business be laid aside informally for ten minutes so that the special order may be executed.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that the unfinished business may be temporarily laid aside that ten minutes further be allowed to the Committee on Pensions. Is there objection? The Chair hears none, and it is so ordered. The next pension bill will be stated.

HENRY D. JOHNSON.

The bill (S. 3881) granting an increase of pension to Henry D. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry D. Johnson, late of Company E, Forty-second Regiment Ohio Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

Mr. GALLINGER. I move to amend the bill, in line 8, by striking out "forty," after the words "rate of," and inserting "thirty;" so as to read:

And pay him a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. CANADAY.

The bill (S. 1212) granting a pension to John W. Canaday was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Canaday, late of Company I, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of —— dollars per month in lieu of that he is now receiving.

Mr. GALLINGER. I move to fill the blank by inserting the word "twenty."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John W. Canaday."

WILSON E. CARTER.

The bill (S. 2914) granting a pension to Wilson E. Carter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wilson E. Carter, dependent and helpless son of the late Mark F. Carter, late of Company E, Second Regiment Iowa Infantry Volunteers, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. M. G. KRAYENBUHL.

The bill (S. 3851) granting a pension to Mrs. M. G. Krayenbuhl was announced as next in order on the Calendar.

Mr. GALLINGER. Let that bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

MARTHA M. BEDELL.

The bill (S. 3375) granting relief to Susan Bedell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha M. Bedell, widow of David E. Bedell, late of Company E, Twenty-second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $22 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Susan Bedell, the invalid and dependent daughter of said David E. Bedell, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Martha M. Bedell."

JOSHUA B. HARRIS.

The bill (S. 57) granting a pension to Joshua B. Harris was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "a corporal in" and insert "of;" in line 7, after the word "Sixteenth," to insert "Regiment;" and in line 8, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua B. Harris, late of Company E, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

Mr. GALLINGER. By reference to the report on this bill I notice that it was agreed that the beneficiary should have $20 a month. I move to insert "twenty" in the place of "thirty" in line 8.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Joshua B. Harris."

KATE HARBAUGH.

The bill (S. 3501) granting an increase of pension to Kate Harbaugh was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty-four," and at the end of the bill to insert the following proviso: "*Provided*, That in the event

of the death of Walter D. Harbaugh, invalid and dependent child of said Daniel L. Harbaugh, the additional pension herein granted shall cease and determine;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate Harbaugh, widow of Daniel L. Harbaugh, late of Company H, Third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Walter D. Harbaugh, invalid and dependent child of said Daniel L. Harbaugh, the additional pension herein granted shall cease and determine.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAULINA SMITH.

The bill (S. 3750) granting a pension to Paulina Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment in line 8, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Paulina Smith, dependent mother of Marcellus Smith, late of Company G, Thirty-first Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY M. KEAN.

The bill (S. 2646) granting a pension to Mary Keen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary M. Heward, now Mary M. Kean, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Mary M. Kean."

MARY A. O'BRIEN.

The bill (S. 4734) granting a pension to Mary A. O'Brien was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "States," to strike out "Volunteer" and insert "Artillery;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. O'Brien, widow of Michael O'Brien, late acting assistant surgeon and first lieutenant, Fourth Regiment United States Artillery, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET J. VERBISKEY.

The bill (S. 3070) granting a pension to Margaret J. Verbiskey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Second," to insert "Regiment;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret J. Verbiskey, widow of Joseph Verbiskey, late of Company I, Second Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BERNARD WAGNER.

The bill (S. 4789) granting an increase of pension to Bernard Wagner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "captain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bernard Wagner, late captain Company F, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. GALLINGER. In line 8, before the word "dollars," I move to strike out "thirty" and insert "twenty-four."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARVEY GRAHAM.

The bill (S. 1604) granting an increase of pension to Harvey Graham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey Graham, late colonel Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTHER DYER HAMMOND.

The bill (S. 2810) granting a pension to Esther Dyer Hammond was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Esther Dyer Hammond, widow of William A. Hammond, late Surgeon-General United States Army, and pay her a pension at the rate of $50 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMILY A. WENTWORTH.

The bill (S. 4859) granting an increase of pension to Emily A. Wentworth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emily A. Wentworth, widow of George S. Wentworth, late of Company I, Fifth Regiment United States Artillery, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OTTO HALTNORTH.

The bill (S. 4834) granting a pension to Otto Haltnorth was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Otto Haltnorth, late of Signal Corps, United States Army, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. GRIFFITHS.

The bill (S. 2879) granting a pension to Mary E. Griffiths was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Griffiths, widow of John H. Griffiths, late of Company E, Fifteenth Regiment Illinois Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM I. MILLER.

The bill (S. 3758) granting an increase of pension to W. I. Miller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out the initial "W" and insert "William;" in the same line, after the word "late," to strike out "a private;" in line 7, after the words "West Virginia," to strike out "Infantry Volunteers" and insert "Volunteer Infantry;" and in line 9, before the word "dollars,"

to strike out "one hundred" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William I. Miller, late of Company B, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William I. Miller."

The PRESIDENT pro tempore. The time for the special order is exhausted.

Mr. COCKRELL. There is but one more. Let it be finished.

Mr. GALLINGER. I hope so.

The PRESIDENT pro tempore. Without objection, the next bill will be taken up.

MARVIN V. TUFFORD.

The bill (S. 4728) granting an increase of pension to Marvin V. Tufford was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Artillery," to strike out "Heavy Volunteer" and insert "Volunteer Heavy;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marvin V. Tufford, late of Company M, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SOLDIERS AND SAILORS' HOMESTEADS.

Mr. HANSBROUGH. I understand that the Senator from Georgia [Mr. CLAY] desires to address the Senate at this time. I ask the Senator if he will not kindly allow me to call up a bill and have it passed.

Mr. CLAY. If it is a bill that will not lead to any discussion, I have no objection.

Mr. HANSBROUGH. I do not believe it will lead to any discussion. I ask unanimous consent that the Senate consider the bill (H. R. 9140) providing that entrymen under the homestead laws, who have served in the United States Army, Navy, or Marine Corps during the Spanish war, or the Philippine insurrection, shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from North Dakota asks unanimous consent for the present consideration of a bill which will be read in full for the information of the Senate.

The SECRETARY. The Committee on Public Lands report to strike out all after the enacting clause of the bill and to insert:

That sections 2304 and 2305 of the Revised Statutes be, and the same are hereby, amended to read as follows:

"SEC. 2304. Every private soldier and officer who has served in the Army of the United States during the recent rebellion for ninety days, and who was honorably discharged, and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an act approved February 13, 1862, and every seaman, marine, and officer who has served in the Navy of the United States or in the Marine Corps during the rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government, and every private soldier and officer who has served in the Army of the United States during the Spanish war, or who has served, is serving, or shall have served in the said Army during the suppression of the insurrection in the Philippines for ninety days, and who was or shall be honorably discharged, and every seaman, marine, and officer who has served in the Navy of the United States or in the Marine Corps during the Spanish war, or who has served, is serving, or shall have served in the said forces during the suppression of the insurrection in the Philippines for ninety days, and who was or shall be honorably discharged, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding 160 acres, or one quarter section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead and filing his declaratory statement within which to make his entry and commence his settlement and improvement.

"SEC. 2305. The time which the homestead settler has served in the Army, Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements."

SEC. 2. That in every case in which a settler on the public land of the United States under the homestead laws died while actually engaged in the Army, Navy, or Marine Corps of the United States as private soldier, officer, seaman, or marine, during the war with Spain or the Philippine insurrection, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, may proceed forthwith to make final proof upon the land so held by the deceased soldier and settler, and that the death of such soldier while so engaged in the service of the United States shall, in the administration of the homestead laws, be construed to be equivalent to a performance of all requirements as to residence and cultivation for the full period of five years, and shall entitle his widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, to make final proof upon and receive Government patent for said land; and that upon proof produced to the officers of the proper local land office by the widow if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, that the applicant for patent is the widow, if unmarried, or in case of her death or marriage, his orphan children or his or their legal representatives, and that such soldier, sailor, or marine died while in the service of the United States as hereinbefore described, the patent for such land shall issue.

SEC. 3. That the provisions of section No. 2306 of the Revised Statutes of the United States shall not apply to persons who served in the Spanish war or in the suppression of the insurrection in the Philippines.

Mr. COCKRELL. I should like some explanation of the bill. It seems to be a very sweeping measure. Does it give any additional rights to those already vested? Does it include any more in the list of those entitled to homesteads?

Mr. HANSBROUGH. Not at all. It simply reenacts the present law in respect to soldiers' additional homesteads, and includes soldiers who served in the Spanish-American war and in the Philippines. That is the sum and substance of the bill.

Mr. THURSTON. I should like to ask the Senator if it changes any of the laws relating to the manner of taking up land or making proof?

Mr. HANSBROUGH. There is no change whatever in that respect.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Public Lands, which has been read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COL. CHARLES B. DOUGHERTY AND OTHERS.

Mr. PENROSE. I ask the Senator from Georgia to yield to me for a moment that I may call up a bill to which I think there will be no objection.

Mr. CLAY. I yield to the Senator for that purpose.

Mr. PENROSE. I ask unanimous consent for the present consideration of the bill (H. R. 8487) for the relief of Col. Charles B. Dougherty and other members of the Ninth Regiment of Pennsylvania Infantry.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. There is a serious question as to whether the preamble is any part of the bill, and therefore, that the bill itself may specify the amounts to be paid, I move to amend in line 6, after the word "sums," by adding the words "specified in the preamble to this act."

Mr. PENROSE. I think the Senator's suggestion is most pertinent, and so far as I am concerned I will accept the amendment.

The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. After the word "sums," in line 6, it is proposed to insert "specified in the preamble to this act;" so as to make the bill read:

Whereas on the 17th day of May, 1898, the baggage car in the train carrying the Ninth Regiment of Pennsylvania Infantry from Mount Gretna, Pa., to Camp Thomas, at Chickamauga, Ga., caught fire accidentally and was destroyed, with all its contents; and

Whereas officers and members of said regiment had personal baggage and headquarters property in said car, which was entirely destroyed. The names of said officers and members, with the value of the property so destroyed, are as follows: Charles B. Dougherty, $309.68; George W. Wallace, $112; John S. Harding, $279.05; Frank L. McKee, $364.10; William Sharpe, $197.95; George F. Buss, $259; Robert S. Mercur, $147.95; Walter De F. Johnson, $164.35; Edmund N. Carpenter, $309.68; Walter S. Stewart, $127.25; William G. Weaver, $133.85; Charles H. Miner, $84.35; Frank W. Innis, $40; Samuel C. Chase, $15.75; Claude R. Grosser, $18.25; Richard Generals, $21.50; Harry R. Williams, $175.75; John McCallum, $130.70; Walter R. Phillips, $119.40; Dennison Stearns, $182.90; James C. Kenny, $198.20; John A. Kenny, $127.15; Louis Frank, $6.50; E. G. Gage, $87.12; Fred C. Bennett, $75; Charles S. Colony, $171.37; John H. Mahan, $55; Perry H. Benscoter, $12; O. Hillard Bell, $117.65; Edmund D. Camp, $106; William T. Hart, $53.70; E. L. Solomon, $17.80; Morris M. Keck, $19.35; Darius L. Miers, $137.75; Evan R. Williams, $82.44; Author Everette, $63.19; George S. McCleary, $211.25; Harry G. Boat, $101.20; George R. McLean, $268.70; John T. Flannery, $94; Michael J. Buckley, $81.95; Michael J. Brennan, $83.20; Harry W. Pierce, $211; W. F. Powell, $43.90; Adnah McDaniels, $76.50; total, $5,595.35: Therefore,

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby,

authorized and directed to pay said officers and members of the Ninth Regiment of Pennsylvania Infantry as aforesaid, or their legal representatives, the said several sums specified in the preamble to this act, lost by them, respectively, out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The preamble was agreed to.

ADDITIONAL DISTRICT JUDGE IN OHIO.

Mr. HOAR. In drafting the bill (S. 5076) to provide for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio, by inadvertence the words "and consent" were left out, so that the bill reads, "the President, by and with the advice of the Senate," is to make the appointment. I ask unanimous consent that the engrossing clerk be directed to engross the bill by including the words "and consent," so as to read "advice and consent of the Senate."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

PROMOTION OF COMMERCE AND INCREASE OF TRADE.

Mr. ALLISON. I ask for the regular order, Mr. President.

The PRESIDING OFFICER. The Chair lays the unfinished business before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 727) to promote the commerce and increase the foreign trade of the United States, and to provide auxiliary cruisers, transports, and seamen for Government use when necessary.

Mr. CLAY. Mr. President, Senate bill No. 727 and Calendar No. 482, now pending in the Senate for discussion, purports to be a bill to promote the commerce and increase the foreign trade of the United States and to provide auxiliary cruisers, transports, and seamen for Government use when necessary; but a clear analysis of this measure will demonstrate to the unprejudiced mind that the results claimed by the friends of this contemplated legislation can not possibly follow, viewed from any reasonable standpoint authorized by the different features and phases of the bill as it comes from the Committee on Commerce.

There is one point, however, about this measure concerning which there can not be the least possible difference. When it shall become a law, it will take from the public Treasury, collected by taxation from the people of the United States, $9,000,000 per year for a period of twenty years, making in all $180,000,000, and will donate this vast sum to the owners of ships engaged in carrying foreign trade to aid them in making their private business more profitable. The shipowners, in addition to the amounts they receive from their customers for carrying freights and passengers, will receive from the Government, collected from merchants, farmers, laborers, and those engaged in other callings, $9,000,000 each year to add to their profits and enhance their fortunes. One man's business is to be heavily taxed in order to advance and to make more profitable the private business of another citizen. While the bill comes from the Committee on Commerce with a favorable report, I deem it just to state that every single member of the committee constituting the minority membership of the committee voted against a favorable report and will vote against the passage of this bill.

In the discussion of the bill I propose to be perfectly fair and to make no statement but what can be fully verified. In order to present the objections I entertain against this measure, I shall now proceed to analyze the bill in all its leading features, and then I will proceed to state at length what I conceive to be well-grounded reasons which lead me to oppose this legislation. The analysis which I shall give I believe will stand the test of criticism and be found to be substantially correct. I say this for the reason that I have given the different features of the bill most careful study.

The first section of the bill provides that after July, 1900, there shall be paid, out of any money in the Treasury not otherwise appropriated, to the owner or owners of any vessel duly registered by a citizen or citizens of the United States, including corporations created under the laws of the United States or any State thereof, and being at the time of entry engaged in the foreign trade of the United States, compensation which I will state further on in my remarks. The Secretary of the Treasury is directed to contract with the owners of such vessels as above described and to make payment for the subsidy provided for in the bill for a period of ten years for all vessels that have been completed and in existence on January 1, 1900, and for a period of twenty years on all their vessels completed after January 1, 1900.

Now, mark you, Mr. President, the owners of all vessels now in existence engaged in the foreign trade of the United States shall be entitled to draw the compensation fixed in the bill. The bill not only allows those who may build ships hereafter to draw the bounty, but the owners of all ships built and in operation before the passage of this act shall be entitled to draw this bounty; hence it will be seen it is not the principal purpose of this measure to increase the merchant marine, but, on the contrary, to make a large donation and to greatly enhance the business and fortunes of the shipowners of the United States engaged in our foreign trade. Later on I will discuss fully this feature of the bill, clearly showing that this legislation will not promote the commerce and increase the foreign trade of the United States.

The compensation fixed in the bill is as follows: On each entry of either a sail or steam vessel, not exceeding 16 entries in every twelve consecutive months, 1½ cents per gross ton for each 100 nautical miles, not exceeding 1,500 nautical miles, sailed outward bound, and 1½ cents per gross ton for each 100 nautical miles, not exceeding 1,500 miles, sailed homeward bound; and 1 cent per gross ton for each additional 100 miles sailed. This is the provision of the bill providing for general subsidy for all vessels, both sail and steam. This feature gives to the owners of all vessels duly registered and engaged in the foreign trade of the United States compensation from the public Treasury as above set forth. The owners of these ships engaged in foreign trade now collect fares and freight from their customers and passengers, and, to make their business more profitable, they are given this vast donation from the public Treasury.

The compensation above set forth, which is the minimum amount fixed in the bill, applies to the owners of all vessels, both steam and sail, duly registered by a citizen of the United States and engaged in the foreign trade of the United States. These amounts are paid from the public Treasury to owners of vessels, regardless of speed or freight capacity. However, in addition to these amounts, an additional sum is taken from the public Treasury each year and paid to the owners of vessels with greater speed, regardless of freight capacity. This feature will be found at the bottom of the fourth page of the bill. This additional subsidy is as follows:

First, 12-knot ships and less than 14 knots shall receive five-tenths of 1 per cent per gross ton additional to the general subsidy; second, 14-knot ships and less than 15 knots, 1 cent per gross ton additional; third, 15-knot ships and less than 16 knots, 1.1 cents per gross ton additional; fourth, 16 knots or over, 1.2 cents per gross ton additional; fifth, 17-knot ships and less than 18 knots, 1.4 cents per gross ton additional; sixth, 18-knot ships and less than 19 knots, 1.6 cents per gross ton additional; seventh, 19-knot ships or over, 1.8 cents per gross ton additional; eighth, 20-knot ships and less than 21 knots, 2 cents per gross ton additional, and ninth, 21-knot ships or over, 2.3 cents per gross ton additional, thus increasing the subsidy as the speed increases, regardless of freight capacity. Now, this can be better illustrated by giving the speed of ships ranging from 6 to 21 knots:

Speed of ships, in knots.	Travel per day.	Travel per year.
	Miles.	*Miles.*
6	144	25,200
7	168	29,400
8	192	33,600
9	216	37,800
10	240	42,000
11	264	46,200
12	288	50,400
13	312	54,600
14	336	58,800
15	360	63,000
16	384	67,200
17	408	71,400
18	432	75,600
19	456	79,800
20	480	84,000
21	504	88,200

It will thus be seen that the subsidy to be given vessels up to 12 knots, which are really our great freight carriers, is only 1½ cents per gross ton, while the subsidy given to a fast steamer, which really carries mostly passengers and fine manufactured goods—for instance, a 21-knot ship—is 3.8 cents per ton.

In other words, a vessel of 12 knots speed, which really carries cotton, corn, oats, and farm products, would receive a little more than one-third of the amount paid to a swift passenger steamer never known to convey any freight except fine manufactured goods. This can be better illustrated by not only giving the speed of ships ranging from 6 to 21 knots, but by also giving the amount of subsidy that each class of vessels would draw from the public Treasury and the quality and quantity of freight

usually conveyed by such vessels. The position for which I am contending, however, can be fully and clearly illustrated by beginning with a 10-knot ship and ending with a 21-knot ship:

Speed of ships, in knots.	Travel per day.	Annual subsidy under this bill.
	Miles.	
10	240	$48,300
11	264	53,130
12	288	83,300
13	312	90,150
14	336	126,426
15	360	141,750
16	384	157,920
17	408	182,070
18	432	207,900
19	456	235,410
20	480	264,600
21	504	304,290

Mr. MONEY. I wish to ask the Senator a question for information. For how many days in the year does he make the calculation as to the running of a vessel?

Mr. CLAY. Say 16 entries in one year. The average is about one hundred and seventy-five days a year.

Mr. MONEY. Does the Senator base his statement upon that calculation?

Mr. CLAY. It is based upon the calculation of a vessel running that many days in a year.

These figures demonstrate that a swift passenger steamer that travels 504 miles per day, more than twice the distance that is traveled by a freighter, a 10-knot ship, draws from the public Treasury, under the provisions of this bill, $304,290 annually—more than six times the amount donated by the Government to a 10-knot ship, when in all probability the 10-knot ship will carry more than a dozen times the farm products and heavy freight conveyed in the fast steamer engaged largely in carrying passengers. That the injustice and inequality of this measure might be thoroughly understood and exposed and that the advantage which the 21-knot ship will receive over the great freight carriers, I have taken the trouble to make a comparison of two steamers, one a 21-knot ship and the other a 14-knot ship. Take, for instance, the *St. Paul*, a swift passenger steamer of the American Line, with a gross tonnage of 11,629 tons. This ship travels 504 miles per day, and will draw an annual subsidy, under the provisions of this bill, of $304,290.

Now, take the *Manhattan*, which is a great freighter of the Atlantic Transportation Company, with a gross tonnage of 8,004 tons and with a speed of 14 knots. This ship travels 336 miles per day and would draw, under the provisions of this bill, a subsidy of $126,426, a little more than a third of the amount received by the *St. Paul*. I have before me the manifest of the *St. Paul* of April 3, 1900, clearly showing what the freight of this passenger steamer was made up of on that occasion. I also have the manifest of the *Manhattan* of December 16, 1899, and after going through the amount of farm products conveyed by each steamer I am at a loss to know how the friends of this measure can claim that this bill was framed in the interests of the farmers and producers of this country. I give below the freight conveyed by each to illustrate the line of argument which I am now pursuing:

Amount of freight carried by the Manhattan and the St. Paul.

Freight.	Manhattan, 14-knot ship.	St. Paul, 21-knot ship.
Corn ..... bushels	133,644	None.
Do ..... bags	1,380	None.
Oats ..... bushels	50,324	None.
Do ..... sacks	355	None.
Hay ..... bales	4,518	None.
Straw ..... do	262	2
Flour ..... sacks	11,532	None.
Cattle ..... head	800	None.
Horses ..... do	106	None.
Hops ..... boxes	1,946	1
White-oak staves	11,271	None.
White-oak boards	1,519	None.
Tobacco ..... hogsheads	24	None.
Do ..... cases	10	None.
Eggs ..... do	200	None.
Seed ..... bags	212	None.
Tallow ..... casks	441	None.

This is only a partial list of the freight conveyed by each steamer, but it fully illustrates the amount and items of the products of the farm conveyed by these two classes of ships. I have the entire manifest of the two steamers before me, and it is evident that the *St. Paul*, which receives the highest subsidy under this bill, carried practically no farm products except dressed beef and canned meats, which did not exceed five or six tons. How those who favor this measure, which donates annually to the *St. Paul* more than $300,000, engaged in carrying passengers, can point out that the farmers and producers of this country are the principal beneficiaries under the provisions of this bill passes my comprehension. I am not surprised that at the hearings before the committee, which consumed weeks of time, which I now have before me, that not a single farmer or producer appeared in favor of the passage of this measure.

I am not surprised that the shipowners alone, either in person or by counsel, monopolized the time of the committee in pointing out the great benefits to accrue to the country, especially to the farmers and producers, from the passage of this measure. A careful analysis of the bill will demonstrate that they alone are the beneficiaries of this legislation, and the zeal and earnestness with which they have pressed their claims is another forcible illustration of the benefits they expect to receive at the expense of the public Treasury. I am not satisfied to let this part of the argument rest with the two steamers above given. I wish to carry it farther. Take, for instance, the *St. Louis*, a swift passenger steamer of the American Line, which is a 21-knot ship, and would draw the highest subsidy given under the provisions of this bill. The *Georgic* is a freighter, and 13-knot speed, and belongs to the White Star Line. A comparison of the manifest of the *Georgic* of March 13, 1900, and of the *St. Louis* for February 20, 1900, as to the farm products conveyed by each gives the following results:

Amount of farm products carried by the Georgic and the St. Louis.

Freight conveyed.	Georgic, 13-knot ship.	St. Louis, 21-knot ship.
Corn ..... bushels	85,416	None.
Oats ..... do	6,900	None.
Hay ..... pounds	117,290	None.
Straw ..... do	12,005	None.
Flour ..... barrels	355	None.
Cattle ..... head	919	None.
Horses ..... do	127	None.
Wheat ..... bushels	39,917	None.
Cotton ..... bales	10,965	None.
Barley ..... bushels	9,655	None.
Cheese ..... cases	571	347
Bacon ..... boxes	1,624	4,250
Beef ..... quarters	6,661	3,871
Pork ..... boxes	4,306	None.
Tongue ..... barrels	30	10
Tallow ..... tierces	250	None.
Mutton ..... boxes	131	None.
Wood ..... cases	648	None.
Hams ..... boxes	123	12

Mr. President, by a careful examination of the manifest of both ships it will be seen that the *St. Louis* carried no real farm products and only about 400 tons of partly manufactured products. On the contrary, the *Georgic*, with a gross tonnage of considerable less than that of the *St. Louis*, which would receive only 1½ cents per gross ton subsidy, a little more than a third of the amount received by the *St. Paul* or *St. Louis*, carried of raw farm products—corn, oats, hay, cattle, wheat, cotton, and barley—about 7,000 tons. Of these products the *St. Louis* did not carry a ton. Yet, under the provisions of this bill, the amount of annual subsidy paid to the *St. Louis* would amount to $304,290, while the *Georgic*, which really conveyed the farm products, would draw a subsidy of not exceeding $90,150.

Of the farm products and semimanufactured products the *Georgic* appears to have carried at least twenty times as many tons as did the *St. Louis*, and, if you estimate the subsidy paid in proportion to the farm products carried, the *St. Louis* would receive eighty times as much subsidy as would the *Georgic;* and the *St. Paul*, on the same basis, would get thirty-seven times as much subsidy as would the *Manhattan*. These illustrations, figures, and facts demonstrate that the subsidy rates provided for in this bill are especially planned, not to promote exports of American products, but to provide luxurious steamers for those who wish to travel abroad and who are amply able to pay first-class cabin accommodations. It can not be successfully disputed that the greater part of our exports, especially grain, tobacco, and cotton, are borne in steamers of less than 11-knot speed, and the engine, fuel, and crew room required by these slow steamers is comparatively small.

The highest subsidy proposed for such a steamer is 1½ cents per gross ton for each 100 miles, not exceeding fifteen hundred miles, and 1 cent per gross ton for each additional 100 miles of the voyage. To illustrate, an ordinary freight steamer or tramp ship, say, of 6,000 tons gross (measured) tonnage would carry 7,500 tons of cargo. Now, the gross tonnage of the *St. Louis*, one of the international four great steamers, is 11,629 tons, and her net tonnage 5,839 tons, and her cargo capacity 3,500 tons. At the rate of subsidy proposed by this bill the *St. Louis*, a swift passenger steamer

of 21 knots speed, would receive for the first fifteen hundred miles of each of her outward and return voyages $3\frac{8}{10}$ cents per ton per 100 miles, and $3\frac{3}{10}$ cents per ton per 100 miles for the remaining distance, or over $26,000 for the round trip. This sum would be paid to her owners out of the Treasury of the United States. But the actual cargo capacity of the *St. Louis* is 3,500 actual tons cargo.

The fact, therefore, is that for carrying half the American exports, for which the freight steamer was only subsidized for $4,740, the luxurious, swift passenger steamer is subsidized for over $26,000, or, in proportion to American exports carried, not considering the question of passengers, the passenger steamer receives more than eleven times the subsidy than does the freighter. The cargo of the freighter is made up of grain, flour, pork, cotton, and tobacco, while the cargo of the swift passenger steamer is made up of box and crated manufactured goods. The articles carried by the swift passenger steamers are found not to be farm products, but the surplus products of American manufacturers shipped abroad, sold, in all probability, for less prices than charged to home customers. Still, not being satisfied with the comparison already made as to the amount of subsidy paid swift passenger steamers, devoted almost entirely to carrying passengers and manufactured finished products, as compared with the amount paid freighters which carry the bulk of the farm products, I wish to carry the comparison still further.

I have before me the manifest of the *Beatrice* of April 10, 1900; the outgoing manifest of the *Knight Commander* of March 24, 1900; the outgoing manifest of the steamship *Nordhvalen* of April 4, 1900; the manifest of the steamship *Starlight*, April 2, 1900; also the steamship *Clumbershall*, April 12, 1900; steamship *Sir W. T. Lewis*, March 4, 1900. I have sent to Baltimore and procured this information that I might ascertain accurately what kind of freight these steamers conveyed. All of these ships above mentioned are below 12 knots and are freighters, and under this bill will draw the minimum subsidy fixed and can not possibly draw exceeding $45,000 annually each, while the *New York*, a swift passenger steamer, would draw an annual subsidy of over $300,000. While all of the freight steamers above mentioned would draw the minimum subsidy under the provisions of the pending bill, these steamers at the same time would carry the bulk of farm products conveyed to foreign markets.

To further illustrate the freight capacity of the ships above set forth, below 12 knots, I give the outgoing manifest of each ship on the date named, and I ask Senators to make the comparison with the *New York*, *St. Paul*, *St. Louis*, and *Paris*, four swift passenger steamers, that a correct conclusion may be reached as to the farm products conveyed by each class of ships, as well as the amount of subsidy received by the freighters in comparison with the passenger steamers. The outgoing manifest of the steamship *Beatrice*, April 10, 1900, was as follows: Gross tonnage, 3,334; speed, below 12 knots. Drawn by Howard Steamship Company. Cleared from Baltimore for Havre. Itemized list of freight conveyed is as follows:

Corn, in bulk	bushels..	34,285
705 barrels chopped apples, equal to	pounds..	180,255
15 maple logs	feet..	3,400
48 walnut logs	do....	8,000
3,400 oak planks	do....	65,200
11,850 bars of copper	pounds..	1,593,160
17,660 plates, copper	do....	347,252
75 barrels sulphur copper	do....	45,075
576 bundles oak strips	feet..	5,068
468 pieces oak boards	do....	10,951
5,265 packages oak strips	do....	10,614
987 white-oak boards	do....	24,400
70 logs, black walnut	cubic feet..	1,200
1,174 oak poplar		
409 walnut	feet..	68,751
71 lumber		
375 barrels lubricating oil	gallons..	18,750
410 barrels lubricating oil	do....	20,500
1,636 barrels oil	do....	81,800
1,000 bags bark	pounds..	100,000
100 bales cotton waste	do....	49,387
1,792 boxes gluten meal	do....	200,000
46 barrels graphite	do....	13,640
1,463 sacks of oil cake	do....	757,720
950 barrels zinc oxide	do....	228,000
586 barrels carbon	do....	41,620
132 barrels ocher	do....	44,846
63 barrels tallow	do....	44,846
158 barrels apples	do....	27,908
550 packages lard	do....	43,450
167 bales hogs' hair, equal to	do....	63,163
Corn, in bulk	bushels..	34,285
210 boxes bark extract, equal to	pounds..	12,600

The above gives the line and class of freight conveyed by a steamer below 12 knots and which would draw the smallest subsidy mentioned in the bill. The outgoing manifest of the steamship *Nordvalen*, April 4, 1900, was as follows: Cleared from Baltimore for Denmark with mixed corn, 192,868 bushels, and 6,000 pounds of cotton bags. The steamship *Starlight* cleared from Baltimore April 2, 1900, for Southampton with 97,714 bushels corn and 103,449 bushels of oats. Both of these ships are freighters and below 12 knots and are engaged in carrying farm products, and would only draw the smallest subsidy mentioned in the bill. The steamship *Clumbershall* cleared from Baltimore April 12, 1900, to Rotterdam with mixed corn amounting to 185,142 bushels; yellow corn, 171,142 bushels; wheat, 16,000 bushels; bags of grain, 12,242 bushels. This steamship is a freighter and engaged in carrying farm products, and would likewise draw the minimum subsidy in the bill before us. The steamship *Sir W. T. Lewis* cleared from Baltimore March 4, 1900, for Havre with freights as follows:

Wheat in bulk	bushels..	24,000
Mixed corn in bulk	do....	51,428
550 bags chopped apples	pounds..	572,000
921 oak planks	feet..	25,000
24 walnut logs	do....	2,000
20 hogsheads Virginia tobacco	pounds..	40,100
775 bales cotton	do....	387,800
760 pieces oak lumber	cubic feet..	17,056
9,626 bars copper	pounds..	14,677
55 cakes copper	do....	11,572
1,670 ingots of copper	do....	33,637
22,249 plates of copper	do....	459,224
38 barrels sulphur copper	do....	22,725
4,748 pieces oak lumber	feet..	68,000
1,000 packages lard	pounds..	187,891
100 boxes evaporated apples	do....	173,113
1,050 barrels cotton-seed oil	gallons..	52,500
Sacks oil cake	pounds..	1,772,204
1,792 bags gluten meal	do....	225,792

These partial items of freight give some idea of the farm products conveyed by ships engaged in our foreign trade. All of the ships above mentioned are below 12 knots, and are engaged almost entirely in carrying farm products. Notwithstanding this fact, the framers of the bill now under discussion have studiously planned to give the smallest subsidy to this class of vessels, reserving the largest share of the bounty taken from the public Treasury for the swift passenger steamers engaged largely in conveying tourists on pleasure trips to foreign countries. I am desirous, however, in carrying this illustration still further, that I may point out the great inequality and injustice of the scheme which we are now considering. I will take another ship; for instance, the steamship *Knight Commander*. This steamship is likewise a freighter, with a speed below 12 knots, and cleared from Baltimore for London March 24, 1900, with the following itemized list of freight:

1,600 bags chop	pounds..	224,000
250 cases oysters	dozen..	1,000
25 cases oysters	do....	50
75 cases vegetables	do....	100
60 cases ox tongues	do....	720
Live cattle		224
6,150 barrels glucose	pounds..	4,294,944
Chimneys (glass)	boxes..	60
138 hogsheads, 130 tierces, 143 cases, leaf tobacco	pounds..	314,156
5,926 pieces lumber	feet..	22,145
Iron water gates	pieces..	25
Tubs and pails	packages..	259
Leather	do....	7
Glass	do....	8
Moldings	boxes..	2
Oil balsam and advertising matter	box..	1
6,500 bags glucose	pounds..	1,456,000
21,246 sacks flour	do....	3,104,440
2,600 bags starch	do....	728,000
250 bags oatmeal	do....	35,000
400 bags grits	do....	112,000
749 barrels wax	do....	310,035
3 bales quills	do....	500
100 pounds pork—gross	do....	350,000
1,600 cases pork, canned	do....	77,950
50 packages barks and roots	do....	7,479
1,600 bags grits	do....	224,000
6,080 ingots copper	do....	123,266
10,621 plates copper	do....	212,853
Sheet steel	boxes..	8
1,000 sacks crushed shells	pounds..	224,000
Prints	boxes..	2
5 bales and 30 bags bark	pounds..	1,180
1 bag berries	do....	1,400
Pipe staves		3,550
Staves	hogsheads..	13,000
95 bales hog hair	pounds..	74,549

A careful inspection of this list will give some idea of the farm products conveyed by this class of ships in comparison with the farm products conveyed by 21-knot ships, fast passenger steamers, which in reality draw the bulk of the subsidy provided by the pending bill. Having illustrated the classes of freight usually conveyed by steamers below 12 knots, which under this bill draw the subsidy named, let us examine with care and ascertain what benefit the farmers and producers of this country receive from the use of these swift passenger steamers.

Let us examine this bill with reason. Let us analyze it and see what is in it. Let us not take it for granted that this bill is framed in the interest of building up the merchant marine of our country simply because it says so. Let us examine its provisions. Let us analyze every section. Let us analyze every feature. Let us see whether or not the real purpose of the bill is to build up the merchant marine of the United States.

To make clear this position it becomes necessary for us to understand what classes of freight these fast passenger steamers usually convey; how much corn, wheat, oats, bacon, lard, cotton, timber, coal, iron, tobacco, and other farm products go to make up their cargo. I have before me the manifest of the steamship *New York*, March 27, 1900, owned by the International Navigation Company, and I have carefully gone through the itemized lists of her freight of that date, and what do I find? This passenger steamer, that would draw an annual subsidy under the provisions of this bill of more than $300,000, carried neither corn, wheat, oats, rye, bacon, live stock, cotton, tobacco, flour, meal, lumber, logs, or any other farm products. This illustrates what interest the farmer has in this class of ships.

I insert in the RECORD this entire manifest, that we may reach a proper conclusion as to what benefit will accrue to the farmer and producer in conveying his farm products to foreign markets by these passenger steamers whose owners are to be enriched out of the public Treasury at the expense of the people of the United States. The freights conveyed in this swift passenger steamer that would receive an annual subsidy of more than $300,000 out of the public Treasury consists of finished manufactured products shipped abroad. The majority of the Committee on Commerce, in their report favoring the passage of this bill, tell us that our exports of agricultural products for 1898 amounted to nearly 17,000,000 tons; that our total exports amounted to 28,000,000 tons, and that the primary purpose of this bill now before us is for the benefit of our exports, and that as agriculture in bulk and value furnishes much the greater part of our exports the bill is essentially a bill to promote the exports of agriculture.

The majority of the committee also tell us in their report that the most promising field for the future development of our markets for agricultural products is northern and temperate Asia, and that our grain fields and cotton plantations will gain in greater proportion from the enactment of this bill into law than the seaboard shipbuilding and ship-owning States, whose benefits, they say, from its enactment are to the casual eye more clearly manifest. A more absurd proposition was never stated. How our grain fields and cotton plantations are to be benefited in greater proportion than the shipbuilding and ship-owning States by legislation which takes from the public Treasury $9,000,000 annually for a period of twenty years and contributes this vast sum, collected by taxation from the people, to shipowners to aid them in carrying on their private business, I must confess I am unable to see.

By what process of logic or reasoning these gentlemen reach the conclusion that the farmer and producer will be benefited more than the shipowner by the provisions of this measure, thus far they have been unable to tell us. The proposition stated by the majority of the committee is simply this: If you will tax all the people and raise $180,000,000, and take this sum and give it to the shipowners and aid them in developing their private business, you will benefit the people who pay the taxes more than the private individual who receives the donation. I presume the majority of the committee are going on the theory that it is more blessed to give than receive. While the friends of the measure proclaim loudly that its real purpose is to increase our merchant marine, so as to promote the commerce and increase the foreign trade of the United States, a careful analysis of the bill—I desire to reflect upon no Senator who assisted in framing the bill, because the presumption is that all acted honestly—will show conclusively that it was not framed with the view of building up our merchant marine; at least, if enacted into law we can not hope to see such results follow. The bill provides, as I have said heretofore, that the owner or owners of any vessel of the United States now in existence, and completed and in existence January 1, 1900, shall be entitled to make application and draw the subsidy out of the public Treasury without being compelled to build other ships to correspond in tonnage with the ships drawing the subsidy. This provision of the bill is not drawn with the view of encouraging shipbuilding and enlarging our merchant marine.

If those favoring this measure desired such results, why did they simply require the owners of existing vessels claiming such subsidy to build new vessels equal to 25 per cent of the tonnage of the vessel or vessels receiving the benefit of the subsidy? When Congress undertakes to provide that the owners of all vessels now in existence belonging to citizens of the United States and engaged in the foreign trade of the United States shall draw from the Government a large subsidy to aid such owners in carrying on their private business without compelling such owners to build other ships to correspond in tonnage capacity with those ships drawing the subsidy, such legislation can not possibly result in any great increase of the merchant marine.

If the friends of this bill framed it with the view and for the purpose of encouraging shipbuilding, why did they not provide that the owner or owners of any vessel engaged in the foreign trade of the United States, before receiving the benefit of the subsidy provided in the act, should be required to obligate themselves to build new ships to correspond with those receiving the benefit of the subsidy? In such an event every owner of a vessel applying for the subsidy would have been compelled to have built a similar vessel, which would have resulted largely in building up the merchant marine and would have given a great stimulus to shipbuilding in the United States; but clearly, to my mind, this legislation in its present form can produce no such results. If Senators will examine the testimony taken before the committee, the conclusion will be reached that the shipowners have a thorough organization to carry through this legislation.

They were not seeking opportunities to build ships; but, on the contrary, to secure legislation that will enable them to go into the public Treasury and draw nine million annually and divide it among themselves. If it be the sole purpose of the friends of this measure to encourage the building of ships and to enlarge our merchant marine, why is it necessary to pay the bulk of this subsidy to the owners of ships already in existence and engaged in our foreign trade without requiring the owners of such ships to build and put in use other ships of a similar character?

I have reference to American shipowners in discussing this feature of the bill; that is, American shipowners flying under our flag. If the framers of this bill had no other purpose in view except to stimulate shipbuilding in the United States, why did they deem it necessary to take from the public Treasury millions of dollars annually and pay to shipowners now engaged in the foreign trade of the United States, whose ships have already been built and who are not required, as a condition precedent, to build other ships to correspond with those receiving the subsidy? If those who favor this legislation are acting in good faith and are actuated by no other motive except to increase our merchant marine and to encourage shipbuilding in our country, why did they not provide that the subsidy shall be paid to those who will build ships hereafter?

The testimony taken before the committee does not develop the fact that those who have so zealously and earnestly advocated this measure, both in person and by counsel, have any great anxiety about our merchant marine. It does not develop the fact that they were solicitous about new shipyards, or the building of other ships. Their great anxiety was about their present business. The ship owners were not satisfied with the fares they had collected from the customers and the dividends they had divided among their stockholders, and they came to the Treasury of the United States not for aid to build new ships or to enlarge our merchant marine, but to swell the profits of their business at the expense of the public Treasury. The more carefully we study the provisions of the bill and endeavor to reach the results that will follow from its passage, the more we become convinced that its real purpose is to enhance the business, to add to the dividends, and to enlarge the profits of the owner of ships, whether corporations or individuals, now in existence and engaged in our foreign trade.

In all probability the friends of the bill will contend that in the ninth section provision is made to remedy the evil which I have been discussing. This section, which has been amended—and I will discuss the amendment later on—provides that any foreign-built steamship a majority interest in which was owned by American capital on the 1st of January, 1900, may be admitted to American register. That is, as I understand it, a foreign-built ship, the majority of whose capital is owned by American citizens, may apply and receive the benefit of the subsidy, provided they sail under our flag. That is, they get half of the subsidy which is allowed to the owner of a ship already sailing under our flag.

Mr. HANNA. Will the Senator allow me to interrupt him for a moment?

Mr. CLAY. With pleasure.

Mr. HANNA. There are still further conditions connected directly with that provision.

Mr. CLAY. I understand that. They are required to build other ships.

Mr. HANNA. Yes.

Mr. CLAY. I will not misstate the bill. If I do so, it will not be intentional. It also provides—now see if I am correct about it—that foreign-built ships the construction of which for Americans had begun on or before January 1, 1900, and that has been changed, as I understand it, from January 1, 1900, to February, 1899, which, in my opinion, is a very serious objection to the bill, but which I will discuss later on, shall be entitled to American register. This feature of the bill gives to American citizens who own ships sailing under a foreign flag, provided a majority interest in such is owned by American capital, the right to participate in the division of this subsidy under conditions which I shall now proceed to discuss for the purpose of demonstrating that this feature of the bill will not result in any great increase in our merchant marine.

It is true that before the foreign-built steamship can receive any part of this subsidy a majority of the stock in such foreign-built

steamship now sailing under a foreign flag must be owned by American capital. It is also true, under the provisions of this bill, that the admission of all these foreign-built steamships is conditioned upon the construction within the United States inside of ten years of vessels equal to the gross tonnage of those receiving the subsidy. In other words, American citizens who have invested their money in foreign-built ships and who are now sailing them under foreign flags are permitted to admit these ships to American register, and to sail them under our flag, and to participate in the subsidy fixed in this bill, provided the American owners of such foreign-built vessels will build other vessels to be used in our foreign trade equal to the gross tonnage of the vessels receiving the benefit of this subsidy. The difference between American citizens owning American vessels and those owning foreign-built vessels is that the former are not required to build other vessels of like capacity and the latter are required to build such vessels in order to receive the subsidy.

Mr. MONEY. Will the Senator from Georgia permit me?

Mr. CLAY. With pleasure.

Mr. MONEY. The Senator is delivering a very instructive speech, and I wish to ask him a question for information. Will not the foreign-built ship owned by Americans in the ten years make enough out of the subsidy to build the ship required, without requiring anything to be paid out of the pocket of the owner?

Mr. CLAY. I believe they are required to build the ship before the subsidy is paid. That is my recollection. The money is held in the Treasury until the ship is built, and it is then turned over to them.

Mr. MONEY. It is the same thing.

Mr. CLAY. I presume in the course of ten or twelve years, in all probability, they would receive enough subsidy to pay for building a ship, but, to be perfectly fair, the bill does not provide that the subsidy shall be paid until the ship is completed.

This provision of the bill requiring American owners of foreign-built ships before such owners can receive the benefit of the subsidy, to build other ships with equal tonnage capacity to those receiving the subsidy would indicate to the casual eye that the merchant marine would likely be greatly increased by virtue of such provision. But to my mind such result would not follow. It is necessary to understand the entire provision of this bill to reach a correct conclusion. Under section No. 1 and Paragraph D it is provided that a foreign-built vessel admitted to American register, pursuant to the provisions of this act shall be entitled to compensation at the rate of 50 per cent of the rates fixed by this section, and no more. This means the owners of American vessels now in existence engaged in our foreign trade, flying them under an American flag, shall receive the highest subsidy provided in this bill without being required to build other ships of like character, while the American citizen who has placed his money in foreign-built ships and who undertakes to avail himself of the benefits of this act is required to build other ships, and then receives only 50 per cent of the subsidy given to the owners of American ships engaged in our foreign trade.

To state it more plainly, every time the American owner of a ship sailing under our flag receives a hundred-dollar subsidy the American citizen who owns foreign-built ships, under the provisions of this bill, will draw $50. Now, what will be the result so far as increasing the merchant marine? The owners of American vessels registered for foreign trade will draw twice the subsidy for operating their ships that those draw who may bring their foreign-built ships under our flag and register them for foreign trade.

It necessarily follows that American capital invested in foreign-built ships will readily see the disadvantage under which it labors. American citizens who have invested their money in foreign-built ships, and who are sailing them under a foreign flag, will not avail themselves of the provisions of this bill, for the reason that they are not only required to build new ships, but after they have done so they can only draw half of the subsidy allowed ships of Americans flying our flag. They can not afford to come in competition with a class of ships drawing from the public Treasury a sum twice as large as the amount given to American owners of foreign-built ships. As we proceed to analyze the bill, every step we take leads inevitably to the conclusion that, any view you take of the different features of the measure, no great stimulus will be given to shipbuilding in the United States, and consequently our merchant marine will not be enlarged to any great extent by this legislation.

Since I began the preparation of my argument two amendments have been adopted by the Committee on Commerce, which materially change the bill and render it much more objectionable than when the bill first came from the committee. The bill originally provided that no vessel shall be entitled to the full compensation unless she shall have cleared from a port of the United States with cargo to the amount of 50 per cent of her gross tonnage. The bill, as amended, strikes out "gross tonnage" and inserts "capacity for carrying commercial cargo." This is a radical difference. There is quite a difference between the gross tonnage of a steamship and its commercial tonnage, or cargo capacity. Gross tonnage means the entire cargo capacity of a ship, not deducting any space for coal, fuel, crew, etc. Take, for instance, the *St. Louis*, a swift passenger steamer of 21 knots, and this ship has a gross tonnage of 11,629 tons and a cargo capacity of 3,500 tons.

The bill, as originally reported, required this ship when it cleared from a port to carry cargo equal to 50 per cent of its gross tonnage. The amendment as adopted allows such a ship to draw the entire subsidy when it clears from a port with 50 per cent of its capacity for carrying commercial cargo. In other words, this amendment provides that the swift passenger steamers can first deduct the space consumed by coal, fuel, crew, passengers, etc., and draw the full subsidy, provided such a ship shall convey a cargo equal to one-half of the space left, deducting the space consumed as above set forth. This is another evidence, to my mind, that the bill is not intended to increase our agricultural exports, but that its principal benefit is to go to the owners of the swift passenger steamers, engaged almost entirely in conveying passengers to foreign countries.

The other amendment to which I desire to call attention, radically changing the bill, is as follows:

> Only foreign-built steamships that were on the 1st day of February, 1899, engaged in an established freight or passenger business, or both, and such steamships as were under contract for construction on February 1, 1899, are permitted to avail themselves of the benefit of this act.

That is, foreign-built ships, of which a majority of the capital stock is owned by American citizens and which were completed on February 1, 1899, or were under contract for construction February 1, 1899, are permitted to make application to participate in this subsidy. This amendment is intended to restrict and not to expand our commerce. The bill as drawn and reported by the committee took one step in the direction of free ships by providing for the admission of foreign ships under certain restrictions.

This amendment confines the subsidy to such ships as were completed or in process of construction on February 1, 1899. How easily such an amendment could be utilized for the special benefit of a certain class. This ship-subsidy bill has been before the country for some time. Those who have been expecting to avail themselves of its benefits, and who were largely instrumental in securing its favorable consideration by Congress, and who knew well what would be its provisions could easily have adjusted and prepared contracts for the construction of ships by February 1, 1899, and filed them with the Secretary of the Treasury, preparing to be the beneficiaries of the provisions of this act. It is to be assumed that the ship owners and builders, who control the leading lines and who, it is admitted, were largely instrumental in preparing the bill, knowing what the legislation would be, would so shape their business in the construction of ships as to make all the contracts possible up to February 1, 1899.

Those who were not on the inside of this legislation and not realizing the time that would be fixed for making contracts for the construction of ships, not knowing that the time for such contracts would expire February 1, 1899, two years before the passage of the bill, would be shut out from making contracts for the construction of ships entitled to enjoy the benefit of this subsidy. Persons who may have completed ships since February 1, 1899, or who may have entered into contracts for the construction of ships since that time are not entitled to enjoy the benefit of this subsidy. This amendment, to say the least of it, is suspicious of favoritism, and would indicate that the persons who are to enjoy the benefit of the subsidy under this provision knew before the passage of this legislation that the subsidy would be confined to a certain class, to wit, those who had completed their ships or who had entered into contract for the construction of ships on or before February 1, 1899. Why were not the friends of this measure willing to extend this feature of the subsidy to the owners of ships in existence at the time of the passage of the act or that might be under contract for construction at the time of the passage of the act or for a certain time to be named in the future? Why not give an equal and a fair chance to all ship owners and builders who might be entitled to the subsidy under this feature of the bill?

There is another objection to this bill, to my mind, that carries with it great weight. Under the provisions of the bill any citizen of the United States who applies to the Secretary of the Treasury for the purpose of building a new ship and receiving the benefit of this subsidy must do so within five years after the passage of this act, and American owners of foreign-built vessels receiving the benefit of this act must, within ten years after the registry of any foreign-built vessel, build a new vessel of an aggregate gross tonnage equal to the gross tonnage of the foreign-built vessel receiving the benefit of this subsidy.

Now, American citizens, under this bill, who may desire to build ships to participate in this subsidy must do so within five years. American citizens who do not own ships before the passage of this act, and who build them within the next five years, will enjoy the benefit of this subsidy for twenty years. But ships built after

this five years shall have elapsed can not participate in the subsidy. What will be the result? Those who may build ships during the next five years, enjoying the benefit of this subsidy, will have the advantage over those who may build ships after five years, one receiving a large subsidy from the Government every year and the latter class receiving nothing. The result will follow—every American ship built during the next five years will be under a bounty contract for twenty years, longer than it would last, while new ships, built after five years, will not be subsidized and can not compete with the ships built during the next five years enjoying the benefit of this bounty.

The stimulant gives out at the end of five years, but the ships built during this period enjoy the stimulant for twenty years. Americans, realizing that the ships already built during this five years will continue to enjoy this bounty, will see that it is impossible to build new ships, after a lapse of five years, to compete with these subsidized ships built under the provisions of this act. There certainly will then come in the history of our country a period when no American can afford to build a new ship to compete with those ships enjoying this large subsidy for twenty years to come. This is one of the serious difficulties which is always inherited from the bounty scheme and can not be avoided. History teaches us that such has always been the result. A bounty once begun, there is no good place for giving it up. The more bounty you give the more the recipient wants.

In the language of the minority of the House committee against the passage of this measure, "A bounty works on an industry like alcohol on the human system—the more you take, the more you want; and after you have taken too much, it will kill you to stop and kill you if you do not stop." An American marine built up in this way will not remain long at a maximum point, but will decrease and go to decay so soon as the supply of the bounty ceases. If money must be taken from the Treasury to give life and growth to our shipping interest, it will be essential to continue the bounty system; otherwise, retrogression, failure, and ruin will follow. This has been the experience of other nations and will apply to both features of the bill, either the five or ten year limit.

The argument relied upon by the advocates of this measure to secure the passage of this bill is the small per cent of our exports carried in American vessels in comparison with foreign vessels. They claim that in 1839 we carried 33 per cent of our exports in American vessels and in 1879 only 23 per cent; and in 1889 only 14 per cent and in 1899 still less—8.9 per cent. The majority of the committee could have gone further and truthfully stated that the percentage of our exports and imports carried in vessels of the United States from 1855 to 1899 have gradually decreased. From 1857 to 1867, a period of ten years, there was a decrease of from 70 per cent to 33 per cent, and from 1867 to 1881 a decrease from 33 to 16 per cent; or, to sum it up, in 1882, of the goods, wares, and merchandise exported from and imported into the United States American vessels transported only 16.2 per cent and foreign vessels 83.8 per cent.

The way to meet a proposition or an argument, especially an argument which the friends of the measure claimed to be the controlling one in the debate, is to state the truth, draw correct conclusions as to the causes which have produced the results, and then apply a proper remedy. Let us make intelligent inquiry and see why there has been a decadence of the merchant marine of the United States during the last half of a century. There was a time that, without any Government protection whatever, the navigation of the United States challenged the competition of the world and sustained itself. Our shipowners and shipbuilders met and successfully overcame universal competition. It was not sustained by protection and bounties, but by extreme economy, by unshaken perseverance, and by that manly and resolute spirit which relies on itself to protect itself.

Now, in 1851 the foreign steam tonnage of the United States and Great Britain were almost equal, and the prospects were that the United States would overtake her great commercial competitor. Now, why our decadence? When did it begin? How long has it continued? To what causes can we attribute this decadence? How could we have been saved from this great humiliation? The retrograde movement has continued for nearly fifty years. Our exports have increased enormously, but they have been carried by foreign ships. Now, why this condition of affairs? Why is it that the commercial tonnage of nearly every other nation has increased while ours has declined?

They are questions addressed to the intelligence and patriotism of every American citizen. Undoubtedly history teaches us that our gradual decline began when steam was substituted in place of wind and iron in place of wood as a material for the construction of ships. No one can dispute that when wood was the principal article used in the construction of ships, the United States had decidedly the advantage in the cost of material. We all know that when iron was substituted for wood and the steam vessel took the place of the sail vessel, the natural advantage which we enjoyed was swept away. It was soon discovered that the iron ship was in every way superior to the wooden ship and that the steam vessel was to be the vessel of the future. At that time the iron industry of the United States had not been developed—as we were an infant nation—and American shipowners and merchants could not procure the necessary material to compete with England in the construction of steamships, and from the day iron was substituted for wood England had a decided advantage over the United States in the building and operating of ships.

Wise statesmanship demanded that so soon as iron took the place of wood in the construction of ships, and the United States did not have the means and appliances for the construction of iron vessels, then we ought to have availed ourselves of the results of British skill in the construction of steam vessels until the iron industries of our country had been properly developed. On the contrary, by reason of the statutes of our own country, citizens of the United States interested in ocean commerce were absolutely forbidden to take advantage of the superior conditions then existing in England in the construction of steam vessels. We had no idea at that time of the inexhaustible supply of iron in our own country. As said before, our iron industries had not been developed and England had decidedly the advantage of us when iron took the place of wood in the construction of vessels.

Our navigation laws prohibited our citizens from buying steam vessels from England, and we had not discovered the superior advantages which we enjoyed for the construction of iron ships in lieu of wood. Consequently, we could neither buy from nor compete with England, and when steamships took the place of sail vessels, then began and continued the decay of our merchant marine. If our citizens had been permitted to take advantage of the conditions existing in England, the condition of affairs which has confronted us since 1855 would never have existed.

The Revised Statutes of the United States provided that no American citizen shall be allowed to import a foreign-built vessel, in the sense of purchasing, acquiring a registry or title to, or of using her as his own property. I read, as a part of my remarks, the provisions of our navigation laws which, in my opinion, are responsible for the decay of our merchant marine, found on pages 75 to 94, inclusive, of a book by David A. Wells on Our Merchant Marine; How it Rose, Increased, Became Great, Declined, and Decayed; with an Inquiry into the Conditions Essential to its Resuscitation and Future Prosperity:

THE PROVISIONS OF OUR NAVIGATION LAWS.

Having traced the inception and growth of the navigation laws of the United States, let us next inquire into their provisions. They may be, in the main, stated and illustrated as follows:

1. No American citizen is allowed to import a foreign-built vessel, in the sense of purchasing, acquiring a registry or title to, or of using her as his own property; the only other absolute prohibitions of imports on the part of the United States being in respect to counterfeit money and obscene publications or objects. (U. S. Rev. Stat., sec. 4132.)

Furthermore, while we are the only people in the world who are forbidden to purchase foreign-built vessels, we freely permit all the world to enter our ports with vessels purchased in any market. Precluded, therefore, by the first provisions of our navigation laws from engaging on equal terms in the carrying trade with foreigners, we wonder and complain that the carrying trade of even our own products has passed from our control.

2. An American vessel ceases to be such if owned in the smallest degree by any person naturalized in the United States who may, after acquiring such ownership, reside "for more than one year in the country in which he originated, or more than two years in any foreign country, unless such person be a consul or other public agent of the United States." (U. S. Rev. Stat., sec. 4134.)

3. If a native-born American citizen, for health, pleasure, or any other purpose, except as a consul of the United States or as a partner or agent in an exclusively American mercantile house, decides to reside ("usually") in some foreign country, any American vessel of which he may be in all or any part owner at once loses its registry and ceases to be entitled to the protection of the flag of the United States, even though the vessel may have been of American construction and have regularly paid taxes in the United States, and the owner himself has no thought of finally relinquishing his American citizenship. (U. S. Rev. Stat., sec. 4133.)

To illustrate this provision of our navigation laws, let us suppose Capt. John Smith, not a naturalized citizen, but a native American, is an owner, in all or part, of an American vessel. He becomes afflicted with a disease of the lungs, and, for his health, goes to live in the south of France, on account of the balmy atmosphere that prevails there. The moment that Capt. John thus, under the law, begins to "usually reside" in a foreign country, his vessel is liable to lose its register and the protection of the flag of his country.

4. Every citizen of the United States obtaining a register for an American vessel must make oath "that there is no subject or citizen of any foreign power or State, directly or indirectly, by way of trust or confidence, or otherwise, interested in such vessel or in the profits thereof." (U. S. Rev. Stat., sec. 4142.)

We invite foreign capital to come to us and help build our railroads, work our mines, insure our property, and even buy and carry our Government bonds as investments, but if a single dollar of such capital is used to build an American ship and thereby represents an ownership to any extent of the value received, we declare the ship to be thereby so tainted as to be unworthy of the benefit of American laws.

5. A foreigner may superintend an American factory, run an American railroad, be president of an American college, or hold a commission in the American Army, but he can not command or be an officer of a registered American vessel. (U. S. Rev. Stat., sec. 4, 131.)

Notwithstanding this express provision of law it is an indisputable fact that there is hardly an American vessel engaged in foreign trade that has not one or more foreigners employed as officers, and instances, it is said, are not rare of American vessels which have no citizens of the United States on board except the master.

If Capt. John Smith, being a foreigner, took command of an American vessel and falsely swore that he was an American citizen he would "forfeit and pay the sum of $1,000." If one of the owners should take such oath, Captain Smith not being in the district, the vessel would be subject to forfeiture, but no such case of forfeiture has ever occurred. She would, however, not be subject to forfeiture "if Captain Smith had been appointed the lowest officer on the vessel." To be sure, the law requires that "officers of vessels of the United States shall in all cases be citizens of the United States," but there is no penalty whatever imposed on the vessel if they are not.

Many American citizens, on the other hand, undoubtedly own vessels under foreign flags. Some of them transferred their vessels to English colors during the war to escape capture by Confederate war vessels; but there are many who adopt this expedient to obtain cheap ships. They engage a trustworthy English clerk, for instance, and buy the vessel in his name, holding a mortgage for her full value as security.

Some years ago the American consul-general to China, Mr. Seward, in a report to the State Department, stated, as within his personal experience from 1862 to 1875, "that the rigid enforcement of this law would often have forced the owners or agents of those vessels engaged in that part of the world to lay up their ships or transfer them to other flags."

6. No foreign-built vessel, or vessel in any part owned by a subject of a foreign power, can enter a port of the United States, and then go to another domestic port with any new cargo or with any part of her original cargo that has been once unladen, without having previously voyaged to and touched at some other port of some foreign country, under penalty of confiscation. By a compartively recent construction of the law, all direct traffic by sea between the Atlantic and Pacific ports of the United States via Cape Horn or the Cape of Good Hope or across the Isthmus of Panama is held to be of the nature of a coasting trade or voyage in which foreign vessels can not participate. (U. S. Rev. Stat., sec. 4347.)

In view of the fact that there has been no attempt in recent times on the part of the English, French, or Dutch Governments to interfere with the transport of merchandise by American ships by the common highway of the ocean between the home ports of these countries and their colonial possessions, this construction of law, not contemplated at the period of its enactment, was regarded by Europe as a bit of very sharp and mean practice on the part of the United States, as it undoubtedly was.

7. An American vessel once sold or transferred to a foreigner can never be bought back again and become American property, not even if the transfer has been the result of capture and condemnation by a foreign power in time of war. (U. S. Rev. Stat., sec. 4165.)

8. A vessel under 30 tons can not be used to import anything at any seaboard port. (U. S. Rev. Stat., sec. 3095.)

9. Goods, wares, and merchandise, the produce of countries east of the Cape of Good Hope, when imported from countries west of the Cape of Good Hope, are subject to a duty of 10 per cent in addition to the duties imposed on such articles when imported directly. [This provision of law, after an experience of over ninety years, the present Congress (1882) has repealed after January 1, 1883.] This law is interpreted so stringently that old second-hand gunny bags, nearly worn out, do not lose their distinctiveness to an extent sufficient to exempt them from additional duties if they finally come to the United States, in the process of using, from a place west of the Cape of Good Hope. A few years ago a vessel from China, destined to Montreal, Canada, was sent, on arriving, to New York without breaking bulk. It was held that the voyage ceased in Canada and that the new voyage to New York subjected the cargo to an additional 10 per cent. By the original navigation laws (act of 1790) it was provided that the tariff on all articles imported in American vessels shall be less than if imported in foreign vessels. On "Hyson" tea the duty in American vessels was 20 cents per pound; in foreign vessels 45 cents. The present discriminating duties on products of countries east of the Cape of Good Hope, imported indirectly, are a remnant and legacy of these old restrictions. (U. S. Rev. Stat., sec. 2501.)

10. If a vessel of the United States becomes damaged on a foreign voyage, and is repaired in a foreign port, her owner or master must make entry of such repairs at a custom-house of the United States as an import, and pay a duty on the same equal to one-half the cost of the foreign work or material, or 50 per cent ad valorem; and this law extends so far as to include boats that may be obtained at sea from a passing foreign vessel in order to assure the safety of the crew or passengers of the American vessel. (U. S. Rev. Stat., sec. 3114.)

To the credit of former days it should be said that this provision of law was not a part of the original navigation laws of the United States, but was incorporated into them by special statute passed July 18, 1866, entitled "An act to prevent smuggling, and for other purposes." Under the Treasury regulations it is held that, although no part of the proper equipment of a vessel arriving in the United States from a foreign country is liable to duty, such equipment, if considered by the United States revenue officers as redundant, is liable to the payment of duty as a foreign import, although there may be no intent of landing, disposing of, or using such extra equipment, except in connection with the vessel. Thus, for example, when two sets of chains were found on board of a foreign vessel, and one set was held to be all that was necessary, the other set was made chargeable with duty. In another case, where anchors and chains were bonded on importation, and at the same time entered for exportation, and placed on board the vessel as a part of her equipment, it was held by the Treasury that the legal duties should be collected on the same.

11. Foreign vessels losing rudder, sternpost, or breaking shaft and arriving in the United States in distress can not import others to replace these articles here without payment of the duty on the same. In one case of actual occurrence a foreign line of steamers left—during a trip interval—their mooring chains of foreign manufacture on an American wharf. Some overvigilant revenue officer reported the occurrence to the Treasury Department, and it was decided that as the chains were landed, the legal duties should be collected from them as an importation. A foreign vessel can not even land copper sheathing for the sole purpose of being recoppered by American workmen without paying duties on the old copper stripped off and the new copper put on as separate and distinct imports. During the year 1871 the owner of a Dutch vessel entered at Boston, ignorant of the peculiar features of the tariff of the United States in respect to the ocean carrying trade, put on board at the foreign port of clearance a quantity of sheet copper sufficient to sheath the bottom of his vessel, it being intended to have the work done in the United States upon her arrival in order to save time and put the vessel in good order for her return voyage.

The agent, advised of this arrangement, referred the matter to the officials of the Boston custom-house for instructions, only to learn that the new sheathing metal could not be used in the United States as proposed without paying a duty of 45 per cent, while the copper taken off the ship's bottom must also pay a duty of 4 cents per pound as an importation of old copper. The agent signified his willingness to pay the latter and sell the old metal for what it would bring, but requested to be allowed to land the new copper in bond for reexportation, as it would be carried out by the same vessel that brought it in. He was informed, however, that the bond for exportation required for its cancellation a certificate of the landing of the bonded goods in the foreign port for which its export was declared, which could not be obtained if it was entered at the port of destination upon, and not in, the ship carrying it. The consequence was that when the ship discharged her cargo at Boston, she sailed for Halifax, Nova Scotia, carrying her sheathing copper with her, and after having been there coppered by the shipwrights of the British provinces returned in ballast to Boston for her return cargo, all this costly proceeding being cheaper than the payment of 45 per cent duty for the privilege of employing American workmen to take off the old sheathing and put on the new.

12. If a citizen of the United States buys a vessel of foreign build which has been wrecked on our coast, takes her into port, repairs, and renders her again serviceable and seaworthy, he can not make her American property unless it is proved to the satisfaction of the Treasury Department that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired. (U. S. Rev. Stat., sec. 4136.)

The following is an illustration of the working of this statute: In 1871 a citizen of Baltimore purchased a foreign-built vessel wrecked on the American coast and abandoned to the underwriters, and, by spending a large sum in reconstruction, rendered her again seaworthy. He then, being desirous of employing his capital embodied in this instrumentality of trade in the most profitable manner, and assuming that the reconstructed wreck was his lawful property, arranged for an outward cargo, under the flag of the United States. But when the vessel was ready to sail registry was refused by the customs officials on the ground that the vessel was of foreign construction, the sum of the repairs put on the wreck being a little less than three-fourths of the original cost of the vessel; or, in other words, the substance of this decision, which was correct in law, was, that while the citizen, under the laws of the United States, might lawfully buy and acquire title to a wreck, and use it for any purpose other than navigation, as, for example, a dock, a house, or a coal bin, he could not acquire title to it and make it American property lawful to use as a vessel, even after he has paid duties on its old materials as imports, unless he could show that he had expended upon the abandoned construction, for the purpose of restoring it to its original quality for service, a sum nearly equivalent to the cost of building an entirely new vessel. The owner, by law, most mercifully, in such cases is not, however, deprived of the privilege of selling the property to a foreigner.

13. Every vessel belonging to the mercantile marine of the United States engaged in foreign trade—vessels employed in the fisheries excepted—must pay annually into the Federal Treasury a tonnage tax at the rate of 30 cents per ton. (U. S. Rev. Stat., sec. 4219.)

At the commencement of the war there were no tonnage taxes, but, by the act of July, 1862, a tonnage tax of 10 cents per ton was imposed, which was afterwards increased to 30 cents, the present rate. Although there was nothing specific in the recent enactments to warrant it, and American shipping engaged in foreign trade was in such a condition as to demand the kindliest consideration from Government, the Treasury officials, interpreting the statute according to the invariable rule for the benefit of the Government and to the disadvantage of the citizen, were in the habit, up to 1867, of collecting this tax at every entry of a vessel from a foreign port; but by the act of March, 1867, tonnage taxes can now be levied but once a year. On a ship of 1,000 tons the present tax, amounting to $300 per annum, represents the profits or interest, reckoned at 6 per cent, on an invested capital of $5,000, and on a ship of 2,000 tons of $10,000. Mr. F. A. Pike, of Maine, in a speech in the United States House of Representatives, May, 1868, stated that this tax was equivalent, in many instances, to 3 per cent on the market valuation of an inferior class of American vessels employed only in the summer months, and largely owned by his constituents.

Vessels belonging to foreign States between whom and the United States ordinary commercial relations are established pay the same tonnage taxes as American vessels. But if any person not a citizen of the United States becomes an owner to the extent of the merest fraction in a ship of American build, then such ship is not entitled to the privileges accorded to ships owned wholly by foreigners, but must pay on entering a port of the United States a tonnage tax of 60 cents, or double rate, and such vessel at once ceases to be entitled to registry or enrollment as a vessel of the United States. Here, then, we have piled up, as it were, on the top of all other provisions another direct, odius, and stupid discrimination against the employment of foreign capital, provided it should so incline for the developing of the American shipping interest and the employment of labor even in our own dockyards and harbors. Supposing a similar law to be proposed discriminating in like manner against the investment of foreign capital in American railroads, mines, factories, and mercantile enterprises generally, does anyone doubt that the proponent would be at once hooted into contempt? And yet the hypothetical law is no more absurd than the law that actually exists upon the statute book.

Practically the law is a dead letter in the case of ordinary vessels; rigid inquiry as to ownership is rarely or never instituted, and the oath required is regarded and taken as a mere form. In case of incorporated American ocean navigation companies (if there are any such) the president of the company has only to swear to the ownership of any vessel by the company and the Federal officials will not care if the ownership of one or a majority of the shares of the corporation vest in citizens of foreign nationalities, the provision of the statute as with a view of making the law of noneffect being that, in this swearing to ownership by a company, it shall not be necessary to designate the names of the persons comprising such company. The result of this is that any foreigner can purchase shares in any American navigation company and not a vessel of their fleet will thereby lose American registration and American protection; but if a foreigner became the owner of the smallest fraction of a hundred-ton steamboat, plying between Key West and Habana, the registration of such vessel would be immediately vitiated.

If a Sunday school or a picnic party, out on an excursion, happen to come into an American port on a foreign (Canadian) vessel (as was recently the case on one of our upper lakes), for mere temporary and pleasure purposes, the vessel is liable to a tonnage tax; and a libel against the vessel instituted by an overzealous official for its payment was decided by the Treasury Department (August, 1876) to be a proceeding which the Government must enforce.

14. By the act of June 6, 1872, all materials necessary for the construction of vessels built in the United States for the purpose of foreign trade may be imported and used free of duty. But no American vessel receiving the benefit of this act can engage in the American coasting trade for more than two months in any one year without payment of the duties which have been remitted.

15. The several ports of the United States are classified by districts, and in each district one port is designated by statute as a "port of entry" and others as "ports of delivery." All vessels on arriving from a foreign country in any district must first report at the established port of entry and there conform to the details of the custom-house service; after which the vessel, if American, can proceed, if desired, to any port of delivery in the district for the purpose of unloading. But if a vessel be foreign it can only discharge at the port of entry, even though its cargo be imported exclusively for the use of American citizens at a port of delivery. A ship, therefore, may pass almost within hail of the point of destination of its cargo and yet be compelled to unload many miles away, thus necessitating reshipping and repeated handling at much additional expense. Thus the customs district of Boston and Charlestown comprises only one port of entry—Boston—while Cambridge, Medford,

Hingham, Cohasset, etc., are all ports of delivery only. If a foreign vessel arrives from abroad with a cargo of hemp for Hingham, instead of proceeding direct to the wharf in that port, she must first sail right by, enter herself and cargo in Boston, and then unload at a Boston wharf, when the goods may be reshipped by packet or railroad for Hingham. Again, if a foreign vessel is loaded with a cargo for Saybrook, a port of delivery at the mouth of the Connecticut River, she must pass directly by her destination and proceed 40 miles up the river, often with difficulty navigable, to Middletown, the port of entry for the district, and there discharge and provide for the reconveyance of her cargo by some other method of transportatian to the place where it is wanted.

The following will also illustrate in some degree the manner in which the navigation laws of the United States have been executed:

All vessels of the United States engaged in the coasting trade are required to be enrolled and licensed, and vessels engaging in trade and transportation without previously procuring such enrollment or license are liable to seizure and heavy penalties. On the east bank of the Hudson, in the city of Troy, State of New York, there are extensive ironworks, the coal and ore supplies for which are largely transported over the Erie and Champlain canals. Boats coming down these canals, loaded with such supplies, are locked into the Hudson at West Troy, a point on the west bank nearly opposite to the furnaces; then, after crossing the river, delivering their freight, and recrossing, reenter the canal, and return on their route for another similar cargo. Some years ago the officials of the United States Treasury Department decided that under our navigation laws this temporary entry of boats from the canals into the Hudson for the purpose of delivering cargo, and their subsequent return into the canal, constituted a coasting voyage, for the engaging in which it was obligatory on the owners of the canal boats to have previously taken out a license. Of course the owners, not anticipating any such interpretation of the law, had not provided themselves with licenses; but this, nevertheless, did not prevent a large number of boats from being seized and libeled for violation of the navigation laws, from which they were only released after expensive and annoying litigation and the payment of considerable sums in the way of costs or penalties.

Take another illustration of more recent date: It has of late years been customary for merchants and shippers on our Northern lakes to buy and use for transporting grain large barges or hulks built in Canada, and as such constructions are not capable of moving or navigating except as they are towed, and are not provided with the usual appurtenances for navigation, they have not been regarded as subject to the provisions of our navigation laws relative to foreign vessels. During the summer of 1880, however, the collector of the port of Erie, Pa., on Lake Erie, called the attention of the Treasury Department to the circumstance that a certain barge, *The William H. Vosburg*, had been guilty of the heinous offense of hoisting a sail on its apology for a mast—whether for the sake of avoiding a dangerous rock or a lee shore was not stated—and asked for instructions. The Department promptly replied "that the only condition upon which that barge could continue to navigate those waters was to hoist her sails temporarily; any attempt to keep her canvas up beyond that would get her into trouble. Being Canadian built she could not be enrolled, and, by consequence, the permanent use of sail upon her would entail forfeiture of cargoes and the payment of double tonnage tax at every point of arrival." The official correspondence does not inform us what the result was; but it is safe to presume the little barge had to take down her little sail, as otherwise she would have been simply taxed out of existence, in accordance with the statutes in such cases made and provided.

In August, 1875, the Canadian yacht *Oriole*, of less than 50 tons burden, owned in Toronto, but belonging to the International Yacht Club, and also to the Yacht Club of Detroit, arrived in Chicago from Toronto with a pleasure party of seven gentlemen for the purpose of participating, on invitation of the Chicago Yacht Club, in a regatta at the latter port, having previously made a tour of the lakes, stopping at various points of interest, and taking on board on several occasions pleasure parties of ladies and gentlemen, who were entertained in part by transportation from port to port. On arrival at Chicago the *Oriole* was complained of to the Treasury Department as having violated the navigation laws of the United States, which forbid foreign vessels from participating in the coasting trade and from conveying passengers from one American port to another; and proceedings looking to seizure and confiscation were contemplated.

This penalty the Secretary of the Treasury graciously remitted, inasmuch as there was evidently no intent on the part of the owners of the *Oriole* to violate the law; but owing to the absence of proper papers showing the nationality and occupation of the yacht, although these were well known, the privilege of exemption from tonnage taxes accorded by law to foreign pleasure yachts was not granted. The Chicago Yacht Club therefore paid on account of their guests, into the Treasury of the United States, the sum of $15, which doubtless helped to liquidate the public debt; while the owners of *the Oriole*, not knowing what other legal difficulties they might encounter from a prolonged sojourn, slipped out of port in the early morning and returned home as soon as practicable.

We are accustomed, as we read of the sumptuary laws and arbitrary restrictions on commercial and personal freedom in years long passed, to congratulate ourselves, as it were, involuntarily, that we live on a higher and different plane, and that among nations calling themselves civilized and enlightened such things are no longer possible. It would be difficult, however, to find in any record of past experience more absurdities and iniquities than are embodied in the so-called navigation laws of the United States at present existing and in the details of their administration during the last quarter of a century. And yet it was in respect to these same laws that a convention of one of the great political parties, held in Maine in August, 1877, unanimously resolved that "enacted in the infancy of the Republic, they have proved their wisdom by long and varied experience. They embody the mature judgment of three generations of commercial men. Any radical change in these laws would be detrimental to the highest interests of American commerce and a damaging blow to the national independence of the country."

In answer to the questions which must naturally suggest themselves to every thoughtful mind—How is it that such a code of laws, which no other civilized country would permit to remain upon their statute books, can at this period of the nineteenth century be maintained and defended in the United States; and How happened it that a convention of presumably more than average intelligence could make public declaration of such nonsense and untruth as were embodied in the resolutions of the Maine convention above quoted?—it may be said that upon no one public matter have the American people, until within a very recent period, been so little acquainted as in respect to our commercial laws and regulations. Scattered through statute enactments for over ninety years, and with court and Treasury interpretations for the same period forming a part of the law and all of its administration, though not embodied in the statute, it has not been an easy matter for even those engaged in the business of law and lawmaking to know what the navigation laws actually were; and it is exceedingly doubtful whether in the convention referred to there was one single man that had any clear and definite knowledge of how these laws originated, what they embody, and what is the sphere of their influence.

And to-day, notwithstanding recent discussions of their nature, it is doubtful whether, out of the 378 members of Congress, as many as 50 can at once define the difference between a vessel "enrolled" and a vessel "registered," or if any of the officials of the customs service or Treasury Department can at once and correctly tell in detail how to transfer the license of a merchant ship or pleasure yacht from one collection district of the United States to another.[1] And it is further curious to note that not a single writer or speaker of note who within recent years has undertaken to advocate the navigation laws of the United States or oppose their repeal or essential modification—possibly from lack of knowledge or fear lest a full exposition would of itself defeat and neutralize his argument—has ever ventured to tell his readers or hearers what the code really embraces or provides for in detail.

Other nations saw the advantages which England enjoyed; and, with the exception of the United States, granted permission to their own citizens to buy and use such ships constructed of iron as could be obtained in the cheapest markets of the world. Other nations said to their citizens, if England can build cheaper and better iron ships for ocean commerce than you can yourselves, and will furnish them to you on as favorable terms as granted to her own citizens, your government will interpose no obstacles to your so doing. Other nations recognize that iron vessels had superseded sail vessels and gave to their citizens the right to purchase steam vessels wherever they could be obtained on the best terms possible; and those governments which permitted their citizens to act without restraint have never had any such results as the United States has experienced.

In my opinion the cause of the decay of our merchant marine has been clearly and forcibly set forth by Mr. Wells, from whom I have quoted liberally. Under our navigation laws we have permitted other nations to go into the cheapest and best markets and buy ships and engage in carrying our foreign commerce, while we have denied to our own citizens this same privilege. Take, for instance, Germany and Norway. They have gone to England and purchased ships in abundance, and have not only maintained but have largely increased their steam tonnage, and have taken away a large percentage of the exports and imports carried in vessels of the United States. Norway gives no subsidy, and she pays less than $150,000 per year for the transportation of her mail, and her steam tonnage has increased during the last quarter of a century nearly 1,500 per cent.

If Germany and Norway had pursued the policy followed by us as a nation they would have destroyed, or at least seriously reduced, the tonnage of imports and exports carried in their own vessels; but these nations realized the advantage which England enjoyed in the production of iron at the time iron ships took the place of wood, and immediately availed themselves of the privilege of purchasing the iron ships in those markets where these ships could be obtained on the best terms possible. These, summed up, constitute the reasons of the continued growth of the merchant marine of these nations; and a similar policy pursued on our part would have produced most gratifying results. Happily, Mr. President, we can now congratulate ourselves that natural conditions have changed the material out of which ships are constructed. Both iron and steel can be obtained in the United States as cheaply as in any country in the world and, regardless of restricted navigation laws, we will become at no distant day the shipbuilding nation of the world. It can be substantiated by unquestionable evidence that our shipyards on both the Atlantic and Pacific are now enjoying a degree of prosperity and a period of activity in business unparalleled in the history of our country. I am informed, Mr. President, that it will take these shipyards from three to five years to comply with and fulfill the contracts now on hand for the building and equipping of new ships.

Our great virgin forests, coupled with our inexhaustible supply of iron, give us the best and cheapest material in the world for shipbuilding. Our ingenious and skillful artisans, with the superior advantage which we enjoy in material, enable Americans to construct cheaper and better ships than any nation in the world, and we have at last begun to realize these superior advantages which we enjoy. When steamships took the place of sail vessels and iron took the place of wood in the construction of ships, we had not discovered the wonderful natural advantages which we enjoyed in the construction of iron ships. Our iron industries were in their infancy, but the growth and development of this industry within the United States has been unprecedented. I hold in my hand an article in Cassier's Magazine, written by Mr. John Fritz, giving an account of the development of iron manufactures in the United States during the last seventy-five years.

He gives the production of pig iron in the United States from 1810 to 1898. In 1810 we produced only 53,908 tons pig iron; in 1820, only 20,000 tons; in 1856, only 788,515 tons; in 1883 we produced 4,595,510 tons pig iron, and in 1898 we produced 11,773,934 tons. I insert, as a part of my remarks, the table from this article showing the total production of pig iron from 1810 to 1898, that we may get a proper conception of the quantity and quality of material

[1] It required some of the best legal talent in the city of New York, a few years since, to effect this result in the case of a pleasure yacht, and the owner of the yacht writes that although he has done his best and incurred considerable expense and no end of trouble to find out the law and comply with it, he is in daily expectation of a visit from the revenue officials of the United States and a notification of a fine for some violation of the statutes.

we have at our doors for the construction of ships. No country in the world furnishes a larger quantity and a better quality of both wood and iron for the construction of ships. I do not suppose any intelligent man will contend that God charged more for growing our forests and for putting our iron in the earth on American soil than he did in the soil of Europe. It requires no argument to sustain the proposition that if we have the quantity and quality of raw material for the construction of ships and can transform it into a manufactured article as cheaply as other nations, then we ought to be able to compete with any other nation in the world in the construction of ships.

Total production of pig iron in the United States from 1810 to 1898.

Year.	Long tons.	Year.	Long tons.	Year.	Long tons.
1810	53,908	1866	1,205,663	1883	4,595,510
1820	20,000	1867	1,305,023	1884	4,097,868
1830	165,000	1868	1,431,250	1885	4,044,526
1840	286,903	1869	1,711,287	1886	5,683,329
1850	563,755	1870	1,665,179	1887	6,417,148
1854	657,337	1871	1,706,793	1888	6,489,738
1855	700,159	1872	2,548,713	1889	7,603,642
1856	788,515	1873	2,560,963	1890	9,202,703
1857	712,640	1874	2,401,362	1891	8,279,870
1858	629,548	1875	1,023,733	1892	9,157,000
1859	750,560	1876	1,868,961	1893	7,124,502
1860	821,223	1877	1,066,594	1894	6,657,388
1861	653,164	1878	2,301,215	1895	9,446,308
1862	703,270	1879	2,741,853	1896	8,623,127
1863	846,075	1880	3,835,191	1897	9,652,680
1864	1,014,282	1881	4,144,254	1898	11,773,934
1865	931,770	1882	4,623,323		

As to the cost of the construction of ships in the United States, in comparison with England, I quote from the minority report of the House committee a statement made by Mr. W. I. Babcock. This statement is found in an article written by Mr. Charles E. Naylor in 1898, and is as follows:

The ability not only to build good ships but to build them as cheaply as any competing nation can is one of the prime essentials, and it is therefore a great pleasure to be able to say that it is my deliberate opinion, after a careful inspection of the various shipyards thrown open to us, that, given work enough to keep our yards (meaning the United States) occupied all the time, our larger and more modern shipyards could build ships and make money at English prices, and this notwithstanding the fact that the wages paid on the Clyde—taken from an official list I obtained in Glasgow—average about 55½ per cent of the wages we pay. He said: "This is due to the much greater use of labor-saving machinery in our yards, to their better arrangement for handling material, to, in many respects, better tools, and, last, by no means least, to the fact that we manage our own business, that the union and walking delegate are not all-powerful with us, that master and man work together in America with mutual respect and esteem, that our mechanics are better and brighter workmen, more intelligent, and take more pride in their work."

Mr. HANNA. May I interrupt the Senator to ask from whom he is quoting?

Mr. CLAY. I have been quoting from Mr. Babcock.

Mr. HANNA. Who is he? The Senator knows him?

Mr. CLAY. No, sir. I said he was an engineer.

Mr. HANNA. Where is he from?

Mr. CLAY. I should have said the article I just read was written by Mr. Naylor.

Mr. HANNA. Is he a citizen of the United States?

Mr. CLAY. Yes——

Mr. HANNA. I am more anxious about the other gentleman.

Mr. CLAY. I was quoting from Mr. Naylor.

Mr. HANNA. Oh!

Mr. CLAY. As has been well said heretofore, we all know that the pendulum of advantage which has swung so long in favor of England is swinging our way at last. The changed conditions in the production of iron and steel, now produced more cheaply in the United States than anywhere else in the world, will enable us to build ships more cheaply than they can be built in England. Many years ago Mr. John Roach and Mr. Charles H. Cramp, two of our greatest shipbuilders, testified before a committee from the House of Representatives investigating the cause of the decline of our shipping interest, that if Congress would take off the duties from American iron, reducing it to the price of foreign iron, then we are prepared to compete with foreign shipbuilders.

The labor question is misstated. We are prepared to meet that difficulty and to ask no further legislation on the subject. Congress began the policy of free material for shipbuilding for the foreign trade in 1872 and has steadily pursued and expanded that policy. We all know that by sections 7 and 8 of the tariff act of 1894, which were repeated in sections 12 and 13 of the tariff act of 1897, the free list was extended so as to include all materials for the construction of ships. We all know that articles of domestic production, when used as supplies for vessels of the United States, are exempted from internal-revenue taxes. In view of these special favors enjoyed by the shipowners, is it just and right that they should continue to clamor for additional assistance at the expense of the public Treasury? I hold in my hand the North American Review of 1892, containing an article written in January of that year by Mr. Charles H. Cramp, one of our largest shipbuilders, in which he discussed the cost of building and maintaining ships in the United States in comparison with foreign-built ships. I quote his exact language, which is as follows:

The proper form in which to put the question is, Can you build a ship to do the work of the *City of New York*, or the *Majestic*, or the *Columbia*, in all respects, for the same cost? To that question I would reply: Yes, or within as small a margin as would be likely to prevail in a similar case between any two British shipyards. It is the fact that the first cost of ships is not only not a prime factor, but it is not even a serious factor in any competition that may occur between this country and Great Britain for a share of the traffic of the ocean. American shipyards have built or are building about 40 naval vessels of numerous rates and types, all of the very highest and most effective class in the world, and this development has been crowded into a space of about seven years. The disparity of cost of naval ships between our yards and those of Great Britain, ton for ton, gun for gun, and performance for performance, has dwindled in seven years until, in the case of the three latest battle ships, the margin between our classes and those of similar construction abroad may be expressed by a very small figure. If the current policy of construction be pursued for another decade (1902), coupled with a vigorous and persistent execution of the measures recently enacted in behalf of the merchant marine, the question which forms the subject of this paper will be asked no more, unless, indeed, its point should be reversed and Englishmen be asking one another, Can we build ships as economically as they can in the United States?

Mr. Cramp predicted that by the year 1902 England and Englishmen would be asking and debating the question, How can we build ships as cheaply as the United States? In connection with the line of argument which I am now pursuing, pointing out the wonderful progress we are now making in the construction of ships, and pointing out the further fact that ships can be built as cheaply in this country as in England, I read part of an article published in The Statist, London, October 7, 1899, which is as follows:

But it is not realized in this country—

Meaning England—

how much iron shipbuilding has already developed in the United States under the stimulus of the war. Of course, we all know how America took the lead in the good old days of wooden ships, but all do not realize how vigorous an infant now is the iron shipbuilding industry there. The Government's building yards have grown enormously since the United States began, in 1894, to build her own war ships.

At the present time there are between 40 and 50 steel vessels of various classes in the process of construction for the United States Navy in no fewer than 16 different yards, of which there are 3 on the Pacific coast. These vessels range from first-class battle ships to small torpedo boats, and all the material till now has been of American manufacture, though of late some purchases have had to be made of Great Britain. The American official returns are difficult to compare with our own, because the American fiscal year ends June 30; but in the last fiscal year the amount of steel tonnage alone, built in the United States, was 134,000 tons. In the present fiscal year the tonnage will be at least doubled, and may reach 300,000 tons. Now, this means both great and rapid development. Besides the naval work we have mentioned, every shipyard in the United States is reported to be full of merchant work, and is extending its area. Camden, N. J., is putting up an entirely new establishment, which when completed will rank as the largest building yard on the Atlantic coast. This new yard will cover an area of 125 acres; it will be adapted to building first-class war ships of the largest size, and it will have a graving dock 800 feet long for the reception of ocean liners, of which a specialty is to be made.

All the Atlantic shipyards are now engaged on naval-construction work, as well as the repair work at the three Government yards at Norfolk, Va., Philadelphia, and Brooklyn. The Norfolk yard is an old establishment, dating back to the days of wooden frigates, and during the civil war it was the object of severe contention between the rival forces. It has been reconstructed. It has been reconstructed on modern lines, and is now adapted to the construction of war ships of the latest type, though it has not been able to make much of some of the damaged vessels captured from the Spaniards. The Norfolk yard is, however, chiefly used for repair purposes; and, indeed, there has been comparatively little building in any of the Government yards of late years, Congress seeming to prefer to encourage private enterprises by letting out all new work on contract. There is little doubt that this has had material effect in attracting capital to and stimulating development in the shipbuilding industry within the last year or two; and it is to be remembered that the private yards are not subject to the wage and labor conditions applied by Congress to the Government establishments, though an effort was made last Congress to make them applicable to all Government work, wherever done.

The Philadelphia (League Island) yard has also been used almost exclusively for repairs, but it is declared to be an ideal place for building, and will be so utilized in the future. At the Brooklyn yard are the largest dry docks in the country, though at League Island a still larger one is in course of construction under a vote of last Congress.

Meanwhile, however, all the additions to the United States Navy are being made by private builders under Government inspection, and fifty vessels of all sorts is a large order. Pending the completion of the Camden yard, the largest shipbuilding establishments now in operation are those of the Newport News Shipbuilding Company, Virginia, of the Cramp Company, at Philadelphia, and of the Harlan-Hollingsworth Company, at Wilmington. But another large yard is being brought into operation on the Pacific coast, at Seattle, in the State of Washington, for the building of steamers for the Pacific trade. The obstacle to the development on the Pacific coast is, of course, the long carriage on material, the nearest base of supply for which is in Chicago.

Notwithstanding this difficulty, shipbuilding is developing steadily there. Two battle ships are now being built in the San Francisco yard which turned out the famous *Oregon*, and which has also built war ships for Japan. A large fleet of merchant vessels is wanted for the Pacific, and it is found cheaper to build them of deported material on the Pacific coast than to build them on the Atlantic and send the ships around Cape Horn. At San Francisco, as

well as at the new yard at Seattle, quite a number of high-class large ocean steamers for the Pacific trade are being built—the largest merchant steamers, we believe, as yet built in the States.

The United States Commissioner of Navigation recently estimated, whilst gathering material for his annual report, that not fewer than 1,000 vessels were added to the American register during the last fiscal year, including, of course, vessels purchased from foreigners and vessels intended for the inland waters only. We can not yet tell how much of that tonnage comes into the ocean carrying trade, but the Commissioner of Navigation has prepared tables to show the effect which the proposed shipping legislation will have upon shipping, on the assumption that the subsidies will merely "offset" the higher cost of construction and operation in the United States. He also regards the subsidies as an "offset" to payments under British mail contracts, which is a fallacy, for under our mail contracts we merely pay for services rendered—that is to say, the so-called mail subsidies are just freightage for goods carried. Of more importance, to our mind, than the subsidies proposed by Senator HANNA is the fact that the cost of production of iron and steel in the future promises to be considerably lower in the United States than in this country. We do not refer to present conditions, which are abnormal, but to the conditions which will prevail when the present excitement has abated.

The question that concerns us, with an abundance of cheap steel and iron in the United States, is, How are we in the future to compete with that nation in the building of ships? Well may England be alarmed about the situation, for an examination of our exports, consisting of material in the construction of ships, points unerringly to the conclusion that we are to-day producing iron and steel cheaper than any country in the world. In an article written by Mr. George Wenlersse, taken from the report of the House committee, found in Consular Reports, March 3, 1900, he truthfully says:

Gradually the Americans are pushing their way into the British colonies. The last railroad built in India has American rails. American manufacturers export their iron and motors, their machinery and galvanic wires, to Cape Colony. Egypt, too, has Philadelphia bridge builders on the scene. Three hundred railroad coaches have found their way from Jersey City into the land of the Pharaohs, and electrical tramways are forged in the foundries of Pittsburg to connect Cairo with the Pyramids. Even Europe is not safe against the invasion of American iron and steel. Russia, France, Germany, and Italy must pay tribute. England herself buys American locomotives, steel rails, railroad coaches, and even coal from the United States. Sheffield, England, the home of the steel industry, has been dethroned by Pittsburg. It would be frivolity to remain indifferent to the expansion of this leviathan people.

In the same article the writer makes this striking statement:

To-day ships may be built at Bath, San Francisco, Philadelphia, Wilmington, Chester, and Newport News as cheaply as anywhere in the world.

The argument presented by the majority of the committee that the American shipowners pay better wages to labor can be easily answered. We know previous to 1855, when American ships competed successfully with British ships in our foreign-carrying trade, we then paid better wages to our sailors than the English paid. Still we successfully met the keen competition of our rivals. An examination into the scale of wages paid by us, in comparison with British wages, coupled with the food and comforts of the sailors of both nations, show a decided advantage to our sailors. While this is true, the nutritious food and superior treatment received by our sailors enable them to do much more efficient work than the British sailors perform. It is estimated that our sailors do from 17 to 28 per cent more work than British sailors.

Another illustration of the wonderful progress we have made in the iron industry may be found by a careful examination of both our imports and exports of pig iron during the last twenty years. In 1880 21¼ per cent of the pig iron consumed in the United States came from foreign countries; in 1882 10.64 per cent of the pig iron used by us as a nation came from foreign countries; in 1885 only 3.57 per cent of the pig iron used by us came from foreign countries; in 1891 less than 1 per cent of the pig iron consumed by the United States came from foreign countries, and in 1899 we produced more than 11,000,000 tons of pig iron, and of the amount consumed by us only one-fifth of 1 per cent came from foreign countries. We exported of domestic iron and steel railroad bars in 1880 only 1,008 tons; in 1882, 3,351 tons; in 1885, 7,956 tons; in 1890, 10,236 tons; in 1893, 15,698 tons, and in 1899, 277,885 tons. There was an increase from 1893 to 1899, a period of six years, of over 1,500 per cent. (See Statistical Abstract, 1899, page 362.)

The Commissioner of Navigation, in his annual report for the fiscal year ending June 30, 1900, says that the last fiscal year has been not only the most prosperous known to American shipping interests during recent years, but measured by absolute, not relative, statistical standards, it has been the most notable year in the history of American shipping. He tells us that the returns for the first quarter of the current fiscal year and reports on vessels under construction or contract give promise that the fiscal year ending June 30, 1901, will surpass even the remarkable record of the fiscal year just closed. He tells us that our total documentary tonnage on June 30, 1900, comprised 23,333 vessels of 5,164,839 gross tons, and that this total has been exceeded but three times in our history, and that if the tonnage of our canal boats and barges was included the actual tonnage of the United States for last year was unquestionably greater than ever before in our history. I also insert, as a part of my remarks, on page 25 of his last report, the steam vessels built in the United States from 1891 to 1900.

Steel steam vessels built in United States.

	Atlantic.		Pacific.		Great Lakes.		Total.	
	Number.	Tons.	Number.	Tons.	Number.	Tons.	Number.	Tons.
1891	3	9,342	.....	.....	31	48,939	34	58,281
1892	14	16,040	1	400	16	23,045	31	39,485
1893	11	12,119	1	3,528	26	49,983	38	65,630
1894	19	26,065	1	103	11	19,920	31	46,088
1895	23	19,656	1	2,504	8	18,020	32	40,180
1896	21	32,033	2	707	25	63,591	48	96,331
1897	24	21,407	.....	.....	19	56,670	43	78,077
1898	26	17,014	5	5,491	17	25,287	48	47,792
1899	49	51,326	12	3,317	19	48,375	80	103,018
1900	51	70,548	3	1,141	26	95,259	80	167,948
Total	241	275,550	26	17,191	198	450,089	465	742,830

We know that Congress has been most liberal in making appropriations to enlarge our Navy. This we all approve. We increased the appropriations from $15,000,000 to $65,000,000 in a period of three years; and it is estimated that the total expenditures of the Navy Department, including the cost of construction of new ships, for the year 1902 will be $87,172,630.06. So it can not be said that we are likely to need auxiliary cruisers, transports, and seamen for Government use. This bill is not designed for any such purposes. Private parties, anxious to advance their own interests, are the real beneficiaries under its provisions. Before I conclude my remarks I desire again to call attention to another feature of the report of the Commissioner of Navigation, who seems to be the special champion of the measure we have under consideration. On page 31 of that report he gives us the price of steel plate used for ships, both in the United States and Great Britain, for 1899, which I desire to insert as a part of my remarks:

Price of steel plate in the United States and Great Britain from April, 1899, to September, 1900.

Date.	United States.	Great Britain.
1899.		
April	$50.40	$34.63
May	50.40	34.63
June	50.40	35.84
July	56.00	36.45
August	56.00	37.06
September	67.20	37.06
October	67.20	37.06
November	67.20	38.88
December	67.20	38.88
1900.		
January	58.24	38.88
February	50.40	39.49
March	48.18	40.10
April	42.56	40.70
May	40.32	40.70
June	33.60	40.70
July	28.00	40.86
August	24.08	38.88
September	24.64	38.88

He tells us in this report that in 1898 we exported to Great Britain some of the steel plates for the British steamship *Oceanic*, the largest vessel afloat, and that during the past summer American steel ship plates have been quoted in British markets, though ocean freights have been $5 and, in some instances, more. While he says special causes have, of course, been at work in both countries to produce the marked fluctuations in the prices of steel ship plates, it is doubtless within bounds to assert for the future, under normal conditions, the price of steel ship plates in the United States will usually be lower than in Great Britain.

But, Mr. President, thus far I have endeavored to point out the inequalities and favoritism running through the entire measure, but my objections to such legislation go still further; because, in my opinion, the bill is vicious in principle, and bounties have always been repugnant to the spirit of our free institutions. The $9,000,000 donated to a certain class of shipowners is necessarily taken from the entire people by taxation. If the shipowner is entitled to a bounty to aid him in his private business, can not the farmer, with equal justice, demand a bounty from the public Treasury on his corn, his wheat, cotton, or other products?

Can not we, with as much propriety, take from the public Treasury 20 cents a bushel for all grain raised by the farmer and donate it as a bounty, and with equal consistency, as we can make this donation to the shipowners? It is manifestly unequal and unjust to tax farmers, shoemakers, carpenters, blacksmiths, masons, dairymen, miners, and railroad men to pay a bounty to shipowners for every mile they sail upon the sea, unless you go into the public Treasury and give a bounty to all forms of industry, which is impossible. In the United States, with our free institutions, the people have a right to expect that all legislation will tend to equalize the con-

ditions of human life. This bill, if enacted into law, will tend to build up a moneyed aristocracy and to reproduce in the United States the method of government which has for centuries controlled Europe. Our Republic has always stood for equality of rights and against discriminating legislation.

History teaches us that the governments of Europe seek through unjust legislation to build up great estates and have little regard for the masses. Is it possible that we have arrived at a period in our history when we are willing to forsake that spirit of justice and equality which has characterized our Republic in the past and follow in the footsteps of the monarchs of Europe? We are constantly reminded, when we undertake to legislate for the people of the United States, that we are justified in pursuing a certain line of policy because England has pursued such a policy.

In the argument thus advanced we have already been told that England subsidizes ships. She subsidizes lines of ships connected with her outlying possessions just as we pay star lines of our postal system to deliver mail within our territorial limits. There is a difference between our system of government and England and a difference between our territorial possessions. England's territorial possessions extend around the globe, and she needs speedy and prompt postal communication with her outlying possessions. The United States, notwithstanding the fact that we have made departure from the teachings of our fathers, are still a compact nation with few outlying possessions.

An examination of the expenditures of foreign nations for merchant shipping will show that the amounts contributed by each are for the purposes of paying for carrying the mail. I insert as a part of my remarks the marked tables of the report of the Commissioner of Navigation for 1899, showing the amounts contributed by foreign nations and for what purposes used. These tables will be found on pages 24 and 25 of the Report of the Commissioner of Navigation.

EXPENDITURES BY FOREIGN NATIONS FOR MERCHANT SHIPPING.

The following table shows the current annual expenditures of the maritime nations of Europe and Japan, so far as they have been ascertained, in behalf of their respective merchant navies. The latest available official reports, reports of steamship companies and mail contracts, copies of which are on file in the Bureau, have been used. The statement is not complete, but it is believed to be accurate as far as it professes to go. Complete figures for the current year would probably increase the total of $26,355,641. For the fiscal year ended June 30, 1899, the United States paid for ocean mails to American vessels $998,211, and to foreign vessels $487,038, of which the British Cunard and White Star lines received $245,620 and the North German Lloyd $157,057.

Great Britain		$5,851,525
Mail contracts and mail pay, 1899[1]	$5,755,395	
Colonial mail contracts, 1899[2]	785,450	
Mail contracts not ascertained (about), 1899[3]	100,000	
Admiralty subventions, 1899[1]	316,323	
Retainers to merchant seamen, 1899[1]	606,853	
Refunds to British ships with naval-reserve apprentices (about), 1899[3]	150,000	
Canadian fishing bounties, 1897[1]	157,504	
Germany		1,894,620
Mail subsidies, 1899[2]	1,544,620	
Trans-Atlantic mails (about)[3]	350,000	
France		7,632,242
Mail subsidies, 1899[2]	4,655,791	
Navigation bounties (annual average for past five years)[1]	1,863,489	
Construction bounties, 1897[1]	993,142	
Fishing bounties, 1897[1]	119,840	
Italy		2,185,236
Mail subsidies, 1899[2]	1,679,985	
Navigation bounties, 1897[1]	394,557	
Construction bounties, 1897[1]	110,724	
Russia		1,371,187
Subsidies, 1899[1]	1,065,187	
Refund Suez Canal dues, 1899[1]	306,000	
Austria-Hungary		1,724,249
Mail subsidies, 1899[1]	1,724,249	
Navigation and construction bounties		(?)
Spain		1,629,927
Mail subsidies, 1896[2]	1,629,927	
Construction bounties		(?)
Portugal		63,300
Mail subsidies, 1898[3]	63,300	
Netherlands, 1898		259,971
Mail subsidies[3]	259,971	
Norway		136,948
Mails and subsidies, 1899[2]	136,948	
Sweden		31,844
Mails, 1898[1]	31,844	
Denmark		82,455
Mails[1]	82,455	
Japan		3,492,107
Mail subsidies, 1899[1]	3,316,482	
Navigation bounties		
Construction bounties, 1899[1]	138,625	
Fishing bounties, 1898[1]	37,000	
Grand total		26,355,641
United States, 1899[1]		998,211

[1] Government report or statute. [2] Steamship report or contract. [3] Estimate.

The last few years Providence has blessed us with plentiful crops, bountiful harvests, and in consequence almost unparalleled commercial activity. Congress meets surrounded with these favorable conditions. Let us not make this occasion the beginning of a carnival for extravagance and the profligate and shameful squandering of public money. Let us not make it the beginning of a policy founded on favoritism in legislation and with subsidies to favored classes. Let us not crush the farmer, the artisan, or the plowman by bounties granted to others by exactions upon them. These classes are entitled to as much consideration at the hands of the Government as the shipowners. If the shipowner, by the contribution of the taxpayers, is to enlarge his business and increase his profits, why is not the cotton and grain grower entitled to equal consideration?

Is the financial success of one class of our people of greater concern than that of another? What special service has the shipowner conferred upon his country that he should have the right to tax the farmer, the merchant, or the laborer to build up his private business and to enhance his private fortune? The principles of this bill are unjust, undemocratic, and absolutely indefensible. The Democratic party stands for a government that shall protect all, and grant favors to none. In the history of our country we have seen political parties rise and fall, and we can not always point out the forces that control results. No political party can afford to forsake principle in order to obtain victory. The Democratic party will remain true to the principles of our Government, and will rally around its standard the aspirations and hopes of all men who love liberty and justice. The Democratic party sympathizes with all men in the hard struggles of life, and will never oppress one class to enrich another. The party stands for absolute justice, equality of rights, economical and honest government, and equal opportunities for all men under and before the law.

Mr. HANNA. Mr. President, it had been my intention to make a few remarks on the subsidy bill this afternoon, but the hour is late. On Thursday I shall ask unanimous consent to take up the matter immediately after the conclusion of the morning business, so that I may conclude before 3 o'clock.

Mr. TELLER. I do not wish to object, but there is a special order for Thursday.

Mr. HANNA. I thought I could conclude before 3 o'clock if I could be permitted by unanimous consent to commence at the time indicated.

Mr. TELLER. I will not make any objection.

Mr. HANNA. I shall not commence if there will not be time to conclude.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 12, 1900, at 3 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate December 11, 1900.

AMBASSADOR.

George V. L. Meyer, of Massachusetts, to be ambassador extraordinary and plenipotentiary of the United States to Italy, vice William F. Draper, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 11, 1900.

ASSISTANT ATTORNEY-GENERAL.

James M. Beck, of Pennsylvania, to be Assistant Attorney-General.

SECRETARIES OF LEGATION.

Huntington Wilson, of Illinois, to be secretary of the legation of the United States to Japan.

Samuel Morrill, of Massachusetts, to be third secretary of the embassy of the United States at Berlin, Germany.

H. Percival Dodge, of Massachusetts, to be second secretary of the embassy of the United States at Berlin, Germany.

REGISTER OF THE LAND OFFCE.

Harry H. Myers, of Brinkley, Ark., to be register of the land office at Little Rock, Ark.

COMMISSIONER TO REVISE THE LAWS.

William D. Bynum, of Indiana, to be commissioner to revise and codify the criminal and penal laws of the United States.

UNITED STATES ATTORNEY.

James B. Holland, of Pennsylvania, to be attorney of the United States for the eastern district of Pennsylvania.

MINERAL-LAND COMMISSIONERS.

George A. Black, of Fairhaven, Wash., to be a mineral-land commissioner in Idaho.

Thomas A. Davis, of Malad, Idaho, to be a mineral-land commissioner in Idaho.

Homer B. King, of Idaho, to be a mineral-land commissioner in Idaho.

ASSAYER.

Benjamin H. Tatem, of Montana, to be assayer in charge of the United States assay office at Helena, Mont.

APPOINTMENTS IN THE MARINE-HOSPITAL SERVICE.

George W. McCoy, of Tennessee, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Claude C. Pierce, of Tennessee, to be an assistant surgeon in the Marine-Hospital Service of the United States.

APPOINTMENTS IN THE ARMY.

TO BE SECOND LIEUTENANTS.

Cavalry arm.

Sergt. James Huston, Troop F, Sixth Cavalry, July 25, 1900.

First Sergt. Edward Calvert, Troop M, First Cavalry, July 25, 1900.

Sergt. Bruce Palmer, Troop H, Sixth Cavalry, July 25, 1900.

Sergt. James E. Fechét, Troop D, Sixth Cavalry, July 25, 1900.

First Sergt. Philip W. Corbusier, Troop C, Fourth Cavalry, July 25, 1900.

Infantry arm.

Harry W. Graham, of Ohio (corporal, Company D, Twelfth Infantry, United States Army), September 1, 1900.

James C. Williams, of the District of Columbia (second lieutenant squadron Philippine Cavalry, United States Volunteers), September 1, 1900.

John Royden Kelly, of South Dakota, September 1, 1900.

E. R. Warner McCabe, of Virginia, September 1, 1900.

William Swift Martin, of New York, October 11, 1900.

William G. Ball, of Ohio, October 15, 1900.

Joseph A. Marmon, of Ohio, October 15, 1900.

Emery T. Smith, of California, October 15, 1900.

Corpl. Ward Dabney, Company H, Tenth Infantry, July 25, 1900.

Corpl. John T. Berry, Battery A, Third Artillery, July 25, 1900.

First Sergt. Paul M. Goodrich, Company M, Fourteenth Infantry, July 25, 1900.

Sergt. Frank H. Kalde, Company M, Second Infantry, July 25, 1900.

Battalion Sergt. Maj. William W. Taylor, jr., Fourth Infantry, July 25, 1900.

Q. M. Sergt. John B. Murphy, Battery D, Fourth Artillery, July 25, 1900.

Corpl. Russell C. Hand, Troop G, Second Cavalry, July 25, 1900.

First Sergt. Henry A. Bell, Company M, Twentieth Infantry, July 25, 1900.

Corpl. Bruno T. Scher, Company M, Eighth Infantry, July 25, 1900.

Private George A. Herbst, Battery K, Sixth Artillery, July 25, 1900.

Corpl. Jairus A. Moore, Company G, Twenty-first Infantry, July 25, 1900.

Corpl. Philip J. Lauber, Battery B, Sixth Artillery, July 25, 1900.

Com. Sergt. James V. Guthrie, Thirteenth Infantry, July 25, 1900.

Corpl. Thomas M. Hunter, Battery O, Second Artillery, July 25, 1900.

Private Gad Morgan, Company K, Fifteenth Infantry, July 25, 1900.

Corpl. Elverton E. Fuller, Company E, Third Infantry, July 25, 1900.

Sergt. William S. Neely, Battery A, Sixth Artillery, July 25, 1900.

First Sergt. Frank H. Adams, Company I, Seventeenth Infantry, July 25, 1900.

Sergt. George C. Lewis, Troop M, Third Cavalry, July 25, 1900.

First Sergt. Ernest G. Smith, Company L, Seventeenth Infantry, July 25, 1900.

Private William H. Patterson, Troop B, Third Cavalry, July 25, 1900.

Sergt. David A. Lindsay, Battery L, Second Artillery, July 25, 1900.

Corpl. Leonard J. Mygatt, Company H, Twenty-third Infantry, July 25, 1900.

Corpl. Elliott M. Norton, Company L, Eighteenth Infantry, July 25, 1900.

Q. M. Sergt. Thomas M. Bains, jr., Battery E, Sixth Artillery, July 25, 1900.

Sergt. Roscoe H. Hearn, Troop M, Fourth Cavalry, July 25, 1900.

Sergt. Nels Anderson, Troop C, First Cavalry, July 25, 1900.

Corpl. William McE. Walton, Battery H, Sixth Artillery, July 25, 1900.

Sergt. Frank B. Edwards, Battery H, Fourth Artillery, July 25, 1900.

Corpl. Arthur H. Freshwater, Troop K, Sixth Cavalry, July 25, 1900.

Electrician Sergt. William Korst, United States Army, July 25, 1900.

Corpl. Joseph C. Kay, Company D, Battalion of Engineers, July 25, 1900.

Hosp. Steward John Jackson, United States Army, July 25, 1900.

Acting Hosp. Steward Walter C. Jones, United States Army, July 25, 1900.

Com. Sergt. Charles Abel, United States Army, July 25, 1900.

Com. Sergt. George R. Greene, Ninth Infantry, July 25, 1900.

Private Elliot Caziarc, Company F, Fifteenth Infantry, July 25, 1900.

First Sergt. La Vergne L. Gregg, Company M, Twenty-second Infantry, July 25, 1900.

Acting Hosp. Steward Oliver F. Snyder, United States Army, July 25, 1900.

Acting Hosp. Steward Edward Lee Rains, United States Army, July 25, 1900.

Electrician Sergt. Charles L. Woodhouse, United States Army, July 25, 1900.

Private Bertram P. Johnson, Company H, Seventh Infantry, July 25, 1900.

Sergt. Gustave A. Wieser, Battery G, Fourth Artillery, July 25, 1900.

First Sergt. Walter L. Reed, Battery N, Second Artillery, July 25, 1900.

Sergt. Ira F. Fravel, Company L, Fifth Infantry, July 25, 1900.

Sergt. William M. Kistler, Battery D, Seventh Artillery, July 25, 1900.

Electrician Sergt. Robert M. Ellicott, United States Army, July 25, 1900.

Corpl. Ned M. Green, Company D, Seventh Infantry, July 30, 1900.

Corpl. Theodore H. Koch, Battery I, Sixth Artillery, August 3, 1900.

Corpl. William C. Stone, Troop F, Second Cavalry, August 7, 1900.

Corpl. James A. Moss, Company B, Seventh Infantry, August 13, 1900.

Corpl. Charles F. Leonard, Company K, Twenty-first Infantry, August 14, 1900.

Sergt. Henry C. Merriam, Battery H, Sixth Artillery, August 20, 1900.

Corpl. John Sherman Chambers, Company M, Second Infantry, August 22, 1900.

Battalion Sergt. Maj. James Regan, jr., Ninth Infantry, August 24, 1900.

Corpl. Gilbert M. Allen, Company B, Sixth Infantry, August 29, 1900.

Private Raymond W. Briggs, unassigned, Fourth Infantry, August 31, 1900.

Acting Hosp. Steward Cleaveland Hilson, United States Army, August 31, 1900.

Corpl. John Randolph, Company G, Sixth Infantry, August 31, 1900.

CORPS OF ENGINEERS.

To be second lieutenants.

1. Cadet George B. Pillsbury.
2. Cadet Edward M. Adams.

To be additional second lieutenants

3. Cadet Gustave R. Lukesh.
4. Cadet Edmund M. Rhett.
5. Cadet John R. Slattery.

TO BE SECOND LIEUTENANTS.

Artillery arm.

6. Cadet Charles R. Lawson.
7. Cadet Francis A. Pope.
8. Cadet Gilbert A. Youngberg.
9. Cadet Stanley B. Hamilton.
15. Cadet William P. Stokey.
16. Cadet William I. Westerveldt.
19. Cadet Frederick L. Buck.
20. Cadet Jay P. Hopkins.
22. Cadet Leroy T. Hillman.
23. Cadet Upton Birnie, jr.
24. Cadet Archibald H. Sunderland.
25. Cadet Clarence Deems, jr.
26. Cadet Raymond H. Fenner.

28. Cadet Charles L. J. Frohwitter.
30. Cadet Edward P. Nones.
33. Cadet Clifford C. Carson.
50. Cadet John McManus.

Cavalry arm.

10. Cadet Joseph A. Baer.
11. Cadet Frank O. Whitlock.
12. Cadet Charles F. Martin.
13. Cadet Robert E. Wood.
14. Cadet Willis V. Morris.
18. Cadet Walter S. Grant.
21. Cadet Charles M. Wesson.
27. Cadet Morton C. Mumma.
29. Cadet Frank P. Amos.
35. Cadet Julian A. Benjamin.
37. Cadet John Watson.
38. Cadet Samuel R. Gleaves.
41. Cadet Lewis S. Morey.
43. Cadet James Goethe.
44. Cadet Robert F. Jackson.
45. Cadet Varien D. Dixon.
46. Cadet Verne La S. Rockwell.
49. Cadet John W. Wilen.
51. Cadet George B. Comly.
52. Cadet Augustine McIntyre.
53. Cadet Charles G. Harvey.
54. Richard M. Thomas.

Infantry arm.

17. Cadet Edwin G. Davis.
31. Cadet Herman Glade.
32. Cadet Arthur P. S. Hyde.
34. Cadet Harry E. Mitchell.
36. Cadet Ernest E. Allen.
39. Cadet Frank S. Bowen.
40. Cadet Fred C. Doyle.
42. Cadet James P. Robinson.
47. Cadet Pressley K. Brice.
48. Cadet George T. Perkins.

ADJUTANT-GENERAL'S DEPARTMENT.

Capt. Henry P. McCain, Fourteenth Infantry, to be assistant adjutant-general, with the rank of major, November 9, 1900.

Capt. James T. Kerr, Seventeenth Infantry, to be assistant adjutant-general, with the rank of major, November 12, 1900.

INSPECTOR-GENERAL'S DEPARTMENT.

Capt. John L. Chamberlain, First Artillery, to be inspector-general, with the rank of major, November 10, 1900.

QUARTERMASTER'S DEPARTMENT.

First Lieut. David S. Stanley, Twenty-second Infantry, to be assistant quartermaster, with the rank of captain, August 13, 1900.

First Lieut. Richmond McA. Scholfield, Fifth Cavalry, to be assistant quartermaster, with the rank of captain, November 1, 1900.

SUBSISTENCE DEPARTMENT.

First Lieut. William H. Bean, Second Cavalry, to be commissary of subsistence, with the rank of captain, July 31, 1900.

First Lieut. William H. Hart, Seventh Cavalry, to be commissary of subsistence, with the rank of captain, November 10, 1900.

MEDICAL DEPARTMENT.

To be assistant surgeons with the rank of first lieutenant.

Walter D. Webb, of New York, captain and assistant surgeon, Forty-third Infantry, United States Volunteers, October 3, 1900.

George W. Mathews, of Massachusetts, captain and assistant surgeon, Thirty-sixth Infantry, United States Volunteers, October 3, 1900.

Maj. A. W. Shockley, of Kansas, late surgeon, Seventh United States Volunteer Infantry, October 3, 1900.

Robert N. Winn, of Kentucky, late captain and assistant surgeon, Second Kentucky Volunteer Infantry, October 3, 1900.

Theodore C. Lyster, of Michigan, October 3, 1900.

Sanford H. Wadhams, of Connecticut, October 3, 1900.

Chandler P. Robbins, of Kentucky, October 3, 1900.

Thomas L. Rhoads, of Pennsylvania, October 3, 1900.

Harry L. Gilchrist, of Ohio, October 3, 1900.

William J. L. Lyster, of Michigan, October 3, 1900.

Elbert E. Persons, of Illinois, October 3, 1900.

William N. Bispham, of Maryland, October 3, 1900.

Edward F. Geddings, of South Carolina, October 9, 1900.

Howard W. Beal, of Maine, November 1, 1900.

SIGNAL CORPS.

First Lieut. Edgar Russel, Sixth Artillery, to be first lieutenant, August 30, 1900.

INFANTRY ARM.

To be second lieutenant.

Harry Graham, of Ohio (corporal, Company D, Twelfth Infantry, United States Army), September 1, 1900.

To be captain.

George W. Kirkman, of Illinois, late captain, Twelfth Infantry, United States Army, to be captain of infantry, with rank from July 19, 1899.

APPOINTMENTS IN THE ARMY BY TRANSFER.

Second Lieut. Augustine McIntyre, from the cavalry arm to the artillery arm, July 11, 1900, with rank from June 13, 1900.

Second Lieut. Arthur P. S. Hyde, from the infantry arm to the artillery arm, July 11, 1900, with rank from June 13, 1900.

Second Lieut. Albert N. McClure, from the infantry arm to the cavalry arm, June 15, 1900, with rank from February 16, 1899.

Second Lieut. Fred W. Hershler, from the infantry arm to the cavalry arm, June 30, 1900, with rank from June 14, 1900.

Second Lieut. Robert M. Ellicott, from the infantry arm to the artillery arm, August 25, 1900, with rank from July 25, 1900.

PROMOTIONS IN THE ARMY.

QUARTERMASTER'S DEPARTMENT.

Lieut. Col. John V. Furey, deputy quartermaster-general, to be assistant quartermaster-general, with the rank of colonel, August 12, 1900.

Lieut. Col. Edwin B. Atwood, deputy quartermaster-general, to be assistant quartermaster-general, with the rank of colonel, November 1, 1900.

Maj. Forrest H. Hathaway, quartermaster, to be deputy quartermaster-general, with the rank of lieutenant-colonel, August 12, 1900.

Maj. Joshua W. Jacobs, quartermaster, to be deputy quartermaster-general, with the rank of lieutenant-colonel, November 1, 1900.

Capt. William H. Miller, assistant quartermaster, to be quartermaster, with the rank of major, August 12, 1900.

Capt. Samuel R. Jones, assistant quartermaster, to be quartermaster, with the rank of major, November 1, 1900.

MEDICAL DEPARTMENT.

Lieut. Col. Alfred A. Woodhull, deputy surgeon-general, to be assistant surgeon-general, with the rank of colonel, October 8, 1900.

Maj. Alfred C. Girard, surgeon, to be deputy surgeon-general, with the rank of lieutenant colonel, October 8, 1900.

Capt. John L. Phillips, assistant surgeon, to be surgeon, with the rank of major, October 8, 1900.

CAVALRY ARM.

First Lieut. Herbert S. Whipple, Seventh Cavalry, to be captain, July 10, 1900.

First Lieut. Charles W. Farber, Eighth Cavalry, to be captain, November 14, 1900.

Second Lieut. Stephen M. Kochersperger, Second Cavalry, to be first lieutenant, July 10, 1900.

Second Lieut. Ola W. Bell, Third Cavalry, to be first lieutenant, November 14, 1900.

ARTILLERY ARM.

Lieut. Col. Tully McCrea, Fifth Artillery, to be colonel, July 15, 1900.

Maj. John H. Calef, First Artillery (since retired), to be lieutenant-colonel, June 6, 1900.

Maj. John L. Tiernon, First Artillery, to be lieutenant-colonel, July 15, 1900.

Maj. James M. Lancaster, Fourth Artillery (since deceased), to be lieutenant-colonel, August 10, 1900.

Maj. James M. Ingalls, Fifth Artillery, to be lieutenant-colonel, October 5, 1900.

Capt. James O'Hara, Third Artillery, to be major, June 6, 1900.

Capt. Asher C. Taylor, Second Artillery, to be major, June 18, 1900.

Capt. Richard P. Strong, Fourth Artillery, to be major, July 15, 1900.

Capt. Henry W. Hubbell, First Artillery, to be major, August 10, 1900.

Capt. William F. Stewart, Fourth Artillery, to be major, October 1, 1900.

Capt. Anthony W. Vogdes, Fifth Artillery, to be major, October 5, 1900.

First Lieut. Elisha S. Benton, Seventh Artillery, to be captain, June 6, 1900.

First Lieut. Harry L. Hawthorne, Sixth Artillery, to be captain, June 18, 1900.

First Lieut. Cornélis De W. Willcox, Seventh Artillery, to be captain, July 15, 1900.

First Lieut. Arthur F. Curtis, Sixth Artillery, to be captain, August 10, 1900.

First Lieut. John D. Barrette, Seventh Artillery, to be captain, August 15, 1900.

First Lieut. Charles F. Parker, Second Artillery, to be captain, October 1, 1900.

First Lieut. Elmer W. Hubbard, Seventh Artillery, to be captain, October 5, 1900.

Second Lieut. Willard D. Newbill, Seventh Artillery, to be first lieutenant, April 8, 1900.

Second Lieut. Harold E. Cloke, Third Artillery, to be first lieutenant, May 31, 1900.

Second Lieut. Samuel C. Vestal, Seventh Artillery, to be first lieutenant, June 6, 1900.

Second Lieut. Thomas H. R. McIntyre, Sixth Artillery, to be first lieutenant, June 18, 1900.

Second Lieut. Richard H. McMaster, Sixth Artillery, to be first lieutenant, July 15, 1900.

Second Lieut. Philip R. Ward, Seventh Artillery, to be first lieutenant, August 10, 1900.

Second Lieut. Manus McCloskey, Fifth Artillery, to be first lieutenant, August 15, 1900.

Second Lieut. John E. Stephens, Seventh Artillery, to be first lieutenant, September 4, 1900.

Second Lieut. Thomas E. Merrill, First Artillery, to be first lieutenant, October 1, 1900.

Second Lieut. George A. Nugent, Fourth Artillery, to be first lieutenant, October 5, 1900.

INFANTRY ARM.

Lieut. Col. Charles F. Robe, Seventeenth Infantry, to be colonel, July 13, 1900.

Maj. Alfred C. Markley, Twenty-fourth Infantry, to be lieutenant-colonel, June 9, 1900.

Maj. Lyster M. O'Brien, Seventeenth Infantry, to be lieutenant-colonel, July 13, 1900.

Maj. William Auman, Thirteenth Infantry, to be lieutenant-colonel, September 7, 1900.

Maj. Jesse M. Lee, Fifteenth Infantry, to be lieutenant-colonel, October 9, 1900.

Maj. James M. Miller, Twenty-second Infantry, to be lieutenant-colonel, November 13, 1900.

Capt. Edwin B. Bolton, Sixteenth Infantry, to be major, June 9, 1900.

Capt. James S. Pettit, First Infantry, to be major, June 18, 1900.

Capt. Charles L. Hodges, Twenty-fifth Infantry, to be major, July 13, 1900.

Capt. Robert H. R. Loughborough, Twenty-fifth Infantry, to be major, August 11, 1900.

Capt. John G. Ballance, Twenty-second Infantry, to be major, September 7, 1900.

Capt. William J. Turner, Second Infantry, to be major, October 5, 1900.

Capt. Frank Taylor, Eighth Infantry, to be major, October 9, 1900.

Capt. Richard T. Yeatman, Third Infantry, to be major, November 13, 1900.

First Lieut. Francis H. Schoeffel, Ninth Infantry, to be captain, April 18, 1900.

First Lieut. William H. Bertsch, Fifteenth Infantry, to be captain, May 12, 1900.

First Lieut. Ross L. Bush, Twenty-fifth Infantry, to be captain, May 31, 1900.

First Lieut. Joseph L. Donovan, Sixteenth Infantry, to be captain, June 3, 1900.

First Lieut. John B. Bennet, Sixth Infantry, to be captain, June 9, 1900.

First Lieut. Melville S. Jarvis, Fifth Infantry, to be captain, June 18, 1900.

First Lieut. John W. Heavey, Eleventh Infantry, to be captain, July 9, 1900.

First Lieut. Harry J. Hirsch, Fourth Infantry, to be captain, July 13, 1900.

First Lieut. Joseph Frazier, Ninth Infantry, to be captain, August 11, 1900.

First Lieut. Robert L. Hamilton, Fifth Infantry, to be captain, September 7, 1900.

First Lieut. La Roy S. Upton, Fifth Infantry, to be captain, September 15, 1900.

First Lieut. Harry A. Smith, Fifth Infantry, to be captain, September 17, 1900.

Second Lieut. Clifton C. Kinney, Thirteenth Infantry, to be first lieutenant, April 18, 1900.

Second Lieut. Woodson Hocker, Eleventh Infantry, to be first lieutenant, May 13, 1900.

Second Lieut. Juan A. Boyle, Twenty-first Infantry, to be first lieutenant, May 25, 1900.

Second Lieut. James S. Young, jr., Tenth Infantry, to be first lieutenant, May 31, 1900.

Second Lieut. William M. Parker, First Infantry, to be first lieutenant, June 3, 1900.

Second Lieut. Charles B. Clark, Twenty-third Infantry, to be first lieutenant, June 9, 1900.

Second Lieut. Irvin L. Hunt, Nineteenth Infantry, to be first lieutenant, June 18, 1900.

Second Lieut. George S. Simonds, Twenty-second Infantry, to be first lieutenant, July 2, 1900.

Second Lieut. Louis S. D. Rucker, jr., Sixteenth Infantry, to be first lieutenant, July 9, 1900.

Second Lieut. Robert E. Frith, Twenty-fourth Infantry, to be first lieutenant, July 13, 1900.

Second Lieut. Llewellyn N. Bushfield, Seventeenth Infantry, to be first lieutenant, July 29, 1900.

Second Lieut. Samuel T. Ansell, Eleventh Infantry, to be first lieutenant, August 11, 1900.

Second Lieut. Robert H. Peck, Tenth Infantry, to be first lieutenant, August 13, 1900.

Second Lieut. Halsey E. Yates, Fifth Infantry, to be first lieutenant, September 7, 1900.

Second Lieut. Clement A. Trott, Seventh Infantry, to be first lieutenant, September 15, 1900.

Second Lieut. Wilson B. Burtt, Eighth Infantry, to be first lieutenant, September 17, 1900.

Second Lieut. Walter S. Brown, Third Infantry, to be first lieutenant, September 20, 1900.

Second Lieut. Josiah C. Minus, Twentieth Infantry, to be first lieutenant, September 22, 1900.

First Lieut. Hollis C. Clark, Twenty-fifth Infantry, to be captain, September 23, 1900.

First Lieut. George C. Saffarrans, Tenth Infantry, to be captain, October 5, 1900.

First Lieut. Palmer E. Pierce, Thirteenth Infantry, to be captain, October 9, 1900.

First Lieut. Lutz Wahl, Twenty-first Infantry, to be captain, October 31, 1900.

First Lieut. William P. Jackson, Twenty-fourth Infantry, to be captain, November 13, 1900.

Second Lieut. Charles M. Bundel, Fourth Infantry, to be first lieutenant, September 23, 1900.

Second Lieut. Henry L. Harris, jr., Twentieth Infantry, to be first lieutenant, October 5, 1900.

Second Lieut. Laurence Halstead, Eleventh Infantry, to be first lieutenant, October 9, 1900.

Second Lieut. Frederick W. Van Duyne, Twenty-fourth Infantry, to be first lieutenant, October 15, 1900.

Second Lieut. Charles D. Herron, Eighteenth Infantry, to be first lieutenant, October 31, 1900.

Second Lieut. Robert B. Calvert, Eighteenth Infantry, to be first lieutenant, November 13, 1900.

SIGNAL CORPS.

First Lieut. Samuel Reber, to be captain, to date from July 1, 1900.

APPOINTMENTS IN THE VOLUNTEER ARMY.

Capt. Frank B. McKenna, Forty-sixth Infantry, United States Volunteers (first lieutenant, Fifteenth Infantry, United States Army), to be inspector-general of volunteers with the rank of major, December 6, 1900.

Capt. Daniel E. McCarthy, assistant quartermaster, United States Army, to be quartermaster of volunteers with the rank of major, December 3, 1900.

GENERAL OFFICERS.

To be major-generals.

Brig. Gen. Loyd Wheaton, United States Volunteers (colonel Seventh Infantry, United States Army), June 18, 1900.

Brig. Gen. Adna R. Chaffee, United States Volunteers (colonel Eighth Cavalry, United States Army), July 19, 1900.

To be brigadier-general.

Lieut. Col. Thomas H. Barry, assistant adjutant-general, United States Army, June 18, 1900.

FIELD AND STAFF OFFICERS.

To be inspector-general with the rank of lieutenant-colonel.

Maj. Parker W. West, inspector-general, United States Volunteers (captain, Fifth Cavalry, United States Army), December 1, 1900.

To be quartermasters with the rank of major.

Capt. William W. Robinson, jr., assistant quartermaster, United States Army, August 14, 1900.

Capt. Joseph C. Byron, assistant quartermaster, United States Army, September 27, 1900.

To be assistant quartermasters with the rank of captain.

First Lieut. George C. Barnhardt, Sixth Cavalry, United States Army, July 27, 1900.

First Lieut. Pegram Whitworth, Eighteenth Infantry, United States Army, October 12, 1900.

First Lieut. William C. Davis, Sixth Artillery, United States Army, October 29, 1900.

To be commissary of subsistence with the rank of major.

Capt. Albert D. Niskern, commissary of subsistence, United States Army, October 19, 1900.

To be assistant commissaries of subsistence with the rank of captain.

First Lieut. John E. Woodward, Sixteenth Infantry, United States Army, June 15, 1900.

First Lieut. Frank B. Watson, Nineteenth Infantry, United States Army, August 31, 1900.

To be surgeons with the rank of major.

Maj. Merritte W. Ireland, surgeon, Forty-fifth Infantry, United States Volunteers, June 30, 1900.

Capt. John S. Kulp, assistant surgeon, United States Army, June 11, 1900.

Capt. Frederick P. Reynolds, assistant surgeon, United States Army, June 16, 1900.

Capt. William F. Lewis, assistant surgeon, United States Army, October 1, 1900.

Capt. Alexander N. Stark, assistant surgeon, United States Army, November 7, 1900.

Capt. Paul Shillock, assistant surgeon, United States Army, November 2, 1900.

Capt. Powell C. Fauntleroy, assistant surgeon, United States Army, November 30, 1900.

First Lieut. George W. Mathews, assistant surgeon, United States Army, November 30, 1900.

Capt. William L. Kneedler, assistant surgeon, United States Army, December 1, 1900.

To be signal officer with the rank of captain.

First Lieut. Carl F. Hartmann, signal officer, United States Volunteers, July 1, 1900.

To be signal officers with the rank of first lieutenant.

Second Lieut. Alfred T. Clifton, signal officer, United States Volunteers, July 1, 1900.

Second Lieut. William W. Colt, signal officer, United States Volunteers, August 31, 1900.

To be signal officers with the rank of second lieutenant.

First-Class Sergt. John T. Sayles, Signal Corps, United States Army, June 8, 1900.

First-Class Sergt. Charles O. Hastings, Signal Corps, United States Army, June 8, 1900.

First-Class Sergt. Burt E. Grabo, Signal Corps, United States Army, June 8, 1900.

First-Class Sergt. Magnus Nordquist, Signal Corps, United States Army, June 8, 1900.

First-Class Sergt. Otto B. Grimm, Signal Corps, United States Army, June 8, 1900.

First-Class Sergt. Charles E. Booth, Signal Corps, United States Army, June 8, 1900.

First-Class Sergt. Henry S. Hathaway, Signal Corps, United States Army, June 8, 1900.

First-Class Sergt. Peter Bartsch, Signal Corps, United States Army, June 8, 1900.

First-Class Sergt. Rush P. Wheat, Signal Corps, United States Army, June 8, 1900.

First-Class Sergt. Clifton R. Berry, Signal Corps, United States Army, June 8, 1900.

First-Class Sergt. Earle W. Binkley, Signal Corps, United States Army, September 1, 1900.

First-Class Sergt. Harry W. Capron, Signal Corps, United States Army, September 8, 1900.

First-Class Sergt. Joseph Smith, Signal Corps, United States Army, November 28, 1900.

To be signal officers with the rank of first lieutenant.

Second Lieut. Charles B. Rogan, jr., signal officer, United States Volunteers, June 8, 1900.

Second Lieut. William Mitchell, signal officer, United States Volunteers, June 8, 1900.

Second Lieut. Henry W. Stamford, signal officer, United States Volunteers, June 8, 1900.

Second Lieut. Frederick M. Jones, signal officer, United States Volunteers, June 8, 1900.

Second Lieut. Victor Shepherd, signal officer, United States Volunteers, June 8, 1900.

Second Lieut. William E. Davies, signal officer, United States Volunteers, June 8, 1900.

Second Lieut. Richard O. Rickard, signal officer, United States Volunteers, June 8, 1900.

Second Lieut. Charles S. Wallace, signal officer, United States Volunteers, June 8, 1900.

Second Lieut. George S. Gibbs, jr., signal officer, United States Volunteers, June 8, 1900.

Second Lieut. Mack K. Cunningham, signal officer, United States Volunteers, June 8, 1900.

To be assistant surgeons with the rank of first lieutenant.

H. Brookman Wilkinson, of Alabama, acting assistant surgeon, United States Army, June 8, 1900.

Charles Fitzpatrick, of Pennsylvania, acting assistant surgeon, United States Army, August 9, 1900.

George S. Wallace, of Pennsylvania, acting assistant surgeon, United States Army, August 21, 1900.

William J. Boyd, of New York, acting assistant surgeon, United States Army, September 6, 1900.

Loren B. T. Johnson, of the District of Columbia, acting assistant surgeon, United States Army, November 19, 1900.

Harold L. Coffin, of Rhode Island, acting assistant surgeon, United States Army, November 19, 1900.

Laurel B. Sandall, of Michigan, acting assistant surgeon, United States Army, November 19, 1900.

George B. Lawrason, of Louisiana, acting assistant surgeon, United States Army, November 19, 1900.

ELEVENTH CAVALRY.

Q. M. Sergt. Thomas H. Jennings, Troop B, Eleventh Cavalry, United States Volunteers, to be second lieutenant, July 30, 1900.

First Sergt. Carl C. Jones, Troop L, Eleventh Cavalry, United States Volunteers, to be second lieutenant, July 30, 1900.

First Sergt. Frank M. Gaskill, Troop A, Eleventh Cavalry, United States Volunteers, to be second lieutenant, September 8, 1900.

SQUADRON PHILIPPINE CAVALRY.

Second Lieut. Frank T. McNarney, Thirty-sixth Infantry, United States Volunteers, to be first lieutenant, Squadron Philippine Cavalry, June 15, 1900.

Second Lieut. Frank I. Otis, Thirty-fifth Infantry, United States Volunteers, to be second lieutenant, Squadron Philippine Cavalry, June 15, 1900.

Sergt. Clarence M. Condon, Battery G, Third Artillery, United States Army, to be second lieutenant, Squadron Philippine Cavalry, June 15, 1900.

First Sergt. Boss Reese, Company D, Twenty-ninth Infantry, United States Volunteers, to be second lieutenant, Squadron Philippine Cavalry, June 15, 1900.

Sergt. Edward B. Howell, Company A, Twenty-ninth Infantry, United States Volunteers, to be second lieutenant, Squadron Philippine Cavalry, June 15, 1900.

Corpl. Robert M. Barton, Company B, Twenty-first Infantry, United States Army, to be second lieutenant, Squadron Philippine Cavalry, October 1, 1900.

TWENTY-SIXTH INFANTRY.

Battalion Sergt. Maj. Earl C. Pierce, Twenty-sixth Infantry, United States Volunteers, to be second lieutenant, September 11, 1900.

Sergt. Josiah H. Byerley, Company F, Twenty-sixth Infantry, United States Volunteers, to be second lieutenant, October 5, 1900.

TWENTY-SEVENTH INFANTRY.

Battalion Sergt. Maj. Allen T. Crockett, Twenty-seventh Infantry, United States Volunteers, to be second lieutenant, June 25, 1900.

First Sergt. James G. Taylor, Company E, Twenty-seventh Infantry, United States Volunteers, to be second lieutenant, August 20, 1900.

Battalion Sergt. Maj. Charles Schneider, jr., Twenty-seventh Infantry, United States Volunteers, to be second lieutenant, September 15, 1900.

First Sergt. Harry F. Smith, Company B, Twenty-seventh Infantry, United States Volunteers, to be second lieutenant, September 24, 1900.

First Sergt. Alfred J. Booth, Company H, Twenty-seventh Infantry, United States Volunteers, to be second lieutenant, September 24, 1900.

First Sergt. Charles B. Baker, Company I, Twenty-seventh Infantry, United States Volunteers, to be second lieutenant, October 15, 1900.

TWENTY-EIGHTH INFANTRY.

Battalion Sergt. Maj. John F. Bishop, Twenty-eighth Infantry, United States Volunteers, to be second lieutenant, August 4, 1900.

Battalion Sergt. Maj. James M. Grey, Twenty-Eighth Infantry, United States Volunteers, to be second lieutenant, September 1, 1900.

Battalion Sergt. Maj. Anton H. Schroeter, Twenty-eighth In-

fantry, United States Volunteers, to be second lieutenant, October 12, 1900.

TWENTY-NINTH INFANTRY.

Sergt. Maj. Hugh S. Brown, Twenty-ninth Infantry, United States Volunteers, to be second lieutenant, September 14, 1900.

Battalion Sergt. Maj. William E. Persons, Twenty-ninth Infantry, United States Volunteers, to be second lieutenant, October 15, 1900.

THIRTIETH INFANTRY.

Sergt. Maj. William R. Downey, Thirtieth Infantry, United States Volunteers, to be second lieutenant, August 4, 1900.

Com. Sergt. William E. Twight, Thirtieth Infantry, United States Volunteers, to be second lieutenant, November 6, 1900.

THIRTY-FIRST INFANTRY.

First Sergt. Curtis G. Rorebeck, Company A, Thirty-first Infantry, United States Volunteers, to be second lieutenant, June 28, 1900.

Sergt. James Totten, Company A, Thirty-first Infantry, United States Volunteers, to be second lieutenant, September 8, 1900.

THIRTY-SECOND INFANTRY.

First Sergt. John Ryan, Company I, Thirty-second Infantry, United States Volunteers, to be second lieutenant, July 12, 1900.

Battalion Sergt. Maj. Edward C. Wells, Thirty-second Infantry, United States Volunteers, to be second lieutenant, September 4, 1900.

Corpl. Junius I. Boyle, Company L, Thirty-second Infantry, United States Volunteers, to be second lieutenant, September 5, 1900.

THIRTY-THIRD INFANTRY.

Sergt. Maj. Albert E. Gebert, Thirty-third Infantry, United States Volunteers, to be second lieutenant, June 16, 1900.

Sergt. Maj. Edward G. McDougall, Thirty-third Infantry, United States Volunteers, to be second lieutenant, October 15, 1900.

First Sergt. Robert F. Tate, Company A, Thirty-third Infantry, United States Volunteers, to be second lieutenant, November 6, 1900.

Battalion Sergt. Maj. Sebring C. Megill, Thirty-third Infantry, United States Volunteers, to be second lieutenant, November 28, 1900.

THIRTY-FOURTH INFANTRY.

First Sergt. William M. Milne, Company K, Thirty-fourth Infantry, United States Volunteers, to be second lieutenant, August 10, 1900.

Sergt. John N. Currie, Company C, Thirty-fourth Infantry, United States Volunteers, to be second lieutenant, October 3, 1900.

THIRTY-FIFTH INFANTRY.

Sergt. Maj. Bernard Goss, Thirty-fifth Infantry, United States Volunteers, to be second lieutenant, July 7, 1900.

Hosp. Steward John F. Newport, Thirty-fifth Infantry, United States Volunteers, to be second lieutenant, August 28, 1900.

THIRTY-SIXTH INFANTRY.

Com. Sergt. George K. Wilson, Thirty-sixth Infantry, United States Volunteers, to be second lieutenant, June 25, 1900.

Battalion Sergt. Maj. John A. Brown, Thirty-sixth Infantry, United States Volunteers, to be second lieutenant, June 25, 1900.

Hosp. Steward Frank L. Hemsted, Thirty-sixth Infantry, United States Volunteers, to be second lieutenant, August 4, 1900.

Sergt. Maj. Victor J. Bergstrom, Thirty-sixth Infantry, United States Volunteers, to be second lieutenant, August 20, 1900.

First Sergt. Allen P. Norton, Company E, Thirty-sixth Infantry, United States Volunteers, to be second lieutenant, September 27, 1900.

THIRTY-SEVENTH INFANTRY.

First Sergt. Thomas Embry, Company C, Thirty-seventh Infantry, United States Volunteers, to be second lieutenant, June 25, 1900.

First Sergt. Harry E. Potter, Company A, Thirty-seventh Infantry, United States Volunteers, to be second lieutenant, August 20, 1900.

Battalion Sergt. Maj. James W. McIntyre, Thirty-seventh Infantry, United States Volunteers, to be second lieutenant, October 2, 1900.

THIRTY-NINTH INFANTRY.

Sergt. Fred Cooke, Company K, Thirty-ninth Infantry, United States Volunteers, to be second lieutenant, August 27, 1900.

First Sergt. Robert B. McConnell, Company D, Thirty-ninth Infantry, United States Volunteers, to be second lieutenant, September 20, 1900.

FORTIETH INFANTRY.

Sergt. Frank R. Weeks, Company F, Fortieth Infantry, United States Volunteers, to be second lieutenant, September 8, 1900.

FORTY-FIRST INFANTRY.

Q. M. Sergt. Herbert G. Millar, Forty-first Infantry, United States Volunteers, to be second lieutenant, June 25, 1900.

FORTY-SECOND INFANTRY.

Sergt. Maj. Frank T. Allbright, Forty-second Infantry, United States Volunteers, to be second lieutenant, July 13, 1900.

FORTY-THIRD INFANTRY.

Sergt. Maj. Walter M. Lindsay, Forty-third Infantry, United States Volunteers, to be second lieutenant, July 12, 1900.

First Sergt. Louis B. Chandler, Company E, Forty-third Infantry, United States Volunteers, to be second lieutenant, July 12, 1900.

Sergt. Maj. George E. Steele, Forty-third Infantry, United States Volunteers, to be second lieutenant, October 12, 1900.

FORTY-FOURTH INFANTRY.

Com. Sergt. Elias J. Hincken, Forty-fourth Infantry, United States Volunteers, to be second lieutenant, November 1, 1900.

Sergt. Maj. Leonard H. Cook, Forty-fourth Infantry, United States Volunteers, to be second lieutenant, November 19, 1900.

FORTY-FIFTH INFANTRY.

Sergt. Maj. Oscar Danielson, Forty-fifth Infantry, United States Volunteers, to be second lieutenant, June 16, 1900.

Q. M. Sergt. George K. Armstrong, Forty-fifth Infantry, United States Volunteers, to be second lieutenant, June 21, 1900.

First Sergt. George A. F. Trumbo, Company D, Forty-fifth Infantry, United States Volunteers, to be second lieutenant, September 5, 1900.

Sergt. Fred D. Shiras, Company B, Forty-fifth Infantry, United States Volunteers, to be second lieutenant, September 24, 1900.

Corpl. Charles E. Dority, Company E, Forty-fifth Infantry, United States Volunteers, to be second lieutenant, September 24, 1900.

FORTY-SIXTH INFANTRY.

Sergt. Maj. Gustavus J. Hasson, Forty-sixth Infantry, United States Volunteers, to be second lieutenant, September 5, 1900.

FORTY-SEVENTH INFANTRY.

Sergt. Maj. Edwin Burke, Forty-seventh Infantry, United States Volunteers, to be second lieutenant, July 23, 1900.

First Sergt. William P. Barber, jr., Company I, Forty-seventh Infantry, United States Volunteers, to be second lieutenant, July 24, 1900.

First Sergt. Thomas T. Page, Company F, Forty-seventh Infantry, United States Volunteers, to be second lieutenant, August 11, 1900.

First Sergt. Robert C. Q. Clark, Company L, Forty-seventh Infantry, United States Volunteers, to be second lieutenant, October 6, 1900.

FORTY-NINTH INFANTRY.

Capt. Robert Gage, Forty-ninth Infantry, United States Volunteers, to be major, June 15, 1900.

Capt. William J. Vaiden, Thirty-eighth Infantry, United States Volunteers, to be captain in the Forty-ninth Infantry, United States Volunteers (by transfer), July 16, 1900, with rank from August 17, 1899.

Sergt. Maj. George R. Grau, Twelfth Infantry, United States Army, to be first lieutenant, Forty-ninth Infantry, United States Volunteers, July 16, 1900.

Sergt. Maj. John R. Blackburn, Forty-ninth Infantry, United States Volunteers, to be second lieutenant, June 15, 1900.

Sergt. Maj. George A. Williams, Forty-ninth Infantry, United States Volunteers, to be second lieutenant, October 17, 1900.

Sergt. Maj. William E. Tyler, Forty-ninth Infantry, United States Volunteers, to be second lieutenant, November 6, 1900.

PORTO RICO REGIMENT, UNITED STATES VOLUNTEER INFANTRY.

First Lieut. Charles H. Hamilton, Porto Rico Regiment, to be captain, November 5, 1900.

Second Lieut. Blas Nadal, Porto Rico Regiment, to be first lieutenant, November 5, 1900.

William Ridgely Hay, of Illinois (late trumpeter, Troop H, Eighth Cavalry, United States Army), to be second lieutenant, November 5, 1900.

PROMOTIONS IN THE VOLUNTEER ARMY.

ELEVENTH CAVALRY.

First Lieut. George W. Winterburn, to be captain, June 7, 1900.
Second Lieut. George Curry, to be first lieutenant, June 7, 1900.

SQUADRON PHILIPPINE CAVALRY.

First Lieut. David H. Biddle, to be captain, July 2, 1900.
Second Lieut. Frank I. Otis, to be first lieutenant, July 2, 1900.

TWENTY-SEVENTH INFANTRY.

Second Lieut. Daniel Hyman, to be first lieutenant, September 10, 1900.

Second Lieut. Thomas MacAllister Knox, to be first lieutenant, September 15, 1900.
Second Lieut. Matthew T. E. Ward, to be first lieutenant, September 15, 1900.
Second Lieut. Arthur L. McCoy, to be first lieutenant, September 30, 1900.

TWENTY-EIGHTH INFANTRY.

First Lieut. John P. Teagarden, to be captain, August 28, 1900.
Second Lieut. William H. Lyons, to be first lieutenant, August 28, 1900.

TWENTY-NINTH INFANTRY.

First Lieut. Edward Hill, to be captain, July 31, 1900.
First Lieut. James Longstreet, jr., to be captain, September 3, 1900.
Second Lieut. Vincent M. Elmore, jr., to be first lieutenant, July 31, 1900.
Second Lieut. Thomas S. Moorman, jr., to be first lieutenant, September 3, 1900.

THIRTIETH INFANTRY.

Second Lieut. Guilford S. Garber, to be first lieutenant, June 30, 1900.

THIRTY-FIRST INFANTRY.

First Lieut. Kent Browning, to be captain, August 10, 1900.
Second Lieut. Henry Gibbins, to be first lieutenant, August 10, 1900.

THIRTY-SECOND INFANTRY.

First Lieut. George S. Ralston, to be captain, September 1, 1900.
Second Lieut. Benjamin R. Wade, to be first lieutenant, June 6, 1900.
Second Lieut. Archie Miller, to be first lieutenant, September 1, 1900.

THIRTY-THIRD INFANTRY.

Lieut. Col. Marcus D. Cronin, to be colonel, June 9, 1900.
Maj. Peyton C. March, to be lieutenant-colonel, June 9, 1900.
Capt. Edmund G. Shields, to be major, June 9, 1900.
First Lieut. Edgar N. Coffey, to be captain, June 9, 1900.
Second Lieut. Henry J. McKenney, to be first lieutenant, June 9, 1900.
Second Lieut. Donald C. McClelland, to be first lieutenant, October 6, 1900.
Second Lieut. Hugh Williams, to be first lieutenant, October 24, 1900.

THIRTY-FOURTH INFANTRY.

First Lieut. Harry W. Newton, to be captain, July 25, 1900.
First Lieut. Harry C. Barnes, to be captain, November 15, 1900.
Second Lieut. Charles P. Hirst, to be first lieutenant, July 25, 1900.
Second Lieut. Cleveland C. Lansing, to be first lieutenant, September 10, 1900.
Second Lieut. John T. Dunn, to be first lieutenant, November 15, 1900.

THIRTY-FIFTH INFANTRY.

Second Lieut. Samuel M. English, to be first lieutenant, August 20, 1900.

THIRTY-NINTH INFANTRY.

First Lieut. Frank Maloney, to be captain, August 13, 1900.
Second Lieut. Edward H. White, to be first lieutenant, August 13, 1900.

FORTIETH INFANTRY.

Second Lieut. John M. Kelso, jr., to be first lieutenant, July 15, 1900.

FORTY-SECOND INFANTRY.

Second Lieut. R. Howard Williams, to be first lieutenant, July 7, 1900.

FORTY-THIRD INFANTRY.

Second Lieut. Morton L. Avery, to be first lieutenant, May 11 1900.
Second Lieut. Robert Sterrett, to be first lieutenant, June 13, 1900.
Second Lieut. William H. Burt, to be first lieutenant, September 15, 1900.

FORTY-FOURTH INFANTRY.

Second Lieut. Arthur J. Cadden, to be first lieutenant, October 30, 1900.
Second Lieut. Frederick L. Dengler, to be first lieutenant, November 1, 1900.

FORTY-FIFTH INFANTRY.

First Lieut. Willard M. Flynn, to be captain, August 17, 1900.
Second Lieut. Roy I. Taylor, to be first lieutenant, June 10, 1900.
Second Lieut. William E. W. MacKinlay, to be first lieutenant, August 17, 1900.

FORTY-SIXTH INFANTRY.

Second Lieut. Moses R. Ross, to be first lieutenant, August 31, 1900.

FORTY-SEVENTH INFANTRY.

First Lieut. Leonard S. Goddard, to be captain, July 6, 1900.
First Lieut. Thomas R. J. Campbell, to be captain, August 28, 1900.
Second Lieut. William R. Harrison, to be first lieutenant, July 6, 1900.
Second Lieut. Charles L. Lanham, to be first lieutenant, August 10, 1900.
Second Lieut. Walter T. Slack, to be first lieutenant, August 28, 1900.

FORTY-NINTH INFANTRY.

First Lieut. David J. Gilmer, to be captain, October 6, 1900.
Second Lieut. Alfred M. Ray, to be first lieutenant, October 3, 1900.
Second Lieut. William McBryar, to be first lieutenant, October 6, 1900.

TO BE SURGEONS WITH THE RANK OF MAJOR.

Capt. Frank E. Artaud, assistant surgeon, Forty-fifth Infantry, United States Volunteers, July 9, 1900.
Capt. Seaton Norman, assistant surgeon, Thirty-ninth Infantry, United States Volunteers, October 30, 1900.

TO BE ASSISTANT SURGEONS WITH THE RANK OF CAPTAIN.

First Lieut. William C. Berlin, assistant surgeon, Forty-fifth Infantry, United States Volunteers, July 9, 1900.
First Lieut. Edward G. Beeson, assistant surgeon, Thirty-ninth Infantry, United States Volunteers, October 30, 1900.
First Lieut. Isaac W. Brewer, assistant surgeon, Thirty-sixth Infantry, United States Volunteers, October 12, 1900.
First Lieut. Dudley W. Welch, assistant surgeon, Forty-third Infantry, United States Volunteers, November 12, 1900.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 11, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

OSCAR L. BOOZ.

Mr. HULL. Mr. Speaker, I am instructed by the Committee on Military Affairs to submit the following privileged report.

The SPEAKER. The gentleman from Iowa, chairman of the Committee on Military Affairs, submits a privileged report, which the Clerk will read.

The Clerk read as follows:

[House Report No. 2018, Fifty-sixth Congress, second session.]

The Committee on Military Affairs, to whom was referred House resolution No. 307, report the same back to the House with the recommendation that it do pass with the following amendment:

Amend the resolution to read as follows:

"Whereas it is alleged in newspapers of the United States that Oscar L. Booz, of Bristol, Pa., formerly a cadet at the United States Military Academy at Westpoint, died at his home from injuries purporting to have been the result of hazing inflicted upon him by certain unknown cadets of the said Military Academy; and

"Whereas the Secretary of War is now making investigation of the facts:

"*Resolved*, That said Secretary be requested to report the result of such investigation to the House of Representatives, together with such recommendations as he may see fit to make."

The report of the Secretary of War, together with the report of the Superintendent of the Military Academy, is hereto attached and made a part of this report.

RESOLUTION.

Whereas it is a matter of general knowledge, published in many reputable daily newspapers of the United States, that Oscar L. Booz, of Bristol Pa., formerly a cadet at the United States Military Academy at Westpoint, died at his home from injuries purporting to have been the result of hazing inflicted upon him by certain unknown cadets of the said Military Academy: Therefore, be it

Resolved, That the Secretary of War be, and he is hereby, directed to cause to be made a searching investigation of the circumstances attending the said hazing of Oscar L. Booz while a cadet at the Military Academy at Westpoint, and to report the result of such investigation to the House of Representatives, together with such recommendations as he may care to make by which the practice of hazing may be stopped.

RESOLUTION.

Whereas it is alleged in newspapers of the United States that Oscar L. Booz, of Bristol, Pa., formerly a cadet at the United States Military Academy at Westpoint, died at his home from injuries purporting to have been the result of hazing inflicted upon him by certain unknown cadets of the said Military Academy; and

Whereas the Secretary of War is now making investigation of the facts:

Resolved, That said Secretary be requested to report the result of such investigation to the House of Representatives, together with such recommendations as he may see fit to make.

Mr. HULL. Mr. Speaker, I ask for the reading of the report from the Secretary of War.

The Clerk read as follows:

WAR DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, December 10, 1900.

SIR: I return herewith House resolution No. 307, relating to certain alleged hazing of former Cadet Oscar L. Booz in the Military Academy at Westpoint, referred to me to-day for remark.

The newspaper articles which, I suppose, are referred to in the resolution were immediately, upon coming to the notice of the Department, referred to the Superintendent of the Military Academy, who has already made and completed a searching investigation and has reported the results to the Department to-day. The report is transmitted herewith.

Pursuant to the request with which this report closes, I have made the following order:

"A board of officers composed of Maj. Gen. John R. Brooke, Col. George L. Gillespie, and Lieut. Col. John W. Clous is hereby convened to meet at Westpoint on the 15th of the present month, or as soon thereafter as practicable, to inquire into and report upon the alleged treatment of former cadet Oscar L. Booz at the Military Academy, and upon the measures taken to prevent such treatment of new cadets at the Academy, and the extent to which new cadets are now subject to such treatment. The board will have authority to visit such places as may be necessary for a complete ascertainment of the facts, including the home of the late Oscar L. Booz."

Very respectfully,

ELIHU ROOT, *Secretary of War.*

Hon. JOHN A. T. HULL,
Chairman Committee on Military Affairs, House of Representatives.

Statement of the Superintendent of the United States Military Academy in regard to Oscar L. Booz and charges made in the public press of his alleged ill treatment while he was a cadet at the Military Academy.

I have no personal knowledge of Cadet Booz, he having left the Military Academy October 4, 1898, shortly after I assumed the duties of Superintendent, September 20, 1898. Any ill treatment he may have received at the hands of older cadets must have occurred after his admission and during the summer encampment, which ended August 28, 1898.

The following is Cadet Booz's official record: Admitted to the Military Academy from the Seventh Congressional district of Pennsylvania June 20, 1898; submitted his resignation as a cadet September 28, 1898; left the Academy October 4, 1898, having been granted leave of absence pending acceptance of resignation by the War Department; cause of resignation recorded as weak eyes; resignation accepted by War Department to date October 31, 1898. Cadet Booz was on sick report July 30, 1898, and was excused by surgeon from drill for that day on account of acute diarrhea. He was at no other time on sick report. His recorded demerit from July 15 (when demerits of new cadets commence to count) to October 5, 1898, is 38. In his studies his total mark in English is proficient; in mathematics it is deficient.

From the nature of the assertions in this case, I have been obliged to seek information by instituting a general inquiry, and I have accordingly made a careful and thorough inquiry among officers and cadets to ascertain all possible facts concerning Cadet Booz's career at the Academy. Officers who were on duty here at the time have, with but one exception, no distinct recollection of him, and there appears to be nothing, beyond what his record shows, to have specially impressed his individuality upon any of them. Cadets have freely come forward to give all the information in their possession.

Among them Cadet Booz was known by the members of the present first and second classes, the latter being his own class. I have carefully questioned the cadets of both classes who have been able in any way to give light on the matter. The answers of all have been free, frank, full, and free from the slightest apparent desire to hold in reserve anything pertaining to the inquiry. As the result of this inquiry, I am convinced that until Saturday, August 6, 1898, there occurred nothing to draw the special attention of older cadets to Cadet Booz, and I can find nothing to show that he was in any way treated differently from his classmates, or cruelly or violently hazed.

On the day mentioned he engaged in a fist fight with a cadet of the then third class, now present here in the first class. This fight appears to have had its origin as follows: On August 2 Cadet Booz was a member of the cadet guard, and about 10 p. m. was on post as a sentinel on post No. 5, about the cadet encampment. Several other cadets in the vicinity noticed that he was not walking his post as his orders required. They claim they cautioned him about the matter and advised him what he should do. Cadet Booz, however, they say, did not act on the advice they gave him, but replied in a way to incense them, and the fight followed at the first opportunity thereafter—the next Saturday. The fight was witnessed by six cadets, all of whom are at the Academy now, four being in the first class, and two, classmates of Cadet Booz, in the second class. These latter state that Cadet Booz invited them to attend the fight, and that he went to it and engaged in it willingly, and in the beginning was the aggressor.

All these witnesses unite in stating the encounter was of short duration, of little severity, and that Cadet Booz was in no way injured in it, and bore away no preceptible marks of having been in a fight. The cadet with whom he fought was not an adept in fighting and had not before engaged in a fight. Another cadet, who had occasion to speak to Cadet Booz on his return to camp immediately after the affair, has stated to me that beyond a red mark below one eye Cadet Booz showed no appearance of having been engaged in a fight, and that he laughed when the matter was referred to. The words of these cadets, which I believe are worthy of full credence, regarding the injury done Cadet Booz in the fight are corroborated by the absence of his name from the sick report that day or any subsequent day, where it surely would have appeared had he suffered injury or been disfigured to any extent to be noticed by the officer under whose almost constant observation new cadets are held. In view of the above I believe that the charge so often reiterated that "Cadet Booz was dragged out and made to fight, and was brutally pounded by an older and stronger cadet" is false and unfounded.

The additional specific charge that after the fight a fluid was poured down Cadet Booz's throat, from the effect of which he was afterwards a sufferer, is earnestly denied by all the witnesses of the fight. The charge, to one familiar with cadet customs, is an absurd one. I do not hesitate to assert that it is untrue.

Immediately following the encounter referred to, I find that Cadet Booz fell into the contempt of his fellow-cadets, in consequence of a report which gained circulation among them that he had been guilty of an untruth and a feeling that he had displayed but little spirit in his fight. The origin of the former report was as follows: When Cadet Booz was on guard on August 2 he was reported by the cadet corporal of his relief for failing to take his post properly when posted as a sentinel.

In a written explanation to the commandant of cadets, Cadet Booz denied the correctness of the report given him. The cadet corporal, becoming aware of this denial and finding it to be false, consulted the president of the first class as to the best action to take in the matter. It was decided between them that instead of reporting to the commandant of cadets that Cadet Booz had told an untruth, which, if found to be the case, would have led to his dismissal, he was to be admonished regarding his action and warned that a recurrence of it would not be tolerated. It was this question of Cadet Booz's veracity which became known to the cadets, with the result as stated, as is always the case in the corps of cadets in such matters. In consequence of this position with older cadets he was not hazed, interfered with, or molested during the remainder of his stay at the Academy.

In no statement have I been able to obtain the slightest foundation for the many charges printed in the press to the effect that Tabasco sauce or other liquid was poured down Cadet Booz's throat or otherwise given to him in quantity by any cadet. I believe the charge has its origin in instances that have occurred at meals in the cadet mess hall, when cadets have invited new cadets, ignorant of the nature of a pepper sauce sometimes used on their mess tables, to put a drop or two on their tongues. Such action has at no time been a regular practice or custom, and it is too much to believe that physical harm to any cadet has ever resulted from the prank.

The various other charges made, to the effect that Cadet Booz was called "Bibles" by other cadets, and was made by them to suffer ridicule and persecution on account of his religious belief, are denied by all cadets, many of whom are men of strong religious convictions and members of the Cadet Young Men's Christian Association, a flourishing organization of large membership and strong influence for good in the corps of cadets.

For the correct information of persons not familiar with the conditions at the Academy, it ought to be here stated that the full and free information given by all cadets now who have any knowledge of the fight in which ex-Cadet Booz engaged is given on account of the untrue statements so widely circulated in the press, and that the fight mentioned was of course not engaged in with the knowledge or countenance of the authorities then in control of the Academy. Such encounters are engaged in at times secretly by cadets, and always have been; but it is fair to say that they are in no way common, and that they are believed to be much less frequent than similar affairs are among any large body of boys and young men assembled together in close association at any place.

The War Department is familiar with the very stringent enforcement of the strict rules of the Academy against hazing new cadets in any manner and with the difficulties that have been encountered in getting cadets to tell anything at the time of such affairs, even when the authorities have reason to suspect that some unauthorized affair has taken place.

In conclusion, and in view of the wide publicity given in this case by the press to the scandalous charges against the Military Academy, I recommend that a rigid investigation of the charges be ordered by the War Department, the investigation to cover the action taken by the authorities in suppressing hazing, and that the result be given the widest possible publicity.

A. L. MILLS,
Colonel, U. S. A., Superintendent.

DECEMBER 8, 1900.

Mr. HULL. Mr. Speaker, as the Secretary of War has taken the action required by the original resolution, in making an investigation, the committee has simply reported the substitute, requesting him to transmit to Congress the full findings of the later investigation when completed, and as the House is anxious to go on with important business I——

Mr. RICHARDSON of Tennessee. Mr. Speaker, it is impossible to hear one word that the gentleman is saying.

Mr. HULL. I had said that the original resolution provided a request simply for the Secretary of War to have this investigation made, and as he had already commenced an investigation at the Academy, and when he got the report of Colonel Mills, who recommended a further and wider and strict investigation, he has appointed a board to make this investigation, and as he has submitted to Congress what has already been done, the committee adopted a substitute requesting him to submit to Congress the full findings when the report is made by the board that has recently been appointed to make the investigation, to send for persons and papers; and as I can see no particular object for debate at this time I would like to move the previous question, unless it should be the temper of the House that this should not be done.

Mr. DRIGGS and Mr. SULZER addressed the Chair.

Mr. RICHARDSON of Tennessee. I was going to suggest, if the gentleman from Iowa will indulge me for a moment——

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Tennessee?

Mr. HULL. Without yielding the floor, I yield to the gentleman for a question.

Mr. RICHARDSON of Tennessee. I do not want to discuss the matter. The gentleman who introduced the resolution, the gentleman from New York [Mr. DRIGGS], wanted a moment or two.

Mr. HULL. Mr. Speaker, I was trying, without yielding the floor, to find out how much debate or talk would be wanted.

Mr. RICHARDSON of Tennessee. Five or ten minutes.

Mr. DRIGGS. I will say, Mr. Speaker, that I do not personally care for more than about ten minutes on that resolution.

The SPEAKER. Does the gentleman from Iowa yield?

Mr. HULL. The gentleman told me this morning that five minutes would satisfy him.

Mr. DRIGGS. I will be satisfied with five minutes.

Mr. SULZER. I would like to ask the gentleman one question.

The SPEAKER. Does the gentleman from Iowa yield?

Mr. HULL. I yield for a question.

Mr. SULZER. Is it understood that the report of Colonel Mills and the letter from the Secretary of War will be published?

Mr. HULL. Certainly.

Mr. WANGER. I wish to ask the gentleman a question.

Mr. DRIGGS. I will say that I yield two minutes——

Mr. HULL. Before I yield five minutes to the gentleman from New York, I will answer the gentleman from Pennsylvania a question.

Mr. WANGER. I would like to ask for ten minutes after the

gentleman from New York has concluded. This young cadet was my appointee.

The SPEAKER. The gentleman from New York is now entitled to the floor for five minutes.

Mr. HULL. I yield five minutes to the gentleman from New York.

Mr. DRIGGS. Mr. Speaker, I desire first of all to say that I am opposed to the resolution or substitute for my resolution reported this morning from the Committee on Military Affairs. In the first place, I would like to call the attention of the House to the fact that at the time I introduced my resolution it was for the purpose not only of stopping absolutely the practice of hazing at Westpoint, but also to particularly investigate the alleged hazing case of Cadet Oscar L. Booz. The resolution has been reported back from the Committee on Military Affairs, simply calling for an investigation in the case of Oscar L. Booz. I desire to go further than that. I can not understand why it is the committee has left out of their resolution altogether the terminating clause of mine, to wit:

> Together with such recommendations as he (the Secretary of War) may care to make by which the practice of hazing may be stopped.

It is a notorious fact that during the last twenty-five or thirty years there have been many infamous cases of hazing in the Military Academy; and I say now, as a representative of the people of the United States, that when young men are appointed as cadets to the Military Academy, they being the wards of the people of the United States, should be as safe in the Military Academy as they are in their own homes; and the time has come, Mr. Speaker, when we should enact severe and stringent legislation against this infamous practice.

I desire, before alluding to the case of Cadet Booz, to allude to a case away back in 1880, the case of Cadet Johnson Whittaker, who was hazed in his room, beaten, and cut in the ears. That Whittaker case became a subject of Congressional investigation. There was a long report published at that time by the Congressional Board of Visitors to the Military Academy, and I would like to say that that report, signed by Mr. Garland, who was a visitor on the part of the Senate, and John F. Philips, a visitor on the part of the House, contains a lengthy statement in relation to hazing. Allow me to quote one phrase from that report. I will place the entire report in the RECORD, but I want to quote one phrase from it, concurred in by the gentleman who is now the distinguished President of the United States, the Hon. William McKinley, who at the time was one of the Board of Visitors to the Academy. In that report President McKinley went so far as to agree to this statement:

> If this can not be accomplished it should be a matter of serious consideration whether such a Government institution ought not to be absolutely abolished.

This is where President McKinley stood on hazing, for he was alluding then to it and to the fact that Whittaker was a colored cadet and was not given the same privileges that the other cadets received. Of course, the color question does not apply in the Booz case. And I say now, repeating the language of the President of the United States, that if hazing can not cease at the Westpoint Military Academy I am in favor of going so far as to abolish the Academy. It is a brutal, cowardly, trouble-breeding practice. [Applause.]

The gentleman from Pennsylvania [Mr. WANGER] will tell the House in extenso of the Booz case, however. I would say still further that they claim that in consequence of cowardice this young man Booz should have been hazed and was not fit to be a cadet of the Academy or an officer of the United States Army. I say to you now that if the reports are true that Booz was hazed at the Military Academy the cadets who performed the hazing are not fit to become officers of the United States Army, for they and not Booz are the cowards. [Applause.]

I say, further, that it is not a case of cowardice when some young fellow not strong and strapping, but comparatively weak physically, declines to go into a prize fight with some great strapping young giant; and I repeat this is not cowardice. I desire to say, too, that I am in favor of the roughest kind of fair sport, not only at the Military Academy, but at every other institution. I believe in football, I believe in sparring, I believe in wrestling, all under the eye of competent directors, but I draw the line at brutality, draw the line at the strong attacking the weak, draw the line at the strong nerved shattering the nerves of his less fortunate fellow-student. [Applause.]

In conclusion, I desire to say most emphatically that I admire the Military Academy at Westpoint, but through the practice of hazing its fair name has frequently been smirched, and every cadet has suffered, more or less, through the misconduct of some one of their number, so, on behalf of the anti-hazing majority of the cadets of the Academy, on behalf of the American fathers and mothers whose sons are cadets or may in the future become cadets, and on behalf of the honor of the institution—aye, of the honor of the nation itself—I urge the passage of the resolution of the gentleman from Pennsylvania. [Loud applause.]

Mr. HULL. I now yield ten minutes to the gentleman from Pennsylvania [Mr. WANGER].

Mr. WANGER. Mr. Speaker, having had the honor of making the appointment of Cadet Booz to the Military Academy, it is appropriate, it seems to me, that I should ask the indulgence of the House for a few minutes to refer to this case as it occurs to me. In the first place, I do not presume to know what the exact facts in this case are. I simply say the statements published in the reputable newspapers of the country are such as to have most profoundly moved the people of the country; that there is scarcely a home where there is any child growing, or expecting to grow, the mother of which has not felt that the greatest outrage has been committed. There has also been a feeling aroused on the part of many persons that the officers of the Academy and of our Army are so jealous of the fair fame of that institution that they will endeavor to guard it as zealously, perhaps, and as indiscreetly as did the officers of the army of France in their conduct in respect to the Dreyfus case.

I desire to offer at the proper time a resolution to provide not merely for the receipt of the information which the Secretary of War may furnish, but not in any sense to interfere with the government by the board of inquiry which he has authorized, but at the same time to provide for the investigation by this House of Representatives, the only action which in my judgment will satisfy the country that the real facts of the case will be fairly and fully brought out, and that action may be taken which may be relied upon and protect the Academy and its students from ever hereafter being made victims of hazing.

I therefore send to the Clerk's desk, and ask to be read for information, an amendment which I desire to offer at the proper time in lieu of the substitute reported by the Committee on Military Affairs. In other words, I want to amend the substitute by striking out what it contains and inserting what I send to the Clerk's desk.

The SPEAKER. The Clerk will read as a part of the gentleman's remarks.

The Clerk read as follows:

RESOLUTION.

Whereas it is a matter of general knowledge, published in many reputable daily newspapers of the United States, that Oscar L. Booz, of Bristol, Pa., formerly a cadet at the United States Military Academy at Westpoint, died at his home from injuries purporting to have been the result of hazing inflicted upon him by certain unknown cadets of the said Military Academy: Therefore, be it

Resolved, That the Secretary of War be, and he is hereby, directed to report the information in his possession attending the said hazing of Oscar L. Booz while a cadet at the Military Academy at Westpoint, and the result of any investigation he has made, to the House of Representatives, together with such recommendations as he may care to make by which the practice of hazing may be stopped.

Resolved, That a special committee of five members of the House of Representatives be appointed by the Speaker to have full power to send for persons and papers and, if necessary, to proceed to Westpoint and elsewhere, to thoroughly investigate the foregoing subject and report to the House within thirty days the result of such investigation, with such recommendations as may be advisable to secure freedom from hazing in said Academy hereafter, the expense of this investigation to be paid out of the contingent fund of the House.

Mr. WANGER. Mr. Speaker, if recognized, I shall at the proper time offer that proposition; and if denied the opportunity of doing so, I appeal most earnestly to members of this House to vote down the demand for the previous question.

I now send to the Clerk's desk to be read a letter which I have just received from the chief burgess of the borough of Bristol, Pa., where Cadet Booz lived and died.

The Clerk read as follows:

BRISTOL, PA., *December 8, 1900.*

MY DEAR SIR: No doubt ere this you have been informed regarding the case of the late Oscar L. Booz, of Bristol, at one time a cadet at Westpoint Military Academy, where it is asserted by his friends he was so misused and abused by older students that his health was permanently injured, and that the treatment received by him while there was the direct cause of his death.

The most specific charge made by them is that he was compelled to swallow Tabasco sauce by the spoonful, whereby his throat was burned in such way that the result was most serious.

Now, as Mr. Booz was appointed a cadet, as I understand, by your influence after passing a most creditable examination, I sincerely hope you will use your utmost endeavors to have a thorough investigation made of the charges of brutality against this young cadet.

As Westpoint Military Academy is supported by the Government, it is the duty of the people's representatives to see that the sons of our citizens who are admitted there shall not be made the victims of rowdies, but that they will be treated as one gentleman treats another.

No doubt those directly implicated in the alleged outrages, as well as those in authority at the Academy at the time the late Cadet Booz was an inmate there, will try to smooth the matter over and belittle the young man in every possible way.

But those acquainted with him in this his birthplace know that he was upright and conscientious—physically, mentally, and morally everything he should be.

Let us hope, therefore, that a rigid inquiry will be made, and, if the charges shall be proven, that swift punishment will follow for all guilty ones, and the brutal hazing of students at this particular school forever broken up.

Most sincerely, yours,

E. L. LEIGH, *Chief Burgess.*

Hon. I. P. WANGER, *Washington, D. C.*

Mr. HULL. Mr. Speaker, I now yield three minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, no man more severely condemns the practice of hazing than I do. When I had the honor to serve on the Board of Visitors at the Military Academy last summer I made some little personal investigation in regard to this subject, and I became convinced that the reports as to hazing at that institution were greatly exaggerated. Certainly the corps of cadets are as robust, handsome, and well-trained young men as I ever saw, and they gave no evidence that hazing had inflicted any personal injuries upon them, nor could I recognize in their spirit or in the feeling which pervaded the corps any evidence that they had been humiliated in any way. My understanding is that hazing as practiced there has been of the harmless sort—simply having a little fun with the new cadets.

The illustration given by my friend from New York [Mr. DRIGGS] is particularly unfortunate, for the man who was alleged to have been hazed in the instance referred to by the gentleman had subsequent to that incident a career which in no way confirmed his evidence given during the investigation. His subsequent career was such that he had to be dismissed from the Army on the most serious charges. No man familiar with the facts of his career in the Army and of the circumstances of his dismissal would place any confidence in the testimony which he offered at the time of the investigation of the alleged hazing in the Whittaker case.

Mr. Speaker, how much time have I left?

The SPEAKER. One minute.

Mr. SLAYDEN. I yield that to the gentleman from New York [Mr. CLAYTON].

Mr. HOPKINS. Before the gentleman yields, I should like to ask him this question: If his statement is correct, is it not a matter of justice to the Academy that there should be a Congressional investigation, so as to relieve it from the impression in the mind of the public, if that impression is unjust?

Mr. SLAYDEN. I have no objection to the most searching investigation.

Mr. DRIGGS. Will the gentleman from Texas yield to me a moment, as he has alluded to something I have said? I wish to ask him this question: Is it not true that President McKinley said that if hazing and similar practices to those of which this young man was a victim could not be prevented, he would be in favor of abolishing the Military Academy?

Mr. SLAYDEN. I will admit that Mr. McKinley said that if the gentleman says so. I have not looked up the record.

Mr. CLAYTON of New York. I ask to be recognized for two minutes.

Mr. HULL. I understood that the gentleman from Texas yielded to the gentleman from New York.

A MEMBER. But that time was afterwards consumed by other gentlemen.

Mr. HULL. I will yield two minutes to the gentleman.

Mr. CLAYTON of New York. Mr. Speaker, I would not obtrude my views in this matter on the House were it not for the fact that as a graduate of the Westpoint Academy I can in some measure speak of matters there from personal knowledge and experience. During the time that I was at the Academy this question of hazing arose. In fact, there were several cadets dismissed from the Academy on the charge of having been engaged in hazing.

Now, there is no need that officers of the Army and officers of the Military Academy should adopt any tactics of concealment in reference to this question. There is no need that there should be repeated in this institution the tactics which one gentleman has suggested were adopted in the Dreyfus case. The Military Academy has a record upon which it can stand. There is no institution in this country where there is such a spirit of fair play as there is at the Military Academy at Westpoint.

Mr. WANGER. Is it not well that the people of the country should be convinced of that fact?

Mr. CLAYTON of New York. I have no objection to any investigation that may be instituted. The Academy need not fear any investigation. It is the most democratic institution in the world. The son of a washerwoman and the son of a millionaire who enter the Academy leave behind all distinctions of social rank. They are placed upon the same footing. Every cadet in the institution has to depend for his standing upon his own merits.

Mr. STEELE. More particularly as to the hazing! They are brought to a level by the hazing!

Mr. CLAYTON of New York. Now, so far as hazing is concerned, let me say that this thing has been terribly exaggerated. At no time while I was at the Academy or for some years since—because I have kept myself familiar with matters there—at no time would the sentiment of the cadets at large, even if left to themselves, countenance anything that was insulting to a gentleman or in any way unfair or brutal.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. HULL. I yield five minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, it seems to me that after what we have heard on this floor and elsewhere it is due to the institution at Westpoint that this Congressional investigation should take place. I voted in committee against the substitute reported here. I thought the original resolution offered by the gentleman from New York was one that I could support and one which would meet all the demands of the case. But in view of what has taken place on the floor, I believe that this proposed Congressional investigation ought to be had. I do not believe that there is any ground for the charges against the Academy. I believe that when this investigation is had the authorities of the institution as well as the cadets will be vindicated. But whether they would be vindicated or not, I believe it would be unwise to vote down the investigation which is asked for. I believe it will be unwise for the country and for the Academy, and, therefore, if I have the opportunity, I shall vote for the resolution proposed by the gentleman from Pennsylvania.

I now yield back to the gentleman from Iowa the remainder of the time.

Mr. HULL. Mr. Speaker, the original resolution submitted, and which was referred to the committee, provided that the Secretary of War should make an investigation and report his findings. The amendment offered by the committee is simply to the effect that, as he has already taken the action required by the original resolution, he transmit to Congress his findings in the case.

So far as I am concerned, I have but little faith, I confess, in a Congressional investigation, and certainly very much less if such investigation be confined to a thirty days' term, as suggested by the language of this resolution. Besides that it will cost the Government something. It will give the three or five members of Congress who may be selected an opportunity of making a trip to Westpoint or some other place, and will not be as searching, complete, or as satisfactory as an investigation made by the Secretary of War.

The Army itself and the officials of the Department are just as much, if not more, interested in preventing hazing at Westpoint as anybody on the floor of the House can be. And I can say from my own personal knowledge that there is just as much objection in the Department as there is on this floor to that practice. In fact, stringent orders are now in force on this subject, and cadets have been dismissed for mild hazing. I am satisfied that the War Department is just as anxious to stop the practice as anyone here or anybody in the country can possibly be. They have taken the most vigorous measures for five years past to eliminate the practice, even in its milder forms, and in my judgment it has been almost entirely, if not entirely, eliminated.

The whole country, of course, naturally sympathizes with the family of this young man on account of the charges which have gone the rounds of the newspapers; and if it should be found that the charges are true and the crime can be located upon the shoulders of any cadet in the Academy, he should be refused graduation and dismissed in disgrace from the service of the United States. The Department and Superintendent of the Academy are doing everything possible to prevent hazing. They are making vigorous efforts in that direction, and the present Superintendent is emphatic in his intention to break up the system altogether.

In my judgment a very much better result would be obtained by letting this matter go, as suggested by the committee. It can accomplish more and reach more satisfactory results than you can possibly accomplish by a Congressional investigation. Such an investigation was not suggested by any member, Republican or Democrat, of the Military Committee. It was not suggested, as I understand it, anywhere until the resolution proposed by the gentleman from Pennsylvania was read; but if the House desires such an investigation, the Committee on Military Affairs has no fault to find. So far as I am individually concerned, I shall vote against the amendment to the resolution, and hope the House will do so.

There is one other point to which I desire to ask the attention of the House, and then I will call the previous question. I refer to the unwisdom of sending men on an investigation of this kind and requiring a report within thirty days.

Mr. DRIGGS. Will the gentleman yield to me for a moment for an inquiry?

Mr. HULL. I will yield to the gentleman from Pennsylvania to make his motion, and then, Mr. Speaker, ask the previous question.

Mr. DRIGGS. I wish to ask a question for information.

Mr. HULL. Certainly; I yield to the gentleman.

Mr. DRIGGS. I would like to know from the gentleman from Iowa, in case these newspaper reports are found to be true, is there any United States law that could reach the cadet who is

guilty of this brutal act, or would it even go so far as to authorize indictment against him for manslaughter?

Mr. HULL. Well, the gentleman, of course, can answer that as well as I. I can only say here that if the reports are found to be true, the Congress of the United States is ready and the War Department itself is ready to take action to dismiss all who are connected with the matter or who are culpable in relation to it.

Mr. DRIGGS. That is what I wanted to know.

Mr. WANGER. Now, Mr. Speaker, I move the amendment which was read by the Clerk a few moments ago, but ask to substitute sixty days for thirty days, so that the committee can have sixty days in which to report.

The SPEAKER. The substitute proposed by the gentleman from Pennsylvania as now modified will be again reported to the House, after which the amendments of the committee will be submitted, and then the vote will be taken upon the substitute for the committee amendments and the resolution as reported by them.

The Clerk read as follows:

RESOLUTION.

Whereas it is a matter of general knowledge, published in many reputable daily newspapers of the United States, that Oscar L. Booz, of Bristol, Pa., formerly a cadet at the United States Military Academy at Westpoint, died at his home from injuries purporting to have been the result of hazing inflicted upon him by certain unknown cadets of the said Military Academy: Therefore, be it

Resolved, That the Secretary of War be, and he is hereby, directed to report the information in his possession attending the said hazing of Oscar L. Booz while a cadet at the Military Academy at Westpoint and the result of any investigation he has made to the House of Representatives, together with such recommendations as he may care to make by which the practice of hazing may be stopped.

Resolved, That a special committee of five members of the House of Representatives be appointed by the Speaker, to have full power to send for persons and papers, and, if necessary, to proceed to Westpoint and elsewhere, to thoroughly investigate the foregoing subject and report to the House within sixty days the result of such investigation, with such recommendations as may be advisable to secure freedom from hazing in said Academy hereafter, the expense of this investigation to be paid out of the contingent fund of the House.

Mr. HULL. Mr. Speaker, I want to make just one statement for the information of the House. This whole alleged matter occurred more than two years ago.

I now move the previous question.

Mr. WANGER. In connection with that statement I suppose the gentleman will permit the further statement that the ex-cadet then went under medical treatment, which continued until the time of his death.

Mr. RICHARDSON of Tennessee. When did he die?

Mr. WANGER. He died very recently; during the present month.

Mr. HULL. I now move the previous question.

The SPEAKER. The gentleman from Iowa demands the previous question upon the resolution and all amendments.

The previous question was ordered.

The SPEAKER. The first question is on agreeing to the amendments reported by the committee.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. HULL demanded a division.

The affirmative vote having been announced,

Mr. MADDOX said: Mr. Speaker, a parliamentary inquiry. Is this the Wanger resolution.

Mr. WANGER. No.

Mr. MADDOX. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. It can not be made at this time.

The division having been completed, the Speaker announced—ayes 82, noes 5.

Accordingly, the committee amendments were agreed to.

The SPEAKER. The question now is on agreeing to the substitute offered by the gentleman from Pennsylvania [Mr. WANGER].

The substitute was agreed to.

The SPEAKER. The question now is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

WAR-REVENUE REDUCTION.

On motion of Mr. PAYNE, the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12394) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder, with Mr. HEPBURN in the chair.

The Clerk reported the title of the bill.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. PAYNE. Mr. Chairman, when the original bill was before the House for the purpose of raising revenue to pay the expenses of the Spanish war, the Ways and Means Committee, in reporting that bill, made use of the following language:

While all of these additional taxes are war taxes, which would be naturally repealed or modified when the necessities of war and the payment of war expenses have ceased, yet it is impossible now to place a limit on them, not only for the reason that no one can intelligently forecast the length of the war, but also for the reason that war always brings a train of extraordinary expenditures which do not terminate with the close of actual hostilities.

Mr. Chairman, although the war with Spain closed nearly two years ago, yet the train of expenditures which immediately grew out of that war have not ceased, and will not cease for some time to come.

The committee would have been glad if they could have gone through this law and eliminated every tax that is a war tax, leaving upon the statute book only such taxes as in their opinion ought to be there in times of profound peace. But, as I say, the train of expenses growing out of the war have not ceased, and we can not make that radical reduction in the present war revenue.

The first thing that the committee considered was how large a reduction might be made. We had before us the report and recommendation of the Secretary of the Treasury, as well as the recommendation of the President of the United States, that we take off $30,000,000 from these taxes.

That recommendation was founded upon the report of the Secretary of the Treasury. It appears that the surplus in the Treasury for the year ending June 30, 1900, was $79,000,000, in round numbers. It appears also from the expenditures already incurred and the revenue already received, as well as from the estimates of the various Departments, both of revenue and expenses, that we are likely to have a surplus during the current year, ending June 30 next, of about $80,000,000.

When the Secretary comes to make his estimate for the year ending June 30, 1902, he estimates the surplus under the present revenue and all other revenue acts remaining in full force at only $26,000,000. Now, it is fair to the Secretary and the House to say that this estimate is formed upon the estimates of the different Departments of the Government supplied to the Secretary of the Treasury, and he took these into consideration, and took the amounts estimated by the different Secretaries in order to arrive at this surplus of $26,000,000. If he had believed that that was absolutely correct, and that Congress would appropriate all the money that the Departments called for, he never would have recommended a reduction of even $30,000,000.

The committee have taken some pains to ascertain as near as possible how far these estimates might be out of the way. In the first place, he estimates an increase in the customs receipts and in the internal-revenue receipts of $10,000,000 in each case, making an increase of $20,000,000. If the present business prosperity of the country continues during the next year and a half, I do not think that those estimates are far out of the way. He also estimates an increase in the postal receipts of $9,000,000. But it must be observed that the increase in the postal receipts this year over the last fiscal year are only about $5,000,000; and I do not see any warrant for an increase of $9,000,000, as estimated by the Secretary of the Treasury, for 1902. Thus we would have an increase in the revenues of, say, $25,000,000.

Now, it has been the experience of the country during a good many years that while the revenues naturally increased from year to year under the same law and enforcement of the same laws in the normal condition of the country, because the business of the country grows from year to year, that the general normal expenses of the country increase in about the same proportion, so that the ordinary business expenditures of the country on a peace footing and without having any extraordinary expenses that grow out of the condition of war that we have had would probably wipe out this surplus of $25,000,000.

Now, Mr. Chairman, what further expenses are liable to come—expenses above the normal? We have had no river and harbor bill since three years ago. We have not been expending as much for rivers and harbors during the past year, and will not during the present year, as we normally expend. It goes without saying that we are to have a river and harbor bill this year. I do not know what the size of it will be, but when it goes through the House and Senate it will be large enough, whether twenty millions or not I do not know; I have no information; but it will be a large amount of money, which must be taken into account in arriving at what the surplus will be at the end of the fiscal year ending June 30, 1902.

This is not the only increase of expenditures immediately in sight. For the past three years we have had no appropriation and no expenditure for armor plate to put on our naval vessels, simply because we have not been able to make any terms with the people who manufacture armor. But, as is well known to the House, the Secretary of the Navy has recently made a contract for armor plate amounting to 36,000 tons at somewhere less than $450 a ton, and the most of that will be delivered in a year and a half.

This expenditure will increase our expenses for the next two years by $18,000,000. But that is not all, so far as the building of our naval establishment and the building of new vessels is concerned. We had a large naval bill passed at the last session of Congress. Contracts are about to be let, bids have just been opened, for a large number of vessels of all classes, which will add tens of millions to the expenses and to the increase of expenses for construction in the Navy for the year ending June 30, 1902. It is difficult to get at and predict the exact amount; it is difficult to look into the future and say what Congress may do even with the appropriations in this present session of Congress.

And this is not all even of the increased expenditure liable to come in the year 1902. The Commissioner of Pensions recommends an increased appropriation of $4,000,000 in his report for the year ending June 30, 1902. Most of these increased expenditures for pensions grow out of the Spanish war and the disabilities incurred by our soldiers there. This is an increased expense which must be met and will help to pull down whatever surplus we may have in 1902. Then we have the Isthmian Canal and the Pacific cable, all liable to drain the Treasury.

We may have a surplus of fifty millions; we may not have a surplus of more than forty millions, and it may run up to sixty millions in 1902, but the question to us is, standing here to-day, whether we can afford to take any risk as to a deficiency for the fiscal year of 1902. We can deal with a surplus. It is the Republican habit to deal with a surplus when they control the revenues and expenditures of the Government. [Laughter and applause.] The Republicans are to have charge of the Government for the next two years to come. But it goes against the grain on this side of the House to have to deal with a deficiency, and when the committee were considering this bill the majority members of the committee, who commenced the consideration of it on the 20th day of last month and have had it under consideration ever since, constantly had before them the idea that whatever they did in the reduction of taxation they should not bring in a bill which when entirely enacted into law would produce a deficiency in the revenues of the country.

The increased revenues predicted by the Secretary of the Treasury depend upon continued prosperity. There is nothing at home, there is nothing in our own country, which does not give promise of prosperity for years to come. Every man is hopeful, every business man is full of enterprise, the country is marching on in industrial prosperity; but it does not depend altogether upon what transpires in the United States whether this prosperity shall continue or not. We are marching forward into the markets of the world, making greater strides than we ever made before. During the past two years our advance in this direction has been phenomenal. What we have so often predicted in the past as the result of our tariff laws, bringing our artisans up to that point of perfection where they can compete in the markets of the world, has already transpired, and we are marching on in that respect.

But we had a short time since what looked like trouble in China. The powers were over there, and friction was occurring from day to day. It looks now as if, through American diplomacy, the whole matter might be settled and there might be no difficulty between the nations of the world and no war on account of what each one is doing. But we can not tell what may happen. We can not tell at what moment a general war may break out in Europe; and if that occurs, it will affect the prosperity of the United States. We can not bank upon what may happen across the water, and hence we can not predict a uniform prosperity in this country during the next four years; and so we must look out in the future and must guard against going beyond the danger line in the reduction of the revenue of the country.

This bill which we bring in here proposes a reduction of $40,000,000. It is exactly in accordance with what we announced when we brought in the bill two years ago raising the war taxes. We leave $65,000,000 still to be collected under the war-revenue bill. You will notice that we are to provide for an army of 100,000 men. Both sides agree upon that number as necessary on account of the conditions in the insular possessions of this country that came to us through the Spanish war.

No one thinks we ought to have over 50,000 men in time of peace. We have been adding to our fortifications, and we must keep an additional army of 18,000 men to man them, with twenty millions annually for expenses. We are not taking that into calculation now, but we must have the 50,000 additional men to take care of the foreign possessions for two or three years to come. In making this calculation we might as well make the calculation of an expense of sixty-five to seventy millions of dollars, an expense following in the train of the Spanish war and growing legitimately out of it; and that would absorb the whole $65,000,000 that we continue to get under the war-revenue act.

In addition to that we are paying five millions and a quarter of dollars of interest annually on borrowed money—on the bonds we issued for the expenses of the Spanish war alone. We are to pay three or four million dollars additional in pensions every year. And our naval establishment must continue to cost us more by reason of the sending of our ships across the ocean to take care of our distant possessions. So at present the committee could not see but that they were living up exactly to the agreement they made with the people when they imposed these taxes, by continuing $65,000,000 of taxation to take care of these expenses.

Under the tariff act of 1897 the revenues have proved to be ample to take care of the current expenses of the Government. It is true they were not sufficient for this during the first year following the passage of that act, because while the old law was in force, it being known that the tariff taxes were to be increased, there was an anticipatory importation of sugar to the extent of one year's supply, and of wool to the extent of nearly two years' supply; so that the Government for nearly two years failed to get the revenues that should have been received from these two great revenue producers. But from the moment we reached normal conditions of importation no one has had any apprehension that under the Dingley tariff law we would not receive sufficient revenue in normal times of peace to take care of all the expenditures of the Government.

The committee arrived at the idea that the Secretary of the Treasury was pretty nearly right when he recommended a reduction of $30,000,000; so we went to work to see at what point we could relieve the people from these most vexatious and annoying taxes under these schedules. Taking these matters up in order and trying to find the taxes that seemed to be most vexatious, the committee commenced at Schedule A in the existing law and began to reduce the taxes along the line of that schedule. The first item that they reached was certificates of deposit, inland drafts, foreign bills of exchange, and the tax on postal money orders—all of the same nature—there being a tax of 2 cents upon each, and all these taxes being of the same degree of annoyance and vexation.

Now, is it true that some of the city banks asked, "Why not leave this stamp tax on bank checks? The stamp is imprinted on the check; it does not cause much trouble; the tax is not very large. Why not leave it in force?" But then we heard from the farmers; we heard from the rural districts; we heard from the small banks; we heard from the small traders, and we learned that this 2-cent tax upon checks is to them very vexatious. Of course 2 cents is not much to any man, but the getting of a 2-cent stamp is often the difficulty. Farmers do not care for books with beautifully engraved or imprinted stamps on their checks. They do not provide checks of this kind in advance. They do not buy $2 worth of stamps in advance. They depend upon the adhesive stamps; and when they come to put the sticky thing into their pockets and try to carry it around they find that the stamp wants to pay the tax by destroying itself before it gets upon the check.

And often when they want to give their neighbor a check they have no stamp at hand. They can not use a postage stamp if they happen to have one in the house. It may be necessary to go five or ten miles before they can get a revenue stamp. They may offer to pay 2 cents to the man who receives the check—thereby violating the law, although not intending to do so in spirit. And the farmer may not have the 2 cents at hand.

Often he does not happen to have 2 cents change in his pocket, so that the stamp does not go on, and the check goes to the bank without the stamp. It may be a small country bank, and the banker who receives the check must himself put the stamp on or offend the customer by refusing to receive the check without the stamp upon it. So the country banks want this tax removed; but the large city banks say, "No, do not take off this tax; take off the tax upon bank capital—the tax of $2 upon every thousand dollars of capital and surplus."

The committee thought the city banks were better able to pay the tax upon their capital than these humbler individuals and institutions were able to pay this stamp tax upon checks. For the city banks do not feel the annoyance that the people throughout the country feel in consequence of this little 2-cent stamp tax upon every check that is issued. So in our bill we have stricken out this tax on checks, amounting to $7,000,000 annually; the tax on certificates of deposit, amounting to $200,000 annually; the tax on inland drafts, amounting to $500,000 annually; the tax on foreign drafts, amounting to $100,000 annually; and the tax on postal money orders, amounting to $602,000 annually.

The next thing that met the eye of the committee was the tax on promissory notes and mortgages, which are in the same class. It seemed to the committee as it had seemed to them when the original bill was before them two years ago that it was pretty hard when a man had to borrow money and pay interest on it that he should be charged a tax in addition. That seemed to be a tax upon his borrowing capacity or a tax upon his indebtedness. So the committee was unanimous in the conclusion that the stamp tax on promissory notes should go off. According to the best estimates that we could get from the Department, that tax amounts to three and a half million dollars.

By the way, this estimate was based upon figures obtained in this manner: The Comptroller of the Currency knew the exact

amount that was loaned by the banks upon promissory notes for the year previous. It was estimated that those notes, on an average, ran for ninety days; and on that basis the amount of tax imposed upon such notes was estimated at something over a million and a half—nearly $2,000,000. Then it was estimated there were as many notes held by the private bankers and the State banks, and used in private transactions, as those that went to the national banks.

And so they figured that the entire cost of the stamps to the public in this case amounted to three and a half millions of dollars, and probably they have arrived at a correct conclusion in regard to the amount of this tax. The difficulty in the business, it must be understood, is one which arises from the very nature of the tax itself, for the reason that any one stamp of a given denomination which is required by law to be affixed to a document of this character will do on any one of these instruments, whether notes, indorsements, or checks, and we do not provide a different character of stamp for each one of these different forms of business papers. The office, therefore, only knows the number sold of each particular denomination of stamps, and whether they are used on checks, notes, or bonds they have no means of knowing.

Again, take the question of mortgages. It was reckoned that the mortgages outstanding in 1890, according to the census of that year, would average $1,400 each, and, therefore, that the stamp tax on them was 25 cents on each mortgage, and the total amount was something over $300,000 raised from that source. The internal-revenue people were inclined to figure also the tax on chattel mortgages amounted to about as much. But in that respect the committee did not agree with the Bureau. They estimated that the amount of the tax on all mortgages would reach about a million dollars per annum, while the committee concluded on its investigation that it would not exceed one-half million dollars per annum.

The next vexatious tax on the list is the tax of 1 cent which the law required to be paid on each express receipt or telegraphic dispatch. Of course this tax affects everybody who has any transactions with the telegraph or express offices. They have to go down into their pockets and pay the 1-cent revenue tax, and it is not so much the amount of the tax as the vexatious time required in hunting around for change to meet the requirements of the law. The objection to it, therefore, is not so much because of the character of the tax itself, so far as the expense is concerned, but because it is so very annoying to everybody who has dealings with telegraph or express companies; and the committee took off both of these taxes, the tax on express receipts, which amounted to twelve hundred thousand dollars, and on telegraph messages, $800,000 per annum.

Of course, Mr. Chairman, some may say, Why not put this tax directly upon the express companies and telegraph companies? Well, we did consider that; but the express company had a right to say to their customers how much they would charge for carrying a package from place to place and could easily add the amount of the Government tax to their charges. I know sometimes gentlemen will close their eyes and proceed blindly, as was the case in dealing with the tax on the Standard Oil Company and putting a tax on the sugar refiner, as was done.

They forgot to consider the fact that these taxes might possibly not affect the companies at all, but the consumers; and a review of the history of the last two years shows what some gentlemen then anticipated, when the tax went on in the Senate, that the companies not only got the amount of the tax back, but that the companies also got a little additional sum from their customers to enable them to swell their dividends. That was the legislation in that regard. In other words, the tax in all instances seeks the consumer, and usually, if not arrested in its progress, it finds him and forces him to pay the amount due to the Government, and a little additional, also, to help to swell the dividends of the companies upon whom it was supposed the tax was levied.

Again, Mr. Chairman, having taken the tax off telegraph messages, it seemed no more than right to the committee, and proper, that the same privilege should be accorded to the telephone companies. The telephone companies are not large corporations, as a rule, and are scattered throughout the country, and, as has been said in many cases, their bonded indebtedness is heavy and burdensome, and so it was believed by the committee that while repealing the tax on telegraphic messages you should relieve their only competitors and take the tax from the telephone companies just as well. This tax, as I have said already, amounts to about $800,000 a year on the telegraph companies and $315,000 a year on telephone companies.

Then we go a step further and take the stamp tax off bonds, conveyances, and insurance policies. This latter tax is paid almost entirely by the man who receives the insurance. The man who provides for the future of his family in the event of his death by securing a life insurance, or in providing an indemnity for the family—for his wife and children—in case the home should burn down, was forced to pay this tax. We took it off in that case and also in the case of mortgages, a mortgage being a form of indebtedness where the debtor pays not only the interest on his obligation, but also pays the stamp tax of the Government as well. The annual tax on insurance policies was $3,000,000 and on bonds of indemnity $250,000.

Then there was a tax of $200,000 upon steamship tickets abroad. When this was put on it was thought by the committee who put it on in the Senate that this $200,000 would come out of the passengers who went abroad, that they had plenty of money to spend, and that they might just as well drop a little into the Treasury of the United States every time they went abroad as not. But how did that work? It was added to the price of the ticket here, to be sure, and the passengers had to pay it, but right across the border was a Canadian line running direct to Europe, and their tickets were $5 less, and it simply resulted in driving a large amount of passage from Montreal and Quebec to Europe, instead of letting it go by way of the lines that run out of this country from New York, Philadelphia, and Boston; and not bringing the Government any large receipts, the committee thought it was better to take it off, and we did so.

Mr. COX. How about the inheritance tax?

Mr. PAYNE. I will come to that in a moment. Then there were some taxes upon powers of attorney, upon protests of notes, and upon warehouse receipts, amounting only to $375,000, and the committee took those off, making a total reduction in Schedule A of $22,242,000. They left on taxes in Schedule A which applied to transactions on stock exchanges in the large cities of the country, both in speculating in farm produce and also in buying and selling stocks and bonds on the market. These amount to about $13,000,000 a year, according to the best estimate that can be furnished by the Internal-Revenue Office. We thought that these taxes ought to stay on as long as we had this train of expenses growing out of the war.

Now we come down to Schedule B, which is largely a tax upon patent medicines and chewing gum—patent medicines, chewing gum, and wine. Well, I think the patent-medicine people have made more complaints than any other class of people that have been taxed under the war-revenue act. I do not mean to say that anybody has been taxed who has not made complaints, for every class of people who have been taxed under this act have been making loud complaints before the committee ever since the tax has been imposed. There was not a man of them who was not entirely willing to have his tax repealed, although all the other taxes should remain upon the schedule.

But these people who sell patent medicine seemed to have a real cause of grievance. When we fixed the tax, we fixed it at five-eighths of 1 cent on every 25-cent article at retail, a small percentage compared to the retail price. We did not so much take into consideration the wholesale price of the article, and we found that the wholesale price of the article was so small that this tax coming upon the manufacturer made a very large percentage upon his output, amounting to from 20 to 50 per cent, and in some instances even more, upon the wholesale price at which he put the article out. This applies both to chewing gum and to the various articles of proprietary medicines under Schedule B.

Mr. WHEELER. Will the gentleman permit me right there? I do not claim to have any personal knowledge on the subject of the taxation of patent medicines and proprietary medicines, but there are a good many jobbers in my district, and they have told me some things about this subject which conflict with the statements of the gentleman from New York, in this, that they say the wholesale people make the jobbers and the retailers pay the tax. They are in favor of retaining this tax. They say it does not make any difference; that the wholesale men will never put down the price of the medicine, even if you take the tax off.

Mr. PAYNE. Well, I want to say that the general rule in every one of these cases is that the manufacturer claims he is paying the tax, the wholesaler claims he pays it, the retailer claims he pays it, and the consumer claims he pays it, and they all seem to be honorable, truthful men. It is pretty hard work to get at the truth, and my own opinion is that in almost every case it is divided all along the line to a large extent. The consumer can hardly pay it on these patent medicines, because the price is fixed at 25 cents, unless he gets a little less alcohol than he did before. I do not see very well how the consumer can be obliged to pay this tax otherwise.

Mr. WHEELER. If the gentleman will permit me just there, I recall a conversation that I had with a jobbing druggist in my district, in which he took the instances cited by the gentleman, of 25-cent packages of patent medicine. He tells me that under this law they are compelled to sell the medicine at 40 cents. I do not know whether that is true or not. It is a very reputable firm, and he is one of the men that asked me to retain this tax, saying that it would do people no good; that they would have to pay the increased price anyway.

Mr. PAYNE. I should say a man who got 40 cents instead of 25 cents would be in favor of continuing the tax.

But if anybody goes around the streets of our large cities with his eyes open he will see on the fronts of a great many drug stores the sign "Cut prices in patent medicines;" and they have got down pretty near to rock bottom in selling this stuff around the country. I suppose it is all good medicine. I do not know; I have never tried any of it.

Now, the basis of these medicines very frequently, and perhaps generally, is alcohol. Of course, alcohol pays eleven or twelve hundred per cent taxation before it gets into patent medicine, and they claim they are subject to a double internal-revenue tax, both taxes of a very high character, and that would seem to be the case. So the committee thought it was best to take that off.

In regard to chewing gum, in the tariff act of 1897 we put 10 cents per pound duty on chicle, which is the basis of all the chewing gum made in this country, and which is all imported. This 10 cents a pound is equivalent, they tell me, to about 65 per cent ad valorem; so that there is a very high tariff duty on the chicle which goes into chewing gum before it reaches the gum. This has been a great source of complaint, and they have put in evidence enough to convince the committee that they are really losing money, and have been ever since this tax has been in existence, and that the United States Government has been taking the entire profit.

So the committee thought it best to take the tax off these articles. There is a tax of 2 cents a quart bottle on native wine, and 1 cent upon pint bottles or less. This tax has been complained of a good deal. It is a high tax, much higher in proportion than the tax on beer, not as much as the tax on whisky and alcohol. They generally get 5 quart bottles from a gallon of wine, and that amounts to 2 cents a gallon tax, while the wine is sold at 17 cents a gallon, and the makers of the wines say that that is a very large tax, and amounts to more than 60 per cent of the value of the wine.

Mr. BARTHOLDT. Will the gentleman permit me just one statement?

Mr. PAYNE. Certainly.

Mr. BARTHOLDT. The percentage of alcohol in beer is said to be 3 per cent. If that is true, beer is taxed about 100 per cent higher than whisky and wine.

Mr. PAYNE. I am reliably informed that under the new and improved methods of making beer that the average amount of alcohol is 15 and more per cent. I am not a judge of beer, and have not analyzed it to find what alcohol it contains.

Mr. BARTHOLDT. The experts state, and we have to take their statements, in a matter of this kind——

Mr. PAYNE. I am credibly assured that under the new and improved methods of making it, where they have dispensed with many of the old ingredients that went into the making of beer, the percentage is as I have stated.

Mr. BARTHOLDT. We have got to rely on the statements of experts on that, and they say that the percentage of alcohol in beer is 3 per cent.

Mr. HOPKINS. What kind of beer, let me ask the gentleman right there? Is it not a fact that the percentage differs with different manufactures, and is not the percentage of alcohol larger in American beer than in German beer?

Mr. BARTHOLDT. No, sir.

Mr. HOPKINS. I am so informed.

Mr. BARTHOLDT. The percentage varies anywhere from 2½ to 3½, but the average given by the experts is 3 per cent.

Mr. HOPKINS. I am credibly informed that there is more alcohol in American beer than there is in German beer.

Mr. PAYNE. These gentlemen will have to settle the question as to the percentage of alcohol in beer when they go out to get their lunch. I was speaking of the percentage of taxation upon the value of this article. There is no doubt but what it is a large tax upon the wine. I was in favor of making a reduction upon this, but was embarrassed by the fact that much of this wine is made in my own and adjoining districts, and I gave up to the general good—to the greatest number—in regard to this, and we hold to this $600,000 that is estimated by the Commissioner of Internal Revenue. That is all that is left of Schedule B—this tax upon wine.

Now, in framing the bill in 1898 the Senate put a provision upon the bill putting a pretty high tax upon legacies and bequests of personal property, and no exception was made as to any class of bequest for charitable, religious, or educational uses. The matter was not called to the attention of the conference committee when we agreed upon that. If it had been, I have no doubt the conference committee would have suggested an amendment in that part of the law, because there is no excuse for taxing bequests to charitable, religious, and educational institutions; and I do not suppose that there is a member of this House who would insist at any time under any stress of circumstances on imposing a tax upon legacies of that character.

Our committee have eliminated that from the law, and these bequests will no longer be taxed under this bill. There is some difference between the Commissioner and the committee as to the amount. He estimated the amount at a million dollars and the committee at half a million. The fact is that under the last clause the tax on legacies to strangers and to those of remote degree of kinship and to others, including legacies to educational, charitable, and religious associations, amounted to $700,000 gathered during the past year. The committee think that $500,000 would amply cover all the revenue received to-day upon educational, charitable, and religious bequests.

Mr. WILLIAMS of Mississippi. I see in connection with Schedule A the committee has taken off the tax from express receipts, but has left the tax on receipts for freight.

Mr. PAYNE. I will say in regard to that that the tax of 1 cent on a receipt upon freight carried by a railroad and other carriers than express cover a large quantity of goods generally, and often shipped to long distances. Usually there is a large freight bill, the receipts covering a carload, and sometimes a trainload, and of course the compensation averages very much higher than it does for express packages.

The railroad corporations have paid these taxes up to this time without imposing it upon their customers. It comes from the railroad company, while express companies claim that if they had to pay 1 cent for every package they carry, the compensation being comparatively small, it would drive some of them into bankruptcy and prevent others from paying the usual small dividend which they pay on the stock of the company. In other words, it would be very detrimental to business, and so they were forced to charge it to their customers. So the committee took it off the express receipts and left it on the railroad receipts.

Mr. COX. Will the gentleman from New York allow me a question?

Mr. PAYNE. Certainly.

Mr. COX. I want to get this proposition distinct and plain in this proposed bill. Now, a good citizen makes a bequest in his will and gives his property to an educational institution. Is that tax taken off?

Mr. PAYNE. Under this bill we have removed all taxes on legacies of that kind.

Mr. COX. That is satisfactory to me.

Mr. POWERS. Would it interrupt the gentleman if I asked him a question at this point?

Mr. PAYNE. No, sir.

Mr. POWERS. I desire to inquire of the chairman of the committee whether he has any objection to add to the proviso to which he has alluded, relating to the legacies to educational institutions, that the act shall not apply to estates, testate or intestate, where the testator died before June 13, 1898, the date of the passage of the original act? I will say to the gentleman from New York that some question has arisen in the case of estates where the settlement was pending at the time of the passage of this act. Some collectors have insisted that the act applied to those estates and claimed that the legacies and distributive shares should be taxed, while others claim that it did not apply. The next section of the law—section 30—would rather indicate that it did not apply; but, to prevent any confusion or dispute about it, I ask the chairman if he has any objection to the proposed amendment?

Mr. PAYNE. I would like first to get the information from the Internal-Revenue Bureau, and then I will confer with the gentleman later.

Now, Mr. Chairman, under the war-revenue act the tax upon cigars weighing more than 3 pounds to the thousand is $3.60. It was put at this odd sum, $3.60. And in trying to apportion the 60 cents the cigar makers found they were unable to do it and charge it to their customers. They claimed the price of cigars being 5 and 10 cents they were not able to divide the cents in retailing cigars, and they are unable to get any portion of the tax from the consumer. They claim that prior to the imposition of this tax the margin was so small on cheap cigars that there was very little profit, and that the 60 cents a thousand has taken all, if not more than all, of the profits on this article. It bears heaviest on the cheap cigars made of our own domestic tobacco. Even cigars made of Connecticut tobacco are subject to some difficulty on account of this tax, although that tobacco is not cheap and is good.

Mr. HENRY of Connecticut. I will say to the gentleman from New York that we do not make cigars of Connecticut tobacco; we only make the wrappers.

Mr. PAYNE. But they get a good American filler to put into it.

Mr. DALZELL. Yes, they get that from Pennsylvania. [Laughter.]

Mr. PAYNE. The result has been that the committee have taken out the 60 cents and left it at $3 a thousand, which is a pretty good tax on cigars now, considering the tax upon the wholesale dealer, and this item makes a reduction of $3,189,000 in the revenue.

The only other subject upon which I have not touched is the subject of beer. The tax upon beer during the period soon after the civil war down to the tariff act of 1897 was $1 a barrel, with

7½ per cent discount, making 92½ cents net. This 7½ cents discount was allowed at an early day, soon after the war, on the theory that after the stamp was put on the barrel of beer there was a certain loss by the way of the bursting of the barrel and souring of the beer which amounted to 7½ cents on a barrel, and the brewers claimed that they were entitled to a discount because the stamps which were put on the barrel were worthless. It was estimated that the loss amounted to about 7½ cents a barrel. They convinced Congress that this was the fact, and so this 7½ per cent was allowed as a rebate on the $1 down to the enactment of the Dingley tariff law in 1897.

We made considerable investigation at one time; and the committee was satisfied that whatever was the loss in 1865 and generally in the sixties, in 1897 it did not amount to 1 per cent upon the total amount of beer. In the early days there were no refrigerator cars and no refrigerators in the saloons. There was no method of keeping the beer cool except by putting it in the cellar, where of course the heat was likely to burst the barrels, so that there was considerable loss on that account. But in these days when we have refrigerator cars and when we have large refrigerators in the saloons—I have been told about these saloons [laughter]—the beer is kept cool, so that there is not this loss by the bursting of the barrels as there formerly was. I have been told by one brewer that the loss does not exceed a tenth of 1 per cent.

Our committee was convinced of the fact in 1897, and we took off this rebate of 7½ per cent and left the tax on beer at a full dollar a barrel; and we did not hear very much complaint from the brewers in reference to that matter.

When we came to frame the war-revenue bill the committee thought that beer ought to stand a tax of another dollar, and they at first fixed the tax at $2 a barrel. Finally a compromise was made with those representing the beer interests. They agreed if we would allow them 7½ per cent rebate they would cease to fight the increased taxation; so we put the rebate at 7½ per cent, which made the tax on one barrel of beer $1.85, which it is to-day. So that when any gentleman comes to you and says that in the war-revenue act the tax was increased $1, he is stating that which is not true. The tax was originally $1, and we made it $1.85 net. The increase was simply 85 cents a barrel, not a dollar a barrel.

The brewers have complained that this additional tax has made a great deal of difference in their business, and has been a great burden to them. They came before us last spring—of course before we had the statement for the fiscal year ending June 30, of last year—and showed us by the internal-revenue reports that there had been a falling off in the sale of beer in the year ending June 30, 1899, as compared with the year ending June 30, 1898; that during the latter year when the tax was $1.85 as compared with the former year when the tax was $1, there had been a falling off in the sale of beer to the extent of more than 900,000 barrels, the total sale being about 37,000,000 barrels.

They said this was on account of the tax, and they proceeded to say that the brewers were paying the whole of the additional tax; that the tax did not come out of the consumer or out of the retailer, but out of the brewer. The same gentleman made the statement about this loss on the sales of beer; and I could not get it through my head how there could be a loss in the sale of beer on account of the tax if the brewers were paying the whole tax and the customer did not pay any. Then this gentleman said that 60 per cent of the beer consumed was sold in the large cities by measure; that the retailer did not give so large a measure as he had given before, so that the retailer was not paying the tax, but was collecting it out of the consumer, and that so large a measure not being given as before accounted for the falling off in the sale of beer. Still, I do not understand the matter, and I do not think the committee did. Another gentleman came before the committee and explained the matter a little more in detail. I will read very briefly what he said on that subject:

> In your question put to our president, who preceded me, you asked him how it was that the consumption has decreased. I should answer that perhaps a little more thoroughly than he did by telling you that the brewers of the country, in trying to distribute this tax in the first place, issued little circulars showing the retailer how he could throw a portion of this tax upon the consumer; that is, by giving a certain size of glass, and showing him what size of glass to use in retailing, and also by the measure when selling beer by the pitcher or by the pail, and while the retailer said to us openly almost everywhere that he would not do that, yet, as a matter of fact, he did do it, and that has resulted very largely in the decreased consumption of the beer.

Well they finally admitted that the brewers did not pay over 40 per cent of the tax; that the balance was divided between the retailer and the consumer. I have always had some suspicion that 40 per cent is a pretty large figure, and that these gentlemen were accustomed to use language in a sort of Pickwickian sense when describing their woes, just as I have had a suspicion that the sellers of chewing gum and the manufacturers of patent medicines and the like, in detailing their woes before the committee, have always stated them for all that they were worth—probably a little more.

We expect exaggeration when men are making complaints. But I think the truth of the matter is that the wholesaler started out to collect the additional 85 cents by adding $1 to the price of his beer, but found that this would not work, because the saloon man knew that the tax was only 85 cents. So he reduced the price of the beer 15 cents a barrel, and finally a little more in particular cases, the beer tax being one of the arguments, and perhaps the dullness of trade and something else, until a reduction had been made which averaged somewhere from 5 to 40 per cent, differing in different localities. But when we came to get the report of the sales for the year ending June 30, 1900, we found that they had exceeded those of the year before by $2,748,000. Then the question came up, What made that difference? If the reduction was on account of the tax, was the increased sale also on account of the tax? If the tax produced a reduction in 1899, why not in 1900? Why this large increase in the sales, amounting to about 7 per cent?

I saw a statement in the Post the other day as coming from a responsible authority, the president of the association; and I figured back fifteen or twenty years to find that the average increase in all of the years when there was an increase—because it must be remembered that during some years there was no increase—that the average increase amounted to something like 4½ per cent, while in the past year it reached 7½ per cent, and I conclude from that statement that these gentlemen were not so terribly straitened as they are represented in the committee and by their friends to be in regard to this business. It is also a pretty good indication that the business prospers.

A statement has been made that the number of breweries has been decreased. We are told that the reduction in the number of breweries in the United States during the last year amounts to 200. And in their evidence they sustain the statements. They show that a system is going on all over the country which tends in that direction. The smaller breweries are being gradually absorbed by the larger establishments; they are being bought up by a syndicate in different towns and cities throughout the country and being consolidated. Perhaps gentlemen on the stump would call them trusts—small trusts—buying up the breweries for the purpose of controlling the beer business, giving them a new capitalization and sometimes building a large new establishment to take the place of the smaller ones which have been absorbed.

Mr. COOPER of Texas. Can the gentleman from New York state the price of beer prior to the adoption of the stamp tax?

Mr. PAYNE. I will state to the gentleman that that is one of the very hardest things to find out in the world. It differs in different cities or places throughout the country. We have been told that in the smaller cities it was about $5 a barrel before the tax; but we come around to investigate and ask the price from individual brewers, and we are told that the average price is $6.25 in some places. Going later on to the retailers, they tell us that they are paying $1 a barrel more now than they paid prior to the adoption of the tax. But when we come around to the small brewers we find them complaining of the large brewers, who are selling in the cities where they are located at six, eight, or ten dollars a barrel, but when they come into the little cities and come into competition with the smaller brewers, then they put their prices down to $5 a barrel. So you see there is a wide range of difference in prices. And, I repeat, it is almost impossible to get at the exact price.

Mr. Chairman, I hold in my hand a prospectus of the La Crosse Brewing Company, at La Crosse, Wis., which is a consolidated concern composed of four smaller breweries which they bought in for the sum of $900,000. The figures in connection with the matter are interesting, and I will state them to the House.

Capital stock	$700,000.00
Mortgage bonds	500,000.00
Total capital	1,200,000.00
Cost of the four plants, and assets included	900,000.00
Cost of proposed new brewery	300,000.00
Total expenditures	1,200,000.00
Appraised value of property to be transferred	916,690.63
Profits from March 31, 1900, to be included (figured to July 1, 1900, only)	20,713.86
Capital to be placed in treasury for new plant	300,000.00
Total assets, July 1, 1900	1,237,404.49
Assured annual profit	122,113.79

Mr. COX. What is the ratio of percentage?

Mr. PAYNE. Ten per cent. Their present rate of production is 80,000 barrels per annum, and the profit of $122,000 on 80,000 barrels would be a pretty good business. This occurred during the last year, and during the depreciation in the brewery trade of which we have heard so much.

Mr. SHATTUC. I would like to ask the gentleman from New York a question.

Mr. PAYNE. Certainly.

Mr. SHATTUC. Do you think, in view of the statements of that prospectus, that that would be a good investment or a safe investment? Would you advise your friends to buy in?

Mr. PAYNE. Why, if this comes from honorable men, yes.

But I proceed. The actual capacity of the new brewery is to be 100,000 barrels per annum.

	Barrels.
Present rate of production	80,000
Actual capacity of the new brewery per annum	100,000

Mr. DALZELL. I ask unanimous consent that the gentleman's time may be extended until he concludes his remarks.

The CHAIRMAN (Mr. HOPKINS). Unanimous consent is asked that the gentleman be permitted to conclude his remarks. Is there objection?

There was no objection.

Mr. PAYNE (reading):

Agencies and saloons controlled by the consolidation (60 per cent of the present sales go through these channels)	129
Proposed division of assured annual profit on present business:	
Six per cent interest on bonds	$30,000.00
Sinking fund	9,450.00
Cash dividend, 8 per cent on stock	56,000.00
Surplus for extending business	26,663.79
Total	122,113.79

Mr. SULZER. What is the capitalization of that company?

Mr. PAYNE. One million two hundred thousand dollars.

Mr. Otto C. Wolfe, of Philadelphia, the leading brewery architect in America, has estimated, in papers on file, that a modern brewery of the most approved plan, with an actual annual capacity of 100,000 barrels, can be built and equipped at a cost not exceeding $500,000, and that 80,000 barrels of beer can annually be produced in such a brewery at $1.38 per barrel.

Mr. SULZER. Will the gentleman permit a question right there?

Mr. PAYNE. Yes. I would rather read this statement and then hear the gentleman's question.

Mr. SULZER. Very well.

Mr. PAYNE (reading):

This estimate on cost of production is confirmed, as Mr. Wolfe states, by one of the leading brewers in Philadelphia. We take this estimate as a basis, although, as a matter of fact, it is figured on a higher cost for material than exists at La Crosse. It is known that the actual cost of production, as attested by several modern breweries located in this section of the Northwest, runs below $1.30 per barrel. The chief purpose of the new company is to secure the benefits of this economy. The sales of the four breweries for the first half of the present year show an output of at least 80,000 barrels. The reduction in the cost of brewing 80,000 barrels from $2.04 per barrel, under existing circumstances, down to $1.38 per barrel or below, will afford an annual saving of not less than $52,800. The average annual net profit at present in the four breweries is certified by the accountants to be $69,313.79.

That is, the annual net profit to-day under existing circumstances is $69,000 for the four breweries which were put into this capitalization at $900,000, and I suppose there is often water put even into beer stock.

By adding the saving in cost of production alone, as set forth above, on 80,000 barrels per year in the new plant, the profits will be $122,113.79 annually.

Then follows a recapitulation. Now, I will hear the question of the gentleman from New York.

Mr. SULZER. Mr. Chairman, I should like to ask the gentleman if it is not a fact that the consumers of the beer are compelled to pay this additional tax?

Mr. PAYNE. I think they pay a portion of it; how much I have not been able to find out.

Mr. SULZER. Is not the brewer a mere collector for Uncle Sam? Does he not charge the retailer the additional tax per barrel, and does not the retailer charge the consumer so much more per glass or so much more per bottle?

Mr. PAYNE. I think very often the manufacturer pays the whole of the tax and I think that very often he does not.

Mr. SULZER. I would state for the information of the gentleman——

Mr. PAYNE. I did not ask the gentleman to make any statement. I only yielded for a question, not a statement.

The CHAIRMAN. The gentleman declines to yield.

Mr. PAYNE. Now, I have a letter written by a brewer from one of the small breweries, situated in the State of Ohio. This is addressed to me and dated December 3 of this year. He says:

ADAM SCHANTZ RIVERSIDE BREWERY,
Dayton, Ohio, December 3, 1900.

Hon. S. E. PAYNE,
Chairman Committee on Ways and Means, Washington, D. C.:

DEAR SIR: The following, quoting Mr. Joe Miller, of Cincinnati, Ohio (secretary Ohio Brewers' Association), taken from the Cincinnati Commercial-Gazette, explains itself:

"WHAT THE WAR TAX WILL DO IF THAT TAX IS NOT REPEALED.

"Said Mr. Miller this evening:

"'It will mean that the small brewers will be forced out of the business, and the industry will be in the hands of a monopoly; there are some 300 breweries in the hands of receivers, and there is no line of industry in the country which shows such a percentage.'"

In my judgment, there was never a more deceiving statement made than appears in those few lines. I claim the contrary. The smaller brewers, of whom I am one, never feared the war tax half as much as the unfair competitors. It is more the fault of the big brewers, who for years have forced their beer into the neighborhood of their smaller competitors at such ruinous prices and methods, that the smaller brewer was unable to compete. These big brewers have for years bought real estate in the cities before the eyes of the smaller and weaker competitors at 100 per cent more than the actual value of the properties, boasting of their rich concerns and the millions behind them. Now they see how unwisely they have acted. Not one-half of their properties bring them a percentage, and this extra war tax and other expenses make them howl. Take off the war tax and you will drive the smaller brewers to the wall and help the larger ones to their monopoly.

Inclosed herewith find a copy of a communication addressed to the "Dingley committee and Senators" several years ago. I have not changed my mind one iota.

If a brewer does business on a fair basis and does not uphold a set of people who have helped to disgrace our business, they are being well enough paid with a continuance of the war tax.

Should you find a reduction desirable, I would consider it advisable to allow a rebate of 15 cents on a dollar, or 30 cents on a barrel, instead of 7½ cents on a dollar, or 15 cents on a barrel (as now), which I think should be agreeable to all.

Yours, truly, ADAM SCHANTZ.

ANOTHER SIDE TO THE BEER ISSUE.

(Copy mailed to Hon. Nelson Dingley and Hon. MARCUS A. HANNA.)

ADAM SCHANTZ RIVERSIDE BREWERY,
Dayton, Ohio, December 10, 1898.

It is not the war tax that hurts the big brewers. It is caused by the business methods of those great "I am's" (rule or ruin). They think there are no others. For years they have had their own way, and now that they are forced to do a legitimate business or lose money they kick. For example, they sell their beer in the cities where they are located at $7 to $8 per barrel, but they ship it hundreds of miles from home for $5.50 to $6 per barrel, paying freight, furnishing ice, also loss of cooperage and other expenses, amounting in all to about $1 per barrel, all to the detriment of the small brewers.

Now, competitors, this is a world of progress. You must shape your business accordingly. Give the minnows a chance to live. If you don't, you must bear the consequences. After the storm will be calm. Don't worry about it. Pay it without complaining.

We are living in the greatest country in the world, if we aren't all millionaires and sell 1,000,000 barrels a year. Have faith in our Administration and all will be well at the proper time.

ADAM SCHANTZ.

Mr. SHATTUC. Will you kindly say who wrote that letter?

Mr. PAYNE. I have no objection whatever. It was sent to me as chairman of the Ways and Means Committee. The name of the writer is Adam Schantz, Riverside Brewery, Dayton, Ohio.

Now, that is a specimen of some of the letters we have received and some of the evidence we have taken into consideration.

Mr. SULZER. I presume he is a Republican brewer.

Mr. STEELE. I hope he is.

Mr. PAYNE. I do not know whether he is a Republican or a Democrat; if a Republican, all the better for that; if a modern Democrat, God help him. [Laughter.]

Mr. DALZELL. There are not any Democrats; they have gone in with the Populists.

Mr. PAYNE. I mean the real old-fashioned Democrats.

Mr. SULZER. If they go on as they are, the modern Democrats will soon be in the majority.

Mr. PAYNE. They are growing beautifully less by degrees.

Now, to return to the beer question. The committee heard all of the allegations of the brewers; whenever they were in the city and desired a hearing they were heard. When there were only two members of the committee we heard them in conversation, as we heard the representatives of other industries in that way. Although we had no general hearings at that time, we went over all they had to say, and I have read faithfully all the correspondence that has come to the committee on this subject, and I say that when we make that reduction of 25 cents a barrel, we have made all the concession in this tax that we ought to make, and all that this interest, under the present circumstances, has any right to ask of this Congress. That makes a reduction of nearly $10,090,000—nine million eight hundred and odd thousand dollars—in the war-revenue bill. It gives the largest reduction to them of any interest.

We have taken nothing off tobacco except half a dollar on cigars, and yet the tax on tobacco was doubled by the war-revenue bill. We have taken nothing off of cigarettes, and yet the tax was trebled on cigarettes under the war-revenue act. We have made this concession because these gentlemen have claimed so strenuously that this tax was destroying their business. We do not mean to destroy anybody's business under a war-revenue act or any other act. We were after the revenue which the Government was entitled to. At the same time we are not engaged in any moral reform or crusade. In apportioning these taxes on the different industries and the different people of the country we have looked at it as a business proposition. In making these changes in the war-revenue act the committee has sought to do even-handed justice to all interests.

We think that before another dollar is taken off beer there are other taxes on this schedule that should be reduced more than the 30 per cent that was reduced upon this tax upon beer. The total additional tax is 85 cents. Thirty per cent of that is 25½ cents. We have a reduction of 25 cents a barrel by this bill. Now, Mr. Speaker, I submit to the House and to the committee with confidence that we have done the right thing and gone to the last dollar that we should go in this bill in the reduction of war revenue. The minority of the committee say that we should make a reduction of $70,000,000. They do not give any reason for it. They do

not present any bill to the House in their report as a substitute for the one we have presented here.

It is only a short time ago that the minority of the committee contended that all this war-revenue tax should go, and in place thereof there should be an income tax to be levied upon the incomes of the country, overlooking the fact that there is now upon the statute books the Wilson income-tax law, which has never been repealed because the decision of the Supreme Court has destroyed it, and forgetting that if the new income-tax law went before the Supreme Court to-day, they would have the same court and the same decision that they had on the Wilson bill. Why, they have even dared to pose before the country—a portion of them—in favor of going into a lawsuit to raise revenues to supply the deficiencies in the Treasury which the $105,000,000 reduction would leave, in order to get enough revenue to run the Government.

Well, now, this side does not believe in any such financial legislation as that. They propose in their report to take more of the tax off beer. They gave no reason for it; and they would take the tax off tobacco until they reduce the revenue by $70,000,000. I do not know but what that is the Democratic doctrine. I remember under the Wilson bill that we met a deficiency every 30th day of June. I do not know but what that is the financing of the Democratic party when they come in here to-day and ask us to face a deficiency in June, 1902, by taking off $70,000,000 of revenue.

Oh, they say, the revenues are increasing. Yes, but the increased revenue is because of the increased prosperity of the country. You have been predicting that the time would soon come when that prosperity would cease. Still you propose to reduce the war taxation on the theory that that prosperity is to continue during the next four years. Well, I believe it will, so far as our domestic matters are concerned, and any internal arrangement confined to the people of this country. I believe it will continue four years as it has in the past; but there may be some complications abroad that will stop it, and you do not take that into consideration.

I do not want to see any deficit in the revenues of the country. Gentlemen say you have a large surplus in the Treasury. So we have, one hundred and forty millions; not all available—probably one hundred and twenty millions of it available. They say that will be increased by the 30th of June. So it will. But is it a part of your statesmanship to foster and keep that in the Treasury against a future deficiency and then go to work deliberately and create that deficiency? Gentlemen must remember that this decrease in the revenue laws does not begin until the first of the next year, and it will operate only for a reduction upon the remainder of the fiscal year and have small effect upon the amount of money in the Treasury up to the 30th of June next. It is for the future that we are looking out. It is for the years 1902 and 1903, and when we look to them I believe we have gone to the limit of safety in reducing the war taxes. We are unwilling for the committee to go any further in that reduction and run any risk on that account.

What are we going to do with the money in the Treasury? We are going to adopt the good old-fashioned Republican way of paying debts with the money in the Treasury.

A MEMBER. Bonds are high.

Mr. PAYNE. Yes; but not as high as the interest we shall have to pay if we keep the bonds out and keep paying the interest every year, and not receive any interest on the money. If we have too much in the Treasury, it is an easy way to pay off the bonds and add it to the sinking fund. I hope to live to see the day when all the indebtedness of the United States is wiped out in full, and we commence with a clean balance sheet. I never believed that a national debt was a national blessing any more than a private debt is a private blessing.

A MEMBER. Would you go into the market and buy the bonds?

Mr. PAYNE. Yes; as we have always done, by fixing the price that we would pay for the bonds. We have done that before and the country has approved of it. [Applause.]

Mr. BOUTELL of Illinois rose.

The CHAIRMAN. Will the gentleman from New York yield to the gentleman from Illinois?

Mr. PAYNE. I will.

Mr. BOUTELL of Illinois. I did not wish to interrupt the gentleman during the discussion, but I would like to ask one or two questions in reference to these estimates. As I understand from the figures of the Secretary of the Treasury, which the committee have adopted, the expenditures estimated for 1902 are $83,000,000 in excess of the estimated expenditures for 1901, leaving an estimated surplus of only $26,000,000 for the year 1902.

Mr. PAYNE. I think the gentleman is right in round numbers.

Mr. BOUTELL of Illinois. So, if we should base our expenditures for the year 1902 upon the estimate for 1901, this law remaining in force, it would show a surplus of $109,000,000 for the year 1902.

Mr. PAYNE. Yes.

Mr. BOUTELL of Illinois. In other words, estimating our expenditures for 1902 on the basis of 1901, the surplus under this law would be $109,000,000, and six months of 1901 are still on the basis of the estimation. Taking the actual expenses of the year just closed, the estimated expenses for 1902 are over $100,000,000 in excess of the actual expenses of the year 1900, which, with the difference of the $26,000,000 estimated surplus, makes for 1902, under this law, provided we kept our expenses within that of last year, 1900, a surplus of $126,000,000. Would it not?

Mr. PAYNE. I am not a lightning calculator, but I presume the gentleman's figures are correct.

Mr. BOUTELL of Illinois. So that the $126,000,000 for the year 1902 added to the $80,000,000 for 1901 and to the $80,000,000 for 1900 would leave a surplus in the Treasury, if this law was in force, of $286,000,000 on the 30th of June, 1902?

Mr. PAYNE. With all your ifs, yes.

Mr. BOUTELL of Illinois. If we cut this war-revenue taxation $40,000,000 and the reduction goes into effect the 1st of next January, in the eighteen months between that time and July 1, 1902, we take out $60,000,000 and we would have a surplus of $236,000,000, if this law were to remain in force, on the 30th of June, 1902?

Mr. PAYNE. Is that all?

Mr. BOUTELL of Illinois. No; that was just preliminary——

Mr. PAYNE. I want to answer your question when you get through.

Mr. BOUTELL of Illinois. I am endeavoring to elicit information which I think would be very acceptable to the House. On page 12 of the Secretary's report, in making this estimate for 1902, he places the military establishment——

Mr. PAYNE. I do not think the gentleman ought to inject a speech here, because the House has granted me the courtesy of an extension, which I ought not to abuse.

Mr. BOUTELL of Illinois. I do not wish to trespass upon the courtesy of the gentleman.

Mr. PAYNE. If the question is not too long, I am perfectly willing to answer it.

Mr. BOUTELL of Illinois. I do think we would all like to have a little fuller explanation in detail of these figures for the estimated expenditures for 1902. The estimate for the military establishment proper is one hundred and thirteen and a half millions. Under public works there is an estimate for the military establishment of fifty-one millions. What is that for?

Mr. PAYNE. That means rivers and harbors and fortifications.

Mr. BOUTELL of Illinois. Then under "Miscellaneous" there is a further estimate of the War Department for five millions. What is that for?

Mr. PAYNE. I simply answer the gentleman that that is "miscellaneous." I can not answer the gentleman more definitely than that.

Mr. BOUTELL of Illinois. The estimate for the naval establishment is $70,800,000—$11,000,000 more than for 1901.

Mr. PAYNE. I think that is very low.

Mr. BOUTELL of Illinois. And under "Public works" there is a further estimate of $16,000,000 for the Navy. Can the gentleman inform us what is covered by that $16,000,000 estimate?

Mr. PAYNE. I do not know whether I can or not. I only know that the two items represent the maintenance of the Navy—the expense of keeping ships in commission—the pay, and matters of that kind, and the increased construction in the Navy which I explained at the beginning of my remarks, which will be very enormous during the coming fiscal year and the year following, on account of the passage of the bill last year, which the gentleman will remember, and on account of the contract for armor plate.

Mr. STEELE. And for manning the vessels that go into commission.

Mr. PAYNE. Yes; of course. There is, I will say, a large increase in the estimate for sailors, etc., for manning the vessels—a very large increase. It has been estimated that the cost on this account will be doubled. I do not say that that is the official estimate of the Department, but officers of the Navy say that there ought to be double the number of men now in service to take care of the ships we now have. The Secretary does not estimate for doubling the number of men, but for a large increase in that force; and it would seem to be imperative that the force be increased, if we are to take care of the vessels.

Mr. BOUTELL of Illinois. There is another quite substantial item that does not appear in the report of 1900 or 1901, and that is the miscellaneous item of $27,000,000 after the full estimates for all the departments of the Government. Is there any information as to that large item?

Mr. PAYNE. Mr. Chairman, I want to say that the fiscal year 1900 has passed into history; we know what we have paid and what we have received in that year. The fiscal year 1901 does not end until the 30th of next June. The appropriations have already

been made except the deficiency appropriations, and the time has arrived when those deficiency estimates can be made with a great deal of accuracy.

I do not think the Secretary of the Treasury will be found much out of the way in his estimates for the expenses of 1901. The year has so far progressed; the appropriations have been made; he knows what the Congress has done in the way of general appropriations; and the deficiencies have been so nearly estimated for, that he can not be very far out of the way in his estimates of 1901. In reading the Postmaster-General's report the other day I saw a discrepancy between that and the report of the Secretary of the Treasury. I thought that the Postmaster-General would really need more funds than he estimated for during the current year. But that is a matter of but small moment.

I think there is liable to be an increase rather than a decrease of these deficiencies for this year. As to the next year, as I said in the opening of my remarks, what will be the expenses and what will be the revenues is somewhat problematical. Should the figures increase in the customs and internal revenues, and should the figures show an increase upon the item of postal receipts, which I believe will be the case, I think there may be an increase of $25,000,000; but I believe the natural growth of the country will absorb that increase in increased expenditure.

In addition to the expenses of this year we have the expenses for the construction of the Navy, which will be as heavy in 1902, and heavier than they have ever been in our history, owing to the contracts recently made for armor plate and the bids recently opened for this large increase in the Navy authorized by the last naval bill, the larger portion of which expenditure will come in the years 1902 and 1903.

Mr. LACEY. How much of this increase is due to the fact that we have suspended work on the Navy for the last two years?

Mr. PAYNE. I have not figured that out.

Mr. LACEY. That would make a considerable item, would it not?

Mr. PAYNE. It would amount to a very large sum; tens of millions.

In addition to these other expenses we shall have to remove 65,000 troops from the Philippine Islands to this country and give them two months' extra pay. On the 1st of July next we have got to bring them home, and I believe the law has already provided for giving them two months' extra pay. That would involve a large expenditure. In addition to that we must recruit 75,000 men to take the place of those whose terms of enlistment will expire. It will require much money to equip these new troops and carry them to the Philippine Islands. A part of this increase is calculated upon that vast expenditure. I notice that the estimate for the military establishment—that is, for taking care of the 100,000 men—is practically the same for 1901 and 1902. The increased items of expenditure estimated by the Secretary of War and the Secretary of the Navy are based largely upon these items.

Mr. GAINES. Will the gentleman yield to me for a question?

Mr. PAYNE. Certainly.

Mr. GAINES. I would like to ask the gentleman if he can inform the committee how much it costs to bring a soldier home from the Philippines or to take one there?

Mr. PAYNE. I can not.

Mr. GAINES. Now, Mr. Chairman, a few minutes ago the gentleman said that a national debt was not a national blessing, and he hoped sooner or later to see the entire national debt wiped out. I agree with him in that. But would not that be an operation that would require the payment of all of the outstanding bonds?

Mr. PAYNE. Certainly.

Mr. GAINES. Then what becomes of your national banking system?

Mr. PAYNE. Oh, well, we will construct a banking bill when the time comes. We will cross the bridge when we reach it. The gentleman need have no apprehension that we will not make one which will be satisfactory to the business interests of the country, if we are in power.

Mr. GAINES. So, then, the gentleman admits that he must construct another banking system to take the place of this one if we were fortunate enough to get rid of the national debt?

Mr. PAYNE. Oh, yes; the gentleman can leave it safely to the Republican party to do the work.

Mr. GAINES. But the national banks can not live, according to the gentleman's own showing, without a public debt.

Mr. BOUTELL of Illinois. I wish, Mr. Chairman, to thank the gentleman in charge of the bill for his courtesy in explaining these items, but it seems to me that the estimated surplus for 1902 is very low.

Now, I wish to ask one more question—whether I understood him correctly to say that he approved of the use of the surplus resulting from the war-revenue tax for the purpose of retiring the outstanding bonds of the Government. Would the gentleman advocate that policy?

Mr. PAYNE. There is no danger of it. We can not do it.

A MEMBER. Why?

Mr. PAYNE. Because there would not be enough of it left to pay the cost of the operation. Because the expenditures which will necessarily continue for some time, and which the report of Governor Dingley so ably deals with, will necessarily go on for a long time. For instance, we must have 50,000 men on account of the war. It will take almost the entire $65,000,000 surplus to pay for that expenditure alone. In addition to this it would not pay the interest on the public debt outstanding. I answer my friend, therefore, that we can not pursue the policy of using the war revenue to retire the bonds, because war expenditures will use it all, and more. I do believe, though, that when the last act of Congress remits the tax proposed, constituting the most of this war revenue, there may be found some tax there that Congress will see fit to continue definitely, permanently, as a means of raising revenue for the Government.

The necessity of that system, and the value of it, was established during the civil war. It was found that there were many taxes then imposed as war taxes which were good taxes to continue in time of peace. But what they will be, where they will strike, how they will be levied—I have not studied the question and am unable to say. But many of the revenues raised by the Government in times of peace originated in the time of the civil war. It should be remembered that at that time we also had a higher tariff. We had the Morrill tariff in operation, the highest tariff that we had ever had in the history of the country. We had the beer tax, and that was continued in time of peace; we had the whisky tax, and that was kept up—a tax which originated during the civil war—and I might refer to many other taxes of the same character.

Mr. RICHARDSON of Tennessee. Will the gentleman from New York yield to me for a question?

Mr. PAYNE. Of course.

Mr. RICHARDSON of Tennessee. The Secretary of the Treasury shows that the receipts for the year 1900 were, in round numbers, $669,000,000, and that we had a surplus of $79,000,000. Now, for the present year the receipts will be $687,000,000 and the surplus eighty million. For 1902 the same Secretary estimates the receipts to be seven hundred and sixteen million—a very large increase, as the gentleman will see.

Mr. PAYNE. Yes; larger than we will probably receive.

Mr. RICHARDSON of Tennessee. Now, what I wanted to ask the gentleman was, Why, with a revenue of six hundred and sixty-nine millions at one time, we had a surplus of seventy-nine millions; with receipts of six hundred and eighty-seven millions at another time, we had a surplus of eighty millions; and yet, with an estimated revenue of seven hundred and sixteen millions, we are only to have twenty-six millions surplus in 1902? Will the gentleman explain that?

Mr. PAYNE. It is evident the gentleman from Tennessee wants to anticipate his speech——

Mr. RICHARDSON of Tennessee. Oh, no.

Mr. PAYNE (continuing). And I wish to say to him that I have gone over this ground twice, fully and thoroughly, and if the gentleman did me the honor to listen he would have had an answer to his question already.

Mr. RICHARDSON of Tennessee. But the gentleman from New York is so able and so courteous that I wanted to see if I understood him thoroughly.

Mr. PAYNE. I do not think I ought to take up any more of the time of the committee, and will not endeavor to repeat the speech or that part of it to which the gentleman refers. It will be published in the RECORD, and the gentleman can read it in the quiet of the afternoon at his leisure, and I am satisfied he will find his questions answered fully.

Mr. LEVY. I would like to ask the gentleman from New York a question before he resumes his seat.

Mr. PAYNE. Very well.

Mr. LEVY. Do you think it wise policy to pay the bonded indebtedness of the United States—I mean buying the bonds of the United States—at high prices, and for that purpose use the surplus fund that may be in the Treasury?

Mr. PAYNE. I think when we have a surplus not collected from the war-revenue act—because there never was a moment when that act was sufficient to meet all of the ordinary expenses of the war, except possibly during the last three or four months—and when we have a large surplus in the Treasury coming from the original Dingley bill, it is wise for the Government of the United States to buy the bonds at any price, less than the principal and interest which we will be required to pay, and turn them into the sinking fund. I trust that answers the question of the gentleman.

Mr. LEVY. Do you claim that the entire surplus has resulted from the Dingley bill?

Mr. PAYNE. I claim there has not been a time when the war-revenue bill has ever paid the expenses of running the war, except, perhaps, in the last six months.

Mr. STEELE. Not then; not by a good deal.

Mr. PAYNE. I do not think there has ever been a time when it has paid the expenses of the war.

[Mr. PAYNE here resumed his seat, amid applause on the Republican side.]

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. LACEY having taken the chair as Speaker pro tempore, sundry messages, in writing, from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries.

WAR REVENUE.

The committee resumed its session.

[Mr. SWANSON addressed the committee. See Appendix.]

Mr. GROSVENOR. Mr. Chairman, I desired to offer some remarks upon the pending measure, but by reason of the fact that we have been informed by the representative of the Doorkeeper that it is important they should now have the use of the Hall for the purpose of decoration, I move, therefore, that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEPBURN reported that the Committee of the Whole House on the state of the Union having had under consideration the bill H. R. 12394, had come to no resolution thereon.

COMMITTEE ON WESTPOINT INVESTIGATION.

The SPEAKER. The Chair submits the following appointments, which the Clerk will read.

The Clerk read as follows:

Special Committee of Investigation under the resolution adopted by the House December 11, 1900:

Mr. MARSH, Mr. WANGER, Mr. SMITH of Iowa, Mr. DRIGGS, and Mr. CLAYTON of New York.

CLAIM OF BENJAMIN WEIL.

The SPEAKER laid before the House a message from the President of the United States; which, with the accompanying papers, was ordered to be printed, and referred to the Committee on Foreign Affairs, as follows:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying papers, showing the return to the Government of Mexico of the unexpended balance of the award in favor of Benjamin Weil, made by the United States and Mexican Claims Commission, established under the convention of July 4, 1868.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, December 11, 1900.

STATUE OF LAFAYETTE.

The SPEAKER also laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying papers, respecting the unveiling at Paris, France, on July 4, 1900, of the statue of Lafayette provided by the contributions of school children of the United States.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, December 11, 1900.

The message and accompanying papers were ordered to be printed, and referred to the Committee on Foreign Affairs.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn, as I understand it is necessary in order to clear out the Hall and get ready for to-morrow. I believe the understanding is that the adjournment is until 3.15 to-morrow.

The motion was agreed to.

Accordingly (at 3 o'clock and 4 minutes p. m.) the House adjourned until to-morrow at 3.15 p. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, blue-print copies of two charts to accompany Colonel Smith's estimates for improvement of Cleveland Harbor—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report relative to a suit against J. E. Turtle, United States assistant engineer—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting reports of tests of iron, etc., at Watertown Arsenal during the fiscal year ended June 30, 1900—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Wilmington Harbor, North Carolina—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Ordnance, with copy of a report relating to reappropriation for repairs at Springfield Armory—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for rental at Indianapolis, Ind.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for increase of salary of United States consul at Port Stanley, Falkland Islands—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a letter from the Quartermaster-General of the Army concerning the proposed transfer of certain temporary buildings on lands owned by the Convent of Mary Immaculate, at Key West—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Brunswick outer bar, Georgia—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Warrior and Tombigbee rivers, Alabama—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Chief of the Bureau of Statistics submitting a modification of an estimate of appropriation for purchase of books—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for engraving and printing geological maps—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12447) to amend an act approved June 1, A. D. 1900, entitled "An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein," reported the same with amendment, accompanied by a report (No. 2017); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 12257) for the relief of the heirs of A. T. Hensley, reported the same without amendment, accompanied by a report (No. 2019); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 12294) granting a pension to Lottie M. V. Rankins—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. FLETCHER: A bill (H. R. 12608) to remodel and extend the United States post-office at Minneapolis, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. DAVIS: A bill (H. R. 12609) providing for the erection of a public building at the city of Fernandina, Fla., and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. WILSON of New York: A bill (H. R. 12610) for a survey of the present channel leading from the wharves at Canarsie, N. Y., to the Atlantic Ocean—to the Committee on Rivers and Harbors.

By Mr. MONDELL: A bill (H. R. 12611) to amend chapter 559 of the Revised Statutes of the United States, approved March 3, 1891—to the Committee on the Public Lands.

Also, a bill (H. R. 12612) allowing settlers in Wyoming and

South Dakota the free use of timber on certain lands for domestic purposes—to the Committee on the Public Lands.

By Mr. CORLISS: A bill (H. R. 12613) to provide for the establishment of the most advantageous level for navigable purposes of the waters of Lake Erie and tributary streams by international agreement, and to promote commerce—to the Committee on Rivers and Harbors.

By Mr. BELLAMY: A bill (H. R. 12614) to amend the national banking law so as to permit national banks to consider and treat their surplus as capital in the restrictions on loans—to the Committee on Banking and Currency.

By Mr. MILLER: A bill (H. R. 12615) for the relief of the Kickapoo tribe of Indians in Oklahoma Territory—to the Committee on Indian Affairs.

By Mr. OTEY: A resolution (H. Res. 314) relating to electrical signals in the House—to the Committee on Rules.

By Mr. FITZGERALD of Massachusetts: A memorial of the legislature of the State of Massachusetts, relative to the purchase of Temple Farm and Moore House, at Yorktown, Va., by the United States Government—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 12616) granting an increase of pension to Nancy T. Hardy—to the Committee on Pensions.

By Mr. BAILEY of Kansas: A bill (H. R. 12617) granting an increase of pension to A. C. Noland—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 12618) granting a pension to John Dorrow—to the Committee on Invalid Pensions.

By Mr. COONEY: A bill (H. R. 12619) granting a pension to Christian Schwarz—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 12620) granting an increase of pension to John P. C. Shanks—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 12621) granting an increase of pension to Leander Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12622) granting an increase of pension to John B. Kurth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12623) granting an increase of pension to John Prescott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12624) granting an increase of pension to Tunis J. Roosa—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12625) for the relief of Joseph Ritter—to the Committee on Military Affairs.

Also, a bill (H. R. 12626) granting a pension to Jesse Johnson—to the Committee on Pensions.

By Mr. DAVIS: A bill (H. R. 12627) for the relief of Edward S. Crill—to the Committee on Claims.

By Mr. EMERSON: A bill (H. R. 12628) for the relief of Elisha W. Cook—to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 12629) granting a pension to John Lossing—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 12630) to authorize Herbert W. Bowen, minister resident and consul-general of the United States to Persia, to accept a decoration from the Shah of Persia—to the Committee on Foreign Affairs.

By Mr. JOHNSTON: A bill (H. R. 12631) for the relief of G. W. Ratleff—to the Committee on War Claims.

By Mr. JOY: A bill (H. R. 12632) granting an increase of pension to James Conley—to the Committee on Invalid Pensions.

By Mr. KERR of Maryland: A bill (H. R. 12633) for the relief of James G. James and William J. Thomas, surviving executor of Edward Thomas—to the Committee on War Claims.

By Mr. LAWRENCE: A bill (H. R. 12634) granting a pension to Helen M. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12635) granting a pension to Alfred Bird—to the Committee on Invalid Pensions.

By Mr. McDOWELL: A bill (H. R. 12636) granting a pension to Nicholas Montag—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 12637) granting a pension to Emily Drake—to the Committee on Invalid Pensions.

By Mr. NORTON of Ohio: A bill (H. R. 12638) granting an increase of pension to Timothy B. Lehane—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 12639) granting an increase of pension to John Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12640) granting an increase of pension to William H. Johnston—to the Committee on Invalid Pensions.

By Mr. RAY of New York: A bill (H. R. 12641) for the relief of Frederick R. Smith—to the Committee on Naval Affairs.

By Mr. RIXEY: A bill (H. R. 12642) for the relief of the surviving executors of Anna Maria Fitzhugh, deceased—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: A bill (H. R. 12643) granting an increase of pension to Mary Morely—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 12644) granting an increase of pension to John T. Mayhugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12645) granting an increase of pension to John A. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12646) to reimburse Louis Benecke for arms furnished the United States—to the Committee on War Claims.

Also, a bill (H. R. 12647) to correct the military record of John P. Griffith—to the Committee on Military Affairs.

By Mr. SLAYDEN: A bill (H. R. 12648) for the relief of H. D. Bonnet—to the Committee on Military Affairs.

By Mr. WM. ALDEN SMITH: A bill (H. R. 12649) granting an increase of pension to J. W. Forbes—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 12650) granting an increase of pension to Emma Foote Glenn—to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 12651) granting an increase of pension to Nathan H. Metcalf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12652) granting a pension to Erma G. Harvey—to the Committee on Invalid Pensions.

By Mr. THAYER: A bill (H. R. 12653) granting a pension to Simeon C. Chandler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12654) to remove the charge of desertion from the military record of Peter Tatro, alias John Goodro—to the Committee on Military Affairs.

By Mr. YOUNG: A bill (H. R. 12655) granting an increase of pension to Henry Wagner, late of Company D, Seventh New Jersey Volunteers—to the Committee on Invalid Pensions.

By Mr. NAPHEN: A bill (H. R. 12656) granting a pension to James F. Merrill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12657) granting a pension to Rebecca Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12658) to remove charge of desertion from record of Thomas E. Kittridge—to the Committee on Military Affairs.

Also, a bill (H. R. 12659) to remove charge of desertion from James O'Neill—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of L. M. Drye, commander Grand Army of the Republic, Department of Kentucky, indorsing House bill No. 5779, relating to appointments in the Government service—to the Committee on Reform in the Civil Service.

By Mr. BINGHAM: Resolutions of Quaker City Chapter, Daughters of the American Revolution, Philadelphia, Pa., in favor of legislation transferring the present mint building to the city of Philadelphia—to the Committee on Public Buildings and Grounds.

By Mr. CALDWELL: Paper to accompany House bill granting an increase of pension to John Dorrow—to the Committee on Invalid Pensions.

By Mr. EMERSON: Papers to accompany House bill for the relief of Elisha W. Cook—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of R. F. Reid and other citizens of Glenshaw and Sholer Township, Allegheny County, Pa., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, resolutions of the Chamber of Commerce of New York, urging the passage of a bill authorizing the Secretary of the Treasury to exchange gold coin for any other money coined by the United States whenever it may be necessary to do so—to the Committee on Banking and Currency.

By Mr. HITT: Petition of citizens of Cedarville, Ill., favoring uniform marriage and divorce laws—to the Committee on the Judiciary.

By Mr. LEVY: Resolutions of the Produce Exchange of New York, advocating an appropriation for the improvement of Buttermilk Channel—to the Committee on Rivers and Harbors.

By Mr. McALEER: Protest of the Universal Peace Society against an increase of the United States Army—to the Committee on Military Affairs.

By Mr. McDOWELL: Petition of Nicholas Montag to accompany House bill granting him a pension—to the Committee on Invalid Pensions.

By Mr. McRAE: Petition of Ex-Slave Association, No. 1083, of Harwood, Ark., asking for bounty and pension—to the Committee on Pensions.

Also, papers to accompany House bill No. 12589, granting a pension to Lucinda E. Howard—to the Committee on Invalid Pensions.

By Mr. MILLER: Resolutions of the Methodist Episcopal Church of Cherokee, Kans., favoring the exclusion of slavery, rifles, and the liquor traffic in Africa—to the Committee on Foreign Affairs.

Also, petition of Rev. Pallett, J. B. Odair, C. E. Terry, and other citizens of Lyon County, Kans., favoring the passage of the Crumpacker bill—to the Committee on the Census.

By Mr. NORTON of Ohio: Papers to accompany House bill granting an increase of pension to Timothy B. Lehane—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: Petition of the heirs of Bolling Byrd, deceased, late of Lawrence County, Ala., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Susan King, administratrix of Meredith King, deceased, of Jackson County, Ala., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of Woman's Missionary Society of the Presbyterian Church of Lima, Ind., by Mary W. Cooper, Mary H. Orton, and Ella W. Nash, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. SHERMAN: Petition of wholesale grocers of Albany, Troy, Utica, and other cities in the State of New York for the repeal of the war revenue on tea—to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Petition of citizens of Taylors Falls, Minn., against the establishment of the parcel-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of M. S. Scott, of St. Paul, Minn., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. SULZER: Resolutions of the Chamber of Commerce of New York, urging the improvement of Buttermilk Channel—to the Committee on Rivers and Harbors.

By Mr. THAYER: Petition of Simon C. Chandler, to accompany House bill granting him a pension—to the Committee on Invalid Pensions.

By Mr. ZENOR: Petition of J. W. Daugherty, D. W. Stevenson, Levi Wiser, and other citizens of Indiana, to accompany House bill granting a pension to John W. Daugherty—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *December 12, 1900.*

The Senate met at 3 o'clock p. m.

The Journal of yesterday's proceedings was read and approved.

HOUR OF MEETING TO-MORROW.

Mr. LODGE. Mr. President, I move that when the Senate adjourn to-day it adjourn to meet at 11 o'clock to-morrow. I make the motion because the Senator from Ohio [Mr. HANNA] desires to address the Senate to-morrow on the subsidy bill, and as we have a special order for 3 o'clock, it is necessary to get the extra hour in order to dispose of that and other business.

The motion was agreed to.

CENTENNIAL CELEBRATION AT WASHINGTON.

Mr. HALE. While waiting for notice from the House of Representatives that it is ready to receive the Senate, I will ask the Senate to remain for a short time without taking a recess. The message will be here in a few moments, undoubtedly.

The PRESIDENT pro tempore. Petitions and memorials are in order. If there be none, reports of committees are in order.

Mr. MONEY. I thought when we adjourned yesterday to meet to-day it was the understanding that no business would be transacted. Am I mistaken about that order?

The PRESIDENT pro tempore. The Chair is informed that the Journal does not show it.

Mr. CULLOM. That was the understanding.

Mr. HALE. It was undoubtedly the understanding of the Senate that no business should be transacted to-day, as the other body does no business to-day, because it was made a legal holiday. Therefore I hope that no formal business will be received.

The PRESIDENT pro tempore. Without objection, that will be the order.

After a delay of ten minutes,

The PRESIDENT pro tempore (at 3 o'clock and 22 minutes p. m.). The Chair is informed that the messenger from the other House is now here.

Mr. HALE. I move that the Senate proceed to the Hall of the House of Representatives, there to take part in the ceremonials of the day.

The motion was agreed to; and the Senate proceeded to the Hall of the House of Representatives.

The Senate returned to its Chamber at 6 o'clock and 19 minutes p. m.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 13, 1900, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 12, 1900.*

The House met, pursuant to adjournment, at 3 o'clock and 15 minutes p. m., and was called to order by the Speaker, the Hon. DAVID B. HENDERSON.

On taking the chair the Speaker was greeted with the applause of members.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

We bless Thee, our Father in heaven, for our country, its incomparable past, its vast resources, its magnificent proportions, and the promise of its perpetuity and future glory; for this beautiful city, the seat of our Government, which through all the vicissitudes of the past has added to its proportions until it promises to be not only the most beautiful, but the most interesting and influential city in all the world.

We invoke Thy blessing upon the exercises of the day which commemorates its hundredth anniversary. We are not unmindful of the struggles, the sacrifices, the heroic deeds of our fathers, who laid the foundation of our Government deep and strong and broad, and that eternal vigilance is the price of liberty.

Help us to emulate the virtues of our fathers; to be watchful, zealous, patriotic, that we may grow to yet vaster proportions, greater usefulness and influence, and Thine shall be the praise Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CAPITAL CENTENNIAL EXERCISES.

This being the time appointed by law for a joint convention of the Senate and House of Representatives to celebrate the one hundredth anniversary of the establishment of the permanent seat of government in the District of Columbia and of the first session of Congress held in the permanent capital,

At 3 o'clock and 30 minutes p. m. appeared—

The President pro tempore and the Senate of the United States.

The Chief Justice and associate justices of the Supreme Court.

The ambassadors and ministers to the United States.

The governors of the several States and Territories and their staffs.

The President of the United States and the members of his Cabinet.

The SPEAKER. In pursuance of a message from the President, and legislation that followed, provision was made for the centennial celebration of the first session of Congress in the city of Washington, and of the locating of the seat of government in this city and District. Committees duly appointed in pursuance of this legislation have made out a programme for the exercises on this day. Under that programme we are assembled here, and it is made the duty of the Speaker of the House to call this assembly to order, and to ask the Rev. Dr. MILBURN, Chaplain of the United States Senate, to offer prayer.

The Chaplain of the Senate, Rev. W. H. MILBURN, D. D., offered the following prayer:

We praise Thee, we worship Thee, we give thanks to Thee, O Lord God, Heavenly King, God the Father Almighty.

Thus have Thy people in all ages of our era chanted or said the angels' song; and we, in this latest birth of time, come to join our hearts and voices in this latest ascription of honors to Thee. Especially are we moved to this devotion when we behold the marvels which Thou hast wrought in this our country within the last hundred years; a nation of 3,000,000 people, huddled in lowly places of residence, grown to well-nigh fourscore millions and one of the powers of the earth; and this city, from an insignificant and almost squalid village, grown to be one of the fairest and stateliest capitals of the world, challenging the admiration and the homage of all well-informed and traveled people.

For these Thy gifts and the promises which they contain, we join in the angels' song—

Glory to God in the highest, and on earth peace, good will toward men.

And now we humbly ask Thy blessing upon this notable assembly; upon the first and most eminent citizen of the land, our honored President, and the members of his official family; upon the Chief Justice and associate justices of the Supreme Court; upon the President and all members of the Senate; upon the Speaker and all members of the House of Representatives; upon the chief men of the Army and the Navy of the country; upon the gathering of governors, the heads of the sovereign States of this great

Republic; upon all who are engaged in the making, the interpretation, and the execution of the laws.

Nor would we forget the public-spirited citizens who have moved in this matter and brought it to so admirable a conclusion. And we humbly come to Thee, in our hearts and best desires asking Thy blessing upon the ambassadors and ministers of the foreign nations and powers with whom we are at peace and amity. And upon this great concourse of men and women who represent the masses of our country from sea to sea let Thy loving-kindness descend and abide.

And so, moved in heart with unutterable gratitude for all Thy benefits, we cry "Allelnia, for the Lord God Omnipotent reigneth!"

All of which, in praise and prayer to Thee, we offer in the name and mediation of our blessed Lord and Saviour Jesus Christ. Amen.

The SPEAKER. It is also made the duty of the Speaker to introduce the President of the Senate, Mr. FRYE, to preside during the further execution of this programme.

[The President of the Senate took the gavel.]

The PRESIDING OFFICER. The two Houses are in joint convention to hold commemorative exercises in honor of the centennial anniversary of the first session of Congress in the permanent capital of our country.

You will now listen to an address by Hon. JAMES D. RICHARDSON, a Representative from the State of Tennessee, his subject being the "Transfer of the national capital from Philadelphia."

[On rising, Mr. RICHARDSON was greeted with applause.]

Mr. RICHARDSON of Tennessee. Mr. President, it is a matter of the sincerest congratulation to us all on this auspicious occasion that there is assembled in this historic Chamber, the official home of the representatives of the people, this splendid audience, comprising in part the governors of the States, the Lieutenant-General of the Army, the Admiral of the Navy, detachments of the Army, Navy, the Marine Corps, and National State Guards; the Commissioners of the District of Columbia, the diplomatic corps, resident with us; the members of the several courts of the District of Columbia, the Chief Justice and associate justices of the Supreme Court, the Senate, and with his Cabinet of constitutional advisers, the Chief Magistrate of our beloved country.

The occasion for bringing together so large a number of illustrious public men and officials can not be without great national significance. As a nation we have just emerged from a fierce contest between the different parties for political supremacy, which was characterized in most quarters by manly warfare. This political struggle ended as similar contests have heretofore had their sequel, in bringing unhappy regrets and disappointments to many, while it brought contentment and joy to others. It is a source of pride to every patriotic American who loves his country and her institutions that when these periodical battles come around, although the conflict may have raged with desperation while the heat of the struggle was on, yet when the victory is won "liberty has not lost but gained in strength," and every man from the highest to the humblest in the land dutifully accepts the result and loyally upholds the verdict reached. [Applause.] But the cause of our coming together is wholly apart from our recent contest. We are here to take part in a highly interesting ceremony—"the celebration of the centennial anniversary of the establishment of the seat of government in the District of Columbia."

The First Congress under the Constitution assembled in the city of New York in 1789. One of the first questions which engrossed the attention of the Congress and the country was, Where shall the seat of government be located? This question was debated with acrimony and bitterness, and in the minds of some of the participants therein much sectional feeling was engendered. Such subjects always excite warmth in debate and more or less of irritation. It has been charged that the location of the capital was the result of a bargain between the contending sides in the Congress. If it was not an express bargain, it was the direct result of a compromise between the factions. The plan of compromising for a result so early instituted in our history has never been abandoned, and I fear is too often resorted to by those who are looking out for special objects. Alexander Hamilton, in his full manhood, with all his ability, was then endeavoring to have Congress assume the debts of the several States of the Union, which had come to them as legacies of the great Revolution. He eloquently maintained that the public debt was "the price of liberty." His plan of assumption was rejected by Congress. The excitement resulting therefrom ran so high and the public feeling was so greatly embittered it seemed that the experiment of a general government had failed. It was said that Congress assembled thereafter every morning as usual, but only to adjourn at once, as the two sides were "too much out of temper to do business together." The question was largely the North versus the South; centralization against the rights and dignity of the State governments. Hamilton refused to submit to the verdict reached, and kept up his fight, while Madison and those who stood with him resolutely resisted him. Late in his life Mr. Madison, in giving his version of this parting of company with Hamilton, said—

> that the purpose of the latter was to commit the Government to a policy totally different from that which he and I both knew perfectly well had been understood and intended by the Convention which framed the Constitution and by the people in adopting it.

In the emergency upon them a compromise was effected, the details of which I will omit, but the result was that Hamilton and his friends carried assumption, and the capital was located on the Potomac. Prior to this action a measure had almost gone through Congress to fix the seat of government at Wrights Ferry, on the Susquehanna. This place is within the State of Pennsylvania and within the Congressional district represented by Mr. ZIEGLER. It is now known as Wrightsville. By a census of this town which I remember to have seen not very many years ago, it contained "two sawmills and 1,310 inhabitants."

We learn that the members from New England and New York agreed in proposing Wrights Ferry, and claimed it was the point nearest the center of population and wealth, and that it would remain so indefinitely. For many days this location appeared to have a better chance of becoming the capital than either Harrisburg, Baltimore, New York, Germantown, Philadelphia, or any other place proposed. Wrights Ferry was shown in the debate to be the veritable "hub of the universe," a region favored by nature above all others. One gentleman advocating the location there claimed that not merely the soil, the water, and the "advantages of nature were unsurpassed," but he said:

> If honorable gentlemen were disposed to pay much attention to a dish of fish, he could assure them their table might be furnished with fine and good from the waters of the Susquehanna.

Mr. Madison favored the shores of the Potomac as the place, and insisted the location should be in a central position, geographically speaking. The first reason assigned by him was that the Government would expend probably a half million dollars, and every citizen should partake of this advantage as equally as nature had rendered it possible. And further he said:

> If it were possible to promulgate our laws by some instantaneous operation, it would be of less consequence in that point of view where the Government might be placed.

Upon a vote being taken in the House the advocates of Wrights Ferry on the Susquehanna triumphed, but the Senate amended the bill by inserting "Germantown." The House would not accept the amendment and the session ended without an agreement. The subject was brought forward again in the spring of 1790, and after something of a repetition of the proceedings of the former session the compromise was made by which it was agreed that assumption should prevail and that the capital should go permanently to the southern location on the banks of the Potomac. Accordingly, on July 16, 1790, Congress passed the act which provided among other things—

> that a district of territory not exceeding 10 miles square, to be located as hereafter directed on the river Potomac at some place between the mouths of the Eastern Branch and Conogocheague, be, and the same is hereby, accepted for the permanent seat of the government of the United States.

And further provided—

> that prior to the first Monday in December next, all offices attached to the seat of government of the United States shall be removed to, and until the first said Monday in December in the year 1800, shall remain at the city of Philadelphia, in the State of Pennsylvania, at which place the session of Congress next ensuing to the present shall be held.

The act was amended March 3, 1791, by which it was provided that the lines were to be so run as to include a portion of the territory below the mouth of the Eastern Branch. It was also provided that the public buildings should be erected on the Maryland side of the Potomac River.

Mr. Hamilton and his followers were made happy by the passage of the assumption act, the national credit was established and made sure, and has never since been shaken—except temporarily—and we all trust is destined to stand unimpaired so long as the Republic survives. [Applause.] The hopes of the other localities—Harrisburg, Baltimore, New York, Germantown, and Wrights Ferry—to become the seat of government were forever blasted and Philadelphia was put off by being given a temporary blessing of ten years' short duration.

The preparations for the removal began at an early date after the passage of the act of January 16, 1790. Under the law three commissioners were appointed by the President on January 22, 1791, to survey the territory for the District. The States of Maryland and Virginia, respectively, having passed acts of cession, the survey was made, and on March 30, 1791, the President, by formal proclamation, declared and made known the territory 10 miles square for the District.

On September 18, 1793, the corner stone of the Capitol building was laid by President Washington with imposing ceremonies. A procession, consisting—with others—of Free Masons and of the military and civil authorities, took appropriate parts in these ceremonies. The Masons were represented by the Grand Lodge of Maryland, and by Lodge No. 22, of Alexandria, Va. Washing-

ton delivered an address. After the ceremonies ended all partook of a barbecue feast prepared for the occasion.

In pursuance of law, in May, 1800, the ten years having expired, the archives and general offices of the Federal Government were removed to Washington, and hence my subject to-day, "The transfer of the national capital from Philadelphia to Washington." I need not go further than I have, as my subject does not require it, into the assignment of reasons why the capital was transferred to Washington, the motives which caused the removal, and the arguments which were potential in bringing it about. I shall not recite at length the details of the removal. We learn that on May 28, 1800, a notice was posted on the office door of the Secretary of State in Philadelphia, of which the following is a copy:

> The office of the Department of State will be removed this day from Philadelphia. All letters and applications are therefore to be addressed to that Department at the city of Washington from this date.

President Adams had left Philadelphia the preceding day, and made the journey to Washington overland. The books, papers, furniture, etc., of the Government were brought by water transportation and landed at one of the wharves, and thence carted to the several offices. Washington was then a mere village and poorly prepared to entertain the officers of the Government, although the number was small. The employees for the first year in the new city apportioned among the Departments were as follows: State Department, 8 clerks; Treasury Department, 75; War Department, 17; Navy Department, 16, and Post-Office Department, 10, making in all 126 clerks. The total sum paid in salaries in that year was $125,881.

The population of this city was estimated to be about 3,000. The statistics show that on May 15, 1800, there were 109 brick and 253 framed houses in the city. One gentleman describing it said:

> It is the best city in the world for a future residence.

And he added:

> We want nothing here but houses, cellars, kitchens, well-informed men, amiable women, and other little trifles of this kind, to make our city perfect.

[Laughter and applause.]

Although this description was given to the public, we are not informed that anyone made protest against the classification of well-informed men and amiable women with cellars and kitchens, and the characterization of all of them as small trifles. Another gentleman writing to his friend announced that he was thoroughly reconciled to the change from Philadelphia to Washington. He said:

> Provisions are plenty, good enough, and cheaper than in Philadelphia. You can buy a peck of field strawberries for a five-penny bit, and garden at 11 cents a quart. Vegetation is at least two weeks earlier than in Philadelphia. The situation is beautiful and this season is extremely pleasant. For myself I do not regret the removal.

It is a matter of some regret that this writer of history did not tell us whether it was because strawberries were earlier and cheaper here, or because the situation was more beautiful and the climate more salubrious than in Philadelphia, that he was constrained not to regret the transfer.

The removal was an epoch in the life of the young nation. It was somewhat akin to that interesting and highly important event in the life of the youthful bride and groom when they choose their home and settle down permanently under their own roof tree to fight the battle of life and work out their destiny. We know that the actors in this removal came hither with a resolute will to lay broad and deep the foundations of the Republic which is to endure while time lasts; a Republic which rests upon the Declaration of 1776 and the sublime principle it happily inculcates, that governments are instituted among men to secure certain unalienable rights, the chiefest of which are life, liberty, and happiness, and that they derive their just powers from the consent of the governed [applause]; a Republic the asylum for the oppressed of all nations; a Republic the counselor, guide, and model of lovers of liberty everywhere; a Republic the friend and well wisher of all nations, the ally of none.

They came to build a city not only beautiful to look upon and delightful to reside in, but which for works of art shall surpass Rome herself; for universities, colleges, and other educational opportunities shall equal the capital of the German Empire; and in all things that go to make a capital lovely, charming, and attractive to the eye shall outstrip the renowned city of France.

At the date of this removal the limits of our country were exceedingly narrow. The Mississippi River was the western boundary, and we had no outlet on the south to the Gulf. The young nation was then hemmed in on the north by the Great Lakes and on the east by the Atlantic Ocean, of all of which England was the proud master; by the Mississippi on the west, beyond which lay the possessions of France, the strongest power of Europe. Those possessions were then—

> A solitude of vast extent, untouched
> By hand of art; where nature sowed herself
> And reaped her crops.

On the south, Spain held the territory between us and the Gulf. Within these narrow limits the young nation was held and confined like a caged lion when the fierce contest came for supremacy in the Union between the two great political parties of that date, the Republican under Jefferson and Madison and the Federalist under Adams and Hamilton. This contest was raging with bitterness during the year 1800, and reached a climax on March 4, 1801, in the inauguration of Thomas Jefferson as the third President of the United States. The removal was within less than a twelvemonth from the death of Washington, the hero, warrior, and patriot of the Revolution. The country had not been able to recover from the shock and had not had time to react from the period of sadness and gloom caused by the intelligence of his death, which had not only sent a thrill of emotion throughout the length and breadth of America, but in whose honor the mighty fleets of England lowered their unconquered flag, and in whose memory the young soldier of France, then in the first flush of his glory, ordered his victorious standards veiled in crape.

The archives and general offices of the Government having been removed to this city in May, on November 17, 1800, the Congress met in Washington for the first time, and assumed the exclusive control of the city and the District of Columbia. Brig. Gen. James Wilkinson was the commander of the United States Army. Oliver Ellsworth was the Chief Justice of the Supreme Court. John Adams, though recently defeated for reelection, was President, and in his annual message to Congress gave especial emphasis to the importance of the removal hence of the capital, and the founding of the city of Washington. He uttered a deeply impressive and profoundly beautiful invocation for the prosperity and well-being of the city and its inhabitants. He said:

> May this territory be the residence of virtue and happiness. In this city may that piety and virtue, that wisdom and magnanimity, that constancy and self-government, which adorned the great character whose name it bears be forever held in veneration. Here and throughout our country may simple manners, pure morals, and true religion flourish forever.

Addressing himself to the Congress, he added:

> You will consider it as the capital of a great nation, advancing with unexampled rapidity in arts, in commerce, in wealth, and in population, and possessing within itself those energies and resources which, if not thrown away or lamentably misdirected, will secure to it a long course of prosperity and self-government.

The President and the Congress expressed regret that Washington did not live to enjoy having his sum of earthly happiness made complete by seeing the Government peaceably convened at Washington City. The present Chief Executive of the nation, who, I have already stated, honors this occasion by his presence, in his annual message in December, 1898, discussing this anniversary, said:

> The original plans of the city of Washington have been wrought out with a constant progress and a signal success even beyond anything their framers could have foreseen. The people of the country are justly proud of the distinctive beauty and government of the capital, and of the rare instruments of science and education which here find their natural home.

We stand to-day one hundred years from the date of the removal of the capital to this city. Within this period what phenomenal development of our country has been witnessed. Our population has increased from about five millions to over seventy-six millions. Our wealth as a nation has enhanced to more than ninety billions of dollars, making us the richest in the world. Products of our mines and manufactures exceed those of any other land or people. Our laboring classes are blessed with more comforts and with fairer prospects for themselves and their children than they have ever elsewhere been blessed. Our commerce has flourished most abundantly, and a widespread well-being has richly rewarded the industry of the nation. The number of the States has increased from 16 to 45 and the people have multiplied fifteenfold. Our territory has been added to until from about 900,000 square miles in 1800 our area, including Alaska, is more than three and a half millions square miles, to say nothing of our possibilities in another hemisphere. The desert has been made to bloom into a garden, towns and cities have sprung up all over our Union like the famed palaces of Aladdin, and all the discoveries of science have been as genii of the lamp to our people. Along the lines of invention and progress which intimately affect the life and civilization of the world triumphs have been achieved and wonders accomplished, the equal, if not the superior, of all the former centuries combined. The numberless material and intellectual achievements have contributed in many marvelous ways to the magical advancement and real comfort of the human race. And on and on, forever and forever, we are destined to go, each decade of years bringing new and larger blessings to humanity.

May we not conclude that the prayer of President Adams has been most generously answered? Comparing this capital, our capital, with that of any other country, may we not boast that it is the abode of virtue and happiness, that it holds in veneration that piety and virtue, that wisdom and magnanimity, that constancy and self-government which adorned the great character whose name it bears?

On this happy occasion, with all these felicitous surroundings,

let us renew his invocation, and with especial emphasis pray God that not only in this beautiful capital, but that throughout the length and breadth of the Union, simple manners, pure morals, and true religion may forever flourish. That our glorious Republic shall continue its advance in arts, in commerce, in wealth, and in population, and that it will never discard nor throw away those energies and resources, those unique and peculiar characteristics which so distinguish it from other nations of the earth, and which secure and guarantee to us unsurpassed strength, unrivaled happiness, and unequaled prosperity. [Loud applause.]

The PRESIDING OFFICER. The Hon. SERENO E. PAYNE, a Representative from the State of New York, will now deliver an address, his subject being the "Establishment of the seat of government in the District of Columbia."

Mr. PAYNE. Mr. President, the first general debate that I ever heard in Congress I was surprised to see that the first speaker presented the facts in the case and those who followed upon the same side merely elaborated. Now, should it happen that I refer to any fact alluded to by the first speaker on this occasion, I hope you will not take it for granted that I have fallen into this bad habit, but that I am simply following the subject given by the committee, and which seems to run somewhat in the same line. [Laughter.]

The establishment of the seat of government in the District of Columbia is the work of more than a century. The causes that led up to it and the selection of a place that was almost a wilderness as the capital city of a great nation are unique in the history of the nations. Ancient capitals were each the seat of all that was best in literature and art. In later days London, Paris, and Berlin were cities foremost in commerce, population, and wealth long before they each became in turn the capital of a powerful nation. Our fathers located the seat of government in the open fields "where the trees were yet growing and the streets unsurveyed." Time has long since made it great in literature and art.

If they had followed historic precedent New York or Philadelphia would have been chosen. The former was great in population, in wealth, and in enterprise. It stood at the gateway of commerce, foreign and domestic. It then gave promise of that which the closing century almost witnesses, an advance to the position of the first city in the world. The latter, situate on one of the natural highways of the country near the center of population, was great in commercial and material things, but was far greater as the birthplace and cradle of American liberty.

Each of these cities had in turn furnished a temporary seat of government for the federation of the States. Each had offered to donate suitable grounds and buildings for the Federal house, an offer of no little consequence in view of our bankrupt Treasury.

Other cities—Baltimore, Lancaster, York, Princeton, Trenton, and Annapolis—had furnished a temporary refuge to the Continental Congress in the varying vicissitudes of the war, and each had its claim on the grateful patriotism of our people. Each of these cities had extended a hospitable welcome, and quickly matured plans to give to the Congress a permanent abiding place.

After the close of the war, and as early as 1783, the discussion concerning a place for the permanent seat of government began. The people tired of a roving capital; indeed, all necessity for this had ceased; there was no longer danger of the capture of our lawmakers in any part of the "States."

Looking back, after more than a century has passed, it is difficult to realize the bitterness and acrimony of the debate. State after State came forward with the offer of a "suitable place." New York urged Kingston; Rhode Island, Newport; Maryland, Annapolis; New Jersey, Trenton, and Virginia, Williamsburg; but Congress rejected all. Then it was that the cities of New York and Philadelphia offered buildings for a Federal house, and "Baltimore Town" proposed to erect such buildings as the Government should require if assured that the capital would be located there. At least half of the thirteen States were pressing for the location of the capital within their own borders.

In June, 1783, an incident happened in Philadelphia which caused not only the removal of Congress from that city, but doubtless destroyed all hope of locating the capital permanently in a large city. Some unpaid soldiers, who had become mutinous, threatened and insulted the Representatives in Congress. The local authorities failed to suppress the riot, and Congress in consequence beat a masterly but hasty retreat.

In October of that year Elbridge Gerry offered a resolution to erect buildings for the use of Congress on either the Potomac or the Delaware River, provided a site suitable for a Federal city could be secured on either river. In April, 1784, this resolution was modified, providing for the erection of such buildings on both of the rivers. But this was all finally repealed on the 26th of April. In the following October Congress passed a resolution to select a place either in the State of New Jersey or in Maryland. The next day they appointed a committee to examine a site on the Delaware River, and soon thereafter another committee "to examine and report on a location at or near the lower falls of the Potomac." This committee discharged its duties, but years elapsed before Congress passed upon it. It was as difficult for Congress to make up its mind in those days on the location of the seat of government as it has been during the last decade to locate a site for one of our magnificent Government buildings in the city of Washington. The discussion continued with no abatement of zeal and earnestness down to 1790.

In the Constitutional Convention Mr. Madison moved to add to the enumerated powers of Congress a proposition, which was afterwards molded into the provision as it now appears in the Constitution of the United States, giving to Congress the power "to exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding 10 miles square) as may by cession of particular States and the acceptance of Congress become the seat of government of the United States." At the first session of Congress under the Constitution the subject of the establishment of a seat of government was undertaken in earnest.

Mr. Scott, of Pennsylvania, on the 27th of August, 1789, introduced a resolution that expresses briefly the considerations that were to control the location of the seat of government, viz: "That a permanent residence ought to be fixed for the General Government of the United States at some convenient place as near the center of wealth, population, and extent of territory as may be consistent with convenience to the navigation of the Atlantic Ocean and have due regard to the particular situation of the Western country." We have no record of the debate in the Senate, but the debate in the House involves some curious features. It was urged in favor of immediate decision that the settling of the question of the capital would form a new bond of union. On the other hand, it was urged that such a course might start a question upon which the very existence and peace of the Union might depend.

Fisher Ames doubted whether the Government could stand the shock of such a measure, which involved as many passions as the human heart could display. A motion to postpone the question to the next session was defeated, and it was made the order for September 3. New York and New England, in the meantime, and a portion of New Jersey and Pennsylvania, formed a combine in favor of "some convenient place on the east bank of the Susquehanna, in Pennsylvania." Mr. Lee, of Virginia, offered a substitute providing for "a place as nearly central as a convenient communication with the Atlantic Ocean and an easy access to the Western territory will permit." The Southern members protested against the decision until North Carolina, with her five votes in the House and two in the Senate, should be admitted into the Union. The debate over these propositions was sectional and acrimonious.

Apparently the question was regarded so important as to involve serious menace to the Union. Mr. Madison opposed the Susquehanna as not navigable and urged the importance of communication with the Western territory, alleging that by the Potomac the way to the West was more certain and convenient than the other, with wholly unobstructed communication with the sea. One of the unique speeches of the occasion was by Mr. Vining, of Delaware, who said: "I confess to the House and to the world that, viewing this subject with all its circumstances, I am in favor of the Potomac. I wish the seat of government fixed there because I think the interest, the honor, and the greatness of this country require it. I look on it as the center from which those streams are to flow that are to animate and invigorate the body politic. From thence, it appears to me, the rays of government will most naturally diverge to the extremities of the Union. I declare that I look on the Western territory in an awful and striking point of view. To that region the unpolished sons of earth are flowing from all quarters, men to whom the protection of the laws and the controlling force of the Government are equally necessary. From this great consideration I conclude that the banks of the Potomac are the proper station." [Applause.] This, as a sample of buncombe oratory, has seldom been surpassed in Congress since that day. As the debate waxed warmer it became more acrimonious. Mr. Lee, of Virginia, said: "If it should now be found that confederacies of States east of Pennsylvania were formed, to unite their councils for their particular interests, disregarding the Southern States, they would be alarmed, and the faith of all south of the Potomac would be shaken. Virginia had not solicited Congress to place the seat of government in her State, only contending that the interests of the Southern and Western country should be consulted;" and he declared that "these interests would be sacrificed if Congress fixed on any place but the Potomac."

Mr. Madison said that "if the declarations and proceedings of this day had been brought into view in the convention of Virginia which adopted the Federal Constitution, he firmly believed Virginia might not have been a part of the Union at this moment." Mr. Sedgwick asked "if it was contended that the majority should not govern? Are we to be told that an important State would not have joined the Union had they known what would have been the proceedings in this House?" Mr. Madison replied that all he

asked was time for free deliberation. "While I acknowledge that the majority ought to govern, they have no authority to debar the minority from the constitutional right of free debate." [Laughter.]

This induced Mr. Ames to say that the House was ready to vote, and that while he had no doubt of the patriotism and good intentions of the gentlemen from Virginia, they seemed to be engaged with a degree of eagerness which none else seemed to feel. They seemed to think the banks of the Potomac a paradise, and that river an Euphrates. Mr. Burke, of South Carolina, charged that a league had been formed between the Northern States and Pennsylvania.

Mr. Fitzsimmons, of Pennsylvania, denied this, as did also Mr. Wadsworth, of Connecticut, who said he did not dare to go to the Potomac; he feared that the whole of New England would consider the Union as destroyed.

The matter going over to the following day, Mr. Madison again urged the importance of a central location. He said: "If it were possible to promulgate our laws by some simultaneous operation, it would be of less consequence where the Government might be placed; but if time is necessary for this purpose, we ought, as far as possible, to put every part of the community on a level."

If Mr. Madison had lived a century later he would have witnessed the instantaneous communication of the doings of Congress to all parts of the country, and might not have urged with such vehemence the selection of a "central location" on the banks of the Potomac.

Finally the House adopted a resolution authorizing the President to appoint three commissioners to locate the most eligible situation on the Susquehanna, in Pennsylvania.

The Senate by a tie vote, Vice-President Adams giving the deciding vote in the affirmative, located the permanent capital in a district of 10 miles square at Germantown, Pa. Subsequently in the House the Senate's amendment was agreed to with an amendment continuing the laws of Pennsylvania in force within the ceded district until Congress should otherwise provide. This amendment, which was unnecessary from every point of view, took the bill back to the Senate for concurrence, and as only one day remained in the Senate the bill finally failed for want of action. This measure was not revived afterwards, and it was only this narrow chance that prevented Germantown, instead of Washington, from becoming the Federal city.

In July, 1790, the act was finally passed that gave to Washington the sole power to select the Federal Territory, "not exceeding 10 miles square on the river Potomac, at some space between the mouth of the Eastern Branch and the Conococheague, for the permanent seat of government of the United States." This new seat was to be ready for use in 1800, and during the meantime the "Federal town" was to be Philadelphia.

But this site was not selected without much tribulation. When the District of Columbia was chosen North Carolina had come into the Union and cast her votes for the proposition. But even then the measure would have failed but for the political shrewdness of Hamilton and Jefferson. The former had brought forward his great measure of finance for the assumption by the nation of the debts incurred by the several States in maintaining the Revolutionary war, amounting to $20,000,000. The bill had been defeated in the House, after a fierce struggle, by an overwhelming vote, and Hamilton, believing that the very existence of the Union depended upon the reconsideration and passage of this crowning work of his financial greatness and statesmanship, was making strenuous endeavors to accomplish that result. Virginia and the South had voted against it. Hamilton proposed a compromise. Jefferson should help pass the assumption act, and Hamilton, as a quid pro quo, should bring over enough votes to put through the act locating the seat of government on the Potomac. How this was brought about let Jefferson tell in his own words:

> I proposed to him (Mr. Hamilton) to dine with me the next day, and I would invite another friend or two and bring them into conference together, and I thought it impossible that reasonable men, consulting together coolly, could fail, by some mutual sacrifices of opinion, to form a compromise which would save the Union. The discussion took place. It was finally agreed that, whatever importance had been attached to the rejection of this proposition, the preservation of the Union and of concord among the States was more important, and that therefore it would be better that the vote of rejection should be rescinded, to effect which some members should change their votes.
>
> But it was observed that this pill would be peculiarly bitter to the Southern States, and that some concomitant measure should be adopted to sweeten it a little to them. There had before been propositions to fix the seat of government either at Philadelphia or at Georgetown, on the Potomac, and it was thought by giving it to Philadelphia for ten years and to Georgetown permanently afterwards this might, as an anodyne, calm, in some degree, the ferment which might be excited by the other measure alone. So two of the Potomac members (White and Lee, but White with a revulsion of stomach almost convulsive) agreed to change their votes, and Hamilton undertook to carry the other point. In doing this the influence he had established over the Eastern members, with the agency of Robert Morris with those of the Middle States, effected his side of the engagement; and so the assumption act was passed, and twenty millions of stock divided among favored States and thrown in as a pabulum to the stockjobbing herd.

This incident removes some of the glamour which time has thrown over the acts of the "fathers," and reveals them to us as human beings, no better than the politicians of to-day. Surely it is not the highest type of legislative integrity that characterizes this historical episode. It goes far to reconcile us to the definition of a statesman as being a politician who is dead. But we can forgive this bit of "log rolling" when we reflect that it saved a threatened rupture of the Union.

Washington acted promptly, and reported to Congress a location of the District as originally laid out, thereby exceeding the limits of the act of Congress by taking territory below the mouth of the Eastern Branch. Congress legalized this by a subsequent act of ratification. That Washington displayed his usual good judgment and foresight in the selection of the seat of government it is needless to say in this presence. Our fathers "took to the woods" for a seat of government, but they laid the foundation for magnificent possibilities.

The place was near the center of the population, stood at the head of navigation, and at what Washington believed to be the pathway to the West. It was his judgment that the commerce of the great Western territory would follow down and along the banks of the Potomac River to tide water at Georgetown, and thence on the river itself to the Atlantic Ocean. That this prophecy of his was not fulfilled has been the fault of the steam railway, supplanting the river and canal, and the more rapid development of the commerce of the Northwestern States, forcing other outlets to the sea.

The original act referred to this territory as the "Seat of Government." Washington called it the "Federal City." But the commission which he appointed called it the "City of Washington, in the Territory of Columbia." Finally Congress named it the "District of Columbia."

But this action of Congress did not place the matter beyond all question or dispute. Virginia voted $120,000 in money, and Maryland seventy-two thousand as a free gift toward the erection of buildings. The owners of the property in the District of Columbia conveyed all the streets and parks free and reserved one half of the lots and granted the other half to the United States. These lots were offered for sale by the Government to raise the necessary funds to build the Government buildings. But the sales were slow and the money was not forthcoming. Washington applied to the State of Maryland for a loan. Maryland granted a loan of $100,000, but took good care to require the personal security of the commissioners of the District of Columbia. How vastly has our national credit improved in a hundred years.

The commissioners employed Major l'Enfant, a French engineer and a friend of Jefferson, to lay out the city. He adopted the plan of Versailles, the seat of the Government of France, as a basis for his work. The admirable location of the Capitol and the White House is due to him. Fortunate would it have been had a Governor Shepherd been one of the commissioners, as from his plan, developed a century later, all south of the Pennsylvania avenue to the Potomac River would have been a vast and beautiful park, while the Department buildings would have fronted this avenue from the north side. [Loud applause.] It was to the credit of this great engineer that it was nearly a century before any person ventured this suggestion as an improvement on his original plan, and no other substantial improvement has ever been suggested.

Up to the war of 1812 there was continued agitation for removal. The House of Representatives tired of crowding itself into the corridor of the Senate wing while the coordinate branch were housed magnificently in their own permanent chamber. It was not until the old House wing was completed in 1807 that this cause of complaint was removed.

The city was dreary and desolate, the houses were poor and scattered, the streets and roadways were execrable. Not a street or public building was finished, and the private houses were in similar condition. After the British had destroyed the Capitol, the Executive Mansion, the navy-yard, and many of the public buildings, the opposition to rebuilding in Washington was very emphatic.

The debate occurred on a bill introduced in 1815 authorizing the President to borrow $500,000 to rebuild the public buildings. It was urged that Washington was a failure, badly located, not in the center of territory or population, and too accessible to the sea to be defended in time of war. On the other hand, it was urged that it was ungracious toward Virginia and Maryland, the States that had contributed $200,000 toward the buildings, that it was unjust to the people who had freely conveyed their real estate, and that it was cowardly to run away in the face of an enemy. The spirit of patriotism and good faith was appealed to, and the appeal was not in vain. The bill became a law, and with the rebuilding of the Government buildings the seat of government was finally established in the District of Columbia, and the building here of every Government building since, while it may have brought out discussion and adverse criticism, has only become another anchor to the good old ship of state in Washington harbor. [Applause.]

The dream of George Washington is fast becoming reality. He looked upon the future capital as the center of art and learning. He looked forward to a great city with beautiful avenues and streets, stately buildings, classic and grand, worthy of the great Republic. All this has been realized. It takes no prophetic eye to see in Washington in the near future the queen capital city of all the nations of the earth, worthy of the great Republic.

The crowning fact in reference to the seat of government in the District of Columbia is that it is now established here for all time. Never will a proposition for its removal again find favor in any quarter. Its foundations are laid here, as enduring as the everlasting hills. In the well-chosen words of the junior Senator from Missouri, it is and is to be the "eternal capital of an eternal Republic." [Loud applause.]

The PRESIDING OFFICER. The Hon. LOUIS E. MCCOMAS, a Senator from the State of Maryland, will now address the convention. His subject is the "History of the first century of the national capital." [Applause.]

Mr. MCCOMAS. Mr. President, one hundred years ago President Adams first visited Capitol Hill. From this eminence how different then the scene.

Around him stood the primeval forest. Here and there were naked fields. Through the thick oak woods had been cleared the streets and avenues.

On this hill stood the north wing of the Capitol. Near by was a tavern. On the Eastern Branch of the Potomac, then navigable, and near the Arsenal was the hamlet of Carrollsburg. Nearer this hill in the same forest was Law's famous mansion. At Greenleaf's Point on the river, west of Tiber Creek, were some straggling houses.

About the new President's house clustered a few buildings; behind these, wide marshes stretched away to the river. Across Rock Creek lay the Maryland village of Georgetown.

At these four points, widely separated, were about six hundred houses. All else was marsh and field and forest.

Such was—

> The young city round whose virgin zone
> The rivers like two mighty arms were thrown.

Said Rochefoucauld, who visited it then:

> It is in fact the grandeur and magnificence of the plan which renders the conception no better than a dream.

The bureau officials and the members of the Sixth Congress missed the comforts of Philadelphia. They discussed afresh the wisdom of moving the Capitol away from this village in the woods.

Seven years before President Washington had laid the corner stone of this edifice. His new-made grave was on the west bank of the beautiful river nearly opposite the Federal city which bore his name. The magic of that name now held the capital in the village which bore it.

Fourteen years after, on an August evening, President Madison stood on this hill.

The British invader having set on fire the city had hurried away to the fleet. Yonder Madison saw the black smoking ruins of the War and Treasury offices and of his own home, the Executive Mansion. At the navy-yard the dying fires lighted up the smoking hulls of the *Argus* and the new *Essex*. Here were the charred and blackened walls of the two wings of the new Capitol.

Again the cry rose to remove the capital. Congress borrowed a half million dollars to restore this unfinished structure and the town slowly rose from its ashes.

Faster grew the nation. The Federal city seemed asleep.

The chief cities of the South advanced. The Eastern cities grew great. On the prairies, by the Western rivers, new cities sprang out of the ground while the nation was fast spreading westward over the continent. Still the Federal city slept.

Its seat was healthful, the climate was mild and agreeable the year round. The city was accessible. The great edifices of the departments of Government were worthy of the nation, worthy of the magnificent plan of the city. Unhappily Washington was on the border between the free and the slave States. The long contest over slavery rendered the fate of the Union unsafe and made the future of the Federal city uncertain.

During a generation the specter of disunion was a shadow upon the young city. Its growth was confined to the river basin, and did not extend east of the Capitol, where the founders designed the principal growth to be. Sixty years ago Washington was "a large, straggling village reared in a drained swamp."

Fifty-four years ago the wide boundaries marked by the men of the Revolution were contracted by the petty economists of the day. The lands west of the Potomac were retroceded to Virginia. President Polk and Congress lacked the historic foresight of the founders and forgot the future.

Forty years ago 75,000 people lived here. Municipal improvements lagged. The grounds and public buildings were neglected by Congress, absorbed in discussing slavery and the fate of the Union.

Dark seemed the future of the Union and darker still the future of Washington.

This long and exciting period suggests the military and naval heroes, the orators, statesmen, and jurists whose fame belongs rather to the country than to Washington.

Yet eminent names survive notable men whose life's work localized them here. Thomas Ritchie, Francis P. Blair, Joseph Gales, and W. W. Seaton, in journalism, won their fame as Washington editors. In science Peirce, Hilgard, Bache, Henry, and Baird, in letters Peter Force, Joel Barlow, and George Bancroft lived and labored here. Pulpit orators of note, lawyers of eminence, were here in numbers. The most beautiful gallery of fine arts on the continent is here, the chief benefaction of W. W. Corcoran, the Washington philanthropist whose name it bears.

The cloud of civil war was fast gathering and it broke over the unfinished Dome of this Capitol. Instantly Washington became the focus of the world's interest, the object of our people's solicitude, the center of our national life.

These streets thronged with civilians and volunteer soldiers. These avenues resounded with the tramp of marching regiments, the clangor of cavalry hoofs and sabers, the rumbling of artillery, or echoed the shrill martial music or the funeral dirge. Schoolhouses and churches became hospitals. Army wagons were parked in the vacant squares. Barracks and camps filled the public parks. Forts and breastworks sprang out of the adjacent fields and crowned the hills on either side of the Potomac. Here President Lincoln reviewed armies of the Union and later saw the capital a fortress assailed by an invading army. He was sustained by the hope he expressed on the portico of this Capitol in his first inaugural address, an unfaltering faith that the mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, would yet swell the chorus of the Union when again touched by the better angels of our nature.

Soon after there came two beautiful May days when the national flag was flying from every housetop and window, when from this Capitol to the Treasury, marching along the Avenue in columns of companies, there passed in grand review the brave armies of Sherman and Grant. Taking their horses with them, as Grant had told them they should, the gallant soldiers of Johnston and Lee had gone home for the spring plowing, to put out a crop in the wasted fields of war. And the harvest was peace.

When the battle flags were furled in Washington, when the forts around it were razed, the streets of the city were deep in mud or clouded with dust. The vacant lands were morasses. Beyond Tiber Creek and the bed of the abandoned canal, out amid the marshes, stood a marble monument half built.

Beyond it was the river on whose farther bank still reposed the ashes of the founder of this city. This unfinished column of marble, its commemorative purpose seemingly forgot, stood there a pathetic reminder that President Washington's design of a Federal city was yet unfulfilled.

The day of its fulfillment had dawned. At once the restored Union began to move swiftly forward to its foremost place among nations. The shadows vanished from Washington. The growth of its capital kept step with the rapid growth of the Republic.

Governor Shepherd and the Commissioners and Congress took from the wall the dusty map of l'Enfant and Ellicott, impressed its outlines on marsh, on hill, on woodland, and, under the cloudless sky, out of the fresh earth the new Washington rose "as from the stroke of the enchanter's wand."

In the paved streets and avenues decorated with homes and churches which are triumphs of architecture; in the open areas bright with flowers and fountains; in the circles and parks adorned with statuary and monuments of our heroes on land and sea, of men of science and letters, of our statesmen and jurists; in the long succession of stately public buildings; in the gorgeous Congressional Library, worthy mansion of letters; in yonder monument to the Father of his Country, "the marble column sublime in its simple grandeur;" in this Capitol, on whose first corner stone the founder of the city laid his hand, this already the noblest structure in the world, yet destined to be fairer within and grander without, in all these crowning glories of the fairest of all cities, our countrymen acclaim Washington their Delphi, their Mecca.

We cherish it, not for the beauty of the now populous city alone, but by a common sympathy that draws all Americans to this spot dedicated to the Republic. Each generation has added new interests which touch the imagination, new historic associations which stir American pride. Washington is linked with the memories of the wise and valiant of our race and blood now departed.

We love it for the great events and the great virtues of which it has been the theater. We love it for its part in a century of our history, that epic of our nation's life whose great transactions, starting hopefully with President Adams, closing gloriously with

President McKinley, have centered the eyes of the world on us here. [Loud applause.]

The PRESIDING OFFICER. The Hon. JOHN W. DANIEL, a Senator from the State of Virginia, will now address the convention on "The future of the United States and its capital." [Loud applause.]

Mr. DANIEL. Mr. President, ancient history had no precedent for the United States of America, and modern history has no parallel. [Applause.] A new land, a new people, a new principle of government, a clean slate for the refiguring of old problems, leisure and liberty to revise, correct, and expurgate old editions of civilization and originate new ones—these were the rare conditions that initiated the new deal for human rights and fortunes. The Anglo-Saxon was forehanded, prepotent, paramount, and ascendant. He outfigured, outworked, and outfought all rivals. To his side he beckoned all men as brethren, and all types of men came trooping from the four corners of the earth to share his winnings. In freer spirit and in higher hopes they cast new patterns for themselves and for other nations.

If we are a greater England, we are also a greater Ireland, a greater Scotland, and a greater Wales; a greater Denmark, Norway, and Sweden; a greater Netherlands, a greater Germany, a greater Greece and Rome, and a greater Jerusalem [laughter and applause]; a greater everybody, bearing, indeed, the Anglo-Saxon birthmark, but fused into a new, original, and composite national character.

"Great races are made of the mixture of races, like the beautiful bronzes which are composed of many metals." The brightest and bravest blood of the world's great races is mixed in the American. [Applause.]

The Roman augur looked to the West to catch in the reflected light of the upper sky the first flush of the coming dawn. So look we to the past of our country for the omens of its brilliant future. The United States contains the most diversified and assimilative elements that ever composed a great nation. Our domain is the best located. We have the most compact, the most convenient and symmetrical, of all the seats of great nations. We are the most defensible of nations. North and south of us are friends from whom there is nothing to fear. East and west the everlasting seas are moats of our battlements.

Within our borders are all the elements of human sustenance and national greatness. Our forests would build homes for the world to live in; our coal would run its machinery, warm its firesides, and cook its food; our iron, lead, copper, and zinc would supply its furnaces; our granite and marble would build its temples. From our woods, fields, fisheries, orchards, and gardens we could set a feast that would turn Lucullus green with envy; and dinner over, the world could quaff our wines, fill its cups with our coffee, sweeten it with our sugar, regale its fancies on our tobacco, and light itself to bed with our oil. If never another man or another thing were landed on our shores, we could wax strong, adorn our homes with finest art, and multiply and replenish the earth with the overrunnings of our richness. [Applause.]

We have risen to greatness more rapidly than ever arose a great nation. Our ascendency is less endangered from without than was ever that of a great nation. We have outrun the prophecies of our progenitors and surpassed the ideals of our founders. Our development has been the epic of human progress. It has made poetry of statistics and glorious romance of history. It has left the dreams of optimists as faded specters in the rear of achievement. Our longevity projects itself to the farthest reach of human speculation, and the future is gorgeous with every sign of hope and courage.

Our people understand each other better than they have ever done. Consequently they have more hearty feelings of friendship and sympathy for each other than they ever had. At home and abroad the principles and the flag of the American Union were never more respected. We are the most thoroughly unified of the great nations. In this building the differences of 45 Commonwealths and 76,000,000 people come to the mill to be ground out. [Applause.] The whir of the grinding is great and might make the impression that our differences are also great.

But be not deceived. Our States are as much alike in their forms of government as the leaves of a tree. Our people are alike in their language, their laws, their usages, and their aspirations. Our political clocks all keep the same time—that is to say, after election—Washington time. [Applause.] Our differences are only the natural and just differences that must ever arise from locality and individualism. Instead of rebuking them we should be thankful for them. They are sincere and unavoidable. They are the processes of Providence, which out of difference molds higher uniformity, and out of conflict produces the best resultant force. When the grinding of opinion is over, all partake at a common table of the same bread. After all, it is only differences that come here. Our similitudes, which are as a myriad to one difference, are quiescent; and comparing them, we should not forget that "a single grasshopper under a fence makes more noise than a thousand cattle reposing in the shade." [Applause.]

We are the strongest of nations. So far, with only the phantom of a Regular Army as a nucleus of education, our wars have been fought for the most part by the volunteer citizen soldiery. They have never failed to cope successfully with the trained bands of Europe. To-day at the tap of a drum ten millions would swarm to the national defense, and to a foreign foe our seacoasts would become—

> Looming bastions fringed with fire.

There can be no disparagement of our regulars, but against the soldier of any age or any country we might place with confidence the American volunteer. [Applause.]

There is an army in our country grander than any ever mustered on the field of Mars. In line it would stretch over 5,000 miles. It is the conscript and volunteer school children of the United States, over sixteen millions strong. It is the embryo of the mightiest civilized force ever organized by any people. Woe be unto him who sows in these young souls any unworthy thought. When this army deploys in action may it fly the banners of truth and liberty and carry in their hearts love of their countrymen and their fellow-men, the only patriotism that is not sounding brass and a tinkling cymbal. [Applause.]

The experience of over a century has exhibited the strength of our electoral institutions. We are as strong within as without. In the first inaugural address delivered in this city on the 4th of March, 1801, Thomas Jefferson said:

> Strangers, unused to think freely and speak what they think, might be imposed on by the animation of our discussions and exertions, but the contest of opinion being decided by the voice of the nation and announced according to the rules of the Constitution, all will, of course, arrange themselves under the will of the law and unite in common effort for the common good.

I believe with him that this is "the strongest Government on earth." I believe with him, also, that "this is the one nation where every man according to the law would fly to the standard of the law and would meet invasion of the law as his own personal concern."

When he thus spoke our self-government was yet an experiment. It is now a consummation. We might repeat his admonition:

> Sometimes it is said that man can not be trusted with the government of himself. Can he then be trusted with the government of others? Or have we found angels in the form of kings to govern him? Let history answer this question.

The history of a hundred years has answered it. Compare the men who the people have chosen as Presidents with an equal number of hereditary monarchs of any other nation, and self-government in comparison finds its incarnate vindication.

This is the only great nation that ever passed through its formative conflicts without inflicting in a single case the penalty of death for a political cause. Does not this fact alone speak volumes for free thought, for free speech, for the government of the people, and for the high character of the American people?

If we have had strife, it has been the proud and lofty strife of the brave and the true who can cherish honor, who can cherish principle, can cherish love, but can not cherish hate. And be this never forgotten, that our only strife was over the heritage which empire foisted upon our ancestors against their will and which the Republic has removed forever. And that Republic stands at the dawn of a new century with every son a free man under its flag and ready to defend it. [Applause.]

"I am an American" means more to-day than it has ever meant, for if all the nations were arranged in line, each represented by one typical man, the American man would stand at the head of the line, the tallest, the straightest, the brawniest, the most practical-minded, and biggest hearted of them all.

We are the foremost nation of the world. We are the light and hope of the world. It is our freedom that has made us gentle, and gentleness has made us great. [Applause.]

Race problem, Philippine problem, trust problem—what will you do with them? This is not the time nor am I here to answer. We may well view these and other problems with deep solicitude and anxious reflection. But if our problems be mighty, they grow out of our might and have the mighty to deal with them. They come to those who have never been confounded by problems and have never dodged one; who have solved problems just as great and some greater than any now presented, and have left them all behind with monuments of their solution builded over them.

When John Smith and his little band sailed into James River, in 1607, a flight of arrows in their faces arrested attention to the greatest and deadliest of race problems. There are as many Indians on the American continent now as there were then, but where is the race problem of 1607? [Applause.]

The London company, syndicate, or trust, sent these settlers here and it ordered everything. It called a legislature at Jamestown in 1619, and in 1624 that legislature said:

> This people will pay no tax save as this assembly shall appoint.

One hundred and fifty years afterwards that principle became the corner stone of this nation. Bills of rights and free constitutions cover the country. But what has become of the London company? The king gone, the Indian gone, the tea tax gone, the stamp tax gone, and the London company, too—gone, all gone! But the American is here, and from ocean to ocean not an acre but a free acre, not a man but a free man, and all ancient problems but fireside tales. Behind our new problems marches the broader and better Republic. In the words of an illustrious American, "It is history that teaches man to hope." No human history burns with so high and bright a hope as that of the United States of America.

We have been a world power ever since we tied taxation and representation together and identified in one community the tax layer and the taxpayer. It was out of that germ that arose our free Constitution. Wherever it is found a free constitution would grow out of it. It has quickened the republican movement around the globe. It has brought us the homage not only of the downtrodden who welcomed its delivering hand, but as well that of the powerful who heeded not its forewarnings.

But yesterday an English statesman, a former prime minister, declared that had not the elder Pitt left the House of Commons for the peerage he would have induced the English king to admit the American people to representation in Parliament; and he fancies that then the Crown itself and all its belongings would some day have migrated to this country, leaving the British islands as the European outposts of a world empire. The world empire, under any crown, is the fading dream of humanity. The world republic is the ever-brightening and growing dream. It is not likely that any crown will ever come to this land of ours, but our constitutional system, with the people sovereign and holding in their hands the purse and the sword, can go anywhere or everywhere if right and justice and wisdom lead the way.

Eighteen sister republics of America have patterned on its example. Our Monroe doctrine has said to the monarchies: "Touch them not;" and the world republic, not the world empire, is the vision that grows more and more distinct as we go spinning "through the ringing grooves of change."

This land is already the radiant center of Anglo-Saxon power. It is also the radiant center of that vision. We will cleave to the principle that conjured it. It is brighter than crowns. It is stronger than scepters. It is higher than thrones. It is longer ranged than cannon. It is sharper than swords and bayonets. It is more august than an army with banners. It marches while armies sleep. It conquers where armies fall. It floats where navies sink. It is the shield of the weak. It is the glory of the strong. It is the riches of the poor. It is the faith and hope and uplift of the oppressed. It is subtler than policy. It is right, and it is the destiny of nations. [Applause.]

As our country moves to speed that destiny it will carry the future of Washington City with it. Our fathers brought the Federal Government here in 1800, and dedicated this spot as "the eternal capital of the eternal Republic." And the capital and the Republic have grown with equal pace and their step has ever been forward. It was then a straggling village of 2,000 souls; it is now a magnificent metropolis of over 200,000. The Republic of 5,000,000 people and sixteen States then rested its western boundary on the Mississippi River, its southern on the northern line of Florida. It has now 76,000,000 people and forty-five States, and our continental boundaries are the Pacific Ocean, Mexico, and the Gulf of Mexico. We have multiplied our States threefold, our territory nearly fourfold, and our population in the ratio of 16 to 1. [Laughter and applause.] This is a statistical fact, not a financial statement. Our center of population was then near Baltimore, Md. It is now near Columbus, Ind., and is still traveling West "to grow up with the country." [Laughter.]

To my mind this capital city of the Republic is the city unique and beautiful. Other nations have fixed their capitals in the crowded urban centers of commerce, and they possess the splendors that opulence has gathered around them. Our capital, like our nation, was made to subserve a principle, and it has grown up in the midst of the mementoes and associations of the principle which it represents. Its broad avenues intersecting its regular squares; its frequent reservations of grass and flowers and fountains; its parks and trees; its substantial business houses and sightly dwellings; its schools, colleges, universities, galleries, and museums; its monuments and public buildings; its noble river and picturesque landscape; its integral effect upon the eye, with the apex of the Washington Monument piercing the sky on the one side and this noble pile lifting its dome on the other; these things make Washington City a nobler panorama and more inspiring contemplation than are afforded by any other city in the world.

The United States will live; and with them Washington will live, expanding, multiplying, beautifying, enlightening, with every turn of the prodigious wheel of which it is the axle. Plans for its improvement abound. One contemplates the erection here of the "Halls of the Ancients," where the eye may behold revived the architectural creations of bygone nations. Another would produce on some expansive field a miniature of the United States of America, showing in the earth itself the delineations and undulations of our national topography. These and kindred schemes are well worthy of consideration; but the essential must come first. Washington needs, and the people of the whole country needs fitting outlets for the new railroads that press for admission, and bridges which will span the Potomac and connect the city with the military post, the agricultural station, and the beautiful cemetery at Arlington.

More public buildings are needed by both the District and the Federal Governments. All will be gratified to know that the White House is to be enlarged for the more suitable accommodation of the President in the exercise of the official and hospitable functions incumbent on the Chief of our multitudinous people; and all will wish the present occupant that happiness which he would if he could bestow on every one of them. [Applause.] No less pressing are the needs of the many Departments. This Government should not be forced, as it has been and is now, to rent rooms like a transient visitor, nor to put its public servants in dingy lodgings like postponed claimants.

It is planned for the ages and it should reside in habitations adapted to health and comfort and becoming to its character. Whatever we do in building should be the best of its kind in plan, in material, and in execution. All our public buildings should be of the noble classic design worked out by American architects according to the diversities of American genius. As this Capitol building, rising in white and soaring majesty, speaks to the heavens and to the earth, as it were, in manifestation of its office, so should every public building established here express to the beholder in every lineament of its structure the stability, the dignity, and grace of the American nation. [Applause.]

And one public building above all others is needed here as the reflex of the peculiar genius of this people and of its supreme intellectual distinction in a department where it surpasses all ancient and modern peoples. We are the most inventive of nations. The free intellect has been the most original and productive of all intellects. Other nations have surpassed us in literature and the fine arts, but in inventive and useful arts the United States is far transcendent. The Patent Office, established by Thomas Jefferson and protecting for a brief period the only constitutional monopoly, the right to the exclusive enjoyment of one's original ideas, is the crown of American intellectual supremacy over the material world, even as the Constitution of the United States is the crown of political architecture and the Union itself the crowning glory of our people.

As Francis Bacon says, "The sciences dwell sociably together," and we should put on Capitol Hill, facing the Senate Hall, as a companion piece to the exquisite Library building now facing the Hall of Representatives, another building of like architecture. And the American capitol of letters should have by its side the American capitol of inventive art, both facing this Capitol of the people, where their sovereignty has its highest exemplification. In that hall should be displayed the evolutions of inventions, with every invention indicated by its model, inclusive of the last improvement. It would be the greatest college of applied science that the world has ever seen; a monument to and a stimulus to invention, and leading by gradations to those truths of science which hover over the threshold of the age, "waiting to be caught."

It was the mariner's needle that discovered America, for the inventor made the discoverer possible; and inventive genius is that which is putting us ahead of all the nations. It is invention that manifolds the thoughts of the wise and scatters them in the humblest habitations. It is invention that has made the poor man's cottage gleam in cleanliness and beauty like the palace. It is invention that has made circulating libraries and art galleries of our periodical literature. It is invention that forestalls the pestilence, extinguishes the conflagration, illuminates the darkness, makes the fountain to gush forth by the fireside and in the desert, eliminates distance, relieves the famine, and snatches the stricken of the battlefield from the jaws of destruction. It is invention that has made princes of the earth out of our merchants, manufacturers, and skilled workmen; that has given precedence to our products in all the marts of the world; that is pouring the golden horn of trade balance into our treasury chests and transforming us from a debtor to a creditor nation.

It is invention that has made war so terrible that peace foresees its bed of repose at the mouth of the cobwebbed cannon. It is invention that is to lift our earthly being from poverty, feed the hungry, clothe the naked, visit the sick, unlock the Bastiles, and open all the doors where lie the victims of hardship and bigotry and oppression. It is invention that has brought to manifest revelation the unity of the universe, the unity of man, the unity of life, the unity of soul, and thrown the very gates of immortality ajar by proving the perpetuity of physical and moral force. It is invention that, whispering round the world, brings

us in voice touch and mind touch with each other though thousands of miles apart, and that reminds us by its miracle as to the author of our being that—

Closer is He than breathing,
And nearer than hands and feet.

It is invention that will one day in the distant Aidenn make the United States of the World fulfill the dream that now hovers over the United States of America. It is our high fancy that when that day comes the English language will be the universal language. Our Constitution will be the model of the universal constitution. The principle of the Declaration of Independence, that taxation and representation must go together, will be the universal principle. The flag of the stars will be blazoned with the constellation of the nations. Here will assemble the Parliament of Man. The farthest star in the heavens will bear the name of Washington, and the city that now bears the founder's name will be the capital of the universal republic. [Loud applause.]

The PRESIDING OFFICER. The Hon. GEORGE F. HOAR, a Senator from the Commonwealth of Massachusetts, will now address the convention.

Mr. HOAR. It is a hundred years since this city, planned by George Washington, became the seat of government. The site was chosen by the First Congress, in accord with the design of the framers of the Constitution. And yet we seem to-day to be still engaged in laying its foundations. The other great capitals of the world—Rome, London, Paris, Berlin, Edinburgh, Vienna—have their origin in a remote past. They not only embody the earliest authentic history of their countries, but their beginning is lost in the darkness of antiquity or hidden in the mist of fable. Their early annals have perished in a deeper oblivion than that which covers the builders of the pyramids, which moved Sir Thomas Browne to his sublimest utterance: "History sinketh beneath her cloud. The traveler, as he paceth amazedly through these deserts, asketh of her, Who builded them? and she mumbleth something, but what it is he heareth not."

But Washington is still in earliest youth. There are Americans living who were born before this city received its name. For the first fifty years and more, down to the end of the civil war, our frugal predecessors hardly expended enough to make it decently habitable. They expended nothing for its adornment, except the construction of this Capitol, which was not finished in its present condition until 1865. But, taking the century as a whole, certainly the American people have no reason to be ashamed of their city.

It was on the border line between the two contending parties in the civil war. The fires of that mighty conflict burned here more fiercely and hotly than anywhere else. When peace came Washington, like the whole country, felt the inspiration of the new era.

Before, she like some shepherdess did show,
Who sat to bathe her by a river's side;
Not answering to her fame, but rude and low,
Nor taught the beauteous arts of modern pride.
Now, like a maiden queen, she will behold,
From her high turrets, hourly suitors come;
The east with incense, and the west with gold,
Will stand, like suppliants, to receive her doom.

I have spoken of the antiquity of European capitals. London has been a center of civilization for more than twelve hundred years. The House of Commons has existed for eight hundred. There has been a Bishop's Palace at Fulham more than a thousand. Paris has been a seat of government for thirteen centuries; Berlin for nearly four; Vienna for seven. And yet there are few places that can show for any one century more than three products of architecture that equal the Capitol, the Washington Monument, and the Congressional Library. If we can add to the glories of Washington three such structures only for each coming century, we need not be ashamed of comparison with any foreign city when Washington shall have reached the same age. Yet in 1800 we were a people of but 5,000,000. We are now 77,000,000. The population of this District is multiplied in larger proportion still. We shall deal with our metropolis in the coming centuries, as compared with that which has gone, with a liberality proportioned to our wealth, numbers, and power. If God spare the Republic, what may we not hope for Washington?

These three structures, unrivaled, as they are, each in its respective class, are more interesting still for what they typify and stand for. The monument to the Father of the Country is but a simple shaft. It marks a narrow spot. It commemorates a single human character. But the spot it marks, as was said, Mr. Speaker, by one of the most accomplished men who ever sat in your chair, "is a prime meridian." The prime meridian of universal longitude on sea or land may be at Greenwich or at Paris or where you will. But the prime meridian of pure, exalted, human character will be marked forever by yonder obelisk. Integrity and patriotism are to be measured by nearness to it or departure from it. Boastfulness, out of place everywhere, is a thousand times out of place when we speak of the modest and unselfish Washington. Yet we can establish by the concurrent authority of the foremost men of all civilized countries that what the old monk, Joseph of Exeter, said of the English Alfred is true of him: "The Old World knows not his peer, nor will the future show us his equal; he alone towers over other kings, better than the past ones, and greater than those that are to be."

That integrity, that unambitious service, that unerring wisdom, that unwearied industry, that unhesitating self-sacrifice, that purity not only unsullied but untempted—not even the temptation to sin seems to have beset that lofty nature—were all his. The devil is an ass. But he never was such an ass as to waste his time tempting George Washington. [Applause.]

There is no time to-day to cite the overwhelming and concurrent testimony of great Englishmen, statesmen, and writers of history, and of great authorities on the Continent, to the primacy of George Washington among mankind. The only name likely to be thought of anywhere for parallel or comparison is that in whose glory we also have an inherited title to share—that of Alfred, the thousandth anniversary of whose death is about to be celebrated by the people on whose throne his descendant now sits.

This whole city is, in a larger sense, a Washington monument. It were better that that great name pass into oblivion and be forgotten unless the walls of this building where we are assembled, dedicated to legislation and to justice, also bear honorable witness to the character and influence of him who laid its corner stone. Here for a hundred years a free people have enacted a great history, with its great achievements and its greater self-restraints. Here have been enacted the laws under which thirteen States have become forty-five States, and the country, which at first covered a little space by the side of the Atlantic, has spread until it covers a continent and its portals are upon both the seas. Here has been witnessed the sublimest spectacle that can exist on earth—a great and free people governing itself by a law higher than its own desire. A country where every man has his equal voice must, in its legislation, sometimes exhibit the infirmity common to humanity. But, in the main, faith and honor and duty have triumphed in these halls over selfishness and passion and ambition. Here the interests of capital have been protected by the votes of labor. Here debtors have fixed in good faith the value of their payments to their creditors. Here a people under no constraint but their own sense of duty, determined, in spite of fearful temptation, to continue to bear the weight of a vast debt. Here the policy of dealing with the conquered was decided at the end of a long war by the votes of the conquerors, among whom every other family was in mourning for its dead; and not a drop of blood was shed and not a punishment exacted. Here finance and currency, with their subtleties surpassing the subtleties of metaphysics, have been dealt with by the plain sense of plain men. Here great public ways connecting distant oceans have been provided for. Here the manufacturing independence of America has been achieved. Here the great measures have been framed and enacted under which millions of men have been raised from slavery to citizenship and millions more welcomed from foreign lands. Here a disputed title to executive power has been peacefully settled under circumstances that would have drenched any other land with blood. And all this has been accomplished under the restraints of a written Constitution.

Here, also, in yonder silent chamber have been pronounced the judgments under which the powers of nation and State have been kept each in its appointed path, as the planets are kept in their courses, without noise and without jar.

This has been the record of a single century. It has been the record of the achievement of earliest youth. The men who have wrought this history knew well what they were doing. There has been no drifting into empire. They have but seen what they foresaw. The man who is to write this story, as Bancroft might have written it, as Macaulay might have written it, as he who gave us the best portraiture of Washington in literature before Massachusetts called him to another service—called him from writing history to making it—might have written it, has not yet begun his task. But it will yet be written. It will be written to be read of all men, as the one best story, so far, of Constitutional Liberty, protected and vindicated by law, according to the will of a free people.

Literature and art and science came later. They always come later. Art has provided for literature in yonder library its noble and fitting home. American science, also, has here its noble and fitting home—the Smithsonian Institution, founded, as we delight to remember, by the generosity of an Englishman, a subject of that gracious sovereign from whose realm we have learned so much of law and science and literature and liberty, to whom we are glad to send our salutation on this our Centennial Day. While we remember with gratitude this great benefaction of our English kinsman, we are happy to recall also that it has been at least in some degree recompensed by the bounty to the city of London of George Peabody, an American, a citizen of the North

by birth, a Southern man by adoption, an admirable example of the best traits of both sections blended into the highest character and type of American citizenship. Here, also, universities destined to take a high rank among the great institutions of the world have already laid their foundations and are raising their towers to the sky.

The men who wrought this great work are gone—most of them—John Adams and his illustrious son, Jefferson and Madison and Jackson and Lincoln and Grant and Webster and Clay and Calhoun and Seward and Benton and Sumner and Wilson and Morton and Chandler and Stevens and Fessenden and Hamlin and Justin Morrill and Lamar and Harris and Bayard and Beck and Walthall—I have begun a catalogue I can not complete. But no list of the illustrious statesmen of the Republic or of the illustrious benefactors of this metropolis in the last century must omit the name of him whom the fatal arrow smote, in the hour which seemed alike the end and the beginning of a great career—your predecessor and friend, Mr. President, James A. Garfield. A few of their companions and coadjutors survive to behold the dawn of the new century and give their counsel to the people who are to carry on its work, as a few of the companions of Washington beheld the beginning of this, and inaugurated its great accomplishment on the principles of the Revolution. Their work also is about done. They seem to survive for a brief period only that the new century may clasp hands with the old, and that they may bring to the future the benediction of the past. [Loud applause.]

The PRESIDING OFFICER. The purposes of the joint convention having been accomplished, the Chair declares it dissolved, and restores to the distinguished Speaker of the House, with thanks, his gavel.

Thereupon the President and his Cabinet, the Chief Justice and the associate justices of the Supreme Court, the Senate, the ambassadors and ministers to the United States, and the governors of the several States and Territories retired.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 6 o'clock and 20 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of deficiencies in appropriations under control of the War Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and fact in the case of the ship *Venus*, Robert Berrill, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the commissioner of the Freedman's Savings and Trust Company, transmitting the annual report for the year ended December 1, 1900—to the Committee on Banking and Currency, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting additional estimates of appropriation for the Bureau of Navigation—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting estimates of deficiencies in appropriations for the naval establishment—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for an electric-light plant for Department of the Interior building—to the Committee on Appropriations, and ordered to be printed.

SENATE.

THURSDAY, *December 13, 1900.*

The Senate met at 11 o'clock.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

VESSEL SHIP VENUS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims, relating to the vessel ship *Venus*, Robert Berrill, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

THE CITIZENS' BANK OF LOUISIANA.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of the Citizens' Bank of Louisiana *vs.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

ELECTORAL VOTE OF RHODE ISLAND.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a certified copy of the final ascertainment of the electors for President and Vice-President appointed in the State of Rhode Island at the election held therein on the 6th day of November, 1900; which, with the accompanying paper, was ordered to lie on the table.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented the petition of C. F. Morrill, of West Alton, N. H., praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of O. C. Hatch, president of the Littleton National Bank, of Littleton, N. H., and the petition of L. Downing, jr., president of the National State Capital Bank, of Concord, N. H., praying for the enactment of legislation to abolish or modify the revenue-stamp tax on checks, telegrams, bills of lading, bankers' capital, etc.; which were referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union, of Newport, N. H., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to the native races of Africa and to inhabitants of the new island possessions of the United States; which was referred to the Committee on Foreign Relations.

Mr. SCOTT presented a petition of sundry citizens of West Virginia, praying for the enactment of legislation to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented the petition of J. D. Arnold, of Burlington, W. Va., and the petition of J. Wesley Groves, of Morgans Glade, W. Va., praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. FAIRBANKS presented petitions of the Woman's Missionary Society of the Presbyterian Church of Lima, the Missionary Society of the First Presbyterian Church of Lafayette, and of Solomon Basle and 28 other citizens of Fort Wayne, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. KEAN presented the petition of F. M. F. Cazin, of Hoboken, N. J., praying that an investigation be made into the practices prevailing in the Patent Office under the present Commissioner of Patents; which was referred to the Committee on Patents.

Mr. LINDSAY presented a petition of sundry citizens of Greensburg, Ky., praying for the adoption of an amendment to the Constitution defining legal marriage; which was referred to the Committee on the Judiciary.

Mr. PENROSE presented a petition of the Quaker City Chapter, Daughters of the American Revolution, of Philadelphia, Pa., praying for the enactment of legislation authorizing the presentation of the present site of the United States mint in Philadelphia to that city to be used for a free library; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of Rev. Robert F. Smith and sundry other citizens of Pleasant Unity, Pa., and a petition of sundry citizens of Humphreys and Denison, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Mount Zion Methodist Episcopal Church, of Darby, Pa., praying for the enactment of legislation to restrict American traders in the New Hebrides from selling firearms and intoxicating liquors to native races; which was referred to the Committee on Foreign Relations.

He also presented a petition of District Lodge No. 12, Independent Order of Good Templars, of Chester, Delaware, and Berks counties of Pennsylvania and Delaware; of the congregation of the Trinity Evangelical Luthern Church, of Hazelton, Pa., and of the Presbyterian Sunday School of Clinton, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

Mr. NELSON presented memorials of 25 citizens of Rushford, 6 citizens of North St. Paul, of sundry business firms of Wabash, of 16 citizens of Wykoff, and of 8 citizens of Walker, all in the

State of Minnesota, remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR presented a petition of the board of directors of the Massachusetts Total Abstinence Society, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was referred to the Committee on Military Affairs.

He also presented a petition of the Massachusetts Total Abstinence Society, praying for the ratification of the treaty for the protection of Central Africa against the sale of intoxicating liquors by raising taxes to a sum considered prohibitory for native races; which was referred to the Committee on Foreign Relations.

Mr. ALLEN presented a petition of sundry citizens of Carey, Nebr., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of citizens of Wayne and Bruno, all in the State of Nebraska, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. MASON. I present the petition of Adolphus Busch, president of the Anheuser-Busch Brewing Company Association, of St. Louis, Mo., praying for a reduction of the war-revenue tax on beer. I ask that the petition be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the petition was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Adolphus Busch, the president of the Anheuser-Busch Brewing Association, of St. Louis, Mo., has just arrived from Europe, and in an interview said:

"I should have remained in Europe another month had it not been for my interest in the repealing of the double war tax now being levied by the Government on our industry.

"Its enactment has proven to be a terrible hardship and its continuance means general disaster to the brewing interests.

"The original tax of $1 per barrel was in itself a war tax, imposed in 1861 and continued without any reduction up to the declaration of hostilities with Spain, when it was increased to $2 per barrel, just double the original tax, which means precisely 40 per cent of the general market price of beer.

"When the original war tax of $1 per barrel was inaugurated thirty-five years ago, beer was being sold for $12 per barrel. To-day beer is being sold at an average of $5 per barrel, and we pay $2 per barrel to the Government.

"As a direct result of this excessively unfair burden of taxation the production of beer decreased 1,000,000 barrels during the year 1899, a year of unprecedented and marvelous prosperity, and within the past seven months 17 combinations have been made, consisting each of from 3 to 12 formerly prosperous breweries, forced to thus combine in order to save themselves from bankruptcy through this distressing and oppressive double war tax. More are likely to follow or suspend business altogether unless immediate relief is afforded.

"During the past year the production of beer has materially increased, but what good does it do the brewer? None! A few—very few—have had a trifling profit, but the majority have either realized no profit at all or else continued business at a distinct loss, hoping and praying for the repeal of this grinding double war tax.

"Take my own brewery, for instance. We brewed a million barrels of beer this year, an increase of 100,000 since 1899, but with what profits? Merely nominal. Why? Because we have to keep the quality of beer up to the standard established by us and pay the Government $2 per barrel on each barrel brewed. This leaves the balance—$3 per barrel—to pay for hops, malt, barley, brewing, horses, feed, wagons, brewers, help, drivers, deliveries, expressage, coal, ice, invested capital—in fact, everything—depreciation, losses, and wear and tear. There is no chance for the brewers unless this double tax is reduced to $1 per barrel. The present tax is a terrible burden, more than we can bear, and is crushing our business life out. We must have relief in order to exist. We are now paying to the Government $78,000,000 yearly, or about one-fourth of the entire revenue collected by the Government.

"The brewing industry is an American establishment, one of the greatest of all industries. Beer is the poor man's drink, and a national beverage. It is by far the greatest of all temperance promoters. We give employment directly to over 900,000 men, and indirectly, through the farmers who grow the hops, malt, and cereals, the lumbermen, maltsters, coopers, blacksmiths, iron workers, builders, railroads, shipping, and general trades, to nearly 3,000,000 men. Our invested capital is $650,000,000. During the Senatorial investigation of last year 400 samples of American beer, ales, and porter were purchased in the open market, and, under the analysis of the chemists of the Government who analyzed these samples, only two samples of American beer, ales, and porter were found to contain preservatives or adulterants, as against the wholesale preservatives and adulterations found in imported beers, ales, and porters.

"American beers are the best in the world. Such an industry should be helped and not crushed, as it is crushed.

"The brewers are patriotic. We are faithful citizens, willing to uphold the Government and to pay a tax of $1 per barrel, or about 20 per cent of the market price of our product, which would amount to about $38,000,000 to $40,000,000 a year. No industry can stand more than that percentage of taxation and exist; we have tried it for three years and know. But now the war with Spain is over, and we who have stood this double tax so uncomplainingly and patriotically, from out of our distresses pray and hope for relief. The Government is getting all the profits now and has been for three years. It is but fair, just, and equitable that we have a fair earning on our product, of which we are now deprived.

"We are here to petition Congress and the Senate for relief, and hope for a successful consummation of our efforts."

HALL OF RECORDS.

Mr. FAIRBANKS. I am directed by the Committee on Public Buildings and Grounds to report a concurrent resolution, and I wish to ask unanimous consent for its present consideration. It relates to the appointment of a joint committee of the Senate and House of Representatives to consider the question of a site for a hall of records in the city of Washington, and the approximate cost thereof. The necessity of such a hall has been repeatedly urged upon the attention of Congress, and it has been a subject under consideration for years past, but no headway has been made.

The various Executive Departments of the Government are overcrowded with records and documents of vast importance, of very great value. Their destruction would be irreparable. Many of them are in imminent danger from fire. Since the present session of Congress began a fire was discovered in the Treasury building, and but for timely action it might have been disastrous. The Secretary of the Treasury has repeatedly called the attention of Congress to this subject in his annual reports. In his report for the fiscal year 1899 he expressed the opinion that "there is no public improvement more needed for the welfare of the nation than a hall of records in this city." This opinion is reiterated in his recent report to the Congress. The committee by whose direction I offer the resolution believes that there should be no further delay in this important matter.

It is thought that better progress can be made by the appointment of a joint committee than in any other way. I therefore ask for the present consideration of the resolution, which is very brief.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint committee, consisting of three members of the Senate Committee on Public Buildings and Grounds, to be appointed by the President of the Senate, and five members of the Committee on Public Buildings and Grounds of the House of Representatives, to be appointed by the Speaker, is hereby created to investigate and consider the question of a site for a hall of records, to be erected in the District of Columbia, and report to Congress on or before January 10, 1901, or as soon thereafter as may be possible, their conclusions as to the most feasible location for such a building, and the approximate cost thereof.

Mr. CHANDLER. Mr. President, I do not understand that the resolution confers any more power upon this special joint committee than now exists in the two committees of the two Houses if they chose to act together. It only authorizes them to investigate and to make a recommendation, which power I suppose the two committees have at this time. I should object to the resolution if it implied any more than the same authority which the two committees now have if they could agree upon a concurrent recommendation to the two Houses. If that is all that is intended I see no objection to it.

Mr. FAIRBANKS. That is all that is intended to be accomplished by the resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

The concurrent resolution was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 5152) awarding a medal of honor to George A. Edson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MONEY introduced a bill (S. 5153) for the relief of John H. Rector; which was read twice by its title, and referred to the Committee on Claims.

Mr. PRITCHARD introduced a bill (S. 5154) to correct the military record of Samuel F. Radford; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LINDSAY introduced a bill (S. 5155) for the relief of William McCracken; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. McENERY introduced a bill (S. 5156) for the relief of Florence A. Brown, administratrix of the estate of John A. Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 5157) for the relief of the estate of Romain Verdin, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MASON introduced a bill (S. 5158) granting an increase of pension to William Wilder; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a joint resolution (S. R. 137) to provide for the printing of the History of the Red Cross; which was read twice by its title, and referred to the Committee on Printing.

THE CLAYTON-BULWER TREATY.

Mr. MONEY submitted the following resolution; which was read:

Resolved, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the Government of Great Britain for the abrogation of the Clayton-Bulwer treaty, with assurance that such action on his part will meet with the hearty consent and support of the Senate.

Mr. MONEY. I ask that the resolution be printed, and that it lie on the table, to be called up hereafter.

The PRESIDENT pro tempore. The resolution will be printed, and it will lie on the table.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. KEAN submitted an amendment proposing to increase the salary of the telegraph operator in the office of the Vice-President from $1,200 to $1,600, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. KYLE submitted an amendment proposing to appropriate $37,000 for additional buildings and improvements for the use of the United States Indian School at Rapid City, S. Dak., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $19,000 for repairs and improvements at the Indian Industrial School at Chamberlain, S. Dak., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment providing for the payment of the principal sum of $168,335.10, now in the Treasury to the credit of the Sioux Indians of the Crow Creek Reservation in South Dakota, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $163,500 to continue improvements at Pierre, Yankton, and Elkpoint, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. LODGE submitted an amendment proposing to increase the salary of the chief of the division of loans and currency, Treasury Department, from $2,500 to $3,000, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FRYE submitted an amendment proposing to increase the salary of the Chief of the Bureau of Statistics from $3,500 to $4,000 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REORGANIZATION OF THE ARMY.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the bill (S. 4300) to increase the efficiency of the military establishment of the United States; which was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a concurrent resolution providing that when the two Houses adjourn on Friday, December 21, they stand adjourned until 12 o'clock meridian on Thursday, January 3, 1901; in which it requested the concurrence of the Senate.

PROMOTION OF COMMERCE AND INCREASE OF TRADE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 727) to promote the commerce and increase the foreign trade of the United States, and to provide auxiliary cruisers, transports, and seamen for Government use when necessary.

Mr. HANNA. Mr. President, in addressing myself to the provisions of Senate bill 727, it is not my purpose to enter into a full discussion with reference to the meaning of the provisions in the bill, because the chairman of the Senate Committee on Commerce [Mr. FRYE] has laid before this Chamber very fully and ably an explanation which is meant to be the foundation set forth in the bill.

The upbuilding of the merchant marine of the United States is no new subject to the people of this country, and has many times been brought to the consideration of Congress.

MOTIVES OF THOSE WHO PREPARED THE BILL.

The remarks of the Senator from Georgia [Mr. CLAY] the other day on this measure brought into question somewhat the motives which prompted those who have acted in the preparation of this measure. I regret that the cause seemed to demand the reinforcement of an insinuation which challenged the motives of the men who had to do in an advisory way with the construction of the bill. Being a member of what is called the maritime committee, I felt it my duty, my right, and privilege, to explain on behalf of that committee the motives and the methods under which they acted. For my part I resent even an insinuation that any other motives, aside from those of public policy and for the best interests of this country, were beneath any such action.

When I first came to the United States Senate, three years ago——

Mr. CLAY. Mr. President, will the Senator from Ohio allow me?

Mr. HANNA. Certainly.

Mr. CLAY. I think the Senator mistakes my position when he says that I question the motives of any Senator who drafted or prepared the bill. I do not think there is anything in my remarks that will go to show that I questioned the integrity or the motives of any Senator who prepared the bill.

Mr. HANNA. Mr. President, perhaps the Senator was not aware at the time that I was a member of this maritime committee. Of course, I exonerate him from any intention of casting any reflection upon me as a United States Senator. As a member of the maritime committee who had under consideration this measure, dating back more than three years ago, I am only replying to the position which the Senator from Georgia assumed. I know very well the Senator would not knowingly make any such allusion.

Mr. CLAY. I certainly would not.

EXPERIENCE IN GREAT LAKES' SHIPPING.

Mr. HANNA. Now, Mr. President, I was about saying that when I came to the Senate—yes, before I came to the Senate—I was fully aware of the public interest in this important question; and having all my life in my business been engaged in direct connection with the maritime interests upon the Great Lakes, and having had forty years of experience in that direction, having been in close contact with and a close observer of the rapid growth and development of those great interests, and being naturally interested in the question from a national standpoint, I felt highly complimented and fully appreciated the invitation from the chairman of the Committee on Commerce of the Senate to become a member of this maritime committee. It was explained to me that the object of that committee was to bring together the best talent in this country—the men who had had the greatest experience in the conduct of affairs connected with the merchant marine, whose judgment and business standing before the country was of the highest order, and therefore calculated to be of the greatest assistance in the construction of such a measure.

EXPERT, EXPERIENCED MEN IN MARITIME AFFAIRS DRAFTED BILL.

That committee was composed, as the Senator from Maine [Mr. FRYE] has told you, of all interests connected with the maritime question, both in shipbuilding and in the management of ships, and also others connected with the question of shipping and handling of cargo freight. The broad question of transportation, all of it a part of the one question, made that committee necessarily a committee of experts. If there was a sincere desire on the part of those whose duty it was to study, from an economic standpoint, whatever would best advance this great interest as a part of our development, to what better source could they apply than to those who had had a lifelong experience in the conduct of those affairs?

That committee met frequently in consultation. There were found upon that committee men who were representing conflicting interests, so that any general proposition looking to immediate relief was met with a counter proposition when it seemed to unfavorably affect a special interest.

I need not state the fact in this body that all legislation on important questions is the result of compromise. No great measure of widespread influence and effect can be expected to be wrought into a law which will not find conflicting interests which must be harmonized.

SPIRIT OF COMPROMISE INSPIRED THOSE WHO DRAFTED BILL.

Therefore, Mr. President, the duties of this committee were many times found to be embarrassing. The difficulties presented were hard to overcome. But as they were all bent upon the same object, attempting to accomplish the same result, after a few meetings a spirit of compromise developed. The disposition to find some middle ground, some foundation upon which this great measure might be constructed, grew and grew until at last a bill was perfected, though not entirely perfect as to its success as a compromise, as subsequent events have shown, because since the first bill was introduced into Congress many amendments have been offered and accepted, not only by the Maritime Committee but by the committees in both branches of Congress.

It was found that even the prejudices of people were demanding that certain consideration should be given to special interests which had not been consulted or to persons who had not availed themselves of the opportunity of being heard in the early development of the measure. The readiness with which these objections were met, the careful consideration which was given to all of them, the spirit of compromising conflicting interests, were such that to-day this bill, with its amendments reported from the Senate Committee on Commerce, is believed to be the most practical measure that can possibly be devised.

GROWTH OF CARGOES IN LAKE SHIPS IN THIRTY YEARS.

I spoke of my connection with the great maritime interests of the lakes. In my short business career I have seen that business grow and develop within a little more than thirty years from a comparatively small business to a business of unparalleled magnitude. Thirty years ago the largest vessel on the lakes transporting coarse freight carried but 600 gross tons of iron ore; and

so important was that event in the development of the industry that note was made of it, and all through the lake region it was held up as a great advance when the schooner *Escanaba*, the first three-masted schooner ever built upon the chain of lakes, brought a cargo of iron ore from Escanaba to the port of Cleveland of 600 gross tons. To-day there are steamers on the lakes, built upon the lakes, owned and managed by those conducting the maritime affairs of those Great Lakes, that are carrying 6,000 gross tons as a cargo, and even more.

DEVELOPED BY DIRECT GOVERNMENT AID.

That industry has been developed largely by the direct aid furnished in its infancy by the United States Government. The protection of that interest first of all was because our navigation laws prohibited any other but an American vessel trading between American ports. We have north of us Canada with just as much water front as we, with cheaper material and cheaper labor. Canada would have become a formidable rival in the earlier stages of our enterprise had it not been for the protection of the navigation laws of the United States.

REDUCTION IN LAKE TRANSPORTATION RATES.

But even with that protection, Mr. President, the present condition as to rates of transportation could not have been attained. It is to the liberal policy of this Government in the matter of our rivers and harbors that we owe more than all else the growth of our merchant marine upon the lakes and the cheap transportation as a result. At the time I speak of, the rates on iron ore from points on Lake Superior to Lake Erie ports were from $3 to $3.50 per gross ton. To-day the average rate is from 60 cents to $1, dependent upon the point from which the ore is shipped, all because under the protection which I have stated the opportunities to engage in that commerce are confined to the people of this country and because our waterways were improved at the expense of the Government.

When Congress made the appropriation for the 21-foot channel and a continuing contract which deepened the water from 14 feet to 21 feet, immediately the sagacity and enterprise of those who were engaged in the building up of that merchant marine saw the advantage to them, and as we were just beginning our present era of steel shipbuilding every vessel that was built from that time until to-day has been made larger, of greater carrying capacity, and therefore there has been a consequent reduction in the cost of transportation.

PROTECTION THE FOUNDATION.

What is true of the marine interests of the lakes is true of all other interests of that nature; and whether or not the protection afforded by the laws of which I have spoken was the only reason for the development of this commerce, it at least was the foundation which led to it.

EXPERIENCED TALENT AND CAPITAL NEEDED.

In order to have ships and in order to facilitate transportation we must have the capital necessary to organize the business; we must have the experienced talent of men peculiarly adapted to the conduct of such affairs, so as to manage them successfully. The growth of that great commerce upon the lakes is but an example which I feel I have the right to quote in connection with this measure as a prophecy of what will follow if the same policy is pursued—I mean a policy of some kind of protection, some kind of inducement, which will bring capital to the aid of our natural advantages and give us the benefit of those advantages in this country.

CAUSES FOR DECLINE OF OUR MERCHANT MARINE.

The honorable Senator from Colorado [Mr. TELLER] asked a question of the chairman of the Committee on Commerce the other day as to the causes of the decline of the merchant marine upon the high seas since the time of the civil war. That is a very pertinent question and a very important one, because the whole proposition comes down to that. We do know as a matter of fact that our merchant marine has fallen steadily and steadily since that time; we do know as a fact that there have been times when we have led the world in that direction, and therefore it becomes a very interesting question to know the causes of the rise and fall of our merchant marine.

Mr. VEST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. HANNA. Certainly.

Mr. VEST. I wish to say in advance that I shall not interrupt the Senator again if it be disagreeable to him.

Mr. HANNA. I have no objection.

WHEN OUR MARINE BEGAN TO DECLINE.

Mr. VEST. I understand the Senator to say that the merchant marine of the United States has declined since the close of the civil war. Mr. President, that is not the fact. The decline commenced before the civil war.

Mr. HANNA. I am speaking of foreign commerce.

Mr. VEST. And I am speaking of foreign commerce. The statistics of the Treasury Department show—and they are easily accessible—that that decline commenced in 1855, before the commencement of the civil war, and it is not true, in point of fact, that the civil war caused that decline.

Mr. HANNA. Mr. President, I have very carefully gone into that question, and as there are many facts and figures which I can not carry in my mind I will give the result of my investigations regarding it.

RISE AND DECLINE OF AMERICAN SHIPPING.

When the First Congress met in 1789 the tonnage of American vessels engaged in our foreign trade was 123,893. In the first year after the passage of the first Congressional bill American shipping increased 271 per cent, or to 346,254 tons. Subsequently, from time to time, during the closing years of the first decade under the new Constitution additional legislation helpful to our shipping interests was enacted.

In the first five years, as a result of the encouragement given to our active merchant marine by the Government, our tonnage engaged in the foreign trade increased 362 per cent over 1789, or to 438,663 tons. Of course during this period England and France were at war, which enhanced the opportunities for the profitable employment of neutral shipping, but our navigation laws, so strong and well sustained, were the chief causes for our steady maritime growth.

MERCHANT MARINE GAVE STANDING TO THE NATION.

Nothing contributed so much to our wealth and prosperity at home and to our strength abroad during these years as our active and profitable merchant marine. An unparalleled condition of industrial stagnation had existed for six years. But the immediate increase of our shipping and its profitable employment infused confidence in every line of business. Trade became so prosperous in all parts of the country as to lead to our rapid commercial and maritime growth. It was the growth of our merchant marine alone in the closing days of the first decade under the present Constitution that gave to the United States a standing and a position in the world that it could never have obtained lacking so powerful and prosperous an industry as our shipping.

GROWTH DURING FIRST TEN YEARS.

In 1799, at the end of the first ten years, our merchant marine under register had increased 534 per cent, or to 637,142 tons.

During the second decade American shipping met and surmounted many formidable difficulties, including the Barbary wars, the British impressment of our seamen, the British orders in council, and the decrees of Napoleon, which led to the confiscation of hundreds of our ships and the destruction of millions of dollars worth of our property. But the demand for our ships, and the stability given to the shipbuilding and shipowning industry through the strong support and effective encouragement of our Government, induced our merchants to steadily increase their shipping, notwithstanding their reverses and losses.

UNPARALLELED GROWTH IN TWENTY YEARS.

The end of the second decade, in 1809, found our shipping in the foreign trade registering 906,855 tons, an increase of 790 per cent since 1789. History fails to record a parallel to the growth of American shipping during the first twenty-one years of our national existence. In 1810 the shipping under our flag in our foreign trade was 981,019 tons, the highest point in the first upward growth of our mercantile marine. It was not until 1847—thirty-seven years subsequent to 1810—that our tonnage in the foreign trade was again as high as it was in 1810. Our total tonnage in the foreign trade to-day is less, by more than 150,000 tons, than it was in 1810, although the value of our foreign commerce has increased more than twentyfold during the same period.

THE DECADE BETWEEN 1820 AND 1830.

In 1821 American ships carried 88.7 per cent of American foreign commerce. During the succeeding eight years the proportion of our foreign commerce carried in our own ships averaged 90.6 per cent, reaching the zenith in 1826, when American ships carried 92.5 per cent. In the entire succeeding seventy years the proportion of our foreign commerce carried in American ships has never reached the total or the average of the decade between 1820 and 1830. To-day American ships carry but 9 per cent of the commerce of the United States conducted with foreign countries. Under Government aid and encouragement the zenith period was reached, and during more than a generation of national neglect the zero period has almost been found. In 1828 the last general enactment providing for the gradual and final withdrawal of the aid given in the earlier legislation was adopted.

A STAGNATION PERIOD.

Succeeding this there was a long period of stagnation in American shipowning. The total tonnage under our flag in our foreign trade in 1829 was but 60 per cent of that of 1810. It was not until 1835 that American shipping in the foreign trade again equaled that of 1828.

In 1838 our tonnage in the foreign trade was only 702,962 tons,

or 55,000 tons less than in 1828. The average tonnage under our flag in our foreign trade in each of the ten years succeeding 1829 was only 661,361, or 96,637 tons less than it was in 1828. By this time the proportion of our foreign commerce carried under our own flag had decreased to 84 per cent.

SUPERIORITY OF AMERICAN SHIPS.

In 1848 our shipping in the foreign trade amounted to 1,168,707 tons, which was but 20 per cent greater than it was in 1810—nearly 50 per cent greater than it is to-day. But 77.4 per cent of our foreign commerce was then carried under our flag. During all this time, from the foundation of our Government, our people had possessed the superior advantage of cheaper construction. More than that, our ships were far better built than were those of our European rivals, and they therefore lasted longer. In addition, their superior model and the intrepidity of the American seaman, enabled our ships to make three voyages while their foreign rivals were making two. It was these great and telling advantages that so greatly aided in extending the period of time in which our tonnage grew, although our proportion of our own carrying under our own flag steadily diminished. In those days the merchants who shipped the cargoes owned the ships. The masters of the ships were interested in the vessels' earnings in many cases. They sold the outward cargoes and bought those brought home. (A few voyages as master enabled a thrifty American to retire and become a merchant shipowner.) This was before the days of steam and of cable.

THE AMERICAN CLIPPER SHIP WAS EVOLVED—COLLINS LINE PUT ON.

It was not to have been expected that a nation possessing the natural advantages I have described, in cheaper and stronger and faster ships, navigated by keen and intelligent masters personally interested in the voyage, would either immediately or readily succumb to foreign competition. The genius of our shipowners, and their officers and seamen, was equaled by that of our shipbuilders, and the American clipper was evolved at a period when the necessities of the world and the changing conditions created opportunities for their development and increase that were exceptional and potential. Our packet lines carried the palm, and neither the steam nor the iron ship seemed to menace the superiority or the prestige of those grand old sailing ships of the decade between 1845 and 1855. In 1848 the subsidized Collins steamship line carried the American flag across the Atlantic, and for ten years thereafter they outsailed all competitors and securely held for the Stars and Stripes the blue ribbon of the Atlantic.

HOW THE COLLINS LINE WAS RUINED.

It is a well-known fact that a combination of circumstances destroyed that line. They were unfortunate before the close of their career in losing three of their four ships by disaster; but during the whole time of the conduct of their affairs they were met by the most bitter and destructive competition on the part of the subsidized lines of England and other nations of Europe; so that while an American ship lay beside her dock to receive freight prior to her date of sailing—as she was a subsidized ship carrying the United States mail, she was obliged to sail upon a certain day, and, owing to time conditions, even at a certain hour—and her agents were interested in securing a cargo, the rate of freight from New York to Liverpool was anything to beat the United States ship, but immediately after that ship had started upon her voyage across the Atlantic the rates were restored, even to an abnormal condition, by those same competing lines of steamers owned abroad.

There is no man in this presence who does not know that from the beginning of the upbuilding of all our industries that same policy has dominated and controlled the opposition; those who were competing with this new and growing country knew that if the time ever came when we could "stand upon an even keel," either on sea or land, it would be most detrimental to the interests of England and the other nations of Europe.

FOREIGNERS THEREAFTER DICTATED FREIGHT RATES ON AMERICAN COMMERCE.

Under that competition and the peremptory withdrawal in 1858 of the sustaining subsidy that had been paid by our Government, the Collins Line succumbed, the American flag disappeared from the ships carrying mail upon the ocean, and again England and other foreign countries dictated to us the rates of transportation that we should pay upon the exports of our products. What mattered it that our commodities exported to Europe, our farm products, which in those days constituted the most of our exportation, could be raised more cheaply here, owing to the expanse and fertility of our soil; what mattered it what natural advantages we might possess in finding a foreign market for those products, if those who were interested in protecting and developing their own interests absolutely controlled the cost of the transportation of those goods to foreign markets?

DETERMINED TO PREVENT AMERICAN COMPETITION ON THE SEAS.

I say that same policy has always governed, and from a business standpoint it is a perfectly legitimate position, for self-preservation is the first law of nature. Every infant industry that has struggled for existence in the United States from the date of our birth until to-day has had to pass through an ordeal of that kind of competition; and to-day, Mr. President, there is no one question in contest from a commercial standpoint so important and so necessary to the future of the competing countries of the Old World as to prevent American competition upon the high seas.

ZENITH PERIOD OF AMERICAN SHIPPING IN FOREIGN TRADE.

In 1858 our shipping in the foreign trade aggregated 2,301,148 tons, an increase of nearly 100 per cent over 1848. In 1861 it amounted to 2,496,894 tons, this being the greatest tonnage ever under the American flag in the foreign trade in any single year, although but 65.2 per cent of our foreign commerce was then carried in those ships.

Mr. President, I now call the attention of the Senator from Missouri to the figures I have been enabled to obtain from the Treasury Department. In 1861 was reached the highest point in the ownership of American-built vessels under the American flag in the foreign trade.

DECLINE SINCE 1861.

The tonnage under the American flag, in the foreign trade, in 1861 was more than three times larger than was engaged in our foreign trade under our flag during the year 1900. Think of that! Nearly forty years ago our shipping upon the high seas was three times greater than it is to-day. Could anything more clearly illustrate the decline of our merchant marine? When we consider that our foreign commerce is fully four times larger in 1900 than it was in 1861, and yet our shipping engaged in its carriage is but one-third of that of 1861, we bring into vivid prominence the shameful and humiliating decline in a great national industry—an industry at once promotive of national prosperity and at the same time an industry that in all times has been the one great bulwark of national defense.

CIVIL WAR DISORGANIZED OUR SHIPPING INTERESTS.

The civil war completely disorganized our entire ocean-going and coastwise shipping interests. The transfers of vessel property during those four years were enormous. The enemy captured and destroyed 104,605 tons; foreigners purchased 774,652 tons; there was built for or purchased by our Government 417,521 tons; the Government chartered 757,611 tons, and 664,505 tons went from the foreign into the domestic trade of the United States—a total of 2,818,894 tons of American shipping that thus changed hands.

DECREASE OF SHIPPING UNDER REGISTER.

Our shipping under register had decreased 40 per cent, or was 1,000,000 tons less in 1865 than it had been in 1861. From carrying 65.2 per cent of our foreign commerce in 1861 American ships carried but 27.7 per cent in 1865.

NOTHING TO INDUCE AMERICANS TO RESUME SHIPOWNING.

To a large extent our people gave up shipowning in the foreign trade during the civil war, and after the war there was everything to discourage them from reentering. In the first place, those who had preserved their capital had it invested in other industries, from which there was nothing to induce them to withdraw in order to resume shipowning in the foreign trade. In the second place, steam was more rapidly displacing sail and iron displacing wood, and the construction of iron vessels being much more costly in the United States than in England, the cost of operating our ships being higher than the cost of operating foreign ships, the war taxes being then so high on everything, especially ships, and the Government giving no protection to American in competition with foreign ships, naturally the American people dropped out of the foreign carrying trade, in which cheaper-built, cheaper-operated, and heavily subsidized foreign ships had already secured control.

CONDITIONS IN 1812-1815 COMPARED WITH 1861-1865.

Conditions were vastly different at the close of our civil war, with respect to ship owning, from what they were at the close of the war of 1812-1815. At the close of the last-named war our laws distinctly discriminated in favor of American ships in competition with foreign ships, and the preference thus given to our own ships was quite sufficient to induce our shipowners to immediately resume the carrying of our foreign commerce, the advantage under our laws then being wholly in favor of American vessels, which latter were also built cheaper and sailed much faster than their foreign rivals.

DISADVANTAGES AMERICAN SHIPS WERE UNDER AT CLOSE OF CIVIL WAR.

At the close of the civil war the situation was entirely different, as I have endeavored to show. The preferred ship at that time was the foreign iron sailing and steam vessels, vessels that cost far more to build in the United States than they cost to build abroad. Our wooden sailing vessels were naturally inferior in speed to the iron steamer, and the British classification societies, which give the rating to vessels upon which insurance is based, favored the iron much more than the wooden vessel. Again, our laws gave no preference to American vessels in competition with foreign vessels in our foreign trade; in fact, absolute free

trade in carrying then prevailed and has prevailed ever since, save in the intermittent periods when postal subsidies were paid to American steamships.

In a carefully prepared report on "Foreign commerce and decadence of American shipping," written on January 25, 1870, Mr. Joseph Nimmo, jr., then chief of the Treasury division of tonnage, and who subsequently became Chief of the Bureau of Statistics, went into this subject at a time when we were but just recovering from the effects of the civil war.

COMPARATIVE COST OF AMERICAN AND BRITISH SHIPS IN 1870.

On page 20 of that report, which is Executive Document No. 111 of the second session of the Forty-second Congress, Mr. Nimmo summarizes his investigations of the subject and the information he had received, saying in part:

The facts are stated as they were received. They seem to indicate an advantage in building iron vessels, on the side of England, of about 33 per cent as compared with the United States.

Mr. Nimmo compiled his statistics after visiting the leading Atlantic coast shipyards and conferring with their owners and with the owners of ships in our foreign trade. On page 21 of his report he further says:

It is probable that the relative cost of building iron ocean steamers in England and in the United States does not differ far from the above estimate, viz, 33 per cent.

FOREIGN SHIPS RECEIVED HIGHER FREIGHT RATES.

His information was that from a dollar to a dollar and a half more per ton was paid on freight carried in iron than was paid on freight carried in wooden vessels in certain trades. Again, there was an advantage estimated at 14 per cent in the carrying capacity of an iron sailing ship as compared with a wooden ship of the same size, which increased to 28 per cent in iron as compared with wooden steamers, for the reason that there was more buoyancy and less weight of material in an iron than there was in a wooden ship.

DISADVANTAGES ONLY BEGAN WITH CONSTRUCTION OF SHIPS.

These disadvantages did not cease with the construction of ships; they only began. And it is here that I trust I shall hold the close attention of my distinguished colleague from Colorado, who specifically asked the Senator from Maine the other day just what it was that caused the decline in American shipping, beginning with the civil war. I am hopeful that I shall present to him, from official records, statistics and facts that will satisfy him thoroughly upon this most important moot point.

COST OF OPERATING AN AMERICAN AND A BRITISH SHIP COMPARED.

In one of the tables accompanying his report Mr. Nimmo shows that the cost of operating for one year a thousand-ton American wooden sailing ship, including insurance, depreciation, victualing, wages, and the internal-revenue tax, as compared with an English iron ship of the same size, was $31,812 and $19,674, respectively, or an advantage of $12,138, or 61 per cent, in favor of the English ship as compared with her American competitor. Mr. Nimmo assumed each ship to cost $90,000 in American currency. In figuring the cost of operation, while the wages of seamen largely contribute to the cost, the wide difference which is known to exist between the wages of seamen in the United States and those of foreign countries does not by any means make up the entire cost of operation.

FURTHER COMPARISONS.

In those early days with which we are now dealing money was worth only one-half in England what it was worth in the United States. If a man borrowed capital to invest in shipbuilding or shipowning, his interest was twice the amount of his competitor's and his taxes were four or five times that amount, because it has always been the policy of the English Government, in addition to the policy of directly subsidizing their mail steamers, to make such concessions in the application of their laws as in effect to give an additional subsidy to their ships. In other words, the tax on shipping property is almost nothing, and all their internal-revenue laws exempt shipping. Everything was done in those days to help build up their power on the high seas, in commerce as well as in war.

WAGES 69 PER CENT HIGHER ON AMERICAN THAN ON BRITISH STEAMER.

In another table he compares the yearly pay of officers and crew of a British and an American steamer of 3,000 tons as being $36,649.06 and $61,788, respectively, showing that the wage cost alone on an American steamship of this size was over 69 per cent higher than it was on her British competitor.

TAXES ON AN AMERICAN AND A BRITISH STEAMSHIP LINE COMPARED.

The conditions existing at that time have been changed very considerably, as I will show hereafter. Taking a $3,000,000 line of American steamers owned in New York, and comparing it with a British line of the same value, Mr. Nimmo showed that the State, county, and city tax, the duty on supplies consumed on shipboard, and the United States tax on passenger receipts and on the company's profits on the American line were $155,500 a year, the British line paying as an offset but $10,000 in Great Britain.

WHY CONDITIONS ARE BETTER TO-DAY.

Now, I am not claiming that those conditions apply to-day, but what I wish to bring out is that at that time, following the destruction of our merchant marine as a result of the war, when we were at the threshold, beginning once more to attempt at least to build up the merchant marine, we were confronted with the conditions to which I have referred. If those conditions have been bettered during that time, it is owing to the fact, more than any other, that the chairman of the Committee on Commerce of the United States Senate has given his unfaltering support to every measure, as to this one, which has sought once more to rehabilitate us upon the high seas and restore the American flag to its rightful place on all the oceans of the world.

Mr. President, I feel it a privilege on this floor to pay that tribute to the one American citizen who, during his whole public life, has made this question a study, and has brought to his assistance all the information of those who know about it, and who has studied and made applicable every advantage, natural or otherwise, which could be brought to reenforce and strengthen our merchant marine. Not only the building and operating of ships, but all other accessories which make the navigation of the oceans, of the rivers, and of our lakes easy and profitable have been a part of that great question, which has been forced upon the attention of the American people until, as I stated, to-day, in my judgment, there is no policy that appeals so strongly to the American people as does the building up of this great sea power of ours.

SHIPPING INDUSTRY GIVES PRESTIGE AND POWER.

I say the conditions that obtain to-day are better than they were when this report was made, and I hope they will continue to grow better. They certainly will if the people of this country are willing to study this proposition from the standpoint of mutual benefit and national benefit, free from all prejudice, politics, or sectionalism. It is an industry aside from the mere employment of labor, aside from its influence upon our natural development, which, as this report says, will give us a prestige and a power among the nations of the earth, both in peace and in war.

Meanwhile foreign lines were perfecting their equipment and organization, intrenching themselves in the possession of the avenues of trade, and reducing cost of operation to the minimum.

It seems to be equally clear that, the cost of operating American sailing and steam vessels then being between 60 and 70 per cent higher than the cost of operating competing British ships, the mere privilege of granting an American registry to foreign-built vessels would have utterly failed to attract our people back into shipowning for our foreign trade.

NOTHING TO REATTRACT AMERICANS INTO FOREIGN TRADE.

Under the conditions recited in Mr. Nimmo's report of that time, which stood as facts before the men who controlled capital, the men who were seeking investments, the men who had been participating in this business, exercising the usual conservative consideration that every business man gives to investments, is it any wonder that any business interest of this country, corporate or individual, would not seek again to invest in ships in the foreign trade? Such a proposition would be an insult to the intelligence of the business interests of this country.

OBSTACLES SEEMED INSURMOUNTABLE.

Mr. President, if the facts and figures which I have given are not convincing as a reason to be assigned for the fall of our American shipping interests since the civil war, I know of none better to offer, because this whole matter is a simple business question as affecting the investment of capital, although I contend that there is another element in it which should appeal to the patriotism and pride of the American people. But that feeling can only be engendered after the fact has been accomplished, and the first thing necessary is to put the industry upon a basis so that it will attract capital, in order to insure its consummation. The business people who have been engaged in the foreign trade of the United States for the last thirty or forty years have met obstacles which seemed in many instances almost insurmountable.

FEW MODERN AMERICAN SHIPS.

I have cited a few of them, but there have been obstacles at every step of our development in that direction, so that to-day the number of modern ships owned by American citizens operating in the foreign trade can almost be counted upon the fingers of both hands. During the last twenty or thirty years there has been little, if any, addition to that fleet. I know of none except the four vessels which constitute what is called the American Line, operated to-day under an act of Congress providing a mail subsidy, one or two vessels plying between San Francisco and Australia, and two or three vessels between New York and some of the Central American States. For the last decade there has not been added to the merchant marine of the United States over 10,000 tons per annum, and that only where the business has been secured and held by those who have devoted a lifetime to the building up of that particular trade and who have been successful because of their competency and industry in that direction, and

the inadequate subsidies their owners have, in almost every case, received from the Government.

In the meantime, what has happened elsewhere? Everybody conversant with the development of ocean transportation knows that immediately following our civil war, when the people of the United States made the effort, which I have recited, to rehabilitate their merchant marine, the nations of the world, with their usual shrewdness and business perception, knowing full well the disadvantages under which the American people labored in view of those conditions, immediately began a rivalry to see which one could earliest secure for itself this great trade with the United States.

FOREIGN SHIPPING SUBSIDIZED.

Nation after nation followed each other in rapid succession, passing laws directly subsidizing steamers for any and every part of the globe. England, foremost by reason of her natural advantages, opened new shipyards until at last, within a very few years, miles—yes, I say miles—of ships upon the stocks were visible in the yards of Scotland, England, and Ireland. From that day to the present time there has been no cessation of that effort, and, in proportion as the effort is made in this country, the effort is redoubled in the countries of our competitors, in order so fully to occupy the ground that there can be no temptation, even with the superfluity of capital in this country, to induce our people to engage in shipping.

AGENTS OF FOREIGN SHIPS SEEKING TO DEFEAT PENDING BILL.

Any business man who has watched the drift of current events from the close of the civil war until to-day has found that to be the most prominent policy adopted in foreign competition with us in any direction. Every time a measure looking to the development of our shipping interests has been brought before a House of Congress, immediately the agents and representatives of those in competition were on the ground ready, and anxious to defeat it.

THE PRESENT POSTAL SUBSIDY LAW.

In this connection, I wish to say a few words in regard to the much-abused American Line of steamers. I do not propose to avoid any part of this issue. I do not propose to run away from the tongue of slander or the imputation of motives other than those to promote the best interests of the country on the part of any man connected in any way with this question from the beginning to the end. Several years ago a bill passed Congress, passing the Senate first, granting a mail subsidy to the International Steamship Company. It passed the Senate after thorough consideration by the Committee on Commerce, and, as I understand, after thorough discussion of the question in the Senate, and if it had become a law as it passed the Senate it would have given to that line as compensation for carrying the United States mails, under the conditions enforced by the Department, exactly what this bill would give. The compensation was considered fair and reasonable by the Senate.

The bill went to the House in the closing day of the session, and, under a spasmodic effort to chop things off, I suppose, as sometimes occurs, a certain percentage was stricken from it without any particular argument or reason for it, except perhaps that the Committee on Appropriations were cutting down expenses. There was no further time to consider the measure, and the conference committee adopted the report. But it then came to be a very serious question whether the men or company who had proposed to avail themselves of the benefits of the law would accept it or not.

PATRIOTIC EFFORTS OF AMERICAN LINE.

Their judgment was against it, but finally it was accepted as a venture, as I honestly believe inspired by no little patriotism, because along the seaboard of the Atlantic Ocean there has always been a sentiment in favor of the sight of the American flag at the masthead of ships and there has always been a feeling of humiliation that this great industry had been stricken down first by the combination of circumstances which I have recited, and latterly by a condition enforced here through the negligence or disinclinarion of our Government to do that which was being done every year by every competitive government in the world.

It was a close question whether the contract would be availed of, and I can say, from information given to me directly, that under that contract those four ships have never earned a net dollar. It is unfair to attribute unworthy motives to the men who have been engaged in this industry from the beginning of the development of our merchant marine, who have devoted all their energies and the best part of their lives to building up this industry, and who, when they appealed to the Representatives in Congress, have been granted some consideration, perhaps undertaken on the part of the lawgivers as an experiment, perhaps with the belief that after the experiment had been made, if found to be good, they could conscientiously go further in that direction.

Mr. President, there are many people in this country who are honestly and earnestly in favor of building up our merchant marine, but I am sorry to say that they have been more or less affected by statements made in the newspapers, irresponsible statements, statements that can not be supported by facts, as to the motives and purposes underlying this measure.

The Senator from Georgia [Mr. CLAY] in his remarks attempted to show the net profits that would come to the American Line of steamers as a result of this subsidy. I believe he placed them at $304,000 per annum per ship.

Mr. CLAY. I desire to state that I did not say the net profits to those ships would be $304,000 a year. I said that the gross subsidy would be $304,000 a year.

Mr. HANNA. I accept that statement. It is a better way to state it. I admit that. That is the proportion they would receive. I do not know how the Senator arrived at those figures. I do not know how many voyages he took into consideration in arriving at those figures, because the earning of the subsidy on the part of the vessel depends upon the number of miles sailed. It is a well-known fact that the American Line of steamers, under their contract with the Government, must have a weekly sailing day from New York and Southampton. To perform that weekly service takes four ships, and I think we have a right to take the facts as they appear from the records of that company to guide us in making our estimate as to the amount of subsidy which the company would earn. What do the records show?

COMPENSATION FOR FAST MAIL STEAMSHIPS.

The steamer *St. Louis* in one season, when I presume there was an extraordinary effort made—for, as Senators know, there is a good deal of competition in the trans-Atlantic carrying of passengers and cargo—made 14 trips, but the average of the steamers of the line which go to fulfill the contract was only 11 trips, and they have never exceeded that, and it would be a physical impossibility for them to do so. A 21-knot ship has to run at her utmost speed every day, under all conditions, to make even closely approximating that time. There are adverse winds, unfavorable weather, minor accidents, which are always occurring, many things to delay, and when we come to consider it as a business proposition we have a right to state just exactly what the records show. Therefore, in the operation of that line, taking 11 trips as a basis, the earning proportion of the subsidy would be below $290,000. As I said a moment ago, a close calculation shows that under the pending bill it would be exactly what they claimed was necessary when the bill which has since become a law passed the Senate.

Mr. VEST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. HANNA. Certainly.

Mr. VEST. I was unable to hear distinctly what the Senator from Ohio said. Did he state the amount which, in his opinion, the American International Navigation Company would receive by the year and in the aggregate from this bill?

Mr. HANNA. I can not hear the Senator from Missouri distinctly.

Mr. VEST. I understood the Senator from Ohio to challenge the correctness of the estimate made by the Senator from Georgia.

Mr. HANNA. I did.

Mr. VEST. I wish to know what the Senator thinks the American International Company, with the ships they now have and the four ships they are building abroad, which, of course, would come in for a portion of the subsidy—50 per cent of it—would receive per year for the twenty years, and how much in the aggregate for the whole twenty years.

Mr. HANNA. I took a quotation, if I quoted it correctly, from the Senator from Georgia. He designated the steamer *St. Louis*, and said it would receive $304,000. Am I right?

Mr. CLAY. Three hundred and four thousand two hundred and ninety dollars.

Mr. HANNA. And I made inquiry as to how he obtained those figures. A ship, as I said, only earns the subsidy while she is sailing, and 11 trips is the maximum, in my judgment, that can be obtained by steamers of that class, taking into account all the things which they have to meet in the course of a year, and the calculation that I have made upon the basis of 11 trips shows that such a steamer could not earn within twenty or twenty-five thousand dollars of as much as the Senator from Georgia stated.

Mr. CLAY. Will the Senator from Ohio permit me to interrupt him?

Mr. HANNA. Certainly.

Mr. CLAY. I desire to call the Senator's attention to the hearings before the Committee on Commerce, page 75, where there is a table prepared by Mr. Clyde himself, who testified before the committee in favor of this measure. He is a gentleman who knows all about ships. We all know that. He puts the exact amount at $304,290. That will be found on page 75 of the hearing before the Committee on Commerce.

Mr. HANNA. I am not using Mr. Clyde's figures. I am using my own.

Mr. VEST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. HANNA. Certainly.

Mr. VEST. If the Senator has not already examined upon this point, in the report of the Commissioner of Navigation, Mr. Chamberlain, for 1900, he will find that he states the amount earned during the year by the *St. Paul* at $304,290.

Mr. HANNA. Do I understand the Senator to say "having earned" or "that it would probably earn?"

Mr. VEST. That they had received from the subsidy.

Mr. HANNA. Under the new bill?

Mr. VEST. Under the new bill. That is Mr. Chamberlain's own statement, and he is the most favorable witness who can be found in this country.

Mr. HANNA. Well, Mr. President, the way of arriving at those figures either by Mr. Clyde or Mr. Chamberlain or myself——

Mr. CLAY. With the Senator's permission, I do not want to interrupt him, but is it not true that the Commissioner——

Mr. SPOONER. Let the Senator from Ohio finish his sentence.

Mr. CLAY. I do not ask the question unless it is perfectly agreeable to the Senator.

Mr. HANNA. Everything is agreeable.

Mr. CLAY. I desire to ask the Senator is it not true that the Commissioner of Navigation in his report corresponds with the statement made by Mr. Clyde before the committee in regard to the amount to be received by this bill?

Mr. HANNA. I am not discussing that or disputing it. I am giving you the figures that I have made as a result of my calculations. If I am mistaken in a matter of a few thousand dollars, I do not place so much stress upon a slight difference of figures. I am only trying to illustrate the principle that in order to secure the service of American ships to serve the Government in carrying her mails, the ships under the American flag should be entitled, as a matter of right and justice and public policy, to an equal compensation paid to ships in competing lines.

NO INCENTIVE IN PRESENT BILL FOR CONSTRUCTION OF FAST STEAMSHIPS.

As to this bill offering any further inducement, even at the advanced compensation for the people in this country engaged in that trade to continue the construction of fast liners as a matter of business investment, I doubt if anyone would venture any further in that direction. We all know that in the competition in trans-Atlantic lines to-day, England and Germany and France are all competing to have and to operate the ship which will cross the Atlantic Ocean between Sandy Hook and the ports on the other side in the shortest time. We also know that that spirit of competition is in the way of advertising for the passenger traffic. Therefore I say that it is only a question as far as American interests are concerned how much loss they are prepared to meet in order to advertise their ships as the swiftest ships crossing the Atlantic Ocean. There is no profit in the business; there never has been to that line, and there never will be under these conditions. And I say that in my own judgment and from my own standpoint there will not be another dollar, for years to come, of American capital invested in 21 or 22 knot ships.

The foundation of this measure is based upon the proposition, first, to overcome the difference in cost of construction; next, the difference in cost of operation. The foundation of the subsidy measure is to begin at the minimum rate per mile sailed, which is applied to all ships alike. Then when you get above a 12-knot ship, where the relative cost of operation increases, doubles, trebles, and quadruples almost upon each knot of forced speed, increased compensation or speed allowance, as we call it, is given to each class. For instance, the 8 or 10 knot ship under this bill receives so much per mile sailed on the gross tonnage of the vessel.

BILL WILL ATTRACT CAPITAL INTO CARGO SHIPS.

The Senator from Maine [Mr. FRYE], in his speech the other day, explained better than I can those provisions; but I know this much, that under the operations of the bill the slow, low-power, heavy freighting ship will derive the greatest benefit. A greater inducement is offered for investing American capital in those ships; and if the bill should become a law, it will be demonstrated as a fact which will be availed of by those seeking investment in shipping by the building up of the lower-power, heavy freighting ships.

I sympathize fully and earnestly with the other side on that question. That is the first thing I want to see the bill pass for, to offer an inducement for American capital seeking investment to turn its attention to this one industry, which is so lagging as a contributing part to our development and progress. I say I do not believe that anybody, even though the bill may become a law, will invest money in the fast-sailing mail-carrying steamers, at least not until conditions change.

Of all the projects that I have heard discussed in connection with this measure every one has been along the line, first, of the low power carrying freighter, and then of the medium speed of vessel, 16 to 17 knots, which is about the medium cost of operation. A steamer which shall carry passengers and freight as well will have a greater earning capacity based upon her carrying capacity and not upon the miles run within a certain time.

Mr. President, in this connection the Senator from Georgia went into a full explanation of the kind of cargoes carried by these several lines of ships. He showed that a certain steamer which he named, a freight steamer, had carried so many thousand tons as a cargo of the products of our farms and gave to the American Line or the fast mail steamer the credit of carrying only passengers, and I believe champagne. I think something was said about that. He explained fully and satisfactorily that the reason why the passenger mail steamer was not a large cargo-carrying vessel was because in order to make the speed of 20 or 21 knots she would be obliged to carry a very large amount of fuel, and she would have a very large proportion of the room occupied by passenger accommodations, so that the amount of freight room would be reduced to a minimum. That is exactly true.

It is also true that under the provisions of the bill in establishing the rate by which each is to receive compensation all those conditions should be taken into consideration in her measurement. Everyone who knows anything about the contract with the Government already in existence knows that each one of those steamers is obliged to sail from New York on a certain day, carrying the United States mail whether they have a full cargo or a part of a cargo. Everyone knows that the compensation to each of those vessels is based upon the fact, not of her being a big freight-cargo ship, but because she is a United States mail ship, carrying the mails of the United States in competition with foreign lines, where the time of the delivery of those mails is very important; in fact, it is a necessary feature of the contract.

Should it be brought up as an argument against the revival of the merchant marine of the United States that the American people should attempt to meet the rivalry and competition of England and Germany? Is it an argument against this measure that it should be the desire on the part of this Government that at least a portion of her mail should be carried under the American flag? If so, then we have no business upon the high seas.

WHAT FAST AMERICAN LINERS DID DURING WAR WITH SPAIN.

Mr. President, the time has not faded out of the memory of members in this Chamber when, during our war with Spain, the people of the Atlantic coast were shivering with terror and appealing to the Departments of this Government for coast protection against the invasion of the Spanish navy and those unknown but much-dreaded torpedo-boat destroyers. Everyone who was here and conversant with affairs during that time knows that from the northern coast of Maine to the coast of Florida there was one uninterrupted demand upon the War Department for coast-protecting guns. Every one of our large commercial cities upon the Atlantic coast thought it needed more and immediate defense for life and property.

But, Mr. President, when it was known that those four ships of the American Line which had been chartered by the Navy Department, manned by their own crews, every man of whom had taken the oath of allegiance to the cause for which they proposed to fight, I say when it became known that those four swift steamers were on the picket line on the ocean, steamers that could show their heels to any man-of-war in the Spanish navy, ready to transmit to our fleet of war ships any plans or information on the part of the supposed invaders, there was a feeling of confidence, of complete confidence, of safety, that if you would descend to measure it by a money value would be worth more than the whole subsidy proposed in this bill.

I say, Mr. President, that when we attempt to combat prejudice which is used against an enterprise that induces our people to go so far in that direction of sentiment, if you please to call it, as did those who built and who run those ships, we have got to appeal to the people of the country and go behind those missionaries of foreign shipowners who come to educate Congress.

VALUE TO NAVY OF AUXILIARY MERCHANT SHIPS.

There is no one thing in the building up of our great Navy that is more important as an auxiliary than to have a merchant marine of vessels of modern type, of sufficient speed and strength, built under this bill, which are made under the law a part of the United States Navy whenever the Secretary, in his judgment, sees fit to call them into action.

It is a well-known fact that at the beginning of the Spanish war, while we had a Navy equal, even surpassing that of our adversary, we had no ships except those of the American Line that could be used as pickets. We had not enough ships to transport our men to Cuba or Porto Rico. We were obliged to avail ourselves of nearly every vessel plying in the coastwise trade, and we bought hundreds of tons of vessel room from foreigners.

Mr. MASON. And we paid any price for it.

Mr. HANNA. And we paid any price for it in the emergency. I can not impress too strongly that feature of this bill upon those who were called upon to legislate on that question. Even putting aside the feeling of pride and patriotism which should be a part

of it, as a purely business proposition, I say, Mr. President, that it is a mistaken policy not to have at the service of our Government these auxiliary cruisers.

Mr. VEST. May I ask the Senator a question for information?

Mr. HANNA. Certainly.

Mr. VEST. It is simply for information. There is one section of the bill which provides that all vessels which shall be deemed necessary to be auxiliary to the naval power of the United States—I think I quote the exact words—shall receive the subsidy. Does the Senator understand the bill to mean that transports and supply ships that are called into requisition by the Secretary of the Navy are to receive a subsidy?

Mr. HANNA. From the Navy Department, because of that service? No, sir.

Mr. VEST. Does the language of the bill, which says auxiliary to the naval power, mean that transports and supply ships shall receive a subsidy without being armed?

Mr. HANNA. No, not at all; but every ship that is built under the provisions of the bill will receive a subsidy. Those ships are owned by American citizens. What we call the auxiliary-cruiser feature of the bill provides that a certain class of ships shall be subject to the call and amenable to the service of the United States Government.

Mr. VEST. That is one section of the bill——

Mr. HANNA. I know; and that is the section I am talking about, the auxiliary cruisers.

Mr. VEST. But I ask about the other section, which declares that all ships which shall be deemed auxiliary to the naval power of the United States shall receive a subsidy. Now, does that include or does it not include transports and supply ships that are not armed? The section to which the Senator refers is the one which declares that the subsidized steamships whose decks are strengthened so that they can bear guns and can be used as cruisers shall receive a subsidy. That is unquestionable. But what is the meaning of the other section, which uses the words "auxiliary to the naval power?" Is not a transport or a supply ship auxiliary, and if they receive a subsidy is there anything in the bill which prohibits them from being paid besides by the Navy Department?

Mr. HANNA. I do not understand it so.

Mr. VEST. Then you ought to change the language of the bill.

Mr. HANNA. If I made my statement too sweeping with reference to the auxiliary cruisers, I will qualify it. I was simply speaking of that section of the bill which put the obligation upon certain vessels built under the provisions of the bill in the hands of the Secretary of the Navy. All ships built under the bill are to receive a subsidy in proportion to the speed and carrying capacity of the ship. But such vessels, when requisitioned by the Government, of course cease from that moment to receive subsidy, and so long as they are subject to the control of the Government they receive no subsidy. That, Mr. President, is a feature of this bill which I do not believe is fully understood in this country.

ALL CLASSES OF SHIPS TREATED ALIKE IN BILL.

I have noticed many newspaper comments and criticisms upon this measure, nearly all tending to the one point—that this whole measure is intended to be in the interest of certain lines or certain kinds of steamships. I deny it. I deny it because in all the discussion that has taken place during the construction of this measure by the so-called Maritime Committee every kind of a ship and every kind of trade was represented there. No one man or no one agency had any more power in shaping the policy embodied in the bill there framed than any other. I speak for myself, and I know I reflect the sentiment of the Maritime Committee when I state as the sole purpose and object that we started upon the hypothesis that something must be done to build up our merchant marine if we were to have one, and, as I said in the beginning, the spirit of conciliation and compromise prevailed at every meeting that was held and every discussion that was had.

I claim that the men who have and who take the responsibility of this measure before the country are entitled to just as much consideration for honesty of purpose and ability to accomplish the result as the people who criticise the measure as a subsidy. It was intended that the very class of vessels specially mentioned by the Senator from Georgia [Mr. CLAY] as the most useful to this country should receive the first and the highest consideration at the hands of the committee. It is to the low-power ship, the economic ship, the ship that can bring to us the lowest prices of transportation, that the fullest consideration is given; and when it is said that all of the benefits of this provision will be given to lines already in operation, to the men already controlling certain lines and certain business facilities engaged in foreign trade, I say that it is not true.

MEN IN THE BUSINESS MUST BE LOOKED TO TO REVIVE IT.

Yet as you go to put into successful operation the provisions of the proposed law, where will you look for the accomplishment of its purposes, which is so earnestly desired, but to the men who have given their lifetime to the study and operation of each business which is peculiar unto itself? If we have a few ships engaged in foreign trade to-day, all the better. If we can induce the men who are conducting that business to build more ships, all the better; it accomplishes the result for which we are striving. If the upbuilding of the merchant marine of the United States depends upon the successful issue of the measure, it must be through the hands and under the administration of the men who know and thoroughly understand the business.

ADMISSION OF FOREIGN-BUILT SHIPS.

The question of the admission of foreign tonnage to American registry is troubling many, and it troubled me. I have always been opposed, as a matter of principle, to giving advantage to ships constructed abroad. I was inclined to take a narrow view of that proposition when I was first called into the councils of this committee; but there are none of us who know so much upon any subject that we can not learn something, and I learned from those discussions that it was necessary to protect the property and the capital of American citizens who had invested their money in foreign-built ships, who in the conduct of their business found it absolutely necessary that they should have ships, and finding it impossible because of the higher cost to build those ships in the United States, in order to further their business interests, were obliged to invest their capital in foreign-built ships and operate them under a foreign flag.

In that way, owing to the rapid and continuous development of our export trade, in the growth of their business in connection with our affairs at home, and through energy and effort on their part, several important lines have been established and maintained fairly well against all competition. I speak now of foreign ships owned by American citizens and operated under a foreign flag. When it came to the consideration of this question in perfecting the measure which was to come before Congress and the people of the United States, it was very important that consideration should be given to everybody alike, and there was no attempt to do otherwise and no thought or desire to do otherwise.

CONSIDERATION SHOWN AMERICAN OWNERS OF FOREIGN-BUILT SHIPS.

We felt that it was our duty as much to those who had acquired interests in ships under a foreign flag, without any prospect of anything better, and in the protection and development of their own business interests had invested their capital in that direction, that the only men who are experienced and able to put into effective operation the provisions of this law, must receive just as much consideration as those representing any other interest; and they did, but under different conditions. That was a concession made, and entirely made, to that spirit which dominates the American people, that we shall first take care of ourselves when considering the question of competition.

CONDITIONS OF ADMISSION.

The condition was made that for every ship owned by American capital and operated under a foreign flag, when their owners availed themselves of the provisions of this bill, the contract would not be complete until they had constructed in the shipyards of the United States a tonnage equal to that coming under American registry. In that connection came the interest of the American shipbuilder.

Mr. President, one of the first objections that I met in the informal discussion of this bill among business men of my acquaintance in the East was that the measure was framed purely upon the plan of building our own tonnage, even although Congress might decide to give it exclusively to that class of vessels, owing to the fact that under the conditions which had existed in this country ever since the civil war the shipbuilding industry of this country had been confined entirely to the construction of coastwise and naval vessels. The shipbuilding industry of the United States has not been profitable since then, and capital has not sought that industry for investment.

What they wanted was immediate relief, the opportunity at this time, now, to take advantage of the conditions which seemed so favorable to make one more effort in this direction, and therefore the claim was that if you depend upon the limited capacity of the shipyards of the United States, already almost filled to overflowing in the construction of our magnificent Navy, of which we are all so proud, before a merchant marine can be built which will be of any service or relief to the business of the country our competitors, with the full knowledge of our purpose and intent, will, as they have always done, be ready to meet us and circumvent us if possible.

FOREIGNERS FEAR AMERICAN COMPETITION.

I said a moment ago that every time the question of subsidizing American ships was even mentioned in the newspapers of the United States there came a renewed effort and a continuing effort for the upbuilding of English and German ships, even to the extent that a credit almost unheard of was offered by the shipbuilders in Europe, saying: "We will build your ships; we will let you pay for them when you can; we will extend to you a rate of interest one-half what you would be obliged to pay in your own country; we will do anything, we will do everything, rather than have you invest your capital in ships built in the United States."

I say that the necessity for immediate relief in the direction which I have indicated was the one overpowering argument, because it appealed to my business sense as right, that if the Government of the United States was willing to take the responsibility of expending the money of the people in this direction, every man who is called upon to cast his vote upon this legislation would want to feel that the result would justify that vote.

No one can be blamed for considering that feature of this case. Therefore I say it was an argument that appealed to the business sense of that committee, and I believe to a large proportion of the committee of the Senate, that, having by our action adopted that policy, we felt it was necessary that the results should justify the act, and that those results should come quickly. In other words, the benefit to those who would avail themselves of the privileges in their export trade—I mean the shippers—if they found that as a result of this measure they would soon have the opportunity to ship their export goods in American bottoms and under the American flag, they would know further, and they would know it surely, too, that that would mean a competition which would result in lowering freights across the Atlantic and the Pacific.

GROWTH OF NATIONAL INDUSTRIES.

In one of the many speeches made yesterday, although we are all well aware of the great development of our country, I must confess that I was almost astonished at the figures read by Governor Shaw, of Iowa, showing the development of this country during the last century, what tremendous strides we have made in our export trade, and showing, too, the extent of the undertaking, under the auspices of the United States Government, in a measure which we are soon to consider, the Nicaragua Canal bill, a sister interest in connection with our merchant marine.

REDUCED COST OF TRANSPORTATION.

In connection with that subject is to be considered the cost of transportation, which I quoted as a result of the development of the lake commerce in less than thirty years, where there has been a reduction from $3.50 a ton to 60 cents a ton on iron ore, standard rate. When Governor Shaw made the statement of the immense tonnage moved upon our railroads and the further statement that the cost of railroad transportation in this country was always less than one-third that of Europe, quoting England and Germany, it only showed that this whole subject of transportation goes together, and the Nicaragua Canal and any other contributing cause that helps to cheapen transportation will be in the interest of the people of this country. But after we have built that canal and opened up that great highway to the commerce of the world, and we find ourselves confined utterly and absolutely to our coastwise trade, a trade which is forbidden to foreigners, how can we reconcile that as a public-spirited measure commensurate with a great country, starting now on the highway to a development and prosperity unequaled in the history of the world, unless we pass the pending bill?

A PLAIN BUSINESS PROPOSITION.

Mr. President, to my mind there never was a plainer business, common-sense proposition to justify action on the part of this Government to give such aid as is necessary to attract capital and lay the foundation for the building up of this great industry, than is offered by this bill.

Conditions in this country to-day differ widely from those of the time immediately following the civil war. I need not refer to those conditions, but steadily and sturdily have we been growing in importance in our commerce, in our industries, and in the development of our natural resources.

There is one feature of this question which I desire briefly to touch upon, and that is from the standpoint of the shipbuilder. The upbuilding of the merchant marine of this country means more than many can appreciate without a careful study of the situation. The privilege which we give to those American citizens who bring under our registry a foreign-built vessel, requiring that they must build a compensating tonnage in this country, will make a demand, without any doubt, in the next five years, for more capacity than we have shipyards in this country to supply.

HOW BILL WILL INCREASE OUR SHIPPING.

Six hundred thousand tons—300,000 tons now in existence and 300,000 tons more to be newly built—would be added to our merchant marine, because under the provisions of this bill it is intended—and rightly so—that the benefits shall not be confined to those who first avail themselves of this $9,000,000. Anybody and everybody can go on and build ships and then go to the Secretary of the Treasury and ask a contract under the same provisions, and when he has complied with the features of the law, given bond, and signed the contract, his ship can be registered for the foreign trade and begin earning the same proportionate amount of subsidy as that given to the ships which were built and in operation before the $9,000,000 was absorbed.

It was intended and it is expected that that provision of the bill as we grow in experience and ability, as we enlarge this sphere of industry, if it is found profitable, will attract idle capital not otherwise invested; and if it pays more than the normal rate of 2 or 3 per cent interest—which has come to be the rate on the best securities upon which money can be invested—then it will have served the purpose that is intended, to not confine the size of this merchant marine in tonnage or number within the limit of the $9,000,000—not that the $9,000,000 is to be increased; but that any man who builds a vessel after that amount has been absorbed can come under the provisions of the bill, and that the necessary percentage shall be taken from the others and given to him.

EMPLOYMENT FOR AMERICAN LABOR THROUGH BUILDING SHIPS AT HOME.

One word about our shipbuilding industry. I say, should this bill become a law, it will immediately affect that industry very perceptibly and very beneficially. What does that mean? Every ship that is built in a yard of the United States will be built wholly from materials furnished in the United States, beginning with the iron ore in the ground. Every additional ton that is demanded for this new industry will be an addition to the demand for labor in this country.

It will take that many more men to mine that ore—and I speak now more particularly of ores from Lake Superior, which is the source of our main supply—to handle it on the railroads to the lake shipping points and then on vessels to the distributing points on the lower lake, then to furnish additional ships needed upon the lakes, additional men to man them, additional men to handle that ore upon the docks in its reshipment, additional men to aid the transportation to the point of manufacture, then through all the ramifications of that manufacture to bring that iron ore into a condition to go into the ship and during the construction of that ship until she is slipped upon the waters and is a part of the merchant marine of the United States, thousands of men will find employment in an industry heretofore comparatively unknown to this country.

WE MUST SECURE AND HOLD FOREIGN MARKETS FOR OUR EXPORTS.

Mr. President, when we look at the rapid growth of the population of the United States, aided so largely, as it is, by immense immigration, over half a million of people coming to our shores every year from foreign countries, attracted here by the belief, in fact, by the certainty, that they can better their condition, and when we find in that connection that the production in the United States is one-third larger than our consumption, we are met with a very serious proposition, a proposition which, from an economic standpoint in connection with this interest and any other legislation, should command our most serious consideration.

OUR PRODUCTIVE CAPACITY ONE-THIRD GREATER THAN OUR CONSUMING CAPACITY.

I say our productive capacity is one-third greater than our consumption. So, either one of two things must happen; we must either find a foreign market for that surplus or we must curtail the production one-third. What does that mean? In the conditions existing to-day it would mean to throw out of employment thousands and thousands of our workingmen. Why, then, is it not better sense and better policy to study all the conditions from the American standpoint of bettering them for ourselves and bettering the conditions of the people who look to us?

It is just as much the duty of Congress to consider a question of that kind as it is for the manufacturer. When he finds his market will not consume his product he must consider what he had best do to first protect his own interest, which he does, and that of those who are dependent upon him; or, if he be public spirited and enough of the philanthropist, he would consider those interests mutually, and would study the subject in order to avail himself of every opportunity to discover some method, even at less profit to himself, to find a market for that surplus product.

There is no country on the face of this earth that is so richly endowed with mineral wealth as ours. There is no section of this country that has more undeveloped mineral wealth than the border States of the South.

ON THE EVE OF A COMMERCIAL WARFARE.

The chairman of the Senate Committee on Commerce in his remarks the other day made a statement which has impressed me more than ever before, because I know it is true. He said we are on the eve of a war, not of arms, but on the eve of a contest for commercial supremacy in the markets of the world; the result of recent changing conditions, which have opened the door, and will keep open the door of those great markets of the Orient, where every nation that has any industries to protect, that has any industries to develop, is availing itself of the fullest opportunity at its command.

PROUD OF OUR NATIONAL STANDING.

Mr. President, we are always proud when we speak of the greatness of our country, either in peace or in war. We are always proud when we refer to our Army and our Navy and their achievements. We have been especially proud of the position we have attained as the result of our war with Spain. We are equally proud of the result of our diplomacy in the treatment of these great international questions which has placed the United States

in the very firing line of nations—a world power, prepared to meet any and every emergency which may confront us as a nation, whether placed in that position as a result of circumstances or by a higher will. We are proud to claim that with our civilization goes the progress of the world. We are proud to know that the nations of Europe, which have never looked upon this country as a world power in their councils, now not only respect but, I may say, fear us.

Occupying that position, Mr. President, shall we shrink from responsibility in meeting all questions which may arise from every standpoint of reason and business policy? When we see this opportunity open to us to possess ourselves of our share of this foreign market—aye, of more than our share—shall we refuse to avail ourselves of it? No, Mr. President; and when the American people start in that direction they generally get all they go for.

OUR UNPARALLELED MINERAL RESOURCES.

This country is endowed with the greatest natural mineral resources of any in the world. Already the markets are opening to her coal product. The Senator from Georgia stated—and truthfully so—that the development of the manufacture of pig iron has grown enormously. That is true of those infant industries in the South, where thousands of spindles are singing, where thousands and hundreds of thousands of tons of coal are being taken from beneath the soil, where the materials for the manufacture of pig iron lie within the circumference of a few miles. The industry in northern Alabama and Tennessee has grown so rapidly that almost 50 per cent of its product is being exported to Europe.

Mr. President, the limit of that export to-day is reached by the inability to secure transportation upon the high seas. In order successfully to operate and carry out great industries of that kind, looking to a foreign market, it is not only important but absolutely necessary that the manufacturer shall know what it will cost to deliver the goods. He must know what it will cost every month of the twelve months of the year if he attempts to predicate his operations upon the demand and the business that he can build up in the foreign trade.

SHIPS THE CONNECTING LINK BETWEEN PRODUCER AND CONSUMER.

There are other conditions in the United States which contribute much to the situation and bring to us forcibly the fact mentioned by the Senator from Maine [Mr. FRYE], that we are now entering upon this great commercial struggle, as I say, with equal advantage compared with any other nation, aye, a greater advantage in every direction save one, and that is the connecting link between the producer and the consumer—the ships to carry our exports to those foreign markets. We have none, comparatively. We are growing so rich as the result of our great natural wealth, enterprise, and industry that capital for investment is increasing every year.

WE SHOULD INVEST OUR CAPITAL AT HOME.

Mr. President, the United States has changed its condition from a debtor to a creditor nation. We are not only loaning money to foreign countries, purchasing their bonds, but we are loaning to them millions of dollars which come to us as the balance of trade and which are left in their hands because there is greater remuneration abroad than at home. Is it not better for the American people that they shall invest that capital here in any of the variety of industries which will not only call capital into activity, but will furnish bread for thousands and thousands of men, women, and children who are a part of us, depending upon us, and who in all conditions must be considered?

QUESTION OF EMPLOYMENT OF LABOR MUST BE MET BOLDLY.

The question of the employment of labor and the continuance of it is one that the American people must meet, and meet boldly; and any policy that will contribute to that end in any legitimate way should commend itself to those who are called upon to act in public stations. They should act from conviction in the interests of the whole people, and from nothing else.

NEW AMERICAN LINES FROM SOUTHERN PORTS IN CONTEMPLATION.

I alluded to the development of the Southern States. The coal and iron industries in the South are yet in their infancy. There are there wonderful deposits of both minerals awaiting development, and the people who control those industries have told me time and again that the one difficulty they meet with every year in building up the export trade is the lack of adequate and regular transportation. I have known, since this measure began to be discussed in Congress, within the last three years, of several enterprises which contemplated the organization and establishment of a line from Pensacola to South America and one from Norfolk to South America and another to a Mediterranean port, awaiting your decision upon this question.

That development will do more for the rapid consummation of the hopes of our friends in those States than anything else, because in connection with that comes further investment of capital in those industries, and the greater the facilities the better the opportunity to increase that trade, the greater the demand for more capital. What we want in this country is to continue in this development and in the growth of our material wealth, and then to find an opportunity for the application of it.

THE WHOLE NATION IS INTERESTED AND WILL BE BENEFITED.

This question is broader than the lines of the bill can write it. It will be widespread in its benefits. It is not aimed at any class or any particular industry. It is one of those measures the influence of which will permeate every industry and every class in the length and breadth of the United States. When I am told that the people of the interior of this country are not interested in the shipping question—that the farmers take no interest in it—I say it is not true in fact. I know that every man, no matter what his vocation in life, is interested and will be benefited, directly or indirectly, because you can not create an industry like this, bringing about, as it must naturally, first the development of our raw materials and then a condition which ends with the construction of the ships, opening up the markets of the world, giving greater opportunities to our merchants and manufacturers, without benefiting every industry and every line of business.

AUXILIARY AIDS TO MERCHANT MARINE.

I spoke of the amount of capital seeking investment at this time; and in connection with this commercial contest I wish to go a little further. We all know that England and Germany and Holland and France long ago established in the Orient depots for the distribution of their products. Of course we know also that long ago they provided transportation by the building up of their merchant marine. They have their banking facilities. They have their agents representing every manufactured product, and altogether that makes up the organization which is the machinery by which this business must be transacted.

Every time an American product is sent to those foreign markets, whether from the farm or the factory, the mine or the mill, it goes there subject to a condition which is a tax upon every turn it makes, whether in substance or the representative of it in value. In short, the English or German shipowner charges what he pleases for the freight, and when the vessel arrives at her destination those goods are put into consignment in the hands of an English or a German factor, and by him distributed to the consumer; and every time those goods are handled they pay tribute. When the owner of the goods receives his pay, he receives it through a foreign banking house, which collects its tribute upon every dollar. So from a business standpoint we pay as tribute, for every particle of foreign trade that we now enjoy, a sum equivalent to a fair profit.

THIS NATION MUST HAVE SIMILAR AUXILIARIES.

These conditions are changing and will change more. The growing wealth of this country will demand a change, because capital will unite with transportation and will supply the connecting link between the producer and the consumer. We will establish our own depots for the distribution of our products; we will establish our own banking houses for the conduct of our exchange, so that all the profit accruing which is now paid to the foreigner will go to the American manufacturer and business man.

Mr. President, that proposition is so clear, and this opportunity is so great, I wonder that any man can hesitate to seize upon the advantage which we now have at this critical time, when we are considering our future commerce and the disposition of the great surplus of our farms and our manufacturing institutions every year. The laws of commerce are as infallible as the laws of nature. If we do not travel along the lines that experience and time have proved to be necessary to commercial development, taking immediate advantage of every opportunity offered, we must gradually fall behind again, and we will.

PREDICTS REVOLUTION IN OUR PACIFIC WHEAT EXPORTATIONS.

When I say that a measure of this kind is in the interest of the whole people of this country, I mean it. The farmer who wants to dispose of the products of the soil, who can raise more wheat, or corn, or oats, or other products than can be sold in this country, complains that the markets of Liverpool fix the price upon his commodity. If that be so, then why not look elsewhere for wider markets. Why not take advantage of the situation in the East? I predict—and I do it because I believe it—that, should this bill become a law, inside of ten years there will scarcely be a bushel of wheat shipped from the Pacific coast to Europe if we avail ourselves of our opportunity, and find a way to put under our control the transportation of those products in connection with the great transportation system of the United States, which has been made a successful study until, as Governor Shaw told us yesterday, we have reduced the cost to one-third of that paid by any other country. This is a part of it, and a very important part of it just now, because if we do not avail ourselves of this situation other countries will, and they are preparing now to do it.

CONTRADICTORY ARGUMENTS AGAINST BILL.

There is a strange contradiction of interests that has crept into this matter since I have paid attention to it recently. I find that

people in Boston and people in New York, engaged in the same business—what I would call a commission business—exporting, and otherwise, and who have built up a great business at each of those points, at this late day are bringing to our attention, in the way of an argument against this measure, the fact that it is detrimental to those interests.

The argument has been made to me personally, and, I presume, to many others of my colleagues, that if this measure should become a law it would greatly injure if not destroy that line of business, provided we open the door to the register of foreign vessels. On the other hand, the other house engaged in the same line of business in Boston, complains that if we do not open it wider it will ruin its business. In other words, in the first instance the admission of foreign tonnage to American register will put into operation under this bill lines of steamships that will control certain business. Take, for example, the South American trade or the Australian trade.

It is claimed that if a regular line is formed between New York and Brazil or the Argentine, which would supply the needs of that trade regularly, in a short time it would become a monopoly, controlling the trade, and would put freight at an abnormally high price. It is claimed that that would be the result of admitting foreign ships. There is no objection on the part of those people to a subsidy being paid to American vessels. On the other hand, the Boston party contends that unless the door is opened wide enough in this measure to give him or anybody else the privilege at any time in the near future of bringing in as many foreign ships as he can or wants to bring in, after he has made a careful calculation as to the profits of the investment, it will injure his business.

PENDING BILL SUPPLIES NATIONAL NEEDS.

Questions of that character we have had to meet at every stage of the proceeding, but never, until within a week or two, during all of the time that I have been engaged in investigating this subject has that phase of the question been brought to my attention, that in the same line and kind of business you do one thing and it will ruin one party, and you do the other thing and it will ruin the other party. I can not understand it. But I do say that the bill as framed and as it is now upon the Calendar, as recently amended, is approved, so far as I know, by all the interests that have been consulted and advised with during the three years we have been considering the subject. If it fails to meet every demand and every condition which may arise, it is because we have not had an opportunity to see everybody and to consult everybody. I believe that it fully and completely answers the demand, and therefore I am in favor of its passage.

WHY ITS PASSAGE IS FAVORED.

I am in favor of its passage upon the ground that it is for the best interests of the whole country, without regard to any special interest, and I know I voice the sentiments of all those who have labored so long and so faithfully in trying at least to perfect this measure when I say it is their desire that only a measure which shall contribute to those ends shall be passed by Congress. Let us start upon the hypothesis that we are all agreed that it will be a good thing for the United States to build up our merchant marine. If some of us believe that entire free ships is the best way to do it, and if the majority of us believe that connected with the other questions involved it is much better that it should be done in this way, but not by this bill, then to those who are willing to admit that the upbuilding or the American merchant marine is a good thing for the United States I say, give us something better than this, and we will support it. I would not under any circumstances be influenced by any other motive.

A GREAT DANGER THAT THREATENS OUR EXPORTS.

There is one more feature, but I shall not trespass longer upon the patience of the Senate. I wish to ask one question. Suppose there should be a war between Germany and England, or between England and France, or between any of the great European powers, particularly any of those three, which are the greatest maritime powers of Europe. Ninety-two and five-tenths per cent of our entire export trade is to-day carried in the ships of England, Germany, France, Norway, Sweden, and Holland. Suppose a war should break out between any of those great maritime powers, with the conditions that always follow war, particularly now, when each one of them has been growing in naval power every year until the destructive powers of the navies of Europe would entirely obliterate the whole merchant marine of the world as a consequence.

What would become of us? What would become of the farmers then? What would become of the manufacturer looking to a foreign market to dispose of his surplus? What would become of the men who are working in the mines and the factories with that business absolutely paralyzed? We would have no ships, although a neutral power, to take up and continue that necessary transportation in order that our goods may be carried to markets; and until the war should cease or until some other remedy could be supplied the condition of the United States would be absolutely deplorable and beyond remedy.

NOT A QUESTION OF DOLLARS AND CENTS ALONE.

If you bring it down to a question of dollars and cents as weighing against the higher considerations, when those conditions come upon us as a sequence of war, and we are asked what would we not give had we a merchant marine, being a neutral power, to go on with the export of our products and not suffer the consequences of the war, would we stop to consider the whole amount of the subsidy, $9,000,000, multiplied by the twenty years of the existence of this contract, as a price to be paid in cash to remove such conditions as would bring ruin upon us for at least a while?

BASIS OF APPEAL FOR BILL'S PASSAGE.

Oh, no, Mr. President, in making my appeal to the American people for this great industry, I want to put it upon higher grounds than that of dollars and cents. I want to put it upon the broad ground of a connecting link between the producer and the consumer, as an adjunct to our further growth and prosperity, which it is written must continue in the nature of things because of the conditions which control us and our future—conditions which rise above the speculative question whether one man will get a little more benefit than another, conditions which appeal even to our benevolence in the responsibilities that we owe to the working people of this country.

BILL SERVES INTERESTS OF ALL THE PEOPLE.

As to the popularity or the unpopularity of this measure, I stand here to-day in the presence of the whole American people and claim that this kind of legislation is inspired by the best sentiment and the wisest experience of those best qualified to judge its merits. I am standing here as the exponent of that principle, and I claim for every line in the bill that it is in the interest of the whole people of the United States, and particularly of those who must look to higher and more experienced authority to conduct the public affairs of our Government in their interest. Upon that basis I make my appeal, and I leave it in your hands. [Applause in the galleries.]

HOLIDAY RECESS.

The PRESIDING OFFICER (Mr. BURROWS in the chair) laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Friday, December 21, they stand adjourned until 12 o'clock meridian on Thursday, January 3, 1901.

Mr. ALLISON. I move that the concurrent resolution be referred to the Committee on Appropriations.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, December 14, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 13, 1900.

INTERSTATE COMMERCE COMMISSIONER.

Judson C. Clements, of Georgia, to be an Interstate Commerce Commissioner for the term of six years from the 1st of January, 1901. (A reappointment.)

COMMISSIONER OF INTERNAL REVENUE.

John W. Yerkes, of Kentucky, to be Commissioner of Internal Revenue, in place of George W. Wilson, deceased. The nomination of Mr. Yerkes to be collector of internal revenue for the Eighth district of Kentucky is hereby withdrawn.

PROMOTIONS IN THE ARMY.

Infantry arm.

Maj. Henry C. Ward, Twelfth Infantry, to be lieutenant-colonel, December 7, 1900, vice O'Brien, Seventeenth Infantry, retired from active service.

Capt. Thomas S. McCaleb, Twenty-third Infantry, to be major, December 5, 1900, vice Turner, Sixth Infantry, retired from active service.

Capt. Thomas F. Davis, Fifteenth Infantry, to be major, December 7, 1900, vice Ward, Twelfth Infantry, promoted.

First Lieut. John L. Hines, Second Infantry, to be captain, December 5, 1900, vice McCaleb, Twenty-third Infantry, promoted.

First Lieut. Guy H. B. Smith, Fourth Infantry, to be captain, December 7, 1900, vice Davis, Fifteenth Infantry, promoted.

Second Lieut. George D. Jarrett, Tenth Infantry, to be first lieutenant, December 5, 1900, vice Hines, Second Infantry, promoted.

POSTMASTER.

Lawrence R. Watts, to be postmaster at London, in the county of Madison and State of Ohio, in the place of Frank Speasmaker, deceased.

ASSOCIATE JUSTICE.

Daniel H. McMillan, of the Territory of New Mexico, to be associate justice of the supreme court of the Territory of New Mexico, vice Charles A. Leland, resigned. The nomination of Daniel H. McMillan, of "New York," to the above-named position, which was delivered to the Senate December 6, 1900, is hereby withdrawn.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 13, 1900.

SECRETARY OF EMBASSY.

Arthur Bailly Blanchard, of Louisiana, to be third secretary of the embassy of the United States at Paris, France.

CONSULS.

James Johnston, of New Jersey, to be consul of the United States at Palermo, Sicily.

John C. Ingersoll, of Illinois, to be consul of the United States at Cartagena, Colombia.

Church Howe, of Nebraska, to be consul of the United States at Sheffield, England.

MEMBERS OF EXECUTIVE COUNCIL OF PORTO RICO.

José Gomez Brioso, of Ponce, to be a member of the executive council of Porto Rico.

José Guzman Benitez, of Ponce, to be a member of the executive council of Porto Rico.

AGENT OF CLAIMS COMMISSION.

John H. Perry, of Connecticut, to be agent on the part of the United States under the conventions for a claims commission concluded between the United States and Chile August 7, 1892, and May 24, 1897.

CONSULTING ENGINEER.

Paul D. Cunningham, of Tennessee, to be consulting engineer of the United States on the International Boundary Commission, provided for in the convention with Mexico of March 1, 1889.

PENSION AGENT.

Leslie Combs, of Lexington, Ky., to be pension agent at Louisville, Ky.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 13, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CAMPBELL, extended for ten days, on account of important business.

To Mr. WADSWORTH, indefinitely, on account of illness.

To Mr. BARBER, indefinitely, on account of illness.

HOLIDAY RECESS.

Mr. PAYNE. Mr. Speaker, I offer the following resolution, and ask unanimous consent for its present consideration.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Friday, December 21, they stand adjourned until 12 o'clock meridian on Thursday, January 3, 1901.

The resolution was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the concurrent resolution was agreed to was laid on the table.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill reducing war taxes; and, pending that, I ask unanimous consent that general debate be closed to-morrow at 2 o'clock.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12394, a bill to reduce the revenues; and, pending that, asks unanimous consent that general debate be closed to-morrow at 2 o'clock. Is there objection?

Mr. RICHARDSON of Tennessee. One moment.

Mr. MIERS of Indiana. A parliamentary inquiry. How will that affect the order for the consideration of pension bills on Friday?

The SPEAKER. This will be the governing order if made now.

Mr. MIERS of Indiana. Is it desired to cut that out, I should like to ask the gentleman from New York, chairman of the committee?

Mr. PAYNE. I could not hear the gentleman.

Mr. MIERS of Indiana. Is it desired to cut off the consideration of pension bills to-morrow?

Mr. PAYNE. When I first made that request I forgot the special order for the consideration of pension bills. I would like to have Saturday set apart for the consideration of pension bills.

Mr. RICHARDSON of Tennessee. Suppose you do not conclude the consideration of the bill under the five-minute rule then, would you be willing that the bill should pass over until next week?

Mr. PAYNE. I hope to pass it to-morrow. It will not take long to consider it under the five-minute rule.

Mr. RICHARDSON of Tennessee. Well, you will not get much debate if you have only from 2 to 5 o'clock under the five-minute rule. I have no disposition to object to the request to close general debate, although we have several gentlemen on this side, members of the Ways and Means Committee, who will not be able to make their speeches in that time; but we will agree to that if we can have a fair limitation for debate under the five-minute rule.

Mr. PAYNE. I think three hours, considering the nature of this subject, would be a fair limitation, for I do not suppose there are many amendments to be offered.

Mr. RICHARDSON of Tennessee. Suppose you leave that open for the present. Your request was to close general debate at 2 o'clock?

Mr. PAYNE. Yes.

Mr. RICHARDSON of Tennessee. We will not object to that.

The SPEAKER. The Chair desires to state, in answer further to the gentleman from Indiana, that the fixed rule for pensions to-morrow will govern, but it is within the power of the House, of course, to go ahead with the revenue-reduction bill if it should desire to do so. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and it is so ordered. Did the Chair understand the gentleman to make any request for Saturday?

Mr. PAYNE. I ask unanimous consent that Saturday be set apart, under the special order for pensions, immediately following the disposition of the war-revenue bill. We expect to get through with it to-morrow night.

The SPEAKER. The gentleman from New York asks unanimous consent that Saturday be substituted for to-morrow for the consideration of private pension bills.

Mr. BROMWELL. I would like to inquire, Mr. Speaker, whether the rule or order of the House doing away with the Friday night session and substituting a day session in its place is still in effect, or whether that was only for the last session?

The SPEAKER. That is a rule of this Congress. The gentleman from New York asks unanimous consent that the special rule for the consideration of private pension bills be operative on Saturday next as soon as the revenue bill is disposed of. Is there objection? The Chair hears none, and it is so ordered. The question now is on the motion of the gentleman from New York, that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill which the Chair has named.

The motion was agreed to.

WAR-REVENUE REDUCTION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HEPBURN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 12394) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder.

Mr. GROSVENOR. Mr. Chairman, I occupied the floor at the close of the session on Tuesday, and will retake the floor at the close of the remarks by the gentleman from New York [Mr. MCCLELLAN], who desires to speak at this point of time.

Mr. MCCLELLAN. Mr. Chairman, the purpose of this bill (H. R. 12394) is the reduction of the revenues derived from internal taxation by about $40,000,000 per annum. The necessity of this reduction is based upon the report of the Secretary of the Treasury, showing a surplus of receipts over expenditures of about $80,000,000 for the coming year.

As a Democrat I have always been opposed to the existence of a surplus in the Treasury. I am therefore in accord with the general purpose of the bill, but I am of the opinion that in the interest of economical administration a still further reduction of taxation should be made, and that the present time is most opportune for a general revision of our internal-revenue system.

I regret exceedingly that the majority of the Committee on Ways

and Means has not taken advantage of the present opportunity to reform our whole scheme of internal taxation, for I firmly believe that both parties could unite in a reform of the revenue laws on the broad constitutional basis of taxation for revenue, and for revenue only.

In a representative form of government the moral duty of the party in opposition should be limited to holding the majority to a strict account in the exercise of its power, to opposing by every constitutional method bad legislation, and to an earnest and patriotic effort to improve proposed legislation wherever improvement is possible. Opposition to legislation proposed by the majority, simply for the reason that it has not come from the minority, ceases to be statesmanship and becomes mere captious criticism and petty politics. The reduction in taxation proposed by this bill might have been more evenly and more fairly distributed, but should the suggestions of the minority of the Committee on Ways and Means, offered in the best of good faith, fail to meet with the approval of the House, then I have no hesitation in declaring that I will consider it my duty to vote for this bill as materially reducing the surplus and lightening the burdens of taxation to the people.

The present customs tariff, enacted primarily for the protection of favored industries and without regard to the raising of revenue, is only colorably constitutional, and in almost all its provisions far exceeds the maximum revenue-raising point. Amendments to the customs tariff law would, however, not be germane to the bill before the House, and therefore may be dismissed from present consideration.

The problem before us is the readjustment of internal taxation so as to produce, with the least possible hardship and with the greatest justice to the people, sufficient revenue, which, when added to that produced by the customs, will meet, and no more than meet, the probable needs of Government. There is no reason why we should ever have a large surplus. The revenues should be increased or decreased to meet the expenditures. A large surplus is as indicative of bad business management as is a deficit. But with our present patchwork revenue laws good business management is impossible.

THE TWO THEORIES OF TAXATION.

Our internal-revenue system is really the outgrowth of the civil war. To meet the needs of the moment taxes confessedly unjust and burdensome were levied as temporary expedients and, after hostilities had ceased, became permanently incorporated in our laws.

It is very doubtful if the authors of our internal taxes were guided in their labors by any principle more exalted than a desire to raise a large revenue and to do so quickly. If they gave the question any thought at all, they were probably influenced by a belief in the equal-diffusion theory and the prevailing opinion of the period, that all taxes should be proportional. Since then the great apostle of the equal-diffusion theory, M. Thiers, has passed away, and his doctrine is as dead as its author. Modern economists and modern statesmen, for once absolutely in accord, have abandoned the proportional theory of taxation and have adopted the progressive theory, which, whenever possible, they have put into practice.

The old doctrine of taxation was that of benefits. Taxes were regarded as premiums of insurance to be paid by the individual to the state for the protection of individual possessions. It was held that taxes must be proportional to the amount of protection or to the benefit enjoyed. Under this theory all men must pay taxes, for all men derive some benefit from government. It makes no allowance for exemption of the minimum of subsistence. A proportional rate is a far heavier burden on the man of few possessions than on the man of great possessions.

> It will be apt to be relatively more severely felt by the average man, who has only a small surplus above socially necessary expenses, than by the average man who has a proportionally larger surplus. It will, in short, be apt in normal cases to disproportionately curtail the enjoyment of different social classes. (Progressive Taxation, by Edwin R. A. Seligman, p. 193.)

The modern doctrine is that of ability or faculty. It is the duty of the citizen to help support the state according to his ability or faculty to support himself, and as the ability of self-support increases, the ability to bear the burdens of taxation increases, not proportionally, but progressively. Increased revenues are not so much sought for under progressive taxation as is the apportionment of the burden of taxation more equally among the taxpayers. The contention has never been urged that progressive taxes yield less than proportional taxes, but simply that they do not yield more.

During the last decade economic conditions throughout the world have changed so greatly that old methods of taxation have been found to be inadequate to meet the advance of modern civilization. This movement for reform in taxation, or, what is the same thing, for a redistribution of the burdens of taxation, culminated about the year 1895 simultaneously in four great countries with extremely divergent interests, namely, Great Britain, Prussia, Holland, and New Zealand. The problem was solved in all four of these countries in substantially the same manner, the end attained being the compelling of contributions to the requirements of the State according to the ability of those called upon to contribute. The men responsible for the solution of the problem, Harcourt, Pierson, and Miguel, may justly be considered the three great practical tax reformers of recent times.

When a problem has been solved in the same way by four widely separated countries, the solution must be very nearly correct, and therefore applicable, so far as may be, to existing conditions in the United States.

Under our Constitution we are limited in the taxes which we can impose. Duties, imposts, and excises must be uniform throughout the United States. No export duty can be levied, and direct taxes must be laid in proportion to the census. We have laid a capitation tax five times in our history, but it has been found so cumbersome that it will probably never again be resorted to except in times of great necessity. The Supreme Court has held that direct taxes include only a capitation or poll tax and a tax on land (Springer *vs.* United States, 132 U. S., 586), and recently that "taxes on the rents or income of real estate and taxes on personal property or on the income of personal property are likewise direct taxes." (Pollock *vs.* Farmers' Loan and Trust Co., 158 U. S., 601.)

The theory of progression can only be applied to direct taxation, but indirect taxation is not necessarily unjust any more than direct taxation is necessarily just. The burdens of taxation are of course more fairly distributed under progressive direct taxation than under indirect taxation, but we are debarred by the Constitution under the two decisions above quoted from applying the progressive principle to the land tax or to the income tax, and we are therefore forced to raise a great part of our revenue by indirect taxation. The progressive principle is in short only practically applicable to a legacy tax and taxes on occupations such as the so-called excise tax now levied under section 27 of the war-revenue act on refiners of petroleum and sugar.

ANALYSIS OF EXISTING INTERNAL TAXES.

For the purpose of intelligently discussing existing forms of internal taxation I have been obliged to entirely recast the schedules and rearrange their various items. The sources of our internal revenue naturally fall under six general heads. They are, in their order as revenue producers, with the amount of revenue produced by them during the last fiscal year (1900), first, distilled spirits, $104,375,921; second, fermented liquors, $72,662,071; third, tobacco, including cigars and cigarettes, $59,022,007; fourth, stamp duties, including playing cards, $41,295,376; fifth, occupations, $12,634,726, and, sixth, legacies, $2,884,491; sundry items, not taxes for revenue and therefore not included in the above, oleomargarine, penalties, etc., $2,441,516, making a total collected by internal taxation in 1900 of $295,316,108, as against a total for the year 1899 of $273,484,573, showing an increase of $21,831,535.

DISTILLED SPIRITS.

The tax on distilled spirits is levied on all distilled spirits, whether used in the arts or as a beverage, and is shifted entirely to the consumer. Out of 91,815,701 gallons withdrawn during the year 1900, 55,504,756 gallons were drinkable spirits, and 36,310,945 gallons were alcohol and pure neutral or cologne spirits. It is safe to assume that the per capita of consumption of spirits used as a beverage has been steadily decreasing as the per capita of consumption of light wines and beer has increased; so that any variations in the total per capita of consumption of distilled spirits represents the increase or decrease of the amount of spirits used in the arts, besides the increase or decrease of illicit distillation. No gentleman on this floor needs to be told what a large and important factor distilled spirits are in manufactures, but the profitable use of distilled spirits in the arts is limited by the price, and it is needless to say that, apart from the law of supply and demand, the price is fixed by the tax.

Most men are naturally honest, but unfortunately if the temptation to dishonesty is sufficiently strong many men will be dishonest. The greater the temptation the more widespread the dishonesty; the smaller the temptation the more honest the community. Whenever government imposes a tax on any article so high as to make a violation of the law extremely profitable, the law will be violated. It was so in England during the existence of a high customs tariff; it has been so with us ever since we have had enormously high customs duties, and it is equally true in reference to our tax on distilled spirits.

Whenever we have imposed an excessive rate upon distilled spirits, the temptation to illicit distillation has been so great that the law has been almost powerless to prevent it.

It would serve no useful purpose to recite the long, dreary, and shameful story of fraud and dishonesty which has accompanied the imposition of high taxes on spirits. It is enough to say that there have been times when high officials of the United States have considered it worth their while to betray their trust, and when men of wealth and power have joined them in corruption. The fear of possible detection, disgrace, and punishment has been

counted in, as a money risk, in the expenses of the illegal occupation. Excellent as the administration of our internal-revenue system may be, it is no reflection upon its officers to assert that it is beyond their power to suppress illicit distillation as long as we encourage that industry by making its profits abnormal. That very efficient Commissioner, the late Mr. Wilson, says, on page 26 of his annual report for 1900:

> The suppression of frauds of this character (illicit distillation) is very difficult.

And on page 28:

> During the last few months in some sections of the country where illicit spirits have been produced, distilled spirits have brought better prices than for many years. * * *
>
> I desire to call attention to the fact that in communities where this illicit distilling prevails it has been found that the violators of the law are not confined to the unregistered illicit distillers alone, but embrace in many sections a large number of registered distillers, both grain and fruit, who are driven to this course in self-protection to meet the competition forced upon them by illicit distillers, who do not register or make any pretense of complying with the law.

Registered distillers are driven to this course in self-protection. Why? To meet the competition forced upon them by illicit distillers. Why? Because the tax is so large that illicit distillation means enormous profits.

It is a curious fact that every increase in the rate of the tax has been earnestly advocated by a certain class of speculators, and been immediately followed by an apparent falling off in the amount of consumption, because speculators in every case anticipated the increase of the tax by withdrawing and paying the tax on large quantities of distilled spirits at the old and lower rate, and then selling at the new and higher rate with the increased tax added as their profits. It has been estimated that the increases in the rate of the tax between July 1, 1862, and January 1, 1865, took from the Government over $100,000,000, and put that amount into the pockets of the speculators. It is another curious fact that, general conditions throughout the country being equal, the higher the rate of the tax on spirits the smaller has been the consumption per capita, which can only be explained by a falling off in the use of spirits in the arts and by an increase of illicit distillation.

From 1822 to 1862 all domestic industrial products, including distilled spirits, were exempt from taxation. In the latter year, as a war necessity, a tax of 20 cents per proof gallon was imposed on all distilled spirits of domestic manufacture. In 1864 the tax was advanced to 60 cents, and in 1865 to $2. In 1868 the tax was reduced to 50 cents, at which figure it remained until 1872, when it was again increased to 70 cents, and in 1875 raised to 90 cents, and in August, 1894, it was increased still further to $1.10, the present rate.

While it is true that the per capita revenue for the past year is greater than that for any previous year since 1870, it is also true that the per capita consumption has not kept pace with the per capita revenue. With the $1.10 rate the per capita revenue for last year was $1.36 and the per capita consumption 1.24 gallons. For the year 1899 the per capita revenue was $1.24 and consumption 1.11 gallons, while for the year 1870, when the rate was 50 cents a gallon, the per capita revenue was $1.02 and the per capita consumption 2.03 gallons.

In 1871 the per capita consumption was 1.58, and in 1872 1.63. In 1873, during part of which year the rate was still at 50 cents, the per capita consumption was 1.58 gallons. With the 70-cent rate the per capita consumption steadily fell off, and with the 90-cent rate it continued to fall off, reaching its lowest point in 1879 at 1.09 gallons. It then slowly advanced, reaching its maximum in 1893 at 1.48 when the $1.10 rate went into effect, and it again fell off, reaching its minimum in 1897 at .96. Since then, owing, if you like, to abnormal prosperity, it has slowly increased, reaching its maximum under the present law at 1.74.

From these figures it is very safe to say that the $1.10 rate is far beyond the maximum revenue-raising point; that it is high enough to discourage the use of distilled spirits in the arts, and to encourage the illicit distillation of spirits used as a beverage.

The exact maximum revenue-raising point for the tax on spirits is, to a certain extent, a matter of dispute. It is somewhere between 50 and 70 cents. In 1897 the then acting Commissioner of Internal Revenue stated it as his opinion that 70 cents was the ideal rate for revenue purposes. The late Hon. David A. Wells, in an exhaustive and able argument upon the subject, has fixed the point at 50 cents. The country is as prosperous to-day as it was in 1870—even more so. Assuming, for the sake of argument, that with a lower tax rate the per capita consumption would be no larger than it was in 1870, with a 50-cent rate and our present population the tax would yield $77,439,648, and with a 70-cent rate it would yield $108,415,508, as against last year's record-breaking yield of $104,375,921. But were the rate reduced to the maximum revenue-raising point, with the progress of invention and ingenuity that has been made in the last thirty years, the per capita consumption would unquestionably advance far beyond that of 1870, and the tax would yield almost enough revenue to dispense with all further forms of internal taxation.

FERMENTED LIQUORS.

Beer was untaxed until 1863, from which date until the enactment of the present war-revenue law the internal-revenue tax was practically uniform at $1 a barrel holding theoretically 31 gallons. In 1898 the tax was increased to $2 a barrel, with a rebate of 7½ per cent, or to $1.85 net. With the exception of the periods of business depression from 1874 to 1879 and during the year 1885, when it was temporarily checked, the per capita of consumption steadily increased from 1.86 gallons in 1863 to 16.03 (the maximum) in 1893. The per capita of revenue derived from this tax increased steadily, with the exception of the periods of depression above noted, from 5 cents in 1863 to 48 cents in 1893, the maximum under the old rate. The per capita of consumption and of revenue then fluctuated from year to year, and were in 1897, the year before the imposition of the new rate, respectively, 14.65 gallons and 43 cents. In 1899, the first year of the new rate, the per capita of consumption was 15.05 gallons and the per capita of revenue 89 cents.

During the last fiscal year the per capita of consumption was 15.98 gallons and the per capita of revenue 95 cents. While this per capita of revenue is the largest in the history of the tax, the per capita of consumption is .05 gallon less than the maximum.

The per capita consumption of beer in this country is small in comparison with that of other beer-using countries, that of Great Britain being 30 gallons; England and Wales, 34 gallons; Belgium, 40 gallons, and Germany, 45 gallons. Were this industry treated as fairly as it is in the countries mentioned, it is probable that our per capita consumption would soon equal theirs. Beer is taxed in Great Britain at the rate of $1.38 per 31 gallons, and in Belgium at the rate of 90.3 cents per 31 gallons. It must, however, be remembered, that in those countries the materials used in brewing are not protected as they are with us. In 1895 Sir William Vernon Harcourt, as chancellor of the exchequer, stated on the floor of the House of Commons that the price of raw materials used in brewing had fallen 40 per cent, giving an additional profit to British brewers of over £10,000,000 per annum. This was due to foreign competition and free trade. Our brewers were powerless to take advantage of this fall in prices.

The brewers have, moreover, been unable to shift the new tax to the consumer. The original tax was entirely shifted, but the additional dollar is borne partly by the brewer and partly by the middleman.

It would therefore seem that the maximum revenue-raising point has been somewhat exceeded in the tax on beer, and that unless absolute necessity demands it ought to be reduced very materially. Were this done, it is safe to assume that consumption would largely increase, and with it revenue.

Mr. HOPKINS. The gentleman from New York is giving the rate of taxation in England. Has he any statistics to show how much it costs to manufacture a barrel of beer of 31 gallons in England?

Mr. McCLELLAN. No; I have not. I have not been able to get them.

Mr. STEELE. Will the gentleman from New York allow me a question?

Mr. McCLELLAN. Certainly.

Mr. STEELE. What part of the commodity does the gentleman say is at a disadvantage?

Mr. McCLELLAN. I stated that the price of the raw materials went down 40 per cent on account of competition.

TOBACCO.

The internal-revenue taxes on manufactured tobacco and on cigars and cigarettes are generally shifted to the consumer, but are in some cases, owing to trade conditions, borne by the producer. The history of these taxes is further illustrative of the utter disregard on the part of Congress of the maximum revenue-raising point.

In 1870 the average rate on manufactured tobacco was 26.9 cents, while the per capita consumption was 2.34 pounds and the per capita revenue 63 cents. In 1875 the average rate was 21.1 cents, a decided reduction; while the per capita consumption had risen to 2.71 pounds, the per capita revenue had fallen to 57 cents. In 1880 there was a still further reduction in the average rate of taxation to 16 cents, but the per capita consumption remained stationary at 2.71 pounds, while the per capita revenue fell off to 43 cents. In 1890 there had been a still further reduction in the average rate of taxation to 8 cents; although the per capita consumption jumped to 3.80 pounds, the per capita revenue fell off to 30 cents. In 1891 there had been a still further reduction in the average rate of taxation to 7.01 cents, and while the per capita consumption again rose to 3.97 pounds, the per capita revenue still further fell to 27 cents. In 1897 there had been a still further reduction in the average rate of taxation to 6 cents, but despite this the per capita consumption fell off to 3.76 pounds, while the per capita revenue still further fell off to 22 cents. During the past fiscal year, under the war-revenue tariff, which has doubled the average rate of taxation to 12 cents, the per capita consumption has slightly increased to 3.85 pounds, while the per capita

revenue has more than doubled over the preceding year to 46 cents.

The history of the tax on cigars and cigarettes is very similar. In 1870 the tax was $5 on cigars and $1.50 and $5 on cigarettes. The per capita consumption of both cigars and cigarettes was 30 and the per capita revenue 14 cents. In 1875 the rate of taxation had been increased to $5 and $6 on cigars and $1.50, $1.75, $5, and $6 on cigarettes, and the per capita consumption had increased to 44 and the per capita revenue to 23 cents. In 1880 the tax had been raised to $6 on cigars and to $1.75 and $6 on cigarettes; the per capita consumption had increased to 55, and the per capita revenue to 29 cents. In 1893 the tax had been reduced to $3 on cigars and 50 cents and $3 on cigarettes; while the per capita consumption had jumped to 119, the per capita revenue had fallen to 23 cents. In 1897, the year before the enactment of the present law, the tax being the same as in 1893, the per capita consumption had fallen to 113 and the per capita revenue to 19 cents. In 1900, the last fiscal year, the tax on cigars was $3, $1, and $3.60, and on cigarettes $3.60 and $1.50, a general increase. Despite this fact, the per capita consumption remained very nearly stationary at 112 and the per capita revenue had increased to 31 cents—the highest in the history of the tax.

It is, therefore, quite plain that in the taxes on manufactured tobacco, on cigars and cigarettes, the maximum revenue-raising point is higher than the present rate, and that we could safely increase the rate of taxation, while at the same time increasing the revenue, were increased revenue needed.

STAMP DUTIES.

The stamp duties include taxes on the various instrumentalities of business and taxes levied on proprietary articles, such as patent medicines, soaps, cosmetics, chewing gum, wines, etc., and playing cards.

Stamp taxes are generally supposed to be shifted to the consumer, but, as Prof. Edwin R. A. Seligman has very clearly pointed out (The Shifting and Incidence of Taxation, pp. 304 and 305), this does not necessarily follow. It must be remembered that the so-called "stamp duties on proprietary articles and playing cards are really taxes on production, similar in nature to the taxes on tobacco, distilled spirits, and beer. Since their imposition under the present law the manufacturer has found it impossible to shift the burden, and accordingly the incidence is entirely upon the producer.

The incidence of the stamp taxes levied under Schedule A, which includes taxes on acts or transactions, will depend on whether these transactions are commercial or not. In the case of so-called judicial taxes it is evident that there is no one to whom they can be shifted. Taxes on ordinary commercial transactions will be shifted or not according to the "height of the tax and the elasticity of the demand." The incidence of stamp taxes on transportation and communication will also depend on the height of the tax and the elasticity of the demand, and, besides, on the character of the business.

During the last fiscal year, 1900, the revenue from the stamp duties was as follows: Schedule A (documentary), $36,416,082; Schedule B (proprietary articles), $4,548,283; playing cards, $331,011, or a total of $41,295,376, against a total revenue in 1899 of, Schedule A, $38,618,081; Schedule B, $5,219,737; playing cards, $271,139; a total of $44,108,948, showing a total decrease of $2,813,572. The tax having been in operation for little more than two years, it is impossible to determine with any degree of certainty the causes of the decrease. The greatest falling off has been in documentary stamps, but it is not safe to assume that were the tax left as it is there would be any further reduction during the next fiscal year.

Stamp duties on transactions have only been imposed in our history in time of war, and have always been regarded as a species of emergency taxation, to be resorted to only under the greatest necessity for revenue. They are a source of endless annoyance to the taxpayer and are in many cases an actual hardship. The inequality and injustice of their operation more than counterbalances their efficacy as a source of revenue.

OCCUPATIONS.

During the last fiscal year $12,634,726 were derived from taxes levied upon a great number of occupations, including the distilling of spirits, brewing of beer, manufacture of tobacco and cigars, oleomargarine, filled cheese, mixed flour, banking, brokerage, etc. These taxes are generally borne by the taxpayer, and the incident can only in exceptional cases be shifted. In certain occupations the tax will be included in the total cost of production and will be shifted to the consumer, while in certain other occupations the tax upon which has recently been imposed or increased trade conditions may be such that the price of the product can not be increased, and the tax will necessarily fall upon the producer. Here again much depends upon the height of the tax, the character of the business, and the elasticity of the demand. This has proved a very profitable source of revenue.

As I have already pointed out, the so-called excise taxes now levied on the refining of petroleum and sugar, which are nothing but direct occupation taxes, might very well be extended and the progressive principle applied to them; in fact, the tax on occupations and the legacy tax are the only taxes which we are empowered to levy in which we can successfully incorporate the progressive principle.

LEGACIES.

Before the enactment of the legacy-tax law of 1862 some doubt was expressed as to its constitutionality on the ground that within the meaning of the Constitution it was a direct tax, and that it must therefore be laid in proportion to the census. The Supreme Court, however, upheld it on the ground that it was an excise on the right to succeed to the ownership of property. (Scholey *vs.* Rew, 23 Wall., 331.) After the enactment of the present law the constitutionality of the tax was again questioned, not only on the ground that it was a direct tax, but also on the ground that it was not uniform, and that the right of inheritance is a privilege or franchise within the exclusive power of each State.

The Supreme Court, in Knowlton *vs.* Moore (178 U. S., 41), decided that the law was constitutional. The tax was held not to be a direct tax within the meaning of the Constitution, but, on the contrary, a duty or excise. The uniformity clause of the Constitution was held to relate only to geographical uniformity; it was held that legacies not exceeding $10,000 were not taxable, and that the rate of the tax was progressively increased by the amount of each separate legacy or distributive share and not by the whole amount of the personal estate of the deceased, from which the legacies or distributive shares were derived. The contention that the tax was an interference with an exclusive right of the States was also brushed aside.

The present tax differs from its predecessor in having the progressive feature added. The original law imposed a tax on all legacies above $1,000. It made a distinction in the rate according to the degree of connection between the testator and the legatee. This law not only makes that distinction, but exempts legacies under $10,000, and progressively increases the rate on legacies above that amount.

It is, of course, too early in its history to state definitely anything in reference to its operations, but while in 1899 the total amount collected from this source was $1,235,435, it had risen in 1900 to $2,884,491, an increase of more than 100 per cent, or $1,649,056.

In 1892 only nine States had laws upon their statute books providing for an inheritance tax. They were Pennsylvania, Maryland, Delaware, New York, West Virginia, Connecticut, Massachusetts, Tennessee, and New Jersey. Since then an inheritance tax law in some form or other has been enacted in Ohio, Maine, California, Louisiana, Minnesota, Illinois, Missouri, Virginia, Iowa, Michigan, Montana, Vermont, and Wisconsin, as well as by the United States.

It would therefore seem that this tax has proved its popularity, and has unquestionably come to stay. It is the most scientific and the most just of our national taxes. It is not burdensome, is easily collected, and destined to become most profitable. Its incidence can be predicated with absolute certainty, for it is borne by the original taxpayer, and can not be shifted either wholly or in part. Its progressive features are in accord with the best modern opinions. It is a tax, not on wealth, but on the transfer of wealth. Says Seligman: "It is the price of a special privilege. It is only a means of securing equality in taxation and of realizing the principle of ability to pay. It is not so much a fee paid to defray the cost of government services as a charge proportioned to the advantages that accrue to the recipient of the inheritance."

Even with a double tax, State and national, legacies still pay a far lower rate than in any foreign country where this form of taxation exists. Thus in Great Britain, under the new inheritance-tax law, the rate varies from 1 to 18 per cent of the value of the property, the tax yielding about £13,500,000, or about $67,500,000, per annum.

SUMMARY OF ANALYSIS.

To summarize, it will be seen from the foregoing analysis that the maximum revenue-raising point has been greatly exceeded in the tax on distilled spirits and also in the tax on fermented liquors, that it has not yet been reached in the tax on tobacco, cigars, and cigarettes; that the progressive principle may be applied to the taxes on occupations; that the stamp duties, while producing large returns, work annoyance and hardship, and ought not to be imposed if adequate revenue can be raised from other sources, and finally that the tax on legacies has proved a great success.

SUGGESTED SCHEME OF INTERNAL TAXATION.

Were it possible for the two great parties to forget partisanship for the moment and to ignore local and private interests, they might unite in a scientific and a businesslike plan of internal taxation. In preparing such a plan of taxation Congress would naturally be guided by certain fundamental principles: First, the levying of taxes should be confined to its constitutional and legitimate

purpose, the rasing of revenue; second, the progressive principle should be applied as far as possible; third, under our Constitution, as interpreted by the Supreme Court, the progressive principle is practically limited to excise taxes on occupations and to the legacy tax. It would therefore be necessary for the purpose of raising sufficient revenue to also lay indirect taxes. As few articles as possible should be taxed indirectly. Only such indirect taxes should be laid whose incidence is fairly certain and whose burdens will be widely diffused.

If guided by these principles, Congress would first consider the average amount of revenue needed for the economical administration of government; it would then impose a progressive legacy tax and a progressive excise tax on certain occupations, graduated according to the earnings of the corporations or individuals taxed. For the purposes of indirect taxation Congress would naturally select those articles that have been universally regarded as the chief sources of indirect internal revenue—namely, distilled spirits, fermented liquors, and tobacco in various forms. Congress, however, would be wise in fixing the rates of taxation upon these three articles at somewhat below rather than above the maximum revenue-raising point.

With such a scheme of taxation it would be perfectly possible to absolutely balance the budget. With only five internal taxes and with only three internal indirect taxes it would be extremely simple to vary the rates to meet the necessities of government. Were more revenue needed, a slight increase in the rate of one or more of our internal taxes would furnish it. Were less revenue needed, a slight decrease would accomplish the reduction. Were an emergency to arise, the rates of taxation upon the three indirect sources could be raised at once to the maximum revenue-raising point, and we would still have, as a further source of supply, the stamp duties, with a possible annual yield of from $50,000,000 to $75,000,000.

Mr. STEELE. Will the gentleman allow me another interruption?

Mr. McCLELLAN. Certainly.

Mr. STEELE. Take the plan the gentleman suggests, of having a sliding scale of taxation, how would it affect business men who make large investments in raw material or in completed commodities?

Mr. McCLELLAN. The sliding scale would apply to one or two taxes—legacies, and excise taxes on certain occupations. In reference to changes in the rates of the indirect taxes, business men would be obliged to anticipate them, as in every other country on earth. They would arrange their business affairs in view of the possibility of such a change. Moreover, there is not a business man living to-day who does not constantly fear that Congress may change at any time, not only the customs tariff, but the internal-revenue tariff as well.

Mr. STEELE. They have that fear every two years.

Mr. McCLELLAN. Yes; every two years.

CONCLUSION.

Economic conditions change as methods of production and distribution become more perfect, and as civilization becomes more complex. Systems of taxation originally just may in time work injustice; theories once applicable to past circumstances may become obsolete. Economic progress never halts, but surely and steadily advances, in no country more certainly than in the United States. The present internal-revenue system, enacted as a war measure for 30,000,000 people, borne by them with patriotic patience during four years of hostilities, and with increasing protest during thirty-five years of almost constant peace, has proved but ill adapted as a permanent system for a nation of 76,000,000. Ours is the greatest nation on earth, as well as the most wealthy and the most powerful. In intellectual and in material development we have led the world. Yet in dealing with the problem of taxation, upon which so much of the happiness and prosperity of our country depends, we have fallen far short of the requirements of present conditions. As representatives of the people it is our duty, regardless of faction or of party, to readjust taxation to the people's needs. [Loud applause.]

Revenues from internal taxation.

Tax from which the revenue is derived.	1899.	1900.	Increase.	Decrease.
Distilled spirits	$93,638,085	$104,375,921	$10,737,836	
Fermented liquors	67,673,301	72,662,071	4,988,770	
Tobacco, cigars, etc	51,273,525	59,022,007	7,748,482	
Stamp duties, including playing cards	44,108,948	41,295,376		$2,813,572
Occupations	12,784,270	12,634,726		149,544
Legacies	1,235,435	2,884,491	1,649,056	
Sundry items not included above, penalties, etc	2,771,009	2,441,516		329,493
Total	273,484,573	295,316,108	21,831,535	

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore,

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 4165. An act granting a pension to Dora Renfro;

S. 4073. An act granting an increase of pension to Robert A. Edwards, jr.;

S. 4556. An act granting an increase of pension to William Fox;

S. 4022. An act granting a pension to William B. Caldwell;

S. 4788. An act granting an increase of pension to George P. Beach;

S. 2107. An act granting a pension to James Brown;

S. 2109. An act granting an increase of pension to Carroll W. Fuller;

S. 3338. An act granting a pension to Mary A. Morton;

S. 2037. An act granting an increase of pension to George F. Burrage;

S. 4834. An act granting a pension to Otto Haltnorth;

S. 2228. An act granting an increase of pension to Oliver W. Miller;

S. 2102. An act granting an increase of pension to Andrew Reed;

S. 1761. An act granting a pension to Girard Welch;

S. 2905. An act granting a pension to George M. Wilson;

S. 1792. An act granting a pension to Martha C. M. Fisher;

S. 2901. An act granting a pension to A. C. Ricketts;

S. 2703. An act granting a pension to Mary M. F. Flagler;

S. 1628. An act granting a pension to Adolph Schrel;

S. 3376. An act granting an increase of pension to James McFry;

S. 1722. An act granting a pension to Bertha Laevey;

S. 1211. An act granting a pension to Ross Wheatley;

S. 4440. An act granting an increase of pension to Charles Stewart;

S. 5076. An act to provide for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio;

S. 2226. An act granting an increase of pension to Henry Muhs;

S. 1204. An act granting a pension to William Gaddis;

S. 4155. An act granting a pension to Julia S. Goodfellow;

S. 1203. An act granting a pension to Lewis S. Horsey;

S. 1195. An act granting a pension to Mary J. Kramer;

S. 2907. An act to pension Henrietta Parrott;

S. 3881. An act granting an increase of pension to Henry D. Johnson;

S. 3375. An act granting an increase of pension to Martha M. Bedell;

S. 1212. An act granting a pension to John W. Cannaday;

S. 2914. An act granting a pension to Wilson E. Carter;

S. 57. An act granting a pension to Joshua B. Harris;

S. 3501. An act granting an increase of pension to Kate Harbaugh;

S. 5043. An act to authorize George W. Hill, Chief of the Division of Publications of the Department of Agriculture, to accept a decoration tendered to him by the Government of the French Republic;

S. 3750. An act granting a pension to Paulina Smith;

S. 2624. An act granting a pension to Mary M. Kean;

S. 4734. An act granting a pension to Mary A. O'Brien;

S. 3070. An act granting a pension to Margaret J. Verbiskey;

S. 4789. An act granting an increase of pension to Bernard Wagner;

S. 1604. An act granting an increase of pension to Harvey Graham;

S. 2810. An act granting a pension to Esther Dyer Hammond;

S. 4859. An act granting an increase of pension to Emily A. Wentworth;

S. 2879. An act granting a pension to Mary E. Griffiths;

S. 3758. An act granting an increase of pension to W. I. Miller;

S. 4728. An act granting an increase of pension to Marvin V. Tufford;

S. 5042. An act to authorize Ethelbert Watts, consul of the United States at Kingston, Jamaica, to accept a decoration tendered to him by the Khedive of Egypt; and

S. 812. An act for the relief of Daniel W. Light.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three members of the Senate Committee on Public Buildings and Grounds, to be appointed by the President of the Senate, and five members of the Committee on Public Buildings and Grounds of the House of Representatives, to be appointed by the Speaker, is hereby created to investigate and consider the question of a site for a hall of records, to be erected in the District of Columbia, and report to Congress on or before January 10, 1901, or as soon thereafter as may be possible, their conclusions as to the most feasible location for such a building and the approximate cost thereof.

The message also announced that the Senate had passed with

amendments bills of the following titles in which the concurrence of the House was requested:

H. R. 9140. An act providing that entrymen under the homestead laws, who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection, shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes; and

H. R. 8487. An act for the relief of Col. Charles B. Dougherty and other members of the Ninth Regiment of Pennsylvania Infantry.

WAR REVENUE.

The committee resumed its session.

Mr. GROSVENOR. Mr. Chairman, it was said by one of the distinguished men of the country that unnecessary taxation is unjust taxation. I will not mention the name of that statesman, for I think his proposition standing unadorned by his signature would have greater weight on the other side of the House than if I should communicate his name as authority for the sentiment. I plant myself on that proposition and will try to show in the time allotted to me that the bill under consideration is framed with distinct reference to the principle involved and as above stated.

Whenever a government upon any pretext whatever assesses more taxation than will supply the legitimate demands for expenditure, the government thus acting goes beyond the legitimate sphere of governmental action. And whenever it appears that taxation is in excess of necessity it is the duty of the government to at once reduce taxation. On two memorable and important occasions this country has been compelled to look about for extraordinary sources of revenue. It has been compelled to look beyond the ordinary systems of taxation to external resources. So, during the civil war the Government of the United States was put to the necessity of taxing every possible means of revenue, and bringing into the Treasury of the United States vast sums of money which were growing less and less valuable, weaker and weaker in purchasing power, and constantly requiring a greater volume of taxation.

Recourse was then, of course, had to internal-revenue taxation, for the receipts from customs, by reason of the condition of our shipping and of our ports and the condition of war that existed, were reduced to the minimum, so that we were compelled to resort to loans and internal-revenue taxation. And when the war was over, notably during the campaign of 1868, the country was placarded all over, dead walls were everywhere embellished, with illustrations of the claim that we were taxing everything "from the cradle to the grave." Those campaign pictures are still very vividly impressed upon my mind. They had in one corner the cradle and the appliances, the surroundings and the environments of the early days and hours of infancy, and they had in another corner a graveyard with the tax upon the tombstone; and they represented all the intermediate steps of human progress—all embellished by the rates of taxation which the Government was imposing upon the people.

The Republican party was in power in Congress in 1866 and 1868. I call the attention of gentlemen on the other side to the fact that while a Republican Congress by a single bill reduced taxation almost $70,000,000 in a year, those measures of taxation were nearly always opposed by the Democrats of that day. While our friends are talking about some of the inequalities of this measure I desire to remind them, without having the data so that I can not at this moment put my hand upon them, I have a very distinct recollection that when the tariff duties on coffee and tea were proposed to be taken off by a Republican Congress that measure was resisted by the almost solid vote of the Democrats of the two Houses.

I will place in my speech at this point a statement of the facts exactly as they occurred upon that question and upon many other questions which arose along the line of reduction.

The following is a more complete statement of the dates and character of the legislation repealing taxes to which reference has been made:

An act to reduce internal taxation and to amend an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and acts amendatory thereof, approved July 13, 1866 (14 Stat., 98).

First act reducing taxation. Stamps first required on fermented liquors. Charging "licenses" to "special taxes."

An act to authorize the refunding of certain taxes, approved July 27, 1866 (14 Stat., 301).

An act to amend existing laws relating to internal revenue, and for other purposes, approved March 2, 1867 (14 Stat., 471).

Reduced taxes.

An act to provide for the exemption of cotton from internal tax, approved February 3, 1868 (15 Stat., 34).

Reduced taxes by repealing cotton tax.

An act to exempt certain manufactures from internal tax, and for other purposes, approved March 31, 1868 (15 Stat., 58).

Reduced taxes.

An act to reduce internal taxes, and for other purposes, approved July 14, 1870 (16 Stat., 256).

Repealed taxes on gross receipts, legacies and successions, passports, and special taxes, except those relating to spirits, fermented liquors, and tobacco, also taxes on sales. Income tax to expire December 31, 1871.

An act to amend existing laws relating to internal revenue, approved July 14, 1870 (16 Stat., 274).

An act to repeal the paragraphs of Schedule C of the internal-revenue acts imposing taxes on canned meats, fish, and certain other articles, approved March 5, 1872 (17 Stat., 30).

An act to reduce duties on imports and to reduce internal taxes, and for other purposes, approved June 6, 1872 (17 Stat., 238).

Stamp duties on instruments, except bank checks, repealed. Moieties abolished. Uniform rate of 20 cents per pound on tobacco instead of the two rates, 16 and 32 cents. Tax on spirits, 70 cents per gallon.

To show how rapidly the Republican party recognized its duty in the matter of the reduction of taxation I refer to the fact that the following is a true statement of the reductions made and to the period of time in which they took place: and I will simply make comment enough to say that each one of these reductions was made by a Republican Congress and approved by a Republican Administration.

The first reduction to which I refer was made in 1866, immediately upon the close of the war. It amounted to $65,000,000. Again in 1867 a reduction of $40,000,000 was made. Again in March, 1868, there was a further reduction of $23,000,000. Again in 1868 there was a reduction of $45,000,000. Again, by the act of July 14, 1870, there was a reduction of fifty-five million. And by the act of June 6, 1872, twenty-one million and upward of the income from internal-revenue taxation alone was cut off. Then in July, 1870, there was a further reduction of $30,000,000 of tariff taxation, and in May, 1872, there was passed an act, going into effect June 6, 1872, repealing $31,215,000 of customs duties.

I refer to these facts not so much for any purpose of partisan suggestion as to point out that the Republican party, upon the happening of these great emergencies, has always been prompt and ready and energetic in raising money, and when the necessity had passed, then in like manner zealous in the reduction of taxation. So that any complaint that the Republican party throughout its history has been unmindful of its obligations to make the burden of taxation just as light as it was possible to make it upon the people of the country is an error and is not justified by the history of the times.

Mr. VANDIVER. Will the gentleman allow a question?

Mr. GROSVENOR. Certainly.

Mr. VANDIVER. I would be pleased if the gentleman from Ohio, pursuing his present line of discussion, would inform us as to the character of those particular reductions—what classes of taxes were reduced?

Mr. GROSVENOR. I have incorporated in my speech a statement which shows what the gentleman desires; and I can repeat it now in large part if such is his wish. By the act of June 30, 1864, to which I had not referred—which was the earliest enactment in the way of reduction—a reduction was made at first upon stamps and then upon taxes under Schedule A of the internal-revenue law, which related to taxes upon boats, barges, and flats, and on legacies, successions, passports, and gross receipts; and then all the stamps less than $100 in what was then called Schedule B; and so on down to the end, reaching in the same direction, as I will in a moment point out as the bill under consideration is reaching. And then, as pertinent to the gentleman's inquiry, which is a very proper one, I will put into my speech a fuller statement of the articles upon which those reductions were made. But my present purpose, Mr. Chairman, was to show that the Republican party, as I have already said, has been prompt in doing its duty in the matter of lifting the burden of taxation from the people of the country.

The so-called Spanish war came, with its exigencies and its emergencies. I do not care now to discuss whether that war is to continue permanently either in the Philippines or elsewhere, or, if not permanently, how long. In the consideration of this bill we must act upon the present—upon present conditions. Prophetic declarations as to the future of this country, so far as this question is concerned, would prove to be absolutely futile. Placing our estimates, therefore, upon the present condition of things, we must act as though the present condition is to remain in force a long time in the future, relying upon the fact I have already demonstrated, and which I will more fully demonstrate, that the Republican party has always been anxious to take off the burden of taxation from the people whenever the conditions of the country will admit.

Mr. VANDIVER. Will the gentleman allow me one other suggestion?

Mr. GROSVENOR. Yes, sir.

Mr. VANDIVER. I have not before me the figures just now, as the gentleman from Ohio has. I would like him to inform us whether the greater portion of those taxes to which he referred as having been repealed were not taxes on banks, on bank stock, on railroads, and manufactures.

Mr. GROSVENOR. No, they were not; certainly not exclusively. As I have shown, the very first reduction was made directly along the line that we have attempted to follow but have not been able entirely to follow in the measure under consider-

ation. The reasons for such deflections as we have made will more fully appear as this debate progresses. And when, Mr. Chairman, I have more fully illustrated and elaborated the point I am now discussing, as I intend to do, the gentleman will have all the facts before him that I am able to give at the present time in the few moments I propose to occupy in the discussion of this bill.

What, then, is the true measure of reduction? The gauge of reduction must be the last dollar that can be possibly taken from taxation and still leave a sure surplus in the Treasury.

I use the word "surplus" in this connection as meaning an amount of money in sight or easily available, sufficient under all emergencies to save the Government the necessity of going into the money market and submitting itself to the changes of the market in order to carry on its business; and in this connection—as there will be likely more or less of acrimony as the debate proceeds—I wish to point out that the historical fact in regard to the Republican party is, and will be found to be on investigation, that in these great emergencies it has always been able to keep a surplus in the Treasury; and there are gentlemen in the country, and nearly all of us remember the fact, that in two great campaigns in this country the Republican party was assailed most bitterly by the Democratic party for having accumulated too large a sum or surplus in the Treasury; and the gentleman who opened the debate on the other side of this question charged that one of the mistakes of the present Administration was our loaning large sums to the banks of the country. And this fact implies the existence of a surplus at the time.

Mr. Chairman, I am not going into any details as to the transactions of the present Secretary of the Treasury. It is enough to say in this connection, in general terms, that coming here to the high office he occupies, almost unknown to the men active in the political affairs of the country, he has managed to carry on the legislation enacted by the Republican party efficiently and has made one of the most, if not actually the most, successful administrations of that Department since the greatly successful record of Mr. Sherman, who executed the duties of his office under greater difficulties than were confronted by any other Secretary who ever occupied that high position. The administration of the Treasury from 1897 to this time has been grandly successful.

Now, what is the true gauge of reduction? Not to take the amount in the Treasury and the estimates of the income, and then propose to expend just the sum raised, but to arrange our legislation in such shape that we shall always leave in the Treasury of the United States an amount of money equal to any emergency that may arise, no matter whence it comes, so as to enable the Government to meet any condition that may suddenly arise and which must be met promptly. One of the wisest provisions enacted by the Congress of the United States is that which authorizes the Secretary of the Treasury to issue what are known as Treasury certificates, to the amout of $50,000,000, which may be used to meet any emergency as it may arise. That is an assurance behind the Administration, that under any ordinary circumstances the Treasury Department will always have a surplus to meet emergencies. The provision will never be abused and may become of great value.

I know, Mr. Chairman, that a great deal has been said, and much will probably be said during this discussion, of the question of this surplus, as well as the question of deficiencies in the Treasury. And if I were making a partisan speech I might say a word in reference to the policy of a Democratic Administration which forced us, in a time of profound peace, to go into the markets of the world and borrow some $262,000,000 at a high rate of interest in order to pay the current expenses of the Government. I repeat that this operation took place in a time when we were not at war with any nation in the world. But I am proceeding now to speak of this question in a business way and not in any sense in a partisan one.

I know that at the close of Mr. Harrison's Administration it was said that there was a certain deficit in the revenues, either then existing or likely to occur; and we have heard wonderful Aladdin stories of the purposes of the Administration and the preparation in the Bureau of Printing and Engraving to issue bonds, and this has been repeated over and over again, notwithstanding the steady and constant denials by men who knew all the facts of the absurd stories; and even during the recent campaign I have no doubt that this species of oratory figured largely throughout the country. Whatever was done was done in preparation for an event which it was understood might happen. It was simply a cautionary measure, and whether steps had been taken to get ready for the issuance of bonds, or certificates, or whatever it may have been contemplated, it is not worth while to discuss that question now. There never was any such proposition as the issue of a bond to borrow money to carry on the general expenses and operations of the Government; but there was preparation in the Bureau of Engraving and Printing which was not to come into effect until the incoming of the Administration of Mr. Cleveland, and which was done after a full consultation with the incoming Secretary of the Treasury, as has always been stated, who was then a Senator of the United States, and who may have changed his opinion. And thereupon the further prosecution of the work of engraving for that bond was at once suspended.

These are the actual historical truths with regard to this matter, and there never was any force or effect in the story, whether it was true or false, because the material fact lying behind the whole subject is that we were always able to discharge all the obligations of the Treasury and at the same time were always active to cut down taxation. Gentlemen on the other side will not be able to point their fingers to a single time in the history of this body when it has failed to reduce taxation as rapidly as was possible and consistent with the policy I have stated.

Now, if gentlemen desire verification of what I have said in regard to the votes, and the advocacy here upon the floor of Congress of these reductions, I cite them to the first act reducing taxation, which was approved July 13, 1866, Congressional Globe, pages 2863–2865, Part III, first session Thirty-ninth Congress, and to the following pages of the Congressional Globe: Page 3637, Part IV, first session Thirty-ninth Congress; page 3638, Part IV, second session Fortieth Congress; page 5522, Part VI, second session Forty-first Congress; page 3652, Part V, second session Forty-second Congress.

Now, two years ago we were confronted with this proposition. The current expenses of the Government would substantially absorb the revenues of the Government, and with a prospective war with Spain taxation of this character was resorted to. There is no complaint and can be no complaint of the action of the Democratic party in either branch of Congress at that time. In the first place, out of the surplus then in the Treasury, by the almost unanimous vote of both Houses of Congress, long before the war had begun, we appropriated $50,000,000 and handed it over to the President of the United States for necessary expenditure incident to the preparation for war that had not come. Then, by the provisions of the war-revenue measure, we provided for the issuing of bonds to meet the demands of the Government, and those bonds were subscribed, I believe, about four times over, possibly more than that, all by the people of the United States.

A vast contrast that with the career of Mr. Cleveland's Administration, that undertook to make a contract in advance of the authority to make the loan, and undertook to fix the rate of interest, and undertook to characterize the kind of money in which the loan and the interest were to be paid. A mighty contrast! One in time of peace and the other in time of war; one a bond at 4 per cent, with a reduction, if the character of the payment should be stipulated to be in gold, and the bonds to go to a syndicate formed largely of London moneyed men, and the other the patriotic loan of 1898, which went to the people of the United States at 3 per cent interest, the bonds payable in the same kind of money that all our obligations were then payable in, and payable now in the same kind of money that all our obligations are payable in—gold coin. There is a vast difference.

I do not say how it has come about now. It is not important. The fact remains that we entered upon this war with Spain, first, with an abundance of money offered to us by the people of our own country at a low rate of interest, and, secondly, by a provision for the payment of those bonds and all other obligations in the form of increased taxation to the extent of about $105,000,000 per annum, the result of the war-revenue act.

Mr. WHEELER. Will the gentleman from Ohio permit me to ask him a question?

Mr. GROSVENOR. Yes.

Mr. WHEELER. Do I understand the gentleman from Ohio to say that Mr. Foster prepared the plates to issue the bonds after consultation with Mr. Carlisle, who was to be the Secretary of the Treasury under the incoming Administration?

Mr. GROSVENOR. I say that the proposition to prepare for a new bond to take up the loan then falling due and to provide for exigencies was after a consultation with Mr. Carlisle, as I have been informed.

Mr. WHEELER. Now, what is the gentleman's authority for that statement?

Mr. GROSVENOR. It has been repeated over and over by Mr. Foster, and never denied by Mr. Secretary Carlisle, so far as I have been informed.

Mr. WHEELER. Has the gentleman any information except the newspaper reports to that effect?

Mr. GROSVENOR. Only the statement of Mr. Foster, which I have had direct many a time, either given me in person or by others.

Mr. WHEELER. I should like to know if the gentleman speaks advisedly upon that subject.

Mr. GROSVENOR. I do; and I have no doubt that that is the exact truth.

Mr. WHEELER. Is the gentleman aware that Secretary of the Treasury Carlisle has repeatedly denied that he knew anything about the new issue of bonds?

Mr. GROSVENOR. I never heard anything to that effect.

Mr. WHEELER. Everybody connected with the last Democratic Administration denied that they knew anything about that intended bond issue, and the Democratic speakers throughout the Congress denied it.

Mr. GROSVENOR. The fact about it is that every Democratic speaker throughout the country seems to have had very little intercourse with the outgoing Administration or during its period.

Mr. WHEELER. They had very little after it went over to the Republican party.

Mr. GROSVENOR. You may have lost something of the facts by your indifference as to the progress of the Administration.

Mr. WHEELER. We did not lose any of the facts, but some of our former associates lost their principle.

Mr. GROSVENOR. I am not going to controvert that or admit it.

Mr. BARTLETT. Will the gentleman from Ohio yield to me for a question?

Mr. GROSVENOR. I yield to the gentleman.

Mr. BARTLETT. I ask the gentleman from Ohio if he is not aware that Secretary Foster in February, 1893, made a statement before the Ways and Means Committee or the Appropriation Committee of this House that if he were to provide revenue to run the Government he would provide fifty millions additional, as there would be a deficit in the revenues to meet the expenses up to and covering June 30, 1894?

Mr. GROSVENOR. No; I never heard that, or, if I have, I have forgotten it.

Mr. BARTLETT. But did he not state that in his testimony?

Mr. GROSVENOR. I do not say that it does not exist.

Mr. BARTLETT. I asked the gentleman the question because the gentleman says the Republican party never had a deficit. If the statement of Secretary Foster be true they expected a deficit in 1894.

Mr. GROSVENOR. I have heard Secretary Foster's statement, and in connection will point out to the gentleman from Georgia where he could make a most interesting study. Mr. Cleveland was elected on the 6th of November, 1892, I think, and from that day until the 4th of March you will see what the condition of the Treasury was. The gentleman will see that the trouble began almost instantly upon the newspaper statement that Mr. Cleveland was elected, and kept up at an increased ratio of trouble clear up to the time when we found they had to borrow $262,500,000 to float the current expenses of the Government.

Mr. GAINES. Will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Tennessee?

Mr. GROSVENOR. As a matter of course.

Mr. GAINES. In reference to the colloquy you had with the gentleman from Kentucky just now, I desire to ask the gentleman a question.

Mr. GROSVENOR. I have heard enough about that, because I have stated all I know about it, and have very fully stated.

Mr. GAINES. Is it not a fact that ten days before Mr. Harrison's Administration closed Mr. Foster ordered bond plates made to issue bonds?

Mr. GROSVENOR. The gentleman is asking the same old question that has been twice put and answered, and I decline to yield for that purpose.

Mr. GAINES. Is it not a fact that that was done?

Mr. GROSVENOR. There is no chance of making it any stronger by asking the same question several times. The gentleman from Kentucky [Mr. WHEELER] and the gentleman from Georgia [Mr. BARTLETT] both asked it, and I answered it as well as I could.

Mr. GAINES. I was asking you if it was a fact. I think the gentleman from Kentucky [Mr. WHEELER] was not fully informed as to that fact. Is it not a fact that Mr. Foster ordered these bond plates made ten days before the close of the Harrison Administration?

Mr. GROSVENOR. I have fully explained the whole history of it before you came into the House, and nothing is added by a repetition.

Mr. GAINES. But is it not a fact?

Mr. GROSVENOR. I will not answer the question again. It is very tiresome to have to go over the same question and the same answer simply because the gentleman from Tennessee did not happen to be in.

Mr. GAINES. The gentleman declines to say yes or no.

Mr. GROSVENOR. I say yes and say no, both.

Mr. GAINES. Ah!

Mr. GROSVENOR. I say there was a preparation for a probable Democratic deficit. I have shown you, beginning from the time of the election of Mr. Cleveland and growing in ratio clear down to the time when, in July, they had to issue $262,000,000, and had to make new bonds, and the whole of it was prepared not for making of a continued loan, but for the purpose of putting into effect a provision in a Senate bill for the issuing of temporary certificates of indebtedness.

Mr. FITZGERALD of Massachusetts. Will the gentleman allow me one statement?

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. GROSVENOR. I yield for a question.

Mr. FITZGERALD of Massachusetts. Do I understand you to say that Mr. Foster told you that he had this consultation at the request of Secretary Carlisle in reference to this?

Mr. GROSVENOR. Mr. Foster's statement has been published a score of times, in which he said the provision which he was attempting to make was being made by virtue of a conversation which he had with Senator Carlisle, and that when Senator Carlisle withdrew his approval of it thereupon he withdrew the order to make the plates.

Mr. FITZGERALD of Massachusetts. A moment ago, Mr. Chairman, I understood the gentleman to say that he had that statement from ex-Secretary Foster.

Mr. GROSVENOR. I stated fully all that need be said upon this old stale question.

Mr. BARTLETT. I should like to ask the gentleman from Ohio another question.

Mr. GROSVENOR. I yield to the gentleman from Georgia.

Mr. BARTLETT. I desire to ask the gentleman if it is not a fact that on the 4th day of March, 1889, there had been left in the Treasury by the retiring Democratic Administration a surplus amounting to $234,000,000, and whether it is not a fact at the end of the Republican Administration under Mr. Harrison they had destroyed it and used that surplus up by the extravagant expenditures of the Republican party and caused the expected deficit?

Mr. GROSVENOR. Well, the gentleman can make a good speech on that text, but I will not go into details to answer him. There was a change of the revenue laws of the country between 1889 and 1893, and there were a variety of reasons, which would take more than an hour's time to explain, why the Democratic demand that there should be no surplus in the Treasury was by natural causes being rapidly accomplished. But when Cleveland went out, if the statement of my friend is true that in 1889 there was a surplus, I would like, when the gentleman from Georgia has time, and in his own time, to tell me what the Treasury did with that during the Administration of Cleveland, which made it necessary that we should borrow $262,000,000. The answer will be very interesting and will fully vindicate all I have said.

Now let me go on. The war with Spain is over, and it is entirely apparent to everybody that the time has come when, in the discharge of the same duty that has always been the sacred duty of the Republican party, a reduction can be made, and therefore a reduction ought to be made. And the Committee on Ways and Means during the long session of this Congress were importuned from hundreds of sources to make that reduction then. It would have been difficult under all circumstances to have ascertained a fair basis upon which that reduction might be made, and so it was put over, without any promise, but with a tacit understanding by all the people of the country that some reduction would take place during the life of this Congress, and the Ways and Means Committee has met that emergency and has presented this bill.

What are now the principles upon which this bill is framed? I am not saying that in every item it can be squared to the principle which I am going to lay down. We were raising $105,000,000. The proposition was first to reduce it about fifteen millions, and next the suggestion was that the amount should run up to about thirty millions, and finally the bill covers a reduction of something like thirty-nine millions and upward. Should it be by the wiping out of all the taxes in certain directions and none in certain other directions, or should it be by a horizontal scaling of all the taxes covered by the internal-revenue act of 1898? That was the question that confronted the committee.

There was not any question in the minds of the committee about what ought to be done, and we adopted a plan in the first instance, when we supposed the aggregate sum would be lower than it is now, that inasmuch as this war-revenue tax was a tax which at least was intended to be levied upon all the people of the United States, we would try and show to as many of the people of the country as possible that we were in good faith seeking to reduce taxation as much as was possible for us to do. But how to go about it? If there was one unjust feature of the tax law of 1898 above any other which was unjust, it was, perhaps, the tax upon proprietary medicines and druggists' articles, a taxation that reached the druggists of the country, the manufacturing and compounding and selling druggists of the country. It must be borne in mind that the foundation ingredient upon which nearly all these preparations stand is alcohol, already taxed at a very high rate, about which there has been no complaint; and yet we proceeded to put what turned out to be a very onerous tax on the top of the very high rate of taxation already upon the foundation

ingredient of these articles. So it seemed to the committee—and there seems to be no dispute about the propriety of it—that that tax ought to be wiped out entirely.

I say it was wise to let all the people of the country, without regard to party, know that the authorities at Washington were seeking to make good the historical record of the party, that they would reduce taxation, and here was an aggregation of taxation vexations in every respect—the taxes on express receipts. I am giving away no secret of any committee when I say that the committee that framed the original war-revenue bill intended to frame it so that the express companies would pay that 1-cent tax, but they did not do it, and the highest courts of the country held that they need not, and the express companies nevertheless stood in a position where they could easily have recouped themselves in the expenditure of that money even if the law had been what we intended it should be. But it is a vexatious tax, it is a vexatious proceeding, and I class it with the stamp upon the telegraph blank, and I class it with the stamp upon the Pullman-car ticket, which we have not taken off, but which we compel the Pullman company to pay. I speak of the Pullman in a generic way, because it is the greater of the sleeping-car companies, and perhaps it is the only one; I do not know. So I think nobody will complain of the reduction or extermination of these taxes. I, acting for myself, would have wished that that tax had been taken off.

Then came the tax on promissory notes—a tax not onerous, possibly, to the great banking institutions and the great money lenders of the country; but the tax upon a note given for borrowed money or a tax upon a mortgage given for borrowed money is always paid by the borrower. So we thought it would be wise to take this tax out of the way—to remove the whole of it bodily. The amount involved is not very large.

So there are a great many other taxes—I will not go over them in detail—which we thought it wise (and I think so yet) to remove entirely. Here was the tax on bank checks, amounting to about $7,000,000. And I want my friends on the other side to understand that a large number of protests have come to us against the removal of this tax on bank checks, and such protests have nearly always come from the great banking institutions of the country. Why? Well, I think I have a solution of the question. If the law requires a 2-cent stamp to be put upon every check by the drawer, there will not be so many checks drawn as if there were no tax of that kind.

The man who is in the habit of drawing 50-cent checks or 75-cent checks will not be so likely to draw checks of that kind if there is a 2-cent stamp required on every check as he would be if there were no stamp tax of that kind. The bookkeeping of a bank will be greatly enlarged by the removal of this stamp tax on checks, and greatly reduced by the continuance of that tax, but it is a vexatious affair to the community in general.

But another consideration operated largely upon my mind. There was a ruling by the Internal-Revenue Department which authorized a receipt to be given by a person having money on deposit in a bank payable to himself, which I believe was, in a great many instances, misused fraudulently. More than that, I always condemned the shifting device that undertook to draw money out of a bank, even to the owner thereof, upon a receipt instead of a check. Nobody ever heard of such a practice until this revenue act was enacted; therefore it was clearly a device to get rid of the tax—a device never before practiced; and I have always looked upon it as of very doubtful character in its essence.

Mr. FITZGERALD of New York. Does not the gentleman think that this tax, by tending to restrict the use of checks, might operate to promote economy and prevent extravagance?

Mr. GROSVENOR. I had not thought about the matter from that standpoint. Possibly there might be such an effect. Possibly, if I wanted to use a dollar which I had in the bank and was obliged to use a 2-cent stamp in order to draw it out, I might consider on second thought that I would not use the check for that purpose. I do not know exactly what would be the effect in such a case. In my very small handling of money I have generally found that I never use money at all until I am absolutely compelled to do so, and I have a mighty hard time to furnish the basis even under those conditions.

Mr. FITZGERALD of New York. I understand that this tax has resulted in a perceptible reduction in the number of checks used.

Mr. GROSVENOR. I think that is altogether likely; but does that indicate economy? There is a factor in this case which the gentleman has not suggested. In determining this question we ought to consider the size of checks at present, compared with the size of checks formerly. A man who calculates closely upon 1 or 2 cents may draw one check for $50 where but for the stamp tax he would draw one for $10. That, however, is a matter which will never be ascertained. But, Mr. Chairman, the tax is a vexatious one and we propose in this bill to get rid of it.

Now there are many transactions involving the sale of land or other property, and the parties who engage in these transactions very often do not understand what the law is. The Americans are nearly all people of intelligence, but they are not all lawyers, and doubtful questions in regard to these matters are constantly arising. The amount of money coming from that source is not sufficient to justify the trouble and annoyance.

Now let me say a word about the bank check, which I was about to say when the gentleman from New York [Mr. FITZGERALD] intervened. I am told by a gentleman who is a banker that thousands, many thousands, of checks travel in the course of a year to a number of banking houses without any stamp upon them. When they finally come to the paying bank, they are either stamped, unjustly, and illegally too, by that bank or else the check is thrown out and not paid—is sent back through the various channels through which it has come; and then perhaps in course of time another check, duly stamped, makes the circuit; and possibly when that check gets to the paying bank, there is no money to the account of the drawer. So that, in this way, we have endless confusion. For all these reasons it was thought advisable to strike out this check tax, with its $7,000,000 of revenue, and the banks get some benefit from the repeal.

Now, there is a tax on banks amounting to three millions annually. I think it fair to state here that until this bill was reported to the House, and the report of the committee was printed in the public press, I never heard a word from any bank in the United States on this subject. Since that time protests in all forms of expression have come to me and doubtless an equal number—probably a much greater number—to other members of the committee; for there are several of them who represent much larger moneyed locations than I do. When we come to look into this matter we find there is more complaint and disturbance about this tax than is justified.

Three millions is the limit of receipts from this source—three millions scattered over more than 3,000 banking institutions. I depend upon the gentleman from Connecticut as to the number of these institutions; if the figures should be wrong, I will correct them in my printed remarks. This tax is scattered over the various States and Territories and is gathered from thousands of different institutions, the whole tax amounting to between three and four million dollars. To divide it did not seem to be a proper and efficient way to get at the matter.

Then we came to the subject of beer; and on that I have a few words to say. The taxes have amounted in the aggregate to $33,000,000. After a great deal of consideration and discussion we concluded to take off almost one-third of this tax, amounting to almost $10,000,000.

And now, Mr. Chairman, to show you what a time the Committee on Ways and Means had in dealing with this subject, I think it will perhaps be a surprise to many members when I say that a great body of the representative men in this industry for a long time protested that they did not consider the reduction of $10,000,000 as a matter of the slightest benefit to them, and desired that the whole amount should be retained unless all of it was removed.

But we took off 40 cents a barrel, including the former rebate, which amounts to about $10,000,000. Thus we left all of the tax on the banks. But it should be remembered that the banks are indirectly benefited by all of these reductions, and largely so by the reduction of the tax on beer, for to the banks comes the paper—the commercial paper—of the brewers throughout the country, in large part; and if the stories we hear are true of the crippled condition of the brewing interest in the United States, then they are benefited in their credit in the banking system of the country by the sum which is estimated to amount to nearly $10,000,000. Now, I ask if that is not a just proportion of taxation?

For my own part, Mr. Chairman, I would greatly prefer—very greatly prefer—that instead of the discount upon stamps there should have been a flat rate of taxation, which in the present case would be $1.60 a barrel. I think that would have been a better plan for several reasons, one of which I will endeavor to make plain to the committee. The rebate on stamps is a rebate to the brewer. It works itself up into a good many shapes before it is adjusted between the brewer, the retailer, and the consumer; but if the tax were a flat and direct one of $1.60 a barrel, the retailer and the consumer would understand it just as well as the brewer does himself, and there would be no confusion in dealing with the subject. This result will doubtless be reached.

Now, in brief, these are the general provisions of the bill. The tax which is left on the banks will be for readjustment at a future day. It may be possible that, had a full understanding before the committee been possible and all of the facts been available, there might have been some relief to the banks. But as some compensation for the tax there was this sum of $1,000,000, or, in round numbers, to speak more clearly, $1,250,000, taken, which is the sum total upon the same basis of reduction asw as given in the other cases.

Mr. HAUGEN. Will the gentleman from Ohio permit me to interrupt him?

Mr. GROSVENOR. Certainly.

Mr. HAUGEN. I understand from the statement of the gentleman from Ohio that the tax has been removed so far as the express companies are concerned?

Mr. GROSVENOR. Yes; the tax on express receipts.

Mr. HAUGEN. What has been the reduction in the case of the banks?

Mr. GROSVENOR. None, except the tax to which I have just referred, upon checks.

Mr. HAUGEN. Is it not the fact that the express companies are the competitors of the banks in this respect—that is, in issuing money orders, for instance—and why should one be taxed over the other? Why should there be an apparent discrimination made?

Mr. GROSVENOR. Well, Mr. Chairman, I hardly concede the gentleman's premises, but the committee believe that they have acted impartially in the adjustment of the matter.

Mr. KLUTTZ. Let me suggest to the gentleman that, according to this statement, and also according to the report of the Committee on Ways and Means, both of these taxes are removed.

Mr. HAUGEN. But the stamp tax on the checks is paid by the user?

Mr. KLUTTZ. Yes; so is the tax upon the express companies' receipts.

Mr. HAUGEN. But why should the capital stock of the banks be exempted from taxation?

Mr. KLUTTZ. It is not. The stamp tax on checks has been removed; but, as I understand it, the tax still remains on the capital stock of the banks.

Mr. GROSVENOR. It is enough to say that the banks are more largely interested in other directions far than the express companies. They are interested in promissory notes and in everything relating to the business of the country that is done by the execution of commercial paper and by the execution of mortgages. Of course the national banks do not directly loan money upon mortgages, but the independent banks do and the State banks do, and the national banks come in, in a sort of indirect way, as the gentleman knows, into the very transactions which are the loans of money upon real estate. So that there is scarcely a reduction, except that upon proprietary medicines, that does not indirectly benefit the banks. At the same time I concede what the gentleman doubtless intended by his interrogatory. I concede that there is left an apparent inequality in the bill so far as banks are concerned.

But it must be borne in mind that the banks were thus silent, and the small amount of the tax as compared with the aggregate placed us in a position where we were doubtless more or less misled as to the opinion of the banks themselves.

Mr. HAUGEN. But the fact that they remained silent does not right a wrong.

Mr. GROSVENOR. It does not, but here is a tax of $105,000,000. We propose to reduce it about thirty-nine and three-quarter millions, and the tax upon the banks, as I have shown, amounts to but about three millions, so that at last, as compared with the sources of revenue from other directions, the banks are having a pretty easy time of it. Yet I admit that there is an unexplained and unexplainable inequality in this particular phase of the bill. If I had my way about it, if I could see as far ahead as some of the gentlemen upon the other side appear to be able to see, I would make a very different reduction from this one.

If we could only say that prosperity is to continue, I believe that a more simple course might have been taken. I am glad to see that in the House of Representatives of the United States we are acting upon the hypothesis that there is now widespread, general, and generous prosperity throughout the land. The people of the country understood it some time ago, and for once in the history of the Democratic party the managers of that party here have wisdom enough to understand a fact after it has been proclaimed by the Republican party and ratified by the people of the country. And if we could look forward, as I hope we may, to a continued condition of this prosperity, I for one believe that we might have repealed the entire war-revenue tax, letting it go into effect about one year from the coming 1st day of January. In that way we would have gotten rid of the discriminations that are alleged. [Applause on the Republican side.]

Mr. NEWLANDS. Mr. Chairman, the war-revenue measure which was framed to meet the extraordinary expenditures caused by the war with Spain is now under consideration after that war is ended. For that war another war has been substituted, involving an extraordinary train of expenditures, in continuation of those made during the Spanish war.

THE PHILIPPINE WAR.

The war now being waged is unlike the Spanish war. That war was in vindication of the rights of man. It was for free government and to save a suffering people from cruelty and oppression. This war is conducted for the purpose of suppressing the aspirations of a people for independence and is in violation of all those essential principles of government upon which this country founded its greatness and its prosperity—the equality of man, the consent of the governed, and the inseparability of taxation and representation.

The minority realize the fact that the people of the United States, knowing the policy of the Republican party, have committed the destiny of the Republic to its hands for the next four years, and have, by implication at least, sanctioned this war. And whilst the minority continue their protest against it as an unnecessary and unjust war, we realize the fact that so long as this policy is to continue, extraordinary expenditures will be required. So, whilst we protest, we will not harass.

We insist that had the country adopted the policy declared by the Democratic party in the last campaign, these extraordinary expenditures would be unnecessary and that we should have secured all the benefits and advantages to be obtained by commercial expansion. We insist that our duty was to give the Filipino people assurance of ultimate independence, but meanwhile, recognizing the fact that the sovereignty of Spain had been destroyed and that the only government created by the Filipino people themselves had been destroyed by the power of our arms, an obligation rested upon us, not only to civilization throughout the world, but to the Filipino people themselves, that obligation being to hold power there for a time in trust for the Filipino people during which a stable government could be organized, with their aid and cooperation, capable of maintaining domestic peace and of meeting international obligations, and, that being accomplished, we should retire.

During this time we would obtain a commercial hold upon those islands which could never be loosened; and with the aid of naval and coaling stations, which would be secured to us as a part of the machinery of our Navy and commerce, we would secure all the advantages of great commercial expansion without the expense attendant upon the subjugation of a people having aspirations for independence, and without the contradiction involved in denying those essential principles of government upon which our Republic was founded.

It is necessary, therefore, if these extraordinary expenditures are to be continued, that provision should be made for them by law and that sufficient revenue should be secured for that purpose. The only question now before this Congress is what amount is necessary for these extraordinary expenditures, and how shall the burden of that expenditure be distributed amongst the various classes, interests, and properties in this country.

AMOUNT OF WAR REVENUE REQUIRED.

Now, as to the amount required. The statistics furnished us by the Secretary of the Treasury indicate a constantly increasing revenue; our surplus during the year 1899–1900 was $79,000,000; our surplus for the present fiscal year, existing and contemplated, is $80,000,000. Our surplus, according to the estimate of the Secretary of the Treasury, that estimate involving an increase of pretty nearly $90,000,000 in our expenditures over those of the present fiscal year, will be $26,000,000 for the year ending the 30th of June, 1902, a total surplus of $185,000,000 to be derived from the three years' taxation ending June 30, 1902, assuming that the extraordinary estimates made by the various departments of the Government and submitted by the Secretary of the Treasury for the last year named is to be a guide to Congress in its appropriations.

Now, we have a present balance in the Treasury of $140,000,000, and that is entirely outside of the $150,000,000 reserved in the redemption fund for the purposes of redemption—$140,000,000, a working balance in the Treasury, subject to appropriations. To this, as we have already passed through nearly one-half of the current fiscal year, we must add the surplus from January 1, 1901, to June 30, one-half of the total estimate of $80,000,000, namely, $40,000,000; and to this we must add the surplus for 1901–1902, $26,000,000, the latter being an estimated surplus by the Secretary of the Treasury after full allowance for all the extraordinary expenditures covered by the estimates of the departments, making on the 30th day of June, 1902, a total surplus, if the law remains as it is to-day, of $206,000,000.

Now, we come to the deductions under the Payne bill. Assuming that the expenditures are the same, the reductions under the Payne bill will be operative for eighteen months.

Mr. SMITH of Kentucky. Will the gentleman allow me to ask him a question?

Mr. NEWLANDS. Certainly.

Mr. SMITH of Kentucky. I would like the gentleman to state what the estimated expenses were each of the three years named?

Mr. NEWLANDS. The estimated annual expenditures for each of the three years named are, for the first, $590,000,000; that is an actuality. For the second, part actual and part estimated, as the year has not yet been completed, $607,000,000; for the third, $690,000,000.

Now, coming to the reductions under the Payne bill, which scheme will be operative until June 30, 1902, at least eighteen months, the annual reduction of taxes will be $40,000,000, making for eighteen months $60,000,000. Deduct this sum from $206,000,000, the surplus which will exist on the 30th of June,

1902, providing that no reduction in our revenue laws be made, and we will have a surplus on the 30th day of June, 1902, of $146,000,000. Now, the minority propose to make reductions aggregating $70,000,000 instead of $40,000,000, and for eighteen months, at the rate of $70,000,000 per annum, the total reduction would be $105,000,000. Deduct this from $206,000,000, the surplus, if the present law remains unchanged, which will exist on the 30th of June, 1902, and we will have a surplus in the Treasury of $101,000,000, entirely outside of the $150,000,000 in the Treasury for the redemption fund.

Now, I ask whether it is not clear that neither of the parties have gone far enough in their proposals for reduction of taxation: whether a more radical reduction than either is not warranted by the facts and figures which are presented by the Secretary of the Treasury, no item of which is contested in this statement?

Mr. SULZER. Mr. Chairman, permit me to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield to the gentleman from New York?

Mr. NEWLANDS. Certainly.

Mr. SULZER. I would like to ask the gentleman from Nevada if the entire war-revenue tax were repealed whether that would cause a deficiency in the revenues for the next and following fiscal year?

Mr. NEWLANDS. It would not create a deficit, as we now have a surplus of $140,000,000 on which to draw.

Mr. SULZER. Why not repeal the entire war revenue tax law?

Mr. NEWLANDS. Well, I am opposed to that, because there are certain items in the war-revenue measure that put certain taxes upon the accumulated wealth of the country. I am in favor of retaining those taxes as a part of the permanent tax system of this country. I realize the fact that the ordinary expenses of the Government have been covered by tax laws which tax almost entirely the consumption of the country, and inasmuch as the war-revenue bill, the result of an emergency, called in the wealth of the country in partial support of that war I am in favor of leaving upon that wealth its proportion imposed by the war-revenue law and relieve to that extent the consumption of the country.

The total taxes of the National Government have been imposed for years on consumption. It is time that consumption were relieved in part of this burden, and that accumulated wealth should bear at least the small proportion imposed upon it by the war-revenue bill, and that such taxes should be extended to other classes of wealth hitherto exempted from national taxation.

Now, Mr. Chairman, I have shown that under the propositions of the minority we will have a surplus of $101,000,000 on the 31st of January, 1902. If we assume, as will undoubtedly be the fact, that the estimates of the Secretary of the Treasury for the expenditures of the fiscal year ending June 30, 1902, will be cut down from six hundred and ninety millions to six hundred and seven millions, the expenditures of the current year, we will then have a surplus of nearly two hundred millions in the Treasury. So much, then, as to the amount of the reduction that should be made.

Now, we come to the question as to how that reduction shall be made.

Mr. SMITH of Kentucky. I would like to ask the gentleman, before he leaves that question, whether he has made any investigation as to how the actual receipts and expenditures compare with the estimates made for a few years past by the Secretary of the Treasury. Do they overrun or not?

Mr. NEWLANDS. I have not made such a comparison, and can not, therefore, give the gentleman the information he desires.

Mr. SNODGRASS. In the gentleman's estimate, has he included the river and harbor expenses?

Mr. NEWLANDS. Yes; my estimate of a surplus of $101,000,000 on the 30th of June, 1902, after making the annual reduction of $70,000,000 advocated by the minority, includes all the estimates made for the river and harbor, for the increase of the Navy, for the construction of battle ships, for the armor-plate contracts, and all the extraordinary expenses referred to by the gentleman from New York [Mr. PAYNE]. This estimate of surplus is made after allowing all the estimates of the departments for the fiscal year ending June 30, 1902.

Mr. McDERMOTT. Have you included the subsidy of $9,000,000 to be given to ships?

Mr. NEWLANDS. No, I have not.

METHOD OF REDUCING WAR REVENUE.

We now come to the method of the reduction. Under the Payne bill as presented I have classified the items of taxation as follows: Upon beer a tax is placed—and I refer only to the war-revenue tax and not to the ordinary tax on beer that existed before the war—of $23,000,000; tobacco, snuff, cigarettes, with the reduction on cigars taken out, over $18,000,000. In special taxes bankers are taxed a total of $384,000, and bank capital is taxed about $3,139,000.

Brokers, pawnbrokers, billiards, and bowling alleys are also taxed, making the total of special taxes, so called, $4,227,854. In Schedule A certain items are retained under the head of stamp taxes. The total of stamp taxes is $14,000,000, being a reduction from about $32,000,000 imposed by the original war-revenue act. Then come the items: Wines, when bottled, $600,000; excise taxes on refineries of petroleum and sugar, $1,079,000; legacies, $2,384,000; making a total of $65,000,000 of war-revenue taxes imposed by the Payne bill in place of $105,000,000 imposed by the Dingley bill. I will read a schedule of taxes under the Payne bill which I have made up, and which I believe to be substantially correct:

Estimated revenue under Payne bill.

Beer		$23,598,509.40
Tobacco, snuff, and cigarettes		18,954,061.00
Special taxes:		
Brokers	$309,000	
Pawnbrokers	37,000	
Billiards and bowling alleys	366,000	
Bankers	384,495	
Bank capital	3,129,404	
		4,227,854.00
Schedule A.—Stamp taxes:		
Bonds, debentures, certificates of indebtedness, etc.	$3,000,000	
Shares of stock—transfers	9,000,000	
Sales of merchandise on board of trade	1,000,000	
Freight, including domestic bills of lading and freight receipts	1,200,000	
Entries of merchandise at custom-house and entries for withdrawal from bonded warehouse	500,000	
Sleeping and parlor car tickets	75,000	
		$14,775,000.00
Wines, when bottled for sale		600,000.00
Excise taxes on refiners of petroleum and sugar		1,079,405.00
Legacies		2,384,491.00
		65,619,320.40

I wish to say, so far as these reductions are concerned, that upon the whole I think the majority have exercised good judgment, although they have not gone far enough.

PARTISAN CONSIDERATION IN COMMITTEE.

It is true I deplore the pernicious system which has grown up in the Committee on Ways and Means of having there only partisan consideration of and deliberation over proposed legislation affecting the revenue. It is a practice that exists, I believe, in no other committee in the House. I make no charge or indictment against the dominant party for it. It is a practice that has been indulged in by the minority party itself when in power, but it is entirely subversive of that deliberation which ought to characterize a legislative body.

In the interest of a speedy and orderly conduct of business, we have put a restraint upon debates in the House of Representatives. We have realized that this is a large and rather unwieldy body, and that in order to get through with our business it is necessary to impose restrictions upon debate, upon consideration and deliberation here. But we always realized that in our committees there existed full opportunity for the calm and deliberate consideration of legislation which would insure safe guidance to the House.

I may add that when I was on the Committee on Banking and Currency, though the question then was one which drew the line sharply between the parties, there was never anything of partisan consideration in that committee. Every measure was considered in full committee. Hearings were had, experts were summoned, arguments were presented by the various members of the committee with great elaborateness and detail, and although that committee for years was in a condition of contrariety of opinion that prevented any report, yet the deliberations of the committee, the keenness of the criticism of opposing minds, sifted out much chaff and served a great purpose by eliminating from discussion in the House and in the country many measures involving precarious theories and dangerous experiment.

So, also, in the Committee on Foreign Affairs, on which I had the honor to serve, and where we were divided in one or two cases by party policy with reference to our external relations. And yet every measure was considered in full committee and ample opportunity was given for analysis, criticism, and deliberation. But in the Committee on Ways and Means the practice has been indulged by both parties, for years, of confining not only the framing of but the consideration and deliberation upon a measure almost exclusively to the party in power.

We have an instance in the measure before us. The majority were called together before the meeting of Congress. Many and prolonged conferences were held; the aid of Government experts was secured—all this in the absence of the minority—and then when the measure was fully shaped the minority members were called upon simply to hear its provisions explained by the chairman and to vote without the aid of the exhaustive processes for securing information which the members of the majority had enjoyed.

I claim that this is a pernicious custom, for the revenue stands at the very basis of our Government. Without it no other power of government can be exercised. And if there is any measure concerning which the thought, the deliberation, and the judgment of every member of this committee should be exercised, it

is with reference to this power that involves the very source of government itself. The contest of mind in the committee, the criticism and suggestions of the minority members, having equal opportunity of information, ought to be valuable to the majority in framing a measure. If we are to add to restriction upon consideration and debate in the House restraints upon consideration and deliberation in the committees, legislative proceedings will lose much of effectiveness and force.

ITEMS ELIMINATED.

Now, I was saying that the majority have, in my judgment, selected wisely in the main the items for elimination. They propose to remove in a large measure the vexatious taxes—the taxes that harass and annoy. But at the same time I do not think they have sufficiently taken into consideration that a particular tax may be just in itself while the method of its exaction may be vexatious. Take, for instance, the tax on checks, giving an annual revenue of $7,000,000, gained largely from the wealth of the country. It should have been our effort to maintain this tax in some other form, and yet it is to be remitted, because, according to the assurance of the gentleman from New York [Mr. PAYNE], the farmer has been vexed by it.

It is said that the farmer living 4, 5, or 6 miles from the county seat has frequently no stamp at hand and is unable to borrow one; so that he is subjected to vexation and delay. Yet, as a matter of fact, we know that the great bulk of taxes is gathered from the people in the commercial centers, and is imposed upon the exchanges of the commercial centers. It strikes me that some measure could have been devised for securing this revenue tax in some way from the wealth of the country and at the same time avoid the vexations to which the gentleman has alluded.

So also with reference to the tax on telegrams. Why, sir, when we came to tax sugar refineries and petroleum refineries, we did not place the tax upon the oil or the sugar, but we placed it upon the gross receipts of the companies. We called it an excise tax, and we imposed it upon all persons, firms, or corporations owning petroleum or sugar refineries—a tax of one quarter of 1 per cent upon their gross receipts over $250,000. Thus we taxed their wealth; and we gained a revenue from that source of over $1,000,000. But when we came to tax the telegraph companies, instead of imposing the tax upon these great common carriers, the act was so framed as to impose it upon the sender of the message; and from that tax we have realized $800,000 annually.

I appreciate the fact that out of the total of $100,000,000 of revenue collected under the war-revenue act $800,000 would have been perhaps too large a proportion to impose upon the telegraph companies. But surely some method could have been devised by which a portion of this tax intended by us, according to the statement of the gentleman from Ohio, as a tax upon the wealth invested in telegraph companies, should have been imposed on telegraph companies by some such method as is provided in the law with reference to sugar and petroleum refineries. We did this in the case of the telephone companies.

In the war-revenue act provision was made that telephone companies should monthly make a statement of all messages upon which they received over 15 cents and that a tax of 1 cent upon each message should be paid—not by the senders, but by the companies. And $315,000 was collected in this way from telephone companies. Possibly too large a proportion of the total war-revenue taxation was imposed upon this interest. But certainly some tax was just. What do the majority of the committee say when they come to consider this tax?

They say, "We propose to abolish the tax on telegraphic messages, and therefore we will abolish the tax on telephone messages." Was the relief of one a good reason for the relief of the other? You propose to relieve the sender of the message when you take off the tax on telegraph messages; you propose to relieve the company when you take off the tax on telephone companies.

I submit that in the reductions made by this bill it would have been wise for the majority of the committee to determine upon some sum—not $800,000, as in the case of telegraphic messages; not $315,000, as in the case of telephone companies—but some sum, say $100,000—say $150,000—to be collected in the aggregate; and when they had determined upon the sum which was to be collected from telegraph companies and telephone companies the method of its assessment by a tax in proportion to receipts or to messages could easily have been devised, as it was devised in the existing war-revenue bill regarding telephone companies.

BANKS—REFINERS OF PETROLEUM AND SUGAR.

Among the taxes especially to be approved in the amended bill is the tax on the aggregate capital of banks exceeding $25,000. From this source $3,120,000 has been secured in the last year. I think that if we are to tax the wealth of the country in order to sustain this war, which it justifies, we ought to tax banks, but we ought not to place so large a proportion of the general burden upon a single interest. If $65,000,000 is to be raised by the war-revenue act—only ten or fifteen millions of it to be gained from wealth—it strikes me that the imposition upon bank capital of a total tax of $3,000,000 is disproportionately large.

But I approve the principle of the tax; and if in diminishing it there should be any loss in the total amount of revenue, I would make up for this by extending the principle of the tax to other corporations, particularly those engaged in production in this country—those great combinations of wealth which are taking advantage of the tariff law to protect themselves from foreign competition and are destroying that domestic competition which it was the purpose of a protective tariff to promote by building up monopoly.

INDUSTRIAL CORPORATIONS.

Now, it may be asked, How would you do this? Well, what are the great combinations of which we complain? We are familiar with the department store. We are familiar with these so-called trusts whose names it is unnecessary for me to repeat. How would you reach them? Why, you can reach them just as you can the bank capital, where you impose a tax in the nature of an excise tax upon all capital exceeding $25,000. Or you can tax them as you did the refiners of sugar and petroleum, by a tax upon annual receipts exceeding $250,000. And you can make another classification by providing that all corporations engaged in manufacture owning or operating more than one factory or plant shall pay a tax, as in the case of the sugar refineries, of one-fourth of 1 per cent, or less, if you choose—one-eight of 1 per cent or one-tenth of 1 per cent—upon their annual sales exceeding $250,000.

In this way you will see that you reach the very class of persons you ought to reach. You reach out for the wealth of the country and tax it, not oppressively, but fairly, and it seems to me that by the exaction of the small tax imposed, and at the same time by the exclusion of the small producer, whose business does not exceed $250,000 annually, you promote a policy which will advance individualism and check monopolies.

Now, in regard to taxes upon the great business interests—the combinations of capital throughout the country, and to which reference has been made in this debate—it is only necessary to say that this form of tax is already incorporated in the legislation of the country. These taxes have been successfully imposed.

It is no new thing to impose such a tax. Bank capital is to-day taxed in the aggregate $3,000,000 throughout the United States by the war-revenue act. The sugar and petroleum refineries have paid $1,000,000, and the principle is already here embodied in the law. Now, why not extend it so as to embrace other classes of wealth which practically come under the same head, and, in this connection, by a simple clause, compelling these great industrial concerns to make statements to the Internal Revenue Commissioner under oath; statements which will exhibit their gross receipts, their operating expenses, the wages paid, the taxes paid—national and State; statements which can be classified and published by the Internal Revenue Bureau reports, as are the statements of the banks in the Comptroller's reports and the statements of the railroads in the Interstate Commerce Commission's reports? You will get the statistical information which will enable you hereafter to act intelligently upon this great question and to impose national taxes with a full knowledge of the facts.

I should make this legislation tentative for the present. I would impose a very low tax for this purpose, and I would make it the means of securing publicity of the operations of these great industrial combinations—that publicity which is regarded by all economists as an essential feature in any legislation regulating or restraining these combinations.

Mr. Chairman, the powers that Congress has are adequate, but the information we have is not adequate in connection with these matters. Under the clause of the Constitution relating to interstate commerce, under our constitutional powers regarding the mails and taxation, we can do much, if we will, to restrain law-created corporations from pursuing lawless purposes.

The taxing power is the power upon which I believe we can best rely, and I would make, as I have said, provisions of this character in this bill only tentative propositions, providing a low rate of taxation, capable of producing annually only five or six millions of dollars from all of these great aggregations of capital and compelling statements from them which in themselves would furnish us the information for our future action.

Mr. McDERMOTT. I would like to ask the gentleman a question, with his consent.

Mr. NEWLANDS. Certainly.

Mr. McDERMOTT. I would like to ask if there is, in the judgment of the gentleman, any species of personal property in this country that is as fully taxed now, as excessively taxed, I may say, as the stock represented by banking corporations and trust companies? As I understand it, they are taxed in most of the States under the constitutional provision of the States, and are taxed at the full value of their capital stock, an imposition which is not placed upon any other character of personal property.

Mr. NEWLANDS. I will say to the gentleman——

Mr. McDERMOTT. Permit me to continue and complete my question. Is it not true that the capital and surplus of these trusts and banking corporations throughout the country are taxed to the full extent; and is it not the most easily reached of all species of property for taxation, since the amount can be definitely ascertained?

Mr. NEWLANDS. I will say to the gentleman that I am not sufficiently familiar with the laws of the States in reference to taxation to answer his question fully. But so far as Federal taxation is concerned, we have derived from the total capitalization of all of these institutions $3,000,000 under the present laws of taxation, which I regard as an excessive proportion of the war revenue.

Mr. McDERMOTT. The constitutional provisions of the States in reference to taxation require that property shall be assessed, as a rule, by uniform rules and according to value; but, as a matter of fact, we all know that this is not done. But in the case of stocks, representing an investment of a trust company or a banking corporation, there is no opportunity of escaping the full amount of taxation provided by the State law; and, in my judgment, it is that species of property which is most easily reached for purposes of taxation.

Mr. NEWLANDS. That may be true, so far as the trust companies and the banks are concerned. I am referring now to those corporations which are engaged in productive enterprise. But, with reference to them, I insist, in the first place, that the corporation is the creation of the State, and there is nothing it does that the State has not a right to know about, and its affairs ought to be open to governmental inspection, certainly so far as the exercise of any governmental power requires.

And, in the second place, I insist that we have already violated the privacy of corporations, and that violation has been just as strenuously resisted with reference to such corporations as with reference to those upon which I propose to fasten this obligation.

What corporations are those? Why, banking corporations. They are compelled now under the laws of this country to make clear, definite statements to the Comptroller of the Currency, which are published, which are accessible to us all, which contain every detail of information regarding general matters of receipt and expenditure. And we have also extended that to the railroads, against their protest.

The Interstate Commerce Commission every year publishes exhaustive reports containing classifications of the statements made by these great railroad corporations, statements that are most instructive, statements that have tended to make railroading a matter of science instead of a predatory warfare upon the people.

These statements have been beneficial to the corporations and to the people, and have presented a vast mass of statistical information which has not only been the guide of the United States but of the States and municipalities throughout the country in their relations to corporate transactions.

So that we enter upon no untried field. We have a right, when we impose a tax, to exact a statement, and we can require that statement from a corporation to be as full in details as we choose. I would avoid elaborate details, but I would certainly obtain those details that will give us the statistical information that is essential to enable us to act intelligently as a legislative body upon this subject, which will be the subject of legislation for many years to come. Besides this, these corporations are protected by the tariff, and if tariffs are to be framed, as heretofore, upon the principle of protection, we should have scientific protection based upon accurate information as to wages and profits, not casual protection based upon misinformation or misrepresentation.

But, you ask, what, then, would I propose in the way of affirmative legislation? Well, I would simply take the Payne bill as the basis, recognize, in the main, all the eliminations that have been made, and make further eliminations and extensions of the principle of the law to other forms of wealth. What, then, would I keep? I would retain, first, the item of capital of banks as under existing law—about $3,000,000.

I would not object to a reduction in that, which would, of course, mean a reduction in the rate of the tax, provided the portion of the total tax reductions were placed on other forms of wealth now escaping Federal taxation. I would do away with all the occupation taxes, including the tax on the bankers' occupation, from which $318,000 is received. I would do away with the brokers' tax and the pawnbrokers' tax, and the tax on billiards and bowling alleys and other amusements.

As to Schedule A, I would accept it substantially as it is in the Payne bill, from which a tax of $14,000,000 would be received in the way of stamps. These stamp taxes are not so vexatious in their collection as the other stamp taxes that have been eliminated in the Payne bill to the extent of $22,000,000. I would retain the tax on legacies of $2,384,000.

I would retain the excise taxes on refiners of petroleum and sugar as under existing law—$1,000,000—making a total of $21,000,000 of the $65,000,000 which I would retain—the $65,000,000 proposed by the Payne bill. In addition to this, I would include other forms of corporations, and put an excise tax upon them similar to that on refiners of petroleum.

Mr. SULZER. Will the gentleman permit a question?

Mr. NEWLANDS. Yes.

Mr. SULZER. Do I understand the gentleman from Nevada to say that he is in favor of retaining the additional tax of $1 a barrel on beer?

Mr. NEWLANDS. Oh, no; I have not said that. I have said nothing with reference to beer. I will come to that in a moment.

Mr. SULZER. Are you in favor of the repeal of that additional war tax on beer?

Mr. NEWLANDS. A great part of it; yes. I will get to that in a moment.

Mr. SULZER. Is it not a fact——

Mr. NEWLANDS. I will cover that fully in a moment.

Mr. SULZER. Just a word.

Mr. NEWLANDS. All right.

Mr. SULZER. Is it not a fact that the additional tax of $1 a barrel on beer under this war-revenue tax law is really a tax upon consumption and that the poor people who drink beer are compelled to pay that tax?

Mr. NEWLANDS. I think it is largely a tax upon consumption; yes.

BEER—TOBACCO.

Now, I have stated that I would retain $21,368,000 of the taxes imposed by the Payne bill. I would add to them a tax from which in the aggregate about $3,000,000 could be secured, an additional excise tax on department stores and on corporations engaged in manufacture or production owning more than one plant or factory or having gross receipts in excess of $250,000, to be levied as in the case of refiners of petroleum or sugar, with provision for statements to the Internal Revenue Commissioner for publication.

Then, in addition to that, in order to make up the $35,000,000 which we require, I would reduce the war tax on beer from $23,000,000, as in the Payne bill, to $6,000,000, and the war tax on tobacco from $18,000,000 under the Payne bill to $5,000,000, making a total of $35,000,000, which, in my judgment, is amply sufficient to carry on the expenses of this Government in connection with the other revenue received, including all the extraordinary expenditures to which the gentleman from New York [Mr. PAYNE] has alluded.

I would also eliminate from the Payne bill or reduce the tax on wines $600,000. That is a tax on consumption, and is a very heavy tax to impose on domestic wines.

Now, you ask me why we should relieve tobacco and beer of these taxes. Some think that the consumption of beer and the use of tobacco involve vices that ought to be prohibited by taxes.

Well, I do not think that that idea generally prevails, and I shall not discuss it. There is one use of tobacco which I would oppressively tax if it were in my power, and that is the cigarettes. If I had the power I would put the entire tax of $5,000,000 on tobacco, as suggested by me, upon the cigarette industry, because I believe the use of cigarettes is a pernicious habit, destructive of the health and morals of our young people [applause], a habit usually acquired before a boy grows to maturity and which stunts him on the way to maturing.

As to beer, we all realize the fact that it is the beverage of the masses of the people. A tax was imposed on beer during the civil war of $1 per barrel. It was never relieved of that, and when the Spanish war came up the Congress of the United States, instead of recognizing the fact that that industry was already laboring under one tax, sought to impose on it another, and thus a double tax was imposed to meet the emergency of that war. It is true that a rebate of 7½ per cent was given, which made a total tax upon a barrel of beer $1.85 instead of $2.

Now, what is the effect of that? We were to raise $105,000,000, and found beer already paying the Government $40,000,000 in taxes, and we imposed upon it $33,000,000 additional—one-third of the entire war revenue—and so it was when it came to tobacco, which has been characterized by a member of the Supreme Court as "the solace of humanity."

Instead of recognizing the fact that tobacco was also laboring under a heavy tax, imposed prior to that time, involving a total realization, I think, of nearly $40,000,000 annually, Congress imposed a tax upon it of nearly $20,000,000 more, if my memory is correct, and the reduction made in the Payne bill is only $3,000,000 on one form of tobacco, the tobacco used in cigars.

PER CAPITA TAXATION.

Now, it seems to me, when you realize the fact that we get all the revenue of the Federal Government from consumption, that we ought not in case of an emergency to increase the burdens upon consumption; for, recollect, a tax upon consumption means practically a per capita tax throughout the entire country, instead of a tax proportioned to wealth or proportioned to the ability of the man to sustain the burdens of government.

The customs tax is a tax on consumption. You say that the goods which come into this country and upon which customs taxes are levied are goods that go to wealth. It is true in a degree, but recollect that the customs duty as levied under the operations of both parties has protected at least the labor of this country by holding the price of domestic labor above the international price.

The Democrats contend that the Republicans have gone beyond that and have not only endeavored to legislate in the interest of labor, but in the interest of capital, maintaining its profits above the international level. However that may be, the effect of protective duties is to raise the domestic price of products corresponding to those imported above the international price, and thus practically a per capita tax is levied upon domestic products throughout the entire country. So the effect of customs duties is to levy a per capita tax upon all classes—consumers of foreign as well as of domestic products—and not a tax proportioned to the ability of the individual to sustain the burdens of the Government.

So it is with our internal-revenue tax. We get altogether $295,000,000 annually, including the war-revenue tax of $105,000,000. Of this amount we get over $100,000,000 from the tax on spirits, which is a per capita tax, a tax imposed upon the consumption of the entire country, upon every individual, rich and poor; and the poor consume as much, if not more, than the rich.

So it is with tobacco, from which the sum of $59,000,000 is raised; with beer, from which the sum of $73,000,000 is raised. About $240,000,000 out of the entire $295,000,000 imposed is upon consumption, which is a per capita tax, and of the remaining fifty millions a large part is imposed on occupations and activities, leaving less than $25,000,000 to be imposed upon the wealth of the country, the accumulations that represent the stored labor of past generations, accumulations not consumed in supporting the existence of their owners; and you impose almost the entire burdens of the Government, aggregating about $600,000,000, in the shape practically of per capita taxes, without regard either to proportionate taxation or progressive taxation according to the taxpayers' capacity to bear the burdens of government.

Now, Mr. Chairman, I have reviewed the conditions as to taxation that exist in this country. I have shown that if the existing war revenue could continue in operation, we will have on the 30th day of June, 1902, a surplus reaching $206,000,000.

I have shown that under the Payne bill we will have a total surplus on the 30th of June, 1902, accepting the extraordinary estimates made by the various Departments, a surplus of $146,000,000, and that under the bill proposed, the suggestion proposed by the minority, we will have a surplus over all such expenditures of $101,000,000; and that if these estimated expenses are cut down in the future as they have been in the past, we will have then a surplus of $200,000,000.

I contend, therefore, that the proposition of the minority that the taxes should be reduced $70,000,000 is a reasonable one. I contend further, that this bill should be returned or recommitted to the Committee on Ways and Means, with instructions to reduce the war tax on beer to $6,000,000, to reduce the tax on tobacco to $5,000,000, and to impose additional taxes, in the shape of excise taxes, on department stores and on corporations engaged in manufacture or production, aggregating about $3,000,000.

Mr. DENNY. I notice that in the report of the committee you have stricken out the tax on foreign bills of exchange, export bills of lading, and have left in the bill, under the head of "freight," the 1-cent tax on railroads and steamboats, on bills of lading, manifests, etc. Would you not also include that? Would not you strike that out, and ought it not to be stricken out, in order to make a uniform reduction in the taxation?

Mr. NEWLANDS. I will say that the principle of elimination of the express tax should also apply to railroads and other common carriers. The majority have stricken out the tax on express companies because the Supreme Court has declared that it can be shifted to the sender of the package.

The railroads have, however, voluntarily paid the tax—have never sought to put it on the sender of the package, and inasmuch as they are willing to pay it, I am willing that they should continue to pay it, although I think it would be more logical to take it off. But inasmuch as they have never sought to shift it to the sender, I am in favor of letting it remain.

PROSPERITY.

The gentleman from Ohio [Mr. GROSVENOR] has stated that the Democracy, as illustrated by this debate, has at last found out that the country is prosperous, and he seems to conclude that the conditions of to-day, which are in marked contrast with the conditions existing from 1893 to 1897, are the direct result of Republican policies.

I would call the attention of my friend from Ohio to the fact that in the campaign of 1896 the contention of the reform forces was that the country and the world needed more money; that the stability of prices and values depended upon gradually increasing the volume of money in proportion to the increase of population and the demands of business, and that the effort made in 1873 to demonetize silver, when gold was at its lowest point of production for years, was an endeavor to contract the volume of money to prevent that gradual increase in the money volume necessary to maintain the stability of values, and that the world needed both gold and silver in order to properly augment its volume of money as the population and business and exchanges of the world increased.

Our contention was not for color or material; it was for quantity; silver was to be coined as the means to a desirable end; and it was upon this principle that the Republican party took issue with us. The contention which we made in 1896 has been absolutely vindicated by subsequent history. In the first place, the famine in the wheat-growing sections of the world, outside of the United States, caused a demand for our cereals which raised their price, turned the balance of trade in our favor, and caused the shipment of $80,000,000 of gold to our country shortly after the Republican party was ushered into power. This caused an increase of the volume of money in this country which tended to restore values, to promote enterprise, and to set the people of the country to work.

Contemporaneous with this, and following it in a constantly increasing progression, was the stimulated production of gold, absolutely unanticipated in 1873, absolutely unanticipated in 1893, an increase from $100,000,000 in 1873 and $150,000,000 in 1893 to over $300,000,000 in 1899. Nature, aided by the industry and energy of man in exposing her hidden riches, has given the relief for which the Republican party claims the credit.

The relief has been contemporaneous with the Republican Administration. It has not been caused by it. On the contrary, it rests upon the successful vindication of the quantitative theory of money, for which we have so vigorously contended and which the Republican party has so vigorously denied. There is no reason to believe that the increased production of gold will stop within the next few years.

The restoration of the Rand to the English mining companies will again restore its output, and there is no reasonable expectation that within a period of a year and a half the production of gold will diminish. That it will at some time, pursuing the usual course of metallic output for centuries, seriously diminish there can be no question, and when that occurs, the agitation for the restoration of silver will again be one of the vital and essential principles of monetary reform.

The minority hails this prosperity with as much satisfaction as the Republican party. Even had it come as the result of the economic falsity of their theory, they would have rejoiced. They rejoice all the more because it comes as a vindication of their financial theories. Quantity, irrespective of the material of which the money may be made, constitutes the theory of the Democratic party—a theory laid down by every economic writer since the time of Aristotle and only denied when the advocates of the gold standard hastened to fasten the policy of contraction upon the country.

That policy of contraction has been defeated by nature, and we are content. We claim, therefore, that the present condition of prosperity and conditions to be anticipated for the near future warrant the expectation of increased revenue under existing laws. Let us see to it that extravagant expenditures, that policies that are opposed to the liberties of man and intended to place power, avarice, and greed in control over the masses of the people do not neutralize the effects of the beneficent action of nature and of Providence.

Mr. LEVY. Mr. Chairman, the bill presented by the majority members of the Ways and Means Committee will, they claim, reduce the war taxes $40,000,000 and still leave an income under the war-revenue act of $65,000,000, which, in the language of the committee's report, "will be barely sufficient to meet the train of extraordinary expenditures which follow the close of actual hostilities."

The available cash balance in the Treasury to-day is $137,000,000 in round numbers, and in view of the fact that during the fiscal year 1900 the revenues of the Government from all sources were increased $58,613,426.83, while the expenditures decreased $117,318,368.14, it would seem that this statement of the committee was not founded on the actual state of our finances, nor upon the figures given in the report of the Secretary of the Treasury.

The committee congratulates the country that they are able to report a bill striking off 40 per cent of the war taxes. I doubt if the people will find cause for congratulation in the reflection that at least $65,000,000, and possibly $80,000,000, in war taxes will be demanded from them during the ensuing twelve months, with no possibility of relief until Congress shall assemble in 1901, unless the wisdom of the Senate Finance Committee dictates a more liberal policy with regard to these reductions. The committee should be congratulated upon the easy method of evading the promise made upon the floor of this House that "when the war was

over the war taxes would be cut out." Evidently the gentleman who spoke for the committee did not speak for the Secretary of the Treasury when he added that "bonds would be paid as bonds of the late war were paid, out of the usual and ordinary taxes."

Inquiry into these extraordinary expenditures which follow the close of hostilities leads to some interesting facts. Naturally we look to the war and navy and pension budget to find an increase in expenditure, and not to the other departments of the Government, which pursue their even course undisturbed by war. We find, however, that for 1900 the decrease in the expenditures for the military establishment was $95,000,000, while the naval establishment showed a decrease of $8,000,000. The legitimate expenditures following the close of the war related to the Medical Department of the Army, telegraph and cable lines, transportation of troops, as well as the establishment of military posts, and increased pensions, and these increased expenditures will not amount to more than $6,000,000, including the estimates for additional pensions.

The estimated expenditures for 1901 do not equal the increased revenues as computed by the Secretary of the Treasury, but will leave a surplus of $80,000,000, while the expenditures for 1902, after much labored calculation and the insertion of general and miscellaneous items, does not show a great increase for military establishment, but rather for Post-Office, Agricultural Department, and Department of Justice needs, and even with these increased expenditures there is still a surplus of $26,000,000. This $106,000,000 must be added to the surplus already in existence, which will reach the vast sum of $243,000,000, which will have been contributed by the people to uphold the national honor and welfare and which undoubtedly will be used by the Secretary of the Treasury to carry out a policy of finance as unsound as it is contrary to the wishes of the people, namely, the purchase of bonds not yet due at a high premium.

This absorption of money by the Treasury has been going on for three years, and the only relief the Secretary has afforded the people has been through the medium of a bond purchase.

When we consider that the surplus for 1901 will be $80,000,000, and further that this means a withdrawal from circulation of an amount of money equal to the gold production of the country, including the vast output of the Klondike, the extent of this Government absorption of money becomes apparent. No nation, however vigorous and however great its recuperative powers may be, can long endure such a drain, and the Secretary of the Treasury will be forced to do, tardily and awkwardly, what Congress is bound to do now—restore this sequestered wealth to the people by cutting off the war taxes, as promised, and not by the purchase of bonds, which will be the course the Treasury Department will adopt. The Secretary of the Treasury should bear in mind the acute stringency of 1899, when, in reply to my telegram of September 27 of that year, he denied that the Treasury was absorbing the surplus money of the country. He was forced, however, when almost too late, and when money commanded 106 per cent, to deposit in national banks the surplus lying idle in the Treasury, which he had previously claimed did not affect the course of the money market.

This accumulated surplus is as great a menace now as it was then; indeed, it is greater. Then it was thought that Congress would act promptly in "cutting out" the war taxes; now we know that $65,000,000 and possibly $80,000,000 will be turned into the Treasury during the next twelve months, and this amount, added to the surplus already existing and the reserve fund, will swell the amount of money withdrawn from circulation to $367,000,000, or about $4.75 per capita.

A full and overflowing Treasury excites the cupidity of everyone whose business it is to promote enterprises requiring public money. With a bare Treasury there would be no incentive for a raid upon it, and it would be the greatest safeguard that could surround the Administration.

But by far the greatest danger in this surplus lies in the opportunity it gives to the Secretary of the Treasury to indulge in his favorite pursuit of purchasing bonds not yet matured out of revenues contributed for war purposes only. It is true the chairman of the Committee on Ways and Means claims that these bonds were purchased out of the surplus derived from the revenues of the Dingley bill. I beg to point out, however, that the receipts in 1898 were less than they had been for the four years previous, and no surplus was set aside then, while the receipts for 1899, under the Dingley law, showed only an increase of about $30,000,000 over 1897, and certainly this was not sufficient to enable the Secretary of the Treasury to purchase $40,000,000 of unmatured bonds.

The assertion that there was never a moment where the war-revenue act was sufficient to meet all of the ordinary expenses of the Government, except possibly during the last three or four months, must not be taken to mean that the receipts from customs was drawn upon for that purpose.

It must be remembered that $200,000,000 was raised by the issue of bonds, and this must be added to over $300,000,000 collected during the past three years by war taxes, which certainly enabled the Government to carry on the war, meet all the expenditures incident to its close, and lay aside a surplus. This surplus, I claim, was used to redeem or purchase bonds, or, at least, if it had not been for these war taxes, bond purchases could not have been made, and it was the plain duty of the Secretary, when the surplus was apparent, to cut off the war taxes first, as demanded by the people, and not redeem bonds which the people were willing to let run.

Rather a national debt than an enormous and unprofitable bond purchase. It is an unwise policy which compels the present generation to bear entirely the burdens of government. It is a bad financial policy which encourages the accumulation of a surplus, but it is infinitely worse to employ that surplus to discharge obligations of the Government not yet due and which the people neither demand nor desire should be canceled. To exact from the people money earning 6 per cent, 7 per cent, or 10 per cent per annum for a definite purpose, namely, the carrying on of a war, and to use that money for another purpose, namely, the liquidation of obligations demanding but 2 per cent per annum, is not only unwarranted, but unjust, and to my mind is much like obtaining money under false pretenses.

Bonds of the United States are a favorite form of investment among all classes, but especially among our citizens of moderate wealth, and they are looked upon by them as the safest form of investment. The holder of such bonds becomes at once a participant in the business affairs of the nation, and it inspires a patriotism and love of country, in whose well-being his own welfare is so closely woven, not only as a citizen but as an investor. The feeling of security which prompts him to make the investment makes him the more eager to keep it secure by preserving the integrity and honor of the Government against the assaults of all isms and monetary theories.

We are laying the foundation for great wealth for future generations. We are building for posterity the greatest nation in the world. The rich heritage should be assumed to some extent by our successors. Having constructed and maintained the Govern ment which we will leave for their enjoyment, they should at least be willing to share the cost of our gigantic though successful undertaking.

The bill which is before the House should be enlarged so as to release at least $70,000,000 from the vaults of the Treasury to prevent that amount from accumulating there. While it relieves the people of many inconvenient and annoying taxes, it ignores entirely two classes of our taxpayers who beyond all others are entitled to the consideration of the Government.

The brewing industry has always stood by the Government. They have been paying internal taxes since the civil war, and have been paying a double tax since the Spanish war. It is not fair to keep this additional tax on, and it should be cut off, and this would release $20,000,000 in round numbers.

While their complaints have not been heeded, the committee has determined to remit a form of taxation which even those most affected by it have not complained against. The stamp tax on checks yields a revenue of $7,000,000 annually, and is collected largely upon the centers of wealth. Bankers and brokers in the larger cities, especially in New York, who have contributed $12,000,000 annually since the war to the revenues of the Government, have received no consideration at all from the Committee on Ways and Means, and yet the complaint of country banks has been heard and heeded, and because some of their customers will not affix the stamp on checks, entangling thereby a loss of possibly $100 a year on the country banks, the committee has determined to abolish entirely the check stamp tax, preferring to keep the tax on bankers and brokers of larger cities who favor the retention of this tax, but seek relief from the tax on bank capital and the sale of shares of stock and bonds.

This latter tax is a discriminating one, and unfair in its operation. Whether the 100 shares of stock dealt in represents a value of $100,000 or $100, the tax is the same—$2.

I am in favor of wiping out the surplus entirely—indeed, I would go so far as to advocate such an administration of Government affairs as would never leave a surplus; but I am not in favor of departing from the principles of Jefferson, who, while opposed to internal taxation, was more opposed to the visit of the tax collector to the homes of our citizens. We do not need an income tax any more than we need the war taxes or a surplus. If all the war taxes were "cut out," and a deficit followed for 1902, there would still be the present surplus of $137,000,000 to draw upon, and that should be done.

This Government is expanding commercially, and will continue to expand. Business enterprises are starting or being enlarged on all sides.

Our iron and coal and merchandise is filling the markets of the world. The tendency of money is to increase, and with our country never before in such a promising or prosperous condition, with all fear of a debased or disturbing currency removed, with every channel of trade open to capital, this great increase in the

volume of money will find immediate employment in countless enterprises. The one discouraging element that will retard our commercial advancement is the continuation of the war tax and the consequent absorption of the surplus. The Committee on Ways and Means has an opportunity of removing that element of uncertainty now, and on behalf of the taxpayer, the merchant, and the great business enterprises of the country, as well as in the interest of the general welfare of the Government itself, I ask them to either abolish the war tax or enlarge their bill so as to relieve the people not of 40 per cent but 70 per cent of the war-revenue taxes. [Loud applause.]

Mr. PAYNE. If there is no other gentleman on that side of the House in a position to speak, I would suggest that Mr. HILL of Connecticut occupy the time.

Mr. RICHARDSON of Tennessee. The gentleman from Alabama [Mr. UNDERWOOD] is ready, but we have no objection to Mr. HILL proceeding.

Mr. HILL. Mr. Chairman, the President of the United States, in his annual message to Congress, says:

> It will be the duty, as I am sure it will be the disposition, of the Congress to provide whatever further legislation is needed to insure *the continued parity under all conditions* between our two forms of metallic money, silver and gold.

The Secretary of the Treasury, referring to the act of March 14, 1900, says:

> Nevertheless, the measures referred to, prolific as they have been in good results, *will yet need reenforcement in some important particulars.* Thus as to the redemption fund provided for in said act, while the powers conferred upon the Secretary are probably ample to enable a zealous and watchful officer to fully protect the gold reserve, there appears to be lacking sufficient mandatory requirement to furnish complete confidence in the continued parity, *under all conditions*, between our two forms of metallic money, silver and gold. Upon this point further legislation may become desirable. In the act of March 14 a forward step was taken, to the great benefit of all our material interests. *Nothing should prevent timely and well-considered amendments* where necessary to solidify and complete the work so well inaugurated.

This language is advisory and recommendatory; but on November 6 last the American people, who make Presidents and Secretaries and Congressmen, in my judgment, issued a peremptory order that the gold standard should be so firmly and definitely established that it could not be overthrown either by the negligence or willful act of any man or Administration, but that it should continue as the basis of our financial system until *the people themselves* should declare for a reversal of the policy just as emphatically as they have twice declared for its inauguration.

No higher duty devolves upon us than to heed that order and obey it now when the prosperity of the country and Treasury conditions make it possible.

Until this is done the many and deserving projects for the development of our banking system, the upbuilding of our commerce, and the aggrandizement of the nation can well afford to wait, for until the foundation of our financial system is firmly laid all of these other things will be but flimsy structures built on shifting sand.

I propose, as briefly as possible, to call attention to the defects in the act of March 14, 1900, entitled "An act to define and fix the standard of value and to maintain the parity of all forms of money issued or coined by the United States," and to attempt to show what changes are necessary to perfect the measure so that it will *do* the thing which its title indicates.

When the bill went from the House it made every obligation for the payment of money in the United States, both public and private, payable in gold or in conformity with the gold dollar as the standard unit of value. When it came back to the House this was wholly eliminated, the silver dollar was continued as legal tender, and gold redemption was only provided for United States notes and certain bonds, provision for the issue of which was made in the bill itself, leaving all other outstanding obligations, both public and private, and all future contracts not specifically drawn as payable in gold dependent wholly upon the parity clause of the act, *but prescribing no method and providing no means by which such parity of gold and silver could be maintained.*

As the law stands to-day, we have two classes of Government obligations, one payable in gold and one in coin, and all private obligations solvable by legal tender, payable in either, or in paper promises to pay gold, in the shape of United States notes.

As the law stands to-day, we have two forms of money, one gold and promises to pay gold, the other legal-tender silver, redeemable in itself, exchangeable at the demand of the holder in nothing, dependent for its parity with gold upon its use by the people and its receivability at the custom-houses; in other words, nearly six hundred millions of silver promises to pay money good only for domestic use and dependent for their value here upon the continued prosperity of the people and the continuance in power of a political party which will not increase the quantity, and thus destroy their usefulness as a stable medium of exchange.

I submit that it is unworthy of this great nation, that it is beneath the dignity of 76,000,000 of the richest, the most intelligent, and progressive people on earth to permit the issue of a single dollar of full legal-tender money which is not *exchangeable on demand at any time for any other legal-tender dollar which it may coin or issue*, and I declare my firm belief that the rank and standing of this nation as a world power among the other powers of the world is more clearly marked and fixed by the character of the money by which its commerce is carried on at home and abroad than it is by the size of its armies and the strength of its fleets.

As the bill went from the House, while it provided no specific reserve fund for the redemption of silver dollars, it did authorize the Secretary of the Treasury to use the gold reserve to maintain their parity by exchanging them for gold, and for the continued maintenance of that fund to issue bonds at his discretion.

When the bill came back the exchangeability clause *was wholly gone*, the gold-reserve fund limited to the redemption of United States notes, and the bond power limited to this purpose only.

That this is the clear intent as well as the language of the law is shown by the declaration of a Senator in explanation of the bill. He said:

> The committee believe that under these conditions, or in fact under any which are likely to arise, there will be no difficulty in maintaining a parity without directing the Secretary to exchange silver dollars for gold at the demand of the holder of the silver. They believe, in fact, that no public interests will be served by the adoption of a legislative provision for such an exchange.

And then follows this remarkable sentence:

> To make all our silver currency a direct charge upon the gold reserve *might imperil at a critical time the sufficiency of that fund.* We fear it would serve as an invitation for unfriendly drafts upon the Treasury resources.

I submit that the very reason given by the distinguished Senator for refusing to allow our immense volume of legal-tender silver to be a burden upon the gold reserve is the best possible one which can be given why some provision should have been made for the maintenance of its parity.

The discussion showed that it is the intent of the bill to accomplish this by use and by use only.

There can be no mistake about this.

It was not, as intimated in an able editorial in the Washington Post on December 9, a misunderstanding of the effect of the law, or, as was frequently suggested during the last campaign, a purpose to keep the question open for political effect, but it was an honest belief in the wisdom of the course deliberately taken.

Said another Senator:

> We have not provided here for the exchange of silver notes for gold. We have not made that provision because the committee think it wholly unnecessary, and unwise as well.

I lay down the broad proposition that parity can not be maintained between the two metals except by exchangeability at the will of the holder, when both are a full legal tender, and that no nation on the globe engaged in foreign trade ever has maintained silver at parity with gold at any fixed ratio for any length of time where exchangeability was refused as a clear and understood policy of government.

Of course I do not include any country where silver is used only as subsidiary coin or change money and where the quantity is so limited that the daily requirements of the people under all conditions hold the entire amount in constant use, so that it could not be presented either for public dues or for redemption; but I do mean every nation where silver is used as a general medium of exchange and for trade purposes.

I do not mean a country like Great Britain, where gold is the circulating medium, with a per capita of $11.50, and silver is only change money, with a per capita of $2.78, and where no small bank notes are issued.

Under such circumstances the silver is token money only, and tin money would do as well.

But even there silver is a limited tender.

I do refer to France, where silver coinage is limited under the agreements of the Latin Union, and where parity is maintained by exchangeability through the Bank of France, and where silver is 30 per cent of the general monetary stock, and where, in the past eleven years, the Bank of France has thought it wise to nearly double its holdings of gold and to largely reduce its silver stock.

I refer to Germany, which, in 1873, when it adopted the gold standard, had a per capita of silver of $7.47. Three years later its federal council was authorized to reduce the legal-tender silver to subsidiary coin, but instead of doing it sold it down to one-half of its former volume, and, still unable to keep a per capita of only $3.98 in circulation, have this very year legislated for its gradual recoinage into subsidiary coin.

Mr. LOVERING. Is it not true that a very large percentage of the subsidiary coinage is some other metal than silver?

Mr. HILL. Yes, probably; of course the gentleman refers to the nickel.

If Germany, with only 30 per cent of its monetary stock in silver, has been compelled to take this course, what hope have we of carrying 33½ per cent and maintaining its parity, wholly unsupported by the gold reserve and with no part of the burden placed upon the banks, as is done in France and Germany?

Indeed, with us the very reverse is true, for with any slackening of business here, the whole effort of the banks will be to force the silver certificates back upon the Treasury and thus make room for their own circulation.

But if it is true that use without exchangeability will maintain full legal-tender silver at parity when circulating concurrently with gold, it must be true that use will so maintain it when it is the sole currency of a country, and here we have a striking illustration of the utter falsity of the proposition.

I cite the case of Porto Rico.

It is a little country, but so far as its money system was concerned, it was a little world by itself.

Up to 1885 its currency was the Mexican dollar, with free right on the part of its people to import or export it at will.

In 1885 the fall of silver depreciated the value of the Mexican dollar and the government, believing that its parity could be maintained by use if the quantity was limited, forbade any further importation of it, and so ran on to 1890.

It continued to fall in value. In 1891 it was worth 80 cents; in 1892, 77 cents; in 1893, 73 cents; in 1894, 65 cents; in 1895, 59 cents, and the necessities of the island had proportionately risen in price.

The theory that parity could be maintained by use had utterly failed, and every adjustment of trade balances with other nations only emphasized that fact.

Mr. SULZER. Was silver a legal tender in Porto Rico?

Mr. HILL. Certainly; full legal tender.

Mr. FLEMING. Will the gentleman from Connecticut allow me to ask a question?

The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from Georgia?

Mr. HILL. I will; yes.

Mr. FLEMING. I understand the gentleman holds that some additional legislation is necessary.

Mr. HILL. I think the gentleman from Georgia will understand that is the purpose of my remarks before I get through.

Mr. FLEMING. What will the gentleman say with reference to this declaration in the Republican platform as adopted at Philadelphia, on which the Republican party in November achieved a victory before the people?

Mr. HILL. I think the gentleman from Georgia will not need any answer to that question when I get through.

Mr. FLEMING. But will the gentleman listen to a question?

Mr. HILL. I will if it is a business question and not a political one.

Mr. FLEMING. I will read from the Republican platform——

Mr. HILL. Oh, I am talking business and not politics.

Mr. FLEMING. Well, I am talking both.

Mr. HILL. I do not care to enter into any political discussion at this time.

The CHAIRMAN. The gentleman from Connecticut declines to yield.

Mr. HILL. Something had to be done.

The Porto Rican government then concluded that they would have a currency of their own, which would not be affected by the value of silver in the outside world, but which, exactly adjusted to the needs of trade among their own people, would thus maintain its parity by use.

So they gathered in the Mexican dollars at 95 cents each, and coined from these the Porto Rican peso, or dollar, with less silver in it, and issued them at a dollar apiece in lieu of the Mexicans, which had all been withdrawn.

It was a full legal tender, redeemable in nothing, exchangeable for nothing, exactly adjusted to the wants of the trade, for when the island would absorb no more the undistributed balance was sent back to Spain, and free coinage was not permitted; and so every element which could enter into the problem of maintenance of parity by use existed in a marked degree.

There was one thing, however, which they did not do.

They did not build a fence around the island and stop the import and export of commodities, and everything which went out or came in just as truly marked the value of the money there as if it had been gold, for the commercial world was doing business with gold as the measure of values.

Instead of equaling a dollar in gold in purchasing power among their own people, it started off in 1896 at 64½ cents, fell in 1897 to 59 cents, and when the American occupation came in 1898 went to 42 cents, its bullion value, and in just three years the curtain was rung down on the farce of maintenance of parity by use.

The illustration is all the more striking when we remember that in two out of three of these years the balance of trade with the world has been in favor of Porto Rico.

With unexampled generosity and at great loss to itself the United States is now taking in this money at 60 cents on the dollar, this being its average circulation value during its three years' life, and so as fair as anything could be to debtor and creditor alike.

If the papers report correctly, that the American commission in the Philippine Islands is putting a 10 per cent export tax on Mexican dollars, the reverse of the experiment is now to be tried.

Porto Ricans in Porto Rico tried to maintain the value of their silver coinage by stopping its increase. Americans in the Philippines try to prevent the Mexican dollar from an appreciation in value by stopping its export.

One attempt proved a failure and the other will, and the producers of the exportable commodities of the Philippines will pay the cost of the experiment.

But it is said we are on a gold basis and that the act of March 14 makes it the duty of the Secretary of the Treasury to maintain the parity of the silver dollar.

I admit that legally we have the gold standard, but its maintenance is a question of conditions as well as of law.

Laws do not enforce themselves.

Other nations in Europe and South America measure values with gold and pay with silver and irredeemable paper. Now, I deny that there is any power given under the act of March 14 to maintain the parity of the silver dollar, but claim that the powers which Secretary Carlisle had under the resumption act, and which he exercised in 1893 to sell bonds for gold, are actually nullified by the act of March 14, and that the powers therein conferred are not only limited and restricted to the redemption of United States notes alone, but that the authority given under the new law is less than that previously held under the old one.

Let me quote again from a distinguished Senator's explanation of the bill. Referring to the Secretary's power to issue bonds to maintain greenback redemption, he says:

> Therefore this power is only a limitation and not an extension of the power which he now has. It is a power which requires him, under these provisions, first to exhaust other means and methods before he resorts to the extraordinary method of selling bonds for the purpose of maintaining redemption of these notes. So who is there on either side of this Chamber who can criticise this limited power compared to the power now on our statute books? I do not see how anyone can criticise this power adversely in view of the existing law, which gives the Secretary unlimited power for a like purpose.

Mr. HENRY of Connecticut. Does my colleague undertake to say that the Secretary of the Treasury would not have this power——

Mr. HILL. The power to maintain the parity of the two metals?

Mr. HENRY of Connecticut. Yes, sir.

Mr. HILL. He has neither the power nor the means under this new law. He must exhaust the greenbacks and the gold and the current funds of the Treasury before he can issue a bond; and when he issues bonds the proceeds can only be applied to the redemption of greenbacks and not to the maintenance of the parity of silver with gold. If the gentleman will refer to the law, he will see that I am absolutely right about this matter.

Mr. HENRY of Connecticut. I am not challenging the gentleman's statement.

Mr. HILL. I am aware that it has been claimed that under the present law the Secretary can sell bonds for gold, that with this gold he can redeem greenbacks, and that under the power implied in the phrase "for any lawful purpose" he can exchange those greenbacks for silver, and so maintain its parity.

The law does not so read, for it specifically provides that bonds can only be issued for the maintenance of the greenback redemption fund, and both gold and greenbacks in the current funds of the Treasury must be exhausted before the right to issue bonds is available.

The test of the law has not yet come.

To-day the balance of trade is enormously in our favor; our revenues are largely in excess of our expenditures, and a river of gold is flowing in upon us.

You have but to turn the current the other way to show the weakness of our position and demonstrate the inadequacy of the law to maintain the parity of our two forms of money.

When the bill went from the House it gave discretionary power to the Secretary of the Treasury to coin the bullion in the Treasury into subsidiary coin and concurrently retire the Treasury notes, and thus relieve the gold reserve of the burden of their redemption.

As the law now is, after coining about twenty millions of subsidiary the balance is made into full legal-tender dollars, and nearly forty millions of additional liability created by the coinage of the seigniorage.

And this notwithstanding the fact that every ounce of that bullion could have been coined into change money and absorbed by our own people, with no probability of its ever being a burden upon the Treasury of the nation.

Unless the law is changed in this respect, the time will soon come when we shall have to buy more silver to meet an urgent and pressing demand for small coin.

The truth is that for twenty-two years this country has been engaged in wild and reckless financial experiments, and now when we come to face the results of our own folly we have not the courage to retrace our steps.

We will soon have nearly six hundred millions of legal-tender silver outstanding, full half of which will be shrinkage and promise, and nothing else.

Do not prudence and wisdom, and even common honesty, demand that we throw around this the same guaranties and give it the same redemption privileges as have been provided for the greenback currency, and meanwhile reduce the volume by a gradual change to subsidiary coin?

But there is another feature of our currency system which is sure to prove no less dangerous to the maintenance of the gold standard than the immense volume of silver, and that is the greenback or United States note.

Never in the experience of this generation at least has there been any object lesson in finance which has so impressed itself upon the minds of our people as that process of repeated greenback redemption, which has been most fittingly described as "the endless chain," by which, under the compulsory-reissue law, and in a time of deficient revenues, a small volume of greenbacks was kept in continual operation drawing gold from the Treasury.

Again and again the President of the United States has recommended to Congress that when a greenback was once redeemed in gold it should not be paid out again until gold was redeposited for it; thus, under what was termed the impounding process, practically making legal-tender gold certificates of them.

There is not a schoolboy in the United States who has ever read the President's recommendation but that knows that the purpose was to break the endless chain by holding the redeemed greenback until gold came in by voluntary deposit to take its place, so that never again should this great Government be compelled to hawk its bonds before bankers' syndicates to secure the gold to maintain its honor and credit.

Has the endless chain been broken and the possibility of the drainage of the Treasury gold been stopped?

By no means; but, on the contrary, it is made the duty of the Treasury itself to procure the gold by exchange or purchase or bond issue, and then the compulsory reissue law is reenacted in expre s and specific terms.

I am aware that fifty millions of greenbacks can be redeemed and held in the redemption fund, but when that limit has been reached, the mill begins to grind again and the "endless chain" to revolve.

Here is the danger as it was in 1893.

It is true that we have vastly more gold in the Treasury than we had then, but it is also true that through its demand notes the United States stands before all the world offering gold to anyone who wants it, without any power to control the demand by interest rates as the banks of Europe do.

The difference *between what is* and *what was intended to be* can be clearly shown.

The Treasury has outstanding to-day more than two hundred and fifty millions of gold certificates, and if every dollar of them was presented for payment to-morrow morning it would disturb nothing but the equanimity of the Treasury clerks who would have to count out the gold.

But the presentation of a like amount of greenbacks for gold would shake the financial world.

Now, I do not believe that the conditions of 1893 are soon, if ever, to be repeated in this country; but that panic was caused by presentation of greenbacks for gold at the Treasury, under the belief that with insufficient revenues and an excessive and increasing volume of depreciating silver gold redemption would soon cease and silver take its place.

Every dollar of greenbacks which was outstanding then is outstanding now, and our volume of silver is being increased about forty millions by the coinage of the seigniorage.

To-day our revenues are large, and the balance of trade with other nations is enormously in our favor.

What ought we as prudent men to do?

Drift on in confidence that to-day's conditions will never change, or so act now that, in the language of the President, we shall "*insure the continued parity under all conditions between our two forms of metallic money, silver and gold.*"

I do not propose to go into a demonstration of the false economy of the greenback system.

It has been shown over and over again that they have been in the past and are to-day costing the country millions upon millions more than any saving made, by being practically a loan without interest.

Even if it were true that the system was a financial benefit to the country, *the vicious object lesson in fiatism* which it is continually presenting to the people would more than offset any advantage gained.

But above and beyond that is the greater objection that they make our whole monetary system dependent upon the prosperity of the country and the sufficiency of governmental revenues, when, as a matter of fact, there should be no relation between them and under any proper regulations would not be.

Does anyone suppose for a moment that a shortage of revenue in Great Britain, no matter how long continued, would in any way affect the validity and soundness of the gold and silver money of Great Britain?

Why should we longer tolerate a system which is strongest when not needed and weakest when reliance is to be put upon it?

Prudence, economy, the experience of other nations, and the still more bitter experience of our own demand that behind every dollar of this paper money should be a dollar in gold; and if by some magic power every greenback could be called in and a legal-tender gold certificate issued in lieu thereof to-morrow, I believe every business man and bank and commercial organization, and the Treasury Department itself, would thank God and take courage for the future which awaits us.

Well, why wait for the magician's wand, when the plain common sense of the American people can be infinitely better relied on?

Where is the business man that, with a demand note and a secured loan on long time and at an extremely low rate of interest, both outstanding, would strip himself of funds to take up in advance the long-time paper and permit the other to remain as a perpetual menace to his solvency?

And yet this is what the Government is doing, for the sole reason that it has no other way of using its surplus revenue.

I have no doubt but that the present redemption fund, together with the surplus of the fiscal years of 1901 and 1902, would be sufficient to enable the Treasury to transfer every United States note into a gold certificate and do away with the burdensome and dangerous greenback system and forever break the "endless chain."

There is another reason why this should be done, and that is for its effect upon the silver and silver certificate.

When the demand for gold comes, as come it surely will, it will first manifest itself by the presentation of greenbacks for redemption, and not, as indicated in the debates in the other House, by the cashing of gold certificates.

The gold represented by certificates, though nominally held by the Treasury, is actually owned by the holders of the certificates, consisting largely of banks and other financial institutions.

Human nature is much the same there as elsewhere, and the Treasury gold rather than their own will be the first drawn upon.

That this is true is shown by the fact that in the nine months since March 14, 1900, thirty-two millions of greenbacks and Treasury notes have been redeemed in gold, and yet in the same time gold certificates have been increased by $45,000,000.

With the greenback out of the way, the natural tendency would be to use the gold certificates held in the bank reserves and by moneyed institutions on which to draw gold rather than to gather up small silver certificates, even if they were exchangeable for gold, and present them for that purpose.

Indeed, with the greenbacks changed into the gold certificates of large denominations it is doubtful if silver or silver certificates could be gathered together in sufficient quantities to produce any strain upon the Treasury, even if they were exchangeable for gold, so that making such exchange compulsory would, under these circumstances, be largely a matter of sentiment.

Mr. PRINCE. Does the gentleman believe it is now possible to get together enough greenbacks to menace the Treasury?

Mr. HILL. I believe it is not possible to-day; but I believe if you cut down the war-revenue taxes to such a point as to produce a deficiency of revenues in this Government—if you go on with the expenditures which are now started, for which the preliminary steps have been taken in this Congress—before the end of this Administration you will find it necessary to take some stringent measures to preserve the honor and credit of this Government.

Mr. UNDERWOOD. Will the gentleman allow me a question?

Mr. HILL. Certainly.

Mr. UNDERWOOD. I wish to ask the gentleman whether the gold in the Treasury is maintained by the Government receipts or by the fact that the balance of trade at the end of each year is in our favor?

Mr. HILL. Both. If my time were not limited I would be glad to answer the question more fully.

The act of March 14, 1900, was a long step forward toward a sound currency in this country.

Its declaration for the gold dollar as our standard unit of value alone justified its enactment.

For the first time in our history it put gold into a bond as a means of payment, and thereby lowered the interest rate.

It strengthened the greenback redemption fund and provided for its maintenance.

It loosened the rigid restrictions upon our national banking system, *but it did not repeal the compulsory reissue law of greenbacks, it did not break the "endless chain,"* and *it did not provide any means for maintaining the parity of the silver dollars or arrange for the reduction of their excessive volume.*

Until these things are done the permanency of the gold standard is not assured and the will of the American people has not been met by their representatives in Congress.

Now, what are the remedies for this condition?

I venture to suggest something in the line of the following as perhaps worthy of some consideration as a basis for our action:

First. Whenever greenbacks are redeemed in gold they shall not be reissued, but shall be canceled, and when the gold has been secured, either by redeposit or under the provisions of the present law, legal-tender gold certificates in like amount shall be issued in lieu thereof. All gold certificates should be made a legal tender. The provisions of the present law for the maintenance of the gold redemption fund should be made to apply to keeping it at the same relative proportion to the remaining greenbacks which it now bears to their present volume.

Second. The silver bullion in the Treasury and enough of the legal-tender silver dollars to meet the requirements of the people should be recoined into subsidiary coin and all surplus legal-tender silver made exchangeable for gold at the will of the holder.

If this is done, the burden of greenback redemption will be thrown off and of maintenance of silver parity greatly lessened.

If England needs $3 per capita of change money and Germany $3.50 per capita, we can float a like amount, and that means two hundred and seventy millions instead of one hundred, as now provided.

The coinage of the Treasury bullion into subsidiary coin has been earnestly recommended by the Treasury for a long time, and the Committee on Coinage has reported favorably upon it for the past two sessions.

Mr. Chairman, other gentlemen may have better and far more effective plans for strengthening the gold-standard law. The President of the United States and the Secretary of the Treasury recommend some action at this session of Congress. The New York Chamber of Commerce, on December 8, declared as follows:

[Chamber of Commerce of the State of New York. Founded A. D. 1768.]

At the monthly meeting of the chamber of commerce, held Thursday, December 6, 1900, the following preamble and resolutions, reported by its committee on finance and currency, were unanimously adopted:

Whereas the President of the United States in his annual message has expressed the hope and the wish that Congress will provide whatever further legislation is needed to insure the continued parity, under all conditions, between our two forms of metallic money, silver and gold; and

Whereas in the various discussions relating to the gold standard, made during the ate Presidential campaign, it became evident that the action of Congress in March of this year, declaring for the gold standard, and providing for the redemption or payment in gold of United States notes and Treasury notes, made no provision for making as good as gold the silver currency of the country; and owing to this fact, grave fears were entertained lest the accession to administration of a party committed to the free coinage of silver might be followed by an attempt to force the country upon a silver basis in advance of any legislation to that effect; and

Whereas we are confident that the mercantile interests of the nation, as well as the interests of every individual, and particularly wage-earners, demand that the gold standard shall continue and be known to be permanently established as the basis of our currency system, and *believe it to be a grave necessity that the matter should now be eliminated from partisan discussion by the passage of suitable legislation at the present short session of Congress, when no election is pending or near at hand to be considered;* and

Whereas the recent election has shown conclusively that the majority of the people of this country are in favor of the maintenance of the gold standard and a sound currency; and

Whereas *we believe prompt action on the part of Congress to remove any question of doubt as to the right to substitute silver for gold will be hailed with satisfaction by the people, and add another strong link to the confidence which now exists throughout the nation;* Therefore, be it

Resolved, That the Chamber of Commerce of the State of New York respectfully request and urge upon Congress the vital importance of adopting at the present session a bill authorizing and directing the Secretary of the Treasury to exchange gold coin for any other money issued or coined by the United States whenever it may be necessary to do so.

Resolved, That a copy of the foregoing preamble and resolution be sent to the President of the United States, the members of his Cabinet, and to each member of the Senate and the House of Representatives.

MORRIS K. JESUP, *President.*

Attest:
GEORGE WILSON, *Secretary.*
NEW YORK, *December 8, 1900.*

What are we going to do about it?

Other measures are pressing for right of way.

Subsidies, ship canals, irrigation schemes, armies, and fleets, all putting greater burdens upon the people and involving the Government in greater obligations, and no man can guess the ultimate cost.

Along with these comes an urgent demand for reduced taxation, and no man can estimate accurately the net income remaining.

Is it not wise, is it not prudent, to establish our currency system beyond the possibility of failure before we subject it to the test which surely awaits it?

But this test is one for which we alone are responsible.

There will be another which will come from without.

Our rivals to-day in the race for the industrial supremacy of the world are Great Britain and Germany.

One is already in condition and the other preparing for the greatest contest which the world has ever seen.

It will be one which will tax all of our energy, all of our resources, all of our strength. We can and will win, but to do it we must meet the enemy on his own battle ground with equal weapons, and at the same time be impregnable to attack at home.

The world's best money is none too good with which to fight the world. [Loud applause.]

Mr. UNDERWOOD. Mr. Chairman, I yield three minutes of my time to the gentleman from Georgia [Mr. FLEMING].

Mr. FLEMING. Mr. Chairman, the gentleman from Connecticut [Mr. HILL], who has just taken his seat, agreed to yield to me for a question, but before I could get the question properly propounded he changed his mind and declined to yield. In the three minutes now allowed me by the gentleman from Alabama [Mr. UNDERWOOD] I wish to place in the RECORD and before the House the point I was intending to put before the gentleman from Connecticut as a query.

I now read from the Republican platform adopted at Philadelphia, on which President McKinley was reelected last November:

We renew our allegiance to the principle of the gold standard, and declare our confidence in the wisdom of the legislation of the Fifty-sixth Congress by which the parity of all our money and the stability of our currency on a gold basis has been secured.

Mr. HILL. Does the gentleman wish an answer.

Mr. FLEMING. Not in my three minutes. I have only three minutes.

Now, Mr. Chairman, here is a positive, unequivocal allegation by the leading lights of the Republican party who, in the opinion of some people, are presumed to have an exclusive knowledge of the intricacies of the great financial questions before this country. They state without condition that the stability of the currency has been secured. They state without qualification that the parity of the metals has been secured; that not only has this stability and this parity been secured, but the work has been so well done that the great Republican party in national convention felt called upon to applaud the action of the Republican majority in Congress in passing this legislation, in the wisdom of which they expressed their confidence. Yet, as soon as they have accomplished their purpose before the people and elected their candidate on that platform, we find one of the leading lights of the Republican party standing on the floor of the House of Representatives and simply tearing that platform, so far as this statement is concerned, into tattered shreds.

[Here the hammer fell.]

Mr. UNDERWOOD. I yield two minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES. Mr. Chairman, in view of the unsatisfactory answers to my questions put to the gentleman from Ohio [Mr. GROSVENOR] this morning, I desire to say: On the 20th of February, 1893, Mr. Charles Foster, then Secretary, ordered bond plates to be made for the purpose of issuing bonds to cover the deficit in the Treasury. In that order we find this language:

This authority is given in advahce of the enactment, in view of the pressing contingencies, and you are directed to hasten the preparation of the designs and plates in every possible manner.

I insert, by permission of the House, as a part of my remarks, a letter of the present Secretary of the Treasury, Mr. Gage, reciting this order of ex-Secretary Foster, and also giving the text of the proposed bond:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 25, 1897.

SIR: I have the honor to acknowledge the receipt of your letter of this date, requesting the original letter, or a certified copy thereof, written by Mr. Secretary Foster February 20, 1893, addressed to the Chief of the Bureau of Engraving and Printing, authorizing the preparation of certain plates. In compliance with said request, I submit below a correct copy of the letter in question, also a copy of the text of the proposed bond.

[Copy of letter.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 20, 1893.

SIR: You are hereby authorized and directed to prepare designs for the 3 per cent bonds provided in a Senate amendment to the sundry civil bill now pending. The denominations which should first receive attention are 100s and 1,000s of the coupon bonds, and 100s, 1,000s, and 10,000s of the registered bonds. This authority is given in advance of the enactment, in view of pressing contingencies, and you are directed to hasten the preparation of the designs and plates in every possible manner. I inclose a memorandum for your guidance in preparing the script for the body of the bond.

Respectfully, yours,

CHARLES FOSTER, *Secretary.*

The CHIEF OF THE BUREAU OF ENGRAVING AND PRINTING.

TEXT OF THE BOND.

"WASHINGTON, *April 1, 1893.*

"This bond is issued in accordance with the provisions of section —— of an act entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1894, and for other purposes,' approved March 3, 1893, and is redeemable at the pleasure of the United States after the 1st day of April, A. D. 1898, in coin of the standard value of the United States on said March 3, 1893, with interest in such coin from the day of the date hereof at the rate of 3 per cent per annum, payable semi-annually on the 1st days of October and April in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form, by or under State, municipal, or local authority."

Respectfully, yours,

L. J. GAGE,
Secretary.

Hon. JOHN W. GAINES,
House of Representatives.

It was stated here this morning, and often elsewhere, that the anticipation of Mr. Cleveland's election superinduced this reduction in the revenue, producing a deficit; but Mr. Secretary Foster, on page 62 of the report of the Committee on Ways and Means of February 25, 1893, made this statement:

Secretary FOSTER. Now, I want to say to you these estimates are based upon conditions existing prior to the late election [1892]. What effect the expectations of the public will have upon the revenues I do not undertake to estimate. For the first time, this month begins to show that effect. The revenues for the present month [February, 1893] will be about what they were last year [1892].

Here is proof that the election of Cleveland had nothing to do with this deficit. It was already on. The then revenue—in February, 1893—was about the same as in February, 1892, as we have seen.

Thus, Mr. Chairman, we find that on February 20, 1893, this order for the making of bond plates preparatory to the issue of bonds was made. We also see on February 25, 1893, Secretary Foster states that the revenues at this date, February, 1893 (the month he ordered preparations made for a bond issue), were "about what they were last year," to use Mr. Foster's words.

Mr. Chairman, the previous year, under the Administration of Mr. Harrison, there must have been a deficit, because the Secretary of the Treasury says that the revenues were the same when he ordered those plates, February, 1893, as they were the year before, 1892, when he did not order such plates. But the fact is that the McKinley tariff made deficits and caused bond issues, although Mr. McKinley, in reporting in this House what was known as the McKinley bill, said:

Ample revenues for the wants of the Government are provided by this bill, and every reasonable encouragement is given to productive enterprises and the labor employed therein.

But he proved not to be a prophet in this case.

Mr. Chairman, I ask unanimous consent to publish in the RECORD a certified copy of this bond-plate order, which is quoted in some remarks of mine as they appear on page 309 of the CONGRESSIONAL RECORD, volume 30.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to place in the RECORD the papers he has referred to. Is there objection? The Chair hears none.

[Mr. UNDERWOOD addressed the committee. See Appendix.]

Mr. UNDERWOOD. Mr. Chairman, I yield the balance of my time to the gentleman from Missouri [Mr. BARTHOLDT].

The CHAIRMAN. The gentleman from Missouri [Mr. BARTHOLDT] is entitled to the floor for twelve minutes.

Mr. RICHARDSON of Tennessee. I ask unanimous consent that the time of the gentleman from Missouri be extended to twenty-five minutes. We are willing to yield the additional time out of that to which we would be entitled this evening.

The CHAIRMAN. In the absence of objection, the gentleman from Missouri will be recognized for twenty-five minutes.

There was no objection.

Mr. BARTHOLDT. Mr. Chairman, I desire to give notice of an amendment which I propose to offer, and which I sincerely trust the House will adopt, providing for a reduction of the tax on malt liquors to $1.50 per barrel.

I find myself unable to approve the bill in its present form for two reasons: First, because it does not go far enough in the way of affording relief to an overtaxed industry, and second, because it will not prevent a surplus in the Treasury.

I do not question the good intentions of the Committee on Ways and Means, who have reported this measure. No doubt they honestly believed their ounce of relief to be ample for the pound weight of pain inflicted upon the beer industry by the war-revenue act. But in this they are honestly mistaken. It so happens that no one of the Republican members of that committee hails from a district in which that industry cuts any considerable figure, and it is therefore but human that their judgment should be somewhat at fault as to the damaging effects the excessive and onerous beer tax has had not only upon the brewing industry, but upon all the allied trades—the retailers, the consumers, and practically the people at large in all beer-producing localities. The farmer who grows barley suffers, the hop grower suffers; so does the cooper, the blacksmith, the wagon maker, the carpenter, and builder.

I hold in my hand a letter from a lithographing establishment, which I shall place in the RECORD, in which we are advised that the necessity of economizing on the part of the brewers has brought one-half of the presses of that firm to a standstill, has reduced the number of their employees from 128 to 70, and has deprived the home manufacturing markets of orders to the extent of at least $100,000 annually:

MILWAUKEE, WIS., *December 5, 1900.*

DEAR SIR: The message of the President to Congress contains, among other commendable things, a proposition that the burden of war taxes should be reduced. Among all classes of our people that have preeminently helped to carry the largest lot of this burden are, no doubt, the beer brewers of the United States. The increase of taxation on their specific industry since the beginning of the Spanish-American war amounts to nearly 100 per cent, while the commerce of spirits and wines escaped almost untouched. We will not speak of the heroic efforts which in many cases had to be made to put up the required spot cash in order to carry on the business of selling beer, because we know that you are well informed in the premises concerning this question. But the losses which have been inflicted upon our own industry since the inauguration of this heavy taxation entitle us to ask for your cooperation in the endeavor to repeal this excessive and therefore unjust tax.

As an immediate consequence of the increase of the beer tax the brewers necessarily began to economize on all sides possible. Their demands for lithographic work were reduced to the absolute necessities of trade, and the issues of finer art, such as calendars, show cards, and fancy-colored work, were abolished altogether. This curtailing measure brought in our establishment alone one-half of the largest presses to a standstill, reduced the number of employees from 128 to 70, and deprived our home manufacturing market of orders to the extent of at least $100,000 per annum. This latter amount represents about $15,000 in actual material, such as paper and colors, while the balance of $85,000 has been lost to our laborers and wage-earners.

Our existence and the existence of a great majority of the lithographic institutions in the United States depend in a large measure on the success of other industries, among which the brewers of our country rank foremost. If you cripple their business by excessive taxation, you will hurt their dependencies likewise.

If you remove the unjust part of the beer tax, you will restore to us the prosperity which our industry enjoyed heretofore, and for which we all cast our votes at the last election.

Very respectfully, yours,

MILWAUKEE LITHOGRAPHING AND ENGRAVING CO.,
FRED. BROSIUS, *President.*

Hon. RICHARD BARTHOLDT, M. C.,
Washington, D. C.

So far-reaching, Mr. Chairman, are the dire effects of that exorbitant tax! It merely goes to show that you can not cripple one industry without injuriously affecting all others.

Twice in the last forty years the brewers have come to the relief of the country. During the civil war the first dollar was imposed on beer as a war tax, with the understanding that it would be taken off as soon as the financial condition of the country would justify it. It was never taken off, and the brewers, patriotically and ungrudgingly, paid it for thirty-odd years, even at a time when a President of the United States lost sleep over a large surplus in the Treasury.

During the Spanish war the second dollar was imposed as a war tax, again with the understanding that the extra tax would be removed as soon as the emergency should pass away. At that time the brewers of the country came forward and stated before the Committee on Ways and Means that if all of the other industries would be called upon to bear their fair share of the burden they would not object to an extra tax being imposed upon them. They little dreamed, Mr. Chairman, that the burden would be distributed so unequally as to compel them to carry one-third of it alone.

But that war was ended more than two years ago. In spite of "the train of expenditures" the Committee on Ways and Means mentions in its report as necessarily following the war, the Treasury Department to-day shows a surplus of $80,000,000 a year, and, consequently, is it not natural that the brewers of the country should come forward and ask for a substantial reduction of the burdens they are now carrying? It is true that the Secretary of the Treasury estimates a surplus of but $26,000,000 for the fiscal year 1902, but in order——

Mr. SULZER. Will the gentleman yield to me for a question?

Mr. BARTHOLDT. Certainly.

Mr. SULZER. Is is not a fact that this additional tax upon the beer industry of the country, under the war-revenue law, has caused a number of failures in that industry within the last year?

Mr. BARTHOLDT. I will come to that, let me say to the gentleman from New York, later on. I shall cover the point in my remarks and will reach it at a later stage.

Mr. SULZER. Then I would like to ask another question. Are you not in favor of and do you not think the House ought to keep faith with these people who are engaged in this industry and repeal the additional $1 tax per barrel on beer?

Mr. BARTHOLDT. I will say in answer to the gentleman that I am not aware that an actual promise was made to that effect. But the tax was imposed as a war measure, with the understanding that as soon as the war was over and the train of expenditures necessarily following in its wake had ceased the tax would be taken off.

Mr. SULZER. Is not the war over?

Mr. BARTHOLDT. But the Committee on Ways and Means figures out a train of expenditures necessarily following the war——

Mr. WILLIAMS of Mississippi. And a most extraordinary train of expenditures.

Mr. BARTHOLDT (continuing). Which expenditures must be met from the revenues of the Government.

Mr. SULZER. One of the members of the Committee on Ways and Means to-day, in answer to an inquiry from me, said that if the entire revenue-tax law was repealed it would not cause a deficit in the Treasury this year, next year, or the following year.

Mr. STEELE. What statesman was it that made that assertion?

Mr. SULZER. The gentleman from Nevada [Mr. NEWLANDS].

Mr. PAYNE. Will the gentleman from Missouri yield to me

for a moment and allow me to ask a question of my colleague from New York?

Mr. BARTHOLDT. I have but a very few minutes remaining.

Mr. PAYNE. I will yield such time as I may consume.

Mr. BARTHOLDT. I will yield to the gentleman from New York.

Mr. PAYNE. I would like to ask my colleague if he asked anybody else besides the gentleman from Nevada [Mr. NEWLANDS] that question?

Mr. SULZER. He was making his address at the time——

Mr. PAYNE. Did you ask anybody else?

Mr. SULZER (continuing). And he is a member of the Committee on Ways and Means.

Mr. PAYNE. Will you answer that question?

Mr. SULZER. I will. I did not ask anybody else, but I will now ask the gentleman from New York the same question.

Mr. PAYNE. It would produce a deficit this year.

Mr. FITZGERALD of Massachusetts. The gentleman from New York ought to be able to furnish the information, of course, for the Republican members of the Ways and Means Committee seem to be the only ones who are able to answer such questions.

Mr. BARTHOLDT. As I was saying when interrupted, Mr. Chairman, it is true that the Secretary of the Treasury estimates a surplus of but $26,000,000 for the fiscal year 1902; but in order to do so it was necessary to inflate the expense account to the extent of more than $82,000,000. In other words, he estimates the expenditures for the year 1901 at $607,000,000 and the expenditures for 1902 at $690,000,000, in round figures. Why this tremendous increase in time of peace—a steady increase since the war—of one year over another? The committee themselves had misgivings about that Treasury estimate, for they say in their report:

> The committee are inclined to take a more conservative view of the amount of expenditures necessary for the year ending June 30, 1902.

And in the interest of the party which I have the honor to be a member of I hope that the estimate of the Secretary of the Treasury is not a correct estimate of the expenditures for the year 1902.

The inclination on the part of the committee to doubt the correctness of that estimate seems to be borne out by a statement recently made by a high official of the Treasury Department, to the effect that they expected this bill to leave the Senate with a total reduction of $55,000,000. If this be so, why should any fair-minded man on this floor oppose an amendment which would increase the committee estimates by not more than $4,000,000, making a total reduction of only forty-four millions? The brewers are now paying $73,000,000 annually. If we reduce the tax on beer by 35 cents, as will be proposed, the revenue from that source will still be $60,000,000 a year, estimating the consumption to be about 40,000,000 barrels. In fact, such a reduction of the tax, though reasonable, will have the tendency of increasing the consumption, so that the Treasury would probably not lose more than about $12,000,000 on account of it.

In my judgment this is not all the brewers are entitled to; but it is perhaps all we can get in this House at the present time. Even then malt liquors would bear a higher tax than alcohol. Beer contains about 3 per cent of alcohol, which percentage, according to the tax rate of $1.10 per gallon, would be about 3½ cents, while the present tax on beer is 6 cents a gallon—in other words, nearly double the tax on alcohol. And even if we should make the reduction asked for in the amendment the tax on beer would still be over 4 cents per gallon.

The iniquity of the present tax is best shown by the following figures: In 1866 the receipts from internal revenues were $311,000,000, in round figures, of which only $5,000,000 were derived from malt liquors, then selling at $12 per barrel. At the present time beer pays $73,000,000 when selling, on account of fierce competition, at only five and six dollars a barrel. In other words, while this industry contributed only 1½ per cent of the total internal revenue imposed as a result of the civil war, it now pays, as an additional burden, fully 33½ per cent of the extra taxes imposed as a result of the Spanish war. And yet, Mr. Chairman, it is an American industry, employing American capital and American labor, paying the union scale of wages, and those engaged in it having their everything invested in their plants.

No one will seriously contend that this tax is a just one. Its effects are further plainly shown by these figures: On June 30, 1899, there were 1,959 breweries in the United States. On June 30, 1900, there were only eighteen hundred and sixteen, and now, according to figures furnished me by the Internal Revenue Bureau, there are only seventeen hundred and fifty-one. In two years the number of breweries was decreased by 208. And, mind you, there was no consolidation of breweries. There is no such a thing as a beer trust. These 208 breweries have simply gone to the wall, and many more, especially small ones, are now in the hands of receivers in consequence of the exorbitant tax on their product.

My friend from Maine [Mr. LITTLEFIELD] will probably call this a desirable consummation. If he does so he forgets that the cause of temperance has been greatly promoted by the introduction of beer in this country. I shall not now speak of what this mild and wholesome beverage has added to the quiet enjoyment of life—the sociability, the happiness, and the contentedness of the masses of our population—but I do lay it down as a wise principle of legislation that if we can not wipe out insobriety altogether we can at least promote sobriety by substituting, as much as possible, the milder for the stronger, the harmless for the harmful drink. The burdensome tax we are exacting from this article, which millions of our people regard as an article of food, has had the opposite effect.

Last year its consumption fell off nearly a million of barrels, and the increase of this year is not at all commensurate with the increase of population and the laws of natural growth. So that of all the industries of our country this one alone did not share in our general and unexampled prosperity. It was held down by the unyielding screws of taxation and kept down by the strong arm of the Government taxgatherer. While the committee in their bill have removed what they call vexatious taxes, they have not seen fit to grant a reasonable reduction of the most ruinous one.

It has been stated that English capital was largely invested in American breweries. The fact is that out of the 1,800 breweries in this country only 76 were purchased by the English. The total capital invested in all American breweries is $702,000,000, and the total capital invested in the 76 English syndicate breweries is but $80,000,000. Fully 40 per cent of this syndicate stock is held by American citizens, hence the English capital invested in American breweries really amounts to only $48,000,000, or less than 7 per cent.

I have also heard it stated, Mr. Chairman, that the tax on malt liquors was as high, or even higher, in European countries than in the United States. The truth is that the country in Europe which taxes beer the highest is England, and there the tax on a quantity of beer equivalent to the American barrel of 31 gallons was up to the time of the Boer war only $1.18. As a result of that war 17 cents was added, so that the present tax is $1.35. And this in a free-trade country, where practically all the needed revenues are raised from internal sources!

In this connection let me remind my Republican friends of the fact that internal taxes on American industries are really obnoxious to Republican principles. The Republican theory of government, as I understand it, is to levy from imports competing with our manufactures, and then to collect from real luxuries such revenues as are just sufficient to run the Government, while articles of food, the necessaries of life, should be as free from internal taxation as the air we breathe and the water we drink. The species of taxes we are now discussing should be raised only as an emergency and be abolished as quickly as the emergency ceases to exist. No wise legislator will contend, and you can not make the people believe, that war taxes on our own industries should be continued almost to their full extent when the Treasury experts report an annual surplus of $80,000,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTHOLDT. I should like to have five minutes more.

Mr. PAYNE. I ask unanimous consent that the time of the gentleman may be extended five minutes.

There was no objection.

Mr. BARTHOLDT. If, however, the needs of the country should permanently require these increased revenues, then it is time to demand a more equitable distribution of the burdens which at a time of patriotic excitement were imposed and patriotically assumed by only a few hastily chosen interests. If what the committee proposed were really the best that can be done under present circumstances, then I am willing to admit, Mr. Chairman, that the sooner we can have an income tax the better it will be. That tax will fall on shoulders that can bear it, while the tax on malt liquors and other home products falls upon those who can not.

You ask who pays the tax on beer? There is no doubt that all suffer under it, as I have said before, the producer—that is, the employer and employed—as well as the consumer, but the main burden is being carried by the consumer, just as certain as an increase of property taxes is borne by the tenant. While the landlord is going into his pocket and laying down the money, he makes the tenant reimburse him by putting it on the rent. So in the case of the brewer, who under our present system acts as collector for the Government. He makes the outlay, but he is bound to charge at least a part of the tax to the retailer, because he simply can not afford to pay it out of his own pocket. The time when he might have been able to do it has long gone by. To-day the price of the product is down to the lowest point; the cost of labor has vastly increased, and the losses, even under normal circumstances larger in this business than in any other, have, on account of the increased burden, become a serious menace to many a once well-to-do man engaged in this business.

Beer has often been termed the poor man's drink. Therefore the onerous tax upon it is regarded as an unfair discrimination against the common people, their innocent pleasures and modest luxuries. Not many years ago, when an increase of the tax on ale and beer—only a slight one—was threatened in England, the people immediately lost sight of all other issues and a storm broke loose which swept the Gladstone cabinet from power, and could not be allayed until the obnoxious proposition was withdrawn. Let us remember that an injudicious exercise of the right of taxation has dethroned ministries, shattered empires, and swept crowns from the face of the earth. On account of it England lost the American colonies and Louis XVI his head. A government has nothing but what it receives from the people, and the very existence of government, it is true, involves the right for it to say how much it is to receive and from whom. In our country a political party can retain power only by exercising that most important right with the most scrupulous care and with equal justice to all. [Loud applause.]

Mr. BOUTELL of Illinois. Mr. Chairman, my views on this matter of tax reduction differ so radically from the views of the members of the majority of the Committee on Ways and Means that I hope they will take my observations on their bill good-naturedly, and not regard them as strictures or criticisms upon the measure which they have presented as the result of painstaking work and mature deliberation. I dislike this bill not so much for what it does as for what it fails to do. I believe that we ought now to pass a bill that would provide for the ultimate repeal of this whole war tax within a specified time, and that for the next few years we ought to practice such a wise economy as would make our expenditures conform to our normal income. In determining what our present attitude ought to be on this question we should take into consideration the situation when this war-revenue bill was originally passed, and recall the promises which we, as their representatives, made to the people at that time.

I would like to recall the solemn words with which the late Mr. Dingley opened the discussion on the war-revenue bill on the 27th of April, 1898:

Mr. Chairman, this bill, as its title indicates, is a war measure; a measure forced upon us by reason of the fact that the United States is now engaged in a war with Spain.

How long, Mr. Chairman, shall we continue these taxes now that the impelling force of war has been destroyed? How long will the people continue calmly to pay war taxes in time of peace?

Let me also read the eloquent and emphatic words of the distinguished gentleman from Pennsylvania [Mr. DALZELL], uttered during the same debate.

Mr. Chairman, that the pending measure is one of extraordinary character will be universally admitted and may be frankly conceded at the outset. It contemplates an extension of our internal system of taxation to a point not to be thought of for a moment, unless demanded by the present exigency.

How long and to what extent, in ordinary times, shall we continue in force this measure of extraordinary character?

And during the same debate the gentleman from Illinois [Mr. CANNON], the chairman of the Appropriation Committee, for whose opinion we all have the most profound respect, in reply to a question of the honorable gentleman from Kentucky [Mr. WHEELER] spoke these words with a force and conviction that impressed all his hearers:

Now, I say again, when anybody says there is to be $500,000,000 piled up in the Treasury, either he is ignorant on the one hand or desirous of misrepresenting on the other. Not one dollar will be raised by taxation, not one dollar will be raised by borrowing except as needed. If the war ends in six months, as the gentleman from Kentucky thinks it will, then we shall be in a position six months from now to repeal this taxation.

But the war ended two years ago, and the committee proposes to still continue indefinitely a part of this taxation.

May I also be permitted to call to mind those words of wisdom and eloquence spoken by the present distinguished chairman of the Ways and Means Committee, words which the RECORD indicates were met with general applause?

In reply to a suggestion of the gentleman from Massachusetts [Mr. Walker] that the war tax should be continued for the purpose of paying the national bonds, Mr. PAYNE said:

The proposition of the committee is that when the war is over we cut off the war taxes—

These are the words that were received with applause—

and that we pay the bonds as we paid the bonds of the late war, out of the usual and ordinary taxes of the Government.

The country applauded this sentiment in 1898. It applauds it now and commends it to our serious consideration.

I refer, Mr. Chairman, to these extracts from the original debate upon this bill for the simple purpose of refreshing our own minds respecting our obligations to the American people. We pledged them in the passage of this emergency measure that when the war and the emergencies arising from the war were over, these taxes should not be maintained; that the revenues resulting from this war-revenue bill should not be applied on the one hand to internal domestic improvements or on the other to retiring the bonds, either those issued under this war measure or other obligations of the Government.

Now, I admit that at the present time it would not be wise to repeal this entire measure, but I would favor a plan by which a portion of these taxes should be repealed at the present time, and by which the remaining taxes should be repealed at different intervals within one year. In other words, I would like to see the provision for the reduction of the tax on beer stricken out of this bill, so that there would be a present reduction of the taxes to the extent of about $30,000,000, the amount recommended by the President and indorsed by the Secretary of the Treasury. I would then like to have the bill provide for a reduction of another thirty million of these taxes on the 1st of July, 1901, including a reduction of one-half of the tax on fermented liquors and the extinction of the remainder of the tax on the 1st day of December, 1901.

Mr. Chairman, I am led to the conclusion that this would be a wise treatment of this war-revenue tax, from a careful comparison of our receipts and expenditures during a series of years, and the estimated receipts and expenditures for the years 1901 and 1902. I think, perhaps, in this connection it might be well, too, for us to take a bird's-eye view of our receipts and expenditures during the last few years. In 1896 our total expenditures, in round numbers, were $434,000,000.

Our receipts for the same year were $405,000,000, leaving a deficit of $29,000,000. In 1897 our expenses were $448,000,000, receipts $430,000,000, leaving a deficit of $18,000,000. In 1898 our expenses were $532,000,000 and receipts $494,000,000, leaving a deficit of $38,000,000. In 1899 we reached the high-water mark, with expenses aggregating $700,000,000, while the receipts were $610,000,000, leaving a deficit of $90,000,000. During the year that closed on the 30th of last June our receipts were $669,000,000, our expenses only $590,000,000, leaving a surplus of $80,000,000. The estimated receipts for the year 1901 were $687,000,000, estimated expenses $607,000,000, leaving a surplus of $80,000,000.

Now, the estimated receipts for 1902 are seven hundred and sixteen millions, and our estimated expenses are six hundred and ninety millions, leaving a surplus of twenty-six millions.

Mr. Chairman, I would like to call the attention of members of the committee to these important figures. From these estimates, furnished by the Departments and given in the reports of the Secretary of the Treasury, it appears that our estimated expenditures in 1902 will exceed the estimated expenditures of 1901 by $83,000,000 and that they will exceed the actual expenditures of 1900 by over $100,000,000.

Now, supposing that this present law should remain in force until June 30, 1902, we would have the following statement of surplus on that date, provided by strict economy we make our expenses for the next year conform to the expenditures for the year just closed: Surplus earned in 1900, $80,000,000; estimated surplus earned in 1901, $80,000,000; estimated surplus earned in 1902, $126,000,000; making a total earned surplus during the three years ending June 30, 1902, of $286,000,000.

Now, the plan which I have proposed, of an immediate reduction of $30,000,000, with a further reduction of $30,000,000 on June 30, 1901, and a further reduction of $45,000,000 on December 1, 1901, would make an aggregate reduction from that surplus of $103,000,000, leaving an earned surplus under such a reduction of the war taxes of $183,000,000 on June 30, 1902, to which should be added the available cash balance, over and above the $80,000,000 earned in 1900, of $60,000,000, making a total of $243,000,000 of surplus on June 30, 1902.

Now, in view of these considerations, Mr. Chairman, it seems to me that the people of this country will look to their representatives to proceed at once to a wise and at the same time a cautious reduction of these taxes, and that we should keep the pledge made to them when the law of 1898 was passed. War is a luxury, a very expensive luxury; and the people of this country look to us to see that this war-revenue tax is entirely extinguished and not used in the retirement of bonds or in internal and domestic improvements.

Mr. GAINES. Will the gentleman allow me a question?

Mr. BOUTELL of Illinois. I yield to the gentleman.

Mr. GAINES. I have listened with a great deal of pleasure to the gentleman's statement. How much does he make the surplus inside the next three years?

Mr. BOUTELL of Illinois. On the basis of the expenditures of the year 1900 the total surplus earned in the three years 1900, 1901, and 1902 would be, with the war-revenue tax in full force, $286,000,000, and if my plan of reduction were adopted $243,000,000.

Mr. GAINES. If you divide that by three you reach an amount only a little greater than the amount of reduction which the Democrats propose—$70,000,000.

Mr. BOUTELL of Illinois. I do not know what their proposition is.

Mr. STEELE. The gentleman from Illinois was not in their caucus

Mr. GAINES. I thank the gentleman from Illinois for yielding to me.

Mr. BOUTELL of Illinois. Mr. Chairman, it is not probable that at this late stage in the deliberations on this measure my suggestions in reference thereto will meet with approval, and with one or two slight amendments I expect, of course, to vote for this bill. If my proposition for a total extinction of these taxes within the next year ending December 1, 1901, does not meet the favor of the committee, I should like to have the privilege of voting for a few amendments, one, especially, fixing the tax on fermented liquor at $1.50 a barrel net.

[Here the hammer fell.]

Mr. SULZER. I ask that the time of the gentleman from Illinois be extended for five minutes.

There was no objection.

Mr. BOUTELL of Illinois. In this connection I would like to call the attention of the House to the attitude of the brewers of this country at the time the original war-revenue bill was under consideration in 1898, and I do this for the purpose of answering some of the reflections that have been cast upon the attitude of these gentlemen at that time and since the passage of that measure. I would like to quote a few words from a distinguished member of the Ways and Means Committee—at that time a member of the minority of this House, but who nevertheless supported that bill—Gen. Joseph Wheeler, of Alabama. On the 28th of April, 1898, in speaking in favor of the passage of the pending war-revenue bill, he said:

> It is well that the first paragraph of this bill provides for raising $35,000,000 by doubling the tax upon the products of the breweries of the United States, and it is here worthy of note that the representatives of this great industry, very largely of German nationality, came voluntarily before the Committee on Ways and Means a month ago and stated, speaking for the entire industry, that they recognized that the condition of the country would demand a large increase of revenue, and that they came in a spirit of patriotism to say that they were ready and willing to submit to their full share of these increased burdens, and they proposed then and there that a tax should be fixed as it appears in the bill.
>
> They were the first volunteers to propose to contribute millions for maintaining the honor and safety of our country. All honor to the descendants of the Fatherland who have come and made their homes in this free Republic.

It must not be forgotten that the men who are engaged in the brewing industry have paid one-third of all the revenues that have been collected under this war tax, and now that we are contemplating a reduction of taxation we are justified in giving due weight to the patriotic action of these men in voluntarily offering to assume such a large proportion of the expenses of the war.

But everyone who pays these war taxes is entitled to relief as soon as we can bring our expenses well within our normal revenues.

We now have a large surplus and our revenues are increasing rapidly under the invigorating influence of Republican financial and economic principles.

But a large surplus and an increasing revenue are a constant inducement to extravagant expenditures. We should not allow the accumulations of this war tax to encourage unusual and unnecessary expenditures for internal improvements; on the contrary, until the last vestige of this tax has been repealed, while our pledges given to the people in 1898 are unredeemed, reduction of taxation should be the fixed policy and economy the constant watchword of our party. [Applause.]

Mr. PAYNE. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEPBURN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 12394, had come to no resolution thereon.

Mr. PAYNE. I move that the House do now adjourn.

The SPEAKER. The Chair would ask the gentleman to withhold that motion for a moment.

Mr. PAYNE. Certainly.

The SPEAKER. On May 1 (last session) Mr. WISE of Virginia was appointed a member of the Committee on Railways and Canals. This session the Chair, having overlooked the action of May 1, appointed Mr. KERR of Maryland to the same vacancy. If there be no objection, the Chair would like to have the number of the committee increased from 13 to 14 for the remainder of this session. Is there objection?

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. GREENE of Massachusetts indefinitely, on account of sickness in his family.

And then, on motion of Mr. PAYNE (at 5 o'clock and 12 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Postmaster-General, transmitting reports of finances of the Department relating to balances, postage accrued, etc.—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Secretary of Agriculture, relating to printing Report on the Investigations of the Agricultural Resources and Capabilities of Porto Rico—to the Committee on Printing, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Quartermaster-General of the Army relating to extension of time for examination of accounts—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 11111) to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Tombigbee River between the counties of Marengo and Choctaw, below Demopolis, Ala., reported the same with amendment, accompanied by a report (No. 2020); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11110) to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Warrior River between the counties of Walker and Jefferson, in section 35, township 17, range 7 west, Alabama, reported the same with amendment, accompanied by a report (No. 2021); which said bill and report were referred to the House Calendar.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 11786) to declare a branch of the Mississippi River opposite the city of La Crosse, Wis., known as West Channel, to be unnavigable, and that the said city be relieved of necessity of maintaining a draw or pontoon bridge over said West Channel, reported the same without amendment, accompanied by a report (No. 2022); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. FOSS, from the Committee on Naval Affairs, to which was referred the joint resolution of the House (H. J. Res. 277) to appoint Charles A. Boutelle a captain on the retired list of the Navy, reported the same with amendment, accompanied by a report (No. 2023); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 12660) in relation to the police court of the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURLESON: A bill (H. R. 12661) to promote the interest of the agriculturist, and so forth—to the Committee on Agriculture.

Also, a bill (H. R. 12662) to increase the capacity of the fish-cultural station at San Marcos, Tex.—to the Committee on the Merchant Marine and Fisheries.

By Mr. JENKINS: A bill (H. R. 12663) for the extension of Fourteenth street, and for other purposes—to the Committee on the District of Columbia.

By Mr. SHERMAN: A bill (H. R. 12664) to amend section 709 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. RAY of New York: A bill (H. R. 12665) supplementary to an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, and fixing the compensation of commissioners in such cases—to the Committee on the Judiciary.

By Mr. HEPBURN (by request): A bill (H. R. 12666) to authorize a division in the Department of Justice to be known as the Bureau of Criminal Identification—to the Committee on the Judiciary.

By Mr. BURLEIGH: A bill (H. R. 12667) providing for the reapportionment of the Representatives in the several States—to the Select Committee on the Census.

By Mr. GROUT: A bill (H. R. 12668) to exempt from duty all

mineral waters when imported in barrels or casks—to the Committee on Ways and Means.

By Mr. FLYNN: A bill (H. R. 12669) to authorize the Osage Telephone Company to construct and maintain lines and offices for general telephone business in the Osage Reservation, in the Territory of Oklahoma—to the Committee on Indian Affairs.

By Mr. DAVIS: A bill (H. R. 12670) providing for the erection of a public building at the city of Fernandina, Fla., and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. BARHAM (by request): A bill (H. R. 12671) to provide for the purchase of a site for a public building in the city of Honolulu, in the Territory of Hawaii—to the Committee on Insular Affairs.

Also (by request), a bill (H. R. 12672) to provide for the erection of public buildings in the city of Hilo, Territory of Hawaii—to the Committee on Insular Affairs.

Also (by request), a bill (H. R. 12673) for the establishment and maintenance of a light-house service in the Territory of Hawaii—to the Committee on Insular Affairs.

By Mr. RIDGELY (by request): A bill (H. R. 12731) to establish a District of Columbia public improvement currency in lieu of interest-bearing bonds—to the Committee on the District of Columbia.

By Mr. DE ARMOND: A resolution (H. Res. 315) requesting information from the Secretary of War—to the Committee on Military Affairs.

By Mr. BRICK: A resolution (H. Res. 316) to investigate the conduct of a certain Territorial court and its officers in the Territory of Alaska—to the Committee on Rules.

By Mr. RICHARDSON of Tennessee: A resolution (H. Res. 317) to pay J. L. Pearcy $1,200 as a special messenger—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALDRICH: A bill (H. R. 12674) for the relief of John W. Ledbetter—to the Committee on War Claims.

Also, a bill (H. R. 12675) for the relief of Richard Smith—to the Committee on War Claims.

By Mr. ALLEN of Kentucky: A bill (H. R. 12676) for relief of Mrs. Nancy Gates—to the Committee on War Claims.

By Mr. BOWERSOCK: A bill (H. R. 12677) to remove the charge of desertion standing against the name of Riley Phillips—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 12678) granting a pension to Mrs. Ida M. Green—to the Committee on Pensions.

By Mr. CUMMINGS: A bill (H. R. 12679) granting a pension to Michael H. Leach—to the Committee on Invalid Pensions.

By Mr. FREER: A bill (H. R. 12680) granting a pension to Nancy J. Marple—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12681) granting a pension to Joseph Farnsworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12682) granting a pension to Benjamin C. Dewees—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12683) granting a pension to Anthony McCale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12684) granting a pension to George J. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12685) for the relief of Leroy Douglass—to the Committee on War Claims.

By Mr. FOX: A bill (H. R. 12686) granting a pension to John W. Conely—to the Committee on Invalid Pensions.

By Mr. GAYLE: A bill (H. R. 12687) granting an increase of pension to Fannie A. Wigginton—to the Committee on Pensions.

By Mr. GILL: A bill (H. R. 12688) to correct the military record of John McDonald—to the Committee on Military Affairs.

By Mr. GROUT: A bill (H. R. 12689) granting a pension to Emily S. Barrett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12690) granting a pension to John W. Newton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12691) granting an increase of pension to Hilas D. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12692) granting an increase of pension to George W. Shaw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12693) granting an increase of pension to Lieut. Col. Harry N. Worthen—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 12694) granting an increase of pension to Cornelius C. Perry—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 12695) granting a pension to Mrs. S. J. B. Richards—to the Committee on Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 12696) granting a pension to John B. Frisbee—to the Committee on Invalid Pensions.

By Mr. McCLELLAN: A bill (H. R. 12697) to remove the charge of desertion from the military record of Bernhard Reuter—to the Committee on Military Affairs.

By Mr. MANN: A bill (H. R. 12698) granting a pension to Ellen Dorr Green—to the Committee on Invalid Pensions.

By Mr. NORTON of Ohio: A bill (H. R. 12699) granting a pension to William H. H. Miller—to the Committee on Invalid Pensions.

By Mr. O'GRADY: A bill (H. R. 12700) granting an increase of pension to Miranda S. Sterling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12701) granting a pension to Matilda A. Lester—to the Committee on Pensions.

By Mr. OTEY: A bill (H. R. 12702) for the relief of Susan Sloan—to the Committee on War Claims.

Also, a bill (H. R. 12703) for the relief of Elijah Poage—to the Committee on War Claims.

Also, a bill (H. R. 12704) for the relief of David Sloan—to the Committee on War Claims.

By Mr. PAYNE: A bill (H. R. 12705) granting an increase of pension to Alonzo Carpenter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12706) granting a pension to Sarah Pyke—to the Committee on Invalid Pensions.

By Mr. RAY of New York: A bill (H. R. 12707) granting an increase of pension to Peter E. Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12708) granting an increase of pension to Irvin F. Hoyt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12709) granting a pension to J. H. Sage—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 12710) granting an increase of pension to William H. Simmonds—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 12711) granting an increase of pension to Matthew Johnson—to the Committee on Pensions.

Also (by request), a bill (H. R. 12712) for the relief of Benjamin M. Yancey—to the Committee on War Claims.

Also (by request), a bill (H. R. 12713) for the relief of Emma C. Franner, George W. Seaton, Hiram K. Seaton, Howard Seaton, Mary Seaton, Blanche Seaton, George W. Taylor, Edward Taylor, and Catherine Pomeroy—to the Committee on War Claims.

Also (by request), a bill (H. R. 12714) for the relief of the estate of Robert Brockett, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 12715) for the relief of the estate of Lewis Shumate, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 12716) for the relief of the heirs of Carter B. Butler, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 12717) for the relief of Richard K. Hughlett—to the Committee on War Claims.

Also (by request), a bill (H. R. 12718) for the relief of the estate of William Fletcher, deceased—to the Committee on War Claims.

By Mr. RYAN of New York: A bill (H. R. 12719) to correct the military record of Samuel F. Freiert—to the Committee on Military Affairs.

By Mr. SHATTUC: A bill (H. R. 12720) granting an increase of pension to James Mantack—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 12721) granting an increase of pension to William Dyas—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 12722) granting a pension to Frances A. M. Pattee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12723) granting a pension to Jane A. Sherman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12724) granting an increase of pension to Orville W. Heath—to the Committee on Invalid Pensions.

By Mr. SWANSON: A bill (H. R. 12725) granting a pension to Elizabeth W. Simmons—to the Committee on Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 12726) granting an increase of pension to William Gould—to the Committee on Invalid Pensions.

By Mr. WEYMOUTH: A bill (H. R. 12727) granting a pension to Nancy M. Guild—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12728) granting a pension to Frank W. Nyman—to the Committee on Invalid Pensions.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 12729) granting a pension to Elizabeth Taylor—to the Committee on Pensions.

By Mr. ZIEGLER: A bill (H. R. 12730) granting an increase of pension to Mary E. Wolford—to the Committee on Invalid Pensions.

By Mr. BRENNER: A bill (H. R. 12732) granting an increase of pension to Elizabeth Reynolds—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 12733) granting an increase of pension to Elijah Orr—to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 12734) granting a pension to Aaron S. Post—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12735) granting a pension to John Rice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12736) granting a pension to D. Lanning Ross—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of the Philadelphia Drug Exchange, for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

Also, petition of the Southern Nurserymen's Association, of Winchester, Tenn., favoring uniform regulations governing the transportation of nursery stock, etc.—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Quaker City Chapter, Daughters of the American Revolution, Philadelphia, Pa., in favor of legislation transferring the present mint building to the city of Philadelphia—to the Committee on Public Buildings and Grounds.

By Mr. BUTLER (by request): Petition of certain churches and societies of Honeybrook, Pa., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, resolution of the New Century Club, of Chester, Pa., in favor of the forestry reserve and national park in Minnesota—to the Committee on the Public Lands.

By Mr. BOWERSOCK: Petition of the Commercial Club of Newton, Kans., for an amendment of an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDERHEAD: Petition of the Commercial Club of Newton, Kans., favoring the passage of House bill No. 1439, amending an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. CORLISS: Petitions of the Women's Union of Forest Avenue Presbyterian Church and Diversity Literary Club, of Detroit, Mich., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. CUMMINGS: Papers to accompany House bill No. 1187, for the removal of the charge of desertion from the military record of Edward Troy—to the Committee on Military Affairs.

By Mr. DINSMORE: Petition of Aaron Davis to accompany House bill granting him a pension—to the Committee on Invalid Pensions.

By Mr. EMERSON: Papers to accompany House bill No. 12241, granting an increase of pension to Franklin Warren—to the Committee on Invalid Pensions.

By Mr. FREER: Papers to accompany House bill for the relief of Leroy Douglass—to the Committee on War Claims.

By Mr. GAMBLE: Resolutions of the faculty of the State School of Mines, of Rapid City, S. Dak., favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of citizens of Watertown, S. Dak., favoring an appropriation for the storage of the flood waters of the Big Sioux River in Lake Kampaska and other lakes at the head waters of said river—to the Committee on Rivers and Harbors.

By Mr. GRAHAM: Petition of G. L. Duval and William R. Corwine, of the Merchants' Association, Washington, D. C., in relation to the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Southern Nurserymen's Association, of Winchester, Tenn., favoring uniform regulations governing the transportation of nursery stock, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Allegheny County, Pa., Mrs. H. H. Forrest, president, favoring uniform marriage and divorce laws and certain other measures—to the Committee on the Judiciary.

By Mr. GROUT: Paper to accompany House bill granting a pension to Emily S. Barrett—to the Committee on Invalid Pensions.

By Mr. HOWELL: Petition of citizens of Atlantic Highlands, N. J., urging the abolishment of saloons in the Army—to the Committee on Military Affairs.

Also, petitions of Home Missionary Society of the Presbyterian Church of Dunellen, N. J., and citizens of Manalapan, N. J., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. KERR of Ohio: Petitions of the Home Missionary Society and J. H. Post and others, of Mansfield, Ohio, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. LITTAUER: Petition of the St. Lawrence Wholesale Grocery Company, of Ogdensburg, N. Y., for the repeal of the war-revenue tax on tea—to the Committee on Ways and Means.

By Mr. LITTLE: Petition of citizens of Marietta, Ind. T., praying for the establishment of a commissioner's court in said town—to the Committee on the Judiciary.

By Mr. McRAE: Resolutions of Little Rock (Ark.) Conference of the Methodist Episcopal Church South, favoring House bill No. 8752, for the suppression of Army canteen—to the Committee on Military Affairs.

By Mr. NORTON of Ohio: Petitions of Mrs. S. E. Morral, of Morral, Ohio; Elizabeth Kelley, of Fostoria, and Philo J. Keller, of Tiffin, Ohio, for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

Also, resolutions of Milan Grange, No. 342, of Milan, Ohio, and Belmont Grange, No. 889, of Barnesville, Ohio, in favor of the passage of the Grout bill, relating to oleomargarine—to the Committee on Agriculture.

By Mr. O'GRADY: Petition of wholesale grocers of Albany, Troy, Utica, and other cities in the State of New York, for the repeal of the war-revenue tax on tea—to the Committee on Ways and Means.

By Mr. OTEY: Papers in support of House bill for the relief of Elijah Poage—to the Committee on War Claims.

Also, papers to accompany House bill for the relief of David Sloan—to the Committee on War Claims.

Also, papers to accompany House bill for the relief of Susan Sloan—to the Committee on War Claims.

By Mr. PAYNE: Petition of James Race, commander Snedaker Post, No. 173, Grand Army of the Republic, Department of New York, indorsing House bill No. 5779, relating to appointments in the Government service—to the Committee on Reform in the Civil Service.

By Mr. RAY of New York: Papers to accompany House bill granting a pension to Irvin F. Hoyt—to the Committee on Invalid Pensions.

By Mr. RIXEY: Letter of M. Johnson, of Cordova, Va., to accompany House bill for his relief—to the Committee on Pensions.

By Mr. ROBB: Papers to accompany House bill No. 2807, for the relief of William Berry—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 5712, for the relief of Charles Maschmeyer—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Papers to accompany House bill No. 12643, granting a pension to Mary Morely, wife of George Morely—to the Committee on Invalid Pensions.

Also, petitions of James Williams and G. A. Young & Brother, of Larwill, Ind., favoring the Grout bill—to the Committee on Agriculture.

By Mr. RYAN of New York: Petition of Daniel Mahaney & Sons, C. F. Bishop & Co., and others, of New York City, for the repeal of the duty on tea—to the Committee on Ways and Means.

By Mr. SHATTUC: Petition of J. V. Guthrie and other bankers of Cincinnati, Ohio, praying for a reduction of the war-revenue tax—to the Committee on Ways and Means.

Also, petition of Winfield Scott Garrison and George Washington Garrison, Army and Navy Union, for the enactment of laws for ex-soldiers of the Army and Navy, regulating admission of same to hospitals—to the Committee on Military Affairs.

Also, petition of Belmont Grange, No. 889, of Barnesville, Ohio, favoring the passage of the Grout bill—to the Committee on Agriculture.

By Mr. HENRY C. SMITH: Petition of Grace Reed and others, of Cadmus, Mich., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. TAWNEY: Resolution of the Presbytery of Winona, Minn., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, resolution of the Board of Trade of Austin, Minn., urging Congress to provide necessary legislation for creation of national park in northern Minnesota—to the Committee on Indian Affairs.

By Mr. JAMES R. WILLIAMS: Paper to accompany House bill granting a pension to Elizabeth Taylor—to the Committee on Pensions.

By Mr. WISE: Petition of the Society of the Colonial Dames of America, in favor of the bill for the purchase of Temple Farm, at Yorktown, Va.—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of the Philadelphia Drug Exchange, for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

Also, petition of the Southern Nurserymen's Association, relating to the transportation of nursery stock—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the thirty-fourth annual encampment of the Department of Pennsylvania, Grand Army of the Republic, in relation to the National Memorial Park at Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. ZIEGLER: Paper to accompany House bill granting an increase of pension to Mary E. Wolford, widow of John W. Wolford, late of Company D, One hundred and first Pennsylvania Infantry—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *December 14, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

OFFICE OF SURVEYOR-GENERAL FOR WYOMING.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting an additional estimate of appropriation for "Contingent expenses, office of surveyor-general for Wyoming," for the fiscal year 1902, $315, as submitted by the Secretary of the Interior; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MONTHLY ACCOUNTS OF WAR DEPARTMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Quartermaster-General of the Army, explaining the importance of the provisions of the law extending the time for examination of monthly accounts by the bureaus and offices of the War Department after the date of actual receipt and before transmitting the same to the Auditor for the War Department, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

ELECTORAL VOTES OF ILLINOIS AND WASHINGTON.

The PRESIDENT pro tempore laid before the Senate two communications from the Secretary of State, transmitting certified copies of the final ascertainment of the electors for President and Vice-President appointed in the States of Illinois and Washington at the election held therein on the 6th day of November, 1900; which, with the accompanying papers, were ordered to lie on the table.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Chamber of Commerce of New York, praying for the enactment of legislation to permit the Secretary of the Treasury to exchange gold coin for any money issued by the Government; which was referred to the Committee on Finance.

He also presented a petition of the Manufacturers' Association of New York City, praying for the enactment of legislation providing for the deepening and widening of the Buttermilk Channel; which was referred to the Committee on Commerce.

He also presented a petition of the Manufacturers' Association of New York City, praying for the establishment of a department of commerce and manufacture; which was referred to the Committee on Commerce.

He also presented a petition of the Manufacturers' Association of New York City, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of representatives of the wholesale and retail grocery interests of New York, praying for the repeal of the revenue tax on tea; which was referred to the Committee on Finance.

He also presented the petition of Rev. W. J. Gregory, of Nichols, N. Y., praying for the enactment of legislation to suppress vice in the Philippines; which was referred to the Committee on the Philippines.

He also presented a petition of the Methodist Episcopal Sunday School of Groton, N. Y., and a petition of the pastors of sundry churches of Lima, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or in any of the island possessions of the United States; which were referred to the Committee on Military Affairs.

He also presented a petition of the congregation of the Presbyterian Church of Stephentown, N. Y., and a petition of the congregation of the Methodist Episcopal Church of Alabama, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to the native races of Africa; which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented the petitions of W. O. Dutton, of Buffalo; of George Loughead and sundry other citizens of Brooklyn; of Anna Patterson and James G. Joslin, of Brooklyn, and of James M. Mills, of Buffalo, all in the State of New York, praying for the enactment of legislation increasing the tax on intoxicating liquors exported to Central Africa; which were referred to the Committee on Foreign Relations.

He also presented a petition of Edward Huntting Post, No. 353, Department of New York, Grand Army of the Republic, of Greenport, N. Y., and a petition of William O. Stevens Post, No. 393, Department of New York, Grand Army of the Republic, of Dunkirk, N. Y., praying for the enactment of legislation giving preference to veterans in the public service; which were referred to the Committee on Military Affairs.

He also presented petitions of Mary Stewart Schell and sundry other citizens of New York City; of William H. Foster and sundry other citizens of Carmel; of J. Connel and sundry other citizens of Buffalo; of the Woman's Christian Temperance Union of Sing Sing; of Dwight Holbrook and sundry other citizens of Sing Sing; of Erastus Hopkins and sundry other citizens of New York; of E. F. Knapp and sundry other citizens of Hempstead; of M. H. Despard, of Brooklyn, and of Thomas Little and sundry other citizens of Scarborough, all in the State of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of Fayetteville Grange, No. 610, Patrons of Husbandry, of Fayetteville; of the New York State Grange, Patrons of Husbandry, of Skaneateles; of Parish Grange, No. 575, Patrons of Husbandry, of Parish; of 23 citizens of New York; of sundry citizens of New York; of H. D. Thompson, of Malone, and of W. L. Scott, of East Otto, all in the State of New York, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. HOAR presented the petition of Rev. Edwin L. Noble and sundry other citizens of Massachusetts, praying for the adoption of an amendment to the Constitution defining legal marriage; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregations of the Methodist Episcopal churches of Plainfield and Wrentham, in the State of Massachusetts, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Army and all the island possessions of the United States; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER. Mr. President, I present a resolution of the Manchester Evangelical Ministerial Association of New Hampshire, in the nature of a petition in favor of the provision in the Army bill as it comes from the House of Representatives in reference to the canteen question.

I also present a letter from Robert L. Manning, of Manchester, N. H., in the nature of a memorial in opposition to the provision in the Army bill as it came from the House in reference to that matter.

I move that the petition and memorial be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. HARRIS presented a petition of the Wichita Clearing House Association, of Wichita, Kans., praying for the repeal of the revenue tax levied upon the capital and surplus of banks; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Jefferson County, Kans., praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. KYLE presented a petition of the board of county commissioners of Codington County, S. Dak., praying for the construction of reservoirs at the head waters of the Big Sioux River, in that State; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. MALLORY presented a memorial of the Universal Peace Union, remonstrating against the proposed increase of the United States Army; which was referred to the Committee on Military Affairs.

Mr. PENROSE presented a petition of the Woman's Christian Temperance Union of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of the Sorosis Society of Pittsburg, Pa., praying for the establishment of a forest reserve and national park in the State of Minnesota; which was referred to the Committee on Agriculture and Forestry.

Mr. QUARLES presented a petition of sundry citizens of Wisconsin, praying for the repeal of the revenue tax on beer; which was referred to the Committee on Finance.

He also presented the petition of J. G. and W. K. Flint, of Milwaukee, Wis., praying for the repeal of the revenue tax on tea; which was referred to the Committee on Finance.

He also presented a petition of the Wisconsin State Grange,

Patrons of Husbandry, and of sundry citizens of Burlington, Cleveland, Johnson Creek, Fort Atkinson, Neillsville, and Mindoro, all in the State of Wisconsin, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Interstate Commerce Law Convention, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. PROCTOR presented a petition of the New England Drug Exchange, praying for the repeal of the revenue-stamp tax upon proprietary medicines, etc.; which was referred to the Committee on Finance.

Mr. CULLOM presented a petition of the Steele-Wedelles Company, of Chicago, Ill., and a petition of Oakford & Fahnestock, of Illinois, praying for the repeal of the revenue tax on tea; which was referred to the Committee on Finance.

He also presented the petition of Charles W. Tegtmeyer, of Chicago, Ill., praying for the repeal of the revenue tax on beer; which was referred to the Committee on Finance.

He also presented a memorial of Pomona Grange, No. 33, Patrons of Husbandry, of Peoria County, Ill., remonstrating against the passage of the so-called ship-subsidy bill; which was ordered to lie on the table.

He also presented a petition of the Southern Nurserymen's Association, praying for the enactment of legislation providing uniform regulations governing the transportation of nursery stock, etc.; which was referred to the Committee on Agriculture and Forestry.

He also presented 32 petitions of citizens of Illinois, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. COCKRELL presented a memorial of sundry citizens of Rosendale, Mo., and a memorial of sundry citizens of Bolckow, Mo., remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MORGAN presented a memorial and sundry papers to accompany the bill (S. 4496) granting an increase of pension to Emma McLaughlin; which were referred to the Committee on Pensions.

REPORT OF SUPERINTENDENT OF INDIAN SCHOOLS.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Public Printer be, and he is hereby, authorized to print, for the use of the superintendent of Indian schools, 1,000 additional copies of the Report of the Superintendent of Indian Schools for the fiscal year ended June 30, 1900, in order to supply the demands therefor.

PAVING OF CERTAIN STREETS IN THE CITY OF WASHINGTON.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia to report a joint resolution and to ask for its immediate consideration.

Joint resolution (S. R. 138) providing for the paving of certain streets in the city of Washington was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to pave with asphalt the roadway on First street NW. from B to C streets, and Second street NW. from B to C streets, and B street NW. from First to Second streets, at an expense not to exceed $20,000.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NANNIE E. YASTE.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. WELLINGTON on the 11th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Nannie E. Yaste, widow of Daniel A. Yaste, deceased, late a member of the Capitol police force, a sum equal to six months' salary, at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

PAYMENT OF CERTAIN CLAIMS.

Mr. TELLER. I am directed by the Committee on Claims to move that the bill (S. 1676) for the payment of certain claims be recommitted to the Committee on Claims.

The motion was agreed to.

STATUE OF GEN. U. S. GRANT.

Mr. WETMORE. I am directed by the Committee on the Library to move that the bill (H. R. 6240) for the preparation of plans or designs for a memorial or statue of Gen. Ulysses S. Grant on ground belonging to the United States Government in the city of Washington, D. C., be recommitted to the Committee on the Library.

The motion was agreed to.

HOLIDAY RECESS.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Friday, December 21, they stand adjourned until 12 o'clock meridian on Thursday, January 3, 1901.

BILLS INTRODUCED.

Mr. SEWELL introduced a bill (S. 5159) to amend an act approved March 3, 1885, entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States;" which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of New York introduced a bill (S. 5160) granting a pension to Virginia E. King; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. THURSTON introduced a bill (S. 5161) to authorize the Secretary of the Interior to make rules and regulations governing the selection and renting of prospective allotments under the act of Congress approved June 28, 1898; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FOSTER introduced a bill (S. 5162) for the relief of Henry Bash; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5163) granting the right of way for a railroad and telegraph line to the Columbia Valley Railroad Company across the Vancouver Barracks and Military Reservation, the Three Tree Point Military Reservation, and the Scarborough Head Military Reservation, all in the State of Washington; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5164) granting the right of way for a railroad and telegraph line to the Columbia Valley Railroad Company across the United States quarantine station in section 17, township 9 north, range 9 west, Willamette meridian, in the State of Washington; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committttee on Pensions:

A bill (S. 5165) granting an increase of pension to Newton W. Elmendorf;

A bill (S. 5166) granting an increase of pension to Jackson D. Siner;

A bill (S. 5167) granting an increase of pension to Judson Knight; and

A bill (S. 5168) granting an increase of pension to Mary E. Wolford (with accompanying papers).

Mr. PENROSE introduced a bill (S. 5169) for the recognition of the military service of noncommissioned officers and enlisted men of the United States Volunteers as commissioned officers in certain State military organizations; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLATT of Connecticut introduced a bill (S. 5170) granting a pension to Louise Wolcott Knowlton Browne; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5171) granting an increase of pension to Albert H. Fairchild; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 5172) granting a pension to Elizabeth Bughman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 5173) to amend an act approved June 1, A. D. 1900, entitled "An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein;" which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5174) authorizing the construction of a bridge across Rock River, in the State of Illinois; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TELLER introduced a bill (S. 5175) granting a pension to O. Gustave Roedel; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 5176) for the relief of M. C. Kerth; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5177) granting a pension to William Mathers;

A bill (S. 5178) granting an increase of pension to Andrew M. Banks; and

A bill (S. 5179) granting a pension to Fred Sturm.

Mr. HARRIS introduced a bill (S. 5180) granting an increase of pension to Timothy B. Lehane; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURNER introduced a bill (S. 5181) granting an increase of pension to Thomas J. Bartlett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VEST introduced a bill (S. 5182) for the creation of a national bureau of criminal identification; which was read twice by its title.

Mr. VEST. I ask that the bill, with the accompanying letter from Major Sylvester, chief of police of this city, be printed and referred to the Committee on the Judiciary. I wish to remark that the bill comes through Major Sylvester from the National Association of Police Superintendents, and is for the establishment of a bureau in connection with the Department of Justice. I hope the committee will give it speedy consideration.

The PRESIDENT pro tempore. The bill will be referred to the Committee on the Judiciary with the accompanying papers. The Senator from Missouri asks that the papers accompanying the bill be printed. Without objection, it is so ordered.

Mr. MALLORY introduced a bill (S. 5183) to grant to the city of Pensacola, in the State of Florida, all the right, title, and interest of the United States of America in and to certain lots of land in said city; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5184) granting a pension to Penelope E. Russ;

A bill (S. 5185) granting an increase of pension to Ella V. Coston; and

A bill (S. 5186) granting a pension to Mrs. Mary McLaughlin.

Mr. DEPEW introduced a bill (S. 5187) granting a pension to Corinne Strickland; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5188) for the relief of Harriet E. Noble; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5189) to create the rank of warrant officer in the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5190) for the relief of the legal representatives and assigns of the firm of Carpenter & Plass, and the legal representative and assignee of Oren M. Beach; which was read twice by its title, and referred to the Committee on Claims.

Mr. BARD introduced a bill (S. 5191) granting an increase of pension to Selah V. Reeve; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 5192) granting an increase of pension to Richard O. Greenleaf; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 5193) to regulate the manufacture and sale of mixed feed stuffs; which was read twice by its title, and referred to the Committee on Manufactures.

He also introduced a bill (S. 5194) for the relief of Dr. Henry Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 5195) to appoint an advisory board of public works for the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ALLEN introduced a bill (S. 5196) granting an increase of pension to James M. Campbell; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. STEWART submitted an amendment proposing to increase the salary of the surveyor-general for Nevada from $1,800 to $2,000 per annum, and increasing the allowance for clerks in his office from $1,500 to $2,500, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PAYMENT OF CERTAIN CLAIMS.

Mr. STEWART submitted an amendment intended to be proposed by him to the bill (S. 1676) for the payment of certain claims; which was referred to the Committee on Claims, and ordered to be printed.

BOUNTY ON AGRICULTURAL EXPORTS.

Mr. ALLEN submitted an amendment intended to be proposed by him to the bill (S. 727) to promote the commerce and increase the foreign trade of the United States and to provide auxiliary cruisers, transports, and seamen for Government use when necessary; which was ordered to lie on the table and be printed, and to be printed in the RECORD, as follows:

Strike out all after the enacting clause and insert the following:

"That on the passage of this act, and after the lapse of fifteen months, there shall be paid, out of any money in the Treasury of the United States not otherwise appropriated, to any exporter of wheat or wheat flour, rye or rye flour, corn, ground or unground, cotton, hops, or tobacco, produced wholly in the United States and exported by sea from any port in the United States to any port of a foreign nation, certain sums, to wit: Ten cents per bushel on wheat; 50 cents per barrel on wheat flour; 10 cents per bushel on rye; 50 cents per barrel on rye flour; 5 cents per bushel on corn; 7 cents per cental on corn, ground; 1 cent per pound on cotton; 2 cents per pound on hops; 2 cents per pound on tobacco.

"SEC. 2. That if any article named in section 1 of this act shall be exported in American vessels, the corresponding bounty on such export as designated in said section shall be increased by 10 per cent over the sum therein provided.

"SEC. 3. That all payments of bounty under this act shall be made upon negotiable vouchers, payable in thirty days from date, issued by the collector of customs at the port of clearance, and directed to the Treasurer of the United States; and the Secretary of the Treasury is hereby charged with making and enforcing the regulations necessary for the protection of the Government in administering this law.

"SEC. 4. That the President of the United States is hereby directed to notify all foreign nations of the desire of this Government to abrogate any treaty provisions in contravention of this act."

Amend the title so as to read: "A bill for the protection of agricultural staples and American ships in the foreign trade by authorizing the payment of bounties on exports of agricultural products of the United States, conditioned on their carriage in American or foreign vessels."

BURLINGTON BAY (MINNESOTA) IMPROVEMENT.

Mr. NELSON submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he hereby is, directed to transmit to the present Congress a plan and estimate for the improvement of Burlington Bay, Two Harbors, in the State of Minnesota, based upon the examination and survey heretofore made of said bay.

SEIZURE OF COTTON IN INSURRECTIONARY DISTRICTS.

Mr. MONEY. I move that the Senate proceed to the consideration of the bill (S. 602) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof, a bill on the Calendar passed over without prejudice under Rule VIII.

The PRESIDENT pro tempore. The bill will be read to the Senate in full for its information.

The Secretary read the bill.

Mr. MONEY. I ask the Secretary to read section 6, a new section which has been reported favorably by the Committee on Claims, the amendment having been offered by me.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The SECRETARY. After line 19 on page 5 insert as a new section the following:

SEC. 6. That the provisions of this act shall apply exclusively to the cotton belonging to private owners seized by the agents of the Government of the United States under the act of March 13, 1863, called the captured and abandoned property act, which cotton was sold and the proceeds thereof placed in the Treasury of the United States, and shall not apply to any other property seized under said act.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. The Senator from Mississippi moves that the Senate proceed to the consideration of the bill which has been read in full to the Senate.

Mr. LODGE. As that bill is certain to involve a great deal of debate, I am obliged to move that the Senate now proceed to the consideration of executive business.

Mr. MONEY. Mr. President——

Mr. ALDRICH. Debate is not in order.

Mr. MONEY. I have the floor I believe on the motion, and I do not see how the Senator from Massachusetts can take me off the floor. I made a motion that the Senate proceed to the consideration of the bill, and that motion has been entertained.

Mr. LODGE. Pending that, I make the motion to proceed to the consideration of executive business, which takes precedence.

The PRESIDENT pro tempore. The motion of the Senator from Massachusetts is clearly in order. It takes precedence.

Mr. JONES of Arkansas. Will the Senator from Massachusetts yield to me for a moment to present a report?

Mr. LODGE. Certainly; I yield for morning business.

Mr. MONEY. Mr. President, I desire to give notice to the Senate that I shall call this bill up at the first opportunity, and I shall continue to press for an opportunity. It was clearly understood at the late session that if I gave way to appropriation bills——

Mr. ALDRICH. Debate is not in order.

Mr. MONEY. I would be allowed an opportunity to have the bill considered at this session. That was not expressed in any proceeding publicly, but it was the understanding, and I now give notice that I am going to press the bill at every opportunity.

Mr. ALDRICH. There has been no understanding about the bill to my knowledge, and I am sure there never has been any put into the RECORD or made outside of the RECORD.

The PRESIDENT pro tempore. The Senator from Massachusetts yielded for morning business. Is there further morning business?

SENATOR FROM MONTANA.

Mr. JONES of Arkansas. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back resolution No. 433, introduced by the Senator from New Hampshire [Mr. CHANDLER], authorizing the Committee on Privileges and Elections in making the inquiry directed by the Senate concerning the credentials and appointments of William A. Clark and Martin Maginnis as Senator from Montana, to send for persons and papers and incur certain expenses.

The Committee to Audit and Control the Contingent Expenses of the Senate have not considered the resolution for the reason that it does not appear to come from a standing committee of the Senate. The committee believe it is necessary before a committee is authorized to incur expenses of this sort that it should be the judgment of that committee that they should have such authority.

I am directed to report the resolution back to the Senate, with the request that it be sent to the Committee on Privileges and Elections for their action.

The PRESIDENT pro tempore. The Senator from Arkansas, from the Committee to Audit and Control the Contingent Expenses of the Senate, reports back resolution No. 433, authorizing the Committee on Privileges and Elections, in making the inquiry concerning the credentials and appointments of William A. Clark and Martin Maginnis as Senator from Montana, to employ a stenographer, etc., and asks that it be referred to the Committee on Privileges and Elections. Is there objection? The Chair hears none, and it is so referred.

Mr. CHANDLER. Mr. President, I make a privileged report. I report back the resolution, with an amendment to be added at the close thereof, and ask that the resolution——

The PRESIDENT pro tempore. The Senator from New Hampshire reports back from the Committee on Privileges and Elections the following resolution, with an amendment.

The SECRETARY. The amendment is to add at the end of the resolution—

and said committee is further authorized to make the inquiry either as a full committee or by any subcommittee thereof duly appointed.

The PRESIDENT pro tempore. The amendment is agreed to, without objection.

Mr. VEST. What is the resolution?

Mr. COCKRELL. Let us hear the resolution.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution submitted by Mr. CHANDLER on the 11th instant, as follows:

Resolved, That the Committee on Privileges and Elections, in making the inquiry directed by the Senate in resolution 371, concerning the credentials and appointments of William A. Clark and Martin Maginnis as Senator from Montana, shall have authority to send for and examine persons and papers and to employ a stenographer, the expenses of the inquiry to be paid from the contingent fund of the Senate.

Mr. COCKRELL. I should like to hear read the resolution that was passed to which that refers and upon which it is based.

The PRESIDENT pro tempore. That is the resolution which has just been read.

Mr. VEST. That is it.

The PRESIDENT pro tempore. Both the resolution and amendment have been read.

Mr. VEST. Now let the amendment which comes in at the end of it be read.

Mr. COCKRELL. There was a resolution reported by the Senator from Arkansas.

The PRESIDENT pro tempore. Yes, and referred to the Committee on Privileges and Elections, and immediately the Committee on Privileges and Elections reported back the resolution. It was reported by the Senator from New Hampshire [Mr. CHANDLER].

Mr. COCKRELL. Have the Committee on Privileges and Elections had a meeting on it?

The PRESIDENT pro tempore. The committee reported it back through the chairman with an amendment. The amendment has been read to the Senate, and also the resolution.

Mr. COCKRELL. Now let them both be read together. There was a separate resolution.

Mr. JONES of Arkansas. Mr. President, a word of explanation perhaps will let the Senator from Missouri understand what this is.

There were two resolutions pending here as to the seating of William A. Clark and Martin Maginnis. They were referred to the Committee on Privileges and Elections. A resolution was then offered by the Senator from New Hampshire [Mr. CHANDLER] authorizing the Committee on Privileges and Elections to send for persons and papers and to employ a stenographer, and so forth. That was sent to the Committee to Audit and Control the Contingent Expenses of the Senate. That resolution having originated from a single Senator, and not coming from the Committee on Privileges and Elections, it was reported back by the Committee to Audit and Control the Contingent Expenses of the Senate without action, to be sent to the Committee on Privileges and Elections to know whether or not the committee wanted the power to send for persons and papers. The resolution was sent back for that purpose. The committee had a meeting this morning, as I understand, and they have reported the resolution back favorably, asking for permission to send for persons and papers, and the regular course will be for the resolution now to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CHANDLER. Mr. President, that question will arise, I suppose, if objection is made to having the resolution acted upon at this time. I understand the amendment recommended by the committee has been adopted.

The PRESIDENT pro tempore. It has.

Mr. CHANDLER. I ask for action upon the resolution at this time.

Mr. ALLEN. I object.

Mr. CHANDLER. The resolution having once been to the Committee to Audit and Control the Contingent Expenses of the Senate, I do not understand it is necessary that it shall go there again. I never have known of any case of this kind to happen in the Senate.

Mr. COCKRELL. Mr. President, to end it I will object to the present consideration of the resolution.

Mr. JONES of Arkansas. I wish to say, in reply to what the Senator from New Hampshire just now said, that under the rule the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate. They have not taken it up; they have not considered it; and I so stated when I reported it back. All we did was to report that the resolution came not from a committee, but from a single member of the Senate, and the committee were not inclined to take action on it. The committee believe that no resolution of that sort ought to be acted on except when it comes from a committee asking to be allowed to send for persons and papers. The committee had not asked for it, and to ascertain whether or not the committee wanted the power we reported the resolution back to the Senate and sent it to the committee.

Now, when the committee say they want permission to send for persons and papers, the question as to whether the contingent fund of the Senate is sufficient to authorize it is a question that must be looked into at this time by the Committee to Audit and Control the Contingent Expenses of the Senate. The committee have never looked into that question before because the Committee on Privileges and Elections had not asked for it.

Mr. CHANDLER. Mr. President, I never have known this course pursued before. I have never known a resolution of this character to go twice to the Committee to Audit and Control the Contingent Expenses of the Senate. I have examined the rule, however. I think the Senator from Arkansas is right, and I shall ask to have the resolution referred to that committee again.

I congratulate the Senator upon the diligence with which he is seeking to enforce in this case for the first time a strict and rigid construction of the rule. I shall ask the Senator, the acting chairman of the committee, to report the resolution again to the Senate as soon as possible.

Mr. GALLINGER. Mr. President, on two former occasions I have called attention to what I have thought has not been a proper procedure in the matter of sending resolutions to the Committee to Audit and Control the Contingent Expenses of the Senate which involve questions as to whether or not investigations should be made or special committees appointed. This resolution belongs to that class, and the Senator from Arkansas [Mr. JONES] is acting under instructions from the committee, without any dissenting voice, in reporting it back with the recommendation that it be referred to the Committee on Privileges and Elections.

I quite agree with my colleague on the committee that the Committee on Contingent Expenses has not taken into consideration the question as to whether or not the contingent fund will warrant this investigation. I think the procedure is entirely proper, and that the resolution ought now to be referred without debate or objection to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CHANDLER. I think the Senator is right. I think the committee have reached the true construction of the rule; but I

ask my colleague from New Hampshire whether or not this has been the uniform course heretofore.

Mr. GALLINGER. Mr. President——

Mr. ALLEN. Mr. President, I objected to the consideration of this resolution some time ago, and I now insist that debate upon it is out of order.

Mr. CHANDLER. Objection to the consideration of the resolution can not be made. I ask my colleague——

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. CHANDLER] asked unanimous consent, and the Senator from Nebraska [Mr. ALLEN] objected. The question now is as to whether the resolution shall be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. The Chair does not understand that there is any question raised about that.

Mr. CHANDLER. There is no objection to it, but I desire to ask my colleague to answer the question which I put.

Mr. ALLEN. I understand the objection carries the resolution over until to-morrow under the rule.

Mr. CHANDLER. No, Mr. President; but I ask my colleague whether it is not a new construction of the rule, and whether hereafter the Committee to Audit and Control the Contingent Expenses of the Senate will refuse to investigate the question of whether an expenditure can be made until after a committee of this body has passed upon the necessity for it and asked that the expenditure may be sanctioned?

Mr. GALLINGER. The answer I can frankly give, so far as one member of the committee is concerned. I have always held to that view and have tried to enforce it in the committee. Whether or not the committee has always so acted I can not say, but I simply desire to repeat that it is not in accordance with the rules, and it is not correct procedure on the part of this body to send to the Committee to Audit and Control the Contingent Expenses of the Senate questions as to the desirability of making investigations or appointing special committees for certain work.

Mr. CHANDLER. Now I call attention to the fact that the universal rule of the Chair has been to refer resolutions of this kind immediately, in the first instance, to the Committee to Audit and Control the Contingent Expenses of the Senate, and we are now inaugurating a new rule, which I think is the correct rule and ought to have been pursued at all times.

Mr. GALLINGER. Then we agree, Mr. President.

The PRESIDENT pro tempore. The Chair simply desires to call the attention of the Senator from Nebraska [Mr. ALLEN] to the fact that the Senator's objection was made to the request on the part of the Senator from New Hampshire [Mr. CHANDLER] for the immediate consideration of the resolution, and if the Senator from Nebraska objected to the consideration of the resolution, it would go over under the rule.

Mr. ALLEN. I do object to it, Mr. President.

Mr. CHANDLER. I dislike to differ with the Chair, but——

Mr. ALLEN. I do not think the Chair heard me. I objected to the consideration of the resolution before the Senator from Arkansas [Mr. JONES] made his remarks, and I now renew my objection.

Mr. CHANDLER. I dislike to differ with the Chair, but the resolution has been before the Senate two or three days; it is a question of privilege, and now it may be acted upon by the Senate or referred. I do not object to the reference.

Mr. ALLEN. I also object to any further debate on this subject.

The PRESIDENT pro tempore. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

EXECUTIVE SESSION.

Mr. LODGE. I now renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Saturday, December 15, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 14, 1900.

POSTMASTERS.

Charles J. McGill, at Dawson, Fayette County, Pa.
Albert O. Blackwell, at La Porte, Harris County, Tex.
Jane E. Loveland, at Menlo Park, San Mateo County, Cal.
George G. Taylor, at Mountain View, Santa Clara County, Cal.
Ralph N. Hill, at Oxnard, Ventura County, Cal.
Orlando Rogers, at Independence, Teller County, Colo.
Nehemiah J. Knipple, at Buda, Bureau County, Ill.
Thomas J. Wimmer, at Cerro Gordo, Piatt County, Ill.
Samuel W. Maytubby, at Caddo, Choctaw Nation, Ind. T.
James Schroeder, at Guttenberg, Clayton County, Iowa.
Reuben F. Price, at Milford, Dickinson County, Iowa.
Rezin B. Boulden, at Millersburg, Bourbon County, Ky.
Jacob P. Hazen, at Shirley, Middlesex County, Mass.
John B. Bryant, at Burlington Junction, Nodaway County, Mo.
Reuben Abel, at Bernardsville, Somerset County, N. J.
Thomas Graham, at Point Pleasant, Ocean County, N. J.
Fred F. Hawley, at Caldwell, Warren County, N. Y.
Richard G. Bennett, at Tuckahoe, Westchester County, N. Y.
Mary A. Milligan, at Hope, Steele County, N. Dak.
Alfred Noecker, at Greenwich, Huron County, Ohio.
William T. Griffith, at Mingo Junction, Jefferson County, Ohio.
George Summers, at Prineville, Crook County, Oreg.
Frank G. Jewett, at Sumpter, Baker County, Oreg.
William S. Schlichter, at Sellersville, Bucks County, Pa.
Alvin F. Miller, at Valley Falls, Providence County, R. I.
Jacob M. Harrell, at Manor, Travis County, Tex.
James M. Ragan, at Oxford, Calhoun County, Ala.
Charles M. Lehman, at Black Rock, Lawrence County, Ark.
Thomas B. Murphy, at Osceola, Mississippi County, Ark.
Mary E. Hughey, at Warren, Bradley County, Ark.
Alexander P. Merrill, at Campbell, Santa Clara County, Cal.
David B. Rigdon, at Statesboro, Bulloch County, Ga.
Arthur Waal, at Lahaina, Maui Island, Hawaii Territory.
Charles Hulbert Bishop, at Lihue, Kauai Island, Hawaii Territory.
Joel W. Ellis, at Seneca, Lasalle County, Ill.
Henry C. Bogue, at Vermont, Fulton County, Ill.
John B. Jones, at Lehigh, Choctaw Nation, Ind. T.
Henry Metz, at Tonganoxie, Leavenworth County, Kans.
Charles R. Suydam, at Belmont, Middlesex County, Mass.
William T. Britton, at Bloomington, Franklin County, Nebr.
Jay Jackson, at Pine Plains, Dutchess County, N. Y.
Saadi M. Johnstone, at Woodside, Queens County, N. Y.
John D. Massey, at Smithfield, Johnston County, N. C.
Frank A. Geesey, at Archbold, Fulton County, Ohio.
Elias B. Aldrich, at North Amherst, Lorain County, Ohio.
Charles C. Marsh, at Shawnee, Perry County, Ohio.
Joseph A. Randolph, at Waukomis, Garfield County, Okla.
Dick J. Wilcox, at Lakeview, Lake County, Oreg.
Abel W. Severance, at Tillamook, Tillamook County, Oreg.
Charles M. Derickson, at Monessen, Westmoreland County, Pa.
Thomas W. Scott, at Newhaven, Fayette County, Pa.
Joseph G. Moyer, at Perkasie, Bucks County, Pa.
Ebenezer M. Wells, at Cheraw, Chesterfield County, S. C.
Fremont Young, at Faulkton, Faulk County, S. Dak.
Joseph B. Schade, at Lawrenceburg, Lawrence County, Tenn.
Burgess W. Witt, at Mossy Creek, Jefferson County, Tenn.
Reuben S. Collett, at Vernal, Uinta County, Utah.
W. W. Hamilton, at Bramwell, Mercer County, W. Va.
John M. Righter, at Cambria, Weston County, Wyo.
Mary H. Ricketts, at Waverly, Humphreys County, Tenn.

Eber S. Andrews, at Williamston, Ingham County, Mich., in place of R. M. Porter, removed.

Joshua Cooke, jr., at Longview, Gregg County, Tex., in place of S. H. Flanagan, removed.

George L. Merguire, at Palo Alto, Santa Clara County, Cal., in place of Matilda Yesle. Incumbent's commission expired February 13, 1899.

David Redfield, at Ardmore, Chickasaw Nation, Ind. T., in place of Moran Scott. Incumbent's commission expired May 29, 1900.

Guido C. Hinchman, at Dover, Morris County, N. J., in place of George McCracken. Incumbent's commission expires January 12, 1901.

John W. Hedley, at Quanah, Hardeman County, Tex., in place of J. M. Doolen. Incumbent's commission expired February 24, 1900.

C. S. Bodenhamer, at Wharton, Wharton County, Tex., in place of Amanda M. Watts. Incumbent's commission expired July 10, 1898.

Homer C. Atwell, at Forest Grove, Washington County, Oreg., in place of J. W. Marsh. Incumbent's commission expired February 19, 1900.

Rufus Waggener, at Hillsboro, Washington County, Oreg., in place of Herman Schulmerich. Incumbent's commission expired April 30, 1900.

Zacharias A. Bowman, at Annville, Lebanon County, Pa., in place of Collins Dean. Incumbent's commission expired January 15, 1900.

David W. Prosser, at Bedford, Bedford County, Pa., in place of S. S. Metzger. Incumbent's commission expired February 25, 1899.

Reginald H. Brainard, at Curwensville, Clearfield County, Pa., in place of E. M. Thompson. Incumbent's commission expired March 23, 1900.

Edwin G. Eckert, at Hanover, York County, Pa., in place of E. K. Gitt. Incumbent's commission expired March 23, 1900.

John W. Grier, at Jersey Shore, Lycoming County, Pa., in place of C. E. Williamson. Incumbent's commission expired January 7, 1900.

Edwin F. Luckenbach, at Mauch Chunk, Carbon County, Pa., in place of G. W. Esser. Incumbent's commission expired January 21, 1899.

Edward K. Demmy, at Middletown, Dauphin County, Pa., in place of I. K. Deckard. Incumbent's commission expired April 13, 1900.

James T. Dunfee, at Newville, Cumberland County, Pa., in place of J. M. Woodburn. Incumbent's commission expired January 9, 1900.

Nathaniel H. Brown, at East Greenwich, Kent County, R. I., in place of J. H. Keelin. Incumbent's commission expired May 19, 1900.

Edward W. Jones, at River Point, Kent County, R. I., in place of Charles Quinn. Incumbent's commission expired April 17, 1900.

John M. Hickey, at Henderson, Rusk County, Tex., in place of Sallie Spivy. Incumbent's commission expired January 7, 1900.

Charles Real, at Kerrville, Kerr County, Tex., in place of C. C. Lockett. Incumbent's commission expired April 25, 1900.

George E. Hartson, at Mount Vernon, Skagit County, Wash., in place of J. L. Anable. Incumbent's commission expired June 10, 1900.

Dora Crook, at Jacksonville, Calhoun County, Ala., in place of John Y. Henderson. Incumbent's commission expired December 19, 1899.

John J. C. Barber, at Juneau, Alaska, in place of R. P. Nelson. Incumbent's commission expired April 8, 1900.

Albert W. Durkee, at Greeley, Weld County, Colo., in place of J. M. B. Petrikin. Incumbent's commission expired February 24, 1900.

Jesse T. Sharpe, at Seaford, Sussex County, Del., in place of E. M. Scott. Incumbent's commission expired January 9, 1900.

Robert J. Mitchell, at Quincy, Gadsden County, Fla., in place of William Munroe. Incumbent's commission expired May 15, 1900.

Thomas Quinney, at Waynesboro, Burke County, Ga., in place of J. L. Fulcher. Incumbent's commission expired February 13, 1900.

Charles H. Hurt, at Barry, Pike County, Ill., in place of N. R. Davis. Incumbent's commission expired January 23, 1900.

Horace Haldeman, at Bement, Piatt County, Ill., in place of W. B. Fleming. Incumbent's commission expired January 23, 1900.

Swan J. Chilberg, at Cambridge, Henry County, Ill., in place of L. A. Keagy. Incumbent's commission expired January 23, 1900.

John G. Beal, at Manning, Carroll County, Iowa, in place of Peter Stephany. Incumbent's commission expired January 15, 1900.

Joseph A. Farrell, at Mason City, Cerro Gordo County, Iowa, in place of W. E. Miller. Incumbent's commission expired April 13, 1900.

Ross A. Nicholson, at New Sharon, Mahaska County, Iowa, in place of J. W. Irwin. Incumbent's commission expired May 6, 1900.

George Cushing, at Hingham, Plymouth County, Mass., in place of George Cushing. Incumbent's commission expired February 11, 1900. (Reappointment.)

Herman A. Wyckoff, at Pontiac, Oakland County, Mich., in place of F. S. Fitch. Incumbent's commission expired March 10, 1900.

David J. Price, at Lake Crystal, Blue Earth County, Minn., in place of H. C. Howard. Incumbent's commission expired March 3, 1900.

Nels C. Nelson, at Two Harbors, Lake County, Minn., in place of W. B. Woodward. Incumbent's commission expired May 14, 1900.

Allison S. Pitts, at Hattiesburg, Perry County, Miss., in place of R. J. Collins. Incumbent's commission expired January 15, 1900.

Edward M. Scott, at Rosedale, Bolivar County, Miss., in place of Edward M. Scott. Incumbent's commission expired January 15, 1900. (Reappointment.)

James R. Dyer, at Ashgrove, Greene County, Mo., in place of Charles McCray. Incumbent's commission expired May 29, 1900.

George W. Crane, at Fort Benton, Choteau County, Mont., in place of Joseph Sullivan. Incumbent's commission expired May 9, 1900.

Charles Whitehead, at South River, Middlesex County, N. J., in place of William Morgan. Incumbent's commission expired April 16, 1900.

Arthur C. Agan, at Fayetteville, Onondaga County, N. Y., in place of Frank Boynton. Incumbent's commission expired June 6, 1900.

George A. McKinnon, at Sidney, Delaware County, N. Y., in place of Truman Lewis. Incumbent's commission expired April 16, 1900.

Robert P. Brown, at West New Brighton, Richmond County, N. Y., in place of Robert P. Brown. Incumbent's commission expired December 19, 1893. (Reappointment.)

Walter J. Raley, at Kent, Portage County, Ohio, in place of E. E. France. Incumbent's commission expired March 13, 1900.

William B. Wallace, at Oxford, Butler County, Ohio, in place of D. O. Corcoran. Incumbent's commission expired September 7, 1897.

Robert H. Robinson, at Arlington, Gilliam County, Oreg.

William L. Rogers, at Conroe, Montgomery County, Tex.

Andrew C. Bailey, at Ford City, Armstrong County, Pa.

The persons hereby nominated are now serving under temporary commissions issued during the recess of the Senate.

Thomas B. Lawler, at Ensley, Jefferson County, Ala.

Charles A. Bills, at Dunsmuir, Siskiyou County, Cal.

Susie E. Taylor, at Lake Providence, East Carroll County, La.

Montrose E. Hill, at Old Orchard, York County, Me.

Frank E. Bardwell, at Excelsior, Hennepin County, Minn.

William B. Anderson, at Hopkins, Hennepin County, Minn.

Melvin W. Caster, at Clayton, St. Louis County, Mo.

William H. Austin, at Franklin, Franklin County, Nebr.

Charles J. Sweet, at Black River, Jefferson County, N. Y.

John A. Simon, at Queens, Queens County, N. Y.

George C. Watson, at New Concord, Muskingum County, Ohio.

Lyman P. Bailey, at Putney, Windham County, Vt.

Velosco J. Knapp, at Anacortes, Skagit County, Wash.

Howard S. Datesman, at Douglas, Converse County, Wyo.

Karl Spinner, at Green River, Sweetwater County, Wyo.

Gustave Jensen, at Saratoga, Carbon County, Wyo.

Elias M. Williams, at Clifton, Graham County, Ariz., in place of F. H. Hudson, resigned.

Alfred R. Booth, at Paso Robles, San Luis Obispo County, Cal., in place of R. W. Putnam, removed.

George J. Arnow, at Gainesville, Alachua County, Fla., in place of James Bell, deceased.

George F. McGinnis, at Indianapolis, Marion County, Ind., in place of J. W. Hess, deceased.

John Walter Lowry, at Knightstown, Henry County, Ind., in place of E. H. Cole, deceased.

Harper W. Wilson, at Audubon, Audubon County, Iowa, in place of G. B. Russell, deceased.

John Buchanan, at Eagle Grove, Wright County, Iowa, in place of F. J. Will, resigned.

Maude McGill, at Oswego, Labette County, Kans., in place of W. F. McGill, removed.

Elliott Wood, at Winthrop, Kennebec County, Me., in place of J. E. Lewis, deceased.

Edgar W. Prentiss, at Bethany, Harrison County, Mo., in place of B. M. Prentiss, resigned.

William E. Templeton, at Excelsior Springs, Clay County, Mo., in place of A. H. Dooley, resigned.

Frank D. W. Arnold, at Lamar, Barton County, Mo., in place of T. L. Wills, removed.

Henry L. Eads, at Pattonsburg, Daviess County, Mo., in place of John H. Heath, deceased.

Edward R. Williams, at Richmond, Ray County, Mo., in place of J. M. Wright, resigned.

Frederick B. Powell, at Amityville, Suffolk County, N. Y., in place of Leander Wright, removed.

George W. Belton, at Whitestone, Queens County, N. Y., in place of C. R. Bindhamer, removed.

Richard H. Smith, at Mandan, Morton County, N. Dak., in place of C. E. Nichols, resigned.

William B. Palmer, at Clifton Heights, Delaware County, Pa., in place of W. H. Logan, deceased.

Albert Magnin, at Darby, Delaware County, Pa., in place of G. W. Claney, removed.

William D. Williams, jr., at McDonald, Washington County, Pa., in place of Boyce Rankin, resigned.

Charles Lattimore, at Milford, Pike County, Pa., in place of J. S. Gale, deceased.

Samuel S. Wright, at Montrose, Susquehanna County, Pa., in place of W. B. Stoddard, deceased.

George C. Worstall, at Newtown, Bucks County, Pa., in place of J. S. Groff, removed.

John Redd, at Bolivar, Hardeman County, Tenn., in place of John Kenny, deceased.

Lewis A. Skiff, at Middlebury, Addison County, Vt., in place of E. H. Thorp, resigned.

Houston T. Estes, at Muskogee (late Muscogee), Creek Nation, Ind. T., in place of Houston T. Estes, reappointed upon change in name of office.

Luther Severance, at Hilo, island of Hawaii, Hawaii Territory. Original appointment under an act of Congress entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900.

Joseph M. Oat, at Honolulu, island of Oahu, Hawaii Territory,

in place of John M. Oat, nominated and confirmed through error in name.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 14, 1900.

AMBASSADOR.

George V. L. Meyer, of Massachusetts, to be ambassador extraordinary and plenipotentiary of the United States to Italy.

INDIAN AGENT.

John R. Brennan, of Rapid City, S. Dak., to be agent for the Indians of the Pine Ridge Agency in South Dakota.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 14, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

PAY OF EMPLOYEES FOR DECEMBER.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I now send to the desk.

The SPEAKER. The joint resolution will be read, after which the Chair will ask if there be objection to its present consideration.

The joint resolution (H. Res. 2[illegible]) was read, as follows:

Resolved, That the Secretary of the [illegible]nate and the Clerk of the House of Representatives be, and they are hereby, authorized and directed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, 1900, on the 20th day of December, 1900.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the resolution was read a second time, ordered to be engrossed, and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. LOUDENSLAGER, a motion to lay on the table a motion to reconsider the vote by which the joint resolution was passed was adopted.

PENSION APPROPRIATION BILL.

Mr. BARNEY, from the Committee on Appropriations, reported a bill (H. R. 12737) making appropriation for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1902, and for other purposes; which was ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Tennessee. I desire to reserve all points of order, Mr. Speaker.

The SPEAKER. That reservation will be noted.

WAR-REVENUE REDUCTIONS.

Mr. PAYNE. I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of bill H. R. 12394.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole, Mr. HEPBURN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering House bill 12394.

Mr. PAYNE. Mr. Chairman, the understanding is that the time this morning up to 2 o'clock, to be devoted to general debate, is to be equally divided between the two sides, the gentleman from Tennessee [Mr. RICHARDSON] controlling half of it.

Mr. RICHARDSON of Tennessee. That will give us fifty-five minutes this morning.

The CHAIRMAN. Yes.

Mr. RICHARDSON of Tennessee. I now yield fifteen minutes to the gentleman from Georgia [Mr. MADDOX].

Mr. DALZELL. I understand, Mr. Chairman, that gives fifty-five minutes on a side.

Mr. RICHARDSON of Tennessee. That is right.

[Mr. MADDOX addressed the committee. See Appendix.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON of Tennessee. I yield fifteen minutes to the gentleman from Virginia [Mr. OTEY].

Mr. OTEY. Mr. Chairman, I had not intended to ask the indulgence of the House on this bill, but I find that in the glamour of our military prestige one very important measure is about to be overlooked.

Mr. Chairman, it is in vain that we appeal for a reduction of tax on tobacco—tobacco, which is more universally used among mankind than any other one thing except the most ordinary articles of food; 980,000,000 of the earth's inhabitants use it, while 600,000,000 use tea, 400,000,000 use opium, and 100,000,000 use coffee, statistics on whisky not being just now at hand. [Applause.] So my appeal for the relief of the man who follows the plow and hoes the tobacco hill being in vain, I appeal for him who, on the sanguinary fields of Cuba, was forgot by you. When our soldiers marshaled against Spain the soldier and sailor were soon reminded that there was great deficiency in providing for their comforts and welfare. In no particular was this made more manifest than the deficiency, viz, in not providing tobacco for them. Encouraged by the hope that nothing would be left undone to sustain him in his heroism and supply his wants in his patriotism, I introduced the following bill:

A bill for the relief of soldiers and sailors.

Be it enacted, etc., That the weekly ration of tobacco for all enlisted men in the Army and Navy during the continuance of the present war shall be 1½ ounces of smoking tobacco and 2 ounces of chewing tobacco.

[Applause.]

It failed when the Army bill came before the House, and so I introduced it the next session on December 4, 1899, and it sleeps in the Committee on Military Affairs.

In the Charlotte Observer—Charlotte, N. C.—of the 10th, the following editorial appears:

The Observer confesses to some interest in the fate of Congressman OTEY'S bill to issue tobacco rations to our troops. What has become of it? The matter is called to mind by an article in the London Lancet bearing upon the same question of tobacco for the soldiers. That paper is regarded as the foremost medical authority in England, and after careful consideration of tables and statistics and regimental reports, it has concluded that the British soldier endured the ardors of the South African war so uncomplainingly and hardily by reason of indulgence in tobacco.

The Lancet declares that "used with moderation, tobacco is of value second only to food itself." The veldt war was a war of long marches and scant food. The Lancet finds that these long and stern marches "were borne by the soldiers with a grumble only when their 'smokes' failed them." These facts should inspire Mr. OTEY to renewed endeavors. The tobacco ration should be incorporated in the pending Army bill.

When it was before the House a Republican member of this body sneeringly asked me why I did not include "chewing gum," thus ridiculing the bill, but in earnest I was willing to accept the amendment if it comforted the sailors and soldiers. In the election that followed he was left at home. He was not reelected. Comment is unnecessary.

Now, Mr. Chairman, I have never heard a good reason for not passing this bill. We find its provisions in the regulations of other armies of modern times, and as tobacco is taxed so much heavier than any other product of the soil, it would seem that the Government could, without great strain on its resources, supply this much-needed want.

One and two-thirds ounces of smoking tobacco a week and 2 ounces of chewing tobacco—5 pounds per month of the one and 6 pounds per month of the other—11 pounds of tobacco per head, and, if you have 100,000 men, about 1,000,000 pounds per year. The tax on this would be $120,000, which will have been paid the Government, and the average price, say, even 10 cents, $100,000 outlay, and the Government would still have a surplus left of $20,000, if it applied its tax on 2,000,000 pounds to this lofty and patriotic purpose. It is a fact that there is no solace in camp life or on shipboard like the pipe, and nothing staves off hunger and thirst like the chew of tobacco. [Laughter.]

Mr. Chairman, it is customary to refer to the Fathers, in politics, religion, and business. We revere the opinions of those who have gone before. We hear great men of the past as witnesses. So in the matter of tobacco I will not deviate from the time-honored custom. From its earliest discovery tobacco has been considered a curative. We speak of narcotic poison as if it would kill on sight, and yet what is known as solanine in the potato is an acrid narcotic poison, 2 grains of which produces paralysis in a rabbit in two hours. So says Dr. Emanuel Gardiner, London, a practitioner of "physicke" in 1610, and Dr. John Neander, in Leyden, 1622. Hariot—you all know who Hariot is [laughter]—who joined Sir Walter Raleigh, 1584, wrote in 1588 a true report of the new found land of Virginia. Speaking of "Uppowoe," called afterwards tobacco, he said:

They use the leaves to take the fumes or smoke thereof by sucking through pipes into the stomach and head, from whence it purged superfluous "fleams" and other gross humors; it opened the pores and passages of the body, by which means the use thereof not only preserveth the body from obstructions, whereby their bodies are notably preserved in health and knows not many grievous diseases wherewith all we in England are ofttimes affected.

[Applause.]

This is one reason why we should abrogate the anti-smoking rule in this House, the fumes of tobacco thus neutralizing the carbonic acid gas, which is heavier than air and which is always exhaled from the human system while breathing, every ounce of which falling from these galleries is inhaled by us, than which no deadlier poison could enter our frames. [Applause.]

I hope I will not be interrupted by applause, as I have only fifteen minutes.

Further on they say:

Since our return we have found many rare and wonderful experiments of the virtues of tobacco, of which the relation would require a volume by itself. The use of it by so many men and women of great calling and some learned physicians is sufficient witness.

Fairholt says—of course no member of Congress is unfamiliar with Fairholt [laughter]:

It was to the sanitary effects of tobacco that the honorable introduction in Europe was due. Queens, kings, and cardinals bowed to the dictum of physicians who seemed to look upon the plant as a divine remedy for most diseases and so speedily propounded cures for all that flesh is heir to from various applications, and it was christened Huba Panacea or Huba Santa.

[Laughter and applause.]

Old poets note the curative virtues of tobacco.

Spenser, in his Faërie Queene, where he makes Belphœbe include it as in other medicinal herbs gathered by Timias, says:

Into the woods henceforth she went
To seek for herbs that mote him remedy.
* * * * *
Then whether it divine tobacco were
Or panachasa or polygony,
She found and brought it to her patient dear,
Who all this while lay bleeding out his heart blood near.

After this can anybody deny tobacco rations to the defender of our country, our flag, our honor, both on land and sea? [Long applause.]

Henry Buttes—his name is familiar [laughter]—in his curious volume entitled "Diet's Dry Dinner," 1799, treats of the virtues of tobacco as a digestive power, and says:

Fruits, herbs, flesh, fish, white nuts, spices, sauce, all,
Concoct all by tobacco cordial.

[Laughter.]

He adds:

Its fumes are good against "rumes," catarrhs, hoarseness, ache in head, stomach, lungs, and breast.

Gardiner (quoted before), in his Trial of Tobacco, speaking of a patient who could hardly breathe and was given up by other physicians, said:

Directed him to take tobacco in fume, and little by little he recovered his former strength. It is an unguent to take away all pains of the gout.

[Applause.]

Remain analyzed it. I will not insult your intelligence by saying who Remain was. [Laughter.] Ten thousand parts of tobacco cases contain:

Six parts nicotine, 1 part nicotianine, 287 parts buter extractur [bitter extractive], 174 parts gum mixed with malic acid, 26.7 parts of green resin, 12 parts malate of ammonia, 4.8 parts sulphide of potash, 6.3 chloride of potassium, 9.5 parts potassa which has been combined with malic and nitric acid, 16.6 parts phosphate of lime, 24.2 parts lime which has been combined with malic acid, 8.8 parts of silica, 496.9 parts of febiores or ligneous matter, 88.28 parts of water, traces of starch.

[Applause.]

After this exposition, can you have it in your hearts to refuse this boon to the soldier who keeps your honor unsullied and protects your homes from the ruthless invader?

The analysis omitted a viscid slime equally soluble in water and alcohol and precipitable from both the subacetate of lead; also chlorophyl, a great pulverulent matter, which dissolves in boiling water, but precipitates in cold water; also a beautiful orange-red dyestuff, soluble only in acids, but it deflagrates in fire. [Long laughter and applause.] The animated countenance, the furrowed cheek, the trembling voice, the bending frame, the silent tear of an old soldier impart an interest and gives a touch to his story that no pen can portray, no eloquence imitate. His patriotism expires only with his life; his soul is enraptured with enthusiasm; his memory is on the wing and runs back with lightning quickness to the battles fought and victories won; but he will recall that the ration of tobacco plucked from his mind a rooted sorrow, razed out the written troubles of the brain, and with this sweet, oblivious antidote cleansed the bosom of perilous stuff that weighed upon his heart. [Long and continued applause.]

Mr. LEWIS. Mr. Chairman, I congratulate the tax-paying people of this country and I compliment this Congress that at last we have ceased to permit our thoughts to run upon foreign scenes, have stopped fighting for the freedom of Cuba, and for the moment are not chasing the Filipinos; that for a brief time we have withdrawn our attention from the adjustment of the Chinese situation, are through with planning and regulating the increase of the Army, and are no longer employed in discussing the great ships of this country which were recently ordered built and which are now building; but that we have diverted our thoughts and attention once more to legislation in the interest of the people of this country.

I approve of this bill with all my heart. It is a good bill as far as it goes, but it does not go far enough. The proposition offered by the minority members of the Committee on Ways and Means I consider a far better bill, and I regret exceedingly that it is not before us rather than the bill we now have. I, for one, say that I am willing to do away with the entire war tax. It was my pleasure one year ago to introduce a bill to repeal the entire war-tax law, and I am sure it would have been proper had we done so, and the country could have well afforded it, its financial condition then, as now, warranting that course.

The Secretary of the Treasury in his annual report shows that the total revenues of the Government from all sources for the fiscal year ended June 30, 1900, were $669,595,431.18. The total expenditures for the same period were $590,068,371, which left a surplus of $79,527,060.18 in the Treasury. Let me tell you what the Government has been doing while we were engaged in war, something that no other government ever did before in the history of the world. At great expense and under unusual taxation burdens this Government in 1898, when the war began, issued $200,000,000 of bonds which were sold in the market. What was done in 1899, the following year? The Secretary of the Treasury bought in $22,000,000 worth of unmatured bonds, expending money therefor at a time when heavy special taxes were being levied upon and paid by the people.

Again, the present year, in accordance with the provisions of the act of March 14, 1900, the Secretary of the Treasury, in the conversion of outstanding bonds into consols of 1930, had paid out to November 1 last, for excess of value of these consols, $34,000,000 in round numbers, making a total of $56,000,000 that the Secretary of the Treasury has paid out under these unusual conditions. Now, adding these expenditures made on account of bonds to the $79,000,000 surplus in the Treasury, and you have a total of $135,000,000. Deducting the war taxes for the fiscal year ended June 30, 1900, which the report of the Secretary of the Treasury shows were $105,000,000, and the Treasury would have more money by $30,000,000 at the close of the fiscal year ended June 30, 1900, than it had at the same time in 1899. Therefore it is plain to me, and should be plain to everyone, that the entire war-tax act should be taken from the statute books, and that the people should be permitted to keep this money in their pockets. When a government is not in need of money, when it has an ample amount to meet its legitimate wants and to protect its credit, then to tax the people is unjust. Unnecessary taxation is unjust taxation.

What is England doing to-day? Is she resorting to any such financial tactics? It is true England is selling bonds in bunches and lots to meet the increased expenditures on account of the South African war, but we do not hear of England redeeming her unmatured bonds with the money thus obtained. Here we are constantly dealing in our bonds, selling them one year and buying them the next. What is the Government doing with the money collected from these taxes? To-day there are $96,000,000 of that money in the national banks of the country, for the use of which the Government does not receive one cent of interest. In times of slight financial trouble, when the banks become depressed and money gets high, if the Government calls in these loans and lessens its balances with these depositories the banks cry out that money is getting high and the Government is mistreating them in withdrawing their deposits from them.

If these banks of depository, holding these great balances from day to day, amounting, as stated, to $96,000,000—only $9,000,000 less than the total amount of war taxes collected last year—on which they are not paying one cent of interest, complain when these deposits are demanded, in the name of common sense what must the people say when this very money is being taken from their pockets by high war taxes, under the plea that these large sums are necessary "to meet the train of extraordinary expenditures which follow the close of actual hostilities," to swell the deposit accounts of favored national banks? We should leave this money in the pockets of the people. We do not want to put a great balance in the Treasury or in Government depositories. We have an ample amount of money to maintain the credit of the country, and that credit is as good as it can be.

[Here the hammer fell.]

Mr. RICHARDSON of Tennessee. Mr. Chairman, I now yield twenty minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Chairman, when the Spanish-American war-revenue bill was being discussed in this House in 1898, leading Republicans on this floor then stated that just so soon as the Spanish-American war was over the war taxes would be repealed. The American people—the taxpayers of this country—expect the Republican party to keep that pledge. It was a solemn promise. This bill willfully and unnecessarily violates it.

Mr. KING. They do not expect it. They think they ought to do it. [Laughter.]

Mr. SULZER. Yes; that is about the truth of the matter. It is to be regretted that the majority of the Ways and Means Committee has failed to meet the reasonable expectation of the taxpayers, and has failed to keep the promise of the Republican leaders in this House when the war-revenue bill was being discussed in 1898. If the Republican members of the Ways and Means Committee had done their duty they would have brought into this

House a bill to repeal the war-revenue law, and to repeal it in toto. The Spanish-American war-revenue law was an emergency measure. It was to remain on the statute books until the war was concluded and then be promptly repealed. The war is over and the war taxes must go. They have no place on our law books in time of peace.

It has been stated here, Mr. Chairman, by one of the members of the Ways and Means Committee, and the facts and statistics confirm the statement, that if the war-revenue law should be repealed it would not cause a deficit in the revenues of the Government this year, next year, or the year thereafter. Why, then, I ask in the name of all that is fair, should these oppressive, unjust, and burdensome war taxes be indefinitely continued in time of peace? The annoying, harassing, and unnecessary war taxes should be repealed.

Mr. Chairman, in the brief time allotted to me by the gentleman from Tennessee it will be impossible for me to fully discuss this bill, but I desire very hurriedly and briefly to criticise one portion of it that seems to do a great injustice. I have received a number of letters from constituents of mine objecting to and protesting against that portion of the bill that continues the additional war taxes on beer. With the permission of the House I shall incorporate some of these letters in the RECORD as a part of my remarks.

The tax on beer is out of all proportion to the tax on other commodities. The manufacturers and consumers of beer pay more than their just share of the burdens of government. They want only what is just. They ask no favor. They want to be treated fairly, and they now demand, two years after the Spanish-American war, that those additional war taxes be repealed. Is this asking too much? Is it not just what you promised when you imposed the additional burden of $1 a barrel on beer? The tax of $2 a barrel on beer is too much.

You know the manufacturers engaged in this industry demand that the war taxes on beer be reduced to $1 a barrel, as it was before the Spanish-American war began. The brewers have sent several representative delegations here asking for the repeal of the war tax, and they have filed hundreds and thousands of petitions in favor of it. But if I know your intentions, and if I am any judge of your policy, their mission has been a failure, their work in vain, and the petitions have been thrown in the waste-basket.

Mr. Chairman, the manufacture of beer is one of the most important industries in this country. It is a legitimate business, and should not be persecuted by oppressive taxation. It gives employment to thousands and hundreds of thousands of men. It affects the producers, the wage earners, and the transportation companies of the whole country. To discriminate against it is unjust and the policy as far-reaching as it is ruinous. At the beginning of the civil war a tax of $1 a barrel was put on beer, and it was promised then, directly or indirectly, by the party in power that as soon as the emergency should be over that tax would be repealed. That was a war tax. But after the civil war that tax was continued, although most of the other internal-revenue taxes were repealed. This civil-war tax of $1 a barrel on beer was kept on from that day to this, and notwithstanding it was a war tax in time of peace and burdensome to the producers, the manufacturers, and the consumers they bore it without a murmur. When the Spanish-American war revenue law was passed in 1898 the Republican party doubled the war tax on beer, making it $2 a barrel.

And now, sir, instead of reducing that tax to $1 a barrel, as you promised the representatives of that industry when they appeared before your committee in 1898, you propose to continue this burdensome and unjust tax at the rate of $2 per barrel—or perhaps a little less—indefinitely. Is that fair? Beer is the poor man's drink, and the poor man pays most of this unjust and exorbitant tax. Years ago and during the civil war beer was selling for from $12 to $18 per barrel, and the tax then was only $1 a barrel. To-day beer is selling for from $5 to $6 a barrel and the tax is $2 a barrel. If justice were done in this matter, and members had the courage of their convictions, this House would almost unanimously make the tax on beer what it was before the Spanish-American war.

The brewers' industry pays more taxes to-day into the Treasury of the Government than any other industry in this country. This burdensome additional war tax has driven out of business a great many manufacturers, has driven others into bankruptcy, and forced out of legitimate employment thousands of honest toilers. This war tax falls with a heavy hand on the consumers and with disastrous effect on the manufacturers and retailers of our country. We should do our duty and repeal it.

Yesterday, Mr. Chairman, I listened to the remarks of my friend the gentleman from Missouri [Mr. BARTHOLDT]. In the course of his remarks he said that at the proper time he would offer an amendment to this bill to reduce this unjust and iniquitous tax on beer to $1.50 a barrel. That is all right so far as it goes, but it does not go far enough. If no one else does, I will offer an amendment to put the tax back to $1 a barrel, and I trust that this House will adopt that amendment and take off the additional war tax of $1 a barrel. It ought to be taken off. Under the Spanish-American war-revenue law the beer industry has paid more than one-third of the entire revenue derived from that act.

Under the provisions of this bill now being considered, according to the statement of the chairman of the committee, if you do not reduce the tax, beer will pay nearly two-thirds of the revenue to be derived. This is unjust to this industry. It is an injustice to the people who are engaged in it. The brewers were patriotic. When the Spanish-American war began, when the emergency arose, when the Government needed immediate funds to carry on the war, the brewers of the land came before the Ways and Means Committee and said, "If it is necessary to tax our industry an additional $1 a barrel to raise immediate revenue to prosecute successfully the Spanish-American war, we are willing to submit and pay such additional taxation on condition that just so soon as the war is over and the emergency passed this additional tax of $1 a barrel on beer shall be forthwith repealed."

That promise was made to the representatives of this industry; and they and thousands of others are looking to-day to this Congress to see if that promise will be fulfilled. I trust that every fair-minded man in this House, that every member who is opposed to discriminating in favor of one industry by robbing another, who is opposed to unjust and burdensome taxes when they are unnecessary, and who believes that unnecessary taxation is unjust taxation, will support this proposition to repeal this additional war tax on beer and keep the pledge of the Government.

And now, Mr. Chairman, to sum it all up, I am in favor of repealing the additional tax of $1 a barrel on beer, imposed by reason of the emergency of the Spanish-American war, for the following good and sufficient reasons:

1. That the Spanish war tax is a double tax, as their business had already been paying a war tax of $1 per barrel since 1862.

2. It exacted 40 per cent of the selling price of their product—$2 out of $5—a levy which made production a matter of loss from its imposition.

3. It has resulted, by closing and consolidating establishments in the endeavor to reduce expenses and keep their heads above water, in the loss of employment and the consequent loss of wages to thousands of employees.

4. That a decreased consumption has necessitated, of course, decreased production, and this means not only loss to the brewer, but to the farmer in markets for his products, to the mechanic in employment, to those who have money invested in the business in interest and profit which would eventually find an outlet and give employment to idle thousands, and to the Government in revenue.

5. Because it is unjust to saddle additional burdens upon an industry that has uninterruptedly and uncomplainingly borne the old war tax ever since its first imposition (aiding the Government in devising and maintaining means for its prompt collection), while all other internal war taxes have been totally abolished, except as to ardent spirits and tobacco, in which latter instances the rates of 1865 have been considerably reduced.

6. Because when the war tax of $1 was imposed beer sold at $12 per barrel, while to-day, the tax remaining the same, less than one-half of that amount is the average price, wages and the ordinary operating expenses of breweries and the capital required in the business having vastly increased in the meantime.

7. Because when this tax was first imposed the burdens borne by the traffic in the shape of local taxes or license fees did not exceed in any State the sum of $200, while at the present time in some States these local taxes range up to $2,000 for each saloon—the total sum of such local taxes and license fees throughout the country amounting to probably $60,000,000, a disproportionately large share of which enormous sum must be and is borne by beer, as may be seen from a single example in point, to wit: The State of New York, where out of a total of over $11,000,000 derived from the traffic the beer interests paid about $7,000,000. In the present condition of the market the brewer would be compelled to raise the price of his product, and the dealer, on his part, in order to make up the difference, would have to reduce the size of his measures.

8. Because neither from an economic nor from an ethical point of view does it appear justifiable to increase the war tax on beer while native wines are totally exempt from taxation.

9. Because as a revenue measure the increase is based on erroneous premises, for while it is true that under the present system, which imparted to the industry an exceedingly valuable element of stability, the production has steadily increased, it is more than probable that the increased tax will produce a decline in the business.

10. Because the increase would be a most potent incentive to

the formation of trusts, and would most assuredly drive out of the business a large proportion of the smaller brewers. The significance of this will be appreciated if you state the undeniable fact that one-half of the beer produced in this country is manufactured by about 100 large brewers, while the other half is made in about 1,800 smaller establishments.

11. Because, although the tax may at first be borne by the brewers—to be used as a means of competition by the stronger trade rivals—it will in the end have to be paid by the consumer, in one way or another; and this we deem not only unjust, but extremely unwise from a temperance point of view, for beer, whatever fanatics may say to the contrary, has become and is to-day one of the necessaries of life to a large part of our people, and as such has a strong tendency to enhance the well-being of the consumers and to modify drinking habits in the direction of true temperance.

12. Because the increase is calculated to place a double burden upon the consumer, inasmuch as it is imposed in order to offset a loss of revenue, which would inevitably be caused by the proposed prohibitive duties on other articles of daily consumption, the price of which would thus necessarily be enhanced, to the great disadvantage of the consumer and for the benefit of certain domestic industries.

13. Because, instead of creating a "minimum of industrial disturbance"—a consideration which is urged by one of the foremost advocates of the increase as a paramount requirement of any change in the tax system—the increase will most assuredly unsettle and injuriously affect the brewing industry.

14. That the tax is continued although the war which made its imposition possible and which formed the only excuse for levying it is over, and that it has been continued beyond the needs of the Government, as an overflowing Treasury proves, and should be repealed.

These reasons, to my mind, conclusively show that this additional war tax is oppressive, burdensome, and unnecessary, and should be repealed now. Last year the brewing industry was taxed and paid into the Treasury about $75,000,000. There are about 40,000,000 barrels of beer manufactured a year, and if we return to the tax of $1 a barrel existing prior to the Spanish-American war, the industry now being discussed will pay an annual revenue of about $40,000,000—more in proportion, I believe, than any other industry in the country.

Now, sir, I contend that we do not need this additional war tax. In fact all these Spanish-American war-revenue taxes should be repealed; and if by chance there should be a deficiency in the revenues it is the duty incumbent on the party charged with the responsibility of legislation—charged with the responsibility of raising revenue for the economical administration of the affairs of the Government—to raise it fairly and justly and honestly, without favor to one industry as against another. I am in favor of an income tax. That is a just tax—fair to all—and makes wealth pay its just share of the burdens of government.

If you say that the United States Supreme Court has held an income tax unconstitutional, then I am in favor of a graduated inheritance tax and a graduated corporation tax on the stock and dividends of the great industrial combinations of the land. That will be a tax that can not be evaded; and it is conceded that it will be a fair and a just tax. It is a tax on the idle and the accumulated wealth of the country, which now practically escapes all taxation. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SULZER. I hope I may be allowed a few moments more.

Mr. RICHARDSON of Tennessee. I should be glad to accommodate the gentleman if I had the remaining time under my control; but I have promised it all away.

Mr. SULZER. Then, Mr. Chairman, I ask unanimous consent to print in the RECORD, as part of my remarks, some data in regard to this question of the additional tax on beer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SULZER. Mr. Chairman, in this connection I desire to insert in the RECORD the following succinct statements of Mr. Rudolf Brand, the president of the United States Brewers' Association, of Chicago, Ill., and also of Mr. Adolphus Busch, of St. Louis, Mo., printed in the Washington Post to-day:

BREWERS ASK RELIEF—WAR TAX ON BEER HAS CRIPPLED A GREAT INDUSTRY—APPEAL FOR FAIR TREATMENT—THEY INSIST THAT THE EMERGENCY NO LONGER EXISTS TO WARRANT THE FURTHER IMPOSING OF A HARDSHIP UPON THEM—TAX LEVIED ON ACCOUNT OF THE CIVIL WAR WHICH HAS NEVER BEEN REMOVED—CONGRESS IS URGED TO GRANT SIMPLE JUSTICE.

The president of the United States Brewers' Association, Mr. Rudolf Brand, of Chicago, Ill., in an interview with a Post reporter last night, said:

"In conjunction with my associates here in Washington, representing the brewing industry throughout the United States, I can only express surprise and disappointment at the conclusion arrived at by the Ways and Means Committee in their report to Congress, in which they recommend such a slight reduction of the tax on beer, while the majority of the other industries taxed under the war measure have received the committee's recommendation for the total elimination of the taxes imposed upon them by the Spanish war.

PRESIDENT M'KINLEY'S MESSAGE.

"We very naturally deducted from President McKinley's message to Congress, in which he said relative to war taxes: 'I recommend that the Congress at its present session reduce the internal-revenue taxes imposed to meet the expenses in the war with Spain in the sum of $30,000,000. This reduction should be secured by the remission of those taxes which experience has shown to be the most burdensome to the industries of the people,' that the brewing industry, which has suffered more than any other industry, would be the first to be relieved, and we based our claims upon the actual figures we presented to the Ways and Means Committee, demonstrating conclusively the losses we have sustained under the grinding oppressive double war tax of $2 per barrel, or 40 per cent of the entire market value of our product.

"Again I call attention to the following extracts from our previous letter to the Ways and Means Committee:

CIVIL WAR TAXES NEVER REMOVED.

"This is only one side of the question, but it is the one which shows the pernicious effects of a most unjust tax in the most glaring light, and appeals to other sentiments besides that of justice in the abstract. In our opinion, it should not, however, require such appeals in order to bring about the immediate repeal of the entire extra war tax, superimposed upon the old war tax. There was no equitable justification for it at the time of its imposition, because the brewing industry had up to that time uninterruptedly paid the old war tax of $1 per barrel, while all other manufactures, products, professions, and occupations embraced in the original revenue system as organized between the years 1861-1864, have not paid a single dollar into the Federal Treasury since the termination of the civil war, and do not now contribute one penny toward the Federal revenue.

"Is it unfair or unpatriotic to ask why one American industry, consuming almost exclusively those highly protected American products which are a source of wealth to the American farmer, should pay a double war tax amounting to 40 per cent of the market value of its product, while all other American industries remain untaxed? It will not be deemed to be presumptuous, we trust, if we ask what justification there was for imposing, or what good reason there was for continuing, a tax of $2 upon a barrel of beer costing $5, in the face of the fact that at a time (thirty-five years ago) when the market price of beer was $12, a Republican Administration and a Republican Congress asserted and maintained that a tax of $1 'was fully up to the revenue standard and should not be increased.'" (See report of the Special Revenue Commission for 1865-66, p. 27.)

"We maintain that common justice imperatively demands the immediate repeal of the additional war tax upon malt liquors. In the entire war-revenue act of 1898 there is not a single tax item, excepting our own, that is unjust or inequitable in itself; none, excepting the beer tax, that has caused, or is likely to cause, widespread industrial ruin; none, again with the same exception, that must be borne by a comparatively small number of citizens for the exclusive benefit of all those numerous and immensely wealthy industries which, while protected by wise tariff laws, contribute not a single dollar to the internal revenue, and, finally, none that must ultimately affect such large masses of the poorer people.

"The most striking evidence of the correctness of our contention as to the inequality and injustice of the present tax rate lies in the fact that in 1866, when the receipts from internal revenue reached the highest point, viz, $310,906,984, the three revenue items which have remained in force (at reduced rates as to spirits) since the civil war, only yielded $50,129,877, of which the sum of $5,115,140 was derived from malt liquors, then selling at $12 per barrel. The remainder, amounting to $260,777,107, came from sources of revenue, the greater portion of which are not mentioned in the act which imposed upon our product an additional war tax of $1."

FAILURES DURING 1899 AND 1900.

"We have shown," continued Mr. Brand, "that during the fiscal year ended June 30, 1900, no less than 36 previously successful breweries have failed, gone out of business altogether, their failure directly attributable to the double war tax. These figures can be easily verified by the records of the department of internal revenue. In addition to the actual failures, very many of our best establishments have been forced to combine in order to avoid failure, and many more will be forced to follow in their footsteps unless we have immediate relief.

BREWERS NOT EXACTING.

"We are not exacting. On the contrary, the brewers are extremely patriotic, the fact of our bearing the original war tax of $1 per barrel, or 20 per cent of the market value of our product, for thirty-seven years without reduction, proves that. The further fact of our uncomplainingly accepting the double war tax of $2 per barrel, or 40 per cent of our product since 1898, to provide revenue to conduct our war with Spain, intensifies our claim of patriotism, but now that war is over, and we cry aloud for relief from a burden that is crushing our industry and sapping our very life.

FAITH IN CONGRESS.

"We have faith in Congress. We believe that the justice—simply the common justice—of our claims will not appeal to Congress in vain. We only ask for fair treatment and a chance to live in times of peace. In times of war or any other distress that our country may suffer from, the Government will always find us ready, if necessary, to make any sacrifice called upon."

STATEMENT FROM MR. BUSCH.

Mr. Adolphus Busch, the president of the Anheuser-Busch Brewing Association, of St. Louis, Mo., has only recently arrived from Europe. Before leaving for home last night, Mr. Busch talked at length on the situation.

"I should have remained in Europe another month," said Mr. Busch, "had it not been for my interest in the repealing of the double war tax now being levied by the Government on our industry.

"Its enactment has proven a terrible hardship, and its continuance means general disaster to the brewing interests.

"The original tax of $1 a barrel was in itself a war tax, imposed in 1861, and continued without any reduction up to the declaration of hostilities with Spain, when it was increased to $2 per barrel, just double the original tax, which means precisely 40 per cent of the general market price of beer.

"When the original war tax of $1 a barrel was inaugurated, thirty-nine years ago, beer was being sold for $18 per barrel. To-day beer is being sold at an average of $5 per barrel, and we pay $2 per barrel to the Government.

"As a direct result of this excessively unfair burden of taxation, the production of beer decreased 1,000,000 barrels during the year 1899, a year of unprecedented and marvelous prosperity, and within the past seven months seventeen combinations have been made, consisting each of from three to twelve formerly prosperous breweries, forced to thus combine in order to save themselves from bankruptcy through this distressing and oppressive double war tax. More are likely to follow, or suspend business altogether, unless immediate relief is afforded.

"During the past year the production of beer has materially increased, but what good does it do the brewer? None! A few—very few—have had a

trifling profit, but the majority have either realized no profit at all or else continued business at a distinct loss, hoping and praying for the repeal of this grinding double war tax.

"Take my own brewery, for instance. We brewed a million barrels of beer this year, an increase of 100,000 since 1899, but with what profits? Merely nominal. Why? Because we have to keep the quality of beer up to the standard established by us and pay the Government $2 per barrel on each barrel brewed. This leaves the balance, $3 per barrel, to pay for hops, malt, barley, brewing, horses, feed, wagons, brewers, help, drivers, deliveries, expressage, coal, ice, invested capital—in fact, everything—depreciation, losses, and wear and tear.

"There is no chance for the brewers unless this double tax is reduced to $1 per barrel. The present tax is a terrible burden, more than we can bear, and is crushing our business life out. We must have relief in order to exist. We are now paying to the Government $78,000,000 yearly, or about one-fourth of the entire revenue collected by the Government.

"The brewing industry is an American establishment, one of the greatest of all industries. Beer is the poor man's drink and a national beverage. It is by far the greatest of all temperance promoters. We give employment directly to over 900,000 men, and indirectly, through the farmers who grow the hops, malt, and cereals; the lumbermen, maltsters, coopers, blacksmiths, iron workers, builders, railroads, shipping, and general trades, to nearly 3,000,000 men.

"Our invested capital is $650,000,000. During the Senatorial investigation of last year 400 samples of American beer, ales, and porter were purchased in the open market, and under the analysis of the chemists of the Government, who analyzed these samples, only two samples of American beer, ales, and porter were found to contain preservatives or adulterants, as against the wholesale preservatives and adulterations found in imported beers, ales, and porter.

"American beers are the best in the world. Such an industry should be helped and not crushed as it is crushed.

"The brewers are patriotic. We are faithful citizens, willing to uphold the Government and to pay a tax of $1 per barrel, or about 20 per cent on the market price of our product, which would amount to about from $38,000,000 to $40,000,000 a year. No industry can stand more than that percentage of taxation and exist. We have tried it for three years and know. But now the war with Spain is over, and we who have stood this double tax so uncomplainingly and patriotically from out of our distresses pray and hope for relief. The Government is getting all the profits now, and has been for three years. It is but fair, just, and equitable that we have a fair earning on our product, of which we are now deprived.

"We are here to petition Congress and the Senate for relief, and hope for a successful consummation of our efforts."

Also the following from the able pen of Col. Louis Schade, the veteran editor of the Washington Sentinel, probably the oldest and most influential Democratic paper sent to Congress, who makes the following able argument against the war tax in the last issue of his paper:

Taxes collected beyond the needs of the Government are unnecessary, and unnecessary taxation is unjust. Brewers point to the fact that receipts for this year are $80,000,000 in excess of appropriations, and they were assured that when this condition was reached their industry would be relieved of its onerous burdens. Their case should receive first attention, because the old tax was in itself a war tax, and thus they are paying not merely a war tax, but a double war tax.

Brewers invite attention to the fact that of the $210,000,000 collected under the war-revenue bill, beer has paid $75,000,000, or more than one-third of the whole. If any further argument were needed to show that their industry has borne more than its share of the expense entailed by the Spanish war, it is found in the fact that the present beer tax represents two-fifths of the average selling price of a barrel of beer. Appeals for reduction in behalf of other articles affected by this bill are based on the ground that the tax is annoying and burdensome. Their appeals would be entitled to consideration did they show anything approaching this presentation of the brewers' case.

What a howl would be raised if a bottle of patent medicine retailing for a dollar were taxed 40 cents, or a telegram costing 25 cents was assessed 10 cents, and other things in the same proportion. A moment's comparison should be sufficient to show any unprejudiced person that the levy on beer is annoying, is burdensome, is costly, is unjust, and, what is more important still, is throttling the industry, hampering its growth, and killing one of the best revenue-producing articles on the Government's tax list.

How long can a business subsist under such an impost? That this tax has been a millstone around its neck is proven by the decrease of 1,000,000 barrels in the consumption of beer during the past year, in the large number of suspensions in the same time, in the passing of dividends by the larger concerns engaged in the trade, and in many other ways.

In the hope that the cessation of war would bring relief in a short time, brewers made no attempt to collect the tax, or any part of it, from their customers. This was notably the case with the Washington brewers.

A continuation of the measure will make a change in this respect necessary. In all other cases the people have had to pay the tax. The people will have to pay this, too, before long. By people is meant the working classes. Is not the workingman taxed to the limit now? Of all business men, brewers alone have voluntarily undertaken to assume these charges. They have done so upon the strength of promises made them. When those promises are unfulfilled it is not in human nature to expect that they will continue to do so.

The Spanish war is over. The prolongation of the war tax, not for the object for which it was levied, but to provide means to carry out a ship-subsidy bill or to build the Nicaragua Canal, is a violation of the good faith of the Government. If Congress in its wisdom shall decree the passage of these measures, the first of which will entail an estimated expenditure of $9,000,000 a year for thirty years and the second a gross cost of $150,000,000, spread over a period of years, brewers will not object.

They ask, however, that the war tax shall be wiped out, as the occasion which called it into existence has disappeared. And then, if money is required for the defense of our new possessions, to extend trade, or to build up a merchant marine, which are all matters foreign to the Spanish war, let it be provided in new legislation, let there be a rearrangement of our sources of revenue, placing the cost equitably on all. It is unfair that revenues raised for war purposes should be continued after the war has ceased and used to furnish means to carry out projects not contemplated when the extraordinary levy was made. It is not merely unfair, it is dishonest. Brewers ask only for justice. Are they entitled to it?

Also the following letters, among others, from residents of my Congressional district:

NEW YORK, *December 6, 1900.*

MY DEAR CONGRESSMAN: I am very much interested in the bill now pending in Congress known as the war-tax bill, to the end that this tax be either abolished or else greatly reduced, I having paid in war taxes from December 1, 1899, to December 1, 1900, $350.50, which, in addition to my State license, makes a total tax of $1,600.

I find that if this tax continues upon me for the next year I will be driven out of my present business and will be forced to support my wife and family at whatever business I can get for a day's pay.

I hope and urge that you will exert all your energies and influence to the end that the present war taxes be abolished, or so reduced that men in my business will be able to make a living.

I am, sir, very respectfully,

FRED. SCHWIEFERT,
91 Avenue D, New York City, Manhattan.

Hon. WILLIAM SULZER,
Congressman Eleventh Congressional District, New York City.

NEW YORK, *December 11, 1900.*

DEAR SIR: I, the undersigned, as a constituent of the Congressional district represented by you, respectfully request you to kindly use all of your influence toward having the so-called beer war tax reduced.

The reason that I petition you in this matter is that as far as we, the citizens of the United States, are aware there is no war existing at the present time, and it seems rather unjust that the so-called war tax should be maintained.

Furthermore, the expense thrown upon the dealers is extremely heavy; in fact, practically deprives me of making a living under the existing circumstances.

Trusting that you will do all you possibly can to have this tax repealed, I remain, respectfully, yours,

CARL KIRSHMANN.

Hon. WILLIAM SULZER,
Member of United States Congress, Washington, D. C.

NEW YORK, *December 11, 1900.*

MY DEAR SIR: The writer, having been a resident for over thirty years in this district, and doing business at No. 520 Sixth street, asks one favor from your honor, and that is that you use all your power to abolish the war tax on beer. By doing this you will bestow upon me one great favor, and in the future if I can at any time return such favor, why, I shall only be too glad to return same.

Hoping and trusting that you will do all in your power to abolish that war tax,

I remain, very truly,

PETER KAEMPF,
520 Sixth Street, New York City.

Hon. WILLIAM SULZER.

NEW YORK, *December 11, 1900.*

DEAR SIR: Am one of your constituents. I ask you to use your endeavors to have the tax on beer reduced as low as possible. The war is over, and I think the present rate is exorbitant. Thanking you for any trouble you may take in the matter, I remain,

Respectfully, yours,

JOE FÜGER.

Hon. WILLIAM SULZER.

NEW YORK, *December 12, 1900.*

DEAR SIR: I write you to enlist your distinguished efforts in a cause which is of vital interest to myself and to the rest of your constituents, and that is the removal of the war tax on beer. I am a saloon keeper, and had at the time this tax was levied a small business, which in a very modest way supplied the needs of myself and family. The levy of this tax has now deprived me of the little I had, and with all others in my position are being slowly but surely being driven to the wall.

Beer as a commodity has been made the target for unjust taxation, both Federal and State, until now the retailer finds it taxed 100 per cent. The predominant party has always found a safe avenue for revenue by adding another burden to the back of the liquor dealer, and this last tax is to the small dealer the straw which will break his back.

A continuance of this tax either drives the honest man from business or forces him to those methods which has so besmirched the name of a legitimate business.

You are asked in the name of tax oppressed and for the sake of public morals to remove a burden so unjust, and which leaves a self-respecting man to chose between financial or moral ruin.

Your earnest effort and your vote are confidently asked for this purpose.

Respectfully, yours,

FRITZ BOHNER,
27 First Avenue, New York.

Hon. WILLIAM SULZER,
House of Representatives, Washington, D. C.

---

324 EAST ELEVENTH STREET, NEW YORK CITY,
December 15, 1900.

MY DEAR SIR: I wish to inform you that nearly all of the saloonkeepers, including myself, of your district desire you to put before House this bill to drop the war tax on liquors, as the war is over and we do not wish to pay any more war tax.

When you recall that there are many poor people in your district, I am sure that you will endeavor to furnish your valuable services. I am a leading Italian citizen in your district, and they have requested me to ask you to put this bill though.

Wishing you success in passing same, and thanking you for your past favor, with highest respects, I am,

Yours, truly,

FRANK SETARO.

Hon. WILLIAM SULZER, M. C.,
House of Representatives, Washington, D. C.

Mr. RICHARDSON of Tennessee. I yield the remainder of my time to my colleague [Mr. GAINES]. We have, I think, ten minutes.

The CHAIRMAN. There are ten minutes remaining on that side.

[Mr. GAINES addressed the committee. See Appendix.]

Mr. DALZELL. Mr. Chairman, in the beginning of the year 1898 the nation found itself entering upon a foreign war. It was not a war of defense, nor yet a war of conquest, but a war voluntarily assumed in the cause of humanity. Centuries of Spanish misrule in Cuba had aroused the indignation of the American

people. Outrages continued and that promised to be continued against the unhappy inhabitants of that neighboring isle had at last exhausted all patience and resulted in a demand for their immediate cessation.

The tragic fate of our splendid battle ship, the *Maine*, and her brave crew, sunken while on a friendly visit in the harbor of Habana, had lighted such a flame of resentment in the popular heart that diplomacy ceased to have any office and was followed by a hot and hasty call to arms. War was declared, armies were organized, battle ships and cruisers assembled in answer to the people's call. It was essentially and characteristically a people's war, in which party lines were obliterated, sectional strife buried, and common cause made against a common foe.

Under these circumstances there devolved upon the representatives of the people the duty of providing the sinews of war; for war is costly, not only of life and blood but of treasure, and the equipment of a peace establishment is wholly unfitted to deal with the problems that war presents. It was not because of any weakness in our then existing revenue system that legislation was demanded in order to meet war expenditures. The Federal Treasury was then, owing to Republican legislation and Republican administration, in a healthy condition. It was fully equipped to meet all the demands, current and future, that might be made upon it under normal conditions.

During the preceding Administration, which was Democratic, the country had experienced an era of extraordinary commercial and industrial depression. That state of things the Democratic party ascribed to the refusal upon the part of Congress to depreciate our currency and to engage in the wild attempt to create values by law. The Republican party, on the other hand, ascribed it to the operation of a tariff system that provided neither revenues for the Treasury nor protection for our capital and our labor.

Pursuant to their theory, immediately upon their accession to power they wrote upon the statute book a new tariff law, drawn along Republican lines, looking toward the protection of the people's Treasury and the protection of the people's industries. That law was enacted in 1897 and was known by the name of its now lamented author, as the Dingley law.

For many months prior to its enactment, in anticipation thereof and for the purpose of escaping the duties that would be imposed thereby, large importations were made. The effect of these importations was to postpone the effective operation of the law until these importations should have been exhausted.

In the month of January, 1898, a surplus came into view. In February there was an actual surplus of $2,000,000. In March there were large war expenditures, but, deducting these, there was a surplus for that month almost equal to that of the preceding month, so that in the absence of war, upon the basis of a peace establishment, no one doubted that from that time forward the Treasury would be able to meet all legitimate demands that could be made upon it; and so results have proved.

But, Mr. Chairman, the Dingley law was made for peace and not for war; hence the necessity arose for the passage of new revenue legislation to meet the emergency. It is proper to say just here, in passing, that all things then combined to lighten the anticipated burdens of such legislation. Under the stimulus of a wise protective tariff industry had revived, capital had forsaken its hiding places, manufactures flourished, wages were increased, our foreign trade was assuming tremendous proportions, and we had entered upon a career of unbounded prosperity.

I do not mean to say, Mr. Chairman, that these fortunate circumstances were at all essential to reconcile the people to accept the burdens of war taxation. They would have been willingly assumed under any circumstances by a patriotic people who have always held their national honor as cheaply bought at any expense, however great, whether of money or of blood.

Pursuant to the duty that devolved upon it, Congress passed a war-revenue law, the law of June 13, 1898, in the modification of which we are now engaged.

That law was regarded by common consent as an emergency law. It was not the intention upon the part of anyone that it should remain permanently upon the statute books. But its operation was not limited as to time. That was to depend upon the life of the emergency, and it was not anticipated that it would necessarily cease to operate upon the termination of hostilities. It was intended to cover the expenses of the war and its consequences, so that the ordinary revenues might be left free to meet the ordinary demands.

In reporting that law to the House the then chairman of the Committee on Ways and Means used this language:

> While all of these additional taxes are war taxes, which would be naturally repealed or modified when the necessities of war and the payment of war expenses have ceased, yet it is impossible now to place a limit on them, not only for the reason that no one can intelligently forecast the length of the war, but also for the reason that war always brings a train of extraordinary expenditures which do not terminate with the close of actual hostilities.

This law thus reported provided for the raising of money in the only two ways that it could be raised—by taxation and by borrowing—the one, if need be, to supplement the other. By its terms it imposed duties upon articles of voluntary consumption, or on articles or objects that would make such taxation fall mainly upon persons able to contribute to the national defense. It was expected that it would realize from $100,000,000 to $150,000,000 a year. It was modeled in part upon the internal-revenue legislation of the civil war, and was capable of administration by the existing machinery of the revenue department. That law has vindicated the wisdom and the foresight of its authors. I have here in my hand a statement showing the receipts from the war-revenue act from June 13, 1898, to June 30, 1900, furnished by the Commissioner of Internal Revenue. It is as follows:

	Receipts from June 13 to July 1, 1898.	Receipts during the fiscal year 1899.	Receipts during the fiscal year 1900.	Total.
Schedule A	$724,073.94	$38,618,081.20	$36,416,082.11	$75,758,237.25
Schedule B	70,343.66	5,219,737.46	4,548,283.19	9,838,364.31
Beer	2,023,747.66	31,093,138.38	33,431,221.65	66,548,107.69
Special taxes	46,973.00	5,370,941.80	4,844,743.97	10,262,658.77
Tobacco	367,639.64	14,226,994.63	16,736,622.13	31,331,256.40
Snuff	18,361.03	875,898.72	895,045.07	1,789,304.82
Cigars	110,268.16	2,717,851.34	3,189,764.14	6,017,883.64
Cigarettes	39,090.29	1,402,828.18	1,320,394.72	2,762,313.19
Legacies		1,235,435.25	2,884,491.55	4,119,926.80
Excise tax		643,446.41	1,079,405.14	1,722,851.55
Mixed flour		7,840.62	7,439.46	15,280.08
Additional taxes on tobacco and beer	9,945.13	947,424.37	18,734.82	976,104.32
Total	3,410,442.51	102,359,618.36	105,374,227.95	211,144,288.82

It will be observed that from the time of its passage until June 30, 1900, it has raised the sum of over $211,000,000. But, while I give credit to the law for its efficiency, I ought to say in passing that never during all its lifetime, unless possibly within the last few months, has it produced sufficient revenue to meet all war expenses. Even with this law upon the statute books it has been necessary from time to time to ask relief from the revenues collected under the provisions of the Dingley law.

But the time has now arrived when the emergency to meet which this law was enacted has ceased in part, though not altogether, to exist, and when it becomes proper, therefore, that there should be some modification of its terms. It can not now be repealed as a whole, because the train of extraordinary expenditures which do not terminate with the close of actual hostilities still exists and must be provided for. Two questions present themselves for answer. First, how much revenue can be spared; and, second, what subjects can be exempted in whole or in part from taxation.

Now it will be conceded by every fair-minded man that the determination of these questions furnishes a nice and a difficult task. It will be conceded also, I think, that no committee of this House is clothed with such an unerring judgment as to be able to report a bill that would satisfy everybody. The interests involved are varied and multiplied. In the hearings that were had before the Ways and Means Committee each particular interest insisted that it was the most grievously and most unjustly burdened and was entitled to the first relief.

It goes without saying, therefore, that your committee could not satisfy all. All that your committee can claim, and all that it does claim, is that it has given to this subject serious and conscientious consideration, has endeavored to do justice to all as it was given to it to see justice, and that it believes now, after all the discussion that has been had, that the bill reported is the best bill that could have been reported, and that it ought to be adopted by this House.

Now, as to the first question, How much revenue can we spare? As to this, up to a certain point, we all agree. We all agree that we can not repeal the law. We all agree that we can not remove all the taxes. At that point, however, we part company. The minority of the Ways and Means Committee say reduce taxation $70,000,000. Some other party says $60,000,000. Another party says $50,000,000. Your committee has reported in favor of $40,000,000, although their first judgment was that taxation ought not to be reduced to exceed $30,000,000.

All these various figures are determined from the standpoint, not of public, but of personal interest. Each man wants to save his own particular industry. One man says, "Do not remove the taxes or stamp duties from checks. They do nobody any harm. They are easily collected, and they result in a large revenue." Another man says, "Take them off. They are exceedingly vexatious. They result in multiplied losses, great and small. Let them be removed." One man says, "Remove the tax from bank capital and surplus. It is an unjust discrimination." Another says, "Let it remain. The banks are not suffering. They have not cut their dividends. They are able to and ought to be made to pay."

One man says, Take the duty off from transactions on the stock exchange; it is unjust to segregate them and treat them unlike

other similar transactions." His neighbor says: "Why, it would not be safe to go to the country with a bill exempting from taxation 'puts' and 'calls' and imaginary sales and the gambling in Wall street and elsewhere." So it goes, and so arises the differences of opinion as to how much there ought to be of tax reduction.

Now, in this diversity of opinion, in this confusion worse confounded of reasoning, is there no arbiter to whom we can go and upon whose judgment we can rely for a safe decision? I answer yes; there is. Under our system the financial administration of the Government is intrusted to the Secretary of the Treasury, and the law imposes upon him the duty of furnishing information to Congress. Under our system the Constitution provides that the President "shall from time to time give to Congress information as to the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."

I am not arguing that the opinion of either the President or of the Secretary of the Treasury is not subject to review by Congress, or that they ought not in proper cases to be set aside. I am simply arguing that in the multiplicity and diversity of opinions upon a question of finance in this House of 357 members, none of whom is charged with special financial responsibility, knowledge, or experience, it would be the part of wisdom to hearken to the views of these public officers, upon whom responsibility does rest and who are eminently fitted by their experience and environment to arrive at a right judgment.

The Secretary of the Treasury is a financier of lifelong experience. Amongst financiers he is regarded as an authority. In character, in good judgment, in the successful administration of his Department, he will be rated as the peer of any of his great predecessors. The wisdom and patriotism of the President of the United States, his lengthy experience in public life, the responsibility of his great office—all these combine to render his conclusions worthy of commanding respect. Now, what do these gentlemen say officially as to the reduction of taxation?

The Secretary of the Treasury, in the first place, points out the uncertainty, from time to time, of receipts and disbursements. He says:

> The Treasurer calls attention to the marked irregularity in the receipts and expenditures, pointing out that while in July, 1899, there was a deficiency of $8,506,832.28, in June, 1900, a surplus of $17,895,152.86 was realized. The greatest difference between income and outgo on any one day was $4,047,396.05 in favor of the Treasury. The corresponding maximum deficiency was $2,318,621.42. In the face of such wide fluctuations the necessity for ample available reserves is apparent.

Then, having in mind these uncertainties and the responsibility of his position, he makes a recommendation with respect to the reduction of war revenues. He says:

> From the estimates of receipts and expenditures for the fiscal year 1902 there promises to be an excess of receipts to the amount of $26,000,000. It is hardly necessary to point out that estimates are at best approximate. Exigencies in the public service which can not be anticipated may require expenditures not contemplated. Congressional appropriations, extraordinary in character, or failures to realize fully estimated revenues, are also influences which may operate seriously to derange all advance calculations. A conservative margin should, therefore, be reserved in forecasting definite results based on hypothetical calculations.
>
> An annual excess in receipts over expenditures is the best indorsement of the national credit, while a deficit is a depressing factor in public finance. It has been our wise policy in the past to reduce the public debt in time of peace, and to this good policy may be attributed, to a high degree, the low rates of interest, hitherto unprecedented, which now attach to our Government debt obligations. It is true that for a period of six years, from 1894 to 1899, inclusive, annual deficits appeared; but it may be hoped that this was a temporary interruption to a history of twenty-eight years, when each year showed annual expenditures less than annual revenues.
>
> The operation of the act of February 25, 1862, providing for a sinking fund, contemplates the payment or purchase and cancellation of substantially $50,000,000 annually of our interest-bearing debt obligations. Owing to the unfavorable conditions in the Treasury during the six years just referred to, the sinking fund was entirely neglected.
>
> In the absence of any expression to the contrary, it may be safely assumed that it is the desire of Congress to observe faithfully the general requirements of the sinking-fund act, and to provide revenue sufficient to meet the charges thus imposed upon the Government. The present and prospective easy condition of the Treasury justifies the belief that the sinking-fund requirement can be met, both for the current fiscal year and for the next fiscal year, and still permit a moderate reduction in taxes imposed by the war-revenue act. A reduction to the amount of $30,000,000 is therefore recommended to the consideration of the present Congress.

And the President of the United States, in his message to Congress, says:

> I recommend that the Congress at its present session reduce the internal-revenue taxes imposed to meet the expenses of the war with Spain in the sum of $30,000,000. This reduction should be secured by the remission of those taxes which experience has shown to be the most burdensome to the industries of the people.

It appears, therefore, that the Secretary of the Treasury and the President of the United States, both speaking under official responsibility and after a thorough examination of the subject, have determined that tax reduction ought to be had to the amount of $30,000,000 only.

But gentlemen say, "The Secretary has given us the figures for 1900, 1901, and 1902, and we are unable to see how he arrives at a surplus of only $26,000,000 in 1902;" and therefore he must be wrong. Well, if his figures are wrong, it must be either because for some undisclosed purpose of his own he is seeking to deceive the Congress or because he is incompetent to arrive at a correct conclusion.

I assume that no man on this floor will assert the truth of either of these propositions. Every presumption is in favor of the honesty of the Secretary, of his competency, and of the correctness of his figures. It is because gentlemen make wrong assumptions and pursue wrong methods that they and the Secretary do not agree. For example, one gentleman takes the surplus of 1900, $80,000,000, and that of 1901, $80,000,000; he then figures out a surplus of $126,000,000 for 1902; adds these all together and makes a surplus for 1902 of $286,000,000.

But the fallacy of his position lies in the fact that surpluses are not carried from year to year, but disposed of as they arise. To do otherwise would be poor financiering, and not in accordance with Republican policy. What the net balance in the Treasury may be at any time is not gauged by the surplus. For example, the net balance in the Treasury on the 5th day of March, 1897, when the Republican party became responsible for the administration of the Government, was $212,000,000, less gold reserve, $100,000,000, leaving the net cash in the Treasury $112,000,000. On yesterday, according to the daily report issued by the Department, the net cash in the Treasury was $138,000,000, or only $26,000,000 more than on March 5, 1897, notwithstanding the accruing in the meantime of several surpluses.

It would be easy to trace the disposition of the surplus had we the books of the Treasury and the requisite time. A glance at the last report of the Secretary of the Treasury will furnish some suggestions in this direction. For instance, since the passage of the currency law of last March $50,000,000 has been transferred to the reserve fund to make the $150,000,000 prescribed by the law. And I have here a statement, furnished by the Secretary of the Treasury, which shows how much he has spent in the purchase and redemption of the interest-bearing debt, including redemption of bonds issued to the Pacific railroads, since March 4, 1897.

I will not stop to go into the figures. Suffice it to say that of the 4 per cent loan of 1907, the 5 per cent loan of 1904, the funded loan of 1891, and the Pacific Railroad bonds redeemed we have an expenditure amounting to $86,716,562. And when you add to that the premiums paid in the exchange of bonds under the act of March 14, 1900, thus reducing the principal of the outstanding bonded indebtedness $36,000,000 and more, you have a total expended by the Secretary since the 4th day of March, 1897, of $122,826,083. I insert here the statement in detail:

Statement showing the purchases and redemptions of the interest-bearing debt, including redemptions of bonds issued to Pacific railroads, since March 4, 1897.

Four per cent loan of 1907, purchased	$14,310,350
Five per cent loan of 1904, purchased	4,990,300
Funded loan of 1891, redeemed	23,410,400
	42,711,050
Pacific railroad bonds, redeemed	44,008,512
Total	86,719,562
Premiums paid in the exchange of bonds under the act of March 14, 1900, thus reducing the principal of the outstanding bonded indebtedness	36,106,521
Total	122,826,083

And I insert also another statement showing the saving to the Government in refunding to November 30, 1900, inclusive.

Issue.	Amount refunded.	Saving in interest.	Premium paid.	Net saving.
Threes of 1908	$82,091,700	$6,767,545	$4,621,027	$2,146,518
Fours of 1907	219,779,950	31,456,999	25,355,089	6,101,841
Fives of 1904	63,072,100	6,988,212	6,130,405	857,807
Total	364,943,750	45,212,687	36,106,521	9,106,166

In brief, then, the surpluses of preceding years must be eliminated from our calculation of the Treasury resources of 1902. Some of such surpluses may be carried into that year, but they may not be. This uncertainty eliminates them, therefore, necessarily, as a basis of and a factor in permanent legislation.

Again, take the basis on which the minority of the committee dispute the Secretary's conclusions. They say that the Secretary calculates upon an addition to the revenues of 1902 to the extent of $25,000,000, and that this must be taken into account. But this $25,000,000 is the customary advance expected to be realized year by year from the growth of the country. The same causes that produce this add to the expenditures, and so the one, as a matter of experience, offsets the other, and both must be eliminated from calculation.

But they say "The surplus of 1901 amounts to $80,000,000; the expenditures of 1902 will be the same as the expenditures of 1901, and therefore the surplus of $80,000,000 ought to be added to the Secretary's surplus of $26,000,000, making a surplus of $106,000,000." But there are two apparent fallacies in that argument. In

the first place, it is apparent that the expenditures for 1902 will be largely in excess of those of 1901. But in the next place, if the surplus is $80,000,000, then the Secretary is wrong, and you can not add the $80,000,000 to his $26,000,000. The surplus will be only $80,000,000, and deducting from that $40,000,000 of taxes that we now take off, you will have remaining a surplus of only $40,000,000. As this is exclusive of the sinking fund, the $50,000,000 which under the law is due to it, you have, instead of a surplus of $40,000,000, a deficit of $10,000,000.

Now, this assault is made upon the Secretary's figures because they are based upon an assumption that Congress will appropriate the amount of the estimates; and it is said that Congress never does so appropriate. Conceding that to be true for the sake of argument, how much will Congress appropriate? Can anyone name the figures? Is not the final result an uncertainty and a piece of guesswork? And is it not better to have a surplus than a deficit—to realize money from taxation rather than from bonds?

But it by no means follows that if Congress fails to appropriate the amount of the estimates in the first instance it may not finally appropriate their amount, or even more, when deficiency appropriations are made. Regular and deficiency appropriations must be added together to get true results.

Nor does it follow that Congress will invariably appropriate less than the estimates. I have here a statement of estimates, appropriations, and expenditures, including postal service, for the fiscal years 1894 to 1902, inclusive, which I will publish with my remarks. This statement shows that in five out of eight years Congress appropriated more than was called for by the estimates.

But, Mr. Chairman, have gentlemen included in their estimates the extraordinary expenses which the Government must meet during 1902? Have they gauged the amount of a river and harbor bill; and if so, how much have they allowed for it? Have they included the expenses of armor plate, the resumption of work in the naval establishments of the country, the completion of the vessels already authorized, and the cost of others that are to be provided for? If so, how much do they allow for these items?

Have they allowed anything for the subsidy, so called, to our merchant marine, in case we pass the shipping bill? Has the possibility of a Pacific cable ever crossed their vision? Has the possibility of the Nicaragua Canal ever entered their minds as a factor of expense? Do they imagine that the year 1902 will pass into history without any provision for public buildings, so long neglected to be provided for by Congress? Have they taken into consideration, in these days of the happening of the unexpected, the various contingencies that may arise, not only from business changes at home, but from possible complications abroad?

Suppose, for example, that the contention of gentlemen on the other side of the House should prevail, and the Supreme Court of the United States should decide that the Constitution follows the flag—how much of unlawful duties have been collected in the United States and in the ports of Porto Rico? How much of illegitimate and unlawful duties have been collected in the ports of the Philippines from exports to them, and in the ports of the United States from imports from these islands? Will not all the unlawful duties have to be refunded from the Federal Treasury?

Mr. MOODY of Massachusetts. And the Hawaiian Islands as well.

Mr. DALZELL. And the Hawaiian Islands as well. What will the amount be? Where shall the money come from to answer these demands?

But, Mr. Chairman, aside from all that it is the policy—the Republican policy—to reduce the national debt and to maintain a strong and powerful Treasury. The latter is much more to us in the interests of peace than fleets and armies.

That nation commands most respect in the councils of the nations that has the most available monetary strength to meet any contingencies that may arise. The Army, the Navy, the Treasury—these are the arms of our defense, but the most potent of them all is the Treasury. Better $100,000,000 in the vaults of the Treasury, at a cost of $2,000,000 annually, than two regiments of soldiers, which will cost as much.

Have gentlemen taken into consideration as a possible cause of complications the fact that we have three hundred and forty-six millions of greenbacks, sixty-odd millions of Treasury notes, and nearly six hundred millions of silver, all to be maintained at a parity, with a gold reserve of only $150,000,000?

I conclude, therefore, Mr. Chairman, and I do not mean to consume any more time on this proposition—I conclude that for the reasons stated, upon the figures furnished, from any and every point of view, the conclusion of the Secretary of the Treasury is unassailable, and that it would have been a wise policy on the part of the Committee on Ways and Means to have reported the bill reducing war taxation only to the extent of $30,000,000.

But we have exceeded that sum. We have proposed a reduction in this bill of $40,000,000. And why? We did it as a concession to members of this body. We did it as a concession to our colleagues, who demanded further reductions in the interests of a certain particular industry in their various districts, and as it was a concession on our part I wish to say that in justice and fairness concessions are now due to us.

Let us go no further in reductions. Let us stop right here. Let us adopt the bill as reported by the Committee on Ways and Means and not put in peril the future of the Treasury of the United States.

Now, Mr. Chairman, I can not stop to dwell at any length in answer to the second question, What subjects may we exempt, in whole or in part, from taxation under the operations of this law?

On that question I could not if I would add anything to the clear and exhaustive treatment that the subject has already received from the honored chairman of our committee [Mr. PAYNE]. We have sought to remove the most vexatious taxes and those that imposed most heavily upon the individual citizen. We have sought to remove the taxes that most often remind him that he is a taxpayer. There is necessarily some difference of opinion amongst the members of this House as to certain particular items. I have already mentioned some—bank checks, bank capital, exchange sales—but I apprehend that they are not at all material and that they will not in the end influence a single vote upon the passage of this bill.

There is one subject, however, about which there seems to be some considerable feeling and views of an extreme character, and that is the subject of the reduction of the tax on beer.

Now, Mr. Chairman, when this bill was originally framed by the Committee on Ways and Means, as they understood that they were confined to a reduction of $30,000,000, no exemption was provided for upon beer. They thought that that was a popular tax, a tax approved by the American people, a tax upon an industry that could well bear it, and therefore it was allowed to remain; but, as I said only a moment ago, the committee were induced to make concessions, and at the instance of our colleagues in this House we added to the tax reduction in the interest of the brewers $10,000,000.

In my judgment that tax ought not to be reduced another dollar. In my judgment its reduction by a single dollar will render this bill unsatisfactory to and unpopular with the great masses of the American people. Furthermore, I have never yet heard a single good and sufficient reason given why the tax on beer should be further reduced.

What are the reasons? First, they say it is a double war tax. Well, it is nothing of the kind. They say because during the civil war a tax of $1 a barrel was imposed on beer, therefore the tax imposed by the act of 1898 is a double war tax. But the tax imposed during the civil war has remained for thirty-five years and has become a peace tax by the unanimous judgment and approval of the people of the United States.

Is there a man living who assumes for a moment the possibility of our taking all the tax off beer? Why, beer is a legitimate subject of taxation in every country in the world where there is any beer, and the man does not live and the child is not yet born who will see this tax entirely removed by the Congress of the United States. So there is nothing in that reason.

Then, in the second place, they say that the tax has decreased production. I deny it. I submit from the books of the Commissioner of Internal Revenue the following:

Statement showing number of barrels of beer produced, number of barrels exported tax free, and number of barrels upon which tax was paid during each of the ten fiscal years beginning July 1, 1889, and ending June 30, 1900.

Year.	Produced.	Exported tax free.	Tax paid.
	Barrels.	*Barrels.*	*Barrels.*
1890	27,561,944	.....	27,561,944
1891	30,497,200	19,017	30,478,193
1892	31,856,626	38,790	31,817,836
1893	34,591,179	36,862	34,554,317
1894	33,362,373	27,590	33,334,783
1895	33,589,784	28,373	33,561,411
1896	35,859,250	33,152	35,826,098
1897	34,462,822	39,728	34,423,094
1898	37,529,339	36,033	37,493,306
1899	36,697,634	116,520	36,581,114
1900	39,486,715	155,605	39,331,110

It is apparent from these figures that beer production has had its ups and downs, year in and year out, without regard to tax. It is further apparent that the production for 1900 was the largest in its history, showing an increase over the preceding year of 2,750,000 barrels. When you tell me that the brewers are operating at a loss and yet have increased their production so enormously, you make a draft on my credulity that must go to protest, for I certainly shall not honor it.

So, there is nothing in the second reason assigned.

Then, again, they say the beer tax is too high. Why, it is not to be compared with the tax on whisky. It is not to be compared with the tax on wines. The tax on whisky is $34.10 per barrel. The tax on light wines amounts to $2.48 a barrel, while the tax on beer under this bill is only $1.60 a barrel. And so there is nothing in that reason. Whisky and wines and beers all belong in the same class of luxuries. Again, the brewers say they pay all the tax. No; they do not say that now. They did say that at the outstart, but it did not stand the test of cross-examination; and if I had the time I would read to you the testimony of the brewers themselves, taken before the Ways and Means Committee, which shows that the tax is distributed amongst the brewers, the dealers, and the consumers. And so there is nothing in that reason.

They say that this is a heavy tax upon the small brewers. But no small brewer has appeared before the Ways and Means Committee: no consumer of beer has been heard by that committee, either by delegation, in person, or by letter.

Mr. BARTHOLDT. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. DALZELL. I do.

Mr. BARTHOLDT. Is it not true that the gentlemen who appeared before the Ways and Means Committee in behalf of the brewing industry practically represented 95 per cent of all the brewers in the country? And is it not true that among that 95 per cent are included nearly every small brewery in the country?

Mr. DALZELL. I have no doubt that all the small breweries that have been absorbed by the great breweries were represented upon that delegation; but the small brewers outside have made no complaint, and when these gentlemen attribute to this tax the absorption of these small breweries by large breweries my answer is that their absorption is only in response to a universal law—the law of industrial evolution, the law that applies to modern enterprises and centers in great combinations the capital necessary to carry on great modern enterprises.

Mr. BARTHOLDT. Will the gentleman permit me again to interrupt him?

Mr. DALZELL. Certainly.

Mr. BARTHOLDT. Will my friend from Pennsylvania kindly cite a single instance in which a small brewery has been absorbed by a large one?

Mr. DALZELL. I do not know anything about it except what those gentlemen said to us. Gentlemen who appeared before the Ways and Means Committee declared that the effect of this tax was to drive the small breweries into the grasp of the great breweries, and if the gentleman will read that testimony he will find that my declaration is exactly correct.

Now, I have not any more time; I have only a moment more left, and I must abandon this subject.

I am glad, Mr. Chairman, that in our patriotic endeavor to lessen the burdens of taxation upon our citizens the gentlemen upon the other side have announced that they will not oppose the passage of this bill. I am sorry that they can only give it half-hearted approval. In a general way dissenting from its provisions, they have offered no suggestions by way of its amendment. Asserting that there are interests unrelieved that ought to be relieved, they have failed to name a single interest.

If we may judge from their views as printed, they would take $30,000,000—the difference between forty millions and seventy millions—off beer and tobacco. I am unwilling to believe that. I am loath to believe that there are not gentlemen on the other side of this Chamber who will join hands with us against any further reduction under this bill. They rail at the protective tariff, and they renew the well-worn but derided cry of trusts; and yet they can not be oblivious to the fact that it is due to the great protective system that we have at last become the masters of the markets of the world. [Applause.]

I do not believe that our friends upon the other side would willingly cripple a Republican Administration by reducing taxation to such an extent as to compel the issue of bonds in time of peace or the reimposition of taxes once removed. That ought not to be the policy of either party. We all agree, Republicans and Democrats alike, that provision ought to be made for governmental revenues adequate for governmental needs; and so far as this side of the Chamber is concerned, it believes in a gradual and progressive reduction of the national debt so as to escape large interest payments. It believes in the maintenance at all times of our national honor, the honor of our money, the honor of our flag, and will so adjust taxation from time to time as to impose the least possible burden upon the individual citizen, while it will at the same time so guard and protect the Federal Treasury that our splendid national credit shall continue to be, as it is, the wonder and admiration of the world. [Loud applause on the Republican side.]

APPENDIX.

Statement of estimates, appropriations, and expenditures, including postal service, fiscal years 1895 to 1902, inclusive.

Fiscal years ending June 30—	Estimates.*	Appropriations.			Expenditures.
		Annual.	Deficiency.	Total.	
1902	$675,374,804				
1901	671,855,249	$627,043,373	$18,000,000	$645,043,373	†$607,773,254
1900	627,006,490	600,280,201	13,837,009	614,117,210	590,068,371
1899	493,522,533	506,194,136	49,950,006	556,144,142	706,704,341
1898	456,946,047	478,069,424	349,838,655	827,908,079	541,402,106
1897	444,884,194	453,934,977	10,469,451	464,388,428	459,851,402
1896	440,092,486	439,980,402	15,813,414	455,793,816	443,112,116
1895	443,306,790	445,155,579	9,674,463	454,830,042	443,374,850
1894	450,261,335	454,785,125	11,056,617	465,841,742	452,519,391

* Exclusive of sinking fund and redemption of national-bank notes.
† Estimated.

TREASURY DEPARTMENT, *December 14, 1900.*

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HOPKINS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Friday, December 21, they stand adjourned until 12 o'clock meridian, on Thursday, January 3, 1901.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he hereby is, directed to transmit to the present Congress a plan and estimate for the improvement of Burlington Bay, Two Harbors, in the State of Minnesota, based upon the examination and survey heretofore made of said bay.

WAR REVENUE—BEER.

The committee resumed its session.

The CHAIRMAN. The hour having arrived to close general debate, the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

That section 1 of the act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, is hereby amended so as to read as follows:

"That there shall be paid, in lieu of the tax of $1 now imposed by law, a tax of $2 on all beer, lager beer, ale, porter, and other similar fermented liquors, brewed or manufactured and sold, or stored in warehouse, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, for every barrel containing not more than 31 gallons; and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law. And section 3339 of the Revised Statutes is hereby amended accordingly: *Provided*, That a discount of 20 per cent shall be allowed upon all sales by collectors to brewers of the stamps provided for the payment of said tax: *Provided further*, That the additional tax imposed in this section on all fermented liquors stored in warehouse to which a stamp had been affixed shall be assessed and collected in the manner now provided by law for the collection of taxes not paid by stamps."

Mr. PAYNE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out "$2" in line 8, page 1, after the words "a tax of," and insert the following, "$1.60;" also strike out in line 5, page 2, "*Provided*, That a discount of," and the lines following down to and including "said tax" in line 8; also strike out "further" in line 8.

Mr. PAYNE. Mr. Chairman, this amendment does not change the rate from the bill, but makes a flat tax of $1.60 a barrel instead of $2 with the 2 per cent discount.

Mr. RICHARDSON of Tennessee. Will the gentleman state that again? I did not quite hear the effect of the amendment.

Mr. PAYNE. It strikes out $2 and inserts in lieu of it $1.60.

Mr. RICHARDSON of Tennessee. Do you strike out lines 8, 9, 10, 11, and 12? Do you strike out the second proviso?

Mr. PAYNE. We leave the second proviso in, but we strike out the first proviso, "*Provided*, That a discount," etc.

Mr. RICHARDSON of Tennessee. Oh, that is all.

Mr. PAYNE. Now, Mr. Chairman, that is all I wish to say upon this point at this time; but I wish that we might have some agreement to limit debate upon this section, and I ask unanimous consent that all debate upon this section be limited to one hour.

Mr. RICHARDSON of Tennessee. Well, we can not agree to that now. Let us debate it for a few minutes, and then we may agree to it later; but we can not agree to it now.

Mr. PAYNE. Objection is made, and I will take the floor afterwards and move to limit debate.

Mr. NEWLANDS. Mr. Chairman, I move an amendment to the amendment suggested by the chairman of the Ways and Means Committee, by inserting $1.20 in place of $1.60.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out "one dollar and sixty" and insert "one dollar and twenty," so as to read "$1.20."

Mr. BARTHOLDT. I desire to offer a substitute for the amendment and the amendment to the amendment.

The Clerk read as follows:

Strike out, in line 8, page 1, after the word "of," the following: "Two dollars" and insert in lieu thereof "$1.50," and in line 5, page 2, strike out, after the word "accordingly," the words "*Provided*, That a discount of 20 per cent shall be allowed upon all sales by collectors to brewers of the stamps provided for the payment of said tax."

Mr. PAYNE. Mr. Chairman, I shall have to raise a point of order against that.

The CHAIRMAN. What is the point of order?

Mr. PAYNE. This is an amendment in the third degree. It is not a substitute, but it is piling up a third amendment. It will be in order after the votes are taken on the other amendments.

Mr. SULZER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The Chair thinks the point of order is well taken. This is simply a third amendment.

Mr. RICHARDSON of Tennessee. I understood the gentleman from Missouri to offer it as a substitute for the pending amendment.

Mr. PAYNE. It is an amendment, and it is not a substitute. It is an amendment to the section and not a substitute for the section. After the vote is taken on the amendment offered by the gentleman from Nevada this amendment is in order.

The CHAIRMAN. The Chair thinks this can not be made a substitute by simply calling it a substitute. It is simply a third amendment. The Chair sustains the point of order. The question is on the amendment to the amendment offered by the gentleman from Nevada.

Mr. NEWLANDS. Mr. Chairman, with reference to the amendment proposed by myself reducing the tax on beer to $1.20 per barrel, I have this to say:

A tax of $1 a barrel was imposed on beer during the civil war. That tax was never taken off. Under it beer pays to the Government of the United States $40,000,000, outside of the tax added for the prosecution of the Spanish war. When the Spanish war was inaugurated the framers of the Dingley war-revenue bill concluded to put upon this article of consumption a double war tax.

They made the tax $2 a barrel, but gave a rebate of 7½ per cent, which really made the total tax $1.85 per barrel. Under this war tax $33,000,000 more was raised during the last fiscal year, making a total annual tax of $73,000,000 imposed on beer—a tax of $73,000,000 out of the internal-revenue taxes aggregating $295,000,000.

In other words, one-third of the war tax and one-fourth of the general internal-revenue taxes was imposed upon beer.

The Payne bill, now under consideration, proposes to make the rebate 20 per cent instead of 7½ per cent, which would make $1.60 per barrel.

The chairman of the Ways and Means Committee [Mr. PAYNE] now seeks to amend that section simply by changing its phraseology without changing its effect. The rebate is done away with by his amendment and a direct tax of $1.60 per barrel is imposed by it. Of this tax $1 was the tax existing before the war-revenue bill was framed, and 60 cents a barrel on 40,000,000 barrels—the annual product—makes $24,000,000 to be imposed upon this particular article of consumption out of a total of $65,000,000 carried by the Payne war-revenue bill.

Now, my amendment makes the rate per barrel $1.20, of which 20 cents is a war tax. Twenty cents a barrel on 40,000,000 barrels makes $8,000,000 of the entire revenue intended to be carried by the Payne war-revenue bill, namely, $65,000,000, and nearly one fourth of the entire revenue which the minority insists is sufficient, namely, $35,000,000.

Now, I wish to say to the minority members that if we conclude to reduce the war-revenue taxes to $35,000,000 and yet permit the large tax upon beer and tobacco provided by the Payne bill—aggregating $40,000,000—to stand, it logically follows that we must exempt every other item of taxation contained in the Dingley war-revenue bill from war taxation.

It means that we will relieve the accumulated wealth of the country, which for the first time in years has been placed under contribution by the revenue system of the country, absolutely from any burden. For instance, if you vote for war taxes upon beer and tobacco, aggregating $35,000,000 or more, it will be necessary, if that be the limit of your revenue, to strike out the item of $3,000,000 taxes imposed upon bonds, certificates of stock, etc., of corporations, of $9,000,000 upon the transfers of shares of stock in the stock exchanges, of $1,000,000 on the sales of merchandise in the mercantile exchanges.

You will have, also, to strike out the item of $75,000, the tax upon sleeping and parlor car companies. You will have to cut out the taxes on legacies, aggregating $2,300,000. You will have to cut out the excise taxes on refiners of petroleum and sugar, aggregating $1,079,405, a tax of one-quarter of 1 per cent upon the gross receipts of corporations which rank among the greatest combinations of the age. You will have to cut out the tax on bank capital of $3,000,000, and the tax on bankers, brokers, etc., aggregating nearly $1,000,000.

Now, these are all taxes practically upon the wealth of the country, levied in the Dingley war-revenue bill and continued in the Payne bill; but unless you bring the war tax on beer and tobacco down within reasonable limits it will be unnecessary for you to tax these forms of wealth, and then you will practically be voting against your convictions. You believe that the consumption of the country is seriously taxed now and that wealth should be taxed.

Your course, therefore, should be to retain the taxes in the Dingley and Payne bills which are imposed upon wealth and to relieve the taxes which are imposed upon consumption. The tax upon tobacco and beer belong to this class. Such taxes are in the nature of per capita taxes, for they reach out to pretty nearly ever individual in the country and their imposition is not at all proportioned to the wealth of the individual or to his ability to sustain the burthens of government.

I therefore contend that the war revenue derived from beer should be reduced to $8,000,000 and that the total war revenue derived from tobacco should be reduced to $5,000,000.

In my remarks of yesterday I neglected to incorporate the schedules upon which my argument was based, and I submit them now for the information of the House.

The first is a statement of surplus, and is as follows:

Statement of surplus.

1899–1900:		
Receipts	$669,595,431.18	
Expenditures	590,068,371.00	
Surplus		$79,527,060.18
1900–1901:		
Receipts	$687,773,253.92	
Expenditures	607,773,253.92	
Surplus		80,000,000.00
1901–1902:		
Receipts	$716,633,042.00	
Expenditures	690,374,804.24	
Surplus		26,258,237.76
Present balance in the Treasury	$140,000,000.00	
Add surplus from January 1, 1901, to June 30, 1901, 6 months	40,000,000.00	
Add surplus for 1901–1902	26,258,237.76	
Total estimated surplus under existing law, June 30, 1902	206,258,237.76	
Deductions under Payne bill, 18 months, from January 1, 1901, to June 30, 1902, at the rate of $40,000,000 per annum	60,000,000.00	
Total surplus June 30, 1902		146,258,237.76
Total estimated surplus under existing law on June 30, 1902, as above		206,258,237.76
Deductions under minority proposition, eighteen months, at the rate of $70,000,000 per annum		105,000,000.00
Total surplus June 30, 1902		101,258,237.76

The estimates of expenditures above stated cover the extraordinary estimates of the Departments for the year ending June 30, 1902, and if the appropriations for 1902 are cut down to the amount appropriated for 1901 the surplus in 1902 will be eighty-three millions greater than the above estimate.

The second is an estimate of receipts under the Dingley bill, the Payne bill, after deducting $40,000,000, and the revenue under a suggested distribution of war revenue, after deducting $70,000,000, an additional excise tax being imposed on manufacturers whose receipts exceed $500,000 annually, this tax being imposed on the same principle as the tax on refiners of sugar and petroleum by the Dingley bill:

Estimate of receipts of war-revenue bill.

Articles.	Dingley bill.	Payne bill, showing war revenue after deducting $40,000,000.	Suggested distribution of total war revenue after deducting $70,000,000.
Beer	$73,431,221.65	$33,598,500.40	$8,000,000.00
Tobacco	16,738,622.13	16,738,622.13	5,000,000.00
Snuff	895,045.07	895,045.07	
Cigarettes	1,320,394.72	1,320,394.72	
Cigars	3,189,764.14		
Mixed flour	7,439.46	7,439.46	7,439.46
Legacies*	2,884,491.55	2,384,491.55	2,384,491.55
Excise taxes on refiners of petroleum and sugar	$1,079,405.14	$1,079,405.14	$1,079,405.14
Schedule A, stamp taxes	36,416,082.11	14,775,000.00	14,775,000.00
Schedule B, stamp taxes on proprietary medicines, excepting wines	3,948,283.19		
Schedule B, wines	600,000.00	600,000.00	
SPECIAL TAXES.			
Bankers	384,445.00	384,445.00	
Stock and bond brokers	309,606.88	309,606.88	
Pawnbrokers	37,861.18	37,861.18	
Bowling alleys and billiard rooms	366,538.00	366,538.00	
Bank capital and surplus	3,129,404.00	3,129,404.00	3,129,404.00
Commercial brokers	138,281.12		
Custom-house brokers	8,107.18		

* Charitable legacies exempted under Payne bill.

Estimate of receipts of war-revenue bill—Continued.

Articles.	Dingley bill.	Payne bill, showing war revenue after deducting $40,000,000.	Suggested distribution of total war revenue after deducting $70,000,000.
Circus	$11,744.36		
Theaters	47,178.02		
Other public exhibitions	84,218.44		
Additional excise taxes on owners of department stores and factories whose receipts exceed $250,000 annually, imposed on the same principle as the taxes on refiners of sugar and petroleum			$2,000,000.00
Total	105,048,193.34	$65,636,761.53	36,875,740.15

I also add a comparative statement of the stamp taxes under the Dingley bill, the Payne bill, and the suggested minority bill, as follows:

Schedule A.—Stamp taxes.

Articles.	Dingley bill.	Payne bill.	Suggested bill.
Bonds, debentures, certificates of indebtedness	$3,000,000	$3,000,000	$3,000,000
Shares of stock	9,000,000	9,000,000	9,000,000
Sales of merchandise	1,000,000	1,000,000	1,000,000
Bank checks	7,000,000		
Certificates of deposit	200,000		
Drafts, bills of exchange	500,000		
Promissory notes	3,500,000		
Postal money orders	602,000		
Foreign bills of exchange	100,000		
Export bills lading	100,000		
Express and freight*	1,200,000	1,200,000	1,200,000
Telephone messages	315,000		
Bonds of indemnity	250,000		
Certificate of profit, very little tax.			
Certificate of damage, very little tax.			
Certificate required by law	200,000		
Charter party	100,000		
Contract of brokers, note or memorandum	100,000		
Conveyance, real property	3,000,000		
Telegraph dispatches	800,000		
Custom-house entries of merchandise	500,000	500,000	500,000
Life insurance	1,500,000		
Marine and fire insurance	1,000,000		
Casualty and fidelity insurance	500,000		
Lease	200,000		
Manifest of vessel for entry	60,000		
Mortgage or pledge	1,000,000		
Passage tickets	200,000		
Powers of attorney and proxies	100,000		
Protests	25,000		
Warehouse receipts	250,000		
Sleeping and parlor car tickets	75,000	75,000	75,000
	36,277,000	14,775,000	14,775,000

*The item on express companies is eliminated in the Payne bill, leaving only the tax on freight of railroads and other common carriers except express companies.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That is not in order, as there are already two amendments pending.

Mr. PAYNE. Mr. Chairman, I wish to speak in opposition to the amendment.

Mr. SULZER. Will the Chair recognize me in support of the amendment after the gentleman from New York [Mr. PAYNE] closes?

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, I only have to say in regard to this amendment that it means a reduction of 65 cents a barrel upon the beer tax, which would make a reduction of $26,000,000 in the revenue, which, added to the other reductions in the bill, would make a total reduction of $56,000,000.

Now, I do not suppose that this amendment of the gentleman from Nevada will find favor even on the other side of the House, because I know there are gentlemen over there who wish to make reductions in other items in the bill—substantial reductions; and, of course, if we strike off this revenue of $56,000,000, no man would be wild enough to vote for a larger reduction in the whole revenue, because no man wants a deficiency. No man wants to go right straight ahead with a deficiency in sight. Nobody wants to make any amendment to this bill which will, without any qualification, produce a deficiency in the revenues of the next two or three years. I hope, therefore, that this amendment will be voted down.

Mr. NEWLANDS. Will the gentleman permit a question?

Mr. PAYNE. Certainly.

Mr. NEWLANDS. Did I understand the gentleman to say that the reductions proposed by the Payne bill would amount to $56,000,000?

Mr. PAYNE. No, sir; I did not say any such thing. I said that the reduction in the bill before the House other than the beer tax is $30,000,000, and the gentleman proposes a reduction of $26,000,000 on the beer tax, which with the other reductions would make $56,000,000. I hope we shall have a vote on this proposition.

The question being taken on the amendment of Mr. NEWLANDS, there were on a division (called for by Mr. SULZER)—ayes 60, noes 127.

So the amendment was rejected.

Mr. BARTHOLDT. I now renew my amendment, which I ask the Clerk to read.

The Clerk read as follows:

In the amendment proposed by Mr. PAYNE, strike out "$1.60" and insert in lieu thereof "$1.50."

Mr. BARTHOLDT. I do not wish to occupy any time upon this question now.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. ALLEN of Mississippi. Mr. Chairman, I am sorry to be forced to take issue with some of my Democratic colleagues on the proposition involved in this bill. In winding up my long and brilliant Congressional career, I must say that the criticism I have to make against the Committee on Ways and Means is not that they do not take off enough of the war taxes, but they take off too much.

Mr. Chairman, I spent the first ten or twelve years of my Congressional life in efforts to prevent and curtail extravagant appropriations. In this I generally failed. Therefore, of late years I have given much attention to the question of how the funds for these large expenditures should be raised, that the burdens might fall lightest on those of our people least able to bear them, and after two years of experience under the operation of this war tax my judgment is that in the main it is not only more easily collected, but bears less oppressively on the great masses of the American people than any other tax imposed on them.

There are some annoyances and inconveniences that I would gladly see remedied in the operations of the war tax, but I do not believe it is oppressive on anybody not able to bear it. If I had my way, I would make telegraph and express companies pay the small tax imposed on their messages and receipts. It is said we do not need all of this revenue. That is true; and I would reduce the tariff on many of the necessaries of life and on many articles that are now controlled by trusts, instead of reducing this war tax. I remember distinctly that one of the accusations that we as Democrats used to bring against the Republican party was the fact that that party after the close of the civil war repealed most of the taxes such as are collected under the late act to raise revenue to support the war, and retained the taxes on the necessaries of life used and consumed by the great mass of the people.

I would not myself reduce by one cent the revenue now collected on beer. It is true I have read much in the public prints in the last few days about the ruinous oppression of this tax on the brewing industry. I admit they have sent up a wail calculated to soften the hardest of hearts; they have even informed us that the oppressions of this tax have forced many of them to combine. I fear they mistake the causes that have brought about these combinations. If they will look about them, they will find that many other interests and industries that are not the victims of the war tax have also combined. May they not be mistaken as to the real incentive for their combinations?

If I had no other information than that derived from their petitions and interviews, I might be more touched by them. But, Mr. Chairman, in my peregrinations over this country and my visits to the various cities I have found that in those portions of the cities where the most beautiful residences are found the finest and most striking and palatial ones are the homes of the brewers. My opinion is that there are more enormously rich men in this country who have been made so as a result of brewing than almost any other one business. I do not invoke any prejudice against them because they are rich, but I only make mention of this to show that they are not such objects of sympathy as the uninformed might be led to believe.

I want to say now to my Democratic brethren that the contention of the Democratic party has always been that the luxuries instead of the necessities of life should bear the burden of taxation, and I do not see how they are to reconcile their votes in favor of taking the tax off or reducing the tax on beer while it is retained on the necessaries of life. While I do not stand here to encourage extravagance, I would go on collecting this tax. There are many laudable and legitimate uses to which it might be applied, one of which is the building of the Nicaragua Canal.

I am as willing as anybody to reduce taxation, but I had hoped that much of the tax imposed by the war-revenue bill had come to stay. I believe, notwithstanding the great complaint of the brewers about the effect of the beer tax on their industry, that

the statistics show there was more beer made and consumed within the last year than ever before. I have heard no complaint of their not making enough of it, even with a tax of $2 per barrel, and I am not prepared to say that a tax that would diminish the consumption would be a bad thing for the country.

[Here the hammer fell.]

Mr. FITZGERALD of New York. Mr. Chairman, I differ with the gentleman from Mississippi [Mr. ALLEN] in that I am not closing a long career in legislative bodies. It is somewhat surprising, Mr. Chairman, to find the gentleman from Mississippi [Mr. ALLEN] making such an attack upon a class of people who have undoubtedly amassed what property they now possess by their frugal and industrious habits. The brewers of this country have, by close attention to their business, by industry, and by following sound business principles, built up a great industry that furnishes employment for many thousand mechanics. I live in a district of a great city in which there are only two breweries; and yet the tax collected on beer in the old city of Brooklyn under the war-revenue bill amounts annually to $1,440,000, and this in addition to the tax collected under the old revenue act. This tax, Mr. Chairman, is paid partly by the consumers of beer, partly by the retailers, and partly by the brewers. I believe it should be removed.

I feel thankful, Mr. Chairman, that even if I be not ending a long and honorable career in this House, neither have I lived in the classic precincts of Tupelo; but rather that I come from a section of this great country which is not only progressive but whose people are broad minded enough to give credit to men who by honest industry have been able to better themselves. Because we have made money and have built up in an honorable manner legitimate businesses is no justification for the attack made by the gentleman from Mississippi [Mr. ALLEN].

I favor the reduction not only of the tax on beer, but on all things enumerated in this bill.

This bill, Mr. Chairman, was designed to raise revenue for a war. That war has been ended now some two years; yet by reason of the extraordinary expenses resulting from it, and to be continued indefinitely, these taxes are to go on. When they will cease, no one knows. Among these extraordinary expenditures are those occasioned by the maintenance of a standing army of 100,000 men, provided in the bill which was recently passed in this House. Who knows what other schemes may be placed to the credit of this war as "extraordinary expenditures." Perhaps some gentleman will suggest that the proposed subsidies to ships are an outcome of the late war. We have taken possession of distant lands. We must have, we will be told, a merchant marine subsidized and supported by the Government to control the trade in other parts of the world. We not only tax the beer industry—and I speak, Mr. Chairman, not for the brewers of this country alone, but more particularly for the retailers and the people who consume the beer. I have never considered beer to be a luxury. To many workingmen it is an absolute necessity. They use beer with their meals because it furnishes nourishment and is a mild stimulant necessary to many men engaged in laborious occupations. This tax upon beer is a burden to such men.

Perhaps in the country districts men may drink applejack or hard cider and get along very well; but in the great cities the mechanic, the laboring man, the working people generally, require beer just as much as people in other parts of the country require other kinds of beverages. I am not familiar with the favorite drink of the people of that section represented by my distinguished friend from Mississippi [Mr. ALLEN], but whatever be its name I am confident that a careful examination of the revenue act will disclose no such onerous tax as that upon beer. Such people pay nothing additional for the use of the beverages to which they are accustomed and require. Certainly we ought to make some provision which would equalize the taxes collected under this act, and I hope, therefore, that this House will vote for the amendment proposed by the gentleman from Missouri [Mr. BARTHOLDT], reducing the tax proposed by the gentleman from New York on malted liquors. My only regret is that the amendment to reduce the tax on malted liquors to $1.20 a barrel instead of $1.50, as proposed by the pending amendment, did not prevail.

Mr. BARTHOLDT. Mr. Chairman, I move to strike out the last word.

[Here the hammer fell.]

The CHAIRMAN. The Chair would suggest to the gentleman from Missouri that that amendment would not now be in order, there being already two amendments pending.

Mr. SHATTUC. I ask that the gentleman from Missouri may be heard.

Mr. PAYNE. Mr. Chairman, I will ask that the time for the discussion of this amendment be extended for ten minutes.

Mr. CUMMINGS. I shall not object to that if I can have one minute of the time.

Mr. SULZER. I object.

Mr. BARTHOLDT. I ask unanimous consent that I may be permitted to address the committee for five minutes.

The CHAIRMAN. The Chair will state that debate is exhausted on this pending amendment.

Mr. SHATTUC. We think not, Mr. Chairman.

The CHAIRMAN. And the amendment which is now pending will be reported, on which a vote is to be taken.

Mr. BARTHOLDT. I have asked unanimous consent for five minutes' time in which to address the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri that he be allowed five minutes' time?

There was no objection.

Mr. BARTHOLDT. Mr. Chairman, I shall not attempt to answer the remarks of my friend from Mississippi [Mr. ALLEN], who has just addressed the committee, either in kind or spirit, because that would be impossible. I shall refer briefly, however, to some arguments which have been made during the last two hours on the floor of the House on this question. It was said that the tax on beer is a very easy tax to be collected. Mr. Chairman, that is true. That, however, is the argument of the highwayman, who goes out upon the road and holds up a traveler, believing that to be the easiest way of making money.

The only question before the committee is whether the tax on malt liquors is just or whether it is unjust. The fact that many brewers of the country are wealthy should have no bearing whatever. They have made their money at a time when beer commanded a price of about $12 a barrel. That price, by reason of fierce competition, has been reduced to ten, eight, six, and down to five dollars a barrel, and to-day, when wages are high, when competition is ruinous, when the expenses of collection are large, when the losses on account of this onerous tax are greater than ever, do you wonder when you find the brewers to complain and ask for relief? It has been stated in the course of this discussion that as much beer was consumed last year as the year before. That is not true.

The fact is that the consumption has fallen off, the decrease being nearly 1,000,000 barrels during the last year, and the increase this year up to the present time is not at all commensurate with the general prosperity of the country. In other words, of all the American industries and trades the brewing industry was the only one which was not permitted to share in the general and unexampled prosperity of the country, and this mainly because of this burdensome tax upon its product. It was forcibly held down by the strong arm of the taxgatherer. During the last two years 208 brewers have gone to the wall. It is not true that they have been absorbed by larger ones; it is not true that they have formed a combination, and the decrease in the number can not be explained in that way. The fact is, Mr. Chairman, that they have gone to the wall because they were unable to conduct business profitably under the present tax.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from Missouri [Mr. BARTHOLDT].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. BARTHOLDT and Mr. SHATTUC demanded a division.

The committee divided; and there were—ayes 74, noes 119.

Mr. BARTHOLDT and Mr. FITZGERALD of Massachusetts demanded tellers.

Tellers were ordered; and the Chairman appointed Mr. PAYNE and Mr. BARTHOLDT.

The committee again divided; and the tellers reported—ayes 68, noes 139.

So the amendment to the amendment offered by Mr. BARTHOLDT was rejected.

Mr. PAYNE. I call for a vote on my amendment.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York [Mr. PAYNE].

Mr. SULZER. Mr. Chairman, just a few words on this question. I am in favor of entirely repealing the additional war taxes on beer. But I support the amendment offered by the gentleman from Nevada [Mr. NEWLANDS], and I practically concur in all that he said regarding it. No one who is fair and just, and who does not want to inequitably discriminate against one industry in favor of another, can possibly object to the adoption of the amendment offered by the gentleman from Nevada.

If this amendment were adopted, the brewing industry would pay into the Treasury of the Government from forty-eight to fifty million dollars a year, or more than one-third of all the revenue intended and expected to be raised under the bill proposed by the gentleman from New York [Mr. PAYNE]. The Republican party, it seems, does not intend to keep faith with the brewers. It is the old story.

We have just witnessed in this Hall a spectacle that will be long remembered by those oppressed, and which should be discussed from one end of this land to the other by people engaged in the beer business, and that is that the Republican members of this House almost unanimously either voted against the amendment of the gentleman from Nevada [Mr. NEWLANDS] to reduce the tax on beer to $1.20 a barrel and against the amendment offered by

the gentleman from Missouri [Mr. BARTHOLDT] to reduce the tax to $1.50 a barrel, or refrained from voting at all. A little help from the Republicans and the amendment would have been adopted. What a spectacle of deception and hypocrisy these votes display!

Do you imagine you can again successfully deceive the brewers of this country? The brewers of the country now know how the Republican party has betrayed them. They have not forgotten your promises in the last campaign, and I believe you will not get as much help from them in the coming campaigns as you did in the last. If the brewers respond again to your cries for campaign funds, they are more foolish than I imagine, and deserve to be robbed.

Let me say here that during the recent campaign the Republican speakers in my district—and I doubt not in others—told the people that if the Republicans were returned to power they would repeal this additional tax of $1 a barrel on beer. What a difference between now and then! What a difference between promise and performance! The way you have voted here to-day on this question will not be forgotten. You have broken your pledges and voted against all your promises.

Mr. Chairman, I want to reiterate that the brewing industry is being unjustly and unnecessarily taxed. The Republicans are driving to the wall the people engaged in this industry, and the business is being harassed, oppressed, and destroyed by taxation that practically means confiscation. And yet, sir, the Republican party will have the temerity—the brazen effrontery—during the next campaign to go to the brewers and their friends and ask for contributions to elect its members to Congress. I trust the brewers will not forget the vote here to-day.

I hope that when the Republicans go to the brewers for campaign contributions they will be met with the record you have made here to-day. [Applause.] And I am inclined to believe that hereafter if Republican speakers tell the people that the Republican party is in favor of repealing this additional war tax on beer they will be hooted into silence and laughed from the platform. [Laughter.] You can fool some of the brewers all the time, and all the brewers some of the time, but you can not fool all the brewers all the time. [Applause.]

[Here the hammer fell.]

Mr. PAYNE. I move that all debate on this section and the amendments be concluded in five minutes.

Mr. RICHARDSON of Tennessee. Make it ten minutes. I want two or three minutes.

Mr. PAYNE. Very well; make it ten minutes.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] moves that all debate on this section and amendments thereto be closed in ten minutes.

Mr. CORLISS. Before that motion is put, I ask that the amendment which I desire to offer be read.

Mr. PAYNE. The amendment will be in order anyway.

The CHAIRMAN. This will not cut off the right to offer amendments.

Mr. DAVIDSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DAVIDSON. Will there be any other opportunity to discuss any other amendments proposed to this section?

The CHAIRMAN. Not if this motion is adopted.

The motion of Mr. PAYNE was agreed to.

Mr. CORLISS. Mr. Chairman, I desire to offer an amendment, and ask unanimous consent that it be made a part of the amendment offered by the chairman of the committee.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 1, page 2, by inserting at the end of line 12 the following:
"*Provided further*, That in addition to the present regulations, all stamps used for denoting the tax imposed by this section shall be canceled by perforations, to be made in such manner as may be prescribed by the Commissioner of Internal Revenue."

The CHAIRMAN. The Chair will state that it is an independent amendment, and will be in order after the committee amendment is disposed of. The question is on the amendment offered by the gentleman from New York.

Mr. RICHARDSON of Tennessee. What amendment is it?

Mr. PAYNE. It is the amendment I offered.

Mr. STEWART of New York. I offer an amendment, Mr. Chairman.

The CHAIRMAN. Is it an amendment to the amendment?

Mr. STEWART of New York. It is.

The Clerk read as follows:

Add to section 1:
"*Provided further*, That the beer shall be pure beer, made exclusively from malt and hops, so pronounced by inspectors to be appointed by the Government for that purpose, the inspectors to be appointed by the Treasury Department and paid at the rate of $3,000 per year: *Provided further*, That a violation of the above provision shall be a misdemeanor, punishable upon conviction by a fine not exceeding $1,000 or imprisonment for not more than one year, or both, in the discretion of the court; and if such beer is found on such inspection to be impure, then a tax of $2 shall be imposed."

Mr. SHATTUC. I raise the point of order against that amendment that it is not germane.

The CHAIRMAN. It is not an amendment to the amendment and is not in order until we have voted upon the amendment offered by the gentleman from New York.

Mr. RICHARDSON of Tennessee. As I understand it now, Mr. Chairman, the pending question is on the motion of the gentleman from New York to fix the tax at $1.60 a barrel, and that is in lieu of the provision in the bill which the gentleman has presented. Now, Mr. Chairman, I believe we have exhausted all the amendments that can be offered. We saw the majority vote down the proposition fixing this tax at $1.20 a barrel. They have also voted down the proposition to fix the tax at $1.50 a barrel, and now we are brought to vote upon the proposition made by the chairman of the committee, to fix the tax at $1.60 per barrel. I have stated, Mr. Chairman, that I should vote for every reduction. I have voted for the preceding propositions to reduce the tax, first, to $1.20, and then to $1.50. It is true the majority on the floor have decided that there shall be no such reduction. They have so decided in caucus or conference. There is nothing left, therefore, but to vote for $1.60 or leave it at $1.85, as it now stands, after the discount of 7½ per cent.

Mr. Chairman, it seems to me that this is an injustice to this great interest The figures of the Secretary of the Treasury show that for the fiscal year ending June 30, 1900, there was a surplus of over $79,000,000 in the Treasury. For the present fiscal year it is expected that the surplus will be $80,000,000. There is already a surplus in the Treasury of $140,000,000. Add these various sums together, and we have a surplus of nearly $300,000,000 in the Treasury, or will have at the expiration of the fiscal year which I have mentioned if there is no reduction and no change in the present law. Notwithstanding these figures, notwithstanding it is shown that we do not need this vast sum, the majority are unwilling to reduce the tax below $1.60 per barrel. For myself, I would reduce the revenue, if I could, under this war-revenue bill $70,000,000, and then I would feel that I had not given the full measure of relief that the people are entitled to. But we are up against the majority and their united party action, and we are compelled to submit. For one, therefore, I am ready to vote for the lowest rate we can get, which is $1.60 per barrel.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I have but very little sympathy with that method of debate indulged in by the gentleman from Mississippi a few minutes ago. I do not think the slur that he uttered against the brewers adds to his reputation or to the dignity of this body. I think the brewers of the country are entitled to live in as fine houses with proper surroundings as are any of the members of this House or men engaged in any business. The brewing industry is a legitimate one, neither harmful nor detrimental to the people of this country. On the contrary, beer, as a food and medicine, is a great blessing to thousands of people in this country.

Last year the production in this country was more than 40,000,000 barrels, or 1,200,000,000 gallons, amounting to more than 17 gallons for every man, woman, and child in the United States.

With this enormous use of beer by the people of this country, how can the members of this House sit here when there is no public demand for this legislation and when the Treasury is bursting with a huge surplus and vote this extortionate tax upon beer? I feel certain that the members of this House in their hearts know that the brewers of the country, as well as the beer consumers, are taxed too heavily now. I do not think there is a man in this body who does not feel that $73,000,000 is too much money for one industry to pay the National Treasury.

There is no business in the country which suffers so much to-day from unjust taxation as the brewing industry.

Just think of beer selling at $5 to $6 per barrel by the brewer and $2 of this amount going to the Government. How can the brewers pay decent wages to their employees under this taxation and get any profit themselves? Years ago, when beer brought $12 per barrel, only $1 tax was paid to the Government. The brewing business was a paying investment then, but now, save in exceptional instances, there is no money in the brewing business. I know of two or three failures in Boston within the past two years. Better wages are paid the workmen in the breweries than in any similar industry in this country.

Competition is sharper and the expense of collection so great that the profits have been reduced to a minimum.

To show how absurdly unnecessary it is to continue any of the war-revenue tax on beer, I quote some figures on the condition of the Treasury now and its condition during the next two years:

Statement of surplus.

1899-1900:		
Receipts	$669,595,431.18	
Expenditures	590,068,371.00	
Surplus		$79,527,060.18
1900-1901:		
Receipts	687,773,253.92	
Expenditures	607,773,253.92	
Surplus		80,000,000.00

1901-1902:		
Receipts	$716,633,042.00	
Expenditures	690,374,804.24	
Surplus		$26,258,237.76
Present balance in the Treasury	$140,000,000.00	
Add surplus from January 1, 1901, to June 30, 1901, six months	40,000,000.00	
Add surplus for 1901-1902. Total estimated surplus under existing law, June 30, 1902	26,258,237.76	
	206,258,237.76	
Deductions under Payne bill, eighteen months, from January 1, 1901, to June 30, 1902, at the rate of $40,000,000 per annum	60,000,000.00	
Total surplus June 30, 1902		146,258,237.76
Total estimated surplus under existing law on June 30, 1902, as above		206,258,237.76
Deductions under minority proposition, eighteen months, at the rate of $70,000,000 per annum		105,000,000.00
Total surplus June 30, 1902		101,258,237.76

The estimates of expenditures above stated cover the extraordinary estimates of the Departments for the year ending June 30, 1902, and if the appropriations for 1902 are cut down to the amount appropriated for 1901 the surplus in 1902 will be eighty-three millions greater than the above estimate.

With this condition of the public Treasury, is not the demand by the brewers for fair treatment one that should be acted upon favorably by this House?

How can we expect the breweries to turn out pure beer if nearly one-half the price received for their product goes into the coffers of the Government? All the hospitals in my own city of Boston prescribe beer for the patients. Nearly every reputable physician in the country will prescribe beer and porter for the building up of a constitution broken down from overwork or other causes. If, then, beer is a tonic and medicine, why should we tax it so as to make its manufacture in a pure state practically prohibitive? Therefore, in the interest of the health and welfare of the millions who drink this beverage, this war tax should be repealed.

It is time for men belonging to a representative body such as this House of Representatives is supposed to be to vote upon questions where the beer and liquor interests are affected honestly and conscientiously. It is time to stop levying unjust and iniquitous taxation upon the brewing interests of the country just because a small and impractical percentage of the people of this country applaud these efforts. It is time to stop the humbug and nonsense which lead men, as in the vote upon the canteen question last week, to vote against their own convictions of right and justice and honesty in order to cater to and satisfy a false, intolerant, and impracticable idea of conducting the affairs of this country.

I know a great many men engaged in the brewing industry. They are as respectable, as able, and as substantial business men as we have in any industry in this country.

The beer business requires brains, application, and an intelligent understanding of the laws of trade. Hundreds of millions of dollars are invested in this great industry, and it deserves the encouragement of the Government rather than its unjust and unfair discrimination.

I applaud the men in the brewing business who, as the gentleman from Mississippi says, live in magnificent houses. If they have been successful in their business it is due to the intelligent application of business methods and to their honesty, frugality, and untiring energy. They have not been successful through the favor of but rather in spite of legislation by the National Government. [Applause on Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

The question is on agreeing to the amendment offered by the gentleman from New York, the chairman of the committee.

Mr. PAYNE. I ask, Mr. Chairman, that the amendment be again reported.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. STEWART of New York. I now offer my amendment, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add to section 1:

"*Provided further*, That the beer shall be pure beer, made exclusively from malt and hops, so pronounced by inspectors to be appointed by the Government for that purpose, the inspectors to be appointed by the Treasury Department and paid at the rate of $3,000 per year: *Provided further*, That violation of the above provision shall be a misdemeanor, punishable upon conviction by a fine not exceeding $1,000, or imprisonment for not more than one year, or both, in the discretion of the court; and if such beer is found on such inspection to be impure, then a tax of $2 shall be imposed."

Mr. STEELE. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. What is the point of order of the gentleman?

Mr. STEELE. It is legislation upon this bill and is not germane. As a matter of fact, nine-tenths of the brewers of this country do not use malt exclusively made from barley. Everybody knows that.

Mr. CANNON. It is in the nature of an alleged pure-food bill.

Mr. STEELE. Yes; but no one alleges that corn is impure.

Mr. CANNON. I say this amendment is in the nature of a pure-food bill.

Mr. STEELE. The subject of the bill is taxation, and the amendment is a regulation of pure food.

Mr. RAY of New York. What is the objection to pure beer?

Mr. STEELE. Not a bit. But I say that just as pure beer can be made of corn as can be made out of hops.

Mr. RAY of New York. Then let it go through; nobody objects to it.

Mr. GROSVENOR. Mr. Chairman, considering the merit there must be in this proposition to have pure beer, this is neither the time nor the manner in which it ought to be brought about. This is a bill to reduce taxation. It is not germane to that question, in my judgment, to regulate the quality of the various articles, cigars and tobacco and all that sort of thing, on which these taxes are to rest. But if the Chair should overrule that suggestion, what is there in this provision—who is to tell? Are we to suspend the collection of the taxes, are we to stop the whole machinery of the Internal Revenue Bureau while we analyze and test each barrel of beer? These taxes are to rest upon pure beer. What is to be the tax upon impure beer?

Mr. STEWART of New York. Two dollars a barrel.

Mr. GROSVENOR. I do not believe there will be any money collected from taxes if this proposed amendment is to go into the bill.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I want to be heard upon the point of order. I do not think the point of order is well taken, for this reason. It seems to me that you can fix one rate of tax upon one article, composed of a certain material, and another rate upon the same article, known by the same name, when composed of another material. Suppose, for example, it was proposed in this bill to tax whisky made out of rye so much a gallon, and whisky made out of corn so much a gallon, at different rates. Suppose the bill was brought in for whisky generally. Suppose somebody offered an amendment providing that when the whisky was made out of corn it should be fixed at so much, would anybody contend that the point of order would lie? It seems to me that when you say that beer shall be taxed so much, and beer not made out of malt and hops should be taxed so much, or a different amount, that you have certainly not violated the rules of the House, certainly not the rule as to germaneness.

Mr. POWERS. Mr. Chairman, it seems to me that the very ground on which the gentleman from Ohio [Mr. GROSVENOR] objects to the amendment shows that it is clearly a proper amendment to this section. The bill, as stated by the gentleman from Ohio, is a bill to reduce taxation. There is now upon the statute book a tax upon beer of $2 a barrel. The proposition of the gentleman now is that beer of a particular quality shall be taxed $1.60. The beer that is impure stands without special regulation, remains as it is now. Why is not this germane to the general scope of the bill as well as to the particular clause in question?

The CHAIRMAN. As the Chair understands, there are two classes of beer contemplated by this amendment, and it provides a different tax for each. It provides the instrumentalities by which beer shall be classified for purposes of taxation. In that portion of the bill referring to cigars there is not only a clause fixing the amount of taxation, but there are provided instrumentalities for carrying out the operations of the law, and also an appropriation to aid in that purpose. It seems to the Chair——

Mr. PAYNE. May I interrupt the Chair a moment? Does the Chair understand that this amendment proposes two different taxes for different kinds of beer?

The CHAIRMAN. Yes, sir.

Mr. PAYNE. Then, certainly I should say it is out of order, for the reason that we have already voted upon a provision fixing but one tax for all kinds of beer, and the Committee of the Whole can not alter that provision now; no amendment to that tax is in order.

The CHAIRMAN. The Chair thinks the gentleman's position is not tenable, and has no doubt as to the germaneness of this proposition. The question is upon agreeing to the amendment offered by the gentleman from New York [Mr. STEWART].

Mr. TAWNEY. Let the amendment be again read.

The amendment of Mr. STEWART of New York was again read.

Mr. TAWNEY. I move to amend the amendment by inserting before the word "malt" the word "barley."

Mr. STEWART of New York. I am willing to accept that amendment.

The CHAIRMAN. The question is on the amendment to the amendment.

The question being taken, the amendment to the amendment was rejected.

Mr. CANNON. I move to amend by inserting before the word "malt" the words "corn and barley." I would like to say a word on this question.

The CHAIRMAN. Under the order of the committee, debate of this section has been closed.

Mr. CANNON. I did not understand that the debate was closed.

Several MEMBERS. Oh, yes.

Mr. GARDNER of New Jersey. Without offering a further amendment, I would like to make a suggestion on the pending amendment.

The CHAIRMAN. The debate has been closed.

Mr. GARDNER of New Jersey. I ask unanimous consent——

The CHAIRMAN. Does the gentleman ask unanimous consent to speak for five minutes?

Mr. GARDNER of New Jersey. Two minutes.

The CHAIRMAN. Is there objection?

Mr. RAY of New York. I object.

The CHAIRMAN. The question is on the amendment to the amendment, as proposed by the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I withdraw my amendment.

The question being then taken on the amendment of Mr. STEWART of New York, there were on a division—ayes 3, noes 34.

So the amendment was rejected.

Mr. CORLISS. I offer the amendment which I send to the desk.

The Clerk read as follows:

In section 1, on page 2, at the end of line 12, insert:

"*Provided further*, That in addition to the present regulations, all stamps used for denoting the tax imposed by this section shall be canceled by perforations, to be made in such manner as shall be prescribed by the Commissioner of Internal Revenue."

Mr. CORLISS. Mr. Chairman——

The CHAIRMAN. The debate has closed.

Mr. CORLISS. I ask a vote, then, on the amendment. The committee, as I understand, has agreed to it; and it is desired by the Commissioner of Internal Revenue.

A MEMBER. What is the object?

Mr. CORLISS. The purpose is to prevent fraud.

The question being taken, the amendment of Mr. CORLISS was agreed to, there being on a division (called for by Mr. UNDERWOOD)—ayes 102, noes 23.

Mr. PAYNE. I move to amend by inserting two additional sections, which I ask the Clerk to read, to come in after section 1.

The Clerk read as follows:

SEC. 2. That section 339 of the Revised Statutes of the United States be, and the same is hereby, amended by striking out of said section the following:

"In estimating and computing such tax, the fractional parts of a barrel shall be halves, thirds, quarters, sixths, and eighths; and any fractional part of a barrel containing less than one-eighth shall be accounted one-eighth; more than one-eighth, and not more than one-sixth, shall be accounted one-sixth; more than one-sixth, and not more than one-fourth, shall be accounted one-fourth; more than one-fourth, and not more than one-third, shall be accounted one-third; more than one-third, and not more than one-half, shall be accounted one-half; more than one-half, and not more than 1 barrel, shall be accounted 1 barrel; and more than 1 barrel, and not more than 63 gallons, shall be accounted 2 barrels, or a hogshead. The said tax shall be paid by the owner, agent, or superintendent of the brewery or premises in which such fermented liquors are made, and in the manner and at the time hereinafter specified."

And by inserting in lieu thereof the following:

"In estimating and computing the tax imposed by law the fractional part of a barrel shall be halves, thirds, and quarters, and any fractional part of a barrel containing less than one-fourth shall be accounted one-fourth; more than one-fourth and not more than one-third shall be accounted one-third; more than one-third and not more than one-half shall be accounted one-half; more than one-half and not more than one barrel shall be accounted one barrel; and more than one barrel and not more than 63 gallons shall be accounted two barrels, or a hogshead. The said tax shall be paid by the owner, agent, or superintendent of the brewery or premises in which such fermented liquors are made, and in the manner and at the time hereinafter specified."

SEC. 3. That section 9 of the act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, be, and the same is hereby, amended so as to read as follows:

"SEC. 9. That section 3341 of the Revised Statutes of the United States be, and hereby is, amended to read as follows:

"'SEC. 3341. The Commissioner of Internal Revenue shall cause to be prepared, for the payment of such tax, suitable stamps denoting the amount of tax required to be paid on the hogsheads, barrels, and halves, thirds, and quarters of a barrel of such fermented liquors (and shall also cause to be prepared suitable permits for the purpose hereinafter mentioned), and shall furnish the same to the collectors of internal revenue, who shall each be required to keep on hand at all times a sufficient supply of permits and a supply of stamps equal in amount to two months' sales thereof, if there be any brewery or brewery warehouse in his district; and such stamps shall be sold and permits granted and delivered by such collectors only to the brewers of their districts, respectively. Such collectors shall keep an account of the number of permits delivered and of the number and value of the stamps sold by them to each brewer.'"

Mr. RICHARDSON of Tennessee. Mr. Chairman, this seems to be a very important amendment to be put in now.

Mr. PAYNE. Let me explain. These two sections are simply a bill which at the last session of Congress was reported unanimously by the Ways and Means Committee and passed unanimously by the House.

Mr. RICHARDSON of Tennessee. Is the language identical?

Mr. PAYNE. These two sections are in the identical language of a bill which is now pending in the Senate. It has not been acted upon.

Mr. RICHARDSON of Tennessee. The first section of this bill has just been passed, and all amendments were refused. That section has been passed as submitted to and approved by the Republican caucus. I ask whether these provisions have been submitted to the caucus.

Mr. PAYNE. No, sir; this amendment has not been submitted to any caucus, so far as I know.

Mr. RICHARDSON of Tennessee. I think it ought to be.

Mr. PAYNE. It has been submitted neither to a Republican nor a Democratic caucus, so far as I know.

Now, Mr. Chairman, I wish to say——

Mr. UNDERWOOD. Will the gentleman yield to me for a question?

Mr. PAYNE. Yes; although I think I am going to answer the question I believe the gentleman has in mind.

Mr. UNDERWOOD. I simply wish to know how much reduction on the beer tax this amendment provides?

Mr. PAYNE. Not a farthing. It does not reduce that at all.

Mr. UNDERWOOD. Then, if a brewer chooses to fill his kegs one-half full he pays the tax only on one-third; that is to say, as I understand the amendment, he pays the tax on the smaller of the two quantities.

Mr. PAYNE. No; that is a mistake. He pays the tax on the larger quantity.

Mr. UNDERWOOD. I understood the reading of the amendment differently.

Mr. PAYNE. No; it simply gets rid of the sixth and eighth barrel taxes.

Mr. RICHARDSON of Tennessee. Do I understand that this is identical with the bill that we passed in and sent to the Senate?

Mr. PAYNE. Yes; I sent up a copy of the printed bill as the amendment.

Mr. RICHARDSON of Tennessee. What is the status of the bill we passed? I have forgotten.

Mr. PAYNE. It has not been acted upon in the Senate, and we propose to bring it before that body in such shape that we can probably secure action upon it at this session.

Now, when this bill was before the House on a former occasion, on a motion from the gentleman from Minnesota [Mr. FLETCHER], it was amended so as to take effect at some future time; I think in July last. I propose to offer an amendment to the last section of the bill so that the two sections in question shall go into effect on the 1st day of July, 1901, so as to meet the objection of the gentleman from Minnesota at that time.

Mr. STEELE. Mr. Chairman, is it not a fact that debate on this section has been exhausted?

The CHAIRMAN. This, as the Chair understands it, is an additional section.

Mr. FLETCHER. Will the gentleman from New York yield to me for two minutes?

Mr. PAYNE. There are five minutes in opposition to the amendment, and, of course, the gentleman can take the floor in his own right if he desires to do so.

Mr. FLETCHER. Mr. Chairman, this bill is identical with one which was passed at the last session of Congress, and was sent to the Senate. It seems that that body was unable to act upon it, and it never was passed. It comes up here to-day in a new form, and, as I understand it, a kind of a compromise measure, for the large brewers of the country would be willing to accept $1.60 tax if they could get this bill passed, as it would thus enable them to drive out the smaller brewers from the market. This is simply a process for crushing out the smaller brewers in the interest of the larger ones, and I hope the committee will vote it down.

Mr. BARNEY. Mr. Chairman, I am opposed to the amendment, and I think that when the committee come to understand it they will also be opposed to it.

The object of this pending proposition is to regulate the brewing industry of the United States with reference to taxation, and is undoubtedly in the interest of the larger brewers against the smaller producers and others in the country. That, at all events, is the effect of it. If the Internal-Revenue Bureau is not allowed to sell stamps for the smaller sizes of beer packages, it prohibits the use of packages of that size.

Mr. TAWNEY. What is the extent of the prohibition?

Mr. BARNEY. This cuts out both the sixths and eighths packages, and the result will be that all sales must be in the larger packages—one-quarter, one-half, or a full barrel.

Now, what does that mean? It means, Mr. Chairman, the crushing out of the smaller breweries and putting the business altogether in the hands of the great ones, who can afford to manufacture in large quantities and whose trade is mostly in large packages. That seems to be the only object of it.

As the law is, there is nothing to compel a brewer to buy one-eighth or one-sixth barrel stamps if he does not want to. He is not required to do it, unless he chooses to use packages of that character. He can confine himself to the using of quarter barrels, or half barrels, or full barrels, and leave the smaller trade to

small breweries; but when you come to prohibiting the issuing of stamps of this character the natural consequence is to break up the smaller establishments. No man ought to ask Congress to regulate his business for him in this way.

It would not only crush out the business of smaller establishments, but the smaller retailers of beer as well, because they deal almost exclusively with the smaller packages, while the large saloons, which of course are their largest purchasers, deal almost entirely in half and full barrels; and, besides, the farmers, the laboring people, and the public generally throughout the country where beer in packages is used on occasions, buy in the smaller packages and not the larger, and do not wish to be compelled to buy either as large a package as a quarter, or bottled beer, which is much dearer, and at the same time is not as good.

There is another industry in this country that is affected by this amendment, and that is the large number of coopers who have invested considerable money in staves, and who have kegs on hand at the present time for the purpose of supplying the brewing interests of the country.

Now, they do not ask, and they have not a right to ask, for legislation on the part of Congress for the purpose of widening their market; but they do, in my judgment, have a right to ask that this Congress shall not pass an amendment to this law which shall ruin their industry, which shall drive the product of their shops out of the market, and which will not allow the people of this country to purchase their product who are anxious to purchase it at the present time.

I repeat, then, if the large brewers of this country do not want to put up eighths and sixths they do not need to. There is no law on the statute book which compels them to do so; but the small brewing interests of this country desire to do it, and I do not think it right or fair for this Congress to enact legislation the inevitable effect of which will be to drive out of the trade the small brewing industries of this country.

I am in favor of, and in the consideration of this bill have voted for, a substantial reduction of the beer tax, and a larger reduction than that proposed in this bill. I believe at least one-half or more of the war-revenue tax ought to be taken off. But I am not in favor of aiding the brewing industries of this country in this way and at the expense of the smaller breweries, the coopers, and others who are accommodated by the putting up of the smaller packages of beer in wood.

In my judgment this is the most obnoxious kind of class legislation. It is asking the Government by law to regulate the brewing trade, and to discriminate in favor of the strong against the weak.

Mr. DAVIDSON. Mr. Chairman, I want to be heard for a moment, to corroborate what the gentleman from Wisconsin [Mr. BARNEY] has said. There is no question in my mind but what if this amendment is adopted it will drive out of business every small brewery in the country. The small breweries, situated in the more thinly settled localities, can not put up bottling establishments. The regulations prescribe that bottling establishments shall be in buildings detached from all other buildings. They must be constructed and operated in certain ways; all of which is very expensive. The small brewers sell their product to the saloons in their neighborhood, delivering it to them by wagons. They also sell many of their small packages to the consumers direct, to farmers and others, who purchase a sixth or eighth for their own use.

Mr. TAWNEY. If that is so, then this measure is in the interest of temperance, is it not?

Mr. DAVIDSON. I am not discussing that question. It is not involved here. This contest is between the small brewer and the combine, and I propose to play fair with the men who are doing business in the country, as well as the large breweries doing business in the cities. I do not believe we should adopt a measure that will drive the small brewer out of business, simply to give an extended market to the large brewer who can afford to construct bottling establishments and send his goods out in that way.

Mr. TAWNEY. Do you mean to say that the small brewer does not manufacture anything above eighths or sixths of a barrel?

Mr. DAVIDSON. I mean to say that nine-tenths of the product of the small breweries is put up in quarters or less, and that not more than one-tenth is put up in halves or in full barrels. By far the larger part of their product is put out in the small kegs, in sixths and eighths, and this measure will absolutely wipe them out of existence.

It must be remembered that these small breweries have a large amount of capital invested in the small kegs. If this amendment passes, that capital is absolutely lost, as the small kegs could not be used and would be of no value.

I know the argument is made that many of these kegs are not returned, and this is a heavy loss upon the owners, but I want to say that you might as well pass a law to compel grocers to sell sugar in not less than 5-pound packages as to say that the small kegs shall not be used for beer. To those who sustain a loss in their use they have the alternative of using something else in their place. They can ship their goods in large packages or in bottles, if they so desire. Because they may lose a small keg occasionally is no reason why the small brewer in the country districts should not be permitted to use the small keg if he so desires.

The people who drink beer, the most of them, like to have it freshly drawn from a wooden package. They do not want to use bottled goods and they can not use packages as large as a quarter or a half of a barrel.

Farmers in doing their thrashing and other work where they have a number of men employed very often buy a sixth or an eighth of beer to use on such occasions.

On social and festival occasions very many of our best people make use of this beverage, and there is absolutely no reason why the use of the small package should be prevented and they compelled to use goods bottled by some large concern in the larger cities. A bottling establishment, I am informed, can not be constructed for less than $2,000. This the small brewer can not afford to invest.

There is absolutely no reason for the adoption of this measure except to favor the large breweries for the purpose of driving out of business the competition which they have in the small breweries located in the country districts. For these reasons I am opposed to this amendment and hope it will be defeated.

Mr. GREEN of Pennsylvania. Mr. Chairman, I desire to enter a protest against this legislation which prevents the one-eighth barrel of beer from being manufactured and sold by reason of the fact that the United States provides no stamps for that quantity. I am well aware that in the first session of this Congress a measure passed this House identical with the proposed amendment. Up to this time it has not been enacted into law; but if the proposed amendment is incorporated into this bill, we who believe in reducing the war taxes to the uttermost cent that it can be done will be obliged to vote for it, and it certainly will be enacted into law.

When I returned to my district I found that the brewers regarded the measure of no particular benefit to them. The hotel and saloon keepers were opposed to it, especially those who sold small quantities of beer, for the reason that before closing for the day they often are obliged to put on tap more beer than they could dispose of before closing, and much spoiled over night or until their business places reopened.

But the greatest objection to the measure was urged by individual citizens who claimed that for many occasions they were obliged to buy more beer than they wanted or do without keg beer, which was generally preferred. Again, there has been no general nor special request from any body of people asking for this legislation. It will require a general readjustment in the business of breweries and occasion, for the time at least, a decided loss from the kegs on hand; and so far as I have been able to understand there is no existing mischief which is to be remedied, and the present law, well understood as it is, works to the general satisfaction of all interests.

The district I represent has a number of breweries in it, and being a community with a large German population, who drink beer instead of whisky, the present law finds no objectors among its people. I hope this amendment will be defeated and no change be made, at least until there is a general demand made by the people for its passage and better reasons than I have heard to-day are given.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. PAYNE. I move to strike out the last word only for the purpose of saying that, as I understand this, it does not interfere with the business of the small brewers any more than it does with the business of the large ones. The brewers all want it. They want to get rid of these small packages. They say that these small packages are lost, and the waste is so great on them that they want to get rid of them, and they can not get rid of them unless they all do it, and hence they want this legislation.

Mr. FLETCHER. I should like to ask a question.

Mr. BARNEY. Will the gentleman allow me?

Mr. PAYNE. One moment. I wish to speak for a minute without being interrupted. Now, the opposition last year came from some gentlemen who represented the coopers, and the coopers had a lot of these small packages on hand; and it was stated that by putting off the time when the law should go into operation the coopers could be accommodated and could work off their small packages, and it would do nobody any injury. So it was at the suggestion of these gentlemen that the time when the law should go into operation was postponed.

Mr. STEELE. I want to ask the gentleman a question.

Mr. PAYNE. Very well, let the gentleman ask his question.

Mr. STEELE. I want to ask if it is not a fact that it was represented to us by a gentleman from Wisconsin that 92 of the 106 breweries in that State had petitioned for the enactment of this law?

Mr. PAYNE. No; I do not remember that. If the gentleman

says that, he is undoubtedly correct, as he generally is. Now, that is all there is in this amendment that I have introduced.

Mr. FLETCHER. Will the gentleman allow me to ask him one question?

Mr. PAYNE. Oh, certainly.

Mr. FLETCHER. If all these brewers want to get away with these small kegs, why do they not do so?

Mr. PAYNE. If one of them should sell these small packages, and the people want them, they all have to keep using them.

Mr. WILLIAMS of Mississippi. You want Congress to compel them to enter into an agreement?

Mr. PAYNE. I hope we will have a vote on the amendment.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PAYNE. Division.

The committee divided; and there were—ayes 61, noes 78.

Mr. PAYNE. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from New York, Mr. PAYNE, and the gentleman from Wisconsin, Mr. BARNEY, will please act as tellers.

The committee again divided; and the tellers reported—ayes 85, noes 94.

So the amendment was rejected.

The Clerk read as follows:

SEC. 2. That section 2 of said act is hereby amended so as to read as follows:

"SEC. 2. That from and after the passage of this act special taxes shall be, and hereby are, imposed annually as follows, that is to say:

"1. Bankers using or employing a capital not exceeding the sum of $25,000 shall pay $50; when using or employing a capital exceeding $25,000, for every additional $1,000 in excess of $25,000, $2, and in estimating capital surplus shall be included. The amount of such annual tax shall in all cases be computed on the basis of the capital and surplus for the preceding fiscal year. Every person, firm, or company, and every incorporated or other bank having a place of business where credits are opened by the deposit or collection of money or currency subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bullion, bills of exchange, or promissory notes are received for discount or sale shall be a banker under this act: *Provided*, That any savings bank having no capital stock and whose business is confined to receiving deposits and loaning or investing the same for the benefit of its depositors and which does no other business of banking shall not be subject to this tax.

"2. Brokers shall pay $50. Every person, firm, or company, whose business it is to negotiate purchases or sales of stocks, bonds, exchange, bullion, coined money, bank notes, promissory notes, or other securities for themselves or others, shall be regarded as a broker: *Provided*, That any person having paid the special tax as a banker shall not be required to pay the special tax as a broker.

"3. Pawnbrokers shall pay $20. Every person, firm, or company whose business or occupation it is to take or receive, by way of pledge, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, as security for the repayment of money loaned thereon, shall be deemed a pawnbroker.

"4. Proprietors of bowling alleys and billiard rooms shall pay $5 for each alley or table. Every building or place where bowls are thrown or where games of billiards or pool are played, and that are open to the public with or without price, shall be regarded as a bowling alley or a billiard room, respectively."

Mr. GAINES. Mr. Chairman, I desire to ask the gentleman from New York [Mr. PAYNE], reporting this bill, if he has reduced this proposed tariff to such an extent as to cut off the appropriation that must be made if the Hanna-Payne ship-subsidy bill became a law? I see no notice whatever of the ship-subsidy bill in the report of the distinguished chairman and his committee. I have with pleasure read his speech and examined into it closely, and I find there nothing on this point, and I should like to know whether he took the ship-subsidy question into consideration in making this bill?

Mr. PAYNE. Does the gentleman ask me a question?

Mr. GAINES. Yes.

Mr. PAYNE. I will say in the first year or two of the ship-subsidy bill the highest estimate of the expense is about $4,500,000, and we save $1,500,000 a year we are now paying for carrying the mails; so that the necessary expenditures would be only $3,000,000. I did not think it worth mentioning a little matter of that kind.

Mr. GAINES. I desire to state to the gentleman from New York that the expense is put at not less than $9,000,000 a year.

Mr. PAYNE. Not more than $9,000,000 a year. Do not put it at not less than $9,000,000.

Mr. GAINES. Then, we will have to pay that out of the revenues of the Government, and this ship bill is to be the law of the land, if passed at all, for twenty years.

Now, Mr. Chairman, the gentleman in his pathetic appeal said he was responding to the cry of the oppressed people of this country in reducing this tax at all, and he regretted that he was not able because of the war expenses and "expenditures" resulting from the war, and not expenditures for ship subsidies, to reduce it more. Not one word is found in his lengthy report, not one syllable is said about the ship-subsidy matter in his speech of several pages in the RECORD; and yet we find the people that support him in this matter, in the House and out of it, are the rich corporations and the rich firms—people, Mr. Chairman, who are able not only to live without subsidies, to build ships without subsidies, but to carry on the foreign trade without subsidies, and have done it until our trade to-day reaches every civilized market in the world; and yet the gentleman comes here, and his party, and says that he is reducing taxes, forsooth, because the poor people of this country are crying out against this war tax.

Mr. Chairman, I was surprised to find a matter that is before the public—a matter about which he knows that members of Congress are written to every day by the people, that the press is discussing all the time, and the plain people are praying against it, and yet the distinguished gentleman and the equally distinguished committee and his great party are absolutely mute in their speeches in this House and in their report on this subject. Yes, Mr. Chairman, they can reduce the tax, and say they reduce it because the people want it done, and yet they retain $65,000,000 for the ship-subsidy bill, a measure which he is the great father and defender of upon the floor of this House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. Mr. Chairman, there is another omission in the report of the gentleman from New York, and there is another omission in his speech, and a little scheme about the amount of the probable expenditures, not on the ship-subsidy bill, but on a single improvement upon one shoal in the Tennessee River. I am in favor of it.

Mr. GAINES. And I am glad my friend is in favor of it and announces it publicly.

Mr. GROSVENOR. I am, because I am a little broader gauge than the gentleman.

Mr. GAINES. And you say you are in favor of it publicly?

Mr. GROSVENOR. Will the gentleman keep still just once? [Laughter.]

Mr. GAINES. I will.

Mr. GROSVENOR. There is not an estimate upon the Colbert Shoals in the report of the committee. Yet if it is carried to that perfection which I hope it may be, it will take a greater expenditure, net, for the next two years than the entire possibility or reasonable probability of the ship-subsidy bill.

Mr. Chairman, the time, I hope, is coming in this country when the advocates of special interests for special localities, instead of measuring their hope by such a matter as the Tennessee River, will become the champions of an opposition measure calculated to benefit all the people of all the States in this Union.

I would point the gentleman to the great commercial convention recently held, in which delegates from his own State were present, and the statement of one of the distinguished Senators from Alabama that it was the most completely representative body that the South has had since the war, in that it rose to the dignity of American citizenship. They got out of the ruts of mere provincial politics and indorsed the very scheme by name that the gentleman has so bitterly denounced. It is a good sign, Mr. Chairman, when the representatives of a great section get bigger, larger, more patriotic, more American than the individual member of a single delegation, who has imperiled possibly his own best interests by assailing the interests of other people. [Applause.]

Mr. FITZGERALD of New York. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Strike out, on page 4, lines 1 to 6, inclusive.

Mr. FITZGERALD of New York. Mr. Chairman, this amendment provides for the elimination of the taxes imposed on pool and billiard tables and bowling alleys. I offer this amendment because a great many associations which have been formed for the purposes of enabling men to meet socially for their mutual improvement are supplied with pool and billiard tables and bowling alleys. For some years I have been active in young men's associations, both in my own city and throughout the country. These societies are organized and exist, not for the purpose of making money, but in order to bring young men into a better moral atmosphere and away from corrupt companions and environments. It is for their moral improvement and advancement. The tax gathered under the section of this bill amounted in 1899 to $428,423.87. In 1900 the amount collected was $366,733.66, a reduction of $61,690.21. These figures are taken from the report of the Commissioner of Internal Revenue for the present year. Considered in connection with the entire amount collected under this act, this is an insignificant sum; yet many associations with two or three pool and billiard tables, besides a bowling alley, have found the $20 or $25 paid yearly under the provisions of this act to be a heavy burden when added to their ordinary expenses. I trust the chairman of the committee will agree to this proposition. Every young man's association, every Christian young men's association, every social organization of every kind is subjected to this tax. It is a tax upon the instrumentalities of morality and virtue—unjustifiable, unreasonable, and unwise.

Mr. PAYNE. Will the gentleman allow me a question?

Mr. FITZGERALD of New York. Certainly.

Mr. PAYNE. Would it not answer the gentleman's purpose if

we simply exempted all the religious billiard tables and bowling alleys of the country? [Laughter.]

Mr. FITZGERALD of New York. I never knew of a religious bowling alley, though the gentleman may have some in his district. But I say that the pool table and the billiard table are not things that should be taxed. They are used to bring people where their associations and surroundings will be better and more elevating, and it is not well to hinder or to place obstacles in the way of such gatherings. I trust that my friend from New York [Mr. PAYNE] will concur in this amendment.

Mr. PAYNE. Mr. Chairman, this item simply brings in about $44,000 a year, instead of $366,000, as the gentleman states. The committee left it in, thinking that the business could afford to pay, and that it was one of the things that should be left in.

The CHAIRMAN. All debate has been exhausted on this amendment.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I move to strike out the last word. I wish to ask the gentleman from New York if this is not a tax upon every association, organization, whether religious or not, that has a billiard table or bowling alley on its premises?

Mr. PAYNE. Oh, I do not understand it is confined to any religious organization or association.

Mr. FITZGERALD of Massachusetts. Do not these associations have to pay the tax?

Mr. PAYNE. I do not know of any religious association that has billiard tables and pool tables, but if they do they ought to pay the tax.

Mr. FITZGERALD of Massachusetts. I understand that a great many organizations formed to safeguard the morals of young men have billiard tables and bowling alleys on their premises. These are harmless amusements, particularly when used as agents to improve the morals of our young men, and I do not think they should be taxed. We take the tax off theaters and music halls, why not off these innocent amusements? I withdraw my amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The question now is on agreeing to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and on a division (demanded by Mr. FITZGERALD of New York and Mr. FITZGERALD of Massachusetts) there were 24 ayes and 81 noes.

So the amendment was not agreed to.

Mr. NEWLANDS. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Add after line 12, on page 3, the following:

"That every person, firm, corporation, or company engaged in manufacture whose gross annual receipts exceed $500,000 shall be subject to pay annually at the end of each fiscal year a special excise tax equivalent to one-tenth of 1 per cent on the gross amount of all receipts of such persons, firms, corporations, and companies in their respective business in excess of said sum of $500,000. True and accurate returns of the amount of such gross receipts shall be made and rendered yearly by each of such associations, corporations, and companies, as in the case of refiners of petroleum and sugar. Such returns shall include such data as to capital, surplus, operating expenses, wages, taxes, national or State, as the Commissioner of Internal Revenue shall prescribe. Such returns shall be classified and published by the Commissioner of Internal Revenue in his annual report."

Mr. PAYNE. I move that all debate on this section, and amendments thereto, be concluded in ten minutes.

Mr. NEWLANDS. I object.

Mr. PAYNE. I make that motion.

The question being taken, the motion of Mr. PAYNE was agreed to, there being—ayes 99, noes 83.

Mr. NEWLANDS. Mr. Chairman, the purpose of this amendment is to impose an additional tax upon corporations and other branches of industry which now bear no part of the burden of the war taxes—the great trusts and combinations of the country. It declares that all manufacturers whose gross receipts exceed $500,000 annually shall pay a tax of 1 per cent on such receipts. In this connection, let me state that upon gross receipts of $1,000,000 such a corporation would pay a tax of $1,000. The amendment provides also that these corporations shall make returns, which shall be published, containing such statistical information as will be a guide to Congress in future legislation.

Mr. Chairman, I hope that this additional tax will be imposed. It will not raise in the aggregate more than a million or two of dollars; and it will relieve to some extent the stamp taxes which this bill in subsequent parts proposes to continue.

There is a precedent for legislation of this kind in this very bill. In the section now under consideration bank capital is made a subject of taxation. There is imposed a tax of one-fourth of 1 per cent upon all banking capital and surplus over $25,000. On bank capital alone $3,000,000 of taxation annually is raised, both under the Dingley bill and under the proposed Payne bill.

There was also a tax of this kind imposed by the Dingley war revenue upon one class of combinations or trusts; that is, the refiners of petroleum and sugar. Upon them a tax was imposed, not of one-tenth of 1 per cent as I propose in this case, but a tax of one-fourth of 1 per cent upon gross receipts exceeding $250,000. That tax is continued in the Payne bill, and under it over $1,000,000 is annually secured from refiners of petroleum and sugar.

Mr. TAWNEY. Does this proposed amendment apply to corporations only, or does it apply to capital generally?

Mr. NEWLANDS. It applies to all associations, firms, or individuals whose transactions exceed $500,000 per annum, just as the clause relating to the refiners of petroleum and sugar applies to all persons, firms, and corporations refining sugar or petroleum. Under the tax to which I have just referred upon petroleum and sugar we have gained a revenue of $1,000,000 per annum, the provision for which is retained in this bill.

My purpose in this amendment is partly to obtain a revenue from this tax and also to provide the machinery for securing information which will enable Congress in the future to act intelligently upon this question. Publication of these returns by the Commissioner of Internal Revenue is provided for, corresponding with the publication which is made of the statements of the banks by the Comptroller of the Currency and of the statements of the railroads by the Interstate Commerce Commission. In those published reports data have been given in full detail which have been of assistance not only in framing legislation regarding banking and railroading, but also to those interests themselves, tending to develop the science of both.

This amendment is not offered in any hostile spirit. It will impose upon these great trusts and combinations a total tax not exceeding a million or two. At the same time it will enable us to obtain information upon which we can act intelligently in the future in legislation relating both to the taxation and regulation of these industrial combinations. There is hardly an economic writer who does not insist that publicity is the first thing to be secured.

Mr. PAYNE. Mr. Chairman, I do not think it necessary to discuss this amendment at any great length. It is true that there were two cases of special taxation provided for in the war-revenue bill. Those were put in by an amendment offered in the Senate, and when they came to the committee of conference they were acquiesced in. I remember making a remark at that time to my associates on the conference committee that they knew, and I knew, that if this tax should be imposed the people who were expected to pay it would simply put up the price of sugar and petroleum enough to reimburse themselves for the tax which they paid and allow them besides a handsome profit. No doubt such has been the case. I have no doubt that those interests that have been required to pay this tax have collected from their customers more than the amount which they have paid over to the United States in the form of taxation. But that is one of those taxes that there is no use trying to get out of the bill. It is in there. It has produced $1,000,000 a year. If it has been a burden to those interests, they can of course stand it better than anybody else.

Now, the gentleman from Nevada comes here with a proposition to tax every manufacturing concern in the country, not a fifth of 1 per cent, but a tenth of 1 per cent. And his idea of a trust or combination seems to be that where a manufacturing concern produces more than $500,000 worth of any given commodity during a year it is a trust or combination. I do not know but that this is as good a definition of a trust as that I heard given on the stump by a member of the gentleman's party, who declared his belief that "a trust is a combination of capital that we are not in." Of course, as a rule, when gentlemen undertake to define a "trust" they seem to have a very vague and indefinite idea, just as they have when they undertake to discuss it.

But, Mr. Chairman, here is a tax brought in on a bill which is intended to reduce taxation. The gentleman from Nevada [Mr. NEWLANDS] says it will produce $1,000,000 or $2,000,000. Why, he has no conception of the vast business of this country when he speaks of one million or two millions as the product of such a tax. He has signed a report recommending that we ought to reduce taxation by $70,000,000, under the bill we are now considering, and yet he comes in and proposes to add a tax, as he says, of $1,000,000 or $2,000,000. He says one or two millions will be the amount of the revenue produced by the amendment, but I say five or ten, and we are both making mere guesses, because it may be more than either of us can imagine. And why, Mr. Chairman, should we adopt such a proposition? The idea seems to me to be preposterous. Do not gentlemen understand the object and spirit of the bill we are considering? We are removing war-revenue taxation as far as it is safe and possible to remove it at the present time. He says that these people do not pay taxes. Well, he is greatly mistaken about that. If he will come into the State of New York, I will show him that these people are paying just as large a proportion of taxes as anybody else.

Mr. NEWLANDS. I referred to revenue taxes.

Mr. PAYNE (continuing). By the franchise-tax law, passed recently in New York, these people are paying really more than their share of taxes. That law works against the corporations.

Mr. FITZGERALD of Massachusetts. And that law is unconstitutional.

Mr. PAYNE (continuing). It works against persons engaged in this class of business. By this amendment an additional hardship would be imposed.

Mr. Chairman, I hope the amendment, for it is scarcely necessary to discuss it further, and all others that tend to increase taxation under the bill will be voted down.

Mr. NEWLANDS. Mr. Chairman, I ask unanimous consent that the debate be extended for five minutes longer for the purpose of enabling me to answer the gentleman from New York.

Mr. PAYNE. Oh, well, I must object to that, Mr. Chairman.

Mr. NEWLANDS. You have made statements which are absolutely unfounded, and I want to answer them.

Mr. PAYNE. Oh, well, they will go into the RECORD, and I will meet that issue when they come.

The CHAIRMAN. Debate upon the amendment is exhausted and the question is on agreeing to the amendment suggested by the gentleman from Nevada.

The question was taken; and there were—yeas 90, nays 119.

So the amendment was rejected.

Mr. TOMPKINS. Mr. Chairman, I offer the amendment I send to the desk.

The amendment was read, as follows:

Insert at the end of subdivision 4, section 2, the following:

"Excepting, however, from the provisions of this subdivision Young Men's Christian Associations and social clubs and associations that do not conduct bowling alleys or billiard rooms for hire."

The question was taken; and the amendment was rejected.

The Clerk read as follows:

SEC. 3. That section 3 of said act is hereby amended by striking out the words "and sixty cents," in the first paragraph, after the words "three dollars," and before the words "per thousand on cigars," so that said section, as amended, shall read as follows:

"TOBACCO, CIGARS, CIGARETTES, AND SNUFF.

"SEC. 3. That there shall, in lieu of the tax now imposed by law, be levied and collected a tax of 12 cents per pound upon all tobacco and snuff, however prepared, manufactured, and sold, or removed for consumption or sale; and upon cigars and cigarettes which shall be manufactured and sold or removed for consumption or sale there shall be levied and collected the following taxes, to be paid by the manufacturer thereof, namely, a tax of $3 per thousand on cigars of all descriptions made of tobacco or any substitute therefor and weighing more than 3 pounds per thousand, and of $1 per thousand on cigars made of tobacco or any substitute therefor and weighing not more than 3 pounds per thousand; and a tax of $3.60 per thousand on cigarettes made of tobacco or any substitute therefor and weighing more than 3 pounds per thousand; and $1.50 per thousand on cigarettes made of tobacco or any substitute therefor and weighing not more than 3 pounds per thousand: *Provided*, That in lieu of the 2, 3, and 4 ounce packages of tobacco and snuff now authorized by law there may be packages thereof containing 1¾ ounces, 2½ ounces, and 3½ ounces, respectively, and in addition to packages now authorized by law there may be packages containing 1 ounce of smoking tobacco.

"And there shall also be assessed and collected, with the exceptions hereinafter in this section provided for, upon all the articles enumerated in this section which were manufactured, imported, and removed from factory or custom-house before the passage of this act, bearing tax stamps affixed to such articles for the payment of the taxes thereon and canceled subsequent to April 14, 1898, and which articles were at the time of the passage of this act held and intended for sale by any person, a tax equal to one-half the difference between the tax already paid on such articles at the time of removal from the factory or custom-house and the tax levied in this act upon such articles.

"Every person having, on the day succeeding the date of the passage of this act, any of the above described articles on hand for sale in excess of 1,000 pounds of manufactured tobacco and 20,000 cigars or cigarettes, and which have been removed from the factory where produced or the custom-house through which imported, bearing the rate of tax payable thereon at the time of such removal, shall make a full and true return, under oath, in duplicate, of the quantity thereof, in pounds as to the tobacco and snuff and in thousands as to the cigars and cigarettes so held on that day, in such form and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. Such returns shall be made and delivered to the collector or deputy collector for the proper internal-revenue district within thirty days after the passage of this act. One of said returns shall be retained by the collector and the other forwarded to the Commissioner of Internal Revenue, together with the assessment list for the month in which the return is received, and the Commissioner of Internal Revenue shall assess and collect the taxes found to be due, as other taxes not paid by stamps are assessed and collected.

"And for the expense connected with the assessment and collection of the taxes provided by this act there is hereby appropriated the sum of $100,000, or so much thereof as may be required, out of any moneys in the Treasury not otherwise appropriated, for the employment of such deputy collectors and other employees in the several collection districts in the United States, and such clerks and employees in the Bureau of Internal Revenue as may, in the discretion of the Commissioner of Internal Revenue, be necessary, for a period not exceeding one year, to be compensated for their services by such allowances as shall be made by the Secretary of the Treasury upon the recommendation of the Commissioner of Internal Revenue. And the Commissioner of Internal Revenue is authorized to employ ten agents, to be known and designated as internal-revenue agents, in addition to the number now authorized in section 3152 of the Revised Statutes as amended, and the existing provisions of law in all other respects shall apply to the duties, compensation, and expenses of such agents."

Mr. KITCHIN. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

In line 14, page 4, strike out "twelve" and insert in lieu thereof the word "six."

Mr. KITCHIN. Mr. Chairman, the gentleman from New York [Mr. PAYNE] has expressed the desire that all propositions looking to an increase of revenue shall be voted down. I therefore hope the gentleman will not interpose serious objection to this proposition which will reduce revenue by decreasing the tax on manufactured tobacco and snuff.

The members of the House know that the tax prior to the war with Spain was 6 cents a pound on manufactured tobacco and snuff. The war-revenue act increased that to 12 cents a pound. The tobacco as it goes from the farmer's hands is worth, on an average, only about 6 cents a pound, and the present tax is double the value of the raw material which our farmers produce and place upon the market.

In 1890 the production of tobacco in this country was estimated by the Department to be a little over 500,000,000 pounds, and it was estimated to be worth something over 8 cents a pound to the producers. This of course includes the coarse tobacco of other States, as well as the bright tobacco of Virginia and Carolina. The last estimate prepared by the Agricultural Department for tobacco was for the crop of 1896, and placed the amount at 400,000,000 pounds and the average value at abont 6 cents a pound.

In my judgment the entire tax upon manufactured chewing tobacco should be removed in the interest of the great agricultural class engaged in the production of tobacco, but as we are revising the war-revenue law and have no reasonable grounds to hope for the abolishment of the entire tax upon tobacco by this Congress, I ask this House to fix the tax upon it at the rate that it carried prior to the war with Spain. I think this tax in any view acts injuriously upon the producer of tobacco just as a heavy tax upon beef and mutton would hurt the sheep and cattle growers. I do not attribute the entire decline in the price of leaf tobacco to taxation, though in my judgment these taxes are a great burden upon the farmers as well as the consumers of tobacco. Abolish the taxes on plug tobacco, and then farmers who so desire will manufacture their own tobacco, for the manufacture of plug tobacco is a simple process. Small manufactories will spring up in every tobacco-growing community. The tobacco trust will then have serious competition, and the result will be greatly beneficial to that great and worthy part of our population engaged in the cultivation of tobacco.

Mr. Chairman, I congratulate the people of this country that they are going to be relieved from so many of these stamp taxes. This bill destroys the vexatious taxes on notes, duebills, checks, drafts, deeds, mortgages, and medicines. The country will rejoice at this. Many of the stamp taxes are completely abolished in this bill. It reduces the taxes upon cigars and upon beer, but upon manufactured tobacco and snuff it offers no reduction whatever. Since it is admitted, or at least satisfactorily proven to my mind, that the revenues of the country can safely stand a reduction of $70,000,000, even upon the basis of the large estimates of next year's expenses sent us from the Executive Departments, it seems to me that the House can well afford, in the interest of agriculture, to reduce this tobacco tax to 6 cents, which will amount to a reduction in the revenues of about $9,000,000. The entire revenue collected during the fiscal year ending June 30, 1900, from manufactured tobacco and snuff was about $17,000,000, and this amendment that I offer will cut that amount in two, making the tax 6 cents instead of 12 cents per pound, and will accomplish a reduction of about $9,000,000.

[Here the hammer fell.]

Mr. PAYNE. Mr. Chairman, all I wish to say in reference to this is that the report of the Commissioner of Internal Revenue shows that this little amendment, taking off half of this tax on tobacco and snuff, will make a reduction of $17,500,000, which would make the total reduction in the bill some $57,000,000. That, of course, would go beyond anything that the committee have believed could be done in the matter of the reduction of taxation. If we were going to make a big cut like that, we should not put it all on tobacco. There are other interests that we should look after. I hope the amendment will be voted down.

The question being taken on the amendment, the Chairman announced that the noes appeared to have it.

Mr. KITCHIN demanded a division.

The committee divided; and there were—ayes 79, noes 106.

Accordingly the amendment was rejected.

Mr. McDERMOTT. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

In line 14, page 4, strike out "twelve" and insert "one."

Mr. McDERMOTT. Mr. Chairman, if the view of the minority is correct, that this bill is scaled to meet the appropriations that will be made during its life, then this amendment would produce a deficiency. The proposition that the people of this country are to be called upon to contribute a revenue of $700,000,000 for the support of this Government means that when these figures are added to State and municipal taxation the people of this country, in upholding the spirit of taxation which involves the right to destroy, are approaching the line of confiscation.

My comment upon this bill is that it would be far better that you should have a deficiency than that you should have a surplus

created by the hand of taxation. Reduce the expenses of this Government to the standard of proper economy and no such taxation as this will be necessary.

Let me instance to the majority of this House one of the avenues in which this money is to be expended. The President of the United States within a month appointed a gentleman in New Jersey to an office having a salary of $2,000 a year, an assistant collector in Jersey City. That gentleman openly stated that he would contribute that salary to the Republican committee of Hudson County in that State. Knowing the financial ability of that gentleman, I was certain that if he gave his time to the office he could not afford to make to the Republican committee a gift of the salary. So I investigated, and I call upon the gentleman from New York [Mr. PAYNE], whose name fathers this bill, to make further investigation. I investigated to find out what were the duties to be performed for that $2,000, and I say to you, sir, that during the next four years that man will not have one hour of labor to perform. During the past four years not one hour of labor has been performed in that office.

Now, if that instance, which is called into public notoriety by the fact that the occupant of the office makes a contribution of his entire salary to the Republican campaign fund—if that illustrates the manner in which the $700,000,000 is to be expended, then I warn you to remember that the people of this country have intelligence enough, when a few more flagrant instances of that kind have been called to their attention, to strike down this method of taxing them and appropriating their money. I am willing to vote every dollar necessary to subdue the Filipinos, every dollar necessary under the laws, with decent economy, to conduct every department of this Government; but I am unwilling to take from the people of this country money under an official sanction that is official robbery in order that it may contribute to partisan campaign funds. [Applause on the Democratic side.]

Mr. PAYNE. The tax on tobacco before the war-revenue bill was 6 cents a pound. Under the war-revenue bill it is 12 cents a pound. The gentleman from New Jersey has found some man somewhere not earning a salary of $2,000, and to even up things he wants to take off $32,000,000 and make the tax 1 cent a pound on tobacco. I do not believe any gentleman on his side will vote with him.

Mr. MCDERMOTT. If there is $2,000 in one State of the size of New Jersey, multiply it by the Union and you will find it is about $32,000,000. [Applause on the Democratic side.]

The question was taken; and the amendment was rejected.

The Clerk read as follows:

SEC. 5. That section 9 of said act is hereby amended by striking out the word "*Provided*," and words following to the end of the section; so that the section as amended shall read as follows:

"SEC. 9. That in any and all cases where an adhesive stamp shall be used for denoting any tax imposed by this act, except as hereinafter provided, the person using or affixing the same shall write or stamp thereupon the initials of his name and the date upon which the same shall be attached or used, so that the same may not again be used. And if any person shall fraudulently make use of an adhesive stamp to denote any tax imposed by this act without so effectually canceling and obliterating such stamp, except as before mentioned, he, she, or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than $50 nor more than $500, or be imprisoned not more than six months, or both, at the discretion of the court."

Mr. GAINES. Mr. Chairman, I move to strike out the last word. A few moments ago, for the purpose of obtaining information, I asked the distinguished chairman who reported this bill if the $65,000,000 that will be left after the passage of this bill will be appropriated to the paying of our ship subsidy if it becomes a law. The gentleman's reply to that question was, I think, that we would save about a million of dollars in carrying the mail. That was his reply to the question. Now, Mr. Chairman, I desire to read on this point from the RECORD, page 57, from the elaborate speech made by Senator FRYE, who reports this bill to the Senate:

There is a limitation of $9,000,000; no more than that sum can be expended in any one year. So far as the cost to the Government is concerned, it is practically $7,500,000, because these ships are required to carry the mails without charge. I think last year the mail pay was about $1,400,000, and in a year or two years it will amount certainly to the $1,500,000.

So taking that, Mr. Chairman, as a criterion we have $7,500,000 which we pay to carry the mails, which cost us now $1,400,000, and that is what we will get for the ship-subsidy outlay.

Now, Mr. Chairman, as a matter of fact, this bill provides for the payment annually of $9,000,000, not simply for one year, but for twenty years. It does not even stop there; and we have the very best authority that can be had that it will not stop there. The Journal of Commerce of December 11, published in New York, says:

II. The limitation of the amount to be disbursed to $9,000,000 is a deception. At the hearing before the House committee the chairman, General GROSVENOR, said: "I presume that we may assume that if the $9,000,000 is exhausted and the result has been very beneficial that our successors will have intelligence enough to increase"——

"Undoubtedly," interrupted ex-Senator Edmunds, the attorney for the shipbuilders.

The North American of to-day contains the same statement.

Mr. Chairman, while in the Senate Mr. Edmunds was a great foe to the ship-subsidy bills we have had heretofore. He is now the employed counsel in this matter, the press states. Now, the point of my inquiry was, Why is it that such an insidious bill, such an insidious expense, should be hovering over this Congress without an explanation of the distinguished gentleman who reported this bill. Instead of him replying, I find the gentleman from Ohio [Mr. GROSVENOR]—the mouthpiece for everything upon that side of the House—rising up here and saying that I am endangering the proposed appropriation by the River and Harbor Committee for the Tennessee River. I want to say, Mr. Chairman, that the Tennessee River project has been reported upon by the sworn officers of this Government, and I want to say that before a cent will be paid for the digging out of this river and opening her commerce to the world it will be sanctioned by a man of brains, courage, and intelligence—the gentleman from Ohio [Mr. BURTON] of the Rivers and Harbors Committee—and his splendid colleagues. Let all this be as it may, I shall never bow to what I think is wrong, here or elsewhere, nor surrender principle for pelf for my people, who honor me with a high office I try fearlessly and conscientiously to fill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES. I want to say in conclusion——

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

SEC. 6. That section 13 of said act is hereby amended by striking out the words "Schedule A of," and also by inserting in the first proviso, after the words "bonds, debentures, or certificates of stock or of indebtedness," the words "or any instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this act;" so that said section as amended shall read as follows:

"SEC. 13. That any person or persons who shall register, issue, sell, or transfer, or who shall cause to be issued, registered, sold, or transferred, any instrument, document, or paper of any kind or description whatsoever mentioned in this act without the same being duly stamped, or having thereupon an adhesive stamp for denoting the tax chargeable thereon, and canceled in the manner required by law, with intent to evade the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $50, or by imprisonment not exceeding six months, or both, in the discretion of the court; and such instrument, document, or paper, not being stamped according to law, shall be deemed invalid and of no effect: *Provided*, That hereafter, in all cases where the party has not affixed to any instrument the stamp required by law thereon at the time of issuing, selling, or transferring the said bonds, debentures, or certificates of stock or of indebtedness, or any instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this act, and he or they, or any party having an interest therein, shall be subsequently desirous of affixing such stamp to said instrument, or, if said instrument be lost, to a copy thereof, he or they shall appear before the collector of internal revenue of the proper district, who shall, upon the payment of the price of the proper stamp required by law, and of a penalty of $10, and, where the whole amount of the tax denoted by the stamp required shall exceed the sum of $50, on payment also of interest at the rate of 6 per cent on said tax from the day on which such stamp ought to have been affixed, affix the proper stamp to such bond, debenture, certificate of stock or of indebtedness, or copy, and note upon the margin thereof the date of his so doing and the fact that such penalty has been paid; and the same shall thereupon be deemed and held to be as valid to all intents and purposes as if stamped when made or issued: *And provided further*, That where it shall appear to said collector upon oath or otherwise, to his satisfaction, that any such instrument has not been duly stamped at the time of making or issuing the same by reason of accident, mistake, inadvertence, or urgent necessity, and without any willful design to defraud the United States of the stamp, or to evade or delay the payment thereof, then and in such case, if such instrument, or, if the original be lost, a copy thereof, duly certified by the officer having charge of any records in which such original is required to be recorded or otherwise duly proven to the satisfaction of the collector, shall, within twelve calendar months after the making or issuing thereof, be brought to the said collector of internal revenue to be stamped, and the stamp tax chargeable thereon shall be paid, it shall be lawful for the said collector to remit the penalty aforesaid and to cause such instrument to be duly stamped. And when the original instrument or a certified or duly proven copy thereof, as aforesaid, duly stamped so as to entitle the same to be recorded, shall be presented to the clerk, register, recorder, or other officer having charge of the original record, it shall be lawful for such officer, upon the payment of the fee legally chargeable for the recording thereof, to make a new record thereof, or to note upon the original record the fact that the error or omission in the stamping of said original instrument has been corrected pursuant to law; and the original instrument or such certified copy, or the record thereof, may be used in all courts and places in the same manner and with like effect as if the instrument had been originally stamped: *And provided further*, That in all cases where the party has not affixed the stamp required by law upon any such instrument issued, registered, sold, or transferred at a time when and at a place where no collection district was established, it shall be lawful for him or them, or any party having an interest therein, to affix the proper stamp thereto, or, if the original be lost, to a copy thereof. But no right acquired in good faith before the stamping of such instrument, or copy thereof, as herein provided, if such record be required by law, shall in any manner be affected by such stamping as aforesaid."

Mr. PAYNE. Mr. Chairman, I offer an amendment, simply to perfect the text.

The Clerk read as follows:

Insert in line 21, page 10, after the word "copy," the following: "or instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this act."

The amendment was agreed to.

Mr. PAYNE. In line 1, page 11, where the word "and" should appear it is "ana." I ask an amendment correcting that.

The CHAIRMAN. Without objection, the Clerk will correct the typographical error.

The Clerk read as follows:

SEC. 7. That Schedule A of said act is hereby amended so as to read as follows:

"SCHEDULE A.

"STAMP TAXES.

"Bonds, debentures, or certificates of indebtedness issued after the 1st day of July, A. D. 1898, by any association, company, or corporation, on each $100 of face value or fraction thereof, 5 cents, and on each original issue, whether on organization or reorganization, of certificates of stock by any such association, company, or corporation, on each $100 of face value or fraction thereof, 5 cents, and on all sales, or agreements to sell, or memoranda of sales or deliveries or transfers of shares or certificates of stock in any association, company, or corporation, whether made upon or shown by the books of the association, company, or corporation, or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale whether entitling the holder in any manner to the benefit of such stock, or to secure the future payment of money or for the future transfer of any stock, on each $100 of face value or fraction thereof, 2 cents: *Provided*, That in case of sale where the evidence of transfer is shown only by the books of the company the stamp shall be placed upon such books; and where the change of ownership is by transfer certificate the stamp shall be placed upon the certificate; and in cases of an agreement to sell or where the transfer is by delivery of the certificate assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, to which the stamp shall be affixed; and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers. And any person or persons liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person or persons, who shall make any such sale, or who shall in pursuance of any such sale deliver any such stock, or evidence of the sale of any such stock or bill or memorandum thereof, as herein required, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than five hundred nor more than one thousand dollars, or be imprisoned not more than six months, or both, at the discretion of the court.

"Upon each sale, agreement of sale, or agreement to sell, any products or merchandise at any exchange, or board of trade, or other similar place, either for present or future delivery, for each $100 in value of said sale or agreement of sale or agreement to sell, 1 cent, and for each additional $100 or fractional part thereof in excess of $100, 1 cent: *Provided*, That on every sale or agreement of sale or agreement to sell as aforesaid there shall be made and delivered by the seller to the buyer a bill, memorandum, agreement, or other evidence of such sale, agreement of sale, or agreement to sell, to which there shall be affixed a lawful stamp or stamps in value equal to the amount of the tax on such sale. And every such bill, memorandum, or other evidence of sale or agreement to sell shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers; and any person or persons liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person or persons, who shall make any such sale or agreement of sale, or agreement to sell, or who shall, in pursuance of such sale, or agreement of sale, or agreement to sell, deliver any such products or merchandise without a bill, memorandum, or other evidence thereof as herein required, or who shall deliver such bill, memorandum, or other evidence of sale, or agreement to sell, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than five hundred nor more than one thousand dollars, or be imprisoned not more than six months, or both, at the discretion of the court.

"Freight: It shall be the duty of every railroad or steamboat company, carrier, or corporation, or person whose occupation is to act as such (except express companies, or persons, corporations, or companies doing an exclusive express business) to issue to the shipper or consignor, or his agent, or person from whom any goods are accepted for transportation a bill of lading, manifest, or other evidence of receipt and forwarding for each shipment received for carriage and transportation, whether in bulk or in boxes, bales, packages, bundles, or not so inclosed or included; and there shall be duly attached and canceled, as is in this act provided, to each of said bills of lading, manifests, or other memorandum, and to each duplicate thereof, a stamp of the value of 1 cent: *Provided*, That but one bill of lading shall be required on bundles or packages of newspapers when inclosed in one general bundle at the time of shipment. Any failure to issue such bill of lading, manifest, or other memorandum, as herein provided, shall subject such railroad or steamboat company, carrier, or corporation or person to a penalty of $50 for each offense, and no such bill of lading, manifest, or other memorandum shall be used in evidence unless it shall be duly stamped as aforesaid.

"Certificate of profits, or any certificate or memorandum showing an interest in the property or accumulations of any association, company, or corporation, and on all transfers thereof, on each $100 of face value or fraction thereof, 2 cents.

"Entry of any goods, wares, or merchandise at any custom-house, either for consumption or warehousing, not exceeding $100 in value, 25 cents.

"Exceeding $100 and not exceeding $500 in value, 50 cents.

"Exceeding $500 in value, $1.

"Entry for the withdrawal of any goods or merchandise from customs bonded warehouse, 50 cents."

Mr. HENRY C. SMITH. Mr. Chairman, the amendment which I desire to offer has been sent up to the desk.

The Clerk read as follows:

Strike out in line 17, page 15, all after the word "freight" to and including line 13 on page 16, and insert in lieu thereof the following:

"Express and freight: It shall be the duty of every railroad or steamboat company, carrier, express company, or corporation, or person whose occupation is to act as such, to make within the first fifteen days of each month a sworn statement to the collector of internal revenue in each of their respective districts, stating the number of shipments received for carriage and transportation, whether in bulk or in boxes, bales, packages, bundles, or not so inclosed or included, for which any charge whatsoever has been made, and for each of such shipments received for carriage and transportation the said railroad or steamboat company, carrier, express company, or corporation, or person whose occupation it is to act as such, shall pay a tax of 1 cent: *Provided*, That but one payment of said tax shall be required on bundles or packages of newspapers when inclosed in one general bundle at the time of shipment."

Mr. HENRY C. SMITH. Mr. Chairman, this amendment in substance contains the language used in reference to the telephone companies, and in the original draft of the bill there was no reason, I submit, why the same language should not have been used in reference to telegraph companies, express companies, and railroad companies that was used in reference to telephone companies. This amendment in substance requires express companies within the first fifteen days of the month to file a statement of all the bills issued by that company and to pay the 1 cent on each bill.

Now, so far the express companies and telegraph companies have escaped their patriotic duty to pay a part of this war tax, and I submit that it is a humiliation to this House that we can not pass a law which will compel these great corporations to bear their fair share of the burdens of taxation. I want to urge, too, that the president of one of these great companies was a member of the other branch of this legislative body where this particular language was put into the original bill, and this company was notified from the beginning not to pay any of these taxes, but the railroad companies and other express companies rose to their patriotic duty and paid the tax and submitted to the exaction.

Now, I appeal to this House to compel these express companies and telegraph companies to do what the railroad companies voluntarily did do, obey the law, and they can not escape from this act. It is an act introduced into this House by the gentleman from Wisconsin [Mr. DAVIDSON], and a careful consideration will show that when this amendment is adopted these express companies will be compelled to pay 1 penny on every bill.

Mr. TAWNEY. Why not require all corporations to make a similar return to the Commissioner of Internal Revenue and collect the tax if we need the revenue, and if we do not, why impose it at all?

Mr. HENRY C. SMITH. Because the others can be caught in the usual way, but this fish is so slippery that we have to have a net of this kind. [Laughter.]

Mr. MOODY of Massachusetts. Will the gentleman allow me a question?

Mr. HENRY C. SMITH. Certainly.

Mr. MOODY of Massachusetts. The gentleman is dealing with the express question as if there were but the large express companies. I would like to call his attention to the fact that in some sections of the country there are many small express companies, and a tax of 1 cent on each package is ruinous to those companies.

Mr. HENRY C. SMITH. In my city there are three express companies, and two of them pay their tax voluntarily; but the United States Express Company only holds out. The small express companies are willing to pay the tax.

Mr. MOODY of Massachusetts. Willing to pay a tax of this amount?

Mr. HENRY C. SMITH. Well, if they are not willing to, they ought to be made to pay.

Mr. PAYNE. Mr. Chairman, if we impose this tax on the express companies, they will simply add it to their rate of freight. They will do so because they can not pay the big tax that would be exacted from them and still continue to do business. This is so especially of one of the great companies doing business in this country. It is too severe a tax on them for their business to stand it. They would simply put it back in additional charges on the people who send packages by express.

Now, the railroad companies ship in large quantities and not in small packages. There are hundreds and thousands of express packages in comparison to the same weight in packages shipped by freight, and which go in the cars. A receipt is given for a carload, or it may be a half a dozen carloads, and 1 cent is paid upon that. As I understand, the average of express packages is 25 cents, and a tax of 1 cent amounts to 4 per cent on the gross receipts; and what business is there that can stand a tax of 4 per cent on its gross receipts?

The same is true in regard to telegraph companies.

Now, the committee considered all this. They considered the fact that this tax was not grevious or burdensome to the railroad companies, while if we tried to put it onto the express companies they would be forced to add it to their rates in order to get it out of the consumers. Then there were the small express companies in the United States, companies that started in to pay the tax instead of charging it to the customers, when they found that they would be ruined by the amount of the tax.

I was sorry that the gentleman from Michigan should have made a personal allusion to anybody's business in the Senate in connection with this matter. It was an unparliamentary allusion—alluding to a Senator and his action, and saying that he is interested in a particular direction upon a particular bill—and I hope the gentleman will not be guilty of it again.

I hope the amendment will not prevail, for we are not raising taxation, but are reducing it.

Mr. SWANSON. Mr. Chairman, I move to amend by striking out the last word. The amendment which I intended to offer when I rose a few minutes ago is covered by the amendment just offered by the gentleman from Michigan [Mr. HENRY C. SMITH].

The chairman of the Ways and Means Committee [Mr. PAYNE] says that these taxes are paid by the consumer. I concur with him. If that is true, I can see no justification for retaining the tax on bills of lading for freight and eliminating it upon bills of

lading for express packages. The masses of the people—poor people, business people, the great majority of the people—do their shipping by freight. On the other hand, valuable packages, which are shipped mostly by the rich—packages containing jewelry, diamonds, statuary, and other articles of luxury, or packages containing considerable sums of money—go by express. Yet we have here a proposition, supported by the chairman of the Committee on Ways and Means, that the tax imposed upon railroad companies doing a freight business shall be retained, while the tax on the express companies shall be remitted.

When this question was up before, it was urged that the reason for relieving the express companies was because they refused to pay the tax like the railroad companies, the steamboat companies, and other common carriers. The express companies made the people pay the tax, the others paid it themselves. Mr. Chairman, the law imposing this taxation on steamboats and railroads and other common carriers is identical in language with the law imposing taxation upon the express companies. All of these except express companies have recognized the law and put the obligation upon themselves and paid this tax. They did not try to collect it from the people.

Mr. WILLIAMS of Mississippi. The telegraph companies did.

Mr. SWANSON. Yes; but they are in a different section of this bill. The express companies fought this matter in the courts, and I believe the courts determined the companies could collect the tax out of the people, the language of the law not specifying whether the tax should be paid by the company or by the shipper.

I concur with the view of the gentleman who has offered this amendment, that as everybody else has paid this tax except several express companies, those companies ought also to be made to pay it. Either you ought to abolish the law and not leave it in operation upon freight transportation, or you ought to leave it in operation upon both the freight and the express business. I say that these two branches of business ought to stand together, with the same chances before the law, and bearing the same taxation. There is no reason why a single method of transportation should be separated or isolated from all others and relieved from taxation.

Mr. Chairman, I submit that the class of goods going by express are not as much entitled to relief as the class of goods going by freight, whether going by steamboat, railroad, or by any other class of common carrier. I submit to this House that when taxation is relieved, it ought to be relieved justly; and when retained, it ought to be retained justly. I can see no excuse for remitting the tax upon one method of transportation, and continuing it upon all other methods.

[Here the hammer fell.]

Mr. MOODY of Massachusetts. Mr. Chairman, the gentleman from Virginia [Mr. SWANSON] has said that the express companies have not paid this tax.

Mr. SWANSON. One express company, I understand, did not. The United States Express Company, I believe, has had a suit in court on this question.

Mr. MOODY of Massachusetts. I am aware of the fact that six of the great express companies of the country have not paid the tax imposed by the war-revenue act. But in the eastern part of the country—I speak more particularly of the eastern parts of Massachusetts—there are 470 small express companies, every one of which has been compelled to pay this tax because they could not in practice impose it upon the people who dealt with them. The payment of this tax has been a great burden upon those companies. Its continuance would absolutely ruin them; it would drive them out of existence.

This would mean to the communities interested the loss of the competition which we now have between those smaller companies and the American Express, the Adams Express, and all the great express companies, because, as the gentleman can very well see, the tax of 1 cent upon transportation which pays the express company only 15 to 25 cents on a package is a very much greater burden than the same tax on transportation which may perhaps extend across the continent and pay to the express company a large sum. Therefore this tax has been upon those small companies oppressive to an extent which has proved absolutely ruinous. The companies have only continued in existence because they have expected relief. I sought to obtain such relief for them in the last session of Congress by the introduction of a bill which proposed to exempt from the operation of this tax the smaller express companies—the individual carriers—such express companies as those operating between Boston and Worcester and Lynn and Haverhill and Providence. If you adopt this amendment, you absolutely destroy 470 small companies, and you leave our communities to the unrestrained domination of the great express companies of the country.

Mr. BURKE of Texas. How many of those small companies have gone out of business by reason of this taxation?

Mr. MOODY of Massachusetts. Not one, so far as I know.

Mr. BURKE of Texas. Then they are still engaged in this business?

Mr. MOODY of Massachusetts. Because they have been expecting relief from this taxation. A burden which can be borne for a time becomes intolerable if it is permanent. I can assure the gentleman from Texas that they can not continue business under the schedule now proposed.

Mr. SWANSON. Can not the gentleman obtain what he desires—the saving of the small companies, which are being ruined in consequence of this tax—by an amendment exempting from the tax express companies not engaged in interstate commerce? Such a proposition would take care of your home companies.

Mr. MOODY of Massachusetts. That would undoubtedly relieve the trouble in my part of the country. But I say in all fairness to the gentleman from Virginia that while I would be glad to offer such an amendment, I do not know enough about the operation of the tax upon the great express companies to vote for this provision, even if it were so amended.

Mr. PAYNE. Will the gentleman allow an interruption for a question?

Mr. MOODY of Massachusetts. Certainly.

Mr. PAYNE. I understand you to say that as to the smaller express companies they are the only competitors with the larger companies?

Mr. MOODY of Massachusetts. Yes.

Mr. PAYNE. Do you think it fair that the different companies coming in competition with each other should have different privileges, one being taxed and the other untaxed?

Mr. MOODY of Massachusetts. Certainly not.

But, Mr. Chairman, I was going on to say that if the tax is to be imposed at all (and I am not in favor of it on the showing that I have seen, and as I understand the question) on the express companies it should be imposed upon the receipts and not upon the individual transactions of transportation, because the smaller companies in most cases get not over 25 cents for each package that they carry——

Mr. McCALL. And sometimes even as low as 6 cents.

Mr. MOODY of Massachusetts. Yes; as my colleague suggests, even as low as 6 cents. I am very glad he made the suggestion, because he understands this matter thoroughly, and I hope that he will take the floor in the discussion of the amendment.

The ad valorem weight, Mr. Chairman, of such a tax as is proposed here would be absolutely crushing to these small companies. Every one of the men engaged in this business with whom I have conversed has shown me that they could not continue their business. They could not endure a tax such as that proposed here and hope to operate the business which they have already built up. The whole tax has been annoying, vexatious, and burdensome to the people when they have dealt with large companies, because the tax has been shifted upon them by the action of the companies, sustained by the opinion of the Supreme Court. In whatever form you levy it the companies will still shift the burden to the people. To the small companies, who have carried the burden themselves, it has been a calamity which, if continued, means destruction.

Mr. NEWLANDS. Mr. Chairman, I move to strike out the last word.

I entirely agree with the gentleman from Michigan in the amendment which he has proposed. I think it absolutely unfair to entirely exempt the express companies from all taxation while retaining the tax on the operations of the railroad companies.

I realize the fact, of course, that the rate of taxation is the same in both instances, but it operates against the express companies unfairly, as it imposes the same tax of 1 cent on the bill of lading of a package carried by an express company as is imposed on the bill of lading of goods carried in bulk by a railroad company; the price received by the express company for carriage being, for instance, 10 cents, whilst the price received by the railroad company for freight in bulk may be hundreds of dollars. The packages carried by the express companies are generally small; and so the tax bears more heavily and harshly on the gross receipts of the express companies than upon those of the railroad companies.

Now, Mr. Chairman, I understand it is a fact that the railroad companies have never contested the tax or sought to shift it to the shippers, whilst the express companies have.

Mr. HENRY C. SMITH. May I ask the gentleman a question?

Mr. NEWLANDS. Certainly.

Mr. HENRY C. SMITH. Is it not a fact that the express companies get better rates than the railroad companies?

Mr. NEWLANDS. That may be.

Mr. HENRY C. SMITH. They get 25 cents for carrying a package for which the railroad companies get only 1 cent.

Mr. TAWNEY. But the gentleman should remember that the express companies pay the railroad companies for carrying their packages.

Mr. HENRY C. SMITH. That is true, but the amount is very small in comparison to the difference I have shown.

Mr. NEWLANDS. I was saying, Mr. Chairman, that this tax bears more heavily on the express company than the railroad

company, and this arises from the fact that in the case of the railroad company the bill of lading generally covers great bulk.

It seems to me that the suggestion made by the gentleman from Massachusetts [Mr. MOODY] that the tax should be proportioned to the receipts instead of to the number of packages, or the suggestion made by the gentleman from Virginia [Mr. SWANSON] that the tax should only apply to express companies engaged in interstate trade, would do away with this great hardship.

The difficulty is that in a great many of these amendments vexatious methods in the mode of taxation have been seized upon by the majority as a reason for eliminating the tax entirely upon certain forms of wealth. What I contend for is that they should have exercised their ingenuity in suggesting some other form of taxation of those forms of wealth which would not be so vexatious and oppressive as the methods complained of, and I think a tax on express freight can be devised which will not be burdensome and which can not be easily shifted to the shippers.

[Here the hammer fell.]

Mr. MCCALL. Mr. Chairman, the proposition of the gentleman from Michigan [Mr. HENRY C. SMITH], as I understand it, would not relieve the patrons of the express companies from the payment of the tax. It does not propose to restrict the express companies in the charges which they may make for the service which they perform, and it would be entirely feasible for them to make such an increased charge as would compensate them for the tax which they pay.

Mr. HENRY C. SMITH. If the gentleman will permit me, I inadvertently omitted a part of my amendment, which I desire to have added after the proviso. It is—

Provided further, That such statements shall show that such companies have not collected such tax from the shipper.

That meets the gentleman's point.

Mr. MCCALL. The gentleman would hardly undertake to have Congress pass a law fixing the rate which express companies should charge for rendering the service, and that is what the gentleman would practically require us to do if we made this legislation effective. But I desire especially to speak a word concerning the small local express companies that do business in the vicinity of large cities. I live in a town about 8 miles out of Boston. A large part of the things consumed in that town are brought there by local expressmen, many of whom run livery stables, and they bring the goods often in wagons and deliver them at the rate sometimes of 6 or 7 cents per package by the hundred packages. These expressmen pay the tax themselves. A tax of 1 cent upon each one of those packages amounts to from 10 to 15 per cent of the gross receipts, and in some cases as high as 40 per cent of the net receipts. That is, the Government forces itself into partnership with the expressman, requires him to do all the heavy lifting and the work, and then takes practically one-half of his profits. Now that, to my certain knowledge, is a most oppressive tax, and it seems to me that we should not exact it. I think, generally, that the express tax, where the people are required to pay a cent upon each package, is a very vexatious tax, very much like the tax upon telegrams.

[Here the hammer fell.]

Mr. NEWLANDS. Mr. Chairman, let the amendment be again read.

The CHAIRMAN. Without objection, the amendment will be again read.

The Clerk read the amendment.

Mr. HENRY C. SMITH. Mr. Chairman, I will withdraw the proviso which I referred to a moment ago, and which has not been read from the desk.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I wish to emphasize the statement made by my colleagues from Massachusetts regarding the hardships that have resulted to the express companies in and around Boston from the imposition of the tax on express packages in the war-revenue measure, and I wish to state to my colleagues on this side of the House that the small express companies doing business in and around Boston are of great benefit to the ordinary laboring man. They carry express packages for 5, 10, and 15 cents, and if this tax should be carried in this bill in the manner proposed by the gentleman from Michigan [Mr. HENRY C. SMITH] it would drive those small express companies out of business.

We are reducing the revenue, not increasing it. There is no reason why this tax upon express packages, which, when carried by the large express companies, is paid by the shipper, and when carried by the smaller companies is paid by the company itself, should be continued. It is farcical to witness the manner in which this tax upon express packages is carried out. We do not need this money in the Treasury, and I hope this unjust and unnecessary burden upon the people will be voted down by the House.

Mr. NEWLANDS. Mr. Chairman, is it in order to move an amendment?

Mr. SWANSON. I understand the gentleman from Michigan has withdrawn his amendment, and I desire to offer an amendment.

Mr. HENRY C. SMITH. I did not withdraw the amendment. I simply said I would not offer the last proviso, which I stated I would offer.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. NEWLANDS. I move to amend the amendment by inserting this proviso:

Provided, That this section shall not apply to express companies whose annual receipts do not exceed $100,000.

The Clerk read as follows:

Provided, That this section shall not apply to express companies whose annual receipts do not exceed $100,000.

The CHAIRMAN. The question is upon agreeing to the amendment to the amendment.

Mr. HENRY C. SMITH. I will accept that amendment.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. HENRY C. SMITH. Division.

The committee divided; and there were—ayes 82, noes 106.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Michigan.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. HENRY C. SMITH. Division.

The committee divided; and there were—ayes 94; noes 104.

Mr. HENRY C. SMITH and Mr. SWANSON. Tellers!

Tellers were ordered.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] and the gentleman from Michigan [Mr. HENRY C. SMITH] will take their places as tellers.

The committee again divided; and tellers reported—ayes 123; noes 106.

So the amendment was agreed to. [Applause.]

The Clerk proceeded to read section 8.

Mr. PAYNE. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEPBURN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12394, and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4165. An act granting a pension to Dora Renfro—to the Committee on Invalid Pensions.

S. 4073. An act granting an increase of pension to Robert A. Edwards—to the Committee on Invalid Pensions.

S. 4556. An act granting an increase of pension to William Fox—to the Committee on Invalid Pensions.

S. 4022. An act granting a pension to William B. Caldwell—to the Committee on Invalid Pensions.

S. 4788. An act granting an increase of pension to George P. Beach—to the Committee on Invalid Pensions.

S. 2107. An act granting a pension to James Brown—to the Committee on Invalid Pensions.

S. 2109. An act granting an increase of pension to Carroll W. Fuller—to the Committee on Invalid Pensions.

S. 3338. An act granting a pension to Mary A. Morton—to the Committee on Invalid Pensions.

S. 2228. An act granting an increase of pension to Oliver W. Miller—to the Committee on Invalid Pensions.

S. 2102. An act granting an increase of pension to Andrew Reed—to the Committee on Invalid Pensions.

S. 2905. An act granting a pension to George M. Wilson—to the Committee on Invalid Pensions.

S. 1792. An act granting a pension to Martha C. M. Fisher—to the Committee on Pensions.

S. 2901. An act granting a pension to A. C. Ricketts—to the Committee on Invalid Pensions.

S. 2703. An act granting a pension to Mary M. F. Flagler—to the Committee on Invalid Pensions.

S. 1628. An act granting a pension to Adolph Schrei—to the Committee on Invalid Pensions.

S. 3376. An act granting an increase of pension to James McFry—to the Committee on Invalid Pensions.

S. 1722. An act granting a pension to Bertha Leavey—to the Committee on Invalid Pensions.

S. 1211. An act granting a pension to Ross Wheatley—to the Committee on Invalid Pensions.

S. 812. An act for the relief of Daniel W. Light—to the Committee on Invalid Pensions.

S. 2226. An act granting an increase of pension to Henry Muhs—to the Committee on Invalid Pensions.

S. 1204. An act granting a pension to William Gaddis—to the Committee on Invalid Pensions.

S. 4155. An act granting a pension to Julia S. Goodfellow—to the Committee on Invalid Pensions.

S. 1203. An act granting a pension to Lewis S. Horsey—to the Committee on Invalid Pensions.

S. 3881. An act granting an increase of pension to Henry D. Johnson—to the Committee on Invalid Pensions.

S. 1212. An act granting a pension to John W. Cannaday—to the Committee on Invalid Pensions.

S. 2914. An act granting a pension to Wilson E. Carter—to the Committee on Invalid Pensions.

S. 3375. An act granting relief to Susan Bedell—to the Committee on Invalid Pensions.

S. 57. An act granting a pension to Joshua B. Harris—to the Committee on Invalid Pensions.

S. 5042. An act to authorize Ethelbert Watts, consul of the United States at Kingston, Jamaica, to accept a decoration tendered to him by the Khedive of Egypt—to the Committee on Foreign Affairs.

S. 3750. An act granting a pension to Paulina Smith—to the Committee on Invalid Pensions.

S. 4789. An act granting an increase of pension to Bernard Wagner—to the Committee on Invalid Pensions.

S. 1604. An act granting an increase of pension to Harvey Graham—to the Committee on Invalid Pensions.

S. 2810. An act granting a pension to Esther Dyer Hammond—to the Committee on Invalid Pensions.

S. 2879. An act granting a pension to Mary E. Griffiths—to the Committee on Invalid Pensions.

S. 4728. An act granting an increase of pension to Marvin V. Tufford—to the Committee on Invalid Pensions.

S. 5043. An act to authorize George W. Hill, chief of the Division of Publications of the Department of Agriculture, to accept a decoration tendered to him by the Government of the French Republic—to the Committee on Foreign Affairs.

S. 5076. An act to provide for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio—to the Committee on the Judiciary.

Senate concurrent resolution 84:

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three members of the Senate Committee on Public Buildings and Grounds, to be appointed by the President of the Senate, and five members of the Committee on Public Buildings and Grounds of the House of Representatives, to be appointed by the Speaker, is hereby created to investigate and consider the question of a site for a hall of records, to be erected in the District of Columbia, and report to Congress on or before January 10, 1901, or as soon thereafter as may be possible, their conclusions as to the most feasible location for such a building and the approximate cost thereof—

to the Committee on Public Buildings and Grounds.

Senate concurrent resolution 85:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he hereby is, directed to transmit to the present Congress a plan and estimate for the improvement of Burlington Bay, Two Harbors, in the State of Minnesota, based upon the examination and survey heretofore made of said bay—

to the Committee on Rivers and Harbors.

RESIGNATION OF COMMITTEE ASSIGNMENTS.

The SPEAKER. The Chair lays before the House the following communication:

HOUSE OF REPRESENTATIVES,
Washington, December 5, 1900.

Hon. D. B. HENDERSON,
Speaker House of Representatives.

SIR: I hereby tender my resignation as member of following committees: Elections No. 1, Enrolled Bills, and Ventilation and Acoustics.

Yours, very respectfully,

E. L. HAMILTON.

The SPEAKER. Without objection, these resignations will be accepted. [After a pause.] The Chair hears none.

COMMITTEE ASSIGNMENTS.

The SPEAKER. The Chair announces the following committee assignments:

To the Committee on Enrolled Bills, Mr. HOFFECKER, of Delaware;

To the Committee on Elections No. 1, Mr. PEARSON, of North Carolina;

To Ventilation and Acoustics, Mr. WOODS, of California.

WITHDRAWAL OF PAPERS FROM THE FILES.

By unanimous consent, Mr. MOON obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of P. R. Albert and I. Noa, Fifty-sixth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. THOMAS of Iowa, indefinitely, on account of sickness.

CHANGE OF REFERENCE.

The SPEAKER. The Chair also lays before the House a change of reference of Document No. 174, a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State, submitting an estimate of appropriation for increase for salaries of United States consul at Port Stanley, Falkland Islands, from the Committee on Appropriations to the Committee on Foreign Affairs. Without objection, this change will be made. [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, I would like to give notice that it is the intention to go on with this bill the first thing in the morning (as several gentlemen have asked me that question), the other order being subject to that. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 24 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with draft of a bill, documents relating to cession of lands to Wyoming State in return for cession of lands for enlargement of Fort Mackenzie Military Reservation—to the Committee on Public Lands, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for deficiencies in the appropriations for that Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with communications relative to tests of the Gathmann gun, an estimate of appropriation to complete tests—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BARNEY, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 12737) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1902, and for other purposes, reported the same, accompanied by a report (No. 2024); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAY of New York, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 5076) to provide for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio, reported the same without amendment, accompanied by a report (No. 2025); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MUDD, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 1929) to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes, reported the same with amendments, accompanied by a report (No. 2026); which said bill and report were referred to the House Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. MINOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 5462) regulating pilots, reported the same adversely, accompanied by a report (No. 2027); which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BARNEY, from the Committee on Appropriations: A bill (H. R. 12737) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1902, and for other purposes, accompanied by a report (No. 2024)—to the Union Calendar.

By Mr. WATERS: A bill (H. R. 12738) authorizing the Navajo and Moqui Indians to lease mineral lands within their reservations on a royalty basis—to the Committee on Indian Affairs.

By Mr. GARDNER of Michigan: A bill (H. R. 12739) for the erection of a post-office building at Battle Creek, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. HOPKINS: A bill (H. R. 12740) making an apportionment of Representatives in Congress among the several States under the Twelfth Census—to the Select Committee on the Census.

By Mr. FLEMING: A bill (H. R. 12741) to amend the Revised Statutes so as to change and fix the time when the certificate of the votes for President and Vice-President by the electoral college of each State shall be delivered by the official messenger to the President of the Senate—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. BRENNER: A bill (H. R. 12742) to establish Dayton, in the State of Ohio, as a subport of entry, and to extend the privileges of the act approved June 10, 1880, to the port of Dayton, in the State of Ohio—to the Committee on Ways and Means.

By Mr. GROSVENOR: A bill (H. R. 12743) to amend an act entitled "An act providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors," approved January 18, 1897—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAMILTON: A bill (H. R. 12788) permitting the building of a dam across the St. Joseph River, near the line between the States of Michigan and Indiana—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Connecticut: A bill (H. R. 12789) to provide for erecting for the Department of Agriculture a laboratory building on reservation No. 2, in the city of Washington, D. C.—to the Committee on Public Buildings and Grounds.

By Mr. McDERMOTT: A joint resolution (H. J. Res. 282) proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BROSIUS: A joint resolution (H. J. Res. 283) proposing an amendment to the Constitution of the United States fixing the number of members of the House of Representatives—to the Committee on Election of President, Vice-President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 12744) for the relief of legal representatives of Anderson Abercrombie—to the Committee on War Claims.

By Mr. BUTLER: A bill (H. R. 12745) granting an increase of pension to N. L. Yarnall—to the Committee on Invalid Pensions.

By Mr. CATCHINGS: A bill (H. R. 12746) for the relief of J. C. Williams, administrator of Haller Nutt, deceased—to the Committee on War Claims.

By Mr. COONEY: A bill (H. R. 12747) granting a pension to Arline E. McNutt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12748) granting a pension to D. E. W. Turner—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 12749) granting a pension to Hudson M. Rice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12750) granting a pension to George W. Drake—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 12751) granting a pension to Kezia Washburn—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 12752) granting an increase of pension to Andrew J. Cline—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12753) granting an increase of pension to Van M. Gween—to the Committee on Invalid Pensions.

By Mr. HOFFECKER: A bill (H. R. 12754) granting a pension to Thomas Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12755) to restore Ignatius T. Cooper to the active list of the Navy—to the Committee on Naval Affairs.

By Mr. LAWRENCE: A bill (H. R. 12756) granting a pension to H. A. Hale—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 12757)) for relief of George W. Symmes—to the Committee on Military Affairs.

By Mr. McDOWELL: A bill (H. R. 12758) to remove the charge of desertion against Samuel Jobes—to the Committee on Military Affairs.

Also, a bill (H. R. 12759) granting a pension to Elizabeth I. Ogden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12760) granting an increase of pension to George W. Mathews—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 12761) for the relief of Annie C. Osborne, sole heir of William B. Beall, deceased—to the Committee on War Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 12762) for the relief of the estate of Henry Ingram, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12763) for the relief of the estate of John Wesson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12764) for the relief of John T. Lehman—to the Committee on War Claims.

Also, a bill (H. R. 12765) for the relief of Burwell J. Curry—to the Committee on War Claims.

Also, a bill (H. R. 12766) for the relief of John McMurtry—to the Committee on War Claims.

By Mr. RUPPERT: A bill (H. R. 12767) granting a pension to William Ward—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 12768) granting a pension to William Dixon—to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 12769) granting an increase of pension to Emeline Drew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12770) granting an increase of pension to Freeman O. Hodge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12771) granting an increase of pension to Lewis Abbott—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 12772) granting an increase of pension to Austin G. Jacobs—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 12773) for the relief of the estate of William Harlow, deceased—to the Committee on War Claims.

By Mr. VREELAND: A bill (H. R. 12774) to correct the military record of De Witt C. Robbins—to the Committee on Military Affairs.

By Mr. WANGER: A bill (H. R. 12775) granting a pension to Sarah Miller—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 12776) for the relief of Abraham C. Noot—to the Committee on Military Affairs.

By Mr. BULL: A bill (H. R. 12777) granting an increase of pension to Bridget Hines—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 12778) granting a pension to Adoniram J. Holmes—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 12779) granting a pension to Caroline L. Rouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12780) granting a pension to Elizabeth Crockett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12781) granting an increase of pension to Ezekiel Grewell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12782) granting an increase of pension to Richard Kohl—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12783) granting an increase of pension to Luke W. Nichols—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12784) granting a pension to Elizabeth P. Searcy—to the Committee on Pensions.

Also, a bill (H. R. 12785) for the relief of Ambus Stamers—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 12786) granting a pension to James A. Banghart—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 12787) to grant an honorable discharge and to remove the charge of desertion against the name of Edward P. Kain—to the Committee on Military Affairs.

By Mr. ALEXANDER: A bill (H. R. 12790) granting a pension to Emma E. Buell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12791) for the relief of Katherine R. Ogden—to the Committee on Pensions.

By Mr. BULL: A bill (H. R. 12792) granting an increase of pension to Jeremiah Law—to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 12793) for the relief of the estate of Henry Von Balsan, deceased—to the Committee on War Claims.

By Mr. ALDRICH: A resolution (H. Res. 318) referring the claim of John W. Ledbetter to the Court of Claims—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the Presbyterian Sabbath School of Clinton, Allegheny County, Pa., against saloons in our island possessions and for the abolition of the Army canteen—to the Committee on Insular Affairs.

By Mr. ADAMSON: Petition of J. L. Willis and other members of the bar of Columbus, Ga., for an increase of salaries for United States judges—to the Committee on the Judiciary.

By Mr. BARNEY: Petition of Wisconsin Conference of the Methodist Episcopal Church, favoring the passage of House bill No. 5278, prohibiting the sale of intoxicants in territories under the control of the Federal Government—to the Committee on Alcoholic Liquor Traffic.

By Mr. BINGHAM: Petition of the Philadelphia Drug Exchange,

for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

Also, resolutions of the thirty-fourth annual encampment of the Department of Pennsylvania, Grand Army of the Republic, in relation to the National Memorial Park at Gettysburg, Pa.—to the Committee on Appropriations.

By Mr. BULL: Petition of the New England Drug Exchange, for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

Also, papers to accompany House bill for the relief of Jeremiah Law—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of A. A. Howes & Co., of Belfast, Me., for the repeal of the war-revenue tax on tea—to the Committee on Ways and Means.

By Mr. CAPRON: Petition of John Metzger, of Providence, R. I., for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. CONNELL: Petition of Southern Nurserymen's Association, of Winchester, Tenn., favoring uniform regulations governing the transportation of nursery stock, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. COUSINS: Petition of F. M. Milliken, of Marshalltown, Iowa, and other citizens of Iowa, favoring a graded service-pension bill—to the Committee on Invalid Pensions.

By Mr. CROMER: Petition of F. L. Shinkle and others, of Muncie, Ind., for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. DOUGHERTY: Petition of David Craner and other citizens of Albany, Mo., for the relief of Hudson M. Rice—to the Committee on Invalid Pensions.

Also, petition of George W. Drake, to accompany House bill granting him a pension—to the Committee on Invalid Pensions.

By Mr. GAMBLE: Resolutions of board of county commissioners of Codington County, S. Dak., favoring an appropriation for the storage of the flood waters of the Big Sioux River in Lake Kampaska and other lakes at the head waters of said river—to the Committee on Rivers and Harbors.

By Mr. GROUT: Testimony to accompany House bill granting a pension to John W. Newton—to the Committee on Invalid Pensions.

Also, testimony to accompany House bill granting a pension to Lieut. Col. Harry N. Worthen—to the Committee on Invalid Pensions.

Also, petition of the Southern Nurserymen's Association, relating to the transportation of nursery stock—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Resolutions of the Woman's Christian Temperance Union of Vigo, Ohio, against the sale of intoxicating liquors in our new possessions—to the Committee on Insular Affairs.

Also, petition of Winfield Scott Garrison and George Washington Garrison, Army and Navy Union, for the enactment of laws for ex-soldiers of the Army and Navy, regulating admission of same to hospitals—to the Committee on Military Affairs.

By Mr. HOFFECKER: Papers to accompany House bill granting a pension to Thomas Clark—to the Committee on Invalid Pensions.

By Mr. JACK: Petition of the Young People's Society of Christian Endeavor of the Church of God, Alverton, Pa., and R. S. Wallace and others, of New Alexandria, Pa., favoring uniform marriage and divorce laws and certain other measures—to the Committee on the Judiciary.

By Mr. LEVY: Resolutions of the Chamber of Commerce of New York, urging the passage of a bill authorizing the Secretary of the Treasury to exchange gold coin for any other money coined by the United States whenever it may be necessary to do so—to the Committee on Banking and Currency.

By Mr. LITTLEFIELD: Petition of James J. Mayer and 450 other citizens of the State of Maine, for the repeal of stamp taxes on insurance policies—to the Committee on Ways and Means.

By Mr. LIVINGSTON: Papers to accompany House bill for the relief of George W. Symmes—to the Committee on Military Affairs.

By Mr. McALEER: Petition of the Philadelphia Board of Trade, urging a reduction of the war-revenue tax of June 13, 1898—to the Committee on Ways and Means.

Also, petition of the Southern Nurserymen's Association, of Winchester, Tenn., favoring uniform regulations governing the transportation of nursery stock, etc.—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Philadelphia Commercial Exchange and petition of Barker & Co., Philadelphia, urging the repeal of the stamp act—to the Committee on Ways and Means.

Also, petition of Cover, Drayton & Leonard, of Philadelphia, Pa., protesting against the duty on hides—to the Committee on Ways and Means.

By Mr. McDOWELL: Petitions of O. A. Hills and other citizens of Wooster, Ohio, and vicinity, in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of Elizabeth J. Ogden, of Canal Dover, Ohio, to accompany House bill granting her a pension—to the Committee on Invalid Pensions.

By Mr. MOON: Papers to accompany House bill to investigate the pension of William Robinson—to the Committee on Invalid Pensions.

Also, petition of Mrs. Samuella D. (Burwell) Abernathy, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. NEVILLE: Petition of P. L. Harper, of Wallace, Nebr., urging reduction of tax on banks—to the Committee on Ways and Means.

By Mr. OTEY: Petition of the Society of the Colonial Dames of America, in favor of the bill for the purchase of Temple Farm, at Yorktown, Va.—to the Committee on Military Affairs.

By Mr. OTJEN: Resolutions of the Interstate Commerce Law Convention, held at St. Louis, Mo., asking for the passage of Senate bill No. 1439, to amend the interstate-commerce law so as to provide for the enforcement of the provisions regulating transportation rates—to the Committee on Interstate and Foreign Commerce.

By Mr. PHILLIPS: Paper to accompany House bill granting a pension to Oscar Brewster—to the Committee on Invalid Pensions.

By Mr. RIXEY: Memorial of George C. Round, of Manassas, Va., praying that the National Government take steps to acquire possession of Bull Run battlefield—to the Committee on Military Affairs.

By Mr. ROBINSON of Indiana: Petition of F. H. Foust & Co., of Columbia City, Ind., praying for a reduction of the war-revenue tax—to the Committee on Ways and Means.

Also, petition of E. L. McLallen & Co., of Columbia City, Ind., to reduce the war tax on bank capital and surplus—to the Committee on Ways and Means.

Also, petition of John W. Sale, of Fort Wayne, Ind., on the subject of tax on toll line messages—to the Committee on Ways and Means.

By Mr. SAMUEL W. SMITH: Petition of Henry W. Smith and others, serving as jurors in the United States court at Detroit, to increase the pay of jurymen in the United States court from $2 to $3 per day—to the Committee on the Judiciary.

By Mr. STEWART of New Jersey: Petition of H. Rowland Vermilye and other citizens of Englewood, N. J., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. SUTHERLAND: Resolutions of the Anti-Saloon League of Curtis, Nebr., and the Congregational Church of South Platte, Nebr., against island saloons and canteens—to the Committee on Military Affairs.

Also, petition of citizens of Bladen and Franklin, Nebr., to accompany House bill No. 6834, for the relief of Nathan W. Snee—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: Petition of Patrick H. Etheridge and others, keepers of various life-saving stations, to increase the pay of keepers to $100 per month—to the Committee on Interstate and Foreign Commerce.

By Mr. VREELAND: Petition of Young People's Society of Christian Endeavor of Fillmore, N. Y., against the sale of intoxicating liquors in our new possessions—to the Committee on Insular Affairs.

SENATE.

SATURDAY, *December 15, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

LANDS IN THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, together with a communication from Col. Theodore A. Bingham, the officer in charge of the office of public buildings and grounds in the city of Washington, calling attention to the fact that through inadvertence square 495 was omitted from the list heretofore transmitted to the Senate in response to its resolution of January 27, 1898, etc.; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

THE GATHMANN GUN.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting certain information from the Chief of Ordnance, United States Army, relative to the construction of one 18-inch Gathmann gun and the test of the same; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

ELECTORAL VOTE OF NEW HAMPSHIRE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a certified copy of the final ascertainment of the electors for President and Vice-President appointed in the State of New Hampshire at the election held therein on the 6th day of November, 1900; which, with the accompanying papers, was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 281) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1900, on the 20th day of said month; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented petitions of sundry citizens of Lapeer; of the Woman's Club of Adrian; of the Winter Study Club, of Dearborn; of the Diversity Literary Club, of Detroit; of sundry citizens of Shelby, and of the Woman's Union of the Forest Avenue Presbyterian Church, of Detroit; of the Woman's Missionary Society of Sault Ste. Marie; of the Twentieth Century Club, of Detroit; of sundry citizens of Harbor Beach and Lapeer; of the congregation of the Methodist Protestant Church of Lapeer; of the Woman's Baptist Missionary Union of Detroit, and of sundry citizens of Croton and Detroit, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the First Baptist and First Presbyterian churches of Flushing; of sundry citizens of Flushing and Parma, all in the State of Michigan, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the insular possessions of the United States; which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of Caldwell Post, No. 365, Department of Michigan, Grand Army of the Republic, of Lake City; of Phil Kearny Post, No. 7, Department of Michigan, Grand Army of the Republic, of Muskegon, and of Albert Jackson Post, No. 300, Department of Michigan, Grand Army of the Republic, of Marquette, all in the State of Michigan, praying for the enactment of legislation giving preference to veterans in the public service; which were referred to the Committee on Military Affairs.

Mr. KEAN presented seven petitions of citizens of New Jersey, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented sundry petitions of citizens of New Jersey, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were referred to the Committee on Military Affairs.

He also presented sundry petitions of citizens of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. BARD presented a petition of sundry citizens of southern California, praying for the removal of the control of the forestry service from the General Land Office, Department of the Interior, to the Division of Forestry, Department of Agriculture; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. NELSON presented a petition of the city council of Thief River Falls, Minn., praying that an appropriation be made for the improvement of the Red Lake River, in that State; which was referred to the Committee on Commerce.

He also presented a petition of 20 citizens of Minnesota, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Owatonna, Minn., praying for the repeal of the revenue stamp tax on legacies, so as to relieve the Pillsbury Academy, at that place, from the payment of said tax on a legacy recently left that institution; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the repeal of the internal-revenue tax on insurance policies, conveyances, mortgages, etc.; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying that an appropriation be made for certain improvements at Fort Snelling, in that State; which was referred to the Committee on Military Affairs.

He also presented memorials of sundry citizens of Red Lake Falls, Nelson, St. James, Young America, Morton, Tenney, Brownsville, and West Concord, all in the State of Minnesota, remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SPOONER presented the petition of J. L. Atkinson and 82 other citizens of Bayfield, Wis., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Wisconsin State Grange, Patrons of Husbandry, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union; of the congregations of the Methodist Episcopal Church, the Church of Christ, and the Congregational Church, and of sundry citizens, all of Platteville, in the State of Wisconsin, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens and to the inhabitants of the new island possessions of the United States; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 3680) granting a pension to Mary Elizabeth Moore, reported it with an amendment, and submitted a report thereon.

Mr. PRITCHARD. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 9835) to establish a code of law for the District of Columbia, to report it with amendments. I reserve the right to offer certain amendments to the bill.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

DAVID S. SNYDER.

Mr. ALLEN. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 9043) granting an increase of pension to David S. Snyder, to report it favorably without amendment. It is a House bill, and in view of the fact that the applicant is some 83 or 84 years old I ask for its present consideration.

By unanimous consent, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David S. Snyder, late captain of Company K, Forty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. FAIRBANKS introduced a bill (S. 5197) granting a pension to John D. Stoner; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5198) granting a pension to Nathaniel M. Gregg; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURLEY introduced a bill (S. 5199) to regulate the practice in the United States courts as to appeals and writs of error; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. TALIAFERRO (by request) introduced a bill (S. 5200) for the relief of the estate of Henry Von Balsan, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PRITCHARD introduced a bill (S. 5201) granting a pension to Samuel F. Radford; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 5202) for the reduction of interest penalties on arrears in taxes and special assessments in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5203) to provide a list of fees appertaining to the probate court of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McCUMBER introduced a bill (S. 5204) granting an increase of pension to John Scott; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5205) granting an increase of pension to Joseph H. Ottey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 5206) for the relief of George F. Brott; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCOMAS introduced the following bills; which were

severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5207) for the relief of William A. Gordon, administrator of the estate of William D. C. Murdock, deceased;

A bill (S. 5208) for the relief of Gotlieb Feldmeyer (with an accompanying paper); and

A bill (S. 5209) for the relief of Milton F. Colburn, administrator of the estate of Gilbert Colburn, deceased (with an accompanying paper).

Mr. MCENERY introduced a bill (S. 5210) for the relief of Mrs. Dosite Broussard; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 5211) to fix the compensation of district superintendents in the Life-Saving Service; which was read twice by its title, and, with an accompanying extract from the report of the Superintendent of the Life-Saving Service, which was ordered to be printed, referred to the Committee on Commerce.

Mr. SULLIVAN introduced a bill (S. 5212) for the relief of the heirs of Rachael Sloan, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. PLATT of Connecticut submitted an amendment proposing to increase the salary of the chief clerk of the Court of Claims from $3,000 to $4,000, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

JENNIE L. POTTER.

Mr. NELSON submitted the following resolution; which, with the accompanying paper, was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Jennie L. Potter, widow of George F. Potter, deceased, late a messenger of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

DOCUMENTARY HISTORY OF THE CONSTITUTION.

Mr. MCMILLAN submitted the following concurrent resolution; which, with the accompanying paper, was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That of the document known as the Documentary History of the Constitution of the United States 7,000 copies be printed, of which number 2,000 shall be for the use of the Senate, 4,000 shall be for the use of the House of Representatives, and 1,000 for the use of the Department of State.

MEMORIAL ADDRESSES ON THE LATE SENATOR DAVIS.

Mr. NELSON. Mr. President, I desire to give notice that on Saturday, the 12th day of January next, at the close of the routine morning business, I shall submit resolutions commemorative of the life and services of my late distinguished colleague, Senator Davis. I wish also to say that I shall ask the Senate at that time to suspend all other business for the purpose of paying tribute to his memory.

PAY OF EMPLOYEES.

The joint resolution (H. J. Res. 281) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1900, on the 20th day of said month, was read the first time by its title.

Mr. ALLISON. That is the joint resolution we usually pass at the beginning of a holiday recess. I ask that it may be put on its passage.

The joint resolution was read the second time at length, as follows:

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and directed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, 1900, on the 20th day of December, 1900.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL DEMPSEY.

Mr. MCENERY. I ask unanimous consent to call up the bill (H. R. 10834) granting an increase of pension to Michael Dempsey.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Dempsey, late of Company B, Seventh United States Infantry, Seminole Indian War, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT POLICE COURT PRACTICE.

Mr. LODGE. Mr. President——

Mr. PRITCHARD. Will the Senator yield to me for a moment?

Mr. LODGE. I desire to move that the Senate proceed to the consideration of executive business, but I yield to the Senator from North Carolina for a moment.

Mr. PRITCHARD. I ask unanimous consent to call up the bill (S. 122) to amend the act entitled "An act to amend the criminal laws of the District of Columbia," approved July 8, 1898.

The Secretary read the bill.

Mr. PETTIGREW. Is there a report with the bill?

Mr. PRITCHARD. There is a report. The bill simply provides that when parties are arrested they may put up collateral instead of personal security or give bond.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, on page 1, line 10, after the word "court," to strike out the words "or by depositing money as collateral security with the appropriate officer at the said police court or the station keeper of the police precinct within which such person may be apprehended" and to insert:

Or by depositing money as collateral security in such amount as the court, the assistant attorney for the United States, the special assistant attorney for the District of Columbia, or the lieutenant or acting lieutenant of police of the precinct in which the person is detained may determine with the clerk of the police court, or the lieutenant, or acting lieutenant of police, or the station keeper of the police precinct within which such person may be apprehended.

So as to read:

That section 1 of an act entitled "An act to amend the criminal laws of the District of Columbia," approved July 8, 1898, be, and the same is hereby, amended so that the same shall read:

"That every person charged with an offense triable in the police court of the District of Columbia may give security for his appearance for trial or for further hearing either by giving bond to the satisfaction of the court or by depositing money as collateral security in such amount as the court," etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. SPOONER. I am not certain that I heard the bill accurately. I should like to ask the Senator from North Carolina if it provides for immediate forfeiture to the United States or to the District if a defendant fails to appear? In other words, does it put a surety by the deposit of money in a position where he can not retake his money if, after a default by the defendant to appear, he produces him?

Mr. PRITCHARD. It does not.

Mr. SPOONER. That is guarded?

Mr. PRITCHARD. Yes; that is guarded.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF MINING LAWS TO SALINE LANDS.

Mr. STEWART. I ask unanimous consent to call up the bill (S. 3313) extending the mining laws to saline lands. It is a bill only three or four lines long.

Mr. LODGE. I will not object to the bill if it does not lead to debate, but I shall after that press the motion for an executive session.

Mr. STEWART. If it leads to debate, of course it will go over.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent for the present consideration of a bill which will be read to the Senate in full for its consideration.

The Secretary read the bill; which had been reported from the Committee on Mines and Mining with an amendment, to strike out all after the enacting clause and insert:

That possession and title to salt deposits and saline lands in the States of California, Oregon, Washington, Montana, Idaho, Nevada, Utah, Colorado, Wyoming, North Dakota, South Dakota, and in the Territories of New Mexico and Arizona shall be acquired under the provisions of the mining laws governing the acquisition of placer claims.

SEC. 2. That all acts and parts of acts in conflict with this act are hereby repealed.

Mr. PETTIGREW. That is a measure which, it seems to me, requires considerable consideration, and I object to its consideration this morning. I do not know that I shall continue my objection in the future after I have examined it.

Mr. STEWART. I hope the Senator will examine it.

Mr. PETTIGREW. It seems to cover a very broad question.

The PRESIDENT pro tempore. The bill will retain its place on the Calendar.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and twenty-

five minutes spent in executive session the doors were reopened, and (at 2 o'clock and 50 minutes p. m.) the Senate adjourned until Monday, December 17, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 15, 1900.

DISTRICT JUDGE.

James Edmund Boyd, of North Carolina, to be United States district judge for the western district of North Carolina, vice Hamilton G. Ewart, who failed of confirmation. James Edmund Boyd was temporarily appointed to the above-named position July 11, 1900, during the recess of the Senate.

REGISTER OF LAND OFFICE.

Albert Wheelon, of Pierre, S. Dak., to be register of the land office at Pierre, S. Dak., vice Joseph Donahue, resigned.

RECEIVER OF PUBLIC MONEYS.

Henry E. Cutting, of Pierre, S. Dak., to be receiver of public moneys at Pierre, S. Dak., vice David S. Harper, resigned.

PROMOTION IN THE ARMY.

Infantry arm.

Second Lieut. James Hanson, Fourteenth Infantry, to be first lieutenant, December 7, 1900, vice Smith, Fourth Infantry, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 15, 1900.

INTERSTATE COMMERCE COMMISSIONER.

Judson C. Clements, of Georgia, to be an interstate commerce commissioner for the term of six years from the 1st of January, 1901.

INDIAN AGENT.

Nimrod S. Walpole, of Pueblo, Colo., to be agent for the Indians of the Jicarilla Agency in New Mexico.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December 15, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

SWEARING IN OF A DELEGATE.

The SPEAKER. The Chair understands that the Delegate from Hawaii is present and desires to be sworn in. The Clerk will report the credentials to the House.

The Clerk read as follows:

CERTIFICATE OF ELECTION.

TERRITORY OF HAWAII, EXECUTIVE CHAMBER.

I, Sanford B. Dole, governor of the Territory of Hawaii, do hereby certify that Robert W. Wilcox was, on the 6th day of November, 1900, duly elected a Delegate for the unexpired term of the Fifty-sixth Congress.

Given under my hand and the great seal of the Territory of Hawaii, at the capitol in Honolulu, this 30th day of November, A. D. 1900.

[SEAL.] SANFORD B. DOLE.

By the governor:

HENRY E. COOPER,
Secretary of the Territory.

Thereupon Mr. Wilcox appeared at the bar of the House, and the oath was administered to him by the Speaker.

WAR-REVENUE REDUCTION.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 12394.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 12394.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HEPBURN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of House bill 12394, and the Clerk will proceed with the reading of the bill.

Mr. NEWLANDS. Mr. Chairman, at this point I would like to offer an amendment.

Mr. PAYNE. I suggest that the section be read through.

Mr. NEWLANDS. Before this section is read, I wish to offer the amendment because the amendment I have will come in as a new section, and it should come in before the tax on legacies.

Mr. PAYNE. We have already passed that and commenced to read the following section.

Mr. NEWLANDS. We have passed the section, but I wish to put a section in between.

The CHAIRMAN. The Chair thinks it is competent for the gentleman to do that. The Clerk will report the amendment.

Mr. PAYNE. Do I understand the Chair that the amendment is in order at this time?

The CHAIRMAN. The Chair understands it is a proposition to insert a new section.

Mr. PAYNE. But we are in the midst of a section.

The CHAIRMAN. The gentleman from Nevada was on his feet when the Clerk began to read, but the Chair did not know what his purpose was.

Mr. PAYNE. I suggest, Mr. Chairman, that the section should be first completed. I suggest that we complete reading the section.

The CHAIRMAN. The Chair did not understand that the reading began in the middle of a section.

Mr. PAYNE. The Clerk had read a part of the section last night and we stopped in the middle of a section.

The CHAIRMAN. On examination the Chair finds that a portion of the section was read last night, and, under the rules of the committee, we shall have to finish the reading of the section.

Mr. NEWLANDS. Then I will offer it after the section is read.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, a parliamentary inquiry. I understood the Chair to say a moment ago that we had entered upon Schedule B when we adjourned last night. I thought at the time we adjourned that we were discussing the taxation on express packages. I want to ask that an amendment be inserted in Schedule B beginning with line 6, and I supposed that was where we commenced this morning.

The CHAIRMAN. The Chair does not understand that to be a parliamentary inquiry. On consultation with the Clerk, the Chair finds that the reading of section 9 had progressed to line 17 on page 17. So it is necessary, under the rules, that the reading of that section be completed before amendments are received.

Mr. FITZGERALD of Massachusetts. If we had gone to that extent in the bill, how does it happen that we were debating the tax on express packages?

The CHAIRMAN. The gentleman must answer that himself; it is not a parliamentary inquiry. The Clerk will read.

The Clerk proceeded and completed the reading of section 9 of the bill.

Mr. UNDERWOOD. Mr. Chairman, I want to offer an amendment. I move to strike out the word "ten," in line 22 on page 17, and insert "five," and strike out the word "ten" in line 9, page 18, and insert "five."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 17, line 22, strike out "ten" and insert "five."
On page 18, in line 9, strike out the word "ten" and insert "five."

Mr. UNDERWOOD. Mr. Chairman, two years ago, when this bill was originally enacted into law, an exemption on the inheritance tax was made of $10,000. In other words, if the estate did not amount to more than $10,000, it was exempt from an inheritance tax. If the estate amounted to more than $10,000, $10,000 of the estate was exempt. I think the clear intention of Congress was to make one exemption of $10,000 in each estate. But since the law was originally enacted the case of Knowlton *vs.* Moore has been decided by the Supreme Court of the United States and the decision will be found in volume 178 of the reports of that court. In that case the court has held that the exemption as well as the rate applies to the legacy and not to the estate. If it applied to the estate, there would be but one exemption of $10,000; but if it applies to the legacy, then if a man leaves an estate of a million dollars to ten persons there are ten exemptions of $10,000 each, amounting in all to $100,000.

Now, in case of an average estate, where there are four or five legacies, there occurs—not, as I believe, according to the original intention of Congress, but under the construction of the act by the Supreme Court—an exemption of $40,000 or $50,000. I believe that is too great an exemption. I believe in a reasonable exemption. I believe in exempting the very poor from an inheritance tax. But if we are going to levy an inheritance tax, why should there be this great discrimination? The tax is progressive; the very rich have to pay a great deal more in the way of inheritance tax than the very poor, because the rate increases.

If we reduce this exemption in the case of the inheritance tax to $5,000 on each legacy, then, under this amendment, in the light of the decision of the Supreme Court, there will be in the case of an average family of four or five persons an exemption of at least $20,000 or $25,000. This, I say, is a sufficient exemption in the case of any estate. When a man leaves more than $20,000 or $25,000 to his family his legacies should bear some proportion of this tax. It is for this reason I approve this amendment.

Mr. PAYNE. Mr. Chairman, I never believed that Congress

ought to have gone out of its way to impose this tax. Nearly every State in the Union has a tax upon succession. I do not know that all the States have, but in most of the States it is a pretty good tax, especially in some of the Eastern States. I thought that the taxation of this kind imposed by the States was enough; that we ought to have left this matter to the States. Therefore I would have been very glad to have seen this tax, when proposed as a Senate amendment, go out in the committee of conference. I did not think the Government needed this tax.

Now, here is a proposition not to do away with the tax, but to make it more severe. I thought in conference that under a proper interpretation of the language of the law the tax would apply to legacies going to single individuals, and would exempt all legacies of less than $10,000. The courts have finally held, and I think very correctly, that that is a correct interpretation of the act. The law does not exempt a legacy of $10,000 or any larger sum; it simply exempts all legacies under $10,000. A man may leave an estate of a million dollars; in his will he may have undertaken to help some individual to an amount less than $10,000, and if he keeps within this limit, no matter how numerous may be the individuals whom the testator thus undertakes to help, the legacies are free from taxation by the United States. I think there ought to be freedom from taxation to at least this extent, that we ought not to reduce the limit of exemption to $5,000. As I have said, legacies of $10,000 and more pay the tax.

Mr. UNDERWOOD. I beg the gentleman's pardon. The court, in the case to which I referred, has expressly decided that a legacy of $10,000 is exempt; that the tax is paid upon amounts exceeding $10,000.

Mr. PAYNE. I do not so understand. As I understand, the tax does not begin to operate until you reach legacies between $10,000 and $25,000.

I am not in favor of reducing this limit to $5,000. I do not believe that under present circumstances the Treasury of the United States is driven to the necessity of going about and assessing taxation upon these small legacies. As we all understand, this tax is assessed according to the degree of consanguinity of the legatee in relation to the testator; the tax is increased as we remove from the nearest of kin of the testator until we reach the man who is no kin to him, in which case the tax is very severe. The committee believe that in this respect the law should remain as it is, unless you strike out the whole tax.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. UNDERWOOD. Mr. Chairman, I move to amend by striking out the last word. I will not detain the Committee of the Whole at any great length. In my opening remarks on this amendment, I have said about all I intended to say. I merely desire now to take issue with the gentleman from New York [Mr. PAYNE] as to the effect of the decision to which I have referred. It is a long decision, and I can not at this moment put my finger upon that portion which decides that the exemption applies to the legacy, not to the estate. But there can be no question that such is the effect of the decision. That point has been distinctly decided in the case of Knowlton *vs.* Moore. I think it was undoubtedly the intention of Congress that the exemption of $10,000 should apply to the estate; but the court has held that it applies to the legacy. Therefore if an estate amounts to $100,000 and there are ten legacies of $10,000 each, every particle of the estate is exempt from taxation. I do not agree with the gentleman from New York. I believe that some taxation of this kind——

Mr. PAYNE. What difference does it make whether the estate amounts to $10,000,000 or only $10,000? The exemption is for the benefit of the legatee, not the man who is dead.

Mr. UNDERWOOD. But it certainly makes some difference to the Government, and there is a distinct difference in point of principle.

Mr. PAYNE. The Government got along for a hundred years without this kind of taxation.

Mr. UNDERWOOD. That is true, Mr. Chairman; but the Government of the United States did many things in the past—committed many wrongs—that might be corrected in the future.

The gentleman from New York and myself differ radically on this proposition. I do not believe in going out gunning for the accumulated wealth of the country. I think it is entitled to the protection of the Government, and no man on the floor of this House, under all of the circumstances, would vote to render that protection more readily and quickly than myself. But I say that almost from the very beginning of this Government down to the present time the accumulated wealth of the country has been compelled to bear but a very small proportion of its share in governmental expenditures in the way of taxation.

Now, this is a question where the accumulated wealth must pay some proportion of the taxes and obligations of the Government, and when you go to levy a tax of this character your first effort should be to make it as uniform and harmonious upon all classes of citizens as possible. It would undoubtedly be very unjust to go into the poor man's pocket and take a part of the trifling legacy he may receive, because the person from whom he received it and he himself have been compelled to pay indirectly their fair share of the taxes. But when you make the exemption $5,000 on each man who receives a legacy, it reaches that class of persons most generally who would be entitled to exemption, and it is only just to make this distinction or exemption plain and equal all over the land.

I think that if Congress had understood, when the act was passed, that the exemption would amount to from forty thousand to fifty thousand dollars, as has been the case, they would not have gone so far as that. I seek to cut it down to $5,000, and the average of the whole would amount to $25,000 exemption, instead of $50,000, as now, and covers all persons entitled to equity in the matter, and I think the amendment should be adopted.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. UNDERWOOD) there were—ayes 45, noes 83.

So the amendment was rejected.

Mr. POWERS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert, in line 14, page 17, and in line 11, page 20, after the word "art," the words:

"*And provided further*, That the provisions of this act and of the act hereby amended shall not be held to apply to any estate where the testator or intestate died before June 13, 1898."

Mr. POWERS. Mr. Chairman, the purpose of this amendment is more to declare the meaning of the original act, and especially section 29 of that act, than for any other purpose. The controversy which has arisen on the part of the collectors of internal revenue throughout the country originates in the unfortunate use of the word "passing" in section 29 of that act. This section provides, in substance, that any person having charge of legacies or distributive shares, as executor or administrator, where the whole amount of such personal property shall exceed the sum of $10,000 in actual value, passing after the passage of this act, shall be taxed, and so on.

Now, the word "passing" as used in that connection has led to great confusion in regard to the collection of this tax. Manifestly it was not the purpose of Congress to pass a retroactive act. It was not the purpose of Congress to levy a tax upon an estate where the testator or intestate had died before the passage of the original act. But in some cases, as you can well understand, a portion of the distributive shares, or legacies, would not in point of fact pass to the legatees until after the original act had been passed, and hence the confusion that has arisen in regard to the meaning of the act.

This word "passing' is used in the law books frequently. It is said that personal property passes to the executor; that the real estate passes to the heirs, and so on, in many instances; and possibly the framers of the original bill had that in mind. But it was never the intention of Congress to make the act retroactive, and the courts have held that it was not to be assumed as the intention of the legislature to make an act retroactive unless that provision was expressly stated in the law itself. Manifestly the law should not apply to the estate of a deceased person who died prior to the passage of the original act. But that, as I have said, is a disputed question, some collectors claiming that it does and others holding that it does not. The Commissioner of Internal Revenue does not see fit to attempt to undertake to bring a suit under the original law as it stands, and asks the passage of this supplementary legislation.

I think the Committee on Ways and Means are content with the amendment and will not oppose it.

Mr. UNDERWOOD. Mr. Chairman——

Mr. PAYNE. As far as I am concerned, I have no objection to this amendment. I have a letter in my hand from the Commissioner of Internal Revenue, and he informs me that the office has been holding that these estates were liable to the tax. It creates a great deal of confusion.

Mr. UNDERWOOD. I desire to take the floor in opposition to the proposition. My objection to the proposition offered by the gentleman from Vermont [Mr. POWERS] is the same that I expressed a moment ago. It is merely a still further means of increasing the exemption under this law. Now, the tax that is levied by the Government is not a tax on the dead man. It is not a tax on his estate because it is found in his hands at the time of his death. It is a tax levied on the privilege of the passage of that estate from him to his heirs or legatees. Now, is there any reason why we should exempt the legatees of an estate from paying this tax that the Government has said is just and right, simply because the deceased died before the 13th of June, 1898, and levy it on the legatees of a man who dies on the 14th of June, 1898?

Mr. POWERS. The gentleman will remember that June 13, 1898, was the date of the passage of the original act.

Mr. UNDERWOOD. That is what I state. Under the terms of the gentleman's amendment, if he died before June 13, they

would be exempt. If he died afterwards, they would not be exempt. But that is not the law. The tax is not levied on the dead man. The death of the man has nothing to do with it. We levy the tax on the privilege to the heirs or legatees of taking the estate. That is when the tax comes in. It is not on the question of death. A man may die and his estate may be in the hands of his legatees or executors for ten years before it is wound up, and we levy no tax on that, but when the time comes for them to take their share of the estate, then the Government steps in and says, "We will charge you a tax for the privilege of taking this estate." Now, I can not see under that why we should cut down these exemptions, why we should allow these persons to go free simply because the man died before the 13th of June and not because he died on the 15th of June.

The CHAIRMAN. The question is on agreeing to the amendment.

The question being taken, on a division (demanded by Mr. POWERS) there were—ayes 80, noes 48.

Accordingly the amendment was agreed to.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I desire to present an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amend Schedule B by striking out lines 6, 7, 8, and 9 and insert the following—

Mr. PAYNE. Mr. Chairman, I may as well raise the point of order now, that we have passed that. The gentleman desires to go back to a preceding section.

Mr. FITZGERALD of Massachusetts. No objection was offered to the proposition of the gentleman from Vermont [Mr. POWERS] a few moments ago, to go back and offer an amendment. I think the same courtesy should be extended to this side of the House.

Mr. PAYNE. He offered it to a pending section. This is offered to another section.

The CHAIRMAN. The point is well taken. The Chair sustains the point of order.

Mr. FITZGERALD of Massachusetts. I ask unanimous consent that the amendment may be read, and then I will waive the right of debate.

The CHAIRMAN. The gentleman asks unanimous consent that his amendment may be read. Is there objection?

Mr. PAYNE. I object.

The CHAIRMAN. Objection is made.

The Clerk read section 10.

The following committee amendment was read, and agreed to:

In line 20, page 20, strike out the word "distributing" and insert the word "distributive."

Mr. PAYNE. On page 24, line 12, there is a typographical error. Two letters have been omitted from the word "provisions," and in line 17 of the same page two letters have been omitted from the word "act." I ask unanimous consent that the Clerk be authorized to make those corrections.

The CHAIRMAN. Without objection, these corrections will be made.

There was no objection.

The Clerk read section 12.

Mr. NEWLANDS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment of Mr. NEWLANDS was read, as follows:

Add the following section:

"INDUSTRIAL CORPORATIONS.

"SEC. —. That every corporation engaged in manufacture whose gross annual receipts exceed $500,000 shall be subject to pay annually, within fifteen days after the end of each fiscal year, a special excise tax equivalent to one-twentieth of 1 per cent on the gross amount of all receipts of such corporations in their respective businesses in excess of said $500,000. True and accurate returns of the amount of such gross receipts shall be made and rendered yearly, at the end of each fiscal year. Such returns shall be verified by the president or chief officer of such corporations, and shall include statements as to the nature of the business conducted, the number of factories owned, and the number operated by such corporations, the capital, the surplus, operating expenses, wages, taxes (both national and State), and such other information as the Commissioner of Internal Revenue shall prescribe.

"Such returns shall be classified and published by the Commissioner of Internal Revenue in his annual report. Any officer failing or refusing to make returns as aforesaid, or who shall make a false or fraudulent return, shall be liable to the penalty prescribed for similar offenses regarding refiners of petroleum or sugar."

Mr. NEWLANDS. Mr. Chairman, I wish to say that I introduced substantially this amendment as an amendment to that portion of the war-revenue act relating to the tax on banks, and involving a tax upon banks of $3,000,000.

Mr. PAYNE. Did the gentleman say precisely this amendment?

Mr. NEWLANDS. No; at that time this side of the House voted, I may say, almost unanimously for it, and that side of the House was opposed to it. Several members on the Republican side of the House have since indicated to me that they would be inclined to vote for a measure of this kind if it were applied to only the industrial corporations instead of all persons, firms, and corporations engaged in manufacture, as my first amendment proposed, and if the rate of the tax was so low as not to raise an excessive total.

The features which attracted their approval were, first, the Federal taxation of a form of wealth now untaxed by the National Government, and also the machinery afforded for securing statements for publication from these great industrial combinations which would yield the information so essential to the just taxation, as well as the just regulation and control of abuses so generally complained of, in which publicity is regarded by all economic writers as an essential factor. So I have redrawn this amendment, applying it only to industrial corporations, and reducing the tax from one-tenth to one-twentieth of 1 per cent of the gross annual receipts, and exempting from taxation all gross receipts up to $500,000.

Thus a corporation having gross annual receipts amounting to $1,000,000 would pay a tax of one-twentieth of 1 per cent upon one-half that sum, being a total tax of $250 annually, and a corporation having gross receipts amounting annually to $2,000,000 would pay taxes on $1,500,000, aggregating $750. A corporation whose gross receipts would reach $10,000,000 annually would pay a total annual tax of $4,750, certainly a very inconsiderable amount, and still less considerable when you realize the fact that almost all the products of these industrial corporations are protected by the tariff, which levies duties averaging about 50 per cent on similar products of manufacture.

In other words, a foreign product of a similar character would have to pay a duty of one-half of its international price in order to obtain entry into this country. Thus the domestic producer is able to raise the price of his product above the international price by our system of protective tariff legislation. If, therefore, he is enabled to add 50 per cent to the international price of his article through the system of Federal taxation, why should he not pay the small tax of one-twentieth of 1 per cent upon the domestic price? As a matter of mere taxation, these great industrial corporations ought to assume something of the burdens of Federal taxation, just as the manufacturers of tobacco and spirits and other things included in the internal-revenue tariff do, and a tax so moderate can not be complained of.

It should therefore be recollected that these great industrial corporations manufacture products which are also imported, and are doing so inside of the tariff wall which protects them from foreign competition. They are now endeavoring by large aggregations of capital, by the ownership in one corporation of numerous factories hitherto competitive, to destroy domestic competition, a competition which it was the intention of the tariff acts to promote, for the very theory of the tariff is that, though foreign competition is restrained, domestic competition is promoted; that inside of the tariff walls numerous competitive enterprises will start into the production of protected products, and thus not only stimulate domestic production, but lower gradually the domestic prices of such products.

Now, when we come to the consideration of the tariff acts, whether they be tariffs made for the sake of protection or tariffs with incidental protection, all the statistical information which we receive is obtained at casual and desultory hearings before the Ways and Means Committee. The interested parties flock there and present their ex parte statements, and we have not at hand the statistical information which enables us to act intelligently as to the capital employed in these various industrial occupations seeking and insisting upon protection, as to the wages paid and the profits made, and yet all these calculations should enter into the consideration of a tariff act, whether it be a protective tariff or a tariff with incidental protection.

Then, again, when we come to legislate regarding trusts we have not the information which enables us to act. At the last session of Congress an act was passed by the House which seems to sleep the sleep of death in the Senate, which the dominant party insisted at that time, just prior to the campaign, was a bona fide effort to utilize those powers conferred upon Congress by the Constitution relating to interstate commerce and post-offices and post-roads in the suppression and harassing of trusts. We suffered then from this lack of information. We had no statistics except such casual statistics and calculations as were presented to us in the current literature of the newspapers. Some people regard those trusts as a part of the economic evolution of the times, tending to prevent overproduction, tending to steady prices, tending to create an equilibrium between capital on the one hand and labor on the other. Others regard them as great combinations of capital, organized for the suppression of competition, for the creation of monopoly, for the raising of prices of products, and the diminution of the price of labor entering into production, and they insist that the tariff wall should be let down as to the products of these trusts; that a wave of foreign products should be allowed to enter the country and to destroy the domestic trusts and necessarily to

destroy contemporaneously with them the small competitive enterprises that are endeavoring to hold their own with the trusts. The opponents of the trusts also contend that the control of Congress over the interstate commerce and the mails should be exercised in the most oppressive and harassing way.

Now, I ask whether it is not essential, with reference to all these classes of legislation, taxation first, protection second, and regulation of the trusts third, to obtain such information as will enable Congress to act intelligently? And how can we act, and how is this informasion to be obtained? Why, it is to be obtained under the provisions of this amendment, which, as a part of the system of taxation, resorts to the time-honored usage of compelling statements from the parties taxed, statements which are simply the counterparts of their own books, statements which anyone can obtain by obtaining a few shares in such corporations and by asserting his rights as a stockholder.

Is the privacy of these corporations to be regarded as sacred when the powers of the Government are to be exercised with reference to taxation, protection, and regulation, particularly when those corporations are for the most part the beneficiaries of Federal protective legislation?

Mr. TAWNEY. Will the gentleman permit me to ask him a question?

Mr. NEWLANDS. Yes.

The CHAIRMAN. Does the gentleman from Nevada yield to a question?

Mr. NEWLANDS. I do.

Mr. TAWNEY. Would not this be a tax upon export business of every manufacturing establishment engaged in export business in the United States?

Mr. NEWLANDS. No more than every other tax here. No more than when you levy an internal-revenue tax upon tobacco or cigars or beer or spirits.

Mr. DALZELL. But tobacco is a luxury.

Mr. TAWNEY. Would it not be wise, if your amendment is to be considered and adopted, to put in a proviso exempting export of manufacturing corporations from the imposition of this tax?

Mr. NEWLANDS. If the gentleman will frame an amendment of that kind I will accept it. What I desire is that we should initiate this form of taxation, with the statistical statements accompanying it, in some mild way, and if it is deemed advisable it can be developed further in future legislation.

Mr. DALZELL. Why pick out the industrial corporations of this country to levy a tax upon them?

Mr. NEWLANDS. Why did we pick out the banks, from which we get over $3,000,000 annually under the Dingley war-revenue act by a tax of $2 on the thousand on bank capital over $25,000? Why did we pick out the refiners of sugar and petroleum, from whom, under the same act—the very act we are now amending—we get over $1,000,000 annually by a tax of one-quarter of 1 per cent on the gross amount of receipts exceeding $250,000? Why did we pick out legacies, from which we get over $2,800,000 under the same act? I assumed that we did so because we realized that taxation on consumption had gone far enough, and that in the stress of war it was just to call wealth to the rescue; and an income tax—the fairest tax on earth—being denied us by the Supreme Court, it was necessary to select certain forms of wealth best able to bear the burden. This amendment seeks to enlarge the area of this form of taxation and to reduce pro tanto the burden laid on consumption, on the occupations and activities of life. To enlarge is to equalize, the total amount of revenue required being fixed.

Mr. DALZELL. Why say $500,000 any more than $100,000?

The CHAIRMAN. Does the gentleman from Nevada yield?

Mr. NEWLANDS. The gentleman has asked his question. I will simply answer by asking, Why did we say $25,000 in the case of bank capital or $250,000 in the case of refiners of sugar and petroleum? I do not consider that the limit in this matter is a matter of importance. The purpose of exemption of $500,000 from the tax is to avoid oppressing the small industries which are engaged in competition with these giant industrial combinations. I wish to tax fairly the wealth of the country, not to handicap struggling industries, and we know that there are ten billions of wealth in these industrial combinations which now practically go untaxed by the National Government. Nor do I wish to impose——

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWLANDS. I would like an extension of five minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman may be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PEARCE of Missouri. Will the gentleman yield to me for a question?

Mr. NEWLANDS. Certainly.

Mr. PEARCE of Missouri. I understood the gentleman stated on yesterday that the main purpose of his amendment was not so much to levy a tax upon corporations as to institute an inquisition into their affairs. Is that correct?

Mr. NEWLANDS. The main purpose of this amendment is to cover both the question of taxation and regulation—internal-revenue taxation now, and statistical information which will enable us hereafter to legislate wisely on the question of internal revenue, tariff, and regulation of trusts.

Mr. PAYNE. Has the gentleman concluded that we need more revenue since he signed the report of the minority?

Mr. NEWLANDS. No. I wish to say that there are two objections to the bill which the gentleman has reported here. One objection is that it raises too much revenue and the other that it does not properly distribute the burden of that revenue. If this tax does raise the revenue $2,000,000, it will be easy enough for the gentleman to lower the stamp taxes, which are retained in this bill, and the taxes on occupations and activities, from which eight or ten million dollars are received, or on the articles of consumption taxed in this bill, so that the total will not exceed the $65,000,000 which he wishes to raise as war revenue.

Now, let me show you how the burden of the revenue is distributed under the pending bill. Here is the statement:

Distribution of revenue under Payne bill.

Taxes on consumption:		
Beer	$23,598,509.40	
Tobacco, snuff, and cigarettes	18,000,000.00	
Wines	600,000.00	
		$42,198,509.00
Stamp taxes		14,775,000.00
Special taxes on occupations, amusements, and activities		1,000,000.00
Taxes on wealth as follows:		
Legacies	$2,884,491.55	
Excise taxes on refiners of petroleum and sugar	1,079,405.14	
Bank capital and surplus	3,129,404.00	
		7,093,300.69
Total		65,066,809.69

Now, let me show you how the taxes are distributed: Sixty-five millions are to be raised under the gentleman's bill for war taxation, of which the sum of forty-two millions is imposed absolutely on consumption—upon beer, tobacco, and cigars—and over fifteen millions in the shape of stamp and other taxes upon the activities of life, the occupations, and only about seven millions upon wealth. Three millions and over on banks, one million on refiners of petroleum and sugar, and $2,800,000 on legacies; only seven millions imposed on wealth out of a total of sixty-five millions of war revenue, and that, too, when the whole of your ordinary revenue—the customs revenue of nearly three hundred millions, the normal internal revenue of two hundred millions—is placed substantially on the consumption of the country, a mere per capita tax, not proportioned to the wealth of the individuals or their capacity to bear the burdens of government. Is it unreasonable that we should make some movement in the way of equalizing these conditions by imposing a further tax on wealth which will raise about $2,000,000?

You gentlemen of the majority, with a Presidential election approaching, put a bill through the last session of this House for the exercise of interstate-commerce powers of the Constitution and the powers relating to post-offices and post-roads in the suppression of trusts. You forbade the railroads to carry the products of those trusts. You made it a criminal offense to do so. You were not sensitive then regarding these great organizations. You put the bill through under whip and spur. It is true it sleeps in the Senate, but that you say is not your fault. But there is another Federal power that can be invoked, and that is the power of taxation—a power more effective than the power over interstate commerce or the mails.

It is the power to regulate; it is the power to destroy. You used that power in order to regulate and restrain the production of oleomargarine. You used that power in order to regulate the use of mixed flour. You used that power in order to destroy the currency of the State banks. These are illustrations of the extent to which you have gone, using the power of taxation in some cases for regulation, and in others employing it for destruction. Would it not be wise to apply this power in a moderate degree to these great combinations of capital? I am not rabid upon this question of the control of trusts. I believe that much of the legislation that has been enacted by State legislatures upon that subject is not only unscientific, but prejudiced and oppressive.

All that I insist upon is that we should secure the information upon which we can act, and it should be secured under the sanction of oath and should be conclusive in some scientific way. I insist that it is just and right in a revenue bill to impose upon this form of wealth some degree of taxation, and the tax I seek to impose is a reasonable one. And in connection with that we should secure statements from these industrial corporations which would be a guide to the Internal Revenue Department, and which would be a guide to Congress in future action, just as we now compel the banks of the country to make detailed statements of their affairs to the Comptroller of the Currency; just as we compel the railroads of the country to make statements of their affairs to the Interstate Commerce Commission, all of which statements, both with reference to banking and railroading, have been so

classified as to give us statistical information of the highest importance—statistical information which has been a matter of the greatest importance in legislation and of the greatest beneficence to the banks and to the railroads themselves.

The CHAIRMAN. The time of the gentleman from Nevada has expired.

Mr. GROSVENOR. Mr. Chairman, I hope the Committee of the Whole House on the state of the Union will make no great, radical, demagogical inroads into capital and the industrial corporations of this country without some consideration by a constituted committee of the House that can duly consider and duly report upon the innovation. Here is a proposition coming from a single gentleman who does not say anything about one kind of corporation. He does not say anything about taxing the gross receipts of the monopolistic traction companies, but it is to be, in his view, altogether levied on the industrial corporations.

Mr. NEWLANDS. I will state that if the gentleman will frame a corporation tax that will reach every corporation and an income tax that will reach all except the smaller incomes, I will be glad to vote for them.

Mr. GROSVENOR. Now, will the gentleman tell the House—he has had an opportunity in the minority report—what sort of an income tax he wants—a constitutional one, levied under the terms of the Constitution? If so, I am with him. But an unconstitutional one, which is to be held up as a bugbear before the people—if that is what he meant in his minority report—I am opposed to fooling with that thing any longer. If he means a general tax on all sorts of corporate wealth, let us have a systematic procedure about it. The gentleman is unable to tell you how much this amendment would raise or would not raise. Let him come with a bill properly framed, and let it come to the committee of which the gentleman is an honored and distinguished member, and let us have a report that will show to the House what we are doing, and not proceed under this cry for an assault upon corporations—not under this reproduction, apparently, of a speech of the gentleman out in his enormous State; but let us have a report from the committee that has got a system in it which we can understand, and hear what they say about it, and that will be time enough. This is a bill to reduce revenue, and not a bill to sally out into new systems of taxation. It is a bill to follow the lines that will simply reduce taxation provided for in that law. I hope that the committee will be sustained in their opposition to the proposed amendment.

Mr. SULZER. Mr. Chairman, I am in favor of this amendment to tax industrial combinations, and it seems to me it can not be successfully denied that there is much force and logic in all that the gentleman from Nevada [Mr. NEWLANDS] has said in its favor. I agree with him that if we must raise more revenue it should be collected from wealth and not from toil. It is a matter of regret to me, and I believe it will be to the people generally, that the majority members of the Ways and Means Committee did not frame a bill to repeal the Spanish-American war-revenue taxes.

The war act of 1898, which imposed that taxation, was an emergency measure. It was passed hurriedly and without much consideration to raise immediate money for the purpose of successfully prosecuting the Spanish-American war. It was a war measure, and it was so described at that time by the leaders of the Republican party in this House, who gave assurances to the country that just so soon as the war was over these war taxes would be repealed.

The war has been over for more than two years and the Republican party is just now partially reducing the war taxes. I am opposed to a continuance of these war taxes in time of peace. They are obnoxious and vexatious, and should be repealed. In my judgment they could be repealed without causing a deficit. But if gentlemen on the other side believe otherwise and claim more revenue is necessary, not for an economical administration of public affairs, but for the purpose of carrying out Republican political schemes—some of which you now have under advisement—then, I say, that instead of raising the revenue from the poor, from the producers and the consumers of the country, you should raise this additional revenue by a tax on the trusts and the accumulated and idle wealth of the land. That would be fairer, more equitable, and more consistent.

I am opposed to robbing the many for the benefit of the few. I am opposed to unjust and unnecessary taxation. The war-tax law is the worst kind of special legislation, and the bill now under consideration is a species of this special legislation carried to its logical sequence. It can not be justified now; it could only be tolerated in time of war; and I am of the opinion that the people of the country will be sadly disappointed by the action of the Republicans. They expected you to keep your promise and repeal these burdensome taxes.

Mr. Chairman, all legislation bestowing special benefits on the few is unjust and against the masses and for the classes. It has gone on until less than 8 per cent of the people own more than two-thirds of all the wealth of our country. It has been truly said that monarchies are destroyed by poverty and republics by wealth. If the greatest Republic the world has ever seen is destroyed, it will fall by this vicious system of robbing the many for the benefit of the few.

The total population of the United States is about 75,000,000. The total aggregate wealth of the United States, according to the best statistics that can be procured, is estimated at about $75,000,000,000; and it appears, and no doubt much to the surprise of many, that out of a total population of 75,000,000 less than 25,000 persons in the United States own more than one-half of the entire aggregate wealth of the land. And this has all been brought about during the last twenty-five years by combinations and conspiracies called "trusts," fostered by special legislation and nurtured by political favoritism.

The centralization of wealth in the hands of the few by the robbery of the many during the past quarter of a century has been simply enormous, and the facts and figures are appalling. Three-quarters of the entire wealth of our land appears to be concentrated in the hands of a very small minority of the people, and the number of persons constituting that minority grows smaller and smaller every year I am in favor of repealing the war taxes and making the accumulated wealth of the land pay its just share of the burdens of government. This can readily and easily be done by a graduated corporation tax that will reach the dividends and watered stocks of the great industrial combinations and monopolies and by a graduated inheritance tax that will reach the idle and accumulated wealth of the land.

I am in favor of making the idle wealth, the monopolies, and all these great trusts, giant corporations, and selfish syndicates do what the Republican party by law compels the toilers, the producers, and the consumers to do, and that is to pay the taxes—pay their just share of the expenses of the Government.

By a graduated corporation tax and a graduated inheritance tax we would lift the tax burdens from the farmers, the workingmen, and the consumers and place them where they justly belong, besides establishing publicity and to some extent preventing the watering of stocks and the centralization of wealth.

In my judgment this system of a graduated inheritance tax and graduated corporation tax is the fairest, the most honest, and the most equitable system of taxation that can be devised; and I believe if it were put into operation that it would pay more than one-half of the annual expenses of the Government. Believing as I do, I am glad to support this amendment and I sincerely hope it will be adopted.

To-day more than three-quarters of the idle wealth of this country escapes taxation and practically bears no part of the burdens of government. This is not right. I am glad to say that I believe the amendment offered by the gentleman from Nevada will cure, to some extent at least, this inequality and injustice in our system of taxation. I trust that gentlemen on the other side of the House will vote in favor of the amendment. You can not say it is not fair and just.

If the gentleman from New York [Mr. PAYNE] answers that it will increase the revenue, then we reply that he and his associates on that side of the House can readily reduce the revenue by repealing some of the taxes on the necessaries of life, and we will help them to do it. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. PAYNE. I move that all debate on this section and amendments thereto be limited to five minutes.

The motion was agreed to.

Mr. PAYNE. I trust that the gentleman from Nevada [Mr. NEWLANDS] will be allowed to occupy these five minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Nevada.

Mr. NEWLANDS. Mr. Chairman, the gentleman from Ohio appeals to his party to vote against my amendment and to leave this matter to the consideration of the Ways and Means Committee for future action. He states that the pending amendment has been submitted without consideration and deliberation. I deny that, so far as I am concerned and so far as the minority members of the Ways and Means Committee are concerned.

It is true it has not received the consideration and deliberation of the majority members of that committee, because that committee has pursued the pernicious system which has long prevailed in Congress and for which both parties are responsible—the consideration of tax bills as partisan measures, practically excluding the minority members from consideration of the various items of the proposed bill. This is a practice that has long existed. It is a pernicious practice, because the framing of a revenue bill affects the very source of all governmental powers. Upon it all the instrumentalities of government depend.

Therefore we have not had the opportunity—I make no charge against the dominant party which might not be made equally against the minority party when it was in power—we have had no opportunity for deliberation with our Republican colleagues of the committee upon this subject. The only opportunity we have of presenting our views is on the floor of the House here, in

a constitutional way, by an amendment intended to reach the question under consideration.

What question is under consideration? The question of revenue—a question which involves the consideration of every subject that may justly be taxed. It involves the consideration of the equality of burdens—of the proper apportioning of burdens. It involves a consideration of the question whether a portion at least of this extraordinary tax levied for the purpose of carrying on a war justified by wealth should not be imposed upon wealth, particularly when under existing conditions the accumulated wealth of the country has for years practically escaped taxation.

I present no indictment against wealth as such. There are two classes of wealth in this country. One class—the majority as I believe—consists of law-abiding persons who are willing to bear their fair proportion of the obligations of government; who are willing to sustain their fair proportion of governmental burdens; not eager to obtain exemption; not eager to obtain special privileges; not eager to utilize the functions of government for their own advancement.

Then there is another class of wealth—the lawless and the predatory wealth of the country—which seeks special exemptions, which seeks special privileges, which seeks to evade and escape the burdens of taxation, which seeks to pervert to its own advancement the functions of government. It is that form of wealth which brings conservative wealth under discredit and creates the discontent that finds its vent in communism and socialism.

I do not believe that the great mass of the industrial corporations of the country belong to that class. I believe that they will cheerfully bear a portion of the national burdens, and that a cheerful acquiescence in the demand for publicity will tend to scientific adjustment of pending problems.

[Here the hammer fell.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Nevada [Mr. NEWLANDS].

The question was taken; and on a division, demanded by Mr. NEWLANDS, there were—ayes 71, noes 99.

Mr. NEWLANDS. Mr. Chairman, I demand tellers.

Tellers were ordered.

The Chair appointed Mr. NEWLANDS and Mr. PAYNE as tellers.

The committee again divided; and the tellers reported—ayes 75, noes 105.

So the amendment was rejected.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I move to amend this section by adding after the word "twenty" the words "and fifty."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding after the word "twenty," line 9, section 12, the words "and fifty."

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I am surprised that the Republican party in this House has not given the people of this country proper relief from unjust taxation in the amended war-revenue bill which has been reported to this House by the majority of the Ways and Means Committee.

When this bill was reported in the House originally by Mr. Dingley, he said it was a war measure forced upon us by the war with Spain. He further said that it was a measure of extraordinary character, not to be thought of for a moment except for the great exigency in which the country was placed at the time. No one could tell when this bill was passed how long the war would last or how much money it would cost. There was, therefore, some justification for the extraordinary increase in the Government receipts called for by this bill. I can not see any reason at the present time, however, why all the features of the bill, except those which levy a proper portion of the cost of maintaining the Government upon the wealth of the country, should not be wiped out.

We have at the present time an annual excess of revenue of $80,000,000 above the present great expenditures, a reserve fund of $150,000,000, and a balance of $140,000,000 in the Treasury.

With this showing no member of this House can justly say that the financial condition of the Treasury calls for any such small reduction of taxation as is proposed by the Republican majority in this House.

In figuring on the operations of this bill it must not be forgotten that the surplus in the Treasury would have been increased twenty or thirty million dollars more were it not for the immense amounts paid out of the Treasury in the refunding of bonds during the past six months. We should not only legislate to give the people relief from these war-revenue taxes on account of the unjust and unfair nature of most of them, but we should repeal these taxes also in order to relieve the great business interests of the country which are suffering from lack of current funds because of the large surplus piling up daily in the Treasury.

It was only the other day that the Secretary of the Treasury, in order to relieve the tightness of the money market, anticipated the payment of $5,000,000 on Government bonds due on the 1st day of January. Ninety million dollars of the people's money are now deposited in the national banks of the country, paying no interest to the Government, while at the same time the money is bringing exorbitant rates of interest to the banks.

The figures given by the majority of this committee and the Secretary of the Treasury, even if this bill passes, show a surplus of $206,000,000 in the Treasury on June 30, 1902.

Is there any member of this House who will dare say that this is wise management of the fiscal affairs of this Government?

It is, in my judgment, not only an unwise and illogical continuation of harsh and extortionate taxation of the people, but an inane and senseless manner of conducting the affairs of the Treasury Department, upon whose sound methods of controlling the money circulation of the country the business of the country so greatly depends. In looking over the bill reported by the majority, I am surprised to find that no attention at all has been paid to the repeal of the tax upon tea. The tax of 10 cents per pound on tea in the Dingley war-revenue measure affected the home of every family in this country.

More than one hundred and twenty-five years ago the people of Boston protested against the taxation on tea, and as the result of that protest, Mr. Chairman and members of this House, the war with Great Britain followed, and the thirteen colonies became a free, self-governing people. Taxing tea is not a safe policy for any party to pursue. Taxed tea thrown into Boston Harbor made this the greatest, freest, and best Government in the world.

It has amazed me exceedingly that during the discussion of this question before the Committee on Ways and Means upon this bill, calling for a reduction of the vast war taxes, no attempt has been made by the majority of the members of that committee to bring in a measure to reduce this unjust and exorbitant tax on this commodity, which is used by every family in the land.

This is another case, Mr. Chairman, of taxation without representation; and, therefore, in behalf of the tea drinkers of the country, in behalf of the ladies who assembled here last week, the members of the Woman's Christian Temperance Union, who had so many gallant champions on the canteen question, and the large number of ladies who daily indulge in the 5 o'clock teas, I appeal to the members of this House to reduce this exorbitant tax upon every breakfast table in the land.

I have the statistics here, sir, to show that the average cost of tea brought into this country is but 13½ cents per pound; and yet under the war-revenue tax on this commodity the tax is 10 cents a pound, or an equivalent of 70 per cent, levied upon a commodity that every man, woman, and child in the United States consumes daily. Eighty million pounds of tea were imported last year into the United States at a cost of $10,835,000. The revenue received on the same amounted to the sum of $8,000,000.

Now, Mr. Chairman, the figures produced before the Committee on Ways and Means by the Secretary of the Treasury show that there are at the present time $140,000,000 of surplus in the Treasury, and the Treasury can very well afford to stand the loss of $8,000,000 which this repeal will bring about.

Mr. TAWNEY. Will the gentleman yield for a question?

Mr. FITZGERALD of Massachusetts. Certainly.

Mr. TAWNEY. Are you aware of the fact that the people of your own State engaged in the tea trade have importuned the Ways and Means Committee of Congress for the last six years in support of the war-revenue tax on tea, which was put on by the Senate on motion of the Senator from South Carolina, Mr. TILLMAN?

Mr. FITZGERALD of Massachusetts. I am aware, Mr. Chairman, that such a petition from the tea dealers was filed in the committee from certain portions of the United States, and I think that some of the tea importers from my own State may have joined in sending these petitions. I am also aware of the fact that there are papers on file in the Committee on Ways and Means from many of the biggest importers in the United States in favor of the repeal of this tax. I am aware of the fact that a petition representing the wholesale and retail grocers of the United States is on file in that committee room now asking that the tax be repealed, and I know that millions of the people of this country, the laboring people and the middle class of people in the United States who now pay 35 cents a pound for tea and who would be able to get it for 25 cents were it not for the imposition of this tax, unanimously ask Congress to remove the tax from every breakfast table in the land.

If this tax is continued the better grades of tea will not be imported. The petitions which have been presented to Congress from the importers, wholesalers, and retailers recite the fact that the importation of the better grades of tea is decreasing every day. It is unfair to the man who deals in tea and not in coffee to tax this product 70 per cent while coffee remains free.

The tax of 10 cents per pound was imposed as a war measure, and it is unfair and unjust to continue this tax any longer. In the bill which is now before the House, reported by the Republican majority of the Ways and Means Committee, the taxes

are reduced on beer, cigars, proprietary medicines, telephone and telegraph messages, bank checks, bills of exchange, passage tickets, theaters, and circuses, and numerous things, and continued on tea.

Just think, Mr. Chairman, how good the laboring man and the farmer will feel to-morrow morning when they read in the paper that the tax upon bank checks and circuses has been removed, while the tax upon tea remains. Another reason why this tax should be reduced is the fact that it hurts our trade with Japan.

The Japanese minister has asked the Committee on Ways and Means to repeal this tax. He stated in a communication to that committee that the imposition of this tax prejudiced the minds of the people of Japan against the United States, and while the tax remained as a war measure the people of Japan would not find any fault if it were continued. When the fact was established that this Government did not need the revenue, it would interfere greatly in the trade between Japan and the United States.

I appeal, therefore, to the members of this House to listen to the prayer of the wholesale grocer, the retail grocer, and the tea merchant, all of whose opinions unite on the fact that the cost of tea has been increased, while its quality has deteriorated. I appeal to this House to listen to the prayer of every woman in the land who asks a free breakfast table. I appeal to the members of this House to listen to the appeal of the wife, the sister, or the mother of the laboring man of this country, who economize in every way to make both ends meet, and whose burden has been greatly increased by the war-revenue legislation taxing this great and necessary article of health and comfort 10 cents per pound.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD of Massachusetts. I ask consent to proceed for five minutes longer.

Mr. PAYNE. Oh, Mr. Chairman, I must object to that now.

Mr. FITZGERALD of Massachusetts. I appeal to the gentleman. I have occupied but very little time on this bill.

Mr. PAYNE. I regret, but I must object.

Mr. FITZGERALD of Massachusetts. I ask, then, unanimous consent to continue my remarks in the RECORD.

Mr. SULZER. You have that already.

Mr. PAYNE. I have no objection to that.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts to extend his remarks in the RECORD?

There was no objection.

Mr. PAYNE. Mr. Chairman, this amendment would cut down the revenue between eight and nine million dollars. This tax upon tea had been asked for by the people in the tea trade ever since I have been a member of the Committee on Ways and Means, or since 1890. They came before the committee nearly every year asking for a tax on tea, for this reason: Every other country has an import duty upon tea, and generally about 10 cents a pound. There is a great quantity of tea dust, which is the sweepings of the floors in the tea countries; and also a poor tea that has been allowed to be overgrown, the leaves getting too large, and when they try to cure it it develops tannin, which is a poison. Great quantities of this inferior tea have always found a dumping ground in the United States. Twice during this period we have passed tea-inspection laws, and we have a very radical law of that kind on the statute books, which has been there three or four years. But the importers tell me that that does not serve to keep out all of these spurious and poor teas. They say that tea is put upon the market that could not sell except for the presents that are given in every town with a pound of tea. Of course, every gentleman is familiar with that branch of the trade. Putting a duty of 10 cents a pound on tea keeps out this tea dust and this poor tea.

Mr. FITZGERALD of Massachusetts. Mr. Chairman——

Mr. PAYNE. I can not consent to be interrupted.

Mr. FITZGERALD of Massachusetts. The gentleman's argument is so weak that he ought to consent to interruption.

Mr. PAYNE. The committee did not see their duty to put that tax on tea under the guise of an inspection law. While the subject was under consideration this war-revenue bill was over in the Senate, and the gentleman from South Carolina moved this duty of 10 cents a pound on tea, and the Senate put it on. When it came to our conference committee we agreed to it. Now, what was the result? There was a large quantity of tea on hand, held by various dealers, and of course that demoralized the trade for a while. Then after that had been disposed of and everything had got down to a normal basis, and the tea trade was doing pretty well, we had this disturbance in China, and a great many of the dealers in tea got frightened for fear the supply of tea would be cut off, and they immediately made large orders and have shipped very large importations of tea into this country, which are now held in the various warehouses of the country in bond, the duty not paid.

Now, every man who has any tea in bond is in favor of having this tax taken off, because they say that if this tax is taken off, the foreign price to this country will go up at least 5 cents a pound, or one-half of the duty. It has been reduced more than 5 cents a pound since the duty was put on, and all these people are in favor of having this tax taken off so that they can make the extra 5 cents a pound upon the tea which they have in bond, but the general sentiment of the tea trade is that this tax should be left there. They say it is improving the quality of the tea, and instead of the poor people of this country being obliged to drink the stuff that is not shipped to any other country on God's earth it is now kept out, and our people are getting tea at a fair rate, and they are willing to pay for it.

Mr. FITZGERALD of Massachusetts. They pay 10 cents a pound more for it. The Government compels them to do so.

Mr. PAYNE. Now I hope that we will have a vote. I move that all debate on this paragraph and amendments be closed in five minutes.

The CHAIRMAN. It is moved that all debate on this section and amendments be closed in five minutes.

Mr. FITZGERALD of Massachusetts. Is this motion debatable?

The CHAIRMAN. It is not.

The motion was agreed to.

Mr. GLYNN. Mr. Chairman, I am in favor of a sweeping reduction in the war-revenue tax. I am in favor of abolishing the tax on checks, telegrams, etc., and in making a considerable reduction in the tax on beer. I am also in favor of abolishing the tax on tea, if that be possible, or at least of cutting it down considerably.

The gentleman from Massachusetts [Mr. FITZGERALD] began his speech by referring to one hundred and twenty-five years ago when the Indians of Massachusetts declared war on a tea tax and tried to convert the briny waters of Boston Harbor into a sea of tea. Judging from the evident pride with which the gentleman from Boston told of that historical incident, I think that the members of this House are justified, from the spirit of pride which swelled his chest, and the smile of glory which decked his countenance, in concluding that in every easterly breeze which sweeps over the city of beans and culture Bostonians find a whiff of the aroma of that famous Boston tea party to which our English cousins of colonial days were unceremoniously invited to stay away.

It is quite appropriate, Mr. Chairman, quite appropriate, indeed, that an Indian from Massachusetts should follow in the footsteps of those colonial Massachusetts Indians and declare here to-day a war on the tax on tea. It but shows him true to the traditions of his native heath and proves the truth of the maxim that history repeats itself.

The estimable chairman of the Ways and Means Committee seems imbued with a little of the Tory determination to keep the tax on tea. In fact, he is inclined to keep the tax on everything save from what the members of this House compel him to take it off. He was opposed to making any material reduction in the tax on beer and he is opposed to taking any tax at all off tea. As one looks at the able and eloquent leader of the majority he is struck with the striking resemblance he bears to the pictures of Moses, and as one ponders over the position of this statesman on the proposition of reducing the tax on beer and on tea the conviction comes that this gentleman has determined to act like Moses and write a a new commandment, which will read, "Thou shalt not drink anything save water unless thou art willing to pay a tax." [Laughter and applause.]

Now, Mr. Chairman, I know that no member of this House personally consumes enough beer to care a straw whether or not there is a tax on that fluid. I know that all of them patronize exclusively the water tank out in the cloakroom and the buttermilk pan in the lunch parlor. But we, sovereign representatives of the people, are not here to legislate for ourselves, but for the masses of this great country. One of the speakers yesterday told us that the people were clamoring for a big reduction in the tax on beer. I do not know personally that this be true, but I take it that the gentleman who made the assertion knew what he was talking about, and under that supposition I would like to recall to the minds of those members of the House who are against making a reasonable reduction on beer the maxim, "Vox populi, vox Dei." [Laughter.]

But, Mr. Chairman, if this be true of beer, it is a thousand times more true of tea, and as there are more tea drinkers in this House than beer drinkers—as is the case all the country over—this question of taking the tax off tea is one of pressing and immediate need. Of course, as the chairman of the Ways and Means Committee would write in his new commandment, one can drink water every time thirst comes on, provided there is an unwillingness to pay a tax for every moistening of the palate. Water is a good drink, Mr. Chairman. I like it. For my part, I prefer it to either beer or tea, and I like it just as it comes from the spring.

But, Mr. Chairman, owing to the fact that some medical authorities hold that water is apt to produce typhoid fever unless boiled, there are many millions of people in this country who prefer their water boiled, and who like it boiled best in the shape of beer and tea. For the sake of these millions now paying an extra 10 cents a pound on tea, I am in favor of the amendment of the gentleman

from Massachusetts and hope that it will prevail, so that the tax will be taken off tea.

This demand for a reduction of the tax on tea, Mr. Chairman, comes from every cottage in the land, from every breakfast table, every dinner table, every supper table, from every tea party, where the neighborhood is roasted, friends criticised, and the world remodeled over a steaming cup of tea. It also comes from the circles of the four hundred, whose 5 o'clock teas are losing their pinkish tint on account of the extra 10 cents a pound put on tea by the war-revenue act.

Right here and now, Mr. Chairman, I desire to call the attention of the members of this House to a few scientific facts. Professor Johnstone says that "tea exhilarates without sensibly intoxicating." The beverage doing that is a good beverage and is entitled to such legislation as will give the people the greatest amount of it for the least money. Professor Johnstone also says that "tea excites the brain, increases activity, and produces wakefulness." Now, the beverage doing that is good for a Congressman to drink in large quantities and should be as cheap as possible. For the sake of his constituents a Congressman needs a clear brain and lots of activity, and for his own sake he needs some beverage to keep him awake during some of the ponderous Websterian speeches in this House, and for this reason, again, am I in favor of cutting down the tax on tea. [Laughter and loud applause.]

Moreover, Mr. Chairman, it needs no argumentation to prove that the ladies of our land—young maids, old maids, and housewives—are in favor of reducing this tax on tea. The young maids because it makes cheaper the beverage of their society sprees and social tête-à-têtes; the old maids—and God bless them, for Robert Louis Stevenson was right when he called them the dearest dears on earth—because it makes less expensive their matutinal sipping and their nightcap quaffing of the drink that makes them dream of those saddest words of tongue or pen, "It might have been;" and the housewives, as one of them wrote me the day before yesterday, because the tea leaves with which she keeps down the dust when she sweeps her parlor carpet are costing too much and the tax on leaves used to keep down the dust ought to be lowered, instead of a tax being kept on to raise "*the dust*" for a useless surplus. [Laughter and applause.]

Do not think, Mr. Chairman, I am trying to make a funny speech, but if any comparison can serve to show the inconsistency of some of the reductions proposed in this bill I do not intend to hesitate in making use of them. Just think of it! The proposition is made to abolish the $100 tax placed on the proprietors of a circus and to keep the tax of 10 cents a pound on tea. In other words, the committee proposes to take the tax off the elephant that "walks around the ring" and the monkey that "chatters in the cage" and to keep the tax on the cup of tea consumed at meals. No one has heard of the price of admission to circuses being raised by the war tax, and even if it were the people could stand it, for the circus, like Christmas, comes but once a year, while tea time comes three times a day. If we need revenue, would it not be well to keep the tax on circuses, and to place it on things like the circus, and allow tea to go free. [Laughter.]

Yes, Mr. Chairman, between tea and the circus, I am in favor of tea, and I want to remind those who differ with me that part of the revenue we lose on free tea will come back to us through the tax which we have lately placed on oleomargarine. This House did a good thing for the farming interests of the country when it voted to place a tax on oleo. It would duplicate this good act by doing something to relieve the tax on tea.

It is useless for the gentleman from New York [Mr. PAYNE] and the gentleman from Minnesota [Mr. TAWNEY] to contend that the tea trade of the country is in favor of this tax being kept on tea. Why, sir, nearly every tea merchant and wholesale grocer in my district has petitioned me to urge an abolition of the tax on tea. Does that look as if the tea trade of the country is in favor of the tax?

Only this morning, sir, I received a letter from a large tea importer in which he states that a continuation of this tax will ruin his business, and urges a fight for the reduction of the tax. Does that look as if the trade favored the tax on tea? Do the people want it, think you, gentlemen of the majority of the Ways and Means Committee? Is any one of you bold enough to contend that the people at large are in favor of this tax? If so you are brave enough to argue that the people are anxious to pay 10 cents a pound more for tea than they would have to pay for it were this tax abolished. This tax was imposed as a war measure.

The majority tell us that the war is over. If it is, the war tax should go, especially upon the articles consumed the most by the masses in everyday life. As a nation we are crying for trade with China and Japan, but yet we persist in placing a large tax upon the article of which they raise most, of which we raise little or none, and which our people use every day of their lives. It is proposed to do away with the taxes on proprietary medicines, telephone and telegraph messages, bank checks, bills of exchange, etc.; it is proposed to reduce the tax on beer.

Of all these am I in favor. In fact, I would go further than this bill proposes to go in the reduction of the tax on beer. Every fair-minded person must admit that beer is paying a pretty heavy proportion of taxation. Outside of the war tax added for the Spanish war beer pays into the United States Treasury $40,000,000 a year. On account of the additional Spanish-war tax beer has lately been paying a tax of $80,000,000—a sum which is one-third of the whole war tax and one-fourth of the internal-revenue taxes. Beer undoubtedly should pay a large tax, but it seems hardly fair that any one industry should be obliged to bear such a large share of taxation. Now, as to tea, Mr. Chairman, I believe in abolishing the tax completely. But some of the gentlemen of this House argue that we need the revenue produced by the tax on tea. I contend that we have no such need.

At the present time this country has an annual excess of revenue of $80,000,000 above the present immense expenditures, a reserve fund of $150,000,000, and a balance of $140,000,000 in the Treasury. With this grand showing there is no necessity for keeping the war taxes as high as the majority contend. Moreover, Mr. Chairman, it should be remembered, when considering the provisions of this bill, that the surplus in the Treasury would have been increased twenty or thirty million dollars more were it not for the large amount paid out of the Treasury during the past six months. We should abolish all possible of these war taxes not only to relieve the people, but also to prevent a piling up in the Treasury of current funds which should be in circulation for the good of the business interests of the country.

Now, Mr. Chairman, if this bill becomes a law in its present shape, its friends admit that on June 30, 1902, there will be a surplus in the United States Treasury of $206,000,000. This seems to be conservatism run wild. A surplus, and a fair one, we should have at all times, but at no time should it be allowed to grow so large that its creating is a burden upon the people, and a useless withdrawal into the United States Treasury of money that ought to be in circulation through the business channels of the country. It has been said that the people less governed are the best governed, and this assertion is most forceful when applied to the payment of taxes. The less of them the better, and only so much of them as is necessary for a proper maintenance of the Government, its protection, its welfare, and its safety should be collected. For none of these is needed such an abundance of taxes as piles up a useles surplus.

The CHAIRMAN. The question is upon the amendment proposed by the gentleman from Massachusetts.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. FITZGERALD of Massachusetts. Division, Mr. Chairman.

The committee divided; and there were—ayes 55, noes 76.

So the amendment was rejected.

Mr. NEWLANDS. Mr. Chairman, I ask unanimous consent that we return to Schedule B and take up the item of sparkling and other wines.

Mr. PAYNE. I object to returning to Schedule B.

Mr. NEWLANDS. I simply want to take up that one item.

The CHAIRMAN. Objection is made.

The Clerk read section 13.

Mr. BOUTELL of Illinois. Mr. Chairman, I move to strike out the last word.

Before the committee rises, I would like to correct a mistaken reference made by the gentleman from Pennsylvania to some figures that were used in this debate. A great historian says that Alexander Hamilton and Mr. Gladstone were the only two men who were ever able to make a financial discussion interesting and throw about dry figures something of human interest.

Hereafter in this distinguished company must be included the gentleman from Pennsylvania, whose admirable speech in closing the debate on this bill was listened to with interest and profit by all his hearers on the committee. At any rate he made it very interesting for me in alluding to certain figures that had such a familiar ring to them that I was compelled to conclude that he honored me in his reference. But he fell into an error, as we are all liable to do at times, when he intimated that I had been guilty of making the preposterous blunder of contending that on the 30th of June, 1902, we should have an available, accumulated, cash surplus of $286,000,000.

From a reference to my remarks on Wednesday last it will be evident, I think, that the gentleman from Pennsylvania must have missed the pleasure of listening to my remarks. I said:

> Now, supposing that this present law should remain in force until June 30, 1902, we would have the following statement of surplus on that date, provided by strict economy we make our expenses for the next year conform to the expenditures for the year just closed: Surplus earned in 1900, $80,000,000; estimated surplus earned in 1901, $80,000,000; estimated surplus earned in 1902, $126,000,000; making a total earned surplus during the three years ending June 30, 1902, of $286,000,000.

Mr. DALZELL. From what page does the gentleman cite?

Mr. BOUTELL of Illinois. Page 297.

Throughout my entire remarks my reference was to an earned

and not to an accumulated surplus. I imagine that by the use of a wise ingenuity we shall be able to so appreciably diminish this surplus during the process of accumulation that on the 30th day of June, 1902, it will not be a national embarrassment.

Now, some figures that the gentleman from Pennsylvania used show how conservative mine were. The extent to which we can prudently reduce taxation depends upon three things: First, our cash on hand; second, our prospective revenue; and, third, our prospective expenditures. Our cash on hand is $140,000,000. Our prospective earned surplus for the remainder of this fiscal year is $40,000,000. The prospective surplus for 1902, provided we make our expenditures conform to the expenditures of 1900, is $126,000,000, making a total of $306,000,000. Taking from this sum the amount by which this bill will reduce the revenue up to the 30th day of June, 1902, we shall have earned a surplus of $246,000,000 at that date.

Our cash in hand is a fixed quantity, and under the invigorating influence of Republican principles our prospective revenues will doubtless go far beyond our most sanguine expectations. The great question for us to answer is, What shall our expenditures be for the year 1902? The figures given by the Secretary of the Treasury are, of course, based entirely on the estimates furnished to him by the Departments. On the supposition that in 1902 we expend what the Departments ask for, the recommendations and the conclusions of the Secretary of the Treasury are wise and prudent and should be followed, and I indorse most heartily everything that the gentleman from Pennsylvania has said with reference to any criticisms that have been made by members of the minority upon the Secretary of the Treasury. No man in this House, no man in this country, has a more profound respect for his wisdom and prudence than I have, for I believe that the first and present Secretaries of the Treasury of the United States are the two ablest men that ever presided over the finances of this country.

These estimates furnished by the Departments show an excess of $83,000,000 over the estimated expenses of this year, and an excess of one hundred millions over the actual expenditures for the year 1900. And may I call the attention of this committee to the excellent report issued by the Appropriations Committee a few days ago, which shows that if we appropriate up to the entire extent of these estimates, and follow the Secretary of the Treasury's recommendation in reference to the sinking fund, we shall have on the 30th of June, 1902, even if the war-revenue bill continues in force without amendment, not a surplus of twenty-six millions, but a deficit of over twenty-six millions.

So, Mr. Chairman, in closing, let me say that the figures which I used were used to show that it was our duty to so regulate our expenditures that we could repeal as rapidly as possible the provisions of this war tax, and I had hoped the Fifty-sixth Congress might have provided for its ultimate repeal. These figures show that by practicing a rigid economy, by adhering to the same basis of expenditure that we had last year, this whole bill could have been wiped out by the 1st of December, 1902. But, as I say, it depends not entirely upon our cash balance, not entirely upon our prospective revenue, but upon what we will expend during the coming year.

I feel, Mr. Chairman, that the people of the United States will look to Congress to so expend the public money during the next year that we shall not go beyond the annual expenditures of these last two years before we expunge from the statute book the last provision of this war-revenue bill. [Applause.]

Mr. DALZELL. Mr. Chairman, I have no question as to the wisdom of the recommendation made by the Secretary of the Treasury as to the amount of tax reduction. I have no disposition further to discuss that question. I said yesterday all I had to say on that subject. I want to say, however, so far as my friend on my left is concerned, that nothing in the world was further from my intention than to misrepresent him. I think, however, that he to-day does me an injustice because he reads from the RECORD on page 297, whereas my remarks were based upon what the gentleman said on page 251 of the RECORD. The remarks that I made yesterday as to the gentleman's speech are a reproduction of what he said on page 251 of the RECORD. Now, let me read. At the top of page 251, where occurs the gentleman's remarks, is an interruption of the speech of Mr. PAYNE.

Mr. BOUTELL of Illinois. In other words, estimating our expenditures for 1902 on the basis of 1901, the surplus under this law would be $109,000,000, and six months of 1901 are still on the basis of the estimation. Taking the actual expenses of the year just closed, the estimated expenses for 1902 are over $100,000,000 in excess of the actual expenses of the year 1900, which, with the difference of the $26,000,000 estimated surplus, makes for 1902, under this law, provided we kept our expenses within that of last year, 1900, a surplus of $126,000,000. Would it not?

Mr. PAYNE. I am not a lightning calculator, but I presume the gentleman's figures are correct.

Now, this is the point:

Mr. BOUTELL of Illinois. So that the $126,000,000 for the year 1902 added to the $80,000,000 for 1901 and to the $80,000,000 for 1900 would leave a surplus in the Treasury, if this law was in force, of $286,000,000 on the 30th of June, 1902?

Now, that last paragraph is an exact reproduction of what is embodied in my speech, and the gentleman complains—I say to him with great respect—unduly about me because while the paragraph he cites on page 297 is a justification of him the paragraph on page 251 is a justification of me.

Mr. BOUTELL of Illinois. The gentleman is correct, but my figures on page 251 were in the form of a question, which was answered in the affirmative by the gentleman from New York. So I suppose I ought to withdraw all but the first paragraph of my remarks, which, in justice to the gentleman from Pennsylvania, must be allowed to stand.

Mr. BARTHOLDT. Mr. Chairman, I wish to move to strike out the last word, in order to ask a question of the chairman of the Committee on Ways and Means. This section reads that "such stamps as have been already issued shall be redeemed by the Commissioner of Internal Revenue when presented." Now, the question I wish to ask the chairman of the Committee on Ways and Means is, How do you construe the word "presented?" I understand the practice has been for a large number of importers to send the stamps abroad to be affixed to patent medicines, and under the ruling of the Bureau they are affixed to the bottles. Now, ought you not to provide that all these stamps should be redeemed, no matter whether actually presented to the Bureau or the Department in the form of stamps or shown to any subcollector in the port of entry in the form attached to the bottles?

Mr. PAYNE. It does not seem to me so; that would open the door for fraud. Of course there are some people who will not get the stamps redeemed, and would not, no matter how the section is drawn, if it were properly safeguarded. This section was drawn after consultation with the late Commissioner Wilson, and I think it is in the exact language he suggested. I will say to the gentleman that there is a law which we passed last spring providing for the redemption of all unused stamps when presented in sums of not less than $2. That is the act referred to in this section. The late Commissioner of Internal Revenue, Mr. Wilson, thought that the provision of that act was perhaps sufficient for all purposes, but for greater safety the committee put in this section referring to that act and providing for redemption under its provisions.

Mr. BARTHOLDT. I asked this question because a case has been brought to my attention——

Mr. PAYNE. My attention has been called to the matter.

Mr. RICHARDSON of Tennessee. I hope that gentlemen will speak loud enough to be heard on this side of the House.

Mr. PAYNE. I was saying that this section was drawn under the supervision of the late Mr. Wilson, who at the time of his death was Commissioner of Internal Revenue. It refers to a law passed by Congress last year on this subject. He thought that that law would be a sufficient provision for the redemption of these stamps, but for greater safety this section has been put in.

Mr. BARTHOLDT. I suggest, however, that this question depends upon the construction which may be placed upon the word "presented." Suppose the Department should hold that in order to have stamps redeemed they must be actually presented as stamps. In some cases thousands upon thousands of dollars' worth of stamps are sent abroad for the purpose of being placed upon articles on the other side to enable those articles to be imported into this country. It is necessary often to send stamps abroad five, six, or seven months in advance.

Mr. PAYNE. The stamps to which the gentleman refers are stamps which have been used upon articles imported. They are sent abroad to save expense. My attention has been called to this matter by only one person. I do not know but that the letter came from one of the gentleman's constituents and was referred to me by the gentleman himself. I have not seen any way to provide for the contingency which the gentleman mentions.

Mr. BARTHOLDT. Might it not be provided that as long as the goods to which stamps have been affixed remain in the custom-house the stamps should be redeemed?

Mr. PAYNE. I do not see how we could do that without opening a door to fraud. If a provision such as the gentleman suggests is to be adopted, it ought to be done after very careful consideration and upon consultation with the Internal Revenue Office. If it should appear necessary to adopt a provision of this kind, it can be put on in the Senate. I would not want to consent to any arrangement now which might possibly open a door to fraud.

Mr. BARTHOLDT. All right. I merely wanted to call attention to this point.

The Clerk resumed and concluded the reading of the bill, the last section read being the following:

SEC. 14. That this act shall take effect thirty days after its passage.

The CHAIRMAN. An amendment reported by the Committee on Ways and Means to this section will be read.

The Clerk read as follows:

Strike out the words "thirty days" and insert the words "on and."

The amendment was agreed to.

Mr. PAYNE. I now move that the committee rise and report the bill with the amendments to the House with a recommendation that as amended the bill pass.

The CHAIRMAN. The gentleman from New York [Mr. LEVY], as the Chair understands, desires to offer an amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 10834. An act granting an increase of pension to Michael Dempsey;

H. R. 9043. An act granting an increase of pension to David S. Snyder, and

H. Res. 281. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1900, on the 20th day of said month.

The message also announced that the Senate had passed the following joint resolution; in which the concurrence of the House was requested:

S. R. 138. Joint resolution providing for the paving of certain streets in the city of Washington.

WAR REVENUE.

The committee resumed its session.

Mr. LEVY. I offer as a substitute what I send to the desk.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That in lieu of the tax of $2 now imposed by law there shall be paid a tax of $1.50 on all beer, lager beer, ale, porter, and other similar fermented liquors brewed and manufactured and sold or stored in warehouse, or removed for consumption or sale, within the United States, by whatever name such liquors shall be called, for every barrel containing not more than 31 gallons, and at a like rate for any quantity or for the fractional parts of a barrel authorized and defined by law: *Provided*, That nothing in this act shall be construed as affecting fermented liquors stored in warehouse to which a stamp has been affixed, as now provided by law.

"SEC. 2. That from and after the passage of this act the provisions relating to special taxes, as provided in section 2 of the act hereby amended, are hereby repealed.

"SEC. 3. That in lieu of the tax now imposed by law there shall be levied and collected a tax of 6 cents per pound on all tobacco and snuff, however prepared, manufactured or sold, or removed for consumption or sale; and upon cigars and cigarettes which shall be manufactured and sold, or removed for consumption or sale, there shall be levied and collected the following taxes, to be paid by the manufacturer thereof, namely: A tax of $3 per 1,000 on cigars of all description made of tobacco, or any substitute therefor, and weighing more than 3 pounds per 1,000, and of 75 cents per 1,000 of cigars made of tobacco, or any substitute therefor, weighing not more than 3 pounds per 1,000; and a tax of $3 per 1,000 on cigarettes made of tobacco, or any substitute therefor, and weighing more than 3 pounds per 1,000, and a tax of $1.25 per 1,000 on cigarettes made of tobacco, or any substitute therefor, and weighing not more than 3 pounds per 1,000. Otherwise the provisions of section 3 of the act hereby amended are to remain in full force and effect.

"SEC. 4. That the provisions of section 4 of the act hereby amended are hereby repealed.

"SEC. 5. That the stamp taxes described and provided for and imposed by the act hereby amended in Schedule A of said act are hereby repealed.

"SEC. 6. That the taxes upon medicinal proprietary articles and preparations, and upon perfumery and cosmetics, and other similar articles imposed by Schedule B, and provided for in section 25 of the act hereby amended, are hereby repealed.

"SEC. 7. That the tax of 10 cents per pound upon tea, when imported from foreign countries, imposed by section 50 of the act hereby amended, is hereby repealed.

"SEC. 8. That all provisions of the act of June 13, 1898, inconsistent with the provisions of the present act, are hereby repealed, otherwise the provisions of said act are to remain in full force and effect.

"SEC. 9. That this act shall take effect on the day of its passage."

Mr. LEVY. Mr. Chairman, the substitute which I offer will reduce the revenue from war taxes about $68,000,000. We have in the Treasury at present $138,000,000 in round numbers, and this amendment will leave nearly $40,000,000 additional to be collected under the war-revenue act, making a total of $178,000,000, which will be much more than sufficient for the increased expenditures of the Government at the present time. In my judgment we ought to expend the whole of this surplus. Its retention is dangerous to the business of the country, which demands the release of this surplus in accordance with the promise on the floor of this House. I repeat, that this surplus ought to be returned to the people. They are now suffering because of the absorption of this vast sum of money by the Federal Treasury. This surplus, locked in the Treasury, alone reduces the money in circulation about $4 per capita. It is not fair to say that we have $27 per capita in circulation when $4 of it is in the Treasury. Every commercial community in this country feels the effect of this withdrawal to-day of money from circulation. I appeal to this House to return to the people this money which is drawn from their business at a time when the United States has no immediate need for it.

The reduction proposed by this substitute bill will amount to $13,832,715.25 on beer, $8,816,833.60 on tobacco, $3,189,764.14 on cigars, $1,320,394.72 on cigarettes. Under Schedule A the reduction will be $36,416,082.11; under Schedule B, $4,548,283.19. The reduction on dealers and manufacturers of tobacco and cigars will be $319,103.02. In exact figures, the total reduction would be $68,443,176.03, and this I submit is only a fair reduction of the surplus revenue of the Government derived from war taxes.

The CHAIRMAN. The question is on the substitute offered by the gentleman from New York.

Mr. FITZGERALD of Massachusetts. I desire to offer an amendment to the amendment of the gentleman from New York.

The Clerk read the amendment of Mr. FITZGERALD of Massachusetts, as follows:

Amend by striking out so much of Schedule B as relates to taxation of sparkling and other wines.

Mr. PAYNE. I raise a point of order upon that amendment. As I heard the amendment of the gentleman from New York, to which this is offered as an amendment, it did not propose to amend Schedule B in any way, but to strike it out.

Mr. FITZGERALD of Massachusetts. I submit that the substitute can be amended at any point.

Mr. LEVY. I offered my proposition as a substitute for the whole bill.

Mr. PAYNE. But that would not authorize the amendment of the gentleman from Massachusetts.

Mr. FITZGERALD of Massachusetts. Certainly it would, if the substitute is capable of being amended at all. If there should be any trouble on this point, I will offer my proposition as an amendment to the bill. If no point of order was raised against this substitute, certainly no point of order can be raised now against any amendment which may be presented, and I would suggest to the Chair that inasmuch as no objection was offered to the presentation of the substitute, none could be made to the amendment I have proposed.

The CHAIRMAN. The Chair is not satisfied as to whether the amendment is germane, and wishes to examine the provision to which it applies before giving a decision.

Mr. FITZGERALD of Massachusetts. It relates to a war-revenue matter—a matter of taxation—and any substitute covering the provisions of the same bill sought to be amended by the Committee on Ways and Means, it would seem, is capable of being amended.

The CHAIRMAN. Section 6 of the substitute reads as follows:

SEC. 6. That the taxes upon medicinal proprietary articles and preparations, and upon perfumes and cosmetics, and other similar articles, imposed by Schedule B, and provided for in section 25 of the act hereby amended, are hereby repealed.

Here is a proposition offered by the gentleman from Massachusetts to repeal an additional clause of Schedule B of the bill, and the Chair thinks it is germane.

Mr. PAYNE. Then, Mr. Chairman, I move that all debate on the pending substitute and all amendments thereto be closed in two minutes.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I have the floor. I question the right of the gentleman to make the motion at this time. The Chair recognized me, and I decline to yield to the gentleman from New York for the purpose of making a motion.

The CHAIRMAN. The Chair does not think the gentleman from Massachusetts has the floor for the purpose of discussion.

It is moved that all debate——

Mr. FITZGERALD of Massachusetts. I desire to make a parliamentary inquiry.

The CHAIRMAN. Permit the Chair first to state the question before the House.

Mr. FITZGERALD of Massachusetts. Certainly.

The CHAIRMAN. It is moved that all debate upon the substitute offered by the gentleman from New York and the amendment thereto proposed by the gentleman from Massachusetts be closed in two minutes.

Mr. FITZGERALD of Massachusetts. Now, Mr. Chairman, a parliamentary inquiry upon that point. Will the Chair enlighten the House as to how the gentleman from New York can make the motion at this time, when the amendment that I offered is pending and I was recognized to offer it? I certainly have not given up my right to the floor.

The CHAIRMAN. The gentleman from Massachusetts was not recognized for the purpose of debate.

Mr. FITZGERALD of Massachusetts. But I offered the amendment, was recognized by the Chair, and can not see how it can be taken away from me.

Mr. PAYNE. I will yield the two minutes to the gentleman if the time is fixed.

The CHAIRMAN. The question is on the motion of the gentleman from New York, which has been stated.

The motion was agreed to.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I take the floor in my own right, for I do not wish to take the time of the gentleman from New York. I am entitled to the floor in my own time, and I intend to avail myself of my rights in this matter.

The CHAIRMAN. The gentleman is recognized for two minutes.

Mr. FITZGERALD of Massachusetts. If the House is to be consistent in the matter of taxation, the tax should be removed on sparkling and other wines, as has been the case with proprietary medicines and other articles of that kind. Wine is an innocent drink. It is used as a tonic and stimulant by hundreds of

thousands of people in this country. It is bottled by hundreds of persons throughout the United States. Many grocers and wine merchants throughout the country buy wine in bulk and bottle it, just as men who are engaged in proprietary medicines, dealing as apothecaries or druggists, put up their own specifics and sell them to the trade throughout the country. There seems no justice in retaining a tax of 1 cent a bottle on pints and 2 cents a bottle on all larger packages when the tax is removed from all articles of like nature.

It seems to me unfair to discriminate against a legitimate industry. This business is engaged in by men who are pursuing a legitimate industry, and I can not see why they should be compelled to submit to this unjust and unnecessary burden.

Let us be fair about this matter.

The manufacture and sale of wine is a legitimate business, and the men who deal in this product are as much entitled to justice and fair play from the Government as the men engaged in any other business.

I hope the House will vote to repeal this tax. I hope the Republican party in this House, who are in the great majority upon this floor, will give the men in this business the same relief from war taxation that has been accorded many other industries in this bill.

[Here the hammer fell.]

Mr. NEWLANDS. Mr. Chairman, I will ask unanimous consent that the telegram I hold in my hand, from California, regarding the tax on wines, be read.

Mr. PAYNE. Oh, no; let it be printed in the RECORD.

Mr. NEWLANDS. All right; I have no objections to that.

The CHAIRMAN. The gentleman asks unanimous consent to print in the RECORD the telegram to which he has referred. Is there objection?

There was no objection.

Mr. NEWLANDS. The telegram is as follows:

SAN FRANCISCO, CAL., *December 14, 1900.*

Hon. S. D. WOODS,
House of Representatives, Washington, D. C.:

Please do all you can with Ways and Means Committee to get a stamp tax taken from bottle wines. It now amounts to 10 cents per gallon, or nearly the first cost of the wine itself, and is a serious impediment to the industry without corresponding benefit to revenue.

FRANK A. WEST.

The CHAIRMAN. The question is upon agreeing to the amendment to the substitute offered by the gentleman from Massachusetts.

The amendment to the substitute was rejected.

The CHAIRMAN. The question now recurs upon the adoption of the substitute offered by the gentleman from New York.

The question being taken, the Chairman announced that the noes had it.

Mr. SULZER (from his seat) demanded a division.

The CHAIRMAN. No gentleman has arisen to ask for a division. The noes have it, and the substitute is rejected.

And then, on motion of Mr. PAYNE, the committee rose; and the Speaker having resumed the Chair, Mr. HEPBURN, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 12394) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder, and had directed him to report the same back to the House with sundry amendments, and with the recommendation that as amended the bill do pass.

Mr. PAYNE. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded upon any amendment?

Mr. PAYNE. I demand a separate vote upon the amendment in reference to the tax upon express and freight packages.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. UNDERWOOD. I demand a separate vote on the amendment offered by the gentleman from Vermont, adopted this morning.

The SPEAKER. Is a separate vote demanded upon any other amendment? If not, action upon the two amendments referred to will be postponed, and a vote taken on the others in gross.

The other amendments were agreed to.

The SPEAKER. The Clerk will now report the first of the amendments on which a separate vote was demanded.

The Clerk read as follows:

Strike out in line 17, page 15, all after the word "freight" to and including line 13 on page 16, and insert in lieu thereof the following:

"Express and freight: It shall be the duty of every railroad or steamboat company, carrier, express company, or corporation, or person whose occupation is to act as such, to make within the first fifteen days of each month a sworn statement to the collector of internal revenue in each of their respective districts, stating the number of shipments received for carriage and transportation, whether in bulk or in boxes, bales, packages, bundles, or not so inclosed or included, for which any charge whatsoever has been made, and for each of such shipments received for carriage and transportation the said railroad or steamboat company, carrier, express company, or corporation, or person whose occupation it is to act as such, shall pay a tax of 1 cent: *Provided*, That but one payment of said tax shall be required on bundles or packages of newspapers when inclosed in one general bundle at the time of shipment."

The question being taken on the amendment, the Speaker announced that the noes appeared to have it.

Mr. UNDERWOOD demanded a division.

Before the result of the division was announced,

Mr. FOX demanded the yeas and nays.

The yeas and nays were ordered.

Mr. NEWLANDS. Mr. Speaker, I call for the reading of the amendment.

Mr. GROSVENOR. I object.

The SPEAKER. The amendment has already been reported.

The question was taken; and there were—yeas 124, nays 140, answered "present" 4, not voting 88; as follows:

YEAS—124.

Adamson,	Dinsmore,	Little,	Robinson, Nebr.
Allen, Ky.	Dougherty,	Livingston,	Ryan, Pa.
Atwater,	Elliott,	Lloyd,	Salmon,
Bankhead,	Finley,	McCulloch,	Shackleford,
Barney,	Fleming,	McDowell,	Shafroth,
Bartlett,	Fordney,	McLain,	Sheppard,
Bell,	Fox,	McRae,	Sims,
Bellamy,	Gaines,	Maddox,	Slayden,
Benton,	Gilbert,	Meekison,	Smith, Ky.
Brantley,	Green, Pa.	Metcalf,	Smith, H. C.
Breazeale,	Griggs,	Meyer, La.	Snodgrass,
Brenner,	Hay,	Miers, Ind.	Stark,
Broussard,	Henry, Miss.	Minor,	Stephens, Tex.
Burke, Tex.	Henry, Tex.	Moon,	Stokes,
Burleson,	Howard,	Needham,	Sutherland,
Burnett,	Jack,	Neville,	Swanson,
Caldwell,	Jett,	Newlands,	Talbert,
Clark, Mo.	Johnston,	Norton, Ohio	Tate,
Clayton, Ala.	Jones, Va.	Norton, S. C.	Taylor, Ala.
Clayton, N. Y.	Jones, Wash.	Otey,	Terry,
Cochran, Mo.	King,	Phillips,	Thomas, N. C.
Cooney,	Kitchin,	Polk,	Tongue,
Cooper, Tex.	Kleberg,	Ransdell,	Turner,
Cowherd,	Kluttz,	Rhea, Ky.	Underwood,
Cox,	Lamb,	Rhea, Va.	Vandiver,
Crowley,	Lanham,	Richardson, Ala.	Wheeler,
Cushman,	Lassiter,	Richardson, Tenn.	Williams, J. R.
Davey,	Latimer,	Ridgely,	Williams, W. E.
Davis,	Lentz,	Rixey,	Williams, Miss.
De Armond,	Lester,	Robb,	Woods,
De Graffenreid,	Lewis,	Robinson, Ind.	Zenor.

NAYS—140.

Aldrich,	Emerson,	Lacey,	Reeder,
Alexander,	Esch,	Landis,	Reeves,
Allen, Me.	Faris,	Levy,	Roberts,
Babcock,	Fitzgerald, Mass.	Linney,	Rodenberg,
Barham,	Fitzgerald, N. Y.	Littlefield,	Ruppert,
Bartholdt,	Fletcher,	Long,	Russell,
Bingham,	Foss,	Loud,	Ryan, N. Y.
Bishop,	Foster,	Loudenslager,	Shattuc,
Boutell, Ill.	Fowler,	Lovering,	Sherman,
Bowersock,	Gamble,	Lybrand,	Showalter,
Brick,	Gardner, N. J.	McCall,	Sibley,
Bromwell,	Gibson,	McCleary,	Smith, Ill.
Brown,	Gillet, N. Y.	McClellan,	Smith, Iowa
Burke, S. Dak.	Gillett, Mass.	Mann,	Southard,
Burkett,	Glynn,	Marsh,	Spalding,
Burleigh,	Graff,	May,	Sperry,
Butler,	Graham,	Mercer,	Steele,
Calderhead,	Grosvenor,	Miller,	Stevens, Minn.
Cannon,	Grout,	Mondell,	Stewart, N. Y.
Capron,	Haugen,	Moody, Mass.	Stewart, Wis.
Cochrane, N. Y.	Hawley,	Moody, Oreg.	Sullowav,
Conner,	Heatwole,	Morrell,	Sulzer,
Cooper, Wis.	Hedge,	Naphen,	Tawney,
Cousins,	Hemenway,	O'Grady,	Tayler, Ohio
Cromer,	Henry, Conn.	Olmsted,	Thayer,
Crump,	Hepburn,	Otjen,	Van Voorhis,
Crumpacker,	Hill,	Overstreet,	Vreeland,
Cummings,	Hitt,	Packer, Pa.	Wadsworth,
Curtis,	Hoffecker,	Payne,	Wanger,
Dalzell,	Hopkins,	Pearce, Mo.	Warner,
Dayton,	Howell,	Pearson,	Waters,
Dick,	Hull,	Powers,	Weaver,
Driggs,	Kerr, Md.	Prince,	Weymouth,
Driscoll,	Ketcham,	Pugh,	Wise,
Eddy,	Knox,	Ray, N. Y.	Young.

ANSWERED "PRESENT"—4.

Bailey, Kans.	Gaston,	Jenkins,	Rucker.

NOT VOTING—88.

Acheson,	Connell,	Kerr, Ohio	Shelden,
Adams,	Corliss,	Lane,	Small,
Allen, Miss.	Cusack,	Lawrence,	Smith, Samuel W.
Bailey, Tex.	Dahle,	Littauer,	Smith, Wm. Alden
Baker,	Davenport, S. A.	Lorimer,	Sparkman,
Ball,	Davenport, S. W.	McAleer,	Spight,
Barber,	Davidson,	McDermott,	Sprague,
Berry,	Denny,	Mahon,	Stallings,
Boreing,	Dovener,	Mesick,	Stewart, N. J.
Boutelle, Me.	Fitzpatrick,	Morgan,	Thomas, Iowa
Bradley,	Freer,	Morris,	Thropp,
Brewer,	Gardner, Mich.	Mudd,	Tompkins,
Brosius,	Gayle,	Muller,	Underhill,
Brownlow,	Gill,	Noonan,	Wachter,
Brundidge,	Gordon,	Parker, N. J.	Watson,
Bull,	Greene, Mass.	Pearre,	Weeks,
Burton,	Griffith,	Pierce, Tenn.	White.
Campbell,	Grow,	Quarles,	Wilson, Idaho
Carmack,	Hall,	Riordan,	Wilson, N. Y.
Catchings,	Hamilton,	Robertson, La.	Wilson, S. C.
Chanler,	Joy,	Scudder,	Wright,
Clarke, N. H.	Kahn,	Shaw,	Ziegler.

So the amendment was rejected.

The following pairs were announced:

Mr. DAYTON with Mr. MEYER of Louisiana, for the balance of the session.

Until further notice:

Mr. LANE with Mr. CHANLER.
Mr. FREER with Mr. CUSACK.
Mr. HAMILTON with Mr. BAILEY of Kansas.
Mr. SHAW with Mr. NORTON of South Carolina.
Mr. BROSIUS with Mr. ZIEGLER.
Mr. ADAMS with Mr. MCALEER.
Mr. BULL with Mr. NOONAN.
Mr. MESICK with Mr. BAILEY of Texas.
Mr. THOMAS of Iowa with Mr. CAMPBELL.
Mr. STEWART of New Jersey with Mr. GASTON.
Mr. WATSON with Mr. SCUDDER.

For this day:

Mr. JENKINS with Mr. QUARLES.
Mr. SPRAGUE with Mr. CATCHINGS.
Mr. BOREING with Mr. FITZPATRICK.
Mr. KAHN with Mr. BRUNDIDGE.
Mr. GREENE of Massachusetts with Mr. BARBER.
Mr. BOUTELLE of Maine with Mr. BRADLEY.
Mr. MAHON with Mr. GORDON.
Mr. CONNELL with Mr. UNDERHILL.
Mr. LITTAUER with Mr. BERRY.
Mr. LAWRENCE with Mr. MCDERMOTT.
Mr. WRIGHT with Mr. HALL.
Mr. GROW with Mr. GRIFFITH.
Mr. S. A. DAVENPORT with Mr. MULLER.
Mr. KERR of Ohio with Mr. SPIGHT.
Mr. LORIMER with Mr. SWANSON.
Mr. MUDD with Mr. PIERCE of Tennessee.
Mr. MORGAN with Mr. RIORDAN.
Mr. PEARRE with Mr. WILSON of South Carolina.

On this bill:

Mr. WACHTER with Mr. SMALL.
Mr. JOY with Mr. RUCKER.
Mr. CLARKE of New Hampshire with Mr. WILSON of New York
Mr. WM. ALDEN SMITH with Mr. ROBERTSON of Louisiana.

On this vote:

Mr. BAKER with Mr. DAVIDSON.
Mr. BROWNLOW with Mr. CARMACK.
Mr. BURTON with Mr. BALL.
Mr. ACHESON with Mr. SPARKMAN.
Mr. CAPRON with Mr. ALLEN of Mississippi.
Mr. DOVENER with Mr. GAYLE.
Mr. WADSWORTH with Mr. WILSON of Idaho.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the amendment offered by the gentleman from Vermont, which the Clerk will read.

The Clerk read as follows:

Insert in line 14, page 17, and in line 11, page 20, after the word "art," the following: "*And provided further*, That the provisions of this act and of the act hereby amended shall not be held to apply to any estate where the testator or intestate died before June 13, 1898."

Mr. POWERS. A parliamentary inquiry. This amendment was accepted by the Committee on Ways and Means, and no notice was given that a separate vote would be called for. My inquiry is if that is not necessary before a separate vote could be had?

Mr. UNDERWOOD. Mr. Speaker, I ask for order. I can not hear what the gentleman says.

The SPEAKER. The gentleman from Vermont makes the parliamentary inquiry if the fact that this amendment was accepted by or agreed to by the Committee on Ways and Means or the chairman in charge of the bill, and that no notice of a separate vote was given in the Committee of the Whole, would not make it out of order to be considered now. The Chair does not know anything about what transpired in the Committee of the Whole House on the state of the Union, except as reported by the Chairman. It is a pending amendment, and in respect to that a separate vote may be demanded.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. PAYNE. Division.

The House divided; and there were—ayes 84, noes 53.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. RICHARDSON of Tennessee. I desire to move to recommit the bill. Will the Chair entertain that motion now?

The SPEAKER. After the third reading of the bill the Chair will hear the gentleman.

The bill was read the third time.

Mr. RICHARDSON of Tennessee. I move to recommit the bill with the instructions contained in the paper which I send to the desk.

The SPEAKER. The Clerk will report the instructions.

The Clerk read as follows:

Resolved, That the bill H. R. 12394 be recommitted to the Committee on Ways and Means with instructions to forthwith report a bill reducing the revenues under the war-revenue act at least the sum of $70,000,000, the taxes remaining to be so apportioned as to more equally and justly distribute the taxes and to remove them from the articles most nearly the necessaries of life and which enter most generally into consumption. The committee will also include in the bill a provision so framed as to accomplish the just ends of an income tax and yet escape the decision of the Supreme Court of the United States in the cases growing out of the Wilson tariff law.

Mr. PAYNE. Mr. Speaker, on that I move the previous question.

Mr. HOPKINS. I think a point of order would lie against that, because it requires the committee to report a bill with an income tax that would escape the decision of the Supreme Court—that is, to require an impossibility.

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York.

The question was taken; and the previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution of instructions offered by the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 157, answered "present" 3, not voting 65; as follows:

YEAS—131.

Adamson,	Denny,	Lester,	Ruppert,
Allen, Ky.	Dinsmore,	Lewis,	Ryan, N. Y.
Atwater,	Dougherty,	Little,	Ryan, Pa.
Ball,	Driggs,	Livingston,	Salmon,
Bankhead,	Elliott,	Lloyd,	Shackleford,
Bartlett,	Finley,	McClellan,	Shafroth,
Bell,	Fitzgerald, Mass.	McCulloch,	Sheppard,
Bellamy,	Fitzgerald, N. Y.	McDowell,	Sims,
Benton,	Fleming,	McLain,	Slayden,
Brantley,	Foster,	McRae,	Smith, Ky.
Breazeale,	Fox,	Maddox,	Snodgrass,
Brenner,	Gaines,	May,	Sparkman,
Broussard,	Gaston,	Meekison,	Stark,
Burke, Tex.	Gilbert,	Meyer, La.	Stephens, Tex.
Burleson,	Glynn,	Miers, Ind.	Stokes,
Burnett,	Green, Pa.	Moon,	Sulzer,
Caldwell,	Griggs,	Naphen,	Sutherland,
Carmack,	Hay,	Neville,	Talbert,
Clark, Mo.	Henry, Miss.	Newlands,	Tate,
Clayton, Ala.	Henry, Tex.	Norton, Ohio	Taylor, Ala.
Clayton, N. Y.	Howard,	Norton, S. C.	Terry,
Cochran, Mo.	Jett,	Otey,	Thayer,
Cooney,	Johnston,	Polk,	Thomas, N. C.
Cooper, Tex.	Jones, Va.	Ransdell,	Turner,
Cowherd,	King,	Rhea, Ky.	Underwood,
Cox,	Kitchin,	Rhea, Va.	Vandiver,
Crowley,	Kleberg,	Richardson, Ala.	Wheeler,
Cummings,	Kluttz,	Richardson, Tenn.	Williams, J. R.
Davenport, S. W.	Lamb,	Ridgely,	Williams, W. E.
Davey,	Lanham,	Rixey,	Williams, Miss.
Davis,	Lassiter,	Robb,	Wilson, S. C.
De Armond,	Latimer,	Robinson, Ind.	Zenor.
De Graffenreid,	Lentz,	Robinson, Nebr.	

NAYS—157.

Acheson,	Dick,	Knox,	Ray, N. Y.
Aldrich,	Dovener,	Lacey,	Reeder,
Alexander,	Driscoll,	Landis,	Reeves,
Allen, Me.	Eddy,	Lawrence,	Roberts,
Babcock,	Emerson,	Littlefield,	Rodenberg,
Bailey, Kans.	Esch,	Long,	Russell,
Barham,	Faris,	Loud,	Shattuc,
Barney,	Fletcher,	Loudenslager,	Shelden,
Bartholdt,	Fordney,	Lovering,	Sherman,
Bingham,	Foss,	Lybrand,	Showalter,
Bishop,	Fowler,	McCall,	Sibley,
Boutell, Ill.	Gamble,	McCleary,	Smith, Ill.
Bowersock,	Gardner, Mich.	Mann,	Smith, Iowa,
Brick,	Gardner, N. J.	Marsh,	Smith, Samuel W.
Bromwell,	Gibson,	Mercer,	Smith, Wm. Alden
Brown,	Gill,	Metcalf,	Southard,
Brownlow,	Gillett, Mass.	Miller,	Spalding,
Burke, S. Dak.	Gillet, N. Y.	Minor,	Sperry,
Burkett,	Graff,	Mondell,	Steele.
Burleigh,	Graham,	Moody, Mass.	Stevens, Minn.
Burton,	Grosvenor,	Moody, Oreg.	Stewart, N. Y.
Butler,	Grout,	Morgan,	Stewart, Wis.
Calderhead,	Hamilton,	Morrell,	Sulloway,
Cannon,	Haugen,	Morris,	Tawney,
Capron,	Hawley,	Mudd,	Tayler, Ohio
Cochrane, N. Y.	Heatwole,	Needham,	Thropp,
Connell,	Hedge,	O'Grady,	Tongue,
Conner,	Hemenway,	Olmsted,	Van Voorhis,
Cooper, Wis.	Henry, Conn.	Otjen,	Vreeland,
Corliss,	Hepburn,	Overstreet,	Wadsworth,
Cousins,	Hill,	Packer, Pa.	Wanger,
Cromer,	Hitt,	Parker, N. J.	Warner,
Crump,	Hoffecker,	Payne,	Weaver,
Crumpacker,	Hopkins,	Pearce, Mo.	Weymouth,
Curtis,	Howell,	Pearson,	Wise,
Cushman,	Hull,	Pearre,	Woods,
Dahle,	Jack,	Phillips,	Young.
Dalzell,	Jones, Wash.	Powers,	
Davidson,	Kerr, Md.	Prince,	
Dayton,	Ketcham,	Pugh,	

ANSWERED "PRESENT"—3.

Jenkins,	Rucker,	Swanson.

NOT VOTING—65.

Adams,	Cusack,	Lorimer,	Stallings,
Allen, Miss.	Davenport, S. A.	McAleer,	Stewart, N. J.
Bailey, Tex.	Fitzpatrick,	McDermott,	Thomas, Iowa
Baker,	Freer,	Mahon,	Tompkins,
Barber,	Gayle,	Mesick,	Underhill,
Berry,	Gordon,	Muller,	Wachter,
Boreing,	Greene, Mass.	Noonan,	Waters,
Boutelle, Me.	Griffith,	Pierce, Tenn.	Watson,
Bradley,	Grow,	Quarles,	Weeks,
Brewer,	Hall,	Riordan,	White,
Brosius,	Joy,	Robertson, La.	Wilson, Idaho
Brundidge,	Kahn,	Scudder,	Wilson, N. Y.
Bull,	Kerr, Ohio	Shaw,	Wright,
Campbell,	Lane,	Small,	Ziegler.
Catchings,	Levy,	Smith, H. C.	
Chanler,	Linney,	Spight,	
Clarke, N. H.	Littauer,	Sprague,	

So the resolution to recommit was not agreed to.

The following additional pair was announced:

For this day:

Mr. WEEKS with Mr. PIERCE of Tennessee.

Mr. SWANSON. Mr. Speaker, on a former roll call I voted "aye," but I find that I am paired with Mr. LORIMER of Illinois. If he were present, I would vote "aye" upon this roll call. I wish to be marked "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called Mr. SWANSON'S name, and he voted "present," as above recorded.

Mr. BREAZEALE. Mr. Speaker, I desire to be recorded on this vote. I was listening to my name, but did not hear it.

The SPEAKER. Was the gentleman present and listening when his name should have been called by the Clerk?

Mr. BREAZEALE. Yes.

The SPEAKER. And the gentleman did not hear it?

Mr. BREAZEALE. No, sir.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called Mr. BREAZEALE'S name, and he voted "yea," as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

The question was taken; and the bill was passed.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

LEAVE TO PRINT.

Mr. RICHARDSON of Tennessee. Mr. Speaker, a number of gentlemen failed to get an opportunity to speak on the bill that has just passed, and I ask unanimous consent that five days be given for leave to print on the bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that general leave to print on the bill be given for five days. Is there objection? [After a pause.] The Chair hears none.

PENSION LEGISLATION.

Mr. SULLOWAY. Mr. Speaker, I desire to make a request of the House. Yesterday was the second Friday which should have been devoted to private pension bills under the order, but it was displaced by the revenue bill. Now, I desire to ask unanimous consent that on Monday next, after such matters as may come up under suspension of the rules have been disposed of, the special order which had reference to the transaction of business on Friday last be in order.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that Monday next, after matters to be passed under suspension of the rules are disposed of, may be set aside for the consideration of private pension bills.

Mr. LANHAM. I did not understand what the request was, Mr. Speaker.

The SPEAKER. That after matters under the suspension of the rules on Monday next shall have been disposed of, pension legislation shall be in order. Is there objection? [After a pause.] The Chair hears none.

PENSION APPROPRIATION BILL.

Mr. BARNEY. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union to consider House bill 12737, making appropriations for invalid and other pensions of the United States for the fiscal year ending June 30, 1902, and for other purposes.

The SPEAKER. The gentleman from Wisconsin moves that the House resolve itself into Committee of the Whole House on the state of the Union to consider House bill 12737, the pension appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CAPRON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of House bill 12737.

Mr. BARNEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. RICHARDSON of Tennessee. Pending that, I desire to ask the gentleman if there is any new legislation in this bill.

Mr. BARNEY. Not a word; it is a copy of the pension bill of last year in every respect.

Mr. RICHARDSON of Tennessee. What amount does it carry?

Mr. BARNEY. One hundred and forty-five million two hundred and forty-five thousand two hundred and thirty dollars—the same amount as the bill last year.

The CHAIRMAN. The gentleman from Wisconsin asks that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. BARNEY. Mr. Chairman, the statement I have just made in reply to the gentleman from Tennessee [Mr. RICHARDSON] is probably all the explanation that will be necessary in reference to this bill. It is in exact accordance with the Book of Estimates and is an exact copy of the pension appropriation bill which we passed last year.

It carries, as I have already said, the sum of $145,245,230. By the statement of the Commissioner of Pensions before the subcommittee on pension appropriations it appears that for the fiscal year 1900 there was a surplus of something like $5,000,000 and for the present year—the fiscal year 1901—his estimate was that there might be a small surplus, but that the amount appropriated would be about what we need.

In anticipation of an increase in the Spanish war pension claims we have allowed the same amount for the fiscal year 1902 that we did for 1900 and 1901, and we are assured that this amount will cover all possible contingencies.

Now, unless some questions are to be asked——

Mr. RAY of New York. I wish to ask the gentleman whether this bill contains any provisions by way of new legislation?

Mr. BARNEY. Not one.

Mr. RAY of New York. Nothing changing existing law?

Mr. BARNEY. Nothing changing existing law in the least. The bill as I have stated is an exact copy of the pension appropriation bill which was passed one year ago.

Mr. BINGHAM. I would like to ask one question. What was the estimate of the gentleman's committee in connection with the Spanish-American war?

Mr. BARNEY. It appears that for the Spanish-American war there were allowed, during the year 1899, 299 pensions; during the year 1900, 1,755—that is, invalid pensions and pensions of widows and minors, all taken together.

Mr. BINGHAM. And what was the estimate under this bill for such pensions?

Mr. BARNEY. The Commissioner said that it was impossible for him to tell what would be the amount required, but that there would be a considerable increase, because the applications for the last year amounted altogether to about 28,000.

Mr. BINGHAM. In money, how much?

Mr. BARNEY. I can not at the present time give the exact figures; but the annual value of the Spanish war pensions is a little less than the annual value of the pensions for the war of the rebellion, so that it can be very easily estimated what the sum will be.

Mr. BINGHAM. As I understand, with the addition of all the claims growing out of the Spanish war, the committee provides the same increase of appropriation as in the current law. Now, I would like to know whether the pensions for the war of the rebellion are increasing; and I would be glad to have the figures for those pensions.

Mr. BARNEY. That is shown in the report of the Commissioner of Pensions; and in his hearing before the committee he said the pensions growing out of the civil war are decreasing, but he anticipates that the increase growing out of the Spanish war for the fiscal year 1902 will about keep pace with the decrease on account of pensions of the civil war. So that the demands on the Treasury for pensions will remain about the same for the fiscal year 1902 as they were for 1901 and 1900.

Mr. ROBINSON of Indiana. Did I understand the gentleman as saying that in 1900, 28,000 soldiers of the Spanish war applied for pensions and that 8,000 of such claims are now unadjusted?

Mr. BARNEY. I would not say that. They are not all unadjusted; but for the years 1899 and 1900 taken together there were, in round numbers, 28,000 claims.

Mr. ROBINSON of Indiana. That means the total number of applications?

Mr. BARNEY. For both of those years together—15,560 for the fiscal year 1899 and 13,421 for the fiscal year 1900.

Mr. ROBINSON of Indiana. And that covers down to what time?

Mr. BARNEY. To the end of the fiscal year 1900—June 30 last.

Mr. ROBINSON of Indiana. Will the gentleman kindly state again how many claims have been allowed growing out of the Spanish war?

Mr. BARNEY. For the fiscal year 1899, 299; and for the fiscal year 1900, 1,755.

Mr. ROBINSON of Indiana. Has the gentleman any information which would explain why so many claims have not been acted upon?

Mr. BARNEY. The gentleman must bear in mind the fact that the applications for pensions growing out of the Spanish war are all very recent, as compared with applications for pensions growing out of the civil war.

Mr. ROBINSON of Indiana. What I very much fear is that the committee may not have provided sufficient money for the proper adjustment of those Spanish war claims. Members are constantly beset by soldiers who have applications pending.

Mr. BARNEY. We had to take the judgment of the Commissioner of Pensions. Of course, he knows, or ought to know, about how many pensions are likely to be allowed growing out of the civil war and the Spanish war. Of course, he can not state the number exactly, but he has made the best estimate he could, in view of what the Pension Office has been doing in the past year and in view of the increase which appears in pensions growing out of the Spanish war and the decrease of pensions for the civil war. And he tells us that in his judgment $145,000,000, in round numbers, will cover the needs of the Department—$144,000,000 for pensions and the balance for expenses.

Mr. ROBINSON of Indiana. Was the gentleman's attention called specially to the fact that there has been great delay in allowing pension claims for the Spanish war? Were any means adopted to correct this apparent evil?

Mr. BARNEY. That is a matter which would not come appropriately within the jurisdiction of our committee.

Mr. ROBINSON of Indiana. Is there any additional appropriation to pay those claims?

Mr. BARNEY. This bill simply covers appropriations for pensions and appropriations for medical pension examiners and pension agents. The administrative expenses of the Pension Office here in Washington come under the jurisdiction of the subcommittee on legislative, executive, and judicial expenses, of which the distinguished gentleman from Pennsylvania [Mr. BINGHAM] is chairman. This bill, of course, covers Spanish war pension claims as well as all pension claims, but properly makes no provision for the conduct of the Pension Bureau here in Washington.

If no further questions are to be asked, then I ask unanimous consent that general debate be closed and that the bill be read by paragraphs under the five-minute rule.

The bill was read at length.

Mr. BARNEY. Mr. Chairman, I move that the committee now rise and report the bill favorably to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CAFFRON reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 12737—the pension appropriation bill—had directed him to report the same to the House without amendment and with a favorable recommendation.

On motion of Mr. BARNEY, the previous question was ordered upon the bill to its passage; and under its operation the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BARNEY, a motion to reconsider the vote just taken was laid on the table.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. R. 138. Joint resolution providing for the paving of certain streets in the city of Washington—to the Committee on the District of Columbia.

NINTH REGIMENT PENNSYLVANIA INFANTRY.

Mr. STANLEY W. DAVENPORT. Mr. Speaker, I desire to ask consent to take from the Speaker's table the bill of the House No. 8487, and ask the House to concur in the Senate amendment.

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 8487) for the relief of Col. Charles B. Dougherty and other members of the Ninth Regiment of Pennsylvania Infantry.

The Senate amendment was read, and concurred in.

On motion of Mr. STANLEY W. DAVENPORT, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SPIGHT, indefinitely, on account of important business.

To Mr. PIERCE of Tennessee, indefinitely, on account of sickness.

COMMITTEE RESIGNATION.

The SPEAKER. The Chair lays before the House the following communication from a member of the House.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., December 15, 1900.

To the Speaker of the House of Representatives.

SIR: I respectfully ask to be excused from serving as a member of the committee appointed under House resolution No. 307, passed December 11, 1900, because of urgent business engagement which demand my presence in Illinois.

Very respectfully, B. F. MARSH.

The SPEAKER. Without objection, this resignation will be accepted.

There was no objection.

The SPEAKER named Mr. DICK to take the place of Mr. MARSH on the committee above referred to.

And then, on motion of Mr. DALZELL (at 3 o'clock and 30 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the General Superintendent of the Life-Saving Service, submitting an amendment of the appropriation relating to life-saving exhibit at the Pan-American Exhibition at Buffalo—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of deficiency appropriation for construction and repair of vessels—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of deficiency appropriation for the Geological Survey—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of T. C. Culpeper, administrator of estate of Josiah Culpeper, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the St. Lawrence River at the head of Long Sault Island—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Pasquotank River, North Carolina—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PARKER of New Jersey, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 953) to divide the State of West Virginia into two judicial districts, reported the same with an amendment, accompanied by a report (No. 2028); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Kentucky, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 971) to divide Kentucky into two judicial districts, reported the same with amendment, accompanied by a report (No. 2029); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CUMMINGS, from the Committee on the Library, to which was referred the bill of the House (H. R. 12332) for the erection of a monument to Andrew Lewis, reported the same with amendment, accompanied by a report (No. 2030); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COWHERD, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 1929) to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes, submitted the views of the minority (Report No. 2026, part 2); which said views were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 5601) to grant a pension to Annie F. Wilson, widow of James E. Wilson, late first lieutenant, Fifth Regiment United States Infantry—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11625) granting a pension to Melford W. Oxley—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. NEEDHAM: A bill (H. R. 12794) for a public building at Fresno, Cal., and appropriating money therefor—to the Committee on Public Buildings and Grounds.

By Mr. NAPHEN (by request): A bill (H. R. 12795) to provide homes and employment for the homeless poor and make them self-sustaining home owners—to the Committee on the Public Lands.

By Mr. NORTON of Ohio: A bill (H. R. 12796) to reimburse detailed or assigned officers—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 12797) to amend section 14 of an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897—to the Committee on Ways and Means.

By Mr. BELL: A bill (H. R. 12835) for the diversion of the Grand River, in Mesa and Garfield counties, Colo., and for other purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 12836) for the diversion of the Gunnison River into the Uncompahgre Valley, Colorado, and for other purposes—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BERRY: A bill (H. R. 12798) for the relief of the heirs of James N. Kennett, deceased, of Pendleton County, Ky.—to the Committee on War Claims.

By Mr. COUSINS: A bill (H. R. 12799) to remove the charge of desertion from the military record of Eli Jones—to the Committee on Military Affairs.

By Mr. CLAYTON of New York: A bill (H. R. 12800) for the relief of John H. Demund—to the Committee on Claims.

By Mr. CROWLEY: A bill (H. R. 12801) to pension Willis Brady—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 12802) granting an increase of pension to William H. Leavell—to the Committee on Invalid Pensions.

By Mr. FARIS (by request): A bill (H. R. 12803) granting an increase of pension to Benjamin F. Johnson—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 12804) to correct the military record of John W. Reser—to the Committee on Military Affairs.

Also, a bill (H. R. 12805) to remove the charge of desertion from the military record of William Parmer—to the Committee on Military Affairs.

By Mr. GAMBLE: A bill (H. R. 12806) granting a pension to Theodore F. Collins—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 12807) for the relief of James M. Stradling—to the Committee on Military Affairs.

By Mr. GARDNER of Michigan: A bill (H. R. 12808) granting a pension to Sally Ann Bradley—to the Committee on Invalid Pensions.

By Mr. JACK: A bill (H. R. 12809) granting a pension to William R. Schaffer—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 12810) granting a pension to Carlos Bombard—to the Committee on Invalid Pensions.

By Mr. LINNEY: A bill (H. R. 12811) for the relief of Calvin J. Cowles—to the Committee on Claims.

By Mr. LITTLE: A bill (H. R. 12812) for the relief of W. H. Reynolds—to the Committee on Invalid Pensions.

By Mr. LYBRAND: A bill (H. R. 12813) granting increase of pension to William Rea—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 12814) to pension Lecia H. Shaw—to the Committee on Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 12815) granting an increase of pension to Andrew Jarvis—to the Committee on Invalid Pensions.

By Mr. NORTON of Ohio: A bill (H. R. 12816) granting a pension so Samuel A. Needham—to the Committee of Invalid Pensions.

Also, a bill (H. R. 12817) granting a pension to John H. Eversole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12818) granting a pension to John B. Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12819) granting a pension to Joshua H. Reynolds—to the Committee on Invalid Pensions.

By Mr. NAPHEN: A bill (H. R. 12820) to remove charge of desertion from Francis Brady—to the Committee on Military Affairs.

By Mr. PEARRE: A bill (H. R. 12821) granting an increase of pension to William H. Johnston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12822) to authorize the name of Elijah Button to be placed on the retired list of the Navy as a pharmacist—to the Committee on Naval Affairs.

By Mr. PHILLIPS: A bill (H. R. 12823) granting an increase of pension to Alexander Gibbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12824) granting an increase of pension to Warner Bellus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12825) granting a pension to Salmon Hudson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12826) granting an increase of pension to Charles H. Knapp—to the Committee on Invalid Pensions.

By Mr. RAY of New York: A bill (H. R. 12827) granting an increase of pension to George W. Crumb—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky (by request): A bill (H. R. 12828) for the relief of S. G. Parker—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 12829) granting a pension to Charles M. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12830) granting a pension to Laura J. Wing—to the Committee on Invalid Pensions.

By Mr. STEWART of New York: A bill (H. R. 12831) granting an increase of pension to James H. Flanagan—to the Committee on Invalid Pensions.

By Mr. SHOWALTER: A bill (H. R. 12832) granting an increase of pension to Henry Forcht—to the Committee on Invalid Pensions.

By Mr. VANDIVER: A bill (H. R. 12833) granting a pension to William Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12834) granting a pension to Francis M. White—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 12837) for the relief of William D. Wilson—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of G. W. Butterworth and 46 other citizens of Radcliffe, Iowa, favoring anti-polygamy amendment to the Constitution—to the Committee on Revision of the Laws.

By Mr. ACHESON: Petition of the General Assembly of the Presbyterian Church of the United States, favoring the exclusion of the liquor traffic in Africa—to the Committee on Foreign Affairs.

By Mr. ADAMS: Resolutions of the Trades League of Philadelphia, Pa., in favor of legislation transferring the present mint building to the city of Philadelphia—to the Committee on Public Buildings and Grounds.

By Mr. BUTLER: Petition of the Woman's Christian Temperance Union of Middletown, Pa., against the sale of intoxicating liquors in our new possessions—to the Committee on Insular Affairs.

By Mr. CALDERHEAD: Petition of George Sherman and other citizens of Kipp, Kans., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. ELLIOTT: Memorial of the Chamber of Commerce of Charleston, S. C., favoring the passage of House bill No. 1439, amending the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Resolution of the board of directors of the Chamber of Commerce of Milwaukee, Wis., protesting against the stamp tax on sales of merchandise in the commercial exchanges of the country—to the Committee on Ways and Means.

By Mr. FITZGERALD of Massachusetts: Resolutions of the Boston Associated Board of Trade, Boston, Mass., urging favorable action upon the report of the Isthmian Canal Commission, and also advising the ratification of the Hay-Pauncefote treaty—to the Committee on Foreign Affairs.

Also, resolutions of the Boston Associated Board of Trade, for the repeal of the express and freight stamp tax—to the Committee on Ways and Means.

Also, resolutions of the Chamber of Commerce of New York, urging the passage of a bill authorizing the Secretary of the Treasury to exchange gold coin for any other money coined by the United States whenever it may be necessary to do so—to the Committee on Banking and Currency.

By Mr. FITZGERALD of New York: Petition of sundry citizens of Brooklyn, N. Y., indorsing House bill No. 5779, relating to appointments in the Government service—to the Committee on Reform in the Civil Service.

Also, petition of 47 citizens of the Second Congressional district of New York, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, petition of D. M. Bothwell, of Brooklyn, N. Y., for the repeal of the war revenue tax on tea—to the Committee on Ways and Means.

By Mr. GAMBLE: Papers to accompany House bill granting a pension to Theodore F. Collins—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Resolutions of the Methodist Episcopal Church of Blanchard, Iowa, in favor of provision to prohibit the importation of intoxicating liquors into countries chiefly inhabited by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. McRAE: Affidavits to accompany House bill granting a pension to Lecia H. Shaw—to the Committee on Pensions.

By Mr. MIERS of Indiana: Paper to accompany House bill for the relief of Andrew Jarvis, of Spencer, Ind.—to the Committee on Invalid Pensions.

By Mr. NORTON of Ohio: Petition of Timothy B. Lehane, to accompany House bill No. 12638, granting him an increase of pension—to the Committee on Invalid Pensions.

Also, protest of the Woman's Christian Temperance Union of Prospect, Ohio, against the sale of intoxicating liquors in our new possessions—to the Committee on Insular Affairs.

By Mr. PHILLIPS: Affidavits to accompany House bill granting an increase of pension to Charles H. Knapp—to the Committee on Invalid Pensions.

Also, affidavit to accompany House bill granting a pension to Salmon Hudson—to the Committee on Invalid Pensions.

By Mr. RAY of New York: Petition of Charles H. Wickham, to accompany House bill granting him a pension—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Tennessee: Petition of Julia Gailey, the heir of Hiram Gailey, deceased, late of Wayne County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of Rev. J. L. Leeper, of Fort Wayne, Ind., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. RYAN of New York: Petition of N. Rochester, cashier Third National Bank of Buffalo, N. Y., to reduce the war tax on bank capital and surplus—to the Committee on Ways and Means.

By Mr. SHOWALTER: Petition of citizens of Butler, Pa., to accompany House bill granting a pension of $50 per month to Henry Forcht—to the Committee on Invalid Pensions.

By Mr. VREELAND: Resolutions of Methodist, Baptist, and Presbyterian churches, and the Woman's Christian Temperance Union, of Angelica, N. Y., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, resolutions of Methodist, Baptist, and Presbyterian churches, and the Woman's Christian Temperance Union, of Angelica, N. Y., against island saloons and canteens—to the Committee on Insular Affairs.

By Mr. WARNER: Petitions of citizens of Tuscola and Normal, Ill., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. WILLIAMS of Mississippi: Paper to accompany House bill for the relief of William D. Wilson—to the Committee on War Claims.

By Mr. YOUNG: Resolutions of the Trades League of Philadelphia, in favor of legislation transferring the present mint building to the city of Philadelphia—to the Committee on Public Buildings and Grounds.

By Mr. VANDIVER: Petition of W. A. Long and other citizens of Christian County, Mo., to accompany House bill granting a pension to William Thompson—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *December 17, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

ELECTORAL VOTE OF TEXAS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a certified copy of the final ascertainment of the electors for President and Vice-President appointed in the State of Texas at the election held therein on the 6th day of November, 1900; which, with the accompanying papers, was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 8487) for the relief of Col. Charles B. Dougherty and other members of the Ninth Regiment of Pennsylvania Infantry.

The message also announced that the House had passed the bill (S. 5076) to provide for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 12394) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder; and

A bill (H. R. 12737) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1902, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (H. R. 8487) for the relief of Col. Charles B. Dougherty and other members of the Ninth Regiment of Pennsylvania Infantry;

A bill (H. R. 10834) granting a pension to Michael Dempsey; and

A joint resolution (H. J. Res. 281) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1900, on the 20th day of said month.

PETITIONS AND MEMORIALS.

Mr. VEST presented a petition of sundry business firms of Kansas City, Mo., praying for the repeal of the revenue tax on hides; which was referred to the Committee on Finance.

Mr. McMILLAN presented petitions of the Woman's Missionary Society of the First Presbyterian Church of Negaunee; of the Woman's Missionary Society of St. Louis; of the congregations of the Immanuel Presbyterian and the First Presbyterian churches, of Detroit, Ypsilanti, Jackson, and Adrian; of the Woman's Home and Foreign Missionary Society of the Presbyterian Church of Decatur; of sundry citizens of Buchanan and Detroit; of the Ladies' Aid Society of the Second Presbyterian Church of Detroit; of the Ladies' Missionary Society of the First Presbyterian Church of Harbor Springs, and of the Woman's Missionary Society of the Second Memorial Presbyterian Church, of Detroit, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of sundry citizens of California, praying for the repeal of the revenue tax on imported grain bags; which was referred to the Committee on Finance.

He also presented seventy-one petitions of sundry citizens of California, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry fruit growers of California, praying for the construction of the Nicaragua Canal; which was ordered to lie on the table.

He also presented a petition of Unity Post, No. 1, Department of California, Grand Army of the Republic, of Veterans' Home, Cal., praying for the enactment of legislation giving preference to veterans in the public service; which was referred to the Committee on Military Affairs.

He also presented two petitions of citizens of California, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. QUARLES presented a petition of sundry business firms of Wisconsin, praying for a reduction of the revenue tax on beer; which was referred to the Committee on Finance.

He also presented petitions of citizens of Grand Rapids, Madison, and Waukesha, all in the State of Wisconsin, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the board of directors of the Chamber of Commerce of Milwaukee, Wis., praying for the repeal of the war-revenue tax on merchandise sold upon the commercial exchanges of the country; which was referred to the Committee on Finance.

He also presented a petition of the Honeycreek Society of the Methodist Episcopal Church, of Honeycreek, Wis., praying for

the enactment of legislation to prohibit the sale of intoxicating liquors in all the island possessions of the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the presbytery of the Welsh Calvinistic Methodists of the Second district of Wisconsin, and a petition of the congregation of the Methodist Church of Delavan, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were referred to the Committee on Military Affairs.

Mr. NELSON presented a memorial of 23 citizens of Brewster, Minn., and a memorial of sundry citizens of New Ulm, Minn., remonstrating against the passage of the so-called parcel-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry papers to accompany the bill (S. 3311) for the relief of Edwin Bell; which were referred to the Committee on Patents.

Mr. CLAY presented a petition of the Board of Trade of Savannah, Ga., praying that an appropriation be made to provide a channel through Skidaway Narrows, in that State; which was referred to the Committee on Commerce.

He also presented a petition of the Georgia Dairymen's Association, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. BUTLER. I present the petition of Mr. David Lubin, of New York, in behalf of the State granges of California, Oregon, Illinois, Washington, Missouri, Virginia, and Pennsylvania, praying for the adoption of an amendment to the ship-subsidy bill now pending in the Senate so as to give protection to agricultural staples by placing a bounty on exports. The petition is brief, and inasmuch as it will attract considerable attention, owing to its author, I move that it be printed as a document and that it lie on the table.

The motion was agreed to.

Mr. HOAR presented a petition of the New England Drug Exchange, praying for the repeal of the revenue-stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Fall River, Mass., praying for the enactment of the so-called ship-subsidy bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Lynnfield Center, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Leicester, Mass., praying for the enactment of legislation to prohibit the importation and sale of intoxicating liquors in the insular possessions of the United States; which was referred to the Committee on Foreign Relations.

He also presented petitions of the Ladies' Society and Woman's Christian Temperance Union of Covert, of the Sons of Temperance of Neponset, of the congregations of the First Baptist and the Methodist Episcopal churches of Greenfield, of the Woman's Christian Temperance Union of Fall River, of sundry churches and religious organizations of Ware, and of the congregation of the Village Church of Cummington, all in the State of Massachusetts, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were referred to the Committee on Military Affairs.

Mr. DOLLIVER presented a petition of the Commercial Exchange of Des Moines, Iowa, praying for the establishment of a national park on the Leech Lake Indian Reservation, in the State of Minnesota; which was referred to the Committee on Indian Affairs.

He also presented the petition of J. R. Vance and sundry other citizens of Armstrong, Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry life insurance companies of Des Moines, Iowa, praying for the repeal of the revenue-stamp tax on insurance policies; which was referred to the Committee on Finance.

He also presented a petition of sundry clerks employed in the post-office at Fort Dodge, Iowa, praying for the enactment of legislation providing for the reclassification of clerks in the railway postal service and also to limit the hours of daily labor of workmen, mechanics, etc.; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Retail Grocers' Association of Des Moines, Iowa, remonstrating against the passage of the so-called parcel-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of James C. Taylor Post, No. 165, Department of Iowa, Grand Army of the Republic of Algona, Iowa, praying for the enactment of legislation giving preference to veterans in the public service; which was referred to the Committee on Military Affairs.

He also presented a petition of 200 veterans of the civil war, praying for the passage of a graded service pension bill; which was referred to the Committee on Pensions.

Mr. COCKRELL presented a memorial of sundry citizens of Grant City, Mo., remonstrating against the passage of the so-called parcel-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry business firms of Kansas City, Mo., praying for the repeal of the revenue tax on hides; which was referred to the Committee on Finance.

Mr. SPOONER presented a petition of the Woman's Christian Temperance Union of Sparta, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

Mr. FAIRBANKS presented a petition of the teachers and students of the Lucy Webb Hayes National Training School, of the city of Washington, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. HARRIS presented a petition of sundry citizens of Boyle, Kans., praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of Marquette, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, and also in all the island possessions of the United States; which was referred to the Committee on Military Affairs.

Mr. McBRIDE presented a petition of sundry keepers of life-saving stations in Oregon, praying that their pay be increased to $100 per month; which was referred to the Committee on Commerce.

Mr. BURROWS presented sundry petitions of citizens of Michigan, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. ELKINS presented sundry petitions of citizens of West Virginia, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. THURSTON presented petitions of 25 banking firms of Nebraska, praying for the repeal of the revenue tax levied upon the capital of banks; which were referred to the Committee on Finance.

Mr. FRYE presented a petition of John Merrill Post, Department of Maine, Grand Army of the Republic, of Richmond, Me., praying for the enactment of legislation giving preference to veterans in the public service; which was referred to the Committee on Military Affairs.

REPORTS OF A COMMITTEE.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (H. R. 5048) to confirm in trust to the city of Albuquerque, in the Territory of New Mexico, the town of Albuquerque grant, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 11213) for relief of occupants of lands included in the Algodones grant, in Arizona, reported it without amendment, and submitted a report thereon.

SETTLERS ON CEDED INDIAN LANDS.

Mr. NELSON. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 5141) extending the provisions of section 2301 of the Revised Statutes of the United States to homestead settlers on the ceded Indian reservation in Minnesota, to report it favorably without amendment, and I ask for its immediate consideration.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota for the present consideration of the bill?

Mr. PETTIGREW. I should like to hear the bill explained by the Senator from Minnesota.

Mr. NELSON. It is simply a bill allowing homestead settlers on the Indian reservation in Minnesota to commute their homesteads as in other cases; that is all.

Mr. PETTIGREW. How is it with the other reservations?

Mr. NELSON. In the case of nearly all the other reservations they have that right under existing law—under the general homestead law.

Mr. PETTIGREW. Does the bill extend the privilege to the homesteaders in Minnesota under the old law—that is, after six months' residence?

Mr. NELSON. It is fourteen months' residence by the existing law, and then they have to pay for the land. The bill simply applies to commutation privileges under the general homestead law.

Mr. PETTIGREW. I should like to know how it came that that reservation was not included in the general law heretofore.

Mr. NELSON. In the law that originally opened the reservation no provision was made for commutation. The settlers were required to live there five years and to pay a dollar and a quarter an acre. At the last session we relieved them by a free-homestead law. Now, this is to allow the settlers to commute, and if they commute the money goes to the United States and to the Indians, and is that much paid to the Government.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. CARTER. I move to insert the words "and Montana" after the word "Minnesota," in line 7.

Mr. ALLEN. I desire to present an amendment.

Mr. ALLISON. I should be glad to have the Senator from Montana explain the necessity for his amendment.

Mr. ALLEN. I move to insert the words "and Nebraska" after "Montana."

The PRESIDENT pro tempore. The Senator from Nebraska moves to amend the amendment offered by the Senator from Montana by inserting after it the words "and Nebraska." The question is on agreeing to the amendment to the amendment.

Mr. HANSBROUGH. I think that if we are going to insert particular States, the bill ought to be made to apply to all States. I understood the Senator from Minnesota this morning in committee to say that all other reservations had been cared for, and he desired to look after the reservation in Minnesota. Now, it appears that there are reservations in other States to which the provision of existing law does not apply. I think the bill ought to cover all States where there are Indian reservations.

Mr. NELSON. I wish to say, Mr. President, that under the laws opening several of the reservations the general right of commuting homesteads was not given. We passed at the last session of Congress what is known as the free homestead bill, by which all settlers were allowed to get the lands free, without paying for them, and the Government was to reimburse the Indians. Under the general homestead law all homesteaders, after residing fourteen months on the land, can commute; that is, instead of living there five years, they can pay cash for the land and get their patents.

The bill is intended to allow the settlers on this reservation to commute like other homestead settlers, and it is to the great financial advantage of the Government, because when they commute they pay the cash, and that reimburses the Government to that extent and helps to relieve it of the burden we assumed by the free homestead act passed last spring.

Mr. PETTIGREW. Mr. President——

Mr. NELSON. I wish to say further, if the Senator will allow me, that most of the reservations to which the free-homestead law applied were in Oklahoma. Some were in Montana and some in South Dakota.

Mr. HANSBROUGH. And some in Idaho.

Mr. NELSON. And some in Idaho. In most of those cases under the original law or under a supplementary law the settlers have been given the right to commute. In a few cases, that of Minnesota, and, I think, Montana, and perhaps Nebraska, the right of commuting their entries had not been given, and the object is simply to put those homestead settlers on a par with other settlers. This will redound to the financial advantage of the Government, because in every case where there is commutation the Government gets that much money to reimburse itself under the free-homestead law.

The PRESIDENT pro tempore. If the Senator from South Dakota will pardon the Chair for one moment, the Chair calls the attention of Senators to the fact that in line 7 the bill is limited to the lands of the Chippewa Indian Reservation in Minnesota.

Mr. NELSON. I wish Senators would allow the bill to go through, and then bring in other bills for their respective States.

The PRESIDENT pro tempore. The Chair thinks the bill had better be read to the Senate again. The Senate was in confusion when it was read. The Secretary will, with the permission of the Senator from South Dakota, again read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the provisions of section 2301 of the Revised Statutes of the United States, allowing homestead settlers to commute their said entries, be, and the same are hereby, extended to the homestead settlers on the ceded lands of the Chippewa Indian Reservation in Minnesota under the provisions of the act of Congress approved January 14, 1889, and acts supplemental thereto: *Provided*, That the money paid in for said commutations shall be distributed in accordance with the provisions of said act of Congress approved January 14, 1889.

SEC. 2. That all acts or parts of acts inconsistent with this act are hereby repealed.

Mr. PETTIGREW. Mr. President, I think the Senator from Minnesota is entirely right about this matter. At the time this reservation was opened up the Great Sioux Reservation was also opened up in South Dakota, and in both cases the law provided that title could only be acquired by five years' residence. As far as the Great Sioux Reservation is concerned, several years ago Congress passed a bill which I introduced providing just what the Senator wishes to have accomplished in this bill with regard to the Chippewa Reservation. For several years the settlers in South Dakota on the Great Sioux Reservation have been allowed to commute their entries after fourteen months' residence.

The only question which arose in my mind in regard to the bill was whether it did not confer the privilege on the Minnesota settlers of commuting after six months' residence, which was contrary to the provisions of the present law as to public lands generally; but, as I understand it, the bill simply extends the commutation privilege as amended by the act of 1891 and allows, after fourteen months' residence, the right to pay for the land.

Mr. NELSON. The Senator is correct.

Mr. PETTIGREW. I do not think the reservations in Montana or Nebraska or North Dakota have any such restrictions. In my opinion all those people can commute their entries. I know that is true with regard to North Dakota and South Dakota. Therefore I do not care to amend the bill so as to embrace my State within its provisions.

Mr. CARTER. Mr. President, the fact is that the commutation right does not exist with reference to the ceded portions of reservations in the State of Montana which have been ceded within the last ten or twelve years. The entire northern part of the State known as the Blackfeet Reservation was ceded with a special restriction as to commutation.

I do not wish to delay the passage of this bill, but I suggest to the Senator from Minnesota that instead of the words "Chippewa Indian Reservation in Minnesota," the words "on all lands ceded by Indians to the Government" be inserted, so that the bill will be general in its application rather than special.

There is much confusion, Mr. President, in the administration of the land laws incident to a great variety of laws in the same State or in a number of States of the Union. This commutation privilege may extend in one county of the State of Montana, and it may not extend in another county in the State. The land officers find it difficult to administer the law at all times when the laws are uniform. When they are conflicting and local in application the confusion is increased, and, of course, the difficulty of administration is greatly increased.

I suggest that instead of mentioning Minnesota we strike out the words "Chippewa Reservation in Minnesota" and insert "all Indian lands ceded to the United States."

Mr. ALLEN. Mr. President, I move also to amend the bill by inserting the word "all" after the word "on," in line 6, and striking out, in line 7, the words "the Chippewa," changing the word "reservation" to "reservations," and striking out the words "in Minnesota."

Mr. TELLER. Let the bill be read as proposed to be amended.

The PRESIDENT pro tempore. The amendment offered by the Senator from Montana [Mr. CARTER] is to insert the words "and Montana," to which the Senator from Nebraska [Mr. ALLEN] offered an amendment, adding the words "and Nebraska." That is the pending amendment. Does the Senator from Nebraska withdraw his first amendment?

Mr. ALLEN. No, sir. I offer these additional amendments.

Mr. BERRY. Mr. President, the Senator from Minnesota has thoroughly considered this bill, and he had it considered by the Committee on Public Lands. There is no objection to it whatever as it came from that committee, and it seems to me that it would be better to pass the bill as it was reported from the Committee on Public Lands. If Senators have in their States lands in a like situation, they can have the bills considered by that committee, and there will be no difficulty about it. But to undertake to amend this bill on the floor of the Senate, without knowing to what extent it would go or what effect it would have, it seems to me is not the proper course to pursue.

I hope the amendments will not be adopted and that the bill will be passed as reported from the Committee on Public Lands. If there are other States that have lands in like situation, the committee will report those bills and the Senate will pass them.

Mr. ALLEN. Mr. President, I certainly can not agree with the Senator from Arkansas, much as I would like to do so. The bill affects lands in various States—in Minnesota, Montana, Nebraska, and other States. It is not a very complicated bill. It is not the work of more than a moment or two to perfect it and make it to include every State and Territory in the Union. I do not understand why it should not be open to amendment the same as other bills and be made applicable to every State where a similar condition exists. The striking out of a word or two in the bill will make it applicable to the entire United States.

Mr. PLATT of Connecticut. May I ask a question?

Mr. ALLEN. Certainly.

Mr. PLATT of Connecticut. Will the Senator's amendment

make it applicable to future ceded Indian reservations as well as to those that have already been ceded? What will the effect of it be? Will it be prospective?

Mr. ALLEN. I can not answer that, because I have not looked at the bill far enough to know; but the amendment that I offer does not change the substance of the bill in that respect; it simply changes the territory to which it extends. It enlarges it, but does not change the general drift and meaning of the text of the bill.

Mr. HANSBROUGH. I suggest to the Senator from Nebraska that he withdraw his amendments and accept the amendment offered by the Senator from Montana, which makes the bill general, so that there can be no exception of any reservation.

Mr. ALLEN. I wish to say to the Senator from North Dakota that if he will look at the bill he will see that the amendment last offered by me is necessary to make it general. The bill speaks of the Chippewa Reservation in the State of Minnesota, and I move to strike that out.

Mr. CARTER. Let the last amendment be read.

The PRESIDENT pro tempore. The Senator from Nebraska offers an amendment. The Chair supposes that, as it is entirely inconsistent with the amendment inserting the words "and Nebraska," the Senator withdraws that amendment and offers this one instead.

Mr. ALLEN. No, sir; I do not, because the words "Chippewa Reservation in the State of Minnesota" limit the operation of the bill, and the word "Minnesota" must go out.

The PRESIDENT pro tempore. The Senator from Nebraska offers an amendment which will be read to the Senate.

The SECRETARY. In line 6, after the word "on," insert the word "all;" in line 7 strike out the word "Chippewa;" in the same line change the word "reservation" so that it will read "reservations," and strike out the words "in Minnesota" that follow.

Mr. ALLEN. Now let the bill be read as proposed to be amended.

The SECRETARY. So that as amended it will read:

That the provisions of section 2301 of the Revised Statutes of the United States, allowing homestead settlers to commute their said entries, be, and the same are hereby, extended to the homestead settlers on all the ceded lands of the Indian reservations under the provisions of the act of Congress approved, and so forth.

Mr. NELSON. Mr. President, I desire to make a statement with reference to these amendments. I do not think the amendments ought to be incorporated in the bill, for the reason that in the opening of many of the reservations different laws were passed. In some cases the Government paid the Indians a lump sum and then provided for reimbursing the Government by means of charging the homesteaders a certain price for the land. In the case of the reservations in Minnesota the Government advanced no money in the first instance; the lands were to be disposed of as homesteads, and as fast as the money was received it went to the Indians.

Now, the bill would hardly apply to the other reservations, because another provision of the bill provides that the money shall go to the Indians as under the original act, and that would not be germane and appropriate in the case of the other reservations.

Mr. BERRY. That is right.

Mr. NELSON. Therefore those matters ought not to be confounded in this bill. It is very easy to prepare bills applying to those cases, and I presume there will be no objection to them. I hope Senators will have the goodness to withdraw their amendments in this case.

Mr. GALLINGER. Mr. President, I rise to ask if unanimous consent has been given for the consideration of this bill.

The PRESIDENT pro tempore. Unanimous consent has been given.

Mr. GALLINGER. It seems to me that this matter is so complicated that it ought to be recommitted to the Committee on Public Lands for further consideration. I have been very diligently watching an opportunity to ask consideration for a bill that very vitally affects the people of the District of Columbia, but I have not had an opportunity to do so. A measure which is controverted as this is, and where there is so much misunderstanding, I believe ought to be sent to the committee, and let the committee settle the differences there. I do not care to make the motion, but it seems to me that that would be the proper way to dispose of the matter.

Mr. HALE. The Senate does not understand even the bill itself. If it is to be made a general bill, the committee ought to consider that subject and report it in that form. If it is to be changed by adding one State and another, the committee ought to consider that and give each State the same chance that the one State taken care of by the bill has.

Therefore in that view, and agreeing with the Senator from New Hampshire, I move that the bill be recommitted to the Committee on Public Lands. It can be reported at any time.

The PRESIDENT pro tempore. The Senator from Maine moves that the bill be recommitted to the Committee on Public Lands.

The motion was agreed to.

BILLS INTRODUCED.

Mr. COCKRELL introduced a bill (S. 5213) granting an increase of pension to Cornelius Springer; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Cornelius Springer, of Company H, Eighteenth Regiment Ohio Volunteer Infantry, verified by his affidavit, together with the affidavits of Isaac Hearn, William J. Cahill, I. R. Gibson, and Drs. M. O. Biggs and S. J. Reynolds. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. DANIEL introduced a bill (S. 5214) to authorize the President of the United States to select from the brigadier-generals of volunteers two volunteer officers, without regard to age, and appoint them brigadier-generals, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5215) granting a pension to Edward C. Spofford; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5216) granting a pension to Sarah J. Hart; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5217) to refer the war claim of the estate of Carter B. Butler, deceased, to the Court of Claims;

A bill (S. 5218) for the relief of the estate of William Fletcher, deceased;

A bill (by request) (S. 5219) for the relief of Alexander Perry; and

A bill (S. 5220) for the relief of the estate of Benjamin M. Yancey, deceased.

Mr. KYLE introduced a bill (S. 5221) granting a pension to Edigna Breidenbach; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAY (by request) introduced a bill (S. 5222) for the relief of George H. Hogan; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 5223) for the relief of the estate of David M. Whitney, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McBRIDE introduced a bill (S. 5224) granting an increase of pension to R. C. Brant; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5225) granting a pension to Jerry Haggee;

A bill (S. 5226) granting an increase of pension to Charles R. Ford (with accompanying papers); and

A bill (S. 5227) granting an increase of pension to John Beck (with accompanying papers).

Mr. BAKER introduced a bill (S. 5228) for the relief of William Bowman; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5229) for the relief of Henry Canning; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 5230) for the suppression of train robbery in the Territories of the United States and elsewhere, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5231) relating to the accounts of United States marshals and clerks of the district courts of the Territory of Utah; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5232) prescribing the qualifications, pay, and manner of selecting juries in the district courts of the Territory of New Mexico held for the trial of causes arising under the Constitution and laws of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DOLLIVER introduced a bill (S. 5233) granting an increase of pension to Philetus M. Axtell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5234) to provide for erecting for the Department of Agriculture a laboratory building on reservation No. 2, in the city of Washington, D. C.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. GALLINGER introduced a bill (S. 5235) granting a pension to Mary R. Pike; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 5236) granting an increase of pension to Dennis Hannifin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 5237) granting a pension to Lovina J. Reeves; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5238) authorizing the Secretary of the Navy to contract for the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast at an asylum in the State of California; which was read twice by its title, with the accompanying letter from the Secretary of the Navy, which was ordered to be printed, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 5239) authorizing the President to appoint in the office of the Secretary of the Navy, Navy Department, an inspector of accounts; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. THURSTON introduced a bill (S. 5240) providing for the payment of rent of certain buildings at Fort Crook Military Reservation, in the State of Nebraska; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5241) granting a pension to Ann E. Tillson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 5242) granting an increase of pension to Henry D. Fulton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5243) for the extension of Fourteenth street, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McCOMAS introduced a bill (S. 5244) to reincorporate and preserve all the corporate franchises and property rights of the de facto corporation known as the German Orphan Asylum Association of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MORGAN introduced a bill (S. 5245) for the relief of the estate of Henry Ingram, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a joint resolution (S. R. 139) to provide a commission to consider certain improvements in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HALE introduced a joint resolution (S. R. 140) for the erection of a monument to the memory of Dorothea Lynde Dix; which was read twice by its title.

Mr. HALE. Accompanying the joint resolution is a memorial, a statement from Dr. A. B. Richardson, superintendent of the St. Elizabeth Hospital, and other papers. I move that the accompanying papers be printed as a document, and, with the joint resolution, referred to the Committee on the Library.

The motion was agreed to.

AMENDMENTS TO BILLS.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (S. 2433) granting per diem pension service to honorably discharged officers and enlisted men of the Union Army in the civil war; which was referred to the Committee on Pensions, and ordered to be printed.

Mr. STEWART submitted an amendment providing for the retention in the Government service of clerks who have served temporarily in the Department of State for two years, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PERKINS submitted an amendment intended to be proposed by him to the bill (S. 1676) for the payment of certain claims; which was referred to the Committee on Claims, and ordered to be printed.

Mr. FRYE submitted an amendment to be proposed by him to the bill (S. 4300) to increase the efficiency of the military establishment of the United States; which was referred to the Committee on Military Affairs, and ordered to be printed.

THE OLEOMARGARINE BILL.

Mr. PENROSE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That 1,000 copies of the bill (H. R. 3717) to make oleomargarine and other imitation dairy products subject to the laws of the State and Territory into which they are transported, and to change the tax on oleomargarine, be printed for the use of the Senate.

MONTANA SENATORIAL INVESTIGATION.

Mr. CHANDLER. Mr. President, are reports of committees still in order?

The PRESIDENT pro tempore. That order has been passed by. Without objection, the report will be received.

Mr. CHANDLER. I did not wish to make a report, but I wish to ask the acting chairman of the Committee on Contingent Expenses whether or not he is prepared to report the resolution giving the Committee on Privileges and Elections power to send for persons and papers in the investigation of the credentials of William A. Clark and Martin Maginnis, who are claimants for the vacant seat in the Senate from Montana. My colleague informed me on Saturday that a meeting of the committee would be called this morning, and I am anxious to know whether the committee is prepared to report that resolution, so that it may be acted on by the Senate.

Mr. GALLINGER. I will state, Mr. President, in response to the interrogatory of my colleague, that as acting chairman of the committee, in the absence from the city of both the chairman and the clerk of the committee, I personally called a meeting of the committee, which was held this morning. The Senator from Arkansas [Mr. JONES], the second member of the committee, had made a request that no action should be taken in his absence, and he was not present at the meeting this morning; in addition to which I received a letter from the chairman of the committee, raising some objections to the resolution. He is unavoidably detained in the city of New York, caring for a sick daughter. In view of all the circumstances, the three members of the committee who met concluded to postpone the matter until some future time, when another meeting of the committee will be called.

Mr. CHANDLER. I will ask my colleague whether the committee adjourned to meet at any particular time?

Mr. GALLINGER. I will answer that there was no time decided upon.

Mr. CHANDLER. There was a quorum of the committee present?

Mr. GALLINGER. There was.

Mr. CHANDLER. The Senate has directed its Committee on Privileges and Elections to make this inquiry. The committee is unable to make the inquiry unless it has power to send for persons and papers. Mr. Maginnis and, for aught I know, Mr. William A. Clark stand at the door of the Senate asking admission under these appointments. A resolution has come from the House of Representatives for a holiday recess, beginning on Friday. It seems to me that the Senate in justice to its own order should give the committee the powers which it asks for, or refuse to give those powers.

I will ask my colleague whether the absent Senator, the chairman of the committee, gives any reason why he is opposed to giving these powers to the Committee on Privileges and Elections? If so, I wish he would state them to the Senate.

Mr. GALLINGER. Before doing that, I feel bound to say that I think no just criticism can apply to the committee for a lack of promptitude in considering this matter. The resolution came to the committee on Saturday last. A meeting of the committee was held this morning. As to whether the committee will meet again to-morrow or the next day, I can not say. I shall consult with the other members of the committee in reference to that matter, and I will be guided largely by their opinions.

My colleague inquires as to whether the chairman of the committee gives any reason for his opposition to the resolution.

Mr. JONES of Arkansas. Will the Senator allow me to make a suggestion?

Mr. GALLINGER. Certainly.

Mr. JONES of Arkansas. I do not know of any right a Senator has to ask a member of a committee to make a report to the Senate or what opinion any member of the committee may give for his action in committee. I have never heard of that being done before; and I do not believe it is a proper treatment of the absent Senator, the chairman of the committee, to call in question whatever he may have said or what he thinks about this matter. When he chooses to be heard in the Senate he can be here and speak for himself, and I think the time to call his opinions in question will be when he is here.

So far as my absence from the committee is concerned, it was impossible for me to attend the meeting of that committee to-day and it will be impossible to attend a meeting to-morrow. I stated to the members of the committee that it was impossible for me to be there. I had other things that required my attention, and it was necessary for me to be absent from the committee. I am usually prompt in my attendance on meetings of committees. I do not understand why the Senator from New Hampshire shall undertake to call us in question or undertake to punish us in the Senate for not having acted as promptly as he desired on a resolution which he seems to be particularly anxious to have passed. I do not think it is the proper thing to have a statement made about what the Senator from Nevada [Mr. JONES] may have said to the acting chairman of the committee in a private letter.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Debate is proceeding by unanimous consent.

Mr. GALLINGER. I quite agree with my colleague on the committee as to the impropriety of reading a private letter from the chairman of the committee in connection with this matter, and yet I will venture to say the chairman of the committee holds that this is a question of law which he thinks can be determined

without expending more money in its investigation. As to how the committee will hold on that point I am unable to say.

All I desire to say, Mr. President, is that so far as I am individually concerned, I proceeded diligently and expeditiously in seeking to have the resolution considered; but I think that, in the absence of the Senator from Arkansas, the committee did quite right this morning in postponing it.

Mr. CHANDLER. Mr. President, I do not wish to punish the Senator from Arkansas—I had no such intention—unless it is punishment for him to listen to a civil and courteous inquiry of him as acting chairman of the committee.

There is no use, Mr. President, to put on any disguises in connection with this question. This treatment of a resolution asking the authority of the Senate to send for persons and papers was never given to any resolution before. The Committee on the Contingent Expenses of the Senate have never before undertaken to hold back a resolution in this way.

The Senator from Arkansas did quite right in asking that, before the Committee to Audit and Control the Contingent Expenses of the Senate should consider the resolution, it should come from a committee, and not from an individual Senator. I have always contended for that, and have been ruled out of order two or three times for making that contention. Now that that requisite has been complied with, the Committee on Privileges and Elections, acting under directions of the Senate, want to go on with this investigation; and the only question for the Committee to Audit and Control the Contingent Expenses of the Senate is whether the Government can afford to pay the bills or not, and whether there is money enough in the Treasury to make the inquiry.

Mr. President, that resolution ought to be acted upon, and acted upon promptly, as all other resolutions of that nature have hitherto been acted upon. It is very evident where the responsibility for the delay that is taking place rests, and if no report shall be made shortly I shall move to discharge the committee from the consideration of the resolution and ask that the action of the Senate may be taken thereon. I shall do my duty in this case in accordance with the deliberate instructions of the Senate. I can not perform the duty which the Senator from Arkansas ought to perform in reporting back this resolution.

Mr. LODGE. Regular order, Mr. President.

Mr. JONES of Arkansas. Mr. President, one word. I do not remember the day that this resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate; but I think it was on Saturday last.

Mr. GALLINGER. That is the fact.

Mr. JONES of Arkansas. This is the very next legislative day after the resolution was sent to the Committee to Audit and Control the Contingent Expenses of the Senate; and yet the Senator from New Hampshire seems to be terribly exercised about the extraordinary delay in reporting the resolution back. Why this extraordinary haste on the part of the Senator from New Hampshire? There is certainly some reason for it. For one, I propose to take time enough for the committee to consider whether or not the resolution ought to pass; and I shall be accountable to the Senate for my conduct.

Mr. CHANDLER. I am not "terribly exercised" about what the committee shall do; but I have been a little anxious to know why it was not convenient for the Senator from Arkansas to attend the meeting of the committee this morning.

EXTENSION OF MINING LAWS TO SALINE LANDS.

The PRESIDENT pro tempore. Is there further morning business?

Mr. STEWART. Mr. President, the Senator from South Dakota [Mr. PETTIGREW] has withdrawn his objection to the bill that I called up before the Senate on Saturday last, and I ask unanimous consent that it may be now considered.

Mr. LODGE. Has the morning business been completed?

The PRESIDENT pro tempore. Is there further morning business?

Mr. LODGE. I will yield for morning business, Mr. President, but when that is concluded I desire to make a motion that the Senate proceed to the consideration of executive business.

Mr. STEWART. I hope the Senator will yield for the consideration of the bill to which I have referred.

ALASKAN INVESTIGATION.

Mr. CARTER. I submit a resolution which I ask to have read and referred to the Committee on the Judiciary.

The PRESIDENT pro tempore. The resolution submitted by the Senator from Montana will be read.

The Secretary read as follows:

To investigate the conduct of the judge of the division of the district court of Alaska located at St. Michaels, and to ascertain and report to the Senate the names of all persons who are in any way connected with any litigation in said court, concerning which any improper influence or illegal conduct has been or may be charged.

Whereas it has been charged through the press and otherwise that Judge Arthur H. Noyes, of the district court of Alaska, having jurisdiction over the Cape Nome district, has been guilty of illegal or improper conduct in connection with litigation pending in his court; and

Whereas it is further charged by innuendo and insinuation that such alleged illegal action or improper conduct resulted from a conspiracy in which many persons were concerned: Therefore, be it

Resolved, That the Judiciary Committee of the Senate be, and is hereby, authorized and directed to thoroughly investigate and after such investigation to report to the Senate the facts found in response to the following interrogatories, to wit:

1. Are the general mining laws of the United States applicable to the district of Alaska?

2. Has Judge Noyes, having jurisdiction over Cape Nome, been guilty, directly or indirectly, of any illegal or improper conduct in or connected with any litigation which has been or is pending in his said court?

3. Whether or not any Senator or Representative in Congress, or any officer of the Federal Government, at any time possessed any interest, directly or indirectly, in any property which has been the subject of litigation in said court, and whether or not any such person has at any time had any interest, directly or indirectly, in the result of any such litigation, either as an owner, stockholder, director, or possessor of contingent interest; and, if so, the name and position of such person and the nature of the interest held or claimed.

4. What, if any, effort has been made by any party to any litigation pending in said courts to improperly or illegally influence the action or judgment of the court or any officer thereof?

5. What, if any, sum or sums of money have been spent by any person or persons, corporation or company, to print or circulate statements reflecting upon the honor and integrity of the court or the judge or any officer thereof, and by whom such expenditures were made and for what purpose?

6. The facts and circumstances connected with and the inducements offered to Judge Johnston, the predecessor of said Judge Noyes, to procure him to resign his position on the bench and to become connected with litigation pending in the court at the time of his resignation or thereafter commenced in said court.

To fully inquire into and to report to the Senate any other charge, fact, or circumstance in any manner directly or indirectly reflecting upon the integrity of said Judge Noyes or his said court, or any receiver or other officer thereof, in connection with any litigation which has been, is now, or may be pending in said court when the investigation is made.

That said committee be, and is hereby, authorized to send for persons and papers and examine witnesses on oath in relation to the subject-matter of this resolution, and to incur such expense in traveling as may be by the committee deemed necessary in the prosecution of such investigation, all expenses of the inquiry to be paid out of the contingent fund of the Senate; and said committee is authorized, if deemed expedient, to conduct the investigation through a subcommittee to be appointed by the chairman thereof.

Mr. HOAR. Mr. President, if I may be allowed by unanimous consent to say a word or two before the Senate acts on the resolution, I wish to say that I have heard the reading of the resolution imperfectly, but there are several questions which suggest themselves to my mind about it which I do not like to detain the Senate at this moment by stating.

I, of course, sympathize with the desire of the Senator from Montana to have the facts brought out, if there has been any personal charge made against a Senator—which, of course, an investigation will at once refute—but, instead of having the resolution adopted, I should like to have it referred to the Committee on the Judiciary, so that they can consider whether it is in the proper shape and also whether it does not properly come within the jurisdiction of a special committee or the Committee on Privileges and Elections. If the Senator does not object, I should like to have that course taken.

Mr. CARTER. The request I made was that the resolution be referred to the Judiciary Committee.

Mr. HOAR. And not that it be adopted?

Mr. CARTER. No.

Mr. HOAR. Very well; that is all I desire.

The PRESIDENT pro tempore. Without objection, the resolution will be referred to the Committee on the Judiciary.

PERSONAL EXPLANATION.

Mr. MONEY. Mr. President, I rise to a question of personal privilege. I send to the Secretary's desk a newspaper, from which I ask may be read the article I have marked.

The PRESIDENT pro tempore. If there be no objection, the Secretary will read as requested.

The Secretary read from the Washington Post of Monday, December 17, 1900, as follows:

Some Senators and Members who are interested in keeping down appropriations were rather surprised yesterday, after making computations, to discover that there are claim bills aggregating $25,000,000 favorably reported and on the Senate Calendar. There is said to be a combination of Senators back of these bills who are planning to hold up all business and force an extra session unless favorable action is assured.

These bills are principally for property alleged to have been taken or destroyed by the armies of the United States during the civil war. There is some merit in a few of them, but the great majority have been knocking about Congress for many years, and are pushed simply on account of large contingent fees, which will go to lobbyists if they become laws. The Senate is the favorite body in which to start these bills, partly for the reason that it is comparatively small, and it is easier to work up combinations of enough men interested in different measures to carry through a whole swarm, and partly because of a peculiar rule in the Senate Committee on Claims, by which any bill that has ever been reported favorably to the Senate from that committee can be reported in a subsequent Senate by a single member without consultation with his colleagues.

BEGUN BY SENATOR MONEY.

The first open effort to press one of these bills ahead of pending business of the Senate was made on Friday of last week, when Senator MONEY, of Mississippi, moved to take up what is known as the cotton-claims bill. It is estimated that this carries a total of $9,000,000 in appropriations from the Treasury. He was at once antagonized by Senator LODGE with a motion that the Senate go into executive session to consider the Hay-Pauncefote treaty. Senator MONEY protested, but did not force the fight at that time, contenting

himself with serving notice that he would call up the bill at the first opportunity and that he would continue to press for an opportunity.

The evident intention of the Senators behind these claims to hold up the business of the session if they are not allowed to come to a vote was the subject of a conference yesterday between some Senate and House leaders. It was concluded that it would not be wise to allow the bills to slide through the Senate and trust to the House to hold them up, for it might be possible to make a similar combination in the House, and the mere passage of them through the Senate at this session would give them additional prestige in future Congresses. It was decided by the gentlemen who discussed the matter that the bill should be opposed to the uttermost in the Senate, even if their supporters carry out their threat to force an extra session of Congress, as the expense of an extra session and the inconvenience it would impose on Senators and Representatives would be preferable to allowing wholesale raid to be made upon the Treasury.

Mr. MONEY. Mr. President, I do not think I have ever before asked to be heard upon a question of privilege based upon anything stated in newspapers, however much I respect those avenues of communication to the public of facts and opinions. I do not call this up to point out the inaccuracies of the writer of the article or to deride the sources of his information.

There is no combination of Senators of the kind alleged, so far as I am aware, and I have so good an opinion of my colleagues from the South that I do not believe they would have any scheme to plunder the Treasury without having the kindness to let me into it.

The matter seems, though, of so much importance, according to this reporter, that the leaders of the Senate and of the House of Representatives on the other side, representing a majority in both Houses, have conferred together, and have come to the determination that all these claims are to be deferred until another Congress even at the risk of an extra session.

I have never heard that there was any combination of any sort on this side of the House to secure the passage of any measure or any one of these claims. I have never heard anybody suggest that there should be an extra session of Congress, or that these bills should be unduly forced before the Senate. I do not believe that the amount named in the article is correct; but that can be easily verified, and I therefore will not dispute it.

It should have been apparent to the reporter that this Government and no other government pays for property destroyed in war, because property destroyed in war is like property destroyed by the act of God.

The claim which I presented here, and as to which the article represents me as being the advance agent of the combination, does not consist of claims upon the Calendar at all; and it is not half the amount named in the article. According to the Secretary of the Treasury, there is only $4,992,000 of that cotton fund in the Treasury; and I will remind the Senate in this connection, and also the talented reporter, that that is not a claim upon the Government for unliquidated damages, or anything of that kind, but it is to open the courts of the United States to adjudicate title to a trust fund, to be distributed to the owners of that fund as they can prove their ownership, and for nothing else. If the reporter had read the bill itself, he would have found section 6, added by myself and approved unanimously by the committee, which absolutely excludes everything but that class of people who owned the property, and it must be proven by the archives of the Treasury to be their share of the distributive fund. So much for that.

There is no combination to push that bill. The other day I brought it up, with no intention whatever to antagonize the pending treaty, but simply to occupy a part of the morning hour, very well understanding, as the reporter should have understood also, that the bill went with the morning hour, and no further.

I will also state that I have never disagreed to the fixing of a day for voting on that or any other measure.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Wisconsin?

Mr. MONEY. Certainly.

Mr. SPOONER. Is the Senator a member of the Committee on Claims?

Mr. MONEY. No, sir; I am not a member of that committee.

Mr. SPOONER. Is the Senator able to say whether the statement contained in that newspaper article is correct, that there is a rule of the Committee on Claims that any member of that committee is at liberty to report, without consideration or reconsideration by the committee, any bill which had been theretofore passed or had received a favorable report?

Mr. MONEY. I have no knowledge of such a rule. There may be such a one. I do not know.

Mr. SPOONER. May I ask some member of the Committee on Claims if there is any such rule of the committee, as stated in this paper, that any member of that committee is at liberty to report, without action by the committee, a bill which has heretofore received a favorable report from that committee?

Mr. MASON. I think there is no such rule. This bill——

Mr. SPOONER. I simply want to know if there is such a rule.

Mr. MASON. I say I think there is no such rule. If I recollect aright, I reported the bill referred to from the Committee on Claims. I am not sure that I reported it during this Congress, but I reported it in one Congress. It was reported both times after a hearing. I think the Senator from Florida who preceded the present senior Senator from Florida made the report with me in the last Congress. I joined with him in the report. I think in this Congress the report was made by the present Senator; but it was after a full hearing before the committee, and an authorization to make the report. I know of no such rule of the committee as that which has been referred to, although there may be such a rule.

Mr. MONEY. Mr. President——

Mr. SPOONER. Will the Senator from Mississippi pardon me a moment longer?

Mr. MONEY. Certainly.

Mr. MASON. I observe on page 4 of the Calendar the statement is made that the bill was reported by Mr. MASON, from the Committee on Claims, with an amendment, and subsequently another amendment was reported by the Senator from Colorado [Mr. TELLER]. That is not a correct statement, as the original report shows it was made by the junior Senator from Florida [Mr. TALIAFERRO] and myself, from the Committee on Claims, after a full hearing before the committee, and after a statement by the late Senator from Minnesota, Mr. Davis, as to the merits of the bill.

Mr. SPOONER. The Senator from Mississippi [Mr. MONEY] yields to me a moment longer.

Mr. MONEY. Certainly.

Mr. SPOONER. My question had no reference whatever to the bill which is referred to, but I wish to ask the Senator from Nevada [Mr. STEWART] if there is any rule of the Committee on Claims of the Senate such as is indicated in this newspaper statement.

Mr. STEWART. I think there is or there was a rule to this effect, that where a bill had been favorably reported and had passed the Senate at a preceding Congress, it might be reported at the next Congress, but I doubt if it has been acted on, because such a bill is usually called up in the committee and a statement made regarding it, and if no one has any objection to it, it is reported. That has been the usual habit. I believe it is understood that it is not necessary to make any investigation when a thorough investigation has been had at a preceding session. Attention is called to this fact, and if there is no objection the committee will allow the bill to be reported. That has been the practice.

Mr. TILLMAN. Will the Senator from Mississippi allow me?

Mr. MONEY. Certainly.

Mr. TILLMAN. The chairman of the Committee on Claims is absent. The Senator from Colorado [Mr. TELLER] I believe is the chairman of that committee, although there have been some changes.

Mr. MONEY. The Senator from Wyoming [Mr. WARREN] is chairman of the committee.

Mr. TILLMAN. I am told the Senator from Wyoming was the chairman at the last session. There have been some changes made in the committee. I got my information from the Senator from Colorado [Mr. TELLER]. I was trying to secure the passage of a claims bill, which I had passed through this body three times, to pay back a postmaster for money that the Government holds and which the Committee on Post-Offices and Post-Roads reported was due to this man. I approached the Senator from Colorado, when he was chairman of the committee, in regard to that bill, and inquired as to whether I should press it again. He said it had been ordered to go on an omnibus bill which was pending before this body, with a favorable report covering those claims which have been investigated by the committee and have been passed time and again.

Mr. STEWART. If the Senator will allow me, I should like to say, in addition to what I have stated, that I have been on and off of the Committee on Claims for a great many years, and there has been no change in the rule. The practice has been the same for the last thirty years at least—that is, where a bill has been favorably reported and has passed the Senate at a preceding Congress it is simply called up in committee, and if there is no objection, it is again reported.

Mr. MONEY. Mr. President, I think it necessary, perhaps, in the interest of my constituents to disabuse the minds of the Senate——

Mr. HOAR. If the Senator from Mississippi will allow me, I should like to ask the Senator from Colorado [Mr. TELLER], who is now on the floor, to state the facts about this alleged rule, if the Senator from Mississippi will allow that to be done.

Mr. MONEY. Certainly.

Mr. TELLER. I did not hear the statement which was made. If the Senator will repeat the statement, I will try to answer. I do not know what statement was made about some alleged rule of the Committee on Claims.

The PRESIDENT pro tempore. The Secretary will read it from the Washington Post.

Mr. MONEY. Just one moment. To save the reading of the

statement made in the article which has been read to the Senate from the Washington Post I will state that it was to the effect that the rule of the Committee on Claims was that a bill which had once been favorably reported to the Senate by the committee might be again reported by a member of the committee without further examination and placed upon the Calendar, or something to that effect. Then the Senator from Wisconsin [Mr. SPOONER] asked me whether or not I knew that was true, and I said I was not acquainted with the rule of the Committee on Claims and did not know whether it was true or not. The Senator from Nevada [Mr. STEWART] explained that when a bill had been once reported and passed by the Senate it could be reported again by the Senator in charge of it.

Mr. TELLER. There never was any other rule. There never has been any rule where a bill had been examined and favorably reported that it should be reexamined. We have a great many claims before the committee from time to time which have been reported sometimes adversely and sometimes favorably. eW adopted a rule that where a claim had been examined by the committee and passed by the Senate a member of the committee might report it back to the Senate from the committee.

I want to say that the claim under discussion has been considered for years and years. We have passed I do not know how many bills recognizing the justice of the claims of the people whose cotton was taken. The committee thought it was not wise that this money held as a trust fund should be paid out in parcels, because it was evident that there was not enough of the money to cover all the claims. Therefore we reported this claim—to which the Senator refers as the claim he called up the other morning—in order that this fund might be distributed pro rata according to the claims that were proved up; the proposition, of course, being to send the claims to the Court of Claims, where all these matters would be adjudicated.

Mr. MASON. And that only such money would be taken as had actually been turned into the Treasury from the sale of this cotton.

Mr. TELLER. And, as the Senator from Illinois says, only so much money is to be distributed as the Government received for this cotton, which was not seized as contraband of war, but was seized on an entirely different principle. It has been recognized by every committee and practically at nearly every session of Congress that we were in honor bound to pay the money back. The only question is to whom we shall pay it.

Mr. STEWART. Mr. President——

The PRESIDENT pro tempore. This general discussion is proceeding by unanimous consent. The Senator from Mississippi [Mr. MONEY] rose to a question of privilege.

Mr. STEWART. Just a word in explanation.

Mr. MONEY. I have no wish to preclude any explanation that it may be the desire of Senators on the committee to make.

Mr. STEWART. The Government undertook to distribute the money and pay it back to the claimants through the Treasury Department. That went on for some considerable time. Congress was not satisfied with that mode of distribution, and it directed the money to be covered into the Treasury, with the understanding that some other mode of distribution should be made, so that those who had equities should all have an equal show, and that it should be sent to the Court of Claims. That was the understanding. In all cases we refuse to report individual bills, but have adhered to the theory originally adopted when the money was covered into the Treasury, that it should be held as a trust fund and distributed through the courts pro rata to those who were left.

Mr. MONEY. Mr. President, I brought this matter to the attention of the Senate first in order to say that there is no combination that I know of—and I think I would know of it if there was one—either to press forward unduly any claim on behalf of claimants from the South or to postpone any measure before the Senate, either in its executive or open session. But as the same article says that the leaders in both Houses on the majority side have thought it of sufficient importance to confer to devise some way to put down these claims, I thought that perhaps, amid this mass of inaccuracy, some truth had inadvertently crept into the statement of the reporter, and I wish to disabuse the minds of Senators of the idea that there is any desire on this side of the Chamber, so far as I am acquainted, either to postpone action on any bill pending or any future bill or to unduly press any claim whatever. Whatever comes up must have the consideration of the Senate upon its own merits.

As I say, there is no combination; and I wish still further to disclaim any relation or connection in any way between the bill which I called up the other day and any other class of claims. It stands absolutely sui generis, a trust fund. The bill was introduced by the late lamented Senator from Minnesota, Mr. Davis, who had no Southern constituency, and was reported by the Senator from Illinois [Mr. MASON], who has no Southern constituency. Those gentlemen, feeling that they were rather burdened with affairs that did not concern their constituents, requested me to call up the bill whenever opportunity presented and press for its passage. I did so at their request, and also because my constituents were perhaps more largely interested in the bill than any others. I hope Senators on the other side will not get an erroneous impression because a newspaper reporter, in the hurry of getting his work to press by 3 o'clock in the morning, has seen fit to call upon his vivid imagination to supply his lack of facts about this matter.

EXECUTIVE SESSION.

Mr. LODGE. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and thirty-three minutes spent in executive session the doors were reopened.

SALARIES OF JUDGES.

On motion of Mr. HOAR, it was

Ordered, That Senate bill No. 3450, to fix the salaries of certain judges of the United States, be made a special order for Thursday, January 3, 1901, at 2 o'clock p. m.

HOUSE BILLS REFERRED.

The bill (H. R. 12394) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 12737) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1902, and for other purposes, was read twice by its title, and referred to the Committee on Pensions.

On motion of Mr. LODGE (at 4 o'clock and 50 minutes p. m.), the Senate adjourned until to-morrow, Tuesday, December 18, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate December 17, 1900.

PROMOTIONS IN THE ARMY.

Subsistence Department.

Lieut. Col. John J. Clague, assistant commissary-general of subsistence, to be assistant commissary-general of subsistence with the rank of colonel, December 13, 1900, vice Weston, who vacates by appointment as Commissary-General of Subsistence.

Maj. William L. Alexander, commissary of subsistence, to be assistant commissary-general of subsistence with the rank of lieutenant-colonel, December 13, 1900, vice Clague, promoted.

Capt. George B. Davis, commissary of subsistence (major and commissary of subsistence, United States Volunteers), to be commissary of subsistence with the rank of major, December 13, 1900, vice Alexander, promoted.

APPOINTMENT IN THE VOLUNTEER ARMY.

Forty-fourth Infantry.

First Sergt. Ralph W. Jones, Company H, Forty-fourth Infantry, United States Volunteers, to be second lieutenant, December 15, 1900, vice Cusick, resigned.

PROMOTIONS IN THE NAVY.

P. A. Surg. George H. Barber, to be a surgeon in the Navy, from the 7th day of June, 1900, to fill a vacancy existing in that grade.

Samuel Sayre Rodman, a citizen of Kentucky, to be an assistant surgeon in the Navy, from the 14th day of December, 1900, to fill a vacancy existing in that corps.

John Mosley Brister, a citizen of Pennsylvania, to be an assistant surgeon in the Navy, from the 14th day of December, 1900, to fill a vacancy existing in that corps.

CONFIRMATION.

Executive nomination confirmed by the Senate December 17, 1900.

PROMOTION IN THE ARMY.

Infantry arm.

Second Lieut. James Hanson, Fourteenth Infantry, to be first lieutenant, December 7, 1900.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 17, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

PREFERENCE TO SOLDIERS IN CIVIL-SERVICE EMPLOYMENTS.

Mr. BROMWELL. Mr. Speaker, I move that the rules be suspended and House bill No. 5779, with the amendments thereto, be passed.

The SPEAKER. Is this motion made by authority of the Committee on Civil Service Reform?

Mr. BROMWELL. It is, Mr. Speaker, by authority of the committee.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That in every Executive Department of the United States Government and in each and every branch thereof, whether reached by competitive or noncompetitive examinations under the civil-service laws (in which case the rules and regulations affecting the same shall so provide), honorably discharged soldiers, sailors, or marines who served as such between April 12, 1861, and August 20, 1865, and first after the aforementioned veterans of the civil war those honorably discharged soldiers, sailors, and marines who served in the recent with Spain or in the Philippine Islands, they being otherwise qualified, shall be certified and preferred for appointment to and retention in employment in the public service and for promotion therein. Age, loss of limbs, or other physical impairment which does not in fact incapacitate shall not disqualify them, provided they possess the business capacity necessary to discharge the duties of the position involved; and persons thus preferred shall not be removed from their positions except for good cause, upon charges, and after a hearing.

SEC. 2. That all laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

The SPEAKER. Is a second demanded?

Mr. RICHARDSON of Tennessee. I demand a second.

Mr. BROMWELL. I hope the gentleman from Tennessee will allow a second to be considered as ordered.

The SPEAKER. The Chair will call the attention of the gentleman from Ohio to the fact that the word "war" is omitted after the word "recent," in line 1, page 2, of the bill.

Mr. BROMWELL. I was about to insert that, Mr. Speaker. It was inadvertently omitted in making up the bill.

The SPEAKER. That, then, will be considered as one of the pending amendments to which the motion applies.

Mr. BROMWELL. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

Mr. FOWLER. There is.

The SPEAKER. The Chair will appoint the gentleman from Tennessee, Mr. RICHARDSON, and the gentleman from Ohio, Mr. BROMWELL, as tellers.

Mr. RICHARDSON of Tennessee. I did not object, Mr. Speaker; it was the gentleman from New Jersey.

The SPEAKER. The Chair thinks it is the custom to appoint the gentleman demanding tellers. However, the Chair will appoint the gentleman from New Jersey, Mr. FOWLER, and the gentleman from Ohio, Mr. BROMWELL, to act as tellers.

The House divided, and the tellers reported—ayes 67, noes 34.

The SPEAKER. A majority seconding the motion, the question now comes upon the motion to suspend the rules and pass the bill as amended, including the word "war," referred to.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to be heard in opposition.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] is recognized to control the twenty minutes.

Mr. HEPBURN. Mr. Speaker, is it competent under this order to amend the bill by striking out that provision that requires written charges to be preferred and trial to be had before an employee can be discharged by the head of a Department?

The SPEAKER. It is not in order. The vote must be taken on the proposition as made by the mover. The gentleman from Tennessee is recognized for twenty minutes in opposition.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I am not sure that I desire to be recorded against the passage of this bill, because I do not fully understand it. I am unable to get a copy of the bill. I have the bill as introduced by the gentleman from Ohio [Mr. BROMWELL], but it seems that I can not get a copy of it as reported from the committee. Now, before I use any more time in opposition to the bill, I should be glad if the gentleman from Ohio [Mr. BROMWELL] would tell us what is in it, and particularly tell us how this bill as introduced affects the law as at present on the statute books.

As I understand it, soldiers and sailors honorably discharged in the late war between the States now have a preference to appointment under the civil-service law. All honorably discharged soldiers and sailors of the war between the States now have a preference to appointment to positions under the civil service. The gentleman's bill, as introduced, related alone, as I understand it, to the honorably discharged soldiers and sailors of that war; but the committee, as they have reported it, make some recommendations with respect to the honorably discharged soldiers and sailors of the Philippine war, so called. Now, I do not understand exactly what that provision is.

Mr. BROMWELL. Mr. Speaker, the object of the bill as originally introduced——

Mr. RICHARDSON of Tennessee. I should be glad if the gentleman would tell us how his bill, as he offers it, affects the old law and how the amendment applies.

Mr. BROMWELL. I will do so with pleasure. Mr. Speaker, the object of the bill as originally introduced by me—which I will say was the bill prepared by the Grand Army of the United States and is favored by them—was to extend the law as it now exists, which gives a preference to those soldiers and sailors of the civil war who were separated from the service on account of wounds or disease and who now, under the operations of the civil-service law, have a preference, so as to cover all soldiers and sailors of the civil war without respect to those disabilities. In other words, to extend it to any honorably discharged soldier or sailor of the civil war.

The thought in the mind of the committee being that this provision ought not to be limited to soldiers and sailors of the civil war, the committee amended the bill by making it apply also to the honorably discharged soldiers and sailors of the Spanish war and the war in the Philippines.

The argument in favor of the extension of this preferential provision is this: Whereas the present law provides for those who are discharged on account of wounds or disease, the proposed amendment, it is thought, will give a more capable class of men who are equally deserving an opportunity for this preference. In other words, instead of limiting the appointments to those who are lame and maimed, or who are suffering from the effects of disease contracted in the service, this amendment extends it so as to get into the service on preferential appointment those who are probably better able physically and mentally, and particularly physically, to perform the duties of the various positions.

Now, so far as the amendment is concerned extending the preference to the soldiers and sailors of the Spanish war, gentlemen will understand the reason for that. When this war broke out a great many of our best young men all over the country enlisted in the Army.

Mr. TALBERT. Will the gentleman allow me to ask him a question?

Mr. BROMWELL. Certainly.

Mr. TALBERT. Does this bill excuse old soldiers and sailors from the civil service rule—exempt them from any examination?

Mr. BROMWELL. It does not, and the bill specifically provides that it shall apply to those who now either take the examination on a noncompetitive basis or to those who take the examination on a competitive basis. The gentleman will understand, of course, that there are some positions for which noncompetitive examinations are given. There are other positions for which competitive examinations are required. This bill does not make any difference in the existing law in that respect. Those who apply for positions in the competitive service will be required, as heretofore, to take the examination. As the law now stands, a soldier of the civil war who was separated from the service by reason of wounds or other disabilities is given an examination.

If he attains a percentage of 65 in that examination, he is given preference over others examined, so that there is no difference in that respect from the present law and that proposed in this amendment. The only thing is that it extends the class of those who may have this preference from those who were disabled by wounds or disease and separated from the service on that account, and takes in all sailors and soldiers, whether disabled or not, and it also extends the preference to the sailors and soldiers of the Spanish war and the war in the Philippines upon exactly the same basis. In other words, if they apply for a position that is to be filled by noncompetitive examination, this gives them the preference after such examination; if they apply for a position to be given under competitive examination, they are to take that examination and are given the preference if they attain the required percentage.

Mr. RICHARDSON of Tennessee. Will the gentleman allow me a moment?

Mr. BROMWELL. Certainly.

Mr. RICHARDSON of Tennessee. I do not like the idea of making a discrimination. Why did not the committee include the Mexican soldiers, as they are certainly as worthy of recognition as those who are engaged in the war in the Philippines, or the war in Cuba, or any other war. Would not the gentleman ask unanimous consent to amend the bill so that it should include all the soldiers of all the wars of the United States? Why should not they be put on an equal footing?

Mr. BROMWELL. Well, I will say that it is not likely that there are any survivors of the Mexican war, or any great number of them, who would be able to take clerical service now.

Mr. RICHARDSON of Tennessee. I think not, myself; but I dislike to see a discrimination made. They ought to be put on the same footing. In this era of good feeling and era of peace and brotherly love the soldiers of all the wars ought to be put on the same footing, not only of the wars that have passed, but if we have any more; and I think it would be well to make the provision, if it applies to any, apply to all.

Mr. BROMWELL. The same reason that there was for the preference bill over twenty years ago applies to-day. It was to give a preference to a certain class of soldiers and sailors in the United States service. The present law did not go back to take in survivors of the Mexican war, and there is no more reason now and really less reason, as those survivors are older and less capable of filling public office.

Mr. BINGHAM. Will the gentleman permit me to make an inquiry?

Mr. BROMWELL. Certainly.

Mr. BINGHAM. Why do you fix August 26, 1865, as the date upon which your benefactions shall apply?

Mr. BROMWELL. Because that was supposed to be the close of the civil war.

Mr. BINGHAM. I think the courts have ruled that the close of the war was in August, 1866. I myself was not mustered out until the 2d of July, 1866, and they have adopted a rule that recognizes August, 1866, as the final conclusion of the war of the rebellion. I merely make that inquiry of the gentleman.

Mr. BROMWELL. In answer to the gentleman, I will say that this bill was prepared under the direction and with the approval of the Grand Army of the Republic of the United States, and we have it precisely in the same form as they offered it.

Mr. BINGHAM. You will find upon inquiry that the official declaration of the department or courts somewhere fixes the date of the end of the war as August, 1866.

Mr. BROMWELL. Most of those who were discharged after that date had service between the two dates in this bill, and by fixing it at the first date those who received their discharge shortly afterwards probably had seen service prior to the last date of the bill.

Mr. LACEY. Let me suggest this to my colleague: There are a number of decisions fixing the date for the termination of the war, and consequently the committee in fixing it put it closer to the end of actual hostilities, so that those who served prior to that time must have taken some part in the civil war, while others, enlisted later on, while technically they might have been in the service prior to the end of the war, were not intended to be covered by this resolution. As to the soldiers of the Mexican war, the youngest of them now would be not less than 72 years of age.

Mr. BROMWELL. There is no question about that.

Mr. WHEELER. I would like to ask the gentleman a question.

Mr. BROMWELL. Certainly.

Mr. WHEELER. In your amended bill do you not say that a man must not be discharged except after a trial upon written charges?

Mr. BROMWELL. That is in the bill as reported.

Mr. RICHARDSON of Tennessee. It is not in the original bill, I will say to the gentleman.

Mr. BROMWELL. No; it is not upon written charges; it is upon charges.

Mr. WHEELER. Whether written or oral?

Mr. BROMWELL. Either.

Mr. WHEELER. What is the object of requiring trial before the discharge of the clerk, which is put in on this bill, when it is not required for the ordinary clerk in the departments?

Mr. BROMWELL. The object is to prevent the head of any department from summarily discharging the old sailor or old soldier without cause.

Mr. WHEELER. Who is to be the judge of that cause? Who is to conduct the trial?

Mr. BROMWELL. That will be a matter of regulation after the bill is enacted into law.

Mr. WHEELER. You can not say that a trial shall be had without lodging authority in some one to conduct the trial. You are putting men in there, it seems to me, under favor, and putting them above their superiors. If they are incompetent in the judgment of their superior, he can not dismiss them; he can not discharge them.

Mr. MOODY of Massachusetts. If the gentleman will allow me, let me suggest that this is practically the rule which all persons in the civil service are now under. Although the language is not quite the same about the other employees, in practice they require charges and give them an opportunity to be heard.

Mr. WHEELER. Oh, yes; but that is a rule that is never observed.

Mr. MOODY of Massachusetts. Yes; it is observed very carefully.

Mr. WHEELER. Now, just a moment, if the gentleman from Ohio will pardon me. I would like to ask the gentleman this question: Do you not authorize the appointment of an old soldier either of the civil or the Spanish war to some place under the Government when he does not attain the same degree of efficiency as the civilian is required to attain?

Mr. BROMWELL. That is the present law. The present law requires the old soldier or sailor of the civil war who was separated from the service by reason of wounds or other disability—it requires that he shall attain a percentage of 65 to be placed on the eligible list and certified for appointment, while a person who is not a soldier or sailor is required to obtain 75 per cent.

Mr. WHEELER. What is the object of this bill?

Mr. BROMWELL. This is to extend the class to those who are honorably discharged from the service, but who were not separated by reason of wounds or other disabilities.

Mr. WHEELER. But you do not require any 65 per cent.

Mr. BROMWELL. Most certainly; the law is not changed in that respect. It says:

> That in every Executive Department of the United States Government and in each and every branch thereof, whether reached by competitive or noncompetitive examinations under the civil-service laws (in which case the rules and regulations affecting the same shall so provide), honorably discharged soldiers, sailors, or marines who served, etc.

It leaves the law in precisely the same respect that it is now.

Mr. WHEELER. I will say to the gentleman from Ohio that I think the suggestion a good one, to give the preference to honorably discharged soldiers and sailors of these wars; but I object seriously to giving them the preference over civilians who obtain a higher grade. You should not take the dolt and prefer him to the bright young man simply because the dolt has been a member of the Army or Navy.

Mr. CLAYTON of New York. Mr. Speaker——

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from New York?

Mr. BROMWELL. I will yield to the gentleman from New York.

Mr. CLAYTON of New York. Mr. Speaker, referring to the one question that has been raised here about whether an examination is required, I would like to say that this law is practically the same as the one in operation in New York State, and has been for some time. It does not lower the standard of our civil service in any way whatever. It simply provides that when two men pass the required examination (and the percentage can be placed as high as is necessary for the efficiency of the service), and when one of them is an honorably discharged soldier of one of the wars, he shall have the preference over the other man who is not a soldier or sailor, although the paper of the latter may be a little higher. It does not appoint any man to office who is incompetent; and as far as the discharges are concerned it requires the head of the department to prefer charges and be able to give the reason why he discharges the old soldier. It is a provision that has been found to be a wise one, and has protected the old soldiers in New York State. I believe these provisions in behalf of the old soldiers which have been extended by a State government ought to be extended by the General Government in whose behalf the service was performed which entitled them to preference.

Mr. LIVINGSTON. Will the gentleman from Ohio allow me a question?

Mr. BROMWELL. I will.

Mr. LIVINGSTON. Will the gentleman submit to an amendment on page 2, where it says "business capacity necessary to discharge?" Now, on page 1, the language is this: "Age, loss of limb, or other physical impairment which does not in fact incapacitate shall not disqualify them, provided they possess the business capacity necessary to discharge the duties," etc. I want to add: "and physical ability to perform the duties." You do not want men in there as clerks who have no physical ability to perform the duties.

Mr. BROMWELL. I should say the man who had the business capacity necessary to discharge the duties would have the physical ability.

Mr. LIVINGSTON. I think a man might have the business capacity and yet be physically incompetent to discharge his duty.

Mr. BROMWELL. The language of the bill is "which does not in fact incapacitate." Why, then, the necessity for the provision which the gentleman suggests?

Mr. LIVINGSTON. It seems to me you have an inconsistency in your bill.

Mr. BROMWELL. Not at all. If there should be such age, loss of limb, or other physical impairment as does in fact incapacitate, the person could not go upon the eligible list. If "age, loss of limb, or other physical impairment does not in fact incapacitate," the person may go on the eligible list. What, then, is the necessity for the amendment suggested by the gentleman?

Mr. LIVINGSTON. Why, then, make this statement, that "age, loss of limb, or other physical impairment which does not in fact incapacitate does not disqualify?" That is the proposition of the bill.

Mr. BROMWELL. Certainly.

Mr. LIVINGSTON. What is the need for that provision?

Mr. BROMWELL. Suppose the gentleman should apply for a position as a messenger and had no limbs upon which to go around, or had only one limb; or suppose he should apply for a position as clerk and had lost both arms. There are other positions to which he might be eligible, but not that particular one, because the physical disability would disqualify him by reason of the character of the service required.

Mr. LIVINGSTON. This bill simply means, to my mind, to take in the whole of the soldier element without any disqualifying clause whatever. It means simply a civil service pension to the old soldiers. That is the end and the object.

Mr. BROMWELL. There is no service pension provided in the bill. On the other hand, the very object of this bill is to give to

the old soldiers who are liable to be pensioners upon the Government an opportunity to render service and earn their living instead of being objects of charity.

Mr. LIVINGSTON. The gentleman is aware of the fact that all of this very class of soldiers are already pensioned.

Mr. BROMWELL. Not all. This bill extends a preference to those who are not already pensioned and who are not incapacitated by reason of wounds or other disability.

Mr. LIVINGSTON. Why not include the soldiers of the Mexican and Indian wars?

Mr. BROMWELL. Because the question of the Mexican war and the Indian wars is one that probably was not taken into account when the original bill was passed. At any rate, the survivors of those wars are now undoubtedly too old to render efficient service.

Mr. BINGHAM. The general law pensions all soldiers of the Mexican war.

Mr. LIVINGSTON. But only at the rate of $8 a month.

Mr. BROMWELL. I yield to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. I wish to inquire of the gentleman having this bill in charge to what extent this preference operates. As I understand the matter, under the present law a discharged soldier or sailor who passes at 65 in a competitive examination goes upon the eligible list. Are we to understand that when he is thus placed on the eligible list he has a preference over all civilians on the eligible list regardless of the percentage at which they passed the examination?

Mr. BROMWELL. I will say to the gentleman that that is the present law as to those who are now given this preference.

Mr. MONDELL. I understand, then, that if this bill passes all those who have served in any of the wars mentioned, when placed on the eligible list, pass immediately to the top of that list, and therefore, so long as there is on any eligible list of the civil service any man who has ever served in any of these wars, no civilian on that list can receive an appointment to the civil service. Is that true?

Mr. BROMWELL. I will say to the gentleman that that is the case. That is what this bill provides for.

Mr. MONDELL. Well, Mr. Speaker, it seems to me that that is questionable policy.

The SPEAKER. The time of the gentleman from Ohio [Mr. BROMWELL] has expired. The gentleman from Tennessee [Mr. RICHARDSON] is recognized.

Mr. RICHARDSON of Tennessee. I understand that the gentleman from Massachusetts [Mr. GILLETT] desires recognition. I yield him five minutes.

Mr. GILLETT of Massachusetts. Mr. Speaker, I am surprised that this bill comes up now; because the gentleman from Ohio [Mr. BROMWELL] was not authorized by the committee to bring it up, but another member of the committee, with whom I had an arrangement that it should not be brought up without notifying me. Consequently I do not think the bill is properly before the House.

Mr. BROMWELL. Let me ask the gentleman a question. He has made a pretty broad charge; and I wish to ask him who is the gentleman who was authorized to bring up this bill?

Mr. GILLETT of Massachusetts. Mr. LANDIS, of Indiana.

Mr. BROMWELL. I will say that on Saturday——

Mr. GILLETT of Massachusetts. The gentleman's statement must not come out of my time.

Mr. BROMWELL. I want to correct a misstatement of the gentleman, which is entirely unauthorized.

The SPEAKER. Does the gentleman from Massachusetts yield?

Mr. GILLETT of Massachusetts. No, sir.

The SPEAKER. The gentleman declines to yield.

Mr. GILLETT of Massachusetts. This bill provides exactly what the gentleman from Ohio has just said—that so long as there is on the civil-service roll a veteran of any war no civilian upon that list can receive an appointment under this Government. So far as concerns the veterans of the civil war, it does not seem to me that that matter is very important in its effect upon the service, although, of course, just now when we are criticising our civil service because it has in it so many aged men, this provision opens the way for that very class of men to fill up the positions. But I do not think there are a great many who can avail themselves of the provision. To me the dangerous feature of this bill is that every veteran of the late war—every member of the Regular Army or the Regular Navy who is in service to-day or who served in the war with Spain—is entitled at any time, if he can pass the examination, to go right to the top of the list.

Now, there were about 225,000 volunteers who were engaged in the late war. There are a hundred thousand men now in the service. There are going to be 35,000 more as soon as the volunteers come back this spring and regulars are enlisted to take their places. Thus there are about 300,000 men who will be entitled to this preference just as soon as they get on the roll. And that means, Mr. Speaker, that no civilian for a great many years to come is going to get on that roll.

Now, if that is not class legislation, I would like to ask what it is. Of course we naturally, all of us, have a tendency to vote in favor of a bill which some one class favors, because we know that that class is unanimously in favor of it, while the great bulk of the people affected unfavorably do not care, perhaps, much one way or the other. But in this case it strikes from the service of the Government, perhaps for many years to come, the whole bulk of the people and puts the military class in the service.

In the seventeen years since the civil-service law was passed less than 70,000 persons have been appointed under it, and less than 20 per cent of the persons examined have succeeded in getting places. How many persons, outside of the 300,000 young soldiers, will succeed in getting places in the next seventeen years if this bill should become a law?

I agree that gratitude is due to all the soldiers of the Republic, but I do not think that this is the way to express it.

During the civil war thousands of men undoubtedly enlisted on both sides—North and South—from a pure sense of duty, because they thought their country was in danger and their services were needed, and many of them, with a noble self-sacrifice, gave up their ambitions and their happiness for the purpose of entering the service. But I do not think the same holds true, as a rule, with reference to the regular. He does not enlist from the same consideration and is not entitled to be placed in the same category. He likes the service; he is not enlisting from a love of country or a sense of duty, but from free choice and preference. It is his business, his profession.

I do not think that the regular soldier, as a rule, goes into the Army because of the reasons that influence the majority of the volunteers, who leave their homes and their farms and give up all that they have in life to bear their share of the burdens of the country. But the regular takes his choice. And the same applies, although in a less degree, to some of the soldiers of every war, particularly a short and one-sided war. Where a man has risked his life for his country, sacrificing his home and his preferences to do so, nothing, in my judgment, is too great as a reward for him. But where a man goes in as a business, because he likes the service and proposes to make it his constant occupation, I do not think he is entitled to the preference in the civil service which might properly be given to the other class.

Then, again, there is the pension to which the soldier is entitled. That is a better method of compensation than making the civil service of the Government open only to one class rather than to all the people. The regular soldier is entitled to support by the Government as long as he lives. Why, at the same time, then, would you put him at the top of the civil list? It seems to me that this legislation is careless and unfair, that it is drawn undoubtedly with good intent, but it is not prepared in such form as should meet the approval of the House, and that it would be for the benefit of a large class who already have certain privileges and benefits to the detriment of the masses of the people of the country. Our civil service should not belong to any one party or to any one class, but should be open to all the people, and selection and promotion should be made by merit and not by favor.

The SPEAKER. The time of the gentleman has expired.

Mr. BROMWELL. Mr. Speaker, I would like to have one minute, with the consent of the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. I have promised to yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I am certainly favorable to any kind of legislation that is for the benefit of the persons named in this bill, but I am not in favor of the legislation proposed here. I do not believe that anybody has the right to speak for those men who might be benefited by this law, and say that he represents them.

I do not believe that those men who served between 1861 and 1865, or the masses of them, ask for this legislation. It is most inequitable and unjust, and it enters the Government upon a new order of things.

If I read the bill aright it gives to one of these beneficiaries, as a right, the right to promotion, for instance. That becomes a vested right. If it is of value, does it not introduce at the same time the disorder of a mandamus proceeding against an officer of the Government, to compel him to make promotions under the terms of the law?

Again, under the terms of the bill the right to retain the position becomes a vested right, a thing of value, because there is a provision here that there shall be no ouster at all without written charges and a hearing. Now, if the right is worth $20, under the Constitution of the United States does not the bill provide for a trial by jury before you can dispossess the appointee? Imagine conditions of that kind in the various Departments under the civil service of the United States. What kind of discipline could be maintained by the Secretary, the chief, or the head of a bureau or division, when a man claims to hold a tenure of office so firmly

that there could be no ouster until after a hearing, examination, or trial of that kind? I do not understand what the object can be. Under the law as it is to-day preference is required in matters of appointment, other things being equal, to the old soldier. I believe that is all that the worthy old soldier asks, and therefore I am opposed to this legislation.

I yield the balance of my five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I greatly desire the passage of some legislation upon this subject, but I join the gentleman from Iowa [Mr. HEPBURN] in the criticisms which he has made, and I hope that the committee, or the gentleman in charge of the bill, as the case may be—for I understand this is individual suspension day, and therefore the question whether the committee authorized the presentation of the bill here this morning or not does not enter practically—I hope the gentleman will withdraw this bill and amend it or suffer it to be amended in the House at this time.

Mr. RICHARDSON of Tennessee. I yield two minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. I wish to ask the gentleman from Ohio why a preference is given between the soldiers and sailors of the United States in favor of those of the war of 1861 over those of the Spanish and Philippine controversy?

Mr. BROMWELL. The reason is this: The bill as originally introduced had no reference at all to the soldiers of the Spanish war. It was intended to extend the class of the civil-war soldiers to whom this preference should be given, and, in spite of what the gentleman from Iowa [Mr. HEPBURN] says, I will say that this bill is, to a great extent—in fact, altogether—an official bill, prepared and presented under the auspices of the Grand Army of the United States. It was advocated by a committee of the Grand Army, and the posts all over the United States have largely indorsed and approved this bill and requested its passage. Now, as I say, it was originally limited to soldiers and sailors of the civil war. Then a suggestion was made in the committee that the bill be extended to include the soldiers and sailors of the Spanish war, and the committee agreed to that amendment.

Mr. SIMS. But why make a preference between them, if they stand on the same ground?

Mr. BROMWELL. For the reason that they now have a preference, and the only preference over all others, whether military or civil.

Mr. SIMS. Then it was not that the committee regarded service in the Spanish or Philippine war as less worthy of favorable consideration than service in the other war?

Mr. BROMWELL. Not at all. It was to take care of these old veterans first, and then the younger men of the Spanish war and the Philippine war.

Mr. SIMS. But this will be permanent law, and after awhile the others will be reached.

Mr. BROMWELL. Certainly they will.

Mr. RICHARDSON of Tennessee. I yield two minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, in my opinion this is a just and a meritorious bill, and I am heartily in favor of it and hope it will pass. Every Grand Army post in my district has written to me and requested me to favor it and vote for it. I shall do so. I have also received a number of letters from soldiers and sailors urging the passage of this measure. I concur in all that the gentleman from Ohio [Mr. BROMWELL] has said, and I differ radically and dissent from the statements made by the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Iowa [Mr. HEPBURN]. This bill seeks, in a small way, to recognize and reward the valor and the patriotism of the soldiers and sailors of our country. I believe these brave men are entitled to that recognition. I believe they should have a preference. It is right. I have always favored giving some preference to the soldiers and the sailors who fought for their country.

In my judgment this bill does not go far enough. I would extend its provisions. In the State of New York we have a law somewhat similar to this, but which goes much further. Under that law the soldiers and the sailors of the Union are entitled to much more, and I know of no one who objects to the justice of that law.

I trust that this House will pass this bill. It ought to pass unanimously. I want to say here and now that I am, always have been, and always will be in favor of doing all in my power for the brave and heroic soldiers and sailors of the Union. Gratitude to them for what they have done compels me to give my assent and my vote to this bill, and I appeal to all here to vote in favor of it.

[Here the hammer fell.]

Mr. RICHARDSON of Tennessee. How much time is left of my twenty minutes?

The SPEAKER. Six minutes.

Mr. RICHARDSON of Tennessee. I yield two minutes to the gentleman from Massachusetts [Mr. MCCALL].

Mr. MCCALL. Mr. Speaker, I am opposed to this bill because I am opposed to the creation of a military caste for the government of a free country. If the soldiers fight for anything, they fight to maintain our institutions, the fundamental principle of which is equality. I believe in showing them every recognition that can fairly be asked. I believe in a liberal system of pensions; but I believe also that every citizen should have an equal right to participate in the government of the country, whether as a part of the civil service or in voting. The civil-service rules are designed to ascertain the fitness of candidates for positions in the departments. If those rules are not wise, are not adapted to the end in view, they should be repealed or changed. If they are to be continued, they should have a uniform general application. It seems to me this bill casts a slur upon the intelligence of the soldier who is able to compete with the civilian for a chance to take a share in the government of the country.

Mr. RICHARDSON of Tennessee. I yield two minutes to the gentleman from Georgia [Mr. FLEMING].

Mr. FLEMING. Mr. Speaker, some of the gentlemen who oppose this bill are known to the House and throughout the country as being opposed to the civil service itself, and desire to abolish it. As for myself, I am in favor, and always have been, of an efficient civil service for the Government; and I think it fortunate, therefore, that men who are opposed to the civil service, whose names I need not call, and some who are in favor of the civil service, such as the gentlemen from Massachusetts, both of whom have spoken, and some of us on this side of the Hall, can unite in opposition to the passage of this bill.

Mr. Speaker, the only effect of this measure upon the public service will be to render it more inefficient than it is. It can have no other effect.

Now, as the gentleman from Massachusetts said, the men who risked their lives and their fortunes in a fierce and bloody war, men who met upon battlefields where thousands were slain, as was the case in our civil war, may deserve that some exceptional rule be applied to them. But while those may be comparatively few who could come in from the civil war and take position at the head of the eligible list, if you open the gate wide and put in the whole roster of the Regular Army and the Volunteer Army in the Spanish war and the Philippine war, and all other wars we have had or may have in the future, as the general purpose of this bill seems to indicate, what is to become of the civil service? The efficient men from civil life will be driven out of the civil service, and we will have a military caste built up on account of war service.

Our nation is the most liberal on the face of the earth in the matter of pensioning soldiers. We provide liberal pensions for all who have lost their health or limbs in the service of their country, and also for those who are simply dependent. If this bill is passed it will destroy the efficiency of the civil service.

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON of Tennessee. I yield the remainder of my time to the gentleman from New Jersey.

Mr. FOWLER. Mr. Speaker, when this bill was before the committee it was considered that now the old soldiers who are not suffering from physical disabilities had reached so small a number that possibly it might be wise to include them in this list, and that is the view urged by the old soldiers themselves. It was while we were discussing this very proposition with a view of its adoption that it was suggested that the soldiers of the recent war should also be included; and under a sentimental impulse, by a mere majority, they, too, were made legislative beneficiaries, although it has been conceded by everybody that for the last twenty-five or thirty years no such thing should be done with regard to the soldiers of the civil war, and never had been done, because unwise. Now the effect of this bill would be this: Every man that has been in the Regular Army, or any man who has been in any way connected with the Volunteer Army and honorably discharged, shall go to the head of the list if he shall obtain 65 in an examination. In other words, for the next fifty years the American youth of the land are to be excluded from the civil service simply because 250,000 or 300,000 men have enlisted in the recent war. The result of that would be to make the civil service a great charitable institution instead of the efficient public business institution that it ought to be. [Applause.]

The SPEAKER. The time for debate is exhausted. The question is on suspending the rules and passing the bill as amended.

The question was taken.

The SPEAKER. The Chair is unable to decide.

Mr. BROMWELL. Division, Mr. Speaker.

The House divided; and the Speaker announced the affirmative vote as 49.

Mr. SULZER. The yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Twenty-five gentlemen have arisen. The Chair requests the other side to rise and remain standing until counted. [After counting.] One hundred and twenty-three gentlemen have arisen, and the yeas and nays are refused.

Mr. BROMWELL. A parliamentary inquiry. Were there not 25 votes?

The SPEAKER. Twenty-five yeas, and 123 against it. Those opposed to the passage of the bill will rise and remain standing until they are counted. [After counting.] One hundred and five opposed. On this question the ayes are 51; the noes are 105; two-thirds not having voted in favor thereof, the motion to suspend the rules and pass the bill is lost.

URGENT DEFICIENCY BILL.

Mr. CANNON, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 12838) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1901.

Mr. CANNON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill in the House.

Mr. RICHARDSON of Tennessee. Now?

Mr. CANNON. Yes; it is a very short bill.

Mr. RICHARDSON of Tennessee. Any new legislation?

Mr. CANNON. No; if there is, it can go out on a point of order.

Mr. RICHARDSON of Tennessee. I think I will reserve all points of order.

Mr. GIBSON. May I ask the gentleman from Illinois how long a time this will consume?

Mr. CANNON. I should think it might pass in ten minutes; perhaps five.

Mr. MIERS of Indiana. Mr. Speaker, how will this affect the special order for to-day?

The SPEAKER. If the gentleman from Illinois is correct, it will take ten minutes out of the time. The gentleman from Illinois, chairman of the Committee on Appropriations, asks for the present consideration of the bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the bill at length.

Mr. CANNON. Now, Mr. Speaker, I ask for a vote on the bill.

Mr. UNDERWOOD. Before that vote is taken, Mr. Speaker, I would like to ask that the Clerk may read again that provision which provides for an additional assistant attorney in the attorney's office for the District of Columbia.

The SPEAKER. Without objection, the Clerk will again report that part of the bill.

The Clerk again read the provision.

Mr. UNDERWOOD. I would like to ask the gentleman from Illinois if that provision is so drafted as that the office shall cease at the end of the year?

Mr. CANNON. The appropriation is only for the balance of the fiscal year. It does not create any office beyond the terms of the appropriation.

Mr. LITTLE. I desire to inquire the necessity for the provision postponing the opening of the Kiowa, Comanche, and Apache Reservation for eight months?

Mr. CANNON. I will say, as I recollect it, that the law ratifying that treaty provided it should be opened and allotments should be made in six months, but there was no appropriation made for that purpose. There is an appropriation for allotments generally at Indian reservations, and $10,000 was utilized by the Secretary of the Interior for that purpose, but it fell short $75,000. It was impossible to do this until the allotments shall first be made and surveys made and provided for, and therefore it necessitated the extension of the time eight months.

Mr. LITTLE. Do I understand it will require eight months to complete the work and make it ready?

Mr. CURTIS. The Secretary of the Interior says that he does not think it will take that time, but he wants to make sure that there will be time enough. He will complete it as soon as possible.

Mr. CANNON. This is an item placed in the bill after somewhat of an investigation by the Committee on Appropriations, but very largely upon what purported to be a thorough investigation by the Committee on Indian Affairs and the transmittal of a recommendation from that committee for this appropriation.

Mr. STEPHENS of Texas. This extension begins from the 6th of December and runs eight months. That would make it the 6th of August that the country must be open for settlement.

Mr. FLYNN. This is the identical provision that the Committee on Indian Affairs recommended.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

JUDICIAL DISTRICTS IN KENTUCKY.

Mr. SMITH of Kentucky. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 971) to divide Kentucky into two judicial districts.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 531 of the Revised Statutes is hereby amended by striking therefrom the word "Kentucky."

SEC. 2. That the State of Kentucky is divided into two judicial districts, which shall be called the eastern and the western judicial districts of the State of Kentucky. The eastern district includes the counties of Carroll, Gallatin, Boone, Kenton, Campbell, Pendleton, Grant, Owen, Franklin, Bourbon, Scott, Woodford, Fayette, Jessamine, Garrard, Madison, Lincoln, Rockcastle, Pulaski, Wayne, Whitley, Bell, Knox, Harlan, Laurel, Clay, Leslie, Letcher, Perry, Owsley, Jackson, Estill, Lee, Breathitt, Knott, Pike, Floyd, Magoffin, Martin, Johnson, Lawrence, Boyd, Greenup, Carter, Elliott, Morgan, Wolfe, Powell, Menifee, Clark, Montgomery, Bath, Rowan, Lewis, Fleming, Mason, Bracken, Robertson, Nicholas, Harrison, with the waters thereof. The western district includes the residue of said State of Kentucky, with the waters thereof.

SEC. 3. That the district judge of the judicial district of Kentucky as heretofore constituted, and in office at the time this act takes effect, shall be the district judge for the western judicial district of Kentucky as constituted by this act. That the clerk of the circuit court and the clerk of the district court in said judicial district of Kentucky as heretofore constituted, and in office at the time this act takes effect, shall be the clerks of the circuit and district courts of the western judicial district of Kentucky, respectively, as hereby constituted, until their successors, respectively, shall be appointed and qualified. The district attorney, assistant district attorneys, marshal, deputy marshals, deputy clerks, and referees in bankruptcy resident in said western judicial district of Kentucky as constituted by this act shall, within their respective jurisdictions in said western judicial district, continue in office and continue to be such officers in such western district until the expiration of their respective terms of office as heretofore fixed by law, or until their successors shall be duly appointed and qualified.

SEC. 4. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge for the eastern judicial district of Kentucky, who shall possess and exercise all the powers conferred by existing law upon the judges of the district courts of the United States, and who shall, as to all business and proceedings arising in said eastern judicial district as hereby constituted or transferred thereto, succeed to and possess the same powers and perform the same duties within the said eastern judicial district as are now possessed by and performed by the district judge for the district of Kentucky.

SEC. 5. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a marshal and district attorney for the said eastern judicial district of Kentucky as hereby constituted, who shall, within their respective jurisdictions, possess and exercise all the powers conferred by existing law upon the marshals and district attorneys of the United States, respectively.

SEC. 6. That all other officers residing within the eastern judicial district of the State of Kentucky, as hereby constituted, shall cease to be such officers when their successors are appointed and qualified.

SEC. 7. That the office of marshal and district attorney in each of said districts, deputy marshals and assistant district attorneys, and all other officers authorized by law and made necessary by the creation of said two districts and the provisions of this act, and all vacancies created hereby in either of said districts as constituted by this act, shall be filled in the manner provided by existing law. The salaries, pay, fees, and allowances of the judges, district attorneys, marshals, clerks, and other officers in said districts, until changed under the provisions of existing law, shall be the same, respectively, as now fixed by law for such officers in the judicial district of Kentucky as heretofore constituted.

SEC. 8. That all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial district of Kentucky as heretofore constituted whereof the courts of the eastern judicial district of Kentucky as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted shall be, and are hereby, transferred to and the same shall be proceeded with in the eastern judicial district of Kentucky as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the courts of said eastern judicial district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto; and all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial district of Kentucky as heretofore constituted whereof the courts of the western judicial district of Kentucky as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted shall be, and are hereby, transferred to and the same shall be proceeded with in the western judicial district of Kentucky as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the courts of said western judicial district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto: *Provided*, That all motions and causes submitted, and all causes and proceedings, both civil and criminal, including proceedings in bankruptcy, now pending in said judicial district of Kentucky as heretofore constituted in which the evidence has been taken in whole or in part before the present district judge of the judicial district of Kentucky as heretofore constituted, or taken in whole or in part and submitted and passed upon by the said district judge, shall be proceeded with and disposed of in said western judicial district of Kentucky as constituted by this act.

SEC. 9. That the regular terms of the circuit and district courts of the United States for the western district of Kentucky shall be held at the following times and places, namely: At Louisville, beginning on the third Monday in May and the first Monday in December in each year; at Owensboro, beginning on the fourth Monday in January and the first Monday in June in each year; at Paducah, beginning on the first Monday in April and the third Monday in November in each year; at Bowling Green, beginning on the third Monday in April and the second Monday in October in each year.

That the regular terms of the circuit and district courts of the United States for the eastern district of Kentucky shall be held at the following times and places, namely: At Frankfort, beginning on the first Monday in January and the second Monday in June in each year; at Ashland, beginning on the first Monday in October and the second Monday in April in each year; at Covington, beginning on the second Monday in May and the first Monday in December in each year; at Richmond, beginning on the second Monday in September and the fourth Monday in March in each year; at London, beginning on the fourth Monday in January and the fourth Monday in June in each year.

SEC. 10. That the terms of said courts shall not be limited to any particular number of days nor shall it be necessary to adjourn by reason of the intervention of a term elsewhere; but the court intervening may be adjourned until the business of the court in session is concluded.

SEC. 11. That nothing in this act shall be construed to repeal section 578 of the revised statutes or the act of August 8, 1888, entitled "An act to provide for holding terms of the circuit and district courts of the United States for the district of Kentucky at Owensboro, in said district, and for other purposes."

SEC. 12. That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within the district in which committed, and all prosecutions for crimes or offenses committed before the passage of this act in which indictments have not been found or proceedings instituted shall be cognizable within the district as hereby constituted in which such crimes or offenses were committed.

SEC. 13. That all laws and parts of laws, so far as inconsistent with the provisions of this act, are hereby repealed.

SEC. 14. That this act shall take effect on the 1st day of July, 1901.

Mr. PAYNE. Mr. Speaker, I ask for a second.

Mr. SMITH of Kentucky. May I ask the gentleman if he will consider a second as ordered?

Mr. PAYNE. I have no objection to the second being considered as ordered.

Mr. SMITH of Kentucky. Mr. Speaker, it is proposed by this bill to divide the State of Kentucky into two judicial districts. Kentucky was the first State admitted into the Union—June 1, 1792—with then a population not exceeding 100,000 people. For more than one hundred years that State has been compelled to be contented with one judicial district, while every State that touches its border, with the exception of West Virginia (long since formed into a State) has at least two judicial districts, and one—the State of Tennessee—three districts.

The average population to a judicial district, taking the entire Union, is less than 1,000,000 people. In Kentucky, by the recent census, there are 2,147,174 people. From its extreme northeastern point to its extreme southwestern border the State is about 500 miles long, and the average width is something near 100 miles, constituting an area of about 40,000 square miles. The eastern one-third of that State is a mountainous region, rich in timber and mineral resources. Foreign capital has gone to that section, various kinds of improvement companies have been organized there, and there is a systematic development going on all through that section of the State. In eastern Kentucky there is perhaps the finest coal that is to be found anywhere within the Union. Certainly its timbers are not excelled anywhere in any of the States.

Many of the land titles there are held under grants from the State of Virginia, and this of necessity brings about litigation which is cognizable in the Federal courts. An examination of the Attorney-General's report—the last one I have been able to get hold of, that of June 30, 1899—shows the fact to be that the district judges in Kentucky have been very energetic upon the bench. As many cases have been disposed of there by the one court as in many of the States that have two or three judicial districts; yet, with all that, there are as many cases pending now upon the dockets of the various courts of that State as are found in most of the States that have two or three judicial districts. Such an examination shows that Kentucky, with its one judicial district, has more civil cases pending upon its dockets than Alabama, with two districts; as many almost as Arkansas, with two districts; more than Florida, with two districts; more than Iowa, with two districts; more than Mississippi, with two districts; as many as Missouri, with two districts; as many as Tennessee, with its three districts and two judges, and almost as many as Virginia and Wisconsin.

The total number of cases, criminal and civil, make an equally favorable showing for the proposition to divide the State into two districts; and candor requires me to say that, considering the present condition of the dockets in that State, I do not believe it will be possible for one judge ever to work the docket to the point that cases brought in the Federal court can be determined within any reasonable time after they are instituted.

As I said a while ago, all our neighboring States have two districts. Kentucky is in the sixth circuit, I believe, and every State in that circuit except Kentucky has now two judicial districts. We feel that there is a pressing necessity for an additional judicial district in that State; hence we come and ask Congress to divide the State into two districts, as provided in this bill.

Mr. PAYNE. Mr. Speaker, I have before me a table (being a part of a report prepared upon another bill) showing the number of criminal cases on the docket in each district of the United States. By this report it appears that in the State of Kentucky for the year 1897 there were 50 criminal cases on the docket; in 1896, 99 cases; in 1895, 109; and in 1894, 82. It would not seem that the criminal business there requires two judges to take care of it.

I understand that the present judge down there thinks that he can do all the business, although while he was a member of Congress he submitted a statement or brief in favor of having two districts in Kentucky. I think that the sensible way in all these matters would be to divide a judicial district into subdivisions as we do in respect to our State courts.

In many States where a district embraces a number of counties the judge goes around, holding court in each county for the cases arising there. In this way witnesses have only a short distance to travel from their homes in order to attend court; thus there is no great expense in that respect. The same thing should be done in regard to the business of our United States courts, so that instead of dragging a party or witness or attorney, at great expense, from one end of the State of Kentucky to the other, or from one end to the other of any large district, cases might be tried within the locality where they originated. Of course if we are to continue our present clumsy system, it is asking a good deal of litigants to take the witnesses from one end of a large State to the other, especially if it is a mountainous State. I have a great deal of sympathy for parties so situated, and would be glad to see the expense and annoyance in such cases reduced.

Mr. WHEELER. The gentleman from New York [Mr. PAYNE] has suggested a point to which I wish to direct his particular attention. There is in connection with this matter an evil which Congress should remedy at the first opportunity. A number of our district and circuit judges on the Federal bench are in the habit of going to the place where they are required to hold court, and then, after calling the docket, they put the papers in their pockets and go back to their homes, requiring the lawyers and witnesses to go there, traveling perhaps three or four hundred miles, in order to take part in the hearing of the cause. I am very glad the gentleman from New York has touched upon this point. I should like to hear what he thinks of such a practice.

Mr. PAYNE. My remedy would be what I have already indicated—to divide the State into subdistricts and have each case tried in the subdivision in which it arises. Under this arrangement the judge might hold court in the vicinity where the case originates.

Mr. WHEELER. And the gentleman would require him to stay there to try the case and render his decision?

Mr. PAYNE. Certainly, just as is required in the States. There need be no difficulty about that. The judge in the State court goes to the subdistrict and hears there the cases that are ready.

I simply throw out this suggestion. I am aware it is useless to oppose any measure of this kind. While I am strongly opposed in general to these propositions for dividing judicial districts, I realize there is much pressure for it. I have no doubt that in this case, as in every other reported by the Judiciary Committee in favor of additional courts and judges, the proposition will go through the House. But I think, Mr. Speaker, the system is all wrong, and I hope the Judiciary Committee will be able to give my suggestion some attention, so as to devise, if possible, some better way of accomplishing the purpose contemplated.

The SPEAKER. The question is on the motion of the gentleman from Kentucky to suspend the rules and pass the bill.

The motion was agreed to, two-thirds having voted in favor thereof.

Mr. SMITH of Kentucky. I move to reconsider the vote just taken——

The SPEAKER. The Chair will state that that is not necessary.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. R. 10834. An act granting a pension to Michael Dempsey;

H. J. Res. 281. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1900, on the 20th day of said month; and

H. R. 8487. An act for the relief of Col. B. Dougherty and other members of the Ninth Regiment of Pennsylvania Infantry.

JUDICIAL DISTRICTS OF WEST VIRGINIA.

Mr. PARKER of New Jersey. Mr. Speaker, I move to take up the bill H. R. 953 and suspend the rules and pass the bill.

The SPEAKER. The bill will be read to which the gentleman from New Jersey refers.

The Clerk read as follows:

A bill (H. R. 953) dividing the State of West Virginia into two judicial districts.

Be it enacted, etc., That section 531 of the Revised Statutes is hereby amended by striking therefrom the words "West Virginia."

SEC. 2. That the State of West Virginia is divided into two judicial districts, which shall be called the northern and southern judicial districts of the State of West Virginia. The northern district includes the counties of Hancock, Brooke, Ohio, Marshall, Tyler, Pleasants, Wood, Wirt, Ritchie, Doddridge, Wetzel, Monongalia, Marion, Harrison, Lewis, Gilmer, Calhoun, Upshur, Barbour, Taylor, Preston, Tucker, Randolph, Pendleton, Hardy, Grant, Mineral, Hampshire, Morgan, Berkeley, and Jefferson, with the waters thereof; the southern district includes the residue of said State of West Virginia, with the waters thereof.

SEC. 3. That the district judge of the judicial district of West Virginia as heretofore constituted and in office at the time this act takes effect shall be the district judge for the northern judicial district of West Virginia as constituted by this act; that the clerk of the circuit court and the clerk of the district court in said judicial district of West Virginia as heretofore constituted and in office at the time this act takes effect shall be the clerks of the circuit and district courts of the northern judicial district of West Virginia, respectively, as hereby constituted, until their successors, respectively, shall be appointed and qualified.

SEC. 4. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a marshal and district attorney for the northern judicial district of West Virginia as hereby constituted, who shall, within their respective jurisdictions, possess and exercise all the powers conferred by existing law upon the marshals and district attorneys of the United States, respectively. All other officers residing within said northern district as hereby constituted shall continue to be and act as such officers within their respective jurisdictions in said northern district as hereby constituted

until their successors, respectively, are duly appointed and qualified under the provisions of existing law.

SEC. 5. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge for the southern judicial district of West Virginia, who shall possess and exercise all of the powers conferred by existing law upon the judges of the district courts of the United States, and who shall, as to all business and proceedings arising in said southern judicial district as hereby constituted, or transferred thereto, succeed to and possess the same powers and perform the same duties within the said southern judicial district as are now possessed by and performed by the district judge of the district of West Virginia.

SEC. 6. That the marshal and district attorney of the judicial district of West Virginia as heretofore constituted and in office at the time this act takes effect shall be the marshal and district attorney, respectively, for the southern judicial district of West Virginia as constituted by this act until the expiration of their respective terms, or until their successors, respectively, shall be appointed and qualified. All other officers residing within said southern district of West Virginia as constituted by this act shall continue as such officers until the expiration of their respective terms and until their successors, respectively, shall be duly appointed and qualified. The clerk of the circuit and district courts in the southern judicial district of West Virginia as hereby constituted shall be appointed under the provisions of existing law.

SEC. 7. That the salaries, pay, fees, and allowances of the judges, district attorneys, marshals, clerks, and other officers in said districts, until changed under the provisions of existing law, shall be the same, respectively, as now fixed by law for such officers in the judicial district of West Virginia as heretofore constituted.

SEC. 8. That all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial district of West Virginia as heretofore constituted, whereof the courts of the northern judicial district of West Virginia as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to and same shall be proceeded with in the northern judicial district of West Virginia as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the courts of said northern judicial district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto; and all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial district of West Virginia as heretofore constituted, whereof the courts of the southern judicial district of West Virginia as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to and same shall be proceeded with in the southern judicial district of West Virginia as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the courts of said southern judicial district of West Virginia, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto: *Provided*, That all motions and causes submitted and all causes and proceedings, both civil and criminal, including proceedings in bankruptcy now pending in said judicial district of West Virginia as heretofore constituted, in which the evidence has been taken in whole or in part before the present district judge of the judicial district of West Virginia as heretofore constituted, or taken in whole or in part and submitted and passed upon by the said district judge, shall be proceeded with and disposed of in said northern judicial district of West Virginia as constituted by this act.

SEC. 9. That the regular terms of the circuit and district courts of the United States for the northern district of West Virginia shall begin at the following times and places in each year: At Wheeling on the first Tuesday of April and third Tuesday of September. At Clarksburg on the third Tuesday of April and first Tuesday of October. At Martinsburg on the third Tuesday of October. And the circuit court shall be held at Parkersburg, beginning on the second Tuesday of January and second Tuesday of June of each year.

That the regular terms of the circuit and district courts of the United States for the southern district of West Virginia shall begin at the following times and places in each year: At Charleston on the first Tuesday of May and second Tuesday of November. At Huntington, in the county of Cabell, on the first Tuesday of April and third Tuesday of September. At Bluefield, in the county of Mercer, on the first Tuesday of June and the first Tuesday of December.

SEC. 10. That the terms of said courts shall not be limited to any particular number of days, nor shall it be necessary to adjourn by reason of the intervention of a term elsewhere; but the court intervening may be adjourned until the business of the court in session is concluded.

SEC. 11. That the provisions of section 584 of the Revised Statutes are hereby extended to said districts hereby created.

SEC. 12. That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within the district in which committed, and all prosecutions for crimes or offenses committed before the passage of this act in which indictments have not been found or proceedings instituted shall be cognizable within the district as hereby constituted in which such crimes or offenses were committed.

SEC. 13. That all laws and parts of laws so far as inconsistent with the provisions of this act are hereby repealed.

SEC. 14. That this act shall take effect on the 1st day of July, 1901.

Mr. UNDERWOOD. Mr. Speaker, I demand a second on the motion.

Mr. PARKER of New Jersey. I ask, Mr. Speaker, that a second may be considered as ordered.

Mr. UNDERWOOD. I do not object to that.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey, that a second may be considered as ordered?

There was no objection.

The SPEAKER. Does the gentleman from Alabama desire to take the floor at this time?

Mr. UNDERWOOD. No, but I would like to have some explanation of the provisions of the bill from the gentleman who introduced it.

Mr. PARKER of New Jersey. Mr. Speaker, the State of West Virginia has had a very wonderful growth—a growth of 25 per cent in the last ten years, and has more than doubled its population in the last forty years. This growth has been mostly in the southern part of the State, the part traversed by new railroads, filled up with foreign capital, rich in mines and oil wells, and doing much business which involves litigation, and that part of the State has been practically cut off from the benefits of the United States courts.

Two years ago the arrears of criminal cases in the courts of the State were over 1,000, besides many important civil cases. These arrears have been much diminished since then, but I may say that over 800 nolle prosequis have been needed in order to accomplish that result.

The courts are held in five places, and in order to bring the people to where the courts sit it is necessary to have at least eight places instead of five, and no one judge can perform that duty.

The criminal business has been growing, and besides there is a very heavy civil business, involving questions as to land titles (which are exceedingly unsettled), damage suits, and so forth, in which the foreign owners of property who are sued have been enabled to delay justice by going into the United States courts, where their cases could not be promptly heard.

This bill is urged by both sides of the House and by members of the Senate, irrespective of party. I desire to say to the gentleman from New York, who spoke about our giving some thought to this matter, that the Judiciary Committee have followed the principle of only reporting these bills in cases where the demand is greatest. Although the committee two years ago thought that this legislation was needed, it was postponed because in two other cases relief seemed to be more needed. The very careful report then drafted by the gentleman from Indiana [Mr. OVERSTREET] on the subject is embodied in my own report and made a part of it. At this session the committee have reported but three bills, the Kentucky bill, the West Virginia bill, and the act for the appointment of a judge temporarily in a district in Ohio where the judge is absolutely imcompetent to hold court.

I reserve the balance of my time.

Mr. LINNEY. Will the gentleman allow me to ask him a question?

Mr. PARKER of New Jersey. Certainly.

Mr. LINNEY. I see in your report here the statement is made that Alabama has three judicial districts and 902 criminal cases on the docket, while West Virginia has but one and has 1,019 criminal cases.

Mr. PARKER of New Jersey. They had that in 1897. Since then that number has been diminished, but by judgments of nolle prosequi.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and, two-thirds voting in the affirmative, the rules were suspended and the bill passed.

ADDITIONAL CIRCUIT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

Mr. RAY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5076), to provide for the appointment of an additional district judge in and for the northern district of the State of Ohio.

The bill was read as follows:

Be it enacted, etc., That there shall be in the northern judicial district of the State of Ohio an apditional district judge, who shall be appointed by the President, by and with the advice of the Senate, and shall possess the same qualifications and have the same power and jurisdiction now prescribed by law in respect to the present district judge therein.

SEC. 2. That no vacancy in the office of the existing district judge of said northern judicial district of Ohio shall be filled by appointment, and in case of such vacancy there shall be thereafter one district judge only for said district.

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New York asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. RAY of New York. Mr. Speaker, the State of Ohio is divided into two judicial districts, the northern and the southern. The district judge in the northern district is permanently incapacitated, mentally and physically, from performing the duties of his office. This condition has existed for three years last past, and the people have been waiting to see if there is any hope of a better condition of things. There is no hope. Business has been running behind, and the public interests have suffered as well as private interests.

Mr. UNDERWOOD. May I ask the gentleman a question?

Mr. RAY of New York. Certainly.

Mr. UNDERWOOD. Is this case similar to the Texas case that came up in the last Congress?

Mr. RAY of New York. This is exactly like the Texas case and like the Kansas case, and this bill is drafted in the same language and has the same purpose as to the northern district of Ohio that those bills had for the districts to which they applied.

Mr. UNDERWOOD. Does the bill provide that at the death of the judge who is incapacitated the two offices shall cease and only one man shall continue to hold?

Mr. RAY of New York. The bill does not provide for two judges permanently, but only until the death of the present judge. Of course, if the one appointed under the authority of this bill

should die first, then we should have to pass another bill to provide a judge in his place; but we proceed upon the assumption that the present judge will not outlive the one provided for by this act.

Mr. UNDERWOOD. As I understand it, then, the present judge is incapacitated and can not be retired without his consent, and you have to have some one to hold court.

Mr. RAY of New York. That is the condition exactly. They have been inviting in outside judges from time to time to do the work, but still the business is continually running behind, and now the condition is such in the neighboring States that the northern district of Ohio can not get judges to come in there to help out. Every consideration of public justice as well as of private interest in this district demands that this bill become a law. We have had two similar cases. One arose in Texas and one in Kansas, and we did just this thing. The Judiciary Committee, once when Mr. Culberson was chairman, and again when the present Speaker was chairman, and again now, have studied the situation to see if by any possibility we could frame a law that would provide for the retirement of a judge when in this condition, and we find that probably it can not be done constitutionally. Therefore, this is the only remedy.

I reserve the balance of my time. I do not know any reason for occupying it further.

Mr. CLAYTON of Alabama. Mr. Speaker, I desire to state, for the benefit of this side of the House, that this bill comes from the Judiciary Committee with a unanimous report in its favor, after a full and careful investigation. The facts in the case make its passage imperative. Not only that, but there is ample precedent, as the gentleman from New York [Mr. RAY] has stated, and I do hope this bill will pass. It ought to pass.

The SPEAKER. The question is, Shall the rules be suspended and the bill passed?

The question was taken; and, two-thirds voting in favor thereof, the rules were suspended and the bill passed.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL, from the Committee on Military Affairs, reported the bill (H. R. 12846) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. SULZER. Mr. Speaker, we desire to reserve all points of order.

The SPEAKER. The gentleman from New York reserves all points of order on the bill.

GREER COUNTY.

Mr. LANHAM. Mr. Speaker, I am authorized by the Committee on the Judiciary to move to suspend the rules and pass Senate bill 2582 with certain amendments proposed by that committee.

The SPEAKER. The gentleman from Texas moves to suspend the rules and pass the bill which the Clerk will report, with the amendments recommended by the Committee on the Judiciary.

Mr. LANHAM. And pending that motion, Mr. Speaker, I desire to submit that this bill has heretofore been fully reported to the House and to some extent discussed. It is somewhat lengthy, and I wish to ask unanimous consent to dispense with the first reading of the bill, except the title.

Mr. PAYNE. Oh, no; Mr. Speaker, I want the whole bill read. I only regret that the members are not all here to hear the reading.

The SPEAKER. Objection is made.

Mr. LANHAM. I only make the request in the interest of saving time.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2582) to provide for the establishment of the intersection of the true one hundredth meridian with Red River, to ascertain the amount of taxes collected by the State of Texas in what was formerly known as Greer County and the expenditures made on account of said county by said State, and for other purposes.

Whereas there was a controversy of long standing between the United States and the State of Texas as to the ownership of the territory formerly known as Greer County, Tex., which was finally determined in favor of the United States by decree of the Supreme Court of the United States March 16, 1896, in a suit in equity brought by the United States against the State of Texas in that court; and

Whereas the treaty between the United States and Spain which was ratified February 19, 1821, fixed the boundary between the United States and Spain, and this became the boundary between the United States and the Republic of Texas and the State of Texas, successively; and

Whereas it was provided by said treaty that the boundary line "west of the Mississippi shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north along the western bank of that river to the thirty-second degree of latitude; thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then following the course of the Rio Roxo westward to the degree of longitude one hundred west from London and twenty-three from Washington; then crossing the said Red River and running thence by a line due north to the river Arkansas, etc.;" and

Whereas the Supreme Court of the United States in said cause adjudged that the words of said treaty "then following the course of the Rio Roxo westward to the degree of longitude one hundred west from London and twenty-three from Washington; then crossing the said Red River," referred to the true one hundredth meridian astronomically located; and

Whereas the true intersection of said one hundredth meridian with Red River, or what, prior to said decision, was known sometime as the South Fork of Red River, or Prairie Dog Town Fork, has never been fixed by the United States and the State of Texas, acting together and in the manner provided by said treaty, nor was said true intersection fixed by the decree in said cause; and

Whereas the said territory formerly known as Greer County was formed into a county in 1860, and duly organized as a county in 1886, under the laws of the State of Texas, and continued as such organized county until the decree aforesaid, with all the rights, duties, powers, and privileges of an organized county of said State; and

Whereas during the period of time the State of Texas claimed ownership of and exercised jurisdiction over said territory the said State of Texas patented lands situated in other parts of the State to said Greer County, as one of the counties within the jurisdiction thereof, for school purposes, and which lands said Greer County used and alienated and appropriated the proceeds thereof exclusively for school purposes within its limits; and

Whereas during the period of time the State of Texas claimed ownership of and exercised jurisdiction over said territory the said State of Texas collected taxes from inhabitants of said territory and upon lands and other property situated therein, and expended money for school purposes, the enforcement of law and order, the care of the deaf, dumb, blind, and insane, and generally for the protection of life, liberty, and property therein and the establishment and maintenance of a government for the inhabitants thereof; and

Whereas the Supreme Court of the United States, in the opinion in said cause entitled The United States against The State of Texas (162 U. S., 1, 89-90), said: "It is further said that the State, since it assumed to create Greer County, has expended a large amount of money in providing a public-school system for the inhabitants of that locality. To what extent moneys have been so expended is not clearly shown. Whatever may be the facts touching this point, we do not feel at liberty to give weight to them in this case. The question before us, we repeat, is one of law, and must be determined according to law. What may be fairly and justly demanded by the State on account of moneys expended for the benefit of the inhabitants of the disputed territory is a matter for the consideration of the legislative branch of the National Government.

"In the argument it was suggested that this court ought not to forget how much was added to the power and wealth of this nation when Texas, with its imperial domain, came into the Union and her people became a part of the political community for whom the Constitution of the United States was ordained and established. This fact can not, of course, be forgotten by any American who takes pride in the prestige and greatness of the Republic. But the considerations which it suggests can not affect the decision of legal questions, and must be addressed to another branch of the Government. The supposition is not to be indulged that that department of the Government will fail to recognize any duty imposed upon it by the circumstances arising out of this vexed controversy:" Therefore,

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be established and fixed the intersection of the true one hundredth meridian with Red River, or what, prior to said decision, was known sometime as the South Fork of Red River, or Prairie Dog Town Fork, by the most accurate and scientific methods, and at said intersection cause a suitable monument to be erected on the ground.

SEC. 2. That the Secretary of the Interior is also authorized and directed to inquire and ascertain what lands, if any, the State of Texas has patented to the said Greer County for school purposes; in whom title to said lands is now vested; whether said lands were alienated by said Greer County, and if so, the price paid therefor and what disposition was made thereof; and the present market value of said lands.

SEC. 3. That the Secretary of the Interior is also authorized and directed to inquire and ascertain, first, the total taxes collected by the State of Texas for any and all purposes from inhabitants of Greer County, or upon lands or other property located therein, from 1860 to 1896; second, the total amount paid by the State of Texas to said Greer County, or its officers or agents, for school purposes, other than lands, from 1860 to 1896, and the disposition made thereof by said county; and, third, the total of all other expenses incurred by the State of Texas from 1860 to 1896 in the enforcement of law and order, the care of the deaf, dumb, blind, and insane, and generally for the protection of life, liberty, and property in said county, and the establishment and maintenance of a government for the inhabitants thereof, or a fair estimate of the same.

SEC. 4. That to enable him to execute the provisions of this act the Secretary of the Interior is authorized to employ such persons and adopt such measures as to him may seem proper and necessary. He is also authorized to receive and consider duly certified copies of patents, deeds, conveyances, transcripts of court records, and certificates from any department of the Government of the United States or the State of Texas, under the seal thereof as to official records therein. He may also receive and consider depositions of witnesses, and in such cases the United States shall be represented by the Attorney-General thereof, or some person designated by him, and the State of Texas shall be represented by the attorney-general thereof, or some person designated by him; and these officials may appear and represent their respective governments before the Secretary of the Interior in all other matters provided for by this act. He may also receive and consider any testimony taken by either party in said cause entitled The United States against The State of Texas, in the Supreme Court of the United States, reported in One hundred and sixty-second United States, page 1, and may receive and consider any testimony which he may consider to be pertinent to the subject of such inquiry.

SEC. 5. That the sum of $7,500, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to properly care for the interests of the United States in making such investigation and in carrying out the purposes of this act; and he shall report in detail to the Congress at the next session, or as soon thereafter as may be practicable: *Provided*, That the State of Texas shall defray the expenses of presenting its own case and claims.

Mr. PAYNE. Mr. Speaker, I demand a second on this.

Mr. LANHAM. I ask unanimous consent that a second may be considered as ordered.

Mr. PAYNE. I shall have to object to that and see if we can not get some members into the Hall of the House.

The SPEAKER. Objection is made by the gentleman from New York; and the Chair will appoint the gentleman from New York and the gentleman from Texas to act as tellers.

The House divided; and tellers reported—ayes 91, noes 6.

So a second was ordered.

The SPEAKER. The Chair recognizes the gentleman from

Texas in support of the bill, and the gentleman from New York in opposition to the bill.

Mr. LANHAM. Mr. Speaker, as I have already indicated, this is a Senate bill, and it has been unanimously reported from the Committee on the Judiciary of the House with certain amendments at the close of the bill. Its purpose is to have a definite ascertainment of where the one hundredth meridian crosses the Red River in the State of Texas, and, further, to investigate certain expenses incurred by the State of Texas during the time it occupied that portion of the Territory known as Greer County, east of the one hundredth meridian and between the north and south forks of Red River, up to the point of the confluence of the two streams. This matter is to be investigated by the Secretary of the Interior, and by him reported to Congress in detail for future action. It commits the Government to the payment of no amount; it is all left to Congress for its consideration hereafter. Its present purpose simply is to ascertain the facts.

Mr. LACEY. Mr. Speaker, will the gentleman allow me to ask him a question?

Mr. LANHAM. Certainly.

Mr. LACEY. I desire to make an inquiry. I notice on page 3 that it is stated that lands have been patented to Greer County in other parts of Texas.

Mr. LANHAM. Yes; under the policy of our State government for the benefit of the public schools.

Mr. LACEY. The inquiry I make is that the land is to be patented anywhere, without saying where, so far as the bill goes.

Mr. LANHAM. That is merely the preamble of the bill.

Mr. LACEY. Why is not the bill limited to lands patented for Greer County in counties other than Greer County?

Mr. LANHAM. Under the administration of our land affairs in Texas each county of the State is allowed so many leagues of land for school purposes. During the time that Texas exercised jurisdiction over this county there were patented, I believe, four leagues of land—I can not recall in what county situated—for the benefit of the educational interests of Greer County. The facts are all recited in the preamble, and that is sufficiently explanatory of the bill, I think. I desire now to yield ten minutes, or so much as he may require, to my friend the chairman of the Committee on the Judiciary [Mr. RAY of New York].

Mr. FLYNN. I would like to ask the gentleman from Texas a question.

Mr. HEPBURN. I would like to ask the gentleman from Texas before he takes his seat if in this proposed accounting there is to be taken into consideration the sum, whatever it may have been, that the State of Texas received for lands sold within the limits of Greer County?

Mr. LANHAM. It is, as I stated, to be fully investigated by the Secretary. If the gentleman heard the reading of the bill, he doubtless noticed in detail what is proposed to be done by the Secretary of the Interior and the facts to be ascertained by him.

Mr. LITTLEFIELD. Does this involve those lands in Greer County?

Mr. LANHAM. Not in the slightest, because the decision of the Supreme Court has held that the whole of this land in Greer County belongs to the United States or to Oklahoma as a part of the United States, and there is no purpose to interfere with that decision. It is simply to ascertain the expenses that Texas incurred during the time she exercised jurisdiction over this territory known as Greer County.

Mr. FLYNN. This bill is precisely the same as the other one that was up before?

Mr. LANHAM. Precisely the same.

Mr. RAY of New York. Mr. Speaker, I desire to reserve my time until we can hear the opposition, if any, to this bill.

The SPEAKER. The gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, the object of this bill, and the only object of it, is to establish a basis for a claim against the United States where no claim in law or in equity exists. That is the object of the bill.

Now, gentlemen from the Judiciary Committee will go around and tell the members of the House that this bill does not establish any claim; that this bill has as its object to get at certain facts, but every member of the House who has had any experience knows that if this bill passes and the Secretary of the Interior reports, these gentlemen from Texas, who are friends of mine, and whom I respect very highly and who are naturally entitled to influence socially, will go around to the different members of the House and say, "Here is a little claim of Greer County, or for the State of Texas in regard to Greer County; the House has passed upon it and has recognized the equity of the claim."

Why, it was only a short time ago that the whole State of Pennsylvania was here trying to get recognition for a claim for the destruction and loss of property at the Gettysburg battle and the invasion of Pennsylvania. We beat that bill on the threshold, and I do not believe it will ever be heard of again; but if we had started in, Pennsylvania would have collected from the United States that claim.

Greer County was deemed to belong to Texas, and by the authority of Texas the land, largely public land, was disposed of. Texas had all the public lands within her border. She was different from any other State or Territory ever annexed to the United States; she had all of the public lands. Greer County began to be settled, and the State of Texas sold and issued patents to the inhabitants of various acres and sections at the price of $2 an acre, which she put in her treasury.

Mr. COOPER of Texas. That is a mistake.

Mr. PAYNE. I am informed that that is a fact, and a fact not to be inquired into by this bill. The people settled there, and by and by they wanted schoolhouses, court-houses, and jails, and the State of Texas levied taxes upon the people of Greer County, and with the proceeds of these taxes, as well as the sale of the public lands in Greer County and outside of Greer County, built the jails and the court-houses and the schoolhouses in Greer County. But it was subsequently discovered that Greer County was not a part of the State of Texas, and finally so decided by the Supreme Court of the United States. And now here comes the great State of Texas and asks——

Mr. GROSVENOR. To whom did it belong?

Mr. PAYNE. To Oklahoma, and it was decided that the lands belonged to the United States. The United States opened up the public lands for settlement and gave them to the people who came there to settle, and it gave the court-houses and school-houses to the county of Greer, and the people enjoyed them and have enjoyed them from that day to this. Now they come in and ask—what? In the first place they want it settled by some United States surveyor, where it is that the parallel of latitude strikes Red River, in order that they may ascertain where Greer County is located.

Mr. RAY of New York. Has the gentleman any desire whatever to conform to the facts in regard to this matter? If so——

Mr. PAYNE. If the gentleman from New York wants to ask a question, let him do it, and not try to insult a man under pretense of asking a question.

Mr. RAY of New York. But I do not want the gentleman to insult the committee.

Mr. PAYNE. I decline to be interrupted in this way. If the gentleman has a question, let him ask it.

Mr. UNDERWOOD. A point of order, Mr. Speaker.

The SPEAKER. Will the gentleman from Alabama state the point of order?

Mr. UNDERWOOD. I ask that the House may be in order so that we can hear the controversy going on on the other side.

The SPEAKER. The House will be in order. Does the gentleman from New York yield to the gentleman from New York?

Mr. PAYNE. For a question, yes.

Mr. RAY of New York. If the gentleman is not willing to listen——

Mr. PAYNE. I am; but I can not give my time to the gentleman for debate. If he wants to ask a question, let him do so; my time is running now.

Mr. RAY of New York. Oh, well; go on. [Laughter.]

Mr. PAYNE. Thank you. Now, Mr. Speaker, they come in and want to establish the line, as though any surveyor in the United States could not establish this line and there was any difficulty about it. That is an excuse to get the bill in here. Then they go further and ask that the Secretary of the Interior shall find out how much public land the State of Texas gave Greer County for school purposes while Greer County was a county in the State of Texas.

Mr. TERRY. I want to say to the gentleman from New York——

Mr. PAYNE. I can not be interrupted; I have only twenty minutes.

Mr. TERRY. I supposed the gentleman wanted the facts.

Mr. PAYNE. Why, the bill has been read here, and every fact I am stating is found in the bill. If I am wrong, the members of the House will know it.

The SPEAKER. The gentleman from New York declines to yield to the gentleman from Arkansas.

Mr. TERRY. I simply wanted to suggest to the gentleman that if the claim was brought in here——

Mr. PAYNE. I hope this is not coming out of my time.

The SPEAKER. It is coming out of the gentleman's time.

Mr. TERRY. Oh, well, if the gentleman from New York wants to be discourteous he can exercise his usual privilege.

Mr. PAYNE. Then, in addition, they want the Secretary of the Interior to report the cost of the buildings, the jails, the court-houses, and the schoolhouses which have been built there by the State of Texas, and then how much taxes have been raised and paid in by Greer County, and still they are very careful to say on the floor of the House that this does not involve any claim against the United States.

I would like to have some gentleman on the Judiciary Committee inform the House what this inquiry is for—what this statement of account is for—unless there is some claim made. If these parties think they have any claim against the United States, why do they not come before the House in a manly fashion and state that they have or think they have such a claim? Why, Mr. Speaker, is it to be established that every time the United States Supreme Court decides a controversy between two parties, the party losing the suit is to come to Congress to be reimbursed for the money he thinks he has lost, but which the Supreme Court say he never had a title to? Is there any justice or equity in that? Is there any reason for a claim against the United States?

Mr. LANHAM. Is the gentleman aware of the fact that in the decision of the Supreme Court the very course outlined in this bill is suggested, and the court itself has said that we would have to go to the legislative department of the Government in order to determine what these expenses were? Will the gentleman allow me to quote for one moment from that decision?

Mr. PAYNE. No, I can not give my time for that purpose.

The SPEAKER. The gentleman declines to yield further.

Mr. PAYNE. I will answer the gentleman's question. I am aware that it was claimed before the Supreme Court, as I have learned from the opinion which is quoted, as I believe, in the bill as well as in the report—I am aware it was claimed before the Supreme Court that because Texas incurred certain expenses in Greer County therefore the State should not be ousted from that county—that such a consideration should influence the decision of the United States in determining whether the county belonged to the State of Texas or to the Indian Territory. I am aware that the Supreme Court, in making its decision and delivering the opinion, did say that if there were any claim of that kind it should go before Congress, that it should be left to the legislative branch of the Government.

I am stating the facts as they are stated in the bill itself. I insisted upon having the bill read to the House in order that these questions and the facts connected with them might be fully understood by the House. My knowledge of the facts has been obtained from the reading of the bill as it came up first upon a request for unanimous consent and as it comes up now. Those facts are stated in the bill by way of preamble before the enacting clause, with the idea of setting up some shadow of a claim against the United States, in order that after this report is made gentlemen may come before the Committee on Claims, or before members of the House, and say, "Why, the Fifty-sixth Congress has already decided in favor of this equity."

Mr. Speaker, I reserve the balance of my time.

Mr. RAY of New York. Mr. Speaker, I shall have to apologize to my colleague [Mr. PAYNE] for having interrupted him at all and for having intimated by way of interrogation that he was not stating the facts exactly as they exist. I did not mean to insinuate—I would not do so—that in any matter which he understands he would misstate a single fact. I know he would not. I know that he does not intend to do so in this case. But I know, too, in my own heart—and I suppose I shall be privileged to say this—that he does not oppose this bill because there is any real ground for opposition to it, but because he, the leader of the House, charged with the responsibility of keeping down expenditures, keeping out everything that might by possibility bring a charge against the Treasury of the United States—feels it his duty to oppose everything that does or might involve the payment of a dollar by the Government.

If he had studied this case as I have, or as members of the Judiciary Committee have, I do not think he would for a single moment take the ground that he has taken, because even if the bill should lay the basis for a claim in the future against the Government of the United States, if that claim is well founded in law, in equity, and in justice, then the Government of the United States, like any other debtor, ought to be made to walk up and pay it and all just and honest claims. Unless some one can disprove the facts found, if they establish a just claim, it ought to be recognized as just and proper. It is certainly just and proper to allow this matter to be presented to the Secretary of the Interior and investigated by him. That Department is competent to protect this Government.

This, Mr. Speaker, is a Senate bill. It passed the Senate of the United States unanimously. It ran the gantlet of the Judiciary Committee of that body. Senator HOAR presented it in the Senate in an able and lucid manner, and no one can justly raise a question against it. The Committee on the Judiciary of this House examined it. We have examined the decision of the Supreme Court of the United States relating to this contention, which is open to the reading of any gentleman; and we are but following the course suggested by the Supreme Court, and by the Senate, and by the Secretary of the Interior (who certainly will look out for the interests of this Government), when we say it is proper to do—what? To establish a boundary line between Texas, the Territory of Oklahoma, and the United States by the concurrent action of the United States and the State of Texas. That is all we ask in the first place. Then let the Secretary of the Interior ascertain certain other facts and report them to the Congress of the United States if he sees fit. The bill simply appropriates $7,500 to enable the Secretary of the Interior to look after and take care of the interests of the Government. This is provided for by our amendments.

Mr. HEPBURN. Does not the gentleman think that in any adjustment that may be made or contemplated the State of Texas should be charged with that portion of the public domain that is a part of Greer County, and was disposed of by the State of Texas?

Mr. RAY of New York. Certainly; if there were any such lands. But, Mr. Speaker, there were no such lands.

Mr. PAYNE. How did the settlers get title?

Mr. LITTLEFIELD. Gratuitously from the State by patent.

Mr. HEPBURN. But in giving those lands gratuitously the State undertook to dispose of lands of the United States. Now, I want to ask the gentleman——

Mr. RAY of New York. But they received nothing for those lands; and those settlers are now citizens of the United States, living on the same lands, but within the jurisdiction of the Territory of Oklahoma.

Mr. HEPBURN. But the fact still remains that Texas disposed of the lands of the Government of the United States as Texas proposed to do.

Mr. LITTLEFIELD. And never received a dollar for one acre of it.

Mr. HEPBURN. I am strongly of the opinion, Mr. Speaker, that if this bill should pass it should contain a provision to ascertain the exact quantity and value of the land, and the present value of the improvements.

Mr. RAY of New York. There is no necessity whatever for any such provision. Texas did not sell these lands.

Mr. LANHAM. She never charges for her public lands.

Mr. RAY of New York. But simply allowed men to go and settle upon them; and every citizen who took land there and became a settler is now a citizen of the United States and living in a Territory of the United States. If there had been any claim or any facts to base the claim on that Texas has sold any of these lands and received compensation for them, we would vote for a provision such as the gentleman has suggested; but we have examined the matter and know we think that there are no such grounds. My friend must also understand that we do not here recognize any claim on the part of Texas whatever. We do not recognize that she has any claims to the land of the Government or school houses erected by the Government or to compensation for the matters referred to in this bill.

We simply authorize the Secretary of the Interior, without creating any new office, first, to establish the boundary line, Texas paying the expense of the same, and the Secretary of the Interior standing there to guard the interests of the United States; and, second, to inquire as to the facts to which the bill refers, and discover what of their own lands were donated to Greer County, and after that is ascertained to present the facts to the Government, so that hereafter if a person or the State of Texas claims anything from the Government of the United States, either in the Court of Claims or here, members of the House will have the testimony and facts before them, and will be prepared to defend the interests of the Government. When that is done, we will be able to take care of our interests and to protect the interests of the people. But it is unjust, it is unfair, even if a claim should be lodged before the House by anybody on this account—it is unfair for members of this body to stand up and say we will not allow the facts to be presented to Congress. We ought not to be afraid to know the truth in these matters. It is our duty to ascertain the truth and then act honestly, and having knowledge, act intelligently.

Is the Government of the United States, Mr. Speaker, is the Congress of the United States, so powerless, so utterly helpless, that it can not take care of itself—of the pecuniary interests of the people? Mr. Speaker, when this investigation is made, and the facts appear here, is Congress such a baby that it will deny the truth or repudiate liability, if liable? Will it deny either to a citizen or to a State the right to have the head of one of the departments of the Government investigate certain facts and report them to the House of Representatives simply for its information, the other party being put to all the expense in its own behalf of doing it? The Congress having information will, in the future, meet the case wisely, and can be trusted to do justice.

Mr. Speaker, in all of my legislative experience I have never favored any law or advocated any bill that I did not think had merit and justice behind it. The Judiciary Committee may not be competent to discharge its duties properly, but it thinks it is. It has investigated the facts in this case. We believe that justice and right demand that the bill pass with the amendments we have suggested and made, and that committee, after full and fair deliberation and consideration, unanimously reports it to the House

for its action. By your verdict, gentlemen of the House, the Judiciary Committee is willing to abide.

Texas may and may not have a claim. With that question we are not now dealing. We want the facts, and when the full truth is known we will determine the liability. There is no danger in the truth. There is always danger in suppressing the truth. In this case I want the facts, and then we will determine the other questions that may arise.

Mr. PAYNE. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman has ten minutes.

Mr. PAYNE. I yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, the gentleman from New York, the chairman of the Committee on the Judiciary, says that that committee has investigated this matter and that the House practically ought to be bound by this investigation.

Mr. RAY of New York. Oh, no.

Mr. LACEY. I would agree with him if it were not for the fact that an investigation by another committee has disclosed a precisely opposite state of facts, in some respects, from what he claims to exist, as brought out in the hearing before the Judiciary Committee. That is, it is claimed that the lands which were contracted by the State of Texas in the county of Greer were not sold at all, but that they were donated in some way. When the Greer County bill came up in this House, the hearing before the Public Lands Committee showed this state of facts: Judge Brown, of Texas, appeared for the settlers. He informed the committee that the settlers had contracted to pay the State of Texas $2 an acre for all that land, and I understood that a portion of the payments had been made, and that they were required to pay the balance.

I reported a bill to the House from the Committee on the Public Lands requiring that the settlers should pay the balance due to the State of Texas into the Treasury of the United States provided that the free homes in Oklahoma should not become law, but that if Oklahoma should have free homes, then Greer County should share in the free homes. The Delegate from Oklahoma [Mr. FLYNN] was absent at the time the bill was reported. He came back from Oklahoma, and at once objected to the requirement of payment, and said he was in favor of free homes everywhere. He said he was in favor of free homes for the whole Territory, but that if Greer County alone could get them, then Greer County must have them. He moved an amendment in the House that the Greer County settlers should be relieved from paying the remainder of the $2 an acre that they had agreed to pay to the State of Texas, and that they should then and there have free homes. That motion prevailed, and Greer County got free homes, and that was the first free-home victory. It did not seem to do the gentleman from Oklahoma very much good, though, because every man he got a free home for voted against him.

Mr. FLYNN. Oh, no; not all of them.

Mr. LACEY. Not every one of them, but most of them. There was no controversy then but that these men had agreed to pay $2 an acre to the State of Texas. This bill ought to provide for finding out how much Texas got out of this land——

Mr. HEPBURN. And the present value.

Mr. LACEY. And the present value, if we are going to discuss the question of present value. So that here is one vital and very essential part of this measure that is entirely omitted in the bill. There is no attempt to require Greer County to account for the money received by Greer County for the land ceded by Texas to Greer County.

Mr. STEPHENS of Texas. For the very good reason that there was none.

Mr. LACEY. I am only telling you what occurred in the Committee on the Public Lands. A committee came from Texas representing the settlers and claiming that the settlers of Greer County had contracted and agreed to pay $2 an acre for this land.

Mr. STEPHENS of Texas. They never paid it, though.

Mr. LACEY. If anything was paid, the amount ought to be ascertained. If none of it has been paid, that ought to be embraced in this report, so that Congress can act intelligently.

Mr. LANHAM. The bill requires that everything must be reported in detail.

Mr. LACEY. Unfortunately, it does not require anything of this kind.

Mr. LANHAM. It says that the Secretary of the Interior shall report in detail to Congress.

Mr. LACEY. Report what?

Mr. LANHAM. Whatever he is required to report.

Mr. LACEY. But this is not required to be reported. I think that this bill should be amended, and that the other proposition ought to be included. It may be true, as gentlemen state, that this land was not any portion of it paid for, but there ought to be an investigation of the matter.

Mr. LITTLEFIELD. Will the gentleman yield for a question?

Mr. LACEY. Certainly.

Mr. LITTLEFIELD. This bill provides for an inquiry as to lands patented by the State of Texas to Greer County for school purposes, etc., and then it also provides for an inquiry whether said lands were alienated by said Greer County, and if so, the price paid and the disposition made of them. Now, is the gentleman quite certain that these patents of which he is speaking were not made by Greer County to the residents of Greer County and not by the State of Texas?

Mr. LACEY. That is an entirely different proposition. There were 4 leagues of land outside of the county given for school purposes to Greer County, and the preamble so recites; but when you come to the body of the bill, it provides that the Secretary shall ascertain what lands, if any, the State of Texas has patented to Greer County for school purposes, without saying whether they are in Greer County or outside of Greer County; so that does not clear the matter up.

Mr. LITTLEFIELD. That is true.

Mr. LACEY. The way I understand this proposition, there are a great many thousands of acres of land that Texas has sold in Greer County, and there is no provision in this bill for any statement of the amount received.

I only get my information from Judge Brown, of Texas, the judge in whose judicial district the land was situated when it was attached to the State of Texas. He appeared for the settlers. He is a clear-headed gentleman.

We spent two weeks in the consideration of that bill. It was submitted to all the members from Texas, and it is surprising to me to learn now, after the efforts made to relieve the settlers from paying for these lands, that there was no intention that they should pay for them. Why that contest over the free homes in Greer County if that land had been freely given by Texas? Texas had given some Confederate soldiers land and patented some lands in Greer County. We confirmed that title by the Greer County bill. It is only in regard to the other land, which was sold under a contract, that the other bill——

Mr. RAY of New York. Do you claim for a single moment that the State of Texas ever sold for a consideration any land in Greer County?

Mr. LACEY. Thousands of acres.

Mr. RAY of New York. Where is the evidence?

Mr. LACEY. The evidence was given before the Committee on the Public Lands.

Mr. LANHAM. My friend is certainly mistaken about that.

Mr. LACEY. There was no such evidence before the Committee on the Judiciary, but there was before the Committee on the Public Lands. If they have any evidence, let them say that is not true.

Mr. RAY of New York. If you have that evidence, I would ask you to produce it.

Mr. LACEY. We had a full hearing. Furnish your evidence to us.

Mr. RAY of New York. The facts were presented before the committee.

Mr. LANHAM. Now I state, in perfect fairness, if there is anything in the contention of the gentleman from Iowa, I would be entirely willing, with the consent of the House, for him to put in an amendment. I do not think there is the slightest occasion for it, but if you can frame it in a few lines I would have no earthly objection that they may investigate that also.

Mr. RAY of New York. Has the gentleman any more time?

Mr. LANHAM. I have about four minutes.

Mr. RAY of New York. The gentleman from Iowa says that we are compelled here to show that his mere allegation is not true. Now, if the gentleman has that evidence, I call upon him to produce it. I say we had an investigation of the facts, and we found nothing of the kind alleged had ever been done; and now the gentleman comes in here upon a mere statement of his recollection and contradicts. If he has such evidence, let him produce it. But it is entirely immaterial to the question, because it will all come out in the investigation by the Secretary of the Interior; and if he should find that the State of Texas has sold any of this land for a consideration, do you think, Mr. Speaker, that it will not be reported with the other facts to this House?

Are we to assume that the Secretary of the Interior will not do his duty to the Government fully? Are we afraid that he will not take care of the interests of the United States? I for one am not.

The bill says he shall. But the gentleman from Iowa is mistaken; that is all. He has had so much to do with public lands here, there, and everywhere that he has mixed up the facts of this case with other cases. This bill was up once in the first session of this Congress and the attention of the gentleman was called to the bill. Why has he not provided himself with the evidence, which he says he has somewhere, to sustain his contention. Justice demands the passage of this Senate bill and I trust two-thirds will be ready to support it.

Mr. PAYNE. Mr. Speaker, I, of course, have nothing to say

about this controversy between the chairmen of the two committees. I am making no fight against the Committee on the Judiciary, and there is no occasion for its chairman getting so much excited here on this bill. What are the facts? Texas claims to have paid some money to build schoolhouses, court-houses, etc., in Greer County. If Greer County had remained a part of the State of Texas, these schoolhouses and public buildings would remain as a part of it, and the property of Greer County. They say by decision of the United States Supreme Court it was decided that the title to Greer County was in the United States; but the United States has already given the title to the schoolhouses and public buildings to Greer County.

The buildings belong to Greer County just as much as though the Supreme Court had never made a decision that Greer County was a part of the United States and not a part of Texas. Texas has not lost a farthing by reason of the decision of the Supreme Court of the United States. I am unwilling that this Congress should put it in the power of gentlemen to come to other Congresses and say that this Congress had recognized a claim of this character. They say the bill does not make a claim. Why is that long preamble, full of a claim in favor of Texas and against the United States, if you do not mean to make a claim? They say the whole of it is to be investigated by the Secretary of the Interior. Why is it sent to him to investigate? Why did not the Committee on the Judiciary, when they considered this bill, fully investigate it and report the facts to the House? Why send it to the Secretary of the Interior, at an expense of $7,500, and call upon the State of Texas to appear?

There is no other object in this bill except to make a claim against the Treasury of the United States. My friend says that I seem to think it my duty to fight all the claims that come before the House. Every member of the House knows that he is mistaken about that; but it is my duty, as a member of the House, when I see a claim that is only a shadow of a claim come up against the United States—I do not care where it comes from—to be against that, and I intend to fight it. I hope that this bill will not pass, and that we will throttle it at the very start, just as we did the claim of the State of Pennsylvania in regard to the invasion of the Confederates during the war of 1863. Let us stop these matters at the beginning. By and by, in the process of time, when they get stale, and when members of the House forget the facts, they allow claims without merit. That is the reason why many honest claimants can not get their fair dues, because these claims without foundation are constantly pressed upon the Treasury and the House of Representatives. I hope the bill will be defeated.

Mr. LANHAM. Mr. Speaker, I have a moment or two, I believe.

The SPEAKER. The gentleman has three minutes remaining.

Mr. LANHAM. I desire to state that Texas does not want anything but what is right, what is just, what is honest and fair, and the object of this bill is to give her, in effect, a day in court for the investigation of certain facts subsequently to be reported to Congress, and to be determined in the wisdom of Congress whether or not this is a meritorious claim. Now, to show that we wish to be entirely fair in the premises, I am quite willing, if the House will give unanimous consent for that purpose, to have inserted at the end of line 5, page 5, the amendment suggested by the gentleman from Iowa, although I do not regard it as necessary. I send it to the Clerk's desk and ask unanimous consent that it may be inserted as an amendment.

The SPEAKER. The gentleman from Texas asks unanimous consent for the insertion of the amendment which the Clerk will report.

The Clerk read as follows:

At the end of line 5, page 5, insert "and to ascertain the sum received from the sale, if any, of any public lands in Greer County by the State of Texas."

The SPEAKER. Is there objection to that insertion?

Mr. PAYNE. That does not alter the character of the bill. I do not object to it.

Mr. HEPBURN. Mr. Speaker, before that is done, it seems to me there ought to be a provision for ascertaining the present market value of the land.

Mr. LANHAM. It says just above this amendment "the present market value of the land shall be ascertained."

Mr. LITTLEFIELD. Add that right to this proposed amendment.

Mr. LANHAM. I am willing to put that at the end of the proposed amendment.

Mr. HEPBURN. I think there should be a further amendment. It refers to the lands disposed of by the State of Texas instead of lands sold.

Mr. LITTLEFIELD. Put it "sold or disposed of."

Mr. HEPBURN. Let the words "disposed of" go in.

Mr. LANHAM. I have no objection to that.

The SPEAKER. The additional suggested amendment will be made by the Clerk, and then the matter submitted to the House. The Clerk will now report the suggested amendment.

The Clerk read as follows:

At the end of line 5, page 5, insert "and to ascertain the sums received from lands sold or disposed of, if any, and the present market value of said lands, in Greer County, by the State of Texas."

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. LANHAM] that unanimous consent be given for the insertion of this amendment? [After a pause.] The Chair hears none, and this amendment will stand as a part of the original motion.

Mr. LANHAM. Now, Mr. Speaker, I am ready for a vote.

The SPEAKER. The question is, Shall the rules be suspended and the bill pass with the amendment?

The question was taken; and on a division (demanded by Mr. PAYNE) there were 110 ayes and 36 noes.

The SPEAKER. Two-thirds having voted in favor thereof, the rules are suspended and the bill is passed.

PENSIONS.

Mr. GIBSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar under the special order.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House, with Mr. LACEY in the chair.

The CHAIRMAN. The committee will be in order, and the Clerk will report the first bill.

EDWARD G. GARNER.

The first business on the Private Calendar was the bill (H. R. 6676) for the relief of Edward G. Garner.

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to amend the record of said Edward G. Garner, and issue to him an honorable discharge, to date from the date of muster out of his company and regiment.

The amendment recommended by the committee is as follows:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The committee amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

EMMA L. DU BOIS.

The next business on the Private Calendar was the bill (S. 2462) granting an increase of pension to Emma L. Du Bois.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma L. Du Bois, widow of Wilbur F. Du Bois, late of Company A, Twentieth Regiment Michigan Volunteer Infantry, and first lieutenant Company F, One hundred and eighth Regiment United States Colored Troops, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

GEORGE G. KEMP.

The next business on the Private Calendar was the bill (S. 1226) granting an increase of pension to George G. Kemp.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George G. Kemp, late of Company K, Forty-fourth Regiment Massachusetts Volunteer Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

OLIVA J. BAKER.

The next business on the Private Calendar was the bill (H. R. 10784) granting an increase of pension to Oliva J. Baker.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Oliva J. Baker, widow of Julian G. Baker, late quartermaster, United States Navy, and pay her a pension of $25 per month in lieu of that she is now receiving on certificate No. 13425.

The committee amendments were as follows:

In line 4, after the word "roll," insert the following: "subject to the provisions and limitations of the pension laws."

In line 6, after the word "pension," insert the words "at the rate;" in the same line strike out "five" after the word "twenty."

In lines 7, 8, and 9 strike out the words "on certificate numbered thirteen thousand four hundred and twenty-five."

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

LUCINDA D. DOW.

The next business was the bill (S. 3306) granting an increase of pension to Lucinda D. Dow.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucinda D. Dow, widow

of Simon B. Dow, late of Company C, Twenty-seventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving, with $2 per month additional on account of her minor child.

The bill was laid aside to be reported favorably to the House.

MARY JANE M'LAUGHLIN.

The next business was the bill (S. 244) granting a pension to Mary Jane McLaughlin.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Jane McLaughlin, invalid and dependent daughter of Michael McLaughlin, late of Company C, Twelfth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was laid aside to be reported favorably to the House.

ANDREW E. DUNHAM.

The next business was the bill (H. R. 8535) granting an increase of pension to Andrew E. Dunham.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew E. Dunham, late acting ensign, in the United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 6 strike out the words "in the."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ERMINE D. CABBELL.

The next business was the bill (S. 2831) granting an increase of pension to Ermine D. Cabbell.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ermine D. Cabbell, widow of James A. Cabbell, late of Company C, Eighth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Adolphus N. Cabbell, invalid and dependent son of said James A. Cabbell, the additional pension herein granted shall cease and determine.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY R. DEAN.

The next business was the bill (S. 2218) granting a pension to Mary R. Dean.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary R. Dean, former widow of Amos G. Thomas, late captain Company G, Eleventh Regiment Rhode Island Volunteer Infantry, and first lieutenant Company E, Third Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZABETH BEESLEY.

The next business was the bill (H. R. 5643) granting a pension to Elizabeth Beesley.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Beesley, widow of Florello M. Kelsey, late of Company A, Ninth Regiment of Iowa Infantry, and pay her a pension at the rate of $20 a month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6, after the word "late," insert the word "Captain."

In line 7 strike out the word "of;" in the same line, before the word "Infantry," insert the word "Volunteer."

In line 8 strike out the word "a" and insert in lieu thereof the word "per."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CLARA E. COLBATH.

The next business was the bill (S. 3880) granting an increase of pension to Clara E. Colbath.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara E. Colbath, widow of George S. Colbath, late captain Company I, Ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

OLIVE W. LAY.

The next business was the bill (S. 2152) granting a pension to Olive W. Lay.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Olive W. Lay, former widow of Nathan Paine, late major First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MAE PEARMAN.

The next business was the bill (H. R. 10725) granting a pension to Mae Pearman.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mae Pearman, widow of John T. Pearman, late acting assistant surgeon, United States Volunteer Army, and pay her a pension at the rate of $20 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN ERB.

The next business was the bill (S. 2985) granting a pension to John Erb.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Erb, dependent father of John Erb, jr., late of Company H, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

HENRY G. BIGELOW.

The next business was the bill (H. R. 4356) granting an increase of pension to Henry G. Bigelow.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Henry C. Bigelow, late lieutenant in Company C, Fifteenth Regiment Massachusetts Volunteer Infantry, upon the pension roll, and to grant him a pension of $50 per month from and after the passage of this act, the same to be in lieu of any pension now drawn.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the word "he," in line 3, and all of lines 4, 5, 6, 7, 8, and 9 and insert in lieu thereof the following: "is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry G. Bigelow, late of Company C, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

AGNES B. HOFFMAN.

The next business was the bill (H. R. 3609) to grant pension to Agnes B. Hoffman, as widow of William G. Hoffman, late first lieutenant, Third United States Cavalry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Agnes B. Hoffman, of No. 15 E street NW., Washington, D. C., widow of William G. Hoffman, deceased, formerly first lieutenant, Third United States Cavalry, and pay her a pension of $12 per month, as widow of her said husband, from the 1st day of January, 1899.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out all after the word "roll" and all of lines 5, 6, 7, 8, and 9 and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Agnes B. Hoffman, widow of William G. Hoffman, late first lieutenant, Third United States Cavalry, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Agnes B. Hoffman."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARIE SHARPE.

The next business was the bill (S. 1347) granting an increase of pension to Marie Sharpe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marie Sharpe, widow of John B. Sharpe, late of Company C, First Regiment Wisconsin Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was laid aside to be reported favorably.

JOSEPHINE BROWN.

The next business on the Calendar was the bill (S. 2557) granting a pension to Josephine Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine Brown, invalid and dependent daughter of William Brown, late of Company C, Second Regiment Arkansas Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was laid aside to be reported favorably.

JOHN W. PHILLIPS.

The next business was the bill (H. R. 11159) granting a pension to John W. Phillips.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Phillips, late of Company C, First Regiment National Guards of East Tennessee, and pay him a pension at the rate of $12 per month.

The bill was laid aside to be reported favorably.

ANDREW FERGUSON.

The next business was the bill (S. 3235) granting a pension to Andrew Ferguson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Ferguson, late a pilot, U. S. ram *Lioness*, Mississippi Marine Brigade, and pay him a pension at the rate of $12 per month.

The bill was laid aside to be reported favorably.

MARY V. WILMARTH.

The next business was the bill (S. 3049) granting an increase of pension to Mary V. Wilmarth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary V. Wilmarth, widow of Roswell S. Wilmarth, late second lieutenant Company D, Sixty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The bill was laid aside to be reported favorably.

EMMA J. BIDWELL.

The next business was the bill (S. 2190) granting a pension to Emma J. Bidwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma J. Bidwell, widow of William E. Bidwell, late of Company G, Sixteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was laid aside to be reported favorably.

LULA M. JONES.

The next business was the bill (H. R. 8263) to pension Lula M. Jones, reported with amendments.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $25 per month, subject to the provisions and regulations of the general pension laws, the name of Lula M. Jones, the daughter of Samuel T. Jones, late of Company A, Eightieth Illinois Volunteer Infantry.

The committee recommend the adoption of the following amendments:

In line 4 strike out all after the word "roll" and all of lines 5, 6, 7, and 8 and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Lula M. Jones, helpless daughter of Samuel T. Jones, late captain Company A, Eightieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Lula M. Jones."

The amendments recommended by the committee were considered, and agreed to.

The bill as amended was laid aside to be reported favorably.

LUCY B. BRYSON.

The next business was the bill (H. R. 1600) granting a pension to Lucy B. Bryson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the conditions and limitations of the pension laws, the name of Lucy B. Bryson, widow of W. A. Bryson, late first lieutenant in Company C, Eighteenth Kentucky Volunteer Infantry.

The committee recommend the adoption of the following amendments:

In line 4 strike out all after the word "place" and all of lines 5, 6, 7, and 8 and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy B. Bryson, widow of Hiram M. Bryson, late first lieutenant Company C, Eighteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Lucy B. Bryson."

The amendments recommended by the committee were considered, and agreed to.

The bill as amended was laid aside to be reported favorably.

JOHN H. WILCOX.

The next business was the bill (S. 2774) granting an increase of pension to John H. Wilcox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Wilcox, late of Company D, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was laid aside to be reported favorably.

JAMES H. THOMAS.

The next business was the bill (S. 4256) granting a pension to James H. Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Thomas, late of Company C, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was laid aside to be reported favorably.

MARY J. CALVIN.

The next business was the bill (S. 3536) restoring to the pension roll the name of Mary J. Calvin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Calvin, widow of Joseph A. McIlvain, late of Company H, Eighty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was laid aside to be reported favorably.

ALBERT BUCK.

The next business was the bill (H. R. 8297) granting an increase of pension to Albert Buck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Buck, late a private in Company K, One hundred and first Illinois Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee recommended the adoption of the following amendments:

In line 6 strike out the words "a private in" and insert in lieu thereof the word "of."

In line 7, before the word "Illinois," insert the word "Regiment;" in the same line, before the word "Infantry," insert the word "Volunteer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported favorably.

CORNWELL M. BRILL.

The next business was the bill (S. 1599) granting an increase of pension to Cornwell M. Brill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornwell M. Brill, late of Company E, One hundred and eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was laid aside to be reported favorably.

AILSIE BENNETT.

The next business was the bill (S. 2830) granting a pension to Ailsie Bennett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ailsie Bennett, widow of Thomas Bennett, late of Company H, One hundred and twenty-fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was laid aside to be reported favorably.

JOHN J. WILSON.

The next business was the bill (S. 1876) granting an increase of pension to John J. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Wilson, late of Company F, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was laid aside to be reported favorably.

JAMES H. CALDWELL.

The next business was the bill (H. R. 9266) granting an increase of pension to James H. Caldwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Caldwell, late of Company G, First Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee recommend the adoption of the following amendments:

Insert after "Missouri," in seventh line, the words "State Militia;" and strike out "thirty" and insert "twenty-four," so it will read $24 per month.

Mr. STEELE. I would like to know the reason for giving $24 per month in the case of a militiaman. I wish some one would explain.

The CHAIRMAN. The bill was introduced by the gentleman from Missouri [Mr. DE ARMOND], who does not seem to be present.

Mr. STEELE. Let it go over until we get some explanation for giving a militiaman $24 a month.

Mr. GIBSON. I will give the gentleman from Indiana the information which he desires.

This man has a good Army record. In the first place, he served from the 26th of February, 1862, to March 15, 1865—over three years. He is very much diseased. His sight is almost entirely gone, and his general physical condition is of the most distressing character.

Mr. STEELE. That being the case, why does he not get a pension under the general law?

Mr. GIBSON. For the reason that the Pension Bureau is not satisfied that this cancer trouble originated in the service; but the man is blind all the same. The question is, whether he shall go down to his grave blind and in his pitiable condition, drawing $12 a month, or whether his pension shall be increased. The man is extremely poor, and the case is one of the most meritorious that has been before the committee.

Mr. STEELE. I see the gentleman is reading from the report.

Mr. GIBSON. Yes.

Mr. STEELE. On that information I will not require any further statement.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM R. MILLER.

The next business was the bill (H. R. 8027) to pension William R. Miller.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of William R. Miller, of Company A, Fourth Tennessee Infantry Volunteers, and pay him a pension at the rate of $24 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 5, after the word "Miller," insert the word "late;" in the same line, after the word "Fourth," insert the word "Regiment;" in the same line, after the word "Tennessee," insert the word "Volunteer."

In line 6 strike out the word "Volunteers."

Amend the title so as to read: "A bill granting a pension to William R. Miller."

Mr. STEELE. Let us have the report in that case read?

The CHAIRMAN. The report will be read in the time of the gentleman from Indiana [Mr. STEELE].

The Clerk began the reading of the report.

Mr. STEELE. Mr. Chairman, will the gentleman in charge of the bill explain how the committee determined that this man was in the service after the War Department had found that he was not in the service?

Mr. GIBSON. The testimony of the enlisting officer of the United States shows that he was enlisted in the United States service. But while on his way to join his command he was captured by the Confederates, and his leg was so injured that amputation was necessary. For that reason they would not receive him in the regiment. As a result of that he never was mustered in in the ordinary way, and never having been mustered, his name does not appear on the roll. Those are the facts, all the same.

The further reading of the report was dispensed with.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN F. HUTCHISON.

The next business was the bill (S. 3466) granting an increase of pension to John F. Hutchison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Hutchison, late of Company G, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ROSALIA TEJIDOR BRINCKERHOFF.

The next business was the bill (S. 3470) granting a pension to Rosalia Tejidor Brinckerhoff.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rosalia Tejidor Brinckerhoff, widow of George L. Brinckerhoff, late captain Company B, Tenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

SARAH E. TATE.

The next business was the bill (S. 218) granting an increase of pension to Sarah E. Tate.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Tate, widow of Samuel A. Tate, late of Company I, Fortieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Florence Tate, the helpless and dependent child of said Samuel A. Tate, the additional pension herein granted on account of such child shall cease and determine.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

EDWIN CULVER.

The next business was the bill (S. 3505) granting an increase of pension to Edwin Culver.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin Culver, late of Company E, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. STEELE. Let us have some reason why this fifty-dollar pension should be granted, Mr. Chairman.

Mr. CALDERHEAD. I will say, Mr. Chairman, that the report is very brief, and if the gentleman will get it he can see.

Mr. STEELE. Let the report be read.

Mr. CALDERHEAD. I hope the gentleman will hear it read.

The CHAIRMAN. The report will be read in the time of the gentleman from Kansas.

The report (by Mr. GRAFF) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3505) granting an increase of pension to Edwin Culver, have examined the same and adopt the Senate report thereon and recommend that the bill do pass.

[Senate Report No. 1017, Fifty-sixth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 3505) granting an increase of pension to Edwin Culver, have examined the same and report:

This bill proposes to increase from $36 to $50 per month the pension of Edwin Culver, of Token, Wis., late of Company E, First Regiment Wisconsin Volunteer Cavalry.

Edwin Culver enlisted in Company G, First Regiment Wisconsin Cavalry, September 21, 1861, and was discharged for disability March 23, 1863. The surgeon's certificate of disability states he was discharged "because of exposure to malaria at Helena, Ark., in August, 1862, in consequence of which intermittent fever and camp diarrhea, which last continues and is incurable. He has also severe diabetes."

He enlisted in Company E, First Wisconsin Cavalry, January 4, 1864, and was discharged July 19, 1865. He received five wounds from a cavalry charge near Salem, Ala., April 14, 1865.

The hospital records show him treated March 23, 1863, for intermittent fever, and from April to July, 1865, for wound of left arm and left iliac region.

The claimant, who is now 73 years of age, was originally pensioned for chronic diarrhea at the rate of $2 per month from December 11, 1863, the date of his first discharge, to January 4, 1864, the date of his second enlistment.

During the reading of the report,

Mr. STEELE. I do not care for any further reading of the report, on account of the man's age.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES E., TERESA, AND ANNA ARVIN.

The next business on the Private Calendar was the bill (H. R. 4080) granting a pension to James E. Arvin, Teresa Arvin, and Anna Arvin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the names of James E. Arvin, Teresa Arvin, and Anna Arvin, indigent and feeble-minded children of George W. Arvin, deceased, late a member of Company A, Forty-fourth Regiment Indiana Volunteer Infantry, and pay to each one of them a pension at the rate of $12 per month.

SEC. 2. That whereas an emergency exists for the immediate taking effect of this act, therefore it shall be in force from and after its passage.

The amendments recommended by the committee were read, as follows:

In line 4 strike out all after the word "roll" and all of lines 5, 6, 7, 8, 9, 10, 11, and 12 and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the names of James E. Arvin, Teresa Arvin, and Anna Arvin, the helpless and dependent children of George W. Arvin, late of Company A, Forty-fourth Regiment Indiana Volunteer Infantry, and pay them each a pension at the rate of $10 per month."

The bill as amended was ordered to be laid aside with a favorable recommendation.

The amendments were agreed to.

WILLIAM ALLEN AND ISAAC GARMAN.

The next business on the Private Calendar was the bill (H. R. 1845) granting pensions to William Allen and Isaac Garman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the names of William Allen and Isaac Garman, scouts and spies in the United States Army during the war of the rebellion, and pay each of them a pension at the rate of $20 a month.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 5, before the word "scouts," insert the word "late."

In line 7 strike out the word "twenty" and insert in lieu thereof the word twelve;" in the same line strike out the word "a" and insert in lieu thereof the word "per."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BYRON KURTZ.

The next business on the Private Calendar was the bill (S. 2540) granting an increase of pension to Byron Kurtz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Byron Kurtz, late of Company I, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EDWARD A. PARMALEE.

The next business on the Private Calendar was the bill (S. 2543) granting an increase of pension to Edward A. Parmalee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward A. Parmalee, late of Company F, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MAJ. A. NORTHROP.

The next business on the Private Calendar was the bill (S. 3127) granting an increase of pension to Maj. A. Northrop.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maj. A. Northrop, late of Company H, Fifteenth Regiment New Hampshire Volunteer Infantry, and of Company K, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZA STILLMAN.

The next business on the Private Calendar was the bill (S. 1348) granting an increase of pension to Eliza Stillman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza M. Stillman, widow of Thomas J. Stillman, late first lieutenant Company B, Tenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MATHEW T. JONES.

The next business on the Private Calendar was the bill (S. 751) granting an increase of pension to Mathew T. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mathew T. Jones, late of Company E, Thirteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN H. FINFROCK.

The next business on the Private Calendar was the bill (H. R. 2472) to correct the military record of John H. Finfrock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to revoke the order dismissing from the military service of the United States John H. Finfrock as a captain of the Sixty-fourth Regiment of Ohio Infantry Volunteers, and to issue an honorable discharge for him, to date from the 22d day of January, 1863: *Provided, however*, That no pay, bounty, or other allowances shall become due or payable by virtue of the passage of this act.

Mr. STEELE. Let us have some explanation of this charge.

Mr. VAN VOORHIS. The report is quite lengthy, but I ask that the first page be read, which, I think, will satisfy the gentleman.

The first page of the report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2472) to correct the military record of John H. Finfrock, report the same back to the House with the recommendation that it do pass.

This is a bill to revoke an order of dismissal of Captain Finfrock, Sixty-fourth Ohio Infantry Volunteers, and issue an honorable discharge, dated January 22, 1863, with proviso against pay, bounty, etc., as usual.

He was dismissed for alleged desertion, which the War Department has officially determined did not take place.

The committee adopt the report made on a similar bill in the Fifty-fourth Congress, hereto annexed.

[House Report No. 2632, Fifty-fourth Congress, second session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 4676) entitled "A bill to correct the military record of John H. Finfrock," having had the same under consideration, report it back favorably, and recommend its passage with an amendment.

Attached hereto is the report of the Record and Pension Office of the War Department in reference to this case, which gives in detail the circumstances attending the dismissal of Captain Finfrock from the United States service, and states that the charge of desertion appearing against him in the orders in which he was dishonorably dismissed the service is erroneous, and that a notation to that effect has been placed upon the official records; but that, "notwithstanding this action, the order of dismissal in the case of this officer having been carried into execution, it is beyond the power of an executive officer to revoke or modify it, or to set it aside, however unmerited or injurious that order may be deemed to have been."

Amend by adding as follows:

"*Provided, however*, That no pay, bounty, or other allowances shall become due or payable by virtue of the passage of this act."

Mr. STEELE. Mr. Chairman, I make the point of order that this bill has no place on the Calendar this afternoon.

The CHAIRMAN. The case is one of dismissal for desertion.

Mr. VAN VOORHIS. And I think it has a place on the Calendar.

The Clerk resumed and concluded the reading of the first page of the report.

Mr. STEELE. I have nothing further to request, if the War Department is satisfied with it.

Mr. VAN VOORHIS. The War Department recommends the bill.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN FAULDS.

The next business on the Private Calendar was the bill (H. R. 3047) to remove the charge of desertion from the military record of John Faulds, Company G, Thirty-first Wisconsin Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of John Faulds, late a private in Company G, Thirty-first Regiment Wisconsin Volunteer Infantry, and to grant him an honorable discharge as of the 23d day of January, 1863.

The amendment recommended by the committee was read, as follows:

Provided, That no pay or allowance shall become due or payable by reason of the passage of this act.

Mr. STEELE. I should like to know why that man should be discharged. I would like to have the report read.

The report (by Mr. ESCH) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3047) to remove the charge of desertion from the military record of John Faulds, have had the same under consideration and submit the following report thereon:

It is shown by the records of the War Department that John Faulds was enrolled December 2 and mustered into service December 24, 1862, as a private in Company G, Thirty-first Wisconsin Infantry Volunteers, to serve three years, and that he deserted on January 23, 1863, from Camp Utley, Racine, Wis., never thereafter returning to his command, which remained in service until July 8, 1865; also that he enlisted November 10, 1864, as a private in Company F, Seventh West Virginia Cavalry Volunteers, in violation of the twenty-second (now fiftieth) article of war, and appears to have served faithfully under this enlistment until August 1, 1865, when he was mustered out of service and honorably discharged.

The War Department report further shows that in an application for removal of the charge of desertion as of Company G, Thirty-first Wisconsin Infantry Volunteers, Faulds testified May 15, 1890, as follows: That he was drafted into the United States military service in the autumn of 1862; reported at Madison, Wis., where he was examined and passed for muster and was solicited by Captain Rogers, the United States recruiting officer, to enlist in the volunteer service, which he did; that he thereafter reported for service at Racine, Wis., where said Captain Rogers requested him to sign his father's name to some paper or record, to legalize, as he understood it, his said enlistment, he being then a minor, which he refused to do.

That while yet at Racine in said service he was listed as a member of Company G, Thirty-first Wisconsin Infantry Volunteers; that about the 20th of December, 1862, with John Dannser, a member of said company, he was granted a furlough and came home to the town of Glencoe, Buffalo County, Wis., to his father's farm and home; that shortly afterwards, and while said furlough was yet in force, the soldier became sick, and at the time of the expiration of his furlough was wholly unfitted and unable to return to Racine and said service; that while his said furlough was in force his father, James Faulds, sought counsel of one Edward Lees, a lawyer residing at Fountain City, Wis., and at time district attorney of said Buffalo County, to get the soldier discharged from the service and released from his enlistment on the grounds of his being a minor, and for the further reason of sickness and ill health; that at said time there resided in said Fountain City a man known as Dr. Colb, who claimed to be a United States examining surgeon, before whom Faulds was taken for examination, and said Dr. Colb examined him and had him sign some papers believed to be an application for a discharge.

That on the advice of said Lees and Dr. Colb, Faulds returned to his home,

leaving the matter in their hands, having been assured by them that no harm could or would come to him by his not reporting to said company before the expiration of said furlough; that he was in poor health during the winter months of 1863, and on such advice remained at home with his father; that he in no way attempted to secrete himself or hide away from the public; that no effort was made by the Government to take him back to the service or to punish him for his said absence, nor was he ever notified to return to said service; nor was any inquiry whatever, so far as he knows, made by the Government concerning his said absence from the service up to the fall of 1863, when he went to Illinois, and in the spring of 1864 went to Cannelton, W. Va., where he remained until he enlisted at Charleston, W. Va., on the 10th day of November, 1864, in said Company F, Seventh Regiment West Virginia Cavalry; that at the time of his last enlistment in said Seventh West Virginia Cavalry he informed Major Blonden, of said regiment, of all the material facts herein stated; that his service in said West Virginia regiment was in the name of John Falls instead of John Faulds, which was wholly due to an error of the official who made and kept the record, and that the soldier was not aware of such error until given his discharge in 1865.

The affidavit filed in the War Department is supplemented by another affidavit of the soldier made on the same date and filed with the committee, and sets forth substantially the same state of facts, and showing also that he was born in Scotland, November 27, 1844, and came to the United States in 1848; lived for a time in Pennsylvania, Maryland, West Virginia, and thence removed to the town of Glencoe, Buffalo County, Wis.; also a third affidavit, sworn to on June 1, 1896, in which his age is stated at 18 years when drafted; that he did not preserve the furlough; that James Faulds (his father), Judge Lees, Dr. Colb, and Major Blonden, of the Seventh Regiment West Virginia Cavalry, are dead; that the only bounty, local or otherwise, received by him on his last enlistment was $25 paid at the time and $50 thereafter, and that he received no other money consideration or inducement for his second enlistment, which he made in good faith and was not induced by the offer of payment of any bounty or money.

It appears from the affidavits filed with the committee and made by the following witnesses that they all knew John Faulds prior, during, and since the war, viz: Thomas Courteney, Robert D. Burt, Robert Burt, John Hill, William Henry, Clarissa Mulyck, Engelhart Doelle, Walter Jackson, John Dannser, Margaret Cowie, James R. Faulds, and William Milan. Said Courteney's affidavit, made May 15, 1896, filed in the War Department, corroborates the soldier's statements as to his enlistment, his coming home on furlough, his sickness, and the consultation between his father and the attorney, Edward Lees, about getting soldier out of the service, and that his father had talked with witness about it at the time, and then told witness that the attorney assured him that the soldier need not return to the service and that he would get him released for the reason that he was a minor. Witness knew that soldier's father was very anxious to have him out of the service, at home with him, as he was the only help he had; that soldier made no effort to conceal his identity nor to secrete himself; that witness heard of no effort being made by the authorities to get the soldier back into the service by arrest or otherwise. This witness repeated the same facts in an affidavit made on the same day and filed with the committee.

The affidavit of said Robert D. Burt, filed in the War Department, corroborates the soldier's statement as to his enlistment with John Dannser into the military service in the fall of 1862; the return of the soldier to his father's home on furlough, as the witness was at the time informed, about January 1, 1863; also as to his illness and as to his having applied for the discharge from the service, and that the soldier did not conceal himself, and that it was generally understood that he was discharged.

This witness also testified to the same state of facts in a second affidavit, made May 16, 1896.

The affidavit of Robert Burt, filed in the War Department, is in corroboration of the foregoing statements of the soldier and the other affidavits. In a supplemental affidavit, made May 16, 1896, and filed with the committee, this witness testified to a like state of facts.

The foregoing statements are also corroborated by the following affidavits of John Hill, now of Winona, Minn., age, 64 years, who testified June 4, 1896; William Henry, of Arcadia, Wis., 50 years of age, who testified June 19, 1896; Clarissa A. Mulyck, of Glencoe, Wis., 55 years of age, who testified July 14, 1896; Engelhart Doelle, of the town of Cross, Wis., 55 years of age, affidavit made July 6, 1896; Walter Jackson, of Glencoe, Wis., 65 years of age, affidavit made August 8, 1896, and John Dannser, of said town of Cross, 55 years of age, affidavit made June 6, 1896, stating also that he was a member of Company G, Thirty-first Regiment Wisconsin Infantry Volunteers; enlisted at same time as John Faulds; that they, with others, were granted furloughs; that date of furlough was about December 20, 1862, for eight days; that witness saw the furlough granted John Faulds, and knows of his own knowledge that Faulds had a furlough; that witness and Faulds went from Racine, Wis., together to their homes in Buffalo County, Wis.; that witness returned to his company and regiment at expiration of furlough; that Faulds did not return, and that witness remembers conversation he had with Capt. George D. Rogers several weeks after his return, in January, 1863, and remembers well of asking the captain if said John Faulds was coming back to the company, and the captain answered him at the time that Faulds was sick or claimed to be sick.

The statements of the soldier, as contained in his affidavits in regard to his visits to the office of said Edward Lees and to see Dr. Colb, and as to the assurance of said Lees that the soldier had been discharged or released from the military service, or would be, and that they need not trouble themselves any further about it, are corroborated by the affidavits of the following witnesses, filed with the committee, each of the witnesses testifying to being present in the office of said Lees and Dr. Colb with the soldier and his father when the arrangements were made for getting the soldier out of the service, viz, Margaret Cowie, of Arcadia, Wis., 64 years of age and a sister of the soldier, affidavit made November 30, 1897; James R. Faulds, a resident of Stevensville, Mont., 44 years of age, affidavit made December 4, 1897, and William Milan, of Glencoe, aforesaid, 52 years of age, affidavit made December 15, 1897.

Your committee are of the opinion that the soldier had no intention of deserting, but that he believed the steps taken by the lawyer, Edward Lees, and Dr. Colb released him from military service in said Company G, Thirty-first Regiment Wisconsin Volunteer Infantry, and therefore recommend that the bill do pass with the following amendment:

"*Provided*, That no pay or allowances shall become due or payable by reason of the passage of this act."

Mr. STEELE. I understand there is no bounty paid on account of the reenlistment and that he was a young boy 18 years of age.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM O. EAGLE.

The next business on the Private Calendar was the bill (H. R. 2204) for the relief of William O. Eagle.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to amend and correct the records and muster rolls of the late war of the rebellion in his office so as to show that William O. Eagle, late a private of Company C, One hundred and thirty-second Regiment of Indiana Volunteer Infantry, was duly mustered into the service of the United States and served therein as a member of said company and regiment for the period of one hundred days, and was duly and honorably discharged therefrom at the expiration of his term of service.

The bill was laid aside to be reported to the House with a favorable recommendation.

FRANK BLAIR.

The next business on the Private Calendar was the bill (H. R. 10472) granting an increase of pension to Frank Blair.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Frank Blair, now pensioned by certificate No. 3932, and receiving the sum of $12 per month, as a Mexican war veteran, and that his present pension be raised to $16 per month.

The committee amendments were read, as follows:

In line 4, after the word "roll," insert "subject to the provisions and limitations of the pension laws."

Strike out all in the bill after the word "Blair," in line 5, and substitute therefor the following: "late private in Capt. S. H. Walker's company of Texas Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

JOSEPH E. HENDRICKSON.

The next business on the Private Calendar was the bill (S. 2386) granting a pension to Joseph E. Hendrickson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph E. Hendrickson, late of Company F, First Regiment District of Columbia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month.

Mr. STEELE. Mr. Chairman, let us have some reason why we should pass this bill. Let us have the report read.

Mr. BROMWELL. Mr. Chairman, I think that probably no pension bill that has ever been before the House has received a more careful consideration than has this bill. I want to say that I took this bill under consideration, as a subcommittee on pensions, with a prejudice against the allowance of the pension in this case. The circumstances that attended the loss of sight of this party were peculiar. The testimony in the case was that he suffered with malaria, had an attack of sunstroke, and almost immediately afterwards lost his eyesight.

Mr. STEELE. Both eyes?

Mr. BROMWELL. Both eyes. He is totally blind.

Mr. STEELE. The gentleman need go no further; I am satisfied.

The bill was laid aside to be reported to the House with a favorable recommendation.

PHEBE TATE.

The next business on the Private Calendar was the bill (H. R. 10892) granting an increase of pension to Phebe Tate.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phebe Tate, widow of Thomas Tate, late captain of Company F, Fifth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The committee amendments were read, as follows:

In line 6 strike out the word "captain" and insert in lieu thereof the words "first lieutenant."

In line 7 strike out the letter "F" and insert in lieu thereof the letter "I."

In the same line strike out the word "Fifth" and insert in lieu thereof the word "Third."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

Amend the title so as to read: "A bill granting an increase of pension to Phebe Tate."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

PATRICK H. HURLEY.

The next business on the Private Calendar was the bill (H. R. 5,085) granting a pension to Patrick H. Hurley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick H. Hurley, late lieutenant, Company L, Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month.

The committee amendments were read, as follows:

In line 6, after the letter "L," insert the word "Thirteenth."

In line 8 strike out the word "thirty" and insert in lieu thereof the word

"twelve." In the same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Patrick H. Hurley."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

ROBERT A. REID.

The next business on the Private Calendar was the bill (H. R. 10183) granting an increase of pension to Robert A. Reid.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert A. Reid, late of Company G, Forty-eighth Regiment Pennsylvania Infantry, and pay him a pension of $30 per month in lieu of that he is now receiving.

The committee amendments were read, as follows:

In line 7, before the word "Infantry," insert the word "Volunteer;" in the same line, after the word "pension," insert the words "at the rate;" in the same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

LUCINDA MILLER.

The next business on the Private Calendar was the bill (H. R. 7745) granting a pension to Lucinda Miller.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the laws and restrictions of the Pension Office, the name of Lucinda Miller, of Rices Landing, Greene County, Pa., widow of David Miller, late of Company B, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, war of the rebellion, from and after the passage of this act, at the rate of $12 per month.

The committee amendment was read, as follows:

In line 4 strike out all after the word "place" and all of lines 5, 6, 7, 8, 9, and 10 and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucinda Miller, widow of David Miller, late of Company B, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $8 per month."

The committee amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

JOHN KINSIE.

The next business on the Private Calendar was the bill (H. R. 10570) granting an increase of pension to John Kinsie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Kinsie, late a member of Company B, Forty-fifth Pennsylvania Veteran Volunteers, and pay him $25 per month in lieu of any pension which may now be paid to him.

The committee amendments were read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of John Kinsey, late of Company B, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John Kinsey."

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

MELVINA GREENAWALT.

The next business was the bill (H. R. 3491) granting a pension to Melvina Greenawalt, widow of Abraham Greenawalt.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Melvina Greenawalt, widow of Abraham Greenawalt, deceased, late of the city of Reading, Pa., who was in the service of the United States at Nashville, Tenn., as a carpenter and a private during the late rebellion, at the rate of $12 per month.

The following amendments recommended by the Committee on Invalid Pensions were read:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on."

In line 6 strike out the syllable "de-" and all of lines 7, 8, 9, and 10 and insert in lieu thereof the words "late of the Quartermaster's Department, United States Army, and pay her a pension at the rate of $12 per month."

Amend the title so as read: "A bill granting a pension to Melvina Greenawalt."

Mr. STEELE. I do not understand the amendment proposed. This man seems to have been in the service of the Quartermaster's Department.

Mr. GIBSON. It appeared before the committee that while this man was employed in the Quartermaster's Department he engaged in the defense of the city of Nashville as a soldier, and while so engaged he contracted on account of exposure a sickness from which he died. The committee thought that under these circumstances the widow ought to be pensioned.

Mr. STEELE. What military status do you give for this man?

Mr. GIBSON. Not any. We simply give the wife a pension because her husband died as a result of military service. Although under no legal compulsion to do so, he served in the defense of the city of Nashville, and, as a result, contracted disease that terminated in his death.

Mr. STEELE. How much pension do you grant the widow?

Mr. GIBSON. Twelve dollars a month.

The amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CATHERINE BROUGHTON.

The next business was the bill (H. R. 3658) granting a pension to Catherine Broughton, dependent mother.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension roll the name of Catherine Broughton, mother of William Broughton, deceased, late a member of Company F, Second West Virginia Volunteer Infantry, at the rate of $8 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 3 strike out all after the word "be" and all of lines 4, 5, 6, and 7 and insert in lieu thereof the following: "and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Broughton, dependent mother of William Broughton, late of Company F, Fifth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Catherine Broughton."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GABRIEL M. FUNK.

The next business was the bill (H. R. 4199) granting a pension to Gabriel M. Funk.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gabriel M. Funk, late of Company F, Ninety-first Illinois Volunteer Infantry, and to pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6, before the word "Illinois," insert the word "Regiment."

In line 7 strike out the word "to."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

BENJAMIN F. SHOTT.

The next business was the bill (H. R. 154) to increase the pension of Benjamin F. Schott.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Benjamin F. Schott, late of Company I, One hundred and thirty-ninth Indiana Volunteer Infantry, and pay to him a pension at the rate of $30 a month in lieu of that which he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on." In the same line, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 5 strike out the word "Schott" and insert in lieu thereof the word "Shott."

In line 6, before the word "Indiana," insert the word "Regiment."

In line 7, before the word "him," strike out the word "to." In the same line stike out the word "thirty" and insert in lieu thereof the word "twenty-four." In the same line strike out the word "a" and insert in lieu thereof the word "per."

In line 8 strike out the word "which."

Amend the title so as to read: "A bill granting an increase of pension to Benjamin F. Shott."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

EDWARD HOUNSOM.

The next business was the bill (H. R. 3133) for the relief of Edward Hounsom, of Glenwood, Mo.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Hounsom, late a private of Company E of the Twenty-ninth Regiment of Enrolled Missouri Militia, at the rate of $24 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out the words "a private;" in the same line strike out the words "of the."

In line 7 strike out the word "of;" in the same line, after the word "Militia," insert the words "and pay him a pension."

Amend the title so as to read: "A bill granting a pension to Edward Hounsom."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

OLIE HEATON.

The next business was the bill (H. R. 9269) to pension Miss Olie Heaton, dependent daughter.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the Government the name of Olie Heaton, crippled daughter of William Heaton, deceased, late private in Company C, First Regiment West Virginia Volunteer Infantry, and pay her a pension of $24 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 3 strike out the word "is;" in the same line, before the word "hereby," insert the word "is."

In line 4 strike out all after the word "roll" and all of lines 5, 6, 7, and 8 and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Olie Heaton, the dependent and helpless daughter of William Heaton, late of Company C, First Regiment West Virginia Veteran Volunteer Infantry, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Olie Heaton."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

FRANKLIN I. GILBERT.

The next business was the bill (H. R. 3660) granting a pension to Franklin I. Gilbert.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $30 per month, the name of Franklin I. Gilbert, late of Company D, One hundred and and seventy-sixth Regiment Ohio Infantry Volunteers, and now a resident of Salem, Ohio.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out all after the word "roll" and all of lines 5, 6, 7, and 8, and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Franklin I. Gilbert, late of Company D, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Franklin I. Gilbert."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MICHAEL RYAN.

The next business was the bill (H. R. 4231) to grant a pension to Maechel Ryan, alias Kennedy, Company F, One hundred and eighty-seventh New York Infantry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Maechel Ryan, alias Kennedy, late of Company F, One hundred and eighty-seventh New York Infantry, and pay him a pension of $30 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out all after the word "roll" and all of lines 5, 6, and 7, and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Michael Ryan, alias Kennedy, late of Company F, One hundred and eighty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Michael Ryan, alias Kennedy."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

RICHARD HOLLOWAY.

The next business was the bill (H. R. 7495) granting an increase of pension to Richard Holloway.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard Holloway, late private and musician, Company B, Thirty-third Regiment New Jersey Infantry Volunteers, and pay him a pension at the rate of $50 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out the words "private and musician" and insert in lieu thereof the word "of."

In line 7 strike out the word "volunteers;" and in the same line, before the word "infantry," insert the word "volunteer."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty;" in the same line, after the word "month," insert the words "in lieu of that he is now receiving."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ERNST PITSCHNER.

The next business was the bill (S. 2159) granting a pension to Ernst Pitschner.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ernst Pitschner, late of Company G, Sixteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported favorably.

JOSEPH ZIMMERMAN.

The next business was the bill (H. R. 9981) granting an increase of pension to Joseph Zimmerman.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Zimmerman, late a sergeant of Company I, One hundred and thirty-ninth Regiment of Pennsylvania Volunteer Infantry, at the increase rate of $24 per month.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Zimmerman, late of Company I, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GORTON BROWN.

The next business was the bill (H. R. 11198) granting an increase of pension to Gorton Brown.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gorton Brown, late of Company C, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The Committee on Invalid Pensions recommended the adoption of the following amendment:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The CHAIRMAN. The question is on agreeing to the amendment recommended by the committee.

Mr. STEELE. Before that, Mr. Chairman, let us have some explanation of this bill or let us have the report read.

The CHAIRMAN. The Clerk will read the report.

Mr. GIBSON. I will state to the House, for the purpose of saving time, that this soldier is now absolutely helpless, being paralyzed in every extremity and can not move any part of his body.

Mr. STEELE. I do not care about anything more. If he is paralyzed in every extremity, he ought to have the pension.

The amendments were agreed to.

The bill as amended was laid aside to be reported favorably.

DAVID R. ELLIS.

The next business was the bill (H. R. 4887) to increase the pension of David R. Ellis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place upon the pension roll, subject to the limitations and provisions of the pension laws, the name of David R. Ellis, late an engineer's yeoman on the steamship *Monitor* in the United States Navy, and afterwards on steamship *Sassacus* in same service during the war of the rebellion, and that he receive a pension of $50 per month in lieu of that which he now receives.

The Committee on Invalid Pensions recommended the adoption of the following amendments:

In line 3 strike out all after the word "be" and all of lines 4, 5, 6, 7, 8, 9, and 10 and insert in lieu thereof the following: "and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David R. Ellis, late of the U. S. steamships *Monitor*, *Tunxis*, and *Sassacus*, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to David R. Ellis."

Mr. STEELE. I would like to ask why in this man's case he is allowed $40 a month, as it is not shown that he is paralyzed in every extremity, while the other one, who is so paralyzed, gets only thirty?

Mr. GIBSON. I can say, if the gentleman will allow me, that the committee endeavor to draw a distinction in accordance with the probability of the disability being incurred in the service. Where there is a strong probability that it is of service origin we give him a higher rate than where there is no such probability. That is where we draw the line.

Now, the Bureau of Pensions requires that it shall be proven beyond reasonable doubt that the disability was incurred in the service. The committee was satisfied by reasonable evidence that

this was the case, and where there is reasonable evidence we divide the pension allowed by law in what we regard to be an equitable manner as developed by the evidence. Of course, if the evidence was conclusive the whole pension would be granted. For instance, if this man, whose disability is total, suffered that disability in the service, he would get $72. But where the evidence is not conclusive we stop at fifty, and where there is no such probability we stop sometimes at thirty or forty, according to the necessities of the man and poverty of himself and family, and endeavor to make as fair a distinction as we can, with a view of equalizing pensions to all of these people.

Now, here is a man who served for all of these years, beginning February 4, 1862, down to May 13, 1865. We look at the length of a soldier's service and give a soldier who has had a long and honorable service, with a certain disability, a greater rate of pension than a soldier with the same disability but with a short term of service.

In the case before the committee this soldier served a long time. He is exceedingly poor, and has a wife and five children dependent upon him for support.

Taking these things into consideration, the committee were content to give him the rate of $40 a month.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

HARRIET A. WILSON.

The next business was the bill (H. R. 7912) granting a pension to Harriett A. Wilson, widow of Col. Lewis Wilson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Harriett A. Wilson, widow of Lewis Wilson, late colonel of the Second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of the pension of $8 per month which she is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out all after the word "place" and all of lines 5, 6, 7, 8, and 9 and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet A. Wilson, widow of Lewis Wilson, late colonel Second Regiment Ohio Volunteer Infantry, and captain Company D, Nineteenth Regiment United States Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Harriet A. Wilson."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY CLARK.

The next business was the bill (H. R. 4130) granting a pension to Mrs. Mary Clark, widow of Calvin B. Clark, late of the One hundred and fifth Pennsylvania Volunteers.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Mary Clark, widow of the late Calvin B. Clark, musician, of the One hundred and fifth Pennsylvania Volunteers, on the pension roll, and pay her a pension of $12 per month, subject to the rules, regulations, and laws governing the same.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 3 strike out all after the word "be" and all of lines 4, 5, 6, 7, and 8 and insert in lieu thereof the following: "and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Clark, widow of Calvin B. Clark, late musician, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Mary Clark."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ALMEDA BROWN.

The next business was the bill (H. R. 3705) granting a pension to Almeda Brown.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Almeda Brown, widow of James A. Brown, late Company B, Fifth New York Heavy Artillery, and pay her a pension at the rate of $12 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6, after the word "late," insert the word "of."

In line 7, before the words "New York," insert the word "Regiment;" in the same line, before the word "Heavy," insert the word "Volunteer."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

THOMAS F. WALTER.

The next business was the bill (H. R. 7203) granting a pension to Thomas F. Walter.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Pensions be, and is hereby, authorized and directed to place the name of Thomas F. Walter, late first lieutenant Company A, Ninety-first Regiment Pennsylvania Infantry Volunteers, on the pension roll of the United States at the rate of $50 per month.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas F. Walter, late first lieutenant Company A, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $17 per month."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

SARAH S. HAMMOND.

The next business was the bill (H. R. 8273) granting a pension to Sarah S. Hammond.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah S. Hammond, formerly widow of Pierson Brown, late private in Company A, Twenty-third Regiment Iowa Volunteer Infantry, and pay her a pension of $8 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 7 strike out the words "private in" and insert in lieu thereof the word "of."

In line 8, after the word "pension," insert the words "at the rate;" in the same line strike out the word "eight" and insert in lieu thereof the word "twelve."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN C. SHEUERMAN.

The next business was the bill (H. R. 6043) to increase the pension of John C. Shenermen, Company C, Ninth Regiment, and Company A, Eleventh Regiment, Pennsylvania Volunteers.

The Clerk read the bill, as follows:

Be it enacted, etc., That the pension now granted to John C. Shenermen, late of Company C, Ninth Regiment, and Company A, Eleventh Regiment, Pennsylvania Volunteers, in the war of the rebellion, be, and the same is hereby, increased to the sum of $24 per month, and the Secretary of the Interior is hereby directed to pay him a pension at the above rate instead of the pension now paid him. This act shall take effect immediately.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Sheuerman, late of Company A, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John C. Sheuerman."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

LAURA NEWMAN.

The next business was the bill (H. R. 7040) granting a pension to Laura Newman.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laura Newman (formerly Laura Mount) a volunteer nurse in the war of the rebellion, and pay her a pension at the rate of $12 a month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6, before the word "a," insert the word "late;" in the same line strike out the word "volunteer."

In line 7 strike out the words "war of the rebellion" and insert in lieu thereof the words "Medical Department, United States Volunteers."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

OLIVER DOMON.

The next business was the bill (S. 1245) granting a pension to Oliver Domon.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver Domon, late a member of Company A, Eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recomendation.

JOHN CALVIN LANE.

The next business was the bill (H. R. 4633) for the relief of John Calvin Lane.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Calvin Lane, who rendered service as scout in the Eighth Regiment Missouri Cavalry Volunteers.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out all after the word "Lane" and all of line 7 and insert in lieu thereof the following: "late scout and guide for the Eighth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to John Calvin Lane."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ALEXANDER BOLTIN.

The next business was the bill (H. R. 5189) granting an increase of pension to Alexander Boltin, of Kearney, in the State of Nebraska.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Boltin, late a member of Company D, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of the pension he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on."

In line 6 strike out the words "a member."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In line 9 strike out the words "the pension" and insert in lieu thereof the word "that."

Amend the title so as to read: "A bill granting an increase of pension to Alexander Boltin."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

SMITH THOMPSON.

The next business on the Private Calendar was the bill (H. R. 11228) granting an increase of pension to Smith Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Smith Thompson, late of Company D, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS CLARK.

The next business on the Private Calendar was the bill (H. R. 11211) granting a pension to Thomas Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Clark, late of Company B, Fifth Regiment Delaware Volunteer Infantry, and Company A, Seventh Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL RYAN.

The next business on the Private Calendar was the bill (H. R. 11516) granting an increase of pension to Samuel Ryan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Ryan, late quartermaster-sergeant of the Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "of the."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DANIEL PALMATARY.

The next business on the Private Calendar was the bill (H. R. 11158) granting a pension to Daniel Palmatary.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Palmatary, late of Company A, Sixth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

MICHAEL HOWLETT.

The next business on the Private Calendar was the bill (H. R. 8942) granting an increase of pension to Michael Howlett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Howlett, late first lieutenant Company E, Fifteenth New York Engineers, and pay him a pension of $24 per month in lieu of that he is now receiving.

The amendments recommended by the Committee were read, as follows:

In line 7, before the words "New York," insert the word "Regiment;" in the same line, before the word "Engineers," insert the word "Volunteer;" in the same line, after the word "pension," insert the words "at the rate."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MRS. MARY E. DOBYNS.

The next business on the Private Calendar was the bill (H. R. 9023) granting an increase of pension to Mrs. Mary Dobyns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Dobyns, widow of G. H. Dobyns, late captain, United States Volunteers, of Danville, Ky., and pay her a pension at the rate of $50 per month in lieu of the pension she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Mary," insert the letter "E.;" in the same line strike out the letter "G.," and insert in lieu thereof the word "George;" in the same line, after the word "captain," insert the words "and assistant quartermaster."

In line 7 strike out the words "of Danville, Kentucky."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In line 9 strike out the words "the pension" and insert in lieu thereof the word "that."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LOUIS M. STARRING.

The next business on the Private Calendar was the bill (H. R. 9370) granting a pension to Louis M. Starring, of Rhea County, Tenn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis M. Starring, of Grand View, Rhea County, Tenn., and to pay him a pension at the rate of $25 per month on account of the disability of blindness, the said Louis M. Starring being a son of Rosell M. Starring, deceased, late a soldier in the war of the rebellion, and whose deficiency of eyesight dates from his birth.

The amendment recommended by the committee was read, as follows:

In line 6 strike out all after the word "Starring," and all of lines 7, 8, 9, 10, and 11, and insert in lieu thereof the following: "the dependent and blind son of Rosell M. Starring, late of Company H, Forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EVELYN NEALE MURRAY.

The next business on the Private Calendar was the bill (S. 4184) granting an increase of pension to Evelyn Neale Murray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Evelyn Neale Murray, widow of Eli H. Murray, late colonel Third Regiment Kentucky Volunteer Cavalry and brevet brigadier-general of volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SOPHIE BARRETT.

The next business on the Private Calendar was the bill (H. R. 10333) granting a pension to Sophie Barrett, of Clearfield, Pa.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sophie V. Barrett, widow of Walter Barrett, late lieutenant-colonel Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Sophie," insert the word "de V."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEONHART MILLER.

The next business on the Private Calendar was the bill (H. R. 11057) granting an increase of pension to Leonhart Miller, Company G, Twenty-third Kentucky Volunteer Infantry.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leonhart Miller, late of Company G, Twenty-third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM T. WYANT.

The next business on the Private Calendar was the bill (H. R. 10945) granting a pension to William T. Wyant, Danville, Pa.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Wyant, late of Company B, One hundred and ninth Regiment, and Company F, One hundred and eleventh Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

In line 9 strike out the words "twenty-five" and insert in lieu thereof the words "twenty-four;" in the same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH A. DININNY.

The next business on the Private Calendar was the bill (H. R. 11603) granting an increase of pension to Sarah A. Dininny.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Dininny, widow of John W. Dininny, late colonel One hundred and forty-first New York Volunteers, and pay her a pension of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the words "New York," insert word "Regiment."
In the same line strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."
In line 8, after the word "pension," insert the words "at the rate."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LAURA V. SWEARER.

The next business on the Private Calendar was the bill (H. R. 4143) granting a pension to Laura V. Swearer.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Laura V. Swearer, widow of John Swearer, at the rate of $20 per month from the date of passage of this act, subject to the provisions and limitations of the pension laws.

The amendment recommended by the committee was read, as follows:

In line 4 strike out all after the word "roll," and all in lines 5, 6, 7, and 8, and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Laura V. Swearer, widow of John Swearer, late a mechanic of the Engineer Department, United States Army, and pay her a pension at the rate of $8 per month."

Mr. STEELE. Mr. Chairman, I would like to know why this poor woman is put in here at $8 a month, when the one just before this was given $30 a month?

Mr. GIBSON. The woman just before this was the wife of a colonel of the regiment. We were satisfied that his death resulted from causes in the service, and that would be the amount she would be entitled to under the general law.

Mr. STEELE. Well, if they were entitled to it under the general law, they can get it in the Pension Office. Now, here you cut this poor woman down——

Mr. GIBSON. We do not cut her down, at all.

Mr. STEELE. Well, you do not cut her up, then. [Laughter.] I move, Mr. Chairman, to amend by making it $12 a month.

Mr. GIBSON. The committee has given her what the law would give her.

Mr. STEELE. The law does not give them anything in these bills.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read, as follows:

Strike out "eight" and insert "twelve."

The question on the amendment to the amendment was taken; and on a division (demanded by Mr. STEELE) there were 31 ayes and no noes.

So the amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

LOUISE O'LEARY.

The next business on the Private Calendar was the bill (S. 2217) granting a pension to Louise O'Leary.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louise O'Leary, widow of Charles O'Leary, late surgeon, United States Volunteers, and medical director Sixth Army Corps, and pay her a pension at the rate of $50 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

CHARLES FORBES.

The next business on the Private Calendar was the bill (H. R. 10089) granting an increase of pension to Charles Forbes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Forbes, late of Company H, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

JAMES U. CHILDS.

The next business on the Private Calendar was the bill (S. 4688) granting an increase of pension to James U. Childs.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James U. Childs, late second lieutenant Company H, Sixteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

ADAM BIEGER.

The next bill on the Private Calendar was the bill (H. R. 8191) granting an increase of pension to Adam Bieger.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam Bieger, late of Company G, Third Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

CHARLES H. IRVIN.

The next business on the Private Calendar was the bill (S. 262) granting an increase of pension to Charles H. Irvin.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Irvin, late captain and assistant quartermaster, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

WILLIAM H. GIBBS.

The next business on the Private Calendar was the bill (H. R. 8418) for additional pension to William H. Gibbs, of Hinds County, Miss.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place the name of William H. Gibbs, late captain of Company H, Fifteenth Regiment Illinois Infantry Volunteers, on the pension roll of the United States, to commence from January 3, 1893, the date of filing of his original application for pension, and to pay him at the rate of $6 per month from that date to February 15, 1897, the date of allowance of pension.

The committee amendments were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Gibbs, late captain of Company H, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to William H. Gibbs."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

GEORGE A. LIBBY.

The next business on the Private Calendar was the bill (H. R. 3636) granting an increase of pension to George A. Libby.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of George A. Libby, late of Company H, Fourteenth Regiment New Hampshire Infantry Volunteers, and pay him a pension of $24 per month in lieu of the pension he is now receiving.

The committee amendments were read, as follows:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 6 strike out the word "Volunteers," and in the same line, before the word "Infantry," insert the word "Volunteer;" in the same line, after the word "pension," insert the words "at the rate."

In line 7 strike out the words "the pension" and insert in lieu thereof the word "that."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

GILES W. TAYLOR.

The next business on the Private Calendar was the bill (S. 3056) granting an increase of pension to Giles W. Taylor.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Giles W. Taylor, late of Company F, Nineteenth Regiment New York Volunteer Infantry, and Company I, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

ABBIE L. GODFREY.

The next bill on the Private Calendar was the bill (H. R. 2692) granting a pension to Abbie L. Godfrey.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Abbie L. Godfrey, daughter of John W. Godfrey, acting master of the Navy in the war of the rebellion, and that she be granted a pension at $15 a month.

The committee amendments were read, as follows:

In line 3, after the word "and," insert the word "he."

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Louisa N. Godfrey, widow of John W. Godfrey, late acting master, United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving: *Provided, however*, That in the case of the death of the helpless and dependent child, Abbie L. Godfrey, on whose account the pension of said Louisa N. Godfrey is increased, the pension of said Louisa N. Godfrey shall continue only at the rate of $8 per month from and after the date of death of said helpless and dependent child."

Amend the title so as to read: "A bill granting an increase of pension to Louisa N. Godfrey."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

WILLIAM SNIDER.

The next business was the bill (H. R. 9840) to increase the pension of William Snider.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of William Snider, late of Company H, Fourteenth Regiment Illinois Cavalry, at the rate of $30 per month in lieu of the pension that he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Snider, late of Company H, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to William Snider."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM M. FERRY.

The next business was the bill (S. 92) granting a pension to William M. Ferry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Ferry, late first lieutenant and regimental quartermaster of the Fourteenth Michigan Infantry, at the rate of $30 per month.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "forty."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN H. GARDNER.

The next business was the bill (H. R. 2656) for the relief of John H. Gardner.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension roll the name of John H. Gardner, late first lieutenant of Company B, Fifteenth Regiment Indiana Infantry, and also late private in Company K, Pittsburg Greys, in the war of the United States with Mexico, and to allow him a pension at the rate of $72 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out all after the word "place" and all of lines 5, 6, 7, 8, and 9, and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Gardner, late first lieutenant Company B, Fifteenth Regiment Pennsylvania Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John H. Gardner."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

BURWELL HINCHMAN.

The next business was the bill (H. R. 4516) granting a pension to Burwell Hinchman.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Burwell Hinchman, late of Company K, Eleventh Regiment of Michigan Volunteer Cavalry, and pay him a pension of $30 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out all after the word "roll" and all of lines 5, 6, and 7 and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Burwell Hinchman, late of Company K, Eleventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Burwell Hinchman."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN H. MORRISON.

The next business was the bill (S. 173) granting an increase of pension to John H. Morrison.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Morrison, late first lieutenant Company D, Sixteenth Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JULIA A. GILPIN.

The next business was the bill (H. R. 10639) granting an increase of pension to Mrs. Julia A. Gilpin.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Julia A. Gilpin, widow of Charles Gilpin, late colonel of the Third Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments reported by the Committee on Invalid Pensions were read, as follows:

In line 6 strike out the word "Mrs.;" in the same line, before the word "colonel," insert the word "lieutenant."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Julia A. Gilpin."

Mr. STEELE. How is it that we are proposing to pension home guards at $30 a month?

Mr. GIBSON. The husband of this lady was a lieutenant-colonel of the Third Potomac Home Guard Maryland Volunteers, in the service of the United States. He served from September 8, 1862, to June 2, 1865.

Mr. STEELE. Was it home-guard service or service of the United States?

Mr. GIBSON. "Home Guard" is the name of the organization. This lady was married to this officer in 1848. She is a war widow. If his death were directly attributable to his Army service, she would be entitled to a pension of $30 a month. While the proof does not clearly show that the officer's death was attributable to Army service, we have given her the benefit of the doubt. She is a very old woman, and very poor.

The amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

REBECCA HARVEY.

The next business was the bill (S. 1984) granting a pension to Rebecca Harvey.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca Harvey, widow of Thomas Harvey, late of Company E, Fifth Regiment Delaware Volunteer Infantry, and second lieutenant Company E, Seventh Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ANNIS BEAN.

The next business was the bill (H. R. 8161) granting a pension to Annis Bean, mother of William H. Wood, late of Company F, Thirty-first Ohio Volunteer Infantry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Annis Bean, mother of William H. Wood, late of Company F, Thirty-first Regiment Ohio Volunteer Infantry, on the pension roll and to grant her a pension at the rate of $12 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Amend the title so as to read: "A bill granting a pension to Annis Bean."

In line 4, after the words "to place," insert "on the pension roll, subject to the provisions and limitations of the pension laws."

In line 6 strike out "on the pension roll."

In line 7 strike out "to grant" and insert "pay."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOSEPH CONNELL.

The next business was the bill (H. R. 8647) to place on the pension roll the name of Joseph Connell.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Joseph Connell, who served as a private in the war of the rebellion in Company I, First Regiment Artillery (Maine), and pay to him a pension, subject to the provisions and limitations of the pension laws.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Connell, late of Company I, First Regiment New York Volunteer Marine Artillery, and of the United States Marine Corps, and pay him a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Joseph Connell."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARTHA AGNEW.

The next business was the bill (S. 3134) granting a pension to Martha Agnew.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Agnew, widow of Elihu W. Agnew, late of Company M, Second Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

SARAH E. WALL.

The next business was the bill (H. R. 6623) granting a pension to Sarah E. Wall.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Sarah E. Wall, widow of John B. Wall, late of Company A, Third Pennsylvania Volunteer Artillery, and pay her a pension of $12 per month.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 4 strike out all after the word "place" and all of lines 5, 6, and 7 and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Wall, widow of John B. Wall, late of Company A, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $8 per month."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

FRANKLIN COOLEY.

The next business was the bill (S. 476) granting a pension to Franklin Cooley.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin Cooley, late surgeon of the Fourteenth Missouri Home Guards, and acting assistant surgeon in the United States volunteer service, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

HUGH THOMPSON.

The next business was the bill (H. R. 5441) granting a pension to Hugh Thompson, Company H, Fifteenth Ohio Volunteer Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of Hugh Thompson, late private, Company H, Fifteenth Ohio Volunteer Infantry, and pay him a pension of $36 per month in lieu of that he now receives.

The committee recommended the adoption of the following amendments:

Strike out all of lines 5, 6, 7, and 8 and insert in lieu thereof the following: "the provisions and limitations of the pension laws, the name of Hugh Thompson, late of Company H, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Hugh Thompson."

The amendments were agreed to; and the bill as amended was laid aside to be reported favorably.

EMMA R. RUSLING.

The next business was the bill (S. 1924) granting a pension to Emma R. Rusling.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of pension laws, the name of Emma R. Rusling, widow of William J. Rusling, late first lieutenant Company I, Fifth Regiment New Jersey Infantry, and pay her a pension at the rate of $17 per month.

The bill was laid aside to be reported favorably.

GEORGE W. PLANTS.

The next business was the bill (H. R. 3956) granting an increase of pension to George W. Plants.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws of the United States, the name of George W. Plants, late of Company F, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of the amount he is now receiving.

The committee recommended the adoption of the following amendments:

In line 5, after the word "laws," strike out the words "of the."

In line 6 strike out the words "United States."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In line 9 strike out the words "the amount" and insert in lieu thereof the word "that."

Amend the title so as to read: "A bill granting an increase of pension to George W. Plants."

The amendments were agreed to, and the bill as amended was laid aside to be reported favorably.

MARY J. QUINN.

The next business was the bill (S. 3356) granting a pension to Mary J. Quinn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Quinn, widow of Francis J. Quinn, late of Company G, Fifth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was laid aside to be reported favorably.

MARIA N. FLINT.

The next business was the bill (H. R. 4068) granting an increase of pension to Maria N. Flint.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria N. Flint, widow of the late General Franklin F. Flint, late colonel commanding the Fourth United States Infantry, and pay her the sum of $30 per month in lieu of the pension of $8 per month which she now receives.

The committee recommended the adoption of the following amendments:

In line 6 strike out the words "the late General."

In line 7 strike out the words "commanding the;" in the same line, after the word "Fourth," insert the word "Regiment."

In line 8 strike out the words "the sum" and insert in lieu thereof the words "a pension at the rate;" in the same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In line 9 strike out the words "the pension of $8 per month which she now."

In line 10 strike out the word "receives" and insert in lieu thereof the words "that she is now receiving."

The amendments were agreed to.

The bill as amended was laid aside to be reported favorably.

MELANCTHON M'COY.

The next business was the bill (S. 3099) granting an increase of pension to Melancthon McCoy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melancthon McCoy, late of Company K, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was laid aside to be reported favorably.

CATHERINE A. M'CLANATHAN.

The next business was the bill (H. R. 9785) granting a pension to Catherine A. McClenathan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine A. McClenathan, widow of William P. Cox, late of Company L, Sixth Ohio Cavalry, and pay her a pension at the rate of $12 per month.

The committee recommended the adoption of the following amendments:

In line 6 strike out the word "McClenathan" and insert in lieu thereof the word "McClanathan;" in the same line, before the word "widow," insert the words "formerly the."

In line 7, before the word "Ohio," insert the word "Regiment;" in the same line, before the word "Cavalry," insert the word "Volunteer."

Amend the title so as to read: "A bill granting a pension to Catherine A. McClanathan."

The amendments were agreed to; and the bill as amended was laid aside to be reported favorably.

NELLIE L. GROSHON.

The next business was the bill (S. 712) granting a pension to Nellie L. Groshon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nellie L. Groshon, widow of Thomas C. Groshon, late captain Company G, First Regiment Mississippi Marine Brigade, and pay her a pension at the rate of $15 per month.

The bill was laid aside to be reported favorably.

JAMES W. RUSSELL.

The next business was the bill (H. R. 11187) granting a pension to James W. Russell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Russell, late chaplain, Thirteenth United States Colored Troops and Company I, Eighty-third Illinois Volunteer Infantry, and pay him a pension at the rate of $72 per month.

The committee recommended the adoption of the following amendments:

In line 6, after the word "Thirteenth," insert the word "Regiment."

In line 7 strike out the word "Troops," and insert in lieu thereof the words "Volunteer Infantry." In the same line, and in line 8, strike out the words "and Company I, Eighty-third Illinois Volunteer Infantry."

In lines 8 and 9 strike out the words "seventy-two," and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was laid aside to be reported favorably.

CATHARINE WEINHEIMER.

The next business was the bill (S. 3436) granting a pension to Catharine Weinheimer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine Weinheimer, widow of Melchior Weinheimer, late of Company I, First Regiment United States Reserve Corps Missouri Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Caroline Weinheimer, invalid and dependent child of said Melchior Weinheimer, the additional pension herein granted shall cease and determine.

The committee recommended the adoption of the following amendment:

In line 10 strike out all after the word "receiving" and all of lines 1, 2, and 3 of page 2 and insert in lieu thereof the following: "*Provided, however*, That in the case of the death of the helpless and dependent child, Caroline Weinheimer, on whose account the pension of Catharine Weinheimer is increased, the pension of said Catharine Weinheimer shall continue only at the rate of $12 per month from and after the date of death of said helpless and dependent child."

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably.

DELIA E. STILLMAN.

The next business was the bill (H. R. 11096) granting an increase of pension to Delia E. Stillman.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Delia E. Stillman, widow of James Henry Stillman, late a private in Company C, Eleventh Regiment United States Infantry, and Company A, Twenty-third Regiment Massachusetts Infantry, and pay her a pension at the rate of $22 per month in lieu of that she is now receiving: *Provided, however*, That in the case of the death of the helpless and dependent child, Ralph W. Stillman, on whose account the pension of Delia E. Stillman is increased, the pension of said Delia E. Stillman shall continue only at the rate of $8 per month and $2 per month for the minor child, Gertrude Choate Stillman, now on the roll, from and after the date of death of said helpless and dependent child.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 7 strike out the words "a private in" and insert in lieu thereof the word "of."

In line 9, before the word "Infantry," insert the word "Volunteer."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

THOMAS WHITE.

The next business was the bill (H. R. 10785) granting a pension to Thomas White.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas White, late a sergeant in Company F, Ninetieth Regiment Illinois Volunteer Infantry, and a member of the Signal Corps, and pay him a pension of $30 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out the word "a;" in the same line strike out the word "in" and insert in lieu thereof the word "of."

In line 7 strike out the words "a member."

In line 8, after the word "Corps," insert "United States Army;" in the same line, after the word "pension," insert the words "at the rate;" in the same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

HENRY F. RICE.

The next business was the bill (H. R. 9570) granting an increase of pension to Henry F. Rice.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry F. Rice, late first lieutenant of Company B, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 6 strike out the word "of."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE A. WINSLOW.

The next business was the bill (H. R. 4204) to correct the military record of George A Winslow.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to set aside the findings of the court-martial and revoke the order entered against George A. Winslow, late lieutenant, Company M, Third Arkansas Cavalry Volunteers, and to issue to him a certificate of honorable discharge dated from the 9th day of May, 1865; and the said Winslow shall hereafter be held and considered to have been honorably discharged from the military service of the United States on said date: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. GIBSON. I move that the committee do now rise.

LOUIS HEBEL.

Mr. MIERS of Indiana. Mr. Chairman, the gentleman from Tennessee is about to move that the committee do now rise. Before that is done I should like to call the attention of the committee to Calendar No. 1251 (H. R. 11552), granting an increase of pension to Louis Hebel. This is a bill introduced by the gentleman from Illinois [Mr. BOUTELL]. The case presents a very pitiable condition. This man is Mr. BOUTELL'S close neighbor. It is very evident that the bill can not be reached in its regular order today. It will cause no one any inconvenience, as we are about to rise anyway. I ask unanimous consent that the bill be considered before the committee rises.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to take up Calendar No. 1251. Is there objection?

There was no objection.

The bill (H. R. 11552) granting an increase of pension to Louis Hebel was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name Louis Hebel, late of Company

E, One hundred and eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The following amendment was read:

In line 8 strike out "twenty-four" and insert "twelve."

Mr. MIERS of Indiana. I hope that amendment will not be carried. If necessary, a statement can be made by the gentleman from Illinois [Mr. BOUTELL] showing why it should not be carried. The evidence that has come to me lately makes it very plain that the man ought to have $24 a month instead of $12. So I hope the amendment will be voted down without taking the time of the House.

The amendment was rejected.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. GIBSON. Mr. Chairman, I move now that the committee rise and report to the House the several bills as to which there has been a favorable recommendation, some with and some without amendments, and that the bills do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole on the Private Calendar, reported that that committee had had under consideration sundry private bills and had directed him to report the same back to the House, some with and some without amendments, and with a favorable recommendation.

Mr. GIBSON. I move the previous question on each and all the several bills and amendments to their final passage.

The SPEAKER. The gentleman from Tennessee moves the previous question on each and all the bills and amendments to final passage. This motion will have to be put by unanimous consent. Is there objection to the motion?

There was no objection.

The motion was agreed to.

The following House bills, reported from the Committee of the Whole without amendment, were severally considered, ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 11159. A bill granting a pension to John W. Phillips;

H. R. 2472. A bill to correct the military record of John H. Finfrock;

H. R. 11228. A bill granting an increase of pension to Smith Thompson;

H. R. 11211. A bill granting a pension to Thomas Clark;

H. R. 11158. A bill granting a pension to Thomas Palmatary;

H. R. 10089. A bill granting an increase of pension to Charles Forbes;

H. R. 8191. A bill granting an increase of pension to Adam Bieger; and

H. R. 4204. A bill to correct the military record of George A. Winslow.

The following House bills, with amendments, favorably reported from the Committee of the Whole, were severally considered, the amendments agreed to, the bills as amended ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed.

H. R. 6676. A bill for the relief of Edward G. Garner, Company E, One hundred and twenty-eighth New York Volunteer Infantry;

H. R. 10784. A bill granting an increase of pension to Oliva J. Baker;

H. R. 8535. A bill granting an increase of pension to Andrew E. Dunham;

H. R. 5643. A bill granting a pension to Elizabeth Beesley;

H. R. 10725. A bill granting a pension to Mae Pearman;

H. R. 4356. A bill granting an increase of pension to Henry G. Bigelow;

H. R. 3609. A bill to grant pension to Agnes B. Hoffman, as widow of William G. Hoffman, late first lieutenant, Third United States Cavalry;

H. R. 8263. A bill to pension Lula M. Jones (title amended);

H. R. 1600. A bill granting a pension to Lucy B. Bryson (title amended);

H. R. 8297. A bill granting an increase of pension to Albert Buck (title amended);

H. R. 9266. A bill granting an increase of pension to James H. Caldwell (title amended);

H. R. 8027. A bill to pension William R. Miller (title amended);

H. R. 4080. A bill granting a pension to James E. Arvin, Teresa Arvin, and Anna Arvin;

H. R. 1845. A bill granting pensions to William Allen and Isaac Garman;

H. R. 2472. A bill to correct the military record of John H. Finfrock;

H. R. 3047. A bill to remove the charge of desertion from the military record of John Faulds, Company G, Thirty-first Wisconsin Infantry;

H. R. 2204. A bill for the relief of William O. Eagle;

H. R. 10472. A bill granting an increase of pension to Frank Blair;

H. R. 10892. A bill to increase the pension of Mrs. Phebe Tate (title amended);

H. R. 5085. A bill granting a pension to Patrick H. Hurley (title amended);

H. R. 10183. A bill granting an increase of pension to Robert A. Reid;

H. R. 7745. A bill granting a pension to Lucinda Miller;

H. R. 10570. A bill granting a pension to John Kinsie (title amended);

H. R. 3491. A bill granting a pension to Melvina Greenawalt, widow of Abraham Greenawalt (title amended);

H. R. 3658. A bill granting a pension to Catherine Broughton, dependent mother (title amended);

H. R. 4199. A bill granting an increase of pension to Gabriel M. Funk;

H. R. 154. A bill to increase the pension of Benjamin F. Schott (title amended);

H. R. 3133. A bill for the relief of Edward Hounson, of Glenwood, Mo. (title amended);

H. R. 9269. A bill to pension Miss Olie Heaton, dependent daughter (title amended);

H. R. 3660. A bill granting a pension to Franklin I. Gilbert (title amended);

H. R. 4231. A bill to grant a pension to Michael Ryan, alias Kennedy, Company F, One hundred and eighty-seventh New York Infantry (title amended);

H. R. 7495. A bill granting an increase of pension to Richard Holloway;

H. R. 9981. A bill granting an increase of pension to Joseph Zimmerman;

H. R. 11198. A bill granting an increase of pension to Gorton Brown;

H. R. 4887. A bill to increase pension of David R. Ellis;

H. R. 7912. A bill granting a pension to Harriet A. Wilson, widow of Col. Lewis Wilson (title amended);

H. R. 4130. A bill granting a pension to Mrs. Mary Clark, widow of Calvin D. Clark, late of the One hundred and fifth Pennsylvania Volunteers (title amended);

H. R. 3705. A bill granting a pension to Almeda Brown;

H. R. 7203. A bill granting a pension to Thomas F. Walter;

H. R. 8273. A bill granting a pension to Sarah S. Hammond (title amended);

H. R. 6043. A bill to increase the pension of John C. Shenermen, Company C, Ninth Regiment, and Company A, Eleventh Regiment, Pennsylvania Volunteers (title amended);

H. R. 7040. A bill granting a pension to Laura Newman;

H. R. 4633. A bill for the relief of John Calvin Lane (title amended);

H. R. 5189. A bill granting an increase of pension to Alexander Boltin, of Kearney, in the State of Nebraska (title amended);

H. R. 11516. A bill granting an increase of pension to Samuel Ryan;

H. R. 8942. A bill granting an increase of pension to Michael Howlett;

H. R. 9023. A bill granting an increase of pension to Mrs. Mary Dobyns (title amended);

H. R. 9370. A bill granting a pension to Lewis M. Starring, of Rhea County, Tenn. (title amended);

H. R. 10333. A bill granting a pension to Sophie Barrett, of Clearfield, Pa. (title amended);

H. R. 11057. A bill granting an increase of pension to Leonhart Miller, Company G, Twenty-third Kentucky Volunteer Infantry (title amended);

H. R. 10945. A bill granting a pension to William T. Wyant, Danville, Pa. (title amended);

H. R. 11603. A bill granting an increase of pension to Sarah A. Dininny;

H. R. 4143. A bill granting a pension to Laura V. Swearer;

H. R. 8418. A bill for additional pension to William H. Gibbs, of Hinds County, Miss. (title amended);

H. R. 3636. A bill granting an increase of pension to George A. Libby;

H. R. 2692. A bill granting a pension to Abbie L. Godfrey (title amended);

H. R. 9840. A bill to increase the pension of William Snider (title amended);

H. R. 2656. A bill for the relief of John H. Gardner (title amended);

H. R. 4516. A bill granting a pension to Burwell Hinchman (title amended);

H. R. 10639. A bill granting an increase of pension to Mrs. Julia A. Gilpin (title amended);

H. R. 8161. A bill granting a pension to Annis Bean, mother of

William H. Wood, late of Company F, Thirty-first Ohio Volunteer Infantry (title amended);

H. R. 8647. A bill to place on the pension roll the name of Joseph Connell (title amended);

H. R. 6623. A bill granting a pension to Sarah E. Wall;

H. R. 5441. A bill granting a pension to Hugh Thompson, Company H, Fifteenth Ohio Volunteer Infantry (title amended);

H. R. 3956. A bill granting on increase of pension to George W. Plants, of Geneva, Nebr. (title amended);

H. R. 4068. A bill granting an increase of pension to Maria N. Flint;

H. R. 9785. A bill granting a pension to Catherine A. McClenathan (title amended);

H. R. 11187. A bill granting a pension to James W. Russell;

H. R. 11096. A bill granting an increase of pension to Delia E. Stillman;

H. R. 10785. A bill granting a pension to Thomas White;

H. R. 9570. A bill granting an increase of pension to Henry F. Rice; and

H. R. 11552. A bill granting an increase of pension to Louis Hebel.

The following Senate bills, without amendment, favorably reported from the Committee of the Whole, were severally considered, ordered to a third reading, read a third time, and passed:

S. 2462. An act granting an increase of pension to Emma L. Du Bois;

S. 1226. An act granting an increase of pension to George G. Kemp;

S. 3306. An act granting an increase of pension to Lucinda D. Dow;

S. 244. An act granting a pension to Mary Jane McLaughlin;

S. 2831. An act granting an increase of pension to Ermine D. Cabbell;

S. 2218. An act granting a pension to Mary R. Dean;

S. 3880. An act granting an increase of pension to Clara E. Colbath;

S. 2152. An act granting a pension to Olive W. Lay;

S. 2985. An act granting a pension to John Erb;

S. 1347. An act granting an increase of pension to Marie Sharpe;

S. 2557. An act granting a pension to Josephine Brown;

S. 3235. An act granting a pension to Andrew Ferguson;

S. 3049. An act granting an increase of pension to Mary V. Wilmarth;

S. 2190. An act granting a pension to Emma J. Bidwell;

S. 2774. An act granting an increase of pension to John H. Wilcox;

S. 4256. An act granting a pension to James H. Thomas;

S. 3536. An act restoring to the pension roll the name of Mary J. Calvin;

S. 1599. An act granting an increase of pension to Cornwell M. Brill;

S. 2830. An act granting a pension to Ailsie Bennett;

S. 1876. An act granting an increase of pension to John J. Wilson;

S. 3466. An act granting an increase of pension to John F. Hutchison;

S. 3470. An act granting a pension to Rosalia Tejidor Brinckerhoff;

S. 218. An act granting an increase of pension to Sarah E. Tate;

S. 3505. An act granting an increase of pension to Edwin Culver;

S. 2540. An act granting an increase of pension to Byron Kurtz;

S. 2543. An act granting an increase of pension to Edward A. Parmlee;

S. 3127. An act granting an increase of pension to Maj. A. Northrop;

S. 1348. An act granting an increase of pension to Eliza M. Stillman;

S. 751. An act granting an increase of pension to Mathew T. Jones;

S. 2386. An act granting a pension to Joseph E. Hendrickson;

S. 2159. An act granting an increase of pension to Ernst Pitschner;

S. 1245. An act granting a pension to Oliver Domon;

S. 2217. An act granting a pension to Louise O'Leary;

S. 4688. An act granting an increase of pension to James Childs;

S. 262. An act granting an increase of pension to Charles H. Irvin;

S. 3056. An act granting an increase of pension to Giles W. Taylor;

S. 173. An act granting an increase of pension to John H. Morrison;

S. 1984. An act granting a pension to Rebecca Harvey;

S. 3134. An act granting a pension to Martha Agnew;

S. 476. An act granting a pension to Franklin Cooley;

S. 1924. An act granting a pension to Emma R. Rusling;

S. 3356. An act granting a pension to Mary J. Quinn;

S. 3099. An act granting an increase of pension to Melancthon McCoy;

S. 712. An act granting a pension to Nellie L. Groshon; and

S. 3436. An act granting a pension to Catharine Weinheimer.

The following Senate bills, reported favorably from the Committee of the Whole, were severally considered, the amendments recommended by the Committee of the Whole agreed to, the bills ordered to a third reading, read a third time, and passed:

S. 92. An act granting a pension to William M. Ferry; and

S. 4184. An act granting an increase of pension to Evelyn Neale Murray.

On motion of Mr. GIBSON, a motion to reconsider the votes by which the several bills were passed was laid on the table.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1761. An act granting a pension to Girard Welch—to the Committee on Invalid Pensions.

S. 4440. An act granting an increase of pension to Charles Stewart—to the Committee on Invalid Pensions.

S. 1195. An act granting a pension to Mary J. Kramer—to the Committee on Pensions.

S. 2907. An act granting a pension to Henrietta Parrott—to the Committee on Invalid Pensions.

S. 3501. An act granting an increase of pension to Kate Harbaugh—to the Committee on Invalid Pensions.

S. 2624. An act granting a pension to Mary M. Kean—to the Committee on Invalid Pensions.

S. 4734. An act granting a pension to Mary A. O'Brien—to the Committee on Invalid Pensions.

S. 3070. An act granting a pension to Margaret J. Verbiskey—to the Committee on Pensions.

S. 2037. An act granting an increase of pension to George F. Burrage—to the Committee on Invalid Pensions.

S. 4859. An act granting an increase of pension to Emily A. Wentworth—to the Committee on Invalid Pensions.

S. 4834. An act granting a pension to Otto Haltnorth—to the Committee on Invalid Pensions.

S. 3758. An act granting an increase of pension to William I. Miller—to the Committee on Invalid Pensions.

ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 9043. An act granting an increase of pension to David S. Snyder.

CHARLES A. BOUTELLE.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk.

House joint resolution 277, to appoint Charles A. Boutelle a captain on the retired list of the Navy, was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint upon the retired list of the Navy, with the rank of captain, Charles A. Boutelle, formerly a volunteer lieutenant on the active list of the Navy.

The SPEAKER. Is there objection to the present consideration of the joint resolution? The Chair hears none.

Mr. JETT. Mr. Speaker, I am of opinion that this measure ought to be considered in a full House. I am not desirous of objecting, but I would like to ask my friend from Maine to let this matter go over and be considered some time in a full House. This is in a manner a deviation, I suppose. So far as I am informed, at least, there has been no legislation of this character heretofore, and for that reason I believe the matter ought to be considered in a full House.

Mr. LITTLEFIELD. I will state for the information of the gentleman from Illinois that while there are no cases precisely parallel in every particular with this, there are at least eight precedents for practically similar action, none of which, I apprehend, will be considered, perhaps, as meritorious as this. The friends of Mr. BOUTELLE are very anxious to have the matter passed upon as speedily as possible. Of course there are other complications involved in the matter which perhaps will very readily be understood. For that reason I have been requested to call it up several times before, but this is the first opportunity I have had.

Mr. JETT. Do you say there are precedents similar to this?

Mr. LITTLEFIELD. There are at least eight instances in which men have been placed upon the retired list of the Navy by special acts of Congress. There is no instance where a man so placed on the retired list of the Navy performed the public service

that Captain BOUTELLE did in addition to his service performed while in the Navy, so that the precedents are not in line with this case to a certain extent; they are not precedents so far as the circumstances are concerned.

Mr. JETT. I was not desirous of making objection. I know something about the circumstances.

Mr. JAMES R. WILLIAMS. I would like to inquire if Mr. BOUTELLE was reelected to the next Congress?

Mr. LITTLEFIELD. Yes; but there is no question but that it will be absolutely impossible for him to serve. His physical condition has changed in some degree, and the conditions have changed somewhat from the time when he was elected.

Mr. JAMES R. WILLIAMS. He is still a member of the present Congress?

Mr. LITTLEFIELD. Yes; he is.

Mr. JAMES R. WILLIAMS. And he is reelected to the next Congress?

Mr. LITTLEFIELD. But he will undoubtedly resign as a member of the next Congress.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman will allow me a moment, before the request for unanimous consent is put, I desire to state that, having served here with Mr. BOUTELLE, and knowing his estimable character, I would dislike to interfere with the passage of the bill by making an objection, but I do not believe it is right in principle. I believe it is the beginning of a civil-service pension list, although he goes on the retired list of the Navy, instead of the civil service.

As there is no opportunity for a roll call to-night without developing the fact that there is no quorum here, and therefore defeating the passage of the gentleman's bill, I merely want to take this time to say that I am opposed to the bill and expect to vote against it, so that the record when the gentleman brings it up may show that individually at least I was opposed to the passage of the bill. I do not wish to interfere with the business of the House.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the amendment striking out the preamble.

The amendment was agreed to.

The joint resolution as amended was passed.

The amendment to the title was agreed to.

On motion of Mr. LITTLEFIELD, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

G. W. CLARK & SON.

By unanimous consent, Mr. BARTLETT obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of G. W. Clark & Son, Fifty-fifth Congress, no adverse report having been made thereon.

CITY OF MACON.

By unanimous consent, Mr. BARTLETT obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of the city of Macon, Fifty-sixth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GAMBLE, indefinitely, on account of important business.

To Mr. TALBERT, indefinitely, on account of sickness.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation under the Bureau of Yards and Docks—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for pay of a director of physical training at Annapolis, Md.—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner-General of Immigration submitting an estimate of appropriation for enforcement of the Chinese exclusion acts—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior relating to reappropriation of certain sums appropriated for expenses of the celebration of the one hundredth anniversary of the establishment of the seat of government in the District of Columbia—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. TERRY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12395) to provide for the holding of the circuit and district courts of the United States for the eastern district of Arizona, reported the same with an amendment, accompanied by a report (No. 2031); which said bill and report were referred to the House Calendar.

Mr. HEPBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 5053) to amend an act authorizing the construction of the bridge across the Mississippi River at Dubuque, Iowa, approved March 6, 1900, reported the same without amendment, accompanied by a report (No. 2032); which said bill and report were referred to the House Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 12846) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902, reported the same, accompanied by a report (No. 2035); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PEARRE, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 2329) to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes, reported the same with amendments, accompanied by a report (No. 2036); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1923) for the relief of Henry Lane, reported the same without amendment, accompanied by a report (No. 2033); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 3608) for the relief of the heirs of Benjamin Crump, of Culpeper County, Va.—Committee on War Claims discharged, and referred to the Committee on Private Land Claims.

A bill (H. R. 12812) for the relief of W. H. Reynolds—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CANNON, from the Committee on Appropriations: A bill (H. R. 12838) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for other purposes—passed House.

By Mr. TERRY: A bill (H. R. 12839) for the erection of a Federal jail at Little Rock, Ark.—to the Committee on the Judiciary.

By Mr. HILL: A bill (H. R. 12840) to provide for the purchase of a site and the erection of a public building thereon at Torrington, in the State of Connecticut—to the Committee on Public Buildings and Grounds.

By Mr. RAY of New York: A bill (H. R. 12841) for the suppression of train robbery in the Territories of the United States and elsewhere, and for other purposes—to the Committee on the Judiciary.

By Mr. FLYNN: A bill (H. R. 12842) to create separate supreme and district courts for the Territory of Oklahoma, and so forth—to the Committee on the Judiciary.

By Mr. RAY of New York: A bill (H. R. 12843) prescribing the qualifications, pay, and manner of selecting juries in the district courts of the Territory of New Mexico held for the trial of causes arising under the Constitution and laws of the United States—to the Committee on the Judiciary.

By Mr. NEWLANDS: A bill (H. R. 12844) for the disposition and settlement of arid lands, and for the construction of reservoirs and necessary hydraulic works for the storage of water on and near the Humboldt River, Nevada—to the Committee on Irrigation of Arid Lands.

By Mr. MORGAN: A bill (H. R. 12845) to provide for the purchase of a site and the erection of a public building thereon at Ironton, in the State of Ohio—to the Committee on Public Buildings and Grounds.

By Mr. HULL, from the Committee on Military Affairs: A bill (H. R. 12846) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902—to the Union Calendar.

By Mr. BINGHAM: A bill (H. R. 12847) for the recognition of the military service of noncommissioned officers and enlisted men of the United States Volunteers as commissioned officers in certain State military organizations—to the Committee on Military Affairs.

By Mr. FLYNN: A bill (H. R. 12848) granting mining privileges on Indian reservations—to the Committee on Indian Affairs.

By Mr. JONES of Washington: A bill (H. R. 12849) providing for free homesteads on the public lands for actual and bona fide settlers in the north one-half of the Colville Indian Reservation, State of Washington, and reserving the public lands for that purpose—to the Committee on the Public Lands.

By Mr. PRINCE: A joint resolution (H. J. Res. 284) providing for remodeling the Hall of the House of Representatives, and for other purposes—to the Committee on Ventilation and Acoustics.

By Mr. HENRY of Connecticut: A joint resolution (H. J. Res. 285) providing for the printing, annually, of the Report on Field Operations of the Division of Soils, Department of Agriculture—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Mississippi: A bill (H. R. 12850) for the relief of the estate of W. F. Young—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 12851) for the relief of George W. Webster—to the Committee on War Claims.

By Mr. BENTON: A bill (H. R. 12852) granting a pension to Thomas J. Gibbs—to the Committee on Pensions.

Also, a bill (H. R. 12853) granting a pension to William R. Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12854) granting an increase of pension to N. C. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12855) granting an increase of pension to D. T. Bruck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12856) granting a pension to William T. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12857) granting a pension to D. J. Reavis—to the Committee on Invalid Pensions.

By Mr. BOUTELL of Illinois: A bill (H. R. 12858) to remove the charge of desertion against and complete the military record of Richard P. Gardner—to the Committee on Military Affairs.

By Mr. BUTLER: A bill (H. R. 12859) granting an increase of pension to James Morris—to the Committee on Invalid Pensions.

By Mr. BURKETT (by request): A bill (H. R. 12860) for the relief of Isaiah Lightner, W. H. Winterbottom, and Gustave Mollin—to the Committee on Claims.

By Mr. BRICK: A bill (H. R. 12861) for the relief of Charles B. Bentley—to the Committee on Claims.

Also, a bill (H. R. 12862) granting a pension to Harriet Snyder—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 12863) for the relief of the heirs of Henry Ware—to the Committee on Claims.

Also, a bill (H. R. 12864) for the relief of Florence A. Brown—to the Committee on War Claims.

By Mr. CALDWELL: A bill (H. R. 12865) for the relief of Benjamin J. Kilbourn—to the Committee on War Claims.

Also, a bill (H. R. 12866) to remove the charge of desertion from the record of Dan B. Stone—to the Committee on Military Affairs.

By Mr. DALZELL: A bill (H. R. 12867) granting a pension to Margaret M. Armor—to the Committee on Invalid Pensions.

By Mr. DENNY: A bill (H. R. 12868) granting a pension to William Bieber—to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 12869) granting an increase of pension to John A. Tucker—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 12870) granting a pension to Vianna R. Huston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12871) granting a pension to William R. Duval—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 12872) granting a pension to Josie Riggs—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 12873) granting an increase of pension to Christian May—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12874) granting an increase of pension to Benjamin Zane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12875) granting an increase of pension to Samuel M. Hines—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 12876) granting a pension to Henry C. Edmiston—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 12877) granting a pension to John J. Stingle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12878) granting an increase of pension to Owen Devine—to the Committee on Invalid Pensions.

By Mr. KNOX: A bill (H. R. 12879) to correct the military record of Matthew Hogan—to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 12880) for the relief of Samuel B. Horne—to the Committee on Military Affairs.

By Mr. RYAN of New York: A bill (H. R. 12881) granting a pension to Catherine Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12882) granting an increase of pension to George Stork—to the Committee on Invalid Pensions.

By Mr. RYAN of Pennsylvania: A bill (H. R. 12883) granting an increase of pension to Condy Menalis—to the Committee on Invalid Pensions.

By Mr. STEWART of New York: A bill (H. R. 12884) granting a pension to Margaret A. Weaver—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 12885) for the relief of H. A. Wilson—to the Committee on Claims.

Also (by request), a bill (H. R. 12886) for the relief of David K. Maxwell—to the Committee on War Claims.

By Mr. VREELAND: A bill (H. R. 12887) to grant relief to Francis A. Bliss—to the Committee on War Claims.

By Mr. WATERS: A bill (H. R. 12888) to remove the charge of desertion now standing against Phillip Hahn—to the Committee on Military Affairs.

Also, a bill (H. R. 12889) to remove the charge of desertion now standing against the name of John Maybohm—to the Committee on Military Affairs.

Also, a bill (H. R. 12890) granting an increase of pension to H. L. Carpenter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12891) granting an increase of pension to Austin P. Melton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12892) for the relief of Mrs. Louise E. Ord—to the Committee on Claims.

By Mr. RAY of New York: A bill (H. R. 12893) granting a pension to Mary E. Harris—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 12894) to correct military record of Capt. S. W. Baird—to the Committee on Military Affairs.

By Mr. SALMON: A bill (H. R. 12895) for the relief of John Comly—to the Committee on Patents.

By Mr. WANGER: A bill (H. R. 12896) granting a pension to Penrose Wiley Reagan—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolutions of the Methodist Episcopal Church of Eden, N. Y., in favor of provision to prohibit the importation of intoxicating liquors into countries chiefly inhabited by native races—to the Committee on Insular Affairs.

By Mr. BENTON: Papers to accompany House bill for the relief of William T. Martin—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: Petition of William K. McClure, one of the heirs of Mitchell McClure and Barshela McClure, deceased, late of Knox County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BULL: Petition of the Methodist Church of Portsmouth, R. I., against island saloons and canteens—to the Committee on Military Affairs.

My Mr. BURKETT: Papers in support of House bill for the relief of Solomon Delzell—to the Committee on Invalid Pensions.

By Mr. CALDWELL: Paper to accompany House bill to correct the military record of Dan B. Stone—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: Resolutions of Honey Creek (Wis.) Society of the Methodist Episcopal Church for the protection of native races in our islands against intoxicants and opium—to the Committee on Insular Affairs.

By Mr. DALZELL: Petition of sundry citizens of Pittsburg, Pa., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. ELLIOTT: Memorial of the Merchants' Exchange of Charleston, S. C., favoring the passage of House bill No. 1439, amending the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD of Massachusetts: Petition of the New England Drug Exchange for the repeal of the special tax on proprietary medicines, etc.—to the Committee on Ways and Means.

By Mr. HEPBURN: Petition of business men and resolutions of the Grocers' Association of Centerville, Iowa, against the establishment of the parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Quincy, Iowa, in relation to rural delivery—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the Presbyterian congregation of Russell, Iowa, and citizens of Sidney, Iowa, for the protection of native races in our islands against intoxicants and opium—to the Committee on Insular Affairs.

Also, petition of W. H. Parrish and others, favoring legislation giving blind soldiers of civil war a pension of $50 per month—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Henry C. Edmiston—to the Committee on Invalid Pensions.

By Mr. KNOX: Resolutions of the Woman's Christian Temperance Union of Lynnfield Center, Mass., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. MANN: Resolutions of the Chicago Bar Association, protesting against the organization of a third or middle judicial district in the State of Illinois—to the Committee on the Judiciary.

By Mr. OTJEN: Petition of the Chamber of Commerce of Milwaukee, Wis., relating to the reduction of the war revenue—to the Committee on Ways and Means.

Also, petition of Wisconsin State Federation of Women's Clubs, in favor of the forestry reserve and national park in Minnesota—to the Committee on the Public Lands.

By Mr. POWERS: Papers to accompany House bill No. 10727, granting a pension to Frances A. Wilkins—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of letter carriers of Indianapolis, Ind., asking for the passage of House bill No. 1051, for the relief of substitute letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL: Resolutions of Preston (Conn.) Christian Endeavor Society, for international action of Christian governments excluding intoxicants from domains inhabited by natives and uncivilized races—to the Committee on Foreign Affairs.

Also, resolutions of Thompsonville (Conn.) Board of Trade, favoring improvements in Connecticut River above Hartford—to the Committee on Rivers and Harbors.

By Mr. TERRY: Resolution of city council of Little Rock, Ark., tendering to the United States Government, out of the river front, property to be selected by the Government, a sufficient plot of ground on which to erect a United States jail—to the Committee on the Judiciary.

By Mr. UNDERWOOD: Petition of David Ketner Maxwell, of Tennessee, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. WATERS: Resolution of the board of directors of the Los Angeles Chamber of Commerce, favoring the extension of soil surveys in California—to the Committee on Agriculture.

By Mr. WEEKS: Petition of Roger Gorbutt and others, of Lexington and vicinity; also resolution of Agency for the Protection of Women and Children, Detroit, Mich., in favor of anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. WEYMOUTH: Papers to accompany House bill No. 12727, granting a pension to Nancy M. Guild—to the Committee on Invalid Pensions.

By Mr. WILSON of Idaho: Petition of the Woman's Christian Temperance Union of Middleton, Idaho, favoring House bill No. 8752, for the suppression of Army canteen—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of the Young People's Society of Christian Endeavor of McDowell Memorial Presbyterian Church, of Philadelphia, Pa., favoring uniform marriage and divorce laws and certain other measures—to the Committee on the Judiciary.

Also, petition of the First National Bank of Philadelphia, Pa., to reduce the war tax on bank capital and surplus—to the Committee on Ways and Means.

Also, petition of the Philadelphia Council of Jewish Women, urging Congress to provide necessary legislation for creation of national park in northern Minnesota—to the Committee on the Public Lands.

SENATE.

TUESDAY, *December 18, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILL SIGNED.

The PRESIDENT pro tempore announced his signature to the enrolled bill (H. R. 2955) providing for the resurvey of township No. 8 of range No. 30 west of the sixth principal meridian, in Frontier County, State of Nebraska; which had previously been signed on May 21, 1900, by the Speaker of the House of Representatives.

CENTENNIAL CELEBRATION AT WASHINGTON.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Interior, relative to the expenses incurred by the governors of the States and Territories in attending the anniversary celebration of the establishment of the seat of government in the District of Columbia.

The Chair calls the attention of the Senator from Maine to this communication. It relates to the question of the expenses of the governors of the several States coming to the centennial anniversary. That committee is still in existence?

Mr. HALE. There are some things in the way of settling these very questions on which the committee will have to meet, and I think the communication had better be sent to that committee.

The PRESIDENT pro tempore. Without objection, the communication will be referred to the Select Committee on the Centennial of the Establishment of the Seat of Government in Washington.

Mr. HALE subsequently said: On reflection, as the question relates to an item in the appropriation bill touching the centennial celebration, I ask that the reference be changed and that the communication go to the Committee on Appropriations.

The PRESIDENT pro tempore. Without objection, it will be so ordered. The Chair wishes that the Senator from Maine would read the communication when he has leisure.

Mr. HALE. I shall take occasion to do so very soon.

The PRESIDENT pro tempore. It may require legislation and not an appropriation.

DISPOSAL OF USELESS PAPERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Civil Service Commission, transmitting, pursuant to law, certain information relative to the accumulation of useless papers of no permanent value or historical interest, and requesting authority to destroy such papers from time to time in the future whenever they shall have been on the files of the commission at least five years; which was referred to the Committee on Civil Service and Retrenchment and ordered to be printed.

ELECTORAL VOTES OF PENNSYLVANIA AND GEORGIA.

The PRESIDENT pro tempore laid before the Senate two communications from the Secretary of State, transmitting certified copies of the final ascertainment of the electors for President and Vice-President appointed in the States of Pennsylvania and Georgia at the election held therein on the 6th day of November, 1900; which, with the accompanying papers, were ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 173) granting an increase of pension to John H. Morrison;

A bill (S. 218) granting an increase of pension to Sarah E. Tate;

A bill (S. 244) granting a pension to Mary Jane McLaughlin;

A bill (S. 262) granting an increase of pension to Charles H. Irvin;

A bill (S. 476) granting a pension to Franklin Cooley;

A bill (S. 712) granting a pension to Nellie L. Groshon;

A bill (S. 751) granting an increase of pension to Mathew T. Jones;

A bill (S. 1226) granting an increase of pension to George G. Kemp;

A bill (S. 1245) granting a pension to Oliver Domon;

A bill (S. 1347) granting an increase of pension to Marie Sharpe;

A bill (S. 1348) granting an increase of pension to Eliza M. Stillman;

A bill (S. 1599) granting an increase of pension to Cornwell M. Brill;

A bill (S. 1876) granting an increase of pension to John J. Wilson;

A bill (S. 1924) granting a pension to Emma R. Rusling;

A bill (S. 1984) granting a pension to Rebecca Harvey;

A bill (S. 2152) granting a pension to Olive W. Lay;
A bill (S. 2159) granting an increase of pension to Ernst Pitschner;
A bill (S. 2190) granting a pension to Emma J. Bidwell;
A bill (S. 2217) granting a pension to Louise O'Leary;
A bill (S. 2218) granting a pension to Mary R. Dean;
A bill (S. 2386) granting a pension to Joseph E. Hendrickson;
A bill (S. 2462) granting an increase of pension to Emma L. Du Bois;
A bill (S. 2540) granting an increase of pension to Byron Kurtz;
A bill (S. 2543) granting an increase of pension to Edward A. Parmalee;
A bill (S. 2557) granting a pension to Josephine Brown;
A bill (S. 2774) granting an increase of pension to John H. Wilcox;
A bill (S. 2830) granting a pension to Ailsie Bennett;
A bill (S. 2831) granting an increase of pension to Ermine D. Cabbell;
A bill (S. 2985) granting a pension to John Erb;
A bill (S. 3049) granting an increase of pension to Mary V. Wilmarth;
A bill (S. 3056) granting an increase of pension to Giles W. Taylor;
A bill (S. 3099) granting an increase of pension to Melancthon McCoy;
A bill (S. 3127) granting an increase of pension to Major A. Northrop;
A bill (S. 3134) granting a pension to Martha Agnew;
A bill (S. 3235) granting a pension to Andrew Ferguson;
A bill (S. 3306) granting an increase of pension to Lucinda D. Dow;
A bill (S. 3356) granting a pension to Mary J. Quinn;
A bill (S. 3466) granting an increase of pension to John F. Hutchison;
A bill (S. 3470) granting a pension to Rosalia Tejidor Brinckerhoff;
A bill (S. 3505) granting an increase of pension to Edwin Culver;
A bill (S. 3536) restoring to the pension roll the name of Mary J. Calvin;
A bill (S. 3880) granting an increase of pension to Clara E. Colbath;
A bill (S. 4256) granting a pension to James H. Thomas;
A bill (S. 4688) granting an increase of pension to James U. Childs; and
A bill (S. 5053) to amend an act authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa, approved March 6, 1900.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:
A bill (H. R. 1600) granting an increase of pension to Lucy B. Bryson;
A bill (H. R. 2204) for the relief of William O. Eagle;
A bill (H. R. 3491) granting a pension to Melvina Greenawalt;
A bill (H. R. 3609) granting a pension to Agnes B. Hoffman;
A bill (H. R. 4130) granting a pension to Mary Clark;
A bill (H. R. 4204) to correct the military record of George A. Winslow;
A bill (H. R. 4231) granting a pension to Michael Ryan, alias Kennedy;
A bill (H. R. 4516) granting an increase of pension to Burwell Hinchman;
A bill (H. R. 4887) granting an increase of pension to David R. Ellis;
A bill (H. R. 5085) granting an increase of pension to Patrick H. Hurley;
A bill (H. R. 5189) granting an increase of pension to Alexander Boltin;
A bill (H. R. 6043) granting an increase of pension to John C. Sheuerman;
A bill (H. R. 6676) for the relief of Edward G. Garner, Company E, One hundred and twenty-eighth New York Volunteer Infantry;
A bill (H. R. 8027) granting a pension to William R. Miller;
A bill (H. R. 8273) granting a pension to Sarah S. Hammond;
A bill (H. R. 9981) granting an increase of pension to Joseph Zimmerman;
A bill (H. R. 10472) granting an increase of pension to Frank Blair;
A bill (H. R. 10639) granting an increase of pension to Julia A. Gilpin;
A bill (H. R. 10785) granting a pension to Thomas White;
A bill (H. R. 11096) granting an increase of pension to Delia E. Stillman;
A bill (H. R. 11603) granting an increase of pension to Sarah A. Dininny; and
A bill (H. R. 12838) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:
A bill (S. 5076) to provide for the appointment of an additional district judge in the northern judicial district of the State of Ohio; and
A bill (H. R. 9043) granting an increase of pension to David S. Snyder.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented a petition of the Citizens' National Bank, the Old National Bank, the German Bank, and the First National Bank, all of Evansville, in the State of Indiana, praying for the repeal of the war-revenue tax on the capital and surplus of banks; which was referred to the Committee on Finance.

Mr. THURSTON presented a telegram, in the nature of a petition, from the Pastors' Association of Lincoln, Nebr., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was referred to the Committee on Military Affairs.

Mr. NELSON presented a memorial of sundry citizens of Hendrum, Minn., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry wholesale and retail grocery firms of Minnesota, praying for the repeal of the duty on tea; which was referred to the Committee on Finance.

He also presented a memorial of the Board of Trade and the Manufacturers and Jobbers' Association of Minneapolis, Minn., remonstrating against the adoption of certain amendments to the interstate-commerce bill; which was referred to the Committee on Interstate Commerce.

He also presented petitions of the congregations of the Methodist Episcopal Church of Wanger and the Presbyterian Church of Argyle; of the Woman's Christian Temperance Union of Argyle, and of 158 citizens of West Concord, all in the State of Minnesota, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

Mr. FORAKER presented sundry petitions of citizens of Porto Rico, praying that section 3 of the joint resolution to provide for the administration of civil affairs in Porto Rico pending the appointment and qualifications of the civil officers provided for in the act approved April 12, 1900, be amended so as to strike out the clause providing that all franchises, privileges, or concessions granted under section 32 of the act approved May 1, 1900, shall be subject to amendment, alteration, or repeal; which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of 70 citizens of Savannah, Ohio, and a petition of the congregation of the First Presbyterian Church of Wooster, Ohio, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the First Christian Church of Columbus, Ohio, and a petition of the congregation of the Fifth Avenue Methodist Episcopal Church, of Columbus, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

Mr. ALLEN presented a petition of sundry citizens of Omaha, Nebr., praying for the repeal of the duty on hides; which was referred to the Committee on Finance.

Mr. CULLOM presented a memorial of the Chicago Bar Association, of Chicago, Ill., remonstrating against the establishment of another judicial district in that State, and praying for the appointment of an additional district judge for the northern district of Illinois; which was referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance unions of Chicago and Laclede and of the congregation of the Methodist Episcopal Church of Harristown, all in the State of Illinois, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens and in all the island possessions of the United States; which were referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Champaign, Ill., and a petition of sundry citizens of Freeport, Ill., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. FRYE presented the memorial of Lewis F. Lux, of Rochester, N. Y., remonstrating against the enactment of legislation relative to the internal-revenue tax on fermented liquors; which was referred to the Committee on Finance.

He also presented petitions of the Woman's Christian Temperance Union of Phippsburg, Me.; of the Methodist Preachers' meeting of Portland, Oreg., and of the Methodist Episcopal Ministers' Association of Buffalo, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5192) granting an increase of pension to Richard O. Greenleaf;

A bill (S. 4876) granting an increase of pension to Mary A. Merritt;

A bill (H. R. 8207) granting a pension to Joseph Quinn;

A bill (H. R. 315) granting an increase of pension to Moses H. Taber; and

A bill (H. R. 10847) granting an increase of pension to Betsey A. Summers.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 5108) granting an increase of pension to Frances M. Reilly, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2621) granting an increase of pension to Charles Frye, reported it with an amendment, and submitted a report thereon.

He also (for Mr. PRITCHARD), from the same committee, to whom was referred the bill (S. 5093) granting an increase of pension to Charlotte W. Drew, reported it with amendments, and submitted a report thereon.

He also (for Mr. PRITCHARD), from the same committee, to whom was referred the bill (H. R. 10524) granting an increase of pension to Lewis H. Riden, reported it without amendment, and submitted a report thereon.

He also (for Mr. PRITCHARD), from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5039) granting an increase of pension to Lucie M. Mabry;

A bill (S. 1044) granting an increase of pension to Rachel M. Worley; and

A bill (S. 4575) granting an increase of pension to Thomas Claiborne.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (S. 8735) granting an increase of pension to Annie B. Sharrard, reported it without amendment, and submitted a report thereon.

Mr. DEBOE. I am directed by the Committee on Indian Depredations, to whom was referred the bill (H. R. 3204) to refer certain claims for Indian depredations to the Court of Claims, to report it without amendment and to submit a written report thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. It will be read in full to the Senate for its information

The Secretary proceeded to read the bill.

Mr. ALDRICH. For what purpose is the bill being read?

The PRESIDENT pro tempore. It is being read for the information of the Senate on the request of the Senator from Kentucky for consideration.

Mr. ALDRICH. I think it had better go over, in view of the pressure of public business.

The PRESIDENT pro tempore. Objection is made, and the bill goes to the Calendar.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the bill (H. R. 7600) granting an increase of pension to Charles Claussen, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7327) granting an increase of pension to Charles N. Paine, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2785) granting a pension to William H. Gardner, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3653) granting an increase of pension to Henry Smith; and

A bill (S. 3648) granting an increase of pension to Peter Shelt.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 10698) to amend an act amending the act entitled "An act to authorize the receipt of United States gold coin in exchange for gold bars," reported it without amendment.

Mr. KENNEY, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5005) granting an increase of pension to Frederick Vogel; and

A bill (S. 5128) granting an increase of pension to Benjamin R. Wiley.

Mr. KENNEY, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5126) granting a pension to John T. Tompson; and

A bill (S. 2319) granting an increase of pension to Charles C. Bunty.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (H. R. 6947) granting an increase of pension to Alonzo C. Rembaugh, reported it without amendment, and submitted a report thereon.

Mr. QUARLES, from the Committee on Pensions, to whom was referred the bill (H. R. 9108) granting a pension to Maria H. Hixon, reported it with amendments, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5139) granting an increase of pension to Jacob Hight; and

A bill (S. 4209) granting a pension to Mary Sanders.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5140) granting a pension to Mary C. Coombs;

A bill (H. R. 9176) granting a pension to Emily Haines Harrison;

A bill (H. R. 8218) granting a pension to Mary E. Lacey; and

A bill (H. R. 10778) granting an increase of pension to Martin V. B. Winkler.

Mr. KYLE, from the Committee on Pensions, to whom was referred the bill (S. 3264) granting an increase of pension to William J. Cannon, alias James Cannon, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3224) granting an increase of pension to Amos L. Hood; and

A bill (S. 1828) granting a pension to Emma T. Martin.

NORTON SCHERMERHORN.

Mr. KYLE. I am directed by the Committee on Pensions, to whom was referred the bill (S. 5036) granting an increase of pension to Norton Schermerhorn, to report it with an amendment. I ask, in consequence of the very critical condition of the ex-soldier, that the bill be acted upon at once.

The Secretary read the bill, which was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty."

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. SPOONER. I ask that the bill be read again.

The Secretary read the bill as amended, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Norton Schermerhorn, late of Company H, Thirty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRINTING FOR FINANCE COMMITTEE.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Finance be authorized to have printed and bound such papers and documents, for the use of said committee, as it may deem necessary in connection with subjects considered or to be considered by said committee during the Fifty-sixth Congress.

THE NICARAGUA CANAL.

Mr. MORGAN. In behalf of the Committee on Interoceanic Canals I present a supplemental report to accompany the bill (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, which I ask to have printed and laid on the table.

The PRESIDENT pro tempore. The supplemental report will be printed and laid on the table.

BILLS INTRODUCED.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5246) granting a pension to Hiram H. Kingsbury;
A bill (S. 5247) granting a pension to Peter O'Tool;
A bill (S. 5248) granting a pension to Charles C. Denio; and
A bill (S. 5249) granting a pension to William St. Martz.

Mr. HOAR introduced a bill (S. 5250) for the relief of the legal representatives of Jeremiah Simonson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FAIRBANKS introduced a bill (S. 5251) granting an increase of pension to Joseph Kibble; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5252) granting an increase of pension to Nimrod Headington; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURLEY introduced a bill (S. 5254) for the relief of John Rick; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 5255) granting a pension to Mary E. Saffold; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 5256) for the relief of Anna M. Mershon, administratrix of Daniel S. Mershon, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5257) granting a pension to John H. Doremus; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 5258) to allow the commutation of homestead entries in certain cases; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GALLINGER introduced a bill (S. 5259) granting an increase of pension to William Gordon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 5260) granting an increase of pension to Gardner P. Waterhouse; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 5261) in relation to official bonds; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MASON (by request) introduced a bill (S. 5262) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes; which was read twice by its title, and referred to the Committee on Manufactures.

ESTATE OF JOHN KERR, DECEASED.

Mr. TURLEY. At the last session of Congress I introduced the bill (S. 4247) for the relief of the estate of John Kerr, deceased, which was referred to the Committee on Claims. I ask that that committee be discharged from the further consideration of the bill and that it be indefinitely postponed, so that I may introduce a bill to take its place.

The PRESIDENT pro tempore. Without objection, the Committee on Claims will be discharged from the further consideration of the bill, and it will be indefinitely postponed.

Mr. TURLEY. I introduce a bill, for reference to the Committee on Claims, in place of the bill just indefinitely postponed.

The bill (S. 5253) for the relief of the estate of John Kerr, deceased, was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (S. 4300) to increase the efficiency of the military establishment of the United States; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. FORAKER submitted an amendment intended to be proposed by him to the bill (S. 1676) for the payment of certain claims; which was referred to the Committee on Claims, and ordered to be printed.

Mr. McBRIDE submitted an amendment intended to be proposed by him to the bill (S. 1676) for the payment of certain claims; which was referred to the Committee on Claims, and ordered to be printed.

MISSOURI HOME GUARDS.

On motion of Mr. COCKRELL, it was

Ordered, That 500 extra copies of Senate Report No. 23, Forty-ninth Congress, first session, be printed for the Senate document room.

PROGRESS REPORT ON IRRIGATION.

Mr. PERKINS submitted the following resolution; which, with the accompanying papers, was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate 1,000 copies of the Progress Report of Cooperative Investigation by the United States Geological Survey and the California Water and Forest Association during the year 1900.

TREATY WITH COLOMBIA.

Mr. TILLMAN. I ask unanimous consent for the immediate consideration of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the President be, and he is hereby, requested, if not in his judgment incompatible with the public interest, to furnish the Senate all information and copies of all correspondence between this Government and the Government of Colombia, showing the steps, if any, that have been taken by this Government to secure a treaty between the two Governments or a modification by Colombia of existing treaties or concessions with the view of securing to the United States the right to construct a canal over the territory of Colombia between the Atlantic and Pacific oceans.

Mr. LODGE. It seems to me that is executive business, and I move that the Senate now go into executive session.

Mr. GALLINGER. Pending the motion, I rise to make a request.

The PRESIDENT pro tempore. Does the Senator from Massachusetts withdraw his motion?

Mr. LODGE. I yield to the Senator from New Hampshire, and for formal business.

CONSIDERATION OF THE PENSION CALENDAR.

Mr. GALLINGER. Mr. President, I request that to-morrow morning, at the conclusion of the routine morning business, thirty minutes be devoted to the consideration of unobjected pension bills on the Calendar.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that to-morrow morning, after the completion of the routine morning business, thirty minutes be given to the consideration of unobjected pension cases. Is there objection? The Chair hears none, and it is so ordered.

STATUS OF TENNESSEE ENROLLED MILITIA.

Mr. TURLEY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to investigate the claims of the officers and enlisted men of the First, Second, Third, Fourth, Fifth, Sixth, and Seventh Regiments of the enrolled militia, which constituted a part of the garrison of Memphis and of the western district of Tennessee, for pay and other compensation while in the service of the United States as a part of its Army organization, and to report to the Senate by what authority these forces were organized, the approximate number of officers and enlisted men enlisted, the kind and duration of service done, whether or not these forces have received any pay from the Government, if not, why they were not paid, and the approximate amount of money which would be required if the scale of pay and allowances then applicable to the soldiers of the United States Army were applied to the above-named organizations.

PRINTING OF SHIPPING BILL.

On motion of Mr. FRYE, it was

Ordered, That there be printed for the use of the Committee on Commerce 1,500 copies of Senate bill No. 727, known as the shipping bill, as last printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1600) granting an increase of pension to Lucy B. Bryson;
A bill (H. R. 2204) for the relief of William O. Eagle;
A bill (H. R. 3491) granting a pension to Melvina Greenawalt;
A bill (H. R. 3609) granting a pension to Agnes B. Hoffman;
A bill (H. R. 4130) granting a pension to Mary Clark;
A bill (H. R. 4231) granting a pension to Michael Ryan, alias Kennedy;
A bill (H. R. 4516) granting an increase of pension to Burwell Hinchman;
A bill (H. R. 4887) granting an increase of pension to David R. Ellis;
A bill (H. R. 5085) granting an increase of pension to Patrick H. Hurley;
A bill (H. R. 5189) granting an increase of pension to Alexander Boltin;
A bill (H. R. 6043) granting an increase of pension to John C. Shenerman;
A bill (H. R. 8027) granting a pension to William R. Miller;
A bill (H. R. 8273) granting a pension to Sarah H. Hammond;
A bill (H. R. 9981) granting an increase of pension to Joseph Zimmerman;
A bill (H. R. 10472) granting an increase of pension to Frank Blair;
A bill (H. R. 10639) granting an increase of pension to Julia A. Gilpin.
A bill (H. R. 10785) granting a pension to Thomas White;

A bill (H. R. 11096) granting an increase of pension to Delia E. Stillman; and

A bill (H. R. 11603) granting an increase of pension to Sarah A. Dininny.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 4204) to correct the military record of George A. Winslow; and

A bill (H. R. 6676) for the relief of Edward G. Garner, Company E, One hundred and twenty-eighth New York Volunteer Infantry.

The bill (H. R. 12838) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed each with an amendment the following bills in which it requested the concurrence of the Senate:

A bill (S. 92) granting a pension to William M. Ferry;

A bill (S. 3436) granting a pension to Catharine Weinheimer; and

A bill (S. 4184) granting an increase of pension to Evelyn Neale Murray.

The message also announced that the House had passed with amendments the bill (S. 2582) to provide for the establishment of the intersection of the true one hundredth meridian with Red River; to ascertain the amount of taxes collected by the State of Texas in what was formerly known as Greer County, and the expenditures made on account of said county by said State, and for other purposes; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 154) granting an increase of pension to Benjamin F. Shott;

A bill (H. R. 953) to divide the State of West Virginia into two judicial districts;

A bill (H. R. 971) to divide Kentucky into two judicial districts;

A bill (H. R. 1845) granting pensions to William Allen and Isaac Garman;

A bill (H. R. 2472) to correct the military record of John H. Finfrock;

A bill (H. R. 2656) granting an increase of pension to John H. Gardner;

A bill (H. R. 2692) granting an increase of pension to Louisa N. Godfrey;

A bill (H. R. 3047) to remove charge of desertion from military record of John Faulds, Company G, Thirty-first Wisconsin Infantry;

A bill (H. R. 3133) granting a pension to Edward Hounsom;

A bill (H. R. 3636) granting an increase of pension to George A. Libby;

A bill (H. R. 3658) granting a pension to Catherine Broughton;

A bill (H. R. 3660) granting an increase of pension to Franklin I. Gilbert;

A bill (H. R. 3705) granting a pension to Almeda Brown;

A bill (H. R. 3956) granting an increase of pension to George W. Plants;

A bill (H. R. 4068) granting an increase of pension to Maria N. Flint;

A bill (H. R. 4080) granting a pension to James E. Arvin, Teresa Arvin, and Anna Arvin;

A bill (H. R. 4143) granting a pension to Laura V. Swearer;

A bill (H. R. 4199) granting increase of pension to Gabriel M. Funk;

A bill (H. R. 4356) granting an increase of pension to Henry G. Bigelow;

A bill (H. R. 4633) granting a pension to John Calvin Lane;

A bill (H. R. 5441) granting an increase of pension to Hugh Thompson;

A bill (H. R. 5643) granting a pension to Elizabeth Beesley;

A bill (H. R. 6623) granting a pension to Sarah E. Wall;

A bill (H. R. 7040) granting a pension to Laura Newman;

A bill (H. R. 7203) granting a pension to Thomas F. Walter;

A bill (H. R. 7495) granting an increase of pension to Richard Holloway;

A bill (H. R. 7745) granting a pension to Lucinda Miller;

A bill (H. R. 7912) granting an increase of pension to Harriet A. Wilson;

A bill (H. R. 8161) granting a pension to Annis Bean;

A bill (H. R. 8191) granting an increase of pension to Adam Bieger;

A bill (H. R. 8263) granting a pension to Lula M. Jones;

A bill (H. R. 8297) granting an increase of pension to Albert Buck;

A bill (H. R. 8418) granting an increase of pension to William H. Gibbs;

A bill (H. R. 8535) granting an increase of pension to Andrew E. Dunham;

A bill (H. R. 8647) granting a pension to Joseph Connell;

A bill (H. R. 8942) granting an increase of pension to Michael Howlett;

A bill (H. R. 9023) granting an increase of pension to Mary E. Dobyns;

A bill (H. R. 9266) granting an increase of pension to James H. Caldwell;

A bill (H. R. 9269) granting a pension to Olie Heaton;

A bill (H. R. 9370) granting a pension to Louis M. Starring;

A bill (H. R. 9570) granting an increase of pension to Henry F. Rice;

A bill (H. R. 9785) granting a pension to Catherine A. McClanathan;

A bill (H. R. 9840) granting an increase of pension to William Snider;

A bill (H. R. 10089) granting an increase of pension to Charles Forbes;

A bill (H. R. 10183) granting an increase of pension to Robert A. Reid;

A bill (H. R. 10333) granting a pension to Sophie De V. Barrett;

A bill (H. R. 10570) granting an increase of pension to John Kinsey;

A bill (H. R. 10725) granting a pension to Mae Pearman;

A bill (H. R. 10784) granting an increase of pension to Oliva J. Baker;

A bill (H. R. 10892) granting an increase of pension to Phebe Tate;

A bill (H. R. 10945) granting an increase of pension to William T. Wyant;

A bill (H. R. 11057) granting an increase of pension to Leonhart Miller;

A bill (H. R. 11158) granting a pension to Daniel Palmatary;

A bill (H. R. 11159) granting a pension to John W. Phillips;

A bill (H. R. 11187) granting a pension to James W. Russell;

A bill (H. R. 11198) granting an increase of pension to Gorton Brown;

A bill (H. R. 11211) granting a pension to Thomas Clark;

A bill (H. R. 11228) granting an increase of pension to Smith Thompson;

A bill (H. R. 11516) granting an increase of pension to Samuel Ryan;

A bill (H. R. 11552) granting an increase of pension to Louis Hebel; and

A joint resolution (H. J. Res. 277) authorizing the appointment of Charles A. Boutelle as a captain on the retired list of the Navy.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and forty-five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 19, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate December 18, 1900.

MINISTERS.

John G. A. Leishman, of Pennsylvania, now envoy extraordinary and minister plenipotentiary to Switzerland, to be envoy extraordinary and minister plenipotentiary of the United States to Turkey, vice Oscar S. Straus, resigned.

Arthur S. Hardy, of New Hampshire, now envoy extraordinary and minister plenipotentiary to Greece, Roumania, and Servia, to be envoy extraordinary and minister plenipotentiary of the United States to Switzerland, vice John G. A. Leishman, nominated to be envoy extraordinary and minister plenipotentiary to Turkey.

Charles S. Francis, of New York, to be envoy extraordinary and minister plenipotentiary of the United States to Greece, Roumania, and Servia, vice Arthur S. Hardy, nominated to be envoy extraordinary and minister plenipotentiary to Switzerland.

SECRETARY OF LEGATION.

Clarence L. Thurston, of Nebraska, to be secretary of the legation of the United States at Buenos Ayres, Argentine Republic, vice François S. Jones, deceased.

ASSISTANT SURGEON IN MARINE-HOSPITAL SERVICE.

Benjamin S. Warren, of Alabama, to be an assistant surgeon in the Marine-Hospital Service of the United States. This nomination is

made to correct error in the place of residence of Mr. Warren, who was nominated on December 5, 1900, as a resident of Washington, which nomination is hereby withdrawn.

POSTMASTER.

J. M. Patterson, to be postmaster at The Dalles, in the county of Wasco and State of Oregon, in the place of H. H. Riddell, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 18, 1900.

TERRITORIAL ASSOCIATE JUSTICE.

Daniel H. McMillan, of the Territory of New Mexico, to be associate justice of the supreme court of the Territory of New Mexico.

COMMISSIONER OF INTERNAL REVENUE.

John W. Yerkes, of Kentucky, to be Commissioner of Internal Revenue.

POSTMASTERS.

I. T. Bassett, to be postmaster at Titusville, in the county of Brevard and State of Florida.

Newell B. Hull, to be postmaster at Starke, in the county of Bradford and State of Florida.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 18, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

SOUTHERN DIVISION OF THE SOUTHERN DISTRICT OF IOWA.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12447) to amend an act approved June 1, A. D. 1900, entitled "An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein."

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read the title to the bill.

Mr. HEPBURN. Mr. Speaker, this is simply local in its character and provides for a change in the term of courts in the division of the district court for the southern district of Iowa, and provides for the transfer of cases that have been begun in other divisions that should have been begun in this to this division. That is all there is of it.

Mr. RICHARDSON of Tennessee. I would like to ask the gentleman from Iowa if this has been reported by the Judiciary Committee?

Mr. HEPBURN. It has been reported by the Judiciary Committee.

The SPEAKER. The Clerk will complete the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That section 1 of said act be amended by striking out the words "on the third Monday of May and the fourth Monday of September of each year" and inserting in lieu thereof the following words, to wit: "on the fourth Tuesday in March and the third Tuesday in October of each year."

SEC. 2. That section 2 of said act is amended by adding to the said section 2 the words "and all civil suits now pending in other divisions of said circuit court for said southern district which, if commenced after the passage hereof, would be brought in said southern division shall, upon the application of either party, be removed for trial, judgment, or decree to said southern division."

The following amendment was proposed by the committee:

In line 3 strike out the word "said" and insert in lieu thereof the word "an;" and in the same line, after the word "act," insert "entitled 'An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein,' approved June 1, 1900."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. HEPBURN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS MISSISSIPPI RIVER AT DUBUQUE, IOWA.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5053) to amend an act authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa, approved March 6, 1900.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of an act authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa, approved March 6, 1900, is hereby amended by striking out the words "two hundred" and inserting in lieu thereof the words "one hundred and seventy-five."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time; was read the third time, and passed.

On motion of Mr. HEPBURN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5076. An act to provide for the appointment of an additional district judge in the northern judicial district of the State of Ohio.

J. L. PEARCY.

Mr. JOY. Mr. Speaker, I have a privileged report from the Committee on Accounts, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Missouri offers the following report from the Committee on Accounts, which the Clerk will report.

The Clerk read as follows:

House resolution 317.

Resolved, That J. L. Pearcy, of Tennessee, be appointed as special messenger to serve in the room assigned the minority side of the House, under the direction of the Doorkeeper, at a salary of $1,200 per annum, to be paid out of the contingent fund until otherwise provided.

With the following amendments recommended by the committee:

After the word "serve," in line 2, insert the words "during the present session of Congress."

After the word "salary," in line 4, insert the words "at the rate of."

In line 5 strike out the words "until otherwise provided for," and insert, after the word "fund," the words "of the House."

The amendments recommended by the committee were agreed to.

The resolution as amended was agreed to.

MOVING AND CATALOGUING BOOKS AND DOCUMENTS.

Mr. JOY. Mr. Speaker, I also present the following privileged report, which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 313.

Resolved, That for the purpose of completing the work of moving, cleaning, and cataloguing the books, documents, and pamphlets in the House and Clerk's document rooms, under the direction of the Select Committee on the Disposition of Documents, the sum of $1,000, or so much thereof as may be necessary, shall be paid out of the contingent fund of the House for labor and clerical assistance, upon vouchers to be approved by the Committee on Accounts.

The resolution was agreed to.

WALTER O. HOFFECKER.

Mr. JOY. Mr. Speaker, I also ask for the present consideration of the following resolution (H. Res. 304), which I send to the desk.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Walter O. Hoffecker the sum of $53.32, being the amount due him as clerk of the late Representative John H. Hoffecker from June 1 to June 16, 1900, inclusive.

The resolution was agreed to.

On motion of Mr. JOY, a motion to reconsider the several votes by which the three several resolutions were passed was laid on the table.

ORDER OF BUSINESS.

Mr. BABCOCK. Under agreement, this day has been set apart for the consideration of business reported by the Committee of the District of Columbia. I desire, in the first place, Mr. Speaker, to call attention to the fact that Senate bill 1929 has by error been placed upon the House Calendar. It should have been referred to the Committee of the Whole on the state of the Union, as it appropriates real estate and other property belonging to the Government or the District.

The SPEAKER. Without objection, the transfer to the proper Calendar will be made. The Chair hears none.

Mr. BABCOCK. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of District bills on that Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MOODY of Massachusetts in the chair.

GRADE CROSSINGS, ETC., OF BALTIMORE AND POTOMAC RAILROAD.

Mr. BABCOCK. I ask the present consideration of Senate bill 1929.

The Clerk proceeded to read, as follows, the bill (S. 1929) to provide for eliminating certain grade crossings on the line of the

Baltimore and Potomac Railroad Company in the city of Washington, District of Columbia, and requiring the said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes:

Be it enacted, etc., That the Baltimore and Potomac Railroad Company be, and it is hereby, empowered, authorized, and required to revise, change, and improve the alignment and grade of its railroad, and to relocate parts thereof within the city of Washington, in the District of Columbia, as hereinafter provided, to wit:

Beginning at a point in its present tunnel under Virginia avenue near the intersection of Eighth street SE., and extending thence by a continuation of said tunnel, with a width sufficient for two tracks, along and under Virginia avenue to the west side of Second street SE.; thence in the open, with a width sufficient for four main tracks, along what would be Virginia avenue if extended through reservation 17, now called Garfield Park, to another section of Virginia avenue as now opened at South Capitol street; thence along said last-mentioned section of Virginia avenue to a connection with its present four main tracks and a right of way near Delaware avenue; thence continuing said four tracks along and on said Virginia avenue and Maryland avenue to the Potomac River; and also from points on said last-described line, that is to say, from east of Sixth street SW.; thence by a curved line with three tracks crossing over Sixth street SW., Maryland avenue, and B street SW., to and upon that portion of the Mall hereinafter described; and from a point west of Seventh street SW. by a curved line, with three tracks over Seventh street SW., Maryland avenue, and B streets SW., to and upon said portion of said Mall, with such grade, and at such elevations, with reference to the streets of said city, and on such locations as are shown on plans and profiles prepared by said railroad company, and approved by the Commissioners of the District of Columbia, and as hereinafter specified; it being the purpose of this act that the said railroad shall be located under Sixth street SE., Fifth street SE., Fourth street SE., Third street SE., and Second street SE., in a tunnel as aforesaid; that New Jersey avenue shall be carried over said railroad on an iron or steel bridge; and that said railroad shall be carried over South Capitol street, Delaware avenue, First street SW., Second street SW., Third street SW., Four-and-a-half street SW., Sixth street SW., Seventh street SW., Maryland avenue, and B street SW., and that Ninth street SW., Tenth street SW., Eleventh street SW., and Twelfth street SW. shall be carried over said railroad on iron or steel bridges. The railroad shall also be carried over Water street SW.

REMOVAL OF TRACKS FROM SIXTH, K, AND CANAL STREETS.

SEC. 2. That the said Baltimore and Potomac Railroad Company be, and it is hereby, required to remove its present eastern connection between its passenger station and its line on Virginia avenue via Sixth street, including all tracks on Sixth street, and its western connection via Maryland avenue, and to change and relocate its tracks connecting with the new terminus contemplated by this act, in the manner authorized and provided by the preceding section hereof, and as shown on the plans and profiles in said section referred to, and also shall remove its tracks from K street and Canal street, east of New Jersey avenue SE.; and said tracks which are to be abandoned shall be removed within sixty days after the new track is ready for use, and the roadway of said Sixth street between B street S. and B street N. shall be provided with a modern pavement at the expense of said railroad company, to the satisfaction of the Commissioners of the District of Columbia.

STATION BUILDING.

SEC. 3. That in order to accommodate the increasing passenger, mail, express, and other traffic in the city of Washington the said Baltimore and Potomac Railroad Company shall have and be possessed of the right, which is hereby granted and conferred, to occupy and use, on the conditions hereinafter mentioned, that portion of the Mall lying between B street SW. and B street NW. as the southerly line of said B street NW. is hereinafter defined, and between the west line of Sixth street and a line drawn parallel therewith and 340 feet west thereof, and to erect and maintain thereon a station building and appurtenances, train sheds, tracks, and sidings in connection therewith suitable and adequate for the convenient accommodation of said traffic; and the said Baltimore and Potomac Railroad Company shall, in connection with its occupation and use of the portion of the Mall hereby granted, locate, construct, and maintain beneath its tracks and structures on the line of West Capitol street, as shown on the city maps, a substantial arch or arches not less than 200 feet in width, as a public passageway for vehicular and pedestrian traffic (as shall be approved by the Commissioners of the District of Columbia), which shall be so constructed as to afford roadways and sidewalks; and the said company shall also pave the said passageways at the time of their construction to the satisfaction of the Commissioners of the District of Columbia, but thereafter the maintenance of the pavement and roadways shall devolve upon the said District of Columbia.

TEMPORARY TRACKS.

SEC. 4. That if it should at any time be deemed necessary or advisable, in the construction of the works herein authorized, to lay temporary tracks on any street or avenue to accommodate the business of the Baltimore and Potomac Railroad Company pending the completion of such works, the said company may lay such temporary tracks, subject to the approval and under the direction of the Commissioners of the District of Columbia, and shall remove the same and restore every such street or avenue to its former condition, to the satisfaction of said Commissioners, within sixty days after the completion of the works herein authorized.

REMOVAL OF FISH COMMISSION BUILDING.

SEC. 5. That the United States Fish Commission building and appurtenances, now located on that part of the Mall hereby granted to said Baltimore and Potomac Railroad Company, shall be removed therefrom and rebuilt on the said Mall west of the portion thereof so granted to said railroad company, under the directions of, and according to plans approved by, the Chief of Engineers of the United States Army; and the cost of such removal and rebuilding shall be defrayed by the said Baltimore and Potomac Railroad Company to an amount not exceeding $40,000: *Provided*, That the expense of such removal and rebuilding in excess of $40,000 shall be paid by the United States.

RETAINING WALLS.

SEC. 6. That in elevating or depressing its tracks, as hereinbefore authorized, the said railroad company is hereby required to support the sides of all embankments and excavations made in the streets wherein the same are located with suitable retaining walls of stone. These walls, in case of excavation, shall be carried to a height of 4 feet above the revised grades of said streets, or shall be provided with suitable iron railings. The space to be occupied and used by the said railroad company where its tracks are depressed on Maryland avenue shall not exceed 58 feet between the inside faces of the parallel retaining walls, measured at the level of the said tracks, as shown on said plans and profiles.

STREETS TO BE VACATED.

SEC. 7. That to enable said Baltimore and Potomac Railroad Company to effect the revision, change, and improvement in the alignment and grade of its railroad, and the relocation of parts thereof as authorized and contemplated by this act, the following-named streets and crossings in said city of Washington shall be, upon the completion of the work herein authorized, completely vacated and abandoned for public use, namely:

Canal street, as located and shown on the city maps, between South Capitol street and New Jersey avenue.

G street SE. and H street SE., between South Capitol street and New Jersey avenue.

I street SE., between First and South Capitol streets.

Virginia avenue, on the south side of the said railroad, between Second street and Four-and-a-half street SW., and on the north side of the said railroad between Four-and-a-half street and Seventh street SW.

Maryland avenue, on the south side of said railroad, between Ninth and Tenth streets SW.

Maryland avenue, between Twelfth and Fourteenth streets SW.; and in consideration of, and in connection with, the vacation of said portion of Maryland avenue between Twelfth and Fourteenth streets SW., the said railroad company shall acquire and dedicate to the District of Columbia the necessary property to increase the present width of D street SW., between Twelfth and Fourteenth streets SW., 30 feet on the south side thereof.

Thirteenth and Thirteen-and-a-half streets, between D and Water streets SW., and

E street SW. between Twelfth street SW. and Water street.

The following-named streets are hereby vacated and abandoned, namely:

F street SW. and E street SW. where they cross the said railroad;

D street SW. between Four-and-a-half and Sixth streets SW.;

C street SW. between Sixth and Seventh streets SW.: *Provided, however*, That nothing herein contained shall be construed to prohibit the public authorities from entering upon vacated and abandoned streets and avenues for the purpose of locating, constructing, maintaining, or repairing therein sewers, water mains, gas mains, conduits, or other underground construction necessary for the public comfort, convenience, or health: *And provided further*, That no portion of any street shall be closed under authority of this act until said railroad company shall have secured control of the property abutting upon said portion to be closed, it being the intent hereof that no property owner shall be deprived of egress from or ingress to his property.

CHANGES IN GRADE; WIDENING B STREET.

The Commissioners of the District of Columbia are hereby authorized and directed to make all such changes in the lines and grades of any street or streets in said city as may be reasonably required or deemed necessary or advisable in connection with the revision, change, improvement, and partial relocation of said railroad by this act contemplated, and particularly are authorized and directed to widen B street NW., on its southerly side, between Sixth and Seventh streets, so as to conform to the southerly line of said street as it now exists west of Seventh street, and to widen Seventh street on its easterly side between B street NW. and the northerly line of West Capitol street, as shown on the city maps, as follows: For a distance of 130 feet south from the southerly line of said B street NW., when widened as herein authorized, to a width of 220 feet, and for the residue of the distance to the northerly line of West Capitol street to a width not exceeding 130 feet.

GARFIELD PARK.

SEC. 8. That in consideration of and in connection with the changes and improvements to be made in the said railroad by the Baltimore and Potomac Railroad Company, in conformity with the requirements of this act, the said railroad company shall have and be possessed of the right and privilege, which are hereby expressly granted and conferred, to occupy and use, for tracks and other corporate purposes, all that portion of reservation 17, now known as Garfield Park, which lies to the southward of its main tracks when located as authorized by this act, as well as that portion thereof which shall be occupied by said main tracks as located on said plans and profiles; and also the like right and privilege to occupy and use, for similar purposes, the parts or portions of the several streets and crossings which are by this act vacated and abandoned.

DIVISION OF COSTS.

SEC. 9. That the entire cost and expense of the revision, changes, relocations, and improvements of and in said railroad, as authorized and required by the preceding sections of this act, and of all structures connected therewith or incidental thereto, shall be borne, paid, and defrayed in manner following, to wit: The said Baltimore and Potomac Railroad Company shall bear, pay, and defray all cost and expense of the relocations, elevation, and depression of its tracks within the limits of its right of way as are authorized and required by this act, including the construction of so much of the bridges conveying streets over its tracks, right of way, and other property as shall be within the limits thereof, and the reconstruction within such limits of the streets which shall be carried beneath the same, the cost and expense of removing its tracks from Sixth street north of Virginia avenue, and from K street and Canal street, and the restoration of such parts of said streets for the uses of the public; the cost and expense of constructing and maintaining the arch or arches for passageways underneath its said tracks located on the Mall, as well as the original cost of paving the roadways and sidewalks to be located within the said passageways; and all other costs, expenses, and damages resulting from, incidental to, or connected with the revisions, changes, and improvements in alignment and grades of said railroad, or the relocations thereof by this act required and authorized, and from changes in the grades of the streets or the railroad, and the lawful operation of the said railroad upon the location and structures contemplated and required by this act, and whether to property owners affected thereby or otherwise, as well as the cost and expense of all street approaches to said company's tracks and right of way, whether overhead by means of bridges or under grade, shall be borne, paid, and defrayed in manner following, to wit: Fifty per cent thereof by the United States and the remaining 50 per cent thereof by the District of Columbia, which last-mentioned 50 per cent shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia.

All work within the limits of the said railroad company's right of way, including the bridges within said limits, shall be done by said railroad company to the satisfaction and approval of the Commissioners of the District of Columbia, who are authorized to exercise such supervision over the same as may be necessary to secure the proper construction and maintenance of the said work. And all work which is without the limits of the right of way of said railroad company shall be done by the District of Columbia.

PROPERTY TO BE ACQUIRED BY PURCHASE OR CONDEMNATION.

SEC. 10. That to enable the Baltimore and Potomac Railroad Company to effectuate the purposes contemplated and authorized by this act, the said company be, and they are hereby, authorized and empowered to acquire, either by purchase or condemnation, as hereinafter provided, and, when so acquired, to use the same for tracks and other corporate purposes, and make

all such improvements thereon and thereto as may be deemed necessary, the following properties, to wit: All of squares 462, 463, 463 south, and 493; and also as much land as may be required for tracks and other corporate purposes which lies to the south of the present main tracks of the company between South Capitol and First streets southeast and north of the northerly line of M street: *Provided, however*, That if land shall be acquired south of the present railroad yards and between South Capitol and First streets southeast as in this section authorized the said railroad company shall, when so required by the Commissioners of the District of Columbia, make adequate and suitable provision for carrying such streets as may intersect the same across the tracks which shall be located thereon by overhead bridges in a manner satisfactory to the said Commissioners: *Provided further*, That the cost and expense of raising grades of streets and all approaches to such bridges shall be borne and defrayed by the District of Columbia.

In case the said Baltimore and Potomac Railroad Company can not for any reason agree with the owner or owners for the purchase, use, or occupation of any of the land it is authorized to acquire by purchase or condemnation, then the same may be acquired by the said company in the same manner and by the same procedure as are provided by sections 648 to 663, both inclusive, of the Revised Statutes, relating to the District of Columbia. And it shall be lawful for said Baltimore and Potomac Railroad Company to extend and construct, from time to time, branch tracks or sidings from the lines of railroad authorized by this act into any lot or lots adjacent to any street or avenue along which said lines of railroad are located, upon the application of the owner or owners of such lot or lots, to enable such owners to use their property for the purposes of coal, wood, or lumber yards, manufactories, warehouses, and other business enterprises: *Provided, however*, That no grade crossing of any street or avenue within the city of Washington shall be thereby created, but such connecting tracks shall be carried across such street or avenue in such manner as not to obstruct the free use thereof, and the plans of such connecting tracks shall in every case be first filed with and approved by the Commissioners of the District of Columbia: *Provided further*, That as to square southeast of square 267 and square 270 the Southern Railway Company (a railroad corporation of the State of Virginia, whose trains now move and are expected to continue to move to and from Washington over the tracks of the said Baltimore and Potomac Railroad Company and Washington Southern Railroad Company under agreements existing or hereafter to be made with the last-named companies granting the necessary right therefor) shall have the same rights of acquisition by purchase or condemnation, to be exercised under the same conditions, as are in this act provided for the acquisition of additional land by the Baltimore and Potomac Railroad Company; and such squares when so acquired may be used by said Southern Railroad Company to accommodate the handling and delivery of local freight traffic in the District of Columbia.

LONG BRIDGE.

SEC. 11. That inasmuch as the present Long Bridge over the Potomac River is inadequate for the accommodation of the largely increased railroad and vehicular traffic, is in a measure obstructive of navigation, and needs to be reconstructed, the Baltimore and Potomac Railroad Company is hereby directed and required to remove the present Long Bridge across the Potomac River, and, in accordance with plans to be approved by the Secretary of War, to build on practically the same line a new bridge in lieu thereof, said new bridge to be for railroad purposes only and to be adapted for two or more railway tracks, the Long Bridge to be removed and the new bridge constructed within four years from the date of the passage of this act. The said Baltimore and Potomac Railroad Company shall remove the Long Bridge and shall build, maintain, and keep in repair said new bridge at its own cost and expense, and shall maintain an efficient draw in said new bridge, operating the same so as not to unnecessarily impede the free navigation of the Potomac River at any hour of the day or night, and shall give other railroad companies the right to pass over said bridge upon such reasonable terms as may be agreed upon between the companies or prescribed by Congress.

PASSENGER BRIDGE.

SEC. 12. That the Secretary of War be, and he is hereby, authorized to enter into a contract with the Baltimore and Potomac Railroad Company or any other party to construct within two years after the passage of this act, at a point not less than 500 feet above the site of the present Long Bridge, a new and substantial bridge for highway travel, of iron or steel, resting upon masonry piers and provided with suitable approaches, and with a sufficient draw, all in accordance with plans and specifications to be approved by the Secretary of War; and there is hereby appropriated (one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated) the sum of $568,000, or so much thereof as may be necessary, to be paid from time to time, as the construction of the said bridge progresses, by the Secretary of War, under such regulations as he shall prescribe.

The said bridge shall be for highway traffic, and all street railroads chartered or that may hereafter be chartered by Congress shall have the right to cross said bridge on such reasonable terms as may be agreed upon between the companies or prescribed by Congress: *Provided*, That the street railroad now using the Long Bridge shall be permitted to change its location so as to cross the highway bridge herein provided for; all plans for such change to be approved by the Commissioners of the District of Columbia and the Chief of Engineers of the United States Army: *And provided further*, That a standard underground electric system of street car propulsion shall be installed by said company on the park highway leading to said bridge, and that the cost of asphalt paving between the tracks and two feet outside thereof shall be paid by said company. Each street railway company using said bridge shall pay, in addition to other taxes as by its charter provided, one-half of 1 cent for each and every passenger carried across said bridge.

PLANS TO BE SUBMITTED TO DISTRICT COMMISSIONERS.

SEC. 13. That before any portion of the work herein described shall be authorized plans and profiles of the entire work, except such as relate to the new bridges authorized by sections 11 and 12, in accordance with the provisions herein contained, shall be prepared by the said Baltimore and Potomac Railroad Company and shall be submitted for approval to the Commissioners of the District of Columbia. Duly authenticated copies of said plans and profiles shall, after approval, be filed with the Commissioners aforesaid, and all work shall be done in accordance with them and shall be completed within five years from the date of the passage of this act. The company shall also deposit with the collector of taxes of the District of Columbia such sums of money as the Commissioners of said District may reasonably require to cover the cost of District inspection.

TAXATION.

SEC. 14. That the property occupied by the Baltimore and Potomac Railroad Company under authority of this act, together with the improvements which may be put thereon, shall be subject to tax by the District of Columbia the same as other property in the District of Columbia: *Provided*, That no assessment, valuation, or tax shall be made, laid, or levied on the Baltimore and Potomac Railroad Company on account of any bridges, tunnels, elevated tracks, or subway which shall be located, constructed, or maintained under the authority of this act, and forming part of said railroad, in excess of that which would or could be lawfully made, laid, or levied if said railroad was wholly located and constructed on the surface of the ground; it being the true intent and meaning hereof that any such bridges, tunnels, elevated tracks, or subway forming a part of said railroad shall be assessed and valued for purposes of taxation and taxed on the same basis as any other equal portion of railroad situated within the said District of Columbia not constructed on, in, through, or upon any such bridges, tunnels, elevated tracks, or subway.

RIGHTS OF SUCCESSION.

SEC. 15. That all the provisions of this act, including all rights, powers, and privileges granted to, or duties imposed upon, said Baltimore and Potomac Railroad Company, shall accrue to and devolve upon its successors and assigns; and in case the said Baltimore and Potomac Railroad Company, its capital stock, properties, corporate rights, powers, privileges, immunities, and franchises, shall be merged into or consolidated with the Philadelphia, Wilmington and Baltimore Railroad Company, or any other railroad corporation, to which the assent of Congress is hereby given, then and in that event the company which shall, by such merger or consolidation, so acquire the same shall be invested with and possessed of all the rights, powers, property, and privileges of said Baltimore and Potomac Railroad Company within the District of Columbia, as well those granted by this act as those heretofore existing, and shall have and exercise all the necessary rights, powers, and franchises respecting the same as fully as they would have been possessed and exercisable by said Baltimore and Potomac Railroad Company.

REPEAL OF CONFLICTING ACTS.

SEC. 16. That all laws or parts of laws inconsistent herewith be, and they are hereby, repealed.

RESERVED RIGHTS OF CONGRESS.

SEC. 17. That Congress reserves the right to alter, amend, or repeal this act.

Mr. BABCOCK (before the reading of the bill was concluded). Mr. Chairman, in order to save time, and for the convenience of the House, I ask unanimous consent that after this reading of the bill the further reading be dispensed with, and that the bill be open for amendment in any section.

Mr. COWHERD. Mr. Chairman, I stated this morning to the chairman of our committee [Mr. BABCOCK] that the course which he now suggests would, I thought, be perfectly proper and that I would have no objection to it. But I have since suggested the proposition to several gentlemen, and they have stated that they want to offer amendments to different parts of the bill and they prefer it should be read by sections in the regular way.

Mr. BABCOCK. My motion will permit gentlemen to offer amendments to any part of the bill.

Mr. COWHERD. But if the bill be read by sections the amendments can be offered in regular order as the different sections are reached. I suggest to the gentleman that we might dispense with the further first reading and after the general debate take up the bill by sections under the five-minute rule.

Mr. BABCOCK. The gentleman, as I understand, objects to my motion. I move, then, that the further reading of the bill as now in progress be dispensed with.

Mr. WHEELER. I object.

The Clerk resumed and concluded the reading of the bill.

The amendments reported by the Committee on the District of Columbia were read, as follows:

Page 1, line 9, strike out the word "Eighth" and insert in lieu thereof the word "Eleventh."

Page 1, line 11, after the word "for," insert the words "not less than," and after the word "two" insert the words "nor more than four."

Page 5, line 18, after the word "the," at the end of the line, add the words "time fixed for the."

Page 9, line 8, insert the word "it" after the word "as" where it appears before the word "now."

Page 11, line 2, strike out the semicolon where it appears after the word "public" and insert the word "and."

Page 11, line 6, strike out the semicolon where it appears after the word "passageways" and insert in lieu thereof a period; also at the end of said line strike out the word "and."

Page 11, line 7, strike out the small letter "a" in the word "all" and insert a capital "A."

"Page 13, line 10, after the word "Columbia," strike out the period and add the following: "and the United States, as hereinbefore provided."

Page 13, line 19, after the word "Columbia," strike out the period and insert a semicolon, and add the following:

"*Provided*, That in every case in which an assessment of the damages or an award shall have been returned by the appraisers, the company, upon paying into court the amount so assessed or awarded, may enter upon and take possession of the land and property covered thereby irrespective of whether exceptions to said assessment or award shall be filed or not, and the subsequent proceedings shall not interfere with or affect such possession, but shall only affect the amount of the compensation to be paid."

Page 14, line 18, after the word "therefor" and the parenthesis, add the words "and its successors."

Page 14, line 23, strike out the word "Railroad" and insert in lieu thereof the word "Railway."

Page 14, line 24, after the word "Company," add the words "and its successors."

Page 14, line 25, after the word "traffic," add the following: "and for its other corporate purposes."

Page 16, line 2, after the word "Company," add the words "or any other party."

Page 16, lines 20 and 21, strike out the word "reasonable," in line 20, and also the following: "agreed upon between the companies or."

Page 16, line 21, strike out the word "street" at the end of the line.

Page 16, line 22, strike out the word "railroad" and insert in lieu thereof the following: "Washington, Alexandria and Mount Vernon Railway Company." Also, at the end of the line, after the word "permitted," insert the words "and required."

Page 17, line 4, after the word "bridge," insert the following: "and no dynamo furnishing power to this portion of the road shall be in any manner connected with the ground."

Mr. BABCOCK. Mr. Chairman, a large map of these proposed changes has been prepared for the information of the House. I desire to ask unanimous consent of the House that the Engineer Commissioner of the District of Columbia may be permitted to come upon the floor and explain the engineering features of this plan. In order that this request may be acted on by the House, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts reported that the Committee of the Whole on the state of the Union, having had under consideration Senate bill 1929, had come to no resolution thereon.

Mr. BABCOCK. Mr. Speaker, there has been prepared for the use and information of the House a large map showing the changes which this bill contemplates—the property which will be vacated by the railroad company and the property which will be occupied by the company. That map is here in the corridor, and I desire to ask the unanimous consent that Captain Beach, the Engineer Commissioner of the District of Columbia, may be permitted to come upon the floor and answer any questions that any member may desire to ask in reference to the engineering features of this proposition. This course, I will say, is usual in the Senate. I believe that on this same bill information was furnished to the Senate in this way.

The SPEAKER. The Chair will cause to be read Rule XXXIV of the House, on the question of admission to the floor.

The Clerk read as follows:

The persons hereinafter named, and none other, shall be admitted to the Hall of the House or rooms leading thereto, viz: The President and Vice-President of the United States and their private secretaries, judges of the Supreme Court, members of Congress and members elect, contestants in election cases during the pendency of their cases in the House, the Secretary and Sergeant-at-Arms of the Senate, heads of Departments, foreign ministers, governors of States, the Architect of the Capitol, the Librarian of Congress and his assistant in charge of the Law Library, such persons as have, by name, received the thanks of Congress, ex-members of the House of Representatives who are not interested in any claim or directly in any bill pending before Congress, and clerks of committees when business from their committee is under consideration; and it shall not be in order for the Speaker to entertain a request for the suspension of this rule or to present from the chair the request of any member for unanimous consent.

The SPEAKER. This rule, it seems to the Chair, is explicit; and it meets completely the request of the gentleman from Wisconsin. This is not the United States Senate, but the House of Representatives, acting under its own rules. Under the specific rule just read, the Chair is not permitted to entertain the request of the gentleman from Wisconsin.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN, from the Committee on Indian Affairs, reported a bill (H. R. 12904) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902; which was read the first and second time, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. RICHARDSON of Tennessee. I reserve all points of order upon this bill.

ELEVATED RAILROAD TRACKS, WASHINGTON CITY.

Mr. BABCOCK. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole on the state of the Union to further consider the bill reported from the Committee on the District of Columbia.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MOODY of Massachusetts in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill S. 1929.

Mr. BABCOCK. Now, Mr. Chairman, I wish to say that I regret exceedingly that the gentleman who reported this bill from the District Committee is indisposed to-day, and unexpectedly it becomes my duty to present the matter to the House. There is a map which I will ask to have placed in the area, so that members can examine it at their leisure.

The map now before you is intended to show the changes of the line, and also the property vacated by the railway company and the lands that are turned over to the railway company to carry out the proposed plan of elevation of the tracks.

The estimated cost of this improvement on the part of the Pennsylvania line, or the Baltimore and Potomac line, reaches the sum of nearly $6,000,000. Under this bill the contribution that is made by the Government and the District of Columbia is practically all in real estate. I am told by prominent engineers, gentlemen of long experience in their profession, that from an engineering standpoint this is an ideal plan, one in which they say there must be acquiescence generally and one which will be very difficult to improve upon.

This proposition, I may say, has been before Congress for many years. It was before the committee when I had the honor of becoming a member of this body, seven years since.

This particular bill now before us has been under consideration by the engineers and the Commissioners of the District of Columbia and the Government authorities for four years. It embodies, as I have stated, what is termed an ideal plan from an engineering standpoint. The cost, in the opinion of the District Commissioners and the committee of the House, as well as of the Senate District Committee, and which has been examined into very carefully, should be divided equitably, and it has been suggested that for the elevation proper, that is, the expense incurred in elevating the tracks, the District of Columbia and the General Government should contribute one-half of the total amount, the other expenses to be paid by the railway company itself.

This, gentlemen of the committee, is the Commissioners' bill, which has been worked out by the District engineers in connection with the engineers of the Pennsylvania Company, and is presented here by the consent of the railroad company after four years of negotiation, investigation, and examination.

Now, I apprehend that there can be but little discussion as to the general plan proposed. Members may differ as to the amount of the contribution to be made by the Government to the railroad companies, respectively, in the proposed improvements. But I want to say that not only this bill, but the bill elevating the tracks of the Baltimore and Ohio Railroad Company I believe present features of unusual interest and importance, and will result in making the grandest and most convenient terminals enjoyed by any city in the world. Of course, in doing this work and making the changes, it necessarily requires the use of grounds and streets, and results in criticism to a certain extent from some quarters. But as a rule the people of the District of Columbia are behind the proposition. I would say that ninety-nine out of one hundred favor it; that the people and taxpayers of the District unite in the consensus of opinion as to the desirability of this project, as agreed upon by the District Commissioners, the railway company, the Senate of the United States, and your House committee, after long investigation, and we present this bill, gentlemen, with its many details, for your approval to-day.

I wish to say frankly that it has been practically impossible for any member of the District Committee to familiarize himself with all of the details of the measure. When you stop to consider that this is a plan which has required the study of four years on the part of men who have given their entire time to it, you will realize the difficulty that we have had in going over all of its details, examining the reports of the committees and various engineers to which they have given so much time. I believe that this measure, if enacted into law, will meet the requirements of the city for a century to come; and while these differences to which I have alluded may come up between the railroad company and the general public as to what each should contribute in the matter, I think the project is so vast and desirable that all small matters can be readily overlooked in attaining the general results so desirable.

I reserve the remainder of my time.

Mr. COCHRAN of Missouri. I would like to ask the gentleman a question.

Mr. BABCOCK. Certainly.

Mr. COCHRAN of Missouri. Will the gentleman state, in acres, how much land within the limits of the city is transferred to the railroad company in this connection?

Mr. BABCOCK. If the gentleman will examine the committee report, he will find all of its details given in exact terms as to what the bill covers.

Mr. COCHRAN of Missouri. Then let me ask if you are familiar with any case in which any American city has made a contribution like this toward expenditures necessary to protect the terminals of a railroad company?

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the President, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bill and joint resolution of the following titles:

On December 11, 1900:

H. R. 4400. An act for the relief of Frank E. Kellogg, collector of the Sixth internal-revenue district of Missouri.

On December 18, 1900:

H. J. Res. 281. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1900, on the 20th day of said month.

GRADE CROSSINGS, ETC., BALTIMORE AND POTOMAC RAILROAD COMPANY.

The committee resumed its session.

Mr. BABCOCK. The Commissioners reported upon that subject, and I believe contributions have been made in every city, practically, where elevations have been made, perhaps with the exception of Chicago.

Mr. GAINES. Now will my friend yield?

Mr. BABCOCK. Yes.

Mr. GAINES. You spoke of some people objecting to this. Will you please state what the grounds of their objections were?

Mr. BABCOCK. Yes. The principal objection that has been raised to this bill is that it takes quite a considerable portion of what is known as the Mall, where the Pennsylvania depot is now located. In order to give the company more room to build its proposed new station for the accommodation of the traveling public this is necessary. It also takes some land to widen B street in front of the station.

Mr. GAINES. It takes whose land?

Mr. BABCOCK. The land in the Mall.

Mr. GAINES. Belonging to whom?

Mr. BABCOCK. Belonging to the District of Columbia.

Mr. GAINES. It takes public property?

Mr. BABCOCK. Yes.

Mr. GAINES. Your proposition is for the Government to cede to the railroad company land upon which to make these improvements?

Mr. BABCOCK. In this particular instance, yes.

Mr. GAINES. How much ground?

Mr. BABCOCK. The station now occupies a portion of the Mall. The station will be built upon the ground where it now stands; but it will be larger and cover considerably more ground.

Mr. GAINES. I think there ought to be a better depot there. I am trying to get some information.

Mr. BABCOCK. The proposition is to expend a million and a half of dollars in building the station.

Mr. GAINES. Who is to spend it?

Mr. BABCOCK. The railroad company.

Mr. GAINES. How much is this land worth?

Mr. BABCOCK. I think the Commissioners estimated it at $2.50 a square foot.

Mr. GAINES. What do you think it is worth? You know something about land.

Mr. BABCOCK. Well, my opinion would not be of much value.

Mr. GAINES. Do you think that is a reasonable price for it?

Mr. BABCOCK. I have heard no criticism upon the amount fixed, except by the railroad company. They say it is not worth it.

Mr. GAINES. Does the committee make any report specifically on that?

Mr. BABCOCK. No; not specifically on that.

Mr. GAINES. Is the report of the committee unanimously in favor of the proposition?

Mr. BABCOCK. No; there is a minority report.

Mr. GAINES. Has that been read?

Mr. BABCOCK. I think not.

Mr. COWHERD. I am going to explain that now.

Mr. BABCOCK. The reports have not been read.

Mr. GAINES. I thank the gentleman. I am just trying to get some information.

Mr. RIXEY. Will the gentleman from Wisconsin yield for a question?

Mr. COWHERD. I hope this will not come out of my time.

Mr. BABCOCK. If gentlemen will turn to page 22 of the report, they will see a statement of the amount of ground proposed to be taken—about 34½ acres all told.

Mr. GAINES. Do you mean to say that you want that much ceded to the railroad by the Government—34 acres?

Mr. BABCOCK. About 34 acres; yes.

Mr. GAINES. What is the Government doing with this property now?

Mr. BABCOCK. Well, it is practically all vacant property. A portion of it is one side of Garfield Park. There is a strip off the Mall and a portion down farther.

Mr. HULL. A large part of this is now used by the railroad company, is it not?

Mr. BABCOCK. Oh, yes.

Mr. RIXEY. Will the gentleman from Wisconsin yield for a question?

Mr. BABCOCK. Yes.

Mr. RIXEY. I notice on page 17 of the bill that the Washington, Alexandria and Mount Vernon Railroad Company is required to use the highway bridge. That seems to be an amendment by the House committee. I want to know the reason for that. Would it not be as well to leave that matter where the Senate left it, to be agreed on between the railroad company and the Mount Vernon Railroad Company?

Mr. BABCOCK. The Senate provision left this bridge open to all street railway companies that wanted to cross, and took the control entirely away from Congress. For that reason it was amended, intending to preserve the right of this road, which now crosses the bridge, but not to give a general omnibus right to every road which might want to cross.

Mr. RIXEY. I will call the attention of the gentleman to the fact that this amendment requires the Mount Vernon road to use the highway bridge. Now, this Mount Vernon road is more like an ordinary railroad through the country than it is a street railway. It does not stop at street corners for passengers. It has regular depots, a regular corps of telegraphers, and is run by telegraphic order. It seems to me that ought to be left subject to agreement with the railroad companies.

Mr. BABCOCK. Your idea would be to strike out the word "required?"

Mr. RIXEY. Yes.

Mr. BABCOCK. I do not see any objection to that. It was not the intention of the committee.

Mr. RIXEY. Then I expect I can prepare an amendment for it.

Mr. BABCOCK. Yes. You had better strike out the words "and required."

Mr. FITZGERALD of New York. I would like to know what provision is made about the damages to property. I have just received a letter from some property owners in Eckington.

Mr. DALZELL. That is another road.

Mr. BABCOCK. That is not in this bill. I reserve my time, Mr. Chairman.

Mr. COWHERD. Mr. Chairman, it seems to me that in consideration of this proposition, a proposition that appropriates more than two and a half million dollars of the people's property, and calls for an appropriation of $568,000 additional in money, that it ought to have the careful attention of the House. Now, the chairman says that it is customary for cities to aid railroads in the question of elevating tracks. I do not want to go into that proposition at this time, but I want to submit to the House that in every case where any city has assisted a railroad in the matter of elevation, the equities have been considered, unless there was a specific law apportioning the different parts that each was to pay.

The Pennsylvania Railroad, known in this bill as the Baltimore and Potomac, comes into the city of Washington over a bridge built by the Government, for which they never paid a single, solitary cent; they come into the city of Washington over streets dedicated to them by the Government, for which they have never paid a penny. Their terminal station is situated on a public reservation in the city of Washington, for which they have never paid a single dollar. Now, every man knows that in building a railroad the greatest item of cost is the cost of terminal stations, the acquiring of land in the great cities where the railroad is to end; and here is a great railroad, entering a great city, and it has never paid a single, solitary dollar for these, the three greatest items of expense that any railroad must pay when it enters Washington.

Mr. BABCOCK. Will the gentleman permit an interruption?

Mr. COWHERD. Certainly.

Mr. BABCOCK. Is it not known to all members that the citizens of Washington at the time the Baltimore and Potomac Railroad was built in here would have given them the right of way through Pennsylvania avenue if it was necessary to get them to build into the city?

Mr. COWHERD. That does not alter the facts I have stated at all, if it was true at the time that railroad was built in here.

Now, Mr. Chairman, in considering this proposition, it seems to me there are two or three things that the House wants to consider. First, they want to know the necessity for the change; next, they want to know the cost of the change, and, next, they want to know whether the necessity is so great as to be equal to the amount of money and property that we are to give for it, and, lastly and most important, in my mind, they want to know whether this proposition involves certain rights of the Government that, to my mind at least, are far more even than the two and one-half millions of property we give away. In the first place, I want to call attention to the fact that the Pennsylvania Railroad as it comes into the city does not run over the best part of the city of Washington by any means. It is largely down along the river front, and largely along property that is of no very great value, that is now being used for coal yards and switches, and there is no great necessity for this change.

I submit it would be better, better for the company, better for the city, if the tracks are elevated, or at least the grade street crossings abolished; but I contend that there is not the necessity for it in regard to the Baltimore and Potomac that does exist with reference to the Baltimore and Ohio. The very gentleman who reported this bill, when a proposition providing that the Pennsylvania should have authority to build side tracks and switches in that part of the city and operate their lines through certain Government property was before the House about ten years ago, designated this part of the city as "Mud Hollow" and

"Hell's Bottom." I do not propose to give it any such names, but no one will contend that it is in the most valuable or the best portion of the city.

Now, in addition to that, I want to call attention to the fact that the city of Washington is not a great commercial city, and I hope it will never be, and ought not to be. It is to be the capital of the nation, and if we are to make it a beautiful city, which it will be, it should not be a great manufacturing city, with the great business interests that are inimical to the building or maintainining of a beautiful city.

Now, I want to call attention to what the company gets. I will ask gentlemen to turn to the report of the majority in this case, on page 22, where they will find the report of Colonel Bingham to Gen. John M. Wilson, the officer in charge of public buildings and grounds. I want to say that while the chairman of the committee suggests that the District Commissioners and the citizens are in favor of it, the officers in charge of the public property in the District of Columbia, the Secretary of War, through his subordinates, reports directly against the bridge proposition and against giving them any of the land on the Mall and at Garfield Park.

In the minority report we estimate the value of the property, including the apportionment of $568,000 for the bridge, at $2,212,500. Gentlemen will observe that it is something more than the estimate in the Senate report. The answer is this: The Baltimore and Potomac now occupies about 4 acres of the Mall, or 129,000 square feet, not included in the Senate estimate, although they do not own the property and never did. This bill, however, will give it to them, but they do not own it now.

Mr. RIXEY. Does the bill give it to them in fee simple?

Mr. COWHERD. Oh, it practically gives it to them forever. Gentlemen know that if they are permitted to go there and erect a two-million-dollar depot and tracks, no Congress hereafter will ever remove it, and therefore it practically gives it to them forever.

Now, I want to call attention to the fact that while I estimate the cost to the Government at $2,212,000, I have not estimated the public lands taken by more than 8 acres of Government reservation. I did not do that because they are the small reservations that you will note marked along the map, and I knew nothing about the value of them. Now, then, I submit, in the first place, that the cost here is greater than the value of the work you will obtain after it is done. In order to get the tracks elevated and depressed, you are paying practically out of the people's money and property two and one-half million dollars. I submit that is more than the work will be worth to the Government after it is completed.

There is another proposition in this case that to my mind is more important than the question of giving away the people's property.

Mr. WILLIAMS of Mississippi. Before the gentleman from Missouri passes on to that question, I want to ask a question.

Mr. COWHERD. Certainly.

Mr. WILLIAMS of Mississippi. I understand that in addition to giving the railroad company all this land, we pay every cent of the cost of elevating and depressing the tracks?

Mr. COWHERD. No; the gentleman is mistaken in regard to that.

Mr. WILLIAMS of Mississippi. Tell the committee how that is.

Mr. COWHERD. The railroad company pays for the cost of changing the tracks, but the Government and District pay the cost of conforming the streets to the tracks and carrying the ways over and under the track, and the cost of approaches.

Mr. GAINES. What is that estimated to cost?

Mr. COWHERD. Two hundred and fifty thousand dollars; but I personally have no doubt that that estimate is much too low, because I know there are several places where there will have to be long approaches built past property already improved; and while the Commissioners estimate the probable damages at $50,000, I can not see why the property owners will not be entitled to much larger damages; and the cost of bridges and approaches and street changes is estimated at $200,000.

Mr. FITZGERALD of Massachusetts. What is the assessed value taken by the improvement which the Government will have to pay for, or will have to be paid for by the city? I mean in the change of streets and grades.

Mr. COWHERD. I do not understand that any property will be taken that will have to be paid for by the city. The city will have to pay for the damages to property by reason of the change of grade, and will have to pay for conforming the streets to the tracks.

Mr. GAINES. The gentleman makes an estimate leaving out the 8 acres. How much will the 8 acres be valued at?

Mr. COWHERD. I have no estimate for that, and therefore I make none.

Mr. HENRY of Connecticut. The railroad company occupy this property now, do they not?

Mr. COWHERD. I want to call attention to that point by referring to the map. The gentleman from Connecticut has asked me whether the railroad company do not now occupy this property. They do not now occupy the property proposed to be given.

The railroad now comes into the tunnel here [illustrating]; comes up in this direction, cutting off a part, I think, of Garfield Park, and then runs through, as indicated, on the street line; then coming in at this point [illustrating] and coming through; then coming down Sixth street, crossing over into the reservation known as the Mall, and running up to the terminal station.

It is proposed that this tunnel shall be straightened and extended so that the railroad will come up on the line of Virginia avenue, and when it reaches Garfield Park shall come out of the tunnel just about that point. At its crossing of New Jersey avenue [indicating] the railroad will be about seven feet below the surface, and New Jersey avenue will be carried over on a bridge. When it reaches this avenue [indicating] the elevation will be about twenty feet, and the street will pass under. From that point the road goes on as an elevated structure about twenty feet high. All of Garfield Park lying to that side [illustrating] of the railroad is given to the company in this bill.

Mr. BABCOCK. I think the gentleman's statement is misleading. The portion of the park which he now points out is now occupied, as I understand, by the main line.

Mr. COWHERD. No; the main line comes up here [illustrating]. A portion of the park here is occupied, but none of this portion. The main line is changed to that point [illustrating]. As I understand, the railroad now occupies something over 5 acres of the park, and we propose to give them by this bill 12 acres.

A MEMBER. In addition?

Mr. COWHERD. No, 12 acres in all—6.20 acres in addition to that they now occupy.

As I have said before, the present occupation is temporary. The company has never paid a cent for it. It has never been given to them or appropriated to them. They have simply been permitted to run their tracks over it.

I say frankly I do not object to this bill on account of its giving the company a portion of Garfield Park. If this improvement could go through, with the station removed from the Mall, I would not object to giving that land in Garfield Park and would not object to giving the right of way along the streets. But I want to call attention to the fact that we practically give this company 14 acres out of the very heart of the Mall. Here are the tracks running down Sixth street [illustrating], and here is Seventh street. It is proposed to widen Seventh street. The remainder of the block extending from B street NW. to B street SE. is given to the company forever. Then they propose to erect a depot and over it run tracks, seventeen or eighteen in number, if I remember rightly.

I suggest to the House that to-day we are going out and buying grounds for public buildings and making public reservations. A few years ago we spent almost a million and a half of dollars to acquire property adjacent to Rock Creek for a public park. We spent I do not know how many millions to get land for the Public Library. A proposition is now being discussed in the papers to condemn all the property on the south side of Pennsylvania avenue to be used for buildings which the Government may need in the future. And now, while we are buying property for public use at great public expense, it is proposed that we give to this railroad company 14 acres of as good land as lies in the city of Washington. And in this way we propose to cut up and ruin forever the most magnificent reservation in this capital city. [Applause.]

When the gentleman talks here about wanting to put the railroad terminals in the best shape, such shape so as to beautify the city, I say the minority of the committee stand here to-day representing those who desire to make this a beautiful city in the interests not only of the District of Columbia, but of all the people of the United States. Every man in the United States has an interest in that magnificent reservation. It is marked off on the original plans of l'Enfant. It was reserved by Washington to be the best of all the city's system of parks. It lies in the center of the city; and I say to you here and now that if this city is to be made—as it should be made—the most beautiful capital under God's sun, you never can make it such if you give to this railroad company those 14 acres in the center of that park.

There lies for the landscape architect and the landscape gardener an opportunity which exists in no other city in the world; and it is proposed to-day to give away that opportunity in order that people traveling by this railroad may land a few feet nearer Pennsylvania avenue. That is all there is of it. You can give this company the right to condemn land on this reservation up here [illustrating] and you can give them the right to erect a station there [illustrating]. That will only be two minutes farther than the present location from Pennsylvania avenue for a person walking, and less than a minute for anyone riding in a cab or carriage.

Two street railway lines connect all of the important systems in the city; there is no difficulty in reaching any portion of the

city from this location, and the slight inconvenience which would be occasioned by the change in the location of the new station would be absolutely infinitesimal. And yet, notwithstanding this fact, you propose to ruin that magnificent park, to ruin the plans which have been so long cherished for the future of this city, and locate the depot at this point simply because you claim it is a little bit more convenient for those people coming in or leaving the city. I object to it. We should not destroy that magnificent property.

Mr. PEARRE. I would like to ask the gentleman if he is in favor of selling this property?

Mr. COWHERD. No, sir, I am not. I was endeavoring to show that I am not either in favor of selling or giving it away.

Mr. PEARRE. I thought your objection was to giving it away.

Mr. COWHERD. No; I object to either plan. I would prefer, as the founder of the city intended, to reserve these open places for the adornment of the city, for the purpose of making this the most beautiful capital on the face of the earth. And when you give away or sell this property, then you destroy the possibility of carrying out the great purposes which the eminent founder of the city had in view and which we all desire to see accomplished.

Mr. PEARRE. What is the present occupation of that portion of the Mall to which you refer?

Mr. COWHERD. Why the railroad company has a temporary right to occupy 5 or 6 acres of public ground there; and let me say to the gentleman from Maryland that when they got that it was with the right to lay only two tracks; and it was stated in the Senate that they only had a temporary right at that, with the privilege to lay only two tracks and intended to run no engines over it at all. Yet they have made a myriad of tracks and are running trains every hour of the day through there.

Mr. SIMS. Let me ask the gentleman a question.

Mr. COWHERD. Certainly.

Mr. SIMS. Would it not be better to make a direct appropriation of money equal to the whole amount carried by the bill—that is, equal to the value of the 14 acres proposed to be donated—if necessary to do so and to accomplish justice to the railroad company, rather than to give up this property?

Mr. COWHERD. Well, for myself, I would rather give outright the $2,000,000 than to accomplish the destruction of this park in this manner, but I am not in favor of doing either.

Mr. SIMS. That is what I wanted to bring out.

Mr. COWHERD. Now, Mr. Chairman, I have an amendment prepared, which I shall offer at the proper time, giving the railroad company all the rights granted in this bill, except that this reservation shall be untouched, and requiring them to remove the tracks from Sixth street and locate the depot between B and D streets and between Sixth and Tenth streets, as they may find most convenient, with the right to use such reservations as lie between these points. This will give them all the rights that could possibly be required. They can construct their depot then at this point on the map [indicating] in place of the one suggested, and there will be no inconvenience to the people coming in or leaving the city as compared with the location proposed here.

Mr. NEWLANDS. Will the gentleman allow me to ask him a question?

Mr. COWHERD. Certainly.

Mr. NEWLANDS. Is the location of the depot which the gentleman proposes the same as that proposed upon the plan now before us as prepared by the landscape architect?

Mr. COWHERD. I was just coming to that.

Mr. GROUT. In that connection I would like to make an inquiry.

Mr. COWHERD. Certainly.

Mr. GROUT. If the depot is located where the gentleman indicates on the map, would it require to be elevated in order to accommodate itself to the tracks?

Mr. COWHERD. It would require to be elevated, of course, if the tracks were elevated.

Mr. BABCOCK. If you get rid of Dead Man's Curve you must elevate the tracks.

Mr. COWHERD. That, as I understand it, will be done by a tunnel.

Mr. BABCOCK. Then the tracks must be elevated at the point the gentleman indicates.

Mr. COWHERD. Certainly, and the depot would have to be elevated to accommodate the elevated tracks.

Now, in one of the last appropriation bills passed a year ago $4,000 was appropriated under instructions to the Secretary of War to employ the services of a landscape architect to investigate and report upon a plan for the permanent improvement of the Mall. Those plans have been drawn by Mr. Parsons. They are shown here on the large map, the Capitol grounds, the Monument, and the White House being shown, as gentlemen can plainly see. The plans attempt to show what is eventually intended to be a connection with Rock Creek Park.

I do not commit myself, and I do not ask or attempt in any way to commit the House, to any approval of those plans, but I offer them, showing what magnificent improvements can be made upon that public reservation, if you will keep the railroad company off.

I want to call attention to the fact that the landscape architect who has presented these plans has located the depot out here on the south side, and he states specifically in his report that the depot located in the heart of the Mall and the tracks running across it will forever prevent any proper permanent improvement of the Mall. Why, gentlemen, it is intended here that the depot shall be a solid structure, with some eighteen or twenty tracks, running clear across the park, and that the only way under it will be by arches—the bill states not less than 200 feet of space—by an arch or arches. And the plans of the District Commissioners provide only for the carrying of South Capitol street through under an arch of 50 feet.

Mr. WILLIAMS of Mississippi. Will the gentleman point out where the depot will be located?

Mr. DINSMORE. Where the depot will be located according to the bill.

Mr. COWHERD. According to the bill, the property given to the railroad company would be this which I point out on the map. This is Seventh street, and Sixth street, as you see, would run through here, and the bill would take out all that part of the property and give it to the railroad company for their terminal station.

Mr. FITZGERALD of Massachusetts. That would make impossible a direct connection between the Capitol and the Monument.

Mr. COWHERD. It would make impossible any kind of connection, except by an archway underneath these tracks, and it would cut off any hope of ever treating that public reservation as a whole.

Mr. DINSMORE. It would deface that part of it forever.

Mr. COWHERD. Certainly.

Mr. GROUT. Does the depot, under the Parsons plan, take any portion of the park except the building indicated down here?

Mr. COWHERD (referring to the map). This is the building indicated here. The Parsons plan provides for taking some additional property that is not in the reservation as it now stands. The depot as it is shown on the Parsons plan will be located just about here [indicating].

Mr. GROUT. But it would take none of the present Mall.

Mr. COWHERD. It would take none of the present Mall, as I understand it.

Mr. BABCOCK. It shows in that plan that they have taken a portion of it.

Mr. COWHERD. This is Maryland avenue. Gentlemen will notice that Maryland avenue runs south of the present Mall.

Now, Mr. Chairman, as I stated at the outset, I do not wish in any way to insist that the House should express any approval or disapproval of the plans. It may be that this is too expensive a plan. It may be that it takes too much property. But I do submit that we want to see this city made a beautiful city, and if we do, the distinctive feature of the future in the treatment of the nation's capital will be the treatment of this magnificent reservation.

Mr. DALZELL. I should like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. COWHERD. Yes.

Mr. DALZELL. Does this plan simply take property that is now public property?

Mr. COWHERD. It does not.

Mr. DALZELL. Does it contemplate the condemning of private property?

Mr. COWHERD. It contemplates the condemning of property up to Pennsylvania avenue, and down to Maryland avenue on the other side.

Mr. DALZELL. Taking private property on both sides of what is now public property.

Mr. COWHERD. Yes.

Mr. DALZELL. What is the anticipated cost?

Mr. COWHERD. I do not know, but it will be quite large.

Mr. WILLIAMS of Mississippi. It does not take private property on both sides, does it?

Mr. DALZELL. Yes; on both sides.

Mr. COWHERD. On both sides.

Mr. DALZELL. Can you give us an idea of what the cost would be?

Mr. COWHERD. I can say this: I have read in a newspaper that there has been a rough estimate by Mr. Parsons that, including the extension out to Rock Creek, it might run up as high as seven and a half million dollars. That is what I suppose the gentleman wants. That includes the condemnation of large portions of property, as you will see, reaching toward Pennsylvania avenue on the north and toward Maryland avenue on the south, and the extension out to Rock Creek Park. But permit me to say that even if you do not condemn that property, if you make no

effort to acquire that property, which means a large part of this expense, if you keep this railroad off the Mall, you will still have the right to treat that reservation as a whole, and have here in the city of Washington and in the heart of the city the most beautiful park in the world at a comparatively small cost.

Mr. GAINES. Was not that approved by Washington?

Mr. COWHERD. Washington was one of the commissioners to lay off the city, and approved the plan of l'Enfant.

Mr. PEARRE. Will the gentleman state whether that space is entirely uncut now?

Mr. COWHERD. I thank the gentleman for the suggestion. I want to call attention to that part of this proposed plan, so as to see what is done in that respect. Of course the space known as the Mall is cut by streets.

If this proposed plan is adopted, it is intended to consolidate the traffic into four streets—Four-and-a-half, Seventh, Twelfth, and Fourteenth streets. It is intended that the street cars and the heavy traffic should go down these streets, the road of which will be slightly depressed, and the pleasure traffic will follow these curved driveways and the boulevard will go over bridges spanning the road, either going this way or coming from that way, so that the traffic streets will run through, but the heavy traffic that will run thereon will in no way injure the park or destroy the great opportunities of this reservation.

I would like to call some attention to the particular features of this bill. We are called on to give away two and a half million dollars for the purpose of eliminating grade crossings. We abandon fifteen streets in order to eliminate grade crossings on twenty-two streets. That is exactly what is done in this bill. If gentlemen will turn to page 13, they will find a list of the streets that will be actually closed and abandoned, and some small ones that are not included.

Mr. WM. ALDEN SMITH. Will the gentleman state whether these streets that are to be abandoned have been improved?

Mr. COWHERD. We learn from the report of the Commissioners of the District that wherever the railroad owns the street it is of no importance at all that the street should be abandoned. Wherever they do not own it they go to an enormous expense in order to carry the street over it. You will find in the report of the Commissioners certain squares owned by the railroad company, and that where these streets touch on these squares we abandon and vacate them.

Mr. WM. ALDEN SMITH. What I wanted to know is, whether these streets that are to be abandoned have been improved, and are they now in such a condition that they can be traveled?

Mr. COWHERD. A portion of them have been paved, I understand.

Mr. BABCOCK. Is it not a fact that wherever the street is vacated the Commissioners have required the railroad company to purchase and own the abutting property?

Mr. COWHERD. Yes; where the street is vacated; but if it is necessary to go to the expense of two and a half millions of dollars to eliminate about half of the grade crossings, why should it not be cheaper for the railroad to own all the abutting property? We could buy the abutting property clear along the line and abandon all these streets for that money. I do not understand that because the railroad owns the abutting property on each side that the passage to the property beyond would not be hindered and obstructed by vacating the streets.

I want to call attention to the fact respecting streets wherein the grade crossings are eliminated. As I said, 15 streets are to be abandoned and 22 grade crossings eliminated. Of these 22, 10 are eliminated by carrying the streets over the railroad, and 5 of that 10 by elevated bridges that will require a considerable approach to be built. That means a great inconvenience to the traveling public and means a great cost to the people. Now, of the 12 where grade crossings are eliminated by elevation of the track, in 5 of these cases we have to lower the street for the tracks to be sufficiently elevated to eliminate the grade crossing, and this means cutting down the streets from 1½ feet in the lowest to 10.65 feet in the largest change.

So I again assert that while this may be an ideal proposition from an engineering standpoint, as the chairman has stated, it is not an ideal plan from the standpoint of the Government, from the standpoint of the citizen owning property along this right of way, or from the standpoint of the condition in which the Government reservations are to be left.

Mr. NEWLANDS. Will the gentleman allow me to ask him a question?

Mr. COWHERD. Certainly.

Mr. NEWLANDS. Referring to this plan, as I understand, the present station is on the corner of Sixth street?

Mr. COWHERD. On the corner of Sixth and B.

Mr. NEWLANDS. It would have just about this location, between Sixth and Seventh streets [indicating]?

Mr. COWHERD. Yes, sir.

Mr. NEWLANDS. Now, the plan of Mr. Parsons proposes the acquisition by the Government to the line of Pennsylvania avenue?

Mr. COWHERD. Yes, sir.

Mr. NEWLANDS. And the construction of a number of handsome public buildings along that line?

Mr. COWHERD. And that all further intended public buildings should be constructed along that line.

Mr. NEWLANDS. I ask if it would not be possible to provide that the railroad should purchase the property in front of B street, between B street and Pennsylvania avenue, and put a station there and thus carry out this plan, the station being one of the public buildings contemplated by this plan; whether or not the tracks running up there could not be depressed or run in a tunnel in such a way as not to interfere with the general beauty of the park?

Mr. COWHERD. Unquestionably it could not under the provisions of this bill.

Mr. NEWLANDS. I do not mean under the provisions of this bill. I ask whether or not that plan is not practicable?

Mr. COWHERD. I do not know whether it is practicable or not. I have heard some objection to a tunnel along the line of the road, because it is said that the land is so low that it would be full of water. But if it were practicable, the tunnel would have to begin way back. If the road came in in a tunnel all the way it could go through under the park and come out at its station, as you suggest.

Mr. NEWLANDS. Does not the plan propose to elevate the tracks?

Mr. COWHERD. Elevate the tracks and elevate the station, and run clear across the Mall.

Mr. NEWLANDS. What is the elevation?

Mr. COWHERD. I think about 20 feet.

Mr. BABCOCK. Mr. Chairman, I want a few moments to answer some of the propositions made by the gentleman from Missouri [Mr. COWHERD]. I think I can show, Mr. Chairman, that his argument in reference to the Mall and the land taken there falls to the ground when properly understood. I will endeavor to explain that situation now. The black lines on this map represent the present tracks. They are to be abandoned. The red lines are the ones that will be maintained. Now, if the committee will notice, the railroad company has the whole of Sixth street. This will be given back to the public and opened clear through under the track; and I submit, gentlemen of the committee, that there is nearly as many feet of ground in Sixth street from this point here up to Missouri avenue as is taken out of the Mall by this plan. The green on the plan shows the streets, and this part here shows the portion that is taken under the proposed bill. Here are the tracks on the Mall, and the street is widened down the full width and dropped back some 40 or 50 feet for the greater convenience of the public.

Mr. DINSMORE. Will the gentleman from Wisconsin allow me a question?

Mr. BABCOCK. Certainly.

Mr. DINSMORE. While it is true that all that land is taken there by the railroad and used now, it is only a temporary occupation. It need not necessarily be permanent?

Mr. BABCOCK. None of the land is given in fee simple by this bill. Congress reserves the right to amend or repeal.

Mr. COWHERD. When this great improvement shall have been made, does not the gentleman deem it to be permanent to the extent that no Congress could ever, or would ever, remove it?

Mr. BABCOCK. I think the gentleman from Missouri is correct. I think the occupancy there is practically permanent now. I think it would be extremely difficult to oust the Pennsylvania road from the property they have at present in the city.

Mr. FITZGERALD of Massachusetts. Was not it expressly understood when the ground was given to the road that it was a temporary occupation?

Mr. BABCOCK. I am not familiar with that subject.

Mr. CANNON. Will the gentleman from Wisconsin permit me a question?

Mr. BABCOCK. Of course.

Mr. CANNON. Let me ask the gentleman: As I understand it, the land now occupied by the railroad across the Mall is occupied by what amounts to a license not given in fee?

Mr. BABCOCK. I understand it so.

Mr. CANNON. I understand, not from reading the bill, but it is what I want to find out, that it is proposed by the grant contained in this bill to give a license and not give it in fee?

Mr. BABCOCK. Not in fee.

Mr. CANNON. But the gentleman has said now that, from a practical standpoint of the interests of the public and the interests of the road and the interests of the District, he is satisfied that it is practically impossible to move the railroad with its depot from the location it has now?

Mr. BABCOCK. The Commissioners say it is absolutely impracticable, and the committee believed it to be so.

Mr. WHEELER. Why?

Mr. CANNON. For the same reason that it would be impracticable if the larger grant was made, as the gentleman from Missouri [Mr. COWHERD] has already explained.

Mr. WHEELER. Under this easement they have practically a fee simple title, have they not?

Mr. BABCOCK. Oh, no.

Mr. DINSMORE. What would be the objection to removing the station farther back, so that it would not encroach upon the Mall?

Mr. BABCOCK. In the first place, there is no citizen of the District of Columbia who would not protest against the station being put back nearly half a mile, or certainly a quarter of a mile—back here on the other side of the Mall.

Mr. DINSMORE. I understood the gentleman from Missouri [Mr. COWHERD] to say that it would not be more than a thousand feet.

Mr. BABCOCK. It would be much more than a thousand feet if placed back of the Mall.

Mr. RICHARDSON of Tennessee. If the station were moved back a thousand feet, as the gentleman from Missouri has suggested, would not the Seventh street line of railway and the other line run very near this station? The Seventh street line would run right under the shadow of the station.

Mr. BABCOCK. Two car lines already cross the Mall—one on Seventh street and one on Four-and-a-half; and whatever may be done about this improvement, I do not think it is intended to dispossess or take up the street-car lines which now cross the Mall.

Mr. RICHARDSON of Tennessee. Would not those street-car lines accommodate all the people who may be going to and from that depot?

Mr. BABCOCK. Oh, yes. In the same way it may be said that they would be accommodated if they were obliged to go down to the oyster wharves in order to take the train for Chicago or New York.

Mr. FITZGERALD of Massachusetts. Does not the gentleman from Wisconsin believe that the people of the United States who own all this territory are more interested in a magnificent park system in this magnificent capital than in the convenience of a few persons who may be benefited by placing the railroad station adjoining Pennsylvania avenue? And is not that a consideration which ought to appeal to members of the House?

Mr. BABCOCK. I believe the adoption of this proposition will be a greater step toward the improvement and beautifying of Washington than anything that has been done in that line.

Mr. FITZGERALD of Massachusetts. Is it not a fact that the officer who has charge of the public grounds and parks of the city of Washington is opposed to this plan and condemns it? I refer to Mr. Bingham.

Mr. BABCOCK. That is very true; and Mr. Bingham condemns any proposition that touches any public property in the city of Washington, whether the proposition is to take such property for a public building or for anything else.

Now, I want to say to the gentleman from Tennessee that the land proposed to be taken is practically in disuse now.

Mr. GAINES. Why so? Can we not make it into a park?

Mr. BABCOCK. The greater part of it is now occupied by the railroad. The portion between Sixth and Seventh streets is practically of no use.

Mr. GAINES. Why so?

Mr. FITZGERALD of Massachusetts. Is it not true that Congress is just waking up to the fact that Washington ought to have a magnificent park system? Practically nothing has been done heretofore, in my judgment, toward beautifying this city. The city of Boston, within the last few years, has spent $25,000,000 in beautifying its park system, and yet when it is proposed to spend $5,000,000 for a similar purpose in this city, the outcry is raised that we may be impoverished.

Mr. GAINES. The gentleman from Wisconsin has said, as I understand, that the railroad now occupying the Mall is a mere temporary affair.

Mr. BABCOCK. No; not a mere temporary affair.

Mr. GAINES. The license presupposes that it is temporary.

Mr. BABCOCK. Congress is left free to take any action in the matter that it may see fit.

Mr. GAINES. The title is not in the railroad company, but still in the Government, so that the railroad is operated under a mere license. I want to ask the gentleman why he disagrees with the gentleman from Missouri and denies that this measure will destroy the park?

Mr. BABCOCK. Because the greater portion of the park—that between Sixth and Seventh streets—is already occupied. The park is now cut into by railroad tracks.

Mr. GAINES. Which can be removed.

Mr. BABCOCK. Oh, certainly; you can drive those railroads entirely out of the city.

Mr. GAINES. Nobody wants to do that.

Mr. LENTZ. Does this railroad company pay any rental for this land?

Mr. BABCOCK. I think not.

Mr. McDERMOTT. I would like to know where this license which has been spoken of is to be found.

Mr. BABCOCK. It is in an old act passed years ago.

Mr. McDERMOTT. I would like to have the gentleman refer me to that act, so that we may examine it.

Mr. BABCOCK. I am not able on the moment to do so. The gentleman will find it in the statutes affecting the District of Columbia.

Now, I want to call attention again to the fact that this great subway, leading directly from the Capitol, will pass right under this depot by a 200-foot arch—wider than any street we have in this city. I call attention also to the fact that this improvement does not take away in a single particle any advantages that the citizens here are now enjoying. Why? Because the streets I have named are now occupied by those two railroads. If you undertake to accomplish what the gentleman from Missouri desires, without this proposition for elevation, you must go to work and take up all those tracks.

Now, I submit, Mr. Chairman, that, on the whole, the plan suggested by the gentleman from Missouri, if carried out, would be very much more expensive than the one recommended by the committee, costing 50 per cent or two and a half million dollars more and accomplishing not such good results.

And now a word as to the general plan the committee does propose. I wish to call the attention of the members present to the line as indicated on this map. The Southern lines coming in here across the Long Bridge follow up this line which is indicated on the map in red, and the lines coming in from the east—from Baltimore—follow this other line, both converging at the point indicated here on the map, both of them meeting at the Y, at the point which I now indicate to you, and then going parallel down into the heart of the city to the station.

Now, as I understand it, the former Engineer Commissioner, Captain Black, now a colonel in Habana, was the prime mover in this new plan. He gave to it an immense amount of time, thought, and study, and I believe he has left a record behind of which he is, and has reason to be, proud, and considers this the greatest engineering work of his life. If the suggestion of the gentleman from Missouri [Mr. COWHERD] carries the benefits that he attempted to show here, upon this other map—I hardly know what it is—it may be worth considering whether or not you might not better take away, as the gentleman from Tennessee [Mr. GAINES] suggested, all of this privilege to the road, and deny them the right of coming across there at all. But you must remember that the people of the city and of the country who are interested in this matter have also some rights which must be considered.

Mr. GAINES. If the gentleman will pardon me, I did not suggest the taking away of the rights of the railroad.

Mr. BABCOCK. I understand that.

Mr. GAINES. On the contrary, I said no; not to take them away. But as I understood the gentleman to say that they merely had a license, I only suggested that in that event it was not a permanent matter. I should, of course, be very sorry to have them leave the city.

Mr. BABCOCK. I understand that. I did not mean to say that the gentleman had contemplated such a thing. I merely followed indirectly a suggestion of his to show the point I was making.

But in order to elevate this track for the purpose of making the improvements which have been suggested by the gentleman from Missouri you inflict damage here far beyond the present conditions.

Mr. FITZGERALD of Massachusetts. Do you not think the city should be improved at the point you are indicating?

Mr. BABCOCK. Oh, Mr. Chairman, everything ought to be improved that can be improved; but I was simply calling attention to the enormous expense which would be involved in the plan suggested by my friend from Missouri, and how inadequate it would be to accomplish the good we believe can be accomplished by the committee's bill.

Mr. MANN. I would like to ask the gentleman a question.

Mr. BABCOCK. Certainly.

Mr. MANN. I wish to ask the gentleman if the character of the work required to be done where the track is to be elevated is specified? Is it to be an ornamental or a plain stone work?

Mr. BABCOCK. It is to be a permanent work, and the character is specified.

Mr. MANN. What I wish to ask is whether it is to be an ornamental structure, æsthetic in design, or whether it is to be a mere plain viaduct?

Mr. BABCOCK. I am glad the gentleman has suggested the interrogatory. The plans for the elevation of the tracks of both the Pennsylvania and the Baltimore and Ohio, recommended here, are on file in the offices of the Commissioners of the District

of Columbia and are approved by the Commissioners and by the engineers of the road, and show an ornamental character of the work that could not be objected to by anyone.

Mr. MANN. Because, of course, as the gentleman knows, works of this character may be made æsthetic; and the structure to be put there under the operation of this clause should be artistic in character and pleasing to the public eye and not injurious in appearance to that park.

Mr. BABCOCK. That has already been worked out in detail, and the plans already made are a part of the legislation recommended.

Mr. MANN. So that the companies would be required to comply with certain plans, as to the appearance of this work, which have already been considered?

Mr. BABCOCK. Not only under certain plans, but the work is all under the control of the Commissioners, and must be made satisfactory to them.

Mr. MANN. I mean with a view to beautifying the park.

Mr. BABCOCK. Yes.

Mr. MANN. For instance, if the gentleman will permit me, in the city of Chicago, where the Illinois Central Railroad elevated its tracks across the Midway at the time of the World's Fair, the elevation is made of such a character that in the opinion of nearly everybody it adds to instead of detracting from the beauty of the entire plan of the park.

Mr. GILLETT of Massachusetts. Will the gentleman permit a question?

Mr. BABCOCK. Certainly.

Mr. GILLETT of Massachusetts. Am I right in understanding that the main objection to moving the Pennsylvania depot out to the south of its present location is that it takes it a couple of thousand feet farther away from Pennsylvania avenue?

Mr. BABCOCK. No; that is not the principal objection.

Mr. GILLETT of Massachusetts. That seems to be very trivial. What other objections are there?

Mr. BABCOCK. The difficulties of the whole engineering project are of such a character that it would practically end this elevating proposition for the present. The gentleman from Missouri [Mr. COWHERD] has stated that it would cost $7,500,000, according to the estimate of Mr. Parsons.

Mr. COWHERD. Oh, no; I beg the gentleman's pardon, that does not state the fact correctly at all. Mr. Parsons's estimate includes a very great deal more than that.

Mr. GILLETT of Massachusetts. I mean building the station there. Are there any engineering difficulties about that?

Mr. BABCOCK. No; but about the trackage.

Mr. GILLETT of Massachusetts. It looks as though it would be easier to have the tracks come in straight than to come up on a Y.

Mr. COWHERD. Does the gentleman from Wisconsin mean to say that it would be impossible to carry out this elevation scheme according to that plan?

Mr. BABCOCK. Oh, there is nothing impossible in engineering.

Mr. COWHERD. But does the gentleman say it would be impracticable?

Mr. BABCOCK. That it would be impracticable.

Mr. COWHERD. The engineers of the War Department say that it would not be.

Mr. GILLETT of Massachusetts. Will the gentleman from Wisconsin tell us why he considers it impossible?

Mr. BABCOCK. I can not give the details. We simply have the report of the engineers and of the Commissioners of the District of Columbia, and the committee must rely upon the reports of the officials for that.

Mr. THROPP. Will the gentleman allow a question?

Mr. BABCOCK. Yes.

Mr. THROPP. Referring to the map here, I understand that you propose coming in a part of the distance through a tunnel. One of the objections to the proposition which has been made to tunnel the whole distance is that down on the low ground near the Potomac River they can not build a tunnel, for the reason when the Potomac is high it would be flooded. But you could keep the tracks on the surface, as they now are, could you not?

Mr. BABCOCK. Yes.

Mr. THROPP. Now, could the company not overcome the principal objection which is being urged to the proposed plan of crossing the Mall with an elevated track by bringing their tracks up to the station on the surface, as they now are, and build retaining walls on the side, say 18 feet high, which I think the locomotives require, and then have an elliptic arch which would be sufficiently wide to cover the tracks, and grade up to and over this arch, making a mound-shaped elevation which would cover up the tracks, and which would not in the future interfere with the proposed plan for the park system which has been talked about? The Pennsylvania Railroad Company will certainly build a handsome station, as it has done in other cities, and I favor bringing it up to Pennsylvania avenue, if possible. Let its station be one of the proposed beautiful buildings on the south side of the avenue.

Mr. BABCOCK. I will say to the gentleman from Pennsylvania that that is an entirely new idea.

Mr. THROPP. Has such a plan been brought to the attention of the committee and considered by them?

Mr. BABCOCK. Not by the committee; no.

Mr. THROPP. The reason for my suggesting this is that in depressing the tracks to the Reading terminal in Philadelphia, when they came to Fairmount Park they covered over the tracks in the way that I have suggested, leaving ventilating spaces, and have graded over the arches so that the effect is rather pleasing than otherwise. If that were done here it could be made just as beautiful as desired.

Mr. BABCOCK. I will say to the gentleman that I think that would be impossible over a portion of this route, and I do not think the gentleman's proposition would cure the objection that has been made.

Mr. THROPP. I think this city needs better terminal facilities for the railroads. The question is how to get them on the best and most attractive plan.

Mr. BABCOCK. The committee have not considered any proposition of the kind suggested by the gentleman.

Mr. FLEMING. If the gentleman will permit me, how many additional acres of the Mall are to be given under this bill?

Mr. BABCOCK. I have not the figures right here at hand, and this map is not drawn to show exactly that; but, as I understand, the whole acreage will be about 14 acres.

Mr. FLEMING. What compensation are you getting from the railroad for that additional 14 acres?

Mr. BABCOCK. That is a part of the contribution on the 50 per cent basis of the cost of the elevation.

Mr. FLEMING. How much is the Government being allowed for that 14 acres?

Mr. BABCOCK. The value of the land is estimated by the Commissioners at two dollars and a half a square foot.

Mr. FLEMING. And your position, then, is that the Government is being paid for that property?

Mr. BABCOCK. The position is this: In the Pennsylvania elevation bill, the contribution on the part of the District, which is supposed to be about 50 per cent of the cost, is not cash, but in land. In the Baltimore and Ohio bill it is in money. The Pennsylvania gets its aid under this project in land, and under the project of the Baltimore and Ohio it gets its in money.

Mr. FITZGERALD of Massachusetts. Does the gentleman from Wisconsin think that 50 per cent sufficient for the railroad to pay?

Mr. BABCOCK. Yes, on this track elevation. The Government has nothing to do with the improvements, depots, and things of that kind.

Mr. FITZGERALD of Massachusetts. Does that 50 per cent mean of the whole cost? Does it include the land, too?

Mr. BABCOCK. Fifty per cent is what applies directly to the elevation, and not to the improvements or depots.

Mr. FITZGERALD of Massachusetts. The 50 per cent of the amount would be paid by the Pennsylvania Railroad and 50 per cent by the Government for the elevation?

Mr. BABCOCK. Yes; 50 per cent of the cost of the elevation. That is the idea. That is the point that has been reached and recommended, after long investigation of the methods adopted in different cities of this country, by the Commissioners and by the Senate committee. The Commissioners report in favor of this plan.

Mr. FITZGERALD of Massachusetts. Massachusetts requires the railroads to pay 65 per cent.

Mr. SHATTUC. I desire to ask the gentleman from Wisconsin who are asking for this legislation?

Mr. BABCOCK. The District Commissioners.

Mr. SHATTUC. And not the railroads?

Mr. COWHERD. I think it true that the Commissioners did not report favoring the location in the Mall. They called attention to the fact that they did not report as to whether it should be removed, but they left that to the discretion of Congress.

Mr. BABCOCK. In answer to that question, the Engineer Commissioner yesterday morning was asked the very question which you mention, and he stated to the committee absolutely that this is the only project, from an engineering standpoint, that would accomplish the result, and that he wanted to be regarded as absolutely in favor of that and against the proposition to move the depot down there.

Mr. COWHERD. I think the engineer had said he was in favor of it, but I want to say that the main reason, the moving reason, as I understood, why the Commissioners reported in favor of it was that they understood that Congress would not require them to move it out, and that they would leave it where they had it.

Mr. NEWLANDS. Will the gentleman allow me to ask him a question?

Mr. BABCOCK. Certainly.

Mr. NEWLANDS. As I understand it, the plan proposed by Mr. Parsons provides for the acquisition of the block between Third and Fourth, between Fourth and Sixth, and Sixth and Seventh; that is, the streets between Third and Seventh streets on Pennsylvania avenue. Now I ask whether it is not possible to provide that the railroad should condemn the land in front up to Pennsylvania avenue, and the station house shall be constructed of such architectural design as will fit it into the general plan of having a stately, imposing line of buildings along the line of Pennsylvania avenue; and whether in that connection the tracks necessary to reach this station can not be depressed just as the street railroad tracks are proposed to be by the plan of Mr. Parsons along Seventh and Twelfth streets?

Mr. BABCOCK. I want to say to the gentleman that that has been my idea, and I made that suggestion to both the committee and the District Commissioners; and my idea is that it still would be better to have the depot fronting, as the gentleman suggests, on Pennsylvania avenue, and the street reached through this way.

Mr. NEWLANDS. If that were done, would the tracks be depressed as the street railway tracks are, and so concealed by foliage, etc., as not to interfere with the general appearance of the park?

Mr. BABCOCK. That would be worse than elevation.

Mr. LACEY. How expensive would it be to condemn this block?

Mr. BABCOCK. I do not know.

Mr. NEWLANDS. If this were done at this point here [indicating on map], could it not be done as I suggested in the question I asked you a moment ago?

Mr. BABCOCK. If this were made on the surface, it would be worse for the lower place than where elevated.

Mr. NEWLANDS. Do I understand that on Seventh street here, where the railroad tracks are really depressed below the general level, and where you will, under this plan, have roads running across bridges across the street from one portion of the Mall to another, that it would interfere with it?

Mr. BABCOCK. It is depressed at some points, altogether owing to the topography of the service, where it is necessary to get the necessary elevation.

Mr. SHATTUC. May I ask the gentleman another question?

Mr. BABCOCK. Certainly.

Mr. SHATTUC. If this legislation is defeated, the railroad company will occupy the position that it does now?

Mr. BABCOCK. Certainly. I reserve the balance of my time.

Mr. SHATTUC. Mr. Chairman, I have had no opportunity to ask any questions of the chairman of the committee, and I would like to ask the chairman of the District Committee who has asked for this legislation?

Mr. BABCOCK. This is a plan worked out by the Commissioners of the District of Columbia.

Mr. SHATTUC. That does not answer my question. Are the railroad companies asking for it?

Mr. BABCOCK. The railroad companies have accepted it, but they have not asked for it.

Mr. SHATTUC. They did not ask for it?

Mr. BABCOCK. No, sir. I want to say that the committee has had this proposition for elevating the tracks before them since I first came to Congress.

Mr. SHATTUC. How long ago was that?

Mr. BABCOCK. Seven or eight years ago, and it was originally opposed by the railroad companies. One company said that if the bill was passed at that time it would put them into bankruptcy.

Mr. SHATTUC. Then, if we do not agree to this bill, the railroad companies will occupy the same space they now occupy?

Mr. BABCOCK. Certainly, if Congress does not interfere with them.

I want to say that where the land is vacated by the railroads under this bill it will enhance the value of the property there thousands of dollars.

Mr. SHATTUC. How long has it taken the engineers to work out and develop these plans?

Mr. BABCOCK. Four years.

Mr. SHATTUC. Well, I have not been able to get much new light on the subject within the last hour. [Laughter.]

Mr. RIDGELY. If the gentleman from Wisconsin will permit me, I understand the elevation of the tracks for public safety and convenience will cost $2,500,000.

Mr. BABCOCK. No; where the estimated cost is two millions and a half it involves the building of a wagon bridge, which would be a permanent improvement. The old Long Bridge must be gotten rid of, as it is a menace to the city. The ice lodges against it in the spring, and gentlemen will remember that we have had to make appropriations every spring for a number of years to blow the ice out. It is absolutely necessary that the old Long Bridge should come out.

Mr. RIDGELY. Can the gentleman state the amount it will cost to elevate the tracks at the grade crossings?

Mr. BABCOCK. I do not understand.

Mr. RIDGELY. What will it cost to elevate the tracks as contemplated in the bill?

Mr. BABCOCK. The engineers have figured that it will actually cost $3,000,000 for the elevation of the property; that the cost of this improvement here will be $6,000,000, all told, and one-half of it is chargeable to elevation.

Mr. RIDGELY. About $3,000,000?

Mr. BABCOCK. Something over $3,000,000. I think $3,150,000 in the Baltimore and Ohio bill, and something over that in this bill.

Mr. RIDGELY. One-half of the cost of that is to be borne by the Government?

Mr. BABCOCK. One-half of the elevation proper to be borne by the Government.

Mr. RIDGELY. The question now is if the Government is to pay something like a million and a half in money, or in property, then will the Government have an interest in this property equal to the amount of money they have invested in it?

Mr. BABCOCK. The only interest the Government will have will be in the streets and the advantages that the general public will have from the elevation of the tracks and the general improvements. The Government will have no ownership of the property.

Mr. RIDGELY. The Government will not share in the ownership of the property?

Mr. BABCOCK. No, sir.

The CHAIRMAN. The gentleman from Ohio [Mr. SHATTUC] has the floor. Has he yielded it?

Mr. SHATTUC. I will yield the balance of my time to the gentleman from Wisconsin [Mr. BABCOCK].

Mr. SHAFROTH. I would like to ask the gentleman from Wisconsin a question.

Mr. BABCOCK. Very well.

Mr. SHAFROTH. Was there any testimony before the committee as to the number of deaths that had been caused by the grade crossings on this railroad?

Mr. BABCOCK. As to the number; no.

Mr. SHAFROTH. Any testimony as to the amount of damages that have been paid by the company on account of deaths?

Mr. BABCOCK. No, sir.

Mr. SHAFROTH. Was there no statement regarding it made by the railroad officials?

Mr. BABCOCK. Not before the House committee; no, sir. That matter was gone into at the other end of the Capitol. Before the House committee that portion of the road called "Dead Man's Curve" was referred to incidentally as being where the great loss of life had occurred on the Pennsylvania line, but to what extent I am unable to answer. Now, how much more time does the other side want?

Mr. COWHERD. Quite a number of gentlemen have requested time, and I think we had better let the matter run along for a while.

Mr. BABCOCK. I want to reach some point of time when we can close the general debate.

Mr. COWHERD. Quite a number of gentlemen on this side of the Chamber, as well as on the other side, have requested time. Now, I think in half an hour, or perhaps an hour, we can agree about it.

Mr. BABCOCK. Suppose we fix 3 o'clock as the time for closing debate?

Mr. COWHERD. I can not consent to that.

Mr. BABCOCK. Then, Mr. Chairman, I move that general debate on this bill be closed at 2 o'clock and 45 minutes.

The CHAIRMAN. That motion is not in order.

Mr. SIMS. I am a member of the committee, and I have not yet had an opportunity to open my mouth on this bill.

Mr. BABCOCK. Of course the gentleman is entitled to recognition.

Mr. COWHERD. I make the point that we can not close general debate in the Committee of the Whole.

The CHAIRMAN. The Chair has already ruled that the motion of the gentleman from Wisconsin is not in order.

Mr. SIMS. Mr. Chairman, I do not want to go over everything that the gentleman from Missouri [Mr. COWHERD] has said; but there are some matters connected with this bill that he has not discussed in detail and to which I wish to invite attention, because as a member of the committee I feel it my duty to give the members of the House all the information I have on this question.

This bill provides, among other things—and this is a point which has not been discussed—that there shall be a new bridge built by the railroad company where the Long Bridge now is. Of course, that bridge is to be for the benefit of the railroad, not for the benefit of the District of Columbia or the people of the United States. It is further provided that a new highway bridge shall be built

instead of the highway bridge now used in connection with the railroad bridge. This highway bridge is to be built at a cost not exceeding $568,000, to be paid by appropriations by the Government of the United States.

Another thing should be stated in this connection. The present Long Bridge, as I understand, was built by the Government, and its use was given to the railroad company, which assumed the liability of keeping in repair the highway bridge, used by foot passengers, by vehicles, and by street cars. This bill proposes to relieve the railroad company entirely of that obligation by removing the highway bridge to another place, whereby the railroad company will be relieved from what is now a perpetual charge upon it—the maintenance of this highway bridge. This is a benefit which they are to receive under this bill, and it ought to be considered in connection with the other benefits they will receive.

The War Department is opposed to the building of two bridges so close together. The objection is that they will obstruct navigation. The proper officers of the Government, as shown in the majority report, object strongly to building two bridges so close together. They recommend that this railroad bridge and the highway bridge be continued together as now.

If I did not misunderstand the gentleman from Wisconsin, he stated, in answer to a question of the gentleman from Illinois [Mr. CANNON], that the Commissioners of the District of Columbia had reported that it was practicably impossible, or at least extremely inconvenient, to erect a depot elsewhere than upon the location shown here on this map. Now, I want to read exactly what the Commissioners did say on this subject, and I hope the gentlemen will give attention:

> The present station was established under authority of an act approved March 23, 1871, by the board of aldermen and common council of the city of Washington, at a time when the people were supposed to have a voice in the affairs of the District government. It is therefore assumed that this location was the choice of the people at that time.

So this location, so far as these reports go, is based upon a mere assumption that the location was the choice of the people at the time—an assumption based on the fact that the location was authorized by the action of the board of aldermen and the common council of the city of Washington.

Then the Commissioners continue:

> This action was confirmed by the act of Congress approved May 21, 1872, since which time the company has been in quiet possession.

Now listen to what the Commissioners say further:

> The advisability of requiring a change of location at this time is left to the wisdom of Congress.

That is what the Commissioners say. They do not say that it is not a feasible engineering proposition to have this station located elsewhere; they leave the matter to the wisdom of Congress, and whatever action we take must be taken on our own responsibility. The Commissioners do not recommend that the station remain where it is. Neither do they say that it is impossible or impracticable as an engineering feat to erect a new station south of the Mall.

Mr. SHATTUC. Do they recommend the proposed change?

Mr. SIMS. They leave it to the wisdom of Congress. They make no recommendation. Congress is left to act entirely upon its own responsibility as to where this station shall be placed. The Commissioners do not assume any responsibility in the matter.

Now, Mr. Chairman, the depot can be placed here at this point [indicating], as we recommend in our suggestions, and with less cost to the railroad company, than to establish it at this other point upon the Mall, as indicated in the report of the majority of the committee. Furthermore, the bill proposes the removal or destruction of the present depot building. And so far as damage results to the railroad company by the destruction of its depot is concerned, that is not increased if it shall be placed at the point we indicate rather than on the Mall.

But I do not wish to take a utilitarian view of the question. We are not legislating now exclusively for the benefit of the people of Washington. The city, as has been truly said in the course of the debate, is not a city for the District of Columbia and for the people of the District of Columbia, nor for the people of a special locality, but for the people of the whole United States, the people of the nation. They are all interested in it and in its development.

The traveling public would certainly be willing to submit to the little, insignificant inconvenience of going this distance across the Mall to the depot rather than destroy that magnificent park, as you propose to do. This Mall, set apart and approved of by George Washington himself—if that adornment of the city, with all of its future possibilities, is to give way to a mere question of the convenience of a few people, then why not place the depot where the greater number of the citizens of Washington could reach it with less inconvenience than where it is now located? We know that on Sixth street, the present location, it is not in the center of the city, is not near to the greatest number of the principal hotels of the city, and is not near to the greatest number of the people of the city; and I claim that, legislating as we are for the people of the whole United States, it is our duty to protect their property and look to their interests, because we are called on here, not as the representatives of the people of the city of Washington, not as representing a particular locality, not as representing the people of the city where this property happens to be located, but here is a case where the people of every locality in the nation are interested.

Mr. SHATTUC. In your estimate, as a railroad expert, how much less yard room would it take to accommodate the business of the railroad company by having a double-end depot rather than a single-end one?

Mr. SIMS. I do not know. I do not care. I can not tell, and it is not a matter of consequence in this connection. I repeat, I am not here representing the people of the city of Washington, or any locality, in a matter of this kind. I undertake, as well as I can, to represent the interests of all of our people throughout all parts of the country, and I can not tell the gentleman whether it would cost more or less.

Mr. SHATTUC. Naturally it would cost less.

Mr. SIMS. Well, that may be; but it is all the better for the railroad company if it does. But, so far as I am concerned, if it was a question of equity in connection with this matter, I should be in favor of the appropriation of every dollar required to reimburse the railroad company rather than allow them to destroy this magnificent park.

Mr. OTJEN. Is there room enough on the site you propose to build a depot?

Mr. SIMS. Undoubtedly. And in that connection let me read what is said by those who are more capable of judging than I. I am merely giving a statement of the case as it appears to me, and I would rather quote those, if I can, who have had more opportunity of investigating it. We are told in the report of the minority of the committee that—

> One of the most important features of the plan will be found in the new site assigned to the Pennsylvania Railroad station, now a serious obstruction to the development of the new park. Its present location, if retained, would utterly destroy the harmonious arrangement of the ovals and sunken transverse roads, which are the distinguishing characteristics of the present design. The passage of trains through a park, whether over, or under, or on the level, is always to be deprecated. It destroys the restfulness and isolation of the place, and it should be prevented by any arrangement that is not absolutely inimical to the comfort and business necessities of the public. A lightning express is quite incompatable with a green garden and singing birds.

Mr. Chairman, we paid $4,000 to get the opinion of an expert on this very question, and he tells us, as I have just shown you, that the present location is a serious obstruction to the improvement of this park, and that if that location is retained it destroys the harmony of the arrangement of the ovals and sunken transverse roads which are the distinctive characteristics of the present design.

Mr. HEPBURN. Will the gentleman allow me to interrupt him for a question?

Mr. SIMS. Certainly.

Mr. HEPBURN. With the approval of the opinion of the expert to whom you have referred, are you ready to vote the necessary sum to carry out his recommendations?

Mr. SIMS. Not beyond that included in the Mall. The gentleman will understand that this expert takes in a great deal of other outside property in his suggestions.

Mr. HEPBURN. Then you are not willing to follow him in the suggestions he has made and which you embody in your report?

Mr. SIMS. Not to the extent of the improvement of the whole territory included in the report, for I have not examined it. I do not know whether on an examination I should approve the whole of his plan or not. But in so far as the Mall itself is concerned, I certainly think we should take what he says about it, because, so far as the Mall itself is concerned, we can take what this expert says and consider it for what it is worth, without considering that part of these plans which reach beyond the Mall.

Now, further, I quote:

> The passage of trains through a park, whether over or under or on the level, is always to be deprecated. It destroys the restfulness and isolation of the place, and it should be prevented by any arrangement that is not absolutely inimical to the comfort and business necessities of the public. A lightning express is quite incompatible with a green garden and singing birds.

This is the point I want to call attention to:

> The proposed site for the station, it will be seen, is large and commodious, and situated directly in front of the transverse road at Seventh street, which is made as wide as Pennsylvania avenue, and only 1,600 feet from its nearest borders. The station as now situated, in the heart of the proposed park would completely destroy the unity of the park design, for it stands at the very point where the loss would be the greatest.

Now, gentlemen, I have no feeling of animosity toward a railroad company just because it is a railroad company, or anything of that sort. I am not addressing myself to that question at all. I would give the Pennsylvania Railroad just as much as I would give any other railroad, but I do not understand that it hurts a

railroad company as a property to have its depot located farther back. I do not see that it would prevent a single passenger from visiting Washington, nor would it reduce the hauling of freight one pound; and, as suggested by the gentleman from Ohio, it would certainly be cheaper than to build upon the present plan.

Then, as to the question of the depot being there permanently, the gentleman from Wisconsin [Mr. BABCOCK], the distinguished chairman of the Committee on the District of Columbia, spoke with reference to existing conditions. I want to say right here that if existing conditions are to remain, he is exceedingly logical. In that view of the matter he is correct, because certainly we had better have a permanent depot there, costing a million and a half dollars, than have the car shed which is located there now. But, as far as my information goes, it has never been understood from the time this railroad came into the Mall up to the present hour that it was contemplated that these present holdings should be permanent. I find that in 1890, in the discussion with reference to the location of this road upon this Mall, an amendment passed this House requiring the company to move its depot back to the junction of these avenues. It did not become a law, but it did pass the House, and that shows the disposition, opinion, and judgment of Congress at that time. Ten years ago they understood they had a right to move this depot back, and they passed an amendment that did it. I will not take the time to read it.

But as far as I am concerned as a member of this committee, I waive any question as to Garfield Park. I waive all other objections to the bill. But I do think that to take this part of this park and give it to the railroad company at this time, either with reference to the benefit of the railroad company or to the convenience of the people of the District of Columbia, is something that we should not do. If the precedent is established of cutting this great park in two, either for convenience to the public or profit to a business enterprise, where is it going to end? Why not go into the White House grounds and have a railroad station south of the White House, if you are going to consider the question of convenience only? I do hope that in this matter something more than the mere utilitarian idea of convenience will be considered. This improvement should not be made in such a way as to be useless to the public or in such a way as to make it a great burden. But to take it out of the Mall will not do that. It will not injure the railroad company and will prevent the utter ruin of this property as a park.

At this time, just after the celebration of the centennial anniversary of the removal of the Government of the United States to Washington, when it was said upon the floor of this House only a few days ago that this was designed to be, and must be, the most beautiful city on the face of the earth—within this short time afterwards we are asked here to make impossible a part of that very plan of beautification by cutting into the most distinctive feature of our city parks and improvements. Certainly this is a most untimely and unwise proposition, which, if carried out, will be a matter of regret to all who come after us.

Mr. OTJEN. Will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. OTJEN. I understand you, then, that it is feasible and that there is room enough to build the depot where the junctions of the road are, at the point marked "Yard" on the map. I understand you that there is plenty of room there?

Mr. SIMS. Of course I am not a railroad man and can not answer that personally; but those who ought to know inform me that there is room enough.

Mr. OTJEN. It is claimed by some that there is not sufficient room there to build the depot. That is the reason I asked the question.

Mr. SIMS. There is, or can be had by purchase or condemnation. There are some Government reservations there, and all the room that is needed, as I understand it, can be acquired. There is plenty of room, as I understand it, for all the depot facilities that they would get by having it where it is located in this bill, if I understand correctly. I speak from information and not as a railroad expert.

Now, I admit that a while ago Colonel Bingham was criticised for the position he took on this question; but Colonel Bingham's ideas and opinions are certainly worth considering, and should receive the weight that they are entitled to on their face, and I will ask you, to that extent, to give heed to what he says.

I do not know what his course has been heretofore, but I know he is in a position to discharge a duty, and he has done so; and it is the duty of this House to give careful consideration to what he and General Wilson and Colonel Allen say about this matter. I will only read a paragraph from what Colonel Bingham says, which follows:

> Considering that this park was specially reserved in the formation of the city by our immortal President Washington, it does seem unpatriotic, and even irreverent, that Washington's ideas should not be carried out, particularly as no local interests would be seriously damaged by keeping this area for the park it was intended to be; and the national interests—for this is not merely a town of local interest, but one which is the pride of our great nation—will be very much improved and advanced in the estimation of the entire country by keeping this area free from commercial encroachment. Further argument on this point is deemed unnecessary, as a simple inspection of the map carries its own argument.

Mr. POWERS. I would like to ask the gentleman a question, if he will yield.

Mr. SIMS. Certainly.

Mr. POWERS. I understand from your argument that your objection to this proposed change is upon the ground that the Mall should be preserved as a park for the public benefit?

Mr. SIMS. Yes, sir.

Mr. POWERS. Now, if preserved, if the railroad is removed, streets will cross it the same as now, will they not?

Mr. SIMS. Yes, sir.

Mr. POWERS. What will you do with the balance of the land, unoccupied land, between the streets?

Mr. SIMS. That is already park, and to be continued as park.

Mr. POWERS. Exactly. That is, a place where the public can do what they please; it is a loafing ground for the public.

Mr. SIMS. We consider it a park.

Mr. POWERS. Well, now, if you leave a street for the passage of freight teams and other carriages to the depot farther south, do you not leave it as much an uncouth sight for the sight-seers as you would by putting up a nice-looking building, as proposed by this bill? As I understand, the tracks are to be elevated and the elevated structure is to be ornamental. Now, would not that please the visitors to this city altogether more than to see these heavy freight wagons run down that street from Pennsylvania avenue, as they would have to?

Mr. SIMS. Will not freight wagons have to run anyway?

Mr. POWERS. They do not run the whole distance across the Mall in the present state of affairs. Now, a great deal has been said about people coming to this city to see it, and they want to see something that would be pleasing to the eye. I want to know if a fine building, such as is proposed here, with the elevated track made, as the gentleman from Illinois said, "æsthetically made," will not be as pleasing an object to the eye as it will be to make that a commercial highway to the depot situated farther south, and with a highway across the who e Mall?

Mr. SIMS. I understand the gentleman is making a little speech in my time.

Mr. POWERS. No; I am asking the gentleman a question.

Mr. SIMS. It is only a matter of judgment; and I want to ask the gentleman from Vermont, as he has referred to the road, whether he thinks an elevated road with 17 railroad tracks running over it, with lightning express, freight, and other trains thundering in and out all hours of the day and night, would be a spectacle that the sight-seers would like to see?

Mr. POWERS. I think the people who come here from your city and mine would be glad to see an elevated track with seventeen trains rushing in a magnificent building every minute of the day, as you suggest. I think they would be impressed with the greatness of this country and the beauty of the city of Washington. But there is another point to which I desire to call your attention. How many of these parks in the city of Washington do we now have for the use of the public here? We have got them scattered all over the city, from one end to the other. The gentleman does not expect that the visitors would spend their whole time looking at parks?

Mr. SIMS. Well, then, the gentleman's idea, according to his own statement, is that we have no need for these parks, and that they should be taken for railroad and other purposes.

Mr. POWERS. My idea is, we have ten times as many as we need. I should like to see public buildings put on these parks instead of compelling the Government to pay big prices to private owners.

Mr. SIMS. And that is only the beginning of the end of them. I said, as I believe, that this means the beginning of the end of the Mall, and the gentleman from Vermont certainly furnishes proof that I am correct, for he says we have already too many parks. Therefore he is in favor of yielding it up for this purpose, and the House can judge the difference in sentiment that governs the gentleman from Vermont and myself. I am something more than a mere utilitarian. I would like to see the man who would run a railroad through the Hermitage, Jackson's home in Tennessee, simply because some one wanted to get a railroad at his door instead of going a few feet farther.

I do hope that the level of the sentiment of this country has not got down to the utilitarian point which will destroy everything that is left by the heroes of this country, especially George Washington—the Father of his Country—to remind us of them and their teachings. He made this Mall, he laid it out, and he approved of it. Why not destroy Mount Vernon if you can build a railroad depot or a manufacturing plant there?

Mr. GROSVENOR. I would like to ask the gentleman from Tennessee a question.

Mr. SIMS. Certainly.

Mr. GROSVENOR. From an æsthetic standpoint, what is the present condition of the Hermitage?

Mr. CARMACK. "A thing of beauty and a joy forever." [Laughter.]

Mr. GROSVENOR. It may be a joy forever; I think it is. [Laughter.]

Mr. SIMS. I have not seen the Hermitage for twenty years, and therefore I am not in a position to answer the gentleman.

Mr. GROSVENOR. Well, I wish the gentleman could see it. [Laughter.]

Mr. SIMS. But if I never see it I will not vote to erect a railroad depot on it.

Mr. GROSVENOR. It would be greatly improved by such a thing. [Laughter.]

Mr. SIMS. The gentleman can have the benefit of what he thinks would improve such places. [Laughter.]

Mr. PEARRE. I want to ask the gentleman from Tennessee if the sacred Mall has not already been desecrated?

Mr. SIMS. I think it has.

Mr. PEARRE. Was it the original idea to have it traversed by streets at all?

Mr. SIMS. I think it was.

Mr. PEARRE. As a matter of fact, the original plan contemplated no streets through it at all.

Mr. SIMS. Well, I can not answer that, but my information is that it did.

Mr. PEARRE. It now has streets through it, and has street railways running through it.

Mr. COWHERD. I want to correct the gentleman from Maryland. The original plan by l'Enfant shows streets traversing the Mall.

Mr. SIMS. That is my information. I was with the gentleman from Missouri when we were shown the plan. But now the idea that because streets are running through there and carriage drives, splendid streets, we should authorize an immense million and a half dollar depot upon stilts to be erected that obscures the view from one end of the Mall to the other—because this depot has for some reason or other been located where it is, does it follow that we must perpetuate that error or desecration by adding another one to it? I will not do it as far as I am concerned. The future historian of this country shall not chronicle a number of us with a vote saying that a 14-acre depot for any railroad company shall be located in the midst of a park laid out by Washington himself, and designed to be as permanent as the seat of government itself, in its whole and in its unity and entirety.

We can place some car stables on this park if we want to utilize it. Why not permit that to be done if it is only a question of dollars and cents? But if, as I said, it comes to making an appropriation of a million dollars to the railroad company to compensate it for withdrawing rather than retaining the depot where it is, I say vote it, and the people can pay it, but they can never restore the beauty of the park when once despoiled and ruined.

Mr. LENTZ. I would like to ask the gentleman if this property has been put up and offered for sale by the Government?

Mr. SIMS. I never heard of it, and I would oppose anything of that sort.

Mr. LENTZ. Would not it be a good deal better to offer it for sale than to give it away?

Mr. SIMS. I think either would ruin the park, and I am opposed to ruining the park. Another thing, this bill contemplates the tearing down and removal of the Fish Commission building. I call your attention to that for what it is worth. I am not making any fight on that, but I call attention to it because attention was not called to it by the gentleman from Missouri [Mr. COWHERD]. We are making this fight to preserve the park by placing the depot only about 1,000 feet farther south, a depot just as good for railroad purposes, just as good for the public use, and which does not damage the appearance of that section of the city in which it would be located, but would be absolutely for the benefit of that section of the city. That is all we ask you to do—to amend the bill so as to eliminate this objectionable feature of it. This House has never understood, this Congress of the United States has never understood it in any other light than that we had the right to require this depot to be removed at any time. Now, Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Twenty-one minutes.

Mr. SIMS. I reserve the balance of my time.

Mr. HEPBURN. Mr. Chairman, this is not a new question. For the last eighteen years almost every Congress has had to consider some plan or other for changing the location of railroads within the District limits and eliminating grade crossings. But this is the first time that the rights of the people here represented by the city authorities and the railroad corporations have ever come to an agreement. It is the first time that a plan has been adopted by the parties largely in interest to this dispute. I am not sure that this plan is perfect, but I believe it is the only feasible one. It is the only one that probably can pass the two Houses, and while I do not agree with all the provisions in this bill, I believe that there is so much of good to be accomplished by it that I am ready to give it my support.

The objections urged now by gentlemen belonging to the minority of the committee seem to be reduced to a single one. The gentleman from Missouri [Mr. COWHERD] has specifically said that he would be content to let the company have the advantages proposed in the bill, save those that it would have in the Mall. The argument of the gentleman last on the floor has all been with regard to the desecration of the Mall. It is astonishing to observe the solicitude that certain gentlemen have at this time developed for the æsthetic possibilities of that Mall. For a hundred years Congress has had the opportunity to make the Mall a thing of beauty. Look at it to-day. Seventy years elapsed before any movement was made toward its improvement. The intimates of George Washington, who probably ought to have had as much solicitude to carry out his recommendations as gentlemen on this floor, allowed all the opportunities to come and go without any improvement.

Jefferson, Madison, Monroe, Adams, Jackson, Van Buren, Polk, Pierce, Buchanan, and all the rest for seventy years saw no necessity for carrying out the æsthetic views of the Father of his Country. Thirty years ago the people of this District—not the Congress, but the aldermen and the common council, the elective representatives of the people of Washington—authorized the use to which the railroad company is now putting a portion of the Mall. It was the act of the elective representative of the people of Washington, who thought it a desirable disposition to make of that part of the property which was then under their control. Congress approved it. It gave to the railroad company certain rights. I am not able to say precisely what those rights were. I do not suppose the company claims a fee, but they claim a franchise, and I undertake to say you can not dispossess them of their rights without making compensation. Effort after effort has been made to dispossess them. All such efforts have been futile.

Again, Mr. Chairman, gentlemen talk of "this magnificent park," the Mall, as though it were a park. It is not. It is a succession of parks. It is intersected by thirteen or fourteen streets—yes; seventeen, I believe—so that it is seventeen little parks that you have. There are five railroads crossing that tract of land. All those railways have acquired rights there, and no one proposes to disturb them.

Gentlemen say that the use of a portion of the Mall situated midway between its extremes destroys it. Is that true? There are 600 acres in that park, I am told. When you have taken 14 acres out of the middle of it you still have two parks, if you choose to call them such, of substantially 300 acres each. Is that a "destruction" of the Mall?

Gentlemen seem to think it necessary that they should have from one end to the other of this Mall an unobstructed view. If that be so, then divest it of its trees and its shrubbery and all other ornament. The fact is, when you stand on the Capitol Dome you have a bird's-eye view of the park; you can see it all, but when you are upon a level you can not. The very ornamentation that you have made obstructs continuous view. Such obstruction as already exists is what you will have by reason of this improvement.

It is said that this park must be artistic in character—as much so as possible. But, at the most, the greatest harm that it can be said this improvement will accomplish is to reduce the area of the park. It would still make two parks instead of one, even if this improvement is to be an impassable barrier. Yet such impassability is not comtemplated. I do not know whether it would be possible to secure legislation upon the lines insisted upon by the gentleman from Tennessee; but I do believe there are compensations in this matter. The gentleman from Missouri insists that we are paying largely for what we get under this arrangement. I do not so understand. The only cost to the public in money is the $250,000 estimated as the cost of the elevation of the streets crossing over the road and $50,000 for condemnation.

It is not right or proper to charge the proposed bridge to this enterprise, because that is one of the enterprises for the improvement of the District for which the people have been clamoring for years. That is a work that will have to be done; and the construction of this bridge will do away with the necessity for larger, much larger, appropriation for that ornamental bridge that certain people of the District are now so earnestly advocating. That ought not to be regarded as an expenditure that the people are making to secure the improvement now under consideration.

As to the property given or permitted to be used, there are speculative estimates with regard to its value. Certain gentlemen who have reported upon this subject say that the portion contained in Garfield Park is worth about 30 cents a foot. If so, then that donation is not an extravagant one.

What is the value of the portion of the Mall that is to be used? Remember, you are not giving the fee. You are simply giving the use, which, under the terms of the bill can be recalled whenever Congress so elects; for I find in the bill a provision reserving to Congress the right to alter, amend, or repeal this act at pleasure.

What is that franchise worth? The gentleman from Missouri says it is worth $2,000,000. How are we to know? Do you propose to sell that property in order to realize $2,000,000 or any other sum? Yet you can not realize money without you sell parts of the Mall. In the language of the gentleman from Tennessee, you are going to destroy the Mall. Do you propose to do that? No one does. If the proposition for a sale were made, who thinks that this property would sell for the enormous sum suggested by the gentleman—nearly $150,000 an acre?

Mr. Chairman, I hope that this bill will pass. I believe it is the best arrangement that can be made. While not the best possible, I think it is the best that can be made, and that it will so appear to the majority of those composing the two Houses. And if, Mr. Chairman, this is not passed now, I believe we will go over the same contentions, bickerings, and difficulties which we have had in the past every time this measure comes up.

Some gentleman asked a while ago as to the number of deaths at grade crossings in this city. I do not know the total number, but it is stated in the report that at one point alone in this city, at one grade crossing, 7 lives have been destroyed, and I think it safe to assume that not less than 50 have been destroyed by the pernicious practice of continuing these grade crossings in various parts of the city. Under the provisions of this bill we get rid of them, and still leave 12 crossings in the city in a distance of about a mile and a half, which is ample for the convenience of all persons who have occasion to cross at these places, while at the same time we promote the safety of the public. [Applause.]

Mr. BABCOCK. Mr. Chairman, I move that the committee now rise.

The question was taken; and on a division there were—ayes 86, noes 69.

Mr. COWHERD, Mr. SIMS, and others demanded tellers.

Tellers were ordered.

Mr. BABCOCK and Mr. COWHERD were appointed tellers.

The committee again divided; and the tellers reported—ayes 100, noes 62.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill S. 1929, had come to no resolution thereon.

Mr. BABCOCK. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of Senate bill No. 1929; and, pending that, I offer the following resolution, upon which I ask the previous question.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That general debate on the bill S. 1929, in Committee of the Whole House on the state of the Union, be closed at 3 o'clock and 5 minutes p. m. to-day.

Mr. COWHERD. Mr. Speaker, I ask the chairman of the committee to withhold that motion for a moment to see if we can not agree upon time, or at least permit me to make a statement of facts.

The SPEAKER. The Chair is always patient with efforts to secure agreements.

Mr. BABCOCK. Mr. Speaker, I have offered everything which I think I could offer for the purpose of reaching an agreement, but being satisfied that there was no intention to reach any agreement on the part of the gentlemen on the other side, I felt it incumbent upon me to make this motion.

Mr. COWHERD. Let me ask the gentleman from Wisconsin if it is not a fact that we agreed to close the general debate at half past 3 o'clock to-day?

Mr. BABCOCK. It is well known to the House that the Committee on the District of Columbia has only this day, and if we desire to reach a vote on this bill it is important that the bill and amendments should be before the House at an early hour this afternoon. There will be ample time for gentlemen to discuss the provisions under the five-minute rule. The bill, of course, will be read under the five-minute rule for debate and amendments as soon as the general debate has been closed.

Mr. COWHERD. Now, Mr. Speaker, if the chairman of the committee will permit me, I wish to say that there has been no attempt to delay the passage of the measure. All we have asked is time to state our views fully upon it. Discussion has been upon the merits of the plan proposed. Nobody has been heard upon it but one or two members of the committee, and neither occupied more than one-half the time to which he was entitled, yielding up fully one-half of the remainder. Quite a number of gentlemen have asked to be heard on the measure. Several have made requests to me for time, and I submit that when the bill was up last time, and the only question was the permission for side tracks, and the question of moving the depot came up, four times as much time was allowed for debate as has been given to-day. I only ask a reasonable time.

The SPEAKER. Does the gentleman from Wisconsin withhold his motion for the previous question to allow a request for unanimous consent?

Mr. BABCOCK. Certainly. I would like to know what the gentleman has to suggest.

Mr. COWHERD. I think it would be reasonable to ask to close the general debate at 4 o'clock. If gentlemen are permitted to talk in general debate they won't be so anxious to go on under the five-minute rule, and we will get along just as fast, and faster; and I submit it is not proper to cut off debate in this way.

I request to be permitted to ask unanimous consent to close the general debate at 4 o'clock.

Mr. PAYNE. Why, the gentleman himself only asked until 3.30 a short time ago.

The SPEAKER. Does the gentleman from Wisconsin yield the demand for the previous question to permit the request to be submitted?

Mr. BABCOCK. The request for unanimous consent? I will yield for that purpose, although I must object to it myself.

The SPEAKER. The gentleman from Missouri asks unanimous consent that general debate be closed at 4 o'clock to-day. Is there objection?

Mr. BABCOCK. I object.

Mr. COWHERD. Will you consent to 3.40?

Mr. BABCOCK. I will consent to 3.20.

Mr. LENTZ. Let us have a roll call. They are afraid to discuss the bill.

Mr. WILLIAMS of Mississippi. Mr. Speaker, how much time has the House to discuss a request for the previous question?

Mr. BABCOCK. I will ask unanimous consent, and will agree with the gentleman on his own proposition to close general debate at 3.30.

Mr. COWHERD. You have consumed fifteen minutes since then. Make it 3.40 and we will consent.

Several MEMBERS. No.

Mr. COWHERD. Give us the twenty-five minutes and we will consent.

Mr. BABCOCK. I will submit in connection with that, as the gentleman has assured me that he wants to reach a vote upon this proposition—I will couple with his request an agreement that we vote on this bill at 4.30.

Mr. LENTZ. No, sir.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that general debate close at 3.40, and that a vote be had upon the bill at what time?

Mr. BABCOCK. Say 5 o'clock.

Mr. RIDGELY, Mr. FITZGERALD of Massachusetts, and others. I object.

The SPEAKER. Objection is made, and the question is on the demand for the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Several MEMBERS. Division!

The House divided; and there were—ayes 111, noes 75.

Mr. COWHERD. I demand tellers.

Mr. BABCOCK. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 87 answered "present" 8, not voting 104; as follows:

YEAS—157.

Acheson,	Burke, S. Dak.	Dovener,	Hay,
Adams,	Burleigh,	Driggs,	Heatwole,
Alexander,	Butler,	Emerson,	Hedge,
Allen, Me.	Calderhead,	Esch,	Henry, Conn.
Babcock,	Cannon,	Faris,	Hepburn,
Bailey, Kans.	Capron,	Fletcher,	Hill,
Baker,	Clayton, N. Y.	Fordney,	Hoffecker,
Bankhead,	Cochrane, N. Y.	Foss,	Hull,
Barham,	Conner,	Gardner, Mich.	Jack,
Berry,	Corliss,	Gaston,	Jenkins,
Bingham,	Cousins,	Gibson,	Joy,
Bishop,	Cromer,	Gillet, N. Y.	Ketcham,
Borcing,	Crump,	Gillett, Mass.	Knox,
Boutell, Ill.	Crumpacker,	Glynn,	Lacey,
Bowersock,	Cummings,	Graff,	Landis,
Brick,	Curtis,	Grosvenor,	Latimer,
Bromwell,	Dalzell,	Grow,	Lawrence,
Brosius,	Davenport, S. A.	Hall,	Linney,
Broussard,	Davenport, S. W.	Hamilton,	Long,
Brown,	Dayton,	Haugen,	Lybrand,
Brownlow,	Dick,	Hawley,	McAleer,

McCleary,	Otey,	Shattuc,	Tate,
Mann,	Otjen,	Shaw,	Tawney,
Marsh,	Overstreet,	Shelden,	Thropp,
Meekison,	Packer, Pa.	Sherman,	Tongue,
Mercer,	Payne,	Sibley,	Van Voorhis,
Meyer, La.	Pearce, Mo.	Smith, Ill.	Vreeland,
Miller,	Pearson,	Smith, Iowa	Wanger,
Minor,	Pearre,	Smith, Samuel W.	Waters,
Mondell,	Phillips,	Smith, Wm. Alden	Weaver,
Moody, Mass.	Powers,	Southard,	Weeks,
Moody, Oreg.	Prince,	Spalding,	Weymouth,
Morgan,	Pugh,	Sperry,	Wilson, Idaho
Morrell,	Ray, N. Y.	Sprague,	Woods,
Morris,	Reeder,	Steele,	Wright,
Mudd,	Reeves,	Stevens, Minn.	Young,
Needham,	Roberts,	Stewart, N. Y.	Ziegler.
Norton, Ohio	Rodenberg,	Stewart, Wis.	
O'Grady,	Russell,	Sulloway,	
Olmsted,	Ryan, Pa.	Swanson,	

NAYS—87.

Adamson,	Dinsmore,	Lanham,	Robb,
Allen, Ky.	Dougherty,	Lentz,	Robinson, Ind.
Atwater,	Elliott,	Lewis,	Rucker,
Ball,	Finley,	Little,	Salmon,
Bartlett,	Fitzgerald, Mass.	Lloyd,	Scudder,
Bell,	Fitzgerald, N. Y.	McCulloch,	Shackleford,
Breazeale,	Fleming,	McDowell,	Shafroth,
Brewer,	Foster,	McLain,	Sheppard,
Brundidge,	Fox,	Maddox,	Slayden,
Burke, Tex.	Gaines,	May,	Smith, Ky.
Caldwell,	Gilbert,	Miers, Ind.	Snodgrass,
Carmack,	Gill,	Moon,	Stallings,
Clark, Mo.	Grout,	Neville,	Stark,
Clayton, Ala.	Henry, Miss.	Newlands,	Stephens, Tex.
Cochran, Mo.	Henry, Tex.	Norton, S. C.	Terry,
Cooper, Tex.	Jett,	Quarles,	Turner,
Cowherd,	Jones, Va.	Ransdell,	Underwood,
Crowley,	Jones, Wash.	Rhea, Ky.	Williams, J. R.
Davis,	Kitchin,	Richardson, Ala.	Williams, W. E.
De Armond,	Kleberg,	Richardson, Tenn.	Williams, Miss.
De Graffenreid,	Kluttz,	Ridgely,	Wilson, S. C.
Denny,	Lamb,	Rixey,	

ANSWERED "PRESENT"—8.

Burleson,	Johnston,	Ruppert,	Wheeler,
Davidson,	McClellan,	Sims,	Zenor.

NOT VOTING—104.

Aldrich,	Dahle,	Lassiter,	Ryan, N. Y.
Allen, Miss.	Davey,	Lester,	Showalter,
Bailey, Tex.	Driscoll,	Levy,	Small,
Barber,	Eddy,	Littauer,	Smith, H. C.
Barney,	Fitzpatrick,	Littlefield,	Sparkman,
Bartholdt,	Fowler,	Livingston,	Spight,
Bellamy,	Freer,	Lorimer,	Stewart, N. J.
Benton,	Gamble,	Loud,	Stokes,
Boutelle, Me.	Gardner, N. J.	Loudenslager,	Sulzer,
Bradley,	Gayle,	Lovering,	Sutherland,
Brantley,	Gordon,	McCall,	Talbert,
Brenner,	Graham,	McDermott,	Tayler, Ohio
Bull,	Green, Pa.	McRae,	Taylor, Ala.
Burkett,	Greene, Mass.	Mahon,	Thayer,
Burnett,	Griffith,	Mesick,	Thomas, Iowa
Burton,	Griggs,	Metcalf,	Thomas, N. C.
Campbell,	Hemenway,	Muller,	Tompkins,
Catchings,	Hitt,	Naphen,	Underhill,
Chanler,	Hopkins,	Noonan,	Vandiver,
Clarke, N. H.	Howard,	Parker, N. J.	Wachter,
Connell,	Howell,	Pierce, Tenn.	Wadsworth,
Cooney,	Kahn,	Polk,	Warner,
Cooper, Wis.	Kerr, Md.	Rhea, Va.	Watson,
Cox,	Kerr, Ohio	Riordan,	White,
Cusack,	King,	Robertson, La.	Wilson, N. Y.
Cushman,	Lane,	Robinson, Nebr.	Wise.

So the previous question was ordered.

The following pairs were announced:

Until further notice:

Mr. DRISCOLL with Mr. LASSITER.

Mr. ALDRICH with Mr. TALBERT.

Mr. BARTHOLDT with Mr. BENTON.

Mr. DAHLE with Mr. WILSON of New York.

Mr. GREENE of Massachusetts with Mr. CHANLER.

Mr. BURKETT with Mr. STOKES.

Mr. THOMAS of Iowa with Mr. CAMPBELL.

Mr. STEWART of New Jersey with Mr. BRANTLEY.

Mr. WACHTER with Mr. SMALL.

Mr. MESICK with Mr. MULLER.

Mr. BULL with Mr. NOONAN.

Mr. SHAW with Mr. NORTON of South Carolina.

Mr. FREER with Mr. CUSACK.

Mr. LANE with Mr. PIERCE of Tennessee.

Mr. GAMBLE with Mr. GORDON.

Mr. DAVIDSON with Mr. LESTER.

Mr. LORIMER with Mr. ROBERTSON of Louisiana.

Mr. BOUTELL of Illinois with Mr. GRIGGS.

Mr. TAYLER of Ohio with Mr. BURNETT.

Mr. WATSON with Mr. FITZPATRICK.

Mr. LOUDENSLAGER with Mr. BAILEY of Texas.

Mr. PARKER of New Jersey with Mr. JOHNSTON, from the 18th until the holidays.

For this day:

Mr. CLARKE of New Hampshire with Mr. CATCHINGS.

Mr. COOPER of Wisconsin with Mr. COONEY.

Mr. METCALF with Mr. WHEELER.

Mr. SHOWALTER with Mr. DAVEY.

Mr. HENRY C. SMITH with Mr. SULZER.

Mr. BURTON with Mr. SPARKMAN.

Mr. WISE with Mr. MCRAE.

Mr. LOVERING with Mr. VANDIVER.

Mr. MAHON with Mr. ROBINSON of Nebraska.

Mr. MCCALL with Mr. BURLESON.

Mr. KAHN with Mr. RUPPERT.

Mr. EDDY with Mr. HOWARD.

Mr. LITTLEFIELD with Mr. NAPHEN.

Mr. GARDNER of New Jersey with Mr. BRENNER.

Mr. TOMPKINS with Mr. RIORDAN.

Mr. TONGUE with Mr. BALL.

Mr. WADSWORTH with Mr. SIMS, on grade crossings.

On this vote:

Mr. HEMENWAY with Mr. ZENOR.

Mr. BARNEY with Mr. RYAN of New York.

Mr. HOPKINS with Mr. GREEN of Pennsylvania.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 122. An act to amend the act entitled "An act to amend the criminal laws of the District of Columbia," approved July 8, 1898.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 122. An act to amend the act entitled "An act to amend the criminal laws of the District of Columbia," approved July 8, 1898—to the Committee on the District of Columbia.

GRADE CROSSINGS, ETC., BALTIMORE AND POTOMAC RAILROAD.

The SPEAKER. The question now is on agreeing to the resolution.

The question being taken; the Speaker announced that the ayes appeared to have it.

Mr. COWHERD demanded a division.

The House divided; and there were—ayes 107, noes 66.

Mr. COWHERD. Mr. Speaker, I demand tellers.

Mr. BABCOCK. Mr. Speaker, let us have the yeas and nays.

The yeas and nays were ordered.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD of Massachusetts. Can the resolution be read at this time?

The SPEAKER. It can not. The Clerk will call the roll.

The question was taken; and there were—yeas 147, nays 86, answered "present" 8, not voting 115; as follows:

YEAS—147.

Adams,	Driggs,	Landis,	Rodenberg,
Alexander,	Eddy,	Latimer,	Russell,
Allen, Me.	Emerson,	Linney,	Ryan, Pa.
Babcock,	Esch,	Long,	Shattuc,
Bailey, Kans.	Faris,	Lybrand,	Shaw,
Baker,	Fletcher,	McAleer,	Shelden,
Barham,	Fordney,	McCleary,	Sherman,
Barney,	Foss,	Mann,	Sibley,
Bartholdt,	Foster,	Meekison,	Smith, Ill.
Berry,	Gaston,	Mercer,	Smith, Iowa
Bingham,	Gibson,	Meyer, La.	Smith, Samuel W.
Boutell, Ill.	Gillet, N. Y.	Miller,	Smith, Wm. Alden
Bowersock,	Glynn,	Moody, Oreg.	Southard,
Brick,	Graff,	Morgan,	Sperry,
Bromwell,	Graham,	Morrell,	Sprague,
Brown,	Green, Pa.	Morris,	Steele,
Brownlow,	Grosvenor,	Mudd,	Stevens, Minn.
Burke, S. Dak.	Grow,	Needham,	Stewart, N. Y.
Burleigh,	Hall,	Norton, Ohio	Stewart, Wis.
Butler,	Hamilton,	O'Grady,	Sulloway,
Calderhead,	Hawley,	Olmsted,	Swanson,
Cannon,	Hay,	Otey,	Tawney,
Clayton, N. Y.	Heatwole,	Otjen,	Thropp,
Cochrane, N. Y.	Hedge,	Overstreet,	Turner,
Conner,	Henry, Conn.	Packer, Pa.	Van Voorhis,
Corliss,	Hepburn,	Payne,	Vreeland,
Cousins,	Hill,	Pearce, Mo.	Warner,
Cromer,	Hitt,	Pearson,	Waters,
Crump,	Hoffecker,	Pearre,	Weaver,
Crumpacker,	Hull,	Phillips,	Weeks,
Curtis,	Jack,	Powers,	Weymouth,
Dalzell,	Jenkins,	Prince,	Wilson, Idaho
Davenport, S. A.	Joy,	Pugh,	Woods,
Davenport, S. W.	Kerr, Md.	Ray, N. Y.	Wright,
Dayton,	Ketcham,	Reeder,	Young,
Dick,	Knox,	Reeves,	Ziegler.
Dovener,	Lacey,	Roberts,	

NAYS—86.

Allen, Ky.	Driscoll,	Lewis,	Scudder,
Atwater,	Elliott,	Little,	Shackleford,
Bartlett,	Finley,	Lloyd,	Shafroth,
Bell,	Fitzgerald, Mass.	McDowell,	Sheppard,
Brantley,	Fitzgerald, N. Y.	McLain,	Slayden,
Brewer,	Fleming,	Maddox,	Small,
Burke, Tex.	Fox,	May,	Smith, Ky.
Caldwell,	Gaines,	Miers, Ind.	Snodgrass,
Carmack,	Gayle,	Moon,	Stallings,
Clark, Mo.	Gilbert,	Neville,	Stark,
Clayton, Ala.	Grout,	Newlands,	Stephens, Tex.
Cochran, Mo.	Henry, Miss.	Norton, S. C.	Sutherland,
Cooper, Tex.	Henry, Tex.	Quarles,	Taylor, Ala.
Cowherd,	Jett,	Rhea, Ky.	Terry,
Cox,	Jones, Va.	Richardson, Ala.	Thayer,
Crowley,	Jones, Wash.	Richardson, Tenn.	Underwood,
Cushman,	Kitchin,	Ridgely,	Williams, J. R.
Davis,	Kleberg,	Rixey,	Williams, W. E.
De Armond,	Kluttz,	Robb,	Williams, Miss.
De Graffenreid,	Lamb,	Robinson, Ind.	Wilson, S. C.
Denny,	Lanham,	Rucker,	
Dougherty,	Lentz,	Salmon,	

ANSWERED "PRESENT"—8.

Burleson,	Ruppert,	Smith, H. C.	Wheeler,
McClellan,	Sims,	Wanger,	Zenor.

NOT VOTING—115.

Acheson,	Cooney,	Lane,	Ransdell,
Adamson,	Cooper, Wis.	Lassiter,	Rhea, Va.
Aldrich,	Cummings,	Lawrence,	Riordan,
Allen, Miss.	Cusack,	Lester,	Robertson, La.
Bailey, Tex.	Dahle,	Levy,	Robinson, Nebr.
Ball,	Davey,	Littauer,	Ryan, N. Y.
Bankhead,	Davidson,	Littlefield,	Showalter,
Barber,	Dinsmore,	Livingston,	Spalding,
Bellamy,	Fitzpatrick,	Lorimer,	Sparkman,
Benton,	Fowler,	Loud,	Spight,
Bishop,	Freer,	Loudenslager,	Stewart, N. J.
Boreing,	Gamble,	Lovering,	Stokes,
Boutelle, Me.	Gardner, Mich.	McCall,	Sulzer,
Bradley,	Gardner, N. J.	McCulloch,	Talbert,
Breazeale,	Gill,	McDermott,	Tate,
Brenner,	Gillett, Mass.	McRae,	Tayler, Ohio
Brosius,	Gordon,	Mahon,	Thomas, Iowa
Broussard,	Greene, Mass.	Marsh,	Thomas, N. C.
Brundidge,	Griffith,	Mesick,	Tompkins,
Bull,	Griggs,	Metcalf,	Tongue,
Burkett,	Haugen,	Minor,	Underhill,
Burnett,	Hemenway,	Mondell,	Vandiver,
Burton,	Hopkins,	Moody, Mass.	Wachter,
Campbell,	Howard,	Muller,	Wadsworth,
Capron,	Howell,	Naphen,	Watson,
Catchings,	Johnston,	Noonan,	White,
Chanler,	Kahn,	Parker, N. J.	Wilson, N. Y.
Clarke, N. H.	Kerr, Ohio	Pierce, Tenn.	Wise.
Connell,	King,	Polk,	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Mr. WANGER with Mr. ADAMSON on all political questions until end of session, reserving the right to vote to make a quorum and excepting election cases.

For this day:

Mr. BARHAM with Mr. KING.

On this vote:

Mr. CONNELL with Mr. TATE.

Mr. KERR of Ohio with Mr. DINSMORE.

Mr. KERR of Maryland with Mr. BRUNDIDGE.

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. COWHERD demanded a division.

The House divided; and there were—ayes 116, noes 59.

Mr. COWHERD. No quorum present, Mr. Speaker.

The SPEAKER, after counting the House, announced 201 members, a quorum, present.

Mr. COWHERD. Mr. Speaker, I call for tellers on the vote.

The SPEAKER. The gentleman demands tellers on the vote just taken.

Tellers were ordered.

Mr. GROSVENOR. Mr. Speaker, a parliamentary inquiry. On what are the tellers ordered?

The SPEAKER. On the vote just taken, to go into Committee of the Whole on the state of the Union. The Chair will appoint the gentleman from Wisconsin [Mr. BABCOCK] and the gentleman from Missouri [Mr. COWHERD].

Mr. BABCOCK. Mr. Speaker, I ask for the yeas and nays on this.

The yeas and nays were ordered.

The question was taken; and there were—yeas 161, nays 66, answered "present" 4, not voting 125; as follows:

YEAS—161.

Acheson,	Bailey, Kans.	Bingham,	Brick,
Adams,	Baker,	Bishop,	Bromwell,
Alexander,	Bankhead,	Boreing,	Brosius,
Allen, Me.	Barney,	Boutell, Ill.	Brown,
Babcock,	Bartholdt,	Bowersock,	Brownlow,
Burke, S. Dak.	Glynn,	Mann,	Russell,
Burleigh,	Graff,	Meekison,	Ryan, Pa.
Butler,	Graham,	Mercer,	Shattuc,
Calderhead,	Green, Pa.	Meyer, La.	Shaw,
Cannon,	Grosvenor,	Miers, Ind.	Shelden,
Capron,	Grow,	Miller,	Sherman,
Clayton, N. Y.	Hall,	Minor,	Sibley,
Cochrane, N. Y.	Hamilton,	Mondell,	Smith, Ill.
Conner,	Hawley,	Moody, Mass.	Smith, Iowa.
Corliss,	Hay,	Moody, Oreg.	Smith, Samuel W.
Cousins,	Heatwole,	Morgan,	Smith, Wm. Alden
Cowherd,	Hemenway,	Morrell,	Southard,
Crump,	Henry, Conn.	Morris,	Sperry,
Crumpacker,	Hepburn,	Mudd,	Sprague,
Cummings,	Hill,	Needham,	Steele,
Curtis,	Hitt,	Norton, Ohio	Stevens, Minn.
Dalzell,	Hoffecker,	O'Grady,	Stewart, N. Y.
Davenport, S. A.	Hopkins,	Olmsted,	Stewart, Wis.
Davenport, S. W.	Hull,	Otey,	Sulloway,
Dayton,	Jack,	Otjen,	Swanson,
Dick,	Jenkins,	Overstreet,	Tawney,
Dovener,	Joy,	Packer, Pa.	Thropp,
Driggs,	Kerr, Md.	Payne,	Tompkins,
Driscoll,	Ketcham,	Pearce, Mo.	Van Voorhis,
Eddy,	Knox,	Pearson,	Vreeland,
Emerson,	Lacey,	Pearre,	Waters.
Esch,	Landis,	Phillips,	Weaver.
Faris,	Latimer,	Polk,	Weymouth,
Fletcher,	Lawrence,	Powers,	Wilson, Idaho
Fordney,	Linney,	Prince,	Woods,
Foster,	Long,	Pugh,	Wright,
Gardner, Mich.	Loud,	Ray, N. Y.	Young,
Gaston,	Loudenslager,	Reeder,	Ziegler.
Gibson,	Lybrand,	Reeves,	
Gill,	McAleer,	Roberts,	
Gillet, N. Y.	McCleary,	Rodenberg,	

NAYS—66.

Allen, Ky.	Dougherty,	Little,	Scudder,
Atwater,	Elliott,	McCulloch,	Shackleford,
Bartlett,	Finley,	McDowell,	Shafroth,
Bell,	Fitzgerald, Mass.	McLain,	Sheppard,
Brantley,	Fitzgerald, N. Y.	Maddox,	Snodgrass,
Brundidge,	Fleming,	May,	Stark,
Caldwell,	Fox,	Moon,	Stephens, Tex.
Clark, Mo.	Gilbert,	Neville,	Sutherland,
Cochran, Mo.	Henry, Miss.	Newlands,	Taylor, Ala.
Cooper, Tex.	Henry, Tex.	Norton, S. C.	Terry,
Cox,	Jett,	Quarles,	Turner,
Crowley,	Jones, Va.	Rhea, Ky.	Williams, J. R.
Cushman,	Jones, Wash.	Richardson, Tenn.	Williams, W. E.
Davis,	Kitchin,	Ridgely,	Wilson, S. C.
De Graffenreid,	Kleberg,	Rixey,	Zenor.
Denny,	Kluttz,	Robinson, Ind.	
Dinsmore,	Lentz,	Salmon.	

ANSWERED "PRESENT"—4.

McClellan,	Ruppert,	Small,	Wanger.

NOT VOTING—125.

Adamson,	Cusack,	Levy,	Smith, Ky.
Aldrich,	Dahle,	Lewis,	Smith, H. C.
Allen, Miss.	Davey,	Littauer,	Spalding,
Bailey, Tex.	Davidson,	Littlefield,	Sparkman,
Ball,	De Armond,	Livingston,	Spight,
Barber,	Fitzpatrick,	Lloyd,	Stallings,
Barham,	Foss,	Lorimer,	Stewart, N. J.
Bellamy,	Fowler,	Lovering,	Stokes,
Benton,	Freer,	McCall,	Sulzer,
Berry,	Gaines,	McDermott,	Talbert,
Boutelle, Me.	Gamble,	McRae,	Tate,
Bradley,	Gardner, N. J.	Mahon,	Tayler, Ohio
Breazeale,	Gayle,	Marsh,	Thayer,
Brenner,	Gillett, Mass.	Mesick,	Thomas, Iowa
Brewer,	Gordon,	Metcalf,	Thomas, N. C.
Broussard,	Greene, Mass.	Muller,	Tongue,
Bull,	Griffith,	Naphen,	Underhill,
Burke, Tex.	Griggs,	Noonan,	Underwood,
Burkett,	Grout,	Parker, N. J.	Vandiver,
Burleson,	Haugen,	Pierce, Tenn.	Wachter,
Burnett,	Hedge,	Ransdell,	Wadsworth,
Burton,	Howard,	Rhea, Va.	Warner,
Campbell,	Howell,	Richardson, Ala.	Watson,
Carmack,	Johnston,	Riordan,	Weeks,
Catchings,	Kahn,	Robb,	Wheeler,
Chanler,	Kerr, Ohio.	Robertson, La.	White,
Clarke, N. H.	King,	Robinson, Nebr.	Williams, Miss.
Clayton, Ala.	Lamb,	Rucker,	Wilson, N. Y.
Connell,	Lane,	Ryan, N. Y.	Wise.
Cooney,	Lanham,	Showalter,	
Cooper, Wis.	Lassiter,	Sims,	
Cromer,	Lester,	Slayden,	

So the motion to go into Committee of the Whole was agreed to.

The following additional pairs were announced:

On this vote:

Mr. CROMER with Mr. LANHAM.

Mr. FREER with Mr. CLAYTON of Alabama.

Mr. WEEKS with Mr. LEWIS.

Mr. KITCHIN. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name should have been called and failed to hear it?

Mr. KITCHIN. I was.

The SPEAKER. The Clerk will call the gentleman's name.

Mr. KITCHIN's name was called and he voted "no," as above stated.

Mr. LATIMER. Mr. Speaker, I desire to have my vote recorded.

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. LATIMER. I was. I heard it called, but thought I had voted, and let it pass over.

The SPEAKER. The Clerk will call the gentleman's name.

Mr. LATIMER's name was called, and he voted "aye," as above recorded.

Mr. BARTLETT. Mr. Speaker, I was in the House and did not hear my name called on the second roll call.

The SPEAKER. The Clerk will call the gentleman's name.

Mr. BARTLETT's name was called, and he voted "no," as above recorded.

Mr. SMALL. Mr. Speaker, I voted "no." I desire to recall that vote and be marked present.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called Mr. SMALL's name, and he voted "present," as above recorded.

Mr. TONGUE. Mr. Speaker, I was paired with the gentleman from Texas, Mr. BALL. He returned to the Hall too late to vote, otherwise I would have voted "aye." Therefore I will let my pair stand.

The result of the vote was then announced as above recorded.

Mr. COWHERD. Mr. Speaker, I move to reconsider the last vote.

Mr. NORTON of Ohio. A point of order, Mr. Speaker.

The SPEAKER. What is the gentleman's point of order?

Mr. NORTON of Ohio. It is a dilatory motion.

The SPEAKER. The Chair sustains the point of order.

Mr. RICHARDSON of Tennessee. Does the Chair decide that a motion to reconsider a vote is a dilatory motion? It has never been so decided by any other Speaker of this House.

The SPEAKER. The motion prevails, and the gentleman from Massachusetts [Mr. MOODY] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MOODY in the chair.

The CHAIRMAN. The Committee will be in order. The House is in Committee of the Whole House on the state of the Union, for the further consideration of the bill S. 1929, and under the order of the House general debate is now closed, and the Clerk will report the bill.

The Clerk read the first section of the bill, and also the following amendments recommended by the committee:

Page 1, line 9, strike out the word "Eighth" and insert in lieu thereof the word "Eleventh."

Page 1, line 11, after the word "for," insert the words "not less than," and after the word "two" insert the words "nor more than four."

Mr. BABCOCK. Mr. Chairman, I ask for a vote on these amendments.

Mr. COWHERD. I would like to understand what the amendments are.

The CHAIRMAN. They have just been reported by the Clerk.

Mr. COWHERD. But the Clerk read them so rapidly that we could not hear what they were.

The CHAIRMAN. They are indicated by striking out and inserting the language in italics. Unless there is objection the Chair will put them in gross.

Mr. COWHERD. I object.

The CHAIRMAN. The Clerk will report the first amendment.

The Clerk read as follows:

Page 1, line 9, strike out the word "Eighth" and insert "Eleventh."

Mr. NEWLANDS. Mr. Chairman, is this open to discussion?

The CHAIRMAN. It is.

Mr. NEWLANDS. Mr. Chairman, I am in favor of the recommittal of this bill to the Committee on the District of Columbia. My hope is that they will be able to harmonize this bill with the plans presented by Mr. Parsons for the improvement of the Mall. I would like to see the question of the convenience and beauty of design realized. I believe that it would be more convenient to the public if the station could be on Pennsylvania avenue. I believe, also, that that can be done and at the same time retain substantially the design presented to us by Mr. Parsons. Now, I wish to say that this act, according to my information, has been passed in the Senate. It was passed one year ago. Subsequent to the passage of this act the Congress of the United States, by appropriation, provided for plans of the Mall, for plans to be designed by an eminent landscape architect to be appointed by the President of the United States, so that the work of planning the Mall was inaugurated subsequent to the passage of this bill by the Senate. These plans were not before the Senate when this bill was passed. Now, these plans have received the approval of the Chief of Engineers of the United States Army and the approval of Colonel Bingham, who is in charge of the public grounds of the District of Columbia, and I do not understand that they have been properly considered in the framing of this bill.

It is true that those plans provide for a station to the south of the Mall, with a view to maintaining the beauty of proportions of the Mall itself. But possibly if the attention of Mr. Parsons were called to the necessity of having the station on Pennsylvania avenue, so as to meet the convenience of the public, a modification of those plans might be made—a modification of the plans presented by the railroad company might be made which would unite the considerations both of convenience and of beauty.

Now, briefly stated, this design of Mr. Parsons does away with the three or four divided parks to which the gentleman from Iowa [Mr. HEPBURN] has alluded. It is true that for purposes of convenience four of the streets of the city pass through this park—Third street, Seventh street, Twelfth street, and Fifteenth street. But they pass through the park in such a way as to give the appearance of lowered streets, though really the grade is maintained.

How is that done? Simply by the genius of the landscape architect. The design provides for the heaping up of earth on each side of the street and the planting of trees. Thus the street is practically obscured from view from any part of the park, just as much as if it passed through a tunnel. In this manner the park effect is preserved all the way from the Capitol to Fifteenth street. Convenience of access to every part of the park is secured by bridges passing over those streets—bridges forming a part of the park. Thus convenience of travel through the parks for traffic of every kind is secured, while at the same time the park of I do not know how many acres is absolutely preserved in its length and its breadth as a perfect unit.

The CHAIRMAN. The time of the gentleman from Nevada has expired.

Mr. NEWLANDS. I ask unanimous consent to proceed for five minutes more.

Mr. BABCOCK. The gentleman has not confined his remarks to this amendment. I move that debate on the amendment close in one minute.

The CHAIRMAN (having put the question). The ayes appear to have it.

Mr. GAINES. I call for a division.

The question being again taken; there were—ayes 85, noes 35.

So the motion of Mr. BABCOCK was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

On page 2, line 1, after the word "for" insert "not less than."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. NEWLANDS. I rise to a parliamentary inquiry.

Mr. BABCOCK. I submit that the Clerk has not read the whole amendment. There is one amendment applying to lines 1 and 2.

Mr. FITZGERALD of Massachusetts. There are two distinct propositions. I do not see how they can be treated as one amendment.

The CHAIRMAN. The Chair rules that the proposition just read and the one that the Clerk will now read constitute but one amendment. The Clerk will now read the whole of the pending amendment.

The Clerk read as follows:

After the word "for," in line 1, insert "not less than," and after the word "two," in the same line, insert "nor more than four;" so as to read "not less than two nor more than four tracks."

Mr. BABCOCK. I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. RICHARDSON of Tennessee. I ask for a separate vote on these two propositions. There are, in fact, two amendments. Each is a separate proposition.

The CHAIRMAN. The Chair has ruled that the ainendment just read is a single amendment.

Mr. RICHARDSON of Tennessee. But if the Chair will hear me a moment——

The CHAIRMAN. The Chair has ruled on the question. [Cries of "Regular order."]

Mr. RICHARDSON of Tennessee. I am not filibustering. There are two substantive propositions. One is to insert the words "not less than;" the other is to insert the words "nor more than four." I could move to strike out "four" and insert "three." Let us proceed in an orderly manner and in accordance with the rules, even if this bill is to be rushed through. My point is that there are two substantive propositions. If the Chair chooses to rule otherwise, it can do so.

The CHAIRMAN. The Chair has ruled and does not retract its ruling.

[Mr. FITZGERALD of Massachusetts addressed the committee. See Appendix.]

Mr. BABCOCK. I move, Mr. Chairman, that debate on the amendment and amendments thereto close in one minute.

Mr. RICHARDSON of Tennessee. I make the point of order that the gentleman can not close debate under the rules of the House in that manner if any gentleman desires to discuss the proposition. The rules allow ten minutes' debate—five minutes for and five against the proposition.

Mr. BABCOCK. What rules does the gentleman refer to?

Mr. RICHARDSON of Tennessee. I refer to the rules of the House?

Mr. FITZGERALD of Massachusetts. The rules of the committee prohibit it.

Mr. RICHARDSON of Tennessee. The rules allow five minutes for and five minutes against the proposition. I submit that the motion of the gentleman from Wisconsin is not in order to close the debate if any man wants to occupy that time.

The CHAIRMAN. The Chair will be glad to hear from the gentleman from Tennessee on the point of order. Rule XXIII, paragraph 6, seems to apply to this.

Mr. CUMMINGS. Mr. Chairman——

The CHAIRMAN. The gentleman from Tennessee is entitled to the floor if he desires to be heard.

Mr. BABCOCK. I believe the five minutes against the amendment have been exhausted.

Mr. RICHARDSON of Tennessee. The rules permit five minutes for and five minutes against an amendment.

Mr. BABCOCK. There is no one who desires to speak for the amendment.

Mr. FITZGERALD of Massachusetts. But there are some gentlemen who desire to speak against this bill if they are given an opportunity.

The CHAIRMAN. The question may arise again, but the present view of the Chair is that after the five minutes' debate has begun, though not completed, it is entirely within the province of the committee to close the debate. The Chair will be glad to hear from the gentleman from Tennessee on the subject.

Mr. GAINES. Is it not in the power of the committee to change a rule of the House?

The CHAIRMAN. Does the Chair understand that the gentleman from Tennessee desires to be heard on this?

Mr. RICHARDSON of Tennessee. The rule, Mr. Chairman, as I have always understood it, upon amendments in Committee of the Whole under the five-minute rule is that five minutes shall be allowed the mover of an amendment and five minutes to any gentleman opposing the amendment. Now, when you move to close the debate before the ten minutes are exhausted, I say it is not in order, if any gentleman wants to debate it.

The statement is made that no gentleman desires to debate the question. If that is true, why there is no necessity to move to close the debate. I submit that we ought to proceed in order, and I think the Chair will find that the position I take is exactly in accordance with the rule that five minutes are allowed for and five minutes against any proposed amendment, provided any gentleman desires to speak. If no gentleman desires to occupy the floor, that is another matter. I do not know whether any gentleman desires to occupy the floor or not. I do not.

Mr. FITZGERALD of Massachusetts. I desire time to finish my remarks.

Mr. GROSVENOR. Mr. Chairman, this is a very plain matter, and the gentleman from Tennessee has simply thrust a proposition before the committee and declined to read the rules of the House. Here is the rule of the House that completely answers the gentleman's contention. It is found on page 284 of the Manual.

Mr. RICHARDSON of Tennessee. Clause 5 of Rule XXIII.

Mr. GROSVENOR. Just wait a moment and I will read it myself.

6. The committee may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only (which motion shall be decided without debate).

That is the law, and the gentleman is perfectly familiar with it, quite as much so as the Chairman of the committee is.

Mr. RICHARDSON of Tennessee. I respectfully ask the reading of the preceding clause.

Mr. GROSVENOR. But the preceding clause is answered by that clause.

Mr. RICHARDSON of Tennessee. Not at all.

Mr. GROSVENOR. The first clause says that the man who proposes the amendment may have five minutes, and then it says that the man opposed to it may have five minutes, subject to the rule below.

Mr. RICHARDSON of Tennessee. Oh, no.

Mr. GROSVENOR. Why, then, you repeal the clause below.

Mr. RICHARDSON of Tennessee. Mr. Chairman, in my experience I have never known any objection to be made to ten minutes' debate upon an amendment. I desire to read the clause of the rule to which I refer, that it may go into the RECORD:

5. When general debate is closed by order of the House, any member shall be allowed five minutes to explain any amendment he may offer, after which the member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon.

So I say the rule is explicit. If any gentleman claims the floor in opposition to the amendment, he is entitled to the floor. That is all.

The CHAIRMAN. The Chair is ready to rule.

Several MEMBERS. Rule! Rule!

Mr. RICHARDSON of Tennessee. You can not have a ruling until the Chair says so.

Mr. PAYNE. The Chair is not compelled to listen to the gentleman any longer than——

Mr. RICHARDSON of Tennessee. I will not yield to the gentleman from New York.

The CHAIRMAN. The gentleman from Tennessee has the floor.

Mr. PAYNE. I rise to a parliamentary inquiry.

Mr. RICHARDSON of Tennessee. I will not yield to a parliamentary inquiry.

Mr. PAYNE. I rise to a point of order.

Mr. RICHARDSON of Tennessee. I can not be taken off the floor by the gentleman's parliamentary inquiry. I do not yield to him.

The CHAIRMAN. The gentleman from Tennessee is entitled to the floor. [Applause on the Democratic side.]

Mr. PAYNE. The gentleman is entitled to the floor just so long as the Chair is pleased to hear him, and no longer.

Mr. WILLIAMS of Mississippi. I make the point of order that the gentleman from New York is out of order.

The CHAIRMAN. The gentleman from New York says he rises to a point of order.

Mr. PAYNE. I rose in the first place to make the point of order that the gentleman from Tennessee could only proceed in the discretion of the Chair; that whenever the Chair had heard sufficient debate the Chair could then make his decision. The Chair had risen to make his decision when the gentleman from Tennessee interfered.

Mr. GAINES. The gentleman from Tennessee [Mr. RICHARDSON] had the floor.

Mr. RICHARDSON of Tennessee. If the Chair declines to hear me, I do not want to be heard.

The CHAIRMAN. The Chair would state to the gentleman from Tennessee that the Chair is quite ready to rule, but will not rule while the gentleman from Tennessee desires in good faith to address the Chair. [Applause on the Democratic side.]

Mr. RICHARDSON of Tennessee. I thank the Chair. I have no desire to delay the debate. I have read clause 5 of Rule XXIII, which expressly contains the contention which I make most respectfully. I thank the Chair for this parliamentary protection, and now yield the floor.

The CHAIRMAN. The Chair is very clearly of the opinion that by section 5, five minutes' debate is allowed for an amendment proposed and five minutes against that amendment and then the debate closes itself without any motion. The sixth paragraph, which was adopted ten years later than the one just referred to, provided for closing debate at any time after it shall have begun. It would have been entirely unnecessary if it had been limited to the condition described in paragraph 5, because the debate then is closed without any motion, or upon the interposition of the point of order by any gentleman on the floor. The Chair, therefore, rules that the motion of the gentleman from Wisconsin is in order, that debate upon this amendment be closed in one minute.

Mr. BABCOCK. My motion was upon the amendment and the section.

The CHAIRMAN. The gentleman from Wisconsin moves that all debate upon the section and upon the amendment be closed in one minute.

Mr. COWHERD. Mr. Chairman——

Mr. WILLIAMS of Mississippi. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS of Mississippi. Do I understand if that is passed no further amendments can be offered?

The CHAIRMAN. They would be in order, but not debatable.

Mr. WILLIAMS of Mississippi. They could be offered, but not debated?

Mr. COWHERD. Mr. Chairman, I desire to ask whether the minority members of the committee, who have amendments to offer after the committee amendments have been disposed of, are to be prevented from offering their amendments and explaining them? I desire to ask the chairman of the committee if it is his desire to cut us off from explaining our amendments?

The CHAIRMAN. That is in control of the committee. The amendments would be in order after the adoption of this amendment, but there could be no debate.

Mr. COWHERD. The gentleman can save time by giving us five minutes to present them.

The question was taken on the motion of Mr. BABCOCK; and the Chairman announced that the ayes appeared to have it.

Mr. COWHERD. Division.

The committee divided; and there were—ayes 90, noes 62.

Mr. COWHERD. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Wisconsin [Mr. BABCOCK] and the gentleman from Missouri [Mr. COWHERD] will take their places and act as tellers.

The committee again divided; and the tellers reported—ayes 117, noes 51.

So the motion was agreed to.

Mr. BABCOCK. Now, Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 1929 and had come to no resolution thereon.

Mr. BABCOCK. Mr. Speaker, I move that the House take a recess until 11 o'clock to-morrow; and upon that motion I demand the previous question.

The SPEAKER. The Chair is of the opinion, without examination, that the motion for the previous question is not necessary on this motion. The question is on agreeing to the motion of the gentleman from Wisconsin.

Mr. RICHARDSON of Tennessee. What was the motion?

The SPEAKER. The motion is to take a recess until 11 o'clock to-morrow.

Mr. RICHARDSON of Tennessee. I move to amend that by making it 5 minutes to 12 o'clock.

Mr. PAYNE. Mr. Speaker, the gentleman moved the previous question on his motion, which cuts off any amendment.

Mr. RICHARDSON of Tennessee. I offer the amendment to make it 5 minutes to 12 o'clock.

The SPEAKER. The Chair will put the motion for the previous question. It will be in order to obviate the very purpose that is manifested by the supplemental motion.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. COWHERD. Division.

The House divided; and there were—ayes 118, noes 40.

Mr. COWHERD. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 150, nays 46, answered "present" 9, not voting 151; as follows:

YEAS—150.

Acheson,	Dick,	Ketcham,	Reeder,
Adams,	Dovener,	Knox,	Reeves,
Alexander,	Driggs,	Lacey,	Rhea, Va.
Allen, Me.	Eddy,	Landis,	Roberts,
Babcock,	Emerson,	Linney,	Rodenberg,
Bailey, Kans.	Esch,	Long,	Russell,
Bankhead,	Faris,	Lybrand,	Ryan, Pa.
Barney,	Fletcher,	McAleer,	Shattuc,
Bartholdt,	Fordney,	McCleary,	Shaw,
Berry,	Foss,	Mann,	Shelden,
Bingham,	Gardner, Mich.	Marsh,	Sherman,
Boreing,	Gaston,	Meekison,	Sibley,
Bowersock,	Gibson,	Meyer, La.	Smith, Ill.
Brick,	Gill,	Miller,	Smith, Iowa.
Bromwell,	Gillet, N. Y.	Minor,	Smith, Samuel W.
Brosius,	Gillett, Mass.	Mondell,	Smith, Wm. Alden
Brown,	Glynn,	Moody, Mass.	Southard,
Brownlow,	Graff,	Moody, Oreg.	Sperry.
Burke, S. Dak.	Graham,	Morgan,	Sprague,
Burkett,	Grosvenor,	Morrell,	Steele,
Burleigh,	Grout,	Morris,	Stewart, N. Y.
Butler,	Grow,	Mudd,	Stewart, Wis.
Calderhead,	Hall,	Needham,	Swanson,
Cannon,	Hamilton,	Norton, Ohio	Tawney,
Capron,	Hawley,	Olmsted,	Tompkins,
Clayton, N. Y.	Hay,	Otey,	Tongue,
Cochrane, N. Y.	Heatwole,	Otjen,	Van Voorhis,
Conner,	Hedge,	Overstreet,	Vreeland,
Corliss,	Hemenway,	Payne,	Weaver,
Cousins,	Henry, Conn.	Pearce, Mo.	Weeks,
Crump,	Hepburn,	Pearson,	Weymouth,
Crumpacker,	Hill,	Pearre,	Wilson, Idaho.
Cummings,	Hoffecker,	Phillips,	Woods,
Curtis,	Hull,	Polk,	Wright,
Dalzell,	Jack,	Powers,	Young,
Davenport, S. A.	Jenkins,	Prince,	Ziegler.
Davenport, S. W.	Joy,	Pugh,	
Dayton,	Kerr, Md.	Ray, N. Y.	

NAYS—46.

Atwater,	Dougherty,	Moon,	Sheppard,
Bartlett,	Fox,	Neville,	Snodgrass,
Breazeale,	Henry, Miss.	Newlands,	Stark,
Brundidge,	Jones, Va.	Rhea, Ky.	Terry,
Burke, Tex.	Jones, Wash.	Richardson, Ala.	Turner.
Caldwell,	Kitchin,	Richardson, Tenn.	Underwood,
Cochran, Mo.	Kleberg,	Rixey,	Williams, J. R.
Cooper, Tex.	Lloyd,	Robb,	Williams, W. E.
Cushman,	McCulloch,	Robinson, Ind.	Williams, Miss.
De Armond,	McDowell,	Salmon,	Zenor.
De Graffenreid,	McLain,	Scudder,	
Dinsmore,	Miers, Ind.	Shackleford,	

ANSWERED "PRESENT"—9.

Barham,	McDermott,	Sims,	Thomas, N. C.
Boutell, Ill.	O'Grady,	Stephens, Tex.	Wanger,
McClellan,			

NOT VOTING—151.

Adamson,	Davey,	Lanham,	Ruppert,
Aldrich,	Davidson,	Lassiter,	Ryan, N. Y.
Allen, Ky.	Davis,	Latimer,	Shafroth,
Allen, Miss.	Denny,	Lawrence,	Showalter,
Bailey, Tex.	Driscoll,	Lentz,	Slayden,
Baker,	Elliott,	Lester,	Small,
Ball,	Finley,	Levy,	Smith, Ky.
Barber,	Fitzgerald, Mass.	Lewis,	Smith, H. C.
Bell,	Fitzgerald, N. Y.	Littauer,	Spalding,
Bellamy,	Fitzpatrick,	Little,	Sparkman,
Benton,	Fleming,	Littlefield,	Spight,
Bishop,	Foster,	Livingston,	Stallings,
Boutelle, Me.	Fowler,	Lorimer,	Stevens, Minn.
Bradley,	Freer,	Loud,	Stewart, N. J.
Brantley,	Gaines,	Loudenslager,	Stokes,
Brenner,	Gamble,	Lovering,	Sulloway,
Brewer,	Gardner, N. J.	McCall,	Sulzer,
Broussard,	Gayle,	McRae,	Sutherland,
Bull,	Gilbert,	Maddox,	Talbert,
Burleson,	Gordon,	Mahon,	Tate,
Burnett,	Green, Pa.	May,	Tayler, Ohio
Burton,	Greene, Mass.	Mercer,	Taylor, Ala.
Campbell,	Griffith,	Mesick,	Thayer,
Carmack,	Griggs,	Metcalf,	Thomas, Iowa
Catchings,	Haugen,	Muller,	Thropp,
Chanler,	Henry, Tex.	Naphen,	Underhill,
Clark, Mo.	Hitt,	Noonan,	Vandiver,
Clarke, N. H.	Hopkins,	Norton, S. C.	Wachter,
Clayton, Ala.	Howard,	Packer, Pa.	Wadsworth,
Connell,	Howell,	Parker, N. J.	Warner,
Cooney,	Jett,	Pierce, Tenn.	Waters,
Cooper, Wis.	Johnston,	Quarles,	Watson,
Cowherd,	Kahn,	Ransdell,	Wheeler,
Cox,	Kerr, Ohio	Ridgely,	White,
Cromer,	King,	Riordan,	Wilson, N. Y.
Crowley,	Kluttz,	Robertson, La.	Wilson, S. C.
Cusack,	Lamb,	Robinson, Nebr.	Wise.
Dahle,	Lane,	Rucker,	

So the previous question was ordered.

Mr. BERRY. Mr. Speaker, I desire to be recorded.

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. BERRY. I was.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called Mr. BERRY'S name; and he voted "no," as above recorded.

The following additional pairs were announced:

Until further notice:

Mr. O'GRADY with Mr. FITZGERALD of New York.

Mr. WISE with Mr. LAMB.

Mr. KERR of Ohio with Mr. HENRY of Texas.

Mr. THROPP with Mr. BRANTLEY.

For this day:

Mr. MERCER with Mr. BELL.

Mr. STEVENS of Minnesota with Mr. SHAFROTH.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on agreeing to the motion to take a recess until 11 o'clock to-morrow.

The question was taken; and on a division (demanded by Mr. COWHERD) there were 139 ayes and 43 noes.

Mr. COWHERD. The yeas and nays, Mr. Speaker.

The question was taken.

The SPEAKER. Thirty-eight gentlemen rising, a sufficient number, the yeas and nays are ordered.

The question was taken; and there were—yeas 157, nays 27, answered "present" 6, not voting 166; as follows:

YEAS—157.

Acheson,	Corliss,	Grosvenor,	Meekison,
Adams,	Cousins,	Grout,	Meyer, La.
Alexander,	Crowley,	Grow,	Miers, Ind.
Allen, Me.	Crump,	Hall,	Miller,
Babcock,	Crumpacker,	Hamilton,	Minor,
Bailey, Kans.	Cummings,	Hawley,	Mondell,
Bankhead,	Curtis,	Hay,	Moody, Mass.
Barney,	Dalzell,	Heatwole,	Moody, Oreg.
Berry,	Davenport, S. A.	Hedge,	Morgan,
Bingham,	Davenport, S. W.	Hemenway,	Morrell,
Boreing,	Dayton,	Henry, Conn.	Morris,
Boutell, Ill.	Dick,	Hepburn,	Mudd,
Brick,	Dovener,	Hill,	Needham,
Bromwell,	Driggs,	Hoffecker,	Norton, Ohio
Brosius,	Eddy,	Hull,	Olmsted,
Broussard,	Emerson,	Jenkins,	Otey,
Brown,	Esch,	Joy,	Otjen,
Brownlow,	Faris,	Kerr, Md.	Overstreet,
Burke, S. Dak.	Fletcher,	Ketcham,	Payne,
Burkett,	Fordney,	Knox,	Pearce, Mo.
Burleigh,	Foss,	Lacey,	Pearson,
Butler,	Foster,	Landis,	Pearre,
Calderhead,	Gardner, Mich.	Linney,	Phillips,
Caldwell,	Gibson,	Long,	Polk,
Cannon,	Gillet, N. Y.	Lybrand,	Powers,
Capron,	Gillett, Mass.	McAleer,	Prince,
Clayton, N. Y.	Glynn,	McCleary,	Pugh,
Cochrane, N. Y.	Graff,	McDowell,	Ray, N. Y.
Conner,	Graham,	Mann,	Reeder,
Cooper, Wis.	Green, Pa.	Marsh,	Reeves,

Rhea, Va.	Sibley,	Stewart, Wis.	Weeks,
Roberts,	Smith, Ill.	Swanson,	Weymouth,
Robinson, Ind.	Smith, Iowa,	Tawney,	Wilson, Idaho
Rodenberg,	Smith, Samuel W.	Thomas, N. C.	Woods,
Russell,	Smith, Wm. Alden	Thropp,	Wright,
Ryan, Pa.	Southard,	Tompkins,	Young,
Shattuck,	Sperry,	Tongue,	Ziegler.
Shaw,	Sprague,	Van Voorhis,	
Shelden,	Steele,	Vreeland,	
Sherman,	Stewart, N. Y.	Weaver,	

NAYS—27.

Atwater,	Jones, Va.	Moon,	Stephens, Tex.
Breazeale,	Jones, Wash.	Neville,	Terry,
Cowherd,	Kitchin,	Richardson, Tenn.	Turner,
De Armond,	Kleberg,	Salmon,	Williams, J. R.
De Graffenreid,	Lloyd,	Sheppard,	Williams, W. E.
Fox,	McCulloch,	Snodgrass,	Zenor.
Henry, Miss.	McLain,	Stark,	

ANSWERED "PRESENT"—6.

Cromer,	McClellan,	Sims,	Wanger.
Davidson,	O'Grady,		

NOT VOTING—166.

Adamson,	Davey,	Latimer,	Ruppert,
Aldrich,	Davis,	Lawrence,	Ryan, N. Y.
Allen, Ky.	Denny,	Lentz,	Scudder,
Allen, Miss.	Dinsmore,	Lester,	Shackleford,
Bailey, Tex.	Dougherty,	Levy,	Shafroth,
Baker,	Driscoll,	Lewis,	Showalter,
Ball,	Elliott,	Littauer,	Slayden,
Barber,	Finley,	Little,	Small,
Barham,	Fitzgerald, Mass.	Littlefield,	Smith, Ky.
Bartholdt,	Fitzgerald, N. Y.	Livingston,	Smith, H. C.
Bartlett,	Fitzpatrick,	Lorimer,	Spalding,
Bell,	Fleming,	Loud,	Sparkman,
Bellamy,	Fowler,	Loudenslager,	Spight,
Benton,	Freer,	Lovering,	Stallings,
Bishop,	Gaines,	McCall,	Stevens, Minn.
Boutelle, Me.	Gamble,	McDermott,	Stewart, N. J.
Bowersock,	Gardner, N. J.	McRae,	Stokes,
Bradley,	Gaston,	Maddox,	Sulloway,
Brantley,	Gayle,	Mahon,	Sulzer,
Brenner,	Gilbert,	May,	Sutherland,
Brewer,	Gill,	Mercer,	Talbert,
Brundidge,	Gordon,	Mesick,	Tate,
Bull,	Greene, Mass.	Metcalf,	Tayler, Ohio
Burke, Tex.	Griffith,	Muller,	Taylor, Ala.
Burleson,	Griggs,	Naphen,	Thayer,
Burnett,	Haugen,	Newlands,	Thomas, Iowa
Burton,	Henry, Tex.	Noonan,	Underhill,
Campbell,	Hitt,	Norton, S. C.	Underwood,
Carmack,	Hopkins,	Packer, Pa.	Vandiver,
Catchings,	Howard,	Parker, N. J.	Wachter,
Chanler,	Howell,	Pierce, Tenn.	Wadsworth,
Clark, Mo.,	Jack,	Quarles,	Warner,
Clarke, N. H.	Jett,	Ransdell,	Waters,
Clayton, Ala.	Johnston,	Rhea, Ky.	Watson,
Cochran, Mo.	Kahn,	Richardson, Ala.	Wheeler,
Connell,	Kerr, Ohio,	Ridgely,	White,
Cooney,	King,	Riordan,	Williams, Miss.
Cooper, Tex.	Kluttz,	Rixey,	Wilson, N. Y.
Cox,	Lamb,	Robb,	Wilson, S. C.
Cusack,	Lane,	Robertson, La.	Wise.
Cushman,	Lanham,	Robinson, Nebr.	
Dahle,	Lassiter,	Rucker,	

So the motion was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. BARTHOLDT with Mr. DINSMORE.

Mr. CUSHMAN with Mr. WILSON of South Carolina.

Mr. HOWELL with Mr. GRIGGS.

The SPEAKER. On this question the yeas are 157, nays 27, present 6. The ayes have it; and accordingly (at 6 o'clock) the House stands in recess until 11 o'clock to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Holston River, Tennessee—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Ohio Reef, Narragansett Bay, Rhode Island—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of deficiency appropriation for Bureau of Medicine and Surgery—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of deficiency appropriation for the National Home for Disabled Volunteer Soldiers—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for increase of salary of United States consul at Liege, Belgium—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for transcript of records and plats, General Land Office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect of the Treasury submitting an estimate of appropriations for completing public buildings—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect of the Treasury submitting an estimate of appropriation for completing certain buildings—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, for the attention of Congress, a letter from the Commissioner of Pensions, with documents relating to the case of Alexander Moulton—to the Committee on Invalid Pensions, and ordered to be printed (all but documents).

A letter from the Secretary of the Interior, transmitting papers in pension claim of Eleanor McDevitt, for action by Congress—to the Committee on Invalid Pensions, and ordered to be printed (letter only).

A letter from the Secretary of the Interior, transmitting, with a copy of letter from the Commissioner of Pensions, certain papers in the case of Jane Johnson, for the attention of Congress—to the Committee on Invalid Pensions, and ordered to be printed (all but documents).

A letter from the Secretary of the Interior, transmitting, with a letter from the Commissioner of Pensions, papers in the case of Richard Howell, alias George Carroll, which are recommended to the attention of Congress—to the Committee on Invalid Pensions, and ordered to be printed (all but documents).

A letter from the president of the Civil Service Commission, relating to the disposition of certain papers in the records of the Commission—to the Committee on Disposition of Useless Papers in Executive Departments, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Indian Affairs, reported the bill of the House (H. R. 12904) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes, accompanied by a report (No. 2064); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12546) to change and fix the time for holding the district and circuit courts of the United States for the northeastern division of the eastern district of Tennessee, reported the same without amendment, accompanied by a report (No. 2065); which said bill and report were referred to the House Calendar.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 12396) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioners of education provided for by said act, reported the same without amendment, accompanied by a report (No. 2069); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11574) granting a pension to William H. Palmer, reported the same without amendment, accompanied by a report (No. 2037); which said bill and report were referred to the Private Calendar.

Mr. SHAW, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10567) granting a pension

to Mary L. Tweddle, reported the same without amendment, accompanied by a report (No. 2038); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12245) granting a pension to Henry A. Jordan, reported the same with amendment, accompanied by a report (No. 2039); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8594) granting a pension to Maltilda Rapp, reported the same with amendment, accompanied by a report (No. 2040); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1995) granting an increase of pension to Frederick O. Lathrop, reported the same with amendment, accompanied by a report (No. 2041); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4191) granting a pension to Anna E. Littlefield, reported the same without amendment, accompanied by a report (No. 2042); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11910) granting an increase pension to Thomas H. Roberts, reported the same with amendment, accompanied by a report (No. 2043); which said bill and report were referred to the Private Calander.

Mr. SHAW, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7152) for the relief of Nancy L. Donaldson, reported the same with amendment, accompanied by a report (No. 2044); which said bill and report were referred to the Private Calander.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4217) granting an increase of pension to Michael Dignon, reported the same with amendment, accompanied by a report (No. 2045); which said bill and report were referred to the Private Calendar.

Mr. SHAW, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 236) granting an increase of pension to Albert M. Bennett, of Providence, R. I., reported the same with amendment, accompanied by a report (No. 2046); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4296) granting an increase of pension to Frances E. Childs, reported the same without amendment, accompanied by a report (No. 2047); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2527) granting an increase of pension to David Briggs, reported the same with amendment, accompanied by a report (No. 2048); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3247) for the relief of George Mowry, reported the same with amendment, accompanied by a report (No. 2049); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1588) granting a pension to Eva Clark, reported the same without amendment, accompanied by a report (No. 2050); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 429) to increase the pension of John R. Joy, Company H, Thirty-ninth Iowa Infantry, reported the same with amendment, accompanied by a report (No. 2051); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3784) granting an increase of pension to Linsay C. Jones, reported the same with amendment, accompanied by a report (No. 2052); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4548) granting an increase of pension to Albert A. Roberts, reported the same without amendment, accompanied by a report (No. 2053); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5224) for the relief of Daniel Smith, of Fentress County, Tenn., reported the same with amendment, accompanied by a report (No. 2054); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11361) granting a pension to Susan A. Miller, reported the same with amendment, accompanied by a report (No. 2055); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4771) granting an increase of pension to Gilbert F. Colby, reported the same without amendment, accompanied by a report (No. 2056); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9106) granting a pension to Nancy Marshall, reported the same with amendment, accompanied by a report (No. 2057); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9928) granting an increase of pension to H. S. Reed, alias Daniel Hull, reported the same with amendment, accompanied by a report (No. 2058); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4178) granting a pension to Thomas White, reported the same with amendment, accompanied by a report (No. 2059); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9985) granting an increase of pension to Martin Sherwood, late Company C, Thirty-sixth Regiment Wisconsin Volunteer Infantry, reported the same with amendment, accompanied by a report (No. 2060); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11335) granting a pension to Silas Howard, reported the same with amendment, accompanied by a report (No. 2061); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12476) granting an increase of pension to Samuel Minnick, reported the same with amendment, accompanied by a report (No. 2062); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1952) granting an increase of pension to Thomas J. Jackson, reported the same without amendment, accompanied by a report (No. 2063); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GROSVENOR: A bill (H. R. 12897) to extend the privileges provided by an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, as amended—to the Committee on Ways and Means.

By Mr. BABCOCK: A bill (H. R. 12898) relating to the assessment and reassessment of water-main taxes in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KAHN: A bill (H. R. 12899) to reincorporate and preserve all the corporate franchises and property rights of the de facto corporation known as the German Orphan Asylum Association of the District of Columbia—to the Committee on the District of Columbia.

By Mr. RICHARDSON of Alabama: A bill (H. R. 12900) to regulate the removal of causes from the State courts to the Federal courts on account of prejudice or local influence—to the Committee on the Judiciary.

By Mr. FLYNN: A bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, and so forth—to the Committee on the Public Lands.

By Mr. BROSIUS: A bill (H. R. 12902) to appoint an advisory board of public works for the city of Washington—to the Committee on the District of Columbia.

By Mr. GREENE of Massachusetts: A bill (H. R. 12903) to authorize the Baltimore and Washington Transit Company to extend its street railway in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHERMAN, from the Committee on Indian Affairs: A bill (H. R. 12904) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes—to the Union Calendar.

By Mr. RICHARDSON of Alabama: A bill (H. R. 12905) to establish a home for disabled soldiers of the Federal and Confederate armies in the war between the States, 1861 to 1865, at or near Huntsville, Madison County, Ala.—to the Committee on Military Affairs.

By Mr. JENKINS: A bill (H. R. 12906) for the purchase of a site for a hall of records—to the Committee on Public Buildings and Grounds.

By Mr. HEPBURN: A bill (H. R. 12948) amending sections 2 of the acts of June 27, 1890, and May 9, 1900, so as to grant a pension of $50 a month to the officers and enlisted men named in the act who are now totally blind or who may become totally blind—to the Committee on Invalid Pensions.

By Mr. MOODY of Massachusetts: A bill (H. R. 12949) to fix the compensation of district superintendents in the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL (by request): A bill (H. R. 12950) relating to school-ships for nautical instruction—to the Committee on Naval Affairs.

By Mr. VAN VOORHIS: A resolution (H. Res. 319) to pay Don C. Walters the difference between the pay of a folder and that of a messenger—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BISHOP: A bill (H. R. 12907) granting a pension to George Hooper—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 12908) to pension David T. Nuttle—to the Committee on Invalid Pensions.

By Mr. BAKER: A bill (H. R. 12909) granting an increase of pension to Samuel S. Swann—to the Committee on Invalid Pensions.

By Mr. BANKHEAD: A bill (H. R. 12910) for the relief of George F. Brott—to the Committee on Claims.

By Mr. CALDWELL: A bill (H. R. 12911) granting a pension to Minerva McClernand—to the Committee on Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 12912) granting a pension to Daniel W. David—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12913) granting a pension to Martha Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12914) granting a pension to Henry C. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12915) granting a pension to Willis Rhodes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12916) granting a pension to William H. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12917) granting a pension to Mary C. Roney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12918) granting a pension to John N. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12919) for the relief of G. B. Colyer—to the Committee on War Claims.

Also, a bill (H. R. 12920) to remove the charge of desertion standing against Edgar B. Willoughby—to the Committee on Military Affairs.

By Mr. HULL: A bill (H. R. 12921) granting a pension to Benjamin Wylie—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 12922) granting an increase of pension to George C. Leighton—to the Committee on Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 12923) granting a pension to Catherine Fodderill—to the Committee on Invalid Pensions.

By Mr. MERCER: A bill (H. R. 12924) appropriating money for the relief of Henry T. Clarke—to the Committee on Claims.

By Mr. NEVILLE: A bill (H. R. 12925) granting a pension to Benjamin D. Yates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12926) granting an increase of pension to George W. McKey—to the Committee on Invalid Pensions.

By Mr. OTEY: A bill (H. R. 12927) for the relief of R. H. T. Adams, jr., Lynchburg, Va.—to the Committee on Claims.

By Mr. PEARRE: A bill (H. R. 12928) granting an increase of pension to Daniel Robinette—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12929) granting a pension to Richard Bowman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12930) for the relief of Albion M. Christie—to the Committee on Claims.

By Mr. RIXEY (by request): A bill (H. R. 12931) for the relief of William H. Snider—to the Committee on War Claims.

Also, a bill (H. R. 12932) for the relief of the trustees of Cedar Run Baptist Church, of Culpeper County, Va.—to the Committee on War Claims.

Also (by request), a bill (H. R. 12933) to refer the war claim of John C. Newton, of Stafford County, Va., to the Court of Claims—to the Committee on War Claims.

Also (by request), a bill (H. R. 12934) to refer the war claim of the estate of John Sullivan, deceased, late of Stafford County, Va., to the Court of Claims—to the Committee on War Claims.

By Mr. RUCKER: A bill (H. R. 12935) granting an increase of pension to Sylvanus Wilson—to the Committee on Invalid Pensions.

By Mr. RYAN of Pennsylvania: A bill (H. R. 12936) granting an increase of pension to Daniel Nagle—to the Committee on Invalid Pensions.

By Mr. SHATTUC: A bill (H. R. 12937) granting an increase of pension to Mrs. F. H. Anthony—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 12938) granting an increase of pension to Erastus F. Phelps—to the Committee on Invalid Pensions.

By Mr. SIBLEY: A bill (H. R. 12939) granting an increase of pension to Thomas J. Kerstetter—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 12940) granting an increase of pension to Franklin Follansbee—to the Committee on Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 12941) granting an increase of pension to Joseph A. Spaulding—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12942) granting an increase of pension to George W. Mathews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12943) granting an increase of pension to William W. Morton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12944) granting an increase of pension to Mahlon B. Eckert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12945) granting an increase of pension to David H. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12946) granting a pension to J. D. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12947) granting a pension to Sarah C. Ocean—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 12951) for the relief of the legal representatives of Jeremiah Simonson, deceased—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of the Philadelphia Trans-Atlantic Line, in opposition to certain features in Senate bill No. 727, known as the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. ALLEN of Mississippi: Papers to accompany House bill No. 12850, for the relief of W. F. Young—to the Committee on War Claims.

By Mr. EMERSON: Petition of the Woman's Christian Temperance Union of Easton, N. Y., favoring House bill for the suppression of Army canteens and island saloons—to the Committee on Military Affairs.

By Mr. GRAHAM: Petitions of James S. Klein and Sarah B. Stepp, of Allegheny, Pa., favoring uniform marriage and divorce laws and certain other measures—to the Committee on the Judiciary.

Also, petition of Charles M. Taylor's Sons, of the Philadelphia Trans-Atlantic Line, in opposition to certain features in Senate bill No. 727, known as the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. JOY: Petition of William Marshall to accompany House bill granting him a pension—to the Committee on Invalid Pensions.

By Mr. LACEY: Resolution of the district conference of the Methodist Episcopal Church, Oskaloosa district, Iowa, indorsing the action of the House of Representatives against the Army canteen—to the Committee on Military Affairs.

By Mr. LITTAUER: Resolution of Pomona Grange, Saratoga County, N. Y., protesting against the reduction of the tax on beer and favoring the repeal of stamp tax on checks, drafts, etc.—to the Committee on Ways and Means.

By Mr. MIERS of Indiana: Petition of Catherine Fodderill, widow of John B. Fodderill, to accompany House bill granting her a pension—to the Committee on Invalid Pensions.

By Mr. NEVILLE: Papers to accompany House bill No. 11893, granting a pension to Anna Ellison—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to George W. McKey—to the Committee on Invalid Pensions.

By Mr. RIXEY: Affidavits in support of bill for the relief of St. Paul's Protestant Episcopal Church, at Haymarket, Prince William County, Va.—to the Committee on War Claims.

By Mr. SCUDDER: Three petitions of citizens of Port Jefferson, N. Y., for the improvement of Port Jefferson Harbor—to the Committee on Rivers and Harbors.

By Mr. SHATTUC: Papers in support of House bill for the relief of Mrs. Frances H. Anthony—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition of the Methodist Episcopal Church of Clinton, N. Y., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition of citizens of Kendall County, Tex., in favor of the improvement of the harbor at Aransas Pass—to the Committee on Rivers and Harbors.

By Mr. SAMUEL W. SMITH: Petition of citizens of South Lyon, Mich., in favor of anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of Lacy & Liddell and other business men of Milford, Mich., praying for a reduction of the war-revenue tax—to the Committee on Ways and Means.

By Mr. VREELAND: Petitions of the First Methodist Episcopal Church and the Woman's Christian Temperance Union of Dunkirk, N. Y., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. WADSWORTH: Petition of E. M. Crandall and 35 other members of the Methodist Episcopal Church of Alabama, N. Y., and resolutions of the First Methodist Episcopal Church of Albion, N. Y., for the protection of native races in our islands against intoxicants and opium—to the Committee on Insular Affairs.

SENATE.

WEDNESDAY, *December 19, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

LIGHT-HOUSE BOARD.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting an additional estimate of appropriation for rental of rooms for the accommodation of the Light-House Board, $504; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

EXTRA PAY OF DISABLED SURFMEN, ETC.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 6th instant, a decision of the Comptroller of the Treasury and a communication of the Auditor for the Treasury giving a list of the claims rejected and disallowed disabled surfmen, etc.; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

ELECTORAL VOTE OF OREGON.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of State, transmitting a certified copy of the final ascertainment of the electors for President and Vice-President appointed in the State of Oregon at the election held therein on the 6th day of November, 1900. The communication will be placed on the files of the Senate.

Mr. HOAR. In regard to the announcement the Chair has just made I should like to inquire of the Chair—I have not recently examined the law—whether the certificates of the appointment of electors are not communicated to the Chair in his capacity as a public officer, whether the Senate has any relation to them whatever, and whether they are not in the custody of the President of the Senate? The suggestion of the Chair was that the communication should be placed on the files of the Senate. I merely wish to ask the Chair to have the question considered as to whether such communications should go to the files of the Senate or should be in the personal or official custody of the Chair without any control of the Senate over them.

The PRESIDENT pro tempore. The Chair is not informed. The Chair understands that the law requires that the certificates of the action of the electors themselves must be presented to the President of the Senate, and so forth, but he has no knowledge with regard to these particular certificates.

Mr. HOAR. The Chair has done nothing inconsistent with the theory I suggested; but when the Chair said that such communications go to the files, I did not know but it might be understood that they went onto the Senate files. I think the predecessors of the present occupant of the chair in his high office have had a safe under their personal control where all these documents have been deposited, and the Senate has had no control over them.

The PRESIDENT pro tempore. The Chair is informed that the present law requires that these communications shall be sent to the Secretary of State, to be communicated by him to each House of Congress.

Mr. HOAR. This communication comes from the Secretary of State?

The PRESIDENT pro tempore. It does.

Mr. HOAR. Very well; then there are separate copies sent to the Chair of the action of the electors.

The PRESIDENT pro tempore. Yes.

Mr. CHANDLER. I call the attention of the Senator from Massachusetts to the fact that the electors have not yet voted, and therefore the certificates showing the action of the electors have yet to come. The certificates now under consideration are the certificates of the choice of the electors by the States. They do go upon the files of the Senate, and they belong to Congress, in order that Congress may, if it sees fit, set on foot a preliminary investigation.

Mr. HOAR. The Senator from New Hampshire is right.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 2472) to correct the military record of John H. Finfrock; and

A bill (H. R. 3047) to remove the charge of desertion from military record of John Faulds, Company G, Thirty-first Wisconsin Infantry.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 953) to divide the State of West Virginia into two judicial districts; and

A bill (H. R. 971) to divide Kentucky into two judicial districts.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 154) granting an increase of pension to Benjamin F. Shott;

A bill (H. R. 1845) granting pensions to William Allen and Isaac Garman;

A bill (H. R. 2656) granting an increase of pension to John H. Gardner;

A bill (H. R. 2692) granting an increase of pension to Louisa N. Godfrey;

A bill (H. R. 3133) granting a pension to Edward Hounsom;

A bill (H. R. 3636) granting an increase of pension to George A. Libby;

A bill (H. R. 3658) granting a pension to Catherine Broughton;

A bill (H. R. 3660) granting an increase of pension to Franklin I. Gilbert;

A bill (H. R. 3705) granting a pension to Almeda Brown;

A bill (H. R. 3956) granting an increase of pension to George W. Plants;

A bill (H. R. 4068) granting an increase of pension to Maria N. Flint;

A bill (H. R. 4080) granting a pension to James E. Arvin, Teresa Arvin, and Anna Arvin;

A bill (H. R. 4143) granting a pension to Laura V. Swearer;

A bill (H. R. 4199) granting increase of pension to Gabriel M. Funk;

A bill (H. R. 4356) granting an increase of pension to Henry G. Bigelow;

A bill (H. R. 4633) granting a pension to John Calvin Lane;

A bill (H. R. 5441) granting an increase of pension to Hugh Thompson;

A bill (H. R. 5643) granting a pension to Elizabeth Beesley;

A bill (H. R. 6623) granting a pension to Sarah E. Wall;

A bill (H. R. 7040) granting a pension to Laura Newman;

A bill (H. R. 7203) granting a pension to Thomas F. Walter;

A bill (H. R. 7495) granting an increase of pension to Richard Holloway;

A bill (H. R. 7745) granting a pension to Lucinda Miller;

A bill (H. R. 7912) granting an increase of pension to Harriet A. Wilson;

A bill (H. R. 8161) granting a pension to Annis Bean;

A bill (H. R. 8191) granting an increase of pension to Adam Bieger;

A bill (H. R. 8263) granting a pension to Lula M. Jones;

A bill (H. R. 8297) granting an increase of pension to Albert Buck;

A bill (H. R. 8418) granting an increase of pension to William H. Gibbs;

A bill (H. R. 8535) granting an increase of pension to Andrew E. Dunham;

A bill (H. R. 8647) granting a pension to Joseph Connell;

A bill (H. R. 8943) granting an increase of pension to Michael Howlett;

A bill (H. R. 9023) granting an increase of pension to Mary E. Dobyns;

A bill (H. R. 9266) granting an increase of pension to James H. Caldwell;

A bill (H. R. 9269) granting a pension to Olie Heaton;

A bill (H. R. 9370) granting a pension to Louis M. Starring;

A bill (H. R. 9570) granting an increase of pension to Henry F. Rice;

A bill (H. R. 9785) granting a pension to Catherine A. McClanathan;
A bill (H. R. 9840) granting an increase of pension to William Snider;
A bill (H. R. 10089) granting an increase of pension to Charles Forbes;
A bill (H. R. 10183) granting an increase of pension to Robert A. Reid;
A bill (H. R. 10333) granting a pension to Sophie De V. Barrett;
A bill (H. R. 10570) granting an increase of pension to John Kinsey;
A bill (H. R. 10725) granting a pension to Mae Pearman;
A bill (H. R. 10784) granting an increase of pension to Oliva J. Baker;
A bill (H. R. 10892) granting an increase of pension to Phebe Tate;
A bill (H. R. 10945) granting an increase of pension to William T. Wyant;
A bill (H. R. 11057) granting an increase of pension to Leonhart Miller;
A bill (H. R. 11158) granting a pension to Daniel Palmatary;
A bill (H. R. 11159) granting a pension to John W. Phillips;
A bill (H. R. 11187) granting a pension to James W. Russell;
A bill (H. R. 11198) granting an increase of pension to Gorton Brown;
A bill (H. R. 11211) granting a pension to Thomas Clark;
A bill (H. R. 11228) granting an increase of pension to Smith Thompson;
A bill (H. R. 11516) granting an increase of pension to Samuel Ryan; and
A bill (H. R. 11552) granting an increase of pension to Louis Hebel.

CHARLES A. BOUTELLE.

The joint resolution (H. J. Res. 277) authorizing the appointment of Charles A. Boutelle as a captain on the retired list of the Navy was read twice by its title.

Mr. HALE. Mr. President, I should like very much, owing to the peculiar circumstances of the case, to have the joint resolution considered at this time.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent for the present consideration of a joint resolution, which will be read in full for the information of the Senate.

The Secretary read the joint resolution; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President of the United States to nominate and, by and with the advice and consent of the Senate, to appoint upon the retired list of the Navy, with the rank of captain, Charles A. Boutelle, formerly a volunteer lieutenant on the active list of the Navy.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GREER COUNTY, TEX.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 2582) to provide for the establishment of the intersection of the true one hundredth meridian with Red River; to ascertain the amount of taxes collected by the State of Texas in what was formerly known as Greer County, and the expenditures made on account of said county by said State, and for other purposes, to which the attention of the Senator from Massachusetts [Mr. HOAR] is called.

Mr. HOAR. I wish to ask the Senate to concur in the amendments of the House of Representatives. They are unimportant, and are satisfactory to the Senator from Texas.

The PRESIDENT pro tempore. The amendments of the House of Representatives will be stated.

The Secretary read the amendments of the House of Representatives; which were, on page 5, line 5, after "lands," to insert "; and to ascertain the sum received from sale, if any, of any public lands sold or disposed of in Greer County by the State of Texas, and the present value of such lands;" on page 7, line 1, to strike out "enforce" and insert "properly care for the interests of the United States in making such investigation and in carrying out the purposes of;" on page 7, line 1, after "report," to insert "in detail;" and on page 7, line 2, after "practicable," to insert ": *Provided*, That the State of Texas shall defray the expenses of presenting its own case and claims."

The amendments were concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 12447) to amend an act approved June 1, A. D. 1900, entitled "An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein;" in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. PENROSE presented a petition of the Woman's Christian Temperance Union of Middletown and a petition of the Woman's Christian Temperance Union of Kushequa, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Philippines and Alaska; which were referred to the Committee on the Philippines.

He also presented petitions of the congregations of the First Presbyterian Church of Ford City, and the African Methodist Episcopal Church of Kittanning; of the Woman's Christian Temperance Union of Kushequa; of the congregations of the Free Methodist Church of Nealton, the Methodist Episcopal Church of Ford City, and the Presbyterian Church of Worthington; of the Frazer Union of Chester County; of 73 citizens of Kushequa; of Graham Post and M. Edgar Richard Post, Grand Army of the Republic, of Pottstown; of the Young People's Society of Christian Endeavor of Allegheny County; of the congregation of the McDowell Memorial Presbyterian Church of Philadelphia, and of Sarah B. Steppe, of Allegheny, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

He also presented a petition of 65 citizens of Juniata County, Pa., and a petition of 14 citizens of Wilkesbarre, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of the Young People's Society of Christian Endeavor of the McDowell Memorial Presbyterian Church of Philadelphia, and of the congregation of the Reformed Presbyterian Church of Allegheny, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in countries inhabited by native races; which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented a memorial of the First and Third and the Traders' National banks, the Merchants and Mechanics' Bank, the Scranton Savings Bank, the County Savings Bank and Trust Company, the Dime Deposit and Discount Bank, the Lackawanna Trust and Safe Deposit Company, and the West Side Bank, all of Scranton, in the State of Pennsylvania, remonstrating against the discrimination shown in the tax levied upon the capital of banks, and praying for the enactment of legislation to remove this unjust and oppressive tax; which was referred to the Committee on Finance.

Mr. HOAR presented the memorial of Charles M. Taylor's Sons, managers of the Philadelphia Trans-Atlantic Line, remonstrating against the enactment of the so-called ship-subsidy bill in its present form; which was ordered to lie on the table.

Mr. QUARLES presented a petition of 11 citizens of Wisconsin, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was referred to the Committee on Military Affairs.

Mr. TILLMAN. I present the petition of Mr. David Lubin, of New York, in behalf of the State granges of California, Oregon, Illinois, Washington, Missouri, Virginia, and Pennsylvania, praying that protection be given to agricultural staples by placing a bounty on exports as part of the act for the protection of shipping by subsidies. I ask that the petition may be printed in the RECORD and also as a document for the use of the Senate.

The PRESIDENT pro tempore. The Chair is informed that the petition has already been printed as a document.

Mr. TILLMAN. This is a different and a new petition, embracing some other material, and I do not think it exists in the shape of a document.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Carolina?

Mr. BUTLER. I should like to ask the Senator if the paper he presents is not the same as the document which I hold in my hand?

Mr. TILLMAN. No; it is a different matter entirely.

The PRESIDENT pro tempore. If there be no objection, the petition will be received, printed as a document, printed in the RECORD, and referred to the Committee on Commerce. The Chair hears no objection, and it is so ordered.

The memorial is as follows:

[Senate Doc. No. 55, Fifty-sixth Congress, second session.]

Memorial to the Senate of the United States, by David Lubin, in behalf of the State granges of California, Oregon, Illinois, Washington, Missouri, Virginia, and Pennsylvania, demanding protection for agricultural staples by a bounty on exports as part of an act for the protection of shipping by subsidies.

THE SUBSIDY SHIPPING BILL AND ITS EVIL INFLUENCES ON AGRICULTURE.

In the Philadelphia Public Ledger, July 31, 1895, we find that almost all the Atlantic coast shipowners and shipbuilders were in convention on this subject at Maritime Hall, Philadelphia, and resolutions were unanimously passed by them which said in substance that agricultural staples, being exports, can not be protected by a tariff on imports, and that American ships in the foreign trade could likewise not be protected by a tariff on imports. That is, a

tariff on imports could protect neither of them. But then other things were protected, to wit, manufactures; therefore the "other things" were choking the life out of shipping and agriculture. So they resolved on what? Protection for shipping at the expense of agriculture? Oh, no! For we read how Mr. Charles H. Cramp, their leading man, arose and cried down any such unjust and unpatriotic notion. He said:

"Mr. Chairman, I think that when we went to Congress to argue for a bounty for ourselves we committed a grave error, and I am going to do what I can to repair it. * * * I do think now, since I have thought the matter over, that we made a signal error, and that instead of tacking agriculture onto shipping, we should tack shipping onto agriculture." And what Mr. Cramp then said was unanimously assented to, and resolutions were adopted that the time had come when there should either be absolute and unrestricted free trade or equity in protection; and if we are to have protection, it should not be limited to the "mono" protective system of this country, but the "dual" form in operation in Europe should also be in operation here. These shipping men and protectionists then said that protection by a tariff on imports for manufactures is only tolerable or equitable when offset by a bounty on exports for agriculture, and this is what they voted for.

But Mr. Wilbur F. Wakeman, the secretary of the American Protective Tariff League, and Senator HANNA came along, and no doubt convinced these shipping men that it would not pay shipping men and Republicans nearly so well for them to strike out into the questionable waters of justice and equity as it would to swim along in the placid currents of the "status in quo."

For, reasoned the protection leaders, "To talk export bounty would expose the whole 'snap' of 'protection' to the fool farmers." And so the shipping people came down from the exalted pedestal of equity and justice to the more practical level of personal advantage.

Let us consider that American agriculture has no longer the power of fixing the world's price for the agricultural staples, as formerly. The Monthly Summary of Commerce and Finance of the United States for July, 1899, page 229, shows exports of agricultural implements and machinery as follows:

Seven months ending July, 1897	$4,370,217
Seven months ending July, 1898	6,907,422
Seven months ending July, 1899	10,508,775

Besides this, every important manufacturing center in Europe has now "plants" for the manufacture of reapers, mowers, binders, harvesters, and gang plows for the cheapest land and labor countries of the world, all in competition with the American producer. And this means that this country is no longer the price-fixing base for our primary industry; that these agricultural machines are almost all for the cheapest land and labor countries of the world; that they are now used in direct competition with our primary industry; that the cheapest land and labor countries of the world now fix the prices for agricultural staples. And if we at this time, in addition, employ vicious legislation which would set home robbers at the throat of our primary industry, such legislation would be rank treason against our Republic; for it would more surely tend to destroy it than the more manly bullets of an open enemy.

The time is now at hand when, if we are to have protection at all, let it be "dual" and not "mono." If we are to have protection by a tariff on imports for manufactures, we must also have protection for agricultural staples by a bounty on exports. One alone is inequity, which inequity can only be overcome by the "dual" system or else by absolute and unrestricted free trade.

And in spirit and substance all this was unanimously assented to at the Philadelphia convention by the very same shipping people who are now so clamorous and vehement in denying what they then said, as will be seen by referring to the Philadelphia papers of July 31, 1895.

But whatever be the stand or the claims of the shipping people, it remains for them to show why the ship-subsidy bill now before Congress is not the most vicious and most dangerous political economic measure ever presented for national legislation! Under the pretext of upbuilding the American merchant marine there is to be created the possibility of a trust so powerful in the magnitude of unjust money grabbing as to sink into insignificance all other attempts in the same direction, but with this difference: While other trust devices, designed for the purpose of unjust toll, gather this toll from all the people, the hidden purpose of the ship-subsidy bill is to confine the robbery to the American farmer.

And what will be the extent of this robbery? First of all there is to be the subsidy of $9,000,000 a year from the United States Treasury, almost all of it contributed indirectly by the unprotected American producers of agricultural staples. How so? Because it is the law in economics that the unprotected pay for the protection of the protected. Now, agricultural staples, being exports, can not be protected by a tariff on imports. Being unprotected, the staples of agriculture necessarily pay for the protection of the protected. Therefore, the unprotected producers of agricultural staples indirectly contribute to the United States Treasury, through the operation of the protective system, the $9,000,000 a year which the shipping people ask should be given them as subsidy.

But this $9,000,000 of the American farmers' money which is demanded is not by any means the end of the contemplated robbery, but is only the small end of the beginning. This is only to serve as the fire, the frying pan, and the fat, and hidden behind Senator FRYE'S measure is the object to be fried, and that object is nothing less than the American farmer himself. Pass this shipping-subsidy bill and drive away the free and unimpeded competition of the world's shipping and what will happen? This: That through this shipping-subsidy device the shipping people will be able to pocket ten, twenty, or fifty times more money than the nine millions a year subsidy. For such a measure will make possible a combination which will give the shipping people of this country the power to raise and lower the cost of freight at will, and this can net them hundreds of millions of dollars a year through the power they will have in "bulling" and in "bearing" the prices in the wheat pit, in the cotton exchange, and in manipulating the prices of hops, tobacco, meat products, and the other staples of agriculture. Out of whose pockets will these hundreds of millions be taken? Out of the pockets of the American farmer.

Now, to determine the truth of what has here been said it is deemed in order to ask the shipping people what they want the nine million dollar a year subsidy for?

Is it just a simple present from the Government—a sort of "quid pro quo" to even up the shipping men for the cost of the protective system?

Or is this nine million dollar a year subsidy for the purpose of doing away with the competition of foreign ships and for the upbuilding of a merchant marine?

If the shipping men answer that the subsidy is for the former purpose, the question remains, Why should not the staples of agriculture likewise receive a yearly subsidy, since the latter, being exports, can no more be protected by a tariff on imports than can ships in the foreign trade be protected that way? Especially anxious should the shipping men be to have it so, since they are on record as having pledged themselves in open meeting that they would accept no protection which would not embody in the same act equally effective protection for agricultural staples.

Should they, however, claim that the purpose of the subsidy is for the latter purpose—that of driving away of foreign competition in ocean freight rates—the question then remains, What will they do with these freight rates after they have driven away foreign competition?

Will they lower the rates below what they have been on an average between the years 1887 and 1897? If they will guarantee to do that and agree to keep it up for twenty years, then in that event and under undoubted guarantee of good faith it would be a good economic move to have this done.

But if there are any chances for a raise in the rates of ocean freight, then in that event it would be a great economic blunder and a great national crime to give these shipping people an opportunity to do this.

For a raise of freights on export manufactures causes only the direct loss of the specified advance on any one shipment; whereas in ocean freights on agricultural staples the case is decidedly different.

Here the rise of a cent in ocean freights means a decline of a cent on all the staples of agriculture, sold or unsold, exported or for home use.

What madness would it not be for a country which exports agricultural staples to shut off the very cheapest ocean freight rates which the world can give?

Once give the shipping men the power to raise and lower ocean freight rates at will and they will have more power than all the other trusts put together. It would then enable the shipping people to go into the wheat pits and cotton exchanges and skin the American farmers as they have never been skinned before, for such a syndicate would then be able to "bear" and "bull" the market at pleasure.

And can this be denied? Let any president or secretary of a wheat pit or cotton exchange be asked what can be done by a combination which has the power of fixing ocean freight charges at will, and if he is willing to tell the truth he will say that such a combination would soon absorb to itself the greater part of the wealth of this nation.

The nine-million-dollar subsidy is therefore not the end, but the mere beginning. Once in full swing and the entire amount of the subsidy could profitably be paid away to bosses and lobbyists in order to keep the law on the statute books, so as to enable the syndicate to manipulate the wheat pits and cotton exchanges for the purpose of the unparalleled exploitation of the farmers of the nation.

Can statesmen conscientiously and honestly work for a measure like this?

If we must have protection, let it be just. So long as it is by a tariff on imports for manufactures, it should also be by a bounty on exports for the staples of agriculture, when a small part of the export bounty could be paid to American ships only when carrying these staples. This would avoid the danger before pointed out. If it is not deemed just to protect the staples of agriculture by a bounty on exports then neither is it just to protect manufactures by a tariff on imports.

Mr. JONES of Arkansas. I present the memorial of Henry McCoy, making certain statements relative to his claim now before the State Department for money claimed by him out of the award in the hands of the State Department in the matter of the Delagoa Bay Railroad. I move that the memorial be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. NELSON presented a memorial of 27 citizens of Jasper, Minn., remonstrating against the passage of the so-called parcel-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented petitions of the Missionary Circle of the First Presbyterian Church of Tecumseh; of the Woman's Missionary Society of the First Presbyterian Church, of Ishpeming; of the Agency for the Protection of Women and Children of Detroit, and of sundry citizens of South Lyons and Lexington, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. FOSTER presented a petition of the Association of Pioneers of Washington, praying for the enactment of legislation granting pensions to the survivors of the Indian wars; which was referred to the Committee on Pensions.

He also presented a petition of the First Congregational Church, of Centralia, Wash., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Africa; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry druggists of Seattle, Wash., praying for the repeal of the revenue tax on proprietary medicines, perfumery, and cosmetics; which was referred to the Committee on Finance.

Mr. BURROWS presented a petition of sundry manufacturing firms of Grand Rapids, Mich., praying for the repeal of the duty on hides; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Michigan, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Phil Kearny Post, No. 7, Department of Michigan, Grand Army of the Republic, of Muskegon, Mich., praying for the enactment of legislation giving preference to veterans in the public service; which was referred to the Committee on Military Affairs.

Mr. TURLEY presented the petition of M. H. Clark & Bro. and 98 other members of the Tobacco Board of Trade of Clarksville, Tenn., and of sundry other citizens of Montgomery County, Tenn., praying that an appropriation be made to provide for a soil survey of the Clarksville tobacco district; which was referred to the Committee on Agriculture and Forestry.

Mr. THURSTON presented a petition of sundry citizens of Omaha, Nebr., praying for the repeal of the duty on hides; which was referred to the Committee on Finance.

Mr. DANIEL presented a petition of the Society of the Colonial Dames of America, praying for the enactment of legislation

providing for the purchase of Temple Farm, at Yorktown, Va.; which was referred to the Committee on the Library.

He also presented a petition of the Business Men's League of Alexandria, Va., praying that an appropriation be made for a survey of the Potomac River near that city for the purpose of dredging the channel of Hunting Creek; which was referred to the Committee on Commerce.

He also presented a petition of the Society of Friends of Loudoun County, Va., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented the petition of George Carr Round, of Manassas, Va., praying that the Government acquire title to the land upon which the monuments commemorative of the battle of Manassas are erected; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry keepers and surfmen of Smiths Island, Virginia, and a petition of sundry keepers and surfmen of Cobbs Island, Virginia, praying for the enactment of legislation to amend sections 7 and 8 of an act entitled "An act to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck;" which were referred to the Committee on Commerce.

IMPROVEMENT OF WASHINGTON CITY.

Mr. MCMILLAN. I present certain papers relating to the improvement of the city of Washington, and move that they be printed as a document and that 500 copies be bound in paper and printed for the use of the Committee on the District of Columbia.

The motion was agreed to.

MISSOURI HOME GUARDS.

Mr. COCKRELL. I ask unanimous consent that a letter addressed to me from the Record and Pension Office in regard to the proceedings of the Hawkins Taylor commission may be printed as a document.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Missouri? The Chair hears none, and the order is made.

BATES'S PAPER ON SHIPPING.

Mr. TELLER. I have an historical statement headed "Our shipping impotency: the story of British endeavor to paralyze our power at sea," prepared by William W. Bates, N. A., which I believe to be of sufficient importance to have printed as a document for the use of the Senate, so that Senators may have the benefit of the information it contains in the discussion of the subsidy bill. It contains a good deal of data. I therefore ask that the paper be printed as a document.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Colorado that the paper referred to by him may be printed as a document for the use of the Senate? The Chair hears no objection, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. MONEY, from the Committee on Foreign Relations, to whom was referred the bill (S. 3794) to provide for the equitable distribution of the waters of the Rio Grande River between the United States of America and the United States of Mexico, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3089) granting an increase of pension to Kate M. Pond; and

A bill (H. R. 269) granting a pension to Rosa G. Thompson, formerly Rosa G. Edwards.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 715) granting a pension to Fidillar White, reported it with amendments, and submitted a report thereon.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the bill (S. 4341) to provide for the refundment of certain moneys to the Republic of Mexico, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5061) to provide for the refundment of certain moneys to the Republic of Mexico, reported it without amendment, and submitted a report thereon.

Mr. WETMORE, from the Committee on the Library, to whom was referred the amendment submitted by Mr. MCMILLAN on the 11th instant, proposing to appropriate $10,000 to enable the Librarian to keep open the Library of Congress from 2 until 10 o'clock p. m. on Sundays, intended to be proposed by him to the legislative, executive, and judicial appropriation bill, reported it with an amendment and submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

DIGEST OF INTERNATIONAL LAW.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. J. Res. 101) authorizing the publication of an edition of A Digest of International Law, to report it favorably without amendment. I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that there be printed the usual number of copies of A Digest of the International Law of the United States, taken from the opinions of Presidents and Secretaries of States, and of Attorney-Generals, and from the Decisions of Federal Courts, and of Joint International Commissions in which the United States was a party; and that there be printed, in addition to the usual number, 2,000 copies for the use of the State Department, 2,000 copies for the use of the Senate, and 4,000 copies for the use of the House of Representatives, the digest to be printed under the direction of the Secretary of State, and to be brought down to date.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JENNIE L. POTTER.

Mr. GALLINGER. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 436, to report it favorably with an amendment. I ask for its present consideration.

The PRESIDENT pro tempore. The Senator from New Hampshire reports a resolution for which he asks immediate consideration. The resolution will be read.

The Secretary read the resolution submitted by Mr. NELSON December 15, 1900, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Jennie L. Potter, widow of George F. Potter, deceased, late a messenger of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

By unanimous consent, the Senate proceeded to consider the resolution.

The amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate was, in line 3, after the name "George F. Potter," to strike out "deceased."

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 5263) granting an increase of pension to George Daniels; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5264) amending section 715 of the Revised Statutes of the United States, regulating the compensation and number of criers and bailiffs in the United States courts; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. LINDSAY introduced a bill (S. 5265) granting an increase of pension to Etta Scott Mitchell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 5266) extending the jurisdiction of the district court of the United States for Porto Rico and fixing the fees of jurors and witnesses in said court; which was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

Mr. PENROSE introduced a bill (S. 5267) to correct the military record of Joseph D. Moyer; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MCMILLAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 5268) to provide for the rebuilding of the Aqueduct Bridge, in the District of Columbia;

A bill (S. 5269) relating to the assessment and reassessment of water-main taxes in the District of Columbia (with an accompanying paper); and

A bill (S. 5270) to amend the act to regulate gas works in the District of Columbia, approved June 23, 1874 (with an accompanying paper).

Mr. PLATT of New York introduced a bill (S. 5271) for the relief of Phillip Hague, as administrator of the estate of Joseph Hague, late of New York City, N. Y., deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MCCUMBER introduced a bill (S. 5272) granting an increase of pension to Thomas M. Wimer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 5273) for the relief of the heirs of William Hunter, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. THURSTON introduced a bill (S. 5274) granting a pension to Jacob Vosburgh; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WOLCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5275) granting an increase of pension to Edward Warner (with accompanying papers);

A bill (S. 5276) granting an increase of pension to W. A. Judkins;

A bill (S. 5277) granting an increase of pension to Kate Ezekiel;

A bill (S. 5278) granting an increase of pension to William S. Devlan (with accompanying papers);

A bill (S. 5279) granting a pension to Richard Stover;

A bill (S. 5280) granting an increase of pension to Joseph B. Presdee;

A bill (S. 5281) granting an increase of pension to John B. Graves;

A bill (S. 5282) granting an increase of pension to Oscar F. Sanford;

A bill (S. 5283) granting an increase of pension to Charles F. Holly;

A bill (S. 5284) granting an increase of pension to Mary E. Stewart;

A bill (S. 5285) granting a pension to Judson N. Pallard;

A bill (S. 5286) granting an increase of pension to Samuel C. Sneed; and

A bill (S. 5287) granting an increase of pension to Alfred W. Green.

Mr. McBRIDE introduced a bill (S. 5288) granting a pension to H. P. Brookhart; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of New York introduced a joint resolution (S. R. 141) to appoint Frederick R. Smith as a captain on the retired list of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENTS TO BILLS.

Mr. KENNEY submitted an amendment intended to be proposed by him to the bill (S. 4982) for reorganization of the Army of the United States, and for other purposes; which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. CHANDLER submitted an amendment proposing to increase the salary of the Commissioner-General of Immigration from $4,000 to $5,000 per annum and the salary of the chief clerk of the Bureau of Immigration from $2,250 to $2,270, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McBRIDE submitted an amendment proposing to appropriate $15,000 to obtain a launch for the customs service in the vicinity of Astoria, Oreg., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

MONTANA SENATORIAL INVESTIGATION.

Mr. CHANDLER. I offer a privileged resolution, for which I ask immediate consideration.

The PRESIDENT pro tempore. The Senator from New Hampshire presents a resolution, for which he asks immediate consideration, which will be read for the information of the Senate.

The Secretary read the resolution, as follows:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate be discharged from further consideration of the resolution authorizing the Committee on Privileges and Elections to send for persons and papers in connection with the inquiry concerning the appointments of William A. Clark and Martin Maginnis as Senators from the State of Montana.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. JONES of Arkansas. Let that resolution go over, Mr. President.

The PRESIDENT pro tempore. Objection being made, the resolution goes over under the rule.

CUBAN FUNDS.

Mr. BACON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, That the Secretary of War be, and he is hereby, directed to transmit to the Senate the report of Abraham L. Lawshé, giving in detail the result of his investigations, made under the direction of the War Department, into the receipts and expenditures of the Cuban funds.

GOVERNMENT OF PORTO RICO.

Mr. FORAKER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Ordered, That there be printed for the use of the Committee on Pacific Islands and Porto Rico 2,000 copies of public act No. 69, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900; also, 2,000 copies of public resolution No. 23, being a joint resolution to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes."

WATER FILTRATION.

Mr. McMILLAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the District of Columbia be, and it is hereby, directed to investigate and report to the Senate, at the earliest practicable date, the relative advantages of the so-called mechanical system and of the slow sand system of water filtration for cities; and the necessary expenses of such investigation shall be paid from the contingent fund of the Senate.

CLAIM OF HENRY M'COY.

Mr. JONES of Arkansas submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Foreign Relations be, and is hereby, directed to examine the claim of Henry McCoy and to report to the Senate whether the Secretary of State should be directed to pay the sum of money claimed by him out of the award in the hands of the State Department in the matter of the Delagoa Bay Railroad.

PENSIONS TO PRISONERS OF WAR.

Mr. PENROSE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That 1,000 copies of the bill (S. 5055) granting pensions to soldiers and sailors confined in so-called Confederate prisons be printed for use of the Senate.

COUNTING OF ELECTORAL VOTES.

Mr. CHANDLER submitted the following concurrent resolution; which was referred to the Committee on Privileges and Elections:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 13th day of February, 1901, at 1 o'clock in the afternoon, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer; that two persons be appointed tellers on the part of the Senate and two on the part of the House of Representatives to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

HOUSE BILL REFERRED.

The bill (H. R. 12447) to amend an act approved June 1, A. D. 1900, entitled "An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein, was read twice by its title, and referred to the Committee on the Judiciary.

SEIZURE OF PROPERTY IN INSURRECTIONARY DISTRICTS.

Mr. MONEY. I wish to give notice that on Friday morning next, directly after the routine business, I shall ask the Senate to take up Order of Business No. 18, being the bill (S. 602) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof.

The PRESIDENT pro tempore. The morning business is closed. Under the unanimous-consent agreement, the Secretary will state the first unobjected pension bill on the Calendar.

GEORGE T. HAMILTON.

Mr. KENNEY. I ask the Senator from New Hampshire to yield to me for a moment in order that I may ask unanimous consent for the present consideration of the bill (S. 986) for the relief of George T. Hamilton.

Mr. GALLINGER. I am not sure that under a unanimous-consent agreement I can consent to the Senator's request, but unless some other Senator objects and the bill leads to debate I shall yield to him for that purpose.

Mr. KENNEY. It will only take a moment. If there is any debate on the bill, I will withdraw it and not ask for its further consideration.

The PRESIDENT pro tempore. The Senator from Delaware asks unanimous consent for the present consideration of the bill named by him. It will be read to the Senate in full for its consideration.

The Secretary read the bill (S. 986) for the relief of George T. Hamilton.

Mr. COCKRELL. Is there a report in that case?

Mr. KENNEY. There is a report.

The PRESIDENT pro tempore. Does the Senator from Missouri call for the reading of the report?

Mr. COCKRELL. This is a new principle which is proposed to be adopted, and I should like to hear the report read.

Mr. KENNEY. There is a report on the bill, made by the Senator from Florida [Mr. TALIAFERRO].

The PRESIDENT pro tempore. The report will be read.

The Secretary read the following report, submitted by Mr. TALIAFERRO June 2, 1900:

The Committee on Claims, to whom has been referred the bill (S. 986) for the relief of George T. Hamilton, respectfully report as follows:

George T. Hamilton, of Stanton, Del., seeks to have paid to him the sum of $5,000 for injuries sustained by him at the hands of United States soldiers in the year A. D. 1863.

The facts set forth in the petition of said Hamilton and shown by the affidavits filed in the case are as follows:

George T. Hamilton, then a boy of about 16 years of age, was standing inside his mother's house, located about 100 yards south of Stanton station, on the Philadelphia, Wilmington and Baltimore Railroad, when he was shot through both thighs, almost midway between the hip and knee. The shot was fired by one of a number of United States soldiers who were at that time on a train on the side track at Stanton station on their way South.

No permanent injury seems to have resulted from the wound in the left leg, but in the right thigh the ball came in contact with the main nerve, clipping some of the fibers, the doctor states, and permanently injuring the nutrition of the lower limb, following which there has been a continuous series of ulcerations, caused by such lack of nutrition, the result of the wound before mentioned. He is permanently disabled from the effects of this wound, and has been prevented from following such occupations as would in health enable him to make a living, and this disability, the doctors who have attended him say, is increasing with years, and there is no probability that he will ever recover or be able to do much work. He was unable to work for a year after the shooting, and in 1885 he was in bed for fifteen weeks, the leg swelling and discharging in a dozen places, and since that time he has not been able to do much work on account of said wound, the leg swelling and discharging at frequent intervals, causing him much suffering, and at times his life has been despaired of.

George T. Hamilton is a man of about 53 years of age, is married, and has eight children, the eldest of whom is about 24 years of age and the youngest about 6 years.

George T. Hamilton was a track hand on the railroad at the time he was shot, and from the testimony appears to have been all his life a sober and industrious man. He has no means of support beyond his own exertions.

An examination by your committee of the claimant disclosed the marks of a wound between the knee and hip on the right leg of the claimant, it being very perceptible, especially when the limb was drawn up and then extended, showing injury to the main nerve of the leg. The leg between the ankle and knee was found to be much swollen and a large scar near the ankle joint indicated that there had been a severe discharge or discharges or ulcerations at that point. The leg, from the ankle to the knee, had an unnatural appearance, indicating a failure of vitality, and the flesh looked lifeless and unhealthy from the wound to the ankle.

In further explanation of the condition of the claimant your committee attach hereto copies of the affidavits of the attending physicians, which they ask may be taken as a part of their report.

Your committee recommend the adoption and passage of the aforesaid bill.

STATE OF PENNSYLVANIA, *City and County of Philadelphia, ss:*

On this 23d day of February, A. D. 1892, personally came before me, William F. Boyd, a notary public for the county and State aforesaid, George W. Hudders, M. D., who, being by me first duly sworn according to law, deposes and says: I reside at No. 2033 North Eighth street, in the city of Philadelphia, State of Pennsylvania. I am a practicing physician in said city, and have been for the last fifteen years. I formerly resided in the village of Christiana, in the county of Newcastle and State of Delaware, and practiced medicine there and in the adjoining neighborhood.

I knew George T. Hamilton, of Stanton, in the State of Delaware, in the year 1863. I think it was early in the spring of that year I was called in to attend him for wounds received from a United States soldier who fired from a train at Stanton station, or such was the information I received from the family and others in regard to the matter. I found that Hamilton had been shot, the bullet passing through both his thighs about midway of the femur or thigh bone, and passing posterior of the femur, barely escaped striking the bones of both thighs; I attended Hamilton until he was able to get about again; I can not at this time recollect just how long. Hamilton was a boy at the time I attended him for the above-mentioned wounds of probably some 16 years. The wounds from which I found Hamilton suffering when called upon to attend him were what we term gunshot wounds, and I would say had been caused by a rifle ball. On the day on which George T. Hamilton was shot there was a good deal of firing done by soldiers from passing trains at Stanton.

G. W. HUDDERS.

Sworn and subscribed to before me the day and year aforesaid.
[SEAL.] WM. F. BOYD, *Notary Public.*

STATE OF DELAWARE, *Newcastle County, ss:*

On this 5th day of May, A. D. 1898, before me, J. Perkins Groome, notary public for the county and State aforesaid, personally came Francis L. Springer, M. D., who, being by me first duly sworn according to law, deposes and says: I am a practicing physician and reside at Newport, in the county and State aforesaid; from the year 1877 until one year ago, when I moved to Newport, Del., I resided and practiced medicine at Christiana, Del.; I have known George T. Hamilton, of Stanton, Del., since the year 1878, and have attended him at different times since then until about one year ago. In the year 1885 I attended him for three months; during that time he was confined to his bed and suffered a great deal. His trouble comes from the right leg, which swells, breaks out, and discharges at certain periods. It breaks out between the ankle and knee and gives him much pain, and is the result of an old injury to the leg.

I have been told by Hamilton and others that he was shot through both legs, above the knee, by soldiers of the United States Army, about the year 1863, and I should say that the trouble for which I have attended him comes from such an injury. Since I attended him in 1885 he has been able to work very little, not one-third of the time. He is a sober and industrious man and works whenever he is able. I have no expectation that his leg will ever be well or that he will be able to work much more. Hamilton's condition has been worse of late years. I do not believe that he is able to work two weeks out of the year at this time, and for the last four or five years he has been able to do but little work, on account of this wound. I have understood that Dr. George F. Hudders, late of Philadelphia, deceased, who formerly lived at Christiana, practiced medicine there, attended Mr. Hamilton at the time he was shot.

FRANCIS L. SPRINGER, M. D.

Sworn and subscribed to before me the day and year first above written.
J. PERKINS GROOME, *Notary Public.*

STATE OF DELAWARE, *Newcastle County, ss:*

On this 29th day of April, A. D. 1898, before me, Edward T. Price, notary public for the State of Delaware, personally comes Horace Bradley, who, being by me first duly sworn according to law, deposes and says: My name is Horace Bradley; my age is about fifty-four years; I am a physician, practicing medicine at Marshallton, Del.; I have resided at Marshallton for about four years; I was graduated at the Jefferson Medical College, Philadelphia, in March, 1865; previous to that time I had been a medical cadet in the United States Army, serving at McKim's Hospital, Baltimore, Md., and at Chattanooga, Tenn. After graduation I was assistant surgeon in the United States Army and was surgeon in charge at Geer Hospital, at Wilmington, N. C., and afterwards assistant medical director of the Department of North Carolina until July, 1865, after the close of the war.

I have attended George T. Hamilton, of Stanton, Del., as his physician for about one year. I find him suffering from the effects of a gunshot wound, the shot said to have been fired by soldiers moving through the State of Delaware under orders from the United States. The ball passed through both thighs almost midway between the hip and knee. In the right thigh it came in contact with the main nerve, clipping some of the fibers, thus permanently injuring the nutrition of the lower limb, following which there has been a continuous series of ulcerations, caused by such lack of nutrition, a direct result of the gunshot wound before spoken of. He is permanently disabled from the effects of this wound, and has been prevented from following such occupations as would in health have enabled him to make a living, and this disability will continue during his life.

I have examined the wound and find marks which were in all probability made by a bullet, as claimed by himself and others. There have been frequent ulcerations of the right leg, caused by the defective nutrition of the part heretofore spoken of, the last ulceration occurring within six months of this time and now just healed up, but in all probability other ulcerations will continue to follow each other successively from the same cause so long as he lives.

HORACE BRADLEY.

Sworn and subscribed to before me the day and year aforesaid.
EDWARD T. PRICE, *Notary Public.*

Mr. HOAR. Mr. President, I have listened to the reading of the report, though I am not sure I heard every sentence of it. If I did, it contains a statement of the physician of the beneficiary of this bill, but it does not contain a statement of the principle or rule under which the United States is expected to make compensation in such cases. I should be glad to have stated what were the circumstances of the firing, whether its consequence was by mere accident or whether it was the result of an error of some officer in the discharge of his duty, for which, I believe, the Government has never admitted its responsibility.

Mr. KENNEY. Mr. President, I agreed to withdraw the bill if it provoked debate, but, with the consent of the Senator from New Hampshire [Mr. GALLINGER], if he will pardon me, I will suggest to the Senator from Massachusetts that Mr. Hamilton was injured by the firing of a certain Massachusetts regiment which was going to the front in 1863 and had been siletracked at a place called Stanton Station, between Wilmington and Newark, in the State of Delaware. These men seemed to be without the control of their officers. They spent some hours in firing from the windows of the cars, and the result of that shooting was the injury to this man, which has made him a cripple for life.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HOAR. I still do not see on what principle the Government is to undertake responsibility in such cases. If the careless or wanton acts of soldiers during a war be a reason for compensation from the Government, I suppose there must be millions upon millions of such claims in the Southern States. When I was upon the Committee on Claims of this body, not so long after the war, the principles were very well settled on which we would proceed, and we certainly must have denied a very large number of applicants whose cases stood on precisely the same principle as this one. It is very hard even to suggest a delay when a person in the miserable plight described is the object of the bill, but I think it had better stand over until to-morrow. The Senator from Delaware can then call it up again.

Mr. KENNEY. Mr. President——

The PRESIDENT pro tempore. Objection is made.

Mr. KENNEY. I desire to say that I do not believe the Government of the United States desires to avoid responsibility in a case of this kind any more than a corporation or an individual could avoid it. There can be no question that if this injury had resulted from the negligence of a corporation or an individual the claimant would have been enabled to recover in any court of the State of Delaware or elsewhere. I hope the Senator will not object to the present consideration of the bill. I think it is a most just measure.

Mr. HOAR. Mr. President, it is a new doctrine to say that any government is responsible for the results of the carelessness of its soldiery in war. A corporation is lawfully responsible ordinarily for the negligence of its officers. That doctrine would impose upon this Government the payment of millions and perhaps hundreds of millions; it would bring an enormous responsibility. I object for the time being.

The PRESIDENT pro tempore. The bill resumes its place on the Calendar without prejudice. The first pension bill on the Calendar will be stated.

BETSEY L. WOODMAN.

The bill (S. 5015) granting a pension to Betsey L. Woodman was announced as first in order, and it was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Betsey L. Woodman, widow of Daniel C. Woodman, late first lieutenant Company A, Thirteenth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $17 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAROL C. KRAYENBUHL.

Mr. GALLINGER. There is a bill on the Calendar previous to the one just considered. I ask the Senate to proceed to the consideration of the bill (S. 3851) granting a pension to Mrs. M. G. Krayenbuhl.

The bill was considered as in Committee of the Whole.

Mr. GALLINGER. I move to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carol C. Krayenbuhl, widow of Maurice G. Krayenbuhl, late captain and commissary of subsistence, United States Volunteers, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of the said Maurice G. Krayenbuhl until they reach the age of 16 years.

Mr. COCKRELL. Was that bill passed over and left on the Calendar?

Mr. GALLINGER. It was passed over when the pension bills were last under consideration so that I might prepare a substitute.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Carol C. Krayenbuhl."

FRANCIS H. BUFFUM.

The bill (S. 5016) granting an increase of pension to Francis H. Buffum was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis H. Buffum, late of Company F, Fourteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA N. LORD.

The bill (S. 5045) granting a pension to Eliza N. Lord was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza N. Lord, dependent mother of Horace W. Lord, late of Company G, Eighth Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE H. SHAPLEY.

The bill (S. 5017) granting a pension to George H. Shapley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Shapley, late unassigned Eighteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PHEBE E. BABCOCK.

The bill (S. 4836) granting an increase of pension to Phebe Babcock was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phebe E. Babcock, widow of William J. Babcock, late of Companies E and B, Second Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Carrie E. Babcock, invalid and dependent child of said William J. Babcock, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Phebe E. Babcock."

GEORGE A. PARKER.

The bill (S. 4841) granting an increase of pension to George A. Parker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George A. Parker, late of Company D, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GIDEON W. T. RIDLON.

The bill (H. R. 10381) granting an increase of pension to Gideon W. T. Ridlon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gideon W. T. Ridlon, late of Company C, Twenty-seventh Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMOS W. FELKER.

The bill (H. R. 9719) granting a pension to Amos W. Felker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amos W. Felker, late of the Fourteenth Regiment Maine Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINERVA M'CLERNAND.

The bill (S. 5090) granting a pension to Minerva McClernand was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minerva McClernand, widow of the late Maj. Gen. John A. McClernand, United States Volunteers, and pay her a pension at the rate of $50 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HANNAH L. PALMER.

The bill (S. 5091) granting a pension to Hannah L. Palmer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah L. Palmer, widow of the late Maj. Gen. John M. Palmer, United States Volunteers, and pay her a pension at the rate of $50 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXPENSES OF INAUGURAL CEREMONIES.

Mr. HANNA. Out of order I ask leave to introduce a joint resolution, and I request its present consideration.

The joint resolution (S. R. 142) to enable the Secretary of the Senate to pay the necessary expenses of the inaugural ceremonies of the President and Vice-President of the United States March 4, 1901, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That to enable the Secretary of the Senate to pay the necessary expenses of the inaugural ceremonies of the President and Vice-President of the United States March 4, 1901, in accordance with the programme adopted by the Committee of Arrangements, appointed under resolution of the Senate of the 11th day of December, 1900, including the pay for extra police for three days, at $3 per day, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, $5,000, or so much thereof as may be necessary, the same to be immediately available.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES S. DEVINE.

The bill (H. R. 6424) granting a pension to Charles S. Devine was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles S. Devine, late first-class pilot in the Mississippi River Squadron, and to pay him a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTA ULLMAN.

The bill (H. R. 10743) granting a pension to Augusta Ullman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augusta Ullman, widow of Charles Ullman, late of Company H, Second United States Dragoons, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LURINDA LAUGHLIN.

The bill (H. R. 5655) granting a pension to Lurinda Laughlin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dependent," to insert "invalid and;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lurinda Laughlin, invalid and dependent daughter of William Laughlin, late of Company H, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

KATE EZEKIEL.

The bill (S. 1550) granting an increase of pension to Mrs. Kate Ezekiel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate Ezekiel, widow of David I. Ezekiel, late second lieutenant Company B, Tenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Kate Ezekiel."

JOHN GEIBEL.

The bill (S. 5032) granting a pension to John Geibel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "First," to insert "Regiment;" in line 8, before the word "dollars," to insert "thirty;" and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Geibel, late of Company K, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John Geibel."

HARRIET C. MERCUR.

The bill (S. 136) granting a pension to Harriet Clarissa Mercur, widow of James Mercur, late professor of civil and military engineering in the United States Military Academy at Westpoint, N. Y., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet C. Mercur, widow of James Mercur, late professor of civil and military engineering, with rank of colonel, United States Army, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Harriet C. Mercur."

MARY A. WHITMORE.

The bill (H. R. 1734) granting a pension to Mary A. Whitmore was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "late," strike out the name "McCullon" and insert "McCullow;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Whitmore, widow of Michael H. McCullow, late of Company C, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HARRIET CROTSENBURG.

The bill (H. R. 10062) granting an increase of pension to Harriet Crotsenburg was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the name "Crotsenburg," to strike out "Nick" and insert "Nicholas;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet Crotsenburg, widow of Nicholas Crotsenburg, late second lieutenant Company F, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE O. COLE.

The bill (H. R. 7190) granting an increase of pension to George O. Cole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George O. Cole, late of Company F, Seventh Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA C. STEPHENSON.

The bill (H. R. 7012) granting an increase of pension to Emma C. Stephenson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma C. Stephenson, widow of William Stephenson, late first lieutenant Company A, Eighth Regiment United States Cavalry, and to pay her a pension of $25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NICHOLAS BRIGGEMAN.

The bill (H. R. 9555) granting an increase of pension to Nicholas Briggeman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nicholas Briggeman, late of Ordnance Corps, United States Army, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. WOODMAN.

The bill (S. 4418) granting an increase of pension to Andrew J. Woodman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Woodman, late first lieutenant Company L, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT WETZEL.

The bill (S. 4277) granting a pension to Albert Wetzel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a private;" and in line 7, after the word "Pennsylvania," to strike out "Infantry Volunteers" and insert "Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Wetzel, late of Company I, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES A. WESTFIELD.

The bill (H. R. 9010) granting an increase of pension to Charles A. Westfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles A. Westfield, late of Company G, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH B. WHITING.

The bill (S. 5081) granting a pension to J. B. Whiting was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out the letter "J." and insert "Joseph;" in the same line, before the word "surgeon," to strike out "major;" and in line 8, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph B. Whiting, late surgeon Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Joseph B. Whiting."

CORNELIUS W. ROBERTS.

The bill (H. R. 1288) granting a pension to Cornelius W. Roberts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cornelius W. Roberts, late of Company B, Pike County, Missouri, Home Guards, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. CLOUD.

The bill (S. 4856) granting an increase of pension to William F. Cloud was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Cloud, late of Company K, Second Regiment Ohio Volunteer Infantry, war with Mexico, and colonel Tenth Regiment Kansas Volunteer Infantry and Second Regiment Kansas Volunteer Cavalry, war of the rebellion, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FANNIE M. O'LINN.

The bill (H. R. 7353) granting an increase of pension to Fannie M. O'Linn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fannie M. O'Linn, widow of Daniel H. O'Linn, late of Company F, Ninety-second Regiment Ohio Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROLAND BURNETT.

The bill (H. R. 5117) granting a pension to Roland Burnett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Roland Burnett, late of Company D, First Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN NICKLIN.

The bill (H. R. 7328) granting an increase of pension to John Nicklin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Nicklin, late of the First Battery, Minnesota Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA E. G. LEWIS.

The bill (H. R. 1803) granting a pension to Julia E. G. Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia E. G. Lewis, widow of William H. Lewis, late of Company C, Third Regiment Michigan Volunteer Cavalry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL W. KIRKENDALL.

The bill (H. R. 6096) granting an increase of pension to Samuel W. Kirkendall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel W. Kirkendall, late of Company G, Seventh Regiment Ohio Volunteer Cavalry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA J. DE SILVA.

The bill (H. R. 8540) granting a pension to Lydia J. De Silva was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia J. De Silva, widow of Josiah W. De Silva, late of Company F, One hundred and second Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. RAINEY.

The bill (H. R. 10750) granting a pension to James H. Rainey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Rainey, late of Companies E and C, Seventh Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICAGER PHILPOT.

The bill (H. R. 4679) granting a pension to Micager Philpot was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Micager Philpot, late of Company A, First Regiment Mississippi Volunteer Mounted Rifles, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FANNY HEALY.

The bill (S. 1986) granting a pension to Fanny Healy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 3, after the word "Interior," to insert "be, and he;" in line 4, after the word "authorized," to insert "and directed;" in the same line, after the word "place," to strike out "upon" and insert "on;" in line 6, after the name "Healy," to strike out "deceased;" and in line 8, after the word "Cavalry," to insert "and pay her a pension at the rate of $8 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fanny Healy, widow of Chester Healy, late of Company B, Fourth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY L. WHITE.

The bill (H. R. 10749) granting a pension to Henry L. White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry L. White, late of Company D, Fourth Regiment Arkansas Volunteer Mounted Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDMUND P. TIERNEY.

The bill (H. R. 2752) granting an increase of pension to Edmund P. Tierney, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edmund P. Tierney, late hospital steward, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARY ELIZABETH MOORE.

The bill (S. 3680) granting a pension to Mary Elizabeth Moore was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Elizabeth Moore, widow of William M. Moore, late captain Company G, Third Regiment North Carolina Volunteer Mounted Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD O. GREENLEAF.

The bill (S. 5192) granting an increase of pension to Richard O. Greenleaf was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard O. Greenleaf, late captain Company B, Fourth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. MERRITT.

The bill (S. 4876) granting an increase of pension to Mary A. Merritt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Merritt, widow of John G. Merritt, late of Company K, First Regiment Minnesota Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCES M. REILLY.

The bill (S. 5108) granting an increase of pension to Frances M. Reilly was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "fifty" and insert "forty," and in line 9, after the word "receiving" to insert "and two dollars per month additional on account of each of the minor children of said Henry J. Reilly until they shall reach the age of sixteen years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances M. Reilly, widow of Henry J. Reilly, late captain Light Battery F, Fifth Regiment United States Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of said Henry J. Reilly until they shall reach the age of 16 years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES FRYE.

The bill (S. 2621) granting an increase of pension to Charles Frye was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Frye, late of Company G, Sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH QUINN.

The bill (H. R. 8207) granting a pension to Joseph Quinn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Quinn, late of Company F, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MOSES H. TABER.

The bill (H. R. 315) granting an increase of pension to Moses H. Taber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Moses H. Taber, late of Company B, Second Regiment Rhode Island Volunteer Cavalry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BETSEY A. SUMMERS.

The bill (H. R. 10847) granting an increase of pension to Betsey A. Summers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Betsey A. Summers, widow of Rowen Summers, late first lieutenant Company G, Seventeenth Regiment Michigan Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCIE M. MABRY.

The bill (S. 5039) granting an increase of pension to Lucie M. Mabry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucie M. Mabry, widow of Woodford H. Mabry, late colonel First Regiment Texas Volunteer Infantry, war with Spain, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLOTTE W. DREW.

The bill (S. 5093) granting an increase of pension to Charlotte W. Drew was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "lieutenant," to insert "Company I;" in the same line, after the word "Twelfth," to insert "Regiment;" and in line 9, before the word "dollars," to strike out "sixty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charlotte W. Drew, widow of Alfred W. Drew, late first lieutenant Company I, Twelfth Regiment United States Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RACHEL M. WORLEY.

The bill (S. 1044) granting an increase of pension to Rachel M. Worley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations

of the pension laws, the name of Rachel M. Worley, widow of Wiley J. Worley, late of Company G, Third Regiment North Carolina Volunteer Mounted Infantry, and pay her a pension at the rate of — dollars per month in lieu of that she is now receiving.

Mr. GALLINGER. I move that "fifteen" be inserted in line 2, before the word "dollars."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEWIS H. RIDEN.

The bill (H. R. 10524) granting an increase of pension to Lewis H. Riden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis H. Riden, late of Company C, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS CLAIBORNE.

The bill (S. 4575) granting an increase of pension to Thomas Claiborne was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Claiborne, late first lieutenant Company D, United States Mounted Rifles, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNIE B. SHARRARD.

The bill (H. R. 8735) granting an increase of pension to Annie R. Sharrard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie B. Sharrard, widow of Samuel R. Sharrard, late captain Company C, Twenty-first Regiment Kentucky Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES CLAUSSEN.

The bill (H. R. 7600) granting an increase of pension to Charles Claussen was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Charles Claussen, late private Company D, Eighth United States Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY SMITH.

The bill (S. 3653) granting an increase of pension to Henry Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Smith, late of Company I, Twenty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER SHELT.

The bill (S. 3648) granting an increase of pension to Peter Shelt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Shelt, late of Company A, Twenty-first Regiment Illinois Volunteer Infantry, and to pay him a pension of $25 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK VOGEL.

The bill (S. 5005) granting an increase of pension to Frederick Vogel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Vogel, late of Company K, Twenty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN D. THOMPSON.

The bill (S. 5126) granting a pension to John T. Thompson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "John," to strike out "T" and insert "D;" in line 8, before the word "dollars," to strike out "thirty-six" and insert "twenty-four," and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John D. Thompson, late of Company C, Third Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John D. Thompson."

CHARLES C. BUNTY.

The bill (S. 2319) granting an increase of pension to Charles C. Bunty was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a private;" in line 7, after the word "Pennsylvania," to insert "Volunteer," and in the same line, after the word "Infantry," to strike out "Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles C. Bunty, late of Company C, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALONZO C. REMBAUGH.

The bill (H. R. 6947) granting an increase of pension to Alonzo C. Rembaugh was considered as in Committee of the Whole. It proposes to pension Alonzo C. Rembaugh, late of Company C, Seventy-first Regiment Pennsylvania Volunteer Infantry, at the rate of $24 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA H. HIXSON.

The bill (H. R. 9108) granting a pension to Maria H. Hixon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 3, after the word "authorized," insert "and directed;" in line 6, before the word "widow," to strike out "Hixon" and insert "Hixson;" in the same line, after the name "Daniel," to strike out "Hixon" and insert "Hixson;" and in line 8, before the word "war," to insert "Indian;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria H. Hixson, widow of Daniel Hixson, late a captain of Michigan Volunteers, Black Hawk Indian war, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Maria H. Hixson."

JACOB HIGHT.

The bill (S. 5139) granting an increase of pension to Jacob Hight was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Hight, late of Company D, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY C. COOMBS.

The bill (S. 5140) granting a pension to Mary C. Coombs was considered as in Committee of the Whole. It proposes to pension Mary C. Coombs, former widow of William Atkisson, late surgeon Tenth Regiment Kentucky Volunteer Infantry, at the rate of $25 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY SANDERS.

The bill (S. 4209) granting a pension to Mary Sanders was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Sanders, widow of Frederick Sanders, late of Company D, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMILY HAINES HARRISON.

The bill (H. R. 9176) granting a pension to Emily Haines Harrison was considered as in Committee of the Whole. It proposes to pension Emily Haines Harrison, late a nurse in the Medical Department, United States Volunteers, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. LACEY.

The bill (H. R. 8218) granting a pension to Mary E. Lacey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Lacey, widow of Benjamin H. Roby, late of Company E, Fourth Regiment New Jersey Volunteer Infantry, and late an Army nurse in the Medical Department, United States Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN V. B. WINKLER.

The bill (H. R. 10778) granting an increase of pension to Martin V. B. Winkler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin V. B. Winkler, late of Company K, Forty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN R. WILEY.

The bill (S. 5128) granting an increase of pension to Benjamin R. Wiley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "and Third Brigade, Third Division, Second Army Corps;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin R. Wiley, late a musician, Twenty-third Regiment Pennsylvania Volunteer Infantry, and Third Brigade, Third Division, Second Army Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the time, and passed.

EMMA T. MARTIN.

The bill (S. 1828) granting a pension to Emma T. Martin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma T. Martin, widow of John C. Martin, late of Company E, Third Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM J. CANNON, ALIAS JAMES CANNON.

The bill (S. 3264) granting an increase of pension to William J. Cannon, alias James Cannon, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Cannon, alias James Cannon, late of Company F, Seventh Regiment Iowa Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMOS L. HOOD.

The bill (S. 3224) granting a pension to Amos L. Hood was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos L. Hood, late of Company D, One hundred and seventy-first Regiment Ohio National Guard Volunteer Infantry, and pay him a pension at the rate of $12 per month, the same to be paid to him without deduction for any alleged former erroneous payments of pensions.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. GARDNER.

The bill (S. 2785) granting a pension to William H. Gardner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Gardner, late second lieutenant Company E, Thirtieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William H. Gardner."

CHARLES SCOTT.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 5144) granting an increase of pension to Charles Scott, to report it favorably without amendment; and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Charles Scott, late lieutenant-colonel Sixth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY R. PIKE.

Mr. GALLINGER. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 5235) granting a pension to Mary R. Pike, to report it with amendments; and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments in line 6, after the word "Sixteenth," to insert "Regiment;" in line 7, after the words "New Hampshire," to insert "Volunteers," and in the same line to strike out the word "Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary R. Pike, widow of James Pike, late colonel, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIZZIE BARRETT.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 5033) granting a pension to Lizzie Barrett, to report it favorably with an amendment; and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie Barrett, widow of Michael Barrett, alias Michael Lynch, late of Company G, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Michael Barrett, alias Michael Lynch, until they reach the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 12838) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for other purposes, to report it with two amendments. It is important that the bill should be considered now, in order that it may get back to the other House and be acted upon before the holiday adjournment. So I ask that it may be taken up now.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Is there objection to the request made by the Senator from Maine for the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HALE. I ask unanimous consent that the amendments may be considered as they are reached in the reading.

The PRESIDING OFFICER. Without objection, that course will be pursued.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, after line 7, on page 1, to insert the following:

SENATE.

For folding speeches and pamphlets at a rate not exceeding $1 per thousand, $1,000.

The amendment was agreed to.

The next amendment was, after line 21, on page 4, to insert the following:

Naval Observatory: Observation of total eclipse of the sun in May, 1901: For the preparation and outfit of instruments and their transportation, the purchase of additional apparatus and material, including photographic material, the erection of suitable buildings at each station, and generally the expenses of preparation and observation, including the living expenses of parties at the several stations, $10,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and ten minutes spent in executive session the doors were reopened, and (at 2 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 20, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 19, 1900.

COLLECTOR OF CUSTOMS.

William Frye Tibbetts, of Alabama, to be collector of customs for the district of Mobile, in the State of Alabama, in place of Joseph W. Burke, deceased.

COLLECTOR OF INTERNAL REVENUE.

Asa Rogers, of Virginia, to be collector of internal revenue for the second district of Virginia, in place of James D. Brady, deceased.

PROMOTIONS IN THE MARINE CORPS.

First Lieut. Harry Lee, to be a captain in the United States Marine Corps, from the 23d day of July, 1900, to fill a vacancy existing in that grade.

First Lieut. Frederick H. Delano, to be a captain in the United States Marine Corps, from the 23d day of July, 1900, to fill a vacancy existing in that grade.

CAPTAIN OF INFANTRY.

Andrew Geddes, late captain, Twenty-fifth Infantry, to be captain of infantry, December 18, 1900.

PROMOTIONS IN THE ARMY.

Artillery arm.

Capt. Constantine Chase, Fourth Artillery, to be major, December 15, 1900, vice Hess, Third Artillery, retired from active service.

First Lieut. John K. Cree, Sixth Artillery, to be captain, December 15, 1900, vice Chase, Fourth Artillery, promoted.

Second Lieut. William W. Hamilton, Second Artillery, to be first lieutenant, December 15, 1900, vice Cree, Sixth Artillery, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 19, 1900.

PROMOTIONS IN THE NAVY.

P. A. Surg. George H. Barber, to be a surgeon in the Navy from the 7th day June, 1900.

Samuel Sayre Rodman, a citizen of Kentucky, to be an assistant surgeon in the Navy, from the 14th day of December, 1900.

John Mosley Brister, a citizen of Pennsylvania, to be an assistant surgeon in the Navy, from the 14th day of December, 1900.

POSTMASTER.

J. M. Patterson, to be postmaster at The Dalles, in the county of Wasco and State of Oregon.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 18, 1900.*

The recess having expired, the House (at 11 o'clock a. m., Wednesday, December 19) resumed its session.

LEAVE OF ABSENCE.

Mr. LANHAM, by unanimous consent, obtained leave of absence for one day, on account of sickness.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 2703) granting a pension to Mary M. F. Flagler; and the same was referred to the Committee on Pensions.

GRADE CROSSINGS, ETC., BALTIMORE AND POTOMAC RAILROAD.

Mr. BABCOCK. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the further consideration of bills reported from the Committee on the District of Columbia.

Mr. COWHERD. Allow me to say that we who are opposed to this measure do not wish to offer any factious opposition to it. But we do say to the gentleman from Wisconsin [Mr. BABCOCK] and other members supporting the bill that we shall insist upon fair treatment in regard to the measure. We shall insist upon our right to offer substantive amendments affecting the bill and, as we think, perfecting it; and we want to be heard reasonably in the discussion of these propositions. The gentleman from Wisconsin knows that there is no quorum here at the present time to vote upon the motion to go into Committee of the Whole. We do not want to raise that point; but we do insist that the gentleman should agree that we shall receive fair treatment in the consideration of this bill, and that he will not attempt to suppress discussion upon substantial amendments which may be presented.

Mr. BABCOCK. I desire to say that the committee wanted full and fair discussion of this measure. We had abundance of time yesterday. There was no reason on earth why the proposition should not have been discussed. And we have no idea now of limiting discussion on any amendments which may be offered in good faith. But, Mr. Speaker, when dilatory tactics are pursued and amendments offered and discussion engaged in simply to consume time, we must insist upon the House proceeding in an orderly way.

Mr. COWHERD. On that point allow me to say that no member on this side that took the floor yesterday consumed more than half of the time which he was allowed under the rules. The only request of the minority was that the last twenty-five minutes should be given to other gentlemen that had expressed a desire to be heard in opposition to the measure. If the gentleman says that to-day there is to be no opposition to the offering of substantive amendments or to reasonable debate upon them, I shall make no opposition to his motion.

The SPEAKER. Has the gentleman from Missouri any proposition or suggestion to submit? The Chair always thinks it proper to indulge gentlemen in reaching an understanding.

Mr. COWHERD. I will state my proposition. I have prepared several substantive amendments looking to the removal of the railroad station from the Mall and regulating the occupation of other public property. These I want to present to the House; and

I want reasonable time to discuss them. If the gentleman says that such opportunity is to be allowed us, I propose to make no opposition to the motion to go into Committee of the Whole.

Mr. BABCOCK. Possibly we can agree on the time for discussion and for taking a vote.

Mr. COWHERD. We can not do that now very well, because the bill contains 16 or 17 sections. I would not like to agree to the gentleman's suggestion now. I have here five or six amendments, some four of them pertaining practically to the same thing—the removal of the railroad station from the Mall.

Mr. NEWLANDS. And I have two amendments which I would like to offer in the same direction—amendments intended simply to preserve the attractive appearance of the Mall.

Mr. BABCOCK. There will be no attempt to cut off amendments which may be offered in good faith. Of that I can assure the gentleman.

Mr. RICHARDSON of Tennessee. I do not wish to interfere in this matter improperly; but if I may be indulged a moment, I would like to call attention to the fact that there have been no amendments offered to the bill on this side of the House. The delay which has occurred, as I remember, was upon amendments offered by the committee themselves. No unimportant or trivial amendments have been offered by us, and none offered for mere delay.

Mr. PAYNE. I will call the attention of the gentleman from Tennessee to the fact that the amendments of the committee so far as considered yesterday seemed to be of a formal character——

Mr. RICHARDSON of Tennessee. But they were not our amendments.

Mr. PAYNE. And there was no discussion upon those propositions; nothing was said upon them on one side or the other.

Mr. RICHARDSON of Tennessee. I think we can get along this morning if we proceed in the ordinary way.

Mr. GAINES. During my absence from the Hall a few minutes yesterday at my usual lunch down stairs, pleasantly enough, with my friend from Pennsylvania [Mr. POLK], himself a Tennessean, and a mutual friend, a Tennessee lady, a member of the Hermitage Association, I see from the RECORD of yesterday, certain statements were made that reflect upon my people, and I want to be heard a few moments in reply. I do not want to be captious about the pending bill, which I so much oppose, and I have not been, and I will not insist, as I have a right to do, to make technical but fatal objections to proceeding with business, but I am willing for the business to proceed if I am permitted to address the House upon this other matter that touches me more deeply than I ever was before in this House, and more so than this bill does or ever could. I have faced and propose to continue to face the grave issues which the pending measure raises, but I demand that I be given at least five or seven minutes that I may properly allude to what I consider an uncalled-for criticism and reflection upon the people of Tennessee, my neighbors and friends, our beautiful and patriotic women, loving and loyal men.

Mr. BABCOCK. Why, Mr. Chairman, several hours of time were consumed on yesterday by useless and dilatory roll calls.

Mr. COWHERD. Because the gentleman would not allow us thirty minutes, as we requested.

Mr. BABCOCK. But there is no desire to cut off any reasonable and proper debate on any amendment to the bill. If the bill is wrong in any particular it ought to be amended, and no one would support such amendment with more alacrity than the committee which reports it if it is shown to need such amendment. But other matters are pressing upon the House, and we are anxious to bring this to a vote at a reasonable and proper time. That is all the committee asks and all they have sought to accomplish. Now, if the gentleman has any suggestion to make about a vote or the time for a vote I should be very glad to hear him.

Mr. RICHARDSON of Tennessee. If the gentleman had shown that disposition on yesterday there would have been none of the delay of which he speaks.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin that the House resolve itself into Committee of the Whole House on the state of the Union for further consideration of the bills reported from the Committee on the District of Columbia.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MOODY of Massachusetts in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the further consideration of the bill S. 1929, and the Clerk will proceed with the reading.

The Clerk proceeded to read section 2 of the bill.

Mr. COWHERD. Mr. Chairman, I did not understand that debate was closed on the first section.

The CHAIRMAN. The Chair stated that debate was closed by unanimous consent, although the section is still open to amendment.

Mr. COWHERD. I want an amendment read in connection with the section. I do not care to discuss it now, for I prefer to discuss it in connection with the next section or the succeeding one.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

On page 2, line 15, amend by inserting the word "to" between the words "and B street," and strike out after the word "to" "and upon that portion of the Mall hereinafter described."

Also in line 19, between the words "and B street," insert the word "to," and in said line, after the word "southwest," strike out "to and upon said portion of said Mall."

In line 22 strike out the word "are" and insert "may be."

Mr. COWHERD. I will simply say, Mr. Chairman, that this is the adjustment of this portion of the bill to the amendment I desire to offer to section 2, which is designed to eliminate the occupation of the Mall and put the depot at the point which I indicated on the map on yesterday.

Mr. GAINES. Mr. Chairman, I desire to say——

The CHAIRMAN. The Chair will say that debate is only proceeding by unanimous consent on this section.

Mr. GAINES. On yesterday, while I was at lunch at the usual lunch hour, there occurred a colloquy upon the floor of the House——

Mr. BABCOCK. If the gentleman will permit me to interrupt him, I wish to say that debate has closed upon this section, and if he will wait until we get to the next section I will offer no objection to his occupying the floor.

Mr. GAINES. Very well.

Mr. COWHERD. Mr. Chairman, I would like to ask unanimous consent that the four amendments I shall offer at the proper place be considered as pending until we reach the portion of the bill on page 4 which provides for the occupation of the Mall, at which place I wish to offer an amendment in lieu of that section, and will ask a vote on it at that time.

Mr. BABCOCK. I do not see any objection to that request.

Mr. COWHERD. I ask unanimous consent that the amendment be considered as pending until we reach section 3 of the bill.

The CHAIRMAN. The gentleman asks unanimous consent that the amendment he offers be considered as pending until section 3 is reached.

Mr. BABCOCK. I understand the gentleman refers to three additional amendments not yet offered and which have not been read.

Mr. COWHERD. It is a fact that the three amendments relate only to the one particular provision of the bill. But I refer especially to the amendment striking out section 3 and inserting the amendment in lieu thereof.

The CHAIRMAN. Then the gentleman's request relates only to the amendments which have been read.

Mr. COWHERD. That is right.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Chair is informed that he was in error in supposing that all the committee amendments had been agreed to. The question is upon agreeing to the amendment which the Clerk will report, which is a committee amendment.

The Clerk read as follows:

On page 2, line 1, after the word "for," insert "not less than," and after the word "two" insert "nor more than four."

Mr. BABCOCK. Mr. Chairman, was not this amendment agreed to?

The CHAIRMAN. The Chair supposed it was, but it was not. It was ruled upon, but not voted upon. The question is upon agreeing to the amendment offered by the committee.

The amendment was agreed to.

The Clerk read as follows:

STATION BUILDING.

SEC. 3. That in order to accommodate the increasing passenger, mail, express, and other traffic in the city of Washington the said Baltimore and Potomac Railroad Company shall have and be possessed of the right, which is hereby granted and conferred, to occupy and use, on the conditions hereinafter mentioned, that portion of the Mall lying between B street SW. and B street NW. as the southerly line of said B street NW. is hereinafter defined, and between the west line of Sixth street and a line drawn parallel therewith and 340 feet west thereof, and to erect and maintain thereon a station building and appurtenances, train sheds, and tracks and sidings in connection therewith suitable and adequate for the convenient accommodation of said traffic; and the said Baltimore and Potomac Railroad Company shall, in connection with its occupation and use of the portion of the Mall hereby granted, locate, construct, and maintain beneath its tracks and structures on the line of West Capitol street, as shown on the city maps, a substantial arch or arches not less than 200 feet in width, as a public passageway for vehicular and pedestrian traffic (as shall be approved by the Commissioners of the District of Columbia), which shall be so constructed as to afford roadways and sidewalks; and the said company shall also pave the said passageways at the time of their construction to the satisfaction of the Commissioners of the District of Columbia, but thereafter the maintenance of the pavement and roadways shall devolve upon the said District of Columbia.

Mr. COWHERD. I have an amendment which I desire to offer.

The Clerk read as follows:

On pages 4 and 5 strike out section 3, inserting in lieu thereof the following: "That the said Baltimore and Potomac Railroad Company shall remove its tracks running north and south on Sixth street west and remove its depot

and passenger station now located on the public reservation at Sixth street and B street NW., in said city, and in lieu thereof the said company shall, under the supervision of the Commissioners of the District, construct and maintain a station building and appurtenances, train sheds, tracks, and sidings in connection therewith, suitable and adequate for the convenient accommodation of the public, to be located at such point between Sixth and Tenth streets SW., and between B street and D street SW., as may be most convenient to said company, and authority is hereby given to said company to acquire private property for that purpose within the boundaries last described, either by purchase or condemnation, as is hereinafter provided, and to occupy such portion of the public reservation and streets within said boundaries as the Commissioners of the District may deem necessary for the purpose herein set forth.

Mr. COWHERD. Now, Mr. Chairman, if the committee will bear with me a moment, this amendment is offered in lieu of section 3, for the purpose of bringing definitely before the Committee of the Whole the proposition that I attempted to make yesterday, which was that this passenger depot should be moved directly south, to the southernmost edge of the Mall. I have left there a space running from four to five blocks either way, wherein they might locate the depot. This bill, of course, if that amendment should be adopted, would have to go to a conference committee, and in that conference committee, if it should be necessary to locate the depot more definitely, it could easily be agreed upon. I want a vote upon this proposition for the purpose of bringing this matter definitely before the House. I do not know that I can add anything to what I said yesterday in regard to that matter. There are, however, two other things to which I should like to call the attention of the committee at this time, and, if this amendment should be defeated, I should like then to offer them and think they should be put into this bill.

The gentleman from Wisconsin has suggested that the railroad company intend to build a magnificent depot there. There is nothing whatever in this bill to compel the erection of any particular kind of a depot. If we propose to give this great grant of public property, we certainly should put into the bill a provision that would compel them to erect a depot according to plans prepared by the District Commissioners, or at least that the plans they prepare should receive the approval of the District Commissioners.

One other proposition that should be agreed to is this: I insist that we ought not to give away this Government reservation, but if we do propose to give it away, we certainly should reserve enough hold upon it to compel that road to permit other roads that may hereafter want to enter the city of Washington to have the right to enter that depot over the tracks on that Mall. Otherwise, there will be no reason why another portion of it may not be given away when another road comes along, and still some other road be given the White Lot and another the Monument.

Now, Mr. Chairman, the first proposition embodied in this amendment is the proposition, as definitely as I can state it, compelling the company to abandon the depot they now occupy and remove it and their tracks to the southernmost edge of the Mall. If the proposition is not definite enough, it can be remedied in conference.

Mr. LACEY. As I understand it, this is a substitute.

The CHAIRMAN. It is in effect a substitute for the section.

Mr. LACEY. I desire to offer an amendment.

Mr. GROUT. Has debate been exhausted on this?

The CHAIRMAN. It has not.

Mr. GROUT. I should like to be heard.

The CHAIRMAN. The Chair will recognize the gentleman from Vermont in opposition to the amendment.

Mr. GROUT. I am in opposition to the section and in favor of the amendment.

The CHAIRMAN. In opposition to the substitute?

Mr. GROUT. In favor of the amendment.

The CHAIRMAN. The amendment of the gentleman from Iowa [Mr. LACEY] is first in order.

Mr. LACEY. I desire to offer the amendment, and I should like to be heard upon it later.

The CHAIRMAN. The amendment will be reported.

Mr. LACEY. I should like simply to have it pending.

The Clerk read as follows:

Insert in line 10, page 5, after the word "Columbia," the following:

"*Provided*, That the Baltimore and Potomac Railroad Company may acquire, by condemnation and purchase, the lands lying between the present station grounds and Pennsylvania avenue and may construct said station buildings across B street SW., to front on said avenue, and for the purpose of constructing said buildings may erect an arch over B street SW., such arch to be of sufficient height to afford room for vehicles and pedestrians."

Mr. GAINES. Mr. Chairman——

The CHAIRMAN. The Chair recognizes the gentleman from Vermont.

Mr. GAINES. Will the Chair recognize "the gentleman from Tennessee" after the gentleman from Vermont?

Mr. GROUT. Mr. Chairman, I am in favor of the substitute offered by the gentleman from Missouri.

The CHAIRMAN. The Chair will recognize some gentleman in opposition to the substitute, without knowing whether the debate on this will be extended beyond ten minutes or not; therefore the Chair is constrained to recognize the gentleman from Wisconsin.

Mr. BABCOCK. If I can have the attention of the House, Mr. Chairman, for a moment or two, I want to say in reference to the amendment offered by the gentleman from Missouri that if it is adopted it destroys the entire structure and plan of this bill, and an entire new bill and new scheme would have to be worked out; so that a vote to adopt this amendment would be a vote to defeat the entire proposition. That is sufficient.

Mr. GAINES. Mr. Chairman, on looking over the RECORD this morning at breakfast I was very much surprised, and I might add grieved, to see this language——

Mr. SHATTUC. A parliamentary inquiry, Mr. Chairman.

Mr. GAINES. A distinguished Republican upon the floor of this House cast a fling——

Mr. SHATTUC. A point of order, Mr. Chairman.

Mr. GAINES. At the tomb of Jackson——

Mr. SHATTUC. A point of order, Mr. Chairman.

Mr. GAINES (continuing). And the noble women that are protecting it.

Mr. SHATTUC. A point of order, Mr. Chairman.

Mr. GAINES. And I desire to reply to——

The CHAIRMAN. The gentleman will suspend. The gentleman from Ohio makes a point of order.

Mr. SHATTUC. It is not in order, as I understand it, to rise to a question of personal privilege in Committee of the Whole.

Mr. GAINES. That is not the question. It is always in order to defend Andrew Jackson, Mr. Chairman, if not in a Republican House, it is everywhere else.

Mr. SHATTUC. Now I would like to have a ruling, and then I may withdraw the point of order.

The CHAIRMAN. The Chair will be constrained to hold that this is not relevant, and a question of personal privilege must be raised in the House.

Mr. SHATTUC. Now I withdraw the point of order.

Mr. GAINES. When my colleague [Mr. SIMS]——

Mr. GROSVENOR. Mr. Chairman, I rise to a point of order. I simply state I would like to hear what is the matter with the gentleman, but as a matter of course I shall ask the indulgence of the House for an equal length of time to reply to any remarks he may make; and I do not want to be cut off with any point of order.

Mr. GAINES. I hope the House will grant that.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from Tennessee may proceed for five minutes, that he may have five minutes to reply, and that the entire remarks be not subject to the point of order, although not germane. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES. On page 405 of the RECORD I find that when my colleague [Mr. SIMS] was yesterday speaking this colloquy occurred:

Mr. GROSVENOR. I would like to ask the gentleman from Tennessee a question.

Mr. SIMS. Certainly.

Mr. GROSVENOR. From an æsthetic standpoint, what is the present condition of the Hermitage?

Mr. MIERS of Indiana. A point of order, Mr. Chairman. If this is to be a special match race, I would like to have order, so we can hear the clash of swords and see the flash, and all enjoy it. [Laughter.]

Mr. GAINES. Mr. Chairman, when my colleague [Mr. SIMS] was yesterday speaking against despoiling this park, known as the "Mall," that was laid out by the "Father of His Country," the gentleman from Ohio [Mr. GROSVENOR] interposed, as follows:

Mr. GROSVENOR. I would like to ask the gentleman from Tennessee a question.

Mr. SIMS. Certainly.

Mr. GROSVENOR. From an æsthetic standpoint, what is the present condition of the Hermitage?

Mr. CARMACK. "A thing of beauty and a joy forever." [Laughter.]

Mr. GROSVENOR. It may be a joy forever; I think it is. [Laughter.]

Mr. SIMS. I have not seen the Hermitage for twenty years, and therefore I am not in a position to answer the gentleman.

Mr. GROSVENOR. Well, I wish the gentleman could see it. [Laughter.]

Mr. SIMS. But if I never see it I will not vote to erect a railroad depot on it.

Mr. GROSVENOR. It would be greatly improved by such a thing. [Laughter.]

Mr. SIMS. The gentleman can have the benefit of what he thinks would improve such places. [Laughter.]

Mr. Chairman, at a glance you can see, running all through this colloquy, that the distinguished gentleman has made a claim, incorrectly assuming that the people of Tennessee are not preserving the Hermitage and that therefore its present condition would be adorned with a railroad depot and its accessories. In refutation of this charge, so illy founded, and for the information of the House, I desire to say:

The Hermitage farm, composed of several hundred acres, is owned by the State of Tennessee, a State blessed with citizens who often sent Jackson to represent them in this House and the Senate, who helped to put him in the White House, and who followed him in peace and war with an unfaltering devotion. That

the people of Tennessee might better preserve the Hermitage the legislature of my State some years ago granted a charter to the "Ladies' Hermitage Association," composed then, as after its organization under the law, of patriotic women of Tennessee and throughout the United States.

With greatest care this association has gathered from time to time the relics of Jackson, except a few hundred which they are now trying to purchase, and have located them in the old homestead, where Jackson died June 8, 1845. The main building in which he lived for many years before his death, the old log cabin where he had first lived, and the servants' home, it being, too, a log house, are in perfect tact, just as when the old hero died.

The very bed upon which he was fatally ill has not been moved, and the room in which he died is exactly like it was when his brave spirit surrendered for the first time. His humble tomb is saved almost from the touch of time, preserved as it was the day its lid closed over his remains. Not the tomb, sirs, that a few months before his death he refused to accept as a repository for his mortal body, supposed to have contained the remains of the Roman Emperor, Alexander Severus; not a sarcophagus, if you please, prepared for the remains of a king. "His mortal body," he said, "could not rest in a repository prepared for an emperor or a king; my republican feelings and principles forbid it; the simplicity of our system of government forbids it." But, sirs, these fair women are watching over the plain tomb Jackson himself designed and built, wherein he said he would have his mortal remains to rest by the side of those of his devoted wife, and where they do rest, making a hallowed spot respected by all patriotic people, not only in Tennessee, but throughout the world, and to which they go by the thousands every year, with hushed voices, to pay tribute to Jackson's memory.

Upon this farm also we have erected a home for the disabled honorably discharged Confederate soldiers, who are pensioned by the people of my State. The fruits of this farm are used to support these old veterans.

Ah, Mr. Chairman, the people of Tennessee would rebel at the least desecration of the Hermitage. Other loved spots may be swept away to satisfy the greed of the commercialist and the rapacity of mankind, but we will keep with loving care, with pride devoid of pomp, this old place—with increasing love and greater care as years roll on. The Tennessean stood voluntarily by the side of Jackson and died to protect him while he lived. They will still stand by the Hermitage, protecting his tomb and his great name. [Applause.]

Mr. Chairman, I am glad that the gentleman from Ohio [Mr. GROSVENOR] is present and has an opportunity to reply to what I have said; and I thank the House for the courtesy of defending against an ungallant fling the beautiful and patriotic women of the State of Tennessee and our sister States who with loving devotion and warm hearts and willing hands are protecting and caring for the home of Andrew Jackson. [Applause.]

Mr. GROSVENOR. Mr. Chairman, there is no man in this House who honors the name of Jackson more than I do [applause], the old patriotic hero who got ahead of the Constitution when he went to Florida and, with the armies of the United States Government, asserted the right of this nation to govern a colony without any constitution. [Laughter and applause.] Nobody honors the memory of that Sound-Money Democrat [laughter] who laid the foundations deep and strong upon which the Republican financial system of this country is erected. [Laughter and applause.] The old hero and patriot, who swore in his wrath that if anybody undertook to break up this Union he would hang them on the palmetto trees of the South. [Laughter and applause.]

Every man in this House knew that what I said was intended for a little pleasantry at the exuberance and eloquent speech of the gentleman from Tennessee [Mr. SIMS] in undertaking to make a comparison in regard to a place that I thought he did not properly describe, and which it turns out he had not seen for twenty years. So I thought I would ask him about the location, the present condition; and everybody understood, and everybody in Tennessee knows that I did it for a little sport. But it has had a good effect. It has let in the gentleman from Tennessee to further establish his reputation as jealously guarding all the interests of his constituents. But I want to point out to him that he has not gone far enough, and I shall have to call on him to extend his remarks in the RECORD.

General Jackson's resting place is not the only "hermitage" in Tennessee. There is a Hermitage Club in the city of Nashville, where I have had the honor to be a guest—an honorable, a rich club—and in it they furnish a beverage branded "Old Hermitage," one of the finest of the old Southern beverages. [Laughter.] Is it possible my friend, speaking in defense of the Hermitage, is going to abandon that staple article? [Laughter.]

Mr. GAINES. I would abandon it before I attacked defenseless women.

Mr. GROSVENOR. Oh, defenseless——

A MEMBER. Grandmothers. [Laughter.]

Mr. GROSVENOR. Yes. Again, there is a great horse, a winner of races and a sire of great colts, named Hermitage. Is he going back on him? [Laughter.] Mr. Chairman, the very suggestion of "hermitage" goes back to the days of Jackson and comes down to this time and to the cheer and generous hospitality of the great State of Tennessee and her loyal and gallant sons. [Laughter and applause.]

Mr. GAINES. I ask the indulgence of the House for three minutes.

Mr. LACEY obtained the floor and said: Mr. Chairman, I should be glad to have the Committee of the Whole come down from the elevation which it has reached in this Jackson discussion long enough to consider the proposition I have presented to the committee. It is a permissive proposition to authorize the railway company to extend its tracks to Pennsylvania avenue by condemning the buildings and grounds lying between B street and the avenue. Whether the company would avail itself of this privilege I am not advised. But certainly if a new station building is to be erected at the point now occupied it would be eminently proper to give authority to extend it to Pennsylvania avenue, in the hope that a splendid building such as that which the company has erected at the Broad Street Station, Philadelphia, may be erected in the city of Washington as an ornament to the avenue. If built on the old site, it will be cut off from view by a row of buildings between the station building and the avenue. Permission at least ought to be given to acquire this additional territory if the building is to be located where it now is.

Mr. RICHARDSON of Tennessee. Is there anything in the gentleman's amendment or anywhere in the bill which requires this company to make any improvement in the way of a depot building? I am in sympathy with the gentleman's amendment.

Mr. LACEY. I have not made any examination of the bill in that respect. Of course, this company will build a new depot if it obtains the right to do so. That is the purpose of the bill, as I understand. Assuming that it will do so, and assuming that it will build a depot in harmony with its liberal policy elsewhere, I believe it would erect a building on the Avenue which would be a credit and ornament to the city, and that building ought to extend out to and front upon the Avenue.

I would not care to offer an amendment compelling the construction of a building which shall face the Avenue, because that might involve the obtaining of the additional land at a fictitious price. But if permission merely is given in this bill, that permission would be valuable to the company, and they would probably avail themselves of it and bring the depot out to the Avenue, to which I think it ought to be extended.

Mr. RICHARDSON of Tennessee. I desire to offer an amendment to the amendment of the gentleman from Iowa [Mr. LACEY].

The Clerk read the amendment of Mr. RICHARDSON of Tennessee, as follows:

Add to the amendment of Mr. LACEY the following:

"*Provided*, That within five years from January 1, 1901, the said Baltimore and Potomac Railroad Company shall construct a depot building on the portion of the Mall that it is permitted to occupy under this bill, to cost not less than $2,000,000, on plans which shall be approved by the Commissioners of the District of Columbia."

Mr. LACEY. Mr. Chairman, it seems to me that this proposition as an amendment to my amendment would be subject to a point of order.

Mr. RICHARDSON of Tennessee. I think not.

Mr. LACEY. My amendment gives permission for the acquirement of land through to Pennsylvania avenue, and authorizes the construction of a building on such land. This amendment of the gentleman from Tennessee requires that the building be erected on the Mall.

Mr. RICHARDSON of Tennessee. No; on so much of the Mall as it may be permitted to occupy.

Mr. LACEY. I think the language of his amendment is, perhaps, not as the gentleman intended it.

Mr. RICHARDSON of Tennessee. I wrote the amendment before I heard that of the gentleman from Iowa. Let me, however, say what I desire to say; and I want a vote on this amendment, because I consider it a substantial proposition and a very proper one.

During my long service (if I may refer to it) on the District Committee, this question of abolishing grade crossings in the city of Washington was constantly before that committee and before Congress. This bill does, as I understand, abolish grade crossings, and to that extent it is a proper bill. I want to see passed a measure abolishing grade crossings, not only on the Baltimore and Potomac road, but also on the Baltimore and Ohio road; and to a proper bill for that purpose I would give my hearty support.

Whether in this bill we give the company too much is another question. I think we do. I do not think we ought to give them the 14 acres in the Mall, which this bill in effect gives them in fee. I would favor moving the station back.

Mr. DALZELL. I think the gentleman from Tennessee is mistaken when he says this bill gives the company 14 acres. I have

here a calculation of the chief engineer of the Pennsylvania Railroad, in which he says that the part of the Mall that will be occupied according to the proposed plan of an elevated road will be 11.70 acres.

Mr. RICHARDSON of Tennessee. I was taking the figures of my friend from Missouri [Mr. COWHERD].

Mr. COWHERD. Let me suggest to the gentleman from Pennsylvania that the figures which I gave were those given by Colonel Bingham in an official report to General Wilson on the measure as it appeared in the Senate, proposing to take identically the same piece of land that this bill proposes to take.

Mr. DALZELL. Then there is a difference between the engineers.

Mr. RICHARDSON of Tennessee. If the information of the gentleman from Pennsylvania [Mr. DALZELL] is correct—and I do not undertake to controvert it, because I do not pretend to have absolutely accurate information—then we propose to give to this company about 12 acres—2 acres less than the number that I named—14 acres. That is more than we ought to give them.

But, Mr. Chairman, if they are to come into the city as near Pennsylvania avenue as the present Baltimore and Potomac depot is located, they ought to be required to construct a building costing not less than $2,000,000 for the privilege which is thus granted to them. If that is done, and the amendment of the gentleman from Nevada [Mr. NEWLANDS] and the amendments proposed by the gentleman from Missouri [Mr. COWHERD] are also adopted, the injury to the Mall will not be quite so great, and we will have a beautiful building upon the place where the Baltimore and Potomac depot now stands. And if the people of the District of Columbia see fit to surrender this much property, I shall not object.

I do not believe, however, that it ought to be located there. I am opposed to the location. I think it ought to be farther back—as far back as Maryland avenue. But if we are determined to bring it up to where it is now located, or where the amendment of the gentleman from Iowa [Mr. LACEY] would locate it, then we ought to require them to have a building worthy of the location.

Now, there is nothing in the bill requiring this road to construct any depot. They might do it of their own volition. But I wish to say, Mr. Chairman, that if they are in earnest in their offer or their proposition to build a depot, I do not see that they can object to any reasonable proposition, such as that I have suggested—a measure the only purpose of which is to require them to do a reasonable thing within a reasonable time. I would not care if you make the time six or seven years; but they should be required within a given time, however remote you may fix it, to erect this building at that point.

Before taking my seat, I would like to amend or modify my amendment by striking out the word "Mall" and let the amendment apply to the property that the railroad company is to occupy under the bill, no matter where it may be located. I do this upon the suggestion of the gentleman from Iowa.

The CHAIRMAN. Without objection, the amendment will be withdrawn and the modified amendment substituted.

There was no objection.

Mr. SHATTUC. Mr. Chairman, ever since I have been in Congress I have observed that every time a question of importance comes up, with reference especially to affairs of the District, our friends on the other side of the House always refer to the Washington Post as authority on the subject under discussion, whatever it may be.

Now, in this matter, which is a matter of vast importance, under consideration by the House to-day, I must necessarily trust to the experts who have had the question in hand, and who have given it consideration. I must trust either to the committee that has considered the matter—the committee who makes this report—and the Commissioners of the District of Columbia, who have investigated the facts, or I must trust the distinguished leader on the Democratic side of the House and that part of his party which seems disposed to follow him. And in view of my present expectation to vote for the pending bill, I wish to say that I do it somewhat on the recommendation of the Washington Post, so often quoted by the Democratic leaders here in the House. I ask, therefore, to have read an editorial from that paper of the issue of to-day, and that it be made a part of my remarks.

The CHAIRMAN. Without objection, the article will be read.

Mr. SHATTUC. I ask to have it read in my time. I do not ask consent for its reading.

The CHAIRMAN. The article will be read.

The Clerk read as follows:

PASS THE RAILROAD BILLS.

Chairman BABCOCK, of the District Committee, in urging the passage of the Pennsylvania Railroad bill by the House, spoke the simple truth when he asserted that 99 out of 100 citizens of Washington are in favor of this measure. He might have gone further and said that the citizens of Washington, with practical unanimity, want all the grade-crossing problems disposed of for good and all. This consummation can be reached by the prompt enactment into law of both the Pennsylvania and Baltimore and Ohio bills, and this is what the people of Washington expect at the hands of the House.

Ample consideration has been given to these measures. The Senators and Representatives charged with the responsibility of devising plans to abolish the deadly grade crossings have not lost sight of the city's interests in any respect. They have approved the solutions that are obviously the best obtainable. Washington has suffered enough from the postponement of this necessary railroad legislation. Lives have been sacrificed and the development of whole sections of the city retarded as the result of long delays. Action should not be deferred another day.

The Post, which has persistently advocated the abolishing of grade crossings, commends most heartily the work of Chairman BABCOCK, and is pleased to find that a majority of the House is alive to the importance of the pending measures. After the passage of the Pennsylvania bill it is to be hoped that no time will be lost in disposing of the Baltimore and Ohio measure. The House will do well to ratify the action of the Senate and thus settle the whole vexatious and costly grade-crossing question.

Mr. RICHARDSON of Tennessee. Mr. Chairman——

Mr. SHATTUC. I think I have the floor yet.

The CHAIRMAN. The gentleman has not yet exhausted his time.

Mr. SHATTUC. Now, with all of the various amendments offered by gentlemen on the other side, whether they be good, bad, or indifferent, if they shall be adopted it amounts to the deferring of the whole matter to another occasion; it amounts to the reconsideration of it by the Commissioners of the District again, and other officials connected with the matter; it amounts to another report upon it and another consideration in the House, and therefore the delay which must necessarily follow, and for these reasons, Mr. Chairman, I shall vote against every amendment that is offered.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I have no disposition to criticise the editorial read by the gentleman from Ohio. I have stated that we believe the grade crossings should be abolished, and that is what this article calls for. That is right. The editorial writer says the people of Washington desire grade crossings abolished, but I do not think it claims that they desire the park reservations to be surrendered, as contemplated in the bill.

To illustrate something of the feeling of the people of Washington, I ask to have read the report of the proceedings of the East Washington Citizens' Association at a meeting held on Tuesday, February 20, 1900. I believe that this association represents practically one-third of the population of the city of Washington, and I think they are opposed to this bill. Here is what the East Washington Citizens' Association says. I ask the Clerk to read the resolution.

The Clerk read as follows:

EAST WASHINGTON CITIZENS' ASSOCIATION,
Tuesday, February 20, 1900.

Association met this evening at the usual place, pursuant to adjournment on the 6th instant, with President Smith in the chair, in special session for the consideration only of pending legislation concerning steam railroads. So much of minutes of last meeting were read as pertained to the special business of this meeting.

At call of the chair Mr. H. K. Simpson, chairman of committee on steam railroads, submitted a written report, signed by himself only, stating that the committee had held a meeting, considered the subject, and directed him to prepare a report, but that he had been unable to confer with other members of the committee after it was written. On motion, the report was accepted as from the committee.

The resolutions from the committee on public parks and spaces, pending at close of last meeting of the association, were read by the secretary, and a long and vigorous discussion of the whole subject ensued, in which the participants were Mr. H. K. Simpson, Dr. A. Patten, A. Girouard, Thorwald Solberg, M. I. Weller, B. W. Clark, Gen. N. G. Ordway, Dr. T. W. Staunton, A. F. Sperry, Judge O. B. Hallam, V. Baldwin Johnson, and L. A. Merritt, and W. J. Frizzell, of the Northeast Washington Citizens' Association.

The two sets of resolutions before the association were considered separately and together, seriatim, with amendments, and the final result was the adoption as a whole of three resolutions, as follows:

"First. That we are opposed to the diversion of any portion of the public parks of the city for alien purposes, believing that they should be retained in their entirety for the general use and benefit of all the residents of the city.

"Second. We believe that the Baltimore and Potomac Railroad Company in the proposed bill (S. 929) should be compelled to lay their tracks upon ground acquired by them by purchase; and that instead of the proposed route, as provided for in said bill, they should run parallel to Virginia avenue, thus accomplishing the same purpose as is attained by the present bill and saving the confiscation of public property for corporate use.

"Third. That this association is especially opposed to allowing the Baltimore and Potomac Railroad to occupy the surface of that part of Garfield Park east of New Jersey avenue, holding that the tracks of said railroad should be beneath the surface, in a continuation of the proposed tunnel, or an earth-covered archway, to the east side of said avenue, if it should be determined by Congress that the railroad tracks shall run through that space."

Mr. M. I. Weller moved the appointment of a special committee of five, in addition to the president of the association, to lay the subject before the proper committees of Congress, which motion was unanimously adopted; and the Chair appointed Mr. H. K. Simpson, Dr. A. Patten, Mr. M. I. Weller, Mr. Thorwald Solberg, and Mr. J. W. Babson as such committee.

THOS. W. SMITH,
President East Washington Citizens' Association.

Mr. SHATTUC. I should like to ask the gentleman from Tennessee, in his time——

Mr. RICHARDSON of Tennessee. If my time is not used up.

The CHAIRMAN. The gentleman from Tennessee is still entitled to the floor.

Mr. SHATTUC. I should like to ask the gentleman if it is not a fact that that paper discloses that there were just 19 people at that meeting?

Mr. RICHARDSON of Tennessee. No, sir. It was a meeting

of the East Washington Association, which represents one-third of the population of this great city.

The gentleman has seen fit to produce an editorial from the Washington Post. Of course, editorials are all right; but if we are going to try the question upon editorials, I will produce one from the Star a few days ago, opposing this legislation. If we are going to try it by what newspapers say, we will be even on that.

But that is not the proper way to settle the question. What I wanted to show was that the people of the city are not indorsing this proposition.

Mr. SHATTUC. Do you dispute the editorial that was published in the Post?

Mr. RICHARDSON of Tennessee. Why, no; I do not.

Mr. BABCOCK. Mr. Chairman, I should like to ask the date of that resolution that has just been read.

Mr. RICHARDSON of Tennessee. It was after this Senate bill was introduced, some time last spring.

Mr. COWHERD. February 20, 1900.

Mr. BABCOCK. I want to say, Mr. Chairman, that as chairman of the District Committee I have not heard a word from any of the gentlemen mentioned in this petition at all; but I have something right here that is fresh, and I believe it becomes my duty to submit it along with the petition read by the gentleman from Tennessee. This, Mr. Chairman, is from the Single Tax Club. It is signed by a gentleman by the name of Ramage. I do not know Mr. Ramage, but I suppose he is the Single Tax Club. It is a protest against this bill, and I think it ought to go in with that old matter submitted by the gentleman from Tennessee.

Mr. GAINES. Did not the gentleman from Wisconsin state yesterday that there was opposition to this bill by the people of Washington? I so understood him; and the gentleman went on and stated why they opposed it.

Mr. BABCOCK. Oh, I beg your pardon.

Mr. GAINES. I think the RECORD will bear me out. I do not want to dispute the gentleman's word, but I think he is mistaken.

Mr. BABCOCK. I have never made any statement of that kind, excepting that there has been opposition by the Star. That is all I know of.

The Clerk read as follows:

At the annual meeting of the Single Tax Club, of Washington, D. C., held December 18, 1900, the following resolution was unanimously adopted:

"*Resolved*, That this club earnestly protests against the grant of public lands and public privileges by Congress to the Baltimore and Potomac Railroad Company, in the District of Columbia, or to any other company. We also protest against the burdensome tax on the people of the District and the nation for the benefit of the Pennsylvania Railroad Company, as will be imposed if the pending Senate bill 1929 shall become a law. We therefore protest against the passage of said Senate bill.

"M. H. RAMAGE, *Secretary*."

Mr. GROUT rose and obtained the floor.

Mr. GAINES. Here is what I had in my mind, if the gentleman from Wisconsin will allow me.

The CHAIRMAN. The Chair has recognized the gentleman from Vermont [Mr. GROUT].

Mr. GROUT. Mr. Chairman, gentlemen disagree as to what the people of Washington want. Whether or not this proposition is satisfactory to them is not the whole question in this case. Of course, as to grade crossings, it is a large question, because their lives are more imperiled thereby than are the lives of visitors coming from elsewhere; but, as has been frequently said, this is the nation's capital, and the whole people of this country are interested in the disposal of this question.

I heard the reading of that article from the Post just now, introduced here as favoring the bill. I listened carefully, but I did not hear in it a word in favor of one feature of it to which I think many members are honestly opposed; that is, the surrender to this railroad of the public park. I want to say that I am in hearty accord with the general purpose of this bill, viz, to remove grade crossings, and so, I believe, are the citizens of Washington and of the whole country. My objection is to that part of the bill which grants to this railroad company these large privileges on the public park. In the third section it says:

The company shall have and be possessed of the right, which is hereby granted and conferred, to occupy and use—

Now, here is a complete grant in law to occupy and use so long as the railroad company may want to occupy. It is good as long as wood grows and water runs. Heretofore this right of the company to remain on this park has been left by Congress in the shape simply of a revocable license.

Just a word about the history of this occupation. When the charter was granted, the depot was stationed right where the amendment of the gentleman from Missouri [Mr. COWHERD] proposes now to locate it. This place was satisfactory to the company then. It had the right to come up to Maryland avenue, and no farther. Tom Scott, the president of the road, came here to Washington and sojourned for a time and made the two Houses see that it would be well to let the company come up across the Mall. He represented that they had been at great expense in getting into the city and at great expense in getting through Baltimore with the Pennsylvania connection. It was an expensive road anyway, they claimed.

There was great hostility to the Baltimore and Ohio in Washington at that time because of its illiberal policy, and Congress granted to Tom Scott the privilege of coming up and sitting down on the Mall with his station, but it was looked upon by both Congress and the company as a temporary arrangement merely. That whole section of the city was then an open, unoccupied, tract of land, and the park was wholly unimproved, and among other things a canal passed through it. Since then it has been much improved, drives have been opened up and trees set, but with a steam railroad across it no really satisfactory improvements could be made.

I repeat, this occupation was looked upon as a temporary arrangement, and there was general feeling that all improvements should be delayed till this unsightly obstruction should be removed. It was twenty-eight years ago that the railroad took possession of this park.

Ten years ago, when the act entitled "An act supplementary to an act to authorize the construction of the Baltimore and Potomac Railroad in the District of Columbia" was passed, it was expressly stipulated in the bill that the privilege to occupy this park was revocable at the pleasure of Congress.

I do not get my eye upon the language making this reservation, but it is in the law passed then, and in every section of it, and there are three sections. Now, in this bill before the House an absolute grant is given to occupy this park, not at the pleasure of Congress, but at the pleasure of the railroad. On the statement of the chairman of the committee in submitting the matter to the House, it is upon an equivalent consideration, because he says ordinarily between municipalities and the railway there is a division of the expense in some ratio for elevating tracks in cities as in this case, and that here the expense of raising the tracks is all incurred by the railroad, and he expressly claims that this is an equivalent for the land granted on the Mall.

Mr. MUDD. I would like to ask if the provision that the gentleman speaks of as being in every clause is not that which reserves the right to alter, amend, or repeal the bill; and that is in this bill?

Mr. GROUT. The right to repeal the act of ten years ago is in, but there was also an express stipulation that the license to occupy could be revoked by Congress at any time, thus indicating clearly the legislative intention of Congress to grant only a license revocable at will. But in this grant the gentleman will know as a lawyer, as I suppose he is, that a very different right is given; the apt language of the bill is: "The company shall have and be possessed of the right which is hereby granted and conferred to occupy and use." This was written by legal fingers and was clearly intended to convert what was before a revocable license into an irrevocable grant, good so long as the company may want to occupy and use. And especially where the company has incurred the expense of elevating the tracks the courts would then say, "Here is a completed contract presenting a clear case of vested rights."

Mr. MUDD. Have they not vested rights there now?

Mr. GROUT. No; because they are now under a license revocable at the will of Congress; so expressly stated in the license itself.

Mr. GROSVENOR. Now will the gentleman allow me?

Mr. GROUT. Certainly.

Mr. GROSVENOR. They will get under that grant simply the right to build the railroad station, and can not that right be repealed?

Mr. GROUT. But here is an express right, an absolute grant of this land for the occupation and use of this corporation.

Mr. GROSVENOR. But they take that subject to another right, to repeal the law. There is no question about that.

Mr. GROUT. And there is no question that the law will never be repealed. Grant them this right and let the proposed changes follow and it is past recall. The doctrine of vested rights would be invoked, and Congress would never touch it. In fact, if you were to corner the railroad authorities now you will find they will stand now, holding as they do under a revokable license all their vested rights to have the depot remain where it is.

Mr. GROSVENOR. How, then, can we compel them to elevate or lower their tracks?

Mr. GROUT. I say they would, if ordered off, stand on their vested rights now, but I claim they have no right to stay there——

Mr. GROSVENOR. I deny that.

Mr. GROUT. I mean that we now have complete control under these reservations in the statute, reserving authority to order these tracks removed. But if we pass this bill we tie our hands. Congress will have lost absolutely all control except by the drastic remedy of repeal, which no one ever yet knew to be exercised against a live corporation.

Now, a word as to the policy of this legislation, the propriety of

it. This reservation for a public park is the principal one in the city. It extends from the Executive Mansion to the Capitol and is susceptible of many beautiful improvements. It was a part of the original plan of the city as laid out by l'Enfant and approved by Washington. It has been cut in two parts by this railroad now for twenty-eight years, during which time it has enjoyed the use of property worth $2,000,000 free of cost; and now you are about giving by this bill the use forever not only of what they have been using, but as much more, simply because this rich corporation has the audacity to ask for it, and you might just about as well give them ground for a station on the Capitol grounds or within the inclosure of the White House if they asked it. Let us be thankful that they have not asked it.

Except in the use of the Mall by this railroad it has been the settled policy, with one or two exceptions, of Congress to keep all the public reservations inviolate. The late Samuel J. Randall while a member of this body made an effort to use some of these reservations for public buildings, but Congress would never consent to it, and since this railroad company has occupied this park the Government has condemned and taken land for the War, State, and Navy building, for the Congressional Library, and for the Post-Office building, at a cost of $4,000,000 or $5,000,000. Think of it, and think of what the people of the country will say of us when they are told that we refuse to take the public parks away from the public for Government buildings, but incontinently grant to this railroad the right to run across the principal one in the city and use it for a railway station. Not only this, but a few years ago we paid $1,250,000 for a park in the northern part of the city. Rock Creek Park was not bought for this generation, but for the centuries to come, anticipating, as we thought, a magnificent future development of this capital city of this great and growing Republic. Now, how will this purchase of Rock Creek Park and this grant to the Pennsylvania Railroad for the permanent occupation of the Mall look placed side by side?

The CHAIRMAN. The time of the gentleman has expired.

Mr. COWHERD. I ask unanimous consent that the time of the gentleman be extended.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the time of the gentleman from Vermont may be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GROUT. Mr. Chairman, as we have seen, it has been the policy of Congress not to invade the public parks with public buildings. We have been kept off them, have bought property at great cost, and located the public buildings elsewhere. Why, in the name of reason, should we let a corporation sit down with its station permanently in the very heart of the most important park of this city, a park which when this city contains 1,000,000 souls, as it will in two or three hundred years, will be found indispensable for the health and comfort of its inhabitants, saying nothing of how it will look to the critical foreigner or the cultured American citizen who, on visiting the capital, finds a vast railway terminal strung across the boulevard which the Father of his Country thought should extend from the Executive Mansion to the Capitol building?

But they say this grand driveway will be accommodated by an arched passage under it. Think how like a frowning fortress this bulwark built of stone—in plain language, this stone wall—will look built up 10, 12, or 15 feet high, on the top of which will be careering back and forth 50 or 60 and perhaps 100 trains a day. Will this really be an addition to the beauty of this park, as some pretend to think?

The fact is, Mr. Chairman, this unsightly, tumultuous occupation of it will absolutely destroy it for the use for which it was set apart.

Mr. Chairman, the people of the United States own this park—every inch of it. They have a right to the control of it, and I for one hope that Congress will not surrender it. It is not unreasonable for the railroad to go back across the Mall, which is only 1,000 feet—about twice the length of this Capitol building—nor is it unreasonable to ask the citizens to do so. The man who walks to the station will cover this distance in one or two minutes, and the man in the carriage or cab will make it in twenty or thirty seconds. Both the street railways swing around by the proposed site back of the Mall; and why the necessity or sense of giving this railroad the right of sitting down in that park? It is alike unnecessary and unreasonable.

If the station be placed outside the Mall it would save the railroad the expense of this elevated work across the Mall, which would be considerable in amount.

Another thing. There has been much loose talk about the railroad building a fine new station, but there is not a word in the bill which calls upon the road to do this. There ought to be provision for this, and also that other roads should have the right to come in over their tracks; otherwise, under this accommodating spirit of Congress, other powerful railway corporations will be allowed to invade the city at any point and take possession of the balance of this or of other of the public parks of the city.

Mr. Chairman, we have seen that this park was a part of the original design of this city, and it should be sacredly preserved for posterity. We may not see fit to complete this plan in our day and throw up a grand boulevard between Capitol Hill and the White House and otherwise develop and adorn this tract of land reserved for the use of the public, but other generations are to follow, and if this Republic stands half as long as ancient Rome, there are five hundred years yet to make these improvements, and what the American people in that time may want to do with this beautiful city we can not comprehend. I believe, however, that for the present the American people will say that if their representatives are not willing to use the public reservations for public buildings for the Government they should not surrender them or any part of them to private corporations.

Mr. Chairman, I am not hostile to railways. I fully appreciate how much the world is indebted to railways, how much some of us individually—indeed, myself [laughter]—are indebted to them, and I fully appreciate that we can not live without them. They should have reasonable accommodations in every city; they must have reasonable terminals and ought to have them here; but I think, Mr. Chairman, it is not an unreasonable request to ask them to go back across the reservation and plant their station there.

This is not a new question with me. In 1890 I had occasion to take ground upon it in the House, and so it has been with me ever since, and I can not change the views I had then—that the American people will never subscribe to the idea of surrendering that park to this railroad could they understand it. Let it go out through the country that Congress would not take it to put public buildings upon, but stepped out and purchased land at a very high price to build such buildings, and now proposes to give it away to a railroad. I do not think it will be to our credit. I am going to be recorded against it.

I am in favor of the amendment offered by the gentleman from Missouri [Mr. COWHERD]. I will vote for that, and then if it is not agreed to I shall feel compelled to vote against the bill, as much as I desire the adoption of its general provisions. It is said that this will upset the whole scheme. It may be necessary to recommit it to the committee, because it would necessarily require a number of changes in the bill. But, Mr. Chairman, the core in the bill is the surrender of this great park to this private corporation; that is the heart of the whole business. And in the name of the American people, not only those now living, but generations unborn, I protest against it. [Applause.]

Mr. BABCOCK. Mr. Chairman, I move that debate be closed on the pending amendment offered by the gentleman from Iowa [Mr. LACEY] and the amendment offered by the gentleman from Tennessee [Mr. RICHARDSON]. It is not, however, my intention to cut off debate upon the amendment offered by the gentleman from Missouri [Mr. COWHERD].

The CHAIRMAN. The gentleman from Wisconsin moves that debate be now closed on the amendment offered by the gentleman from Iowa [Mr. LACEY] and the amendment to that amendment offered by the gentleman from Tennessee [Mr. RICHARDSON].

The question was taken, and the motion was agreed to.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I am reminded of a scene in Henry IV, when Glendower boasts that he can call spirits from the vasty deep, and Hotspur responds: "But will they come, when you do call for them?" [Laughter.] The gentleman from Ohio says if we pass this bill in the shape in which it is now presented that we "reserve the right to repeal" the privileges granted at any time, and that we can at any moment make the Pennsylvania Railroad get off the Mall after we have given them permission to get on it. That is true; we can do it; but will they "get" when they are told to "get?" [Laughter.] And although Congress *can* do this, *will* Congress do it?

The gentleman from Iowa [Mr. HEPBURN] admitted yesterday that we had been trying now a long time, by one means or another, to prevail upon the Pennsylvania Railroad to get off from that part of the Mall which they now occupy as tenants at will of this Government without the slightest right, without ever having paid a dollar, having entered under false pretenses for a temporary occupation, and we have never yet been able to get the Congress of the United States to tell them to remove their tracks. Now, if we require them to erect a $2,000,000 depot——

Mr. HEPBURN. I think the gentleman from Mississippi ought to modify that statement and indicate what portion of that sentence the gentleman from Iowa admitted.

Mr. WILLIAMS of Mississippi. What the gentleman from Iowa [Mr. HEPBURN] admitted was that we had tried by various means to get the company off that public ground, and they would not get off. The balance of the statement was my own, and the record and history stand behind me when I make that statement. That being the case, Mr. Chairman, if we require the company to build a $2,000,000 depot, how, in the name of common sense, are

we going to "call these spirits from the vasty deep" when we get ready to do so? Why, if such an attempt were made hereafter the company would appeal to the sense of fairness of the Congress of the United States, and they would rightly appeal. They would say: "You yourselves required us to make this $2,000,000 investment, and now are you going to require us to sacrifice it?" And in that event they would be right; they would have strong reason to appeal to you. You have thus far been either unwilling or unable to remove the station and tracks of this company from those public grounds when they had no equities, no rights, upon which to appeal to you. How, then, would you be able to do so under the circumstances which would exist if we pass this bill?

Mr. Chairman, I do not like the amendment proposed by the gentleman from Tennessee [Mr. RICHARDSON]. I do not see why we should burden the people interested in the commerce of the Pennsylvania Railroad with the necessity of paying dividends upon $2,000,000 invested in a passenger depot. It seems to me it would be much simpler to exercise the right and the power we now have and require that company to move its station south of the Mall—a location equally convenient for all passenger purposes—and leave them free to erect any sort of a depot they may choose to erect.

For the life of me I do not see how any man in this House can support this bill. For years—ever since I have been a member of Congress—we have been talking, with the flag around our shoulders, about the "Capital of the Nation," with a big "C" and a big "N," and about "beautifying the Capital of the Nation." We have spent millions of dollars to beautify the capital of the nation. We are going to spend millions more. And now it is proposed to give a railroad corporation somewhere between two and three million dollars to "uglify" the national capital—to make it as ugly as the means at their disposal will enable them to make it. I care not how expensive a passenger depot may be erected, no passenger depot ever beautified anything. Its locomotives, with their steam and noise and smoke, do the uglifying; and for this no station building can make atonement.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS of Mississippi. I should like to proceed for five minutes more, if I am not asking too great an indulgence.

The CHAIRMAN. Is there objection to allowing the gentleman from Mississippi to proceed for five minutes more?

There was no objection.

Mr. WILLIAMS of Mississippi. Mr. Chairman, if I should bring in a bill here for the purpose of appropriating $1,000 to be paid to the most deserving needy man and the neediest deserving man in the District of Columbia, the man to be selected by a commission to be composed of the President of the United States, the Speaker of the House, and the President of the Senate, I would be denounced, and rightly, all over this country as a State socialist or a communist; and there would not be a vote cast in this House for that bill. Yet we are called upon day after day to give to corporations, that certainly are not needy although they may be deserving, large amounts of money and land.

Such a thing is wrong upon general principles. We ought not to give these people 34 acres of land out of the reservations of the city of Washington. But, Mr. Chairman, my quarrel is not simply with the proposition to give this property away, although giving away public property for any purpose except a public purpose is state socialism and communism—I do not care who receives it, whether it be the needy poor or the Pennsylvania Railroad Company—but I would not even sell this reservation or any part of it. We have the power to-day to do what is right, and we ought to measure up to the responsibilities of the situation. We ought to adopt the amendment which has been offered, or is to be offered, by the gentleman from Missouri [Mr. COWHERD] requiring this railroad company to remove its tracks now extending through the Mall, and not requiring them but permitting them to erect a depot south of the Mall at a place indicated on the plans exhibited here yesterday—plans advised by the Secretary of War and Colonel Bingham.

Under those plans what inconvenience would there be to passengers? There would be one car line upon the east and one upon the west of this new passenger depot. People leaving the depot would take one or the other of those street-car lines; and if they desired to transfer to the Pennsylvania avenue line, they would not lose more than a few minutes in the transfer. Yet gentlemen here make a pretense—"a mountain out of a mole hill"—when they talk about the inconvenience resulting to passengers from the removing of the depot. They offer this as a pretext for doing what they really want to do anyhow—to give this road 34 acres of land with the other advantages included in the bill.

The equities between us and this railroad company are plain. We want to do away with these grade crossings. The whole city of Washington wants to do away with them. The city of Washington is right, and we ought to help the citizens to secure this end. But what, in doing it, are the equities between us and this company? We ought to be willing to bear a fair proportionate share of the expense accruing to them from the change; and, so far as I am concerned, I would be willing that we should bear all the expense to accomplish this result, although I think, however, it would be very much fairer for us to bear only one-half, as has been done in most of the great cities in similar cases. We ought not to give this company the public parkage or other public property. All that we ought to do is simply to keep them from suffering by the public improvement. That is all they have a right to demand.

Gentlemen say the alternative is "this bill or nothing." It is not this bill or nothing. It is this bill or something better. You and I have the right and the power to make this bill something better to-day.

The CHAIRMAN. The Chair will state that he failed to submit to a vote the amendment offered by the gentleman from Iowa [Mr. LACEY] and the amendment to the amendment offered by the gentleman from Tennessee [Mr. RICHARDSON]. The question now is on the amendment to the amendment offered by the gentleman from Tennessee.

The question was taken; and the amendment to the amendment was rejected.

The question was taken on the amendment proposed by Mr. LACEY; and on a division (demanded by Mr. LACEY) there were—ayes 47, noes 70.

So the amendment was rejected.

Mr. BABCOCK. Mr. Chairman, I desire to submit to the opposition to the bill a proposition with a view of coming, if we can, to some arrangement to close debate on the amendment of the gentleman from Missouri [Mr. COWHERD].

Mr. NEWLANDS. I should like five minutes on that bill.

Mr. GREEN of Pennsylvania. And I wish five minutes.

Mr. BABCOCK. You have just had twenty minutes on that side—ten minutes each. I suggest to the gentleman from Missouri that we close debate at 1 o'clock. That ought to be liberal time.

Mr. COWHERD. I think so.

The CHAIRMAN. Is there objection to closing the debate at 1 o'clock?

Mr. COWHERD. The gentleman will not object to my offering the amendments I suggested if this one is defeated?

Mr. BABCOCK. I refer to the proposed amendment changing the depot back of the Mall.

Mr. COWHERD. I have no objection to that.

There being no objection, it was agreed that the debate be limited to 1 o'clock.

Mr. HEPBURN. Mr. Chairman, the gentleman from Mississippi [Mr. WILLIAMS] is ordinarily very correct in his statement of facts, but he has been misinformed as to the manner in which the occupancy was established or acquisition made by the Pennsylvania Railroad Company of the property which the road now traverses on the Mall. His declaration was, in substance, that it was a mere squatter or a trespasser, that it came there without authority, and that it had remained continuously in defiance of authority.

That is not the fact. Its authorization came first from a then competent authority, namely, from a legislative body, the board of aldermen, the council, and mayor of the city of Washington, of the District of Columbia, acting in a proper legislative capacity. That authority was further confirmed the next year by an act of Congress. That act of Congress required the payment of taxes on the franchise they had and on the buildings they erected; and from that time to this they have been paying taxes, and their title has in that manner been authoritatively recognized. So the gentleman will see that he has been misled in this statement.

Mr. WILLIAMS of Mississippi. Will the gentleman permit an interruption?

Mr. HEPBURN. If the gentleman will be brief.

Mr. WILLIAMS of Mississippi. Did not the Pennsylvania Railroad enter upon the land in question under the pretext of its being a temporary occupation on some great public occasion here?

Mr. HEPBURN. I can not answer that question, for I do not know.

Mr. WILLIAMS of Mississippi (continuing). And did they not ask to have the privilege of laying two tracks, and promise to shunt their cars and not to cross at all with locomotives?

Mr. HEPBURN. I can not say as to that, but I know that the authority has been confirmed over and over again, and I have cited the gentleman to the authority.

Again, the gentleman says that all that is proposed in this bill in the way of benefits to the company is a gift; that we are "giving them" certain privileges and certain property. I deny that. I say that when these great changes are demanded, when we are imposing upon them an expenditure of four and a half millions of dollars, by changing the form of use and changing the location of their road, they have secured in equity the right to compensation in part for that change, and I say that it is the universal practice everywhere to recognize that right.

By statute in the State of New York, where railways are compelled to do what we are now compelling this one to do, the public pay one-half of the cost of the changes; the municipality 25 per cent, the State 25 per cent, the railway company 50 per cent. Nearly every State in this Union has legislated upon this subject, or at least many of them have, and have fixed the proportions that are to be paid by the railway companies making the changes and by the public compelling the changes.

So when we make that compensation that is universal, that the common sense of mankind recognizes as equitable, we are not "giving," but simply paying that which is just. And right here, let me say, how little we do pay! Not 50 per cent, not 35 per cent. The gentleman speaks of a bridge that is to be built "in payment." It is not so. That is an enterprise entirely distinct, but which happens to be provided for in this bill. The duty of the erection of that bridge is imposed by the necessities of the case upon the Congress or upon the District. It is a bridge that will be built. It is a bridge that in another form is being clamored for day after day insistently, that is to cost four and a half million dollars, which this Congress has appropriated $10,000 to secure plans for. If we adopt this legislation, if we pass this bill, if we construct this bridge, in my judgment it will do away with the necessity and the pretext for this other larger, more expensive one that so many gentlemen are insisting upon.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWLANDS rose and was recognized.

Mr. WILLIAMS of Mississippi. I should like unanimous consent to ask a question of the gentleman from Iowa.

The CHAIRMAN. Does the gentleman from Nevada yield?

Mr. NEWLANDS. I do.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the time of the gentleman from Iowa be extended to allow him to ask a question. Is there objection?

Mr. HEPBURN. I wish that the gentleman had asked that my time be extended five minutes.

Mr. WILLIAMS of Mississippi. I understand, of course, that the gentleman from Iowa has been granted time in which to answer my question, as well as time for me to ask my question. The question which I wish to ask is this: These cases to which you were referring, where these companies were recompensed for the taking of old sites and all that, were they not always cases where the companies had paid for the old sites?

Mr. HEPBURN. I can not tell how the franchise was acquired.

Mr. WILLIAMS of Mississippi. They had paid for the right of way and for the terminals and the sites, and in this case they have paid for neither. They are on public property to-day.

Mr. HEPBURN. I presume that they are paid for, without regard to the manner in which the franchise or right of way is acquired. It may have been by gift, as we understand it; it may have been by purchase; it may have been by condemnation; but it is entirely indifferent how they acquired it. The statutes of these States are peremptory, as I understand, in compelling compensation, or at least the bearing of a percentage of the cost; 35 per cent in Massachusetts; 45 per cent, I think, in Connecticut; 50 per cent in New York.

Did I understand, Mr. Chairman, that my time was extended five minutes?

The CHAIRMAN. It was not. No request was made for that.

Mr. HEPBURN. Then I am sorry I was so brief in my answer. [Laughter.]

Mr. NEWLANDS. Mr. Chairman, I shall vote for the amendment presented by the gentleman from Missouri, changing the location of the Baltimore and Potomac station from the Mall to a location south and outside of this Government park, to be acquired by purchase or condemnation, and I shall do so for these reasons: I would like to see the question of the convenience of the location of the station and the beauty and appearance of the Mall harmonized, if possible. If we vote for the amendment presented by the gentleman from Missouri, the bill will then go into conference, leaving the question of the location of the station an open question to be determined in conference, as the two Houses disagree upon that question. That committee will have two months before Congress adjourns in which to deliberate and act upon that matter, and I can not but believe that further deliberation in the light of events subsequent to the passage of this bill in the Senate last year will lead to a wise conclusion.

The chairman of the Committee on the District of Columbia in the Senate, Senator MCMILLAN, after the passage of this act in the Senate, I believe, introduced a measure there for the appointment by the President of a landscape architect of eminence to prepare a plan for the improvement of the Mall. Such an architect was appointed in the person of Mr. Parsons, who has recently presented the most beautiful and elaborate plans for this purpose, and I understand that his judgment is against locating this station on the Mall. That plan has not been before either the Senate or House committee in the consideration of this measure. Certainly if that plan can be harmonized with the more convenient location of this station upon Pennsylvania avenue, and if that could be accomplished, I for one would be exceedingly pleased. Yet it seems to me that we are proceeding blindly without the views of this expert. If this station is to go on the Mall or front on Pennsylvania avenue as a matter of convenience to the public, then we should have the views of this gentleman, so that we may place such restrictions and conditions as to the preservation of the landscape effects as will least injure the picturesque appearance of the park. This bill is absolutely without conditions as to this. The railroad company can put a barn there or it can construct an elevated track and station of ornamental or monumental appearance, as it chooses.

Now, if we give this opportunity for conference we are more likely to have a wise judgment upon the matter than if we determine it conclusively now, without the information which since then has been received through the expert employed by the Government. The gentleman who is chairman of the District Committee of the House [Mr. BABCOCK] stated, you will recall, that he knew nothing of the plans of Mr. Parsons. Now, my view is that we should consider the question of the appearance of this park or Mall most carefully; that we should endeavor to harmonize public convenience, so far as accessibility of the station is concerned, with the preservation of the picturesque effect of the park, and this can best be done by a disagreement with the Senate as to the location, which will force conference and deliberation. If we approve the Senate bill in this particular, the whole matter slips out of our hands beyond recall.

If, however, the Senate location is to stand, we should place some conditions in this bill regarding the cost of the building, the plan of the building to be erected, and the general form and design of the elevated car tracks that are to pass over the Mall; for recollect these tracks will pass over this park from the southern extremity to the northern extremity, 1,600 feet, and no restriction is placed on the judgment of the company regarding the character of the structure to be erected.

Now, this is public ground. We are careful about public architecture. We have provided in numerous bills regarding public buildings for competition in the designs, in order to preserve the architectural beauty of this city. Why should we not put a provision in this bill compelling competitive plans, to be approved by skilled men, and fixing a total cost for the structure sufficiently high to insure an imposing structure? The raised tracks could be made under the genius of a skillful architect to assume the appearance of a colonnade or of a series of arches resembling the old Roman aqueducts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWLANDS. I ask an extension of my time for five minutes.

There was no objection.

Mr. NEWLANDS. We ought to provide for a landscape architect, so that if this structure is to be designed, it can be designed in harmony with the landscape.

Now, as to the question of cost, which has been referred to by the gentleman from Mississippi and the gentleman from Iowa. The gentleman from Iowa said that the uniform rule under the legislation of municipalities has been to divide the cost between the public and the corporation with reference to these changes demanded by public improvement. I insist upon it that the legislation of municipalities, usually corrupt, should not be a guide for this body. Let us follow our own precedents, which establish a higher standard than those afforded by State legislatures and city councils in legislation affecting these public uses.

The street railroad companies stand just where this steam railroad does in their occupancy of public streets. Both are enjoying licenses to use, called franchises, which are subject to alteration, amendment, and repeal. Congress, under whip and spur, drove the street railroads in this city from the old system of horse railways into cable railways and electric railways, and compelled those constructing electric railways to adopt the most expensive form of construction—the underground system. Again, Congress compelled the Capital Traction Company—the old Washington and Georgetown Company—to make an extension of its tracks for six blocks in Georgetown, and also compelled it to purchase land and grade it at a cost of $50,000 or $60,000 for a transfer station that cost $300,000.

Did the Congress of the United States provide that railroad with a convenient public reservation? Did it furnish the land, or pay anything toward the cost of improvement? Certainly not. Then when the Metropolitan Railroad was compelled to change from horses to electric power, at a time when the corporation was almost insolvent—it was compelled to put in an underground railway system at great expense, involving millions—did Congress contribute anything to the cost of the change?

No; the change forced the company to buy a whole block of land in the eastern portion of the city for their car station. Was a public reservation given to them? And then when the Rock Creek Railroad Company wanted its franchise enlarged so that it

could build from the outskirts of the city to the District line, on the line of Connecticut avenue extended, then not even laid out, what did Congress compel it to do?

Did it give that company land? No; but it compelled it to purchase and turn over to the city the entire street for 3 miles, to grade Connecticut avenue for a distance of 3 miles, not simply the width of the railroad, but the width necessary for traffic on both sides, at a cost of from two hundred to two hundred and fifty thousand dollars. Congress also compelled it to construct two bridges, one across the Rock Creek and another across the Klingle Ford, not only for the accommodation of the railroad travel, but for general traffic, almost as wide as the streets themselves, at an aggregate cost of over $200,000.

Such is the action that has characterized Congress in dealing with these great public uses, which enjoy the privilege of using the public streets for the transaction of their business. It has never hesitated to compel needed changes which the progress of the times required. It has made the reservation of the right to alter, amend, or repeal mean something, and has never recognized that a needed change required compensation from the public Treasury. It is a splendid record of uniform regulation and control over public uses, and we do not need the example of corrupt municipalities as our guide.

Now, I contend that in this question of distribution of the cost of this change, there is an unfair imposition on the District, for whilst the gentlemen on the other side insist that they do not grant the fee in this land, you will observe, in their report, that in apportioning the cost for the District they put the land in the Mall at the price of $2.50 per square foot, a total of over $1,000,000. Add to that about $250,000 and make that the contribution for the District in the proposed improvement. They add to that, also, the 60 cents a foot given for Garfield Park—$162,000 cash—so that I say that this is not a fair charge against the District.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Pennsylvania. Mr. Chairman, the amendment of the gentleman from Missouri [Mr. COWHERD] brings us a choice between two propositions. The one will permit the Pennsylvania Railroad Company to pass over that portion of the public grounds called the Mall, as it does now, and permit it to locate its depot where it is now located, very near Pennsylvania avenue; the other will force its removal to the other side of the Mall and compel the public to pass through the park, a distance of several blocks, to reach it. The question has been narrowed to a question as to whether our vote shall be influenced by sentiment or utility.

We have heard numerous speeches in support of the sentimental side of the question. The arguments used have been on the lines used by the Chinese in their opposition to the building of railroads in China.

They claim that the building of these railroads will pass through and thereby desecrate the very numerous cemeteries of that country and disturb the rest of buried ancestors.

The sentimental supporters of this amendment object to the invasion and desecration of the sacred precincts of the Mall, claiming it will mar the beauty and symmetry of a public park reservation which, some time in the far distant future, is to be made picturesque, beautiful, and lovely by the expenditure of millions of public money and the inauguration of a costly and extensive system of landscape gardening.

Let us first consider one point of the sentimental argument, and ask ourselves the question as to whether the quiet, serenity, and exclusiveness of the Mall will not be much more affected by obliging the whole traveling public, with horses, wagons, cable cars, and drays to go through this park at all hours of the day and night to reach the station than to have the railroad trains traverse it on an elevation and discharge its passengers where they now do. I do not think there can be any question that every unprejudiced member must reach the conclusion that the passage of the traveling public constantly will very much more disturb the property for park purposes and rob it by the constant noise and confusion of the most desirable uses of park property.

Mr. GAINES. Will the railroad trains not be running through it all night?

Mr. GREEN of Pennsylvania. Certainly; but what do you want to use the park for at night? Only a very few people use it; then maybe the gentleman interrogating me may be one.

Mr. GAINES. The gentleman knows more about using it at night than I do.

Mr. GREEN of Pennsylvania. I certainly never was there at night, and whether the gentleman from Tennessee has been I know not. Only I am forced to form my opinion from the question he has asked. The objection came from him.

Mr. Chairman, this question should be considered not from the point of sentiment, but from the more important standpoint of utility. Public utility should govern and control the vote of every member.

Nothing is more needed at the present time in this city than permanent, commodious, convenient, and handsome railroad stations. No improvements will be more welcomed by residents and visitors alike.

The bill will give all that can be desired in this respect; and this in addition to removing the railroad tracks and dangerous grade crossing. The Pennsylvania Railroad will spend over $5,000,000 in making these improvements and alterations when the measure is enacted into law.

A very small fraction of the people of the United States live in the District of Columbia. A very much larger portion of the people use this railroad and come to Washington as visitors. Among this large portion are the members of both Houses of Congress and their numerous constituents. Every man who has a seat in this body has constituents constantly coming here.

The people who have visited here before know where the present railroad stations are located with reference to other well-known places and streets. Those who will visit here in the future want to enter the city at the most convenient locations. What, then, is to be gained by dragging the depots out of their present convenient locations and removing them to more remote and very inconvenient places I can not understand, and it is admitted by those preparing this amendment that under its provisions the location contemplated will not be nearly as convenient as the present location of the Pennsylvania Railroad station is.

In addition the erection of these improvements will have a tendency to make Washington a cosmopolitan city. It is not a cosmopolitan city to-day. In many ways it is exceedingly provincial, provincial in its railroad stations, provincial in its restaurants, in many of its hotels. Why, from all I have been able to observe the large majority of the people of this city go to bed at 9 o'clock. [Laughter.] Between 9 and 11 the stroller can hardly find a man on the streets, and to see a carriage rolling by is still more unusual.

It is very hard for a stranger to learn the reason for this condition of affairs in so large a city. The intense mental strain and overworked condition of United States Government employees might be urged, I know, but such explanation would only cause the knowing to smile.

I would favor not only better railroad facilities, but more liberal regulations in regard to hotels and all licensed places. Let them be allowed to be kept open after midnight if they will; that will infuse a little life and brightness and gayety and business into this dull town. It would make it more cosmopolitan. Let it compare in all respects to the great capitals of the world, London, Paris, Berlin, and Vienna, and the great cities of the States, St. Louis, Chicago, New York, Boston, and Philadelphia. I have often been amused to read in Washington papers reflections cast on the slowness of Philadelphia. Why, gentlemen, there is more life and gayety in Philadelphia in a single hour after 6 p. m. than in a whole week in the capital city of this great nation.

Now, Philadelphia is not to be compared in this respect with many other cities. So let us begin here, join hand in hand in bringing about these improvements, and step by step, as rapidly as possible, make this great capital a metropolitan city—the rival of any in the world.

Mr. GILLETT of Massachusetts. Mr. Chairman, the fact that so great a majority of the committee report in favor of this plan has great weight with me; but I have not yet heard any argument offered by the committee against the amendment now pending which convinces me, and unless I do hear a better argument than I have heard so far I shall vote for the amendment. The main argument I have heard is of convenience; that to remove the station a thousand feet south would be inconvenient; but for men riding in their carriages or street cars that is absolutely trivial. It makes scarcely any difference, and it certainly leaves the Mall free. If there is no other objection than that, I shall vote for the amendment.

The chairman of the committee said that it would involve engineering complications. He said he did not know what they were, and he can not expect the House to vote on that assurance. As to the statement that is made by the gentleman from Iowa [Mr. HEPBURN] as to how the railroad was treated in this plan, I will agree with him that they are required to pay a large proportion of the expense; but the gentleman, it seems to me, forgets that in this case the railroad was granted a franchise and right to come into the station for nothing, and they have for years paid no lease to the Government.

Mr. HEPBURN. Will the gentleman allow me a statement?

Mr. GILLETT of Massachusetts. Certainly.

Mr. HEPBURN. Is the gentleman prepared to make that statement? The act of Congress grants to this railroad company the right to make entry upon these lands so far as it can. It seems that the lands at that time were occupied by other parties and the railroad company was required to extinguish their rights. Again, at this time the Mall was occupied by a canal that had certain rights. This canal extended the whole length of the Mall and the road interfered with the rights of the canal. The company was to extinguish the rights of the canal that were interfered with. Now, I am not prepared to allow the statement to

go unchallenged that they came here without any compensation.

Mr. GILLETT of Massachusetts. Mr. Chairman, it certainly has not been stated here by anybody that the railroad company paid any material sum for getting in. The gentleman simply says that he does not know whether they did or not. Gentlemen certainly should show what this company did pay before they claim that it has paid. On the evidence before us the railroad has come into the city of Washington all these years and paid nothing for its access or for its tunnel. Now, when it is said that some change must be made in order that the tracks of the road as it comes in should not be an obstruction to the citizens of the District, it seems to me it is only fair that the railroad should pay all the expense. I agree that when a railroad owns or has paid for its right of way it is fair that the city should pay a portion of the expense. In Massachusetts in such cases the railroad company has to pay 65 per cent, the State 15 per cent, and the city 10 per cent. But in a case where the railroad company has paid absolutely nothing—has for years had a valuable lease and paid nothing as rent and nothing to speak of for the original purchase—it seems only fair that the railroad should pay all the expense which is necessary in order that its tracks may not be an inconvenience to the public.

Mr. FITZGERALD of Massachusetts. Do I understand the gentleman to say that the Pennsylvania Railroad Company has paid no taxes into the Treasury for the land upon which its depot rests?

Mr. GILLETT of Massachusetts. I did not say anything about taxes. I do not suppose it has paid any taxes for the land it occupies.

Mr. FITZGERALD of Massachusetts. I wanted to bring that fact out.

Mr. GILLETT of Massachusetts. It may have paid taxes on its buildings.

Mr. HEPBURN. On land and buildings.

Mr. GILLETT of Massachusetts. I do not know whether it has paid taxes on the land or not.

Mr. COWHERD. I think it has not.

Mr. RICHARDSON of Tennessee. As I understand, it has paid no taxes on the public land which it occupies; it has paid taxes on its tracks.

Mr. HEPBURN. I will read from the act:

> And the said property so occupied by said company, together with the improvements which may be put thereon, shall be subject to tax by the District of Columbia the same as other property in the District.

Mr. GILLETT of Massachusetts. Well, it is not a large rent to simply pay taxes.

Mr. CUMMINGS. Mr. Chairman, being engaged in committee work elsewhere, I have listened to only a part of this discussion. I lay it down as a business axiom that commercial necessities require that a great railroad depot should be built as near as possible to the business portion of the city which it undertakes to accommodate. We recognized this fact in New York City in 1867. The New York Central Railroad Company proposed to build a depot near the center of that city. They not only closed eight or ten streets, but four of those streets were taken up by the depot itself, and, in addition, the people of the city of New York taxed themselves $2,500,000 to aid this railroad company in sinking its tracks on land that it already owned. The same considerations would apply to Washington as to New York. The conditions are the same. New York City would rather spend $20,000,000 to-day than see that depot reduced to its old condition and the tracks running with grade crossings.

Now, we have heard a great deal here about the policy or the right of the Government to give this land to the Pennsylvania Railroad Company. New York City gave to the United States Government land valued to-day at two and a half million dollars on which to build a post-office. It seems to me that if the Government can receive such a value for its own benefit it ought to give value in return for the benefit of the city in which it has established its capital.

I heard my friend from Massachusetts [Mr. FITZGERALD] yesterday, with great attention, in his assault on the Pennsylvania Railroad. Why, sir, Don Quixote never did better in his tilt upon the windmills. It was a magnificent effort. But it compared very unfavorably with the effort of the gentleman in this House four years ago on behalf of one particular railroad in Massachusetts.

At that time he advocated, and he convinced you members of this House, that it was perfectly proper to give an essential part of the Boston Navy-Yard to the Fitchburg Railroad, notwithstanding the protest of the Chief of the Bureau of Equipment, who declared that the measure practically ruined the property of the United States as a navy-yard. Mr. Chairman, what has been the result? Why, sir, that action by the House at the instance of the gentleman from Massachusetts has turned into the pockets of the Fitchburg Railroad Company $480,000 a year ever since.

Now, Mr. Chairman, this bill, as I understand—and I believe I understand it correctly—is a bill for the benefit of the city of Washington, not for the benefit of the Pennsylvania Railroad. That company will not receive one cent more in profits after building this depot than they are receiving to-day with the depot they already have.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BINGHAM having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

S. 5036. An act granting an increase of pension to Norton Schermerhorn.

The message also announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 277. Joint resolution authorizing the appointment of Charles A. Boutelle as a captain on the retired list of the Navy; and

H. J. Res. 101. Joint resolution authorizing the publication of an edition of A Digest of International Law.

GRADE CROSSINGS, ETC., BALTIMORE AND POTOMAC RAILROAD.

The committee resumed its session.

Mr. SIMS. Mr. Chairman, I do not want to take up the time of the House in general discussion, because I have already done so to some extent. But during the debate yesterday the gentleman from Illinois [Mr. CANNON] put a question to the gentleman from Wisconsin [Mr. BABCOCK], the chairman of the District Committee. I desire to read that question, with the answer:

> Mr. CANNON. But the gentleman has said now that, from a practical standpoint of the interests of the public and the interests of the road and the interest of the District, he is satisfied that it is practically impossible to move the railroad with its depot from the location it has now?
>
> Mr. BABCOCK. The Commissioners say it is absolutely impracticable, and the committee believed it to be so.

I know that that reply of the gentleman from Wisconsin seemed to have a very great effect upon members of the House, as it should have had. But I immediately examined what the Commissioners did say, so far as their recommendations were filed in the report of the committee, and I am unable to find anything of that character in the written report, nor do I recollect any such suggestion made in the committee. I remember nothing of the kind before the committee, and hence, for information, I ask the chairman of our committee to state upon what information he based his answer to the gentleman from Illinois.

The printed report of the Commissioners in reference to the matter is as follows:

> The present station was established under authority of an act approved March 23, 1871, by the board of aldermen and common council of the city of Washington, at a time when the people were supposed to have a voice in the affairs of the District government. It is therefore assumed that this location was the choice of the people at that time. This action was confirmed by the act of Congress approved May 21, 1872, since which time the company has been in quiet possession. The advisability of requiring a change of location at this time is left to the wisdom of Congress.

Now, the Commissioners, so far as I can see, do not think it is absolutely impossible, or impracticable, I should say, to make this change, and I would like to have some idea as to what the recommendation was. Hence I ask our distinguished chairman the question, and request him to inform the committee as to where and when they made the statement to which he has referred.

Mr. BABCOCK. I will state to the gentleman from Tennessee that I had no intention of conveying the idea, or even using the term, that it was absolutely impossible to make this change.

Mr. SIMS. "Absolutely impracticable" is the language.

Mr. BABCOCK (continuing). But that it is absolutely impossible was never suggested. The idea I had was the information I had directly from the Commissioners, not only one, but two or three of them, all joining in the assertion that it was practically impossible to accommodate the general traffic by putting the depot in the place proposed. This was stated in the committee room and stated to me personally. I propounded the question directly to the Engineer Commissioner myself, for the purpose of satisfying my own mind upon the question, and I do not wish to be understood in my answer to the interrogatory propounded, and which has been referred to by the gentleman from Tennessee, as saying that it was absolutely impossible to do this.

Mr. SIMS. "Impracticable" was the language.

Mr. BABCOCK (continuing). Because it is by no means impossible. It is possible to move it down to the Potomac River if Congress so desires.

Mr. SIMS. Then, let me ask the chairman of the committee if the engineer in charge of the work, from the War Department, did not say that it was a practicable scheme?

Mr. BABCOCK. Well, the gentleman has the report before him and knows as well as I what the recommendation was.

Mr. SIMS. My recollection is that he said it was practicable.

Now, the Commissioners of the District of Columbia in their report failed to use the language which individual members have used in the discussion of this measure before the committee.

There is nothing whatever—no information before the committee—which undertakes to inform the House that there is anything absolutely impracticable or even difficult about the matter. I do not understand that the chairman of the committee undertakes to tell us on his own responsibility that it is absolutely impracticable.

Mr. BABCOCK. The Commissioners in their report do not attempt to indicate to Congress what location shall be adopted. I understand them to say that they propose to leave that entirely to the discretion of Congress. They make no recommendations in reference to the matter, but they have expressed in the committee room and to me personally, as well as to other members, their ideas as to the best location and the practicability of moving the station as contemplated by this bill.

Mr. SIMS. I talked to one of the Commissioners myself, and his idea was that it was impracticable only because we could not get such a bill passed, and not because of any difficulty in reference to the engineering feasibility of the scheme.

Mr. BABCOCK. Oh, no; it was the engineering proposition to be accomplished. I understood that to be the suggestion.

Mr. SIMS. I did not so understand it.

The CHAIRMAN. The time of the gentleman from Tennessee has expired and the time limiting the discussion on this part of the bill has also expired, and the question is on agreeing to the amendment proposed by the gentleman from Missouri.

Mr. COWHERD. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again read.

There was no objection.

The Clerk read the amendment, as follows:

On pages 4 and 5 strike out section 3, inserting in lieu thereof the following: "That the said Baltimore and Potomac Railroad Company shall remove its tracks running north and south on Sixth street west, and remove its depot and passenger station now located on the public reservation at Sixth and B streets NW., in said city, and in lieu thereof the said company shall, under the supervision of the Commissioners of the District, construct and maintain a station building and appurtenances, train sheds, tracks, and sidings in connection therewith suitable and adequate for the convenient accommodation of the public, to be located at such point between Sixth and Tenth streets SW. and between B street and D street SW. as may be most convenient to said company; and authority is hereby given to said company to acquire private property for that purpose within the boundaries last described, either by purchase or condemnation, as is hereinafter provided, and to occupy such portion of the public reservation and streets within said boundaries as the Commissioners of the District may deem necessary for the purpose herein set forth."

Mr. BABCOCK. I ask for a vote, Mr. Chairman.

The CHAIRMAN. The question is upon agreeing to the substitute offered by the gentleman from Missouri.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. COWHERD demanded a division.

The committee divided; and there were—ayes 59, noes 76.

Mr. COWHERD. I ask for tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. BABCOCK and Mr. COWHERD.

The committee again divided; and the tellers reported—ayes 56, noes 95.

Accordingly, the substitute was rejected.

Mr. COWHERD. Mr. Chairman, I now desire to offer the amendment which I suggested in case this one was defeated, meeting the points which I referred to.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert at end of line 10, page 5:
"*Provided*, That upon the lands in the Mall hereby granted to the use of the Baltimore and Potomac Railroad Company no freight depot, warehouse, or other structure except such as are necessary to its use as the site of a passenger station shall be erected; and that no tracks except such as are necessary to the service of such passenger station shall be laid or operated on said line: *And provided further*, That any other railway, railroad, or transportation company, now or hereafter to be organized, desiring at any time to in any manner use or occupy any portion of the Mall and buildings erected thereon, the use and occupation of which are herein granted and conferred upon the Baltimore and Potomac Railroad Company, shall have and possess the right to use and occupy the said portion of the Mall in this section described upon such terms as may hereafter be prescribed by law."

Mr. BABCOCK. You had better divide that amendment.

The CHAIRMAN. Debate is limited upon this section.

Mr. COWHERD. I beg your pardon; debate was only limited upon the amendment offered before.

I do not want to occupy the time of the committee, but I do wish to explain what is intended to be reached by these two amendments, and I think that the committee will certainly agree with me that some such provision should appear in the bill.

In the first place, if you give the 14 acres granted out of the Mall you certainly do not intend that it shall be used as a switch track, as a freight yard, or for the building of warehouses upon it. It is intended, I take it, in the vote that has just been had, giving this property to the company, that it shall be used solely for its passenger purposes and to the use that was limited in the original grant to the company. As far as I am informed, and I have attempted to inform myself upon it, there never has been a measure that has passed the House that gave to this railroad company the right to use a foot of this land except for passenger purposes.

Now, at the suggestion of the chairman, I am going to ask to divide that into two amendments, the first being the one that I have just attempted to describe, an intention to confine the company to the use of this land in the Mall for a passenger depot and the tracks leading to that passenger depot.

I hope the chairman of the Committee on the District of Columbia will consent to the amendment.

The CHAIRMAN. Without objection, the amendment will be thus divided.

Mr. GAINES rose and was recognized.

Mr. BABCOCK. Mr. Chairman——

The CHAIRMAN. The Chair had recognized the gentleman from Tennessee.

Mr. BABCOCK. Mr. Chairman, I want to make a statement here. Under the rules, in Committee of the Whole——

Mr. GAINES. I hope this will not be taken out of my time.

Mr. BABCOCK. Under the rules, in Committee of the Whole we are entitled to ten minutes upon each amendment, five for and five against the amendment, and I want to give notice now that I shall insist upon the rule being carried out. It is absolutely necessary if we are to reach a vote. As I said to the gentleman from Missouri, I want to offer every opportunity for debate.

Mr. COWHERD. As far as I am concerned, after these amendments are disposed of I have no objection. These are practically all the amendments that I have to offer, except that I desire to offer a motion to recommit at the proper time, and I only want on these amendments time to explain them to the House, so that the members may understand them.

The CHAIRMAN. The suggestion, as the Chair understands it, is that after this amendment the gentleman from Wisconsin [Mr. BABCOCK] will ask that the discussion on the various amendments be relevant, and that the time be divided, five minutes in opposition and five minutes in favor of each amendment.

Mr. BABCOCK. Yes; not to exceed that; but I reserve the right to move to close debate at any time, Mr. Chairman.

Mr. GAINES. Mr. Chairman, this bill proposes to give, not sell, this property to this railroad. My colleague, the gentleman from Tennessee [Mr. RICHARDSON], and the gentleman from Missouri [Mr. COWHERD] say that they would not agree even to sell the property, and they have given their reasons for it. Now let us see what is given. The minority report states, and it is not disputed, first, that the land given is valued at $1,394,500; that the cost of the changes borne by the District and the United States is $250,000; that the appropriation for the bridge is $568,000, making a total of $2,212,500.

I am informed, by reading the speech of my colleague [Mr. SIMS], that this bridge is now kept up by the railroad; that the railroad companies are not only compelled to build, but keep the bridge in repair.

Now, the Federal Government is to build a new bridge, and also keep it up in the future, and we do not know what the cost of the latter will be. Nobody knows, and can not tell what it is.

Now, Mr. Chairman, the amount set down here—$250,000—for damages and costs certainly must be a very small amount. We find on page 13 that the streets to be carried "over the railroad" are Sixth SE., Fifth SE., Fourth SE., Third SE., Second SE., New Jersey avenue, Ninth SW., Tenth SW., Eleventh SW., and Twelfth SW. Then there are an equal number of streets, which I will not take time to read, which are to go "under the railroad."

Now, we are to pay the abutting owners for damages done to their property, which is always a large amount, and the statement last session of the distinguished chairman of the Appropriation Committee [Mr. CANNON] is that to leave the question of damages to a jury in this District is practically to give the plaintiff all he asks for in his declaration. Now, if such a condition of things exists what will the final amount of damages be? In addition to that, we must pay for the approaches to and across these bridges. Nobody has estimated these. It is bound to be very large. These are new burdens the public assumes in addition to this gift.

Now, Mr. Chairman, Gen. John M. Wilson, brigadier-general, Chief of Engineers of the United States of America, on page 20 of this report, specifically condemns this whole project. This gives 34¼ acres of land, and refers to the report of Theodore A. Bingham, Mr. Chairman, who at great length condemns the project and recommends the project that the gentleman from Missouri [Mr. COWHERD] and my colleague report in their minority report; that is, "plan No. 5" of the District Commissioners, which locates, as the report says, "a logical location and preserve the historical Mall, permit development and completion according to Washington's original plan."

In addition to that it seems that the report of Mr. Bingham commends the report of the "District Commissioners" to one of our Congresses, possibly the Fifty-fourth, first session. That is alluded

to on page 23 of the report. He condemns it, Mr. Chairman, because it trenches "on the Garfield Park, which is one of the seventeen original reservations set aside by President Washington and the early Commissioners for the ornamentation of the capital," and the Mall, laid out by Washington, and up to date kept for a park, as the "Father of His Country" desired it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COWHERD. Does the chairman of the District Committee agree that this amendment may be offered as a committee amendment?

Mr. BABCOCK. I do agree to the first part of the amendment, that this property shall not be used for freight purposes, but I do not agree to the second part.

The CHAIRMAN. The question is on the agreeing to the amendment offered by the gentleman from Missouri.

Mr. DALZELL. Let us have the amendment read.

The CHAIRMAN. Without objection, the first part of the amendment, the amendment being subdivided, will be read.

The Clerk read as follows:

Insert at end of line 10, page 5:
"*Provided*, That upon the lands in the Mall hereby granted to the use of the Baltimore and Potomac Railroad Company no freight depot, warehouse, or other structure except such as are necessary to its use as the site of a passenger station shall be erected; and that no tracks except such as are necessary to the service of such passenger station shall be laid or operated on said line."

The question was taken, and the amendment was agreed to.

Mr. COWHERD. Now, Mr. Chairman, I would like to be heard on the second part of the amendment. I want to explain the second amendment. The intention of this amendment is to provide that if in the future some railway, other than this road or some road connected with it, shall seek entrance into the city of Washington it may have the opportunity to come in over this Mall, over the same track, and enter into the same depot, upon such terms as Congress may prescribe. The purpose is this: You are going to give the Mall away, and the only thing it is pretended that we are acquiring is the convenience of having a depot located in the heart of the city.

There is no contention but that if this is to be used simply as a passenger station a dozen railroads can enter as well as one. We are giving them a strip of land 340 feet wide, and you can build 15 or 20 tracks upon it; you can build a depot to accommodate all the passenger traffic of all the railroads that will ever want to enter the city of Washington. Now, then, I submit that we should reserve the right to compel this road to consent to the use of this property, which we are giving away to-day, by other roads that may hereafter enter the city and want terminal stations. Otherwise, if we left it simply with the road to enter into an agreement with other roads, the property we are giving away will be sold by them for millions of dollars. I do not believe, Mr. Chairman, that a man needs to apologize for protecting the public interest.

But it appears that it has gotten to the point in this House that when a man attempts to oppose any proposition to give property or money to a railroad company he has got to apologize. I want to say that opposition to railroad companies has never been a portion of my political capital or stock in trade. I have never opposed them except to preserve the rights of the people, and I submit that this amendment ought to receive the unanimous approval of the House.

Mr. BABCOCK. Mr. Chairman, in reference to the second part of this amendment, the one now under consideration, I want to say that it is impracticable and not necessary. All rights are reserved by Congress to alter, amend, or repeal; and in handling the street railway charters the committee has been very careful not to give any indefinite rights to some unknown person or corporation that might grow up in the future; but we have reserved that in the hands of Congress; and at all times in all bills that have been reported by the District Committee we have reserved all these rights to Congress.

Another thing, Mr. Chairman, you would see at once the folly of the Pennsylvania Railroad Company or any other railroad company spending $5,000,000 in terminals with the understanding that they were building these terminals for any body or corporation that might want to use them. That is what this amendment will do; and I hope it will be voted down.

Mr. COWHERD. Will the gentleman permit a suggestion?

Mr. BABCOCK. Certainly.

Mr. COWHERD. If the reservation in the concluding section of the bill—"the right to change, alter, or amend"—permits us to pass such an act at any time, then certainly there should be no opposition to this amendment, because then we specifically reserve only the right which the chairman says is already reserved; otherwise, if that reservation does not cover it, or if it covers it in such a way that it remains for the Pennsylvania Company, if any other road comes in, to fix the compensation, or if Congress fixes it, to recover damages, then the chairman's argument falls to the ground; and I submit that the House ought to pass the amendment.

Mr. BABCOCK. We have had more than a dozen questions of this kind. The matter of damages for use of other tracks has been retained by Congress, and the amount has been fixed by the court. Now, as to this question as to another line. If another line were to come in and build into Washington to-day, the first thing would be to get permission of Congress, to get an act to give them the right to come in and use these terminals, subject to proper compensation for the improvements made by the Pennsylvania Railroad, to be fixed by the court. That has been the practice of Congress for years.

Mr. COWHERD. Does not the gentleman think when he admits that we give this Mall to the railroad company, taking property worth millions of dollars——

Mr. BABCOCK. I do not admit it.

Mr. COWHERD. But you do admit that we give them the use and occupation, if not the property.

Mr. BABCOCK. We are contributing for this elevation of the tracks a portion of the cost of the elevation.

Mr. COWHERD. Whether it be occupation or otherwise, I care not, but does not the gentleman think it a proper thing for Congress to reserve to itself the right to say upon what terms another railroad should be permitted to enter there, and not give the Pennsylvania the right to shut all other roads out?

Mr. BABCOCK. Does the gentleman think the courts are not competent to fix upon the damages or compensation?

Mr. COWHERD. I do not know which would more likely fix a reasonable amount, the courts or Congress; but I think it is for Congress to reserve that right here.

Mr. BABCOCK. Congress has always followed a certain rule, and I do not think it ought to be changed. I am against the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. COWHERD. Division, Mr. Chairman.

The committee divided; and there were—ayes 49, noes 56.

So the amendment was rejected.

Mr. NEWLANDS. Mr. Chairman, I offer the following amendment to section 3:

The Clerk read as follows:

Amend at the end of section 3 by adding:
"The station building to be erected on the Mall shall cost not less than $1,500,000, exclusive of the car shed, and the design thereof must be submitted to and approved by the Commissioners of the District of Columbia. The elevated track and car sheds on the Mall shall be of an ornamental or monumental character, and shall be designed, as far as practicable, so as not to impair the appearance of the Mall. The designs thereof shall also be approved by the Commissioners of the District of Columbia. The President of the United States shall appoint an architect of eminence and a landscape architect of eminence, who shall be advisory to the said Commissioners in these matters, and $5,000 is hereby appropriated for the payment of the services of said architects."

Mr. NEWLANDS. I should like to ask the chairman of the committee [Mr. BABCOCK] whether he has any objection to this amendment?

Mr. BABCOCK. There is no objection to it except the last clause, making an appropriation of $5,000 for the employment of two architects to aid the Commissioners of the District of Columbia. Those officers have abundant assistance at hand to take care of all these details. That part of the gentleman's amendment I think we must object to. If he will strike out the last four lines, I will support the amendment.

Mr. NEWLANDS. Let me, in the first place, say a few words to the gentleman on that point, for I think when the matter is further explained he will not insist on the objection. In the first place, the Commissioners of this District have no architect to whom they can apply for advice in these matters. Of late all our appropriations for school buildings and other public buildings have provided for competition in the employment of architects, and under this system the character of our school architecture and the District architecture in general has immensely improved within the last few years.

Prior to that time the only man whom the Commissioners could consult in these matters was the inspector of public buildings. The result was that the public architecture of the District—school buildings, buildings for the fire department, etc.—was of very inferior design.

This amendment proposes to appropriate only $5,000 for expert assistance of this kind, and it provides that the President of the United States shall appoint an architect of eminence and a landscape architect of eminence. This is simply carrying out the idea which was incorporated in law one year ago when in reference to the Mall the President of the United States was authorized to appoint a landscape architect of eminence; and the result was the Parsons plan, which we have had before us to-day.

Now, it does seem to me that in this great work, which involves the picturesque and ornamental appearance of the Mall, the Commissioners ought to have the aid of expert men. Under this bill

they will be simply advisory. But we ought to give the Commissioners the aid of a landscape architect and of an architect of eminence. If the gentleman objects to having this appointment made by the President of the United States, I would be willing to modify the proposition so that the District Commissioners may themselves employ such talent as they select, paying therefor an amount not exceeding $5,000. In the amendment I am simply following the precedent which we adopted one year ago.

Mr. BABCOCK. I think the modification which the gentleman suggests would be an improvement, because under the present bill this entire problem is in the hands of the Commissioners.

Mr. NEWLANDS. If I provide in the amendment that these architects shall be employed by the District Commissioners at a cost not exceeding $5,000, will the amendment with the change be acceptable? I understand the gentleman to say that it will. I therefore modify my amendment in that way.

Mr. COWHERD. I wish to ask the chairman of the District Committee a question. Is there anything in this bill requiring the approval of the Commissioners of the District to the station building to be erected by the company? I can find nothing in the bill affecting that question. It simply provides for approval of the plans of the tracks, etc.

Mr. BABCOCK. Approval of the work and methods of doing the work.

Mr. COWHERD. But nothing is said in regard to the building; the language seems to be limited to the tracks.

Mr. NEWLANDS. I think my amendment would cover that point.

Mr. BABCOCK. Mr. Chairman, I want to move that debate on this amendment and the section be closed.

The CHAIRMAN. Without objection, the modification proposed by the gentleman from Nevada [Mr. NEWLANDS] to his amendment will be agreed to. The Chair hears no objection. The gentleman from Wisconsin [Mr. BABCOCK] moves to close debate on this amendment and the section.

The motion was agreed to.

The question being taken on the amendment of Mr. NEWLANDS as modified, it was agreed to.

Mr. NEWLANDS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend page 5, lines 10 and 11, as follows:
"The station building herein provided for shall front on Pennsylvania avenue; and for this purpose the Baltimore and Potomac Railroad Company is authorized to condemn the block lying between Pennsylvania avenue and B street north, between Sixth and Seventh streets NW."

Mr. BABCOCK. I make a point of order that this proposition has already been disposed of by the Committee of the Whole in almost this exact language.

Mr. NEWLANDS. I submit that this amendment is not the same as the one heretofore introduced. That amendment was in connection with other matter.

Mr. BABCOCK. The gentleman from Iowa [Mr. LACEY] offered an amendment embodying this same proposition; and it was voted down.

The CHAIRMAN. The amendment offered by the gentleman from Iowa is not at the desk.

Mr. BABCOCK. Then I withdraw the point of order, and give the Committee of the Whole an opportunity to vote on this question again.

The question being taken on the amendment of Mr. NEWLANDS, it was rejected; there being—ayes 25, noes 46.

The Clerk read section 4 of the bill, under the heading "Temporary tracks."

The following amendment, recommended by the Committee on the District of Columbia, was read:

In line 21, after the word "the," insert "time fixed for the."

Mr. FITZGERALD of Massachusetts. Mr. Chairman, a few moments ago the gentleman from New York [Mr. CUMMINGS] referred to my friendship to a certain railroad corporation which does business in Massachusetts, and stated upon the floor of the House that through my influence with this great body the Fitchburg Railroad Company was enabled to obtain possession of a portion of the navy-yard property in Charlestown for its own use. Now, Mr. Chairman, I did not advocate any such proposition.

I will send to the Clerk's desk and ask to have read the statute passed by Congress in the Fifty-fifth Congress, which was incorporated as a part of the naval appropriation bill, showing the privileges accorded to this corporation at that time.

The act had the unanimous indorsement of the Committee on Naval Affairs and the Secretary of the Navy.

Mr. BABCOCK. I would like to know if there is an amendment pending, Mr. Chairman?

The CHAIRMAN (Mr. CAPRON in the chair). There is no amendment pending to the paragraph under consideration.

Mr. BABCOCK. Then I raise the question of order.

Mr. CUMMINGS. I make the point of order that the gentleman's suggestion has no reference to anything that is pending before the committee.

Mr. FITZGERALD of Massachusetts. But the gentleman from New York made a misstatement of fact and I propose to correct him.

Mr. CUMMINGS (continuing). The words used by me were simply an illustration of something before the House at the time. There is nothing before the House to warrant the gentleman from Massachusetts in asking to have that statute read.

Mr. FITZGERALD of Massachusetts. If the Chair will pardon me, the gentleman from New York made a statement to the committee which is not warranted by the facts, and I want to show what the facts are.

Mr. CUMMINGS. Then how much do they get?

Mr. FITZGERALD of Massachusetts. Why, the dock has not been completed yet.

Mr. CUMMINGS. No; you have not complied with your agreement when the act was passed.

Mr. FITZGERALD of Massachusetts. I know nothing of any other requirement except that contained in the statute, and in my own time, having been recognized, I ask the reading of the act to which I refer.

The CHAIRMAN. The Chair rules that so far the suggestion of the gentleman from Massachusetts has no reference to anything pending before the committee at the present time.

Mr. FITZGERALD of Massachusetts. Then I address myself to the general proposition contained in the bill, and move to strike out the last word of the section.

Mr. GROSVENOR. That has not been read yet.

Mr. FITZGERALD of Massachusetts. Oh, yes; it has been read, Mr. Chairman, and I appeal to the Clerk to vindicate my statement, notwithstanding the suggestion of the gentleman from Ohio.

Mr. BABCOCK. Mr. Chairman, I move to close all debate upon this paragraph and amendments thereto in one minute.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I have been recognized, and I moved to strike out the last word in the paragraph just read by the Clerk. I claim that the gentleman has no right to take me off the floor in that way.

Mr. BABCOCK. I move that all debate on this part of the bill be closed in one minute.

The CHAIRMAN. The Chair holds that under the rules governing the House in Committee of the Whole it is in order for the gentleman to move to close the debate in one minute, and the question, therefore, is upon that motion.

Mr. FITZGERALD of Massachusetts. I appeal to the gentleman from Wisconsin in charge of this bill, if he wishes to get through with his bill this afternoon, to be fair in the treatment of debate. I only want five minutes to explain my position. My action on a public matter has been questioned on the floor of the House by the gentleman from New York, and I certainly have a right to be heard in my own vindication. Now, if the gentleman from Wisconsin wishes to repeat the scenes of yesterday afternoon, then he can be unfair in the matter of debate. But I appeal to him to carry out the arrangement which he himself submitted to the House a short while ago, that on every subsequent paragraph, after it was read, there should be, if desired, debate, five minutes for and five against, and I think it is only fair and just that, having been recognized, I should be allowed to speak in this matter for the short time I have asked.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I ask for the reading of the rule of the Committee of the Whole by which the gentleman, under the circumstances, can submit a proposition to close debate in one minute. I make the point of order that it was not in order while I was occupying the floor and had submitted an amendment myself.

The CHAIRMAN. The matter of the motion of the gentleman from Wisconsin having been disposed of by the lapse of time, it is not necessary to rule upon the point of order.

Mr. FITZGERALD of Massachusetts. Then a parliamentary inquiry. By what rule did the Chair put the proposition of the gentleman from Wisconsin before the House when I had the floor, having been recognized by the Chair upon an amendment?

The CHAIRMAN. The Chair will state to the gentleman from Massachusetts that the Chair did not put the proposition, but merely stated that the time of debate had run and the gentleman's time had expired, and therefore it was not necessary to renew the proposition submitted by way of a motion by the gentleman from Wisconsin and put it before the House.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I should like to know how my time could have expired when the proposition submitted by the gentleman from Wisconsin was not put before the House?

The CHAIRMAN. The Chair will state that the gentleman's time had expired because the five minutes allotted to the gentleman under the rule had elapsed.

Mr. FITZGERALD of Massachusetts. Do I understand that I have been given my five minutes, and that this five minutes has expired?

The CHAIRMAN. The five minutes have expired.

Mr. FITZGERALD of Massachusetts. I believe there are five minutes more allowed on this proposition?

The CHAIRMAN. The gentleman having debated one side of the question for five minutes, if it is desired the other side also have five minutes.

Mr. FITZGERALD of Massachusetts. I do not understand that I have had a chance to debate any side of the proposition.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be recognized upon both sides?

Mr. FITZGERALD of Massachusetts. I move to strike out the second last word in the paragraph which is now before the House.

Mr. GROSVENOR. I demand the regular order, which is the reading of the bill.

The CHAIRMAN. The gentleman from Massachusetts can not take the floor a second time upon this proposition.

Mr. GROSVENOR. The regular order is the reading of the bill.

Mr. FITZGERALD of Massachusetts. I ask unanimous consent that I may have five minutes to correct a statement that was made upon the floor of the House a few moments ago, in which my public acts were impugned. I think that is only fair.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that he may have five minutes to explain certain propositions.

Mr. BABCOCK. Mr. Chairman, I object. I think the opportunity should be taken on some other section.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I rise to a question of personal privilege.

Mr. SHATTUC. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SHATTUC. I submit that a question of personal privilege is not in order in the Committee of the Whole.

Mr. FITZGERALD of Massachusetts. Will the Chair rule upon that proposition?

The CHAIRMAN. The Chair will rule that it not having arisen in the course of the debate up to this time——

Mr. FITZGERALD of Massachusetts. I submit to the Chair that it did arise in the course of the debate, and I appeal to the RECORD to prove that. It occurred within the last fifteen minutes in the remarks of the gentleman from New York. I appeal to the RECORD to vindicate my statement. I have taken the first opportunity to present the matter in the proper form to the committee.

Mr. CUMMINGS. And I shall take the first opportunity to read a page from the New York Herald upon it.

The CHAIRMAN. The Chair recognizes the situation as this: The gentleman asked unanimous consent for five minutes, which request was objected to, and it leaves the Chair with no other thing to do than to state that the committee amendment is now before the House.

Mr. FITZGERALD of Massachusetts. Does the Chair rule that it is not the right of a member to rise to a question of personal privilege when an attack has been made upon him in the committee and his motives reflected upon? Does the Chair make that ruling?

The CHAIRMAN. It is necessary for the Chair to determine whether or not it is a question of personal privilege to which the gentleman rises, and the Chair does not recognize the present condition of affairs as one permitting the gentleman to rise to a question of personal privilege. Therefore the Chair rules that the demand is not in order, and the question before the House is the committee amendment.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I wish to inquire whether the present occupant of the chair was in the Hall at the time when the gentleman from New York [Mr. CUMMINGS] made his speech a few moments ago? If he was not, I do not see how he is competent to rule upon it.

Several MEMBERS. Regular order!

The CHAIRMAN. The regular order is demanded. The question is upon the committee amendment.

Mr. CARMACK. Mr. Chairman, a parliamentary inquiry. I should like to know if the gentleman from Massachusetts has not a right to state his question of personal privilege? He has risen to a question of personal privilege, and has never been allowed to state it.

Mr. FITZGERALD of Massachusetts. We have no rights under the rules as interpreted by the majority in this House.

The CHAIRMAN. The Chair understood the matter as the gentleman from Massachusetts stated it, and from his statement the Chair did not think a question of personal privilege was involved. If the gentleman has a further statement to make in regard to his question of privilege, the Chair of course recognizes his right to state it.

Mr. FITZGERALD of Massachusetts. The question of personal privilege which I wish to submit to the House is that the gentleman from New York [Mr. CUMMINGS], in his speech a few moments ago, stated that through my influence on members of this House—

Mr. GROSVENOR. I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FITZGERALD of Massachusetts. I hope that the members on this side have some rights that gentlemen on the other side are bound to respect.

The CHAIRMAN. The gentleman from Ohio rises to a point of order.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I refuse to yield to the gentleman from Ohio. I am on the floor on a question of personal privilege, and I do not see how I can be taken from the floor.

Mr. GROSVENOR. I make a point of order, and I insist upon it.

Mr. FITZGERALD of Massachusetts. The gentleman from New York [Mr. CUMMINGS], in his statement to the House, referred——

The CHAIRMAN. Will the gentleman from Ohio [Mr. GROSVENOR] state his point of order?

Mr. GROSVENOR. The point I want to make is that if the gentleman from Massachusetts will have read, as the rule provides, the language of the gentleman from New York that he complains of, then he will properly rise to a question of privilege, and the Chair can then understand whether it is a question of privilege or not.

That is very simple, and very easy to reach. The rule provides for it, and I insist on its enforcement.

Mr. FITZGERALD of Massachusetts. I have been trying to bring that about for the last ten minutes, but the Chair has refused to listen any proposition made. I ask to have read the remarks of the gentleman from New York.

The CHAIRMAN. In support of the question of personal privilege the gentleman from Massachusetts asks, the Chair understands, that the remarks of the gentleman from New York [Mr. CUMMINGS] be read in support of his demand for recognition upon that question.

Mr. FITZGERALD of Massachusetts. That is the parliamentary situation.

The CHAIRMAN. Pending the presentation to the House of the Reporter's record, the Chair will state that the question before the committee is an amendment pending. The Chair has not had an opportunity to state this, but it is not possible to get the record until it is brought from the Reporters' room. The question before the House is on the committee amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

REMOVAL OF FISH COMMISSION BUILDING.

SEC. 5. That the United States Fish Commission building and appurtenances, now located on that part of the Mall hereby granted to said Baltimore and Potomac Railroad Company, shall be removed therefrom and rebuilt on the said Mall west of the portion thereof so granted to said railroad company, under the directions of, and according to plans approved by, the Chief of Engineers of the United States Army; and the cost of such removal and rebuilding shall be defrayed by the said Baltimore and Potomac Railroad Company to an amount not exceeding $40,000: *Provided*, That the expense of such removal and rebuilding in excess of $40,000 shall be paid by the United States.

Mr. KITCHIN. Mr. Chairman, I move to strike out the last word, for the purpose of making an inquiry in regard to this section. I would like to ask the chairman of the committee if he has any estimate of the probable cost of the removal of this Fish Commission building?

Mr. BABCOCK. Estimates were made by the Commissioners and the engineer in charge, and the amount, $40,000, was fixed upon by the Commissioners and the Senate committee as being a sufficient sum to rebuild and replace the building necessary for that purpose.

Mr. KITCHIN. Then, in your opinion, this $40,000 will cover the entire expense?

Mr. BABCOCK. That was the opinion of the Commissioners and of the Senate committee.

Mr. KITCHIN. Is it not also the opinion of the chairman of the committee?

Mr. BABCOCK. I have simply their figures in the statement that I have referred to.

Mr. KITCHIN. But in your judgment they are reliable?

Mr. BABCOCK. Yes, sir.

The Clerk read as follows:

CHANGES IN GRADE; WIDENING B STREET.

The Commissioners of the District of Columbia are hereby authorized and directed to make all such changes in the lines and grades of any street or streets in said city as may be reasonably required or deemed necessary or advisable in connection with the revision, change, improvement, and partial relocation of said railroad by this act contemplated, and particularly are authorized and directed to widen B street NW., on its southerly side, between Sixth and Seventh streets, so as to conform to the southerly line of said street as now exists west of Seventh street, and to widen Seventh street on its easterly side between B street NW. and the northerly line of West Capitol street, as shown on the city maps, as follows: For a distance of 130 feet south from the southerly line of said B street NW., when widened as herein authorized,

to a width of 220 feet, and for the residue of the distance to the northerly line of West Capitol street to a width not exceeding 130 feet.

The amendment recommended by the committee was read, as follows:

On page 9, line 10, insert the word "it" after the word "as" where it appears before the word "now."

The amendment was agreed to.

The Clerk read as follows:

GARFIELD PARK.

SEC. 8. That in consideration of and in connection with the changes and improvements to be made in the said railroad by the Baltimore and Potomac Railroad Company, in conformity with the requirements of this act, the said railroad company shall have and be possessed of the right and privilege, which are hereby expressly granted and conferred, to occupy and use, for tracks and other corporate purposes, all that portion of reservation 17, now known as Garfield Park, which lies to the southward of its main tracks when located as authorized by this act, as well as that portion thereof which shall be occupied by said main tracks as located on said plans and profiles; and also the like right and privilege to occupy and use, for similar purposes, the parts or portions of the several streets and crossings which are by this act vacated and abandoned.

Mr. STEPHENS of Texas. I desire to ask the chairman of the committee a question about this section. The last portion of this section reads:

And also the like right and privilege to occupy and use, for similar purposes, the parts or portions of the several streets and crossings which are by this act vacated and abandoned.

The prior part of this bill seems to vacate and abandon certain streets and parks and then speaks of where they have surrendered it to the city again. This seems to retake that and gives to the railroad the property of the city.

Mr. BABCOCK. If the gentleman will look at the map, he will find the streets to be abandoned, and he will also find that the railroad company owns the abutting property on the streets to be abandoned.

Mr. STEPHENS of Texas. But you have surrendered back to the city in a previous portion of the bill?

Mr. BABCOCK. Oh, no. Certain parts of the abandoned property, where they have changed their right of way, are surrendered to the city. These are the crossings. If the gentleman will look at the map, he will understand it clearly.

Mr. STEPHENS of Texas. I have not the map before me.

Mr. BABCOCK. I could explain it much better if I had the map.

The Clerk read as follows:

DIVISION OF COSTS.

SEC. 9. That the entire cost and expense of the revision, changes, relocations, and improvements of and in said railroad, as authorized and required by the preceding sections of this act, and of all structures connected therewith or incidental thereto, shall be borne, paid, and defrayed in manner following, to wit: The said Baltimore and Potomac Railroad Company shall bear, pay, and defray all cost and expense of the relocations, elevation, and depression of its tracks within the limits of its right of way as are authorized and required by this act, including the construction of so much of the bridges conveying streets over its tracks, right of way, and other property as shall be within the limits thereof, and the reconstruction within such limits of the streets which shall be carried beneath the same, the cost and expense of removing its tracks from Sixth street north of Virginia avenue, and from K street and Canal street, and the restoration of such parts of said streets for the uses of the public; the cost and expense of constructing and maintaining the arch or arches for passageways underneath its said tracks located on the Mall, as well as the original cost of paving the roadways and sidewalks to be located within the said passageways; and all other costs, expenses, and damages resulting from, incidental to, or connected with the revisions, changes, and improvements in alignment and grades of said railroad, or the relocations thereof by this act required and authorized, and from changes in the grades of the streets or the railroad, and the lawful operation of the said railroad upon the location and structures contemplated and required by this act, and whether to property owners affected thereby or otherwise, as well as the cost and expense of all street approaches to said company's tracks and right of way, whether overhead by means of bridges or under grade, shall be borne, paid, and defrayed in manner following, to wit: Fifty per cent thereof by the United States and the remaining 50 per cent thereof by the District of Columbia, which last-mentioned 50 per cent shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and the District of Columbia.

All work within the limits of the said railroad company's right of way, including the bridges within said limits, shall be done by said railroad company to the satisfaction and approval of the Commissioners of the District of Columbia, who are authorized to exercise such supervision over the same as may be necessary to secure the proper construction and maintenance of the said work. And all work which is without the limits of the right of way of said railroad company shall be done by the District of Columbia.

The amendments recommended by the committee were read, as follows:

Page 11, line 2, strike out the semicolon where it appears after the word "public" and insert the word "and."

Page 11, line 6, strike out the semicolon where it appears after the word "passageway" and insert in lieu thereof a period; also at the end of said line strike out the word "and."

Page 11, line 7, strike out the small letter "a" in the word "all" and insert a capital "A."

The amendments recommended by the committee were agreed to.

Mr. STEPHENS of Texas. I have an amendment to that section.

The Clerk read as follows:

Page 11, line 25, after the word "Columbia," insert the words "The supreme court of the District of Columbia is hereby given jurisdiction to entertain any suit at law brought by any person whose property is affected or damaged hereby against the District of Columbia within ten years after the passage of this act and to enter judgment for the full amount of said damages accordingly in favor of said person and award execution."

Mr. STEPHENS of Texas. Mr. Chairman, it seems that there is no provision here by which the parties who are damaged by the change of this railroad could go into court and secure their damages. This provides that the supreme court of the District of Columbia shall have jurisdiction to determine those damages, not only for the 50 per cent which the District is to pay, but also the 50 per cent which the railroad is to pay, so that the citizens will have their remedies in a court of competent jurisdiction before which these damages can be estimated, and it gives the time of ten years. If the bill passes as now a man will have to divide his damages, and sue the District of Columbia and then come before the committees of this House, the Committee on Claims, and present his claim; and that means practically a denial of his legal rights. This amendment only provides a court that has proper jurisdiction of this question, and I think it should pass.

Mr. BABCOCK. Mr. Chairman, I want to state, in the first place, that I am not a lawyer, and do not pretend to discuss law points, but the question was taken up by the lawyers on the District Committee, and the opinion arrived at was that under the common law the rights of all the property owners were preserved and that there was nothing in this bill that took away any rights of action that they might have for damages. If that is true, the amendment is entirely unnecessary.

Mr. STEPHENS of Texas. I would state, Mr. Chairman, that this is the remedy only. The right of action can not be taken away under the Constitution. I want to provide a remedy by which the parties damaged can secure damages, so that they may have their day in court, and have their claims decided.

As I stated, they would have to divide their claims for damages, and one would come before the court and the other before the committee of the House and be passed upon by the House. The whole matter should be passed upon by the court, and then the United States could appropriate one-half of the funds which they were entitled to. It will be a speedy and effective remedy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and the amendment was not agreed to.

Mr. RIDGELY. Mr. Chairman, I wish to offer an amendment to this section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 17, page 10, after the word "defrayed," insert the words "by the Baltimore and Potomac Railroad Company" and strike out the balance of the section.

Mr. RIDGELY. Now, Mr. Chairman, in support of this amendment, I will say that the franchise and contribution of land that this bill grants to the railroad company will warrant the company in paying all the expenses of the improvements to its property which this bill enforces. As for myself and for a great many others in my district and other parts of the country, I would, in lieu of this bill, provide that the Government should proceed to condemn and purchase all of the railroad property within the District of Columbia, and improve it as the welfare and safety of the public demand, and make such rental, to all railroad companies as wish to enter the District of Columbia, as might be equitable to the taxpayers and the companies.

If there was sufficient sentiment on the floor of this House to warrant even the hope of such an amendment carrying, I would prepare and offer it. But I have not, in view of the votes we have taken, any hope that such a thing is possible. I insist that this railroad company ought to be made and compelled by this law to pay the entire cost of this improvement. The provisions of this bill fix no limit whatever upon the amount of tax it levies upon the people. We have statements here verbally as to estimates of what it may cost the taxpayers, but there is no limit in the bill, and these improvements, as admitted by the chairman of the committee, provided they are adopted, will cost the taxpayers over one million and a half dollars in cash; and the damage to private property, which is to be paid by the people, is an unknown tax and will doubtless make the total cost to the taxpayers many millions.

In my judgment, we are granting so much in giving away the public land and granting privileges here that the company can well afford to pay all the cost. This bill will enable this railroad company to collect from those who patronize this road in all years to come such rates of travel and freight as will pay to them an annual dividend upon the value of the very property we are here donating. Thereby, I say, we are imposing on the traffic of the public a tax and a burden that we ought not to impose. I hope the amendment I offer will be adopted. At the last session I introduced a bill providing for the Government owning and operating all the railroads in the District of Columbia, with one grand union depot, and putting all trains under ground, which could be operated by electricity, thereby abolishing the smoke, noise, and all danger, but this bill has been pigeonholed in the committee,

where all such measures will die until the people shall, as they will at no distant day, determine to stop forever all such plundering as this bill imposes, by the establishment of public ownership and operation of all railroads.

Mr. NEWLANDS. Mr. Chairman, I wish to say a few words in regard to this amendment, of which I heartily approve. I claim that Congress is absolutely reversing the policy it has always pursued regarding public uses, and particularly railroad uses, in the District of Columbia. Congress has always exercised the right of determining how a railroad shall be constructed and of compelling a change in the construction and in the mode of operation as it saw fit.

Now, so far as District legislation is concerned, steam railroads stand upon the same basis as street railroads. Street railways and steam railways occupy the public streets of the city. Almost the entire right of way of the Baltimore and Potomac Railroad Company is over the public streets. Their right to occupy these streets is under franchise, a privilege granted by Congress subject to alteration, amendment, and repeal. So far as the street railways are concerned, the Congress of the United States has exercised that power vigorously in Washington. It compelled the Capital Traction Company, the old Georgetown road, to reconstruct its road and change it from a horse railway to a cable road at an expenditure aggregating millions of dollars.

It took hold of the Metropolitan Railway Company, then operating by horses, and compelled it to change its motive power, and that railway company expended $500,000 in experiments for the purpose of using storage electricity, and then Congress, impatient at the delay, took hold of it again and compelled it to put in an underground system costing over $2,000,000.

Recollect that these were changes demanded by the improvement of the times, just as this change is required. The only difference was that in one case the changes were applied to a street railway, and this applies to a steam railway, both operating under franchises given them in the streets of the city. That cost was imposed upon the Metropolitan Railway Company when it was near the verge of bankruptcy; and, as I say, it amounted to over $2,000,000.

I insist that entirely apart from the valuable contribution given to this work by the District of Columbia in allowing the occupation of these public lands—even if there were no contribution at all upon the part of the public to this work—the railroad company is under just obligation to the public to meet the demands of public improvement. When this privilege of the use of public streets was given to this company in the first place, the size of the city and its improvements did not warrant the imposition of the cost of elevated tracks, but it was a matter of mere privilege to the railroad company to allow grade crossings, and Congress could compel such a change whenever it saw fit.

It is the duty of the railroad company to provide at its own cost railway terminals and to conduct its business in such a manner in the public streets of the city as not to cause obstruction or inconvenience; and the expense arising from any such change should be imposed on the corporation itself, just as in the case of the street railways of the city. This company does not come to us in forma pauperis. It comes here as a great corporation—not a struggling corporation, as it was twenty-five or thirty years ago, when it first secured these privileges, but a corporation amply able to respond to every obligation of this kind; and Congress should see, as it has in the past, that no part of the cost of such a change is fastened upon the public Treasury.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas [Mr. RIDGELY].

The question being taken, the amendment was rejected; there being on a division (called for by Mr. RIDGELY)—ayes 27, noes 59.

The Clerk then read section 10 of the bill in connection with the following amendments recommended by the Committee on the District of Columbia:

On page 13, after the word "Columbia," in line 12, insert "and the United States as hereinbefore provided."

On page 13, line 21, after the word "Columbia," strike out the period and insert a semicolon, and add the following:

"*Provided*, That in every case in which an assessment of the damages or an award shall have been returned by the appraisers the company, upon paying into court the amount so assessed or awarded, may enter upon and take possession of the land and property covered thereby irrespective of whether exceptions to said assessment or award shall be filed or not, and the subsequent proceedings shall not interfere with or affect such possession, but shall only affect the amount of the compensation to be paid."

On page 15, after the word "therefor," in line 3, insert "and its successors."

On page 15, line 8, strike out "railroad" and insert "railway."

On the same page, after the word "company," insert "and its successors."

On the same page, after the word "traffic," in line 10, insert "and for its other corporate purposes."

Mr. COWHERD. I desire to ask the gentleman's attention to a provision on page 14, reading as follows:

And it shall be lawful for said Baltimore and Potomac Railroad Company to extend and construct, from time to time, branch tracks or sidings from the lines of railroad authorized by this act into any lot or lots adjacent to any street or avenue along which said lines of railroad are located, upon the application of the owner or owners of such lot or lots, to enable such owners to use their property for the purposes of coal, wood, or lumber yards, manufactories, warehouses, and other business enterprises.

I would like to know whether under this provision this company will be authorized to cross any street other than those over which they are permitted to run their tracks by the express provisions of this bill.

Mr. BABCOCK. The language of the provision is, "any lot or lots adjacent to any street or avenue along which said lines of railroad are located."

Mr. COWHERD. I wish to know whether in the opinion of the chairman of the committee this provision will give the company permission to go outside of the blocks adjoining the streets appropriated. As a matter of fact, four-fifths of this road now runs alongside wood and coal yards. By reason of the change of grade these concerns will have to construct new sidings and turnouts at great cost. I do not object, however, to the provision in that respect. I simply want to know whether under this provision the company can run over any street not already specified in the bill.

Mr. BABCOCK. I do not understand that the provision gives the company any right of that kind; it is not so intended.

The CHAIRMAN. If there is no objection the question will be taken on the amendments of the committee in gross.

There was no objection.

The question being taken the amendments were agreed to.

Mr. COWHERD. Mr. Chairman, at the request of the gentleman from Mississippi [Mr. WILLIAMS], I wish to make a statement. That gentleman was corrected this morning by the gentleman from Iowa in regard to what he denominated the appropriation for the building of a new bridge. I wish to state that while wrong in fact the gentleman was right in substance. The Baltimore and Potomac Railroad Company now runs its road over the Long Bridge, which was built by a private company, but afterwards, when destroyed, was rebuilt entirely at the expense of the Government. The Baltimore and Potomac Company obtained from the Government a right to run its tracks over that bridge, provided the company should maintain a highway bridge in connection with it, which was to be kept in repair at the expense of the company.

This bill now proposes to separate the highway bridge from the railroad bridge, and the sum of $568,000 is appropriated to build this highway bridge, which structure is to be maintained forever at the expense of the Government. Therefore, the gentleman was practically right when he said we were appropriating $568,000 to relieve the company of its obligation to maintain that bridge.

Mr. Chairman, in order to get this matter before the House, I shall move to amend by striking out the section just read and inserting in lieu of it a section proposed by Lieutenant-Colonel Allen, of the Corps of Engineers, in his report to Brigadier-General Wilson. This officer reports against the proposition to build two bridges, holding that two structures of this kind so close together will cause a blocking of the ice and drift coming down the Potomac, and will result in great detriment to traffic along the river. In lieu of the pending section, I offer the section which I sent to the desk.

The Clerk read section 11 of the bill, as follows:

LONG BRIDGE.

SEC. 11. That inasmuch as the present Long Bridge over the Potomac River is inadequate for the accommodation of the largely increased railroad and vehicular traffic, is in a measure obstructive of navigation, and needs to be reconstructed, the Baltimore and Potomac Railroad Company is hereby directed and required to remove the present Long Bridge across the Potomac River, and, in accordance with plans to be approved by the Secretary of War, to build on practically the same line a new bridge in lieu thereof, said new bridge to be for railroad purposes only and to be adapted for two or more railway tracks, the Long Bridge to be removed and the new bridge constructed within four years from the date of the passage of this act. The said Baltimore and Potomac Railroad Company shall remove the Long Bridge and shall build, maintain, and keep in repair said new bridge at its own cost and expense, and shall maintain an efficient draw in said new bridge, operating the same so as not to unnecessarily impede the free navigation of the Potomac River at any hour of the day or night, and shall give other railroad companies the right to pass over said bridge upon such reasonable terms as may be agreed upon between the companies or prescribed by Congress.

Mr. COWHERD. I move, Mr. Chairman, to strike out section 11 and insert as a substitute the amendment I send to the desk.

The CHAIRMAN. The proposed substitute will be read.

The Clerk read as follows:

SEC. 11. That inasmuch as the present Long Bridge, consisting of two spans across the Washington channel of the Potomac River, of a causeway across Potomac Park, and of a bridge of thirteen spans and a draw across the Virginia channel of the Potomac River, fails to meet public needs in the following manner: The causeway obstructing communication between the upper and lower portions of the park and being, also, unsightly; and the bridge across the Virginia channel being inadequate for present and prospective railroad and vehicular traffic, as well as for pedestrians, and being also in a manner obstructive of navigation, and not being capable of alteration to meet the demands of the public, the Secretary of War is hereby authorized and directed to cause the removal of the said bridge across the Virginia channel and of the said causeway across Potomac Park, and the construction at that locality of a combined railway and highway bridge of steel, of broad spans, with sufficient draw openings, and a draw or draws, to be

opened promptly for the passage of vessels, and providing for a clear headroom of at least 18 feet from the plane of mean low tide to the lowest part of the superstructure; to provide for sufficient width of carriage way and sidewalk and for two or more railway tracks (not exceeding four tracks); and also to cause the replacing of the said causeway across the said Potomac Park by a viaduct of steel, providing for a similar number of railway tracks (not exceeding four); the plan for both bridge and viaduct to be of pleasing design, and the design for the viaduct to admit of free communication through it, and also a good view through it of Potomac Park. And the Secretary of War is also authorized and directed to cause such work to be done as may be needed to the piers or abutments at, and the spans across, the said Washington channel, to a proper connection with the said viaduct; and to also cause the construction of a paved roadway, with sidewalks, across Potomac Park at park grade, or at such grade as he may determine upon, to connect, by suitable inclines, with the bridge crossings over the Washington and Virginia channels. The plans for the foregoing work to be prepared and the removal and construction to be done by the Secretary of War. And it is hereby provided that the railway tracks shall be running tracks, and that railway cars or engines shall not rest for any length of time upon the tracks of the said viaduct, bridge, or spans: *And provided further*, That the expense of the removal of the said causeway and bridge and of the building of the new bridge across the Virginia channel, of the viaduct, of the roadway and inclines, and of the work at the crossing of the said Washington channel shall be equally borne by the United States and the said Baltimore and Potomac Railroad Company, and that the said railroad company shall have the free use, under regulations to be prescribed by the Secretary of War, of the said track throughout the distance from Washington, D. C., to the Virginia termination of the bridge, and shall operate the draw and light the bridge at its own expense, and shall also keep the said bridge, viaduct, and spans in repair at its own expense, all to the entire satisfaction of the Secretary of War; the road across Potomac Park herein provided for to be maintained and kept in repair by and at the expense of the United States: *Provided*, That other railroad companies shall have the right to cross the said bridge upon such terms as may be prescribed by the Secretary of War: *And provided further*, That Long Bridge shall be a free bridge, without tolls or charges whatsoever, for the passage, at all times excepting when the draw shall be open for vessels, of vehicles, pedestrians, and driven animals.

Mr. BABCOCK. Mr. Chairman, I move that all debate on this section and the pending amendment be closed.

The motion was agreed to.

The question being taken upon the substitute proposed by Mr. COWHERD for the eleventh section, it was rejected.

The Clerk read as follows:

PASSENGER BRIDGE.

SEC. 12. That the Secretary of War be, and he is hereby, authorized to enter into a contract with the Baltimore and Potomac Railroad Company to construct within two years after the passage of this act, at a point not less than 500 feet above the site of the present Long Bridge, a new and substantial bridge for highway travel, of iron or steel, resting upon masonry piers and provided with suitable approaches, and with a sufficient draw, all in accordance with plans and specifications to be approved by the Secretary of War; and there is hereby appropriated (one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated) the sum of $568,000, or so much thereof as may be necessary, to be paid from time to time, as the construction of the said bridge progresses, by the Secretary of War, under such regulations as he shall prescribe.

The said bridge shall be for highway traffic, and all street railroads chartered or that may hereafter be chartered by Congress shall have the right to cross said bridge on such reasonable terms as may be agreed upon between the companies or prescribed by Congress: *Provided*, That the street railroad now using the Long Bridge shall be permitted to change its location so as to cross the highway bridge herein provided for; all plans for such change to be approved by the Commissioners of the District of Columbia and the Chief of Engineers of the United States Army: *And provided further*, That a standard underground electric system of street-car propulsion shall be installed by said company on the park highway leading to said bridge, and that the cost of asphalt paving between the tracks and 2 feet outside thereof shall be paid by said company. Each street railway company using said bridge shall pay, in addition to other taxes as by its charter provided, one-half of 1 cent for each and every passenger carried across said bridge.

The committee recommend the adoption of the following amendments:

Page 16, line 2, after the word "Company," add the words "or any other party."

Page 16, lines 20 and 21, strike out the word "reasonable," in line 20, and also the following: "agreed upon between the companies, or."

Page 16, line 21, strike out the word "street" at the end of the line.

Page 16, line 22, strike out the word "railroad" and insert in lieu thereof the following: "Washington, Alexandria and Mount Vernon Railway Company." Also, at the end of the line, after the word "permitted," insert the words "and required."

Page 17, line 4, after the word "bridge," insert the following: "and no dynamo furnishing power to this portion of the road shall be in any manner connected with the ground."

Mr. PEARRE. Mr. Chairman, I desire also to offer an amendment to this section.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Insert in line 11, page 17, after the word "permitted," the words "with the approval of the Commissioners of the District of Columbia."

The CHAIRMAN. The question will be first taken on the committee's amendments, and, without objection, they will be voted upon in gross.

There was no objection.

The amendments were agreed to.

The question was taken on the amendment of Mr. PEARRE; which was agreed to.

The Clerk read as follows:

PLANS TO BE SUBMITTED TO DISTRICT COMMISSIONERS.

SEC. 13. That before any portion of the work herein described shall be authorized plans and profiles of the entire work, except such as relate to the new bridges authorized by sections 11 and 12, in accordance with the provisions herein contained, shall be prepared by the said Baltimore and Potomac Railroad Company and shall be submitted for approval to the Commissioners of the District of Columbia. Duly authenticated copies of said plans and profiles shall, after approval, be filed with the Commissioners aforesaid, and all work shall be done in accordance with them and shall be completed within five years from the date of the passage of this act. The company shall also deposit with the collector of taxes of the District of Columbia such sums of money as the Commissioners of said District may reasonably require to cover the cost of District inspection.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I move to strike out the last word.

A few minutes ago in the debate on this question the gentleman from New York [Mr. CUMMINGS] used the following language—and I wish to take the time of the House to make reply: That the gentleman from Massachusetts—

at that time advocated, and he convinced you members of this House, that it was perfectly proper to give an essential part of the Boston Navy-Yard to the Fitchburg Railroad Company, notwithstanding the protest of the Chief of the Bureau of Yards and Docks, who declared that the measure practically ruined the property of the United States as a navy-yard.

Now, Mr. Chairman, the proposition to set apart or allow certain privileges to be given to that railroad company was made by the Naval Affairs Committee and reported unanimously to this House. The matter was favored by the Secretary of the Navy and the Assistant Secretary of the Navy. The actual facts differ so radically from the statements made in the House by the gentleman from New York but a short time ago that I ask the indulgence of the House that such act may be read. I ask the Clerk to read the law I send to the desk.

The CHAIRMAN. Without objection, it will be read.

There was no objection.

The Clerk read as follows:

That the Secretary of the Navy is hereby authorized to provide for the enlargement of the slip or dock at the southern boundary of the United States navy-yard at Boston, Mass., partly upon the land of the navy-yard and partly upon lands belonging to the Fitchburg Railroad Company, said slip to be enlarged beyond its present width 80 feet upon the lands of the United States and 20 feet upon the lands of the Fitchburg Railroad Company, so that the same shall be 160 feet in width, measured northerly from the land parallel to and 20 feet southerly from the boundary between the lands of the United States and lands of the Fitchburg Railroad Company, and to be increased in length to a total of 570 feet, measured from the harbor commissioner's line as now established upon the front of the said railroad company's property; the said slip to be used by both the Fitchburg Railroad and the United States for the berthing of vessels at their respective wharves; and the Secretary of the Navy is empowered to make a contract with the said Fitchburg Railroad Company pursuant to the provisions of this act.

That in consideration of the privileges granted by this act to the Fitchburg Railroad Company for the use of a portion of this slip extending northerly of the boundary line of the United States navy-yard, said railroad company shall build suitable retaining walls upon the east side and at the head of the slip upon the Government lands, or if the United States shall so elect in lieu thereof shall pay to the United States such sums of money as may be determined by arbitration, and shall dredge the entire slip or basin to a depth of 30 feet at mean low water and maintain such depth as long as it enjoys the privileges above stated. It is further provided that the said railroad company shall use and occupy only 60 feet of the width of the said basin within the limits of the navy-yard property, and is to erect no construction of any kind within the limits of the said basin, either upon the lands of the Government or upon that portion of the said railroad company's lands included in the basin. That the right to use said dock or any part thereof by said railroad company may be temporarily suspended by the Secretary of the Navy whenever in case of war or other emergency it shall be necessary, in his judgment, for the United States Government to have the exclusive use of the same, and for any such suspension said company shall not be entitled to any compensation.

The Secretary of the Navy shall notify the railroad company to that effect, and thereupon and during the continuance of such emergency the Government shall have the whole use of said dock. That the entire expense of the construction of the said slip or basin and all future repair thereof shall be borne by the said railroad company, including the excavation and removal of any wharves, piers, buildings, earth, or constructions of any kind that may be upon the said site, and said materials and constructions shall be disposed of in such a manner or deposited in such places as shall be designated, with the approval of the Secretary of the Navy, and the construction and improvement herein provided for shall be without any expense whatever to the United States. That the privileges hereby granted to the Fitchburg Railroad Company shall become null and void unless the improvements hereby authorized are begun within six calendar months from the date of the approval of this act, and completed in every respect in accordance with the terms hereof, and to the acceptance of the Secretary of the Navy, within eighteen calendar months from the same date.

Mr. FITZGERALD of Massachusetts. The reading of this act shows that the statement of the gentleman from New York [Mr. CUMMINGS] was erroneous. No land belonging to the navy-yard in or around Boston has been given by the United States Government to the Fitchburg Railroad. The Fitchburg Railroad has been allowed to improve its own docking facilities adjoining the navy-yard, and in addition to that has been allowed to use 60 or 70 feet in width of the abandoned part of the Government navy-yard at Charlestown, which it improves at its own expense. This improvement cost the Fitchburg Railroad Company, I understand, three or four hundred thousand dollars. The United States Government is allowed to take entire possession of it at any time, using both sections of the dock for the use of its vessels in any emergency and at any time that the Secretary of the Navy thinks proper.

Charlestown is the great terminus of the system of railroads entering Boston from the north. Additional accommodations were urgent when this matter was before Congress. No other means were available for providing additional docking accommodations for Boston's increasing commerce; and I am proud if,

through any effort of mine, this great aid to Boston's commerce has been given. The Government, through this same legislation, has secured increased wharfage accommodation for its own ships without expense, and what was formerly the most unsightly portion of the navy-yard is now one of its most sightly parts. The cost of the entire improvement is being met by the Fitchburg Railroad, while the title and property still remains in the possession of the Government. The statement of the gentleman from New York that it has netted a revenue of $408,000 to the Fitchburg Railroad Company is absurd, because the improvement is not yet completed and will not be for some few months.

When the improvement is finished it will be found that the Government will have consummated an act not only of immense advantage to itself, but of great advantage to the commerce of the city of Boston.

This proposition is an entirely different one from the one now before the House, which gives outright to the Pennsylvania Railroad Company 34½ acres of the public domain for railroad purposes without the payment of a single dollar.

Mr. SHAFROTH. I move to strike out the last word.

Mr. Chairman, it is evident that this bill is about to become a law, and inasmuch as I have endeavored to be recognized before and have not succeeded, I should like to use five minutes now.

I do not see the urgent necessity of this great speed in the passage of this bill. We know as a matter of fact that cities in this Union much larger than Washington do not provide that railroads coming within their limits shall be elevated. No statistics have been offered by the gentleman in charge of this bill showing whether it is dangerous or not. I asked the gentleman a question as to whether any evidence was presented before the committee on that subject, and he said that there was not.

Now, Mr. Chairman, I submit that inasmuch as the Government has in view the improvement of the Mall; inasmuch as Congress has appropriated money for the purpose of ascertaining in what way it can best be improved; inasmuch as there have been propositions for the condemnation of all the land between Pennsylvania avenue and the Mall for the public buildings of the Government and to make Pennsylvania avenue the most beautiful avenue in the world, it seems to me now, while those projects are before Congress, and as they will be considered by Congress within the next two or three years, it is premature to talk about legislation by which we will disfigure the Mall to such an extent as to make these improvements absolutely ridiculous and impossible. It seems to me, therefore, Mr. Chairman, that we can wait a while for these improvements. I have heard it said upon the floor of this House that the railroad companies do not want to do this improving. If that is true, let us wait; let it rest, so as to have a little time to determine whether we are going to improve the Mall. Let us see whether we are going to make it a great park, whether we are going to put the public buildings of the Government on Pennsylvania avenue and make that a most beautiful street.

Mr. Chairman, bearing these facts in mind, it seems to me now that irrespective of the cost, irrespective of what the Government is going to pay or not going to pay, this is premature legislation. Let us determine either to defeat the project to improve the Mall and then grant this, or else not to grant it until the matter is determined.

Now, Mr. Chairman, there are any number of cities in this Union much larger than Washington City that do not require their railroads to enter upon stilts, as it were. It may be a safety measure, and in time it should come, but it seems to me, nevertheless, that nothing disastrous will happen if we do not pass this in the next week or in the next year. It seems to me that we should consider now as to whether we want to destroy the Mall or whether we do not; whether we want to have it a great public park or whether we do not.

Personally, I am in favor of the condemnation of every foot of land lying between Pennsylvania avenue and the Mall. It may cost a good deal of money. I believe that it will probably cost several million dollars, but I believe that this Government could not appropriate money to better advantage for the beautification of this city than by doing this thing. As long as we know that a considerable number of the Representatives in this body and also Senators are in favor of such a measure it seems to me that we ought not now to stop forever any chance of making that improvement. This measure involves the question whether we are going to destroy that great public ground for a pleasure way and for a great public park. If we pass this bill, it does not seem to me that it will be wise to attempt to make that a beautiful park. If we do not pass the measure, then it seems to me we ought to beautify it. Consequently, it is purely a question whether or not we want to beautify this great public place in the city of Washington.

For my part I must say that I think that Washington ought to be a beautiful city, and I think it ought to have a great public park, and it ought to have public buildings located in such a way that anybody coming to this city could see them. But if this measure is passed, then there will be no opportunity for it.

Mr. BABCOCK. Mr. Chairman, I ask unanimous consent to vacate one committee amendment that was adopted—the two words "and required," on page 17, line 12. That is permission for the Mount Vernon Railway to cross the bridge. They object to the word "required," because it is possible they may want to cross on the railroad bridge, and they do not care to be required to cross a bridge that they may not want to use.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to section 12, to an amendment, on page 17, of that section, and reconsider the amendment, and that the amendment be rejected. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk resumed and concluded the reading of the bill.

Mr. BABCOCK. Mr. Chairman, I move that the bill be laid aside, with a favorable recommendation.

The CHAIRMAN. The gentleman from Wisconsin moves that the bill be laid aside, with a favorable recommendation.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. COWHERD. Division.

The committee divided; and there were—ayes 74, noes 19.

So the bill was laid aside with a favorable recommendation.

BALTIMORE AND OHIO RAILROAD.

Mr. BABCOCK. Now, Mr. Chairman, I ask consideration of the bill (S. 2329) called the Baltimore and Ohio bill.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 2329) to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes.

Mr. BABCOCK. Now, Mr. Chairman, after talking with the gentleman from Missouri [Mr. COWHERD], an arrangement has been made by which I submit the request that the first reading of the bill be dispensed with, and that it be read for amendment.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the first reading of the bill be dispensed with, and asks that it be read for amendment.

Mr. SHEPPARD. I object.

Mr. BABCOCK. This request is made in the interest of members who want to get home, and they want to know when this measure can be voted upon.

Mr. SHEPPARD. I have not a copy of the bill, and I want to read it.

Mr. BABCOCK. It will be read by sections, and I hope the gentleman will withdraw his objection.

Mr. SHEPPARD. I withdraw my objection.

The CHAIRMAN. Is there further objection?

Mr. COWHERD. If the Chair please, I want to understand the request of the chairman of the committee. As I understand it, in waiving the demand for the first reading of the bill I do not understand that we are to proceed with the reading of the bill by sections, but propose to discuss the bill in general debate, and after we have discussed the bill then to proceed to read the bill by sections.

Mr. BABCOCK. There is no disposition on our part to cut off a reasonable debate in explaining the bill. The first reading of the bill simply takes up the time.

Mr. COWHERD. As I understood, the request submitted by the Chairman of the Committee of the Whole was that the first reading of the bill be waived and that the bill be read by sections. What we wish is to waive the first reading of the bill and discuss the bill in general debate.

Mr. BABCOCK. I will accept that.

The CHAIRMAN. The gentleman from Wisconsin now asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. BABCOCK. Now, Mr. Chairman, I think that possibly we can make some arrangement to close general debate and fix the time so that members will know when to come in here and vote. That is for the convenience of the members of the House.

Mr. COWHERD. I will say, Mr. Chairman, so far as I am concerned personally, I want somewhere from twenty to thirty minutes. I will not use more than thirty minutes; but the gentleman knows there are always questions asked. Now, my colleague [Mr. SIMS] wishes some time, and also the gentleman from Tennessee [Mr. RICHARDSON].

Mr. BABCOCK. How would half past 3 do to commence the reading of the bill by sections?

Mr. COWHERD. If you allow us all the time we ask, that would not allow any time for the other side of the House.

Mr. BABCOCK. We do not desire to debate the bill at any length. That will give you twenty-five minutes out of the thirty-five.

Mr. COWHERD. I am frank to say I want to explain to the

House the question of the appropriation of a million and a half—to do that will of necessity take some time—and also some items of expense which I think are unfair items of expense, and I can not do that in less than twenty-five minutes. We prefer that the matter should be allowed to run along.

Mr. BABCOCK. It is for the convenience of members who are asking when they shall come here to vote.

Mr. COWHERD. I will not attempt to make factious opposition. Suppose we let it run on.

Mr. BABCOCK. Will thirty-five minutes do for your side?

Mr. COWHERD. Twenty-five is all I want.

Mr. BABCOCK. You take twenty-five out of the thirty-five.

Mr. COWHERD. Thirty-five minutes will do for our side of the House.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that general debate be closed in thirty-five minutes.

Mr. BABCOCK. No, Mr. Chairman; he wants thirty-five minutes' time, and we will take fifteen minutes on this side, making fifty minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that general debate be closed in fifty minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. COWHERD. The understanding was that we were to have thirty-five minutes and they fifteen minutes.

The CHAIRMAN. The gentleman from Missouri will have thirty-five minutes and the gentleman from Wisconsin fifteen.

Mr. PEARRE. Mr. Chairman, I am not going to enter into any extended discussion of the provisions of this bill, but I have been asked by the chairman of the District Committee to indicate, on the map which is before the House, the changes that have been made. I think perhaps I will save time by going to the map and pointing out such changes as will be made, and how they will be made.

Gentlemen of the House will see upon this map the two present branches of the Baltimore and Ohio Railroad. The proposed route by this bill begins at Montello Station, on the present Washington Branch, and follows the road along until it reaches a point where it makes a junction with the Metropolitan Branch. The old line of the Metropolitan Branch ends here, and this portion from here in is abandoned by the company, as well as this portion of the present Washington Branch. The two branches are united at this Y in the neighborhood of Eckington and carried in on Florida avenue, the official limits of the city of Washington, on an elevated causeway or viaduct of masonry to the head of Delaware avenue at C street.

The passenger station as it now exists being abandoned, and this line being abandoned by the company, it presents, as will be seen, the great advantage of having an elevated station at grade. The land in this portion of the city on C street being about 20 feet higher than the level of the railroad company as now laid, this structure will be carried into an elevated station, and yet the station will be at grade on C street.

This portion which is tinted pink is now owned largely by the Baltimore and Ohio Railroad, and the bill provides in one of its sections a proper method for condemnation and acquirement of the property by the company. It may be well stated here that no land is given to the Baltimore and Ohio Railroad Company with the exception of a little strip in here in reservation 226, that is formed by the junction of First street and Delaware avenue. This reservation 226, with which perhaps some members are familiar, is a small piece of property used for no particular purpose at this time.

The street on this side of North Capitol street is 130 feet wide and First street is 110 feet wide. This property is all owned by the company, or will be acquired by the company. This improvement will open all the streets in the city of Washington which are now crossed by this railroad, and will eliminate the grade crossings on all the streets from F street. E street is closed, D street is closed, and F street and Massachusetts avenue will remain open and will be carried under the elevated structure which the bill requires shall be erected by the company. From this point out there is a masonry causeway to M street, and the bill provides that from M street to Florida avenue masonry may be abandoned, if it seems necessary, and a plate-iron girder bridge may be erected.

Mr. COWHERD. I beg the gentleman's pardon, but the road strikes grade there and runs at grade.

Mr. PEARRE. There is a provision in the bill that M street shall be depressed and this plate girder bridge shall pass over it.

Mr. COWHERD. Over the avenue, but the road strikes grade there.

Mr. PEARRE. Yes; and it goes over M street. M street is carried under the railroad.

The distance along this line is about a mile and a half, and the bill provides that this shall be deeded to the United States Government. The Baltimore and Ohio Railroad owns that property in fee; owns its right of way in fee.

Mr. CANNON. Mr. Chairman, the House is sparse, and I make the point of order that we can all be seated and yet see the map, otherwise nobody can see.

The CHAIRMAN. Gentleman will resume their seats.

Mr. PEARRE. These street crossings are all eliminated. They are eliminated because the railroad tracks are removed. The bill and amendments provide for the removal of all these in the city of Washington and opens up in this portion outside the District line. The streets are relieved of railroad crossings by being carried under bridges. This is the case with Florida avenue, and it is also the case with T street out here, which will form the main passage of this part of the District and Eckington into the city of Washington.

Mr. WM. ALDEN SMITH. Are these tracks to be removed as a condition precedent?

Mr. PEARRE. Yes; the tracks are all to be removed, and this right of way conveyed to the United States Government by good and sufficient deed.

Mr. WM. ALDEN SMITH. And that the company owns in fee?

Mr. PEARRE. Yes; all this from Montello Station to Florida avenue.

Mr. THROPP. All that portion colored other than red is to be conveyed to the Government, is it not?

Mr. PEARRE. Yes.

Mr. THROPP. All the streets?

Mr. PEARRE. All the streets, of course.

Mr. THROPP. And the company's right to occupy the streets is to be completely surrendered to the Government?

Mr. PEARRE. Completely surrendered to the Government, and the tracks are to be removed.

The bill also provides that the yards of the company shall be located in this Y, at Eckington, this being the device by which the two branches of the Baltimore and Ohio Railroad coming to Washington are joined, in order to carry them over this elevated structure into an elevated station, for the purpose of eliminating the grade crossings, which is the main design of the bill.

This street here [indicating] will, of course, be removed. Q street here will be closed. These streets [indicating] will be closed; of these streets [indicating] only a portion will be closed. R street and a part of S street are improved. But there are no structures on these streets [indicating] that I recall at all, there being one structure, I believe, in the neighborhood of this corner. Eckington proper, the residence portion of the place, which is built up, is along here. This property [indicating] is owned by the Baltimore and Ohio Railroad and consists now of a deep ravine, which will have to be filled up with earth in order to subserve the purposes of railroad yards.

Mr. WM. ALDEN SMITH. That is through Eckington?

Mr. PEARRE. This is Eckington as laid out, but not the built-up portion of Eckington. This property [indicating] is owned by the Baltimore and Ohio Railroad, and, as I have said, consists of a ravine, which some members of the House have observed in going up there and looking over the territory. That will have to be filled up, of course. But this project does not close any of the streets except R at this point. It closes all these streets [indicating] east of the Metropolitan Branch—in this colored space.

The bill contains a provision giving to the Baltimore and Ohio Railroad Company $1,500,000, the consideration being the release to the city by this company of these grade crossings and the additional expenditure which the bill requires the company to make by reason of this elevation.

Mr. WM. ALDEN SMITH. Is the value of the land which the company will give to the District a part of the consideration?

Mr. PEARRE. That is, of course, a part of the consideration.

Mr. WM. ALDEN SMITH. How much is that?

Mr. PEARRE. It is this right of way 66 feet wide and a mile and a half long.

Mr. WM. ALDEN SMITH. Is that regarded as valuable property?

Mr. PEARRE. It is.

Mr. HULL. The main consideration is the securing of an elevated road and the doing away with grade crossings.

Mr. PEARRE. Yes; the entire elimination of grade crossings.

Mr. PAYNE. How much will be the cost of this improvement to the company?

Mr. PEARRE. Something over $2,000,000 additional. The whole cost of the improvement is estimated at $5,599,000.

Mr. WM. ALDEN SMITH. Including a station?

Mr. PEARRE. That includes the whole improvement.

I should say that Delaware avenue is not closed until you reach this point [indicating]. From here out, Delaware avenue is open. That avenue along here is 160 feet wide. The causeway or viaduct will be only 80 feet wide, providing room for five tracks, with a street 40 feet wide on either side, which will admit, of course, of use by vehicles of every kind.

Now, Mr. Chairman, I do not think it necessary for me to go

into any further explanation of this matter, but I shall be very glad to answer any question which any gentleman may desire to ask. Then I will reserve the remainder of my time.

Mr. ROBERTS. Is the "roundhouse" located by the bill where it appears on that map?

Mr. PEARRE. An amendment will be offered requiring the company to locate the "roundhouse" at the most easterly point of the Y, which, in the judgment of the Commissioners of the District of Columbia, is practicable.

Mr. ROBERTS. And that will be accepted by the company?

Mr. PEARRE. That will be accepted by the company. The plan now is to put the "roundhouse" there [indicating]. That is provided for by the amendment to which I have referred.

Mr. COWHERD. Mr. Chairman and gentlemen of the committee, I want to say in full frankness that I do not believe that the objections to this bill are as serious as those we raised against the Pennsylvania measure. The main objections to this bill, so far as I have been able to gather them from a study of the measure, is the appropriation of one million and a half of the people's money for the carrying out of this improvement, and there is also some objection to locating the shops and yards in the Y, as marked on the map, at Eckington.

I will say frankly that if gentlemen propose to give over $2,000,000 of the people's money to the Pennsylvania Railroad for an improvement that is not needed, the same reasons might constrain them to give a million and a half of the people's money to this road for an improvement that is needed. I am opposed to both projects; and if the Committee of the Whole will bear with me, I think I can show conclusively that a million and a half of dollars, charged as one-half of the expense attributable to the cost of this elevation, is at least $750,000 more than it should be.

Permit me to say in the beginning that I want to controvert the statement made by the gentleman from Iowa that in modern cities of the United States to-day the rule is to charge 50 per cent to the city or State and 50 per cent to the railroads. There is no such rule. It was done in one or two instances in Philadelphia; but those in the main were cases in which the city by previous ordinances had got itself into such a shape that it had to take anything it could get.

In Connecticut and Massachusetts there is a law regulating this matter; but in Buffalo, N. Y., the city did not pay a single cent of the expense of elevation; they did not pay anything in Rochester; they did not pay anything in several of the cities named in the article which I hold in my hand, published recently in the Washington Star. I have not time to go over all the cases noted. They did not pay anything in Chicago, notwithstanding the fact that the Santa Fe road had paid millions of dollars to buy land upon which to run its tracks to the center of the city—the amount being, if I remember rightly, something like $20,000,000. They compelled them, under the policy adopted at Chicago, to elevate the tracks, and the city did not pay any portion of the expense, but paid only the expense of conforming the streets to the tracks, and assumed all damages arising from the change. We assume those burdens here and adopt the policy of paying 50 per cent of the cost in addition.

Now, that much in general explanation of the terms of the bill. I have said that if we propose to pass the Pennsylvania bill that the same rule should apply to both these companies. But when you do pass these bills you give away more than $3,000,000 worth of property, and in addition to that you give it without a sufficient excuse and without a sufficient return, in my judgment.

When the Pennsylvania Railroad was first permitted to run upon the Mall, I have been told that a distinguished Senator rose at the other end of this Capitol shortly after the ordinary resolution was passed to appoint a committee to call on the President of the United States before Congress adjourned and inform him that Congress was ready to adjourn and ask if he had any other legislative business to lay before them—this distinguished Senator rose and proposed that they also call upon the Pennsylvania Railroad Company and ask if it had any legislative business to recommend. And I submit that when we pass these two bills it will be eminently proper to send a committee to wait upon the two roads and ask if they have anything new to offer or anything further to recommend.

Now, Mr. Chairman, I call the attention of the committee to certain items in this bill, and wish them to give attention to the map which is before us, and I submit in all fairness to gentlemen, if they will bear with me in going over these matters, that they can not but come to the conclusion that these items, as I believe they were in the Pennsylvania bill, have been boosted up to two or three times their proper sum for the purpose of inducing us to give them a liberal appropriation.

Now, this Baltimore and Ohio Railroad surrendered to the city this tract of land, which has been referred to by the gentleman from Maryland, along the right of way here from Florida avenue to the junction of the two lines, and you will notice on the map that is practically the same distance as the new right of way which is granted by the provisions of this bill. In surrendering that right of way we acquire a little over 13 acres of ground.

Now, they say that we should pay one-half the cost of acquiring this right of way. Do you know the number of acres you are acquiring and the number that you are giving away under the provisions of this bill? You are called upon to pay the cost of acquiring 94 acres. Have you thought of that? Are you prepared to go to that extent in the way of expenditures? Here are the two lines, and you acquire the right of way that this road has held for a period of about fifty years that is charged to us at $50,000, and we pay for this other property that we must acquire $360,000. That will be seen on page 18 of the Senate report, if gentlemen happen to have it before them.

Mr. BABCOCK. Will the gentleman allow an interruption?

Mr. COWHERD. Certainly.

Mr. BABCOCK. Will the gentleman explain to the committee how wide this right of way is—that in some places it is 200 feet wide, and yet on account of the great cuts in it it really amounts to but 50 feet?

Mr. COWHERD. It does not require that 200 feet for the right of way. It is true that there are deep cuts in some places, but there is a very large proportion of this property which is capable of improvement and can be sold for residence property or sold for any other purposes at good prices should the company choose so to do.

Mr. BABCOCK. But the gentleman knows that a very large part of this line is a deep cut.

Mr. COWHERD. I have just said so. But I am coming to that, and will refer to that portion of it as I proceed.

Mr. BABCOCK. The gentleman talks of acquiring 94 acres?

Mr. COWHERD. I will come to that also as I proceed.

I repeat, Mr. Chairman, that we are charged $360,000 for this right of way down here. We can use 13 acres which we acquire, which is estimated to be worth $50,000. We ought to be charged with $50,000 and such additional sum as is rightly required to acquire the new right of way, say $100,000, and we pay one-half of that sum.

That would reduce that sum of $360,000 about $260,000, and if you will take that from the first paragraph in their expense attributable to elevation and change of line, it will reduce it from $914,360 to $644,360. And, mark you, that is allowing double as much to the railroad company for the value of the land on this new line as we are charged for the value of the other land, and we take their figures as to what it is worth.

Mr. SHATTUC. Who is asking the Baltimore and Ohio road to change their track from the old track to the new?

Mr. COWHERD. Does the gentleman mean that because we are asking it that we ought to pay a million and a half dollars for it? I submit that when the road is changed to an elevated track, where the company are not required to keep gatemen, where they can run in and out of the city as fast as they please, put on suburban trains, where they have a perpetual franchise instead of a ten-year right, as at present, the property will be worth millions of dollars more to them than it is now.

Mr. SHATTUC. That may be true, but who is asking for this change?

Mr. COWHERD. I do not know; but if the railroad company originated it, there would be no trouble in having some one else introduce it. The road claims it does not want to be disturbed at all.

Mr. SHATTUC. There is no evidence that the railroad company introduced it or originated it.

Mr. COWHERD. There is no evidence as to how it has originated, except that it has long been advocated, and is desired, I admit, by the citizens of the District.

Mr. PEARRE. What evidence has the gentleman to show that this change will not require 94 acres? What does the gentleman know about that?

Mr. COWHERD. I have already indicated that. I must rush on, for my time is limited.

Mr. PEARRE. Have not the Commissioners approved that?

Mr. COWHERD. Yes; and the Commissioners admitted that they included land between this point and New York avenue, and the railroad company practically admitted it, that they included land that they had to purchase in order to avoid litigation. Let me say one thing further right here, that one moving reason for putting this cost at $1,500,000 was, as it was practically stated, that so much had been given to the Pennsylvania Railroad Company that this company ought to be put on something like an equal footing.

Mr. WM. ALDEN SMITH. Who made that statement?

Mr. COWHERD. Well, I do not care to go into that. I say that was practically the statement that was made.

Mr. WM. ALDEN SMITH. I say that I do not think the gentleman ought to bandy statements like that without giving the authority for it. It is a very serious charge.

Mr. JENKINS. I wish to ask the gentleman a question. Is it not a fact that I was present at all the meetings of the committee? I was so present, and I would thank the gentleman to state to the House and to the country who it was that made any such statement.

Mr. COWHERD. I said that was practically the statement.

Mr. JENKINS. I say no such thing was ever said in the committee, and I was there every moment.

Mr. COWHERD. This was what was said, and the gentleman will admit it. This was the remark made by Mr. Wight, that in making up their estimates it was intended to put them practically upon an equal footing, that there was an endeavor to put them upon an equal footing, and that the Pennsylvania Railroad Company had been conceded certain rights, and that there was an endeavor to concede something like the same amount to this company.

Mr. WM. ALDEN SMITH. Mr. Wight is one of the Commissioners.

Mr. COWHERD. He was formerly, but is not now.

Mr. WM. ALDEN SMITH. He is now a private citizen.

Mr. COWHERD. Yes; but he is one of the Commissioners who signed this report.

Mr. BABCOCK. That in the elevation scheme they should be treated equitably as between the two roads.

Mr. COWHERD. I do not want this taken out of my time. Now, this is the first point of reduction, $260,000 on 94 acres of land. And in doing that remember we allow double as much for this right of way as we get for the old one, according to the estimated value. Now, they charge us $227,000 for the improvement in this yard at Eckington.

I want gentlemen to remember that the present Baltimore and Ohio has no freight yards which are accessible. Their freight yards and sidings are practically scattered along their right of way at different points. Their roundhouse is located, as they themselves admit, at a very inconvenient point, out at Trinidad, and the engines have to switch around from this branch to get to it. They propose, in the first place, to move that roundhouse to a point in the Y, the most convenient and accessible point on their whole line, and they ought to be permitted to move it to some accessible point. The roundhouse, as it exists at present there, I should estimate was worth from twenty to twenty-five thousand dollars.

As I remember, some such question was asked of Commissioner Beach, and he said he had no estimate upon it, but he should think it was worth something like that sum. Gentlemen, when we tear down the Fish Commission building up here and move it, we say it will only cost $40,000 to tear it down and rebuild it, but when they tear down that roundhouse and put it here in a place where it will be ten times as good as it was before, and worth more, we are to be charged $100,000 for moving it; and that is one of the items of expense in this bill. I submit that item ought to be cut out of this bill, or at least it ought to be very materially reduced.

I would allow them $20,000 and no more, because the road is very much bettered by having it over there, and we ought not to be charged with the betterments of the railroad. The gentleman from Wisconsin said that there was a great big cut. There is a big cut, and I may add we are charged with a big sum for making it; and I agree if we are to pay half the cost of this shift we should pay half the cost of this excavation, and when they charge for excavating 205,500 cubic yards, at 35 cents a yard, $71,925. I make no objection to the charge, provided 35 cents a cubic yard is a fair price for excavating. I have had some little experience in my own home, and I paid 25 cents a cubic yard. When a railroad goes into excavating it does so with a great steam shovel, that takes up a cubic yard at a dip. When I had it done it was by an Irishman with a pipe, a shovel, and a wagon. [Laughter.]

Mr. WM. ALDEN SMITH. It depends something on the haul.

Mr. COWHERD. That is what I am going to show. Suppose we admit that 35 cents is a proper charge. The gentleman says it depends upon the haul. But the 35 cents for excavation should include taking the earth out and dumping it. Mark you, they have to make a fill of 15 to 20 feet over here at this point [indicating], and in making that excavation they at the same time make this fill. The engineer frankly said that was what the dirt taken from the cut was to be used for. We are charged with $71,925 for taking the dirt out and $94,500 for putting it in. That is a double charge, and that is all there is to it. [Applause.] When you take it over there in the loaded cars and dump it, there ought to be no other charge than the 35 cents a cubic yard, and therefore they ought to strike out the $94,500 charged in the Eckington yard estimate.

Mr. PEARRE. Where does the gentleman find that?

Mr. COWHERD. It is in the estimate for the Eckington yard—$94,500.

I must hurry on, as my time is limited. I would strike out these items. I would reduce the cost of the Eckington yard to $52,500.

Now for elevation of tracks. And mark you, gentlemen, here is the only track to be elevated in the whole business. The gentleman was wrong when he said that this part of the track was carried over this street. It is not. The street there is abandoned. But for this elevation of tracks they estimate $616,200. I have no opposition to make to that. I will take it at their own figures.

But, gentlemen, here comes in an item to which I want to call attention. Here is the depot of the Baltimore and Ohio Railroad. Everybody knows the terminals of the Baltimore and Ohio are now insufficient; that they have practically no passenger accommodation; and I submit that the depot has to be changed; and on that item if we pay, if the 50 per cent theory is adopted, one-half of what would be the reasonable expense of building a new depot, that would be practically of the same value as the one they now have, put upon the new location and so situated as to be used in connection with the elevated tracks. They charge us with one-half of the cost of building the retaining walls around the whole property, $810,000. They charge us one-half of the cost of filling all this property for the freight and passenger yards, $525,000. Mark you, here are the yards; they will be closer, they will be more commodious yards, and the best yards possible they could have in the city.

Ought not a part of that to be charged as a betterment of the railroad? Is it fair that the people of the United States are to be charged for that in this bill? I would strike out the item where we are charged with building this retaining wall, because that is surely chargeable to betterment of the railroad, and would allow some fair sum for loss of their present station, say $150,000, and that I contend is more than liberal, of which if we pay half we would be charged with $75,000. Summing these items you will find that the charges properly attributable to elevation amount to $1,328,060, or in round numbers $1,500,000 for the Baltimore and Ohio; adopting the 50 per cent policy, that is $750,000 as our share of the cost, and I again assert that 50 per cent is a very liberal allowance.

Mr. WM. ALDEN SMITH. I do not see thus far that any public lands are granted to this company.

Mr. COWHERD. There are no public lands granted to this company.

Mr. WM. ALDEN SMITH. That being the case, I would like to know whether these changes can be effected in any way by the General Government without the consent of the Baltimore and Ohio Company.

Mr. COWHERD. That is a very pertinent question; and permit me to answer the gentleman. The right of way of the Baltimore and Ohio to enter the city of Washington expires in 1910, and after that time they have no right of way over these streets and no authority to use steam in running trains into the city of Washington, at least over one of their branches. Hence it is to their interest to accept a bill that gives them a permanent right of way.

Let me say here that the Washington Branch of the Baltimore and Ohio Railroad that runs from this city to Baltimore and owns all the terminals in the city of Washington was capitalized for $2,600,000, and that it never issued a bond, but on that amount and the earnings from it it built the road from Baltimore to Washington and built the terminals, and yet you are to pay a million and a half dollars to elevate it for about a mile—I do not know just the distance. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has occupied nineteen minutes.

Mr. KING. May I ask the gentleman from Missouri a question?

Mr. COWHERD. Certainly.

Mr. KING. If the Baltimore and Ohio Railroad has no right of way after 1910 to come into the city, at that time they would have to do it by condemnation proceedings. Now, why should the Government procure them this right of way and give them a gratuity?

Mr. COWHERD. I want to say frankly that I would have no objection to voting the Baltimore and Ohio road permission to elevate its tracks along Delaware avenue, of giving them the streets that we do, and giving them these portions of the streets out here, because I do not believe it will be any serious inconvenience; on the contrary, will be a benefit to the public. This is a considerable gift if you estimate the value of the land. The objection that I make is to the one million and a half of the people's money, and declaring that it is one-half of the cost of elevation when, in my opinion, the total cost of elevation will be less than that amount.

I want to call attention to one further thing. I do not understand the gentleman from Wisconsin [Mr. JENKINS] to contradict the statement that I made as to what was said before the committee. To remind him of what occurred I call his attention to the fact that I asked the gentleman in committee at the time, and gentlemen will remember it, if it was not better to cut off from the Pennsylvania Railroad than it was to add to that given to the Baltimore and Ohio Railroad.

Mr. WM. ALDEN SMITH. No member of the House ought to be bound by any statement of Mr. Wight.

Mr. COWHERD. No, I am not saying that they should.

Mr. WM. ALDEN SMITH. And his motives ought not to be impugned.

Mr. COWHERD. I am not impugning anybody's motives, nor do I think they should be impugned. I have the utmost confidence in Mr. Wight, but I do not think a desire to treat these companies alike and the large gifts to the Pennsylvania Company operated to swell the amount recommended for the Baltimore and Ohio.

Mr. MANN. Will the gentleman from Missouri yield for a question?

Mr. COWHERD. Certainly.

Mr. MANN. The gentleman from Missouri is very familiar with this work——

Mr. COWHERD. Oh, no; not very familiar.

Mr. MANN. I think the gentleman is more familiar with it than anybody else we have on the floor.

Mr. COWHERD. I thank the gentleman.

Mr. MANN. I want to ask whether the work he objects to with reference to building the retaining walls and filling in is caused by the elevation of the tracks?

Mr. COWHERD. In regard to that I will say this: If you did not elevate the track you would not have to build the walls or have to fill in. The reason I object to it is on account of the betterment to the road. It would better the road more than the amount of its cost, and we ought not to be charged for betterments.

Mr. MANN. Does the road own the property at this point?

Mr. COWHERD. About all of it. The Senate stables are here, and the gentleman will notice that there is a provision in the bill in regard to that.

Mr. MANN. They could use the property without any expense of filling?

Mr. COWHERD. Not unless Congress gave them the right to run their tracks in there.

Mr. GAINES. It is their own property?

Mr. COWHERD. Yes; but they could not run their tracks across the streets without permission.

I will now yield to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. I want to ask the gentleman if in his opinion this bill is as bad a bill as the one in favor of the Baltimore and Potomac?

Mr. COWHERD. Most assuredly not, and I so stated at the outset. Now, Mr. Chairman, I desire to reserve the remainder of my time.

The CHAIRMAN. The gentleman has twelve minutes remaining, which he reserves.

Mr. COWHERD. I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, I can not say anything in addition to what the gentleman from Missouri has so well said. I think he stated the facts correctly, but I want to say that I agree with him that if the other bill passes I do not see how any member of this House can vote for the other bill and not vote for this if they have any idea of doing equity between the two roads.

I do not know that members ought to vote, when they are voting gratuities to railroad companies, with reference to which gets the advantage; but this company, as I look at it, has got to do vastly more work to make these improvements, which will be of much greater benefit to the city, when made, than the other. So if we are to look to the question of equity as between these two roads I do not see how any gentleman voting for the Pennsylvania Railroad proposition can withhold his vote from this.

Mr. JAMES R. WILLIAMS. How about the equities of the people?

Mr. SIMS. I will say to the gentleman from Illinois that it does not seem to me the people are in this thing at all. [Laughter.] If I have heard any suggestion that they are to be considered or regarded, I am not aware of the fact. But it has certainly been shown here, beyond question, that we are willing to give lands to the value of a million dollars to the Pennsylvania Railroad Company out of a public park laid out and dedicated by George Washington himself. The value of that property cuts no figure here; the sacredness of it cuts no figure. Why, then, should I stand here and waste time, when this is merely a question of dollars and cents and nothing more?

Mr. VANDIVER. Will the gentleman please state where this bill comes from? Does the railroad company ask for it, or not?

Mr. SIMS. I do not know what the railroad company has asked for. The report shows or assumes——

Mr. VANDIVER. Do the people ask for it?

Mr. SIMS. Who are the people? [Laughter.]

Mr. VANDIVER. The people of the United States.

Mr. SIMS. Gentlemen on the other side say they are the people, and if that be true the people are on the side of the railroad company in this case and have asked for this measure.

I want to say, as I said before, that I would rather give the Pennsylvania Railroad Company a million dollars cash, to be voted out of the money of the people, than cut the Mall in two. But the right to occupy that Mall—a right more valuable than money—has been given to them, and in view of that I do not see how gentlemen can in justice vote against the proposition of this railroad company, the Baltimore and Ohio, because, if the other proposition is right, this is naked justice.

Mr. NORTON of Ohio. I would like to have this matter placed fairly before the House; and in view of the opposition which has come from the gentleman from Missouri [Mr. COWHERD] and the gentleman now on the floor, I would like to ask a few questions. Does the gentleman consider this improvement absolutely and vitally necessary for the safety of the city?

Mr. SIMS. I certainly do.

Mr. NORTON of Ohio. That being the case, then, the only objection, as I understand, of the gentleman from Missouri and the gentleman from Tennessee to the proposition is simply the amount we are to pay.

Mr. SIMS. Yes, sir.

Mr. NORTON of Ohio. Then when the gentleman knows that this improvement has been fully considered by the District Commissioners—and no one, as I understand, wants to impugn their motives, when it is known that they have had the most expert engineers to make estimates—does not the gentleman think that their judgment is likely to be better than his or mine or that of the gentleman from Missouri, none of us having had any chance to make any estimates?

Mr. SIMS. I do, if I was absolutely certain that nothing has affected the judgment of those officers except scientific knowledge. [Laughter.] I mean no insinuation on the Commissioners. They are anxious to have this improvement made; and they accept rather than approve this proposition presented, which can get through Congress, while one less acceptable to the railroad company might fail.

Mr. SHATTUC. What is it that raises in the gentleman's mind a suspicion that some bad influence may have been at work?

Mr. SIMS. Why, sir, the word "impracticable" has been used so often in regard to these propositions, and never once applied to the engineering conditions, that I must conclude that the word "impracticable" is intended to refer to the passage of the bills—that the question of getting votes for the measure has been considered rather than the question of engineering conditions.

Mr. KING. Does this bill propose to give to the Baltimore and Potomac Railroad Company a perpetual right of way in this city?

Mr. SIMS. I understand that is the effect of it.

Mr. KING. And their right of transient occupancy is converted into a perpetual lease?

Mr. SIMS. Yes, sir.

Mr. KING. And the company does not pay anything for this perpetual lease?

Mr. SIMS. No, sir.

Mr. COWHERD. I now yield five minutes to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON of Tennessee. Mr. Chairman, the proposition embraced in this bill, or one similar to it, has been considered by the District Committee for many years. I have always thought that the two lines of the Baltimore and Ohio Railroad ought to be brought together outside of the city limits and that they should enter the city and come to their depot upon one line. This bill accomplishes that. It goes further, as I understand, and abolishes grade crossings inside the city limits, which is right and proper.

It seems almost conceded by members of the minority of the Committee on the District of Columbia that this bill ought to pass if the other bill—the Pennsylvania Railroad bill—passes. I have taken the floor—and I am going to speak only a moment—for the purpose of calling attention to a question incidental to the main question involved and which does not affect directly the merits of the measure as a whole.

If I may be allowed to go to the map a few moments, I will explain an amendment which I think ought to be made to this bill. The bill as passed by the Senate contains a provision which almost accomplishes the suggestion I would make by way of amendment. I shall vote for this bill with the understanding (if I do vote for it) that when it goes to conference the proper conclusion may be reached by the conferees as to the location of what is known as the Y of this road, and the roundhouse and other buildings to be connected therewith.

Here, Mr. Chairman, and I refer to the map before the House, are the two branches of the Metropolitan Railroad Company coming together a short distance this side of the suburb of Eckington. In the plan before us they have placed the Y and the roundhouse and other buildings connected with the road in this village of Eckington.

The people who live out here in this little suburb are much disturbed over the situation, and I think justly so. Some of them have called upon me, and I am familiar somewhat with that part

of the city. I have no interest there personally, nobody related to me has any, and I have no other interest except that I have some personal friends living there on R street, and others near there, that I know to be reliable and not speculators, who have gone and built homes and live in them, who have paid four to six thousand dollars for their lots and houses erected upon them. They all say that when you erect a roundhouse at the point indicated by this circle on the map, within the Y, and right in the central portion of the suburb of Eckington, that you practically destroy the value of their homes as homes, and that you impair the value of the property of all people who live in Eckington. Now, what we ask, it seems to me, is perfectly fair and reasonable—that this line, which connects the two lines of the railroad at Eckington, should leave the main line for Baltimore a little farther north than is shown on the map before us and come in at a point on the other branch of the road a little farther north. This would place the north line of the Y outside of this suburb of Eckington, where these people have made their homes.

As I understand it, and as I have said, I am somewhat familiar with that part of the country. The part outside of Eckington, where they ask that this north line of the Y be made, is not built up at all. No one will be injured by the junctions at the points indicated. When you come to the erection of the roundhouse and the various shops and car houses that will be necessary for the road, you impair greatly, if not destroy, the value of the homes of these people. They have therefore petitioned against it, and ask Congress to establish the junctions and place this Y, the roundhouse, etc., at a point farther north or outside the town of Eckington. I think it but fair and reasonable that their request should be granted. The service of the road will not be crippled by making these locations a little farther to the north.

Mr. SHATTUC. Can they not recover damages?

Mr. RICHARDSON of Tennessee. There is nothing in the bill providing for damages, though, of course, they would have the common-law remedy. But it would seem to be an unusual hardship for Congress to require men of small means—men worth three or four or five thousand dollars—to sue for damages a great corporation such as the Baltimore and Ohio Railroad Company.

Mr. NORTON of Ohio. Let me suggest to the gentleman that the original bill provided that the roundhouse should be established in the center of the Y.

Mr. RICHARDSON of Tennessee. I know that that was the intention, but it has been changed.

Mr. NORTON of Ohio. But after that had been before the committee the citizens came and asked that the roundhouse should be placed on the extreme limit of the Y, as far east as possible.

Mr. RICHARDSON of Tennessee. I understand that. They have shown a disposition to accommodate themselves to the conditions which were offered; and a most estimable gentleman, one of the attorneys of the road, a personal friend of mine, within the last half hour urging this matter upon me, spoke of the desire of the road to go as far as they could to accommodate the people of Eckington and help them out of their difficulty. But the provision is not in the bill, and it seems to me the conferees, when the bill goes to conference, ought to be impressed with the idea that it is the intention of the House that the northern line ought to be put back as far as possible and not damage these people in Eckington.

Mr. BABCOCK. The gentleman has made a very good point, and one which embraces suggestions which embarrassed the committee to a great extent. This bill, the gentleman will observe, does not concur entirely with the Senate bill, because we put it farther back.

Mr. RICHARDSON of Tennessee. I know you have changed that to some extent.

Mr. BABCOCK. And I will say further to the gentleman that I agree practically with his statement; and before the bill comes out of conference everything will be done that can be done, which the topography of the country will allow, to make the change here suggested.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JENKINS. I ask unanimous consent that the gentleman from Tennessee may be permitted to proceed for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GAINES. Will my colleague yield to me a moment?

Mr. RICHARDSON of Tennessee. Yes.

Mr. GAINES. The gentleman from Ohio asked you about the question of damages a while ago, and you replied that the bill did not provide for damages.

Mr. RICHARDSON of Tennessee. I think it does not.

Mr. GAINES. Now, the common-law rule is, on the subject of the recovery of incidental damages—that is, where there is no physical taking it excludes the right to recover at all, and you would have to provide for it in the bill or by a special statute, or the citizen can not stand in court.

Mr. RICHARDSON of Tennessee. Now, one word. I am familiar with this locality, and I speak from my knowledge in the matter. I think the little map which gentlemen all have here—a map sent, I take it, by the Baltimore and Ohio Railroad Company to members—will show that the altitude of the ground at this point, where this northern line of the Y diverges from the main line, is greater than it is a little way back to the north. By moving this line back to the north, and making the northern line a little straighter across from one line to the other, they can avoid the difficulties which I have suggested. As I remember the topography of the ground, the altitude is less at the point I have suggested, and the north line could be, for this reason, more cheaply constructed. I do not think there is any question about that, and, as I remember, there is not a residence in the territory this north line would pass through.

I wanted to say that much, and I want it to go into the RECORD, in order that the conferees, when they come to agree upon that line, may understand that there is a disposition on the part of the members of the House, or at least on the part of some of us, to give relief to these people in this beautiful little suburb of Eckington.

Mr. JENKINS. Will the gentleman permit a question?

Mr. RICHARDSON of Tennessee. Yes.

Mr. JENKINS. I want to say to the gentleman from Tennessee, as my colleague from Wisconsin [Mr. BABCOCK] has stated, that this was a very embarrassing question to the committee; but the committee consulted the engineers at length, and they assured the committee that it was practically impossible to shift that way; that if it could have been shifted, in the judgment of the engineers, it would have been done, and that the gentlemen representing the Baltimore and Ohio road and the gentlemen representing the Commissioners of the District of Columbia said they would carefully reexamine the question, and if the line could be shifted it should be done. But the gentleman must bear in mind that it is a case of robbing Peter to pay Paul. It may relieve the people in Eckington, but the people on the other side complain just as bitterly.

Mr. RICHARDSON of Tennessee. Now, if my friend will allow me——

Mr. JENKINS. And the gentleman representing the Columbian Institute for the Deaf and Dumb came in and protested against that.

Mr. RICHARDSON of Tennessee. But they are away over to the east; not in any possible way affected by this north line.

Mr. JENKINS. And if it were moved in accordance with the suggestion of the gentleman from Tennessee, then it trenches upon the rights of the people here at Ivy City.

Mr. RICHARDSON of Tennessee. Oh, no; Ivy City is away over here [pointing to the map], nearly half a mile away.

Mr. JENKINS. They insist that the works should be retained out here near the Ivy City track.

Mr. RICHARDSON of Tennessee. Does the gentleman think that putting it here would interfere with Ivy City one-half as much as putting it over there would interfere with the suburb of Eckington?

Mr. JENKINS. The engineers say it is impossible, on account of the topography of the ground—that it is too hilly.

Mr. RICHARDSON of Tennessee. I think the gentlemen will find that they are mistaken in that when they come to examine it.

Mr. JENKINS. But the engineer said if it was possible to shift it it should be done, and that was concurred in by all.

Mr. RICHARDSON of Tennessee. If that is an honest statement—and I have no doubt it is—I am willing to let it go at that.

Mr. JENKINS. I want to call the attention of the gentleman to it because I want it understood that it was most carefully considered by the Committee on the District of Columbia.

Mr. RICHARDSON of Tennessee. That is all I have to say.

The CHAIRMAN. Under the agreement of the committee debate is now closed, and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

SEC. 2. That the said companies be, and each of them is hereby, authorized and empowered to locate, construct, maintain, and operate, outside of the city limits and south of T street, yard tracks and switches necessary or proper for the purposes of a freight yard, and also to locate, build, maintain, and operate, beyond the city limits, a branch track or Y for the passage of trains directly to and fro between the Metropolitan Branch and the Washington Branch without entering the city; and to locate, construct, maintain, and operate roundhouses, shops, and other structures necessary or proper for the accommodation of locomotives and cars for the conduct of its business, at a point not nearer to Eckington than two squares easterly of the east end of the proposed Y on the Washington Branch.

The amendment recommended by the committee was read, as follows:

Strike out all of section 2 and insert the following:

"That said companies be, and each of them is hereby, authorized and empowered to locate, construct, maintain, and operate, outside of the city limits and south of T street, yard tracks, switches, roundhouses, shops, and

other structures necessary or proper for the accommodation of locomotives and cars for the conduct of its business or for the purposes of a freight yard; and also to locate, build, maintain, and operate, beyond the city limits, a branch track or Y for the passage of trains directly to and fro between the Metropolitan Branch and the Washington Branch without entering the city: *Provided*, That said roundhouses and shops shall be located within said Y as far eastwardly as in the judgment of the Commissioners of the District of Columbia it is practicable."

The amendment was agreed to.

Mr. PEARRE. There is an amendment which I desire to offer.

The Clerk read as follows:

Insert in line 22, page 4, after the word "third," the following: "between New York avenue and Florida avenue."

Mr. PEARRE. The purpose of this amendment is to open Third street, so that it will join New York avenue and make a means of exit for that section.

Mr. GAINES. I would like to ask the gentleman a question. My colleague [Mr. RICHARDSON] was asked by the gentleman from Ohio [Mr. SHATTUC] what, if any, provision was made in this bill for paying abutting owners incidental damages arising from raising or depressing of the streets or walks. My colleague stated that there was no provision, and unless there was some general law that he did not know what rights of recovery the abutting owners would have. Now, I would ask you to tell me is there any general statute that would protect the citizen against this kind of invasion?

Mr. PEARRE. There is nothing to prevent suit by anybody who is injured by any railroad company, or any other party. That right is still secured to every citizen, so far as damage is concerned. The peculiar character of this matter is such that there is not likely to be much damage as to anybody by reason of any improvement to the city, and if the gentleman from Tennessee will look at the report, part of the $360,000 of which the gentleman from Missouri spoke is to cover damages which might arise from the acquirement of that 94 acres of land.

Mr. GAINES. That may be true; but that is where the property is actually taken, where the party is divested of title, where he has been dispossessed of it; but here is where "incidental damages" arise by reason of depressing or raising the tracks. Now, away back in the early days, you will remember the Supreme Court of the United States decided in the case of Smith *vs.* City of Washington that such damages as that were not recoverable. It was damnum absque injuria, following the old rule in the case of Calender *vs.* Marsh (1 Pick.), from Massachusetts. That is the common law. You say that the citizen would have the right to "sue;" but it is the "right" to recover I advocate. Now that rule has been abrogated by a statute in our State, which I had the honor to draw, and it is now the law, passed without opposition. That is where a railroad is depressed or a street is depressed or highway, just as is done in this case, the abutting owner is allowed the right to recover what is known as incidental damages.

Mr. PEARRE. There is no such specific provision in this act covering that.

Mr. GAINES. Now, then, Mr. Chairman, I desire to state that such provision should be made here. Here we have a question when there are street after street, I do not know how many, indeed, of them, that this road is going to tear up by depressing their tracks. There are others that are going to be destroyed by the railroad in raising its tracks. This fact is indisputable, as my colleague said. These people have gone out in a quiet neighborhood and built their cozy little cottages. Yet this great corporation comes in here and makes this invasion of their rights, and we have the right to protect the citizen, and it is our sworn duty and but a mere matter of right and simple justice that we should protect them. It is understood by everybody on the floor of this House that their property will be ruined, and when you do not give them the "right" to recover these incidental damages you are treating their little homes—some up and some down—as if their occupants were a lot of ground mice who live in the ground, or as martins, who live in a box high in the air.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. GAINES. Have I been speaking five minutes?

The CHAIRMAN. The gentleman was speaking by courtesy of the gentleman from Maryland.

Mr. GAINES. I thank the gentleman for his courtesy. I move to strike out the last word.

Mr. BABCOCK. Mr. Chairman——

Mr. GAINES. I do not want to criticise——

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. BABCOCK. Mr. Chairman, I answered this proposition fully when the Pennsylvania bill was under consideration. I stated on the floor that this question was taken up by the lawyers on the committee. Not being a lawyer myself, I did not feel that I could speak with authority, but they all held that the rights for damages were preserved by the common law.

Mr. GAINES. With all due deference to those lawyers, they are mistaken. I can show you, by taking the case of Smith *vs.* Washington, which I can find in a few minutes, that the specific question was raised about depressing the street, and the court decided no right of recovery was allowed. "Damnum absque injuria," the court said, and this is the common law, hard as it is.

Mr. PEARRE. There is only one street depressed.

Mr. GAINES. My colleague says that it ruins these little homes.

Mr. PEARRE. And that is only in Eckington.

Mr. GAINES. I do not care whether it is in Eckington, Columbia Heights, or Uba Dam. [Laughter.] I am talking about the equitable rights of these people, where they live in their little cottages, and where they ought to be allowed to live without taking them away from them by insidious means, with no right to recover when injured.

Mr. PEARRE. There are no houses here at all. The tracks are removed, and it makes them so much farther from the present location.

Mr. GAINES. But the gentleman did not state, when my colleague made his statement that these little homes would be ruined, that they would not be. It went absolutely without dispute. Now that he has left the floor, or at least I do not see him, this statement is made. I say, Mr. Chairman, it is not right, it is unjust, and it is wrong to have these people, I do not care whether they live in log cabins or in mansards—I say it is wrong to have their quiet and peaceable possession interrupted in such a way, and we sit here as dumb as oysters, with the right to protect them and not do it. [Applause.]

The CHAIRMAN. The Clerk will now read the amendment offered by the gentleman from Maryland, as modified.

The Clerk read as follows:

Insert, in line 11, page 5, after the word "third," the following: "between New York avenue and Florida avenue."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the new section which the committee propose to be inserted as section 4.

The Clerk read as follows:

SEC. 4. That the Baltimore and Ohio Railroad Company shall, before taking possession of the ground now owned by the United States in square 683, secure and convey to the United States a tract of ground containing not less than 21,000 square feet, which location shall be subject to the approval of the Commissioners of the District of Columbia and the Sergeant-at-Arms of the United States Senate, and locate thereon a fire-engine house at a cost of not less than $24,000, and stables at a cost of not less than $15,000; or, if said company prefers, it may have the said buildings erected by the Commissioners of the District of Columbia by depositing the amounts stated above with the said Commissioners and Sergeant-at-Arms, respectively, and when such buildings have been accepted by the District of Columbia and the Sergeant-at-Arms of the Senate, respectively, or the amounts necessary for their construction deposited as aforesaid, it shall have authority to remove said structures on the ground aforesaid. And the Baltimore and Ohio Railroad Company shall have the right to condemn such land in the city as is hereinbefore required, and for said purposes the provisions of section 11 of this act are hereby made applicable to the provisions of this section.

Mr. PEARRE. Mr. Chairman, I have an amendment to the amendment.

The CHAIRMAN. Does the gentleman from Maryland intend to offer this as a substitute for the committee amendment?

Mr. PEARRE. Yes; as a substitute.

The Clerk read as follows:

Page 7, insert after section 3 a new section, to be known as "section 4," as follows:

"That the Baltimore and Ohio Railroad Company shall, before taking possession of the ground now owned by the United States in square 683, secure and convey to the United States a tract of ground containing not less than 21,000 square feet, which location shall be subject to the approval of the Commissioners of the District of Columbia and the Sergeant-at-Arms of the United States Senate, and locate thereon a fire-engine house at a cost of not less than $30,000 and stables at a cost of not less than $15,000; or, if said company prefers, it may have the said buildings erected by the Commissioners of the District of Columbia by depositing the amounts stated above with the said Commissioners and Sergeant-at-Arms, respectively, and when such buildings have been accepted by the District of Columbia and the Sergeant-at-Arms of the Senate, respectively, or the amounts necessary for their construction deposited as aforesaid, it shall have authority to remove said structures on the ground aforesaid. And the Baltimore and Ohio Railroad Company shall have the right to condemn such land in the city as is hereinbefore required, and for said purposes the provisions of section 11 of this act are hereby made applicable to the provisions of this section."

Mr. COWHERD. Mr. Chairman, I would like to ask wherein this amendment differs from section 4?

Mr. PEARRE. It increases the amount of the cost of the engine house from $24,000 to $30,000. That is the only difference.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Maryland.

The question was taken; and the substitute was agreed to.

The Clerk, proceeding with the reading of the bill, read section 4, as follows:

SEC. 4. That in addition to the main or terminal station or depot, to be located as hereinbefore provided, the Baltimore and Ohio Railroad Company, or the terminal company incorporated as provided in this act, may from time to time hereafter construct, establish, and maintain such additional stations or depots, for passengers or freight, as the company may deem necessary or useful in the conduct of its business, or for the accommodation of

the freight and passenger traffic passing over the lines of railroad authorized by this act, at such point or points within the city limits west of Second street E., and east of North Capitol street, as the Commissioners of the District of Columbia shall approve; and it shall be lawful for either of said companies to acquire, by gift, purchase, or condemnation, any land adjacent to any street or avenue along or upon which the lines of railroad and works hereby authorized shall be located, and hold and improve the same in such manner as it may deem necessary or beneficial to accommodate or promote the traffic on said railroad, and to extend and construct tracks of railroad into and upon any lands so acquired, and connect the same with the tracks on such adjacent street or avenue: *Provided, however*, That no grade crossing of any street or avenue within the city of Washington shall be thereby created, but such connecting tracks shall be elevated and carried over the portion of such street or avenue crossed in such manner as not to obstruct the free use thereof, and the plans of such connecting tracks and elevated structure shall in every case be first filed with and approved by the Commissioners of the District of Columbia. And it shall be lawful for said companies, or either of them, subject to the same conditions and restrictions, to extend and construct, from time to time, branch tracks or sidings from the lines of railroad authorized by this act into any lot or lots adjacent to any street or avenue along which said lines of railroad are located, upon the application of the owner or owners of such lot or lots, to enable such owners to use their property for the purposes of coal, wood, or lumber yards, manufactories, warehouses, and other business enterprises.

With the following amendment recommended by the committee:

On page 9, line 6, strike out the following: "the city limits west of Second street east and east of North Capitol street" and insert the following: "*Provided*, That no such station or depot within the city limits shall be located east of Second street east and west of North Capitol street."

The question was taken; and the amendment was agreed to.

Mr. PEARRE. I ask a vote on the amendment I have sent to the Clerk's desk.

The CHAIRMAN. Has the gentleman from Maryland considered whether his amendment has not already been adopted in effect by the committee amendments?

Mr. PEARRE. I have considered the matter. The amendment is correct as I send it to the Clerk.

The CHAIRMAN. The Clerk will report the proposed amendment.

The Clerk read as follows:

On page 9, lines 6 and 7, after the word "within," strike out "the city limits west of Second street east and east of North Capitol street" and substitute therefor "said District."

The CHAIRMAN. The Chair will call the gentleman's attention to the fact that that language has been stricken out by the committee amendments and language has been inserted, together with other language.

Mr. PEARRE. The amendment as originally made was incorrect. The purpose of these amendments is to make the necessary corrections, with which the section will read as follows:

At such point or points within the said District as the Commissioners of the District of Columbia shall approve: *Provided*, That no such station or depot within the city limits shall be located east of Second street east and west of North Capitol street.

The language is not now in the bill in that form.

Mr. COWHERD. The object of the amendment of the gentleman from Maryland is simply to insert the words "as the Commissioners of the District of Columbia shall approve" after the word "District."

Mr. PEARRE. That is the purpose of the amendment.

The CHAIRMAN. The Chair understands that the effect of the gentleman's amendment is to insert after the word "District" the words "as the Commissioners of the District of Columbia shall approve," and to strike out the same words as they occur in lines 10 and 11.

Mr. PEARRE. That is correct.

The CHAIRMAN. This change will require unanimous consent. Is there objection to the amendment? The Chair hears none, and it is so ordered.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LOUDENSLAGER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 315. An act granting an increase of pension to Moses H. Taber;

H. R. 1288. An act granting a pension to Cornelius W. Roberts;

H. R. 1803. An act granting a pension to Julia E. G. Lewis;

H. R. 4679. An act granting a pension to Micager Philpot;

H. R. 6096. An act granting an increase of pension to Samuel W. Kirkendall;

H. R. 6424. An act granting a pension to Charles S. Devine;

H. R. 6947. An act granting an increase of pension to Alonzo C. Rembaugh;

H. R. 7012. An act granting an increase of pension to Emma C. Stephenson;

H. R. 7190. An act granting an increase of pension to George O. Cole;

H. R. 7328. An act granting an increase of pension to John Nicklin;

H. R. 7553. An act granting an increase of pension to Fannie M. O'Linn;

H. R. 7600. An act granting an increase of pension to Charles Claussen;

H. R. 8207. An act granting a pension to Joseph Quinn;

H. R. 8218. An act granting a pension to Mary E. Lacey;

H. R. 8540. An act granting a pension to Lydia J. De Silva;

H. R. 8735. An act granting an increase of pension to Annie B. Sharrard;

H. R. 9010. An act granting an increase of pension to Charles A. Westfield;

H. R. 9176. An act granting a pension to Emily Haines Harrison;

H. R. 9555. An act granting an increase of pension to Nicholas Briggeman;

H. R. 9719. An act granting a pension to Amos W. Felker;

H. R. 10381. An act granting an increase of pension to Gideon W. T. Ridlon;

H. R. 10524. An act granting an increase of pension to Lewis H. Riden;

H. R. 10743. An act granting a pension to Augusta Ullman;

H. R. 10749. An act granting a pension to Henry L. White;

H. R. 10750. An act granting a pension to James H. Rainey;

H. R. 10778. An act granting an increase of pension to Martin V. B. Winkler; and

H. R. 10847. An act granting an increase of pension to Betsey A. Summers.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2582) to provide for establishment of the intersection of the true one hundredth meridian with Red River, to ascertain the amount of taxes collected by the State of Texas in what was formerly known as Greer County and the expenditures made on account of said county by said State, and for other purposes.

GRADE CROSSINGS, ETC., BALTIMORE AND OHIO RAILROAD.

The committee resumed its session.

The Clerk read section 5, as follows:

SEC. 5. That if it should at any time be deemed necessary or advisable in the construction of the works hereby authorized to lay temporary tracks on any street or avenue to accommodate the business of the Baltimore and Ohio Railroad Company pending the completion of such works, the said company may lay such temporary tracks, subject to the approval and under the direction of the Commissioners of the District of Columbia, and shall remove the same and restore every such street or avenue to its former condition, to the satisfaction of such Commissioners, within sixty days after the completion of the works hereby authorized.

The following amendments, recommended by the Committee on the District of Columbia, were read, and agreed to:

In line 14 strike out "5" as the sectional numbering and insert "6."

In line 24 insert, before the word "completion," the words "time fixed for the."

Section 6 was read, as follows:

SEC. 6. That it is the intention of this act that the location and construction of the new terminals, terminal tracks, viaduct, and railroad lines hereby authorized within the city of Washington shall be substantially in accordance with the plans agreed upon by and between the Commissioners of the District of Columbia and the Baltimore and Ohio Railroad Company, which plans, with the accompanying drawings, maps, and tracings, signed by the Commissioners and by the chief engineer of such railroad company, are filed in the office of the Engineer Commissioner of said District; but that the company constructing said works shall be authorized to make such minor changes or modifications of or departures from said plans, drawings, maps, and tracings as it may reasonably require or deem necessary, advisable, or advantageous and as the Commissioners shall approve and agree to; and in case of any change or modification of or departure from the present plans the Baltimore and Ohio Railroad Company shall submit the new plans to the said Commissioners for their approval, and shall file duly authenticated copies of said plans, after approval, with the Commissioners.

All work of construction authorized by this act which shall affect in any way the existing streets or avenues of the city or District not hereby abandoned and closed shall be done to the satisfaction and subject to the approval of the Commissioners of the District of Columbia, who are authorized to exercise such supervision over the same as may be necessary to secure the proper construction and maintenance thereof. The company shall also deposit with the collector of taxes of the District of Columbia such sums of money as the Commissioners of said District may reasonably require to cover the cost of District inspection.

The following amendment, recommended by the Committee on the District of Columbia, was read, and agreed to:

Amend by changing the sectional numbering from "6" to "7."

Section 7 was read, as follows:

SEC. 7. That of the works hereby authorized the viaduct and main lines of railroad thereon and extending therefrom to their points of connection with the Washington Branch Railroad and Metropolitan Branch Railroad, respectively, shall be completed, and said new terminals shall be ready for occupancy, within five years from the date of the passage of this act.

From and after the expiration of five years from the date of the passage of this act all rights of the Baltimore and Ohio Railroad Company to maintain and operate the present tracks of its Washington Branch Railroad within the limits of the city of Washington, and the present tracks of its Metropolitan Branch Railroad south of the northern line of New York avenue, and west of the east line of Third street to said north line of New York avenue, shall cease and determine; and the said railroad company shall thereupon, within such reasonable time as the Commissioners of the District of Columbia shall prescribe, remove all such tracks and structures connected therewith from the streets, avenues, public reservations, or other property of the United States within the said city and west of the east line of Third street. Said Baltimore and Ohio Railroad Company shall also immediately execute, acknowledge, and deliver to the Commissioners of the District of Columbia a deed, in due form of law, granting,

conveying, assigning, and transferring to the United States of America all the estates, right, title, and interest that it, the said Baltimore and Ohio Railroad Company, has in, to, or out of the lands included within the limits of the roadway or right of way of the Washington Branch Railroad of said company from the west line of Second street to Winthrop Heights station and of the Metropolitan Branch for the continuation of Third street from Q street south to New York avenue, of an even width as north of Q street, subject, however, as to so much of said lands as lie north of Florida avenue and outside of the limits of the city of Washington, to the continued maintenance and use of the present tracks of said railroad company thereon, for the purpose of reaching its yard and roundhouse at Trinidad, until its new yard in or near Eckington and its roundhouse, authorized by this act, shall be ready for use, but not exceeding six years from the date of the passage of this act; said company, however, to have the right to remove its tracks and structures from the lands so granted within sixty days after the expiration of its right to maintain and use its tracks thereon.

In consideration of the surrender by the Baltimore and Ohio Railroad Company, under the requirements of this act, of its rights under the several acts of Congress heretofore passed, and under its several contracts with the municipal authorities of the city of Washington authorized by said acts of Congress, and in consideration of the large expenditures required for the construction of the new terminals, viaduct, and connecting railroads, as required by this act, to avoid all grade crossings of streets and avenues within the city of Washington, and, further, in consideration of the grant and conveyance to the United States of the lands included within the limits of the roadway and right of way of the Washington Branch Railroad, which can be used for a street or avenue for the public benefit, the sum of $1,500,000, to be paid to said railroad company toward the cost of the construction of said elevated terminals, viaduct, and structures within the city of Washington, shall be, and is hereby, appropriated, one half to be paid out of any money in the Treasury of the United States not otherwise appropriated, the other half to be paid out of the revenues of the District of Columbia. The sum so appropriated shall be paid upon presentation of a certificate by the Commissioners of the District of Columbia that the said viaduct has been completed as required by this act.

In order to provide for the one half of said amount chargeable to the District of Columbia, the Commissioners thereof shall, on the 1st day of July following the passage of this act, and annually thereafter, pay over to the Treasurer of the United States, out of the revenues of the District of Columbia, the sum of $150,000, to be invested by the said Treasurer in interest-bearing bonds of the United States or the District of Columbia, until the full sum of $750,000, as provided herein, shall have been paid.

The following amendments, recommended by the Committee on the District of Columbia, were read, and agreed to:

In the first line of the section change the sectional numbering from "7" to "8."

After the word "avenue," in line 19, insert: "Also extending from the north line of New York avenue to the north line of Q street."

Mr. PEARRE. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "States," in line 1, page 13, strike out the words "within the said city and west of the east line of Third street," and substitute therefor the following: "on all the lines to be abandoned as aforesaid."

The amendment was agreed to.

Mr. COWHERD. Mr. Chairman, this is the section providing an appropriation of a million and a half of dollars. I desire to move to strike out the words "one million five hundred thousand dollars" and put in lieu thereof the words "seven hundred and fifty thousand dollars." The words which I propose to strike out appear in lines 16 and 17, on page 14. I wish to be heard a moment on this proposition.

I will say frankly that if members think that my amendment cuts down this amount too much—if any member wants to increase a little the sum named in the amendment—I shall not seriously object, if thereby enough votes may be secured to carry the amendment; but I would like to make as much of a reduction as may be deemed proper and right. To my mind $750,000 seems to be a fair allowance; but if the House thinks the amount ought to be $1,000,000 I will not seriously object to an appropriation of that amount. I have no question, however, that if we pay anywhere near the sum of $1,000,000 we shall pay fully 50 per cent of the cost of these improvements which are properly chargeable to elevations.

From statements made by my colleagues, the gentlemen from Tennessee [Mr. SIMS and Mr. RICHARDSON], it has been understood by some gentlemen that we make no opposition to this bill. I do oppose the bill so long as it includes this appropriation of one million and a half of dollars. I do not pretend to have any knowledge of the cost of this kind of work when extensively done; I might almost say that practically I know nothing about it. But in a small way I have paid 25 cents a yard for excavations, with nothing for filling. I understand that the gentleman from New York [Mr. SCUDDER] has had considerable experience in these matters and is able to give the House a statement of what is a reasonable charge where the work embraces both excavation and filling. I yield to the gentleman the balance of my time.

Mr. SCUDDER. Mr. Chairman, what little I have learned from the experience I have had in excavating and filling in ground I am very glad to give to the House. In my section of the country during the last ten years we have constructed upward of 300 miles of macadam roads at a cost exceeding $4,000,000. This work was performed by the county of Queens, in my district, and the roads were built for the purpose of enabling our farmers to come into the city of New York on hard roads built on a grade to save them the burden and expense of hitching to their market wagons four, six, or eight horses in the winter season, as was their practice before these roads were constructed.

Long Island has the reputation of being a flat country. That is true of the ocean or south shore. Its north shore, as we call it, however, is a hilly, rolling country; some hills are said to be as much as 400 feet in height above tide level.

In the construction of these macadam roads it was sought to secure an even grade as near as possible, to accomplish which required the excavation of many hundreds of thousands of yards of soil as well as the filling in of many low places. The work was all done by contract, the contracts being awarded to the lowest bidder. The last contracts we awarded were let upon bids based upon the volume of the work to be done, the bidders having to submit their figures for each class of the work, namely, their price for each square yard of macadam pavement, according to specifications; for each cubic yard of earth excavated to include each cubic yard of earth embankment, and so on for each separate item of the improvement. When taken from the hill the soil excavated had to be carried into the valley and deposited there where embankments were called for. The call for bids provided that the price of carting and depositing the soil excavated must include the cost of the excavation, and the amount bid for this part of the work and for which the contract was let was 19 cents per cubic yard.

I will call the attention of the committee to the fact that in many instances our hauls of this excavated soil were long ones. I can recall some instances where these hauls were fully half a mile, and many of them reached or exceeded a quarter of a mile. In addition to this, we had to travel over filled ground in hauling, making the work more difficult and expensive than hauls over paved streets, as I understand to be the case here.

Mr. SHATTUC. May I ask the gentleman a question?

Mr. SCUDDER. Certainly.

Mr. SHATTUC. What is the character of the soil in that region?

Mr. SCUDDER. It is largely gravel, sand, and loam. There is not much rock.

Mr. SHATTUC. You say you paid 19 cents a cubic yard for the work?

Mr. SCUDDER. Yes; for each cubic yard excavated and each cubic yard filled, the 19 cents including both.

Mr. SHATTUC. Oh, well, the filling does not amount to anything. You have got to dump it somewhere. So that, in other words, you paid for excavating 19 cents a cubic yard.

Mr. SCUDDER. Yes; including the hauling and filling.

Mr. SHATTUC. The filling does not amount to anything.

Mr. SCUDDER. On the contrary, in our case, it amounted to a great deal, in fact to hundreds of thousands of cubic yards of earth embankment, and a very considerable part of the cost of the construction of our roads, and when you consider the earth excavated often had to be carried the long hauls I have referred to in order to reach the valley or ravine where the earth was to be dumped to bring the road under construction up to grade, all which was agreed to be done and actually done profitably for 19 cents per cubic yard of earth, the value placed on similar work in this bill, namely 70 cents, seems to me excessive.

Mr. SHATTUC. Did you pay for the fill in such cases?

Mr. SCUDDER. No; we paid nothing for the fill. The price, 19 cents, included the excavation and removal of the earth and its hauling and dumping where it was needed to raise the road to grade, or if not needed for that purpose, then to remove it from the line of the work.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment proposed by the gentleman from Missouri [Mr. COWHERD].

The question was taken; and on a division (demanded by Mr. COWHERD) there were—ayes 37, noes 67.

So the amendment was rejected.

Mr. COWHERD. Mr. Chairman, I now move to amend the section by striking out the words "five hundred thousand dollars," so it will stand the sum of $1,000,000. That will leave $1,000,000——

Mr. BABCOCK. I ask a vote.

Mr. COWHERD. Just a word. I do not want to discuss the matter. This will simply put the amount at $1,000,000, which is $250,000 more than we think should be appropriated.

The question was taken; and on a division there were—ayes 43, noes 77.

So the amendment was rejected.

The Clerk read section 8, with an amendment changing the section number to 9.

The amendment was agreed to.

Mr. GAINES. Mr. Chairman, I move to strike out the last word. A few moments ago I said something on the question of damages and the law in force in this District. I cited a case which I now hold in my hand, and that case holds the law to be identically as I stated. It is found in 20 Howard, and is the case of "Smith against The Corporation of Washington." In that case the grade of a street was changed in front of a dwelling owned by Miss

Smith, on K street. Mr. Justice Grier in the opinion held that she could not recover, because there was not a taking of the land. The court said:

Having performed this trust, confided to them by the law, according to the best of their judgment and discretion, without exceeding the jurisdiction and authority vested in them as agents of the public, and on land dedicated to public use for the purposes of a highway, they have not acted "unlawfully or wrongfully," as charged in the declaration. They have not trespassed on the plaintiff's property, nor erected a nuisance injurious to it, and are, consequently, not liable to damages where they have committed no wrong, but have fulfilled a duty imposed on them by the law as agents of the public. The plaintiff may have suffered inconvenience and been put to expense in consequence of such action; yet, as the act of defendants is not "unlawful or wrongful," they are not bound to make any recompense. It is what the law styles "damnum absque injuria." Private interests must yield to public accommodation. One can not build his house on the top of a hill in the midst of a city and require the grade of the street to conform to his convenience at the expense of that of the public.

The law on this subject is well settled, both in England and in this country. The cases are too numerous for quotation; a reference to one or two more immediately applicable to the questions arising in this case will be sufficient.

Then the court cites the case of Callender *vs.* Marsh (1 Pickering, 417), the case which I cited here a few minutes ago. In that case the court further held, says Justice Grier:

It was held also that the law does not give a right to compensation for an indirect or consequential damage or expense resulting from a right use of property belonging to the public.

In Green *vs.* The Borough of Reading (9 Watts, 282): The defendants, by virtue of their authority to "improve and repair," graded the street in front of plaintiff's house 5 feet higher than it had been before, and it was held that the corporation was not liable to an action for any consequential injury to plaintiff's property by reason of such improvement or change of grade in the public street.

In the case of O'Connor *vs.* Pittsburg (18 Penn. Rep., 187) a church had been built according to the direction of the city regulator and by a grade established in 1839. Afterwards, in pursuance of an ordinance, the grade of the street was reduced 17 feet. The church had to be taken down and rebuilt on a lower foundation, at a damage of $4,000. The authority given to the city was "to improve, repair, and keep in order the streets," etc.

So, Mr. Chairman, I am borne out by the authority that I cited, which shows that we are standing here and knowingly passing a law that destroys the ingress and egress to a great number of dwellings out on this road, without making any provision here by statute for protecting these people, a thing which it would be very easy to do in this bill. Whether they are humble or exalted, the abutters should be kept inviolate in their rights. I know that it is useless to offer an amendment, but hope in the future that the "people" will be better protected than this bill does or the majority seems willing now to do. [Applause.]

The Clerk read section 9, with an amendment changing the number to 10.

The amendment was agreed to.

The Clerk read the following committee amendment:

In lines 22 and 23, page 16, after the word "stock," insert the words "not to exceed $5,000,000 fully paid up."

The amendment was agreed to.

The Clerk read section 10, with an amendment changing the number to 11.

The amendment was agreed to.

The following committee amendment was read:

Page 18, line 17, after the word "Columbia," insert the following:

"*Provided*, That in every case in which an assessment of damages or an award shall have been returned by the appraisers the company, upon paying into court the amount so assessed or awarded, may enter upon and take possession of the lands and property covered thereby, irrespective of whether exceptions to said assessment or award shall be filed or not, and the subsequent proceedings shall not interfere with or affect such possession, but shall only affect the amount of the compensation to be paid."

The amendment was agreed to.

The Clerk read section 11, with an amendment changing the number to 12.

The amendment was agreed to.

The Clerk read section 12, with an amendment changing the number to 13.

The amendment was agreed to.

The Clerk read section 13, with an amendment changing the number to 14.

The amendment was agreed to.

And then, on motion of Mr. BABCOCK, the committee rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bills S. 1929 and S. 2329, and had directed him to report each of them to the House with sundry amendments, and with the recommendation that the amendments be agreed to, and that each of the bills as amended do pass.

Mr. BABCOCK. Now, Mr. Speaker, I move the previous question on the pending bills and amendments to their final passage.

The SPEAKER. The Chair is of the opinion that each bill should have a separate motion.

Mr. BABCOCK. I make that motion as to the Pennsylvania bill (S. 1929).

The SPEAKER. The gentleman from Wisconsin demands the previous question on Senate bill 1929 and the amendments to final passage.

Mr. COWHERD. Mr. Speaker, will that shut off a motion to recommit at the proper time with instructions to the committee?

The SPEAKER. Oh, no; the right to move to recommit will obtain at the proper stage of the proceedings.

Mr. COWHERD. I wish to be recognized to make that motion.

The SPEAKER. The question is upon ordering the previous question.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any of the amendments to this bill? If not, they will be submitted to the House in gross.

The amendments were agreed to.

The bill was ordered to a third reading.

Mr. COWHERD. Mr. Speaker, I move to recommit the bill to the committee, with instructions to report it back with such modifications as will provide for the removal of the tracks and buildings of the Baltimore and Potomac Railroad Company from the Mall and the relocation of the depot at some other point.

The SPEAKER. Will the gentleman send up his motion? The gentleman from Missouri moves to recommit the bill with the instructions which the Clerk will report to the House.

The Clerk read as follows:

I move to recommit with instructions to report the bill back with such modifications as will provide for the removal of the tracks and buildings of the Baltimore and Potomac Railroad from the Mall and the relocation of the depot at some other point.

The question being taken on the motion, the Speaker announced that the noes appeared to have it.

Mr. COWHERD. Division, Mr. Speaker!

The House divided; and there were—ayes 62, noes 113.

So the motion to recommit was lost.

The SPEAKER. The question now is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. COWHERD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 164, nays 72, answered "present" 7, not voting 113; as follows:

YEAS—164.

Acheson,	Dick,	Long,	Ryan, Pa.
Adams,	Dovener,	Lybrand,	Salmon,
Alexander,	Driggs,	McAleer,	Scudder,
Allen, Me.	Eddy,	McDowell,	Shattuc,
Babcock,	Esch,	Mahon,	Shaw,
Baker,	Fletcher,	Mann,	Shelden,
Bankhead,	Fordney,	Meekison,	Sherman,
Barham,	Foss,	Mercer,	Showalter,
Barney,	Foster,	Metcalf,	Sibley,
Bartholdt,	Gardner, Mich.	Meyer, La.	Smith, Ill.
Berry,	Gardner, N. J.	Miers, Ind.	Smith, Iowa
Bingham,	Gaston,	Miller,	Smith, Samuel W.
Bishop,	Gibson,	Minor,	Smith, Wm. Alden
Boutell, Ill.	Gillet, N. Y.	Moody, Mass.	Spalding,
Bowersock,	Glynn,	Moody, Oreg.	Sperry,
Bromwell,	Graff,	Morgan,	Sprague,
Brosius,	Graham,	Morrell,	Steele,
Brousard,	Green, Pa.	Morris,	Stewart, N. Y.
Brown,	Grosvenor,	Mudd,	Stewart, Wis.
Brownlow,	Grow,	Muller,	Sulloway,
Bull,	Hall,	Naphen,	Swanson,
Burke, S. Dak.	Hamilton,	Norton, Ohio	Tawney,
Burkett,	Hay,	Olmsted,	Taylor, Ala.
Butler,	Heatwole,	Otey,	Thayer,
Calderhead,	Hedge,	Overstreet,	Thropp,
Cannon,	Hemenway,	Packer, Pa.	Tompkins,
Capron,	Hepburn,	Payne,	Van Voorhis,
Clayton, N. Y.	Hill,	Pearson,	Vreeland,
Conner,	Hoffecker,	Pearre,	Wachter,
Cousins,	Hopkins,	Phillips,	Wanger,
Cromer,	Howell,	Polk,	Warner,
Crowley,	Hull,	Pugh,	Waters,
Crump,	Jack,	Ray, N. Y.	Weaver,
Cummings,	Jenkins,	Reeder,	Weymouth,
Curtis,	Joy,	Reeves,	White,
Dalzell,	Kerr, Md.	Rhea, Va.	Wilson, Idaho
Davenport, S. A.	Ketcham,	Roberts,	Wilson, N. Y.
Davenport, S. W.	Lacey,	Rodenberg,	Woods,
Davey,	Landis,	Ruppert,	Wright,
Dayton,	Linney,	Russell,	Young,
Denny,	Littlefield,	Ryan, N. Y.	Ziegler.

NAYS—72.

Adamson,	Dougherty,	Little,	Robinson, Ind.
Bell,	Driscoll,	Lloyd,	Rucker,
Brantley,	Elliott,	Loud,	Shafroth,
Breazeale,	Finley,	McCulloch,	Sheppard,
Brewer,	Fitzgerald, Mass.	McLain,	Slayden,
Brick,	Fleming,	Maddox,	Snodgrass,
Burke, Tex.	Fox,	May,	Stallings,
Caldwell,	Gilbert,	Moon,	Stark,
Carmack,	Gill,	Neville,	Sutherland,
Cochran, Mo.	Grout,	Norton, S. C.	Terry,
Cooper, Tex.	Henry, Miss.	Otjen,	Turner,
Cooper, Wis.	Henry, Tex.	Quarles,	Underwood,
Cowherd,	Jett,	Rhea, Ky.	Vandiver,
Cox,	Jones, Va.	Richardson, Ala.	Wheeler,
Davis,	Jones, Wash.	Richardson, Tenn.	Williams, J. R.
De Armond,	Kitchin,	Ridgely,	Williams, W. E.
De Graffenreid,	Kleberg,	Rixey,	Williams, Miss.
Dinsmore,	Kluttz,	Robb,	Zenor.

ANSWERED "PRESENT"—7.

Burleson,	Fitzgerald, N Y.	McClellan,	Smith, H. C.
Davidson,	Griffith,	Sims,	

NOT VOTING—113.

Aldrich,	Crumpacker,	Lassiter,	Riordan,
Allen, Ky.	Cusack,	Latimer,	Robertson, La.
Allen, Miss.	Cushman,	Lawrence,	Robinson, Nebr
Atwater,	Dahle,	Lentz,	Shackleford,
Bailey, Kans.	Emerson,	Lester,	Small,
Bailey, Tex.	Faris,	Levy,	Smith, Ky.
Ball,	Fitzpatrick,	Lewis,	Southard,
Barber,	Fowler,	Littauer,	Sparkman,
Bartlett,	Freer,	Livingston,	Spight,
Bellamy,	Gaines,	Lorimer,	Stephens, Tex.
Benton,	Gamble,	Loudenslager,	Stevens, Minn.
Boreing,	Gayle,	Lovering,	Stewart, N. J.
Boutelle, Me.	Gillett, Mass.	McCall,	Stokes,
Bradley,	Gordon,	McCleary,	Sulzer,
Brenner,	Greene, Mass.	McDermott.	Talbert,
Brundidge,	Griggs,	McRae,	Tate,
Burleigh,	Haugen,	Marsh,	Tayler, Ohio
Burnett,	Hawley,	Mesick,	Thomas, Iowa
Burton,	Henry, Conn.	Mondell,	Thomas, N. C.
Campbell,	Hitt,	Needham,	Tongue,
Catchings,	Howard,	Newlands,	Underhill,
Chanler,	Johnston,	Noonan,	Wadsworth,
Clark, Mo.	Kahn,	O'Grady,	Watson,
Clarke, N. H.	Kerr, Ohio	Parker, N. J.	Weeks,
Clayton, Ala.	King,	Pearce, Mo.	Wilson, S. C.
Cochrane, N. Y.	Knox,	Pierce, Tenn.	Wise.
Connell,	Lamb,	Powers,	
Cooney,	Lane,	Prince,	
Corliss,	Lanham,	Ransdell,	

So the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. BOREING with Mr. SMITH of Kentucky.

Mr. EMERSON with Mr. TATE.

Mr. MESICK with Mr. LENTZ.

Mr. BOUTELL of Illinois with Mr. GRIGGS.

Mr. STEWART of New Jersey with Mr. LEWIS.

Mr. HAUGEN with Mr. ROBINSON of Nebraska.

Mr. CORLISS with Mr. STEPHENS of Texas.

Mr. COCHRANE of New York with Mr. SHACKLEFORD.

Mr. HENRY of Connecticut with Mr. ALLEN of Kentucky, until January 4, 1901.

For this day:

Mr. LAWRENCE with Mr. BALL.

Mr. TONGUE with Mr. CLARK of Missouri.

Mr. WEEKS with Mr. ROBERTSON of Louisiana.

Mr. KAHN with Mr. BRUNDIDGE.

Mr. NEEDHAM with Mr. SMALL.

Mr. SOUTHARD with Mr. BARTLETT.

Mr. HAWLEY with Mr. GAINES.

Mr. CRUMPACKER with Mr. NEWLANDS.

Mr. MONDELL with Mr. THOMAS of North Carolina.

Mr. CONNELL with Mr. LIVINGSTON.

Mr. BURLEIGH with Mr. LEVY.

On this bill:

Mr. FARIS with Mr. GRIFFITH.

Mr. POWERS with Mr. LANHAM.

Mr. SIMS. Mr. Speaker, I voted "nay" inadvertently. I am paired with the gentleman from New York, Mr. WADSWORTH, and therefore ask to be recorded as "present."

The name of Mr. SIMS was called; and he voted "present."

Mr. WHEELER. Mr. Speaker, I am paired generally with my colleague on the committee, Mr. METCALF, of California. I answered "present" under the impression that he was not in the Chamber. I find that he is here, and desire to be recorded in the negative.

The name of Mr. WHEELER was called; and he voted "nay."

The result of the vote was then announced as above recorded.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

BALTIMORE AND OHIO RAILROAD BILL.

The SPEAKER. The question now is on the Senate bill 2329.

Mr. BABCOCK. On the Senate bill 2329 I ask for the previous question on the pending amendments and the bill to its final passage.

The SPEAKER. The gentleman from Wisconsin demands the previous question on the bill and amendments to its final passage.

The question was taken; and the motion was agreed to.

The amendments recommended by the Committee of the Whole were agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER. The question now is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. COWHERD. Division, Mr. Speaker.

Mr. KLEBERG. The yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Seventeen gentlemen have arisen—not a sufficient number, and the yeas and nays are refused.

Mr. COWHERD. A parliamentary inquiry. Am I entitled to a division? I called for it.

The SPEAKER. Certainly.

Mr. COWHERD. I called for a division before the demand for the yeas and nays.

The SPEAKER. The gentleman demands a division. The Chair will state that this vote is on the passage of the bill, upon which the gentleman from Missouri demands a division.

The question was taken; and there were—ayes 151, noes 49.

So the bill was passed.

Mr. COWHERD. Mr. Speaker, it being evident that a quorum is present, and the House is in favor of the passage of the bill, I do not desire to delay matters further.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 5036. An act granting an increase of pension to Norton Schermerhorn—to the Committee on Invalid Pensions.

ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

S. 5053. An act to amend an act authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa, approved March 6, 1900.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. GRIGGS, indefinitely, on account of sickness.

LEAVE TO WITHDRAW PAPERS FROM THE FILES.

By unanimous consent, leave was granted to Mr. ADAMS to withdraw from the files, without leaving copies, papers in the case of Mrs. A. C. Wanger, Fifty-sixth Congress, no adverse report having been made thereon; and

To Mr. BARTHOLDT to withdraw from the files, without leaving copies, papers in the case of James M. Herrington, Fifty-fifth Congress, no adverse report having been made thereon.

VISITORS TO NAVAL AND MILITARY ACADEMIES.

The SPEAKER. The Chair makes the following announcement of Visitors to the Military Academy and the Naval Academy:

To the Military Academy: Mr. MAHON of Pennsylvania, Mr. LANDIS of Indiana, Mr. HAY of Virginia.

To the United States Naval Academy: Mr. PEARRE of Maryland, Mr. LOUD of California, Mr. MEYER of Louisiana.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The SPEAKER. The Chair lays before the House a request from the chairman of the Committee on Appropriations that the letter of December 18, 1900, from the president of the Board of Managers of the National Home for Disabled Volunteer Soldiers, addressed to the Committee on Appropriations and submitting additional estimate for the National Home for Disabled Volunteer Soldiers, including the deficiency, be printed as a House document and referred to the Committee on Appropriations.

The Chair will state for the information of the House that this becomes necessary inasmuch as the letter was sent directly to the chairman of the Committee on Appropriations and not through the usual channels of the House. Is there objection? [After a pause.] The Chair hears none.

MARY G. O'BRIEN.

The SPEAKER. The Chair lays before the House a request from the chairman of the Committee on Invalid Pensions to refer the papers in the case of Mary G. O'Brien (S. 4734) to the Committee on Pensions. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 26 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of

Mobile Harbor, Alabama—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of preliminary examination of the Illinois and Des Plaines rivers—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 12612) allowing settlers in Wyoming and South Dakota the free use of timber on certain lands for domestic purposes, reported the same without amendment, accompanied by a report (No. 2093); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 12611) to amend chapter 559 of the Revised Statutes of the United States, approved March 3, 1891, reported the same without amendment, accompanied by a report (No. 2094); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2396) granting an increase of pension to Francis H. Pike, reported the same with amendment, accompanied by a report (No. 2070); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12566) granting a pension to George M. Walker, reported the same with amendment, accompanied by a report (No. 2071); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9235) granting a pension to Peter Lundberg, of Wayne, Nebr., reported the same with amendment, accompanied by a report (No. 2072); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10480) granting an increase of pension to George P. Overton, reported the same without amendment, accompanied by a report (No. 2073); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5195) granting a pension to Jacob W. Kouts, reported the same with amendment, accompanied by a report (No. 2074); which said bill and report were referred to the Private Calendar.

Mr. SHAW, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12444) granting an increase of pension to John D. Cohler, reported the same without amendment, accompanied by a report (No. 2075); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12350) granting an increase of pension to James Paul, reported the same with amendment, accompanied by a report (No. 2076); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12301) granting an increase of pension to Jacob E. Swap, reported the same with amendment, accompanied by a report (No. 2077); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12249) granting an increase of pension to Gideon Johnson, reported the same with amendment, accompanied by a report (No. 2078); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12297) granting an increase of pension to Andrew J. Harbison, reported the same with amendment, accompanied by a report (No. 2079); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12190) to place on the pension roll the name of Patrick Connelly, reported the same with amendment, accompanied by a report (No. 2080); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11806) granting a pension to Edward Hanse, reported the same with amendment, accompanied by a report (No. 2081); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11312) granting an increase of pension to Johnson H. Fitzpatrick, reported the same with amendment, accompanied by a report (No. 2082); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8998) granting an increase of pension to Alexander F. Hartford, reported the same with amendment, accompanied by a report (No. 2083); which said bill and report were referred to the Private Calendar.

Mr. SHAW, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4672) granting a pension to James W. Boden, reported the same with amendment, accompanied by a report (No. 2084); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4078) granting a pension to John D. Allen, reported the same with amendment, accompanied by a report (No. 2085); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3945) granting an increase of pension to Burdette N. Cleaveland, of Fremont, in the State of Nebraska, reported the same with amendment, accompanied by a report (No. 2086); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3466) for the relief of Hiram Stimple, reported the same with amendment, accompanied by a report (No. 2087); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 601) granting an increase of pension to Daniel W. Shaw, reported the same with amendment, accompanied by a report (No. 2088); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 551) granting an increase of pension to Frank F. Carnduff, reported the same with amendment, accompanied by a report (No. 2089); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12391) granting an increase of pension to James M. Campbell, reported the same with amendment, accompanied by a report (No. 2090); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1278) granting an increase of pension to F. W. Baker, reported the same without amendment, accompanied by a report (No. 2091); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2161) granting a pension to Eli F. Chittenden, reported the same without amendment, accompanied by a report (No. 2092); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MARSH: A bill (H. R. 12952) providing for the erection of a public building at Clayton, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12953) providing for the erection of a public building at Carthage, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12954) providing for the erection of a public building at Mount Sterling, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12955) providing for the erection of a public building at Camppoint, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12956) providing for the erection of a public building at Augusta, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12957) providing for the erection of a public

building at Roseville, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12958) providing for the erection of a public building at Alexis, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12959) providing for the erection of a public building at Kirkwood, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12960) providing for the erection of a public building at Hamilton, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12961) providing for the erection of a public building at Oquawka, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12962) providing for the erection of a public building at Rushville, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12963) providing for the erection of a public building at Laharpe, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12964) providing for the erection of a public building at Warsaw, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12965) providing for the erection of a public building at Bushnell, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12966) providing for the erection of a public building at Colchester, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12967) providing for the erection of a public building at Macomb, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. SIBLEY: A bill (H. R. 12968) designating uniforms to be worn on state occasions by soldiers who served in the war with Spain—to the Committee on Military Affairs.

By Mr. RAY of New York: A bill (H. R. 12969) to provide for the purchase of a site and the erection of a public building thereon at Ithaca, in the State of New York—to the Committee on Public Buildings and Grounds.

By Mr. RIXEY (by request): A bill (H. R. 12970) to regulate sales in bulk in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WRIGHT: A bill (H. R. 12971) to amend section 220 of the Revised Statutes of the United States—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 12972) to extend the privileges provided by an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, as amended—to the Committee on Ways and Means.

By Mr. BROSIUS: A bill (H. R. 12973) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. SOUTHARD: A bill (H. R. 12974) to provide for an increase of pay of certain employees of the Government—to the Committee on Naval Affairs.

By Mr. RAY of New York: A bill (H. R. 12975) to purchase an addition to the Government public-building site at Binghamton, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. SUTHERLAND: A resolution (H. Res. 320) authorizing the Speaker to appoint a select committee of seven members of the House to investigate and report the number of miles of railroad owned by European governments, also miles of railroad in the United States, wages paid, valuation, etc.—to the Committee on Rules.

By Mr. FITZGERALD of New York: A resolution (H. Res. 321) presenting a flag to the Long Island Historical Society of the State of New York—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOWERSOCK: A bill (H. R. 12976) granting an increase of pension to Russell B. Armstrong—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 12977) for the relief of Mary Walker—to the Committee on Claims.

By Mr. COCHRANE of New York: A bill (H. R. 12978) to remove the charge of desertion from the record of Peter H. Kittle—to the Committee on Military Affairs.

By Mr. CROWLEY: A bill (H. R. 12979) granting a pension to William St. Martz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12980) granting a pension to Sarah D. Bucknell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12981) granting a pension to Thomas B. Mouser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12982) granting a pension to Angus Rude—to the Committee on Invalid Pensions.

By Mr. CATCHINGS: A bill (H. R. 12983) for the relief of the estate of Rebecca E. Sexton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12984) for the relief of W. S. Atwood—to the Committee on War Claims.

By Mr. DRIGGS: A bill (H. R. 12985) granting an increase of pension to Samuel G. Fletcher—to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 12986) granting a pension to Anna Shea—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 12987) granting a pension to Lillie A. Baker, of Aurora, Ind.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12988) granting an increase of pension to Cornelius Fallowell—to the Committee on Pensions.

Also, a bill (H. R. 12989) to grant a pension to David H. Hair—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 12990) for the relief of Nancy Maria Minter—to the Committee on War Claims.

By Mr. HULL: A bill (H. R. 12991) granting an increase of pension to Ira Waldo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12992) granting an increase of pension to Rachel Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12993) for the relief of Thomas Burns—to the Committee on Military Affairs.

Also, a bill (H. R. 12994) increasing the pension of William Bagley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12995) increasing the pension of Jesse Truitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12996) for the relief of William H. Wears—to the Committee on Military Affairs.

By Mr. KERR of Maryland: A bill (H. R. 12997) granting an increase of pension to Thomas J. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12998) granting a pension to Elenore F. Adams—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 12999) granting a pension to Medie M. Flanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13000) granting a pension to Mary E. Pennock—to the Committee on Invalid Pensions.

By Mr. MARSH: A bill (H. R. 13001) granting a pension to Martha A. Ford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13002) granting a pension to Sophia Kellar—to the Committee on Pensions.

Also, a bill (H. R. 13003) granting an increase of pension to Joseph Woods—to the Committee on Pensions.

Also, a bill (H. R. 13004) granting an increase of pension to John J. Merideth—to the Committee on Pensions.

Also, a bill (H. R. 13005) granting an honorable discharge to Edward H. Scott—to the Committee on Military Affairs.

By Mr. RANSDELL: A bill (H. R. 13006) granting an increase of pension to Ernest Longpre—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13007) granting a pension of $20 per month to Eleanor M. Laise—to the Committee on Pensions.

By Mr. RUCKER: A bill (H. R. 13008) granting a pension to James M. Busby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13009) granting a pension to Andrew Cotton—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 13010) granting an increase of pension to Richard C. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13011) granting a pension to Mary J. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13012) granting a pension to Maria L. Place—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 13013) granting an increase of pension to Egbert Webb—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 13014) to increase the pension of Samuel D. Fournia—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13015) granting an increase of pension to John F. McBride—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13016) to increase the pension of John A. Chase—to the Committee on Invalid Pensions.

By Mr. WRIGHT: A bill (H. R. 13017) for the relief of the officers and crew of the United States steamship *Charleston*, lost in the Philippines November 2, 1899—to the Committee on Claims.

By Mr. CURTIS: A bill (H. R. 13018) for the relief of Henry D. Macomber—to the Committee on Military Affairs.

Also, a bill (H. R. 13019) for the relief of D. E. Kelsey—to the Committee on War Claims.

Also, a bill (H. R. 13020) granting a pension to Jacob Goehring—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13021) granting an increase of pension to Nahum Daniels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13022) granting an increase of pension to Denison Brandon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13023) granting an increase of pension to Eli J. Youngheim—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13024) granting an increase of pension to Elizabeth Stewart—to the Committee on Invalid Pensions.

By Mr. MADDOX: A bill (H. R. 13025) for the relief of George H. Hogan—to the Committee on War Claims.

By Mr. BRICK: A bill (H. R. 13026) granting a pension to Martha Oliver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13027) granting a pension to Mrs. Mary E. Cole—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 13028) granting a pension to Dr. William C. Flowers—to the Committee on Invalid Pensions.

By Mr. McDOWELL: A bill (H. R. 13029) granting an increase of pension to Thomas T. Finney—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the Manufacturers' Club of Philadelphia, Pa., urging the passage of the Pacific cable bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BARNEY: Petition of Wisconsin State Federation of Women's Clubs, in favor of the forestry reserve and national park in Minnesota—to the Committee on the Public Lands.

By Mr. BARTHOLDT: Petition of the Woman's Missionary Society of the Presbyterian Church of Webster Groves, Mo., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. BINGHAM: Resolutions of the Manufacturers' Club of Philadelphia, Pa., urging the passage of the Pacific cable bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER (by request): Petition of Mrs. Mary W. Polk and others, of Chester County, Pa., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. CAPRON: Statement of Capt. Edwin P. Pendleton, United States Army, not approving the opposition to the post exchange—to the Committee on Military Affairs.

By Mr. CALDERHEAD: Petition of the H. D. Lee Mercantile Company, of Salina, Kans., in behalf of the pure-food bill—to the Committee on Agriculture.

Also, petition of the Philadelphia Trans-Atlantic Line, in opposition to certain features in Senate bill No. 727, known as the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. CATCHINGS: Papers to accompany House bill for the relief of Rebecca E. Sexton, of Warren County, Miss.—to the Committee on War Claims.

By Mr. COCHRANE of New York: Papers to accompany House bill for the relief of William H. Webster, of Lansingburg, N. Y.—to the Committee on Invalid Pensions.

By Mr. COUSINS: Resolutions of the Methodist Episcopal Church of Shellsburg, Iowa, in favor of excluding intoxicants from domains inhabited by natives and uncivilized races—to the Committee on Foreign Affairs.

By Mr. CROWLEY: Papers to accompany House bill for the relief of Angus Rude, of Mattoon, Ill.—to the Committee on Invalid Pensions.

By Mr. FITZGERALD of Massachusetts: Petition of the Fruit and Produce Exchange of Boston, Mass., favoring the establishment of a national forecast district for the New England States—to the Committee on Agriculture.

By Mr. FITZGERALD of New York: Petition of 22 citizens of the Second Congressional district of New York in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of Charles M. Taylor's Sons, of the Philadelphia Trans-Atlantic Line, in opposition to certain features in Senate bill No. 727, known as the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Southern Nurserymen's Association advocating legislation providing uniform regulations governing the transportation of nursery stock and other plants in interstate commerce, and for quarantine regulations against dangerous insects introduced from foreign countries—to the Committee on Interstate and Foreign Commerce.

By Mr. FLETCHER: Resolution of the Chamber of Commerce of St. Paul, Minn., for an appropriation for the improvement and enlargement of Fort Snelling, Minn.—to the Committee on Military Affairs.

Also, resolution of the Chamber of Commerce of St. Paul, Minn., praying for the repeal of the stamp tax on checks, etc.—to the Committee on Ways and Means.

Also, resolutions of the Minneapolis Board of Trade and the Manufacturers and Jobbers' Association of Minneapolis, Minn., protesting against the passage of the so-called Cullom bill, entitled "An act to regulate commerce"—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER: Papers to accompany House bill granting a pension to Anna Shea, dependent sister of William Shea—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of Rev. W. J. Lhamon and 18 other ministers of Christian churches in Allegheny County, Pa., urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

Also, resolutions of the Manufacturers' Club of Philadelphia, Pa., urging the passage of the Pacific cable bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. S. Klein, of Allegheny, Pa., in relation to the exclusion of all spiritous liquors from our insular possessions and favoring certain other reforms—to the Committee on Insular Affairs.

Also, petition of the United States Export Association of New York, favoring the passage of the Frye-Payne shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRIFFITH: Papers to accompany House bill granting a pension to David H. Hair—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: Petition of Hinkle, Barbour & Co., and other firms of Evansville, Ind., praying for the removal of the duty on hides—to the Committee on Ways and Means.

By Mr. HENRY of Mississippi: Papers relating to the claim of Nancy Maria Minter, of Madison County, Miss.—to the Committee on War Claims.

By Mr. HOWELL: Petition of citizens of Dayton, N. J., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. JACK: Petition of William R. Schaffer, of Jefferson County, Pa., to accompany House bill granting him a pension—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: Resolution of the board of trustees of the Commercial Club of Walla Walla, Wash., urging the abandonment of the project of a boat railway between The Dalles and Celilo, and asking for an appropriation to complete a canal and locks between The Dalles and Celilo—to the Committee on Rivers and Harbors.

By Mr. JOY: Petition of the Brown Shoe Company and other business firms of St. Louis, Mo., for the repeal of the tax of 15 per cent ad valorem on imported hides—to the Committee on Ways and Means.

By Mr. SHATTUC: Petition of the Brunswick-Balke-Collender Company, of Cincinnati, Ohio, for the repeal of certain sections of the internal-revenue laws—to the Committee on Ways and Means.

Also, petition of the Cincinnati, Ohio, Academy of Medicine, favoring the amendment of the Army reorganization bill—to the Committee on Military Affairs.

By Mr. SIBLEY: Petition of the Woman's Christian Temperance Union of Kushequa, Pa., for the protection of native races in our islands against intoxicants and opium—to the Committee on Insular Affairs.

By Mr. SPRAGUE: Resolution of the Boston Fruit and Produce Exchange, praying for the repeal of the tax on freight and express packages—to the Committee on Ways and Means.

Also, resolution of the Boston Fruit and Produce Exchange, recommending the establishment of a national forecast district for the New England States—to the Committee on Agriculture.

By Mr. THOMAS of Iowa: Petition of Central Life Assurance Society, Equitable Life Insurance Company, Royal Union Mutual Life, National Life and Trust Company, Des Moines Life Insurance Company, Chicago Life Insurance Company, and the Bankers' Life Association, for the repeal or modification of the war-revenue law—to the Committee on Ways and Means.

Also, petition of Thomas Ginn and 19 other citizens of Clay County, Iowa, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, petition of W. P. Manley and 882 citizens of Sioux City, Iowa, asking for an appropriation of $100,000 to be expended in protecting the banks of the Missouri River near Sioux City, Iowa—to the Committee on Rivers and Harbors.

Also, resolution of H. J. Simpson Post, No. 505, Grand Army of the Republic, of Wall Lake, Iowa, indorsing House bill No. 5779, relating to appointments in the Government service—to the Committee on Reform in the Civil Service.

Also, petition of H. B. Allen and 118 other citizens of Wall Lake, Iowa, in favor of a graded service-pension bill—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *December 20, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

JOHN P. JONES, a Senator from the State of Nevada, appeared in his seat this day.

The Journal of the proceedings of yesterday was read and approved.

ELECTORAL VOTES OF UTAH, MAINE, AND INDIANA.

The PRESIDENT pro tempore laid before the Senate three communications from the Secretary of State, transmitting certified copies of the final ascertainment of the electors for President and Vice-President appointed in the States of Utah, Maine, and Indiana at the election held therein on the 6th day of November, 1900; which, with the accompanying papers, were ordered to lie on the table.

EVELYN NEALE MURRAY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4184) granting an increase of pension to Evelyn Neale Murray; which was, in line 9, to strike out "fifty" and insert "thirty."

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

CATHARINE WEINHEIMER.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3436) granting a pension to Catharine Weinheimer; which was, in line 10, to strike out all after "receiving" down to and including the word "determine" in line 13 and insert:

Provided, however, That in the case of the death of the helpless and dependent child, Caroline Weinheimer, on whose account the pension of Catharine Weinheimer is increased, the pension of said Catharine Weinheimer shall continue only at the rate of $12 per month from and after the date of death of said helpless and dependent child.

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

Mr. COCKRELL. I thought that the bill as we passed it contained such a provision.

Mr. GALLINGER. It did, but in different language. The House is very technical as to the use of language, I would say to the Senator.

Mr. COCKRELL. Oh, yes.

The PRESIDENT pro tempore. The question is on concurring in the amendment made by the House of Representatives.

The amendment was concurred in.

WILLIAM M. FERRY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 92) granting a pension to William M. Ferry which was, in line 8, to strike out "twenty" and insert "forty."

Mr. GALLINGER. I move concurrence in the amendment of the House of Representatives.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the following bills in which it requested the concurrence of the Senate:

A bill (S. 1929) to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes; and

A bill (S. 2329) to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 5053) to amend an act authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa, approved March 6, 1900; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a petition of the Fruit and Produce Exchange of Boston, Mass., praying for the repeal of the war-revenue tax on receipts for express and freight packages; which was referred to the Committee on Finance.

He also presented a petition of the Fruit and Produce Exchange of Boston, Mass., praying for the enactment of legislation to establish at that city a national forecast district for the New England States; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of Lynnfield Center, Mass., and a petition of the Woman's Christian Temperance Union of West Brookfield, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of 61 citizens of Lowell, Mass., praying for the repeal of the duty on tea; which was referred to the Committee on Finance.

He also presented a petition of the congregation of the Methodist Episcopal Church of Plainville, Mass., praying for the ratification of the international treaty prohibiting the sale of liquor to native races in Africa; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Drug Exchange of New England and a petition of 157 druggists of Massachusetts, praying for the repeal of the revenue tax on proprietary medicines, perfumeries, and cosmetics; which were referred to the Committee on Finance.

He also presented petitions of the congregation of the Methodist Episcopal Church of Plainville, of the Christian Union of the Universalist Church of West Hingham, and of 150 Methodist Episcopal ministers, all in the State of Massachusetts, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were referred to the Committee on Military Affairs.

Mr. CULLOM presented a memorial of the State Grange of Illinois, Patrons of Husbandry, remonstrating against the appropriation of public funds for the purpose of irrigating Western arid lands; which was referred to the Committee on Public Lands.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, praying for the enactment of legislation to prohibit the adulteration of foods and medicines; which was referred to the Committee on Manufactures.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, praying that an appropriation be made for the extension of the rural free delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, praying for the construction of the Nicaragua Canal; which was ordered to lie on the table.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, praying for the enactment of legislation controlling trusts; which was referred to the Committee on the Judiciary.

Mr. HANNA presented the petition of William M. Griffith, of Tucson, Ariz., praying for the enactment of legislation authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 5 per cent bonds of Pima County, Ariz., to redeem certain funded indebtedness of said county; which was referred to the Committee on Territories.

He also presented a memorial of the Board of Trade of Columbus, Ohio, remonstrating against the passage of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. NELSON presented a petition of the Foley Brothers & Kelly Mercantile Company, of St. Paul, Minn., praying for the repeal of the duty on tea; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. KEAN presented two petitions of the Woman's Christian Temperance Union of Cranbury, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in central Africa, the Philippines, and Alaska, and also to prohibit their sale in Army canteens; which were referred to the Committee on Military Affairs.

He also presented petitions of George W. F. Gaunt, of Mullica Hill; of E. C. Balevre, of Newark; of H. W. Collingwood, of Bergen County; of the Dairymen's Association of Locktown; of John H. Prinsen, of Pennsville, and of Local Grange No. 88, Patrons of Husbandry, of Locktown, all in the State of New Jersey, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Woman's Home Missionary Socity of the Second Presbyterian Church of Elizabeth; of the Woman's Home Missionary Society of the First Presbyterian

Church of East Orange; of the Woman's Home Missionary Society of the Central Presbyterian Church of Orange, and of sundry citizens of Plainfield, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also (for Mr. SEWELL) presented a petition of the Woman's Missionary Society of the First Presbyterian Church of East Orange, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also (for Mr. SEWELL) presented five petitions of citizens of Middlebush, Sandbrook, and Cranbury, all in the State of New Jersey, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also (for Mr. SEWELL) presented a petition of 73 citizens of Beverly, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. COCKRELL presented a petition of sundry citizens of Ash Grove, Mo., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry business firms of St. Louis, Mo., praying for the repeal of the duty on hides; which was referred to the Committee on Finance.

Mr. THURSTON presented a petition of Subordinate Lodge No. 38, Brotherhood of Boiler Makers and Iron Ship Builders, of Omaha, Nebr., praying for the passage of the so-called ship subsidy bill; which was ordered to lie on the table.

Mr. KENNEY presented a petition of sundry citizens of Delaware, praying that an appropriation of $25,000 be made for a survey and other needed improvements to reopen navigation in the Lewes River, in that State; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Delaware, praying that an appropriation of $20,000 be made to open a 7-foot channel, at mean low water, in Broadkill River, from the town of Milton, in that State; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. ELKINS, from the Committee on Commerce, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5022) to provide for the establishment of a port of delivery at Fall River, Mass.; and

A bill (S. 5023) to provide for the establishment of a port of delivery at New Bedford, Mass.

Mr. HAWLEY. I am instructed by the Committee on Military Affairs to report with amendments the bill (S. 4300) to increase the efficiency of the military establishment of the United States.

The PRESIDENT pro tempore. The attention of the Senator from Connecticut is called to the fact that Senate bill 4300 once passed the Senate, and was sent to the House of Representatives, where all of it, after the enacting clause, was stricken out.

Mr. HAWLEY. Yes, sir.

The PRESIDENT pro tempore. The bill referred to the Committee on Military Affairs was Senate bill 4300, as amended by the House.

Mr. HAWLEY. That is quite right.

The PRESIDENT pro tempore. And apparently the committee now reports Senate bill 4300.

Mr. HAWLEY. The House struck out the whole of the Senate bill after the enacting clause and passed what was substantially a substitute. We have taken that measure and have amended it. That is exactly the situation.

Mr. SPOONER. It is an amendment to the House amendment.

Mr. HAWLEY. We report amendments to the House amendment. It is practically a reconstructed bill.

The PRESIDENT pro tempore. The Senator from Connecticut then reports the Senate bill as amended by the House, with amendments?

Mr. HAWLEY. Yes.

Mr. ALDRICH. It is a recommendation for concurrence, with amendments.

The PRESIDENT pro tempore. That makes a different situation.

Mr. GALLINGER. Mr. President, I intended to call attention to the parliamentary status of the bill, which I think is very unusual. The Senate passed a bill and sent it to the House. The House amended it and returned it to the Senate. It was referred to the Committee on Military Affairs, and that committee reports it back with amendments. Now, if that goes to the Calendar and is passed by the Senate and goes to the House, will it be competent to send it again to the Committee on Military Affairs and report it back here in a different form? If so, there is no end to the matter. It seems to me that the bill is in a bad parliamentary state at the present time and that we are going to get into trouble if we treat an amended Senate bill in this way. I may be wrong about it. The Senator from Missouri [Mr. COCKRELL] shakes his head.

Mr. COCKRELL. There is no trouble in the world about it. As soon as the Senate passes the bill it will ask for a conference with the House of Representatives.

Mr. HAWLEY. Yes.

Mr. COCKRELL. And the House will either agree or disagree to the request for a conference.

Mr. GALLINGER. That, of course, makes a different parliamentary situation.

Mr. COCKRELL. As the Senator put it, it was getting into a peculiar condition; but when the committee asks for a conference, that will end it.

Mr. HAWLEY. If the Senate will be kind enough to pass the bill, I shall be very glad to ask for a committee of conference today.

The PRESIDENT pro tempore. The bill will go to the Calendar.

Mr. HAWLEY subsequently said: The rule will not permit the printing of a sufficient number of copies of this bill, and I move that a thousand extra copies of it as proposed to be amended be printed for the use of the Senate.

The motion was agreed to.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 5138) to provide for the establishment of a port of delivery at Saginaw, Mich., reported it with amendments, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 2079) granting a pension to William Ashmead, reported it with an amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 4956) to grant the Knoxville Power Company the right to dam the Tennessee River at or near Knoxville, Tenn., reported it with amendments.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the letter of the Secretary of the Treasury transmitting a list of buildings under control of the Treasury Department for which it is necessary, in order to secure their proper completion, that the limit of cost shall be extended by Congress, asked that the committee be discharged from its further consideration and that it be referred to the Committee on Public Buildings and Grounds; which was agreed to.

JAMES H. CALDWELL.

Mr. COCKRELL. I move that the Committee on Pensions be discharged from the further consideration of the bill (H. R. 9266) granting an increase of pension to James H. Caldwell and that the bill be indefinitely postponed, the claimant having died.

The motion was agreed to.

PROGRESS REPORT ON IRRIGATION.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following resolution, submitted by Mr. PERKINS on the 18th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 1,000 copies of the Progress Report of Cooperative Investigation by the United States Geological Survey and the California Water and Forest Association during the year 1900.

REPORT ON REINDEER IN ALASKA.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution providing for the printing of Dr. Jackson's report upon the introduction of reindeer into Alaska, to report it favorably with amendments; and I ask unanimous consent for its immediate consideration.

The resolution submitted by Mr. TELLER on the 6th instant was read, and considered by unanimous consent, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies additional to the usual number of the report of Dr. Sheldon Jackson upon the Introduction of Domestic Reindeer into the District of Alaska, for 1900, of which 1,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 6,000 copies for the use of the Commissioner of Education.

The amendments of the Committee on Printing were, in line 2 to strike out "ten" and insert "five;" in line 5 to strike out "one thousand" and insert "five hundred;" in line 6 to strike out "three thousand" and insert "one thousand five hundred;" and in line 8 to strike out "six" and insert "three;" so as to make the resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies additional to the usual number of the report of Dr. Sheldon Jackson upon the Introduction of Domestic Reindeer into the District of Alaska, for 1900, of which 500 copies shall be for the use of the Senate, 1,500 copies for the use of the House of Representatives, and 3,000 copies for the use of the Commissioner of Education.

Mr. HANSBROUGH. What is the total number recommended by the committee to be printed?

Mr. PLATT of New York. Five thousand. The amendments reduce the number one-half.

The PRESIDENT pro tempore. The question is on agreeing to the amendments reported by the Committee on Printing.

The amendments were agreed to.

The resolution as amended was concurred in.

WILLIAM GORDON.

Mr. GALLINGER. I am directed by the Committee on Pensions to report two pension bills, and as they are both very urgent cases, in which two Senators are interested, I ask unanimous consent for their immediate consideration. They will take but a moment. The first one is the bill (S. 5259) granting an increase of pension to William Gordon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of William Gordon, late captain Company F, Fifteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUIS HEBEL.

Mr. GALLINGER. The other bill, which is likewise reported without amendment from the Committee on Pensions, is the bill (H. R. 11552) granting an increase of pension to Louis Hebel, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Louis Hebel, late of Company E, One hundred and eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMMUTATION OF CERTAIN HOMESTEAD ENTRIES.

Mr. CARTER. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 5258) to allow the commutation of homestead entries in certain cases, to report it without amendment; and I request unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Senator from Montana, from the Committee on Public Lands, reports a bill for which he asks immediate consideration. The bill will be read for the information of the Senate.

The bill was read, as follows:

Be it enacted, etc., That the provisions of section 2301 of the Revised Statutes of the United States, as amended, allowing homestead settlers to commute their homestead entries be, and the same hereby are, extended to all homestead settlers affected by or entitled to the benefits of the provisions of the act entitled "An act providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose," approved the 17th day of May, A. D. 1900: *Provided, however*, That in commuting such entries the entryman shall pay the price provided in the law under which original entry was made.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. COCKRELL. Let us have an explanation of it.

Mr. CARTER. Mr. President, this is the bill which was reported with reference to but one reservation some days ago by the Senator from Minnesota [Mr. NELSON]. There were some attempts to amend that bill at the time, and having attempted to amend it, and possibly thereby obstructed its passage on that day, I have felt called upon to ask now that in its amended form reported from the committee it be put upon its passage.

The bill merely extends the commutation privilege to persons residing upon ceded portion of Indian reservations. The free-home bill exonerated such homestead settlers from the payment of the amounts theretofore prescribed by numerous treaties of cession and acts confirmatory thereof. This allows the settler, after having resided upon the land for fourteen months, to pay $1.25 per acre for the land and get patent, as provided in the homestead law.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ACCOUNTS OF COURT OFFICERS IN UTAH TERRITORY.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 5231) relating to the accounts of United States marshals and clerks of the district courts of the Territory of Utah, to report it with an amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the Judiciary with an amendment, in line 9, after the word "accordingly," to insert "and the fees earned in United States cases, and withheld from them, shall be paid to them out of any money not otherwise appropriated;" so as to make the bill read:

Be it enacted, etc., That the United States marshals and the clerks of the district courts of the Territory of Utah prior to its admission to the Union as a State shall be held accountable only for fees earned in United States cases, in accordance with a decision of the Attorney-General dated December 2, 1891, and all unclosed accounts of such officers shall be settled and closed accordingly, and the fees earned in United States cases and withheld from them shall be paid to them out of any money not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EQUIPMENT FOR SENATE RESTAURANT.

Mr. SPOONER, from the Committee on Rules, reported the following resolution; which, with the accompanying papers, was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant-at-Arms be, and he hereby is, authorized and directed to purchase and place in the kitchen of the Senate restaurant a dish-washing machine, in accordance with the proposition made to the Committee on Rules by the Duparquet, Huot & Moneuse Company, to cost not more than $600, said machine to be paid for from the miscellaneous items of the contingent fund of the Senate, when approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

WATER FILTRATION.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. MCMILLAN yesterday, reported it without amendment; and it was considered by unanimous consent:

Resolved, That the Committee on the District of Columbia be, and it is hereby, directed to investigate and report to the Senate, at the earliest practicable date, the relative advantages of the so-called mechanical system and of the slow sand system of water filtration for cities; and the necessary expenses of such investigation shall be paid from the contingent fund of the Senate.

Mr. COCKRELL. Do I correctly understand that the investigation is to embrace the slow sand system?

Mr. GALLINGER. The slow sand filtration. There are two systems.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. HAWLEY introduced a bill (S. 5289) granting a pension to Ellen Gaines; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5290) granting a pension to Joab Hart (with an accompanying paper);

A bill (S. 5291) granting an increase of pension to John Doberrer;

A bill (S. 5292) granting a pension to Margaret Robison (with an accompanying paper);

A bill (S. 5293) granting an increase of pension to John W. Armitage (with accompanying papers);

A bill (S. 5294) granting an increase of pension to William C. Phares (with accompanying papers);

A bill (S. 5295) granting a pension to America Rankin (with accompanying papers);

A bill (S. 5296) granting an increase of pension to Thomas B. Tucker;

A bill (S. 5297) granting an increase of pension to C. H. Miller (with an accompanying paper); and

A bill (S. 5298) granting an increase of pension to Newton P. Hunter (with an accompanying paper).

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 5299) to remove the charge of desertion from the military record of John Welty;

A bill (S. 5300) for relief of Jacob Barr (with accompanying papers);

A bill (S. 5301) to remove the charge of desertion from the military record of Richard H. Sterling (with an accompanying paper);

A bill (S. 5302) to correct the military record of Thomas Ross (with accompanying papers);

A bill (S. 5303) to remove the charge of desertion from the military record of Milton A. Romig (with an accompanying paper);

A bill (S. 5304) to remove the charge of desertion from the military record of Simon Rupert (with an accompanying paper); and

A bill (S. 5305) to remove the charge of desertion from the military record of Jacob Shela.

Mr. HARRIS. For my colleague [Mr. BAKER], who is unavoidably absent, I introduce a bill.

The bill (S. 5306) granting a pension to Elizabeth J. Musgrove was read twice by its title, and referred to the Committee on Pensions.

Mr. BATE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5307) for the relief of Thomas W. Evans and the heirs of William Evans and of William R. Elliston;

A bill (S. 5308) for the relief of Thomas W. Evans; and

A bill (S. 5309) for the relief of the heirs of Mrs. Jane Elizabeth Rodes.

Mr. FAIRBANKS introduced a bill (S. 5310) granting an increase of pension to Benjamin F. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 5311) for the relief of Levi J. Billings; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. WARREN introduced a bill (S. 5312) for relief of Anna M. Orne, administratrix of Henry A. Orne, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 5313) granting a pension to James Frey; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5314) granting a pension to John Coleman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANNA introduced a bill (S. 5315) granting an increase of pension to John W. Fellows; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 5316) granting a pension to Ambrose Brisett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. THURSTON introduced a bill (S. 5317) authorizing certain suits in the Court of Claims, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5318) authorizing the Dewey Hotel Company to construct and maintain an electric and steam conduit on Stanton alley; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5319) granting an increase of pension to William H. Ijams; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 5320) to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GALLINGER introduced a bill (S. 5321) for the purchase of a site for a hall of records; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HALE introduced a bill (S. 5322) granting an increase of pension to Daniel W. Warren, which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5323) granting an increase of pension to William G. Towle; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 5324) for the relief of Andrew A. Kelly; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUARLES introduced a bill (S. 5325) granting a pension to Michael Mullin; which was read twice by its title, and, with the accompanying papers, refered to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 5326) granting a pension to Maggie Alice Brady; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FOSTER introduced a bill (S. 5327) authorizing and empowering Richard Chilcott, a citizen of the United States, to dredge a channel at the mouth of Snake River, at Nome City, in the district of Alaska, to construct wharves for commercial purposes, and to charge tolls for the use of such improvements, under the direction and approval of the Secretary of War; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McCOMAS introduced a bill (S. 5328) for the relief of inspectors of customs who performed double duty; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5329) for the relief of William A. Gordon, administrator of the estate of William D. C. Murdock, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McBRIDE introduced a bill (S. 5330) to extend the privileges provided by an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, as amended; which was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

Mr. HAWLEY introduced a joint resolution (S. R. 143) authorizing a reprint of Senate Document No. 425, Fifty-sixth Congress, first session, being the report of the Daughters of the American Revolution; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO BILLS.

Mr. THURSTON (by request) submitted an amendment intended to be proposed to the bill (H. R. 11821) to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes; which was ordered to lie on the table, and be printed.

Mr. SHOUP submitted an amendment providing for an Indian agent at the Lemhi Agency, in Idaho, at a salary of $1,200, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CHANDLER submitted an amendment providing for the appointment of two clerks of class 2 instead of one clerk of class 2 in the office of the Director of the Mint, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DANIEL submitted an amendment intended to be proposed by him to the bill (S. 4300) to increase the efficiency of the military establishment of the United States; which was ordered to lie on the table, and be printed.

LITIGATION IN LABOR TROUBLES.

Mr. THURSTON. I move that the hearings had before the Committee on the Judiciary of the House of Representatives on the bill (H. R. 8917) to limit the meaning of the word "conspiracy" and also the use of "restraining orders and injunctions" as applied to disputes between employers and employees in the District of Columbia and Territories, or engaged in commerce between the several States, District of Columbia, and Territories, and with foreign nations, be printed as a Senate document to accompany the bill (S. 4233) to limit the meaning of the word "conspiracy" and also the use of "restraining orders and injunctions" as applied to disputes between employers and employees in the District of Columbia and Territories, or engaged in commerce between the several States, District of Columbia, and Territories, and with foreign nations. This hearing was had on an important bill, and I desire to have it printed to accompany a similar bill now on our Calendar, reported favorably by the Committee on the Judiciary. It is a small document.

The motion was agreed to.

MONTANA SENATORIAL INVESTIGATION.

The PRESIDENT pro tempore laid before the Senate the following resolution, submitted yesterday by Mr. CHANDLER:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate be discharged from further consideration of the resolution authorizing the Committee on Privileges and Elections to send for persons and papers in connection with the inquiry concerning the appointments of William A. Clark and Martin Maginnis as Senators from the State of Montana.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. JONES of Arkansas. Mr. President, I have no objection to the resolution being adopted, if the Senate chooses to do so. It seems to me, however, that it is proper for the Senate to understand the effect of the resolution before voting in favor of it.

On Saturday last a resolution authorizing the Committee on Privileges and Elections to send for persons and papers in certain cases was referred to the Committee to Audit and Control the Contingent Expenses of the Senate. On Monday the Senator from New Hampshire [Mr. CHANDLER] inquired of the acting chairman of the committee why the resolution had not been reported back; and since that time he has offered this resolution to discharge the committee from the further consideration of the resolution.

I desire to call the attention of the Senate to the statute governing matters of this kind:

Hereafter no payment shall be made from the contingent fund of the Senate unless sanctioned by the Committee to Audit and Control the Contingent Expenses of the Senate.

I should like to have the Senate bear in mind that in case this resolution is adopted and the committee is discharged from the further consideration of the resolution, it can not be adopted by the Senate without a violation of the law. That is the only section of the statute so far as I know.

Mr. SPOONER. Then does the Senator mean by that that the Senate is entirely subject to the control of the committee, and that if the committee see fit never to report the Senate's hands would be absolutely tied, no matter what the exigency might be?

Mr. JONES of Arkansas. I say the Senate is absolutely controlled by the law, and the law is that no resolution of this kind can be adopted without the sanction of the Committee to Audit and Control the Contingent Expenses of the Senate. If the Senate arbitrarily takes a resolution of this kind out of the hands of the Committee to Audit and Control the Contingent Expenses of the Senate, the Senate can not pass the resolution without violating the law which has been adopted by both Houses and approved by the President, and which is the law of the land. It may be an unwise law, but it is the law.

If, under these circumstances, the Senate chooses to discharge the committee, of course I have nothing more to say.

Mr. HOAR. Mr. President, I do not propose to enter upon the question of the law which the Senator from Arkansas has raised. I think the universal understanding of the Senate has been otherwise. It could not have been expected by anybody that the Senate should be put into the hands of one of its committees, which might refuse to act on a matter which was very important. Suppose there was an expense proposed from the contingent fund to try, if it could be conceived of (I put it merely as a matter of illustration), the Committee on Contingent Expenses for some malefaction, if that could be possible, could that committee arrest the whole inquiry at its will?

But I wish to call the attention of the Senate, and especially of the other side of the Chamber, to the simple proposition involved in this resolution.

Mr. JONES of Arkansas. The Senator means the resolution under consideration proposing to discharge the committee from the further consideration of the former resolution?

Mr. HOAR. I refer to the subject raised by the original resolution. It seems as if there were a likelihood that this might take the form of a political question between the two parties in this Chamber. I do not charge the Senator from Arkansas with any such purpose; I do not suggest any such purpose on his part, and certainly there never has been a political division on such a question heretofore.

Mr. Clark, the Senator who had the credentials from Montana and took his seat, was in his seat. Nobody doubts that. He addressed the Senate after the report of the Committee on Privileges and Elections came in. One of his last utterances in that address was to say that he assured the Senate of something, if I recollect right, on his responsibility as a Senator of the United States. He was then de facto, and because de facto de jure, until the Senate had acted otherwise, the Senator from Montana. His vote was as good as mine or that of the Senator from Arkansas or any other Senator in the body.

Now, there was in that case no vacancy, as I understand the Constitution and laws. The seat was full. It was rightfully full, subject to the condition subsequent of the action of the Senate holding that he was not lawfully entitled to it. As I understand it, the seat was not then vacant. No action could have been taken by a governor, a lieutenant-governor, or anybody else, to which the existence of a vacancy is a condition, until after his resignation took effect.

That was at a late hour in the afternoon. On the same day, the governor of the State being absent, the lieutenant-governor appointed his successor, declaring that the seat was vacant. As I understand it, that appointment was absolutely null and void if it was made on that day before Mr. Clark resigned. I am told that it was made before Mr. Clark resigned; that it was made and delivered to a son of Mr. Clark early in the day, to take effect after the resignation. There was no vacancy; there was no notice of a future vacancy like that in the Chilton case, and therefore, there having been no appointment after a vacancy, when the governor came back he made one. The gentleman whom the governor undertook to make Senator by that appointment is here demanding his seat, and this committee refuse, if they do refuse, to allow the Senate to see whether the facts presenting that question of law exist or not—whether the vacancy existed before the appointment by the lieutenant-governor or after it.

Now, there may be some Senators here who do not think it makes any difference, or that the doctrine of omnia rite acta præsumuntur makes the presumption conclusive that if two things are done on the same day but one is conclusively presumed to have taken place first, which will give effect to the transaction. But other Senators do not take that view of the law, so we are entitled to know the fact. Does anybody propose, or any party propose, or any association of gentlemen propose to take Mr. William A. Clark on their shoulders as the pious Æneas did Anchises and carry him through all these flames for better or for worse, through good report and evil report, and not allow their associates in the Senate, if they can help it, the ordinary privilege of an investigation before they apply the Constitution and the laws?

It seems to me that that is the whole question.

Mr. JONES of Arkansas. Mr. President, I do not by any means agree with the Senator from Massachusetts that his statement of the case is the whole question. The question presented for the consideration of the Senate is whether the Committee to Audit and Control the Contingent Expenses of the Senate shall be discharged from the further consideration of the resolution. That is the sole question. This, of course, is intended in the nature of a punishment or a rebuke to that committee for having failed to do its duty, if the resolution is adopted at all.

The resolution went to the committee on Saturday last. On Monday the Senator from New Hampshire [Mr. CHANDLER] called the matter up and inquired of the acting chairman of the committee whether there had been a report, and if not, why not; and he asked him for the reasons given in the committee—given by members of the committee—for their opposition to the adoption of the resolution, if there was such opposition. He further wanted to know why I was not personally present at the meeting of the committee. I had other engagements. It was impossible for me to be there. I advised members of the committee that it was impossible for me to be there, and, as I stated on the floor of the Senate, it was impossible for me to be there on that day or the next day, when I had other engagements which made it impossible for me to be present, but I could be there on Wednesday.

The chairman of the committee, the Senator from Nevada [Mr. JONES], was absent and was telegraphed for by the acting chairman of the committee. He replied to the telegram, asking that the meeting be postponed until to-day, stating that he could be here to-day and that he wanted to be here when the matter came up. He came over from New York, and the committee had a meeting to-day. The matter was up for consideration and discussion, and on the motion of the Senator from West Virginia [Mr. SCOTT] the further consideration of the resolution was postponed until to-morrow, until such time as the reason for passing the resolution should be understood.

I myself made the point in the committee that the Senate by its own action adjourns to-morrow and will not reassemble until the 3d day of January; that on the 2d day of January, the day before the Senate reassembles, the legislature of Montana assembles, and that that legislature is charged with the responsibility of filling the vacancy to which both Mr. Clark and Mr. Maginnis claim to have been appointed.

Now, it seems to me to be a simple impossibility, if we should adopt the resolution now and should confer authority on the Committee on Privileges and Elections to send for persons and papers to-day, that they should send to Montana for as many people as they want to get; and it would be impossible for any report to be made by that committee, even if the committee should sit during the holidays, until after the meeting of the legislature of Montana, which is charged with the filling of the vacancy.

These are the facts which appeared before the committee, and the committee, not being willing to recommend the expenditure of public money without a reasonable cause, wanted to understand what the facts of the case were.

The resolution has been in the hands of the committee only three or four days at the outside. If the Senate believes that the committee has failed to do its duty and that it should be rebuked, then I think the Senate should adopt the pending resolution. If, on the other hand, the Senate believes that the committee has acted reasonably, the resolution ought not to be adopted.

Mr. CHANDLER. Mr. President, this case presents itself in very singular aspects. In the first place, there is no partisanship in connection with the subject on this side of the Chamber. The vacancy in the representation of the State of Montana has certainly existed since the 15th day of May last. Very shortly after Senator Clark retired from the Senate two appointments were made to fill the vacancy. One was made by Lieutenant-Governor Spriggs, of Mr. Clark, who had just vacated the seat. Later Governor Smith telegraphed that the first appointment had been made in collusion and fraud, that he had disregarded it, and had appointed Martin Maginnis.

Now, Mr. President, both William A. Clark and Martin Maginnis are Democrats. Neither is a Republican. Neither has ever been suspected of being a Republican. From the time when these two appointments came into the Senate the Committee on Privileges and Elections has been endeavoring to make an investigation and reach an adjudication on the question if either of these two Democrats should fill the vacancy.

Mr. President, that is the situation. If either of the claimants had been a Republican and I had pursued the case with the same zeal, the Senator from Arkansas would have reproached me with partisanship. Certainly, neither I nor any Senator upon this side of the Chamber can be accused of partisanship because we seek to do the exact duty we owe to the State of Montana, which stands here with only one Senator to represent her interests in this Chamber.

In view of the fact that there is a vacancy and that here are two Democratic claimants to the vacancy, it seems to me that the Senators upon the other side of the Chamber ought to be zealous to have the facts investigated and a determination of the Senate reached whether either of the two claimants shall fill the seat.

In the theory of the law they are outside this door at this minute, asking to come in. I know that Mr. Maginnis, a good and true Montana Democrat, seeks to come in under the appointment of the governor, and, so far as I know, Senator Clark is demanding admission under his credentials from the lieutenant-governor. Is the Senator from Arkansas authorized to disclaim any desire on the part of Senator Clark to fill the present vacancy in the Senate under the appointment of Lieutenant-Governor Spriggs?

Mr. JONES of Arkansas. I have no information whatever on the subject.

Mr. CHANDLER. Then, Mr. President, here they are—two Democratic claimants and a vacancy; and when the Committee on Privileges and Elections undertakes to do its simple duty, from the other side of the Chamber there arises opposition to the investigation.

But, Mr. President, that is not the only singular thing.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. CHANDLER. Certainly.

Mr. TILLMAN. If the Senator will permit a suggestion, if this is purely a Democratic matter—I do not think so myself, it is higher than that; but if it is purely a Democratic quarrel as between two men and we are going to let in an additional Democrat, the interest of the Senator from New Hampshire appears to be rather extraordinary.

Mr. CHANDLER. Mr. President, the insinuation that any Republican on this side of the Chamber would not wish to admit another Democrat into this body if he had a lawful right to come should not come from the Senator from South Carolina. There are not Democrats enough here, perhaps, to represent correctly the principles and measures of the Democratic party.

Mr. TILLMAN. I presume the Senator wants to guy some additional Democrats and make them feel sad, as he has done others among us since the last election.

Mr. CHANDLER. Of course, the Senator did not mean that there was any disposition on my part to treat this subject as a partisan one. I can have no partisan reason for wanting to make this inquiry. I am doing my simple duty as chairman of the committee. The Senator from South Carolina and the Senator from Arkansas know it.

Why is it that for the first time in the history of the Senate we have the Committee to Audit and Control the Contingent Expenses of the Senate embroiling the Senate on the mere question whether a high and important committee of this body shall have the power to send for persons and papers in order to make an investigation which the Senate by resolution has directed us to make; when the claimants to the seat are outside the door, each one expecting to come in? Mr. President, the like of this objection never has been known in the Senate before.

What was the membership of the Committee on Contingent Expenses up to the recent reorganization of the committee? It consisted of three members. One of them was the Senator from Nevada [Mr. JONES], a Populist, I think; another was the Senator from Arkansas [Mr. JONES], a Democrat, and the third was my colleague from New Hampshire [Mr. GALLINGER], the only Republican upon the committee.

Now the Senator from Arkansas says that the Senate of the United States can not spend one dollar of its contingent fund unless he and the Senator from Nevada consent; that we have made a law to that effect; that we legislated ourselves years ago into the hands of the Jones family and have no possible way to get out of it even for the purpose of finding out whether either of two Democrats is entitled to fill the vacancy in this body when both are knocking at the door and wanting to get in.

Mr. President, it is an absurd construction of the rule. The word "sanctioned" in the law means "considered." That is what every Senator knows it means. The Senator from Arkansas knows that is what it means. It never was intended that any such law should be made as would put the control of the contingent expenses of the Senate absolutely by statute into the hands of a majority of the Committee on Contingent Expenses so that it could not be overruled even by the Senate itself. No law could bind the Senate; the law itself does not bind the Senate. It is a very good rule and it ought to be observed; but it gives the Committee on Contingent Expenses no more authority over the appropriations of this body from the contingent fund of the Senate than the Senate chooses to give it.

Now, Mr. President, the condition of the Contingent Expenses Committee had come to be awkward, and at the last reorganization of the committees of this body two members were added, the Senator from West Virginia [Mr. SCOTT] and the Senator from New Jersey [Mr. KEAN], both Republicans, so we have three Republicans to one Democrat and one Populist on the committee. When the resolution first went before that committee, about a week ago, the chairman of the committee being in New York, the Senator from Arkansas, being in town, stayed away from the meeting of the committee, and we have not been able to get a meeting of that committee yet, though the Senator from Nevada is in town, but not within the sacred precincts of the committee.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I beg his pardon and the pardon of the Senate for interrupting him to say that we had a very protracted meeting of the committee this morning and reached a conclusion for the present.

Mr. CHANDLER. Mr. President, the conclusion for the present is not apparent to the Senate. I understand my colleague to mean that the committee think they want further time to consider whether this expenditure should be sanctioned.

Mr. GALLINGER. Precisely, and we are going to have some members, if we can get them, of the Committee on Privileges and Elections appear to state the reasons for this expenditure.

Mr. CHANDLER. It is quite courteous in the committee to try the Committee on Privileges and Elections. I only hope if the Committee on Contingent Expenses succeed in getting the committee to come there that the Committee on Contingent Expenses will not disappear just before the Committee on Privileges and Elections arrive.

Mr. GALLINGER. We have not done so yet.

Mr. CHANDLER. I do not think the extraordinary spectacle has ever been witnessed before in the Senate when, in an attempt to fulfill the direct orders of the Senate, a committee ask for the power to send for persons and papers, the Committee on Contingent Expenses determine to summon the Committee on Privileges and Elections before them, to make a case for spending money in order to try and execute the orders of the Senate.

Mr. SCOTT. May I ask the Senator a question?

Mr. CHANDLER. Certainly.

Mr. SCOTT. I should like to ask the Senator what is the use of having a Committee on Contingent Expenses if they have no duties to perform or no rights? The committee this morning made the request to have a member of the Committee on Privileges and Elections present to-morrow morning for the purpose of having him make a statement as to why an additional expense in this case should be added to the expenses of the United States when the time is so short between the day we adjourn to-morrow and the meeting of the Montana legislature to fill the vacancy. If this was an emergency case and the Senate desired to make the expenditure, and if one member of the committee would so explain to our committee, we would be perfectly willing to grant it. No man would transact his own business in a way different from that, I think.

Mr. CHANDLER. Mr. President, answering the Senator from West Virginia, I would not undertake to say that the Committee to Audit and Control the Contingent Expenses of the Senate has not been or ought not to be a useful committee of this body. I am glad that the committee is giving closer attention to its subjects. I am glad that the committee has been enlarged, and that hereafter the committee proposes to investigate propositions to expend money from the contingent fund. The Senator from Arkansas knows that that is my view of the case, and I congratulate the Senator from West Virginia because, joining the committee, he raises the question in this case.

Mr. SPOONER. Mr. President, will the Senator permit me to interrupt him?

Mr. CHANDLER. The point I make is that it is very inconvenient to have the Committee on Contingent Expenses, for the first time in the whole history of the Senate, give the attention it is now giving to this question of high privilege. I yield to the Senator from Wisconsin.

Mr. SPOONER. I ask the Senator, if it be true that the Senate can not make an investigation, however important the Senate regards it, without the consent of the Committee to Audit and Control the Contingent Expenses of the Senate, whether it would not be wise to enlarge still further the Committee to Audit and Control the Contingent Expenses so as to take in the Senate? Why not liberate ourselves from this apparent thraldom in that way?

Mr. BACON. You would have to change the law.

Mr. SPOONER. I do not think the law requires any change. I have never so understood it.

Mr. CHANDLER. Mr. President, I have no deep feeling on this subject and I have no criticisms to make of the Committee to Audit and Control the Contingent Expenses of the Senate. They followed the custom and practice of the Senate, which has not been a good one. What I do not like is to have this new rule adopted now and placed, not upon me and the committee of which I have the honor to be chairman, but put upon the Senate itself, which has ordered this inquiry.

If the Committee on Contingent Expenses thought there was not time to make the inquiry, then they might have reported back the resolution with the suggestion to the Senate that there is not time to make the inquiry. The course that the committee is pursuing is simply the taking of responsibility by the committee for defeating an investigation which the Senate has directed shall be made.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. CHANDLER. Certainly.

Mr. TILLMAN. Perhaps the Senator from New Hampshire can throw some light on this question if he will let the Senate know what was the cost of the examination made by his committee on this very Clark case last spring. The witnesses from Montana were in the corridors of the Capitol upstairs by the hundred or thousand; I do not know how many. It is a good many miles from here out there. It costs a good deal to bring men from Montana here to be examined, and all that kind of thing. The Montana legislature will act, as the Senator from West Virginia has just said, on the whole subject in a very short while. We are so careless about economy here that it does look to me like there might be some merit in the idea of the Committee on Contingent Expenses taking a little hand in this matter themselves and not let the Senator from New Hampshire have full leeway on the subject.

Mr. CHANDLER. Mr. President, it costs about $250 to get a witness from Montana here, but it would require very few witnesses to demonstrate the facts.

Mr. TILLMAN. I will ask the Senator, if the accounts have been made up, how much did the other investigation cost?

Mr. CHANDLER. Thirty or forty thousand dollars.

Mr. TILLMAN. What benefit was it to the country?

Mr. HOAR. Very great.

Mr. CHANDLER. The vacant seat in the Senate from Montana answers that question.

Mr. TILLMAN. The Senator from Massachusetts [Mr. HOAR] says the benefit was very great, but it seems that notwithstanding the investigation the State of Montana has gone Democratic, that the result has not been what was anticipated, and the fruit has not been as sweet as some people imagined it would be.

Mr. SCOTT. I should like to ask the Senator from New Hampshire a question.

Mr. CHANDLER. In one moment.

The Senator from South Carolina, in making the suggestion which he has, invites a debate, which I am not inclined to enter into. I am not before the Senate here and now to argue the merits of the case which was tried before the Committee on Privileges and Elections at such length and such expense.

The Senator from South Carolina seems to think we should investigate bribery in connection with a Senatorial election if it is near by and does not cost much, but that if the crime of bribery in the election of a Senator is perpetrated 2,000 miles away and it costs a good deal to investigate it, we should not touch it. That is the force and sense of the remark of the Senator from South Carolina.

Mr. TILLMAN. If the Senator will pardon me, that is not the burden of my argument. It is simply the uselessness of this apparent persecution of a man. I have no sympathy with the methods of Mr. Clark, if the charges which were published in the newspapers against him last year were proven.

Mr. CHANDLER. The Senator asks what good the investigation did. He demands to know that of me, and is introducing an old subject into the debate; but it has nothing more to do with it than the question how we shall make the next apportionment of Representatives in Congress.

Mr. TILLMAN. If this be a mere matter of law, a constitutional question, according to the statement of the Senator, why can not the Senate settle it without any further investigation?

Mr. CHANDLER. The Senate instructed the Committee on Privileges and Elections to make this inquiry, and the question now is whether the Senate will follow that up by giving the committee the authority which they ask for.

I am not going into a discussion of the Clark case. I should be perfectly willing to do so, but Senators would justly rebuke me if I did. However, the Senator from Montana [Mr. CARTER], who is in his seat, will be perfectly willing to discuss, if the Senator from South Carolina wants him to do so, the recent Montana election and the way in which the Democratic victory, of which the Senator from South Carolina has taken occasion to boast in this Chamber, was obtained, but I do not intend to debate that question.

Mr. SCOTT and Mr. TILLMAN addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from West Virginia?

Mr. CHANDLER. I do.

Mr. SCOTT. I am not a constitutional lawyer, and I presume I was selected to go upon the Committee to Audit and Control the Contingent Expenses of the Senate because I was a business man and would examine questions coming before the committee from a business standpoint. The first time I had ever met with the committee was on this case. I thought I had a right to know the reason why the Senate was to spend this money. If I am mistaken, of course I want to apologize; but I do think if that committee has been created for any purpose at all it was to supervise and to inquire into the expenditure of money. If it has not been, I have been mistaken in what I conceive to be my duty.

If the Senator from New Hampshire and the members of the Committee on Privileges and Elections show that they want this investigation—that they can take the subject up and conclude it before there is an election in Montana, and that it is proper and right to expend two or three or four thousand dollars in order to get at the truth—whenever I am satisfied that that is the thing to do I certainly shall vote for that expenditure; otherwise I shall not do it.

Mr. CHANDLER. The Senator from West Virginia is quite right about the duties of his committee. I concur in his statement upon that subject, and I venture to say that the committee has been very much strengthened by the addition of the Senator from West Virginia as a member of it.

Mr. SCOTT. I thank the Senator.

Mr. CHANDLER. I myself welcome, Mr. President, the advent in the committee of the new method of performing its functions.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. CHANDLER. I yield to the Senator from South Carolina next.

Mr. TILLMAN. I merely wish to suggest to the Senator that I would not have brought up the subject or had anything to say about the recent Montana election had it not been for the remark of the Senator from Massachusetts [Mr. HOAR] that the investigation by the Committee on Privileges and Elections had accomplished a great deal. So far as I am concerned, I have never read any of the testimony taken before the committee. I only know that the committee was engaged here by the week and almost by the month, every day, with an army of witnesses, and that the newspapers were full of nauseating details of charges of bribery, and all that kind of thing. I never read the testimony, and never expect to read it.

The only practical issue here in connection with the recent Montana election is whether there was sufficient fraud in that election to invalidate the action of its legislature whenever it does act. I think it is premature for us to enter upon an investigation of the recent election until the legislature sends a Senator here—I mean as the result of that election—to claim a seat. When that occurs, then it will be time to begin a new investigation upon the last election instead of reopening the investigation of a previous election.

Mr. CHANDLER. Then why did the Senator introduce any reference to the new and recent election in Montana?

Mr. TILLMAN. I should not have introduced it except for the reason I have stated, that the Senator from Massachusetts [Mr. HOAR] referred to it. I merely threw out the suggestion that, so far from defeating the man who had been charged with bribery, the State had gone Democratic.

Mr. HOAR. Will the Senator yield to me?

Mr. TILLMAN. I would yield with pleasure if I had the floor, but the Senator from New Hampshire [Mr. CHANDLER] is in possession of the floor.

Mr. CHANDLER. I yield to the Senator from Massachusetts.

Mr. HOAR. The Senator from South Carolina [Mr. TILLMAN], if I understood him, inquired what good the investigation last winter of the claim of the then Senator from Montana to a seat here did; to which I replied from my seat, "Very great." What happened, as I understand it, is this: There was a charge that a man worth as many million dollars as counted in thousands would make some of us think ourselves pretty rich men had purchased, or that his friends had purchased, the entire majority of the legislature of a young State; and without being agreed as to all the details, the committee unanimously held that that fact was proved, not by the committee bringing home guilt to the Senator claiming the seat, but bringing it home to somebody; and for that reason the Senator was not entitled to a seat in the Senate.

I am very sure of the assent of my friend from South Carolina, who, however I may differ with him in regard to policies, I know would not spend or sanction the expenditure of a sixpence for corruption in any public or private matter, and would rather cut off his right hand than do it—I am very sure of his assent to my proposition, that to prevent the perpetration of such a crime is a great public good.

Mr. TILLMAN and Mr. STEWART addressed the Chair.

The PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. TILLMAN. Permit me to answer the Senator from Massachusetts. I thank the Senator for his opinion in regard to my own purity of purpose here, and I wish to say that, so far as I can understand the report of that committee, after the investigation I was prepared, if necessary, to vote to unseat Mr. Clark, but when we come down to the practical results of the investigation we find

that the exposure—if you did expose to the satisfaction of the people of Montana the fact that corrupt practices had been used there and that that legislature had been debauched—resulted in nothing more than a Democratic victory. Now, if that be true—what influences were brought to bear I do not know—I do not think that Montana politics have been purified by any investigation we have had, and no practical good has resulted. The recent election could be considered as a repudiation by the people of Montana of the charges made against Senator Clark.

Mr. HOAR. I should like to ask the Senator if he does not agree that the Democratic victory was a great public good? [Laughter.]

Mr. TILLMAN. The Democratic victory in Montana?

Mr. HOAR. Yes.

Mr. TILLMAN. I would not give a snap of my fingers whether or not Montana went Democratic last time, after we lost the Presidential election. [Laughter.]

Mr. GALLINGER addressed the Chair.

Mr. LODGE. Mr. President, the Senate has a special order for 3 o'clock. I am very reluctant to interrupt this debate, but I feel that I must make a motion that the Senate go into executive session.

Mr. GALLINGER. The Senator has not made the motion. I want to say to him that, as I am a member of the Committee to Audit and Control the Contingent Expenses of the Senate, I think I ought to be permitted the right to make a statement before he makes the motion, and I think he will agree with me on that point.

Mr. LODGE. I will certainly not press the motion until the Senator from New Hampshire shall have an opportunity to make his statement, but then I give notice that I must make the motion in justice to other Senators.

BALTIMORE AND POTOMAC RAILROAD COMPANY.

The PRESIDENT pro tempore. With the permission of the Senator from New Hampshire [Mr. GALLINGER], the Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 1929) to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes, which will be read.

The Secretary proceeded to read the amendments of the House of Representatives.

Mr. McMILLAN. I do not think it necessary to read all the amendments of the House of Representatives. I move that the Senate nonconcur in the amendments and ask for a committee of conference.

Mr. BERRY. I did not hear the motion.

Mr. PETTIGREW. I do not believe this bill ought to pass at all, but I want to examine and discuss the amendments. I ask either that the bill go over or that it be referred to the Committee on the District of Columbia.

Mr. McMILLAN. I have moved that the Senate disagree to the amendments of the House of Representatives and ask for a committee of conference.

Mr. PETTIGREW. That is what I object to—disagreeing to the amendments of the House of Representatives and asking for a committee of conference. I want to examine the amendments. Perhaps we ought to agree to them, but I do not believe the bill ever ought to pass. It appropriates between 11 and 12 acres of a park for railroad purposes. I do not believe the people living in that locality favor any such proposition or that such an appropriation ought to be made. I want an opportunity to examine the amendments and discuss them before they go to a committee of conference.

I move to refer the bill and amendments to the Committee on the District of Columbia.

Mr. McMILLAN. I move that the Senate nonconcur in the amendments of the House of Representatives and ask for a conference, and that the Chair appoint the conferees on the part of the Senate.

Mr. LODGE. Mr. President, I yielded to the Senator from New Hampshire [Mr. GALLINGER], who desired, on the part of the Committee to Audit and Control the Contingent Expenses of the Senate, to make a personal explanation. I can not possibly withhold my motion for a debate on the Pennsylvania Railroad bill; I can not do so in justice to other Senators.

The PRESIDENT pro tempore. With the leave of the Senate, the Chair will withdraw the bill.

Mr. McMILLAN. I have no objection to having it referred to the Committee on the District of Columbia and printed.

Mr. ALDRICH. Let the bill and amendments be printed and referred to the Committee on the District of Columbia.

The PRESIDENT pro tempore. The bill and amendments will be referred to the Committee on the District of Columbia and printed, in the absence of objection.

BALTIMORE AND OHIO RAILROAD COMPANY.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2329) to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes; which were referred to the Committee on the District of Columbia, and ordered to be printed.

MONTANA SENATORIAL INVESTIGATION.

The Senate resumed the consideration of the resolution submitted yesterday by Mr. CHANDLER, proposing to discharge the Committee to Audit and Control the Contingent Expenses of the Senate from the further consideration of the resolution authorizing the Committee on Privileges and Elections to send for persons and papers in connection with the inquiry concerning the appointments of William A. Clark and Martin Maginnis as Senator from the State of Montana.

Mr. GALLINGER. Mr. President, I do not rise to make a personal explanation, as the Senator from Massachusetts [Mr. LODGE] inadvertently suggested, but for the purpose of calling attention to the status of the question that has been so earnestly and warmly discussed.

On Saturday last a resolution, which proposed to take from the contingent fund an indefinite sum of money, was referred to that committee. In the absence of the Senator from Nevada [Mr. JONES], I was acting chairman of the committee by a vote of the committee. I called a meeting of the committee for Monday. The Senator from Arkansas [Mr. JONES] advised us in advance of his inability to be present, and requested that no action should be taken, saying to the committee that the earliest moment at which he could attend would be on Wednesday. I then called a meeting of the committee for Wednesday morning. In the meantime I had telegraphed to the chairman of the committee, who was in New York, unavoidably absent attending a sick daughter, that his presence was desired. He responded by wire that he could not be here until this morning. I consulted the other members of the committee, and we unanimously agreed that it was the proper and courteous thing to postpone the meeting until this morning; which we did. This morning we held a meeting, and I will state in a moment the conclusion that was reached.

I have been a member of the Committee to Audit and Control the Contingent Expenses of the Senate for a good while, and I have performed a good deal of clerical work as a member of that committee.

Mr. JONES of Arkansas. Will the Senator allow me?

Mr. GALLINGER. Certainly.

Mr. JONES of Arkansas. In view of the statement made by the Senator's colleague, I ask if the Senator will state how many members of the committee were present at the hearing to-day?

Mr. GALLINGER. I will say they were all present.

Mr. President, as I was saying, I have performed a great deal of clerical work, both here and at my home, as a member of that committee, but I never have supposed the committee was simply a committee of clerks. I supposed we had some power, some jurisdiction over something beyond the mere matter of writing our names on the backs of bills which were perfunctorily approved, or of going and asking the financial clerk of the Senate whether or not there was any money in the contingent fund. I have taken it for granted that we had other powers beyond that. I came to that conclusion and investigation from reading Rule XXV.

Mr. SPOONER. On what page?

Mr. GALLINGER. On page 21 of the Standing Rules of the Senate. That rule provides for the appointment of various committees—a Committee on Appropriations, a Committee on Finance, a Committee on Pensions, a Committee on the Census, a Committee on Coast Defenses, a Committee on the District of Columbia, etc.

It is further provided that to these committees shall be referred matters relating to the subjects that they are to consider; but no one would for a moment contend that those committees must approve and report back favorably all matters referred to them.

Then, a Committee to Audit and Control the Contingent Expenses of the Senate is provided for, as follows:

> A Committee to Audit and Control the Contingent Expenses of the Senate, to consist of three Senators—

as the rule originally provided, but the number has been enlarged to five—

> to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate or creating a charge upon the same.

I have never supposed that that committee was different from the other committees of this body. The Committee on Appropriations receives bills that are sent to it and approves or disapproves them; the Committee on the District of Columbia does the same; the Committee on Pensions does the same; and I supposed the Committee to Audit and Control the Contingent Expenses of

the Senate had a right to inquire into the advisability of appropriating money from the contingent fund for certain matters, whether for the appointment of special committees or otherwise.

I want to say here that matters have come to that committee which have not been approved. Resolutions have come there providing for the appropriation of money out of the contingent fund that have been asked by standing committees of this Senate, and the Committee on Contingent Expenses has not approved the propositions and the Senate has not voted the money, so that this is not entirely a new proposition, so far as the action of the committee is concerned. In addition to that provision of the rule, Mr. President, we have a statute governing the action of this committee, and it is the only committee of this body that is governed by statute. That statute reads:

Hereafter no payment shall be made from the contingent fund of the Senate unless sanctioned by the Committee to Audit and Control the Contingent Expenses of the Senate.

The statute goes on further to say that no money shall be paid—

from the contingent fund of the House of Representatives unless sanctioned by the Committee on Accounts of the House of Representatives.

Mr. President, I am not going to insist that I myself know what the word "sanction" means, but I go to the Standard Dictionary for my information, and I find that it says:

Sanction: 1. To approve authoritatively; render valid by assent or concurrence; confirm; ratify; to give consent or support to; regard with favor or approval; countenance, etc.

Now, Mr. President, if the word "sanction" means anything different from that, I should be glad if some Senator would tell me what it does mean, and I want to appeal to the distinguished Senator from Massachusetts [Mr. HOAR], who is an authority on the use of language, as to what construction he would put on the word "sanction" in the law governing the action of the Committee on Contingent Expenses, if he chooses to make the statement.

Mr. HOAR. I should be glad to do so if my colleague would permit, but he has a motion pending.

Mr. GALLINGER. I have the floor, and I do not think I can be taken from it.

Mr. LODGE. I yielded the floor to the Senator from New Hampshire.

Mr. GALLINGER. Exactly; and I have it.

Mr. HOAR. I would say to the Senator that I would like three or four minutes to make the statement, but I do not think I ought to do so at this precise time, in view of the motion which my colleague desires to press. I will do so, however, very soon.

Mr. GALLINGER. Very well; I will waive that, of course. The Senator is privileged to make it or not.

That is my construction of the meaning of the word "sanction," and I am confirmed in that by very good authority, which I have quoted.

Mr. President, the Committee to Audit and Control the Contingent Expenses of the Senate met this morning, with all the members of the committee present, presided over by the chairman of the committee. Personally I was very happy to have him there, because I have not felt like taking any special responsibility in this matter, and indeed it is very distasteful to me to say a single word on the subject. We went over this subject with considerable care. It is not a partisan question so far as the committee is concerned; certainly not so far as I am concerned. I am not here to say a word in criticism of the Committee on Privileges and Elections for the conclusion they reached in the so-called Clark case; neither am I here to say anything offensive to Mr. Clark, who was a member of this body, and with whom I served on two committees; but I do want to say that the Committee to Audit and Control the Contingent Expenses of the Senate has approached this matter in a nonpartisan spirit for the purpose of simply doing their duty.

If all the Committee to Audit and Control the Contingent Expenses of the Senate has to do as a committee is to inquire of Mr. Nixon, the financial clerk, whether there is money in the contingent fund, I want to retire from that committee, because I can use my time to much better advantage than that. A clerk or a messenger can do that quite as well as five Senators.

The committee, after very careful consideration of the question, came to the conclusion that it was important to ascertain, first, the necessity for this expenditure. They concluded that it could be ascertained by asking some member of the Committee on Privileges and Elections to make a statement to the committee, and in the next place to ascertain what construction of this rule was placed upon it by the other body, the other body having a committee called the Committee on Accounts, which has precisely the same jurisdiction over the contingent fund of the House as the Committee to Audit and Control the Contingent Expenses of the Senate has over the contingent fund of the Senate. That is all there is to it.

The committee adjourned to meet to-morrow. What action will be taken to-morrow I can not say. I shall not be able to be present at the meeting, as I propose to leave the city early in the morning; but I do wish to say that the committee, so far as I am concerned—and I think I speak for the committee as a committee—have no disposition whatever to dodge or to evade this question; but they have had a disposition to perform their duty and exercise their prerogative as a standing committee of the Senate, and not to have a matter railroaded over their heads simply because somebody wants to have passed a resolution that is properly in the hands of the committee and which is receiving consideration. If the Senate chooses to take it out of the hands of the committee that is the business of the Senate, and the committee, I am sure, will bow very gracefully to any decision the Senate may reach in regard to it.

Mr. LODGE. I now move that the Senate proceed to the consideration of executive business.

Mr. CARTER. I ask the Senator from Massachusetts to withhold that motion for five seconds, to the end that I may address myself to this question.

Mr. TELLER. I rise to a question of order. This whole debate is in violation of an agreement of the Senate. It is not the business that we anticipated was to take place in the morning hour.

The PRESIDING OFFICER (Mr. BEVERIDGE in the chair). Unless the Senator from Massachusetts yields, the Chair must put his motion that the Senate proceed to the consideration of executive business. Does the Senator from Massachusetts yield?

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. The Senator from Massachusetts has the floor. Does he yield? If not, the Chair will be obliged to put the question on his motion.

Mr. CARTER. I ask the Senator from Massachusetts to yield to me.

Mr. LODGE. If I may be allowed to say a word, as I have the floor, I believe——

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. LODGE. Everybody else is talking, and I am a little doubtful whether I have the floor or not.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. LODGE. Well, Mr. President, it is very apparent that this debate will go on from one point to another. I do not want to interfere with any Senator who desires to speak upon the pending question; but I am charged with carrying out the agreement of the Senate, and I do not feel that I ought to withhold the motion for an executive session.

Mr. CARTER. May I ask the Senator what the agreement is to which he refers?

Mr. COCKRELL. Regular order, Mr. President.

Mr. LODGE. There was a special order to vote at 3 o'clock.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. LODGE] moves that the Senate proceed to the consideration of executive business.

Mr. CARTER. I have requested the Senator from Massachusetts to yield to me for a question.

The PRESIDING OFFICER. And he has refused, as the Chair understands.

Mr. LODGE. I will yield to the Senator, of course, for a question.

Mr. CARTER. I desire to ask the Senator from Massachusetts in what particular the present proceeding is violating any unanimous-consent agreement or order of business?

Mr. LODGE. Because it was understood that we should go into executive session immediately after the conclusion of the routine morning business. This debate has carried us on until now it is twenty minutes before 2 o'clock.

Mr. TELLER. It has gone on for more than an hour.

Mr. CHANDLER. This is part of the morning business.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. LODGE. I will yield to the Senator from New Hampshire to make a request for unanimous consent.

Mr. CHANDLER. I request that the further consideration of this resolution may be postponed until after the executive session this afternoon.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the consideration of the present question be postponed until after the conclusion of the executive session this afternoon. Is there objection?

Mr. JONES of Arkansas. I object.

The PRESIDING OFFICER. Objection is made.

EXECUTIVE SESSION.

Mr. LODGE. I renew my motion that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and fifty minutes spent in executive session the doors were reopened.

THE MILITARY ESTABLISHMENT.

Mr. HAWLEY. I give notice that to-morrow morning, after the routine morning business, I will ask the Senate to take up for consideration the House amendment to Senate bill No. 4300, to increase the efficiency of the military establishment of the United States.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, December 21, 1900, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 20, 1900.

PROMOTIONS IN THE MARINE CORPS.

First Lieut. Harry Lee, to be a captain in the United States Marine Corps from the 23d day of July, 1900.

First Lieut. Frederick H. Delano, to be a captain in the United States Marine Corps from the 23d day of July, 1900.

REGISTER OF LAND OFFICE.

Albert Wheelon, of Pierre, S. Dak., to be register of the land office at Pierre, S. Dak.

RECEIVER OF PUBLIC MONEYS.

Henry E. Cutting, of Pierre, S. Dak., to be receiver of public moneys at Pierre, S. Dak.

COLLECTOR OF CUSTOMS.

William Frye Tibbetts, of Alabama, to be collector of customs for the district of Mobile, in the State of Alabama.

POSTMASTERS.

John W. Hedley, to be postmaster at Quanah, Hardeman County, Tex.

C. S. Bodenhamer, to be postmaster at Wharton, Wharton County, Tex.

Jacob M. Harrell, to be postmaster at Manor, Travis County, Tex.

William L. Rogers, to be postmaster at Conroe, Montgomery County, Tex.

John D. Massey, to be postmaster at Smithfield, Johnston County, N. C.

John M. Hickey, to be postmaster at Henderson, Rusk County, Tex.

Charles Real, to be postmaster at Kerrville, Kerr County, Tex.

Joshua Cooke, jr., to be postmaster at Longview, Gregg County, Tex.

Charles H. Hurt, to be postmaster at Barry, Pike County, Ill.

Horace Haldeman, to be postmaster at Bement, Piatt County, Ill.

Swan J. Chilberg, to be postmaster at Cambridge, Henry County, Ill.

Henry C. Bogue, to be postmaster at Vermont, Fulton County, Ill.

Nehemiah J. Knipple, to be postmaster at Buda, Bureau County, Ill.

Thomas J. Wimmer, to be postmaster at Cerro Gordo, Piatt County, Ill.

John Buchanan, to be postmaster at Eagle Grove, Wright County, Iowa.

Fremont Young, to be postmaster at Faulkton, Faulk County, S. Dak.

George W. Crane, to be postmaster at Fort Benton, Choteau County, Mont.

James Schroeder, to be postmaster at Guttenberg, Clayton County, Iowa.

Reuben F. Price, to be postmaster at Milford, Dickinson County, Iowa.

Harper W. Wilson, to be postmaster at Audubon, Audubon County, Iowa.

John G. Beal, to be postmaster at Manning, Carroll County, Iowa.

Joseph A. Farrell, to be postmaster at Mason City, Cerro Gordo County, Iowa.

Ross A. Nicholson, to be postmaster at New Sharon, Mahaska County, Iowa.

Lewis A. Skiff, to be postmaster at Middlebury, Addison County, Vt.

Robert J. Mitchell, to be postmaster at Quincy, Gadsden County, Fla.

George J. Arnow, to be postmaster at Gainesville, Alachua County, Fla.

Luther Severance, to be postmaster at Hilo, island of Hawaii, Hawaii Territory.

Joseph M. Oat, to be postmaster at Honolulu, island of Oahu, Hawaii Territory.

Lyman P. Bailey, to be postmaster at Putney, Windham County, Vt.

John Redd, to be postmaster at Bolivar, Hardeman County, Tenn.

Susie E. Taylor, to be postmaster at Lake Providence, East Carroll Parish, La.

Houston T. Estes, to be postmaster at Muskogee (late Muscogee), Creek Nation, Ind. T.

Frederick B. Powell, to be postmaster at Amityville, Suffolk County, N. Y.

George W. Belton, to be postmaster at Whitestone, Queens County, N. Y.

Richard H. Smith, to be postmaster at Mandan, Morton County, N. Dak.

William E. Templeton, to be postmaster at Excelsior Springs, Clay County, Mo.

Frank D. W. Arnold, to be postmaster at Lamar, Barton County, Mo.

Edward R. Williams, to be postmaster at Richmond, Ray County, Mo.

Maude McGill, to be postmaster at Oswego, Labette County, Kans.

Elliott Wood, to be postmaster at Winthrop, Kennebec County, Me.

Edgar W. Prentiss, to be postmaster at Bethany, Harrison County, Mo.

Alfred R. Booth, to be postmaster at Paso Robles, San Luis Obispo County, Cal.

George F. McGinnis, to be postmaster at Indianapolis, Marion County, Ind.

John Walter Lowry, to be postmaster at Knightstown, Henry County, Ind.

Karl Spinner, to be postmaster at Green River, Sweetwater County, Wyo.

Gustave Jensen, to be postmaster at Saratoga, Carbon County, Wyo.

Elias M. Williams, to be postmaster at Clifton, Graham County, Ariz.

George C. Watson, to be postmaster at New Concord, Muskingum County, Ohio.

Velosco J. Knapp, to be postmaster at Anacortes, Skagit County, Wash.

Howard S. Datesman, to be postmaster at Douglas, Converse County, Wyo.

William H. Austin, to be postmaster at Franklin, Franklin County, Nebr.

Charles J. Sweet, to be postmaster at Black River, Jefferson County, N. Y.

John A. Simon, to be postmaster at Queens, Queens County, N. Y.

Frank E. Bardwell, to be postmaster at Excelsior, Hennepin County, Minn.

William B. Anderson, to be postmaster at Hopkins, Hennepin County, Minn.

Melvin W. Caster, to be postmaster at Clayton, St. Louis County, Mo.

Thomas B. Lawler, to be postmaster at Ensley, Jefferson County, Ala.

Charles A. Bills, to be postmaster at Dunsmuir, Siskiyou County, Cal.

Montrose E. Hill, to be postmaster at Old Orchard, York County, Me.

Robert P. Brown, to be postmaster at West New Brighton, Richmond County, N. Y.

Walter J. Raley, to be postmaster at Kent, Portage County, Ohio.

William B. Wallace, to be postmaster at Oxford, Butler County, Ohio.

Charles Whitehead, to be postmaster at South River, Middlesex County, N. J.

Arthur C. Agan, to be postmaster at Fayetteville, Onondaga County, N. Y.

George A. McKinnon, to be postmaster at Sidney, Delaware County, N. Y.

Allison S. Pitts, to be postmaster at Hattiesburg, Perry County, Miss.

Edward M. Scott, to be postmaster at Rosedale, Bolivar County, Miss.

James R. Dyer, to be postmaster at Ashgrove, Greene County, Mo.

Herman A. Wyckoff, to be postmaster at Pontiac, Oakland County, Mich.

David J. Price, to be postmaster at Lake Crystal, Blue Earth County, Minn.

Nels C. Nelson, to be postmaster at Two Harbors, Lake County, Minn.

Albert W. Durkee, to be postmaster at Greeley, Weld County, Colo.

Jesse T. Sharpe, to be postmaster at Seaford, Sussex County, Del.

George Cushing, to be postmaster at Hingham, Plymouth County, Mass.
George E. Hartson, to be postmaster at Mount Vernon, Skagit County, Wash.
Dora Crook, to be postmaster at Jacksonville, Calhoun County, Ala.
John J. C. Barber, to be postmaster at Juneau, Territory of Alaska.
Rufus Waggener, to be postmaster at Hillsboro, Washington County, Oreg.
Nathaniel H. Brown, to be postmaster at East Greenwich, Kent County, R. I.
Edward W. Jones, to be postmaster at River Point, Kent County, R. I.
David Redfield, to be postmaster at Ardmore, Chickasaw Nation, Ind. T.
Guido C. Hinchman, to be postmaster at Dover, Morris County, N. J.
Homer C. Atwell, to be postmaster at Forest Grove, Washington County, Oreg.
Mary H. Ricketts, to be postmaster at Waverly, Humphreys County, Tenn.
Eber S. Andrews, to be postmaster at Williamston, Ingham County, Mich.
George L. Merguire, to be postmaster at Palo Alto, Santa Clara County, Cal.
Burgess W. Witt, to be postmaster at Mossy Creek, Jefferson County, Tenn.
W. W. Hamilton, to be postmaster at Bramwell, Mercer County, W. Va.
Jonn M. Righter, to be postmaster at Cambria, Weston County, Wyo.
Abel W. Severance, to be postmaster at Tillamook, Tillamook County, Oreg.
Ebenezer M. Wells, to be postmaster at Cheraw, Chesterfield County, S. C.
Joseph B. Schade, to be postmaster at Lawrenceburg, Lawrence County, Tenn.
Charles C. Marsh, to be postmaster at Shawnee, Perry County, Ohio.
Joseph A. Randolph, to be postmaster at Waukomis, Garfield County, Territory of Oklahoma.
Dick J. Wilcox, to be postmaster at Lakeview, Lake County, Oreg.
Saadi M. Johnstone, to be postmaster at Woodside, Queens County, N. Y.
Frank A. Geesey, to be postmaster at Archbold, Fulton County, Ohio.
Elias B. Aldrich, to be postmaster at North Amherst, Lorain County, Ohio.
Charles R. Suydam, to be postmaster at Belmont, Middlesex County, Mass.
William T. Britton, to be postmaster at Bloomington, Franklin County, Nebr.
Jay Jackson, to be postmaster at Pine Plains, Duchess County, N. Y.
Charles Hulbert Bishop, to be postmaster at Lihue, Kauai Island, Hawaii Territory.
John B. Jones, to be postmaster at Lehigh, Choctaw Nation, Ind. T.
Henry Metz, to be postmaster at Tonganoxie, Leavenworth County, Kans.
Mary E. Hughey, to be postmaster at Warren, Bradley County, Ark.
Alexander P. Merrill, to be postmaster at Campbell, Santa Clara County, Cal.
Arthur Waal, to be postmaster at Lahaina, Maui Island, Hawaii Territory.
James M. Ragan, to be postmaster at Oxford, Calhoun County, Ala.
Charles M. Lehman, to be postmaster at Black Rock, Lawrence County, Ark.
Thomas B. Murphy, to be postmaster at Osceola, Mississippi County, Ark.
George Summers, to be postmaster at Prineville, Cook County, Oreg.
Frank G. Jewett, to be postmaster at Sumpter, Baker County, Oreg.
Alvin F. Miller, to be postmaster at Valley Falls, Providence County, R. I.
Mary A. Milligan, to be postmaster at Hope, Steele County, N. Dak.
Alfred Noecker, to be postmaster at Greenwich, Huron County, Ohio.
William T. Griffith, to be postmaster at Mingo Junction, Jefferson County, Ohio.
Thomas Graham, to be postmaster at Point Pleasant, Ocean County, N. J.
Fred F. Hawley, to be postmaster at Caldwell, Warren County, N. Y.
Richard G. Bennett, to be postmaster at Tuckahoe, Westchester County, N. Y.
Jacob P. Hazen, to be postmaster at Shirley, Middlesex County, Mass.
John H. Bryant, to be postmaster at Burlington Junction, Nodaway County, Mo.
Reuben Abel, to be postmaster at Bernardsville, Somerset County, N. J.
Orlando Rogers, to be postmaster at Independence, Teller County, Colo.
Samuel W. Maytubby, to be postmaster at Caddo, Choctaw Nation, Ind. T.
Rezin B. Boulden, to be postmaster at Millersburg, Bourbon County, Ky.
Jane E. Loveland, to be postmaster at Menlo Park, San Mateo County, Cal.
George G. Taylor, to be postmaster at Mountain View, Santa Clara County, Cal.
Ralph N. Hill, to be postmaster at Oxnard, Ventura County, Cal.
Elmer L. Stevens, to be postmaster at Seymour, in the county of Baylor and State of Texas.
Ramon Alfonzo Rivera, to be postmaster at Arecibo, P. R.
Lawrence R. Watts, to be postmaster at London, in the county of Madison and State of Ohio.
Grenville Reed, to be postmaster at Astoria, in the county of Clatsop and State of Oregon.
Joseph C. Manning, to be postmaster at Alexander City, in the county of Tallapoosa and State of Alabama.
T. F. Berner, to be postmaster at Henrietta, in the county of Clay and State of Texas.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 20, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read.

CORRECTIONS.

Mr. GAINES. Mr. Speaker, I was present on yesterday, but was paired with the gentleman from Texas, Mr. HAWLEY, but I am noted as not present.

The SPEAKER. Did the gentleman answer "present?"

Mr. GAINES. No, sir; but I was here, though.

The SPEAKER. The gentleman will get the benefit of his statement, and the RECORD will show it. It is not a matter for correction of the Journal.

Mr. FITZGERALD of New York. Mr. Speaker, on yesterday I was present and voted present. I was paired with the gentleman from New York, Mr. O'GRADY, and I would like that fact noted in the RECORD.

The SPEAKER. The Chair did not understand the gentleman; there was so much confusion in the House.

Mr. FITZGERALD of New York. On yesterday I voted present on the passage of the bill, being paired with the gentleman from New York, Mr. O'GRADY, and I would like the pair noted in the RECORD.

The SPEAKER. The gentleman was marked "present," as the Chair understands.

Mr. FITZGERALD of New York. I was present, but I wish the pair noted.

The SPEAKER. Was the gentleman's pair noted the day before?

Mr. FITZGERALD of New York. No; it was not.

The SPEAKER. The RECORD will be made to show the situation.

Without objection, the Journal will stand approved.

There was no objection.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 12904) making appropriations for the Indian service for the next fiscal year.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the

Whole House on the state of the Union, with Mr. TAWNEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of House bill 12904 (the Indian appropriation bill), and the Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. SHERMAN. Mr. Chairman, I have had no request from this side of the House, and my colleague on the committee, the gentleman from Arkansas [Mr. LITTLE], the senior member of the minority of the committee, has had none on that side, for general debate. I wish to say but a single word in explanation of the bill before asking that we proceed with the reading of it by sections.

The bill carries appropriations aggregating in round numbers a little over three-fourths of a million dollars more than the same bill for last year. The main items of increase are one million and a half of dollars appropriated under the provisions of the Kiowa treaty which was ratified at the last session of Congress, and also an appropriation of $425,000 to carry out the provisions of the treaty with the Fort Hall Indians, which treaty was also ratified at the last session of Congress.

The amount appropriated for schools is substantially the same as was appropriated last year. The amount appropriated for gratuitous support is less by a trifle—$20,000 or $30,000—than it was last year. The various changes, the increases and decreases from last year's appropriations and from the estimates for this year, are indicated in the report, copies of which will be found at the desk. The bill carries appropriations amounting to $200,000 less than the estimates.

Mr. CURTIS. I suggest to the chairman of the committee [Mr. SHERMAN] that while this sum of $1,500,000 is appropriated, no part of it is to be paid out. It is simply deposited in the Treasury and remains there for the benefit of these Indians.

Mr. SHERMAN. Yes; and that is true also of the $425,000. It is simply deposited in the Treasury with other Indian funds, and interest at the rate of 5 per cent is paid to the Indians for their support. My colleague on the committee, the gentleman from Kansas [Mr. CURTIS], suggests to me that as a matter of fact the money paid out of the Treasury will be less by nearly a million dollars than it was last year.

Mr. RAY of New York. Mr. Chairman, I desire to call the attention of the chairman of the committee to certain matters. In the Indian appropriation bill of last year—I mean the bill passed at the first session of this Congress—it was provided that—

Hereafter the clerks of the district courts in the Indian Territory shall account for and pay into the Treasury of the United States all fees collected in excess of $1,000 per year; all settlements to be made in accordance with such rules and regulations as the Attorney-General may prescribe.

Now, that provision changed existing law in regard to the fees and allowances of clerks in the Indian Territory. The clerk of that district made to me a statement which I will ask unanimous consent to have inserted in the RECORD as part of my remarks, without taking time to read it.

The CHAIRMAN. Is there objection to printing the statement in the RECORD? The Chair hears none.

The statement is as follows:

Statement of conditions now existing in the United States clerk's office for the northern district of the Indian Territory.

The act of May 31, 1900, Indian appropriation bill, providing that the clerks of the United States courts of the Indian Territory account for and pay into the Treasury of the United States all fees earned in excess of $1,000, makes the net income to said clerks (with the additional salary of $3,000 allowed by law) $4,000 per annum.

The act above referred to does not carry with it any provisions for the maintenance of said office, such as additional clerk hire, record books, stationery, and traveling expenses of said clerks in their attendance upon court, which are all necessary expenses.

Under the present conditions the clerk of the northern district is receiving $4,000 per annum and expending $4,400 for the maintenance of his office, as follows, to wit: For necessary clerk hire, $3,600; for books and stationery, $400; for traveling expenses in attendance on courts, $400; making a net loss of $400 per annum.

Under the provision as proposed the compensation and expenses per annum will be as follows, to wit: Salary allowed by law, $3,000; fees to be retained, $7,000 per annum; making the total compensation of $10,000 per annum. Expenditures as follows, to wit: Additional clerk hire, $3,600; record books and stationery, $400; traveling expenses, $400; making the annual expenses $4,400 and leaving a net compensation to said clerk of $5,600 per annum.

CHAS. A. DAVIDSON,
Clerk United States Court.

Mr. RAY of New York. The clerk stated to me that under the provision to which I have referred he is paying out $400 more than he is receiving under the provisions of the existing law, and he gave the items of his expenditure.

I have had some conversation with the chairman of the Committee on Indian Affairs [Mr. SHERMAN] in which he has stated he intends to correct that error, or he thinks that he has done so. I sent the gentlemen who called on me to the chairman of that committee, and I suppose some provision on this subject has been made. I wish to ask the chairman of the committee what correction of this matter he has made in the bill.

Mr. SHERMAN. Mr. Chairman, the change in the statute relating to these clerks was made upon the appropriation bill last year on the written representation of certain United States officials in the Indian Territory that the compensation received by the clerks under the then existing statute was excessive. Being satisfied of the correctness of that statement we changed the law. The clerks came to Washington at the beginning of this session, and first visited my colleague [Mr. RAY of New York], the chairman of the Judiciary Committee—which it was perfectly proper for them to do—and after consultation with him, and after hearing these clerks and looking over with care their written statement, which I have here and which I will more fully explain when we reach that section in the bill, if it be desired, we propose in this bill to amend the act of last year so as to provide what we believe, from the officers themselves and from the statements of others conversant with the conditions and the facts down there, will give them fair compensation and a reasonable sum of money for the disposition of the business of their courts in a proper way. The provision is found on page 34 of the bill.

Mr. RAY of New York. What line?

Mr. SHERMAN. Line 22.

Mr. RAY of New York. Is the gentleman satisfied that that will correct the matter?

Mr. SHERMAN. Oh, yes; there is no doubt about that. It fixes the clerks' compensation at a fair if not generous amount, with ample funds to pay all the contingent expenses of their offices. It does not give them by a considerable sum the same compensation they were receiving before the enactment of last year.

Mr. RAY of New York. I am willing to concede that before the provision of last year their pay was too large and that there should be a reduction.

Mr. SHERMAN. Mr. Chairman, this is a very substantial reduction, and yet is an increase over the provisions of the last year's law.

Mr. RAY of New York. Could you give to the House the probable compensation these officials will receive under this bill?

Mr. SHERMAN. The compensation, in my judgment, from the statements made to us by the clerks, and which I hold in my hand, would be somewhere from $3,000 to $5,000, probably nearer $4,000 and not over $5,000.

Mr. CURTIS. And under this provision they will return to the Treasury about $3,500 a year on the average.

Mr. SHAFROTH. I would like to ask the gentleman what changes are made in existing law by this bill. Are any made?

Mr. SHERMAN. Yes, there are some.

Mr. SHAFROTH. Will the gentleman please state what they are?

Mr. SHERMAN. If the gentleman will send for a copy of the report, or examine the bill, he will find them set forth fully in both.

Mr. RAY of New York. And the matter discussed by the chairman of the committee and myself for the last five minutes is also a change in existing law.

Mr. SHERMAN. Oh, yes; it is one of these provisions.

Mr. RAY of New York. But it is one of those matters that ought to be corrected here——

Mr. CURTIS. It is for the purpose of righting a wrong done to these clerks in the last appropriation bill.

Mr. SHERMAN. And under this statement of facts.

Mr. RAY of New York. Unquestionably, and the wrong ought to be righted.

Mr. LACEY. Mr. Chairman, I was not present when this section was considered in the committee. But I call the attention of the gentleman to the words on page 35, line 7—

all other fees—

and ask him what the meaning is in that connection?

Mr. SHERMAN. That means the provision for fees they receive for filing chattel mortgages, issuing marriage certificates, and so on. We mean the fees arising from such official acts as I have stated, and the like, which are required to be performed by the clerks of the courts of the Indian Territory and not by United States clerks elsewhere.

Mr. LACEY. What do you mean by "the like of that?"

Mr. SHERMAN. Well, I mean fees arising from the recording of chattel mortgages, issuing marriage licenses or certificates, and so on.

Mr. LACEY. Does not the gentleman think that more satisfaction would result by requiring the payment of all fees into the

Treasury Department and let the allowances be paid by the Department to these officials?

Mr. SHERMAN. That was part of our bill of last year. That seems to have been unsatisfactory, and the statement of the clerks is that under that provision useless labor was given them in the first place; and secondly, it reduced their pay to a figure where, as a matter of fact, they had perhaps been performing services since the 31st of last May without compensation at all. It took all the money that they received to pay the running expenses of the offices.

Mr. LACEY. Of course, that is not right.

Mr. RAY of New York. Certainly not.

Mr. LACEY. But we have been over the whole question in the reform bill, considered by the Judiciary Committee, as to the fees of clerks and marshals in other matters. It strikes me that here is an entering wedge to open up the same vice in the Indian Territory. Now, it seems to me that it would be very much better that they should pay all the money into the Treasury and then have a reasonable allowance made to them for expenses.

Mr. CURTIS. Do you think fees should be paid into the Treasury which are collected by the clerks for performing duties which other clerks are not required to perform under the law?

Mr. LACEY. There is no work done there not required by law.

Mr. CURTIS. That is true; but there is a great deal of work performed by the clerks in the Indian Territory which other United States clerks are not required to perform.

Now, instead of establishing new offices and paying for the work that must be done, the law requires it to be done by the clerks of the district courts, such as issuing marriage licenses, recording chattel mortgages, and matters of that kind; also, certain probate work, which is done by the probate judges in other parts of the country. These men certainly ought to have some compensation for performing work of that character. The committee thought it proper to modify the law of last year, which seemed to have been enacted by mistake. It was an injustice to the clerks. If the present law is not changed, the clerks will be compelled to perform work not required of other clerks throughout the country.

Mr. LACEY. The point I wish to make, and I would like time to discuss the matter——

Mr. SHERMAN. I will yield to the gentleman from Iowa such time as he may desire.

Mr. SHAFROTH. How much is paid to these clerks under this bill?

Mr. CURTIS. Three thousand dollars, and the other clerks of the United States district courts receive three thousand five hundred.

Now, it is estimated that the salary allowed by law, $3.000, and the extra fees they retain will pay them between three thousand five hundred and four thousand dollars. One of them may perhaps get a little over $4,000 and one will receive something less. That is according to the showing made to our committee, and which we believe to be correct.

Mr. SHAFROTH. Do these men who receive $3,000 do as much as those who receive $3,500?

Mr. CURTIS. They perform much more work.

Mr. GILLETT of Massachusetts. What is the reason for giving larger salary instead of continuing the fees?

Mr. CURTIS. I will state to the gentleman that it will only be for a short time. The Territory will be provided with registers and probate judges within a short time, and we thought that until that time comes we might still continue the practice.

Mr. GILLETT of Massachusetts. Will it require the matter to wait until the Territory becomes a State?

Mr. CURTIS. I think not. The Territory may be attached to a State or counties may be organized.

Mr. SHERMAN. I yield such time as he may desire to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Chairman, when we find clerks of Territorial courts coming to Washington and asking that indefinite fees be allowed to them without accounting for them for the performance of certain or uncertain duties, I always look upon the proceeding with grave suspicion, and especially in the light of the examination and the consideration of the general fee question in the Federal courts of both the marshals' and clerks' fees in a preceding Congress. We attempted to dig this whole matter up, root and branch, and allow no feed officers either in the clerk's or in the marshal's office, as had been the practice.

Mr. CURTIS. When this bill was passed, these clerks and other officers of the Indian Territory thought the law was not meant to apply to them, because they were then performing extra work and it could not last but a very few years longer.

Mr. LACEY. They got out of this provision at that time. They came down here to look after their fees. They seem to be active officials, and have been able to come to Congress and look after their fees. We can provide for these officers who ought to have something for extra work. If they are doing something that a clerk ought not to do, they ought to be paid for it. But we ought not to enlarge it in this indefinite way. We do not know what the fees will amount to. They may be $10,000 a year and they may only run to $4,000. It ought to be drafted in such a way as that no injustice would be done, and it certainly should not be done in this way on the Indian appropriation bill. Therefore, when the bill is read, I shall feel constrained to make the point of order against it.

Mr. CURTIS. If you raise the salaries of these clerks at this time to $3,500 or $4,000, when the time comes when they are not required to perform this extra service how are you going to have the salaries reduced? It will be almost impossible to do so.

Mr. LACEY. That is a thing for another Congress to determine. There is no reason why this should be made by an indefinite allowance of fees, perhaps $10,000, for fear we will not be able to cut it down; and I am not willing that they should have this indefinite provision.

Mr. SHERMAN. If the gentleman will permit me, he indicates that when we reach this point of the bill he will make a point of order. Of course, if he does so, the Chair will be constrained to hold the point of order good. But before that is done my colleague will have ample time to read this communication from the clerks and will see that under the existing law they have no reasonable compensation for their services. I hope my colleague will frame an amendment in accordance with his present opinion, and rather than strike the whole matter out offer an amendment that will reach the matter, for I know that he does not want to do anybody an injustice. I think by striking it out entirely he will be doing an injustice, whereas it is quite within his power to frame an amendment within the lines of his idea and still give these men a compensation such as would be fair.

Mr. LACEY. I would be very averse to dissenting from the committee of which I am a member, especially when I make no minority report. But upon this question of fees I have such pronounced convictions, and have spent so much time upon it and seen the House wrestling with it for so many years, and have seen the matter eliminated practically from the Federal courts, that I do not feel willing now to take a step backward upon this question by inserting anything of the kind in an appropriation bill. But I think that the matter can be arranged. I believe an amendment may be made that the House would waive the point of order on and that would do justice to the clerks on the one hand without the House reversing its action upon the reform bill as to fees in the Federal courts.

Mr. RAY of New York. Mr. Chairman, with the gentleman's permission, I want to make a suggestion there. This whole question of fees for clerks in the Indian Territory was gone over and established prior to the meeting of this Congress, and there was a general statute on the subject, under which the clerks in the Indian Territory had their fees and compensation.

Mr. LACEY. They were excused and relieved from the reform bill on the theory that the arrangement in Indian Territory was a temporary one at best, and to wait until there was a permanent organization.

Mr. RAY of New York. Now, certain representations were made to the Committee on Indian Affairs, from which this bill comes, and that committee at the first session of this Congress, without any particular investigation that I have heard of, and certainly without any consultation with the Judiciary Committee, who have general charge of the matters of fixing the fees, etc., made a correction, or something that they supposed was a correction, something that they intended for a correction, that would make the compensation just and proper. It is a provision in an appropriation bill, and as it does injustice to the clerks the error should be corrected.

Now, that provision has stood upon the statute books since the enactment of that bill—about six months, as I understand it—and the clerk finds that after paying the necessary expenses of his office and after paying his assistants he is $400 "in the hole," so to speak. That is, he pays out $400 more than he gets. Now, that is an injustice. There is no question about that, and he ought to have reasonable pay. That is all this bill undertakes to do—to correct that to some extent.

Mr. LACEY. To give him the fees without limit?

Mr. RAY of New York. Oh, no, it does not give him the fees without limit.

Mr. LACEY. All "other fees" without limit?

Mr. SHERMAN. All other fees, but we know what those fees are.

Mr. LACEY. They are indefinite. No one knows what they are or what they will be.

Mr. SHERMAN. The aggregate of fees are indefinite, but we know what they have been.

Mr. LACEY. Nothing is so indefinite as a fee that does not have to be accounted for. It is like the weight of a man's hand when he is using that weight for a pound. Put a clerk in a position where he fixes the fees for himself and he will lie awake at

nights to imagine new methods of taxation, but if the fees go to the Government they will be reasonable.

Mr. RAY of New York. Then why not frame your amendment in some way so that the clerks will account to the Government for all these fees, and let them adjust it on a certain basis?

Mr. SHERMAN. Put them on the same basis that other United States clerks are upon. Other United States clerks receive all of their fees up to $3,500, and then they have the right to draw to a certain limit above that for the expenses of their offices. At least let these men, who perform services greater than other United States clerks, receive as much as other United States clerks.

Mr. LACEY. There is no doubt that it is perfectly proper that this should be done. What I object to is the indefinite method.

Mr. SHERMAN. Then, before we reach that, let the gentleman draw his amendment so that these clerks will receive some compensation. They are practically working now without any pay. The gentleman might put it in the language of the other bill, only change the figures.

Mr. GAINES. Will the gentleman allow a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Tennessee?

Mr. SHERMAN. Why, with the greatest pleasure in the world.

Mr. GAINES. How much do these clerks get under the present law?

Mr. SHERMAN. Their statement is that they get $400 less than nothing.

Mr. GAINES. What is the fact?

Mr. SHERMAN. The law allows them $3,000, but when they come to pay all the expenses that they are obliged to pay, they have received, as they state in writing, since the 1st of last May or the 1st of June, when this act went into effect, nothing for their services, and have paid out $400 more than they have received.

Mr. GAINES. What change do you propose?

Mr. SHERMAN. The committee's proposition was to give them certain fees that are collected on matters that ordinarily are outside of the duties of a United States clerk. The proposition of the gentleman from Iowa [Mr. LACEY], who was not satisfied with that, was that there should be some different arrangement, and I have suggested to him that he draw a provision along the lines of his idea, but which will give these clerks a compensation, say, of $3,500 a year, the same as other United States clerks receive.

Mr. GAINES. No more than that?

Mr. SHERMAN. That was not my proposition; but I think they ought to have something more, as they perform other service.

Mr. GAINES. What are they going to do outside of the usual duties of United States clerks?

Mr. SHERMAN. They mainly record and file chattel mortgages and issue marriage certificates, and there are a very large number of them, so many that the fees from them amount to three or four thousand dollars a year.

Mr. GAINES. And the proposition now is to give them all they can make in this outside work?

Mr. SHERMAN. Oh, no; the proposition is that they take these fees and not account for them, but that out of them they pay the additional clerk hire and that they pay for stationery, traveling expenses, and all that sort of thing.

Mr. GAINES. And not account for it?

Mr. SHERMAN. And not account for it.

Mr. WILLIAMS of Mississippi. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Mississippi?

Mr. SHERMAN. Yes.

Mr. WILLIAMS of Mississippi. I want to call the attention of the gentleman from New York to a bill with which he is familiar, and I want to make a request of him during his time.

During the last session of the House I introduced a bill, which I hold in my hand, which passed the House and passed the Senate of the United States. It was a bill to appropriate two thousand six hundred dollars and odd to pay for certain Choctaw orphan Indian lands in the State of Mississippi. That was the first section of it. I will ask the gentleman's attention to it.

Mr. SHERMAN. I am listening.

Mr. WILLIAMS of Mississippi. And the second section was to authorize the Commissioner of the General Land Office to dispose of these lands in the same way that he disposes of all other public lands which are part of the public domain.

Now, Mr. Chairman, the bill passed both Houses, and in the Senate the gentleman who was taking care of it did not know that the bill was passed, and he got the appropriation on the general appropriation bill at the same time, and then, just at the last of the session, one night when I was not present, the gentleman from New York [Mr. SHERMAN], discovering that there had been a duplication of the appropriation, made a request that the bill be sent back by the President to the House. The consequence is that the first section of the bill has become a law, appropriating the money to pay for the Choctaw orphan Indian lands, but the second section has never become a law, and although the United States has paid for the land, the Commissioner has not the authority to dispose of the land.

Now, I want to make a request of the gentleman from New York, the chairman of the Committee on Indian Affairs, to permit section 2 of the bill to go upon this appropriation bill, to which it is perfectly germane, and in that way this desired legislation will have been accomplished.

Mr. SHERMAN. I see no objection to it.

Mr. WILLIAMS of Mississippi. Then I shall ask the gentleman at the proper time to offer it as an amendment.

Mr. SHERMAN. I will ask the gentleman from Mississippi to do it, but I shall raise no point of order.

Mr. WILLIAMS of Mississippi. I think no point of order could lie; it is perfectly germane. I wanted to explain it in the open House because I think the gentleman from New York misunderstood it at the last session.

Mr. SHERMAN. I did not understand it at the time the way the gentleman from Mississippi has stated it. Now, Mr. Chairman, I will ask that the Clerk may read.

The CHAIRMAN. The Clerk will read.

The Clerk, reading the bill, read as follows:

At the Sac and Fox Agency, Okla., $1,200.

Mr. LACEY. Mr. Chairman, in that connection I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert in line 22, page 4, after the word "dollars," the following: "At the Sac and Fox Agency, Iowa, $1,000."

Mr. SHERMAN. The committee was unanimous, Mr. Chairman, in omitting the Sac and Fox Agency from the bill, although it was estimated for originally this year. When the subcommittee was at the Indian Office going over the bill in detail with the Commissioner, his statement to us was that various agencies could be dispensed with, and we have in this bill provided appropriations for eight less agencies than we appropriated for last year, and one was the Sac and Fox Agency. It was dispensed with for the reason that the superintendent of schools there could discharge the duties of the agent, and the Commissioner has a right to call upon him to do it.

Mr. CURTIS. There are only 420 Indians there.

Mr. LACEY. Mr. Chairman, I fully agree with the chairman of the committee as to the ultimate necessity, or propriety, of this action, but I think it is premature, for this reason. This Sac and Fox tribe in Iowa are blanket Indians and have refused civilization; and there has been a great deal of trouble in getting the Indians into the schools at all. I think in the course of a few years, possibly another year, the purpose of the chairman would be a good one. At the present time, however, there is great friction about that school. The Indians refuse to go to school, and habeas corpus was sued out by parents of some of the children, and the matter was placed in the courts and litigation ensued as to whether the parents of the children could keep them out of school or not.

I think undoubtedly the time will come, possibly within a year or two, when the superintendent of that school can handle the affairs of this agency; but with the friction that now exists I believe it is premature, and this agency ought not to be dropped out at this time. I think if that matter had been called to the attention of the chairman he would have thought this agency might be kept for a time at least. My colleague who represents this district in which the school is situated and where this agency is located could give us, no doubt, some information that would be of value in this connection, he having recently visited that agency. I believe that the line of policy suggested by the chairman is a good one and the application ought to be made where practicable.

Mr. SHERMAN. I think, Mr. Chairman, where there is this small school with very few scholars, as they admit, impossible to get the scholars to come to school, where the superintendent of the school can with the greatest ease perform all the duties with no great tax on his time, where there are only four hundred and odd Indians, with a school of less than fifty pupils in attendance, that it is not unreasonable to expect one man to perform the duties of agent and superintendent. I believe this is a good place to economize to the extent of $1,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. LACEY].

The question was taken; and the amendment was disagreed to.

The Clerk read as follows:

At the Shoshone Agency, Wyo., $1,500.

Mr. BURKE of South Dakota. Mr. Chairman, I move to amend by inserting at the end of line 4, page 5, the following:

At the Sisseton Agency, S. Dak., $1,500.

Mr. Chairman, this agency certainly should not be abolished. Of these Sisseton and Wahpeton Indians three-fifths are located at the Sisseton Agency and two-fifths at the Devils Lake Agency, in

North Dakota. The Committee on Indian Affairs has provided for an agent at Devils Lake. Now, there are the same reasons for an agency at Sisseton as for one at Devils Lake. I am familiar with the conditions at Sisseton, and I know that the Indians there ought to have an agent to protect their interests—to keep liquor off the reservation and to look after their land leases. I certainly think they ought to have an agent. I hope the chairman of the committee will consent to this amendment.

Mr. SHERMAN. Why, Mr. Chairman, payments of interest are made to these Indians only twice a year. They receive no rations. The agent requires no clerk. There are no employees under him. The Commissioner of Indian Affairs stated to the committee that this semiannual payment of interest could be made to these Indians by temporarily delegating a special agent for the purpose. It was in view of this statement that we struck out the provision for this agency; and I think we did so properly.

Mr. BURKE of South Dakota. Allow me to ask the chairman of the committee why there should be an agency at Devils Lake, where only two-fifths of these Indians—a part of the same tribe—are located, while there is no agent provided for Sisseton.

Mr. SHERMAN. I will not oppose a motion of the gentleman to strike out the Devils Lake Agency. [Laughter.]

Mr. BURKE of South Dakota. I have been informed by a gentleman in the Indian service that there are a great many agencies that might get along without an agent better than Sisseton. There are about 1,800 Indians there. They lease their allotments of land. I know it is their wish that they have an agent there to look after their interests. From what I know personally of the conditions, I certainly think this agency ought to be continued. I understood the chairman of the committee to say yesterday that he would not object to this proposition.

Mr. SHERMAN. I did not mean to be so understood. I regret that the gentleman misunderstood me.

Mr. BURKE of South Dakota. Well, I must have misunderstood the gentleman.

Mr. SHERMAN. We were satisfied that this agency should be dispensed with; the committee was unanimous about it; otherwise we would not have struck the provision from the bill. It was embraced in the estimates; but after a hearing the Commissioner of Indian Affairs satisfied us that this agency could well be dispensed with. Hence, I feel that I would not be doing my duty toward the committee or the House if I should do otherwise than oppose the adoption of the gentleman's amendment. I regret that he understood me as assenting to his proposition. I did not intend to do so. I think the amendment ought not to be adopted.

Mr. BURKE of South Dakota. I certainly think that the adoption of my proposition will be in the interest of these Indians.

The question being taken on the amendment of Mr. BURKE of South Dakota, it was rejected.

The Clerk read as follows:

At the Yakima Agency, Wash., $1,000.

Mr. JONES of Washington. I wish to ask the chairman of the committee what agency is left out in the State of Washington?

Mr. SHERMAN. Tulalip.

Mr. JONES of Washington. I should like to know why that was left out—whether its omission was recommended by the Commissioner of Indian Affairs.

Mr. SHERMAN. It was.

Mr. JONES of Washington. What were the reasons?

Mr. SHERMAN. The reasons were that these are not ration Indians. They have reached a higher state of civilization than the Indians of almost any other part of the country. They are well to do. They live in houses. They go out to work, which is more than a great many other Indians do. They really do not require the constant presence of an agent.

The Clerk read as follows:

IOWAS.

For interest in lieu of investment on $57,500, balance of $157,500, to July 1, 1898, at 5 per cent per annum, for education or other beneficial purposes, under the direction of the President, per ninth article of treaty of May 17, 1854, $2,875.

Mr. SHERMAN. There is a typographical error in the paragraph just read. The words "eighteen hundred and ninety-eight," in lines 21 and 22, should be "nineteen hundred and one." I ask that the correction be made.

The CHAIRMAN. In the absence of objection, that will be done.

The Clerk read as follows:

For the support and civilization of the Shebits, Muddy, and other Indians in southern Utah, $2,500.

Mr. CANNON. Mr. Chairman, I want to make a point of order on this paragraph, embracing lines 16, 17, and 18 of the bill.

Mr. SHERMAN. Mr. Chairman, I think the point of order does not lie against the provision; but if the gentleman wants an explanation I will be very glad to make it.

Mr. CANNON. I understand that there is no treaty with these Indians whatever.

Mr. SHERMAN. No; it is a gratuity.

Mr. CANNON. I understand that they have never been demoralized and ruined, horse, foot, and dragoons, by any appropriation from the public Treasury.

Mr. SHERMAN. I think we started in, horse, foot, and dragoons, about two years ago. How much of demoralization has been caused by the appropriation then made I do not know. The gentleman from Utah [Mr. KING] is probably familiar with all the facts in the case.

But I will state to the committee that this is a provision for a payment in the Indian service during the next fiscal year. It does not seem to me that the point of order lies against it.

Mr. CANNON. It seems to me, Mr. Chairman, that it does. If all of the Indians, without reference to treaty stipulations, without reference to their status of civilization or condition, are to be the favored people in the United States, and money without stint can be appropriated for them, why, you can go into the Indian Territory and appropriate for all the tribes there, and to the Indians of New York, some ninety thousand altogether, and it will be perfectly in order, just as much as the proposition now pending is.

The CHAIRMAN. The Chair would suggest to the gentleman——

Mr. SHERMAN. The business of the Indian bill, Mr. Chairman, is to provide for the Indian service.

The CHAIRMAN. The Chair wishes to suggest that if the gentleman from Illinois will state the ground on which he makes the point of order we could proceed more regularly.

Mr. CANNON. I make the point of order that there is no treaty between the Indians and the United States justifying this appropriation. There is no treaty with them at all, and I am speaking now on a technical ground. Secondly, it is a new item in the bill, not a continuing work already in progress.

Mr. SHERMAN. We did not appropriate for these Indians last year, but we did two years ago. I think the gentleman is in error in his contention that any appropriation must be based upon a treaty obligation in order to avoid the point of order. I believe he is wrong in that contention, and that it is proper, under the rules, to appropriate in this bill for any proper expenditure during the fiscal year for which the bill is intended to appropriate; and this is such a provision.

It seems to me that it is not necessary in the least that it should be based upon a treaty obligation in order to come within the rule and entitle it to be placed upon the Indian bill. If it were upon some sort of a claim arising in some other year, the point of order would lie against it. But this is for an expenditure during the fiscal year for which the bill is intended to operate, and to cover the expense of that year in connection with the Indian service.

Mr. KING. Mr. Chairman, a single observation in reply to the point of order made by the gentleman from Illinois.

As I understand, a number of years ago these Indians had some sort of a treaty or arrangement with the Government of the United States. At any rate, as a result of the negotiations then carried on an appropriation was made by the United States for the purchase of land in southern Utah or western Nevada. What was done with the appropriation I do not know, but understand that the Indians were placed on a tract of land, where they remained for a few years and received monetary aid from the Government. The Government made some expenditures and erected some buildings, and the Indians whose headquarters were there enjoyed the benefits of the Government's generosity. How long the Government's aid was given, I do not know. However, it ceased a number of years ago, and for years nothing was done for the support of the Indians. They were dependent upon the gifts of the people residing in that neighborhood for support. They were a great burden to the white people.

About six years ago a small appropriation was made by the Government for the purchase of lands to aid in the support of these Indians. Some buildings were erected upon this land, and the Government has since then in a sort of desultory manner taken care of that land. I think the gentleman from New York is correct in stating that last year no direct appropriation was made; but, as I am advised, a portion of the general fund of the Government was used for the support of these Indians, carrying out the policy which was inaugurated a number of years ago. In the Fifty-fifth Congress, as I remember, an appropriation was made, to be used in the support and civilization of these Indians.

I think, Mr. Chairman, that these Indians do belong to some tribe which had treaty stipulations with the Government. I am not able to state to which tribe they belong. They have been wandering around in southern Utah and northern Arizona and eastern Nevada for many years, and have had no care from the Government, except such as I have referred to. There are about 400 Indians in all. The Government has already made an appropriation of $25,000 for the erection of school buildings, in order to educate the school children among them. The site has been selected and the buildings will soon be constructed. So it appears

that the Government has recognized and has been exercising control over them, more or less, for some obligation resting upon it to at least partially care for these Indians. I hope that my friend from Illinois, even if his point of order be well taken, by reason of the absence of treaty between them and the United States, will not insist on it, in view of the action of the Government heretofore with respect to these Indians.

Mr. CANNON. So far as I have been able to find, there is no treaty that justifies this appropriation, and there is nothing surrounding it to bring it within Rule XXI, as a public work in progress. If this is in order, it is in order to appropriate for the support and civilization of the New York Indians in the gentleman's own State, and for seventy or eighty thousand Indians in the Indian Territory. I make this point of order because it is so rare indeed that there are Indians to be found who are not completely ruined, that I should dislike very much to see the ruining commenced.

Mr. KING. With the permission of my friend, I want to state that my information is that these Indians belong to the Ute Indian tribe, with whom treaty stipulations were entered into in the early sixties.

Mr. CANNON. Then, if they belong to the Utes, they have their rights under the treaty.

Mr. KING. They are remnants or offshoots of the Ute tribe, but they are not directly associated with the Ute Indians and have not been upon the lands which the Government has reserved for the occupancy of that tribe. These Indians, though they are of Ute origin, as I understand, and would perhaps be classified as Utes, do not live upon the Uintah Reservation and have received nothing from the Government appropriations made to that tribe, but the appropriations which have been made by the Government have been made directly to them; and, as I stated to the chairman of the committee [Mr. SHERMAN] and to the gentleman from Illinois [Mr. CANNON], the Government for twenty years, off and on, has been caring for these Indians, so that the point of order which the gentleman makes that it is a new appropriation, it seems to me, would not lie.

The CHAIRMAN. The Chair would like to know if that was in accordance with treaty stipulations?

Mr. KING. Well, as I have stated, there were no treaty stipulations with these Indians for whom I am asking this appropriation.

Mr. CURTIS. I would suggest that these Indians, if they are a part of the Ute tribe, would be admitted to that tribe by returning to the reservation and showing that they were part of that tribe, and then they would participate in the payments made to the Utes and the appropriations made for their benefit.

Mr. KING. I do not think they can go upon the Uintah Reservation, and are not classed by the Government as Ute Indians, but they derive their origin from the same source. They have not lived with the Ute Indians within the memory of man, but they are familiarly known as Utes, or offshoots of the Ute tribe.

The CHAIRMAN. Will the gentleman from the committee, the gentleman from New York [Mr. SHERMAN], state to the Chair whether or not the three preceding paragraphs are based upon treaty stipulations?

Mr. SHERMAN. Oh, no, Mr. Chairman; there are very many paragraphs through the bill that are pure gratuities that are not based upon treaty stipulations. There are more than half a million dollars appropriated in the bill outside of schools not based on treaty stipulations.

Mr. CANNON. Yes; but I want to call my friend's attention to the fact that the only way that they stand against the point of order is that appropriations have heretofore been made and that they are public works in progress. I should have made points of order upon many of these items where there were no treaty stipulations if it had not been that the appropriations have been made for years, and the very object of this point of order is not to embark upon this work.

Mr. KING. Let me make an observation in reply to what has been said by the gentleman from Illinois. This is not embarking upon a new venture or a new enterprise. As I suggested a moment ago, these Indians already have some land, the exact amount I do not know, and there is an agent in charge of this ground, and a small effort is being made to farm it.

Mr. SHERMAN. There is no agent; there is a teacher.

Mr. KING. There is a teacher there, and the teacher has employed the necessary help and does employ the necessary help for the tillage of the small quantity of ground which the Indians own. Their water supply is wholly inadequate to irrigate the lands they possess, and the particular appropriation that is made is, as I have stated, for the support of these Indians and for the equipment of their farms. They have some farm equipments and a few animals. The school has been taught upon the farm for perhaps the past two years. So that this is not a new enterprise, but it is one that has been continued for a number of years.

Mr. CANNON. My understanding is that those Indians out in Utah are away up in G; that they are better cultured, better people, better able to take care of themselves, more nearly self-supporting, have been better looked after without the intervention of the Government than perhaps any of the other Indians.

Mr. KING. That is true, I wish to say to my friend, of those who reside in the northern part of the State; but those who are in the southern portion of the State are not so favorably situated. Having no permanent aid from the Government, they have been dependent upon the people.

The CHAIRMAN. Section 2 of Rule XXI expressly provides:

No appropriation shall be reported on any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such public works and objects as are already in progress.

The Chair does not understand the claim is made that this appropriation comes within the provisions of either one of those two clauses of section 2 of Rule XXI. It is not claimed that it is made in accordance with any treaty stipulation or existing law; and the latter clause of the paragraph is so general in its terms it might include other tribes of Indians. The language is, "and other Indians in southern Utah." Not being in accordance with treaty stipulations, therefore, and not coming within the other provision of section 2 of the rule, the Chair sustains the point of order.

Mr. KING. Mr. Chairman, I do not know whether the Chair puts it upon the ground that the section is rather indefinite as to the tribes of Indians, and, if that be true, I would like to amend by striking out the words "other Indians," so that it would leave the matter definite and show that the appropriation would apply to the same Indians to whom appropriation was made in the past, and clearly indicate that it was the continuation of an enterprise upon which the Government had embarked, to wit, the civilization and support of these Indians, for whom it has purchased lands, and to whom it has given money for their civilization.

The CHAIRMAN. The gentleman did not understand the Chair correctly if he understood that its decision is based on the words "other Indians of southern Utah." The Chair does not think there is anything in the point of this appropriation being a "continuation of appropriations for public works and objects already in progress." There was no appropriation made at the last session for the purposes or anything in relation thereto. It is entirely a new appropriation and is not authorized by existing law.

The Clerk read as follows:

For the support and civilization of the Kaibab Indians in southern Utah, $2,500.

Mr. CANNON. Mr. Chairman, I make the point of order on lines 6 and 7, page 33. It is a similar case to the point of order just decided.

Mr. SHERMAN. It is identical with the one on the preceding page, upon which the Chair has already ruled.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For support and civilization of the Yakimas, and other Indians at said agency, including pay of employees, $5,000.

Mr. SHERMAN. Mr. Chairman, there was an error in the print of the bill on line 18. The committee recommended the appropriation of $8,000, and in the print it was inserted as $5,000. I ask that the correction be made.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

Indian Territory: For general incidental expenses of the Indian Service in the Indian Territory, including incidental expenses of the Indian inspector's office and for pay of employees, $18,000: *Provided, however*, That hereafter no agent, policeman, or other person in the employ of the Government in Indian Territory shall exercise the right or power to expel any person from said Territory for the collection of any tax in favor of such tribes. This provision, however, should not apply to the collection of lease money or royalties: *Provided further*, That all necessary expenses incurred and paid by the clerks of the United States courts in Indian Territory for attendance on court, record books, stationery, and extra clerk hire subsequent to May 31, 1900, shall be allowed and paid to said clerks on accounts approved by the judge of the court and accompanied by proper vouchers: *Provided further*, That hereafter the said clerks shall be required to account to the United States only for fees earned in civil, criminal, chancery, and probate cases filed or heard in said courts, and that all other fees pertaining to other duties not required of clerks of United States circuit or district courts may be retained by said clerks, and all expenses incurred for additional clerk hire, record books, stationery, etc., on account of such additional duties, and all their necessary expenses in attending the courts held at different places in their respective districts, shall be defrayed by said clerks.

Mr. FITZGERALD of New York. Mr. Chairman, I desire to reserve the point of order upon one part of this paragraph.

Mr. SHERMAN. What part?

Mr. FITZGERALD of New York. On lines 16 to 22.

Mr. SHERMAN. On what page?

Mr. FITZGERALD of New York. Page 34.

Mr. LACEY. I desire, Mr. Chairman, to make the point of order as to the remainder of the paragraph and to each part of it.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent to temporarily pass over this portion of the bill, and the gentleman

from Iowa will simply reserve the point of order for the purpose of offering an amendment.

Mr. LACEY. I think, perhaps, if this is passed over we can agree upon an amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to pass this paragraph.

Mr. SHERMAN. With the point of order reserved.

The CHAIRMAN. The Chair understands the point of order is made by the gentleman from Iowa to the entire paragraph in relation to the Indian Territory.

Mr. SHERMAN. Only from line 22 on.

The CHAIRMAN. The gentleman from Iowa made that point of order.

Mr. LACEY. There are two propositions, and I make the point of order as to both.

Mr. HOPKINS. It is desired that the point of order be reserved, and an amendment prepared by the gentleman from Iowa that will meet the approval of the committee, so that there will be no objection to it, and unanimous consent to that has been given.

Mr. FITZGERALD of New York. I reserve the point of order against the provision contained in lines 16 to 22.

Mr. SHERMAN. What page?

Mr. FITZGERALD of New York. The same page.

Mr. LITTLE. I raise the point of order that the point of order comes too late as to this paragraph.

Mr. FITZGERALD of New York. Well, this whole paragraph is in connection with appropriations for Indian Territory, and upon the conclusion of the paragraph I rose and addressed the Chair and made the point of order against this provision. I understand that is the proper practice.

The CHAIRMAN. The Chair thinks the gentleman made his point of order in time.

Mr. LITTLE. All right.

Mr. FITZGERALD of New York. Do I understand this part of the bill was passed over?

The CHAIRMAN. The entire paragraph was passed over temporarily.

Mr. SHERMAN. I did not understand my request covered anything further than the provision from line 22 on.

Mr. LITTLE. I would like to take up the other now.

Mr. STEPHENS of Texas. I have an amendment I would like to offer at the proper time, Mr. Chairman.

Mr. LITTLE. Mr. Chairman, pending the point of order made by the gentleman from New York [Mr. FITZGERALD], as I have yet taken no time of the committee, I desire to submit a statement in relation to this provision; in other words, I want to debate the subject about ten minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to debate the paragraph for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLE. Mr. Chairman, I am constrained to believe that no member of this House who fully understands the situation in the Indian Territory would insist upon a point of order. This Congress, in 1898, in what is known as the Curtis bill, provided that no tribal law should be enforced, either in law or equity, in the courts of the Indian Territory. This provision was evidently intended to make a division between the enforcement of the Indian laws as against Indians and against the noncitizen in that country.

The members of this House should appreciate the fact that the Indian Territory stands upon an entirely different footing and upon different conditions from any of the Indian reservations throughout the country. In this nation, as is well known, there are five tribes and five tribal limited governments. Within that Territory there are about 300,000 white people and about twenty-odd thousand negroes. There are no means of education for the white or negro children except in the few towns that are incorporated; their funds are obtained by taxing themselves. These Indian tribes own their own land, collect their lease money, collect their royalties from the mines, and have large funds put to their credit in the Treasury of the United States.

Now, the condition that this amendment was enacted to reach was this. Each of these tribal governments grew out of ancient conditions, having tax laws against the noncitizen, differing in rates in the different tribes. In one of them they charge a noncitizen laborer $6 a year for the privilege of breathing the air of that country. The thousands of miners engaged in mining coal in that Territory, the royalties of which are paid to the Indians, must also pay 50 cents a month for the privilege of laboring. His children and the children of other noncitizens get no benefit from the tax. Merchants in the towns in that country are taxed by these bills from one-half of 1 per cent to 1½ per cent on the invoice of all the goods they offer for sale in their stores, so that, if the merchant in retailing turns over his capital stock four times a year, in one instance it would be 6 per cent of the value of his goods. All the professions are taxed by these bills. In the Territory a tax of one-half per cent on the capital stock of banks is imposed, and every species of industry, from the ginger-snap stand to the banker, is attempted to be taxed by these tribal laws.

Under the Curtis Act the noncitizen was given a status in the Indian Territory, and his rights and standing in the town property have been determined by the courts. The courts have given them a right to levy a tax on themselves, not to exceed 2 per cent per annum, for the support of the city government and schools. Time and time over these noncitizens have knocked at the doors of Congress and asked us to make appropriations directly out of the Treasury for the education of the noncitizens in that country. Congress has persistently refused to do this.

Now, referring again to the Curtis Act, which provided that these laws should not be enforced either in law or equity in the courts of the Indian Territory. After that act passed, the Secretary of the Interior, on account of some ancient statute, has held that it was his duty to collect these taxes and exercise the power that is exercised in any Indian reservation and take the citizen by the back of the neck and put him out of the country regardless of his property rights unless he submits to the exactions of these little fossilized and half-destroyed tribes and pays the tax levied upon him.

I believe it will be not only of great benefit to the white men, but to the Indians, in this country if we stop this manner of proceeding. The amendment to which the point of order is directed does not interfere in the slightest degree with the collection of all the rents to which the Indian is entitled, it does not interfere with the collection of all the royalties to which he is entitled, and no man will go farther than I will to have the Indian paid what is his right, to pay him for every foot of property and for everything that he owns in this country that is used by the white man. But after we have given a noncitizen a patent in that country, which he must buy and pay for, I say it is fundamentally wrong to tax the people when they have no voice in the Government and can get no benefit from the taxes. I believe it is but little short of robbery of the people there, whose children are going without the aid and benefit of taxation.

I do not want to deceive Congress as to the meaning of this amendment. If it should be adopted, the Indian agents in that Territory will be prohibited thereafter from expelling the noncitizens of that Territory, and there will be no means for collecting these privileged taxes to which the Indians are not entitled. The amendment will simply have the effect of repealing an ancient statute enacted when that country was a reservation. Under a provision of the Government adopted at that time the right was exercised, which is now exercised on Indian reservations, of putting off a noncitizen. But at the present time such a person has a right to go to any of these towns and to carry on any legitimate business; he has the right to occupy land. But if a tax is demanded—it may be a thousand dollars—and if the noncitizen disputes the demand and declines to pay it, the Indian agent is authorized to say, "You are a defaulter to the Indian tribe; you are ordered to vacate the Indian Territory without regard to your property interests or your family interests."

I have been, and am still, an advocate of a uniform system of taxation there, a system taxing privileges in that country for the benefit and education of all the children of the Indian Territory. Such a measure ought to be passed. It will never be passed as long as these tribes are encouraged by the collection of this iniquitous tax. Such a tax could not be imposed except by a strained construction of the law of Congress. It can not be collected without utter disregard of the rights of the noncitizens in that Territory. We are paying the salaries of four Federal judges and innumerable commissioners exercising full power to enforce the law in that country, and I say the appeal in this matter ought to go to the courts; that the rights of the people in that country ought not to be intrusted to the hands of a simple employee of the Government.

With this statement I can only appeal to my distinguished friend from New York to withdraw his point of order. I concede that the proposition is subject to the point of order, but the great necessity of adopting such an amendment, its manifest justice, should, it seems to me, warrant Congress in adopting it. If its provisions are considered crude or in any way insufficient, I will join with anyone here most heartily in making the provision all that it should be in justice both to the Indians and the noncitizens.

Allow me to say while on the floor that if this point of order is sustained I shall ask the privilege of offering at this point as an amendment a bill providing for taxation in that country—a measure which has the approval of the Indian Department, and which will give at least some measure of relief to the 50,000 children in that country who have for years and years been without any means of education. Not only the white children, but the great bulk of the negro children of that country are deprived of any benefit from the educational funds of these Indians. Mr. Chairman, I do not care to detain the committee further at this time.

Mr. FITZGERALD of New York. Mr. Chairman, it may be that if members of this House understood this question thoroughly

this point of order would not be raised. Nevertheless we are compelled to act upon the information we have at hand. I have examined very carefully the report of the Commissioner of Indian Affairs for the current year. He reviews to some extent the question of imposing tribal taxes in the Indian Territory, but he makes no recommendations whatever as to legislation for the purpose of correcting any evils that may exist there.

In my opinion it is the duty of Congress to protect not particularly the whites in the Indian Territory, but the Indians. During the past summer I made a short trip through that section of country. My observations impressed me that the one great power which is used for the benefit and protection of the Indians is the power of the agent and the constables to remove from the Territory people who do not comply with the laws. If this amendment be permitted to pass, then, under the provisions of the Curtis Act, the tribal taxes can not be enforced in the courts in the Territory. If these Indians have the right to levy these taxes, they should have a method for collecting them.

In the report of the Commissioner of Indian Affairs for the current year there is an opinion of the Attorney-General, rendered September 7, 1900, which holds that—

Under the provisions of sections 2147 to 2150, inclusive, of the Revised Statutes of the United States the authority and duty of the Interior Department is within any of these Indian nations to remove all persons of the classes forbidden by treaty or law who are there without Indian permit or license; to close all business which requires permit or license and is being carried on there without one, and to remove all cattle being pastured on public lands without Indian permit or license where such permit and license is required.

Now, Mr. Chairman, I am quite willing to concede that perhaps I am not as familiar with the conditions existing in the Indian Territory as my colleague on the committee, the gentleman from Arkansas [Mr. LITTLE]. Nevertheless I think that if there were such crying need for legislation of this character as the gentleman from Arkansas claims, the Commissioner of Indian Affairs would certainly have included in his report some recommendation on the subject.

I am free to say that I do not, in all matters connected with the Indian service, follow the recommendation of the Commissioner very closely. There are some things upon which I differ with him materially. But upon questions such as this I have found in my limited experience that as a rule his recommendations are safe and sound. I feel constrained, therefore, to insist upon the point of order.

The CHAIRMAN. It is clear from the report of the committee and from the concession of the gentleman from Arkansas that this provision is obnoxious to section 2 of Rule XXI. The point of order is therefore sustained.

Mr. LITTLE. Mr. Chairman, I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Insert after the paragraph just read the following:

"That for the purpose of maintaining a system of free schools for the education of all children residing in the Indian Territory between the ages of 6 and 21 years, whether children of citizens or noncitizens, and for the care of blind, insane, and orphans, there be, and is hereby, levied the following per capita taxes, and taxes on property and privileges in the Indian Territory, to wit:

"Upon each male person over the age of 21 years, who is not a member of any Indian tribe, residing in the Indian Territory, an annual per capita tax of $1.

"Upon each attorney or counselor at law, $8 per annum, in addition to the tax of $1 hereinbefore provided.

"Upon each practicing physician or surgeon, dentist, or pharmacist, the sum of $8 per annum, in addition to the tax of $1 hereinbefore provided.

"Upon each hotel, $25 per annum.

"Upon each cotton gin, the sum of $5 per annum.

"Upon each cotton compress, the sum of $25 per annum.

"Upon each blacksmith shop, wagon shop, or cabinet workshop, $5; upon each insurance agent (life or fire), $10, and upon each photograph gallery, butcher shop, lunch stand, restaurant, or barber shop, the sum of $5 per annum.

"Upon each sawmill, the sum of $5 per annum.

"Upon each livery stable and billiard or pool hall, the sum of $10 per annum.

"Upon all merchants, grocers, druggists, and other persons engaged in any mercantile or other business who buy or sell any goods or chattels, whether citizen or noncitizen, the sum of one-half of 1 per cent upon the average annual values of their stocks carried for the preceding year; but where they have not been engaged in such business in said Territory for the preceding year, the tax shall be based upon the value of the stock on hand when payment of the tax is demanded; upon each money lender, pawnbroker, or real estate agent, $25.

"Upon all private business corporations carrying on any business in said Territory for gain, whether resident or nonresident corporations, an annual tax of $25.

"All the taxes aforesaid shall be paid annually in advance, commencing on the 1st day of July, 1900, and where the person or company against whom the tax is to be levied comes into the Territory or engages in any kind of business hereinbefore named between the 1st day of July in one year and that time in the succeeding year, the tax shall be levied on the basis of a full year's tax for a half year or over, and a half year's tax for less than a half year.

"Upon each theatrical company for each performance, the sum of $2, payable in advance.

"Upon each circus for each performance, the sum of $10, payable in advance."

Mr. SHERMAN (before the conclusion of the reading of the entire amendment). Mr. Chairman, I dislike exceedingly to raise a point of order against my colleague from Arkansas, but clearly what has been read shows that this is not a proper provision for the appropriation bill. It is not a matter which has been sufficiently considered before the committee, it seems to me, to warrant my not raising the point of order against it as chairman.

Mr. LITTLE. If my friend will permit me, the bill I offer as an amendment at this time, reaching the condition of affairs which I spoke of a few moments ago, is one prepared in the Indian Office, with the recommendation of the Secretary of the Interior, and is unanimously reported by the Committee on Indian Affairs.

Mr. SHERMAN. I had forgotten that it had been favorably considered by the committee.

Mr. LITTLE. It has been, and I think it exceedingly meritorious as a proposition to be incorporated here. I understand, of course, that this is not a bill—this appropriation bill—for such legislation as this, and I would not offer it at this time as an amendment except for the great necessity which exists and which I do not believe can be remedied in any other way. I asked an appropriation of $50,000 once for this purpose and Congress refused to consider the matter, and I do not see any impropriety in putting the amendment on this bill.

By this provision the same relief can be given to the children there, and we will be able to collect something from those people who ought to be made to pay their taxes for educational purposes.

Mr. SHERMAN. On the gentleman's statement, Mr. Chairman, I have no doubt of the merits of the proposition, but I do not think it ought to be included in this appropriation bill. It is quite a complicated legislative proposition, and I think we ought to take it up by itself rather than as a section of the appropriation bill; and hence I have felt constrained, very much against my own wishes, to raise the point of order. But I raise the point of order now rather than to wait until the reading of the entire amendment is finished, because it must be apparent to the Chair from what has been read that it is unnecessary to proceed with the further reading of it to establish the fact that it is not in order on this bill.

Mr. LITTLE. I of course concede the point of order,

The CHAIRMAN. The gentleman concedes the point of order to be well taken, and it is sustained.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the amendment I send to the desk.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Insert as a new proviso:

"That any incorporated city or town in the Indian Territory having a population of 1,000 or more is hereby authorized to issue bonds and borrow money thereon, to be used for the construction of sewers and waterworks and the building of schoolhouses; such bonds not to exceed an amount the interest on which at 5 per cent per annum would be liquidated by a tax of 5 mills upon the dollar of the valuation of the taxable property in such city or town, to be ascertained by the last assessment for purposes of taxation: *Provided*, That before such bonds shall be issued the same shall be authorized by a two-thirds majority vote of the qualified voters of such city or town voting at an election held for that purpose, notice of which shall be published for four consecutive weeks prior thereto in a newspaper of general circulation published in such municipality: *And provided further*, That such bonds shall not be issued until it shall be made to appear to the satisfaction of the judge of the United States court for the judicial district in which such municipality is located, by petition of the mayor and council thereof, or otherwise, that all the requirements of this section shall have been complied with, who shall thereupon cause to be entered upon the minutes of his court a judgment or decree reciting the facts as he finds them to be.

Mr. SHERMAN (before the reading was completed). Mr. Chairman, I am constrained to raise the point of order. It is unnecessary to finish the reading of it, for it is clearly as obnoxious to the rule as was the other amendment proposed by the gentleman from Arkansas, and although it is a measure which has been favorably reported by the committee, it is on the House Calendar, and can be reached at any time when the committee is called in the morning hour; and therefore I must raise the point of order against it.

Mr. STEPHENS of Texas. Mr. Chairman, I think it extremely doubtful if this measure can be reached at this session of Congress. The Curtis bill, passed in the Fifty-fifth Congress, provided that cities and towns might incorporate in that Territory. There are fifteen or twenty of them there at this time. Any town, under this bill, of 1,000 inhabitants or over has the right to tax itself to an amount of 5 mills on the dollar to build schoolhouses, and it is absolutely necessary that these incorporated towns should have schoolhouses if they are to educate the children there. In order to accomplish that, it is necessary to pass a bill to levy a tax for the purpose of building the schoolhouses.

Mr. SHERMAN. Why, Mr. Chairman, if there was no other way of reaching the proposition of the gentleman from Texas, I would perhaps not raise the point of order; but this is a morning-hour bill. The committees surely will be called before the end of this Congress. I do not doubt that the Indian Committee will be reached on that call, and this bill can be taken up, the gentleman from Texas, or the chairman of the committee, either, having been authorized to call it up for consideration at that time; and hence I am constrained to insist upon the point of order, much as I regret to do so against the gentleman from Texas.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For operating one portable sawmill for the Klamath Agency, Oreg, and for necessary repairs to same, $1,500.

Mr. CANNON. I will reserve a point of order on that sawmill for the Klamaths.

Mr. SHERMAN. In last year's bill we appropriated for the construction of this sawmill, and this is for the running of the same. This is surely the continuation of a work now in progress.

Mr. CANNON. These Indians, as I understand it, are very well off?

Mr. SHERMAN. Yes; that is true.

Mr. CANNON. They have very valuable lands?

Mr. SHERMAN. They have lands, some of them good, and they have reached a pretty high degree of civilization.

Mr. CANNON. Now, if Congress gave them a sawmill last year, without any treaty obligation, when they were quite able to buy their own sawmill, I do not know that that can be called a continuing work, that Congress shall operate the sawmill for them. I think the point of order ought to have been made a year ago.

Mr. SHERMAN. Well, possibly the gentleman is correct; but not having been made a year ago, I hardly think it is good now.

Mr. CANNON. This is not for another sawmill.

Mr. SHERMAN. This is for the same sawmill.

Mr. CANNON. This is to operate it.

Mr. SHERMAN. This is to operate the sawmill for which we provided last year.

Mr. CANNON. So far as I know, it is not authorized by law, and there never has been an appropriation and no treaty stipulation for operating a sawmill there. It is not a work in progress.

Mr. SHERMAN. No; but it will be as soon as we appropriate for its operation. It is a sawmill that is idle now.

Mr. CANNON. I think I will have to insist on my point of order.

Mr. SHERMAN. I do not think the point of order is well taken, Mr. Chairman. We provided for the construction of this sawmill last year, and this is simply an appropriation to provide for the operation of it. I think under the meaning of the rule it is for the continuance of a work now in progress.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order?

Mr. CANNON. Oh, I think so. These are rich Indians, as I understand it, and quite as able as are our own people to pay for this.

Mr. STEPHENS of Texas. Mr. Chairman, I have an amendment which I wish to offer.

Mr. SHERMAN. Let the Chairman rule first on the point of order.

The CHAIRMAN. The Chair will rule first on the point of order. This appropriation having been contained in the last bill, the Chair is inclined to rule that this must be regarded as a continuing public work, and the point of order will be overruled.

Mr. CANNON. I move to strike out lines 23, 24, and 25 on page 37.

The CHAIRMAN. The gentleman from Illinois moves to amend by striking out lines 23, 24, and 25 on page 37 of the bill.

Mr. SHERMAN. I hope that amendment will not carry. There is a lot of timber up there, and I do not care whether it ought to be so or not, if we do not provide for operating this sawmill it probably will lie idle and will not be used, and the Indians will not receive from it the benefit we desired they should when we provided for its construction. I think it is shortsighted to refuse an appropriation for the operation of the sawmill now that we have erected it. I hope the gentleman's amendment will not prevail.

Mr. CANNON. Where do the Klamaths live?

Mr. SHERMAN. They live in the State of Oregon, I think; up toward the Sound, as I recollect it.

Mr. CANNON. My recollection is that they live on the Sound.

Mr. SHERMAN. I think it is farther back.

Mr. CANNON. My impression is, further, that they have magnificent timber lands. My impression is, further, that they have very valuable lands that are cleared. My impression is, further, that they raise hops galore—a very profitable crop. My impression is, further, that they are much better situated and cared for themselves, from the property standpoint, than is the average white man who lives in the sweat of his face. Therefore it seems to me it ought to be stricken out. I think we are running wild touching our Indian policy.

Mr. SHERMAN. I have nothing more to say, Mr. Chairman.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois [Mr. CANNON].

The question being taken, on a division (demanded by Mr. CANNON) there were—ayes 3, noes 24.

Accordingly the amendment was rejected.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

Insert at the end of line 25:

"That the sum of $2,690.40 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the said sum to be placed to the credit of the Choctaw orphan fund in the Treasury of the United States in payment for all Choctaw lands yet unsold in the State of Mississippi.

"That the Commissioner of the General Land Office is hereby authorized and directed to dispose of the said Choctaw orphan lands in the State of Mississippi as other public lands are disposed of."

Mr. STEPHENS of Texas. Mr. Chairman——

Mr. CANNON. I reserve the point of order. I do not know where that comes in.

Mr. STEPHENS of Texas. Mr. Chairman, this is an amendment prepared by the gentleman from Mississippi [Mr. WILLIAMS], and he has presented it to the chairman of the committee. I do not know whether it is the understanding that this amendment is germane or not. It seems to me it is a just amendment and a just amount of appropriation.

Mr. SHERMAN. If I understand properly the amendment, it is only desired to enact the second section, without the appropriation, which has heretofore been made. Am I not correct?

Mr. STEPHENS of Texas. That is my understanding. The appropriation was made last Congress.

Mr. SHERMAN. The Senate and the House passed a bill, and by some mistake the appropriation item was also included in the last annual appropriation bill. The two bills were sent to the President, and the single one was recalled from the President. The appropriation-bill item was inserted without the legislative feature of the bill, which, as an amendment, is now offered.

Mr. McCLEARY. That is, the money was provided, but no authority was given to sell the land.

Mr. CANNON. Well, let it be read again.

Mr. LITTLE. I ask the Clerk to report the amendment without that part carrying the appropriation.

The Clerk read as follows:

Insert at the end of line 25, page 37, the following:

"That the Commissioner of the General Land Office is hereby authorized and directed to dispose of the said Choctaw orphan lands in the State of Mississippi as other public lands are disposed of."

Mr. LITTLE. That is right.

Mr. SHERMAN. Strike out the word "said."

Mr. CANNON. That is clearly legislation. I do not want to make the point of order if it is apt. In the first place, I do not see where it comes in. The gentleman has offered it after line 25, page 37, which refers to the Klamath Indians and their sawmill.

Mr. STEPHENS of Texas. It should come in at the end of line 20, after the word "law."

Mr. CANNON. Ah! That comes in at the end of the provision touching the commission.

Mr. SHERMAN. If the Clerk will strike out the word "said" and then will read the amendment, the gentleman will see how it stands.

The CHAIRMAN. Without objection, the Clerk will read the section as it would be amended.

The Clerk read as follows:

Insert at the end of line 27, page 37:

"That the Commissioner of the General Land Office is hereby authorized and directed to dispose of the Choctaw orphan lands in the State of Mississippi as other public lands are disposed of."

Mr. CANNON. Well, now, that is really subject to a point of order. Here is a clause in the bill that relates to the Dawes Commission and appropriations touching the service in the Indian Territory pure and simple. Now, then, here is an amendment, which I think is not at all germane, that directs, not the Dawes Commission—has no relation to it—but directs the Commissioner of the General Land Office to sell some orphan lands in the State of Mississippi. I do not know anything about it.

Mr. STEPHENS of Texas. They are a part of the Choctaws.

Mr. FITZGERALD of New York. If the gentleman will permit me, I can explain it. There was a bill introduced and passed in this House, and also passed by the Senate. I will read the preamble of the bill that was passed, as that will give the gentleman a better idea of what it was:

Whereas it was provided by act of Congress approved June 28, 1898 (30 Stat., 495), that "the Choctaw orphan Indian lands in the State of Mississippi yet unsold shall be taken by the United States Government at $1.25 per acre and the proceeds placed to the credit of the Choctaw orphan fund in the Treasury of the United States, the number of acres to be determined by the General Land Office."

The General Land Office proceeded under the act quoted in that preamble and ascertained the number of acres that were undisposed of. Then in the Indian appropriation bill last year the Senate placed a provision appropriating the money to pay for this land, but did not put in the provision authorizing the Land Office to dispose of it.

Mr. CANNON. Has the money been paid?

Mr. FITZGERALD of New York. Yes; the money was appropriated, and the lands now belong to the United States, but there is no provision by which the Land Office can dispose of it as public lands.

Mr. CANNON. This does not seem to be an act. It seems to be a bill.

Mr. FITZGERALD of New York. The bill passed the House, and it was passed by the Senate and sent to the President.

Mr. CANNON. It never became a law.

Mr. FITZGERALD of New York. The provision that provides for the payment of the money was placed on the Indian appropriation bill; then the chairman of the Committee on Indian Affairs [Mr. SHERMAN], after it was passed, in the belief that the provision in the appropriation bill was sufficient, had a resolution passed recalling the bill from the President. It was afterwards ascertained that while the appropriation had been made, no provision had been made authorizing the General Land Office to dispose of these lands as other public lands.

Mr. CANNON. What is the amount of this land?

Mr. FITZGERALD of New York. I think it is stated in the preamble.

Mr. CANNON. No.

Mr. FITZGERALD of New York. I do not know the exact number of acres.

Mr. SHERMAN. Does the gentleman mean the amount of the appropriation?

Mr. CANNON. No; the amount of the land.

Mr. SHERMAN. I think, perhaps, 2,600 acres; it is not a large amount.

Mr. CANNON. Well, I do not know about it, after reading the bill which did not pass.

Mr. SHERMAN. Mr. Chairman, it is as the gentleman from New York says. The bill was sent to the President, and in the closing days of the last session was recalled from the President because the appropriation had been made in another bill; but the bill making the appropriation did not carry the legislative features of this bill providing for the disposition of the land, the purchase price of which was appropriated in another bill.

Mr. CANNON. How are the lands to be disposed of?

Mr. SHERMAN. In the way all other public lands are disposed of. That is this proposition.

The CHAIRMAN. Does the gentleman from Illinois insist upon the point of order?

Mr. CANNON. I will withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order. The question now is on the amendment offered by the gentleman from Texas [Mr. STEPHENS].

The question was taken; and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For pay of physician, New York Agency, $900.

Mr. SPALDING. Mr. Chairman, I have an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

After the word "dollars," in line 5, page 38, insert:

"For relief and support of the Turtle Mountain band of Chippewas and the Sioux of Devils Lake, N. Dak., to be expended for their benefit under direction of the Secretary of the Interior in such manner and for such purposes as he may direct, $25,000, to be immediately available."

Mr. CANNON. I think, Mr. Chairman, I will reserve a point of order to that.

Mr. SHERMAN. This is the matter brought to the attention of the Committee on Appropriations on the deficiency bill.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HILL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment a bill of the following title:

H. R. 11552. An act granting an increase of pension to Louis Heibel.

The message also announced that the Senate had passed with amendment bills of the following titles in which the concurrence of the House was requested:

H. R. 5655. An act granting a pension to Lurinda Laughlin;

H. R. 1734. An act granting a pension to Mary A. Whitmore;

H. R. 10062. An act granting an increase of pension to Harriet Crotsenburg;

H. R. 9108. An act granting a pension to Maria H. Hixon;

H. R. 5117. An act granting a pension to Roland Burnett;

H. R. 2752. An act granting an increase of pension to Edmund P. Tierney; and

H. R. 12838. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 92. An act granting a pension to William M. Ferry;

S. 3436. An act granting a pension to Catharine Weinheiner; and

S. 4184. An act granting an increase of pension to Evelyn Neale Murray.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies additional to the usual number of the report of Dr. Sheldon Jackson upon the Introduction of Domestic Reindeer into the District of Alaska for 1900, of which 500 copies shall be for the use of the Senate, 1,500 copies for the use of the House of Representatives, and 3,000 copies for the use of the Commissioner of Education.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. SPALDING. Mr. Chairman, I will say that this is an item submitted to this House in a letter from the Secretary of the Treasury suggesting the urgent necessity for this appropriation. This letter was accompanied by a recommendation from the Acting Secretary of the Interior, which was also accompanied by an urgent recommendation from the Commissioner of Indian Affairs. The fact is that smallpox is epidemic in the Turtle Mountain band of Chippewas. Their reservation has for some months been quarantined, and the people residing there have been deprived of the privilege of going out of the reservation to seek employment among the white farmers, and the appropriation heretofore made for their support and maintenance has been practically exhausted. The crops last summer in that part of the State were almost an absolute failure, and unless this appropriation is made for these Indians who are in this lamentable condition many will die the ensuing winter from starvation and exposure. I suggest that it is not only highly proper, but it is extremely necessary that this appropriation should be made. In reference to the point of order made by my friend the distinguished gentleman from Illinois [Mr. CANNON], I believe it is in line with all the other appropriations for the support and maintenance of Indians contained in this bill.

Mr. CANNON. Mr. Chairman, I would like to have the proposed amendment read again.

The CHAIRMAN. Without objection, the Clerk will read the amendment.

The Clerk again read the amendment.

Mr. CANNON. Is this by virtue of any treaty stipulation?

Mr. SHERMAN. No.

Mr. CANNON. I will ask the gentleman from North Dakota [Mr. SPALDING] whether the land has been allotted to these Indians?

Mr. SPALDING. I think not.

Mr. CANNON. What does the gentleman from Kansas [Mr. CURTIS] understand about that?

Mr. SPALDING. My impression is that there is a treaty which has been negotiated with these Indians, but not ratified, and which is awaiting action in the Senate at this time.

Mr. CANNON. Have they any lands of their own?

Mr. SHERMAN. Yes.

Mr. CURTIS. I find upon examination that their lands have been allotted to the extent of 131,000 acres.

Mr. SHERMAN. But that is not the whole of the land.

Mr. CANNON. Then these Indians are citizens of North Dakota and have the right to vote?

Mr. SPALDING. I do not so understand it; not the Turtle Mountain band.

Mr. CURTIS. There are 144,000 acres unallotted, and the treaty referred to covers these 144,000 acres.

Mr. CANNON. If they are citizens of North Dakota the burden is on the State to support them.

Mr. SPALDING. I will say that my understanding is that there is only a small fraction of these Indians who are citizens of North Dakota; an almost insignificant number.

Mr. CANNON. When was this estimate sent in?

Mr. SHERMAN. I think somewhere about the 8th of December.

Mr. SPALDING. The 6th of December.

Mr. CANNON. Does the gentleman from North Dakota know about the trouble, and whether it has ceased or not?

Mr. SPALDING. I know it was reported some time previous to that time that they thought they had the smallpox stamped out, but at the time this appeal was made it had again broken out.

Mr. CANNON. Well, half of a month has gone by.

Mr. SPALDING. A half of a month is only the time that is required for quarantine purposes, and it could not be stamped out in that time.

Mr. CANNON. Well, if this appropriation is made immediately available, I submit to the gentleman from New York that there is no possibility of this bill being enacted into law before the 1st of February.

Mr. SHERMAN. I wish I could hope that it would be enacted into law by that time. I have not the faintest idea that it will be enacted by the 1st of February.

Mr. CANNON. If that be true, why appropriate $25,000 to

stamp out smallpox which they have had for a month on a bill that it is not possible to become a law until the last days of February?

Mr. SHERMAN. The Department has already expended all the money available in its attempt to stamp out this disease. I had some little conversation with the gentleman from Illinois [Mr. CANNON] in his committee room in reference to the insertion of this item in the urgent deficiency bill recently passed. I was to have reported to him in reference to the condition of a fund appropriated last year amounting to $50,000 to be used for stamping out smallpox throughout the United States. Before I had been to the Indian Office, however, and obtained the information which I desired and brought it here the gentleman had reported his deficiency bill, and this item was not contained in it.

I do not mean to imply that the gentleman exercised undue haste; he did not. It was, I think, the second day after our conversation before I went to the committee room to give him full information, as I was not able to go to the Indian Office on the same day upon which I first spoke to him. When I was at the Indian Office to obtain the information in reference to this other fund, which the Department tells me is entirely exhausted, the officer with whom I spoke impressed upon me the necessity for this appropriation of $25,000, which is not simply to buy vaccine and to hire people to act as quarantine officers, but is for the purpose of buying for these Indians the necessaries of life, which they are unable to raise because the quarantine precludes the possibility of their working off the reservation and earning any money for their own support.

It is true, as the gentleman says, that this appropriation will not be available for a month or so; but it may be possible that the Indian Office will find some way of "shinning along," as the saying is, until the appropriation is available.

Mr. KING. How many of these Indians are there?

Mr. SHERMAN. One thousand and thirty-four. I think this a very proper appropriation, and I very much regret that it was not put upon the deficiency bill. I have asked the gentleman from North Dakota [Mr. SPALDING] to go to the Senate, as I presume he has already done, and see whether the item can not be inserted there upon the deficiency bill. If that effort should be successful, the item can be struck off of this bill.

Mr. CURTIS. The Commissioner of Indian Affairs appeared before our committee and asked that this appropriation be made. He also informed the committee that the smallpox existed on several other Indian reservations and that something would have to be done to stamp it out.

Mr. CANNON. I do not think this appropriation, if made, will be effective; yet, in view of the pitiable condition of these Indians, I do not feel justified in insisting on the point of order.

The CHAIRMAN. The point of order being withdrawn, the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I ask consent that we go back to page 39, line 3, in order that I may offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. Is there objection to returning to the point in the bill indicated by the gentleman from Wyoming?

Mr. CANNON. Let us first hear what the amendment is.

The amendment was read, as follows:

Add after the word "annum," line 3, page 39, the following:

"For repairs to the bridge across Wind River on the Shoshone Reservation, in Wyoming, $850, to be immediately available."

Mr. MONDELL. I ask that the Clerk read a letter of the Commissioner of Indian Affairs, which will explain this item.

The CHAIRMAN. Without objection, the letter will be read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, December 19, 1900.

SIR: Indian appropriation act approved May 31, 1900, Public—No. 131, page 23, provided for the expenditure of $750, or so much thereof as may be necessary, for making the necessary repairs to the Big Wind River Bridge, Shoshone Agency, Wyo.

Before the appropriation could be used a second span of the bridge, weakened by the constant strain, was precipitated into the river and would have been utterly destroyed had not the agent taken immediate steps to secure it, incurring thereby an indebtedness of $100, for which authority was granted him to settle out of the appropriation of $750, leaving a balance of $650.

It will require at least $1,500 to place the bridge in a thorough state of repair; and as it is considered a very necessary adjunct to the proper management of agency and school affairs, I have the honor to respectfully recommend that Congress authorize an appropriation of $850 to defray the expenses for the necessary repairs, said appropriation to be immediately available.

Very respectfully,

W. A. JONES, *Commissioner.*

Hon. JAMES S. SHERMAN,
Chairman Committee on Indian Affairs,
House of Representatives, Washington, D. C.

The CHAIRMAN. Is there objection to returning to the paragraph to which the gentleman from Wyoming proposes to offer this amendment?

Mr. CANNON. It seems to me this item does not belong to this bill, yet it is "so small a baby" that I will withdraw the objection.

The CHAIRMAN. Without objection, the Committee of the Whole will return to the paragraph indicated by the gentleman from Wyoming; and the question is on the amendment of that gentleman, which has been read.

The amendment was agreed to.

The Clerk read as follows:

To pay Lieut. Col. James F. Randlett, retired from the Army, while serving as agent at the Uintah and Ouray Agency, Utah (as provided in 27 U. S. Stat., p. 120), for six months and twenty-three days, at the rate of $1,800 per annum, the sum of $1,015.

Mr. MORRIS. I desire to offer the amendment which I send to the desk.

Mr. CANNON. Before that amendment is read I wish to reserve a point of order on the paragraph just read.

The amendment of Mr. MORRIS was read, as follows:

Insert, after line 5 on page 41, the following:

"To pay balance due various merchants of Cloquet and Fond du Lac, Minn., from certain Fond du Lac Indians for supplies furnished to said Indians at the request of the Indian farmer, as ascertained by the Secretary of the Interior under the provisions of the Indian appropriation act approved June 10, 1896, as follows: H. B. Allen, $24.14; Charles Gasper, $1,049.46; J. A. Rene, $44.91; James A. Wallace, $232.68; Kelly & Moses, $40.49; Mrs. James Peacha, $116.95; James Peacha, $186.12; Frank P. Thompson, $964.51; A. H. Simons, $176.85; in all, $2,856.11."

Mr. CANNON. I insist on my point of order to the pending paragraph; and it is also perfectly evident from my standpoint that the amendment is subject to a point of order in whatever shape it may be offered. Therefore I insist upon my point of order to the amendment also. These are mere claims. Even if they were audited and ascertained, they belong to the deficiency bill.

The CHAIRMAN. Does the gentleman from Minnesota [Mr. MORRIS] wish to be heard on the point of order?

Mr. MORRIS. Not on the point of order; but I would like to say to the gentleman from Illinois that these claims have already been ascertained in the very best possible way, through a thorough examination by the Secretary of the Interior.

And these amounts, Mr. Chairman, which we desire to appropriate by the amendment are only the balances of the amount found due by the Secretary of the Interior himself, of which a part has been already paid. The only reason that they were not all paid before was that the fund belonging to the Indians, out of which they could have been paid, was appropriated by Congress and paid to the Indians themselves before these men could get their money. There was left a balance of some $4,000, when these claims amounted to $7,000. That balance was paid pro rata, and these bills, which are embraced in the amendment I offer, are for the balances due and for the payment of that amount.

Of course, if the gentleman from Illinois insists upon the point of order I suppose it is well taken. I do not know about that myself. The chairman of the committee informs me that it is.

Mr. CANNON. I am constrained to insist upon the point of order.

The CHAIRMAN. The point of order being made, the Chair will hold that the amendment is clearly out of order, being an amendment which should be carried on a deficiency bill or a separate bill; and so the point of order is sustained.

Mr. MORRIS. The chairman of the committee assured me that he would not raise the point of order himself. Of course, he could not answer for the gentleman from Illinois. But I am sorry the point was made.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to negotiate, through any United States Indian inspector, agreements with any Indians for the cession to the United States of portions of their respective reservations or surplus unallotted lands, any agreements thus negotiated to be subject to subsequent ratification by Congress.

Mr. FITZGERALD of New York. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

After line 8, page 41, insert:

"For compiling and publishing, under direction of the Secretary of the Interior, a new and complete edition of Laws Relating to Indian Affairs, a compilation of all Indian treaties and agreements which have been ratified by Congress, and a new edition of Executive orders relating to Indian reservations, three separate and distinct works, $10,000, or so much thereof as may be necessary."

Mr. CANNON. I reserve the point of order upon the amendment.

Mr. FITZGERALD of New York. I will ask the Clerk to read, then, the following extract from the report of the Commissioner of Indian Affairs with reference to this matter.

The Clerk read as follows:

NEEDED PUBLICATIONS ON INDIAN MATTERS.

The suggestions made in my last report as to the need of new compilations of laws relating to Indian affairs, of Executive orders concerning Indian reservations, and of treaties and agreements made with Indians are earnestly renewed. The latest edition of Laws Relating to Indian Affairs stops with March 4, 1881; Executive Orders Relating to Indian Reservations is brought

down no further than April 1, 1890, and the editions of both works are exhausted. Since these dates legislation of vital importance has been enacted and many changes have been made in Indian reservations. Constant calls are made on the office for the old volumes and for information as to subsequent legislation and Executive action. The public need can be met only by new editions of these books, which should, of course, be brought down to date.

In 1837 a compilation of Indian treaties from 1778 to date was made, under the direction of the Commissioner of Indian Affairs. An inaccurate Revision of Indian Treaties then in force was made in 1873. The demand for a publication that shall contain all ratified treaties and agreements made by the United States with Indian tribes is increasing. It would be in constant use in this office and would be frequently referred to by other Government bureaus and by members of Congress as well as by the public at large.

Again I urge that Congress make an appropriation to cover the expense of compiling and issuing these three publications.

Mr. FITZGERALD of New York. I wish to say, Mr. Chairman, that this is a most important provision for the convenience of the members of the Committee on Indian Affairs, who desire to secure information for the purpose of performing the duties assigned to them in connection with Indian matters, by having access to the various Indian treaties, papers, orders, and agreements. Members of the committee are unable, sometimes even at the Department, without great difficulty, to secure information required in connection with the work of the committee, and some proper compilation of these treaties and agreements is absolutely necessary if that committee is to be able in a proper manner to perform the duties imposed upon it by the House.

I hope the gentleman from Illinois will not insist upon his point of order.

Mr. CANNON. Oh, well, Mr. Chairman, we publish our laws from time to time; the supplements to the Revised Statutes are published regularly; we have the whole machinery running and working in harmony, and I do not know but that the $10,000 sought to be appropriated is not half enough or twice too much. I rather suspect the latter. Therefore I do not think it is in order on this bill, and I make the point of order.

Mr. FITZGERALD of New York. This is the sum estimated by the Commissioner himself.

Mr. CANNON. Well, I think he is a good Commissioner, but I do not know whether he is a better lawyer than I.

Mr. FITZGERALD of New York. I would suggest, if the gentleman will permit the amendment to be considered and acted upon at this time, that if adopted it might operate for economy by enabling members to have more satisfactory information for the performance of their duties.

Mr. CANNON. The information, I think, is sufficient now, and I insist upon the point of order.

The CHAIRMAN. The gentleman from Illinois insists upon the point of order. The Chair is constrained to rule that, this being new legislation, the point of order is well taken.

The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For the support and education of 150 Indian pupils at Chamberlain, S. Dak., $25,050; for pay of superintendent of said school, $1,500; for general repairs and improvements, $3,100; for increasing the capacity of school plant to 150 pupils by the erection of addditional buildings and other improvements, $20,000; in all, $49,650.

Mr. CANNON. Mr. Chairman, I move to strike out the words "and fifty" in line 1 of this paragraph.

Mr. SHERMAN. Let me suggest to the gentleman that I think he is right in that. But he should also include a change in the total, and I will make all of the changes in a moment and hand them to the Clerk.

Mr. CANNON. Very well; that is satisfactory to me.

The CHAIRMAN. Then the Chair would suggest that this paragraph be passed over temporarily.

Mr. SHERMAN. I will suggest the necessary changes to the Clerk.

The CHAIRMAN. Without objection, this section will be temporarily passed over until the necessary changes can be made.

There was no objection.

The Clerk read as follows:

For support and education of 175 Indian pupils at the Indian school, Fort Mojave, Ariz., $29,225; for pay of superintendent of said school, $1,500; for general repairs and improvements, $2,000; for erection of new dormitory, $15,000; in all, $47,725.

Mr. CANNON. I call the attention of the gentleman from New York [Mr. SHERMAN] to the fact that this matter is like unto the other—that we appropriate for 175 pupils and later on appropriate for the building of the new dormitory. I think the gentleman will find that this is on all fours with the other. It ought to be 150.

Mr. SHERMAN. I think that appropriation is the same as last year.

Mr. CANNON. No; it was for 150 last year and is for 175 now. You increase it by 25. It seems to me a year from this time would be the proper time to do that.

Mr. SHERMAN. There is no explanation of it in the superintendent's report. I will consent to the amendment.

Mr. CANNON. To strike out seventy-five and insert fifty?

Mr. SHERMAN. And change the amount to correspond with the change in number. That covers it. The Clerk can make the change in the total.

The CHAIRMAN. The gentleman from Illinois moves to strike out, in lines 1 and 2, page 44, the word "seventy-five" and insert in lieu thereof the word "fifty."

Mr. CANNON. That is right.

The CHAIRMAN. And to amend the total to correspond to this change.

The amendments were agreed to.

The Clerk read as follows:

For support and education of 120 Indian pupils at the school at Hampton, Va., $20,040.

Mr. LITTLE. I move to strike out lines 3 to 5, inclusive, on page 47, the provision for the education of 120 Indian pupils at Hampton, Va., appropriating $20,040.

My reason for this action is an endeavor to carry out what I understand to have been the policy of the Government toward the education of the Indians in the last six years. Hampton is a contract school. The policy of the Government has been to educate the Indian children in Indian schools under Government supervision. I understand the Hampton School to be a good school and well equipped, but it is simply a case of the use of public money in a private school. It has no recommendation of the Secretary of the Interior, and there is no desire on the part of the Indian service to maintain it.

While I can not quote from that office, and having nothing direct from them, it is my opinon that the Commissioner of Indian Affairs does not want this appropriation, because there has been no little trouble growing out of the education of pupils in the contract schools, and the Government has got away from that proposition wherever it could. We have at least no request on the part of the Indian service for contracts of this kind. We have been enlarging almost every Government school in the country for the last six years. We are enlarging the reservation schools, enlarging the nonreservation Government schools, and I believe, as I have all the time believed, that it is only wise for the Government, where it can do so, to educate the Indians in Government schools, where the Government will not only have control of the children and supervision of the schools, but the payment of its own money.

The contract system grew out of a necessity at one time, which necessity does not exist now. I hope now that this provision for the Hampton School, which is not asked for by the Department, and which the Government can get along well without, will go out of the bill, in pursuance of the fixed policy of the Government to get away from the contract system of education as fast as possible.

This discussion has frequently arisen on the lines of sectarianism. It is claimed that this school is not sectarian. Conceding that, it is yet a contract school, and in my opinion violates the determined and fixed policy of the Government to educate the Indians in Government schools. Therefore I move that this be stricken out. It will not cripple the Indian service in any degree, in my opinion.

Mr. SHERMAN. Mr. Chairman, just a word. I sincerely trust that this provision in the bill will not be stricken out. While it is true that the Hampton School is not a Government school, not in that sense similar to Carlisle, but is a private school, yet it is not a sectarian school, as my friend says, and the policy which we entered upon was not based upon the fact that the schools were contract schools which Congress desired to do away with. The wording of the provision in the preceding bills shows that. What Congress attempted was to do away with sectarian schools—it was not because they were contract schools—and Hampton School is not a sectarian school. It is an industrial school in a part of the country where we can send Indians where there is no other industrial school to which they could conveniently be sent. We could send them to Carlisle, but it does not reach the same territory that Hampton does.

The gentlemen of the Indian Committee, both of the Senate and House, who have repeatedly visited Hampton, have been very firmly convinced of the excellent work that was being done in the practical education of the Indians—in making them blacksmiths, wagon makers, harness makers, and carpenters; teaching them trades with which, when they pass from the school out into life, they can make an honest living. I do think and I do trust that the provision will not go out of this bill.

Mr. LITTLE. Mr. Chairman, if the gentleman will permit me, I desire to ask him if this school is recommended by the Commissioner of Indian Affairs?

Mr. SHERMAN. It is not.

Mr. LITTLE. It does not have the recommendation of that office?

Mr. SHERMAN. It is not in the Book of Estimates.

Mr. LITTLE. Let me read the provisions of the act of 1896. I have the first original bill on this subject when this subject first came up, and the proviso of that bill is as follows:

Provided, That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted

for among schools of various denominations, for the education of Indian pupils during the fiscal year 1897, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children, and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1896.

That was the act of 1895, being the first year that this policy was invoked. That the Government was as early as practical to make provision for the education of the Indian children in Government schools, not sectarian schools. The sectarian schools, about which we have been bothered so much, grew out of the contract schools. The contract school was the best, and while the Government was trying to get away from the sectarian schools, the Government schools were established in trying to get away from the sectarian schools. I do not say that this is not a fine school, but there are fine schools all over the country where these people can learn to be blacksmiths, carpenters, doctors, and lawyers, and all those things; but they would be contract schools, and be a part of the vicious policy that we have been trying to get rid of; and we have now reached a point where we can execute that policy without detriment to the Indians. I therefore hope that this provision will be stricken out.

Mr. PACKER of Pennsylvania. Mr. Chairman, the committee after a careful consideration of this subject were by a large majority in favor of retaining this provision in the bill. We saw no good reason for eliminating this provision from the bill. This school is one of the oldest Indian schools in the East, and one of the oldest in the country, and is doing one of the best works for the Indians of any of the schools throughout the country. It seems to me that there would be as good reason for striking out the provision for the Carlisle School as for this institution. There, as the chairman of the committee has well said, they are carrying on industrial work and doing as much for the Indians as in any other school in the United States. There are at least thirty or forty different tribes represented at that school, and the parents of those students come on and witness the graduation of these scholars and take great interest and pride in the work. It seems to me that it would be taking a step backward if the amendment of the gentleman from Arkansas were agreed to. I sincerely trust that the bill as reported in this regard will prevail.

Mr. FITZGERALD of New York. Mr. Chairman, I trust that this amendment will not prevail. This is a good school. It is one that has existed since about 1873. It has always received the highest praise from the Commissioner of Indian Affairs. Never before, Mr. Chairman, in the history of the discussion of these Indian schools has there been any objection to this school upon the ground that it was a contract school. The general objection to Indian schools, other than those conducted by the Government, has not been upon the ground that they were contract schools. The discussions in this House and in the other House show clearly that the great objection to these schools was that they were sectarian schools, and the sectarian nature of the schools was considered in a very restricted and limited way. This school does not happen to come within that peculiarly constricted construction of so-called sectarian schools. In the last session of Congress the gentleman from Arkansas said:

> Five years ago Congress determined upon a settled policy that the appropriations to sectarian schools should cease at the end of five years—a wise policy, I have no doubt.

There is no question in my mind whatever as to the character of this school. As I stated in the last session of this Congress, this school not only had a resident chaplain, but it prepared Indians for the ministry. I am glad that it does. That is one reason why I favor the appropriations for this school. There has been more hypocrisy displayed upon this question of sectarian schools for the education of Indians than upon any other question that has been discussed in Congress or by officials. In the report of the superintendent of Indian schools for last year the superintendent showed that in nearly every governmental school, under the guise of nonsectarian teaching, Indians were educated in the principles of some religion. The contention has been made that that is not an affair of the Government.

I think, Mr. Chairman, that the greatest misfortune that could happen to the Indians of this country would be that they should be deprived of instruction in some religion. I do not care what religion they are educated in, but I do believe that in all of these schools where the Government provides for their education, and where these Indians can not receive religious instruction, except under governmental supervision, that we ought to provide not only for religious instruction, but should permit the Indians to select the church and school of their own faith.

Mr. KING. Will the gentleman permit me to ask him a question? Has it been determined by the Department that contract schools are superior to Government schools they have established, and if it is believed that the latter are superior schools why have any contract schools?

Mr. FITZGERALD of New York. There has never been any doubt that contract schools did more than the governmental schools for about $59 a head less. The people who conduct these schools devote their lives to this work. They are interested in the education and advancement of the Indians; and yet, simply because some of them were educated in accord with the principles of certain churches, there was great objection to the Government appropriating money for this so-called sectarian purpose. I believe it is one of the best schools at present receiving aid from the Government. I believe it does good work. Anybody who visits the school will be convinced of it. It is true that there is a chapel and that the Indians receive religious instruction there and attend services conducted by the ministers of the different Protestant denominations.

I am glad of it, however, and for that reason more than any other I hope that this provision will not be stricken out. The Department does not ask for the appropriation, because it has been condemning the sectarian schools; they have been trying for certain reasons to get rid of them. But anybody who will look through the report of the Commissioner will see that he not only believes that this is a good school, but hopes Congress will appropriate for it without his request.

Mr. LITTLE. The gentleman from New York evidently did not listen to my remarks. I said the question of sectarian schools grew out of the contract school.

Mr. FITZGERALD of New York. The gentleman knows that the contract schools could not be divorced from sectarianism.

Mr. LITTLE. If the gentleman from New York knows anything about it, he does not suppose that the Government in the employment of its teachers would employ infidels. If the gentleman from New York will read the speech of mine that he referred to in the RECORD, he will find that one of the primary objections to the contract schools was that it was putting the Government's money into private hands. What we want is Government schools to educate them.

Mr. FITZGERALD of New York. The gentleman from Arkansas votes for appropriations for contracts in other matters.

Mr. LITTLE. That is all true, but contract schools give us the other question.

Mr. FITZGERALD of New York. No; the sectarian schools give us the contract question.

Mr. LITTLE. That is true, but I do not want any of the contract question or the sectarian question either.

Mr. FITZGERALD of New York. I want what is best for the Indians, and I hope the House will keep the appropriation in.

Mr. LITTLE. I want neither, because neither is necessary. Congress has settled its policy, and if you have a contract school you will have the sectarian question again. The question of religious teachers in private schools has no application to the question of education, because it is presumed that the Government, in the education of the Indian, will put in as teachers only people of good morality and not of any particular religion.

Mr. FITZGERALD of New York. Does the gentleman believe that the Government schools should have religious instruction?

Mr. LITTLE. I insist that in all schools teachers should be of the highest morality and that they should be religious people.

Mr. FITZGERALD of New York. They may be all that, but does not the gentleman think that they should give religious teaching?

Mr. LITTLE. No; they can be religious people and people of good morality, but they need not teach religion.

Mr. FITZGERALD of New York. It is utterly impossible to have religious people and not have them sectarian.

Mr. PACKER of Pennsylvania. I would like to ask the gentleman from Arkansas if it is not a fact that there are a greater number of colored people at this school than Indians?

Mr. LITTLE. I understand so.

Mr. PACKER of Pennsylvania. And that the State of Virginia makes an appropriation for the payment of a large sum of money for the education of these colored children?

Mr. LITTLE. I do not know about that.

Mr. PACKER of Pennsylvania. I understand that such is the fact. Does the gentleman understand that there is no religious doctrine inculcated there?

Mr. LITTLE. Oh, the gentleman from Pennsylvania is getting entirely away from the question, as is the gentleman from New York. It is not a question so much of religious people conducting these schools inculcating the doctrine of any particular church at the expense of the Government. I say that it is impolitic for the public moneys to be put into private hands and expended in this way in the contract schools. This provides for $167, the regular price for a scholar at a school, and there is no question of economy about it. But when you step over the line and go to one contract school, when you are asked the reason why you should not go to another, you will be without a reason.

Now, this school was left out of the appropriation last year, or one year, and it ought to be left out this year. If the Indian Department is to administer this system of Indian education, then let it be administered in Government schools. We have gone to

the expense of establishing schools for this purpose, and the accommodations are abundant.

Mr. FITZGERALD of New York. Does not the gentleman know that there are not sufficient school accommodations provided by the Government?

Mr. LITTLE. Does the Secretary of the Interior make any recommendation for an increase?

Mr. FITZGERALD of New York. He shows that the number of Indian children of school age exceed the sittings in the Government schools by about ten to twelve thousand.

Mr. LITTLE. And there are about 20,000 children that you can not get to attend the schools.

Mr. FITZGERALD of New York. Here is an opportunity to furnish 150 of them with school accommodations.

Mr. LITTLE. First we have the reservation schools; and then we have the nonreservation schools, which are also Government schools. Then we have the mission schools, conducted by various denominations, and these are on the reservations when desired. They have the aid of the Indian Department, and rations are issued to the students if they are ration Indians.

Mr. FITZGERALD of New York. But notwithstanding all that, there are not sufficient school accommodations.

[Here the hammer fell.]

Mr. SHERMAN. I move that all debate on this amendment close in five minutes.

The motion was agreed to.

Mr. LACEY. Mr. Chairman, this Indian school is not a sectarian school. This question with regard to Indian schools originated at the mouth of the James River, and the settlement of the question was accomplished at the same place. The first Indian industrial school was started at Hampton, and from it have grown all the industrial schools of this country. This was the pioneer school of the whole system. It is not a sectarian school. It has rendered most effective service, and is perhaps the most complete of any of these schools, with the possible exception of Carlisle. It would be a great misfortune if this school should be done away with, and I hope no such step will be taken.

I yield the remainder of my time to the gentleman from Massachusetts [Mr. FITZGERALD].

[Mr. FITZGERALD of Massachusetts addressed the committee. See Appendix.]

The question being taken on the amendment of Mr. LITTLE,

The CHAIRMAN. The noes seem to have it.

Mr. LITTLE. I call for a division.

The question being again taken, there were—ayes 14, noes 33.

So the amendment was rejected.

The Clerk read as follows:

For support and education of 150 pupils at the Indian school at Truxton Canyon, Ariz., $25,050; pay of superintendent, $1,500; general improvements, $1,000; schoolhouse, $12,000; in all, $39,550.

Mr. CANNON. I desire to call the attention of the chairman of the committee [Mr. SHERMAN] to this paragraph, which seems to involve an increase of appropriation beyond that heretofore made.

Mr. SHERMAN. Following the suggestion of the gentleman, I will look this matter up in a moment. Let me say, however, that in some cases—and I presume this is one—there are many more pupils now than can reasonably be accommodated. I presume this is one of the schools where there are more scholars than the old accommodations can reasonably provide for.

Mr. CANNON. I hope the gentleman will look into the matter and correct it if necessary.

Mr. SHERMAN. I will do so.

The Clerk read as follows:

That all expenditure of money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior: *Provided*, That not more than $167 shall be expended for the annual support and education of any one pupil in any school herein specifically appropriated for, except when, by reason of epidemic, accident, or other similar cause, the attendance is so reduced that a larger expenditure is absolutely necessary for the efficient operation of the school affected, when the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow a larger per capita expenditure, such expenditure to continue only so long as the said necessity therefor shall exist: *Provided further*, That the total amount appropriated for the support of such school shall not be exceeded: *Provided further*, That this provision shall apply to the fiscal years 1899 and 1900.

Mr. CANNON. I would like to ask the gentleman in charge of this bill whether or not there is any provision for the education of Indian children provided for in this appropriation or in other appropriations at the colleges and universities throughout the country?

Mr. SHERMAN. No, sir. No provision is made for the education of an Indian child at a college or university.

Mr. CANNON. Is there any provision by which they can be educated at public schools other than those provided for on the reservations by this bill?

Mr. SHERMAN. Oh, yes; at the district schools in the States.

Mr. CANNON. Off the reservations?

Mr. SHERMAN. Yes, sir.

Mr. CANNON. Taken from one State to another?

Mr. SHERMAN. No——

Mr. CURTIS. Only in schools located near the reservations.

Mr. CANNON. And the United States pays the expense?

Mr. SHERMAN. Yes, sir.

Mr. CANNON. I was impressed with the idea that more or less of the Indian pupils were educated at the universities and colleges of the country.

Mr. SHERMAN. Not at the expense of the United States.

Mr. CANNON. Now, Mr. Chairman, if I may be indulged a moment, I want to put in the RECORD what is being done in the way of education of Indian children, and compare it with some of the educational institutions in this country for the white children.

Commencing with 1887, the expense of the education of Indian children was $1,210,000. This sum has grown until the year 1901, when this bill carries the sum of $3,070,379.

I want to put further into the RECORD the statement that by the census of 1890 there were 248,000 Indians, all told—men, women, and children. Of this 278,000, 90,000 are in New York and the Indian Territory, and are not covered by any of these appropriations. So that there are less than 200,000 Indian population provided for, and for the school children of that number of people we make provision by appropriating $3,000,000 and over for their education.

Now, let me say further that the total attendance at the Indian schools last year—1900—is reported by the Superintendent of Schools to be 21,568. By way of comparison let me show you that the school population of the District of Columbia is in round numbers 45,000. This is over twice as great as the number of pupils in all of the Indian schools combined. Part of this Indian appropriation is for day schools and part for boarding schools, and the total cost for the year 1901 for the Indian schools, as I have shown you, is $3,070,367, while for more than twice the number of school children of the District of Columbia the total appropriation is but $1,381,326. Here is largely over double the population, and under a system of schools, as I understand it, the best on earth, and in addition to that the text-books are furnished out of this amount.

Mr. CURTIS. But the gentleman should remember that the schools in the District of Columbia are all day schools, while the schools on the Indian reservations are nearly all boarding schools.

Mr. CANNON. Oh, I understand that part of them are.

Mr. CURTIS. Nearly all of them.

Mr. SHERMAN. Besides that the gentlemen should remember that these day schools on the reservation give lunch to the Indian pupils—give them a meal once a day.

Mr. CANNON. I think that is probably done here also.

Mr. CURTIS. Besides that, in the District of Columbia we have one superintendent; but the Indian service has one for nearly every school. A large number of superintendents are necessary because the schools are scattered all over the country, and when you take into consideration the number of schools and the number of people employed and the fact that nearly all are boarding schools you will find that the expense is not much greater in the Indian school than the expense in the District.

Mr. KING. I would like to ask the gentleman from Illinois a question in connection with his statement.

Mr. CANNON. Certainly.

Mr. KING. I would like to ask if the figures that the gentleman quotes do not include also the construction of a number of schoolhouses?

Mr. CANNON. Undoubtedly. But there is a larger construction, I apprehend, in the District of Columbia than in the Indian schools.

Mr. CURTIS. How many children attend school in the District of Columbia?

Mr. CANNON. Forty-five thousand.

Mr. CURTIS. Are there 45,000 in attendance, or are there that many children of school age in the District?

Mr. CANNON. Well, substantially all of them attend.

Mr. CURTIS. We have 27,000 Indian children, in round numbers, enrolled, and the average attendance is 21,500.

Mr. CANNON. Twenty-one thousand five hundred and sixty-eight.

Mr. SHERMAN. If the gentleman will permit me, before he gets away from the subject——

Mr. CANNON. Certainly.

Mr. SHERMAN. We not only furnish the board of these children and their text-books, but we clothe thousands of them.

Mr. EDDY. And pay their transportation?

Mr. SHERMAN. And pay their transportation to and from the schools. It really is hardly fair to compare the conditions in the District of Columbia with the conditions in the Indian schools.

Mr. CANNON. Well, I call attention to these facts for the purpose of placing in the RECORD a statement of the expenditure that is made for the education of Indian children as compared with the expenditure that is made in the District of Columbia.

Now, it is proper that I should say that I do not begrudge all proper expenditure that is made for the education of children anywhere within the boundaries of the United States. I say all "proper" expenditure, and I emphasize "proper." The gentleman from New York said he thought it would be well to educate the heart, perhaps, more than the mind of the child. The truth of the matter is that you can not, by a hypodermic process of book-learning and training, put much education either of the heart or the mind into people who have not achieved their own civilization.

Mr. Chairman, the statement which I wish to print in the RECORD is as follows:

The census of 1890 placed the total Indian population at 248,253, including about 90,000 in New York and the Five Civilized Tribes, with whom the Government has nothing to do so far as education and support are concerned, leaving less than 160,000 Indians whose children participate in the Government provision for education.

The total attendance at all Indian schools (boarding and day) for 1900 is reported at 21,568.

The school population of the District of Columbia is about 45,000.

INDIAN SCHOOLS.

1887	$1,210,915.00	1896	$2,056,515.00
1888	1,181,415.00	1897	2,518,815.00
1889	1,348,015.00	1898	2,630,771.35
1890	1,379,568.13	1899	2,638,390.00
1891	1,842,770.00	1900	2,936,080.00
1892	2,216,650.00	1901	3,070,367.00
1893	2,312,385.00		
1894	2,243,482.38	Total	31,627,833.86
1895	2,041,695.00		

The total Indian population is about 250,000.

The public schools of the District of Columbia, the finest system probably in the world, cost, including buildings, free books, etc.:

1899	$1,256,375
1900	1,381,326
1901	1,525,711

Mr. GAINES. Mr. Chairman, I should like to ask the gentleman reporting this bill a question. The gentleman from Illinois speaks of the school system as being a uniform school system. I should like to ask if you have adopted, and if not, why not, a uniform schoolbook system in the Indian schools? We have recently adopted it in Tennessee, and it works well. It saves a great deal of money and gives us a fine lot of books. I understand the State of Texas, and in fact a great number of States, have adopted that system.

Mr. CURTIS. The Superintendent of Indian Schools selects a number of books, a list of which is published, and this list is sent to each agency. The teacher in charge selects from the list of books furnished by the Indian Office.

Mr. GAINES. Who does this?

Mr. CURTIS. The Superintendent of Schools, under the direction of the Commissioner of Indian Affairs, sends a list to each teacher at the Indian schools, and they select from that list.

Mr. GAINES. The point I made was not so much about the distributing of the books, but whether the books were uniform.

Mr. CURTIS. In that one school they are uniform; yes.

Mr. GAINES. In other words, you know in the old blue-back spelling-book schools that we had years ago different children had different books, and they did not have the uniform system that we have now.

Mr. CURTIS. They have the same books in the same school.

Mr. GAINES. In other words, they have a uniform book system.

Mr. CURTIS. As I understand it. Of course they may use a different kind of book in one school from that in another school.

Mr. GAINES. That is the exact point of my inquiry.

Mr. CURTIS. But they use the same books in the same school.

Mr. GAINES. I will give the House the benefit of an observation that I have recently made in my own State. The people of Tennessee, as in a great many other States, have had wrung out of them immense prices—exorbitant prices—for schoolbooks, and they have been changed from year to year. Whenever a different teacher would come in he would want a different book; and when the child would go to attend another session, he would have to get a different book, and so on. In other words, each teacher had a different book and recommended a different book. The result was that the people were practically robbed of cheap books. The legislature has adopted what is known as the universal book system, and the supreme court has upheld the law, which is working admirably and saving a great deal of money to the parents. For instance, a book that formerly cost a dollar we get now for about 33 cents, with the privilege of turning in an old book at about 10 per cent of the original cost. I do not know what this system is; I know nothing about what kind of books you are using, but I give the benefit of this information to the gentlemen who, I am satisfied, know more about it than I can possibly show that I know.

The Clerk resumed and concluded the reading of the bill.

Mr. SHERMAN. Mr. Chairman, I ask to go back to page 42, where the committee agreed to an amendment striking out the words "and fifty," in line 1, and that the following changes be made to correspond with that amendment: In lines 2 and 3 strike out "$25,050" and insert "$16,700;" in line 8 strike out "nine" and insert "one;" and in line 9 strike out "six" and insert "three" and strike out "fifty."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 42, line 1, strike out the words "and fifty;" in line 2 strike out the word "twenty-five;" in line 3 strike out the words "thousand and fifty" and insert "sixteen thousand seven hundred;" so as to read "$16,700;" in line 8, after "forty," strike out "nine" and insert "one;" and in line 9 strike out "six" and insert "three" and strike out "and fifty;" so as to read "$43,300."

The amendment was agreed to.

Mr. SHERMAN. Now, Mr. Chairman, on page 43, line 4, to correct a clerical error, strike out the word "and" preceding the word "five" and insert the word "hundred" after the word "five."

The Clerk read as follows:

Page 43, line 4, strike out the word "and" and insert "one hundred" after the word "five;" so as to read "$2,500."

The amendment was agreed to.

Mr. SHERMAN. Now, Mr. Chairman, if we can return to page 34, the gentleman from Iowa [Mr. LACEY] has an amendment which he will offer, to take the place of that section following line 22.

Mr. LACEY. The chairman of the Committee on the Judiciary has prepared a substitute for the amendment which I have drafted, which I think is perhaps in better form than the one I had prepared, and I yield to him.

The CHAIRMAN. The gentleman from New York [Mr. RAY] offers the following amendment.

The Clerk read as follows:

Strike out all after the word "further," line 22, page 34, down to and including the word "clerks," in line 13, page 35, and insert in lieu thereof the following:

"That hereafter the clerks of the district courts in the Indian Territory shall account to the United States for all fees earned and collected by them in accordance with such rules and regulations as the Attorney-General shall prescribe. They shall annually pay over to the Treasurer of the United States all such fees collected and earned by them in excess of the necessary expenses incurred and paid by them for attendance on court, record books, stationery, and clerk hire, subsequent to May 31, 1900; such expenses to be allowed and retained by said clerks on accounts approved by the judge of the court when accompanied by proper vouchers. And such clerks shall hereafter be paid the sum of $500 each per annum for all extra services in addition to their regular salary."

The amendment was agreed to.

Mr. SHERMAN. I now move that the committee rise and report the bill, with amendments, favorably to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12904) making appropriation for the Indian service, and had directed him to report the same back with amendments, and with the recommendation that as amended the bill do pass.

The SPEAKER. Is a separate vote demanded upon any amendments? If not, they will be submitted to the House in gross.

The amendments were agreed to in gross.

The bill as amended was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill making appropriations for the Military Academy.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. GROSVENOR in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the appropriation bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12846) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous

consent that the first reading of the bill be dispensed with. Is there objection?

Mr. KING. I object.

Mr. HULL. This is simply the first reading. It does not dispense with the reading of the bill by paragraphs.

Mr. KING. If the bill is to be read by paragraphs, I withdraw the objection.

The CHAIRMAN. Is there further objection? [After a pause.] The Chair hears none.

Mr. HULL. Mr. Chairman, I only want to detain the committee one minute. The bill is unanimously reported by the committee, and there is just one paragraph in it in my judgment that a point of order would lie against, and that is in the twenty-third page, in the paragraph making appropriation of $10,000 for a centennial celebration at Westpoint. The balance of the bill is simply the appropriations necessary from year to year, a little increase in the bill on different lines because Congress at its last session provided for an increase of the corps of cadets to the number of 100.

Mr. RICHARDSON of Tennessee. I want to ask the gentleman from Iowa how much more this bill carries than the bill last year.

Mr. HULL. Twenty-five thousand dollars, including the $10,000 I have referred to. But I want to say in fairness to the committee of the House that the bill will finally, in my judgment, have an addition made for water supply. The data was not sufficient for us to make the appropriation at this time, but Congress, if it shall later have the information that will justify it, will be called upon to purchase Long Pond, and there will be an additional appropriation for that.

Mr. RICHARDSON of Tennessee. How much?

Mr. HULL. We have not got the estimates yet.

Mr. RICHARDSON of Tennessee. How much does the bill carry in the aggregate?

Mr. HULL. It carries in the aggregate $700,151, and was $674,306 for current year. The additional number of cadets and the absolute necessity of making absolute provision for them accounts for all the increase. I will say that the gentleman from New York [Mr. SULZER], the gentleman from Virginia [Mr. HAY], the gentleman from Texas [Mr. SLAYDEN], and the gentleman from Illinois [Mr. JETT] were all in thorough accord with the entire action of the committee. We cut off every item which could be dispensed with.

Mr. RICHARDSON of Tennessee. And did they understand that the bill would be called up this afternoon?

Mr. HULL. That it would be called up to-day, if it could be reached. They have gone home with the understanding that if there was any fight on the bill, we would not attempt to pass it, but if there was no fight it was perfectly satisfactory to every one of them that it should be called up and passed.

Mr. RICHARDSON of Tennessee. Does the gentleman from Iowa intend to have any general debate on the bill?

Mr. HULL. I did not suppose it would be necessary.

Mr. RICHARDSON of Tennessee. My colleague, Mr. GAINES, wants ten minutes.

Mr. HULL. The arrangement with the minority members of the Committee on Military Affairs was that there would be no general debate, but after the recess, when the Army bill came up, we would make provision for reasonable debate, and it was satisfactory to all the members. One gentleman from New York, not a member of the committee, wanted time, and he said that was perfectly satisfactory to him; that he had no objection to a single feature of the bill, but if he could say a few words on military matters in general when the Army bill came up he would be satisfied.

Mr. RICHARDSON of Tennessee. My colleague, Mr. GAINES, desires ten minutes. Of course he could get it under the five-minute rule, but he prefers to take it under general debate.

Mr. HULL. He could get it under the five-minute rule just as well.

Mr. RICHARDSON of Tennessee. Yes; but he would have to get consent for an extension.

Mr. HULL. Well, Mr. Chairman, I ask unanimous consent that general debate close in ten minutes, the gentleman from Tennessee [Mr. GAINES] to occupy the ten minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that general debate close in ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES. Mr. Chairman, I desire to challenge the attention of this honorable body to some of the history that pertains to and, as I think, sheds light on the meaning of the word "land," as used in the term "the supreme law of the land," found in the Constitution, which ordains:

> This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

I contend, as here used, the word "land" includes and means the land or territory of the United States, composed of States, and territory organized and unorganized. The debates in the Convention which framed our Federal Constitution show that the word "land" was substituted for the words "respective States and several States," found in the first and second propositions submitted to this Convention. The former reads:

> *Resolved*, That the legislative acts of the United States made by virtue and in pursuance of the articles of union, and all treaties made and ratified under the authority of the United States, *shall be the supreme law of the respective States*, as far as those acts or treaties shall relate to the said States or their citizens and inhabitants; and that the judiciaries of the several States shall be bound thereby in their decision, anything in the respective laws of the individual States to the contrary notwithstanding.

This Convention met in the spring of 1787, and on July 26 adjourned until Monday, August 6, "that the committee might prepare and report the constitution."

On reconvening, the committee on detail, to whom this resolution had been referred, reported the same or second proposition with certain changes, in the following words:

> The acts of the legislature of the United States, made in pursuance of this Constitution, and all treaties made under the authority of the United States, *shall be the supreme law of the several States*, and of their citizens and inhabitants; and the judges of the several States shall be bound thereby in their decisions; anything in the constitutions or laws of the several States to the contrary notwithstanding.

And without debate, on August 23, on motion of Mr. Rutledge, the Convention unanimously amended this resolution, as reported, by substituting this provision:

> This Constitution and the laws of the United States made in pursuance thereof, and all treaties made under authority of the United States, shall be the supreme law of the several States and of the citizens and inhabitants; and the judges, etc.

Later, after the words "all treaties made," "or which shall be made" was inserted, which meant to "obviate all doubt concerning the *force* of treaties," says Mr. Madison.

Finally the committee on style and arrangement reported this provision as it now reads in our Constitution and without explaining why the word "land" was substituted for "States."

It will be noticed that the word "constitution" was prefixed, and, by the subsequent changes, declared literally to be "the supreme law of the land;" that the words "acts of the legislature of the United States" were succeeded by the laws *and treaties* made by the authority of the United States, and that the words "and of their citizens and inhabitants" were eliminated entirely because unnecessary, since the "citizens and inhabitants of the "land"—the States and Territories of the United States—would be bound and protected by the Constitution, which was declared to be "the supreme law of the land." Such a Constitution extended to them by being the law of the (their) "land."

Declaring this people should be bound by the law of the "land" was an unnecessary declaration. Finally we notice that the words "several States" were omitted, and in their stead the significant and broader term "land" was used.

This provision of the Constitution, thus amended, not only declared, in so many words, that the Constitution is the supreme law, but went further, and declared it was the supreme law of the *land*.

The laws in question of the United States are:

1. This Constitution, created by "the people."
2. The statutes enacted by Congress.
3. Treaties made by the Senate and President.

The Congress—House and Senate—enacts a law for a Territory; it is the law of such "land" and the United States.

Why? The Constitution says so.

The Senate makes a treaty acquiring territory—lands. Is not that treaty law, and the law of the territory acquired and of the United States? Why? The Constitution says so, although Congress, the regular *law* or *statute* making power, does not make such treaty, but the Senate does by virtue of the Constitution, which so ordains.

Then why should not the Constitution, which "is" law, "the supreme law," and of the "land," be the law of such acquired territory?

The Constitution says it is such law of such "land" and of the United States—i. e., States and Territories.

I am at a loss to see how the Constitution can make a treaty a law of a territory and yet the Constitution be not the law and supreme law of such land. *The very words* that make a treaty such law also declare the Constitution to be the same thing—the law of the land, the States, and the land or territory of or belonging to the United States.

The Constitution is self-declaratory in this provision. The fact that all its provisions are not necessary, or, to use the usual term, not "applicable" to such "land," arises from a condition in and of such land and not from the nonapplication of the Constitution or a defect in it. It is, nevertheless, the law there—the highest law, and should be—as it witnesses and protects human rights, life, liberty, and pursuit of happiness, things which make life

worth the effort to live. Hence the Constitution then is and should be the self-declared law of our land until the people—not Congress nor the Senate nor President—say otherwise.

Confessedly the Constitution is not the law of any foreign "land." It is the law of this "land."

Why was this change from the "several States" made to that of "land." No reasons are given in the debates. It is perfectly plain that such a change was necessary, and known to be necessary by the members of this great Convention, *nine of whom were also members of the Congress at this time*. Congress had twice requested the several States to cede to the United States their unappropriated territory. *These requests were made before this Convention met.*

There had been four cessions of territory made *before it convened*. All cessions were made by public statute. They were notorious and important facts and well known to both the Congress and the Convention.

Indeed, while this Convention was in session, August 9, 1787, three days after it reconvened, another cession of territory was made to the United States. Still later, and after the Constitution had been ratified, other cessions were made.

In replying to a remark made in this Convention by Mr. Madison on the subject of the basis of representation, Mr. Gorham said:

> It is not to be supposed that the Government will last so long as to produce this effect. Can it be supposed that this vast country, including the western territory, will, one hundred and fifty years hence, remain one nation?

So we see that on August 8, 1787, a distinguished member of this *Convention*, in the presence of Mr. Sherman, Mr. Madison, Mr. Ellsworth, Mr. Morris, and others, then engaged in a colloquy, treated, as did the members of the Convention there and then, by at least their silence, this "Western territory" as "part of this vast country."

It is perfectly plain that the Convention did treat this territory as part of the "land" composing the United States.

In July, 1787, the old *Congress* passed the celebrated "Ordinance of 1787" for the government of this territory, and declared it was then a part of the United States and was to remain so. And Congress so treated it. The people of this territory were "citizens and inhabitants," therefore, of the United States, and this ordinance acknowledged and agreed to protect each and every one of them in all of their fundamental rights, giving them, as near as possible, local self-government.

Nothing but the "law of the land" or "constitutionally" enacted laws could, says the Ordinance, interfere with their rights. Was it not then very natural for the framers of our Constitution to make and literally declare that our Constitution should be the law of this "land," as well as the States? The States having local self-government, it was right and proper for Congress to be empowered to govern this territory and protect "the citizens and inhabitants" thereof in all their rights. Hence, the fundamental law, then being made, was broadened so as not only to be the supreme law of the several States, but the supreme law of the land composed of States and Territories, present and future.

The first and second propositions would have confined this supreme law to "the several States;" it could not have applied, at least without straining the timbers of the Constitution, to any other "land" than "the several States."

This ordinance of 1787 was made to operate in our Territories, and not in the States. The Constitution was made to operate in both the States and Territories, throughout the United States, or throughout our country, or throughout our Republic, or throughout the American empire. Our Supreme Court, past and present, and great law writers have repeatedly used these terms in referring to the operation of our laws or the limits of our Republic.

Mr. Justice Baldwin, in his work entitled "Origin and Nature of the Constitution," makes the same application for the word "land" that I do. He says:

> The Constitution was intended for posterity, through all times; and for the "land," *the whole territory* and all the States old and new.

To have said that the Constitution is the supreme law of the States would possibly not have been as broad term as the word "land," for we know that the Supreme Court in an early case construed the word "territory," as used in the Constitution in another section, to mean "lands," and has never retracted this definition, for it was a fact that our territory was mostly composed then of vacant land or territory, and that court has held that the word "United States" includes States and Territory.

And on that point I quote again from Justice Baldwin, who bases his contention upon the adjudications of the Supreme Court of the United States, of which he was, as you know, a distinguished member at one time. He says:

> This *term* United States designates the whole American Empire.
>
> It [United States] is the name given to *our great Republic*, composed of States and Territory (5 Wheaton, 514), constituent parts of one great empire (5 Wheaton, 414), who have formed a confederated government (12 Wheaton, 314; 2 Pet., 590-591), by the act of the people of the "Great Empire;" the Great Republic, the American Empire, *the United States*.

The Supreme Court of the United States, in 114 U. S., 546, Chicago, etc., against McGlynn, held that where property was ceded to the United States all laws in contravention of the Constitution of the United States yielded to the Constitution and laws of the land; and while discussing a territorial question and the Constitution, declared in Maynard *v.* Hill, 125 U. S. Rep., that it was unnecessary to extend the Constitution to our territories.

Again, the articles of the confederation were framed in 1777. Territory was ceded as early as 1781 to the then "United States." The old Government was succeeded by the Constitution in 1787-88. The ordinance of 1787, passed to, and did, govern this territory, contained rights personal and political—fundamental, that were not to be and could not be abrogated save by the "judgment of his peers" or "*the law of the land*" or by "constitutionally" enacted laws, says this ordinance.

Our new or present Constitution provided for these very rights, and declared that "this Constitution and the laws of the United States" and our treaties "is the supreme law of the land," and provided expressly for the keeping inviolate the pledges made in this ordinance by article 6, section 1: "All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the confederation," and the Supreme Court has repeatedly so held. (10 Howard, 94-97, approving 3 Howard, 96.)

Now, following right along in the same article 6, section 2, we find this declared: "This Constitution, and the laws of the United States," etc., "is the supreme law of the land." What land? The "land" then ceded, then in question, and to be ceded for all time. We were then treating about territory and the "citizens and inhabitants" thereof.

By the very words of this ordinance these people and this "land" were to have the full protection of the "law of the land," which was then the articles of confederation, and now "this Constitution," which in 1787-88 we, "the people," said "is the supreme law of the land." And the court so holds:

> The Constitution was, in the language of the ordinance—
>
> That is, of 1787—
>
> adopted by common consent, and the people of the Territories must necessarily be regarded as parties to it and bound by it, and entitled to its benefits, as well as the people of the then existing States. It *became the supreme law throughout the United States*. And, so far as any obligations of good faith had been previously incurred by the ordinance, they were faithfully carried into execution by the power and authority of the *new Government*. (10 Howard, 96, Strader *vs.* Graham.)

Justices Taney, Wayne, McKinley, Daniel, Nelson, Woodbury, Grier, McLean, and Catron then composed this court. The court affirms a similar holding in Pollard *vs.* Hagan (3 Howard, 212), an opinion delivered when Justice Story graced that court. In this case the court said:

> And all constitutional laws are binding on the people in the new States and the old ones whether they consent to be bound by them or not. Every constitutional act of Congress is passed by the will of the people of the United States, expressed through their representatives, on the subject-matter of the enactment.

And when so enacted they are the law of the land by their "own force" in State or Territory. The court continued:

> And when so passed it becomes the supreme law of the land and operates *by its own force* on the subject-matter in whatever State or Territory it may happen to be. The proposition, therefore, that such a law can not operate upon the subject-matter of its enactment without the express consent of the people of the new State where it may happen to be contains its own refutation and requires no further examination.

"And when so passed it (law) becomes the supreme law of the land." What land? The court answers: "State or Territory," "*and operates by its own force.*"

Can a *statute*, dependent upon it, do more than the Constitution? The Constitution is *self-declaratory*, operating in the "land" whereof it is the law—the *supreme law.*

In Graham's case the court further said:

> In fact, when the Constitution was adopted the settlement of that vast territory was barely begun, and the people who filled it and formed the great and populous States that now cover it became inhabitants of the territory after the Constitution was adopted, and migrated upon the faith that its protection and benefits would be extended to them and that they would in due time, according to its provisions and spirit, be admitted into the Union on an equal footing with the old States.

The Constitution being the law of this Territory—"the land"—this court has repeatedly held the Constitution repealed this ordinance. In Graham's case the court so held:

> As we have already said, it (ordinance) ceased to be in force upon the adoption of the Constitution, and can not now be the source of jurisdiction of any description in this court.

The court shows the fact, we may add, that Congress recognized this repeal, and says:

> These provisions owed their legal validity and force after the Constitution was adopted, and while the territorial government continued, to the act of Congress of August 7, 1789, which adopted and continued the ordinance of 1787, and carried its provisions into execution, with some modifications, *which were necessary to adapt its form of government to the new Constitution.*

This clearly proves the Constitution is the law of the Territory, otherwise it could not have repealed this Territorial statute. All this goes to show conclusively that the Constitution

is the law of our territories, because the law of the "land," or "throughout the United States," as the court in these cases say, and that it extends to the territory by reason of the fact it is the law of the *land*. And as Justice Marshall said in (Cohens *vs.* Virginia, 6 Wheaton, 112), in construing the eighth section of the first article of the Constitution, giving Congress exclusive power and right to legislate for the "seat of government," and the second clause of the sixth article: "This Constitution, etc., is the supreme law of the land"—"*binds all* the United States."

He had in 5 Wheaton, in the Loughborough case, already defined, as we have shown, the words "United States" to mean our States and Territories, and hence in the Cohens case he uses the briefer term "all the United States" in speaking of a case involving a law passed by Congress giving the city of Washington in the District or "Territory of Columbia" certain rights which conflicted with a statute of the State of Virginia.

The Clerk, proceeding to read the bill by paragraphs for amendment, read the following:

For pay of 481 cadets, at $540 each, $229,500.

Mr. MCRAE. Mr. Chairman, I desire to suggest to the gentleman from Iowa [Mr. HULL] that this paragraph should be amended. A year ago I made a similar suggestion when this item was reached in the Military Academy bill; and the answer of the gentleman then in charge of the bill—the gentleman from Rhode Island, I believe—supplemented by his colleague on the committee—the gentleman from Illinois [Mr. MARSH]—was that the paragraph was in the usual form.

I accepted their positive statements at that time as correct. I have since found that in that bill, as well as in this, the committee has not followed the usual phraseology; and the departure from the accustomed language may make some embarrassment at the Treasury Department. So, unless the gentleman in charge of the bill will offer such an amendment, I will move to strike out so much as specifies the number of cadets and the rate of pay for each, so as to make appropriation for the pay of cadets, be the number large or small.

If gentlemen will refer to the Book of Estimates, page 163, they will find in the middle of the page that the Department has called attention to the discrepancy. It is not usual to employ the phraseology which we find in this bill. If we refer to the act of February 27, 1899, and other acts prior to the last, when this error was adopted by the Committee on Military Affairs, we find that the appropriation was—

For pay of cadets—

such and such amounts.

When you appropriate for a specified number of cadets at so much for each you should be accurate as to the arithmetic. We should appropriate the amount necessary, without limiting the number of cadets. Unless the gentleman from Iowa will move an amendment, I will myself move the proposition I have indicated—to strike out the number and pay of cadets. Both are fixed by law, and need not be repeated in this bill.

Mr. HULL. Mr. Chairman, I do not care whether the number be inserted or not. Four hundred and eighty-one cadets, if I remember correctly, are now provided for by law. The number which we propose to appropriate for in this bill is the average number in the Academy; and according to the testimony given before the committee this appropriation will meet the expenditures of the Academy on account of the pay of cadets. It seems to me that if we follow the language of the estimates we are not doing a bad thing. But this matter is not vital one way or another. Either way the same amount of money is appropriated and for the same purpose—the pay of the corps of cadets.

If the gentleman from Arkansas [Mr. MCRAE] is anxious about the language, I care nothing for the words used. Personally, I will vote against a change in the language. This gives the House the information that there are 481 cadets, and they are paid $540 each per annum.

Mr. MCRAE. Mr. Chairman, I submit that the language of this provision does make some difference, but my chief concern now is to show the correctness of my statement, made in the last session, to the effect that the language then used, and now repeated in this bill, was not the language of previous appropriation acts. I now call attention to the previous laws, copies of which I hold in my hand, to show that such is not the case. I move the amendment which I send to the desk.

The Clerk read as follows:

On page 2 strike out, in lines 3 and 4, the words "481 cadets at $540 each," and insert the word "cadets," so as to read—
For pay of cadets, $229,500.

The question was taken; and on a division (demanded by Mr. MCRAE) there were—ayes 23.

Before the negative vote was counted,

Mr. HULL. Mr. Speaker, there is no use in taking up the time; it is a matter of indifference. Let it go.

So, no further count being demanded, the amendment was adopted.

Mr. BAILEY of Texas. Mr. Chairman, I desire to ask the Chairman of the Committee on Military Affairs if the faculty at the Military Academy have the power to expel cadets who engage in the practice of hazing.

Mr. HULL. I can only say in response to the gentleman from Texas that last year they did expel two, I think, if not more, and the present Superintendent is urging the most stringent measures and has given explicit instructions in the matter, and is doing everything in his power to break up the barbarous practice.

Mr. BAILEY of Texas. Because I notice in the printed testimony, in connection with the investigation now pending, that certain of the cadets themselves have admitted, on the witness stand, that they have been engaged in hazing.

Mr. HULL. That is true.

Mr. BAILEY of Texas. And for my part I think the man who engages in hazing ought to be expelled, and every professor who permits it ought to be dismissed. I do not believe it necessary to make a man a brute in order to make him a soldier, and if the practice can not be abolished the Academy ought to be. [Applause.]

Mr. HILL. And the Naval Academy as well.

Mr. BAILEY of Texas. Unquestionably.

Mr. HULL. I agree fully with what the gentleman says, and that the same stricture should apply to both of the national schools. When the reports come in from the committees who are now examining the matter, the House will have ample opportunity to take action upon it.

I ask for the reading of the bill.

The Clerk read as follows:

For one furnace and connection, complete, for one set of quarters belonging to the cadet quartermaster's department and occupied by one of its employees, to be immediately available, $250.

Mr. SHATTUC. I would like to ask the gentleman in charge of the bill a question. Is any provision made for the purchase of Tabasco sauce? [Laughter.]

Mr. HULL. Well, we are making provision for the Academy, and if they want to buy Tabasco sauce I suppose they can buy it.

The Clerk resumed and concluded the reading of the bill.

Mr. HULL. I move that the committee now rise and report the bill to the House with the recommendation that it pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GROSVENOR reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 12846, the Military Academy appropriation bill, had directed him to report the same to the House with an amendment and with favorable recommendation.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

PERSONAL STATEMENT.

Mr. FITZGERALD of New York. Mr. Speaker, this morning, in answer to a question from the Chair, I stated that I had been paired the day before yesterday on the bill that passed yesterday. On examination I found that I was not paired, and would like the statement made.

The SPEAKER. The statement of the gentleman will be incorporated in the RECORD.

THE APPORTIONMENT BILL.

Mr. HOPKINS. Mr. Speaker, I am directed by the Committee on the Census to report back the bill (H. R. 12740) making an apportionment of Representatives in Congress among the several States under the Twelfth Census, with a favorable recommendation.

I will state that the gentleman from Indiana, Mr. CRUMPACKER, and the gentleman from Maine, Mr. BURLEIGH, each desires to submit a minority report.

Mr. BURLEIGH. Mr. Speaker, on behalf of the minority of the committee, I beg leave to submit at this time the views we entertain, and ask to have them printed with the report of the committee.

Mr. CRUMPACKER. I have a statement embodying supplemental views on the part of Mr. RUSSELL and Mr. HEATWOLE, who are necessarily absent and asked me to submit them when this report was made. I have also some views of my own with reference to a particular part of the measure, which I desire to have embodied in the report of the committee.

The SPEAKER. The gentleman from Illinois reports back the bill H. R. 12740, the apportionment bill, which, together with the views of gentlemen representing the minority, will be printed and referred to the Committee of the Whole House on the state of

the Union. The report of the committee and the views of the minority will be printed together as one document.

Mr. HOPKINS. I desire to give notice that on the reconvening of the House after the holiday recess I shall desire to take the bill up for consideration.

Mr. BARTLETT. Did the gentleman from Illinois name any particular day?

Mr. HOPKINS. I did not name any particular day, but it is my purpose to consult with the Speaker about the day that will be most convenient for the consideration of the bill, and at as early a date as possible I shall ask for the consideration of it.

Mr. BAILEY of Texas. Does the gentleman from Illinois consider this a privileged matter that he can call up at any time?

Mr. HOPKINS. I have no doubt of it, under the ruling of the Chair.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 1803. An act granting a pension to Julia E. G. Lewis;
H. R. 10778. An act granting an increase of pension to Martin V. B. Winkler;
H. R. 10750. An act granting a pension to James H. Rainey;
H. R. 10749. An act granting a pension to Henry L. White;
H. R. 10743. An act granting a pension to Agustus Ullman;
H. R. 10524. An act granting an increase of pension to Lewis H. Riden;
H. R. 10381. An act granting an increase of pension to Gideon W. T. Ridlon;
H. R. 9719. An act granting a pension to Amos W. Felker;
H. R. 9555. An act granting an increase of pension to Nicholas Briggeman;
H. R. 9176. An act granting a pension to Emily Haines Harrison;
H. R. 9010. An act granting an increase of pension to Charles W. Westfield;
H. R. 8735. An act granting an increase of pension to Annie B. Sharrard;
H. R. 8540. An act granting a pension to Lydia J. De Silva;
H. R. 8218. An act granting a pension to Mary E. Lacey;
H. R. 8207. An act granting a pension to Joseph Quinn;
H. R. 7600. An act granting an increase of pension to Charles Claussen;
H. R. 7553. An act granting an increase of pension to Fannie M. O'Linn;
H. R. 7328. An act granting an increase of pension to John Nicklin;
H. R. 7190. An act granting an increase of pension to George O. Cole;
H. R. 7012. An act granting an increase of pension to Emma C. Stephenson;
H. R. 6947. An act granting an increase of pension to Alonzo C. Rembaugh;
H. R. 6424. An act granting a pension to Charles S. Devine;
H. R. 6096. An act granting an increase of pension to Samuel W. Kirkendall;
H. R. 4679. An act granting a pension to Micager Philpot;
H. R. 1288. An act granting a pension to Cornelius W. Roberts;
H. R. 315. An act granting an increase of pension to Moses H. Tabor;
H. J. Res. 277. Authorizing the appointment of CHARLES A. BOUTELLE as a captain on the retired list of the Navy;
H. J. Res. 101. Authorizing the publication of an edition of A Digest of International Law; and
H. R. 10847. An act granting an increase of pension to Betsey A. Summers.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1876. An act granting an increase of pension to John J. Wilson;
S. 3049. An act granting an increase of pension to Mary V. Wilmarth;
S. 2543. An act granting an increase of pension to Edward A. Parmalee;
S. 2774. An act granting an increase of pension to John H. Wilcox;
S. 3880. An act granting an increase of pension to Clara E. Colbath;
S. 3505. An act granting an increase of pension to Edwin Culver;
S. 1590. An act granting an increase of pension to Cornwell M. Brill;
S. 1226. An act granting an increase of pension to George G. Kemp;
S. 712. An act granting a pension to Nellie L. Groshon;
S. 476. An act granting a pension to Franklin Cooley;
S. 244. An act granting a pension to Mary Jane McLaughlin;
S. 173. An act granting an increase of pension to John H. Morrison;
S. 3306. An act granting an increase of pension to Lucinda D. Dow;
S. 3134. An act granting a pension to Martha Agnew;
S. 3127. An act granting an increase of pension to Major A. Northrop;
S. 3056. An act granting an increase of pension to Giles W. Taylor;
S. 2830. An act granting a pension to Ailsie Bennett;
S. 2985. An act granting a pension so John Erb;
S. 2831. An act granting an increase of pension to Ermine D. Cabbell;
S. 2557. An act granting a pension to Josephine Brown;
S. 2540. An act granting an increase of pension to Byron Kurtz;
S. 2386. An act granting a pension to Joseph E. Hendrickson;
S. 2462. An act granting an increase of pension to Emma L. Du Bois;
S. 2217. An act granting a pension to Louise O. Leary;
S. 2190. An act granting a pension to Emma J. Bidwell;
S. 4688. An act granting an increase of pension to James U. Childs;
S. 1984. An act granting a pension to Rebecca Harvey;
S. 1924. An act granting a pension to Emma R. Rusling;
S. 1348. An act granting an increase of pension to Eliza M. Stillman;
S. 1245. An act granting an increase of pension to Oliver Domon;
S. 262. An act granting an increase of pension to Charles H. Irvin;
S. 751. An act granting an increase of pension to Mathew T. Jones;
S. 1347. An act granting an increase of pension to Marie Sharp;
S. 218. An act granting an increase of pension to Sarah E. Tate;
S. 2582. An act to provide for the establishment of the intersection of the true one-hundredth meridian with Red River; to ascertain the amount of taxes collected by the State of Texas, in what was formerly known as Greer County, and the expenditures made on account of said county by said State, and for other purposes;
S. 3356. An act granting a pension to Mary J. Quinn;
S. 3466. An act granting an increase of pension to John F. Hutchison;
S. 3099. An act granting an increase of pension to Melancthon McCoy;
S. 3235. An act granting a pension to Andrew Ferguson;
S. 2218. An act granting a pension to Mary R. Dean;
S. 2159. An act granting an increase of pension to Ernest Pitschner;
S. 4256. An act granting a pension to James H. Thomas.
S. 3536. An act restoring to the pension roll the name of Mary J. Calvin;
S. 3470. An act granting a pension to Rosalia Tejidor Brinckerhoff; and
S. 2152. An act granting a pension to Olive W. Lay.

SENATE RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate concurrent resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Senate concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies additional to the usual number of the report of Dr. Sheldon Jackson upon the Introduction of Domestic Reindeer into the District of Alaska for 1900, of which 500 copies shall be for the use of the Senate, 1,500 copies for the use of the House of Representatives, and 3,000 copies for the use of the Commissioner of Education—

to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BUTLER, until January 8, on account of sickness in his family.

To Mr. DINSMORE, for the rest of this week, on account of sickness.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I desire to take from the Speaker's table the urgent deficiency appropriation bill (H. R. 12838) and to move to concur in two Senate amendments.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Appropriations, calls up the urgent deficiency appropriation bill for the purpose of concurring in the amendments of the Senate. The Clerk will report the amendments.

The Senate amendments were read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON of Tennessee. It is almost impossible to

get a fair understanding of the amendments from the reading. I should like to have the gentleman from Illinois make some statement.

Mr. CANNON. I will state to the gentleman that there is a thousand dollars for the Senate contingent fund, and there is one other amendment of $10,000 for the observation of a total eclipse of the sun, which is to take place in Sumatra. I was not quite sure whether it could be put off or not, and I left it out when we passed the bill through the House; but evidently the Senate inquired and found that it was to come off on time. [Laughter.]

Mr. RICHARDSON of Tennessee. When is that time?

Mr. CANNON. That is in May next, and it is halfway around the earth and some distance inland. I am only telling you now what the man at the head of this Observatory told me, that it was the most extraordinary eclipse in the tide of time. I think he said it would last about nineteen minutes.

Mr. RICHARDSON of Tennessee. I should like to ask the gentleman wherein that eclipse will differ from our late eclipse—I mean the late eclipse of the sun?

Mr. CANNON. It is the Sumatra sun, and the eclipse is longer. Our baby was shorter. [Laughter.]

Mr. RICHARDSON of Tennessee. Can the gentleman tell us the difference between that and the eclipse of the sun we had last May?

Mr. CANNON. I think there is no difference except in the length of it. I have no pride in it, but, nevertheless, I suppose it must go.

Mr. BARTLETT. Why is it urgent?

Mr. CANNON. Well, if they go at all, they must be getting ready, because it is a long way to Sumatra.

Mr. RICHARDSON of Tennessee. What is the amount?

Mr. CANNON. Ten thousand dollars.

Mr. RICHARDSON of Tennessee. How much is the total amount added to our bill by the Senate?

Mr. CANNON. Eleven thousand dollars altogether—$1,000 for the Senate contingent fund and this item of $10,000 for the observation of the eclipse.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Senate amendments were concurred in.

PROGRAMME OF BUSINESS FOR TO-MORROW.

Mr. PAYNE. Mr. Speaker, I understand that to-morrow no business is likely to be transacted except by unanimous consent. I would inquire of the Chair if I am correct in that?

The SPEAKER. The Chair will state, in answer to the gentleman from New York, that of course the House must decide the question as to what business is to be taken up; but the Chair would be glad to put before the House a number of matters to-morrow by unanimous consent.

Mr. PAYNE. I make this suggestion because it is very evident that we shall have no quorum to-morrow and in order that the members may understand it.

The SPEAKER. That is evident to all; but it is the purpose of the Chair to ask consideration of some matters by unanimous consent of the House, and those matters only.

And then, on motion of Mr. PAYNE (at 4 o'clock and 48 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, relating to an appropriation for the payment of claims of persons who were members of the Fourth Arkansas Mounted Infantry—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for accrediting the United States consul-general at Constantinople an agent at Sofia, Bulgaria—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with the draft of a bill, recommendations that a certain lot in Woodland Cemetery, Quincy, Ill., be transferred to that city—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Carrabelle Harbor, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Columbia River, between the foot of The Dalles Rapids and the head of Celilo Falls, Oregon and Washington—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate for increase of salary of superintendent of nurses at the Washington Asylum—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Light-House Board relating to the establishment of a light-house district in Porto Rico and adjacent waters—to the Committee on Insular Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 12548) to authorize the construction of a bridge across the Mississippi River at or near Grays Point, Mo., reported the same with amendment, accompanied by a report (No. 2123); which said bill and report were referred to the House Calendar.

Mr. JOY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10846) to authorize the construction of a bridge across the Mississippi River at or near Cape Girardeau, Mo., reported the same with amendment, accompanied by a report (No. 2129); which said bill and report were referred to the House Calendar.

Mr. HOPKINS, from the Select Committee on the Census, to which was referred the bill of the House (H. R. 12740) making an apportionment of Representatives in Congress among the several States under the Twelfth Census, reported the same with amendment, accompanied by a report (No. 2130), with the views of the minority; which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12063) granting an increase of pension to Eugene M. Hawes, reported the same without amendment, accompanied by a report (No. 2095); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8658) granting an increase of pension to Edwin G Fay, late lieutenant Company C, One hundred and seventh New York Volunteer Infantry, reported the same with amendment, accompanied by a report (No. 2096); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1566) for the benefit of Mary J. Connery, of Falmouth, Ky., reported the same with amendment, accompanied by a report (No. 2097); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12516) granting an increase of pension to Edward Warner, reported the same with amendment, accompanied by a report (No. 2098); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11836) granting an increase of pension to Bela Sawyer, reported the same with amendment, accompanied by a report (No. 2099); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8525) granting an increase of pension to Maurice Fitzgerald, reported the same with amendment, accompanied by a report (No. 2100); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1978) granting an increase of pension to Ellis P. Phipps, reported the same without amendment, accompanied by a report (No. 2101); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6921) granting an increase of pension to Gustav Reinecker, of Alexandria, Va., reported the same with amendment, accompanied by a report (No. 2102); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions,

to which was referred the bill of the House (H. R. 6914) granting a pension to Elliott Loomis, of Gibbon, Nebr., reported the same with amendment, accompanied by a report (No. 2103); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6319) granting a pension to George W. Cox, of Horton, Iowa, reported the same with amendment, accompanied by a report (No. 2104); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2202) granting an increase of pension to Alvin N. Sabin, reported the same without amendment, accompanied by a report (No. 2105); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6145) granting a pension to Benoni A. McConnell, reported the same with amendment, accompanied by a report (No. 2106); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5303) granting a pension to Julia A. Prouty, late an Army nurse, reported the same with amendment, accompanied by a report (No. 2107); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4906) granting a pension to Mrs. Ellen Quinn, reported the same with amendment, accompanied by a report (No. 2108); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12490) granting an increase of pension to Andrew J. West, reported the same with amendment, accompanied by a report (No. 2109); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2913) granting an increase of pension to William E. Ferree, reported the same without amendment, accompanied by a report (No. 2110); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12411) granting a pension to Catherine T. Howell, reported the same with amendment, accompanied by a report (No. 2111); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11507) granting a pension to Perry C. Jeffery, reported the same with amendment, accompanied by a report (No. 2112); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9536) to pension Sarah Carter, now Sarah Hastings, reported the same with amendment, accompanied by a report (No. 2113); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9182) to pension Eva K. Nyberg, reported the same with amendment, accompanied by a report (No. 2114); which said bill and report were referred to the Private Calendar.

Mr. SHELDEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9914) granting a pension to Almira A. Scott, reported the same without amendment, accompanied by a report (No. 2115); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 4276) granting an increase of pension to Joel Bowling, reported the same without amendment, accompanied by a report (No. 2116); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3941) granting an increase of pension to John Hutchens, reported the same with amendment, accompanied by a report (No. 2117); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2776) granting an increase of pension to Pinnie L. Carr, reported the same without amendment, accompanied by a report (No. 2118); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4086) granting an increase of pension to Thomas L. Turnipseed, reported the same without amendment, accompanied by a report (No. 2119); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 56) granting a pension to Sayer Jensen, reported the same without amendment, accompanied by a report (No. 2120); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1052) granting an increase of pension to Rachel Frisbey, reported the same without amendment, accompanied by a report (No. 2121); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 352) granting an increase of pension to Catherine A. Young, reported the same with amendment, accompanied by a report (No. 2122); which said bill and report were referred to the Private Calendar.

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2430) for the relief of Jacob L. Hanger, alias William T. Graham, reported the same with amendment, accompanied by a report (No. 2124); which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1673) granting an honorable discharge from the military service to Charles H. Hawley, reported the same with amendment, accompanied by a report (No. 2125); which said bill and report were referred to the Private Calendar.

Mr. BROWNLOW, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3288) for the relief of Daniel Coonan, reported the same with amendment, accompanied by a report (No. 2126); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10676) for the relief of John H. Rollins, late a private in Company F, First District of Columbia Volunteer Cavalry, and in Company D, First Maine Volunteer Cavalry, reported the same adversely, accompanied by a report (No. 2127); which said bill and report were ordered to lie on the table.

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8050) to correct the military record of W. A. Mole, reported the same adversely, accompanied by a report (No. 2128); which said bill and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 7421) granting a pension to Esther Dyer Hammond—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RICHARDSON of Alabama: A bill (H. R. 13030) granting pensions to surviving officers, soldiers, and sailors of the Mexican war—to the Committee on Pensions.

By Mr. BAILEY of Texas: A bill (H. R. 13031) to provide for the purchase of a site and the erection of a public building thereon at Gainesville, in the State of Texas—to the Committee on Public Buildings and Grounds.

By Mr. LEVY: A bill (H. R. 13032) authorizing the Secretary of the Treasury to exchange gold coin for any pieces of money coined by the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. BRUNDIDGE: A bill (H. R. 13033) to provide for a public building at Batesville, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. LOUDENSLAGER: A bill (H. R. 13034) fixing salary of Vice-President and members of the Cabinet—to the Committee on Appropriations.

By Mr. HEATWOLE: A bill (H. R. 13063) to amend the act relating to the public printing and binding and the distribution of public documents, and for other purposes—to the Committee on Printing.

By Mr. BURLESON: A bill (H. R. 13064) to promote the interest of the agriculturist, and so forth—to the Committee on Agriculture.

By Mr. BROSIUS: A bill (H. R. 13065) to authorize the wearing of distinctive badges upon occasions of ceremony by officers and

men in the Army and Navy of the United States—to the Committee on Military Affairs.

By Mr. COWHERD: A bill (H. R. 13066) to provide for giving a medal to those who served in the Army during the war with Spain—to the Committee on Military Affairs.

By Mr. PEARRE: A bill (H. R. 13067) to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes—to the Committee on the District of Columbia.

By Mr. CANNON: A bill (H. R. 13069) to extend the limit of cost of the public building at Joliet, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. WEEKS: A joint resolution (H. J. Res. 286) granting a life-saving medal to Reynold A. Crisner, of Port Huron, Mich.—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: A resolution (H. Res. 322) providing for an additional room for the use of the Speaker—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 13035) granting a pension to Simeon D. Pope—to the Committee on Pensions.

By Mr. BELL: A bill (H. R. 13036) granting a pension to W. S. Riggs—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 13037) for the relief of Mrs. Rebecca Tharp—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 13038) for the relief of the estate of James Brown, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13039) authorizing the Dewey Hotel Company to construct and maintain an electric and steam conduit on Stanton alley—to the Committee on the District of Columbia.

By Mr. CHANLER: A bill (H. R. 13040) granting a pension to Harriet G. Hall—to the Committee on Invalid Pensions.

By Mr. EDDY: A bill (H. R. 13041) granting an increase of pension to W. L. Smith—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 13042) restoring Alexander D. Harper to the pension roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13043) granting an increase of pension to Mrs. Florence Simpson—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 13044) granting a pension to Jacob Cox—to the Committee on Invalid Pensions.

By Mr. KNOX: A bill (H. R. 13045) to correct the military record of Alonzo Vining—to the Committee on Military Affairs.

By Mr. LAWRENCE: A bill (H. R. 13046) increasing the pension of Byron Robinson—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 13047) for the relief of trustees of Four Mile Creek Baptist Church—to the Committee on War Claims.

By Mr. MIERS of Indiana: A bill (H. R. 13048) to correct the military record of James Earls—to the Committee on Military Affairs.

By Mr. STEELE: A bill (H. R. 13049) granting a pension to Elizabeth Fury—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 13050) to increase the pension of James D. Woodward—to the Committee on Invalid Pensions.

By Mr. THOMAS of Iowa: A bill (H. R. 13051) for the relief of Capt. Ferdinand Hansen—to the committee on Military Affairs.

By Mr. VREELAND: A bill (H. R. 13052) granting a pension to Carlos A. Rugg—to the Committee on Invalid Pensions.

By Mr. WATERS: A bill (H. R. 13053) to remove the charge of desertion from the military record of Fred W. Stein—to the Committee on Military Affairs.

Also, a bill (H. R. 13054) for the relief of Elisha D. W. Shekell—to the Committee on War Claims.

By Mr. NAPHEN: A bill (H. R. 13055) to clear the record of Leverett Bradley—to the Committee on Military Affairs.

By Mr. ROBERTS: A bill (H. R. 13056) granting a pension to Charles B. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13057) granting a pension to Thomas Kirwan—to the Committee on Invalid Pensions.

By Mr. SPALDING: A bill (H. R. 13058) granting an increase of pension to Edward S. Pierce—to the Committee on Invalid Pensions.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 13059) to increase the pension of John Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13060) to increase the pension of Elizabeth Burnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13061) granting a pension to Richard M. Gaddy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13062) granting a pension to Sarah A. Tanquary—to the Committee on Pensions.

By Mr. DENNY: A bill (H. R. 13068) to waive and release all claims of the United States by way of escheat to the real estate in the District of Columbia of which Patrick Kavanagh or his sons Charles W. Kavanagh and William Kavanagh died seized—to the Committee on the District of Columbia.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Manufacturers' Club of Philadelphia, Pa., urging the passage of the Pacific cable bill—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMSON: Petition of citizens of Muscogee County, Ga., to accompany House bill granting a pension to Simeon D. Pope—to the Committee on Pensions.

By Mr. BABCOCK: Papers to accompany House bill No. 11974, granting an honorable discharge to Samuel Welch—to the Committee on Military Affairs.

By Mr. BARTHOLDT: Petition of Congress Heights Citizens' Association, protesting against the passage of Senate bill No. 1996, revoking the subdivision of Pencote Heights, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BELL: Resolutions of the Denver Chamber of Commerce, favoring certain extensions of the Weather Bureau—to the Committee on Agriculture.

Also, resolutions of the Denver Chamber of Commerce, favoring an appropriation for irrigation purposes—to the Committee on Agriculture.

Also, petition of citizens of the State of Colorado, favoring the removal of the revenue stamp tax on certificates of stock, etc.—to the Committee on Ways and Means.

Also, petition of the Denver Gas and Electric Company and the Colorado Electric Power Company, favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

By Mr. BOUTELL of Illinois: Petition of W. P. Dickinson and others, of Chicago, Ill., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Resolutions of the State Woman's Christian Temperance Union of South Dakota in relation to the exclusion of all spirituous liquors from our insular possessions and favoring certain other reforms—to the Committee on Insular Affairs.

Also petition of 90 citizens of Brookings, S. Dak., urging the abolishment of saloons in the Army—to the Committee on Military Affairs.

By Mr. BURKETT: Papers to accompany House bill No. 12561, for the removal of the charge of desertion from the military record of Robert M. Mann—to the Committee on Military Affairs.

Also, affidavit to accompany House bill No. 8881 in relation to the removal of the charge of desertion from the military record of Robert Rickets—to the Committee on Military Affairs.

By Mr. CANNON: Papers to accompany House bill for the relief of Mrs. Rebecca Tharp—to the Committee on Invalid Pensions.

By Mr. CAPRON: Petition of the National Association of Railway Postal Clerks, for the passage of the reclassification bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of The League, signed by the mayor of Woonsocket, R. I., in favor of holding an exposition in the city of Charleston, S. C.—to the Committee on Appropriations.

Also, resolutions of Farragut Association, Naval Veterans, of Providence, R. I., for the passage of Senate bill No. 3422—to the Committee on Naval Affairs.

By Mr. CORLISS: Petition of the Michigan State Federation of Women's Clubs, favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of Pingree & Smith, and other firms of Detroit, Mich., praying for the removal of the duty on hides—to the Committee on Ways and Means.

By Mr. CRUMP: Resolutions of the Michigan State Federation of Women's Clubs and of the Woman's Christian Temperance Union of Bay City, Mich., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, resolution of the Bay City, Mich., Clearing House, regarding the reduction of the stamp tax—to the Committee on Ways and Means.

Also, petitions of E. P. Motley, of Alpena, Mich., and Samuel Dodd, of Cheboygan, Mich., asking for increase of salary as keepers in the United States Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of Rev. C. S. McClelland, pastor of Mount Washington Presbyterian Church, Pittsburg, Pa., in favor of ratification of treaty which aims at the banishment of the traffic in alcoholic liquors from a great part of the continent of Africa—to the Committee on Foreign Affairs.

By Mr. ESCH: Papers to accompany House bill No. 11828 to remove the charge of desertion from the military record of Charles F. Kramer—to the Committee on Military Affairs.

By Mr. GRIFFITH: Petition of Ellison D. McGuire, mayor, and other officers and business men of Madison, Ind., in support of House bill granting an increase of pension to Mrs. Florence Simpson—to the Committee on Invalid Pensions.

Also, resolutions of Dunn Post, No. 480, Grand Army of the Republic, Department of Indiana, favoring the passage of House bill No. 5779, giving veterans preferment in public service; also asking that order No. 225 of the Pension Bureau be revoked and that order 164 be restored—to the Committee on Reform in the Civil Service.

By Mr. HEPBURN: Petition of Austin Jay and others, of Appanoose County, Iowa, asking that a pension be granted to Jacob Cox—to the Committee on Invalid Pensions.

By Mr. LAMB: Papers to accompany House bill for the relief of the Baptist Church of Henrico County, Va.—to the Committee on War Claims.

By Mr. MANN: Petition of J. S. Woodward and others, of Chicago, Ill., and the Ladies' Missionary Society of the Forty-first Street Presbyterian Church, of Chicago, Ill., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. McALEER: Resolutions of the Grocers' and Importers' Exchange and Trades League of Philadelphia, Pa., in favor of legislation for the preservation of the present mint building, to be used as a free library for the city of Philadelphia—to the Committee on Public Buildings and Grounds.

Also, resolutions of the Manufacturers' Club of Philadelphia, Pa., urging the passage of the Pacific cable bill—to the Committee on Interstate and Foreign Commerce.

Also, petition and letter of Edwin Fairfax Naulty, secretary of the Valley Forge National Park Association, for the creation of a military park at Valley Forge—to the Committee on Military Affairs.

By Mr. McCALL: Papers to accompany House bill No. 13028, for the relief of Dr. William C. Flowers—to the Committee on Invalid Pensions.

By Mr. McCLELLAN: Resolutions of the New York Academy of Medicine, asking for an appropriation of $9,000 for additional shelving and room in the library of the Surgeon-General's Office at Washington—to the Committee on Appropriations.

Also, resolutions of the New York Academy of Medicine, for relief to charitable and religious institutions from the operation of the war-revenue law—to the Committee on Ways and Means.

By Mr. NAPHEN: Petition of the Fruit and Produce Exchange of Boston, Mass., favoring the establishment of a national forecast district for the New England States—to the Committee on Agriculture.

By Mr. PAYNE: Petition of George H. Reeder & Co. and other business firms of Grand Rapids, Mich., for the repeal of the tax of 15 per cent ad valorem on imported hides—to the Committee on Ways and Means.

By Mr. ROBINSON of Indiana: Petition of Wayne Shoe Company and 9 other firms of Fort Wayne, Ind., praying for the removal of the duty on hides—to the Committee on Ways and Means.

Also, petition of Indiana State Federation of Women's Clubs, in favor of the forestry reserve and national park in Minnesota—to the Committee on the Public Lands.

By Mr. RUSSELL: Resolutions of Epworth League of Norwich, Conn., for international action of Christian governments excluding intoxicants from domains inhabited by native and uncivilized races—to the Committee on Foreign Affairs.

By Mr. STEELE: Papers to accompany House bill for the relief of Elizabeth Furey—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Petition of Braham Mercantile Company and other firms of Braham, Minn., against the establishment of the parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. TERRY: Resolution of the Board of Trade of Little Rock, Ark., in favor of the adoption of the Hay-Pauncefote treaty—to the Committee on Foreign Affairs.

By Mr. WEEKS: Paper to accompany House joint resolution in behalf of Reynold A. Crisner—to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES R. WILLIAMS: Papers to accompany House bill for the restoration of pension to Sarah A. Tanquary—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Richard McGaddis—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to John Smith, of Akin, Ill.—to the Committee on Invalid Pensions.

Also, petition of Elizabeth Burnett to accompany House bill granting her a pension—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *December 21, 1900.*

The Chaplain of the Senate, Rev. W. H. MILBURN, D. D., offered the following prayer:

O Eternal God, we come into Thy presence bowed under the heavy weight of grief and sorrow as we hear the news that the wife of the President of the Senate has been called suddenly from earth to the invisible world. Our hearts are stirred with unspeakable sympathy for Thy servant, the Presiding Officer of the Senate. Comfort and uphold him as he is stricken and left alone by this bereavement. Grant, O Lord, to minister to him that only consolation which can come at such an hour.

Let Thy Heavenly blessing be upon all the members of this body and their families. Protect and guide us; and when our last hour shall come may we pass quietly in the faith and hope of the Gospel of Jesus Christ into Thy presence and at Thy right hand. Through our blessed Mediator, Jesus Christ, Thy Son. Amen.

The Secretary read the following letter:

UNITED STATES SENATE, *December 21, 1900.*

I hereby appoint Hon. CHARLES W. FAIRBANKS, Senator from the State of Indiana, to preside over the Senate during my absence.

WM. P. FRYE, *President pro tempore.*

Mr. FAIRBANKS thereupon took the chair as Presiding Officer.

The PRESIDING OFFICER. The Secretary will read the Journal of yesterday's proceedings.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

The PRESIDING OFFICER. The Journal, without objection, will stand approved.

Mr. HOAR. Mr. President, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 5 minutes p. m.) the Senate adjourned, the adjournment under the concurrent resolution of the two Houses being until Thursday, January 3, 1901, at 12 o'clock meridian.

EXECUTIVE BUSINESS.

December 20, 1900.

TREATY ON INTEROCEANIC CANAL.

The injunction of secrecy was removed from the convention between the United States and Great Britain to facilitate the construction of a ship canal to connect the Atlantic and Pacific oceans, and to remove any objection which might arise out of the convention commonly called the Clayton-Bulwer treaty, and also from all votes on amendments and on the final ratification.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 21, 1900.*

The House met at 12 o'clock m.

The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.:

Almighty and most merciful God, in Whom all our longings, hopes, and aspirations are centered, fill us, we beseech Thee, with the spirit of Christmas, which is good will, that we may join our voices, from our hearts, with the angelic chorus which has been sounding down the ages from the first Christmas morn, "Glory to God in the highest, and on earth peace, good will to men." So let that chorus sound on until all people of all climes shall hear and add their voices to it, that peace shall reign supreme in every heart.

Amid the joys and festivities of this season of the year a cloud has come over our Congressional family. One of its employees has met with a serious accident. We pray that he may be blessed with patience to bear his suffering.

The sad tidings comes to us of the death of one of the members of this House. We pray Thee to comfort the bereaved and the broken hearted. Again, the sad news has been borne to us that the President pro tempore of the Senate has been stricken by the loss of his companion. O Lord, strengthen him to bear his sorrow, and quicken us all with larger faith and hope and confidence in Thee, that when the hour comes that we shall be called upon to pass over the river of death we shall go forward without fear, looking to Thee, the Master, the Builder of all, in Christ Jesus our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12838. An act making appropriations to supply urgent

deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for other purposes; and

H. R. 11552. An act granting an increase of pension to Louis Hebel.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4184. An act granting an increase of pension to Evelyn Neale Murray;

S. 3436. An act granting a pension to Catharine Weinheimer; and

S. 92. An act granting a pension to William M. Ferry.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 5015. An act granting a pension to Betsey L. Woodman;

S. 3851. An act granting a pension to Mrs. M. G. Krayenbuhl;

S. 5016. An act granting an increase of pension to Francis H. Buffum;

S. 5045. An act granting a pension to Eliza N. Lord;

S. 5017. An act granting a pension to George H. Shapley;

S. 4836. An act granting an increase of pension to Phebe Babcock;

S. 4841. An act granting an increase of pension to George A. Parker;

S. 5090. An act granting a pension to Minerva McClernand;

S. 5091. An act granting a pension to Hannah L. Palmer;

S. R. 142. Joint resolution to enable the Secretary of the Senate to pay the necessary expenses of the inaugural ceremonies of the President and Vice-President of the United States March 4, 1901;

S. 1550. An act granting an increase of pension to Mrs. Kate Ezekiel;

S. 5032. An act granting a pension to John Geibel;

S. 136. An act granting a pension to Harriett Clarissa Mercur, widow of James Mercur, late professor of civil and military engineering in the United States Military Academy at West Point, N. Y.

S. 4418. An act granting an increase of pension to Andrew J. Woodman;

S. 4277. An act granting a pension to Albert Wetzel;

S. 5081. An act granting a pension to J. B. Whiting;

S. 4856. An act granting an increase of pension to William F. Cloud;

S. 1986. An act granting a pension to Fanny Healy;

S. 3680. An act granting a pension to Mary Elizabeth Moore;

S. 5192. An act granting an increase of pension to Richard O. Greenleaf;

S. 4876. An act granting an increase of pension to Mary A. Merritt;

S. 5108. An act granting an increase of pension to Frances M. Reilly;

S. 2611. An act granting an increase of pension to Charles Frye;

S. 5039. An act granting an increase of pension to Lucie M. Mabry;

S. 5093. An act granting an increase of pension to Charlotte W. Drew;

S. 1044. An act granting an increase of pension to Rachel M. Worley;

S. 4575. An act granting an increase of pension to Thomas Claiborne;

S. 3653. An act granting an increase of pension to Henry Smith;

S. 3648. An act granting an increase of pension to Peter Shelt;

S. 5005. An act granting an increase of pension to Frederick Vogel;

S. 5126. An act granting a pension to John T. Thompson;

S. 2319. An act granting an increase of pension to Charles C. Bunty;

S. 5139. An act granting an increase of pension to Jacob Hight;

S. 5140. An act granting a pension to Mary C. Coombs;

S. 4209. An act granting a pension to Mary Sanders;

S. 5138. An act granting an increase of pension to Benjamin R. Wiley;

S. 1828. An act granting a pension to Emma T. Martin;

S. 3264. An act granting a pension to William J. Cannon;

S. 3224. An act granting a pension to Amos L. Hood;

S. 2785. An act granting a pension to William H. Gardner;

S. 5144. An act granting an increase of pension to Charles Scott;

S. 5235. An act granting a pension to Mary R. Pike;

S. 5033. An act granting a pension to Lizzie Barrett;

S. 5259. An act granting an increase of pension to William Gordon; and

S. 5231. An act relating to the accounts of the United States marshals and clerks of the district courts of the Territory of Utah.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5015. An act granting a pension to Betsey L. Woodman—to the Committee on Invalid Pensions.

S. 3851. An act granting a pension to Mrs. M. G. Krayenbuhl—to the Committee on Pensions.

S. 5016. An act granting an increase of pension to Francis H. Buffum—to the Committee on Invalid Pensions.

S. 5045. An act granting a pension to Eliza N. Lord—to the Committee on Invalid Pensions.

S. 5017. An act granting a pension to George H. Shapley—to the Committee on Invalid Pensions.

S. 4836. An act granting an increase of pension to Phebe Babcock—to the Committee on Invalid Pensions.

S. 4418. An act granting an increase of pension to Andrew J. Woodman—to the Committee on Invalid Pensions.

S. 4277. An act granting a pension to Albert Wetzel—to the Committee on Invalid Pensions.

S. 5081. An act granting a pension to J. B. Whiting—to the Committee on Invalid Pensions.

S. 4856. An act granting an increase of pension to William F. Cloud—to the Committee on Invalid Pensions.

S. 1986. An act granting a pension to Fanny Healy—to the Committee on Invalid Pensions.

S. 3680. An act granting a pension to Mary Elizabeth Moore—to the Committee on Invalid Pensions.

S. 5192. An act granting an increase of pension to Richard O. Greenleaf—to the Committee on Invalid Pensions.

S. 4876. An act granting an increase of pension to Mary A. Merritt—to the Committee on Invalid Pensions.

S. 5108. An act granting an increase of pension to Frances M. Reilly—to the Committee on Pensions.

S. 2621. An act granting an increase of pension to Charles Frye—to the Committee on Invalid Pensions.

S. 5259. An act granting an increase of pension to William Gordon—to the Committee on Invalid Pensions.

S. 4841. An act granting an increase of pension to George A. Parker—to the Committee on Invalid Pensions.

S. 5090. An act granting a pension to Minerva McClernand—to the Committee on Invalid Pensions.

S. 5091. An act granting a pension to Hannah L. Palmer—to the Committee on Invalid Pensions.

S. Res. 142. Joint resolution to enable the Secretary of the Senate to pay the necessary expenses of the inaugural ceremonies of the President and Vice-President of the United States March 4, 1901—to the Committee on Appropriations.

S. 1550. An act granting an increase of pension to Mrs. Kate Ezekiel—to the Committee on Invalid Pensions.

S. 5032. An act granting a pension to John Geibel—to the Committee on Invalid Pensions.

S. 136. An act granting a pension to Harriet Clarissa Mercur, widow of James Mercur, late professor of civil and military engineering in the United States Military Academy at Westpoint, N. Y.—to the Committee on Pensions.

S. 5258. An act to allow the commutation of homestead entries in certain cases—to the Committee on the Public Lands.

S. 5039. An act granting an increase of pension to Lucie M. Mabry—to the Committee on Pensions.

S. 5093. An act granting an increase of pension to Charlotte W. Drew—to the Committee on Pensions.

S. 1044. An act granting an increase of pension to Rachel M. Worley—to the Committee on Invalid Pensions.

S. 4575. An act granting an increase of pension to Thomas Claiborne—to the Committee on Pensions.

S. 3653. An act granting an increase of pension to Henry Smith—to the Committee on Invalid Pensions.

S. 3648. An act granting an increase of pension to Peter Shelt—to the Committee on Invalid Pensions.

S. 5005. An act granting an increase of pension to Frederick Vogel—to the Committee on Invalid Pensions.

S. 5126. An act granting a pension to John T. Thompson—to the Committee on Invalid Pensions.

S. 2319. An act granting an increase of pension to Charles C. Bunty—to the Committee on Invalid Pensions.

S. 5139. An act granting an increase of pension to Jacob Hight—to the Committee on Invalid Pensions.

S. 5140. An act granting a pension to Mary C. Coombs—to the Committee on Invalid Pensions.

S. 4209. An act granting a pension to Mary Sanders—to the Committee on Invalid Pensions.

S. 1828. An act granting a pension to Emma T. Martin—to the Committee on Invalid Pensions.

S. 3264. An act granting a pension to William J. Cannon—to the Committee on Invalid Pensions.

S. 3224. An act granting a pension to Amos L. Hood—to the Committee on Invalid Pensions.

S. 2785. An act granting a pension to William H. Gardner—to the Committee on Invalid Pensions.

S. 5144. An act granting an increase of pension to Charles Scott—to the Committee on Invalid Pensions.

S. 5235. An act granting a pension to Mary R. Pike—to the Committee on Invalid Pensions.

S. 5033. An act granting a pension to Lizzie Barrett—to the Committee on Invalid Pensions.

S. R. 135. Joint resolution authorizing the Commissioners of the District of Columbia to employ an additional assistant to the attorney—to the Committee on the District of Columbia.

House bill with Senate amendments:

H. R. 9140. An act providing that entrymen under the homestead laws who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes—to the Committee on the Public Lands.

COURT-HOUSE AND JAIL AT SKAGWAY, ALASKA.

The SPEAKER laid before the House the following request from the Committee on the Judiciary:

That the letter of the Attorney-General of December 19, 1900, to the Committee on Appropriations, concerning the acquisition of property under the act of June 6, 1900, for a court-house and jail at Skagway, Alaska, be printed as a House document and referred to the Committee on Appropriations.

The SPEAKER. This is a request for unanimous consent, and it is for the purpose of making it a House document. Without objection, the request will be granted.

There was no objection.

APPORTIONMENT BILL.

Mr. PAYNE. Mr. Speaker, information comes from the document room that there is a great demand for the report on the apportionment bill; and, in the absence of the chairman of that committee, I ask that a thousand additional copies be printed, to go through the document room; that includes, of course, the views of the minority.

The SPEAKER. The gentleman from New York asks unanimous consent that a thousand extra copies of House Report 2130, bearing upon the apportionment bill, to include the views of the minority, be printed.

Mr. PAYNE. Mr. Speaker, at the suggestion of several gentlemen around me, I ask that the number be made 1,500.

The SPEAKER. The request is modified to include 1,500. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

HOLDING COURTS OF EASTERN DISTRICT OF ARKANSAS.

Mr. TERRY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill that I send to the desk.

The Clerk read as follows:

A bill (H. R. 12395) to provide for the holding of the circuit and district courts of the United States for the eastern district of Arkansas.

Be it enacted, etc., That the regular terms of the circuit and district courts for the eastern district of Arkansas shall be held at the times and places as follows, to wit:

For the western division, at Little Rock on the first Monday in April and the third Monday in October;

For the eastern division, at Helena on the second Mondays in March and October;

For the northern division, at Batesville on the fourth Monday in May and the second Monday in December.

The SPEAKER. Is there objection to the present consideration of the bill just reported? [After a pause.] The Chair hears none.

The amendment recommended by the committee was read, as follows:

Add the following as an additional section:

"SEC. 2. That this act shall take effect and be in force from and after its passage."

Mr. MERCER. Would the gentleman from Arkansas permit an inquiry?

Mr. TERRY. Certainly.

Mr. MERCER. How large a town is Batesville?

Mr. TERRY. It has about 3,000 inhabitants.

Mr. MERCER. Is that the only place in the district that court is held?

Mr. TERRY. Oh, no; court is held in several places—Batesville, Little Rock, and Helena.

Mr. MERCER. What provision has been made for court-house purposes at Batesville?

Mr. TERRY. I do not recollect of any United States building there, but they have been holding court there for years.

Mr. MERCER. It is a county seat, I suppose.

Mr. TERRY. It is the county seat of Independence. The bill makes no change except at Little Rock, and is recommended by the Federal judge.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. TERRY, a motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF CERTAIN INDIANS IN INDIAN TERRITORY.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8966) for the relief of certain Indians in the Indian Territory who desire to sell their lands and improvements and emigrate elsewhere.

Mr. LACEY. I ask the Clerk to read the bill as amended, because that is the bill I desire to call up.

The bill was read at length.

The SPEAKER. Is there objection?

Mr. SIMS. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SIMS. What is the regular order to-day?

The SPEAKER. This is Friday.

Mr. SIMS. Then I demand the regular order.

The SPEAKER. That is equivalent to an objection.

Mr. LACEY. That means we can do nothing.

Mr. SIMS. Unless there can be an arrangement made to have an early day in January to take up the Private Calendar——

The SPEAKER. Objection is made.

Mr. SIMS. Unless we can have a day given, I shall demand the regular order.

The SPEAKER. The gentleman from Virginia.

Mr. SIMS. Mr. Speaker, I ask unanimous consent that the first Friday in January, after the adjournment, be substituted for to-day for bills on the Private Calendar.

Mr. PAYNE. I object to that, Mr. Speaker.

DEATH OF HON. RICHARD ALSOP WISE.

Mr. JONES of Virginia. Mr. Speaker, it is with deep regret that I announce the death of my late colleague, the Hon. RICHARD ALSOP WISE, which occurred at his home, in the city of Williamsburg, at an early hour this morning. At some future time, of which I shall give notice, I desire to afford the House the opportunity of paying tributes to the life and public services of my deceased colleague. At this time I beg leave to offer the resolutions which I send to the Clerk's desk to be read and for which I ask immediate consideration.

The SPEAKER. The gentleman from Virginia presents for immediate consideration the resolutions which the Clerk will report.

The Clerk read as follows:

Resolved, That the House has heard with deep regret and profound sorrow of the death of Hon. RICHARD A. WISE, a Representative from the State of Virginia.

Resolved, That a committee of seventeen members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral at Williamsburg, and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolutions.

The resolutions were agreed to; and in pursuance thereof the Speaker appointed the following members of the House:

Mr. WEEKS of Michigan, Mr. ALDRICH of Alabama, Mr. KAHN of California, Mr. ROBERTS of Massachusetts, Mr. MINOR of Wisconsin, Mr. BRICK of Indiana, Mr. JONES of Virginia, Mr. SWANSON of Virginia, Mr. OTEY of Virginia, Mr. RIXEY of Virginia, Mr. HAY of Virginia, Mr. LAMB of Virginia, Mr. QUARLES of Virginia, Mr. RHEA of Virginia, Mr. LASSITER of Virginia, Mr. LLOYD of Missouri, and Mr. GAINES of Tennessee.

Mr. JONES of Virginia. Mr. Speaker, as a further mark of respect, I move that the House do now adjourn.

The motion was agreed to; accordingly, the House (at 12 o'clock and 21 minutes), in accordance with its previous order, adjourned until Thursday, January 3, 1901, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Light-House Board submitting an estimate of appropriation for balance due contractors for construction of building at Sturgeon Bay Canal light station, Wisconsin—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of St. Clair Flats Canal, Michigan—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting

a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for protection of timber in ceded Chippewa Reservation in Minnesota—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting a letter from the Chief of Engineers, recommending payment of the Illinois Central Railroad for damages to a depot—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Nancy B. Elrod, surviving executrix of James C. Elrod, deceased, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Big Sandy River, Kentucky and West Virginia—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and fact in French spoliation case of the schooner *Olive*, George Smith, master, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for certain deficiencies—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Postmaster-General submitting an estimate of appropriation for deficiencies—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. JETT, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5931) for the relief of Henry L. McCalla, reported the same with amendment, accompanied by a report (No. 2131); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 11828) to remove charge of desertion from military record of Charles F. Kramer, reported the same without amendment, accompanied by a report (No. 2132); which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9466) to remove charge of desertion from military record of Joshua C. Mayo, reported the same adversely, accompanied by a report (No. 2133); which said bill and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 12911) granting a pension to Minerva McClernand—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. PEREA: A bill (H. R. 13070) to authorize the sale of a part of the lands donated to the Territory of New Mexico for university purposes—to the Committee on the Territories.

By Mr. LACEY: A bill (H. R. 13071) to set apart certain lands in the Territory of New Mexico as a public park, to be known as the Cliff Dwellers' National Park, for the purpose of preserving the prehistoric caves and ruins and other works and relics therein—to the Committee on the Public Lands.

By Mr. SMITH of Iowa: A bill (H. R. 13072) authorizing the Secretary of the Treasury to purchase additional ground for the accommodation of the court-house, post-office, and other Government offices in Council Bluffs, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. ROBERTS: A bill (H. R. 13073) providing for the construction of a steam revenue cutter for service in the harbor of Boston, Mass.—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Connecticut: A bill (H. R. 13074) to appoint a memorial bridge commission for the District of Columbia—to the Committee on the District of Columbia.

By Mr. LEVY: A bill (H. R. 13075) to regulate the size, weight, equipment, and speed of certain street cars within the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CARMACK: A bill (H. R. 13076) granting a pension to John Laffey—to the Committee on Pensions.

By Mr. DE ARMOND: A bill (H. R. 13077) granting an increase of pension to Matthew C. White—to the Committee on Pensions.

Also, a bill (H. R. 13078) granting an increase of pension to John Shepley—to the Committee on Pensions.

By Mr. GRIFFITH: A bill (H. R. 13079) granting a pension to Elymas F. Wilkins—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 13080) for the relief of John F. Carbee—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 13081) for the relief of John Welty, of Portsmouth, Ohio—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13082) for the relief of Jacob Shela, of Portsmouth, Ohio—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13083) granting a pension to Margaret Lewis—to the Committee on Invalid Pensions.

By Mr. McCLEARY: A bill (H. R. 13084) granting an increase of pension to Uriah S. Karmany—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13085) granting an increase of pension to Albert H. Steifenhofer—to the Committee on Invalid Pensions.

By Mr. MINOR: A bill (H. R. 13086) granting an increase of pension to Eunice Henry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13087) granting an increase of pension to Caroline W. Read—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13088) granting an increase of pension to Peter Brunette—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13089) granting an increase of pension to John G. Hart—to the Committee on Invalid Pensions.

By Mr. NAPHEN: A bill (H. R. 13090) to clear record of John H. Thompson—to the Committee on Naval Affairs.

By Mr. O'GRADY: A bill (H. R. 13091) granting a pension to Sarah A. Tubbs—to the Committee on Invalid Pensions.

By Mr. PEREA: A bill (H. R. 13092) granting an increase of pension to Berenice K. Luna—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 13093) to remove the charge of desertion standing against Harrison Pooler—to the Committee on Military Affairs.

By Mr. RIXEY: A bill (H. R. 13094) for the relief of the trustees of the Methodist Episcopal Church South, of Marshall, Va.—to the Committee on War Claims.

By Mr. ROBERTS: A bill (H. R. 13095) granting a pension to James Frey—to the Committee on Invalid Pensions.

By Mr. SHATTUC: A bill (H. R. 13096) authorizing the granting of an honorable discharge to Eli Norris, Company K, Fifty-ninth Ohio Volunteer Infantry—to the Committee on Military Affairs.

By Mr. SPERRY: A bill (H. R. 13097) to remove the charge of desertion from the military record of Chester Davis—to the Committee on Military Affairs.

By Mr. BURLEIGH: A bill (H. R. 13098) granting an increase of pension to Melvin C. Wadsworth—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of the National Association of Agricultural Implement and Vehicle Manufacturers, asking for an appropriation for irrigation surveys, reservoir sites, etc.—to the Committee on the Public Lands.

By Mr. BURKETT: Paper to accompany House bill No. 12858, to correct the military record of Richard P. Gardner—to the Committee on Military Affairs.

By Mr. CARMACK: Petition of Mrs. Mary F. Morris, of Shelby County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. DE ARMOND: Papers to accompany House bill granting an increase of pension to Mathew C. White—to the Committee on Pensions.

By Mr. ESCH: Resolutions of the National Association of Agricultural Implement and Vehicle Manufacturers, asking for an annual appropriation for irrigation surveys and maps of irrigable public lands, etc.—to the Committee on the Public Lands.

By Mr. FITZGERALD of Massachusetts: Resolutions of the National Board of Trade, for such legislation as will strengthen our maritime position—to the Committee on Merchant Marine and Fisheries.

By Mr. GRIFFITH: Petition of 524 citizens of Jennings and Jackson Counties, Ind., to accompany House bill granting a pension to Elymas F. Wilkins—to the Committee on Invalid Pensions.

By Mr. HULL: Papers to accompany House bill No. 12991, for the relief of Ira Waldo—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 12994, for the relief of William Bagley—to the Committee on Invalid Pensions.

By Mr. LEVY: Petition of property owners and residents along the line of the Metropolitan Street Railroad, protesting against the size of cars used on the line and the high rate of speed of same—to the Committee on the District of Columbia.

By Mr. McRAE: Affidavit of E. C. Young, to accompany House bill No. 12590—to the Committee on Claims.

By Mr. MORGAN: Papers to accompany House bill No. 9469 amending the military record of Stephen Thompson—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 12894 correcting the military record of S. E. Baird—to the Committee on Military Affairs.

By Mr. PEREA: Petition of the board of regents of the University of New Mexico for the passage of an act to authorize the sale of a part of the lands donated to the Territory of New Mexico for University purposes—to the Committee on the Territories.

By Mr. RIXEY: Affidavits in support of bill for the relief of the Methodist Episcopal Church South, of Marshall, Va.—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of A. F. Van Niman, of Kendallville, Ind., for additional compensation to carriers of rural free-delivery mail—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. H. Danseur Post, No. 104, Grand Army of the Republic, of La Grange, Ind., for court of pension appeals—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of the Brunswick-Balke-Collender Company, of Cincinnati, Ohio, for the repeal of certain sections of the internal-revenue laws—to the Committee on Ways and Means.

Also, resolution of the National Association of Agricultural Implement and Vehicle Manufacturers asking for an appropriation for irrigation surveys, reservoir sites, etc.—to the Committee on the Public Lands.

By Mr. WILSON of Idaho; Petition of the National Association of Agricultural Implement and Vehicle Manufacturers, asking Congress to make appropriation for irrigation surveys, reservoir sites, etc.—to the Committee on the Public Lands.

SENATE.

THURSDAY, *January 3, 1901.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

HORACE CHILTON, a Senator from the State of Texas, and JOSEPH SIMON, a Senator from the State of Oregon, appeared in their seats to-day.

The Journal of the proceedings of Friday, December 21, 1900, was read and approved.

REPORT OF THE COAST AND GEODETIC SURVEY.

The PRESIDENT pro tempore. The Chair lays before the Senate the annual report of the Superintendent of the Coast and Geodetic Survey for the fiscal year ended June 30, 1900. It is provided in the law that it shall be printed, so that no reference is necessary. It will be printed and lie on the table.

UNOCCUPIED PUBLIC PROPERTY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a statement of the unproductive and unoccupied property leased by the United States; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MERCANTILE MARINE SUBSIDIES.

The PRESIDENT pro tempore laid before the Senate a communication from the Librarian of Congress, transmitting a list of books (with reference to periodicals) on mercantile marine subsidies; which, with the accompanying paper, was ordered to lie on the table and be printed.

INTERNATIONAL MARINE CONFERENCE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the American delegates to the International Marine Conference, inclosing the draft of a proposed amendment to the acts of Congress establishing international rules for the prevention of collisions at sea; which, with the accompanying paper, was referred to the Committee on Commerce, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims, relating to the vessel schooner *Olive*, George Smith, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of S. S. Louisa Cochrane, executrix of William Cohrane, deceased, *vs.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

DRY DOCK ON COLUMBIA RIVER.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to law, the report of the board of naval officers appointed to determine the desirability of locating and constructing a dry dock on the Columbia River, Oregon.

The Chair calls the attention of the Senator from Maine. The returns contain two printed reports from the Secretary of War and the Engineer Department, which it will probably not be necessary to print, and also a report of the board, which is in typewriting, and which should be printed.

Mr. HALE. Let the report be printed, but let the other papers go to the committee without printing.

The PRESIDENT pro tempore. It will be ordered, then, that the report of the board shall be printed and referred and the maps and other papers will be referred to the Committee on Naval Affairs without printing.

Mr. HALE. That is right.

ELECTORAL VOTES OF NEW YORK, ETC.

The PRESIDENT pro tempore laid before the Senate 11 communications from the Secretary of State, transmitting certified copies of the final ascertainment of the electors for President and Vice-President appointed in the States of New York, Arkansas, Virginia, Connecticut, Massachusetts, South Carolina, California, Florida, West Virginia, Montana, and Idaho; which, with the accompanying papers, were ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 12838) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for other purposes.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 12904) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes;

A bill (H. R. 12395) to provide for the holding of the circuit and district courts of the United States for the eastern district of Arkansas; and

A bill (H. R. 12846) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902.

The message further communicated to the Senate the intelligence of the death of Hon. RICHARD A. WISE, late a Representative from the State of Virginia, and transmitted resolutions of the House thereon.

The message also announced that the Speaker of the House had appointed as a committee on the part of the House to attend the funeral of the Hon. RICHARD A. WISE, late a Representative from the State of Virginia, Mr. WEEKS of Michigan, Mr. ALDRICH of Alabama, Mr. KAHN of California, Mr. ROBERTS of Massachusetts, Mr. MINOR of Wisconsin, Mr. BRICK of Indiana, Mr. JONES of Virginia, Mr. SWANSON of Virginia, Mr. OTEY of Virginia, Mr. RIXEY of Virginia, Mr. HAY of Virginia, Mr. LAMB of Virginia, Mr. QUARLES of Virginia, Mr. RHEA of Virginia, Mr. LASSITER of Virginia, Mr. LLOYD of Missouri, and Mr. GAINES of Tennessee.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

A bill (S. 92) granting a pension to William M. Terry;

A bill (S. 173) granting an increase of pension to John H. Morrison;
A bill (S. 218) granting an increase of pension to Sarah E. Tate;
A bill (S. 244) granting a pension to Mary Jane McLaughlin;
A bill (S. 262) granting an increase of pension to Charles H. Irvin;
A bill (S. 476) granting a pension to Franklin Cooley;
A bill (S. 712) granting a pension to Nellie L. Grashon;
A bill (S. 751) granting an increase of pension to Mathew T. Jones;
A bill (S. 1226) granting an increase of pension to George G. Kemp;
A bill (S. 1245) granting a pension to Oliver Domon;
A bill (S. 1347) granting an increase of pension to Marie Sharpe;
A bill (S. 1348) granting an increase of pension to Eliza M. Stillman;
A bill (S. 1599) granting an increase of pension to Cornwell M. Brill;
A bill (S. 1876) granting an increase of pension to John J. Wilson;
A bill (S. 1924) granting a pension to Emma R. Rusling;
A bill (S. 1984) granting a pension to Rebecca Harvey;
A bill (S. 2152) granting a pension to Olive W. Lay;
A bill (S. 2159) granting an increase of pension to Ernst Pitschner;
A bill (S. 2190) granting a pension to Emma J. Bidwell;
A bill (S. 2217) granting a pension to Louise O'Leary;
A bill (S. 2218) granting a pension to Mary R. Dean;
A bill (S. 2386) granting a pension to Joseph E. Hendrickson;
A bill (S. 2462) granting an increase of pension to Emma L. Du Bois;
A bill (S. 2540) granting an increase of pension to Byron Kurtz;
A bill (S. 2543) granting an increase of pension to Edward A. Parmalee;
A bill (S. 2557) granting a pension to Josephine Brown;
A bill (S. 2582) to provide for the establishment of the intersection of the true one hundredth meridian with Red River, to ascertain the amount of taxes collected by the State of Texas in what was formerly known as Greer County, and the expenditures made on account of said county by said State, and for other purposes;
A bill (S. 2774) granting an increase of pension to John H. Wilcox;
A bill (S. 2830) granting a pension to Ailsie Bennett;
A bill (S. 2831) granting an increase of pension to Ermine D. Cabbell;
A bill (S. 2985) granting a pension to John Erb;
A bill (S. 3049) granting an increase of pension to Mary V. Wilmarth;
A bill (S. 3056) granting an increase of pension to Giles W. Taylor;
A bill (S. 3099) granting an increase of pension to Melancthon McCoy;
A bill (S. 3127) granting an increase of pension to Maj. A. Northrop;
A bill (S. 3134) granting a pension to Martha Agnew;
A bill (S. 3235) granting a pension to Andrew Ferguson;
A bill (S. 3306) granting an increase of pension to Lucinda D. Dow;
A bill (S. 3356) granting a pension to Mary J. Quinn;
A bill (S. 3436) granting a pension to Catharine Weinheimer;
A bill (S. 3466) granting an increase of pension to John T. Hutchison;
A bill (S. 3470) granting a pension to Rosalia Tegidor Brinckerhoff;
A bill (S. 3505) granting an increase of pension to Edwin Culver;
A bill (S. 3536) restoring to the pension roll the name of Mary J. Calvin;
A bill (S. 3880) granting an increase of pension to Clara E. Colbath;
A bill (S. 4184) granting an increase of pension to Evelyn Neale Murray;
A bill (S. 4256) granting a pension to James H. Thomas;
A bill (S. 4688) granting an increase of pension to James U. Childs;
A bill (H. R. 315) granting an increase of pension to Moses H. Tabor;
A bill (H. R. 1288) granting a pension to Cornelius W. Roberts;
A bill (H. R. 1803) granting a pension to Julia E. G. Lewis;
A bill (H. R. 4679) granting a pension to Micager Philpot;
A bill (H. R. 6096) granting an increase of pension to Samuel W. Kirkendall;
A bill (H. R. 6424) granting a pension to Charles S. Devine;
A bill (H. R. 6947) granting an increase of pension to Alonzo C. Rembaugh;
A bill (H. R. 7012) granting an increase of pension to Emma C. Stephenson;
A bill (H. R. 7190) granting an increase of pension to George O. Cole;
A bill (H. R. 7328) granting an increase of pension to John Nicklin;
A bill (H. R. 7553) granting an increase of pension to Fannie M. O'Linn;
A bill (H. R. 7600) granting an increase of pension to Charles Claussen;
A bill (H. R. 8207) granting a pension to Joseph Quinn;
A bill (H. R. 8218) granting a pension to Mary E. Lacey;
A bill (H. R. 8540) granting a pension to Lydia J. De Silva;
A bill (H. R. 8735) granting an increase of pension to Annie B. Sharrard;
A bill (H. R. 9010) granting an increase of pension to Charles W. Westfield;
A bill (H. R. 9176) granting a pension to Emily Haines Harrison;
A bill (H. R. 9555) granting an increase of pension to Nicholas Briggeman;
A bill (H. R. 9719) granting a pension to Amos W. Felker;
A bill (H. R. 10381) granting an increase of pension to Gideon W. T. Ridlon;
A bill (H. R. 10524) granting an increase of pension to Lewis H. Riden;
A bill (H. R. 10743) granting a pension to Augusta Ullman;
A bill (H. R. 10749) granting a pension to Henry L. White;
A bill (H. R. 10750) granting a pension to James H. Rainey;
A bill (H. R. 10847) granting an increase of pension to Betsy A. Summers;
A bill (H. R. 10778) granting an increase of pension to Martin V. B. Winkler;
A bill (H. R. 11552) granting an increase of pension to Louis Hebel;
A bill (H. R. 12838) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for other purposes;
A joint resolution (H. J. Res. 101) authorizing the publication of an edition of A Digest of International Law; and
A joint resolution (H. J. Res. 277) authorizing the appointment of Charles A. Boutelle as a captain on the retired list of the Navy.

PETITIONS AND MEMORIALS.

Mr. SCOTT (for Mr. MCBRIDE) presented petitions of the congregations of the Christian Church and the Cumberland Presbyterian Church, and the Woman's Christian Temperance Union of Cottage Grove, and of the members of the Sunday School of Lancaster, all in the State of Oregon, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

Mr. LODGE presented the petition of Bishop E. G. Andrews and Secretaries Carroll, Morgan, Moorehouse, Ellinwood, Speer, Cobb, and Lloyd, representing, respectively, the Methodist, Baptist, Presbyterian, Dutch Reformed, and Episcopal Missionary Societies of the United States, praying for the signalizing of the new century by the passage of the so-called Lodge resolution, declaring for the universal protection of uncivilized races against firearms, intoxicants, and opium; which was referred to the Committee on Foreign Relations.

He also presented a petition of 25 citizens of Rockland, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of 10 citizens of Plainfield, Mass., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry business firms of Holyoke, Mass., and a petition of 63 business firms of Springfield, Mass., praying for the repeal of the duty on tea; which were referred to the Committee on Finance.

He also presented a petition of 12 keepers of life-saving stations in Massachusetts, praying for the enactment of legislation increasing their salaries to $100 per month; which was referred to the Committee on Commerce.

He also presented a petition of the State Board of Trade of Massachusetts, praying for the repeal of the revenue tax on express and freight packages; which was referred to the Committee on Finance.

He also presented a petition of the Clearing House Association of Lowell, Mass., praying for the repeal of the revenue tax on bank capital, checks, drafts, bills of exchange, etc.; which was referred to the Committee on Finance.

Mr. WETMORE presented a petition of sundry keepers of life-saving stations in Rhode Island, praying that their salaries be increased to $100 per month; which was referred to the Committee on Commerce.

He also presented the petition of Capt. A. N. Littlefield and the

crew of the New Shoreham Life-Saving Station of Rhode Island, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service; which was referred to the Committee on Commerce.

Mr. HALE presented a petition of the State Grange of Maine, and the petition of S. C. Jones and sundry other citizens of Canton, Me., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented the petitions of Uriah Drew and sundry other citizens of Wayne; of Jesse McPherson and sundry other citizens of Winthrop Center, and of W. W. Woodbridge and sundry other citizens of North Newcastle, all in the State of Maine, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented the petition of Lyman E. Wright, keeper, and sundry other members of the crew of the life-saving station at Cross Island, Me., praying for the enactment of legislation to promote the efficiency of the Life-Saving Service; which was referred to the Committee on Commerce.

Mr. HANSBROUGH presented a petition of the congregation of the Presbyterian Church of Devils Lake, N. Dak., praying for the enactment of legislation to prohibit the sale of intoxicating liquors and opium in Africa; which was referred to the Committee on Foreign Relations.

Mr. BURROWS presented a memorial of the board of public works of Grand Rapids, Mich., remonstrating against the enactment of legislation granting relief to the widow of Isaiah Smith Hyatt, authorizing her to make application to the Commissioner of Patents for an extension for the term of ten years of the patent granted her husband for the method of purifying water; which was referred to the Committee on Patents.

He also presented a petition of sundry business firms of Detroit, Mich., praying for the repeal of the duty on hides; which was referred to the Committee on Finance.

He also presented the memorial of Benjamin S. Harris, of Grand Rapids, Mich., remonstrating against the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Michigan, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Missionary Society of Homer, Mich., and sundry petitions of citizens of Michigan, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the First Presbyterian Church of Plainwell, Mich., and a petition of the Woman's Christian Temperance Union of Munith, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the insular possessions of the United States; which were referred to the Committee on Foreign Relations.

Mr. NELSON presented the petition of Dr. O. H. Hall and Dr. R. B. Leach, of Minnesota, praying for the appointment of a commission of medical men, as recommended by the President in his messages of 1897 and 1898, to consider the adoption of Dr. Leach's method of treating yellow fever, Asiatic cholera, etc.; which was referred to the Committee on Public Health and National Quarantine.

He also presented sundry petitions of citizens of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the Retail Liquor Dealers' Association of Minnesota, praying for the reduction of the revenue tax on beer; which was referred to the Committee on Finance.

He also presented a petition of sundry business firms of Minneapolis, Minn., praying for the repeal of the duty on hides; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the establishment of a national park on the Leech Lake Indian Reservation in that State; which was referred to the Committee on Indian Affairs.

He also presented the petition of Anthony Graybarkiewicz, of Duluth, Minn., praying that an appropriation be made for the erection of a monument in honor of the Polish hero, Count Pulawiki; which was referred to the Committee on Appropriations.

He also presented memorials of sundry business men of Douglas County, Granite Falls, and Princeton, and of the Retail Grocers and General Merchants' Association of Minneapolis, all in the State of Minnesota, remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Douglas, Scott, Faribault, Isanti, and Hennepin counties, all in the State of Minnesota, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. QUARLES presented a petition of the keeper and crew of the life-saving station at Racine, Wis., praying for the enactment of legislation to promote the efficiency of the Life-Saving Service; which was referred to the Committee on Commerce.

He also presented a petition of the Wisconsin Brewers' Association, praying for a reduction of the revenue tax on beer; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of La Crosse, Wis., praying for the repeal of the duty on hides; which was referred to the Committee on Finance.

He also presented a petition of the Milwaukee Clearing House Association, of Milwaukee, Wis., praying for the repeal of the revenue tax on certificates of deposit, contracts of sale, bankers' capital, surplus, etc., which was referred to the Committee on Finance.

He also presented sundry petitions of citizens of Ripon, of the congregation of the Methodist Episcopal Church of Rhinelander, and of sundry citizens, all in the State of Wisconsin, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Lake Mills, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the insular possessions of the United States and in Army canteens; which were referred to the Committee on Foreign Relations.

Mr. FAIRBANKS presented a petition of J. H. Danseur Post, No. 104, Department of Indiana, Grand Army of the Republic, praying for the establishment of a court of pension appeals; which was referred to the Committee on Pensions.

He also presented the petition of Rev. H. G. Rice and 52 citizens of Monticello, Ind., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Merchants' Association of San Francisco, Cal., praying for the laying of a direct Pacific Ocean cable under American control between the United States and the Orient; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that a vessel be substituted for the regular light-ship No. 70, stationed off the port of San Francisco, in that State; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Fresno, Cal., praying that an appropriation be made for the restoration of the wharf and terminal facilities at Galveston, Tex.; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Fresno, Cal., praying for the construction of an isthmian canal; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the laying of a cable to Tatoosh Island and for the construction of observatory buildings at Port Crescent and Tatoosh, all in the State of Washington, and at Canby, Oreg.; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Grange No. 17, Patrons of Husbandry, of Santa Rosa, Cal., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce of Fresno, Cal., and a petition of the State Board of Horticulture of Sacramento, Cal., praying that an appropriation be made in the interest of agriculture and horticulture on the Pacific coast according to the estimates made by the Secretary of Agriculture; which were referred to the Committee on Agriculture and Forestry.

Mr. FOSTER presented a petition of the Chamber of Commerce of Seattle, Wash., praying for the laying of a new telegraph cable to Tatoosh Island, in that State, and for the erection of an observatory building at Port Crescent, Tatoosh, and Crescent City; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of John F. Miller Post, No. 31, Grand Army of the Republic, of Seattle, Wash., and a petition of Sergeant Gabriel Labell Garrison, No. 130, praying that honorably discharged soldiers and sailors be admitted to the military, marine, and naval hospitals of the country; which were referred to the Committee on Military Affairs.

He also presented a petition of the Stock Exchange of Spokane, Wash., praying for the repeal of the war-revenue tax on mining brokers; which was referred to the Committee on Finance.

He also presented a petition of sundry keepers of life-saving

stations in the State of Washington, praying that their salaries be increased to $100 a month; which was referred to the Committee on Commerce.

He also presented a petition of the Woman's Christian Temperance Union and the congregations of sundry churches, all of Centralia, in the State of Washington, praying for the enactment of legislation to prohibit the sale of intoxicating liquor in Army canteens and all the insular possessions of the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Auburn, Wash., and a petition of the Study Club, of Tacoma, Wash., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

Mr. TURNER presented a petition of the Chamber of Commerce of Aberdeen, the Commercial Club of Hoquiam, the Business Men's Club of Montesano, the Improvement Club of Cosmopolis, the Merchants' Club of Elma, the Commercial Club of Ocosta, and the Board of Trade of Westport, all of Chehalis County, Wash., praying that an appropriation be made for the deepening of the inner channels of Grays Harbor; which was referred to the Committee on Commerce.

He also presented a petition of the Association of Washington Pioneers, praying for the enactment of legislation providing for the pensioning of survivors of the Indian wars from 1817 to 1856, inclusive; which was ordered to lie on the table.

Mr. CLAY presented a petition of sundry members of the bar of Macon, Ga., praying for the enactment of legislation providing for an increase in the salaries of the Federal justices and judges; which was ordered to lie on the table.

Mr. BATE presented a petition of the Board of Trade of Clarksville, Tenn., praying that a soil survey be made by the Department of Agriculture of the district known as the Clarksville tobacco district in Tennessee and Kentucky; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Southern Nurserymen's Association, of Winchester, Tenn., praying for the enactment of legislation providing regulations governing the transportation of nursery stock and other plants in interstate commerce; which was referred to the Committee on Interstate Commerce.

Mr. HARRIS presented a petition of the congregation of the Reformed Presbyterian Church of Sterling, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens and all the island possessions of the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Clay Center, Kans., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented sundry petitions of citizens of Clay, Cloud, and Washington counties, all in the State of Kansas, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. HOAR presented the petitions of Edwin P. Worthen, keeper, and sundry other members of the life-saving crew of Highland; of Thomas F. Landsbury, keeper, and sundry other members of the life-saving crew of Great Neck; of John H. Rich, keeper, and sundry other members of the life-saving crew of Pamet River; of Alonzo N. Bearse, keeper, and sundry other members of the life-saving crew of Nauset; of Weston L. Taylor, keeper, and sundry other members of the life-saving crew of Salisbury Beach; of Eugene W. Clisby, keeper, and sundry other members of the life-saving crew of Surfside, all in the State of Massachusetts, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service; which were referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Boston, Mass., praying for the enactment of legislation providing for the construction of an isthmian canal; which was ordered to lie on the table.

He also presented a petition of the Massachusetts State Board of Trade, praying for the enactment of the so-called ship subsidy bill; which was ordered to lie on the table.

He also presented a petition of the Massachusetts State Board of Trade, praying for the repeal of the stamp tax upon express and freight packages; which was referred to the Committee on Finance.

He also presented a petition of Dudley Grange, No. 163, Patrons of Husbandry, of Dudley, Mass., praying for the enactment of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of O. V. Rollins and 110 other citizens of Rochester, Minn., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. HOAR. I present the petition of Walter S. Cox and 30 other citizens of the city of Washington, praying for legislation to regulate the speed and equipment of street cars within the District of Columbia.

The petition is signed by some of the most eminent citizens, large property owners and persons most interested in the general prosperity of this city. I desire to call it especially to the attention of the Committee on the District of Columbia, to whom I move it be referred.

The motion was agreed to.

Mr. SPOONER presented a petition of the J. S. Medary Saddlery Company, and sundry other business firms of La Crosse, Wis., praying for the repeal of the duty on hides; which was referred to the Committee on Finance.

He also presented the petition of George Breckenfeld, keeper, and 7 other members of the crew of the life-saving station of Racine, Wis., praying for the enactment of legislation to promote the efficiency of the Life-Saving Service; which was referred to the Committee on Commerce.

He also presented petitions of the Wisconsin Federation of Reforms, the Wisconsin General Convention of the Congregational Churches, and the Woman's Christian Temperance Union of Lake Mills, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquor in Army canteens, or on any premises used for military purposes by the Government, and in all the island possessions of the United States; which were referred to the Committee on Military Affairs.

Mr. PLATT of Connecticut presented a petition of Post No. 18, Department of Connecticut, Grand Army of the Republic, praying for a detail of active and retired officers of the Army and Navy to assist in military instruction in the public schools; which was referred to the Committee on Military Affairs.

He also presented a petition of the Christian Endeavor Society of the Preston Chapel, of Norwich, Conn., praying for the enactment of legislation to abolish slavery, opium traffic, and the sale of intoxicating liquor in Africa; which was referred to the Committee on Foreign Relations.

Mr. COCKRELL presented a petition of sundry citizens of Pettis County, Mo., praying for the passage of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Kansas City Implement, Vehicle, and Hardware Club, of Kansas City, Mo., praying for the adoption of certain amendments to the interstate commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Central Labor Council, Associated Federation of Labor, of St. Louis, Mo., praying for the enactment of legislation regulating the hours of daily work of laborers and mechanics employed upon public works, etc.; which was referred to the Committee on Education and Labor.

He also presented a petition of the Stone Hill Wine Company, of Hermann, Mo., praying for the repeal of the revenue tax on bottled wines; which was referred to the Committee on Finance.

He also presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the repeal of the revenue tax on sales of agricultural products made on the exchanges of the country; which was referred to the Committee on Finance.

Mr. FRYE presented petitions of the congregation of the Methodist Episcopal Church of Calais, of W. P. Chapman and 56 other citizens of Wayne, of W. W. Woodbridge and 17 other citizens of North Newcastle, of Jesse McPherson and sundry other citizens of Winthrop Center, and of the Falmouth Quarterly Meeting of Friends, all in the State of Maine, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Springvale, Me., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

He also presented a petition of the keeper and members of the crew of the life-saving station at Cross Island, Maine, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service; which was referred to the Committee on Commerce.

He also presented the petitions of S. C. Jones and 19 other citizens of Canton; of Charles N. Wells, of Auburn, and of E. E. Hardy, of East Wilton, all in the State of Maine, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry members of the Missouri division of the Travellers' Protective Association, praying for the establishment of a department of commerce and industries; which was ordered to lie on the table.

He also presented a petition of the McKinley, Roosevelt, and Pearre Club, of Kensington, Md., praying for the apportionment of Representatives in accordance with section 2, Article XIV, of the Constitution, in any State where citizens are deprived of their right to vote; which was referred to the Committee on the Judiciary.

He also presented a petition of the State Board of Trade of Massachusetts, praying for the passage of the so-called ship subsidy bill; which was ordered to lie on the table.

He also presented a petition of the New York and Cuba Mail Steamship Company and 25 other steamship lines, praying for the establishment of a light-house at Hillsboro Point, Florida; which was referred to the Committee on Commerce.

He also presented the petition of S. H. Harmer and 9 other citizens of Kane, Pa., praying for the adoption of the so-called Lodge resolution, providing for the universal protection of uncivilized races against firearms, opium, and intoxicating liquors; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the United Coopers' International Union, of New York City, remonstrating against the repeal of the tax on beer; which was referred to the Committee on Finance.

He also presented a petition of the Travelers' Protective Association, praying for the establishment of a department of commerce and industries; which was ordered to lie on the table.

He also presented a petition of the Maryland Anti-Saloon League, of Baltimore, Md., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

He also presented a memorial of the National Live Stock Exchange, remonstrating against the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

MINING LAWS OF ALASKA.

Mr. THURSTON. I have an article prepared by L. W. Gilchrist, of Seattle, Wash., on the mining laws of Alaska. I consider it an important paper, and move that it be printed as a document and referred to the Committee on Territories.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. WETMORE, from the Committee on the Library, to whom was referred the joint resolution (S. R. 140) for the erection of a monument to the memory of Dorothea Lynde Dix, reported it with an amendment, and submitted a report thereon.

Mr. THURSTON, from the Committee on Indian Affairs, to whom was referred the bill (S. 5161) to authorize the Secretary of the Interior to make rules and regulations governing the selection and renting of prospective allotments, under the act of Congress approved June 28, 1898, reported it without amendment, and submitted a report thereon.

ANNUAL REPORT OF COMMISSIONER OF PENSIONS.

Mr. PLATT of New York, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized and directed to print and deliver to the Department of the Interior, for the use of the Commissioner of Pensions, 10,000 additional copies of the Annual Report of the Commissioner of Pensions for the fiscal year ended June 30, 1900.

BILLS INTRODUCED.

Mr. STEWART introduced a bill (S. 5331) to provide an American register for the barkentine *J. C. Pfluger*, of San Francisco, Cal.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 5332) for the relief of the heirs of Erskine S. Allin and the United States Regulation Firearms Company, respectively; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5333) to enable the directors of Providence Hospital to increase the accommodations of that institution; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HANSBROUGH introduced a bill (S. 5334) to extend the general land laws of the United States to the Territory of Hawaii; which was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

He also introduced a bill (S. 5335) to provide for the erection of an Indian industrial school at or near the city of Mandan, in the State of North Dakota; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5336) to enlarge the powers and duties of the Bureau of Education and to create an Executive Department to be known as the Department of Education; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. LODGE introduced a bill (S. 5337) providing for the construction of a steam revenue cutter for service in the harbor of Boston, Mass.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 5338) to correct the military record of Seth Bonney; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5339) for the relief of Samuel M. Blair; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5340) granting a pension to James Dunn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5341) granting an increase of pension to Eleanor W. Morgan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SEWELL introduced a bill (S. 5342) to authorize the registration of the names of persons, firms, or corporations engaged in transportation business; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SCOTT introduced a bill (S. 5343) for the relief of John Whittington; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5344) for the relief of the heirs of Andrew S. Core, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 5345) to amend an act approved August 13, 1894, entitled "An act for the protection of persons furnishing materials and labor for the construction of public works;" which was read twice by its title, and referred to the Committee on Education and Labor.

He also introduced a bill (S. 5346) making provision for the employment of clerical assistance in the district of Alaska; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5347) to amend section 5546 of the Revised Statutes providing for the transportation of criminals in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5348) granting a pension to Sarah E. Cousens; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5349) to regulate the size, weight, equipment, and speed of certain street cars within the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FAIRBANKS introduced a bill (S. 5350) for the establishment of a subport of entry at Douglas, Ariz.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. TILLMAN introduced a bill (S. 5351) permitting the building of two dams across the Savannah River above the city of Augusta, in the State of Georgia; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MALLORY introduced a bill (S. 5352) for the relief of B. W. Johnson; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRIS introduced a bill (S. 5353) granting an increase of pension to William Barkis; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SHOUP introduced a bill (S. 5354) to establish a fish-hatching and fish station in the State of Idaho; which was read twice by its title, and referred to the Committee on Fisheries.

He also introduced a bill (S. 5355) for the relief of the Military Order of the Loyal Legion of the United States; which was read twice by its title, and referred to the Committee on Patents.

Mr. PLATT of New York introduced a bill (S. 5356) granting a pension to Sara Frances Taft; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5357) granting an increase of pension to Margaret Holland; which was read twice by its title, and, with accompanying papers, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 5358) granting a pension to Jeanne D. De Laporte; which was read twice by its title, and, with accompanying papers, referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 5359) for the relief of John Truman Hartwell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 5360) granting an increase of pension to Hiram I. Hoyt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 5361) to appoint a memorial bridge commission for the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WARREN introduced a bill (S. 5362) for the relief of Frank E. Coe; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUARLES introduced a bill (S. 5363) granting a pension to Lizzie Wattles; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 5364) to establish a light and fog station at Point Dume, Los Angeles County, Cal.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 5365) to extend the privileges provided by an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, as amended; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 5366) to provide for the establishment of light-house and fog-signal stations in Alaskan waters; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FRYE introduced a bill (S. 5367) to provide for the disposition of useless papers in Executive Departments; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Library.

Mr. BEVERIDGE introduced a bill (S. 5368) granting a pension to Emeline C. Russell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LINDSAY introduced a bill (S. 5369) granting an increase of pension to Edmond Craig; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5370) granting an increase of pension to Charles Harris (with accompanying papers); and

A bill (S. 5371) granting a pension to Sabra S. Libby.

Mr. HALE introduced a bill (S. 5372) for the relief of William Courtenay, administrator de bonis non of George W. Lawrence, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5373) to remove the charge of desertion from the military record of Charles H. Rollins; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5374) granting an increase of pension to Elias Brewster; which read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5375) granting an increase of pension to Jason Leighton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. JONES of Arkansas introduced a bill (S. 5376) to provide for a public building at Batesville, Ark.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DANIEL (by request) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5377) for the relief of the estate of Jane Milligan, deceased;

A bill (S. 5378) for the relief of the estates of J. H. and C. Rowland, deceased; and

A bill (S. 5379) for the relief of Ella A. Hall.

Mr. PLATT of Connecticut introduced a joint resolution (S. R. 144) to fill a vacancy in the Board of Regents of the Smithsonian Institution; which was read twice by its title, and referred to the Committee on the Library.

Mr. GALLINGER introduced a joint resolution (S. R. 145) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in city of Washington on the occasion of the inauguration of the President-elect on March 4, 1901, and so forth; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to appropriate $4,200 for three clerks of class 2 in the office of the Light-House Board, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $225,000 for the purchase of land on Cushings Island, Portland Harbor, Maine, to be used to erect additional batteries and buildings for troops, intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CARTER submitted an amendment proposing to appropriate $264.59 to pay Henry B. Davis for surveying work done by him in Montana, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. FOSTER submitted an amendment proposing to appropriate $91,600 for the support of the Puyallup Indian School, on the Puyallup Indian Reservation, Wash., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HOAR submitted an amendment relative to the purchase of law books for each of the circuit courts of appeal of the United States, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. TOWNE submitted an amendment proposing to appropriate $200,000 to reimburse the city of Duluth, Minn., for money expended by it in the construction, repair, and preservation of certain public works in the harbor of said city in the years 1870, 1871, and 1872, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. WARREN submitted an amendment proposing to appropriate $70,000 for improvements at Fort D. A. Russell, Wyo., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $815.38 to enable the Secretary of the Treasury to pay Frank E. Coe for wages, board, and provisions of employees engaged in subduing a forest fire on the public lands of the United States in the State of Wyoming, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate $5,400 to enable the Commissioner of Indian Affairs to employ patrols to guard against and extinguish forest fires on the White Earth and Red Lake Indian reservations in the State of Minnesota, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PETTIGREW submitted an amendment proposing to restore the annuities and funds of the Sisseton and Wahpeton and of the Medawakanton and Wahpakoota bands of Sioux Indians to the status they maintained prior to the act of February 16, 1863, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MORGAN. I submit an amendment to the river and harbor bill and with it a letter from the Director of the Geological Survey giving a geological description of the Coosa River Valley in Alabama, which I move be printed as a document and referred, with the amendment, to the Committee on Commerce.

The motion was agreed to.

THE MILITARY ESTABLISHMENT.

Mr. SEWELL submitted an amendment intended to be proposed by him to the bill (S. 4300) to increase the efficiency of the military establishment of the United States; which was ordered to lie on the table and be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the bill (S. 4300) to increase the efficiency of the military establishment of the United States; which was referred to the Committee on Military Affairs, and ordered to be printed.

THE REVENUE BILL.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (H. R. 12394) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder; which was referred to the Committee on Finance, and ordered to be printed.

SUBMARINE TORPEDO BOAT HOLLAND.

On motion of Mr. STEWART, it was

Ordered, That the letter of the Secretary of the Navy on the subject of the submarine torpedo boat *Holland* be printed, the injunction of secrecy having been removed therefrom.

NATIONAL STANDARDIZING BUREAU.

On motion of Mr. NELSON, it was

Ordered, That the report of hearing on Senate bill No. 4680, to establish a national standardizing bureau, be printed as a document, and that 200 copies in addition to the usual number be printed for the use of the Senate and 500 copies for the use of the Committee on Commerce.

REVISION OF STATUTES RELATING TO PATENTS.

Mr. PLATT of Connecticut submitted the following order:

Ordered, That there be printed for the use of the Senate 500 extra copies of Senate Document No. 20, second session Fifty-sixth Congress.

Mr. PLATT of Connecticut. I have had an estimate made. The cost will not reach $500.

The PRESIDENT pro tempore. Without objection, the order is agreed to.

THE MILITARY ESTABLISHMENT.

Mr. HAWLEY submitted the following order:

Ordered, That 1,000 extra copies of Senate Report No. 1771, second session Fifty-sixth Congress, be printed for the use of the Senate.

The PRESIDENT pro tempore. Does the printing come within the cost of $500?

Mr. HAWLEY. There are only 10 pages, and it is all in stereotyped plate now.

Mr. BACON. I should like to ask the Senator from Connecticut what bill that is. It is merely designated by number. Is it the Army bill?

Mr. HAWLEY. Yes; it is the Army bill.

The PRESIDENT pro tempore. If there is no objection, the order will be agreed to.

CLAIMS OF NEW YORK INDIANS.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate what sums of money, if any, have been paid by the United States upon the claim of the New York Indians for compensation for lands in Kansas, growing out of the treaty concluded at Buffalo Creek on January 15, 1838, or subsequent treaties; and if any part of said claims have been paid, to inform the Senate to what person or persons such sums were paid, and upon what authority they were paid, and to transmit to the Senate a copy of all powers of attorney or other authority upon which said sums, if any, were paid.

MINING LOCATIONS.

Mr. STEWART submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas it is alleged that mining locations are made in great numbers under so-called powers of attorney, in violation of the principles of the mining laws of the United States, and also that large tracts of land where no mineral discoveries have been made are located as placer claims, and thereby monopolizing without right the public domain: Therefore, be it

Resolved, That the Committee on Mines and Mining be, and it is hereby, directed to investigate these matters and report by bill or otherwise.

PAYMENTS TO SISSETON AND WAHPETON INDIANS.

Mr. PETTIGREW. I offer a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior be, and is hereby, directed to send to the Senate a copy of all recommendations, requests, and papers on file in relation to the payment of money belonging to the Sisseton and Wahpeton Indians to said Indians since November 6, 1900, and to inform the Senate whether he informed said Indians, or any of them, or any other person, previous to November 6 that he would make said payment after that date.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. PLATT of Connecticut. I should like to have it go over.

The PRESIDENT pro tempore. The resolution will go over under the rule.

TRANSPORTATION RATES WEST OF THE MISSISSIPPI.

Mr. HARRIS. I present a resolution and ask unanimous consent for its present consideration.

The resolution was read, as follows:

Resolved by the Senate, That the Interstate Commerce Commission be authorized and directed to fully investigate whether there now exist any association or associations of railroad companies, or of railroad officials representing such companies, formed for the purpose of controlling and restraining competition in transportation rates of traffic over lines from points between the Mississippi River and the Rocky Mountains, which operate similarly to the association known as the "Trans Missouri Railway Association," that was declared by the Supreme Court of the United States to be an unlawful combination and in violation of the "anti-trust law;" and if so, the manner of operation of said associations or association, and the extent thereof; and that the said commission is directed to report the results of such investigation, together with their recommendations in the premises, to the Senate at the earliest possible date.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. ALDRICH. The resolution ought to go to the Committee on Interstate Commerce, and I so move.

The PRESIDENT pro tempore. The Senator from Rhode Island moves that the resolution be referred to the Committee on Interstate Commerce.

The motion was agreed to.

AFFAIRS IN THE PHILIPPINES.

Mr. PETTIGREW. I offer a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interest, to send to the Senate copies of all instructions sent to the officers of the Government in the Philippines since May 1, 1898, and orders issued by officers of the Government in the Philippines in relation to the conduct of the war and in relation to the government of that country.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. LODGE. Mr. President, let the resolution go over and be printed.

The PRESIDENT pro tempore. The resolution will go over under the rule, and it will be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 12904) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 12395) to provide for the holding of the circuit and district courts of the United States for the eastern district of Arkansas was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 12846) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902, was read twice by its title, and referred to the Committee on Military Affairs.

THE MILITARY ESTABLISHMENT.

The PRESIDENT pro tempore. The morning business is closed.

Mr. HAWLEY. I ask unanimous consent, in pursuance of the notice I gave the other day, that the Senate proceed to the consideration of the Army bill.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the Senate proceed to the consideration of the bill known as the Army bill.

Mr. MORGAN. That request I suppose applies to the morning hour?

Mr. HAWLEY. I did not hear the Senator.

Mr. MORGAN. I say I suppose the request applies to the morning hour?

Mr. HAWLEY. Oh, yes.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Connecticut? The Chair hears none, and the Chair lays before the Senate the bill, which will be read by title.

The SECRETARY. A bill (S. 4300) to increase the efficiency of the military establishment of the United States.

Mr. HAWLEY. Is the bill before the Senate?

The PRESIDENT pro tempore. The bill is before the Senate.

The Senate proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments to the substitute of the House of Representatives.

Mr. HAWLEY. I call attention to the fact that ten pages, or nine and a half, the first pages of the bill, have black lines drawn across. The House dropped that practically, and the real bill for consideration begins in line 18, on page 10. I suggest that while it is being read it be subject to the amendments of the committee.

The PRESIDENT pro tempore. The Senator from Connecticut asks that the formal reading of the bill be dispensed with and that it be read for amendment and that the committee amendments first be acted upon. Is there objection?

Mr. BACON. Do I understand the Senator from Connecticut to desire that the committee amendments shall be acted upon today rather than that the amendments shall be discussed? We have not even had the report of the committee.

Mr. HAWLEY. The amendments will be acted upon if the Senate so authorizes.

Mr. BACON. I ask the question with a view to the inquiry of the Chair whether there is any objection or not. If it is simply the purpose of the Senator that the bill shall be taken up in order that he may give us information with reference to the amendments, that is one thing.

Mr. HAWLEY. I wish the Senate to take the bill up for action.

Mr. BACON. Mr. President, if it is designed that we shall pass upon these amendments without even having seen the report of the committee, I shall certainly object. I had no objection to the proposition for the consideration of the bill, but I should want it understood that it was not with a view to acting upon the amendments before we have even had an opportunity to see the report.

Mr. ALDRICH. It is evident upon reading over the first pages that a large number of the amendments are purely verbal. It seems to me that to facilitate business those amendments should be acted upon as they are reached, and as to any amendments of consequence, if the Senator from Georgia or any other Senator desires to have action postponed upon them it can be done, and they can be taken up at the convenience of the Senate at a subsequent time. But the formal amendments, it seems to me, could be easily disposed of as the bill is being read.

Mr. HALE. As I look at the bill, the whole bill reported by the Committee on Military Affairs is an amendment.

Mr. HAWLEY. A House amendment.

Mr. ALDRICH. A House amendment.

Mr. HAWLEY. The italics, indicate the action of the House. We take that as practically the bill, and what we strike out is indicated by heavy brackets.

Mr. HALE. Exactly. That is as I understand. The committee took the House bill and amended it. It comes as a House bill. The House amended the Senate bill.

Mr. HAWLEY. The House struck it all out.

Mr. HALE. The House struck it all out, sending a new bill to us, and that is the only thing the committee had before it. And now the committee reports to strike out the whole House bill.

Mr. HAWLEY. No.

Mr. COCKRELL. Oh, no.

Mr. HALE. How then?

Mr. COCKRELL. The committee reports amendments to it.

Mr. LODGE. The committee propose to amend the House bill.

Mr. HAWLEY. We concur wherever we can and amend where we can not concur with the action of the House.

The PRESIDENT pro tempore. There is too much confusion in the Chamber.

Mr. SEWELL. If the Senator from Maine will allow me, I ask unanimous consent that the House bill be considered as the text of the bill, so that we shall avoid parliamentary confusion.

Mr. HALE. That is it already. The committee so considered it. I want for my own guidance, not that I am opposing the bill, to understand the situation. In the first place, as the Senator in charge of the bill has said, all down to line 18 on page 10 is stricken out.

Mr. ALDRICH. By the House.

Mr. HAWLEY. By the House.

Mr. HALE. That is the House action on the Senate bill.

Mr. COCKRELL. On Senate bill 4300.

Mr. HALE. Now, what is it that the House sends to the Senate? What follows.

Mr. ALDRICH. In italics.

Mr. HALE. In italics, from line 18 to the end of the bill.

Mr. COCKRELL. Yes.

Mr. HAWLEY. An amendment in the nature of a substitute.

Mr. HALE. That is the entire bill, and the committee's amendments are the clauses in brackets, that are reached as we go along with the reading.

Mr. PROCTOR. In brackets and in roman type. The additions are in roman.

Mr. HALE. I wish the Senator, if he had time, had had the amendments numbered, as we do in such cases on appropriation bills. That would help us very much.

Mr. SEWELL. Will the Senator from Maine allow me to interrupt him for a moment?

Mr. HALE. Certainly.

Mr. SEWELL. The bill as it stands now is an amendment to our bill. It comes here as an amendment.

Mr. HALE. I so understand.

Mr. SEWELL. Our amendments are amendments to that bill; and we shall get into difficulty about the third stage of amendments unless my suggestion is adopted, that the amendment sent by the House shall be considered as the text of the bill, which it is not at the present time, notwithstanding some gentlemen here said the contrary. It can not do any harm, and I ask unanimous consent to have it so considered.

Mr. BACON. Mr. President, we could not hear the suggestion of the Senator from New Jersey.

The PRESIDENT pro tempore. The Senator from New Jersey asks unanimous consent that the House amendment for the purpose of amendment may be considered as the original text.

Mr. HALE. So that the Senate amendments will be the first amendments in order, and they can be amended.

Mr. SEWELL. They can be amended.

Mr. HALE. That rather facilitates the business.

The PRESIDENT pro tempore. That probably would be so in any event under Jefferson's parliamentary law. Frequently, however, such requests have been made in the Senate. Is there objection to the request of the Senator from New Jersey? The Chair hears none.

Mr. TELLER. I do not know that I want to object, but I want to know a little more about this bill.

Mr. PETTIGREW. Is it not in order to have the bill read in full?

The PRESIDENT pro tempore. It is.

Mr. PETTIGREW. Then I demand that it be read in full.

Mr. HAWLEY. I beg the Senator not to ask for the reading of the ten and one-half pages, of which not one word is to be in the permanent bill.

Mr. PETTIGREW. I understand that the portion stricken out may be restored in conference as part of the bill. Therefore I ask that the whole of it may be read.

Mr. HOAR. May I be allowed to ask a question of the chairman of the Committee on Military Affairs? I suppose the Senator from Connecticut [Mr. HAWLEY], the chairman of the committee, will indicate in a brief and compact statement, as all his statements are, what is the effect of this bill in important matters, to wit, how many changes it makes in the number of the Regular Army and what changes it makes in its organization. At what time in the proceeding does the Senator propose to make such a statement, if at all?

Mr. HAWLEY. Whenever the Senate is ready for it.

Mr. HOAR. I hope, Mr. President, the Senator will make that statement in the beginning. I think after it is made he will find it very easy to get such consent as will facilitate the business without depriving any Senator of an opportunity of saying what he has to say.

Mr. TELLER. What I am trying to get at is, What is the bill before the Senate? I have not been able thus far to find out. From the beginning of the bill everything is stricken out down to the end of line 17 on page 10. Then the bill commences with italics: "That from and after the approval of this bill the Army of the United States;" then we have in roman text, "including the existing organizations," and then there is more matter in italics. I can not understand from this print what the House has sent to us.

Mr. HAWLEY. The House has sent to us all that matter printed in italics.

Mr. TELLER. And what is that part not in italics?

Mr. HAWLEY. We put that in as an amendment of the Committee on Military Affairs.

Mr. TELLER. That printed in roman text is the amendment of the committee.

Mr. HAWLEY. The amendments of the committee are the parts printed in roman type and the parts inclosed in heavy brackets.

Mr. TELLER. Now I think I understand it.

Mr. HAWLEY. The words included between heavy brackets are stricken out.

The PRESIDENT pro tempore. The Senator from South Dakota [Mr. PETTIGREW] demands the reading of the bill. The bill will be read.

Mr. HAWLEY. Does the Senator mean the part which is crossed by heavy black lines? Does he want it all read?

The PRESIDENT pro tempore. Does the Senator from South Dakota require the reading of the original Senate bill, as well as the House amendment?

Mr. PETTIGREW. As I understand, that matter would be in conference if we should agree to the amendment striking it out, and therefore I desire to have the whole bill read.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the original bill as passed by the Senate.

Mr. TELLER. I want to ask some member of the Committee on Military Affairs to state how many men the bill as it passed the Senate added to the Army and in what branches of the service?

Mr. PROCTOR. The bill passed by the Senate last winter only added to the artillery. The amendment adopted by the House adds to the artillery the equivalent of 5 regiments. The addition is made in the form of a corps. The Senate changed that form and made it, correctly, 5 regiments; that is, made it 12 regiments instead of 7. The addition made by the House to the cavalry was 5 regiments, from 10 to 15, and to the infantry 5 regiments, from 25 to 30.

The bill provides, in round numbers, that the minimum of the Regular Army shall be about 58,000, and the maximum about 98,000. That is substantially correct.

Mr. TELLER. How will that maximum be determined?

Mr. PROCTOR. That maximum will be determined by the President, without any addition of officers. It merely provides for the addition of enlisted men when an emergency requires it. The organization will be 58,000, and the President may, by increasing the number of men in each company, increase the total in this proportion to 98,000.

Mr. TELLER. What number did the bill as it passed the Senate last year, in round numbers, add to the Army?

Mr. PROCTOR. As it passed the Senate last year the bill added the equivalent of 5 regiments, about 5,000 men, to the artillery.

Mr. ALDRICH. The bill as it passed the Senate did not provide for a general reorganization of the Army.

Mr. PROCTOR. It was not a general reorganization.

Mr. TELLER. I discover that from reading the bill. The bill as it passed the Senate is a very different bill from the bill that comes from the House and as it now comes from the committee.

Mr. BACON. I should like to ask the Senator from Vermont if the number of men proposed to be added to the artillery is still considered by the Senate committee as a sufficient number for that branch of the service?

Mr. PROCTOR. It is. That is the recommendation of the Department. It is substantially what was added last winter, when the matter of the artillery was very fully considered, and what the House has substantially incorporated in this substitute, if I may call it so. There has been no substantial difference in the action the Senate took last winter, the action that the House took recently, and the action of the Senate committee in reference to the number of the artillery. The Senate committee has changed the form from corps to regimental.

Mr. BATE. Pardon me a moment. When we voted upon this

bill in the Senate, before it went to the House, the artillery was in the form of a corps. We voted for it as a corps. This bill goes exactly in the teeth of what we did last year, and puts the artillery back into regimental form, instead of following what we had decided upon last year.

Mr. PROCTOR. Certainly the form has been changed, but there is no substantial change in the number of officers and men in the increase of the artillery.

Mr. BACON. I understood the Senator to say that the proposed authority to increase the number of the Army is to provide against an emergency. I want to ask the Senator in whose discretion that emergency is to be determined?

Mr. PROCTOR. In the discretion of the President of the United States, the Commander in Chief of the Army.

Mr. BACON. Is he to have the absolute discretion to determine whether or not the Army shall be 58,000 or 100,000?

Mr. HAWLEY. Aguinaldo will have something to say and will have some influence on that question.

Mr. BACON. Mr. President, I asked the question in good faith, and not for the purpose of any such discussion as that which the Senator from Connecticut invites. If the occasion were proper for it, I might reply, but, as I understand, we are here engaged in a most serious business. The question of whether or not the standing army of the United States shall be 100,000 men, and the still more serious question whether or not it shall in the future be the recognized policy of this Government that the Executive, in his unlimited, uncontrolled, and unbridled discretion, shall have the power, the absolute power, to increase the standing army of the United States, without a word of authority from Congress, from 58,000 men to 100,000 men. I say, Mr. President, that is a serious question, and not one to be answered by such a reply as that injected by the Senator from Connecticut, which is unworthy of the occasion and unworthy of the gravity of the subject.

Mr. HAWLEY. Let me explain a little to the Senator. I intended to say nothing uncivil. I spoke in a jocular form.

Mr. BACON. Oh, I beg the Senator to understand that I did not take it as being uncivil. I took it to be decidedly inappropriate to the occasion.

Mr. HAWLEY. Well, I will take my responsibility for that part of it. The Senator wanted to know what force would be required, and I said Aguinaldo would have something to say on that, meaning thereby that the conduct of the insurgents would determine as to the number of the Army, subject to the discretion of the President of the United States. This bill does just exactly what has been done by every President. In time of war—

> The President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this act during the present exigencies of the service, or until such time as Congress may hereafter direct.

It then goes on with some details. The President can bring the Army up to about 98,000 or practically 100,000 men. I can show the Senator some figures if he cares to have them.

The bill as adopted by the Military Committee of the Senate and reported to the Senate December 20, 1900, provides as follows:

Lieutenant-General	1	Volunteer signal officers (with rank of lieutenant)†	20
Major-generals	6	Record and pension	2
Brigadier-generals	15		
Adjutants-general	28		1,055
Inspectors-general	17	Deducting volunteer officers	220
Judge-advocates	12		
Quartermasters	89	Making total number of general and staff officers in permanent establishment	835
Commissaries	44		
Medical officers	321	Total line officers	2,922
Volunteer medical officers (50 majors, 150 captains)*	200		
Paymasters	44	Grand total officers permanent establishment	3,757
Engineers	160		
Ordnance	72		
Signal officers	24		

*The commissions of 200 volunteer surgeons, authorized for service in the Philippine Islands, will expire in two years.

†The commissions of volunteer signal officers, for duty in the Philippine Islands, will expire July 1, 1902.

For the enlisted force of the Army.	Minimum.	Maximum.
15 regiments of cavalry, 815 each	12,225	18,525
12 regiments artillery, 1,156 each	13,872	20,592
30 regiments of infantry, 816 each	24,480	55,080
3 battalions engineers and band	1,234	2,002
Miscellaneous organizations, including guards for arsenals, Westpoint detachment, noncommissioned staff officers, etc.	2,245	2,245
Grand total	54,056	98,444

Mr. BACON. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Connecticut yield to the Senator from Georgia?

Mr. HAWLEY. I do.

Mr. BACON. I do not desire to unduly interrupt the Senator, but I understood that he began to read in response to an inquiry which I had made. I presume I was mistaken, and that the Senator is proceeding to read the report at large.

Mr. HAWLEY. No; I thought the Senator asked how large the increase would be.

Mr. BACON. No; the question I asked was this—I understood the reply to the inquiry which the Senator just now suggested as having been made by me: The point to which I directed the inquiry which I took the liberty of making of the Senator from Vermont [Mr. PROCTOR] was as to the circumstances under which the emergency would be considered to have arisen which would authorize the President to raise the Army from 58,000, or about that number, to ninety-eight or one hundred thousand, and in whose discretion it was to determine when that emergency had arisen. The Senator from Vermont replied that it was in the discretion of the President of the United States, that he was to so determine; and at that point the Senator from Connecticut made his interjection, which led to the colloquy which has taken place.

Mr. President, this is probably not the time to discuss that matter, and I certainly should not have raised the question, but, as the Senator from Vermont had undertaken to make a statement as to that provision of the bill, I thought it was proper that the statement should be made complete, so that when the Senator stated that the power to increase the Army was to provide against an emergency I thought it was very proper that right in that connection there should be a statement as to how the existence of that emergency should be determined and who should determine it, and the Senator from Vermont very promptly replied, without any qualification or the suggestion of any collateral consideration, that it was in the power of the President of the United States.

While I do not desire to continue the discussion on this line, I think, in order that this matter may be presented in proper connection and consequence, that the Senator from Connecticut now on the floor [Mr. HAWLEY] or the Senator form Vermont [Mr. PROCTOR], either of whom I presume can answer the question, should inform the Senate, when Congress meets every year and is in session more than half the time, why it is that the bill should take such a radical departure, and put within the absolute power of the President of the United States the right to determine whether the Army shall be 58,000 or whether it shall be 100,000. Congress is not only in regular session a large part of the time, but it is so easily within the power of the President of the United States to call it in session, if an emergency should require it. Why, then, is it that the power to determine what shall be the Army of the United States should be taken away from Congress and vested in the exclusive power—the absolute, unbridled power—of the Executive? What is the reason for it? I am asking the Senators, will they tell us what is the reason for it?

Mr. HAWLEY. I shall read section 26 of the bill.

Mr. TELLER. On what page?

Mr. HAWLEY. On page 37.

Mr. BACON. We are very anxious to hear what the Senator says, and he speaks a little low.

Mr. ALLISON. Does the Senator propose to read from the Senate amendments or the House bill?

Mr. HAWLEY. The number of section 32 in brackets is stricken out, and it is now section 26, on page 37. The numbers of the sections in brackets are stricken out and the sections are renumbered. That is all. But I was going to read briefly——

Mr. SPOONER. The Senator now refers to the newly numbered section 26.

Mr. HAWLEY. Yes; the newly numbered section 26. It provides:

> That the President is authorized—

Who authorizes him?

Mr. BACON. On what page is that?

Mr. HAWLEY. Page 37; the lower four lines on the page. Does the Senator find it?

Mr. BACON. Yes, sir.

Mr. HAWLEY. It says:

> That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this act during the present exigencies of the service, or until such time as Congress may hereafter direct.

Mr. SPOONER. Should it not read "until such time as Congress may hereafter otherwise direct?" Is there not a word omitted?

Mr. HAWLEY. I do not know. There would be no harm in putting in the word "otherwise," but it says "until such time as Congress may hereafter direct."

Mr. TILLMAN. That means permanently; in other words, we abdicate our power of fixing the force, and leave it to all future Presidents until there is an act of Congress.

Mr. HAWLEY. Unless you are going to keep Congress in session continuously, you have to leave somebody on guard while you go home; and while the Constitution perhaps is not so wise

as we would make it, it puts the power in the hands of the President to say what shall be the minimum and maximum strength.

Mr. BATE. I wish to disagree with my friend there.

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Tennessee?

Mr. HAWLEY. Yes, sir.

Mr. BATE. I think the Constitution puts it in the hands not of the President, but of Congress. I beg to differ with the Senator from Connecticut.

Mr. HAWLEY. We can not in one sense put it in the hands of Congress, because the Constitution is ahead of us in that respect. It is in the hands of Congress.

Mr. BATE. And we can not take it out.

Mr. ALLISON. As I understand this provision, having read it hastily, the pending bill fixes the maximum strength of the Army during the present exigency, whatever that may be.

Mr. HAWLEY. Quite true.

Mr. ALLISON. But it leaves open hereafter to the discretion of Congress the number of men that may be enlisted within the limits of the maximum and minimum strength.

The strength of the Army or the number of the Army must be decided from year to year, as I understand, by appropriations made by Congress. Suppose we appropriate this year, as we undoubtedly will, for the maximum strength of 100,000 men, and that next year, in the judgment of Congress, 80,000 or 75,000 men are sufficient, and we appropriate for only 75,000 men. Is it to be supposed that this discretion and power of Congress will be taken away by the provisions of the pending bill, or is it not dependent upon appropriations made from year to year as to the number of men that shall be paid and provided for from the appropriation bill?

Mr. BATE. May I ask the Senator from Iowa a question? Is it proposed here now by your committee to advise the Senate to make a full appropriation for 100,000 men, or only for the 58,000? You must have the money to pay them. Are you going to make an appropriation now for a hundred thousand men or for a less number? Are you going to anticipate the action of the President of the United States, as was the case last year, when he called out all the men he had the authority to call out, and they were paid?

Mr. ALLISON. Last year we made an appropriation for 100,000 men; but suppose under this provision Congress, in its discretion and judgment, believes that a hundred thousand men are not necessary, can it not, under the provisions of this bill, in appropriating for the pay and the support of the Army limit it to 80,000 or 75,000 men? The enlistment is for three years, and one-third of the Army goes out every year, so that there will be no difficulty in adjusting the number of men from year to year.

Mr. BACON. I wish to ask the Senator from Iowa if his argument would not go to the extent of relieving Congress of the necessity at any time of prescribing the number of soldiers that ought to be in the Army, upon the ground that if the discretion were invested in the President, without limit as to the size of the Army, his discretion, if abused, could always be controlled by the power of Congress in withholding the appropriations?

Mr. ALLISON. No, Mr. President——

Mr. BACON. So that it is not limited, as the Senator indicated by the question as to the minimum and the maximum, but if the principle which he seeks to invoke is correct, it would apply to the entire constitution of the Army, on the ground that if the President should call for more men than Congress thought were required, that act on his part could be controlled by the simple refusal of Congress to appropriate for more men than Congress thought were proper. If that is correct, then the framers of the Constitution were in error when they put within the lawmaking power the determination of the question what should be the number of the Army, and they ought to have put it in the power of the Executive, simply putting it in the power of the legislative branch to control the exercise of that discretion by the withholding of appropriations in case it should be supposed that the Executive was calling for more men or enlisting more men than were required.

Mr. ALLISON. No, Mr. President, my suggestion does not involve that idea at all. We must have an Army composed of officers and men, and a staff, if you please, either detailed or provided for specifically. Take the present Army. Turn to the Revised Statutes, and you will see that our statutory Army before the war with Spain was 30,000 men; and yet for years and years we provided in each appropriation bill for 25,000 men, including hospital stewards, etc.; in other words, 5,000 less men than the statute required. As I understand this bill, it provides for the machinery of companies, regiments, corps, etc., with a minimum enlistment of 58,000 men—if that is the number—and it also provides that those companies and regiments may be increased in times of emergency to 100,000 men.

Mr. BACON. By the act of the President.

Mr. ALLISON. So the bill simply provides the machinery for an Army with respect to the number of enlisted men, the minimum of which shall be 58,000 and the maximum 100,000. That is always, and must be in the nature of things, within the control of Congress from year to year by appropriations made. Thus, as I view this section, there is no difficulty about it.

Mr. CARTER. Mr. President, if the Senator from Connecticut will permit me, I call attention to the fact that under the Army reorganization act of 1868, 30,000 men were fixed as the standard of the Regular Army of the United States. Until about 1874 that continued to be the law, and yet Congress did not at any time appropriate for 30,000 men, and finally, about 1874, it fixed the limit at 25,000.

Mr. ALLISON. Not the statutory limit, a limit simply of appropriation, which was that the men enlisted and paid for under the appropriation bill should be 25,000. It often amounted to 20,000 only.

Mr. TILLMAN. Is not an appropriation bill a statute? Are not our statute books filled with laws ingrafted on appropriation bills, and do not they remain the law until they are superseded by other legislation?

Mr. CARTER. An appropriation bill is temporary.

Mr. TILLMAN. An appropriation bill is temporary, but any general legislation on it becomes the law and remains the law until it is repealed by subsequent legislation, on an appropriation bill or otherwise.

Mr. ALLISON. I understand, of course, as the Senator does, that an appropriation bill when it becomes a law is a statute. I did not need to be informed upon that subject.

Mr. TILLMAN. I was not trying to inform the Senator of anything. I was merely answering his contention.

Mr. ALLISON. What I mean to say is, that in each appropriation bill after the year 1875, as suggested by the Senator from Montana, we appropriated for 25,000 men. We did not make it a permanent statute. It was only for that year, and the next year we could have made it 27,000, or any other number under 30,000.

Mr. BACON. Whose discretion was exercised there—the discretion of the President or the discretion of Congress?

Mr. HAWLEY. The discretion of Congress.

Mr. ALLISON. Undoubtedly the discretion of Congress.

Mr. BACON. Certainly.

Mr. ALLISON. Suppose in that appropriation bill we had made no limit of 25,000 men; the President, then, under the general statute, could have enlisted up to 30,000.

Mr. BACON. Yes.

Mr. ALLISON. Therefore in the appropriation bill we limited the number——

Mr. BACON. Exactly.

Mr. ALLISON. As we have been doing all the time.

Mr. BACON. But in this instance the discretion to be exercised is exclusively that of the Executive.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Rhode Island?

Mr. HAWLEY. Certainly.

Mr. ALDRICH. I do not at all understand the proposition of the committee as the Senator from Georgia understands it.

Mr. BACON. I hope I am wrong.

Mr. ALDRICH. It seems to me the Senator must be wrong. We have now an Army of 100,000 men.

Mr. BACON. Will the Senator pardon me, that he may understand me correctly? I want to set myself right. I wish to state that if I am wrong my error is based upon the information furnished by the Senator from Vermont. I was only acting upon what he stated.

Mr. ALDRICH. I will state my understanding of it. We have now in round numbers an Army of 100,000 men engaged in the Philippines and elsewhere. This bill proposes to fix a maximum limit or number for our Army of a hundred thousand. Congress fixes it, not the President or anybody else; but in view of the fact that we all hope that a less number of men may be necessary, owing to the change in conditions in the Philippines and elsewhere in the near future, and that the Army therefore must be reduced and should be reduced from time to time, the President is given the opportunity, as Commander in Chief of the Army, to reduce it to 58,000 men whenever the conditions of the service are such that it can be reduced. Either the President or Congress can do it. It is not a question of increasing the Army. It is a question of reducing it whenever it can be done in the interest of the public service.

Mr. BATE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Tennessee?

Mr. HAWLEY. Certainly.

Mr. BATE. I do not understand that there is any authority in this bill to the President to reduce the Army at all, except as he may call for men. He can not reduce it below 58,000.

Mr. ALDRICH. He can reduce the number of enlisted men at any time when he thinks the public service will permit it.

Mr. BATE. Not below 58,000.

Mr. ALDRICH. No; we fix a minimum.

Mr. BATE. You fix the legal minimum, and the President has no right to reduce it below the 58,000.

Mr. ALDRICH. Not below 58,000 until further action by Congress.

Mr. BATE. Yes, sir.

Mr. BACON. Do I understand the Senator from Rhode Island to imply that the President, having reduced it, would not have the authority, in his discretion, thereafter to increase it? I understand the Senator to say he would have. That is the point.

Mr. PROCTOR. I should like to call the attention of the Senator to the wording of the provision. It is not a continuing authority to the President. I read from the bottom of page 37:

> That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this act during the present exigencies of the service, or until such time as Congress may hereafter direct.

Mr. BACON. If the Senator will pardon me, the Senator from Vermont and the Senator from Rhode Island do not agree.

Mr. ALDRICH. We do.

Mr. PROCTOR. Perfectly.

Mr. BACON. I asked the Senator from Rhode Island whether, in his opinion, after the President had reduced the Army to 58,000, if an emergency arose which he thought justified it, he could thereafter increase it again.

Mr. HAWLEY. He would be obliged to.

Mr. BACON. The Senator from Rhode Island said he could, and the Senator from Connecticut now bows his head in recognition of that as a correct statement. On the contrary, the Senator from Vermont says that he would not have the power; that it is not a continuing one, but that the power was exhausted when he once reduced it.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. BACON. Yes, sir.

Mr. ALDRICH. When we had an Army of 30,000 men authorized by law, and the Army actually was reduced by circumstances to 25,000, and an emergency arose on the Western plains or somewhere else, does the Senator mean that the President could not have enlisted enough additional men within the limit authorized by law?

Mr. BACON. That was not a matter put within the discretion of the President. The number was fixed at 30,000, and the only limitation was that pointed out by the Senator from Iowa, where Congress failed to make an appropriation for a greater number than that stated.

Mr. SPOONER. Was not that a maximum limit?

Mr. BACON. Yes; but there was no provision of law—there was no contemplation in law—that the President of the United States should be vested with the power which the Constitution intended Congress should exercise, to determine what shall be the size of the Army of the United States. There is no part of the Constitution of the United States in which the power of the Executive is more carefully guarded than in that part with reference to the exercise of any discretion by him or any undue power by him with respect to an army. Even Congress itself is prohibited from putting the Executive in possession of funds which will enable him to keep an army for a longer period than two years. It was because of the desire that the framers of the Constitution had that the one who wielded Executive power should not have unlimited power that all these provisions were put into the Constitution of the United States; and if that document is still entitled to any respect from us, it seems to me its spirit requires that the question what shall be the size of the Army should be determined by Congress and not by the Executive.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Montana?

Mr. HAWLEY. I do.

Mr. CARTER. Mr. President, there can be no very serious controversy with reference to the constitutional limitations in this discussion, as there does not seem to be any disagreement here. In the first place, Congress does by this bill rigidly and absolutely fix the maximum limitation of the United States Army. It provides for certain flexibility in the number of enlisted men. The Senator from Georgia suggests that in doing this a conflict arises between the Senator from Vermont and the Senator from Rhode Island in this. He contends that the Senator from Vermont says that when once reduced the Army can not be thereafter increased, or that the authority to increase it is not a continuing authority and not involved in the act. The Senator from Georgia, I think, misunderstands the Senator from Vermont in that behalf. This is the language:

> That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this act during the present exigencies of the service.

I will concede that the construction contended for erroneously in behalf of the Senator from Vermont would be correct if the bill stopped there, but it does not. It proceeds to say, "or until such time as Congress may otherwise hereafter direct."

Mr. BACON. There is no "otherwise" there.

Mr. CARTER. That is a mere verbal omission. The word "otherwise" unquestionably should be inserted in the text.

Mr. BACON. That is all right.

Mr. CARTER. It is reasonably implied.

Mr. President, unquestionably, if the Army were reduced to 58,000 men, in view of the passing of present exigencies of the service, and thereafter it should appear to the President proper to enlist an additional number of men, and Congress should not otherwise in the meantime direct, the power is contained in the proposed law to make additional enlistments up to the maximum strength of the Army. That view must obtain or else the words "or until such time as Congress may otherwise hereafter direct" are meaningless and have no place at all in the proposed law.

Mr. ALLISON. There is nothing in this measure, as I understand it, different from what has frequently been done in statutes heretofore. In the law we passed two years ago, whereby we increased the Army temporarily to 65,000 men, we also authorized the President, in his discretion, to enlist 35,000 more. He could have enlisted 10,000 or 5,000 instead of 30,000, but he deemed it, in the exercise of his discretion, a wise thing to enlist nearly all of the 30,000, which I believe he did.

Mr. CARTER. As a matter of fact, at different times during the intervening periods the number has decreased far below 100,000, and occasionally has reached very near to the maximum limit. We occasionally have had 3,000 men short, sometimes, I believe, 5,000, and then again the number would be increased until only about a thousand short of the maximum limit happened to be the Army at the time.

This matter of flexibility is an absolute necessity in connection with the operations of an army. Enlistments vary from time to time as conditions change, and to undertake to fix, by Congressional enactment, an absolutely inflexible and unvarying number of troops for the Army is, in the practical affairs of the country, absolutely impossible. Congress discharges its full functions when fixing the maximum number. In this case it fixes a minimum number as well, exercising its judgment to the effect that the condition of the country is such that less than 58,000 men can not be safely depended upon for an ordinary police force.

Mr. SEWELL. Will the Senator allow me to make a suggestion?

Mr. CARTER. I yield.

Mr. HAWLEY. I yield.

Mr. SEWELL. I beg pardon of the Senator from Connecticut. I forgot that he had the floor.

Mr. HAWLEY. It is quite right. My colleague on the committee knows that.

Mr. SEWELL. When we were framing the bill last year, I think it was, in order to put a sufficient number of troops in the field we were obliged to give way to the section which required them to be mustered out on June 30 of this year. I wish to say that if it had been left to the Executive we would probably have saved in the service of these men and in their transportation $40,000,000, because we can not get a regiment to the Philippines and bring them back under a certain amount of money. That amendment, which was forced on the Military Affairs Committee at that time, has cost the country at least $40,000,000.

Mr. BACON. Will the Senator from Connecticut pardon me for just a moment?

Mr. HAWLEY. Mr. President——

Mr. BACON. I recognize the courtesy of the Senator, and I will not intrude upon him further. I think possibly an apology is due him. I had no idea of precipitating a debate when I asked the question of the Senator from Vermont. I simply wanted to have the information in connection with what he had previously stated. I wish to say this in reply to what the Senator from Montana has stated. I think the Senator from Iowa also had something to say on the same subject.

There is no parallel between the law which was passed in view of the Spanish-American war and the present proposed law. That was a law passed for the emergency of a war then upon us, to be in force only during that war, with the intention that it should immediately cease to be the law upon the termination of that war. But this does not propose to be an emergency bill. It proposes to be a bill which shall constitute the Regular Army of the United States.

If what the Senator from Vermont said, or what I understood him to say, is the proper construction of the bill, the feature which so much excites my opposition would not present to me the enormity which to my mind it does present. Of course I say that with all due respect to those who entertain a different opinion. If it were true, as stated by the Senator from Vermont, or as I understood him to state, that while the maximum is fixed at a hundred thousand it is not a continuing power vested in the Pres-

ident, and that the only power conferred upon him is a power to reduce, then I should have nothing to say about that feature. But I asked the question whether or not, after having reduced it, he could at any time, so long as this law stayed upon the statute book, increase the Army from 58,000 to a hundred thousand, and the Senator from Rhode Island said he could, and the Senator from Connecticut, the chairman of the committee, says he could.

I understand the Senator from Montana to say he could. So that, so far from it being, as in the case of the bill providing for the emergency of the Spanish-American war, a bill limited to a certain specific occasion and for a specific purpose, to end when that occasion ceased to demand it, it is now proposed to put upon the statute book a law which shall be there for all time, until there shall be a Congress which shall have the power and the inclination to repeal it or to modify it. Therefore, if the Senator from Rhode Island and the Senator from Connecticut are correct, for all time it becomes a fixed policy of the Government, the fixed law of the Government, that it shall be within the power of the President to determine whether the Army shall be 58,000 or whether it shall be a hundred thousand, and there is no limit to his discretion and no check upon his discretion.

Mr. LINDSAY. Will the Senator from Georgia permit me? What difference is there in principle between Congress abdicating to the President the right to reduce the Army to a minimum and the power to increase it to a maximum? I understand the Senator to say that he would not object if the President were authorized to reduce it; that what he does object to is that Congress authorizes him to increase it. I should like him to explain the difference in principle between the President exercising the Congressional function of reducing the Army and his exercising the Congressional function of increasing it.

Mr. BACON. If the Senator understood me to say I would have no objection to a feature of that kind in the bill, or even if I said it, I did not properly express myself. What I mean is that the fact of reduction would not be a matter to which I should object. I think, as suggested by the Senator from Kentucky, that it is the province of Congress to determine not only as to an increase, but as to a decrease; but the question of increase is a very much more serious one than the question of decrease. I am opposed to an increase of the standing army beyond what may be absolutely necessary, because I am opposed to a large standing army. I think it threatens the institutions of this country. But an increase is a very much more serious matter in its effect, whether or not there is a difference in the principle.

But there is this to be said about it, in the practical feature of it, that if it were, as suggested by the Senator from Vermont, a power which is not a continuing power, while the principle might be violated, the great danger and the great evil to which we are opposed would be minimized, because, so far from the evil being increased, it would be one which would be diminished, and after having once been diminished it could not be again brought to confront us. But if the Senator from Rhode Island and the Senator from Connecticut and the Senator from Montana are correct, two of whom are members of the Committee on Military Affairs, then it is a most serious matter, not that there shall be for one time or for one year, but for all times, the power in the Executive to determine whether the Army shall be 58,000 or whether it shall be 100,000—to be determined in his discretion, without any check or without any power or control or influence by anybody else.

Mr. SPOONER. Will the Senator from Georgia allow me to ask him a question?

Mr. BACON. If the Senator from Connecticut will consent I will. I am on the floor by his courtesy.

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Wisconsin?

Mr. HAWLEY. I do not think I have any rights here.

Mr. BACON. I yield to the Senator.

Mr. TILLMAN (to Mr. BACON). You have the floor.

Mr. BACON. I will not again trespass upon the Senator from Connecticut.

Mr. ALDRICH. May I ask the Senator a question? Does the Senator from Georgia seriously contend, supposing the Army was fixed at 30,000 under the old law, and that by reason of some misfortune in battle or otherwise it was decimated to one-half that number, and an emergency arose where it was necessary to use the full strength of the Army, that the President of the United States would have to consult Congress?

Mr. BACON. By no means.

Mr. ALDRICH. That is the same case.

Mr. BACON. No, it is not.

Mr. ALDRICH. That is the same case that he is now discussing.

Mr. CARTER. With the permission of the Senator from Connecticut, I wish to state that the suggestion of the Senator from Georgia, that this proposed legislation embodies a departure in principle from the legislation which is now the statute law of the country on this subject, is open to question. The Senator suggests that the legislation to which this is not parallel provided for the raising of an army of volunteers to fight the Spanish war, an emergency in the country's history having arisen. Now, at the time the existing statute was passed the Spanish war had ceased.

Mr. BACON. I beg the Senator's pardon, I alluded to the act of 1898.

Mr. CARTER. I will get to that. I think I understand the Senator.

Mr. BACON. I was not alluding to the law that we passed after the expiration of the Spanish war. I was illustrating by the act which we passed authorizing the President to call out troops to meet that necessity.

Mr. CARTER. Then the Senator from Georgia must concede that the present proposed legislation does not in principle or spirit differ from the existing law upon the question of the Army.

Mr. BACON. The Senator from Georgia does not concede that. On the contrary, he distinctly disputes it.

Mr. CARTER. Then, upon what basis is the question?

Mr. BACON. Because in the one case it was limited to July 1, 1901.

Mr. CARTER. And in the other case it was limited to such time as Congress might otherwise direct.

Mr. BACON. Of course, but limited to 1901, anyhow.

Mr. CARTER. Congress in one case fixed a definite limit. In the other case Congress reserves the right at any time to fix any limit it may see fit, and until such limit shall have been fixed by Congress the law itself fixes a maximum and a minimum for the Army of the United States.

In 1898, after the treaty of peace had been signed at Paris, conditions were not dissimilar from conditions confronting us now. In order to meet the conditions then existing it was proposed that the Regular Army should consist of 65,000 men, or thereabouts, and that in addition to the 65,000 men of the Regular Army we should have 35,000 volunteers. The President was not required to call out a single volunteer; he was not required to keep the Army at 65,000, but if, in his opinion, the 35,000 volunteers were necessary to supplement the Regular Army, in that event the right was given to the President to call out the 35,000 volunteers or any number of volunteers less than 35,000 that in his judgment might be necessary.

Mr. BACON. Does the Senator from Montana recognize no difference between the authority of the President to call out volunteers and the authority of the President to determine, until the law shall be otherwise changed, no limit being fixed, what shall be the size of the Regular Army?

Mr. CARTER. But a limit is fixed, Mr. President, at 100,000 men.

Mr. BACON. Suppose we fix it at a million and state that the President shall have it from 58,000 to 1,000,000, he would have all the discretion he wanted.

Mr. CARTER. Congress may do it, if Congress shall see fit. The number of men does not in any sense change the principle involved, no more than was the principle changed when the Army was fixed at 30,000 and allowed in the ordinary course of muster out to be reduced below the number of 30,000 men, the condition of the service not requiring any greater number. It has been 27,000 at one time, 25,000 at another, and I believe while the statute remained allowing 30,000 men to be enlisted our Army drifted down to the point of about 17,000 in numbers at one time.

Now, in this case we make a departure from the former statutes only in this, that the minimum is fixed. The maximum number of the Army has been a feature of our legislation from the beginning.

Mr. BUTLER. Will the Senator pardon me just there?

Mr. CARTER. Certainly.

Mr. BUTLER. The Senator speaks of the discretion of the President as to our maximum limit, which was 30,000, was it not? Congress reduced it to 25,000 by limiting the appropriation. Congress makes a limit 30,000; then Congress itself limits the Regular Army to 25,000 by reducing the appropriation just as effectively as a change made by statute. So it was not the discretion of the President; it was the action of Congress.

Mr. CARTER. In reply to the Senator from North Carolina, I will say that there never was a time when the President was absolutely required, irrespective of the public service, to maintain the Army at 30,000. He could permit the enlistments to drop down to 20,000 and the appropriations for the maintenance of 30,000 would thereupon lapse and go back into the Treasury.

Mr. BUTLER. That was not a matter of express discretion given to the President. It was one of those accidents of situation that Congress did not complain of and which could not be considered an infraction of the law. But here we are giving an express discretion.

The Senator frequently referred to section 26 as limiting the discretion of the President, and as limiting the terms of this bill. He says that the language, "until Congress may otherwise hereafter direct," limits the provision. Instead of limiting it, I should

like to ask the Senator if it does not make it a perpetual provision, because the wording as now arranged means the same as if it read—

That the President is authorized to maintain the enlistment force of the several organizations of the Army at their maximum strength as fixed by this act.

and stopped right there. The remaining words simply state until the present exigency shall cease or until Congress shall otherwise direct. We passed the gold-standard act. Is that perpetual? Can not Congress repeal it? Does it affect it at all that we state in the act that the act shall stand until Congress shall otherwise direct? That has no effect at all. The only effect it has in this case is to make it a perpetual law, just like any other law is until Congress shall see fit to repeal it.

We are to-day fixing a standing army. All of the other legislation referred to has been temporary. I take it that there will be no trouble now in making any temporary provision that the Administration asks for while the present exigencies exist; and if the committee and the majority here shall ask for a temporary provision without increasing the standing army, giving this discretion as we construe it, I take it this bill could be passed in an hour. It does seem that is all the Administration could want. If the interests of the country demand anything more, I should like to hear some Senator address himself to that and tell us what we need beyond a temporary army for the present emergency.

Mr. HAWLEY. Will the Senator permit me to take the floor for a moment? I think I can help him out a little. On page 40, beginning in line 22, the bill says:

The total number of enlisted men in said native organizations shall not exceed 12,000, and the total enlisted force of the line of the Army, together with such native force, shall not exceed at any one time 100,000.

There is your limitation. Now I should like to read another citation:

SEC. 26. That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this act during the present exigencies of the service, or until such time as Congress may hereafter direct.

Now, the President of the United States is not left there to be a usurper. Abraham Lincoln was a great usurper when the Senator from Georgia—he may have been there himself—fired upon Fort Sumter.

Mr. BACON. What is that the Senator said? I want to get it exactly.

Mr. HAWLEY. It was only jocularly spoken.

Mr. BACON. I know, but I want to hear the Senator.

Mr. HAWLEY. When they fired upon Fort Sumter——

Mr. BACON. When I did?

Mr. HAWLEY. Possibly the Senator might have been there. That is all I said.

Mr. BACON. No; in that exact place I was not.

Mr. HAWLEY. Well, no matter. Abraham Lincoln did not wait the short time that it would take, comparatively, to get a quorum of Congress together. He immediately issued a proclamation calling for 75,000 men. Thank God, I was the first man in my State to count myself in, and he got them all without any trouble, and could have continued getting them up to this time, statute or no statute, while the flag was in danger.

Mr. BATE. I beg leave to state——

Mr. SPOONER. There was a statute.

Mr. HAWLEY. Of course there were statutes already.

Mr. BATE. They were volunteers, not regulars, and they were not put in the Army permanently.

Mr. BACON. Mr. President, I hope that in the discussion of this bill we may limit ourselves, as far as possible, to conditions in which we are not in antagonism and where we may all be considered as representing a common interest.

I have no desire to reply to the suggestion of the Senator from Connecticut as to the conditions of forty years ago, or to say anything concerning them. I think the time has come, possibly, when the statute of limitations, if it would not bar anything else, would bar a discussion of them in the Senate in the absence of any very strong provocation. I certainly would not myself be led into it unless the Senator insists upon it, and I do hope that in the discussion of this bill we may be recognized as all of us representing a common interest and all of us designing to accomplish a common end.

Mr. PLATT of Connecticut. Mr. President, may I ask a question? Where in this bill is the President given any power to reduce the number of enlisted men? I have been looking for it, and I do not find any power given to the President to reduce the number.

Mr. BACON. Do I understand the Senator to ask me the question?

Mr. PLATT of Connecticut. Yes.

Mr. BACON. Mr. President, I am in an unfortunate position. I have been myself trying to get light from the Senators on the other side of the Chamber, and in endeavoring to give me that light they contradict each other, and I do not know who is right and who is wrong.

Mr. PLATT of Connecticut. There is no specific power here given to the President to reduce, is there?

Mr. ALDRICH. There is a maximum limit.

Mr. BACON. The Senator from Connecticut [Mr. HAWLEY] says there is; the Senator from Rhode Island [Mr. ALDRICH] says there is; the Senator from Vermont [Mr. PROCTOR] says there is; the Senator from Montana [Mr. CARTER] says there is. The only difference is this: Senators on the other side of the Chamber differ among themselves as to what will be the status when it is once reduced—whether it must stay reduced or whether the President will have thereafter the power again to increase. The Senators differ on that point.

Mr. HAWLEY. May I speak a word? Even my colleague is mistaken, which is very seldom. The word "exigencies" implies that there is an uncertain condition of things. There may be a million men wanted and there may be 10,000 men wanted. The word "exigencies" answers my purpose.

Mr. CARTER. Mr. President, I will answer the Senator from Connecticut by a reference to the proviso in section 3, well-nigh the bottom of page 12. This appears in the bill. The proviso reads as follows:

Provided, That the President in his discretion may increase the number of corporals in any troop of cavalry to 8 and the number of privates to 76; but the total number of enlisted men authorized for the whole Army shall not at any time be exceeded.

Mr. PLATT of Connecticut. That does not answer my question. That is not a power to reduce. That is a power to increase beyond the minimum.

Mr. CARTER. That is correct.

Mr. SPOONER. Will the Senator allow me——

Mr. PLATT of Connecticut. I understood the Senator from Georgia [Mr. BACON] to say that the President had power given here to reduce.

Mr. SPOONER. Does he not?

Mr. PLATT of Connecticut. Where does he?

Mr. ALDRICH. He must have.

Mr. SPOONER. Let the Senator turn to section 26 and read it carefully:

That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this act during the present exigencies of the service or until such time as Congress may hereafter direct.

That is only an authorization. There is a maximum limit and a minimum limit, and it authorizes the President to maintain the force during an exigency. That certainly would carry a very clear implication that after the exigency had passed he was authorized to reduce it, would it not?

Mr. FORAKER. Mr. President, will the Senator allow me to make a suggestion to the Senator from Wisconsin? This debate has proceeded upon the theory that the only flexibility provided for is that to be found in section 26 as renumbered, at page 37. The flexibility that is provided for is one of the attractive features to me of this bill. I think the power can be safely lodged with the President to enlarge the Army within a fixed limitation, as this maximum provides, in cases of exigency. Now, it is found, when you come to examine the bill——

The PRESIDENT pro tempore. Will the Senator from Ohio yield one moment, while the Chair lays before the Senate the unfinished business? It will be stated.

The SECRETARY. A bill (S. 727) to promote the commerce and increase the foreign trade of the United States, and to provide auxiliary cruisers, transports, and seamen for Government use when necessary.

Mr. HAWLEY. I ask that the regular order may be temporarily laid aside and the discussion continued.

The PRESIDENT pro tempore. The Senator from Connecticut asks that the unfinished business be temporarily laid aside.

Mr. PETTIGREW. I object, Mr. President.

Mr. HAWLEY. I expected that. I move that the Senate proceed to the consideration of the pending Army bill.

The PRESIDENT pro tempore. The Senator from Connecticut moves that the Senate proceed to what is known as the Army bill, Senate bill 4300.

Mr. BACON. Mr. President, I should like to make an inquiry, if you please. I want to know the effect of this motion. Will it displace the shipping bill?

Mr. TELLER. Certainly.

The PRESIDENT pro tempore. It will. The question is on the motion of the Senator from Connecticut (Mr. HAWLEY).

The motion was agreed to.

Mr. FORAKER. I was about to call attention, Mr. President, to the fact that flexibility is provided for by a number of provisions in the sense of lodging with the President power to increase the Army to a maximum at his discretion. On page 12, at the end of section 2, is one of the provisions to which I refer. That is the

section in which it is provided what the cavalry organization shall be, and it provides among other things, that—

Each troop of cavalry shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 quartermaster-sergeant, 6 sergeants, 6 corporals, etc., and 43 privates.

Then there is a proviso added:

That the President, in his discretion, may increase the number of corporals in any troop of cavalry to 8, and the number of privates to 76.

On page 16 is found the provision as to the organization of the artillery, and it is provided that in each company of foot artillery the number of privates shall be 52—that is the minimum—and in each battery of field artillery the number of privates shall be 51, and then is added a proviso empowering the President in his discretion to increase the number of privates in any company of foot artillery to 85 and in any battery of field artillery to 133.

Then at page 18, in the renumbered section 6, is found a provision as to the infantry organization and a provision that there shall be in each infantry company 48 privates, with power given to the President in the proviso added to increase that number to 127. A similar provision is found as to the Corps of Engineers on page 19. The number of privates of the first class shall be 38 and of the second class also 38 in each company, with power to the President to increase the number to 64 in each company.

In other words, Mr. President, not looking further than this, the bill provides for an Army of 58,000, and that is the minimum. There shall be the requisite number of men in each company prescribed in the bill, and the total is shown by computation to amount to 58,000 officers and men. Then the power is given to the President, at his discretion, to increase this number, as I have already pointed out, as found in these several provisions, with a limitation, however, that in no event shall the aggregate of the Army exceed a certain maximum limit of 100,000. So before you reach renumbered section 26, at page 37, this power is already conferred upon the President to increase the Army from the minimum to the maximum.

At page 37, in renumbered section 26, the authority given to the President is but a reaffirmation really of the authority already conferred upon him, having special reference to existing conditions, making it clear that he is now by Congress given authority to maintain the power at the maximum during these existing conditions, with power to Congress to fix another time shorter than the termination of these existing conditions, or beyond their termination, as the Congress may hereafter see fit to direct.

I call attention to that in order that it may be made perfectly plain that the bill provides for flexibility as to the size of the Army, and that that power is lodged with the President, and I say that is to me one of the very great merits of this bill, that we maintain now a minimum, that is required, but that it may be increased, if there is any emergency, by the President exercising the discretion which we confer upon him. I think it is perfectly safe to confer upon him that discretion. I think if he may increase, he may also reduce, because it is at the discretion of the President that he increases beyond the minimum.

Now, if trouble should suddenly arise, it is within the power of the President to increase the Army, subject to the condition that he does not exceed the maximum, sufficient to meet it, and if that emergency subsides, the President may reduce. It seems to me that would follow without any express provision to that effect.

Mr. HOAR. May I ask the Senator a question? Suppose the President on the alarm of an approaching war or threat of war increases this Army to 100,000 men. The alarm goes by. We are looking forward to a condition of peace for the next twenty years as far as we know anything about it. Can the President dismiss those 42,000 men from the Army, and if so, where does he get his authority?

Mr. PLATT of Connecticut. Under the general law.

Mr. HOAR. Can he do it under the general law without cause and before the soldiers' term of enlistment expires? That is what I want to know.

Mr. FORAKER. It may be that this may be made more explicit, but it seems to me that the power to increase within his discretion would carry with it the power, when the danger had passed away, to reduce. But if there is any doubt about it, it can be placed beyond doubt by providing that he shall undoubtedly have that power to reduce again. There is not any question—that is all I am trying to point out—but that the President is empowered to increase the minimum size of the Army to its maximum size whenever, in his discretion, he thinks it is necessary for the public welfare or the common defense, and I think that carries with it the power to reduce it when the emergency passes. But if there is any doubt——

Mr. CARTER. May I make a suggestion to the Senator at that point?

Mr. FORAKER. Certainly.

Mr. CARTER. Inasmuch as one-third of the enlistments expire each year, there will not be any difficulty in Congress at any time in the reduction of the Army by a mere failure to reenlist.

Mr. HAWLEY rose.

Mr. FORAKER. I have said all I care to say.

Mr. HAWLEY. I intended to read some remarks of Secretary Root before the committee. He said:

We do not any of us expect that for any considerable period an army of 100,000 men will be maintained, and for an army of 60,000 men the provisions you made are certainly sufficient.

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading at line 18, page 10.

Mr. PROCTOR. I ask that at least these minor verbal amendments may be agreed to as they are reached in the reading of the bill.

Mr. HAWLEY. The word "acts."

Mr. PROCTOR. The first line.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent——

Mr. COCKRELL. I think it would be better to let that go by.

The PRESIDENT pro tempore. That amendments not objected to may be acted upon when reached.

Mr. PETTIGREW. I object to that, Mr. President.

The PRESIDENT pro tempore. The Secretary will proceed with the reading.

The Secretary resumed and concluded the reading of the amendment of the House of Representatives, which was to strike out all after the enacting clause of the bill and in lieu thereof to insert the following:

That from and after the approval of this bill the Army of the United States shall consist of 15 regiments of cavalry, a corps of artillery, 30 regiments of infantry, 1 Lieutenant-General, 6 major-generals, 15 brigadier-generals, an Adjutant-General's Department, an Inspector-General's Department, a Judge-Advocate-General's Department, a Quartermaster's Department, a Subsistence Department, a Medical Department, a Pay Department, an Engineer Corps, an Ordnance Department, a Signal Corps, the officers of the Record and Pension Office, the chaplains, the officers and enlisted men of the Army on the retired list, the professors, corps of cadets, the army-service detachment and band at the United States Military Academy, and such other officers and enlisted men as may hereinafter be provided for: *Provided*, That when a vacancy shall occur through death, retirement, or other separation from active service in the office of storekeeper, now provided for by law in the Quartermaster's Department and Ordnance Department, respectively, said office shall cease to exist.

SEC. 2. That each regiment of cavalry shall consist of 1 colonel, 1 lieutenant-colonel, 3 majors, 15 captains, 15 first lieutenants, and 15 second lieutenants; 2 veterinarians, 1 sergeant-major, 1 quartermaster-sergeant, 1 commissary-sergeant, 3 squadron sergeants-major, 1 color-sergeant with rank, pay, and allowances of squadron sergeant-major, 1 band, and 12 troops organized into 3 squadrons of 4 troops each. Of the officers herein provided 3 captains shall be available for detail as adjutant, quartermaster, and commissary, and 3 first lieutenants shall be available for detail as squadron adjutants, and 3 second lieutenants shall be available for duty as squadron quartermasters and commissaries. Squadron adjutants shall receive $1,800 per annum and the allowances of first lieutenants; squadron quartermasters and commissaries shall receive $1,600 per annum and the allowances of second lieutenants. Each cavalry band shall be organized as now provided by law. Each troop of cavalry shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 quartermaster-sergeant, 6 sergeants, 6 corporals, 2 cooks, 2 farriers and blacksmiths, 1 saddler, 1 wagoner, 2 trumpeters, and 43 privates; the commissioned officers to be assigned from among those hereinbefore authorized: *Provided*, That the President, in his discretion, may increase the number of corporals in any troop of cavalry to 8, and the number of privates to 76, but the total number of enlisted men authorized for the whole Army shall not at any time be exceeded.

SEC. 3. That the regimental organization of the artillery arm of the United States Army is hereby discontinued, and that arm is constituted and designated as the Artillery Corps. It shall be organized as hereinafter specified and shall belong to the line of the Army.

SEC. 4. That the Artillery Corps shall comprise two branches—the coast artillery and the field artillery. The coast artillery is defined as that portion charged with the care and use of the fixed and movable elements of land and coast fortifications, including the submarine mine and torpedo defenses; and the field artillery as that portion accompanying an army in the field, and including field and light artillery proper, horse artillery, siege artillery, mountain artillery, and also machine-gun batteries: *Provided*, That this shall not be construed to limit the authority of the Secretary of War to order coast artillery to any duty which the public service demands or to prevent the use of machine or other field guns by any other arm of the service under the direction of the Secretary of War.

SEC. 5. That all officers of artillery shall be placed on one list, in respect to promotion, according to seniority in their several grades, and shall be assigned to coast or to field artillery according to their special aptitude for the respective services.

SEC. 6. That the Artillery Corps shall consist of an Inspector of Artillery, who shall be selected and detailed by the President from the colonels of artillery, to serve on the staff of the general officer commanding the Army, and whose duties shall be prescribed by the Secretary of War; 14 colonels, one of whom shall be the Inspector of the Artillery; 13 lieutenant-colonels, 39 majors, 182 captains, 198 first lieutenants, 192 second lieutenants; and the captains and lieutenants provided for in this section not required for duty with batteries or companies shall be available for duty as staff officers of the various artillery garrisons and such other details as may be authorized by law and regulations; 21 sergeants-major, with the rank, pay, and allowances of regimental sergeants-major of infantry; 27 sergeants major, with the rank, pay, and allowances of battalion sergeants-major of infantry; 1 electrician sergeant to each coast-artillery post having electrical appliances; 30 batteries of field artillery, 126 batteries of coast artillery, and 10 bands organized as now authorized by law for artillery regiments: *Provided*, That the aggregate number of enlisted men for the artillery, as provided under this act, shall not exceed 18,920, exclusive of electrician sergeants.

SEC. 7. That each company of coast artillery shall be organized as is now prescribed by law for a battery of artillery: *Provided*, That the enlisted strength of any company may be fixed, under the direction of the Secretary of War, according to the requirements of the service to which it may be assigned: *And provided*, That first-class gunners shall receive $2 a month and second-class gunners $1 per month in addition to their pay.

SEC. 8. That each battery of field artillery shall be organized as is now prescribed by law, and the enlisted strength thereof shall be fixed under the direction of the Secretary of War.

SEC. 9. That the increase herein provided for the artillery shall be made as follows: Not less than 20 per cent before July 1, 1901, and not less than 20 per cent each succeeding twelve months until the total number provided for in this bill shall have been attained. All vacancies created or caused by this act shall be filled by promotion according to seniority in the artillery arm. Second lieutenants of infantry or cavalry may, in the discretion of the President, be transferred to the artillery arm, taking rank therein according to length of service as commissioned officers, and such transfers shall be subject to approval by a board of artillery officers appointed to pass upon the capacity of such officers for artillery service: *Provided*, That the increase of officers of artillery shall be only in proportion to the increase of men.

SEC. 10. That each regiment of infantry shall consist of 1 colonel, 1 lieutenant-colonel, 3 majors, 15 captains, 15 first lieutenants, and 15 second lieutenants; 1 sergeant-major, 1 quartermaster-sergeant, 1 commissary-sergeant, 3 battalion sergeants-major, 2 color sergeants, with rank, pay, and allowances of battalion sergeants-major, 1 band, and 12 companies, organized into 3 battalions of 4 companies each. Of the officers herein provided, 3 captains shall be available for detail as adjutant, quartermaster, and commissary, and 3 first lieutenants shall be available for detail as battalion adjutants, and 3 second lieutenants shall be available for duty as battalion quartermasters and commissaries. Battalion adjutants shall receive $1,800 per annum and the allowances of first lieutenant, mounted; battalion quartermasters and commissaries shall receive $1,600 per annum and the allowances of second lieutenant, mounted. Each infantry band shall be organized as now provided by law. Each infantry company shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 quartermaster-sergeant, 4 sergeants, 6 corporals, 2 cooks, 2 musicians, 1 artificer, and 48 privates: *Provided*, That the President, in his discretion, may increase the number of sergeants in any company of infantry to 6, the number of corporals to 10, and the number of privates to 127, but the total number of enlisted men authorized for the whole Army shall not, at any time, be exceeded.

SEC. 11. That the enlisted force of the Corps of Engineers shall consist of 1 band and 3 battalions of engineers. The engineers' band shall be organized as now provided by law for bands of infantry regiments. Each battalion of engineers shall consist of 1 sergeant-major, 1 quartermaster-sergeant, and 4 companies. Each company of engineers shall consist of 1 first sergeant, 1 quartermaster-sergeant, with the rank, pay, and allowances of sergeant, 8 sergeants, 10 corporals, 2 musicians, 2 cooks, 38 first-class and 38 second-class privates: *Provided*, That the President may, in his discretion, increase the number of sergeants in any company of engineers to 12, the number of corporals to 18, the number of first-class privates to 64, and the number of second-class privates to 64, but the total number of enlisted men authorized for the whole Army shall not, at any time, be exceeded.

SEC. 12. That the President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army, at the rate of 1 for each regiment of cavalry and infantry in the United States service and 12 for the corps of artillery, with the rank, pay, and allowances of captains of infantry: *Provided*, That no person shall be appointed a chaplain in the Regular Army who shall have passed the age of 35 years, nor until he shall have established his fitness as required by existing law: *And provided*, That the office of post chaplain is abolished, and the officers now holding commissions as chaplains, or who may hereafter be appointed chaplains, shall be assigned to regiments or to the corps of artillery. Chaplains may be assigned to such stations as the Secretary of War shall direct, and they may be transferred, as chaplains, from one branch of the service or from one regiment to another by the Secretary of War, without further commission. When serving in the field, chaplains shall be furnished with necessary means of transportation by the Quartermaster's Department.

SEC. 13. That the Adjutant-General's Department shall consist of 1 Adjutant-General with the rank of major-general during the active service of the present incumbent of the office and with the rank of brigadier-general thereafter, 5 assistant adjutants-general with the rank of colonel, 7 assistant adjutants-general with the rank of lieutenant-colonel, and 15 assistant adjutants-general with the rank of major: *Provided*, That all vacancies created or caused by this section shall, as far as possible, be filled by promotion according to seniority of officers of the Adjutant General's Department.

SEC. 14. That the Inspector-General's Department shall consist of 1 Inspector-General with the rank of brigadier-general, 3 inspectors with the rank of colonel, 4 inspectors with the rank of lieutenant-colonel, and 9 inspectors with the rank of major: *Provided*, That all vacancies created or caused by this section shall be filled, as far as possible, by promotion according to seniority of officers of the Inspector-General's Department.

SEC. 15. That the Judge-Advocate-General's Department shall consist of 1 Judge-Advocate-General with the rank of brigadier-general, 2 judge-advocates with the rank of colonel, 3 judge-advocates with the rank of lieutenant-colonel, 6 judge-advocates with the rank of major, and for each geographical department or tactical division of troops not provided with a judge-advocate from the list of officers holding permanent commissions in the Judge-Advocate-General's Department 1 judge-advocate with the rank, pay, and allowances of captain, mounted. Promotions to vacancies above the grade of major, created or caused by this act, shall be made, according to the rules of seniority, from officers now holding commission in the Judge-Advocate-General's Department. Vacancies created or caused by this act in the grade of major may be filled by appointment of officers holding commissions as judge-advocate of volunteers since April 21, 1898. Vacancies which may occur hereafter in the grade of major in the Judge-Advocate-General's Department shall be filled by selection of officers of the line.

Vacancies in the grade of captain in the Judge-Advocate-General's Department shall be filled by detail from the line of the Army officers of the grade of captain or first lieutenant, and while so serving shall continue to hold their commissions in the arm of the service to which they permanently belong. Upon completion of a tour of duty not exceeding four years they shall be returned to the arm in which commissioned, and shall not be again detailed until they shall have completed two years' duty with the arm of the service in which commissioned.

SEC. 16. That the Quartermaster's Department shall consist of 1 Quartermaster-General with the rank of brigadier-general, 7 quartermasters with the rank of colonel, 11 quartermasters with the rank of lieutenant-colonel, 28 quartermasters with the rank of major, 72 quartermasters with the rank of captain, mounted; the military storekeeper now provided for by law, and 150 post quartermaster-sergeants: *Provided*, That all vacancies in the grade of colonel, lieutenant-colonel, and major created or caused by this section shall be filled by promotion according to seniority, as now prescribed by law. That to fill vacancies in the grade of captain created by this act in the Quartermaster's Department the President is authorized to appoint officers of volunteers commissioned since April 21, 1898.

SEC. 17. That the Subsistence Department shall consist of 1 Commissary-General with the rank of brigadier general, 3 commissaries with the rank of colonel, 4 commissaries with the rank of lieutenant-colonel, 9 commissaries with the rank of major, 27 commissaries with the rank of captain, mounted, and 150 commissary-sergeants who shall hereafter be known as post commissary-sergeants: *Provided*, That all vacancies in the grades of colonel, lieutenant-colonel, and major, created or caused by this section, shall be filled by promotion, according to seniority, as now prescribed by law. That to fill vacancies in the grade of captain, created by this act, in the Subsistence Department, the President is authorized to appoint officers of volunteers commissioned since April 21, 1898.

SEC. 18. That the Medical Department shall consist of 1 Surgeon-General with the rank of brigadier-general, 8 surgeons with the rank of colonel, 12 surgeons with the rank of lieutenant-colonel, 60 surgeons with the rank of major, 240 assistant surgeons with the rank of captain or first lieutenant, the Hospital Corps, as now authorized by law, and the Nurse Corps: *Provided*, That all vacancies in the grades of colonel, lieutenant-colonel, and major created or caused by this section shall be filled by promotion according to seniority, subject to the examination now prescribed by law: *And provided*, That the period during which any assistant surgeon shall have served as a surgeon or assistant surgeon in the Volunteer Army during the war with Spain or since shall be counted as a portion of the five years' service required to entitle him to rank of captain: *And provided also*, That nothing in this section shall change the relative rank for subsequent promotion of medical officers as arranged by results of competitive examination: *Provided further*, That in emergencies the Surgeon-General of the Army, with the approval of the Secretary of War, may appoint as many contract surgeons as may be necessary, at a compensation not to exceed $150 per month.

That on or after the passage of this act the President may appoint for duty in the Philippine Islands 50 surgeons of volunteers with the rank and pay of major, and 150 assistant surgeons of volunteers with the rank and pay of captain, for a period of two years: *Provided*, That so many of these volunteer medical officers as are not required shall be honorably discharged the service whenever in the opinion of the Secretary of War their services are no longer necessary: *Provided*, That the Surgeon-General of the Army, with the approval of the Secretary of War, be, and he is hereby, authorized to employ dental surgeons to serve the officers and enlisted men of the Regular and Volunteer Army, in the proportion of not to exceed 1 for every 1,000 of said Army, and not exceeding 30 in all. Said dental surgeons shall be employed as contract dental surgeons under the terms and conditions applicable to Army contract surgeons, and shall be graduates of standard medical or dental colleges, trained in the several branches of dentistry, of good moral and professional character, and shall pass a satisfactory professional examination: *Provided*, That 3 of the number of dental surgeons to be employed shall be first appointed by the Surgeon-General, with the approval of the Secretary of War, with reference to their fitness for assignment, under the direction of the Surgeon-General, to the special service of conducting the examinations and supervising the operations of the others; and for such special service an extra compensation of $60 a month will be allowed: *Provided further*, That dental college graduates now employed in the Hospital Corps who have been detailed for a period of not less than twelve months to render dental service to the Army and who are shown by the reports of their superior officers to have rendered such service satisfactorily may be appointed contract dental surgeons without examination.

SEC. 19. That the Nurse Corps (female) shall consist of one Superintendent, to be appointed by the Secretary of War, and whose term of office may be terminated at his discretion, whose compensation shall be $1,800 per annum, and of as many chief nurses, nurses, and reserve nurses as may be needed. Reserve nurses may be assigned to active duty when the emergency of the service demands, but shall receive no compensation except when on such duty: *Provided*, That all nurses in the Nurse Corps shall be appointed or removed by the Surgeon-General, with the approval of the Secretary of War; that they shall be graduates of hospital training schools, and shall have passed a satisfactory professional, moral, mental, and physical examination: *And provided*, That the Superintendent and nurses shall receive transportation and necessary expenses when traveling under orders; that the pay and allowances of nurses, and of reserve nurses, when on active service, shall be $40 per month when on duty in the United States and $50 per month when without the limits of the United States. They shall be entitled to quarters, subsistence, and medical attendance during illness, and they may be granted leaves of absence for thirty days, with pay, for each calendar year; and, when serving as chief nurses, their pay may be increased by authority of the Secretary of War, such increase not to exceed $25 per month. Payments to the Nurse Corps shall be made by the Pay Department.

SEC. 20. That the Veterinary Corps shall consist of—

A Chief Veterinarian with the rank, pay, and allowances of a colonel, United States Army.

An assistant chief veterinarian with the rank, pay, and allowances of a major, United States Army, to be promoted in 1905, after competitive satisfactory examination, from the grade of veterinarian and captain.

Four veterinarians with the rank, pay, and allowances of a captain of cavalry, to be promoted in 1903, after competitive satisfactory examination, from the grade of assistant veterinarian and first lieutenant.

Ten assistant veterinarians with the rank, pay, and allowances of a first lieutenant of cavalry, to be promoted, after satisfactory examination, from the grade of assistant veterinarian and second lieutenant after one year's service in this grade.

Twenty assistant veterinarians with the rank, pay, and allowances of a second lieutenant of cavalry, to be appointed after satisfactory examination: *Provided*, That these 20 positions shall include the veterinarians, first class, provided for in the act of March 2, 1899, who have passed satisfactory examinations, and also the 6 veterinarians, second class, who are now employed in the Army under said act of March 2, 1899.

All rules and regulations governing the Veterinary Corps shall be made by the Secretary of War, and the chief veterinarian shall report directly to that officer.

For pay of officers of the Veterinary Corps, $33,500.

SEC. 21. That the Pay Department shall consist of 1 Paymaster-General with the rank of brigadier-general, 4 paymasters with the rank of colonel and assistant paymaster-general, 5 paymasters with the rank of lieutenant-colonel and deputy paymaster-general, 20 paymasters with the rank of major, and 25 paymasters with the rank of captain: *Provided*, That all vacancies in the grade of colonel and lieutenant-colonel created or caused by this section shall be filled by promotion according to seniority, as now prescribed by law, and no more appointments to the grade of major and paymaster shall be made until the number of majors and paymasters is reduced below 20: *And provided*, That persons who have served in the Volunteer Army since April 21, 1898, as additional paymasters may be appointed to positions in the grade of captain, created by this section. So long as there remain surplus majors an equal number of vacancies shall be held in the grade of captain, so that the total number of paymasters authorized by this section shall not be exceeded at any time.

SEC. 22. That the Corps of Engineers shall consist of 1 Chief of Engineers with the rank of brigadier-general, 7 colonels, 14 lieutenant-colonels, 23 majors, 40 captains, 40 first lieutenants, and 30 second lieutenants. The enlisted force provided in section 11 of this act and the officers serving therewith shall constitute a part of the line of the Army: *Provided*, That Chief of Engineers shall be selected as now provided by law, and hereafter vacancies in the Corps of Engineers in all other grades above that of second lieutenant

shall be filled, as far as possible, by promotion according to seniority from the Corps of Engineers: *And provided also*, That vacancies remaining in the grades of first and second lieutenant may be filled by transfer of officers of the Regular Army, subject to such professional examination as may be approved by the Secretary of War. Vacancies in the grade of second lieutenant not filled by transfer shall be left for future promotions from the corps of cadets at the United States Military Academy.

SEC. 23. That the Ordnance Department shall consist of 1 Chief of Ordnance with the rank of brigadier-general, 4 colonels, 6 lieutenant-colonels, 12 majors, 24 captains, and 24 first lieutenants, the ordnance storekeeper, and the enlisted men, including ordnance sergeants, as now authorized by law. All vacancies created or caused by this section shall be filled by promotion and appointment, as now prescribed by law.

SEC. 24. That the Signal Corps shall consist of 1 Chief Signal Officer with the rank of brigadier-general, 1 colonel, 2 lieutenant-colonels, 5 majors, 19 captains, 19 first lieutenants, 80 first-class sergeants, 120 sergeants, 150 corporals, 200 first-class privates, 150 second-class privates, and 10 cooks: *Provided*, That vacancies created or caused by this section shall be filled by promotion of officers of the Signal Corps according to seniority, as now provided by law. Vacancies remaining after such promotions may be filled by appointment of persons who have served in the Volunteer Signal Corps since April 21, 1898.

SEC. 25. That the officers of the Record and Pension Office of the War Department shall be a chief of said office with the rank of brigadier-general and an assistant chief of said office with the rank of major: *Provided*, That any person appointed to be Chief of the Record and Pension Office after the passage of this act shall have the rank of colonel.

SEC. 26. That so long as there remain any officers holding permanent appointments in the Adjutant-General's Department, the Inspector-General's Department, the Quartermaster's Department, the Subsistence Department, the Pay Department, the Ordnance Department, and the Signal Corps, they shall be promoted according to seniority in the several grades, as now provided by law, and nothing herein contained shall be deemed to apply to vacancies which can be filled by such promotions.

SEC. 27. That whenever there shall occur a vacancy, which can not be filled by promotion or appointment under the provisions of preceding sections of this act, in offices of the grades of lieutenant-colonel and major in the Adjutant-General's and Inspector-General's departments; of captain in the Quartermaster's, Subsistence, and Pay departments, and of first lieutenant in the Signal Corps, such vacancy shall not be filled by a permanent appointment, but shall be filled by the detail, by the Secretary of War after competitive examination, as hereinafter provided, of an officer of the line, who shall serve for the period of four years unless sooner relieved, and shall not again be eligible for detail in any staff corps or department until he shall have rendered actual service for two years with troops of the arm in which he is commissioned. Any officer detailed for staff duty under the provisions of this section shall be selected from the grade corresponding to, or from the grade next below, that to which the detail is to be made, and shall have the rank, pay, and allowances of the grade to which detailed. No detail for staff duty as herein provided shall be made in the case of any officer until he has actually served with troops for at least four years if his rank is above that of a second lieutenant, and for at least two years if he is a second lieutenant; and no such detail shall be made in the case of any officer until he shall have passed a satisfactory competitive examination by an examining board composed of three officers, of whom one may be a line officer and two shall be permanent or detailed officers of the department or corps in which the detail is to be made, said examination to be conducted under regulations to be prescribed by the President, and to be announced in general orders to the Army. Examining boards, to be constituted as herein prescribed, for the various departments and corps in which details are to be made shall be convened by the Secretary of War at such times and places as the exigencies of the service may require, and said boards shall examine and report upon, as far as practicable, all line officers who may be applicants for details to staff duty, and who shall have been recommended by their commanding officers for such details. A separate list of officers reported on favorably by such examining boards shall be kept for each department or corps in which details are to be made, the officers on said list to be arranged in accordance with the ratings given them by the examining boards, and to be detailed for duty, in the department or corps to which the list pertains, in the order of their standing upon said list, beginning with the officers having the highest rating; but no officer shall remain eligible for detail for more than two years unless he shall again successfully pass the examination hereinbefore prescribed.

SEC. 28. That whenever there shall occur a vacancy, which can not be filled under the provisions of preceding sections of this act by the promotion of officers holding permanent appointments, in offices of the grades of colonel in the Adjutant-General's and Inspector-General's departments, of major in the Quartermaster's and Subsistence departments, of major in the Pay Department after the number of paymasters of that grade shall have been reduced below 20, and of captain in the Signal Corps, such vacancy shall be filled by the appointment of an officer to be selected from among those who have served by detail, under the provisions of this act, in the next lower grade in the department or corps in which the vacancy occurs.

SEC. 29. That each position vacated by officers of the line, transferred to any department of the staff for tours of service under this act, shall be filled by promotion in the line until the total number detailed equals the number authorized for duty in each staff department. Thereafter vacancies caused by details from the line to the staff shall be filled by officers returning from tours of staff duty. If under the operation of this act the number of officers returned to any particular arm of the service at any time exceeds the number authorized by law in any grade, promotions to that grade shall cease until the number has been reduced to that authorized.

SEC. 30. That vacancies in the grade of field officers and captain, created by this act, in the cavalry, artillery, and infantry shall be filled by promotion according to seniority in each branch, respectively. Vacancies existing after the promotions have been made shall be provided for as follows: A sufficient number shall be reserved in the rank of second lieutenant for the next graduating class at the United States Military Academy. Officers now holding commissions in the Volunteer Army may be ordered before boards of officers for such examination as may be prescribed by the Secretary of War. Volunteer officers who establish their fitness before these examining boards may be appointed to the grade of first or second lieutenant in the Regular Army. Volunteer officers so appointed to the grade of first or second lieutenant shall be arranged according to rank, on a separate list. All vacancies then existing in the grade of first lieutenant in each arm of the service shall be filled from this list and the lineal lists of second lieutenants, according to seniority, as determined by length of prior commissioned service; but nothing herein contained shall change the relative rank of officers heretofore commissioned as second lieutenants in the Regular Army.

When the vacancies in the grade of first lieutenant shall have been filled from the two lists, the names of the remaining second lieutenants shall then be placed on one list in each branch, arranged as to seniority, according to the dates of their commissions, and promotions thereafter shall be made as provided for in existing law. That the present restrictions of law or regulations as to age shall not apply to those who have served as volunteers since April 21, 1898, so far as appointment to the grades of second or first lieutenant of the line are concerned.

SEC. 31. That to fill vacancies occurring from time to time in the several organizations serving without the limits of the United States with trained men, the President is authorized to enlist recruits in numbers equal to 4 per cent in excess of the total strength authorized for such organizations.

SEC. 32. That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this act during the present exigencies of the service, or until such time as Congress may hereafter direct: *Provided*, That in the event of the enlistment of a soldier in the Army for the period required by law, and after the expiration of one year of service, should either of his parents die, leaving the other solely dependent upon the soldier for support, such soldier may be honorably discharged from the service of the United States upon due proof being made of such condition to the Secretary of War.

SEC. 33. That the Secretary of War is authorized to detach from the Army at large such number of enlisted men as may be necessary to perform duty at the various recruiting rendezvous, and while performing such duty one member of each party shall have the rank, pay, and allowances of sergeant, and one the rank, pay, and allowances of corporal of the arm of the service to which they respectively belong.

SEC. 34. That when the exigencies of the service of any officer who would be entitled to promotion upon examination require him to remain absent from any place where an examining board could be convened, the President is hereby authorized to promote such officer, subject to examination, and the examination shall take place as soon thereafter as practicable. If upon examination the officer be found disqualified for promotion, he shall, upon the approval of the proceedings by the Secretary of War, be treated in the same manner as if he had been examined prior to promotion.

SEC. 35. That when in the opinion of the President the interests of the service will be benefited thereby, he is empowered to place upon the retired list, by Executive order, any officer who has been suspended from duty, either by sentence of court-martial or by virtue of an Executive order in mitigation of such sentence, for a period extending to or within one year of the time of his compulsory retirement for age.

SEC. 36. That all officers who have served during the war with Spain, or since, as officers of the Regular or Volunteer Army of the United States, and have been honorably discharged or resigned from the service, shall be entitled to bear the official title and, upon occasions of ceremony, to wear the uniform of the highest grade they have held by brevet or other commission in the regular or volunteer service.

SEC. 37. That the Secretary of War be, and he is hereby, authorized and directed to cause preliminary examinations and surveys to be made for the purpose of selecting sites with a view to the establishment of permanent camp grounds for instruction of troops of the Regular Army and National Guard, one each for the North, South, East and West, to be fully equipped and fitted with all modern appliances, and for this purpose is authorized to detail such officers of the Army as may be necessary to carry on the preliminary work; and the sum of $10,000 is hereby appropriated for the necessary expense of such work, to be disbursed under the direction of the Secretary of War.

SEC. 38. That when in his opinion the conditions in the Philippine Islands justify such action the President is authorized to enlist natives of those islands for service in the Army, to be organized as scouts, with such officers as he shall deem necessary for their proper control, or as troops or companies, as authorized by this act, for the Regular Army. The President is further authorized, in his discretion, to form companies organized as are companies of the Regular Army, in squadrons or battalions, with officers and noncommissioned officers corresponding to similar organizations in the cavalry and infantry arms. The total number of enlisted men in said native organizations shall not exceed 12,000, and the total enlisted force of the line of the Army, together with such native force, shall not exceed at any one time 100,000.

The majors to command the squadrons and battalions shall be selected by the President from captains of the line of the Regular Army, and while so serving they shall have the rank, pay, and allowances of the grade of major. The captains of the troops or companies shall be selected by the President from first lieutenants of the line of the Regular Army, and while so serving they shall have the rank, pay, and allowances of captain of the arm to which assigned. The squadron and battalion staff officers, first and second lieutenants of companies, shall be selected from the noncommissioned officers of the Regular Army of not less than two years' service, or from officers or noncommissioned officers serving, or who have served, in the volunteers during or since the war with Spain, and officers of those grades shall be given provisional appointments for periods of four years each, and no such appointments shall be continued for a second or subsequent term unless the officer's conduct shall have been satisfactory in every respect. The pay and allowances of provisional officers of native organizations shall be those authorized for officers of like grades in the Regular Army. The pay of the enlisted men shall be one-half that authorized for the Regular Army, and rations and clothing allowances to be authorized shall be fixed by the Secretary of War.

When, in the opinion of the President, natives of the Philippine Islands shall, by their services and character, show fitness for command, the President is authorized to make provisional appointments to the grades of second and first lieutenants from such natives, who, when so appointed, shall have the pay and allowances to be fixed by the Secretary of War, not exceeding those of corresponding grades of the Regular Army.

SEC. 39. That the President is authorized to organize and maintain one provisional regiment of not exceeding three battalions of infantry, for service in Porto Rico, the enlisted strength thereof to be composed of natives of that island. The regiment shall be organized as to numbers, pay, and allowances as authorized for infantry regiments of the Regular Army. The field officers shall be selected from officers of the next lower grades in the Regular Army and shall, while so serving in the higher grade, have the rank, pay, and allowances thereof. The company and regimental and battalion staff officers shall be appointed by the President. The President may, in his discretion, continue with their own consent the volunteer officers and enlisted men of the Porto Rico regiment, whose terms of service expire by law July 1, 1901. Enlistments for the Porto Rico regiment shall be made for periods of three years, unless sooner discharged. The regiment shall be continued in service until further directed by Congress.

SEC. 40. The sale of, or dealing in, beer, wine, or any intoxicating liquors by any person in any post exchange or canteen or army transport, or upon any premises used for military purposes by the United States, is hereby prohibited. The Secretary of War is hereby directed to carry the provisions of this section into full force and effect.

SEC. 41. That nothing in this act shall be held or construed so as to discharge any officer from the Regular Army or to deprive him of the commission which he now holds therein.

During the reading of the amendment, when the Secretary reached line 8, on page 29, section 21,

Mr. PETTIGREW. I notice that the latter part of page 28,

marked section 16, was skipped by the clerk in the reading. Is he reading only the amendment?

The PRESIDENT pro tempore. He is reading the House amendment only.

Mr. PETTIGREW. I supposed he was reading the bill.

The PRESIDENT pro tempore. That is the bill. Section 16 is a proposed amendment to the bill.

Mr. PETTIGREW. On the part of the Senate?

The PRESIDENT pro tempore. On the part of the Committee on Military Affairs of the Senate.

The reading of the amendment having been concluded—

Mr. HAWLEY. I ask now, the Senate being willing, to go back to page 10 and begin acting upon the amendments. The bill has been read through.

Mr. BACON. Mr. President, I hope the Senator will not insist on that. I think we are certainly entitled to see the report of the committee before we are called upon to vote on any part of the bill.

Mr. HAWLEY. It should be on the Senator's desk now.

Mr. BACON. I understood the Senator to call for a print of it this morning.

Mr. HAWLEY. No; I called for a reprint—an additional print.

Mr. BACON. I was misled by that and I did not know that the report is here. I thought that the Senator had just called for a print of the report.

Mr. HAWLEY. There is a pamphlet also containing a very considerable body of evidence that we have heard. We have been compelled to yield graciously to a good many people the privilege of making arguments.

Mr. BACON. I should like to inquire of the Senator when the report was furnished to the Senate?

Mr. PROCTOR. December 20.

Mr. BACON. I never saw it before. I have had no time whatever to examine it.

The PRESIDENT pro tempore. The Senator from Connecticut asks for action upon an amendment which will be stated.

Mr. PETTIGREW. Mr. President——

Mr. HAWLEY. It is in line 19 on page 10. Does the Senator from South Dakota want the floor?

Mr. PETTIGREW. It seems to me that some one in charge of the bill ought to state to the Senate and the country the reason for the existence of an Army of 100,000 men at this time. We are left entirely ignorant of all official knowledge that there is any war going on at present. No war has been declared by Congress, and if there is any necessity for an Army of 100,000 men it ought to be stated, and that necessity ought to be shown. Is there a war going on, or have we peace within our borders? It seems to me the facts and circumstances from an official source ought to be furnished before we proceed to enlarge the Army of the United States to the extent provided by the bill. I should like to know whether we are to have any information on this subject.

Mr. SEWELL. Mr. President, I will say to the Senator who has just spoken that we have had as high as 79,000 men in the Philippines, and that they are divided into 420 posts.

Mr. HOAR. How many men?

Mr. SEWELL. We have had as high as 79,000. We have taken away some of them. We have probably 76,000 there now. If we are to hold the Philippines—and I think the majority of the Senate are in favor of doing it, under the circumstances—we shall have to have a large army there, not alone this year, but next year, and probably for several years to come, until it is pacified and until we have confidence enough in the people there to raise a provisional army or employ police there who will keep order. We are to-day in the situation of facing the exigency under the law passed last year, by which we have not alone to discharge the 35,000 volunteers who are there, but to reduce the Regular Army to 29,000 men.

It is perfectly apparent to anybody who will look into the situation that we have got to continue about the same number of men for some time to come. It may be for one or two years or three years, but it ought not to be limited. It ought to be left to a maximum and a minimum number, in the discretion of the President, to avoid the present condition of affairs, by which we send 35,000 men to the Philippines, taking six months to get there, and after six months' service requiring practically six months to get back. So the men who ought under ordinary circumstances, as we do in the Regular Army, to have three years' service abroad will not have any more than six months' active service.

Senators who do not look into the question of organizing and transporting troops have no idea what it costs. It is a tremendous tax on the country. Instead of enlisting men for three years, and letting them serve out their time, we muster these out in eighteen months, and we are to-day withdrawing from some of the posts in the Philippines men in order to start them home to comply with the law. If we do not give immediate relief, then many more men will have to be withdrawn, because transportation is a governing quantity in this case. It will take all the time from now until the 30th of June to get back those 35,000 men of the volunteers alone, and unless we have this law enacted we shall have to do the same with the regular troops, and practically abandon the posts. I trust that no Senator is desirous of abandoning the flag under fire.

Let me say to the Senator from South Dakota that there is a war going on, a very serious war. It is not in great shocks of battle, which may occur one day in a month, but the loss is equal to it, taking the aggregate in a month or three months. Our troops to-day are being denuded by losses which grow out of the little posts, where they are turned out as scouts and where they are ambushed, and all that kind of thing. The country has got to face the situation boldly as to whether we are to uphold our flag in the Philippines or not. If we are—and I take it that we shall—we certainly must provide the men with which to do it.

The Senator from Georgia will remember that when this matter was up for discussion a year ago I said, to the astonishment of everyone, that it would take fifty or sixty thousand men several years in the Philippines. Nobody believed it at that time, but it has turned out to be correct, and it will continue to be so.

The bill as proposed by the Secretary of War, which has been discussed very freely in the Military Committee, proposes a minimum of 54,056 men, to be included in 15 regiments of cavalry at 815 each, 12 regiments of artillery at 1,156 each, 30 regiments of infantry at 816 each, 3 battalions engineers and band, 1,234, and miscellaneous organizations, including guards for arsenals, West-point detachment, noncommissioned staff officers, etc., making a minimum of 54,056, to be increased at the discretion of the President up to 97,964 enlisted men.

The bill as proposed by the Military Committee on those lines, gives 1 Lieutenant-General, 6 major-generals, 15 brigadier-generals, 28 adjutants-general, 17 inspectors-general. All of these are slight increases, but not very much. It gives for the enlisted force of the Army a minimum of 54,056 men and a maximum of 98,444.

It seems to me that we ought to allow discretion in the matter to the President and not fix an arbitrary line, as we did last year, by which we have to bring these men back without the service that we intended they should perform.

It is always subject to an act of Congress, as a matter of course, and if he abuses the power and keeps men longer in the field than they ought to be kept, Congress can stop it at any time. But during the interim of Congress we ought not to have the Army denuded. We ought not to have the flag assaulted, as it will be. We ought to keep up our power and prestige in the Philippines. No matter how we got there, we are there, and we should remain there.

There are now in the service of the Regular Army, generals and staff officers, 544. The bill, as submitted by the Secretary of War, provided for 855 generals and staff officers. The increase proposed is to take the place of the volunteer staff and the general officers who will be discharged the 30th of June. The bill as it passed the House allowed 1,135. That is nearly 200 more than the number reported by the committee of the Senate.

The main question, though, raised by the Senator from South Dakota, is, Have we a war and do we need any increase in the Army? We are simply increasing the Army, or allowing the President to increase it, as a temporary measure to the extent of the absolute discharges that will have to be made under the present law. That is the situation. I think the Military Committee have given it very full consideration. They have reported a bill as low in numbers as they think will be satisfactory. They think that every man and every officer that they have reported will be required to keep up the dignity of our Government and hold the posts we have acquired, no matter how.

Mr. BACON. Mr. President, something said by the Senator from New Jersey [Mr. SEWELL] suggests to me the propriety of adding a word to prevent what might be otherwise misconstrued in what I have already said.

The Senator speaks of the necessity of maintaining the flag in the Philippines, and of doing our full duty there, whatever that may be, and of the consequent necessity of a large army there. I am utterly opposed to the present bill, not because it gives the requisite number of men to maintain the authority of the United States in the Philippine Islands and elsewhere, but because that which is recognized and stated to be simply an emergency is taken advantage of to ingraft upon the statute books of this country a law which will create a permanent standing army, which shall not be required after the emergency is passed, but which is only required during the continuance of the emergency.

Now, Mr. President, Senators here will probably remember that when this question was before the Senate two years ago I voted and spoke for the bill which is now upon the statute book, which provided a temporary force sufficient to meet the emergency which was then upon us. I am ready to do so now, Mr. President. I am ready now to vote for a bill which shall be limited as to time and which will meet the necessities of the present,

and in so doing I do not in any manner waive the objections which I have expressed to the policy which has led to this war.

I took the position two years ago that whether that policy was one of which I approved or not, having been adopted by the Government and our Army being there, it was our duty to sustain it; that we must defend the soldiers who were there from the destruction which would await them if they were not supported by proper reenforcements, whether they were sent there under a policy which we approved or not. I say that now.

Mr. President, under no possible circumstances, from a variety of points of view, could I be induced to withhold the requisite number of men to maintain the authority of the United States in the Philippines. Aside from the duty which I hold (of course I know some Senators differ from me on the subject) or from the duty which I recognize as imposed upon every Senator to maintain the authority of the Government in its enterprise when it has been legally determined upon, whether he approves of that enterprise or not, there are some matters which come closer home to me than that. Of the soldiers who are in the Philippine Islands my State has its full proportion, if not a greater proportion. In the Army which was raised for the Spanish-American war the State of Georgia furnished more men in proportion to its population than any other State of the United States, and of the whole State the town in which I live furnished a greater proportion, according to population, than any other community in that State. The Twenty-ninth Regiment, now in the Philippine Islands, was raised almost exclusively in my State. Among its officers and in its ranks are men who are my personal friends. They are the sons of my neighbors. Mr. President, in that army in the Philippines there are to-day men of my own blood and those of my own household.

Nothing is further from me, Mr. President, than to suggest that we should fail to put in the Philippine Islands whatever men may be necessary to maintain the policy that the Government has entered upon, whether that policy be right or wrong. I would change that policy if I could, and change it promptly; but as I can not change it—as the Government is there committed to it—as our soldiers are there, we must maintain the Army.

But that is not to be made the excuse for a permanent army, and that is my objection to this bill. I recognize that the present discussion is to some extent premature and that the time for general debate has not come; but I want some Senator during this debate to answer the question which has been propounded here to-day, that if the necessity for this great Army is a necessity growing out of the present emergency, why is it that the bill proposes not to provide an army for an emergency, but to provide an army for all time of this magnitude?

Mr. President, there are several ways in which it seems to me we could proceed, and by which we could accomplish the desired end and at the same time avoid the great evil of a great standing army in this Republic. We do not need any great standing army in this Republic, for the only necessity for any great armament to-day grows out of the anomalous condition of affairs which now exists.

We can meet the question by providing, as we did two years ago, for a temporary force, and we will do no violence to our institutions. We will make no threat against the peaceful structure that our forefathers erected and under which they hoped we would live in peace and security, the guardians of our own safety, ourselves our own rulers, and not ruled by anyone or menaced by any army.

Mr. President, it has been brought to my attention to-day that one of our great metropolitan dailies has made a suggestion which it seems to me has great pith in it and the idea might be practically elaborated. It might be perfected in such a way as to meet the emergency and at the same time put away from us what to me is a horrible specter, not only of an army of 100,000 men, but of an army of several hundred thousand men.

Mr. President, that is not a mere fancy. I have not seen the article myself, but I saw in a newspaper an article quoting the New York Tribune (whether it quoted it correctly or not I do not know) in the month of November, in which it stated that the number of 100,000 was in all probability not that which this Government would be called upon to maintain as an army, but that with the new career upon which we had entered it might be, and probably would be, several hundred thousand. Did anyone ever see it in the New York paper? I do not say it was there. I expressly disclaim having seen it. I can only say that I saw in another paper an editorial which charged that it had said it.

But, Mr. President, it does not depend upon the New York paper. It does not depend upon the fact that it suggested it. It stands to reason that if we are to enter upon this policy and to pursue it there is no reason why we should be limited to 100,000; and I say to me that is a horrible specter in this free Republic, which was never designed to be maintained by force and which was never intended to rest under the threat of the menace of a great standing army. It is to me a horrible specter that there should be gradually imposed upon us, never to be released from it, a great standing army by which we would sooner or later be dominated.

I repeat, that I have been struck by a suggestion which I understand (I have not seen this, either; I have been told it to-day) has been made in one of our metropolitan papers, and that is that if the emergency in the Philippine Islands calls for a great army, let us raise an army for the Philippine Islands. Let the standing army of the United States remain at the number that our domestic requirements will make necessary, and let the Military Committee of the Senate prepare and present to the Senate a bill which will provide a special army for the special needs of the Philippine Islands. Then while we might have the increased expense, which is very much to be deprecated, we would be freed from that which is very much more to be deprecated, the incubus and the menace of a great standing army which, when once put upon us, we will never be relieved from.

But, Mr. President, I did not rise for the purpose of going into this discussion. I have been led further into it than I ought possibly to have gone. I rose simply for the purpose of answering the suggestion of the Senator from New Jersey [Mr. SEWELL]. So far as I know, while I have had no consultation with Senators on this side of the Chamber, I believe I speak what is the general sentiment, that whatever is necessary to be done for the emergency we are ready to do, but we are not to be forced to do that which we disapprove; we are not to be forced to the support of a bill which shall impose upon this country for all time a great standing army, by the alleged necessities of the present, under an emergency, and under any suggestion as to a failure to support the flag, and to support the authority of the United States in the Philippine Islands. For one, and I believe I echo the sentiments of others, we are ready to do what is necessary for the emergency, but we are not ready that that emergency shall be used as an excuse for fastening upon this country a standing army which will not be needed when the emergency has passed.

Mr. HOAR. Mr. President, I wish the Senator from New Jersey [Mr. SEWELL] would state a little more fully the evidence on which he bases what he said to the Senate just now, that we are at war; that it is a war likely to continue for several years, and to demand the number of troops he stated, which he says has been at one time 79,000 in the Philippine Islands, if I understood him correctly, and is likely to remain or should remain undiminished for some years to come.

Now, Mr. President, here is what the President says in his message, and I should like to understand the situation if I can. I regard the Senator from New Jersey as a great military authority, and as a high authority also as one of the great committee which has this special subject in charge. Here is what the President said four weeks ago:

> Our forces have successfully controlled the greater part of the islands, overcoming the organized forces of the insurgents and carrying order and administrative regularity to all quarters.

Then he goes on, the ordinary administrative regularity having been established all over the islands:

> By the spring of this year the effective opposition of the dissatisfied Tagals to the authority of the United States was virtually ended, thus opening the door for the extension of a stable administration over much of the territory of the Archipelago.

I did not suppose that that was consistent with the prospect of a great war requiring at least 79,000 men for a great many years to come.

Mr. SEWELL. In answer to the Senator from Massachusetts I will state that I did not say it would require 79,000.

Mr. HOAR. But the Senator said they had been there, and the number would have to remain.

Mr. SEWELL. We sent some to China, and we brought the sick home, in accordance with the law requiring the sick and disabled to be brought home. But I say there are 420 posts or towns that the Army occupies in the Philippines, which is an immense country, as you all know, probably fifteen hundred miles long and with numerous islands, eight hundred or a thousand; I do not believe they have ever been able to arrive at the number as yet. There the flag floats and there are two companies at a post. But if you send out a scouting party of ten or twenty men they are immediately attacked from the outside. They are in very many cases either captured or annihilated, and that is going on all through the islands. That makes war, because if you will look at the reports of the general commanding you will find that every two weeks or every four weeks there were so many men killed, so many wounded, and so many died of disease in hospital. They are becoming reduced at all times. That is the situation. I have said, and I think it is the view of the Secretary of War, that it will take 60,000 men in the Philippines for some time to come.

Mr. HOAR. But the substance of the question I have put to the Senator is this: According to his information, is the explanation we have received from the President within four weeks correct or not? Let me read it again. That—

> The effective opposition * * * to the authority of the United States was virtually ended.

That—

Our forces have successfully controlled—

Not a few military posts, but—

the greater part of the islands—

And have ever since last spring—

overcoming the organized forces of the insurgents and carrying order—

Carrying order—

and administrative regularity—

Which is the power of administering laws regularly—

to all quarters.

Mr. SEWELL. I think the President meant that that was so when he made the statement. I think he probably got it from some of the officers in command.

Mr. HOAR. Have those conditions changed in four weeks to the conditions described by my honorable friend from New Jersey?

Mr. SEWELL. They have very materially changed of late. We have more skirmishes now than we have had almost since the commencement of that war.

Mr. PETTIGREW. I should like to ask the Senator how many men he thinks will be required in the Philippines during the coming year?

Mr. SEWELL. Not less than 60,000.

Mr. PETTIGREW. Through the whole year?

Mr. SEWELL. Yes; I think 60,000 men would be quite short. We would have to abandon a great many posts, and we would have to throw the people in the vicinity of those posts open to murder and rapine for having defended us, and that ought not to be done.

Mr. TELLER. I should like to ask the Senator, if he will give me his attention a moment, what number does General MacArthur say that he needs?

Mr. SEWELL. I have not seen his statement as to the number he wants.

Mr. TELLER. I should like to say to the Senator that the public press states that he says he wants 100,000 men.

Mr. SEWELL. All military officers want all they can get.

Mr. TELLER. If this bill is for that purpose, why not have it give 100,000 men for the Philippines?

Mr. SEWELL. I do not think there is a necessity for 100,000 men in the Philippines, but there is a necessity for 60,000 or 70,000.

Mr. HAWLEY. Mr. President, I am really a little surprised by the alarm of the Senator from Georgia [Mr. BACON]. He knows we have a brave and patriotic army. If he were in the presence of 50,000 of them, I do not think he would make a speech that implied that our lives or our liberties were in danger. We heard that talk a great deal during the latter part of the war for the Union; but while people were singing those mournful songs and prophesying all things unhappy and wicked, the boys were swinging along, singing "Johnny comes marching home." They wanted to go home.

Do you suppose those men did not love their country? They gave all the evidence mankind can give of the greatest love and devotion. They were ready to die. They did die. They went into battle singing. A wounded man would tell a man to carry his canteen of water to the other fellow who was hurt worse. I have seen four men going along, each holding one corner of a big blanket, and carrying a 175-pound man 5 or 6 miles. Everything in the world that exhibits beautiful valor, courage, gentle feeling, patriotism, was in that Army at the close of the war. And if during the war at any time our Confederate friends had marched out and extended their hands, they would have been embraced by the entire United States Army. There was no one who desired to kill anybody unnecessarily there; but we were so situated that we were obliged to kill some of our dear friends. There was no real murder in it.

I do not think that the Senator was afraid of the liberties of his country when he saw a million and a quarter men going home to be peaceably mustered out, returning to their old vocations, delighting to get home, singing patriotic songs, and worshiping the old flag. Our liberties in danger! Why, his own troops, three months after Appomattox, would have come out to defend the United States with every drop of their blood against a foreign enemy. They said so, and I believe them. They have endeavored to prove it to a very considerable extent in the late war with Spain and in all this guerrilla and brigand war in the Philippines. It is a slander upon the soldiers of the war for the Union, and this war, too, to say that the liberties of their country are to be endangered. Make the number half a million, so far as that is concerned, and you know you would not have any apprehension. Who is to lead them to an empire and a dictatorship? Pick out a man in the Army against whom the bitterest enemy can get up a single suspicion of the doubt of his merit or of his sense of duty. Nobody can specify the man.

Mr. TILLMAN. Does the Senator recall that one of the generals of the Army, I have forgotten whom, at a banquet in New York stated that the Constitution had been worn out; that it was outgrown and did not apply to the present condition?

Mr. HAWLEY. I did not read it.

Mr. TILLMAN. It was Merritt or Merriam, I have forgotten whom.

Mr. HAWLEY. I did not read of any such foolish man.

Mr. TILLMAN. The newspapers, you know, will tell lies. I do not know whether that was one of them or not.

Mr. HAWLEY. I think they must have listened to some of the exaggerations of the Senator from South Carolina and have been a little stimulated to talk severely about their country.

Mr. TILLMAN. But this was the report of a banquet. The Senator from South Carolina sometimes possibly is a little erratic and wild in his talk, but he generally tries to say what he thinks and to tell the truth as he understands it.

Mr. HAWLEY. Well, if the Senator really thinks the country is to be torn down and anarchy is to prevail, I suggest that the Senate adjourn and that we all go home and blockade our doors and clean our rifles. I am, even at my age, quite ready to fight in an emergency like that, and I presume every man on that side is. He can not see an enemy in sight, and he never will, with——

Mr. TILLMAN. The Senator is trying to belittle a great principle involved here, which we have inherited from our fathers, to beware of large standing armies and depend rather upon volunteers in cases of emergency; and because we can not agree with him he ought not to undertake to eject into this debate these allusions to the war between the States forty years ago.

Mr. HAWLEY. I did not allude to that unkindly at all.

Mr. TILLMAN. Why bring it in at all? We are discussing the future policy of the Government and not the past actions of people who were as honest and patriotic as the Senator from Connecticut.

Mr. HAWLEY. I was telling the Senator that all his people down South are just about as patriotic as we are, and the Union is not in the slightest danger from them.

By a law enacted March 2, 1899, the President was "authorized to maintain the Regular Army at a strength not exceeding 65,000 enlisted men, to be distributed among the several branches of the service, including the Signal Corps, and raise a force of not more than 35,000 volunteers, to be recruited as he may determine from the country at large or from the localities where their services are needed." We were entreated to send our recruiting officers to the South, and a great deal of it was done with very happy effect. This army of nearly 100,000 men was brought into the field and organized, but the law provided "that the officers and enlisted men of the Volunteer Army should be mustered out of the military service, as provided in the act of April 22, 1898." The act proceeds to say:

That each and every provision of said act shall continue in force until July 1, 1901, and on and after that date all the general staff and line officers appointed to the Army under this act shall be discharged and the numbers restored in each grade to those existing at the passage of said act.

It also provided that such increased regular and volunteer force shall continue in service only during the necessity therefor, and not later than July 1, 1901. That is something that the Military Committee was obliged, in order to raise any troops at all, to yield to.

Mr. TELLER. Who obliged the committee to do it?

Mr. HAWLEY. Men who said they could not vote for the bill at all if we did not say that, and men who felt so, too. "And the enlisted force of the line of the Army shall be reduced to the number as provided for by a law," as referred to there, an old law bringing it down to about 26,000 or 27,000 men; but with the addition of fifteen hundred or two thousand men (the figures are here given) in those two artillery regiments, we call it roughly 29,000 men.

Now, that is certainly not more than what would be a sufficient guard for our own country. There are places where we know we have to keep people because we are in danger of anarchistic and revolutionary and insurrectionary outbreaks, and our men are scattered throughout the country, after a great deal of study as to where it is worth while to put 500 men, or where to put a thousand men. It is not a matter of random at all.

We are not altogether out of sight of some possibility of war yet with some European power. We do not know. They are in a great deal of trouble there, and I understand they look with very great jealousy upon our talk of a Danish island and our talk about acquiring other territory.

Now, I do not think it is possible to suppose that any intelligent citizen would pretend that an army of 29,000 is sufficient to meet any such requirements—that is, to cover the whole field. Under the existing law 69,000 soldiers must be discharged before July 1, 1901. This work has commenced already. There are ships coming now across the ocean that are bearing from a thousand to fourteen hundred or fifteen hundred men. They are sick men or men who have been lately sick, and the Government has been carefully and kindly sending them away as soon as it can, for

they are not useful there as soldiers, and it is the desire to get them here into a better climate.

Mr. TILLMAN. Will the Senator permit me to make an inquiry right there?

Mr. HAWLEY. Oh, yes.

Mr. TILLMAN. It is in reference to the disposition of a number of soldiers who have been dishonorably discharged under court-martial for some trivial offense. I have had information of one man who was convicted of something trifling in military discipline and dishonorably discharged, and he has been turned loose somewhere out there in Luzon. His father knew nothing about it and wrote me a pitiful letter asking me to try and find out what had become of his boy, who was with the flag. The only answer I could get from the War Department was that he had been court-martialed last March, had served his sentence of six months, had been discharged at some interior point in the island, and that is the end of it.

Is there any provision in this bill requiring that an American who has gone over there to serve under the flag shall be transported at least back to his own shores after he has done what he could for the Army, or will the Senator accept some amendment which will require the War Department to bring back those Americans to their own country instead of turning them loose there among those Malays to be butchered?

Mr. HAWLEY. That is the first intimation I have heard from the other side that the Malays would butcher anybody.

Mr. TILLMAN. They have butchered about 5,000 men in uniform, even with the flag, from what I have heard. They are shooting them, according to the statement of the Senator from New Jersey, every time they go out from a fortified place or a post; that we hold some 400 posts and the balance of the islands belong to the natives, and we dare not send out foraging parties or anybody else without danger of being shot. That is the condition in which we find ourselves.

Mr. HAWLEY. Well, I am obliged to the Senator for taking up my argument and saying just what I say and what I believe.

Mr. TILLMAN. I did not know that I was assisting the Senator. I am very much gratified that I have helped him to present his case. But I present another form of it, in regard to the condition of those Americans who have volunteered and gone over there and who have been court-martialed by the military authorities of the Regular Army, and who have been turned loose there, without anything under high heaven, to the mercy of those Malays, who I say are savages or semisavages, and it ought not to be done. The United States Government owes it to itself to transport back at least to this country every man who has gone there under the flag, if he has been guilty of some little trifling offense contrary to the discipline and good order of a soldier.

Mr. HAWLEY. The Government has been very generous and careful.

Mr. TILLMAN. It has brought home a good many maniacs—I saw a notice of that—but what has it done with the other boys who went out there, and who were not used to military discipline and were guilty of some trifling breach of it, and who were court-martialed and were discharged after serving their sentence?

Mr. HAWLEY. If a man will steal and rob——

Mr. TILLMAN. It is not a question of stealing, sir.

Mr. HAWLEY. What did the man do?

Mr. TILLMAN. It was something trivial; I do not know what. I have not got the case in hand. I only know that his father wrote to me to "please find out what has become of my son," who belonged to such and such a regiment. I wrote to the War Department to inquire, and the answer returned was that he had been court-martialed at such and such a place last spring, that he was sentenced to be dishonorably discharged after six months' imprisonment, that he served his imprisonment in the Philippines and was discharged in October, "since which time we know nothing about him."

Mr. SPOONER. The Senator does not know——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Connecticut yield to the Senator from Wisconsin?

Mr. HAWLEY. Certainly.

Mr. SPOONER. I wish to know what the charge was.

Mr. TILLMAN. It does not make any difference what the charge was. He ought to have been brought back to America and imprisoned here. He ought to have been imprisoned among his own people.

Mr. SPOONER. The Senator answered my question before I asked it.

Mr. TILLMAN. I am glad I am assisting my friends over there. There is telepathy here or a kind of mental connection between myself and the gentlemen on the other side, it seems to me. I am helping the Senator from Connecticut, and the Senator from Wisconsin also, to interpret his own words.

Mr. SPOONER. The Senator must not fall into the error of supposing that there is any mental connection between him and me just now. What I wanted to ask the Senator was this: If he does not know of what offense this man was court-martialed, how does he know that it was not robbery?

Mr. TILLMAN. It does not matter what it was; he ought to have been brought home. He should have been punished in America, and after his punishment was over he should have been returned to the place where he enlisted.

The PRESIDING OFFICER. The Senator from Connecticut is entitled to the floor.

Mr. HAWLEY. The only course for us is to carefully collect the judgments of the very able and highly honorable and patriotic military gentlemen at the head of our forces and at the head of our different departments of the Government, and if they say there can not be peace there, and we know there can not be unless something like the existing Army be maintained, we ought to be wise enough to act in accordance with it. We ought to raise the necessary number of troops cheerfully and take good care of them, and put down the crimes and insurrections and robberies and burnings that are going on there—said to be, on the authority of the Senator from South Carolina—and say to the whole of them, "Stop! Throw down your arms and go home! If you do not, we will hunt you like wild animals;" and then follow that or accompany that with all we have been in reality doing—more than was ever done by any country, Christian or heathen.

We have gone to work with the arts of peace to see if we can not win, if not affection, respect and obedience from those people. We are building them wagon roads and railroads. We are covering the islands with telegraphs, so that MacArthur in his headquarters at Manila can communicate now with every post he has, and a hundred men can be started out in a hurry to relieve some beleaguered post. We have encouraged their schools and their churches. We have given them, undoubtedly, a great deal of surgical and medical care. Whenever it has been possible to do any work that would come near the hearts of that people we have done it, and we have made a very considerable impression, I judge, from the various circumstances.

But I get some private letters occasionally from some very bright young men. I am happy to say that I was successful in getting a few into the military service, and they write remarkably good letters, and they set forth the dangers there as very serious. They do not believe the fight is out of those people, and they do not know how soon it will be out of them. They have no idea that it will be anything less than the greatest cruelty to withdraw from the islands or to reduce the force to 20,000 or anything of that sort. Those people are the descendants of those who for three hundred years have been trampled upon and robbed, and whose gospel it is to hate their ruler. They are constitutionally enemies of the man who is over them, for whatever reason. They can not be cured in a week, in a month, in a year, in five or ten years. They will get over it as other savage peoples do, just as some of our ancestors in Great Britain got over it. But it is a slow job. I do not pretend to say it can be done in six weeks, or in six months, or in a year; but it could not be done with 6,000 men or 10,000 men. There is no question about that.

So the Military Committee, myself excepted, have studied this question with a good deal of interest. Of the eleven men on that committee eleven have been soldiers and officers, too, in one army or the other. I am willing to trust their judgment. I have found it a kind, a just, and a determined judgment, as occasion required. I do not think we are mistaken about this. I think we are sure that there ought to be a good army kept there. As to withdrawing it, every officer from the President down to the doorkeeper would be only too much gratified if he could see the army relieved. Nobody wants unnecessary war. Nobody really likes, except some wild, chivalrous boy, to go off to war. Nobody likes the heavy taxation and the increase of debt which accompany that condition of affairs.

No, Mr. President, I see no way by which the American people can escape the duty of maintaining a strong Army, according to the exigencies, and not to exceed a certain figure. We have the limitations here. They have all been read to you; and the excess among those men would go home just as happily as our boys did from Atlanta.

Mr. CARTER. Mr. President, the questions presented by the Senator from South Dakota [Mr. PETTIGREW], the Senator from Georgia [Mr. BACON], and the Senator from Massachusetts [Mr. HOAR] require thoughtful consideration and full answer in order that the passage of this bill may be justified. An increase of the Army of the United States upon a permanent basis to the limit of 100,000 can not be lightly passed by as of inconsiderable moment if the necessity for such action does not exist. If a temporary force will serve the purpose the permanent force is invoked to serve, and serve the purpose quite as well, then, Mr. President, the temporary force and not the proposed permanent force should be employed.

Now, I insist that upon the face of the record, in the light of our experience of recent years, the necessity exists for at least an Army of 100,000 men, and that the President's message, temperate

in tone and careful in expression, as it is, does not show that that necessity has passed away. I believe that the situation should be dealt with by a permanent rather than by a temporary force, that being, in my judgment, the most effective manner of dealing with the situation in view of the temper of the people with whom we are called upon to deal.

When the treaty of Paris was ratified this body imposed upon the President of the United States, as Commander in Chief of the Army and Navy, a duty which he could not, if he would, avoid or evade.

Later on, in pursuance of the terms of that treaty, this body, acting in conjunction with the other branch of Congress, passed a law appropriating the sum of $20,000,000 to pay for the Philippine Islands, or the public property of Spain located there. From that day to this, aside from current appropriations to maintain the Army, Congress has not written one solitary word upon the statute books of the United States to guide or to limit the President in dealing with that possession of the United States. We occupy the Philippine Islands by a treaty. That treaty is to the President of the United States, as it is to every citizen, part of the supreme law of this land. He can not, without opening his conduct to charges of impeachment, surrender one single foot of the Philippine Islands to organized forces within the islands or to organized forces from without the islands. It is his bounden duty, under his oath of office, to protect the property of the United States within the islands and to maintain law and order there to the extent of such ability as Congress may provide him with.

We do know that about the time or shortly after that treaty of peace was ratified an insurrection broke out in the islands. The history of that insurrection is fairly well known in a general way. It became known in the course of events that a sort of temporary or provisional government had been established by the insurgents; that they had what purported to be a congress; that they had what seemed to be an organized army, fairly disciplined and commanded by competent officers. It appeared as a fact that this army at different times made one stand after another, and that engagements approaching the dignity of battles were fought with that organized force. It appeared that this organized force was receiving orders from a central government. This central government moved from place to place in the presence of our approaching army, and finally the situation came about to which the President refers in his message. The organized forces became disintegrated; the government of the Filipino republic, so called, disappeared; organized resistance as such, recognized in war, disappeared, and the remnant of what had been an organized army broke up into guerrilla bands, save and except to the extent that the soldiers again returned to their ordinary vocations and became peaceable citizens.

A commission was appointed for the purpose of establishing civil government amongst a people where anarchy had prevailed, or where the Filipino government had theretofore asserted its right to rule. This commission proceeded to the Philippine Islands, and, according to its own report, progress has been steadily made not only in establishing civil government in different localities, but in inculcating the principles of free government amongst the body of the people of the island of Luzon and elsewhere.

But, Mr. President, it is a fact clear, I think, from all the records, not to be disputed by anyone, that where this civil strife existed in different islands amongst people of varying degrees of civilization, it was not to be expected that immediately upon the disintegration of the army of the Filipinos perfect order and peace would everywhere reign supreme. Such has never been the case even amongst the most highly civilized of communities. Disorder and lawlessness have always followed in the wake of war. The President of the United States, not only charged with putting down insurrection, but charged likewise with maintaining law and order, has had to deal with these refractory bodies of men making incursions now and then into peaceful settlements. They can not be fought in the open because they disappear into the brush when assailed; they do not assail large bodies of troops, but seek to waylay and ambush detached parties going from place to place.

Mr. President, 60,000 men will not be in action, under arms, from day to day, nor will probably 10,000 men be assembled at any one place in the Philippine Islands in the next five years, but that a strong police force, well established and well regulated, must be maintained at the 300 or 400 posts being held goes without the saying. We must police the islands with the troops of the United States until such time as we can educate the people themselves to maintain law and order, to protect life and property. By the concurrent testimony of all the officers having to do with the situation, at least 60,000 men will be required to maintain this police system.

Mr. BACON. How long?

Mr. CARTER. That remains to be seen.

Mr. BACON. In the opinion of the Senator, how long?

Mr. CARTER. I have not sufficient knowledge upon which to base an opinion that would be worthy of any sort of reliance. I know as much about it probably as the Senator from Georgia, and no more.

Mr. BACON. The Senator recognizes, I presume, that it will be for an indefinite period. I entertain a similar opinion.

Mr. CARTER. I think the word "indefinite" would fit very well.

Mr. BACON. Under present conditions.

Mr. CARTER. An indefinite time would be a good classification.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Colorado?

Mr. CARTER. Most assuredly.

Mr. TELLER. I want to know of the Senator from Montana why he says 60,000 men? Why not say 80,000 or 90,000? I want to know if he is not aware that the officer in command has declared it would take 100,000 men?

Mr. CARTER. I will say to the Senator from Colorado in that behalf that it has been recently reported to the Committee on Military Affairs that the number of men necessary to hold the various stations and maintain order will be considerably diminished by the extension of the cable and telegraph system through the islands. It is at present necessary, owing to the tardy manner of communicating from one island to another, to maintain a force at each and every point capable of furnishing sufficient resistance to meet any force that might appear in front of a town or city or post. If, on the other hand, rapid communication obtains, and telegraphic information could be sent to central points, the outlying posts need not be so strongly guarded as under present conditions.

Mr. TELLER. I do not want to interfere with the Senator's speech, but it does seem to me, as the chairman has failed to tell us, that somebody else ought to tell us if this is a bill for the purpose of taking care of the Philippine Islands—which I deny. I insist that it has no connection with it whatever; that is a temporary thing that should be dealt with separately from this. I want to know why the committee does not come here and tell us how large an army is needed over there. One Senator says 100,000, another says 60,000, and another 40,000.

Mr. CARTER. In answer to the Senator from Colorado, I will state that probably there are those who, dealing with indefinite conditions, may be able to make positive statements. The Committee on Military Affairs, however, accepting the judgment of the Secretary of War, that being based in turn upon all the reports that have been received from officers in service in the Philippines and elsewhere, reached the conclusion that an army of 100,000 men would be sufficient, and that a less number would probably be insufficient to meet the conditions with which we are confronted. As to whether 60,000, or 80,000, or 79,000 men will be required in the Philippines at a given time I am unable to say, and therefore will not pretend to say.

I do suggest, however, that in the light of the testimony given before the committee the extension of the telegraphic lines to the various islands will appreciably diminish the number of men required to hold each of the respective posts. Having this work to do, Congress not being prepared to relieve by proper enactment the President from his responsibility in the Philippine Islands, no citizen of the country in or out of Congress being willing that we shall at this time in any ignoble or disgraceful manner shirk from the duty of this hour, I insist we are left with but one question to determine, to wit, Can this situation best be met by providing a temporary force or organization of 100,000 men, to be sent to the Philippines, or is it more wise to provide for a permanent force of adequate proportions to meet the requirements?

That brings up a little history, Mr. President. About two years ago we undertook to have a permanent organization to deal with the Philippine situation. The bill was presented here very near the close of a session of Congress. All desired to avoid an extra session, and in consequence a compromise measure was presented, and finally passed, which provided that the Army should practically be reduced to 27,000 men on the 1st day of July, 1901.

Let me say now, if human nature in the Philippines is akin to human nature the world over, that tentative measure was a positive detriment to the American arms and to the American Government. It held out to the Filipino insurgents in arms and to those who sympathized with them the hope that conditions would arise under which our Army would be reduced and the Philippine Islands abandoned to the Filipino insurrectionists.

Temporizing with a situation of this kind is expensive and cruel. It would have been far better, in my humble judgment, if two years ago Congress had by its action virtually said to the Filipinos and to the world, "We propose to establish and maintain law and order and respect for the flag of the United States in the Philippine Islands regardless of the cost and regardless of the time that that task may take." To provide another temporary force now is

to fan into flame the slumbering embers of rebellion. Who doubts that? It is to give encouragement to the lawless element to organize again in the hope that some Congress, to be organized hereafter, will refuse to do the duty, which we in a temporizing manner do, and thus leave our army over there incapable of maintaining law and order or the sovereignty of the United States.

It rests with Congress to diminish this force at any time it will by direct enactment or by refusing support through the appropriation bills. Every section of this bill that provides for the enlistment of men provides that in no event shall the maximum number enlisted at any time exceed 100,000. The next session of Congress can limit this below 54,000, and make appropriation only for 25,000, or a smaller number.

The ghost of a standing army, because we authorize an adequate number of troops to discharge this duty, is based, and can only be based, upon the theory that the Congress of the country will prove false to its trust when the time comes to reduce the Army. The Army, whether fixed temporarily or permanently, will be at all times within the control of Congress.

I submit to the Senator from South Dakota [Mr. PETTIGREW] and to the Senator from Georgia [Mr. BACON] that since we as a people are united in the belief that we can not avoid the duty of maintaining the sovereignty of the United States and maintaining law and order in the Philippines—since, I say, we are united upon that proposition—since there is no sentiment anywhere favoring a disgraceful retreat from the post of duty in that country, then we have but one question to determine, and that is whether we shall encourage the task to grow by temporary action, or seize it firmly and dispose of it finally, and then trust ourselves to reduce our Army when the conditions warrant.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Georgia?

Mr. CARTER. Certainly.

Mr. BACON. Mr. President, my contention is that the purpose and the inevitable effect of this legislation is not simply to provide a force that may be needed by the emergency of which the Senator speaks, but to permanently increase the standing army of the United States to at least 100,000 men. The thing to which I wish to call the attention of the Senator from Montana is this, that before there was any conflict between the Filipinos and the United States forces the Secretary of War, not on account of the Filipinos at all—there was no such allegation—recommended that the standing army of the United States should be increased to 100,000 men, and the President in his annual message to Congress immediately thereafter stated that the recommendation of the Secretary of War in that regard—if I do not quote his language correctly, these are the words which linger in my mind—met with his hearty concurrence. Certainly he used words to that effect.

Now, I call the attention of the Senator from Montana to the fact that such was the recommendation of the Secretary of War, such was the recommendation of the President of the United States, and immediately thereafter a bill was introduced in the House of Representatives, passed the House of Representatives, and was sent to this body, creating an army of 100,000 men as the standing permanent army of the United States. I put the two things together—the fact that there is no limitation of time upon this proposed increase of the Army, which is professed now to be for the purpose of meeting an emergency. That fact must be taken in connection with the other fact I have stated, that before the emergency arose it not only was the purpose, as expressed by the Executive Department, to increase the Army to 100,000 men, but that the House of Representatives absolutely passed a bill for that purpose and sent it to the Senate.

Mr. CARTER. Mr. President, the legislative situation to which the Senator refers was brought about by the Spanish-American war.

Mr. BACON. It was after that war was concluded.

Mr. CARTER. And when that war was concluded we were brought face to face with the conditions that practically confront us now. Unquestionably, sir, when the Spanish-American war was concluded by the ratification of the treaty of peace in this Chamber——

Mr. BACON. But the treaty had not then been ratified.

Mr. CARTER. Well, Mr. President, there was no doubt in the minds of Senators or people outside of the Senate that the treaty of peace when ratified would of necessity cast upon the Government the task of maintaining law and order in Cuba, and the possible limits to which our territorial acquisitions might extend were to be provided for. That war brought forth and accentuated in a very marked degree the necessity for proper coast defenses.

Who can fail to recall the feeling of alarm that extended from the coast of Maine down to the coast of Florida with the possibility staring the people in the face of a Spanish cruiser sailing into any one of the commercial ports along that vast extent of coast? We found we were not provided with coast defenses. Suddenly, with that remarkable energy displayed by our people and Government in emergencies, we rushed into the coast-defense business with great vigor, with the result that we soon had a line of coast-defense batteries set up, requiring a marked increase of the artillery force of the United States, so that now 18,000 men are required in the artillery arm, and the original standard or maximum of the Regular Army only amounted to 27,500 men in all branches of the service.

Mr. BACON. Will the Senator pardon me right there?

Mr. CARTER. Certainly.

Mr. BACON. The Senator will bear in mind that at the last session the Senate passed a bill, the original bill for which the present bill we are now considering is proposed as a substitute by the House, in which the Senate assumed and adjudged that 5,000 men were all that were required for increased coast defenses additional to what we had. This morning, in order that I might be sure as to that point, I asked the Senator from Vermont whether or not, in the opinion of the Senator, that was a proper estimate of the increased number required for this particular branch of the service needed in the coast defenses, and he replied that it was. So that what the Senator from Montana now so eloquently refers to as the necessity for coast defenses is no defense for the contention that we need an army of 100,000 men, when 5,000 men, according to the judgment of the Senate, was all that was needed as an increase in order that the coast defenses might be properly manned by the artillery.

Mr. CARTER. Mr. President——

Mr. PROCTOR. Will the Senator allow me a moment?

Mr. CARTER. I will yield to the Senator from Vermont.

Mr. PROCTOR. I was not aware that I made the statement just in the form the Senator from Georgia has given it; but I will say that this bill provides only a slight additional increase of the artillery over what was provided for by the bill as it passed the Senate last winter. This bill provides for five additional regiments of artillery.

Mr. ALLISON. What is the minimum?

Mr. PROCTOR. The minimum is stated on the slip the Senator has. The minimum of artillery is 13,872, and the maximum 20,592.

Mr. BACON. But this requirement, as I understood, was met in the opinion of the Senate committee by the former action of the Senate by the addition of 5,000 men, as provided in the original bill as it passed the Senate, and by the slightly increased number which is provided for in the present bill. So that it does not relate to the 100,000. That necessity will be met by an increase of something like 5,000.

Mr. CARTER. I well remember the bill to which the Senator refers as having been presented for the consideration of the Senate. It did provide for an army of 100,000. There is no question about that. The Senate subsequently passed a bill providing for an army of 100,000, and that bill was practically passed by unanimous consent through this body.

Mr. BACON. If the Senator will pardon me, in the one case the bill as it came from the House was a bill providing for an army of 100,000 men as the Regular Army of the United States, and the other bill, to which the Senator refers, was a bill which provided for a temporary army of 65,000 regulars and 35,000 volunteers, to be disbanded, except 29,000, at the end of two years.

Mr. CARTER. There is no doubt about that. We can not disagree on the facts. The bill that came to the Senate for consideration provided for an army of 100,000 men, and that was to be a permanent army. The Senate passed a bill providing for 65,000 of the Regular Army and 35,000 volunteers, and put the limitation of time, fixing it on the 1st day of July, 1901.

Now, it is with the principle of that tentative measure that I take issue. I insist that it was unwise in dealing with this Filipino situation to give to the Filipinos in arms, or organizing and endeavoring to organize, notice that this Government was only going to fight them just a little while, and that if they could hold out until 1st day of July, 1901, they would prevail over the United States, the Congress having given no authority to continue an army in existence as an effective force after that date. If you now pass a bill providing that this temporizing movement shall continue but for a little period longer, you will invite hostility and commotion where fair intentions and peace may now be found in the islands: you will give the agitator, who wants to collect taxes over there on his own account, a fair warrant to go to his people and say, "Wake up to the situation now; the Congress of the United States does not authorize the President to proceed beyond a certain date. Let us work up to that date."

Mr. President, it will be economical, it will prove humane, and unquestionably wise to have the Filipino people understand henceforth, without equivocation of any kind, that it is the set purpose of the United States to establish law and order in those

islands and to maintain our sovereignty there; and this purpose will be best subserved by having it understood that the Army is to be permanent and not temporary.

CUBAN FUNDS.

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Secretary read as follows:

To the Senate of the United States:

In reply to a resolution of the Senate of December 19, 1900, directing the Secretary of War "to transmit to the Senate the report of Abraham L. Lawshe, giving in detail the result of his investigations, made under the direction of the War Department, into the receipts and expenditures of Cuban funds," the Senate is informed that for the reasons stated in the accompanying communication from the Secretary of War, dated December 28, 1900, it is not deemed compatible with the public interest to transmit the report to the Senate at this time.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *January 3, 1901.*

Mr. BACON. There is another communication—the one referred to in the President's message.

Mr. TILLMAN. Let the letter of the Secretary of War be read.

The PRESIDENT pro tempore. The letter of the Secretary of War will be read.

The Secretary read as follows:

WAR DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, December 28, 1900.

To the President:

I have received from the Secretary of the Senate a copy of a resolution adopted by the Senate on the 19th of December, as follows:

"*Resolved*, That the Secretary of War be, and he is hereby, directed to transmit to the Senate the report of Abraham L. Lawshe, giving in detail the result of his investigations, made under the direction of the War Department, into the receipts and expenditures of Cuban funds."

The document referred to is a confidential report of an investigation made under your authority for the purpose of enabling you, through this Department, to properly direct the prosecution of certain offenders against the laws of Cuba. The prosecutions are now pending. While they are pending it is not, in my judgment, compatible with the public interests that the report should be made public.

I transmit a copy of the report, together with the resolution, for your action or instructions.

Very respectfully,

ELIHU ROOT,
Secretary of War.

Mr. PETTIGREW. I ask that the message of the President and the accompanying communication may be printed and lie upon the table.

The PRESIDENT pro tempore. That order will be made, in the absence of objection.

AFFAIRS IN THE PHILIPPINES.

Mr. PETTIGREW. I offer a resolution and ask that it may be printed and lie over until to-morrow, when I shall ask to call it up. I should like to have it read.

The resolution was read as follows:

Resolved, That the President is hereby requested, if not incompatible with the public interest, to inform the Senate what necessity, if any, exists for increasing the Army at this time; what are the conditions in the Philippines, and how many men are required there. The President is also requested to send to the Senate copies of all communications received from our officers in the Philippines showing the conditions in that country and the number of men required now and in the future.

The PRESIDENT pro tempore. Without objection, the resolution will be printed and lie over.

DEATH OF REPRESENTATIVE RICHARD A. WISE.

The PRESIDENT pro tempore laid before the Senate the following resolutions from the House of Representatives; which were read:

Resolved, That the House has heard with deep regret and profound sorrow of the death of Hon. RICHARD A. WISE, a Representative from the State of Virginia.

Resolved, That a committee of 17 members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral at Williamsburg, and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. DANIEL. Mr. President, I ask leave to offer the resolutions which I send to the desk.

The resolutions were read, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. RICHARD ALSOP WISE, late a Representative from the State of Virginia.

Resolved, That as an additional mark of respect to the memory of the deceased the Senate do now adjourn.

The PRESIDENT pro tempore. The question is on the adoption of the resolutions submitted by the Senator from Virginia.

The resolutions were unanimously agreed to; and (at 4 o'clock and 16 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 4, 1901, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 3, 1901.*

The House met at 12 o'clock m. The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

O Lord God Almighty, we bless and magnify Thy holy name; for while months, years, centuries may come and go, Thou art ever the same, administering to the wants and necessities of Thy children, leading them when they know it not into green pastures and by the side of still waters, imparting unto them strength when they are weak, illumining their minds when they are in darkness, and comforting them when they are in sorrow. We bless Thee for all the achievements and successes of the past, for the opportunities of the present, and for the bright hopes and promises of the future. Especially do we remember with gratitude the marvelous achievements of our own nation; and we pray Thee that Thou wilt bless the President of the United States, all his advisers, and keep them and him in the way of truth. Let Thy blessing now descend in full measure upon the Speaker of this House and all the members. Guide them in their legislative acts so that the history that they are now making may be pure, good, true history, that all the world shall be proud of it.

Since we last met, death has entered the Congressional circle and taken away one of its members, known for his gentleness and sweetness of spirit. We pray Thee that Thou wilt be with his family, and comfort, guide, and sustain them. And so, Heavenly Father, with confidence that Thou wilt still guide and protect us, we give Thee hearty thanks and rejoice in Thy presence forevermore, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the last session, December 21, 1900, was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MARSH for two weeks, on account of important business.

REPRESENTATION.

Mr. OLMSTED. Mr. Speaker, I offer the following privileged resolution:

The SPEAKER. The gentleman from Pennsylvania offers the privileged resolution which the Clerk will report:

The Clerk read as follows:

Whereas the continued enjoyment of full representation in this House by any State which has, for reasons other than participation in rebellion or other crime, denied to any of the male inhabitants thereof being 21 years of age and citizens of the United States the right to vote for Representatives in Congress, Presidential electors, and other specified officers is in direct violation of the fourteenth amendment to the Constitution of the United States, which declares that in such case "the basis of representation therein shall be reduced in the proportion which such male citizens bear to the whole number of male citizens 21 years of age in such State," and is an invasion of the rights and dignity of this House and of its members and an infringement upon the rights and privileges in this House of other States and their Representatives; and

Whereas since the last apportionment the States of Mississippi, South Carolina, and Louisiana have, by changes in the constitutions and statutes of said States, and for reasons other than participation in rebellion or other crime, denied the right of suffrage to male inhabitants 21 years of age, citizens of the United States, and such denial in each of said States extends to more than one-half of those who, prior thereto, were entitled to vote, as appears from the following statistics, published in the Congressional Directories of the Fifty-second and Fifty-sixth Congresses, viz.

Mr. RICHARDSON of Tennessee (interrupting the reading). Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON of Tennessee. Is this a proposition offered for unanimous consent?

The SPEAKER. This is offered as a matter of privilege.

Mr. RICHARDSON of Tennessee. I make the point of order that it is not a question of privilege.

The SPEAKER. The Chair can not decide that until he hears the document read.

Mr. UNDERWOOD. Mr. Speaker, I make the point that there is no quorum in the House.

The SPEAKER. The Chair will count. [After counting.] One hundred and forty-one members present, not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

Mr. OLMSTED. And on that, Mr. Speaker, I demand the yeas and nays.

The motion was agreed to; and the yeas and nays were ordered.

The question was taken; and there were—yeas 66, nays 92, answered "present" 19, counted present 2, not voting 177; as follows:

YEAS—66.

Adamson,	Clayton, N. Y.	Dinsmore,	Griffith,
Atwater,	Cochran, Mo.	Dougherty,	Hay,
Benton,	Cooper, Tex.	Finley,	Johnston,
Brundidge,	Cowherd,	Fleming,	King,
Burke, Tex.	Crowley,	Fox,	Kitchin,
Burleson,	Davis,	Gaines,	Kleberg,
Burnett,	De Armond,	Gilbert,	Lanham,
Clark, Mo.	Denny,	Gordon,	Lassiter,

Lester,	Quarles,	Ryan, Pa.	Stephens, Tex.
Lloyd,	Rhea, Ky.	Sheppard,	Sutherland,
McAleer,	Richardson, Ala.	Sims,	Swanson,
McLain,	Richardson, Tenn.	Slayden,	Turner,
Maddox,	Rixey,	Small,	Underhill,
Miers, Ind.	Robb,	Snodgrass,	Underwood,
Moon,	Robinson, Ind.	Sparkman,	Zenor.
Newlands,	Rucker,	Spight,	
Norton, Ohio	Ryan, N. Y.	Stark,	

NAYS—92.

Acheson,	Emerson,	Kerr, Md.	Pearson,
Adams,	Esch,	Kerr, Ohio	Prince,
Aldrich,	Fletcher,	Lacey,	Pugh,
Allen, Me.	Fowler,	Landis,	Reeder,
Baker,	Gibson,	Lawrence,	Roberts,
Barham,	Gillett, Mass.	Linney,	Shattuc,
Bell,	Graff,	Littlefield,	Shaw,
Bingham,	Graham,	Long,	Smith, Ill.
Bishop,	Greene, Mass.	Loud,	Southard,
Bowersock,	Grosvenor,	Lovering,	Sperry,
Brick,	Grout,	McCall,	Steele,
Bromwell,	Grow,	Metcalf,	Tayler, Ohio
Brownlow,	Hamilton,	Miller,	Thomas, Iowa
Burleigh,	Heatwole,	Mondell,	Tongue,
Capron,	Hepburn,	Moody, Mass.	Wadsworth,
Catchings,	Hill,	Moody, Oreg.	Wanger,
Connell,	Hopkins,	Morris,	Warner,
Conner,	Howell,	Needham,	Weeks,
Cousins,	Jack,	O'Grady,	White,
Curtis,	Jenkins,	Olmsted,	Williams, J. R.
Cushman,	Jones, Wash.	Packer, Pa.	Williams, Miss.
Dalzell,	Joy,	Parker, N. J.	Wilson, Idaho
Eddy,	Kahn,	Payne,	Woods.

ANSWERED "PRESENT"—19.

Alexander,	De Graffenreid,	McCulloch,	Ridgely,
Allen, Ky.	Elliott,	McRae,	Shafroth,
Boutell, Ill.	Henry, Miss.	Mahon,	Thomas, N. C.
Burton,	Jones, Va.	Mann,	Sibley.
Dayton,	Livingston,	Minor,	

COUNTED PRESENT—2.

Pearre,	The Speaker.

NOT VOTING—177.

Allen, Miss.	Davenport, S. A.	Levy,	Shackleford,
Babcock,	Davenport, S. W.	Lewis,	Shelden,
Bailey, Kans.	Davey,	Littauer,	Sherman,
Bailey, Tex.	Davidson,	Little,	Showalter,
Ball,	Dick,	Lorimer,	Smith, Iowa
Bankhead,	Dovener,	Loudenslager,	Smith, Ky.
Barber,	Driggs,	Lybrand,	Smith, H. C.
Barney,	Driscoll,	McCleary,	Smith, Samuel W.
Bartholdt,	Faris,	McClellan,	Smith, Wm. Alden
Bartlett,	Fitzgerald, Mass.	McDermott,	Spalding,
Bellamy,	Fitzgerald, N. Y.	McDowell,	Sprague,
Berry,	Fitzpatrick,	Marsh,	Stallings,
Boreing,	Fordney,	May,	Stevens, Minn.
Boutelle, Me.	Foss,	Meekison,	Stewart, N. J.
Bradley,	Foster,	Mercer,	Stewart, N. Y.
Brantley,	Freer,	Mesick,	Stewart, Wis.
Breazeale,	Gamble,	Meyer, La.	Stokes,
Brenner,	Gardner, Mich.	Morgan,	Sulloway,
Brewer,	Gardner, N. J.	Morrell,	Sulzer,
Brosius,	Gaston,	Mudd,	Talbert,
Broussard,	Gayle,	Muller,	Tate,
Brown,	Gill,	Naphen,	Tawney,
Bull,	Gillet, N. Y.	Neville,	Taylor, Ala.
Burke, S. Dak.	Glynn,	Noonan,	Terry,
Burkett,	Green, Pa.	Norton, S. C.	Thayer,
Butler,	Griggs,	Otey,	Thropp,
Calderhead,	Hall,	Otjen,	Tompkins,
Caldwell,	Haugen,	Overstreet,	Vandiver,
Campbell,	Hawley,	Pearce, Mo.	Van Voorhis,
Cannon,	Hedge,	Phillips,	Vreeland,
Carmack,	Hemenway,	Pierce, Tenn.	Wachter,
Chanler,	Henry, Conn.	Polk,	Waters,
Clarke, N. H.	Henry, Tex.	Powers,	Watson,
Clayton, Ala.	Hitt,	Ransdell,	Weaver,
Cochrane, N. Y.	Hoffecker,	Ray, N. Y.	Weymouth,
Cooney,	Howard,	Reeves,	Wheeler,
Cooper, Wis.	Hull,	Rhea, Va.	Williams, W. E.
Corliss,	Jett,	Riordan,	Wilson, N. Y.
Cox,	Ketcham,	Robertson, La.	Wilson, S. C.
Cromer,	Kluttz,	Robinson, Nebr.	Wright,
Crump,	Knox,	Rodenberg,	Young,
Crumpacker,	Lamb,	Ruppert,	Ziegler.
Cummings,	Lane,	Russell,	
Cusack,	Latimer,	Salmon,	
Dahle,	Lentz,	Scudder,	

The motion to adjourn was rejected.

Mr. HENRY of Mississippi. Mr. Speaker, did the gentleman from Iowa, Mr. HEDGE, vote?

The SPEAKER. He did not.

Mr. HENRY of Mississippi. I am paired with him. I desire to withdraw my vote and be recorded "present."

Mr. RIDGELY. Mr. Speaker, I am paired with the gentleman from Kansas, Mr. BAILEY. I wish to withdraw my vote and be recorded "present."

Mr. ALLEN of Kentucky. Mr. Speaker, did the gentleman from Connecticut, Mr. HENRY, vote?

The SPEAKER. He did not.

Mr. ALLEN of Kentucky. Then I desire to withdraw my vote and be recorded "present."

Mr. BOUTELL of Illinois. Mr. Speaker, I am paired with the gentleman from Georgia, Mr. GRIGGS. I wish to withdraw my vote and be recorded "present."

Mr. PEARRE. Mr. Speaker, I wish to be recorded as "present."

The SPEAKER. Was the gentleman present when his name was called?

Mr. PEARRE. I believe I came in after my name was called. May I not be recorded?

The SPEAKER. The gentleman can not be at present. In a certain contingency he may be.

The following pairs were announced:

For the session:

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Until further notice:

Mr. HEMENWAY with Mr. BRENNER.

Mr. WEAVER with Mr. WILSON of New York.

Mr. RODENBERG with Mr. RHEA of Virginia.

Mr. METCALF with Mr. WHEELER.

Mr. WATERS with Mr. VANDIVER.

Mr. THROPP with Mr. TAYLOR of Alabama.

Mr. SPALDING with Mr. TALBERT.

Mr. HULL with Mr. BROUSSARD.

Mr. WILLIAM A. SMITH with Mr. TATE.

Mr. MERCER with Mr. THOMAS of North Carolina.

Mr. WEYMOUTH with Mr. COONEY.

Mr. CANNON with Mr. MCRAE.

Mr. BURKE of South Dakota with Mr. NAPHEN.

Mr. BOREING with Mr. SMITH of Kentucky.

Mr. MAHON with Mr. OTEY.

Mr. SHERMAN with Mr. HENRY of Texas.

Mr. MARSH with Mr. BRANTLEY.

Mr. GARDNER of Michigan with Mr. MCDOWELL.

Mr. BUTLER with Mr. S. W. DAVENPORT.

Mr. SAMUEL W. SMITH with Mr. WILLIAM E. WILLIAMS.

Mr. DAVIDSON with Mr. DAVEY.

Mr. FORDNEY with Mr. CARMACK.

Mr. CRAMER with Mr. COX.

Mr. LYBRAND with Mr. POLK.

Mr. SMITH of Iowa with Mr. SALMON.

Mr. BABCOCK with Mr. BAILEY of Texas.

Mr. BARNEY with Mr. DE GRAFFENREID.

Mr. YOUNG with Mr. CUMMINGS.

Mr. SULLOWAY with Mr. THAYER.

Mr. COOPER of Wisconsin with Mr. ALLEN of Mississippi.

Mr. VREELAND with Mr. DRIGGS.

Mr. HITT with Mr. CHANLER.

Mr. STEWART of New York with Mr. FITZGERALD of New York.

Mr. DRISCOLL with Mr. RUPPERT.

Mr. GILLET of New York with Mr. MCCLELLAN.

Mr. COCHRANE of New York with Mr. SHACKLEFORD.

Mr. STEWART of New Jersey with Mr. LEWIS.

Mr. HAUGEN with Mr. ROBINSON of Nebraska.

Mr. BOUTELL of Illinois with Mr. GRIGGS.

Mr. MESICK with Mr. LENTZ.

Mr. FOSS with Mr. RIORDAN.

Mr. HENRY C. SMITH with Mr. FITZGERALD of Massachusetts.

Mr. TAWNEY with Mr. SULZER.

Mr. WACHTER with Mr. BALL.

Mr. MUDD with Mr. NEVILLE.

Mr. OVERSTREET with Mr. ROBERTSON of Louisiana.

Mr. TOMPKINS with Mr. CLAYTON of Alabama.

Mr. VAN VOORHIS with Mr. STOKES.

Mr. REEVES with Mr. BERRY.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. GILL with Mr. BELLAMY.

Mr. WATSON with Mr. FITZPATRICK.

Mr. PEARCE of Missouri with Mr. RANSDELL.

Mr. POWERS with Mr. LAMB.

Mr. BARTHOLDT with Mr. JETT.

Mr. GAMBLE with Mr. CAMPBELL.

Mr. LANE with Mr. PIERCE of Tennessee.

Mr. FREER with Mr. CUSACK.

Mr. BULL with Mr. NOONAN.

Mr. WRIGHT with Mr. HALL.

Mr. HEDGE with Mr. HENRY of Mississippi.

Mr. KETCHAM with Mr. MULLER.

Mr. CORLISS with Mr. HOWARD until January 6.

Mr. STEWART of Wisconsin with Mr. NORTON of South Carolina until January 7.

Mr. HENRY of Connecticut with Mr. ALLEN of Kentucky until January 4.

Mr. BAILEY of Kansas with Mr. RIDGELY until January 4.

Mr. RAY of New York with Mr. TERRY until January 16.

Mr. PHILLIPS with Mr. BREAZEALE until January 7.

For this day:

Mr. GARDNER of New Jersey with Mr. BARBER.

Mr. SHELDEN with Mr. FOSTER.

Mr. CRUMP with Mr. ELLIOTT.

On this vote:

Mr. FARIS with Mr. KLUTTZ.

Mr. LITTAUER with Mr. BARTLETT.

Mr. DOVENER with Mr. MCCULLOCH.

Mr. CRUMPACKER with Mr. LITTLE.

The SPEAKER. The Chair notes as present the gentleman from Maryland, Mr. PEARRE, and the Speaker. On this vote the yeas were 66; and the nays were 92; answering "present," 19; noted present, 2; making a total of 179 members—a quorum—and so the House refuses to adjourn.

The Clerk will proceed with the reading of the resolution proposed by the gentleman from Pennsylvania.

The Clerk continued to read, as follows:

In the seven districts of Mississippi the total vote cast for all Congressional candidates in 1890 was 62,652; in 1898, 27,045. In the seven districts of South Carolina the total vote in 1890 was 73,522, and 28,831 in 1898. In the six districts of Louisiana 74,542 in 1890, and 33,161 in 1898.

One member of the present House, representing ten counties in Mississippi, with a population in 1890 of 184,297, received only 2,068 votes. One member of the present House, representing six counties in South Carolina, with a population in 1890 of 158,851, received only 1,765 votes, and one member representing thirteen counties in Louisiana, with a population of 208,802, received only 2,494 votes; and

Whereas it is a matter of common rumor that other States have, for reasons other than those specified in the Constitution of the United States, denied to some of their male inhabitants 21 years old and citizens of the United States the right to vote for members of Congress and Presidential electors, as well as executive and judicial officers of said States and members of the legislature thereof, and no reduction has been made in the representation of any State in this House because of such denial; and

Whereas the President of the United States has, by message, recommended "that the Congress, at its present session, apportion the representation among the several States as provided by the Constitution:" Therefore,

Resolved, SECTION 1. That the Committee on Census shall be, and is, authorized and directed, either by full committee or such subcommittee or subcommittees as may be appointed by the chairman thereof, to inquire, examine, and report in what States the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislatures thereof is denied to any of the male inhabitants of such States 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crimes, and the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in each such State.

Mr. OLMSTED. Mr. Speaker——

Mr. RICHARDSON of Tennessee. Mr. Speaker, I make the point of order that the resolution proposed by the gentleman from Pennsylvania is not a privileged resolution; and if the Chair desires it, I wish to submit a remark or two on that question.

The SPEAKER. The gentleman from Tennessee makes the point of order that the resolution is not privileged, and the Chair will hear the gentleman on the proposition he submits.

Mr. RICHARDSON of Tennessee. Mr. Speaker, the question of the apportionment of members of the House has been held, I am aware, to be a privileged question, as I understand it, more than once. Ordinarily the question would not be privileged, as I understand the rules; but inasmuch as it is claimed, and the claim is undoubtedly true, that the Constitution requires the apportionment of members to be made at stated times by law, a resolution providing for such apportionment under the Constitution would be privileged under our rules. It is something that is required to be done by the Constitution itself, and hence is privileged, and necessarily so, under the rules of the House. But this is a different proposition.

Now, Mr. Speaker, there is no other reason why a measure providing for the apportionment of members of the House is privileged under our rules. There is nothing mandatory in the Constitution, there is nothing that requires Congress to legislate along the lines that is proposed by the pending resolution, and it seems to me that there is nothing under the rules of the House and under the laws adopted under the Constitution and in pursuance of the Constitution which makes this proposition at all a matter of privilege under our rules. If, then, it is not privileged, and I hold it is not, it can not be called up at this stage of the proceedings of the House without unanimous consent, and will have to be referred to a committee of the House for consideration and report.

I make the point of order, therefore, that it is not privileged and that it must go to a committee as any other resolution providing for general legislation has to go.

Mr. OLMSTED. Mr. Speaker, I have offered this resolution not from any partisan or sectional standpoint, but from the standpoint of the Constitution itself, and I maintain that it presents a question of the highest possible privilege.

The mandate of the Constitution that Congress shall apportion representation among the various States of the Union has been held, as the learned gentleman from Tennessee [Mr. RICHARDSON] has just stated, to involve a question of the highest privilege; and it was held in the Forty-seventh Congress (it seems to have been held frequently before, but in the Forty-seventh Congress a point of order was made and insisted upon, and a ruling was had upon the question—it was insisted that the previous rulings were bad precedents) that as apportionment affected a subsequent House, the bill then presented providing for such apportionment was not privileged in the House where it was offered.

That question was elaborately discussed by many members, and Speaker Keifer distinctly ruled that an apportionment bill was of the highest possible constitutional privilege. It is worth while to call the attention of the House and of the Chair to the reasons which he gave, which I shall do very briefly.

The Chair will state briefly that it is of opinion that the rules of the House are always subject to any constitutional provision that may be found. It may be true that under the rules, strictly speaking, this bill may not be in order. The Chair is, however, of opinion that the consideration of an apportionment bill by this Congress, fixing the representation in the next Congress under the last census, is one of high constitutional privilege.

He then referred to the duty of Congress to make the apportionment, and finally decided that in view of the constitutional mandate to apportion, the apportionment bill and matters relating to the apportionment of the next Congress become questions of the highest privilege in the present Congress.

Mr. GROSVENOR. Was that decision appealed from?

Mr. OLMSTED. And although the question had been hotly debated, that ruling was not appealed from. And I desire to say that so eminent a Democrat as Mr. Randall took the same view. A special order had been fixed for that day, and other members were insisting upon the special order, but Mr. Randall declared that the motion to take up the apportionment bill raised a question of the highest possible constitutional privilege.

Now, differing from my distinguished friend from Tennessee [Mr. RICHARDSON], I claim that the constitutional mandate in pursuance of which my resolution is offered is just as binding as the command found in the Constitution to apportion. It is found in the same article, in the same section, and in the same sentence. For where we find the language making it the duty of the House to apportion, saying—

Representatives shall be apportioned among the several States, etc.

We also find:

But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

Now, as the constitutional mandate to apportion raises a question of such high privilege in this House, surely the mandate to reduce representation in proportion to the denial of suffrage to citizens 21 years old is of an equally high order.

The command is equally plain and is equally binding upon the consciences and acts of the members, not of some subsequent House, but of this House. And how shall the House act intelligently and perform its constitutional duty unless it is advised in what States the right of suffrage has been denied and to what extent and in what proportion it has been denied? It is in order to enable this House to perform its plain constitutional duty that I have offered this resolution authorizing and directing the Committee on the Census to inquire in what States and to what extent suffrage has been denied to male citizens 21 years of age for reasons other than participation in rebellion or other crimes.

It is just as plainly in the line of the constitutional mandate as is the apportionment bill itself. Speaker Reed, in the Fifty-first Congress, when the question was again raised, ruled that matters relating to the apportionment were of the highest privilege, and his decision was not even appealed from. And the present honorable occupant of the chair ruled, during the last session, that matters relating to the census were privileged, because of the mandate of the Constitution upon this House to provide for the taking of the census.

This resolution is directly in the same line and is equally privileged upon that ground. As will be seen, the principal object of the resolution is to afford data for the performance by this Congress of its duties in the matter of apportionment. But if it were necessary I might go further and say that this resolution touches the dignity of the present House in another way; because, if these States, some of them or all of them, have reduced or restricted the right of suffrage without informing this House and without there having been any reduction in membership, there is to-day upon the floor of this House an unconstitutional representation from several States, an invasion of the rights and dignity of the House and of its membership. All that will be disclosed by the data called for by this resolution, although my object in offering it is to enable us to perform our duty under the Constitution.

Representation in the electoral college follows the representation in this House and rests upon it. It never was intended by the Constitution that in one State 20,000 men should elect seven members of Congress and nine members in the electoral college. The Constitution requires that apportionment shall be based, to a certain extent, upon the proportion and extent to which male citizens 21 years of age are permitted to have the right of suffrage.

Where that is denied you have this mandate of the Constitution, that in such State the basis of representation shall be reduced.

This affects or may affect the election of a President of the United States. It has been ruled in this House to be a question of the highest privilege that a member may arise in his seat and call for the impeachment of the President of the United States. Surely the election of a President is of equal importance with his impeachment. Once, in an attempt to impeach a United States marshal, touching a question of introducing a resolution for the purpose of ascertaining the facts that might impeach him, it has been held to be a matter of privilege. I could recount several other precedents; but it seems to me unnecessary to go further. In a case which my friend from Iowa will recollect, Mr. LACEY offered a resolution providing for the investigation of the alleged assassination of a man not a member of the House, but one who was merely claiming a seat here against the sitting member, and that resolution was held to affect the dignity and privileges and rights of the House, and to be privileged.

Here is one that may affect the right of ten or twenty members upon this floor directly and all members indirectly. But I am willing to rest it upon the single proposition that this resolution is offered in obedience to the mandate of the Constitution, to ascertain data to enable the House to perform its constitutional duty; and it is offered in part because yesterday when I inquired of the distinguished chairman of the committee what, if anything, had been done upon this subject, he stated that the committee was without sufficient data upon this subject, which seemed a very pertinent reply; and it is to enable the committee to obtain that data that this resolution is offered. I maintain that either as relating to apportionment or to the rights of individual members of the House and the dignity of the House itself this is a question of the highest possible privilege.

Mr. RICHARDSON of Tennessee. Mr. Speaker, a word in reply to the argument of the gentleman. I conceded in what I had to say that a bill, or a joint resolution either, providing for the apportionment under the Constitution was a privileged matter under our rules. And the gentleman said that it had been so held more than once—once by Speaker Keifer, in the Forty-seventh Congress, and once by Speaker Reed, in the Fifty-first Congress. Now, these were propositions to do that which the Constitution required should be done; that is, to apportion or reapportion the members under the Constitution. This matter now presented is not a proposition to reduce the representation. The resolution merely recites certain alleged facts, and then follows a resolution of inquiry. It does not do what the Constitution provides, if it provides anything in the amendment which the gentleman referred to, the fourteenth amendment of the Constitution. This resolution does not set out that there has been any denial of the right of suffrage by reason of any matter alleged in this amendment which authorizes a reduction of representation. It is simply a resolution of inquiry to ascertain facts, which the gentleman says may or may not be true. Now, Mr. Speaker, I submit that this kind of a resolution does not come within the rule prescribed. It does not provide for an apportionment——

Mr. OLMSTED. Will the gentleman permit me one question?

Mr. RICHARDSON of Tennessee. Yes, sir.

Mr. OLMSTED. The recital is that in certain States there had been a restriction of the right of suffrage without reduction of the representation, and the purpose is to find out to what extent that has been done in other States.

Mr. RICHARDSON of Tennessee. The resolution is just what I have said. It simply directs an inquiry to be made by the committee or subcommittee, and report the facts. Now, that is not a privileged question under the Constitution. I submit that no authority can be adduced which makes a resolution of inquiry such as this privileged. It can not be confounded with resolutions of inquiry, which, of course, the Chair very well understands are not of themselves privileged matter under our rules; that is, they are not privileged until they have been before a committee a week and the committee has failed to report them within the week. Then they are privileged, not because of what is in the resolution, but because the committee has failed to report the resolution. Then it becomes privileged under our rules, the resolution itself not being privileged. Now, I submit that there can be no authority adduced which makes a resolution such as this privileged.

Mr. MAHON. Will the gentleman allow me to ask him a question, for information?

The SPEAKER. Does the gentleman yield?

Mr. RICHARDSON of Tennessee. I did not know the gentleman had risen to ask a question. I yield for a question.

Mr. MAHON. How can we apportion the members, under the requirements of the Constitution, until we first ascertain the constitutional data upon which we are to make the apportionment; to ascertain the facts on which we are to make the apportionment? If it is true that a hundred thousand men have been disfranchised in a State under the Constitution, how shall we ascertain the facts so as to make the apportionment of members?

Mr. RICHARDSON of Tennessee. There is no difficulty in ascertaining the facts. Let a resolution be referred, and the let committee report upon it; and if you want to pass legislation you can do it. But that is not a privileged question under our rules.

Mr. MAHON. That is what I am trying to get at. Why is one not as much privileged as the other?

Mr. RICHARDSON of Tennessee. Your question does not relate to the apportionment. It is competent for Congress to make an investigation. I am not saying that Congress should not make an investigation, but that it should be made under the rules.

Mr. OLMSTED. May I call the attention of the Chair to one further precedent?

The SPEAKER. The Chair will hear the gentleman.

Mr. OLMSTED. The gentleman from Tennessee has suggested that a resolution of inquiry can not be privileged. The Chair will find that this is not a mere question of inquiry. In the Forty-ninth Congress Mr. Wallace of Indiana offered a resolution only of inquiry instructing the Committee on the Judiciary to inquire whether there had been an infringement by the treaty-making power of the constitutional right of the House to originate revenue measures, which was simply a resolution of inquiry, and yet, against the objection of Mr. Dingley of Maine, Speaker Carlisle ruled that it was a question which involves the constitutional powers of the House to originate such measures, and which has always been held to be a privileged question in the House.

The SPEAKER. The Chair is ready to pass upon the question. The matter seems to the Chair clearly settled by Article XIV, section 2, of the Constitution. The Clerk will read the section referred to.

The Clerk read as follows:

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such States, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

The SPEAKER. This is a most important section and gravely touches the very vitals of the Republic as such, and makes mandatory upon Congress certain things that shall be done by Congress if certain conditions exist. This resolution alleges that certain things exist, expressly provided for by the section just read by the Clerk. The resolution and the preamble must be considered together. What is the object of the resolution providing for the investigation to be made by the Committee on the Census? It is to ascertain the truth of these facts and lay them before Congress so that proper action may be taken by this body.

The resolution is—

That the Committee on Census shall be, and is, authorized and directed, either by full committee or such subcommittee or subcommittees as may be appointed by the chairman thereof, to inquire, examine, and report in what States the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislatures thereof is denied to any of the male inhabitants of such States 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crimes, and the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in each such State.

Can any wiser course be suggested for carrying out the clear mandates of the Constitution than by the provision of this preamble and the resolution? The grave charges are made, and the resolution to carry out the proper investigation and treatment is before us. The whole matter, waiving all discussion of the rules of this House, comes under the higher rule than our rule, the constitutional rule which is here absolutely mandatory, and the Chair is unable to see why we should wander even among the precedents, which the Chair has looked over to some extent and which are all one way, when we have the plain language of the Constitution before us. The resolution is evidently carefully drawn in pursuance of the language of the Constitution. The Chair only hopes that he will never have occasion to settle a more difficult question than this, which seems to him so simple. The Chair therefore overrules the point of order.

Mr. UNDERWOOD. Mr. Speaker, I raise the question of consideration.

The SPEAKER. The gentleman from Alabama raises the question of consideration.

Mr. MADDOX. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Georgia will state his inquiry.

Mr. MADDOX. Is this resolution subject to amendment?

The SPEAKER. Not until the House decides the question of consideration.

The question of consideration was taken; and on a division (demanded by Mr. UNDERWOOD) there were 69 in the affirmative and 70 in the negative.

Mr. OLMSTED. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 80, nays 83, answered "present" 10, not voting 182; as follows:

YEAS—80.

Acheson,	Cushman,	Jenkins,	Packer, Pa.
Adams,	Dalzell,	Jones, Wash.	Payne,
Aldrich,	Eddy,	Joy,	Pearson,
Alexander,	Emerson,	Kahn,	Pearre,
Allen, Me.	Esch,	Kerr, Md.	Pugh,
Baker,	Fletcher,	Kerr, Ohio	Reeder,
Barham,	Gibson,	Lacey,	Roberts,
Bingham,	Gillett, Mass.	Lawrence,	Shattuc,
Bishop,	Graham,	Linney,	Shaw,
Bowersock,	Greene, Mass.	Littlefield,	Southard,
Brick,	Grosvenor,	Long,	Sperry,
Bromwell,	Grout,	Loud,	Steele,
Brownlow,	Grow,	Lovering,	Stewart, N. J.
Burleigh,	Hamilton,	McCall,	Tayler, Ohio
Burton,	Heatwole,	Minor,	Thomas, Iowa
Capron,	Hepburn,	Moody, Mass.	Tongue,
Connell,	Hill,	Moody, Oreg.	Warner,
Conner,	Hopkins,	Morris,	Weeks,
Cousins,	Howell,	O'Grady,	White,
Curtis,	Jack,	Olmsted,	Woods.

NAYS—83.

Adamson,	Finley,	McAleer,	Sheppard,
Atwater,	Fleming,	McCulloch,	Sibley,
Bankhead,	Fox,	McDermott,	Sims,
Bell,	Gaines,	McLain,	Slayden,
Benton,	Gilbert,	Maddox,	Small,
Brundidge,	Gordon,	Miers, Ind.	Snodgrass,
Burke, Tex.	Graff,	Moon,	Sparkman,
Burleson,	Griffith,	Newlands,	Spight,
Burnett,	Hay,	Norton, Ohio	Stark,
Clark, Mo.	Johnston,	Quarles,	Stephens, Tex.
Clayton, N. Y.	Jones, Va.	Rhea, Ky.	Sutherland,
Cochran, Mo.	King,	Rhea, Va.	Swanson,
Cooper, Tex.	Kitchin,	Richardson, Ala.	Taylor, Ala.
Cowherd,	Kleberg,	Richardson, Tenn.	Turner,
Crowley,	Klutts,	Rixey,	Underhill,
Davis,	Lanham,	Robb,	Underwood,
De Armond,	Lassiter,	Robinson, Ind.	Vandiver,
Denny,	Latimer,	Rucker,	Williams, J. R.
Dinsmore,	Lester,	Ryan, N. Y.	Williams, Miss.
Dougherty,	Livingston,	Ryan, Pa.	Zenor.
Elliott,	Lloyd,	Shafroth,	

ANSWERED "PRESENT"—10.

Allen, Ky.	De Graffenreid,	Mahon,	Wanger.
Boutell, Ill.	Henry, Miss.	Mann,	
Dayton,	Landis,	Ridgely,	

NOT VOTING—182.

Allen, Miss.	Davenport, S. W.	Little,	Scudder,
Babcock,	Davey,	Lorimer,	Shackleford,
Bailey, Kans.	Davidson,	Loudenslager,	Shelden,
Bailey, Tex.	Dick,	Lybrand,	Sherman,
Ball,	Dovener,	McCleary,	Showalter,
Barber,	Driggs,	McClellan,	Smith, Ill.
Barney,	Driscoll,	McDowell,	Smith, Iowa
Bartholdt,	Faris,	McRae,	Smith, Ky.
Bartlett,	Fitzgerald, Mass.	Marsh,	Smith, H. C.
Bellamy,	Fitzgerald, N. Y.	May,	Smith, Samuel W.
Berry,	Fitzpatrick,	Meekison,	Smith, Wm. Alden
Boreing,	Fordney,	Mercer,	Spalding,
Boutelle, Me.	Foss,	Mesick,	Sprague,
Bradley,	Foster,	Metcalf,	Stallings,
Brantley,	Fowler,	Meyer, La.	Stevens, Minn.
Breazeale,	Freer,	Miller,	Stewart, N. Y.
Brenner,	Gamble,	Mondell,	Stewart, Wis.
Brewer,	Gardner, Mich.	Morgan,	Stokes,
Brosius,	Gardner, N. J.	Morrell,	Sulloway,
Broussard,	Gaston,	Mudd,	Sulzer,
Brown,	Gayle,	Muller,	Talbert,
Bull,	Gill,	Naphen,	Tate,
Burke, S. Dak.	Gillet, N. Y.	Needham,	Tawney,
Burkett,	Glynn,	Neville,	Terry,
Butler,	Green, Pa.	Noonan,	Thayer,
Calderhead,	Griggs,	Norton, S. C.	Thomas, N. C.
Caldwell,	Hall,	Otey,	Thropp,
Campbell,	Haugen,	Otjen,	Tompkins,
Cannon,	Hawley,	Overstreet,	Van Voorhis,
Carmack,	Hedge,	Parker, N. J.	Vreeland,
Catchings,	Hemenway,	Pearce, Mo.	Wachter,
Chanler,	Henry, Conn.	Phillips,	Wadsworth,
Clarke, N. H.	Henry, Tex.	Pierce, Tenn.	Waters,
Clayton, Ala.	Hitt,	Polk,	Watson,
Cochrane, N. Y.	Hoffecker,	Powers,	Weaver,
Cooney,	Howard,	Prince,	Weymouth,
Cooper, Wis.	Hull,	Ransdell,	Wheeler,
Corliss,	Jett,	Ray, N. Y.	Williams, W. E.
Cox,	Ketcham,	Reeves,	Wilson, Idaho
Cromer,	Knox,	Riordan,	Wilson, N. Y.
Crump,	Lamb,	Robertson, La.	Wilson, S. C.
Crumpacker,	Lane,	Robinson, Nebr.	Wright.
Cummings,	Lentz,	Rodenberg,	Young.
Cusack,	Levy,	Ruppert,	Ziegler.
Dahle,	Lewis,	Russell,	
Davenport, S. A.	Littauer,	Salmon,	

Mr. HENRY of Mississippi. I would like to know whether the gentleman from Iowa, Mr. HEDGE, has voted?

The SPEAKER. He has not.

Mr. HENRY of Mississippi. I am paired with him. I voted "no." I desire to withdraw that vote and be recorded "present."

The following additional pairs were announced:

Until further notice:

Mr. WANGER with Mr. BARTLETT.

Mr. LITTAUER with Mr. SCUDDER,

The SPEAKER. On this question the yeas are 81, the nays 83, answering "present" 5. No quorum has voted. The doors will be closed——

Mr. UNDERWOOD. I move that the House do now adjourn.

The SPEAKER (having put the question). The ayes appear to have it.

Several MEMBERS. Division!

The question being again taken, there were—ayes 72, noes 54.

Mr. OLMSTED. I call for the yeas and nays.

The yeas and nays were ordered, 44 voting in favor thereof.

The question was taken; and there were—yeas 78, nays 74, answered "present" 10, not voting 193; as follows:

YEAS—78.

Adamson,	Finley,	Lloyd,	Ryan, N. Y.
Bankhead,	Fitzpatrick,	McAleer,	Ryan, Pa.
Bell,	Fox,	McCulloch,	Shafroth,
Benton,	Gaines,	McLain,	Sheppard,
Brundidge,	Gilbert,	Maddox,	Sims,
Burke, Tex.	Gordon,	Miers, Ind.	Slayden,
Burleson,	Griffith,	Moody, Oreg.	Sparkman,
Catchings,	Hay,	Moon,	Stark,
Clark, Mo.	Johnston,	Newlands,	Stephens, Tex.
Clayton, Ala.	Jones, Va.	Norton, Ohio	Sutherland,
Cochran, Mo.	King,	Quarles,	Swanson,
Cooper, Tex.	Kitchin,	Rhea, Ky.	Taylor, Ala.
Cowherd,	Kleberg,	Rhea, Va.	Turner,
Crowley,	Klutts,	Richardson, Ala.	Underhill,
Davis,	Lamb,	Richardson, Tenn.	Underwood,
De Armond,	Lanham,	Ridgely,	Vandiver,
De Graffenreid,	Lassiter,	Rixey,	Williams, J. R.
Denny,	Latimer,	Robb,	Williams, Miss.
Dougherty,	Lester,	Robinson, Ind.	
Elliott,	Livingston,	Rucker,	

NAYS—74.

Acheson,	Cushman,	Kerr, Md.	Pearre,
Aldrich,	Dalzell,	Kerr, Ohio	Prince,
Alexander,	Eddy,	Lacey,	Pugh,
Allen, Me.	Esch,	Landis,	Reeder,
Baker,	Fletcher,	Linney,	Roberts,
Bingham,	Gibson,	Littlefield,	Shattuc,
Bishop,	Graff,	Long,	Shaw,
Boreing,	Greene, Mass.	Loud,	Sibley,
Bowersock,	Grosvenor,	McCall,	Snodgrass,
Brick,	Grow,	Miller,	Southard,
Bromwell,	Hamilton,	Minor,	Sperry,
Brownlow,	Hepburn,	Moody, Mass.	Steele,
Burleigh,	Hill,	Morris,	Stewart, N. J.
Burton,	Hopkins,	Needham,	Tayler, Ohio
Capron,	Jack,	Olmsted,	Tongue,
Connell,	Jenkins,	Packer, Pa.	Wanger,
Conner,	Jones, Wash.	Parker, N. J.	White.
Cousins,	Joy,	Payne,	
Curtis,	Kahn,	Pearson,	

ANSWERED "PRESENT"—10.

Allen, Ky.	Dayton,	Henry, Miss.	Metcalf.
Atwater,	Dinsmore,	Mahon,	
Boutell, Ill.	Gillett, Mass.	Mann,	

NOT VOTING—193.

Adams,	Davidson,	Little,	Small,
Allen, Miss.	Dick,	Lorimer,	Smith, Ill.
Babcock,	Dovener,	Loudenslager,	Smith, Iowa
Bailey, Kans.	Driggs,	Lovering,	Smith, Ky.
Bailey, Tex.	Driscoll,	Lybrand,	Smith, H. C.
Ball,	Emerson,	McCleary,	Smith, Samuel W.
Barber,	Faris,	McClellan,	Smith, Wm. Alden
Barham,	Fitzgerald, Mass.	McDermott,	Spalding,
Barney,	Fitzgerald, N. Y.	McDowell,	Spight,
Bartholdt,	Fleming,	McRae,	Sprague,
Bartlett,	Fordney,	Marsh,	Stallings,
Bellamy,	Foss,	May,	Stevens, Minn.
Berry,	Foster,	Meekison,	Stewart, N. Y.
Boutelle, Me.	Fowler,	Mercer,	Stewart, Wis.
Bradley,	Freer,	Mesick,	Stokes,
Brantley,	Gamble,	Meyer, La.	Sulloway,
Breazeale,	Gardner, Mich.	Mondell,	Sulzer,
Brenner,	Gardner, N. J.	Morgan,	Talbert,
Brewer,	Gaston,	Morrell,	Tate,
Brosius,	Gayle,	Mudd,	Tawney,
Broussard,	Gill,	Muller,	Terry,
Brown,	Gillet, N. Y.	Naphen,	Thayer,
Bull,	Glynn,	Neville,	Thomas, Iowa
Burke, S. Dak.	Graham,	Noonan,	Thomas, N. C.
Burkett,	Green, Pa.	Norton, S. C.	Thropp,
Burnett,	Griggs,	O'Grady,	Tompkins,
Butler,	Grout,	Otey,	Van Voorhis,
Calderhead,	Hall,	Otjen,	Vreeland,
Caldwell,	Haugen,	Overstreet,	Wachter,
Campbell,	Hawley,	Pearce, Mo.	Wadsworth,
Cannon,	Heatwole,	Phillips,	Warner,
Carmack,	Hedge,	Pierce, Tenn.	Waters,
Chanler,	Hemenway,	Polk,	Watson,
Clarke, N. H.	Henry, Conn.	Powers,	Weaver,
Clayton, N. Y.	Henry, Tex.	Ransdell,	Weeks,
Cochrane, N. Y.	Hitt,	Ray, N. Y.	Weymouth,
Cooney,	Hoffecker,	Reeves,	Wheeler,
Cooper, Wis.	Howard,	Riordan,	Williams, W. E.
Corliss,	Howell,	Robertson, La.	Wilson, Idaho
Cox,	Hull,	Robinson, Nebr.	Wilson, N. Y.
Cromer,	Jett,	Rodenberg,	Wilson, S. C.
Crump,	Ketcham,	Ruppert,	Woods,
Crumpacker,	Knox,	Russell,	Wright,
Cummings,	Lane,	Salmon,	Young,
Cusack,	Lawrence,	Scudder,	Zenor,
Dahle,	Lentz,	Shackleford,	Ziegler.
Davenport, S. A.	Levy,	Shelden,	
Davenport, S. W.	Lewis,	Sherman,	
Davey,	Littauer,	Showalter,	

So the motion to adjourn was agreed to.

The following additional pairs were announced:

For the rest of the day:

Mr. LOVERING with Mr. LEVY.

Mr. BARNEY with Mr. GLYNN.

The result of the vote was announced as above stated; and accordingly (at 2 o'clock p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of deficiency appropriation for subsistence of the Army—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, submitting, with a letter from the Adjutant-General of the Army and a draft of a bill, recommendations as to the disposition of useless papers in the War Department—to the Committee on Disposition of Useless Papers in Executive Departments, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of W. W. Smallwood, sheriff, committee administrator Benjamin Starkey, deceased, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Elizabeth Curtis, administratrix of estate of John A. Curtis, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Jacob Rohrback, administrator of estate of Norman B. Harding, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Elijah Sides against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for the enlargement of Governors Island, New York Harbor—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Auditor for the Post-Office Department submitting the claim of O. J. Salisbury—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting letters relating to the claim of the Pacific Coast Steamship Company for transportation of destitute miners in Alaska—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Galveston Bay, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting additional estimates of appropriations required by that Department to complete the service of the fiscal years ending June 30, 1900 and 1901—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Navy, transmitting a copy of the report of the board on the desirability of constructing a dry dock on the Columbia River, Oregon—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting report of annual inspection of branches of the National Home for Disabled Volunteer Soldiers—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Hendersons Point, Portsmouth Harbor, New Hampshire—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of San Joaquin River, California—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Oakland Harbor, California—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of John Rison, administrator de bonis non of estate of John W. Nance, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for continuing construction of military post at Sheridan, Wyo.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting statement of property of the United States leased under authority of law of March 3, 1879—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the delegates to the International Marine Conference inclosing draft of proposed amendment to the rules for preventing collisions at sea—to the Committee on the Merchant Marine and Fisheries, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Internal Revenue submitting a bill for the relief of certain parties made liable for special taxes—to the Committee on Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for care and treatment of insane of the Navy and Marine Corps on the Pacific coast—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting recommendations relating to reimbursement of certain light keepers for losses of personal property in storms—to the Committee on Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the chairman of the Light-House Board submitting an estimate of appropriation for lighthouses, beacons, fog signals, etc.—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Director of the Mint submitting additional estimates of appropriation for the service for the year ending June 30, 1901—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for commission on grant of land to the Territory of New Mexico—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for the Hooe Building, occupied by the Geological Survey—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for construction of storehouse at Norfolk Navy-Yard—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Fish and Fisheries submitting an estimate of appropriation for completing the work of certain fish-cultural stations—to the Committee on Merchant Marine and Fisheries, that part relating to new vessels; remainder to Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a detailed statement of the refunds of customs duties for the fiscal year ended June 30, 1900—to the Committee on Ways and Means, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of William M. Mays, administrator of estate of Zillah Hall, against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5121) granting an increase of pension to Frank W. Paige, reported the same with amendment, accompanied by a report (No. 2135); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 12648) for the relief of H. D. Bonnet, reported the same adversely, accompanied by a report (No. 2134); which said bill and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred, as follows:

A bill (H. R. 13081) for the relief of John Welty, of Portsmouth, Ohio—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 13082) for the relief of Jacob Shela, of Portsmouth, Ohio—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 8745) granting an increase of pension to John W. Moore—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HILL: A bill (H. R. 13099) to maintain the legal-tender silver dollar at parity with gold—to the Committee on Coinage, Weights, and Measures.

By Mr. MARSH: A bill (H. R. 13100) providing for the erection of a public building at Blandinsville, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. HENDERSON: A bill (H. R. 13101) to provide for the purchase of a site and the erection of a public building thereon at Waterloo, in the State of Iowa—to the Committee on Public Buildings and Grounds.

By Mr. WILSON of Arizona: A bill (H. R. 13102) for the establishment of a subport of entry at Douglas, Ariz.—to the Committee on Ways and Means.

By Mr. CUMMINGS: A bill (H. R. 13103) to provide for and establish a Naval Reserve for the Navy of the United States—to the Committee on Naval Affairs.

By Mr. LACEY: A bill (H. R. 13104) to tax manufactures from the wood of the *Sequoia gigantea*, or "big trees"—to the Committee on Ways and Means.

By Mr. JENKINS: A bill (H. R. 13105) requiring the Metropolitan Railroad Company of the District of Columbia to extend its Ninth street line, and for other purposes—to the Committee on the District of Columbia.

By Mr. MOODY of Massachusetts: A bill (H. R. 13106) to establish a life-saving station at Salem Willows, Massachusetts—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: A bill (H. R. 13107) to provide for improvements in the office of the assessor for the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 13108) to amend an act to regulate gas works, approved June 23, 1874—to the Committee on the District of Columbia.

By Mr. ADAMS: A bill (H. R. 13109) to authorize the registration of the names of persons, firms, or corporations engaged in transportation business—to the Committee on Patents.

By Mr. BRICK: A concurrent resolution (H. Con. Res. 62) providing for the printing and distribution of the record and all briefs in the cases of John H. Goetze *vs.* The United States, and Fourteen Diamond Rings (Manuel Pepke, claimant) *vs.* The United States, being cases Nos. 340 and 419, respectively—to the Committee on Printing.

By Mr. RIXEY (by request): A resolution (H. Res. 324) authorizing the Committee on the Post-Office and Post-Roads to inquire into the prices for small packages transmitted through the mails, and so forth—to the Committee on the Post-Office and Post-Roads.

By Mr. SHATTUC: A resolution (H. Res. 325) directing the Director of the Census to furnish certain information to the House of Representatives—to the Select Committee on the Census.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BOWERSOCK: A bill (H. R. 13110) granting an increase of pension to Hiram Van Ormen—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 13111) for the relief of William Courtenay—to the Committee on War Claims.

By Mr. BENTON: A bill (H. R. 13112) granting a pension to Andrew Denton—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 13113) for the relief of George R. Frye—to the Committee on Claims.

Also, a bill (H. R. 13114) granting an increase of pension to George W. Andrews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13115) granting an increase of pension to John B. Cozzens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13116) granting an increase of pension to Henry M. Chase—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13117) granting an increase of pension to Ida R. Siegfried—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 13118) granting a pension to Rebecca J. Gray—to the Committee on Invalid Pensions.

By Mr. BERRY: A bill (H. R. 13119) granting a pension to Augusta Ohne—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 13120) granting an increase of pension to Albert L. Duddleson—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 13121) granting an increase of pension to John Flood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13122) granting an increase of pension to Bridget Fallon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12123) granting an increase of pension to Charles Hawkins—to the Committee on Invalid Pensions.

By Mr. COONEY: A bill (H. R. 13124) granting an increase of pension to Thomas Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13125) for the relief of the legal representatives of John A. Stephens, deceased—to the Committee on War Claims.

By Mr. EMERSON: A bill (H. R. 13126) granting a pension to Angeline Ross—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 13127) granting a pension to Isaac A. Chandler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13128) granting an increase of pension to William Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13129) removing the charge of desertion standing against the military record of Valentine F. Ferguson—to the Committee on Military Affairs.

Also, a bill (H. R. 13130) removing the charge of desertion against George W. Knotts—to the Committee on Military Affairs.

Also, a bill (H. R. 13131) removing the charge of desertion against Johnson Gilbert—to the Committee on Military Affairs.

By Mr. HEPBURN: A bill (H. R. 13132) granting a pension to D. H. Wills—to the Committee on Invalid Pensions.

By Mr. HOFFECKER: A bill (H. R. 13133) granting a pension to Capt. Joseph V. Hoffecker—to the Committee on Invalid Pensions.

By Mr. JOHNSTON: A bill (H. R. 13134) granting an increase of pension to William P. Rucker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13135) granting a pension to Anna L. Baxter—to the Committee on Invalid Pensions.

By Mr. KLEBERG: A bill (H. R. 13136) granting an increase of pension to Ambrose Burton—to the Committee on Pensions.

By Mr. LONG: A bill (H. R. 13137) granting a pension to Georgianna Eubanks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13138) granting a pension to John A. McDaniel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13139) granting an increase of pension to James Hawkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13140) granting an increase of pension to Richmond F. Hammond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13141) granting a pension to Ruth E. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13142) granting an increase of pension to William A. Ward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13143) for the relief of James M. Campbell—to the Committee on Military Affairs.

Also, a bill (H. R. 13144) for the relief of James George—to the Committee on Military Affairs.

Also, a bill (H. R. 13145) for the relief of John Carrington—to the Committee on Claims.

Also, a bill (H. R. 13146) granting a pension to Fred W. Boyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13147) granting a pension to Irvin M. Ivey—to the Committee on Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 13148) granting an increase of pension to L. D. Trent—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 13149) granting a pension to James D. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13150) granting an increase of pension to Willis Manasco—to the Committee on Pensions.

Also, a bill (H. R. 13151) for the relief of the estate of L. M. Epperson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13152) granting a pension to Lizzie C. Young—to the Committee on Invalid Pensions.

By Mr. MINOR: A bill (H. R. 13153) granting a pension to Lyman A. Smolk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13154) granting a pension to Ernestine Lavigne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13155) granting an increase of pension to Florian V. Sims—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 13156) granting a pension to James Bintliff—to the Committee on Invalid Pensions.

By Mr. MERCER: A bill (H. R. 13157) granting an increase of pension to John P. Wishart—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 13158) granting an increase of pension to Oliver P. Goodwin—to the Committee on Invalid Pensions.

By Mr. McALEER: A bill (H. R. 13159) granting an increase of pension to William J. Wallace—to the Committee on Invalid Pensions.

By Mr. PACKER of Pennsylvania: A bill (H. R. 13160) granting a pension to Sarah M. Lowell—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 13161) granting an increase of pension to William Nine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13162) to remove the charge of desertion from the record of Abraham A. McRobie—to the Committee on Military Affairs.

Also, a bill (H. R. 13163) to pay James F. Barnsley a sum of money for quartermaster stores—to the Committee on War Claims.

Also, a bill (H. R. 13164) granting an increase of pension to Joseph Zittle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13165) granting a pension to Andrew Mulholland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13166) granting an increase of pension to William H. Koch—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 13167) for the relief of the vestry of Lambs Creek Protestant Episcopal Church—to the Committee on War Claims.

Also, a bill (H. R. 13168) for the relief of Christian Nisewaner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13169) for the relief of the Presbyterian Church at Marshall, Va.—to the Committee on War Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 13170) granting an increase of pension to Charles Dunn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13171) granting an increase of pension to Jane A. Butts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13172) granting an increase of pension to John Bedford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13173) granting an increase of pension to Ellen Pratt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13174) granting an increase of pension to Ann Kelley—to the Committee on Invalid Pensions.

By Mr. STARK: A bill (H. R. 13175) granting an increase of pension to George Shepherd—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 13176) granting an increase of pension to Gilbert J. Webb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13177) granting an increase of pension to Albert G. Dole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13178) granting an increase of pension to Henry P. Malcom—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 13179) granting an increase of pension to Willis J. Kendall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13180) granting a pension to Orla E. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13181) granting an increase of pension to William J. Remington—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 13182) for the relief of H. C. Nixon—to the Committee on War Claims.

By Mr. STEELE: A bill (H. R. 13183) for the relief of Elizabeth Bigelow—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 13184) for the relief of William Cole—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 13185) granting an increase of pension to John F. Moyer—to the Committee on Invalid Pensions.

By Mr. THOMAS of Iowa: A bill (H. R. 13186) restoring and granting an increase of pension to F. M. Thompson—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 13187) for the relief of the Laird-Norton Company, of Winona, Minn.—to the Committee on Claims.

By Mr. WANGER: A bill (H. R. 13188) granting an increase of pension to William W. H. Davis—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolutions of the Retail Grocers' Association of Dubuque, Iowa, against the parcel-post system—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Howard University faculty, Washington, D. C., for the exclusion of spirituous liquors from portions of Africa, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. ACHESON: Petition of Philadelphia Chapter of the American Institute of Architects, in behalf of a railroad station southward of the Mall, Washington, D. C.—to the Committee on the District of Columbia.

Also, petition of the Methodist Episcopal Church of Coraopolis, Pa., urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. ADAMS: Resolutions of Philadelphia Chapter of the American Institute of Architects, in relation to a railroad station on the Mall, Washington, D. C.—to the Committee on the District of Columbia.

Also, letter of Charles H. Cramp, of Philadelphia, Pa., protesting against the registration of foreign-built vessels beyond the date fixed in the bill now pending in the House—to the Committee on the Merchant Marine and Fisheries.

By Mr. BOWERSOCK: Resolutions of the Kansas City Implement and Hardware Club, favoring the passage of House bill No. 1439, amending the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. BRICK: Petition of L. D. White and 2 other citizens of South Bend, Ind., in relation to salaries and holidays for rural route carriers—to the Committee on the Post-Office and Post-Roads.

Also (by request), petition of citizens of South Bend, Ind., to ratify treaty between civilized nations relative to alcoholic trade in Africa—to the Committee on Alcoholic Liquor Traffic.

By Mr. BROWNLOW: Petition of the heirs of Joseph S. Edmondson, deceased, late of Giles County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BULL: Papers in support of House bill for the relief of George R. Frye—to the Committee on Claims.

Also, papers to accompany House bill granting an increase of pension to George W. Andrews—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Henry M. Chase—to the Committee on Invalid Pensions.

Also, petition of Dodge & Canfield, of Providence, R. I., for the repeal of the duty on tea—to the Committee on Ways and Means.

Also, resolutions of the Farragut Association of Naval Veterans, for the passage of Senate bill 3422—to the Committee on Naval Affairs.

Also, petitions of keepers of Rhode Island life-saving stations, for the passage of the bill to increase their pay—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Petition of the Woman's Christian Temperance Union of South Deer Isle, Me., against island saloons and canteens—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 13098, granting a pension to Melvin C. Wadsworth—to the Committee on Invalid Pensions.

Also, petition of keepers of Rhode Island life-saving stations, for the passage of the bill to increase their pay—to the Committee on Interstate and Foreign Commerce.

By Mr. CAPRON: Papers to accompany House bill granting an increase of pension to Charles Hawkins—to the Committee on Invalid Pensions.

By Mr. ESCH: Resolutions of Good Roads Convention, held in Chicago, Ill., asking for an appropriation of $150,000 for the office of Public Road Inquiry—to the Committee on Argiculture.

Also, resolutions of the directors of the California Club, for the purchase of the Calaveras Big Tree Grove, California, by the Government—to the Committee on the Public Lands.

Also, resolutions of citizens of La Crosse, Wis., for the repeal of the tax of 15 per cent ad valorem on imported hides—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of sundry citizens of the Twenty-second Congressional District of Pennsylvania, and resolutions of the Home Missionary Society of Allegheny and Pittsburg, Pa., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of the Philadelphia Board of Trade for such legislation as will strengthen our maritime position—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Manufacturers' Club of Philadelphia, Pa., urging the passage of the Pacific cable bill—to the Committee on Interstate and Foreign Commerce.

Also, petitions of S. Ewart & Co. and John Daub & Sons, of Pittsburg, Pa., for the repeal of the duty on tea—to the Committee on Ways and Means.

Also, petitions of 200 citizens of Pittsburg; also, of sundry citizens of the Twenty-second Congressional District of Pennsylvania, favoring the exclusion of the liquor traffic in Africa—to the Committee on Alcoholic Liquor Traffic.

By Mr. FLETCHER: Resolutions of the faculty of the University of Minnesota, favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

Also, petition of leather manufacturing companies of Minneapolis, Minn., urging the repeal of the tax on hides—to the Committee on Ways and Means.

By Mr. GRAHAM: Resolutions of the Home Missionary Society, of Pittsburg and Allegheny districts, Pennsylvania, in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, resolution of the National Good Roads Convention, Chicago, Ill., in relation to road improvement—to the Committee on Agriculture.

Also, petition of the Fidelity Mutual Life Insurance Company, of Philadelphia, Pa., in relation to the construction of a breakwater at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, petition of Anna Forbes Goodyear, of Boston, Mass., in favor of House bill No. 11819, to provide homes and employment for the homeless poor and make them self-sustaining home owners—to the Committee on the Public Lands.

Also, petition adopted at a meeting in the Central Presbyterian Church, also, petition of 50 citizens of Allegheny, Pa., urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. GREENE of Massachusetts: Petition of vessel owners and others interested in navigation of Onset Bay, Massachusetts, for survey of said harbor—to the Committee on Rivers and Harbors.

Also, petition of Boston Superintendents' Association, urging the passage of the post-office reclassification bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the New England Paint and Oil Club and Boston branch of the National League of Commission Merchants, favoring the repeal of stamp tax on checks, drafts, etc.—to the Committee on Ways and Means.

Also, resolutions of the County Street Auxiliary of Board of Home Missions, New Bedford, Mass., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, resolutions of the Massachusetts Board of Trade, favoring Senate bill No. 727, known as the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of New England railway postal clerks, favoring the bill for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. GRIFFITH: Petition of Woman's Missionary Society of the Presbyterian Church of Pleasant, Ind., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petitions of Richard Nash and 90 others, Wallace Jackson and 92 others, all citizens of Bethlehem, Ind., in opposition to any measure prohibiting steam vessels from using gasoline—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Brown County, Ind., to accompany House bill granting a pension to Johnson Gilbert—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Petition of citizens of Adams County, Iowa, against the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. HITT: Petition of citizens of Freeport, Ill., and resolutions of the Christian churches and citizens of Orangeville, Ill., for the exclusion of intoxicants from all countries inhabited by native races—to the Committee on Foreign Affairs.

By Mr. HOFFECKER: Papers to accompany House bill relating to the claim of Joseph V. Hoffecker—to the Committee on Invalid Pensions.

By Mr. HOWELL: Petitions of life-saving crews of Long Branch and Squan Beach, New Jersey, favoring bill to promote efficiency of Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

By Mr. LONG: Resolutions of Women's Societies on Home and Foreign Missions of the Presbyterian Synod of Kansas, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. MANN: Papers to accompany House bill No. 11082 granting an increase of pension to James Bintliff—to the Committee on Invalid Pensions.

By Mr. MERCER: Petition of F. P. Kirkendall & Co., and other leather dealers of Omaha, Nebr., favoring the reduction of the war-revenue tax—to the Committee on Ways and Means.

Also, letter of A. H. Rawlitzer, of Omaha, Nebr., favoring legislation in regard to irrigation—to the Committee on Irrigation of Arid Lands.

Also, resolution of the T Square Club, of Philadelphia, Pa., in relation to proposed changes in the White House—to the Committee on Public Buildings and Grounds.

Also, resolutions of the Brotherhood of Boiler Makers and Iron Shipbuilders of Omaha, Nebr., favoring the passage of the ship subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. MIERS of Indiana: Paper to accompany House bill No. 11754 granting an increase of pension to Hiram Lawson—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Resolutions of Convention of Fruit Growers of California, in relation to the tariff on citrus fruits—to the Committee on Ways and Means.

By Mr. PEARRE: Petition of James F. Barnsley, of Baltimore, Md., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RIXEY: Paper to accompany House bill for the relief of Christian Nisewaner—to the Committee on War Claims.

Also, papers to accompany House bill for the relief of the Presbyterian Church of Marshall, Fauquier County, Va.—to the Committee on War Claims.

Also, papers to accompany House bill for the relief of Lambs Creek Protestant Episcopal Church, King George County, Va.—to the Committee on War Claims.

Also, papers to accompany letter of inquiry of R. P. Barry, of Warrenton, Va.—to the Committee on the Post-Office and Post-Roads.

By Mr. SHATTUC: Petitions of the Wefugo Company and commissioner of waterworks, Cincinnati, Ohio, for the defeat of a bill granting an extension of patent to I. S. Hyatt—to the Committee on Patents.

Also, petition of the Cincinnati Museum Association for the repeal of section of the inheritance law relating to museums—to the Committee on Ways and Means.

Also, petition of George V. Morris and others, of Cincinnati, Ohio, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, papers to accompany House bill No. 12720 for the relief of James Mantack—to the Committee on Invalid Pensions.

By Mr. STARK: Papers to accompany House bill granting an increase of pension to George Shepherd—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: Papers to accompany House bill for the relief of Gilbert J. Webb—to the Committee on Invalid Pensions.

By Mr. THOMAS of Iowa: Papers to accompany House bill No. 13057, for the relief of Ferdinand Hansen—to the Committee on Military Affairs.

SENATE.

FRIDAY, *January 4, 1901.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

DONELSON CAFFERY, a Senator from the State of Louisiana, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

REPORT OF INTERSTATE COMMERCE COMMISSION.

The PRESIDENT pro tempore laid before the Senate the Fourteenth Annual Report of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. HAWLEY. The National Academy of Sciences requests me to present to the Presiding Officer of the Senate the annual report of the operations of the National Academy for the year 1900. No action need be taken upon it. The statute provides for the printing of the report.

The PRESIDENT pro tempore. The report will be received, and, under the law, printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a concurrent resolution requesting the President of the United States to return to the House the bill (H. R. 2955) providing for the resurvey of township numbered 8, of range numbered 30 west of the sixth principal meridian, in Frontier County, State of Nebraska, in order to correct an error whereby the bill has been enrolled as an act of the first instead of the second session of the Fifty-sixth Congress; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented a petition of the board of directors of the Locktown Dairymen's Association, of New Jersey, praying for the enactment of the so-called Grout bill, to regulate the

manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry druggists of Vineland, N. J., praying for the repeal of the revenue tax on proprietary medicines, cosmetics, etc.; which was referred to the Committee on Finance.

He also presented sundry petitions of citizens of Plainfield, Dennisville, South Orange, and Jamesburg, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of East Millstone, N. J., praying for the enactment of legislation to prohibit the transmission by mail or telegraph of devices used in gambling, racing, etc.; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of East Millstone, N. J., praying for the enactment of legislation regulating divorce laws in the District of Columbia and the Territories; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of East Millstone, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Philippines; which was referred to the Committee on the Philippines.

He also presented a petition of sundry citizens of East Millstone, N. J., praying for the enactment of legislation to give to the capital of the United States protection against Sunday traffic, etc.; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of sundry citizens of Atlantic Highlands, N. J., and a petition of sundry citizens of East Millstone, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

He also presented the petitions of Asher Wardell, keeper, and 10 other members of the life-saving crew of Long Branch; of Robert F. Longstreet, keeper, and 14 other members of the life-saving crew of Squaw Beach; of Francis Hoffman, keeper, and 7 other members of the life-saving crew of Turtle Gut; of John M. Corson, keeper, and 7 other members of the life-saving crew of Ocean City; of William E. Rogers, keeper, and 8 other members of the life-saving crew of Toms River; of R. S. Godfrey, keeper, and 7 other members of the life-saving crew of Corsons Inlet; of Isaac W. Truex, keeper, and 7 other members of the life-saving crew of Ship Bottom; of A. K. Herbert, keeper, and 7 other members of the life-saving crew of Mantoloking, and of Harry L. Smith, keeper, and 12 other members of the life-saving crew of Thousand Inlet, all in the State of New Jersey, praying for the enactment of legislation to promote the efficiency of the life-saving service and to encourage the saving of life from shipwreck; which were referred to the Committee on Commerce.

Mr. PLATT of New York presented a petition of the New York Academy of Medicine, of New York City, praying that an appropriation be made providing additional shelving for the library in the Surgeon-General's Office in the city of Washington; which was referred to the Committee on Military Affairs.

He also presented a petition of the keeper and members of the crew of the life-saving station of Amagansett, N. Y., praying for the enactment of legislation to promote the efficiency of the life-saving service and encourage the saving of life from shipwreck; which was referred to the Committee on Commerce.

He also presented a petition of the Clearing House Association, of Youngstown, Ohio, praying for the repeal of the revenue tax upon the capital of banks; which was referred to the Committee on Finance.

He also presented a petition of the Society of Friends, of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Philippines; which was referred to the Committee on the Philippines.

He also presented petitions of C. A. Stupplebeen, of Glens Falls; of Thomas Smith and sundry other citizens of Jamestown; of the congregation of the Methodist Episcopal Church of Eden Center, and of sundry Methodist Episcopal ministers of Rochester, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which were referred to the Committee on Foreign Relations.

He also presented petitions of Great South Bay Oystermen's Union, No. 8201, of Sayville, Long Island; of the Central Federation of Labor, of Troy; of the International Ladies' Garment Workers' Union, of New York City; of the Coal Handlers' Union, of Utica; of Laundry Drivers' Union, No. 7201, of Buffalo; of the Central Labor Council, of Jamestown; of the Schenectady Label League, of Schenectady, and of the United Trades and Labor Council of Buffalo, all in the State of New York, praying for the enactment of legislation to regulate the hours of daily work of laborers and mechanics; which were referred to the Committee on Education and Labor.

He also presented sundry petitions of citizens of New York and a petition of the Chemung Valley Tobacco Growers' Association, of Addison, N. Y., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented the petitions of Howard R. Ware and sundry other citizens of New Rochelle, Charles Griffen and sundry other citizens of Mamaroneck, C. W. Dunn and sundry other citizens of New York, James Ham and sundry other citizens of Brooklyn, Lewis S. Cost and sundry other citizens of Harrisville, Rev. C. Edward Fay and sundry other citizens of Binghamton, L. D. Mason and sundry other citizens of Brooklyn, the Woman's Christian Temperance Union of Dunkirk, George Schroeizer and sundry other citizens of Brooklyn, R. S. Sherman and sundry other citizens of South Glens Falls, W. E. Hintz and sundry other citizens of Brooklyn, the Woman's Christian Temperance Union of Oneida, the First Methodist Episcopal Church of Oneida, A. E. Hornberg and sundry other citizens of Brooklyn, E. S. Benedict and sundry other citizens of New York City, W. W. Atterbury and sundry other citizens of New York City, J. H. Benedict and sundry other citizens of New York City, J. Belle D'Arville and sundry other citizens of Port Jefferson, H. E. Perrin and sundry other citizens of Brooklyn, and of Edward Poppke and sundry other citizens of Brooklyn, all in the State of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of Rev. J. E. Mallman, of Shelter Island; the Woman's Christian Temperance Union of Brooklyn; the Young People's Prohibition League of Saratoga Springs; the Woman's Christian Temperance Union of Hunt; Rev. C. G. Stevens, of Gainesville; C. P. Tiffany, of Candor; Charles S. Kemble, of Nyack; Edwin H. Hannel, of Buffalo; Daniel McDougall, of Pattersonville; F. W. Bradley, of Poughkeepsie; the Universalist Young People's Christian Union, of Syracuse; A. M. Fowler, of New York City; James Wilkinson, of New York City; E. K. Kane, of Kushequa; the Woman's Christian Temperance Union of Fleming; the Rochester Radiator Company; Francis B. Hall, of Plattsburg; the Methodist Episcopal Ministers' Association of Buffalo; the Woman's Christian Temperance Union of Jamestown; the General Assembly of the United Presbyterian Church of North America; the Woman's Christian Temperance Union of East Syracuse; Rev. G. A. Kratzer, of Middleport, and of the First Presbyterian Church of Poughkeepsie, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

Mr. LODGE. I present a petition of societies and individuals of 23 States and the District of Columbia and Hawaii, praying for the protection of native races in all parts of the world by laws and treaties against firearms, intoxicants, and opium. I also present a letter from ex-President Harrison on the same subject, which I ask may be printed as a document. I also present the petition of Gen. E. Whittlesey and Dr. Merrill E. Gates in aid of the same subject. I ask that the petitions be referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the letter of ex-President Harrison be printed as a document, and that it be referred, with the accompanying petitions, to the Committee on Foreign Relations. Without objection, it will be so ordered.

Mr. PROCTOR presented a petition of Reed and Rattan Workers' Union No. 8693, American Federation of Labor, of Brattleboro, Vt., praying for the enactment of legislation to regulate the hours of daily work of laborers and mechanics; which was referred to the Committee on Education and Labor.

He also presented petitions of the congregations of the Methodist Church, of Klamath Falls, Oreg., the First Methodist Episcopal, the Associate, and the First Baptist Churches, all of Revere; of the Woman's Christian Temperance Union of Spencer, and of the Woman's Christian Temperance Union of Bellingham, all in the State of Massachusetts, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

Mr. FAIRBANKS presented the memorial of J. R. Smyth and 67 other citizens of Jeffersonville, Ind., remonstrating against the enactment of legislation to prevent boats from carrying gasoline; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Wayne Shoe Company of Indiana, praying for the repeal of the duty on hides; which was referred to the Committee on Finance.

Mr. CULBERSON presented a petition of sundry citizens of Albany, Tex., praying for the enactment of legislation to prohibit the sale of intoxicating liquors and opium in Africa, and also for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on Foreign Relations.

Mr. McLAURIN presented the petition of H. E. Eaddy and sundry other citizens of Williamsburg County, S. C., praying

that an appropriation be made to provide for the dredging and deepening of Lynchs River in that State; which was referred to the Committee on Commerce.

He also presented a petition of Local Union No. 8499, American Federation of Labor, of Charleston, S. C., praying for the enactment of legislation to regulate the hours of daily labor of workmen and mechanics; which was referred to the Committee on Education and Labor.

Mr. KENNEY presented a petition of sundry citizens of Newcastle County, Del., praying for the enactment of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. KEAN presented petitions of the keepers and crews of the life-saving stations at Corsons Inlet, Ship Bottom, Ocean City, Squaw Beach, Tatteras, and Mantoloking, all in the State of New Jersey, praying for the enactment of legislation to promote the efficiency of the life-saving service and to encourage the saving of life from shipwreck; which were referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Lamberton, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Paterson, Union, Rochelle, and of the Ladies' Aid Society of the Calvary Methodist Episcopal Church of East Orange, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. TILLMAN presented a petition of Local Union No. 8499, American Federation of Labor, of Charleston, S. C., praying for the enactment of legislation to regulate the hours of daily work of laborers and mechanics; which was referred to the Committee on Education and Labor.

Mr. GALLINGER. I have a letter from Elbert Wheeler, of Nashua, N. H., protesting against the passage of the bill (S. 5089) for the relief of the widow of Isaiah Smith Hyatt. The bill proposes to extend a patent by special act, and as I have on one or two occasions undertaken to accomplish that result for constituents of mine and have failed upon the ground that it was contrary to the policy of Congress to extend patents in this way, I beg to refer the letter to the Committee on Patents.

The PRESIDENT pro tempore. The letter will be referred to the Committee on Patents.

Mr. GALLINGER presented the petition of Mary Ann Page and Susan Elizabeth Page, of Atkinson, N. H., praying that an appropriation be made to purchase the land at Valley Forge camp ground, and to make it a national park and military reservation; which was referred to the Committee on Military Affairs.

He also presented the petition of A. P. Preston, of Portsmouth, N. H., praying for the repeal of Schedule B of the war-revenue act; which was referred to the Committee on Finance.

He also presented a petition of the congregation of the Main Street Methodist Episcopal Church, of Nashua, N. H., and the petition of Frederick D. Power, secretary of the Congressional Temperance Society, the Reform Bureau, and a member of the Anti-Saloon League, praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which were referred to the Committee on Foreign Relations.

He also presented petitions of J. M. Durrell, of Nashua, William Hurlin, of Antrim, the Woman's Christian Temperance Unions of Lempster and Franklin, all in the State of New Hampshire, and the petition of W. F. Mallalien, bishop of the Methodist Episcopal Church of Auburndale, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

He also presented petitions of the New Hampshire State Grange; of George W. Peirce, of Winchester, B. C. Morse, of Lakeside, H. L. Lyster, of Gilmanton, Arthur E. Straw, of Quaker City, J. L. Gerrish, of Contoocook, and of the Woman's Christian Temperance Union, of Newport, all in the State of New Hampshire, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. FOSTER presented a petition of the Clearing House Association of Tacoma, Wash., praying for the repeal of the revenue tax imposed upon the capital and surplus of banks; which was referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Seattle, Wash., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

He also presented sundry petitions of members of the Life-Saving Service in the State of Washington, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which were referred to the Committee on Commerce.

Mr. TELLER presented a petition of the Woman's Christian Temperance Union of Castle Rock, Colo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Denver, Colo., praying for the repeal of the revenue tax on mining stock; which was referred to the Committee on Finance.

Mr. ALLISON presented a petition of the Clearing House Association of Dubuque, Iowa, praying for the repeal of the war-revenue tax on checks, telegrams, contracts of sale, etc.; which was referred to the Committee on Finance.

He also presented a petition of the Daughters of the American Revolution of Marshalltown, Iowa, praying for the establishment of a university of the United States; which was referred to the Committee to Establish the University of the United States.

He also presented the petition of Dr. N. G. O. Coad and 26 other citizens of Hull, Iowa, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Commercial Exchange of Des Moines, Iowa, praying for the establishment of a national park on the Leech Lake Indian Reservation, at the head waters of the Mississippi; which was referred to the Committee on Indian Affairs.

He also presented a memorial of Shelby Norman Post, No. 231, Department of Iowa, Grand Army of the Republic, of Muscatine, Iowa, remonstrating against the enactment of legislation for the removal of all disabilities from those who deserted their post of duty during the war of the rebellion; which was referred to the Committee on Military Affairs.

He also presented a petition of the Ganymede Wheel Club, of Council Bluffs, Iowa, praying for the enactment of legislation to protect the song birds of the country; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregations of the United Brethren, the United Evangelical, the Reformed, and the Methodist Episcopal churches, all of Lisbon, Iowa, and a petition of 800 citizens of Mount Vernon, Iowa, praying for the enactment of legislation to prohibit the transmission by mail or interstate commerce of pictures or descriptions of prize fights; which were referred to the Committee on the Judiciary.

He also presented petitions of S. K. Rice and 28 other citizens of Northwood, G. W. Butterworth and 47 other citizens of Radcliffe, Hugh Hay and 19 other citizens of Spencer, and of the Presbytery of Dubuque, all in the State of Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of William Bevear Post, No. 110, Department of Iowa, Grand Army of the Republic, of Tipton; of Kinsman Post, No. 7, Department of Iowa, Grand Army of the Republic, of Des Moines; and of James C. Taylor Post, No. 165, Department of Iowa, Grand Army of the Republic, of Algona, all in the State of Iowa, praying for the enactment of legislation giving preference to veterans in the public service; which were referred to the Committee on Military Affairs.

He also presented petitions of the Federation of Labor of Cedar Rapids; of the American Federation of Labor, No. 8215, of Clinton; of Federal Labor Union No. 7310, of Walsh; of the Trade and Labor Assembly of Des Moines; of the American Mine Workers' Association of Avery; and of the Trades and Labor Assembly of Ottumwa, all in the State of Iowa, praying for the enactment of legislation to regulate the hours of daily service of laborers and mechanics; which were referred to the Committee on Education and Labor.

He also presented petitions of the Iowa State Sabbath School Association; the congregations of the United Brethren, the United Evangelical, and the Methodist Episcopal churches, all of Lisbon; of the Friends' Church, of Marshalltown; of G. A. Lewis and 51 other citizens of Scranton; of the Woman's Christian Temperance unions of Mount Vernon and Scranton, and of the Christian Endeavor Society of Paullina, all in the State of Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

He also presented petitions of J. A. Johnson and 10 other citizens of North County, B. V. Stanley and 60 other citizens of Linn County, A. T. Dillie and 19 other citizens of Allamakee County, U. Joyce and 53 other citizens of Audubon County, John Newcomer and 37 other citizens of Newburg, of Henry Hein and 16 other citizens and of sundry letter carriers of Burlington, all in the State of Iowa, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of the Retail Grocers' Association of Cedar Rapids, the Retail Grocers' Association of Ames, the Retail Grocers' Association of Dubuque, the Retail Grocers' Association of Burlington, and the Iowa State Retail Grocers' Association; of C. W. Lane and 60 other citizens of Centerville, and of

D. M. Rowland and 45 other citizens of Marengo, all in the State of Iowa, remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of A. S. Molampy and 3 other postal clerks of Le Mars, Iowa, praying for the reclassification of railway mail clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Retail Grocers' Association of Des Moines, Iowa, remonstrating against the enactment of legislation providing for sending merchandise through the mail at reduced rates; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Master Plumbers' Association of Dubuque, Iowa, and a petition of Plumbers' Union No. 66, of Iowa, praying for the enactment of legislation to increase the pay of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. QUARLES presented a petition of 110 citizens of Wisconsin, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. THURSTON presented a petition of 15 citizens of Holdredge, Nebr., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Fremont Brewing Company, of Fremont, Nebr., praying for a further reduction of the revenue tax on beer; which was referred to the Committee on Finance.

Mr. MASON presented a petition of the Saloon Keepers' Association of Blue Island, Ill., praying for the repeal of the war-revenue tax on beer; which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Illinois, remonstrating against the enactment of legislation to prohibit the sale of intoxicating liquors in the United States Army; which was ordered to lie on the table.

He also presented a petition of the West Side Woman's Christian Temperance Union, of Chicago, Ill., and a petition of sundry citizens of Camp Point, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Marissa, Chicago, and Austin, of the Woman's Missionary Society of the Presbyterian Church of Woodstock, and of the Home Missionary Society of the Sixth Presbyterian Church of Chicago, all in the State of Illinois, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of the Maine State Grange, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of J. H. Yarnell and sundry other citizens of New York City, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in certain islands of the Pacific; which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a memorial of Local Union No. 53, Coopers' International Union, of New Athens, Ill., remonstrating against the enactment of legislation to amend certain sections of the Revised Statutes relative to the internal-revenue tax on fermented liquors; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Oak Park, Ill., and the petition of Henry B. Metcalf, of Pawtucket, R. I., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races of Africa; which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (S. 5006) granting an increase of pension to John T. Comegys, reported it without amendment, and submitted a report thereon.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 5211) to fix the compensation of district superintendents in the Life-Saving Service, reported it without amendment, and submitted a report thereon.

PROTECTION OF NATIVE AND UNCIVILIZED RACES.

Mr. LODGE. I report back favorably from the Committee on Foreign Relations a resolution, and I am instructed to ask for its present consideration.

The resolution, which had been submitted by Mr. LODGE December 6, 1900, was read, as follows:

Resolved, That in the opinion of this body the time has come when the principle, twice affirmed in international treaties for Central Africa, that native races should be protected against the destructive traffic in intoxicants should be extended to all uncivilized peoples by the enactment of such laws and the making of such treaties as will effectually prohibit the sale to aboriginal tribes and uncivilized races of firearms, opium, and intoxicating beverages.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. SEWELL. Is the resolution reported from a committee?

The PRESIDENT pro tempore. It is.

Mr. LODGE. I stated that I reported it from the Committee on Foreign Relations and that I was instructed to ask for its present consideration. It is a resolution simply expressing the opinion of the Senate that it is desirable to extend the provisions as fast as may be of the international agreement in regard to Central Africa by laws and treaties, so as to prevent the sale of opium and intoxicating liquors to aboriginal races. It is merely an expression of opinion.

Mr. SEWELL. It would not apply to the Filipinos, I take it. You would not call them aboriginal?

Mr. LODGE. It is merely an expression of opinion.

Mr. SEWELL. I should like to have the resolution lie over until to-morrow.

The PRESIDENT pro tempore. The resolution will go over.

Mr. SEWELL. I withdraw my objection.

The PRESIDENT pro tempore. The objection is withdrawn, and the question is on agreeing to the resolution.

The resolution was agreed to.

REGENT OF SMITHSONIAN INSTITUTION.

Mr. COCKRELL. I am instructed by the Committee on the Library, to whom was referred the joint resolution (S. R. 144) to fill a vacancy in the Board of Regents of the Smithsonian Institution, to report it favorably without amendment. I ask for its immediate consideration. It is very short and will only take a second.

The joint resolution was read, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than members of Congress, caused by the death of William Lyne Wilson, of Virginia, shall be filled by the appointment of George Gray, a resident of Delaware.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CULBERSON (by request) introduced a bill (S. 5380) for the relief of certain officers and enlisted men of the United States Army who suffered loss on account of the cyclone at Galveston, Tex., September 8, 1900; which was read twice by its title, and referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 5381) for the relief of the estate of John Rist, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5382) for the relief of the estate of William Parker, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. KENNEY introduced a bill (S. 5383) granting a pension to Theopolis Goodwin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 5384) granting a pension to Andrew A. Mathews; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 5385) granting a pension to Anna E. Best; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5386) to remove the charge of desertion from the military record of Alfred S. Cook, alias Alfred Seymour, deceased; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5387) referring the claim of the legal representatives of William T. Duvall, deceased, against the United States to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 5388) to increase the limit of cost for the purchase of site and erection of a mint building thereon at Denver, Colo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BATE introduced a bill (S. 5389) for the relief of Jackson College, of Columbia, Maury County, Tenn.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. JONES of Arkansas introduced a bill (S. 5390) granting a pension to John R. Homer Scott; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5391) to provide for a United States

jail at Little Rock, Ark.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HAWLEY introduced a joint resolution (S. R. 146) for the printing as a Senate document of so much of the hearings before the Committee on Military Affairs as relates to the post exchange or canteen; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Printing.

Mr. PROCTOR introduced a joint resolution (S. R. 147) providing for the printing annually of the Report on Field Operations of the Division of Soils, Department of Agriculture; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment fixing the salaries of the superintendents in the Life-Saving Service, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $2,856.11 to pay balance due various merchants of Cloquet and Fond du Lac, Minn., for supplies furnished to certain Indians, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MASON submitted an amendment proposing to appropriate $5,100 for paving Columbia road from Fourteenth street west, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PAYMENT OF CERTAIN CLAIMS.

Mr. MASON submitted an amendment intended to be proposed by him to the bill (S. 1676) for the payment of certain claims; which was referred to the Committee on Claims, and ordered to be printed.

ABRAM G. HOYT.

Mr. WARREN. I move that the bill (S. 1981) for the relief of Abram G. Hoyt be recommitted to the Committee on Claims.

The motion was agreed to.

BENJAMIN R. WILEY.

Mr. KENNEY. I move that the votes by which the bill (S. 5128) granting an increase of pension to Benjamin R. Wiley was ordered to a third reading and passed be reconsidered, that the bill may be indefinitely postponed. Since its passage through this body the claimant has died.

The motion to reconsider was agreed to.

The PRESIDENT pro tempore. Without objection, the bill will be postponed indefinitely.

CHARGES AGAINST COLONEL HEISTAND.

Mr. JONES of Arkansas. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Committee on Military Affairs be directed to inquire upon what alleged facts the charges made by Maj. Erastus L. Hawkes against Colonel Heistand are based, and to report to the Senate whether there are any allegations which, in the opinion of that committee, should be investigated by the Senate.

Mr. SPOONER. I move the reference of the resolution to the Committee on Military Affairs.

Mr. JONES of Arkansas. I think if the Senator will listen to the reading of the resolution, as it simply goes to that committee for the committee to determine what shall be done by it, he will see that its adoption would be the same as a reference.

Mr. SPOONER. I did not so understand it. I withdraw the motion.

Mr. HOAR. I shall renew the motion if the Senator withdraws it. I think if the Senator will listen to the resolution again he will adhere to his motion.

Mr. SPOONER. I think the resolution should not pass, but on grounds entirely distinct from those perhaps to which the Senator refers. I will make the motion.

Mr. HOAR. It seems to me that it puts the Senate of the United States in a very extraordinary position—this great body, representing 45 sovereign States and dealing with great national and international affairs. Now, without anything to show a large public interest, without anything to show any great matter of principle, there is a resolution proposing that a committee shall inquire whether John Smith properly charged John Jones. We do not know what the charges are, or who John Smith is, or who John Jones is. That is the whole of the resolution. I object to it. I do not object to its being referred to the committee. I renew the motion.

The PRESIDENT pro tempore. The Senator from Wisconsin moves that the resolution be referred to the Committee on Military Affairs. That is the question before the Senate.

Mr. HOAR. I understood the Senator from Wisconsin to withdraw his motion.

Mr. SPOONER. I renewed it.

Mr. HOAR. Very well.

Mr. JONES of Arkansas. Mr. President, I should like to say a word in this connection. There are a number of statements in newspapers of charges being preferred by one man, who has been an Army officer heretofore, against another man, who is an Army officer—charges of a very grave character. Rumors of facts of a very grave character in connection with the matter have found their way into newspapers and are presented on all sides to Senators. The ex-Army officer has been removed from the public service, as the newspapers state, and, it is stated by one of the Secretaries, on account of his being guilty of some bad conduct. The rumors are that the other man was as guilty as he was in connection with those things. If it is true that the man who remains in the public service has been equally as guilty as the man who has been removed, the facts ought to be known, and if there has been any infamous conduct of that sort, it should be understood.

The resolution which I offer simply proposes to direct the Committee on Military Affairs to inquire into the facts and to determine whether, on the face of the papers, or whatever is presented to that committee, there is any ground for any investigation. Whether there is any truth in any of it I do not know, but I do believe that the charges made are of sufficient gravity to warrant their being looked into by a committee to determine whether there ought to be an investigation. I have no objection to the resolution taking the course suggested by the Senator from Wisconsin.

Mr. HOAR. My objection is to the form of the procedure. The Senator proposes that the committee shall inquire whether there is any truth in charges made by A against B. For one, I do not know what the charges are, or who A is, or who B is. I have never heard of the matter before, to my knowledge. I have heard something privately since the Senator's resolution was read. But it does seem to me that it should be a very grave and serious matter before the Senate of the United States unlimbers its heavy artillery, and that we should know whether it is a matter that should be settled by a suit before a justice of the peace, settled by a court, or by impeachment brought before the Senate by the House of Representatives, or settled by legislation, or in some other way. But the committee will have the whole matter before them if the resolution is referred. They will supply any defect in the form of the resolution, and will know what to do.

The PRESIDENT pro tempore. The question is on agreeing to the motion to refer the resolution to the Committee on Military Affairs.

The motion was agreed to.

REPORT OF ABRAHAM L. LAWSHE.

Mr. PETTIGREW. I offer a resolution, and I ask that it may be printed and lie over until to-morrow under the rule.

The resolution was read, as follows:

Resolved, That the Senate hereby expresses its condemnation of the refusal of the Secretary of War, under whatever influence, to send to the Senate copies of papers called for by its resolution of the 19th of December, 1900, requesting the Secretary of War to send to the Senate the report of Abraham L. Lawshe in relation to the receipts and expenditures in Cuba, as in violation of his official duty and subversive of the fundamental principles of the Government and of a good administration thereof.

The PRESIDENT pro tempore. The resolution will go over under the rule.

ASSISTANT CLERK TO COMMITTEE.

Mr. FAIRBANKS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Buildings and Grounds be, and it hereby is, authorized to employ an assistant clerk, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided for by law.

REPORTS ON FOREIGN RELATIONS.

Mr. LODGE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed of the Compilation of Reports of the Committee on Foreign Relations of the United States Senate from 1789 to 1900, prepared under the direction of the Committee on Foreign Relations, as authorized by the act approved June 6, 1900, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes," 500 copies, of which number 35 copies shall be for the use of the committee.

RESURVEY OF LANDS IN NEBRASKA.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was read, considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States is hereby requested to return to the House the bill (H. R. 2955) entitled "An act providing for the resurvey of township numbered 8, of range numbered 30 west of the sixth principal meridian, in Frontier County, State of Nebraska," in order to correct an error whereby the bill has been enrolled as an act of the first instead of the second session of the Fifty-sixth Congress.

AFFAIRS IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTIGREW, as follows:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interest, to send to the Senate copies of all instructions sent to the officers of the Government in the Philippines since May 1, 1898, and orders issued by officers of the Government in the Philippines in relation to the conduct of the war and in relation to the government of that country.

Mr. LODGE. Mr. President, that is a very sweeping resolution. It covers a great many matters which have already been sent in. It would be useless labor to send them in again. I think it had better be referred to the Committee on the Philippines.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the resolution be referred to the Committee on the Philippines.

Mr. PETTIGREW. Mr. President, I think perhaps it would be proper to amend the resolution by providing that the President shall send all those papers not heretofore transmitted to the Senate, which would cover the objection of the Senator from Massachusetts.

The information desired is for the purpose of giving the Senate a chance to determine whether a large army is necessary or not. The President says there is no war; that it closed some months ago. The Military Committee seem to disagree with the President. It is hard to tell what the chairman of that committee means by his statement, while the Senator from New Jersey [Mr. SEWELL] clearly states that there is a war of large proportions, requiring an army of not less than 60,000 men, and perhaps a hundred thousand, for an indefinite period.

Owing to the fact that the Committee on Military Affairs and the President disagree as to what the facts are, it seems to me it would facilitate the passage of the Army bill for us to have possession of the official data upon the subject, and that we have a right to know and to judge for ourselves before we determine so great a question as the permanent enlargement of the Army of the United States to a hundred thousand men, for it is idle to pretend that the bill now under consideration for the enlargement of the Army does not make a permanent army of 100,000 men. No one pretends that it shall be less as far as its quota of officers is concerned. It can be less only as to its private soldiers and the corporals.

Therefore, as we have to consider the question whether the Army shall be increased from less than 30,000 to 100,000, and the reason given for the increase by the Committee on Military Affairs is that we are engaged in a war in the Philippines which the President says does not exist, it seems to me important that we should have this information.

I think it will facilitate very much the passage of the Army bill if it can be secured in as prompt a manner as possible. I have no faith in the Committee on the Philippines reporting the resolution, and I have a right to suspect that they will not do it, for the reason that last year, and whenever we have tried to get the facts in regard to the Philippines, the information has been denied. The resolutions referred to the Committee on Foreign Relations were never reported back to this body. We are in ignorance and the public is in ignorance as to the instructions given to our peace commissioners at Paris except such information as was given by the President in a campaign document during the last campaign; and we have a right to suppose that they were garbled extracts. Under the circumstances we have a right to this information and the whole of it, and yet it is denied to the American people and to the Senate of the United States.

Therefore I hope the resolution will be passed rather than referred to that graveyard of resolutions as to the facts of the miserable business in which we are engaged, the Committee on the Philippines.

Mr. HAWLEY. Mr. President, I hope that the resolution will not be adopted. It would take some months of copying in the Philippines and copying here, and it would take a good month to send the manuscript over from Manila. Whether the object of the resolution be to delay the passage of the Army bill or not, it is very obviously the immediate effect, and the Senator who offers it, being quite an intelligent and experienced member and knowing precisely what the resolution will do, is liable to the legal doctrine that when a man knows what the effect of his action is to be he is held to be responsible or guilty as the case may be. If he should discharge a musket down a crowded street, the law takes it for granted that he intends to kill somebody. This is quite an analogous case. I move——

Mr. ALDRICH. There is a motion pending.

Mr. HAWLEY. To refer it to the committee?

Mr. ALDRICH. Yes.

Mr. HAWLEY. I hope that action will be taken.

The PRESIDENT pro tempore. The question is on the motion to refer the resolution to the Committee on the Philippines.

The motion was agreed to.

PAYMENTS TO SISSETON AND WAHPETON INDIANS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTIGREW, as follows:

Resolved, That the Secretary of the Interior be, and is hereby, directed to send to the Senate a copy of all recommendations, requests, and papers on file in relation to the payment of money belonging to the Sisseton and Wahpeton Indians to said Indians since November 6, 1900, and to inform the Senate whether he informed said Indians, or any of them, or any other person, previous to November 6 that he would make said payment after that date.

Mr. PLATT of Connecticut. I should like to have the resolution go over one day more. I understand that the Senator who introduced it is willing that it shall go over.

Mr. PETTIGREW. That is entirely satisfactory.

The PRESIDENT pro tempore. Retaining its place?

Mr. PLATT of Connecticut. Retaining its place.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AFFAIRS IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTIGREW, as follows:

Resolved, That the President is hereby requested, if not incompatible with the public interest, to inform the Senate what necessity, if any, exists for increasing the Army at this time; what are the conditions in the Philippines, and how many men are required there. The President is also requested to send to the Senate copies of all communications received from our officers in the Philippines showing the conditions in that country and the number of men required now and in the future.

Mr. ALDRICH. I move that the resolution be referred to the Committee on Military Affairs.

Mr. PETTIGREW. Mr. President, I should like to know the purpose of the reference to the Committee on Military Affairs. I should like to know whether it is for the purpose of reporting it back, or for the purpose of keeping it there, or what is the purpose in referring it to the Committee on Military Affairs.

Mr. ALDRICH. It is to be referred for the consideration of that committee.

Mr. PETTIGREW. For the information of the committee, I should like to ask?

Mr. ALDRICH. No; for the consideration of the committee, in order that the committee may state to the Senate whether they think it a proper resolution to pass.

Mr. PETTIGREW. Can I have any assurance from the Senator that the committee will meet at once and act upon it?

Mr. ALDRICH. The chairman of the committee is present. I have no doubt it will be acted upon within a reasonable time.

Mr. PETTIGREW. I should like to ask the chairman if he can give any assurance of early action upon the resolution.

Mr. HAWLEY. I intend to call a meeting of the committee to-morrow morning at about half past 10, and that paper, among many others will be laid before it.

The PRESIDENT pro tempore. The Senator from Rhode Island moves that the resolution be referred to the Committee on Military Affairs.

The motion was agreed to.

HENRY O. MORSE.

Mr. HALE. I ask the Senate to proceed to the consideration of the bill (H. R. 163) for the relief of Henry O. Morse.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to remove the charge of desertion now standing against the name of Henry O. Morse, late of the United States ship *Alleghany*, and to issue to him a certificate of discharge from the service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE MILITARY ESTABLISHMENT.

Mr. HAWLEY. I move that the Senate proceed to the consideration of the Army bill.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. 4300) to increase the efficiency of the military establishment of the United States.

Mr. HAWLEY. The bill was read through—the whole of it—what the House struck out, what the Senate inserted, etc., and I suppose it is now in order to begin where the House bill begins, on page 10, line 18, and act upon the amendments of the committee. Am I correct?

The PRESIDENT pro tempore. Amendments are in order. The bill is open to amendment.

Mr. PETTIGREW. I ask that the report of the committee on the bill be read. If there is more than one report, I want to have both read.

The PRESIDENT pro tempore. The Senator from South Dakota demands the reading of the report. The Secretary will read it.

The Secretary read from the report submitted by Mr. HAWLEY December 20, 1900, as follows:

The Committee on Military Affairs, to whom said bill was referred, report it with sundry amendments and recommend that it do pass as thus amended.

By a law bearing the above title enacted March 2, 1899, the President was "authorized to maintain the Regular Army at a strength not exceeding 65,000 enlisted men, to be distributed among the several branches of the service, including the Signal Corps, and raise a force of not more than 35,000 volunteers, to be recruited as he may determine from the country at large or from the localities where their services are needed."

Under the authority of this statute very nearly 100,000 men were brought into the field and organized, but the law provided "that the officers and enlisted men of the Volunteer Army should be mustered out of the military service, as provided in the act of April 22, 1898." But the act of March 2, 1899, proceeds to say:

"That each and every provision of said act shall continue in force until July 1, 1901, and on and after that date all the general staff and line officers appointed to the Army under this act shall be discharged and the numbers restored in each grade to those existing at the passage of said act."

It is also provided that such increased regular and volunteer force shall continue in service only during the necessity therefor and not later than July 1, 1901, "and the enlisted force of the line of the Army shall be reduced to the number as provided for by a law prior to April 1, 1898," excepting the addition to the artillery regiments.

Briefly, all the volunteers must be discharged and the entire Army reduced to about 29,000 unless some remedial legislation shall be enacted before the 1st of July, 1901.

It is impossible to suppose that any intelligent citizen would pretend that an army of 29,000 is sufficient to meet existing requirements. Sixty-nine thousand soldiers must be discharged before July 1, 1901. The work has necessarily commenced already. Invalid soldiers are brought home first. A ship is now on the way with its complement, and ships are to leave twice a month until all are brought home, except those who desire to remain in our island possessions as citizens.

If no legislation shall interfere, on the 30th of June the men who enlisted in the Regular Army for three years will have to be mustered out before their time.

To fail now to preserve the Army substantially at its present strength would be to plunge our present position into chaos and to let loose all shames and crimes.

The bill S. 4300, passed the Senate last session. The House in considering the bill this session struck out all after the enacting clause and substituted a bill with many changes.

Section 3 of the bill as it came from the House enacted that the regimental organization of the artillery arm of the United States Army is hereby discontinued, and that arm is constituted and designated the artillery corps. The Senate committee reports against this proposition, preferring to preserve the regiments, many of which have very glorious traditions.

Fixing the number of staff officers has been a trying task. The committee has not been able to comply with all the recommendations of the chiefs of departments, but endeavored to give them a sufficient working force.

An amendment not reported by the committee last session was inserted in Senate bill 4300 providing for a formidable veterinary corps.

The Senate committee proposes to strike out the section providing for such a corps, which was inserted in the House, and insert in lieu therefor section 16, which, in the judgment of cavalry officers and quartermasters, grants to the Army a sufficient number of veterinarians with sufficient rank and pay.

Care has been taken to give deserving officers of volunteers who are to be mustered out an opportunity for entering the Regular Army.

The committee hopes that very considerable useful forces may be enlisted in the Philippine Islands, and has authorized the President to enlist such troops when in his opinion the condition in the Philippine Islands justifies.

The committee respectfully invites the attention of the Senate to the following comparative statement of the officers of the staff corps and the officers of the line:

Staff corps of the Regular Army.

NUMBER OF OFFICERS AUTHORIZED BY EXISTING LAW.

	Generals.	Colonels.	Lieutenant-colonels.	Majors.	Captains.	First lieutenants.	Second lieutenants.	Grand total.
Adjutant-General's Department	1	5	6	5	.....	.....	.....	17
Inspector-General's Department	1	3	3	3	.....	.....	.....	10
Judge-Advocate's Department	1	1	3	3	.....	.....	.....	8
Quartermaster's Department	1	4	8	14	31	.....	.....	58
Subsistence Department	1	2	3	8	8	.....	.....	22
Medical Department	1	6	10	50	70	55	.....	192
Pay Department	1	2	3	20	.....	.....	.....	26
Corps of Engineers	1	7	14	28	35	30	12	127
Ordnance Department	1	4	5	13	24	20	.....	67
Signal Corps	1	1	1	1	4	3	.....	11
Record and Pension Office	1	.....	.....	1	.....	.....	.....	2
Total	11	35	56	146	172	108	12	540

NUMBER OF OFFICERS PROVIDED FOR IN THE BILL AS REPORTED TO THE SENATE.

Adjutant-General's Department	1	5	7	15	.....	.....	.....	28
Inspector-General's Department	1	3	4	9	.....	.....	.....	17
Judge-Advocate's Department	1	2	3	6	.....	.....	.....	12
Quartermaster's Department	1	6	9	18	54	.....	.....	84
Subsistence Department	1	3	4	9	27	.....	.....	41
Medical Department	1	8	12	60	[1] 240	.....	.....	324
Pay Department	1	3	4	9	27	.....	.....	40
Corps of Engineers	1	7	14	28	40	40	30	161
Ordnance Department	1	4	6	12	24	24	.....	74
Signal Corps	1	1	1	3	9	9	.....	22
Record and Pension Office	1	.....	.....	1	.....	.....	.....	8
Total	11	42	64	170	421	73	30	811

[1] 240 captains or first lieutenants.

Field officers of the line.

NUMBER IN THE REGULAR ARMY UNDER EXISTING LAW.

	Colonels.	Lieutenant-colonels.	Majors.	Captains.	First lieutenants.	Second lieutenants.	Grand total.
Cavalry (10 regiments)	10	10	30	140	100	120	470
Artillery (7 regiments)	7	7	21	112	98	308	357
Infantry (25 regiments)	25	25	75	350	400	300	1,175
Total	42	42	126	602	672	518	2,002

NUMBER IN THE BILL AS REPORTED TO THE SENATE.

Cavalry (15 regiments)	15	15	45	225	225	225	750
Artillery (12 regiments)	12	12	36	204	204	204	672
Infantry (30 regiments)	30	30	90	450	450	450	1,500
Total	57	57	171	879	879	879	2,922

There has been a long-continued agitation in the public mind concerning the so-called "canteen" system in the Army. The true and legal title is the "post exchange," a thoroughly and carefully organized system intended to furnish the soldier a supply and selection of articles of food that he may vary his regular rations. It also furnishes articles of clothing, stationery, etc., and in the room containing these, newspapers of various classes.

The existing law and custom permit the sale of beer and light wine. The committee has amended the House provision on this subject, making the section read as follows:

"SEC. 34. The sale of or dealing in wine or any distilled spirits by any person in any post exchange or canteen or Army transport or upon any premises used for military purposes by the United States is hereby prohibited. The Secretary of War is hereby directed to carry the provisions of this section into full force and effect."

The committee invited and heard all who desired to speak upon this interesting subject. The post exchange, misnamed the "canteen," has been greatly misunderstood and misrepresented. The committee believes that the arguments and statistics, to which is given very liberal space, will justify the opinion that the post exchange is a great instrument of good and of great value in maintaining discipline and good order.

Mr. HAWLEY. I suggest that that which immediately follows is quite a long letter from the Adjutant-General of the Army, with statistics, etc. It is on our table here, and is part of the argument concerning the canteen or the post exchange, which we are having printed in full. It has already gone to press.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the reading of the letter of the Adjutant-General be dispensed with.

Mr. GALLINGER. The Senator from South Dakota [Mr. PETTIGREW] having requested that the report should be read, as he is now absent from the Senate Chamber, it seems to me it is not fair to that Senator to have the order changed in his absence. I therefore insist that the report shall be read.

The PRESIDENT pro tempore. The Senator from New Hampshire objects, and the reading will be continued.

The Secretary resumed the reading of the report, as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 17, 1900.

SIR: Referring to the request of your committee for official information regarding the post exchange, popularly known as the "Army canteen," I have the honor to reply as follows:

The post exchange was established in 1889 as a substitute for the traders' store system, which the Department had determined to abolish. It was essentially a cooperative institution, the expense of which was met entirely by contributions from the enlisted men, without any assistance whatever from the Government, excepting permission to occupy a vacant building, and maintained entirely at their own expense.

Its features were: (*a*) A well-stocked general store in which such goods are kept as are usually required at military posts and were formerly supplied by the trader; (*b*) a well-kept lunch counter, where such articles as tea, coffee, cocoa, nonalcoholic drinks, soup, fish, sandwiches, pastries, etc., are always on sale; (*c*) reading and recreation rooms, supplied with books, periodicals, and other reading matter, paper and envelopes, where men can write letters to their friends; billiard and pool tables, bowling alley, and facilities for other proper indoor games, as well as apparatus for outdoor sports and exercises, such as cricket, football, baseball, tennis, etc.; (*d*) a well-equipped gymnasium, and, incidentally, (*e*) a room used for no other purpose in which the sale of beer and light wines was permitted whenever the commanding officer "is satisfied that giving to the troops the opportunity of obtaining such beverage within the post limits will prevent them from resorting for strong intoxicants to places without such limits and tends to promote temperance and discipline among them."

No spirituous liquors, such as whisky, brandy, gin, and high wines, have ever been sold in the canteen, their sale being positively prohibited; the sale of beer limited to week days and must be consumed upon the premises; the practice of treating and every form of gambling absolutely forbidden. The sale of beer was authorized for two reasons. First, as above cited, to keep the men away from the drinking saloons and low dens of vice that fringe every large military post, and, second, that through the profits the soldier's ration could be supplemented by such extras as milk, eggs, butter, lard, ice, and such other articles regarded as indispensable by the poorest family in civil life, but which, for obvious reasons, are not a part of the Army ration. The establishment, in a few words, embodies the features of a cooperative store and an enlisted man's club.

Following the year 1889, the development of the exchange was gradual and always progressive. In the beginning a great many officers were opposed to it, but this opposition, as is shown by official records, during the four or five following years, almost entirely disappeared, so that by the beginning of the year 1895 there were exchanges at every military post, and the result of the experiment was so fully demonstrated that it was recognized everywhere as a most important feature of army administration. No complaints of any

consequence were made against it, and every report from commanding officers and department commanders was highly commendatory.

The breaking out of the war with Spain, the sending of the Army into the field, and the raising of volunteer regiments developed unexpected and, perhaps, not unreasonable, conditions. It being impossible to carry into the field the store, the recreation room, the gymnasium, and such like sections of the exchange, coupled with the desirability of keeping the men away from the grogshops and saloons which followed the Army into the field, as well as the unfamiliarity of the volunteer troops with the system, necessarily confined the exchange to little more than a canteen, pure and simple, thus bringing the objectionable part of the exchange into prominence.

It is not of record that there was any abuse of the canteen privilege by any regiments of the Regular Army, but at some of the volunteer camps this abuse became so apparent as to create an opposition upon the part of temperance people and others having the interest of our soldiers at heart, and to these conditions, which lasted during the greater part of 1898, is to be attributed the strong opposition to the canteen, which culminated in the action of Congress of March 2, 1899, popularly known as the "anti-canteen amendment to the Army appropriation bill."

There are at the present time about 75 post exchanges within the limits of the United States which embody all the features above cited. Against these exchanges there has never been any special complaint, their operations being entirely satisfactory. They have resulted in driving away from the vicinity of the posts the saloons and dens of vice which formerly surrounded them, and by their profits they have enabled the soldier to supplement his ration with such extra articles as give him the best table fare accorded the soldiers of any nation in the world; and the abolition of the exchange, which would be the natural result from prohibiting the sale of beer, if we are to judge from the practically unanimous sentiment of the Army, would prove a most serious detriment, not only to military discipline, but to the well-being and contentment of the enlisted men.

About a year ago, for the purpose of informing the Secretary of War as to the views of the Army on the subject, a very careful canvass was made. Every commanding officer of regiments, battalions, troops, batteries, and companies, and the noncommissioned officers of longest service, were called upon for their opinions. The opinions of general officers were not called for, for the reason that their views on the question were already of record. The views of staff officers were not required, for the reason that very few of them were serving with troops; nor of lieutenants, for the reason that the greater number of them had entered the service since the exchange system was introduced, and obviously had no knowledge of earlier conditions.

The result of this canvass, together with the information already in possession of the Department, shows that the advocates and supporters of the canteen system embraced every general officer except two, every colonel of cavalry, every colonel of artillery, every colonel of infantry but one, 504 of the 516 commanding officers of organizations, and fully 95 per cent of the noncommissioned officers of oldest service. The practical unanimity of sentiment was so apparent as to leave no room whatever for doubt. It developed the fact that 908 commanding officers and noncommissioned officers out of the 1,019, whose opinions were received, said that it has improved the discipline of the Army; 739 that it has decreased desertion; 825 that it has lessened the number of trials by court-martial for petty offenses; 909 that it has lessened drunkenness; 980 that the selling of beer at the post prevents the men from going outside to procure whisky and other strong intoxicants.

It was further developed by a careful investigation made by Assistant Surgeon Munson, U. S. A., that the effect of the canteen system upon the sick rate has been so marked as to have attracted the attention of medical experts; that the percentage of cases of hospital treatment for alcoholism and its direct results, which for the ten years preceding the introduction of the canteen system, averaged 64.28 per thousand, had gradually decreased during the ten years following the introduction of the canteen to 44, 46, 44, 44, 41, 37, 34, 32, 31, 30; that cases of delirium tremens had been reduced 31 per cent, and that the cases of insanity due to intoxicants had been reduced 31.7 per cent.

In the face of this testimony of the men who are in direct contact with the system, and of expert investigation, it is safe to presume that the prohibition of the sale of beer in the post exchange means an increase of whisky drinking and drunkenness, and the consequent necessity for medical treatment, an increase of the horrors of delirium tremens and insanity, an increased number of courts-martial and punishments, and of desertion, to the scandal of the service, no less than a decrease in discipline, health, and morals, and the consequent diminution of contentment, self-esteem, and self-reliance upon the part of the enlisted men, to say nothing about its effects on the surrounding communities.

There remains to be considered the new conditions that have grown out of the occupation by the United States of lands in tropical countries where native customs and climatic conditions have developed new and unexpected problems. Reports from the Philippine Islands, where our troops are scattered at something over 400 stations, at small towns and villages, where it is quite impossible to purchase anything beyond the ordinary necessities of life, indicate that the post exchange has become an absolute necessity. Moreover that the sale of beer in these exchanges has prevented the soldiers from drinking the vile native concoctions known as "anisado," "bino," or "vino," and "tuba," which in the early days of our occupation presented a very serious problem to the military authorities. Extracts from a few of these reports received by recent mails accompany this letter.

Similar reports have been received from Cuba, where the conditions are very much like those in the Philippine Islands, several officers, including General Lee, having reported that drunkenness has almost entirely disappeared since the sale of beer has been permitted in their commands. In the Annual Report of the Adjutant-General of the Army for 1900, page 25, there are cited reports from the chief surgeon at Santiago de Cuba to the effect that owing to the outbreak of yellow fever in 1899 canteens were discontinued at many posts in that section, but that alcoholism and intestinal troubles increased to an alarming extent, the latter almost fourfold at some posts, and as the increase could not be traced to the food and water the surgeons attributed it to rum, which is easily procured at very slight cost in that section. The canteens were then opened and the subsidence of these intestinal troubles was as remarkable as their rise. In one post in one month the intestinal troubles decreased 80 per cent.

There is also cited a report of the inspector-general of the Department of Porto Rico to a similar effect. These officers conclude that to close the canteen in Cuba and Porto Rico without first closing all possible avenues for the procuring of rum within a radius of 10 miles would be sanitary suicide, and "from practical observations are led to the conclusion that the closing of the post canteen in Cuba and Porto Rico would be an unjustifiable as well as a dangerous experiment."

In the face of all this testimony to the beneficent influence of the canteen as an aid to morality, health, and discipline it may be easily understood why the Army views with a feeling of dismay any action of Congress looking to its abolition. This overwhelming majority of officers, who are responsible to the Government for the lives and well being of their men and dependable upon their good conduct, contentment, and efficiency for the correct performance of the duties enjoined upon them, reasonably feel that they are better judges of what is best for their men than outsiders, who, however praiseworthy their motives in the abstract, can have no possible knowledge of the concrete.

Enlisted men who see the combined efforts of their officers for their betterment and contentment ineffectual and their wishes ignored become discontented and refuse to reenlist. Already are there indications that men proposing to enter the Army are likely to be deterred from enlisting when informed that their personal liberty is to be still further restricted, and that the table fare is to be limited to the ration, pure and simple. For these reasons this Department indulges the hope that your committee may recommend that the canteen system, as it now exists, be not disturbed, but left to the good judgment of the officers who are responsible for the discipline, efficiency, and contentment of the men they command.

Very respectfully,

H. C. CORBIN, *Adjutant-General.*

Hon. JOSEPH R. HAWLEY,
Chairman Military Committee, United States Senate.

Mr. PETTIGREW. I should like to ask the chairman of the Committee on Military Affairs whether this is all the report there is from the Senate committee on the subject?

Mr. HAWLEY. Directly following what has been read at the desk are extracts from communications on the subject of the post exchange. They are a part of the report. There are four pages more, containing perhaps twenty or thirty extracts and some conversations between members of the committee and officers of the Army and others, which are really part of the report. In addition, there are two pamphlets containing 128 pages of evidence presented to the committee. We heard everybody who desired to be heard. There were speeches, letters, and all that sort of thing. They are printed in two separate documents, entitled "Hearings before the Committee on Military Affairs," which are a part of the report.

Mr. PETTIGREW. Mr. President——

Mr. CARTER. If the chairman of the committee will permit me——

The PRESIDING OFFICER (Mr. BEVERIDGE in the chair). Does the Senator from South Dakota yield?

Mr. PETTIGREW. I do.

Mr. CARTER. I suggest to the chairman of the committee that it might be wise to pass over all contested amendments and propositions in the bill likely to lead to discussion, to the end that the formal amendments may be first disposed of. I can see no objection to that proceeding, and I think it would tend to expedite the work upon the bill.

Mr. HAWLEY. The Senator means unobjected amendments.

Mr. CARTER. Let the unobjected amendments be first disposed of. If the chairman has no objection, I will ask unanimous consent that we proceed to first dispose of unobjected amendments to the bill.

Mr. TELLER. Would that apply to the whole bill, and prevent discussion?

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent that the Senate proceed to the consideration of amendments which are not objected to. Is there objection?

Mr. PETTIGREW. I object.

The PRESIDING OFFICER. Objection is made.

Mr. CARTER. In reply to the Senator from Colorado [Mr. TELLER], I will say that the proposition will not in any way abridge the right of discussion of the whole bill and amendments; but there are certain amendments which are verbal and entirely unobjectionable. They constitute no basis for discussion, and it would be well to have the bill perfected and the discussion reduced to the contested points, if possible. I trust the Senator from South Dakota will withdraw his objection, to the end that that mode of procedure may obtain.

Mr. PETTIGREW. I shall not withdraw my objection.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Montana.

Mr. PETTIGREW. I do not withdraw my objection, for the reason that I have tried to secure information as to why the Army should be enlarged, and it is refused. I tried to get it from the reading of the report of the committee, but that contains nothing. It simply relates to the Army canteen, and contains some incoherent statements with regard to the increase of the Army without a reason, without an argument, without an excuse of any sort. From some source I propose to have this information, if it can be had. If the committee will not furnish it, and the Senate refuses to pass resolutions of inquiry seeking it, then we shall have to take time to try to find it as best we can.

Mr. HAWLEY. I think the Senator was out of the Chamber when the first part of the report was read. The first two pages of the report contain carefully condensed statements of the reasons for these enlistments and the necessities of the service. I presume he did not hear that.

Mr. PETTIGREW. All we find is this:

To fail now to preserve the Army substantially at its present strength would be to plunge our present position into chaos and to let loose all shames and crimes.

Mr. HAWLEY. That is part of the report, and the judgment of the committee.

Mr. PETTIGREW. And for that reason we need an Army of 100,000 men!

Mr. HAWLEY. The report has been read.

Mr. PETTIGREW. I suppose there must be another report to justify the committee in bringing in a bill here asking for an increase of 69,000 men.

Mr. CARTER. If the Senator will allow me one moment; I hope he will permit an interruption?

Mr. PETTIGREW. Certainly.

Mr. CARTER. The Senator from South Dakota does not correctly state the case. There is really no proposition to increase the Army here. The Army at present is 100,000 men. It consists of 65,000 authorized regulars and 25,000 volunteers. It is true that it is but a temporary force, but it is so obvious to the most casual observer in the country, to everyone reading the daily papers, to everyone having access to the reports of the department commanders, the Secretary of War, and the messages of the President of the United States, that a condition exists which can not be fully described in any ordinary report of limited scope: that a report attempting to describe the conditions with which this bill proposes to deal would constitute a reflection not only upon the intelligence of Senators, but upon the general intelligence of the people of the country at large. There is no doubt whatever that the present force of 100,000 men is scarcely an adequate force. It has been said that 79,000 men were engaged in the Philippines at one time. Certain troops are engaged in Porto Rico; other troops in Hawaii; some troops in Cuba; and it is well known to the Senator from South Dakota that troops have been so far withdrawn from the United States as to leave public property at established posts, and guns connected with our coast defense, without proper care or attention. In the State of South Dakota, for instance, I doubt if there is an adequate number of troops at any one of the military posts there to preserve order in case of an Indian outbreak; and certainly scarcely enough in the State of Montana at one military post to take care of the public property.

If any criticism can be offered at all to the number proposed for the Army in this bill, the criticism might well obtain that the number provided is inadequate, and that statement, I think, is but the natural result of two years' experience and ordinary observation, which is as open to the Senator from South Dakota, with his clear sense of public duty, as to any other person in this Chamber. A report can not be made to cover all of the facts and conditions stated in the report of the Secretary of War and the reports of the general commanding in the Philippines and of his subordinate officers. I think the report would make a volume so large that the Senator would be discouraged in being charged with reading it in order to properly inform himself of the conditions.

Mr. WELLINGTON. Mr. President, before the Senator from Montana takes his seat, I should like to ask him a question.

Yesterday in his remarks, if I remember correctly, he said that it was necessary to have a large force in the Philippines to preserve law and order and to uphold the dignity of the American arms and the American flag. In this discussion it seems to me that the starting point is this: What is the intent of the Administration in regard to the Philippines? Is it the intention of the present Administration to take the Philippines and annex them permanently, against the wishes of the people, by force and arms? If that be the intention, there is no question that a large army is necessary, and will be necessary for years to come.

When this matter was first taken up we were assured by Administration Senators that 5,000 men in six weeks would restore tranquillity and make peace in the Philippines. Two campaigns have been fought in the Philippines, and at every stage of the war we have been assured that in a week or two there would be complete peace; and yet, notwithstanding the fact that the President in his message assures us that law and order are restored, the Military Committee comes here and tells us that it is necessary to keep 76,000 men in the Philippines now. For what reason? Why, sir, because those people can not be quelled by American arms in the manner that you are undertaking. And, sir, it was said before the Presidential election that the only thing necessary further was that the present Administration should receive an indorsement by the people; that the Filipinos would then lay down their arms. Have they done so? No. The revolution there, the rebellion, the insurrection, call it what you may, is worse today than it was before the Presidential election.

Sir, I wish to put the question to the Senator from Montana, what is the purpose of the Administration? Is it the purpose to take these islands by force of arms and deprive the inhabitants of the Philippines of the right of self-government? Then I for one am opposed to the increase of the Army for that purpose.

Mr. HAWLEY. The Army is not increased. It now stands, nominally, at least, at about a hundred thousand; really, I think, about 98,000; and the machinery is all ready for the reduction of it. When in the judgment of the President of the United States and the very able officers under him, upon the obvious facts as they will be laid before us by the press and by the current reports of officers, there is no serious war going on, nothing but brigandage and guerrilla warfare, then we shall reduce the Army. It will reduce itself then. It will be necessary only to stop recruiting to reduce it at quite a rapid rate.

Mr. CARTER. With the permission of the Senator from South Dakota, in whose time I seem to be speaking——

Mr. PETTIGREW. I yield the floor to the Senator from Montana.

Mr. CARTER. I will endeavor to answer the question of the Senator from Maryland, which is pretty well drawn out, I must confess.

Mr. WELLINGTON. The Senator from Maryland begs pardon, but he has patterned after older associates.

Mr. CARTER. The Senator from Montana, possibly.

Mr. President, the pith and point of the question presented by the Senator from Maryland is this: The Administration must here and now, to satisfy his mind, declare its intention with reference to the future policy of this Government in the Philippine Islands. The Senator does not vouchsafe the information as to whether, that policy being declared, he would support the bill, but he thinks that in order to act intelligently upon the subject some pointed declaration should be made. The Senator can consult the record made by Congress for an answer to his question.

The President of the United States has no right to elect as to what he will do in the Philippine Islands. I undertook briefly yesterday afternoon to outline the history of the events leading up to the present situation. In the first instance, this body, by a two-thirds vote, both Houses subsequently by a majority vote, ratified a treaty whereby the Philippine Islands were ceded to the United States, and subsequently appropriated the money in conformity with the terms of that treaty to make the payment to Spain of $20,000,000. That was not the action of the Administration, but the action of the Senate and the House of Representatives, the law-making and treaty-ratifying power of the Government. The moment the treaty of peace was ratified, that moment, Mr. President, it became the supreme law of this land, and had the President of the United States at any time, or should he at any time in the future, relinquish the sovereignty of the Government over the Philippines when possessed of an authority to maintain that sovereignty, he would lay himself open to impeachment for high crimes and misdemeanors. He has as much right and authority to withdraw the forces of the United States and to surrender the sovereignty over Alaska to-night as he has over the island of Luzon.

Mr. WELLINGTON. Has he not already surrendered the sovereignty over one part of Alaska, if I may ask the question?

Mr. CARTER. That was in the course of an ordinary proceeding relative to a disputed boundary; and with reference to any cession or surrender at that point this body will finally be called upon to act, and the action of the President of the United States in the premises will only be tentative until there is a final and full disposition.

Mr. SPOONER. That was a modus vivendi.

Mr. CARTER. That was a modus vivendi—a mere temporary arrangement to prevent conflicts between citizens at the disputed point on the boundary.

Mr. WELLINGTON. Is it not true that under this modus vivendi our lines have been moved, the British constabulary have taken authority, have raised the British flag, and American citizens are now under English law there? That is true. That is the fact, and it is well known.

Mr. CARTER. Mr. President, that is the alleged fact. I do not wish to be drawn into a discussion of the Alaskan boundary question. Certain wording of the treaty of cession, whereby the Territory of Alaska was ceded to the United States, was considered ambiguous and uncertain. The contention of the British Government did not agree with the claims of the United States. The country suddenly settled up along the disputed line of demarcation between the territory of the United States and the territory of Great Britain. For the purpose of avoiding bloodshed and unnecessary conflict between citizens of the respective Governments, the President, not making a treaty, but by commission, arranged a modus vivendi or temporary contract, not to be binding upon either party when the final adjustment should obtain. That is all there is to the Alaskan boundary matter as it at present stands. The Senator from Indiana [Mr. FAIRBANKS] is familiar with the conditions of that temporary arrangement. It does not constitute the surrender of the sovereignty of the United States permanently over a foot of that territory. It is one course of proceeding that has obtained under like conditions very frequently heretofore.

Mr. WELLINGTON. Will the Senator yield for just one moment?

Mr. CARTER. Certainly, with the permission of the Senator from South Dakota, who seems to have disappeared.

Mr. WELLINGTON. Is it not true that Alaska was purchased from Russia and that our title was Russia's title? And is it not

further true that the line of demarcation between Russian Alaska and the British possessions was marked by stones at different points that had been there for over half a century and perhaps over a century? And yet notwithstanding that the Administration has surrendered this territory which belonged to Russia beyond dispute and became American territory by the cession of Alaska to this country. It surrendered that territory under the modus vivendi, and the British have taken possession of it and are to-day controlling it by British constabulary. That is the fact. And American citizens have been deprived of American rights there.

Now, then, if the President should be impeached for surrendering in the Philippines American rights that never existed, then, sir, I contend that he is liable to the same impeachment for surrendering American territory that belonged to us beyond dispute. You say it has not been finally done. Why have the British taken possession? They hold it to-day; and I venture to say that unless there is a revolution or an uprising of sentiment in this country they will never return it to America.

Mr. CARTER. Will the Senator now permit me to ask him a question?

Mr. WELLINGTON. Certainly.

Mr. CARTER. If I, for the purposes of the argument, admit his premise, to wit, if the President has surrendered some of our territory to Great Britain, does he approve of that act?

Mr. WELLINGTON. I do not.

Mr. CARTER. If he does not approve of the surrender of territory in Alaska by the President, would he approve of the surrender of territory in the Philippines by the President?

Mr. WELLINGTON. It is quite a different matter entirely, because I happen to know that it was not the intention of the Administration under the treaty of Paris to acquire permanently the Philippine Islands, and I do not think that treaty was adopted with that intention. I do not think that the Philippine territory can be compared to the Alaskan difficulty. I think it is quite another matter.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Wisconsin?

Mr. CARTER. The Senator from South Dakota is entitled to the floor.

Mr. PETTIGREW. I have yielded the floor.

Mr. SPOONER. Will the Senator from South Dakota and the Senator from Montana and the Senator from Maryland permit me to ask the Senator from Maryland a question?

Mr. CARTER. We all yield to the Senator from Wisconsin.

Mr. PETTIGREW. I have yielded the floor.

Mr. SPOONER. The Senator speaks of the intention of the Administration in the acquisition of the Philippines. Is it the Senator's understanding that the Administration or Congress disposes of territory of the United States when once acquired?

Mr. WELLINGTON. The Senator's understanding would be that Congress would control it, but the Senator's understanding is that Congress has done nothing toward controlling it, and that the Executive power has controlled that territory from the time it was acquired.

Mr. SPOONER. No; but the Senator spoke about the intention of the Administration, as I understand it, as to whether the ownership of the Philippines should be temporary or permanent.

Mr. WELLINGTON. Yes, sir.

Mr. SPOONER. My question to the Senator is this: Whether it is his notion that the Administration can determine the duration of the tenure, under the treaty, of territory acquired by the United States. Is not that solely for Congress to determine?

Mr. WELLINGTON. Has it not resolved itself of late to the simple question of what the Executive wants? Does he not seem to have the power of controlling action, or really of not permitting action in the Senate of the United States?

Mr. SPOONER. In what respect?

Mr. WELLINGTON. Have you been able to have a declaration of what is the intention of Congress or of the President with respect to the Philippines?

Mr. SPOONER. The Congress would not undertake probably to declare the intention of the President, any more than the President would undertake to declare the intention of Congress. Congress can manifest its intention only by its legislative action under the Constitution, and the President's intention is confined to executive acts which under the Constitution he has a right to perform. The President has notified Congress, not only in the message he sent over a year ago, but in his last message, of his purpose.

> I stated my purpose, until the Congress shall have made the formal expression of its will—
>
> That is for the Congress to do, and not the President—
>
> to use the authority vested in me by the Constitution and the statutes to uphold the sovereignty of the United States in those distant islands as in all other places where our flag rightfully floats, placing, to that end, at the disposal of the Army and Navy all the means which the liberality of the Congress and the people have provided.

Now, can the Senator conceive of a place—of a spot acquired by the United States under the treaty, belonging to the United States under the Constitution—in which it is not the duty of the President to enforce the sovereignty of the United States and to resist lawlessness against the United States or its sovereignty?

Mr. WELLINGTON. Does the Senator pretend to say that the Philippines now are and have been fully acquired?

Mr. SPOONER. I have said nothing of the kind, except to this extent, that in my judgment the Philippine Archipelago belongs to the United States.

Mr. WELLINGTON. There is where we differ—right at that point. I do not believe that it does belong to the United States for purposes of permanent acquisition.

Mr. SPOONER. Did the Senator vote to pay for it $20,000,000?

Mr. WELLINGTON. Yes, the Senator voted to do that; but he voted under a misapprehension and under misinformation by the Administration itself.

Mr. SPOONER. Mr. President, the Senator ought not to be governed in his vote to appropriate money by his understanding of what the President means to do. The Senator ought to have known, and undoubtedly did know, that the Government, by the ratification of the treaty, followed by the exchange of ratifications, acquired the territory, and the Senator voted for the appropriation, which the treaty provided, of $20,000,000 to be paid to Spain.

Mr. PETTIGREW. How did we get title?

Mr. SPOONER. By cession.

Mr. CARTER. Precisely as in the case of Alaska from Russia.

Mr. WELLINGTON. There is the trouble; we have not possession. You are now asking for 76,000 men to help you gain possession. You have not possession of those islands, and you can not get it even with the increase of the Army that you now propose.

Mr. CARTER. Somebody must be in possession of the Philippine Islands, and the United States comes a little nearer being in possession than any other Government of which I have any knowledge.

Mr. PETTIGREW. Not much.

Mr. CARTER. The digression with reference to the Alaskan matter ought not to divert our attention from the purposes of this bill. As suggested, the provision relative to Alaska was entirely temporary. But the Senator from Maryland readily concedes that if the President happens to be, as he asserts, derelict in duty with reference to the Alaskan Territory, then and in that event the President ought to be arraigned for his failure to execute the law and to protect the property of the United States. If that be true with reference to Alaska, it is pertinent to inquire wherein the Philippine situation differs from the Territory of Alaska. Alaska was ceded by Russia to the United States by a treaty of cession. The amount to be paid was stipulated in the treaty. The Senate in the first instance ratified the treaty and thereafter the two Houses of Congress appropriated the necessary money to make payment in conformity with its terms. In the Philippine situation Spain ceded sovereignty to the United States over the Philippine Archipelago. The Senate of the United States ratified the treaty of cession. Thereafter both Houses of Congress united in making an appropriation to make payment of the amount stipulated in the treaty as the purchase price. I can not perceive any difference in these two matters in principle or in fact.

Further answering the Senator, I say that the manifest purpose of the Administration must be drawn from the obligations of the Administration and its action under its obligation. There has not been a time since the moment that treaty was ratified and sovereignty obtained when it was not the duty of the President of the United States to maintain the sovereignty thus ceded and acquired.

Mr. SPOONER. Will the Senator allow me? For what other purpose did we give him the army which is now there?

Mr. CARTER. I can not conceive what we made the large appropriation for in support of the Army and the Navy. It was known to Congress full well that a large portion of the fleet of gunboats and cruisers and battle ships were in Asiatic waters patrolling the seas round about the Philippine Islands, assisting in regulating intercourse between the islands and in preventing goods contraband of war from entering upon those islands or being shipped there. It was known that transports were engaged day in and day out, week in and week out, in shipping supplies and troops to sustain and reenforce the army in the Philippines.

In the face of this knowledge, known of all men, Congress has without hesitation made the necessary appropriations to maintain sovereignty, keep the Army in its place, and keep the Navy supplied in those waters. This was the plain duty of the President, and his action in performing the duty has been ratified by Congress in the most clear and explicit manner. What, then, I pray, becomes of the question, What is the intention of the Administration? The intention of the Administration is to protect the property of the United States, to execute the laws of the United States,

and to spend the money provided by Congress in the common defense and for the protection of the property of the United States.

Mr. TELLER. Mr. President, it seems to me that there are two phases of this proposition. One is, Are we to have an Army of 100,000 men in time of peace? The other is, How many men do we need now in this temporary force that we supposed we had? It seems to me we might discuss these questions without dragging in all the outside questions.

What I complain of with respect to the committee is that they come here with a bill that is not to meet the present exigency. It is a system to be put upon the people of the United States that will last probably as long as the Government lasts. Especially is that true if we need the Army for the reason suggested yesterday by the chairman, a reason he gave that has no possible connection with the present difficulty in the Philippine Islands.

It is possible that our condition in the Asiatic seas is such that we will always want a great army there. If it is, the committee should have come here and presented the case to us upon that theory. On the contrary, the profession from everybody is that the condition over there is temporary and will be disposed of in a short time. We hope so, at least.

The Senator from Montana [Mr. CARTER] gets into heroics and becomes excited and charges that somebody wants the President of the United States to do that which he says he can not do without being liable to impeachment. Nobody asked that the President of the United States withdraw the Army from the Philippine Islands. Every proposition to give him power to put down what you call the rebellion has met with the approval of Congress. When we speak of the Administration, for myself, I do not speak of the President. I understand the Administration of this country consists at the present time of Congress—the Senate and the House—and the Executive. The Administration is now, I think unfortunately for the country, in the hands of the Republican party. When we speak of the policy of the Republican Administration we speak of the policy of the two Houses of Congress and the President. We have a right to ask before we pass this bill what is the policy of the Administration, not the President, but the Senate, as dominated and controlled by the Republicans, the House of Representatives, as dominated and controlled by the Republican majority, and the Executive. What is to be the policy? Are you to attempt to maintain a government there without the consent of those people? If you are, you need not talk about 100,000 men. You will want 200,000 men. You will want them for one hundred years, I fear, if their future shall be in consonance with their history.

Mr. President, we are told that we have 76,000 soldiers there now. I think that perhaps is exaggerated. We have not so many. Some have gone to China. But we have probably not less than 65,000 or 70,000 soldiers there now, and we do not maintain there now the peace and order that we are talking about. Not long since a Regular Army officer returning from there—I think about six months ago—said to me that 200,000 men will be required there. The Senator from New Jersey [Mr. SEWELL] says we have 420 stations or posts. If we put 200 men at a post—and surely no one would expect us to put less than that number—you will need 90,000 men; and if you put 300, which would be a small force, you would need more men than you provide for the whole Army. This bill is not to meet an emergency, the existing condition over there. It is to put upon this country an army, a perpetual army, of 98,000 men and over.

I think when you come to discuss the question here you ought to discuss it fairly, without the usual attributes of a political campaign. Let us be frank. The Senator from Montana says and the chairman says that we are not increasing the Army. Technically that may be true, but everybody knows that it is not true in the ordinary sense. You are increasing the Army. Your present Army is a temporary Army of 100,000 men. It expires by force of law in a few months. I want to challenge now what was said here yesterday by the chairman, that the party in power was compelled to limit the existence of this Army until the 1st of July. You were given carte blanche. You were told on this floor that any number and for any time you wanted you could have; and you know it. If you had said you wanted them for five years, you could have had it. You can have it now. You can pass a bill here within forty-eight hours for this emergency that will give you a hundred or a hundred and twenty-five or two hundred thousand men, and you may keep them as long as the war there lasts. You are making a pretense of the condition there to put upon the people of this country 100,000 men when peace shall come, if peace ever comes over there.

I believe that this question is big enough and we are concerned in it enough to have a fair debate upon it. We ought to have had a report from the committee that proposes such a radical departure from what has been the policy of this country since its organization. We have not got it. It is not here. Look at it, Mr. President. What is the great question in this report? The canteen question. Whether we shall sell beer to the soldiers of our Army or whether we shall not. The chairman tells us he has the evidence taken before his committee. Here [exhibiting] is the evidence, and, so far as I know, it is all there is of it. It deals not at all with the question, What shall be the strength of the Army? It deals with the canteen question and the reorganization of the Army. It does not deal with the greater question whether we are to add $75,000,000 a year for all time to the expense of the Army.

I think we are entitled to all the evidence which has not been reported to the Senate and has not been printed. I got, by the courtesy of the clerk of the committee, a copy of the report of the hearings, and to me, as a civilian, it is of little value.

Mr. HAWLEY. Will the Senator allow me?

Mr. TELLER. Certainly.

Mr. HAWLEY. We are limited in printing for the use of the committee, I believe, to 50 copies. We begged for some more and got them printed, perhaps in disobedience to orders, and now we have passed a resolution for 15,000.

Mr. TELLER. That is true; but if the 15,000 are to be of value, they should have been here now. We are to pass upon this question which is to cost this country millions and hundreds of millions of dollars, and, what is of more consequence, Mr. President, is a departure from the policy of this country for one hundred years and more, in fact ever since it was a nation, that the fighting force of this people shall be the volunteer and not the regular.

Mr. President, our friends who are in control can not get away from the serious character of this undertaking by saying that there is a war in the Philippine Islands. The President says that for many years you will need probably from 45,000 to 60,000 men there. You have more than that number now, and you have not begun to get control of anything but an inconsiderable portion of those great islands.

I have not agreed with everybody who has been in fear of imperialism. I said two years ago last month in the Senate that there would not be any imperialism there, for the American people would not allow it. Since that I have seen in those islands an imperial government that has had no equal on the face of the earth, an imperial government that has not a counterpart anywhere under the heavens, an imperial government with five men, and five men only, strangers to the language, strangers to the country, unacquainted with the interests of the people, sitting there and administering government, taking the money of the people and appropriating it without their consent, ignoring the people entirely.

Mr. President, the Czar of Russia in an absolute czar. He has a counsel of 60 men who sit with him and consider public affairs, but the 60 men are Russians. They are people of that country. They have their sympathies and their ambitions for Russia. These men in the Philippine Islands are strangers. Under the military law they have a right there undoubtedly, but under God's law, which is higher than that, they have no place there at all.

And so I take back what I said two years ago. Imperialism has come; it is there in its worst form, and what I want to know, like the Senator from Maryland [Mr. WELLINGTON], is, What are you going to do now? Are you going to keep up this imperialistic government? Are you going to continue to govern 12,000,000 people contrary to their wish, without a voice, without being heard, when your chief actor over there, General MacArthur, tells you that the people are a unit against this administration, when every Filipino in Europe to-day, and there are thousands of them, is against our government over there?

I say to the gentlemen who are so ready to charge us with a desire to withdraw the Army and dishonor the flag that it does not involve that when we demand that you give to those people a government of their own. General Otis said to the President of the United States: "These people want conditional independence." There has never been a proposition from any Filipino authority anywhere that we should withdraw our Army and leave them unprotected. They have said: "We want your protection; we want you to keep the rest of the world off of us." Is that inconsistent with giving them a government of their own?

What did we say we would do for Cuba? We said we would leave the people to govern that island. Does anybody suppose that we are going to leave them the prey of any other nation? We will apply the Monroe doctrine to them. And what the Filipino asked was that we should apply the Monroe doctrine to them over there in the Asiatic Sea. That is what we ought to have given them. That is what I, on this floor, said two years ago last month we were in honor bound before the world to give them. When we said what we said with reference to Cuba, we said practically to the world, "This is not a war of aggression; it is a war in the interest of liberty and of humanity and of good government." We said to all the world, "It is not a war of aggrandizement; it is not a war of acquisition; we are not going into it for a profit; we are going into it for the greatest good to those people."

How stand we to-day, Mr. President, with a war on our hands, and no effort made for two years nearly to compose it? Nearly

two years ago I said in this body it is not beneath the dignity of this great nation to call about our authority over there the leading men of that rebellion, if you choose so to call it, to confer with them and say to them, "We will give to you what we pledged the world we would give to Cuba." I repeat, we are in morals bound to give it to every man we took from under the Spanish flag after we made that declaration.

Now, Mr. President, that brings me back to the Army bill itself. I want to drop, for the time being, the Philippine question, because there is no reason why it should be connected with this measure. Then I want the chairman of this committee, or some Senator who defends the bill, to tell me what you want an Army of 100,000 men for in time of peace in the United States. Do you want it to meet foreign foes? If you do, you will want a million. Do you want to put down internecine struggles? They do not exist and they can not exist in our system of government. It is the State that must do that, and the Government only does it when the revolution gets too big for the State. Have not 30,000 men been enough for us in the past? Will some one here get up and tell us why we want this great Army? Will the distinguished Senator from Vermont [Mr. PROCTOR], who has been at the head of the War Department of this country, tell us what is the exigency that demands now that we should have 100,000 men? If he repeats it is for the Filipinos, I want to tell him that his Army is not big enough for that: but if he wants 200,000 men, with a limit as to time, he can get them.

Nobody wants to deprive the Administration of the power to put down that so-called rebellion if they have the ability to do so, but, Mr. President, I believe you can compose affairs in that country by a simple declaration, made in a proper manner by the House and the Senate and signed by the President, that you will apply the fourth resolution of the Cuban resolutions to them, as you have got to apply it to Cuba, whether you want to or whether you do not.

Mr. CAFFERY. Will the Senator from Colorado permit me to ask him a question?

Mr. TELLER. Certainly.

Mr. CAFFERY. If the House and Senate do not pass such a resolution as that suggested by the Senator, is he then in favor of continuing the war of subjection in the Philippines?

Mr. TELLER. I believe I should answer that as old Abraham Lincoln did. He said he did not believe in the Mexican war; he did not believe it was a righteous or a just war; and yet he voted, and was always ready to vote, as a member of Congress, for such forces as the Government insisted that it needed. So as long as our flag flies there and the Administration of this country says it should remain there, I have no doubt, reluctant as I may be, I shall doubtless vote to maintain our armies in the field. If that is illogical, it is illogical because there does not seem to be any better way out of it.

Mr. President, I do not want to discuss the Philippine question very much. It is a distressing question. I said in December, 1898, the question whether we would hold them had passed the point of controversy. When Dewey's guns thundered in that harbor the Spanish flag went down and ours went up. Every man in this country knew that it meant the sovereignty of the United States, for the time being, at least, over those islands. I said two years ago, "The question is now, what are we going to do with those people." That is the question. Are we going to deny to them self-government? Are we going to continue this absolutism? The word "imperialism" is not as broad as absolutism. You might have an imperial government and have some degree of participation and liberty, but you have an absolute government, with five men sitting there, providing legislation, judicial determination, executive acts, with no responsibility to the 12,000,000 people whom they are governing. The President of the United States has said we need not be afraid of imperialism; that it would not come. Mr. President, if it can ever come in a worse shape than it exists now, you have got to increase the ability of the human mind for absolutism.

Mr. President, I did not intend when I got up to discuss the bill in its details. I am going to do that later. I got up simply to say that I wanted a Senator like the Senator from Montana [Mr. CARTER] to understand that he can not darken counsel by charging that we want to do what we have never proposed to do, and he can not darken counsel here by insisting that this is an attack upon the President of the United States. If it is an attack upon anybody, it is an attack upon the administration of the Government, not on any individual member, but on the responsible power.

I hope the time has not come when a Senator in this body will not be free to speak on a question involving so much; when, on a question touching directly the interest of 12,000,000 people and indirectly touching the interest of 80,000,000 more, he will not be allowed to discuss here these questions, not in the character of the political forum, but in accordance with the high character which ought to prevail in the discussions in the Senate.

I have not attempted at any time to make political capital out of this unfortunate condition. I regret the condition more than anything that has occurred since I have been in public life. Nothing can compare with it in seriousness except the great rebellion of 1861, and with that came some advantages. With that came a condition that put the whole people of the United States on a harmonious plane and made us homogeneous in interest; but out of this nothing can come that is good.

Trade can never come to us in the condition that we are now in. Shooting those men, outraging them, can never bring them in a relation to us where their trade will be beneficial to us. But if their trade was worth all the trade of the world, it would not compensate for what we are likely to suffer and what we are likely to bear by this misconduct, if we persist in maintaining an absolute government there.

If it shall be said that it is a temporary government there, I beg of some man to tell me what hope I can have or what hope any Filipino can have that it is temporary. It may be that you will enlarge it; it may be that you will put the power in more hands; but it will be absolute power still.

Have the Administration done a thing, have they said anything, that will lead the Filipino to believe that with the cessation of war there will come to him a participation in the Government under which he is to live? We, a people professing to believe not in American liberty, but in universal liberty, liberty that reaches the white man and the black man and the brown man alike—how can we stand before the world and in substance say we are lovers of liberty, but it is for us and for us alone? Who will believe that we are liberty loving, and what will become of that beacon light of ours that has stood for a hundred years encouraging the aspirations of patriots and liberty-loving men throughout the world when we deny to that 12,000,000 men who, whether by the providence of God, as is sometimes said, or by the valor of our arms, have come under our dominion participation in the Government under which they live, when we deny to them the right of self-government?

It will not do, Mr. President, to say that those people are incapable of self-government, for they are not. I assert what I know to be a fact, that in every community in the island of Luzon, outside of the immediate neighborhood of Manila, to-day municipal governments are being conducted by the natives of that island independent of any control by the United States authorities, and they are maintaining a decent local government there. Every town has its mayor and its council and its constabulary, and if it has not a general head, it has at least such a government there to-day as can afford and does afford protection to the people of those islands.

I do not know what would happen if we withdrew our Army. I should be afraid to try it. But I do know, or at least I believe, that we can make an arrangement with those people by which we can practically withdraw our Army and establish relations with them that shall maintain peace and order in all that country, and that is what I want to see done.

Mr. HAWLEY. That is exactly what we are trying to do.

Mr. TELLER. The Senator from Connecticut says that is what we are trying to do. Mr. President, there are various ways of doing various things. Yesterday the Senator from Connecticut told us what they have done over there. I want to read it. I did not intend to do so, but I will read it since the Senator has made that statement. I want to show what the Senator thinks. Those men have aspirations for liberty. Whatever may be the feeling of some men—and there are some men who believe as old Cicero did, that preservation of property and individual life is greater than liberty—there has been at all times in the history of the world a class of people who believed that liberty was preferable to all else, and were willing to die in trying to get it. Such people are not answered by saying, We have given you schools, we have given you telegraphs, we have given you this and we have given you the other thing.

What they say is, Give us liberty and we will get those things ourselves. The man who understands true liberty knows that it is a gift of God. He does not get it from any man living nor from any nation; it is his; it belongs to him. Here we are told by the chairman of our committee:

> We have gone to work with the arts of peace to see if we can not win, if not affection, respect and obedience from those people. We are building them wagon roads and railroads.

Oh, Mr. President, they have been crying for bread, and we give them a stone!

> We are covering the islands with telegraphs, so that MacArthur, in his headquarters at Manila, can communicate with every post he has.

Oh, how gratifying that must be, how encouraging to the aspirant for liberty, that the head of our great army, such an army as they never saw or heard of, can communicate with every branch of it everywhere! Oh, how likely that is to bring them into obedience and love! An obedient and loving relation with us will never be secured by simply showing our strength. We must show our justice. We must show that we are in favor of doing the right thing with them.

Mr. WELLINGTON. Will the Senator from Colorado allow me a moment?

Mr. TELLER. Certainly.

Mr. WELLINGTON. I should like to know whether, in the judgment of the Senator, we have any right to demand obedience from the Filipinos?

Mr. TELLER. That is a question which I do not care to discuss. We have demanded it; the nation is demanding it now. It is demanding it at the point of the bayonet, with shot and shell. We have not been fortunate; we are not securing it. We never will secure it, in my judgment, in that way. The question is whether we will not turn our attention to other and different methods. Good roads and telegraphs have not brought them in a loving relation with us. Neither has the surgical and medical care that the Senator says we have given them. That has not done so, either. Mr. President, why? It is simply that their aspiration is above that. They fought for liberty against the Spaniards; they are fighting against us for it now. It is possible and probable that we would give them a government better than they ever had, and possibly better than they ever will have, but they assert their right to govern themselves, which is the fundamental and underlying principle of every republic, and who can stand here or anywhere else and not have admiration for the man who is ambitious for liberty and freedom, and goes out and takes his life in his hands in order to secure it?

Mr. President, when I say that, I expect some one will get up and say that I am a traitor because I do not wish that every Filipino may be shot down and killed. I have read the remarkable record that comes to us daily of the slaughter of our own men by the bullets, by sickness, and the death of the insurgents, as they are called, at our hands. It has never gratified my heart to know that if we lost ten they lost one hundred. Those are the men under our control. No matter what our relations to them may be, or what their relation as a people may be to us, we are under obligations morally and legally to protect them as far as in our power lies. If they misunderstand us, and if they believe that we are going to do what we could hardly do, although nobody can wonder that they believe it when they see this autocratic and absolute power over there, we might without lowering our dignity, without dishonoring our flag, say to them, "Come here and commune with us, and we will agree with you that you may establish a government there of your own, and we will respect your authority there, so far as your local affairs are concerned."

Mr. President, I predict here now that that must come. There is no other way out of it. You can not maintain a great army there for any considerable length of time. In the first place, you must move your army every eight or nine months from that climate to some other. We have left them there too long.

Mr. CARTER. Will the Senator yield for a moment?

Mr. TELLER. In a moment. We have left them there too long. They are coming back here by the scores invalided. There never has been an army that we have ever assembled that in proportion to its strength has in the time that has elapsed made so many demands upon the Pension Department as those are now making. You may take it that the great mass of them come back not as hale, healthy men, but as sick and diseased, and there are many cases of death. Now I will hear what the Senator from Montana has to say.

Mr. CARTER. I understand the Senator's contention to be that we should extend to the Philippine Islanders the same proposition relative to independence that was incorporated in the Cuban resolution. I desire to ask the Senator if, in his judgment, the President of the United States has authority to extend any such principle to the Filipinos.

Mr. TELLER. I have not attempted to say that the President had. I am arraigning the Administration. I am arraigning the Senator from Montana and his associates in this body and the House of Representatives because they have had the power, and they know we have not got it on our side.

Mr. CARTER. Now, Mr. President—

Mr. TELLER. I want to answer the Senator.

Mr. CARTER. I desire to have the Senator, if he will, distinctly state where, in his judgment, the authority rests in this Government to say to the Filipinos that they shall be respected hereafter as an independent people by the United States.

Mr. TELLER. If I were President of the United States, I should say it rested with me to the extent that I would say to them: "The Government of the United States, in 1898, declared this principle, which is the principle applied to Cuba, and that must apply and ought to apply to you."

The Senator seems to think that this is something new now which I have suggested. I want to call his attention to the words I used on the 20th of December, 1898, two years ago last month. I then said:

> Mr. President, I believe in the principle which was enunciated in the fourth clause of the joint resolution approved April 20, 1898—
>
> "That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people."

The Senator knows very well that those were my views early on that question. I repeat now what I said two years ago:

> That is a declaration solemnly made by the people of the United States when it was apparent to us all that we were going to war. We said to the world, "We are not going to war for conquest; we are going to war in the interest of freedom; we are going to war to relieve a people laboring under the plague of bad government; and when we have relieved them from this great burden and have secured peace in their borders, we are going to leave to them the management and control of their own affairs. But not until we have secured the pacification thereof are we to abandon them to their own efforts."
>
> That in terms only applied to Cuba, but in principle it applied to every possession of ours acquired during this war.

I want to repeat, Mr. President, that I think we are in morals bound before the world to maintain that principle on every inch of ground that we took from Spain.

I said further:

> If any Senator had suggested that in addition to Cuba there should be added the words "or any other possession we may acquire during this war," it would have met, as this joint resolution met, I believe the unanimous support of this body and of the other, and also of the President of the United States, as is suggested to me by the Senator from Massachusetts [Mr. HOAR]. These words would have been added to the joint resolution with the approbation of all.

The Senator, if he had recalled that debate, might have remembered that before the treaty reached us, before we had ever seen a copy of it, that speech was made. I supported the treaty, and I supported it as vigorously as I knew how. I supported it because I did not believe that any Administration in this country would ever think of disregarding so just a principle as that; because I believed the doctrine that power comes from the people was ingrafted and ingrained into the great political party in power. It was when I was with it, and I knew that it was at its birth. That was the great contest we were making. I thought it was in the blood and in the heart of that party, and that no Republican Administration would dare ever to think of governing a people in any other way than by recognition of their right of self-government. I may have been, and I fear now I have been, mistaken, and yet I can not at this hour see why we should have returned the treaty to Spain, and said to Spain, "We will give freedom to these people," and invited Spain to take counsel with us whether or not we were righteously and properly doing it.

Mr. President, I may have been in error; I may have relied upon a broken reed or a crooked stick, but the record of the Republican party justified me in saying that no such government as exists there, military or otherwise, could ever exist. If any man had so predicted, I do not believe he would have found a defender on this side or the other side of the Chamber, for, while I know it was said that we ought to modify the treaty, yet nobody ever predicted so disgraceful a condition as exists there to-day.

We do not want 100,000 men for anything unless it be to fight the Filipinos, and if you want an army for that add to it, meet the question fairly. It is not enough. Though you have 76,000 men, you have not got control of any considerable portion of Luzon; you practically have no control of the great island that lies below it. Although you made a treaty with the Sultan of Sulu, you have not got any sovereignty in Sulu nor any authority other than you had before you made the treaty.

Mr. President, at some other time I am going to discuss this question of the increase of the Army, detached, distinct, and separate from this other question.

Mr. PROCTOR. Mr. President, I am sure the Senator from Colorado [Mr. TELLER], proverbially fair and candid, universally so I might say, has no intention to be otherwise to-day toward the Military Committee.

Mr. TELLER. None whatever.

Mr. PROCTOR. I think there is some misapprehension as to what this bill proposes to do. I wish to consider, in the first place, for a moment what it proposes to do with reference to the Army on a peace footing. Last winter the Senate passed—no one contradicting, as I recall it—a measure increasing the artillery. Our previous force had been about 29,000. The increase that we then proposed was quite as much or a trifle more than is now proposed by this bill.

Mr. HOAR. The Senator refers to the increase of the artillery?

Mr. PROCTOR. To the increase of the artillery alone. The question then was, What was the necessary increase of the artillery on a peace footing? The Philippine question was not considered. It was made clear that that increase was necessary to suitably care for our seacoast fortifications, a scheme which is perhaps two-thirds carried out, costing $126,000,000 or thereabouts, of very expensive works along our seacoast. Nobody questions but what that increase was and is necessary.

The present bill proposes an increase of the Army on a peace footing of five regiments of artillery, practically the same as was provided for last winter, not quite so much, and—I deal only in round numbers—five regiments of cavalry and five regiments of infantry. That increase of artillery would have given the Army

about thirty-five or thirty-six thousand enlisted men. The present bill, at the minimum peace footing, gives a total of 54,000, the increase of cavalry and infantry amounting to from eighteen to twenty thousand men.

Mr. TELLER. How about the maximum? It is the minimum the Senator is speaking of.

Mr. PROCTOR. I shall get to that directly. I was very glad to hear the Senator say that he proposed to drop the Philippine question and to discuss the Army bill. So I propose to confine myself strictly to that and to existing conditions, and not to indulge in any theory about what we might do or what we ought to do with the Philippines.

Mr. TELLER. If the Senator will allow me to interrupt him long enough, I will say that I did not introduce this question. It was introduced by the Administration defenders here.

Mr. PROCTOR. Not by me.

Mr. TELLER. Perhaps not by the Senator himself, but by distinguished members of his political party.

Mr. TILLMAN. By the Military Committee.

Mr. PROCTOR. Let us consider what need we have of this increase aside from the artillery. I think all the members of the Senate are satisfied in regard to that. Now, as to this further increase of from eighteen to twenty thousand men. We have, as we have never had before, a use that certainly calls for all this increase on a peace footing. We have a regiment to-day on the Alaskan service, which has never been necessary before, and we do not know what day, in view of the great developments there, we may have to increase that force. Again, we must have some force in Hawaii, in Porto Rico, and possibly, if at their own request, in Cuba. I see they have suggested a proposal to us to that effect.

Now, take the condition in the Philippines. No man doubts that we must keep quite a force there for years to come. Even if we grant everything that could be asked for by the Senator from Colorado or any other Senator on this floor, we must keep a force there to protect them from themselves and to insure good, stable government.

In this service outside of this country three enlisted men count, at a very large estimate, not more than two for actual service. In Alaska, here on our own continent, we have two battalions of a regiment and another battalion here, and it is quite long enough in any of those possessions to keep a force on duty for two years, relieving one battalion each year. Everyone will admit that. So, take the figures, and you will see that the increase on a peace footing is very moderate and conservative. These figures have been stated at 58,000. If Senators will look on the slip which has been furnished them, they will see it is but 54,000 of enlisted men. The number 58,000 includes officers. It was less than 58,000 including the officers. It is only 54,000, a reduction of 5,000 from the bill as it came to us from the other House. So much for the moderation of the Senate Committee on Military Affairs.

Mr. CAFFERY. I wish to ask the Senator if that is the maximum to which the Army can be raised?

Mr. PROCTOR. I am speaking about the minimum. I think the Senate must admit that with less than 20,000 troops to care for all our outside possessions even in time of peace, knowing that not more than probably 12,000 would be available for actual service at any one time outside of the country, this is a very moderate increase.

Now, to meet the exigency, it must be admitted by all that it is much better that that should be met by the regular organization. The expense of a volunteer organization is a mistake which should not be repeated. I think the bill is sufficiently guarded to confine this increase to the present exigency. If it is not, I am entirely willing that it should be. I do not believe that any Administration would take the responsibilty of maintaining this Army at the maximum, or anything above the minimun, unless the exigency existed.

Mr. MALLORY. Will the Senator from Vermont allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Florida?

Mr. PROCTOR. Certainly.

Mr. MALLORY. I should like to inquire if the bill contemplates having the same number of officers for the Army at the minimum that it will have for the Army at its maximum figure?

Mr. PROCTOR. Precisely the same. The addition above the minimum of 54,000 would be entirely of enlisted men. The Army, as is well known, is underofficered at the best.

Mr. MALLORY. Then, in time of peace, or on the reduced basis, you would have the same number of officers in the Army as are necessary for an army of 100,000?

Mr. PROCTOR. It would have the same number, except as is provided in the bill for some temporary increase. The permanent organization would be the same.

Mr. JONES of Arkansas. The Senator has just stated that this bill would only provide for this larger number of men during the present exigency. Newly numbered section 26, on page 37 of the bill, is as follows:

SEC. 26. That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this act during the present exigencies of the service, or until such time as Congress may hereafter direct.

If I understand the Senator, he thinks that this would be limited to the present exigencies of the service. If so, I should like to ask if, in his opinion, the Committee on Military Affairs would not strike out the other words "or until such time as Congress may hereafter direct," so as to limit this maximum size of the Army absolutely to the present exigency?

Mr. PROCTOR. I will answer the Senator, for one, that the addition there, I think, only means to state what everyone knows to be the fact, that Congress always has the right to reduce the Army. I think it is a provision in the line of reduction rather than a renewal of the increase. I for one would be willing to have that modified so that it should read, "unless Congress may hereafter otherwise direct."

Mr. JONES of Arkansas. I think that would be an improvement. Of course we all know that Congress has the power to reduce the Army or to abolish it whenever it sees fit to do so. But this is an expression of intention which, it seems to me, will be hereafter used, and the argument will be made that while we said we were going to limit this large army to the exigencies, we provided that this should continue until such time as Congress should act to the contrary; and the argument could be made, and would be made, that the maximum ought to be maintained until Congress said it should not be maintained.

Mr. PROCTOR. If the wording had been that it was to be continued "while the exigency existed" "and" "until Congress should otherwise direct," I should understand it as the Senator does, but I think the word "or" is a limitation rather than an extension of authority.

Mr. JONES of Arkansas. I think exactly the reverse.

Mr. PROCTOR. I wish to say I think it was the purpose of the Administration in submitting that, so far as I know it—I have had no confidential consultation on the subject—to limit the increase to the existing exigency, and nothing else was suggested in committee.

Mr. TELLER. I should like to ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Colorado?

Mr. PROCTOR. Yes.

Mr. TELLER. I wish to ask the Senator if the words "or until such time as Congress may hereafter direct" were stricken out, would not the President be compelled to return to the minimum as soon as the exigency ceased?

Mr. PROCTOR. I think he would, clearly.

Mr. TELLER. Then, clearly it is intended to go beyond that.

Mr. PROCTOR. I do not think that follows.

Mr. TELLER. Then, why not have that stricken out? Will the Senator agree to have that stricken out?

Mr. PROCTOR. I have stated that I would not object to have it stricken out or modified.

Mr. TELLER. Oh, but the modification the Senator proposes is to make it stronger for his side.

Mr. PROCTOR. I do not so understand it.

Mr. TELLER. I do.

Mr. BACON. I want to suggest that a modification of that section would not accomplish the purpose so long as the power granted in the second section remains unamended or unchanged. On page 12, beginning at line 17, it will be seen that there is an independent authorization to the President to increase to the maximum in his discretion. So that the striking out of the words as suggested, or any modification or any amendment at that point, unless they expressly negative the power granted in the second section, would not accomplish the object, because there is express authority given to the President; and I will read it. After going on to provide what shall be the composition of each company, regiment, etc., on line 17, page 12, the bill says:

Provided, That the President, in his discretion, may increase the number of corporals in any troop of cavalry to 8, and the number of privates to 76, but the total number of enlisted men authorized for the whole Army shall not at any time be exceeded.

I understand there is a similar proviso as to other branches of the service, so that there is an express authorization, independent of the clause of section 26, to the President to increase each branch of the service up to the maximum.

If the Senator from Vermont, as a member of the Military Committee, can carry out the suggestion which has been made, it will very largely remove the objections which many of us have to this bill, because, as I took occasion to say on yesterday, our opposition is not—at least, I speak for myself, and I believe in saying that I reflect the sentiments of others—to the fact that a necessary force is put at the disposition of the President for the present requirements in the Philippines, but to the fact that thereafter this large standing army remains, and that thereafter there remains

the vicious principle in the bill which enables the President to determine whether the Army shall be an army of 58,000 or an army of 100,000 men.

Mr. PROCTOR. The Senator will see that the clauses he refers to are plainly controlled by section 26:

That the President is authorized to maintain the enlisted force of the several organizations of the Army.

The clauses to which the Senator has referred are the special ones for the different organizations. He will see that this general clause plainly controls:

SEC. 26. That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this act during the present exigencies of the service, or until such time as Congress may hereafter direct.

Mr. BACON. If the Senator and those who are acting with him in this matter agree with the general proposition that it is the design that this bill shall be so framed as to carry out the suggestion made by the Senator from Arkansas [Mr. JONES] and the Senator from Colorado [Mr. TELLER], then it is a mere matter of detail as to what particular language shall be used to effect this object. If it is the purpose to so frame this bill that the increased number shall remain as the number of the Army only during the emergency, then it is a very simple matter to frame the bill in such a way as to put it beyond doubt to accomplish that end. It may be that the Senator is correct in his present interpretation, but the great point is to ascertain if that is the purpose, and, if that is the purpose, I repeat it is a mere matter of detail as to what language shall be used to effect it.

Mr. CULBERSON. I should like to ask the Senator a question.

Mr. PROCTOR. If the Senator will allow me first to answer the Senator from Georgia for a moment, I will then yield to him.

Mr. CULBERSON. Very well.

Mr. PROCTOR. I wish to say distinctly that I have no authority to speak for the committee. That was a point that was not brought before us, and I shall say nothing to commit any one of the committee until that question can come before us, as it possibly will.

I say it did not occur to me at all but that the purpose of the bill was to confine this maximum increase to the present exigency. Further than that I have no authority to speak for the committee; I do not wish to be understood as assuming any, and I wish to keep myself free to act on the matter as may seem best when it comes before the committee in due form, as it will, no doubt, before this bill is passed.

I now yield to the Senator from Texas.

Mr. CULBERSON. Before asking a question of the Senator from Vermont, I desire to read an extract from the letter of the present President of the United States accepting the nomination for the Presidency. In that document he uses this language:

Would our opponents surrender to the insurgents, abandon our sovereignty, or cede it to them? If that be not their purpose, then it should be promptly disclaimed, for only evil can result from the hopes raised by our opponents in the minds of the Filipinos; that with their success at the polls in November there will be a withdrawal of our Army and of American sovereignty over the archipelago, the complete independence of the Tagalog people recognized, and the powers of government over all the peoples of the archipelago conferred upon the Tagalog leaders.

The effect of a belief in the minds of the insurgents that this will be done has already prolonged the rebellion and increases the necessity for the continuance of a large army. It is now delaying full peace in the archipelago and the establishment of civil governments, and has influenced many of the insurgents against accepting the liberal terms of amnesty offered by General MacArthur under my direction. But for these false hopes a considerable reduction could have been had in our military establishment in the Philippines and the realization of a stable government would be already at hand.

Now, I desire to ask the Senator from Vermont why it is not possible to reduce rather than increase the Army in the Philippines, inasmuch as the election is now over and has gone in accordance with the President's suggestion in his letter of acceptance?

Mr. PROCTOR. Mr. President, that is not the question that I am discussing. [Laughter.] I do not propose to discuss the political situation in the Philippines. I stated that the exigency there was certainly sufficient, and would be even if everything that the Senator foreshadows as possible should occur; even when that happy condition shall be brought about the situation will be such as to demand the full peace footing, and I do not believe this Administration or any other will continue the Army beyond that. No Administration would dare to assume that responsibility any longer than the actual exigency exists. It exists there to-day, and every day's delay may cost us many lives.

I appeal to Senators to consider the situation that actually exists, the facts of the case, and act promptly upon this bill.

Mr. MONEY. Before the Senator takes his seat, I should like to ask him a question.

Mr. PROCTOR. Certainly.

Mr. MONEY. I wanted to ask the Senator a question before he took his seat. In the first place, admitting, for the sake of the argument only, the truth of all he has stated as to the situation and the necessity for an increase in the Army, I wish to ask him if it would not be quite sufficient to insert here "for the term of two years, unless the decrease is otherwise directed by Congress or is exercised by the President at his discretion?" The point of that is this: It is the observation in all countries that have constitutional governments that it is very much easier to increase the army than to decrease it, and heretofore it has been sufficient for any exigency to supply for a term of two years an increased force. Why would it not be sufficient in this contingency as well as in the others, that is, admitting all the necessity for the increase which the Senator has urged or that has been urged by this committee so far?

It has been the usual thing to do, and the honorable Senator and his committee, distinguished committee as it is, are aware of the fact that the British people are so jealous of this matter that they never allow it for longer than two years at a time. They hold in their own hands the power to dissipate the whole fabric which they have themselves put together if they think it wise. In view of that fact and the sufficiency heretofore of a limited period of time, I should like to ask him if an amendment to that effect would be acceptable to the committee and himself?

Mr. PROCTOR. Such a proposition would be unwise indeed. It is just the trouble we are laboring under now. We made this increase limited in time, and called out volunteers limited to next summer—June 30. It is just the trouble now. We have our work to do over again. Those volunteers were sent over there at tremendous expense and must be brought back, and of course they were nowhere near so efficient as regulars, for the reason that their organization was new. The men were just as good, but there was not time to make them soldiers. They could not have the officers to teach them how to care for themselves. It is just the mistake we made in the civil war. We enlisted men for thirty days, for three months, for one year, for two years, and found by sad experience that an enlistment that would last through the emergency was a necessity and an economy.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from South Carolina?

Mr. PROCTOR. Certainly.

Mr. TILLMAN. The Senator seems to ignore, in the position he has just assumed, that it is impossible for us, according to the experience of England in sending troops to the Tropics, to maintain any soldier there, with any regard for his life, any longer than, I will say, two years as the maximum, and that would be equivalent to a sentence of death to most of them. The question of replacing them will come up every two years, anyhow by reenlistment, unless we have an army that we can swap back and forth every two years or eighteen months; and if we were to maintain 75,000 there, under those circumstances we would have to have 150,000 as a permanent establishment in order to swap back the troops from the Temperate Zone to the Tropics. You can not get rid of that idea.

Mr. MONEY. If the Senator will permit another idea, I suggest to the Senator that he provide this increased organization for three years, which is the regular term of enlistment in the Regular Army, and have it terminate at that time, to be renewed again if the political power of this Government sees fit that it shall be done. The Senator will recognize, as every Senator here will, the great difficulty that will be experienced in reducing the Army. We all know the "pull," as it is called, of gentlemen who hold positions in the Army of great honor and some profit, and the other difficulties. We know the difficulty with the great corporations, their influence brought to bear here, a thousand influences brought to bear in every possible direction to increase and continue the increase. I wish to ask him, in view of that fact, if an amendment to limit it to three years, which is the term of enlistment for the regular soldier in the Regular Army, would not answer the purpose and at the same time facilitate a good deal the passage of this bill?

Mr. PROCTOR. The Senator is entirely mistaken in regard to the difficulty of reducing the Army from the maximum to the minimum. There are no officers to be thrown out of places, as I have stated here. The organization is the same. It is only the number of enlisted men that is reduced. The soldiers are enlisted for three years, one-third of them going out every year, in addition to those who go out on account of sickness or by favor, so that in any year by the natural course of events the Army could be reduced to the minimum. There are no officers to be reduced.

Mr. MONEY. Ignoring that matter altogether, what about the other?

Mr. HOAR. Mr. President, what is the precise question?

The PRESIDENT pro tempore. There is a committee amendment which the Chair supposes is under consideration, although it has not been offered.

Mr. HOAR. I wish to offer an amendment. I will offer it now, to come in at the end of the bill, or I will give notice of it now, as the parliamentary situation may require.

The PRESIDENT pro tempore. The bill is in the Senate and

open to amendment, no consent having been given that the committee amendments be first acted upon.

Mr. HOAR. Then I offer an amendment to come in at the end of the bill.

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment to come in at the end of the bill.

Mr. PETTIGREW. I desire the reading of the remainder of the report of the committee.

The PRESIDENT pro tempore. The Chair was not informed that it had not been completed.

Mr. PETTIGREW. It has not been completed.

The PRESIDENT pro tempore. The Secretary will conclude the reading of the report.

Mr. PETTIGREW. I wish to make some remarks in that connection. I do not intend to filibuster against this bill if the Administration or the Administration Senators will furnish us the information which justifies the increase of the Army to a hundred thousand. I am going to try to get that information by every means in my power, and if I can not get it there will be delay.

Mr. HOAR. Mr. President, perhaps, as I have the floor, awarded me by the Chair—I wish to speak only about six or eight minutes——

Mr. SPOONER. I should like to ask one question.

Mr. HOAR. I should like to complete what I have to say.

Mr. SPOONER. I was not aware that the Senator from Massachusetts was recognized. I merely desire to ask a question.

Mr. HOAR. I was recognized by the Chair, and sent up an amendment.

Mr. SPOONER. I merely wish to inquire whether the bill is in the Senate as in Committee of the Whole.

The PRESIDENT pro tempore. It is not. It is in the Senate. The Senator from Massachusetts offers an amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following proviso:

Provided, That no further military force shall be used in the Philippine Islands, except such as may be necessary to keep order in places there now actually under the peaceable control of the United States and to protect persons or property to whom, in the judgment of the President, protection may be due from the United States, until the President shall have first proclaimed an amnesty for all political offenses committed against the United States in the Philippine Islands, and shall have, if in his power, agreed upon an armistice with persons now in hostility to the United States, and shall have invited such number, not less than 10, as he shall think desirable of the leaders or representatives of the persons now hostile to the United States there to come to the United States and state their wishes and the condition, character, and wishes of the people of the Philippine Islands to the Executive and Congress, and shall have offered to secure to them safe conduct to come, abide, and return, and shall have provided at the public charge for the expenses of their transportation both ways and their stay in this country for a reasonable and sufficient time for such purpose.

Mr. HOAR. Mr. President, if this were the common Army appropriation bill, such as we get every year in time of peace, I should deem it a great presumption on my part if I were to undertake to act against the judgment of the Executive, or of the experts of the War Department, or even of the Committee on Military Affairs who have reported it to the Senate. I do not know, as they do, how many soldiers we ought to have in time of peace. We have a vast coast line; we are the manufacturing, and are to be soon, I hope, the commercial rival of the world. The whole world to-day is at our doors. The great, black storm cloud which rose so suddenly in China, is as yet by no means scattered. No man knows how soon or how suddenly some great conflict may be upon us.

I had supposed that a reasonable number for the Regular Army in time of peace would be 1 soldier to every 1,000 of our population. This would make 77,000 men. I have thought also that there should be a skeleton of officers ready for the organization of a considerably larger force than this, so that if war should come upon us we should not have to repeat for the first year the mortifying experience which we have gone through in the past, where great and difficult duties had to be discharged by untrained men called suddenly into the service. This I understand from common report to be the opinion of the accomplished soldier now at the head of the Army.

So, if we had no question before us but that of a permanent military policy in time of peace, I should not vote against this bill if the experts thought there should be an army of 100,000 men merely because I myself thought it ought to be but 77,000.

But, Mr. President, the Constitution provides that no appropriation of money to the use of the Army shall be for a longer term than two years. There is no doubt that it was meant by this provision that the use to which the Army shall be put shall be wholly under the control of Congress. If we leave it to the Executive to carry on war, great or small, at his sole discretion, or to use permanently the great military power of the country for any purpose of coercion in any way, we shrink from a constitutional responsibility.

Now, the increase of the Army which is now proposed is asked not as a general permanent pacific policy. It is put on a different ground—that this increased force is needed to carry on military operations in the Philippine Islands and to hold an unwilling people in the condition of enforced subjection purely by military power. To that policy and to that purpose I am utterly opposed; and being so opposed, it is my duty to say so—and it is the only opportunity I am likely to get—by voting against this bill.

The President in his last message says:

We will be required to keep a considerable force in the Philippine Islands for some time to come. From the best information obtainable we will need there for the immediate future from 45,000 to 60,000 men. * * * It must be apparent that we will require an army of about 60,000, and that during the present conditions in Cuba and the Philippines the President should have authority to increase the force to the present number of 100,000.

So the President thinks, if I understand him aright, that but for the present conditions in the Philippine Islands and Cuba 60,000 men are all we need—17,000 less than the estimate of the General of the Army.

We have therefore presented to Congress the distinct question whether we will raise 40,000 men for use in holding the Philippine Islands in subjection.

Let no man say that it is a question of supplies for the soldiers now engaged in a war lawfully declared by Congress. Congress never has acted in this matter. This is the first occasion where a distinct vote has been asked of the two Houses of Congress upon the question of reducing this unwilling people to subjection. The soldiers who are there now are to come home in accordance with the limitation of their enlistments.

The President has declared his purpose to keep order in those islands until Congress shall act. He has not in any official communication to us, that I can now remember, recommended that Congress continue a policy of subjugation. On the contrary, he expresses in his message the desire of—

insuring the benefits of liberty and good government to the Filipinos, in the interest of humanity, and with the aim of building up an enduring, self-supporting, and self-administering community in those far Eastern seas.

Mr. President, if those words mean to you what they mean to me, if they mean what the American people have always held them to mean throughout our past history, they express with the beauty, precision, and clearness which always characterized their author exactly what I think we ought to do. The Filipinos are entitled to "liberty and good government;" they are entitled to be "an enduring, self-supporting, and self-administering community." The United States, who set them free from Spain, is to insure liberty and self-government as it should, as it has done, is doing, and means to do in Cuba.

But liberty is inconsistent with a foreign yoke, is it not? Is there any Senator who will stand up here and say that the liberty of a country is consistent with a foreign yoke, or that when we insure liberty we should act like an insurance company which should itself set the insured premises on fire? That government is not self-administering whose executive, whose judiciary, whose legislative powers, whose relations to other countries, in war and in peace, whose trade, whose commerce, whose jurisprudence, are at the mercy of another and a foreign authority.

There can be no liberty, there can be no self-government, there can be in the end no political rights without independence. Our declaration of the principles of liberty, which for a hundred years has been to us as a political bible, is a declaration of independence. The dying words of John Adams, its great champion on the floor of Congress, were, "Independence forever." No man is a free man who is under guardianship, and no nation and no people are either free or independent or self-governing while they are under guardianship.

It is idle to tell us that this people is not fit for freedom. Our naval and military commanders themselves have more than once testified to the contrary. The President, in his message, says:

The Filipinos are a race quick to learn and to profit by knowledge. He would be rash who, with the teachings of contemporaneous history in view—

By which, of course, he means what has happened within the last two years—

would fix a limit to the degree of culture and advancement yet within the reach of these people if our duty toward them be faithfully performed.

I say, Amen! Our duty to them is just to let them advance. The way to teach them to swim is to let them swim. The way to teach them to be fit for liberty is to set them free. The way to help them to their advancement is to let them advance.

Mr. President, that man has learned very little of the lessons of history who has not understood that every race and every people and every condition of men must advance in its own way and can never advance in a way prescribed by another. The Indian—and we have made enormous mistakes in dealing with him—if he is ever to be anything, must develop into a consummate Indian. The Oriental must develop into a consummate Oriental. The negro must develop into the perfection of the negro, as Toussaint L'Ouverture did in San Domingo.

There was a French philosopher some years ago of whom I heard who undertook to raise frogs for the market, and he concluded

that the tail of the tadpole was a great obstruction to the perfection of the frog and that if he cut off all the tails the nutrition which was wasted on the tails would go into the frog's legs and make very good eating for the Parisian people.

Accordingly he got a large pond and filled it with tadpoles with all their tails cut off. But the benevolent assimilation did not work. The tadpoles died, the man was unable to keep his contract for the frog market, and he discovered that on the whole if he wanted to make good frogs of his tadpoles for the market or for any other purpose he had better let their nature work out in the tadpole way. [Laughter.] And the United States will be in regard to all these other races than ours a miserable failure until we learn to let nature and nature's God work out these problems of natural growth in foreign races in their own way, and not in the way of the Puritans of Massachusetts or even of the white men of South Carolina.

Mr. President, I have not risen at this time in this crowded session to debate this question before 90 gentlemen who, after hearing everything I can say, have deliberately taken their own course. I do not expect to make a convert, and I am too old a lawyer to waste my time in talking to the jury just after they have rendered a verdict. I do not expect to change your opinion, but I deem it a duty to myself to express my own.

There never has been, within my knowledge, a matter of such vast public concern in regard to which American people seem to be so utterly without accurate knowledge of the important facts as in respect to the war in the Philippines. I hold it absolutely incredible that if the facts were known there could be any considerable difference of opinion here or anywhere else in this country as to our duty.

Will any man stand up in the face of any American audience, will any Senator rise here in his seat and affirm that if the inhabitants of the Philippine Islands or any large number of them be a people in the sense in which we use that word, in which it is used in history, in the sense in which we use it in our great Declaration of Independence, if they desire independence and if they are fit for liberty, especially if they desire a republic and but for us could establish and maintain it—will any man, I say, rise and declare that we can rightfully use our vast power to crush them out, to subject them to our will, and justify or excuse our conduct by talking about oriental trade or military glory or by declaring that where the flag has once gone it must forever stay, right or wrong?

Gentlemen have been debating this question before the people and have in general left greater darkness about the matter than they found when they begun. One gentleman tells the people that the Filipinos are a race of savages and unfit totally for self-government. But the President of the United States contradicts that. Admiral Dewey contradicts it. He says they are fitter for self-government than the Cubans.

Now, another gentleman tells us—it has been said on the floor of the Senate—that Aguinaldo, the Filipino leader, represents but a small portion of the inhabitants of the Philippine Islands, one race among many. General MacArthur, who is now in command there, says he thought so in the beginning, but that he has come reluctantly to change his mind, and he now thinks Aguinaldo represents that people, and that they are loyally devoted to him.

Now, what is the truth about that, gentlemen? Are they fit for self-government or are they not? Is Aguinaldo, as all his people say, a loyal patriot, and as President Schurman said, the head of the old commission, an honest and patriotic man, as the Senator from Colorado said on this floor, or is he a man who sold out liberty for a bribe? Who knows? Who knows?

Another gentleman tells us that Aguinaldo was never promised independence by the representatives of the United States, and that Admiral Dewey says Aguinaldo lies when he says he was. To which General Anderson, then in command of the military forces there, makes answer, twice repeated over his own signature, that he was present when Aguinaldo had his interview with Admiral Dewey, and that, although Dewey did not tell Aguinaldo so, he did.

We are told from another quarter that the people of the Philippine Islands are now almost wholly subdued, and that only a few outlaws and bandits and adventurers and criminal and unscrupulous persons are against us. But we are told by returning soldiers and officers, we are told by letters upon letters from the Philippine Islands, that we hold but a single railroad, over which a military patrol has to be sent before every train, and that there is not a place outside of Manila in the islands where an American officer dares to cross the street alone, unless heavily armed.

We are told in the President's message, as I read yesterday, that the opposition is substantially over. I read the exact words. And we are told from the Committee on Military Affairs, almost in the same breath, that the rebellion was never so hot and so powerful as it is to-day.

Now, which of these things is true? Who knows? It seems to me, Mr. President, that we ought to have now a commission made up fairly of men of the highest character and standing, representing all parties and all shades of opinion, to ascertain the truth of the fact and make it known to Congress and to the American people.

Men of different ways of thinking should be appointed in whose declaration everybody on both sides of the question would put implicit and absolute confidence. I hope, if there be an opportunity and I see a chance for success, to try to get such a commission appointed before the present session is over. If not, I am afraid we are to have another season like the last. I have no fear that in the end the American people will not come to their senses on this subject and will not be found on the side of righteousness, justice, and liberty.

Why, the Senator from Colorado just now affirmed as a matter within his knowledge—of course, nobody understood him to mean within his ocular vision, but as asserting by evidence which he had the right to trust implicitly as he would trust his own senses—that they had still over a large part of those islands local government administered in peace and in order outside of the authority of the United States. Did I misunderstand that?

Mr. TELLER. May I interrupt the Senator?

Mr. HOAR. Certainly.

Mr. TELLER. I will say to the Senator and the Senate that I made that assertion on a statement made to me by a Regular Army officer, who had been practically all over the island of Luzon. So that is correct; there is not any question about it.

Mr. HOAR. That is what I understood the Senator, in substance. Now, Mr. President, how many people in the United States believe that, and are talking and voting on this question with the knowledge that that is the fact? Is it true or is it false? Are we reducing a race of Oriental savages to order, or are we crushing out at the beginning of this new century a people of ten or twelve million who have established and can maintain a republic, with law and peace and justice and education and schools and colleges and libraries? Which is the truth?

I should like to ask my friends on this side of the Chamber whether they think it is unreasonable, in the light of the history of the great Republican party, to have these questions settled before we go on to break to pieces this fabric of liberty which, whether fair or beautiful or not in our eyes, is the best fabric that the Oriental people have yet been able to design?

Mr. President, one thing will tend to throw light on this question more than any other, and that is to give a hearing before the people and Congress, as my amendment proposes, to the leaders of the Philippine people themselves.

Let them come over here and state their case. There is no authority under the American Constitution and laws which can hurt a hair of one of their heads. They can go in peace and, if they behave themselves, in honor from one end of this Republic of ours to the other; no man can do them harm. Let them come over here. Let us see them. Why, even Great Britain, in the times before the Revolution, received the agents of the American colonies before the Privy Council and at the bar of the House of Commons. She sent her commissioners over here in the middle of the war to confer with the Revolutionary leaders after the war had been in progress longer than it has gone on in the Philippine Islands, and it was we, and not they, that refused the interview.

I think Mabini and Lopez, whose dignified answer to a proposal to bring the Filipino youth over here and educate them in our schools we have just seen, and Aguinaldo himself might tell us something of the disposition of their people which could be of use to us, and could report when they went home something of the character and purposes of the United States, which might be well for both parties to know.

Mr. President, if we are to stand in this attitude to this people; if we are to say to them, "Go down on your knees, lay your hands on your lips, your lips in the dust, before we have anything to say to you," then, if the Filipinos be men and not beasts; if they, too, were created in the image of God; if the spark which is kindled in every other human bosom be in theirs also, this war is to go on until every Filipino is destroyed of one sex, and then, according to an utterance which we should think sublime if it had occurred in our own history, the women will take it up and it will keep on till they are exterminated also.

Mr. STEWART. Mr. President, the United States—and by the United States I include all the departments of the Government—have undertaken to suppress rebellion and enforce the laws. The reason why it should not be done is said to be the right of every people to independence; that that right is universal, unqualified, and supersedes all other rights; that the United States has no right to extend its boundaries to take in other territory and other people without their consent.

Now, that is not the way the power of this Government has been construed from the beginning. It is not the way it was construed by the author of the Declaration of Independence. Immediately after his inauguration as President of the United States, Mr. Jefferson commenced laying his plans to acquire

Louisiana, a vast country, which about doubled the area of the then United States, and inhabited by a large population, mostly savages, but in Louisiana there was a population sufficient to make a large State at the time.

Did he consult the inhabitants and take their advice? Not at all. He made a treaty purchasing the country, and Congress made the appropriation necessary to carry it into effect, and it was years and years before those people did any voting. The planters, however, and those who knew anything about it, protested. Those who did not know anything about it and were savages at the time protested as best they could; they have done so for a hundred years, and they are at it yet. The Indian wars that followed from that acquisition are not entirely over, and many of the inhabitants still declare themselves as having independent governments. To say that we have no right to govern in the Philippines is to say that we have no right to govern in Sitting Bull's country, or in the Indian Territory, or anywhere where the inhabitants are still claiming independence.

Jefferson did not indorse that doctrine, nor did he indorse their right to rebel against the Government of the United States. When Aaron Burr, who had been Vice-President, went down to Louisiana to set up an independent government, although it was a mere allegation that such was his intention, it aroused the Administration, and Mr. Jefferson had him arrested and tried in Richmond for treason. The only reason why the Government failed to convict him was because they could not prove the overt act. The people then in Louisiana had as much right to resist the power of the Government of the United States as they have to-day in the Philippines.

There was no consulting of the governed in Florida. The acquisition of that country was made pretty much unanimously against the protest of all the inhabitants, and it was followed by a seven years' war. There was no consent of the governed in the case of the territory acquired from Mexico, although there were hundreds of thousands of people there. Their consent was never asked. They protested to the last extremity, and those of them now living still protest, and would like to go back to their old country.

We do not regard that policy as a violation of the principle of the Declaration of Independence. The Declaration of Independence means that the right to liberty shall be secured by all. Jefferson devised a Territorial system which has been followed out in practice ever since, which secures liberty to all. It has been tried for a hundred years, and the people there have had as much liberty, except in voting for President and members of Congress, as any other people.

The people of the Territories are not oppressed. They have free government and independence in its highest sense. The country that was acquired from Mexico and from France and Spain would have had no liberty but for the liberty we extended. Where the Territorial system devised by the fathers goes, there goes liberty, there goes independence, there goes self-government. When that system was applied to the Philippines legally and properly, according to all the precedents, when the territory was annexed by purchase and by conquest, it became the duty of the President of the United States to see to it that the laws were enforced. The statutes of the United States compelled him in the discharge of his duty to put down the rebellion. Both Houses of Congress recognized that duty and made the necessary appropriations.

Shall that rebellion be put down? What sacred rights has Aguinaldo? At the time Dewey entered Manila Harbor he was in exile; he had left the country for money, agreeing not to go back. He went back there in an American ship, and if he cooperated with the Americans he did it under a promise to aid the United States. It was the United States that broke the power of Spain, and the idea is absurd that when the United States had broken the power of Spain this usurper became a sovereign and we must bow to him, that the United States must lower the flag to him. After the United States had taken him back there and broken the power of Spain, what right had he to set up a rebellion and fire upon the flag, as he did?

All this quibbling about a contract with him is absurd. All the officers of the Army and Navy deny it. All the circumstances deny it. Who was he? An exile who had been bought off and had left the country. What right had he to go down there and, without notice to the Government of the United States, fire upon the flag, as he did two days before the ratification of the treaty? The treaty was ratified with a full knowledge that Aguinaldo was in rebellion, and the Senate by its vote commanded the President to put down that rebellion. The appropriation made by the other House demanded it. Now, we have undertaken it, and it is proposed to surrender to Aguinaldo and send commissioners to him while he stands in haughty defiance.

No, no; let him be arrested and brought here as Burr was, and let him be tried for his treason, if you please, or shot by military authority. Is it seriously claimed that the United States must surrender to a person who was in exile and who went back there under the pretense of being a friend, that the United States must reverse all it has done, after it has pledged itself not only to Spain, but to all the world to protect life and property in the Philippines and has assumed obligations that it can not avoid? After all this has been done shall we show weakness until the enemy which has defied the country, until the rebel who has fired upon the flag, until the treacherous foe shall have been put down?

It is the voice of the American people that the rebellion shall be put down. Any pandering to Aguinaldo will be condemned by the whole country at large. The people say now, "Put down the rebellion;" and that we will then extend liberty and independence there as we have done in every other territory no one doubts. There is no idea of oppression. The people there have had the same privileges and liberties that we always extend, but we must first put down the rebellion before we can administer the laws. That being the case, every argument against making the necessary appropriation, everything that retards prompt, unanimous, and vigorous action, tends to prolong the war and tends to encourage the enemy.

The people of the United States have passed upon these very questions. They, by an overwhelming vote, have approved what the President has done, and they have approved what Congress has done. They expect now that the dignity of the flag shall be defended, and that we shall go forward until the rebels lay down their arms.

Do you talk about bringing rebels in arms here and traveling through the country? Let them lay down their arms. Never under any circumstances shall rebels in arms, rebels who so treacherously betrayed the authority of the United States, be invited here.

Aguinaldo never could have gone there but for the United States. He, without consulting the Government of the United States, set up a government, took charge of the whole business, and undertook to drive the armies of the United States from the islands. He has failed, and will fail. The people of the United States will not tolerate any halting, any delay, any hesitation, after pursuing the course that has been marked out, the only course which honor, justice, liberty, and the independence of the Philippines can possibly indicate.

Do you claim independence for them in their present state of anarchy? They know nothing of the word independence nor of liberty. We will teach it to them. They are as ignorant of it as the savages were on the plains. They are as ignorant of it as the scattered Mexicans in the land we took. They are ignorant, I say, of liberty governed by law. It is our mission now, since we have undertaken it, to teach it to them. We can not fail without being a standing disgrace among the nations of the world. We will not fail. This bill will be passed. The onward march of free institutions will continue. Liberty will be extended to the Orient—liberty governed by law, not governed by anarchy, but governed by a high sense of right and justice, which has been the case for a hundred years under our Territorial system.

It is not a system of oppression. To call it a colonial system is a misnomer. To presume that the United States when it extends its authority as a territory extends imperialism is absurd. Such a suggestion is a reflection upon what has been done in building up the States of the West, in extending our territory, in extending the areas of liberty. The same methods will be pursued there that have been pursued elsewhere, and with success equally good. Put down the rebellion as you put down the rebellion of Chief Sitting Bull or any other rebellion against the authority of the United States within the limits of our territory. That has been the policy of the country, under which it has grown, and that policy will continue. No man can stop it. This appropriation is going to be made. The Filipino rebellion is going to be put down, and the people of the Philippine Islands are going to taste, under our free institutions and under the authority of the United States, the blessings of liberty. Those blessings are going to be taken to them, and no man can prevent it.

I am sorry for having occupied so much of the time of the Senate, as I am anxious that the bill shall be passed at the earliest possible moment.

Mr. CAFFERY obtained the floor.

Mr. MONEY. Will the Senator yield to me for a moment?

Mr. CAFFERY. Yes, sir.

Mr. MONEY. I ask consent to introduce a proposed amendment to the bill, which I desire to have printed. I ask the Secretary to read it.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Mississippi will be read.

The Secretary read the proposed amendment, as follows:

In line 1, section (32) 26, page 38, after the word "direct," insert the words "not exceeding the period of three years."

The PRESIDENT pro tempore. The proposed amendment will be printed and lie upon the table.

Mr. BATE. I offer an amendment which I intend to propose to

the pending bill. I ask that the amendment may be read and printed.

The PRESIDENT pro tempore. The proposed amendment will be read.

The Secretary read as follows:

On page 36, section 24, line 17, after the word "Army," insert following:

"And those volunteer officers, not over 30 years of age, who held commissions during the war with Spain and are now serving in the Regular Army."

The PRESIDENT pro tempore. The proposed amendment will be printed and lie upon the table.

Mr. BATE. I have another amendment to the bill, which I also ask may be read and printed.

The PRESIDENT pro tempore. The proposed amendment will be read.

The Secretary read as follows:

On page 31, section 20, strike out all after the word "colonel," in line 6, down to and including the word "lieutenants" and insert in lieu thereof the following:

"Two lieutenant-colonels, 5 majors, 19 captains, and 19 first lieutenants.

"The enlisted force of the Signal Corps shall consist of 10 companies, whose status of service shall be the same as companies of the Corps of Engineers. Each company shall consist of 9 first-class sergeants, 18 sergeants, 18 corporals, 45 privates (who may be either of the first or second class), and 1 cook."

The PRESIDENT pro tempore. The amendment will be printed and lie upon the table.

Mr. BATE. I have one more amendment to the pending bill, which I also ask to have read and printed.

The PRESIDENT pro tempore. The proposed amendment will be read.

The Secretary read as follows:

On page 26, line 7, after the word "examination," insert the following:

"*Provided*, That the Secretary of War be authorized to appoint in the Hospital Corps, in addition to the 200 hospital stewards now allowed by law, 100 hospital stewards: *Provided*, That men who have served as hospital stewards of volunteer regiments, or acted in that capacity during and since the Spanish-American war for more than six months, may be appointed hospital stewards in the Regular Army: *And provided further*, That all men so appointed shall be of good moral character and shall have passed a satisfactory mental and physical examination."

Mr. BATE. I wish to state that, though I am opposed to the bill, I offer these amendments so as to perfect it as far as possible.

The PRESIDENT pro tempore. The proposed amendment will be printed and lie upon the table.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. The Senator from Louisiana [Mr. CAFFERY] is entitled to the floor. Does he yield to the Senator from Georgia?

Mr. BACON. I beg pardon. I simply want to make a parliamentary inquiry, if the Senator from Louisiana will pardon me.

Mr. CAFFERY. Certainly.

Mr. BACON. The Chair stated that "the bill is now in the Senate," and I ask, not for the purpose of controverting the statement of the Chair, but for information, in what way the bill got into the Senate? I did not know of it.

The PRESIDENT pro tempore. The original bill, the Senate bill, has been heretofore considered in the Senate as in Committee of the Whole, reported to the Senate, and passed. The House of Representatives then sent back an amendment to the Senate bill. That amendment does not go into the Senate as in Committee of the Whole, but is considered in the Senate.

Mr. BACON. I had forgotten for the moment that the original bill passed the Senate and went to the House. I had lost sight of that fact.

Mr. PROCTOR. Will the Senator from Louisiana yield to me to offer an amendment?

Mr. CAFFERY. Certainly.

Mr. PROCTOR. I offer an amendment intended to be proposed to the bill, which I ask to have read and printed.

The PRESIDENT pro tempore. The proposed amendment will be read.

The Secretary read as follows:

SEC. —. That when vacancies shall occur in the position of chief of any staff corps or department, the President may appoint to such vacancies, by and with the advice and consent of the Senate, officers of the Army at large not below the rank of lieutenant-colonel, and who shall hold office for terms of four years. When a vacancy in the position of chief of any staff corps or department is filled by the appointment of an officer below the rank now provided by law for said office, said chief shall, while so serving, have the same rank, pay, and allowances now provided for the chief of such corps or department. And any officer now holding office in any corps or department who shall hereafter serve as chief of a staff corps or department and shall subsequently be retired, shall be retired with the rank, pay, and allowances authorized by law for the retirement of such corps or department chief: *Provided*, That so long as there remain in service, officers of any staff corps or department holding permanent appointments the chief of such staff corps or department shall be selected from the officers so remaining therein.

The PRESIDENT pro tempore. The proposed amendment will be printed and lie upon the table.

Mr. CAFFERY. Partly, I suppose, Mr. President, in reply to that part of the eloquent address of the senior Senator from Massachusetts [Mr. HOAR] which dwelt upon the right of the Filipinos as a people to self-government the Senator from Nevada [Mr. STEWART] has cited the case of Louisiana. He has cited that case, apparently, to disprove the argument of the Senator from Massachusetts, and to show that the United States in dealing heretofore with acquired territories and their inhabitants have paid no attention whatever to the consent of the people dwelling in those territories. Now, first, in order to make any kind of parallel between the Filipinos and the inhabitants of the Territory of Louisiana, it is necessary upon the part of those who contend that the Louisiana case is a case in point to favor the Administration's side of the argument to show that there was a people in the Territory of Louisiana in the sense in which that word is used in international law.

What are the facts in regard to the Territory of Louisiana? From a census taken shortly after the purchase of that Territory—out of which, by the way, some 26 States and Territories have been carved, forming more than one-half of the then area of the United States—it was shown that the sum total of white inhabitants of all of that vast domain, embracing about 800,000 square miles, was about 19,000 people—19,000 human souls outside of the scattering bands of Indians that roamed over that trackless waste. First, is there any comparison whatever between a people consisting of 10,000,000 inhabitants, occupying a territory not hardly the twentieth of the size of the Territory of Louisiana, having established institutions of their own, having armies of their own, capable of municipal government, at least, of their own, capable of carrying on the affairs of their own government, and those scattered bands of disunited people that inhabited the expanse of the Louisiana Territory?

Mr. STEWART. Will the Senator allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Nevada?

Mr. CAFFERY. Certainly.

Mr. STEWART. How many people would be necessary in order to have rights? The people to whom the Senator from Louisiana refers were white people. There were several hundred thousand—nearly a million—of the inhabitants there who were not white. Did they not have any rights? In other words, does the constitutional principle change with the number of inhabitants? Do we have to take a census to decide as to their rights?

Mr. CAFFERY. The rights of an individual are one thing. As individuals people are entitled to all the rights declared in the Bill of Rights from our standpoint; but we are now talking of the right of a people to a government and not of the right of a people to personal security. That right is independent of government and precedes government. It is true that governments are instituted to protect those rights; but those rights exist a long time before government and can not be destroyed by government.

There is no parallel whatever between the cases. This case of Louisiana is constantly asserted and reasserted as a parallel to the oppression in the Philippines. The argument of the Senator from Massachusetts can not be turned aside or overborne by the citation of the case of Louisiana.

Again, Mr. President, the American people who inhabited the Territory of Louisiana were so anxious to acquire it that they were themselves upon the point of war with Spain to make their passageway down the Mississippi and into the Gulf; and it is known to history that one of Mr. Jefferson's reasons for the acquisition of that Territory was to obviate war between the United States and Spain.

Mr. BACON. On that issue.

Mr. CAFFERY. Yes, sir; on that issue.

Mr. BACON. There is no doubt about that.

Mr. CAFFERY. So that the case of Louisiana might as well be left out of the question.

But there are other points of dissimilarity greater than the point of the absence of a people sufficiently large and sufficiently united to constitute national life. There was a territory right next to us; it was in the Temperate Zone. In the nature of things it would, like a ripe pear, after a while fall into the grasp of our Republic and become incorporated into it. The parallel with the Philippines does not meet that point of similarity. We can never incorporate the Filipinos as an integral portion of our people. They are absolutely unassimilable. We now have evidence in the matter of this difficulty between China and the Christian powers of the earth of the absolute impossibility of advancing these people up to modern ideas and modern civilization. They have their own civilization and their own ideas, and it is their right to put that civilization and those ideas into just that form of government that suits them, and not us. The idea appears to prevail, and to flow from such arguments as those addressed by the Senator from Nevada to the Senate, that we are the grand apostles of freedom and right.

Mr. STEWART. There is no doubt about that.

Mr. CAFFERY. And we impose the yoke of tyranny upon other people, to ram down their throats our liberty and our ideas of government. Tyranny is tyranny, come from what source it may. Call it "benevolent assimilation," call it anything you

please, the superimposed yoke of a foreign country upon an independent people is tyranny, and nothing else.

Now, Mr. President, take the mask off of this bill and what does it mean? It means that Congress shall shirk behind its duty; it means that Congress shall sit down and allow what in the Constitution was never contemplated, the imperialism of a Cæsar to rule us—just that sort of imperialism against which the good sense and the conservatism of the Senator from Colorado [Mr. TELLER] revolted.

If we want to make war against the Filipinos, a war of extermination, a war of absolute waste and destruction, let the Congress of the United States assume responsibility and carry that war to its bitter end. We are not doing that in this instance. Under the pretext of preserving life and property and maintaining the authority of the flag of the United States, we transfer over into the hands of the Executive all the war-making power of this body; and events and facts show that it is a war of extermination that we are waging, not a war to put down a temporary uprising or a rebellion of a discontented and dissatisfied people. That is what it is, and that is all that it is.

Sir, let us boldly assume the responsibility; let us say we do this thing; we declare this war; we carry it on; we vote for this Army bill for a specific purpose, the purpose of exterminating or subduing the Filipinos, instead of having a mask to cover it and arguing that 100,000 men are necessary for a peace footing when twenty-five or thirty thousand men have heretofore proved amply sufficient for the peace establishment of the United States.

The pretext is that some of these troops are wanted in Alaska; that some of them are wanted in Porto Rico; that some of them are wanted in Cuba. Why wanted in Cuba? Are we going to let go our relentless grasp upon that island, or are we going to hold that island in perpetual subjection? Is it the purpose of the United States to carry out faithfully and honorably the statement appended to the declaration of war, that the people of Cuba are and ought to be independent of us?

Mr. STEWART. Will the Senator permit me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Nevada?

Mr. CAFFERY. Yes.

Mr. STEWART. I do not understand the Senator when he says that Congress is shirking responsibility, and that we have not come out boldly. I do not see how we could come out more boldly than we have. We ratified the treaty. After the Filipinos fired on our flag, Congress passed an appropriation to enable the President to suppress the insurrection; we made it the duty of the President to do so when we acquired the territory, and both Houses of Congress participated in buying it. It was then our territory. We could not declare war, because it was insurrection, and not war. The statutes of the United States imposed upon the President the duty to put down the insurrection. We boldly imposed that duty upon him; and I do not see how we could be more bold than we were in doing that and in making the appropriations.

Mr. CAFFERY. I decline to yield further.

The PRESIDENT pro tempore. The Senator from Louisiana declines to yield further.

Mr. STEWART. Very well. I should think he would decline, as he is getting the worst of it.

Mr. CAFFERY. Oh, that sort of a quip has no effect upon any sensible argument. I yielded for a question. I did not want a repetition of the speech of the Senator from Nevada.

Mr. STEWART. Very well.

Mr. CAFFERY. Once is quite sufficient for me. [Laughter.]

Mr. BACON. Too much.

Mr. CAFFERY. Yes; a little too much.

Sir, I said, and I repeat, that the purposes of this bill are not disclosed upon its face; they are masked. Talk about emergencies. What sort of emergencies, when there is not a man, woman, or child in the United States who does not know that the purpose of this bill and the purpose of the increase of the Army is for the waging of this war of extermination? That is a sufficient answer. Why not say so? Why not incorporate into the bill that this is for the purpose of allowing the President of the United States to wage war until it is successful in the Philippine Islands?

Mr. President, I have been honestly opposed to this whole scheme of spoliating territories belonging to other peoples; and I propounded to the Senator from Colorado [Mr. TELLER] a question, if the Congress of the United States did not adopt a similar resolution to the one he offered and had adopted in the declaration of war against Spain, whether or not he would then support this war of extermination in the Philippine Islands? I think his answer was rather evasive. He answered by giving me the answer of Mr. Lincoln to the same question propounded to him after the close of the Mexican war.

But, Mr. President, I have no sort of hesitation in saying that I will not only vote against this bill, which conceals its ulterior purpose that I have adverted to, but against any and all bills whose object and purpose are to destroy the nationality of the Filipinos.

I never have believed, I do not now believe, that it was either politic or constitutional to acquire those islands, and the more I reflect on it the more I am convinced that the most unwise, the most destructive, policy that this Republic can possibly pursue is to incorporate within itself, whether they are to be held as citizens or whether they are to be held as subjects without any rights under the Constitution, far-distant peoples of different language, different race, different traditions, and different surroundings and inheritances. My opinion is that the strength of these United States, now powerful and compact, will be frittered and lost and destroyed by being stretched out to the extremities of the earth to embrace peoples and territories foreign and altogether unassimilable to our institutions and to our people.

I have just arrived in the Senate. I have not had time to dissect this bill; I have not read it; but I do say, Mr. President, that the proponents of this bill have shown no reason why the peace footing of the United States should be raised to 100,000 men. They say it is 98,000; but in round numbers it is 100,000.

As was remarked to me by a friend during the discussion of this bill this morning, you may not, after having increased the Army up to the maximum of 98,000, decrease the officers. You may decrease the number of soldiers down to the minimum; but if this bill should pass and there should be, fortunately, no use for the employment of the maximum longer than for a brief period, you would have a lot of officers without any enlisted men; you would have officers for a hundred thousand men, and you would have enlisted men to the extent of but 54,000. All these incongruities in this bill, and perhaps more—that is an incongruity, and a great one—could be pointed out after an analysis of its contents. But the subject-matter of the bill itself to me is vicious in that it covertly surrenders the war-making power to the President and throws the whole weight of responsibility upon Congress.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Massachusetts [Mr. HOAR] to the amendment.

Mr. CARTER. In the interest of orderly business, I suggest that all amendments offered be laid over until the committee amendments shall have been disposed of. So far as the pending bill is concerned, I think that is proper.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the committee amendments may first receive the consideration of the Senate. Is there objection? The Chair hears none, and it is so ordered.

Mr. HAWLEY. I offer a resolution which I send to the desk. There is a very interesting pamphlet in my hands, "Hearings before the Committee on Military Affairs," full of instruction, largely composed of statements by Secretary Root, General Corbin, and other leaders. We have had 50 copies printed for the use of the committee, which is all that is allowed when a committee secures printing for its own use. So I offer a resolution which provides for the printing of a thousand additional copies.

The PRESIDENT pro tempore. The Senator from Connecticut offers a resolution, which will be read.

The Secretary read as follows:

Ordered, That the Committee on Military Affairs are hereby authorized to have printed 1,000 extra copies of the hearings before that committee on Senate bill 4900.

The resolution was considered by unanimous consent; and agreed to.

Mr. TELLER. I wish to offer an amendment to the pending bill and to have it printed and lie on the table.

The PRESIDENT pro tempore. Without objection, it will be received, printed, and lie on the table.

Mr. BACON. I hope it may be read, Mr. President.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to strike out section 31 and insert in lieu thereof the following:

SEC. 31. Any officer of the Army below the grade of brigadier-general, who served during the civil war, and whose name is now borne upon the official Register of the Army, and who heretofore has been or hereafter may be retired by reason of wounds received or disabilities incurred in the line of duty, or on account of age, or after thirty years' active service, shall be placed upon the retired list of the Army with the rank and retired pay of one grade above that actually held by him at the time of his retirement: *Provided*, That this section shall not apply to any officer who received an advance of one grade at the time of his retirement, nor to any officer who received an advance of one grade at the time or since the date of his retirement by virtue of the provision of a special act of Congress.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. HAWLEY. It had better be referred to the Committee on Military Affairs.

Mr. TELLER. I do not want it referred to the Committee on Military Affairs. It is an amendment to the thirty-first section. Practically all there is of it is to give those people who retired after thirty years' service the same chance that you gave the others.

Mr. HALE. One grade higher?

Mr. TELLER. One grade higher. I do not see why a man who served thirty years should not have it. This section says:

This section shall apply to officers who have been retired on or since the 11th day of August, 1898, but shall not apply to any officer whose service on the active list does not exceed thirty-five years.

He is entitled to be retired when he has served thirty years. That is the question I wish to raise.

The PRESIDENT pro tempore. The first amendment of the committee will be stated.

Mr. HOAR. In order not to interpose hereafter, I should like to have an order made that all amendments which have been offered or of which notice has been given shall be printed.

The PRESIDENT pro tempore. An order has been made that they shall all be printed and lie on the table. That includes the one offered by the Senator from Massachusetts.

Mr. PROCTOR. There is an amendment of one word in line 18, page 10, striking out "bill" and inserting "act."

The SECRETARY. In section 1, page 10, line 18, before the words "the Army," it is proposed to strike out "bill" and insert "act;" so as to read:

That from and after the approval of this act the Army, etc.

The amendment was agreed to.

The PRESIDENT pro tempore. The first amendment reported by the Committee on Military Affairs will be stated.

The first amendment of the Committee on Military Affairs was, in section 1, page 10, line 19, after the words "United States," to insert "including the existing organizations;" in line 20, after the word "cavalry," to strike out "a corps" and insert "12 regiments;" on page 11, line 2, after the word "Department," to strike out "an Engineer Corps" and insert "a Corps of Engineers;" in line 6, to strike out "service detachment" and insert "detachments;" in line 7, after the word "Academy," to insert "Indian scouts as now authorized by law;" so as to make the section read:

That from and after the approval of this act the Army of the United States, including the existing organizations, shall consist of 15 regiments of cavalry, 12 regiments of artillery, 30 regiments of infantry, 1 lieutenant-general, 6 major-generals, 15 brigadier-generals, an Adjutant-General's Department, an Inspector-General's Department, a Judge-Advocate-General's Department, a Quartermaster's Department, a Subsistence Department, a Medical Department, a Pay Department, a Corps of Engineers, an Ordnance Department, a Signal Corps, the officers of the Record and Pension Office, the chaplains, the officers and enlisted men of the Army on the retired list, the professors, corps of cadets, the Army detachments and band at the United States Military Academy, Indian scouts as now authorized by law, and such other officers and enlisted men as may hereinafter be provided for: *Provided*, That when a vacancy shall occur through death, retirement, or other separation from active service in the office of storekeeper, now provided for by law in the Quartermaster's Department and Ordnance Department, respectively, said office shall cease to exist.

The amendment was agreed to.

The next amendment was, on page 11, section 2, line 22, after the word "provided," to strike out "three captains shall be available for detail as adjutant, quartermaster, and commissary, and three first lieutenants shall be available for detail as squadron adjutants, and three second lieutenants shall be available for duty as squadron quartermasters and commissaries" and insert "the captains and lieutenants not required for duty with the troops shall be available for details as regimental and squadron staff officers and such other detail as may be authorized by law or regulations;" so as to read:

Of the officers herein provided the captains and lieutenants not required for duty with the troops shall be available for detail as regimental and squadron staff officers and such other details as may be authorized by law or regulations.

The amendment was agreed to.

The next amendment was to strike out section 3, in the following words:

SEC. 3. That the regimental organization of the artillery arm of the United States Army is hereby discontinued, and that arm is constituted and designated as the Artillery Corps. It shall be organized as hereinafter specified, and shall belong to the line of the Army.

Mr. BACON. I understand the bill is now in the Senate, and this is the final action?

The PRESIDENT pro tempore. The bill is in the Senate.

Mr. BACON. And this is the final action?

The PRESIDENT pro tempore. Upon these amendments.

Mr. BACON. Upon these amendments. I suggest to the Senator in charge of the bill that possibly while it may be very well to go on with the minor amendments, such as can be acted upon——

Mr. HAWLEY. I can not hear the Senator from Georgia.

Mr. BACON. I was simply saying that as this is the final action of the Senate upon these amendments, the bill being in the Senate and not as in Committee of the Whole, while it may be proper to go on with the formal amendments, such as we have already acted upon, we should pass over an amendment like this, which is not a formal amendment. I do not myself know of any objection to it, but before we get through it may be developed that this which relates to the constitution, the very framework of the Army, may become a very important matter of consideration. I understood the purpose was now to go on simply with the formal amendments. This is not a formal amendment.

Mr. HAWLEY. Does the Senator wish to have this remain open for the present?

Mr. BACON. I do not wish to be understood as having any special objection to it. It seems to me to belong to a class of amendments different from those on which we have been acting.

Mr. HAWLEY. It will always be open to a motion to reconsider.

Mr. BACON. That will be sufficient, if it is the understanding that at any time before the final vote such a motion can be entered.

Mr. HAWLEY. I shall not object at any time.

Mr. BACON. The Senator simply speaks of what will be his personal course in the matter, but unless that is clearly understood——

Mr. COCKRELL. There is no question about it. A motion to reconsider can be made at any time.

Mr. BACON. At any time within two days. It may be more than two days.

Mr. HAWLEY. I certainly shall not object to a motion to reconsider.

Mr. BACON. With that understanding, all right.

Mr. PETTIGREW. After these amendments are all passed upon, is not the bill subject to amendment or any of the amendments that remain in the bill subject to amendment?

Mr. GALLINGER. No.

Mr. PETTIGREW. Is this the final action?

The PRESIDENT pro tempore. The Chair does not understand the Senator from South Dakota.

Mr. PETTIGREW. After we have gone all over these amendments and disposed of them, is not the bill or any portion of the amendments open to amendment?

Mr. HALE. How can an amendment be amended that the Senate has adopted? The infirmity of the situation, if there is any infirmity in it, is that we are not in Committee of the Whole——

Mr. PETTIGREW. I understand that.

Mr. HALE. With an after opportunity of action in the Senate. It not being an original bill, but an amendment, we are considering matters in the Senate. The only relief from any action the Senate has taken now is in a motion at any time to reconsider, or a Senator, as an amendment is reached, if he is not ready to have it acted upon, may ask the chairman of the committee that the amendment be reserved and not acted upon. But after we have acted upon it in the Senate it is irrevocable unless we reconsider. It seems to me that is the parliamentary law.

The PRESIDENT pro tempore. The Chair so understands.

Mr. PETTIGREW. Then it seems to me that as we go along we ought to take up the amendments which have been offered. There are a great many amendments pending here. There are Senators who wish to offer further amendments. The other amendments should be considered in connection with these.

Mr. BERRY. I would suggest, in view of the peculiar attitude of this bill, it being already in the Senate and not in Committee of the Whole, that, by unanimous consent, we let the committee perfect the bill in the way in which they desire it, with a unanimous-consent understanding that it shall still be open to any amendment, notwithstanding amendments have been agreed to. It can be done by unanimous consent in that way. I think that is a fair way to do it, in view of the peculiar condition. Let the committee perfect the bill in the shape they want it, and then let it be subject, by unanimous consent, to any amendment that may thereafter be offered.

Mr. STEWART. I think that is very fair.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that after the committee has perfected the bill by their amendments, all amendments may still be open to further amendment. Is there objection?

Mr. HAWLEY. I have substantially, so far as I am concerned, agreed to that by saying that I shall at any time yield to a motion to reconsider.

The PRESIDENT pro tempore. There is no objection, and it is so ordered.

Mr. TELLER. These amendments of the committee indicate a difference——

Mr. BATE. Mr. President, I wish to make a parliamentary inquiry. Have we a right, speaking parliamentarily, to propose an amendment to a bill after it is in the Senate, without having given previous notice? That has been the ruling heretofore.

The PRESIDENT pro tempore. The Senate has a right by unanimous consent to do almost anything.

Mr. BATE. I understand that. I ask in view of the amendments already put in here. The bill is in the Senate, and, without having given notice, will amendments be in order?

Mr. HOAR. You do not have to give notice.

Mr. BERRY. No such notice is necessary.

Mr. BATE. That is the question I put to the Chair.

The PRESIDENT pro tempore. The Chair would recognize any Senator at any time to offer any amendment germane to the bill.

Mr. BATE. Is it not the custom and the parliamentary law also when a bill is in the Senate that no amendment can be offered without having given such notice?

The PRESIDENT pro tempore. No. The Chair does not recognize any such rule.

Mr. TELLER. I wish to call the attention of the committee to the large number of sections they propose to strike out, which, I suppose, section 3 is intended to take the place of. There seems to be a difference of opinion between the House and the Senate committee as to the character of the organization. I am not sufficiently advised as to what that difference is, and I wish some Senator on the committee to explain what the difference is between the House and the Senate committees.

Mr. HAWLEY. They abandoned the old regimental organization of the artillery.

Mr. TELLER. They abandoned the present system?

Mr. HAWLEY. The present system, and consolidated it all in one grand corps.

Mr. TELLER. Under the House bill all the artillery would be practically made into one body?

Mr. HAWLEY. Yes; a loose body of single regiments, single batteries.

Mr. TELLER. Not into regiments?

Mr. HAWLEY. I do not know about that. They proposed to abolish the existing regiments of artillery and organize the batteries in one corps. We did not like it.

Mr. TELLER. That is a matter of detail as to which I would not, of course, feel competent to speak.

Mr. HAWLEY. We simply stand by the existing organization.

Mr. TELLER. Has there been any particular complaint in military circles of the existing order of things?

Mr. HAWLEY. Not that I know of. This thing came like a surprise. So we just fell back upon the old organization. It is good enough for anybody.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment to strike out section 3.

The amendment was agreed to.

The next amendment of the Committee on Military Affairs was to strike out sections 4, 5, 6, 7, and 8, in the following words:

SEC. 4. That the artillery corps shall comprise two branches—the coast artillery and the field artillery. The coast artillery is defined as that portion charged with the care and use of the fixed and movable elements of land and coast fortifications, including the submarine mine and torpedo defenses; and the field artillery as that portion accompanying an army in the field, and including field and light artillery proper, horse artillery, siege artillery, mountain artillery, and also machine-gun batteries: *Provided*, That this shall not be construed to limit the authority of the Secretary of War to order coast artillery to any duty which the public service demands or to prevent the use of machine or other field guns by any other arm of the service under the direction of the Secretary of War.

SEC. 5. That all officers of artillery shall be placed on one list, in respect to promotion, according to seniority in their several grades, and shall be assigned to coast or to field artillery according to their special aptitude for the respective services.

SEC. 6. That the artillery corps shall consist of an inspector of artillery, who shall be selected and detailed by the President from the colonels of artillery, to serve on the staff of the general officer commanding the Army, and whose duties shall be prescribed by the Secretary of War; 14 colonels, one of whom shall be the inspector of the artillery; 13 lieutenant-colonels, 39 majors, 182 captains, 198 first lieutenants, 192 second lieutenants; and the captains and lieutenants provided for in this section not required for duty with batteries or companies shall be available for duty as staff officers of the various artillery garrisons and such other details as may be authorized by law and regulations; 21 sergeants-major with the rank, pay, and allowances of regimental sergeants-major of infantry; 27 sergeants-major with the rank, pay, and allowances of battalion sergeants-major of infantry; 1 electrician sergeant to each coast artillery post having electrical appliances; 30 batteries of field artillery, 126 batteries of coast artillery, and 10 bands organized as now authorized by law for artillery regiments: *Provided*, That the aggregate number of enlisted men for the artillery, as provided under this act, shall not exceed 18,920, exclusive of electrician sergeants.

SEC. 7. That each company of coast artillery shall be organized as is now prescribed by law for a battery of artillery: *Provided*, That the enlisted strength of any company may be fixed, under the direction of the Secretary of War, according to the requirements of the service to which it may be assigned: *And provided*, That first-class gunners shall receive $3 a month and second-class gunners $1 per month in addition to their pay.

SEC. 8. That each battery of field artillery shall be organized as is now prescribed by law, and the enlisted strength thereof shall be fixed under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was to insert as section 3 the following:

SEC. 3. That each regiment of artillery shall consist of 1 colonel, 1 lieutenant-colonel, 3 majors, 17 captains, 17 first lieutenants, and 17 second lieutenants; 1 veterinarian, 1 sergeant-major, 1 quartermaster-sergeant, 1 commissary-sergeant, with rank, pay, and allowances of commissary-sergeants of infantry; 3 battalion sergeants-major, 2 color sergeants, with the rank, pay, and allowances of battalion sergeants-major; 1 band and 12 companies of foot artillery, which may be organized into 3 battalions of 4 companies each, and 2 field batteries. Of the officers herein provided the captains and lieutenants not required for duty with the companies and batteries shall be available for detail as regimental and battalion staff officers and such other details as may be authorized by law and regulations. Battalion adjutants shall receive $1,800 per annum and the allowances of first lieutenant, mounted. Each artillery band shall be organized as now provided by law. Each company of foot artillery shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant, to be assigned from among the officers hereinbefore authorized; 1 first sergeant, 1 quartermaster-sergeant, 8 sergeants, 12 corporals, 2 musicians, 2 mechanics, 2 cooks, and 52 privates. Each battery of field artillery shall consist of 1 captain, 1 first lieutenant, 2 second lieutenants, to be assigned from among the officers hereinbefore authorized; 1 first sergeant, 1 stable sergeant, 1 quartermaster-sergeant, 6 sergeants, 12 corporals, 4 artificers, 2 musicians, 2 cooks, and 51 privates: *Provided*, That the President, in his discretion, may increase the number of privates in any company of foot artillery to 85, and the number of privates in any battery of field artillery to 133, but the total number of enlisted men authorized for the whole Army shall not at any time be exceeded: *And provided*, That the enlisted strength of each company of foot artillery or battery of field artillery may be fixed under the direction of the Secretary of War, according to the requirements of the service to which it may be assigned: *And provided further*, That in cases of emergency companies of foot artillery may be employed as field artillery.

Mr. HAWLEY. The committee desire to strike out, beginning with the word "battalion," in line 23, on page 15, the words:

Battalion adjutants shall receive $1,800 per annum and the allowances of first-lieutenant, mounted.

And to insert in lieu thereof:

When any artillery regiment is organized in battalions and during the continuance of such organizations the battalion staff officers shall receive the same pay and allowances herein authorized for those of infantry regiments.

Mr. BACON. I desire to say to the Senator that I shall propose an amendment to this section. I understand we are now on section 3. Am I correct?

The PRESIDENT pro tempore. Section 3.

Mr. HAWLEY. Section 3.

Mr. BACON. I intend to propose an amendment to the section, and I do not desire that anything shall be done which shall in any manner interfere with the proper consideration and action thereof by the Senate. I desire to move to strike out part of it.

The PRESIDENT pro tempore. Under the unanimous-consent agreement the right will be with the Senator at any time to offer an amendment.

Mr. BACON. So that the action upon it at this time will not interfere with the amendment which I propose to strike that out?

The PRESIDENT pro tempore. It will not.

Mr. BACON. And also a few other sections similarly situated?

The PRESIDENT pro tempore. The amendment will be modified, as indicated by the Senator from Connecticut. The question is on agreeing to the amendment to insert as section 3 what has been read.

The amendment was agreed to.

The next amendment of the Committee on Military Affairs was to insert as section 4 the following:

SEC. 4. That the President is authorized, in his discretion, to arm and equip the field artillery as light artillery, horse artillery, siege artillery, or mountain artillery, or with any field or machine guns which are, or may be hereafter, adopted by the War Department as suitable for such service: *Provided*, That the number of electrician sergeants shall be as now authorized by law: *And provided*, That first-class gunners shall receive $2 per month, and second-class gunners $1 per month, in addition to their pay.

The amendment was agreed to.

The PRESIDENT pro tempore. Without objection, section 9 will be renumbered section 5 and section 10 will be renumbered section 6.

Mr. PROCTOR. In line 12 of new section 5, the words "in this bill," after the words "total number provided for," should be stricken out. They are mere surplusage.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In new section 5, line 12, page 17, after the words "provided for," it is proposed to strike out "in this bill."

The amendment was agreed to.

Mr. PROCTOR. Also in new section 5, line 17, I move to strike out the words "length of service as commissioned officers" and insert "date of commission."

The amendment was agreed to.

Mr. TELLER. I wish to call the attention of the committee to section 5:

Second lieutenants of infantry or cavalry may, in the discretion of the President, be transferred to the artillery arm, taking rank therein according to date of commission, and such transfers shall be subject to approval by a board of artillery officers appointed to pass upon the capacity of such officers for artillery service.

It seems to me a little incongruous to authorize the President to perform an act of that kind and make it subject to the approval of some subordinates. It is not a consistent thing to do. I think we should leave the President to determine for himself whether they are capable of discharging the duties in the artillery service. That is rather an awkward provision to put in a bill.

Mr. PROCTOR. If the Senator will allow me, I think the provision is only the ordinary one for an examination required for promotions in the Army. The board passes upon the capacity of such officers for artillery service.

Mr. TELLER. I suppose this is a regulation of the War Department and that the President can transfer these people without our authority?

Mr. HAWLEY. No.

Mr. PROCTOR. No; not from one corps to another.

Mr. TELLER. He can not? But he can promote?

Mr. PROCTOR. They are commissioned in a particular corps—the artillery, infantry, or cavalry. He can not transfer.

Mr. TELLER. He can not make anything else of them?

Mr. PROCTOR. No.

The next amendment of the Committee on Military Affairs was, in section 6, line 6, page 18, to strike out:

Three captains shall be available for detail as adjutant, quartermaster, and commissary, and three first lieutenants shall be available for detail as battalion adjutants, and three second lieutenants shall be available for duty as battalion quartermasters and commissaries.

And to insert:

The captains and lieutenants not required for duty with the companies shall be available for detail as regimental and battalion staff officers and such other details as may be authorized by law or regulations.

The amendment was agreed to.

The next amendment was, on the same page, line 23, after the words "forty-eight privates," to insert "the commissioned officers to be assigned from those hereinbefore authorized."

The amendment was agreed to.

Mr. PROCTOR. On the same page, lines 16 and 18, the word "lieutenant" should be plural. Add the "s" in each case.

The PRESIDENT pro tempore. That modification will be made.

The next amendment was, on page 19, to renumber section 11 so as to read "section 7."

The amendment was agreed to.

The next amendment was, on page 19, to renumber section 12, so as to stand as section 8.

The amendment was agreed to.

Mr. PROCTOR. I offer from the committee an amendment. I move to add at the end of the new section 7 the following:

Provided, That officers detailed from the Corps of Engineers to serve as battalion adjutants, battalion quartermasters, and commissaries shall, while so serving, receive the pay and allowances herein authorized for battalion staff officers of infantry regiments.

The amendment was agreed to.

The next amendment of the Committee on Military Affairs was, on page 20, line 1, at the beginning of the line, to insert the word "artillery."

The amendment was agreed to.

The next amendment was, on page 20, line 1, to strike out "and twelve for the Corps of Artillery;" so as to read:

SEC. 8. That the President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army, at the rate of one for each regiment of cavalry, artillery, and infantry in the United States service, with the rank, pay, and allowances of captains of infantry.

The amendment was agreed to.

The next amendment was, in line 10, page 20, after the word "regiments," to strike out the words "or to the Corps of Artillery;" so as to read:

And provided, That the office of post chaplain is abolished, and the officers now holding commissions as chaplains, or who may hereafter be appointed chaplains, shall be assigned to regiments.

The amendment was agreed to.

Mr. CARTER. In line 5, page 20, the word "thirty-five" before "years" should be stricken out and "forty" inserted. That is a committee amendment.

The SECRETARY. On page 20, line 5, strike out "thirty-five" and insert "forty;" so as to read:

Provided, That no person shall be appointed a chaplain in the Regular Army who shall have passed the age of 40 years, nor until he shall have established his fitness as required by existing law.

The amendment was agreed to.

The next amendment was, on page 20, to renumber section 13 so as to stand as section 9.

The amendment was agreed to.

The next amendment was, on page 20, line 19, to strike out the word "active;" so as to read:

SEC. 9. That the Adjutant-General's Department shall consist of one Adjutant-General with the rank of major-general during the service of the present incumbent of the office and with the rank of brigadier-general thereafter, etc.

The amendment was agreed to.

The next amendment was, on page 21, to renumber section 14 so as to stand as section 10.

The amendment was agreed to.

The next amendment was to renumber section 15 so as to stand as section 11.

The amendment was agreed to.

Mr. SEWELL. I have a committee amendment, which I offer to section 14, new section 10, line 5. I move to strike out "three" and insert "four;" in the same line to add the word "general" after the word "inspectors;" in line 6, after "inspectors," to insert "general;" in the same line to strike out "nine" and insert "eight;" and in line 7, after "inspectors," to insert "general;" so as to read:

Four inspectors-general with the rank of colonel, 4 inspectors-general with the rank of lieutenant-colonel, and 8 inspectors-general with the rank of major.

Mr. HAWLEY. That is an amendment to be voted upon nominally. It is the insertion of the word "general" in lines 5, 6, and 7, and the insertion of the word "four" in place of "three" in line 5, and the word "eight" in place of "nine" in line 6, so that it will read:

That the Inspector-General's Department shall consist of 1 Inspector-General with the rank of brigadier-general, 4 inspectors-general with the rank of colonel, 4 inspectors-general with the rank of lieutenant-colonel, and 8 inspectors-general with the rank of major.

The amendment was agreed to.

Mr. PROCTOR. On page 21, section 11, line 19, after the word "one," I move to insert the word "acting," and on the same page, in line 22, after the words "according to," I move to strike out "the rules of;" so that it will read "according to seniority."

The SECRETARY. On page 21, line 19, after the word "one," insert the word "acting," and on the same page, line 22, strike out the words "the rules of," and on page 22, line 3, strike out the word "hereafter" and insert "thereafter;" so as to make the amendment of the committee, as modified, read:

SEC. 11. That the Judge-Advocate-General's Department shall consist of 1 Judge-Advocate-General with the rank of brigadier-general, 2 judge-advocates with the rank of colonel, 3 judge-advocates with the rank of lieutenant-colonel, 6 judge-advocates with the rank of major, and for each geographical department or tactical division of troops not provided with a judge-advocate from the list of officers holding permanent commissions in the Judge-Advocate-General's Department 1 acting judge-advocate with the rank, pay, and allowances of captain, mounted. Promotions to vacancies above the grade of major, created or caused by this act, shall be made, according to seniority, from officers now holding commissions in the Judge-Advocate-General's Department. Vacancies created or caused by this act in the grade of major may be filled by appointment of officers holding commissions as judge-advocate of volunteers since April 21, 1898. Vacancies which may occur thereafter in the grade of major in the Judge-Advocate-General's Department shall be filled by selection of officers of the line.

The amendment as modified was agreed to.

Mr. PROCTOR. In line 4 of the same section, page 22, I move to strike out the word "selection" and insert the words "the appointment;" so as to read "shall be filled by the appointment of officers of the line."

The amendment was agreed to.

The next amendment of the Committee on Military Affairs was in line 5, page 22, after the word "line," to insert:

Or of persons who have satisfactorily served as judge advocates of volunteers since April 21, 1898, and whose age at the date of appointment shall not exceed 40 years.

Mr. BACON. What is the amendment? I see the amendment printed in roman text that the committee originally suggested. What is the amendment which the Senator from Vermont now offers to that?

The SECRETARY. To strike out "selection" and insert "appointment."

Mr. BACON. I beg pardon; that is a matter of form.

The PRESIDENT pro tempore. That amendment was agreed to. The question now is on the amendment of the committee, which has just been stated.

The amendment was agreed to.

Mr. PROCTOR. I offer an amendment. On page 22, line 9, I move to strike out:

Vacancies in the grade of captain in the Judge-Advocate-General's Department shall be filled by detail from the line of the Army of officers of the grade of captain or first lieutenant.

And to insert:

Acting judge-advocates provided for herein shall be detailed from officers of the grades of captain or first lieutenant of the line of the Army.

Mr. HAWLEY. The words following should read "who while so serving."

The SECRETARY. And strike out the word "and."

Mr. CARTER. The word "and" is all right.

The SECRETARY. In line 12 strike out "and" and insert "who."

The amendment was agreed to.

The next amendment was, on page 22, to renumber section 16, so as to stand as section 12.

The amendment was agreed to.

The next amendment was, in line 21, on page 22, to strike out, after the word "brigadier-general," the word "seven" and insert "six;" in line 23, to strike out "eleven" and insert "nine;" in line 23, to strike out "twenty-eight" and insert "eighteen," and in line 24, to strike out "seventy-two" and insert "fifty-four;" so as to read:

SEC. 12. That the Quartermaster's Department shall consist of 1 Quartermaster-General with the rank of brigadier-general, 6 quartermasters with the rank of colonel, 9 quartermasters with the rank of lieutenant-colonel, 18 quartermasters with the rank of major, 54 quartermasters with the rank of captain, mounted.

The amendment was agreed to.

The next amendment was, on page 23, line 8, after the words "eighteen hundred and ninety-eight," to insert "and whose age at the date of appointment shall not exceed 40 years;" so as to make the proviso read:

Provided, That all vacancies in the grade of colonel, lieutenant-colonel, and major created or caused by this section shall be filled by promotion according to seniority, as now prescribed by law. That to fill vacancies in the grade of captain created by this act in the Quartermaster's Department

the President is authorized to appoint officers of volunteers commissioned since April 21, 1898, and whose age at the date of appointment shall not exceed 40 years.

The amendment was agreed to.

The next amendment was, on page 23, to renumber section 17 so as to stand as section 13.

The amendment was agreed to.

The next amendment was, on page 23, line 15, to strike out the words "one hundred and fifty" and insert "the number of;" in line 16, after the words "commissary sergeants," to insert "now authorized by law;" and in line 24, after the words "eighteen hundred and ninety-eight," to insert "and whose age at the date of appointment shall not exceed 40 years;" so as to read:

SEC. 13. That the Subsistence Department shall consist of 1 Commissary-General with the rank of brigadier-general, 3 commissaries with the rank of colonel, 4 commissaries with the rank of lieutenant-colonel, 9 commissaries with the rank of major, 27 commissaries with the rank of captain, mounted, and the number of commissary-sergeants now authorized by law, who shall hereafter be known as post commissary-sergeants: *Provided*, That all vacancies in the grades of colonel, lieutenant-colonel, and major, created or caused by this section, shall be filled by promotion, according to seniority, as now prescribed by law. That to fill vacancies in the grade of captain, created by this act, in the Subsistence Department, the President is authorized to appoint officers of volunteers, commissioned since April 21, 1898, and whose age at the date of appointment shall not exceed 40 years.

The amendment was agreed to.

Mr. PROCTOR. In line 7 of that page I move to strike out the words "officers of volunteers commissioned since" and insert "persons who have served as volunteers subsequent to."

Mr. SPOONER. How will it read then?

The SECRETARY. On page 23, line 7, strike out the words "officers of volunteers commissioned since" and insert in lieu thereof "persons who have served as volunteers subsequent to;" so as to read:

That to fill vacancies in the grade of captain created by this act in the Quartermaster's Department the President is authorized to appoint persons who have served as volunteers subsequent to April 21, 1898, and whose age at the date of appointment shall not exceed 40 years.

Mr. SPOONER. I should like to ask the Senator who has prepared these amendments if he understands that under the section as proposed to be amended an officer who went out of service after April 21, 1898, is eligible to appointment by the President if of proper age and requisite capacity?

Mr. PROCTOR. Certainly; persons who have served as volunteers subsequent to April 21, 1898, no matter when they went out.

Mr. SPOONER. It does not mean that they must have continuously served?

Mr. PROCTOR. It does not mean that. If they have been in the service, it does not matter whether they are in it still or not.

Mr. KENNEY. May I ask the Senator from Vermont a question? Would an officer who had served in the Volunteer Army since April 21, 1898, and who has been discharged and is not now in the Army, be eligible to appointment under the provision of the bill?

Mr. SPOONER. That was my question.

Mr. PROCTOR. That was the purpose of the amendment, and I think it is clearly expressed. It includes any officer or enlisted man who has served.

Mr. SPOONER. Might not that be construed as involving a continuous service?

Mr. SEWELL. We discussed that point in the committee and thought not.

Mr. SPOONER. I know, but this is to be enacted, I suppose, into law, and the opinion of the committee might not be the opinion of the administrative department. Would there be any objection to making it clear as to one who had at any time served as an officer of volunteers?

Mr. PROCTOR. There is no objection to inserting the words "who have at any time."

Mr. SPOONER. All right.

Mr. TILLMAN. I should like to ask the Senator from Vermont or the chairman of the committee to tell me if there is a provision in the bill anywhere which permits privates or sergeants or anybody else now serving to be examined and appointed as lieutenants the same as in the Regular Army, or is that provision stricken out?

Mr. SEWELL. That is the provision of law now.

Mr. TILLMAN. But this supersedes all previous laws, does it not?

Mr. BACON. The provision of law now relates only to the regulars.

Mr. TILLMAN. These will be regulars, I imagine, when we get through with it.

Mr. BACON. The eligibility of a private soldier to examination for commission in the Regular Army is limited to private soldiers in the regular service and does not embrace the 35,000 private soldiers who are in the volunteer service.

Mr. TILLMAN. I simply wanted to have it understood.

Mr. PROCTOR. We will reach later the provision in regard to that matter, and I think the Senator will find it satisfactory.

Mr. BACON. If the Senator will pardon me a moment, in order that they may be printed I desire to submit some amendments which I shall propose. I ask that they may be read and printed, in order that the Senate may have an opportunity to see them.

The PRESIDENT pro tempore. The Senator from Georgia submits amendments, which will be read.

The Secretary read the amendments intended to be proposed by Mr. BACON, as follows:

On page 12, in section 2, beginning in line 17, strike out the following:

"*Provided*, That the President, in his discretion, may increase the number of corporals in any troop of cavalry to 8, and the number of privates to 70."

Second. On page 16, section 3, beginning in line 11, strike out the following:

"*Provided*, That the President, in his discretion, may increase the number of privates in any company of foot artillery to 85, and the number of privates in any battery of field artillery to 133."

And in the same section, beginning in line 17, strike out the following:

"*And provided*, That the enlisted strength of each company of foot artillery or battery of field artillery may be fixed under the direction of the Secretary of War, according to the requirements of the service to which it may be assigned."

Third. On pages 18 and 19, section 6, beginning in line 25 of page 18, strike out the following:

"*Provided*, That the President, in his discretion, may increase the number of sergeants in any company of infantry to 6, the number of corporals to 10, and the number of privates to 127."

The PRESIDENT pro tempore. The amendments will be printed and lie on the table.

Mr. PROCTOR. In compliance with the suggestion of the Senator from Wisconsin, the amendment on page 23, line 7, should read "persons who have at any time served as volunteers subsequent to," striking out the words "officers of volunteers commissioned since."

Mr. PETTIGREW. Is this a proposition to amend the committee amendment?

Mr. SPOONER. It is an amendment accepted by the committee and offered by the committee.

Mr. PETTIGREW. When was it accepted by the committee? Was it accepted just now? Who is the committee?

Mr. PROCTOR. The Senator can look into the Directory. The amendment was agreed to at a meeting of the committee regularly. Also, in line 23, page 23, section 13, I move to strike out——

Mr. PETTIGREW. I should like to know how this amendment affects men now in the service.

Mr. PROCTOR. If the Chair will hear this amendment I will reply to the Senator's question. In line 23, I move to strike out the words "officers of volunteers commissioned since" and insert the same words as above.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 23, line 23, strike out "officers of volunteers commissioned since" and insert in lieu thereof "persons who have at any time served as volunteers subsequent to," so as to read:

That to fill vacancies in the grade of captain, created by this act, in the Subsistence Department, the President is authorized to appoint persons who have at any time served as volunteers subsequent to April 21, 1898, and whose age at the date of appointment shall not exceed forty years.

Mr. PETTIGREW. Now, I should like to know the purpose of this change, and who is affected by it.

Mr. SPOONER. I made the suggestion. I was afraid that the language of the section as reported by the committee would be construed to require a limit in the appointment to men who had continuously served, and I want to leave it open so that any man who served after the beginning of the Spanish-American war, although not continuously, and who is of requisite capacity and the proper age would be eligible to appointment.

Mr. PETTIGREW. I should like to know how many people this would affect and who they are.

Mr. SPOONER. It would affect everyone who is in the Army and would not limit it to men who have continuously served.

Mr. PETTIGREW. That is, if he had been in but a week?

Mr. SPOONER. That would not make any difference.

Mr. PROCTOR. It would not limit it to officers. It opens it to enlisted men.

Mr. SPOONER. As it stands, without amendment, if a man had been in but a month he would be eligible to appointment and a man who has been in for a year might not be eligible.

Mr. PETTIGREW. I simply wanted to know the names of the parties, that is all.

Mr. SPOONER. There are no names, so far as I know. I have no candidates.

Mr. CARTER. The Senator can take the muster rolls.

The PRESIDENT pro tempore. The question is on agreeing to the amendments proposed by the Senator from Vermont.

The amendments were agreed to.

The next amendment of the Committee on Military Affairs was on page 24, to renumber section 18 so as to stand as section 14.

The amendment was agreed to.

Mr. PROCTOR. On page 24, line 16, section 14, I move to strike out the following:

That nothing in this section shall change the relative rank for subsequent promotion of medical officers as arranged by results of competitive examination.

And insert the slip I have given the Secretary.

The SECRETARY. On page 24, section 14, line 16, strike out the words:

That nothing in this section shall change the relative rank for subsequent promotion of medical officers as arranged by results of competitive examination.

And insert:

That nothing in this section shall affect the relative rank for promotion of any assistant surgeon now in the service or who may be hereafter appointed therein as determined by the date of his appointment or commission and as fixed in accordance with existing law and regulations.

Mr. PETTIGREW. I should like to know the reason for this change. Of course if the committee have not perfected their bill it had better be recommitted and let them fix it up and let us have a report with regard to all these matters; or if it is being changed to cover special cases we ought to know that.

Mr. PROCTOR. All these amendments were fully considered and agreed to by the committee at a regular meeting. This amendment was proposed by the Surgeon-General to prevent embarrassment and question about the rank. It is an old question that was considered before I came to the Department or to the Senate. The Senator from Missouri [Mr. COCKRELL] was entirely familiar with an old controversy in the Medical Corps about rank, which was finally settled by Congress, and he earnestly approved of this amendment, as it would prevent a reopening of that old difference, which he feared might come under the bill as it stood.

The amendment was agreed to.

The next amendment was, on page 26, to renumber section 19, so as to stand as section 15.

The amendment was agreed to.

The next amendment was, in section 15, page 26, line 10, to strike out the word "and" and insert "who shall be a graduate of a hospital training school having a course of instruction of not less than two years;" so as to read:

SEC. 15. That the Nurse Corps (female) shall consist of 1 Superintendent, to be appointed by the Secretary of War, who shall be a graduate of a hospital training school having a course of instruction of not less than two years, whose term of office may be terminated at his discretion, whose compensation shall be $1,800 per annum, and of as many chief nurses, nurses, and reserve nurses as may be needed.

The amendment was agreed to.

The next amendment was, on page 27, to strike out section 20 in the following words:

SEC. 20. That the Veterinary Corps shall consist of—

A Chief Veterinarian with the rank, pay, and allowances of a colonel, United States Army.

An assistant chief veterinarian with the rank, pay, and allowances of a major, United States Army, to be promoted in 1905, after competitive satisfactory examination, from the grade of veterinarian and captain.

Four veterinarians with the rank, pay, and allowances of a captain of cavalry, to be promoted in 1903, after competitive satisfactory examination, from the grade of assistant veterinarian and first lieutenant.

Ten assistant veterinarians with the rank, pay, and allowances of a first lieutenant of cavalry, to be promoted, after satisfactory examination, from the grade of assistant veterinarian and second lieutenant after one year's service in this grade.

Twenty assistant veterinarians with the rank, pay, and allowances of a second lieutenant of cavalry, to be appointed after satisfactory examination: *Provided*, That these twenty positions shall include the veterinarians, first class, provided for in the act of March 2, 1899, who have passed satisfactory examinations, and also the six veterinarians, second class, who are now employed in the Army under said act of March 2, 1899.

All rules and regulations governing the Veterinary Corps shall be made by the Secretary of War, and the Chief Veterinarian shall report directly to that officer.

For pay of officers of the Veterinary Corps, $33,500.

Mr. KENNEY. I desire to ask the Senate to disagree to the committee amendment, and I ask the Chair whether I shall raise the question now or whether the bill should be first perfected, so that I may raise the question to-morrow or when the bill has been perfected?

Mr. LODGE. That can be passed over.

Mr. GALLINGER. Let it be passed over. I should think that would be the better course.

Mr. KENNEY. Let the amendment be passed over. That can be done under the unanimous agreement we had.

Mr. SEWELL. We ought to perfect the committee amendments first.

Mr. GALLINGER. This is a committee amendment.

Mr. President, I rose to make an inquiry of some member of the committee concerning section 15, which creates a nurse corps in the Army, and to ask whether it is in accordance with provisions in other armies or whether it is an entirely new departure in the matter of legislation?

Mr. SEWELL. I can answer the Senator. We have examined the Surgeon-General on that point. This is what they have in the Army to-day absolutely.

Mr. HAWLEY. The Surgeon-General agreed to it fully and frankly.

Mr. SEWELL. It is the same we have to-day in the Army with the exception of one principal nurse who is provided for.

Mr. GALLINGER. I ask the Senator from New Jersey, who seems to be familiar with this matter, whether there are now chief nurses who are provided? There seem to be a superintendent, chief nurses, nurses, and reserve nurses.

Mr. SEWELL. There are chief nurses to all hospitals.

Mr. GALLINGER. I will ask the Senator further whether the concluding lines of the section are now matters of law, that "they may be granted leaves of absence for thirty days, with pay, for each calendar year."

Mr. SEWELL. I think they are not.

Mr. GALLINGER. "And, when serving as chief nurses, their pay may be increased by authority of the Secretary of War, such increase not to exceed $25 per month." Is that the law?

Mr. SEWELL. I think that is the custom now, but the thirty days' leave is not.

Mr. GALLINGER. Mr. President, I am not at all familiar with military matters, but it seems to me that this is a pretty complicated provision in the matter of establishing a nurse corps for the Army. For instance, I can not see for the life of me why, when there is a superintendent at a large salary, we should then proceed to provide for chief nurses and for nurses and reserve nurses, and then make a further provision that the chief nurses may be granted, at the discretion of the Secretary of War, $25 a month more than the other nurses. I do not imagine there is going to be any difference in the duties to be performed by those nurses. I can not, for the life of me, understand why this large distinction should be made with reference to the emoluments of the two classes of nurses. Perhaps it can be explained.

Mr. SEWELL. In all our great hospitals we have a chief nurse, who gets more pay than the ordinary nurses. It is the custom in all branches of business that the head of a concern gets more pay than others, as he has more responsibility. The superintendent nurse is here in the office of the Surgeon-General in Washington, but the chief nurses may be at Fortress Monroe or at Manila, or they may be at any other place where we have a large army; and they get more pay. I asked the Surgeon-General if this made any discrimination in the pay, and he said "No; that it is what they are being paid now."

Mr. GALLINGER. Does the Surgeon-General say he pays certain classes of nurses $25 a month more than other nurses?

Mr. SEWELL. Yes.

Mr. GALLINGER. Then I do not see the necessity of having this provision here; but I shall let the matter rest, inasmuch as, under the unanimous-consent agreement, I shall have the right to make any motion concerning this matter, or to offer an amendment at a subsequent period of consideration. So I will say nothing further to-day.

The PRESIDENT pro tempore. The Senator from Delaware [Mr. KENNEY] has asked that section 20, relating to the veterinary corps, shall be passed over for the present.

Mr. KENNEY. There was a unanimous-consent agreement that that portion of the bill should be passed over.

Mr. CARTER. That request should likewise include section 16 of the substitute, which refers to the same subject-matter.

The PRESIDENT pro tempore. The entire sections relating to the veterinary corps. Is there objection to their being passed over for the present? The Chair hears no objection.

Mr. MCCOMAS. I should like to be informed why it is that in the provisions for the Adjutant-General's Department and for the Inspector-General's Department there is no latitude given whereby any who had served in the volunteers might enter in the lower grades, as is provided in the other departments, the Judge-Advocate-General's Department, and the Quartermaster and Subsistence departments, and the like. I should like to know why the Inspector-General's Department does not have the like provision.

Mr. SEWELL. I should say as to the Inspector-General's Department that, as now constituted by law, the President is required to appoint the majors, that being the lowest grade in the department, from captains of the line. We have not changed it. The War Department did not want it changed. The Secretary of War is in favor of this measure. The Inspector-General's Department is a very high grade department. Its appointees are men of high standing, and it is one of those departments that it has not been thought well to throw open to volunteers.

Mr. MCCOMAS. I do not see why a like provision, which enabled men to enter the Judge-Advocate-General's Department, might not be applied.

Mr. SEWELL. It is quite applicable to the Judge-Advocate-General's Department, because we have volunteer judge-advocates-general who are better lawyers than those in the regular service.

Mr. MCCOMAS. I think that may be so.

The PRESIDENT pro tempore. The next amendment of the Committee on Military Affairs will be stated.

The SECRETARY. On page 29, line 3, it is proposed to renumber "section 21," so as to make it "section 17;" in line 5, before the word "paymasters," to strike out "four" and insert "three;" in the same line, after the word "colonel," to strike out "and assistant paymaster-general, five," and insert "four;" in line 7, after the word "lieutenant-colonel," to strike out "and deputy paymaster-general, twenty," and insert "nine;" in line 8, after the word "twenty," to strike out "five" and insert "seven;" in line 9,

after the word "captain," to insert "mounted;" in line 15, after the word "below," to strike out "twenty" and insert "nine;" in line 18, after the word "paymasters," to insert "and whose age at the date of appointment shall not exceed 40 years;" in line 20, after the word "section," to insert "and the persons so appointed to the grade of captain shall be promoted according to seniority to vacancies in the grade of major occurring after the number of majors has been reduced to nine;" so as to make the section read:

SEC. 17. That the Pay Department shall consist of 1 Paymaster-General with the rank of brigadier-general, 3 paymasters with the rank of colonel, 4 paymasters with the rank of lieutenant-colonel, 9 paymasters with the rank of major, and 27 paymasters with the rank of captain, mounted: *Provided*, That all vacancies in the grade of colonel and lieutenant-colonel created or caused by this section shall be filled by promotion according to seniority, as now prescribed by law, and no more appointments to the grade of major and paymaster shall be made until the number of majors and paymasters is reduced below 9: *And provided*, That persons who have served in the Volunteer Army since April 21, 1898, as additional paymasters and whose age at the date of appointment shall not exceed 40 years, may be appointed to positions in the grade of captain, created by this section, and the persons so appointed to the grade of captain shall be promoted according to seniority to vacancies in the grade of major occurring after the number of majors has been reduced to 9. So long as there remain surplus majors an equal number of vacancies shall be held in the grade of captain, so that the total number of paymasters authorized by this section shall not be exceeded at any time.

The amendment was agreed to.

The next amendment was, on page 30, line 3, to renumber section 22 so as to make it section 18; and in line 9, after the word "That," to insert "the;" so as to make the section read:

SEC. 18. That the Corps of Engineers shall consist of 1 Chief of Engineers with the rank of brigadier-general, 7 colonels, 14 lieutenant-colonels, 28 majors, 40 captains, 40 first lieutenants, and 30 second lieutenants. The enlisted force provided in section 11 of this act and the officers serving therewith shall constitute a part of the line of the Army: *Provided*, That the Chief of Engineers shall be selected as now provided by law, and hereafter vacancies in the Corps of Engineers in all other grades above that of second lieutenant shall be filled, as far as possible, by promotion according to seniority from the Corps of Engineers: *And provided also*, That vacancies remaining in the grades of first and second lieutenant may be filled by transfer of officers of the Regular Army, subject to such professional examination as may be approved by the Secretary of War. Vacancies in the grade of second lieutenant not filled by transfer shall be left for future promotions from the corps of cadets at the United States Military Academy.

The amendment was agreed to.

The next amendment was, on page 30, line 21, to renumber section 23 so as to make it section 19.

The amendment was agreed to.

The next amendment was, on page 31, line 4, to renumber section 24 so as to make it section 20; in line 6, after the word "colonel," to strike out "two lieutenant-colonels" and insert "one lieutenant-colonel;" in the same line, after the word "lieutenant-colonel," to strike out "five" and insert "three;" in line 7, before the word "captains," to strike out "nineteen" and insert "nine;" in the same line, before the words "first lieutenants," to strike out "nineteen" and insert "nine;" and in line 17, after the date "1898," to insert:

But no such person shall be appointed until he shall have passed a satisfactory examination as to his physical, moral, and professional qualifications, and no person not now or previously an officer of the Regular Army shall be appointed to the grade of captain or first lieutenant in the Signal Corps after he shall have reached the age of 40 years: *Provided*, That the President is authorized to continue in service during the present emergency, for duty in the Philippine Islands, 10 volunteer signal officers with the rank of first lieutenant and 10 volunteer signal officers with the rank of second lieutenant. This authority shall extend only for the period when their services may be absolutely necessary, not beyond July 1, 1902.

So as to make the section read:

SEC. 20. That the Signal Corps shall consist of 1 Chief Signal Officer with the rank of brigadier-general, 1 colonel, 1 lieutenant-colonel, 3 majors, 9 captains, 9 first lieutenants, 80 first-class sergeants, 120 sergeants, 150 corporals, 200 first-class privates, 150 second-class privates, and 10 cooks: *Provided*, That vacancies created or caused by this section shall be filled by promotion of officers of the Signal Corps according to seniority, as now provided by law. Vacancies remaining after such promotions may be filled by appointment of persons who have served in the Volunteer Signal Corps since April 21, 1898, but no such person shall be appointed until he shall have passed a satisfactory examination as to his physical, moral, and professional qualifications, and no person not now or previously an officer of the Regular Army shall be appointed to the grade of captain or first lieutenant in the Signal Corps after he shall have reached the age of 40 years: *Provided*, That the President is authorized to continue in service during the present emergency, for duty in the Philippine Islands, 10 volunteer signal officers with the rank of first lieutenant and 10 volunteer signal officers with the rank of second lieutenant. This authority shall extend only for the period when their services may be absolutely necessary—not beyond July 1, 1902.

Mr. PROCTOR. On page 31, line 20, in the amendment just read, I move to strike out the words "an officer of" and insert the word "in;" so as to read "not now or previously in the Regular Army."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Military Affairs was, on page 32, line 5, to renumber section 25, so as to make it section 21.

The amendment was agreed to.

The next amendment was, on page 32, line 11, to renumber section 26, so as to make it section 22, and in line 19, after the word "promotions," to insert:

Or to the periods for which the officers so promoted shall hold their appointments, and when any vacancy, except that of the chief of the department or corps, shall occur it shall be filled by detail from the line of the Army, and no more permanent appointments shall be made in those departments or corps. Such details shall be made from the grade in which the vacancies exist, under such system of examination as the President may from time to time prescribe.

All officers so detailed shall serve for a period of four years unless sooner relieved, at the expiration of which time they shall return to duty with the line, and officers below the rank of lieutenant-colonel shall not again be eligible for selection in either staff department until they shall have served two years with the line.

So as to make the section read:

SEC. 22. That so long as there remain any officers holding permanent appointments in the Adjutant-General's Department, the Inspector-General's Department, the Quartermaster's Department, the Subsistence Department, the Pay Department, the Ordnance Department, and the Signal Corps they shall be promoted according to seniority in the several grades, as now provided by law, and nothing herein contained shall be deemed to apply to vacancies which can be filled by such promotions or to the periods for which the officers so promoted shall hold their appointments, and when any vacancy, except that of the chief of the department or corps, shall occur it shall be filled by detail from the line of the Army, and no more permanent appointments shall be made in those departments or corps. Such details shall be made from the grade in which the vacancies exist, under such system of examination as the President may from time to time prescribe.

All officers so detailed shall serve for a period of four years unless sooner relieved, at the expiration of which time they shall return to duty with the line, and officers below the rank of lieutenant-colonel shall not again be eligible for selection in either staff department until they shall have served two years with the line.

The amendment was agreed to.

Mr. PETTIGREW. I move that the Senate do now adjourn.

Mr. SEWELL. I hope the Senator will allow us to perfect the bill. I hope he will let us go on at least for a few minutes longer.

Mr. PETTIGREW. There are several controverted questions, and we have come to a point where I think we should adjourn.

Mr. SEWELL. We can put those over until to-morrow. Let us perfect the bill as far as we can.

Mr. PETTIGREW. I withdraw my motion to adjourn and move that the Senate proceed to the consideration of executive business.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. The Senator from South Dakota moves that the Senate proceed to the consideration of executive business.

Mr. TILLMAN. I ask the Senator from South Dakota to withdraw that motion for a moment, in order that I may make an explanation, and then he can renew it.

Mr. PETTIGREW. I withdraw the motion for that purpose.

Mr. TILLMAN. Mr. President, yesterday, in the debate on this bill, I made some mention of the discharge of a soldier from my State, and, as I thought, justly criticised the War Department for turning him loose, without money or clothing or anything else, among the Filipinos. I have in my hand, sent me by the Adjutant-General this morning, a copy of the correspondence which led me into that error. I ask that my letter to General Corbin and his answer sent to me, upon which I based my criticism, may be read for the information of the Senate.

The PRESIDENT pro tempore. The papers referred to will be read.

The Secretary read as follows:

UNITED STATES SENATE,
Washington, D. C., December 10, 1900.

DEAR GENERAL: I inclose a letter from one of my constituents, and beg that you will have the case investigated at once, as the old man is very much worried. Please write me at once and return inclosed letter so I may send him your answer, and oblige,

Yours, sincerely,

B. R. TILLMAN.

Gen. H. C. CORBIN,
Washington, D. C.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 14, 1900.

DEAR SIR: In reply to your letter of the 10th instant, inclosing a communication from one of your constituents making inquiry relative to his son, of Company G, Eighteenth United States Infantry, I have the honor to advise you that the latest information in possession of this office is contained in the muster roll of Company G, Eighteenth United States Infantry, dated April 30, 1900. This roll shows that the soldier was tried by a general court-martial, sentenced to be dishonorably discharged the service of the United States, and to be confined at hard labor under charge of the guard for the period of six months. The sentence of the court was promulgated in Special Orders, No. 92, Headquarters Visayan Military District, First Separate Brigade, Eighth Army Corps, Iloilo, P. I., April 7, 1900. The soldier was dishonorably discharged in compliance with the sentence April 7, 1900, at Saray, Panay, P. I.

The sentence of confinement expired in October, and this office has no information concerning his whereabouts.

Very respectfully,

JOHN A. JOHNSTON,
Assistant Adjutant-General.

Hon. B. R. TILLMAN,
United States Senate, Washington, D. C.

Mailed December 14, 1900.

Mr. TILLMAN. Mr. President, you will see that I very naturally fell into the error that this soldier had been discharged in the Philippines away from home, in a strange country, without any knowledge of the language, and I naturally thought it was a very wrong thing to do. I was informed this morning that I was mistaken as to the custom or the rule which prevails, though I

have not yet had any information as to whether that man has been brought home or not. But section 5 of General Orders, No. 96, from the Headquarters of the Army, makes provision—and I will have it inserted—for the transport home free of charge of men discharged in any of our island possessions. I was naturally led to suppose, from the answer I received, that this man had been discharged in the Philippines, and turned loose there to the tender mercies of our new subjects; but I find he could have come home, or may be has been sent home. I am, however, not to blame for having criticised the War Department, for they did not give me the proper information. This will show that Uncle Sam is a little more reasonable and civilized in his ideas than I thought.

I ask to have section 5 of General Order No. 96 printed in the RECORD.

The PRESIDENT pro tempore. That order will be made, in the absence of objection.

The section referred to is as follows:

5. An enlisted man a resident of the United States serving in the islands mentioned in paragraph 4 hereof, who is discharged the service in those islands by transfer to another branch of the service; or on his own application, whether by way of favor or by purchase; or because of confinement by the civil authorities; or *by way of punishment for an offense or for disability caused by his own misconduct;* or on account of fraudulent enlistment, is, by the operation of section 1290, Revised Statutes, and the act of March 16, 1896, (29 Stat. L., 63), prevented from being allowed the usual traveling allowances to the place of his enlistment, enrollment, or original muster into the service, *but he will be brought by the Government to the United States on a transport free of charge.*

EXECUTIVE SESSION.

Mr. PETTIGREW. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 5, 1901, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 4, 1901.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be surgeon with the rank of major.

Capt. Henry A. Shaw, assistant surgeon, United States Army, to be surgeon of volunteers with the rank of major, December 19, 1900, vice Hysell, honorably discharged.

Forty-eighth Infantry.

Corpl. George Steunenberg, Troop A, Eleventh Cavalry, United States Volunteers, to be first lieutenant, December 20, 1900, vice Cabanné, Forty-eighth Infantry, honorably discharged.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

Capt. William W. Robinson, jr., assistant quartermaster, to be quartermaster with the rank of major, November 14, 1900, vice Booth, deceased.

Cavalry arm.

Second Lieut. Abraham G. Lott, Eighth Cavalry, to be first lieutenant, December 11, 1900, vice Bean, Second Cavalry, who resigns his line commission only.

Second Lieut. Edward L. King, Eighth Cavalry, to be first lieutenant, December 11, 1900, vice Hart, Seventh Cavalry, who resigns his line commission only.

Artillery arm.

First Lieut. John K. Cree, Sixth Artillery, to be captain, December 11, 1900, vice Chamberlain, First Artillery, who resigns his line commission only.

First Lieut. Lucien G. Berry, Seventh Artillery, to be captain, December 15, 1900, vice Chase, Fourth Artillery, promoted.

Second Lieut. William W. Hamilton, Second Artillery, to be first lieutenant, December 11, 1900, vice Cree, Sixth Artillery, promoted.

Second Lieut. William E. Cole, First Artillery, to be first lieutenant, December 15, 1900, vice Berry, Seventh Artillery, promoted.

Infantry arm.

First Lieut. Matthias Crowley, Seventh Infantry, to be captain, December 11, 1900 (subject to examination required by law), vice Kerr, Seventeenth Infantry, who resigns his line commission only.

First Lieut. Jacques de L. Lafitte, First Infantry, to be captain, December 11, 1900, vice McCain, Fourteenth Infantry, who resigns his line commission only.

First Lieut. John J. Bradley, Fourteenth Infantry, to be captain, December 17, 1900, vice Parker, Eighth Infantry, deceased.

APPOINTMENTS IN THE ARMY.

Ordnance Department.

First Lieut. Edwin D. Bricker, Seventeenth Infantry, to be first lieutenant, January 3, 1901, to fill an original vacancy.

Quartermaster's Department.

First Lieut. Arthur W. Yates, Fourth Infantry, to be assistant quartermaster, with the rank of captain, January 3, 1901, vice Robinson, promoted.

Subsistence Department.

First Lieut. Alexander M. Davis, Fourth Cavalry, to be commissary of subsistence, with the rank of captain, January 3, 1901, vice Davis, promoted.

PROMOTIONS IN THE VOLUNTEER ARMY.

Forty-third Infantry.

First Lieut. Henry J. Stewart, Forty-third Infantry, to be captain, December 31, 1900, vice Dow, honorably discharged.

Second Lieut. Walter S. Price, Forty-third Infantry, to be first lieutenant, December 31, 1900, vice Stewart, promoted.

Forty-sixth Infantry.

First Lieut. Charles F. Wonson, Forty-sixth Infantry, to be captain, December 30, 1900, vice McKenna, appointed inspector-general of volunteers.

Second Lieut. Frank S. Leisenring, Forty-sixth Infantry, to be first lieutenant, December 30, 1900, vice Wonson, promoted.

Forty-seventh Infantry.

Second Lieut. Paul W. Harrison, Forty-seventh Infantry, to be first lieutenant, December 25, 1900, vice Slack, deceased.

APPOINTMENTS IN THE VOLUNTEER ARMY.

First Lieut. Edward C. Brooks, Sixth Cavalry, United States Army, to be quartermaster of volunteers with the rank of major, January 3, 1901, vice Robinson, who vacates by reason of promotion to major and quartermaster, United States Army.

Capt. Charles Willcox, assistant surgeon, United States Army, to be surgeon of Volunteers with the rank of major, January 3, 1901, vice Thomason, honorably discharged.

PROMOTION IN THE VOLUNTEER ARMY.

Forty-eighth Infantry.

Second Lieut. John K. Rice, Forty-eighth Infantry, to be first lieutenant, December 23, 1900, vice Parker, honorably discharged.

APPOINTMENTS IN THE VOLUNTEER ARMY.

Thirtieth Infantry.

First Sergt. William B. Wallace, Company G, Thirtieth Infantry, to be second lieutenant, January 3, 1901, vice Cochnower, resigned.

Thirty-fourth Infantry.

First Sergt. John F. Murphy, Company G, Thirty-fourth Infantry, to be second lieutenant, January 3, 1901, vice Dunn, promoted.

Forty-first Infantry.

Battalion Sergt. Maj. Reuel E. Sherwood, Forty-first Infantry, to be second lieutenant, January 3, 1901, vice Bailey, honorably discharged.

Forty-eighth Infantry.

Q. M. Sergt. William L. Gee, Forty-eighth Infantry, to be second lieutenant, January 3, 1901, vice Rice, promoted.

APPOINTMENTS IN THE VOLUNTEER ARMY—GENERAL OFFICERS.

To be brigadier-generals.

Col. Samuel M. Whitside, Tenth Cavalry, United States Army, January 3, 1901.

Lieut. Col. James R. Campbell, Thirtieth Infantry, United States Volunteers, January 3, 1901.

Maj. Charles Bird, quartermaster, United States Army, January 3, 1901.

UNITED STATES MARSHAL.

Clinton D. MacDougall, of New York, to be marshal of the United States for the northern district of New York, vice Theodore L. Poole, deceased.

ATTORNEY-GENERAL OF PORTO RICO.

James F. Harlan, of Illinois, to be attorney-general of Porto Rico, vice John A. Russell, resigned.

James S. Harlan, of Illinois, to be attorney-general of Porto Rico, vice John A. Russell, resigned.

The name of James F. Harlan, which was delivered to the Senate January 3, 1901, is hereby withdrawn.

AUDITOR FOR THE WAR DEPARTMENT.

Frederick E. Rittman, of Ohio, to be Auditor for the War Department, in place of Frank H. Morris, deceased.

DEPUTY AUDITOR FOR THE POST-OFFICE DEPARTMENT.

Nolen L. Chew, of Indiana, to be deputy auditor for the Post-Office Department, to succeed Abram L. Lawshe, resigned.

ASSISTANT REGISTER OF THE TREASURY.

Cyrus F. Adams, of Illinois, to be assistant register of the Treasury, to succeed Nolen L. Chew, transferred.

CONSUL-GENERAL.

Oscar F. Williams, of New York, to be consul-general of the United States at Singapore, Straits Settlements, vice W. Irvin Shaw, deceased.

CONSUL.

Frank R. Mowrer, of Ohio, to be consul of the United States at Antigua, West Indies, vice Henry M. Hunt, deceased.

TRANSFER IN THE NAVY.

Commander Augustus G. Kellogg, United States Navy, retired, to be transferred from the furlough to the retired pay list, in accordance with the provisions of section 1594 of the Revised Statutes.

PROMOTIONS IN THE NAVY.

Commander John J. Hunker, to be a captain in the Navy, from the 11th day of December, 1900, vice Capt. John Lowe, retired.

Lieut. Commander Clinton K. Curtis, to be a commander in the Navy, from the 11th day of December, 1900, vice Commander John J. Hunker, promoted.

Lieut. John G. Quinby, to be a lieutenant-commander in the Navy, from the 11th day of December, 1900, vice Lieut. Commander Clinton K. Curtis, promoted.

Surg. Walter A. McClurg, to be a medical inspector in the Navy, from the 19th day of November, 1900, vice Medical Inspector Paul Fitzsimons, promoted.

First Lieut. Henry C. Davis, to be a captain in the United States Marine Corps, from the 23d day of July, 1900, to fill a vacancy existing in that grade.

Second Lieuts. Leof M. Harding, Richard M. Cutts, Harold C. Snyder, Olof H. Rask, Julius S. Turrill, George Herbert Mather, Henry L. Roosevelt, Jay M. Salladay, Macker Babb, and Harold C. Reisinger, to be first lieutenants in the United States Marine Corps, from the 23d day of July, 1900, to fill vacancies existing in that grade.

APPOINTMENTS IN THE NAVY.

Herbert Orlando Shiffert, a citizen of Pennsylvania, to be an assistant surgeon in the Navy, from the 26th day of December, 1900, to fill a vacancy existing in that grade.

John F. Hatch, a citizen of Vermont, to be an assistant paymaster in the Navy, from the 2d day of January, 1901, to fill a vacancy existing in that grade.

POSTMASTERS.

William B. Nichols, jr., to be postmaster at Lafayette, in the county of Chambers and State of Alabama.

William E. Reading, to be postmaster at Bodie, in the county of Mono and State of California.

Daniel T. Carlton, to be postmaster at Arcadia, in the county of De Soto and State of Florida.

Thomas A. Cleary, to be postmaster at Gulfport, in the county of Harrison and State of Mississippi.

Orville T. Putnam, to be postmaster at Pathfinder, in the county of Washington, District of Columbia.

Louise Alvarez, to be postmaster at Covington, in the county of St. Tammany and State of Louisiana.

Robert W. Hinton, to be postmaster at Lumberton, in the county of Pearl River and State of Mississippi.

C. J. Howard, to be postmaster at Cottage Grove, in the county of Lane and State of Oregon.

Edwin R. McCune, to be postmaster at Fayette City, in the county of Fayette and State of Pennsylvania.

Edmund P. Denton, to be postmaster at Hamilton, in the county of Hancock and State of Illinois, in the place of J. A. Anderson, whose commission expired March 19, 1898. Mr. Denton is now serving under a temporary commission issued during the recess of the Senate.

John J. West, to be postmaster at Willow, in the county of Glenn and State of California, in the place of Lizzie M. Calder, whose commission expired March 18, 1900.

J. H. Dungan, to be postmaster at Woodland, in the county of Yolo and State of California, in the place of C. E. Dingle, whose commission expires February 4, 1901.

Mary P. Dixon, to be postmaster at Westpoint, in the county of Troup and State of Georgia, in the place of Mary P. Dixon, whose commission expires January 26, 1901. Reappointed.

Edwin N. Bailey, to be postmaster at Britt, in the county of Hancock and State of Iowa, in the place of J. G. Duff, whose commission expires February 18, 1901.

A. R. Dyche, to be postmaster at London, in the county of Laurel and State of Kentucky, in the place of J. M. Young, whose commission expired March 10, 1900.

Lou S. Flournoy, to be postmaster at Ruston, in the parish of Lincoln and State of Louisiana, in the place of Lou S. Flournoy, whose commission expired January 9, 1900. Reappointed.

Euphemie Aucoin, to be postmaster at Thibodaux (late Thibodeaux), in the parish of Lafourche and State of Louisiana, in the place of Jennie Curtis, whose commission expires January 28, 1901.

Henry L. Lovell, to be postmaster at East Weymouth, in the county of Norfolk and State of Massachusetts, in the place of J. L. Lincoln, whose commission expired May 18, 1900.

Felicie Louise Delmas, to be postmaster at Scranton, in the county of Jackson and State of Mississippi, in the place of Felicie Louise Delmas, whose commission expired December 22, 1900. Reappointed.

Solomon R. McKay, to be postmaster at Troy, in the county of Lincoln and State of Missouri, in the place of J. H. Alexander, whose commission expires February 18, 1901.

Rodney G. Clarke, to be postmaster at Deming, in the county of Grant and Territory of New Mexico, in the place of Sarah Hodgdon, whose commission expired January 9, 1900.

Thomas Liddle, to be postmaster at Amsterdam, in the county of Montgomery and State of New York, in the place of E. J. Shanahan, whose commission expired December 22, 1900.

William B. Bundy, to be postmaster at Andover, in the county of Allegany and State of New York, in the place of J. E. Cannon, whose commission expired December 22, 1900.

Ezra C. Ferris, to be postmaster at Croton on Hudson, in the county of Westchester and State of New York, in the place of J. F. Hunt, whose commission expires February 9, 1901.

Johnson D. Neely, to be postmaster at Derry Station, in the county of Westmoreland and State of Pennsylvania, in the place of H. M. Bennett, whose commission expires February 15, 1901.

Samuel C. Seaber, to be postmaster at Lititz, in the county of Lancaster and State of Pennsylvania, in the place of I. G. Pfautz, whose commission expires January 28, 1901.

J. L. Hickson, to be postmaster at Gainesville, in the county of Cooke and State of Texas, in the place of A. L. Fairchild, whose commission expires January 12, 1901.

William F. Wieland, to be postmaster at Weatherford, in the county of Parker and State of Texas, in the place of L. W. Christian, whose commission expired May 29, 1900.

Ernest A. de Bordenave, to be postmaster at Franklin, in the county of Southampton and State of Virginia, in the place of A. M. Brownley, whose commission expired June 8, 1900.

Francis M. Johnson, to be postmaster at Bessemer, in the county of Jefferson and State of Alabama, in the place of J. C. Wilson, removed.

George W. Summers, to be postmaster at Gunnison, in the county of Gunnison and State of Colorado, in the place of M. C. Deering, resigned.

James M. Ranstead, to be postmaster at Bremen, in the county of Marshall and State of Indiana, in the place of O. F. S. Miller, deceased.

Charles D. Davidson, to be postmaster at Whiting, in the county of Lake and State of Indiana, in the place of Henry Schrage, jr., resigned.

Albert R. Kullmer, to be postmaster at Dysart, in the county of Tama and State of Iowa, in the place of John Kullmer, jr., resigned.

John H. Rowland, to be postmaster at Cloverport, in the county of Breckinridge and State of Kentucky, in the place of J. D. Wilson, deceased.

James S. Thomson, to be postmaster at Lake Charles, in the parish of Calcasieu and State of Louisiana, in the place of G. H. Woolman, removed.

Walter S. Leaming, to be postmaster at Cape May, in the county of Cape May and State of New Jersey, in the place of F. L. Richardson, deceased.

William H. Jernee, to be postmaster at Jamesburg, in the county of Middlesex and State of New Jersey, in the place of H. L. Jaques, resigned.

Felix R. Bray, to be postmaster at Jackson, in the county of Madison and State of Tennessee, in the place of W. M. Mosa, removed.

Willard G. Saltsman, to be postmaster at Charlottesville, in the county of Albemarle and State of Virginia, in the place of Mary H. S. Long, deceased.

Howard P. Dodge, to be postmaster at Manassas, in the county of Prince William and State of Virginia, in the place of Mildred H. Davis, removed.

WITHDRAWALS.

Executive nominations withdrawn January 4, 1901.

First Lieut. John K. Cree and Second Lieut. William H. Hamilton, nominated to the Senate on the 19th instant, for promotion in the artillery arm, for the purpose of renominating these officers with an earlier date of rank.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 4, 1901.*

The House was called to order by the Clerk, Hon. ALEXANDER MCDOWELL, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., January 4, 1901.

To the House of Representatives:

I hereby designate and name Mr. JOHN DALZELL, a Representative from the State of Pennsylvania, to perform the duties of the Chair during this day, January 4, 1901.

D. B. HENDERSON,
Speaker of the House of Representatives.

Mr. DALZELL accordingly took the chair as Speaker pro tempore.

Prayer was offered by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

RETURN OF BILL TO THE HOUSE OF REPRESENTATIVES.

Mr. LACEY. Mr. Speaker, I offer the privileged resolution which I send to the desk.

The SPEAKER pro tempore. The resolution will be read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States is hereby requested to return to the House the bill (H. R. 2955) entitled "An act providing for a resurvey of township No. 8 of range No. 30 west, of the sixth meridian, in Frontier County, State of Nebraska," in order to correct an error whereby the bill has been enrolled as an act of the first instead of the second session of the Fifty-sixth Congress.

Mr. LACEY. Mr. Speaker, by way of explanation, I desire to state that this bill was enrolled, so far as the printing was concerned, in the last session—that is, the first session of the present Congress. It was signed by the Speaker of the House, but the enrollment of the bill was not completed, as the President of the Senate did not sign it at that time. The President of the Senate has signed it during the present session and forwarded it to the Executive, who approved it. It was afterwards ascertained that this error in dates had occurred, and the President has erased his name from it and called the attention of the Speaker of the House to the discrepancy in the dates. This concurrent resolution simply brings the bill back to the House in order to make the necessary correction.

Mr. RICHARDSON of Tennessee. I did not catch the entire statement of the gentleman from Iowa; but as I understand it, this in no way adjudicates the question presented by the bill.

Mr. LACEY. In no way whatever. It is simply a concurrent resolution asking the return of the bill from the President.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The resolution was considered, and agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BURKE of South Dakota, for ten days, on account of important business.

To Mr. NEVILLE, indefinitely, on account of sickness.

To Mr. CAMPBELL, indefinitely, on account of important business.

To Mr. TALBERT, indefinitely, on account of sickness.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. MIERS of Indiana to withdraw from the files of the House, without leaving copies, papers in the case of Johnson White in the Fifty-sixth Congress, there being no adverse report.

RIVER AND HARBOR BILL.

Mr. BURTON, from the Committee on Rivers and Harbors, reported a bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which was read a first and second time, and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to reserve all points of order on the bill.

The SPEAKER pro tempore. The points of order are reserved.

ORDER OF BUSINESS.

Mr. GRAFF. Mr. Speaker, it is evident that the Committee on Claims will not have an opportunity to have bills considered from that committee to-day, and I therefore ask unanimous consent to set apart next Tuesday as the day on which bills may be considered in their proper order on the Calendar as reported from the Committee on Claims.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. SWANSON. Mr. Speaker, I object.

REPRESENTATION.

Mr. OLMSTED. Mr. Speaker, I——

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count.

After counting the House, the Speaker pro tempore announced 142 members, not a quorum, present.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

Mr. STEELE. Let us have the yeas and nays at once, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 84, nays 105, answered "present" 18, not voting 148; as follows:

YEAS—84.

Adamson,	Finley,	McAleer,	Shafroth,
Atwater,	Fox,	McClellan,	Sheppard,
Ball,	Gaines,	McCulloch,	Sims,
Bankhead,	Gilbert,	McDermott,	Slayden,
Bell,	Gordon,	McLain,	Small,
Benton,	Griffith,	Maddox,	Snodgrass,
Brundidge,	Hay,	Miers, Ind.	Sparkman,
Burleson,	Henry, Miss.	Moon,	Spight,
Burnett,	Johnston,	Newlands,	Stark,
Caldwell,	King,	Quarles,	Stephens, Tex.
Catchings,	Kitchin,	Rhea, Ky.	Sutherland,
Clark, Mo.	Kleberg,	Rhea, Va.	Swanson,
Cooper, Tex.	Kluttz,	Richardson, Ala.	Tate,
Cowherd,	Lamb,	Richardson, Tenn.	Taylor, Ala.
Crowley,	Lanham,	Rixey,	Turner,
Davenport, S. W.	Lassiter,	Robb,	Underwood,
Davis,	Lester,	Robinson, Ind.	Vandiver,
Denny,	Lewis,	Rucker,	Williams, J. R.
Dinsmore,	Little,	Ryan, N. Y.	Wilson, N. Y.
Dougherty,	Livingston,	Ryan, Pa.	Wilson, S. C.
Elliott,	Lloyd,	Salmon,	Zenor.

NAYS—105.

Adams,	Esch,	Lacey,	Russell,
Aldrich,	Fletcher,	Lawrence,	Shattuc,
Alexander,	Foss,	Littlefield,	Shaw,
Allen, Me.	Gibson,	Long,	Showalter,
Baker,	Gillet, N. Y.	Loud,	Sibley,
Barham,	Gillett, Mass.	Loudenslager,	Smith, H. C.
Bingham,	Graff,	Lovering,	Southard,
Bishop,	Graham,	McCall,	Sperry,
Boreing,	Greene, Mass.	Mann,	Sprague,
Bowersock,	Grosvenor,	Minor,	Steele,
Brick,	Grout,	Mondell,	Stewart, N. J.
Bromwell,	Grow,	Moody, Mass.	Tayler, Ohio
Brownlow,	Hamilton,	Moody, Oreg.	Thomas, Iowa
Burkett,	Heatwole,	Morris,	Tongue,
Burleigh,	Hedge,	Mudd,	Vreeland,
Burton,	Hemenway,	Needham,	Wachter,
Calderhead,	Hepburn,	O'Grady,	Warner,
Connell,	Hoffecker,	Olmsted,	Weaver,
Conner,	Hopkins,	Packer, Pa.	Weeks,
Cromer,	Howell,	Parker, N. J.	White,
Curtis,	Jack,	Payne,	Williams, Miss.
Dalzell,	Jenkins,	Pearson,	Woods,
Davenport, S. A.	Jones, Wash.	Pearre,	Young,
Davidson,	Joy,	Powers,	Ziegler.
Dovener,	Kahn,	Pugh,	
Eddy,	Kerr, Md.	Reeder,	
Emerson,	Knox,	Roberts,	

ANSWERED "PRESENT"—18.

Allen, Ky.	Broussard,	Green, Pa.	Ray, N. Y.
Bellamy,	Burke, Tex.	Jones, Va.	Ridgely,
Boutell, Ill.	De Armond,	Latimer,	Williams, W. E.
Breazeale,	Fitzpatrick,	Mahon,	
Brenner,	Gaston,	Metcalf,	

NOT VOTING—148.

Acheson,	Cusack,	Lane,	Robinson, Nebr.
Allen, Miss.	Cushman,	Lentz,	Rodenberg,
Babcock,	Dahle,	Levy,	Ruppert,
Bailey, Kans.	Davey,	Linney,	Scudder,
Bailey, Tex.	Dayton,	Littauer,	Shackleford,
Barber,	De Graffenreid,	Lorimer,	Shelden,
Barney,	Dick,	Lybrand,	Sherman,
Bartholdt,	Driggs,	McCleary,	Smith, Ill.
Bartlett,	Driscoll,	McDowell,	Smith, Iowa.
Berry,	Faris,	McRae,	Smith, Ky.
Boutelle, Me.	Fitzgerald, Mass.	Marsh,	Smith, Samuel W.
Bradley,	Fitzgerald, N. Y.	May,	Smith, Wm. Alden
Brantley,	Fleming,	Meekison,	Spalding,
Brewer,	Fordney,	Mercer,	Stallings,
Brosius,	Foster,	Mesick,	Stevens, Minn.
Brown,	Fowler,	Meyer, La.	Stewart, N. Y.
Bull,	Freer,	Miller,	Stewart, Wis.
Burke, S. Dak.	Gamble,	Morgan,	Stokes,
Butler,	Gardner, Mich.	Morrell,	Sulloway,
Campbell,	Gardner, N. J.	Muller,	Sulzer,
Cannon,	Gayle,	Naphen,	Talbert,
Capron,	Gill,	Neville,	Tawney,
Carmack,	Glynn,	Noonan,	Terry,
Chanler,	Griggs,	Norton, Ohio	Thayer,
Clarke, N. H.	Hall,	Norton, S. C.	Thomas, N. C.
Clayton, Ala.	Haugen,	Otey,	Thropp,
Clayton, N. Y.	Hawley,	Otjen,	Tompkins,
Cochran, Mo.	Henry, Conn.	Overstreet,	Underhill,
Cochrane, N. Y.	Henry, Tex.	Pearce, Mo.	Van Voorhis,
Cooney,	Hill,	Phillips,	Wadsworth,
Cooper, Wis.	Hitt,	Pierce, Tenn.	Wanger,
Corliss,	Howard,	Polk,	Waters,
Cousins,	Hull,	Prince,	Watson,
Cox,	Jett,	Ransdell,	Weymouth,
Crump,	Kerr, Ohio,	Reeves,	Wheeler,
Crumpacker,	Ketcham,	Riordan,	Wilson, Idaho.
Cummings,	Landis,	Robertson, La.	Wright.

So the motion to adjourn was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. GARDNER of Michigan with Mr. SCUDDER.
Mr. CUSHMAN with Mr. STALLINGS.
Mr. MCCLEARY with Mr. POLK.
Mr. LANDIS with Mr. DRIGGS.
Mr. COUSINS with Mr. UNDERHILL.
Mr. CLARKE of New Hampshire with Mr. FLEMING.
Mr. CAPRON with Mr. SMITH of Kentucky.
Mr. BROWN with Mr. WILSON of Idaho.
Mr. GARDNER of New Jersey with Mr. GLYNN.
Mr. RODENBERG with Mr. GAYLE.
Mr. DICK with Mr. DAVEY.
Mr. THROPP with Mr. BREWER.
Mr. PEARCE of Missouri with Mr. RANSDELL.
Mr. GILL with Mr. BELLAMY.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. VAN VOORHIS with Mr. STOKES.
Mr. TOMPKINS with Mr. CLAYTON of Alabama.
Mr. OVERSTREET with Mr. ROBERTSON of Louisiana.
Mr. TAWNEY with Mr. SULZER.
Mr. MESICK with Mr. LENTZ.
Mr. BOUTELL of Illinois with Mr. GRIGGS.
Mr. HAUGEN with Mr. ROBINSON of Nebraska.
Mr. COCHRANE of New York with Mr. SHACKLEFORD.
Mr. FORDNEY with Mr. CARMACK.
Mr. CRUMP with Mr. FITZGERALD of Massachusetts.
Mr. STEWART of New York with Mr. FITZGERALD of New York
Mr. BABCOCK with Mr. BAILEY of Texas.
Mr. BARNEY with Mr. DE GRAFFENREID.
Mr. COOPER of Wisconsin with Mr. ALLEN of Mississippi.
Mr. HITT with Mr. CHANLER.
Mr. DRISCOLL with Mr. RUPPERT.
Mr. MARSH with Mr. BRANTLEY.
Mr. SHERMAN with Mr. HENRY of Texas.
Mr. MAHON with Mr. OTEY.
Mr. BURKE of South Dakota with Mr. NAPHEN.
Mr. CANNON with Mr. MCRAE.
Mr. WEYMOUTH with Mr. COONEY.
Mr. HULL with Mr. BROUSSARD.
Mr. SPALDING with Mr. TALBERT.
Mr. METCALF with Mr. WHEELER.
Mr. KETCHAM with Mr. MULLER.
Mr. WRIGHT with Mr. HALL.
Mr. BULL with Mr. NOONAN.
Mr. MERCER with Mr. THOMAS of North Carolina.
Mr. FREER with Mr. CUSACK.
Mr. LANE with Mr. PIERCE of Tennessee.
Mr. GAMBLE with Mr. CAMPBELL.
Mr. BARTHOLDT with Mr. JETT.
Mr. WANGER with Mr. BARTLETT.
Mr. ACHESON with Mr. NEVILLE.
Mr. SULLOWAY with Mr. THAYER.
Mr. FARIS with Mr. BARBER.
Mr. REEVES with Mr. COCHRAN of Missouri.
Mr. SAMUEL W. SMITH with Mr. LEVY.
Mr. WM. ALDEN SMITH with Mr. MEEKISON.
Mr. LITTAUER with Mr. CLAYTON of New York.
Mr. WATSON with Mr. NORTON of Ohio.
Mr. SMITH of Iowa with Mr. MAY.

For the session:

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Until January 16:

Mr. RAY of New York with Mr. TERRY.

Until January 7:

Mr. STEWART of Wisconsin with Mr. NORTON of South Carolina.
Mr. PHILLIPS with Mr. BREAZEALE.

Until January 6:

Mr. CORLISS with Mr. HOWARD.

Until January 4:

Mr. HENRY of Connecticut with Mr. ALLEN of Kentucky.
Mr. BAILEY of Kansas with Mr. RIDGELY.

For this day:

Mr. OTJEN with Mr. CUMMINGS.
Mr. SHELDEN with Mr. FOSTER.
Mr. FOWLER with Mr. MCDOWELL.

On this vote:

Mr. DOVENER with Mr. LATIMER.
Mr. MILLER with Mr. RIORDAN.

Until 2 o'clock this day:

Mr. HILL with Mr. BERRY.

The result of the vote was announced as above recorded.

Mr. OLMSTED. Mr. Speaker——

Mr. UNDERWOOD. Mr. Speaker, a parliamentary inquiry. Is the vote by which the question of consideration was raised yesterday the business before the House?

The SPEAKER pro tempore. The question now is on the order of the House ordering the yeas and nays on the motion on the question of consideration. The yeas and nays are already ordered, and if the gentleman from Pennsylvania [Mr. OLMSTED] calls up that business, that is the regular order.

Mr. OLMSTED. As I understand it, the regular order is the calling of the yeas and nays on the question of consideration raised by the gentleman from Alabama.

The SPEAKER pro tempore. That is the regular order now.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to ask if the gentleman will not now consent that this resolution be committed to the Committee on the Census. I make that request.

In order to save time, I offer that. Instead of calling the yeas and nays, which have been ordered on the question of consideration, I ask that the resolution be committed to the proper committee, the Committee on Census.

Mr. OLMSTED. When the House has voted to consider this resolution, then I will consider a suggestion of that kind. I may say that it had been my intention at the proper time—at least I had seriously thought of offering such a resolution; but I prefer that the yeas and nays be taken on the question of consideration.

Mr. RICHARDSON of Tennessee. Then I submit to my distinguished friend that it will take forty-five minutes of valuable time to take the yeas and nays on the question of consideration.

Mr. OLMSTED. I think that this side of the House can take all the responsibility that it will be called upon to bear for time wasted in this matter.

Mr. RICHARDSON of Tennessee. Very good; then I hope the gentleman will not intimate that there is any desire to waste time on this side. We are ready to go on with the public business.

Mr. OLMSTED. I have made no such suggestion; but if the shoe fits anybody, he can wear it.

The SPEAKER pro tempore. The question is on considering the resolution offered by the gentleman from Pennsylvania, on which the yeas and nays have been ordered. The Clerk will call the roll.

The question was taken: and there were—yeas 104, nays 91, answered "present" 10, not voting 150; as follows:

YEAS—104.

Adams,	Emerson,	Kerr, Ohio	Pugh,
Aldrich,	Esch,	Knox,	Reeder,
Alexander,	Fletcher,	Lacey,	Russell,
Allen, Me.	Foss,	Lawrence,	Ryan, Pa.
Barham,	Gibson.	Linney,	Shattuc,
Bingham,	Gillet, N. Y.	Littlefield,	Shaw,
Bishop,	Gillett, Mass.	Long,	Showalter,
Boreing,	Graff,	Loud,	Smith, Ill.
Bowersock,	Graham,	Lovering,	Smith, H. C.
Brick,	Greene, Mass.	McCall,	Southard,
Bromwell,	Grosvenor,	Mann,	Sperry,
Brownlow,	Grout,	Miller,	Sprague,
Bull,	Grow,	Minor,	Steele,
Burkett,	Hamilton,	Mondell,	Stewart, N. J.
Burleigh,	Hedge,	Moody, Mass.	Tayler, Ohio
Calderhead,	Hemenway,	Moody, Oreg.	Thomas, Iowa
Capron,	Hepburn,	Morris,	Thropp,
Connell,	Hoffecker,	Mudd,	Vreeland,
Conner,	Hopkins,	O'Grady,	Wachter,
Cromer,	Howell,	Olmsted,	Wadsworth,
Curtis,	Jack.	Packer, Pa.	Warner,
Dalzell,	Jenkins,	Parker, N. J.	Weaver,
Davenport, S. A.	Jones, Wash.	Payne,	Weeks,
Davidson,	Joy,	Pearson,	White,
Dovener,	Kahn,	Pearre,	Woods,
Eddy,	Kerr, Md.	Powers,	Young.

NAYS—91.

Adamson,	Finley,	Lloyd,	Sheppard,
Atwater,	Fleming,	McAleer,	Sibley,
Ball,	Fox,	McClellan,	Slayden,
Bankhead,	Gaines,	McCulloch,	Small,
Bell,	Gilbert,	McDermott,	Snodgrass,
Benton,	Gordon,	McLain,	Sparkman,
Brenner,	Griffith,	Maddox,	Spight,
Brewer,	Hay,	Meekison,	Stark,
Brundidge,	Henry, Miss.	Miers, Ind.	Stephens, Tex.
Burke, Tex.	Johnston,	Moon,	Sutherland,
Burleson,	Jones, Va.	Newlands,	Swanson,
Burnett,	King,	Polk,	Taylor, Ala.
Caldwell,	Kitchin,	Quarles,	Turner,
Catchings,	Kleberg,	Rhea, Ky.	Underwood,
Clark, Mo.	Kluttz,	Richardson, Ala.	Vandiver,
Cooper, Tex.	Lamb,	Richardson, Tenn	Williams, J. R.
Cowherd,	Lanham,	Rixey,	Williams, W. E.
Crowley,	Lassiter,	Robb,	Williams, Miss.
Davenport, S. W.	Latimer,	Robinson, Ind.	Wilson, N. Y.
Davis,	Lester,	Rucker,	Wilson, S. C.
De Armond,	Lewis,	Ryan, N. Y.	Zenor,
Dougherty,	Little,	Salmon,	Ziegler.
Elliott,	Livingston,	Shafroth,	

ANSWERED "PRESENT"—10.

Allen, Ky.	Breazeale,	Naphen,	Roberts.
Bellamy,	Mahon,	Ray, N. Y.	
Boutell, Ill.	Metcalf,	Ridgely,	

NOT VOTING—150.

Acheson,	Cushman,	Ketcham,	Rodenberg,
Allen, Miss.	Dahle,	Landis,	Ruppert,
Babcock,	Davey,	Lane,	Scudder,
Bailey, Kans.	Dayton,	Lentz,	Shackleford,
Bailey, Tex.	De Graffenreid,	Levy,	Shelden,
Baker,	Denny,	Littauer,	Sherman,
Barber,	Dick,	Lorimer,	Sims,
Barney,	Dinsmore,	Loudenslager,	Smith, Iowa
Bartholdt,	Driggs,	Lybrand,	Smith, Ky.
Bartlett,	Driscoll,	McCleary,	Smith, Samuel W.
Berry,	Faris,	McDowell,	Smith, Wm. Alden
Boutelle, Me.	Fitzgerald, Mass.	McRae,	Spalding,
Bradley,	Fitzgerald, N. Y.	Marsh,	Stallings,
Brantley,	Fitzpatrick,	May,	Stevens, Minn.
Brosius,	Fordney,	Mercer,	Stewart, N. Y.
Broussard,	Foster,	Mesick,	Stewart, Wis.
Brown,	Fowler,	Meyer, La.	Stokes,
Burke, S. Dak.	Freer,	Morgan,	Sulloway,
Burton,	Gamble,	Morrell,	Sulzer,
Butler,	Gardner, Mich.	Muller,	Talbert,
Campbell,	Gardner, N. J.	Needham,	Tate,
Cannon,	Gaston,	Neville,	Tawney,
Carmack,	Gayle,	Noonan,	Terry,
Chanler,	Gill,	Norton, Ohio	Thayer,
Clarke, N. H.	Glynn,	Norton, S. C.	Thomas, N. C.
Clayton, Ala.	Green, Pa.	Otey,	Tompkins,
Clayton, N. Y.	Griggs,	Otjen,	Tongue,
Cochran, Mo.	Hall,	Overstreet,	Underhill,
Cochrane, N. Y.	Haugen,	Pearce, Mo.	Van Voorhis,
Cooney,	Hawley,	Pierce, Tenn.	Wanger,
Cooper, Wis.	Heatwole,	Phillips,	Waters,
Corliss,	Henry, Conn.	Prince,	Watson,
Cousins,	Henry, Tex.	Ransdell,	Weymouth,
Cox,	Hill,	Reeves,	Wheeler,
Crump,	Hitt,	Rhea, Va.	Wilson, Idaho
Crumpacker,	Howard,	Riordan,	Wright.
Cummings,	Hull,	Robertson, La.	
Cusack,	Jett,	Robinson, Nebr.	

The following additional pairs were announced:

Mr. ROBERTS with Mr. NAPHEN, on the Olmsted resolution.

On this vote:

Mr. DAHLE with Mr. SIMS.

Mr. HEATWOLE with Mr. TATE.

Mr. NEEDHAM with Mr. RIORDAN.

The result of the vote was then announced as above recorded.

Mr. OLMSTED. Mr. Speaker, on this resolution I demand the previous question until its final passage.

Mr. RICHARDSON of Tennessee. I move to commit the resolution to the Committee on the Census.

Mr. OLMSTED. I make the point of order that that motion is not in order.

The SPEAKER pro tempore. The motion of the gentleman from Tennessee, in the opinion of the Chair, is not in order, the demand for the previous question having precedence. The Clerk will read the rule.

The Clerk read as follows:

When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer, or to amend, or postpone indefinitely; which several motions shall have precedence in the foregoing order: and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

The SPEAKER pro tempore. The question is on the demand of the gentleman from Pennsylvania for the previous question.

Mr. UNDERWOOD. I move to postpone the consideration indefinitely.

The SPEAKER pro tempore. The gentleman's motion is not in order.

The question was taken on ordering the previous question, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. UNDERWOOD. Division.

The House divided; and there were—ayes 64, noes 72.

Mr. OLMSTED. I demand the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

Mr. RICHARDSON of Tennessee. Pending that demand, I move that the resolution be laid on the table.

Mr. PAYNE. But the question is being taken on the demand for the previous question——

Mr. RICHARDSON of Tennessee. It takes precedence over the demand for the previous question.

Mr. PAYNE. And the yeas and nays have been ordered.

The SPEAKER pro tempore. The House has already ordered the yeas and nays on the motion of the gentleman from Pennsylvania for the previous question, and the motion of the gentleman from Tennessee is not in order. The Clerk will call the roll.

The question was taken; and there were—yeas 103, nays 98, answered "present" 10, not voting 144; as follows:

YEAS—103.

Adams,	Bishop,	Bull,	Cousins,
Aldrich,	Boreing,	Burkett,	Cromer,
Alexander,	Bowersock,	Calderhead,	Curtis,
Allen, Me.	Brick,	Capron,	Dalzell,
Barham,	Bromwell,	Connell,	Davenport, S. A.
Bingham,	Brownlow,	Conner,	Davidson,
Dovener,	Jenkins,	Moody, Mass.	Southard,
Eddy,	Jones, Wash.	Moody, Oreg.	Sperry,
Emerson,	Joy,	Morris,	Sprague,
Esch,	Kahn,	Mudd,	Steele,
Fletcher,	Kerr, Md.	O'Grady,	Stewart, N. J.
Foss,	Kerr, Ohio.	Olmsted,	Tayler, Ohio
Gibson,	Knox,	Packer, Pa.	Thomas, Iowa
Gillet, N. Y.	Lacey,	Parker, N. J.	Thropp,
Graff,	Lawrence,	Payne,	Tongue,
Graham,	Linney,	Pearson,	Vreeland,
Greene, Mass.	Littlefield,	Pearre,	Wachter,
Grosvenor,	Long,	Powers,	Wadsworth,
Grow,	Loud,	Prince,	Warner,
Hamilton,	Loudenslager,	Reeder,	Waters,
Hedge,	Lovering,	Russell,	Weaver,
Hepburn,	McCall,	Shattuc,	Weeks,
Hill,	Mann,	Shaw,	White,
Hoffecker,	Miller,	Showalter,	Woods,
Howell,	Minor,	Smith, Ill.	Young.
Jack,	Mondell,	Smith, H. C.	

NAYS—98.

Adamson,	Elliott,	Lloyd,	Shafroth,
Atwater,	Finley,	McAleer,	Sheppard,
Ball,	Fitzpatrick,	McClellan,	Sims,
Bell,	Fleming,	McCulloch,	Slayden,
Benton,	Fox,	McDermott,	Small,
Berry,	Gaines,	McLain,	Snodgrass,
Brenner,	Gaston,	Maddox,	Sparkman,
Brewer,	Gordon,	Meekison,	Spight,
Broussard,	Griffith,	Miers, Ind.	Stark,
Brundidge,	Hay,	Moon,	Stephens, Tex.
Burke, Tex.	Henry, Miss.	Newlands,	Swanson,
Burleson,	Johnston,	Norton, Ohio.	Tate,
Burnett,	Jones, Va.	Polk,	Taylor, Ala.
Caldwell,	King,	Quarles,	Turner,
Clark, Mo.	Kitchin,	Rhea, Ky.	Underwood,
Cochran, Mo.	Kleberg,	Rhea, Va.	Vandiver,
Cooper, Tex.	Kluttz,	Richardson, Ala.	Williams, J. R.
Cowherd,	Lamb,	Richardson, Tenn.	Williams, W. E.
Crowley,	Lanham,	Rixey,	Williams, Miss.
Davenport, S. W.	Lassiter,	Robb,	Wilson, N. Y.
Davis,	Latimer,	Robinson, Ind.	Wilson, S. C.
De Armond,	Lester,	Rucker,	Zenor,
Denny,	Lewis,	Ryan, N. Y.	Ziegler.
Dinsmore,	Little,	Ryan, Pa.	
Dougherty,	Livingston,	Salmon,	

ANSWERED "PRESENT"—10.

Allen, Ky.	Dayton,	Metcalf,	Roberts.
Boutell, Ill.	Green, Pa.	Ray, N. Y.	
Breazeale,	Mahon,	Ridgely,	

NOT VOTING—144.

Acheson,	Cummings,	Hull,	Robertson, La.
Allen, Miss.	Cusack,	Jett,	Robinson, Nebr.
Babcock,	Cushman,	Ketcham,	Rodenberg,
Bailey, Kans.	Dahle,	Landis,	Ruppert,
Bailey, Tex.	Davey,	Lane,	Scudder,
Baker,	De Graffenreid,	Lentz,	Shackleford,
Bankhead,	Dick,	Levy,	Shelden,
Barber,	Driggs,	Littauer,	Sherman,
Barney,	Driscoll,	Lorimer,	Sibley,
Bartholdt,	Faris,	Lybrand,	Smith, Iowa.
Bartlett,	Fitzgerald, Mass.	McCleary,	Smith, Ky.
Bellamy,	Fitzgerald, N. Y.	McDowell,	Smith, Samuel W.
Boutelle, Me.	Fordney,	McRae,	Smith, Wm. Alden
Bradley,	Foster,	Marsh,	Spalding,
Brantley,	Fowler,	May,	Stallings,
Brosius,	Freer,	Mercer,	Stevens, Minn.
Brown,	Gamble,	Mesick,	Stewart, N. Y.
Burke, S. Dak.	Gardner, Mich.	Meyer, La.	Stewart, Wis.
Burleigh,	Gardner, N. J.	Morgan,	Stokes,
Burton	Gayle,	Morrell,	Sulloway,
Butler,	Gilbert,	Muller,	Sulzer,
Campbell,	Gill,	Naphen,	Sutherland,
Cannon,	Gillett, Mass.	Needham,	Talbert,
Carmack,	Glynn,	Neville,	Tawney,
Catchings,	Griggs,	Noonan,	Terry.
Chanler,	Grout,	Norton, S. C.	Thayer.
Clarke, N. H.	Hall,	Otey,	Thomas, N. C.
Clayton, Ala.	Haugen,	Otjen,	Tompkins,
Clayton, N. Y.	Hawley,	Overstreet,	Underhill,
Cochrane, N. Y.	Heatwole,	Pearce, Mo.	Van Voorhis,
Cooney,	Hemenway,	Pierce, Tenn.	Wanger,
Cooper, Wis.	Henry, Conn.	Phillips,	Watson,
Corliss,	Henry, Tex.	Pugh,	Weymouth,
Cox,	Hitt,	Ransdell,	Wheeler,
Crump,	Hopkins,	Reeves,	Wilson, Idaho
Crumpacker,	Howard,	Riordan,	Wright.

Mr. TAYLOR of Alabama. Mr. Speaker, I was present at the first call, but did not hear my name.

The SPEAKER pro tempore. Was the gentleman present and listening for his name when it should have been called, but did not hear it?

Mr. TAYLOR of Alabama. Yes, sir.

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The name of Mr. TAYLOR of Alabama was called, and he voted "no," as above recorded.

Mr. GROW. Mr. Speaker, I was present in my seat, but did not hear my name called.

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

Mr. GROW's name was called, and he voted "aye," as above recorded.

The following additional pairs were announced:
Until further notice:
Mr. BURLEIGH with Mr. NOONAN.
Mr. HULL with Mr. GILBERT.
Mr. GROUT with Mr. BRADLEY.
On this vote:
Mr. HEATWOLE with Mr. CATCHINGS.

The SPEAKER pro tempore. The vote is very close, and the Chair prefers to have a recapitulation.

The Clerk recapitulated the vote.

Mr. PEARSON. Mr. Speaker, having reason to believe that this resolution will be referred to the Committee on Census, and that ample opportunity will be given for debate. I change my vote from "no" to "aye."

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called Mr. PEARSON's name, and he voted "aye," as above recorded.

The vote was then announced as above recorded.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for twenty minutes.

Mr. OLMSTED. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. SHATTUC].

Mr. SHATTUC. Mr. Speaker, it has been my intention to deliver some remarks on the fourteenth amendment, but as it would take about three-quarters of an hour, and I have only five minutes' time, I can not express myself in the allotted time. It was my intention to offer an original proposition or resolution on its own merits. I will have it read from the Clerk's desk and let it go as a substitute for the pending resolution to the Committee on Census by agreement with my distinguished friend from Pennsylvania [Mr. OLMSTED]. If I can get the time before the Committee of the Whole House when it is considering the census bill, I will make some observations in regard to the duty of the House as to reapportionment under the fourteenth amendment.

Mr. RICHARDSON of Tennessee. I understand the gentleman from Ohio [Mr. SHATTUC] has this read in his own time.

The SPEAKER pro tempore. Yes; for the information of the House.

The Clerk read as follows:

Whereas the continued enjoyment of full representation in this House by any State which has, for reasons other than participation in rebellion or other crime, denied to any of the male inhabitants thereof, being 21 years of age and citizens of the United States, the right to vote for Representatives in Congress, Presidential electors, and other specified officers, is in direct violation of the fourteenth amendment to the Constitution of the United States, which declares that in such case "the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State," and is an invasion of the rights and dignity of this House and of its members, and an infringement upon the rights and privileges in this House of other States and their representatives; and

Whereas the States of Massachusetts, Maine, Connecticut, Delaware, California, Louisiana, Mississippi, North Carolina, South Carolina, Wyoming, Oregon, and other States do, by the provisions of the constitutions and statutes of said States, and for reasons other than participation in rebellion or other crime, deny the right to vote for members of Congress and Presidential electors, as well as the executive and judicial officers of such States and members of the legislatures thereof, to male inhabitants 21 years of age and over and citizens of the United States; and such denial in certain of the said States extends to more than one-half of those who prior to the last apportionment of representation were entitled to vote in such States; and

Whereas in order that the apportionment of membership of the House of Representatives may be determined in a constitutional manner: Therefore, be it

Resolved by the House of Representatives, That the Director of the Census is hereby directed to furnish this House, at the earliest possible moment, the following information:

First. The total number of male citizens of the United States over 21 years of age in each of the several States of the Union.

Second. The total number of male citizens of the United States over 21 years of age who, by reason of State constitutional limitations or State legislation, are denied the right of suffrage, whether such denial exists on account of illiteracy, on account of pauperism, on account of polygamy, or on account of property qualifications, or for any other reason.

Resolved further, That the Speaker of the House of Representatives is hereby authorized and directed to appoint a select committee of five members from the membership of the Census Committee of the House of Representatives, who shall investigate the question of the alleged abridgment of the elective franchise for any of the causes mentioned in all the States of the Union in which constitutional or legislative restrictions on the right of suffrage are claimed to exist, and that such committee report its findings within twenty days from the date of the adoption of this resolution to the said Census Committee, and that within one week after the said report shall have been received by the Census Committee the Census Committee shall return a bill to the House of Representatives providing for the apportionment of the membership of the House of Representatives based on the provisions of the fourteenth amendment to the Constitution of the United States.

Mr. OLMSTED. Mr. Speaker, I desire to say in reference to this resolution and in answer to some suggestions that have been made, that it was offered by me not in antagonism to nor in favor of any of the pending reapportionment bills, but entirely, as I conceive, from a constitutional standpoint. It is not aimed at any particular State. While I have mentioned two or three States in the preamble, in order to lay the foundation for the resolution, the resolution itself is general. It is the plain meaning of the Constitution, the plain language of the Constitution, so plain that there can be no possible difference of opinion as to its construction, that where a part of the male inhabitants of the State, 21 years old and citizens of the United States, are denied the right of suffrage, the right of representation in that State shall be reduced accordingly.

Mr. PEARSON. Will the gentleman from Pennsylvania allow me a question?

Mr. OLMSTED. Certainly.

Mr. PEARSON. Is it the opinion of the gentleman from Pennsylvania that this information can be had in time for action by this Congress?

Mr. OLMSTED. I have no doubt that it can. It is not the intention of this resolution to institute any investigation of the elections in any State, but simply to ascertain in what States the right of suffrage is denied, so as to fall within the provision of the Constitution of the United States which requires a reduction in the basis of representation.

Mr. McDERMOTT. Will the gentleman allow me a question?

Mr. OLMSTED. As soon as I have answered the question of the gentleman from North Carolina [Mr. PEARSON] I shall be glad to yield to the gentleman from New Jersey.

I imagine that by consulting the suffrage articles in the constitutions of the various States and by ascertaining what denials of suffrage there are to any male citizens 21 years of age, and then by consulting the Director of the Census to ascertain how many such citizens there are in any given State, approximate, indeed very reliable, data can be obtained for the use of this House, and in a very short time.

Mr. PEARSON. Will the gentleman pardon one further suggestion? I have called at the Census Bureau and have asked both Mr. Hunt and Mr. Stone whether these figures would be available within the next ninety days, and they said no.

Mr. OLMSTED. Well, then, it might be that the committee could not report in time for the pending apportionment bill; but whenever they do report it will be proper to act upon the information.

Mr. GROSVENOR. I would like to ask the gentleman from Pennsylvania one question.

Mr. OLMSTED. Certainly; but I have promised to yield next to the gentleman from New York [Mr. McDERMOTT].

Mr. McDERMOTT. Mr. Speaker, as I understand, the Constitution provides that the apportionment of representation in this House shall be made upon the basis of those voters who have these qualifications: That they are citizens of the United States; that they are citizens of the State wherein they vote; that they are males 21 years old; and it is further provided that the representation of any State in this House shall be curtailed in accordance with the number of persons having these qualifications who are denied the right to vote. Now, I ask the gentleman if there is any State in this Union where a man is entitled to vote merely upon probate of the fact that he is 21 years old, that he is a citizen of the United States, a citizen of the State where he claims the right to vote, and that he has not been convicted of crime? Is there any State in this Union in which there are not additional qualifications required when the voter presents himself at the ballot box to exercise the elective franchise?

Mr. PEARSON. In North Carolina there are about ten more requirements.

Mr. GROSVENOR. In that connection I want to ask——

Mr. OLMSTED. In answer to the gentleman who has just taken his seat [Mr. McDERMOTT], allow me to say that it is the object of this resolution to inquire into that very subject.

Mr. GROSVENOR. The question I want to ask is whether it is possible through any agency to obtain an answer to these interrogatories. In Ohio it is requisite for a person desiring to vote, if he is the head of a family, to have resided in the State one year and in the county thirty days; while if he is an unmarried person he must have resided one year in the State, thirty days in the county, and twenty days in the ward or precinct in which he offers to vote. Now, is there any way to ascertain how many men were by those provisions of law disfranchised in the Presidential election of last fall?

Mr. OLMSTED. It will be perhaps one of the duties of this committee to ascertain that.

Mr. GROSVENOR. But can it be done? Many men stay at home on election day.

Mr. PEARSON. Could not the resolution be amended in such a way as to confine the inquiries to matters possible of ascertainment?

Mr. OLMSTED. If gentlemen will excuse me, I do not wish to use up all my time in answering these interrogatories.

Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Ten minutes.

Mr. OLMSTED. The committee will undoubtedly find that there are certain qualifications required by all the States. So far as the required qualifications are common to all the States, that

matter will of course make no difference in the representation in this House; but where there are special restrictions, existing in some States and not in others, I have no doubt that it is the duty of Congress to inquire how far such restrictions exist and to put into operation the provisions of the Constitution applicable in such cases.

Take, for instance, the State of Mississippi. I mention it, not because I have any particular feeling in reference to that State, but simply because I am more familiar with the provisions of its constitution than with the constitutional provisions of other States. Mississippi came back to representation in this House in 1870 under an act of Congress which approved its then existing constitution and imposed a condition that suffrage should not be to any greater extent restricted in that State. Some twenty years later Mississippi adopted a new constitution which, as appears upon its face, cuts out from the right of voting those unable to read or interpret the Constitution, a part of which is written in Latin. Now, it is contended on behalf of the State of Mississippi that the act of Congress of 1870 imposing those conditions was unconstitutional. But if the State of Mississippi invokes the Constitution to enable it to deny suffrage, why should not the plain mandate of the Constitution be enforced so as to reduce representation to the extent that suffrage is thus denied?

It is the plain intention of the Constitution that where there is a large wholesale restriction in the right of suffrage those people who are permitted to vote shall not have the force and influence of their votes augmented by permitting them to elect more members of Congress and more Presidential electors than the same number of people in any other State, and it is simply to enable us to ascertain the facts, if possible, that this resolution is offered. Of course, if the committee can not ascertain facts to enable this House to act, then nothing comes of it; but if the data can be had to enable us to carry out the obligation of the Constitution upon us, then this report will disclose that fact, and it will be for the House to consider what action is necessary to be taken.

Now, Mr. Speaker, I desire to reserve the balance of my time.

Mr. RICHARDSON of Tennessee. How much time has the gentleman consumed, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. OLMSTED] has seven minutes remaining.

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

The SPEAKER pro tempore. The gentleman from Alabama is recognized for five minutes.

Mr. UNDERWOOD. Mr. Speaker, in five minutes the issues involved in this case can not be discussed. I was in hopes that this question would not come up at this session of Congress. When the fourteenth amendment was originally adopted, it was the intention of the legislative body that enacted it and of the people who ratified it to force the Southern people to give the elective franchise to the negro. That was the real purpose of the fourteenth amendment. It failed in that purpose. The fifteenth amendment was adopted for the same purpose. That was successful for the time being. It has proved a lamentable mistake, not only to the people of the South, but to the people of the North; not only to the Democratic party, but to the Republican party.

The time has now come when the bitterness of civil strife has passed. The people of the South, with fairness and justice to themselves and fairness to that race that has been forced among them—the negro race—are attempting to work away from those conditions; not to oppress or to put their foot on the neck of the negro race, but to protect their homes and their property against misgovernment and at the same time give this inferior race a chance to grow up and acquire their civilization. When you bring this resolution before this House and thrust it as a firebrand into the legislation here, you do more injury to the negro race of the South than any man has done since the fifteenth amendment was originally enacted. I tell you, sirs, there is but one way to solve this problem. You gentlemen of the North, who do not live among them and do not know the conditions, can not solve it. We of the South are trying, as God is our judge, to solve it fairly to both races. It can not be done in a day or a week; and I appeal to you, if you are in favor of the upbuilding of the negro race; if you are in favor of honest governments in the Southern States; if you are willing to let us protect our homes and our property—yes, and the investments that you have brought there among us—then I say to you let us send this resolution to a committee where it may die and never be heard of again. When we have done that, when we have worked out the problem and put it upon a fair basis, then, if we are getting more representation than we are entitled to, five or six or ten years from now——

Mr. OLMSTED. Will you permit a question?

Mr. UNDERWOOD. Just one moment, when I finish. Then in six or ten years from now come to us with the proposition fairly to repeal both the fourteenth and fifteenth amendments and substitute in their place a constitutional amendment that will put representation on a basis that we can all agree is fair and equitable. Do not let us drive it along party lines. Let party lines be eliminated. Let us see what we have got to do in the South first. It is not going to hurt you to-day.

[Here the hammer fell.]

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from New Jersey [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Speaker, the objection is raised to this resolution that it will be impossible to obtain a comprehensible report under it. That is true. It provides that the committee shall investigate and report in what States certain conditions exist. Now, that does not make it incumbent upon the committee to examine the conditions in every State that regulates the use of the suffrage. The proposition should rather be a negative than an affirmative one, and the resolution which I hold in my hand, as a substitute, would, in my opinion, reach the heart of the matter and enable an intelligent report to be presented to this House. There is not a State in this Union that has not added to or subtracted from the Federal constitutional requirements—not one. Take the State of Pennsylvania, represented in part by the introducer of this resolution.

The constitution of that State, Article VIII, section 1, provides that—

> Every male citizen 21 years of age, possessing the following qualifications, shall be entitled to vote at all elections:
> First. He shall have been a citizen of the United States at least one month.

That is more than being 21 years old and a citizen of the State and of the United States.

> Second. He shall have resided in the State one year (or if, having previously been a qualified elector or native-born citizen of the State, he shall have removed therefrom and returned, then six months) immediately preceding the election.

That is another qualification. It is not a matter of police regulation, but a constitutional inhibition against him who has not the qualification. What next?

> Third. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election.
> Fourth. If 22 years of age or upward, he shall have paid within two years a State or county tax, which shall have been assessed at least two months, and paid at least one month, before the election.

This is the provision under the constitution of 1873. There may have been amendments adopted since. There may have been a revision of the constitution, but that constitution was adopted after the fourteenth and fifteenth amendments had been made to the Federal Constitution.

So in every State in this Union there are either additions to or subtractions from the Federal constitutional requirements that must precede the right to vote. I think the work of the committee can be simplified therefore by this proposition, which, after the vote is taken on this resolution, I shall, if the resolution is adopted, offer as a privileged resolution:

> *Resolved*, That said Committee on the Twelfth Census shall report in what States citizens are allowed to vote at all elections for Presidential electors and for members of the legislatures of such States upon the only qualifications that such citizens are 21 years of age and male citizens of the State and of the United States.

Now, Mr. Speaker, if there is any addition, whether as a matter of police regulation or otherwise, to the constitutional amendments regulating the franchise and the resultant representation in this House—if there is addition or subtraction of one iota—then those who desire to live up to this Constitution, no matter whether they ruin their neighbors, no matter whether they again kindle the fires of sectional strife, those who in their love for the Constitution are so mentally rigid that they would demand its enforcement though they set the Union aflame, must include every State in this Union. Let the investigation be not in the line of sectional partisanship, but let it determine whether there is a State in the Union that lives up to this constitutional requirement. I venture to say, with some familiarity with this question, after some research as to the qualifications that the different States impose upon voters, that there is not a State in the Union that, under that constitutional amendment, is entitled to a single representative in the House. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Speaker, it is not without significance that the preamble to this resolution selects three States in the Union and names them only as the States against which the resolution is ostensibly directed, and that these three are Southern States. It would have been easy for the gentleman who drew it up to have mentioned all the States in the Union which provide for an educational qualification, for a poll-tax qualification, or for other restrictions upon the suffrage not contemplated in the amendment to the Constitution of the United States. I can tell the gentleman that within the last two or three years a few men down South have been misled by the siren voice, and have begun

to believe that they could hope for justice and broad-minded nonpartisanship from the Republican party. They have been warned that whenever power came in sufficient abundance the cloven hoof would come, too, and that they would see that the voice they were beginning to hear was but a siren voice, and that the Republican party would show itself to be still what it hitherto has always been politically—the black man's party in the South and the enemy of the white man, of his civilization, of his commerce, of his property, and of all that has made him what he is. It remains for the gentlemen on the other side to follow the leadership of the gentleman from Pennsylvania [Mr. OLMSTED] if they choose, and completely pluck from the eyes of those who have been partially deceived the veil which has been attempted to be thrown over them.

Now, Mr. Speaker, if there is anything that is more remarkable about this resolution than its evident sectional animus, it is its impracticability and its stupidity. For example, how would anybody find out how many people in the State of Mississippi were disfranchised for the reasons stated in this resolution? There is there an educational qualification. How are you to determine how many of the men in the State of Mississippi who did not vote, did not vote because they were disfranchised under the educational qualification? Then there is a qualification in extension and not in limitation of the suffrage, saying that even those who can not read and write may still vote, provided they can give an understanding interpretation of the Constitution or any part of it. How are you going to determine how many are disqualified by that? And then there is a qualification which says that those can not vote who shall not by a certain time have paid their poll tax.

Out of the number of people who did not vote, how are you going to determine which of them have not voted because of the educational qualification? Which because of the understanding qualification? Which because of the poll-tax qualification? Which because of the registration qualification? How many because of the pure Australian ballot which exists in the State of Mississippi? As the gentleman who preceded me [Mr. MCDERMOTT] has well said but a moment ago, there is not a State in the Union which does not restrict manhood suffrage in some way or other. There is not a State in the Union which has the Australian ballot which by the very fact and the necessity of voting according to that Australian ballot does not prevent the citizen who can not read and write from voting if he votes a split ticket of any sort.

If it be the pure Australian ballot, as we have it in Mississippi, whether a man be allowed to vote when he can read or not, as a matter of fact he can not vote unless he can read, because he must read the names of those for whom he desires to vote, and he must put the mark opposite the name on the ticket.

Mr. CURTIS. Is he not assisted by the judge or clerk?

Mr. WILLIAMS of Mississippi. Not in Mississippi, unless he is blind or has lost an arm, or is otherwise physically unable.

Mr. CURTIS. In Kansas such voters are assisted.

Mr. WILLIAMS of Mississippi (continuing). In short, can not see to write or feel to write.

Mr. HENRY of Mississippi. My colleague will allow me. If he is disqualified by reason of any physical disability, then he is assisted.

Mr. WILLIAMS of Mississippi. If any physical disability renders it impossible for him to do the work required, he is assisted. That is the pure Australian ballot as it at first came here.

Now, a word as to the merits of this question. Any man who is a lover of the American Republic and who loves its civilization, who loves to see it go forward in the world as a great advance power, intellectually and otherwise, ought to be glad in his heart that we have resorted to constitutional and legal methods—methods adopted in Massachusetts, Connecticut, and other States in this Union—for the purpose of solving as best we could a great and troublesome, if not insoluble, problem. He ought to be glad to see intelligence in control of our destiny.

Mr. STEWART of New Jersey. Will the gentleman yield to me for a moment?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILLIAMS of Mississippi. My time has expired.

Mr. RICHARDSON of Tennessee. How much time is remaining?

The SPEAKER pro tempore. Five minutes.

Mr. RICHARDSON of Tennessee. I have yielded five minutes to the gentleman from North Carolina [Mr. KLUTTZ].

Mr. KLUTTZ. Mr. Speaker, coming from the good old State of North Carolina, one of the original thirteen, loyal as I believe myself to be, and as I know her people to be, to the flag that hangs behind the Speaker's desk, desiring only the greatness and glory of the whole country and the prosperity of all its people, for one I regret, with the gentlemen who have preceded me on this side of the House, that such a firebrand should have been thrown into legislation at this time. I regret that the opening days of the new century and the era of good feelings between all sections should be marred by this attempt to reopen sectional bitterness for purely partisan effect. I want to add to what has been so well said by the gentleman from New Jersey [Mr. MCDERMOTT], enforced by his reciting the constitutional requirements in Pennsylvania—that there is not a single State in this Union, North or South, East or West, Democratic or Republican, which limits the constitutional requirements for suffrage so as to conform to the language of the fourteenth amendment of the Constitution of the United States.

To live up to that amendment, "that no male inhabitant shall be deprived of suffrage except for participation in the rebellion or other crimes," the male inhabitant, I take it, is he who has acquired domicile in that State, and the moment that he acquires domicile, and is a male, he is a "male inhabitant" of that State, and entitled at once to suffrage; and yet every State in the Union, I believe without exception, has requirements as to residence not only in the State, but in the city, in the county, in the precinct and ward, and the voting place; and every one of those requirements, as every gentleman on that side must admit, are in direct conflict with and contravention of the fourteenth amendment to the Constitution of the United States literally construed.

I find that the States of Maine, Massachusetts, Connecticut, South Carolina, Mississippi, Louisiana, Colorado, and Wyoming all have an educational qualification in addition to the requirement for residence. I find that Rhode Island, Pennsylvania, Delaware, Georgia, Florida, Mississippi, and Tennessee have a provision requiring the payment of a tax; and I find that some of those States—Delaware, Maine, Massachusetts, Missouri, New Hampshire, and New Jersey—have qualifications which exclude paupers, men upon whom God has laid His hand, who are unable to pay a tax and are compelled to go to homes for the poor—that these men in these States are excluded from the suffrage. I find that in Rhode Island there is a property qualification. I find in Delaware that no man can vote unless he has paid a registration fee of $1.

Mr. STEWART of New Jersey. Will the gentleman yield to me for a moment? I deny for New Jersey that she denies anyone the right of suffrage or denies that right to any American citizen.

Mr. KLUTTZ. New Jersey has a qualification, as I have stated.

Mr. MCDERMOTT. I desire to correct my colleague from New Jersey. New Jersey does deny the right of any pauper to vote. [Applause on the Democratic side.]

Mr. STEWART of New Jersey. I deny the proposition, and ask the gentleman to produce the proof.

Mr. KLUTTZ. I decline to yield to the gentleman to make a speech in my time, but I shall insert in my remarks the provision of the constitution of New Jersey, kindly handed me by the gentleman from that State [Mr. MCDERMOTT]. It is as follows:

ARTICLE II.

SECTION 1. And no pauper, idiot, or insane person * * * shall enjoy the right of an elector.

The gentleman from New Jersey [Mr. STEWART] is, I trust, answered.

Now, sir, I come from the State of North Carolina, where we are trying in good faith, in the fear of God, and with the desire to do justice to all our people, to work out the best interests of all races. I find that in North Carolina in the last election, where we have nine Congressional districts, there was an average of 32,555 votes in each district, showing that there was no suppression of the vote.

I find from the reports of the auditor of that State recently made that the total revenues of North Carolina for 1899 from all sources were $3,064,460.52, and of this sum $1,555,000, or more than one-half of it, was given to the cause of education, and that money was given pro rata with the whites to the education of the colored race at our doors, although they contributed but about 10 per cent of the taxes. I ask the majority to join us in frowning upon all such legislation as is proposed in this resolution. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. OLMSTED. Mr. Speaker, it will be observed that in the few remarks I made on the resolution I did not discuss the question of negro suffrage at all. That is one that has been raised on the other side of the Chamber.

Mr. WILLIAMS of Mississippi. We all know what you meant. [Laughter on the Democratic side.]

Mr. OLMSTED. It is the result of the guilty conscience, Mr. Speaker. It is a matter of surprise to me that the learned and distinguished gentlemen who occupied so much time of the House at the last session endeavoring to show that the Constitution follows into distant islands of the sea and wherever the flag goes should be unwilling that the Constitution should have an opportunity to do business at home. [Laughter on the Republican side.]

Why, in one of these States—South Carolina—there is a gentleman sitting here to-day who received 1,768 votes. There must have been some denial of suffrage to somebody. There are seven

members from Mississippi sitting here who received 22,365 votes, about the majority in my district this year.

Mr. WILLIAMS of Mississippi. Will the gentleman from Pennsylvania yield to me for a question?

Mr. OLMSTED. Yes.

Mr. WILLIAMS of Mississippi. Does the gentleman say that these are all the qualified voters in the State of Mississippi? Why, I have 20,000 Democratic white voters on my mailing list.

Mr. OLMSTED. That is the object of this resolution, to find out whether they are registered and qualified voters. What is the gentleman afraid of? [Laughter on the Republican side.]

Now, Mr. Speaker, I am not going to consume longer time upon this resolution. I find there are a large number of my friends on this side of the House who voted with me for the previous question, which, under the rule, limits debate to twenty minutes on either side, but nevertheless feel that they ought to have had an opportunity to discuss it at some length. Some of them claim to have been put in an embarrassing position by the failure to have an opportunity to discuss it. While I am not willing to accept the suggestion from the other side, to refer it to a committee, where it will die for the present and slumber forever afterwards, as the gentleman from Alabama expressed it [laughter], I am willing myself to move to refer it to the Committee on Census if the chairman of that committee, who is present here, will assure me that he will call his committee together for its consideration within a week.

Mr. HOPKINS. Mr. Speaker, I am not in the mood to-day to make any bargains with the gentleman from Pennsylvania, but I can say to him that the Committee on Census, up to date, has endeavored to discharge its duty with all business that has been referred to it; and I have no doubt that if this resolution is sent there the committee will act upon it as they have upon all other matters that in the regular course of business is assigned to that committee. [Laughter on the Democratic side.]

Mr. OLMSTED. I would like to have the gentleman go further and state that he will—I have no doubt that he will—call it up immediately. But, Mr. Speaker, with the assurance of the chairman of the Committee on Census that his committee is prompt in the discharge of business and that this will be called up at an early day, I move to refer this resolution to the Committee on Census.

The SPEAKER pro tempore. Has the gentleman closed his remarks?

Mr. OLMSTED. I have, and made the motion.

Mr. MAHON. I think, as this is a privileged resolution, the gentleman himself, if the committee does not act within ten days, will have the right to call it up.

Mr. RICHARDSON of Tennessee. I understand, Mr. Speaker, that debate is closed upon this question.

Mr. OLMSTED. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. OLMSTED. This being a privileged resolution, will it be within my power to call it up after seven days if the committee does not act upon it?

Mr. RICHARDSON of Tennessee. I hope the Chair will not answer questions which are merely going fishing. [Laughter.]

The SPEAKER pro tempore. I have no doubt the gentleman who occupies the chair when that time comes will decide that question. The question now is on referring to the Committee on Census the pending resolution.

The question was taken; and the motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 163. An act for the relief of Henry O. Morse.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized and directed to print and deliver to the Department of the Interior, for the use of the Commissioner of Pensions, 10,000 additional copies of the Annual Report of the Commissioner of Pensions for the fiscal year ended June 30, 1900.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States is hereby requested to return to the House the bill (H. R. 2955) entitled "An act providing for the resurvey of township No. 8, of range No. 30 west, of the State of Nebraska," in order to correct an error whereby the bill has been enrolled as an act of the first instead of the second session of the Fifty-sixth Congress.

SENATE RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized and directed to print and deliver to the Department of the Interior, for the use of the Commissioner of Pensions, 10,000 additional copies of the Annual Report of the Commissioner of Pensions for the fiscal year ended June 30, 1900—

to the Committee on Printing.

REAPPORTIONMENT.

Mr. HOPKINS. Mr. Speaker, I desire, on behalf of the Committee on Census, to call up for present consideration House bill 12740; and I desire to say, Mr. Speaker, that I simply call it up to-day for the purpose of general debate, and if the bill is considered now I will not call the previous question until Monday, having general debate to-day and Saturday, and for such time on Monday as may be deemed proper, so that we can get a final vote on the bill some time before the adjournment of the House on that day.

The object of that is this: Thirty-six different State legislatures meet this month. By constitutional limitation the session of some of these legislatures will expire within sixty days. After this bill is considered in the House it must go to the Senate, where necessarily its consideration will take time, so that it is important not only to members of the Committee on the Census, but to every member of this House on either side, that an early consideration of the bill be had.

Many members of the House have not analyzed the three bills pending—the bill reported by the Committee on the Census, the bill reported by the gentleman from Maine [Mr. BURLEIGH], and the bill reported by the gentleman from Indiana [Mr. CRUMPACKER]. It is my purpose, if we take up the bill at the present time, to analyze these different bills, giving some facts and figures for the benefit of members who are not on the committee, so that they may better understand this question and may be prepared to vote intelligently, when the time shall come, on the several pending bills which will be pending upon the report of the committee and the amendments that will be proposed by the minority of the committee.

Mr. SWANSON. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. SWANSON. To see whether we can not have some kind of an understanding with the gentleman from Illinois [Mr. HOPKINS] as to the time when this bill shall be taken up; and if not, I wish to raise the question of consideration on the bill at this time.

The SPEAKER pro tempore. Does the gentleman from Virginia raise the question of consideration?

Mr. SWANSON. Yes, sir; I desire to raise that question.

Mr. HOPKINS. I trust, Mr. Speaker——

Mr. WILSON of South Carolina. Mr. Speaker, without any discourtesy to the gentleman from Virginia [Mr. SWANSON], allow me to say I noticed that the gentleman from Indiana [Mr. GRIFFITH] sought the floor; and I think it might assist us somewhat in reaching an agreement if that gentleman, a Democratic member of the committee, be accorded recognition by the Chair at this time.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. GRIFFITH] is recognized.

Mr. GRIFFITH. Mr. Speaker, in reply to the gentleman from Illinois [Mr. HOPKINS], allow me to say that I think it proper to take up this matter now; but I believe that if we should fix Monday for taking the vote it would not allow sufficient time for discussion. There is a very general desire on the part of members who favor what is known as the Hopkins bill, as well as those who favor what is called the Burleigh bill, to discuss both features of this question. I am satisfied that if the previous question should be called on Monday a great many who desire to be heard and who wish to advance special reasons in favor of certain measures would not have the opportunity to do so. I therefore suggest that the vote be taken, say, on Wednesday next at 1 o'clock; that the previous question be considered as ordered for that time.

Mr. HOPKINS. Mr. Speaker, that would allow five days for discussion.

A MEMBER. Four days.

Mr. HOPKINS. Allow me to say that of course this bill will be under the control of the House at every stage of its consideration from the moment it is taken up till the time that some bill on the subject passes this House. Let me say to the gentleman from Indiana that it is not my purpose to ask for the previous question until some time on Monday—at what hour I am not able at the present time to state. It is not my purpose, however, to cut off any member who may have anything to present that will enlighten the House as to the proper ratio to be adopted, or upon any other provision that may be contained in the bill. I think it will be better, in the interest of legislation, that we proceed in the manner I have already indicated. It may be that by this time on Monday afternoon all members will be satisfied that we shall take a vote some time during that afternoon. If, however, it should be found that we can not do that, the matter will be absolutely under the control of the House.

Mr. GRIFFITH. I suggest to the gentleman that, as a matter of compromise, we fix Tuesday at, say, 3 o'clock.

Mr. HOPKINS. I suggest to the gentleman that it would be fairer to all parties not to set a definite time, either Monday or Tuesday.

Mr. PEARSON. The gentleman from Illinois will allow me to suggest that the shortest time ever allowed in this body for the discussion of an important question of this character was, as I understand, ten years ago, when two full days of debate were allowed, although the report of the committee was unanimous. These questions heretofore have sometimes run on through two years or two Congresses. There has never been a more important question presented in this body than that presented in the Crumpacker bill.

Mr. HOPKINS. Mr. Speaker, if the consensus of opinion on both sides of the House is that Tuesday at 2 o'clock would be a proper time to call the previous question, I will say to my friend from Indiana that I will not call the previous question before that hour—that we may have debate up to that time.

Mr. SWANSON. Make it 3 o'clock.

Mr. PAYNE. Two o'clock will give time on that day for a speech of one hour on each side.

Mr. HOPKINS. I ask that, by unanimous consent, the bill which I have called up may be considered in general debate from this time until Tuesday at 2 o'clock, when the previous question shall be considered as ordered and the House proceed to vote upon the various amendments that may be offered to the bill and upon the passage of the bill.

Mr. RICHARDSON of Tennessee. The gentleman will allow me to say that under the agreement which he proposes there will be no debate whatever under the five-minute rule. Would it not be well to have general debate until 3 o'clock Monday and then the five-minute debate until 3 o'clock on Tuesday? If the arrangement proposed by the gentleman from Illinois be acceptable to the minority members of the committee, I shall not interpose any objection, but it will leave us absolutely without any opportunity to debate amendments, and that is something I have never seen done here.

Mr. HAY. Which bill does the gentleman from Tennessee favor, the Hopkins bill or the Burleigh bill?

Mr. RICHARDSON of Tennessee. I do not know that I am prepared to answer that question. I am speaking only for myself——

Mr. HOPKINS. If the gentleman from Tennessee will give me his attention for a moment, I wish to say that so far as the members of the committee are concerned, they would be perfectly willing that a part of the time for debate be occupied under the five-minute rule.

Mr. MANN. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Illinois [Mr. HOPKINS] yield to his colleague?

Mr. HOPKINS. I yield to my colleague.

Mr. MANN. I should like to inquire from my colleague if he has made any arrangement with the gentleman from Indiana [Mr. CRUMPACKER], who filed minority suggestions, in reference to the time for closing debate?

Mr. HOPKINS. I have a telegram from the gentleman from Indiana [Mr. CRUMPACKER], received a few moments ago, in answer to a telegram that I sent him saying that we would proceed with the debate to-day and to-morrow and up to 2 o'clock Monday, in which he states that he will be here this evening, so that he will be in the House to-morrow——

Mr. MANN. Then, Mr. Speaker, in the absence of the gentleman from Indiana [Mr. CRUMPACKER], I object.

Mr. PAYNE. I hope the gentleman will not do that.

Mr. MANN. If an arrangement can be made so that the gentleman from Indiana——

Mr. PAYNE. The gentleman from Indiana is a member of the committee and will be entitled to his time.

Mr. MANN. I object, Mr. Speaker.

Mr. CLARK of Missouri. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HOPKINS] has the floor.

Mr. CLARK of Missouri. I want to make an inquiry, either of the Chair or of the chairman of the committee, and that is whether or not, under this arrangement, amendments to this bill can be offered and debated?

Mr. RICHARDSON of Tennessee. No.

The SPEAKER pro tempore. No suggestion has been made yet by the chairman of the committee——

Mr. CLARK of Missouri. I want that information now.

Mr. LITTLEFIELD. Mr. Speaker——

Mr. HOPKINS. It is my intention to have it arranged so that amendments can be offered. I have no desire to cut off any amendments that will fairly express the opinion of the House, and whether it be the number that is reported by the majority or by the minority, or some number that may be selected by gentlemen on the floor is a matter of no importance to me.

Mr. CLARK of Missouri. What I want to know definitely now is whether an amendment can be offered and debated, because I have one that I want to offer to have the District of Columbia have a Delegate in this House.

Mr. GROSVENOR. That would not be pertinent.

Mr. PAYNE. That would not be germane.

Mr. CLARK of Missouri. I do not care whether it is or not. I want to offer it if I can have the opportunity.

Mr. HOPKINS. I very much doubt whether that would be proper under the bill.

Mr. CLARK of Missouri. Does not your bill provide for Delegates from Oklahoma, Arizona, New Mexico, and Hawaii?

Mr. HOPKINS. I misunderstood the gentleman. I thought he said he wished to offer an amendment giving the District of Columbia a Member. His proposition is to give the District of Columbia a Territorial Delegate?

Mr. CLARK of Missouri. A Territorial Delegate; yes.

Mr. SHATTUC. You would have to have a law to do that.

Mr. HOPKINS. I will say to the gentleman that I have no objection to giving him an opportunity to offer such an amendment.

Mr. RICHARDSON of Tennessee. Mr. Speaker, if the gentleman from Illinois and the House will indulge me for a moment, if we make an agreement that this bill shall be debated under general debate until 3 o'clock Tuesday and that a vote shall be taken, why, then, there can be no offering of amendments and no discussion of amendments, and that is the only point to which I desire to call the attention of the House. If we can make an agreement to fix a time at which it will be in order to offer and debate amendments, that is all I desire.

Mr. HOPKINS. When I was interrupted by my colleague from Illinois [Mr. MANN], who objects to any time being fixed, I was about to say to the gentleman that I was willing to modify that so that we could take a certain portion of the time for general debate and then the other portion under the five-minute rule, which I think myself is preferable to using up all the time in general debate.

Mr. LITTLEFIELD. Mr. Speaker, will the gentleman yield to me for just one moment? I should like to inquire of the gentleman from Illinois [Mr. HOPKINS] if it is not his understanding with the gentleman from Maine [Mr. BURLEIGH], who represents the minority, that the minority bill shall be understood to be pending as a substitute for the proposition of the majority?

Mr. HOPKINS. Yes.

Mr. LITTLEFIELD. Whenever the debate is ended, that the proposition of the gentleman from Maine shall be pending?

Mr. PEARSON. And the Crumpacker bill will be an amendment to that?

Mr. HOPKINS. And the Crumpacker bill, I suppose, will be an amendment to that. It will be arranged so that a vote can be taken on that.

Mr. LITTLEFIELD. But the minority bill presented by the gentleman from Maine [Mr. BURLEIGH] is in order first as a substitute for the majority bill?

Mr. HOPKINS. As a substitute for the bill reported by the committee.

Mr. LITTLEFIELD. Now, inasmuch as the gentleman has arranged for the debate to close on Tuesday, or at least has suggested that he is willing to agree to that, I wish to ask him whether it would not be better to allow the debate to begin on Monday and to close on Tuesday instead of beginning the debate to-day and occupying to-morrow and Monday?

Mr. HOPKINS. I will say in answer to the gentleman that it has been suggested that more debate should be allowed, and inasmuch as many of the members have not had an opportunity to make a careful analysis of the bills, I think, in the interest of progress in the development of this bill, debate ought to begin to-day so as to analyze the bills. I am prepared to present the views of the majority as to the character of the majority bill, and I am also prepared to show why the House should not adopt the so-called Burleigh bill; and I suppose that my distinguished friend from Maine [Mr. LITTLEFIELD] is equally prepared to show the shortcomings of the committee bill and to exploit the benefits and glories of the Burleigh bill.

Mr. LITTLEFIELD. Will the gentleman allow this further suggestion? The gentleman is full well aware that there are some members of the minority of the committee who are not here as yet.

Mr. STEELE. That is not the fault of the House.

Mr. LITTLEFIELD. I know it is not the fault of the House; but then, so far as the committee are concerned, in fairness and courtesy they ought to be here and to have an opportunity to hear this debate.

Mr. HOPKINS. It will all be in the RECORD.

Mr. MAHON. Regular order, Mr. Speaker.

Mr. PAYNE. I hope the gentleman from Maine [Mr. LITTLEFIELD] will not forget that this is a short session of Congress and that there is a large amount of business to be transacted.

Mr. LITTLEFIELD. I trust I shall not forget anything so obvious as that.

The SPEAKER pro tempore. The regular order is demanded, which is the reading of the bill. The Clerk will read.

The Clerk read the bill, as follows:

A bill (H. R. 12740) making an apportionment of Representatives in Congress among the several States under the Twelfth Census.

Be it enacted, etc., That after the 3d of March, 1903, the House of Representatives shall be composed of 357 members, to be apportioned among the several States as follows:

Alabama, 9; Arkansas, 6; California, 7; Colorado, 2; Connecticut, 4; Delaware, 1; Florida, 2; Georgia, 11; Idaho, 1; Illinois, 23; Indiana, 12; Iowa, 11; Kansas, 7; Kentucky, 10; Louisiana, 7; Maine, 3; Maryland, 6; Massachusetts, 13; Michigan, 12; Minnesota, 8; Mississippi, 7; Missouri, 15; Montana, 1; Nebraska, 5; Nevada, 1; New Hampshire, 2; New Jersey, 9; New York, 35; North Carolina, 9; North Dakota, 1; Ohio, 20; Oregon, 2; Pennsylvania, 30; Rhode Island, 2; South Carolina, 6; South Dakota, 2; Tennessee, 10; Texas, 15; Utah, 1; Vermont, 2; Virginia, 9; Washington, 2; West Virginia, 5; Wisconsin, 10; Wyoming, 1.

SEC. 2. That whenever a new State is admitted to the Union the Representative or Representatives assigned to it shall be in addition to the number 357.

SEC. 3. That in each State entitled under this apportionment, the number to which such State may be entitled in the Fifty-eighth and each subsequent Congress shall be elected by districts composed of contiguous territory and containing as nearly as practicable an equal number of inhabitants. The said districts shall be equal to the number of Representatives to which such State may be entitled in Congress, no one district electing more than one Representative.

SEC. 4. That in case of an increase in the number of Representatives which may be given to any State under this apportionment such additional Representative or Representatives shall be elected by the State at large, and the other Representatives by the districts now prescribed by law until the legislature of such State, in the manner herein prescribed, shall redistrict such State; and if there be no increase in the number of Representatives from a State the Representatives thereof shall be elected from the districts now prescribed by law until such State be redistricted as herein prescribed by the legislature of said State; and if the number hereby provided for shall in any State be less than it was before the change hereby made, then the whole number to such State hereby provided for shall be elected at large, unless the legislatures of said States have provided or shall otherwise provide before the time fixed by law for the next election of Representatives therein.

SEC. 5. That all acts and parts of acts inconsistent with this act are hereby repealed.

The following committee amendment was read:

In line 14, page 2, after the word "contiguous," insert the words "and compact."

Mr. HOPKINS obtained the floor.

Mr. LITTLEFIELD. Mr. Speaker, I simply want to inquire of the gentleman from Illinois, if he will yield for a moment, whether there is any arrangement or understanding as to who controls the time on either side?

Mr. HOPKINS. No arrangement has been made with the House, but in discussing the matter with the members of the Census Committee it has been suggested that the chairman of the committee control it in favor of the committee bill and that the gentleman from Maine [Mr. BURLEIGH] control the time in opposition, and, Mr. Speaker, I ask unanimous consent that the time for general debate be equally divided and that it be controlled as indicated.

Mr. MANN. I object.

Mr. PEARSON. I object in behalf——

The SPEAKER pro tempore. Objection is made.

Mr. HOPKINS. Now, Mr. Speaker, if I can have the attention of the House, it is not my purpose to devote very much time to general remarks. As every member understands, the authority for the proposed legislation is found in the constitutional requirement, which reads as follows:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

The bill as prepared by the majority of the committee is in obedience to that provision of the Constitution which directs that representation and direct taxation shall be apportioned equitably among the people of the various States.

In the preparation of the bill we were necessarily required to investigate what had been done by previous committees under various censuses that have been taken since the adoption of the Constitution. We find that in the early history they adopted a ratio of population that was to determine the number of Representatives that should be found in the several States.

For example, they would take 33,000 as representing a district that would be entitled to a member of Congress, and then would take the aggregate population of the State and use 33,000 as the divisor, and the quotient would represent the number of Congressmen that would be allowed to the State. No attention whatever was given to fractions. This was so in the first few censuses taken, and was carried on even up to 1840; but in 1832 a notable debate was had both in the House and in the Senate upon this subject.

It was found that as new States were added and the population of the various States increased, that there were large fractions in each one of those States that were unrepresented, and it was finally determined that some legislation should be adopted for the representation of these fractions. Under the census taken in 1830 the House pursued in the preparation of the bill for apportionment the old method that had been adopted in the first apportionment bill. When it was sent to the Senate such inequalities existed and such manifest injustice was apparent that the Senate prepared and adopted a bill based on an entirely different theory.

Mr. Webster was then in the Senate and was upon the Census Committee of the Senate. He insisted that representation and taxation required, in order to make a proper distribution of political power among the States, that a definite number should be determined on as to the membership of the House, that the aggregate population of the United States should be divided by that number, and the quotient thus obtained would be the ratio that should determine the membership in each State, allowing, however, a member for a major fraction.

Mr. WILLIAMS of Mississippi. Now, right in that connection, will the gentleman allow me to ask him a question?

Mr. HOPKINS. Yes, sir.

Mr. WILLIAMS of Mississippi. I am somewhat in sympathy with your bill, and I think if one injustice was corrected in it I would be with the whole of your bill if it is rectified in this particular. Now, here is Colorado which has a major fraction of 121,000 and something, Florida has a major fraction of 110,000 and something, and North Dakota a major fraction of 105,000 and something, but they do not get an additional Representative for these major fractions. Why not, now, make the House 360, as it virtually is now, and give to these three States their additional members. Then you would give every State that has a major fraction one member, taken as a divisor for the additional member. It seems to me that that would make your bill mathematically perfect, and correct an injustice which has been done these States.

Mr. HOPKINS. I will say to the gentleman from Mississippi, Mr. Speaker, that that subject is one that has been carefully considered by the committee, and during the progress of my remarks I propose to take up that question and discuss it, and shall state why our Committee on the Census were not constrained to increase the number beyond 357.

Mr. WILLIAMS of Mississippi. That is a fact, is it not?

Mr. HOPKINS. It is a fact, as stated by the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. One word more. Is it not a fact that these are the only three States that have a major fraction that do not get an additional Representative?

Mr. HOPKINS. It is the fact that they are the only three that do not get an additional Representative on major fractions.

Mr. SHAFROTH. Will the gentleman allow me to ask him a question?

Mr. HOPKINS. I can not now; and the reason I do not desire to be interrupted is, I will take up these various objections raised by gentlemen and explain them in the course of my remarks, and I think I can make it clearer to members of the House upon both sides in that way than by these interruptions.

Mr. SHAFROTH. Will the gentleman——

Mr. HOPKINS. I have conversed with the gentleman from Colorado, and know his point and what he desires to say, and I will come to it by and by.

Mr. SHAFROTH. All right.

Mr. HOPKINS. Now, at the time when the Senate, under the leadership of Mr. Webster, of Massachusetts, changed the method of determining the representation of the House, Mr. Polk, who was afterwards President of the United States, as chairman of the Committee on Census of the House, took issue with the action of the Senate and insisted that fractions, under the Constitution, could not be represented at all; that we must take a certain population as the ratio, and that under our Constitution we had no power whatever to make any addition for a fraction.

At that time the views of the Senate were not fully adopted, but from 1840 up to the present time the suggestions first made, as I have indicated, by the Senate upon this subject have been adopted. And for more than sixty years in determining the membership of the House under its apportionment bills an arbitrary number has been taken, and then the fractions have been considered, and a member assigned to each State having a majority fraction.

Now, when we come to take up the bill suggested by the Committee on the Census I will go into this matter more fully than I have at this time. I desire to call the attention of the House briefly, and only briefly, to the reasons that have suggested themselves to the Committee on the Census as to why we have limited the number to 357. I find that the number we have now is an

exceedingly large body to transact business, and it was believed in the interests of economy and in the interests of legislation that it would not be wise at this time to increase that number.

Gentleman who have served here in the House for any length of time are aware of the fact that right here in the center of the House are a few favored seats, but those unfortunate enough to get seats on the back rows or on the outer sides of the Chamber are practically excluded from participating in legislation if they remain in their seats. This matter has become so well understood that the strip nearest the west side of the Chamber has been denominated the "Cherokee Strip," and members when they have been selecting their seats have been jeered by the more fortunate members when they have been compelled to take their seats in that section.

Another thing is that people elect members of Congress to come here to legislate; not only to participate in debate, but to take an active interest in all the great questions presented. As the House is constituted, if we increase the number, it will be absolutely impossible to transact the business of the House except by committees. It is too much so at the present time for a healthy condition of legislation. For example, in a few days we shall consider a river and harbor bill which, I understand, carries with it appropriations aggregating from sixty to eighty millions of dollars. Outside of the Committee on Rivers and Harbors, what member knows anything about the considerations that have influenced the members of that committee or the reasons warranting an appropriation reaching such enormous figures?

Here the other day an appropriation bill was brought in from the Committee on Appropriations carrying $145,000,000, and was passed in this House in eleven minutes' time. What member of this House, outside of the committee that reported the bill, knows anything about the items covered by it, or can give any facts regarding any of its provisions? This is the condition now. If we increase the membership of the House by thirty or forty members, it will increase the difficulties that I have briefly and imperfectly referred to at the present time.

Not only that, Mr. Speaker, but in a legislative body with a lesser number we find that the rules are not so severe, and a larger liberty is given to the individual members. We see that in the Senate as compared with the House. There is not a Senator that represents in part any one of the great States that form this grand Republic who rises to his feet but what is entitled to the recognition of the Chair.

How is it in this House? Composed of 357 members, as we have now, let a gentleman with any kind of a resolution, on any subject that interests the public, rise to his feet and address the Chair, and does he get recognition under our rules? Not at all. The question propounded to him is, "For what purpose does the gentleman rise?" And it is left for the Speaker to determine whether he shall have recognition to bring that matter before the House or whether he will be compelled to sit down in his seat and wait the action of the Speaker. That can not and ought not to exist in a properly regulated legislative body.

Now, I make no criticism of the present Speaker of the House. I believe he has discharged his duties with an ability and fidelity that entitles him to the highest credit, and his course with every member of this House has been courteous in the extreme; but with this large legislative body we see the trouble and inconvenience to which members are subjected. That is so with 357 members; and if we increase it, we increase the troubles of this kind. Now, you take the committees, and it is the same way. In order to give members of this House proper representation on committees committee after committee has been created that does not meet during the entire session of Congress, and the committees already in existence are increased to such numbers as to make them burdensome and unwieldy; so that I think when members come to look upon this subject in the spirit of patriotism, with the idea of the public good, not from a selfish standpoint, they will agree with the majority of the Committee on the Census that we should call a halt in increasing the membership of this House.

Now, Mr. Speaker, it goes without saying that under the apportionment proposed by the Committee on the Census every one of the great States forming the Federal Republic will have the same relative influence, the same relative power, the same relative representation on this floor that it would have with a larger number of Representatives. Illinois under this bill, with 23 members, will have the same power, the same influence, that she would have with 28 members or with 25, as proposed in the other bill.

The great State of Maine that has honored the country by so many distinguished sons who have served in this House and in the other Chamber will, with three members, as proposed in the bill of the majority, have the same relative influence, the same relative power and position, in this House that she would have with four members. Her representation can not be increased without increasing the representation of all the other States.

If, then, as I have said, we sink the personal ambition of members, if we will throw off the influence that is brought about by localities, and look at this discussion from the standpoint of "the greatest good to the greatest number," and will remember our country and not the individual or the section, it seems to me there ought not to be any division among the members of this House upon the proposition that the membership of this House should not be increased.

There are many other arguments which can be urged in favor of retaining the present number—357. I can well understand why gentlemen desiring to increase the number of Representatives in this House should refer to the English House of Commons with 670 members. But they must remember that in England there is no written constitution to control as there is in the United States. They must remember also that by the rules and regulations of the English House of Commons 40 members of Parliament constitute a quorum for the transaction of public business and 20 members for the transaction of private business.

Then, on the question of economy, England pays to her members of Parliament no salary whatever. She furnishes them no clerks, no stationery, no traveling expenses, no et ceteras such as become a part of the perquisites of every member of the American Congress. Every time we increase the membership of this House we increase the annual expenses of the Government. Gentlemen may say that that is a small matter, but the increase which is proposed in the so-called Burleigh bill will entail an increased annual expense to the Government of the United States of from $500,000 to $750,000. That will be a fixed expenditure which must be met year after year without any resultant good.

Some gentlemen say that in order to transact business and look after our constituents properly it is necessary that the number of Representatives should be increased. I do not agree with gentlemen who take that view, because it seems to me that a careful study of the history of our country will bear out the remark that the legislator of to-day from any of these States has less to do than had his predecessors.

It should not be forgotten that in the earlier days members of Congress had no clerks such as are furnished at the present time. By the introduction of the railroad, the telegraph, the telephone, and the great mail system which has been established in this country communication with our constituents is made easy; all sections of our country have been brought into harmony, so that Representatives on this floor can much more readily look after the interests of their constituents than they could before the days of railroads and telegraphs and telephones.

As I have said, these are a few of the considerations which have influenced the majority of the committee in adhering to 357 as the number of Representatives, and recommending the adoption of that number instead of the increase proposed by the minority of the committee.

I now propose, if I can have the attention of the House, to take up bill No. 12740, reported by our committee, and analyze it, showing to members of the House the methods by which we have made the allotments to each of the several States, the total of which aggregates 357 members.

Some time before the convening of Congress the Director of the Census was directed, in accordance with the custom established for many years, to prepare tables not only for the guidance of the Committee on the Census, but also for the benefit of Members and Senators. The experts in that department have prepared a table, called an apportionment table, in which they commence with 350 members and give the figures up to 400 members, inclusive. They first give the constitutional population of every State in the Union and then the constitutional population of the entire United States. By means of these tables we can take any of these figures presented, and if we settle upon any number as the membership of this House, can easily determine the representation that will be allotted thereby to any of the States.

As I have stated, the majority of the committee in preparing their bill selected first 357, and then in order to determine the membership to be allotted to each State under this new apportionment they divided the constitutional population of the United States—74,565,906—by 357, getting a quotient of 208,868, so that under the proposition of the majority of the committee the population of a Congressional district should aggregate 208,868. Taking that number as a divisor, we then took the population of the various States and made the division. For example, dividing the population of Alabama—1,828,697—by 208,868, it gave to the State of Alabama 8 members, with a decimal fraction of 0.755, representing a population of 157,753.

That process was carried out with every State, the aggregate number reached by this process being 335 members; so that by this process we apportion among the several States in the Union 335 members. Now, in order to reach the 357 members, we find that there are 22 members still to be allotted; but we also find that, by the division made in the manner that I have indicated, there were major and minor fractions in the 45 different States aggregating 4,595,126.

Under the old rule that was adopted and maintained in this

country up to 1840 that population of 4,595,126 would have gone unrepresented, excepting the four States that under the Constitution are entitled to one member each; but under the policy that has been adopted during the last sixty years these major fractions were represented. It was found, however, that there were major fractions for 25 States instead of 22, including the four States that under the Constitution are entitled to one member each. How was that to be remedied? Under this apportionment 335 members had been assigned to the several States, each on the same ratio that was accorded to its sister States, leaving, as I said, 22 members to be assigned, as I have already stated.

Now, what was the most equitable and just way to dispose of these fractions? The four million and odd thousands that I have mentioned would be entitled only to 22 members, on the ratio that we have already divided among the other States. That aggregation of fractions would not be entitled to 25 members, but only to 22. Now, it would not be in accordance with the requirements of the Constitution to give a greater representation to a fraction than to the integral numbers. It would not be just and proper to take this population that is represented by these various fractions and give them an increased representation. Then what is the most equitable and just way to dispose of the 22 members that represent the fractional numbers?

Why, Mr. Speaker, there is but one way, and that way was pointed out many years ago by Professor Walker, Superintendent of the Ninth and Tenth Censuses. Professor Walker not only agreed fully with the masterly argument that was made by Mr. Webster upon the subject, that we should take an arbitrary number for the membership of the House and have the fractions represented, but he insisted that where such an anomaly existed as we find exists at the present time the only just and proper way would be to take the State with the largest major fraction and give to that State one of the 22 members, then take the next State that had the next highest major fraction and give to it a member, and so on until the 22 members are disposed of in the manner that I have indicated.

Now, these 22 members represent, as I have said, all the fractions, including the population of the four States with one member each; but it is more equitable and just to apportion an additional member to the State with the highest major fraction than it would be to one with a lower major fraction, because when we come to this question of fractions (which frequently occurs, as you will find by going through these figures), one State may have a major fraction of a thousand or two above the moiety number, and another State just reach the dividing line. Where would you make the division there?

Mr. LONG. Will the gentleman allow me?

Mr. HOPKINS. Just in a moment. Now, I call the attention of the members of the House to this to show that in making this apportionment as has been provided by the Committee on the Census we have been unable to deal out strict and exact justice to all States, but, as Mr. Webster said, the Constitution does not require that. It only requires us to do that as nearly as it is possible to do it in making these divisions. And I submit that when gentlemen come to study these figures as the Committee on the Census have studied them they will readily find that no other apportionment could be made and still preserve the harmony and integrity of the bill.

Now, the gentleman from Mississippi, early in my remarks, suggested that we should recognize the three States that have small major fractions. The moment that we attempt to do that we change the ratio, because you will see under an apportionment of 357 members the ratio is 208,868. Suppose we adopt the suggestion made and give these three States each an additional member.

Then we increase the membership of the House from 357 to 360; and by turning over the leaf and examining the figures that have been prepared by the Committee on the Census we find that, instead of the ratio being the number that I have indicated, it has dropped down to 207,127, and instead of having the membership of the House as it is, at 357, we find that these fractions in the States are changed and that some State other than one of these three that have been indicated would be left exactly in the position now occupied by Florida, North Dakota, and Colorado.

Mr. MORRIS. It would create major fractions in other States.

Mr. HOPKINS. Yes; it would create major fractions in other States; and if you will follow this through from one point to another, you will find it will be utterly impossible to have a bill that will prevent that condition arising somewhere.

Mr. SHAFROTH. Will the gentleman now yield to me for a question?

Mr. HOPKINS. Yes.

Mr. SHAFROTH. Will you explain to the House how it is that if the number of Representatives in the House is 356 Colorado gains a member, or if it is 358 Colorado gains a member, but if it is 357, the number between the two, Colorado does not gain a member?

Mr. PEARSON. That is the "Alabama paradox."

Mr. HOPKINS. Certainly it does not require any mathematical genius to explain that. When you have a definite number as a divisor to divide the population of 45 different States, you change the ratio and it changes the fraction and makes the changes that we have indicated. It is what was twenty years ago called the "Alabama paradox."

Mr. SHAFROTH. Does the gentleman recognize, also, that if the membership of the House is reduced to 350 Colorado gains a member; or if it is 351 Colorado gains a member; or if it is 352, or 353, or 354, or 355, or 356, Colorado gains a member; but if it is 357 Colorado does not gain a member?

Mr. HOPKINS. If the gentleman would study the figures that have been presented to us by the Director of the Census he would readily see how that occurs; and it illustrates the point that I make and the point that has been a stumbling block ever since we have had apportionment bills under the Constitution of the United States. You can not administer strict, exact, and impartial justice to every State. One State may get a little advantage of another, but the object and purpose of the House in every instance should be to minimize those inequalities, to have a ratio that will apply to the greatest number of States and to give to the States with the largest major fractions, if any such exist, representation, rather than those that have smaller fractions.

Mr. SHAFROTH. Right there——

Mr. HOPKINS. I can not be interrupted. I know what the gentleman's position is and his questions do not throw any light on the subject.

Mr. SHAFROTH. I should like to get some light myself.

Mr. HOPKINS. Then listen to me and do not ask questions.

Mr. PEARSON. The gentleman should read the speech of "Sunset" Cox on the Alabama paradox, showing that figures never lie.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. HOPKINS. No; I do not. Now, Mr. Speaker, right in connection with this subject, and in connection with what the gentleman from Colorado has said, I desire to call to the attention of the members of the House the letter of Francis A. Walker, the Superintendent of the Ninth and Tenth Censuses, written to Mr. Cox, January 15, 1881. It is found on page 24 of the report. I trust every member of the House will read the letter. He says:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., January 15, 1881.

DEAR SIR: In response to your request, I would say that I see no correct principle underlying the practice of giving an additional Representative to all States having a moiety of the number of inhabitants taken as the divisor in determining the number of Representatives to which each State shall be entitled under the census. In my view, the only logical method is to take at the outset the final number of Representatives, which number shall be used as a divisor in obtaining the ratio of Representatives to population.

The ratio so obtained should be applied in succession to the population of each State. This process will yield in the aggregate a number somewhat less than the number of Representatives originally taken. The difference should be made up by assigning to the States having the largest fractions additional Representatives. Whenever a sufficient number of additional Representatives have been assigned on account of fractions, to make up the total number taken, such assignment should cease.

If that number be exceeded, as in the case of the assignment of additional Representatives on account of a moiety, the ratio of representation is thereby changed, whether that excess be one or more, a new ratio is determined, and the work has to be done all over again. It might easily happen that upon the new ratio another State would be found to have a fraction in excess of the moiety, and therefore entitled upon the same principle to an additional Representative. The addition of such a Representative, however, giving a new total, would again change the ratio, and the application of that ratio might find still another State in excess of the moiety, and so on.

I inclose a series of tables which afford a practical illustration of this process. In Table I, I have taken 23 communities, which we may assume to be the counties of a State, named A to W, inclusive, having an aggregate population of 120,000. Taking the total number of Representatives at 200, we have 1 Representative to every 600 inhabitants. Applying this ratio in succession to the population of the several counties, we have 190 Representatives assigned upon even division, as appears in column 3, while there is an aggregate of fractions, as shown in column 4, of 6,000. Assigning 10 additional Representatives according to the highest fractions, we have, in column 5, the total 200—the original number of Representatives taken.

Here, according to my view, the work should stop. If, however, assignments are to be made upon a moiety, we find the county named G receiving an additional Representative, its fraction being greater than one-half of 600. The number of Representatives now, however, has become not 200, but 201, and the ratio is no longer 1 to 600, but 1 to 597. Applying the ratio in succession to the population of the several counties, as in Table II, we have an aggregate number of 192 Representatives upon even division, with an aggregate of fractions reaching 5,376. Assigning 9 additional Representatives upon the highest fractions, we have the total number 201, the number last taken, but there still remains one county, U, having a fraction in excess of the moiety.

This county, therefore, upon the moiety principle, must receive an additional Representative, which, however, would make the total number 202 and change the ratio to 1 to 594. Now, if G was entitled to an additional Representative by reason of having a fraction in excess of the moiety of 600, which was not the number of inhabitants to a Representative, U is equally entitled to an additional Representative, because it has a fraction in excess of the moiety of 597, which is the actual number of inhabitants to a Representative. But if U receives an additional Representative on account of its moiety, then the number of Representatives becomes not 201, but 202, and the ratio becomes 1 to 594.

Applying this ratio to the population of the several States in succession, as shown in Table III, we have the number of 194 Representatives assigned upon even division. Giving 8 additional Representatives upon the highest fractions, we have the number of 202, according to the scheme; but this still leaves one county, Q, having a fraction in excess of a moiety of 594. Now, upon the moiety principle, Q has just as good right to have an additional

Representative as U or G in the instances previously taken. If, however, this claim is to prevail, the number of Representatives is again changed, namely, to 26, and the ratio is again changed, namely, 1 to 591; a new distribution takes place, as seen in Table IV, and again a claimant for an additional Representative appears in I, which has a fraction of 299, being more than one-half the number (591) of inhabitants to a Representative.

The result of giving I an additional Representative is shown in Table V, where, with a total number of 294 Representatives, yielding the ratio of 1 to 588, there still appears a new county, O, which claims an additional Representative on precisely the same grounds as G, U, Q, or I, namely, as having a fraction equal to a moiety of the number of inhabitants to a Representative. And so this might go on indefinitely.

I see no rational conclusion, therefore, but that the number first taken, through which, as a divisor, to obtain the number of inhabitants for a Representative should be maintained, and so many additional Representatives, and only so many, be assigned upon fractions as are needed to make up the original number. To go beyond this is to lose all hold on any principle governing the matter.

Very respectfully, yours, FRANCIS A. WALKER,
Superintendent of Census.

Hon. S. S. COX,
House of Representatives.

Mr. SHAFROTH. Now, will the gentleman yield right there?

Mr. HOPKINS. I can not be interrupted any more by the gentleman from Colorado.

Now, Mr. Speaker, the more the members of the House study this question, the fairer will appear the bill suggested by the Committee on the Census. We have absolutely given the same ratio for representation in all of the 45 States, excepting the four States that by the Constitution are entitled to membership although their population falls below the ratio, and then we have taken the fractions, as suggested by this distinguished scientist and statistician, Professor Walker, in a manner that will commend itself to the judgment of every man who is compelled to act in the premises, giving each State that has the highest major fraction a Representative, until the entire number is exhausted.

I undertake to say, Mr. Speaker, that it is impossible to arrive at any more just and equitable system of assigning the membership of this House than the one that has been suggested. If you follow the suggestion of the gentleman from Mississippi you create additional inequalities in other States. So that we must take an arbitrary number and be guided by that; and then, when we have exhausted the fractions, as the committee have done in the bill which is reported by our committee, you must stop whether that leaves out Colorado, Florida, or any other State.

Mr. LITTLEFIELD. Will the gentleman yield to me a moment?

Mr. HOPKINS. I yield to the gentleman.

Mr. LITTLEFIELD. I want to make this inquiry. If I understand the theory of your bill and the basis on which it is made, you allow for all major fractions until you get the requisite number?

Mr. HOPKINS. Yes, sir.

Mr. LITTLEFIELD. And you leave out three that have this major fraction, and of course all with a minority fraction?

Mr. HOPKINS. Yes, sir.

Mr. LITTLEFIELD. And the minority fractions are not represented?

Mr. HOPKINS. Oh, no; we gave 22 extra men, and I supposed the gentleman understood that. The gentleman is entirely in error. There are 4,595,126 people that are represented by fractions, including the four States with one member each, and are entitled, under the ratio we have adopted, to 22 members. If you allow for more than 22, as I explained earlier in my remarks, you allow the fraction a greater representation than the integral number; and the only question for us to determine is how we are to dispose of the 22 Congressmen that represent the major fractions, including the populations of the States with one member each.

The committee understood it, and I suppose my learned friend from Maine must understand it. The committee believed, with Professor Walker and the present Director of the Census, and all the statisticians and scientists who have given this subject any consideration, that the equitable way to dispose of the fraction is to give a member of Congress to the State having the highest major fraction, and then the next highest major fraction, and so on until the fractions are exhausted by the assignment of members.

Mr. LITTLEFIELD. Now, perhaps the gentleman may not have comprehended my question. Upon your explanation, how does the major fraction of Colorado of 121,067 get representation under your bill by a Representative assigned to another State?

Mr. HOPKINS. I will explain that.

Mr. LITTLEFIELD. And on the basis of your calculation, how do all the minor fractions get representation unless by representation of other States?

Mr. HOPKINS. I will explain that further on. It is my purpose to do that.

Mr. Speaker, the adoption of 357 members will necessitate a decrease in the membership of some of the States in the Congress that is organized under this apportionment bill, and if gentlemen will turn to page 39 of these tables I have been using during the course of my remarks, they will find the States there losing one are Indiana, Kansas, Kentucky, Maine, Nebraska, Ohio, South Carolina, and Virginia. The States that gain one are Illinois, Louisiana, Minnesota, New Jersey, New York, and West Virginia. The State that gains two is Texas. That is on page 39 of the report.

Mr. LLOYD. I would like to ask the gentleman if he made computation to ascertain whether the division is correct in the computation of Colorado as compared with Michigan.

Mr. HOPKINS. I will answer that later on.

Mr. LLOYD. I want to call your attention to the fact that Colorado is entitled to three under that computation.

Mr. HOPKINS. I am now speaking of results generally to the various States and the result of the bill as adopted. It has been contended by some that these apportionment bills should be made so that no State shall lose any member; and some have gone so far as to say that in all apportionments no State ever lost any. I have had prepared for the benefit of the House some tables. I find by the list of precedents that it has been but rare since the adoption of the Constitution that we have framed and passed a bill that has continued the representation of all the States.

When the Constitution was adopted it provided for the membership of the States when they became a part of the Federal Union. The first census was taken in 1790. Under that census Georgia lost a member that was allowed to her at the adoption of the Constitution. In 1800, ten years later, an apportionment was provided under which there was no loss, and the same was true of 1810; but in 1820 Connecticut lost a member, Delaware 1, Massachusetts 7, Vermont 1, and Virginia 1, making an aggregate loss of 11.

Under the census of 1830 Maryland lost a member, Massachusetts 1, New Hampshire 1, Virginia 1, making an aggregate loss in those States of 4 members. In 1840, under the Sixth Census, Connecticut lost 1, Georgia 1, Kentucky 3, Maine 1, Maryland 2, Massachusetts 2, New Hampshire 1, New Jersey 1, New York 6, North Carolina 4, Pennsylvania 4, South Carolina 2, Tennessee 2, Vermont 1, and Virginia 6. Under the census of 1850 Maine lost 1, New Hampshire 1, New York 1, South Carolina 1, North Carolina 1, Tennessee 1, Vermont 1, and Virginia 2, making an aggregate loss of 9 to those States under the census of 1850.

In 1860, under the Eighth Census, Alabama lost 1, Georgia 1, Kentucky 1, Maine again lost 1, Maryland 1, New York 2, North Carolina 1, Ohio 2, Pennsylvania 1, South Carolina 2, Tennessee 2, and Virginia 2.

Under the census of 1870—the Ninth Census—New Hampshire lost 1, Vermont 1, Virginia 2.

Under the Tenth Census, of 1880, Maine again lost another member. Under the Eleventh Census, in 1890, they increased the number, as is proposed under the Burleigh bill, so that no State lost a member.

Gentlemen who will examine the tables which have been prepared and made a part of the report of the committee will see that at one time Virginia had 23 members, and then she dwindled down to 9 by successive losses until the last two censuses, when she was again restored to 10. The time was when Maine was represented by 8 members of Congress on this floor. But for forty years Maine has made no advancement in her population to speak of.

I have here a tabulated statement showing the condition of Maine. In 1860 the per cent of increase of population was only 7.7. From 1860 to 1870 she decreased in population as a State. From 1870 to 1880 she increased only 3.5; from 1880 to 1890 only 1.9 per cent, and from 1890 to 1900 only 5 per cent; so that during the forty years or more the population has increased less than 10 per cent.

Mr. WILSON of South Carolina. Will the chairman allow me a question?

Mr. HOPKINS. Yes.

Mr. WILSON of South Carolina. If Congress had adopted this apportionment of the Eleventh Census, making the number 375 as the number of Representatives upon this floor, would the chairman of this committee be in favor of adopting 375 as the membership of the next Congress? In other words, do you not recommend 357 because that is the present representation in Congress?

Mr. HOPKINS. The committee recommended 357 because they believed that 357 is the limit where the best results for the country can be achieved.

Mr. WILSON of South Carolina. Is it not a fact that that number is taken because it is the present number?

Mr. HOPKINS. Not necessarily. That is one of the considerations undoubtedly which entered into the minds of the members of the committee in reporting it. It is not necessarily the controlling element. The point is, as stated by one great French writer, that if you increase a legislative body beyond a certain point it becomes a mob.

Now, we know from experience in this House that you take the capacity of the room, the methods of legislation, and the rules adopted, and we can not increase the membership of the House without detriment to the interests of good legislation.

Mr. RICHARDSON of Tennessee. I want to ask the gentleman a question.

Mr. HOPKINS. I will yield to the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. I want to ask if the number is fixed, as provided in the committee bill, at 357, what States will lose a member? As I understand it, Virginia and Maine——

Mr. HOPKINS. And Nebraska, Kansas, Indiana, Ohio, and South Carolina.

Mr. RICHARDSON of Tennessee. Would there be any objection under the Constitution, if Congress saw fit to fix the number at 357 and provide that the States of Maine and these other States should not lose a member, and make the number in excess of 357? Is there any constitutional inhibition to that?

Mr. HOPKINS. The gentleman means to add to the States that have lost?

Mr. RICHARDSON of Tennessee. I will say, fix it at 357 members, as provided in the bill, and say, "Provided, however, that those States (naming them) shall not lose a member, and that the members shall be in excess of 357; so as that no State shall lose."

Mr. HOPKINS. I will say to the gentleman that we have no constitutional authority to do that.

Mr. RICHARDSON of Tennessee. That is what I am inquiring about.

Mr. HOPKINS. It is upon this principle, that representation and taxation shall go together. Now, if direct tax were imposed, there is no State that would submit to a tax greater than the relation her population bore to the population of the entire United States, and in making our apportionment of members we seek to obtain the same relative proportion between the States as compared with the aggregate population of the entire United States.

Mr. DAVIS. Will the gentleman allow me a question?

Mr. HOPKINS. Yes.

Mr. DAVIS. With 357 as a divisor, you have made a ratio of one member for 208,868 of the population, and in doing that you found a number of States with a majority fraction. You have accommodated all those States except three, Colorado, Florida, and North Dakota. Now, could you not, without disturbing the ratio and without greatly increasing the membership of the House, make it 360 and do justice to three States that you deprive of these members, although they have, under the rule of allowing an additional member for a majority fraction, the right to those additional members?

Mr. HOPKINS. I have already explained that situation, I think, fully to the members of the House. If the gentleman will take the figures prepared by the Director of the Census and turn to the ratio of 360 members and run that down, he will see——

Mr. DAVIS. I heard what the gentleman said about that, but what I want to ask is this: Allowing your divisor to remain as it is—357—you make the ratio of 1 Representative to 208,868 of the population, and in making that calculation you find a number of States with majority fractions. You have accommodated all those States except Florida, Colorado, and North Dakota.

Now, without disturbing that calculation—without using any new divisor at all—could you not, in justice to those States earning a member by reason of a majority fraction, add 3 members to your aggregate of 357 without materially adding to the number proposed in your bill? Are you not treating those States unfairly by leaving them out?

Mr. HOPKINS. I am willing to leave that matter to the House. I have already said all I care to say on that point. The House can of course do whatever it may choose on that question. I have shown that there are only 22 members left to represent this aggregation of fractions and that when that number is exhausted the power of the committee in making an allotment is exhausted.

Mr. Speaker, I have called attention to the fact that in reducing the representation of some States we are not starting out upon a new field; that those States which are losing a member, as indicated in the report here, are not suffering anything that their sister States have not been subjected to in the past. Now, who is it that is taking the lead in opposition to the bill of the committee? The gentleman from Maine. Why does he do it? He does it because under the bill reported by our committee the representation of Maine in this House is reduced by one member.

The gentleman from Kansas is another gentleman earnestly in favor of the Burleigh bill and earnestly opposed to the committee bill. Why? Because under the committee bill Kansas will lose a Representative. My honored friend from Nebraska is another gentleman who is opposed to our bill. We find that under the bill as reported by the committee Nebraska will lose a member. In other words, the men who have been acting in opposition to the committee bill—the men who are seeking to prejudice the minds of others against the adoption of that bill—are those whose States under the equitable method and scientific process which I have but briefly and imperfectly stated will suffer a loss of representation in this House to the extent of one member each.

Those States are the States that wish to destroy our bill and present a bill of their own. As I have just shown to the House, the State of Maine has for forty years been nearly stationary in population. It is no discredit to her that the splendid men and women who first see the light of day in that grand old State go to the West to populate and make great the States beyond the Mississippi.

It ought to be an honor instead of a discredit to her that this population of hers has taken a westward course instead of staying up there in the pines of Maine. But is that any reason why Maine should have a greater representation on this floor on the basis of her population than is accorded to the great States of the Union? Is there any code of morals or ethics by which a gentleman from that State is entitled to come here and sit on this floor with a less population back of him than a Representative from Illinois or Pennsylvania or New York? The same thing may be said in the case of Kansas. Let me show you what is the trouble with Kansas.

Mr. CURTIS. Why not adopt a figure which will take care of all these States without doing injustice to any?

Mr. HOPKINS. The trouble is not with the bill reported by the committee, but with the condition existing in the State of Kansas itself. Kansas has been cursed for ten long years with Populism. Capital has been driven from the State. Energetic, progressive, splendid men who sought homes there have been driven out and gone elsewhere. That young giant, as it was ten years ago, has been a laggard in the race of the States that form the Republic. Fifty-four counties in the State of Kansas during the ten years that the Populists have been in power in that State show a decrease of population.

[Here the hammer fell.]

Mr. LONG. I ask that the gentleman from Illinois be permitted to finish his remarks.

There was no objection.

Mr. HOPKINS. Now, Mr. Speaker, as I was saying, in 54 counties of the State of Kansas during the last ten years the population has decreased from one-half of 1 per cent to 68 per cent; and taking the entire State it has increased in population only 3 per cent—less than the births of the State.

How is it in the State of Nebraska? Nebraska, lying alongside of Kansas, is suffering not from this bill of the committee, but from Bryanism and Populism in that State. [Laughter.] The same conditions that have stagnated the energy and the enterprise of Kansas are operating in the same way in the State of Nebraska. And I find, Mr. Speaker, the astonishing fact that the district in Nebraska which contains the capital of the State has, during the ten years that Bryan and Populism have been dominant in that community, decreased in population 11,069.

I find also that the Second district, including the city of Omaha, has decreased in population during those ten years 13,996. Thirty-two counties out of a total of 90 in the State of Nebraska show a decrease in population. Now, the States that are making the greatest trouble and the most persistent opposition to the bill of the committee are these States. While I can sympathize with my Republican friends, I know no reason why they should have greater privileges given to them under an apportionment of this kind than are accorded to any other State.

Mr. CURTIS. We do not ask for any favoritism. All we ask is fair treatment. Give us a ratio that will save all the States.

Mr. HOPKINS. I will show the gentleman before I get through that he is favoring a bill that will give special privileges to his State, privileges not accorded to other States. I will show that the gentleman is advocating a bill which can not be defended.

Mr. LITTLEFIELD. Based on your tables.

Mr. CURTIS. Based on your own tables.

Mr. HOPKINS. I beg your pardon. Now, we will see——

Mr. LITTLEFIELD. Well, let us see if they are not.

Mr. HOPKINS. Now, we will see whether these gentlemen who represent these States that are nonprogressive [laughter], that have not kept up with the procession—we will see, Mr. Speaker, whether they are so exceedingly fair and generous and just to the other States as their language indicates. Facts and figures will determine that. Now, I find by referring to the Burleigh bill that it says that after the 3d day of March, 1903, the House of Representatives shall be composed of 387 members, to be apportioned among the several States as follows:

Alabama, 9; Arkansas, 7; California, 8; Colorado, 3; Connecticut, 5; Delaware, 1; Florida, 3; Georgia, 11; Idaho, 1; Illinois, 25; Indiana, 13; Iowa, 11; Kansas, 8; Kentucky, 11; Louisiana, 7; Maine, 4; Maryland, 6; Massachusetts, 14; Michigan, 12; Minnesota, 9; Mississippi, 8; Missouri, 16; Montana, 1; Nebraska, 6; Nevada, 1; New Hampshire, 2; New Jersey, 10; New York, 37; North Carolina, 10; North Dakota, 2; Ohio, 21; Oregon, 2; Pennsylvania, 32; Rhode Island, 2; South Carolina, 7; South Dakota, 2; Tennessee, 10; Texas, 16; Utah, 1; Vermont, 2; Virginia, 10; Washington, 3; West Virginia, 5; Wisconsin, 11; and Wyoming, 1.

The gentleman from Maine [Mr. LITTLEFIELD] says that their bill is predicated upon the figures that have been presented by the Director of the Census. I have carefully studied the figures given by the Director of the Census, and I fail to agree with the gentleman. I turn to the same figures I have been discussing in attempting to explain the bill of the committee, and I find that in

the so-called Burleigh bill they have given to the State of Nebraska 6 members, whereas under the figures as prepared by the Director of the Census Nebraska is only entitled to 5 members. I find that they have given to the State of Maine 4 members, whereas under the figures prepared by the Director of the Census, under a representation of 386, Maine is only entitled to 3 members.

Mr. LITTLEFIELD and Mr. LONG rose.

Mr. HOPKINS. I will give you an opportunity later on.

Mr. LONG. The gentleman has referred to the wrong computation.

Mr. HOPKINS. I have not. The gentleman says I am referring to the wrong computation. I will take that up and I will show to the members of the House whether I am right or not.

Mr. LITTLEFIELD. No; you have simply stepped from one table to another.

Mr. HOPKINS. The gentleman from Maine is the one who has been stepping.

Now, let us have no mistake about this. I call the attention of the members of the House again to the so-called Burleigh bill, which declares that the representation in the House shall consist of 386 members. The gentleman from Maine [Mr. LITTLEFIELD] who interrupted me says that bill was prepared upon the tables presented by the Director of the Census.

I turn to the tables prepared by the Director of the Census, and under a representation of 386 I find that Maine, under those figures, is entitled to only 3 members, while under the Burleigh bill she is given 4. Where does she get that additional member? I find by running down the figures a little farther that Pennsylvania is entitled to 32 members, with a major fraction of 120,515. Pennsylvania is given nothing for her major fraction and Maine, with a major fraction less than Pennsylvania, is given an additional member.

Mr. LITTLEFIELD. What table is that?

Mr. HOPKINS. It is the table on page 17. I find that Nebraska is entitled, under this table, to only 5 members, and they have given her 6. Going on down the table, I find that New York is entitled to 38 members, while she is only given 37.

Mr. LONG. Mr. Speaker——

Mr. HOPKINS. One moment. I will come to you pretty soon.

Mr. LONG. I hope the gentleman will be fair.

Mr. PEARSON. The gentleman is reading from the wrong table.

Mr. LONG. Certainly; he has deliberately done that.

Mr. HOPKINS. I find that, taking the table prepared by the Director of the Census, these gentlemen who have prepared the Burleigh bill have gone to the State of Pennsylvania and deliberately taken one member from that State, under the basis of 386 members, and given that member to the State of Maine. I find that Maine, entitled under these figures to only 3 members, is given 4 in the Burleigh bill by taking a member from New York. That is the way they get their 386 members.

But gentlemen say that these are the wrong figures; that they are doing their business under the figures 384. Now, when you get the 384, you will find that after exhausting the members that represent the fractional numbers, as was done by the Committee on the Census, Nebraska and Virginia have only 5 and 9 members, and that without rhyme or reason, without any basis whatever, but by the mere exercise of arbitrary force, they add to these States 2 members, making 386, but still say they are figuring on the basis of 384. Now, that can not be done with any degree of justice to the other States, as I am prepared to show you to-day.

Mr. LONG. Will the gentleman yield?

Mr. HOPKINS. I will.

Mr. LONG. Are not those majority fractions both in Nebraska and Virginia, and are they not the only majority fractions unrepresented in that table of 384?

Mr. HOPKINS. Well, what of that?

Mr. LONG. I ask that as a question.

Mr. HOPKINS. Certainly; but what of it?

Mr. LITTLEFIELD. Is not your whole theory based on majority fractions?

Mr. HOPKINS. These gentlemen can not dodge the issue by calling attention to the major fractions, because, as I have already shown, if they have done as they say, they have followed the system down through and exhausted the members represented by fractions before they reach Nebraska or Virginia, and then without rhyme or reason they have taken two members and given one to each of those States, and by doing that they make the membership 386.

Now, if you make the membership of this House 386 on the ratio that they propose, the State of New York is entitled to 38 members and the State of Pennsylvania in entitled to 33, while the State of Maine is only entitled to 3 and the State of Nebraska is entitled to only 5; but they give Maine 4 and Nebraska 6.

Now, I want to know if there is a member from New York here who loves the State of Maine so well that he is willing to have his State lose a member to which she is entitled and give that member to the State of Maine? I want to know if there is a member here from the State of Pennsylvania who thinks so much of the grand old Mother of Presidents that he is willing to deprive the State of Pennsylvania of the representation that she is entitled to and give a member to the State of Virginia to which she is not entitled?

So much, Mr. Speaker, for the figures. Now, let us take another view. I undertake to say that a more unfair bill was never presented to any House than the bill that is fathered by the gentleman from Maine. I undertake to say that with their 386 members, as they are figuring it, they have violated the Constitution of the United States and have a separate ratio for every State.

Mr. Speaker, if I can have the attention of both sides of the House, I desire to show up some of the shortcomings of the Burleigh bill. I desire to show to the members how it is that the gentlemen from Maine who have been seeking to get that bill adopted here are to profit by it, to the detriment of the other States in the Union.

If there is anything that is sacred in this country, it should be an apportionment bill. If there is anything that should approximate equal and exact justice between all the States as nearly as possible, it should be a bill of this kind. And yet I find, when I come to examine the Burleigh bill, as I have stated, that it provides a different ratio for every State. Now, to show to gentlemen that I am not talking without having the facts and figures back of me, I desire to call their attention to those figures.

You will find that the population of the State of Maine under the present census is 694,466 people. They insist that for that population they shall have 4 Representatives in Congress. If that population is entitled to 4 Representatives, then I submit that every other State in the Union with a population of that number should have an equal number of members of Congress. I recognize the ability of the people of Maine; I recognize the splendid position that Maine holds in the Union; but I did not know until the Burleigh bill was presented that a less number of her people were entitled to a member of Congress on this floor than the people of other States in the Union.

Under the Burleigh bill they get 4 members of Congress for 694,466 people. That makes a ratio of population of 173,617. Now, let us see what they do with the larger States. That is the ratio of population for Maine. For the State of Illinois they require us to have a ratio of population of 192,862. For the State of New York they require us in the Burleigh bill to have a ratio of population for every member of Congress of 196,305.

Mr. LITTLEFIELD. Let me ask the gentleman this——

Mr. HOPKINS. Just a moment. For the State of Pennsylvania they require for every member of Congress a population of 196,941. So that you can see——

Mr. LITTLEFIELD. May I ask the gentleman a question?

Mr. HOPKINS. Yes, sir.

Mr. LITTLEFIELD. Does the gentleman deny that the Burleigh bill, as to which he seems to be so exercised, is made exactly upon a table furnished by the Director of the Census on the basis of 384 members, and that the representation of each State, Illinois and Maine included, is in accordance with his figures on that basis? Do you deny that?

Mr. HOPKINS. Why, Mr. Speaker——

Mr. LITTLEFIELD. Do you deny that as to Maine or Illinois?

Mr. HOPKINS. I am not on the stand and do not propose to be cross-examined by the gentleman. I will explain the matter in my own way.

Mr. LITTLEFIELD. Very true.

Mr. HOPKINS. Will the gentleman sit down?

Mr. LITTLEFIELD. I suppose so.

Mr. HOPKINS. You can stand if you prefer.

Mr. LITTLEFIELD. I will sit if it is not inconvenient to the gentleman.

Mr. HOPKINS. It is a matter of indifference to me whether you sit or stand. I do not know what operated upon the mind of the gentleman from Maine in preparing the Burleigh bill. I do not know what figures he had. All that we could do is to take 386 members and analyze and see whether in preparing the Burleigh bill the gentleman from Maine has treated each of the States of the Union as he has treated his own State. I have shown that he proposes that every 173,617 in the State of Maine shall be entitled to a member of Congress.

Now, in the State of Pennsylvania he does not propose that that number shall be entitled to a member of Congress, but that in Pennsylvania they shall have 196,941 people to be entitled to a member. Now, let me carry these figures out and show the injustice that comes from this Burleigh bill. New York is required under the Burleigh bill to have 22,688 more people in every one of the 37 Congressional districts than is required in the 4 districts of Maine. You multiply that by 37, the districts that the Burleigh bill gives, and it makes an aggregate of 839,456 people; a larger population would be without representation, if the ratio was the same as in Maine, than they have now in the State of Maine by nearly 200,000.

Mr. JONES of Washington. Along that same line, I want to know if it is any more unjust than the results under your bill? [Laughter].

Mr. HOPKINS. I do not yield to the gentleman from Washington to ask me a question on my bill. I am taking up these bills one at a time and am discussing the Burleigh bill now. If he has any question to ask concerning the Burleigh bill, I will answer it.

In analyzing the bill I find that it requires 23,324 more people in every Congressional district in the State of Pennsylvania than in the State of Maine; or, taking the entire State of Pennsylvania, it aggregates a population of 746,368 people that are unrepresented if the ratio should be as the ratio in the State of Maine. Now, how is it in Illinois? I find that in Illinois we are required to have a population of 19,245 more people in every one of the 25 Congressional districts than they have in any one of the Congressional districts in Maine, making an aggregate of more than 481,125. Now, you take these unrepresented people in the three States—New York, Pennsylvania, and Illinois—and they aggregate 2,066,945 people who are unrepresented on this ratio in order to allow the little State of Maine to have 4 Representatives in Congress.

Mr. LONG. Will the gentleman yield to me for a question?

Mr. HOPKINS. Certainly.

Mr. LONG. I want to know whether you have done just right in your bill?

Mr. HOPKINS. I decline to yield to that question.

Mr. Speaker, my bill is not just at this moment under consideration. I will answer any question relating to the Burleigh bill.

Mr. WILSON of South Carolina. Will the gentleman yield to me for a question?

Mr. HOPKINS. I will.

Mr. WILSON of South Carolina. Is not the fact to which you now advert due to the consideration that as the ratio is decreased the major fractions are increased, and consequently larger States have larger aggregate major fractions than the smaller States; and is it not due to that consideration, and for this reason, that you select the large States of New York and Pennsylvania?

Mr. HOPKINS. If Maine is entitled to a member of Congress for 173,617 people, why not make that the ratio? Do you see any objection to that for South Carolina?

Now, what I desire to know, Mr. Speaker, is if 173,000 people in round numbers is sufficient for a member of Congress in Maine, why is not that number good in New York, why not in Illinois, why not in Minnesota, and South Carolina?

Mr. LITTLEFIELD. May I ask the gentleman a question?

Mr. HOPKINS. Yes, sir.

Mr. LITTLEFIELD. If 26,955, which is your basis in Colorado, is good for a Representative there, why not elsewhere?

Mr. HOPKINS. I decline to be interrupted.

Mr. LITTLEFIELD. It depends upon the question asked.

Mr. HOPKINS. Now, Mr. Speaker, I am not going to be diverted by any of these outside issues. The gentleman knows very well I am discussing the Burleigh bill, and undertaking to show that it inflicts injustice on the other States. I can understand how an astute lawyer when he has a desperate case that he can not win on the merits will undertake to throw dust in the eyes of the jury by an outside issue.

Mr. LONG. Can not we compare your bill with the Burleigh bill?

Mr. HOPKINS. Not now.

Mr. LONG. That is not permissible.

Mr. HOPKINS. Mr. Speaker, I find by calculation that if you allow to New York the same right that is accorded to Maine under the Burleigh bill, if you give her a member for every 173,617 people, and a member for every majority fraction, instead of being entitled to 37 members, New York should have 42 members under this bill. She is deprived of 5 members. I find that Pennsylvania under the same ratio that Maine claims her 4 members, instead of being entitled to 32 members, as is given her in the Burleigh bill, is entitled to 36 members, with a fraction of 51,903 people.

I find that Illinois, under the ratio that the gentleman from Maine proposes for her 4 members of Congress, would be entitled, instead of 25 members, to 28 members, or 27 with a fraction of 133,000, which under their ratio gives 28. In other words, if the Burleigh bill treated New York, Pennsylvania, and Illinois as fairly as it treats Maine, and gave them a member of Congress for every 173,000, in round numbers, as they do Maine, 12 additional members of Congress would be added to these three States.

I want to know, if we are dealing fairly with the large States as well as the small ones, why it is that these gentlemen do not make the ratio for the three States I have named the same as they do the ratio for their States?

I will not stop with three States. I have made a computation with some of the other States. I will take up the grand old Commonwealth of Massachusetts, lying right along by the side of Maine, where their interests are almost identical, and where it is supposed that a man in Massachusetts is equal to a man in Maine. I find that under the Burleigh bill only 14 members are assigned to Massachusetts, with a population of 2,805,346 people.

Now, they make the ratio of population in Massachusetts 200,382. In other words, every Congressional district in Massachusetts under the Burleigh bill is required to have 26,765 more people than any of the districts in the State of Maine, and multiplying that by 14, the number of members given Massachusetts in the Burleigh bill, makes 374,710 people unrepresented, on that ratio, in the State of Massachusetts.

The next comparison I have made I want to call to the attention of my friend from Minnesota, who is on the committee, and who has signed the minority report, and who favors the Burleigh bill, Mr. HEATWOLE. Minnesota has a population of 1,949,626. She is allowed in the Burleigh bill 9 members. That makes a ratio of her population for a member 194,403. In other words, the gentleman from Minnesota [Mr. HEATWOLE], who joined his friend from Maine, says to the people of Minnesota that it requires 20,786 more people in a Congressional district in his State to equal a Congressional district of the State of Maine. He says to his people that 187,074 people can go unrepresented in order to give Maine more members.

Now, here we have this young giant from the West, her population increasing in a marvelous manner compared with the State of Maine that for forty years has not increased her population over 10 per cent, and yet representing the committee as he did, he is willing to give a member of Congress in that State for every 173,000 of population where 194,403 is required in the State of Minnesota. And in three years, by the increase of population in that State, that 194,000 will reach 200,000, 205,000, 210,000; and yet, in order that Maine may be taken care of, forgetting the great and growing West, he says the bill proposed by the majority of the committee, that recognizes the rights of Minnesota with all the other States, shall be set aside and this substitute bill, that takes care of the State of Maine, shall be substituted in its stead.

I commend these figures to other members from the State of Minnesota and leave it for them to determine whether Minnesota, which would be entitled to 10 members on the ratio that Maine gets 4, shall be content with 9 as given to it in the Burleigh bill.

Now, something has been said about the State of Ohio under the bill reported by the majority of the committee. That State loses 1 member under the bill that is reported by the majority of the committee. Under the Burleigh bill they have sought to obtain votes from the State of Ohio to support Maine's contention in the Burleigh bill by putting back 1 member and giving her a representation in the next Congress under this apportionment bill of 21 members.

Let us look at the figures and see whether Maine has dealt justly with Ohio. We find that Ohio has a population of 4,157,545. She is given, as I have said, 21 members, requiring a population of 197,978 for every Congressman. In other words, it takes a population of 24,361 more in every district of Ohio than it does in the State of Maine to entitle her to a Representative. Ohio, on the ratio of a population of 173,617, is entitled not to 21 members, as proposed in the Burleigh bill, but to 24 members.

Can anybody say that the great State of Ohio, with her splendid representation on this floor, is not entitled to the same representation on population that the State of Maine is? If Maine is to have 4 members, why not on the same ratio give Ohio 24? Is there any member from Ohio who has been urged to support the Burleigh bill who for a moment would be willing to sacrifice 3 members from that State and give Maine 4 members?

Let me take up another State. Thus far in my analysis of the Burleigh bill I have confined myself to the Northern States. I now call the attention of the members of the South to the State of Texas. Texas has a population of 3,408,710. Under the Burleigh bill she is given a representation of 16 members; but we find that it requires under this representation 16,927 more population in each Congressional district in that State for a Representative to Congress than it does in the State of Maine. Texas, on a ratio of 173,617, is entitled, according to population, to 18 members, instead of 16, as given by the Burleigh bill.

My friend [Mr. BALL] intimated the other day that he would give his support to the Burleigh bill. I want to know whether he is willing to support that bill when he thereby sacrifices two members in the State of Texas. Is there any member from the State of Texas who would be so unjust to that magnificent State of the Southwest as to deprive her, under this ratio, of two members?

Mr. Speaker, I have some more figures here that carry out and illustrate just what I have said. Take the State of Iowa, that is allowed 11 members under the Burleigh bill. She has a population of 2,231,853. Under the Burleigh bill she is required to have a ratio of 202,896. In other words, it takes 29,229 more people for every Congressional district to elect a member of Congress in the State of Iowa under the Burleigh bill than it does in the State of Maine.

Mr. LACEY. Will the gentleman allow me a moment? I have

here House bill 17677—the Burleigh bill, as I understand. Is not that the one which is intended as a substitute for the committee bill?

Mr. HOPKINS. Yes, sir.

Mr. LACEY. This bill gives Iowa 12 members.

Mr. HOPKINS. I will say to the gentleman that that is one of the anomalies of the bill. The gentlemen who prepared that bill gave Iowa in the first place 12 members, and then, without rhyme or reason, took one member away from her and proposed to give her only 11.

Mr. LACEY. Is not this the correct print of the bill?

Mr. HOPKINS. No; the substitute which they propose is in the report of the committee. The bill which the gentleman has in his hand represents the arrangement with which those gentlemen first started. This matter furnishes an illustration of the beauties of the Burleigh bill. When those gentlemen thought they could get along without Iowa they cut her down one member, allowing her 11 Representatives instead of 12. But if Iowa is allowed representation on this floor upon the ratio of population which Maine insists upon, she would be entitled, instead of 11 or 12 members, to 13 members.

Mr. LONG. The gentleman certainly means to be fair. I call his attention to the fact that according to this table of 384 members Iowa has not a major fraction, while Virginia and Nebraska have. Certainly the gentleman has read the report of the minority of the committee, in which they state that they take the computation of the Director of the Census on the basis of 384 members, and add these two States because they have majority fractions.

Mr. HOPKINS. I want to say to the gentleman that he can not lay that flattering unction to my soul, and say that I shall be bound by the 384 computation. I take the bill which says that the representation in this House shall be 386. If the membership is 386, you can not get any such figures as you propose under 384. You can take 384 and make a representation for a part of the House, and then take some arbitrary figures for the rest of your bill that is not in accordance with the principles of the Constitution of the United States.

Mr. LONG. Did not Mr. Webster, in his report, insist that every State with a majority fraction should be accorded a Representative upon that faction?

Mr. HOPKINS. Does the gentleman know why?

Mr. LONG. I ask the gentleman whether that is not the fact.

Mr. HOPKINS. I will state to the gentleman that Mr. Webster, in making that report, found the major fractions were such that there could be an additional member for every major fraction. The contention then was, or at least one of the contentions then was, that there must be some representation for minorities as well as majorities. But at the time Mr. Webster presented his report he fixed a definite number for the House and made the apportionment for the States, and then when the question of taking care of the fractions arose it was found that there would be additional members on that ratio to take care of all the major fractions.

Mr. LONG. Does the gentleman not know that he is misstating the facts in that case?

Mr. HOPKINS. I know I am not.

Mr. LONG. I know you are, and will show it to you.

Mr. HOPKINS. That is all right enough, but I know I am not. I have the report in my desk.

Mr. LONG. In regard to 1832?

Mr. HOPKINS. Mr. Webster made his report under the census of 1830.

Mr. LONG. Yes.

Mr. HOPKINS. When the controversy was between him and the House, and Mr. Polk as chairman of the committee. Now, Mr. Webster did say just what I have said, but the reason that he said so was because in that instance there was a member for every major fraction. Is not that so?

Mr. LONG. I will say to the gentleman——

Mr. HOPKINS. Answer my question.

Mr. LONG. I will do it.

Mr. HOPKINS. Well, do it, then.

Mr. LONG. Under that amendment——

Mr. HOPKINS. Is not that so?

Mr. LONG. It is not so. They started with a House of 250, and by according representatives to every major fraction they reached a House of 251, and the gentleman knows it if he has read the report.

Mr. HOPKINS. Oh, well, Mr. Speaker, the gentleman may get a little excited over this——

Mr. LONG. I am not a particle excited.

Mr. HOPKINS. But nobody can be misled on a question of that kind. The contention of Mr. Webster, between him and the House at that time, was that fractions should be represented.

Mr. LONG. What kind of fractions?

Mr. HOPKINS. Will you allow me right there for a moment?

Mr. LONG. Yes.

Mr. HOPKINS. Congress up to that time had never recognized fractions in making the apportionment. The great argument that Mr. Webster made was that fractions should be represented, and hence he did use the argument that all of these major fractions should be represented; but as I stated, in making their apportionment they could do that so as to take care of the members, but with a larger number of States, under the representation as we have it at the present time, we have been compelled to adopt the suggestion made by the Superintendent of the Census, Mr. Walker, to apply major fractions until the number of Representatives was exhausted.

Mr. LONG. May I ask the gentleman another question?

Mr. HOPKINS. Yes.

Mr. LONG. This letter of Mr. Walker's was sent to the House in 1881, was it not?

Mr. HOPKINS. Yes.

Mr. LONG. And in the apportionment of that year and in the apportionment of 1890 it was followed, was it not?

Mr. HOPKINS. Yes.

Mr. LONG. Now, in either of those apportionments was any State with a major fraction denied representation on that major fraction?

Mr. HOPKINS. Does not the gentleman know, just as I have stated to the House, that they increased the number of Representatives? That is the trouble that has been brought upon us at this time. You increase the number so as to take care of all of the major fractions every ten years and this generation will hardly pass away before we shall have a House of five or six hundred members.

We have come to the point where a limit must be made to the membership of the House. But if you follow the suggestion of my friend from Kansas [Mr. LONG] and allow a member for every major fraction, then you must increase it, not in the arbitrary way suggested by the gentleman from Kansas, but by increasing the other States until you reach a point where every State will be taken care of.

Now, if these gentlemen representing the Burleigh bill had followed the suggestion of Mr. Webster in that respect, instead of stopping at 386, as they have in this bill, they would have gone to 395. These figures presented here by the Director of the Census show that you can not reach any number where you can do exact and equal justice to all the States on the same ratio—mark this, on the same ratio—and take care of the major fraction in addition to that short of a membership of 395. Now, is not that correct?

Mr. LONG. The minority of this committee——

Mr. HOPKINS. Now, is not that statement correct?

Mr. LONG. The minority of this committee are following Mr. Webster.

Mr. HOPKINS. Is not that statement correct?

Mr. LONG. According to your Walker process, but not according to the Webster process.

Mr. HOPKINS. Yes; it is in accordance with the Webster process.

Mr. LONG. It is not.

Mr. HOPKINS. There is no difference——

Mr. LONG. There is a great difference.

Mr. HOPKINS. There is no difference between the Walker and Webster system, except this, that at that time, as I stated before, Mr. Webster found that the major fractions could all be taken care of; but that was not the burden of his argument.

The burden of his argument was to convince Congress that the fractions should be taken care of. You will find an elaborate report made by Mr. Polk, in which he produces arguments that are a credit to any man to show that it is unconstitutional to represent fractions at all. Now, if these gentlemen representing the Burleigh bill had sought to be entirely fair to the country, entirely fair to the members of the House, entirely fair to all the States, instead of stopping with 386, just where they could take care of those States that are doing the interrupting here to-day, they would have carried it up to 395. Then every State would have been properly and equitably represented on this floor.

But I judge from the fact that they stopped short of that, that they, as well as the majority of the committee, recognized the fact that we have reached the danger point in matters of legislation in increasing the membership of the House. They recognized that this House has to-day a membership fully as large as we ought to have, consistent with proper legislation. And they have simply adopted some method of figuring, I do not know by what process, by which they can get 386 and take care of their States. But, as I have shown, in doing that they do an injustice to Illinois, they do an injustice to New York, they do an injustice to Pennsylvania, to Iowa, to Indiana, and to all the great States, North and South.

Now, Mr. Speaker, I have shown that Iowa was entitled to 2 more members of Congress under the Burleigh bill than have been given to it by the authors of that bill. I now take up the State of Indiana. I am sorry that my good friend [Mr. GRIFFITH] from

the minority of the committee, has indorsed the Burleigh bill. I say that instead of being entitled to 13 members, if you were treating your State as well as you treat the State of Maine, instead of being content with 13 members you would insist upon 14.

Do you want to treat the State of Maine better than you treat your own State? Do you believe that it requires a larger population in Indiana to have a member of Congress than it does in the State of Maine? By your vote in support of this minority report you say so. You say to the people of Indiana that they have not the intelligence, the character, the capacity, so that a given number are entitled to the same representation on this floor that you give to the people of the State of Maine.

Mr. HEMENWAY. In reply to that statement I want to say that the Representatives from Indiana—at least part of them—and the people of Indiana have too much sense to pay any attention to the argument made upon the basis you are making it. [Laughter.]

Mr. HOPKINS. Well, that is all right, but I will give you the figures to show that I am right. Indiana has a population of 2,516,465 people, and on the ratio of Maine she would be entitled to 14 members. The gentleman can take that to himself or not, as he pleases.

Mr. HEMENWAY. If the gentleman will permit, he is taking Maine, where they give 1 member on a major fraction, and is dividing it by 4. Now, if he will take his own bill and take the State of Colorado he can make his own bill just as ridiculous as he is making this. [Applause.]

Mr. MILLER. And a great deal more so.

Mr. HOPKINS. But I am doing that because the State of Maine insists that she is entitled to 4 members, when by doing that, under a fraction, she takes a member from New York with a larger major fraction than Maine. You may view this from any standpoint, and I undertake to say, Mr. Speaker, that the Burleigh bill can not be defended on the representation given to the State of Maine. Under the Burleigh bill Michigan is entitled to 14 members instead of 12; Wisconsin is entitled to 12 instead of 11, and Virginia is entitled to 10 instead of 9. California, with a major fraction, is entitled to one more member than is accorded to her.

The State of South Carolina is entitled to 8, and a fraction of 124,000; and if that 124,000, which is a major fraction under the Burleigh bill, is considered, South Carolina is entitled to 8 members instead of 7; Missouri is entitled to 18 members instead of 16; Kentucky is entitled to 12 instead of 11; New Jersey is entitled to 11 instead of 10; Tennessee is entitled, under that ratio, to 12 instead of 10; Georgia is entitled to 13 instead of 11.

I have not the time to-day to go into an analysis of the Crumpacker bill. Before the close of the debate I shall have some observations to submit upon that, but I desire to wait until Mr. CRUMPACKER has had an opportunity to present his bill.

I have simply taken these tabulated statements to show to the members of the House the necessity of carefully examining the conclusions arrived at in the Burleigh bill. I have shown the inequalities, and that in every State there is a different ratio of population for representation than the one adopted for Maine.

I have undertaken to show, Mr. Speaker, that by the majority bill we have taken a common divisor—208,868—and made it applicable to every State, and that under that divisor equal and exact justice is given to every State in apportioning 335 members. The 22 unassigned members have been apportioned in the manner already explained, as equitably as it is possible to apportion members on fractions.

Mr. LLOYD. Is it not a fact, under the report of the majority of the committee, that in the State of Illinois you require 209,632 of a fraction to have a member, while in your bill you require 231,488 to entitle Maine to have 1 member?

Mr. LONG. And Colorado 269,000.

A MEMBER. And Vermont 170,000.

Mr. HOPKINS. Gentlemen can go into figures as they choose. This fact stands out prominently, and it can not be gainsaid by discussing the bill, and that is this, that the common divisor is 208,868. We find we have applied it to all States where it is applicable. Now, if there are any inequalities they are inequalities that come under the fact of applying it to the fractions, and the fractions are represented by these 22 members.

Now, if the entire population of the United States were not divided by State lines there would be no trouble whatever. But when I started out in my remarks I undertook to state clearly to the members of the House that it is impossible to do exact justice to every State and have the population represented. My analysis of the two bills has been to show that there are more inequalities presented in the Burleigh bill than are presented in the bill reported by the majority of the committee.

Mr. LITTLEFIELD. You have not made a single analysis of your own bill on the same basis on which you have examined the Burleigh bill.

Mr. HOPKINS. I have given the figures full and complete.

Mr. Speaker, it is not my purpose to detain the House longer. I have simply given these facts and figures here to-day to arouse the attention and the interest of members. They have now the figures that are given to us by the Director of the Census, and every man can go and figure for himself.

My purpose is not so much to have 357 adopted, or 386, or any other number, as it is to call the attention of the members to the importance of the question. I do hope, however, this House will not be carried away by personal solicitation or by arguments of a political nature. I insist that in a great measure like this partisanship should be sunk, that personal interests should be forgotten, and that we should all unite, Democrats and Republicans alike, in framing a bill that will guard the interest of all the States in the most equitable and just manner that can be provided by the intelligence of this House. [Loud applause.]

Mr. HAY. I yield fifteen minutes to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, it seems to be apparent from the questions which have been propounded to the chairman of the committee that there is something radically wrong in the formation of this bill. A bill which provides for representation in this House for the next ten years by the people of the various States of the Union should be most carefully framed.

I have attempted to look into the inequalities of the measure, and I find that they result from the error of adopting a defective system. The system which has been adopted by the chairman of the committee in the formulation of this bill works gross injustice to a number of States in the Union. I call attention first to the wrong which is done to the State of Colorado, because that is perhaps the most apparent. We find, according to the tables that are sent to us by the Director of the Census and upon which this bill is framed, that even if this House is reduced to the membership of 350 Colorado is entitled to an additional member.

If it is fixed at 351, she is entitled to an additional member. If fixed at 353, or 354, or 355, or 356, she is entitled to an additional member. But if the number 357 is picked out, then she is not entitled to an additional member. If the membership of the House goes beyond that to any extent, if it is 358 or 359 or any number up to 400, then she is entitled to an additional member. Out of the two sets of tables that are sent to this House by the Director of the Census, tabulating 100 illustrations, 50 under one system and 50 under another, there is but one number by which Colorado fails to get an additional member, and that is the number fixed by the committee that has brought the bill into this House. [Laughter.]

Now, Mr. Speaker, I maintain that any bill which is predicated upon a system that admits of an injustice of that kind is radically wrong. I want to call attention to the fact that if the representation is fixed at 213,000 inhabitants and for each major fraction of that number, Colorado is entitled to an additional member. If it is placed at 212,000, or 211,000, or 210,000, or 209,000 and major fraction, she is entitled to an additional member. But if it is fixed at 208,868 and major fraction, she is not. Can any man, according to principles of justice, explain that paradox satisfactorily? Is there any justice in a system that works such a wrong as that?

Mr. LITTLEFIELD. That is what the chairman would not answer.

Mr. SHAFROTH. That is what I tried to get him to answer. It may be that the system works out in mathematics that way; but no man can say it is just that a State which is entitled to an additional member, when its people are entitled to it, according to an apportionment of 213,000, is not entitled to it when that number is reduced to 208,000. There is no justice or fairness in selecting that number, and that is the only number by which Colorado fails to get the representation to which she is entitled.

Now, that is one illustration only as to how this system works. It also works the same with some other States. It works so with the State of Maine. Upon a certain apportionment Maine is entitled to maintain 4 members in this House, and yet upon an increased membership of the House it is not entitled to but 3. If the membership is placed at 383, 384, or 385, Maine is entitled to 4 Representatives, but if fixed at 386, she is entitled to only 3. If placed at 387 or 388, she is again entitled to 4 members, but if fixed at 389 or 390, she is entitled to only 3. "Now you see it and now you don't." Any system that works an injustice of that kind can not be defended by anybody upon principles of equity or fairness. If the State of Maine is entitled to 4 members upon the ratio of 1 Representative to each 194,689 inhabitants and major fraction, she is unquestionably entitled to the same number upon the ratio of 1 member to each 191,194 inhabitants and major fraction.

Mr. GAINES. How is that done; how does it come about?

Mr. SHAFROTH. It is done by means of a system which does not recognize that all major fractions are entitled to representation. The details of it are uninteresting. I went to the Census Bureau and told them there must be a mistake in their first set of tables. I saw the gentleman in charge of this compilation. He looked at it and said, "Colorado entitled to an additional member

at 350 or 351, and not entitled to one at a membership of 357? That must be a mistake." He looked at it further and said, "I don't know whether it is a mistake or not." He ran over the column of figures, recalculated it, and at last said: "No; it is no mistake." There may be no mistake, but it shows the injustice and unfairness of a bill predicated upon such a system.

Mr. LITTLEFIELD. How did he explain that it was produced?

Mr. SHAFROTH. He explained it on the same theory that the gentleman from Illinois [Mr. HOPKINS] attempted to—the shifting of the major fraction upon change of ratio. But he did not claim that it was fair. In fact, he said that it showed a serious defect in the system, and that the Bureau had not recommended any system.

The case of West Virginia is another illustration of the defect of the plan adopted by the committee. According to these tables West Virginia is entitled to 5 members if the membership of the House is placed at 351, or 1 Representative for each 212,438 inhabitants and major fraction, but is entitled to but 4 if the membership is fixed at 352 or 353, or 1 Representative for each 211,834 and major fraction or for each 211,234 and major fraction.

Mr. Speaker, I am opposed to this bill. I think it is predicated on a wrong basis, on a wrong theory, and I believe that if such iniquities as I have pointed out in the cases of Colorado, Maine, and West Virginia had appeared among the tables that were presented to Congress in 1850, when this system was first adopted, the Senate and House would have found that the old system of fixing a given number of inhabitants for each Representative and for each major fraction would come nearer doing equity among the States.

This latter system, which forms the basis of the second computation sent here by the Director of the Census, is, it seems to me, as perfect a system as it is possible to devise. The experts of the Census Bureau took a certain number—for instance, 200,000—and divided the population of each State by that number, giving to the State the number of Representatives determined by the quotient and major fraction, if one should result. In that way no State, in representation upon an increasing change of ratio, jumps up at one time and down at another. From the tables formed under this latter system you can not find—I have hunted for it in vain—an illustration such as Colorado, Maine, or West Virginia furnishes under the committee's system. It seems to me that the apportionment bill ought to be predicated upon a system that does not admit of irregularities and injustices such as exist in this bill.

Now, Mr. Speaker, I am in favor of a smaller ratio of apportionment and a larger House than is proposed by the bill presented by the chairman of the committee. To say that this House is going to cease to be a deliberative body because of 29 or 30 additional members is something that is preposterous. It is absurd to maintain such a proposition. This House is going to be just as much a deliberative body with 30 additional members as it is at the present time. It has not been a deliberative body for fifty years, and it never will be a deliberative body again unless you reduce the membership below 150.

When we observe the legislative bodies of the various nations of the world we are struck with the fact that this body, representing directly the people of the greatest nation on earth, is in fact a much smaller body than that which usually represents the people of other nations. The British House of Commons has a membership of 670, yet that body legislates for only 37,000,000 of people, whereas we legislate for over 75,000,000. And even the British House of Lords has 587 members. The French assemblies are large. France has a population of 38,000,000—just about half the population of the United States—yet the Senate of France consists of 300 Senators and the Chamber of Deputies of 585 members.

More than that, we find that even in the German Reichstag the number of members is 396, while the population of the German Empire is only 52,000,000. We find that Mexico, our neighbor to the south, has a House of Representatives in which one member is apportioned to every 40,000 people, making a House of 314 members, nearly as large as this body. Canada has a senate of 80 members and a house of commons of 213 members. We find that little Switzerland has a much larger representative body than this, although her population is not more than one-fifteenth as great as ours. The popular legislative body of Italy is 508, of Austria is 425, and of Hungary is 453.

The objection is made that this Hall is not large enough to justify any increase in the number of Representatives. Mr. Speaker, is it possible that we are going to regulate or control the membership of the greatest legislative body on earth because the confines of its chamber are not quite as extended as they might be? Is it possible that we may mean to determine the membership of the House by the room in which we happen to meet? Are we going to fit the membership of Congress to a certain room? But even upon this proposition the chairman of the committee is wrong.

This additional number of 29 Representatives can be easily accommodated in this Chamber. If you take out the lounges and seats in the lobby in the rear of the curtained railing, you will have room for 75 more members if you wish to add that many. And it would be better for the House if that space were used in some way or other than it is at present. We know that the disorder in this House results from the noise occurring in the rear of the curtained railing in this very lobby, which ought to be abolished. The lounges and the seats ought to be taken out so that members can not sit down and converse with each other there. We could accommodate 75 additional members, if necessary, instead of 29, the number provided in the bill of the gentleman from Maine [Mr. BURLEIGH], and still have convenient passageways.

Thus we find that the arrangements necessary to accommodate the proposed increased membership can be made very easily. I have before me a chart of the seats of the House of Representatives. I have attempted to add 30 seats, to see whether there would result any inconvenience in the seating capacity of the House. I find that by simply adding two portions of a section of 10 in the rear and extending the last row as it now exists a little farther, so as to accommodate 5 more members, we should have an additional seating capacity of 15 seats on each side without in any manner interfering with convenient access to or exit from this Chamber.

If we want to have good order in this House, we can never have it while we have places in the rear concealed from the Speaker by curtains for members to sit down and discuss with each other public questions. There is where the noise comes from. You and I have seen members of the House stop during their speeches and ask persons in the rear of these curtains to desist from loud talking. It will never cease until the lobby is abolished. It will be abolished if the seats for 30 new members are placed there, and hence we will have better order than we do now.

Mr. Speaker, I contend there is no argument in the position taken that the size of this Chamber should limit the membership of this House; that the number of members of a great legislative body like the Congress of the United States should be determined by whether the Hall is suitable to accommodate a proposed number or not. But in this case the Hall is suitable—just as suitable for the number of members proposed in the Burleigh bill as the number proposed by the committee bill.

Mr. SIMS. In other words, the gentleman thinks that the proper membership of the House, not the capacity of the Hall, should be the paramount consideration.

Mr. SHAFROTH. Yes, sir; it seems to me that the House, and not the Hall, should be paramount.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BURLEIGH. I yield five minutes' more time to the gentleman.

Mr. SHAFROTH. Now, Mr. Speaker, it seems to me that the gentleman from Illinois [Mr. HOPKINS] in his remarks has attempted to prove too much in his declaration that on the ratio of inhabitants to Representatives for Maine given by the Burleigh bill Iowa loses 2; that Indiana loses 1; that New York loses 2; that Pennsylvania loses 2; that California loses 1; that South Carolina loses 1; that Missouri loses 1, and that Kentucky loses 1; in all, 21 members. That would require a House of 407 members. The Hopkins bill is subject to the same objection. Colorado has a population of 539,103, and yet is allowed only 2 members. It takes 269,551 inhabitants in Colorado to be entitled to a member, while in New York or Illinois it takes only about 208,000. If Illinois were allowed members on the same terms as Colorado, she would lose 4 members, instead of gaining 1; New York would lose 5 members, instead of gaining 1, and nearly all the States would lose. So it appears that the same logic of the gentleman from Illinois applied to his own bill causes much more injustice than the Burleigh bill.

Mr. Speaker, I do not believe the Burleigh bill is predicated upon a proper system, but it is a much better bill than the one proposed by the gentleman from Illinois. The number which I think is the fairest number, the one that is in accordance with the second set of apportionment tables sent by the Director of the Census, would be 387. That number would cause not a single loss to any State and would be predicated upon an apportionment of 194,000 inhabitants to each Representative.

Mr. Speaker, it may be that under the number 387 of this second system there will be gains to some States of 2 and 3, Illinois gaining 3, New York gaining 3, Texas gaining 3; but no one can contend that that apportionment would be anything except absolutely fair to all the States of the Union. In that apportionment the membership is determined by a basis of 194,000 inhabitants, by which the total population of each State is divided, and then allowing an additional Representative for each major fraction remaining. It seems to me that that number under the second system would be well for this House to adopt.

The gentleman from Illinois [Mr. HOPKINS] has said that this system which I am talking about now has inequalities. I tried to get the opportunity to ask him wherein the inequalities existed,

wherein there was any injustice done to any State, but he would not yield. He said that in the debates in the Senate and House in 1840 the injustice of the old system was denounced, but the debates in Congress were not upon the question of major fractions; were not upon the question of the apportionment which has been specified in this second set of tables sent by the Director of the Census. It was predicated upon the theory that nothing was allowed for any fraction whatever, whether it was a major fraction or not.

You can readily see that if 200,000 were the basis of apportionment agreed upon, and a State had a fraction of 199,000 unrepresented, that could be the basis of a strong argument against such injustice, and you can readily see that there might be an outpouring of wrath against a system that would admit of such an outrage. The allowing of representation upon major fractions did away with the injustice of the system. But the system that is proposed here by the Director of the Census, which allows a Representative for each major fraction, makes it as perfect a system as can be devised.

Mr. Speaker, it seems to me that the bill which is proposed by the gentleman from Illinois is a bill that has too many inequalities and works too much injustice to admit of its adoption by this House.

[Here the hammer fell.]

Mr. BURLEIGH. I yield to my colleague [Mr. LITTLEFIELD].

Mr. LITTLEFIELD. Mr. Speaker, the hour is so late that I could make but very little progress in my speech this evening, and for that reason I move that the House do now adjourn. I reserve my place, of course, for opening in the morning.

LEAVE OF ABSENCE.

Pending the vote on the motion to adjourn, leave of absence was granted as follows:

To Mr. ZIEGLER, for one week, on account of important business.

To Mr. BROWN, for two days, on account of sickness.

To Mr. BARTLETT, until Monday, on account of sickness in his family.

To Mr. WILSON of Idaho, indefinitely, on account of sickness.

The motion of Mr. LITTLEFIELD was agreed to.

Accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Mary Hughes, administratrix of Clarissa Young, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for expense of the International Bureau of the Permanent Court of Arbitration—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Interior, transmitting schedules of useless papers in the files of the Department—to the Joint Committee on Disposition of Useless Papers in the Executive Departments, and ordered to be printed.

A letter from the Secretary of War, transmitting a list of civilian engineers employed in river and harbor work—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the chairman of the Interstate Commerce Commission, transmitting the annual report of the commission—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. BURTON, from the Committee on Rivers and Harbors, reported the bill of the House (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, accompanied by a report (No. 2136); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HENRY C. SMITH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12577) granting a pension to Sarah B. Schaeffer, reported the same with amendment, accompanied by a report (No. 2137); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1148) to increase the pension of Capt. Isaac D. Toll, reported the same with amendment, accompanied by a report (No. 2138); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 633) granting an increase of pension to Vianna Mallard, widow of John Q. Mallard, reported the same with amendment, accompanied by a report (No. 2139); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12258) for the relief of John H. Doremus, reported the same with amendment, accompanied by a report (No. 2140); which said bill and report were referred to the Private Calendar.

Mr. STALLINGS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12616) granting an increase of pension to Nancy T. Hardy, reported the same with amendment, accompanied by a report (No. 2141); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7810) granting a pension to Robert P. Currin, reported the same with amendment, accompanied by a report (No. 2142); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12415) granting an increase of pension to Carrie Otis Wallace, reported the same with amendment, accompanied by a report (No. 2143); which said bill and report were referred to the Private Calendar.

Mr. VREELAND, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5613) to increase the pension of Louis Nessell, a survivor of the Mexican war, reported the same with amendment, accompanied by a report (No. 2144); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3232) granting an increase of pension to David Flinn, reported the same with amendment accompanied by a report (No. 2145); which said bill and report were referred to the Private Calendar.

Mr. WEYMOUTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11658) to place on the pension roll the name of Mary I. Nelson, reported the same with amendment, accompanied by a report (No. 2146); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12294) granting a pension to Lottie M. V. Rankins, reported the same with amendment, accompanied by a report (No. 2147); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12233) granting a pension to Ashel C. Aulick, reported the same with amendment, accompanied by a report (No. 2148); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10118) for the relief of Mrs. Mary Flynn, of Mississippi, reported the same with amendment, accompanied by a report (No. 2149); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5599) granting an honorable discharge to James L. Proctor, reported the same with amendment, accompanied by a report (No. 2158); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. BURTON, from the Committee on Rivers and Harbors: A bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—to the Union Calendar.

By Mr. NAPHEN: A bill (H. R. 13190) to amend the war-revenue act approved June 13, 1898, so as to return to all religious, charitable, or educational institutions all moneys collected to this date under the provisions of the so-called war-revenue act—to the Committee on Ways and Means.

By Mr. DAVIS: A bill (H. R. 13191) providing for the erection of a public building at the city of Gainesville, Fla., and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. REEDER: A bill (H. R. 13192) to authorize the construction of artesian wells in Kansas—to the Committee on Irrigation of Arid Lands.

By Mr. HOPKINS: A bill (H. R. 13193) to authorize the Director of the Census to make payments for information concerning cotton gins, and for other purposes—to the Select Committee on the Census.

By Mr. HOWELL: A bill (H. R. 13194) authorizing the purchase of a building and lot for the use of the Post-Office Department at Asbury Park, N. J.—to the Committee on Public Buildings and Grounds.

By Mr. PAYNE: A bill (H. R. 13195) to amend section 5153 of the Revised Statutes of the United States—to the Committee on Ways and Means.

By Mr. HILL: A bill (H. R. 13196) to change United States notes into legal-tender gold certificates, and for other purposes—to the Committee on Banking and Currency.

By Mr. JENKINS: A bill (H. R. 13197) to regulate the coming of Chinese persons into the United States, and for other purposes—to the Committee on Foreign Affairs.

Also, a bill (H. R. 13198) supplemental to an act entitled "An act to incorporate the Reform School for Girls of the District of Columbia," approved July 9, 1888—to the Committee on the District of Columbia.

By Mr. SUTHERLAND: A bill (H. R. 13242) to authorize the construction of artesian wells in Nebraska—to the Committee on Irrigation of Arid Lands.

By Mr. KING: A bill (H. R. 13253) appropriating money to pave Florida avenue between First and Fourth streets NW.—to the Committee on Appropriations.

Also, a bill (H. R. 13254) for the reduction of interest penalties on arrears in taxes and special assessments in the District of Columbia—to the Committee on the District of Columbia.

By Mr. JENKINS: A joint resolution (H. J. Res. 287) authorizing the Secretary of War to grant permits to the committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President elect on March 4, 1901, and so forth—to the Committee on the District of Columbia.

By Mr. MONDELL: A joint resolution (H. J. Res. 288) providing for the printing of 5,000 copies of Bulletin No. 86 of the Department of Agriculture—to the Committee on Printing.

By Mr. GROSVENOR: A concurrent resolution (H. C. Res. 64) to print additional copies of Atlas of Chickamauga and Chattanooga Battlefields—to the Committee on Printing.

By Mr. LOUDENSLAGER: A resolution (H. Res. 326) that a sum equal to two months' salary be paid George C. Randall, B. W. Armstrong, John W. Herndon, J. M. McKay, and F. B. Lyon for extra services performed in the folding room, and so forth—to the Committee on Accounts.

By Mr. TAYLER of Ohio: A resolution (H. Res. 327) increasing the salary of Howard D. Pritchard, clerk in the Clerk's document room—to the Committee on Accounts.

By Mr. SHATTUC: A resolution (H. Res. 328) requesting information from the Director of the Census—to the Select Committee on the Census.

By Mr. MOODY of Massachusetts: A resolution (H. Res. 330) concerning the use of the Hall of the House of Representatives—to the Committee on Rules.

By Mr. BURTON: A resolution (H. Res. 331) directing the Clerk of the House to pay $275 to such persons as may be designated by the chairman of the Committee on Rivers and Harbors, for clerical services during the present session—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Maine: A bill (H. R. 13199) for the relief of Daniel H. Towle, alias Henry Roberts—to the Committee on Military Affairs.

By Mr. BOWERSOCK: A bill (H. R. 13200) granting a pension to Thomas W. McCubbin—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 13201) for the relief of the estate of William J. Thompson—to the Committee on War Claims.

By Mr. BOREING: A bill (H. R. 13202) to remove the charge of desertion from the record of Joseph G. Curtis—to the Committee on Military Affairs.

By Mr. BREAZEALE: A bill (H. R. 13203) for the relief of the estate of Emil Rost—to the Committee on War Claims.

By Mr. COONEY: A bill (H. R. 13204) granting an increase of pension to Henry H. Brown—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 13205) granting a pension to Caroline Fitzsimmons—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 13206) granting a pension to Luvania Hawkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13207) granting a pension to Martin Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13208) granting a pension to Mary King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13209) granting a pension to Frederick Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13210) granting a pension to George W. Bean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13211) granting a pension to Samuel Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13212) granting a pension to Andrew Goddard—to the Committee on Invalid Pensions.

By Mr. GAINES: A bill (H. R. 13213) for the relief of the estate of J. H. Frith—to the Committee on War Claims.

By Mr. GRAFF: A bill (H. R. 13214) granting an increase of pension to Jacob C. Hansel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13215) granting an increase of pension to Andrew R. Jones—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 13216) granting a pension to Huldah H. Smith—to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 13217) granting an increase of pension to Loyd B. Stephens—to the Committee on Invalid Pensions.

By Mr. KLEBERG: A bill (H. R. 13218) authorizing and directing the Secretary of the Treasury to pay certain money to A. May, late postmaster at Yoakum, Tex.—to the Committee on Claims.

By Mr. MORRIS: A bill (H. R. 13219) granting a pension to Isham Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13220) granting an increase of pension to Hubert Bascombe—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 13221) granting a pension to William W. Isaacs—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 13222) granting a pension to N. B. McKay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13223) granting an increase of pension to Francis O'Leary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13224) to correct the military record of David Kunkle—to the Committee on Military Affairs.

Also, a bill (H. R. 13225) granting a pension to Albert Donaldson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13226) granting an increase of pension to William C. McGonigal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13227) granting an increase of pension to Lewis Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13228) granting an increase of pension to John M. Phifer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13229) to remove the charge of desertion standing against John C. Jones—to the Committee on Military Affairs.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13230) for the relief of the estate of Peter S. Baker—to the Committee on War Claims.

Also, a bill (H. R. 13231) for the relief of the estate of W. W. McCrary—to the Committee on War Claims.

Also, a bill (H. R. 13232) for the relief of the estate of William P. Tanner—to the Committee on War Claims.

Also, a bill (H. R. 13233) for the relief of Jacob A. Paulk—to the Committee on War Claims.

Also, a bill (H. R. 13234) for the relief of James Massey—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 13235) granting a pension to William Kyle, a soldier of the Mexican war—to the Committee on Pensions.

By Mr. VANDIVER: A bill (H. R. 13236) granting a pension to James Barton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13237) granting a pension to Jacob Hoerr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13238) granting a pension to Lieut. Andrew Litzelfelner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13239) granting a pension to John Bartmann—to the Committee on Invalid Pensions.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 13240) to increase the pension of Laban Rickets—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 13241) for the relief of Jesse M. Pearson—to the Committee on War Claims.

By Mr. BROUSSARD: A bill (H. R. 13243) for the relief of the estate of Raphael Segura—to the Committee on War Claims.

Also, a bill (H. R. 13244) for the relief of Gustave Neriaux—to the Committee on War Claims.

Also, a bill (H. R. 13245) for the relief of Rose E. Neriault—to the Committee on War Claims.

Also, a bill (H. R. 13246) for the relief of the estate of Adolph C. Orillion—to the Committee on War Claims.

Also, a bill (H. R. 13247) for the relief of the estate of Alexander Roth—to the Committee on War Claims.

Also, a bill (H. R. 13248) for the relief of the estate of Mrs. Ellen Morrissey—to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 13249) granting a pension to Frances A. Tillotson—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 13250) for the relief of B. W. Johnson—to the Committee on Claims.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 13251) granting a pension to James M. Alderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13252) granting a pension to Margaretha Mossman—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELLAMY: Petition of keepers and surfmen of life-saving station at Oak Island, North Carolina, for the passage of the bill to increase their pay—to the Committee on Interstate and Foreign Commerce.

By Mr. BRICK: Petitions of Polish societies of South Bend, Ind., for the erection of a monument to Count Casimir Pulaski in Washington, D. C.—to the Committee on the District of Columbia.

By Mr. CONNELL: Resolution of the Pennsylvania Republican State committee, Harrisburg, Pa., sustaining the Burleigh report relating to Congressional apportionment—to the Select Committee on the Census.

Also, resolutions of Philadelphia Chapter of the American Institute of Architects, in relation to a railroad station on the Mall, Washington, D. C.—to the Committee on the District of Columbia.

Also, resolutions of Good Roads Convention, held in Chicago, Ill., asking for an appropriation of $150,000 for the office of Public Road Inquiry—to the Committee on Agriculture.

Also, resolutions of the Methodist Episcopal Church of Peckville, Pa., favoring the exclusion of the liquor traffic in Africa, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. COUSINS: Petition of citizens of Scotch Grove and Wyoming, Iowa, to ratify treaty between civilized nations relative to alcoholic trade in Africa—to the Committee on Alcoholic Liquor Traffic.

By Mr. FOSS: Petition of Smith-Wallace Shoe Company and other firms of Chicago, Ill., for the repeal of the tax of 15 per cent ad valorem on imported hides—to the Committee on Ways and Means.

Also, petition of sundry citizens of Chicago, Ill., against island saloons and canteens—to the Committee on Military Affairs.

By Mr. FLETCHER: Petition of citizens of Minneapolis, Minn., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. GAINES: Petition of Mrs. Della Sinnott and others, of Tennessee, for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of E. W. Bland and others, of Rural Hill and vicinity, Tennessee, favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. GIBSON: Petition of the heirs of James A. Prater, deceased, of Blount County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. GRAHAM: Petition of the League of American Municipalities, favoring an appropriation in behalf of the Southern States and West Indian Exposition at Charleston, S.C.—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the T Square Club, of Philadelphia, Pa., in relation to proposed changes in the White House—to the Committee on Public Buildings and Grounds.

Also, petition of the A. Colburn Company, of Philadelphia, Pa., in behalf of the pure-food bill—to the Committee on Agriculture.

Also, resolutions of the National Association of Agricultural Implement and Vehicle Manufacturers, of Chicago, Ill., asking for an appropriation for irrigation surveys and maps of irrigable public lands—to the Committee on Appropriations.

Also, petition of the United Presbyterian Congregation of New Alexandria, Pa., in favor of an amendment to the Constitution against polygamy, and various other reform measures—to the Committee on the Judiciary.

By Mr. GREENE of Massachusetts: Resolutions of Cumberland Naval Veteran Association, of New Bedford, Mass., for the passage of Senate bill No. 3422—to the Committee on Naval Affairs.

By Mr. GRIFFITH: Paper to accompany House bill No. 9614, to correct the military record of William McFarland—to the Committee on Military Affairs.

By Mr. GROUT: Petition of Vermont State Federation of Women's Clubs in favor of the forestry reserve and national park in Minnesota—to the Committee on the Public Lands.

Also, petition of James D. Pullen, of Brattleboro, Vt., for the repeal of the duty on tea—to the Committee on Ways and Means.

Also, petition of the National Patriotic Federation protesting against the passage of Senate bills 1929 and 2329, relating to steam railroads that enter the District of Columbia—to the Committee on the District of Columbia.

By Mr. JACK: Petition of J. T. Cole and other citizens of Derry, Pa., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. JOHNSTON: Petition of J. H. Copenhaven, administrator of Bayless G. Farley, of West Virginia, for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of W. H. Morris, of West Virginia, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. KERR: Petitions of Rev. H. W. McDowell and other citizens of Norwalk and Savannah, Ohio, favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petitions of the Friends' Sunday School of Greenwich, Ohio; Christian Endeavor Society and Congregational Church, of Norwalk, Ohio; William Behant and others, urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. KLEBERG: Petitions of J. B. McCampbell and others, W. L. Rea and others, J. M. Rodrigues, O. A. Mills, S. S. Cox, A. P. Frick, and others, in the State of Texas, asking for the improvement of Aransas Pass—to the Committee on Rivers and Harbors.

By Mr. McALEER: Resolutions of National Association of Agricultural Implements and Vehicle Manufacturers and petition of Quaker City Rubber Company, of Philadelphia, Pa., favoring appropriation for irrigation surveys—to the Committee on Irrigation of Arid Lands.

Also, resolution of National Good Roads Association, Chicago, Ill., favoring appropriation for good roads—to the Committee on Agriculture.

Also, petition of the A. Colburn Company, Philadelphia, Pa., in behalf of the pure-food bill—to the Committee on Agriculture.

By Mr. McCLELLAN: Three petitions of citizens of New York City, N. Y., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. ROBB (by request): Petition of soldiers of the Eightieth Regiment Missouri Militia, asking for the passage of a bill by which the members of the Missouri Militia may be placed on the pensionable list—to the Committee on Military Affairs.

Also (by request), petition of citizens of Iron County, Mo., asking for the passage of a bill authorizing the Adjutant-General of the United States to grant an honorable discharge to Andy McCue, late of Company D, Sixty-third Regiment Missouri Militia, so that he may be placed on the pension roll—to the Committee on Military Affairs.

By Mr. RUSSELL: Petition of druggists of Killingly, Conn., for the repeal of the special tax on proprietary medicines, etc.—to the Committee on Ways and Means.

Also, papers to accompany House bill granting a pension to Frances A. Tillotson—to the Committee on Invalid Pensions.

By Mr. SHATTUC: Petition of Durrell Bros. and other firms of Cincinnati, Ohio, urging the repeal of the tax on hides—to the Committee on Ways and Means.

By Mr. VANDIVER: Paper in support of House bill for the relief of Andrew Litzfelner, of Company I, Fifty-sixth Regiment Missouri Militia—to the Committee on Invalid Pensions.

By Mr. JAMES R. WILLIAMS: Petition of Laban Rickets, to accompany House bill granting him an increase of pension—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of N. B. Greathouse—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 12720, for the relief of Margaretha Mossman—to the Committee on Invalid Pensions.

By Mr. YOUNG: Petition of the Republican State committee of Pennsylvania, in favor of the Burleigh report on Congressional apportionment—to the Select Committee on the Census.

Also, letter of Charles H. Cramp, of Philadelphia, Pa., protesting against the registration of foreign-built vessels beyond the date fixed in the bill now pending in the House—to the Committee on the Merchant Marine and Fisheries.

Also, petition of John F. Betz & Son, of Philadelphia, Pa., for relief from the revenue tax on beer—to the Committee on Ways and Means.

Also, resolution of the T Square Club, of Philadelphia, Pa., in relation to proposed changes in the White House—to the Committee on Public Buildings and Grounds.

Also, resolution of the National Good Roads Convention, Chicago, Ill., in relation to road improvement—to the Committee on Agriculture.

Also, resolutions of the National Association of Agricultural Implement and Vehicle Manufacturers, Chicago, Ill., favoring legislation in regard to irrigation of public lands, surveys, etc.—to the Committee on Appropriations.

Also, resolutions of the Grocers and Importers' Exchange and Quaker City Chapter, Daughters of the American Revolution, Philadelphia, Pa., in favor of legislation transferring the present mint building to the city of Philadelphia—to the Committee on Public Buildings and Grounds.

Also, petition of the A. Colburn Company, of Philadelphia, Pa., in behalf of the pure-food bill—to the Committee on Agriculture.

SENATE.

SATURDAY, *January 5, 1901.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

CONSULATE AT NIUCHWANG, CHINA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, relative to an appropriation of a salary of $3,000 for a consulate at Niuchwang, China; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. DEBOE presented a petition of sundry citizens of Kentucky, praying for the adoption of an amendment to the Constitution and to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry business firms of Hopkinsville, Ky., praying for the repeal of the revenue tax on checks, telegrams, contracts of sale, etc.; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Kentucky, praying for the enactment of legislation giving relief to certain State militia; which was referred to the Committee on Military Affairs.

Mr. DOLLIVER presented a memorial of the Retail Grocers' Protective Association of Burlington, Iowa, remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Danbury, Iowa, praying for the repeal of the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of the First National Bank, the National State Bank, and the Henry County Savings Bank, all of Mount Pleasant, in the State of Iowa, praying for the repeal of the revenue tax on the capital and surplus of banks; which was referred to the Committee on Finance.

He also presented a petition of sundry business firms of Dubuque, Iowa, praying for the repeal of the duty on hides; which was referred to the Committee on Finance.

He also presented the petition of S. A. Hewling and sundry other citizens of Webster City, Iowa, praying for the enactment of a graded service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the Iowa State Veterinary Association, praying for the adoption of the proposed amendment to the Army reorganization bill relating to veterinarians in the Army; which was ordered to lie on the table.

He also presented petitions of the congregations of the Presbyterian Church of Mount Pleasant, the Methodist Episcopal Church of Whatcheer, and of the Woman's Christian Temperance Union of Nevada, all in the State of Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

He also presented the petitions of Richard Kapler and sundry other citizens of Cresco, H. Hendrickson and sundry other citizens of Audubon County, John Dubner and sundry other citizens of Lee County, Ole Peterson and sundry other citizens of Fredsville, George Z. Smith and sundry other citizens of Madison County, Josiah Standing and sundry other citizens of Linn County, Albert Ellgin and sundry other citizens of Worth County, William Lorgenfrey and sundry other citizens of Durant, and of E. Rodenberger and sundry other citizens of Blackhawk County, all in the State of Iowa, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented the petitions of Federal Labor Union No. 7310, American Federation of Labor, of Walsh; of the Trades and Labor Assembly of Des Moines; of the Federation of Labor of Cedar Rapids; of the Trades and Labor Assembly of Ottumwa, and of sundry citizens of Ottumwa, all in the State of Iowa, praying for the enactment of legislation to regulate the hours of daily work of laborers and mechanics; which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Garrison County, Mount Vernon, Jefferson, Middleton, Birmingham, and of the congregation of the First Westminster Presbyterian Church of Keokuk, all in the State of Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Afrca; which were referred to the Committee on Foreign Relations.

Mr. SPOONER presented a petition of the congregation of the First Methodist Episcopal Church of Waupaca, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

He also presented the petition of J. W. Barry and sundry other citizens of Phillips, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which was referred to the Committee on Foreign Relations.

Mr. FAIRBANKS presented a petition of the Hendricks-Vance Company and 12 other business firms of Indianapolis, Ind., praying for the repeal of the duty on hides; which was referred to the Committee on Finance.

He also presented the petition of Frederick Thum and 32 other citizens of Harrison County, Ind., and the petition of Edward Maidlow and 33 other citizens of Vanderburg County, Ind., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. THURSTON presented a petition of the faculty of the Industrial College of the University of Nebraska, Lincoln, Nebr., praying for the establishment of a bureau of weights and measures with a view to securing uniformity in standards and measuring instruments for scientific purposes; which was referred to the Committee on Manufactures.

He also presented a petition of sundry citizens of Valentine, Nebr., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of the Mackey Shoe Company and sundry other business firms of Sedalia, Mo., praying for the repeal of the duty on hides; which was referred to the Committee on Finance.

He also presented a petition of the Clearing House Association of Kansas City, Mo., praying for the repeal of the revenue tax on checks, telegrams, contracts of sales, etc.; which was referred to the Committee on Finance.

He also presented a petition of the Great Atlantic and Pacific Tea Company and sundry other wholesale and retail grocers in the United States, praying for the repeal of the duty on tea; which was referred to the Committee on Finance.

He also presented the petition of William Culman, representing the domestic wine interests of the United States, and of Henry E. G. Luyties, representing the wine importers of the United States, praying for the repeal of the stamp tax on domestic and foreign wines; which was referred to the Committee on Finance.

Mr. PENROSE presented a petition of the Commercial Exchange of Philadelphia, Pa., praying for the ratification of the so-called Hay-Pauncefote treaty; which was ordered to lie on the table.

He also presented a petition of the Hermon Christian Endeavor Society, of Frankford, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

He also presented a petition of 57 citizens of Pittsburg, Pa., and a petition of 51 citizens of Wilkesbarre, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the Manufacturers' Club of Philadelphia, Pa., praying for the laying of a Government cable to the new island possessions of the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for the repeal of certain portions of Schedules A and B of the war-revenue law; which was referred to the Committee on Finance.

He also presented petitions of the Central Presbyterian Church of Allegheny; the Mount Washington Presbyterian Church, of Pittsburg; the General Assembly of the Presbyterian Church of Pittsburg, and of sundry citizens of Allegheny, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which were referred to the Committee on Foreign Relations.

Mr. FRYE presented a petition of the Central Labor Union of Biddeford and Saco, in the State of Maine, praying for the enactment of legislation to regulate the hours of daily service of

laborers and mechanics; which was referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the First Presbyterian Church of Garfield, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which was referred to the Committee on Foreign Relations.

He also presented a petition of the faculty of the Industrial College of the University of Nebraska, praying for the establishment of a bureau of weights and measures; which was referred to the Committee on Commerce.

He also presented a petition of the Great Atlantic and Pacific Tea Company and sundry other wholesale and retail grocers of the United States, praying for the repeal of the duty on tea; which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens and associations of Washington City, remonstrating against the enactment of legislation granting to the Baltimore and Potomac Railroad Company certain public lands; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. SHOUP, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 134) relating to leaves of absence granted officers of the Army, reported it with an amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 5014) to authorize the Fourth Pool Connecting Railroad Company to construct and maintain a bridge across the Monongahela River, reported it with amendments.

THE MILITARY ESTABLISHMENT.

Mr. SEWELL. I am directed by the Committee on Military Affairs, to whom were referred the amendments intended to be proposed by the Senator from South Dakota [Mr. PETTIGREW] to the bill (S. 4300) to increase the efficiency of the military establishment of the United States, to report them back adversely.

Mr. PETTIGREW. Let the amendments be read.

The Secretary read the amendments, as follows:

Strike out all provisions in this bill which place an age limit against the appointment of meritorious volunteers to positions in the staff and line of the Regular Army, and add the following at end of bill:

"*It is further provided*, That one-third of the original vacancies created by this act, in all grades, from colonel down to second lieutenant, in both staff and line, shall be filled by selection from the officers of volunteers who have been commissioned in their respective staff corps or arm of service since April 21, 1898. The remaining two-thirds of original vacancies created by this act to be filled by selection from the officers of the Regular Army."

Mr. PETTIGREW. I ask that the amendments may lie upon the table, so that I can call them up and offer them to the bill at the proper time.

Mr. SEWELL. There is no objection to that course.

The PRESIDENT pro tempore. Without objection, the amendments will lie on the table, with the adverse report of the committee.

BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 5392) granting a pension to Ellen Hicks; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5393) granting an increase of pension to Joseph W. Burch; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULBERSON introduced a bill (S. 5394) to authorize the Paris, Choctaw and Little Rock Railway Company to construct and maintain a bridge across Red River, and to construct and operate a line of railway, with telegraph and telephone lines, across the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SEWELL introduced a bill (S. 5395) to authorize the United New Jersey Railroad and Canal Company and the Philadelphia and Trenton Railroad Company, or their successors, to construct and maintain a bridge across the Delaware River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. KENNEY introduced a bill (S. 5396) granting a pension to Ephraim Jefferson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5397) granting a pension to Charity McKenney;

A bill (S. 5398) granting an increase of pension to Samuel H. Pilsbury; and

A bill (S. 5399) granting an increase of pension to Charles H. Smith.

Mr. BATE introduced a bill (S. 5400) granting a pension to Martin Dismukes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 5401) granting a pension to Scottie E. McClure; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 5402) granting a pension to Sarah McCord; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Sarah McCord, widow of Marcus D. L. McCord, of Capt. Scott Terry's Company, Tennessee Militia, Indian wars, together with the affidavits of A. J. Ponder, Thomas Mabrey, and David B. Young, and letters from the Pension Office and War Department. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. MASON introduced a bill (S. 5403) for relief of George C. Ellison; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUARLES introduced a bill (S. 5404) to extend the privileges provided by an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, as amended; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SHOUP introduced a bill (S. 5405) granting an increase of pension to John H. Taylor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 5406) to amend section 3296, Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 5407) to amend section 19 of chapter 252, 29 Statutes at Large, approved May 28, 1896; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5408) granting a pension to Eleanor M. Laise;

A bill (S. 5409) granting an increase of pension to John W. Phillips;

A bill (S. 5410) granting an increase of pension to George M. Emery; and

A bill (S. 5411) granting an increase of pension to William S. Hosack.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Military Affairs:

A bill (S. 5412) for the relief of Joseph M. Reed;

A bill (S. 5413) to correct the military record of Samuel T. Morris; and

A bill (S. 5414) to correct the military record of Thomas W. Miller.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TALIAFERRO submitted an amendment proposing to appropriate $250,000 for improving Biscayne Bay, Florida, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PETTIGREW submitted an amendment authorizing the disbursing officers of the Treasury to pay to the trustee, legal representatives, or assigns of Eli Ayres $155,200 as a final settlement for any claim against the United States for certain land conveyed to him and held by the Chickasaw Indians, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $537,007.20 to enable the Secretary of the Interior to carry out the agreement made on October 24, 1900, by United States Indian Inspector James McLaughlin relative to the Indians of the Klamath Agency, in the State of Oregon, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PENSIONING OF EX-PRISONERS.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (S. 5055) granting pensions to soldiers and sailors confined in so-called Confederate prisons; which was referred to the Committee on Pensions, and ordered to be printed.

PROMOTION AND RETIREMENT OF OFFICERS.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (S. 1324) providing for the promotion and retirement of officers of the Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

THE MILITARY ESTABLISHMENT.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (S. 4300) to increase the efficiency of the military establishment of the United States; which was referred

to the Committee on Military Affairs, and ordered to be printed, as follows:

After section 41 insert the following:

"SEC. 42. That the distinctive badges adopted by military societies of men who served in the armies and navies of the United States during the Spanish-American war and the incident insurrection in the Philippines may be worn upon all occasions of ceremony by officers and men of the Army and Navy of the United States who are members of said organizations in their own right."

REPORT OF ABRAHAM L. LAWSHE.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. PETTIGREW on the 4th instant, as follows:

Resolved, That the Senate hereby expresses its condemnation of the refusal of the Secretary of War, under whatever influence, to send to the Senate copies of papers called for by its resolution of the 19th of December, 1900, requesting the Secretary of War to send to the Senate the report of Abraham L. Lawshe in relation to the receipts and expenditures in Cuba, as in violation of his official duty and subversive of the fundamental principles of the Government and of a good administration thereof.

Mr. PETTIGREW. I should like to have the resolution go over until Monday next, without losing its place.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that the resolution may retain its place until Monday morning. Is there objection? The Chairs hears none, and it is so ordered.

PAYMENTS TO SISSETON AND WAHPETON INDIANS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. PETTIGREW on the 3d instant, as follows:

Resolved, That the Secretary of the Interior be, and is hereby, directed to send to the Senate a copy of all recommendations, requests, and papers on file in relation to the payment of money belonging to the Sisseton and Wahpeton Indians to said Indians since November 6, 1900, and to inform the Senate whether he informed said Indians, or any of them, or any other person, previous to November 6 that he would make said payment after that date.

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

Mr. SPOONER. I have no objection to the portion of the resolution which calls for copies of papers and documents, but I doubt the propriety of calling upon a Cabinet officer to state whether he did or did not tell somebody that he would make payment after a certain date.

Mr. PETTIGREW. I suppose that would be a matter of public record only.

Mr. SPOONER. It is not treated as a matter of public record. It is not a call for correspondence.

Mr. PETTIGREW. I have no objection. All I aimed at was to get the public record.

Mr. SPOONER. Let that part be stricken out.

Mr. PETTIGREW. I desire to have the resolution so worded that whatever may be there in that connection, of record, shall come.

Mr. SPOONER. I have no objection to the correspondence on record in the office on the subject, but to ask a Cabinet officer whether he told a man to do this or to do that at a certain date is certainly not the proper thing.

Mr. PETTIGREW. It certainly would not do any harm.

Mr. SPOONER. It is not a good precedent. If the Senate wants to investigate the Cabinet officer it can bring him before a committee and put questions to him and let him make his explanation; but to put a specific question to a Cabinet officer in that way, as if you were taking his deposition, is hardly the thing, I think.

Mr. PETTIGREW. I will ask leave to amend the resolution so as to have him state whether he informed any correspondent in writing.

Mr. HOAR. Let the resolution be read.

Mr. ALDRICH. I think the first part of the resolution covers that.

Mr. PETTIGREW. I think so. I simply want the record.

Mr. SPOONER. I am willing that any correspondence on record in the office on the subject shall be brought here in answer to the resolution. I know nothing about the matter.

The PRESIDENT pro tempore. The resolution will be again read

The Secretary again read the resolution.

Mr. ALDRICH. Yes; "papers on file."

Mr. SPOONER. I move to strike out all after the words "nineteen hundred."

Mr. PETTIGREW. Of course that would destroy the resolution. Therefore I ask that it may go over until next Monday.

Mr. SPOONER. If the Senator wants to add "together with all correspondence on the subject," I have no objection.

Mr. PETTIGREW. I want to cover the whole ground. I think we can amend it so as to agree.

Mr. HOAR. I suggest this form. It seems to me that the tone of the latter part of the resolution is the tone of a question put to a culprit. I do not suppose it was so intended, and probably it did not strike the Senator so, but I think it would strike many people so. It is not consistent with the decorum and courtesy which belong to our intercourse with the Departments. I suggest that the Senator substitute something like this: "and also will inform the Senate of any official assurances given upon the subject."

Mr. PETTIGREW. I think if the resolution goes over until Monday we can probably agree upon wording that will not grate upon the ears of Senators.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that the resolution lie over until Monday, retaining its place on the table. Is there objection? The Chair hears none, and it is so ordered.

EXTENSION OF MINING LAWS TO SALINE LANDS.

Mr. STEWART. I ask unanimous consent to call up the bill (S. 3313) extending the mining laws to saline lands. It will take but a moment.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill, which had been reported from the Committee on Mines and Mining with an amendment, to strike out all after the enacting clause and insert a substitute.

Mr. STEWART. I am instructed by the Committee on Mines and Mining to withdraw that amendment and offer a substitute for it. The amendment I send to the desk was reported in the House by the House committee and recommended by the Department. The Committee on Mines and Mining have considered it and adopted the House amendment and the Department's recommendation. I move to strike out all after the enacting clause and insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. Strike out all after the enacting clause and insert, in lieu of the amendment of the committee, the following:

That all public lands of the United States containing salt springs, or deposits of salt in any form, and chiefly valuable therefor, are hereby declared to be subject to location and purchase under the provisions of the law relating to placer-mining claims: *Provided*, That the same person shall not locate or enter more than one claim hereunder: *And provided further*, That as to any of the public lands containing salt springs, or deposits of salt in any form, and chiefly valuable therefor, which have been heretofore occupied or attempted to be located, and are now claimed or improved as salt lands under such occupancy or attempted location, the claimants thereof shall have a preference right of location in conformity with this act for the period of six months from the passage thereof.

Mr. PLATT of Connecticut. What does the term "public lands" include?

Mr. STEWART. Lands that belong to the United States and are not reservations, of course.

Mr. PLATT of Connecticut. It does not include reservations?

Mr. STEWART. It does not touch reservations.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ALLISON. I ask that the bill may be again read.

The Secretary again read the proposed substitute.

Mr. CARTER. I should like to ask the Senator from Nevada a question.

Mr. STEWART. I will make a brief explanation of the amendment, at the request of the Senator from Iowa [Mr. ALLISON].

At the time the original mining laws were passed it was not known that there were large salt deposits in the various Western States, while those deposits were very extensive. It was suggested that the reservation that has pertained up to that time of salt springs should be continued. That was suggested by people in the East. There were only a few of them, and the Government reserved them and proposed to lease them. I do not know whether any were leased or not. They have been reserved on the public land. They could be counted on your fingers. I suppose there were not more than half a dozen. But at that time they did not use salt in mining; it was merely free mining.

Subsequently all through the mining region it has been found necessary to use salt in reduction, and they have taken it from all over that country. There is an abundance of it. It is almost without limit. It is not as extensive as the alkali beds, but there is an abundance of it in every one of the mining States. There is no law by which they can get title to it. They are manufacturing it for export. Now, the men going into the enterprise want title, and there is no reason why they should not have it. This matter has been submitted to the Secretary of the Interior and the amendment that we offer is recommended by him. It has been thoroughly considered by the Committee on Mines and Mining, and there is no exception to it.

Mr. PLATT of Connecticut. I suppose where we have admitted States we have reserved the title of the salt lands to the United States.

Mr. STEWART. We reserved those lands. It originated in the first place from the fact that there were very few salt deposits, and we did not want a monopoly of them to be created.

Mr. PLATT of Connecticut. And we have not any law by which the title can be acquired?

Mr. STEWART. There is no law by which the title can be acquired. There are now vast fields of it in all the Western States, and they have been using it all the while.

Mr. PLATT of Connecticut. And I suppose people have gone on without any right under the law——

Mr. STEWART. Yes.

Mr. PLATT of Connecticut. And have commenced to develop the salt mines, and this is to enable them to get title?

Mr. TELLER. I should like to say to the Senator from Connecticut that in some of the Western regions they quarry salt as they quarry stone, and it is just about as valuable as stone when it is not close to a market.

Mr. PLATT of Connecticut. I was not objecting to the bill. I wanted to understand it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. CARTER. I wish to ask the Senator from Nevada a question. On the shores of the Great Salt Lake in Utah there are deposits of salt. The waters of that lake have been receding steadily for many years past. I should like to ask the Senator if he considered that condition in connection with the framing of the phraseology of the bill giving preference to persons who locate now under mining claims over those who have heretofore located homesteads, a portion of which may be embraced within the salt lands formerly reserved.

Mr. STEWART. If they have located and acquired title, it is then withdrawn. The bill applies only to public lands. If there is any title to it, of course it would not apply.

Mr. CARTER. I understand, but the homestead filing might be rendered invalid by a declaration to the effect that the salt lands constituted, for instance, a part of the shore of Salt Lake. I do not think that any act ought to be passed which would impair the right of homestead settlers.

Mr. STEWART. I will meet that by saying "unoccupied public lands."

Mr. CARTER. That, I think, will cover it.

Mr. TELLER. That will cover it.

Mr. STEWART. That meets it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. CARTER. As agreed to be amended I will not object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. The modification proposed by the Senator from Nevada to the amendment will be stated.

The SECRETARY. Insert in the amendment, before the word "public," the word "unoccupied," so as to read "that all unoccupied public lands."

The PRESIDENT pro tempore. If there is no objection the amendment will be so modified. The question is on agreeing to the amendment as modified.

Mr. PETTUS. The first part of the amendment is inconsistent with the proviso giving preference. I move to strike out the clause giving preference.

Mr. STEWART. That was recommended by the Department; but it is quite immaterial. Let it be stricken out.

The PRESIDENT pro tempore. The Senator from Alabama moves an amendment to the amendment of the committee, which will be read.

The SECRETARY. Strike out the last proviso, in the following words:

And provided further, That as to any of the public lands containing salt springs, or deposits of salt in any form, and chiefly valuable therefor, which have been heretofore occupied or attempted to be located, and are now claimed or improved as salt lands under such occupancy or attempted location, the claimants thereof shall have a preference right of location in conformity with this act for the period of six months from the passage thereof.

Mr. STEWART. I do not think the proviso ought to be stricken out, because they are mining all around, and they would not want to have somebody come in and take their mines away from them.

Mr. PETTUS. The first part of the amendment provides for public unoccupied lands. Now, if they are public and unoccupied, how can anyone have a preference claim?

Mr. STEWART. This makes an exception in that particular case. It is, however, all unoccupied public land except in a case where they are occupying it for a salt mine. That would be simply an exception to the general proposition. That is all it would amount to.

Mr. PETTUS. I do not think any such preference ought to be given at all, for the reason that if a man is on that land, using it, occupying it, cultivating it as a salt mine, he is violating the laws of the United States, and he ought not to have a preference given him by reason of his violation of the law.

Mr. STEWART. I believe my friend was in California in the early days and was one of the violators of the law there.

Mr. PETTUS. Never in the world.

Mr. STEWART. We violated the law, and the Supreme Court held that we had a right to violate the law. If you will look at 3 Wallace, you will see that the court said they would shut their eyes to the fact that we had violated it and we might continue to violate it.

The PRESIDENT pro tempore. The Senator from Alabama moves to strike out the proviso which has just been read. The question is on agreeing to the amendment.

The question having been put, there were on a division—yeas 11, nays 28; no quorum voting.

The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. HOAR. Let the Chair state the question once more.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Alabama, and a rising vote indicates no quorum to be present.

Mr. PLATT of Connecticut. Can not that difficulty be obviated by calling for the yeas and nays at this time?

The PRESIDENT pro tempore. The Chair does not think a call for yeas and nays can be made when the fact has been developed that no quorum is present.

Mr. TELLER and others. Let the roll be called.

The PRESIDENT pro tempore. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Dillingham,	McCumber,	Sewell,
Allison,	Dolliver,	McEnery,	Shoup,
Bacon,	Fairbanks,	McLaurin,	Simon,
Bard,	Foster,	Mallory,	Spooner,
Bate,	Frye,	Martin,	Stewart,
Berry,	Gallinger,	Mason,	Taliaferro,
Beveridge,	Hansbrough,	Morgan,	Teller,
Burrows,	Harris,	Nelson,	Thurston,
Butler,	Hawley,	Perkins,	Tillman,
Carter,	Heitfeld,	Pettigrew,	Towne,
Chilton,	Hoar,	Pettus,	Turner,
Clark,	Jones, Ark.	Platt, Conn.	Vest,
Clay,	Kean,	Pritchard,	Wellington.
Cockrell,	Kenney,	Proctor,	
Culberson,	Lindsay,	Quarles,	
Deboe,	Lodge,	Scott,	

The PRESIDENT pro tempore. Sixty-one Senators have responded to their names on the roll call. There is a quorum present. The question is on agreeing to the amendment of the Senator from Alabama [Mr. PETTUS] to the amendment of the committtee.

Mr. HAWLEY. Mr. President, I feel obliged to move to proceed to the consideration of the Army bill.

Mr. STEWART. Wait one moment, until we get a vote. It is all through.

Mr. HAWLEY. I had only a minute to wait in the beginning, and it has taken twenty.

The PRESIDENT pro tempore. The question is on the amendment to the amendment.

Mr. PETTUS. On that I ask for the yeas and nays.

Mr. VEST. Let us hear the amendment read.

Mr. TELLER. Let the amendment be read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Alabama to the amendment will again be read.

The Secretary again read the proviso proposed to be stricken out.

Mr. STEWART. I accept the amendment to the amendment.

The PRESIDENT pro tempore. The amendment of the Senator from Alabama is accepted by the Senator from Nevada. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE MILITARY ESTABLISHMENT.

Mr. HAWLEY. I move that the Senate proceed to the consideration of the Army bill.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. 4300) to increase the efficiency of the military establishment of the United States.

The PRESIDENT pro tempore. The amendment to be considered is on page 33 of the bill, to strike out section 27 and insert——

Mr. PROCTOR. I offer from the committee an amendment to be inserted at the end of section 22 on page 33.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 33, at the end of the new section 22, insert:

SEC. —. That when vacancies shall occur in the position of chief of any staff, corps, or department, the President may appoint to such vacancies, by and with the advice and consent of the Senate, officers of the Army at large not below the rank of lieutenant-colonel, and who shall hold office for terms of four years. When a vacancy in the position of chief of any staff, corps,

or department is filled by the appointment of an officer below the rank now provided by law for said office, said chief shall, while so serving, have the same rank, pay, and allowances now provided for the chief of such corps or department. And any officer now holding office in any corps or department who shall hereafter serve as chief of a staff, corps, or department and shall subsequently be retired, shall be retired with the rank, pay, and allowances authorized by law for the retirement of such corps or department chief: *Provided*, That so long as there remain in service officers of any staff, corps, or department holding permanent appointments, the chief of such staff, corps, or department shall be selected from the officers so remaining therein.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Vermont.

Mr. TELLER. I wish the Senator who offers the amendment from the committee would explain what it means. Nobody can tell when read in that way. I know there is something about officers being appointed for four years. I do not know what it means. I should like to have the Senator from Vermont explain it.

Mr. PROCTOR. The last clause of our original bill of last session, which has been stricken out by the House, beginning at line 25, at the bottom of page 2, and continuing to the middle of page 3, had a provision that is practically the same as this, except that in the amendment just submitted we require that the head of the corps shall be confirmed by the Senate. That makes the provision comply precisely with the present arrangement in the Navy, which has worked so satisfactorily. It is limited by the proviso, so that all the officers now holding permanent appointments receive their regular promotion, and the selection of the chief must be made from them so long as any of them remain.

The PRESIDENT pro tempore. The question is on the amendment.

The amendment was agreed to.

Mr. MORGAN. I desire to offer an amendment to the bill, which I ask to have printed.

The PRESIDENT pro tempore. The Senator from Alabama submits a proposed amendment, which will be read.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. —. From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States as a posse comitatus, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress; and any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $10,000 or imprisonment not exceeding two years, or by both such fine and imprisonment.

The PRESIDENT pro tempore. The proposed amendment will be ordered to be printed and lie upon the table. The next amendment reported by the committee will be stated.

The SECRETARY. On page 33 the committee propose to strike out section 27, as follows:

SEC. 27. That whenever there shall occur a vacancy, which can not be filled by promotion or appointment under the provisions of preceding sections of this act, in offices of the grades of lieutenant-colonel and major in the Adjutant-General's and Inspector-General's departments; of captain in the Quartermaster's, Subsistence, and Pay departments, and of first lieutenant in the Signal Corps, such vacancy shall not be filled by a permanent appointment, but shall be filled by the detail, by the Secretary of War, after competitive examination, as hereinafter provided, of an officer of the line, who shall serve for the period of four years unless sooner relieved, and shall not again be eligible for detail in any staff corps or department until he shall have rendered actual service for two years with troops of the arm in which he is commissioned. Any officer detailed for staff duty under the provisions of this section shall be selected from the grade corresponding to, or from the grade next below, that to which the detail is to be made, and shall have the rank, pay, and allowances of the grade to which detailed. No detail for staff duty as herein provided shall be made in the case of any officer until he has actually served with troops for at least four years if his rank is above that of a second lieutenant, and for at least two years if he is a second lieutenant; and no such detail shall be made in the case of any officer until he shall have passed a satisfactory competitive examination by an examining board composed of three officers, of whom one may be a line officer and two shall be permanent or detailed officers of the department or corps in which the detail is to be made, said examination to be conducted under regulations to be prescribed by the President, and to be announced in general orders to the Army. Examining boards, to be constituted as herein prescribed, for the various departments and corps in which details are to be made shall be convened by the Secretary of War at such times and places as the exigencies of the service may require, and said board shall examine and report upon, as far as practicable, all line officers who may be applicants for details to staff duty, and who shall have been recommended by their commanding officers for such details. A separate list of officers reported on favorably by such examining boards shall be kept for each department or corps in which details are to be made, the officers on said list to be arranged in accordance with the ratings given them by the examining boards, and to be detailed for duty, in the department or corps to which the list pertains, in the order of their standing upon said list, beginning with the officers having the highest rating; but no officer shall remain eligible for detail for more than two years unless he shall again successfully pass the examination hereinbefore prescribed.

The amendment was agreed to.

The next amendment was, on page 35, beginning in line 10, to strike out section 28, as follows:

SEC. 28. That whenever there shall occur a vacancy, which can not be filled under the provisions of preceding sections of this act by the promotion of officers holding permanent appointments, in offices of the grades of colonel in the Adjutant-General's and Inspector-General's Departments, of major in the Quartermaster's and Subsistence Departments, of major in the Pay Department after the number of paymasters of that grade shall have been reduced below twenty, and of captain in the Signal Corps, such vacancy shall be filled by the appointment of an officer to be selected from among those who have served by detail, under the provisions of this act, in the next lower grade in the department or corps in which the vacancy occurs.

The amendment was agreed to.

Mr. ALLISON. Do I understand that the sections which have been stricken out are all one amendment, or are they separate amendments? I think for the convenience of a conference, if there ever should be one, they ought to be regarded as separate amendments, and so numbered.

The PRESIDENT pro tempore. They are treated as separate amendments.

The next amendment reported by the Committee on Military Affairs was, on page 35, line 23, to renumber section 29 so as to make it section 24.

The amendment was agreed to.

The next amendment was, on page 36, line 9, to renumber section 30 so as to make it section 24, and in line 16, after the word "Officers," to insert "not over 40 years of age;" so as to read:

SEC. 24. That vacancies in the grade of field officers and captain, created by this act, in the cavalry, artillery, and infantry shall be filled by promotion according to seniority in each branch, respectively. Vacancies existing after the promotions have been made shall be provided for as follows: A sufficient number shall be reserved in the rank of second lieutenant for the next graduating class at the United States Military Academy. Officers not over 40 years of age now holding commissions in the Volunteer Army may be ordered before boards of officers for such examination as may be prescribed by the Secretary of War.

The amendment was agreed to.

The next amendment was, in line 21, before the words "second lieutenant," to strike out "first or;" and in line 23, before the words "second lieutenant," to strike out "first or;" so as to read:

Volunteer officers who establish their fitness before these examining boards may be appointed to the grade of second lieutenant in the Regular Army. Volunteer officers so appointed to the grade of second lieutenant shall be arranged according to rank, on a separate list.

Mr. NELSON. Those two amendments ought not to be adopted. Under the bill as it came from the House appointments in the line were open to volunteer officers both in the grades of first and second lieutenants. This amendment strikes out first lieutenants and limits the appointments of volunteer officers wholly to second lieutenants. I think that is a discrimination that ought not to be permitted. I think both the grades of first and second lieutenant ought to be open for the appointment of officers who have been in the Volunteer Army since the Spanish war. I trust the amendment of the committee will not be adopted.

Mr. PROCTOR. They are open, but perhaps not quite so fully as in the bill as it came from the House. If the Senator will read further he will see that—

Volunteer officers so appointed to the grade of second lieutenant shall be arranged according to rank, on a separate list. All vacancies then existing in the grade of first lieutenant in each arm of the service—

And there will be many—

shall be filled from this list and the lineal lists of second lieutenants of the Regular Army, according to seniority, etc.

Mr. NELSON. But the point is that none of them can be appointed as first lieutenants in the first instance, and when they get in as second lieutenants they have to take their places in the line of promotion with the other second lieutenants. I think we ought to leave both the grades of first and second lieutenant open—and it is surely little enough—to those volunteer officers. Take a man who has served with efficiency in the Volunteer Army as a major, a lieutenant-colonel, or a colonel, and there is no reason why he should be limited to a mere second lieutenancy. I should be glad if they had been permitted to go as high as captain; but I think the provision in the bill as it came from the House as to first lieutenants ought to stand, and I trust no change will be made in that respect.

Mr. TILLMAN. I asked the Senator from Vermont [Mr. PROCTOR] the other day to give me some information in regard to the provision in the bill, if there be one, permitting privates to be examined for promotion; whether there is any opportunity offered to young men who served in the Spanish war as officers and who have joined the Army as privates with a view of getting an opportunity to get into a lieutenant's position, to do so by competitive examination—men of high character and good standing—whether you have barred them and shut them out from any of these appointments or not. If not, would not the committee accept an amendment that would permit these privates to now get a chance to secure appointments as second lieutenants by the appointment of the President if they can stand the examination?

Mr. SEWELL. I will say to the Senator from South Carolina that that is the law now, and it remains the law.

Mr. TILLMAN. There is no provision in this bill for the increase of the Army looking to these appointments for that purpose.

Mr. SEWELL. This will not interfere with the general law that exists to-day. We are examining to-day, in almost every department and at almost every post, deserving privates and noncommissioned officers for commissions in the Army, and they get the promotion if they pass the examination.

Mr. TILLMAN. Then why have a special provision in this bill looking to the filling of these vacancies by officers only and not by officers and men who served in the Spanish war? You by specific action here bar the privates out, and yet you say there is a general act which permits them to be examined.

Mr. SEWELL. I do not think it bars them out at all.

Mr. TILLMAN. Then are you willing to put in "officers and privates?"

Mr. NELSON. Will the Senator allow me?

Mr. TILLMAN. With pleasure.

Mr. NELSON. I think the Senator from New Jersey [Mr. SEWELL] is mistaken. It is true that privates can be examined and get commissions in the Army, but it is only privates who are in the Regular Army. It does not apply to the privates who have been in the volunteer service and are mustered out. They can not get the benefit of that law.

Mr. TILLMAN. Will not the committee accept an amendment providing in this section for officers and enlisted men, so that any competitive examination will be open to any soldier who has enlisted or who is now in the Army?

Mr. BATE. I will say to the Senator from South Carolina that there has been an amendment offered to this bill—I offered it yesterday—which includes privates as well as officers.

Mr. TILLMAN. Has that been accepted or voted on?

Mr. BATE. No; it has not. It is upon the table.

Mr. TILLMAN. Then the Senate will have an opportunity to pass on it hereafter, and I have nothing more to say; but I do not want this to go by without those men having an opportunity of getting the position of second lieutenant if the bill itself prohibits the appointment of anybody except officers.

Mr. TELLER. I think this is a good place to amend this bill.

Mr. TILLMAN. I think so, too—right here.

Mr. TELLER. It is very easy to do it if that is the sentiment of the Senate. In line 16, on page 36, after the word "officers," I move to insert "and enlisted men."

Mr. President, I agree with the Senator from Minnesota [Mr. NELSON] that we ought to leave open at least the first and second lieutenancies, for we know that we got into the Army from the volunteer forces in this way some very excellent men, who are now in the public service or who have been retired. I think it has been one of the defects of the Regular Army that it has not held out sufficient inducements to privates and noncommissioned officers for promotion. I should like to have it broad enough to take in every man in the Army whom the President of the United States may think deserving of promotion.

Mr. HALE. Will the phrase "enlisted men" include what the Senator desires?

Mr. TILLMAN. "Or noncommissioned officers?"

Mr. HALE. "Or noncommissioned officers."

Mr. TILLMAN. No.

Mr. HALE. It certainly ought to.

Mr. TELLER. The term "Officers," I suppose, includes noncommissioned officers.

Mr. HALE. No.

Mr. TELLER. Then, we want it to read "Officers, noncommissioned officers, and enlisted men."

Mr. MONEY. Noncommissioned officers are enlisted men.

Mr. SPOONER. But all enlisted men are not noncommissioned officers.

Mr. MONEY. Of course not.

The PRESIDENT pro tempore. In the confusion which is prevailing the Chair does not know which Senator has the floor.

Mr. TELLER. I want to amend in this way—"Officers, noncommissioned officers"——

Mr. SEWELL. It is not necessary to put in "noncommissioned officers." The words "or enlisted men" will be sufficient.

Mr. TELLER. Very well, "enlisted men." There seems to be a difference of opinion. Let us put those words in to make the matter sure. When the bill goes into conference the committee can fix it so that it will be right. What we want is to open the door of promotion to noncommissioned officers and privates. There is no way now, as I understand, in which that can be done.

Mr. NELSON. Will the Senator allow me to make a suggestion to him?

Mr. TELLER. Certainly. I do not know much about it.

Mr. NELSON. The term "enlisted men" covers technically both privates and noncommissioned officers, and is a better term than the other, and more comprehensive.

Mr. TELLER. If it does, that is enough. Some Senators, however, seem to think it does not. I should have thought it did, but the chairman of the committee can tell us.

Mr. HAWLEY. Unquestionably the phrase "enlisted men" does include noncommissioned officers.

Mr. TELLER. Very well. Then, I will move the amendment in the way I first suggested it—"Officers and enlisted men." Then, I want the Senate to disagree to the amendment proposed by the committee, and leave the positions of first and second lieutenant open to these promotions if the President thinks fit to make them.

Mr. MONEY. I inquire of the Chair if the amendment offered by the Senator from Minnesota [Mr. NELSON] is to be voted upon now, or is the amendment suggested by the Senator from South Carolina [Mr. TILLMAN] or by the Senator from Colorado [Mr. TELLER] the matter to be considered?

The PRESIDENT pro tempore. There was a unanimous-consent agreement that the committee amendments should be first acted upon, and another unanimous consent was given that that should not prevent the offering of any amendment hereafter.

Mr. MONEY. I understand that; but what I want to know is what is under consideration. What is to be voted on?

The PRESIDENT pro tempore. The committee amendments under the unanimous-consent agreement.

Mr. MONEY. I understood the Senator from Minnesota to offer an amendment to the committee amendment. Is that the pending question?

Mr. NELSON. I was not offering an amendment. I merely spoke against the amendment proposed by the committee.

Mr. MONEY. Oh!

Mr. NELSON. The committee amendment was under consideration, and that is an amendment to eliminate the position of first lieutenant from appointments that are open to volunteer officers—limiting promotions to second lieutenancies. That is the effect of the amendment of the committee. I was opposing it and wanting the bill to remain as it came from the other House, leaving the positions of first and second lieutenants open to volunteer officers.

Mr. MONEY. If that is the matter to be voted upon, I want to say that I entirely agree with the Senator from Minnesota. I think both the first and second lieutenancies should be left open to meritorious officers or privates if they show their competency before a board of examination. We have some soldiers in the Philippines to-day who distinguished themselves in the Cuban campaign during the Spanish war, and who have since distinguished themselves in the Philippines. If these young gentlemen wish to adopt the profession of arms, after having proved their thorough fitness and capacity and courage for that service, they ought to have left open to them a bigger place than that of second lieutenant.

I have in mind a young gentleman who served with distinction on the staffs of General Ewers and General Wood, and he has very high testimonials from those generals. He has since served with distinction in the Philippines. He has been made adjutant of his regiment. He has served as judge-advocate to general courts-martial. He has been four times mentioned in reports for distinguished and conspicuous bravery in action, and he is now recommended by the General Commanding the Army for two brevets, one as a major and one as lieutenant-colonel, for gallantry in action and general meritorious conduct. That young gentleman wants to quit the study and the practice of the law and be a soldier, but he can not very well afford to do so if he is to be but a second lieutenant, because he has a family. That is one case I know all about, and there are numbers of others that I know something about.

I do not believe, if any young man has served his country, has risked his life in war, and has shown his thorough capacity and courage and talent and everything else to make an officer, that he should have open to him only the lowest grade of commission, that of second lieutenant. In fact, I believe the bill as it came from the House should be amended so as to leave the grade of captain open to such meritorious cases. Of course, the discretion of the President must come in here. No man can be appointed to any position unless he has the recommendation of his superior officer, of his colonel, of his brigadier, his major-general, or his corps general, or whoever commands, and all these recommendations must concur in pointing out to the President the distinguished ability and merits of the soldier who is trying for a commission in the Regular Army. So that in any event the matter is thoroughly safeguarded.

I believe the grade of captain should be open to these gallant fellows, and I am in favor of leaving it open to them. It would be no disparagement to the regulars that they would be compelled to compete with these men who are their equals in every respect. I hope that the committee amendment to the House bill will not pass. I would rather see the grade extended up to that of the rank of captain, so that these gentlemen might have at least a chance for this promotion.

We understand how people are appointed to Westpoint. I had a competitive examination for the selection of a cadet, but other gentlemen appoint because they know the boy, some appoint by special examination or selection; and all sorts of people get in there. All the hazing business which is brought to light does not do credit to the institution as it is now conducted. We certainly will get as good material for officers, and certainly for generals, out of the volunteer force, as we can get from the cadets at

Westpoint, who are to-day disgracing the whole country, or at least some of them are doing so, if the report of the examining committee can be at all trusted.

I shall insist when the time comes to vote that there shall be some provision made for these men.

Mr. HAWLEY. I make no objection whatever to crossing out the black brackets there, and leaving the words "first or" in the bill where they occur in two places, so as to make the provision apply to the positions of first and second lieutenant.

Mr. TELLER. Let that be voted on, and then I want to state my amendment, with which I have not yet got through.

The PRESIDENT pro tempore. The question is on the adoption of the committee amendments in lines 21 and 23, of section 24, on page 36, which have been read.

The amendments were rejected.

The PRESIDENT pro tempore. Under the unanimous-consent agreement, the next amendment of the committee will be stated. Later on, under another unanimous-consent agreement, the amendment of the Senator from Colorado will be clearly in order.

Mr. TELLER. But there is nothing to prevent me from offering my amendment now, which I propose to do. I have not had a chance to complete it yet. I have got part of it offered, but through the intervention of others I did not get through. I should like to complete the amendment. My motion is to insert, after the word "officers," in line 16 of the pending section, the words "and enlisted men." Now, to make that conform with the other part of the section we can strike out the words "now holding commissions." That is my motion.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from Colorado to line 16 of the bill, which reads:

Officers not over 40 years of age now holding commissions in the Volunteer Army may be ordered before boards of officers for such examination.

That is connected with the provision which the Senator now proposes to amend. If the Senator will examine the two propositions, he will see there will have to be an amendment there in order to make the intention clear.

Mr. HAWLEY. Some amendment must follow if we preserve the words "first or" in the two places there; and my colleague from New Jersey [Mr. SEWELL] is prepared to present the proper amendment.

Mr. TELLER. I withhold my amendment until I see what the committee propose.

Mr. SEWELL. In line 24, after the word "list," I move to strike out:

All vacancies then existing in the grade of first lieutenant in each arm of the service shall be filled from this list and the lineal lists of second lieutenants of the Regular Army, according to seniority as determined by length of prior commissioned service—

Leaving in the words:

But nothing herein contained shall change the relative rank of officers heretofore commissioned as second lieutenants in the Regular Army.

Mr. ALLISON. The Senator proposes to strike out from line 24 down to and including line 5 on page 37?

Mr. SEWELL. No.

The PRESIDENT pro tempore. The Senator from New Jersey, in behalf of the committee, offers an amendment, which will be read.

The SECRETARY. On page 36, line 24, after the word "list," it is proposed to strike out:

All vacancies then existing in the grade of first lieutenant in each arm of the service shall be filled from this list and the lineal lists of second lieutenants of the Regular Army, according to seniority as determined by length of prior commissioned service.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from New Jersey.

Mr. DANIEL. I should like to have that read again, as I did not catch the effect of it.

The PRESIDENT pro tempore. The amendment will be again read.

The Secretary again read the amendment proposed by Mr. SEWELL.

Mr. SEWELL. I will say to the Senator from Virginia that we have thrown open to the volunteers promotion to the positions of first and second lieutenant. Then the bill goes on to say that—

Volunteer officers so appointed to the grade of first or second lieutenant shall be arranged, according to rank, on a separate list.

That covers the whole thing.

Mr. DANIEL. I should like to ask the chairman of the committee a question as to this bill, while he is on the floor.

Authority is given in the bill for the appointment of commissioned officers in the volunteers to a rank in the Regular Army as high as that of first lieutenant. Is it intended by the bill to prohibit the President from making any appointments whatsoever in the Regular Army from civil life?

Mr. SEWELL. He could not, under this bill, above the grade of first lieutenant, except in the staff corps.

Mr. DANIEL. He could make no appointment whatever from civil life in the Regular Army if this bill should become a law?

Mr. SEWELL. Except under the present law; and that is done all the time.

Mr. DANIEL. But does not this supersede the present law?

Mr. SEWELL. I should think not.

Mr. DANIEL. Then why is it necessary to give the President authority in the bill to appoint men now in the Army to the rank of second lieutenant if he can do it anyway?

Mr. ALDRICH. I suggest to the Senator from New Jersey that if his amendment is adopted I think the President could appoint. This strikes out the restriction upon the appointing power. The amendment of the Senator from New Jersey is to strike out the very clause which imposes this restriction.

Mr. DANIEL. No; it allows appointments "from this list and the lineal lists of second lieutenants of the Regular Army."

Mr. ALDRICH. It confines the appointments to those.

Mr. DANIEL. To those two lists.

Mr. ALDRICH. But if that language is stricken out, the appointing power is not restrained by any language in the law, as I understand it.

Mr. ALLISON. If it be true that this opens the entire list of the first lieutenants to appointments from civil life, I think it might create great confusion.

Mr. DANIEL. That was not my proposition.

Mr. ALLISON. I think the intent and purpose of the bill and of the House amendment is to confine at least the appointments of first and second lieutenants to persons who have served in the war with Spain.

Mr. DANIEL. As the bill now stands there is authority given to appoint second lieutenants from "officers not over 40 years of age now holding commissions in the Volunteer Army." If the President already has the power to appoint any person a second lieutenant in the Regular Army from civil life, what is the necessity of putting in here authority to him to appoint one who is now serving in the volunteers?

Mr. SEWELL. It is to cover the volunteer officers in the war with Spain. The rule of the Army, established by regulations, is to give vacancies as they occur, first to the graduates from Westpoint——

Mr. DANIEL. I understand that.

Mr. SEWELL. And to the deserving noncommissioned officers and privates who have passed an examination—we are constantly examining them; we do not get enough of them—and then to civilian appointments, and civilians were appointed largely last year and the year before in order to fill up the Army. Some of them were among the brightest young men in the country, graduates of our colleges.

Mr. DANIEL. That is what I want to preserve.

Mr. SEWELL. That is preserved, and the general law is not interfered with by this bill.

Mr. DANIEL. I was afraid this bill might be construed to override that. The bill, in my judgment, is too restrictive anyway. I do not sympathize at all with the spirit or structure of the bill. It looks like a skillful piece of military engineering by a Regular Army officer to keep out of the Army many of the brightest and best military spirits in this country.

According to the newspapers, there is now lying before the Senate the nomination of a volunteer officer in the Philippines to the rank of general, and while the President is recognizing, what every intelligent man in the country knows to be the fact, that we have many volunteer officers in all the States of this Union who are capable of commanding battalions, regiments, brigades, divisions, and armies, the Senate is engaged, after having just welcomed home many of our men from a successful war, in proscribing them from holding any commissions in the permanent service of the country save that of second lieutenant. This is the most proscriptive bill against the volunteers of this country that has ever been proposed in either House of Congress. The whole spirit and texture of it is wrong.

Mr. President, every war that this country has ever been engaged in has been fought for the most part by volunteers—nearly all of them——

Mr. TILLMAN. Without any question.

Mr. DANIEL. The Revolutionary war, the war of 1812, the Mexican war, the civil war, and in the last war the volunteers were not in any respect inferior to the regulars. No man can point to any field in the late war or to any field in the military history of this country on which the volunteers have not maintained the American character and the American name in a manner worthy of this country. The regulars are skillful officers and good men, but for the Senate to go to work and give them a monopoly in the military service of the country is opposed to our history, opposed to precedent, and absolutely opposed to the military and equitable justice of this case.

I do not see why a volunteer officer who is fit for it, who has

been in the service, and who has learned something of the art of war in the best school in which that art is ever taught—practical experience—shall not hold, if the President thinks he is fit to hold it, any commission in a regiment, or any other commission in the Army. We do not wish to segregate and isolate the military establishment of this country from all sympathy with and from all reenforcement from the ranks of the people. We ought to keep an open door between the Regular Army and the people, and have the people going into it all the time, carrying their views and their knowledge, which are something more than any young man acquires at Westpoint. We want the trained, technical, expert military element in the Army to give it certain shape and drill and certain elements of military science which can not be learned offhand; but the other element we want in the Army is a much greater one than that. It is the martial and adaptive spirit of a free people. We want to intermix men who have come fresh from the people with men who have been a long time segregated from the people, and it is in that amalgamated sentiment that we will find the best type of American thought and of the American officer.

I shall vote to strike out these prohibitions upon the American people from the right to go into the military service. I wish that this was a volunteer bill instead of a bill to provide for so massive a Regular Army. The volunteers have never failed to come forward whenever the country has said "I need you." They are in the Philippines to-day, and every official in the Government, from the President down, has applauded their good work; and as they will be coming home they will find another army going there, in which they are proscribed from holding any commission but that of second lieutenant—a beautiful welcome for the Senate of this country to hand to the returning volunteers—a law proscribing them and all their officers from holding any commission in the army which is sent to complete that work, except the lowest commission in it—and at a time when the President of the country recognizes that they have amongst them men who ought to be and are being promoted to the rank of general.

This is an exclusive bill, Mr. President, devised for the purpose of being exclusive, and to give the officers of the Regular Army a priority and advantage to which they are not entitled. I am glad to see a regular officer promoted, and there are some who ought to be promoted and who have been neglected, but I am not in favor of turning over all the military affairs of the country to the regulation and to the command of regular officers. The Commander in Chief of the Army to-day is not a Westpointer or an educated military man, excepting such education as he obtained in the field. The Adjutant-General of the Army, whom the Senate has recently seen fit to promote from brigadier-general to major-general in consideration of his excellent service in the late war, was also an American volunteer who never rubbed his head against the walls of Westpoint.

Mr. BERRY. He never was hazed?

Mr. DANIEL. There are here eminent men on both sides of the Chamber who were major-generals and brigadier-generals and who are honored by their countrymen, not one of whom ever got his start in war from Westpoint. And this is the body which is asked to go back upon American history and upon the record of its own most distinguished military men, upon the present conduct of the Senate and the present organization of the Army, and to say that the brightest and best and bravest and most heroic men in this country, who have just returned from fields red with their blood, shall hold no commission in its service but that of second lieutenant; and now we are trying to squeeze it up to a first lieutenancy. I would throw the whole Army open to them, Mr. President. The President, in the exercise of his discretion, will give such preference to the regular officers as the nature of the case will warrant.

Mr. VEST. Will my friend the Senator from Virginia permit me to ask him a question for information? I am not much of a military man, and I should like to understand him. I understand him to state that nothing but the grade of second lieutenant is open for appointment by the President.

Mr. ALLISON. First lieutenant now.

Mr. DANIEL. If we make it so.

Mr. SEWELL. We have.

The PRESIDING OFFICER (Mr. ALDRICH in the chair). That amendment has been agreed to.

Mr. VEST. My understanding, derived from my experience as a Senator, is that Presidents have been in the habit of appointing second lieutenants and brigadier-generals from civil life, and that the appointments are confined to those two grades. I should like to know from some member of the Military Affairs Committee if I am not correct. I know that appointments of brigadier-generals from civil life have been sent to the Senate since I have been in service here. I think there is one pending here now.

Mr. SEWELL. There is no prohibition. The President can appoint anyone if the Senate will confirm him.

Mr. VEST. I will ask the Senator from New Jersey if the appointment of a brigadier-general from civil life, a citizen of Illinois, has not been sent to the Senate, and is now pending, I believe, before the Committee on Military Affairs?

Mr. SEWELL. Who?

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Jersey on behalf of the committee.

Mr. DANIEL. I ask that it may be stated.

The PRESIDING OFFICER. The amendment will again be stated.

The SECRETARY. On page 36, line 24, it is proposed to strike out the following:

All vacancies then existing in the grade of first lieutenant in each arm of the service shall be filled from this list and the lineal lists of second lieutenants of the Regular Army, according to seniority, as determined by length of prior commissioned service.

Mr. BATE. Mr. President, that clause certainly does confine the appointments by the President to the Regular Army. It seems to be the contention here now as to whether these appointments ought to come from the Regular Army exclusively or from the volunteers also. This very amendment seems to go to the gist of this contention. I should myself like to see some relief to this embarrassment. I believe in extending it to include volunteers. While I have the highest opinion of the regular officers of our Army and think, in some instances, they should have preference because of their experience and education, yet I do not like to see the bar put up and the door closed against those who have shown themselves worthy in the hour of peril, and have gone forth in battle for the country and have come out with honor.

Mr. President, I know such instances where it would work a marked injustice. There was a regiment from my own State which the President has on more than one occasion alluded to in complimentary terms in his public addresses—the First Tennessee Regiment. That regiment was enlisted immediately after the outbreak of hostilities with Spain, and was sent to the Philippine Islands, and, instead of being sent home at the expiration of its term of service, was kept for nineteen months, and no murmur heard from them, and when orders had been received to go home and they were upon the vessel that was to transport them notice was given that the enemy was approaching. They immediately got off the ship, went ashore to resist the enemy, and did not return until the situation was relieved. Col. Frank Cheatham was then a major commanding a battalion in that regiment; and instead of coming home, as they had a right to do, enough of them reenlisted and formed a battalion in the Thirty-seventh Regiment. Major Cheatham has, by legitimate gradations, become the colonel of the Thirty-seventh Regiment, and is with the battalion of Tennesseans still in the service. He and his command will be mustered out the 30th of June. This officer has been in the Army since the beginning of the Spanish war.

Arguments are sometimes better understood when you illustrate them by a person. Colonel Cheatham is a military man by nature, and experienced by his command at home of the State Guards. He is the son of the man whose honored name he bears, and who was a major-general of distinction in our civil war. Now, that man having reenlisted, and having assisted in reenlisting a battalion for his country's service, and while they were in Manila, costing the Government nothing to take them there, he and those with him have done well their part; yet, under the terms of this bill, he and his fellow-officers have to step down and out; and I suppose the most that could be done for him, under the amendment, is a first lieutenancy. That is the case now presented.

We want some remedy for it. This is a restrictive measure, as was said by the Senator from Virginia [Mr. DANIEL], one that meets my disapproval, Mr. President, although I am on the Committee on Military Affairs, from which this amended bill came. I am opposed to this inequality and injustice, and I shall vote against this bill because it is restrictive and unjust and gives a monopoly to the regulars over volunteers. Indeed, it pushes aside volunteers altogether. I have a high opinion of our Regular Army, its officers and men. The regular officers, as a class, are educated, polished social gentlemen, attractive and winsome, and well calculated to impress Senators and committees with their way of thinking and make us feel kindly to their interests and sympathize with their ambition. But we can not forget the historic volunteer. This bill is restrictive; aye, is drastic. It is monopolizing in fact as well as in tendency. I object to it on that ground, as I do on many others that I hope to have occasion to present to the Senate hereafter in the discussion of this bill.

Mr. HAWLEY. I sympathize with many of the things said here, but we are not at present coming to any practical result. I suggest that this section lie over until Monday's session, and in the meantime we will have a meeting of the Committee on Military Affairs and try to submit a proposition which will be acceptable.

Mr. BATE. That is agreeable.

The PRESIDING OFFICER. Is there objection to that course? If not, the amendment will be passed over.

Mr. TELLER. I do not want to object, but I want to say to the committee that they will have to do more than report this bill as it came from the House. Unless they come here with an amendment which will give the enlisted man an opportunity to be promoted by the President as he ought to be, I shall move an amendment. If the committee will do that, of course it will save them some trouble. I have no objection to this. There must be other amendments to make it harmonious.

Mr. NELSON. What is the state of the last amendment?

The PRESIDING OFFICER. It has been passed over until Monday by the unanimous consent of the Senate.

Mr. HAWLEY. It goes over until Monday.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

Mr. WARREN. Before this matter is passed over, I desire to offer an amendment which I send to the desk. I ask that it may be printed, to be considered with this section.

The PRESIDING OFFICER. The Senator from Wyoming offers an amendment, which will be read for information.

The SECRETARY. On page 36, section 24, line 17, after the word "Army," insert the following:

And those volunteer officers not over 30 years of age who held commissions during the war with Spain and are now serving in the Regular Army.

The PRESIDING OFFICER. The amendment will be printed.

Mr. BATE. I should like to hear it again. It is not a committee amendment?

The PRESIDING OFFICER. It is not a committee amendment. It is an amendment offered by the Senator from Wyoming and is not now in order. The next committee amendment will be stated.

The SECRETARY. On page 37 it is proposed to renumber section 31 so that it will stand as section 25.

The amendment was agreed to.

The SECRETARY. On page 37 it is proposed to renumber section 32 so that it will stand as section 26.

The amendment was agreed to.

Mr. ALLISON. What has become of the amendment on page 37 striking out certain words?

The PRESIDING OFFICER. That is part of the section which has been passed over.

Mr. MALLORY. I desire to offer an amendment to section 26, and I ask that it may be read.

The PRESIDING OFFICER. The Senator from Florida offers an amendment, which will be read for information.

The SECRETARY. It is proposed to strike out all of section 26 on page 37.

The PRESIDING OFFICER. The amendment will be printed. The next amendment of the Committee on Military Affairs will be stated.

The SECRETARY. On page 38, line 1, after the word "direct," it is proposed to strike out the following proviso:

Provided, That in the event of the enlistment of a soldier in the Army for the period required by law, and after the expiration of one year of service, should either of his parents die, leaving the other solely dependent upon the soldier for support, such soldier may be honorably discharged from the service of the United States upon due proof being made of such condition to the Secretary of War.

Mr. TELLER. I wish somebody would tell why that is to be stricken out. It seems to be a good provision.

Mr. SPOONER. It ought certainly to be stricken out.

Mr. TELLER. I should like somebody to give a good reason for it.

Mr. SPOONER. For this reason: It is restrictive.

Provided, That in the event of the enlistment of a soldier in the Army for the period required by law, and after the expiration of one year of service, should either of his parents die, leaving the other solely dependent upon the soldier for support, such soldier may be honorably discharged from the service of the United States upon due proof being made of such condition to the Secretary of War.

The implication from that language would be that only in such case should the discharge be made, and the soldier would be obliged to serve a year. I suppose if the wife of a soldier serving in the Philippines died, leaving a family of children to be taken care of, he could be discharged. The power of the President is what the power of the President ought to be, to discharge a man at any time when the circumstances presented to him are such as to warrant the exercise of that authority; and there is no sense whatever, to my mind, in this proposition.

Mr. TELLER. I think the Senator from Wisconsin has made a good case.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Military Affairs.

The amendment was agreed to.

The next amendment of the Committee on Military Affairs was to renumber section 33 so as to stand as section 27.

The amendment was agreed to.

The next amendment was, on page 38, section 27, line 10, to strike out the word "rendezvous" and insert "stations;" so as to make the section read:

SEC. 27. That the Secretary of War is authorized to detach from the Army at large such number of enlisted men as may be necessary to perform duty at the various recruiting stations, and while performing such duty 1 member of each party shall have the rank, pay, and allowances of sergeant, and 1 the rank, pay, and allowances of corporal of the arm of the service to which they respectively belong.

The amendment was agreed to.

The next amendment was to renumber section 34 so as to stand as section 28.

The amendment was agreed to.

The next amendment was to renumber section 35 so as to stand as section 29.

The amendment was agreed to.

The next amendment was to renumber section 36 so as to stand as section 30.

The amendment was agreed to.

Mr. PROCTOR. In new section 30, page 39, line 11, the committee propose an amendment, to strike out the words "or resigned" and after "service" to insert the words "by resignation or otherwise;" so that it will read:

And have been honorably discharged from the service by resignation or otherwise.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Vermont on behalf of the committee.

The amendment was agreed to.

Mr. ELKINS. I desire to offer an amendment and have it printed. Let it be read.

The PRESIDING OFFICER. The Senator from West Virginia offers an amendment, which will be read for information.

The SECRETARY. It is proposed, in section 17, line 5, page 29, to strike out "three" and insert "four;" in line 6, to strike out "four" and insert "five;" in line 8, to strike out "nine" and insert "twenty;" in line 9, to strike out "seven" and insert "five;" so that lines 3 to 9 inclusive shall read:

That the Pay Department shall consist of 1 paymaster with the rank of brigadier-general, 4 paymasters with the rank of colonel, 5 paymasters with the rank of lieutenant-colonel, 20 paymasters with the rank of major, and 25 paymasters with the rank of captain, mounted.

Also to strike out the word "nine," in line 15, and insert "twenty;" to strike out "nine," in line 23, and insert after the word "reduced" the words "below twenty;" so that line 23 shall read:

After the number of majors has been reduced below 20.

Mr. ELKINS. Make that line 15; line 23 is wrong.

Mr. BATE. What section is it?

Mr. ELKINS. Section 15. I also wish to strike out the word "forty," in line 19, and insert the word "fifty."

Mr. HALE. How much of an increase is it?

Mr. ELKINS. It does not increase it at all.

Mr. HAWLEY. This amendment is to be passed over?

The PRESIDING OFFICER. It was read for information, and will be printed and lie on the table.

Mr. HAWLEY. I shall object to it.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment of the Committee on Military Affairs was, on page 39, to strike out all of section 37 and insert the following:

SEC. 31. That any officer of the Army now on the active list below the grade of brigadier-general who served during the civil war shall, when retired, be retired with the rank and pay of the next higher grade, except such officers as may be retired under section 29 of this act. This section shall apply to officers who have been retired on or since the 11th day of August, 1898, but shall not apply to any officer whose service on the active list does not exceed thirty-five years.

Mr. TELLER. I ask the committee to let that section be passed over. I have an amendment to that section. I want to discuss it a little.

Mr. PROCTOR. Will the Senator allow me to perfect it a little further by committee amendments?

Mr. TELLER. Yes; but I do not want to have it adopted now.

Mr. PROCTOR. No; I move to insert, as a committee amendment, in line 5, after the word "war," the words "prior to April 9, 1865." The reason for that, as the Senator will see plainly, is that the war did not officially terminate until August. It is to limit it to those who were in the civil war before the actual fighting ceased.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 40, section 31, line 5, after the word "war," it is proposed to insert "prior to April 9, 1865."

The amendment to the amendment was agreed to.

Mr. PROCTOR. Further, in line 10, after the word "whose," I move to insert "active."

Mr. TELLER. So as to read "active service."

Mr. PROCTOR. So as to read "active service;" and in the next line I move to strike out "on the active list" and insert "in the Army, exclusive of service as a cadet at the United States Military Academy;" so that it will read:

But shall not apply to any officer whose active service in the Army, exclusive of service as cadet at the United States Military Academy, does not exceed thirty-five years.

Mr. TELLER. I suggest to the Senator that he had better amend that by striking out "five" and let it stand on the statute, which allows a man to be retired on thirty years' service. If he will do that I think the provision will be very fair.

There are a large number of men who have been retired after thirty years' service. Instead of being retired for disability, many of them who have been disabled have preferred, instead of going before a board when they had served thirty years in active service, to take the retirement. Now, here the committee have extended it to thirty-five years, which excludes all that class of men. If the Senator will strike out "five" I think it will cover my objection to it, but I want to look at it a little further.

Mr. ALLISON. If I understand this section, it does not apply to any officer who has hitherto been retired. It applies only to officers to be retired hereafter.

Mr. HALE. In the future.

Mr. ALLISON. In the future.

Mr. TELLER. It says:

This section shall apply to officers who have been retired on or since the 11th day of August, 1898, but shall not apply to any officer whose service on the active list does not exceed thirty-five years.

I want to strike that out.

Mr. ALLISON. I wish to make a suggestion to the committee.

Mr. TELLER. I do not desire to discuss it now, because I have an amendment to cover it.

Mr. ALLISON. I do not care to discuss it either. I wish to suggest to the committee, however, that if they insert this section it will be only a year or two until all officers who have been hitherto retired will ask to be put on the same list of retirement at a grade above the grade in which they served at the time of their retirement.

Mr. PROCTOR. There is no question but that the Senator from Iowa is strictly correct in that statement. I suggest to the Senator from Colorado that he allow the section to be perfected and then on Monday propose his entire amendment.

Mr. TELLER. I do not object to that course, but I want the Senator to go a little further. If he does not choose to do so, it may be passed over.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 40, section 31, line 10, before the word "service" insert "active;" in line 11 strike out "on the active list" and insert "in the Army, exclusive of service as a cadet at the United States Military Academy;" so as to read:

But shall not apply to any officer whose active service in the Army, exclusive of service as a cadet at the United States Military Academy, does not exceed thirty-five years.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The section as amended will now be passed over. The next amendment of the Committee on Military Affairs will be stated.

The next amendment of the Committee on Military Affairs was to renumber section 38 so as to stand as section 32.

The amendment was agreed to.

The next amendment was, on page 42, to renumber section 39 so as to stand as section 33.

The amendment was agreed to.

The next amendment was to renumber section 40 so as to stand as section 34.

The amendment was agreed to.

The next amendment was, on page 43, line 4, section 34, before the word "wine," to strike out "beer;" and in line 5, after the word "any," to strike out "intoxicating liquors" and insert "distilled spirits;" so as to make the section read:

SEC. 34. The sale of or dealing in wine or any distilled spirits by any person in any post exchange or canteen or army transport, or upon any premises used for military purposes by the United States, is hereby prohibited. The Secretary of War is hereby directed to carry the provisions of this section into full force and effect.

Mr. GALLINGER. I rise to oppose this amendment; but the Senator from North Dakota is particularly interested in this question, and I know that he has an amendment which he proposes to submit to the committee amendment; so I trust that it may go over for the present.

The PRESIDING OFFICER. The Senator from New Hampshire asks that this section may be passed over. In the absence of objection that course will be pursued.

Mr. SPOONER. I send to the desk an amendment, which I ask may be printed, and which I intend to offer, to come in at the end of renumbered section 17.

The PRESIDING OFFICER. The Senator from Wisconsin gives notice of his intention to offer an amendment, which will be read for information.

The SECRETARY. It is proposed to add at the end of section 17, page 30, the following additional proviso:

Provided further, That any volunteer officer who was appointed under the provisions of existing law an additional paymaster and who is now in the service as such shall be eligible to appointment as paymaster under this act.

The PRESIDING OFFICER. The amendment will lie on the table and be printed.

Mr. TELLER. I wish to offer an amendment and have it printed and lie on the table.

The PRESIDING OFFICER. The Senator from Colorado gives notice of his purpose to offer an amendment, which will be read for information.

The SECRETARY. The following amendment is intended to be proposed by Mr. TELLER:

Amend section 29, page 38, by striking out the words "has been," in line 3, and inserting "shall be hereafter."

The PRESIDING OFFICER. The amendment will lie on the table and be printed. The next amendment of the committee will be stated.

The next amendment of the Committee on Military Affairs was, on page 43, to renumber section 41 so as to stand as section 35.

The amendment was agreed to.

The PRESIDING OFFICER. This is the last amendment of the committee except those that have been passed over for consideration at a later date. What is the pleasure of the Senate?

Mr. HAWLEY. I have an amendment here, a copy of which is pasted in the bill. I send it to the desk. It is proposed as section 36, and it is desired by the Subsistence Department and the Secretary of War. It is followed by another short section.

The PRESIDING OFFICER. The Senator from Connecticut proposes to amend by adding at the end of this bill a new section, which will be read.

The SECRETARY. It is proposed to add at the end of the bill the following:

SEC. 36. That the President be, and he is hereby, authorized to prescribe the kinds and quantities of the component article of the Army ration, and to direct the issue of substitutive equivalent articles in place of any such components whenever, in his opinion, economy and a due regard to the health and comfort of the troops may so require.

SEC. 37. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

The amendment was agreed to.

The PRESIDING OFFICER. The first amendment of the committee which has been passed over will now be taken up.

Mr. TELLER. I wish to inquire what was done with section 34, the canteen question?

The PRESIDING OFFICER. The amendment was passed over. The first committee amendment passed over will now be reported.

The SECRETARY. On page 27 the committee propose to strike out all of section 20.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BERRY. What is section 20?

The PRESIDING OFFICER. The section will be read for information.

Mr. GALLINGER. The committee reported a substitute which ought to be read.

The PRESIDING OFFICER. The substitute will be read.

The SECRETARY. On page 27 the committee propose to strike out all of section 20, and to insert:

SEC. 16. That the grade of veterinarian of the second class in cavalry regiments, United States Army, is hereby abolished, and hereafter the two veterinarians authorized for each cavalry regiment and the one veterinarian authorized for each artillery regiment shall receive the pay and allowances of second lieutenants, mounted. Such number of veterinarians as the Secretary of War may authorize shall be employed to attend animals pertaining to the Quartermaster's or other departments not directly connected with the cavalry and artillery regiments, at a compensation not exceeding $100 per month.

Mr. GALLINGER. Mr. President, I rise to oppose the amendment reported by the committee.

Mr. SPOONER. Mr. President——

Mr. GALLINGER. I yield to the Senator from Wisconsin.

Mr. SPOONER. Does the Senator from Connecticut [Mr. HAWLEY] desire to proceed further with the bill this afternoon?

Mr. HAWLEY. I desire to finish the bill.

Mr. SPOONER. It can not be done to-day.

Mr. TELLER. You can not do it to-day.

EXECUTIVE SESSION.

Mr. SPOONER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session, the doors were reopened.

AGREEMENT WITH CREEK INDIANS.

Mr. PLATT of Connecticut. I ask unanimous consent that the pending business be laid aside informally and that the Senate proceed to the consideration of the bill (H. R. 11821) to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes.

Mr. HOAR. I hope I may have the order to include the judicial salary bill. I understand there is not to be much objection to that measure.

Mr. PLATT of Connecticut. It is very important to get this bill out of the way, it having been held a long time.

The PRESIDING OFFICER. The Senator from Connecticut asks unanimous consent that the pending order of business be laid aside informally and that the Senate proceed to the consideration of the bill indicated by him.

Mr. HOAR. What is the pending order?

The PRESIDING OFFICER. The pending order is the Army reorganization bill. Is there objection to the request of the Senator from Connecticut?

Mr. HOAR. I do not want to interfere with the Senator. I suppose it is not expected to take up the Army bill again to-day.

Mr. HALE. No.

Mr. HOAR. I should like to have unanimous consent to have the judicial bill also considered, but with the assurance of the Senator from Connecticut that this is something which requires haste I will waive it. Otherwise I would ask unanimous consent that then the judicial bill be taken up, if any time of the day be left for the purpose.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut?

Mr. PLATT of Connecticut. There are two of those bills I will state.

The PRESIDING OFFICER. The Chair hears no objection, and leave is granted.

Mr. HOAR. I ask unanimous consent, when that is over, if any time be left to-day, that the judicial salary bill be taken up.

Mr. PLATT of Connecticut. There are two of these agreements, one with the Creek Nation and the other with the Cherokee Nation.

Mr. HOAR. I understand.

Mr. PLATT of Connecticut. Matters have been delayed and thrown into confusion because the bills have not been acted upon.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that after the disposition of the bill which is now to be taken up and another of similar character which is to follow the bill which has been indicated by him may then be considered. Is there objection to that request?

Mr. CARTER. It being the understanding that at that time the pending order will be temporarily laid aside.

Mr. PETTIGREW. I shall object.

The PRESIDING OFFICER. Does the Senator from South Dakota object to all of the requests or to only one?

Mr. PETTIGREW. Yes; to everything that requires unanimous consent. Let us dispose of the pending bill and then take up other matters. I do not want to bind the future.

Mr. HOAR. I rose before the unanimous consent was given to insist that my request should be coupled with it as one consent. The Chair did not state it so, but on the whole I will not interfere. It has been stated the other way, and I will let it go. I will ask for it at the end of the order secured by the Senator from Connecticut.

The PRESIDING OFFICER. Does the Senator from South Dakota object to the unanimous consent asked for by the Senator from Connecticut?

Mr. HOAR. My bill has already been made a special order, and it is merely notice that it is to come up.

Mr. PETTIGREW. I do not see why it requires unanimous consent to do what the Senator from Connecticut desires.

The PRESIDING OFFICER. It requires unanimous consent or a vote of the Senate.

Mr. PLATT of Connecticut. It would lay aside the Army bill.

Mr. PETTIGREW. Let us take a vote of the Senate, then. I do not know that I object to the treaties, although I did object to one of them in committee.

The PRESIDING OFFICER. The Senator from South Dakota objects to the request of the Senator from Connecticut.

Mr. PETTIGREW. I will not have the roll called.

Mr. HOAR. The Senator from Connecticut is, I think, going to move to take up the bill, for the Army bill, of course, would be resumed instantly. The displacing of the Army bill makes no difference.

Mr. PLATT of Connecticut. I am not going to make any motion which will displace the Army bill or its consideration.

Mr. HOAR. I move to take up the judicial salary bill.

The PRESIDING OFFICER. The Senator from Massachusetts moves to take up for present consideration a bill the title of which will be read.

Mr. JONES of Arkansas. I hope the Senator from Massachusetts will not displace the proposition to take up the agreements with these two Indian tribes.

Mr. HOAR. I do not, but the Senator from Connecticut waived it. If he insists on it, I shall not make any objection.

Mr. JONES of Arkansas. Your proposition is to take up the bill to increase the salaries of the Federal judges?

Mr. HOAR. I made it because the Senator from Connecticut first waived his request. Otherwise I should not have intervened.

Mr. PLATT of Connecticut. I did not waive it, but the Senator from South Dakota has objected to it.

Mr. JONES of Arkansas. I hope the Senator from South Dakota will not object to the consideration of these agreements.

Mr. PETTIGREW. I withdraw my objection.

The PRESIDING OFFICER. The Senator from South Dakota withdraws his objection. Does the Senator from Massachusetts withdraw his motion?

Mr. HOAR. Certainly.

The PRESIDING OFFICER. The objection being withdrawn, the bill is before the Senate for its consideration, and will be read.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11821) to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes, which had been reported from the Committee on Indian Affairs with amendments.

The PRESIDING OFFICER. Is it the desire of the committee that the amendments of the committee shall be acted upon as they are reached?

Mr. PLATT of Connecticut. I ask unanimous consent that the amendments of the committee may be acted upon as they are reached.

The PRESIDING OFFICER. The Senator from Connecticut asks unanimous consent that the committee amendments shall be acted upon as the bill is read. If there be no objection, that order is entered. The reading will be proceeded with.

The Secretary proceeded to read the bill. The first amendment of the Committee on Indian Affairs was, on page 8, line 20, before the words "laid out," to strike out "and" and after the words "laid out" to strike out the following:

Under rules and regulations to be prescribed by the Secretary of the Interior, into town lots, necessary streets, alleys, and parks, conforming to existing surveys, where made by the Creek Nation, as far as may be, giving to each town such territory as may be required for its present needs and reasonable prospective growth; and the surveyors shall prepare five correct plats of each town, under such rules as may be provided by the Secretary of the Interior, and forward same to said Secretary for his approval, and when approved by him he shall retain one of said plats and transmit one to the principal chief, one to the clerk of the United States court within the jurisdiction of which the town is located, one to the town authorities, and one to the Dawes Commission: *Provided*, That the survey and appraisement of the lots in the towns in the Creek Nation for which town-site commissioners have heretofore been appointed shall be prosecuted and completed by said commissions now engaged in such work under the direction of the Secretary of the Interior; but the payment of the purchase money for all lots and parcels of land shall be made and titles conveyed as provided in this agreement: *Provided further*, That the Secretary of the Interior, where, in his judgment, the public interests will be thereby subserved, may permit the authorities of any town in said nation, at the expense of the town, to survey, lay out, and plat the site thereof, subject to his supervision and approval, as in other instances.

And to insert:

And appraised under the provisions of an act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes," approved May 31, 1900.

The amendment was agreed to.

The next amendment was to strike out section 11, in the following words:

11. There shall be an appraisement committee appointed for each town, who shall, after survey has been completed, appraise all town lots therein at their true value at the time of appraisement, considering the location, surroundings, and advantages of the town, but not the improvements on such town site, and shall appraise the improvements on each town lot separately, and such appraisement shall be reported to the Secretary of the Interior and approved by him before becoming effective. If a majority of the members of a committee fail to agree upon the value of any lot, the value thereof shall be fixed by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was to strike out section 12, in the following words:

Each appraisement committee shall consist of one member to be appointed by the Secretary of the Interior, one by the principal chief, and one by the town authorities, neither of whom shall be interested in any town lot or lands in the town for which he is appointed, except one lot upon which he may reside. Each member of such committees shall be entitled to compensation only for the time he is actually employed in the discharge of his duties, and may at any time, for good cause, be removed by the Secretary of the Interior.

All controversies between claimants to the possession of any town lot or parcel of land in any town shall be decided by the appraisement committee.

If the principal chief or town authorities fail to appoint a member of any appraisement committee, the appointment may be made by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in section (13) 11, page 11, line 13,

after the word "appraisement," to strike out "committee" and insert "commission;" so as to make the section read:

11. Any person in rightful possession of any town lot having improvements thereon, other than temporary buildings, fencing, and tillage, shall have the right to purchase such lot by paying one-half of the appraised value thereof; but if he shall fail within sixty days to purchase such lot and make the first payment thereon, as herein provided, the lot and improvements shall be sold at public auction to the highest bidder, under direction of the appraisement commission, at a price not less than their appraised value, and the purchaser shall pay the purchase price to the owner of the improvements, less the appraised value of the lot.

The amendment was agreed to.

The next amendment was, in section (17) 15, page 12, line 18, after the word "appraisement," to strike out "committee" and insert "commission;" so as to read:

15. When the appraisement of any town lot is made, upon which any person has improvements as aforesaid, said appraisement commission shall notify him of the amount of said appraisement, and he shall, within sixty days thereafter, make payment of 10 per cent of the amount due for the lot, as herein provided, and four months thereafter he shall pay 15 per cent additional, and the remainder of the purchase money in three equal annual installments, without interest.

The amendment was agreed to.

The next amendment was in section (20) 18, page 13, line 22, after the word "appraisement," to strike out "committee" and insert "commission;" and in line 1, page 14, after the word "said," to strike out "committee" and insert "commission;" so as to make the section read:

18. The surveyors may select and locate a cemetery within suitable distance from each town, to embrace such number of acres as may be deemed necessary for such purpose, and the appraisement commission shall appraise the same at not less than $20 per acre, and the town may purchase the land by paying the appraised value thereof; and if any citizen have improvements thereon, other than fencing and tillage, they shall be appraised by said commission and paid for by the town. The town authorities shall dispose of the lots in such cemetery at reasonable prices, in suitable sizes for burial purposes, and the proceeds thereof shall be applied to the general improvement of the property.

The amendment was agreed to.

The next amendment was, on page 29, to strike out section 50, as follows:

50. That the Secretary of the Interior is hereby authorized and directed from time to time to provide rules and regulations for the leasing of oil, gas, coal, asphalt, and other minerals on the unallotted and unselected portion of the land within the Creek country, and all such leases shall be made by the Secretary of the Interior, and any lease for any such minerals otherwise made shall be absolutely void. No lease shall be made or renewed for a longer period than fifteen years, nor cover the mineral in more than 160 acres of land, which shall conform as nearly as possible to the surveys. Lessees shall pay on each oil, gas, coal, asphalt, or other mineral claim at the rate of $100 per annum, in advance, for the first and second years; $300 per annum, in advance, for the third and fourth years, and $500, in advance, for each succeeding year thereafter, as advanced royalty on the mine or claim on which they are made. All such payments shall be a credit on royalty when each said mine is developed and operated and its production is in excess of such guaranteed annual advanced payments, and all lessees must pay said annual advanced payments on each claim, whether developed or undeveloped; and should any lessee neglect or refuse to pay such advanced annual royalty for the period of sixty days after the same becomes due and payable on any lease, the lease on which default is made shall become null and void, and the royalties paid in advance shall then become and be the money and property of the tribe: *Provided*, That nothing herein contained shall impair the rights of any holder or owner of a leasehold interest in any oil, coal rights, asphalt, or mineral which have been assented to by act of Congress, but all such interest shall continue unimpaired hereby, and shall be assured to such holders or owners by leases from the Secretary of the Interior for the term not exceeding fifteen years, but subject to payment of advance royalties as herein provided, when such leases are not operated, to the rate of royalty on coal mined, and the rules and regulations to be prescribed by the Secretary of the Interior, and preference shall be given to such parties in renewals of such leases; but if said lease covers any land which has been selected or allotted then the royalty for the part of said land so selected or allotted shall be paid to the person to whom the allotment has been made or to the person who has made the selection: *Provided further*, That when, under the customs and laws heretofore existing and prevailing in the Creek Nation, leases have been made of different groups or parcels of oil, coal, asphalt, or other mineral deposits, and possession has been taken thereunder and improvements made for the development of such oil, coal, asphalt, or other mineral deposits by lessees or their assigns, which have resulted in the production of oil, coal, asphalt, or other mineral in commercial quantities by such lessees or their assigns, such leases are hereby approved for a period of not to exceed fifteen years from the date of the lease and for not more than 160 acres of land, and such parties in possession shall be given preference in the making of new leases, in compliance with the directions of the Secretary of the Interior; and in making new leases due consideration shall be made for the improvements of such lessees, and in all cases of the leasing or renewal of leases of oil, gas, coal, asphalt, and other mineral deposits preferences shall be given to parties in possession who have made improvements. The rate of royalty to be paid by all lessees shall be fixed by the Secretary of the Interior: *Provided*, That the royalty which shall become due under the terms of leases heretofore made or under new leases made under the provisions of this act shall be paid, if on unallotted or unselected lands, to the Creek tribe; but if on allotted or selected land, then the same shall be paid to the allottee or to the member of the tribe who has made the selection: *Provided further*, That members of said tribe who have made selections or to whom allotments have been made may lease their selections or allotments for the development of oil, gas, coal, asphalt, or other mineral deposits and receive the royalty for the same, but before operations shall be begun upon the land owned or controlled by any person, for the development of oil or gas, the lessee or party operating shall pay to the allottee or owner of the said land the value of the use of the necessary surface for prospecting or mining and the damage to be done to the other land and improvements of said allottee or owner, the value to be ascertained under the direction of the Secretary of the Interior: *Provided further*, That no lease provided for in this section shall be of force or effect until the consent of the allottee is obtained in writing and until the same is approved by the Secretary of the Interior, and in no case shall the lease provided for in this section interfere with allotments or cover the 40-acre homestead provided for in this bill, or in any case cover more land than is allotted to any one allottee, exclusive of his homestead.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AGREEMENT WITH THE CHEROKEES.

Mr. PLATT of Connecticut. The same consent extends to House bill 11820.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11820) to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes, which had been reported from the Committee on Indian Affairs with amendments.

The first amendment was, on page 9, section 15, line 6, after the word "surveyed," to strike out the word "and;" and in line 7, after the word "out," to strike out:

Under rules and regulations to be prescribed by the Secretary of the Interior, into town lots, necessary streets, alleys, and parks, conforming to existing surveys where made by the Cherokee Nation, as far as may be, giving to each town such territory as may be required for its present needs and reasonable prospective growth; and the surveyors shall prepare five correct plats of each town and forward same to the Secretary for his approval, and when approved by him he shall retain one of said plats and transmit one to the principal chief, one to the clerk of the United States court within the jurisdiction of which the town is located, one to the town authorities, and one to the Dawes Commission: *Provided*, That the Secretary of the Interior, where in his judgment the public interests will be thereby subserved, may permit the authorities of any town in said nation, at the expense of the town, to survey, lay out, and plat the site thereof, subject to his supervision and approval as in other instances.

And to insert:

And appraised under the provisions of an act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes," approved May 31, 1900.

So as to make the section read:

15. All towns in the Cherokee Nation having a present population of 200 or more shall be surveyed, laid out, and appraised under the provisions of an act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes," approved May 31, 1900.

The amendment was agreed to.

The next amendment was, to strike out sections 16, 17, and 18, as follows:

16. There shall be a town-site committee for each town, which shall, after survey has been completed, appraise all town lots therein at their true value at the time of appraisement, considering the location, surroundings, and advantages of the town but not the improvements erected on such town site, and shall appraise the improvements on each town lot separately; and such appraisements shall be reported to the Secretary of the Interior and approved by him before becoming effective. If a majority of the members of a committee fail to agree upon the value of any lot, the value thereof shall be fixed by the Secretary.

17. Each town-site committee shall consist of one member to be appointed by the Secretary of the Interior, one by the principal chief, and one by the town authorities, neither of whom shall be interested in any town lot or lands in the town for which he is appointed, except one lot upon which he may reside. Each member of such committee shall be entitled to compensation only for the time he is actually employed in the discharge of his duties, and he may at any time, for good cause, be removed by the Secretary of the Interior. In case the principal chief or the town authorities fail to appoint a member of any town-site committee as herein provided, then and in that event the appointment may be made by the Secretary of the Interior.

18. All controversies between claimants for the possession of any town lot or parcel of land in any town shall be decided by a majority of such town-site committee, subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in section (22) 19, on page 12, line 11, after the words "approved the," to strike out "committee" and insert "commission;" and in line 21, after the word "town-site," to strike out "committee" and insert "commission;" so as to make the section read:

19. When the appraisement of any town lot so improved is made and approved the commission shall notify the claimant thereof of the amount of appraisement, and he shall, within sixty days thereafter, make payment of 10 per cent of the amount due for the lot, and four months thereafter he shall pay 15 per cent additional, and the remainder of the purchase money he shall pay in three equal annual installments without interest; but if the owner of any such lot fail to purchase same and make first and second payments aforesaid within the time aforesaid, the lot and improvements shall be sold at public auction to the highest bidder, under the direction of the town-site commission, at a price not less than their appraised value; and the purchaser shall pay the purchase price to the owner of the improvements, less the appraised value of the lot.

The amendment was agreed to.

The next amendment was, on page 15, in section 31, line 17, after the word "town-site," to strike out "committee" and insert "commission;" so as to read:

31. The town authorities may select and locate, subject to the approval of the Secretary of the Interior, a cemetery within suitable distance from each town, to embrace such number of acres as may be deemed necessary for such purpose, and the town-site commission shall appraise the same at its true value, and the town may purchase same by paying such value; and if any

citizen have improvements thereon, other than fencing and tillage, they shall be appraised by said committee and paid for by the town.

The amendment was agreed to.

The next amendment was, in section (35) 32, page 16, line 12, before the word "appointed," to strike out "committee" and insert "commission;" so as to make the section read:

32. All towns now in existence where there are two or more places of business and less than 200 inhabitants may be surveyed and laid out into town lots and necessary streets and alleys and platted as other towns, each to embrace such amount of land as may be deemed necessary, not exceeding 40 acres, which survey may be made in manner provided for other towns, and the appraisement of the town lots of said towns may be made by any commission appointed for either of the other towns having 200 inhabitants or more; and all lots in said towns having thereon improvements other than temporary buildings, fencing, and tillage may be purchased by any person having rightful possession thereof and owning the improvements thereon by paying one-half the appraised value. The survey, appraisement, and sale of lots shall be made under regulations to be prescribed by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 34, line 6, to strike out section 82, as follows:

82. That the Secretary of the Interior is hereby authorized and directed from time to time to provide rules and regulations for the leasing of oil, gas, coal, asphalt, and other minerals on the unallotted and unsettled portion of the lands within the Cherokee country, and all such leases shall be made by the Secretary of the Interior; and any lease for any such minerals otherwise made shall be absolutely void. No lease shall be made or renewed for a longer period than fifteen years, nor cover the mineral in more than 100 acres of land, which shall conform as nearly as possible to the surveys. Lessees shall pay on each oil, gas, coal, asphalt, or other mineral claim at the rate of $100 per annum, in advance, for the first and second years; $200 per annum, in advance, for the third and fourth years, and $500, in advance, for each succeeding year thereafter, as advanced royalty on the mine or claim on which they are made. All such payments shall be a credit on royalty when each said mine is developed and operated and its production is in excess of such guaranteed annual advanced payments; and all lessees must pay said annual advanced payments on each claim, whether developed or undeveloped; and should any lessee neglect or refuse to pay such advanced annual royalty for the period of sixty days after the same becomes due and payable on any lease, the lease on which default is made shall become null and void, and the royalties paid in advance shall then become and be the money and property of the tribe: *Provided*, That nothing herein contained shall impair the rights of any holder or owner of a leasehold interest in any oil, coal rights, asphalt, or mineral which have been assented to by act of Congress, but all such interest shall continue unimpaired hereby, and shall be assured to such holders or owners by leases from the Secretary of the Interior for the term not exceeding fifteen years, but subject to payment of advance royalties as herein provided, when such leases are not operated, to the rate of royalty on coal mined, and the rules and regulations to be prescribed by the Secretary of the Interior, and preference shall be given to such parties in renewals of such leases, but if said lease covers any land which has been selected or allotted, then the royalty for the part of said land so selected or allotted shall be paid to the person to whom the allotments have been made or to the person who has made the selection: *Provided further*, That when under the customs and laws heretofore existing and prevailing in the Indian Territory, leases have been made of different groups or parcels of oil, coal, asphalt, or other mineral deposits, and possession has been taken thereunder and improvements made for the development of such oil, coal, asphalt, or other mineral deposits, by lessees or their assigns, which have resulted in the production of oil, gas, coal, asphalt, or other mineral in commercial quantities by such lessees or their assigns, such leases are hereby approved for a period not to exceed fifteen years from the date of the lease, and for not more than 100 acres of land, and such parties in possession shall be given preference in the making of new leases, in compliance with the directions of the Secretary of the Interior; and in making new leases due consideration shall be made for the improvements of such lessees, and in all cases of the leasing or renewal of leases of oil, coal, asphalt, and other mineral deposits preference shall be given to parties in possession who have made improvements. The rate of royalty to be paid by all lessees shall be fixed by the Secretary of the Interior: *Provided*, That the royalty which shall become due under the terms of leases heretofore made or under new leases made under the provisions of this act shall be paid, if on unallotted or unselected lands, to the Cherokee Nation, but if on allotted or selected land, then the same shall be paid to the allottee or to the member of the tribe who has made the selection: *Provided further*, That members of said tribes who have made selections, or to whom allotments have been made, may lease their selections or allotments for the development of oil, gas, coal, asphalt, or other minerals, and receive the royalty for the same, but before operations shall be begun upon the lands owned or controlled by any person for the development of oil or gas the lessee or party operating shall pay to the allottee or owner of the said land the value of the use of the necessary surface for prospecting or mining and the damage done to the other land and improvements of said allottee or owner, the value to be ascertained under the direction of the Secretary of the Interior: *Provided further*, That no lease provided for in this section shall be of force or effect until the consent of the allottee is obtained in writing and until the same is approved by the Secretary of the Interior, and in no case shall the lease provided for in this section interfere with allotments or cover the 40-acre homestead provided for in this bill, or in any case cover more land than is allotted to any one allottee, exclusive of his homestead.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EMPLOYEES OF WILLIAM M. JACOBS.

Mr. PENROSE. I ask unanimous consent for the present consideration of the bill (H. R. 5324) for the relief of the employees of William M. Jacobs.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that the Senate proceed to the consideration of the bill named by him; which will be read for the information of the Senate.

Mr. HALE. I shall not object to this bill, but the Senator from Massachusetts [Mr. HOAR] gave notice that at the end of the bills which have been brought here by the Senator from Connecticut [Mr. PLATT] he would ask the Senate to take up the judicial salaries bill. I have sent for the Senator from Massachusetts. In his absence I shall feel constrained to object to anything else until he gets here, but I shall not object to the request of the Senator from Pennsylvania, because he is already in.

Mr. PENROSE. I ask to have the bill read, then, if there be no objection.

The PRESIDING OFFICER. The bill will be read for information, subject to objection.

The Secretary read the bill.

Mr. SPOONER. From what committee does that bill come?

The PRESIDING OFFICER. The bill was reported by the Committee on Claims.

Mr. SPOONER. I should like to have some explanation of it. Is there a report accompanying it?

Mr. PENROSE. Certainly there is. This bill has already passed the House of Representatives.

Mr. SPOONER. That may be.

Mr. PENROSE. The factory of Mr. Jacobs was seized by the United States Government and sold under process of law. The object of this bill is to pay to the employees the wages unpaid and due to the date of the seizure. The Senator from West Virginia [Mr. SCOTT] was, I believe, the Commissioner of Internal Revenue at the time of the seizure, or shortly thereafter, and he can explain the matter better than I can. The report of the Senate committee I have in my hand, which I can show to the Senator or have read. I ask to have the report read, Mr. President.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SPOONER. I think the bill involves a principle——

Mr. PENROSE. Let the report be read.

The PRESIDING OFFICER. The report will be read for information, if there be no objection.

Mr. SPOONER. I have no objection to the reading of the report.

The Secretary read the report submitted by Mr. MCCUMBER May 16, 1900, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 5324) for the relief of the employees of William M. Jacobs, have had the same under consideration and beg leave to submit as their report the report (No. 435) of the Committee on Claims of the House, adopting the same in full as the report of this committee, as follows:

"The Committee on Claims, to whom was referred the bill (H. R. 5324) for the relief of the employees of William M. Jacobs, beg leave to submit the following report and recommend that said bill do pass without amendment:

"This is a bill enacting that the Commissioner of Internal Revenue be authorized and directed to pay to the employees of William M. Jacobs who were employed between April 10, 1899, and April 19, 1899, inclusive, in his cigar factory at Lancaster, Pa., such sums of money as may be respectively due them for their labor during such period, not exceeding $20 to any one employee and not exceeding $2,705 for all, the said sums to be paid by the Commissioner of Internal Revenue after he shall be satisfied as to the identity of the various employees and the correctness of the respective amounts due them, and to be paid out of the moneys in the Treasury received from the sale of cigars seized in the factory of the said William M. Jacobs and forfeited for violation of the internal-revenue law.

"In the spring of 1899 William M. Jacobs, while doing business as William M. Jacobs & Co., as extensive cigar manufacturers, was found to be carrying on fraudulent operations by means of counterfeit cigar stamps. They were also engaged in counterfeiting the securities of the Government. The amount of tax upon the cigars which had been marketed by the parties under counterfeit stamps was estimated, from the best obtainable evidence, at $143,688.49. Of this amount the sum of $136,811.88 was assessed against them, the balance being barred by the statute of limitations from assessment. William M. Jacobs was arrested and has been criminally prosecuted and convicted. The cigar factory was seized by the collector of internal revenue, with its contents, on April 26, 1899. Seizures have also been made of the product of the Jacobs factory in various parts of the country, which product was covered by counterfeit stamps.

"The property seized in the factory of William M. Jacobs was distrained by the collector and sold. The net proceeds of this sale were $28,200, which amount was credited to the assessment against William M. Jacobs & Co. There have also been credited amounts totaling $2,253.31, which were received from more than fifty customers of William M. Jacobs & Co., which customers were indebted to the company for cigars purchased. Total amount secured by the Government, $30,453.31.

"The relief asked for is for wages due to workmen and workwomen employed by William M. Jacobs & Co. up to the date of the seizure of the factory by the collector, to wit, April 26, 1899. Inasmuch as the Government has had the benefit of the labor of said employees, and the said William M. Jacobs & Co. having no property by reason of the seizure, the committee think that in equity those employed by this company, and under these circumstances, should be paid out of the moneys in the United States Treasury received from the sale of the cigars seized in the factory of William M. Jacobs & Co., as provided in the bill.

"Your committee therefore report favorably and recommend that the bill do pass."

Mr. SPOONER. Mr. President, I am rather impressed with the notion that there may be some underlying equity in the proposition contained in this bill, but it is a precedent which obviously would have very large application. As it is a House bill and the passage of it will not be endangered by a fair consideration of it in the Senate, I hope the Senator will not press it this afternoon. I do not mean by this to indicate any final objection to the bill, but it is a matter that deserves to be carefully examined—I mean with reference to the principle.

Mr. HOAR. Let it go over one day.

Mr. PENROSE. Of course I will have to let it pass over if the Senator desires.

The PRESIDING OFFICER. The bill will be passed over without losing its place on the Calendar.

SALARIES OF JUDGES.

Mr. HOAR. I now ask the Senate to proceed to the consideration of the bill to fix the salaries of certain judges of the United States.

Mr. QUARLES. I ask the Senator from Massachusetts to kindly yield to me.

Mr. HOAR. If the Senator will allow the bill to be taken up, I will then yield to him and to the Senator from Indiana [Mr. FAIRBANKS].

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the Senate proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 3450) to fix the salaries of certain judges of the United States.

The PRESIDING OFFICER. Is there objection?

Mr. PETTIGREW. I object.

Mr. HOAR. Then I move to take up the bill.

Mr. MORGAN. Is the bill not to be taken up by unanimous consent?

The PRESIDING OFFICER. The Senator from South Dakota [Mr. PETTIGREW] objects to its consideration. The Senator from Massachusetts [Mr. HOAR] moves that the Senate proceed to the consideration of the bill the title of which has just been read. Is the Senate ready for the question?

Mr. MORGAN. I make the point of order, Mr. President.

The PRESIDING OFFICER. What point of order does the Senator make?

Mr. HOAR. I am not going to force this bill on the Senator from Alabama if, for any reason, he does not want it taken up now. So he need not resort to points of order.

Mr. MORGAN. I am not in the slightest degree opposed to the Senator's bill, but there is a certain order of business that I do not want to have interrupted by a vote of the Senate. A vote of the Senate to take up this bill will displace the Army bill absolutely, and another vote will be required on Monday to take up that bill.

The PRESIDING OFFICER. The discussion is proceeding by unanimous consent.

Mr. HOAR. May I be allowed one suggestion to the Senator and to the Chair? The Army bill is now taken up every morning after the morning hour, and there is no displacing that by any other bill.

Mr. BERRY. The Senator is mistaken. The Army bill has been taken up by a vote of the Senate, and it displaced the subsidy bill.

Mr. HOAR. I have not yet completed my sentence. The Army bill will be taken up, as a matter of course, on a motion in the morning hour on Monday, which is the legislative to-morrow. This does not interfere with it. The Army bill does not stand with any right until 2 o'clock on Monday, and long before that time we shall have had a motion to take it up, and I presume will agree to it.

The PRESIDING OFFICER. The Chair would again state that this discussion is proceeding by unanimous consent.

Mr. HOAR. Yes; and I am simply speaking to the question of order.

The PRESIDING OFFICER. A question of order has not been submitted, as the Chair understands.

Mr. HOAR. If I may be allowed to finish my sentence, I shall have finished what I had to say.

So that if the judicial-salaries bill is taken up it will not do any practical injury to the Army bill.

I will state, however, to my honorable friend from Alabama that I do not want to force this bill onto a reluctant Senate or onto any particular reluctant Senator. If he does not, for any reason, want it taken up this afternoon, I will withdraw my motion.

Mr. MORGAN. My point of order was this: The Senate was proceeding with the consideration of the Army bill, and by a unanimous consent agreement took up the Indian contracts. Those bills have been acted on with the understanding, of course, that the Army bill was not to be superseded by anything else. Now comes a motion to take up the bill of the Senator from Massachusetts by a vote of the Senate. If that vote is in the affirmative, it will, of course, displace the Army bill, and that will make it necessary to take up the Army bill again by a vote.

Mr. HALE. Will the Senator allow me a moment?

The PRESIDING OFFICER. The Chair will again remind Senators that this discussion is proceeding by unanimous consent.

Mr. MORGAN. I was only trying to state my point of order.

The PRESIDING OFFICER. The Chair will be glad to listen to the Senator's point of order.

Mr. HALE. Let me say on the point of order that the motion of the Senator from Massachusetts is not in the slightest degree in hostility to the consideration of the Army bill. It is simply to utilize the hours this afternoon in the passage of important legislation. The Senator in charge of the Army bill stated that he did not propose to go on further this afternoon. Everybody knows that when Monday comes the Senate, by a large majority, will take up the Army bill.

Mr. HOAR. In the morning hour.

Mr. HALE. In the morning hour, directly after the routine business shall have been concluded. That bill being temporarily out of the way, if anybody objects to unanimously taking up any other bill, the only refuge is to make the motion which the Senator from Massachusetts has made to take up the bill in his charge. That will not interfere with the Army bill in the least.

Mr. BERRY. It will displace the Army bill.

Mr. PETTIGREW. I withdraw my objection, and will allow the bill to come up.

Mr. HALE. The Senator withdraws his objection. Then let the bill be taken up.

Mr. MORGAN. Do I understand now that the bill of the Senator from Massachusetts is before the Senate by unanimous consent?

The PRESIDING OFFICER. The Senator from South Dakota [Mr. PETTIGREW] has withdrawn his objection.

Mr. HOAR. Mr. President——

Mr. MORGAN. I should like to have the floor long enough, as I have got it, to at least state my proposition. I understand, the Senator from South Dakota having withdrawn his objection, that——

Mr. BERRY. I renew the objection, I will state to the Senator before he goes any further. I object to this increase salary bill.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. BERRY] objects to the consideration of the bill which the Senator from Massachusetts has asked to have taken up.

Mr. HOAR. Then I make the motion to take up the bill.

Mr. MORGAN. If the Army bill is to be displaced, I demand the regular order of business, which is the Nicaragua Canal bill.

The PRESIDING OFFICER. The regular order is the Army reorganization bill.

Mr. MORGAN. Very good.

The PRESIDING OFFICER. And that can only be displaced by a motion or by unanimous consent of the Senate.

Mr. HOAR. I make that motion.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate proceed to the consideration of the bill the title of which has been stated. The motion is not debatable. It is the duty of the Chair to put that motion to the Senate.

Mr. HOAR. I will say that I will not ask a vote upon the judicial bill this afternoon if any single Senator objects to a vote, as I am informed that one does. So I shall not ask for a vote on it, but only that it be taken up.

Mr. MORGAN. Why does the Senator want to take it up, if there is to be no vote upon it?

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts. [Putting the question.] The "ayes" appear to prevail.

Mr. MORGAN. I call for the yeas and nays.

Mr. HOAR. I withdraw the motion.

The PRESIDING OFFICER. The Senator from Massachusetts withdraws the motion to take up the bill.

FREDERICK MEHRING.

Mr. QUARLES. I ask unanimous consent for the immediate consideration of the bill (H. R. 6344) to remove the charges of desertion from the records of the War Department against Frederick Mehring.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to remove the charge of desertion from the records of the War Department now standing against Frederick Mehring, late a private of Company C, Sixteenth New York Volunteer Cavalry, and grant him an honorable discharge.

Mr. BATE. Has the bill been before the Military Affairs Committee of the Senate?

Mr. QUARLES. I will say to the Senator from Tennessee that this bill, which has been passed by the House of Representatives, has been reported by the Military Affairs Committee of both Houses. It is a meritorious measure in every way.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALLS BY THE SENATE ON EXECUTIVE DEPARTMENTS.

Mr. FAIRBANKS obtained the floor.

Mr. BACON. Will the Senator from Indiana yield to me, that I may submit a resolution?

Mr. FAIRBANKS. Certainly.

Mr. BACON. I present a resolution, which I ask to have printed and laid over.

The PRESIDING OFFICER. The Senator from Georgia presents a resolution, which will be read for information, subject to objection.

Mr. BACON. I do not understand that anybody objects.

The PRESIDING OFFICER. No bill or resolution can be introduced at this time except by unanimous consent.

Mr. BACON. Nobody objects.

The PRESIDING OFFICER. It will be read, subject to objection.

The resolution was read, as follows:

Resolved by the Senate, That any and every public document, paper, or record on the files of any Department of the Government relating to any subject whatever over which Congress has any grant of power, jurisdiction, or control under the Constitution, is subject to the call or inspection of the Senate for its use in the exercise of its constitutional powers and jurisdiction.

The PRESIDING OFFICER. Is there objection to the presentation of the resolution at this time? The Chair hears none. It will be considered as introduced, and at the request of the Senator from Georgia it will go over and be printed.

MARION TRUST COMPANY.

Mr. FAIRBANKS. I ask unanimous consent for the present consideration of the bill (H. R. 4099) for the relief of the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SPOONER. I should like to inquire of the Senator—this is a very old claim—what objection has been interposed by the Department to its adjustment?

Mr. FAIRBANKS. The facts are stated in the report which the committee make, accompanying the bill. The claim has been pending before the Department. Its payment is recommended, as I recollect, by the Post-Office Department.

Mr. KEAN. It is a very good bill. I reported it.

Mr. FAIRBANKS. I state that subject to correction, the report not being at hand at present.

Mr. SPOONER. Is the report a long one?

Mr. FAIRBANKS. There is a report, but it is not a very long one.

The PRESIDING OFFICER. Does the Senator from Wisconsin ask for the reading of the report?

Mr. SPOONER. I do.

The PRESIDING OFFICER. The report will be read.

The report submitted by Mr. KEAN June 2, 1900, was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 4099) for the relief of the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased, having considered the same, hereby adopt House Report No. 207 as a part of this report, with the recommendation that the bill do pass.

The report is as follows:

"The Committee on War Claims, to whom was referred the bill (H. R. 4099) for the relief of the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased, late of Indianapolis, Ind., for services rendered as mail contractor on route No. 9704, between Paducah, Ky., and Iuka, Miss., from April 1 to June 6, 1861, inclusive, have carefully considered the same and recommend the passage of the bill.

"The facts in this case will be found stated in a letter of the Auditor for the Post-Office Department filed with the committee, and is as follows, to wit:

"TREASURY DEPARTMENT,
"OFFICE OF AUDITOR FOR THE POST-OFFICE DEPARTMENT,
"*Washington, D. C., May 19, 1897.*

"SIR: In reply to your letter of the 18th instant, relative to the claim of Mr. Samuel Milliken, of Indianapolis, Ind., for mail service performed by his father in the State of Kentucky in 1861, I have the honor to inform you that the records of this office show that Samuel Milliken, deceased, was mail contractor on route No. 9704, from Paducah, Ky., to Iuka, Miss., in 1861; that he was paid in full to March 31, 1861, and that a balance stands to his credit for service from April 1 to June 6, 1861, the date to which service has been certified, amounting to $901.92.

"This claim was reported to Congress in 1883 for appropriation, but no provision has yet been made for its payment. Many of this class of claims were paid by the Confederate States government, but the Confederate records (mutilated) now in the custody of this office do not show, so far as they go, that any payment was made to Mr. Milliken for service under his contract with the United States.

"Reports similar to the above have been made to Hon. JESSE OVERSTREET, to Hon. GEORGE W. STEELE, House of Representatives, and to the honorable Secretary of the Treasury, December 14, 1896.

"Very respectfully,
"HENRY A. CASTLE, *Auditor.*

"Hon. C. W. FAIRBANKS,
"*United States Senate.*"

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FAIRBANKS. The bill (S. 1773) for the relief of the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased, of Indianapolis, Ind., is now on the Calendar, reported from the Senate committee. The bill which has just been passed is the House bill. In order to relieve the Calendar I move that the Senate bill be indefinitely postponed.

The motion was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. ALLISON. I ask unanimous consent that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill, informally laying aside the regular order.

Mr. BERRY. There are some other small bills that could be passed Saturday afternoon. Will not the Senator permit us to pass a few more bills?

Mr. ALLISON. I think the best disposition of the time for two hours would be to go on with the appropriation bill. If there is any controversy over any particular amendment, I will waive its consideration. I will say to the Senator that it will greatly relieve me if I can get the bill on its way.

Mr. BERRY. I will not antagonize the chairman of the Appropriations Committee under any circumstances, but a number of Senators have had an opportunity to pass private bills, and I think late Saturday evening some others ought to have an opportunity. However, I will yield to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the Senate proceed to the consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. I object.

The PRESIDING OFFICER. The Senator from South Dakota objects.

PRODUCTION AND SALE OF MILK IN THE DISTRICT.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 4804) to regulate the production and sale of milk and cream in and for the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment of the Committee on the District of Columbia was, in section 2, page 3, line 25, before the word "degrees," to strike out "fifty" and insert "sixty;" so as to read:

That none but pure, unadulterated milk or cream, which has been properly cooled and preserved at a temperature below 60° F., shall be brought into said District.

The amendment was agreed to.

The next amendment was, at the end of section 4, to insert the following proviso:

Provided, That no person shall be convicted under the provisions of this section who produces evidence satisfactory to the court before which he is tried that he did not know and could not with due diligence have obtained knowledge of the condition of the cow which rendered her unsuitable for the production of milk for sale within the provisions of this section.

The amendment was agreed to.

The next amendment was, in section 5, page 6, line 11, after the word "after," to strike out "milking" and insert "coming into his possession;" so as to make the section read:

SEC. 5. That no person shall in said District sell any milk or cream, or hold or offer any milk or cream for sale, which is not clean and wholesome and free from foreign substances, nor unless the same has been cooled immediately after coming into his possession to a temperature not exceeding 50° F., and is and has been constantly kept below such temperature, nor under any misrepresentation in respect thereof as to name or quality, or as being what the same is not as respects wholesomeness, soundness, or safety.

The amendment was agreed to.

The next amendment was, in section 13, page 10, line 8, after the word "sale," to insert:

No person shall, in the District of Columbia, have milk or cream in bottles, or other receptacles intended to be left with consumers, in or about any vehicle in which milk or cream for sale is being carried in bulk.

The amendment was agreed to.

The next amendment was, in section 23, page 14, line 24, after the word "District," to insert "at the instance of the health office of said District;" so as to make the section read:

SEC. 23. That all prosecutions under this act shall be in the police court of said District, at the instance of the health officer of said District, upon information brought in the name of the District of Columbia and on its behalf.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALGODONES GRANT, IN ARIZONA.

Mr. BERRY. I ask unanimous consent for the present consideration of the bill (H. R. 11213) for the relief of occupants of lands included in the Algodones grant, in Arizona.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SPOONER. I should like to ask the Senator from Arkansas if he does not think a part of the preamble ought to be in the body of the bill?

Mr. BERRY. This is a House measure and has passed that body. It was framed in that way. The report covers it.

Mr. SPOONER. It is very badly framed.

Mr. BERRY. I think it is entirely satisfactory to all the parties concerned. It is a just measure, to which there is no objection from any section. I hope it will pass just as it came from the House.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

EDWARD BYRNE.

Mr. SHOUP. I ask unanimous consent for the immediate consideration of the bill (S. 97) for the relief of Edward Byrne.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President to nominate and, by and with the advice and consent of the Senate, appoint Edward Byrne, late a captain in the Tenth Regiment of Cavalry and late a lieutenant-colonel of the Eighteenth Regiment of Veteran Cavalry Volunteers, State of New York, a captain of cavalry in the Army of the United States, with his original rank and date of commission, to be placed upon the retired list of the Army with the rank of captain.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OMAHA NORTHERN RAILWAY COMPANY.

Mr. THURSTON. I ask unanimous consent for the present consideration of the bill (S. 4880) to amend an act entitled "An act granting the right to the Omaha Northern Railway Company to construct a railway across, and establish stations on, the Omaha and Winnebago reservations, in the State of Nebraska, and for other purposes," by extending the time for the construction of said railway.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EASTERN NEBRASKA AND GULF RAILWAY COMPANY.

Mr. THURSTON. I have one other bill of the same kind, relating to the same reservations, and I ask for its consideration at the present time. It is the bill (S. 3349) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAUGHTERS OF THE AMERICAN REVOLUTION.

Mr. SCOTT. I ask unanimous consent to call up the bill (S. 2237) setting apart certain public grounds in the city of Washington for the use of the National Society of the Daughters of the American Revolution for the erection of a memorial building. It is a bill which the Daughters of the American Revolution are very anxious to have passed, and they have frequently called upon me and asked me to call it up.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. Does the Senator desire action upon the amendment sent up by him with the bill?

Mr. SCOTT. Yes.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, in line 10, after the word "cease" it is proposed to insert the following proviso:

Provided, That from and after the passage of this act no building of any kind shall be erected upon any public park or reservation in the District of Columbia, except for the use of the Government of the United States or the District of Columbia.

Mr. ALLISON. What effect will that have upon the bill itself?

The PRESIDING OFFICER. The Chair is uncertain as to whether this is an amendment reported by the committee or an amendment intended to be offered to the bill.

Mr. ALLISON. It is a very good amendment, I will say, Mr. President.

Mr. SCOTT. It is an amendment suggested by the Senator from Missouri, who is a member of our committee.

Mr. VEST. Yes; I suggested that amendment in the Committee on Public Buildings and Grounds.

The PRESIDING OFFICER. The Committee on Public Buildings and Grounds offers the amendment.

Mr. PETTIGREW. I object to the consideration of the bill. I understand that it proposes to donate some one of the public parks to a society for the erection of a building. So far as I am concerned, I shall oppose the donation of any park for the purpose of erecting buildings.

The PRESIDING OFFICER. The Senator from South Dakota objects.

DAM ACROSS OSAGE RIVER, WARSAW, MO.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (H. R. 11588) permitting the building of a dam across the Osage River at the city of Warsaw, Benton County, Mo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL PARKS IN CALIFORNIA.

Mr. PERKINS. I ask unanimous consent to call up the bill (S. 4436) providing a means of acquiring title to two groves of Sequoia gigantea, in the State of California, with a view to making national parks thereof.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that title may be acquired by the United States for the purpose of establishing public parks or pleasure grounds for the benefit and enjoyment of the people, and for the further purpose of preserving the groves of mammoth trees, known as Sequoia gigantea, and other natural curiosities and wonders found upon the south half of section 15 and the north half of section 22, in township 5 north, range 15 east, and all of sections 29, 30, 31, and 32, in township 5 north, range 16 east, Monte Diable meridian, in the State of California.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 3, on page 3, line 11, after the word "Interior," to strike out:

And if in his judgment the public purpose to be subserved justifies the payment of the compensation so ascertained he shall, within ninety days after such ascertainment, notify the Treasurer of the United States thereof, who shall forthwith pay into said court the compensation so to be made by the United States to the several persons in interest, and thereupon a judgment shall be.

And to insert:

Who shall transmit the same to Congress, when in session, with his recommendation. If Congress shall not act favorably thereon before final adjournment of such session, then such condemnation proceedings shall be at an end and judgment of dismissal in said condemnation proceedings be entered; but if favorable action shall be taken by Congress and upon the payment into court of the compensation to be made by the United States to the several persons in interest, judgment shall be.

The amendment was agreed to.

The next amendment was, on page 4, line 7, after the word "State," to insert the following proviso:

Provided, That the Secretary of the Interior is authorized to purchase the said premises at a sum not exceeding $125,000 without condemnation proceedings, in which event the sum of $125,000, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

G. G. MARTIN.

Mr. WARREN. I desire to call up the bill (S. 2470) for the relief of G. G. Martin. It is a short bill of 4 lines.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of War to issue to G. G. Martin, late lieutenant-colonel First United States Colored Troops, an honorable discharge as of the date he left the service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MOORES CREEK BATTLEFIELD, NORTH CAROLINA.

Mr. BUTLER. I ask unanimous consent to call up the bill (S. 2270) appropriating $10,000 to inclose and beautify the monument on the Moores Creek battlefield, North Carolina.

The bill was read, it having been reported from the Committee on the Library with an amendment, in line 5, before the word "thousand," to strike out "ten" and insert "five;" so as to read:

Be it enacted, etc., That the Secretary of the Treasury be authorized, and he is hereby directed, to pay to the governor of the State of North Carolina the sum of $5,000, out of any money in the Treasury not otherwise appropriated, to be by him transferred to the Moores Creek Monumental Association, incorporated by the legislature of the State of North Carolina, for the purpose of repairing the monument already erected on said battlefield and for inclosing and beautifying the same.

Mr. HOAR. I should like to inquire of the Senator from North Carolina what battlefield that is.

Mr. BUTLER. It is a Revolutionary battlefield—Moores Creek.

Mr. HOAR. Will the Senator give us an account of the battle? It is known probably by some other name.

Mr. BUTLER. It was one of the first encounters in the South

during the Revolutionary war. It was fought between the Tories and the American patriots, and a decisive victory was won by the patriots. What the battle of Lexington was to the northern colonies, the battle of Moores Creek was to the southern colonies.

The British were preparing to invade the province of North Carolina and to suppress the spirit of independence, which was more forward in my State, I can say with pardonable pride, than in the sister States. The Tory Highland Scotchmen living at Cross Creek, near my home, and in what was then a part of my county, under General McDonald, were endeavoring to reach the Cape Fear for a junction with Sir Henry Clinton and Lord William Campbell with a large force, who, with Lord Cornwallis, expected every hour, were to begin the subjugation of the province, when, on the 27th of February, 1776, the Tories encountered at Moores Creek Bridge, about 18 miles from Wilmington, the American forces under Colonels Caswell and Lillington. A battle ensued, the Americans being intrenched south of the bridge, and the first glorious victory was won in the South. The Americans lost but one man, the slain of the enemy being computed at 50; 850 prisoners captured, and the trophies of the day being 1,500 excellent rifles, 350 guns, 150 swords and dirks, 2 medicine chests, 13 wagons, horses, and harness, and a box of English guineas worth $75,000.

The effect of the victory was to give to the American soldiers about to enter upon a seven years' war military experience and an intelligent confidence in themselves. It compelled the haughty oppressors to respect their skill and prowess. It frustrated the great scheme to subjugate North Carolina, and emboldened the people of this province, who already in Mecklenberg had declared their independence in mass meeting, to meet in a provincial congress on the 12th of April, 1776, and pass a unanimous resolution appointing delegates to the Continental Congress and instructing them "to concur with the delegates of the other colonies in declaring independence and forming foreign alliances," thus in advance of all the other colonies calling upon the nation—the United Provinces—to sanction by their united voice what had already been so nobly done by a portion of her citizens.

The North Carolina legislature has appropriated money to help build the monument, and besides a considerable amount has been donated by private individuals. A monument has been erected and a small part of the battlefield bought, but it is now desired to enlarge the grounds, improve and beautify them, and to repair the monument, which is in need of repair. The legislature has incorporated the Moores Creek Monumental Association, which has charge of the grounds and under whose direction the money now asked of Congress will be spent.

There are many precedents for the appropriation of money by Congress for such a purpose. I looked up fifteen or twenty such precedents and laid them before the Committee on the Library when they had the bill under consideration.

I will not take up the time of the Senate to make a further statement unless it is desired, for surely no one can oppose such a patriotic and meritorious measure, that calls for so small an appropriation.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HOAR. I will not object, but the State of Massachusetts has built its own monuments at Bunker Hill, Concord, Lexington, and other like places. We had some Tories, and suppressed them, too. But it is a little tough after paying all our own expenses to then pay the expenses of North Carolina. I think they ought to build their monuments also. But it is a good, patriotic purpose, and it is in the Senator's own county, and of course there ought to be a monument there, wherever the battlefield was. So I will not object.

There being no objection, the bill was considered as in Committee of the Whole.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on the Library.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill appropriating $5,000 to inclose and beautify the monument on the Moores Creek battlefield, North Carolina."

Mr. PETTIGREW. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, January 7, 1901, at 12 o'clock m.

CONFIRMATION.

Executive nomination confirmed by the Senate January 5, 1901.

AUDITOR FOR THE WAR DEPARTMENT.

Frederick E. Rittman, of Ohio, to be Auditor for the War Department.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 5, 1901.*

The House was called to order by the Clerk, Hon. ALEXANDER MCDOWELL, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., January 5, 1901.

To the House of Representatives:

I hereby designate and name Mr. JOHN DALZELL, a Representative from the State of Pennsylvania, to perform the duties of the Chair during this day, January 5, 1901.

D. B. HENDERSON,
Speaker of the House of Representatives.

Mr. DALZELL accordingly took the chair as Speaker pro tempore.

Prayer was offered by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

REAPPORTIONMENT.

Mr. HOPKINS. Mr. Speaker, I desire to call up the apportionment bill that is under consideration.

The Clerk read the title of the bill (H. R. 12740) making an apportionment of Representatives in Congress among the several States under the Twelfth Census.

Mr. HOPKINS. The gentleman from Maine [Mr. LITTLEFIELD] has the right to the floor this morning.

Mr. LITTLEFIELD. Mr. Speaker, I look upon the pending measure as one of the most important that can engage the attention of the members of this House. It provides for the apportionment of Representatives, and upon that basis is fixed the membership in the electoral college and representation in the various national conventions.

I hope I may be able to approach the discussion of this question upon the basis that the House is disposed to act fairly, equitably, and justly. If the mild, courteous, disinterested, and patriotic speech of the chairman of this committee [Mr. HOPKINS] is any criterion of the real purpose of this bill, its title might well be changed so that it might read: "An act to cripple the State of Maine in her representation on the floor of this House, and incidentally to apportion Representatives in accordance with the numbers of the people elsewhere."

I am not aware, Mr. Speaker, that the State of Maine is not entitled to the same consideration in connection with this measure that she would be in connection with any other that might come before this House. I do not feel obliged to stand here in the opening of an address in connection with this great question, the purpose of which is the support of the report of the minority represented by the Burleigh bill, with any suggestion like that which the chairman was obliged to make in his speech to the House yesterday, when he stated that the committee had not been able to report a bill that would do equal and exact justice to all the States. It may well be that the chairman of the committee had so much in his mind the purpose, apparently, of this legislation that he could not prepare a bill to accomplish that result. The chairman has taken occasion to assault the State of Maine in connection with this proposition. His suggestion is that the State of Maine has not increased in her population; that she is unprogressive and behind the procession.

I submit that the facts do not warrant the assertion of the gentleman from Illinois. The State of Maine has not decreased in her population. She has not confined her population within the geographical limits of the State of Maine; but the State of Maine during the last few decades has been growing up throughout all the States of the Union. Wherever there has been occasion for development and progress, there Maine has been. Wherever there has been occasion for the manifestation of brawn and brain, there Maine has been.

Mr. HOPKINS. Will the gentleman allow me right there?

Mr. LITTLEFIELD. Yes.

Mr. HOPKINS. The gentleman says I attacked Maine yesterday. Did I not state that Maine had not increased in her population to exceed 10 per cent during this period, but that her sons and daughters had populated the great West?

Mr. LITTLEFIELD. Now, the gentleman does not wish to get uneasy so early in the discussion as this.

Mr. HOPKINS. I am not uneasy, but I do not desire any unfairness.

Mr. LITTLEFIELD. Yes, the gentleman did state that she had sent her sons and daughters elsewhere, and well the gentleman might state it. In the thirties a son of Maine by the name of Lovejoy went to Illinois, and there he received outrage and murder, and his blood watered the soil of Illinois.

The State of Maine does not regret the sacrifice thus made. Inasmuch as the blood of the martyrs is the seed of the church, we trust that what has been our loss is her gain. Aye, the State of Maine has sent its representatives elsewhere. Later it sent into the State of Illinois and the city of Chicago a distinguished citizen

of the Republic, who from the home of his adoption went to the head of the highest tribunal in the United States, where he now presides with great grace, dignity, and ability—Mr. Chief Justice Fuller, of the Supreme Court of the United States, a native of the State of Maine. I think the gentleman from Illinois will recognize the fact that Maine is not behind, but leads the procession, even in Illinois.

Mr. HOPKINS. Well, now, if the gentleman will wait one moment——

Mr. LITTLEFIELD. I can well understand——

Mr. HOPKINS. The gentleman need not refer to the gentleman from Illinois upon that point, because in my argument on yesterday I took exactly the same position.

Mr. LITTLEFIELD. Then the gentleman need not worry about its being a contradiction of his speech.

Mr. HOPKINS. You say that I made an assault upon Maine. I deny it.

Mr. LITTLEFIELD. I say that your speech from start to finish was saturated with a pettifogging attack on the State of Maine.

Mr. HOPKINS. Well, now, I deny it. I am not as familiar with pettifogging as the gentleman.

Mr. LITTLEFIELD. I will prove it out of the RECORD itself.

Mr. HOPKINS. That is all right enough if the gentleman from Maine thinks he can effect anything in that way, because if there is any man who knows better than another what can be done in that way it is the gentleman from Maine.

Mr. LITTLEFIELD. I trust the gentleman will continue to stultify himself in the future.

Mr. HOPKINS. Talk to me about stultifying myself; I deny having done anything of the kind.

Mr. LITTLEFIELD. I will demonstrate that you did.

Mr. HOPKINS. Oh, yes; you will do wonderful things.

Mr. LITTLEFIELD. Is not the gentleman getting a little touchy in that direction?

Mr. HOPKINS. I am not.

Mr. LITTLEFIELD. The gentleman can stand up or sit down, just as he likes. [Laughter.]

Mr. HOPKINS. That is just what I am going to do.

Mr. LITTLEFIELD. That is just exactly what you are going to do.

Mr. HOPKINS. If the gentleman——

Mr. LITTLEFIELD. If you have any question to ask, ask it.

Mr. HOPKINS. One moment. That is all right.

Mr. LITTLEFIELD. If you have any question to ask——

Mr. HOPKINS. That is all right.

Mr. LITTLEFIELD (continuing.) Propound it, but you can not overlook the fact that you endeavored to detract from the State of Maine——

Mr. HOPKINS. That is what I deny.

Mr. LITTLEFIELD. I decline to be interrupted.

Mr. HOPKINS. Mr. Speaker, I will not interrupt the gentleman as long as he is fair, but when he undertakes to answer me, it is my right as a member, it is my right as the chairman of the committee, to call the attention of the House to the methods of attack that the gentleman has used on previous occasions.

Mr. LITTLEFIELD. You need have no apprehension that the House will not hear me. You need not have any trouble about that.

Mr. HOPKINS. I have no apprehension of any trouble from the gentleman.

Mr. LITTLEFIELD. If you will sit here while the speech is delivered.

Mr. HOPKINS. Does the gentleman think that he is going to drive me from the floor?

Mr. LITTLEFIELD. Oh, not at all. I can well understand that the gentleman from Illinois wants to inject his speech into mine. I can well understand how there can be a feeling of envy on the part of some great States because the State of Maine has won the distinguished position that she has maintained on this floor by her great delegations during the last two decades. It may be that the chairman of this committee may have some motive that has not been clearly disclosed in his speech upon this floor.

Well, the gentleman smiles. I will exclude the State of Illinois from the suggestion that some have occasion to inveigh against the State of Maine by reason of her honor, her glory, and her renown that she has acquired on this floor so long as the distinguished chairman of the committee, representing a part of the State of Illinois with his great skill, his supereminent ability, his great disingenuousness and patriotism, simply overslaughs the State of Illinois with glory and adds to her renown. He surfeits her with it. I do not hold the State of Illinois responsible for the vagaries of his argument and, if the gentleman will excuse me when I come to reach the discussion, the babbling of the chairman of this committee in connection with this question. The State of Illinois has its Representatives on this floor, and the distinguished chairman of this committee is simply a diluted extract of the aurora borealis which clings, like the shirt of Nessus, to the State of Illinois whether she will or no. [Laughter.]

Mr. HOPKINS. That is a good argument for your bill.

Mr. LITTLEFIELD. The gentleman need not worry about the argument. He can not disturb the gentleman from Maine.

Mr. HOPKINS. That is the kind of argument to be expected from the gentleman from Maine.

Mr. LITTLEFIELD. Let the gentleman keep along with his interruptions. So much for the present suggestions, Mr. Speaker, in connection with the opening of this debate. The gentleman can not stand here and deliver himself of his censorious criticism characterized by venom and spleen during a speech of an hour and a half and then rise on the floor and say that what he said was complimenting and eulogizing the State of Maine. He can not stand here and analyze his bill on the basis that he used classic and parliamentary language charging that the State of Maine is robbing somebody of a Representative without answer. I have not read the RECORD through to see whether he edited that out of his remarks, but it was used in his speech. He can not stand here and use that argument and make that appeal without expecting some reply from a parliamentary standpoint.

So much in relation to these preliminary suggestions. What are the two bills here before us? What is the committee's bill? We submit that the bill of the committee is not in accordance with any of the precedents since 1850. There never has been a reapportionment made since 1850 that did not give to every majority fraction a Representative in the House—in two instances arbitrarily, in one instance a Representative to two minority fractions—in order to equalize the Representatives, making it more just throughout the country.

Let me give a few explanations of the basis upon which the bill is presented, and the basis also upon which the minority bill is founded. Take the majority bill of 357. They divide the total population by 357 for their result of 208,868. They take that ratio of 208,868 and divide the population in each State and get the whole numbers, and they then give an additional Representative to each majority fraction in the order of its size. On that basis this bill fails to give three States a Representative for the majority fraction. The minority bill is built precisely on the same basis.

I now call the attention of the House to the report, which, I submit, the chairman of this committee has not in all probability read. Explaining the basis of the representation adopted by the minority, the report reads:

> We take the computation based upon 384 Representatives, upon a ratio of one Representative for every 194,182 of population. As shown in Table 2 of the letter of the Director of the Census above referred to, Nebraska, with a majority fraction of 97,629, and Virginia, with a majority fraction of 106,546, each lose a Representative and get no representative for the majority fraction in either case.

I submit to the members of this House that that is a plain, straightforward, simple, clear statement of the basis on which the bill of the minority was constructed. I submit that it is so plain and so simple that the wayfaring man, though a fool, need not err therein.

Now, in order to illustrate the ingenuous and fair manner in which the distinguished chairman of this committee has attended to his duties, I want to read from the RECORD his assertion as to the basis of the minority report. I quote from the RECORD. Here is what he says:

> I do not know what figures he had.

That is his first statement.

Mr. HOPKINS. What is the page?

Mr. LITTLEFIELD. Page 566. Now, let me read from the remarks of the gentleman again. I read from page 568:

> And they have simply adopted some method of figuring. I do not know by what process.

Here is the chairman of this committee (in the face of this declaration in this report, stating clearly, plainly, the basis of the minority bill), stating that he does not know what that basis is; that the minority have adopted some method of figuring but he does not know what it is. I submit that to this House as an illustration of the ingenuousness of the gentleman from Illinois. If he read that report he does know what the basis was, and if he does know what the basis was he is not treating this House fairly when he says he does not know. And if he has not read the report he is not fit to be the chairman of this committee and present this question to this House. Now, there is the record of the gentleman in his speech, compared with the report on file by the minority of this committee. That is, I say, simply an illustration of the ingenuousness of the chairman's argument.

Now, what do these two bills accomplish? What is the result under each? It is necessary for me to take up this question in order that we may understand the practical condition before I proceed further in the discussion.

The majority bill does not increase the membership of the House,

but it decreases the membership of Indiana and Kansas one member each. Kentucky, Maine, Nebraska, Ohio, South Carolina, and Virginia lose one member each. The following States gain one: Illinois—I do not suppose that the fact that Illinois under this bill gains one member had anything to do in accentuating the patriotism of the ingenuous chairman of this committee. He stands here conceding that he has not been able to do equal and exact justice to all the States. But he succeeds in giving Illinois one additional member.

Mr. HOPKINS. Will the gentleman allow an interruption?

Mr. LITTLEFIELD. Yes, sir.

Mr. HOPKINS. Does not the gentleman know that the State of Illinois, since the census of 1890, has increased in population nearly a million?

Mr. LITTLEFIELD. Yes, sir.

Mr. HOPKINS. And does not the gentleman also know that in the district of his colleague, who reported this minority bill, the population under the present census is more than 300 less than it was ten years ago?

Mr. LITTLEFIELD. Very likely.

Mr. HOPKINS. And does not that account for the fact that Illinois under any system of apportionment would increase her representation?

Mr. LITTLEFIELD. I noticed the fact——

Mr. HOPKINS. Will the gentleman answer my question?

Mr. LITTLEFIELD. I will. That may account for the increase of representation; but it does not account for another fact, the nonchalance and the sangfroid with which the gentleman can stand here and advocate the adoption of a report (no matter what the other circumstances may be) that increases the representation of Illinois. It is a fair proposition; the gentleman should not get annoyed about it.

Mr. HOPKINS. I hope the gentleman does not think I am annoyed over a fact like that. The report as presented by the Director of the Census——

Mr. LITTLEFIELD. Has the gentleman a question which he wants to ask?

Mr. HOPKINS. Yes, sir.

Mr. LITTLEFIELD. What is it?

Mr. HOPKINS. I want to know why it is that the gentleman takes up for special comment the State of Illinois, when the census report shows that Illinois has so large an increase in population that it would be impossible to make any apportionment that would not increase her representation.

Mr. LITTLEFIELD. I have made simply a brief and passing reference to Illinois. Later on I shall discuss Illinois upon the gentleman's basis of analyzing the minority bill.

Mr. HOPKINS. I rose only because the gentleman intimated to the House that in the framing of my bill there had been some reason for giving a preference to Illinois, which I deny.

Mr. LITTLEFIELD. Well, I stated to the House that Illinois gained one member, and that I supposed that that did not detract from the patriotism of the gentleman from Illinois when he made this report; and I assume this may be a fair conclusion, notwithstanding the annoyance and disturbance of the distinguished chairman of the committee.

Mr. HOPKINS. Will the gentleman——

Mr. LITTLEFIELD. Louisiana gains 1, Minnesota gains 1.

Mr. HOPKINS. One moment, please.

Mr. LITTLEFIELD. This is not a police court.

Mr. HOPKINS. Well, then, the gentleman is not at home.

Mr. LITTLEFIELD. You would be at home on the frontier before a trial justice in the purlieus of civilization conducting your method of discussion. I do not care anything about the interruptions. They simply take a little more time. Now, if the gentleman has any proper question to ask, any time that he desires to propound it I will answer it if I can. Now, I say Illinois gains 1.

Mr. HOPKINS. One moment. The gentleman knows that I do not interrupt him when he does not attempt to misrepresent. He undertook to convey the idea that in the majority bill I had treated Illinois in a manner that other States had not been treated.

Mr. LITTLEFIELD. No, I did not.

Mr. HOPKINS. And he knows that by the Burleigh bill Illinois gains three additional members, while she gains only one additional member by the bill that was reported by my committee.

Mr. LITTLEFIELD. I did not make any such suggestion. I did not make any such intimation. I simply stated that the fact that Illinois gained one probably accentuated the patriotism of the gentleman from Illinois and left him where he could support this report with more nonchalance than otherwise. I did not say it was improperly given to her. It is obvious enough that the basis does give it to her, so far as that is concerned. The gentleman might have decreased this House, and I will show him before I get through on his own figures and method of computation that if he had served Illinois as in his bill he has served others, he would decrease Illinois instead of giving her an increase, and I will demonstrate that when I reach the analysis. Now, mark you, I say I will demonstrate it when I reach the analysis, and I give the gentleman the privilege then of rising if he sees fit and becoming further disturbed and further annoyed.

Mr. HOPKINS. There has been no disturbance and no annoyance.

Mr. LITTLEFIELD. Illinois gains 1. I repeat that, not because it is offensive to the gentleman from Illinois, but in order to have connection in the statement when I make it. Louisiana gains 1, Minnesota, New Jersey, and New York each 1, West Virginia 1, Texas 2.

What, now, is the result under the minority bill? Under the minority bill the gains are as follows:

Arkansas 1, California 1, Colorado 1, Connecticut 1, Florida 1, Louisiana 1, Massachusetts, Mississippi, Missouri, North Carolina, North Dakota, Washington, West Virginia, and Wisconsin each 1. Gaining 2 are Minnesota, New Jersey, and Pennsylvania. Gaining 3 are Illinois, New York, and Texas. These are the results under each of the propositions, the proposition of the minority being that this House should be so reapportioned that no State should lose in its representation.

Now, I wish to go a little further here at this stage of the discussion and call attention to the analysis of this table upon which the minority based their bill. I have taken occasion to look it over with some care for the purpose of ascertaining whether or not upon mathematical principles, determined and measured by results, it has any scientific basis upon which to stand. I have already explained that the method of reaching the number of Representatives is, after the whole numbers are ascertained, to add enough of the majority fractions in their order of size to make up the number which you started with in your computation.

I want to take this table from 350 to 400, inclusive, and show the House where that provision would arbitrarily stop in connection with the whole table. I find that in one instance on this mathematically and scientifically correct principle they would have to use a minority fraction in order to complete the number. I find that the number is completed and one majority fraction left seven times. It is completed and two majority fractions are left twenty-two times. It is completed and three majority fractions are left seven times. It is completed and four majority fractions are left four times. It is completed and five majority fractions are left four times. It is completed and six majority fractions are left twice. It is completed and a seven-majority fraction is left once, and the majority fractions are all taken three times. There is the consistency of the arbitrary result of the table made by Mr. Walker and supported by the letter read by the chairman [Mr. HOPKINS] in his speech to the House on yesterday.

Let me call attention now to several so-called paradoxes that exist in connection with this peculiar and wonderful computation upon which this bill is scientifically based, and a computation that we follow, it is true, in the minority bill, because we do not desire to raise any contention as to the methods that are adopted by either bill.

There is what is called the Alabama paradox, in connection with the census of 1891, not referred to by Mr. Walker in his letter, but referred to later, as I shall show the House in a few moments, by the official who undoubtedly did the work upon the Walker letter itself and subsequently made a report to Mr. Cox, the chairman of the same committee.

The first paradox is that Colorado gains 1 on 350 and continues to gain up to 356, and then loses on the basis of 357. That is science; that is mathematics, that Colorado can gain up to 356, beginning with 350, and when you strike 357, although the number of the House is larger, why Colorado loses. And then she immediately gains on 358. Now, I do not say that there is any purpose in it, but I suggest that there is a coincidence in the fact that Colorado is excluded from her proper representation on the basis of 357, which the committee have adopted as the basis of this majority bill.

I do not say that the chairman of this committee adopted that basis of 357, the only basis that would leave out Colorado above 350, because Populists happen to come from Colorado, as he sneeringly suggested in his speech upon this floor. I do not make that insinuation. I call attention to the remarkable coincidence, however, because I conceive, and I suppose the chairman now, if his attention were called to it, would rise and say, that he thinks that Colorado, even though her people are Populists, has the same right to a proportional representation on the floor of this House as does even godlike Illinois or even Maine, that seems to be the bugbear in the mind of the chairman of this committee.

Let me strike another paradox in connection with belabored and assaulted Maine, nonprogressive Maine, that is behind the procession, whose men in Illinois lead the procession there. Now, Maine loses on 382. She does not lose when the House is increased to 383, 384, or 385. She loses again with 386, and does not lose with 387 or 388. Then she loses again on 389 and 390, and then ceases to lose.

Not only is Maine subjected to the assaults of the chairman of

this committee, but it does seem as though mathematics and science had combined to make a shuttlecock and battledoor of the State of Maine in connection with the scientific basis upon which this bill is presented to this House.

"Now you see it and now you don't." In Maine comes and out Maine goes. The House increases in size, and still she is out. It increases a little more in size, and then, forsooth, in she comes. A little further increase, and out she goes, and then a little further increase, and in she comes. God help the State of Maine when mathematics reach for her and undertake to strike her down in this manner in connection with her representation on this floor—more cruel even than the chairman of this great committee.

Let me call the attention of the House to a suggestion made from the Census Office in connection with this interesting proposition involving paradoxes. This is a letter to Mr. Walker, Superintendent of the Census. The letter of Mr. Walker is dated January 15, 1881. The letter of his chief clerk in that office, C. W. Seaton, to Mr. Walker himself, prepared in answer to a verbal inquiry by Superintendent Walker upon this same proposition, is dated October 25, 1881, more than six months after the letter of the Director to Mr. Cox. Let me read what Mr. Seaton, the chief clerk, says about this interesting mathematical proposition that is now out and now in, that you now see and now do not. He says:

While making these calculations I met with the so-called "Alabama paradox," where Alabama was allotted 8 Representatives out of a total of 299, receiving but 7 when the total became 300.

It struck him as a very unusual proceeding, or perhaps, as the great Conkling once said in an argument before the supreme court of New York, as I am informed, as a "vociferous and halcyon proceeding." He says:

Such a result as this is to me conclusive proof that the process employed in obtaining it is defective, and that it does not in fact "apportion Representatives among the several States according to their respective numbers."

This conclusion has been confirmed by the discovery of other anomalies, and the result of my study of this question is the strong conviction that an entirely different process should be employed.

Now, it is true that, notwithstanding that statement from the Census Bureau, the same process was employed. But it is further true——

Mr. LONG. Mr. Walker also indorsed it.

Mr. LITTLEFIELD. Yes, Mr. Walker indorsed this communication of his clerk. There is the testimony of the Director of the Census upon which the chairman of the committee relies as the basis of his bill; and it is very much more reasonable than the hoary-headed discussion which he referred to, in which the great Daniel Webster engaged some time in 1840 or 1830, as to which the distinguished gentleman from Illinois and the gentleman from Kansas diametrically opposed each other in their conclusions.

Now, I want to call the attention of the House to the fact that if the chairman of this committee made a statement that is to be relied upon in his speech that the bill of this committee is unconstitutional 18 different times. Now, mark what I state. I say that if the chairman of this committee is to be relied upon as a constitutional lawyer—I am not now speaking of pettifoggers before trial justice courts or astute criminal lawyers, with whom my friend seems to be so familiar.

Mr. HOPKINS. That is since I became acquainted with my friend.

Mr. LITTLEFIELD. Well, sir, it would do you good to associate with a gentleman sometimes [laughter]; and I want to tell you——

Mr. HOPKINS. There is a wide difference as to whether you are a gentleman or not.

Mr. LITTLEFIELD. When you find me making a statement on the floor of this House which is demonstrated by the report of the committee that I bring in to be a falsehood or that shows that I have not read it, then you will have occasion and some foundation for making an assault upon "the gentleman from Maine," and when I have demonstrated——

Mr. HOPKINS. I am not making an assault upon the gentleman from Maine, but if he wants to call attention to facts he is making a criticism upon the process of the Director of the Census, criticising my bill on the paradoxes that he claims to exist, and yet he professes in another part of his speech that he bases his own bill here upon the same process.

Mr. LITTLEFIELD. Well, now, I was not criticising the Director of the Census. I was calling attention to the fact that the chairman of this committee was undoubtedly a great constitutional lawyer. [Laughter.] That is what I was saying when he rose to object. [Laughter.] Do you object to being called a great constitutional lawyer? [Laughter.]

Mr. HOPKINS. One moment. Mr. Speaker, I am not objecting to anything the gentleman says. I simply point out the fact that when he is making his argument in support of the Burleigh bill——

Mr. LITTLEFIELD. Well, now, is this an argument that I am making or that you are? I will try to make it interesting for the gentleman.

Mr. HOPKINS. That is the line of your argument.

Mr. LITTLEFIELD. Do I understand that the gentleman objects to being called a great constitutional lawyer? Let me read what he says and show whether his bill is constitutional from his standpoint and upon his basis:

Now, it would not be in accordance with the requirements of the Constitution to give a greater representation to the fraction than to the integral numbers.

Now, then, if that is a sound constitutional legal statement, it means simply this, that if you give 208,868 a Representative it would not be constitutional to give any less number a Representative. That is the gentleman's own statement. I quote it from the RECORD in order that he may follow it if he likes. Now, take this statement and analyze the gentleman's bill upon that basis, that no bill will be constitutional that gives a Representative in substance to a less number than the whole number. That is his proposition. How does his bill stand upon it? Well, he gives to Arkansas a Representative on the basis of 157,753.

Mr. HOPKINS. Will the gentleman allow me right there?

Mr. LITTLEFIELD. Yes.

Mr. HOPKINS. Now, did I not make my position entirely clear yesterday that in order to make the apportionment there we were to deduct the fraction of 208,868 and divide the population of the several States, which would give us 335?

Mr. LITTLEFIELD. Yes.

Mr. HOPKINS. That would leave a fractional population that would be entitled to a representation of 22 members, including the four States that under the Constitution are entitled to a member each. Now, does not the gentleman know that I made that clear, that we must make this division of the fractional number until the number 22 was exhausted?

Mr. LITTLEFIELD. That was your position. But notwithstanding you made that argument, you stated the bald constitutional proposition which I now read again, and which makes the point which I have stated.

Mr. HOPKINS. If the gentleman will allow me, it is not necessary to read that again.

Mr. LITTLEFIELD. Am I making this speech, or the gentleman from Illinois?

Mr. HOPKINS. One moment.

Mr. LITTLEFIELD. I am not surprised that my friend does not want to hear it read, but I propose to read it.

Mr. HOPKINS. That is all right.

Mr. LITTLEFIELD (reading):

Now, it would not be in accordance with the requirements of the Constitution to give a greater representation to the fraction than to the integral numbers.

You state that as a proposition of law, and it is entirely true that your whole argument gives to that legal proposition an absolute contradiction, or, as some people say, the lie. Because you can not maintain that as a legal proposition and give any representation either to a majority or minority fraction, and your bill gives representation to 18 majority fractions.

Mr. HOPKINS. One moment. The gentleman knows that that was in connection with the question which came up between the integral number and the fraction; and I explicitly stated in my speech, and attempted to make it clear to every member of the House, that the Committee on the Census was giving representation to fractional numbers.

Mr. LITTLEFIELD. Well, I object to this interruption.

The SPEAKER pro tempore. The Chair wants to say that it is utterly out of the question to have an orderly debate in the House unless the rules of the House are observed. The rules of the House require that when a member rises he shall first address the Chair, and the rules also forbid one member to address another in the second person. The Chair hopes that members will conform to the rules of the House.

Mr. LITTLEFIELD. Well, Mr. Speaker, I have allowed myself to be interrupted about twenty-five times in violation of the rule. [Laughter.]

Mr. HOPKINS. And the gentleman from Maine has violated the rule twenty-five times by addressing me in the second person. [Laughter.]

Mr. LITTLEFIELD. It seems the gentleman from Illinois is getting very sensitive and technical now. [Laughter.] I will refer to him later in the third person, and later on I have no doubt I shall succeed in diminishing him so that I can refer to him in the fourth and fifth person. [Laughter.] And I hope to be able, during the progress of this debate, to eliminate him altogether. [Laughter.]

Mr. HOPKINS. That is evidently the purpose of the gentleman's argument, and not in support of any bill.

Mr. LITTLEFIELD. Now, Mr. Speaker, I state again that the argument of the gentleman absolutely contradicts the proposition that he lays down. It simply illustrates this: It is true that no apportionment can be made of the membership of this House that is not made in a large degree in an arbitrary manner. The plan

suggested by Mr. Walker never has produced the results desired—to give to all the States an equal and fair distribution in accordance even with its fundamental idea—and the plan suggested is based altogether on an arbitrary conclusion, because in every instance they stop in adding their fractions when they reach the number with which they started, independent of the fact of whether the majority fractions are still unused, and sometimes go into the minority fractions. That is precisely the proposition we maintain.

If the proposition set out by the gentleman so courageously in his speech were sound, no fractions would have any representation. If it is not sound, this committee leaves the representation to be based arbitrarily upon what the House deems to be fair and reasonable and right and just. The conclusion to be reached either by Mr. Walker's method or by the fourth method which is reported by the committee from the Census Office, which undertakes to reach results in this manner, takes an arbitrary ratio, or basis of representation—194,000, for instance—divides the population in each State for the purpose of getting the whole numbers, and the fractions left are disposed of by taking the majority fractions in their order until they are exhausted, and thus the membership of the House is reached by that method of computation, more simple, more plain, and more clear and direct and less subject to criticism than the complicated and peculiar system adopted by Mr. Walker and relied upon by both bills.

The minority bill is made up precisely according to the statement in the report of the committee; and following a precedent established by this House in 1872, it takes a table that is based upon the representation of 384, and when we find the representation of 384 under that table we find two States with majority fractions left out and unrepresented—Nebraska and Virginia. And the minority propose to add to the number as given in the 384 calculation Nebraska and Virginia, because they have each a majority fraction and are equally entitled to representation, except for the matter of the size of the fraction, as any other State having a majority fraction.

This bill stands upon a precedent which goes vastly farther than is necessary to justify even this legislation and this apportionment. I call attention to the report of Mr. Mercur, of the Committee on the Judiciary—a unanimous report—made in 1872, upon a bill which added to the membership of the House.

The report says:

> The recent action of Congress in increasing the size of the House to 283, in order to save 8 States from a diminution in the number of their Representatives, has inclined the committee to recommend a further increase of 9 members, making the whole number 292, which is believed to be the smallest number that, upon an equitable and constitutional apportionment, will leave each State with at least its present representation.
>
> In making this apportionment the committee have adopted the figures and tables which were prepared by the Interior Department and were before the House on a former occasion, apportioning 290 members.

Then follows the table, after which the committee continues:

> The committee, however, in addition to the 12 members assigned to fractions by the above table, assign one to New Hampshire and one to Florida, making in all a House of 292. The reason for this is that greater injustice will be done each of these States by not giving it the additional Representative than to the other States by giving it.

Those States came in at that time on a minority fraction because the Committee on the Judiciary believed it to be proper in order to make the representation fair and just.

The chairman of the committee assailed the minority report with great force and violence—I do not suppose he will have any objection to my recognizing that his argument was forcible or that it was violent. If those adjectives are too strong, I will withdraw them and modify my language somewhat in order to suit the tenderness and convenience of the gentleman from Illinois. In order to relieve his mind from any lingering doubt that he may have that this apportionment suggested in 1872 by the Committee on the Judiciary was justified upon constitutional provisions, I simply read a list of the names of the Judiciary Committee that reported unanimously in favor of adding two States with minority fractions after an apportionment had already been made.

I think I may assume that they thought they were proceeding in a constitutional manner; and I call the attention of the gentleman from Illinois to this list of great lawyers, not for the purpose of suggesting any comparison in the way of ability between those lawyers and the gentleman from Illinois. God forbid that I should suggest that any of those men would in any way overshadow the gentleman from Illinois.

The Committee on the Judiciary that reported this measure and stood behind it as a constitutional proposition consisted of John A. Bingham, of Ohio; Benjamin F. Butler, of Massachusetts; John A. Peters, of Maine; Ulysses Mercur, of Pennsylvania; Jeremiah M. Wilson, of Indiana; Milo Goodrich, of New York; Charles A. Eldridge, of Wisconsin; Daniel W. Voorhees, of Indiana, and Clarkson N. Potter, of New York. The minority of this committee feel that they have behind them the opinion of at least respectable lawyers that the bill they present here is based upon sound constitutional principles. They do not deny that it is possible for the gentleman from Illinois, unaided and alone, to overwhelm even this list of ordinary lawyers; that is entirely possible; but we do not think it probable.

Now, what does the gentleman from Illinois do when he undertakes to criticise the bill of the minority? He takes the table that is found in the report on the basis of 386, when the report states that the bill is based upon the table reckoning 384 Representatives, adding for Nebraska and Virginia two, following the line of the report of the Judiciary Committee in 1872. The gentleman insists upon arguing the minority bill upon the basis of the table of 386, when he knows (for his attention was called to it again and again while he was making his speech) that he was acting disingenuously and unfairly, and undertaking to confuse this House. He would not tolerate interruptions; he would not allow questions. He said in his speech that he was not to be tied down to the report of the committee and the reasons they gave for the bill that they presented here.

He insisted on arguing the question on the basis of a bill providing for 386 Representatives. Why? Because he wanted to appeal to the prejudice of the great States of Pennsylvania and New York, which under the apportionment that you will find under the head of 386 will have one additional Representative each; and then he claims that the minority of the committee by undertaking to provide for a House of 386 members are depriving New York and Pennsylvania each of a Representative; and he spent half an hour of his speech in undertaking to analyze the report of the minority on a table which he knew it was not based upon, if he ever read that minority report.

> He wabbled in and wabbled out,
> Until the mind was left in doubt
> Whether the snake that made the track
> Was going south or coming back.

That was the attitude of the gentleman in connection with the report of the minority of this committee. Now, this, I think, leaves these bills standing before the House upon their respective constitutional bases.

I do not claim that the bill of the majority is unconstitutional. I say that it is based upon the same table that the bill of the minority is based upon, and the bill of the minority has this precedent in 1872 for adding these two majority fractions in the case of Nebraska and Virginia. Now, this presents these bills as they stand before the House on their constitutional bases, each standing equal with the other so far as the legal propositions are concerned.

What are the real considerations involved here between these two measures? The question is whether this House shall be increased in size to keep pace somewhat with the increase of our population.

Mr. LACEY. Before the gentleman passes to the other proposition, I should like to ask him a question.

Mr. LITTLEFIELD. Certainly.

Mr. LACEY. I want to ask him whether he regards this as equality: Iowa has 2,231,853 people, while Maine has 694,466. Giving Maine 4 Representatives, if Iowa has three times as large a population as Maine and 38,465 more, ought not Iowa to have 12 members?

Mr. LITTLEFIELD. I will say in all frankness to the gentleman from Iowa that neither one of these bills can be analyzed so as to show equality on that basis. I have clearly in mind the analysis made by the distinguished chairman of the committee [Mr. HOPKINS] of the bill of the minority, and it is upon that analysis, if I understand the gentleman from Iowa aright, that his question is largely based.

Mr. LACEY. Yes; if on the same basis Iowa should not have 12 members, with 38,000 people to spare.

Mr. LITTLEFIELD. Now, I want to say this to the gentleman: Before I conclude my remarks, if I have the time, I will enter upon an analysis of the majority bill, using the same plan used by the chairman of the committee. I would not like to do it at this stage of the discussion, if it is agreeable to the gentleman from Iowa, but I will agree to reach it. I intend to conclude with an analysis of the majority bill, made upon the same basis that the chairman of the committee used in his analysis of the minority bill, and I will demonstrate vastly greater inequalities, vastly greater discrepancies, than appeared in the analysis made by the chairman of the committee. I submit right here now, however—and I do not know that I may care to state it again—that that analysis and that method of undertaking to reach a result is, in my judgment, puerile, senile, and inane.

Mr. JONES of Washington. Will the gentleman allow a suggestion?

Mr. LITTLEFIELD. Certainly.

Mr. JONES of Washington. If the gentleman from Iowa [Mr. LACEY] will notice, the bill of the majority gives Vermont 2 Representatives with 342,640 people. On that same basis Iowa would be given 13; but I think the majority bill gives her only 11.

Mr. LACEY. Certainly. It shows that these inequalities in figuring out results will follow any system.

Mr. LITTLEFIELD. They are bound to occur. There is no question about it at all. But the gentleman from Iowa will bear in mind this fact, that the minority bill and the majority bill are based upon precisely the same method of computation. They have behind them the same mathematical principles, the same scientific propositions, if there are any. There is this distinction: The majority bill fails to give representation to three majority fractions. That is the result of the table. The minority bill gives representation to all of the majority fractions under that bill, and in that respect is consistent with the practice of the House since 1850. Am I not right in that?

Mr. LONG. That is right, and Iowa, under the computation, has a large minority fraction, but not a majority fraction.

Mr. LITTLEFIELD. The gentleman from Iowa will notice that. The State of Iowa under the computation based on 384 Representatives has a large minority fraction, but not a majority fraction, and for that reason the State of Iowa was not included in the minority bill. The minority bill, in the first instance, was drawn upon the basis of the computation which you will find in Table No. 4, which I have just described as starting with an arbitrary ratio and dividing the population in the States, and then adding to the whole numbers all of the majority fractions. Do I make myself clear to the gentleman from Iowa?

Mr. LACEY. Yes.

Mr. LITTLEFIELD. Now, this brings us, Mr. Speaker, to the real question involved in this controversy, whether or not this House should be enlarged, whether the people of this country, 74,000,000, should be represented here by 357 people or by 386, 387, or whatever the number may be determined to be. And I submit upon this proposition as fundamental that under our institutions with a popular government, republican in form, the representation that is in harmony with our ideas is the largest representation, the largest body to represent the smallest constituencies possible, and that the only limit to the size of the House upon that basis is a condition when the House reaches an unwieldy character and is incompetent and unable to perform its legislative functions in an orderly and speedy manner.

And I submit, Mr. Speaker, that this House has not yet reached that stage. I submit that our proposition to increase the representation so far as may be in accordance with the increase of population, in accordance with the increase and the diversity of interests, is in accordance with this fundamental proposition and in accordance with the experience and practice of the Republic, uninterrupted except in one instance since the very beginning of our Government. And I submit further, Mr. Speaker, that this proposition of a large basis of representation in order that the representative body may be near the people, may represent their interests, may be familiar with their desires, may be capable of protecting their rights and preserving their liberties, and be large enough so that it can not under any circumstances be subjected to improper or irregular control, is the principle that should dominate this House in reaching its conclusions, whether it benefits Maine or whether it satisfies the desires of the chairman of this great committee.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. HOPKINS. Mr. Speaker, I ask that the gentleman from Maine be permitted to conclude his remarks.

The SPEAKER pro tempore. Unanimous consent is asked that the gentleman from Maine be allowed to conclude his remarks. Is there objection?

There was no objection.

Mr. LITTLEFIELD. I am greatly obliged to the gentleman. I submit, Mr. Speaker, that we are in harmony with the views of the fathers who made the Government what it is and procured the adoption of the Constitution. We are not left to conjecture what views were entertained by the statesmen who founded the Republic.

I find in the Constitutional Debates this remark made by one of the most distinguished men who had to do with the preparing of that great instrument, and who had perhaps more than any other man to do with inducing the people to accept and adopt the Constitution after it had been framed and sent out for ratification by the various States then constituting the Confederation. Mr. Hamilton, the great Federalist, who believed in the centralization of power, who believed in a strong and powerful government that could control, legislate, and regulate the affairs of a great people, took this ground in connection with the size of the lower House, the only elastic body that exists under our form of government. He said:

He avowed himself a friend to a rigorous government, but would declare at the same time he held it essential that the popular branch of it should be on a broad foundation. He was seriously of the opinion that the House of Representatives was on so narrow a scale as to be really dangerous and to warrant a jealousy in the people for their liberties.

The clause that he was then discussing provided for 65 Representatives, and was finally fixed at 60. The very Constitution itself, by its provisions and its terms, contemplates a gradual increase in the size of this great representative elastic body in order to keep pace with the development and increasing population of the Republic. It provides for an apportionment every ten years, after a census shall have been taken, and the very instrument contemplates an increase in the size of this House until this limit to which I have called attention is reached—the limit of an unwieldy character, when it is incapable of properly performing its legislative functions. This, you have seen, was the idea of Hamilton when engaged in the discussion of the instrument itself.

One of the great objections to the adoption of the Constitution was the very fact that the House was too small in number; that it was susceptible to improper influences and liable to be improperly controlled, and the liberties of the people were not safe when they were intrusted in the hands of so small a body of men; mark you, 1 for every 30,000. And Alexander Hamilton, in that great series of papers known as "The Federalist," entered the controversy to defend that proposition, and in his defense he gave these reasons for its existence and for the adoption of the Constitution, notwithstanding the small size of the House at the beginning of the Government. He says:

[Federalist, No. 55—Hamilton.]

The charges exhibited against it are: First, that so small a number of Representatives will be an unsafe depository of the public interests; secondly, that they will not possess a proper knowledge of the local circumstances of their numerous constituents; thirdly, that they will be taken from that class of citizens which will sympathize least with the feelings of the mass of the people, and be most likely to aim at a permanent elevation of the few on the depression of the many; fourthly, that defective as the number will be in the first instance, it will be more and more disproportionate by the increase of the people and the obstacles which will prevent a correspondent increase of the representation.

At the expiration of twenty-five years, according to the computed rate of increase, the number of Representatives will amount to 200, *and of fifty years to 400.* This is a number which I presume will put an end to all fears arising from the smallness of the body. I take for granted here what I shall, in answering the fourth objection, hereafter show that the number of Representatives will be augmented from time to time in the manner provided by the Constitution. *On a contrary supposition I should admit the objection to have very great weight indeed.*

The true question to be decided is whether the smallness of the number, as a temporary regulation, be dangerous to the public liberty; whether 65 members for a few years and a hundred or two hundred for a few years more be a safe depositary for a limited and well-guarded power of legislating for the United States.

[Federalist, No. 58—Hamilton.]

The remaining charge against the House of Representatives which I am to examine is grounded on a supposition that the number of members will not be augmented from time to time, as the progress of population may demand. It has been admitted that this objection, if well supported, should have great weight.

I concede that gentlemen standing here now, in the light of the twentieth century, with the experience of more than a hundred years, are better qualified to judge of the size of this House than was Alexander Hamilton in 1787; but it is significant that Hamilton thought and urged as one of the reasons for the adoption of the Constitution that its minimum when it reached its expected size, when it would securely guarantee the liberties of the American people, would be at least 400 members, 14 more than proposed in accordance with the bill of the minority.

I submit that we are in line with the fathers of the Republic upon this proposition of increases. Let me call the attention of the House for one moment further to some of the considerations which suggested themselves to Hamilton as reasons why the House should not consist of a large and unwieldy number. He says:

One observation, however, I must be permitted to add on this subject as claiming, in my judgment, a very serious attention. It is that in all legislative assemblies the greater the number composing them may be the fewer will be the men who will in fact direct their proceedings.

Has this House reached the size that it can truthfully be said that there are any few men that can direct its proceedings? If it be true of 350 or 340 members, we have abdicated our rights and privileges as representatives of this Republic; if that condition be not true, then its limit is not already reached in accordance with Hamilton's ideas.

Again—

In the first place, the more numerous an assembly may be, of whatever characters composed, *the greater is known to be the ascendency of passion over reason.*

Now, has this House reached the size, or will the addition of 29 members to it develop a size that will put it in a position where it will be controlled by passion and not by reason? Will the House stultify its own membership on the theory of Hamilton, by coming to the conclusion that the House has got to a size where it is productive of fear for this cause?

Again—

In the next place, the larger the number, the greater will be the proportion of members *of limited information and of weak capacities.*

Has this House reached the condition in its membership so that it can be properly criticised as composed of members of limited information and weak capacity? If it has, its size ought not to be increased at all, and other men ought to be sent here. If 29 more men are added, will it demonstrate that then it will be a House composed of men of limited information and weak capacities? Is it necessary for me to stop here and say that this House sitting here now, for intelligence and capacity and ability to discharge public business with economy and dispatch, has never been exceeded by any House that ever sat, from the days of Hamilton to the days of William McKinley? I challenge the production of the proof that can demonstrate that this House can not, when it will, intelligently legislate for the American people unless it is loaded up with a tremendously increased constituency. That is absurd. It is occupied by matters other than those connected with the enactment of legislation.

Here he goes on further and says:

On the same principles, *the more multitudinous a representative assembly may be rendered* the more it will partake of the infirmities incident to collective meetings of the people. *Ignorance will be the dupe of cunning*, and *passion the slave of sophistry and declamation.*

Does this House want to say that it must keep the membership at 357, and if we increase it 29 that ignorance will become the dupe of cunning?

Has it reached that in the history of the Republic? These are limitations—reasonable limitations—proper qualifications suggested by one of the greatest men, perhaps the greatest, who participated in the formation of the Constitution and the procuring of its adoption. This is Hamilton, the man with monarchical tendencies. Jefferson, the great Democrat of his time, as is well known, entertained even more liberal views as to the size of the representative body requisite for safety. He appreciated the fact that the smaller the body the more easily it could be corruptly and improperly controlled.

Now, I submit to this House that all its various apportionments, with the exception of the year 1842, have been entirely in line with the suggestion, with the argument, and with the reasons of these distinguished men. The following table shows the apportionments:

	Ratio.	Whole number of Representatives.
Constitution, 1789	30,000	65
First Census, 1793	33,000	105
Second Census, 1803	33,000	141
Third Census, 1813	35,000	181
Fourth Census, 1823	40,000	213
Fifth Census, 1833	47,700	240
Sixth Census, 1843	70,680	223
Seventh Census, 1853	93,423	233
Eighth Census, 1863	127,381	243
Ninth Census, 1873	131,425	293
Tenth Census, 1883	151,911	325
Eleventh Census, 1893	173,901	356

This table shows the increase from time to time, with the percentage of increase:

Increase of House and per cent since 1789.

	Number.	Increase.	Per cent.
First Census, 1793	65 to 105	40	61
Second Census, 1803	105 to 141	36	34
Third Census, 1813	141 to 181	40	28
Fourth Census, 1823	181 to 213	32	18
Fifth Census, 1833	213 to 240	27	13
Sixth Census, 1843	240 to 223	*17	
Seventh Census, 1853	223 to 233	10	4
Eighth Census, 1863	233 to 243	10	4
Ninth Census, 1873	243 to 293	50	21
Tenth Census, 1883	293 to 325	32	11
Eleventh Census, 1893	325 to 356	31	10

*Decrease.

Average increase, 20 per cent.

The increase proposed by the minority bill is 29, or 9 per cent.

The percentage of increase in the size of the ratio is as follows:

	Per cent.
First Census, 1793	10
Second Census, 1803	0
Third Census, 1813	*15
Fourth Census, 1823	14
Fifth Census, 1833	19
Sixth Census, 1843	48
Seventh Census, 1853	32
Eighth Census, 1863	36
Ninth Census, 1873	3
Tenth Census, 1883	15
Eleventh Census, 1893	14

*Average increase in size of ratio, 19 per cent.

The increase on the basis of 386 is 12 per cent.

The increase on the basis of 357 is 20 per cent.

The percentage of increase of population during the same period was:

Year.	Population.	Per cent.
1790	3,929,214	
1800	5,308,483	35
1810	7,239,881	36
1820	9,633,822	33
1830	12,866,020	33
1840	17,069,453	32
1850	23,191,876	36
1860	31,443,321	36
1870	38,558,371	23
1880	50,155,783	30
1890	62,622,250	25
1900	74,565,906	19

Average increase, 31 per cent.

The average increase in this House has been 20 per cent. It has been increased at every apportionment except in 1843, when it was decreased by 17 members on the initiative of the Senate. It may be well for us to bear in mind that the Senate, that great coordinate body, has the same interest in the size of this House, in many respects, as has the House itself; and the Senate on three occasions has controlled the size of this House. In 1811, with 181 Representatives, the apportionment bill was amended by striking out a ratio of 37 and inserting in lieu thereof 35. The House disagreed to it. The Senate insisted, and finally the House receded from its amendment and the bill was passed, and the Senate broadened the representation of the House, bringing the Representatives nearer to their constituents.

In 1842 they initiated the proposition that resulted in a decrease of the size of this House by 17. In 1862 the House passed a bill for reapportionment, making the House the size of ten years before, without making any increase, and in the Senate they made the number 241, giving to Pennsylvania, Ohio, Vermont, Rhode Island, Kentucky, Illinois, Iowa, and Minnesota one more Representative each, because of the majority fraction, and the House concurred in the amendment. The House started out by depriving these States of representation on the ground of majority fractions, but by amendment on the part of the Senate they were given representation for such majority fraction.

It will be seen that the increase in ratio of representation or the basis of representation has increased gradually, very nearly equal to that of the percentage of the increase in the representation itself. The average increase in representation is 20 per cent. The average increase in the size of the ratio is 19 per cent; but the increase in size of ratio on the basis of the minority bill would be only 12 per cent. The increase on the basis of the majority bill would be 20 per cent; and the increase of population during the whole period has been, on the average, 31 per cent, and during the last decade is 33 per cent. So that this minority bill, Mr. Speaker, is in line not only with the constitutional intendment and the theory of the fathers, but, with one exception, with the universal practice of this House in conjunction with the Senate in determining the basis of representation.

Now, I desire to call attention for a few moments to the objections raised by the majority of the committee to increasing the size of this House. As I remember the statement of the gentleman from Illinois, it was based largely on inconvenience. The report of the committee says it is kept at its present size by reason of economy and dispatch in business. The suggestion is made that the House has grown unwieldy; that it is incapable of properly performing its functions. The distinguished chairman of the committee does not make the statement in that broad language, but he substantially states that it is inconvenient, that we are adding trouble, as a reason why the basis of representation should not be increased, but should be continued at its present size, as a reason why there should be a reversal of the policy of the Republic in this beginning of the twentieth century.

It is a singular fact that this is not the first time that the argument of an unwieldy character, overgrown size, and disorderly body has been addressed to the House. For many a year it has been the fashion to denounce the House of Representatives as one of the most disorderly bodies in the world, and as being incapable of properly transacting business. The suggestion is made that no man is heard, no man can take a part in debate and receive the attention of the members, on account of the size of this great body.

As long ago as 1842—sixty years ago—with a House of 240 members in size, 117 less than the present size, the same conditions were supposed to exist. I quote now briefly from a speech made by Mr. Wise in discussing an apportionment bill, in which he says that—

Never since he had held a seat in this House had it been so inefficient a body as it was at this moment. The deterioration had been constant, as well

in the dispatch of business as in the manner and the matter of its debate, owing, as he believed, to its overgrown size.

Mr. Johnson said the Senate had stigmatized the House as a bear garden, and contended, for that reason, that its number must be reduced. Mr. Pickens, in making an answer to some suggestions to the gentleman from Massachusetts, Mr. Adams, said that instead of meeting here for consultation and legitimate discussion, if the House was increased in size, it would be a body thrown into confusion, and from its very numbers it would be imbecile for all the purposes laid down in the Constitution.

He further said that—

He knew not what the reasons were which had influenced the other body, but for himself he was influenced by a fear that this House, if a large body, would degenerate into a mob and break down the barriers laid down in the Constitution.

Now, the gentleman from Illinois does not draw anything like so harrowing a picture of the condition of this House as was drawn by these great statesmen sixty years ago. Yet this House still lives; it still exists as a deliberative body; and there never was a time when it could transact its business with greater dispatch than it can this very minute under the rules that now govern it. We here have simply an illustration of the fact that these difficulties and changes are not only largely exaggerated, but to a great degree imaginary.

Let me go a little further and read another quotation.

Mr. Bowne submitted that—

There was no necessity for this House to be told that they were not to be enlarged because they were a disorderly, inefficient body, that they were growing into disrepute with the public, and to lecture them as if they were a set of schoolboys coming here to learn the first rudiments of political science.

These were the reasons urged against increasing the size of the House when it had only 240 members. What would those gentlemen say if they could sit here in this House, with a membership of 357, deliberately acting as representatives of the people and legislating, as suggested by the gentleman from Illinois.

In 1882, twenty years ago, Mr. Herbert stated as a reason why the House should not be increased that "we all know that gentlemen now sit here for a whole Congress and do not know all of their fellow-members even by sight."

Mr. Springer thought that an increase of over 293 would make it necessary to remove the desks and make other arrangements for seating the members.

And members of the House were referred to in 1882, twenty years ago, by a distinguished member of the Senate, as sitting here as "a dumb, uninfluential herd."

Mr. Morrill said in the Senate:

I appeal to the knowledge of Senators who were in the House twenty years ago, when order was maintained there and the Speaker sat in his chair.

It seems that after 1842 there was a period twenty years later when order was maintained here notwithstanding the size of the House had been increased, and notwithstanding terrible forebodings of the statesmen of that generation. But, continues Mr. Morrill (this is twenty years ago)—

Now the Speaker has to stand up all the time and speak in a stentorian voice and constantly be rapping on his desk to maintain order in a little circle round about the Chair; and it is a fact that very few members are able to participate understandingly in the transaction of business.

That is a description of this House twenty years ago, when it had 325 members. And now the chairman of this committee is not able, with his knowledge of this House and its deliberations, to draw anything like so drastic a picture of the conditions which he thinks may afflict us if the membership is increased; and certainly the extreme conditions thus described do not exist to-day with a larger membership.

The gentleman says that men are sent here to legislate. I agree with him. But, I ask, why is it that members of this House have no information in detail about the river and harbor appropriation bill except such items as happen to concern their districts, their special harbor, or their special brook that is to be improved under that great bill? Why is it that none of them understood the provisions or knew the terms of the bill appropriating $145,000,000 that passed this House in eleven minutes during this session?

Why is it that so few members of this House understood fully the details of the bill that passed before the recess giving to two great railroads that enter this capital cash and property ranging in value anywhere from $4,000,000 to $6,000,000? Is it because the House is too large, or because the constituencies are too large? I submit to the candid consideration of members of this House that it is by reason of the size of the constituencies that the members of this House are not able to give the time to independent investigation, so that they may know whether a report that a committee brings into this House is wise or unwise.

How is the time of members of this House occupied? Is it occupied in legislating upon this floor, or is it occupied from early morning in reading over the last mail that reaches every member voicing the wants of his constituents, 99 per cent of whose demands are aside from any legislation upon this floor? [Applause.] Or is it because the members are obliged to read their correspondence and, in the exercise of ordinary courtesy, to answer it, and then to visit Department after Department during the morning hours and during the hours this House is in session? Or is it because members are obliged to look out for needy constituents who desire to be injected into office, and who, once injected, desire to be promoted or to have their salaries increased, and are not willing to rest upon a letter written to a head of a Department asking him to increase the salary or promote the needy applicant, but must insist upon a member making a personal visit to the head of the Department and pressing the claims of his constituent? [Applause.]

It is not the size of the House that prevents members from having an intelligent understanding of the legislation pending before this body; it is the size of the constituencies. Mediums of communication—fast mails, telegraphs, telephones, etc.—do what? They simply concentrate in intensified volume these applications and demands of every intelligent constituency upon the Representatives that sit here. What is the remedy of the gentleman from Illinois to enable this House to more intelligently legislate? Not, he says, that men may make speeches, not that they may take part in debate, but, that they may know what is going on in this House, increase the burden that now prevents this result.

They are already loaded up, every member of them, with a wealth of constituents, with demands that can not be answered and leave them time to investigate these questions. How many men are there on this floor who even read the bills pending before this body, much less investigate them for the purpose of ascertaining whether or not they are wise or unwise?

Mr. GAINES. I would like to ask the gentleman a question.

The SPEAKER pro tempore (Mr. HEPBURN). Does the gentleman from Maine yield to the gentleman from Tennessee?

Mr. LITTLEFIELD. Yes.

Mr. GAINES. Is it not a fact that the House meets every day at 12 o'clock, so as to give us half a day to attend to these clerical matters you are asking about, and then we work day and night to attend to them?

Mr. LITTLEFIELD. Yes, that is the way I understand it: in order to give the members a chance to go to the Pension Department, to see the Secretary of the Treasury and the heads of other Departments, in order to perform the office of a great errand boy, which could be as well performed by a man drawing a salary of twelve or fifteen hundred dollars. When do the members get the time to investigate these questions? Does any man know anything about any question in detail except the particular question pending before his committee?

The gentleman says this business will be performed by committees more hereafter than before. Load up the members of this House with increased constituencies, multiply these demands by the swift mails and by the telegraph and the telephone, so that they can send in their requests and their demands upon members, and the business of the House will still more be performed by committees, because it will be still more impossible for any man who sits on this floor and undertakes to represent his constituency to have an intelligent apprehension of the business pending before this House. Does not every man on this floor know that statement to be absolutely true?

Now, let us provide for that. Let us eliminate that. How? By intensifying the difficulty, increasing the size of the constituency, diminishing the size of the House, loading up the members with this incidental business aside from proper legislation, and you diminish it according to the theory of the distinguished gentleman from Illinois, when the fact is that by such a course you inevitably aggravate instead of palliating the evil. The gentleman says that under the rules that now exist—let me get his exact language—rules—

That can not and ought not to exist in a properly regulated body.

Referring now to the rules that govern the House in its deliberations, I do not remember that the gentleman arose in his place when the question of the adoption of these rules was pending and protested against the adoption of the rules that ought not to exist in a properly regulated body.

When it comes to the question of dispatch, every member who sits on the floor knows that under the control of the Speaker and the Committee on Rules there is no limit in this body of 357, and there would be no limit if it was a body of 500, to the dispatch that can be given to business.

The report of the Committee on Rules, sustained by a majority, limiting debate, preventing amendments, goes through this House so long as the majority, whether it be Republican or Democratic, stands together, and any measure under these rules can be passed in unseemly haste, with undue dispatch, and the fact that there are 400 men sitting here has nothing whatever to do with it. The gentleman says these rules ought not to exist to-day. Does he

propose to narrow down this House in order that the rules may be repealed, or does he propose to allow the House to go on under existing rules that ought not to exist and legislate as it has legislated?

A little farther on, he says that some committees have been created in order to give places to men who come here, and because it is inconvenient to have a large committee the House must not have its size increased, and members must be loaded up with this outside incidental work to which I have called your attention. The size of the Hall, I submit, is a consideration that has no proper bearing upon this question whatever.

The size of this great House, as the representative of a great and free people, is not to be circumscribed by wooden walls. We do not need to appeal to that proposition here upon this floor, because the cuts that have been put in the possession of the members show that the size of this House can be increased and its seating capacity be increased by fifteen upon either side and probably no man here discover the difference between its seats then and its seats now.

And I submit with all seriousness to the members that if the areas in these corners that are now occupied by seats and lounging room, and used for purposes of consultation while debate is in progress, were entirely filled by seats, so that the whole auditorium upon this floor was occupied by seating capacity and only room enough left to walk upon the end and in the rear, with an aisle to pass back and forth, it would add vastly to the order and the quiet of this House. There is no objection upon the ground of the size of the room, even if that is an objection, that could properly be urged under any circumstances.

I have but a word to say here on the question of expense, although I did ask the gentleman, when he made the statement that it would increase the expense $500,000 to $750,000, to give these details, which he declined to do. I have made a brief computation of the expense for each additional member, reckoning his average mileage at $348, his salary at $5,000, his stationery allowance at $125, and his clerk hire at $1,200, making a total of $6,673.88.

Multiplying that by 29 will give in round numbers $200,000. But why this spasm of economy right now upon $200,000 a year when it is proposed to increase the size of this House? Why this desire to save that sum for the purpose of preventing an increase in size? Why would not some of this economy be wise in connection with some of the other great propositions that have been pending here? This House without due consideration votes vast sums of money, and now it begins to bear down upon the theory of economy because it is going to cost too much to have the American people properly represented upon the floor of this House. That is an argument that the gentleman did not rely upon to any extent, and it is an argument that I submit is entitled to no consideration as against the interests of the people represented.

I have gone over these matters somewhat hurriedly. I have called attention to the various suggestions of the distinguished chairman, except as to the "Cherokee Strip." I do not quite understand how that has any bearing upon the question whether or not this House shall or shall not be increased in size. If the Republican majority increases in size, the size of the "Cherokee Strip" increases. If there was a Democratic majority, the "Cherokee Strip" would be located upon the other side. I do not understand that it is any special mark of reproach, and if it was it would be precisely the same with 200 or 300 members, if you diminish the size of the seating capacity so as to have more room outside, as you have it and use it now. So, I submit, there is no objection that can be urged with force or weight in that direction.

Allow me, by way of comparison, to refer to the size of representative bodies in other countries.

The House of Commons in England consists of 670 members, based upon an average ratio of, say, 53,000, with a population of 40,188,927. That is the great representative body of England. To be sure, 40 members constitute a quorum.

The Chamber of Deputies in France consists of 576 members, but a majority of those are required to constitute a quorum. Their basis of representation is about 66,000, with a population of 38,517,975. And is it to be said that 576 people in France can meet in an intelligent and orderly manner and transact business and that 386 in America can not, because that is the argument—the argument of inconvenience and of an unwieldy character.

The Reichstag of the German Empire consists of 397 members, and it takes a majority for a quorum. It is based on a representation of 131,687. The population is 52,279,901.

In Spain, degenerate, mediæval Spain, 431 members constitute their lower house, their congress, one for every 40,719 of population, and it takes 70 members for a quorum. The population is 17,550,216.

In Italy the Chamber of Deputies is composed of 508 members, on a basis of 1 to every 57,000, in round numbers, and it takes a majority for a quorum. Population, 29,699,785.

In Canada the house of commons is composed of 213 members, or 1 for every 22,647, and it takes 20 members, with the speaker, for a quorum. Its population is 4,823,875.

In Belgium the House consists of 132 members, 1 for every 45,757, and a majority constitutes a quorum. Population, 6,030,043.

In Austria it requires 100 to constitute a quorum, and the size of their lower body is 353. The lower house of Hungary is composed of 453 members, and the basis of her representation is 1 for every 92,000, in round numbers, and 100 members constitute a quorum. The population of Austria-Hungary is 41,827,700.

Sweden has a lower house consisting of 228 members, with a basis of representation of about 40,000. I have not the number required there for a quorum. Population, 4,784,981.

The lower house of Japan consists of 300 members, the basis of representation being 1 to every 128,000, and one-third of the entire number is required to constitute a quorum. Its population is 41,089,940.

These popular branches all exist, except in France, under monarchical forms of government, and yet it has been deemed necessary there, in order properly to protect the rights of constituents, to have in the largest instance a basis of representation not greater than 123,000, while the basis of representation proposed in the minority bill is 194,000. And I submit that the Republic can ill afford, with these illustrations of popular representation under monarchical forms of government before it, to diminish the size of its representation or increase the ratio upon which it is based.

Now, I will proceed with an analysis of this bill upon the chairman's plan. His plan is this: Take the population of a State and divide it by the number of Representatives given to it by the bill, and thus get the number of inhabitants per Representative.

The following table gives the basis of representation on this theory under both bills:

State.	Majority.	Minority.
Alabama	203,188	203,188
Arkansas	218,594	173,080
California	211,929	185,438
Colorado	269,551	179,701
Connecticut	227,088	181,671
Florida	264,371	176,180
Georgia	201,484	201,484
Illinois	209,193	192,862
Indiana	209,705	198,194
Iowa	202,795	202,795
Kansas	210,070	183,811
Kentucky	214,717	195,197
Louisiana	197,375	197,375
Maine	231,488	173,616
Maryland	198,341	198,341
Massachusetts	215,795	200,381
Michigan	201,748	201,748
Minnesota	218,703	194,402
Mississippi	221,610	193,908
Missouri	207,111	194,166
Nebraska	213,707	178,089
New Hampshire	205,794	205,794
New Jersey	209,296	188,366
New York	207,522	196,305
North Carolina	210,423	189,381
Ohio	207,897	197,978
Oregon	206,768	206,768
Pennsylvania	210,070	196,941
Rhode Island	214,278	214,278
South Carolina	223,386	191,472
South Dakota	195,318	195,318
Tennessee	202,061	202,061
Texas	203,247	190,544
Vermont	171,820	171,820
Virginia	206,020	185,418
West Virginia	191,760	191,760
Wisconsin	206,738	187,944
Washington	257,786	171,857

This table obviously does not include States with only one Representative.

Under this bill Colorado has one Representative for every 269,551; Florida, for every 264,371; Washington, 257,786; Maine, for every 231,488. Maine has the highest basis of representation of any State after Colorado, Florida, and Washington. Under this bill the smallest basis of representation is 171,820 for Vermont, and the highest basis 269,551, Colorado, a variation of 97,731. It takes that many more people to make a Congressman in Colorado than in Vermont; 92,451 more in Florida than in Vermont; or 85,966 more in Washington than in Vermont.

Under the minority bill the lowest basis of representation is 171,820, in Vermont, and the largest, 214,278, in Rhode Island, or a variation of 42,458; and the next highest is 206,768, in Oregon, or only about 34,000 variation, and the variation in the committee's bill is more than double that of the minority bill. The distinction between the two bills on this point is that the committee's bill has a discrepancy of 97,000 and the minority only 42,000. Leaving out the States with but two Congressmen, the variation in the committee bill is: Lowest, 191,760, in West Virginia, and the highest, 231,488, in Maine, or a difference of 39,728. Under the minority

bill the lowest is 173,080, in Arkansas, and the highest 203,188, in Alabama, or a difference of about 30,000.

How many more men does it take under the committee's bill to send a man from Maine than it does in some of the other States? Let me read a list, so that the committee can see what we are bearing in Maine. If there is any incongruity or disproportion in the minority bill it only relates to four States at least. Maine is singled out as an illustration, but it can only relate to Maine, Nebraska, Kansas, and Virginia; so that only four Representatives would be involved if they have more than they are entitled to, or there are four Representatives out of proportion, those States having four more than they should have in comparison with the balance of the States in the Republic. Assuming a disproportion, it exists only in four instances.

Now, how many more does it take in Maine than in the balance of the country to send a Representative to Congress? Twenty-eight thousand three hundred more than in Alabama, 30,004 more than in Georgia, 28,693 more than in Iowa, 34,115 more than in Louisiana, 33,147 more than in Maryland, 15,693 more than in Massachusetts, 29,740 more than in Michigan, 25,694 more than in New Hampshire, 22,192 more than in New Jersey, 23,966 more than in New York, 22,295 more than in Illinois.

Now, I ask the gentleman from Illinois, is there any reason why, upon his theory—and I am taking his theory for this analysis—is there any reason, in equity, justice, or good faith, why it takes 22,000 more men in Maine to send a man to Congress than it does in Illinois under his bill, 21,065 more than in North Carolina, 23,591 more than in Ohio, 21,418 more than in Pennsylvania, 36,170 more than in South Dakota, 29,427 more than in Tennessee, 28,241 more than in Texas, 59,868 more than in Vermont, 25,468 more than in Virginia, 39,728 more than in West Virginia, 24,750 more than in Wisconsin? Maine has the largest basis of representation of any State, as I have said, after the exclusion of 3. Let me analyze this bill, and see how much these other States have increased their representation improperly under the committee's bill, on the ratio that is given to Maine. I take the bill as it is given by the distinguished chairman of this committee.

If these States were used in this bill as Maine has been used, with her ratio of 231,498, Alabama would have 8 Representatives—giving the benefit of a majority fraction in each instance—instead of 9, as she is allowed; California would have 6 instead of 7, as she is allowed; Georgia would have 10 instead of 11, as she allowed; Illinois would have 21 instead of 23, as she is allowed. And right here, while I am on Illinois, let me call the attention of the gentleman from Illinois, the chairman of the committee, to his remarks in the RECORD. He says:

> If Maine is entitled to a member of Congress for 173,617 people, why not make that the ratio? Do you see any objection to that in South Carolina?
> Now, what I desire to know, Mr. Speaker, is, if 173,000 people, in round numbers, is sufficient for a member of Congress from Maine, why is not that number good in New York; why not in Illinois; why not in Minnesota, and South Carolina?

Now, I turn that question on the chairman. If Maine is to have a Representative based on 231,488, why not make that the ratio? How would it do to apply that to Illinois? And if it were applied to Illinois she would lose two Representatives that she is allowed by the terms of the bill under his own analysis. I ask the chairman of this committee to apply his own medicine to his own bill, his own analysis; and right here gentlemen will remember that I put this question to him:

> Mr. LITTLEFIELD. May I ask the gentleman a question?
> Mr. HOPKINS. Yes, sir.
> Mr. LITTLEFIELD. If 26,955, which is your basis in Colorado, is good for a Representative there, why not elsewhere?

And what does the gentleman do? He is a very polite gentleman; he is very courteous on the floor, and when I propounded to him that question, which he did not dare to answer on the basis of the analysis he was making of the minority bill, he refused to answer and declined to be interrupted. I appreciate the distinguished courtesy of the gentleman from Illinois, but I ask him, the chairman of this committee, to apply the logic that he used as to the minority bill to Maine and Illinois and take out of his bill two Representatives that he reports here in favor of Illinois.

Indiana on the Maine basis would have only 11 representatives instead of 12, as she is allowed. Iowa would have 10 instead of 11, as she is allowed; Kansas would have 6 instead of 7; Kentucky would have 9 instead of 10; Louisiana would have 6 instead of 7; Maryland would have 5 instead of 6; Massachusetts would have 12 instead of 13; Michigan would have 10 instead of 12; Missouri would have 13 instead 15; New Jersey would have 8 instead of 9; New York would have 31 instead of 35, 4 less than she is allowed.

Now, I ask the gentlemen representing the great State of New York if they are prepared, if they have the power and the votes, to insist upon the chairman's bill, when, if the same doctrine was applied to New York that the chairman undertakes to apply to Maine, there would be 4 Representatives that she could not rightfully claim? Now, I call the attention of the Representatives of these great States to this analysis, following the line of the analysis made by the chairman of the committee, and suggest that while it is "excellent to have a giant's strength, it is tyrannous to use it like a giant."

But to continue. North Carolina, instead of having 9, would have 8; Ohio, instead of 21, would have 18; Pennsylvania, instead of 30, would have 27; Tennessee, instead of 10, would have 9; Texas, instead of 15, would have 13; Vermont, instead of 2, would have 1; Virginia, instead of 9, would have 8; West Virginia, instead of 5, would have 4; Wisconsin, instead of 10, would have 9.

In other words, if this analysis which is applied to Maine were applied to every other State in the Union, it would demonstrate that the committee bill gives them 34 more Representatives than they are rightfully entitled to.

Take the chairman's plan, apply it to the minority report, and it may be upon that analysis that four States have a disproportionate representation, four small States that stand here to-day at the mercy of the great States in this Republic. But on the same analysis applied to the majority bill they have 34 Representatives in 24 States to which they are not entitled, eight times as large as the disproportion that exists on the chairman's theory under the minority bill. The outrage, if outrage there be, on this theory is eight times greater under the majority bill than under the minority. This is the proposition, and that is why the chairman of this committee did not dare to be interrupted on this floor and asked to apply to his own bill the same method of analysis that he was applying to the bill of the minority.

Let me go further. Upon this analysis Colorado has a Representative for every 269,551 people. How many Representatives would the State of Illinois have if that same ratio was applied to Illinois? I ask the gentleman in his own language, why not make that the ratio? Do you see any objection to that for Illinois? And Illinois on that basis would simply have 18 Representatives, or 5 less than the chairman of this committee has reported to this House. Compare Washington on the same basis, and Illinois would have only 19 Representatives. Compare Florida in the same manner and Illinois would have only 18.

I submit it ill becomes the distinguished chairman of this committee, in the interest of the bill which is apparently aimed at the small States, on this floor to stand here and charge the State of Maine with robbing States of their representation under the minority bill when the same analysis shows that he has concealed about his own person at least five Representatives robbed from other States. I submit that it is colossal, monumental, insufferable, indescribable, ineffable, infamous nerve for a man to stand here and thus assail the bill of the minority when his own bill on that analysis is so monstrous and so infamous.

Mr. Speaker, I have said all I care to say in connection with this measure at this time. The State of Maine, with these other small States, stands here at the mercy of this House of Representatives. I do not agree with the proposition of the chairman of this committee, that it makes no difference to a State whether its representation is increased pro rata with that of other States.

It makes no difference, perhaps, to the population of the State, but it makes a vast difference to the State as an entity. When you cut down Maine one Representative, you cut her representation down 25 per cent. If you cut down New York one Representative or add one, you subtract or add only one thirty-seventh of the whole representation of the State. It makes a vast difference to a small State whether the State has four men or three to represent it.

I appeal from the malevolence of the chairman of this committee to the sense of candor, good faith, honesty, and fair-minded judgment upon the part of the members of this House on either side of this Chamber. The State of Maine stands here no suppliant at the doors of this House, she simply asks for fair play. She has a record in this House of which she may well be proud. It is a pride in which the whole country may well join her.

There is no line of her record that she desires to erase; there is no page that she has any occasion to turn down. However she may be treated by the House in this apportionment—whether her influence in this body shall be diminished 25 per cent or maintained as it stands to-day—the State of Maine will always stand as she has ever stood, foremost among the champions of liberty and freedom and everything that makes for a higher Christian civilization. I appeal, I say, in the last resort to the sense of candor, fairness, good faith, and justice upon the part of the members of this House. Let no State be crippled in her representation. [Loud applause.]

Mr. HOPKINS. Mr. Speaker, by arrangement with the gentleman from Maine [Mr. BURLEIGH], it has been agreed that one hour be given now to the gentleman from Ohio [Mr. SHATTUC], one half of the time to be taken from that controlled by the gentleman from Maine and the other half from that controlled by myself.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SHATTUC] is recognized for one hour.

Mr. SHATTUC. Mr. Speaker, the President, in his message to this House, recommended that we proceed in a constitutional manner to determine the question of apportionment for the next ten years.

The resolution which I have offered is designed to facilitate the efforts of the members of this body in clearing the way of all obstacles, so that we may proceed intelligently in the manner prescribed by the Constitution in the performance of this great duty, with justice to the citizens of every State of the Union and with justice to Congress itself, for it involves the very structure of this body.

There are many questions that can enter into a debate as to the manner in which this House of Representatives of the people of the sovereign States shall be constituted; questions which affect us all; questions which appeal to our own individual interests; but I do not rise to speak concerning these.

I rise to debate a question, which, paradoxical as it may seem, is to my mind undebatable—whether we shall proceed to apportion the representation in this body among the respective States in the manner prescribed by the Constitution.

It would seem that quite a number of the members of this body, probably engaged in the solution of matters of more interest to them, have given to this subject of apportionment but little of their attention, and therefore have, I may say, overlooked what appeals to me as being the vital part of the whole matter.

Indeed, the only motive which prompts me now is based on the belief that if the real point at issue in this great question can be made clear, there should not be a dissenting voice in all this body when the question of obeying the Constitution and its provisions is involved.

I can not believe that there is a single member of this body who would vote in the negative if the question were put, "Shall we obey the plainly written terms of the Constitution?"

Whether the fourteenth amendment or any other section of the Constitution affecting this matter is wise or just, or neither, is not for this House to determine; the question is whether or not we are to obey its plain provisions.

I do not desire to invoke the spirits of the past; to summon the ghosts of thirty odd years ago when these questions were the subjects of debate and discussion in these historic halls, when men whose places in the annals of the nation is fixed for all time indulged in brilliant argument upon these important questions.

All that is past.

The plain fact remains that, after all this discussion, certain provisions in regard to the manner of apportioning representation in this House were placed in the Constitution and are now a part of the first law in the land.

We, the constitutional representatives of the people, find them there.

Are we to obey them or are we to disobey them?

Have we the power, the right, to declare that these plainly stated provisions are unjust, are unwise, and that therefore we are not compelled to obey them?

Have we the power, the right, to declare that these plainly stated provisions are contrary to the spirit of American institutions, and that therefore we are not compelled to obey them?

Have we the power, the right, to declare that these plainly stated provisions are opposed to our political interests, and that therefore we are not compelled to obey them?

There should not be a man in this House to-day who dares take his stand on that position and defend it before the people whom he represents.

There should not be one within the hearing of my voice who dares to declare: "I will not obey the Constitution of the United States," an oath to support and obey which has been taken by every member of this body.

I am not a lawyer, certainly not a constitutional lawyer, a variety which, about election time, seems omnipresent.

I might hesitate in taking the floor and the initiative in insisting that we proceed regularly in accordance with the plain provisions of the law if there was any doubt as to the meaning of the fourteenth amendment to the Constitution.

If there was a fine question of constitutional law involved, I should leave the floor to the learned brethren of the legal fraternity, though I must, as a layman, admit that my long service in this House has not impressed me with the infallibility of judgment of any or all of these great legal lights, for I do not now recall one important subject ever presented here concerning the legal aspects of which more than one member entertained exactly the same opinion.

But, I find that the provisions of the Constitution relating to this question are so plain that there can be no doubting or quibbling as to their meaning.

I find that they are not only plain but mandatory in their phraseology and meaning.

Section 2 of the fourteenth amendment prescribes the constitutional manner in which the apportionment of membership in this House shall be made. It says:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male members of such State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

No other wording, no other phrasing, could make the proposition more lucid; no other wording could make it more mandatory.

The Constitution declares how this apportionment "shall" be made in unequivocal terms.

It does not say how it "may" be made, but declares how it "shall" be made.

In making the apportionment for the next ten years, shall we reduce the basis of representation in those States wherein the right to vote has been abridged in the proportion which the number of such male members shall bear to the whole number of male citizens 21 years of age?

The Constitution says we shall.

There is but one course before this House; there is but one manner of procedure—that prescribed by the Constitution.

I will draw no fanciful picture of what may happen if we proceed to apportion the membership in the House of Representatives for ten years in an unconstitutional manner.

It may lay succeeding bodies open to the most widespread attack—a vital attack—an attack upon all or any legislation that it may enact, upon the ground that it was passed by a House constituted in an unconstitutional manner. Such an eventuality may seem farfetched, but there exists a possibility of future contention on this purely incidental question.

We heard a great deal during the last election about the Constitution.

The peerless leader who four years ago led the hordes of Democracy to a political Moscow; the heaven-sent leader who less than two months ago led the fanatical forces of free silver to a political Waterloo, still sits in his St. Helena beside the Platte and croaks in mystical and solemn phrase about the "Constitution following the flag."

I do not know whether it does or not.

I am waiting for the grave and reverend justices of the Supreme Court to tell me.

But I do know that I followed the flag for about three years, and, judging from the experiences of that time, if it is decided that the Constitution is to follow the flag very closely the Constitution is coming in for some pretty hard knocks.

And I remember that in those days the gentlemen who then composed the party of the opposition, too, used the cry that the "Constitution followed the flag," and I remember that the Vallandighams, the Knights of the Golden Circle, and all the "copperheads" of that time fought us in the rear because they said we were not carrying the Constitution with us into battle; that the Constitution was not following the flag, and that our acts were unconstitutional.

As I am not a lawyer I will not decide on that point now, but whether we were proceeding in a perfectly constitutional manner in what we did or not, I do know that when we got home again we sent to this House of Representatives and to the various legislatures men who placed amendments in the Constitution which completed the work we had done.

One of these acts was the fourteenth amendment.

I thought then these representatives acted wisely, and I have not changed my mind.

But it appears that the fourteenth amendment has never been made operative.

Each decade, when the bill for apportionment came up for action, it was discussed—sometimes bitterly—but no action was taken in conformity with it.

Congress still proceeded in making the apportionment on the old plan—on the basis of population.

At first, in 1872, after a heated discussion, it did copy the fourteenth amendment into the bill providing for the apportionment, but it did nothing toward making it operative.

It was simply a reaffirmation, a notice that Congress knew there was such a thing as the fourteenth amendment.

Congresses of those times, I believe, were led to ignore the fourteenth amendment through two causes—

First. A doubting as to what the fourteenth amendment meant in certain cases.

Second. The fact that the abridgment of the electorate in any

State by the specific action of that State was very slight, and might not have affected the apportionment allotted to that State.

When in former Congresses, before which the question of apportionment came, it was urged that the right to vote in certain Southern States was being denied by the operations of the Ku-klux Klan—through what the Senator from South Carolina and the Democratic custodian of the Declaration of Independence defends as a system of "fraud and intimidation"—the point was made by the Democratic members that these denials, these abridgments of the electorates, were the acts of individuals and not of States, and that in consequence the fourteenth amendment was not applicable and could not become so until the States acted. Congress seemed to take that view, for nothing was done.

But within the last decade, in the picturesque words of the same statesman I have quoted, the politicians in these States "grew tired" of their bloody work.

They sought to do by process of law what they had theretofore done in defiance of the law.

In four of these States in the past ten years they have placed amendments in their constitutions and have placed laws upon their statute books that disfranchised from 40 to 50 per cent of the voters of their States.

The defense employed in the seventies, that the abridgment of the electorate was the act of individuals and not of the State, no longer holds good.

In four of the Southern States the denial of the right to vote to 40 or 50 per cent of the male members, 21 years of age or over, and citizens of the United States, is no longer the act of individuals but of the States.

The doubts and quibbles of former years can not be said to exist now to obstruct the application of the provisions of the fourteenth amendment.

The very argument that was presented then to defend, to-day convicts.

To my mind, the first cause which led former Congresses to refrain from action has now entirely disappeared in these four instances.

Coming to the second cause we find that in 1870 there were three States that had abridged their electorates—California, Connecticut, and Massachusetts.

In these three States there was a constitutional provision for an educational qualification, which disfranchised a certain percentage of the electorate—namely, the illiterates.

But, in those States, the percentage of illiteracy is very light, averaging about 6 per cent.

The basis of representation would hardly have been affected in those States had the fourteenth amendment been conformed with.

An examination into the election laws of the various States reveals an astonishing tendency at this time to abridge their electorates.

When the Congress which adopted the existing apportionment discussed the matter ten years ago but three States had abridged their electorate by action of the State, and in these the percentage of disfranchised males was but 6 per cent.

But since that time similar policies have been adopted by other States, and to-day we face the fact that ten of the forty-five States of this Union have abridged their electorates, and that in these the percentage of males 21 years of age and over, disfranchised, averages over 20 per cent.

The constitutions of several other States permit such an abridgment.

Besides, there are other States preparing to adopt these policies and to disfranchise thousands of men who to-day hold the right of franchise.

In view of this remarkable tendency it is inconceivable that Congress can longer permit the fourteenth amendment to remain a dead letter, and to pass a bill making an apportionment based solely upon the population and neglecting the proviso which applies to all States which have abridged their electorate.

We will not review the past by any discussion of the question as to whether the provisions of the fourteenth amendment should have been made effective when the last apportionment was made ten years ago.

We find to-day conditions existing which make its enforcement imperative.

I do not propose to discuss at this time whether the reasons given for these abridgments by the people of the various States are valid or not, though I have pronounced views on the subject and shall no doubt take occasion to express them in this House at some future time.

I do not propose to enter into any long discussion on the rights of man at this time, for such a discussion could only befog the situation and render our duty less clear.

I am simply pointing out the conditions as they exist; I am simply pointing out that the time has come when the tendency of the States to abridge their electorates has grown to such proportions as to demand that this Congress shall proceed in a constitutional manner in making the new apportionment.

I do not say that States have not the right to establish educational qualifications for their electors, but I do maintain that when they have done so they must pay the penalty prescribed in the Constitution, and have their representation abridged proportionately.

I do not say that we shall punish only Louisiana; I do not say that we shall punish only Massachusetts; I do not say that we shall punish only California; but I do say and insist, as the representative of a State in which every male member 21 years of age and over is guaranteed the sacred right of franchise, that there is a constitutional remedy prescribed for their acts, and I do demand that that remedy be applied.

In order that some understanding of the question may be gained I will briefly sketch the character of the electoral qualifications in the States comprising each of our four great geographical subdivisions.

In the eleven States comprising the North Atlantic division—Maine, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Vermont, Rhode Island, Delaware, and Maryland—are to be found four States which require an educational qualification for suffrage.

These are Connecticut and Massachusetts, which adopted the requirement in the middle of the century, and Maine and Delaware, which have adopted it within the last decade.

An attempt to place an educational provision in the new Rhode Island constitution resulted in its rejection by the people in 1899.

The old property qualifications which existed formerly in several of these States have been swept away, Rhode Island, a dozen years ago, being the last state to wipe them out as a requisite to suffrage.

The demand for a poll tax has also grown in disfavor in this section.

In Pennsylvania, however, a man must have paid a State or county tax within two years to be eligible to vote.

In Massachusetts before a man can register he must prove that he has been assessed to the payment of a poll tax.

In New Hampshire a man who has been excused at his own request from the payment of a tax may not vote unless he first make a tender of the amount of the tax.

In the Central Northern States—Ohio, Indiana, Illinois, Wisconsin, Iowa, Michigan, Minnesota, Missouri, Kansas, Nebraska, and Kentucky—are to be found no abridgment of the electorate.

On the contrary, we find extensions not found in the Southern or Atlantic States in regard to Indian citizenship and suffrage.

Michigan and Wisconsin grant a vote to Indians not in the tribal relation. Minnesota admits to the suffrage persons of mixed white and Indian blood who have adopted the customs and habits of civilization, and also pure-blooded Indians, who upon examination before any district court of the State may prove that they have adopted the language, habits, and customs of civilization and shall be pronounced by the court capable of enjoying the rights of citizenship within the State.

It may be interesting to note that the number of Indians and half-breeds in Minnesota entitled to vote under this provision is 1,342.

Another peculiarity is the extension of the right of suffrage on State affairs in five of these States—Indiana, Wisconsin, Missouri, Kansas, and Nebraska—to aliens. There are no poll-tax requirements in the States of this division.

Indiana alone of this division disqualifies United States soldiers, sailors, and marines from the right of suffrage.

In the western division of States—California, Oregon, Nevada, Colorado, North Dakota, South Dakota, Montana, Washington, Idaho, Wyoming, and Utah—we again find a multitude of diverse provisions for an abridgment of the electorate, seemingly dependent upon local conditions.

California and Nevada exclude all natives of China; Idaho, "Chinese or persons of Mongolian descent not born in the United States."

Oregon, "No negro, Chinaman, or mulatto shall have the right of suffrage," the disqualification so far as it refers to negroes and mulattoes being obsolete.

Washington, Idaho, and North Dakota specifically exclude from suffrage Indians who have not renounced the tribal relation.

The constitution of Idaho disqualifies any person "who is a bigamist or polygamist, or is living in what is known as a patriarchal, plural, or celestial marriage," or who "in any manner teaches, advises, counsels, or contributes to the support of any order, organization, association, corporation, or society" which gives countenance to them.

Wyoming has a constitutional limitation of the suffrage to those who can read the constitution.

California requires that voters be able to read the constitution and write their names.

In 1896 Washington adopted an amendment disqualifying future applicants for the suffrage who should not be able to speak and read the English language, but the amendment is not in force, as the legislature has passed no law prescribing a method by which this ability may be determined.

The Colorado constitution authorizes the general assembly to prescribe an educational qualification, stipulating, however, that no qualified voter shall be thereby deprived of the right to vote.

North Dakota last year adopted a constitutional amendment providing not only that "the legislature shall by law establish an educational test as a qualification," but also that it "may prescribe penalties for failing, neglecting, or refusing to vote at any general election."

In none of these States is the payment of a poll tax made a prerequisite to voting, although Nevada's constitution authorizes such a requirement.

The precedent established in the New England States of requiring educational qualifications of the elector during the past decade developed rapidly in the Southern mind, seeking eagerly for some method to shake off the so-called negro problem.

It developed in various forms, as will be shown later, but nowhere to the extent of wholesale disfranchisement as in four of the States—Mississippi, Louisiana, South Carolina, and North Carolina.

Even in the South these four States occupy a position of their own in this matter which requires discussion.

Mississippi led the way.

She had refused to accept a suggestion from President Johnson that the ballot be given to negroes who possessed a little property and who could read and write, and was forced to accept a constitution which not only admitted to the suffrage all male citizens of the United States possessing certain age and residence qualifications, but which also prohibited the imposing of any property or educational qualifications before 1885.

Accordingly, a few years after this proscription had expired we find her naturally turning to a new constitution in which the desired changes could be made.

It is consequently no surprise that the constitution adopted in 1890 contains the qualification for an educational test, in the requirement that on and after January 1, 1892, every elector, in addition to the other qualifications, should be "able to read any section of the constitution of this State, or * * * to understand the same when read to him, or give a reasonable interpretation thereof." (Article XII, sec. 244, Constitution of Mississippi.) The payment of a poll tax is also required.

This provision was upheld in the State courts and in the Supreme Court of the United States, in which it was held that—

> The provisions * * * in section 244 of the constitution of Mississippi, making the ability to read any section of the constitution, or to understand it when read, as a necessary qualification to a legal voter * * * do not amount to a denial of the equal protection of the law secured by the fourteenth amendment to the Constitution, and it has not been shown that their administration was evil, but only that evil was possible under them.

Encouraged by the decision of the Mississippi courts, for the United States Supreme Court decision was not rendered until April 25, 1898, South Carolina called a constitutional convention for a similar purpose.

Its convention of 1895 adopted substantially the same provisions for immediate effect, but only as a temporary measure.

Up to January 1, 1898, all males of voting age—

> Who can read any section of this constitution submitted to them by the registration officer, or understand and explain it when read to them by the registration officer, shall be entitled to register and become (permanent) electors.

After that period these qualifications were replaced for all new applicants for registration by the following:

> The applicant must be able to read and write any section of the constitution submitted to him by the registration officer, or show that he owns and has paid taxes collectible during the previous year on property within the State assessed at $300 or more.

Inspired by the success of Mississippi and South Carolina in abridging the negro vote by these measures, in 1898 Louisiana called a constitutional convention to deal with the matter.

As South Carolina had exceeded Mississippi by providing a property qualification, so Louisiana outdid both by making a new contribution to this class of legislation. The educational test was made more rigorous by requiring the writing out of an application for registration, involving an elaborate formula of 75 words, while the property option was made the same as fixed by South Carolina.

Then came the new provision, which allowed three months and a half for any man to secure his registration as a voter for life who, while possessing neither the property nor the educational qualifications, could prove that—

> On January 1, 1867, or any date prior thereto, he was entitled to vote under the constitution or statutes of any State of the United States wherein he then resided, or that he was the son or grandson of some such person not less than 21 years of age at the date of the adoption of this constitution.

North Carolina followed in August, 1900, by adopting an amendment to the constitution which requires that the candidate for registration shall be able to read and write any section of the constitution in the English language, unless he registers as one who was a legal voter on or before January 1, 1867, or as "a lineal descendant of any such person."

The payment of a poll tax for the previous year is required, but no property qualification.

"Lineal descendants" are allowed until December 1, 1908, for their registration.

Two other Southern States, Alabama and Virginia, are preparing to call conventions for the purpose of effecting similar abridgments of the electorate. Georgia defeated the proposition, but in the new legislature a bill for the same purpose has been introduced.

In 1890 in Mississippi the colored males of voting age were 150,436 and the white males of voting age 121,504, a total electorate of 271,940.

The workings of the new constitution reduced the registered colored electors to 16,234 and the registered white electors to 109,337, or a total electorate of 125,571.

This is an abridgment of 146,369, or 54 per cent.

There is a vagueness to these statistics, because it is not shown how many voters eligible to register under the new law failed for reasons other than legal to do so.

They show, however, the extent of the abridgment.

In 1897, under the operations of the old law in Louisiana, we find there was a registration of 164,088 white electors and 130,344 colored electors.

Under the new law the registration in 1898 was 74,133 white and 62,402 colored electors.

This is an abridgment of the 294,432 voters of 1897 to 136,535, or of 157,897, or 53 per cent.

Having shown a general abridgment, irrespective of sectional lines, of the electorate in a number of the States, it is of moment to inquire into the manner in which the applications of the penalizing provisions of the fourteenth amendment would affect the representation in Congress.

It is the purpose of my resolution to secure information through official channels that is needed. Estimates can be made from incomplete and scattered data, but these are not sufficient for Congress to act upon.

From such as have been available I estimate the proportion of males over 21 and citizens of the United States who have been disfranchised by the action of the States to be as follows:

California, 7.7; Connecticut, 5.3; Delaware, 14.3; Louisiana, 45.8; Maine, 5.5; Massachusetts, 6.2; Mississippi, 40; North Carolina, 35.7; South Carolina, 45; Wyoming, 3.4.

The Committee on Census has prepared majority and minority reports to this House on this matter.

To my mind neither answers the requirements of the Constitution.

The majority report is one which is absolutely in defiance of the Constitution in that it makes population alone the basis of representation, while it ignores the fact that in 10 States the electorates have been abridged an average of 21 per cent.

The minority report is defective in that, while it is based upon the fourteenth amendment, the information which Congress must have upon the matter before it can proceed has not as yet been gathered.

It is incomplete, and therefore unsatisfactory, but it is far preferable to the other, because it attempts, though in a crude fashion, to comply with the requirements of the Constitution.

The resolution I offered is as follows, viz:

> Whereas the continued enjoyment of full representation in this House by any State which has, for reasons other than participation in rebellion or other crime, denied to any of the male inhabitants thereof, being 21 years of age and citizens of the United States, the right to vote for Representatives in Congress, Presidential electors, and other specified officers, is in direct violation of the fourteenth amendment to the Constitution of the United States, which declares that in such case "the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State," and is an invasion of the rights and dignity of this House and of its members, and an infringement upon the rights and privileges in this House of other States and their Representatives; and
>
> Whereas the States of Massachusetts, Maine, Connecticut, Delaware, California, Louisiana, Mississippi, North Carolina, South Carolina, Wyoming, Oregon, and other States do, by the provisions of the constitutions and statutes of such States, and for reasons other than participation in rebellion or other crime, deny the right to vote for members of Congress and Presidential electors, as well as the executive and judicial officers of such States and members of the legislatures thereof, to male inhabitants 21 years of age and over and citizens of the United States; and such denial in certain of the said States extends to more than one-half of those who prior to the last apportionment of representation were entitled to vote in such States; and
>
> Whereas in order that the apportionment of membership of the House of Representatives may be determined in a constitutional manner: Therefore, be it
>
> *Resolved by the House of Representatives*, That the Director of the Census is hereby directed to furnish this House, at the earliest possible moment, the following information:
>
> First. The total number of male citizens of the United States over 21 years of age in each of the several States of the Union.

Second. The total number of male citizens of the United States over 21 years of age who, by reason of State constitutional limitations or State legislation, are denied the right of suffrage, whether such denial exists on account of illiteracy, on account of pauperism, on account of polygamy, or on account of property qualifications, or for any other reason.

Resolved further, That the Speaker of the House of Representatives is hereby authorized and directed to appoint a select committee of five members from the membership of the Census Committee of the House of Representatives, who shall investigate the question of the alleged abridgment of the elective franchise for any of the causes mentioned in all the States of the Union in which constitutional or legislative restrictions on the right of suffrage are claimed to exist, and that such committee report its findings within twenty days from the date of the adoption of this resolution to the said Census Committee, and that within one week after the said report shall have been received by the Census Committee the Census Committee shall return a bill to the House of Representatives providing for the apportionment of the membership of the House of Representatives based on the provisions of the fourteenth amendment to the Constitution of the United States.

The purpose of the resolution is to enable Congress to proceed in a fair and just manner to comply with the Constitution.

It is offered with the object that Congress may secure and have before it that information which it must possess in order that it may act not only intelligently but justly.

With this information before us and guided by the Constitution we can do no man and no State an injustice; we will be true to our people, to the State, and to the Constitution.

To those who may declare that if we proceed in a constitutional manner, as the President has recommended, and as is our duty, we will arouse the slumbering fires of sectional hate, it is but necessary to recall the fact that of the States which have abridged their electorate and which should suffer the penalty prescribed in the fourteenth amendment, but four are in the South.

In the midst of a reunited nation, when many of the men who served the South most faithfully in the sixties are now serving beneath the Stars and Stripes; when the sons of men who fought each other years ago are serving side by side in far-off Luzon in support of the nation's sovereignty, there can be no sectionalism.

We want no South, we want no North, we want no East, we want no West.

We want only one country—America!

In a reunited country the demand that the provisions of the Constitution be complied with can not be construed as sectionalism.

The declaration that they shall not be carried out because one geographical section is opposed to them is the acme of sectionalism.

The cry of sectionalism can not come from men who are seeking to enforce provisions which apply to the whole country, to every State which has abridged its electorate, no matter what its geographical location may be, whether East or West, North or South.

Such a cry can not come from men who contend that Massachusetts as well as Louisiana shall be subjected to the provisions of the Constitution, that California must be amenable to the same provisions as the State of Maine.

No, the responsibility for the cry of sectionalism, if it be raised, must come from the other side—from the men who would know only the geographical bounds of a State, who would repeat that what is law in California must not be applied to Maine, that what is law in Massachusetts must not be applied to Louisiana.

They are the sectionalists; not we, who seek to make the Constitution apply to every State in the Union.

Those who would seek to find in this the old race question do not deserve recognition.

The constitutionality of the "grandfather clauses" in the constitutions of the States of North Carolina and Louisiana, which were openly adopted with the expressed view of annulling the fifteenth amendment, must sooner or later be passed upon by the Supreme Court.

That body will decide whether or not they are in conformity with the amendment which declares that no exception shall be made in citizenship because of "race, color, or previous condition of servitude."

The educational qualification is not a racial one where no exception is made in favor of ignorant white citizens over ignorant colored citizens.

But in some of the States the exception is made in favor of ignorant white citizens over ignorant colored citizens.

Massachusetts disqualifies the illiterate black citizen as well as the illiterate white one.

The law of Mississippi disfranchises the ignorant white voter as well as the ignorant black one.

The leaders of the colored race to-day do not oppose an educational test for the citizenship, provided the law is applied universally in the State.

Booker Washington, the ablest living leader of his race, has been quoted as in favor of an educational qualification for both whites and blacks, and is bending every effort to educate his people.

A conference of representative colored men of the country, held in Boston last summer, was not opposed to the educational test for citizenship when it was applied impartially to both whites and blacks.

I do not quote this in support of any argument for an educational test, but solely to show that the colored people of this nation are not opposing an educational test when it is one of that character and one applicable to the illiterate, no matter what may be the color of his skin.

When we find the leaders of the colored race and the leaders of the whites agreed upon the necessity for an educational test there is no ground to cry that we are raising the race question.

When such a cry is raised the responsibility must rest on other shoulders; it must rest on those who would seek to cloak their real purposes behind an appeal to men's passions. [Loud applause.]

Mr. Speaker, in the consideration of this great question I sincerely hope that all discussion of the matters involved may be free from relation to such themes as racial issues and sectionalism, which would but retard the progress of the investigation I have suggested. Let us keep straight to the great issue involved in this whole question. Let us give to every State in the Union its proportionate representation in this great body guaranteed by the Constitution. To act with justice to our people, to the States, and to the House we must have brought here all the facts of disqualifications in all the States; we must know beyond all question of doubt what restrictions the electorate is subjected to in each and in all the States before we can act with intelligence, wisdom, or justice upon this matter. Let us obey the Constitution.

I desire to append to my remarks the following table showing the restrictions of the electorate in the various States of the Union:

States.	Requirements as to citizenship.	Persons excluded from suffrage.
Alabama	Citizen of United States, or alien who has declared intention.	Convicted of treason or other crime punishable by imprisonment, idiots, or insane.
Arkansas	Citizen of United States, or alien who has declared intention.	Idiots, insane, convicted of felony until pardoned, failure to pay poll tax, United States soldiers on duty in State.
California	Citizen by nativity, naturalization, or treaty of Queretaro.	Chinese, insane, embezzlers of public moneys, convicted of infamous crime, person unable to read Constitution in English, and to write his name.
Colorado	Citizen or alien, male or female, who has declared intention 4 months prior to election.	Under guardianship, insane, idiots, or imprisoned.
Connecticut	Citizen of United States.	Convicted of felony or theft, unless pardoned. Person unable to read Constitution or statutes.
Delaware	Citizen who has paid registration fee of $1.	Idiots, insane, paupers, felons. Person who can not read the English language and write his name.
Florida	Citizen of United States.	Insane, under guardianship, convicted of felony or any infamous crime.
Georgia	Citizen of the United States who has paid all his taxes since 1877.	Idiots, insane, convicted of crime punishable by imprisonment until pardoned, failure to pay taxes.
Idaho	Citizen of the United States, male or female.	Under guardianship, idiots, insane, convicted of felony, treason, or embezzlement of public funds, polygamist or bigamist.
Illinois	Citizen of the United States.	Convicted of felony.
Indiana	Citizen of United States, or alien who has declared intention and resided 1 year in United States and 6 months in State.	Convicted of crime and disfranchised by judgment of the court, United States soldiers, sailors, and marines.
Iowa	Citizen of the United States.	Idiots, insane, convicted of infamous crime.
Kansas	Citizen of United States, alien who has declared intention, or treaties with Mexico.	Felons, insane, duelists, rebels, not restored to citizenship, under guardianship, public embezzlers, offering or accepting a bribe.
Kentucky	Citizen of the United States.	Treason, felony, bribery at election.
Louisiana	Citizen of United States or alien who has declared intention.	Idiots, insane, convicted of treason, embezzlement of public funds, all crime punishable by imprisonment in penitentiary, persons unable to read and write, and not owning property in the State assessed at $300, or not the son or grandson of a citizen of the United States prior to Jan. 1, 1867, person who has not paid poll tax.

States.	Requirements as to citizenship.	Persons excluded from suffrage.
Maine	Citizen of the United States.	Paupers, persons under guardianship, Indians not taxed, and in 1893 all new voters who can not read the Constitution or write their own names in English.
Maryland	Citizen of the United States.	Convicted of larceny or other infamous crime, unless pardoned, persons convicted of bribery.
Massachusetts	Citizen of the United States.	Paupers and persons under guardianship, person who can not read Constitution in English and write his name.
Michigan	Citizen or inhabitant who has declared intention under United States laws 6 months before election and lived in State 2½ years.	Indians, duelists and accessories.
Minnesota	Citizen of United States or alien who has declared intention, and civilized Indians.	Convicted of treason or felony, unless pardoned, persons under guardianship or insane.
Mississippi	Citizen of the United States.	Insane, idiots, Indians not taxed, felons, persons who have not paid taxes, persons who can not read or understand Constitution.
Missouri	Citizen of United States or alien who has declared intention not less than 1 year or more than 5 before offering to vote.	United States soldiers and marines, paupers, criminals convicted once until pardoned, felons and violators of suffrage laws convicted a second time.
Montana	Citizen of the United States.	Felons, unless pardoned, idiots, insane, United States soldiers, seamen, and marines, Indians.
Nebraska	Citizen of United States or alien who has declared intention.	Convicts.
Nevada	Citizen of the United States.	Idiots, insane, unpardoned convicts, Indians, Chinese.
New Hampshire	Citizen of United States.	Paupers (except honorably discharged United States soldiers and sailors), persons excused from paying taxes at their own request.
New Jersey	Citizen of the United States or alien who has declared intention 30 days prior to election.	Idiots, insane paupers, persons convicted of crimes (unless pardoned) which exclude them from being witnesses.
New York	Citizen who shall have been a citizen for 90 days.	Convicted of bribery or any infamous crime, Indians under tribal relations.
North Carolina	Citizen of the United States.	Convicted of felony or other infamous crime, idiots, lunatics, persons unable to read or write, unless lineal descendant of citizen of United States prior to Jan. 1, 1867, nonpayment of poll tax.
North Dakota	Citizen of the United States, alien who has declared intention 1 year, and civilized Indian.	Under guardianship, persons non compos mentis, or convicted of felony and treason, unless restored to civil rights.
Ohio	Citizen of the United States.	Felony until pardoned, idiots, insane, United States soldiers and sailors.
Oregon	Citizen of United States or alien who has declared intention one year preceding election.	Idiots, insane, convicted of felony, United States soldiers and sailors, Chinese.
Pennsylvania	Citizen of the United States at least 1 month, and if 22 years old or more, must have paid tax within 2 years.	Convicted of some offense whereby right of suffrage is forfeited, nontaxpayers.
Rhode Island	Citizen of the United States.	Paupers, lunatics, persons non compos mentis, convicted of bribery or infamous crime until restored to right to vote under guardianship.
South Carolina	Citizen of the United States.	Convicted of treason, murder, or other infamous crime, dueling, paupers, insane, idiots, person who has not paid poll tax, who can not read and write any section of the State constitution, or can show that he has paid all taxes on property within the State assessed at $300.
South Dakota	Citizen of the United States or alien who has declared intention.	Under guardianship, idiots, insane, convicted of treason or felony, unless pardoned.
Tennessee	Citizen of the United States who has paid poll tax of preceding year.	Convicted of bribery or other infamous offense.
Texas	Citizen of the United States or alien who has declared intention.	Idiots, lunatics, paupers, convicted of felony, United States soldiers and seamen.
Utah	Citizen, male and female.	Idiots, insane, convicted of treason or violation of election laws.
Vermont	Citizen of the United States.	Those who have not obtained the approbation of the board of civil authority of the town in which they reside.
Virginia	Citizen of the United States.	Idiots, lunatics, convicted of bribery at election, embezzlement of public funds, treason, felony and petty larceny, duelists and abettors unless pardoned by legislature.
Washington	Citizen of the United States.	Indians not taxed, idiots, insane, persons convicted of infamous crimes.
West Virginia	Citizen of the State	Paupers, idiots, lunatics, convicted of treason, felony or bribery at elections.
Wisconsin	Citizen of the United States or alien who has declared intention.	Insane, under guardianship, convicted of treason or felony, unless pardoned, Indians having tribal relations.
Wyoming	Citizen of the United States, male and female.	Idiots, insane, persons convicted of infamous crimes unless restored to civil rights, unable to read State constitution.

During the delivery of the foregoing remarks,

Mr. GAINES said: Will the gentleman allow me a question?

Mr. SHATTUC. I do not yield. If the gentleman will wait till I get through, I think he will find that I have covered every point that he desires to make.

Mr. HOPKINS. Mr. Speaker, the gentleman from North Carolina [Mr. KLUTTZ], a member of the Census Committee, is entitled to time now.

Mr. KLUTTZ. Mr. Speaker, my contribution to this discussion shall be both brief and modest. As a member of the Select Committee on the Census, after such careful investigation as I could give to the subject, I joined in the majority report, and I believe that the adoption of that report is the best solution of the vexed question before this House. I heard with great interest, as we all did, the magnificent speech of the distinguished gentleman from Maine [Mr. LITTLEFIELD] in his vain attempt to break the force of the irrefutable arguments of the distinguished chairman of this committee [Mr. HOPKINS]. I listened to him with interest.

I would have been glad indeed, sir, if he could have changed my convictions upon this subject, for I confess that it is somewhat unpleasant to stand here in the position of voting for a reduction of the representation of any State upon this floor. I would be glad, sir, if my convictions of duty allowed me to support the Burleigh bill, or to go even beyond that and support a bill that would rationally, logically, and consistently give to every State in the Union at least its present membership, and to many of them an increase, my own among the number.

I consider that it would be presumptuous in me to undertake to answer in detail the argument of the distinguished gentleman from Maine [Mr. LITTLEFIELD], and I shall not follow him in the maze of figures and in the, as I think, somewhat heated and contradictory arguments in which he indulged; but I shall touch only upon some of the salient points in this controversy and upon some of the arguments that he has submitted.

We plant ourselves, sir, upon distinguished authority and approved precedent for the manner in which we have made this apportionment. I find that so distinguished a Senator of the United States as Mr. Webster, in a report to the Senate on this subject, said:

> The committee, indeed, are of opinion in this case that the simplest and most obvious way of proceeding is also the true and constitutional way. To them it appears that in carrying into effect this part of the Constitution the first thing naturally to be done is to decide on the whole number of which the House is to be composed, as when under the same clause of the Constitution a tax is to be apportioned among the States the amount of the whole tax is in the first place to be settled.
>
> When the whole number of the proposed House is thus ascertained and fixed, it becomes the entire representative power of all the people in the Union. It is then a very simple matter to ascertain how much of this representative power each State is entitled to by its numbers. If, for example, the House is to contain 240 members, then the number 240 expresses the representative power of all the States, and a plain calculation readily shows how much of this power belongs to each State. This portion, it is true, will not always, nor often, be expressed in whole numbers, but it may always be precisely exhibited by a decimal form of expression. * * * And the exact portion of the State, being thus decimally expressed, will always show to a mathematical certainty what integral number comes nearest to such exact portion. * * * It may be applied at all times, and in all cases, and its result will always be the nearest approach to perfect justice. It is equally simple and impartial.

Mr. HILL. If the gentleman will allow me to interrupt him, I wish to say that in the same volume in which the gentleman finds that speech on apportionment, arguing for a representation based on population only, he will find a much better speech made by the same Senator in the constitutional convention of Massachusetts, arguing for an entirely different basis. The speech from which the gentleman is quoting was made in favor of striking off one Representative from the State of New York, and was a lawyer's argument purely.

Mr. KLUTTZ. I thank the gentleman. I content myself with

quoting the language in this report as Mr. Webster's view of this subject. The gentleman may use another quotation which suits him better and which I do not happen to have seen. Mr. Webster further says:

As a rule of apportionment, it is little other than a transcript of the words of the Constitution, and its results are mathematically certain. The Constitution, as the committee understand it, says: Representatives shall be apportioned among the States according to their respective numbers of people, as near as may be. The rule adopted by the committee says: Out of the whole number of the House that number shall be apportioned to each State which comes nearest to its exact right according to its number of people.

This is the rule adopted by the committee as the basis of the apportionment under the majority report.

It was frankly admitted by the distinguished chairman of the committee [Mr. HOPKINS] that exact mathematical justice can not be done in an apportionment, and, in the language of this report of Mr. Webster, the rule adopted by the committee says that number shall be apportioned to each State which comes nearest to its exact right according to its number of people; and not desiring an increase, we have adopted, therefore, the number 357 and a ratio of 208,868.

I agree with the gentleman from Maine [Mr. LITTLEFIELD] in the statement that the real question is whether the House should be enlarged. That, after all, is the real question involved here, and I am glad that so far in this debate we have been able to proceed without anything of partisan bitterness, because this is a question which appeals to us as representatives of the American people, and we ought to be able to consider it carefully, impartially, and without partisan bias. We have South Carolina and Indiana standing together, we have Virginia and Maine, Kentucky and Kansas, with common interests; and in the person of the distinguished chairman of the committee [Mr. HOPKINS] and the distinguished gentleman from Maine [Mr. LITTLEFIELD] we have Illinois and Maine at daggers' points on this question. I am glad it is thus nonpartisan.

I favor the number 357, in the first place, because it is absolutely fair and nonpartisan. There is no advantage to any party in that number. The losses and the gains are equally balanced, and it will leave both the electoral college and the status of this House politically just as they are to-day.

Indiana, Kansas, Kentucky, Maine, Nebraska, Ohio, South Carolina, and Virginia each lose 1. Illinois, Louisiana, Minnesota, New Jersey, New York, and West Virginia each gain 1, while Texas gains 2. Under political conditions as at present existing the Republican party therefore gains 5 and loses 5, and the Democratic party gains 3 and loses 3—a perfect stand-off.

This, I believe, is not true of any other ratio or of any other number from 350 to 400.

It was adopted, moreover, by a nonpartisan and nonsectional vote in the committee, conforms to past usage, is based on scientific methods, and is sustained by reason, by justice, and by the highest authority. I favor it, further, because I believe that the House is already large enough. The gentleman from Maine [Mr. LITTLEFIELD] says that the House is not too large now for the proper dispatch of business, and he contrasts it favorably with other legislative bodies of other countries of the world. He says that we can dispatch business expeditiously when we want to do so. I believe that is true, but I believe that we have about reached the limit when that could be said in truthfulness of this House.

Is the House large enough now? Is the number at present constituting it large enough for the proper dispatch of the business of the country? If it is, why increase it? If, with 357 members, we can properly attend to all the wants of our constituents; if, with 357 members, we can, as the gentleman rather ungraciously says, act as errand boys for our constituents at home; if, with this number, we can properly perform our duties and properly attend to the dispatch of public business and to the wants of our constituents, I ask why should the number be increased?

These things being so, is not the present number the proper number? Instead of asking, Why should the number remain as it is? it seems to me we could more properly ask, Why should the number be increased? I believe, sir, that the comfortable and profitable seating capacity of this Hall has been reached, and while I would not give much importance or weight to the argument that the House ought to be limited by wooden walls or by the size of this building, it is a fact that this is one of the most magnificent legislative chambers in the world. It is a fact that it is almost perfect in its proportions and in its acoustics, and any alteration in it, I should think, would be for the worse. I believe, sir, that the present number is as great as this House can comfortably contain consistently with a proper transaction of the public business.

And then I am in favor of retaining this number of 357 and not increasing it because with the number as at present every Representative here, as an individual representing his people, represents a larger constituency and has greater relative influence on the floor as 1 out of 357 than he would have as 1 out of 386 or more. Then I am in favor of this number because to increase it would increase largely the current cost and expenses of the Government, probably not less than half a million dollars annually. The distinguished chairman of the committee puts that expense at one figure and the gentleman from Maine at a much lower one.

That is a mere matter of calculation, but we do know that the expenses of these legislative bodies in both ends of the Capitol are growing greater and greater each year as time goes on. It seems to me, too, that we have come to a time when a definite policy ought to be adopted in regard to this question of apportionment. We increase 20, 29, or 30 members. Ten years from now, with the population of the country very largely increased, another and greater increase will be necessary, and if we adopt now the policy of increasing the membership of the House in proportion to the increase of the population of the country, it will not be many years, as has been justly said by the chairman of the committee, until we shall have a House of five or six hundred members or more.

The gentleman from Maine [Mr. LITTLEFIELD] complains that the apportionment fixing the number at 357 is not mathematically just and exact, and he analyzes the bill of the majority of the committee to show that it would work injustice to some of the States. But it is true, Mr. Speaker, that the bill of the majority adopts the historical custom. It adopts the position taken by Mr. Webster. It adopts what has been the custom in the last censuses, and it runs that plan out logically and consistently to its conclusion without reference to its effect upon particular States. It gives to each State which has the full number a Representative, and then to make out the full number of 357 it gives, in the order in which the moiety fractions run, the increased number to the States having the largest majority fractions.

Mr. LANHAM. To all of them?

Mr. KLUTTZ. To the States having the largest fractions, until the number is made up. Unfortunately this leaves out four States, but to include those four States would be to disarrange the whole ratio and to do injustice to a number of the other States. The Burleigh bill does not accomplish that. The Burleigh bill professes to act upon what it calls this same irrational procedure, and yet instead of following it out logically and consistently it makes arbitrary differences in it, in order to increase the membership from some of the States; and this it does at the manifest expense of others.

I regret, as I said, to have to vote, in accordance with my conviction, to reduce the representation of the great State of Virginia, the mother of Presidents, as well as my neighbor on the south, the State of South Carolina, and to reduce the representation of Kentucky, of Indiana, of Ohio, of Maine, and of other States; and yet this to me is a question of conscientious duty, a question of what is better for the public interest, what is better for the whole country, and from that I can not permit myself to be swerved for personal considerations or by consideration for adjoining States.

I trust I may have credit for being entirely impartial in this matter, because my own State of North Carolina, under the Burleigh bill, would be increased to 10 members. Under that bill legitimately run out, as shown by the analysis of the chairman, she would be entitled to 11 and have a fraction over, whereas under the bill of the majority of the committee her representation remains as at present, at the number 9. I am certainly not moved by ill will to any State, nor by antipathy to any Representative affected, for all of them are my friends and a number of them my personal and political associates.

So I feel I can look at this question calmly, dispassionately, and without bias, because my State is not affected by it. The gentleman from Maine complained that this majority bill does injustice to some States—that it did injustice, perhaps, to Maine; and while he spoke for about two hours, I believe, he did not combat the figures of the chairman of the committee that under the Burleigh bill that State would have 4 members of Congress for 694,456, making a ratio of population of 173,617, and if that ratio were extended to the other States of the Union there would be a very large increase in a great number of States. I shall not undertake to reproduce these figures. Certainly it was far from the intention of the committee to do any injustice to the great State of Maine.

Mr. RIXEY. May I interrupt the gentleman from North Carolina?

Mr. KLUTTZ. Yes.

Mr. RIXEY. I want to ask a question in regard to the phraseology of the bill, which I desired to ask the chairman yesterday, when he declined to yield. The bill, in section 3, provides that the district "shall be composed of contiguous and compact territory." The words "and compact" seem to be added in this apportionment bill for the first time in the history of apportionment. Up to the Tenth Census there was no provision that the territory shall be contiguous. In the Tenth and the Eleventh it was provided that it should be contiguous; now it provides that the territory shall be "contiguous and compact." Now, what I want to know is, who is to be the judge as to when districts are sufficiently compact?

Mr. KLUTTZ. I admit the force of the gentleman's question, and that it has never been in an apportionment bill before, so far as I know.

Mr. RIXEY. But what I ask is, Who is to be the judge as to when a district is sufficiently compact?

Mr. KLUTTZ. The language has heretofore been "contiguous." When the committee discussed it, I will say that word "compact" was added at the suggestion of one of the members, the object of it being to prevent shoe-string districts; but it will raise hereafter the question which the gentleman now suggests, as to what is to be the determining authority of the meaning of that word "compact," and as to whether certain territory is or not compact.

Mr. RIXEY. Is it not a fact that this House will have to judge as to whether a district is sufficiently compact?

Mr. KLUTTZ. I have no doubt in the ultimate the House would assume that power, though I am not ready to concede its right to do so.

Mr. RIXEY. Will it not be a fruitful source of contest here?

Mr. KLUTTZ. Possibly so, sir; I am not prepared to answer.

Mr. RIXEY. Do you believe it wise that we should place in this bill a provision that will give rise to contests?

Mr. KLUTTZ. I shall not insist upon that word remaining in the bill.

Mr. RYAN of New York. I will state to the gentleman from Virginia that that word was put in in order to give the Democrats of the North a fair opportunity to be returned. The legislatures in the Northern States are all Republican, and if they were permitted to shoestring the districts, it would be impossible for the few Democrats from the Northern States you have to get here. It was put in by the Democrats on the committee, with the consent of the chairman of the committee, to show that he intended to be fair with the Northern Democrats.

Mr. RIXEY. I will say, in reply to my friend, that while it may save the Democrats of the North, the effect of it will be prejudicial to the Democrats of the South.

Mr. KLUTTZ. I must decline to yield further; but in doing so I am inclined to agree with the gentleman from Virginia in regard to that part of the bill. I may add, however, that these words are also in the Burleigh bill, as I understand.

Mr. CLARK of Missouri. If it will not interrupt you, will you allow me to give you a curious contribution in that line? Mr. Bland's district, now represented by Judge SHACKLEFORD, had one county north of the Missouri River and a whole lot on the south. One time he beat a fellow named James T. Moore, and Moore got up a contest on the ground that that district was not made up of contiguous territory, because the Missouri River cut off a big Democratic county that made the district Democratic. So that you could get up a contest almost on everything. Of course nobody paid any attention to it.

Mr. BARTHOLDT. Is not that true of the gentleman's own district?

Mr. KLUTTZ. I believe I will insist on the floor for a few moments, if I can have it.

I am not disposed to detain the House longer upon this question, now that the two exhaustive and able arguments that have been made, one by the chairman of the committee and the other by the gentleman from Maine, are already before the House. This is a matter which, as I said before, I believe this House will consider from the standpoint of what is best for the public interest and for all the people of the country.

I regret that any State is to be deprived of representation, and yet it is but the inexorable logic of the situation that those States which have not increased in population as rapidly as others, and especially some of those States which under the last apportionment got additional members only on account of the major fraction, must necessarily lose, in order that justice may be done to the States which have increased their population during the last ten years in a greater ratio. It is doing no injustice to the former to refuse to unduly benefit them at the expense of the latter. To do otherwise would be flagrantly unconstitutional.

I believe that 357 members can transact the public business with better advantage and with greater dispatch than the number proposed in the Burleigh bill, or any greater number. I believe that number is sufficient for all the purposes of legislation. I believe they can be more comfortably and beneficially seated in this great Hall, and I believe the consideration of expense is one that ought to enter into the calculation.

When all these things are considered, and the further fact that absolutely no injustice is done to any State except that which falls from the most approved method of calculation and which is inevitable in doing justice, as near as may be, to all, I believe that the members of this House will lay aside partisan differences, that they will lay aside local and selfish consideration, and join us in supporting the bill proposed by the majority. [Applause.]

Mr. Speaker, I reserve the balance of my time.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

On December 19, 1900:

H. R. 8487. An act for the relief of Col. Charles B. Dougherty and other members of the Ninth Regiment of Pennsylvania Infantry.

On December 20, 1900:

H. R. 10834. An act granting an increase of pension to Michael Dempsey.

On December 21, 1900:

H. R. 9043. An act granting an increase of pension to David S. Snyder.

On January 4, 1901:

H. R. 12838. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed joint resolution of the following title; in which the concurrence of the House was requested:

S. R. 144. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 11588. An act permitting the building of a dam across the Osage River at the city of Warsaw, Benton County, Mo.

H. R. 11213, an act for the relief of occupants of lands included in the Algodones grant, in Arizona;

H. R. 6344, an act to remove the charges of desertion from the records of the War Department against Frederick Mehring;

H. R. 4099, an act for the relief of the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased.

SENATE RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. R. 144. Joint resolution to fill a vacancy in Board of Regents of the Smithsonian Institution—to the Committee on the Library.

MESSAGE FROM THE PRESIDENT.

The SPEAKER pro tempore laid before the House the following message from the President of the United States:

To the House of Representatives:

In compliance with a resolution of the House of Representatives (the Senate concurring), I return herewith the bill (H. R. 2955) entitled "An act providing for the resurvey of township No. 8 of range No. 30 west of the sixth principal meridian, in Frontier County, State of Nebraska."

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *January 5, 1901.*

Mr. LACEY. Mr. Speaker, I offer the following privileged resolution in connection with the message which has just been read.

The Clerk read as follows:

Resolved, That the message and House bill 2955 be recommitted to the Committee on Enrolled Bills, with instructions that it be reenrolled as a bill of the second session of the Fifty-sixth Congress.

The resolution was agreed to.

REAPPORTIONMENT OF REPRESENTATIVES.

Mr. GRIFFITH. Mr. Speaker, I desire to yield twenty minutes of my time to the gentleman from Mississippi [Mr. FOX].

[Mr. FOX addressed the House. See Appendix.]

Mr. FOX. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ADDITIONAL FOLDERS.

Mr. BULL. Mr. Speaker, I present a privileged resolution from the Committee on Accounts.

The resolution was read, as follows:

Resolved, That the Doorkeeper of the House be, and he is hereby, authorized to employ eight additional folders in the folding room, at a compensation at the rate of $75 each per month, to be paid out of the contingent fund of the House, provided that all such employees shall be dropped from the rolls of the Doorkeeper at a period not later than one month from the expiration of the present session of Congress.

With the following committee amendment:

In line 3, after the word "room," insert "from December 3, 1900."

Mr. RICHARDSON of Tennessee. Mr. Speaker, I ask the gentleman if this resolution has been unanimously reported by the

Committee on Accounts? I do not see any member of the minority of that committee present.

Mr. BULL. I will state to the gentleman that it is unanimously reported.

The committee amendment was agreed to.

The question being taken on agreeing to the resolution as amended, there were on a division (demanded by Mr. BULL)—ayes 44, noes 2.

Accordingly the resolution was agreed to.

REAPPORTIONMENT.

Mr. GRIFFITH. Mr. Speaker, I desire to yield fifteen minutes to the gentleman from Nebraska [Mr. SUTHERLAND].

Mr. SUTHERLAND. Mr. Speaker, I had intended to support the Burleigh bill without going into detail or giving any specific reason for it, believing it to be the most meritorious bill presented to this House. But yesterday the distinguished chairman of the Committee on the Census, Mr. Hopkins, referred to the State of Nebraska in such a way that I feel it my duty to the State to reply to and correct the misstatements made by him. He said:

Mr. HOPKINS. The trouble is not with the bill reported by the committee, but with the condition existing in the State of Kansas itself. Kansas has been cursed for ten long years with Populism. Capital has been driven from the State. Energetic, progressive, splendid men who sought homes there have been driven out and gone elsewhere. That young giant, as it was ten years ago, has been a laggard in the race of the States that form the Republic.

Again, referring to my own State, he said:

How is it in the State of Nebraska? Nebraska, lying alongside of Kansas, is suffering, not from this bill of the committee, but from Bryanism and Populism in that State. [Laughter.] The same conditions that have stagnated the energy and the enterprise of Kansas are operating in the same way in the State of Nebraska.

Mr. Speaker, let me call attention to a few facts here that will disprove entirely the statements made by the gentleman from Illinois [Mr. HOPKINS] that the State of Nebraska is losing either in population or in wealth. In that splendid young State west of the Missouri River, in 1890, according to the returns, we had 11,449,369 acres of improved land, with an assessed valuation of $45,495,813. In 1900 the acreage of improved land was 17,443,819, with an assessed value of $60,459,478, a gain in ten years of 5,994,450 acres of improved land and a gain in the assessed value of $14,953,655. Yet the gentleman would have this House understand that Bryanism is destroying the splendid State of Nebraska.

Coming to live stock, if you please, in 1890 the number of horses was 581,055; in 1900 it was 636,995, showing an increase of 55,920. In 1890 the number of cattle was 1,677,343, while in 1900 it was 2,169,409, an increase of 491,066. In 1890 the number of sheep was 178,586, and in 1900 it was 371,375, an increase in the number of sheep of 192,689, or more than double. All along the principal lines the State of Nebraska has gained in material wealth.

Now I want to come to the question of population. According to the census returns we had in 1890 a population of 1,058,910, and in 1900, according to the census returns, we had a population of 1,068,539, a net increase of only 9,629. Let me call your attention to the vote during the last ten years in the State of Nebraska. We claim that we have at least 200,000 more people in the year 1900 than we had ten years ago. At the first Presidential election following the census of 1890 we polled 200,206. At the next Presidential election, in 1896, we polled 223,245 votes, an increase in the number of votes in four years of 23,039.

In 1900 we polled 241,430 votes, an increase in four years of 18,185 over the preceding election. In eight years we have gained 41,224 votes. And yet, according to the census of 1900, the entire gain in population is but 9,000, while in eight years we have gained 41,000 votes cast at the polls. Out in the State of Nebraska we are not satisfied with the census of 1900, and I submit to the candid judgment of fair-minded men that when we have an increase of at least 40,000 votes in ten years we are justified in assuming that there has been a much larger increase in the population.

The gentleman refers to the State of Nebraska and asserts that Bryanism has injured that State. If I had a son attending college who in debate would use that as an argument, I would call that son home and immediately enter him in the kindergarten class. [Laughter.] If I were to indulge in the same sort of an argument I might call the gentleman's attention to the State of Illinois. I understand that under his bill it gains at least one Representative, but I am informed that the country districts of Illinois lose one in this apportionment and that the gain goes to the city of Chicago.

Mr. HOPKINS. I will say to the gentleman that that is an entire mistake. The country districts have all kept pace with the population of other sections. The additional member will go to the city of Chicago.

Mr. LACEY. Is not that because the city of Chicago has taken in so much more of the country?

Mr. HOPKINS. Oh, no; the city limits are the same.

Mr. SUTHERLAND. I might argue that it is simply an illustration of the fact that the kind of representation given to the country by the gentleman from Illinois is driving population from the country into the city.

Mr. HOPKINS. No; if the gentleman will look at my Congressional district he will find that it has increased 30,000.

Mr. SUTHERLAND. If I were to indulge in that kind of argument—and I thank God very little of it has been used on this floor—I might say that according to the gentleman's bill the State of Ohio has lost a member. Is that due to McKinleyism? That argument would be just as pertinent as that Bryanism has lost Nebraska a Representative. [Laughter.] Is it not so? Let me tell you here and now that we in Nebraska are proud of our citizenship; we are proud of our population; we are proud of our representation in both branches of Congress; we honor the two Republican members from our State and we respect them as well as the others we have here. We have no quarrels among ourselves, but we are asking justice to our State, and we believe it will be granted.

I ask now the indulgence of this side of the Chamber. The gentleman from Illinois passed by the State of Ohio and attempted to strike a blow at what he calls "Bryanism." In the State of Nebraska lives that great leader of the Democracy, the man who fought the great battle of 1896, the man who made the wonderful fight of 1900, the great statesman who is destined yet to lead or perhaps to influence the greatest party this nation has ever known. That man is an honored citizen of our State, and we are proud to say that Bryanism has helped the great State of Nebraska and has built it up as it has been built up, and will continue to help it in the years to come. [Applause on the Democratic side.]

Mr. HOPKINS. I yield ten minutes to the gentleman from Pennsylvania.

Mr. OLMSTED. Mr. Speaker, the observations of the gentleman from Mississippi [Mr. FOX] lead me to make a few remarks in addition to what I said yesterday and the day before with reference to the resolution which I introduced into this House on Thursday. The Constitution of the United States expressly provides as follows:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

As the constitutional mandate is plain, I introduced a resolution authorizing and directing the committee having this apportionment in charge to inquire and report, so that we might have official information, showing in what States, if any, representation ought to be reduced. Considering it to be necessary in order to make the resolution "privileged" and thus entitled to immediate consideration, to lay a proper foundation by reciting some facts to justify it, I referred in the preamble to the States of Mississippi, Louisiana, and South Carolina, they affording very vivid illustrations, having recently, by changes in their constitutions, disfranchised about half of the voters who were formerly entitled to vote. The preamble also sets forth that it is a matter of common rumor that other States have by constitutional or statutory enactment disfranchised some portion of their male citizens 21 years old.

We already have abundant data as to Mississippi, Louisiana, and South Carolina, but North Carolina has more recently changed her constitution and the change has not yet gone into effect, so that the figures are not readily available. Moreover, Massachusetts, Connecticut, California, and, I believe, Oregon, and some other States have educational and property conditions disfranchising some of their 21-year-old inhabitants. My resolution is broad, and extends to every State in the Union. I was therefore surprised to find in large headlines in a prominent newspaper this morning a declaration that "Mr. OLMSTED aims to injure the South." I fail to see how a demand for official information to enable us to fairly, justly, and constitutionally apportion Representatives among the States can be held as indicating an intention or desire to injure any particular section. I deny the proposition and distinctly disclaim any personal feeling toward the South or any section of the country.

Why, Mr. Speaker, no gentleman from the South who has addressed the House upon this subject or upon the subject of my resolution has more or better or more highly prized personal friends south of Mason and Dixon's line than myself. My dearest human possession, dearer to me than the ruddy drops that visit my fond heart, is a gift of the South—a Virginian of Virginians—and the blood that flows in the veins of my infant son is to the extent of one-half, at least, of the purest and best Southern strain. But I am unable to see that any love that I may have for the South or any of her people, any more than my love and respect for the people of my own State of Pennsylvania, demands that I shall ignore the Constitution of the United States, which, as a member of Congress, I am sworn to support and defend, or that I shall

cheerfully agree that the State of Mississippi shall have twice as many members upon this floor as she is entitled to under the Constitution, or that a certain number of white voters in Mississippi or in Louisiana or in either one of the Carolinas shall, in violation of the Constitution, be permitted to elect two or three times as many members in Congress as the same number of white voters in other States are permitted to elect.

The gentleman from Alabama [Mr. UNDERWOOD] said yesterday that if we are in favor of the upbuilding of the negro race and of honest government in the Southern States, "when we have done that, when we have worked out the problem and put it upon a fair basis, then if we are getting more representation than we are entitled to, five or six or ten years from now," he would agree to a constitutional amendment that would put representation upon a fair basis. And the gentleman from Mississippi said that we ought to be glad to see intelligence in control of the destiny of that State. Now, the trouble with me, Mr. Speaker——

Mr. FOX. Will the gentleman permit an inquiry?

Mr. OLMSTED. Certainly.

Mr. FOX. What I was speaking about was the adoption of the constitution.

Mr. OLMSTED. I refer to the gentleman from Mississippi who spoke yesterday [Mr. WILLIAMS]. The difficulty with me, Mr. Speaker, is that while I have a great love and respect for the Southern people, I do not feel that I ought to carry it to the extent of agreeing to allow one State for six or eight or ten years to have more Congressmen than the Constitution allows and more than is fair as between it and other States. I do not feel that while Mississippi is working out its own destiny in its own way and by its own intelligence, as the gentleman says, there is any reason why the intelligent people of that State shall have an advantage in representation upon this floor over the intelligent people of other States, who are also working out their own destiny. Now, let us see how this works. The gentleman from Misiissippi who has just spoken admits that in his State, which has a population of over a million and a half, there are only 100,000 registered voters.

Mr. FOX. One hundred and sixty thousand.

Mr. OLMSTED. And in his district of 15 counties, with 200,000 population, but 10,000 votes.

Mr. FOX. Twenty-four thousand registered voters. Ten thousand votes cast in a general election.

Mr. OLMSTED. Ten thousand votes cast; but according to the Congressional Directory, he himself received only 3,431 votes, while his Populistic opponent received 1,020, making a total of 4,451 votes.

My resolution makes no reference whatever to the color of the voters or the person disfranchised, but gentlemen from Mississippi practically admit, however, that the negro population is in the main disfranchised by the present constitution of that State. While they were slaves they were, under the Federal Constitution as it then existed, counted only as three-fifths—that is, each colored person was counted as three-fifths of a person in making up the enumeration upon which to base Congressional apportionment; but when they were freed and the right of voting was given them they were counted wholly, each colored person counting as much as a white person in determining how many Congressmen the State shall have. Now, then, if the colored people are disfranchised by the very operation of the constitution of the State of Mississippi, that State gains an advantage because, while colored people are not permitted to vote, they are counted not as three-fifths, but at the entire number, so that upon my friend's theory Mississippi gets an increased representation in Congress upon the theory that her colored population is not disfranchised, while, as a matter of fact, it is disfranchised. The trouble with me is that I am unwilling, and the Constitution clearly forbids, that the comparatively few white people who are permitted to vote, or do vote, in Mississippi are, by reason of the disfranchisement of the colored population, given three or four times the advantage, or three or four times the representation in Congress, that an equal number of equally intelligent people in Pennsylvania are given.

The four States of Mississippi, Louisiana, and the two Carolinas—while in my resolution I referred to three of these, it was not out of antagonism to them, as I have already explained, but because as to them I had the information in my possession, and they afford vivid illustrations of the importance of obeying the constitutional mandate. But the resolution is broad and covers all the States for the purpose of finding out in what proportion the right of suffrage has been denied for any cause whatever and to any class, so that the constitutional provision may be made applicable to any and all of the States which the gentleman has named. Of course the rule should be applied to one if it is applied to another.

The four States in which these new constitutions have been adopted restricting the right of suffrage—that is, the two Carolinas, Mississippi, and Louisiana—have, all together, a population of 6,167,021. The State of Pennsylvania has 6,322,115, or 135,094 more population than all four of those States together. The present Congress was elected in 1898. I take that because I can learn from the Congressional Directory the facts in the several States and in the several Congressional districts, and I find that in the four States named the total vote for all Congressional candidates was about 417,000.

Mr. KLUTTZ. Will the gentleman permit an interruption?

Mr. OLMSTED. Yes, sir.

Mr. KLUTTZ. Has the gentleman the vote of North Carolina separately?

Mr. OLMSTED. Yes.

Mr. KLUTTZ. I will be glad if you will give it.

Mr. OLMSTED. I have it all except as to one district, where the vote was not given in the directory, there having been a contest, and I suppose the vote could not be given accurately; but estimating that district at 40,000, which is a little more than the others ran, the entire vote in that State in 1898 was 322,280, or an average of about 35,000 to each of the 9 Congressional districts, whereas in South Carolina, just over the line, where its new constitution was in operation, the vote averaged only about 4,000 in each Congressional district, clearly showing restriction of the right of suffrage.

Now, these four States, as I was saying, have a population of 135,000 less than Pennsylvania, and although the restrictive constitution of North Carolina was not yet in operation, the total Congressional vote in the four States for candidates of all parties did not exceed 417,000, while my distinguished and venerable colleague who occupies the seat next to mine [Mr. GROW] received in that year 532,898 votes, he having been elected as a candidate at large. The Democratic opponent who ran against him received 350,213, and enough votes were cast in addition to make the total Congressional vote in Pennsylvania 947,483.

These four States have now 29 members upon this floor and Pennsylvania has 30. The Burleigh bill gives the four States 3 additional members, making 32, and Pennsylvania only 2 additional members, making likewise 32, so that the 400,000 voters in the two Carolinas, Mississippi, and Louisiana, will elect as many members as twice that many voters in Pennsylvania, which does not seem to me to be fair, and is certainly not within the meaning of the Constitution.

Mr. FOX. May I interrupt the gentleman?

Mr. OLMSTED. Certainly.

Mr. FOX. Would the gentleman base the representation of each State upon the vote cast at some general election? Is that the basis he would take?

Mr. OLMSTED. Not wholly.

Mr. FOX. In my Congressional district in 1897 there were only something over 3,000 votes cast, and in 1899 there were 10,000 votes cast. A great many more vote at some elections than at others.

Mr. OLMSTED. The Constitution contemplates not the number of votes cast, but the number of people who are permitted to vote. I take it that the proportion of authorized voters who actually exercise their right is about the same in one State as in another.

Mr. WILLIAMS of Mississippi. Will the gentleman allow me a suggestion?

Mr. OLMSTED. Certainly.

Mr. WILLIAMS of Mississippi. Just to prove how unjust an estimate that is I turn to the Congressional Directory and take the Sixth Massachusetts district, and I find the total vote cast was 20,000; and take up the Sixth district of Ohio and find the total vote is 36,000. Now, will the gentleman use that as a basis and propose that one-half as many people are qualified to vote in Massachusetts as in Ohio? In other words, that the number of votes actually cast is an index to the number qualified to be cast is absurd, is it not?

Mr. OLMSTED. Not necessarily; taking one year with another and one State with another and one district with another, about the same percentage of qualified voters exercise the privilege. I know the Constitution does not say that we shall apportion according to the number of people that vote, but according to those who are permitted to qualify and vote. Now, upon the statement of the gentleman from Mississippi, something over 100,000 were registered in the last Presidential year. I am told that before the adoption of the new constitution of 1890 in Mississippi were years in which as many as 264,000 votes were cast. That was prior to 1890. There has since then been a great increase of population. It is fair to assume that the change in the constitution cut off at least one-half of those people who would otherwise be entitled to vote.

Now, it is not the intention of the Constitution of the United States that the people of any State who are permitted to vote shall have the force and strength and influence of their votes augmented by taking the disfranchised class into the enumeration which determines the number of members of Congress which may be elected by those who are permitted to vote. In that particular the Burleigh bill and the Hopkins bill are both at fault.

The Hopkins bill, without increasing Pennsylvania's representation at all, gives an additional member of Congress to Louisiana, which already has more than she is entitled to under the Constitution, while the Burleigh bill gives in the four States mentioned a total increase of 3 and only 2 to Pennsylvania, giving those States an additional advantage over Pennsylvania. Now, I distinctly disclaim any sectionalism in this matter. Certainly the people of Louisiana will not accuse me of it, because it was through my efforts that one honored gentleman from that State retains his seat on this floor. His was one of the hottest election contests that ever came before the committee. I wrote the report and succeeded in convincing most of the committee, although not all, that he was entitled to his seat. I believed he had been fairly elected, and he occupies his seat here to-day. I have never made any distinction in an election case between a Democrat and a Republican, or a Northern man and a Southern man.

But I view this matter from the standpoint of the Constitution, and from the standpoint of what I conceive to be due to the representation and intelligence of my own State and other States, which I regard as of just as much importance as the intelligence of the State of Mississippi and the three other States named. I do not deny the intelligence of the gentlemen who represent those States upon this floor. I admire the intelligence, statesmanship, and the geniality of the gentlemen they send here to Congress, but I do not feel that one-half of the number of intelligent men in those States are entitled to send as many Representatives here as may be sent by twice the number of intelligent people of other States.

Mr. GAINES. Will the gentleman from Pennsylvania yield?

Mr. OLMSTED. If I have the time.

Mr. GAINES. I notice that the gentleman in his resolution did not refer to his own State of Pennsylvania.

Mr. OLMSTED. My resolution applies to every State in the Union.

Mr. GAINES. Will not the gentleman admit that his State is one of the rottenest election places in the United States?

Mr. OLMSTED. No, I will not, because it is not the fact.

Mr. GAINES. And that the Philadelphia American, a Republican paper, has repeatedly so stated, and has it not been judicially so determined? Has not the Philadelphia American so repeatedly stated in its editorial columns?

Mr. OLMSTED. Mr. Speaker, I do not admit anything of the kind; and even if the suggestion of the gentleman were true, it would have no bearing on this question. This is not a question of purity of elections, but of representation upon this floor—how many members each State is entitled to have. Mr. Speaker, my resolution is intended simply to obtain information which may afford a basis upon which we could act fairly, not only as to the particular States named in the preamble, but other States, my own included.

Mr. GAINES. The gentleman omitted Philadelphia and his own State. He did not mention their names or say that there was anything wrong there, which everybody knows is a fact.

Mr. OLMSTED. It is not to be expected that in a population of over six millions there will at all times and in all parts of the State be absolute purity in the conduct of elections, but the difference between Pennsylvania and some other States is that when fraud is attempted in Pennsylvania it is almost sure to be discovered, and, if discovered, is certain to be punished.

The resolution which I offered day before yesterday read as follows:

Whereas the continued enjoyment of full representation in this House by any State which has, for reasons other than participation in rebellion or other crime, denied to any of the male inhabitants thereof being 21 years of age and citizens of the United States, the right to vote for Representatives in Congress, Presidential electors, and other specified officers, is in direct violation of the fourteenth amendment to the Constitution of the United States, which declares that in such case the basis of representation therein shall be reduced in the proportion which such male citizens bear to the whole number of male citizens 21 years of age in such State, and is an invasion of the rights and dignity of this House and of its members, and an infringement upon the rights and privileges in this House of other States and their Representatives; and

Whereas since the last apportionment the States of Mississippi, South Carolina, and Louisiana have, by changes in their constitutions and statutes of said States, and for reasons other than participation in rebellion and other crime, denied the right of suffrage to male inhabitants 21 years of age, citizens of the United States, and such denial in each of said States extends to more than one-half of those who prior thereto were entitled to vote, as appears from the following statistics published in the Congressional Directories of the Fifty-second and Fifty-sixth Congresses, viz: In the 7 districts of Mississippi the total vote cast for all Congressional candidates in 1890 was 62,652; in 1898, 27,045. In the 7 districts of South Carolina the total vote in 1890 was 73,522, and 28,851 in 1898. In the 6 districts of Louisiana, 74,542 in 1890, and 33,161 in 1898. One member of the present House, representing 10 counties in Mississippi with a population in 1890 of 184,297, received only 2,068 votes. One member of the present House, representing 6 counties in South Carolina with a population in 1890 of 158,851, received only 1,765 votes, and 1 member representing 13 counties in Louisiana with a population of 208,802, received only 2,494 votes; and

Whereas it is a matter of common rumor that other States have, for reasons other than those specified in the Constitution of the United States, denied to some of their male inhabitants, 21 years old and citizens of the United States, the right to vote for members of Congress and Presidential electors, as well as executive and judicial officers of said States, and members of the legislatures thereof, and no reduction has been made in the representation of any State in this House because of such denial; and

Whereas the President of the United States has, by message, recommended "that the Congress at its present session apportion the representation among the several States as provided by the Constitution:" Therefore,

Resolved, SECTION 1. That the Committee on Census shall be, and is, authorized and directed, either by full committee or such subcommittee or subcommittees as may be appointed by the chairman thereof, to inquire, examine, and report in what States the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislatures thereof, is denied to any of the male inhabitants of such States, 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crimes, and the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in each such State.

In order to make the resolution "privileged," so as to obtain the immediate consideration of the House, it was necessary to set forth specific instances in which there was such denial, and I therefore mentioned Mississippi, Louisiana, and South Carolina as affording the most striking instances. My resolution was general, however, and required the investigation to extend to all the States of the Union.

Massachusetts, Connecticut, Wyoming, California, North Carolina, and other States are known to have constitutional provisions denying the right of suffrage to some of their inhabitants, in most cases to those who can not read and write. The Constitution applies to them as well as to the three States first named, but the proportionate number disfranchised is not nearly so great in the other States as in Mississippi, Louisiana, and the two Carolinas.

The fifteenth amendment, which was adopted some time after the fourteenth, provided that the right to vote "shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." I doubt if the fourteenth amendment can be construed as inflicting a penalty for the violation of the fifteenth. Any action on the part of a State violative of the fifteenth amendment would of course be declared a nullity by the Supreme Court of the United States. Nor is it, in my judgment, competent for Congress, in the passage of an apportionment bill, to reduce the representation of any State on account of irregularity or fraud in the conduct of elections. Frauds, suppression of votes, or other irregularities might exist in one State or in one district in one year and not in the next. They are supposed to be reached and remedied in other ways. If they are alleged to have occurred in the election of Congressmen, each particular case may, upon proper contest proceedings, be brought up for the consideration of the House, and justice done according to the facts proved. My resolution does not call for an investigation of election methods in any part of the Union.

I understand that the late President Garfield, when a member of Congress, was one of a committee which investigated this subject, and that he made a report in harmony with the views I have expressed, holding that it was impracticable, if not unconstitutional, to reduce representation in an apportionment bill on account of alleged frauds or illegal acts of individuals amounting to a denial of the right of suffrage. But his report was made before the adoption of the constitutions in the several States just mentioned. My resolution relates to the acts of States themselves through constitutional changes or statutory enactment, and not to the illegal acts of individuals in the conduct of elections, which will have to be reached in some other way.

The right to vote is not a natural right, and, so long as a republican form of government is preserved, any State has, undeniably, the right of restricting it, so long as in so doing it does not violate the fifteenth amendment. If, for instance, any State should enact that the right of suffrage should be limited to males 40 years of age or over, it would be a perfectly constitutional exercise of power; but the representation of such State in Congress would have to be reduced in the proportion which the male inhabitants thereof between the ages of 21 and 40 bear to the entire number of male citizens 21 years old and over, and so I maintain that whenever any State has, by educational or property conditions, partially denied the right of suffrage, to that extent the representation of that State must be reduced, according to the plain mandate of the fourteenth amendment.

Mississippi has, admittedly, by constitutional enactment, practically eliminated the colored vote. It was very skillfully done. Upon the face of the suffrage article disfranchisement does not appear to have been made on account of race, color, or previous condition of servitude. It is based upon educational and property conditions. It so happens that the conditions adjust themselves to the colored race. Doubtless that was intended by the framers, but I am inclined to think that a State constitution is not to be construed by determining whether a greater number of one race or another will be affected by its provisions, provided they are fairly administered. It is claimed that the United States Supreme Court has so decided in the Williams case.

Assuming, then, that the Mississippi constitution is itself constitutional, it disfranchises more than one-half the voters in that State. How, then, are we going to avoid the command of the

Constitution that the basis of representation therein shall be proportionately reduced? No question of negro domination is now involved. The negro has been eliminated. Treating it, if you please, as a matter of fairness between whites only, Pennsylvania has, in round numbers, ten times the white population of Mississippi, equally intelligent and equally patriotic. Why, then, if the white men of Mississippi are to elect 7 Congressmen, shall not the white men of Pennsylvania elect 70, instead of 30, as at present allowed? Or, if Pennsylvania is limited to 30, why shall not Mississippi be limited to 3, or, at the utmost, 4, instead of 7? Does the Constitution intend that a white vote at the mouth of the Mississippi shall have four or five times the weight and influence of a white vote at the mouth of the Ohio?

Suppose the conditions were reversed, and Pennsylvania or New York or Ohio were claiming an unconstitutional or undue representation upon this floor to the extent of half a dozen members. What would my friends from Alabama and Mississippi say to that? Can we not imagine how their eloquent voices would reverberate throughout this Chamber, and how they would demand just such an investigation as they are now opposing?

My resolution raises a question which is, as has been said, "larger than the negro"—the question of constitutional and fair representation in Congress.

The present Congress was elected in 1898. The votes cast for all Congressional candidates in the State of Mississippi aggregated 27,045, and yet they elected 7 members in the present House. In my district in Pennsylvania there were cast 31,843 votes. In other words, it took 4,789 more men in Pennsylvania to elect 1 Congressman than it did in Mississippi to elect 7. There is hardly a populous district in New York or New England in which the vote was not greater than in the whole State of Mississippi; and there are several single districts in Pennsylvania in which the vote exceeded the entire votes of Mississippi and South Carolina, which together elected 14.

In one district of six counties in South Carolina the sitting member was triumphantly elected, although he received only 1,765 votes. I admit that the number of votes cast is not the criterion; but usually it is about in proportion to the number authorized, which is substantially the criterion, because under the Constitution the proportion of the population represented by the proportion of those 21 years old and denied the right of voting is to be deducted in determining the basis of representation.

This is not a matter to be determined by sectional or partisan considerations. Personally I certainly have no animosity toward the people of any Southern State. Neither can I be accused of undue partisanship, as at least three Democratic members from these same Southern States can testify, their contested election cases having been before the Elections Committee of which I am a member.

If, as seems to be the fact, those States which claim to fear the domination of the negro are determined to suppress his vote at all hazards, it is probably better for him and better all around that his disfranchisement shall be accomplished by constitutional and peaceful methods. But the Constitution requires that representation in Congress shall be reduced accordingly. When the negro was enslaved he counted only as three-fifths in the enumeration, but since the Constitution freed and sought to enfranchise him his race has been given full count in determining State representation. The States in which he lives have actually gained in members of Congress by reason of his constitutional freedom and enfranchisement. But they can not disfranchise him and retain their increased membership. They can not eat their cake and ha.e it, too. If they disfranchise him they must accept the necessary reduction in representation.

So far as Mississippi, Louisiana, and the Carolinas are concerned there is little difficulty in arriving at the proper reduction. But they are entitled to have the rule applied to other States as well. If Massachusetts, Connecticut, California, Wyoming, and other States have restricted suffrage to such an extent as to work a reduction in their representation (which may or may not be the case), the rule must be uniformly applied. The purpose of my resolution is to cover the entire field and furnish Congress with reliable data upon which to act. But the Democrats in the House unanimously (though unsuccessfully) opposed its consideration, and even attempted to prevent its being read from the Clerk's desk. How can their action be explained except on the theory that they desire to retain an unconstitutional and unfair partisan advantage?

Fearing that the enforcement of the Constitution will result in the loss of more Democratic than Republican Congressmen, gentlemen who have argued loudly and long that the Constitution follows the flag and is in full force and effect in Porto Rico and the Philippines objected to the securing of sufficient information to enable it to do business at home.

This question is a good deal larger than the negro. It involves the constitutional rights of States to be represented in Congress. Unless something is done the four States named will elect 15 more members of Congress than they are entitled under the Constitution to have. These 15 Congressmen, standing together, may, and doubtless will, often control the actions of this House upon legislation affecting local interests in various States and also upon questions of the greatest national importance. The question is even larger than that. It may affect the election of a President and Vice-President of the United States, because under the Constitution representation in the electoral college is based upon representation in Congress.

It is not fair to Pennsylvania or New York or Missouri or to the grand old mother of Presidents, Virginia, that Mississippi, Louisiana, and the two Carolinas shall have 15 members of Congress more than they are entitled to have, nor is it fair that Massachusetts or California or any other State shall have undue representation; and if the result of the investigation demanded by my resolution shows that in any of the said States there has been, for any reason whatever, by constitutional provision or statutory enactment, such conditions imposed as amount to a denial of the elective franchise to an extent sufficient to require a reduction in the basis of representation in Congress, as provided by the Constitution, such reduction ought to be enforced, no matter what State or what political party may be affected.

Mr. GRIFFITH. Mr. Speaker, I yield to the gentleman from Indiana [Mr. MIERS].

Mr. MIERS of Indiana. In the brief time allowed me I can not enter into a very detailed discussion of these bills, yet I want to state a few reasons why I am in favor of the Burleigh bill rather than the bill presented by the majority of the committee.

First, perhaps, I should state a selfish reason. "The Hopkins bill," as it is called—that is the bill of the majority of the committee—reduces the representation of my State, Indiana, from 13 to 12. The Burleigh bill continues the present number of Representatives—13. The splendid State of Indiana, with its growth in population and in wealth, shall not be reduced in representation by my vote. In addition, I am in favor of the Burleigh bill because, in my judgment, it follows an old and well-established precedent.

Let me illustrate. By the Ninth Census the population of the United States was 38,558,371; by the Tenth Census, 50,155,783; by the Eleventh, 62,622,250, and by the Twelfth Census, recently taken, 74,565,906. It will be observed that there has been a uniform increase of about 12,000,000 each decade. Let us follow this matter a little farther. Under the Ninth Census there were 293 Representatives on this floor; under the Tenth, 325; under the Eleventh, 356, and, as proposed by the Burleigh bill, the number will be 386. Following these figures, we observe a uniform increase in the membership from decade to decade. The increase from 293 to 325 was 32; the next increase was 31; the next 30, and the Burleigh bill provides for an increase of 29, thus falling a little below the precedent.

Let us go a little farther and see how this precedent holds. Under the Ninth Census the ratio was 131,425; under the Tenth, 151,911; under the Eleventh, 173,901, and under the Burleigh bill the proposed ratio is 194,082. Here again we have a uniform increase, the increase being about 20,000 each time. The Burleigh bill recognizes these natural increases in population, in number of Representatives and ratio of representation, and follows the precedent of legislation on this subject.

The Burleigh bill recognizes the growth and development of the country. It recognizes also, not in the same proportion but in a regular proportion, the propriety of increased representation as established by precedent and the declared purpose of the fathers, and I see no reason to depart from it.

Gentlemen will remember the Constitution provided originally that the ratio of representation should not be less than 30,000. We have gone on from decade to decade increasing the ratio in almost a uniform rate until now the Burleigh bill provides for a ratio of 194,182—six and a half times that provided originally. Then a member represented a constituency of 30,000. The Burleigh bill proposes a ratio such that a member will represent 194,182. You can see where this steady growth has led, and yet the majority of the committee wants to increase the ratio so that a member shall represent 208,868. The majority of the committee, not content that the ratio shall be six and a half times that originally established, propose to make it 208,868, an addition of 14,686 over the uniform increase, for no purpose except to reduce the number of Representatives. That, to my mind, is the most serious objection that can be urged to the majority report.

I am in favor of the Burleigh bill because it proceeds along the line of the action of this House for more than a hundred years.

I am in favor of it for another reason, and, to my mind, a more potent one, a more American one, and one which should be more convincing to the membership of this House than all others—it increases the present number of Representatives. I favor the bill of the minority because it does increase the membership of the House. It was not intended originally that this should be an exclusive body. The Senate was meant to be the exclusive body. This body was meant to be the direct representative of the people.

The intention was that it should be as near to the people as possible—that every section, every trade interest and profession should be represented, not in theory, but in reality. I am in favor of this bill because it provides an increase in the number of Representatives. This is the people's Government—they can not govern if you exclude them from the halls of Congress. The larger the representation the nearer it is to the people. Some people seem to forget this is the people's Government; it seems to be the tendency of the times to withdraw the Government from the people.

Mark my prediction: If the majority bill, retaining the present number of Representatives, 357, shall pass, the next decade will witness an effort to reduce the membership of this body. I am one of those who believe in large representation. I believe in frequent elections. I have no patience with the crusade in favor of the election of the President of the United States once in six or eight years. I believe that the perpetuity of this Republic depends on the plain people and frequent elections, as well as all the people being recognized in the Government.

The tendency of the times seems to be toward the centralization of wealth; of the few controlling the business of the country. The majority report is along the same line—to give a small number the power to make the laws. I would call a halt and give more encouragement to the people who bear the burdens. I would not have less frequent elections. It may disturb business somewhat, but if it does it calls the peoples' attention to the Government. A campaign will always awaken the interest of the people in the Government. The more they know of it and the more they participate in it the more secure the Government. The Burleigh bill gives increased representation, and I hope it will pass, of course.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GRIFFITH. The gentleman from Maine [Mr. BURLEIGH], who is not now in his seat, requested that the gentleman from North Carolina [Mr. LINNEY] be accorded the floor for thirty minutes.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for thirty minutes.

Mr. LINNEY. Mr. Speaker, as I understand, there are three propositions before the House. The proposition of the committee seems to have for its leading idea the prevention of an increase of the membership of this House. The proposition of the minority, presenting itself in the shape of the bill known as the Burleigh bill, seems to embody the idea that there ought to be an increased representation, corresponding to some extent at least to the wonderful increase of population throughout the Republic and its several States.

There is also another proposition submitted, known as the Crumpacker proposition—a proposition which originated, as I take it, largely in the brain of the distinguished gentleman from Indiana [Mr. CRUMPACKER]—and which has for its purpose the providing of a remedy for an alleged lurking mischief that threatens the integrity of some of the States of the Republic and by reason of an unwarranted, unlawful, unconstitutional restriction of the right of suffrage operates to the prejudice of the other States of the Union and each and every citizen thereof. I propose, Mr. Speaker, to examine this last proposition first, because, in my humble judgment, all the others sink into comparative insignificance.

If there be this lurking mischief to which the very able report of the distinguished gentleman calls attention abiding in any portion of the Republic, even in any one State of the Republic, then indeed there should be a remedy.

The first question I shall examine, then, is, Is this House competent to provide a remedy? In other words, Have we jurisdiction? In my humble judgment there is no question about the power of Congress to strike this lurking mischief and destroy it, if it exists. Section 4 of Article IV of the Constitution has this provision:

> The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence.

Section 2 of the fourteenth amendment, as it is called, or Article XIV, contains this language:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

Now, Mr. Speaker, I call the attention of gentlemen to this very solemn provision of the Constitution, and which in my humble judgment places every single member of this House under the most weighty obligation to obey it even to the letter.

This is Article VI:

> The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification for any office or public trust under the United States.

Then, there is another oath that we also take, which is fresh in the minds of every Congressman, because it was written as with a pen of fire in the brain and heart and conscience of every man here when he appeared before the Speaker to begin the duties of the session. He took also this additional oath:

> I, A B, do solemnly swear (or affirm) that I will support the Constitution of the United States against all enemies, foreign and domestic.

And so forth. Now, Mr. Speaker, if this lurking mischief exists, if it can be shown to exist, we have no discretion in the matter. We stand not only in this high place, but before the God of the universe, in whose presence these oaths were registered, we stand bound by these oaths with this sacred obligation upon us to apply and administer this Magna Charta of the liberties of the people of these United States. So that the only question arising is, Has there been an abridgment of suffrage in any State? Is it a fact that in any of the States of the Union electors are denied the right to vote?

I propose to confine myself mainly to the performances of our Democratic brethren in the State of North Carolina upon this question, and I honestly believe I can satisfy any unprejudiced mind of the fact that the practical operations of the laws of the State of North Carolina and of the Democratic organization in that State, through the methods they have employed, disfranchised hundreds, yea, thousands, of the white men of North Carolina.

Now to the proof. Having made the charge, it is my duty to give verse and chapter to sustain it. I hold in my hand a statement drawn from the official report of the August election, about which so much was said in almost every State of the Union at the last Presidential election. What does it show? It shows that out of counties containing a white population of 493,216 and 447,000 colored, the Democrats carried that vast black belt, that Africanized portion of North Carolina, by 57,140 majority. Mark you, 51 counties containing a white population of 493,000 and 447,000 colored are made by the operations of a Democratic machine in North Carolina to record a Democratic majority of 57,000 votes, there being about 1 voter to every 5 of the population.

Let me call your attention to another thing. That is the black belt. Here is the white belt. I have here 47 counties containing a population of 555,000, of whom the colored are only 119,000. There is a majority for the Republicans of 3,168. Now, my proposition was that the effect of the laws in that State and of the methods employed by the Democratic machine is to disfranchise hundreds, yea, thousands, of the best white men of the State. How do I prove it? The district that I have the honor to represent is overwhelmingly white. The district that my colleague [Mr. PEARSON] represents is overwhelmingly white. They are the only districts that recorded a majority for the Republican party.

Mr. PEARSON. And nine-tenths of the voters in each are white.

Mr. LINNEY. Why do they record it? Why were they allowed to record it? Because white men will force all the agencies of despotism and treason and take them, as it were, by the throat and say unto them, "By the eternal God, justice shall be done." The result was that in this white belt there was this Republican majority. The conclusion I reach from these returns shows the truth as strong as demonstrative reasoning can make it, as certainly as twice two make four. You can not possibly escape it.

The following counties in North Carolina have a majority of negroes:

County.	White.	Black.	Democratic majority.
Craven	7,054	13,479	1,707
Halifax	9,467	19,440	5,381
Hertford	5,857	7,904	1,010
New Hanover	10,042	13,983	2,965
Pasquotank	5,156	5,591	650
Richmond	10,845	13,194	1,543
Warren	5,824	13,526	451
Washington	4,904	5,296	490
Total	59,149	92,503	14,197

Aggregate Democratic majorities in the black-belt counties, 14,197. In these eight counties the majority of negroes over the white population is 33,454.

The foregoing eight counties are the only counties in North Carolina containing negro majorities, and by the methods employed by our Democratic brethren in a campaign involving the question of the disfranchisement of negroes only the astonishing results of carrying these counties by the vast majority of 14,197 is before us for our consideration. The disfranchisement of the

negro in that campaign was emphasized in every conceivable way. The Democratic candidate for governor in a tempest of party rage filed an affidavit in Caldwell superior court "that no white man, in his opinion, would be disfranchised." Only negroes, therefore, were to be disfranchised. Our Democratic brethren come before the country with the laboring oar on them to prove that eight negro counties legally registered a majority of 14,197 votes to disfranchise themselves, and that, too, in the face of the fact that our pious Democratic brethren contend that they have been educating these negroes for the last quarter of a century. The imagination of Pope alone can describe this character of education:

> Nature its model, habit its nurse,
> Wit, spirit, and faculty but make it worse;
> Reason itself but gives it edge and power
> As Heaven's blest beams turn vinegar more sour.

Mr. Speaker, even the worm of the dust exercises the prerogative to squirm when tread upon. But these educated negroes have less resentment than the poor worm, and, according to the election returns, actually voted to disfranchise themselves. Who can believe it? The white Republicans of the west appeal to the sense of justice in all high places of the Republic to protect them against this method of slaughtering them under the false clamor of white supremacy. The conflict, yes, probably the irrepressible conflict, in North Carolina politics, is that of the white man of the west against the domination of the Democracy in the black belt.

But let me call your attention to a few more things about this. How is it that they vote these negroes? Why, there is not one out of a hundred but what wants to vote the Republican ticket. When this constitutional amendment was up I saw an old gray-headed negro walk to the ballot box, one of the few in my county, with a ballot in his hand and cast his ballot. As he walked up to deposit his ballot he kissed it and walked away with the tears in his eyes, knowing that by the operations of a machine as conscienceless as a tiger wounded or hungry he was to be disfranchised. Yet by this instrumentality you see the result to which I have called attention.

But let me specify. Gentlemen say we want proof. Here it is. It is proof beyond question. If 10,000 witnesses were to arise and swear that it is not so, there is not a man who recognizes the existence of a God and his obligation to truth but what would say, "Why, it is proven beyond controversy." Why, Mr. Best, in his excellent work on presumptive evidence, says that the operations of the laws of nature outweigh the testimony of the entire human family. He illustrates it by saying that if A is charged with taking and carrying away a stick of timber belonging to B and it turns out that that stick of timber weighed 10,000 pounds, the mere fact that the stick of timber weighed 10,000 pounds, being beyond the capacity of the defendant charged, rises up in his defense and vindicates him against the charge. Let me show you here a worse case than that. [Laughter.]

The case of that stick of timber is mild in comparison with it. There is a county in the State of North Carolina known as New Hanover. The city of Wilmington is located in that county. Great men live there. Why, gentlemen, the Democrats of North Carolina are the smartest Democrats in the world. In other States the great disparagement between the population and the recorded vote causes simple-minded gentlemen to presume that there is something wrong; but you never catch a North Carolina Democrat in a trap of that sort. He always has a full vote. Take the returns here and every North Carolina Congressman, I believe, according to the returns, got about thirty-four or thirty-five thousand—there were that many votes cast in his district. Let me say that in the county of New Hanover, with a white population of 10,042 and a colored population of 13,000, there were 2,967 recorded Democratic votes and 2 Republican votes.

Now, does not that beat the devil? [Laughter.] Two Republicans! Here is a county that has been voting the Republican ticket, and recording a majority for the Republican ticket, according to my recollection, at almost every general election since the close of the war, running somewhere near a thousand Republican majority. I believe Governor Russell carried it by 1,300. At this last election, before the constitutional amendment went into effect, because that does not go into effect until July, 1902, this machine only recorded for the Republican party 2 Republican votes, when the truth is there were more than a hundred white Republicans in that county to every vote that was recorded for them. How do they get them? It would not do to say they stole them, because my brethren here would get mad.

I do not know any way in the world that they got them if they did not steal them, except by some sort of legerdemain somewhat akin to a story that Captain Todd, of Ashe County, tells. He is one of the wittiest men I ever saw, a man of immense intellect, but a little eccentric. He told me that he had a friend in his county who had invented some lubricating oil; he said he had a favorite dog that he called Truman. One morning he awoke and old Truman was climbing the neighboring mountain, with his voice ringing out clear, strong, and musical, and seeming to him to fill the whole earth. Hearing the voice of the approaching hound, he ran to the path to see him go by. He passed him like a streak of greased lightning. The next time he came around he ran to the path, and as he passed poor old Truman was creeping along and had almost lost his voice, and the fox was 3 miles ahead. So he thought of his lubricating oil, and, said he, "My friend, I caught Truman and rubbed him all over, saturating him all over with the oil, and turned him loose. He climbed the mountain again with greater speed than ever and a full voice. When he came back I went out to see him, and, by the living God, he was 3 miles ahead of the fox. [Laughter.]

Now, I do not say that our brethren down here in North Carolina steal votes. They would get mad if I did. But they have a kind of a machine down there that they have thoroughly greased with this lubricating oil, so that it runs 300 miles south of justice and 200 miles nearer hell than any machine was ever run in these United States. [Laughter.] Yet honorable gentlemen pretend to say that you have no proof that everything is not all right in North Carolina. These figures themselves, upon their face, carry with them the earmarks of fraud.

Why, suppose, Mr. Speaker, the question was as to whether or not fraud had been done in the execution of a deed. Suppose my distinguished friend here was a creditor of mine, and I should make a conveyance to a son of a piece of land worth $1,000 for the sum of $2, and he were to assail that under the statute of fraud, what would be the result? There is not a single member in this House that if sworn as a judge and had the judicial ermine placed on his shoulders but what could judge, from the face of the paper, that it was fraudulent, and the paper would be stamped in the judicial mind under the statute of fraud as fraudulent because of the grossly inadequate consideration; and here is a proposition more grossly inadequate than the question I have put.

Well, now, how do they do it? I admit I do not know. There is one secret that the world has never found out, if I read aright. It has never been known where the grave of Attila, the Scourge of God and the king of the Huns, is. As history tells us, after the night that Attila took unto himself a beautiful wife, Ildico, the next morning he got up dead. [Laughter.] But the Huns adored him. They made for him a golden coffin; they incased that golden coffin in a silver one; they then inclosed that silver casket in an iron one. Their purpose was to give their king, their leader, the richest burial that had ever been given. They placed that casket in the hands of a few captives whom Attila had in his charge. They charged those captives with the delicate task of placing that casket, that rich casket, at a place and in a way so that it could never be known, promising them their ransom, to wit, their liberation, should they execute this direction successfully.

The poor captives bore away the golden casket and came back rejoicing, expecting to be liberated, but their tyrant masters slew them, and the fact as to where the grave of Attila is constitutes the world's secret, never, probably, to be known. The Democrats of North Carolina do not take knives and butcher men, I do not believe, except the red shirts did kill a few down there. They do not do that, but they do that which is infinitely worse. They take, according to the best information I get, and I do not state it postively as a fact, but I state that it is an impression upon my mind, and the only means by which I think they can do it, that it is the only channel through which this great secret will ever be found, the second one, the grave of Attila, the scourge of God, and this grave of liberty, in North Carolina. They take certain negroes, instead of intelligent white men, whom our organization suggests, and place these ignorant negroes at the polls as the representatives of their adversary's cause, some of them blind, actually with no eyes. Many of the rest had as well be as blind as a stump, because they do not know B from bull's foot. [Laughter.]

They take these ignorant agencies and they count out the vast number of negro votes. By some sort of legerdemain they transfer this negro column from the Republican side to their side, and thus in that way they have murdered the conscience and the moral life, not only of the ignorant agencies they have employed, but of the community, themselves included. How else can it be? If that is not the way of it, why have we these astounding, these damning results hanging about the glorious old State of North Carolina?

There is no State more patriotic, there are no people on God's green earth who hate tyranny and would strike down despotism and treason quicker than the great bulk of the people of North Carolina; but with a machine like that, which they have in full operation, even if we had 50,000 more white men in the Republican column than we have got this day, we would be powerless, because figures, you know, in the hands of an ingenious, mad politician, who is willing to adopt any means of acquiring a thing, are more prolific than all the men and women in the world.

Mr. Speaker, this lurking mischief can not continue to exist without great peril to the life of the State in which it occurs and without jeopardizing the peace of the Republic.

There are certain forces in the moral universe that all men, all

party organizations, must obey. Dr. Benjamin Franklin, in Poor Richard's Almanack, teaches that "He who spits against the winds of heaven spits in his own face." Every crime, I contend, against the ballot by any son of a State is an assault upon his mother; and Poor Richard further teaches that the American boy, unlike the Hottentot, is not expected to assault his mother as a means of being introduced into good society. If these negroes of the East did not vote to disfranchise themselves, then every negro vote put in the Democratic column against his will, in effect, slaughters a white Republican voter in the West. I therefore plead for the rights of the white men of North Carolina, representing a large white district on this floor.

The following are the counties containing 493,216 whites and 447,309 blacks which, according to this Democratic machine, gave them 57,140 majority:

County.	White.	Colored.	For.	Against.
Anson	10,039	9,987	2,124	496
Beaufort	11,705	9,367	3,012	1,456
Bertie	7,778	11,389	2,649	944
Bladen	8,509	8,263	1,130	1,220
Brunswick	697	4,803	849	992
Camden	3,333	2,334	557	552
Caswell	6,583	9,445	1,437	1,277
Chowan	3,931	5,236	1,138	917
Columbus	11,829	6,027	2,231	1,234
Craven	7,054	13,479	2,662	955
Cumberland	14,614	12,658	2,713	1,708
Duplin	11,539	7,148	2,072	1,708
Durham	10,646	7,395	2,689	2,212
Edgecombe	8,478	15,634	3,781	574
Franklin	10,668	10,422	2,970	1,836
Gates	5,516	4,736	1,215	596
Granville	12,307	12,175	2,459	1,610
Greene	5,244	4,795	1,571	666
Halifax	9,467	19,440	6,280	899
Hertford	5,857	7,994	1,407	397
Hyde	4,953	3,950	976	844
Johnston	19,780	7,450	3,853	1,749
Jones	3,842	3,500	941	665
Lenoir	8,446	6,433	2,122	916
Martin	7,768	7,453	1,989	993
Mecklenburg	25,003	19,604	5,110	1,557
Nash	12,063	8,644	2,996	1,336
New Hanover	10,042	13,983	2,967	2
Northampton	8,032	12,310	2,469	1,095
Onslow	7,282	3,021	1,531	671
Orange	9,648	5,300	1,406	1,493
Pasquotank	5,156	5,591	1,542	892
Pender	5,895	6,618	1,255	299
Perquimans	4,687	4,606	964	679
Person	8,192	6,915	1,658	1,221
Pitt	13,052	12,456	3,414	2,042
Richmond	10,854	13,094	1,636	199
Robeson	16,461	14,847	4,015	704
Rockingham	15,098	10,263	2,898	2,045
Rowan	17,102	7,629	3,067	1,716
Sampson	15,877	9,219	1,302	2,061
Scotland			1,083	7
Union	15,673	5,586	2,306	822
Vance	6,386	11,191	1,543	913
Wake	25,887	23,316	5,608	4,478
Warren	5,824	13,530	1,807	1,356
Washington	4,904	5,296	1,037	547
Wayne	15,041	11,058	3,838	1,816
Wilson	10,813	7,330	2,855	1,443
Barnett	9,368	4,301	1,466	1,367
Total	493,216	447,309	114,844	57,704

How is it done? I will tell you one way it is done. The first thing they did was to repeal the law, so that the judicial hand could not be placed upon them. That is startling, I know; but that is what was done. There is a mandamus remedy against election officers. It is about all the remedy you have. Injunction will not lie. I thought it would, and I urged Senator PRITCHARD and others of North Carolina to try and get up an injunction to stop the election under the fraudulent law. I thought I was as good a lawyer as the Senator up to that time, but I found out that I was not. He pointed out a number of decisions to the effect that injunction will not lie against an election officer.

The more I investigated it the more I became satisfied that mandamus was the only remedy. Mandamus had its origin in the court of King's Bench five centuries ago. It was regarded as the flower of the King's Bench. It was regarded as a judicial prerogative. The court had the same power to issue the writ that it has in this country to issue an order of contempt to preserve order in the court. I thought at first, and many lawyers in the State of North Carolina, some Democrats, concurred with me, that a statute repealing mandamus was unconstitutional and void; but upon investigation I found that the writ of mandamus was not a judicial prerogative, but was subject to legislative control by the State.

Now, this grand writ, which is the twin sister of habeas corpus and which is as essential to the enforcement of the rights of the citizen against despotism or other malfeasance of an officer as the writ of habeas corpus is as to personal liberty; that writ which had existed in the State of North Carolina alongside of habeas corpus, without any thought of its having been abolished, in less than two months from the time we held the meeting in the city of Greensboro to determine what remedy we could apply, and concluded that our only remedy was mandamus, was abolished. It leaked out—some man from our meeting—some one told them of it, and they called the legislature together and passed this act; and such an act! [Laughter.]

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. HOPKINS. I ask that the gentleman be permitted to conclude his remarks.

Mr. RICHARDSON of Tennessee. How much longer time does the gentleman want?

Mr. LINNEY. Oh, about half an hour. The gentlemen on the other side have occupied considerable time.

The SPEAKER pro tempore. Unanimous consent is asked that the gentleman from North Carolina be permitted to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. LINNEY. Here is the statute that was passed, and I risk the assertion that there is not a lawyer upon this floor who knows anything about the writ of mandamus—and they all do, because it is the A B C of the law now; then, although it was not five centuries old, because it was just born—I risk the assertion that there is no lawyer upon this floor that ever heard of such an act. Listen to it! Now, we knew that they were going to operate this machine. We met to consult touching the relief, the legal manner, the method, the means by which we should prevent these results to which I have called your attention. They called the legislature together, had what they called a moon-eyed legislature [laughter], adjourned to meet every moon. [Laughter.] They took a recess, which they never had done before in that State. Here are two sections that they passed in just two months before the election——

Mr. PEARSON. It was in June, I think.

Mr. LINNEY. Yes; and the election was in August:

SEC. 88. That upon any application being made or any action or proceeding of any kind commenced or had, before any judge of any court in this State, for a mandamus, or order in the nature of a mandamus, injunction, restraining order, or order in the nature thereof to compel, prevent, prohibit, or restrain the performance of any act in respect to his duties against any officer or officers provided for in this act, the matters stated in the affidavit, petition, or complaint upon which such application is based or action or proceeding had shall be taken and deemed to be denied, and no such judge shall issue any such order, temporary or otherwise, until the facts have been submitted to and found by a jury at a regular term of the superior court of the county in which such officer resides. No such order shall be made or issued upon any case agreed or upon facts found by a jury at a special term.

SEC. 89. That when a jury has found the facts, and any judge shall issue a mandamus or order in the nature of a mandamus, injunction, or restraining order, or other order in the nature thereof, to compel, prevent, restrain, or prohibit the performance of any act in respect to his duties against any officer or officers provided for in this act, such officer or officers shall have the right to appeal from such order to the supreme court, upon giving bond in a sum not to exceed the sum of $100 conditioned to pay to appellee all such costs and damages as may accrue by reason of such appeal. The said bond shall be received and approved by the clerk of the superior court. A deposit of money of the amount of the penal sum named in such bond shall be received by the clerk in lieu of such bond. And upon filing such bond or making such deposit, such order shall be vacated until affirmed by the supreme court, and until so affirmed the election officer shall proceed to perform the duties imposed by this act notwithstanding such order.

Now, I challenge any lawyer on this floor, any Democrat or Republican, or any gentleman upon this floor to point to a single instance where any legislature has ever attempted to lay its hands upon the writ of mandamus. It can not be shown. It would have produced a revolution up in Yankeedom, where the coolest people in the world live. I have examined the authorities of some States, and I find that by this high prerogative writ the fraudulent hand of a bad officer and at other times bad electors has been paralyzed and made harmless by the writ. Here it is repealed. What for? What has that to do with rape committed by negroes on white women? What has mandamus to do with that, pray tell me? What was the purpose of it? They knew as well as they could that the Lord of Hosts lives and presides over the affairs of men; that the effect and purpose of this law was to prevent the courts from interfering with their wicked designs.

The proud white men of North Carolina, the many thousands I have mentioned, would not submit to their proposition which required any citizen in the State to read and write any section of that instrument in the English language, when we have Latin in it, when ex post facto can not be read by any lawyer on the floor without examining it carefully.

You can not render those two prepositions and one verb (or whatever else may be the parts of speech), you can not render their literal meaning in a plenary way, without the insertion of numerous other Latin words. The Supreme Court of the United States required two pages of the printed reports to define ex post facto. Massachusetts, if I have read history aright, struck out of its constitution those Latin words.

But there was that proposition. Our people are rising up against it. They believed in manhood suffrage. The Democrats knew that some extraordinary powers were necessary. They knew that for every evil in North Carolina there was a remedy. Such was

the perfection of the law in that State. They commenced casting about and they saw this grand, noble writ lying in the way of the execution of their purposes, and they laid their hands upon it—what for? The results showed what for.

Now, let me return to Halifax. [Laughter.] Halifax county, the big negro county in our State, has a white population of 9,467 and a negro population of 19,440. They gave us 899 votes in that county. And it is said they voted about 600 more votes than were registered. A philosophic, inquiring patriot, during the campaign, when it was alleged that the rights of the citizens were being enlarged instead of diminished—one of the brightest men in the State; a good man, unless his methods destroy him, and they will destroy him if he keeps on—was asked: "How did you carry Halifax?" Listen to the philosophic reply. Recollect the majority was something over 5,000. The inquiry was put by a white man, "How did you do it?" The answer was—an answer which was considered as paralyzing in its effects upon almost everybody in the State who might afterwards have the boldness to repeat the question: "If you were a negro, that question might be essential; but as you are a white man, why do you ask, 'How did we do it?' you should ask, 'Why did we do it?'"

Gentlemen of the House, I was mighty poor once, and am still poor. I had a big hog weighing 700 pounds, and a hungry negro stole a ham. I went for him. As I was out of meat I was bound to get it back. Finding the negro whom I knew to be the culprit, I said to him, "How did you get in there?" He replied, "Mr. LINNEY, you had better ask me why—why I stole the hog. I was hungry; that is why." [Laughter.] The Democratic machine in North Carolina was mighty hungry, and that is why it greased the machine with Todd's lubricating oil in Halifax. If you talk plainly about the matter and say that they stole the election they will get mad and want to drive you from the State; and would drive you from it, I imagine, if they had the power.

Those are some of the disreputable methods resorted to, and yet honorable gentlemen say that a member from a North Carolina district disgraces himself and his State when he exposes this rascality—this lurking mischief which has crossed the line of ordinary felony and takes rank with treason. I say that the man who beholds in his own community, in his own State, a lurking mischief like this and fails to raise his voice against it is unworthy of citizenship. It is the exposure of wrong, not the covering of it up, that prevents crime. That is the view which I take.

If these figures are true, what do they show? They write a chapter in the history of these United States that the representatives of foreign nations—yes, the most grinding despotisms in the world—could comment upon to our discredit and even to their credit.

What have we? A governor-elect and all of the State officers. Who is behind them? They used to say that we had only 120,000 ignorant negroes and 20,000 still worse white men. The fact is that the brains, the intelligence of the State are in the Republican party to-day. I ask who stands behind the Democratic machine? Not the negro, because the proposition was to disfranchise him. According to these returns the most unnatural, the most unreasonable proposition is presented that ever struck the human mind—that here is a race of people who voluntarily went up to the ballot box and voted to disfranchise themselves. Does any man believe that? I ask again who stands behind them? Not the white men, because the great majority of white men of the State voted the other way.

Take the county of Madison, in which our Senator resides. I believe there are only a few negroes there—how many?

A MEMBER. Sixty.

Mr. LINNEY. And how many white voters?

A MEMBER. Three thousand.

Mr. LINNEY. How many votes did the Democrats get? What was the Republican majority?

A MEMBER. Fifteen hundred.

Mr. LINNEY. Fifteen hundred in that big white county.

Take Wilkes and the other white counties, and wherever there is an overwhelming white majority the Republican party is certain to win. Why?

Mr. SIMS. Does the gentleman from North Carolina believe that the white people of those counties that he has referred to would commit such crimes as he has described, simply because they believe in free silver, or anti-imperialism, or any other doctrine of the Democratic party?

Mr. LINNEY. My dear sir, it is a mystery and a secret as great as the grave of Attila, the Scourge of God. [Laughter.]

Mr. SIMS. I asked the gentleman seriously.

Mr. LINNEY. I tell you frankly I do not know, and I now ask you a question. Do you believe that that vote in New Hanover and Halifax was honest?

Mr. SIMS. I simply take the gentleman's statement; but does not the gentleman know that there is a cause beyond mere politics, which is to prevent the negro from gaining control of local affairs?

Mr. LINNEY. I do not know any such thing, and I contend that Democracy is estopped, on the plainest principles of equity and fair play, from raising that question; because if the negro votes for them it is all right, and if they steal his vote it is all right. If it is lawful, then, for the Democracy to steal the negro votes and count them, in God's name, is it not lawful for the Republican party to count them when they honestly get them? [Laughter on the Republican side.] I will say to the distinguished gentleman that I am glad he put the question, and I will say to him now that the negro problem can be solved by a statute which I might not be able to draw, but which the gentleman can draw in ten minutes, so as to prevent any such thing as negro domination, if such a thing can ever exist in the State.

Pass a statute requiring every officer to give a bond such as may be considered right, signed by citizens of the county in which he lives, to be approved by the judge of the district. In that way you would get rid of all officers who are incompetent and all dishonest ones. But my Democratic brethren of North Carolina would never think of passing that law any more than they would think of retiring from politics altogether, because it would remove the negro question from State politics. In a State where the preponderance of white men is so great over the blacks this idea of negro domination is the merest rot, a scarecrow with which to frighten weak men.

Mr. SIMS. Let me ask the gentleman this question, because I am serious about it.

Mr. LINNEY. Certainly.

Mr. SIMS. Why is it that these white people who would commit such crimes as you have mentioned against the election laws are not criminals in any other respect?

Mr. LINNEY. My friend, that is hard to tell. Why is it that this distinguished gentleman in North Carolina, whose character is as good as yours or mine, or that of anybody else, would answer a philosophic question put to him in that way, when asked the question, "How did you do it?" Now, the question is asked not how, but why. I answer, because of the love of power. There is nothing like it under the sun. Interest, says one of the great judges of this country, degrades the character of a witness or impeaches him. If a man has an interest in a farm and is litigating about it, judges consider that fact. Interest, like infamy, impeaches. And there is no interest like the love of power and the ambition for office. In the play of King Henry VIII, Wolsey's standard of human excellence is too high—

> My robe
> And my integrity to Heaven is all.

Honest, honorable men in all their other dealings and in their church relations in many instances will take the sacrament of the Lord's Supper the Sunday before the election on Tuesday, and then on Tuesday they have got very little more sense than a horsefly with its head off. [Laughter.] Such is the weakness of human nature, and such is the tremendous power in the incentive to evil deeds touching this struggle for power. Yes, Gray was right when he said that men will "wade through slaughter to a throne."

No charge to the man thirsting for office, or those whose hearts are cankered with partisan rancor, can make them "Fling away ambition; by that sin fell the angels." I have just received an interesting bit of unwritten history from one of the best men in North Carolina on this point. During the hot Presidential contest, a former candidate for governor in North Carolina declared: "I would vote for Bryan and against imperialism if I knew it would disfranchise me forever."

A few days ago, in an old-time Methodist love feast, this same great, good man, having thrown off all his political war paint, in reciting his religious experience and counseling his weaker brethren as to the duty of the church, declared that he could now see the hand of God in expansion. This gentleman is known to me to be one of the most intelligent citizens of North Carolina, and a zealous Christian. Wild to the point of frenzy on election day, he was a calm, philosophic, devout Christian in the house of God. Mr. Speaker, without law man is a tyrant, and if any laws guard him with a greater vigilance than others, it should be the laws protecting the ballot box; because here man is weakest in his capacity to withstand temptation. What, therefore, can be said of an election in any State where the only remedy against fraud, the writ of mandamus, has been repealed?

Mr. GAINES. I would like to ask the gentleman a question.

Mr. LINNEY. Why, certainly.

Mr. GAINES. Has the Republican party ever nominated or elected or appointed to the supreme bench of North Carolina a negro?

Mr. LINNEY. Never in this world, my dear sir, and never will. They have more sense than that. They have no idea of doing any such thing; but I should not be at all surprised, whenever it becomes necessary, if the Democrats appoint a negro or a monkey, if necessary to pull them through. [Laughter on the Republican side.]

Mr. SIMS. Let me ask the gentleman a question.

Mr. LINNEY. Certainly.

Mr. SIMS. You stated that the love of power is the one motive which will induce men to commit political crime. Is there not just as much love of power among the people of other counties of North Carolina as well as other States, and is not that just as much of an inducement for them to commit wrong in order to get into power?

Mr. LINNEY. My dear sir, despotism must evermore be strengthening its fortresses. Liberty crushed will rise, you know, and therefore despotism not only tries to hold the vantage ground it has, but here every succeeding Democratic legislature is attempting to add to it. The last stone laid upon the fortress of their despotism is the striking down of that grand old writ of mandamus. Let me ask the gentleman, and I appeal to his conscience, and to his intelligence, and to his patriotism, I ask him to answer under the oath that he took here, was not the tearing down of the writ of mandamus the act of despotism?

Mr. SIMS. Is a law passed by all the people despotic?

Mr. LINNEY. I am asking the questions now. Was that despotic in your opinion, or not?

Mr. SIMS. The legislature of North Carolina passed the law.

Mr. LINNEY. The legislature of North Carolina, nine-tenths of the members, pledged the people their sacred honor, and I believe some filed affidavits, that they would not attempt to affect the franchise. They got in by false pretenses, and the very moment they got in then they turned their backs upon the people and submitted these measures, the purpose of which was to make more intricate and complicated the election machinery, and give them the opportunity of increasing their agencies for the ignoble purpose of destroying their honorable adversaries.

Mr. SIMS. Now, let me ask the gentleman one more question, and I will not worry him further.

Mr. LINNEY. It does not worry me at all.

Mr. SIMS. I will ask him, if there was not a negro in North Carolina does he believe that law would ever have been passed?

Mr. LINNEY. If there had not been a negro there?

Mr. SIMS. Yes.

Mr. LINNEY. Well, if there had not been a Democrat there I am satisfied it would not. [Laughter on the Republican side.] And I will go further. If every voter in the State had been a negro, even then it never would have been passed. Nobody but a Democrat and a Democratic organization was equal to the task of repealing that grand writ of mandamus. The Republican party has pleaded for it, is pleading for it now, and is now asking the legislature of North Carolina to repeal its action. Will they do it? I undertake to say no; but there are threats now that they will impeach the judges.

Mr. SIMS. I thought the gentleman was making a serious speech on a grave social question and not simply a political speech, or I should not have asked him the question.

Mr. LINNEY. I am not simply making a political speech. I am proceeding on the question whether anybody has been disfranchised in North Carolina, and calling attention to the fact that if anybody has been disfranchised there, the gentleman himself is bound by the oath he has taken to afford us a remedy.

That is why I am making this speech. I do not like to advocate this measure, but I have taken an oath, as my friend has, and I say to him calmly and dispassionately, with all the solemnity of which I am capable, and with all the solemnity with which I ever uttered anything, that it will trouble my friend or anybody else to escape the conclusion that there rests upon his soul and mine an obligation to the law, an obligation before high heaven, to furnish a remedy for these outrageous proceedings.

I feel it as a citizen of North Carolina. You do not. It is hard for you to believe that any such condition could exist. It is hard for you to believe that in any portion of that grand Republic, where manhood has been elevated by the influence of the system that we have and where Christianity exists, men could have resorted to any such means as these figures conclusively show they have. And yet it is true. Now, gentlemen, unless we stir up these sleeping lions of the Constitution to which I have called your attention, the power and duty of Congress to see that each State is guaranteed a republican form of government and the duty of Congress in making its apportionment to see that when citizens are deprived of their rights the representation shall be reduced—I say unless we stir up these sleeping lions of the Constitution, then there is no remedy. They have rested for a century.

The last one has slept for a quarter of a century, but the first one, in the fourth article, has rested there for a hundred years, sleeping like an innocent babe. Never until now has the writ of mandamus been repealed, and never until now has any one of the thirteen original States of this Union attempted to destroy the remedy whereby the purity of the ballot box could be maintained. Having done that, the time has come when the voice of this Congress, stronger than the voice of thunder, should stir up these sleeping lions and invoke their power in preserving the integrity of the State of North Carolina and the other States, if there be any that have been guilty of these infractions.

Mr. SMALL. Will the gentleman permit me to ask him a question?

Mr. LINNEY. Certainly.

Mr. SMALL. You have spoken of the election laws in North Carolina. I will ask you if there is not at present a Republican governor of the State?

Mr. LINNEY. Yes.

Mr. SMALL. He was elected in 1896, and I will ask if he was not elected under Democratic election laws?

Mr. LINNEY. He was elected under the other law, on the combination ticket. He was elected after the Democratic law was repealed in 1895.

Mr. SMALL. He was elected under the law which passed the fusion legislature?

Mr. LINNEY. Yes, sir; he carried your county by 1,300.

Mr. SMALL. I will ask if the Republican legislature that was elected in 1894 passed that legislation?

Mr. LINNEY. Yes.

Mr. SMALL. Was not that election under a Democratic election law?

Mr. LINNEY. I believe so. That is, the election of 1894 was under a Democratic law.

Mr. SMALL. How was it possible, then, if it was violated?

Mr. LINNEY. I believe in that election they carried your own county by 1,300.

Mr. SMALL. What county is that you speak of?

Mr. LINNEY. I beg your pardon. You do not live there, but equally as good a man does.

Mr. SMALL. I live in Beaufort County. Do you say it was that county?

Mr. LINNEY. Oh, no; I am talking about New Hanover. I made a mistake. You favor your distinguished brother so much that I can not tell you apart. You have both been attending Democratic conventions so long that you have become assimilated one with the other. [Laughter.]

Mr. SMALL. That is not answering me. But I will ask the gentleman another question. You have made some charges against the election laws and the administration of them in North Carolina. I wish to ask you if you have any reference to the First Congressional district—my district?

Mr. LINNEY. I have not examined. What district do you represent? What big negro counties have you in your district?

Mr. SMALL. My district is composed of the counties of Beaufort, Camden, Carteret, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, and Washington—16 counties.

Mr. LINNEY. Do you know what the negro population of that district is?

Mr. SMALL. I do not know; they do not have a majority.

Mr. LINNEY. Well, you may have squeezed through by leaving hair on both sides of the hole without stealing. How that is I do not know. [Great laughter.]

Mr. SMALL. I desire to interrupt the gentleman further to say that he has not answered my question.

Mr. LINNEY. I am answering your question.

Mr. SMALL. I wish to ask the gentleman if he intends to intimate that there was any stealing of votes or any maladministration in the First Congressional district?

Mr. LINNEY. Except that I suspect that some one used the lubricating oil for running the machine.

Mr. SMALL. I desire to know whether you make any such charge.

Mr. LINNEY. I believe there was a systematic fraud throughout every county in the State that has 50 per cent of its population in negroes; but as to this particular case I have not examined.

Mr. SMALL. In no one of these 16 counties, then, you do not make any charge of frauds?

Mr. LINNEY. The inference I make is founded on the official returns. How it is done is a hidden mystery deeper than the grave of Attila, "the Scourge of God." The figures can not be questioned. I have not seen the witnesses, except those figures in the returns.

Mr. SMALL. Does the gentleman think it is fair to make a charge on the floor of this House against a State or any section of a State without proof to show by saying it is a mystery which he can not explain?

Mr. LINNEY. I have my proof in this instance appearing on the face of the returns. I have stated generally in these negro counties, and proved it from the record, there were 2 Republican votes only where there were 26,000 citizens. I will ask you, was not that a fraud?

Mr. SMALL. In what county does the gentleman say that took place?

Mr. LINNEY. In New Hanover.

Mr. SMALL. I do not know of any fraud committed in New Hanover.

Mr. LINNEY. Having stated the facts from the returns, state whether it was not fraud. Gird up your loins and answer me like a man, my friend. How is that? [Great laughter.]

Mr. SMALL. I desire to interrupt the gentleman.

Mr. LINNEY. I will not be interrupted further.

Mr. SMALL. I will not interrupt the gentleman against his wish.

Mr. LINNEY. I do not want to stir up any more bad blood with the people in the East. God knows there has been enough of that already.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMALL. You do not make any charge against the First district?

Mr. LINNEY. Mr. Speaker, tyranny and despotism can always assign plausible reasons for their action whenever the elective franchise is unjustly assailed. The excuse given is to protect intelligence against ignorance; to uphold white supremacy against negro domination. A Democratic partisan can easily imagine that there is very little intelligence in a Republican community, and a Republican partisan is not likely to see all the intelligence in the Democratic camp. I believe that the white race in North Carolina is superior to the black race. I shall strive to protect the white voter of the West from the effects of vicious methods at the polls in the black belt. All electors should be protected in these sacred rights. The enforcement of the law is the only hope of our common country. Quite an intelligent Democrat from the black belt came into the white belt of the State, where Republicanism flourishes. He went away with a better opinion of his white Republican brother, as is seen from the following clipping from the Post:

Representative BELLAMY, of North Carolina, is widely traveled and cultured, and appreciates the beauties of his own country. "I have traveled," he said, "over a good portion of Europe. I have looked upon the picturesque scenery of Switzerland, grand and inspiring. During the past summer I spent but little time in my own district, obeying the wishes of the party managers that I speak in the western section of the State and tell them from the stump something about the conditions in our own section of Tar Heeldom. Thus I had an opportunity to revisit the mountain section of North Carolina near the Tennessee line, and I convinced myself that there is no more beautiful scenery in the world than that locality affords. I campaigned through the wonderful Johns River Valley and visited the Blowing Rock, where you can look down 2,000 feet and can drop your coat or your hat and see it sink a couple of hundred feet and then be whisked suddenly upward—I was going to say back upon your head or your shoulders—but it comes back again to where you are standing. The people there have more civilization than they are usually credited with. The men served in the Union armies during the civil war, and in many sections have steadfastly remained Republicans since that time."

Yes; the white Republicans of Johns River Valley know how to treat a political adversary. As a rule the Republicans of this valley are splendid representatives of all the human excellencies belonging to a great race. Many of them displayed the great qualities of the hero in the late war between the States. Most of them were soldiers in the Confederate army, and followed Lee and Jackson. Some of them adhered to the side of the Union at great sacrifice. They heard the classic orator of the east with interest and that respect which commanded his approval: but in the exercise of the best human intelligence they said by their votes we do not agree with you. I indulge the belief, in common with my Republican associates of the white belt of North Carolina, that if our Democratic brethren of the black belt will come amongst us they will see more in the white communities of the west to admire.

Now, Mr. Speaker, I regret that the Crumpacker bill is not perfect. For the first time many of the Republican members of the North have shown a disposition to enforce the constitutional remedies for the protection of all the citizens of all the States against the schemes of ambitious partisans. The Crumpacker bill is too narrow. It will be unjust to North Carolina and all the other States embraced in it to cut down their representation while there are other States equally delinquent to which it does not apply. I hope to see it so improved as to apply the remedy to all the offending States in that form. I would cheerfully vote for it as the very best proportion. Should we fail to apply the remedy now, ten years must elapse before another opportunity. I consider the Burleigh bill as coming nearer meeting the marvelous increased citizenship and diversified interests of the Republic than the Hopkins bill. [Loud applause on the Republican side.]

I ask to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BURLEIGH. Mr. Speaker, the members of this House are well aware of the fact that I make no pretensions to oratory. During my membership in this body I have been content to attend strictly to the work of my constituents in the ordinary channels, and have not often trespassed upon your time and patience upon this floor. To-day, however, we have pending a matter which is not only of very grave importance to the people of my own State, whom I have the honor to represent here in part, but also to the American people as a whole, who have a right to be interested in a measure which concerns both the extent and the adequacy of their representation in this Capitol. Entertaining decided convictions upon this subject, and having devoted to its consideration no little time and thought, I can not permit this opportunity to pass without putting upon record the conclusions I have reached.

Before proceeding to any general discussion of the two bills presented by the majority and minority, respectively, of the Census Committee, I desire to review briefly the general features of each. Both are based upon the computations of the Census Office and follow the general method which has there been in vogue since 1840. The majority bill provides for 357 Representatives, the method employed by the committee in apportioning the same being clearly stated in its report, as follows:

The plan adopted in making the apportionment is to divide the constitutional population of the United States, as reported to your committee by the Director of the Census, by 357, the proposed membership of the House. The quotient, 208,868, is the ratio of Representatives to population. This ratio is applied in succession to the population of each State. This ratio applied in this manner to the population of each State will yield in the aggregate a number somewhat less than 357, the number determined upon as the membership of the House. The difference, however, is made up by assigning to the States having the largest major fractions additional Representatives until a sufficient number of Representatives has been assigned to make up the total number previously agreed upon, namely, 357.

By this computation all the States having majority fractions are accorded additional representation therefor except the three given in the list which I here submit:

State.	Representatives apportioned.	Majority fraction.
Colorado	2	121,307
Florida	2	110,806
North Dakota	1	105,586

I do not purpose to dwell upon the obvious injustice which excludes these three States from their rightful participation in the apportionment or the vagaries that grow out of this method of dealing with majority fractions. I will simply invite the attention of the members of this House to the computations shown in Table 3 of the apportionment figures submitted by the Census Office, and ask them to note how different States dodge in and out of the loss column, with different ratios, through the variations in these majority fractions. My own State, for instance, which would hold its present representation with a membership of 383, loses one on a membership of 386, holds its present quota with 385, and loses again on a membership of 389, although in each instance it has a substantial majority fraction.

A method of computation which permits such uncertainties as this is so obviously unjust that no time need be wasted in its discussion. I am firmly convinced that the only fair and equitable way of dealing with such majority fractions is to use all States exactly alike and to accord to every one of them which has such a fraction an additional Representative. This view prevailed in 1872 and is held by the six members of the Census Committee who signed the minority report. This report is based primarily upon a membership of 384 Representatives, with a resulting ratio of 194,182. Applying this ratio to the several States in the manner already described, it is found that Nebraska and Virginia are the only States having majority fractions which fail to secure additional representation therefor. A Representative is therefore accorded each of them, and thus full and substantial justice is secured to every State in the Union upon the broad basis of equal rights.

The table which I here submit summarizes the general results aimed at in each of these pending measures.

Table showing apportionment proposed by the majority and minority bills and the gain or loss under each.

State.	Apportionment, majority bill.	Apportionment, minority bill.	Majority bill.		Minority bill, gain.
			Gain.	Loss.	
Alabama	9	9			
Arkansas	6	7			1
California	7	8			1
Colorado	2	3			1
Connecticut	4	5			1
Delaware	1	1			
Florida	2	3			1
Georgia	11	11			
Idaho	1	1			
Illinois	23	25	1		3
Indiana	12	13		1	
Iowa	11	11			
Kansas	7	8		1	
Kentucky	10	11		1	
Louisiana	7	7	1		1

Table showing apportionment proposed by the majority and minority bills and the gain or loss under each—Continued.

State.	Apportionment, majority bill.	Apportionment, minority bill.	Majority bill.		Minority bill gain.
			Gain.	Loss.	
Maine	3	4		1	
Maryland	6	6			
Massachusetts	13	14			1
Michigan	12	12			
Minnesota	8	9	1		2
Mississippi	7	8			1
Missouri	15	16			1
Montana	1	1			
Nebraska	5	6		1	
Nevada	1	1			
New Hampshire	2	2			
New Jersey	9	10	1		2
New York	35	37	1		3
North Carolina	9	10			1
North Dakota	1	2			1
Ohio	20	21		1	
Oregon	2	2			
Pennsylvania	30	32			2
Rhode Island	2	2			
South Carolina	6	7		1	
South Dakota	2	2			
Tennessee	10	10			
Texas	15	16	2		3
Utah	1	1			
Vermont	2	2			
Virginia	9	10		1	
Washington	2	3			1
West Virginia	5	5	1		1
Wisconsin	10	11			1
Wyoming	1	1			
Total	357	386	8	8	29

Permit me to say at the outset that I do not believe it is a wise policy to ignore the growth of this great country of ours by needlessly limiting its popular representation. The closer the individual citizen is brought in touch with the conduct of national affairs, and the easier it is for him to impress his views upon those who make the nation's laws, the more in harmony it is with the spirit of republican institutions and the stronger and better will be the character of the public service. Although I have read carefully many of the arguments pro and con that have entered into the consideration of former apportionment bills, and have listened patiently to all that has been said in favor of the measure reported by the gentleman from Illinois, I have yet to find one single cogent or convincing reason adduced why the number of Representatives in this House should not in some degree keep pace with the growth of the country in population and material resources.

The Constitution simply provides that "Representatives shall be apportioned among the several States according to their respective numbers." The determination, therefore, of the number of members who shall constitute this House rests wholly with Congress. The measure which will be enacted into law as a result of our present deliberations will fix the extent of popular representation in Washington for the next ten years. It is of special importance, therefore, that in performing this duty it be with an eye single to the interests of the whole country. It should also be with a just appreciation of the fact that large as this Republic is to-day in population and in the scope and magnitude of its material interests, it is probably destined to an even greater growth and development during the period in which the new apportionment will be operative. Not only are the members of Congress during the next decade to legislate for the interests of the people who claimed their undivided attention during nearly all of the decade that has passed, but, as a result of the war with Spain and the annexation of Hawaii, they will be called upon to legislate for 11,000,000 additional people, occupying about 134,000 square miles of territory.

And how shall we best meet the demands upon the time and attention of Congress that will come from these possessions, from the large increase of population in our own country, and from the constantly extending and diversifying interests that grow naturally out of the complexities of our modern life and continually impose new burdens upon those charged with the responsibilities of legislation? Certainly not by holding at its present number the membership of this House when every one of us to-day has all and quite all he can efficiently do in attending to the needs of his already large constituency. In view of existing conditions it is simply preposterous to further burden the busy members of this branch of the Government by requiring them to care for the needs of over 13,000,000 more people than they were originally intended to represent. Moreover, it would be an exceedingly shortsighted policy to leave out of consideration the very large increase in population which may reasonably be looked for before the close of the present decade. Our action upon this important subject may well accord to the members of this House larger rather than smaller opportunities for the careful consideration of measures affecting the public welfare and for the exacting duties of constructive legislation.

I believe that the present House has been too small for the achievement of the best results in legislative work and that the larger legislative bodies of the leading European countries have some notable points of advantage. The larger the membership the better service will be given the public and the more difficult it becomes for any measure appropriating money to run the legislative gantlet. With a small membership logrolling schemes for the depletion of the Treasury are always possible; but the difficulties attending the success of such combinations increase in strong ratio with the enlargement of the membership. Large bodies are not easily corrupted.

They are always in closer touch with the masses and respond more quickly to popular conviction. The confidence which a people feel in a legislative body rests in no small degree upon the strength of its membership and the wide diversity of the interests represented. There is nothing which constitutes so strong a bulwark of honest government as the fierce light of publicity which beats through a large membership in a popular legislative branch upon every measure for the expenditure of the public money. Representatives in such an assembly are directly from the people and accountable to them for the manner in which they discharge the important trusts confided to their keeping.

The work of a Representative in this House has increased vastly during the last few years, which have witnessed a stupendous growth of our country in all departments of material progress. A statement recently issued from the Treasury Department calls attention to the astounding fact that the excess of our exports over our imports for the fiscal years 1898, 1899, and 1900 was nearly five times as great as the total of such excess for the previous one hundred and seven years of our country's history. The United States has become a recognized world power. In every avenue of industrial enterprise the American people have pushed out in recent years with an energy and a grasp that have been at once the wonder and the admiration of the world. All this growth and development has put additional work upon the representatives of the people in this capital, and the whole tendency of the times has been to load the members of this House with a burden of detail which has steadily narrowed the time which they were physically able to give to the great national questions constantly coming up and calling for close and careful attention.

I know that there is always a tendency in a legislative body, especially among those who have had long experience in its service and who have been more or less intrusted with the direction of its affairs, to guard jealously its powers and privileges, to be distrustful of changes, and to cling tenaciously to the old established order of things. While this feeling is not unnatural, it may readily be carried to extremes, and when it reaches a point where those who entertain it are willing to overlook or ignore the facts of progress it may easily become an impediment or a menace to the public welfare. The movement for a contracted House of Representatives—an assembly making no attempt to keep pace with the nation's growth and needs—has had, so far as I have observed, its source and its inspiration in this Capitol and not with the American people. The people of this country demand and they ought to have adequate and efficient representation here, and every measure that tends to widen the distance between the individual citizen and his Representative in Washington is a contraction of popular power and privilege and out of harmony with the spirit of our institutions.

So far from being a source of weakness a strong popular assembly is a source of strength, as the experience of other nations has amply demonstrated.

I submit the following table, showing the representation in a number of the leading countries of the world and the ratio which it bears in each instance to population:

Country.	Population.	Membership in lower House.	Membership in upper House.	Ratio of representation to actual population.
England	37,888,439	670	479	53,392
France	38,517,975	584	300	65,955
Germany	52,279,901	397	58	124,505
Italy	29,699,785	508	300	57,000
Spain	17,550,216	431	360	50,000
Canada	4,823,875	213	81	22,688
United States	76,304,799	357	90	213,739

The comparisons afforded by these figures are certainly striking. We have been so accustomed to think of our land as the home of liberty, and so gradual has been the official usurpation of popular power, that it is somewhat startling for us to come face

to face with the fact that there is not to-day a single constitutional monarchy in all Europe whose people do not enjoy vastly more power in national legislation than is possessed by the citizens of the United States. Take a member of the English House of Commons, a member of the French Chamber of Deputies, a member of the lower House of the Spanish Cortes, and a member of the Italian Chamber of Deputies, and their combined constituency is but 226,347—only 17,479 more than the bill reported by the gentleman from Illinois purposes to give to a single Representative of the great American people!

The House of Commons, it will be seen, has a membership of 670, representing a resident population of 37,888,439—less than one-half the total population of the United States—and it stands before the world to-day as one of the most incorruptible legislative bodies on the face of the earth, amply justifying in this regard the encomium of Sir William Blackstone in his masterly Commentaries. For more than six hundred years—almost, in fact, from the days of Magna Charta itself—it has been the recognized bulwark of English liberties. It is not the movements toward democracy which our country need fear, but rather those that tend to rob the masses of the elements of sovereignty—to take from them, little by little, as the majority bill reported from the Census Committee purposes to do, their representative strength, and gradually concentrate in the hands of the few the power that belongs to the many. During the first session of the Forty-seventh Congress, when the apportionment bill based upon the Tenth Census was under consideration, Representative Tillman referred to this tendency toward the absorption of power in our own country, as compared with the growing democracy of the countries of the Old World, in language which the conditions of to-day merely emphasize and which is as applicable to the present discussion as to the one of which it formed a part. He said:

> Besides England, there are the other nations on the Continent that enjoy and have long enjoyed constitutional representative governments, most of the time for several centuries. These are Switzerland, Belgium, and Holland (the Netherlands). At this time every 45,000 inhabitants of Holland have a representative in the National Legislature; about every 43,000 people of Belgium also have a representative in Parliament, while in Switzerland there is a representative for every 20,000 of the population. When we reflect on the large representation of the people in each of these three free States, and when we also remember that about every 53,000 Englishmen have an organ and a vote in Parliament, while only every 170,000 Americans have a representative in Congress, ought it to surprise anyone that we should frequently hear the remark in conversation, or read it in the newspapers, that government in Europe is becoming more democratic every day, while in America it is tending more to the aristocratic or one-man power?
>
> Power is ever seeking its own increase, and political power especially has a constant tendency to steal from the many to the few, to guard against which our English ancestors, who have been slowly but steadily improving in their Government for the last five hundred years, have during all that time been in favor of a large House of Commons. Since the days of the Stuarts, England and Wales alone have had about 500 members in the Commons. At the union with Scotland, nearly two hundred years ago, 45 other representatives were added for that country, and at the union with Ireland, at the beginning of the present century, still another 100 were added for her quota; since which time the Commons has never had less than 650 members, although several acts reforming Parliament as to suffrage and constituencies have been passed.
>
> Thus, while representation in the Commons of Great Britain has never been less than one member for every 53,000 inhabitants, which is the ratio to-day, the people of the United States have not had as much representation as that in their National Legislature since forty years ago. Each member on this floor now represents over three times as many inhabitants as a member of the House of Commons.
>
> Hence England may be said from the very start to have established a maximum representation of her people to protect them against the encroachments of wealth, the designs of demagogues, or the assaults of ambition, while the United States, on the other hand, may be said to have commenced with a minimum of representation and to have adhered to it, at least since 1832.

There can be little doubt but what while the English House of Commons has been a sturdy and incorruptible conservator of the people's interests, its legislative efficiency would be considerably increased by the rules which obtain in this body and which insure the orderly progress of business however large its membership may be. We are legislating primarily for our own day and generation, and there is no reason to suppose that those who are to come after us will not be fully able to deal with any conditions that may confront them. No generation has ever had a mortgage upon the universal intelligence either within or without the circle of its own activities.

If we shall increase the membership of the House as provided in the bill presented here by 6 of the 13 members of the Census Committee it will still require nearly one hundred years of similar increase at each succeeding apportionment before this branch of Congress will equal in size the present membership of the English House of Commons. It will require nearly seventy years of similar decennial progress before we shall reach the present membership of the French Chamber of Deputies. Nor should we for one moment in this connection lose sight of the important fact that the population represented by these bodies in each instance is only about one-half as large as that represented by this House. I submit here a table showing the general basis of apportionment from the foundation of our Government down to the present time, including the proposals of the majority and minority bills for the apportionment under the Twelfth Census:

Under.	Census.		Apportionment.		Whole number of Representatives.
	Year.	Population.	Year.	Ratio.	
Constitution			1789	30,000	65
First Census	1790	3,929,214	1793	33,000	105
Second Census	1800	5,308,483	1803	33,000	141
Third Census	1810	7,239,881	1813	35,000	181
Fourth Census	1820	9,638,822	1823	40,000	213
Fifth Census	1830	12,866,020	1833	47,700	240
Sixth Census	1840	17,069,453	1843	70,680	223
Seventh Census	1850	23,191,876	1853	93,423	233
Eighth Census	1860	31,443,321	1863	127,381	241
Ninth Census	1870	38,558,371	1873	131,425	283
Tenth Census	1880	50,155,783	1883	151,911	325
Eleventh Census	1890	62,622,250	1893	173,901	356
Twelfth Census:					
Majority bill	1900	74,565,906	1903	208,868	357
Minority bill	1900	74,565,906	1903	194,182	386

It will be seen from these figures that after every apportionment in the history of this country, with one single exception, occurring more than half a century ago, and for which the Senate of that time was responsible, there has been an increase in the number of members in this House, in order that it might, in some measure, keep pace with the increasing numbers and needs of the people. In no single instance, however, has such an increase been made when it failed to invoke the frantic objections of men who conjured up all sorts of bugaboos that were to come from it. Some of them have even gone so far as to profess to see in such increase of popular representation grave dangers to the Republic! How absurd those needless fears, that uncalled for and foolish distrust of the people, appear to-day when read in the light of history! The verdict which we pass upon them now will be the verdict of the future upon the arguments of those who now seek to stay the progress of this House in its efforts to keep abreast of the country's growth and needs, if the substitute measure reported by the minority of the Census Committee shall receive your sanction.

And what are the arguments advanced in the majority report of the committee? I find but two, namely, "economy" and "dispatch of business." It scarcely seems possible that anyone will seriously contend here that the small additional expense that would be occasioned by the increase of membership contemplated by the substitute bill should constitute an insuperable obstacle to giving the people of this country the representation in Washington rendered imperatively necessary by their increased requirements. The American masses can far better afford to expend a few more thousand dollars a year than they can to face the vastly greater loss that would come to them from a further needless and arbitrary concentration of official power in national affairs.

So far as the "dispatch of business" is concerned, there is no objection which can possibly be urged against 386 members, or for that matter 395 members, on the score of unwieldiness which could not be urged with equal force and truth against the present number of Representatives. No fair-minded man will for a moment question but what the rules which have been found necessary to the orderly transaction of business under existing conditions would operate equally well with a membership considerably in excess of our present one. The membership of this House, as a matter of fact, long ago outgrew the conditions which made it possible for each individual member to participate to whatever extent he might desire in its discussions—a privilege which is with much difficulty, under the great pressure of present-day conditions, secured to United States Senators.

As a matter of fact, those who favor a reduction in the people's representation at the national capital are somewhat put to it to find serious arguments against the proposed increase of 29 members. Even the asserted lack of capacity in this Hall for such a contemplated increase—that prodigious argument with which the advocates of a contracted representation have sought in vain to fortify themselves in the last two apportionments—is unavailing now. I confess that I have had the temerity to suppose that the needs of a great people might be permitted even to override the limitations of partition walls; that the Capitol itself is intended to accommodate the people, and not the people to accommodate the Capitol. But, fortunately for the peace of mind of these gentlemen, the increase of membership contemplated in the bill reported by the minority of the Census Committee involves no enlargement of this Hall.

A plan prepared by the Architect of the Capitol shows that such additional members can amply be provided for within its present limitations. Bereft of this old-time rock of refuge, our opponents are perforce driven to solicitude for the future. "If," they say, "you keep on in the decades of the future increasing the member-

ship of this House to render it in some degree commensurate with the growth of the country, the time will come, alas, when we or our descendants will be brought face to face with the dire necessity of moving these partition walls!" Well, possibly; but this terrible contingency is not yet upon us, nor need we cross any bridges until we get to them. We are only asked at this time to legislate in the light of present-day conditions for the next ten years. Those who come after us may reasonably be depended upon to meet the requirements of the future wisely and well. There is also more than an equal chance that the growing lack of veneration may by that time prove a saving grace.

The proposition to hold the total membership of this body where it is for another ten years, or, in other words, to require that its members, each of whom during the past decade has represented here about 174,000 inhabitants, shall represent about 209,000 people each during the present decade, is practically equivalent to a reduction of 72 members in the representation which the people of this great country with all their gain in numbers and the multiplication of interests demanding the attention of Congress are to have at the national capital during the next ten years.

The bill reported by 6 of the 13 members of the committee, while it takes care of the legitimate interests of every State in the Union and deprives none of them of existing representation, increases the total membership of this House but 29, a number by no means unprecedented. The increase in 1870 was 42, although the gain in population was little more than one-half of what it has been in the decade just closed. The same increase was made again in 1880, while in the apportionment of 1890 the increase was 31, 2 more than that called for by the bill reported by the minority of the Census Committee, notwithstanding the fact that our growth in population and in wealth between 1890 and 1900 was greater than in any previous decade of the country's history. This bill amply provides for all the growing interests of the country and avoids the gross injustice of depriving States which have increased in population in the past decade of representation now enjoyed, and which was based upon the smaller population of ten years ago.

Nothing can be fairly urged as a just and sufficient reason for depriving any State of existing representation save a substantial falling off in the population upon which it was originally based. We are not confronted at this time by any such contingency. Under the bill reported by the chairman of the Census Committee 8 States of the Union—Indiana, Kansas, Kentucky, Maine, Nebraska, Ohio, South Carolina, and Virginia—are deprived of representation which they have had during the past decade, and yet not a single one of these States has failed during that period to make a substantial increase in its population. I submit in this connection a table showing the amount of such increase in each of these States:

State.	Population.		Increase.
	1890.	1900.	
Indiana	2,192,404	2,516,462	324,058
Kansas	1,427,096	1,470,495	43,399
Kentucky	1,858,635	2,147,174	288,539
Maine	661,086	694,466	33,380
Nebraska	1,058,910	1,068,539	9,629
Ohio	3,672,316	4,157,545	485,229
South Carolina	1,151,149	1,340,316	189,167
Virginia	1,655,980	1,854,184	198,204
Total	13,677,576	15,249,181	1,571,605

I invite special attention to the totals here shown. It will be seen that the total increase of population for the decade in the 8 States which the bill reported by the gentleman from Illinois purposes to deprive of present representation is 1,571,605, which is nearly one-eighth of the total increase in population in the whole country during the same period.

Never was a measure presented to the consideration of this House more unwise in its policy, more needlessly unjust in its provisions, or more arbitrary in its purpose than the one now pending for the further concentration of official power in the nation. By its provisions it deprives 8 States of the Union, comprising one-fifth of the total population of this country—States which have gained a million and a half in population in the last ten years—of 8 Representatives at the national capital which were accorded them ten years ago.

I submit in all fairness that if 80 members of this House were necessary for the adequate representation of those States ten years ago, when they had but 13,677,576 population—and I do not think any man will question such necessity—it is a rank injustice to reduce that representation to 72 at this time, when their aggregate population has reached 15,249,181. The substitute bill presented by the minority of the Census Committee deprives no State of existing representation, while at the same time it cheerfully concedes to Arkansas, California, Colorado, Connecticut, Florida, Louisiana, Massachusetts, Mississippi, Missouri, North Carolina, North Dakota, Washington, West Virginia, Wisconsin, Minnesota, New Jersey, Pennsylvania, Illinois, New York, and Texas that increased power in the councils of the nation that rightly belongs to them as a result of their gain in population.

If the eight States so unjustly discriminated against in the majority report had lost in population during the decade, there might have been some reason for depriving their citizens of so large a proportion of the representative rights which they have hitherto enjoyed in this Capitol, but in view of their absolute gain of one million and a half in population the majority bill is not only a measure absolutely without justification, but one which inflicts an uncalled-for wrong upon a large proportion of the citizens of this country. We are met here with a propositon not only to ignore the needs of a growing population and of multiplied and diversified interests by retaining the same representation through two decades, but we are asked also, as a crowning act of legislative vandalism, to loot part of the representation of States which have enjoyed a steady and substantial growth in wealth and population.

I believe that the majority bill, that turns its back upon practically all the precedents of the past, and not only deprives 18 great States of this Union of the increased representation which should rightfully come to them by their growth in population, but robs 8 other great States of the Union of representation established ten years ago upon a smaller population, has no right to pose in this Hall as a measure for the promotion of the public interests. It might with more propriety be entitled "A measure to deprive the American people of adequate representation at the national capital."

I firmly believe that no member of this House should be required to look after the interests of more people than it is possible to give a proper amount of individual attention. It is desirable not only that a Congressman should be in close and sympathetic touch with every part of his district, but also that it should not be beyond the range of possibility for him to know personally the majority of the voters who make up his constituency. Such an acquaintance and such a close knowledge of the needs of his district is not only essential to the highest type of representation, but constitutes the strongest safeguard which this Government can have against all forms of political jobbery and corruption. The people desire more than faithful service. They demand and they are entitled to have efficient service, and that kind of service you render to a large extent impossible when you so enlarge the population of a legislative district as to make it a difficult matter for the individual citizen to reach the ear of Congress.

In 1789 every 30,000 people in the United States had a Representative in this House, who usually enjoyed a personal acquaintance with practically all of the people of his district. This, too, was at a time when the conditions of the country were simple and the members of Congress, being largely free from the burden of the details which have grown out of the diversity of present-day affairs, were enabled to give a much closer scrutiny to and study of the great questions that came up for solution. To-day a member of Congress represents in round numbers 174,000 people, and so great are the demands upon his time that it is difficult indeed for him to find opportunity for the careful consideration of general measures of legislation. I do not believe that any move calculated to unnecessarily accentuate this condition of affairs is either desired by the American people or in accord with a wise and progressive public policy.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BRICK, for one week, on account of his father's death.

To Mr. HALL, indefinitely, on account of sickness in family.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. MCCALL to withdraw from the files of the House, without leaving copies, the papers in the case of Robert Downing, Fifty-fifth Congress, no adverse report having been made thereon.

Mr. HOPKINS. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for the United States service schools—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, with a copy of a communication from the Secretary of War, an estimate of deficiency appropriation for pay of the Military Academy—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5409) for the relief of Matthew T. Lewis, reported the same without amendment, accompanied by a report (No. 2151), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6524) to remove the charge of desertion from the military record of Andrew Carney and grant him an honorable discharge, reported the same with amendment, accompanied by a report (No. 5152); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 4742) granting an increase of pension to Jesse F. Gates, reported the same without amendment, accompanied by a report (No. 2153); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8001) for the relief of Sampson D. Bridgman, a soldier of the Florida war, reported the same with amendment, accompanied by a report (No. 2154); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 4834) granting a pension to Otto Haltnorth, reported the same without amendment, accompanied by a report (No. 2155); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 13158) granting an increase of pension to Oliver P. Goodwin—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10575) granting an increase of pension to Patrick Moran—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13076) granting a pension to John Laffey—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. LITTLE: A bill (H. R. 13255) to authorize Jefferson County, Ark., to construct and maintain a free bridge across the Arkansas River within 5 miles of Pine Bluff, Jefferson County, Ark.—to the Committee on Interstate and Foreign Commerce.

By Mr. RIDGELY (by request): A bill (H. R. 13256) to provide for the construction of a filtration plant for purifying the Potomac water used in the District of Columbia without issuing interest-bearing bonds—to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 13257) to provide for the completion of a system of sewage disposal in the District of Columbia without issuing interest-bearing bonds—to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 13258) to provide for the improvement of the streets, roads, sidewalks, and highways in the District of Columbia without issuing interest-bearing bonds—to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 13259) to provide for bridging the Anacostia River, the Potomac River, and Rock Creek, in the District of Columbia, without issuing interest-bearing bonds—to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 13260) to provide for the construction of municipal buildings in the District of Columbia without issuing interest-bearing bonds—to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 13261) to provide for the construction of a sea wall and grand boulevard from the Old Naval Observatory site around the Potomac Flats, Arsenal grounds, navy-yard, and across the Anacostia River, in the District of Columbia, without issuing interest-bearing bonds—to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 13262) to provide a grand union railway and shipping station in the District of Columbia without issuing interest-bearing bonds—to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 13263) to provide for the construction and operation of transportation, communication, merchandizing, housing, lighting, heating, electric, and other plants in the District of Columbia without issuing interest-bearing bonds—to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 13264) to provide for the appointment of a Commissioner for the northeast, for the southeast, for the southwest, and for the northwest portions of the District of Columbia, instead of as at present—to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 13265) to provide for the dikeage and drainage of the Anacostia Flats above the Pennsylvania avenue bridge, southeast, without issuing interest-bearing bonds—to the Committee on the District of Columbia.

By Mr. SHEPPARD: A bill (H. R. 13266) to authorize the Paris, Choctaw and Little Rock Railway Company to construct and maintain a bridge across Red River, and to construct and operate a line of railway, with telegraph and telephone lines, across the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. BOREING: A bill (H. R. 13267) to authorize the readjustment of the accounts of Army officers in certain cases, and for other purposes—to the Committee on Claims.

By Mr. LOUD: A bill (H. R. 13274) to authorize the Postmaster-General to lease suitable premises for use of the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

By Mr. MAHON: A bill (H. R. 13276) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and generally known as the Bowman and Tucker acts, and for other purposes—to the Committee on War Claims.

By Mr. LOUD: A bill (H. R. 13294) to provide for the electric illumination of certain of the public buildings and grounds on the occasion of the inauguration of the President-elect on March 4, 1901—to the Committee on Appropriations.

By Mr. SOUTHARD: A bill (H. R. 13295) for the erection of an equestrian statue to the memory of Brig. Gen. Casimir Pulaski at Washington, D. C.—to the Committee on the Library.

By Mr. JENKINS: A joint resolution (H. J. Res. 289) to permit railroads in the District to occupy additional parts of streets to accommodate the traveling public attending the inaugural ceremonies—to the Committee on the District of Columbia.

By Mr. STEELE: A resolution (H. Res. 332) for the relief of Ora M. Enyart—to the Committee on Accounts.

By Mr. BULL: A resolution (H. Res. 333) to pay to Mary C. Newcomb, widow of Simon D. Newcomb, six months' salary and funeral expenses—to the Committee on Accounts.

By Mr. TOMPKINS: A resolution (H. Res. 334) for the relief of William Doyle—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CAPRON: A bill (H. R. 13268) granting an increase of pension to J. S. Vallet—to the Committee on Invalid Pensions.

By Mr. CROWLEY: A bill (H. R. 13269) granting a pension to Edward Wesner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13270) granting a pension to Calvin S. James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13271) granting a pension to George H. Higgins—to the Committee on Invalid Pensions.

By Mr. S. A. DAVENPORT: A bill (H. R. 13272) granting an increase of pension to Milton Love—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 13273) to correct the military record of Henry Finnegass—to the Committee on Military Affairs.

By Mr. LITTLE: A bill (H. R. 13275) to increase the pension of Gabriel Stephens—to the Committee on Pensions.

By Mr. MADDOX: A bill (H. R. 13277) for the relief of William Shepherd—to the Committee on War Claims.

By Mr. MUDD: A bill (H. R. 13278) for the relief of James E. Howard—to the Committee on Naval Affairs.

Also, a bill (H. R. 13279) to enable the directors of Providence Hospital to increase the accommodations of that institution—to the Committee on the District of Columbia.

By Mr. OTEY: A bill (H. R. 13280) for the relief of Joseph White—to the Committee on War Claims.

By Mr. ROBERTS: A bill (H. R. 13281) granting a pension to Mary A. Giles—to the Committee on Invalid Pensions.

By Mr. RYAN of New York: A bill (H. R. 13282) to correct the military record of Leander Frost, alias James Benston—to the Committee on Military Affairs.

Also, a bill (H. R. 13283) granting an increase of pension to H. P. Abbott—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13284) for the relief of John Thomas Owen—to the Committee on Military Affairs.

By Mr. SLAYDEN: A bill (H. R. 13285) for the relief of the heirs of George T. Howard—to the Committee on War Claims.

By Mr. WATERS: A bill (H. R. 13286) granting a pension to Henry Hinckley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13287) granting a pension to Carrie Le Baron—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13288) granting a pension to Lucie Place—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13289) granting a pension to John W. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13290) granting an increase of pension to James F. Cosgro—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13291) granting an increase of pension to Stephen B. Yeoman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13292) granting an increase of pension to Charles H. Edmonds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13293) granting an increase of pension to William Lomsberry—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 13296) granting a pension to Elizabeth A. Collins—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 13297) granting an increase of pension to Oscar M. Peck—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13298) for the relief of the heirs of the estate of John Hogan—to the Committee on War Claims.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 13299) granting a pension to Milla Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13300) to increase the pension of Thomas Sheridan—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL: Resolutions of the Board of Trade of Leadville, Colo., and Business Men's Association, of Pueblo, Colo., favoring certain extensions of the Weather Bureau—to the Committee on Agriculture.

Also, resolutions of Bricklayers and Masons' Union, Cripple Creek, Colo., favoring Government ownership of railroads, etc.—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Board of Trade of Leadville, Colo., favoring Government irrigation of public lands—to the Committee on the Public Lands.

Also, petitions of certain churches and Women's Christian Temperance unions of Aspen, Lamar, Monument, Colorado City, Hooper, and Montrose, Colo., against island saloons and canteens—to the Committee on Military Affairs.

By Mr. BOWERSOCK: Petition of Bedell Brothers and other citizens of Iola, Kans., against the parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKETT: Resolutions of the faculty of the Industrial College of the State University of Nebraska, favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of the General Association of the Congregational Churches of Nebraska, in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. BURTON: Petition of citizens of Cleveland, Ohio, in favor of prohibition of American traders selling intoxicants—to the Committee on Alcoholic Liquor Traffic.

By Mr. CAPRON: Petition of keeper and surfmen of Quonochontang life-saving station, for the passage of the bill to increase their pay—to the Committee on Interstate and Foreign Commerce.

By Mr. GASTON: Petition of F. K. Easterwood and other druggists of Meadville, Pa., for the repeal of the special tax on proprietary medicines, etc.—to the Committee on Ways and Means.

Also, petition of W. F. Root and other citizens of Gresham, Pa., to ratify treaty between civilized nations relative to alcoholic trade in Africa—to the Committee on Alcoholic Liquor Traffic.

By Mr. GRAHAM: Resolution of the Pennsylvania Republican State committee, Philadelphia, Pa., sustaining the Burleigh report relating to Congressional apportionment—to the Select Committee on the Census.

Also, editorial comments of New York newspapers, favoring the passage of the Frye-Payne shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of 250 citizens of Bellevue, Pa., M. M. Sweeny, chairman, favoring the exclusion of the liquor traffic in Africa, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petition of wine importers and dealers, for the repeal of the stamp tax on domestic and foreign wines—to the Committee on Ways and Means.

By Mr. GREENE of Massachusetts: Resolutions of the Fall River (Mass.) Board of Trade, favoring Senate bill No. 727, known as the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRIFFITH: Papers to accompany House bill No. 11678, granting a pension to James Schrogham—to the Committee on Invalid Pensions.

By Mr. McCALL: Resolutions of Boston Paper Trade Association, in favor of reciprocal trade relations with Canada—to the Committee on Ways and Means.

By Mr. METCALF: Resolution of the California Club, San Francisco, Cal., urging the Government to place certain forest reservations on an income-producing basis—to the Committee on the Public Lands.

Also, resolution of the city council of Oakland, Cal., for the improvement of Oakland Harbor—to the Committee on Rivers and Harbors.

By Mr. NAPHEN: Resolutions of the Boston (Mass.) Paper Trade Association, favoring a reciprocal trade treaty with Canada—to the Committee on Ways and Means.

By Mr. NEEDHAM: Petition of W. V. Couch and other citizens of San Diego and vicinity, California, in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. OTEY: Petition of Joseph White, of Virginia, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. PAYNE: Petition of the Orthodox Friends of Macedon Center, N. Y., for the prohibition of the sale of intoxicants, etc.—to the Committee on the Judiciary.

By Mr. RICHARDSON of Alabama: Petition of Joseph Morgan, of Jackson County, Ala., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Caroline McCrory, of Jackson County, Ala., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RYAN of New York: Resolutions of Winfield Scott Garrison, Regular and Volunteer Army and Navy Union, No. 68, favoring the enactment of a law to entitle all honorably discharged soldiers or sailors to admission in any military, marine, or naval hospital in the United States—to the Committee on Military Affairs.

By Mr. SLAYDEN: Papers to accompany House bill for the relief of the estate of George T. Howard—to the Committee on War Claims.

By Mr. STEWART of New Jersey: Petition of citizens of Passaic County, N. J., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. THOMAS of Iowa: Petition of 100 citizens of Hawarden, Iowa, in relation to the exclusion of all spirituous liquors from our insular possessions and favoring certain other reforms—to the Committee on Insular Affairs.

SENATE.

MONDAY, *January 7, 1901.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. PETTUS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

CREDENTIALS.

Mr. PETTUS. Mr. President, I present a paper certifying the fifth election of JOHN T. MORGAN to a seat in this body.

The credentials of JOHN T. MORGAN, chosen by the legislature of the State of Alabama a Senator from that State for the term ending March 3, 1907, were read, and ordered to be filed.

PROPOSED VETERINARY CORPS.

Mr. HAWLEY. I ask for permission to present out of order a resolution simply to print additional copies, which we shall probably need this afternoon.

The PRESIDENT pro tempore. It will be received and lie on the table for the present.

Mr. HAWLEY. I should like to have an exception made and to have the order entered now, because it relates to the veterinary corps, which may be the first thing to be considered to-day on the Army bill.

The PRESIDENT pro tempore. Is there objection to the reception of the resolution now? The Chair hears none.

The order was read, and agreed to, as follows:

Ordered, That 500 copies of a letter from the Secretary of War submitting letters concerning the proposed veterinary corps be printed for the use of the Senate.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented a petition of sundry citizens of Columbus, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to the native races in Africa; which was referred to the Committee on Foreign Relations.

He also presented sundry petitions of citizens of Blackwood, Jacobtown, Dayton, and Plainfield, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented the petitions of John Marshall, keeper, and 7 other members of the life-saving crew of Bonds Station; Jarvis B. Rider and sundry other citizens, and of Thompson B. Pearce, keeper, and 7 other members of the life-saving crew of Bay Head, all in the State of New Jersey, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which were referred to the Committee on Commerce.

Mr. TOWNE presented a memorial of the National Patriotic Federation, remonstrating against the enactment of legislation relative to the authority granted steam railroads to enter the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BEVERIDGE presented a petition of the mayor and common council, Board of Trade, and of sundry citizens of Vincennes, Ind., praying that an appropriation be made for the erection of a public building at that city; which was referred to the Committee on Public Buildings and Grounds.

Mr. BARD presented a memorial of the Fruit Growers' Association of Sacramento, Cal., remonstrating against any change being made in the present tariff on citrus fruits; which was referred to the Committee on Finance.

Mr. LODGE presented petitions of the Methodist Preachers' Association of Boston, Mass.; of the Woman's Christian Temperance Union of New Bedford, Mass., and of the permanent committee on temperance of the Universalist General Convention, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

Mr. PERKINS presented a petition of the Lamanda Orange and Lemon Association of California, praying for the establishment of a quarantine against infected fruits imported into the United States; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Board of Trade of Visalia, Cal., remonstrating against the further disposal of untenanted Government lands, and praying that an appropriation be made for the improvement and extension of roads and trails in the Sequoia and General Grant national parks in that State; which was referred to the Committee on Public Lands.

He also presented a petition of the keeper and members of the life-saving station of Point Reyes, Cal., praying for the enactment of legislation to promote the efficiency of the life-saving service; which was referred to the Committee on Commerce.

Mr. FORAKER presented a petition of the members of the Presbytery of Steubenville, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

He also presented a petition of Valley City Federal Union, No. 8649, American Federation of Labor, of Sidney, Ohio, praying for the enactment of legislation regulating the daily hours of labor of workmen and mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented a petition of the Sunday school of the Congregational Church of Norwalk, Ohio, and a petition of the Young People's Society of Christian Endeavor of Bellevue, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Central Africa, the Philippines, and Alaska; which were referred to the Committee on Foreign Relations.

He also presented petitions of 73 citizens of Crawford County; of the Central Labor Union, American Federation of Labor of Toledo; and of the Farmers' Institute of Piqua, all in the State of Ohio, praying for the enactment of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of 29 citizens of Norwalk, of the Christian Endeavor Society of the Congressional Church of Norwalk, of the Ministerial Association of Youngstown, and of George V. Morris and 15 other citizens of Hyde Park, all in the State of Ohio, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. CLAY presented a petition of the Board of Trade of Savannah, Ga., praying that an appropriation be made to secure an enlargement of the work made by the Geological Survey relative to the preservation of forests so as to include in its operations the forests of Georgia and Eastern States, and also for the improvement of the public highways of the country; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. FOSTER presented a petition of the Daughters of the American Revolution of the State of Washington, praying for the enactment of legislation providing for the purchase of the Valley Forge camp ground to be used as a national park and military reservation; which was referred to the Committee on Military Affairs.

He also presented a petition of the congregation of the Plymouth Congregational Church, of Seattle, Wash., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

Mr. McMILLAN presented a memorial of the board of public works of Grand Rapids, Mich., remonstrating against the enactment of legislation for the relief of the widow of Isaiah Smith Hyatt, relative to the extension of ten years on a patent granted to her husband for a method of purifying water; which was referred to the Committee on Patents.

He also presented a petition of the Marble Workers' Union of Detroit, Mich., and a petition of the Trades and Labor Council of Grand Rapids, Mich., praying for the enactment of legislation regulating the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

He also presented sundry petitions of the keeper and members of the life-saving station of Frankfort, Mich., praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which were referred to the Committee on Commerce.

He also presented petitions of sundry citizens of California and Lake City, and of the Pastors' Union of Lapeer, all in the State of Michigan, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

He also presented sundry petitions of citizens of Ferry, South Lyon, Grand Rapids, Detroit, North Branch, and North Adams; of the Foreign Missionary Society of the First Presbyterian Church of Saginaw; of the Missionary Society of the Immanuel Church of Saginaw; of the Ladies' Benevolent Circle of the Presbyterian Church of Dearborn; of the Home and Foreign Missionary Society of the Presbyterian Church of Ann Arbor; of the Woman's Missionary Society of the First Presbyterian Church of Kalamazoo; of the Woman's Home and Foreign Missionary Society of West Bay City; of the Home and Foreign Missionary Society of the St. Andrew's Presbyterian Church of Detroit; of the Home Missionary Society of the First Presbyterian Church of Saginaw; of the Woman's Missionary Society of Homer, and of the Columbian Club, of Coldwater, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Washington, D. C., praying for the enactment of legislation incorporating the Washington Telephone Company in the District of Columbia; which were ordered to lie on the table.

Mr. FAIRBANKS presented the petition of Charles Webber and 18 other citizens of Harrison County, Ind., and the petition of John W. McCarty and 51 other citizens of Stones Crossing, Ind., praying for the enactment of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. SPOONER presented a petition of sundry citizens of Portage, Lewiston, Caledonia, and Pacific, all in the State of Wisconsin, praying that an appropriation be made for the improvement of levees at those places, and also for the protection of the Fox River Valley; which was referred to the Committee on Commerce.

He also presented a petition of the congregations of the Congregational Church, the Baptist Church, and the Methodist Episcopal Church of Bloomington, and of the Methodist Episcopal Church of Providence, all in the State of Wisconsin, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. PLATT of Connecticut presented the petition of Rev. J. Wesley Johnston and sundry other citizens of Meriden, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Windham, Conn., and a petition of Ekonk Grange, No. 89, Patrons of

Husbandry, of Sterling, Conn., praying for the enactment of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. SHOUP presented the petition of L. W. Gilchrist, of Seattle, Wash., praying that certain changes be made in the present mining laws relating to Alaska; which was referred to the Committee on Mines and Mining.

Mr. VEST presented a memorial of the G. W. Taylor Dry Goods Company, of Huntsville, Mo., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

ADDITIONAL REPORT ON INTEROCEANIC CANAL.

Mr. MORGAN. I am directed by the Committee on Interoceanic Canals to submit an additional report to accompany the bill (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans. I move that it be printed and lie on the table.

The motion was agreed to.

Mr. MORGAN. I also ask unanimous consent that the report I have just submitted may be bound in paper, inasmuch as it is very voluminous and otherwise pages would be likely to get lost.

The PRESIDENT pro tempore. Without objection, the report will be bound in paper.

COURTS IN IOWA.

Mr. HOAR. I call the attention of the Senator from Iowa [Mr. ALLISON] to the report I am about to make. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 12447) to amend an act approved June 1, A. D. 1900, entitled "An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein," to report it without amendment.

Mr. ALLISON. I ask unanimous consent that the bill may be considered. It is a local bill and of some importance, as it affects our courts. It will take but a moment.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RESERVATIONS FOR PURPOSES OF INAUGURAL CEREMONIES.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 145) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect on March 4, 1901, and so forth, to report it favorably without amendment and to ask for its immediate consideration.

The Secretary read the joint resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. COCKRELL. I should like to hear some explanation of it.

Mr. McMILLAN. I will ask that the letter of the president of the Board of Commissioners be read. It will explain the matter. This is the usual measure passed prior to inauguration, and it is almost word for word the same that was passed four years ago.

Mr. PLATT of Connecticut. It does not affect matters in the District of Columbia except for the purposes of the inauguration, as I understood from the reading of the joint resolution.

Mr. McMILLAN. That is true.

Mr. PETTIGREW. Let the letter be read.

The PRESIDENT pro tempore. The Secretary will read the letter.

The Secretary read as follows:

EXECUTIVE OFFICE,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 3, 1901.

DEAR SIR: The Commissioners of the District of Columbia are advised by the chairman of the committee on legislation of the committee on inaugural ceremonies that the committee proposes to request the reenactment of the joint resolution approved February 6, 1897, entitled "Joint resolution authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc," providing that the amount of $10,000 be asked for instead of $8,200, as in the former resolution, for the maintenance of public order and the protection of life and property.

The Commissioners recommend the enactment of the proposed legislation so far as it contemplates the imposition of special duties upon them, and especially concur in the proposed increase of the amount of the appropriation for the protection of the public. The increase in the number of people who will be in attendance, owing to the growth of population in the District and the influx of strangers which the event to be celebrated will induce, render the proposed increase in the appropriation a very moderate one for the service it is intended to provide.

Very respectfully,

HENRY B. MACFARLAND,
President of the Board of Commissioners of the District of Columbia.

Hon. JAMES MCMILLAN,
Chairman Committee on the District of Columbia,
United States Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. HOAR. Mr. President, I do not wish to interfere with the passage of the joint resolution, but I wish to take this occasion to say, from a pretty long experience, that I believe it would be found practicable to afford some shelter to the crowds who gather at the inauguration to hear the inaugural address of the President in the open air on the east front of the Capitol, by a temporary structure with a roof which can be taken away and perhaps saved for the next four years after it has been used, or at least by some structure which will break the force of a high wind.

I have witnessed now seven or eight inaugurations. Two or three of them have been under circumstances which have occasioned great loss of life and great injury to health—injury to the health of thousands of persons and loss of life of hundreds of persons, I have no doubt. The second inaugration of President Grant and the inauguration of President Harrison were among them. At the second inauguration of President Grant the West-point cadets stood for hours exposed to one of the most savage storms known in the history of Washington, and several of the boys lost their lives, sooner or later, from the exposure on that day.

Now, that goes on year after year. People come here from all parts of the country; they are eager at any rate to witness that most sublime of all human ceremonies, and it seems to me that the genius of the architects of the country and the wisdom of the Committee on the District of Columbia ought to be applied to the solution of that problem, making the inauguration ceremonial safe no matter what the weather may be.

I do not wish to delay the Senate at this time, but I wish to emphasize that thought now.

Mr. PETTIGREW. I move to amend the joint resolution by adding at the end, on page 5, the following additional proviso:

Provided further, That no temporary tracks shall be laid upon or over any of the parks of the city.

Mr. McMILLAN. I have no objection to the amendment.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

Mr. BUTLER. I should like to ask the chairman of the committee why only one telegraph company, the Western Union, is mentioned in the joint resolution?

Mr. McMILLAN. I suppose the service of only one is required for this purpose. There is no objection to putting in the other if it is desired, but that one is all the Commissioners asked for.

Mr. BUTLER. If there is no objection, then, I move to insert on page 4, line 19, after the words "Western Union Telegraph Company," the words "and the Postal Telegraph Company."

Mr. McMILLAN. I have no objection to the amendment.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PETTUS introduced a bill (S. 5415) for the relief of Louis Kahn; which was read twice by its title, and, with the accompanying affidavits, referred to the Committee on Claims.

He also introduced a bill (S. 5416) for the relief of Anna S. Froebel and Elizabeth D. Froebel; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRIS introduced a bill (S. 5417) to amend section 1754 of the Revised Statutes of the United States, relating to the preference in civil appointments of ex Army and Navy officers; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

Mr. MORGAN introduced a bill (S. 5418) for the relief of Mrs. W. F. Hardin; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5419) for the relief of William M. Fussell; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 5420) to remove the charge of desertion from the military record of James L. Northcutt; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LODGE introduced a bill (S. 5421) granting an increase of pension to John Quinn; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5422) granting a pension to S. Josie Hill; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 5423) for the relief of R. M. Probstfield; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 5424) to correct the military record of David P. Morrison; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5425) to correct the military record of Patrick Morrissey; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5426) for the relief of Harlan & Hollingsworth & Company; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of New York introduced a bill (S. 5427) to amend section 4472 of the Revised Statutes of the United States so as to permit steamboats to carry automobiles using gasoline as a method of propulsion; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5428) granting an increase of pension to Charles R. Cole (with an accompanying paper); and

A bill (S. 5429) granting a pension to J. Anton Groh (with accompanying papers).

Mr. BARD introduced a bill (S. 5430) providing for the purchase and making free of certain toll roads leading into and passing over the Yosemite National Park; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5431) granting an increase of pension to William H. Ball (with accompanying papers);

A bill (S. 5432) granting an increase of pension to John W. Cundiff;

A bill (S. 5433) granting a pension to Clara G. Garretson;

A bill (S. 5434) granting an increase of pension to Charles Andrews (with accompanying papers);

A bill (S. 5435) granting an increase of pension to George S. Foreman;

A bill (S. 5436) granting an increase of pension to William E. Rhyon;

A bill (S. 5437) granting an increase of pension to Henry H. Jones; and

A bill (S. 5438) granting an increase of pension to Thomas Lever.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 5439) to remove the charge of desertion from the military record of John Maddox;

A bill (S. 5440) for the relief of telegraph operators who served during the war of the rebellion; and

A bill (S. 5441) to remove the charge of desertion from the military record of Jesse P. Brown.

Mr. SPOONER introduced a bill (S. 5442) to provide for the purchase of a site and for the erection of a public building thereon at the city of Superior, in the State of Wisconsin; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 5443) granting an increase of pension to Charles R. Bridgman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of Connecticut introduced a bill (S. 5444) to encourage the exportation of manufactured articles of which domestic alcohol is a constituent; which was read twice by its title, and referred to the Committee on Finance.

Mr. MCMILLAN introduced a bill (S. 5445) to widen the Anacostia road, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DOLLIVER introduced a bill (S. 5446) to extend the provisions of the act approved March 2, 1855, entitled "An act for the relief of purchasers and locators of swamp and overflowed lands," and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. TELLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5447) for the relief of Mrs. Sarah R. Dresser; and

A bill (S. 5448) for the relief of Mrs. Arivella D. Meeker.

Mr. SHOUP (by request) introduced a bill (S. 5449) authorizing the sale of a part of the lands donated to the Territory of New Mexico for university purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WARREN introduced a joint resolution (S. R. 148) expressing thanks of Congress to officers and men of the battle ship *Oregon;* which was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENTS TO RIVER AND HARBOR APPROPRIATION BILL.

Mr. MALLORY submitted an amendment proposing to appropriate $115,000 for the construction and equipment of a dredge for dredging and maintaining a channel depth of 30 feet from the Gulf of Mexico to the dock line at the east end of the city of Pensacola, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. FOSTER submitted an amendment, granting permission to Richard Chilcott to dredge and improve the mouth of the Snake River at Nome City, Alaska, and to charge tolls for such improvements, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

THE MILITARY ESTABLISHMENT.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (S. 4300) to increase the efficiency of the military establishment of the United States; which was referred to the Committee on Military Affairs, and ordered to be printed.

THE OLEOMARGARINE BILL.

Mr. MONEY submitted an amendment intended to be proposed by him to the bill (H. R. 11543) to amend sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, and also to define manufacturers and dealers and prescribe special taxes for them; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

CALLS BY THE SENATE ON EXECUTIVE DEPARTMENTS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day and calls the attention of the Senator from Georgia [Mr. BACON] to it. The resolution will be read.

The Secretary read the resolution submitted by Mr. BACON on the 5th instant, as follows:

Resolved by the Senate, That any and every public document, paper, or record on the files of any Department of the Government relating to any subject whatever over which Congress has any grant of power, jurisdiction, or control under the Constitution is subject to the call or inspection of the Senate for its use in the exercise of its constitutional powers and jurisdiction.

Mr. ALDRICH. I move to refer the resolution to the Committee on the Judiciary.

Mr. BACON. Mr. President, I ask as a matter of courtesy to myself that the resolution may lie on the table, in order that I may call it up and submit some remarks upon it.

Mr. ALDRICH. I have no objection that that course should be taken, subject, however, to the motion, whenever the resolution comes up, to refer it to the committee which I have indicated.

Mr. BACON. Of course the Senator has the right to make that motion without any reservation on his part at this time.

Mr. ALDRICH. I make the reservation simply because I should like to have it understood, as far as I can by any action of mine now, that if I am not in the Senate Chamber at the time, the motion is to be made.

Mr. SPOONER. Let the resolution and the motion go over together.

Mr. BACON. I have no objection to the Senator making the motion.

The PRESIDENT pro tempore. The Senator from Georgia asks unanimous consent that the resolution may lie on the table—subject to his call in the morning hour?

Mr. BACON. Yes, sir.

The PRESIDENT pro tempore. Is there objection?

Mr. ALLISON. And the motion of the Senator from Rhode Island will also go over.

Mr. ALDRICH. The motion for reference goes with it. Let the whole matter go over, the motion for reference as well.

The PRESIDENT pro tempore. Has the Senator from Rhode Island made the motion to refer?

Mr. ALDRICH. I have made a motion to refer the resolution to the Committee on the Judiciary.

The PRESIDENT pro tempore. It is also asked that the motion for reference shall take the same course.

Mr. BACON. I have no objection. It will be practically the same thing at that time.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

PAYMENTS TO SISSETON AND WAHPETON INDIANS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. PETTIGREW on the 3d instant, as follows:

Resolved, That the Secretary of the Interior be, and is hereby, directed to send to the Senate a copy of all recommendations, requests, and papers on

file in relation to the payment of money belonging to the Sisseton and Wahpeton Indians to said Indians since November 6, 1900, and to inform the Senate whether he informed said Indians, or any of them, or any other person, previous to November 6 that he would make said payment after that date.

Mr. PETTIGREW. I ask leave to amend the resolution by striking out the words "he informed said," in line 6, and inserting "whether any official assurances were made to said."

The PRESIDENT pro tempore. The Senator has modified his resolution. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

REPORT OF ABRAHAM L. LAWSHE.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. PETTIGREW on the 4th instant, as follows:

Resolved, That the Senate hereby expresses its condemnation of the refusal of the Secretary of War, under whatever influence, to send to the Senate copies of papers called for by its resolution of the 19th of December, 1900, requesting the Secretary of War to send to the Senate the report of Abraham L. Lawshe in relation to the receipts and expenditures in Cuba, as in violation of his official duty and subversive of the fundamental principles of the Government and of a good administration thereof.

Mr. PETTIGREW. This resolution relates to the same subject-matter as the resolution of the Senator from Georgia [Mr. BACON], and I therefore ask that it may lie on the table and follow his resolution.

The PRESIDENT pro tempore. Does the Senator make the same request that the Senator from Georgia made?

Mr. SPOONER. I make the same motion that the Senator from Rhode Island made.

The PRESIDENT pro tempore. To refer to what committee?

Mr. SPOONER. To the Judiciary Committee.

Mr. PETTIGREW. Let it follow the same course, then, as the resolution of the Senator from Georgia.

Mr. SPOONER. The resolution and the motion to refer.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that the resolution may lie on the table subject to his call in the morning hour, and that the motion to refer to the Judiciary Committee shall take the same course. Is there objection? The Chair hears none, and it is so ordered.

THE MILITARY ESTABLISHMENT.

Mr. HAWLEY. I ask unanimous consent that the Senate proceed to the consideration of the Army bill.

There being no objection, the Senate resumed the consideration of the bill (S. 4300) to increase the efficiency of the military establishment of the United States.

The PRESIDENT pro tempore. The amendment under consideration would be on page 27, touching the veterinary corps. The Senator from Delaware [Mr. KENNEY], who is interested in that amendment, and the Senator from New Hampshire [Mr. GALLINGER], who is also interested in it, asked that it might be further passed over.

Mr. HAWLEY. I have no objection to waiting for a while.

Mr. PETTIGREW. I should like to ask the chairman of the committee whether the hearings that were had before the Committee on Military Affairs have been printed for the use of the Senate. They are not on my desk, and I have not had an opportunity to see them.

Mr. SEWELL. They have been printed for some days.

Mr. HAWLEY. I am informed that the reports have been printed, and also that the package has been sent to the document room. Whether copies have been laid on Senators' desks I am not sure.

Mr. PETTIGREW. I will say that they were ordered printed, I think, on Saturday.

Mr. MONEY. I did not hear what the Senator from South Dakota proposed. I should be glad if he would repeat it.

The PRESIDENT pro tempore. He simply inquired whether or not the hearings before the committee had been printed, and was informed that they have been printed.

Mr. HAWLEY. Does the Senator from South Dakota desire to speak on the veterinary amendment?

Mr. PETTIGREW. I have a copy of the hearings before the Committee on Military Affairs, but it is not printed for the use of the Senate. There seems to have been a very limited number of these copies. An order was made to print a thousand copies, I understand, for the use of the Senate, but it embraces only a part of the hearings. There is no information so far, official or otherwise, of the necessity for this enlarged Army, and I have been seeking information on that subject.

Mr. HAWLEY. It is all printed. The whole of the evidence relating to the veterinary corps is in print.

Mr. PETTIGREW. But not for the use of the Senate. There was a limited number for the exclusive use of the committee printed, but that is not enough to supply the Senate.

Mr. HAWLEY. I think that copies have been printed for the use of the Senate.

Mr. PETTIGREW. The order embraced only one of them. There are two pamphlets.

The PRESIDENT pro tempore. There was an order made for printing two documents for the use of the Senate.

Mr. PETTIGREW. What I want to know is whether it has been printed so that we can get it or not. I have one of the committee's copies, that is all. But there is another pamphlet of hearings before the committee which has not been printed for the use of the Senate. It seems to me that we are illy prepared to go on with the bill without this information. There ought to be somewhere some information with regard to the necessity for this enlarged Army. If there has been testimony taken before the committee which shows the necessity for it, we ought to have that testimony. If there is nothing of the sort, then the Department ought to furnish us this information. They have so far refused it not only to the Senate, but to the country.

Mr. HAWLEY. What document does the Senator refer to?

Mr. PETTIGREW. I refer to the hearings before the Committee on Military Affairs.

Mr. HAWLEY. The Senator has a copy of it in his hand.

Mr. PETTIGREW. I have one of the committee's copies, but there is another pamphlet—I do not know what it contains—of hearings before the committee on this bill.

Mr. HAWLEY. That pertains to the canteen business, I suppose.

Mr. PETTIGREW. I do not know. Does it pertain to anything else?

Mr. BURROWS. I will state to the Senator that the testimony taken before the committee was published in two volumes, one relating to the general question of the Army and the other relating to the canteen question; and those two documents have been published, and the Senator has them before him.

Mr. PETTIGREW. I have one of them. I have the one with regard to the Army bill. These are, both alike, printed for the use of the committee, not for the use of the Senate.

Mr. BURROWS. There is another pamphlet containing the testimony in relation to the canteen.

Mr. PETTIGREW. And that has never been printed for the use of the Senate.

Mr. BURROWS. A joint resolution was introduced to print 15,000 copies of that document, and it was referred to the Committee on Printing.

While I have the floor, I wish to say to the Senator, in answer to his statement that he has no information as to the necessity for increasing the Army to 54,000, that that information is embraced in the report of the Secretary of War and the report of the Adjutant-General sent to the Senate, and can be gotten in the document room.

Mr. HAWLEY. It is also contained in the message of the President.

Mr. BURROWS. And also in the message of the President, giving in detail the necessity for the proposed increase.

Mr. PETTIGREW. Mr. President, it seems to me the Committee on Military Affairs ought to furnish us some information on this subject in their report. There are only two lines in their report regarding it. There are several pages in the report showing why intoxicating liquors should be sold in the canteen to the Army, and that is all there is to the report. This other information does not come to us. I suppose the report is the unanimous report of the committee, because the minority have made no report, so far as I can ascertain, and seem to have no objection to the report of the majority.

I should like to know where we can get this information. I have introduced a resolution calling on the War Department for information, but the resolution has been referred to the Committee on Military Affairs and not reported back. I do not see how we can go on with a bill of this vast importance, affecting the future of the country for generations and overturning our entire policy as a people, without this information. I think we are entitled to have it, and that the committee should give the information to us.

Mr. HAWLEY. The Senator has had before him the message of the President of the United States and the reports of all the various branches of the Government in detail, together with the hearings before the committee. He has also had a pamphlet giving the numbers of the force in detail, and I do not think anything further could be given unless the committee should attempt to make an eloquent oration on the subject. All the facts are here.

Mr. BURROWS. Mr. President, I will suggest in relation to this matter that Senate joint resolution 146, for the printing as a Senate document of so much of the hearings before the Committee on Military Affairs as relates to the post exchange or canteen be recalled. It was introduced in the Senate and referred to the Committee on Printing. It directed the printing of 15,000 copies under the supposition that it required the action of both Houses, but an estimate has been made of the cost of the printing of the

hearings, and it is found that it comes within the rule of the Senate, being $495. I ask that that joint resolution may be recalled and a Senate resolution passed authorizing the printing. There is no reason why the document can not be printed by the order of the Senate at once. I will offer the resolution I hold in my hand as a substitute for the joint resolution.

The PRESIDENT pro tempore. What is the proposition of the Senator?

Mr. BURROWS. There was a joint resolution introduced to authorize the printing of 15,000 copies of the hearings before the Military Committee on the post exchange or canteen. It is found upon examination that, in order to have the printing done, a joint resolution is not required, as the amount of the cost of the printing comes within the rule of the Senate, and the document can be printed simply by authority of the Senate. I ask for the passage of the resolution.

The PRESIDENT pro tempore. The Senator from Michigan moves that the Committee on Printing be discharged from the further consideration of the joint resolution named by him, ordering the printing of 15,000 copies of the document referred to. Is there objection?

Mr. BUTLER. Mr. President, I rise to inquire what the document is which is referred to in the resolution?

Mr. BURROWS. The document relates to the canteen—the portion of the testimony taken before the committee relating exclusively to that subject.

Mr. BUTLER. Mr. President, I thought that the hearings before the Military Committee were ordered to be printed for the use of the Senate. I have in my hand—I have not been able to get a copy printed for the use of the Senate—one of the committee reports of the hearings, but that does not contain the information relating to the canteen. Why is it that this information is in two separate documents? Why is it that it is now proposed to print simply the information in regard to the canteen for the use of the Senate, and as to the other information it is simply proposed to print the hearings for the use of the committee?

Mr. BURROWS. I will say to the Senator that there was considerable demand for that portion of the testimony which related to the Army canteen. The demand was so great that it was thought best to have that portion of the testimony printed separately; and it was supposed that of the testimony relating to the general bill there would not be required such a large print. Therefore that resolution was offered separately.

I simply ask now to have the number of 15,000 copies of the hearings relating to the canteen authorized to be printed by the Senate. It comes within the rules.

Mr. BUTLER. Does the Senator think that the public is only interested in the canteen portion of this bill—that that is the most important feature—and that the public is not much concerned about the other important question, the raising of a large standing army of 100,000 for all time?

Mr. BURROWS. I will state to the Senate and to the Senator that that was the reason given why they should be printed separately. It was thought a greater number of that portion would be required than of the general report.

So far as I am individually concerned—and I presume the committee has no objection—I do not object to the other testimony being printed, to any number that may be wanted. I will amend the resolution, if the Senator desires, to make it 15,000 copies of the regular report of the testimony and hearings on the bill.

Mr. BUTLER. The thing which interests me is to know why it is thought that only the canteen portion of the hearings would be interesting to the public. The Senator said "it was thought that that was the only portion of the hearings that would be interesting to the public." It is quite interesting to know why it was so thought, and who thought it.

Mr. HAWLEY. I think the Senator's trouble arises from the fact that the resolution was to print a large number, and it was supposed to require a joint resolution. If the printing to be ordered costs above $500, under the law it must be provided for in a joint resolution; but after the joint resolution had been sent to the Committee on Printing the Printing Office made its estimate, and it was found that the printing would come within the $500 limit. So the reference of the joint resolution should be reconsidered and a simple resolution of the Senate adopted on the subject.

Mr. BUTLER. That is not the point at all. Here is a concurrent resolution offered which we are informed would require both Houses to concur on account of the cost; but the resolution does not include the most important part of the hearings.

The Senator from Michigan said "it was thought" there would be no desire to have the information that was put before the committee as to the most important features of the bill. He thought and said "it was thought" by somebody that the public would not be interested in the other part of the hearings. The canteen part of it does not amount to the snap of my finger in comparison with the remainder of the bill.

The Senator says "it was thought" there was no interest in the hearings before the committee on anything but the canteen. Of course, if we must have a joint resolution to go before both Houses for the printing of that you might have had a large book containing all of the hearings printed instead of a partial report of a few pages. I want to know why "it was thought" that the public would not be interested in anything but the canteen provision in the bill.

Mr. HAWLEY. A resolution to print a thousand copies of the entire report, outside of the canteen hearings, was passed on Friday, and the report has been printed.

Mr. BUTLER. I say, if that is so, the copies are not for the use of the Senate.

Mr. HAWLEY. The Senator from South Dakota [Mr. PETTIGREW] has a copy of it now.

Mr. BUTLER. I have a copy, too, of a part of the hearings before the committee, but it is printed for the use of the committee only.

Mr. ALDRICH. The copies are here.

The PRESIDENT pro tempore. The Chair is informed that the copies have just been brought in.

Mr. BUTLER. But they have not been printed for the use of the Senate.

Mr. ALDRICH. Yes; they have been.

Mr. BUTLER. Will the Secretary please send me a copy?

Mr. HAWLEY. I am advised that the information which the Senator seeks has been printed for the use of the Senate.

Mr. BUTLER. Was it printed as a Senate document?

Mr. HAWLEY. Yes.

Mr. BUTLER. I think the Senator is wrong. I have not been able to get a copy. Will the Secretary send me a copy of all the hearings which have been printed for the use of the Senate?

Mr. HAWLEY. I do not know what detained it. It ought to be in the document room or in the possession of Senators.

Mr. ALLISON. We can, I think, dispose of this matter in a very brief space of time. As I understand, the Senator from North Carolina and the Senator from South Dakota want all these documents for the use of the Senate in order to inform Senators of the details of this measure. The first part of the document has been already printed and is in the document room. I sent to the document room and got a copy of it.

As to the resolution of the Senator from Michigan for printing the hearings on the canteen question, I suggest that the Senator ask to have printed also a thousand copies of that document, and later on we can furnish the information suggested by the Senator from North Carolina to the people at large who may want to read all this testimony. That will enable us to go on with our work now without delaying the whole subject in order that we may furnish information to the country respecting the testimony. I think that would meet the approval of the Senator from North Carolina.

The PRESIDENT pro tempore. The Chair begs to call the attention of the Senator from Iowa [Mr. ALLISON] to the statement made by the Senator from Michigan [Mr. BURROWS] that the cost of printing 15,000 copies of the evidence relating to the canteen would be $495. If there was an addition of the other, it would evidently increase the cost beyond the $500, and would require a joint resolution.

Mr. ALLISON. Therefore my suggestion, in view of what the Senator from Michigan stated, is that we print a thousand copies of the hearings on the canteen question—and I think a thousand will be enough for us to ascertain the situation on that subject—and then, later on, the committee can propose an addition of fifteen or twenty thousand copies of the whole testimony in the form of a joint resolution. I think that ought to be satisfactory to the Senator from North Carolina. If the Senator can get a thousand copies, or his portion of a thousand copies, it will enable us to go on with the debate on the bill.

Mr. BUTLER. What I object to is having the testimony on the canteen question first printed, which is insignificant compared to the important features of the bill, and then to having the remainder of the hearings printed in a separate document with only a small number for distribution. It should all be in one document.

The PRESIDENT pro tempore. This debate is proceeding by unanimous consent. There has been no unanimous consent to receive the resolution.

Mr. BUTLER. Mr. President, I have not objected to the resolution. Therefore I have not objected to the unanimous consent. What I object to is to having a part of the testimony printed in one document and the remainder printed in a separate document. The resolution before us proposes to leave out of the widely circulated document the most important part of the testimony. Here is a proposition to have printed 15,000 copies of an unimportant part of the testimony. Why should not the important part of the testimony be included in it?

What is the purpose of having the matter separated? Because a few sentimentalists, who have worthy intentions and whose motives are good and in the interest of temperance and good order and

discipline in the Army, so desire, is it the purpose to have the testimony separated, so that one part can be sent to those people and the remainder of the information before the committee, which every patriotic citizen should see, can be kept from them? If there are some good people in this country who think the canteen the only important question, then they need enlightenment; for the fact is that there are other questions more important in this bill, or at least equally important with that. Now, why should the testimony which would give them all the information not be printed in one document?

Mr. SEWELL. Will the Senator allow me to interrupt him?

Mr. BUTLER. Certainly.

Mr. SEWELL. I simply want to answer the Senator's question as to why these matters are to be printed separately. I can say, from my own individual experience, that I have had hundreds of letters daily on the canteen question from large numbers of good people in New Jersey and elsewhere—good men and women who are members of the great temperance organizations of this country.

It was not necessary to send them the documents containing all of the testimony in relation to the increase of the army in the Philippines and everything else connected with the subject, and so the matters have been printed separately. Those people were not particularly interested in the increase of the Army, and so we ordered a number of documents containing the testimony in relation to the canteen, so that they might be sent to those good people as an answer to their letters. That is the reason why the matter has been printed separately.

Mr. BUTLER. There is no information to me in what the Senator says, for I knew all that before. His so-called information confirms me that I am right.

Mr. SEWELL. Then the Senator does not desire to be informed.

Mr. LODGE. What is before the Senate, Mr. President?

Mr. BUTLER. I will say to the Senator from New Jersey that his remark is entirely gratuitous, because——

Mr. LODGE. I ask for the regular order.

Mr. BUTLER. Just a moment. I will not be taken off of my feet at this point. I have had the same kind of requests which the Senator from New Jersey says that he has had. I have had ten requests for the hearings on the canteen question where I have had one request for the other hearings. It is simply because I want those persons—10 to 1, or 16 to 1, if you please—to get all the information on the subject instead of only a part of it.

I do not want to take the time to write to each one of them long letters to call their attention to the important features of the bill outside of the canteen provision. When they ask for a part of the information before the committee, I want them to get it all; and it is for the information of my own constituents, as well as for those of the Senator from New Jersey and the remainder of the country, that I desire to have all the information printed together.

Mr. SEWELL. If the Senator desires to do that, he has all of it printed to-day, and he can send both documents in the same envelope.

Mr. BUTLER. I have so far only the committee hearings printed for the use of the committee, and not as a Senate document. I ask that the resolution be amended so that the two documents may be printed together. Does the Senator object to that?

The PRESIDENT pro tempore. The resolution is not before the Senate. The Senator from Michigan [Mr. BURROWS] has asked unanimous consent to present at this time a resolution.

Mr. ALDRICH. I ask the Senator from Michigan to withdraw the resolution. It is very evident that it will lead to prolonged discussion.

Mr. BURROWS. I certainly shall do that, unless it will be agreeable to the Senator from North Carolina [Mr. BUTLER] to have the resolution modified in accordance with the suggestion of the Senator from Iowa [Mr. ALLISON], and have a thousand copies of each of the documents printed for the use of the Senate. That will bring it within the rule of the Senate.

Mr. BUTLER. That is what I object to—having the committee hearings printed separately. I want every person to see all of the hearings. Does the Senator object to that?

Mr. BURROWS. Then I withdraw the resolution.

Mr. BUTLER. I call the Senator's attention to the fact that all I ask is to have the information printed together, so that a person can get it all in one book or document.

Mr. BURROWS. I withdraw the resolution.

The PRESIDENT pro tempore. The resolution is withdrawn.

Mr. MONEY. Mr. President, what is now before the Senate?

The PRESIDENT pro tempore. An amendment to the Army reorganization bill, presented by the committee.

Mr. HAWLEY. On page 27 of the bill, beginning at line 11, and striking out the successive paragraphs of section 20 down to and including line 16, on page 28; that is to say, striking out the whole provision made by the House of Representatives for a veterinary corps and substituting the Senate proposition, which begins in line 17, on page 28. The question now is on accepting the report of the committee striking out section 20.

Mr. KENNEY. Mr. President, the junior Senator from New Hampshire [Mr. GALLINGER] is detained from the Senate by reason of a funeral. He notified me this morning that he would be back at 3 o'clock this afternoon, and requested me to ask the Senate to pass over that amendment until he shall have returned. While I am myself prepared to submit some remarks on the proposition, I should very much prefer to wait until the return of the Senator from New Hampshire.

Mr. LODGE. Why should we not go on? There is a good deal to be said on the subject, and I think we might as well utilize the intervening time.

Mr. HAWLEY. I again call attention to the fact that the question is on striking out section 20, beginning on page 27 and running down to line 16 on page 28. That strikes out the House proposition for a veterinary corps.

Mr. ALLISON. In view of the suggestion on behalf of the Senator from New Hampshire [Mr. GALLINGER], unless this is the last amendment to be considered by the committee, I would suggest that this had better go over.

Mr. KENNEY. Do I understand from the chairman of the committee that I can proceed with my remarks on the consideration of that Senate amendment?

Mr. HAWLEY. I shall be very glad if the Senator will do so.

Mr. KENNEY. I am prepared to go on if it is the wish of the Senate.

Mr. HAWLEY. That is the question before the Senate.

Mr. KENNEY. Mr. President, I desire to call the attention of Senators to the peculiar situation in which the veterinary-corps amendment is placed by the action of the Senate Committee on Military Affairs. It is well known to every member of the Senate that the Committee on Military Affairs, in May of last year, refused to report favorably an amendment that I sent to that committee, establishing a veterinary corps. When the bill for the reorganization of the Army was before the Senate, I moved the adoption of that amendment. It was agreed to by the Senate, and went to the other House. There it was referred to the Committee on Military Affairs. The adjournment in June following shortly afterwards, there was no action taken in that committee until just before this session, and when the Committee on Military Affairs of the House had acted upon that bill, striking out all of the Senate bill which was passed in May of last year, the veterinary corps was left out; but upon the motion of the distinguished Representative from Pennsylvania, General BINGHAM, the amendment that had been placed upon the bill by the Senate was agreed to in the House in every particular, in every word and sentence.

The bill as amended by the other House came to the Senate, when, contrary to my understanding of parliamentary usage, it was referred again to the Committee on Military Affairs, and was not taken up for consideration by a committee of conference.

When we examine the report of the Committee on Military Affairs of the Senate on the Army bill we find the veterinary corps, as agreed to by the amendment of the Senate and agreed to by the other House, stricken out, and a provision inserted which is claimed, by those who are opposed to the proposition submitted by myself in the Senate amendment of last May, to be sufficient and satisfactory.

I desire to call the attention of the Senate to the report of the Committee on Military Affairs covering that proposition and to invite their attention to the statement—no doubt not intentionally made by the committee, but nevertheless it is misleading—which I read from the report:

> An amendment not reported by the committee—

This follows the report of the committee dealing with the action of the House on the Senate bill, leaving the impression upon the mind of any Senator who might examine this report that it was the action of the House and not of the Senate. The report reads as follows:

> An amendment not reported by the committee last session was inserted in Senate bill 4300 providing for a formidable veterinary corps.

Mr. President, the committee says the provision was inserted in the House, when, in point of fact, it was inserted in the Senate on my motion to agree to the amendment establishing that corps.

The report continues:

> The Senate committee proposes to strike out the section providing for such a corps, which was inserted in the House, and insert in lieu therefor section 16, which in the judgment of cavalry officers and quartermasters grants to the Army a sufficient number of veterinarians with sufficient rank and pay.

Mr. President, I have twice since I have had the honor to occupy a seat in the Senate spoken in advocacy of the establishment of a proper veterinary corps in the Army of the United States. In doing this I have been largely governed by that which obtains in the armies of the great European powers. What is proposed by this amendment, or what was ingrafted into the Senate bill by

the action of the other House after the Committee on Military Affairs had refused to act favorably upon the Senate amendment, is very much less than is the veterinary establishment in any of the great European armies.

It has been contended by some Senators and by officers of the Army that the cavalry officers were better judges of the condition of the cavalry horses than veterinarians. I desire to invite the attention of the Senate to the fact that the horse doctor of twenty years ago is not the veterinarian of to-day. As I have said in this Chamber before, veterinarians in every State of this Union to-day are graduates of colleges and sons of gentlemen. They are fitted to be associated with officers of the Army in commission, whether they be of the line or of the staff.

The cost of this proposition, giving it into the hands of a commissioned class of officers, would not exceed, except by a few thousand dollars, that which is paid to-day for what are called the contract veterinarians. The contract veterinarian has no authority. He to-day does not exercise the same authority in military affairs that a troop sergeant or a corporal would exercise. He has no rank and no authority.

What we desire is an organized corps, with a responsible head, under the Secretary of War, of veterinarians as commissioned officers, but only to be made such after a fit and proper examination under conditions to be regulated by the Secretary of War. There is not to-day, as I understand from those who are in a position to know, in the Army of the United States a veterinarian competent to pass as an inspector of meats.

It is well understood, in fact it has been demonstrated by our experience during the last war this country had, which was with Spain, and our troubles in the Philippines, that much of the food that is issued to the Army of the United States is issued in bulk; and there are not, as I understand, in that Army to-day men competent to pass upon the condition of that food. It is well known that in all the great packing establishments of the United States there are veterinarians appointed by the Bureau of Animal Industry to look after the condition of meat therein packed. And yet those who oppose the service of veterinarians in the Army of the United States are willing that the meat food given to the soldiers of our Army shall go without inspection.

When Senators who are opposed to the establishment of this corps contend that the provisions made by the Senate Committee on Military Affairs when they came to consider the House bill are ample for all purposes from a veterinarian standpoint, they must be ignorant of the fact that section 16, which is the substitute or amendment for the veterinary section of the Senate bill as approved by the House, is in no wise a measure that would improve the present condition of the veterinary corps or the veterinarians of the Army of the United States. Under it they would simply be contract veterinarians or surgeons, without authority, subject to the control and the domination of every enlisted man, if you please, in the Army. No authority would they have whatever. No matter what might be their view of this or that condition of the army horses and mules, they could not by any means in the world, under present conditions or the conditions that are to be imposed by the Senate amendment, exercise any control.

Hundreds of thousands of dollars have been lost to this Government by the failure to have a properly organized veterinarian corps. Horses have been condemned and sold hundreds and hundreds of times for prices that were simply nominal. They were condemned, but not by veterinarian surgeons; not by men who understood the condition or the diseases of these horses, but simply condemned by the Army officer who found for the time being that a horse or a mule was incapacitated for military duty. They were passed on, and when they came into the stable of some great cab company by the expenditure of a few dollars they were made as good as they were when they were first purchased by the Quartermaster's Department of the United States Army.

I contend, that if this corps be organized as proposed, and as it has been indorsed by the Senate and the House, there will be saved to the Government, in the care and proper treatment of diseased horses of the Army, not of the cavalry alone, but of the artillery as well as of the Quartermaster's Department, more money than would be necessary to pay for this service.

I hold in my hand a copy of the Veterinary Journal, printed in Sheffield, England, in which the question of veterinary medicine is treated in connection with the present war which England is waging in South Africa; and I desire that the paragraphs herein marked shall be printed in connection with the remarks I am now delivering.

The waste in horseflesh during the South African campaign has been little short of appalling, and for that waste the inadequacy of the army veterinary department has been largely to blame. Not that the members of that department are responsible for its failure. With the material at their disposal they have done what they could; where they failed, failure was inevitable and could easily have been foretold.

* * * * * * *

Even were their qualifications all that could be wished, they would have acquired little experience in civil life to deal with the everyday contingencies of a campaign.

In the English army, Mr. President, the proportion of veterinarians to the number of troops is 136 to 17,586; in this country, under the provisions of this amendment, the proportion would be 36 to 34,000; in Austria-Hungary there are 180 veterinarians to 47,380 troops; in Belgium, 35 veterinarians to 6,064; in France, 603 veterinarians to 80,000; in Prussia, 501 to 53,270; in Spain, 236 veterinarians to 14,376. So in the scheme now under consideration the proportion of veterinary surgeons to the troops will be less than that of any of the well-regulated armies of the European nations.

This is not a scheme by which any man may be given a commission, but I look at it from an economical standpoint, involving a proposition by which this Government, under such an organization, will save many, many thousands of dollars by the proper care of army animals, thereby saving them to the Army instead of having them condemned when the disease or trouble is simply temporary.

Not only that, but there is the question of meat inspection, which to my mind is most important, and there is no class of men so able and fitted to treat it. In fact, there are none except properly graduated veterinary surgeons. It is undoubtedly known to every Senator here that in the great universities of this country there have been established within the last few years veterinarian schools which rank very high, and among the students of those schools and post-graduates of those schools there are gentlemen who stand among the first class in this country. It is absurd to say that a veterinary surgeon should not be given the same rank and consideration that are given to the graduate of a medical school. They are gentlemen just as well.

If there be a question as to which should be given the greater consideration, then to my mind he who studies that he may be enabled to relieve the suffering of a dumb animal should have the first place, not the second place, with him who studies that he may treat the diseases of mankind. In the one case the patient is able to explain and tell where his pains and troubles are located. In the other case it is a matter of diagnosis, and the physician of the horse, necessarily, if he be successful, must be superior to the other doctor. There is the difference, Mr. President, and I think if the first place should be given either of those great professions, it should be given to the veterinary surgeon. There is no man who has a higher appreciation of the medical profession than I, but I desire to call your attention, Mr. President, and the attention of the Senate to the differences between those two classes of medical men.

Mr. President, we are advised through the press that the War Department is opposed to the establishment of this corps. In an article which I read this morning there is a letter sent by the Secretary of War, Mr. Root, to the Military Affairs Committee, and I desire that the letter may be incorporated in my remarks.

WAR DEPARTMENT, *Washington, January 5, 1901.*

SIR: I send you herewith a copy of a letter just received by me from the secretary of the New York State Veterinary Medical Society, commending the position taken by this Department in regard to the proposal to create a veterinary corps in the Army.

Let me also recall to your attention the paper which I left with your committee some time since, signed by a number of the chief veterinarians now in the service, taking substantially the same position. Let me restate the position, in order that there may be no misunderstanding. This Department is not opposed to suitable recognition of veterinarians.

It has no serious objection to giving them military rank, although I do not think it is a wise course to give military rank to civilian employees. What I do object to is the creation of a new corps, with a colonel at the head, reporting directly to the Secretary of War, and thus necessarily creating a new bureau in the War Department, and a body of officers who, communicating directly with the Secretary of War through their chief, are necessarily independent of the commanding officers of the cavalry regiments and the horse artillery organizations. One of the recognized defects of our present Army organization is that of multiple command and division of duties and responsibilities between the officers commanding troops and territorial departments on the one hand and staff officers responsible to a head in Washington on the other.

The result is that it is impossible to fix responsibility for any failure to remedy defects or abuses. The proposed organization of a veterinary corps is but another step in the wrong direction, and will increase the evils which ought to be remedied. The general officer in command of troops ought to be able to hold the officers of the cavalry and artillery regiments responsible for having their organizations ready for active and efficient duty at all times. If the horses of these organizations are under the charge of a veterinary corps, with the chief reporting directly to the Secretary of War, there can be no such responsibility.

Give the veterinarians rank if you deem it wise; but I most earnestly urge that you do not impose upon us another bureau of the War Department, another independent corps, another element of disintegration, divided responsibility, and consequent inefficiency.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

Hon. JOSEPH R. HAWLEY,
Chairman Committee on Military Affairs,
United States Senate.

There is in not a single line or sentence of that letter an argument against the incorporation into the military department of this Government of a veterinary corps. The only suggestion, not an argument, which the Secretary of War makes in this connection is that it would create a separate and distinct bureau—somebody else to report to the Secretary of War. If the good results which I predict will follow the establishment of a veterinary corps

in the Army of the United States, and it is opposed only on the ground that it will create a separate and distinct corps in the War Department of this Government, then I say that there should be no question about its establishment. If there be reason why some corps of the Army to-day should be abolished, there being too many corps, there must be argument to show that those corps ought to be abolished. We come here asking that a corps be established, a new corps, a departure in the military system of this Government, that can not mean anything else than a betterment of the service and a great saving of money to the Department.

What is there in the argument that there are to-day too many corps in the War Department? If that contention can be sustained, we contend that this ought to be established.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. KENNEY. Certainly.

Mr. SPOONER. I do not mean to interrupt the Senator.

Mr. KENNEY. I am glad to have the interruption of the Senator.

Mr. SPOONER. I suppose no one contends that there should not be competent veterinarians connected with the cavalry. The bill provides for that. It also provides, does it not, for the employment of an adequate number of responsible veterinarians in the Quartermaster's Department? The difference of opinion is upon the question whether there should be a distinct veterinary staff corps. Does not the Senator think there should be a dental staff corps? If not, why not?

Mr. KENNEY. I have no objection to that.

Mr. SPOONER. Does not the Senator think there should be a staff corps of these very able and skillful men who make a specialty of that work?

Mr. KENNEY. I will answer, and say I do not think so. I think there is all the difference in the world between a dentist for the Army and a veterinary surgeon, and if the Senator desires I will explain why I think there is a difference.

Mr. SPOONER. It is part of the duties of veterinarians to look after teeth of horses?

Mr. KENNEY. Undoubtedly, sir.

Mr. SPOONER. And it is the business of the dentist to look after the teeth of the men?

Mr. KENNEY. Undoubtedly so.

Mr. SPOONER. It is a specialty, not a part of the practice of the regular physician. This bill provides for an adequate number of dentists, which is certainly very important. Why should there not be a staff of dentists? I will also inquire of the Senator why there should not be a staff corps of chiropodists?

Mr. KENNEY. I have lived long enough to recall a time when I did not know a dentist in that part of the country in which I was reared, and when the people's teeth were treated by surgeons and doctors.

Mr. SPOONER. The Senator will agree that that is not the fact now.

Mr. KENNEY. No, sir; it is not. I admit that.

Mr. SPOONER. A great many of these regiments are to-day on the frontier isolated, and a good many of these regiments are, and undoubtedly are to be, in the Philippines.

Mr. KENNEY. I assume that none of the regiments that are on the frontier or in the Philippines will be without a surgeon——

Mr. SPOONER. Ah, but a dental surgeon!

Mr. KENNEY. Who, I contend, is able to treat the teeth of a soldier in case of emergency; but the veterinarians not only treat the teeth or mouths of horses, but they treat every disease to which those animals are subject. They treat the teeth, if need be; they treat the glanders and all other diseases that may attack army animals, whether they be mules, horses, or oxen. I do not believe the dentists to whom the distinguished Senator from Wisconsin has called my attention would attempt to take a post at some isolated garrison or with some regiment in outlying territory, in the Philippines, and treat men for yellow fever or malarial fever or any of those diseases that have proven so fatal to our troops in the field; but the veterinarian is able to treat all diseases of the horse as well as he is able to treat the teeth of the horse.

Mr. President, I do not remember to have had my attention called to a proposition to be considered by the Congress of the United States that has met with such unanimous approval as has the establishment of a veterinarian corps in the Army of the United States. I understand that the men who form the veterinary association of the United States, made up of that class of gentlemen of whom I have spoken, have for many years been clamoring at the doors of Congress, asking that they be given that rank and consideration to which their profession entitles them. Year after year they have failed, and for three Congresses I have stood here and championed their cause. We succeeded in May of last year in ingrafting upon the then military bill a provision for the establishment of this corps. It went to the House, as I stated at the beginning of my remarks, and was referred to the Committee on Military Affairs, and was there stricken out.

When it came before the House of Representatives in the present session, after full and complete debate, the House reinserted the amendment of the Senate bill. But notwithstanding that in both Houses of Congress the proposition has been indorsed, the Military Committee of the Senate has seen fit to strike it out under the most extraordinary circumstances of legislation that I have ever known, and we are here to-day asking not that this amendment may be again adopted, but only asking the Senate to stand by its record of last May.

Mr. President, I hold in my hand Pearson's Magazine, of the edition of June, 1900, in which there is an article written by V. D'O. Noble, of the Twenty-seventh English Regiment. There are certain paragraphs in it which I will not detain the Senate by reading, but I will ask that they may be inserted in my remarks. I think they are most pertinent.

At Waterloo military veterinary surgeons first came into public recognition and rendered valuable work when the carnage was over, being instrumental in saving the lives of many animals which otherwise would have been dispatched by pistol bullets. They were attached to the ambulance corps, which in those days was in a very primitive stage, and, save for a few knives and drugs, were totally unprovided with instruments possessed by the modern veterinary surgeon. Furthermore, they were not allowed anywhere near the fighting line, and had Wellington been defeated undoubtedly would have left the field without succoring a single animal.

After Waterloo the war office (which had hitherto acted purely on Wellington's suggestion in sending veterinaries to the front) resolved to pay greater attention to this branch of the army, and thus was the foundation laid of the great establishment now known as the army veterinary department.

* * * * * * *

Rank is of no less importance in the veterinary department of the British army at the front than in the royal army medical corps, and the principal veterinary officer in South Africa is on the staff of Lord Roberts and advises him upon all points connected with the animals in his charge. It is his duty to attend to all the veterinary arrangements of the army on active service. Beneath him are the officers whose work it is to administer to the wounded and incapacitated animals, and they are distributed in the following proportion: Two officers to two batteries royal horse artillery, one cavalry brigade, and ammunition column. A mounted infantry battalion with a machine gun is allowed three officers, and other mounted branches of the service are officered in proportion.

Besides this there are other establishments of equal importance, all of which have to be controlled by veterinary officers of tested ability. The staff at the base and on the line of communication is under the control of 8 veterinary officers; the sick-horse hospitals, whither all the wounded animals are sent, should have 3 officers, and the various remount depots 5 officers each.

Although the English veterinary department is fairly satisfactory, considering the difficulties cast in its way through no provision being made for the wounded horse in the Geneva convention, the veterinary system prevalent in the German army is distinctly better. Up to the Franco-German war of 1870 (in which something like 50,000 horses were slaughtered) the veterinary departments of continental powers were entirely in embryo; in fact, some armies lacked them altogether, such attention as the wounded horse required being given by the farriers. At the outbreak of the war, however, lovers of animals in all parts of the world rose up in arms to prevent the sufferings of dumb creatures on the battlefield, and were, to a certain extent, successful.

Germany's veterinary department, which for years before had been growing in importance, was recognized, and a more perfect system of treatment for wounded horses was instituted, which proved of the greatest utility during the war. Veterinary hospitals were formed on the line of communication, as is being done by the British army in South Africa, and injured animals, instead of being slaughtered wholesale, were treated scientifically.

France, on the other hand, made little amendment in her system, and the sufferings of wounded animals were terrible to contemplate. True, they were collected and attended to, but not before they had been lying incapable on the battlefield very often for days together.

At the conclusion of the war the veterinary department was entirely reorganized, and when France embarks on her next campaign the wounded horses will be treated with as much care as are those of either the British or German armies.

The English Government to-day has on hand a war in South Africa which I understand from my reading demands a greater number of army animals in order to prosecute it than possibly any other war in the history of the world, and this officer of the English regiment calls attention to the deficiency of the English veterinary corps, a corps which I have shown by the figures I have quoted is well established—old—established for years. Yet in the war in South Africa against the patriotic Boers it has proven inadequate, there not being enough of them in order to save to the British Government, as it should, the loss and destruction of army animals.

Our war with Spain was of too short duration to tax to any great extent our military system. Had that war been prolonged, as it might have been and as we had good reason to suppose when it began that it would be, I would not be the only man standing on the floor of the Senate advocating the establishment of a veterinary corps, but we would have had the solid indorsement of the Military Affairs Committee of the Senate in favor of this proposition, because that experience would have taught the people of this country and the Congress that a well-organized and well-governed veterinary corps is necessary to a perfect and complete military establishment in the United States.

Mr. President, while I had expected to submit at another time some remarks on the general proposition involved in this bill, I feel that it would not be out of order to present those ideas during my discussion of the veterinary amendment, if it may be so called. I am one of those Senators who stand ready and willing to vote for any army the President of the United States may say he needs for the purposes of present conditions. But I am not

willing to place in the hands of the President of the United States, whether it be this President or some other President, the power to increase or diminish the Army of the United States at his pleasure. If a hundred thousand men are needed to maintain the flag of our country in the Philippine Islands or upon any other territory that has been acquired by this country, whether by conquest, purchase, or treaty, then I will vote for that army, but not without limit.

We understand what is asked for in this bill; what is necessary under the advices given us by the President; and yet I would limit that Army to three years, and in doing so I desire to call the attention of the Senate to the fact that that would be the term of enlistment, and if, after the expiration of three years, it was found necessary to continue the Army, there would be few men occupying seats in this Chamber or in the other who would fail to respond to the demands of our Government and the necessity that might be upon us at that time. It is much easier to create a great standing army than it is to get rid of it. Let us limit its establishment by time, so that it will not take legislation to reduce it, but so that when the time expires the Army may march home, where the men will go back again into the counting house and the store and the field. Let us not be called upon to pass laws to abolish the Army. On the other hand, as I have said, if it should be necessary to continue that Army, then the Congress of the United States may be relied upon to continue it, and just for so long a time as may be necessary to maintain the dignity and honor of this great Republic of ours.

Mr. President, I do have misgivings as to the purposes for which this Army is to be created. I do doubt, and most seriously so, if there ever will be a time, whether you have 100,000 or 500,000 men, when you will have overcome that spirit of patriotism now dominant in those islands of the Philippines. I do not have any sympathy with those who contend that by mere force of arms we should go and wipe those people from the face of the earth. I agree with the distinguished Senator from Massachusetts [Mr. HOAR] who said the other day that it was a question as to how long it would be before the male population of those islands will be wiped from the territory upon which they live, and how long it will take to get rid of the wives and daughters of the men who have gone before them. If those people are imbued with that spirit of patriotism which possessed our fathers in '76, then I say to you that there can not be raised within the borders of this great Republic of ours enough soldiers to subdue them and bring them as absolute serfs under the control of a people who are ignorant of their customs and ignorant of their language.

Mr. President, why can not this great Government rise to this emergency and say to those people, "Lay down your arms; no more war will we wage against you; we appreciate your struggle for liberty, that sort of a struggle which gave free America to us; we will be the guiding hand and will put you on the highway to a higher civilization and a greater freedom than even to-day, if it be possible, is known among our own people?" How grand and glorious it would be for the American people to stop the butchering and bloodshed in those islands! They are not the worshipers of idols. They have seen centuries of civilization, and all during those years, going back to the time when the first Spanish ship dropped its anchor in those harbors, those men have struggled to be free; and when they saw the most glorious banner that ever floated at the masthead of any ship or went in the front of a battalion landed upon their shores, they hailed it, regarding it as a token of that freedom for which they had struggled and for which their fathers had died.

Mr. President, the American people can afford to take that position. They ought to take it. What returns are we getting for the bloodshed that we are causing those islands? Are there riches flowing from those islands that shut the eyes of the American people to this great crime? I think not. When we are asked by the authorities of this Government, those in control of it, to increase our Army in order that we may maintain the army in the Philippines according to its present strength, I think it is an absolute confession that there is such a struggle on the part of those patriotic men that it is doubtful in the minds of the authorities whether or not it can be quelled.

Mr. President, if the spark of patriotism burns in the bosoms of those men as I think it does they never can be subdued. There are two ways in which this matter should be treated. One of those ways is this: With a sufficient force, and without a gun loaded, we should go into those islands; we should abolish our commission, and say to them "You know what sort of a government you need here; we will see that that sort of a government, in the interests of all the people, in order that justice may be done, shall be established and maintained." We should be there on guard, if you please, and never should the hammer of a rifle be drawn back to fire a bullet at those men.

Do you not believe that if we were to adopt that policy the war in the Philippines would end? Do you not believe if we said to them we were there simply as a guiding hand to put them in a better condition than they are to-day or ever have been they would welcome us? If we said to them, "We are not here to put you in thraldom; we are not here to shackle your ankles and your wrists; we are not here to make you a dependent people upon a great and powerful nation, but we are here to guide and help you, that you may be strong yourselves, and until that day comes we will stand by and the strong arm of the American Republic will ever be at your beck and call," do you think there would be any war after such a declaration by the people of this country? Mr. President, there has not been a single Senator, no matter upon which side of this Chamber he sits, who has contended that ever within the history of the world the Philippine Islands can be incorporated as a State or Territory or as States or Territories into this Union. God forbid the day when we should see sitting in this Chamber one of those Asiatics in the seat of a Senator of the United States.

The arguments used in regard to the Louisiana purchase and Florida and the Mexican possessions or even Alaska go for naught in this discussion. The conditions in the one case can not be compared for a moment with the conditions in the Philippines. There is a great nation of 10,000,000 people occupying a territory so small that it may be said that the population of those islands is dense. Those people are not roaming bands of savages with a few detached villages or settlements of white men, like the case in Louisiana, Florida, the Mexican concessions, and Alaska.

We are rising up, Mr. President, to-day and making ourselves to all the world known and understood to be a people who have started on a career of imperialism. Was there ever in the history of Rome, and you have read Froude on that subject; a case where imperialism was more in force than is the case to-day in the Philippines? What have those people to do with their government? We are told that they are in rebellion against the authority of the United States.

Mr. President, I understand that there is certain territory within the Philippine Islands in which the American authority is complete, and yet we have not been advised that the inhabitants of those places over which the authority of the United States is unquestioned participate in the government that controls them. We are told by the distinguished Senator from New Jersey [Mr. SEWELL], a soldier of distinction and renown and a member of the Military Committee, that the condition in the Philippines to-day, while it does not result in the great shocks of battle, yet has demonstrated that the loss of life under the conditions of the war in those islands to-day equals that which would be a war in which there were great shocks of battle.

From one end of those islands to the other there is a rebellion, you may call it, or a revolution, or revolt, against the American authority, and I contend that there has never been proof sufficient to the Senate nor to the people of the United States that the United States did ever have authority over those people. While I contend, and I so contended in some remarks that I delivered here, I think, in February, 1899, that the title of the United States was complete over those lands, yet I do contend that the title of the United States has never been complete over those people, and only within that prescribed territory where the arms of the United States are sufficiently strong to protect them against the attack and defeat of the Filipinos are the places where American authority to-day controls.

Mr. President, I read with the greatest pleasure this morning a reported——

Mr. SPOONER. Will the Senator from Delaware allow me to ask him a question?

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Delaware yield to the Senator from Wisconsin for a question?

Mr. KENNEY. I yield.

Mr. SPOONER. I should like to have the Senator from Delaware explain, if he can, the theory upon which he says the United States has complete title to the archipelago, but has not sovereignty over its inhabitants.

Mr. KENNEY. Over the people?

Mr. SPOONER. Yes; sovereignty over its inhabitants. You say it has complete title to the archipelago.

Mr. KENNEY. I will answer that as best I understand it.

Mr. SPOONER. I should like the Senator to explain, if that be true, how it comes that the owner of the archipelago has not sovereignty over its inhabitants.

Mr. KENNEY. The title to the archipelago in Spain at the time of the ratification of the treaty of Paris did pass under that treaty to the United States of America; but I contend that no ratification of a treaty, that no grant of land, according to my idea of civil liberty, could give the control over human souls, and certainly not so long as those people repudiated any right on the part of Spain to even give to the United States by that treaty right and title to the land. I contend that that treaty did give to the United States absolute control over that territory; yet I hold, on the other hand, that no treaty made by any nation, no grant of

territory made by any people or by any man, can transfer the souls of men to new masters.

Mr. President, this question of a great standing army has engaged the attention not only of statesmen, but it has engaged the attention of men of the church, and I found to-day in the Philadelphia Times of January 7, this morning's edition, a brief of a sermon delivered yesterday by the most distinguished churchman of the Roman Catholic Church in the United States, Cardinal Gibbons. I have not in all my reading or study of this great question seen so strong an argument against the establishment and maintenance of a great standing army as is contained in half a column, or thereabouts, of a brief of a sermon delivered by that distinguished churchman in Baltimore yesterday. I will not read it, but I desire that it may be incorporated in the remarks that I make.

The PRESIDING OFFICER. If there be no objection, the request of the Senator from Delaware will be complied with. The Chair hears no objection.

The matter referred to is as follows:

And how does our own country stand on the subject of war? Although the corner stone of the Constitution is peace with all nations and entangling alliances with none, we have had on our hands four wars in the century just brought to a close.

When we read of a great military campaign our imagination revels in the contemplation of the heroic achievements of famous generals. We listen with rapture to the clash of arms, the shouts of the victors, and the sound of martial music. We seem to catch the spirit of enthusiasm by which the combatants were animated.

But we take no notice of the shrieks and agonies of the soldiers weltering in their blood on the battlefield. We have no thought of the sick and wounded lying in hospitals and prisons. We are unmindful of sorrowing wives and mothers at home, weeping and sighing for the loved ones far away. We do not picture to ourselves the homes made desolate, the "Rachels bewailing their children and would not be comforted because they are not."

Is it not a mockery of justice and a scandal to the pagan world to see two Christian nations cutting each others' throats in the name of Christian civilization?

Is it not an outrage to contemplate one nation forcing by the sword her laws, her government, and political institutions on another nation in the interests of trade and commerce, as if merchandise and dollars and cents were of more value than human lives? Is it not monstrous to see a strong power invading a weak one, and seizing her territories on the hypocritical plea of rectifying her boundaries? This rectification of boundaries is a very old practice, and is a polite name for robbery on a large scale.

EUROPE A HUGE MILITARY CAMP.

It is a subject of great concern to the friends of the gospel of peace that Christian Europe presents to-day the spectacle of a huge military camp. All the nations of the Continent as well as England are armed to the teeth and are living in mutual dread and distrust of each other. They are devoured by an insatiable ambition of conquest and dominion or by fear of invasion. When you see heavy clouds surcharged with the electricity of war hanging over these nations, you may expect the thunderclap of battle to resound at any moment. Armed nations, like armed individuals, are a constant menace to one another and are easily provoked to fight.

And these military forces, instead of diminishing, are unhappily increasing every year. As soon as one nation augments its armament its neighbor feels impelled to do likewise in self-protection.

When we consider the immense number of men that are torn from the bosom of their families in the prime of life, that are withdrawn from active industrial pursuits; when we see these young men vegetating in idleness in time of peace, and luxuriating in license and dissipation in time of war, we may form some idea of the moral, material, and social evils resulting from such a system. In contemplating the standing armies the calm observers might be forced to conclude that European governments were primarily established to destroy, rather than to save life, to foster happiness, and develop the resources of a country.

LET US NOT IMITATE FOREIGN POWERS.

May God so guide our legislators and statesmen that they may never be betrayed into imitating European governments by the establishment of formidable standing armies. God forbid that we ourselves, flushed with recent victories, should ever become intoxicated with the wine of imperialism or militarism, but may we always follow the traditions of the fathers of the Republic.

Hitherto we have presented to the world a beautiful spectacle. Europeans, accustomed at home to meet a soldier or gendarme at every street corner, on arriving in this country have been filled with surprise and admiration that a nation of so vast an extent and with such an immense population contains an army of only 25,000 men.

They have been forcibly impressed with the fact that they can travel from Maine to California without meeting a single soldier. They see that every citizen of the United States is a soldier without uniform, engaged in the active pursuits of life, and ready at a moment's notice to defend his country. They would feel that we are a strong nation because we cheerfully bow to the majesty of the law, and are not confronted and intimidated by military satraps. May this fair picture never be defaced.

God grant that the new century which has just dawned upon us may inaugurate a new era of peace, fulfilling the prophecy of Isaiah, "They shall beat their swords into plowshares, and their spears into pruning hooks: nation shall not lift up sword against nation, neither shall they learn war any more."

Mr. KENNEY. When the Administration Senators (and I understand that is a term which may be used when we want to distinguish the Senators on the other side of this Chamber) come to this side of the Chamber and say 100,000 men are needed in order to maintain the dignity and honor of the American flag all over the world, and when they are willing to say to us that three years is enough to subdue the revolution in the Philippines, that three years is enough time to end the troubles in Cuba, that three years is enough time when Porto Rico will be so pacified that it will not take a single American rifle in that island, then I am one of those whose votes will go to give to the American Republic an Army of 100,000 men. And if I were to be here three years thereafter and it should be demonstrated that it was necessary to continue that Army or to have an Army of 75,000 men for another three years, my vote would be cast in favor of such an establishment.

Mr. SEWELL. Mr. President——

Mr. VEST. If the Senator will allow me, I offer an amendment in the way of a new section to the pending Army bill, which I ask may be read and printed.

The PRESIDENT pro tempore. The amendment will be received and read.

The Secretary read as follows:

Amendment intended to be proposed by Mr. VEST.

Add the following:

"The officers in charge of Westpoint Military Academy shall make and enforce such rules and regulations as will prevent the practice of hazing, and any cadet found guilty of participating in such practice shall be expelled from the Academy, and shall not be reappointed to the corps of cadets therein."

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. KENNEY. I ask that the veterinary corps matter may go over until 3 o'clock, when the Senator from New Hampshire [Mr. GALLINGER] will arrive. I do not propose to limit the debate; the debate can go on; but I ask that no final action be taken until after the hour I have named.

Mr. SEWELL. I have no objection to the request. After I have spoken on the subject, if no other gentleman here present wishes to speak, we will not press it to a vote.

Mr. DANIEL. Will the Senator from New Jersey allow me to offer an amendment now?

Mr. SEWELL. Certainly.

Mr. DANIEL. I move to insert after the last part of section 29 what I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. Insert after section 29 the following:

The President of the United States is hereby authorized to select from the brigadier-generals of volunteers two volunteer officers, without regard to age, and appoint them brigadier-generals, United States Army, for the purpose of placing them on the retired list.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. SEWELL. Mr. President, I do not mean to go into the general question, but will confine myself at the present time simply to the proposition to establish a veterinary corps.

The veterinarian of the Army has grown up from men employed at posts originally; the old farrier of the troop has become a veterinarian. But the real veterinarians, the men who educate themselves under the Government, commencing at West Point, are the officers of the cavalry and the light batteries. The man who is the veterinarian of the troop par excellence is the captain of that troop. The man who has spent twenty years in the service attaining that rank, most of his study being devoted to the horse; the officer who every morning at stable call goes down and examines every horse from its head to its fetlocks and applies whatever is necessary to cure him of any disease that he may have, is the veterinarian that we have to depend upon.

Gentlemen who, like the distinguished Senator from Delaware [Mr. KENNEY], will draw on the stories of others in relation to the veterinary service do not know from practical personal experience what the situation is as to the control and care of a horse in the service. However, they may make very fine speeches on the subject, and all that.

The horse is an animal that costs $125. He is a great friend of man. Nowhere is he better taken care of than in a troop of cavalry, because the officer who controls that troop knows that his life is at stake at all times, and that his horse may save him or his men.

This is a proposition to inject into the Army a new corps, commencing with colonel. As I have said, the accomplished veterinarian of the Army, who has made a study of the horse all his life, takes twenty years to be a captain, but the officer who is to have charge of this veterinary corps comes into the service with the rank of a colonel. The others are lieutenant-colonels, majors, captains, first lieutenants, men who have practically never ridden a horse, who never have stood the shock of battle, who do not know anything about a horse except what they have learned at a college. I believe the class of veterinarians is improving all the time, because the class of horses in private life is improving. It does not apply to the Army a particle.

Here it is proposed that we shall have 1 colonel, an assistant chief, with the rank, pay, and allowances of a major, to be promoted in 1905; 4 veterinarians, with the rank, pay, and allowances of a captain of cavalry; 10 assistant veterinarians, with the rank, pay, and allowances of a first lieutenant of cavalry, and so on. The colonel of this corps must reside in the city of Washington. He reports to the Secretary of War. The officers of it are to be scattered all over the country. The major goes to a post of two companies. Where there is a second lieutenant in command, he takes charge. A man who has never had any experience with men or horses so far as they are applied to war absolutely takes

control of officers who have been in the service for years, managing their own commands under the authority of their post commander and their regimental commander.

Mr. President, anything that interferes with the right of a captain, a major in command of a post, the colonel of a battalion or regiment, the senior officer of a light battery, to say what horses shall go out on a given day, inflicts a serious attack on the Army of the United States. We have seen in times gone by, and probably will not see as much of it again, when an isolated Army post has been notified by a scout that a raid of Comanches was approaching them, when every horse was needed. That would be a nice time for a veterinary surgeon to say, "I have reported to the Secretary of War through the chief of this corps that this horse can not leave here today, or that horse, or a dozen horses." The lives of the men are at stake; the honor of the Army is at stake. The officer in command, if the horse is able to go at all, orders him and rides him to death, if necessary, and he has the approval of the whole Army in doing so.

Mr. VEST. I wish to ask the Senator from New Jersey a question for information. Did I understand him to say that the highest rank a veterinary surgeon in the Army can attain now is captain?

Mr. SEWELL. No; he can not attain that. He has no rank now.

Mr. VEST. Can he not be a lieutenant?

Mr. SEWELL. He gets the pay of a second lieutenant.

Mr. VEST. Without the rank?

Mr. SEWELL. Without the rank. He is a contract veterinarian, the same as a contract surgeon.

Mr. VEST. I beg pardon for interrupting the Senator. I did not understand it.

Mr. KENNEY. Did I understand the distinguished Senator to say that a veterinarian is a second lieutenant? He has no rank.

Mr. SEWELL. He gets the pay of a second lieutenant.

Mr. KENNEY. And no rank.

Mr. SEWELL. He gets the pay and allowances, but no rank. That was agreed to only two years ago in the bill we then passed.

Mr. PLATT of Connecticut. But the committee now proposes to give him the rank of a second lieutenant, I understand.

Mr. SEWELL. No; they propose to give him the pay and allowances of a second lieutenant, and they propose to increase the number 10 more. We have two classes, which were made two years ago, one getting the pay and allowances of a second lieutenant and the other, the old veterinarian, getting the pay and allowances of a sergeant-major. It is proposed in this bill, as a substitute for the bill that came from the House, to make them all of one class, with the pay and allowances of a second lieutenant.

But, Mr. President, I desire to impress upon the Senate the great injustice that is proposed to be done by injecting into the Army a new corps without any reason for it, without the Army desiring it, without the Secretary of War, the General Commanding, or anybody else practically desiring it. It was stated here two years ago, I think, by the Senator from Delaware, that several officers were very much in favor of it. Some officers said they were in favor of veterinarians; as a matter of course, they were all in favor of veterinarians, but they were not in favor of a veterinary corps.

Mr. KENNEY. Mr. President, I desire to interrupt the Senator just one moment.

The PRESIDENT pro tempore. Does the Senator from New Jersey yield?

Mr. SEWELL. Certainly.

Mr. KENNEY. I do not wish to interrupt the Senator's speech, but in reply to what the distinguished Senator has just said I desire to call his attention to the opinions which have been given by Major-General Merritt, General Brooke, General Wilson, General Wheeler, Colonel Hein, General Randolph, Brig. Gen. Charles King, and Colonel Pullman, Quartermaster's Department; and inasmuch as I have been called upon to reply to the Senator's statement that no officers have approved of the proposition, I shall ask that these opinions may be incorporated in my remarks.

Mr. SEWELL. I have no objection to it, Mr. President.

The paper referred to is as follows:

PRESIDENT M'KINLEY.

I am very much interested in this veterinary matter, and you have my best wishes for success. June 26, 1900.

MAJ. GEN. WESLEY MERRITT (RETIRED).

* * * I am heartily in favor of the organization of a veterinary corps for the United States Army. The need of a properly organized corps has long been recognized, especially by officers whose service has been with mounted troops. The cost of such a corps would be small compared with the increase in the efficiency of the animals of the mounted and transportation services and the value of what it would save to the Government. To make such a corps properly effective, the veterinarians composing it should, of course, have commissioned rank. * * *

MAJ. GEN. JOHN R. BROOKE.

* * * I have always favored more scientific care of our Army transportation as well as cavalry mounts, and believe it would be to the interest of the Government to establish a veterinary corps on the lines set out by you. All efforts heretofore set forth in this direction seem to have failed, but the results of the last war and the large, possibly unnecessary, loss of animals for want of proper care would seem to make this a proper time to bring the matter up for the consideration of Congress. I assure you I am heartily in sympathy with your project and would be glad to see it successful. * * *

MAJ. GEN. J. H. WILSON.

* * * There is no branch of the service so neglected as that of veterinary science and attention to the animals used in connection with the Army.

I heartily join in giving my commendation to the measure which is proposed in reference to the organization of a permanent veterinary corps as a part of the war establishment of the United States. Every encouragement should be given to this branch of the service. The officers should be duly commissioned, have promotion in their own corps, and be paid as high salaries as the corresponding grades in the Medical Department. They should, of course, be rigidly examined, not only for admission into the service, but for each promotion which might be made in their own corps. * * *

BRIG. GEN. JOSEPH WHEELER.

* * * For many years while in Congress I urged improvement of the veterinary service of the United States. An efficient cavalry force can not be maintained without an efficient veterinary service. * * *

COL. O. L. HEIN, COMMANDANT OF CADETS, WESTPOINT.

* * * I am heartily in accord with the views expressed * * * on the necessity of a proper veterinary corps in our Army and your proposed organization of the same. * * *

BRIG. GEN. WALLACE F. RANDOLPH, COLONEL FIRST ARTILLERY.

* * * It would be a great saving to the Government. * * *

BRIG. GEN. CHARLES KING.

* * * Until we have such a corps as you contemplate our mounted forces will continue to be seriously handicapped in the future as they have been in the past. I wish you every success. * * *

COL. JOHN W. PULLMAN, QUARTERMASTER, UNITED STATES ARMY.

* * * I consider an army organization seriously incomplete without an efficient veterinary corps. Modern European armies have them, why shond not the United States? We are modern and progressive and leading in all military matters, skill, and competency. Why should we be behind in this?

Our veterinary corps to be efficient should be complete, and it can not be complete unless it is independent. Therefore it should be a separate corps—like the Medical Corps, the Quartermaster's Corps, and the other separate and independent staff corps—necessary for a complete working military establishment.

* * * The separate and independent organization is necessary to enable its chief to intelligently and effectively direct individual assignment of members of his corps to positions, stations, and duties fitting the special skill, experience, and reputation of each member, and permitting useful changes and transfers when necessity arises and the needs of the service and altering circumstances develop. In no other way and under no other system can this be advantageously accomplished.

I trust the bill you have outlined will be speedily passed into law. * * *

Mr. SEWELL. I will only say that the Senator was mistaken in thinking so. Here the Secretary of War says positively that General Merritt did not approve it, nor General Brooke either. I think that neither of them meant anything of the kind.

Mr. DANIEL. Will the Senator please give me the reference to the page of the statement of the Secretary of War in the report?

Mr. SEWELL. It is in the hearings on the Army bill, page 90.

Mr. President, this question goes back of the Army and outside of the Army. It is a deliberate attempt, and I do not blame them for it, of the American Veterinary Medical Association to get commissions in the Army, to be recognized and to have a corps of their own. I ask the Secretary to read the marked paragraphs in relation to the meeting of the American Veterinary Medical Association held at Detroit, Mich., on the 4th, 5th, and 6th of September, in the year 1900.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

In order that we may make an intelligent campaign before the reconvening of Congress, our State secretaries, in conjunction with the officers of the State veterinary associations, will appoint committees and subcommittees for each State and Congressional district. You will be furnished with a list of Senators and Congressmen in your State, and you are begged to join with the committees in obtaining from them, when they have leisure at home, an interview to place the subject before them and secure from them renewed promise of support for our bill next December.

For any misunderstanding of the subject or argument in opposition we will send you at once the necessary facts in answer.

Here in Washington your Representatives are too busy to go into details and leave matters to committees. Obtain their interest while they have time at home.

In the coming election remember: An old Representative is worth five new ones if your friend, and is worse than ten new ones if against you. Experience teaches them how to legislate.

Interest the members of your State legislature and obtain their influence to secure a fair hearing from your Senators.

We demand an organized veterinary corps as provided for in S. 4300 when this bill passes, or as a part of the first Army bill which does pass in its place when Congress reconvenes.

Any compromise, simply of rank, without reorganization, will not increase the efficiency of the Army, and will set back the proper recognition of the profession a quarter of a century.

This is a question of merit, economy, and necessity for the efficiency of the Army, and is not a political one, as the following names of some of our supporters show:

Senators: ALLISON, FRYE, GALLINGER, HALE, WOLCOTT, BACON, CLAY, KENNEY, MCENERY, and MORGAN.

Congressmen: CAPRON, HULL, JOY, MERCER, TAWNEY, ALLEN (Mississippi), CLAYTON (New York), GAINES, LENTZ, and SULZER.

Mr. SEWELL. Now, Mr. President——

Mr. SPOONER. Before the Senator proceeds, will he pardon me if I ask him a question?

Mr. SEWELL. Certainly.

Mr. SPOONER. I feel as the Senator does about the creation

of this staff corps of veterinarians, but I wish to ask the Senator what objection there is to giving to the requisite number of veterinarians the rank, so that if a man serves twenty years or more as a veterinarian he may retire on the pay of a first or second lieutenant?

Mr. SEWELL. I will answer that. The veterinarians are emerging from what may be called the obscurity of their standing in the Army, and from the fact that we have already given one class of them the pay and allowances of a second lieutenant, and are likely to do the same with the others, we are gradually getting to give them commissions of the lower grade. We have not reported it yet, but it will gradually grow in that direction. There is no recommendation from the War Department to do it.

Mr. SPOONER. I notice that in this hearing, on page 91, Senator PROCTOR put the following question to the Secretary of War:

It is getting to be treated more and more as a profession, and they have colleges, one quite prominent one in Canada; and so I ask, in view of the fact that the House has passed this outrageous provision—as I think it is—though I do not suppose there is any substantial difference in the committee—would it not be well, Mr. Secretary, in this bill, to have an alternative proposition—there is nothing in your bill about them—say, giving them a rank of first or second lieutenants, second lieutenants for the time, and then first lieutenants? I ask for information.

To that the Secretary of War responded:

I think that is very reasonable.

Mr. FORAKER. Will the Senator allow me to call his attention to the fact that in the letter of the Secretary of War dated January 3, 1901, and just now laid upon our desks, he concludes by making a similar statement?

Mr. SPOONER. The objection of the Secretary of War is not to giving them rank.

Mr. FORAKER. No; he says give the veterinarians rank if you deem it wise, but he opposes the establishment of a separate corps.

Mr. SEWELL. I will state that he never recommended it, and the Military Committee have got to get their recommendations largely from the War Department. They come from the officers of the Army, from the different forces, and from the War Department. We take from the Department, from the recommendation of the Secretary of War, our cue as to the governing elements of the Department. I should like to have read the remarks of the Secretary of War on page 90 of the hearing before the Committee on Military Affairs.

The PRESIDENT pro tempore. The Secretary will read as indicated.

The Secretary read as follows:

The CHAIRMAN. Well, I think we are ready to go to something else.

Secretary ROOT. We pass to the veterinary corps. You will remember after you reported the bill at the last session the clause providing for a veterinary corps, with a colonel at its head, was put in on the floor of the Senate. The same thing has been put in by the House and in the same way. The House committee was opposed to it, as you were opposed to it, and it was put in on the floor of the House. It was put in on statements made, unquestionably in entire good faith, to the effect that there was a general agreement by military authorities in favor of it. The statement was made on the floor of the House that the President was in favor of it. The President and his Secretary of War certainly are not at issue on that question. He is not in favor of it. The statement was made that General Miles was in favor of it. The statement was a mistake; he is not; I have here a written statement to that effect. The statement was made that the Quartermaster-General, General Ludington, who has charge of purchase of horses for the Army, was in favor of it. The statement was a mistake; he is not. I have his written authority to that effect. The statement was made that General Merritt was in favor of it.

General Merritt made a statement, and it appeared in the CONGRESSIONAL RECORD last session, that he is in favor of a veterinary corps, but totally opposed to the creation of a new bureau in the War Department, and that is what this creates. The provision is for a colonel, 4 majors, 10 captains, 10 first lieutenants, and 20 second lieutenants. The colonel is to report directly to the Secretary of War. Now, take the full force and the strength of that. What does it mean? Where is the office of this colonel to be? He is to report to the Secretary of War. That means he is to be in the War Department. And you have got another bureau of the War Department. The officers of the corps will be under the direction of a colonel, just as the officers of the Engineer Corps are under the direction of the Chief of Engineers.

The colonel of cavalry, who, when he is ordered out, ought to be held responsible for having not only his men but his horses fit for duty, is relieved from that responsibility because the Secretary of War is charged with it, through this new bureau of the War Department—through this chief of the veterinary corps. And I protest against it as being the reversal of all the principles of sound administration and an increase of the evil that now oppresses the American Army, which is an excess of multiple command—too many bureaus and too much staff control. I do not object to having competent veterinarians, I do not object to their having rank which will enable them to take places in the headquarters and be treated on a different basis from the enlisted man; but I submit that the officer who has charge of the horses of a regiment should be under the command of the colonel of the regiment, and not an independent officer, receiving constant instructions and communications from the Secretary of War through the head of the bureau, which will be superior to the control and the directions and the discipline of the colonel of the regiment.

Senator COCKRELL. Suppose the colonel of cavalry was ordered to make a certain movement, to take with him a certain number of men. His veterinarian examines the horses, we will say, and finds a certain number unfit for duty, and his commands prohibit those horses from being used. What would the colonel do?

Secretary ROOT. I do not know; he could not do anything.

Senator PROCTOR (addressing Senator COCKRELL). You would shut the veterinarian up in the guardhouse; that is what you would do.

Senator COCKRELL. Suppose the veterinarian says the horses are unfit to be ridden, and the colonel then orders them out anyway and the veterinarian stops them, there would be a little collision. We all know what would be the result if there was a good colonel in command. But suppose those men are commissioned and the veterinarian in a regiment has equal authority with the colonel of cavalry, then it would be a difficult matter to settle.

Secretary ROOT. I do not know any principle so important in administration as that responsibility shall be fixed. It does not make much difference how you change leaders if you can fix the responsibility on somebody—hold somebody responsible. You will then get along. But just as soon as you begin to divide up responsibility, so that you shift it off on to somebody else, you are gone.

Senator WARREN. Is there any law under which these veterinarians of long service could be retired or in any way provided for in their old age?

Secretary ROOT. If you make them second lieutenants, they can be retired, of course.

Senator WARREN. I know of one who has been in thirty-eight or thirty-nine years as a veterinarian. When you provide for your examination and the raising of certain ones to the rank of second lieutenant, he may fail to pass, although he is looked upon, and I guess as a matter of fact he is, one of the most competent men in the Army in the West. But his book learning is not up to the point. There is a man who has spent his entire life in the service and he will receive no benefit by this proposed legislation. There is no way of providing for him?

Secretary ROOT. No; not that I know of. I believe there are six of them.

Senator COCKRELL. Is there no way of providing for these clerks that have been in the Departments all their lives?

Secretary ROOT. None; and it would be a rash committee that would report in favor of such a measure.

Senator PROCTOR. It is getting to be treated more and more as a profession, and they have colleges, one quite prominent one in Canada; and so I ask, in view of the fact that the House has passed this outrageous provision, as I think it is—though I do not suppose there is any substantial difference in the committee—would it not be well, Mr. Secretary, in this bill, to have an alternative proposition—there is nothing in your bill about them—say, giving them a rank of first or second lieutenants, second lieutenants for the time, and then first lieutenants? I ask for information.

Secretary ROOT. I think that is very reasonable.

Senator WARREN. It seems to me that the second man ought to be provided for. If a man is worth anything as a veterinarian, he is worth more than $75 per month.

Senator SEWELL. The chief man gets $125 per month now. There are two in each regiment. You might give him the pay and allowances of second lieutenant; that would allow him to retire.

Senator WARREN. Your second man has to be wholly in charge of certain horses; he has got to be a good veterinarian or else he is nothing at all, and I do not think $75 a month is enough for him.

Senator SEWELL. The captain of the troop must be a good horseman; he must know all about horses. He has taken twenty years to arrive at his rank, and when the troop is taken to an isolated position the captain has to see to it that every horse is in condition to be ridden, and it is not right that they should be under the control of anybody who can say "You can not take those horses." As a matter of fact, they have to be ridden to the death if necessary.

Secretary ROOT. Here is a proposition signed by four veterinarians of the first class, from the Fifth Cavalry, the Tenth Cavalry, the Seventh Cavalry, and the Sixth Cavalry. It is a letter to the Adjutant-General. I will read it——

Mr. SEWELL. Mr. President, I do not desire that the reading shall be further continued.

I would say in relation to the question of rank for these officers, that I personally sympathize with them. I believe they ought to be encouraged after what has been done about educating them. I would not myself have any objection to making them second lieutenants, with the pay and allowances of second lieutenants of cavalry.

I desire, however, to present some other papers in this connection. I ask to have read the letter of Claude D. Morris, V. S., secretary of the New York State Veterinary Medical Society, which society does not take any part in this contention.

The PRESIDENT pro tempore. The Secretary will read as requested.

Mr. SEWELL. I will present the whole document, beginning with the letter of the Secretary of War, which contains the letter of Dr. Morris, and then letters from General Miles and General Ludington, all of which are contained in the Secretary's letter.

The PRESIDENT pro tempore. Does the Senator from New Jersey desire the letter of the Secretary of War to be read?

Mr. SEWELL. I should like to have the letter of the Secretary of War read, and also those I have mentioned contained in the same document.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

WAR DEPARTMENT, *Washington, January 3, 1901.*

SIR: I send you herewith a copy of a letter just received by me from the secretary of the New York State Veterinary Medical Society, commending the position taken by this Department in regard to the proposal to create a veterinary corps in the Army.

Let me also recall to your attention the paper which I left with your committee some time since, signed by a number of the chief veterinarians now in the service, taking substantially the same position. Let me restate the position, in order that there may be no misunderstanding. This Department is not opposed to suitable recognition of veterinarians. It has no serious objection to giving them military rank, although I do not think it is a wise course to give military rank to civilian employees. What I do object to is the creation of a new corps with a colonel at the head, reporting directly to the Secretary of War, and thus necessarily creating a new bureau in the War Department, and a body of officers who, communicating directly with the Secretary of War through their chief, are necessarily independent of the commanding officers of the cavalry regiments and the horse artillery organizations. One of the recognized defects of our present Army organization is that of multiple command and division of duties and responsibilities between the officers commanding troops and territorial departments on the one hand and staff officers responsible to a head in Washington on the other.

The result is that it is impossible to fix responsibility for any failure to remedy defects or abuses. The proposed organization of a veterinary corps is but another step in the wrong direction, and will increase the evils which

ought to be remedied. The general officer in command of troops ought to be able to hold the officers of the cavalry and artillery regiments responsible for having their organizations ready for active and efficient duty at all times. If the horses of these organizations are under the charge of a veterinary corps, with the chief reporting directly to the Secretary of War, there can be no such responsibility.

Give the veterinarians rank if you deem it wise, but I most earnestly urge that you do not impose upon us another bureau of the War Department, another independent corps, another element of disintegration, divided responsibility, and consequent inefficiency.

Very respectfully,

ELIHU ROOT,
Secretary of War.

Hon. JOSEPH R. HAWLEY,
Chairman Committee on Military Affairs, United States Senate.

NEW YORK STATE VETERINARY MEDICAL SOCIETY,
Binghamton, N. Y., December 31, 1900.

Hon. ELIHU ROOT,
Secretary of War, Washington, D. C.

MY DEAR SIR: The position you take in relation to the veterinary-corps bill is quite in accord with the sentiments of many of the best veterinary practitioners in the country.

The profession at large is not at heart asking for the enactment of this measure. It is not clear to the minds of many the necessity for a veterinary bureau, while we all agree as recognizing the importance of a high-grade service for the cavalry. The profession all over the country has been urged by the gentlemen who are fathering the scheme to render every possible aid in the endeavor to obtain a favorable consideration by Congress, and no doubt much of the request in behalf of the bill from constituents to Senators and Representatives is in obedience to this solicitation.

Our society at its annual meeting September last did not consider this matter, although Dr. Huidekoper was present, and it is presumed he was there for the purpose of enlisting support, but learning there was some opposition no doubt considered that no indorsement from the society was safer than an average resolution.

I am not speaking for the society as against the bill, but simply to say that the State society is not on record in behalf of the bill. As a private practitioner I have written our Senator, Hon. CHAUNCEY M. DEPEW, stating my objections to this measure.

With sincere consideration and esteem, I beg to be,

Very respectfully,

CLAUDE D. MORRIS, V. S.,
Secretary.

HEADQUARTERS OF THE ARMY,
Washington, D. C., December 8, 1900.

My views concerning the veterinary surgeons for the Army are shown by my letter to the Secretary of War dated February 22, 1896 (copy inclosed herewith), together with draft of bill suggested at that time (copy also inclosed).

Since that time we have had a large army scattered in two hemispheres, including a large number of public animals requiring the services of veterinarians. It is my opinion that an adequate number of skilled veterinary surgeons is necessary for the Army, but I have never recommended the creation of a separate corps or bureau and do not think such would be advisable, and I am of the opinion that whatever number of veterinary surgeons is authorized they should be subject to assignment to duty where they may be required, in a manner similar to that provided for officers of artillery in section 7 of Senate bill 4300 as it originally passed the Senate.

The question as to whether these veterinary surgeons should have the assimilated rank of second lieutenants, first lieutenants, captains, and, possibly, that of major I have always left for the consideration of the Department or Congress.

NELSON A. MILES,
Lieutenant-General.

WAR DEPARTMENT,
QUARTERMASTER-GENERAL'S OFFICE,
Washington, December 8, 1900.

To the honorable the SECRETARY OF WAR.

SIR: I have the honor to acknowledge the receipt of your communication of the 7th instant relating to the establishment of a veterinary corps, in which you state that I was spoken of on the floor of the House, the other day, together with some other military authorities, as being in favor of the establishment of a veterinary corps for the Army, and, presumably upon the strength of these authorities, the House voted for a corps composed of a colonel, a major, 4 captains, 10 first lieutenants, and 20 second lieutenants, the chief of the corps to report direct to the Secretary of War, and asking whether I favored the establishment of such a corps.

In reply I have the honor to state that I have not expressed my views favoring the establishment of such a veterinary corps as indicated above, and therefore there is no warrant or authority for anyone to quote me as favoring such a measure, nor do I recommend such a corps.

Very respectfully,

M. I. LUDINGTON,
Quartermaster-General, U. S. A.

Mr. SEWELL. Now, Mr. President, I desire to have read the request of the veterinarians at present in the service, a short statement on page 92 of the hearings before the Military Committee.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

The ADJUTANT-GENERAL UNITED STATES ARMY,
Washington, D. C.

SIR: Believing that the War Department is in favor of recommending legislation favorable to the Army veterinarians during the coming session of Congress, and knowing that our views on this subject have never been sought, we, the undersigned, first-class veterinarians of the United States Army, with years of experience in the service and being conversant with the conditions surrounding animal transportation and treatment from a military standpoint, respectfully submit our views solely with the object of being thoroughly understood in this connection.

First. We believe that the number of veterinarians to a regiment as now organized is ample, and that the light artillery should be provided with a proportionate number.

Second. We are not now, nor never have been, in sympathy with a movement by certain individuals who are at present endeavoring, through legislation, to establish a veterinary corps in the Army of the United States, knowing as we do that such a corps is unnecessary and superfluous.

Third. We respectfully request that the War Department recommend that the veterinarians of the first class now in the service, who have successfully passed the recent examinations, be appointed as first lieutenants of cavalry, previous service as veterinary surgeon and veterinarian in the Army to be allowed in computing pay and retirement.

That the veterinarians of the second class now in the service be appointed second lieutenants of cavalry, subject to examination, and that some provision be made for continuing in the service or retiring those with twenty years' service or over who fail to pass such examination, and that previous service be allowed those of the second class who pass the prescribed examination.

Fourth. That hereafter all appointments to vacancies be made after a competitive examination.

Respectfully submitted.

GERALD GRIFFIN,
Veterinarian First Class, Fifth Cavalry, Mayaguez, P. R.
C. D. MCMURDO,
Veterinarian First Class, Tenth Cavalry, Manzanillo, Cuba.
DANIEL LEMAY,
Veterinarian First Class, Seventh Cavalry, Habana, Cuba.
WILLIAM V. LUSK,
Veterinarian First Class, Second Cavalry, Matanzas, Cuba.

Mr. SEWELL. Mr. President, I have but very little more to say on this subject. I merely wish to endeavor to impress upon the Senate this one idea: That the discipline of the Army and the safety of the cavalry and artillery as represented by their live stock depends upon the troop and battery commanders. It does not depend on a veterinarian, and no veterinarians should be sent to a post hereafter if he holds a rank higher than that of the commanding officer. He ought not to be able to distribute the horses of that command as against the wishes and desires of the man who has to fight them.

The Senator from Delaware [Mr. KENNEY] spoke of the custom in the English army and of the large war they have now on hand.

Yes, Mr. President, they have had 100,000 horses and mules from this country alone, and they are here now buying 50,000 more. They brought them from Europe and they brought them from the East Indies, and and it is too bad that the veterinarian corps of 108, or a regiment, or whatever it is, should allow all these horses to die off in such a short period. The horse that has gone to South Africa up to this time has lived but six weeks after he was landed. The fact is that the English have a large veterinary corps, but the officers of the English army—and I think this remark will apply to the French; not so much to the Germans, possibly, because there is too much discipline there—never do anything at the stables, whilst our officers do. Their education and their daily labor is to look as much after the horses as after the men, and consequently in the service of European armies, like the English, it is left to the veterinary corps, and the result is 100,000 horses and mules were killed in one campaign.

Mr. LODGE. Mr. President, I desire to say a few words upon this proposed amendment. I do not think that anyone doubts or is disposed to question the immense importance of the veterinarian to the modern army, nor do I think anyone is disposed to question that there has been an enormous advance in veterinary science of late years, and that the work of the men engaged in the care of horses has changed from a very rude to a very scientific practice. I must say I think everyone, so far as I am aware, is anxious to do everything that is proper for the veterinarians of the Army, to give them suitable rank and suitable pay; but, Mr. President, what is proposed here is something very different from that. It is proposed by the House amendment to make a great corps of the veterinarians; to take some man, some doctor, out of civil life or who has never been in the service more than six months, perhaps, in the Spanish war, bring him down here to Washington, put him in a bureau in the War Department, cover him with gold lace, and make him a colonel of the Regular Army over the heads of men who have served this country all their lives long.

There is no justice in that, Mr. President; there is no justice to the veterinarians, and there is bitter injustice to the men who are in the line and have given their entire lives to the service.

Mr. KENNEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield?

Mr. LODGE. Yes.

Mr. KENNEY. I will ask the Senator from Massachusetts upon what authority he says that this bill proposes to bring some man out of private life, make him a colonel of this corps, and cover him with gold lace?

Mr. LODGE. Oh, Mr. President, the proposition leaves the door open for that. We all know what is behind this bill.

Mr. KENNEY. I want to know if the Senator would suppose that the President of the United States would go outside of those veterinarians who to-day have made themselves distinguished in the Army of the United States, appoint some man from civil life, and cover him with gold lace instead of appointing one of those men who have shown their ability to perform the duty?

Mr. LODGE. I did not yield to the Senator to discuss what the President of the United States would do. The point is that this can be done. A man can be taken from civil life who never served in the Army at all; a man can be taken who perhaps has seen six

months' service in the Spanish war, or you can take a veterinarian from the Army or anywhere you please and put him at the head of this proposed corps. The door is open to do just that—to take some man, place him here at Washington, give him a lot of rank and gold lace, and also authority over men who have served in the Army for years. We wish to do justice to the veterinarians. We desire to give them, I think, proper rank and proper pay; but in doing that we do not want to do an injustice to other men.

The most vicious part of this scheme is the proposition to establish a new corps. I can not add anything on that point to what has been said by the Secretary of War in the admirable letter which has just been placed upon our desks. The whole thing is there.

We are making a great struggle in this Army bill to get an improved organization of the Army, to get rid of some of the dispersion and confusion and disorganization which now exist under our present system and to replace it with concentration and better organization. This is a proposition to add to the existing evils which we all feel are in the present organization. It is to make another corps, another bureau, and more dispersion, when our object ought to be concentration and simplicity.

If I should talk for an hour I could not put it better than it is put in the single sentence with which the Secretary of War closes his letter. He says:

> Give the veterinarians rank if you deem it wise, but I most earnestly urge that you do not impose upon us another bureau of the War Department, another independent corps, another element of disintegration, divided responsibility, and consequent inefficiency.

We know from the letter to which that is a reply that the veterinarians of the country are by no means united on this matter. They have been skillfully organized; they have been skillfully instructed where to write and how to move. There never has been a better managed campaign than the one that has been made in behalf of this measure. Letters have been poured in on us from all sources. But the veterinarians of the Army—and now it appears many of the veterinarians outside—see the absurdity of building up this new corps. Do them justice, give them rank, give them proper pay, give them all that belongs to men of scientific training and proper education, but do not put them in a position where they are going to enter into immediate conflict with the regular line of the Army, and cause confusion and lack of proper organization everywhere. It seems to me that it is a bad principle.

Mr. President, I desire to say something which goes a little farther than the question of this veterinary corps with regard to the bad principle which I think this proposition illustrates. I am not going to discuss the question of standing armies. I do not believe there is anybody in his sober mind who imagines for a moment that the liberties of this country are going to be destroyed by a hundred thousand men. I do not believe there is any intelligent, sober-minded man who thinks that the American citizen who loves his country, and who is ready to die for her one minute, becomes an easy tool of tyranny the moment he puts on that country's uniform. I do not believe that anybody really thinks in his heart that the American Republic is in danger if we have an Army of 100,000 men here. This was all very well as one of the humors of the campaign, but it is not worth while to consider it seriously here. The American people are against large standing armies. But a hundred thousand men is a very small one for a nation of 70,000,000 people—too small, if they need more; too large, if they need less.

The whole principle of our people is against standing armies, and there is no danger that we shall ever go back on that principle. There is no danger that we shall ever build up an army voluntarily in Congress, which appropriates money for its support every year, in order to overthrow the liberties of the country. I think we may neglect that part of the question.

Nor, Mr. President, do I mean to enter at any length into a discussion of the Philippine question. That is a vast subject, which we discussed here at the last session by and large, up and down, for days and days, with great elaboration. I do not think there is any need of traveling over that ground again, and if I desired to do so, I could not find anything to add to the terse, admirable, and vigorous statement which was made by the Senator from Montana [Mr. CARTER] the other day.

We all know really what the condition there is. We know that organized resistance is ended; that the local "George Washington" is in hiding; that his cabinet is mostly in prison. There is a great deal of disorder throughout the Philippine Islands, and there is a great deal more than usual owing to the fact that there has been a war there. I believe myself—and I have a great many letters from those islands, owing to my being chairman of the Committee on the Philippines—that those troubles are declining, and that they will die out. That it will take a good while for them to do so I have no question, but that affairs are tending that way now I am equally without question.

Now, Mr. President, such being the situation, the question of what shall be done in the Philippines is one for the best judgment of the military authorities, of the President, and of Congress, and the Military Committee has formed its opinion on the best information it can get. That it is going to take us some time to deal with the disorders in the Philippines I have already said, and if Senators will take the trouble to read the history of the Philippines they will find that there have been outbreaks and troubles among those people during the past three centuries, ranging from great uprisings and massacres by the Chinese, and of the Chinese, down to the chronic war which Spain carried on with the Mohammedans, the Moros of the southern islands. There has been periodic fighting in those islands, disorders among savage tribes, fighting of the Moros, troubles—sometimes of great magnitude and sometimes slight—from the time of the Spanish settlement. There has been just the same result there that there is everwhere where you bring a high civilization—an outside civilization—into contact with people more or less civilized or more or less savage. There is sure to be conflict.

It does not lie in our mouths to speak of it as such a horrible surprise. We have been fighting the Indians at short intervals ever since we landed here, nearly three hundred years ago. The fight has been going on steadily, and it only ended when our Eastern and Western frontiers came together and the Indians passed finally into the body of the population. So I say that the question in the Philippines is a practical one—one as to how many men are needed—and it is one for experts to decide. I am willing to trust men who have given it consideration, both in the Departments and in the Senate, the Secretary and the committee, the President and the men who understand it, and who are specially charged with this great responsibility.

What to me is infinitely more important than the number of men to be voted is that we should now make a good organization of our Army. Far more important than the number of men is it that we should make an army, which, whether it be 25,000 or 100,000, shall be the most perfect instrument of its kind in the world, and one which we can expand at any moment, whenever the hour of danger comes, into a great weapon of the highest efficiency. What we need is an army organization highly effective, perfectly composed, above all things elastic, and which can adapt itself to our system of calling on volunteers when danger comes to the country.

Mr. BACON. Will the Senator from Massachusetts permit me to ask him a question?

Mr. LODGE. Certainly.

Mr. BACON. I do so for the purpose of getting the views of the Senator, who is chairman of the Committee on the Philippines. I venture to ask the Senator whether or not I am to understand from what he has stated, in view of our experience in the Philippines (and considering the history of that people for the past three centuries) and our experience with the Indians, both of which have been stated by him, that it is the opinion of the Senator that we are to have a similar experience with the Philippines in the future; in other words, that for an indefinite time in the future, as the Filipinos have had with Spain and as we have had with the Indians, we are to have continuous war with those people?

Mr. LODGE. Mr. President, I do believe that we shall in a very short time, comparatively speaking, have peace and order throughout the great body of the Philippine Archipelago. I do not believe that under our Government, or their own government, or anybody else's government there will ever be a time, within reasonable range, when you can expect that there will never be outbreaks from men like the Moros of the southern islands or the totally wild tribes of the interior of the other islands. For instance—to explain what I mean—if we should take off our hands and take away our gunboats, I have not any doubt that the piracy of the Sulu seas would break out again at once.

Mr. BACON. Does the Senator mean to have me understand, in reply to my inquiry, that, with the exception of piracy upon the Philippine seas, he thinks within any reasonable time there will be such peace in those islands as will not make a large standing army necessary?

Mr. LODGE. My judgment is that within a very short time—comparatively speaking, a very reasonable time—those islands will be in greater peace and order than they have ever known. If the Senator will allow me, I do not want to discuss the Philippine question. I expressly said so. I said only a few words about it. I should like to go on with what I do wish to say.

Mr. BACON. I did not ask the question with reference——

Mr. LODGE. I tried to answer the Senator.

Mr. BACON. I did not ask the question with reference to the Philippine problem, but with reference to its application to the question before us.

Mr. LODGE. I intended to answer the Senator to the best of my ability. I understood he wanted my opinion.

Mr. BACON. I wanted it for the purpose of drawing a conclusion as to whether or not a large standing army would be necessary for an indefinite time in order to maintain our authority

there, or whether that necessity would, in the opinion of the Senator, within a very short time disappear.

Mr. LODGE. The Senator and I differ so hopelessly on the first terms that I do not think any answer I can make would be of use. He talks about a large standing army. I do not call 100,000 men a large standing army, if the necessities of the country require it. For a people of 80,000,000 it is a small standing army. I should be glad to see it 25,000 men. I do not believe in the principle of standing armies any more than the Senator does, but I do not call this a large one. This bill, as I understand, provides for 54,000.

Mr. BACON. Therefore, as I understand the Senator, independent of any needs in the Philippines, the Senator would be in favor of the present bill?

Mr. LODGE. Not in the least. I have said over and over again, and I am sorry I can not make the Senator understand——

Mr. BACON. It is, of course, my want of understanding.

Mr. LODGE. That if an army of 54,000—what this bill calls for—is too large, I want it reduced; if not large enough, I want it increased. I think all this talk about our liberties being endangered by 100,000 men—well, I can not say what I do think about it.

Mr. BACON. The Senator will pardon me for making a remark, and I will not interrupt him any more. The Senator has been selected by his party as chairman of the committee having particular charge of legislation in respect to the Philippine Islands. I have ventured to seek some light from the Senator, but as he is unwilling to give it, and attributes——

Mr. LODGE. Oh, Mr. President——

Mr. BACON. I will ask the Senator to let me finish the sentence, and I will not again disturb him.

Mr. LODGE. The Senator is on the floor by my courtesy.

Mr. BACON. I will not further trespass upon the Senator if he puts it on that ground.

Mr. LODGE. Not at all. I am perfectly willing, if the Senator will allow me to say a word, that is all.

Mr. BACON. I shall not interrupt the Senator. He can proceed.

Mr. LODGE. I am perfectly willing to yield.

Mr. BACON. I have not interrupted him very frequently in the past, and I never have interrupted him with any result which was at all satisfactory. I am not in the habit of unduly interrupting Senators.

Mr. LODGE. Oh, I can easily understand that I have never been able to satisfy the Senator. I have never known anyone who could, and I pretend to no special talent. What I said was that I tried to answer his question. His question, as I understand it, was what my opinion was on a certain point. I have given that opinion. I am ready to give it again if the Senator desires. I do not care to go into the whole range of the Philippine question.

Mr. BACON. Well, as the Senator changes his aspect and invites it, I should like to have his opinion, the Senator being now in a frame of mind where he is willing to give it.

Mr. LODGE. Will the Senator kindly tell me just what he wants?

Mr. BACON. Yes; I will with pleasure, provided the Senator will permit me to do so——

Mr. LODGE. Certainly.

Mr. BACON. And not resent interference.

Mr. LODGE. I do not resent it in the least. I merely desire to learn what the Senator wants to know.

Mr. BACON. What I wish to know of the Senator is this: The Senator is chairman of the Committee on the Philippines, selected as such with a view to his presenting to this body matters relating to that subject. What I desire to know of the Senator in order that the Senate may determine whether or not an army of a hundred thousand men is needed, not only for a temporary time, but for an indefinite time, is whether, from the knowledge of the conditions which the Senator has stated he has with reference to affairs in the Philippine Islands, the prospect, in the opinion of the Senator, is such that the Army, now consisting of 76,000 men over there, as we are told by the Senator from New Jersey, will be needed there for a short time, or whether, in the opinion of the Senator, it is to be needed there for an indefinite time? Now, that is a very plain question, it seems to me.

Mr. SPOONER (to Mr. LODGE). What does he mean by a short time?

Mr. LODGE. What does the Senator call a short time?

Mr. BACON. Well, two years.

Mr. LODGE. Mr. President, I am now giving only my own opinion. Of course the Senator understands that I am not on the Committee on Military Affairs, and so far as the military side of the problem goes I have no special means of knowledge. My own opinion, from all the knowledge I have of the existing conditions there is, that in two years we shall be able to reduce the Army very largely. That is my belief. How many thousand men we can cut off I can not say. I believe we shall be able to reduce the Army. I believe at the end of a period twice as long we shall probably get the Army down to only that which is necessary to be kept there, whatever that may be, which I assume will not be a large force.

Mr. BACON. That is exactly what I want to know from the Senator.

Mr. LODGE. Does the Senator want to know my judgment on that point?

Mr. BACON. Indeed I do.

Mr. LODGE. Spain had 15,000 men in the archipelago and kept order very badly indeed.

Mr. BACON. Yes; and occupied comparatively small territory.

Mr. LODGE. And occupied comparatively little territory. I believe that in ordinary and normal times with 25,000 men—very possibly with 15,000—the number of the Spanish force, we could keep everything in a great deal better order and have the islands properly policed and have law and order and prosperity there as they never have been before.

Mr. BACON. Therefore, as I understand the Senator, the only increase of a permanent character necessary for this Army on account of the Philippine Islands will be from fifteen to twenty-five thousand men, and the other increase must be charged up to other needs than those of the Philippine Islands.

Mr. LODGE. I did not say that we now needed only fifteen to twenty-five thousand men.

Mr. BACON. No; I did not say that, either. I do not mean to be understood as representing the Senator as saying that; but within two years.

Mr. LODGE. Assuming that in normal times we need 20,000 men in the Philippines, that would leave, as I understand, 34,000 regulars, which I consider totally inadequate to take care of the fortifications of the United States, which I consider utterly inadequate to guard the canal that everybody wants to build. You have taken on yourselves the policing of the canal. You will begin, I hope, pretty soon to build it.

Mr. BACON. We will begin whenever your side of the Chamber says so.

Mr. LODGE. Very well.

Mr. BACON. Pass the bill to-day.

Mr. LODGE. We will begin to build the canal very soon. You have to pour in there a great mass of labor gathered from every part of that tropical region.

There will be thirty or forty, perhaps fifty thousand laborers at work on that canal. You have to police it. When it is done, you have to guard it. You must have men for that. I merely mention that as one of the demands which will soon be made. I am not a military expert, but it seems to me that 34,000 men to take care of all that and of the fortifications and of Alaska and of posts all over this great country is a very small force.

Mr. BACON. If the Senator will pardon me, I will not interrupt him further. The object of my inquiry was to ascertain from him, as chairman of the Philippine Committee, what, in his opinion, after, say, the space of two years from now, would be a requisite increase of the Army which would be required on account of the conditions in the Philippines; and I understand from the Senator—if I misrepresent him I do not wish to do so—that in his opinion after the space of two or three years 15,000 to 20,000 men will be sufficient for that purpose.

Mr. LODGE. I do not think I quite said that. What I intended to say was this: Two years was named by the Senator, and I believe that within a short time, at the end of two years, we shall be able to reduce the present force very much. In four or five years I believe we shall be able to bring it down to fifteen or twenty thousand men.

Mr. FORAKER. Will the Senator from Massachusetts allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. FORAKER. The Senator has expressed the opinion that we may in a short time be able to reduce the army in the Philippines to fifteen or twenty thousand men. Is it not the Senator's opinion that we should be able to reduce the army to the minimum number he has named at a much earlier date if we could have the unanimous support for the Army bill and the other measures looking to the suppression of the insurrection in the Philippines?

Mr. LODGE. I entirely agree with that opinion. Every debate of this sort simply makes the time of the strife longer in the Philippines.

Mr. BACON. Will the Senator pardon me one more question? If it be true that the necessity for this large Army is to be lessened in so short a time, would it not be more in accordance with the proper procedure that the Army should be increased for the temporary time during which, in the opinion of the Senator, this large force is going to be needed there, rather than to fasten upon the country for all time an army the necessity for which, according to his own statement, will not continue to exist in the same degree that it does now?

Mr. LODGE. That is the whole theory of the bill, as I understand it. It certainly is my theory. And if we need a hundred

thousand men to do the work imposed on the United States at any given moment, we will have them. If, in the judgment of the President and Congress and the War Department, we do not need more than 25,000, we will have but 25,000.

Mr. President, what I wanted especially to speak about, and the point upon which I started, is the importance of having the Army rightly organized, to have it organized in such a way that it can expand easily if danger comes to the country, to make it, as I have already said, the best possible instrument, a framework which we can fill in rapidly with volunteers when the time comes.

Mr. President, anyone who has studied carefully the history of the Spanish war and events connected therewith knows perfectly well that all the troubles which befell us at that time in the way of transports, in the way of organization, all the things that led to the outcry here, were owing to defective organization. I never shared, I never had any sympathy with, the wolfish cry which went up to punish individuals for faults which were due to a system.

The system was bad. It was owing to us—to Congress—to the lack of interest in the newspapers, to the lack of interest among the people, that we had a bad system. It was not fair to pick out a man here and a man there and hold him up and crucify him before the American people and before the world because he could not suddenly transform a bad system into a good one. I do not mean to say that there were not plenty of men who fell short just as there were plenty of men who went beyond what we had a right to expect, but the trouble was in the system; and if we fail to remedy this system and war comes again and brings the same evils we shall have no one but ourselves to blame, and this time we shall do it with our eyes open. What before was a blunder, if it happens again will be little short of a crime.

We know where the troubles were. We know that we suddenly called on the departments here, filled with men who in many cases had been so far away from military life that they had become practically civilians again, to transport and to feed and to clothe and to set forth a great army of 225,000 men; and they broke down under it in a great many points. They broke down because the system was thoroughly bad, and if we continue that bad system it is our fault and not theirs, for it lies at our doors to remedy it.

Mr. President, there is a clause in this bill providing for the substitution of details instead of permanent bureaus, and it has been further amended by the Senator from Vermont, with the approval of the committee, so as to carry this reform up to the heads of the bureaus and to put the War Department organization of bureaus on the same footing as that of the Navy. It is one of the best things, in my judgment, that has been done for a long, long time. I had a great deal rather see Congress come together in extra session than to lose that provision in the bill.

My objection to the proposed veterinary corps is that it is in direct contradiction to this central principle, the whole object of which is to get rid of these permanent bureaus. You never can have a general staff, you never can get elasticity into your system, you never can have your officers in constant touch with the line—men who have gone back to it every three or four years and come in touch with the men they have to manage in time of war. You never can have these things, I say, unless you break down the system of permanent organization and put men in there as they are put in in the Navy—to serve their turn of duty and then go back to their men, returning again, if you like, to the particular work, but always in touch with the line of the Army.

Mr. President, I am no alarmist; I have no wars to predict; I do not believe we are in danger of war with anybody, and I do not believe there is a nation on the face of the earth which has any desire to attack us. But no man can tell what may happen at any time, and before I sit down I should like in a very few words to call the attention of the Senate, in connection with this matter, to the situation in which this country is to-day.

We have proceeded in the process of our development until we have expanded far beyond our own markets commercially, and we are breaking into every market in the world. It is a part of our economic development. We are marching fast toward the economic supremacy of the world. Mr. President, look at Europe and compare it with the United States—Europe, a small continent, thrust out like an outspread hand from the great Asian continent into the waters of the Atlantic and the Mediterranean, made up of peninsulas, broken up into small states.

It has been worked over for a thousand years at least by men in the endeavor to draw out all its resources. It was a poor continent at best, compared to the others, and it has been worked for centuries. Now, look at ours. Here we are, holding all the best part of the North American continent, all in the temperate zone. Look at your map, a great symmetrical country, all under one flag, all under one roof, no separate governments, your railroads running in steady connections and carrying freight from the Atlantic to the Pacific, and from the Lakes to the Gulf. That means the greatest saving of cost in transportation imaginable. Europe can not meet it. It is impossible.

Every separate State system, every separate railroad that she has, enhances the cost of her articles. Her mines are old. Ours are but just opened. We are beating her in all the great products. We have beaten her already in iron and steel. We can turn them out at a price which Europe can not meet. We are going to surpass her in other articles. She will have to take her coal from us. It is a mere question of time when her last stronghold, the carrying trade, will be invaded. Already we can make steamship plates cheaper than she can make them. Only the other day I read in the newspapers that we had taken a contract in Glasgow for steel plates for commercial steamships against all competitors, and we underbid them £50,000 on that one contract. We have taken it, and there are to-day in Glasgow 14 furnaces, they say, damped down. What happens there will happen in the carrying trade. We shall build ships cheaper than they do. We shall in some way or another offset their subsidies to their steamships by our subsidies and put our ships on an even plane of competition. Thus we shall invade their last great stronghold.

Mr. President, before our eyes is a splendid picture of the industrial future of this country. I believe it is inevitable—that the great economic forces are all working that way. But does anyone suppose that the other people like it? They are gasping for breath in parts of Europe. They are struggling everywhere to get an opening for an overcrowded population, for an overproduction. That is why they have seized Africa. That is why they have seized the islands of the Pacific. China got into trouble, and in a moment the European nations thought that there would come a new division and that they could all get in there and find economic relief. It has been stopped. The Chinese Empire is going to be held together and its markets opened, I believe, to all the nations of the world; and I do not think I say anything improper or that I boast unduly when I say that it was owing to the United States that that policy was adopted instead of the other one. It is a great policy. We believe in it; we are all in sympathy with it; but do you suppose the other countries like it? I doubt it very much.

Anyone who has read the newspapers lately will have noticed that in the Vienna papers and elsewhere there has been continual talk about an economic federation to shut out the United States from Europe; and only the other day M. Leroy Beaulieu, who is one of the greatest, perhaps the greatest, of French economists, had a long article in one of the Vienna papers, urging a combination of Europe against us. In other words, they feel the economic pressure which we are putting upon them. They are feeling it more and more every day. They will try to meet us undoubtedly in the great field of economic rivalry. I believe that with our resources, with the character of our people, with our new country, with our great continent, the victory can only be with us, and that there can be but one end to that conflict of economic forces.

Mr. President, if anyone will take the trouble to look back into the history of modern times, since the great economic movements began, he will see how many of the wars came originally, never ostensibly but actually from economic causes. The league of Cambray was nothing in the world but the attempt of banded Europe to break down Venice, the center of exchanges and the greatest economic force of Europe at that time. There is no doubt in the world that Colbert, whose whole principle for the administration of Louis XIV was to keep the country at peace and build it up finally, found himself forced to make war on the Dutch because he felt that if they did not France would be economically ruined by the commercial supremacy of Holland and England; and those wars, which ostensibly were dynastic, followed one after the other. France failed, the economic pressure intensified, and the French Revolution arrived in due time.

Now, Mr. President, we occupy a great position economically. We are marching on to a still greater one. You may impede it, perhaps, by legislation; you may check it; but you can not stop the work of the economic forces. You can not stop the advance of the United States. We may blunder here in the legislation which we may pass for this thing or that thing, but the American people and the economic forces which underlie all are carrying us forward to the economic supremacy of the world. It is a great position, but, dazzled by its splendor, do not forget its perils. We look on at this great development, and we all take deep pride and pleasure in it, but it carries its dangers with it, and I want to see the United States always prepared to meet those dangers. We have no quarrel with any nation, and I hope we shall have none. I have said already that I see none who would wish to attack us; but I wish to see the United States so prepared that under these new conditions she will always be safe by sea and by land.

The control of the ocean is vital to us. That is why I have always advocated a Navy, and a powerful Navy, we must have. I wish to see our Army, whether it is ten thousand or twenty thousand or a hundred thousand strong, organized with the utmost skill and the utmost science, so that if the hour of peril ever does come we shall have a system which we can expand on the instant, one which will not immediately produce disaster and trouble,

stumbling and hesitation, as it did at the beginning of the Spanish war. Make your Army large or small, as circumstances demand, but make your organization of that Army the best, the most flexible, the most elastic in the world.

Mr. GALLINGER. Mr. President, if the discussion of the chief features of the bill under consideration and the wars of past ages by the junior Senator from Massachusetts have not entirely resulted in losing sight of the amendment that is really before the Senate, I should like to speak a few minutes touching that amendment.

It is a matter of regret to me that I was unavoidably kept from the Senate Chamber during the first two hours of the session to-day, and that I was from that circumstance denied the privilege of hearing the Senator from Delaware [Mr. KENNEY], who is thoroughly acquainted with this subject, and also the first part of the speech of the Senator from New Jersey [Mr. SEWELL].

When this bill came before the Senate I called attention to the fact that in my opinion it presented an anomalous parliamentary situation, and I want to emphasize that matter in connection with this proposed amendment.

On the 4th day of May last, if I have the date correct, we passed a bill and sent it to the House of Representatives which contained a provision in reference to the establishment of a veterinary corps precisely as it stands in the bill to-day, without the amendment proposed by the Committee on Military Affairs. That bill went to the House of Representatives. The Military Committee of the other House, as the Military Committee of the Senate had done, advised against that amendment, but the House overruled the committee, precisely as the Senate had overruled its committee.

Now, Mr. President, both Houses of Congress have acted affirmatively on this proposition; both Houses of Congress have given their sanction to it, and yet by some legislative fiction the proposition is again before the Senate for discussion and for vote.

Mr. President, we have in our rules a provision that when a matter has once passed this body a motion to reconsider within two days shall be in order. There is a reason for that. The reason is that those who have taken part in that discussion and in that vote are supposed to be present, and they will have an opportunity again to record their votes on the question of reconsideration.

But in this case this body is asked to vote again upon a proposition that was affirmatively passed upon some eight months ago. I am not at all sure that a point of order would lie against the amendment. Indeed, I am pretty well persuaded that if a point of order should be made it would be overruled; but nevertheless I am firmly convinced that this is a vicious way of bringing a proposition before this body a second time, and that it may in the future come back to trouble us in the consideration of other important measures.

I say, then, Mr. President, that both Houses of Congress have acted affirmatively upon this proposition, and the provision that is in this bill as it came from the House of Representatives is word for word the provision that was put in it by the Senate on the 4th day of May last.

Now, Mr. President, I do not know how many Senators have changed their minds on this question. It is barely possible that the vote that resulted in incorporating that provision in the Army bill some eight months ago may be reversed by vote to-day, but, for one, I have not changed my mind in the least, and I am here to give my voice and vote in opposition to the amendment proposed by the Committee on Military Affairs.

The Senator from New Jersey laid great stress upon a letter from the Secretary of War, a letter that was laid upon my desk as I entered the Chamber, a letter that seems to have been ordered printed this very day, and undoubtedly it was marked "Rush," and it is back here to influence our votes on this bill.

Now, Mr. President, the opinion of the Secretary of War is well known and it is barely possible that in the debate last May the opinions of some of the high Army officers may have been misstated. I do not know how that may be. I do know that Army officers change their minds. I do know that the Adjutant-General of the Army not long ago wrote a letter in opposition to the Army canteen, and that he has now given testimony in favor of it; and it is just possible that some of these other Army officers have changed their minds in reference to this veterinary provision.

But what the Senator from New Jersey seemed to lay great stress upon was a letter from Dr. Claude D. Morris, a veterinarian living in Binghamton, N. Y., who seems to be the secretary of the New York State Veterinary Medical Society.

Now, Mr. President, if I am correctly informed, this secretary might be called an "accidental" secretary, and the representations he makes here are not the views of the society of which he is secretary. As I understand the matter, the New York Veterinary Medical Society has given its sanction to this bill by vote, and it was not necessary for that society to pass another series of resolutions indorsing it, as Dr. Morris seems to think ought to have been done. I say, Mr. President, that Claude D. Morris does not represent the New York State Veterinary Medical Society on this subject. As I entered the Senate Chamber, I was handed some telegrams. I do not know why they were sent to me, but they were sent to me, and I want to read two telegrams bearing on this very point. The first is dated Brooklyn, N. Y., January 7, 1901.

BROOKLYN, N. Y., *January 7, 1901.*

Senator GALLINGER,
United States Senate, Washington, D. C.:

Letter of C. D. Morris, secretary New York State Veterinary Medical Society, to Secretary Root, published in morning papers, stating society not in accord with amendment to Army bill creating veterinary corps, is without authority and absolutely false. Profession of State almost to a man has worked night and day for it and will be struck staggering blow if does not pass.

ROSCOE R. BELL,
President New York State Veterinary Medical Society, Editor American Veterinary Review.

The next telegram reads as follows:

ALBANY, N. Y., *January 7, 1901.*

Senator GALLINGER,
United States Senate, Washington, D. C.:

The New York State Veterinary Medical Society is in favor of a veterinary corps in the Army reorganization bill. Secretary C. D. Morris individually is against it, but not the society.

WM. H. KELLY,
Chairman Legislative Committee New York State Veterinary Medical Society and State Secretary American Veterinary Medical Association.

Now, Mr. President, if I had been here and these telegrams had been on my desk when this document was ordered printed I would have asked that those telegrams might have been printed in conjunction with it, because it shows that while this one man has made haste to write a letter to the Secretary of War, which the Senate has made haste to print, to show that the New York State Veterinary Medical Society is opposed to this bill, the president of that society and the chairman of the legislative committee of that society, speaking for the society with more authority than a secretary could possibly speak, say that his statements are false and that the society is in favor of this measure.

I have three other telegrams which I desire to place in the RECORD. They are as follows:

WEST PHILADELPHIA, PA., *January 7, 1901.*

Hon. JACOB H. GALLINGER,
Washington, D. C.:

All veterinarians in Pennsylvania and good veterinarians everywhere are in favor of the Army veterinary bill.

S. J. J. HARGER,
President State Veterinary Society, University of Pennsylvania.

WEST PHILADELPHIA, PA., *January 7, 1901.*

Hon. JACOB H. GALLINGER,
Washington, D. C.:

The veterinary organizations and schools of the country all desire Army veterinary bill to become law.

W. HORACE HOSKINS,
Ex-President American Veterinary Association.

WEST PHILADELPHIA, PA., *January 7, 1901.*

Hon. JACOB H. GALLINGER,
Washington, D. C.:

The veterinary profession, with 8,000 members, is solidly for the Army veterinary bill. Sincerely hope, for good of Army, it will pass to-day.

LEONARD PEARSON,
Pennsylvania State Veterinarian.

Now, Mr. President, I read these telegrams to show that this document that has been placed upon our desks and upon which so much stress has been laid is of no earthly consequence whatever. Claude D. Morris, secretary of the New York State Veterinary Medical Society, seems to speak for himself and for nobody else.

The Senator from Massachusetts [Mr. LODGE], when discussing this amendment, said that everybody is in favor of giving the veterinarians suitable rank and suitable pay. The Senator ought to have made an exception, and that exception ought to have been the Committee on Military Affairs of the Senate of the United States, which has reported an amendment which does not give them any rank whatever.

It is true that during this debate since I entered the Senate Chamber some members of that committee have said that they are willing to yield this question of rank and give veterinarians rank of some kind. That reminds me of what a distinguished judge in my State once said. He was chief justice of the supreme court, and alluding to a certain matter, he said it was "late, reluctant, and unimportant." That is precisely the situation that the Committee on Military Affairs finds itself in to-day in reference to this matter. They have taken the ground that these men should not have rank. They have insisted upon that in season and out of season, and now they say that they are willing to give them rank, doubtless provided the rank suits the committee. We fought that battle here last May, and we succeeded in putting a provision in the bill which gave these men rank. Now they say to-day, Why, we are in favor of giving them rank of some kind; but notwithstanding that fact——

Mr. PROCTOR. I beg pardon; the committee did not say that.

Mr. GALLINGER. Some members of the committee. The Senator from Vermont says that the committee does not say that.

I stand corrected to that extent. Some members of that committee have said that during the discussion this afternoon.

Great stress is laid upon the fact that we have too many bureaus in the War Department already, and that this is adding another bureau to make further complication and further trouble in the administration of that great Department of the Government.

Well, Mr. President, I do not know much about this question in a technical sense; I am not a military man; but it does seem to me that the addition, not of a bureau, but of a corps, will not create very much trouble and will not be very apt to disrupt military matters or to make any very serious trouble in the administration of the War Department.

The Senator from Massachusetts [Mr. LODGE] says that the Senator from Vermont [Mr. PROCTOR] has offered an amendment that is going to remedy the troubles that already exist because of this multiplicity of bureaus. If that is so, why can not they remedy the difficulty that they claim will arise from this so-called bureau, which is not a bureau at all, in connection with the other bureaus of the War Department?

It seems to me, Mr. President, that there is no real substantial argument in the contention that giving these men some additional rank, giving them some additional pay, recognizing them as educated medical men, which they are at the present time, some of them, Mr. President, standing as high in the medical profession as any in this country, will result in any harm or will do more than justice to a deserving class of men who have given years and years of valuable time in preparing themselves for the discharge of their duty.

It will not do, Mr. President, to talk about these men as they have been talked about in the discussion of this question, perhaps not to-day but formerly, as horse doctors; it will not do to say that we are proposing to give rank and increased pay to a class of men who are mere horse doctors. It will not do in the year 1901 to talk that way about these men. The men who would receive these commissions are just as highly educated men as the men who are at the head of the Medical Department of our Army at the present time, and they are just as deserving, in my judgment, of recognition as are those men.

Now, Mr. President, the Senate, of course, will have another opportunity to pass upon this question, and it is possible that the Senate may reverse the action it took a few months ago, but for my part I esteem it a privilege to stand here and say a good word for these men and to cast my vote against the amendment proposed by the Committee on Military Affairs.

I believe they are entirely deserving of the recognition they ask. I believe it will do no harm whatever to the Army, but, on the other hand, that it will result in much good to a very important branch of the Army, which needs as careful supervision as any other branch of the service.

The Senator from New Jersey talked about the destruction of the horses in South Africa, the fact that thousands, tens of thousands, and hundreds of thousands of them died shortly after they reached the African shores. But, Mr. President, the Senator from New Jersey of course did not mean to say that the death of those animals resulted from the fact that England has an educated veterinary corps; that England does give these men rank and recognition and proper pay. He surely did not mean to say that. Because we put the horses in our Army under a more competent corps of veterinarians, giving them proper rank, it can not be possible that disasters will come to the cavalry arm of our service in consequence of our doing that sensible thing.

Mr. President, I do not want to delay the consideration of this bill. I am very anxious that a vote should be taken upon it. For that reason I shall content myself with saying the few words I have said and of casting my vote against the proposed amendment of the Committee on Military Affairs.

Mr. PROCTOR. Mr. President, I wish Senators would consider the question, What is the need of this addition? Has there been any complaint that the animals in the Army are not properly cared for now under the present system?

The measure proposed by the committee extends that. It increases the pay. The system now pursued brings into the service scientific, educated men, all that are required, and at the present pay, and this measure gives them an increased pay. When veterinarians are needed notice is given that an examination will be held. One was held not very long ago. A skilled veterinarian from the Agricultural Department was a member of the examining board. Veterinarians—educated ones—from all parts of the country were examined and appointments were made. The Quartermaster-General testified that there was no difficulty in getting for every transport which went to the Philippines that carried animals skilled, educated veterinarians, and their pay was considerably less than that authorized by this measure.

Now, on the question of rank, one point against it is that there is no occasion for it. Another one is that there is endless confusion and trouble when rank is given to officers in the Army without command. I ask Senators to consider what might be the effect of the measure proposed by the Senator from Delaware [Mr. KENNEY]. The highest cavalry officer, the highest artillery officer, is a colonel. It is proposed to give the veterinarian the rank of colonel. Suppose he is located at our great cavalry post, Fort Riley. The highest officer in command there of the cavalry is a colonel. The cavalry officer is the commander of the post. There is a set of quarters, especially built for the commander, assigned to him. But if his commission is dated a little later than that of the veterinarian, if the veterinarian ranks him, he can say to him, "Colonel, I want your quarters," and there is no way under the sun but that the commander of the post must move out. So I say the matter of rank is not only not needed, but it would lead to great embarrassment. It is wrong in theory and wrong in practice to give rank without command.

Mr. KENNEY. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Vermont yield to the Senator from Delaware?

Mr. PROCTOR. Certainly.

Mr. KENNEY. The distinguished Senator from Vermont has stated that the chief of this bureau would be a colonel, and it might be that he should be stationed at Fort Riley, and on that occasion, if his commission was dated a little prior to that of the cavalry officer commanding, he would take possession of the quarters assigned to the commander of that post. Why, Mr. President, there is no such proposition. All the rules and regulations that govern this corps are to be made by the Secretary of War, and if it is to be a corps of course the head of that corps would not be at Fort Riley, but he would be in the city of Washington, in the War Department. That is the only officer with the rank of colonel named in this entire provision. The next rank is that of major.

Mr. PROCTOR. Mr. President, I am very glad that the Senator has stated that it is the purpose of the provision to put the head of this proposed corps in Washington in the War Department. He has admitted the very greatest objection to the bill. The Department is now overloaded with bureaus. What we have been seeking to do was to reduce the influence of the staff corps somewhat. They are here and have the ear of Congress; and now it is proposed to create another which has shown in advance even of its creation that it has greater facility and power in the way of influencing legislation than any of the old ones which we have had to contend with for years. I think its very exhibition of power in that direction is reason enough for not having this legislation.

Mr. KENNEY. May I ask the Senator two questions? First, I will ask him whether there is a corps in the present Army that has not its headquarters in Washington? Second, I will ask him whether the Committee on Military Affairs of the Senate has abolished any corps of the Army, and whether, in point of fact, it has not increased them by creating a nurse corps?

Mr. PROCTOR. The proposition of the Committee on Military Affairs is not to abolish any corps directly, but it is to commence gradually at the foot of several corps the system of detail which when carried out fully (it could not be done at once without injustice to the men holding permanent appointments) will make all the officers of these several staff corps what they ought to be, line officers, what every officer in the German army is, and what General Sherman recommended. That is the purpose of it, to prevent the increase of new corps and the permanency of the present ones.

I should think it very strange if the Senate would adopt a proposition that was against the action of the committees of both bodies of Congress, against the unanimous and very earnest judgment of every member of the Senate Committee on Military Affairs, against the judgment of the President, the Secretary of War, the Commanding General of the Army, and the Quartermaster-General.

Mr. DANIEL. Mr. President, I sympathize thoroughly with what has been so well said by the Senator from Vermont [Mr. PROCTOR], and I beg to assure the Senator from New Hampshire [Mr. GALLINGER] that he is very much mistaken if he thinks that opposition to the new military establishment proposed is confined to the Military Committee. It is a wholly unnecessary proposition to the health, safety, or efficiency of the Army. The veterinarians are a very proper adjunct to the Army, but they are essentially no part of the Army; and a bill which would provide that the privates, colonels, majors, and captains who have been in the service of the United States fighting its battles for two years should not be eligible to any office but that of second lieutenant, and then go out and scour the country for veterinarians to make colonels and majors, would bring our Army into ridicule amongst the people.

There is no propriety, Mr. President, in giving to these gentlemen, however learned they may be, however scientific they may be, military rank. To salute a colonel and to find out that your colonel was a person who had nothing to do with military affairs, and whose whole function and profession in life was to attend to

the health of a soldier's or an officer's horse, is to bring the whole military establishment of the United States into ridicule.

It is to be regretted, Mr. President, that any adjuncts to the Army except those who are fighting men should have military rank. Military rank should imply something. It should mean that the man who held it was a soldier and that he was expected to share not only the hardships of the Army, but the dangers of the Army.

Now, out of convenience and out of consideration for those who are the fighting men of an army, the laws do confer military rank upon the surgeons who attend them. If you will look at the function the surgeon is expected to perform, however, you will perceive that it is essentially different in its nature from that which the attendant of the horse is expected to perform. The surgeons go along immediately in the rear of the line of battle. They are often called upon to exercise more courage than the man who has got a gun or a sword in his hand, for, while he is occupied in his task as a soldier, the surgeon must be present and look on without doing anything. He has not the excitement or the duties and exercises of the field to divert his mind that the soldier has. If an exception should be made in any case, it ought to be made, in the interest of humanity, in behalf of those persons like the surgeons who do not go to fight, but who must be present close to the man who is wounded to relieve him if he is stricken.

Does anyone expect horse doctors to be marshaled upon the field with the general in chief to serve him as staff officers during a fight? Does anyone expect them to go along with the regiments and to expose human life right up in the mêlée of a battle in order to heal instantly the broken bone of a horse or to apply any kind of a bandage to his wounds? Certainly not.

These gentlemen are going entirely out of their element and out of their appropriate function, however wise, however learned, however scientific they may be, to come and ask the Government of the United States to install them in a bureau in Washington, to make them colonels and majors, to have them going around with all the glory of the armament of war, when their whole duty in life is to go back and look at the hoofs of the horses before they go upon a march, or to relieve a sick horse, if he is taken so from too much feed or the lack of it.

I regret that the Senate has ever passed such an amendment to a military bill. We are acting justly and generously by the veterinarians by giving them the rank and pay of second lieutenants. It is a place of becoming dignity and it is a place of sufficient pay, according to the judgment of those who preside over the Army and who are attentive to its concerns. The General Commanding the Army is against this proposition; the Secretary of War is against this proposition; the President of the United States is against this proposition, and there is no sound basis of military history or of common sense for it to stand upon.

Mr. SPOONER. Mr. President, only a word. I am quite prepared to believe what the Senator from New Hampshire [Mr. GALLINGER] is prepared to prove, that the Veterinarians' Association of the United States is unanimously in favor of this bill, I think not so much, perhaps, for the good of the Army, as to secure recognition of the association, or that specialty of the profession.

When this proposition was before the Senate last session I voted against it. Nothing in the debate has occurred to change my mind about it. I agree with the Senator from New Hampshire that in the progress of medical development the veterinarians have contributed their share; and, in favoring the amendment proposed by the committee, I would not be willing to be understood as underestimating their importance, their fitness in that specialty of the medical profession, or as being willing to cast any imputation whatever upon their dignity. But we are to reorganize the Army for the good of the Army, and not for the purpose of giving recognition to any class of people in the country, however deserving or however learned.

The Senator from Vermont [Mr. PROCTOR] said that it was an unfortunate thing to have officers with rank without commands. Of course the doctor—the surgeon—has rank, but he has no command; the chaplain has rank, but he has no command. But the Senator from Virginia [Mr. DANIEL], in what he has said, has very clearly expressed the distinction in function between the surgeon and the veterinarian. He might have gone a little further by way of illustration. When a man receives a wound in the leg which renders it impossible for him to recover without the amputation of the leg, the surgeon amputates it; but when a horse's leg is broken, they amputate the horse. [Laughter.] That is the difference.

I think it would be a very extraordinary thing for Congress, against the protest of the Secretary of War, against the protest of the General of the Army, to incorporate into this bill this proposed veterinary corps. There has been great pressure for it. One objection I have to it, and the principal objection I have to it, is that I am utterly opposed, unless the necessity for it is demonstrated, to establishing a new corps or bureau in the War Department. We can engage ourselves in no better way than in affording flexibility and elasticity to the Army organization, and eliminating, as far as it can reasonably be done, fixed bureaus. To me the notion of appointing veterinarians, with a colonel at the head of them, a distinct corps, who is independent of the colonels of cavalry, independent entirely of the colonels of artillery, is intolerable. I can see no reason for it.

Another thing which has been disclosed here, Mr. President, by the Senator from Delaware [Mr. KENNEY]—and it could very easily have been foreseen without any inference being made from his observations—is that this is only a beginning in this development. They may have such a corps in foreign armies. It may be useful to them or it may not be useful. We are not called upon to pattern our organization upon foreign armies, unless, after consideration, we regard it as important to the organization of our Army. Once established, this bureau and its function will be to increase and enlarge itself. The same pressure which has been brought to bear upon both Houses of Congress to secure its establishment will be brought to bear upon every Congress to give it additional power and additional importance. If we establish it, with its head a colonel, in the next Congress our attention will be called to the fact that we have recognized this bureau as of importance; we have created it, and that it is the only staff of all the staffs at the head of which is only a colonel. "Why this discrimination?" we will be asked. The Quartermaster-General is a brigadier-general, the Adjutant-General is a brigadier-general——

Mr. KENNEY. No; he is a major-general.

Mr. SPOONER. The Adjutant-General is a brigadier-general, except temporarily—I had not finished the sentence—the Commissary-General is a brigadier-general, the Surgeon-General is a brigadier-general——

Mr. PLATT of Connecticut. And the Chief Signal Officer.

Mr. SPOONER. And the Chief Signal Officer is a brigadier-general. "Now, in the name of all that is decent," the veterinarian will say to you, "why discriminate against this corps of scientific gentlemen?"

The next step will be to make him a brigadier-general. Then from that promotion the four majors will become colonels and the four captains will become majors. That will not be the end of it by any means. The next proposition will be that the meat purchases for the Army shall be made by this corps, because of their peculiar qualifications to determine whether meat ought or ought not to be used in given cases.

Mr. GALLINGER. I think that will be sensible.

Mr. SPOONER. Of course it will be sensible. There will be a good many men who will insist that it will be sensible.

The next proposition will be that if this corps is organized for the purpose of looking after the horses of the Army, they should be charged with the function of buying horses for the Army. The next proposition will be that it is nonsense to have a scientific corps looking after the health of the horses of the Army and purchasing horses for the Army and have some other department purchasing the feed and prescribing the diet for the horses of the Army. So it will be claimed, and it will be asked with some show of reason, I admit, that this new department or new corps should be given the function of purchasing the forage for the Army.

So you go; and it will be a well-developed staff corps after the usual fashion in a short time. If that were proposed to-day, not five men, I think, in this Senate would vote for it; and yet there are not five men in this Senate who do not know that what I say is to follow in time if we reject the amendment proposed by the committee and create this new staff corps, and create it, Mr. President, against the protest of the Secretary of War—I will not say "protest," but the Secretary of War in his statement before the committee said the President was not in favor of it. He had a right to say that, because of the unique circumstance that had been stated in advocacy of this provision in another place that the President favored it. The Secretary of War is opposed to it; the General of the Army is opposed to it, and the whole theory, as has been repeatedly said here this afternoon, upon which we are proceeding in the reorganization of the Army is opposed to it.

For one, I would not seriously object, I think, although I am not certain it would be wise, to giving veterinarians some rank. To do that does not involve at all the creation of a staff corps of veterinarians. I am not certain that they ought to be given rank; but I am certain, Mr. President, so far as I have been able to consider this subject, that we ought not to establish a new staff corps in the Army, and that the amendment proposed by the committee striking this proposition out should be adopted by the Senate. That is all I have to say.

Mr. CARTER. Mr. President, I will offer but a word in contribution to this debate at this late hour.

I have favored fair recognition of the veterinarians in the Army. The constant increase of knowledge has reached the veterinary surgeons of the country, and great progress has undoubtedly been made in that line of investigation and scientific research; but I am unalterably opposed to the establishment of an additional corps

in the Army. First, it will result, as the Senator stated, in the establishment of an additional bureau here, which, with the customary grasping disposition of new bureaus, will begin to reach out, octopus like, to get additional authority over affairs pertinent or not pertinent to the particular office of the veterinary surgeon.

This proposed bill as it comes to us would pay a colonel $3,500 per year, who would probably reside at Washington; a major, $2,500 per year, who would probably reside at Washington as the assistant of the colonel; four captains, at $2,000 each, or $8,000; making a sum total of $14,000 per year to be paid for the skeleton of this proposed corps establishment.

Mr. BUTLER. Where are the captains to be located?

Mr. CARTER. I have no doubt every one would get to Washington who could possibly get here by any hook or crook.

Mr. GALLINGER. In that respect they would not be different from the balance of the officers.

Mr. CARTER. They would not be different from the balance. They would fall right in line. There seems to be something in the air here that is very attractive, and I suppose the veterinary surgeon would take the disease about as quickly as anybody else.

This is but the entering wedge to a line of expense in connection with corps establishments. The expense should not be considered if it added to efficiency, though the expense should be somewhat commensurate with the amount of the outlay; but, according to my judgment, based upon what has been said by those well informed upon the subject, this new corps would be a disorganizing rather than a reorganizing force.

It will be remembered that when Cortez invaded Mexico his victories were for a time chiefly due to the belief among the natives there that the horse and the man were inseparably joined together and constituted some sort of a creature of which they had theretofore no knowledge. Fright seized them in consequence of the appearance of the horse with the rider upon him, and from that time to this the horse and the rider have been very potent factors in battle, but when commanded by the same person. Now, this veterinary corps would put one man in command of the horse, while the Army regulations would put another man in command of the rider. The rider would be useless as a cavalryman unless the horse could go forth; and yet the veterinary officer might say, "That horse shall not go into battle to-day. I think that he has the influenza or he is threatened with pneumonia, or his hoofs are not in proper order." A conflict of authority in the progress of military operations is simply intolerable; it leads to inefficiency and conflict where direction and the utmost efficiency is needed when action is called for at all.

It has been suggested by the Senator from New Hampshire [Mr. GALLINGER] that this body is estopped, practically speaking, from a reconsideration of the view expressed on the 4th day of last May. I have before me the report of the proceedings of this body upon that day, and I find, on page 5117 of the RECORD, a statement of the vote as cast. Twenty-five Senators voted in the affirmative and 23 Senators voted in the negative, making 48 votes cast. Out of the 48 votes cast the proposition was carried by a majority of only 2. Thirty-nine Senators are reported as not voting upon that occasion. Now, Mr. President, it is barely possible, I indeed think quite probable, that the 39 Senators who did not vote upon that occasion may have views upon this subject which, in a parliamentary sense, is before the Senate for consideration and disposition now. It was carried by a bare majority in a Senate where the attendance was light. I doubt not that a motion to reconsider upon the following day, with a very slight change of the Senators in attendance, might have reversed the verdict based upon that light majority.

Mr. President, reference has been made to the nurse corps established here. In that behalf I desire to call the attention of the Senator to the fact that the nurse corps may be terminated at discretion. The language is as follows:

That the nurse corps (female) shall consist of 1 superintendent—

Not a colonel; no person of rank—

1 superintendent, to be appointed by the Secretary of War, who shall be a graduate of a hospital training school having a course of instruction of not less than two years, whose term of office may be terminated at his discretion.

At the discretion of the Secretary of War. The Secretary of War may appoint a superintendent of nurses to-morrow and discontinue that office on the day after, or revoke the order within an hour. There can be no just analogy drawn between this temporary arrangement for the organization of the nurses of the Army without rank, without authority, without any menace of conflict in the organization and command of the Army, with the proposition here to start out a corps, with a colonel selected, perchance, as suggested by the Senator from Massachusetts [Mr. LODGE], from private life, placed in this high position in preference to officers who have served a lifetime to reach a lieutenant-colonelcy. There can be no just comparison. The fact that the nurse corps was provided for in this tentative and temporary manner certainly ought not to constitute any basis of criticism upon the committee in view of its position here and now taken.

The nurse corps, I am advised by the Senator from New Jersey [Mr. SEWELL], is organized at present precisely as suggested in this bill, except that under it a superintendent of nurses may be provided by the Secretary of War to hold the position at the discretion of the Secretary of War and to be discontinued when he may think fit.

The PRESIDING OFFICER (Mr. ALDRICH in the chair). The question is on the amendment proposed by the Committee on Military Affairs.

Mr. KENNEY. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCUMBER. Mr. President, is this amendment subject to an amendment at this time?

The PRESIDING OFFICER. The Chair thinks not.

Mr. McCUMBER. Is there any rule that will prevent an amendment to the amendment at this time?

The PRESIDING OFFICER. The Chair is now informed that this has been held to be an amendment in the first degree. It will be in order, therefore, to offer an amendment in the second degree.

Mr. CARTER. I understood that, by unanimous consent, it was agreed that all the amendments of the committee were to be first disposed of, and that thereafter any Senator might offer an amendment to the bill or to any amendment adopted by the Senate.

The PRESIDING OFFICER. The Chair is informed that that was the understanding.

Mr. McCUMBER. I am satisfied if the amendment be subject to amendment after adoption.

The PRESIDING OFFICER. The yeas and nays have been ordered on the pending amendment of the Committee on Military Affairs.

Mr. COCKRELL. I simply want to say a word or two on behalf of the committee amendment.

I think it would be a great misfortune if the provision were left in the bill creating a new corps of the Army in the War Department of veterinarians, with a colonel at the head of it. It would introduce interminable confusion throughout the cavalry and the mounted artillery, where those officers would be assigned. The bill as it passed the other House provides for a colonel, a major, 4 captains, and a number of first and second lieutenants.

Mr. CARTER. Ten first lieutenants and 20 second lieutenants.

Mr. COCKRELL. It provides for 10 first and 20 second lieutenants. That is absolutely unnecessary from a military standpoint. The bill as reported to the Senate gives 2 veterinarians to each cavalry regiment and 1 to each mounted artillery regiment. That is ample. We give them the pay of second lieutenants, which I myself think is a mistake. I think we ought to give them a fixed salary. They ought not to be placed as officers. In my judgment they ought to be civilian employees, just as the dental surgeons are civilian employees. We do not give those men any rank.

Mr. DANIEL. They have no rank.

Mr. COCKRELL. I say they have no rank; and it would be a great mistake, in my judgment, if we adopt the provision in the House bill as it comes to us. I hope the Senate will agree to strike out the entire section in regard to veterinarians, and then we shall have provided in the bill 2 veterinarians for each cavalry regiment and 1 veterinarian for each artillery regiment. The amendment proposed by the Senator in regard to salaries can then be made.

Mr. BUTLER. Mr. President, I agree with the several statements that have been made about the undesirability of having a conflict between colonels for men and colonels for horses. As has been suggested, the colonels for men might one day want the men who are mounted on horses to move and move rapidly, and the colonels for horses might think it would be cruelty to animals to double-quick them on that day; and then the colonels for horses might report the matter to the Society for the Prevention of Cruelty to Animals, and they might take it up and deluge us with an unlimited quantity of humane and "benevolent assimilation" matter on the subject.

Mr. GALLINGER. Will the Senator from North Carolina permit me a word?

Mr. BUTLER. Certainly.

Mr. GALLINGER. How would that be different from the present situation as between the colonel in the Medical Department and the military officer? Might not the medical officer say that the Army was not in condition to move? But does he do so? Is not the Senator picturing a condition that is not going to happen? Is it not a mere visionary thought that is floating through the Senator's brain in reference to these colonels of horses?

Mr. BUTLER. We have had so many things that have been called visionary, and then they materialize into grim, ugly realities—many of which we have had cited in the discussion of this bill—that I think a man of really sound mind is justified in stopping to examine a thing that looks even visionary, provided it is

at the same time an ugly vision. I do not deny that this proposed amendment is inconsistent, in view of some of our past legislation. We have been very inconsistent. Now, shall we be consistent in our inconsistency? We are discriminating right now, if we vote down this amendment, against these men, if we are consistent in our inconsistencies.

I was very much interested in what was said by the Senator from Missouri [Mr. COCKRELL] who has just taken his seat—a venerable statesman, a wise man. What he says always has great weight with the Senate, and in this connection I am reminded that when the last Army bill was before us we put in it a provision making a general—a major or a brigadier—out of a clerk. On that occasion I asked why a man holding a clerical position was to be given the high rank and increased pay of a general, etc., and the only response I could get in the Senate from those favoring it was that he was probably the most efficient clerk in the War Department; that he handled the papers and kept them in their pigeonholes and had them labeled so systematically that when a Senator wanted to see some musty paper he could produce it quicker than any other clerk they knew of. If I am not mistaken, the venerable Senator from Missouri favored that proposition at that time.

Mr. COCKRELL. I should like the Senator from North Carolina to produce the RECORD showing that I did.

Mr. BUTLER. I will ask the Senator, then, whether or not he favored that provision in the last Army bill?

Mr. COCKRELL. I do not know what provision the Senator is talking about.

Mr. BUTLER. It was understood that the Senator from Missouri was largely instrumental in having Mr. Ainsworth, who was the head clerk in the Record and Pension Office of the War Department, promoted to the position of brigadier-general, with the rank, pay, and perquisites of that high position for life.

Mr. COCKRELL. Oh, I can explain that, if you are talking about that matter. Ainsworth was a lieutenant-colonel, regularly in the Army and had been in the Army all his life, when the Record and Pension Office was established, and that gave him the rank of colonel. The present President of the United States and the former Secretary of War, in their official reports to Congress from 1897 to 1899, recommended that he should be promoted. That was one of the special recommendations.

In the Army bill that was passed he was given the rank as long as he held the present office. I followed the President's recommendation; I followed the recommendation of the Secretary of War; and I was heartily, ten thousand times heartily, in favor of the provision. I have no apologies on earth to make for it, for if there is any one man in the Government service who has paid a hundred times, over a hundred times, for every rank and provision he has got, it is that one man.

Mr. BUTLER. That does not explain at all. The President of the United States recommends the passage of the present Army bill, increasing the Army to 100,000 in times of peace; also the Secretary of War recommends its passage. If their recommendation was good as to making a brigadier-general out of an efficient clerk of the War Department, it might be equally as good as to why we should increase the Army to 100,000 men, increase the permanent debt of the country, to say nothing of the other objections to adopting this measure in the shape in which it is.

When that monstrous proposition was before us I opposed it. I asked for the reason for it. The only answer I could get was that Mr. Ainsworth was a good clerk, and that he was, by his systematic methods, a great help to Senators who wanted to get at some paper or record in his office in a short time. And for this reason, and for this reason only, he was to be made a brigadier-general. When I learned that this kind of proficiency in a high-up clerk was a sufficient cause to produce a brigadier-general, I proposed that we should not make any invidious distinctions, but should make also the man who had shown more proficiency in line than any other a brigadier-general—a man who, in fact, was the superior to all others in the Government service, and who is the greatest possible comfort to every Senator. I urged that he should be made a general, with all the pay, rank, and perquisites above all other men in the Government service for that kind of proficiency.

I refer to the venerable Gen. (?) Amzi Smith, who does much more for our comfort than all the other clerks in the Government service combined. The Senate deliberately and with the approval of the Senator from Missouri discriminated against him, and to-day he has not even the rank of captain.

Mr. President, the fact that we have been inconsistent will not make me vote to continue the inconsistency, but I thought probably it was not out of place simply to call attention again to this at this time, when it is proposed to have "horse colonels" and "men colonels," with conflicting authority, put into this bill. I shall vote against the "horse colonels" just as I voted against the "Clerk-General Ainsworth," and for the same reason. Two wrongs do not make a right.

Mr. KENNEY. I will detain the Senate but a moment.

Mr. FORAKER. I wish to make an inquiry. Will the Senator from Delaware yield to me for a moment?

Mr. KENNEY. Certainly.

Mr. FORAKER. I should like to inquire of the Chair what it is that the roll is to be called upon. As I understand, the roll is to be called upon the committee amendment.

The PRESIDENT pro tempore. The question is on agreeing to the entire committee amendment, the Chair is informed.

Mr. COCKRELL. Striking out section 20.

The PRESIDENT pro tempore. Striking out and inserting.

Mr. FORAKER. Striking out section 20 and inserting section 16?

The PRESIDENT pro tempore. Yes.

Mr. FORAKER. We understand that after it has been adopted, if it shall be adopted, we will have the right to move to amend it.

The PRESIDENT pro tempore. Yes.

Mr. KENNEY. Mr. President, only a word. I desire to submit a brief reply to the argument used by the distinguished Senators from Wisconsin and Montana. The burden of the argument of those distinguished Senators was that if this corps should be established there would be a conflict between the officers created by this provision and the officers of the line; and the distinguished Senator from Montana pictured to the Senate a most grave possibility when he called our attention to the fact that on some day, when the American Army was about to enter into battle against an enemy, the veterinary surgeon, one of these majors or captains or lieutenants, would go to the general commanding the Army and say, "We can not fight to-day, because there are so many hundreds or thousands of the horses that have the influenza, or, if you please, the glanders."

There is no man who in sober judgment will for one moment suppose that should this amendment carry there will ever be a conflict between those of the veterinary corps, if established, and the officers of the line who are in the command of troops. These people are not to be in command of troops. These officers, should this provision be adopted and the corps established, would be there looking after the health of the horses, and instead of being in the way of battle, they would have put in condition the cavalry and artillery horses of the American Army, so that it could fight battles and win victories. It is the most absurd proposition that I have heard advanced in this argument.

Then there is the question of having this corps established in the city of Washington. I appeal to the Senator from Montana as to where he would have the headquarters of the veterinarian corps, if such a corps should be established. Would he have it in the Philippines; would he have it in Hawaii or in Porto Rico? Where would he have it? Would it not be a proper place to have the headquarters of that corps established in the War Department in the city of Washington, where an officer, whomsoever he might be, could have direct control and direction as to the duties and responsibilities of the several officers under him? If the Senator will read the provision of this amendment, he will find that all the rules and regulations governing this corps are to be subject to the Secretary of War. Those rules and regulations could be so made and would be so made that there could be no question of conflict between the officers of this proposed corps and the officers in the line of the Regular Army.

The distinguished Senator calls to the attention of the Senate the fact that when this amendment was agreed to in the Senate on the 4th day of May, last year, there was a vote of 25 for the amendment and 23 against the amendment. I desire to call the attention of the Senate to the distinguished Senators who voted for that amendment. Starting off with the distinguished Senator from Iowa [Mr. ALLISON], you can read the list down from top to bottom. I desire that the list of the members of the Senate who voted for the amendment may be printed in the RECORD, and let us see who stood for the amendment then.

YEAS—25.

Allison,	Frye,	McCumber,	Taliaferro,
Bacon,	Gallinger,	McEnery,	Teller,
Baker,	Gear,	Morgan,	Turner,
Chandler,	Hale,	Nelson,	Wolcott.
Clay,	Hansbrough,	Perkins,	
Culberson,	Kenney,	Quarles,	
Foster,	McComas,	Stewart,	

NAYS—23.

Bard,	Foraker,	Pettus,	Shoup,
Bate,	Hawley,	Platt, Conn.	Spooner,
Cockrell,	Kean,	Proctor,	Sullivan,
Deboe,	Kyle,	Rawlins,	Vest,
Depew,	Lodge,	Ross,	Warren.
Fairbanks,	Pettigrew,	Sewell,	

NOT VOTING—39.

Aldrich,	Clark, Wyo.	Jones, Nev.	Platt, N. Y.
Allen,	Cullom,	Lindsay,	Pritchard,
Berry,	Daniel,	McBride,	Scott,
Beveridge,	Davis,	McLaurin,	Simon,
Burrows,	Elkins,	McMillan,	Thurston,
Butler,	Hanna,	Mallory,	Tillman,
Caffery,	Harris,	Martin,	Turley,
Carter,	Heitfeld,	Mason,	Wellington,
Chilton,	Hoar,	Money,	Wetmore.
Clark, Mont.	Jones, Ark.	Penrose,	

Mr. PROCTOR. I think nobody questions that if the bureau is established, the purpose is to establish it in the War Department——

Mr. KENNEY. Certainly.

Mr. PROCTOR. To keep it growing. That is what is the matter.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE]. In his absence I withhold my vote.

Mr. BUTLER (when his name was called). I have a standing pair with the Senator from Maryland [Mr. WELLINGTON]. In order that there may be no further misunderstanding about it, I will announce publicly that the conditions of the pair have been changed so that we protect each other only when requested to do so. He has not requested me to protect him on this vote. Therefore I am at liberty to vote. I vote "yea."

Mr. CHILTON (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS]. He is not present, and I withhold my vote.

Mr. PROCTOR (when Mr. DILLINGHAM'S name was called). My colleague on this vote is paired with the Senator from Pennsylvania. If he were present he would vote "yea," and the Senator from Pennsylvania would vote "nay," as I understand it.

Mr. HANNA (when his name was called). I have a general pair with the Senator from Utah who is absent. Not knowing how he would vote, I transfer my pair to the Senator from New York [Mr. DEPEW], and will vote. I vote "yea."

Mr. HARRIS (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. CLARK]. It has been arranged to transfer the pair to the Senator from South Carolina [Mr. TILLMAN], who has a general pair with the Senator from Nebraska [Mr. THURSTON]. Under that arrangement I will vote. I vote "yea."

Mr. SEWELL (when Mr. KEAN'S name was called). My colleague will return in a very few moments. He is paired with the Senator from Washington [Mr. TURNER].

Mr. MONEY (when his name was called). I am paired with the Senator from Oregon [Mr. MCBRIDE].

Mr. PENROSE (when his name was called). As the senior Senator from Vermont has explained, I am paired with the junior Senator from Vermont [Mr. DILLINGHAM]. If I voted, I should vote "nay."

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. MCLAURIN]. If he were present, I should vote "yea."

Mr. QUARLES (when his name was called). I have a general pair with the junior Senator from Texas [Mr. CULBERSON].

Mr. MONEY (when Mr. SULLIVAN'S name was called). My colleague has a general pair with the Senator from Illinois [Mr. MASON]. I do not know how he would vote on this matter.

Mr. TALIAFERRO (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. SCOTT].

Mr. THURSTON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], but in accordance with the transfer announced by the Senator from Kansas, I am at liberty to vote. I vote "yea."

Mr. KENNEY (when Mr. TURNER'S name was called). The Senator from Washington is detained from the Senate on important business. He has a pair upon this question with the Senator from New Jersey [Mr. KEAN]. If the Senator from Washington were present, he would vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the Senator from Washington [Mr. TURNER], but by reason of its transfer, whereby that Senator stands paired with the Senator from New Jersey [Mr. KEAN], I am at liberty to vote. I vote "yea."

The roll call having been concluded, the result was announced—yeas 43, nays 5; as follows:

YEAS—43.

Aldrich,	Deboe,	Lodge,	Platt, N. Y.
Allison,	Dolliver,	McComas,	Proctor,
Bard,	Fairbanks,	McCumber,	Sewell,
Bate,	Foraker,	McMillan,	Spooner,
Berry,	Frye,	Mallory,	Stewart,
Burrows,	Hanna,	Morgan,	Teller,
Butler,	Hansbrough,	Nelson,	Thurston,
Caffery,	Harris,	Perkins,	Turley,
Carter,	Hawley,	Pettigrew,	Vest,
Cockrell,	Hoar,	Pettus,	Warren.
Daniel,	Lindsay,	Platt, Conn.	

NAYS—5.

Clay,	Hale,	Heitfeld,	Kenney.
Gallinger,			

NOT VOTING—38.

Allen,	Dillingham,	Martin,	Sullivan,
Bacon,	Elkins,	Mason,	Taliaferro,
Baker,	Foster,	Money,	Tillman,
Beveridge,	Jones, Ark.	Penrose,	Towne,
Chandler,	Jones, Nev.	Pritchard,	Turner,
Chilton,	Kean,	Quarles,	Wellington,
Clark,	Kyle,	Rawlins,	Wetmore,
Culberson,	McBride,	Scott,	Wolcott.
Cullom,	McEnery,	Shoup,	
Depew,	McLaurin,	Simon,	

So the committee amendment was agreed to.

Mr. SPOONER. I desire to inquire whether section 32 of the bill has been acted upon?

The PRESIDENT pro tempore. Section 32 in the revised number of sections?

Mr. SPOONER. Yes, sir.

The PRESIDENT pro tempore. It has been acted upon, the Chair is informed, and agreed to.

Mr. SPOONER. Is it not open to amendment?

Mr. ALDRICH. Not yet.

The PRESIDENT pro tempore. Yes; under the unanimous consent given, that after the committee amendments were acted upon all amendments could be offered.

Mr. ALDRICH. All the committee amendments have not yet been acted upon. There are several reserved committee amendments.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from New Jersey [Mr. SEWELL] to page 36 of the bill, line 24. The Senator offered an amendment, and it was not completed.

Mr. SEWELL. That whole section has been revised by the committee. The chairman of the committee ought to have the amendment to offer.

Mr. HOAR. Will the Senator allow me to make an inquiry of the Senator from Vermont in regard to this matter?

Mr. SEWELL. Certainly.

Mr. HOAR. I desire to say that I expected, indeed I am rather bound, unless there is some very strong reason to the contrary, to vote for a proposition to give the veterinary surgeons some increased Army rank, and perhaps some reasonable increase of pay. I had also hoped to have an opportunity to vote at some time for an institution which would educate this class of practitioners, to be under the charge and direction of the Government, here or somewhere else in the country, instead of the private institutions which now exist.

I desire to ask the Senator from Vermont if I understand him correctly, that the committee do not mean to be understood as committing themselves against either of those propositions when they come up by rejecting this amendment, which is objectionable only for some other reason. I should like to have an assurance from the committee, or the Senator from Vermont, if he is ready to give it, that that part of the desire of the veterinary surgeons is not understood as condemned by this action.

Mr. PROCTOR. The committee were opposed to granting rank to these people because they considered that there was no occasion for it. As I stated, they believed the principle was wrong to grant rank where there could be no command. Their sentiment, I am sure, without any special action, was to give all the pay that was necessary to command the best equipped and most experienced officers, and the evidence before us was that even with the former pay there was no trouble in that respect. We have increased it, and I do not believe we should object to any increase that was reasonable.

As to the educational institution, that is a matter which was not considered. The present appointments are made from graduates, on a very careful competitive examination, with an expert from the Agricultural Department as a member of the committee.

Mr. HOAR. I desire to be allowed to say for one that the best veterinary surgeon of modern times is a man of very high scientific attainments, or he should be, and there is no doubt, I suppose, that it has ceased to be a calling wherein an illiterate and ignorant man can do as well as anybody else.

We ought to have in the Army a rank for them. I do not speak now of the power of command. I speak of the title. It seems to me that the veterinary surgeon ought to have a title which would imply a higher rank than that of second lieutenant. A second lieutenant is the lowest commissioned officer in most military arrangements. Sometimes there is a lower grade. In some armies in Europe they have a lower grade than that. A man who ought to be equal in attainments to the foremost scientific man, if he has any title at all which designates rank, should have, it seems to me, rank above that of second lieutenant. What is now the equivalent of a ship's surgeon in the Navy? It is higher than that of second lieutenant.

Mr. ALLISON. I understood that the Senator from Vermont or some other member of the committee would propose amendments to this substitute when it was agreed to. I think whatever the pay is, it ought to be fixed in this bill. It is left indefinite as

now provided in the amendment which has been agreed to, not exceeding a hundred dollars a month. It ought to be a fixed sum.

Mr. PROCTOR. If the Senator will allow me, the pay of the regular veterinarians is that of a second lieutenant mounted. That is fixed. There is authority given to employ others.

Mr. COCKRELL. I hope the Senator from Vermont will accept the suggestion of the Senator from Iowa, which is eminently proper. Let the salary be a fixed sum. We are to have two for each cavalry and one for each artillery regiment, I believe.

Mr. CARTER. That is correct.

Mr. COCKRELL. Now, let the two for the cavalry have, say, one $1,800 and the other $1,600, and let the one for the artillery have $1,800. Let it be a fixed sum.

Mr. ALLISON. What is the pay of a second lieutenant mounted?

Mr. COCKRELL. Fifteen hundred dollars.

Mr. PROCTOR. Fifteen hundred dollars—$125 a month.

Mr. ALLISON. I think the pay should be greater for these skilled veterinarians.

Mr. COCKRELL. There will be two to the cavalry regiments.

Mr. ALLISON. As to the other suggestion made by the Senator from Massachusetts, I should be in favor of adopting it unless it shall turn out, as I believe it will, that a great many of the States in the Union have established veterinary colleges. We have in Iowa a department in our State agricultural college where veterinary surgeons are graduated, and many of them have graduated with the highest skill and attainments.

Mr. COCKRELL. But I wish to say to the Senator from Iowa that there have been veterinarians employed here in the city of Washington ever since I can recollect about Washington, and they have had no trouble in getting competent men at $100 a month.

Mr. ALLISON. That may be true in Washington, but I should think——

Mr. COCKRELL. I did not propose that as the salary, but if you give the principal one of a regiment $1,800 and the other $1,600, that is nearly the pay of a first lieutenant and a second lieutenant.

Mr. ALLISON. I would give the others fixed pay.

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. The committee amendments are not yet disposed of.

Mr. TELLER. I wish to offer an amendment. I desire to offer an amendment and have it printed and lie on the table.

The PRESIDENT pro tempore. The amendment will be received, printed, and lie on the table.

Mr. SPOONER. Let it be read.

Mr. TELLER. Let my amendment be read.

The PRESIDENT pro tempore. The amendment will be read.

The Secretary read as follows:

Amend by striking out all of the bill after the enacting clause and inserting the following:

"That an act entitled 'An act for increasing the efficiency of the Army of the United States, and for other purposes,' approved March 2, 1899, be, and the same hereby is, continued in full force and effect for the period of three years from the 1st day of July, 1901."

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. PROCTOR. From the Committee on Military Affairs I propose two amendments, which I send to the desk.

The PRESIDENT pro tempore. The first amendment will be read.

The SECRETARY. On page 36, line 14, strike out the word "rank" and insert "grade."

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment will be read.

The SECRETARY. On page 36, line 16, strike out all of section 24 after the words "Military Academy," and insert the following:

Persons not over 40 years of age who have served as volunteers subsequent to April 21, 1898, may be ordered before boards of officers for such examination as may be prescribed by the Secretary of War, and who may establish their fitness before these examining boards, may be appointed to the grades of first or second lieutenant in the Regular Army, taking rank in the respective grades according to seniority, as determined by length of prior commissioned service; but no officer appointed under the provisions of this section shall be placed above another in the same grade with longer commissioned service, and nothing herein contained shall change the relative rank of officers heretofore commissioned in the Regular Army.

Enlisted men of Volunteers may be appointed second lieutenants in the Regular Army under the same conditions now authorized by law for enlisted men of the Regular Army.

Mr. TELLER. Mr. President, that is a very important amendment, and I ask the committee to allow it to be printed and lie over until to-morrow.

Mr. PROCTOR. Certainly.

The PRESIDENT pro tempore. Without objection, the amendment will be printed and lie over until to-morrow.

Mr. HAWLEY. I am authorized by the Committee on Military Affairs to move to insert on page 31 the words "and fifty" after the words "two hundred," in line 9. It gives 50 additional privates to the Signal Corps. The chief officer of the Signal Corps desires the amendment very much indeed.

The PRESIDENT pro tempore. The Senator from Connecticut offers an amendment from the Committee on Military Affairs, which will be stated.

The SECRETARY. On page 31, line 9, at the end of the line, after the words "two hundred," insert the words "and fifty;" so as to read:

Two hundred and fifty first-class privates.

Mr. PETTIGREW. I should like to know the reason for this proposed increase. There ought to be some reason for it besides a mere motion.

Mr. HAWLEY. The reason for it is the reason given for any addition of force anywhere that is needed. There is an immense telegraphing establishment or establishments, an immense number of lines, and continually growing, in the Philippines and the near-by islands, and there is much laying of cables. There is a heavy expense, of course, connected with it, and there is no small danger to life in the Signal Service. They go out to make communication, and two or three of them will be dropped by shots from the bushes. They are especially liable to that guerrilla warfare.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. BATE. Is that the amendment which relates to the Signal Corps?

Mr. HAWLEY. Yes.

Mr. BATE. There is another amendment on the subject, one that I have offered.

Mr. HAWLEY. Let us dispose of this one first.

Mr. BATE. Its adoption may defeat the one I have proposed.

Mr. HAWLEY. I think perhaps this is the one the Senator is thinking of. It gives 50 privates more in the Signal Corps.

Mr. BATE. Oh, no; that is not the one. My amendment gives 100 more. This is a very important matter. It involves the increase of some officers there, and I think it ought to go over. I ask that the amendment may be laid over until to-morrow.

Mr. HAWLEY. The Senator desires to postpone action for a day?

Mr. BATE. Yes, sir; because I want to see the relation it bears to the other amendment.

Mr. HAWLEY. I will not object.

The PRESIDENT pro tempore. Without objection, the proposed amendment will be printed and lie on the table until to-morrow. Are there further committee amendments?

Mr. ALLISON. We had under consideration a moment ago an amendment to section 22.

Mr. ALDRICH. We passed it over with the others.

Mr. ALLISON. They have been passed over. The committee will present them to-morrow, I hope, because I think that section ought to be amended.

Mr. GALLINGER. The amendment, as I remember it, relating to the Army canteen or post exchange, as the committee has now christened it, was passed over. I rise to request that that may go over until to-morrow, as there are some matters I want to look up in connection with it.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that the amendment known as the canteen amendment may lie over until to-morrow. Is there objection?

Mr. SEWELL. I do not rise to object to that request, but to suggest to the chairman of the committee that the two amendments pending now, one for the increase of the Signal Corps by 50 first-class privates, and the other suggested by the Senator from Tennessee [Mr. BATE], increasing the hospital stewards of the Army 100, might be acted on to-night. There is no reason why they should go over.

Mr. PLATT of Connecticut. The Senator from Tennessee has asked that they may go over.

Mr. SEWELL. I suggest to the Senator from Tennessee that there is no reason why the amendment should go over. We are perfectly ready to act on it.

Mr. BATE. I have an amendment here that I think covers it, and it extends much further. It comes up in the morning and will be here printed in the morning.

Mr. SEWELL. Your amendment proposes an increase of the hospital stewards from 200 to 300.

Mr. BATE. Is that the one you refer to?

Mr. SEWELL. That is the one I think might be acted upon.

Mr. BATE. I thought you spoke of the Signal Corps.

Mr. SEWELL. That is an increase of 50.

Mr. BATE. And this is an increase of 100.

Mr. SEWELL. For the Hospital Corps?

Mr. BATE. Yes, sir; and I should like to be heard upon it.

Mr. FORAKER. The Senator from New Jersey is under a misapprehension. The Senator from Tennessee has two amendments, one as to the Hospital Corps and one as to the Signal Corps.

Mr. SEWELL. I do not think there is any objection on the part of the committee to either of them, and they may be acted upon now.

Mr. HAWLEY. If the Senator from Tennessee is willing, suppose we adopt the amendment of adding 50 privates to the Signal Corps.

Mr. BATE. I prefer that to go over. I want to compare that in the morning. There are several other things to go with that proposition, and I want to put them together. I think that is proper to be done. I am doing it at the request of General Greely, the head of that corps, and I want to see it done in that way.

The PRESIDENT pro tempore. There was an amendment passed over on page 39.

Mr. BATE. Mr. President, if you will allow me a minute I will say, in reply to the suggestion made by the Senator from New Jersey in regard to the Hospital Corps, that I have no objection to taking up that amendment and acting upon it, for I think the committee all agreed to it this morning. I do not think there will be any trouble about it wherein we increase from 200 to 250, but we increase the hospital stewards a hundred. The Surgeon-General approached me about it. As the law is now, he can not appoint a hospital steward unless he has been in the service for a year, and then he has to be in a certain time as an assistant before he can be appointed. That is the substance of it. He said to me that he could not perform the duties properly out in the Philippine Islands now for the want of this class of men, and he asked me to put it in for a hundred, and it is for a hundred hospital stewards. There is no commission about it, as you know. The object is merely to get the service of these men. He wants men properly prepared for this place, and he wants to get some of them from outside, because he can not get them in the Army.

Mr. FORAKER. I ask that the amendment be read.

Mr. BATE. I ask to have the amendment read, if the clerks have it at the desk.

The PRESIDENT pro tempore. What is the request of the Senator from Tennessee?

Mr. BATE. I said I had no objection to the suggestion of the Senator from New Jersey to taking up the amendment and disposing of it so far as it relates to hospital stewards. I think the committee this morning agreed unanimously that it should be done.

Mr. SEWELL. If the amendment is at the desk, let it be read.

The PRESIDENT pro tempore. The amendment of the Senator from Tennessee will be read.

The SECRETARY. The amendment proposed by Mr. BATE is, on page 26, line 7, after the word "examination," to insert the following:

Provided, That the Secretary of War be authorized to appoint in the Hospital Corps, in addition to the 200 hospital stewards now allowed by law, 100 hospital stewards: *Provided*, That men who have served as hospital stewards of volunteer regiments or acted in that capacity during and since the Spanish-American war for more than six months may be appointed hospital stewards in the Regular Army: *And provided further*, That all men so appointed shall be of good moral character and shall have passed a satisfactory mental and physical examination.

The PRESIDENT pro tempore. Is there objection to the present consideration of the amendment?

Mr. SEWELL. There is no objection to it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. PETTIGREW. I ask to have it printed and go over until to-morrow.

The PRESIDENT pro tempore. The amendment has been printed.

Mr. PETTIGREW. I did not know it. I have not examined it. I should like to have it go over until to-morrow.

The PRESIDENT pro tempore. Under the unanimous-consent agreement, then, the amendment will go over until to-morrow.

Mr. MONEY. Has the amendment of the committee on page 29 been voted upon?

The PRESIDENT pro tempore. The Chair is informed that it has been.

Mr. MONEY. I desire to give notice that I will refer to that section to-morrow and offer certain amendments to it.

The PRESIDENT pro tempore. Under the unanimous-consent agreement, the Senator has that right. On page 39 there is an amendment, which was passed over, striking out section 37 and inserting a new section. That amendment has not been acted upon.

Mr. ALLISON. I ask that that may go over until to-morrow, and I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I should like to give notice of an amendment, and have it printed.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. ALLISON. Certainly.

Mr. HOAR. I offer an amendment and ask that it be printed, and also printed in the RECORD.

Mr. ALLISON. Let it be read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. Add to section 40, page 43, the following additional proviso:

And provided further, That the President shall appoint a commission of nine persons, among whom shall be competent physicians and other scientific men, who shall investigate and report to Congress at its next regular session as to the effect of the sale of beer in such exchanges, canteens, or transports upon the health, discipline, and morality of the Army; and that meantime the sale or dealing in beer shall only be permitted under strict regulations to be prescribed by the Secretary of War.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table. The Senator from Iowa moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After nine minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 8, 1901, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 7, 1901.

APPOINTMENTS IN THE ARMY.

Ordnance Department.

First Lieut. Edwin D. Bricker, Seventeenth Infantry, to be first lieutenant, January 3, 1901.

Quartermaster's Department.

First Lieut. Arthur W. Yates, Fourth Infantry, to be assistant quartermaster, with the rank of captain, January 3, 1901.

Subsistence Department.

First Lieut. Alexander M. Davis, Fourth Cavalry, to be commissary of subsistence, with the rank of captain, January 3, 1901.

Andrew Geddes, late captain, Twenty-fifth Infantry, to be captain of infantry, December 18, 1900.

PROMOTIONS IN THE ARMY.

Subsistence Department.

Lieut. Col. John J. Clague, assistant commissary-general of subsistence, to be assistant commissary-general of subsistence with the rank of colonel, December 13, 1900.

Maj. William L. Alexander, commissary of subsistence, to be assistant commissary-general of subsistence with the rank of lieutenant-colonel, December 13, 1900.

Capt. George B. Davis, commissary of subsistence (major and commissary of subsistence, United States Volunteers), to be commissary of subsistence with the rank of major, December 13, 1900.

Artillery arm.

Capt. Constantine Chase, Fourth Artillery, to be major, December 15, 1900.

First Lieut. John K. Cree, Sixth Artillery, to be captain, December 15, 1900.

Second Lieut. William W. Hamilton, Second Artillery, to be first lieutenant, December 15, 1900.

Infantry arm.

Maj. Henry C. Ward, Twelfth Infantry, to be lieutenant-colonel, December 7, 1900.

Capt. Thomas S. McCaleb, Twenty-third Infantry, to be major, December 5, 1900.

Capt. Thomas F. Davis, Fifteenth Infantry, to be major, December 7, 1900.

First Lieut. John L. Hines, Second Infantry, to be captain, December 5, 1900.

First Lieut. Guy H. B. Smith, Fourth Infantry, to be captain, December 7, 1900.

Second Lieut. George D. Jarrett, Tenth Infantry, to be first lieutenant, December 5, 1900.

Quartermaster's Department.

Capt. William W. Robinson, jr., assistant quartermaster, to be quartermaster, with the rank of major, November 14, 1900.

Cavalry arm.

Second Lieut. Abraham G. Lott, Eighth Cavalry, to be first lieutenant, December 11, 1900.

Second Lieut. Edward L. King, Eighth Cavalry, to be first lieutenant, December 11, 1900.

Artillery arm.

First Lieut. John K. Cree, Sixth Artillery, to be captain, December 11, 1900.

First Lieut. Lucien G. Berry, Seventh Artillery, to be captain, December 15, 1900.

Second Lieut. William W. Hamilton, Second Artillery, to be first lieutenant, December 11, 1900.

Second Lieut. William E. Cole, First Artillery, to be first lieutenant, December 15, 1900.

Infantry arm.

First Lieut. Matthias Crowley, Seventh Infantry, to be captain, December 11, 1900.

First Lieut. Jacques de L. Lafitte, First Infantry, to be captain, December 11, 1900.

First Lieut. John J. Bradley, Fourteenth Infantry, to be captain, December 17, 1900.

APPOINTMENTS IN THE VOLUNTEER ARMY.

GENERAL OFFICERS.

To be brigadier-generals.

Col. Samuel M. Whitside, Tenth Cavalry, United States Army, January 3, 1901.

Maj. Charles Bird, quartermaster, United States Army, January 3, 1901.

STAFF OFFICERS.

First Lieut. Edward C. Brooks, Sixth Cavalry, United States Army, to be quartermaster of volunteers with the rank of major, January 3, 1901.

Capt. Charles Willcox, assistant surgeon, United States Army, to be surgeon of volunteers with the rank of major, January 3, 1901.

Capt. Henry A. Shaw, assistant surgeon, United States Army, to be surgeon of volunteers with the rank of major, December 19, 1900.

LINE OFFICERS.

Forty-fourth Infantry.

First Sergt. Ralph W. Jones, Company H, Forty-fourth Infantry, United States Volunteers, to be second lieutenant, December 15, 1900.

Thirtieth Infantry.

First Sergt. William B. Wallace, Company G, Thirtieth Infantry, to be second lieutenant, January 3, 1901.

Thirty-fourth Infantry.

First Sergt. John F. Murphy, Company G, Thirty-fourth Infantry, to be second lieutenant, January 3, 1901.

Forty-first Infantry.

Battalion Sergt. Maj. Reuel E. Sherwood, Forty-first Infantry, to be second lieutenant, January 3, 1901.

Forty-eighth Infantry.

Q. M. Sergt. William L. Gee, Forty-eighth Infantry, to be second lieutenant, January 3, 1901.

PROMOTIONS IN THE VOLUNTEER ARMY.

Forty-third Infantry.

First Lieut. Henry J. Stewart, Forty-third Infantry, to be captain, December 31, 1900.

Second Lieut. Walter S. Price, Forty-third Infantry, to be lieutenant, December 31, 1900.

Forty-sixth Infantry.

First Lieut. Charles F. Wonson, Forty-sixth Infantry, to be captain, December 30, 1900.

Second Lieut. Frank S. Leisenring, Forty-sixth Infantry, to be first lieutenant, December 30, 1900.

Forty-seventh Infantry.

Second Lieut. Paul W. Harrison, Forty-seventh Infantry, to be first lieutenant, December 25, 1900.

Forty-eighth Infantry.

Second Lieut. John K. Rice, Forty-eighth Infantry, to be first lieutenant, December 23, 1900.

Corpl. George Steunenberg, Troop A, Eleventh Cavalry, United States Volunteers, to be first lieutenant, December 20, 1900.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 7, 1901.*

The House was called to order by the Clerk, Hon. ALEXANDER MCDOWELL, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., January 7, 1901.

To the House of Representatives:

I hereby designate and name Mr. JOHN DALZELL, a Representative from the State of Pennsylvania, to perform the duties of the Chair during this day, January 7, 1901.

D. B. HENDERSON,
Speaker of the House of Representatives.

Mr. DALZELL accordingly took the chair as Speaker pro tempore.

Prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 3313. An act extending the mining laws to saline lands;

S. 97. An act for the relief of Edward Byrne;

S. 2270. An act appropriating $5,000 to inclose and beautify the monument on the Moores Creek battlefield, North Carolina;

S. 2470. An act for the relief of G. G. Martin;

S. 3349. An act to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway;

S. 4436. An act providing a means of acquiring title to two groves of *Sequoia gigantea*, in the State of California, with a view to making national parks thereof;

S. 4880. An act to amend an act entitled "An act granting the right to the Omaha Northern Railway Company to construct a railway across, and establish stations on, the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes," by extending the time for the construction of said railway; and

S. 4804. An act to regulate the production and sale of milk and cream in and for the District of Columbia.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 12447. An act to amend an act approved June 1, A. D. 1900, entitled "An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein."

The message also announced that the Senate had passed with amendments bills of the following titles in which the concurrence of the House was requested:

H. R. 11821. An act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes; and

H. R. 11820. An act to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4880. An act to amend an act entitled "An act granting the right to the Omaha Northern Railway Company to construct a railway across, and establish stations on, the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes," by extending the time for the construction of said railway—to the Committee on Indian Affairs.

S. 4436. An act providing a means of acquiring title to two groves of *Sequoia gigantea*, in the State of California, with a view to making national parks thereof—to the Committee on the Public Lands.

S. 3349. An act to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway—to the Committee on Indian Affairs.

S. 2270. An act appropriating $5,000 to inclose and beautify the monument on the Moores Creek battlefield, North Carolina—to the Committee on Military Affairs.

S. 97. An act for the relief of Edward Byrne—to the Committee on Military Affairs.

S. 2470. An act for the relief of G. G. Martin—to the Committee on Military Affairs.

S. 4804. An act to regulate the production and sale of milk and cream in and for the District of Columbia—to the Committee on the District of Columbia.

CORRECTION.

Mr. HOPKINS. Mr. Speaker, I desire to correct the RECORD. On page 652, when the gentleman from Maine on Saturday had the floor, this colloquy took place:

Mr. HOPKINS. Well, now, I deny it. I am not as familiar with pettifogging as the gentleman.

Mr. LITTLEFIELD. I will prove it out of the RECORD itself.

Mr. HOPKINS. That is all right enough if the gentleman from Maine thinks he can effect anything in that way, because if there is any man who knows better than another what can be done in that way it is the gentleman from Maine.

Mr. LITTLEFIELD. The gentleman from Maine never yet defended a criminal, but he has prosecuted several in his time and he is after one now.

Mr. HOPKINS. That is the line of argument that we would expect from the gentleman from Maine from his previous course upon this floor, and I want to say to him right now that that will not change the course of the majority of this committee in the least. The facts that were presented by me yesterday are facts that I am willing to stand by regardless of the attitude of the gentleman or his remarks to me personally this morning.

Now, in the revision, the gentleman from Maine has stricken out the charge, or the statement, that the gentleman from Maine never yet defended a criminal, but has prosecuted several in his

time, and has left in the answer I made so it makes my answer to the first proposition the gentleman made entirely out of place. Now, I have no desire to have that statement which the gentleman made regarding the criminal in the RECORD if the gentleman on reflection desires to take it out; but what I insist is that the RECORD shall be corrected so I shall not be put in a false attitude in the RECORD itself. I say to the gentleman from Maine if he desires to eliminate the criminal charge I am willing the RECORD should be corrected, and the elimination of my answer also. But I am unwilling to have my answer stand without the other going in.

Mr. LITTLEFIELD. Mr. Speaker, I found on examination of the remarks made by the gentleman from Illinois on the preceding afternoon, that he had eliminated, in editing his remarks, the statement he made about the State of Maine robbing other delegations, and, having noticed that fact, I thought I would take the same course with my distinguished friend and make the elimination which I did. I am perfectly willing, however——

Mr. HOPKINS. Let me interrupt the gentleman right there. I will state to the gentleman that in my speech of the previous day there was nothing that misrepresented the gentleman from Maine. What I am complaining of is that he put me in a false attitude in the RECORD.

Mr. LITTLEFIELD. The gentleman from Maine has no desire to do that, and had no intention of that kind. I made the elimination to parallel the elimination made by the gentleman from Illinois. I do not desire to make the gentleman from Illinois appear improperly in the RECORD. What is the suggestion of the gentleman from Illinois?

Mr. HOPKINS. The gentleman from Maine can take his own course, either insert his remark or eliminate my answer.

Mr. LITTLEFIELD. I will leave that to the gentleman from Illinois.

Mr. HOPKINS. No; the gentleman from Maine is the one that must do that; whether he leaves it in the RECORD or not is immaterial to me.

Mr. LITTLEFIELD. It is entirely immaterial except that it may suit the distinguished gentleman from Illinois. I will make such amendment in the RECORD as he thinks puts him right.

Mr. HOPKINS. It is not for me to say. The gentleman made the charge, and it is for him to say whether it goes into the RECORD or not; but if it does not go in, then it is entirely proper that my answer should be taken out.

Mr. LITTLEFIELD. I will leave it to the gentleman from Illinois.

Mr. HOPKINS. No; the gentleman can not shift the responsibility.

Mr. WILSON of South Carolina. Mr. Speaker, it seems to be a question of who shall take the initiative, and I ask unanimous consent that the answer of the gentleman from Illinois be eliminated from the RECORD.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that the RECORD be corrected by eliminating the answer mentioned by the gentleman from Illinois.

Mr. HOPKINS. Mr. Speaker, I do not think that ought to be done unless it is done by the gentleman from Maine.

The SPEAKER pro tempore. Objection is made.

Mr. LITTLEFIELD. I have no objection to that course, if it is agreeable to the gentleman from Illinois. Either course is satisfactory to me. I shall not stand here to insist that the gentleman from Illinois shall insert in the RECORD the charge of robbery that he made in reference to the State of Maine and inferentially against "the gentleman from Maine." If he wants that to appear in the RECORD, or if he desires it to be taken from the RECORD (as he has already had it done)—if he wishes the matter to stand in that way, that is agreeable to "the gentleman from Maine."

Mr. HOPKINS. One moment right there. The gentleman can not shift the responsibility. There is nothing in my speech that misrepresents the gentleman from Maine. There was no change made in my speech that has any such effect. And it is not entirely frank for the gentleman to attempt to avoid assuming the responsibility in his own case.

Mr. LITTLEFIELD. Well, I have no desire to misrepresent the gentleman. The reason for making the elimination was precisely what I stated. If the gentleman from Illinois desired to remove from the RECORD a severe and harsh statement, I did not wish to be behind the gentleman in such a proceeding.

Mr. HOPKINS. Well, it is a little remarkable, Mr. Speaker, that the gentleman should retain in the RECORD my answer to a remark which was eliminated, the effect being to put me in a false attitude in the RECORD. If he desired to eliminate my answer, I was here all day; he could have seen me and obtained my consent to eliminate that answer, if he had thought fit.

A MEMBER. He had no right to change your remarks.

Mr. HOPKINS. But he could have seen me and asked that privilege.

Mr. RICHARDSON of Tennessee. I would like to ask the gentleman from Illinois a question. I could not hear his statement. Are we to understand that the gentleman from Maine edited into the RECORD some intimation or insinuation——

Mr. HOPKINS. No; he edited out of the RECORD a statement that he made, to which I had made an answer; and he left in my answer, the effect being to put me in a false position in the RECORD.

Mr. RICHARDSON of Tennessee. But the point was, as I understood, that the gentleman from Maine edited into or edited out of the RECORD the statement or innuendo that he was after a "criminal." I would like to know which it was.

Mr. HOPKINS. He took that out, but left in the RECORD my answer; and what I complain of is that this puts me in a false position.

Mr. LITTLEFIELD. Does the gentleman from Illinois wish "the gentleman from Maine" to suggest that that answer go out? Would that be agreeable to the gentleman from Illinois?

Mr. HOPKINS. Entirely so.

Mr. LITTLEFIELD. Very well, then, I make the suggestion.

The SPEAKER pro tempore. Without objection, the RECORD will be so amended.

Mr. RICHARDSON of Tennessee. Mr. Speaker, we can not hear what is going on, and we do not know what this agreement is.

The SPEAKER pro tempore. The Chair understands that the gentleman from Illinois and the gentleman from Maine have agreed that the answer of the gentleman from Illinois appearing in the RECORD shall be eliminated.

Mr. RICHARDSON of Tennessee. All right.

REAPPORTIONMENT.

Mr. HOPKINS. Mr. Speaker, I desire now to call up the bill which we have had under consideration—House bill 12740—making an apportionment of Representatives in Congress among the several States under the Twelfth Census. I have consulted with gentlemen on the other side about the time for closing debate on this bill and for taking a vote on the various propositions which will be submitted to the House. It will be agreeable to both sides, I think, so far as I have been able to get their views, that the general debate run on to-day and also to-morrow until 3 o'clock; that at 3 o'clock to-morrow the bill shall be read and considered in the House under the five-minute rule, subject to amendment and five-minute debate, but that the bill shall be finally disposed of before the adjournment to-morrow; the time occupied in debate to be equally divided between the friends of the bill of the committee and those of the Burleigh bill; and the chairman of the committee to control the time in favor of their bill and the gentleman from Maine [Mr. BURLEIGH] to control the time in opposition.

Mr. PEARSON. I rise to a parliamentary inquiry—whether this agreement requires unanimous consent.

The SPEAKER pro tempore. Certainly it does.

Mr. PEARSON. I shall be obliged to object unless some little hearing be given to me on this matter. I understood from the gentleman from Maine that I should be allowed thirty or forty-five minutes; but he informs me this morning that there is such a demand upon him that he will not be able to carry out that arrangement. I desire to say that so far as my State is concerned, and my district is concerned, no question has been presented in this Congress of more importance than this, and I can not vote intelligently for my people.

Mr. HOPKINS. Mr. Speaker, there has been plenty of time for debate. Speakers had to be hunted up on Saturday, and the debate has run now longer than it ought to, in view of the other legislation coming on. So far as I am personally concerned, I am willing that plenty of time shall be given to everybody; but the gentleman must know that after general debate shall close there will be the five-minute debate, and then I will ask the privilege of printing speeches on this subject for ten days, so that everybody can have a full opportunity of having his views made known.

Mr. SHAFROTH. Will the gentleman from Illinois permit me to ask him a question?

Mr. HOPKINS. Yes.

Mr. SHAFROTH. Do you expect to permit only one substitute?

Mr. HOPKINS. Well, there may be only one substitute; but I will say to the gentleman that the committee's bill is subject to amendment until it is perfected, and then after that the Burleigh bill is to be offered as a substitute.

Mr. SHAFROTH. If that does not pass, will the gentleman permit another substitute?

Mr. HOPKINS. You can have but one substitute.

Mr. SHAFROTH. I understand you can have only one substitute, but if it is voted down I would like to offer an amendment, and I hope the gentleman will not demand the previous question before I shall have an opportunity to do so.

Mr. HOPKINS. I will not.

Mr. SHAFROTH. Then, I have no desire to object.

Mr. PEARSON. I ask the gentleman from Illinois, for whom I have a very high regard, if he is not willing to make it half past 3?

I do not ask to close the debate, but desire to have thirty minutes. I ask that with a good deal of feeling, as a heart to heart thrust——

Mr. HOPKINS. I appreciate the position of the gentleman from North Carolina, and I have given away one hour's time more than I expected to in order to meet just such a demand as that of the gentleman from North Carolina; and I will say this, that under the five-minute debate, if too much time is not taken in voting, the gentleman can get time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, it is impossible for us to hear, and we can not agree to any arrangement that is made unless we understand what it is.

The SPEAKER pro tempore. It is impossible to hear at the desk what is being said by gentlemen, and the House will please be in order.

Mr. PEARSON. I would like to have it understood that I am to have time.

Mr. FITZPATRICK. As the gentleman from North Carolina asks time, I am sure the gentleman from Illinois is willing that he shall have it, and I hope there will be no objection to giving him twenty minutes.

Mr. HOPKINS. I believe that the matter can be arranged between the gentleman from Maine [Mr. BURLEIGH] and myself.

Mr. PEARSON. I want that result to be certain.

Mr. JONES of Washington. Mr. Speaker, I want to say this: I do not desire to delay this matter, but the State of Washington is deeply interested in this bill. It requires that State to have 257,000 people to give us one Representative. Now, I want some time upon this bill. I do not want the time to talk to my constituents, but to present facts to this House, and I would like to have twenty or thirty minutes out of this general debate. I do not feel like consenting to fix a time without having some understanding as to what I am going to get.

Mr. HOPKINS. Mr. Speaker, I see no objection to having an evening session, if some of these gentlemen desire it.

The SPEAKER pro tempore. What is the request of the gentleman?

Mr. HOPKINS. I desire to have my request put as I made it.

The SPEAKER pro tempore. Including an evening session?

Mr. HOPKINS. No; not unless it is asked for.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that general debate on the pending bill continue to-day and to-morrow until 3 o'clock; that thereupon debate shall be had under the five-minute rule for amendment, and that a vote shall be taken on the bill before adjournment to-morrow, the time to be equally divided and controlled by the gentleman from Illinois on one side and the gentleman from Maine on the other. Is there objection?

Mr. JONES of Washington. Mr. Speaker, just a moment. On assurances that I am to be taken care of as nearly as possible, I will not object.

Mr. OTEY. Mr. Speaker, I would like to say that Virginia is very much interested in this matter.

Mr. HOPKINS. Virginia will be taken care of.

Mr. OTEY. On the assurance that Virginia will be given thirty minutes I will not object.

Mr. HOPKINS. I understand that Virginia will have more than that.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. HOPKINS. I yield twenty minutes to the gentleman from North Carolina [Mr. KITCHIN].

Mr. UNDERWOOD. Mr. Speaker, I would like to take a moment to make a statement in reference to a pair. On Saturday I agreed to see that Mr. WANGER was paired in the RECORD. I had arranged a pair with one of my Democratic colleagues. Through a mistake it failed to go in the RECORD. It will appear, however, in the permanent RECORD. The gentleman from Pennsylvania [Mr. WANGER] has written to know why he was not paired. I merely make this statement so that it may go into the RECORD.

Mr. BARTLETT. Mr. Speaker, I desire to make a personal explanation in reference to this matter myself.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. KITCHIN. No; the Chair has not yet recognized me.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized as entitle to the floor for twenty minutes.

Mr. HOPKINS. Before the gentleman proceeds, I will ask one more unanimous consent, and that is for leave to print speeches in the RECORD for the next ten days, and also permission to extend remarks.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that leave to print be granted for ten days. Is there objection? [After a pause.] The Chair hears none.

Mr. KITCHIN. Mr. Speaker, I shall content myself with voting for the majority bill in this controversy. I shall first vote to strike out the amendment offered by the committee, because I believe that Congress has no power to direct the States as to the manner in which they shall divide their districts. During the first fifty years of the Republic Congress merely apportioned the Representatives and said nothing of districts in the States.

In 1842 Congress said the districts should be composed of contiguous territory. While that was objectionable, yet contiguous has a certain meaning, and can hardly be susceptible of more than one interpretation. This committee amendment proposes to put in the words "and compact," which, I submit, is unwise as well as unauthorized by the Constitution, because "compact" may be liable to various constructions and become the cause of great confusion hereafter. Disappointed and defeated candidates, ever ready to complain, may base contests upon the shape of their districts and give the House an opportunity to unseat the successful candidate, and opportunity is often deemed duty.

The Constitution says that the Representatives shall be apportioned among the several States. After the States receive this apportionment, in my judgment, the powers of Congress are at an end. Congress should not go into the States and direct the creation of the districts. My colleague from North Carolina [Mr. KLUTTZ], a member of the Census Committee, with his usual ability and diligence, has fairly and fully considered the pending measures, and his conclusion meets my approval.

But, Mr. Speaker, not only are the Burleigh substitute and the majority bill pending, but the Crumpacker bill is also before this body. Since the gentleman from North Carolina [Mr. LINNEY], the gentleman from Indiana [Mr. CRUMPACKER], and the gentleman from Pennsylvania [Mr. OLMSTED] seem disposed to push this proposition to the front, I think it proper that it should be met at this time.

As is well known, immediately after the war, when the fourteenth amendment was adopted, it had in view negro suffrage throughout the South, but it did not attempt to compel it. It held forth an inducement to the States to grant it. That inducement is found in the fourteenth amendment, in the second section, the penalty of reduced representation being declared against States that refused the right of suffrage to the negro race. President Lincoln never wanted negroes to become voters. He recognized that the white race is superior to the black one, and, as he said in his speech at Charlestown, these two races could not live upon terms of equality, that there were physical differences which would prevent them from so living, and since that was a fact he declared himself in favor of assigning the superior position to the white race.

That sound view was not altogether obliterated when the fourteenth amendment was adopted. But in the days of reconstruction, and as I believe in hostility to the white people of the South, the opinion grew that negro suffrage should be forced upon the people of the eleven Southern States, and so the fifteenth amendment was presented and compelled to be adopted throughout the South by means that can not be approved by honest men, while great States in the North were voting their disapproval of it. Without the compulsory and vicious means used in the South it would not have been adopted. However, as Mr. Boutwell, who had charge of the fifteenth amendment while pending in this body, said, it was designed to carry out the powers placed in Congress by the fifth section of the fourteenth amendment.

It prescribed that the right to vote should not be denied or abridged on account of race, color, or previous condition of servitude. That was the ultimate purpose of the second section of the fourteenth amendment, which had the penalty of reduction of representation in it. Mr. Speaker, that being the purpose of the fourteenth amendment, and the fifteenth amendment being the enforcement of that purpose, then unless a State violates the fifteenth amendment Congress has no power to act against her under a fair and reasonable interpretation of these two articles of the Constitution construed together.

Mr. Blaine, in his Twenty Years of Congress, says:

> When therefore the nation by subsequent change in its Constitution declared that the State shall not exclude the negro from the right of suffrage it neutralized and surrendered the contingent right it before held to exclude him from the basis of apportionment. Congress is thus plainly deprived by the fifteenth amendment of certain powers over representation in the South which it previously possessed under the provisions of the fourteenth amendment.

When the fifteenth amendment says that the States shall not deny or abridge the right to vote on account of race, color, or previous condition of servitude, the mentioning of these three conditions, in my judgment, is an exclusion of all others, and is tacit permission to the States for any other cause than race, color, or previous condition of servitude to abridge or deny the right of suffrage without penalty. The United States Constitution in no wise deprives a State of the right to prescribe qualifications for her voters, nor does it, in my judgment, impose any penalty upon the exercise of that right, and the true meaning of the fifteenth amendment is that if a citizen has the qualifications prescribed by a State, then his right to vote shall not be denied on account of race, color, or previous condition. But I call the attention of the gentleman from Indiana to this proposition, that when the

State of Massachusetts has an educational qualification, and the State of Pennsylvania a tax-paying qualification, it is not a denial of the right of suffrage.

If the gentleman from Indiana [Mr. CRUMPACKER] will consider, he will find a vast distinction between a denial of a right and the qualifying of that right. The Supreme Court of the United States held that the act of Congress which excludes from the mails newspapers, etc., containing advertisements of lotteries and other lottery information does not abridge the freedom of the press. It is certainly a qualification of it. We frequently have rights which are absolute in themselves, and yet in order to enjoy them we must qualify ourselves. Requiring those who desire appointments to stand a civil service examination is not a denial of the right to hold office. When we say that a man must be registered before he can vote it is not a denial of the right to vote. We merely tell him that he has the right but before he can exercise it he must qualify by registering. The law may tell him that he must pay his poll tax before he can exercise the right he already has.

Massachusetts tells him that he must be able to read and write before he can exercise this right, and when Massachusetts imposes the educational qualification upon a voter she has not denied him the right to vote, she has not abridged his right to vote, because, as I gather from the dictionaries, abridgment means to cut off. It practically means the same thing as to deny. You have not cut off a man's right, you have not denied the man's right to vote when you prescribe reasonable qualifications.

The late Senator Charles Sumner in debating suffrage admitted that knowledge was a proper qualification for a voter. Hon. George S. Boutwell, in answer to a direct question, said that the fifteenth amendment would not prevent property or educational qualifications.

Mr. Speaker, the State of North Carolina, which has been so greatly misrepresented here, in my judgment, has not denied the right to vote on account of race, color, or previous condition of servitude. But I will not now discuss this, as during the last session I fully discussed the North Carolina amendment. She has prescribed reasonable qualifications. Chief among them is the educational test, the test that Massachusetts, Wyoming, Connecticut, and other States have. After 1908 no one registers under the so-called "grandfather" clause for the first time. I will append the whole amendment to my remarks when published. Mr. Speaker, I think that there is a bitter sectional spirit in this proposition to reduce the representation of North Carolina and other States.

While the great majority of business men in the North, and, I believe, its best and most patriotic statesmen, bear no sectional spirit hostile to the South, this proposition has shown that many men in the North still are ready to arouse sectionalism and create prejudice against the South. The time has not yet come when the Republican party can be considered the friend of the South. Let those who have thought so consider this proposition and be undeceived. Yet I rejoice that many of the ablest Republican leaders in this House do not encourage this proposition.

I believe the record shows a partisan spirit in this attempt to reduce representation. The gentleman from Indiana [Mr. CRUMPACKER], in his original bill, that truly represented his purposes, instead of decreasing increased the representation of Massachusetts and decreased the representation only of Southern States. The Congressional Directory, showing the vote by which members of this House were elected, shows that in the State of Massachusetts in 1898 there were only 22,000 votes cast in each Congressional district, while in the State of North Carolina there were cast in each district 36,000 votes.

In the State of Pennsylvania there were cast only 29,000 votes in each district; in the State of Maine, 18,000; in Vermont, 21,000; in Rhode Island, 19,000. Now, if the gentleman from Indiana had dealt with Massachusetts as he dealt with North Carolina, instead of increasing the representation of Massachusetts he would have reduced her representation from 13 to 6, or in about that proportion.

But, Mr. Speaker, if you believe that the conduct of Massachusetts and North Carolina falls under the operation of the second section of the fourteenth amendment, how should you proceed? The only possible way for fair men to reach the proper result would be to find out, in the first place, a matter which these gentlemen on the other side have not fully considered, whether, except for crime, any man's right to vote is denied, which we controvert; second, whether the fourteenth amendment in that respect was not completely merged into the fifteenth amendment, as I contend it was; and then, finally, if he concludes against us on those propositions, it would be his duty to find out exactly how many people of North Carolina could vote under our laws when they become effective, and how many would be legally refused the right to vote when they endeavor to comply with the election laws, and also the grounds of such refusal.

The gentleman will tell you when he considers these questions that there will not be a thousand white men in the entire State of North Carolina who will fail to vote if they so desire. He will tell you that there will not be to exceed 50 per cent of the colored men who will not vote if they so desire. He will find that our reduction in any event could only be in the proportion of about 15 to 100, as the recent census will show only about 30 per cent of our population to be colored—perhaps not that much. But instead of these just figures, the gentleman presented a bill which reduced the representation of North Carolina to 5 members, cutting off 4 of her 9, while at the same time he put up the representation of the State of Massachusetts to 14 instead of her present number of 13. And yet everyone who can qualify under the law of Massachusetts can qualify under the North Carolina amendment.

A qualification, Mr. Speaker, is something that is attainable. If a State should say that a man should not vote unless he had red hair or blue eyes, since the color of his hair and eyes are fixed, that would be cutting off the right of others to vote; but when you prescribe a reasonable qualification, one that is attainable—and I am but giving you the definition of a qualification that Mr. Sumner gave in the Senate—when you prescribe an attainable thing, which is reasonable, it is a mere qualification, a qualification of a right that still exists in the voter. While if you deny the right on account of color the black man can never become a voter; if you deny the right to blue-eyed men, a blue-eyed man can never become a voter. These would not be qualifications. They would be denials and abridgments, but when you prescribe a poll tax or an educational test, you are prescribing reasonable qualifications within which every citizen may bring himself.

Another proposition. If, as the gentleman from Indiana [Mr. CRUMPACKER] and the gentleman from North Carolina [Mr. LINNEY] both contend, the laws of Louisiana and North Carolina are unconstitutional, why should you base upon an unconstitutional act an attempt to deprive a sovereign State of its just representation? Sirs, if you believe these provisions are unconstitutional, you should regard them as nullities, presume that they will be so declared, and should not attempt to cut down the representation on that account.

Mr. Speaker, representation and taxation should go together. It has not been claimed that voting and taxation should go together, for women, insane people, and minors pay taxes. The man who does not vote pays his part of the taxes just as the woman, the minor, and the nonvoter do. The individual voter now represents the women, children, and nonvoters. The gentleman from Indiana [Mr. CRUMPACKER] and the gentleman from North Carolina [Mr. LINNEY] would deny representation to these tax-paying nonvoters. While we have only placed the nonvoter in the same category with the women and the children, they place him upon the level of the mule and the ox, and would deny him representation.

If you are going to let the number who vote determine representation in the House, then you will increase the representation of Colorado, Utah, Idaho, and those States which extend suffrage to women. That would be proper as a matter of right from their argument, aside from constitutional provisions.

But, Mr. Speaker, the gentleman from North Carolina [Mr. LINNEY], in my judgment, on Saturday did his native State a grave injustice in his fourth or fifth annual diatribe against the Democracy of North Carolina. We have heard him often, and his latest revised edition perhaps contains more venom and injustice than any of his former efforts. It is not a new assault that he delivers. He argued that the white counties of North Carolina were Republican.

I deny it. Take the election of August, 1900, and, eliminating every single county with a black majority in the State, it went Democratic by 39,000 majority. Take the election of November, 1900, and, eliminating every county that has a black majority, the State went for Bryan and Democracy by 15,000. Under the election law that the gentleman's own party gave our people, an election law that gave the Fusionists in North Carolina the absolute control over the election, the people of North Carolina were so shocked and shamed at the rule the Republican party had given the State that they hurled them from power by a majority of 24,000 in November, 1898.

The gentleman talks about the counties of Halifax and New Hanover. In one county he says the Democrats got a vote of about 3,000 and Republicans only 2, and that the other gave more votes than it had registered voters. Ah, Mr. Speaker, if the gentleman had been entirely candid, and, not arguing from a partisan standpoint, intended to give the members of this House a fair understanding of the conditions there, the gentleman would have gone one step further and would have told you that the county of New Hanover had been afflicted by his own party with 86 negro officials. He might have told you that the same spirit that thrills the white man in North Carolina thrills the white man in Indiana, where recently white mobs lynched two negroes for murdering a white barber. He might have told you that the spirit that thrills the white man in North Carolina is the same

that thrills him in Pennsylvania, the home of the gentleman who is so anxious to investigate these matters.

He might have gone to Illinois and found that wherever the white man looks to the blue sky the spirit of superiority and progress stirs within him. He would have told you that under the disgraceful and shameful régime inflicted upon the people by the Republican party the white men did rise in their might and hurl them from power. The gentleman wants to know if that is fair. Was the election conducted fairly? I tell you in the light of a sound philosophy, in the eye of civilization and justice, it was fairer and juster than the disgraceful régime that made that revolution necessary. [Applause.]

The white people there have done no more than such people would do in any community. Wherever the negro race numerically predominates in the South there the white men stand almost unanimously together. As the negroes throughout the State vote almost solidly together, so the overwhelming majority of the white race, with its superior virtue and intelligence, vote together, and they must necessarily do so to preserve their civilization and their supremacy. Those who think that negro majorities in several counties of the State should control those counties and their good towns may criticise Democratic successes there; but they can certainly deceive no one by asserting that there is no danger in negro domination since there are more whites than blacks in the State.

One might as well have told the citizens of this city in 1864 that there was no danger in the Confederate army, since there were four times as many Federal soldiers as there were Confederates. The deception in the assertion is disclosed by the fact that in many localities the black race predominates, and in those localities the danger is, although the State has a large white majority. As an example, the county of New Hanover three years ago, when the Republicans were in control, had a negro register of deeds, negro deputy sheriffs, 40 negro magistrates or justices of the peace, a negro county commissioner, and its great city, Wilmington, had several negro aldermen, several negro policemen, and negro health officers.

The Democratic party of the South is against such conditions and believes it right to take constitutional steps to prevent their return, and the Republican party has in vain attempted, and will in vain attempt, to stop its progress. It has interposed against the Democracy 90,000 negro votes in North Carolina, but the Democracy triumphed. Its continued fight on our amendment will hurt itself and help us.

Mr. Speaker, since the civil war long years have passed. Is it not time for the country to be given rest from sectionalism? Can gentlemen still in the North grow in popularity by condemning the dominant element in the South? If so, let us hasten the passing away of such conditions. I appeal to the patriotic members of this body, and I hope they all are patriotic, to set the seal of disapproval upon the Crumpacker proposition, and let the country know that Congress will not for prejudice or unjust cause undertake to strike down the power of any sovereign State.

APPENDIX.

The North Carolina constitutional amendment adopted by the voters at the general election held on August 2, 1900.

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY TO OFFICE.

SECTION 1. Every male person born in the United States, and every male person who has been naturalized, 21 years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people in the State, except as herein otherwise provided.

SEC. 2. He shall have resided in the State of North Carolina for two years, in the county six months, and in the precinct, ward, or other election district in which he offers to vote four months next preceding the election: *Provided*, That removal from one precinct, ward, or other election district to another in the same county shall not operate to deprive any person of the right to vote in the precinct, ward, or other election district from which he has removed until four months after such removal. No person who has been convicted, or who has confessed his guilt in open court upon indictment, of any crime the punishment of which now is or may hereafter be imprisonment in the State's prison shall be permitted to vote unless the said person shall be first restored to citizenship in the manner prescribed by law.

SEC. 3. Every person offering to vote shall be at the time a legally registered voter, as herein prescribed, and in the manner hereafter provided by law, and the general assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article.

SEC. 4. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language; and before he shall be entitled to vote he shall have paid, on or before the 1st day of May of the year in which he proposes to vote, his poll tax for the previous year, as prescribed by article 5, section 1, of the constitution. But no male person who was on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed, provided he shall have registered in accordance with the terms of this section prior to December 1, 1908.

The general assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under section 2 of this article: *Provided*, Such person shall have paid his poll tax as above required.

SEC. 5. That this amendment to the constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts, and to make them so dependent upon each other, that the whole shall stand or fall together.

SEC. 6. All elections by the people shall be by ballot, and all elections by the general assembly shall be viva voce.

SEC. 7. Every voter in North Carolina, except as in this article disqualified, shall be eligible to office, but before entering upon the duties of the office he shall take and subscribe the following oath:

"I, ——— ———, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as ——— ———. So help me God."

SEC. 8. The following classes of persons shall be disqualified for office: First, all persons who shall deny the being of Almighty God. Second, all persons who shall have been convicted, or confessed their guilt on indictment pending, and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any other crime for which the punishment may be imprisonment in the penitentiary, since becoming citizens of the United States, or of corruption or malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

SEC. 9. That this amendment to the constitution shall go into effect on the 1st day of July, 1902, if a majority of votes cast at the next general election shall be cast in favor of this suffrage amendment.

Mr. HOPKINS. I now yield fifteen minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, the measure proposed by the minority of the committee might properly be denominated "a proposition to still further reduce the opportunity of members of the House to debate the questions before it." We have just had a striking example of the inability of this House to debate by the discussion this morning as to leave to print, or the cogitation in the RECORD that is to take the place of debate in the House. Why is this? Why should members be compelled to write for the dead RECORD instead of talking to the living members? It is because of the size of the House.

If the House were 360 members, and in the short session should set apart one hour to each member for debate, you will find by computation that, including the holiday recess, there are exactly 360 debating hours in the whole time, giving five hours session each day; so that the 357 members and three delegates (making no allowance for the delegate from Hawaii, who ought to be counted)—but I take 360 because there are only 360 hours, and there would be just one hour apiece for each member.

The result of this enlarged House has been that rules have necessarily been adopted to cut off debate and take away from this body its deliberative power. If you increase the number to 400 you still further curtail the rights of each member. But the proposition is to increase it in this way, so as to keep the progress of the country parallel with the slow growth of population in Maine and Virginia.

I have prepared a table, which I will insert in my remarks, that will show what has become of the population of Virginia and Maine.

From the Congressional Directory, which I have examined for the purpose, I find that the Senators and Representatives representing the various States give their nativity as follows:

State.	Senators and Representatives—	
	Born in State.	Representing State.
Alabama	14	11
Arkansas	5	8
California	0	9
Colorado	0	4
Connecticut (including GROSVENOR of Ohio and GROW of Pennsylvania)	6	6
Delaware	2	*3
Florida	2	4
Georgia	14	13
Idaho	0	3
Illinois	20	24
Indiana	17	15
Iowa (of which 3 are in Nebraska and 1 in Washington)	8	13
Kansas	1	9
Kentucky	21	13
Louisiana	4	8
Maine (including ALEXANDER of New York, ROBERTS of Massachusetts, FLETCHER of Minnesota, and PERKINS of California)	10	6
Maryland	8	8
Massachusetts	21	15
Michigan	6	14
Minnesota	1	*9
Mississippi	12	9
Missouri	9	17
Montana	0	3
Nebraska	0	8
Nevada	0	3
New Hampshire	4	4
New Jersey	8	10
New York	48	36
North Carolina (including CANNON of Illinois and HAWLEY of Connecticut)	15	11

*1 vacancy.

State.	Senators and Representatives—	
	Born in State.	Representing State.
North Dakota	0	3
Ohio	37	23
Oregon	0	4
Pennsylvania	36	*30
Rhode Island	6	4
South Carolina	9	9
South Dakota	0	4
Tennessee	21	12
Texas	6	15
Utah	2	*3
Vermont	10	4
Virginia (Virginia 20, and West Virginia, formerly Virginia, 6)	26	12
Washington	0	4
West Virginia	0	6
Wisconsin	7	12
Wyoming	0	3

*1 vacancy.

Foreign born, 22.

Maine has to-day in this Congress, in the Senate and House, from various States, 10 members. She would have under the present apportionment only 6. And yet Maine has on the floor of the two Houses of Congress Mr. ALEXANDER of New York, Mr. ROBERTS of Massachusetts, Mr. FLETCHER of Minnesota, and Mr. PERKINS of California, in addition to her own membership. Take the State of Virginia and she would be entitled to 10 Representatives and 2 Senators, total 12. She has in the Senate and House to-day 26 of her sons as members. Her population has been exported. Some of these wanderers have been returned to Congress. I was up in Maine a few years ago taking depositions in a will case with a distinguished Maine lawyer, and we took a team and a notary public along with us, and traveled over York County, in the district lately represented by Speaker Reed, at present represented by the gentleman from Maine, Mr. ALLEN.

The six witnesses first examined, in response to the interrogatory "What is your name, age, place of residence, and occupation?" gave their age in each case as over 80. The seventh witness, when I asked him his age, said "64." I said, "You are quite a young man." He replied, "Yes, for Maine." [Laughter.] The old men remain in the old homes. The young people have emigrated from Maine. They have "gone West to grow up with the country." And they have made themselves felt wherever they have gone. A Maine man is like a Scotchman, of whom it has been said that "whenever you find anything in this world that is worth anything you either find a Scotchman sitting near waiting for it or sitting down on top of it." So with Maine men; wherever you go in the United States you will find a Maine man leading the procession. Maine has now the Chief Justice of the United States Supreme Court, coming by way of Illinois, in the person of Justice Fuller.

Mr. OTEY rose.

Mr. LACEY. I will say to my friend from Virginia that if the same thing might be said in regard to that State modesty would forbid me to say it.

Mr. OTEY. May I ask the gentleman a question?

Mr. LACEY. I have but fifteen minutes, but I will yield for a question.

Mr. OTEY. You are from Virginia yourself, I believe?

Mr. LACEY. Yes, sir.

Mr. OTEY. That is all I wanted to know. [Laughter.]

Mr. LACEY. I pleaded guilty to that charge, by indirection at least, a moment before the gentleman asked the question.

Now, sir, we can not keep the membership of this House within reasonable bounds and at the same time keep the growth of the membership in line with the growth of Virginia. Why? Because people who have the honor of being born there move away to some place where the soil is more fertile. That is the natural course of the human race.

I have given the nativity in the table of the members of all the States. Twenty-two of them are from foreign countries, and the balance were born in the United States. Now, take the State of Ohio. She is entitled to 23 representatives in this body and in the Senate. She has 37 native sons in the two Houses of Congress. California has an organization known as "The Native Sons of California." Yet California has no "native son" in either the Senate or the House—because the people of that State are mainly men who have been born somewhere else. But we can not continue representation in this House upon the present ratio without making the House too cumbrous for the transaction of business.

Why, sir, the very gentlemen who ask for the adoption of the minority report on this bill, increasing the membership to 384, complain constantly that even now there is no time for debate. The appeal is made to the chairman of the committee controlling the present bill, "Give us leave to print our remarks in the RECORD." Why is this? Simply because the House has outgrown in numbers a body in which debate can be fully, intelligently, and profitably carried on.

When the number of offices of a certain class has been fixed it is almost impossible to ever after reduce that number. This is human nature. During the Spanish war complaint was made that some dynamite had been found somewhere in the purlieus of the Capitol. We immediately put on twelve additional policemen to protect the Capitol from the Spanish dynamiter. The Spanish war is over, and now the same twelve extra policemen are protecting us from the Filipinos! [Laughter.] If we should come back here a thousand years from now, those twelve men, represented by their successors, would be found watching for Spanish dynamite! It seems impossible to abolish an office when once it has been created. We have the number of Representatives now fixed at 357. Increase that number to 386 or 390 and it can never be reduced below that number.

The proposition of the majority now is to continue the House at its present number—burdensome, cumbersome, and unwieldy as the body now is, making business and debate difficult enough. That is the proposition; and I think that, in the light of our experience, we ought not make any increase. The House is already not only big enough, but too large.

A State makes a mistake when it assumes that its dignity in Congress depends upon the number of its Representatives. Take Maine, for example, with only 4 members. Those 4 Representatives from the Pine Tree State in past Congresses have controlled and shaped the legislation of this country beyond those of States with four, five, or six times that number. The influence and power of a State in this House depend on the strength and character of its delegation. The time must come when Maine must be cut down to 3 Representatives, or else this House must become still more unwieldy than it is to-day.

Under the Constitution one-fifth of the members present may require a roll call and the record of the yeas and nays. At present calling the roll and announcing the pairs, followed by a recapitulation of the vote, requires almost one hour with the present membership of the House. To increase the number of the membership adds greatly to this difficulty.

I do not think the opportunity for deliberation ought to be reduced by any material addition to the present large membership. Under the Constitution a majority of the whole constitutes a quorum. In Great Britain a quorum of only 40 members of the House of Commons is required.

The larger the membership the harder it is to obtain and preserve the attendance of a quorum. Let us not embarrass the House further by adding to the burdens of the quorum and roll call.

I called the attention of the gentleman from Maine [Mr. LITTLEFIELD] the other day to the inequalities of the bill proposed by his colleague [Mr. BURLEIGH]. Take the population of Maine, multiply it by 3, and it does not equal the population of the State of Iowa, an excess of over 38,000 remaining. Multiply the representation of Maine by 3, and it would give Iowa 12 members. With more than three times the population of Maine, Iowa's quota is less than three times that of Maine by one member. The Burleigh bill proposes to give Iowa 11 members and Maine 4. It thus appears that it is not equality of representation that some gentlemen are seeking, but inequality. They are desiring to retain the present number of Representatives in their States in any way that it can be done, without much reference to the inequalities that may result elsewhere.

This is perfectly natural. We find the same thing in Maine that we do in other States. Take the State of Virginia, the grand old "mother of Presidents." She has made but slow growth. It must continue to be slow. With the mountains that cover her surface in part, and with the poverty of the soil in other parts, the increase of population must necessarily be tardy. Many good men stay in Virginia; many good men move away from it—so, too, with Maine.

Then compare the States of the West. Indiana has become an emigrating State. So with Ohio. Ohio would be cut down one by this bill. But there are already 36 of her sons in Congress, while 23 is the limit of her own delegation under existing law. An Ohio man, wherever he goes, turns his face toward the capital of the country, and in many cases is sent here by constituencies, the mass of whom may be born in other States. How is it with the State of New York? New York has 36 of her own Members and Senators at present, and yet there are 48 natives of New York in the two Houses, because New York is a great State for emigration. Her sons will be found in every nook and corner of the Union.

Indiana, which will lose 1 member under the proposed bill, has 15 members and Senators now, and yet there are 17 Indianians on the floor of the two Houses.

A MEMBER. How about Massachusetts?

Mr. LACEY. My friend asks about Massachusetts. Massachusetts has 15 members and Senators, and yet there are 21 natives of that State in the two Houses to-day. So, then, it is perfectly obvious that we can not take care of those States that are growing more slowly than the average and keep up the representation which they now have, and at the same time not enlarge this body beyond the limits necessary for reasonable transaction of business. One-third of the population of Iowa are either directly or indirectly from Ohio. One-third of the people of Kansas are either directly or indirectly from the State of Iowa. The emigration is thus moving on first to Indiana, then to Illinois, then to Iowa, and then to Kansas.

But complaint is made about the reduction of Nebraska. That is largely due to the overcapitalization of the population of Nebraska in the census of 1890. The city of Omaha has apparently declined 40,000 from 1890 to 1900. That decline is apparent and not real. It is unquestionably a result of the fierce competition between Omaha and other cities on the Missouri River in the census of 1890. The same condition exists elsewhere to-day. There are cities whose census has been taken this year that will undoubtedly show unsatisfactory growth in 1910 because they have succeeded in some degree in padding in the year 1900.

It is impossible to retain the present membership of all the States (much as we should like to do so) and at the same time recognize the wonderful growth of some of the other States.

As to the reduction of the representation of Louisiana, South Carolina, Mississippi, and North Carolina because of the disfranchisement of the colored voters there, it seems to me that there is no room for debate. The fifteenth amendment to the Constitution provides:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

The mandate is decisive and imperative. These States may, under the guise of requiring an educational qualification, deny the right to vote to a portion of their male inhabitants, but in doing so they must incur the penalty of a proportionate reduction of their representation in Congress.

The justice of this is self-evident, and the obedience to the Constitution is required by the official oath of every member of Congress.

If these States desire to deny the right of suffrage, they ought to be willing to accept the result of the reduced representation required by the fifteenth amendment to the Constitution.

[Here the hammer fell.]

The SPEAKER pro tempore. The gentleman from Indiana [Mr. CRUMPACKER] is recognized for one hour.

[Mr. CRUMPACKER addressed the House. See Appendix.]

Mr. WILSON of South Carolina. Mr. Speaker, this contest, involving as it does very important political and public considerations of at least ten years' duration, centers around the Hopkins bill and the Burleigh bill, the one providing a House of 357 members and the other a House of 386. There was a very interesting prelude in the resolution introduced last week by the gentleman from Pennsylvania [Mr. OLMSTED] in which, like King Philip of old, he marched up the hill and down again, accompanied in his grand march by the solid vote of that side of the House, one of whom was the distinguished chairman of this committee, accomplishing finally the result which might as easily have been attained by simply depositing his resolution on the desk of the House, which in due course would have been referred to the proper committee, as was ultimately done. That is followed by the discussion of the gentleman from Indiana [Mr. CRUMPACKER], in which he makes a very able argument upon his incongruous, imperfect, wild, and fantastic bill, supported by a very lengthy report, in which he seeks to cut down the representation of four States—South Carolina, Mississippi, North Carolina, and Louisiana—to the extent of about 40 per cent of their present representation. Of course we all understand that it is mere *brutum fulmen*. That is the last this Congress will ever hear of it, except perhaps some formal vote at the end of these proceedings.

The real issue, and to that I shall chiefly direct my attention, is whether the Hopkins bill or the Burleigh bill, either or both of them, with or without amendment, shall be adopted by this House and this Congress.

Now, I shall not ascribe improper motives to the chairman of this committee. Ascriptions of that sort may be made with greater ease than justice. I accord to him the same candor, earnestness, and fairness that I claim myself. He, with a majority of the committee with him, adopts the number 357, because, in his good judgment, that is the number which he desires above all others to be adopted by this House. The gentleman has managed his side of this question with the very great ability, tact, and skill for which he is already renowned. He has associated with him, as a bulwark behind which he presents his case, the titanic Webster. He uses him as his authority, and asks this House to swallow, cap, boots, and all, his number 357, because, forsooth, if Webster were here he would do the same thing. Now, my friend, in all sincerity, of course, is simply hoodooing this House, as I shall show you beyond all question by the figures I shall present.

I shall show that he has not followed Webster, that he has departed from Webster, and that the only thing in the world he has followed is, blindly, the tracks of the Congress that adopted the eleventh apportionment, ten years ago. If that Congress had said that this House should be composed of 400 members, my friend, with the same logic, with the same argument, with the same consistency, would have favored 400 now. If that Congress had said 350, why 350 would be his number to-day. Three hundred and fifty-seven is his Dulcinea; he levels his guns at every other number that would dare to compete with it. It is his pet number, the present number of the House, and he makes the figures to suit it, as I shall show you. [Laughter.]

Now, I want to tell this side of the House that 357 has been adopted by the majority of this committee, led by the chairman, notwithstanding its effect is most unfairly, most unjustly, and in violation of every precedent of every apportionment that has ever been adopted in this country to summarily rob three States of a member to which each is entitled under the very system or process which he ostensibly applies.

Why does not he select 360 instead of 357? "Oh," he says, "that would disturb the beauty, the symmetry, the perfection of my process, which is based on 357." Why is 357 necessary? The answer is that 357 is the present number of the House, and that we have a large enough body already. The whole argument, then, is based upon the present membership of the House and the gentleman's unwillingness, his stubborn refusal, to adopt any other number than 357. Has that number any special charm? Is there any special reason for adopting it? Is there anything wreathed about 357 that commends it to his mind above every other number in the long list of tables? There can not be, unless it be that it is the present number of the House, and he would not deny this the other day when I put the question to him squarely.

I have stated that the gentleman does not follow his number consistently; and I am going to prove it. There are two systems, one of which must always obtain in this matter of apportionment. One of these is the system by which you adopt a fixed ratio—say 30,000 or 52,000 or 150,000, or whatever it may be; and the respective States receive their apportionment of members in accordance with the quotients arising from such divisor. That system obtained until 1830—until the Sixth Census. Then there was quite a dispute between the committee of the House on the one hand and the committee of the Senate on the other, Mr. Polk and Mr. Webster leading the respective sides. Mr. Polk contended that the old system should obtain, by which you would adopt a fixed ratio and allow the number of Representatives to be dependent upon the quotient which might arise in each case from the application of the divisor, disregarding or eliminating fractions.

Mr. Webster in his able report, a part of which I shall read in a moment, contended that the number of the House should first be fixed and then the apportionment by population be determined by that divisor. Under the Fifth Census the Polk system or process prevailed; but under the Sixth Census the Webster process was adopted, with a variation. That variation was that a State which had a majority fraction should be allowed representation upon that fraction. Ever since 1840 we have adopted in this country the Webster process, by which we first determine upon a fixed number of Representatives as the divisor. This system has been followed, with the variation whenever necessary. For instance, whenever there has been a majority fraction remaining, that majority fraction has always been treated as entitling the State to a Representative. My friend from Illinois in framing this bill has not followed the Polk process, because that disregards all fractions; and he does not follow the Webster process, because under that process majority fractions are always recognized. In this bill of the committee we have the first departure from the established system.

Now let me read what Mr. Webster says, and gentlemen will see that the bill of the gentleman from Illinois does not follow that system. This part of Mr. Webster's report which I shall read is in some unaccountable way left out of the citations which you will find in the report of the majority of the committee:

> The rule has been frequently stated. It may be clearly expressed in either of two ways. Let the rule be that the whole number of the proposed House shall be apportioned among the several States on their respective numbers, giving to each State that number of members which comes nearest to her exact mathematical part or proportion.

That is the new method, the method which Mr. Webster recommended, with variations.

Now, here is the composite method to which I shall call the attention of the House in reference to some tables which I shall submit:

Or let the rule be that the population of each State shall be divided by a common divisor, and that in addition to the number of members resulting from the division a member shall be allowed to each State whose fraction exceeds a moiety of the division.

That is the rule which, if adopted, would give these three States an additional member. That is the rule which is invoked by the table of 384 presented by the Burleigh report. Mr. Webster goes on to say:

Either of these, it seems to the committee, is a just and fair rule capable of uniform application and operating with entire impartiality. There is no want of a common proportion or of a common divisor. There is nothing left to arbitrary discretion. If the rule in either of these forms be adopted, it will never be doubtful how every member of any proposed number for a House of Representatives ought to be assigned. Nothing will be left in the discretion of Congress. The right of each State will be a mathematical right easily ascertained, about which there can be neither doubt nor difficulty, and in the application of the rule there will be no room for preference, partiality, or injustice.

Now, let us follow Webster. That is all we ask—let us follow the rule laid down by Webster, and which has been followed ever since with the variations which that rule permits. My friend from Illinois—and I ask him to correct me if I am in error—when he adopts the number 357 deprives these three small States of representation, although they have majority fractions. He says that he does this because if we should allow them representation by majority fractions it will necessitate the adoption of a new table and the allowance of majority fractions for other States. But why follow that table at all? Why does he not follow Table 4? I call his attention to page 101 of the report. His ratio is 208,858—only 142 short of the round number 290,000.

Now this Table 4 has been printed for the information of every member of the House, yet the chairman of this committee has not referred to it once. He has disregarded entirely the old system, and while he follows parts of the new system he rejects others. He asks this House to follow him blindly. He ridicules the majorities of these three States by showing how possibly this rule might give Maine a little more than she is entitled to, because her majority fraction is small.

Suppose he had started out, not with 357 Representatives, but with 209,000 as the ratio, what would have been the result? Every one of these States that are included in his bill would have received the representation that they do receive by his bill, and in addition thereto Colorado, Florida, and North Dakota would have received one member each. It is an illustration of the difference between the old system and the new system. The one system works fairly, by which there is not a single majority fraction left over, as Webster said should be the case, while the other gives us only 357 members, and three majority fraction States are left out. The gentleman objects to a membership of 360. Why? Because if he does allow those three members to be added, that will break up the symmetry of his process. That is his reason.

He says you can not add anything to it because it would make 360 instead of 357, and then he says you will have to start all over again with 360 as the divisor and create an entirely new table. He is wedded to 357 and you can not get him away from it, whereas if he had taken the other set of tables, if he had taken Table 4, on page 101, by simply making the divisor 309,000 even instead of his number—208,868—every State in the Union with a majority fraction would have received representation. My friend can not answer that. The figures are there and the effect of that jugglery of figures is to deprive these three States of their proper representation. The gentleman's only justification of it is that that is the process he started on and he wants us to swallow his process.

Now, what about the bill of the gentleman from Maine [Mr. BURLEIGH]? It is constructed strictly in accordance with Table 4, with the exception that Iowa is not allowed one member that she is entitled to. The proper number is 387 and not 386. The original Burleigh bill was correct. In committee it was reduced to 386, and Iowa in consequence lost one member. Now, how was that reduction made? Simply because Webster's first process was followed by Mr. BURLEIGH instead of his second.

If my friend from Iowa [Mr. LACEY] will look at page 107 of the report he will see that by adopting 194,000 as a divisor, Iowa will have one more member, the number of members reported as shown in the bill originally introduced by the gentleman from Maine [Mr. BURLEIGH]. That is under the fair process by which every majority fraction in every State is allowed representation. The reason Iowa does not get that additional member is that the minority of the committee attempted to follow the first process, and as a result the majority fraction did not save Iowa. Three hundred and eighty-four was the number they started with. They added two for Virginia and Nebraska and left Iowa out. But if you start with a fixed number of population instead of a fixed number of members as a divisor, it is impossible for a major fraction to be left out, and that is the system that ought to obtain in this Congress and in other Congresses hereafter in framing apportionment bills.

Page 107 of the report shows that with 194,000 Iowa gains one. Under the Burleigh bill Iowa does not gain one, simply for the reason that the new process is adhered to with variations by the gentleman from Maine [Mr. BURLEIGH]; whereas if the old process had been adhered to, with "majority fractions" variation, Iowa would have gotten her just deserts, or if she lost one member my friend could not complain. Simply by adopting that method Iowa would get her full quota as indicated in the original Burleigh bill.

Now, the difference between the Burleigh bill and the Hopkins bill in their operation is this: In the Hopkins bill no allowance is made for major fractions in three States, because, as the gentleman says, the residuum of 22 is exhausted before these three States are reached, there being 25 States with majority fractions. Under the Burleigh application of the same system every State with a major fraction is accorded representation by simply adding to the original number with which he started. Both those applications are wrong because the system is wrong, inasmuch as it necessarily involves the deprivation of some of the States of representation for major fractions. The proper system, indicated in Table 4, the adoption of which will secure almost the same ratio of population, does not deprive any State of representation for a majority fraction, and that is the same principle which Mr. Webster said ought to be adopted by Congress.

So it strikes me that the number 357, advocated by the gentleman from Illinois [Mr. HOPKINS], chairman of the Committee on the Census, should not be adopted by this House. It deprives three States of representation. By any other process in the world except by the Hopkins process they will not be deprived of this membership. The gentleman has adhered neither to the old system or the new. He has not adhered to any precedent or any apportionment that has ever been adopted in this country. The RECORD will sustain me in that statement, and the gentleman can not say to the contrary. Then why should we follow him blindly when his only reason is that it is the present number of this House, notwithstanding the fact that it admittedly deprives States of their just representation?

If the people of the United States are to be represented in this their Government, they can nowhere be so directly represented as in the House of Representatives. The burden of the National Government far exceeds that of the State. In one year there is paid into the National Treasury by the people of a State more than their own State, county, and city treasurers collect from them in twenty years. They have the right to keep close to Washington and to closely guard legislation there enacted and government there administered. The House has always kept pace with the growth of the country, in its membership, by every apportionment except one, that of 1842, in which it was reduced by Senate amendment.

Ten years ago it was fixed at 356, the population being 62,622,250. The country has grown to 74,565,906 of representative population, an increase of nearly 12,000,000. Then there were 356 Representatives to 88 Senators, about 4 to 1. According to Mr. HOPKINS'S bill, with Arizona and Oklahoma yet to be admitted, the ratio will stand 360 to 94, or 16 short of 4 to 1. By his bill the States of Indiana, Kansas, Kentucky, Maine, Nebraska, Ohio, South Carolina, and Virginia each lose one of their present number, notwithstanding the increase of population in those 8 States during the past decade is over 1,500,000. That reverses the policy of Congress in the eleventh apportionment, when this was the plan adopted by the committee.

Trials were made until a number was found that would give a ratio which in application would secure each State against any loss in its membership and in no instance leave a majority. This number was found to be 356.

The present bill proposes to blindly adopt the conditions which existed ten years ago, notwithstanding the effect is to vitally injure eight sovereign States—a result which that Congress deliberately and specifically refused to accomplish.

The time has not yet come to call a halt in the size of the House. We do not need another Senate. If a member feels too much crowded and jostled here, he may ask his State to relieve him by sending him there. We are not in each other's way. Except on very rare occasions there are dozens of empty chairs. Debates are conducted by leaders and assistant leaders, and recognition is not such a matter of right as to occasion tumult in its being sought. Chairmen of committees, one after another, have charge of the proceedings, with space visible everywhere. Add 29 members to our number and there will be no appreciable addition to occupied chairs, and vacant ones will, except on few occasions and for brief periods, always be found waiting for and welcoming occupants.

It is needless to enlarge upon this universally admitted condition. But we are seriously told that the cost of Congress will to

that extent be increased. This session of Congress will, if the Senate confirms what you have passed, appropriate for 100,000 soldiers. Thirty additional members of the House will be of less cost and expense than 150 of these soldiers! The constitutional monarchies of Europe accord to their people a fuller representation in their legislative assemblies than does Congress to the citizens of this Republic, whose distinctive characteristic and proud privilege is that they are the source of all power, all legislation, and all government.

England's House of Commons consists of 670 members, although her population is only 37,888,439. Germany, with 52,279,901 people, has a Reichstag of 397. The Italian Chamber of Deputies is composed of 508, for a population of 29,699,785. The Spanish Cortes has 431, while Spain's population is 17,550,216. The Republic of France is far more generous to its people than the United States is to its citizens, its population of 38,517,975 being represented by 584 deputies, or 1 to every 65,955 of the population; whereas even with 386 members of Congress, each member with us will represent 194,182 people.

The sovereign voters of the United States should be as directly represented as possible in their government of themselves. The larger the territory and the greater the population of a district, the farther is each person in it from personal representation. Their interests are each year becoming larger and more varied, as evidenced by the vast appropriation bills and the items composing them, and the ever-increasing mass of the subjects of legislation and bills introduced. The work of their Representatives is not confined to these walls, but ramifies all of the departments, and all during the year, even when Congress is not in session, as most of us can certify.

Now, gentlemen, I want to talk to this side of the House about another matter. It has been industriously worked upon you that the effect of the adoption of the Hopkins bill will be to save the political integrity of both parties as it now exists, and my friend, the gentleman from Illinois [Mr. HOPKINS], and others have tried to instill into the minds of members on this side of the House, with tears in their voices, the fact that if we should adopt the Burleigh bill here the inevitable result would be to give a Republican gain of 10 members. Now, gentlemen, just think about it for two seconds and a half. The argument that the gentleman brings to bear upon you is that if you do not save the Democratic party from the Burleigh bill the Republicans will gain 10 members of this House. He did it seriously and half expected you to keep your faces straight in listening to his argument. Just think of it, and the results of it——

Mr. KLUTTZ. Has not the same argument been used on the other side to whip them into line for the Burleigh bill?

Mr. WILSON of South Carolina. That is a correct argument, as I am going to show you.

Mr. KLUTTZ. They will gain 10.

Mr. WILSON of South Carolina. Not by the Burleigh bill. I do not think that political considerations should control in this matter, but if there is any salvation that is ever going to come to the Democratic party it must come through the Burleigh bill and not through the Hopkins bill. Why, under the Hopkins bill two of our doubtful States are at the outset openly and unblushingly deprived of 1 member, when each is entitled to 1. Under the Burleigh bill here is our standing. The Republicans gain 21 and lose 1. Their net gain is 20. The Democrats gain 10 and lose none, a net Republican gain of 10. Now, what do they include in there? They include New York, New Jersey, Connecticut, West Virginia, and Indiana. There is not an intelligent Democrat in the United States under the light of existing conditions that does not know that the only chance the Democracy has to win in this country is by carrying those States, and unless we do carry those States, or most of them, we can do nothing.

Mr. KLUTTZ. Will the gentleman permit me to interrupt him again?

Mr. WILSON of South Carolina. Certainly.

Mr. KLUTTZ. I ask the gentleman if, under the Hopkins bill, the political situation does not remain as it is? Is not that the fact?

Mr. WILSON of South Carolina. I say if the Republicans carry those States the Republicans will have a majority of 10; and if the Democrats carry those States the Democrats will have a majority of 8—a gain of 8.

Mr. KLUTTZ. Which is the more likely to carry them?

Mr. WILSON of South Carolina. So I say, accepting the surrounding conditions in these States, shall we risk nothing with reference to them? Till we do carry them, or most of them, there will not be a President inaugurated by the Democratic party.

Mr. LACEY. I would like to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman yield.

Mr. WILSON of South Carolina. Certainly.

Mr. LACEY. I understand you to assume that if the Democrats carry those States certain results will follow?

Mr. WILSON of South Carolina. Certainly.

Mr. LACEY. How do you get at that result? Do you assume that all the States south of Mason and Dixon's line will continue to be Democratic?

Mr. WILSON of South Carolina. I am not considering any of the other States one way or the other. I am simply discussing those States. If these States go Republican, then it will be 10 more for their majority, and if the Democrats gain those States they will gain 8 more for the aggregate of their majority. Do you not see the situation? Why should they bring this political argument to bear in this House to scare us away from our duty when we know that the only salvation of the Democratic party is in those very States, and we are therefore perfectly willing to make those States' representation as large as possible.

Mr. RICHARDSON of Alabama. I wish to ask the gentleman if he would discuss this feature of the bill relating to the districts, and the use of the word "compact?"

Mr. WILSON of South Carolina. I will come to that after a while.

Mr. RICHARDSON of Alabama. I see in the Hopkins bill there is an amendment.

Mr. WILSON of South Carolina. You mean by the addition of the word "compact?"

Mr. RICHARDSON of Alabama. The word heretofore used has been "contiguous." It has been changed by the addition of the word "compact;" and I should like to hear what the gentleman has to say in discussing that.

Mr. WILSON of South Carolina. I will discuss that matter later on.

Mr. RICHARDSON of Alabama. The Hopkins bill and the Burleigh bill both contain that, and the Crumpacker bill is the only one that leaves the word "compact" out. I would like to hear the gentleman discuss the use of the word "compact" in these two bills.

Mr. WILSON of South Carolina. I will discuss it, but I only have an hour, and there are other matters that I must first direct my attention to.

Mr. RICHARDSON of Tennessee. If the gentleman from South Carolina will permit me, and I know he is much more familiar with the bill than I am, I understood him to say that there are 8 States in the Hopkins bill that will lose 1 member each if it is adopted. Now, is it not feasible and practicable to pass this bill fixing the number at 357 and insert a proviso that these 8 States which would lose shall have their members, so as to make the House 365 members? Is not that practical and constitutional?

Mr. WILSON of South Carolina. It is practical and constitutional, that everybody knows; but——

Mr. RICHARDSON of Tennessee. Why not make it that way?

Mr. WILSON of South Carolina. It was done in 1872, under the Webster process "with variation," but while Mr. HOPKINS adopts the Webster process he refuses to adopt it "with variation."

Mr. RICHARDSON of Tennessee. That would satisfy the gentleman, would it not?

Mr. WILSON of South Carolina. So far as the result is concerned; but I do not think the principle would be right. I think the correct principle is by Table No. 4, which is what was done from the beginning of the Government to 1842. Adopt a fixed number of population, and let the number of Representatives be determined in the quotient, allowing an additional member for each major fraction in a remainder. That is the only sensible and rational way, I think, of determining the matter. It is the old (or Polk) process adapted to the Webster suggestion that recognition be given to major fractions in remainders.

Mr. HEPBURN. I would like to interrupt the gentleman with a question, if he pleases.

Mr. WILSON of South Carolina. With pleasure.

Mr. HEPBURN. I understand the gentleman to make an argument in favor of the Burleigh bill, because it gives to States that were carried by the Republican party in the last election an advantage of 7. Now I suggest to him that if his argument is good, and if he is going to be generous to us, he ought to go further and adopt 398 as the number, because under that apportionment the Republicans—that is, the States that went Republican in the last election—would gain 28, while the States that went Democratic would gain 13, giving us a clear advantage of 15. Now, if he is going to be generous, why not go on up to that number and give us what we think we ought to have?

Mr. WILSON of South Carolina. The gentleman is in error in stating that my argument on the political line was in the interest of the Democratic party. It was in reply to an argument assiduously propagated on this side of the House by leaders of your side of the House who were afraid that we were going to give the Republican party too much. I say we do not adopt 398 because it is not necessary in order to save every State to go beyond 386. That is the reason we adopted 386 as the least number possible.

Now, if you follow the course pursued in this country up to

1842 you will do it. If you adopt the course that has been pursued by this country since 1842 you will do it. The only exception, the only milestone of the century by which unfairness will be dealt to any State in the Union by an apportionment bill, will be by the adoption of the Hopkins bill.

Never before in the history of this country since fractions were recognized has a single State been deprived of a majority fraction, and even in the last apportionment the change of one vote in the Senate would have increased the membership from 356 to 359. If there had been one Senator of a different mind over there the present representation in this Congress would be 359 plus Utah, which would make 360; and my friend from Illinois would be here to-day advocating 360.

Mr. JONES of Virginia. Let me suggest to the gentleman that Mr. Webster says in his report that it would be unconstitutional to deny a State a representative from a majority fraction.

Mr. WILSON of South Carolina. Yes; I have read that. If members will stop to think for two and a half minutes and look over table 4, they will see the outrage that is sought to be perpetrated by this Hopkins bill.

Mr. SMITH of Kentucky. Will the gentleman allow me a question?

Mr. WILSON of South Carolina. Certainly.

Mr. SMITH of Kentucky. Do I understand that you are advocating the proposition involved in the minority report?

Mr. WILSON of South Carolina. Yes.

Mr. SMITH of Kentucky. If I understand that proposition, it proceeds on the same basis as the majority report proceeds upon.

Mr. WILSON of South Carolina. Except that the majority fractions are allowed, while the Hopkins bill does not allow all majority fractions.

Mr. SMITH of Kentucky. It seems to me the majority and minority have started out by taking a number arbitrarily, instead of fixing the population that one man can fairly represent in the House.

Mr. WILSON of South Carolina. That is the argument I made at the outset. The old method, with the "majority fraction variation," is the correct method, and it will be secured if we will take 387, because if you will look at page 107 of this pamphlet you will find that the number I mention, 194,000, will give the precise figures in the Burleigh bill as originally introduced. The difference between the Burleigh bill as introduced and reported is that Iowa is not allowed 1 additional Representative. That makes the difference between 387 and 386, and that difference was caused by adopting the new method instead of the old, which should have been adopted with the Webster majority fraction variation, suggested by Mr. Webster in his report of 1832.

Mr. LACEY. Why did they adopt the new method?

Mr. WILSON of South Carolina. Well, the gentleman from Maine [Mr. BURLEIGH] can state that; because he wanted to proceed with his bill on the same principle as adopted in the Hopkins bill.

Mr. LACEY. Was not it because the Iowa delegation was against the increase of the membership of the House? [Laughter.]

Mr. WILSON of South Carolina. No; we ought to have found out first how the Iowa delegation stood, but we neglected to do so. [Laughter.] Now, Mr. Speaker, that is all I wish to say upon that subject.

THE NEGRO AND HIS VOTE.

I want now to talk to the gentleman from Indiana [Mr. CRUMPACKER] a while. I can not make an argument in full, as I intended, for I have not the time, and I shall thereby be prevented from elaborating the subject as I should wish; but I shall cite him to decisions of the Supreme Court of this country by which he will understand that his ridiculous bill can not for a moment be sustained by that tribunal.

His bill accords to every State its full number of Representatives except South Carolina, North Carolina, Mississippi, and Louisiana, and from each of these four Southern States he takes three Representatives, his reason for such arbitrary proceeding being that each of these States has denied the right of suffrage to at least 40 per cent of its inhabitants, and consequently its representation must, under the second clause of the fourteenth amendment to the Constitution, be reduced to that extent.

That clause provides that when the right to vote at any election for Representatives in Congress, etc., is denied to any male inhabitants of a State 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of Congressional representation therein shall be reduced in proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

The right to vote does not come from the United States, but from the State. The United States Constitution nowhere confers that right. That is explicitly decided in Minor *vs.* Happersett (21 Wall., 166) and United States *vs.* Reese (92 U. S., 215).

The fifteenth amendment, which declares that the right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude, does not confer the right to vote. Its only meaning, purpose, and effect was this: Before its adoption preference in suffrage could be given by a State to one race over another; a State could have entirely disfranchised the negro. But now, since its adoption, if citizens of one race having certain qualifications are permitted to vote, those of another having the same qualifications must be. The right to vote, therefore, comes from the State, but the fifteenth amendment forbids any discrimination on account of race. So says United States *vs.* Cruikshank (92 U. S., 544).

The fourteenth amendment did not change the relations of the State and Federal governments, as held In re Kemmler (136 U. S., 436). It did not attempt to confer the right of suffrage upon the negro, but citizenship only, which does not include the right to vote. A woman is a United States citizen, but can not vote. That amendment simply tried to force the States to accord suffrage to the negro by imposing the penalty of loss of representation in Congress, which I have already stated as the second clause. But unfortunately for the bill of the gentleman from Indiana, Congress did not rest content with the fourteenth amendment, but followed it up with the fifteenth, which declared it to be out of the power of a State to disfranchise the negro as such—the very thing which the fourteenth amendment declares shall cut down the State's representation.

The only thing, therefore, which can reduce a State's number of Representatives is declared by the fifteenth to be an impossible thing; and the gentleman is left high and dry by the last amendment of the Constitution. One of the ablest Republicans this country has produced, Mr. Blaine, concedes this when he writes:

When the fifteenth amendment declared that the State shall not exclude the negro from the right of suffrage, it neutralized and surrendered the contingent right before held to exclude him from the basis of apportionment. Congress is thus plainly deprived by the fifteenth amendment of certain powers over representation in the South which it previously possessed under the provisions of the fourteenth amendment.

No one has ever denied that the fourteenth amendment was aimed exclusively at the South, and, that no one may ever ignorantly do so upon this floor, I shall state a few features of the legislation which led to it.

On January 22, 1866, the reconstruction committee of the House reported this amendment to the Constitution:

Representations and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed: *Provided*, That whenever the elective franchise shall be denied or abridged in any State on account of race or color, all persons of such race or color shall be excluded from the basis of representation.

Mr. Blaine contended that if any class was excluded from representation it should also be excluded from taxation.

Sloan, of Washington, spoke for a basis of voters.

John Baker drew attention to the fact that the proposed amendment leaves any State the right to narrow the suffrage as she pleases, so long as she steers clear of the test of race or color.

Ingersoll offered an amendment prohibiting any State from prescribing a property qualification.

Jenckes opposed that amendment as needlessly abridging the power of States.

Schenck's amendment based apportionment upon the number of male citizens who are voters. It received but 29 votes. The resolution was recommitted, and the committee reported a changed proviso:

Provided, That whenever the elective franchise shall be denied or abridged in any State on account of race or color, the persons therein of such race or color shall be excluded from the basis of representation.

It carried by 120 to 46.

It was killed in the Senate.

While in that body Senator Henderson offered this amendment:

No State in prescribing the qualifications requisite for electors therein shall discriminate against any person on account of color or race.

It received but 10 votes.

In April, 1866, the House passed and June 13 the Senate approved (with an amendment in which the House concurred) the resolution.

Senator Doolittle offered an amendment making "voters" the basis of representation. It received but 7 votes.

The distinguished gentleman will observe that thirty-four years ago the effort now made by him was essayed by Representative Schenck and by Senator Doolittle with as little success as will attend his bill. There is but one way to accomplish his desire to make registration of voters the basis of representation, and that is by the adoption of a sixteenth amendment to the Constitution. But that would be disastrous to Massachusetts, one-fourth of whose population can not vote because of her educational qualifications; Connecticut, California, Delaware, Maine, New York, and other States, whose laws practically disfranchise the illiterate. All States would be measured by the same standard, and the four Southern States would not stand alone as subjects of his political pruning knife.

His bill is the Rip Van Winkle of the reconstruction era. It is a misfit with this generation and these piping times of alleged good will and fraternity between the sections. Such action is out of accord with the sounds of jubilation over a reunited country which constantly regale our ears. Our people would much prefer less protestations of kindliness if accompanied with less unfriendly attacks upon their peace, safety, and prosperity.

We have no apology to make for ridding ourselves of a voting population which was never legally invested with the right to vote. In clothing the negro with suffrage the Federal bayonet took the place of the Constitution. The history of reconstruction speaks for itself and removes the subject from disputation. Neither Lincoln nor Johnson intended to inflict upon the South unrestricted negro suffrage.

President Lincoln wrote to Governor Hahn, of Louisiana, March 15, 1863:

Now, you are about to have a convention which, among other things, will probably define the elective franchise. I barely suggest for your private consideration whether some of the colored people may not be let in, as, for instance, the very intelligent, and especially those who fought gallantly in our ranks.

In reconstructing the eleven State governments in 1865 President Johnson sent a circular letter to the provisional governors suggesting that the elective franchise be extended to all colored men "who can read the Constitution of the United States and write their names, and also to those who own and pay taxes on real estate valued at not less than $250."

The very able and radical Senator Fessenden said in the debate on the Freedmen's Bureau bill:

I take it that no one contends—I think that the honorable Senator from Massachusetts himself [Mr. Sumner], who is the greatest champion of universal suffrage, would hardly contend—that now, at this time, the whole of the population of the recent slave States is fit to be admitted to the exercise of the right of suffrage. I presume no man who looks at the question dispassionately and calmly could contend that the great mass of those who were recently slaves (undoubtedly there may be exceptions), and who have been kept in ignorance all their lives, oppressed or more or less forbidden to acquire information, are fitted at this stage to exercise the right of suffrage, or could be trusted to do it unless under such good advice as those better informed might be prepared to give them.

Nevertheless, the passions of the year succeeding the war forced upon us by Congress that condition which Fessenden said no one would even contend for. The reconstruction constitutions were adopted under the military governors by negroes and aliens; not by the citizens of the States. The States had not made voters of the recently emancipated slaves, nor had the United States made citizens of them, as the fourteenth amendment had not then been adopted.

Our negro and carpetbag constitutions were erected under the initiative of the reconstruction act of 1867, which imposed military governments upon the Southern States, which were to supplant civil government unless and until they should adopt a constitution and the fourteenth amendment, also guarantee universal suffrage, the convention therefor to be elected by all men over 21—whether citizens or not—except the white citizens of the State, the election to be supervised by military officers and the registration to be conducted under military officers; the constitution so made to be submitted to the same illegal and farcical voters for ratification, then reported to Congress for approval; and then and not till then were the States to have Representatives in Congress. In passing, I may add, that same revolutionary Thirty-ninth Congress passed the revolutionary tenure of office act, upsetting the established practice since the foundation of the Government. It defied all restraints.

When the 10 States came with their new constitutions so unconstitutionally forced upon them this condition was imposed and nominally attached to their admission:

That the constitution of the State shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote who are entitled to vote by the constitution herein recognized, except as a punishment for such crimes as are now felonies at common law, whereof they shall have been duly convicted under laws equally applicable to all the inhabitants of said State.

That act was as sounding brass. Texas *vs.* White (7 Wallace) decides that the Confederate States were never out of the Union. So they could not be "conditionally readmitted."

Blaine says in that connection:

The Republican platform (1868) asserted that the guaranty of suffrage to the loyal men of the South must be maintained, but that the question of suffrage in the loyal States belonged to the States themselves. It was an evasion; a mere stroke of expediency to escape the prejudices which negro suffrage would encounter in a majority of the loyal States. It was a deception, because every intelligent man knew that it would be impossible to force negro suffrage on the Southern States by national authority and leave the Northern States free to exclude it from their own domain.

And that—

The Republican majority in Congress were so well satisfied that the war had not carried the 11 States out of the Union, that they insisted that the fourteenth amendment should be ratified by three-fourths of all the States.

Later on, while the civil rights bill was passing, on motion of Wilson of Iowa, this amendment was unanimously adopted:

Nothing in this act shall be so construed as to affect the laws of any State concerning the right of suffrage (p. 175).

Moreover, the same Congress which imposed negro suffrage as a condition for the alleged "readmission" of the Southern States, admitted Colorado and Nebraska, notwithstanding their constitutions prohibited negro suffrage.

While those frantic, and unfortunately successful, efforts were being made by Congress to fasten negro domination upon the South, States of the North serenely excluded the negro from suffrage: Connecticut in 1865, by 6,000 majority; Kansas in 1867, by 9,000; Minnesota, by 1,000; Ohio, by 50,000; New York, by 40,000. Nevada, Colorado, Nebraska, and Wisconsin swell the list.

The only criticism that can justly be made of us is that we so long endured the outrage perpetrated upon us and delayed resuming control of our governments by the intelligence and white manhood of the States, so forcibly and unconstitutionally wrested from them. So much, Mr. Speaker, for the charge of disfranchisement. I will simply say in addition, without going into details, that any man of ordinary intelligence in the South can qualify himself to vote, just as he can in Massachusetts or California.

The gentleman from Indiana seems very solicitous about the welfare of the negro in the South. I want to tell him and other members from the West that in New England and the Northern States, whose people have been brought into contact with the South by business intercourse and otherwise, there is an entirely different impression concerning the condition of the negro from that which prevails in some of the Western States. Out West people have the impression that the negro is oppressed, robbed, outrageously and brutally treated. The trouble is they do not know. They simply stay at home and do not enjoy proper facilities of business and other acquaintance with the South.

If they should once develop business relations with us; if they would send some of their men there and see what the existing conditions are; if they would see the amicable relations existing between the two races; if they would see how the South is prospering and taking the negro along up with it, they would have their eyes opened—the scales removed. There you have the great pension vote, and that vote is always cast against the South. Those voters still have the idea that they are emancipating the negro. It is, I imagine, a favorite pastime with you on the stump out West to abuse the South for her supposed treatment of the negro. Well, it does not hurt us. We are paying no attention to it; we are going ahead vigorously; we are devoting our time and attention to the development of our country, and astonishing the world by our tremendous advance in wealth and prosperity. You people out West who wish to abuse the South for political purposes may continue to do so to your hearts' content and make as many votes as you may by that proceeding. We shall not prevent it; we are too busy and life is too short.

A consideration more important than the control and elimination of the negro vote is, that the Southern people should enjoy security and peace and prosperity in their homes. We would not allow the suffrage question or anything else to stand in the way of the safety of our people and honest government. For eight long years we had a trial of negro domination under carpetbag leadership, and I want to give you some statistics of that reign of venality.

In South Carolina prior to 1868 the average tax collections amounted to $400,000 per annum. During those years of negro government the average was $1,270,000. There were fraudulently issued (and the proceeds converted to the personal use of those who had political control) bonds to the extent of $9,000,000. The State was robbed of that much money. The annual revenues were consumed in the bribery of members and senators, purchases for their use of furniture, supplies, and wine—keeping an open restaurant in the capitol day and night, and larceny by public officers. A public printing company was organized, composed of the clerk of the senate, the clerk of the house, and the comptroller-general. There was paid to this company for public printing during one year $450,000. Before that period the average was $21,000. The governor received $20,000 for his signature to one of the appropriation bills. The general assembly had 349 clerks, 124 pages, and 144 messengers. In one session there were issued in pay certificates $1,168,255.

These figures will give you an idea of what negro government (which you are contending for here) did for our State. One of the senators—Senator Leslie—said, "A State has no right to be a State unless she can pay and take care of her statesmen." That was the theory on which they acted. One of the United States Senators said that "there was in South Carolina five more years of good stealing." Out of 17 negro senators 14 were proven corrupt by an investigating commission.

Now, I want to tell you how the negro is treated in the North. Let me say to my friend from Indiana that one of the leading negroes of the South—Booker Washington—knows more about the negro than he does. What does Booker Washington say? I read from his remarks before the industrial convention:

It is in the South that the black man finds an open sesame in labor, industry, and business that is not surpassed anywhere. It is here that that form

of slavery which prevents a man from selling his labor to whom he pleases, on account of his color, is almost unknown—that compels him to live in idleness while his family starves.

The South gives him something more merciful than sentiment—the opportunity to earn his bread. He can spend his dollar with fairest opportunity in the opera at the North; he can earn it with fairest opportunity at the South. He is excluded by the labor unions of the North.

That is what Booker Washington thinks about the negro in the South and in the North. Now, let me give you some facts in regard to our treatment of the negro in the South. The South evolved him from barbarism. It required slavery to do it. The North, aided by Europe, emancipated him; and now the South is bringing him up along with it. As the South grows industriously—as it grows in wealth and education—the negro is being carried along. He is not allowed to control the government, because he has been shown to be utterly unfit for it. He is protected in all his dearest rights except the right of voting, and he does not care to vote.

Why, sir, to-day every negro in South Carolina who can read and write may, if he chooses, go to one of the registration offices of the State and become a registered voter. Fifty thousand of them can do so if they wish. But you can not get them to do it. Why? Because they would rather save the dollar which would be required as poll tax. They know that they can not carry the elections. They know that nothing can be gained by their votes, except to fatten their leaders with Federal patronage. Nearly all of them belong to the "Emancipation party," and always will, I suppose. They know that the intelligence of the State is going to control. The know that if they vote the white people are going to stand together solidly, and I tell gentlemen on the other side that if there is anything in the world that is going to break up the solidity of the South it is what you term "depriving the negro of the right of suffrage."

For that reason I want a reasonable number of the negroes, short of a majority, to register. It is the best thing for South Carolina; it will be the best thing for the other Southern States, because there are, as all the newspapers show, signs of disintegration among the Democracy of the South. Various planks in the platform of the Republican party and other considerations are enticing Democrats away from the faith of generations, away from the political faith of their fathers. But they are not going to leave the Democratic party. Why? Because they recognize the force of the color menace. They know the salvation of their homes, the prosperity of their State, depends upon white domination, and they will surrender their national politics in order to secure white home government. My friend can not do the Democracy of the South a better service than he is doing to-day. I hope he will keep it up for at least ten years, to save us at least that long. [Laughter.]

The gentleman talks about education in the South. We are educating the negro. In South Carolina each year there is raised and applied for education, from various sources, an amount equal to 5 mills upon the assessed value of the property of the State; and there are more negroes than whites enrolled in the schools. During the past thirty years, according to Dr. Harris, Commissioner of Education, the South has spent more than $100,000,000 for the education of the negro, and he has not contributed 5 per cent of the amount.

Nowhere on earth is he so well or fairly treated as in the South, and I cheerfully do him the justice of saying that I do not believe that on the face of the earth can be found more faithful or satisfactory servants, domestics, and farm laborers, specially adapted as they are to certain sections of the South. He is all right in his place, and will continue to prosper and be contented with it. With us he gets work, protection, and justice; with you he gets nothing except his right to vote the "mancipation ticket," with never a piece of an office thrown in—your only use for him is his ballot.

Now, the plain answer to all these arguments is the way the South is growing. The South could not be making such tremendous progress and development as she is if the condition of disorder existed there as my friend would have this House believe. Our factories are rapidly growing, and not wholly by Northern capital. The gentleman from Massachusetts [Mr. LOVERING] can tell you that. Of all the capital that is invested in the mills in my State, not 14 per cent of it is from the North. It is Southern capital, and evidences the progress and development of that country. I mention that particular industry because you are more familiar with its reputation than any other. We not only make the cotton, but we manufacture it and we export the manufactures. The South to-day exports over one-third of the total exports of this country, nearly $400,000,000 annually. We have got something else to do down there besides hunting negroes, much as the statement may surprise the gentleman.

Now, I will refer to some mistakes that the gentleman made about South Carolina. I am not going to enter into any extended argument. I deny the right of any member to bring my State upon this floor for trial—not that I am afraid to meet it, but it is beneath her dignity, and there should be no necessity for it. But I will answer some things that he refers to. He says:

> Other States than those mentioned have restrictive qualifications upon manhood suffrage, but they are of such a character and apply to such conditions that it can not be said that in any particular State they directly and necessarily disfranchise a sufficient number of citizens to materially affect the basis of representation.

Now, in Massachusetts in 1890, according to the census, there were 263,432 illiterate persons, who must be excluded from representation, according to my friend's position. In Connecticut there were 49,698. So the South is not the only country where that condition exists to an extent "to materially affect the basis of representation."

Now, here is what he says about lynchings in the South:

> The perpetrators of these crimes against civilization do not make the poor excuse that the penal machinery is inadequate, and the most appalling aspect of the situation is that in some of the most atrocious instances of mob execution the work is done in broad daylight, and no effort is made on the part of the perpetrators to conceal their identity. No prosecution ever follows.

He ought not to have brought Indiana into the question in this indirect way in the light of what has recently occurred at Rockport, where two negroes charged with murder were hunted down with bloodhounds and brutally lynched, and the third pursued to a neighboring town the day following and murdered in cold blood. How can he with any regard for the fair name of his State have the audacity to introduce such a subject upon this floor?

Mr. KLUTTZ. Three negroes lynched in two days!

Mr. CRUMPACKER. Does the gentleman believe that one-half of the Gulf of Mexico could be polluted and the other half remain pure?

Mr. WILLIAMS of Mississippi. That is just what we are talking about; we claim your half is just as rotten as ours.

Mr. WILSON of South Carolina. That is simply a side remark which the gentleman from Indiana has made. We say that there are more convictions of negroes in proportion to the number in the North than there are in the South, that in proportion to the respective populations there are more negroes to-day in the penitentiary in the North than there are in the penitentiary in the South. There the negro gets protection. Do not be afraid about that. We do not protect him in one crime; we never will. As long as he commits it he will be promptly lynched, certain, sure, just as he will be in any other section of the country. But when he commits other crimes he gets his trial by jury.

And, as if he were determined to show how utterly and monumentally ignorant he is concerning our conditions, he says:

> With their natural manufacturing resources and cheap, tractable labor, the field is peculiarly inviting to capital. The employer is free from the annoyances that labor organizations sometimes give in other sections, and with simplified machinery and the coercive force of penal laws, the negro becomes as efficient a factory hand in many lines as the white man. Capital will continue to be attracted by such favorable conditions, and the products of cheap, servile toil will continue to be sold in competition with the products of intelligent, independent labor in other sections of the country.

Now, Mr. Speaker, as matters of fact, in all the Southland there are but two small cotton factories run with negro labor, and in my humble judgment and with my fervent hope both of them will soon cease the experiment. In none of them is there now or ever will be the joint service of both races. The white race would not permit it there any more than in the North. The negro can never become a competitor with our white people in the mills, for the simple reason that by nature he can at best make but a very inefficient operative, while, as I clearly established on this floor two years ago, there is no mill help in the world that can compare in character, intelligence, blood, and efficiency with that of the South, composed as it is of our own people, heirs of two centuries of Southern spirit, independence, intelligence, and love of country.

Nor is he any nearer the fact when he states that labor organizations are unknown to the operatives in the South, though he is undoubtedly correct in the collateral statement that negro labor is wholly unorganized. In no possible contingency will he ever be admitted into Southern labor organizations—the color line, to a dead certainty, will always be drawn in them. As yet the mill operatives have not, to any great extent, formed themselves into unions or organizations, but, of course, it is but a question of a few years at most when they will find it convenient and to their interests to do so—it has already begun—not because of any antagonism to capital or the mill managers and owners, for they now cooperate amicably, but for the same reason that has caused labor the civilized world over to organize—its own benefit and protection. No reasonable man will object to it, and no amount of unreasonable objection can avail against it. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. HOPKINS. I yield thirty minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, there are some very amusing features that have been presented by this debate. The gentleman from Illinois [Mr. HOPKINS], in support of the committee bill, took up the bill of the minority and showed very conclusively that it was framed upon entirely illogical, unfair, and uncertain

mathematical computations, and then he blandly admitted that his bill was based upon precisely the same mathematical calculations. The gentleman from Maine [Mr. LITTLEFIELD], in support of the minority bill, took up that of the majority and satisfied everyone that an illogical, unfair, and unsafe basis had been adopted for the construction of that bill, and then admitted that the bill which he advocated was based upon precisely the same principles, excepting that he arbitrarily injected into the bill which he supported Representatives from three other States that were not warranted in any sense by the mathematical computation.

A great deal of time has been spent in trying to show the justice of the various bills. And yet every gentleman who stops to think about it knows that it is absolutely impossible for any man to have a scheme that will be absolutely just to the people of all the States. In the very nature of things it can not be done, and therefore it appears to me useless to waste time in these various comparisons. Take, for instance, the bill that has been lauded here by the minority of the committee as containing peculiarly the features of essential justice. Yet that very bill, notwithstanding their declarations that all major fractions are represented, leaves the State of Iowa with a majority fraction of 106,000 without the increase that should be given to a majority fraction.

How do you account for that, gentlemen? You get right up to the next number to that which would give Iowa this additional representation, and there you stop, yet you claim great virtue for yourselves because of the exact justice that is manifested by your bill. The truth is, gentlemen, you can not any of you be just. You can not divide by any divisor so as to give to every man exact representation in this House, and therefore we might as well discard that. Why should you insist about majority fractions? Suppose that the divisor is 200,000, and here is a major fraction of 100,001, which has representation. Here is another fraction, that is not a majority fraction, of 100,000. You deny representation to that, and yet it may be a babe 6 months old that constitutes the major fraction. You might suggest that you are giving representation in this House to that baby.

Mr. Speaker, I think that the whole question involved here is one of expediency. What is the better size? What number of Representatives can best perform the duties that devolve upon them in a deliberative body? Not this body, for I am willing to confess here that it presents none of the features of a deliberative body [laughter], but that deliberative body that we ought to have. The fathers gave us their opinion with regard to this matter. When they provided for 26 Senators they provided for 65 Representatives. That was their idea. They thought that the political power of a member of the Senate should be two and a half times greater than the political power of a Representative.

Mr. WILSON of South Carolina. I would ask the gentleman what was the proportion in the last census?

Mr. HEPBURN. If the gentleman will possess his soul in patience he will find that I am talking about what the fathers did, and the fathers did nothing with regard to the Eleventh Census, so far as I am advised. [Laughter.]

That was their idea. How is it in the different States? In the State where I live there are 50 senators and 100 representatives. In the State of Illinois, I believe, there are three representatives to one senator.

Mr. GROSVENOR. Fewer than that in Ohio.

Mr. HEPBURN. I think that in the majority of the States the proportion is less than three to one. There is a consensus of opinion, at least in some degree, that might enlighten us.

But, Mr. Speaker, I believe it is the duty of Representatives here to preserve the political power with which they are invested as compared with Senators. Senators have on a number of occasions increased the number of Representatives, or it has been done in the Senate. You have noticed, undoubtedly, that we have been favored with the presence of Senators during the discussion of this bill as we are not on other occasions favored. A great interest, newspapers inform us, is being taken by those of a certain character, attempting to influence this House in the direction of an enlargement of its membership. Why? Because the larger this House becomes the greater proportionate power does the Senator retain as compared with the Representative. It is too much now, and yet the House is all the time consenting to augment it.

Why should we, where it is unnecessary, constantly insist that the appointing power should be limited to control by the Senate? Why should all the inferior Federal officers hold their induction into office because of the advice and consent of the Senate? We are constantly augmenting the power of Senators, while they are constantly curtailing ours. It is unwise. I think there is something in this for consideration. Gentlemen tell us now, who are advocates for enlarging this House, on other occasions that the fact of an enlarged House justifies a system of government in the House that is destructive to the individuality of members, and absolutely destructive of the representative power that the Constitution gives us and that our people fondly think we enjoy.

When you attack the system of rules that we have, that is vicious in every degree, that is harmful to the individual character of the member, that is harmful to the deliberative character of this body, that absolutely destroys it, and puts it beyond the power of any individual to participate in legislation or to bring to the consideration of this House any measure, no matter how important it may be to him or to his people, without he gets the consent of another person, another Representative—when you attack that vicious system, you are told that it is because the House is a mob, because it has been so enlarged that individual responsibility does not weigh upon the members; because there is no possibility in the confusion of the vast number to secure that deliberation that is necessary to the proper discharge of public business. On those occasions the House is too large. I believe it is wiser, I believe it would be better for the people, and it would be better for the individual membership, to decrease rather than increase the number of Representatives.

Mr. JONES of Virginia. Will the gentleman permit a question?

Mr. HEPBURN. Certainly.

Mr. JONES of Virginia. I would like to ask the gentleman from Iowa if he would vote for an amendment to the Hopkins bill fixing the number at 350 instead of 357, and thereby reduce the representation of Iowa from 11 to 10?

Mr. HEPBURN. No, sir; I would not do that. But I will say this, if the committee in its wisdom, after an examination of the whole subject, had introduced a bill of that character, I would have supported it. [Applause.]

Now, Mr. Speaker, I do not believe that any corresponding good will come to us by this enlargement. Let me remind the gentleman from Virginia that the time once was when the State of Virginia had 24 Representatives in this House. In my judgment——

Mr. JONES of Virginia. I would like to ask the gentleman what census that was.

Mr. HEPBURN. I have forgotten; the number was between 22 and 24.

Mr. JONES of Virginia. Twenty-three was the highest number of Representatives that Virginia ever had.

Mr. HEPBURN. I came within one of it. [Laughter.] I take it that every argument that could be made to-day for increasing the Representatives of this House so that Virginia shall continue the Representatives that she now has could have been made at the time when she had 23. Suppose that that argument had been effective, and suppose at each recurring period when it was made it had influence, what would have been the number now? More than 800 members would have seats upon this floor. There was a time when the State of Maine had 8 members.

When it was proposed to diminish that number, I have no doubt but that there was some eloquent son of Maine who made substantially the same argument that was made here the other day; and yet if that argument had been potential, if that number had been continued up to the present time, and other States had the representation that they would have had, to-day there would be 771 members entitled to seats upon this floor. And has Maine suffered? Certainly not. As the people have learned from time to time, when they must lose in quantity they have so improved the quality that Maine certainly to-day has no cause to blush for her representation on this floor.

Mr. JONES of Virginia. Will the gentleman permit a question in that line?

Mr. HEPBURN. Why, if the gentleman desires to ask me if I want to say the same thing for Virginia, I will say, unhesitatingly, "yes." [Great laughter.]

Mr. JONES of Virginia. I would ask the gentleman if this apportionment had taken place two years ago instead of now—when Mr. Reed was Speaker and Mr. Dingley the leader of the majority—if he thinks such a bill as this would ever have been reported here?

Mr. HEPBURN. Oh, Mr. Speaker, I remember well the potency of the Speaker. [Laughter.] I remember that a particular individual at the time mentioned had his great power as an individual reenforced by the surrender of my power and that of every other member of this House into his hands. Whether he could have controlled the committee I do not know, but I am inclined to doubt it.

Mr. Speaker, I want this House to have the largest number of persons that it can to discharge the business that it has to transact; but I do not want its number to be so augmented as will furnish an argument for the binding of the hands of the individual members of the House. And I know, and every one of you know, that it will be urged, and that it will have its effect upon certain members who have to vote upon a question of the rules before they have had an opportunity to chafe under the restraints and tyrannies of those rules.

And I know that when the placid gentleman now occupying the chair, the leader upon this side, my venerable friend on my right, and a corresponding number of gentlemen occupying corresponding positions on that side of the House, in the early days

of the session, when the neophyte is here and has not been hazed [laughter], he sees them standing up as advocates of a retention of the rules without change, he naturally says to himself, "This must be all right, or such leaders, who have the confidence of the American people, would not be their advocates," forgetting, or never knowing in his innocence, that these gentlemen belong to the charmed circle [laughter]; that these gentlemen, because of their great eminence, because of their marked and recognized superiority, have a power in this House that is above rule, or that compels the amelioration of the rule in their behalf whenever they propose to invoke it.

Mr. Speaker, I heard a gentleman in this debate, in support of this enlarged number, say that this House could do whatever it chose. I want to deny that statement. I make the assertion here that there is no proposition that affects the people of my State or of any one of the States that an individual member can secure even consideration of without he first addresses himself to another Representative and gets the consent of that Representative. [Applause.] I remember of hearing my friend on my right once say that under the rules of this House the House could do whatever it chose. I would yield to him a moment for the purpose of asking him if, after reflection, he would contradict the statement that I have here so deliberately made?

Mr. GROSVENOR. After the very high compliment that the gentleman from Iowa has seen fit to bestow on me I would not contradict anything that he would say. [Laughter.]

Mr. HEPBURN. Thank you. I now appreciate the value of compliments, and I shall henceforth use them in the place of arguments. [Laughter.] Mr. Speaker, the statement that I have made is a grave one. It ought not to be made without deliberation. I ought not to say to the American people that the whole scheme and plan of the Constitution with regard to this House of Representatives is subverted, destroyed, annihilated by the rules of this House without it was true. And I will ask any gentleman, and I will yield to him if he will undertake to tell us, how any proposition can be brought before this House without it receives the assent of the Speaker of the House. And even then, with reference to a great majority of propositions, how can it be brought to the House after it once has gone into the bosom of a committee and that committee does not see fit to report it?

Every member upon this floor, 356 of us, may be anxious for the adoption of a proposition, and it can not be brought to the consideration of the House by any possible means known to the law without the consent of that gentleman into whose hands you and I have surrendered the political power of our constituents.

Now, Mr. Speaker, what is the excuse for this? Mind you, I am not criticising the old Speakers or the new. I have no complaint to make of the manner in which they administer their power. I am quarreling with ourselves, and we will be asked to continue this robbery of ourselves, this wrong to our constituents, this surrender of their political power—for it is theirs, gentlemen, and not yours or mine—we will be asked to continue this. Why? Because the House is so large, because it is so unwieldy, because the confusion is so great, that business can not be transacted without it. Therefore from time to time the surrender is made.

I want that we shall act on this bill so that we will not give added force to declarations that are made in that behalf in the near future. I think that even with the number that we have there is confusion. My friend called attention to it to-day when the important matter was being settled as to when we should reach a vote upon this question. Time and again the gentleman from Tennessee [Mr. RICHARDSON] was compelled to rise in his place and insist that although important business was being transacted publicly here upon the floor he could not hear a word that was said. He could not tell whether to object or not, and the efforts which the Speaker vigorously exerted time and again were necessary in order to get that slight measure of order that would permit even the gentleman seated where he is to hear what was going on in the House. I do not want this number to be enlarged. I do not believe there is wisdom in the enlargement.

This bill, as it is presented by the committee, seeks no political advantage—none. It is fair, I think, on that question. We would gain, as Republicans, something under the bill proposed by the minority, but if we are going after things political, I am not content with that. I want to go further. I want to increase the membership just 12 more—only 12, gentlemen, only 12. [Laughter.] As one gentleman said a little while ago, "Twenty-nine will make no appreciable difference in the manner of conducting the business in the House." And if it will not, then the House with the addition of 12 more—only 12—will not make any appreciable difference in the transactions of the business of the House, and it will give to the poor, defenseless Republican majority here an advantage of 15. I take it, in some future House; and if we are going after political advantages, I want to go for the largest number. That is the largest number we can possibly secure in any of the propositions that are made between 350 and 400, and if we are to be moved by political considerations, I want to tell you, gentlemen, my lofty soul can not be moved by a paltry 7. [Laughter.] I want 15. [Laughter and applause.]

[Here the hammer fell.]

Mr. LONG. Mr. Speaker, we certainly have been much interested and instructed by the speech of the gentleman from Iowa [Mr. HEPBURN]; but if we did not know that the bill under consideration was one to apportion Representatives, we would think that he had been discussing a proposed amendment to the rules of the House.

I have listened before to the gentleman's criticisms on our rules. I listened to his great speech at the beginning of the Fifty-fourth Congress, when I first became a member of the House. I realized then his power as a speaker, and the justness of some of his criticisms, but I remember that the rules were adopted in that Congress notwithstanding his objections.

I was not in the Fifty-fifth Congress, but the RECORD shows that he made the same criticisms then. He omitted to make objection, for some reason, at the time of the adoption of the rules of the House in the present Congress, but makes his criticisms to-day instead. I remind the gentleman of the fact that the rules of the House under which we are now proceeding were adopted first in the Fifty-first Congress, when the membership of the House was 325 instead of 357; and I would like to know whether these rules are any more objectionable in a House of 357 than they were in a House of 325. The gentleman's objection is to our rules and our procedure under them, not to the size of the House.

I speak to-day in favor of the proposition for a larger House. I speak in favor of the proposition for a House that will recognize the increase of population in this country in the last ten years. I am in favor of a House that will follow the precedents of half a century by an increase in membership to keep pace with the increase in population. I am not willing to go back to the apportionment act of 1850 as a guide for my footsteps, even though it is indorsed by the gentleman from Iowa.

But while I differ from him in regard to the size of the House, I agree with him that it is impossible under the Constitution to do equal and exact justice to all the States in an apportionment bill. The members of this House were certainly convinced of that fact by the criticism which the gentleman from Illinois [Mr. HOPKINS] made on the bill of the minority, that it did injustice to certain States; and they also realized from the speech of the gentleman from Maine [Mr. LITTLEFIELD] that the bill of the majority did injustice to some of the States.

The statements of these two gentlemen are absolutely correct and show the impossibility of enacting a law that will exactly apportion Representatives among the several States.

The Constitution provides that Representatives and direct taxes shall be apportioned among the several States according to their respective numbers. Direct taxes can be exactly so apportioned. When the amount of the tax is determined it can be apportioned among the States according to their respective numbers, for the reason that a dollar can be divided into 100 parts, and those parts, by the use of fractions, can be still further divided, so there is no difficulty about the apportionment of direct taxes to an absolute certainty.

But when we come to the apportionment of Representatives, and assume a certain number as the size of the House, a difficulty arises from the fact that the population of the different States varies, and it is impossible to divide a Representative. If the population of each State could be accurately and equally divided by any ratio and no remainder left, then Representatives could be apportioned with the same accuracy and equality as direct taxes. But this can not be done, and so from the organization of the Government up to this time, every ten years when an apportionment bill is up for consideration, this question has been debated and discussed and has been the cause of as much argument and controversy as any nonpolitical question that has arisen in Congress. It has attracted the attention of the best minds of the century.

From the time that George Washington vetoed the first apportionment bill, after full consultation with his Cabinet that included Hamilton and Jefferson, down through the century, we find that Madison, Webster, Clay, Trumbull, Conkling, Edmunds, Garfield, and many other statesmen of the country have given their best thought to this question of making the apportionment of Representatives as nearly fair and equitable as is possible under the circumstances.

THE BILLS OF THE MAJORITY AND MINORITY OF THE COMMITTEE.

I call attention to the fact that the bill of the majority, on a computation of 357 members, gives on even division 335, while there are 4,595,126 persons who are unrepresented after that division. What does the bill of the majority do? It gives representation to the four States of Delaware, Idaho, Nevada, and Wyoming. It is compelled to do that under the provision of the Constitution which requires that each State shall have at least

one Representative. Then it takes 18 of the largest fractions in the different States and accords Representatives on those fractions. Then the majority, in effect, say:

We can go no further. Our process uses fractions until we reach 357 only, and we are compelled to leave 23 States with fractions aggregating 1,384,468 without any representation on those fractions.

What does the bill of the minority do? On even division, on a computation of 384, it secures 360. Then, after giving those 4 States Representatives, which it is compelled to do under the Constitution, it takes 22 other States with major fractions and accords them Representatives on their fractions, and then the minority say, "We are unable to accord representation to 1,031,056 persons in the United States." In their bill they accord representation to 253,712 more persons in the different States than the bill of the majority, and, in my opinion, that is getting nearer to exact justice, nearer to equity and the rights of all the States than does the bill of the majority. Now, what is the difference between the two methods? In what respect do they differ in their plan of operation?

Mr. HEPBURN. May I interrupt the gentleman a moment?

Mr. LONG. Certainly.

Mr. HEPBURN. I wish to ask the gentleman, under his ratio—under the table 384—after making the divisions and aggregating the remainder, does he not have a larger number unrepresented than under the table of 357?

Mr. LONG. We do not. The difference is 253,712 in favor of our proposition. We give representation to that many more people.

Mr. HEPBURN. If the gentleman will allow me to correct him, under the table of 357 the remainder is 4,595,126. Under the table of 384 the remainder is 4,660,386.

Mr. LONG. If my friend from Iowa will remember, I have just given those figures; but the bill of the majority accords Representatives to fractions, until the remainder, 4,595,126, is reduced to 1,384,468.

Mr. HEPBURN. Those are minority fractions, are they not?

Mr. LONG. No; they are only minor fractions in Nevada and Wyoming which, under the Constitution, receive one Representative each. There are major fractions in all other cases. The bill of the minority accords Representatives on fractions and reduces the remainder, 4,460,386, to 1,031,056. This bill reduces it 253,712 more than the majority bill does. The unrepresented population in the United States is 253,712 fewer under the minority bill than under that of the majority, and I ask the gentleman from Iowa whether that is not nearer to exact justice in an apportionment than the bill of the majority?

Mr. HEPBURN. I do not think it makes any difference one way or the other as a matter of justice.

Mr. LONG. That is the difference between the gentleman and myself. I think Congress under the Constitution should adopt such method or methods, such process or processes, that will give representation to as many people in the different States as possible and leave as few people in the different States unrepresented as possible.

Mr. HEPBURN. Then, let me ask the gentleman why he does not go still further, so that his divisor will be a less number? The smaller the divisor the more certainty there is of having exact and equal justice in the distribution of power. Why not go to 400 as the total membership of the House?

Mr. LONG. Will the gentleman present an amendment for 400?

Mr. HEPBURN. You are talking about what ought to be done.

Mr. LONG. Is the gentleman ready to propose such an amendment?

Mr. HEPBURN. Certainly not.

Mr. LONG. If he will propose it, I will support it.

Mr. HEPBURN. But in your anxiety about doing exact justice why do you not go still further?

Mr. LONG. In the minority bill we have recognized the increased population in the country since the last census, as I will show before I conclude, and we have enlarged the House, following the precedents of prior apportionments. We have made no greater increase than was made in the apportionment of 1882 and in that of 1891.

THE DIFFERENCE IN METHODS BETWEEN THE BILLS.

The difference between the two bills is this: The gentleman from Illinois—and I would like to have the attention of my genial friend from that State—the gentleman from Illinois takes 357 as the fixed number. He divides the constitutional population of all the States by that. He gets the ratio in that manner. Then he divides the population of the different States by that divisor and obtains a certain number on even division, and that number is 335.

He has a number of fractions left over in the different States. He accords representation to the 4 States of Delaware, Idaho, Nevada, and Wyoming, as he is compelled to do under the constitutional provision that each State must have at least 1 Representative, and then to the 18 States having the largest fractions he accords Representatives. When he reaches the number 357 he says, "Even though I have done injustice to Colorado, Florida, and North Dakota in not giving them representation on their major fractions, yet I am compelled to refrain from doing so because my process will not admit of it."

The minority of the committee believe with him that there should be a certain assumed number as the size of the House, but they differ from him in this, that they do not believe that that number should be absolutely fixed and invariable. They believe that it is just and right to vary from that number whenever it is necessary to give representation to major fractions.

Mr. HOPKINS. Will it trouble the gentleman if I interrupt him?

Mr. LONG. Not at all.

Mr. HOPKINS. I do not desire to interfere with the gentleman at all. On that principle, if you wanted to carry that on so as to take care of every major fraction, is it not a fact that you can not stop short of 395?

Mr. LONG. It is a fact under your process.

Mr. HOPKINS. We will not call it anybody's process, but under the figures presented by the Director of the Census, and under which, it is claimed by the minority of the committee, the bill is in part framed, is it not a fact that in order to have all the major fractions cared for you can not stop short of 395, with a ratio of 188,774?

Mr. LONG. It is a fact that you can stop anywhere you want to stop. You can assume any number you want to assume in the first instance, and then, in making your division, do it with the understanding all the time that you are not bound to the original assumed number, but that you must go on and give representation to the major fractions until you give representation to every major fraction that exists.

Mr. HOPKINS. Now, if my friend will allow me, under the bill that is advocated by the gentleman, with the number that they propose to fix as the membership of the House, there are major fractions in both the States of New York and Pennsylvania, and if you include those States it will keep you on until your each the number 395, at which number you dispose of all of the major fractions and allow each State representation.

Mr. LONG. I want the gentleman's attention once more, and I hope that he will be fair on this question.

Mr. HOPKINS. Oh, certainly.

Mr. LONG. The computation is made on the Table 384; but on that computation 2 States, and 2 States only, have major fractions unrepresented—the States of Virginia and Nebraska. When you take the Table 386 and attempt to give representation to every major fraction on that table you find that you have 6 States with major fractions—Iowa, Maine, Massachusetts, Michigan, Nebraska, and Ohio. That is when you take 386; but when you take 384 you only have 2 States under the table without representation on major fractions.

Mr. HOPKINS. Now, right there. When you take 386, then there are 6 States instead of 2 that have major fractions.

Mr. LONG. That is right; that is, when you make the computation on 386.

Mr. HOPKINS. Then you keep on increasing in order to dispose of the major fractions until you get to 395, and at 395 no State loses anything and every State is treated exactly alike.

Mr. LONG. I do not admit that it is nece sary to go to 395. I hope the gentleman will understand that. He is wedded to a particular process that recognizes only a sufficient number of fractions to reach the original number. This House, in my opinion, is not tied to that particular process.

Mr. HOPKINS. I do not desire to interrupt the gentleman unnecessarily, but I wish to say this: I have never contended that the House did not have the right to do whatever it chose. My proposition has been that if you take a process in order to determine the membership of the House, science and mathematics require you to follow it out and to treat every State alike under that process.

Mr. LONG. I want to call the attention of the gentleman again to the fact that we do not believe in following his process without any variations.

Mr. HOPKINS. No; but the gentleman must bear in mind that in mathematics you have got to follow out a proposition to its logical result. You can not take 384 and give representation to part of the States, and then adopt some other process, because that is not treating the States fairly. Either you must take the process and follow it through to its logical, legitimate, and mathematical result, or you must abandon it entirely and then make up your representation on some system of your own.

Mr. LONG. Not at all. The gentleman speaks of doing injustice to States. I have admitted that this process of yours and the plan under which the minority are operating will result in injustice to some States. If that was not the situation we would not be discussing this bill here to-day.

THE WEBSTER REPORT OF 1832.

I now call the gentleman's attention to the controversy that we had the other day, when, during the course of his remarks, he claimed that he was acting under the plan laid down by Mr. Webster, and he said that Mr. Webster in the Senate amendment adopted a certain number, and that by according Representatives to all major fractions he reached the original number that he had assumed in the first instance. I want to call his attention to the fact that he has made a misstatement in that respect and has attempted to mislead the House.

This question has been the subject of great and extended discussion, simply on account of the fractions that remained after dividing the population of the different States by the ratio that was either assumed or found on some preliminary basis.

From the first apportionment down to 1832 fractions in every instance were disregarded, and no representation was given on them. In 1832 the House again passed a bill denying representation on fractions. It reached the Senate and, after some consideration, was referred to a committee, of which Mr. Webster was chairman. A report was made on the bill in which the whole question was fully discussed. Like every other question to which that great constitutional lawyer and statesman directed his attention, he proceeded to illumine the whole subject, and his report has formed the basis of much of the discussion on this question since that time.

In the first place, in this report Mr. Webster lays down the doctrine of the inability to do equal and exact justice to all. He states that it is impossible to make an apportionment that is exactly just and equitable to all States; and he says that part of the Constitution which requires us to apportion members among the several States according to their respective numbers means *as near as may be;* and that is what we are endeavoring to do. And he further laid down this proposition:

The next thing to be observed is that the Constitution prescribes no particular process by which this apportionment is to be wrought out. It has plainly described the end to be accomplished, viz, the nearest approach to relative equality of representation among the States; and whatever accomplishes this end, and nothing else, is the true process.

Further on he says that—

It may be necessary to employ several processes in order to accomplish the nearest approach to exact justice among the different States.

There is one proposition that Mr. Webster lays down that I want to call to the attention of the gentleman from Illinois, and that is the one we are contending for; and it runs through an entire political system. When we apportion delegates in our political conventions in the different States we accord representation for so many votes cast for a certain candidate in a previous election in the township or county, and one for every major fraction. All over the country representation in State and district conventions is given to major fractions, and I insist that we should recognize this principle in the passage of this bill, as it always has been done, with the exception of the act of 1850.

Mr. HOPKINS. Now will the gentleman allow me, right there?

Mr. LONG. Certainly.

Mr. HOPKINS. In your bill as you report it are there not States with major fractions that are unrepresented?

Mr. LONG. There are not.

Mr. HOPKINS. Does not the gentleman know that in the State of Pennsylvania, under the minority bill, there is a major fraction of 120,515 that is unrepresented under that bill?

Mr. LONG. The State of Pennsylvania?

Mr. HOPKINS. Yes, sir.

Mr. LONG. The State of Pennsylvania has a fraction of 88,291, which is not a major fraction.

Mr. HOPKINS. On what membership?

Mr. LONG. On a computation of 384.

Mr. HOPKINS. Three hundred and eighty-four. Is your bill predicated on a membership of this House of 384 or 386?

Mr. LONG. Our proposition is——

Mr. HOPKINS. Answer my question.

Mr. LONG. I will answer it. We finally make a House of 386.

Mr. HOPKINS. Then, with 386, the tables show that there are 120,515 people in Pennsylvania that are unrepresented.

Mr. LONG. We are bound by the Constitution and not by the gentleman's tables.

Mr. THROPP. Will the gentleman permit me an inquiry?

Mr. LONG. Certainly.

Mr. THROPP. With reference to the fraction of which the gentleman from Illinois has spoken. If you make your bill 388, which is 2 more, Pennsylvania will have 33 members, an increase of 3 members instead of an increase of 2 members, as she has under the Burleigh bill. Further than that, if the gentleman wishes to reach the right conclusion, the only one that is right, as he says they wish to, and therefore he claims he presents the better method, he can reduce the total minorities from 1,300,000 to 1,000,000, and by making this House 395 members every State with a major fraction will be taken care of and 13 minority fractions will remain, and this will leave only 419,017 unrepresented.

Mr. LONG. Will the gentleman from Pennsylvania present such an amendment?

Mr. THROPP. I will.

Mr. LONG. Has it the support of the Pennsylvania delegation?

Mr. THROPP. I do not know whether it has or not.

Mr. LONG. I wish the gentleman would ascertain.

Mr. THROPP. I only bring up the question now, so that the gentleman can consider it.

Mr. LONG. I understand we can assume any number in the first place as the size of the House. That is recognized in this report. That is the basis and has been the basis of all apportionments, but we are not bound to work out a House and stop at that assumed number. That is the principle we assert. I want now to call the attention of the gentleman from Illinois——

Mr. HOPKINS. You have it all the time.

Mr. LONG (continuing). To what this report says in regard to major fractions:

If the view thus taken of the rights of the States and the duties of Congress be the correct view, then the plan proposed in the amendment is in no just sense a representation of fractions. But suppose it was otherwise; suppose a direct provision were made for allowing a Representative to every State in whose population, it being first divided by a common ratio, there should be found a fraction exceeding half the amount of that ratio, what constitutional objection could be fairly urged against such a provision? Let it be always remembered that the case here supposed provides only for a fraction exceeding the moiety of the ratio; for the committee admit at once that the representation of fractions less than a moiety is unconstitutional, because, should a member be allowed to a State for such a fraction, it would be certain that her representation would not be so near her exact right as it was before.

But the allowance of a member for a major fraction is a direct approximation toward justice and equality. There appears to the committee to be nothing either in the letter or the spirit of the Constitution opposed to such a mode of apportionment. On the contrary, it seems entirely consistent with the very object which the Constitution contemplated and well calculated to accomplish it. The argument commonly urged against it is that it is necessary to apply some one common divisor and to abide by its results.

And further on in the report the rule is stated to be this:

Let the rule be that the whole number of the proposed House shall be apportioned among the several States according to their respective numbers, giving to each State that number of members which come nearest to her exact mathematical part or proportion; or, let the rule be that the population of each State shall be divided by a common divisor, and that, in addition to the number of members resulting from such division, a member shall be allowed to each State whose fraction exceeds a moiety of the divisor.

Unless, says the gentleman from Illinois, you reach the original number that you started with, and if you do, you must stop short, and go no further. What does Webster say?

It is true that there may be some numbers assumed for the composition of the House of Representatives, to which, if the rule were applied, the result might give a member to the House more than was proposed.

The same as it does in the minority bill. The same as it does under the majority bill. What then?

But it will be always easy to correct this by altering the proposed number, by adding one to it or taking one from it; so that this can be considered no objection to the rule.

What does the gentleman from Illinois say? "Stop! You must not go any further than the number assumed in the first instance."

Now, what were the facts as to this amendment in the Senate, the gentleman from Illinois to the contrary notwithstanding? In the amendment reported, the size of the House was in blank and the apportionment to the different States was in blank. Mr. Webster demanded a vote on the principle whether or not fractions should be given representation, and the vote of the Senate was a tie, 22 to 22, and the Vice-President cast his vote in favor of the Webster proposition, and the principle was indorsed by the Senate.

Mr. HOPKINS. Does the gentleman indorse all that Mr. Webster says in that report?

Mr. LONG. I do not know whether I indorse all that he says or not. I have found nothing yet that I do not indorse, but there may be some things in it upon which I might take the gentleman from Illinois rather than Mr. Webster. [Laughter.] But on this proposition, and what this particular amendment was, I would rather take Mr. Webster.

Mr. HOPKINS. Will the gentleman allow me to read a line or two from Mr. Webster's report?

Mr. LONG. If it is not too long.

Mr. HOPKINS. It is only a line or two.

It is enough that the State presents her own representation on the floor of Congress in the mode she chooses to present it. If the State were to give one portion of her territory a Representative for 25,000 persons, and to the rest a Representative only for 50,000, it would be an act of unjust legislation, doubtless, but it would be wholly beyond the redress of any power of Congress, because the Constitution has left all this to the State itself.

Does the gentleman from Kansas approve of that?

Mr. LONG. I do.

Mr. HOPKINS. All right.

Mr. LONG (continuing). The minority and the majority bills to the contrary notwithstanding.

Mr. HOPKINS. Well, you are prepared to take anything. [Laughter.]

Mr. LONG. The principle being indorsed by the Senate, what happened? Two hundred and fifty-six was proposed in the Senate and voted down. Two hundred and fifty-one was proposed

and accepted, and that was the Senate amendment; and if the gentleman from Illinois had read the report that he said he had in his desk, he would have learned the way and manner in which the Senate arrived at the number 251. The number assumed was 250, and then they accorded a Representative to every major fraction, and that increased the House to 251, the same as by assuming 384, as is done in the minority bill, and according representation to every major fraction you make a House of 386. When this amendment came back to the House it was referred to a committee of which Mr. James K. Polk, afterwards President of the United States, was chairman, and he made a report against recognizing fractions at all. Mr. Edward Everett, of Massachusetts, presented a minority report. I want to call the attention of the gentleman from Illinois to the statement made in that minority report:

But while the minority of the committee are decidedly of opinion that the laws of equity and the fair interpretation of the Constitution require an apportionment on the principles of the amendment of the Senate, they recommend to the House to adopt a different number, viz, 256. This number has the advantage of retaining to each State its present representation in Congress—

A matter that does not seem to concern the gentleman from Illinois—

an advantage not possessed by the number 251. It is an additional recommendation of the number 256 that it is the exact mathematical result of the rule of proportion, applied according to the principles maintained in the foregoing statement. In apportioning a House of 250, the result is a House of 251—

And that is what the Senate did—

and if 251 be the number assumed the aggregate result would be 252. Although in practice there is no inconvenience in this result and the principle of the nearest possible approach to exact mathematical proportion remains unimpaired, the number 256 has the advantage of being free from this real or supposed objection. The minority of the committee accordingly recommend an amendment to the amendment of the Senate, in virtue of which the House will consist of 256 members, distributed in such a manner that each State will have that number assigned it which comes the nearest possible to the exact proportion which the population of the State bears to the Union.

That is what the minority of that committee, through Edward Everett, said; and if the Senate had adopted 256, the gentleman would be right in his assumption that they utilized all the major fractions and reached only their original number. But the number which the Senate adopted being 251, he was incorrect in his statement.

Mr. HOPKINS. The gentleman has been kind enough to refer to the minority report in that case. Does he not know that the majority report, presented by Mr. Polk (subsequently President of the United States), said that—

The amendment fixed the number of Representatives in this House at 251 members; and it is to be observed that there is no ratio or common divisor that can be selected which will equally apply to the separate population of the States?

So that the controversy between the House and the Senate was not so much as to whether every majority fraction should be represented as it was whether any fractions at all should be represented. Up to that time, from the foundation of the Government, fractions had been disregarded in all apportionments. The House prepared a bill on that basis and sent it to the Senate; and the Senate, under the leadership of Mr. Webster, found the inequalities such that they adopted a new ratio to take care of major fractions. They prepared a bill for 251 Representatives, which took care of the major fractions.

Mr. LONG. They did not prepare a bill which assumed 251 in the first instance as the number. Their amendment assumed 250 as the number; and if the gentleman wants any more evidence on that point, I will call his attention to the statement of Senator Dickerson as to how that number was obtained.

Mr. HOPKINS. I do not care how it originated. My proposition is this: The Senate struck out all of the House bill and sent back to the House a bill providing for a membership of 251, which membership took care of the major fractions.

Mr. LONG. How did they reach that number?

Mr. HOPKINS. That is immaterial for the purposes of this argument.

Mr. LONG. It is not. That is the difference here between the majority and minority bills. The gentleman says that because we exceed the number that we first assumed we are violating the Constitution and all the rules of mathematical certainty. We say no.

Mr. HOPKINS. The gentleman knows that by taking 251 as the number they took care of every major fraction. Did they not?

Mr. LONG. They in the first instance took 250, and then, taking care of every major fraction, they reached a House of 251. Now let me read Senator Dickerson's statement.

Mr. HOPKINS. Before the gentleman does that, let me say this: When the Senate got through with the process which the gentleman has been talking about, they had a membership of 251, and every major fraction was taken care of, was it not?

Mr. LONG. Yes, sir.

Mr. HOPKINS. Now, the difference between that proceeding and the proceeding adopted in your bill is this: You have deliberately taken 384, as you say, and then added 2.

Mr. LONG. We add 2 for the major fractions.

Mr. HOPKINS. But when you get 386, you leave out two States with major fractions, which the Senate did not do in the case we are arguing.

Mr. LONG. Which the Senate did do.

Mr. HOPKINS. Oh, no; the Senate took care of all major fractions.

Mr. LONG. All major fractions on their computation, not on a computation upon some other divisor. Here is what Senator Dickerson said as to the basis of the calculation:

The basis of the calculation was for a House of 250.

Does the gentleman understand that?

Mr. HOPKINS. I understand that fully.

Mr. LONG. Two hundred and fifty, not 251.

By applying a common divisor and rejecting the fractions the House was reduced to 240. These were the Representatives belonging to the aggregate fractions; those, being given to the States having the highest fractions, would make a House of 250, according to the original basis of the calculation. As, however, Alabama had a fraction less than those of ten other States, but still more than a moiety of the common divisor, and as this State is a new and rapidly growing State and possessing, without doubt, at this time a population sufficient to give her another Representative, it was thought but equitable that she should have such Representative.

The House refused to adopt the amendment of the Senate. The Senate finally receded, and the bill was passed without recognizing any fractions in the apportionment.

It will thus be observed from the reading of this report and the proceedings under it that Mr. Webster believed that it was right to assume a certain number as the size of the House; that the constitutional population of all the States should be divided by it, and the result thus obtained should be used as a divisor to divide the population of each State; that in addition to the result obtained by dividing the population of each State by this common divisor, every major fraction should be accorded a Representative, and that this number should be added to the number obtained on even division, even though the number finally reached was greater than the one assumed in the first instance.

That is the way they reached 251—by recognizing all States with major fractions.

Mr. HOPKINS. Will the gentleman state to the House——

Mr. LONG. I will have to ask the gentleman to desist If he has any further questions——

Mr. HOPKINS. The only point I was going to inquire about——

Mr. LONG. I ask the gentleman to remember that my time is limited.

Mr. HOPKINS. I will not occupy the gentleman's time further.

THE APPORTIONMENT OF 1842.

Mr. LONG. The arguments made in the report of Mr. Webster left their impress upon Congress and the country, and the result was that when the next apportionment was made in 1842, for the first time in our history, major fractions were recognized and accorded representation. The act of June 25, 1842, recites the ratio of representation and then says each State shall have Representatives equal to the number obtained by dividing the population of each State by such ratio and then says:

And of one additional Representative for each State having a fraction greater than one moiety of the said ratio, computed according to the rule prescribed by the Constitution of the United States.

The bill of the minority does that. The bill of the majority excludes three States, Colorado, Florida, and North Dakota, which have major fractions.

THE APPORTIONMENT ACT OF 1850.

When we come to the act of May 23, 1850, we find for the first time this ironclad, unyielding process followed by the gentleman from Illinois. Two things were attempted to be done by that act, both of which have failed in every apportionment since and will fail this time unless the gentleman from Illinois secures the passage of the bill of the majority and its enactment into law. The first was that the Congress of 1850 said that this House had become large enough; that it never should be any larger; that there should be no attempt to keep pace with the increase of population; that the membership of this House should be fixed for all future time at 233, and in order to avoid the temptation of adding to the number or interfering with it they imposed upon the Secretary of the Interior the duty of making the apportionment under the process.

The act instructs him to divide the population of the United States by 233; that the result should be the ratio of apportionment of Representatives, and that he should divide the population of each State by this ratio and that the product of this last division should be the number of Representatives apportioned to such State; that the loss in the number of Representatives caused by the fractions remaining in the several States on the division of the population should be compensated for by assigning to so many States having the largest fractions an additional member each for its fraction as may be necessary to make the whole number of Representatives 233. There is the beginning of the process to

which the gentleman from Illinois is wedded and which he declines to vary in any particular, except that he assumes the number 357 instead of 233.

It will be observed that this process differs from that laid down by Mr. Webster in this: It makes no distinction between major and minor fractions; it only takes a sufficient number of fractions, having regard to their size, beginning with the highest, which may be necessary, to reach the original number fixed as the size of the House.

This method was known for years as the Vinton method, named after the gentleman who originated it. It was followed in the apportionment of 1852 with no variations, but it has never been followed since, for by following it major fractions would not be accorded representation.

THE APPORTIONMENT OF 1862.

In the apportionment of 1862 the Secretary of the Interior apportioned a House of 233 under the law, and submitted his report to Congress. The House at that time consisted of 239 members, by reason of the admission of new States, and promptly passed a bill providing for 6 additional members, so that the size of the House would not be decreased.

The bill went to the Senate and was considered there. I want to call attention of the gentleman from Illinois and the House to the remarks of Mr. Collamer, of Vermont. He tells how it was amended. He says:

Take the bill as passed by the House of Representatives, that they should have their number 239, and then take the census of 1860 and divide the representative population by 239, as their bill proposes; that will ascertain your fractions.

Then go onand give Representatives to every State, according to that representative ratio produced by that result, and then give to each State having the fractions, if by giving them you will make them nearer to the ratio than they would be by withholding them, and it will give to just those States which I have enumerated in my amendment, taking from none.

That made a House of 241, or 233 as apportioned by the Secretary of the Interior and 8 additional as apportioned by the act, and it was obtained just as the minority have obtained the number 386 in this case, by taking 239, dividing the population of all the States, obtaining the ratio, dividing the population of each State by it, recognizing all major fractions, and reaching a House of 241. The House concurred in the amendment and it became a law.

THE APPORTIONMENT OF 1872.

The apportionment of 1872 under the Ninth Census was first made on the basis of a House of 283 members. It was James A. Garfield's amendment in the House that finally was adopted and incorporated into the bill. A determined effort was made to retain the House at 243, it having increased to that size during the preceding decade by the admission of the States of Nevada and Nebraska. The attempt was a failure, and the bill provided for an increase of 40 in the House. The act gave representation to all major fractions.

Scarcely had the bill become a law when it was realized that an injustice had been done the States of New Hampshire and Vermont. By increasing the House to 283 all other States had saved the representation that they had at that time except the States of New Hampshire and Vermont. A supplemental bill was introduced in the House and passed with but very little opposition, the report of the committee containing this statement:

The recent action of Congress in increasing the size of the House to 283, in order to save 8 States from a diminution in the number of their Representatives, has inclined the committee to recommend a further increase of 9 members, making the whole number 292, which is believed to be the smallest number that upon an equitable and constitutional apportionment will leave each State with at least its present representation.

The committee adopted the method followed by the minority of our committee, on the basis of an apportionment of 290 members. It is shown in the report that 278 members would be obtained on even division and 12 would be secured on fractions; but the committee did not stop, as the committee that reported this bill did, when the original number of 290 was reached, but proceeded further and gave New Hampshire a Representative on a fraction of 55,450 and Florida one on a fraction of 56,223. The ratio was 131,425; so these were not major fractions; but the report stated that the reason this was done was that greater injustice would be done each of these States by not giving it the additional Representative than to other States by giving it.

The bill became a law as it passed the House.

It will thus be seen that the apportionment of 1872, fixing the House at 292, which in a few years was increased to 293 by the admission of Colorado, was another instance in which jealous care was taken to accord Representatives to States with fractions, even though they did not amount to one-half the ratio.

THE APPORTIONMENT OF 1882.

In the apportionment of 1882, under the Tenth Census, several propositions were made as to the size of the House, and a bill was reported fixing the number at 320 members. Finally an amendment was proposed by Mr. Anderson, of Kansas, fixing the number at 325 and apportioning them under the recognized method, but this number was selected largely, as is shown by the remarks of Mr. Anderson, because no State would have a major fraction unrepresented and the size of the House would not be unduly increased.

A reference to the table used at that time will show that 309 members were obtained on even division and that the remaining 16 members in order to reach the number 325 utilized all the major fractions and also two minor fractions, one in the State of New York and the other in the State of Texas.

THE APPORTIONMENT OF 1891.

In the apportionment of 1891 under the Eleventh Census, the committee of the House reported a bill fixing the number of members at 356, and used the following language giving the reasons for taking this number:

Trials were made until a number was found that would give a ratio which in application would secure each State against any loss in its membership and in no instance leave a major fraction. This number was found to be 356. The ratio was 173,901. The number of members obtained on even division was 339. The additional 17 needed to make the number 356 was secured by giving another member to each of the States having left to it a major fraction.

The bill passed the House and became a law.

From this history of apportionment it will be seen that since 1850 major fractions have always been accorded representation, and never in a single instance has an apportionment act failed to do so. Not only that, but in several instances large minor fractions were accorded representation when it was deemed equitable and fair to do so.

The report of this committee, if adopted, will be the first instance in which major fractions are disregarded and where an arbitrary rule or process has been adhered to, even though injustice is done to several States.

The minority insists that not only should every major fraction be recognized in making the apportionment, but also, if possible without securing an unwieldy House, that a number shall be fixed that will not reduce the representation from any State. The number, 386, under the bill proposed by the minority secures this result. Every major fraction is recognized, and a number is fixed that does not reduce the representation of any State.

KANSAS DURING THE LAST TEN YEARS.

The gentleman from Illinois, in his remarks the other day, had this to say of Kansas, which I in part represent:

The trouble is not with the bill reported by the committee, but with the condition existing in the State of Kansas. Kansas has been cursed for ten long years with Populism. Capital has been driven from the State. Energetic, progressive, splendid men who sought homes there have been driven elsewhere. That young giant, as it was ten years ago, has been a laggard in the race of the States that form the Republic. Fifty-four counties in the State of Kansas during the ten years that the Populists have been in power in that State show a decrease. * * *

Now, Mr. Speaker, as I was saying, in 54 counties of Kansas in the last ten years the population has decreased from one-half of 1 per cent to 6 per cent, and taking the entire State, it has increased in population only 3 per cent—less than the births of the State.

It is true that Kansas has gained but 43,000 in population in the last ten years. But it is not fair to refer to her as a laggard among the States simply because the last decade has shown this small increase in population. That State, from 1860 to 1870, increased 240 per cent, and from 1870 to 1880, 173 per cent. It is a State wherein progress has been made under great difficulties, and where at times the courage and fortitude of the people have been sorely tested.

Great prosperity was apparent everywhere in the closing years of the decade ending in 1890; but in 1891 times became hard, and the prosperity that had been ours to such a remarkable extent, changed to adversity. In 1893 this country experienced the greatest panic that has been known since 1837. The prices of farm products decreased to the lowest point within the memory of men then living, and Kansas, which is usually first in prosperity, at that time was first in adversity, and the people of the State early in the decade began to leave it in great numbers, hoping that in Illinois and other States they could find prosperity and happiness, which it was not their fortune to have in the State of Kansas at that time. But no sooner had they left the State, and gone to Illinois and other States, than this general panic was upon the whole country, and they regretted many times the change.

If Kansas in the midst of her misfortunes attempted to correct and improve financial conditions by unusual legislation, it is not the first time in the history of the country that this has been attempted. Kansas has not taken the initiative.

Kansas largely assisted in peopling the new Territory of Oklahoma, to the south, and many persons that were enumerated in Kansas in 1890, in 1900 were counted in making up the total population of that great Territory.

But as Kansas was first to feel the general panic that swept over the country early in the decade, so she was first among the States to feel the return of prosperity when it came, and during the last four years, and especially during the last two, she has made wonderful advancement in recuperating the wasted fortunes of her people and in returning to her old-time prosperity and enterprise.

The value of the live stock and other farm products of Kansas during the last year increased in value $28,000,000 over that of the previous year, and the value of those products during the last two years has increased $66,000,000. The banks of the State are overflowing with money deposited by its citizens. They have not only paid off their mortgages and discharged their other obligations, but they are loaning money now to the less fortunate citizens of Illinois and other States of the Republic. [Applause.]

While this progress and improvement has been apparent everywhere in the last four years, it did not come in time to bring home our wandering citizens who had gone to Illinois, Missouri, Oklahoma, and other States and Territories which make a better showing in the returns of the census than Kansas.

It is unfortunate that the chairman of a great committee should have referred to the political eccentricities of our great State. The progressive spirit of our people has always inclined Kansas to experiment with new plans and policies in political affairs, but when found of no value she has always been quick to abandon them. I am myself a living witness of the political uncertainties of our State, but I am here to-day not to represent the Republicans of Kansas, the Democrats, or the Populists, but to represent the people of the State without regard to party. If we have erred in the past, the gentleman from Illinois should not taunt us with our wrongdoing, at least after we have fully and completely reformed.

There are those of us in the State who would like to forget some things that have happened in the last ten years in the history of our State, but the gentleman from Illinois insists on fixing a number for this House that will decrease our representation for the next ten years; insists that every time a roll call is had in this House, every time a vote is taken in the Electoral College, we of Kansas shall be compelled to remember that once we had 8 Representatives in this House instead of 7, and once had 10 votes in the electoral college instead of 9. He wants this State of ours chastised, and this as an object lesson, to be held up before us continuously for the next ten years, lest we forget the occurrences of the decade just closed. It is not right, it is not just, that this situation should obtain.

Kansas is not here as a suppliant for favor from other States. She simply asks that a number may be fixed as a size for the House for the next ten years that will recognize the increase in the population of the United States. In 1870 the constitutional population of the United States was 38,000,000, and Congress in its wisdom fixed the size of the House at 292. By 1880 the House had increased to 293 by the admission of the State of Colorado. The population had increased 12,000,000, and was then 50,000,000. Congress recognized the increase of population and fixed the size of the House at 325, an increase of 32 Representatives, saying that 32 Representatives should be given to represent the 12,000,000 people who had been born under or had willingly come to live under our flag. In 1890 the population had increased 12,000,000 more, and was 62,000,000. Congress recognized the increase, and attempted to keep pace with it by increasing the size of the House to 356, being an increase of 31, saying, "We will give 31 members to represent the 12,000,000 people that we did not have ten years ago."

In 1900 the constitutional population of the States had increased 12,000,000 more, and was 74,000,000. The House has increased to 357 by the admission of Utah. The majority of the committee, for the first time in a half century, going back to the precedent of 1850, say there shall be no further increase in the size of the House of Representatives; that we shall not keep pace with the increase in population; that 357 members represented 62,000,000 people, and that the same number is sufficient to represent 74,000,000. The minority of the committee say, in line with the precedents of a half century, "We recognize the increase in population by an increase in the membership of the House of Representatives." They propose the number 386, an increase of 29, and declare that those 29 members shall be as a recognition of the 12,000,000 people who are now citizens of the United States but who were not ten years ago.

At this number no concession need be made to Kansas. She is accorded a Representative under the table following the strict process adopted by the majority of the committee. The exceptions made are in favor of the States of Nebraska and Virginia, and in making these exceptions we are following the principle laid down by Mr. Webster, which has formed the basis of the various apportionments since that time.

We are tied by no process. We are acting under the Constitution in making this apportionment, and under this high authority let us make an apportionment which will recognize the increase of population during the last ten years by enlarging the House of Representatives to keep pace with the population, and in so doing treat all the States fairly and justly, as near as may be, under this provision of the Constitution as interpreted by its greatest expounder. [Applause.]

Mr. HOPKINS. Mr. Speaker, I yield fifteen minutes to the gentleman from Pennsylvania [Mr. GROW].

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. GROW] is recognized for fifteen minutes.

Mr. GROW. Mr. Speaker, in the reapportionment of members of Congress the first question that arises should be as to the seating capacity of the hall in which they are to meet and do business, for everyone recognizes that there might be a greater number than any hall could accommodate. We have the practical experience with a hall of this size, so it needs no theory about legislation, no theory as to a proper ratio for representation.

With the Hall before us, the eye settles the question as to capacity and room for doing business. A few more seats might possibly be added, but with those we have it is the experience of everybody more than half the time that not half the members of this House can hear what is being said by whoever is entitled to the floor.

Some one may say that it is the fault of disorder. That is partially so, but the larger the Hall and the greater the number of members the greater will necessarily be the disorder. But one thing is true. It is not in the power of any Speaker of this House, now or at any time, to keep it in perfect order. There is only one way that the House can be kept in reasonably good order, and that is by every member keeping himself in order. The greater the number the more difficult it is for that to be done.

If the size of the House is increased—I am not discussing exactly what it should be—but would there be any advantage in having a larger Hall than this? Now we are crowded; members are pressing each other on either side in their seats. A few more seats might be added to this Hall, thus adding to its present discomfort. If that is done, and the number must be increased with the increase of population, then what can be done at the next census? With our experience in this Hall and the old one it would seem to be easy to determine what would be the best number for the size of the House.

The members moved from the old Hall into this one the first session of the Thirty-fifth Congress. The size of the House at that time was 233. It was thought in that session it would be better to bring the members more closely together and not to have them spread over the whole of this Hall. The chairs and desks were removed. The next session plush benches, such as they have in the British Parliament, were substituted for the chairs. They remained through the short session, and at the end were then removed.

It was found very inconvenient to have no place to lay papers or books and not very convenient sitting room. I grant the benches would make more room, but the members of the House, judging by the trial made in 1858, would not continue benches in place of desks and chairs. If they would not, then there is no way of increasing the seating capacity of this Hall to any extent. But even if that could be done, it would only add to the inconvenience in doing business. Probably one-third of the present members of the House, in the ordinary course of business, can not hear what is doing if they retain their seats, even with great effort on the part of the Speaker to preserve order.

If the Speaker undertakes to keep the House in order by the use of the gavel, he makes more noise than the disorderly members; and if by the use of his voice, it is only a few minutes and it must be repeated. The experience of a hundred years with the two Halls—the old and the new—dissipates all theories of what should be the ratio of representation of the people. In the old Hall there were 233, and I think 241 was the most that ever sat in that Hall.

In this Hall there has been an increase; but in the first session of the Thirty-seventh Cangress, in July, 1861, there were about 150 members in the House, and that was all; but the full size of that House was 233, but only 150 took their seats. In the twenty-eight working days of that session more business was done, more great, vital, and important legislation was passed than in any one session of Congress since the Government began. The circumstances of that session, it is true, were peculiar. There was no difficulty in anyone being heard, and business was transacted intelligently. It was unnecessary for a member to leave his seat in order to hear all that was said in the House. With our experience in the two Houses, why should we attempt to enlarge the seating capacity of this Hall, for that is what an increase of the membership means, when it is already too large for the intelligent transaction of business? It is true the Government could build a larger Hall, but that would not diminish the difficulty that exists now, but would increase it.

Mr. Speaker, I make no attack on the rules of the House. They are different from those that existed in the old Hall and those that existed here for a few years after the House moved into this Hall. But under the old rules the Reporters of the proceedings of Congress kept their seats at their desk, and if the person addressing the Speaker could not be heard his speech was imperfectly reported. Then if the Reporters could hear the speech, all the members of the House could hear.

Now, at the Reporters' desk scarcely anyone could be heard in the ordinary proceedings of the House, which is conclusive that

this Hall is quite large enough, if not larger than a hall should be, for the transaction of business. A member to-day takes the floor to discuss some question. He goes down into the area, or near it, and gathers around him a few members, and a colloquy is carried on among them, and that is called a deliberative discussion. In the proceedings in the old House and under the old rules no member was obliged to address the House by permission of a fellow-member. Now no man can address it without such permission except in rare cases.

I do not think it is a deliberative body when a Representative must ask the consent of a fellow-member for time to speak on great questions. This practice has grown up by reason of the great number of members. I take it, Mr. Speaker, that in other days my sentiments on some of the grave questions in those times were not particularly popular with the influences that controlled the House, and had I been compelled to rely upon getting the floor as a favor from the Speaker, or from any member, my voice would have been silent, and so with every other member on a grave question whose views and opinions differed from those of the controlling element in the Hall.

An increase of the members, in my judgment, would only aggravate the evils complained of in doing business in this Hall. There is not sufficient room now, and the desks have been crowded together, so that it is almost impossible to add any more. If the desks are taken out, it will only last one session I am very sure. The seating capacity of the Hall is what ought to be the size of the House, and that can not vary very much from the present membership. If it did, the argument used to-day for an increase must come with redoubled force ten years from now.

That States send their young men and women abroad into newer fields of enterprise in our country is the reason why some States of the Union will lose in population, and consequently in representation. That can not be avoided, regret it as much as we will. These old States that belonged to the original thirteen must nearly all of them lose a part of their younger population, seeking their fortunes in the newer West, by which States spring up in the wilderness with but a few people to-day, and to-morrow with their millions.

For a century the younger generation of New England have left the old homestead—left father and mother—and turning their faces toward the setting sun have gone forth to make for themselves a new home. That can not be helped. Therefore, as much as we regret it that any State in the Union should lose a single Representative in this Hall in any reapportionment of population, it is inevitable. There is no such thing as having a hall large enough to hold all the Representatives on a ratio of increased population in the next ten and twenty years.

The population of this country so far in our existence has doubled every thirty years. It will probably do about the same in the next thirty years, growing from 76,000,000 to at least 125,000,000 people. So the time is coming when it is impossible that the same ratio of representation shall continue unless you build a hall so large that even the members can not see each other in it. No scheme could be devised whereby business can be transacted intelligently and expeditiously with more than a certain number of Representatives. When you add to that number in proportion to the increase of population, the intelligent transaction of business becomes impossible.

We might as well meet the impossible to-day as to-morrow. The same question must be met under the next census, and the next one, and the same reasons will apply in both cases. It will be utterly impossible in a short time in the advancing future that the number of Representatives of the great Republic can be made on any ratio heretofore existing. That time must come. You might just as well meet the question to-day as then; and if your own convenience for the dispatch of business during our term is to be set aside and inconvenience instead of convenience substituted; if we are to sacrifice the intelligent transaction of public business in order to have undiminished representation in the old States, great and glorious as they are, which by the circumstances of life can not be helped, we might as well meet that question to-day as any time. As long as the younger generation seek new fortunes in new homes, this question is coming to us every decade, and we might just as well meet it to-day as any other time. [Applause.]

[Here the hammer fell.]

Mr. GRIFFITH. Mr. Speaker, I find that those who support the minority bill have used up more time than those in support of the majority. I would like to have the other side use some of their time.

Mr. HOPKINS. I will yield ten minutes to the gentleman from North Carolina [Mr. PEARSON].

Mr. PEARSON. May I ask if I can add to that the time I received from the gentlemen from Indiana [Mr. CRUMPACKER and Mr. GRIFFITH]?

Mr. HOPKINS. Oh, there is no objection to that.

Mr. PEARSON. Mr. Speaker, I am greatly obliged to the gentleman from Illinois, who has had a good many attacks made on him, and particularly as I am going to vote against his bill. I can not compress all I would like to say in the time allotted to me, which I believe, with that which was given to me by the gentlemen from Indiana, will make twenty-five minutes. I will not be able to make a "contiguous and compact" speech, to borrow the language of the gentleman's bill; but I desire especially to give to this House, and to my people, the reasons which compel me to vote against the Crumpacker bill, so called.

I shall vote for what is known as the Burleigh bill, knowing that it will give one more seat to North Carolina, and that that seat will be filled by a Democrat. I shall vote against the Crumpacker measure, knowing that if it should become a law there would be seven members from North Carolina, in the present complexion of politics there, and every man of them a Democrat, and the seats now filled by Republicans and which might hereafter be filled by Republicans from that State would be wiped out.

That may be called a selfish reason, Mr. Speaker. I am opposed to that measure at this time, first, because we have not the data upon which to base a uniform and permanent statute. I am opposed to it because it bears unequally upon certain States. I am opposed to it because it inflicts a punishment on North Carolina which it does not inflict upon Virginia, Georgia, and Alabama, which States simply take a different method of disfranchising their voters.

I am opposed to it because the legislation on which it is predicated, so far as my State is concerned, is manifestly unconstitutional; and it is unwise and unjust to base national legislation, to last for ten years, upon State legislation which is void and will be so declared within three years from now.

I am opposed to it, Mr. Speaker, because it excites at an inopportune moment sectional prejudice and race prejudice at a time when, thank God, and thanks to the patriotism of William McKinley, there never existed in this country a better state of feeling between the North and the South, and I would not have that feeling disturbed unless we could enact a fair, uniform, permanent statute, based upon fresh and accurate figures. The laws of Congress, like the laws of nature, ought to operate certainly, equally, and gradually—not by jerks.

I want to say to the gentleman from Indiana [Mr. CRUMPACKER] that the figures which he quotes in reference to North Carolina are manifestly inaccurate.

The census returns indicate that there are seven or eight counties in North Carolina in which the population in the last decade has decreased. How was that brought about? It was brought about by the emigration of the negroes; and the negroes emigrated from that State because of the harsh measures of the new régime. Certain counties, and particularly, as my friend from North Carolina [Mr. KLUTTZ] knows, the city of Raleigh, felt compelled to make a new census by local authorities. They did not credit the figures of the Federal census. They did make a new census, and that verified the Federal returns, but it was found the loss was due to the exodus of negroes, though there has been a normal increase among the whites.

Therefore, I say to the gentleman from Indiana that his bill at this time can not be fair, can not be made uniform, and I dare to say to the American people that when men suppress the right of suffrage by violence or by fraud they are just as amenable to reduction in their representation on this floor as when they suppress or restrict that suffrage under legal discriminations, under so-called constitutional enactments.

I should like to address my remarks at this time especially to my Democratic friends.

If no action is taken at this time on this question, if the Crumpacker bill fails, I say, as a Southern man whose people on both sides have lived in the South for two hundred years, we might as well recognize the fact that the time will come when there shall be an equal power given to every intelligent vote in this country. The time will come when one vote at the mouth of the Mississippi River will not be permitted to outweigh ten votes at the source of that river. I prefer that we should look this matter squarely in the face.

And let me say to my friends on the Democratic side that when this race issue was acute—when there was real danger of "negro domination"—I voted with you and against the Republican party, in spite of the fact that I indorsed its national principles. I know what you understand by race prejudice. But when the time came in my State that the largest majorities for the Democracy came from those counties where there was the largest and densest negro population I could not be fooled any longer by that cry; and then I and others joined in the movement which overturned the Democratic party in that State. And I say to my friends that we might as well recognize the fact that the time is coming when the equilibrium of this Government will not permit such a strain as that which gives ten times as much power to a Southern vote as is accorded to a Northern vote. We can not say precisely when it will come.

Many of us will agree—there is a Republican leader of this House

who is sitting before me [pointing to Mr. HEPBURN], and another on my right [Mr. HOPKINS], who will agree—that if Abraham Lincoln had lived, that if that fateful bullet had not stopped the throbbing of his great heart, the troubles that grew out of reconstruction, the troubles that grew out of the enfranchisement of a great mass of ignorant men all at once, would have been avoided.

But it is just as true—and the historian who writes up this period of our history will so say—that whatever the fourteenth amendment may be called, whether it be called a blunder or, as some of you gentlemen would say, a crime, it has failed of its purpose. Its only present effect is to give 39 seats in this House and in the electoral college to the Democratic party, and to throw upon the Republicans of the nation such charges as the Democrats habitually in each campaign make on account of it. It has strengthened the hands it intended to curb and crippled the creatures it intended to aid. The fourteenth and fifteenth amendments, instead of being muniments of right, have been converted into instruments of injustice; instead of being pillars of the Constitution, they have been converted into two black signposts, pointing deluded believers to their doom. Lincoln's death was to the South the loss of her best friend.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. PEARSON. Mr. Speaker, my time, as I have already stated, has been gathered from various quarters; but I was to have twenty-five minutes altogether.

The SPEAKER pro tempore. From what source does the gentleman get his time?

Mr. PEARSON. From the very generous gentleman from Indiana [Mr. CRUMPACKER] five minutes, from the very courteous gentleman from Illinois ten minutes, and from my distinguished friend from Indiana [Mr. GRIFFITH] fifteen minutes.

The SPEAKER pro tempore. But neither of the gentlemen from Indiana had any time to give. The debate is being conducted under the order of the House——

Mr. PEARSON. Then I appeal to the sense of fairness of this body. It will be remembered that this morning when I withdrew my opposition to an arrangement then proposed, it was suggested that an arrangement would be made——

The SPEAKER pro tempore. The time is under the control of the gentleman from Illinois [Mr. HOPKINS] and the gentleman from Indiana [Mr. GRIFFITH].

Mr. GROW. As it is now so near time of adjournment, and as no other gentleman probably desires to speak this evening, I suggest that the time of the gentleman from North Carolina be extended ten minutes.

Mr. HOPKINS. I have no objection to that if the time is not taken from our side.

Mr. WILLIAMS of Mississippi. I ask unanimous consent that the gentleman from North Carolina may have in all twenty-five minutes, to be taken equally from the two sides.

Several MEMBERS. That is right.

Mr. OTEY. I desire to know whether that arrangement would extend the time for general debate?

The SPEAKER pro tempore. It would not.

Mr. OTEY. Then, of course, it would have the effect of diminishing the time already allotted to other gentlemen. Therefore I object. I am perfectly willing that the general time be extended fifteen minutes. I ask unanimous consent that the time be so extended that the gentleman may conclude his speech.

The SPEAKER pro tempore. Unanimous consent is asked that the time for general debate be extended fifteen minutes. The Chair hears no objection; and it is so ordered. Unanimous consent is now asked that the gentleman from North Carolina [Mr. PEARSON] may proceed for fifteen minutes longer, the additional time to be taken equally from the two sides. Is there objection? The Chair hears none.

Mr. PEARSON. Mr. Speaker, it seems a pity that a matter of this importance should be put through this body in such haste—in such marked contrast with the process which would be followed in the Senate. This is the best proof that we could have that under the rules of this House we could get along just as well with 600 members as with 357. [Applause.] Whatever the number of members, you can take a man off this floor, you can gag him, you can turn him out of his seat here, without giving him an opportunity to be intelligently and intelligibly heard.

You do not need any better answer to the gentleman from Illinois than the mere fact which we witness now—that it is by begging and pleading and holding up our hands that we are permitted to get a few moments to express incoherently and insufficiently our views on the greatest question that has been presented here at this term.

Mr. GAINES. Did the gentleman vote for the present rules of the House?

Mr. PEARSON. I voted for the rules of the House, and I am glad to say that we have them. We can transact more business here under those rules in two hours than they can at the other end of the Capitol in ten days.

Mr. GAINES. By gagging everybody?

Mr. PEARSON. And that is the best argument for an increase in the size of the House. Its business is transacted through its committees. The committees are the eyes and ears and arms of this body, as has been stated by Speaker Reed.

Now, when I was so suddenly taken off the floor I was about to say that the bitterness which followed the war and the assassination of President Lincoln was followed in the South by what was known as "the Black Codes." The Black Codes were followed in the North by what was known as the fourteenth amendment. Then came military government, and then the horrors of reconstruction.

Those measures were followed in the South by the secret Kuklux Klan. The Kuklux Klan was suppressed by rigid prosecutions emanating from this end of the line; and then, when the secret organization was suppressed, came the open, bold, unapologetic red-shirt violence of 1876, which captured the State governments. Then came an attempt at a "force bill," which passed this House. What followed? A Democratic majority of 107, I think, immediately.

Then there was a repeal of the last vestige of Federal legislation on the subject of elections. And what followed that? That was done, as the gentleman from Tennessee [Mr. RICHARDSON] knows, by his party in the Fifty-third Congress, and it received the stout and almost solid antagonism of the Republican party, but what was the result? The next House was Republican by over 100 majority, showing that there was a disposition on the part of the people that elections should be regulated by the several States.

But the most important thing in this series of acts and counteracts, of crimination and recrimination, of taliation and retaliation, if I may be allowed the expression, the most significant fact is a thing that was omitted, and that is that there has been no attempt in three Republican Congresses to reenact any Federal statute on the subject of elections. That is the most significant thing, I believe, that has occurred in six years past.

It means that the leaders of the Republican party have determined to leave to the several States the regulation of the franchise. It does not mean that frauds will be tolerated; it does not mean that unconstitutional enactments will be made and indefinitely allowed; but it does mean that whenever these States in pursuance of the provisions of the Constitution shall so regulate their elections as to bear equally upon all their people, neither this House, this Congress, nor the President is inclined to interfere, and I am glad to recognize that fact.

Instead of appealing to this body for punitive laws or to the President for troops at the polls, I prefer to appeal to the consciences of my people, to the spirit of the old Whigs, which has always been for honesty and liberty, and I want no better proof that this appeal will not be in vain than the petitions now circulating in my State demanding a repeal of these monstrous election laws and signed by Democrats all over the State. I insert below a copy of these petitions, and I know that the fair-minded men of all parties who have signed these demands will not allow them to be denied or ignored.

The race prejudice is a thing which many of our Northern friends here do not understand. It is not an imaginary conception or a fancy. It is a concrete, an obdurate, an inexorable fact. I know it. It is this that has, in my judgment, prevented the South—the old slave South—from giving a solitary electoral vote for the Republican party in these fifteen or twenty years past.

Mr. Speaker, when will there be a President of the United States chosen from the South? It will be after the measure presented in the Crumpacker bill, perfected, based upon a uniform and fair law, has been accepted by the South and race prejudice has been softened or eliminated; not before. I long to see the day when South Carolina will honestly vote the Republican ticket and Vermont will voluntarily go Democratic.

Then we will have a free circulation of the currents of political thought in this country, and until such a day comes there will not be another President elected from the Southern States. And this thought emboldens me, here and now, to appeal to my brethren from the South to recognize the fact that if this measure is now postponed the initiative would properly come from their States—from Louisiana, from North Carolina, from South Carolina, from Mississippi, from Virginia, which will act next month; from Alabama, which will act during the year; and from the others, saying, "Men and brethren, we do not require that our representation here shall be based upon a vacuum. We do not require that the negro vote shall be counted in the basis of enumeration if it is not counted at the ballot-box. We will deliberately surrender a part of our electoral power if we can have peace in our homes. And when fear is banished from our homes, then will come charity to our hearts, then will be the wiping

away of this prejudice which has been the most deterrent force in our affairs."

Why, it is stronger than religion. It is stronger than a man's conception of his oath to the Constitution. It is stronger even than the religion of an Arab. It makes men vote contrary to their sentiments. There is no discussion of economic, or social, or political questions, in the broad sense, in the overshadowing presence of the race issue.

Mr. Speaker, the race prejudice will vanish, but it will take a long time. The solvent of the race problem will be the alchemy of years, the long result of time, carrying with it certain forces which are already at work, which will be constantly at work in the future—first, the gradual but constant acquisition of property by the negro; second, the gradual but constant acquisition of knowledge by the negro; third, the gradual but constant dispersion of the negroes from the congested centers of the South; fourth, the gradual but ever increasing division of the negro vote; and, fifth, more than all that, the accelerating gain of the white population in the matter of its increase as compared with the negroes, which is one of the most interesting questions now before us.

We have a larger natural increase among the whites than among the blacks, but more than that the immigration naturally pouring into this country, almost all of it white, nearly doubles the proportion. And so it will go on gaining from year to year, and in the course of time, under God's providence, that question will be eliminated, and then will come the dawning of a grander day, because I know, and I believe I can speak the sentiments of my friends across the aisle, we are glad that the war between the States ended as it did.

We are glad that slavery was abolished. I take the liberty of saying in this presence that I myself was a slaveholder. As a child 8 years of age I owned slaves. How could I help myself? They came to me by inheritance. They were mine. In the course of my brief lifetime there is such a change of sentiment on that subject of slavery and such an abhorrence now in my own heart and such a feeling against it that I dare say here in this presence and before the world, as God is my judge, that I, once a slaveholder, would rather sell myself this minute than own a slave. [Applause.]

It shows a change, a revulsion, a revolution in sentiment, and I hope to God that on this race question there will be, in the process of time, a change. We are glad that slavery was abolished. We are glad that we have not two flags here on this American continent, not two separate governments with conflicting laws and antagonistic commercial systems. We are glad that we have one flag, one country, one common and splendid destiny.

When we look back to the life of Lincoln, we feel that we are moving on in the course and toward the goal for which he prayed, for which he longed, for which he died; and we are glad at this time, Mr. Speaker, to find a successor to Abraham Lincoln in the White House who has uttered such words as McKinley uttered at Atlanta. He touched the Southern heart when he proposed to take care of the graves of our fathers and brothers who died fighting for a cause that we believed to be right. He touched our hearts when he appointed Lee and the Gordons and Wheeler into our Army to fight for that flag in foreign lands. He is entitled to the thanks of the whole country for his magnanimous course, and he is entitled especially to the thanks of our Southern men, who always appreciate magnanimity. [Applause.]

APPENDIX I.

[From Asheville Daily Gazette, November 14, 1900.]

HOW THE WRONG WAS RIGHTED—VERDICT IN PEARSON VS. CRAWFORD.

In the campaign just ended in this district the paramount issue was the merits of the contest. Mr. Crawford's partisans wore flaming red badges bearing the inscription "Right the wrong." The color indicated wrath, the words expressed the impatient confidence and suppressed vengeance of the manly bosoms on which the ribbons fluttered. The naked returns of the election tell the rest. We give below the official figures in the six rejected precincts, which were the only precincts rejected by the House of Representatives in determining the contest:

Vote in rejected precincts.

Precinct.	1898.		1900.		Republican gain.
	Pearson.	Crawford.	Moody.	Crawford.	
South Waynesville	77	313	220	106	262
Ivy, No. 1	161	172	250	92	169
Limestone	108	136	112	91	49
Old Fort	126	187	143	168	36
Black Mountain	84	135	101	145	7
Marble	21	74	46	84	15
Net Republican gain					538

The above figures show that the Republicans gained in every one of the rejected precincts and actually reversed the Democratic majorities in three of them. The result shows to the world that the voters in these rejected precincts did not feel aggrieved, but on the contrary felt rejoiced that the attempted frauds upon their suffrages had been righteously rebuked.

APPENDIX II.

ANALYSIS OF THE CONSTITUTIONAL AMENDMENT AND OF THE ELECTION LAW OF 1899.

[The following article, which was first published on September 24, 1899, received the indorsement of the Republican State executive committee on October 18, as follows: "*Resolved*, That the thanks of the Republicans of the State are due the Hon. RICHMOND PEARSON for his able and manly letter on the proposed constitutional amendment and the election law, and that the committee indorse the views therein expressed."]

We are midway between the elections of 1898 and 1900. We are far enough removed from the excitement of both struggles to look backward and to look forward calmly and dispassionately. Next year North Carolina will be forced to face the gravest situation which has confronted her since 1860.

Then the question was, Will the State secede from the Union? Now the question is, Will the State violate the fundamental condition on which she was readmitted into the Union. And the Democratic voters will have to decide whether they will break the solemn promise which their chairman and official head made in their name to the people of the State before the last election.

The good faith of a sovereign State and the ancient honor of a great party can not be treated or disposed of lightly; they demand thoughtful, anxious, and reverent consideration.

THE FUNDAMENTAL CONDITION.

In 1868 the people of North Carolina adopted a constitution establishing universal suffrage, and in June of that year the State was readmitted into the Union subject to the fundamental condition that her constitution should never be changed so as to deprive any citizen or class of citizens of the right to vote conferred by that constitution.

That fundamental condition is still in force and will continue in force until the State attempts to break it.

The learned gentlemen who advocate the proposed amendment will not deny that it contravenes the act of Congress in that it will disfranchise some citizens upon whom the suffrage was conferred by the act of 1868.

These learned gentlemen will hardly pronounce the act of Congress unconstitutional because the validity of the reconstruction acts has been adjudicated by the Supreme Court of the United States, the final arbiter, the tribunal of last resort, and the great Judge Cooley, in commenting upon this exercise of Federal power (Cons. Lim., p. 34 n), feelingly observes:

"It suffices for the present to say that Congress claimed, insisted upon, and enforced the right to prescribe the steps to be taken and the conditions to be observed in order to restore these States to their former positions in the Union."

And he expresses the—

"Hope and trust that the occasion for discussing such questions will never arise again."

THE DEMOCRATIC PLEDGE.

In September, 1898, Mr. F. M. Simmons, chairman of the State Democratic committee, issued to the people of the State an address, which was both a promise and a protest, in which he uses these words:

"For the past twenty years or more, just before every election, the Republican speakers, at their midnight meetings, have been in the habit of telling the negro if the Democrats came into power the right to vote would be taken away from them.

"First, they told them if the Democrats got the State government they would disfranchise them. The Democrats got the State government, and did not disfranchise them. Then they told them if the Democrats elected a President they would disfranchise them. The Democrats elected a President, and they did not disfranchise them. Then they told them if the Democrats got control of Congress they would disfranchise them. The Democrats got control of Congress, and did not disfranchise them. All along the honest white men of the State laughed at these lies, and marveled that the negro did not have sense enough to see that he was duped.

"Finally the negro himself began to see through the trick. He had seen the Democrats in full power in the State for twenty-two years, and had learned from experience that that party did not propose to disfranchise him, and he, too, began to laugh at these liars, and finally refused to be frightened by their rot any longer. So the old Republican scarecrow had to be hauled down and put away. * * *

"They know that the Democratic party has always stood for manhood suffrage, and they know that the Democratic party will never, under any circumstances under the sun, consent to the passage of any law which will take from them, however poor and ignorant they may be, the right to vote, or which will in any way diminish or lessen that great privilege."

IT GAINED VOTES.

This promise was so circumstantial, so earnest, so indignant, so plausible, and so fortified by political history that it almost compelled belief; it silenced the warnings of intelligent Republicans and allayed the suspicions of the timid and ignorant and gained votes by the thousands for the Democrats, who actually carried the black district and carried the county of Halifax by 1,500 majority.

And yet, with that promise fresh on his lips, without explanation and without apology, Mr. Simmons himself inaugurates and leads the movement to disfranchise the men he had promised to defend; to sacrifice the victims whom his promise had deluded; to betray the confidence which had gained for him the victory.

It should be borne in mind that the act of the assembly in 1874 calling the constitutional convention required every delegate to that convention to take an oath that they "shall not require or propose any educational qualification for office or for voting."

The proportion, both of negroes and of illiterates, in the State at that time was much greater than it is now. What would be said of the delegates to that convention if they had violated the oath and proceeded to pass the "grandfather clause" and to extol the hereditary instinct of the white man in locating his vote as proven by the hereditary instinct of the setter dog in his God-given faculty of locating the quail?

The only difference between the former case and the present is that there the members took the oath individually and here Mr. Simmons, as chairman, makes the pledge for his party. The sanction and binding force upon the honor and conscience is the same. Our amazement at the course of Mr. Simmons is increased by the following from the Washington Post of last winter:

WHAT SENATOR CAFFERY SAID.

"It was learned yesterday that the action of the North Carolina legislature in regard to a constitutional provision for the restriction of suffrage was largely based upon a visit made to this city by several leading North Carolina Democrats. Among others to whom the delegation talked was Senator CAFFERY, of Louisiana, and the Louisiana plan has been accepted by the North Carolinians. It provides that a voter whose father and grandfather voted in any State prior to January 1, 1867, shall be exempt from the property and educational qualifications prescribed in the other articles of the State constitution."

This means, of course, that it disfranchises the negro.

"At the same time Senator CAFFERY, as he said yesterday, was very frank to inform the delegation that he did not regard the provision as constitutional. 'It creates a privileged class,' he said, 'and I told the people of my State that it would not stand a test when they adopted it. If the legislature of North Carolina has accepted the same provision, I believe that they will find their work undone for them as soon as the matter is brought before the United States Supreme Court.'"

Notwithstanding this advice of Senator CAFFERY, in which his colleague, Senator MCENERY, formerly chief justice of Louisiana, fully concurs, and in which the Post says every "jurisconsult" in the land concurs, most of the learned gentlemen in North Carolina who have favored the public with their views in advocacy of the amendment start out by "assuming" the constitutionality of the measure. In the light of the decisions of our Supreme Court reviewing the political acts of the present legislature the impartial layman would be justified in assuming quite the reverse, because the court has been overruling these acts in almost every instance.

It is amazing that the learned advocates of this measure—men of excellent and approved common sense, who avow their purpose boldly—should fancy that they have successfully concealed that purpose in a periphrastic form of definition.

The ostrich on the desert, with his head in the sand and his body exposed, is the only bird which concludes that he is successfully concealed in that interesting attitude and that nobody can see him because he can see nobody.

PROMISE MADE TO BLACKS AND WHITES.

Mr. Simmons's antecelection promise was made with equal force and with equal solemnity to black illiterates and to white illiterates.

He now promises with great vehemence of expression and mysterious rolling of the eye that he will not disfranchise any white man, "however poor and ignorant."

These men, whose ignorance is largely due to the neglect of the State, will naturally inquire whether a person who breaks a promise to a black man can be trusted to keep a promise to a white man, and, further, to inquire in what code of morals the color of the promise impairs the obligation of the promise, and, further, to inquire if in the court of conscience and of honor the helplessness of the promisee and his inability to enforce performance does not increase rather than diminish the sanction of the promise.

These illiterate whites, before risking their salvation to Mr. Simmons, will be moved further to inquire at what particular point in his lively career did Mr. Simmons evince his special regard for the rights of the "poor and ignorant" white man. If they go back to 1886 they will find that Mr. Simmons disfranchised some 2,000 voters in Vance and Warren counties, not so much on the ground of color as because they had voted against Mr. Simmons for Congress.

And if they go back to 1892 they will find that Mr. Simmons, operating under the decision of Harris *vs.* Scarboro, disfranchised 49,000 voters, not on account of color, but because their names were not written in the registration books with sufficient fullness and particularity to suit the refined, critical, and exacting taste of Mr. Simmons.

And they will find that the Federal House of Representatives, containing a majority of Democrats, overruled Mr. Simmons's scheme of disfranchisement in the case of Williams *vs.* Settle, and that the people made haste in 1894 to overthrow Mr. Simmons at the polls, and the Supreme Court effectively suppressed his methods by their ruling in Quinn *vs.* Lattimore. In spite of all this, though slightly disfigured and somewhat discredited, here he comes again, still unabashed, asking poor and ignorant men to trust his naked promises and to accept his constitutional views, which have been tried and found wanting, tested and tattered and shattered by the people, the courts, and the Congress.

SEPARATE LOCAL GOVERNMENTS.

I take the liberty of saying that I am opposed to negro domination and have never feared such domination since Halifax became the banner Democratic county of the State.

I heartily indorse the act of the present legislature, chapter 488, entitled "An act to restore good government to the counties of North Carolina," which gives certain counties in the east a separate form of government. I advocated a similar measure in the legislature of 1897, and I insisted upon section 5, chapter 135, of the laws of 1895—in fact, wrote the original draft of the section providing for bipartisan boards of commissioners in certain contingencies. The aim and the effect of this provision has been to safeguard the financial interests of these counties and render impossible incompetent or corrupt control by either blacks or whites.

In my judgment this separate county government law makes the proposed amendment wholly unnecessary.

SUMMARY OF REASONS.

I now submit, without fear of argument, a summary of my reasons for opposing the amendment:

1. I am opposed to it because I am convinced that it conflicts with the Federal Constitution.

2. I am opposed to it because I know and its advocates do not deny that it violates the act of Congress by which the State was readmitted into the Union.

3. I am opposed to it because I, along with every registered voter in the State, have taken an oath to support the Constitution and laws of the United States, and I can not violate the law which readmitted the State without violating my oath.

4. I am opposed to it because I can not accept the invitation of its most eloquent advocate "to sink my conscience for the public good." I deny the possibility of promoting public good by sinking private conscience.

5. I am opposed to it because it requires payment of poll tax as a prerequisite to voting, and this will unavoidably increase corruption in politics.

6. I am opposed to it because it will disfranchise all or none of the illiterates, both black and white. If it disfranchises none, it will be a useless and mischievous agitation. If it disfranchises all, it will be an act of cruelty and perfidy without parallel.

7. I am opposed to it because, instead of eliminating forever the negro question, if it is literally construed and strictly enforced it must leave the ballot in the hands of 54,000 negroes, 40,000 who can read and 14,000 half-breeds, mulattoes, and quadroons, while it will take away the ballot from the humble, docile, and inoffensive black in the country who live on the farms and are voting more and more with the men whose lands they till, if kindly treated by their landowners.

8. I am opposed to it because it is not needed in the East, where separated local governments are already established, and because it is not wanted in the West by either Democrats or Republicans.

9. I am opposed to it because under the best construction its operation will be a failure and under the worse construction its operation will be a crime.

10. I am opposed to it because I believe the more completely we treat the negro as a brute without rights the more completely he will act as a brute without obligation, and because I believe that it is dangerous to the law and order, peace and progress of the State to have within her borders a great body of men without master, without protection, without guide, without hope, without higher restraint than the fear of punishment, and without higher incentive than the pangs of hunger and thirst.

NEW ELECTION LAW VOID.

Our new election law is the product of a cross between the Goebel law of Kentucky and the Tillman law of South Carolina.

The child bears a striking resemblance to both parents.

The human part of our machine is drawn from Goebel, the mechanical part is drawn from TILLMAN; but the worst parts are drawn from the brain of the author, who stands, like an acrobat, with one foot on Goebel's shoulder, the other on TILLMAN'S shoulder, and performs feats of daring which outclass his supporters and place him deservedly in the rank of Machiavelli.

The origin of our law is seen by a glance at the following parallel:

GOEBEL ELECTION LAW.	SIMMONS ELECTION LAW.
SEC. 1. The general assembly shall at its present session elect three commissioners, who shall be styled "The State board of election commissioners."	SEC. 4. That there shall be a State board of elections consisting of seven discreet persons, who shall be electors, elected by the general assembly at its present session.
SEC. 2. Said State board of election commissioners shall annually, not later than the month of September, appoint three election commissioners for each county, who shall be styled "The county board of election commissioners."	SEC. 5. That there shall be in every county in the State a county board of elections, to consist of three discreet persons who are electors in the county in which they are to act, who shall be appointed as hereinafter provided by the State board of elections.
SEC. 3. Said county board shall annually, not later than the month of October, appoint for each election precinct in the county two judges, one clerk, and one sheriff of election to act as such in their precinct.	SEC. 7. That it shall be the duty of the county board of elections in each county to appoint all registrars and judges of election in their respective counties.

WATTERSON DESCRIBES THE GOEBEL LAW.

The Courier-Journal, in an editorial written by Henry Watterson himself, said of it:

"The people may well stand aghast before the revolutionary election bill which has, like some dread monster, suddenly emerged from the fastness of passion and error through which the legislature has been threading its tortuous way.

"It is safe to say that the annals of free government will be sought in vain for anything approaching it in shameless effrontery and unconcealed deformity. The records of reconstruction furnish nothing to compare with it. The Brownlow despotism at its worst ventured upon nothing so boldly, wholly bad as this.

"In all the force bills meditated by the radicals in Congress during the days of reconstruction there were discernible some pretense or pretext, some lingering memory of republican instincts and traditions. Even in the plebiscites of Louis Napoleon there was the outward display of a just electoral process and purpose.

"This force bill gives the voters of Kentucky not a ray of hope. It makes no claim or show of fairness. It places exclusively in the hands of three irresponsible persons, to be named by the authors of the measure itself, the entire electoral machinery of the State. That is the whole of it. In one word and at one fell swoop Kentucky is to become the subject of a triumvirate which is to decide who shall hold office and who shall not."

THE NEW LAW.

Mr. Simmons appears to have overlooked one great truth in toxicology—that a grain of poison will kill the victim, but an ounce of the same poison will so shock the stomach that it will be rejected. Dr. Simmons has administered an overdose. The act, chapter 507, laws of 1899, entitled "An act to regulate elections," is unconstitutional and void because:

1. It requires an educational qualification.
2. It virtually requires the payment of a poll tax.
3. It confers arbitrary powers upon the registrars and judges of election.
4. It denies the fundamental rights of man.

Ever since the Halifax convention, that is to say, during a period of one hundred and twenty-four years, every election law in force in North Carolina has made it the duty of the judges of election to deposit the ballots in the proper ballot boxes.

Now, for the first time in the State's history, this provision is significantly omitted, and the voter must deposit his own ballot, and if he puts it in the wrong box, the ballot is void.

ANOTHER REQUIREMENT.

There are not less than five boxes in a general election. Therefore in order to exercise the right of suffrage the voter must be able to read the labels on the different boxes.

This requirement conflicts with article 6, section 1, of our constitution, and is therefore void.

2. The law, section 11, requires the registrar to ask the applicant for registration:

"Whether he has listed for taxation his poll tax for the current year in which he proposes to register and for the year next preceding, if liable to pay a poll tax."

And further, the same section provides:

"That if any applicant for registration who is permitted to register shall confess upon his examination under oath at the time he is admitted to registration that he has not listed his poll for taxation for the current year in that year, or if he shall admit that the time of his said application is after the time fixed by law for listing taxes, or did not list his poll for taxation for the year next preceding, it shall be the duty of the registrar to certify said fact or facts to the clerk of the superior court of his county, and the said clerk shall hand such certificate to the solicitor for the district at the next term of the superior court, and the solicitor shall, without delay, draw and send to the grand jury a bill of indictment against such elector so registering for failure to list his poll tax."

INDICTMENT OF VOTERS.

The law says to the voter, "If you vote without listing your poll tax, you shall be indicted."

It is idle to contend that this does not make the listing of the poll for taxation a prerequisite to voting. Where is the man who will stand an indictment in order to enjoy the luxury of voting?

This requirement of the law is in conflict with Article VI, section 1, of our constitution, and is therefore void.

In Van Bokkelen *vs.* Canaday (73 N. C. R., p. 222), the court declares: "The general assembly can not in any way change the qualifications of voters in State, county, township, city, or town elections."

And in Railroad *vs.* Commissioners (72 N. C. R., p. 492).

The constitution defines who are the qualified voters of a county (Art. VI, sec. 1), and the legislature can not change the qualifications.

In the law which we are considering the legislature has attempted to force upon the people the very qualifications on which they have invited the peo-

ple to pronounce judgment in the form of a constitutional amendment. They attempt to put into operation tests of the right of suffrage before such tests have been adopted by the people.

This is condemning a man first and trying him afterwards.

3. After the intending voter has proved his qualifications with the most stringent particularity by the oath of two other voters, and, in addition thereto, has himself taken the prescribed oath, we find in section 22 the following:

"*Provided*, That after such oath shall have been taken the registrars and judge may nevertheless refuse to permit such person to vote, unless they can be satisfied that he is a legal voter."

In other words, after the applicant has furnished all the proof required by the law he may nevertheless be rejected and disfranchised by the arbitrary decision of the registrar and judge.

In the case of Van Bokkelen *vs.* Canaday (73 N. C. R., p. 229), Judge Rodman says:

"The right to vote is property, and no man can be deprived of it 'but by the law of the land,' and the arbitrary will of the registrar is not 'the law of the land' in the well-settled meaning of the bill of rights."

THE MASTER STROKE.

4. We now come to the master stroke.

Section 23 provides:

"That a space of not more than 50 feet in every direction from the polls or the room in which the election is held may be kept open and clear of all persons except the election officers herein provided, which space may be railed or roped off, with a narrow passage leading to and from the polls.

* * * * * * * *

"After the elector has entered the passage no one except the registrar or judges of election or challengers hereinafter provided for shall be permitted to speak to him or make any signs to him, nor shall he be permitted to speak or make any signs to anyone except the registrar or judge of election."

What is the meaning and the object of this most extraordinary provision? Remember that the law takes away from the judges the duty of "carefully depositing the ballot in the ballot box" and repeals the former law declaring that "a ballot found in the wrong box shall be presumed to have been put there by mistake;" that section 29, the new law, declares "if a ballot be found in the wrong box, it shall not be numbered, but shall be void," so that the voter must deposit his ballot with his own hand and take the chances of getting it in the right box or of losing his vote. The educated man can read the labels on the boxes, but the illiterate man, black or white, is helpless in this respect, so that this monstrous provision is aimed exclusively at the ignorant man, and the purpose in denying him the right of asking questions or making signs is to increase the chances of his hitting the wrong box. The law thus becomes an active partner in the cheating, and the State, which has neglected to educate her children, is put in the attitude of mocking their misfortune and of adding to their helplessness. Mind you, the victim in the narrow passage is a white man and a Democrat; he holds in his hand a ballot "Against amendment;" his executioners are two partisan Democrats and one pretended Republican, all favoring the amendment. They tell him to "vote lively and pass along;" he drops his ticket into the legislative box and it is lost and he is disfranchised. Mr. Simmons, is this the "poor and ignorant white" man whom you have promised to protect? Is this law the best proof you can give of your devotion to his rights and interests?

THE RIGHTS OF VOTERS IGNORED.

Do you pretend that this provision will be enforced in the east but not in the west? The answer is:

"All regulations of the election franchise, however, must be reasonable, uniform, and impartial. They must not have for their purpose, directly or indirectly, to deny or abridge the constitutional right of citizens to vote or unnecessarily to impede its exercise; if they do, they must be declared void." (Cooley Cons. Lim., p. 602.)

So that your law must be uniform or it will be declared void. The right to establish separate local governments in the different counties comes from the express grant of power in section 14, Article VII, of the constitution, but Article VI on suffrage contains no such authority.

Mr. Simmons must know that our mountain people, Democrats as well as Republicans, will resent the operation of section 23 of the election law. Men who cherish the memories of Kings Mountain and Mecklenburg will not permit themselves to be driven into a slaughter pen like dumb brutes and denied the right "to speak or make signs;" they will not permit the act of voting, which they have regarded as an act of pride and dignity, to be converted into an act of personal humiliation and shame.

You might just as well require them to crawl through the narrow passage on their all fours, sprinkle dust on their heads, and thus offer the "grand salaam" to your election bailiffs.

You might just as well deny the right of a lost traveler to ask which is the right road as deny to the bewildered voter the right to ask which is the right box.

The law, in denying the fundamental rights of the citizen and the natural rights of man, is in conflict with our bill of rights, and is therefore void.

Mr. Simmons, have you never read these words of Chatham:

"The poorest man may in his cottage bid defiance to all the forces of the Crown. It may be frail, its roof may shake, the wind may blow through it, the storm may enter, the rain may enter, but the King of England may not enter. All his force dare not cross the threshold of the ruined tenement."

And I am bold enough to tell you that the force of all your election bailiffs dare not invade the constitutional rights of the poorest illiterate white man in these mountains.

RICHMOND PEARSON.

APPENDIX III.

PETITION FOR AMENDMENT OF EXISTING ELECTION LAW.

To the honorable the General Assembly of North Carolina:

The undersigned citizens and voters of North Carolina respectfully and humbly petition your honorable body to amend the existing election law in the following particulars, to wit:

First. That sections 88 and 89 be repealed, so as to restore the functions which have belonged to the judiciary since the foundation of our Government.

Second. That the registrars shall be required before entering upon their duties to take an oath to discharge honestly and impartially the duties of their office.

Third. That the judges of election shall carefully deposit the ballots in the proper ballot boxes, and that ballots found in the wrong box, if the poll list shows that such ballots have been honestly cast, but misplaced, shall not be void, but shall be counted according to the manifest will of the voter.

Fourth. That any officer of election who knowingly and willfully commits fraud shall be guilty of a misdemeanor and upon conviction shall be punished by fine and imprisonment.

Fifth. That one member of each county board of elections shall be of a different political party from that of the other two members of the board. And the judges of election, chosen under section 17 of the existing law to represent the minority party, shall be selected from a list of names of honest and competent men presented to the several county boards of election by the chairman of the county executive committee representing such minority party.

Sixth. That in passing upon the qualifications of an elector the officers of election shall be bound by the ordinary and long-established rules of evidence.

We respectfully submit that these demands are reasonable, that they are founded upon manifest principles of justice, and are essential to the honest expression of the popular will, the foundation stone of a republican form of government.

APPENDIX IV.

LETTER OF EXPLANATION TO ACCOMPANY THE PETITION.

DEAR SIR: The demands set forth in the accompanying petition are so simple and reasonable that an explanation seems hardly necessary. As the constitutional amendment goes into effect before the date of the next general election, there can be no honest excuse, even among partisans, to refuse to allow the voters who may still be entitled to vote a reasonably fair expression of their will, and it is confidently believed that thousands of fair-minded Democrats will join in the effort to secure this result and sign the petition for that purpose.

The first demand, if granted by the legislature, simply restores to the courts the right to issue writs of mandamus and injunction in cases where election officers refuse to do their duty or openly violate their duty. These great writs have never heretofore been suspended in North Carolina in time of peace.

The second demand simply requires the registrars to take an oath to discharge their duty honestly and impartially. No officer will refuse to take an oath unless he intends to commit a fraud.

The third demand requires the judges to deposit the ballots in the proper ballot box. This law has been upon our statute books for one hundred and twenty-three years—in fact, ever since the formation of the State. But it was repealed by the legislature of 1899, and in many places during the August election the voters were required to deposit their own ballots, and of course the illiterate voters were thus subjected to an unconstitutional test. The people of Transylvania County lost the representative of their choice solely because the judges of election of Brevard required the voters to deposit their own ballots, which in many instances went into the wrong box and were thus destroyed as completely as if they had been cast in the fire. The honest men of North Carolina will not submit to the permanent enforcement of this unjust, cruel, and unconstitutional provision, but will eagerly join in the demand for its repeal.

The fourth demand simply provides that an election officer who willfully commits fraud shall be punished. Who will deny the manifest justice of this demand?

The fifth demand provides for minority representation on the county and precinct boards of election, and requires that the officers who are chosen to represent the minority party shall be honest and competent, instead of being corrupt and illiterate, as many of them confessedly were at the August election. Republicans would naturally prefer to select an honest Democrat as their representative rather than a dishonest Republican.

The sixth demand simply requires that the election officers, in passing upon the qualifications of electors, and as such acting in a judicial capacity, shall be bound by the same rules of evidence as would govern superior court judges in discharging their functions.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed joint resolution of the following title; in which the concurrence of the House was requested:

S. R. 145. Joint resolution authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect, on March 4, 1901, etc.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows.

To Mr. HEATWOLE, for one week, on account of sickness.

To Mr. BUTLER, until Thursday next, on account of sickness in his family.

To Mr. SMITH of Illinois, for ten days, on account of important business.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the bill S. 812, and the same was referred to the Committee on Military Affairs.

And then, on motion of Mr. HOPKINS (at 5 o'clock and 10 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Brazos River, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Internal Revenue submitting draft of a bill for paying the claim of P. A. McLain—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Postmaster-General submitting an estimate of appropriation for pneumatic-tube service—to the

Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of William F. Taylor, administrator of Cassandra S. Price, deceased, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, relating to the relief of the Fourth Arkansas Mounted Infantry—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Architect submitting an estimate of appropriation for continuing work on the post-office and court-house building in Chicago—to the Committee on Appropriations, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 13168) for the relief of Christian Clisewaner—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 13287) granting a pension to Carrie Le Baron—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 13301) prohibiting and regulating the coming of Chinese persons into the United States—to the Committee on Foreign Affairs.

By Mr. RUSSELL: A bill (H. R. 13302) to encourage the exportation of manufactured articles of which domestic alcohol is a constituent—to the Committee on Ways and Means.

By Mr. LOVERING: A bill (H. R. 13303) to make the currency responsive to the varying needs of business at all seasons and in all sections—to the Committee on Banking and Currency.

By Mr. MINOR: A bill (H. R. 13304) to provide for the disposition of useless papers in the Executive Departments—to the Committee on Disposition of Useless Papers in the Executive Departments.

By Mr. MANN: A bill (H. R. 13305) to provide for the erection of a bronze equestrian statue of the late Brig. Gen. Count Casimir Pulaski at Washington, D. C.—to the Committee on the Library.

By Mr. McCALL: A bill (H. R. 13306) providing for additional appointments to United States Naval Academy—to the Committee on Naval Affairs.

By Mr. RIXEY: A bill (H. R. 13307) to provide for the rebuilding of the Aqueduct Bridge, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RAY of New York: A bill (H. R. 13308) to amend an act approved August 13, 1894, entitled "An act for the protection of persons furnishing materials and labor for the construction of public works"—to the Committee on the Judiciary.

By Mr. ADAMSON: A bill (H. R. 13309) to amend section 19 of chapter 252, 29 Statutes at Large, approved May 28, 1896—to the Committee on the Judiciary.

Also, a bill (H. R. 13310) to amend section 3296, Revised Statutes of the United States—to the Committee on Ways and Means.

By Mr. LAMB (by request): A bill (H. R. 13332) for the relief of holders and owners of certain District of Columbia special-tax scrip—to the Committee on the District of Columbia.

By Mr. SMALL: A bill (H. R. 13366) authorizing an additional survey of an inland water route from Norfolk, Va., to Beaufort Inlet, North Carolina—to the Committee on Rivers and Harbors.

By Mr. GROUT: A resolution by the general assembly of the State of Vermont, praying for proper recognition of and reward for the extraordinary service of Capt. Charles E. Clark, in command of the battle ship *Oregon* during the late Spanish war—to the Committee on Naval Affairs.

By Mr. WEEKS: A resolution of the house of representatives of the State of Michigan, indorsing the Grout bill—to the Committee on Agriculture.

By Mr. SOUTHARD: A concurrent resolution (H. C. Res. 65) to print 6,000 additional copies of the Report of the Director of the Mint on the production of the precious metals for the calendar year 1899, and to print 8,000 copies of the Report of the Director of the Mint covering the Operations of the Mints and Assay Officers for the fiscal year ending June 30, 1900—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BANKHEAD: a bill (H. R. 13311) for the benefit of the legal representatives of Asbury Dickins—to the Committee on Claims.

By Mr. BARBER: A bill (H. R. 13312) granting a pension to Albert Foster—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 13313) for the relief of the heirs and legal representatives of Peter Rubadeau—to the Committee on Claims.

By Mr. DAVIS: A bill (H. R. 13314) granting an increase of pension to Orville E. Campbell—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 13315) for the relief of Gideon C. Corley—to the Committee on Claims.

Also, a bill (H. R. 13316) to restore to the pension rolls the name of Andrew C. Smith—to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 13317) granting an increase of pension to Frederick N. Hopkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13318) granting an increase of pension to Mary J. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13319) granting an increase of pension to Elizabeth Babcock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13320) to increase the pension of Lambert Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13321) granting a pension to John Wallace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13322) granting a pension to Hannah Waldron—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13323) for the relief of Almon McNinch—to the Committee on Military Affairs.

Also, a bill (H. R. 13324) amending the record of Frederick Soloten—to the Committee on Military Affairs.

Also, a bill (H. R. 13325) granting an honorable discharge to Frank Paul—to the Committee on Military Affairs.

Also, a bill (H. R. 13326) to correct the record of Frederick Stewart—to the Committee on Military Affairs.

By Mr. GIBSON: A bill (H. R. 13327) granting a pension to James Davis—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 13328) granting a pension to Catharine Wallis—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 13329) granting a pension to Grotius N. Udell—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 13330) for the relief of Mrs. Kate Skipwith Lemman, Hinds County, Miss.—to the Committee on War Claims.

By Mr. JACK: A bill (H. R. 13331) granting a pension to Joseph Nelson—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 13333) extending Letters Patent No. 293740, issued to Isaac S. Hyatt, for seven years from February 19, 1901—to the Committee on Patents.

By Mr. OTEY: A bill (H. R. 13334) for the relief of the State Savings Bank of Roanoke, Va.—to the Committee on Claims.

By Mr. O'GRADY: A bill (H. R. 13335) to remove the charge of desertion from the military record of William H. Battelle—to the Committee on Military Affairs.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 13336) to compensate Sophie Kosack for injuries sustained and reward her for bravery displayed in rescuing the imperiled in the "Old Ford's Theater" disaster—to the Committee on Claims.

By Mr. RUPPERT: A bill (H. R. 13337) for the relief of Phillip Hague—to the Committee on Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13338) for the relief of Thomas H. Streeter—to the Committee on War Claims.

Also, a bill (H. R. 13339) for the relief of the heirs of George W. Hughes—to the Committee on War Claims.

Also, a bill (H. R. 13340) for the relief of Margret L. Watkins—to the Committee on War Claims.

Also, a bill (H. R. 13341) for the relief of Charity Boyed—to the Committee on War Claims.

Also, a bill (H. R. 13342) for the relief of Robert D. Cox—to the Committee on War Claims.

Also, a bill (H. R. 13343) for the relief of the heirs of John Pettipool—to the Committee on War Claims.

Also, a bill (H. R. 13344) for the relief of the heirs of Josiah Springer—to the Committee on War Claims.

Also, a bill (H. R. 13345) for the relief of Mrs. W. E. Trousdale—to the Committee on War Claims.

Also, a bill (H. R. 13346) for the relief of Mrs. W. R. Britton—to the Committee on War Claims.

Also, a bill (H. R. 13347) for the relief of the heirs of John Wilson—to the Committee on War Claims.

Also, a bill (H. R. 13348) for the relief of the heirs of Rebecca Haley—to the Committee on War Claims.

Also, a bill (H. R. 13349) for the relief of the heirs of Moses Wright—to the Committee on War Claims.

Also, a bill (H. R. 13350) for the relief of the heirs of Stewart Wilson—to the Committee on War Claims.

Also, a bill (H. R. 13351) to place the name of Sandy Crawford on pension roll—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 13352) for the relief of officers and men who suffered loss of all personal property by the storm at Galveston—to the Committee on Military Affairs.

By Mr. HENRY C. SMITH: A bill (H. R. 13353) granting an increase of pension to Joseph Gregory—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13354) granting an increase of pension to James Brown—to the Committee on Invalid Pensions.

By Mr. SNODGRASS: A bill (H. R. 13355) granting a pension to Dock Brackin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13356) increasing pension of Hezekiah E. Burchard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13357) granting pension to Hardy Shadwick, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13358) granting a pension to Martin Dismukes—to the Committee on Pensions.

By Mr. SMITH of Kentucky (by request): A bill (H. R. 13359) for the relief of Benjamin F. Lutman—to the Committee on War Claims.

Also (by request), a bill (H. R. 13360) for the relief of Dennis Pride—to the Committee on War Claims.

Also (by request), a bill (H. R. 13361) for the relief of Alderson T. Keen—to the Committee on War Claims.

Also (by request), a bill (H. R. 13362) for the relief of Columbus B. Allen—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 13363) for the relief of the estate of William Parker—to the Committee on War Claims.

By Mr. TOMPKINS: A bill (H. R. 13364) to refer the claim of Louis A. Guerber to the Court of Claims—to the Committee on Claims.

Also, a bill (H. R. 13365) for the relief of Nancy Rose, lighthouse keeper—to the Committee on Interstate and Foreign Commerce.

By Mr. GILLET of New York: A bill (H. R. 13367) removing the charge of desertion from the military record of Gilbert Moore—to the Committee on Military Affairs.

By Mr. GRAFF: A bill (H. R. 13368) for the relief of John I. Craig, heir of Johnston Craig, deceased—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Resolutions of the Baptist Church, Congregational Church, and Methodist Church of Bloomington, Wis., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. BINGHAM: Resolutions of the Philadelphia County (Pa.) Medical Society, urging favorable legislation for the medical department of the Army—to the Committee on Military Affairs.

Also, resolutions of the National Wholesale Druggists' Association, opposing the free distribution of medicinal remedies—to the Committee on Agriculture.

Also, resolution of the Thirty-fourth Annual Encampment of the Grand Army of the Republic, commending the work accomplished by the Gettysburg National Park Commission and asking for further appropriation to complete the work—to the Committee on Appropriations.

By Mr. BOUTELL of Illinois: Petition of Mrs. G. P. Fisher and other citizens of Chicago, Ill., for the relief of Pima and Papago Indians—to the Committee on Indian Affairs.

Also, petition of Mrs. Merriam Timolat and other women of Minneapolis, Minn., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, petition of the Smith-Wallace Shoe Company and other business firms of Chicago, Ill., for the repeal of the tax of 15 per cent ad valorem on imported hides—to the Committeeon Ways and Means.

By Mr. BROMWELL: Petition of the board of trustees, commissioners of waterworks, Cincinnati, Ohio, for the defeat of a bill granting an extension of patent to I. S. Hyatt—to the Committee on Patents.

Also, petition of A. B. Ratterman & Sons and other manufacturers of Cincinnati, Ohio, praying for the removal of the duty on hides—to the Committee on Ways and Means.

By Mr. COONEY: Petition of E. L. Weaver, administrator of the estate of Felix B. Weaver, late of Greene County, Mo., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ESCH: Resolutions of the Department of Pennesylvania, Grand Army of the Republic, commending the work already accomplished on the National Military Park at Gettysburg, and asking that continued aid be given thereto—to the Committee on Appropriations.

By Mr. FITZGERALD of Massachusetts: Resolutions of the Massachusetts State Board of Trade, favoring Senate bill No. 727, known as the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the National Association of Agricultural Implement and Vehicle Manufacturers, Chicago, Ill., favoring legislation in regard to irrigation of public lands, surveys, etc.—to the Committee on Appropriations.

Also, resolutions of Good Roads Convention, held in Chicago, Ill., asking for an appropriation of $150,000 for the office of Public Road Inquiry—to the Committee on Agriculture.

By Mr. GIBSON: Paper to accompany House bill granting a pension to George Owens—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to William Cooper—to the Committee on Invalid Pensions.

By Mr. GRAFF: Petition of John I. Craig, heir of Johnston Craig, deceased, late of the State of Illinois, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. GREENE of Massachusetts: Resolutions of the Boston Paper Trade Association, favoring reciprocal trade relations with Canada—to the Committee on Ways and Means.

By Mr. GRIFFITH: Paper to accompany House bill No. 12440, granting an increase of pension to William Brown—to the Committee on Invalid Pensions.

Also, statement of Milo J. Bowan, guardian, to accompany House bill granting an increase of pension to Catharine Wallace—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 13079, granting a pension to Elymas F. Wilkins—to the Committee on Invalid Pensions.

Also, petition of J. L. Vinson and 36 other members of the Epworth League, of Brownstown, Ind., favoring uniform marriage and divorce laws and certain other measures—to the Committee on the Judiciary.

Also, petition of employees of the Bureau of Animal Industry, for increase of salaries and other measures—to the Committee on Agriculture.

By Mr. GROUT: Petition of Granite Polishers' Union No. 8642, of Barre, Vt., favoring the passage of House bills 6882 and 5450—to the Committee on Labor.

By Mr. HOFFECKER: Resolutions of Pomona Grange of Kent County, Del., favoring the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. HOPKINS: Petition of Post No. 468, of Downers Grove, Grand Army of the Republic, Department of Illinois, favoring the passage of a graded service-pension bill—to the Committee on Invalid Pensions.

By Mr. JACK: Petition of Cyrus Stouffer and other citizens of Blairsville, Pa., to accompany House bill granting an increase of pension to Joseph Nelson—to the Committee on Invalid Pensions.

By Mr. LITTAUER: Petitions of the Presbyterian churches of Mayfield and Johnstown, N. Y., and Methodist Episcopal Church of Moira, N. Y., to ratify treaty between civilized nations relative to alcoholic trade in Africa—to the Committee on Alcoholic Liquor Traffic.

By Mr. O'GRADY: Papers to accompany House bill to remove the charge of desertion from the military record of William H. Battelles—to the Committee on Military Affairs.

By Mr. OTEY: Petition of F. A. Barnes to accompany House bill for the relief of the State Savings Bank of Roanoke, Va.—to the Committee on Claims.

By Mr. OVERSTREET: Petition of the Hendricks-Vance Company and other business firms of Indianapolis, Ind., for the repeal of the tax of 15 per cent ad valorem on imported hides—to the Committee on Ways and Means.

By Mr. RICHARDSON of Alabama: Papers to accompany House bill for the relief of the estate of George W. Hughes—to the Committee on War Claims.

Also, papers to accompany House bill for the relief of Thomas H. Streater—to the Committee on War Claims.

Also, papers to accompany House bill to place the name of Sandy Crawford on the pension roll—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Henry Krich, of Monroeville, Ind., against the establishment of the parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN of New York: Petition of Leander Frost and 6 citizens of Buffalo, N. Y., to accompany House bill No. 13282, correcting the military record of the said Leander Frost—to the Committee on Military Affairs.

By Mr. STEELE: Petition of J. E. Larimer and 21 other internal-revenue gaugers, storekeepers, etc., of the Sixth Congressional district of Indiana, asking for an increase of pay—to the Committee on Ways and Means.

By Mr. SMITH of Kentucky (by request): Papers to accompany House bill granting a pension to Columbus B. Allen—to the Committee on Invalid Pensions.

By Mr. SNODGRASS: Papers to accompany House bill granting a pension to Dock Brackin—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to Hardy Shadwick, jr.—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to Hezekiah E. Burchard—to the Committee on Invalid Pensions.

By Mr. SPRAGUE: Resolutions of the Boston Paper Trade Association, favoring reciprocal trade between United States and Canada—to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Petition of Minneapolis Chamber of Commerce against the passage of House bill No. 1439, amending the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS of Iowa: Petition of citizens of Sheldon, Iowa, in favor of the passage of a service pension bill—to the Committee on Invalid Pensions.

By Mr. WEEKS: Petitions of George W. Plough life-saving crews of Thunder Bay Island, favoring bill to promote efficiency of Life-Saving Service—to the Committee on Merchant Marine and Fisheries.

By Mr. JAMES R. WILLIAMS: Paper to accompany House bill for the relief of Sarah A. Tanquary—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Thomas Sheridan—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Millia Williams—to the Committee on Invalid Pensions.

By Mr. ZIEGLER: Petition of citizens of the Nineteenth Congressional district of Pennsylvania, favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

SENATE.

TUESDAY, *January 8, 1901.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

ELECTORAL VOTES OF KENTUCKY AND MINNESOTA.

The PRESIDENT pro tempore laid before the Senate two communications from the Secretary of State, transmitting certified copies of the final ascertainment of the electors for President and Vice-President appointed in the States of Kentucky and Minnesota; which, with the accompanying papers, were ordered to lie on the table.

STATUS OF TENNESSEE ENROLLED MILITIA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of December 18, 1900, a report from the Chief of the Record and Pension Office relative to the claims of the officers and enlisted men of the First, Second, Third, Fourth, Fifth, Sixth, and Seventh regiments of the Enrolled Militia which constituted a part of the garrison of Memphis and of the western district of Tennessee, etc.; which, on motion of Mr. TURLEY, was, with the accompanying papers, ordered to lie on the table, and be printed.

THE PNEUMATIC-TUBE SERVICE.

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster-General, transmitting, pursuant to law, the results of the investigation into the pneumatic-tube service for the transmission of mail; which, with the accompanying papers, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

FRANCHISES IN PORTO RICO.

The PRESIDENT pro tempore laid before the Senate a communication from the secretary of Porto Rico, transmitting copies of franchises granted by the executive council of Porto Rico to the Port America Company and to Ramon Valdes; which, with the accompanying papers, was referred to the Committee on the Pacific Islands and Porto Rico, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11820) to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes, and the bill (H. R. 11281) to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes; asks conferences with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE managers at the respective conferences on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 163) for the relief of Henry O. Morse; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented petitions of the Woman's Christian Temperance Union of New York City, the congregations of the Methodist Episcopal and First Baptist churches of Wellsville, and of J. S. E. Erskine, of Thompson Ridge, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

He also presented petitions of the keepers and crews of the life-saving stations at Quogue and Tiana, in the State of New York, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which were referred to the Committee on Commerce.

He also presented petitions of Laundry Workers' Union, No. 8682, of Berlin; of Federal Labor Union, No. 8271, of Amsterdam; of the Woodworkers' Union of Troy; of Brush Makers' Protective and Benevolent Association, No. 7394, of New York City; of Boiler Makers and Iron Shipbuilders Helpers and Heaters' Union, No. 8001, of Buffalo, and of Steel Cabinet Workers' Union, No. 7294, of Jamestown, all in the State of New York, praying for the enactment of legislation to regulate the hours of daily work of laborers and mechanics, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

He also presented petitions of Local Grange, No. 827, Patrons of Husbandry, of Arena; of sundry citizens of Delaware County; of C. H. Whitcomb, of West Somerset; of Local Grange, No. 693, Patrons of Husbandry, of Greig; of William G. Head, of Cherry Valley; of sundry citizens of North Franklin, Elmira, and Chautauqua County; of H. E. Anderson, of Frewsburg; James McCarthy, of Woodhull; W. E. Ward, of Albany; E. D. Green, of Chester; J. D. F. Woolston, of Cortland; of Local Grange, No. 235, Patrons of Husbandry, of Sheridan; of Local Grange, No. 311, Patrons of Husbandry, of Greece, and of Local Grange, No. 896, Patrons of Husbandry, of Rhinebeck, all in the State of New York, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Cottage Grange, No. 829, Patrons of Husbandry, of West Perrysburg, N. Y., praying for the enactment of legislation to regulate the branding of cheese; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Frederick D. Power, secretary of the Congressional Temperance Society and also of the Reform Bureau, praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which was referred to the Committee on Foreign Relations.

Mr. HARRIS presented a petition of sundry citizens of Kansas, praying for the repeal of the revenue tax on grain products; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Kansas, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all the insular possessions of the United States; which was referred to the Committee on the Philippines.

He also presented sundry petitions of citizens of Chautauqua, and of Cowley and Chautauqua counties, all in the State of Kansas, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Live Stock Exchange of South St. Joseph, Mo., remonstrating against the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Michigan State Millers' Association, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Great Atlantic and Pacific Tea Company and sundry other wholesale and retail grocers of the United States, praying for the repeal of the duty on tea; which was referred to the Committee on Finance.

Mr. KENNEY presented a petition of sundry citizens of Delaware, praying for the adoption of an amendment to the Constitution providing for the election of United States Senators by a direct vote of the people; for an appropriation providing for the extension of free rural mail delivery; for the establishment of

postal savings banks, etc.; which was referred to the Committee on the Judiciary.

Mr. PRITCHARD presented a petition of C. L. Ezell and 100 other citizens of Hawriver, N. C., praying for the enactment of legislation to regulate the hours of daily work of laborers and mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

Mr. NELSON presented a petition of sundry citizens of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. COCKRELL presented a memorial of the G. W. Taylor Dry Goods Company, of Huntsville, Mo., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WARREN presented a petition of sundry retail druggists and business firms of Lander, Wyo., praying for the repeal of the stamp tax on medicinal proprietary articles and preparations; which was referred to the Committee on Finance.

Mr. McMILLAN presented a petition of the keeper and crew of the life-saving station of Ship Canal, Michigan, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which was referred to the Committee on Commerce.

He also presented petitions of the Ship Carpenters' Union of West Bay City; of Federal Labor Union, No. 8527, of Railway Workmen, of Saginaw, and of the Central Labor Union of Saginaw, all in the State of Michigan, praying for the enactment of legislation to regulate the hours of daily work of laborers and mechanics, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

Mr. FAIRBANKS presented petitions of J. C. Perry & Co. and 23 other business firms of Indianapolis; Kramer & Sons and 7 other business firms of Laporte; the J. T. Elliott Company and the Stroyer & Uhl Company, of Logansport; E. Bierhaus & Sons and 23 other business firms of Vincennes; S. Kahn's Sons and 3 other business firms of Evansville; Joseph A. Goddard & Co. and 4 other business firms of Muncie, and of Campbell, Boyd & Co. and 4 other business firms of Columbus, all in the State of Indiana, praying for the adoption of an amendment to the present bankruptcy law; which were referred to the Committee on the Judiciary.

Mr. MASON presented a petition of Local Union No. 8584, American Federation of Labor, of Assumption, Ill., and a petition of Local Union No. 8657, American Federation of Labor, of Cobden, Ill., praying for the enactment of legislation to regulate the hours of daily work of laborers and mechanics, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5360) granting an increase of pension to Hiram I. Hoyt;

A bill (S. 5322) granting an increase of pension to Daniel W. Warren;

A bill (H. R. 11096) granting an increase of pension to Delia E. Stillman;

A bill (H. R. 3705) granting a pension to Almeda Brown;

A bill (H. R. 7495) granting an increase of pension to Richard Holloway;

A bill (H. R. 8535) granting an increase of pension to Andrew E. Dunham;

A bill (H. R. 10089) granting an increase of pension to Charles Forbes; and

A bill (H. R. 10784) granting an increase of pension to Oliva J. Baker.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4985) granting an increase of pension to Dr. George C. Jarvis; and

A bill (S. 5187) granting a pension to Corinne Strickland.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4531) granting a pension to Harriet S. Richards; and

A bill (S. 5074) granting an increase of pension to Sarah F. Bridges.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 753) granting a pension to John F. Scribner, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also (for Mr. KYLE), from the Committee on Pensions, to whom was referred the bill (S. 4938) granting an increase of pension to Esther Ann Grills, reported it with an amendment, and submitted a report thereon.

He also (for Mr. KYLE), from the same committee, to whom was referred the bill (S. 914) granting an increase of pension to Charles L. Summers, reported it with amendments, and submitted a report thereon.

He also (for Mr. KYLE), from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5007) granting an increase of pension to Smith Miner:

A bill (H. R. 4199) granting increase of pension to Gabriel M. Funk;

A bill (H. R. 8161) granting a pension to Annis Bean; and

A bill (H. R. 9840) granting an increase of pension to William Snider.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3280) granting an increase of pension to Henry Keene; and

A bill (S. 1786) granting an increase of pension to Fielding Marsh.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (S. 3193) granting a pension to Charles H. Force, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2843) granting an increase of pension to John Johnson, reported it without amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 5019) granting an increase of pension to Julia Crenshaw, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3609) granting a pension to Agnes B. Hoffman, reported it without amendment, and submitted a report thereon.

Mr. McLAURIN, from the Committee on Claims, to whom was referred the bill (S. 1380) for the relief of Mary W. Kramer, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 2709) granting a pension to Marietta Elizabeth Stanton, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2232) granting a pension to Frederick Sien; and

A bill (S. 2828) granting an increase of pension to Hippolyte Perrault.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5201) granting a pension to Samuel F. Radford; and

A bill (H. R. 9502) granting an increase of pension to Phebe A. La Mott.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 10472) granting an increase of pension to Frank Blair, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7621) granting a pension to William H. Chapman, reported it with an amendment, and submitted a report thereon.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (S. 413) granting a pension to Albert S. Cummings, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were reported the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4069) granting a pension to Julia A. Kinkead;

A bill (H. R. 4887) granting an increase of pension to David R. Ellis; and

A bill (H. R. 6043) granting an increase of pension to John C. Sheuerman.

Mr. PERKINS, from the Committee on Fisheries, to whom was referred the bill (S. 5354) to establish a fish-hatching and fish station in the State of Idaho, reported it without amendment, and submitted a report thereon.

Mr. QUARLES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11516) granting an increase of pension to Samuel Ryan; and

A bill (H. R. 4356) granting an increase of pension to Henry G. Bigelow.

Mr. QUARLES, from the Committee on Pensions, to whom

were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1602) granting an increase of pension to Morris B. Kimball;

A bill (S. 2153) granting an increase of pension to Jesse N. Dawley;

A bill (S. 5325) granting a pension to Michael Mullin; and

A bill (S. 5031) granting a pension to Margaret A. Potts.

Mr. QUARLES, from the Committee on Pensions, to whom was referred the bill (S. 4960) granting a pension to Minerva M. Helmer, reported it with an amendment, and submitted a report thereon.

Mr. ALLEN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11228) granting an increase of pension to Smith Thompson;

A bill (H. R. 3956) granting an increase of pension to George W. Plants;

A bill (H. R. 5189) granting an increase of pension to Alexander Boltin;

A bill (H. R. 11198) granting an increase of pension to Gorton Brown; and

A bill (S. 5233) granting an increase of pension to Philetus M. Axtell.

STATUTES OF THE DISTRICT OF COLUMBIA.

Mr. PLATT of New York. I am directed by the Committee on Printing to report a joint resolution providing for the distribution of Compiled Statutes of the District of Columbia to judges of United States courts, and to ask for its immediate consideration.

The joint resolution (S. R. 149) providing for the distribution of Compiled Statutes of the District of Columbia to judges of United States courts, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to distribute from those in his custody one copy of the Compiled Statutes of the District of Columbia to each United States judge not already supplied with the work.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HAWLEY introduced a bill (S. 5450) granting an increase of pension to Rachel J. B. Williams; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANNA introduced a bill (S. 5451) granting an increase of pension to Mary M. Hyde; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5452) granting an increase of pension to William Wheeler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5453) to correct the military record of Denton Whipps; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PLATT of New York introduced a bill (S. 5454) for the relief of the estate of James Brown, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 5455) to authorize advances from the Treasury of the United States for the support of the government of the District of Columbia;

A bill (S. 5456) to provide for improvements in the office of the assessor for the District of Columbia;

A bill (S. 5457) regulating assessments for water mains in the District of Columbia; and

A bill (S. 5458) for the relief of holders and owners of certain District of Columbia special-tax scrip.

Mr. PRITCHARD introduced a bill (S. 5459) granting a pension to William Hensley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5460) granting an increase of pension to Rudison Crawford; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5461) for the relief of Thomas Stanley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. DEBOE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5462) granting a pension to Phœbe Lilly (with an accompanying paper);

A bill (S. 5463) granting a pension to Marie Josephine Detweller (with accompanying papers); and

A bill (S. 5464) granting an increase of pension to Campbell Ward (with accompanying papers).

Mr. DEBOE introduced a bill (S. 5465) to correct the military record of Lloyd Clark; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5466) to correct the military record of James Loney, alias James Malone; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5467) for the relief of James Obrien; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5468) for the relief of Emil Mahlo; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 5469) for the relief of George W. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. TURLEY introduced a bill (S. 5470) for the relief of the legal representatives of Turner Smith, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 5471) for the relief of the estate of James F. Phillips, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 5472) for the relief of Alice G. Boogher, née Anna Newman, and Holmes, née Newman; which was read twice by its title, and referred to the Committee on Claims.

Mr. BARD introduced a bill (S. 5473) granting a pension to Annie Yates; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5474) granting an increase of pension to John Hamilton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5475) granting a pension to Zenobia J. Bueb; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 5476) to amend an act entitled "An act to confer jurisdiction on the Court of Claims to hear and determine the claim of the heir of Hugh Worthington, for his interest in the steamer *Eastport*," approved July 28, 1892; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. KENNEY introduced a bill (S. 5477) granting a pension to John A. Reilley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5478) for the relief of certain religious, charitable, and educational institutions; which was read twice by its title, and referred to the Committee on Claims.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5479) granting an increase of pension to Matthias T. Hamilton; and

A bill (S. 5480) granting an increase of pension to William McFee.

Mr. PERKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5481) granting an increase of pension to William W. King;

A bill (S. 5482) granting an increase of pension to Robert Hendry; and

A bill (S. 5483) granting an increase of pension to Lemuel Rossiter.

Mr. FRYE introduced a bill (S. 5484) to provide for subports of entry and delivery in the Territory of Hawaii; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 5485) to amend an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea;" which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 5486) to amend section 14 of an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MASON introduced a bill (S. 5487) for the relief of the executrix of George W. Curtis, deceased; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SIMON submitted an amendment proposing to appropriate $11,000 for improvements at the Klamath Indian Agency, Oreg., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MASON submitted an amendment proposing to appropriate $2,000 for salary of one clerk, acting as chief clerk in the office of the Postmaster-General, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MCCUMBER submitted an amendment providing that steps be taken to prevent the spread of smallpox among the Turtle Mountain Band of Indians at Devils Lake Agency, N. Dak., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

THE MILITARY ESTABLISHMENT.

Mr. KENNEY submitted an amendment intended to be proposed by him to the bill (S. 4300) to increase the efficiency of the military establishment of the United States; which was ordered to lie on the table, and be printed.

HEARINGS BEFORE COMMITTEE ON MILITARY AFFAIRS.

Mr. HAWLEY. I submit a resolution for printing additional copies of the hearings before the Committee on Military Affairs, and I ask for its immediate consideration. The original thousand is exhausted and there is quite a demand for it.

The resolution was considered by unanimous consent, and agreed to, as follows:

Ordered, That there be printed as a Senate document 3,000 copies of the hearings before the Committee on Military Affairs on Senate bill 4300.

BREAKWATER AT BURLINGTON, VT.

Mr. PROCTOR submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to furnish Congress with a report showing the present condition of the breakwater at Burlington, Vt., with an estimate of cost for its proper repair and completion.

REGULAR OFFICERS AS OFFICERS OF VOLUNTEERS.

Mr. PETTIGREW. I offer a resolution and ask that it be read, printed, and lie over under the rule.

The resolution was read, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate with the names of all officers of the Regular Army who were appointed to be officers of volunteers since May 1, 1898, the rank said officers held in the Regular Army when so appointed, the rank to which appointed in the volunteers, and the rank now held in the volunteers; whether any regular officers so appointed to volunteer regiments have been assigned to duty other than that of duty in the field with their regiments, the names of officers so detailed, with the date of the detail, the special duty to which assigned, and where such special duty has been and is now being performed.

The PRESIDENT pro tempore. The resolution will be printed, and it will lie over under the rule.

PAPER ON PARCELS POST.

Mr. PETTIGREW. I desire to have printed as a document an article on parcels posts, written by Mahlon H. White—an excellent contribution to the subject. I do not know that I am in favor of establishing at this time a parcels post, but I think that this valuable information ought to be printed for the benefit of the Senate. I ask, therefore, that it be printed as a document, and referred to the Committee on Post-Offices and Post-Roads.

Mr. SEWELL. Mr. President, I object to private contributions being printed at the expense of the Senate.

The PRESIDENT pro tempore. The Senator from New Jersey objects.

Mr. PETTIGREW. I ask the clerks, then, to please return the paper to me.

THE MILITARY ESTABLISHMENT.

Mr. HAWLEY. I ask unanimous consent that the Senate proceed to the consideration of the Army bill.

There being no objection, the Senate resumed the consideration of the bill (S. 4300) to increase the efficiency of the military establishment of the United States.

The PRESIDENT pro tempore. Committee amendments are still in order.

Mr. GALLINGER rose.

Mr. BATE. An amendment was under consideration yesterday evening, and I think we had better dispose of it first. It was laid over upon the request of the Senator from South Dakota [Mr. PETTIGREW].

The PRESIDENT pro tempore. A committee amendment?

Mr. BATE. Yes, sir; the committee have approved it.

Mr. GALLINGER. Mr. President, I rose to suggest that the so-called canteen amendment was laid over until this morning and that I am prepared to proceed with the consideration of that amendment. I have no objection to the amendment to which the attention of the Chair has been called being acted on first.

Mr. BATE. I thought it was acted on finally yesterday evening, but I see by the RECORD it was not. We had better finish it this morning.

The PRESIDENT pro tempore. The Senator from Tennessee offers, on behalf of the committee, an amendment which will be read.

The SECRETARY. On page 26, line 7, after the word "examination," insert the following:

Provided, That the Secretary of War be authorized to appoint in the Hospital Corps, in addition to the 200 hospital stewards now allowed by law, 100 hospital stewards: *Provided*, That men who have served as hospital stewards of volunteer regiments or acted in that capacity during and since the Spanish-American war for more than six months may be appointed hospital stewards in the Regular Army: *And provided further*, That all men so appointed shall be of good moral character and shall have passed a satisfactory mental and physical examination.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment is what is known as the canteen amendment.

Mr. GALLINGER. Let the amendment be read.

The PRESIDENT pro tempore. It will be read to the Senate.

The Secretary read the provision inserted by the House, as follows:

The sale of or dealing in beer, wine, or any intoxicating liquors by any person in any post exchange or canteen or Army transport, or upon any premises used for military purposes by the United States, is hereby prohibited. The Secretary of War is hereby directed to carry the provisions of this section into full force and effect.

The PRESIDENT pro tempore. The amendment of the committee will be stated.

The SECRETARY. In line 4 strike out the word "beer," and in line 5, after the words "or any" strike out the words "intoxicating liquors" and insert in lieu thereof "distilled spirits," so as to read:

The sale of or dealing in wine or any distilled spirits by any person in any post exchange or canteen or Army transport or upon any premises used for military purposes by the United States is hereby prohibited. The Secretary of War is hereby directed to carry the provisions of this section into full force and effect.

Mr. GALLINGER. Mr. President, in the Army reorganization bill that became a law March 2, 1899, the following provision was inserted, being section 17 of the statute:

That no officer or private soldier shall be detailed to sell intoxicating drinks, as a bartender or otherwise, in any post exchange or canteen, nor shall any other person be required or allowed to sell such liquors in any encampment or fort or on any premises used for military purposes by the United States; and the Secretary of War is hereby directed to issue such general order as may be necessary to carry the provisions of this section into full force and effect.

Those of us who voted for that provision supposed that its adoption would terminate liquor selling in the Army. But it will be remembered that the Attorney-General made the remarkable discovery that it did not mean what it said, and as a consequence the canteen has continued as a part of the Army equipment.

The bill now under consideration as it came from the House of Representatives contained this clause:

The sale of or dealing in beer, wine, or any intoxicating liquors by any person in any post exchange or canteen or Army transport or upon any premises used for military purposes by the United States is hereby prohibited. The Secretary of War is hereby directed to carry the provisions of this section into full force and effect.

The Committee on Military Affairs of the Senate has changed that provision, and recommends that it shall be adopted after the word "beer" has been stricken out and the words "distilled spirits" substituted for the words "intoxicating liquors," thus permitting the sale of beer to be continued at Army posts.

Mr. President, the question as to whether or not we shall tolerate saloons in connection with our Army posts and encampments is again before the Senate for consideration. A few days ago the so-called Lodge resolution was adopted by the Senate, the purpose of which was to place our Government in unison with other great governments of the world in the matter of treaties to protect the aboriginal races from the effects of intoxicants. Notwithstanding that action on the part of the Senate—of which I approved—it is now proposed that our Government shall continue in the saloon business in connection with the military camps of the country, thus placing our soldier boys under constant temptation.

In other words, by passing the Lodge resolution we joined hands in protecting the savages from the evil effects of strong drink, and now we propose to favor the sale of strong drink to our soldiers, who above all classes of our people ought to be protected from the evil effects of intoxicants.

Mr. President, I am opposed on principle to the Government engaging in the liquor traffic, and for this reason, among others,

I favor the proposition that comes from the House of Representatives, and I am opposed to the amendment reported by the Committee on Military Affairs.

Mr. HAWLEY. I should like to correct the Senator.

Mr. GALLINGER. I should be glad to have any correction made.

Mr. HAWLEY. He says, as I understood him, that he does not wish the Government to engage in the sale of liquor. I do not know what his phrase was. There is no pretense to sell any strong liquors at all. The sale of beer under the strictest regulations is all that is contemplated here. Distilled spirits and even wine, and all that, are excluded.

Mr. GALLINGER. Well, Mr. President, if the distinguished chairman of the committee had restrained his impetuosity and had done me the honor to listen to me a little further he would have heard a discussion of the beer question. Beer is an intoxicating drink, as every physician in the entire world knows, a drink that does harm to every man who habitually uses it. The committee might just as well have recommended the use of wine as of beer; indeed, I think the drinking of wine is preferable to the drinking of beer, so far as health is concerned.

I notice that in the hearings before the committee it was suggested by the chairman that the name "canteen" is not the proper one, but that the regimental saloon should be known by the name of "post exchange." Well, Mr. President, it matters little what the name is so far as the business remains unchanged.

> That which we call a rose
> By any other name would smell as sweet.

And a saloon is a saloon wherever found or however named.

But it is said that the committee propose to have nothing in the way of liquor sold in the canteen but beer. Now, Mr. President, there is not an intelligent man or woman in the country who does not know that if the sale of beer is permitted in Army camps, stronger liquors will likewise be dispensed. That fact is so patent as not to require discussion. But even if beer is to be the only beverage sold, everybody knows that beer sold under the ægis of the Government will make men drunk just as surely as will wine or distilled spirits when sold by licensed or unlicensed private citizens.

I notice that in the hearing before the committee the Adjutant-General of the Army, in reply to a question, said:

> We regard beer as a nonintoxicant.

Well, Mr. President, some years ago a court, I think in the city of New York, decided that beer was a nonintoxicant, and Artemus Ward concluded that he would put it to a practical test. So he drank freely of beer, and I wish I had the article that Artemus Ward wrote in reference to that matter to read to the Senate to-day.

The great humorist said that after drinking freely of beer he went out on Broadway and the pavement insisted upon flying up and striking him in the face, the lamp-posts were dancing jigs and changing corners, men were staggering around, and everything was in turmoil. His first thought was that he was drunk, but then he knew that that was not the fact, because the court had decided that beer did not intoxicate, and so he concluded that everything and everybody was drunk except Artemus Ward.

Mr. President, every physician in the land knows that beer is intoxicating, and the medical profession is quite united in the opinion that the continued use of it is more detrimental to health than almost any other form of intoxicating drink.

I have here a publication which is a reprint of articles from the Toledo Blade, which contains the testimony of some of the leading physicians of Ohio and elsewhere, some of whom were Army surgeons, in reference to the results of the continued use of beer. I do not propose to take the time of the Senate to read the testimony of these distinguished physicians on this subject, unless it is insisted upon, and if I can get consent to insert their testimony in my remarks without reading, as well as a couple of articles on the subject from the same newspaper, I shall be glad to save the time of the Senate by having the matter disposed of in that way.

The PRESIDENT pro tempore. Is there objection to the request? The Chair hears none.

The testimony referred to is as follows:

BEER AND THE BODY—TERRIBLE TESTIMONY OF PHYSICIANS AGAINST THIS MONSTROUS EVIL OF THE DAY.

[From the Toledo Blade.]

The alarming growth of the use of beer among our people, and especially the spreading delusion among many who consider themselves temperate and sober that the encouragement of beer drinking is an effective way of promoting the cause of temperance and of aiding to stamp out the demon rum, impelled the Blade to send a representative out to a number of the leading physicians of Toledo to obtain their opinions as to the real damage which indulgence in an appetite for malt liquors does the victim of that form of intemperance, and the dangers which threaten the whole community from a lack of restraint upon this terrible devastator of our people's lives and health, intellect, and bodily vigor, it being indeed a pestilence which literally stalks at noonday throughout the land wherever the poison-breeding breweries are allowed to distribute their broth of degradation and debasement through the community.

Every one is not only a gentleman of the highest personal character, but is a physician whose professional abilities have been severely tested, and have received the stamp of the highest indorsement by the public and their professional brethren. Abler and more skillful physicians are not to be found anywhere. Each has also practiced for many years in Toledo, the shortest time for anyone of them being more than twelve years, and this practice has been of a kind to make them accurately acquainted with the matters of which they speak.

The indictment they with one accord present against beer drinking is simply terrible. It is a curse for which there is no mitigation. The fearful devilfish crushing a fisherman in its long winding arms, and sucking his life blood from his mangled body and limbs, is not so frightful an assailant as this deadly but insidious enemy which fastens itself upon its victim, and daily becomes more and more the wretched man's master, clogging up his liver, rotting his kidneys, decaying his heart and arteries, stupefying and starving his brain, choking his lungs and bronchia, loading his body down with dropsical fluids and unwholesome fat, fastening upon him rheumatism, erysipelas, and all manner of painful and disgusting diseases, and finally dragging him down to the grave at a time when other men are in their prime of mental and bodily vigor. But we can not hope to tell the story so well as the physicians themselves, who speak out of the fullness of a rich experience. Here are their statements:

Dr. S. H. Burgen, a practitioner for over thirty-five years, twenty-eight of which have been in Toledo, says: "I think beer kills quicker than any other kind of liquor. My attention was first called to the insidious effects of beer drinking years ago, when I began examining for a life-insurance company. I passed as unusually good risks five Germans—young business men—who seemed to be in the best of health and to have superb constitutions. In a few years I was amazed to see the whole five drop off, one after another, with what ought to have been mild and easily curable attacks of diseases. On comparing my experience with that of other physicians I found that they were all having similar luck with confirmed beer drinkers, and the incidents of my practice since then have heaped up confirmation upon confirmation.

"The first organ to be attacked is the kidneys; the liver soon sympathizes with them, and then comes, most frequently, dropsy or Bright's disease, both of which are certain to end fatally. Any physician who cares to take the time will tell you that among the dreadful results of habitual beer drinking are lockjaw and erysipelas, and that the beer drinker seems incapable of recovering from the effects of mild disorders and injuries not usually regarded as of a grave character. Pneumonia, pleurisy, fevers, etc., seem to have a first mortgage on him, which they foreclose remorselessly at an early opportunity.

"The beer drinker is much worse off than the whisky drinker. The whisky drinker seems to have more elasticity and reserve power. A whisky drinker will even have delirium tremens and tear everything around him to pieces, but after the fit is gone you will sometimes find good material to work upon, and good management may bring him around all right. But when a beer drinker gets into trouble it seems almost as if you have to re-create the man before you can hope to do anything for him. I have talked this for years, and have already had an abundance of living and dead instances around me to support my opinions."

Dr. S. S. Thorn, a physician of an experience embracing a period of service in the Army, as well as some twenty years' practice in Toledo, said: "Adulterants are not the important thing in my estimation; it is the beer itself. It stupefies and retards his intellection, because it is a narcotic, and cumulative in its effects. For instance, mercurials are cumulative. They gather in the system. A dose of one-sixteenth or one thirty-second of a grain would have no appreciable effect upon the system; but a number of these small doses administered consecutively would soon produce salivation and other destructive results."

"So beer accumulates and gathers certain pernicious agencies in the system until they become very destructive. Every man who drinks beer in any quantity soon begins to load himself with soft, unhealthy fat. This is bad, because it is the result of interference with the natural elimination of deleterious substances. No man, no matter what his constitution, can go on long with his system full of the morbid and dead matter which the kidneys and liver are intended to work off. If you could drop into a little circle of doctors, when they are having a quiet, professional chat over matters and people in the range of their experience, you will hear enough in a few minutes to terrify you as to the work of beer.

"One will say, 'What's become of So-and-so? I haven't seen him around lately.' 'Oh, he's dead.' 'Dead! What was the matter?' 'Beer.' Another will say, 'I've just come from Blank's. I'm afraid it's about my last call on him, poor fellow.' 'What's the trouble?' 'Oh, he's been a regular beer drinker for years.' A third will remark how —— has just gone out like a candle in a draft of wind. 'Beer' is the reason given. And so on, until the half dozen physicians have mentioned perhaps fifty recent cases where apparently strong, hearty men, at a time of life when they should be in their prime, have suddenly dropped into the grave.

"To say they are habitual beer drinkers is a sufficient explanation to any physician. He never asks anything further as to causes. The first effect on the liver is to congest and enlarge it. Then follows a low grade of inflammation and subsequent contraction of the capsules, with the effect of producing what is known in the profession as 'hob-nailed liver' or 'drunkard's liver.' The surface of the organ becomes covered with little lumps that look like nail heads on the soles of shoes. This condition develops dropsy. The congestion of the liver clogs up all the springs of the body and makes all sorts of mental and physical exertion as difficult and labored as it would be to run a clock, the wheels of which were covered with dirt and gum. The life-insurance companies make a business of estimating men's lives and can only make money by making correct estimates of whatever influences life.

"Here is the table that they use in calculating how long a normal, healthy man will probably live after a given age:

Age.	Expectation.
20 years	41.5 years
30 years	34.4 years
40 years	28.3 years
50 years	20.2 years
60 years	13.8 years
65 years	11 years

"Now, they expect that a man otherwise healthy, who is addicted to beer drinking, will have his life shortened from 40 to 60 per cent. For instance, if he is 20 years old and does not drink beer he may reasonably expect to reach the age of 61. If he is a beer drinker, he will probably not live to be over 35, and so on. If he is 30 years old when he begins to drink beer, he will probably drop off somewhere between 40 and 45, instead of living to 64, as he should. There is no sentiment, prejudice, or assertion about these figures. They are simply cold-blooded business facts, derived from experience, and the companies invest their money upon them just the same as a man pays so many dollars for so many feet of ground or bushels of wheat.

"All beer drinkers have rheumatism, more or less, and no beer drinker can recover from rheumatism as long as he drinks beer. You will notice how a beer drinker walks about stiff on his heels, without any of the natural elasticity and spring from the toes and ball of the foot that a healthy man should

have. That is because the beer has the effect of increasing the lithia deposits—'chalk stones' they are sometimes called—about the smaller joints, which cause articular rheumatism. Beer drinkers are absolutely the most dangerous class of subjects that a surgeon can operate upon. Every surgeon dreads to have anything to do with them. They do not recover from the simplest hurts without a great deal of trouble and danger.

"Insignificant scratches and cuts are liable to develop a long train of dangerous troubles. The choking up of the sewers and absorbents of the body brings about blood poisoning and malignant running sores, and sometimes delirium tremens results from a small hurt. It is very dangerous for a beer drinker to even cut his finger. No wound ever heals by "first intention," as it does upon a healthy man, but takes a long course of suppuration, sometimes with very offensive discharges, and all sorts of complications are liable. All surgeons hesitate to perform operations on a beer drinker that they would undertake with the greatest confidence on anyone else. I have told you the frozen truth—cold, calm, scientific facts, such as the profession everywhere recognizes as absolute truths. I do not regard beer drinking as safe for anyone. It is a dangerous, aggressive evil that no one can tamper with with any safety to himself. There is only one safe course, and that is to let it alone entirely."

Dr. M. H. Parmalee, physician and surgeon of twelve years' practice in Toledo, says: "The majority of saloon keepers die from dropsy, arising from liver and kidney diseases, which are induced by their beer drinking. My experience has been that saloon keepers and the men working about breweries are very liable to these diseases. When one of these apparently stalwart, beery fellows is attacked by a disorder that would not be regarded as at all dangerous in a person of ordinary constitution, or even a delicate, weakly child or woman, he is liable to drop off like an overripe apple from a tree. You are never sure of him for a minute. He may not be dangerously sick to-day and to-morrow be in his shroud.

"All physicians think about alike on this subject, as their observations all lead them to similar conclusions. It is a matter so plain that there is hardly room for any other opinion. The most of them are like myself in another thing: I have come to dread being called upon to take charge of a case of sickness in a man who is an habitual beer drinker. Experience has taught me that in such persons it is impossible to predict the outcome. The form of Bright's disease known as the swollen or large white kidney is much more frequent among beer drinkers than any other class of people, and also that its prevalence seems to have kept pretty fair pace with the rapid increase in the consumption of beer in this country."

Dr. W. T. Ridenour served during the war as surgeon of the Twelfth Ohio Infantry, was medical inspector of the Department of West Virginia, has resided in Toledo for fourteen years, has served some years as health officer of the city, and has been lecturer on physiology in the Toledo medical schools for three years. The following is his testimony:

"The first effect of the habitual use of beer is upon the stomach, merely a physical one, and is to greatly distend it."

"In making a post-mortem examination a physician instantly recognized a beer drinker's stomach by its greatly increased dimensions. The liver is the great laboratory, the great workshop of the body. Any derangement of it means the immediate derangement of all the rest of the vital machinery. There can be no health anywhere when the liver is out of order. Beer drinking overloads it and clogs it up, producing congestion. The liver is composed of a number of little cells united together into what are called lobules. When the beer drinker begins to overload his liver, the first effort of nature is to enlarge it to do the extra work it is called upon to do. But this enlargement is mainly in the interstitial tissue, the tissue connecting the cells and lobules, which keeps on growing until the cells themselves are diminished in size by pressure, and less fitted for their office. This deranges and permanently cripples the organ.

"One of the functions of the liver is to separate from the blood excrementitious and effete substances that should be thrown off through the kidneys in the urine. Naturally, when the working capacity of the liver is crippled, this function of preparing the excrementitious matters for elimination by the kidneys is interfered with, the salts—urea and the urates—are imperfectly elaborated, and much of them is thrown into the blood and kidneys as uric acid, which is comparatively insoluble and very irritating to those organs, and produces a long train of harmful sequelæ. Later the kidneys are assailed. I have no doubt that the rapid spread of that terrible ailment, Bright's disease of the kidneys, is largely due to the great development of the beer-drinking habit in this country.

"I have always believed that Bayard Taylor fell a victim to the German beer that he praised so highly. He died of Bright's disease at 50, when he was comparatively young, and should have lived, with his constitution, to a green old age. He did not want to die, either. He was full of ambition, and had much work that he was eager to do before he passed away. But he went, just as habitual beer drinkers are going all the time and everywhere. My first patient was a saloon keeper on Cherry street, as fine a looking man physically as I had ever seen—tall, well built, about 35 years old, with clear eyes, florid complexion, and muscles well developed. He had an attack of pneumonia in the lower lobe of the right lung.

"It was a simple, well-defined case attack, which I regarded very hopefully. Doctors are confident of saving nineteen out of twenty of such cases. They will, in fact, usually cure themselves in a little while, if left alone, as the disease is regarded as a self-limited one, with tendency to recovery. I told my partner—Dr. Trembly—so, when we spoke of it in the evening. To my surprise he said quietly, 'He'll die.' I asked what made him think so. 'He's a beer-drinker,' answered Trembly, and he persisted in predicting a fatal termination of the case in spite of all my assertions to the contrary. My confidence seemed justified when my patient began to recover from the attack on the lower lobe. Suddenly I discovered that the disease had lighted up in the middle lobe.

"This did not go through the various stages of the disease toward convalescence, but passed into the third stage of pneumonia suppuration; then the upper lobe became involved, and finally it crossed over and attacked the other lung, and my patient succumbed. Beer drinkers are peculiarly liable to die of pneumonia. Their vital power, their power of resistance, their vis medicatrix naturæ, is so lowered by their habits that they are liable to drop off from any acute disease, such as fevers, pneumonia, etc. As a rule, when a confirmed beer drinker takes pneumonia he dies. They make bad patients.

"Beer drinking produces rheumatism by producing chronic congestion and ultimately degeneration of the liver, thus interfering with its functions, among others its metabolic function, by which the food is elaborated and fitted for the sustenance of the body, and by which function the refuse materials resulting from the nutrition and action of the tissues of the body are oxidized and made soluble for elimination by the kidneys, as before stated, thus forcing the retention in the body of the excrementitious and dead matters I have spoken of. The presence of uric acid and other insoluble effete matters in the blood and tissues is one of the main causes of rheumatism, and I have shown how beer drinking retains it in the system."

Dr. J. H. Curry, whose specialty is diseases of the eye and ear, and who is a successful practitioner of many years' standing, declined to discuss the general physiological effects of beer and other intoxicants. "I can not say that I know any strictly beer drinkers. No matter what they have begun upon, all the drinkers that I know now drink whisky about as regularly as they do beer, and also wine when they can afford it. They have all progressed pretty rapidly from beer to something stronger, which they alternate with beer. A man can go on a spree once a year, or once in six months or so, without doing himself any material injury, but a man who drinks what he calls 'moderately' every day lowers his vital powers very much by the practice.

"This is universally conceded by the profession. He is especially unable to stand any shock or strain to his system, and breaks down under what would not seriously affect nondrinkers. The habitual moderate drinker saturates his system, injures his bodily fiber, and loads it up with noxious matters that are very injurious. The fact of a man being an habitual drinker is always regarded as a very bad factor by every physician and surgeon in making a prognosis of his case. Medical men dread having such for patients. Oculists have to contend with a disease that has been named 'amblyopia potatorum,' or drunkard's blindness, which actually manifests itself as an atrophy of the optic nerve—a wasting away from want of nourishment. When this proceeds to a certain stage in the optic nerve the result is total and incurable blindness."

Soelberg Wells, one of the first authorities on eye diseases, says on amblyopia potatorum: "This toxic effect may be especially produced by alcohol, tobacco, lead, and quinine. The amblyopia met with in drunkards (amblyopia potatorum) generally commences with the appearance of a mist or cloud before the eyes, which more or less surrounds and shrouds the object, rendering it hazy and indistinct. In some cases the impairment of vision becomes very considerable, so that only the largest of print can be deciphered; but if progressive amblyopia sets in, the sight may be completely lost."

"Stellwagen on the Eye," another author of the highest repute among physicians, says: "By the complete giving up of alcoholics the disease may be brought to a standstill and often cured. Of this we are certain—that amblyopia is observed in an extremely large percentage of habitual drinkers."

"Noyes on the Eye," the largest publication in this specialty says: "In alcoholic amblyopia we usually find a dull red nerve, with swollen veins, rather hazy borders, and torpid circulation. Atrophy may subsequently ensue."

Dr. S. S. Lungren, one of the leading homeopathic physicians and surgeons in the country, has been practicing in Toledo for nearly a quarter of a century: "It is difficult to find any part of a confirmed beer drinker's machinery that is doing its work as it should. This is the reason why their life cords snap off like glass rods when disease or accident gives them a little blow. Beer drinking shortens life. That is not a mere opinion, however; it is a well-settled, recognized fact. Physicians and insurance companies accept this as unquestioningly as they do any other undisputed fact of science. The great English physicians decide that the heart's action is increased 13 per cent in its efforts to throw off an alcoholic stimulant introduced into the circulation. The result of this is easily figured out.

"The natural pulsebeat is, say, 76 per minute. If we multiply this by 60 for the number of minutes in an hour, and by 24 for the hours in a day, and add 13 per cent to the sum total, we will find that the heart has been compelled to do an extra work during that time in throwing off the burden of a few drinks (4.8 ounces of alcohol) equal to 15½ tons lifted 1 foot high. The alcohol in the beer causes a dilation of the superficial blood vessels, as it does of all of them, in fact. This gives the ruddy look. But it is really an unhealthy congestion there and everywhere. Everywhere—heart, brain, stomach, lungs, liver, kidneys—it breaks down, weakens, enfeebles, invites attacks of disease, and makes recovery from any attack or injury precarious and difficult.

"The brain and its membranes suffer severely, and after irritation and inflammation come the well-known dullness and stupidity. There is no question in my mind that many brain diseases and many cases of insanity are produced by excessive beer drinking. But it is everywhere the same, everywhere it is degeneration; and this ruinous work is not confined to the notorious drinkers, but everyone must suffer just in proportion to the amount he or she drinks. No man who drinks much beer is the physical and mental equal of one who abstains. He diminishes his present powers, shortens his life, and wrecks himself by his indulgence in it."

Dr. J. T. Woods, three years in the United States service as surgeon in charge of important brigade and division hospitals, five years professor of physiology in the Cleveland Medical College, now chief surgeon of the Wabash system of railroads, has practiced in Toledo sixteen years. He says: "I have never had reason to think that any beneficial results came from the use of beer as a common drink, but, on the contrary, it is slowly but positively detrimental to the system. Its indiscriminate use as a beverage produces the most damaging effects, as other drugs would do. I can conceive of no greater fallacy than that any active medicine can, even in small quantities, be used with impunity. It does not follow because we can not measure results that there are none. That beer is foreign to nature's demand is plainly evident.

"The whole organism at once sets about its removal. Every channel through which it can be got rid of is brought into active play and does not cease its efforts until the last trace is gone. The reaching of a certain end depends only on the frequency of the repetitions. The whole is made up of the parts; each and every drink counts one. These 'ones' added together make the wreck, and to secure this result it is only necessary to make the single numbers sufficient. I do not see how to excuse anyone from its effects. In short, each leaves its footprint in one way or another, and the idea that because you stop before you stagger the system takes no note of the damaging material you put into it is a ruinous delusion.

"The condition of the habitual drinker is considered as an unnatural one, a portion of his diet having been such that vital organs are more or less impaired, the nervous system in a peculiarly unreliable condition, blood deranged in quality, and the reparative power below what it would naturally be. Treatment before and after any severe operative procedure is conducted with especial view to this unnatural or fictitious life, experience having long since taught this fact in the face of all contrary theory. That confirmed beer drinkers are especially unpromising patients all practical surgeons will agree. There can be no question about it."

Dr. C. A. Kirkley, in constant practice in Toledo for fifteen years, says: "I do not believe that the healthy organism needs an artificial prop to sustain it. Depression below the standard of health always follows just in proportion as the system is stimulated above that standard, and its effect upon nutrition, upon the nervous system, and upon the circulation must therefore be injurious. The organs directly affected are the stomach, liver, kidneys, heart, and brain. Stimulants are so quickly absorbed that their action is perhaps especially exercised upon, first, the vascular system, then the nervous system, and then upon the nutrition.

"What is called the portal vein conveys the stimulants through the liver, after it is absorbed, the function and structure of which is liable to suffer. This is also true of the kidneys, which naturally eliminate such extraneous matters. As is well known, there is no more fruitful source of Bright's disease. The heart and blood vessels are excited at first, then their tone is impaired, and then digestion and nutrition become impaired. The nervous system is of course especially liable to disorder. Every physician is familiar with cases in which nervous 'wear and tear' in an active life has been kept

up by stimulants without apparent loss of power for years; bodily and mental vigor, however, suddenly fail, mental exertion produces fatigue, there is depression, loss of appetite, enfeebled digestion, and all the symptoms consequent upon this condition.

"The individual has believed that he could keep up his strength for a longer time with the assistance of stimulants. He has been constantly overtaxed, but his delusion is to the contrary. The repeated application of the stimulus that the over-exertion might be prolonged has really expended the powers of the nervous system and prepared him for more complete prostration later in life. The temporary advantage gained was purchased at a great cost. The greater the expenditure of nervous power by the use of stimulants, the more complete the exhaustion.

"The tired brain, from habitual overwork, may feel the consequences less speedily when kept up by artificial stimulation to extraordinary activity, and the stomach may perhaps be less susceptible to the loss of its natural energy; but when the crisis comes there is poor repair of nervous matter, the nutritive powers are depressed, and the health slowly restored, if at all. On the other hand, the man who has abstained from the use of alcoholic beverages, having overtaxed his nervous system, only needs a short period of rest and change for the renovation of his system and the recovery of mental and bodily vigor. My experience is that sickness is always more complicated—more fatal—in beer drinkers, and that serious accidents are usually fatal with them. The rate of mortality among life-policy holders is much lower than among the average population, owing to the fact that those of intemperate habits are rejected.

"The effect of alcoholic and malt liquors in producing disease and predisposing to it is perhaps greatest in tropical countries. As a general rule, the more unhealthy the locality the more do the inhabitants indulge in stimulants, either from the mistaken notion that they can better withstand the effects of the climate or a disposition to make their short life a jolly one. Under its influence the mental powers are even more inactive than the physical. There is hardly a single cause that operates more powerfully in the production of insanity, and not only that, but it excites the action of other causes that may be present. Plutarch says that 'one drunkard begets another,' and Aristotle says that 'drunken women bring forth children like unto themselves.' A report was made to the legislature of Massachusetts some years ago, I think by Dr. Howe, on idiocy. He had learned the habits of the parents of 300 idiots, and 145—nearly half—are reported as known to be habitual drunkards, thus showing the enfeebled constitution of the children of drunkards.

"I have in mind an instance where children born to the mother, begotten when the father was intoxicated, and all died within eight months of their birth. They should have recovered and would have recovered had they not had the relaxed and enfeebled constitution inherited from their intemperate father. Instances are recorded where both parents were intoxicated at the time of conception, and the result was an idiot. There is not a doubt but that inebriety not only makes more destructive whatever taint may exist, but impairs the health and natural vigor for remote generations. I believe that forty-nine out of fifty cases of chronic Bright's disease are directly produced by it. I have never met with a case in which the patient has not been intemperate to a greater or less degree. The proportion may be too high, but that is certainly my experience. Mr. Christison, a celebrated author, states that three-fourths to four-fifths of the cases met with in Edinburgh were in habitual drunkenness."

Dr. W. C. Chapman served during the war as a surgeon in the Army of the Potomac, and since then has practiced in Toledo. He is professor of materia medica and therapeutics in the Northwestern Ohio Medical College. He says: "Alcohol is a cerebral sedative—that is, an agent which, having first stimulated the brain and nervous system to an abnormal degree, causes sedation, an exactly opposite condition. It matters not in what form the alcohol is taken, whether as whisky, brandy, wine, or beer, this physiological effect is always shown as the principal one.

"There are other results from its use, which, although perfectly well established and understood by the physiologist, remain unknown to the drinker, as the condensation of albumen, congestion of the stomach and liver, thus impairing digestion, and even causing structural changes in the various organs themselves; causing enlargements, followed by contractions of the liver, fatty degeneration of the blood, the blood vessels, heart, and kidneys, and the brain itself may be similarly affected. Of course, small doses, not frequently repeated, do not bring about all these results, but sooner or later, if drinking to moderation becomes a habit, many of these results will become apparent.

"I certainly do consider beer as harmful as the ardent spirits, if not more so. I can not see how anyone can drink from 10 to 20 glasses of beer a day, an amount quite low for a beer drinker, without producing pathological conditions fully as grave as those found in one who constantly drinks his brandy or whisky. I know that some good men consider beer is a food, and even alcohol, but I can not so look at it. The fact is, that after very many experiments it is supposed that about one and a half ounces of alcohol will be retained during twenty-four hours in the system, and that more than that will be excreted.

"Therefore within that limit alcohol acts as a food. Making allowance for collecting all the excreta during twenty-four or forty-eight hours, what a narrow limit do we find for its use as food. Hence, by the drinking of 1½ ounces of alcohol as much nourishment would be obtained as from 3 cents' worth of sugar candy. And even the most enthusiastic of its supporters as food say that no matter how much is taken during twenty-four hours only 1½ ounces is retained, and more than that is injurious. Just look at it. Pure beer is 91 per cent water, 5 per cent alcohol, and 4 per cent of malt extract, adulteration, hops, etc. Not as much nutriment in 10 pints of beer as in one slice of bread and butter."

Dr. G. A. Collamore, in practice about twenty-five years and formerly division surgeon of the Third Division, Twenty-second Army Corps, said:

"Beer contains from 3 to 5 per cent of alcohol and produces the well-known effects of that substance on the vital organs, especially the brain, stomach, liver, kidneys, and blood.

"The brain is kept in a hyperemic or congested condition, which prevents normal cerebration or the accurate use of the mental faculties.

"The stomach becomes catarrhal, inactive, and finally dilated.

"The liver is overburdened in disposing of the excess of hydrocarbon, is first congested, then contracted or cirrhotic, which condition partially stops the free circulation of blood through it and leads to abdominal dropsy.

"The kidneys are overworked to get rid of the superfluous water, and become first enlarged and then contracted (Bright's disease), a state of things which results in enlargement of the heart (hypertrophy), derangement of the circulation, and, eventually, general dropsy.

"The lungs have an extra amount of labor thrown upon them in burning up or oxidizing the alcohol, and are in a favorable condition for attacks of congestion, inflammation, or œdema (dropsy), which are very liable to prove fatal.

"Every physician and surgeon will testify that, other things being equal, the beer soaker has a much smaller chance of recovery, if overtaken by serious illness, accident, or the necessity of surgical interference, than the one who abstains. In this one particular effect beer is, in my judgment, more injurious than more concentrated forms of alcohol, which tend rather to local disorders."

Dr. Andrew McFarland writes thus: "It is your stout old hero, who goes to bed every night with liquor enough under his belt to fuddle the brains of a half dozen ordinary men, and yet lives out his threescore years and ten, that will be found at the head of the stock that pour into the world, generation after generation, such a crop of lunatics, epileptics, eccentrics, and inebriates as we often see. The impunity with which one so constituted will violate all physical law, gets its set-off in a succeeding generation, when the great harvest begins."

"That 'the iniquities of the fathers are visited upon the children;' that 'the fathers have eaten sour grapes and the children's teeth have been set on edge,' are truths that no Scripture is needed to teach. In other words, he who sins through physical excess does not do half the harm to himself that he does to the inheritors of his blood. The penalty must be paid as surely as there is a seedtime and a harvest."

The President of the Connecticut Mutual Life Insurance Company—one of the oldest in the country—has for years been investigating the relation of beer drinking to longevity. His object was that he might solve the problem whether beer promotes vitality or otherwise. In other words, to know whether beer drinkers are desirable risks to a life insurance company. We give his conclusions:

He declared, as the result of a series of observations carried on among a selected group of persons who were habitual drinkers of beer, that although for two or three years there was nothing remarkable, yet presently death began to strike, and then the mortality became astounding and uniform in its manifestations. There was no mistaking it; the history was almost invariable; robust, apparent health, full muscles, a fair outside, increasing weight, florid faces; then a touch of cold or a sniff of malaria, and instantly some acute disease, with almost invariable typhoid symptoms, was in violent action, and ten days or less ended it.

It was as if the system had been kept fair on the outside, while within it was eaten to a shell, and at the first touch of disease there was utter collapse, every fiber was poisoned and weak. And this in its main features, varying in degree, has been his observation in beer drinking everywhere. It is peculiarly deceptive at first; it is thoroughly destructive at the last.

THE LETTER OF AN INDIGNANT BREWER AND AN ANSWER THERETO.

THE BREWER TO THE BLADE.

MILWAUKEE, WIS., *January 29, 1884.*

To the Editor of the Toledo Blade:

I protest against your indiscriminate denunciation of the trade in liquors, more especially of those engaged in brewing. Brewing is as legitimate a business as any other, and is conducted upon precisely the same principles. There is a demand for beer, and we, the brewers, supply it. There are, of course, good men in the business and bad men. I have been in the business twenty years, and consider myself doing just as legitimate work as though I was selling flour or boots and shoes. No one need drink whisky or beer unless he wants to, any more than he is compelled to eat bread, against his will. This is a free country, but you and those like you would make us worse than slaves by dictating to the people what they shall eat and drink. My business is just as legitimate as yours.

A BREWER.

THE BLADE TO THE BREWER.

You are not the only brewer who has written us in this strain. Every brewer holds his business to be legitimate, and they all base the claim upon the assertion that a man may drink alcoholic stimulants or let them alone, as he elects, and that if any harm grows out of the traffic the fault lies with the consumer and not with the producer.

There never was a statement so utterly foundationless. You know that as the business is now conducted you are not uttering truth. Twenty years ago it would have been partly true, but not now. Twenty years ago the brewing of beer was in its infancy, and the beer shop existed only where there was a demand for beer. It was then a passive nuisance, not an aggressive evil. The snake was then lying quietly, waiting for people to come to be bitten. It was not skirmishing around searching for people to bite.

But when the enormous profits of brewing came to be known, when men hungering for money saw there was a net profit of from $1 to $2 on every barrel sold, capital and business capacity were put into it, and the style of conducting the business was changed entirely.

When you went into the business you did not wait for a demand for your stuff, but you set about creating a demand. And you went about your work cleverly. You established beer shops where there had never been a call for them, and you proceeded with an ingenuity that was devilish and a persistency that was infernal to make customers for your product. You laid traps for the people. You took houses and rooms everywhere and put into them men fitted by nature for the business, and made it to their profit to entice men and boys into your places to be taught to drink beer.

The number whose stomachs were already trained to the liquid were altogether too few for your purpose, and you began a regular systematic recruiting of the ranks of drunkards, which you have faithfully followed ever since, your success in this nefarious trade increasing with the money you make by it.

You understood enough of the make-up of the human system to know that when a boy was once accustomed to drink a stoppage was almost impossible, and that when his stomach was once sufficiently inflamed he would go on so long as he had energy enough to earn the price of a glass and the strength to lift it to his lips, giving you a mortgage upon him till the certain end came to him.

Basing your business upon this physical law, you used every device that cupidity could suggest to entice men and boys into your places. You encouraged the playing of games, the stakes being always beer, to the end that winner and loser should both drink, whether they wanted to or not. You encouraged the pernicious system of treating, that the man who came in intending to take one glass should take a dozen, provided enough of his friends were present, and you went so far as to set upon your counters free lunches, always of material that was thirst provoking, and prepared solely to keep the infernal stream running.

In short, instead of nursing an evil which people might come to, you have gone out to thrust it upon them. There being a profit so enormous on beer, you have lain awake nights to devise ways and means to sell the largest amount of it possible.

Yours is the cunningest scheme ever invented for the making of money. The youth once initiated into the habit is its bondslave forever, unless saved by a miracle. You can count your gains with a certainty by estimating the earnings of your customers. All you want to gain wealth is to have customers enough, and your principal business is to make customers. Once made, you need never look after them. They are as certain to come to you as the sun is to rise, and you and your guild are just as busy making customers as you are making the beer to supply them.

Do not try to escape the responsibility of this systematic drunkard making by claiming that it is the work of the beer seller and not the beer maker. That will not do. You own the fixtures in these saloons; you selected the fellow who stands behind the bar, and if he does not sell so much beer each day the place is taken from him. You have scores of such places in Milwaukee. You have established them in the same way all over the country, and you are looking for more. You not only splotched your own city all over with these hell holes, but you went out into the towns and villages of your own and other States to establish them. Wherever a beer shop was not, you planted one, each one a missionary of the devil. It is a part of the contract by which the poor devil holds his place that he shall make his canvass for drunkards thorough. Your hand does not strike the blow, but it guides the hand that does.

You are unwise to institute a comparison between the business of beer and flour. Your business is not as legitimate as dealing in flour, because it is not true, and never was, of you or any other man, that one can drink and let it alone as he chooses. You know, or ought to, that every drop of your stuff that goes into a man's stomach diseases it, and creates an irresistible craving for more. You know that every drop taken lessens the power to resist, and that this sapping of the will power goes on steadily and irresistibly till the victim of it is entirely incapable of turning from it; that he becomes so helpless in the grasp of the appetite that he will steal his baby's shoes to get the means to gratify it.

To commence is to continue, and you induce the commencing. Your comparison is very unfortunate. No man eats bread to the point of congesting his liver and enlarging his kidneys, nor can there be an appetite for bread which requires excess to satisfy it. Bread does not create a diseased stomach which can only be satisfied with bread, and even if it did the glutton can only injure himself. Men do not get crazy upon bread, nor do they commit murder under its effects. No man ever starved or froze his family to get bread for himself. Bread is strength; beer is weakness.

Any business that is based upon a canvass for drunkards, that has for its foundation not only the supply of drink to drunkards, but the conversion of sober men into drunkards, is not legitimate. Your business is not only not legitimate, but it is a curse to every business that is. Every dime you take from your victims is just that much robbed from the grocer, the shoemaker, the butcher, the baker, and the dry-goods merchant. It is that much taken from the wealth of the world and worse than wasted, for it not only goes for nothing, but it destroys the power of production in the man using it. It is a robbery of the community in a double sense. You are not only absorbing the proceeds of labor, but you are destroying labor itself. The drunkard not only does not consume, but, under your manipulation, he ceases to produce. Your use of him ends with his incapacity for labor; and after you have deprived him of the power to labor you turn him and those dependent upon him over to the general public to support, and look about for new paupers to take his place.

There are degrees in badness as in goodness, and there are, doubtless, honest men making and dealing in liquor. But you know very well that every prostitute in Milwaukee bases her business upon alcoholic stimulants. You know that beer is the one staple in every thieves' den in your city. You know that every gambler depends upon liquor as his mainstay. You know that wherever crime and degradation are, liquor is, and that it is always first in the procession. There may be liquor without crime, but there is no crime without liquor. It is father of murder, the twin brother of every species of crime, and the parent of every kind of evil. It stupefies the victim of the dives in your bad quarters and nerves the arm of the ruffian who kills him. It is the chief dependence of the pimp and prostitute and the invariable help of the gambler and thief.

You claim to be a respectable brewer. Do not your wagons stop regularly in front of these low dives? Do you not supply the gambling hells and houses of prostitution the same as you do the "respectable" places? Do not your agents canvass these places for business, and when one of them is established is it not a foot race between you and your competitors to secure the trade? And you know perfectly well to what uses your beer is to be put.

The business of manufacturing and selling anything in which there is absolutely no good and which is confessedly bad can not be properly counted as legitimate. Whoever embarks in such a business does it because he so loves the almighty dollar that he is willing to part with the respect of good men and women and for its sake set at defiance the opinion of the world. Every drop brewed is a curse, and no one on earth knows it better than you. You may drink it yourself, but we venture to say you do not do it to any greater extent than is necessary for the good of your trade. You would not have your son drink it, and you would not marry your daughter to a man addicted to it.

To say that the public, which has the legal right to kill mad dogs, and restrain criminality, and all that sort of thing, has not the right to bring you under the control of law, is absurdity itself. To say that the law, which has the power to restrain the criminal, shall not restrain the criminal maker is worse than absurd. The community has the right to protect itself, and we know of nothing that calls for more stringent work in the way of self-protection than the saving of men and boys from you and those in your business.

When the public conscience is sufficiently aroused, when the ghastly list of those who have gone down to death through you and your lieutenants is a little longer, your business will not be regulated and restrained, but utterly destroyed. This will be the first step the people will take.

BEER.

We devote much space in this issue to the statements of the best physicians and surgeons of Toledo as to the effect of beer upon the human system.

We ask for it a careful and critical perusal. The statements are of all classes of physicians. We have not selected those of known temperance principles, but have taken all. What they say of beer is not colored by any feeling for or against temperance. Their statements are the cold, bare experiences of men of science who know whereof they speak.

It should be borne in mind that Toledo is essentially a beer-drinking city. The German population is very large; there are five of the largest and most extensive breweries in the country here, and there is probably more beer drank, in proportion to the population, than in any city in the United States.

The practice of these physicians is, therefore, largely among the beer drinkers, and they have had abundant opportunities to know exactly its bearing upon health and disease.

Every one of them bears testimony to the fact that no man can drink beer safely, that it is an injury to anyone who uses it in any quantity, and that its effect upon the general health of the country has been even worse than that of whisky.

We know that it has been, for one reason, if for no other. It has entered the field of drunkard making under false pretenses. It was accepted by many as a safe substitute for whisky, and thousands favored its use on that ground, forgetting that it is an alcoholic beverage the same as whisky, and that whoever uses alcohol as a stimulant must have the amount of alcohol that is necessary to produce the effect desired, and, so far as effect is concerned, it does not make a particle of difference whether that alcohol is in the form of beer, wine, or whisky, because every drinking man will take what alcohol he wants into his system to produce the desired effect.

To reduce it to plain English, men drink to get whatever degree of drunkenness they desire. There is drunk in beer the same as any other liquor. Beer is from 8 to 12 per cent alcohol. If an ounce of alcohol is what is required to produce the desired effect upon a man, he may get it in four drinks of whisky, while it would require a gallon of beer to produce the same effect. If he craves the ounce of alcohol, and seeks for it in beer, he is going to drink the gallon, thus not only getting the same amount of alcohol, but loading his stomach with a gallon of fluid charged with all sorts of unhealthy principles. Thousands upon thousands of confirmed drunkards have been made by beer because it has been held that it could be indulged in safely.

There is no safety in alcohol. When a man says, "Oh, I drink nothing—I take a glass of beer now and then," that man is fairly on the road. Better for him the naked fact of undisguised whisky.

We especially call attention to another fact. Life-insurance companies have no sentiment. They are as cold-blooded as banks. They do business upon strictly business principles. Their business is one based purely upon experience, from which certain inexorable rules have been established. A life-insurance company will not insure the life of a confirmed beer drinker. Why? Because it is a certain fact, as certain as anything can be, that the beer drinker can not live long enough to make insurance profitable to them.

The "expectation" of life in a beer drinker is cut short by his appetite. No life-insurance company is going to take a risk upon a body into which is being poured every day the seeds of disease, any more than a marine insurance company is going to take a risk upon a rotten hulk. No life-insurance company is going to take a risk upon a man who is inviting Bright's disease of the kidneys, inflammatory rheumatism, congestion of the liver, and enlargement of the kidneys, all of which are as certain to come to him as he is to persevere in beer. And the beer drinker, as a rule, does persevere till death stops his contributions to brewers.

These institutions dread beer more than they do whisky, for its effect upon the system is even worse. A nonbeer drinker at 40 is considered a good risk—a beer drinker at that age can get no insurance at all. As we said, there is no sentiment in life insurance companies. They act entirely upon facts, which are the result of experience. Their figures never lie.

One other fact we desire to call attention to while we are about it. There are degrees in beer. Much more beer may be drank without death in Germany than in America, for one reason. In Germany the brewers are under government control, and here they are not. Beer in Germany has to be made of malt and hops only; here it may be made of anything that the brewer chooses. He may use any poison in it that his cupidity suggests. There is a very great percentage of them who would use strychnine if it would lessen the cost of beer.

Then, again, in Germany beer is kept till it is sound. It is not exposed for sale until it has undergone all its fermentation and is as harmless as any alcoholic liquor can be. It is not so in this country. The rate of interest makes it an object to turn beer into money as soon as possible, and, therefore, beer made Monday is sold Saturday, with the yeast not half worked off, and in a condition to undergo fermentation in the stomach of the drinker. Then beer made and sold in this country, were it pure, is altogether too new for even the confirmed beer drinker. It is bad enough at best; as we get it, it is worse than vile.

We especially ask every man who indulges in this most vile decoction to read most carefully what the best physicians and surgeons in the country say about it. They know, and their evidence is perfectly safe. It is science speaking through its devotees.

Mr. GALLINGER. The celebrated Dr. N. S. Davis, of Chicago, in a critical discussion of the influence of alcohol on the human system, has something to say concerning beer. Dr. Davis is doubtless well known by reputation to many members of this body. He is one of the most distinguished physicians in this country. I am not quite sure whether Dr. Davis is alive at the present time, but his writings on scientific subjects attracted the attention of the entire country, and especially of the medical profession. Dr. Davis says:

Accurate investigation will show that beer and wine drinkers consume more alcohol per man than spirit drinkers; and while they are not as often openly intoxicated, they suffer fully as much from disease and premature death in the aggregate as do those who use distilled spirits.

Again, the beer drinker drinks more nearly every day, and thereby keeps some alcohol in his blood more constantly, while a large percentage of spirit drinkers drink only periodically, leaving considerable intervals of abstinence, during which the tissues regain nearly their natural condition. The more constant and persistent is the presence of alcohol in the blood and the tissues, even in moderate quantity, the more certainly does it lead to perverted and degenerative changes in the tissues, ending in renal and hepatic dropsies, cardiac failures, gout, apoplexy, and paralysis.

The testimony that the use of any form of alcohol has a deleterious effect on armies as well as individuals is overwhelming. A recent publication by Dr. Winfield S. Hall, professor of physiology in the Northwestern University Medical School of Chicago, a graduate of the Leipsic University, completely disproves the argument that beer is a food, or that it in any way builds up and invigorates the system.

I have here a publication, the author of which is Henry T. Hewes, A. B., M. D. (Harvard), teacher in physiological and clinical chemistry, Harvard University Medical School, of Boston, in which Dr. Hewes, one of the most eminent scientists of New England, discusses the question as to the use of alcohol by soldiers and the effect it has upon them—not the temporary effect, not the effect for an hour or possibly a day, but the effect it has upon them as an army in the matter of their being able to endure the hardships that necessarily come to soldiers. I apprehended that the Senate might not patiently listen to the reading of an extract from this interesting book, but the Senator from Colorado suggests to me that there are some Senators who would listen to it, and for that reason I will venture to read one extract. Dr. Hewes says:

In the British army in Africa, for instance, the experiment was tried of testing how far the soldiers could march when taking daily what were considered moderate amounts of rum, and then how far they could march when taking no liquor, and comparing the records. So also in the Army of the Potomac, in the American civil war, the same experiment was tried with whisky. When the records are compared it is found that soldiers can endure longer

marches when taking no liquor than when allowed their daily portion. These and other experiments of the same nature thus demonstrate that alcohol has the effect of diminishing the capacity of a man for muscular work, even when the alcohol is taken in what are generally considered as moderate amounts. From these results we are justified in concluding that the drinking of alcoholic liquors, even in so-called moderation, is a bad practice for anyone who wishes to do hard work or endure sustained exertion.

This knowledge is a direct contradiction to the common idea that a glass of liquor increases the power to work. If the poor man were aware of this harmful effect of liquor, it would keep him in many instances from spending for a glass of beer or ale or whisky the money which should be spent for strength-giving foods, such as bread or meat.

In skill and accuracy, and in the direction and expenditure of energy, the man who has taken no alcohol has a great advantage over the man who has. He is more calm in an emergency, and can judge better how to make his strength most effective. This effect of alcohol was remarkably demonstrated in the naval battle off Santiago, in the recent Spanish-American war, in the incapacity of marksmanship shown by the Spanish gunners, who were given alcoholic drinks under the false idea that it would "fortify" them for their work.

I will now introduce two interesting extracts, one from the Journal of the American Medical Association, and the other from Dr. Bienfait, of Liege. The extracts are as follows:

The attention of the civilized world has been called to the conspicuous fact of the accuracy of the firing of the gunners on our battleships in the recent war with Spain. The contrast between the firing of the men of our Navy and that of Spain was due in part, no doubt, to the custom that prevails on the ships of the latter, where daily rations of grog are given at all times, and when an action is going on or anticipated double rations of grog are furnished to the men, while since 1862, when that custom was abolished by our Government, no rations of liquor are allowed at any time on board our ships. The custom just alluded to as followed by Spain is true of all the navies of the world but ours. Yet Great Britain has abandoned the double rations of grog when a fight is on, and then no liquor is allowed, but in place of it supplies of water and oatmeal are arranged all over the ship to satisfy the thirst resulting from the heat, exertion, and smoke, inseparable from a naval combat. (The Journal of the Amer. Med. Asso., January, 1899, p. 174.)

It is said that a desire to excel in athletic sport has led clubs of students at some of the German universities to give up their "morning drinking bout." They have learned that beer drinking stands in the way of their best physical development and the highest degree of athletic success. "For years sports have been in great favor. Some of these, such as contests between boatmen or between cyclists, require considerable energy and power of endurance. Evidently if alcohol increased strength these competitors would provide themselves with it and use it freely. But this is not the case. No true sportsman, either before or during the contest, touches a glass of spirits, experience having taught the harm he would thereby do to himself." (Dr. Bienfait, of Liege.)

Dr. Hewes discusses the question further in the following interesting manner:

Because these so-called hard liquors contain more alcohol than the fermented liquors, they are more harmful; but it is only a question of degree in regard to all alcoholic liquors, beer or cider, whisky or rum. The alcohol contained in any of these liquors is, when introduced into the body, capable of poisoning it. Those who have once seen men under the effect of this substance need no further evidence of its poisonous power. Its poisonous effects, however, are not confined to these cases where they are so marked as to be plain to every observer, cases where men lose their reason, their power of coordination and locomotion. A careful study of the effects of alcohol in the body reveals, as we shall see, that its action is often insidious, often for a long time giving no sign, even to the drinker himself, of the poisonous effect upon his health and strength that it is exerting.

* * * * * * *

This evidence, which tends to show that the drinking of alcohol even in moderation is injurious, is best obtained in the investigation of the effect of this drinking in moderation upon two of the vital functions of the body, that of muscular work and that of maintaining the body heat.

The end and aim of all the body processes is to work. To accomplish this end the body must keep warm. The more perfectly the body can accomplish these conditions the more able is the possessor of that body to make his way in the world. Now, alcohol, taken even in what is considered moderation, lessens the power of the body to work and to maintain its heat supply.

This conclusion is based upon experiments conducted upon large numbers of men during long periods of time. The results in regard to the effect of alcohol upon the capacity for work were obtained from investigations in the large armies of the world during active campaigns. (See p. 80.) Those in regard to the effect upon the maintenance of the body heat were obtained in part from scientific investigations carried on by physiologists in all parts of the world, in part from investigations conducted among the members of companies of arctic explorers.

In the light of our present knowledge, then, it is evident that alcohol as a beverage lessens the usefulness of the body.

A certain amount of alcohol is undoubtedly oxidized, and can be utilized for the production of energy for the body; but in the ordinary conditions of labor and exposure to which man is subjected the benefit which the body can receive from it, in cases where enough alcohol to prove a practical factor in energy production is taken, is more than offset by the deleterious effect of the alcohol. The sum total of the effect is therefore harmful.

In addition to evidence obtained by physiological investigations, we have the evidence of statistics in regard to the health and mortality of people who use alcohol and of those who do not. These have been collected in England by the life-insurance companies. They indicate that the life of the abstainer is, on the average, longer than that of the drinker.

Also, it has been found that the hospitals get their inmates to a much greater extent from the drinkers than from the abstainers. The drinker is less able to resist infection, and the physicians of these hospitals all acknowledge that, once infected with a serious disease, the chances of the alcohol drinker are much less than those of the abstainer.

In regard to sunstroke, for instance, a condition which is so common in our great cities during the summer months, Osler, in his Practice of Medicine, makes the following statement: "In the larger cities of this country the cases (of sunstroke) are almost exclusively confined to workmen who are much exposed, and at the same time have been drinking beer and whisky."

In addition to what directly harmful effects alcohol may have upon the health through its action upon the tissues or body functions, its use has another possible effect, which has to be taken into account in any consideration of this use from a hygienic point of view. This effect is the formation of what is known as the alcohol habit. A description of this deplorable condition is given in the sections on alcohol and the alcohol habit in Chapter XI. It is sufficient merely to mention it here as one of the dangers attending the use of alcohol

The indulgence in any practice involving risk from the point of view of health or welfare is justifiable only in cases where the benefit to be derived from the practice is proportionate to the risk involved, and where the same benefit can not be obtained in some manner involving less or no risk. The danger of the use of alcoholic drinks and the harm which may follow this use are, in a general average, out of all proportion to the possible benefit which is or can be derived from it. This use is therefore unjustifiable, and should be condemned in all manuals of hygiene.

J. Sims Woodhead, M. D., professor of pathology in the University of Cambridge, England, writes as follows:

The sirdar, Sir Herbert Kitchener, and General Gatacre, in their advances up the Nile, have strictly forbidden the supply of alcoholic liquors to any of the troops under their command. We learn that they took this step on two grounds: First, on the ground that from long experience they were convinced that the physical condition of the troops would under these conditions be enormously improved, and the men would have much greater staying powers, while their dash, determination, and steadiness would also be increased. The second ground appears to have been that the mental and moral stamina of the troops would be preserved in a far greater degree than could possibly be the case if alcohol were served out. The result has been that the health, spirits, and conduct of the troops have been the admiration of all those who have had any dealings with them, and this experiment on a large scale has been an unqualified success.

Prof. William B. Carpenter, M. D., LL. D., F. R. S., author of Principles of Human Physiology, and other scientific works, calls attention to this subject in a very interesting way. Dr. Carpenter is an authority the world over, and he has discussed these questions with great lucidity and ability. In speaking of the different armies, and especially of different regiments in the British army, as to their ability to withstand forced marches and the hardships which necessarily come to soldiers, he says:

On the other hand, my late friend, Dr. Edmund Parkes—a man held in the highest esteem among us for the services he rendered to the hygiene of our army—informed me that having served in early life as assistant surgeon in India in an European regiment, of which about one-half were total abstainers and the other half very temperate men, this regiment enjoyed a remarkable immunity from cholera and fever when marching through a very pestilential country—

And, Mr. President, I will say parenthetically that it is a fact, established by the highest scientific authorities and never disputed, that in all epidemics of cholera and other diseases of that nature it is not the total abstainers or even the moderate drinkers who suffer to any considerable extent, but the men who habitually use alcoholic drinks. Dr. Carpenter continues—

whilst the regiment they were on their way to replace, while marching through the same country in the opposite direction, had a large number of men struck down. I was so impressed with this fact that I traced out the medical reports of Dr. Parkes's regiment for several consecutive years and found that its average of sickness and mortality was only about half of that of the other regiments in the Madras command, which was at that time the lowest of the three presidencies.

The London Lancet, the foremost medical journal in the world, says in its issue of April 1, 1899:

Any increased consumption of beer—

And I desire that the distinguished Senator from Connecticut [Mr. HAWLEY], the chairman of the Committee on Military Affairs, will listen to this authority. It has had some influence on my mind, and I trust it may have upon his—

Any increased consumption of beer, however good for the brewers and the national exchequer, will not conduce to sobriety or to a diminution of the disease and misery produced by alcoholism.

A recent issue of the Scientific American has the following:

Beer not only creates an appetite for something stronger, but its immediate influence and effect upon crime are more dangerous in the community than the stronger liquors, in this way: The excessive use of the stronger drinks is liable to make men drunk and helpless, unable to do much harm, while beer excites men to acts of violence, desperation, and crime.

The use of beer has been found to produce a species of degeneration of all the organs. In appearance the beer drinker may be the picture of health, but in reality he is most incapable of resisting disease.

Let me introduce a little more testimony on this point; testimony which goes to show conclusivaly that liquor drinking is not conducive to health or strength, but that it inevitably does harm to the individual, and equally so to great armies.

Dr. G. von Bunge, professor of physiological chemistry in the University of Basle, says:

In connection with the sanitation of armies, thousands of experiments upon large bodies of men have been made, and have led to the result that in peace and war, in every climate, in heat, cold, and rain, soldiers are better able to endure the fatigues of the most exhausting marches when they are not allowed any alcohol.

Dr. Adolf Fick, professor of physiology in the University of Würzburg, says:

It is quite beyond doubt that every dose of alcohol, even the most moderate, diminishes the strength.

In perfect harmony with the foregoing is the testimony of William B. Rochester, brigadier-general, United States Army (retired):

It has been shown over and over that those who endure the greatest fatigue and exposure are the men who do not drink.

The Journal of Inebriety, October, 1899, discusses the subject as follows:

By order of Field-Marshal Lord Wolseley, British commander in chief, careful and exhaustive experiments were made with a view to ascertaining the relative effects of alcohol and of total abstinence upon the physical endurance and staying qualities of the troops. One regiment was deprived of

every form of alcoholic drink, while another belonging to the same brigade was allowed to purchase, as usual, malt liquor at the canteen, and another would receive a daily ration of whisky.

In each instance the experiment showed that, whereas at the first the regiment which had received an allowance of grog surpassed the other in dash and impetuosity of attack, yet, after the third or fourth day its members began to show notable signs of lassitude and lack of spirit and endurance. The same manifestations, though in a minor and slower degree, were apparent in the regiment restricted to malt liquors, whereas the men who had been kept from every form of alcoholic drink increased in staying power, alertness, and vigor every day.

The results of these experiments led the British war department to decide, not on the ground of principle, but solely for the sake of maintaining the power of endurance of the troops now engaged in the Soudan campaign, not to permit a single drop of alcohol in camp save for hospital use.

Dr. Edward L. Fox, president of the British Medical Association, in his annual address before the sixty-second annual meeting of that association, remarked:

How important it is for a nation to know that any excess in muscular work, as in the forced marches of an army, is rendered far more difficult by the use of alcohol; that it not only fails in giving power in the work of the muscles of the heart, but acts distinctly as a depressant; that it never enhances the temperature of the body, and that in its pure state it is in no sense a food. All this knowledge has been gained by the observation of medical men.

Mr. President, well does Mrs. Mary H. Hunt, the devoted superintendent of the department of scientific temperance instruction of the National Woman's Christian Temperance Union, say:

The testimony of science shows beer to be by nature a dangerous drink; that intoxication from beer is even more demoralizing than from stronger liquors; that because of its inherent characteristics its use can be counted on to lower the moral, mental, and physical force of the users.

The disgraceful results of its use in our new possessions, which have made every true American blush for his nation's honor, have been just such as inevitably follow the drinking of a beverage whose inherent characteristics are those of beer, and show the weakness of the claim often advanced that the sale of beer in the army canteen will keep the soldier from the saloon.

The nature of beer is not at all changed by selling it in the canteen instead of in the saloon. The argument is most specious that it would be less temptation to the soldier if he were not obliged to go to the saloon outside, but could get beer within the camp, where it would be an ever-present invitation to the thirst induced by the tropical heat. The philosophy of the petition, "Lead us not into temptation," is thrown into contempt by this reasoning, and the United States is asked to provide the temptation to drunkenness for the valiant men who wear its uniform, and stand ready to defend its flag, if need be, with life itself.

The suggested Senate amendment assumes on the part of the people's representatives an ignorance of scientific facts about the nature of beer that are familiar to school children or else an indifference to the welfare of our Army and to our mission as the evangels of liberty to the nations of the earth. Such an amendment would misrepresent the intelligence and sincerity of purpose of the people of the United States concerning the undeveloped races which have providentially come under our care.

Mr. President, not only are we tolerating liquor selling in Army camps, but we have allowed our military officers to establish hundreds of American saloons in Manila, which is bringing wretchedness to the natives of Luzon and seriously reflecting upon the American Government.

On this question Professor Schurman, who was at the head of one of the commissions that went to the Philippine Islands, in speaking upon this subject—if he is correctly reported, and I think he is—has this to say:

I regret that the Americans allowed the saloon to get a foothold on the islands. That has hurt the Americans more than anything else, and the spectacle of Americans drunk awakens disgust in the Filipinos. We suppressed the cock fights there and permitted the taverns to flourish. One emphasized the Filipino frailty and the other the American vice. I have never seen a Filipino drunkard. The Filipinos have some excellent virtues. They are exceedingly cleanly and also exceedingly temperate.

Mr. John Foreman, who was summoned to Paris by the Peace Commission on the Philippine Islands, speaking of the Philippines, says:

Prior to the American occupation there was little beer used in the islands. Within a fortnight after the capitulation of Manila the drinking saloons had increased fourfold. According to the latest advices there are at least 20 to 1 existing in the time of the Spaniards. Drunkenness, with all its consequent evils, is rife all over the city among the new white population. The orgies of the newcomers, the incessant street brawls, the insults offered with impunity to natives of both sexes, were hardly calculated to arouse in the natives admiration for their new masters.

Now, Mr. President, I am not going to argue that the preponderance of opinion among Army officers is either for or against the Army canteen. Beyond a doubt opinions are divided, and it seems that some remarkable changes of opinion have taken place. As an illustration, the Adjutant-General of the Army is now in favor of the canteen, while in 1892, when he was assistant adjutant-general, he declared against the canteen, saying that "the saloon feature should be done away with without further experiment." He substantially repeated this opinion one year ago, and is quoted as saying that "the exchange, with an open saloon, would be a first-rate thing to recommend for adoption in the army of the enemy," a sentiment in which I cordially concur.

Many of our leading officers have pronounced against the canteen—men like General Howard, General Ludlow, General Shafter, General Wheeler, General Henry, General Carlin, Surgeon-General Sternberg, and others of equal note. Surgeon-General Sternberg is on record as follows:

I do not think much of the beer canteen. The theory that the soldier needs a beer canteen to keep him from going to outside saloons for something stronger is all wrong; there is nothing in it. On the contrary, a great many young soldiers who are not accustomed to drink contract drinking habits at these canteens and are ruined. There is no need whatever for intoxicating drinks at these canteens, and it will be a good thing for the Army if they are abolished.

It is proper that I should say that Surgeon-General Sternberg is now quoted on the other side; but even if he is, the above testimony is important.

Mr. President, I will ask permission to here introduce a partial list of the officers and the names of various volunteer regiments in the late war with Spain who have given testimony against the canteen, and who prohibited it so far as their regiments were concerned.

Colonels of following regiments which had no canteens: First, Third Nebraska (Col. W. J. Bryan); First Texas; First Wisconsin; Second, Fourth, Sixth, and Eighth Ohio; Fifth, Eighth, Twelfth, and Thirteenth Pennsylvania; Second and Fifth Missouri; Twenty-fifth Kansas; One hundred and fifty-seventh, One hundred and fifty-ninth, and One hundred and sixtieth Indiana; First, Third, Fourth, Fifth, Sixth, and Ninth Illinois; First, Second, Third, and Fourth Kentucky; District of Columbia regiment; First and Second Mississippi; First New Hampshire; Fifth and Eighth Massachusetts; First Washington; Fifteenth Minnesota; First and Second Arkansas; Forty-ninth, Fiftieth, and Fifty-second Iowa; First South Dakota; Second Virginia; Second South Carolina, and Second Louisiana.

To these add the following commissioned officers of lesser rank that have condemned the canteens:

Lieutenant-Colonels Trueman, North Dakota; Beck, Kansas.

Chaplains Sam Small, Third United States Engineers (no canteen); Crawford and Harbaugh, Ohio; House, Massachusetts; Hunter and Brady, Pennsylvania; White, Texas; Todd, Illinois; Phillips, Nebraska; Cook, Georgia; Stamper, Kentucky; Solomon, Missouri; Babcock, Arkansas; Kimball (regulars); Watts, Texas, and Lyman, Louisiana.

Surgeons Genella (regulars); Ward, Missouri; Penrose, Utah; Epler, Tennessee.

Adjutant Venable (United States Engineers).

Maj. Burton R. Ross, District of Columbia.

Capts. R. S. Woodson (expert on tropical diseases); Hunt, Battery D, Pennsylvania.

Lieut. A. K. Taylor (Regular Army), article in United Service Magazine.

No stronger presentation of the case has been made than by General Ludlow, who says:

It is a matter of general recognition that the use of intoxicating drinks of any kind in the Tropics conduces effectively to attack from disease. It is believed by this department that absolute prohibition is imperative. In almost every case of yellow fever developed thus far among American troops in Cuba it has been found that the patient was in the habit of drinking. It is particularly important, where a large proportion of the troops are recruits, that nothing be officially done to create in them the habit of using intoxicants. To establish canteens at the posts in the Tropics is to render the temptations of sociability and companionship practically irresistible, and the habit of drinking is readily acquired.

In alluding to General Ludlow's views, Harper's Bazaar of June 9, 1900, comments as follows:

At present 85 per cent of the United States Army is in the Tropics. Moreover, this is the keynote of the whole question, as General Ludlow puts it: "It is particularly important, where a large proportion of the troops are recruits, that nothing be officially done to create in them the habit of using intoxicants." Recruits form 75 per cent of the strength of the Army. These men have left home, family, business, all minor duties, to serve their country in time of war.

Shall this country repay them by officially establishing in their midst a temptation threatening them and the loved ones to whom they will return with the horror of the vice of drinking? If, as General Corbin says, these men, in the absence of post canteens, drink native liquors in the Tropics worse in effect than the beer or light wine the canteen would furnish, it is deplorable—a hideous individual sacrifice in the cause of civilization, which the United States has undertaken in the Philippine Islands. But for such consequences of individual human frailty, amid surroundings tempting to vice, the Government is not officially responsible.

It doubtless is morally responsible so long as it sustains war in the Philippines, but the volunteer who, having served his country three years in the Tropics and come home diseased, debauched by drink, can not accuse anyone but himself if he sought his doom outside the post to which the Government assigned him. If, however, by official act the Government tempted him to drink, he shall say in bitterness of heart which is a curse upon patriotism, "I answered the call of my country at the risk of all my earthly interests, and it called me to this—dishonor, depravity."

To abolish the canteen will not regenerate the Army. But the words of General Ludlow should be the text for Congressional action: "Nothing should be done officially to create in volunteer troops the habit of using intoxicants."

Great stress has been laid here and elsewhere upon the fact that some clergymen have given testimony in favor of the continuance of the canteen, and the testimony of Archbishop Ireland has been especially dwelt upon.

It can safely be said that the clergy as a whole are opposed to the canteen, and that the bishops of the country are no exception to this rule.

A little time ago it was my privilege to conduct an inquiry in the room of the Committee on the District of Columbia on a bill which is known popularly as the anti-vivisection bill. At that meeting, unannounced, a bishop of one of the churches of the United States appeared to give testimony in favor of vivisection. Immediately it was heralded to the country and the world that that great man—for he is a great man—had lent the authority of his name to the practice of unrestricted vivisection; but no one took the trouble to inquire how many bishops in this country had protested against the practice and had written me personally that they were in favor of the bill that was under consideration. At that very moment I had in my committee room more than twenty letters from distinguished bishops of the various religious

denominations in the United States, and hundreds of letters from distinguished clergymen, pleading for the passage of the bill which a single bishop had appeared to oppose.

One or two clergymen have appeared, possibly more; one Army chaplain, possibly more, has appeared in print in favor of the continuance of the canteen; but, Mr. President, it is a well-known fact that the petitions that have been presented to this body by the hundreds and the thousands since we assembled bear the signatures of the leading clergymen of the country in opposition to the continuance of the saloon feature of our Army camps and in favor of the passage of the bill as it came from the House of Representatives. A letter just received from Rev. John F. Hill, secretary of the General Assembly of the Presbyterian Church in the United States, says that that assembly, by almost unanimous vote, urges the banishment of beer from the Army. That church numbers 1,000,000 communicants and approximately 3,000,000 adherents, and what is true of that church is equally true of every other church in the country so far as the subject under discussion is concerned.

On this point I beg to say that I have in my hand an article recently written by a post chaplain to the editor of the Atlanta Journal, and, as it is of the greatest possible interest to every person who is interested in this question on one side or the other, as it states the proposition with great clearness and strength, and seems to clear away some of the cobwebs that have been thrust into this discussion by the friends of the Army canteen, I will ask permission, without reading it, to insert it as a part of my remarks.

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

The article referred to is as follows:

Editor of the Atlanta Journal:

Your editorial last Friday concerning the Army canteen indicates the confusion of mind obtaining generally as to what are the merits and demerits of that institution. As a chaplain in the Army I have my views and convictions, which I have formed after many years of observation, under favorable conditions, to satisfy myself as to its influence for good or evil. I take it that the public is entitled to a statement of these conclusions.

During the last thirteen years I have served at posts where canteens were in operation. Thirteen years ago they were experimental, most posts having post-traders' stores, which furnished beer to officers and men. When it was proposed to substitute cooperative canteens for traders' stores I lent my influence for the change, as it was argued that officers could control canteens more successfully than they could the stores. I hoped that a saloon could be controlled in the interests of a temperate use of intoxicating liquors. But after thirteen years of close observation, I have been forced to abandon all hope of regulation, and to become as much opposed to the canteen as I was then opposed to the traders.

The fact is, I have never seen the canteen regulated but once, and then for only a few weeks by one post commander in all this time. I have often heard of such canteens, but they were far away from where I served. One I have heard of was in New Mexico many years ago, where there seems to have been an ideal sergeant, who run an ideal canteen, and it has been the most pointed-out canteen in the history of the Army. What a close observation at the time might have revealed I do not know, but I have been forced to believe that it existed as an Army myth more than a reality.

My first experience with a canteen was at Fort Omaha. It was a pet institution of the post commander, and did more to set the gait for the Army than any other except, perhaps, one at Vancouver barracks, where the experiment was first tried. It paid dividends at the rate of from $7,000 to possibly $10,000 a year, if my memory serves me correctly. This was in a command of 400 men. I have frequently gone into it when the noise of the boisterous, drunken mob that filled it to overflowing was so great that no ordinary conversation could be carried on in it. Sitting around tables were maudlin, cursing soldiers, while others were filling the air with curses as they surged around in the crowd. Such a saloon could not exist in Atlanta an hour. But this was a regulated canteen, according to the views of the post commander, whose reports were quoted in Congress in those days.

The officer in charge was drunk almost daily, until his wife went to the regimental commander over and over again, pleading to have him relieved, and finally came to me almost distracted, and urged me to go to the commanding officer to recommend that he be relieved, which I could not do, as no suggestion from me concerning that caldron would be tolerated. Her only satisfaction was the assurance that the captain could manage the canteen more successfully than any other officer in the regiment. At one time I attempted to bring the attention of the War Department to the condition of matters in my monthly report, but my report was returned to me with peremptory orders to make my report without referring to anything relating to post administration.

My second experience was at Fort Niobrara, Nebr., where I served seven years with four different regiments, comprising infantry and cavalry, which gave me opportunity to observe the administration of the canteen under different managements. The chapel and post schools were within 100 feet of the canteen, and as chaplain I had charge of both schools and chapel services, the latter usually two and often more than two evenings in the week besides Sundays. I therefore had excellent opportunities to observe the kind of regulation it had. I regret to say that the saloon was run wide open and for all the money there was in it. The command usually consisted of about 450 to 500 men. The usual consumption of beer per month was three carloads, but I have known it to reach four carloads. The noise of this saloon could be heard to the remotest parts of the garrison.

The religious services have been so disturbed at times as to make it exceedingly embarrassing, the howling crowd taking up our religious songs and repeating them in the saloon along with their blasphemous curses. In conversation with one officer who had charge of the canteen he said to me: "I keep just as far from the thing as I can." Under one officer the peculations by the civilians who conducted the sales consumed all the profits. The officer could not reconcile himself to go there and manage the miserable business, and it simply run itself.

On one occasion a soldier drank heavily at the canteen and killed a comrade, for which he was hung. While conducting the funeral services of the murdered man, I dwelt on the two forces operating in every community for good and evil; that the forces for righteousness are represented by the churches, and the forces for ruin are represented by the saloon; that at this post the chapel stands for instruction in righteousness, and the canteen for the destruction of men, and each soldier must choose with which to keep company.

Just at that juncture the officer who had charge of the funeral, of whose company both the murderer and murdered man were members, stepped up to the platform and said, "It is time to close these services," though I had not been speaking more than ten minutes when he did so. I replied that I had charge of this part of the ceremony, and proceeded with my address. At the close of the service I asked him what he meant, and he replied that when a chaplain inveighs against the canteen as I was doing, and especially in the presence of the commanding officer, it was time some one should call him down.

At another time a soldier was on an extended spree, drinking at the canteen, and becoming crazed with drink seized his rifle and shot down one soldier, killing him instantly, and then began shooting at everyone he saw, and in turn was shot down and mortally wounded by command of an officer who happened near at hand and who was in imminent danger himself.

On another occasion I heard the tumult at the canteen, being at my own quarters, a quarter of a mile distant, and knew that trouble was brewing. I hurried to the officer in charge, who went with me as fast as we could go, and arrived just as the quarrels culminated in a general fight and the throwing of beer mugs, in which one soldier was almost fatally cut in the head and neck, from which he bled most profusely, and was carried to the hospital.

At my present post I have had little occasion to observe the canteen. It is situated quite apart from where my duties lead me, and I can give little information concerning it. It is commonly known that under the administration of one officer in its charge a large sum, amounting to $2,000 or more, was squandered or embezzled or otherwise gotten away with by a civilian steward, to whom the management was committed by the officer. The noncommissioned officer now in charge and successor to the embezzling steward is a worthy Christian gentleman. Since he has had charge there has been only a small command and the business is insignificant.

I cite the above facts in order to expose the fiction that Army canteens are "regulated." Army officers, according to my observation, and I have served with 10 different regiments, which had canteens, will not demean themselves by remaining at canteens to regulate the conduct and the quantity of beer to be given drinking soldiers. It is below their dignity to do so, and contrary to their good sense and breeding. They are compelled, therefore, to commit this disagreeable duty to soldiers.

The soldier almost invariably selected is of the saloon keepers' class. Of course, that is so. It need hardly be stated. A man intolerant of the racket and rows of drinking men, who, with a strong hand, would restrict sales, would defeat the objects in view, namely, to make money, first and foremost, and second, to keep the men from going to cutside drinking places. My observation is that the least regulated saloons are Army canteens. There may be exceptions, but the rule is to do all the business possible and let the boys have "a good time."

Regulation is theoretical, not practical. It is the ideal canteen that is being exploited. The actual thing is altogether a different thing. We hear among the friends of the canteen much about "young men's club," but it is a young men's club run so as to satisfy the young men, not what every father and mother would create for their sons. It is the debauching, ruining menace to every young man who enters the Army. It is a cooperative saloon, created by the Government, fostered by it, and commended to the young man just from the restraining influences of home, at the weakest period in his life, as his club. Here are the games, the amusements, all attractions, including reading room and library, to draw him to it and place him under its influence.

Where is such an institution to be found in civil life? To propose such a scheme for young men in the communities from which recruits are drawn would call out the universal protest of all good people; but that is what is created by the Government at all Army posts. It is based, too, upon the doctrine that the temperance homes of the country, from which the Government prefers to draw its recruits, the churches, the young people's societies, such as the Young Men's Christian Association, the Young People's Society of Christian Endeavor, the Woman's Christian Temperance Union, and other temperance societies to which the country owes so much for existing temperance sentiment, and the public schools which inculcate the doctrines of total abstinence on grounds of health, upon the doctrine, I say, that all these instrumentalities, working together for total abstinence, have been in error, and that the right way to treat the subject of temperance with young men is to establish young men's clubs to be run so as to keep the young men in their own saloons rather than take the risk of their going to ruin in some other saloon. What community would consider such a proposition for a moment? The dread of city parents is the young men's clubs.

The Government canteen idea lowers the conscience standard of both officers and men. It inculcates the idea of tolerance of the vice of drinking. It holds up the idea of a temperate use of drink as against the idea of total abstinence. The ideals are utterly opposed to the ideals of the best moral forces of society. I cite another circumstance in proof. At Fort Niobrara I was holding my usual temperance meeting one evening (I hold a total abstinence meeting every Tuesday night when the command is large enough to enable me to do so and other conditions permit, and at these meetings I have taken somewhere between 1,500 and 2,000 total-abstinence pledges within the last five years).

In my address I stated what I believed to be true—that every officer of the command would rejoice to have every man in the command take a total abstinence pledge and keep it. I stated this as an argument to persuade the men to take pledges, that in doing so they would please their company commanders. The next morning an orderly came to my quarters with the compliments of the commanding officer, the colonel of a regiment, stating that he desired to see me at headquarters. I went at once, when the question was asked whether I was correctly reported as saying that the officers of the regiment would be glad if all the men would take total abstinence pledges and keep them.

I stated that I had been correctly reported. The officer asked on whose authority I had made this statement. I stated that it was on no one's authority, but that I believed it to be so from my general knowledge of the officers. He replied that it was not the wish of the officers of his regiment that the men should take total abstinence pledges, and that he desired me not to so represent them; that they preferred them to be taught the temperate use of beer.

At first many officers were opposed to the cooperative saloon; but the War Department forced it upon such officers, even going so far as to send officers to posts to organize canteens where officers did not organize them. Many officers refused to have charge of saloons, it being a violation of their scruples, and some barely escaped court-martial for disobedience of orders; but the canteen finally won. The effect of this policy has been to constrain officers to accept the institution. I know that many officers abhor the saloon, but it is the solution that seems to be accepted; as they see no better way to solve this serious and difficult question, they almost unanimously recommend it.

The only way I can account for the interruption at the funeral, and my being corrected as to the wishes of the officers concerning the men taking total abstinence pledges, and the late recommendations of officers in favor of the

canteens, is that this canteen theory of existing legislation modifies the views of officers, as well as men, and produces a toleration of, rather than a repugnance for, the wicked business. In my opinion this Government canteen doctrine is a dangerous one to inculcate in the minds of hundreds of thousands of young men of this country who are destined to military service to be returned to citizenship, and to be fathers of children of the future Republic and the heads of households and pillars of churches. It will result in an undoing of the best work of these days.

It is true, as you state, that officers of the Army almost unanimously recommend the canteen, but it should be remembered that these officers have been in a Government process of training for the last thirteen years, preparing them to hold this opinion, and that it was foreknown what views were held, where the policy of the Army is shaped, as to what is regarded as the best solution of the problem, and I ask what answer might be reasonably expected under such circumstances. Furthermore the business success of the canteens gains adherence of many who do not consider so seriously as many of us do the moral influences radiating from the saloon.

The sound policy for the Government on this moral question, in my opinion, is not to put itself athwart the doctrines of the churches and the homes, and undo the cherished work of parents and Christian workers, but to buttress in every way possible the teachings of these best citizens and institutions of the Republic, and endeavor to return their sons to society as solidly temperate as when they enlisted.

This is possible. If all drink were outlawed to soldiers, and if recruiting officers were instructed to explain this fully to recruits; if then company commanders, commanders, and noncommissioned officers in charge of squads were charged to restrain the men, as far as possible, from going to drinking places and using intoxicating liquors; and if penalties, such as discharge in distant colonies without honor and with forfeiture of pay and return passage with a few months at hard labor on public improvements, as the restraining motives to self-regulation, there is no reasonable doubt that the question would be settled satisfactorily to the Army and to the people. I do not think any policy will bring ideal results, but I am sure of this, that past policies have so far disappointed the American public that the time has come for a new one to have a fair trial.

I well remember when President Hayes issued his order against selling spirituous liquors to soldiers, and what a cry of impracticability went up from the Army and friends of the liquor traffic, and President Harrison abolished Sunday morning inspections and Sunday evening dress parades, how the old-timers regarded it as a kind of Sunday school affair, but it would be difficult to find an advocate of the old régime now anywhere. So it will be when the anti-canteen people at last win the day, which they are bound to do, the old régime will be looked upon as unworthy the later and better way.

ORVILLE J. NAVE,
Post Chaplain, United States Army.

Mr. GALLINGER. Mr. President, our army is in Cuba, in China, and in the Philippines, exposed to the dangers and diseases of a tropical climate. It is our duty to do what we can to preserve the health of our soldiers, and to that end we are in duty bound to protect them as far as possible from the evil effects of strong drink. This we surely will not do if we legalize in their midst places where intoxicants can be obtained, whether wine, whisky, rum, or beer. In this respect we ought to set a good example to the people of Cuba and the Philippines. But are we doing so? Let the following editorial from the Habana Post of July 6, 1900, headed "A disgraceful occasion," give answer:

A DISGRACEFUL OCCASION.

It was a source of genuine disappointment to the large assemblage of American citizens who gathered to witness the Vedado field sports of the soldiers belonging to the batteries stationed there that a feature not down on the programme, but made one of the most notable of the day, should have been brought prominently to their attention. The permitting of the Army canteen on the ground to the right and in front of the grand stand gave the visitors, American and Cuban, an enforced opportunity of witnessing the disgraceful spectacle of perhaps a hundred drunken soldiers, many of whom were violently disorderly, even to engaging in fist fights and general brawls in the presence and ostensibly under the supervision of the officers of the batteries.

It is doubtful if such a disgusting and disgraceful spectacle has ever before been offered the people of Cuba upon the occasion of a public celebration. Certainly not within the experience of a large proportion of the civilian visitors who went to the exercises expecting to see high-class sports, conducted in an orderly and truly American manner, has there ever been witnessed such scenes of drunkenness, disorderliness, and general confusion.

The Fourth of July was disgraced by the debauchery which prevailed, but it was even worse prostituted by officers who gave their consent to the establishing of a drinking tent in the place of public amusement, to which the public had been invited, and whose money was taken for what was supposed to be a respectably conducted exercise.

So noticeable was the debauchery for a time that some one in authority closed the place for at least two hours, giving the boys this much time in which to sober up, but it was reopened at 1 o'clock, and from that hour until the exercises were over was the rendezvous for all the Army toughs the batteries and visiting companies contained; fight after fight following as men lost their heads under the influence of liquor in the rays of a broiling tropical sun. It was a repulsive sight for the ladies, hundreds of whom were forced to view it from their grand-stand seats, and equally disgusting to the sterner sex, who love their natal day and would have been glad to have seen it observed in decency and order.

Someone is to blame for the disgrace which was brought to the United States and its flag Wednesday. How can we consistently censure ill-tempered Spaniards and Cubans from displaying it upside down when we admit to our public places of amusement disorderly conducted canteens to turn our soldiers upside down, make them lose their self-control, and indulge in rowdyism that belonged to the Bowery of other days. The canteen did not locate itself in a conspicuous part of the grounds, nor did it license itself to sell liquor to soldiers in all stages of intoxication. If it was thought necessary for the pleasure of the boys in blue that they should have their beer upon such an occasion, the canteen should have at least been put under guard and, at the worst, have been conducted decently.

Furthermore, it should have been located where visitors would not have been made to see its rowdyism and debauchery. Every self-respecting American must have felt like hiding his head in shame over the disgusting exhibition given him at the Vedado field sports on Wednesday. Small wonder it is that the Cuban ladies who were present, to whom such scenes are altogether unknown, should have shown the revulsion of feeling that many of them manifested, and small wonder is it that American ladies in the grand stand blushed with mortification at the indecencies of the day. The 4th of July was sorely disgraced in our own house.

Mr. COCKRELL. Where was that?

Mr. GALLINGER. It is published in the Habana Post of July 6, 1900.

Mr. COCKRELL. What officer was in command?

Mr. GALLINGER. I do not know.

Mr. President, it will not do for those who are advocating the continuance of the canteen to charge that its opponents are acting in conjunction with the saloon interests of the country, as a distinguished Army officer has asserted. Nothing is further from the truth, and it is not to the credit of any man to make that assertion.

The opponents of the canteen want to see the Army free from liquor selling, as is the Navy to-day. They conscientiously believe that harm is being wrought to our soldiers by the establishment of saloons in Army camps, and they appeal to Congress to wipe out liquor selling entirely in connection with the Army. In this contention they have my entire concurrence, and, while I am not oversanguine as to the result, I venture to express the hope that the Senate will reject the amendment proposed by the committee and let the bill stand precisely as it came from the other House.

This, in my judgment, will be a triumph for sobriety and justice, and will result in incalculable benefit to the brave men who are fighting the battles of the country amid the climatic dangers of a tropical land, where life and health can only be preserved by strict observance of physiological laws and the avoidance of artificial stimulants in all forms.

Mr. President, I will ask to have inserted as a part of my remarks a series of resolutions adopted by the American Anti-Saloon League Convention, without reading, if there be no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

The resolutions referred to are as follows:

Resolutions of the American Anti-Saloon League Convention.

Resolved, That we are unalterably opposed to the sale of intoxicating liquors in the Army which represents the power and sovereignty of the nation at home and abroad.

The soldier is not simply the hireling of the Department; he typifies the will and might of the people, and every citizen ought to be interested in his physical, mental, and moral welfare, and has the right to demand the same freedom from drinking and drunkenness in the Army that the railroad companies and many large corporations are wisely exacting of their employees, in order that the highest degree of efficiency may be attained and maintained.

We claim the scientific experiments conducted by the British army during recent years under Lord Roberts and General White in India, and the successful march in the deadly climate of the Sudan of a total-abstinence army under Lord Kitchener, abundantly disprove the statement that "soldiers must have drink."

Resolved, That we are specially opposed to that feature of the canteen system which relies upon the profits of liquor selling to improve the mess and hospital service, believing that the Government is abundantly able to and should amply provide for all the needs of the enlisted men. This feature affords a constant and menacing inducement to drink, as few men care to share regularly in the advantage of a fund they are not helping to create.

Resolved, That the two arguments for the beer canteen are unsupported by facts abundantly at hand; first, that if the lighter liquors are supplied within the canteen, men will not go outside and secure stronger drinks, and secondly, drunkenness and disorder disappear under the military supervision afforded in the canteen. The recent experience with Trooper Davis, at Fort Myer, almost within the shadow of the Capitol, the cashiering and dismissal by General Otis of four high officials in the Philippines for drunkenness and unsoldierly conduct and other similar cases either prove that the men can and do get drunk on liquors sold in the canteen or else do go outside and get stronger liquors notwithstanding the canteen, or both, either fact of which destroys the validity of the argument for the present system. Further, the present law, approved March 2, 1899, even as liberally construed by the Attorney-General, forbids the assignment or detail of any officer or private soldier to participate in the sale of liquor in the canteen as bartender or otherwise, and if this law is respected and obeyed by the War Department, the military supervision of liquor selling in the canteen is an impossibility, and unless absolutely forbidden, the Army is at the mercy of civilian bartenders, who by the misinterpretation of the law by the Attorney-General are now permitted to sell.

Resolved, That we indorse the statement in his official report in 1892 of then Assistant Adjutant-General Corbin, and which he said, February 9, 1899, still represented his views: "A cause of restlessness (in the Army) is traced to the excesses of the exchange, the saloon feature of which is not productive of good, and should be done away without further experiment. The sale of beer, superintended by a commissioned officer and served by noncommissioned officers and soldiers, is not conducive to discipline, nor is it a picture that can be submitted to the people for their approval. The men who drink spend the greater portion of their money for beer. The credit system brings them to the pay table with little or no money due. This takes all heart out of them, and makes them quite ready to ask their discharge and try some other calling," and affirm that these facts and conditions remain under the same canteen system as true to-day as in 1892.

Resolved, That after thus stating our position on the canteen we nevertheless refuse to transfer the issue to the expediency or nonexpediency of anti-canteen legislation. The people intelligently asked Congress to prohibit liquor selling in the Army, and the legislative branch responded with the Johnson-Hansbrough amendment to the act of March 2, 1899, which was held by the Judge-Advocate-General, the legal adviser of the War Department, as it was confessedly intended, to close the Army saloon.

The Attorney-General was then appealed to, and rendered an opinion foreshadowed by the then Secretary of War, Alger, which nullified the law and defeated the will of the people, against which we vehemently protest.

Mr. GALLINGER. Mr. President, it would have been a pleasure to me to have gone into this matter more thoroughly had I not felt that I had not the right to unnecessarily consume the time of the Senate when the Army bill is pending. I want to see the bill passed at the first possible opportunity, although I am of

opinion—and in that I know that some of the most prominent Army officers in this country concur—that the bill is far from being a perfect measure, and that it contains many provisions in addition to the one that we are now considering that might profitably be amended.

It will not do for those who are contending for the continuance of beer selling in our camps to rely upon certain testimony that has been presented to the effect that desertions have decreased of late years, and that the Army canteen is largely responsible for that fact. Nobody who gives the matter any serious thought will believe that. It is well known that the quality of our soldiers has been greatly improved. That is the concurrent testimony of our military officers, and I think it can easily be shown that it is not quite so desirable a thing for a soldier to desert in the Philippines and take his chances among the savages of those islands, where most of our Army is, as it would be for him to desert in the United States.

Mr. President, I close with the suggestion that the concurrent testimony of the leaders of the medical profession the world over sustain the view I have so imperfectly stated, that great armies, as well as individuals, are better off, so far as their health and strength are concerned, when they entirely avoid intoxicating drinks, or at least when they do not use them day by day, as our soldiers will be tempted to do if the Army canteen in any form is continued in connection with our military service.

I will venture to repeat that I hope the Senate will reject the proposed amendment by the committee and will stand by the provision as it came from the House of Representatives.

Mr. BURROWS. Before the Senator sits down I should like to ask him a question. In the course of his remarks he alluded to the practice in the Navy, and said he could see no reason why the same practice should not prevail in the Army. Is the Senator so familiar with the question as to be able to state what are the law and the practice in the Navy?

Mr. GALLINGER. All I know about it is that under the administration of Secretary Long the use of spirituous drinks, including beer, has been entirely prohibited in the Navy of the United States. The Secretary issued an order to that effect, which I regret I have not at hand.

Mr. SEWELL. Let me say to the Senator that for several years the issue of liquor has been stopped. It used to be in the Navy that liquor was issued by the Government, but that has been stopped for several years.

Mr. GALLINGER. Yes; that is so. That practice was abandoned in 1862, I believe. We have no saloons in connection with the navy-yards of the country. We might as properly have them in connection with navy-yards as with an Army post, but I think nobody would stand here and defend a proposition to establish saloons in connection with our navy-yards.

Mr. BURROWS. As I understand it, there is nothing in the Navy or in the navy-yards that is analogous to the canteen?

Mr. HAWLEY. No, sir.

Mr. GALLINGER. That is the way I understand it, and I am very glad indeed that it is so.

Mr. HAWLEY. Mr. President, I expected to address the Senate at some length at this stage of the proceeding, but it occurs to me that perhaps I had better yield to my colleague on the committee, the Senator from New Jersey [Mr. SEWELL]. He is an eminent soldier, of experience during the whole time of the war for the Union, and by reason of his membership for several years on the Board of Managers of Soldiers' Homes, of which board he is now the president, he is perhaps better qualified, certainly than any other man in the Senate, perhaps than any other man in the country, to address the Senate on this question. I give way to the Senator from New Jersey.

Mr. SEWELL. Mr. President——

Mr. GALLINGER. Will the Senator from New Jersey permit an observation?

Mr. SEWELL. Certainly.

Mr. GALLINGER. The inquiry was made of me a little while ago as to the custom prevailing in the Navy, and I quoted Secretary Long as having announced his opposition to the use of liquor on the part of our naval heroes. It has been suggested to me that the issuance of what are called grog rations was abolished in the Navy during the civil war and it has never been restored. I think that probably is the fact.

Mr. SEWELL. Mr. President, I have been interested in this subject for a number of years. I am one of the Board of Managers of the Soldiers' Homes. I devote a great deal of my time to carrying out the wishes of Congress in that respect. Those managers are elected by Congress. It is to me one of the most honorable positions there is in this country, because I am endeavoring to conserve what I consider the best interests of the men who fought in the war, my comrades as it were, men whom I desire to help in every reasonable way. I do not mean by that that I am a pension grabber, but that it is my desire and aim to protect and conserve the interests of the old soldier of the Republic, who is unable to take care of himself, and who should be taken care of through the beneficence of the Government; and I am one of the dispensers of that beneficence.

I have studied the question of the canteen—a misnomer so far as the Government is concerned. In the Soldiers' Homes a few years ago we started an experiment, in order to keep our men within the lines of camp, of selling at one or two of the Homes beer, and nothing more. We found at the Homes where that experiment was tried that the men became satisfied. I will say a large part of the men did, because you can not satisfy all of them. A large part of the men in the Homes were willing to take their glass of beer, probably two, but under restrictions that they should not get any more, rather than to go out to the low groggeries that surround every institution of this kind in the United States. We gradually extended that.

After we found that the reports and the results at the guardhouse were favorable, after we found that the surgeon recommended it, that there were fewer men in hospital, after we found that the men themselves were contented, we extended it to all the Homes except one, I think, but practically to all the Homes in the United States. So to-day the experience of the managers of the Soldiers' Homes is to the effect that a glass or two of beer dispensed in the Homes prevents the men from going out and drinking rum and being trundled back in a wheelbarrow, with all their money gone, about pension time, and more than that, practically sometimes almost subjects for the hospital.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). Does the Senator from New Jersey yield to the Senator from New Hampshire?

Mr. SEWELL. Certainly.

Mr. GALLINGER. I should like to ask the distinguished Senator from New Jersey, to whom I shall listen with the greatest possible attention, whether he does not think there is a great difference between giving a little beer under restriction—he says not more than two glasses a day, which this proposed amendment does not accomplish so far as the soldiers are concerned—to old men who have gone through one or two wars and who are nearing the end of their pilgrimage and placing it before my boys, and the boys of other fathers in this country who leave their rural homes, enter the Army total abstinence boys, and find at the Army headquarters a place inviting them to form the habit of drinking beer, which invariably leads to the use of the stronger drinks?

Mr. SEWELL. I will say to the Senator from New Hampshire that while I shall discuss that question further on, I admit his proposition. The old soldier is a different man from the young soldier, but I became interested for the old soldier primarily. I became interested in this as a temperance measure, absolutely. I visit the Home at Hampton, Va., three or four times a year, and before the adoption of the canteen, during the time of the payment of their pensions, old soldiers were brought in drunk by the hundreds from the saloons outside. We have used every effort to stop the saloons, but they are there. The State of Virginia refuses to stop them.

Mr. HANSBROUGH. Mr. President——

The PRESIDING OFFICER (Mr. BURROWS in the chair). Does the Senator from New Jersey yield to the Senator from North Dakota?

Mr. SEWELL. Certainly.

Mr. HANSBROUGH. I desire to ask the Senator from New Jersey if he thinks that Soldiers' Homes would come under the operation of this provision in case the committee amendment is voted down?

Mr. SEWELL. I want to say to the Senator that I would oppose any such extension if it were voted down. At the same time, the Soldiers' Homes of this country are supported by the Government, and it may be so construed.

Mr. HANSBROUGH. Let me ask the Senator a question. Does he believe that a Soldiers' Home is an institution that might be termed a place used for military purposes?

Mr. SEWELL. I can not say that I do. I should use that argument in case this were extended to Soldiers' Homes. I should, as one of the managers of the Soldiers' Homes, refuse to come under this law if it were passed. At the same time, it is a Government institution. It is supported by Congress, and may be considered to be an Army post.

Mr. GALLINGER. But I think the Senator will agree that it is a fact that the sale of beer, which he says is permitted in the Soldiers' Homes, is not legalized by the Government. Is not that a fact?

Mr. SEWELL. There is no law on the subject——

Mr. GALLINGER. No law.

Mr. SEWELL. Because the Soldiers' Homes are managed by a corporation——

Mr. GALLINGER. Precisely.

Mr. SEWELL. Which is authorized under the Government, although we are all elected by Congress as members of that corporation.

Mr. President, I wish to present some communications in relation to the matter before the Senate at the present time. The first one is from a distinguished professor of Princeton College, whose efforts in this matter prevented the Synod of New Jersey from voting against the canteen. I ask to have it read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

34 MERCER STREET, PRINCETON, N. J.,
December 14, 1900.

DEAR SIR: You will probably not recall me, although I have been connected with Princeton for many years and am a very earnest Republican.

Permit me to refer you to my friend, the Attorney-General, for my general standing, and to my Presbyterian minister for my position in the church.

By virtue of your position on the Committee on Military Affairs, I venture to write you in reference to a very important matter in the Army bill now under consideration by your committee.

I am a pretty good temperance man, using neither beer, nor liquors, nor tobacco, and advising others to abstain; and although I am a doctor of divinity and might be supposed to have the prejudices of my class and my temperance practice, strange to say, I am earnestly in favor of retaining the canteen in the Army.

The object of this letter is to urge you to oppose the feature of the Army bill which excludes the canteen from the military posts. Strange to say, for several years I have been singularly connected with this matter, and am the one prominent minister in our church (the Presbyterian) who openly and earnestly defends the President and the Attorney-General in their course and advocates the canteen. In our Synod of New Jersey, in 1899, I took that position; also at our Presbytery. I was a commissioner to our general assembly at St. Louis last May, 1900. I again made a very earnest, if not eloquent, speech in defense of the President and the Attorney-General, and at the close that grave body broke out in very hearty applause. Much to my surprise, a dispatch in reference to the matter went all over the land on the Sunday before the Republican convention renominated that great President who is to rank with Washington and Lincoln.

These things induced me to study the canteen question thoroughly by a visit to Fort Myer and the perusal of all the testimony and replies from the commanding officers, commissioned and noncommissioned, of the whole Regular Army, save one regiment, to General Corbin. You are of course familiar with the report. I also had his excellent letter to you and data in reference to the Philippines.

Thus prepared and armed with "dynamite," I attended the meeting of the synod at Atlantic City in October. As soon as the temperance report was presented (it was of the usual character, but fortunately did not attack the President) I secured the floor, and in a speech that fairly exhausted the subject I presented the matter as earnestly, clearly, and forcibly as I could. When I had finished, and before the chairman and others had advocated the report and its resolutions, I was told "Your speech has carried the synod."

And so it was. To the astonishment of both sides the synod, by a vote of 99 to 41, recommitted the report and directed that everything in reference to the canteen and in criticism of the Government should be struck out. Now, if a grave religious body like the Presbyterian Synod of New Jersey could by a simple but earnest presentation of the facts be induced to reverse what had been its previous action, ought not the National Congress see that the retention of the canteen on its present lines (of course it is not perfect, and may be susceptible of improvement) is the best arrangement in every respect for the Army? Ninety-six per cent of the testimony was in favor of the canteen and against its abolition, and only 4 per cent was against it and in favor of its abolition. And the remarkable thing is that the strongest testimony in favor of the canteen was given by men and officers who were themselves abstainers.

This crusade against the canteen is an excellent illustration of the proverb that "extremes meet." Those who wish the canteen abolished are the extreme, but badly informed (as to this subject), advocates of temperance and the well-informed (as to their interests) saloon keepers just around the posts.

The Woman's Christian Temperance Union associations and other overzealous advocates of temperance, and the keepers of the vilest saloons, are the persons who are working together to overthrow an institution which does more to promote good order, discipline, temperance, and morality in the Army than anything that could be devised. To abolish the canteen in the Army, so far from being of any benefit to the soldiers, would be an overwhelming calamity. I trust, therefore, that the Military Committee, of which you are chairman, will prevent the Senate from agreeing with the House in its action.

Pardon the personal character of certain portions of this letter. They were necessary to explain how I became interested in the question. Omitting them, if you think what I have written can in any way promote a good cause, you can use it at least as a straw in favor of what is right.

With high regard, yours, truly,

HENRY CLAY CAMERON.

Hon. WILLIAM J. SEWELL, *United States Senate.*

Mr. SEWELL. That letter is from a distinguished gentleman, a member of the Synod of New Jersey, a doctor of divinity. I wish to say in this connection that the word "canteen" is a misnomer. The term is "post exchange." "Canteen" comes from the English. It comes originally from the French also. It is the carrying around of liquor to the troops in action by the vivandière. It is the dispensing of liquor by the English on the march. But, as I say, it is a misnomer in our arrangement. The post exchange is instituted under the Department, and it is thus constituted. A new post is established to-day, say, with four or five companies—cavalry, artillery, infantry. There is a necessity for something outside of the Army ration. The commanding officer has the control. He need not establish a post exchange if he does not want it; but he does, as a rule. The post exchange consists of a store where you can buy anything—needles, gloves, handkerchiefs, or anything else you choose—and where the officers and their wives trade—buy things—for they can not get them at any other place.

Mr. GALLINGER. If it will not disturb the Senator, who is very courteous, I should like to make an observation. The Senator, of course, would not convey the impression that if the sale of all forms of spirituous liquors was prohibited at the so-called Army canteen or post exchange, the post exchange would not continue to accommodate the wives and daughters of the soldiers in buying their ribbons and other knicknacks.

Mr. SEWELL. I should say it would not continue.

Mr. GALLINGER. That is a new construction. I have never before heard it suggested.

Mr. SEWELL. There is not sufficient profit in that portion of it to keep up the post exchange.

Mr. GALLINGER. It may be that they have to run a saloon to keep up the exchange, but I hardly think so.

Mr. SEWELL. That is my opinion, based on experience. The officer commanding appoints a junior officer as post exchange officer.

He calls the captains of the four or five troops that may be there—batteries, infantry companies—and asks them if they desire to establish a post exchange at that post. It is not an order of the Government. The Senator from New Hampshire would convey the idea that the Government is in this business. It is not.

The post exchange is established under the commander of the post, through an exchange officer appointed by him, who supervises its accounts, sees that everything goes right. He calls together the captains of the companies and asks them if they want a post exchange. They call their noncommissioned officers together, and they agree between them that a post exchange should be established, not by the Government, not by the money of the Government, not by the credit of the Government, but by the officers and men serving under the Government.

The post exchange is established. How? The members of the different companies take their post company funds and advance to the exchange officer $200 or $250 apiece. Say there are four companies. They advance a thousand dollars to buy the stock. The noncommissioned officers are called together. They say what they want sold in the exchange, all the little details, and everything that the men want. The officer who has charge appoints a civilian steward, any civilian employee that is necessary for the store and for what may be termed the canteen, which may be in a separate building or in a separate room. But he makes the appointment.

At the end of every month the accounts are cast up and a declaration of a dividend is made to each company. Usually in a four-company post it is a hundred dollars a month for each company, or a hundred and twenty-five dollars, and that goes to the captain of the company to purchase necessary articles for the enjoyment of his men—eggs, butter, poultry, which are not served in the Army rations. The money is used in that way.

Now, the ordinary idea is that the Government is in the rum business. A great many good people write to me every day—people whom I appreciate fully; people for whom I have great respect and admiration, men and women—"Are you going to aid the Government in this business? Are you going to sell rum and ruin all our boys?" That is all they know about it. They do not know that a man like me acts from a temperance standpoint. I have visited posts of the Army. My experience has been varied for a number of years. I know that young men will have stimulants, and there are very few exceptions to the rule. The best thing to do is to give them a gentle, mild stimulant, and keep them within the Army post. There is not a post of the Army that has not a cordon of saloons in its near vicinity, and the Government seems to be unable to stop it. My experience has been that if you will give these young men, if they want it, a drink of beer, it will satisfy them, and it does not lead to anything else, either. But if you do not do it, they will go out and get the vilest stuff in the world, and more than that, they will be allured to still worse things outside of the Army post.

I wish to say a word in response to the Senator who has just spoken in reference to his idea that strong drink will be issued in case beer is allowed. I want to go back to the period of the post trader, the sutler in the Army, when everything was allowed, practically. But ever since the restriction to beer and light wines has been made under the order of the Secretary of War there has been no such thing as strong drinking within the limits of Army posts, and why? The ordinary trader, the ordinary saloon keeper, will take the chances of violating the law, but the commissioned officer never will. His commission is at stake. His honor is at stake. The orders of his superior are such that he never will violate the law. I have said, I think, in answer to the Senator's remarks, that the Government is not engaged in the liquor traffic.

Mr. GALLINGER. Mr. President, just there, if the Senator will permit me, has the Senator, or can he furnish the Senate with a copy of the order of instructions from the War Department in reference to the sale of spirituous liquors under the present law, which the Attorney-General ruled upon?

Mr. SEWELL. I can not now. It is a matter of some years ago, and I have not got it; but it is carried out to the fullest extent. I say no officer of the Army will violate an order from the War Department; his commission is at stake.

Mr. GALLINGER. In reading the testimony before the committee, if I remember correctly, and I think I do, it was stated

that no soldier is under existing conditions permitted to act as a bartender; that they are outside parties always. Is the Senator quite sure——

Mr. SEWELL. Perfectly sure.

Mr. GALLINGER. Is the Senator quite sure——

Mr. SEWELL. Perfectly.

Mr. GALLINGER. That those outside parties will not take some chances and give the soldiers something else than beer?

Mr. SEWELL. I am very sure.

Mr. GALLINGER. Human nature has changed then, Mr. President.

Mr. SEWELL. Well, it is not so.

Mr. GALLINGER. It has changed.

Mr. SEWELL. The people who dispense this beer in the Army are the employees of the post, the employees of the enlisted men, not of the Government, but they are under the supervision of an officer who will not allow anything of that kind, and his superior, the commander of the post, will not allow it. My service in the Army confirms me in the opinion that officers of the Army, as a rule, are honorable men; that they will not do what they are restricted by law from doing.

Mr. BUTLER. Before the Senator leaves that subject, will he allow me?

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). Does the Senator from New Jersey yield to the Senator from North Carolina?

Mr. SEWELL. Certainly.

Mr. BUTLER. I should like to inquire why the Senator thinks that the Government of the United States is powerless to protect the Army posts from the low dives which he says will infest them if we do not sell beer in the Army canteen.

Mr. SEWELL. Simply because they are within the limits of States that will not do it.

Mr. BUTLER. Is not the Government able to move the posts from those States if the States will not act?

Mr. SEWELL. We have not been able to reach that point. In the State of Virginia around the Soldiers' Home there are sixty to eighty saloons, and I have earnestly labored to endeavor to get the Virginia legislature to abolish those saloons. They will not do it.

Mr. BUTLER. Then, would not the Senator favor moving the posts to North Carolina——

Mr. SEWELL. I would be very glad to send them several hundred miles off, if necessary.

Mr. BUTLER. Where we have a dispensary, and where we have control of this business pretty well?

Mr. SEWELL. I should have no objection at all to their being moved.

Mr. BUTLER. When a State does not control it within its borders and the Government can not control it, it might go to a State that could. I will remark in this connection that that infection, as it is called, is growing in my State. We have quite a number of counties that have adopted that system, and if we shall get the Army posts from Virginia down to those counties they will be protected. It would be a small matter for the Government to move them from Virginia over to North Carolina into one of those counties that would protect them.

Mr. SEWELL. There might be a change of mind on the part of North Carolina after they got there.

Mr. BUTLER. We could give them a pretty good guaranty about that in certain counties.

Mr. SEWELL. Still, that is a matter which I do not desire to take up at the present time. I wish to refer to the remarks of the Senator from New Hampshire in relation to the scene that occurred in Cuba a short time ago—on the 4th of July—which he may attribute to the canteen. I do not know of any law or regulation which would move a canteen to a public gathering outside of the canteen building. If such was done, I should think it was very singular, and I would doubt the authority entirely. I have very grave doubts, unless the Senator believes it himself, whether I shall believe his statement. Whatever he believes I will take as granted.

Mr. GALLINGER. Mr. President, what statement does the Senator refer to?

Mr. SEWELL. That in Habana at some meeting the canteen was moved out on the grounds.

Mr. GALLINGER. No, Mr. President, that is not the statement.

Mr. SEWELL. Well?

Mr. GALLINGER. The Habana newspaper suggested that in common decency it ought to have been so moved, but it was not. It was right in the face and eyes of everybody.

Mr. SEWELL. In a city like Habana, where everybody drinks, where there is a saloon at every corner, you can not charge the canteen with getting men who are at liberty drunk. They go to places where they are under no restrictions in the world. In the canteen they are all restricted, but when they get out into a city there are no restrictions. So it is unfair to charge the canteen with anything like that.

Mr. President, I should like to present a letter of General Otis on this subject, written to a gentleman in Washington. I ask to have it read and become a part of my remarks.

The PRESIDING OFFICER. Does the Senator desire to have it printed in the RECORD without reading?

Mr. SEWELL. I think I should like to have that letter read.

The PRESIDING OFFICER. It will be read by the Secretary.

The Secretary read as follows:

ROCHESTER, N. Y., *October 6, 1900.*

Mr. WM. EDGAR ROGERS,
Counselor at Law, Washington, D. C.

DEAR SIR: I am in receipt of your letter of the 3d instant, and reply as follows:

The canteen system of the Army was introduced gradually. It made its first appearance in companies of regiments by a concert of action between company officers and men. They established a little store, stocked it with necessary articles which soldiers were obliged to obtain, and, purchasing in quantity, furnished the men with the necessary articles cheaper than they could procure them if unassisted. It finally grew into a post establishment, officers and men uniting to stock it, and it was in the nature of a department store. It was not officially recognized until the Army Regulations of 1886 were issued. It then took the place of the former trading establishment.

As a member of the board which codified those Army Regulations I opposed the canteen system, for the reason that I believed officers and soldiers should not engage in store enterprises, and advocated the retention of the trading establishment under strict measures of control. Later, after I had seen the working of the canteen system at many posts of the Army, I advocated its retention, as it was an improvement on the former trading establishment. The post canteen at large posts, when fully developed, became a sort of variety store, which kept articles for sale to officers and men and received their orders for articles which they wished to obtain. The exchange purchased them at wholesale prices and delivered them to persons ordering them at reduced rates. Hence it limited expenditures and was the means of saving the soldiers' pay. No liquors were allowed to be sold in these canteens with the exception of light wine and beer. The profits accrued mostly from the sale of beer and cigars and lunches furnished at its restaurants. These profits at the end of the month were divided among the company organizations of the post, and were expended for the soldiers' table fare. Hence all profits or surplus money obtained by the exchange went for the purchase of subsistence in company messes.

Troops sent abroad organized what might be termed a regimental exchange, which I do not think has ever been officially recognized. Regiments leaving San Francisco purchased quite heavily, and with the goods purchased set up exchange stores abroad, which soldiers patronized to purchase necessaries and as places for social gatherings. No doubt they consumed in those places large quantities of beer, but not to their detriment, however, but it is believed for their benefit, as it restrained them from the purchase of "vino" and other vile native drinks.

The exchange system is very popular with the soldier, for, as the Irishman expressed it, "You first drinks and smokes your money and then you ate it." The soldier of Saxon descent will drink intoxicating liquor the same as those of southern Europe, but, unlike those of southern Europe, they want it very strong, and the stronger the better. The tendency can not be wholly repressed, and all we can do is to labor to repress it as much as possible. The beer and light wine given to the soldiers through the exchange keep many of them from indulging in strong drink.

You say that you would like to know some facts about the "manacle" business. I know nothing of it. It is a pure invention of the newspapers of the United States. It is on a par with the charge of the newspaper man who wrote from the Philippines that my personal staff attended horse races on Sunday and that their names appeared as the patrons of a business which indulged in Sunday betting and gambling. Not one of them ever attended a horse race on Sunday. The Manila Racing Corporation, unbidden, placed their names in their printed schedule as officers, to which they never paid any attention.

Very truly, yours, E. S. OTIS.

Mr. SEWELL. I desire to have read a letter from myself to the Adjutant-General of the Army, giving my views on this subject. It proceeds on the general idea that the sale of beer is an absolute temperance measure.

The PRESIDENT pro tempore. The Secretary will read as indicated.

The Secretary read as follows:

THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
Washington, D. C., May 2, 1900

GENERAL: I beg to acknowledge the receipt of your reference of H. R. bill No. 8752, to prevent the selling of beer, etc., upon any premises used for military purposes by the United States.

As one of the Board of Managers of the National Home for Disabled Volunteer Soldiers I have given considerable attention to the question of the sale of liquors on the grounds of the Home. We found surrounding this institution, a few years ago, a cordon of the vilest places, engaged in selling rum to the soldiers, to their physical and mental detriment, and it became absolutely necessary that something should be done to counteract it.

The sale of light beer was started in one of the Homes as an experiment, under the supervision of reliable noncommissioned officers, who were instructed to limit the amount sold to any one man. It took some time, of course, to develop what there was in this experiment, but it did develop to the satisfaction of the officers of the Home and to the Board of Managers. It was then extended to the different Homes, and the result has been even beyond our anticipation. The men, largely, are satisfied with a drink of beer, which seems to suppress their desire for a drink of whisky that they had before the sale of beer was inaugurated. The saloons referred to have, to a considerable extent, dropped off in the immediate vicinity of the Homes, the guardhouse is denuded to a great extent, and the health of the men largely improved.

Officers connected with the management of the Home who had grave doubts about the sale of beer in this way have become convinced that it is the most practical temperance measure that can be inaugurated in connection with these institutions, and would apply with equal force to all Army posts.

Personally, I am decidedly of the opinion that the abolishment of the canteen would be a great calamity, which would inevitably result in our going back to the deplorable condition of drunkenness that was so appalling. The men are happy and contented now, and the profit derived from the sale of

beer is utilized in the way of comforts and luxuries that the Government does not provide, in the same manner as the canteen does for the different companies at an Army post.

I am, very respectfully, yours,

W. J. SEWELL, *First Vice-President.*

Brig. Gen. H. C. CORBIN,
Adjutant-General U. S. A., Washington, D. C.

Mr. SEWELL. Mr. President, that conveyed my idea then from an experience of thirty years—forty, probably—and I have not changed my opinion one iota. I believe to-day that the sale of beer in Army posts, confined to beer as it will be—which it is to-day except in the case of light wines—is a temperance measure and is satisfactory to the Army, and will help the discipline and the health of every man in the service.

I find, on investigating it, that since beer has been sold under the canteen system and since there has been a restriction as to stronger liquors, the courts-martial are very much less than they were; that the desertions have gone down 40 per cent; that the inmates of hospitals are reduced 40 per cent; that the men in every way are in better condition; that the young soldier who can go to the post exchange and sit down and read the magazines, who is furnished with paper to write to his friends, his mother, and his sisters, is in very much better condition than he ever was before. When the post exchange did not exist that young man, after his military duties were over, had no place to go but his bunk or to the saloon outside. As a rule he chose the latter, and there he was not alone open to the great curse of drinking bad rum, but he was induced to do, probably, what was worse for him and his health in addition.

The canteen, as you may term it, that part of the post exchange, is entirely separate from the store. It may be in a room adjoining, it may be in the next building, but the wives of officers and men go to the store and trade freely, and buy the little items that they can not get elsewhere. They never complain of the canteen. They never complain of the fact that in the next room some man may be taking a drink of beer. But even that is disassociated from the reading room, so as not to allow any inducement to lead young men astray. They walk into the reading room and they write to their wives, their sisters, and mothers, etc., and they pick up a magazine. They are not asked to take a glass of beer, because there is no reason why they should be. They are a part of the proprietors of that as they are of the exchange. They are the owners of it. It is their institution. It is not the institution of the Government of the United States. The Government of the United States has not a dollar invested in it, but these men have.

Are you going to deprive them, under those circumstances, of the privilege of taking a glass of a mild stimulant? Are you going to drive them to the miserable saloons outside? Now, that is the alternative. If you do not give them one, they go to the other. I advocate, as a purely temperance measure, the propriety of furnishing them with the mild stimulants inside, which they are the owners of themselves, rather than to drive them to the outside.

Mr. President, I do not wish to occupy the time of the Senate long on this subject, but I should like to have included in my remarks the letter from the Adjutant-General of August 29, 1900. I will not ask that it be read at the present time.

The PRESIDENT pro tempore. Without objection, it will be printed as a part of the Senator's remarks.

The letter is as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, August 29, 1900.

DEAR SENATOR: Replying to your several inquiries concerning the post exchange or "Army canteen," I have the honor to inform you—

First. That the sale of all spirituous liquors by the canteen is and has always been absolutely prohibited.

Second. Only beer and light wines are sold to either officers or men, and these only when the commanding officer "is satisfied that giving to the troops the opportunity of obtaining such beverage within the post limits will prevent them from resorting for strong intoxicants to places without such limits, and tends to promote temperance and discipline among them."

Third. The "canteen" was established and has been maintained in the interests of temperance and betterment of discipline, with most satisfactory results. This is shown in fewer trials by courts-martial, in the decreased number of desertions, and in the improved health of the men.

Fourth. The exchange is a cooperative store where supplies are sold at cost, or as nearly so as possible, for the benefit of officers and men of the Army. The canteen is a department of the exchange constituting an enlisted men's club. Rooms in or near the soldiers' quarters are set apart for this special purpose, furnished with reading matter, billiard tables and other games, but where every form of gambling is absolutely forbidden. It is where the men write their letters home and read the newspapers and magazines. The Government has no financial interest whatever in either the exchange or canteen, the funds being supplied by the soldiers themselves. Almost every company commander has reported in favor of the exchange and canteen as an effective temperance measure. One thousand and nineteen commissioned officers have made special reports to this effect. It may be proper for me to add that in the beginning I opposed the canteen, but was brought to its support by the overwhelming evidence of its beneficent result upon the morals, health, and contentment of the service.

As set forth in the report of Assistant Surgeon Munson, United States Army, who, under instructions of the War Department, made a careful investigation into the effect of the canteen upon the health of enlisted men, the result more than met the expectations of those most interested in the promotion of temperance in the military service. He further finds that the percentage of desertion has been continually reduced since the introduction of the canteen. Prior to its introduction desertions averaged from 10 per cent to 11 per cent annually. Since its establishment these have decreased as follows: First year to 7.7, the next year to 5.7, the next to 5.7, then 6.3, the next to 3.6, then 5.3, the next to 3.4, and, finally, to 2.9. Further, the number of trials and convictions for drunkenness and offenses originating therefrom for the six years preceding the canteen was 372.5. These decreased during the following six years of its establishment to 160.6. Further, that for the seven years preceding the establishment of the canteen the average number of men who deposited their savings with the Government was 7,273. For the seven years following its introduction the average had increased to 8,382.

It has been stated in the public press that "the receipts of the exchange are nearly all for drink." To meet this statement I have to inform you that the official reports of the Department show that the receipts from sales of beer and light wines are and have been less than one-third of gross receipts—being in 1898 five-seventeenths and in 1899 six-seventeenths. Taking the amount of gross receipts on account of sale of beer and dividing it by the total number of officers and men shows that each officer and enlisted man for the year 1898 expended on account of beer only 20 cents a month—equivalent to four glasses of beer per month, or less than one glass a week apiece for each officer and man in the military service.

In 1899 the expenditure on the part of each officer and man reached an average of 58 cents per month, or but 1.9 cents a day. These facts make it clear that in comparison with all other citizens the Army of to-day is the most abstemious body in our own country. There is no community of which we have any report or knowledge that will show so small a consumption of drink per capita. This average should, in fact, appear much lower for the reason that citizen employees, of which we have taken no account, have the privilege of purchase from the canteen. The number of clerks, mechanics, and teamsters employed with an army in the field is, as you know, very large. This number, however, is not obtainable, but, you will agree, would very materially reduce the average of 20 and 58 cents a month.

If there is any further information that you desire from the records on this subject, the Department will be only too glad to furnish it. You must admit that the anxiety of temperance people outside the service about the Army is unwarranted. As compared with those existing twenty and thirty years ago—as we knew it then—or with any community at the present time anywhere in civil life, the Army is a model temperance society—a practical one; one where reasonable abstinence is the rule and where excesses are the exceptions; a society whose precepts, no less than its example, could be followed by all people in safety and sobriety.

With great respect, sincerely yours,

H. C. CORBIN,
Adjutant-General, Major-General, United States Army.

Hon. WM. J. SEWELL,
Military Committee, United States Senate.

Mr. SEWELL. I will also ask to have included in my remarks a report from one of the most distinguished soldiers in the Army of the Potomac, Gen. M. R. Patrick, who became one of the Board of Managers of the Soldiers' Homes and governor of the Home at Dayton, where he had 5,000 men, and who was a great temperance man, who did not want to adopt beer selling. We finally induced him to experiment on it, and the experiment was so successful in relation to his hospital and his guardhouse that he has written a very strong report about it. I ask to have it printed in the RECORD without reading.

The PRESIDENT pro tempore. Without objection, it will be printed in the RECORD as a part of the Senator's remarks.

The paper referred to is as follows:

[Extract from annual report of Central Branch, National Home for Disabled Volunteer Soldiers, for the year ending June 30, 1887.]

CENTRAL BRANCH, NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
August 1, 1887.

GENERAL: I have the honor to submit the following report of this Branch for the year ending June 30, 1887:

* * * * * * *

DISCIPLINE.

Soon after the commencement of this last financal year (July 12) a beer hall was opened here in the Home for the benefit of its members.

As is well known to the Board, it was a matter that had been under discussion for years. In the Army it has been the usage to sell beer certainly for more than half a century, and for several years (I know not how many) at the other Branches of the National Home.

For some reason, I know not what, a terrible outcry was made through the press, through the mails, and by personal appeals to the governor for the redress of this outrage upon the members of the Central Branch and upon the interest of good order, good morals, and religion generally.

Possibly the fact that the governor had been known for more than fifty years as an active temperance man, both in military and civil life, may have had something to do with this onslaught upon him as a renegade. It is very true that the governor would gladly close every saloon in the land if it were in his power, but inasmuch as this central branch is hedged in on all sides by saloons, dives, and hells of the vilest character to entrap our men the moment they are outside of the gates it seemed wise to choose the less of two evils, either to furnish them with the best article of beer that can be purchased in the Home at a cheap rate, and retain our men under our own control, or suffer them to go outside, get drunk on the vilest drinks of every kind, get robbed of their money and kicked into the streets, or secreted in the infamous dives that surround us until their money is exhausted and they are turned out penniless.

The statistics and records of this Branch for the past year speak for themselves:

The official report of Hon. Ira Crawford, mayor of Dayton, gives the number of arrests of our members from July 12, 1885, to July 1, 1886, as 486, while for the same length of time, after the beer hall was opened (July 12, 1886, to July 1, 1887), as 274, a difference of 212.

The surgeon reports that the small number treated for alcoholism this year, 14, as compared with 38 in 1886 and 35 in 1885, is, without doubt, in his opinion, to be credited to the less number of members who are given to protracted debauches and bad liquor since the opening of the beer hall. Only such cases as can not with safety be treated out of hospital are brought to hospital for treatment after a spree, and those treated in camp, especially at the guardhouse, are not one-fifth as many this year as in former years.

That a large number of our men will drink to excess when they have the opportunity is true, and notwithstanding the watchfulness of our employees in the beer hall these shrewd old topers will manage to get tight; but on leaving the beer hall, if they show intoxication, they are at once sent up to the guardhouse, to remain until the next morning, without having had an opportunity to kick up a row in town, or on their way home, or along the avenues of the Home.

Still another result: The beer we furnish is of the very best, and the man who gets intoxicated on it to-day is fit to be turned out to-morrow morning at 8 o'clock, with a clear head and ready for duty, whereas a town drunk renders a man unfit for duty two, three, and four days.

Once more: The cry that less money would be sent by the pensioners and employees to their families is disposed of by the showing of treasurer's report and that of the postmaster.

The discipline and good order of the Home have never been as good as now within the last six or seven years at least, nor have the men been as contented.

I am happy to say that candid men and women of the most intense prohibition proclivities, who have been here at the Home and in Dayton making investigation fairly on the spot, have decided that under the circumstances it is best to leave the Home authorities to the exercise of their own judgment in this matter.

It is only theorists and fanatics at a distance, who know nothing of the circumstances, who keep up the cry, "Down with the beer saloon at the Soldiers' Home!" There are those who for their own purposes make statements to the effect that the men of the Home are induced to patronize the beer hall for the pecuniary benefit of somebody, presumably the Home authorities. It is true that the Home authorities and all connected with the Home are benefited by the expenditure of money in the Home instead of outside, the profits accruing from the sale of beer within the Home going to the post fund, which, as seen by the treasurer's report, has been very largely increased, thereby enabling the council of administration, of which the governor is chairman, to greatly increase the band, to afford more frequent amusements and of a higher class, to replenish library, reading room, etc., and, in general terms, to expend a large sum of money during the last year with the sole object of giving pleasure, comfort, and enjoyment to the men beyond what is provided for by Congressional appropriations.

It is not to be supposed that it is our object to make money, even for these purposes, at the expense of the health or morals of the men.

As we find it necessary we place restrictions upon hundreds of our men, some being entirely barred from the beer hall, and others being limited to one or two glasses, according to their physical, mental, or moral condition.

It is the opinion of every officer of the Home, whether prohibitionist or otherwise, that under existing circumstances the beer hall has reduced vice, crime, debauchery, sickness, and the waste of money that should go to the families of members in a very marked degree.

Very respectfully,

M. R. PATRICK, *Governor.*

CENTRAL BRANCH, NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
National Military Home, Ohio, May 20, 1886.

GENERAL: I have your letter of the 17th instant in relation to the beer question. To the first question, "Can it be legally done?" I answer, "It is the opinion of our best counselors that it can." I also assume that it can be done under the ninth section of our law, inasmuch as the soldiery in the service of the United States have the right to the purchase of beer on their own reservation and of the post trader, without any reference to State or local laws; and this (ninth) section gives to our men the same rights "as if they were in the Army of the United States." To the question, "Will it be for the best interests of the Home?" if I did not think it would be, I certainly would not be writing this note.

As you ask my views on this question, I will say, as a long-time company commander in garrison where strong beer or ale was on tap at the sutler's, I used my influence with my men, so far as moral suasion would go, to let it alone, because it made their brain muddy and used up their money. If they let it alone, they were less inclined to have bickerings amongst themselves, and saved money against the time of discharge. The beer of to-day is a very much lighter article—not heady, as heavy beer—and if the article is of good quality has less evil results. If I were autocrat in this part of the land, where I could control the use of intoxicants of every kind, I would banish them, but placed as we are here, our men will have beer, whisky, or something of that character, and it is utterly impossible to prevent it, every year bringing the saloons closer and closer around us, hemming us in in such wise that our men can not leave the Home without running the gantlet, and are dosed with as vile stuff as was ever brewed, to say nothing of the drugging and robbing connected with it.

I therefore accept the situation and ask myself, What is the least of the evils under the circumstances? In my own mind there is scarcely a doubt that I can so control the quality and the use of the article within the Home as to guard the men from most of the evils that grow out of their drinking habits outside. At all events, I am willing, so far as I am concerned, to make the experiment, as the result can not be worse than the present usage.

So far as the moral responsibility is concerned, I am prepared to meet it. As I announced at a gathering here in the fall, and again in the winter, in a very public manner, that if the outside "saints" and "crusading ladies" could not control those hells at our gates in self-defense we should be compelled to adopt the issue of drinks ourselves, and that I should go into it this season unless some steps were taken by the outside community for our protection.

Some of the leading clergy in town hold that my point is well taken, and that from my standpoint they do not well see how I can do otherwise. I have simply said that, as is well known, I have in the past been utterly opposed to anything of the kind. I would not make the experiment now without an intimation from the president of the board and the local manager that they were in full agreement with my views. Colonel Thomas, who was as much opposed to it as myself, has within the last year and a half or two years changed ground entirely. Colonel Harris has somewhat unwillingly, as he says, come to the same conclusion. Dr. Patton, who is a very clear-headed man in all these matters, is decidedly in favor of it. In fact, the views of all the Home staff are in favor of the experiment. All I have to say is, if you say so, I will try it.

It is not thought by any of us that the substitution in any way of beer instead of coffee would be acceptable or practicable.

Very respectfully,

M. R. PATRICK, *Governor.*

Gen. W. B. FRANKLIN,
President Board of Managers,
National Home for Disabled Volunteer Soldiers.

MEMORANDUM.

The beer hall is the property of the United States and can not be taxed. It is entirely under the control of the council of administration of the post fund, under the laws of Congress and Articles of War, subject to the law which governs post traders and sutlers of the Army. Section 9 of the law of March 3, 1865, incorporating the Home, places all inmates under the rules and Articles of War in the same manner as if they were in the Army of the United States.

This fund is in no sense a source of profit to any individual, company, or corporation, but is used for the benefit of the men of the Home exclusively. Moreover, every man in this Home is under the supervision of the chief surgeon, and it may be regarded, and in fact really is, a great hospital, the chief surgeon deciding what men would be benefited by the use of beer and who would not be benefited, a large number of men outside the hospital, as well as in, being prohibited from entering the beer hall and others limited to a single glass or, perhaps, two. Further, it is not a source of income to the post fund from sales to citizens, men of the Home only being allowed to drink or purchase beer within these grounds. This matter has been settled in the other States—Virginia, Maine, Wisconsin, and Kansas—where beer halls have been running for years at the Branches established in these States. The status of this Home is precisely the same as that of Columbus Barracks, at Columbus, in this State.

It should also be added that it was solely as a matter of safety to the members of the Home that beer was furnished within the grounds, to prevent the horrible drunkenness, robbery, and crime committed in connection with the sale of beer and other intoxicants to the members of the Home, the governor and authorities of the Central Branch having been hostile to its introduction until compelled to open the beer hall in self-defense.

Mr. SEWELL. I have also a letter here detailing the late experience of Col. Isaac Clements, a manager of the Danville, Ill., Branch of the National Home, which I should like to have inserted.

The PRESIDENT pro tempore. The letter will be inserted, without objection.

NATIONAL HOME, *Danville, Ill., December 7, 1900.*

GENERAL: I trust you will pardon me for writing you this letter, but I feel that my interest in good government and sobriety in the Soldiers' Home warrants me in addressing you. I see that the "anti-canteen amendment" has passed the House, and of course goes to the Senate for its action. I do not know whether it includes the National Home for Disabled Volunteer Soldiers. If it does not, then I have nothing to say. If it does, then I have something to say. I came to this Home as governor strongly prejudiced against the idea of the sale of any kind of liquor on the Home grounds. My principles and my feelings were all against it, and I could scarcely discuss the matter in a dispassionate manner.

After one or two pension payments, however, the very necessities in the case forced a change in my views. At first I could not bear the idea of having the canteen operated on the Home grounds, and nothing but what seemed to me to be the most urgent necessity ever induced me to change my views. Whatever may be the facts in regard to the canteen at Army posts, there are certain facts in regard to the Soldiers' Home that should not be overlooked in Congressional legislation.

First. The members of the Soldiers' Home are advanced in years; their habits of life are formed. There are very few possibilities of any change in them. Those of them who are in the habit of drinking will continue to drink if the opportunity is offered them.

Now, right or wrong, this fact exists, and can not be ignored. As much as it may be regretted, the drink habit does exist in a portion, at least, of the members of the Home, and it will remain there while life lasts. This may be an unpleasant fact, but it is one that the administration of the Home has to deal with. These drinking men may have been the very best soldiers. In some instances the habit may have been acquired in service; in others it is used to relieve pain of rheumatic or other character. Certain it is that it exists, whatever the cause of it, and they have a right to be in the Home.

Second. Now, the various branches of the Home are located near cities of greater or less size. In those cities liquor is always to be obtained at saloons, and that, as you are aware, is frequently of the most villainous character, and those members of the Home who drink liquor will patronize them if they can not do better. Many of these dives are of such a character that men are drugged, robbed, and thrown into the streets, and the question that presents itself to the management of the Home is, "How can the evil be avoided; if not avoided, then lessened?" These facts are especially true: First, the habits of life are formed; and, second, the Homes are so situated that the opportunities can not be denied them.

Now, if by allowing them beer under proper management and control they can be kept from visiting dives and drinking the villainous stuff that they too often do drink, and from being robbed, it is certainly a wise and moral thing to do. The canteen is not the complete remedy against the evil. There are those who will patronize these dens and dives in the city in any event, but very many others who would visit them are restrained from doing so by allowing them the light drinks on the Home grounds. Again, it is two or three miles from every Home to the places in the cities where these liquors are sold. The man going into them realizes that it is not possible to get anything after leaving the saloon, and he will drink to excess, taking "just one more," which he would not do if he knew that he could get a glass of beer on returning to the Home grounds. So that the sale of beer on the Home grounds not only meets the requirements of the better class of men and prevents them from visiting the saloons in the cities, but it is some inducement to the other class not to drink to excess.

Were these Homes situated at remote points where there were no means of obtaining liquor outside, the argument might be different, but, situated as they are with all the facilities for drinking and all the inducements and temptations held out to them, wisdom most certainly dictates that some inducements be held out to them to not visit those places. I desire to state positively and unreservedly that the results of permitting the sale of beer upon the Home grounds at this Branch have been in the interests of morality and sobriety in that it has kept many of the members from visiting saloons in the town. I make no reference in this letter to the fact that the proceeds for the sale of beer goes to keep up the bands, pay for lectures, theatrical and other entertainments and amusements at the Home. I desire to place what I have to say on a higher ground, that of temperance, sobriety, and morality in the Home.

Very respectfully,

I. CLEMENTS,
Governor.

Gen. WILLIAM J. SEWELL,
United States Senator, Washington, D. C.

Mr. SEWELL. In the hearing before the Military Committee several distinguished officers delivered themselves on this subject—the Secretary of War, the General of the Army, all the heads of the departments, Colonel Guenther, United States Army, commandant United States Artillery School and colonel Fourth Artillery, Fortress Monroe, and Archbishop Ireland, who voluntarily came before the committee. I should like to have the remarks of General Breckinridge, General Guenther, and Archbishop Ireland put in the RECORD at the same time without reading.

The PRESIDENT pro tempore. The Chair hears no objection. The matter referred to is as follows:

Brig. Gen. Joseph C. Breckinridge, Inspector-General United States Army, appeared before the committee.

Senator SEWELL. The question of the post exchange has, I presume, come

under your observation a great deal. How does it strike you, as compared with the old sutlers and post traders?

General BRECKINRIDGE. Oh, it is by far the best thing we have ever had in the Army of that type.

Senator SEWELL. That is, the present condition is conducive to the good of the men?

General BRECKINRIDGE. And nothing but good that I know of. It may be occasionally there is some man injured—a man may be injured by a banana peel—but on the whole it is beneficial.

Senator SEWELL. The question is whether there is a great deal more of this drinking, and whether there are not more houses of prostitution around the camp if you abolish the canteen.

General BRECKINRIDGE. I do not think there is any doubt of that. All the tendencies of the canteen are reformatory, all beneficial. I will not say it is always reformatory, because men come to us with a fair moral character, and they go away with a fair moral character There is not a trade in the United States, I believe, that has a more sober set of men than the Army. Of course when they are separated from home influences some of them may be reckless, like other humans.

The CHAIRMAN. Like college boys.

General BRECKINRIDGE. Yes, like college boys; but the canteen is a very useful institution for their benefit. There is a little light in there that has not come to the surface that I believe, possibly, is entitled to some consideration.

The CHAIRMAN. In the canteen business?

General BRECKINRIDGE. Yes. A man who is a little hungry is more apt to be badly influenced by drink than a man who is not, and almost pari passu with the establishment of the canteen the soldier has more food, and the fact is that that is beneficial in the way of preventing them from going to excess in the way of drink. They do not care for the same amount of drink they did without the canteen, and this small amount of alcohol they get in the canteen satisfies their taste and they can not get it as easy by any means nor under such restricted influences as they get it through the canteen, because the man who sells it to them is not under any personal influence.

The CHAIRMAN. And the man who sells it to them may be restricted in selling it?

General BRECKINRIDGE. Yes.

The CHAIRMAN (continuing). To one glass per day to some men, or perhaps cut the allowance of some others off entirely.

General BRECKINRIDGE. Yes.

The CHAIRMAN. And then they take that profit to purchase luxuries for the men's mess?

General BRECKINRIDGE. Yes. If there is any way of making so weak a drink endurable they are surrounded by every possible consideration. There have been very good men who have paid a great deal of attention to it.

The CHAIRMAN. We are obliged to you for your suggestions and opinion and are glad to have you say a word about the canteen. I think that is the best thing in the Army in that line.

Senator BATE. Have you any suggestions to make about its influence on young men?

The CHAIRMAN. The Adjutant General wished us to hear Dr. Munson on the canteen in the Army.

Col. Francis L. Guenther, U. S. A., colonel Fourth Artillery, Fortress Monroe, appeared before the committee.

Senator SEWELL. A good deal of talk is going on now about the post exchange, and many good people of the country, especially women, are trying to abolish it. What is your impression of it, as to its effect upon the men?

Colonel GUENTHER. I have been in the Army a great many years. I entered the Army in 1854 as a cadet and have been a commissioned officer since 1859, and while I was originally opposed to the post exchange or canteen, I will say that I now think it is one of the best things that has ever been done for the enlisted men in the Army. It has increased the contentment of the men in every way, reduced drunkenness, and we have less dissatisfaction among the enlisted men. It has reduced the number of trials by court-martial and reduced the number of desertions to a great extent. I think to abolish the canteen or exchange—the exchange and the beer feature, nothing else is sold except beer—would be almost criminal.

Senator SEWELL. It is practically a temperance measure?

Colonel GUENTHER. It is practically a temperance measure.

Senator PROCTOR. In the first place, do you think it was a mistake to abolish the post traders and sutlers—that is, prevent the sale of liquor by them?

Colonel GUENTHER. I do not think they ought to be allowed to sell liquor. My experience has been with the post traders or sutlers and the men at the Western posts before the civil war, and my first impression was that the canteen would be the same thing as the old sutler's store.

Senator PROCTOR. You believe that it was right to do away with them?

Colonel GUENTHER. Yes.

Senator PROCTOR. And you were afraid this would be as bad?

Colonel GUENTHER. Yes.

Senator PROCTOR. But experience has changed your view?

Colonel GUENTHER. My experience over many years in different posts, in California and in the East also, has been that the canteen is very beneficial.

Senator PROCTOR. Disorder and overindulgence at the post exchange are rare, are they not?

Colonel GUENTHER. I do not think it has ever occurred at Fort Monroe. I have been there over eighteen months, and I have never known any disorder resulting from the exchange. A man can not be prevented from drinking entirely; he can be restrained, but he can not be prevented from drinking anything. If you abolish the exchanges at military posts the grog shops will flourish again in the neighborhood. Take the post at Fort Monroe. I think the saloon keepers of the little town of Phœbus, which adjoins us, and the town of Hampton, right beyond, would be glad to see the post exchange abolished. I have not any doubt but what they would contribute liberally to effect it.

Senator SEWELL. And we have a Soldiers' Home in between there with good men. I have the management of that Home, and I should feel like resigning the position if the law were abolished.

The CHAIRMAN. In naming the good things of the exchange, one officer said that the deposits of money by the men had increased under that.

Colonel GUENTHER. I think so. That is one of the results of the canteen or post exchange.

Senator WARREN. I want to ask the Colonel something we will have to consider, perhaps. This section 40 of this bill reads:

"The sale of or dealing in beer, wine, or any intoxicating liquors by any person in any post exchange or canteen or Army transport or upon any premises used for military purposes by the United States is hereby prohibited. The Secretary of War is hereby directed to carry the provisions of this section into full force and effect."

You will notice that it says dealing in beer, wine, or any intoxicating liquors. The testimony before this committee has been that nothing but beer is sold. I want to ask whether it will endanger the usefulness of the exchange or really change existing conditions to simply take the word "beer" out and let it read: "Dealing in wine or any intoxicating liquors." There is really nothing but the sale of beer?

Colonel GUENTHER. That is correct.

Senator WARREN. I think we would do away with the opposition, or nearly all the opposition to the canteen would be done away with, if we took out the word "beer."

The CHAIRMAN. You think if you took out the word "beer" that would do away with the opposition?

Senator WARREN. Yes, sir. To people who do not understand it the idea of wine means an orgy of wickedness and drunkenness, and while it is simply imaginary, it is something very terrible to them. I have been thinking all the way through that if we could arrive at some middle ground there and really give the post all they require and yet have what we contend in the line of sobriety we would effect better legislation than this is.

The CHAIRMAN. They will say beer is intoxicating.

Senator PETTUS. A man has to work hard to get drunk on beer.

Senator WARREN. What evidence we have had has all been that nothing has been sold except beer.

The CHAIRMAN. Somebody said that they sold Rhine wines.

Senator COCKRELL. General Corbin said that was put in because there were some Germans who wanted Rhine wines, but he substantially agreed with Colonel Guenther here that nothing but beer was used, as a matter of fact. So if that language was modified so as to read, "no wines or liquors except beer," it would practically let the existing conditions of the exchange stand.

Colonel GUENTHER. I think that would be all right, so we could have beer for the men and exclude everything else.

Senator BURROWS. There is a difference, as I understand it, between what is denominated the canteen and the exchange.

The CHAIRMAN. There is no canteen in law.

Senator BURROWS. The Secretary of War says differently, and they make a different thing of the canteen. They say, in one place, the canteen shall not be in the exchange, but shall be separated from it. How is that in your post?

Colonel GUENTHER. As I understand it, what we know as the canteen is the beer feature of the exchange.

Senator BURROWS. That is what I understand. Is this separate from the post exchange?

Colonel GUENTHER. Yes; in different rooms.

Senator PROCTOR. As far as money is concerned, it is all the same; it is part of the exchange.

Senator BURROWS. That is not material, because what I want to get at is how they are kept. I want to know about the buildings themselves. You have the canteen where beer is sold separated from the exchange entirely?

Colonel GUENTHER. Yes.

Senator BURROWS. You have the exchange, which is a place where the men can meet, and read and write, and have conveniences there, which is a most excellent thing?

Colonel GUENTHER. Yes; they have an opportunity to write there, and it is an excellent thing.

Senator BURROWS. Where is your canteen located with reference to that?

Colonel GUENTHER. At Fort Monroe at present it is in one of the casemates adjoining the exchange, but with a separate entrance.

Senator BURROWS. Is there any communication between the two?

Colonel GUENTHER. No communication except through the front door.

Senator BURROWS. So, as a matter of fact, this talk about the temptation to drink in the post exchange is not true; the temptation is not there?

Colonel GUENTHER. No, sir.

Senator BURROWS. That has not been brought out, and I am very glad to be advised about it.

Senator PROCTOR. I think, so far as I know, in all posts that attempt is made—to keep them entirely distinct.

Senator BURROWS. That is a most excellent feature, because the exchange is superb if the selling of beer is taken away from them. The boys can go there and play a game of whist or read or write——

Senator PROCTOR. The orders in regard to that were issued years ago. I found that in reading last night. Yesterday the impression seemed to prevail that they were one and the same thing. There is no law on the subject; it is merely established by order.

Senator BURROWS. But under the orders they have done the wise thing to separate it from the exchange entirely. Now, one other thing. You were in charge of a post before the canteen was established?

Colonel GUENTHER. Yes.

Senator BURROWS. Drunkenness has fallen off since the establishment of the canteen?

Colonel GUENTHER. Very greatly.

Senator BURROWS. Men satisfied their thirst for drink without going outside the post?

Colonel GUENTHER. Yes.

Senator BURROWS. I want to call your attention to this: Whether from your experience, your knowledge of these matters, young men who go into the Army not addicted to the use of intoxicants are apt to acquire the habit of drink with the canteen separated from the exchange?

Colonel GUENTHER. I think the cases are very rare.

Senator BURROWS. But you think there are cases?

Colonel GUENTHER. I do not think there are any cases where the influence of the exchange is for the bad. Of course some men who join the Army acquire the habit of drinking, but they acquire that habit outside generally rather than inside the Army. I think the influence of the post is in favor of temperance.

Senator BURROWS. I think that fact, that the canteen is not in the same room, and soldiers going into the exchange to read or write or converse are not in the room where beer is sold, is an important fact.

Senator WARREN. One question along that line. Where the post is so constructed that a separate building is impossible I have noticed that it is then put in another room and usually is isolated from the balance, if possible. So it bears the same relation to the post exchange that the bar does to one of our hotels—the Arlington here or the Fifth Avenue in New York?

Colonel GUENTHER. As much separated as that; yes.

Senator WARREN. So those who seek it can, of course, find it, but the gentlemen and ladies who are patrons of the hotel never need know that there is a bar connected with it. And that is the idea, is it not, of the post exchange and canteen features?

Colonel GUENTHER. Yes, sir.

Senator BURROWS. I think that is very important and that the country ought to know it—that the young man going into the Army without the habit of drink is not exposed to temptation to drink in the exchange proper.

Colonel GUENTHER. No; he is not exposed to temptation.

Senator BURROWS. Who has charge of this canteen—is it a civilian or a member of the regiment?

Colonel GUENTHER. The canteen is managed under the direction of the post commander. He appoints the post-exchange officer; he is simply a controlling influence; he makes purchases, superintends the funds, and everything of that kind, and makes the disbursements, and buys the produce, and all that.

Senator BURROWS. What I want to get at is this: The person in immediate charge of the canteen, who deals out the beer?

Colonel GUENTHER. He is a civilian. There is no man in uniform doing that at all.

Senator BURROWS. And that must be so?

Colonel GUENTHER. Yes, sir.

Senator BURROWS. You can not detail a soldier for that work?

Colonel GUENTHER. No, sir. It is only done temporarily, sometimes, when we lose our civilian and have to wait a short time to replace him; but no soldier is employed for that purpose.

Senator CARTER. This civilian is paid out of the post-exchange fund and is not charged to the Government?

Colonel GUENTHER. Exactly; out of the post-exchange fund. The Government has no pecuniary interest in the matter at all.

Senator BURROWS. This charge, so often made, that the soldiers are employed as bartenders, is not true, then?

Colonel GUENTHER. No, sir; there is no truth in that whatever.

[Colonel Guenther withdrew.]

Archbishop Ireland appeared before the committee.

The CHAIRMAN. The committee understands that you desire to say something on the canteen question.

Archbishop IRELAND. Yes.

The CHAIRMAN. We will be glad to hear you.

Archbishop IRELAND. What I wish to say is based, first, on my general knowledge of the manner of treating the liquor question with any class of people, and, secondly, from what I have heard and observed regarding the working of the canteen at Fort Snelling, Minn.

So far as the general method of dealing with the liquor question is concerned, it has been my experience that it is useless to try to prohibit absolutely the use of liquor, and the world, made as it is, men having the tastes they have, if we are too severe and try to do away altogether with the use of liquor, men will find it in ways illegal and ways more harmful than they otherwise would do. And, so far as I speak of the question of the Army canteen, I have observed myself and have heard it said that the soldiers at Fort Snelling go far more seldom to St. Paul to visit saloons in St. Paul and the saloons immediately bordering on the military reservations now that the canteen is established than they did formerly when there was no canteen. They find in the camp, in the establishment, that they can have beer and wine under reasonable conditions, and they are not tempted to sneak out, as they say themselves, and get drunk.

It was well known formerly that they would go into St. Paul, and particularly so after pay day, and the result would be the following day a large number of them would turn up in the police courts. And then I know that along the military reservation it was the custom of three or four miserable saloons to establish themselves expressly and exclusively for the purpose of furnishing liquor to the soldiers—liquor of the worst kind—and not only furnishing liquor, but furnishing everything that makes for iniquity. The soldiers, when under the influence of liquor, are considered a prey for every vice and every iniquity, and much of the immorality to which some of them may be exposed comes from the use of liquor outside the forts, outside the camp grounds. Even if they were to take a little too much within the forts, they are protected against other evils—evils against which there is no protection for them when they are outside.

I know some time ago, some years ago, in the vicinity of Fort Snelling, houses of the most infamous kind were established in the name of saloons to attract the soldiers. Now there is far less chance for anything of that kind, far less chance for drunkenness, and still further less opportunity for immoralities of a more serious character. And I think for the soldiers it would be better if they were allowed a little beer. There is no use in thinking that they will become total abstainers. Very few of them will become total abstainers. What those in charge of their morals should do is to eliminate danger and reduce their drinking to moderate temperance. I say this, although all my life I have been a total abstainer, and have worked for the last thirty years in the cause of temperance, and have induced people by moral suasion in many cases to take the total abstinence pledge, and have induced thousands and thousands to do that. But when I am dealing with the people at large I am convinced that the only satisfactory and successful way is to eliminate dangers as far as possible, and to reduce the drinking to a minimum.

I have advocated high license, gentlemen, in St. Paul and Minneapolis, instead of prohibition, and I have succeeded in reducing the consumption of alcoholic liquors by that policy. I am sure the same plan would work better among the soldiers.

As to Fort Snelling, from what I have heard and observed, drunkenness has been reduced a great deal, and immorality of a worse kind has been reduced yet more, because the soldiers have been kept at home. If they get a glass of beer there, they will stay there, and if they are not able to get a glass of beer there they will sneak out, as they themselves say, and become intoxicated. I understand the canteen regulations are very good, and they can be made even more stringent in the discretion of the Secretary of War.

The trouble with the soldiers has been that there has been no recreation in their camps or in the forts. After drills the soldier is tired and dull, and if he can go into the post exchange and sit down and talk and take a glass of beer right there, it is far better than to have him go out and take it in a place where there is no object in view but to rob him.

The CHAIRMAN. We had an officer here who has stated that the savings of the men since the canteen has been established have been very considerable, and that from the fund created they are enabled to give the men magazines and newspapers, and so on?

Archbishop IRELAND. Yes; that is true. Bishop Goldrick, of Duluth, has always worked in the temperance cause. He is here with me to-day. He is a total abstainer himself, and I would like you to hear what he has to say on the subject of the canteen or post exchange.

Senator HARRIS. You spoke of a certain class of vile houses around the Fort Snelling Reservation.

Archbishop IRELAND. Yes, sir.

Senator HARRIS. Has the number of those houses been diminished since the establishment of the canteen, or otherwise?

Archbishop IRELAND. I could not answer that directly. The only answer I can give is from the men and officers, who have told me that since the establishment of the post exchange conditions are infinitely better; that the number of such houses has been diminished to a great extent. Of course, the exact number I could not myself say. Formerly I was around the fort and I knew about those things. I knew that, while they were ostensibly saloons, those houses were in reality houses of prostitution, and that the object was to get the soldiers there and get them drunk and get their money. And so I say that the canteen is far better for the soldiers and that there is far less immorality under this system.

Senator BURROWS. Just one question, if you please. Some excellent people make this objection, and I would like you to answer it: That the young man who has never been in the habit of drinking at all is tempted to drink by the canteen and led to the curse of drunkenness later on. What do you say about that?

Archbishop IRELAND. My answer is that that man in the Army is rather a rare article.

Senator BURROWS. I wanted your statement to go to the country.

Archbishop IRELAND. And, secondly, if the rare article does turn up, as it may, and he has been able to resist the temptations of the saloon in ordinary life, I think he will resist the temptations of the canteen.

Mr. SEWELL. I also should like to have the remarks of a retired officer of the Army who aided in establishing a good many of these canteens, Capt. Henry Romeyn, put in the RECORD.

The PRESIDENT pro tempore. The paper will be printed without objection.

The paper referred to is as follows:

Capt. HENRY ROMEYN, U. S. A., retired, appeared before the committee.

The CHAIRMAN. You are an officer of how many years' experience?

Captain ROMEYN. Thirty-five years' active service and seven years' experience with canteens at post exchanges.

Senator SEWELL. Have you had experience to any extent with the post exchange as at present conducted?

Captain ROMEYN. Yes, sir; I have served at Fort Ringgold, Tex.; Jackson Barracks; Mount Vernon Barracks, north of Mobile, Ala., and at Fort McPherson, Ga.

Senator SEWELL. You were also in the service at the time of the old sutlers and post traders?

Captain ROMEYN. Yes, sir; I have seen the different systems and how they work.

Senator SEWELL. What are you prepared to say as to the difference between the situation of affairs to-day and what it was originally under the post-trader and sutler system; and what effect has the post exchange had on the post and on the men?

Captain ROMEYN. I have had thirty-five years' experience in the regular and volunteer service as an officer on the active list, and in that time have seen all sorts of administration—all kinds of administration—in regard to this matter. I have seen the attempt of total prohibition in posts, and I have seen free liquor in posts. I have seen the attempt to regulate the sale of liquor—so many drinks a day and no more—and none of them conduce so well to discipline as the post exchange as at present conducted.

If I may be allowed to detail my experience, perhaps it would be as good a way as any other. I was at Fort Ringgold, Tex., on the Rio Grande River, near the little town of Riogrande City, when the canteen was established there. When the vote was taken for the establishment of the canteen I voted against it. I was not a drinking man and not in the habit of using intoxicating liquor, and I had taken my men to the Keeley cure in some cases to get them cured of the drink habit. The commanding officer, after my objection, came to me—this was after it was established—and said to me, "Will you take care of it?" I did so. In the town of Riogrande City there was almost everything that was low and vile. It was the only place the soldiers had to go for amusement outside the garrison, and it was almost universal on the part of the people in Riogrande to get the soldiers drunk. They would endeavor to get them drunk, and after the soldiers became intoxicated they would get in trouble and be robbed, and they would often wind up in the police court.

I have had my men made drunk and stripped stark naked and thrown out into the street. Two months after the canteen was established all this was stopped. The men do not drink in the post to become intoxicated, and I want to say here that I have never yet seen in all my experience a soldier who has gotten drunk in the canteen—who has gotten drunk on liquor furnished him in the canteen.

Senator WARREN. Regarding beer, is that because it is impossible to get drunk on beer or is it because the management of the so-called canteen, or exchange, does not give the men enough to get them drunk?

Captain ROMEYN. A man is not allowed to drink enough to get drunk.

The CHAIRMAN. I understand that when he has had a reasonable quantity he is not allowed to purchase any more?

Captain ROMEYN. That is correct.

The CHAIRMAN. And sometimes he is not allowed to have any? If he abuses his privilege, he is not allowed to have any?

Captain ROMEYN. Yes; if a man abuses his privileges he is not allowed to have any; that is, in the posts where I have been. The soldiers save more money and the amount deposited at Fort Ringgold was nearly 300 per cent greater than before the canteen was established, showing that the men saved their money.

Senator CARTER. Will you kindly state the difficulties you encountered in connection with the attempt of prohibiting it entirely at posts?

Captain ROMEYN. The men would go outside to vile grogshops and get whisky. When they go outside it is impossible to prohibit the men from getting drunk, and the desire of the men outside who furnish the liquor to the soldiers is that they should drink as much as they will. Their object is to get their money.

Senator CARTER. You think the canteen system is better than the strict prohibition within the limits of the post?

Captain ROMEYN. Yes, sir; because you can not enforce the prohibition system and you can enforce the canteen. In addition to the money that was deposited with the paymaster, we saved money that went to the improvement of the men's mess.

My company moved from Fort Ringgold to Mount Vernon Barracks, Ala., about eighteen months after the canteen was established, and after making one or two distributions the company took out as the company fund, as savings from the canteen, $266.

At Jackson Barracks I bought a beer table for my company, took two or three daily papers, as many magazines, and put from $60 to $75 per month on the company table, and had no drunken men. At Mount Vernon Barracks it was about the same way. There we had the Apache Indians who had been sent from Arizona, about 500 souls in all—men, women, and children. Under the law we were forbidden to sell intoxicating liquors to the Indians. I had occasion to convene a summary court-martial, and we tried 22 Indians in one day for being drunk. They got the liquor at the foot of the hill in the reservation. My recollection is I never tried more than two white men for being drunk while we were there.

At Fort McPherson there were 8 companies of the Fifth Infantry, aggregating 750 men. Fort McPherson is 4 miles from Atlanta, Ga. First we had no canteen, we had no building in which to establish it, and we were bothered with men going off the reservation and getting whisky and staying out over time or coming home drunk. The companies clubbed together and built a building at their own expense, costing about $1,600.

We stocked it with a store with such articles as men would be liable to want, and we put on a table all the illustrated weeklies, monthlies, and daily papers published in cities extending from Boston to San Francisco. We bought a baseball outfit, a basketball outfit, and an outdoor gymnasium, costing $200 to $300, and the discipline of the post was enhanced 300 per cent. With all those men in that garrison it was very unusual to have more than three or four men in the guardhouse, and I had no trouble to amount to anything while I was there with the men.

In conversation the other day my daughter said she had frequently gone over to the ice-cream saloon in the canteen, separated from the beer room by

a partition, and she had never heard an unbecoming word uttered in the canteen while she was there, showing it was an orderly place. We were enabled to make an addition of from $250 to $400 a month to buy luxuries for the men's table. That furnished them butter and eggs and things that they did not get as part of their rations.

Senator BURROWS. In all your experience with this canteen you have found that the canteen is separated from what we call the exchange?

Captain ROMEYN. That is in a separate room, sir. A man can go to the reading room, as quiet as this room, and he does not have to go to the barroom to get to the reading room.

Senator BURROWS. Then a man who is not in the habit of drinking, who does not even take a glass of beer, does not have to go where the beer is dealt out?

Captain ROMEYN. No, sir.

Senator BURROWS. Do you sell from the canteen to civilians?

Captain ROMEYN. No, sir.

Senator BURROWS. Only to the soldiers?

Captain ROMEYN. Yes.

Senator HARRIS. And the habit of treating is prohibited?

Captain ROMEYN. Yes, sir.

Senator HARRIS. Each man buys his own drink?

Captain ROMEYN. Yes, sir.

Senator HARRIS. That rule is enforced, do you think?

Captain ROMEYN. So far as I know, sir. I have not been in the barroom all the time.

Senator HARRIS. But your impression is that it is generally enforced and carried out?

Captain ROMEYN. Yes, sir.

The CHAIRMAN. It is subject to supervision and inspection; somebody walks through there?

Captain ROMEYN. The officer who is in charge of the canteen is supposed to see to it.

The CHAIRMAN. And the officer of the day would naturally look around?

Captain ROMEYN. Yes, sir.

Senator CARTER. What have you to say with reference to the opposition of the liquor dealers to the canteen system?

Captain ROMEYN. It takes away their profits.

The CHAIRMAN. And they are all on the so-called temperance side?

Captain ROMEYN. It is a curious fact that they and the very strong temperance people are all working for the same object—the destruction of the canteen.

Senator HARRIS. There is one additional question I would like to ask. Have you ever had any experience in total prohibition States? I believe in total prohibition States the canteen is not allowed.

Captain ROMEYN. They are not allowed to sell to people outside.

Senator WARREN. You can not control them on the reservation?

Senator PROCTOR. I do not think they are allowed to sell to anybody in prohibition States.

Captain ROMEYN. I have never had any experience of that kind. Georgia is said to be a dry State, but Georgia is not a dry State by any means.

Senator HARRIS. I want to find out how this bootlicking outside was conducted. In the report of the Secretary of War was an extract from an act of Congress approved June 30, 1890, as follows:

"No alcoholic liquors, beer, or wine shall be sold or supplied to the enlisted men in any canteen (exchange) or post-trader's store, or in any room or building at any garrison or military post in any State or Territory in which the sale of alcoholic liquors, beer, or wine is prohibited by law."

So it applies to the enlisted man; he is not allowed to have it. What I was getting at is how the men can get the liquor from the outside.

Senator PROCTOR. I was very sure that was the law in prohibition States.

Senator HARRIS. There is this grogery business surrounding military reservations.

Captain ROMEYN. I have never yet been in a place where men, if they chose, could not get whisky. I have been at a post in southern Colorado where there was no town within 30 miles, and yet the men could get whisky, and they got drunk, too. Some Mexicans would come along and take their place outside the camp, and you would see a little fire on the hill at night, and the next day some of the men would be drunk. They got the whisky out there from the Mexicans.

Senator WARREN. I want to ask one question explaining that matter as to soldiers not being allowed to solicit or treat each other. To what extent is that carried? If two soldiers come in together and order beer and one pays for it, I suppose that would be considered all right; but prohibition or the inhibition is that there shall be no teasing, no soliciting, or threatening, if you please, on the part of one soldier to get another to drink?

Captain ROMEYN. It would be difficult for an officer to answer that, because if an officer was in the room they would not urge a man.

Senator HARRIS. As I understand the regulation, it would prohibit one man paying for the two drinks. That is the regulation clear enough.

Captain ROMEYN. There is another regulation from the War Department, that a man is not allowed credit to the amount of more than one-fifth of his pay. Of course, after he has been paid the money is his own and he can do what he pleases with it; but a man can not get credit to a greater amount than one-fifth of his pay.

The CHAIRMAN. What does that amount to?

Captain ROMEYN. I used to give my men $3 a month credit. No man was ever forced to give checks.

Senator BURROWS. Is whisky ever kept on sale at the canteen?

Captain ROMEYN. No, sir.

Senator BURROWS. That law is strictly enforced?

Captain ROMEYN. Yes, sir.

Senator BURROWS. And gambling is prohibited?

Captain ROMEYN. Yes, sir.

Senator BURROWS. You do not think, however, that the temperance people and saloon keepers are actuated by the same motive?

Captain ROMEYN. No, sir.

Senator SEWELL. It has the same result, though.

Mr. SEWELL. Mr. President, I do not desire to detain the attention of the Senate any longer except to impress upon its members the idea that the American soldier does not want and ought not to be condemned to a reformatory. In my opinion you can not recruit the Army of the United States if you pass this provision as it came to us, advocated as it is by a great many good men and good women. It is against our Constitution to be tied down in that way. A young American will not volunteer if he is going, as I say, to a reformatory institution.

Archbishop Ireland was asked by a distinguished member of the Senate in relation to the protection of a young man who had just left his mother and had gone into the Army, who might be induced by the canteen to get into other extravagances. He replied that the canteen is a protection to him. Every young man 20 or 25 years of age has taken a glass of beer, as a rule. Archbishop Ireland said that after he had passed the ordeal of the saloons of a large city the canteen would be a protection for him instead of alluring him to anything else.

Mr. HAWLEY. Mr. President, it is not an easy or agreeable task to argue against the very respectable ladies and men who, under the grossest of mistakes, have been making this bitter war upon the post canteen while nine-tenths of the intelligent men who are thoroughly familiar with it, officers and citizens in the vicinity, say it is a great promoter of temperance and good order and that without it the Army would return to its old days of occasional severe drinking and disorder, and all that. It appears clearly from the statistics that everything bad is diminished where the exchange is and that everything good is increased.

My eye catches one item only in a statement here. I have visited the Soldiers' Home at Dayton. I have gone over it and examined it, and under the guiding eye and the hand of Colonel Patrick, who is a stanch prohibitionist and an advocate of the canteen. He is a teetotaler and a prohibitionist. He was provost-marshal-general of the Army of the Potomac. He has been for several years the commanding officer at the Soldiers' Home at Dayton. I was told there about the condition of that Home before the post exchange was established, and I made some slight observation. I was told, by the way, that it was a common thing to find a drunken soldier in a fence corner on certain occasions more particularly.

Now, the report of Hon. Ira Crawford, mayor of Dayton, gives the number of arrests. The number, says General Patrick, from July 5, 1885, to July 1, 1886, was 484, while for the same time, after the beer hall was opened in 1886–87, the number was 274, a difference of 210, or nearly one-half.

The report upon desertions is remarkable. From 1885 to 1891, before the canteen was established, there was an average of 9.18 cases of desertion. For the six years of the canteen ending in 1897 the average of desertions was 4.53, about 4½ per cent of desertions, as against 9.18 per cent in the six years previous to the establishment of the canteen.

Here is a table showing the total number of convictions in the Army for drunkenness since the establishment of the canteen, taken from the reports of the Judge-Advocate-General:

Year.	Total number of trials and convictions in the Army.	Number of trials and convictions for drunkenness and conditions arising therefrom.
1886	1,640	342
1887	1,730	289
1888	1,999	357
1889	1,752	423
1890	1,907	407
1891	2,000	417
1892	2,198	228
1893	2,189	163
1894	1,728	120
1895	1,486	142
1896	1,384	168
1897	1,245	143
Average for the 6 years 1886–1891	1,838	372.5
Average for the 6 years 1892–1897	1,605	160.6

From this it will be seen that the average for the six years from 1886 to 1891, inclusive, of convictions for drunkenness was 1,838; that the average for the six years from 1892 to 1897, inclusive, was 1,605, and the number of trials and convictions for drunkenness and conditions arising therefrom ran down from 372.5, which was the average for the six years prior to the establishment of the canteen, to 160.6, which was the average for the six years from 1892 to 1897, inclusive, after the canteen system was thoroughly established.

There are some interesting statistics here concerning alcoholism.

Mr. GALLINGER. Will the Senator kindly restate the last figures he gave?

Mr. HAWLEY. The average trials and convictions in the whole Army during the period I have named, between 1886 and 1891, was 1,838.

Mr. GALLINGER. The whole number?

Mr. HAWLEY. The number of trials and convictions for drunkenness and conditions arising therefrom was 372.5 from 1886 to 1891, inclusive, six years, and 160.6 for the six years from 1892 to 1897, inclusive, a reduction of more than one-half for the six years during the existence of the canteen.

The canteen is greatly misunderstood, though I should think the public would begin to learn what it is by this time.

Mr. GALLINGER. Will the Senator permit me a moment?

Mr. HAWLEY. I would a great deal rather not. I am not on the witness stand for cross-examination.

Mr. GALLINGER. Of course the Senator is not on the witness stand. I have no right to interrupt him without his consent, and he can use his pleasure. I merely wanted to call his attention to a matter that I thought of importance.

Mr. HAWLEY. I shall be glad to hear from the Senator after I finish the remarks I have in mind. The quantity of matter is such and it is so irregularly scattered that it is vexatious to try to find it.

I have stated the fact that desertions went down from 9.18 per cent, which was the average before the canteen system was established, to 4.53 after it was established. The Adjutant-General made an elaborate report in December last giving the constitution, organization, rules, laws, and everything relating to the exchange. He says:

The post exchange was established in 1889 as a substitute for the traders' store system, which the Department had determined to abolish.

That used to be a country store, containing almost everything, rum included, and it was simply a curse, but it was legally established by the Government, and it was thought a great thing by some men to get the right to run one of those traders' stores in the vicinity of the great forts. The establishment of the post exchange made a change in all that.

Its features were: (*a*) A well-stocked general store, in which such goods are kept as are usually required at military posts and were formerly supplied by the trader; (*b*) a well-kept lunch counter, where such articles as tea, coffee, cocoa, nonalcoholic drinks, soup, fish, sandwiches, pastries, etc., are always on sale; (*c*) reading and recreation rooms, supplied with books, periodicals, and other reading matter, paper and envelopes, where men can write letters to their friends; billiard and pool tables, bowling alley, and facilities for other proper indoor games, as well as apparatus for outdoor sports and exercises, such as cricket, football, baseball, tennis, etc.; (*d*) a well-equipped gymnasium, and, incidentally, (*e*) a room used for no other purpose in which the sale of beer and light wines was permitted whenever the commanding officer "is satisfied that giving to the troops the opportunity of obtaining such beverage within the post limits will prevent them from resorting for strong intoxicants to places without such limits and tends to promote temperance and discipline among them."

No spirituous liquors, such as whisky, brandy, gin, and high wines, have ever been sold in the canteen, their sale being positively prohibited; the sale of beer limited to week days and must be consumed upon the premises; the practice of treating and every form of gambling absolutely forbidden. The sale of beer was authorized for two reasons. First, as above cited, to keep the men away from the drinking saloons and low dens of vice that fringe every large military post, and second, that through the profits the soldier's ration could be supplemented by such extras as milk, eggs, butter, lard, ice, and such other articles regarded as indispensable by the poorest family in civil life, but which, for obvious reasons, are not a part of the army ration. The establishment, in a few words, embodies the features of a cooperative store and an enlisted man's club.

Following the year 1889, the development of the exchange was gradual and always progressive. In the beginning a great many officers were opposed to it, but this opposition, as is shown by official records during the four or five following years, almost entirely disappeared, so that by the beginning of the year 1895 there were exchanges at every military post, and the result of the experiment was so fully demonstrated that it was recognized everywhere as a most important feature of army administration. No complaints of any consequence were made against it, and every report from commanding officers and department commanders was highly commendatory.

Some changes have been made in the system, all of them profitable in the way of laying up money for the benefit of the soldiers, diminishing drunkenness, and increasing the moneys deposited for them and their families.

They have resulted in driving away from the vicinity of the posts the saloons and dens of vice which formerly surrounded them, and by their profits they have enabled the soldier to supplement his ration with such extra articles as give him the best table fare accorded the soldiers of any nation in the world; and the abolition of the exchange, which would be the natural result from prohibiting the sale of beer, if we are to judge from the practically unanimous sentiment of the Army, would prove a most serious detriment not alone to military discipline, but to the well-being and contentment of the enlisted men.

The Secretary of War made a very careful canvass of the Army about a year ago for the purpose of informing himself on the question. He says:

Every commanding officer of regiments, battalions, troops, batteries, and companies, and the noncommissioned officers of longest service were called upon for their opinions. The opinions of general officers were not called for, for the reason that their views on the question were already of record. The views of staff officers were not required, for the reason that very few of them were serving with troops; nor of lieutenants, for the reason that the greater number of them had entered the service since the exchange system was introduced, and obviously had no knowledge of earlier conditions.

The result of this canvass, together with the information already in possession of the Department, shows that the advocates and supporters of the canteen system embraced every general officer except two, every colonel of cavalry, every colonel of artillery, every colonel of infantry but one, 504 of the 516 commanding officers of organizations, and fully 95 per cent of the noncommissioned officers of oldest service. The practical unanimity of sentiment was so apparent as to leave no room whatever for doubt. It developed the fact that 908 commanding officers and noncommissioned officers out of the 1,019, whose opinions were received, said that it has improved the discipline of the Army; 739 that it has decreased desertion; 825 that it has lessened the number of trials by court-martial for petty offenses; 909 that it has lessened drunkenness; 980 that the selling of beer at the post prevents the men from going outside to procure whisky and other strong intoxicants.

It was further developed by a careful investigation made by Assistant Surgeon Munson, United States Army—

An eminent surgeon and physician—

that the effect of the canteen system upon the sick rate has been so marked as to have attracted the attention of medical experts; that the percentage of cases of hospital treatment for alcoholism and its direct results, which for the ten years preceding the introduction of the canteen system averaged 64.28 per thousand, had gradually decreased during the ten years following the introduction of the canteen to 44, 46, 44, 44, 41, 37, 34, 32, 31, 30; that cases of delirium tremens had been reduced 31 per cent, and that the cases of insanity due to intoxicants had been reduced 31.7 per cent.

In the face of this testimony of the men who are in direct contact with the system, and of expert investigation, it is safe to presume that the prohibition of the sale of beer in the post exchange means an increase of whisky drinking and drunkenness, and the consequent necessity for medical treatment, an increase of the horrors of delirium tremens and insanity, an increased number of courts-martial and punishments, and of desertions, to the scandal of the service, no less than a decrease in discipline, health, and morals, and the consequent diminution of contentment, self-esteem, and self-reliance upon the part of the enlisted men, to say nothing about its effects on the surrounding communities.

These are the results accepted by the men who are thoroughly capable of judging of the situation, and having no motive whatever for anything but a correct statement. The commanding officers, of course, take great pride in the condition of their men. Much drunkenness in the camp is a great vexation; it takes the time of the officers and destroys the time of the men.

In the face of all this testimony to the beneficent influence of the canteen as an aid to morality, health, and discipline, it may be easily understood why the Army views with a feeling of dismay any action of Congress looking to its abolition. This overwhelming majority of officers, who are responsible to the Government for the lives and well being of their men and dependable upon their good conduct, contentment, and efficiency for the correct performance of the duties enjoined upon them, reasonably feel that they are better judges of what is best for their men than outsiders, who, however praiseworthy their motives in the abstract, can have no possible knowledge of the concrete.

Here, for example, are some pages of reports from scattered posts in the Philippines. I will read two or three of them, and will state that the remainder have the same general tendency.

The commanding officer at Malolos remarks:

Although this exchange was organized less than two months ago (May 8), the good effects upon the men in added contentment and sobriety is noticeable. There has not been a case of drunkenness since its establishment, while the drinking of vino has been greatly lessened, and I believe through the sale of beer the habit of drinking it (vino) will be broken up. If no other result could be claimed for the post exchange, the continuance of that institution would be amply justified.

The commanding officer at Florida Blanca says:

Although this exchange has been in operation but two months, it has proven a satisfactory venture in every particular. The men, now that they can secure a bottle of American beer when so inclined, no longer indulge to any extent, or at all, in the poisonous native drinks which are to be had at a small sum for an unlimited quantity and which it is next to impossible to control the sale thereof.

The commanding officer at Bulacan, the commanding officer at Lubao, the commanding officer at Pampanga, the commanding officer at San Mateo, the commanding officer at San Fernando del Union, and the commanding officer at Lingayen testify to the same effect.

The commanding officer of the Third United States Cavalry at Vigan, Luzon, says:

A post exchange, when properly conducted, is a source of comfort to the soldiers, and its influence upon the welfare of a command is always salutary. It promotes discipline, temperance, and morality, and its abolition would be indeed a calamity for the Army, but a veritable godsend for the saloon keeper.

Mr. PETTIGREW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from South Dakota?

Mr. HAWLEY. Yes.

Mr. PETTIGREW. I should like to ask the Senator whether there is any testimony which shows that the use of intoxicants at the post exchange is a benefit to the soldiers who use them?

Mr. HAWLEY. I am not speaking of intoxicants. I leave out of consideration all the stronger liquors because it is well known that they are not sold.

Mr. PETTIGREW. Is there testimony in regard to the effect of these intoxicants upon the soldiers who use them, whether it is to their advantage and for the benefit of their morals?

Mr. HAWLEY. There is not, for intoxicants are not used. So it is impossible to show what the influence would be, unless we go back to the days before the establishment of the canteen or post exchange; and then we can find plenty of statements as to the effect of the use of strong drink upon the soldiers.

Mr. PETTIGREW. Is it not a fact that at the post exchange everything is now excluded but beer?

Mr. HAWLEY. Under the law as it now stands wines are admitted; that is, light wines, of course; but that is to be dropped out by the amendment proposed by the Senate committee.

Mr. PETTIGREW. Was there any testimony on the part of the Army officers showing why wine should be excluded?

Mr. HAWLEY. Yes; the opinion was that it had better be excluded because it would be rather difficult to draw the line between the light Rhenish wines and some of the stronger wines that are easily intoxicants; and so it was thought best to prohibit the sale of wine entirely.

Mr. PETTIGREW. Did any of the testimony show that wine had an injurious effect upon the soldiers?

Mr. HAWLEY. There is no testimony to that effect at all, but

I gave you the reason, which is that the difference between the light wine and the strong wine is so difficult to establish that the use of wine at all is liable to lead to the drinking of the stronger kinds.

Mr. PETTIGREW. Then there was no testimony to show that the effect of the wine was injurious to the soldiers?

Mr. HAWLEY. There is the opinion of General Miles and others that wine should be omitted. I think the Secretary of War favored the striking out of the word "wine."

Mr. PETTIGREW. Was any reason given for that?

Mr. HAWLEY. I decline to answer the Senator further. His questions are so inconsequential that I decline to answer another one.

Mr. PETTIGREW. Of course, I will not annoy the Senator, as I am well aware of his inability to answer any question.

Mr. HAWLEY. Oh, what does the Senator mean by that kind of a low-down insult? Has he been to a saloon outside of the post exchange?

Brig. Gen. John M. Wilson, Chief of Engineers, United States Army, says:

I will simply state that, in the first place, I am a total abstainer; I am a thorough, absolute, and unqualified believer in the canteen as it now exists. I introduced it at the Military Academy. It reduced venereal diseases, it reduced the drunks; instead of running after lewd women and drinking whisky they stayed at home, and at the end of the first year $1,800 was turned in, which was added to the fund for mess expenses.

Among those who appeared before us was Col. Francis L. Guenther, commandant United States Artillery School and colonel Fourth Artillery at Fortress Monroe, a man who has been thirty-five years in the Army and seven years, he told us, at places where there were post exchanges. He says:

I entered the Army in 1854 as a cadet and have been a commissioned officer since 1859, and while I was originally opposed to the post exchange or canteen, I will say that I now think it is one of the best things that has ever been done for the enlisted men in the Army. It has increased the contentment of the men in every way, reduced drunkenness, and we have less dissatisfaction among the enlisted men. It has reduced the number of trials by court-martial and reduced the number of desertions to a great extent. I think to abolish the canteen or exchange would be almost criminal.

Brig. Gen. Joseph C. Breckinridge, Inspector-General United States Army, says very much the same. I quote a portion of his statement, as follows:

It is by far the best thing we have ever had in the Army of that type. All the tendencies of the canteen are reformatory, all beneficial. I will not say it is always reformatory, because men come to us with a fair moral character, and they go away with a fair moral character. There is not a trade in the United States, I believe, that has a more sober set of men than the Army. Of course, when they are separated from home influences some of them may be reckless, like other humans.

A man who is a little hungry is more apt to be badly influenced by drink than a man who is not, and almost pari passu with the establishment of the canteen the soldier has more food, and the fact is that that is beneficial in the way of preventing them from going to excess in the way of drink. They do not care for the same amount of drink they did without the canteen, and this small amount of alcohol they get in the canteen satisfies their taste, and they can not get it as easy by any means, nor under such restricted influences, as they get it through the canteen, because the man who sells it to them is not under any personal influence.

Archbishop Ireland, a very abstinent man, who lived many years in the vicinity of the post at Fort Snelling, and who has studied the workings of the canteen, says:

So far as the general method of dealing with the liquor question is concerned, it has been my experience that it is useless to try to prohibit absolutely the use of liquor, and the world, made as it is, men having the tastes they have, if we are too severe and try to do away altogether with the use of liquor, men will find it in ways illegal and ways more harmful than they otherwise would do. And, so far as I speak of the question of the Army canteen, I have observed myself and have heard it said that the soldiers at Fort Snelling go far more seldom to St. Paul to visit saloons in St. Paul and the saloons immediately bordering on the military reservations, now that the canteen is established, than they did formerly, when there was no canteen. They find in the camp, in the establishment, that they can have beer and wine under reasonable conditions, and they are not tempted to sneak out, as they say themselves, and get drunk.

It was well known formerly they would go into St. Paul, and particularly so after pay day, and the result would be the following day a large number of them would turn up in the police courts. And then I know that along the military reservation it was the custom of three or four miserable saloons to establish themselves expressly and exclusively for the purpose of furnishing liquor to the soldiers—liquor of the worst kind—and not only furnishing liquor, but furnishing everything that makes for iniquity. The soldiers, when under the influence of liquor, are considered a prey for every vice and every iniquity, and much of the immorality to which some of them may be exposed comes from the use of liquor outside the forts, outside the camp grounds. Even if they were to take a little too much within the forts, they are protected against other evils—evils against which there is no protection for them when they are outside.

I know some time ago, some years ago, in the vicinity of Fort Snelling, houses of the most infamous kind were established in the name of saloons to attract the soldiers. Now there is far less chance for anything of that kind, far less chance for drunkenness, and still further less opportunity for immoralities of a more serious character. And I think for the soldiers it would be better if they were allowed a little beer. There is no use in thinking that they will become total abstainers. Very few of them will become total abstainers. What those in charge of their morals should do is to eliminate danger and reduce their drinking to moderate temperance.

I say this, although all my life I have been a total abstainer, and have worked for the last thirty years in the cause of temperance, and have induced people by moral suasion in many cases to take the total abstinence pledge, and have induced thousands and thousands to do that. But when I am dealing with the people at large I am convinced that the only satisfactory and successful way is to eliminate dangers, as far as possible, and to reduce the drinking to a minimum.

I have advocated high license, gentlemen, in St. Paul and Minneapolis, instead of prohibition, and I have succeeded in reducing the consumption of alcoholic liquors by that policy. I am sure the same plan would work better among the soldiers.

In another place Bishop McGoldrick testifies in very much the same way.

The Secretary of War, Hon. Elihu Root, says:

May I call your attention to the collection of military testimony which is annexed to my report of last year? In that report I have set out the existing statutes and the regulations on the subject of the canteen, and I want to add one thing to this testimony. Not only is the canteen a great means of increasing the morality and health and discipline of the soldiers, but it is the one thing that makes it possible to make the camp, the military post, an agreeable place for the soldiers. We can talk about it just as much as we please—total-abstinence clubs are not successes. And the post exchange is a club, and the men get together there and they play dominoes and checkers and billiards, and they read and talk and smoke, and they drink their glass of beer, and it is an agreeable place and the men do not go away.

If you pass the provision which the House has put in, prohibiting the sale of beer and light wines in the canteen, you break that up, and the result is going to be as soon as it gets around it will stop our enlistments. That is a matter of serious practical consequence. The men are not going to enlist when they understand that they are going to be confined in the reform school.

Then he proceeds to make some comment about the vile diseases that were contracted, and the vile people who gathered around under the old system.

Rev. Oliver C. Miller, chaplain, voluntarily attached to the Fourth United States Cavalry, stated:

In conclusion, I would say that such men as Chaplains Freeland and Pierce and others who have examined conditions in the Philippines are in favor of the canteen and the present Army regulation; and just as I left, in August, the Ministerial Association of the City of Manila, which comprises the pastors of the Protestant churches there, the workers of the Young Men's Christian Association (the secretaries), and the chaplains had a meeting. At that meeting the post exchange was discussed, and the result was that after a fair discussion the ministers were unanimous, except two, that it would be a great hurt at the present time to abolish the canteen system in the Philippines, and those two clergymen were in doubt as to which way they would vote.

The Secretary of War, in his report for 1899, said:

It is recognized that alcoholism and insanity are closely related through the direct influence exerted by intoxicants in the production of mental aberration. Hence, it is not surprising to find that the average number of cases annually coming under treatment was 35.1 per cent for the seven-year period from 1885 to 1891, prior to the establishment of the canteen system, and only 24 as an annual average for the six subsequent years, 1892–1897. These figures show a reduction in insanity amounting to 31.7 per cent. As to the number of days in the service lost annually from insanity the improvement since the institution of the canteen is even more marked. Figures for the years 1885 and 1886 are not available, but for the five-year period 1887–1891 the average number of days lost was 1,563, while for the six years 1892–1897 the service annually lost to the Government from this cause amounted to only 924.5 days, a decrease of 40.9 per cent.

He said further:

During the year ending June 30, 1898, the aggregate receipts of the exchanges in operation in the Army amounted to $1,621,388.67, and there was received as money on deposit $189,258.81, making the total amount of money received $1,810,657.48. There was expended for merchandise purchased, rent, fixtures, and repairs, and expenses of operation $1,297,737.16, which, less deposit, gives a profit of $323,661.51. From this amount there was donated to the funds of the several regimental bands $9,154.51; to the maintenance of post gardens, $1,559.17; to post libraries, $640.06; to gymnasiums, $2,913.75; as prizes for the encouragement of athletic sports, $4,338.41, and after setting aside the sum of $60,877.58 as a reserve fund to meet anticipated expenses for at least one month, there was returned to the members in the form of dividends the sum of $254,890.93.

I wanted to find a statement apropos of what has been said as to the number of officers who were reported as opposing the canteen at a prior date. During the campaign the following officers were quoted as against the canteen:

Generals Miles, Shafter, Wheeler, Corbin, Sternberg (Surgeon-General), Howard, Henry, Boynton, Wilcox, Stanley, Rochester, Harries, Carr, Carlin, Graham, Bliss, Lee (Assistant Quartermaster-General). Of this number, General Shafter is the only officer on record as unalterably opposed to the canteen system. That General Miles is not opposed to the canteen system will be seen from his printed report on page 7 of House Report No. 1701, Fifty-sixth Congress, first session, as also from his General Orders, No. 87, July 2, 1898, published on page 6, in which he remarks that—

"Commanding officers of all grades and officers of the medical staff will carefully note the effect of the use of such light beverages—wines and beer—as are permitted to be sold at the post and camp exchanges, and the commanders of all independent commands are enjoined to restrict, or to entirely prohibit the sale of such beverages, if the welfare of the troops or the interests of the service require such action."

This language is almost identical with that of the exchange regulations (paragraph 10). If General Wheeler is opposed to the canteen system, there is nothing of record in the War Department to show it. General Corbin and Surgeon-General Sternberg, who were originally opposed to the exchange, have both very frequently, in published statements, announced the reason for their change of opinion and their conviction that the canteen system has been most beneficial to the Army.

General Howard was originally an opponent of the canteen, but he left the service before he had had the opportunity to witness its workings. General Henry was not an opponent of the canteen: on the contrary, there are many reports on file in the War Department in which he testifies to the beneficial effects of the canteen experiment. General Boynton, as well as Assistant Quartermaster-General Lee, were witnesses of the scandalous conduct of canteens at Chickamauga Park in 1898, as conducted by volunteer organizations in violation of canteen regulations—

I suppose that has reference to the orgies to which the Senator from New Hampshire [Mr. GALLINGER] alluded—

and which were promptly suppressed as soon as brought to the attention of the War Department. General Wilcox left the Army before the canteen system was inaugurated. General Stanley and General Carr were both retired

from active service before the canteen was fairly in operation, and if opposed to the canteen there is nothing on record in the War Department to show it. General Rochester left the service before the canteen system was inaugurated.

It is true that General Harries, while colonel of the First District of Columbia Volunteer Infantry, forbade the starting of a canteen in that regiment; but inasmuch as he has permitted a canteen to exist at the several encampments of the District of Columbia militia, of which he is the head, it is not thought that his opinion is of much weight in this connection.

General Carlin was strongly opposed to the breaking up of the post-trader system, the suppression of which resulted in the post exchange, but he left the service before the experiment was fairly under way. Neither General Graham nor General Bliss was opposed to the canteen system. Both of them are on record to the contrary. On the other hand, reference to House Report No. 1701, Fifty-sixth Congress, first session, will show that the three senior general officers of the Army—Generals Miles, Merritt, and Brooke—are advocates of the canteen system.

Major-General Otis is one of the strongest advocates of the canteen, as is also General Wood, General Merriam, General MacArthur, General Chaffee, General Bates, General Wheaton, General Wilson, General Davis, General Schwan, General Hall, General Hughes, General Kobbe, Gen. J. Franklin Bell, Gen. James M. Bell, General Randall, General Hare, Gen. Fitzhugh Lee, General Funston, General Grant; in fact, of the general officers now in the service the only ones known to be opposed to the canteen system are General Shafter and General Ludlow.

To this are to be added all of the 10 colonels of cavalry, all of the 7 colonels of artillery, all of the 49 colonels of infantry except 1, and 504 of the 516 commanding officers of batteries, troops, and companies.

I will read a short note from General Sternberg:

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
Washington, October 1, 1900.

SIR: My attention has been called to a published statement, attributed to me, opposing the army canteen. I presume this statement as published is practically what I said some years since when interviewed upon the subject, although I do not at present remember to whom it was given. I did not at first look with favor upon the proposition to sell beer to soldiers at army canteens. That opinion was not based upon personal observation, as I had not been stationed at a military post since the canteen was established.

Owing to the general consensus of opinion among line officers and medical officers of the Army, who have had ample opportunity to observe the effect of the army canteen upon the habits of our soldiers, I am obliged to admit that, from a practical point of view, it seems to have accomplished very desirable results in reducing the amount of drunkenness in the Army and the disposition on the part of the soldiers to leave their stations for the purpose of obtaining spirituous liquors.

Very respectfully,
GEO. M. STERNBERG,
Surgeon-General United States Army.

THE ADJUTANT-GENERAL OF THE ARMY.

There is an abundance of other matter here, but I will not burden the RECORD or weary Senators.

The motive of the people who are saying so much to us is unquestionably good, but I do hope that sentiment will not be allowed to run away with what I consider the common sense of the affair. Now, here is a letter from a clergyman, which I should like to read.

I inclose an appeal that has come to me from the Woman's Temperance Union of Connecticut, and it stirs me up to write to you that the testimony from my own young men in the Army during the Spanish war—one a member of my church, another of my Sunday school—is to the effect that your substitute to section 40 of the Army bill allowing the sale of beer in the post exchange is a good thing. I hope it will pass instead of the House amendment. I presume you will be deluged with letters as a result of this appeal from the women, but are they entitled to much weight in face of the testimony of those who have been in the Army, who know how the post exchange has worked for temperance? I hope to see the Senate vote on that matter according to its judgment, and not overcome by the clamor of people who don't know what they are talking about.

Here [exhibiting] is another statement of a similar character, but it is from a prominent business man, and not from a clergyman.

No, I hope sincerely and earnestly that the Senate will not so vote as to add 20 or 30 per cent to all the crimes and misfortunes among our troops. I have the firmest belief that the return to the old-fashioned way would, in a single year, be regarded as an unspeakable calamity.

Mr. MONEY. Mr. President, I shall vote to support the amendment of the committee, and because I shall do that I have thought it proper to give some reasons to the country, or rather to my own constituents, why I do so. I do not expect to change any votes, but I do intend to give what I consider good, sound reasons why the canteen should not be abolished.

In the first place, I will say that I can speak with great freedom upon this question, because I have never myself been addicted to the use of any kinds of spirits, either distilled, vinous, or malt. I do not chew tobacco or smoke. I have no artificial wants, and therefore have never felt the need of a drink. I will say also that I am not only a temperate man, but I have always been a temperance man.

In my State, when retail groceries had to be established by petition I never signed one. When the law was changed and localities were permitted to establish them or not, I always voted the dry ticket; and I am here speaking for the canteen amendment because it promotes temperance, because it promotes good health, because it promotes morals, because it promotes discipline, and comfort, and contentment among our soldiers. I say this upon the overwhelming testimony of the officers, from the distinguished Lieutenant-General of the Army down to the corporals who were interrogated by the circular letter asking information upon the several questions involved. I speak also upon a comparison of the record, from the Secretary of War, from the Judge-Advocate-General, from the surgeons, from the hospital reports upon this question for the six years preceding and the six years subsequent to the establishment of the canteen.

My friend the distinguished Senator from New Hampshire [Mr. GALLINGER] said that the lack of desertions could not be claimed to the credit of the canteen, because a man could not conveniently desert in Luzon or Cuba, but he neglected to note the fact that this comparison ceased in the year 1897, before there was any war in the Philippines or in Cuba. Consequently, he failed on that point.

He also made the point, which I will now notice for fear I forget it, that we forbid the use of spirits on board ship. That is very good, because a man can not step overboard into the sea and get a drink. He has to stay within the ship, and it is feasible to deny him the use of any sort of spirits or any sort of liquor. But it is not a question here whether the soldier has joined a temperance society when he joins the Army or whether by law he shall be compelled to be temperate. The question is whether he shall drink beer under certain circumstances favorable to temperance or whether he shall drink bad whisky on the outside of the compound. It is not at all a question of legislating upon the temperance of the soldier, because he can drink. If the Senator or the opposition to this measure can so arrange it that there will be no low whisky shops, with their annexes of brothels and gambling hells, right convenient to every post, then I might go with them and vote against the amendment.

The people who have been sending me petitions are all of one sort. They are against the canteen. They are church people, belonging to the most powerful and influential body of people in my State; a church that I love and respect. The petitions are from the Woman's Christian Temperance Union, and no man on earth can have higher deference and respect for them and their wishes than I do; but there is such a thing, and there is nothing more dangerous, than zeal without knowledge. These good people have a fervent desire in their heart to promote the cause of temperance, and I wish them godspeed and am willing to join them whenever they can show me the way. I want to promote the cause of temperance in any way, but the ways and means that appear best to them do not appear best to me, and as they have no responsibility and as I have a very great one, I am compelled to follow the record which shows that the canteen does promote temperance, morality, discipline, and comfort in the Army.

It is unnecessary to go outside of the public record. My learned friend the Senator from New Hampshire quoted the London Lancet and other authorities of the medical profession. I recollect a good many years ago (his quoting the Lancet brought it to my mind) an editorial in the Lancet that said that the workingman of Great Britain was not such a fool after all for spending part of his earnings in beer, because it is said beer built up the fiber tissue wasted by work quicker than any other form of food. I do not know whether or not that is true, but that is what the Lancet said at that time. But at any rate we have here the Lieutenant-General of the Army, the Adjutant-General of the Army, commanders of every grade before the committee testifying all one way, so far as I am informed.

Do these good people who want temperance—these good people who petition their Senators (and I want to say a great many of the Senators are more likely to vote their opinion about it than their judgment; I find no fault with them, but I think it is the fact) know what a canteen or a post exchange is? Here is what the Army Regulations say it is:

The post exchange will combine the features of reading and recreation rooms, a cooperative store, and a restaurant. Its primary purpose is to supply the troops at reasonable prices with the articles of ordinary use, wear, and consumption not supplied by the Government, and to afford the means of rational recreation and amusement.

Its secondary purpose is through exchange profits to provide the means for improving the messes.

* * * * * * *

An exchange doing its full work should embrace the following sections: (*a*) A well-stocked general store, in which such goods are kept as are usually required at military posts, and as extensive in number and variety as conditions will justify; (*b*) a well-kept lunch counter, supplied with as great a variety of viands as circumstances permit, such as tea, coffee, cocoa, nonalcoholic drinks, soup, fish, cooked and canned meats, sandwiches, pastries, etc.; (*c*) a canteen, at which, under the conditions hereinafter set forth, beer and light wines by the drink, and tobaccos, may be sold; (*d*) reading and recreation rooms, supplied with books, periodicals, and other reading matter, billiard and pool tables, bowling alley, and facilities for other proper indoor games, as well as apparatus for outdoor sports and exercises, such as cricket, football, baseball, tennis, etc.; a well-equipped gymnasium, possessing also the requisite paraphernalia for outdoor athletics.

At small posts it may be impracticable to maintain all of these sections, but at every exchange there should be no less than two departments—the refreshment, embracing store, lunch counter, and canteen, and the recreation, which includes all the other branches.

10. Sale of liquors prohibited.—The sale or use of ardent spirits in any branch of the exchange and in any encampment or fort or on any premises used for military purposes by the United States, is strictly prohibited; but on the recommendation of the exchange council the commanding officer may permit beer and light wines—

In other words, it is not mandatory upon any post or any commander anywhere to have the exchange or canteen, but it is left

to the council, advising the commandant, whoever he may be, and he makes the decision. No officer and no soldier is permitted to sell beer or wine or to serve in the canteen. All the money belongs to the soldier, and in two years the net profits accruing to the soldiers was nearly $600,000, which went to the improvement of the mess, in the language of the regulations. The bartender is a civilian, and he has a salary which is fixed.

There is no inducement for him to ask any soldier to take another drink. It does not increase his profits, but, on the contrary, if he keeps selling to a man until he is drunk he imperils his position and may lose it, because the soldiers themselves are interested in promoting sobriety in order that the comforts of the exchange may be maintained and not withdrawn by the commandant of the post on account of drunkenness and disorderly conduct.

Mr. GALLINGER. Will the Senator kindly restate the profit to the exchange, concerning which he has just made a statement?

Mr. MONEY. Yes, sir; I will do it with pleasure.

The aggregate receipts of the post exchanges therefore during the past two years has been $3,420,149.81, and the dividends $530,471.07. The net value of these exchanges—that is to say, the balance of their combined assets over their liabilities—was on June 30, 1899, $253,792.26.

That is what the report says. I wish to state that I am going entirely by the official report. I do not have any outside information whatever.

Mr. GALLINGER. That is the profit of the entire exchange?

Mr. MONEY. I said the exchange.

Mr. GALLINGER. Not for the liquor?

Mr. MONEY. I used the language "post exchange." I shall be very precise in my language, and it will not be misunderstood, I think.

Mr. GALLINGER. I simply wanted to ask the Senator—I am sorry to interrupt him, but I should like the information——

Mr. MONEY. That is all right. I do not mind the interruption at all.

Mr. GALLINGER. I wish to inquire if there is any statement anywhere that he is aware of giving the profits of the liquor department of the post exchange?

Mr. MONEY. There is none that I know of segregated from the other, but I think the Senator will agree with me that the profits on beer are greater than on dry goods or canned meats or anything of that kind.

Mr. GALLINGER. I should think that is likely, although I have never been in the business.

Mr. MONEY. None of the money goes to the Government. I will say now that the Government is not in the business of selling whisky, as the Senator stated in his speech. The United States does not sell anything to the soldier at all, but it permits, under certain wise regulations, in my opinion, beer and light wines to be sold, if the council and the commandant approve of it, and under no other circumstances.

Now, to proceed to what I consider the reasons which justify me in my vote, and not only justify me, but tell me to vote. I stand here responsible, so far as my vote carries me, and so does every other Senator, not only for the sobriety and the temperance, but the good health and the morale and the comfort of all the soldiers of the Army. I do not care how many churches and how many good people telegraph you to vote one way or the other, it does not relieve you in the least of your share of responsibility as to what may come upon the soldiers. I will show in a few minutes, by reading the record of six years before and six years after the establishment of the canteen, what the result has been. We can not dodge responsibility here. We may think we are doing it, but we do not. So far as I am concerned, I shall never try. I shall vote as I think right, and if the consequences are ill to me it does not hurt anybody else. The report goes on to say:

The practical question to be considered is not whether soldiers should drink or not—

That is it—

The practical question to be considered is not whether soldiers should drink or not drink, but whether they should be permitted to drink beer in the camp, surrounded by the restraining influences of discipline and good association, or whether they should be driven to drink bad whisky in the vile resorts which cluster around the limits of every military post and camp, and especially around those in which prohibition is maintained. I have no doubt that the present regulation furnishes the wise answer to this question.

That is very well said, in my opinion. I may be mistaken about it.

In order that the Secretary of War might be fully informed as to the effect, whether good or bad, upon the soldier of the establishment of the canteen a great many letters were sent to both commissioned and noncommissioned officers throughout the posts of the United States everywhere—in the Philippines, in Cuba, and everywhere else—and to those circulars of inquiry a thousand replies have been received. I will read now the questions which were asked of the commissioned and noncommissioned officers and their replies, to show the opinions of those who are on the ground, who are more interested in maintaining sobriety and discipline and good health in the Army than anybody else possibly can be, except the mothers and the relatives of the private soldiers themselves. Here are the questions:

What opportunity, if any, have you had to observe the workings of the canteen feature of the exchange system?

What, in your opinion, has been its effect upon the morality of the enlisted men?

What upon the discipline?

So far as your observation has gone, have desertions increased or lessened since its introduction?

Are trials by courts-martial more or less frequent?

I desire to pause right here to say that under the old system, as I am informed by Army officers, a man went outside to get a drink. They gave him one, and as long as he had a dollar in his pocket he was kept drinking, and then, reporting back for duty unconscious of the lapse of time, he was charged with desertion and sent to the penitentiary for anywhere from two to three or four to five years. That has been almost entirely done away with by the canteen.

Has drunkenness increased or lessened?

In your opinion, does the opportunity to procure beer on the post or in camps have any effect upon the efforts of enlisted men to procure intoxicants outside?

It has been asserted here that it induced men to go outside for intoxicants. We are going to hear what the officers, who are presumed to know, say upon that subject. There is no guesswork about it.

Are you in favor of such prohibition, or are you in favor of the exchange as conducted at present, and with a view to its continual improvement along the same lines?

They say they have had a thousand replies to the question.

What, in your opinion, has been the effect of the canteen feature of the exchange system upon the morality of the enlisted men?

That is about the most important point there is in it—the morality of the enlisted man.

By the bye, the hospital reports can tell a very interesting story about that feature of it:

Five hundred and eighty-two commissioned officers and 483 noncommissioned officers have replied. Of this number, 477 commissioned officers and 415 noncommissioned officers (892) have remarked that in their opinion its effect has been beneficial.

Eight hundred and ninety-two pronounce in favor of the canteen as improving the morality of the enlisted man. Then, on the other side, 17 commissioned officers and 18 noncommissioned officers say it is detrimental. That is 892 to 35, by officers, commissioned and noncommissioned, who see the men and who are presumed, if anybody can be, to be fully informed. Now, the next question:

What, in your opinion, has been its effect upon the discipline of the enlisted men?

I am not going into details, but I will give the total. Nine hundred and eight said it had been very beneficial; "resulted in improvement of the discipline," is the language here; and 19 commissioned officers and 21 noncommissioned officers said it had been detrimental. There is 908 to 40 in favor of the good effect of the canteen in the mere matter of discipline. Now the question:

Are trials by courts-martial more or less frequent since the introduction of the canteen feature of the exchange system?

Eight hundred and twenty-five have replied that they are less frequent to 20 that they are more frequent. That is the testimony as to courts-martial. Then the question:

Has drunkenness increased or lessened since the introduction of the canteen feature of the exchange system?

Nine hundred and nine have declared that it has decreased, while 20 have declared that it has increased; 909 to 20 in favor of the canteen putting down drunkenness in the Army. Then we get to the question:

In your opinion, does the opportunity to procure beer on the post or in camps have any effect upon the efforts of enlisted men to procure intoxicants outside?

It has been claimed over and over again that when a man got a drink inside, he had to go outside to finish up with some intoxicant. What is that? "Nine hundred and eighty have replied that it lessens such efforts," and eleven that it did not lessen such efforts. Nine hundred and eighty to eleven that the use of beer in the canteen lessened the desire and the attempt to get whisky on the outside of the compound or the encampment. Then the question:

What, in your opinion, would be the effect of an absolute prohibition of the sale of beer in the Army?

That is a very searching question. That is the one we are going to vote on now. Also the question:

Are you in favor of such prohibition, or are you in favor of the exchange as conducted at present, and with a view to its continual improvement along the same lines?

Nine hundred and eighty-one out of the 1,000 have replied in favor of the canteen, and 17 commissioned officers and 19 noncommissioned officers, a total of 36, in favor of prohibition.

Now, gentlemen, here is the testimony of men who are answering an official inquiry from the head of the Army. These are the men who are responsible for the conduct of the Army, for the condition of the men, for their morality and their sobriety, for their discipline and their good conduct, less riotous conduct than when they go outside and get a drink of mean whisky, with other attachments. That is a pretty strong case, I think.

But I want to refer to the Judge-Advocate-General where he talks about desertions. I do not know that I shall be able to find it, because I can not find it unless it is marked. I want to state what it is. I recollect it substantially and not literally. It is that a man going outside of the post to get whisky generally gets too much whisky and he gets drunk; he is oblivious to the passage of time; he gets into a brawl, and either hurts a comrade and is tried for it and sent to the penitentiary or outlives his leave of absence and comes back not knowing how long he has been gone, charged with desertion, is tried for it, and put in the penitentiary; and a young fellow, a new recruit, perhaps, who is not accustomed to the allurements or the environments of the post, falls an easy victim to these fiends outside who set up these different traps to lead him down to hell. Consequently, before he knows it, perhaps as honest a man as ever lived, he is in the penitentiary upon the charge of desertion, when he never dreamt of any such thing. That has been lessened by the canteen, as I have shown.

Here are letters without number which I could read in favor of this, but I will not stop to read them. But I want to read what the official report says. I am going to read from a reply to these questions by Capt. Edward L. Munson, assistant surgeon, United States Army, Washington Barracks, D. C. I take this because he is right here, I presume, and can be interrogated as to whether or not this is his real opinion. I presume it is. It is said to be a portion of a book upon this subject, and I hope the book will be extensively read.

We all know very well that you are not going to make a man a temperance man by denying him what he wants when he can go over the line and get it in another place. Take, for example, the Senate. The sale of whisky and everything of that kind is forbidden in the Senate restaurant. What does it produce; temperance? No; an occasional spell of hard "cussing" from some thirsty man who wants a drink of whisky. That is all. He can take a two minutes' walk and get all he wants. It has never made a temperance man of a Senator yet because we have rules that he can not get a drink in the Senate restaurant. I think myself, without being hypercritical, that it is about as silly a rule as I ever heard of in my life. If we have not arrived at the years of discretion, we should resign and go home and let somebody else be sent here in our places.

Here is what the doctor says. I want to say that these comparisons were made of the six years preceding the establishment of the canteen in 1891 with the six years subsequent, and do not include any period of the war. It was the old Regular Army. The volunteers were not in. This regulation does not include the volunteers, either. We are providing a bill which is only for the Regular Army and not for the volunteers. Gentlemen, I do not believe there is a man in this Hall who more sincerely desires that not only soldiers, but everybody else, would quit drinking whisky, or anything else that does not do him good, than I do, and it is because I feel so much about it that I take the liberty of advocating the use of the canteen according to the report of the committee. This gentleman says:

The purpose of the canteen—

This is now the surgeon—

The purpose of the canteen, as officially announced, is to supply troops with goods at a low rate of profit and to afford rational recreation and amusement to all enlisted men. The sale of ardent spirts is strictly prohibited therein.

* * * * * * *

The effects of the introduction of the canteen system upon sick rates were prompt and marked.

I want you to note that language. Here is a scientific man who is accustomed to use the language of precision, and he says the "effects of the introduction of the canteen system upon sick rates were prompt and marked;" no gradual decrease, but immediate.

For the decade 1878-1887 the average number of admissions for alcoholism and its direct results amounted to 64.28 per thousand of white troops. This rate diminished during the next ten years in proportion as canteens were gradually established at various posts, omitting fractions, in the following ratio: 44, 46, 44, 44, 41, 37, 34, 32, 31, 30. On observing the admissions for alcoholism for the seven years, 1885-1891, which immediately preceded the general establishment of the canteen system upon a satisfactory basis, it is found that a yearly average of 1,214.8 men found it necessary to apply for treatment from this cause; while for the six years, 1892-1897, after canteens had been instituted throughout the Army, an average of only 923.4 men required attention for this reason—a reduction amounting to 23.6 per cent.

Now, that part of the record tells the story as to drunkenness and alcoholism—

In 1890 there were 17 posts at which the admission rate for alcoholism exceeded 10 per cent of the strength—

Just think of it, over 10 per cent of the command at 17 posts were treated for alcoholism. Their conveniences must have been very great—

In 1891 the number of such posts had decreased to 11, and in the six subsequent years diminished at the following rate—

Now, note this—

10, 7, 4, 5, 2, 2.

That shows what the canteen has done for alcoholism.

This favorable showing for the Army at large was duplicated in the case of each individual post, the introduction of the canteen in no instance failing to be promptly followed by a diminution of alcoholism. For certain stations this improvement was extraordinary. In 1889 Willets Point had an admission rate for alcoholism of 222.97 per 1,000. For 1890, the year when the canteen was established at that post, it fell to 157.50, and in the next year amounted to only 70.46. At Fort Spokane the amount of sickness resulting from intoxicants was reported by the surgeon as having diminished 50 per cent during the six months following the institution of the canteen.

In six months there was a diminution of 50 per cent, and he suggests further on in the report that there was a continual progression on this line of improvement.

At Fort Douglas in 1888 and 1889 the total number of admissions attributed to alcohol amounted to about 85 per 1,000 strength, while during 1892-1894 this rate fell to 52.95 per 1,000 strength, and such instances might be multiplied many fold.

It is the surgeon speaking. He is a man who is responsible for the health of the Army, and of course he uses all appliances and appurtenances which, in his opinion, will conduce to good results. Then he goes on to talk about the advantage of beer in the tropics, and gives some quotations from Manila, and so on. Then he says:

The cases of delirium tremens will be accepted by all as furnishing reliable data by which the gravity of the admissions for alcoholism may be determined. It is therefore of interest to observe that for the seven-year period above noted, prior to the complete adoption of the canteen system, the average annual admissions for this cause—actual numbers—was 23.8; while for the six-year period of peace following the establishment of this system the average number of men admitted yearly for delirium tremens was 16.6—a reduction of 31.3 per cent in this serious class of cases. It can scarcely be doubted that this remarkable decrease was chiefly influenced by the substitution of beer, a milder beverage—which rarely produces such effects—for the distilled liquors whose free use is well known to result in great mental excitement and nervous exhaustion.

It is recognized that alcoholism and insanity are closely related through the direct influence exerted by intoxicants in the production of mental aberration. Hence it is not surprising to find that the average number of cases annually coming under treatment was 35.1 for the seven-year period, 1885-1891, prior to the complete establishment of the canteen system, and only 24 as an annual average for the six subsequent years, 1892-1897.

Now, gentlemen, do not these figures, which no man in his senses can dispute, tell the whole story? Which is better for the soldier? I ask Senators, are you going to vote against this beneficent system, on which the health, and the temperance, and the morality, and the comfort of the soldier depend, because somebody at home who does not know what the record shows has requested you to vote against selling anything that is intoxicating to the soldier, even such a thing as beer. Some people think buttermilk will make you drunk if you drink enough of it.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. MONEY. Certainly.

Mr. GALLINGER. I will say to the Senator that at the proper time I think I shall be able to disprove some of the statistics he has quoted or that certain other Senators have quoted. But I want now to call his attention to the fact that those of us who are against this proposed amendment are not arguing that we ought to go back to the old condition of things, which the Senator says was so much worse than the present, but we want to take a step forward and eliminate it altogether. I should like to have the Senator address himself to that phase of the question, whether he, as a temperance man, does not think that if we went one step forward we might still further decrease the number of soldiers going to hospitals and those suffering from alcoholism, insanity, and other unfortunate conditions.

Mr. MONEY. I think not, because we have the testimony as to the condition when there was no canteen, and that is exactly what I have been reading to the Senate.

Mr. GALLINGER. But there was a post trader, a sutler, in connection with the Army at that time.

Mr. MONEY. He was prohibited from selling whisky. He could not sell ardent spirits.

Mr. GALLINGER. But he did.

Mr. MONEY. That is a question which has got to be proved.

Mr. GALLINGER. Well, there is no doubt about it.

Mr. MONEY. A mere statement will not go down, because the Senator can not possibly know it of his own knowledge. We can only take the official papers on which to make a statement here, and I will not make a statement that is not backed up by the record of the Army.

Now, I ask Senators if we can not accept the statement here of the General of the Army, or the Secretary of War, or the Adjutant-General, or the surgeons of the Army, then I want to know to what quarter we will turn for information?

Mr. GALLINGER. If the Senator will permit me, I will state

that the General in Command of the Army, the Surgeon-General of the Army, and the Adjutant-General of the Army have testified on both sides of this question, and the Senator must know it.

Mr. MONEY. Excuse me; I did not know it. I accept it as a matter of information that is quite interesting; but nevertheless I understand that the very last thing they did say was in favor of the canteen. Here is the printed record at least, and I am going by the printed record.

Mr. CARTER. Will the Senator permit me one moment?

Mr. MONEY. Certainly.

Mr. CARTER. I will suggest that the testimony of the Surgeon-General of the Army, the testimony of the General of the Army, who, by the way, initiated the movement for the abolition of the old tradership, and the testimony of the Adjutant-General all happened to be given against the canteen before it was instituted. In the light of experience they have changed their views, and they have so stated.

Mr. MONEY. That is exactly the remark I was about to make, that they were talking before taking and after taking.

Mr. GALLINGER. If the Senator will permit me, the canteen was established in 1889, and the Adjutant-General of the Army gave his opinion in 1899 against it.

Mr. MONEY. In 1891.

Mr. GALLINGER. In 1892 and again in 1899.

Mr. MONEY. The canteen was established in 1891, according to the official document here.

Mr. GALLINGER. That was in 1899.

Mr. MONEY. Now we get down to what the surgeon says about good order:

The canteen, for the maintenance of good order in which a commissioned officer is held responsible, is an aid to discipline as well as to the health and morals of troops. It provides a resort which, while under thorough military control, offers inducements to the men to remain at home and spend their idle time within the limits of the post; this condition obviously being far preferable to the one formerly existing, when the nearest and generally patronized places of amusement and refreshment were the grogshops, usually with brothel annexes, which marked the limits of each military reservation.

Now, that is before taking. That is what the surgeon says, speaking from his experience, his personal observation, and his treatment of the men in the character of a physician. He has tried it both ways. He is the man I am quoting here, and he seems to be a man of such reputation for ability that he is now writing a book on this question. What I read is simply an extract from his forthcoming book, but it is also an answer to the inquiry made by the Adjutant-General.

Except with the most dissolute class of men the soldier is well satisfied to patronize the canteen to the exclusion of outside saloons, knowing as he does that he receives good value for his money in articles of excellent quality, and fully appreciating that the profits of the institution ultimately accrue entirely to his benefit, and are not, as with the case of outside tradesmen, diverted to the advantage of others. Besides the congenial resort which it furnishes, the influence of the profits of the canteen in promoting contentment among troops can scarcely be overestimated, contributing as they do to improvement of the food, the attainment of wholesome amusement, and the provision of much by which the soldier's life is made less irksome and he himself rendered more efficient in the performance of his military duties.

That is as far as that goes.

Now, I am going to come to the percentage of desertions from the Army. Desertion from the Army is one of those offenses that carries with it a certain moral obloquy. No man ever looked with patience upon a deserter from the Army. I do not care what his record had been, whenever he deserted he wiped out all the glories of his past achievements and stamped himself upon the minds of his contemporaries as a man of moral turpitude, at least, if not worse. Now, what were the desertions up to the canteen establishment? Here is the table giving the percentages:

Year.	Average strength.	Deserted.	Per cent.
1885	24,816	2,626	10.6
1886	24,365	2,012	8.3
1887	24,438	2,525	10
1888	24,790	2,678	11
1889	25,504	2,730	11
1890	24,930	1,923	7.7
1891	24,525	1,398	5.7
Average for 7 years before canteen system was thoroughly established			9.18
1892	24,869	1,410	5.7
1893	25,670	1,632	6.3
1894	25,661	926	3.6
1895	25,209	1,341	5.3
1896	25,143	858	3.4
1897	25,300	726	2.9
Average for 6 years after canteen system was thoroughly established			4.53

That is as to desertions. So the canteen has certainly helped that matter.

From the above table it is observed that during the first year after the canteen system was authorized the rate of desertions fell 26 per cent—

A pretty good decrease for the first year—

while in the next year the rate was further reduced to 49 per cent.

So we certainly improved the Army in that respect.

For the five years previous to the establishment of the first officially recognized canteen the number of men annually deserting from the service, per thousand strength, amounted to 101—

Just think of it, an Army loses 101 men by desertions out of every thousand every year.

While for the eight years immediately subsequent to the institution of this system the annual number of desertions was reduced to 50 per thousand strength. The decrease since noted has been practically progressive—

That is, the desertions are getting less and less frequent.

and for the two years immediately prior to the war with Spain scarcely one-fourth the number of men, as compared with the three years immediately prior to the introduction of the canteen system, found the military service so uncongenial as to desire to escape from completing their terms of enlistment. These results are certainly most gratifying—

No, they are not; they are not gratifying to very many people who are sorry that the canteen has not resulted in general drunkenness.

These results are certainly most gratifying, and there is no reason for believing that with the development of the canteen along its legitimate lines of growth a still further decrease in the present small rate of desertions may not be confidently anticipated.

Well, I confidently anticipate it. I confidently anticipate the improvement of the morals of the Army in all the particulars to which these questions are directed, and the reason for my confidence is found in the reports which I am reading now. I will place these official reports of the men, and the only men, who can know anything about it, the men who are most concerned about it, against every humanitarian theory that was ever held in the world by persons who want to do right, who want to promote temperance. I want to give them credit for everything, and I want to say that I am in no respect half as good as any of the good women who have asked for this legislation. I think I am a great deal better than most of the men, but I give them credit for wanting what I want.

Drunkenness is certainly prevented by the constant military supervision to which the canteen is subjected. The men themselves are usually careful not to indulge alcoholics to the point of inebriety, while such few individuals as are inclined to be forgetful of the dangers of excess will usually be restrained by companions, or by those connected with the canteen, from passing the bounds of actual intoxication.

Why? Because the soldier who enjoys the canteen soberly knows that he will be deprived of its comforts, and its facilities, and its congenial companionship if it gets a bad name for drunkenness. Therefore, he will not permit a comrade to take a drink too much, and the civilian who sells the drink, who has no sort of share in the profits of the concern, who gets a fixed salary, knows he will lose his job if he gets a man drunk. Then the whole thing is conducted under the eye of an officer, who goes around occasionally and says, "Boys, how are you getting on? Is everything going on right here? Is everything comfortable? I'm glad to see you all;" and so on.

Hence brawls and disturbances, with resulting court-martial, have, since the introduction of the canteen system, become relatively infrequent—

Now, that is a good point—

Hence brawls and disturbances, with resulting court-martial, have, since the introduction of the canteen system, become relatively infrequent, and pay day, formerly synonymous with debauchery and riotous disturbance, is now scarcely to be distinguished by its effects from any other day.

That is what your canteen has effected for the post.

As illustrating the marked reduction of convictions for drunkenness, or complications arising therefrom, since the establishment of the canteen, the following figures, from the reports of the Judge-Advocate-General, are of interest:

Perhaps the Judge-Advocate-General has changed his opinion, but whether he has or not, here is the report he makes to the Secretary of War, and we have got to take it as meaning all that he says. Then he goes on through certain years here:

Year.	Total number of trials and convictions in the Army.	Number of trials and convictions for drunkenness and conditions arising therefrom.
1886	1,640	342
1887	1,730	289
1888	1,999	357
1889	1,752	423
1890	1,907	407
1891	2,000	417
1892	2,198	223
1893	2,189	163
1894	1,728	120
1895	1,486	142
1896	1,384	108
1897	1,245	143
Now, this is an important point—		
Average for the 6 years 1886-1891	1,838	372.5
Average for the 6 years 1892-1897	1,605	160.6

I read further:

From the above figures it is evident that, coincident with the thorough establishment of the canteen system, there has occurred a decrease amounting to considerably more than one-half the drunkenness, which formerly tended to the impairment of discipline, the demoralization of individuals, and to the occurrence of assaults, injuries, and deaths. It is idle to deny that this excellent result has not been largely due to the attraction furnished by the canteen, combined with the military discipline which prevails in that institution and which reduces to a minimum the possibility of dangerous excesses.

The influence of this institution in promoting order and contentment is less directly, though none the less positively, shown by the number of soldiers making savings deposits with Army paymasters.

Then it goes on:

It is claimed—

Now, I ask the attention of the Senator from New Hampshire, if he will oblige me, to this one sentence in the remarks of the surgeon—

It is claimed by the advocates of total abstinence that by the sale of beer in the canteen the health and morals of the soldiers are impaired; that such tacit encouragement on the part of the Government favors indulgence in alcoholics and that drinking habits are thus formed by those who might otherwise have remained sober men. These objections are purely theoretical and and are at variance with facts as observed since the establishment of the canteen. The sale of beer, under suitable restrictions, undoubtedly results in good rather than evil to the troops at large and may properly be looked upon as a safety valve for those accustomed to look upon the use of a certain amount of liquor as both harmless and proper.

* * * * * * * *

That beer drinking, viewed in the abstract, is unproductive of good will be admitted by all—

I say so, as well as the Senator from New Hampshire, and the best women of the Woman's Christian Temperance Union, as well as the best of divines who ever entered the pulpit. I say to drink anything is bad, and I do not drink, and I do not want anyone to drink unless he feels like it; and if he does, I do not intend to prevent him. Here is what the surgeon says:

That beer drinking, viewed in the abstract, is unproductive of good will be admitted by all: that, when properly controlled, its sale in canteens, rather than its prohibition, redounds to the general health, morals, and military efficiency few, if any, who are conversant with the subject would attempt to deny.

The trouble is it is denied by those who are not conversant with the subject, by people who have good theories of religion, people who lead Christian lives and pure lives, who come to us with a theory that suits them, but it does not suit the soldier. The soldier does not join the temperance society. He is simply one of the body politic who goes out of civil life and enrolls himself under the flag; that is all. He is simply a human being, and he has the same appetite when he gets into camp that he had in the village or farm or the workshop or whatever it may be that he has just left. He is just the same man, and he is to be treated as a responsible creature; and when we find that total prohibition encourages drunkenness and has all other sorts of demoralizing results, and that the sale of beer in the canteen promotes good results, it is our business to vote for it, in my opinion, and I shall take the liberty to do it anyway.

It is certainly unfortunate that the temperance element in civil life—

Now, here is coming home—

It is certainly unfortunate that the temperance element in civil life, which is so constantly endeavoring to enact legislation against the sale of alcoholics of any character in the military service, can not be brought to regard the matter from the practical rather than the sentimental aspect, and thus assist in controlling and largely curtailing an evil which it is powerless to prevent and which, if its efforts toward restrictive legislation should be successful, would undoubtedly be greatly increased.

Now, that is what the learned doctor says about that. It is an extract from the book, which he is willing to submit to the literary criticism of the world and to the criticism also of his professional friends; a man who must be careful in what he says, because he must take criticism, and a good deal of it, both from a literary and from a professional standpoint, but he submits this as the best thought in him after his long personal observation and treatment of soldiers from the effect of whisky.

Now, Mr. President, that is the case as I make it from official records. I have nothing in the world outside. I have not taken the good wishes of the dreamer; I have simply gone for facts, and that is where every lawyer ought to go, upon which to base an argument. As I said at the beginning, this argument is not intended to convince anyone, but it is intended to show the people whom I have the honor to represent a good and substantial reason for the vote I shall cast here that I desire exactly what they desire, but that the ways and means which they tell me to pursue are not those that my judgment says are the best.

Therefore, Mr. President, believing that the canteen is a good thing for the soldier, believing that its abolition would increase drunkenness, alcoholism, mental aberration, insanity, disease, discomfort, inconvenience, lack of discipline, loss of days in the service of the country, and general degradation of the individual, I shall stand here and speak for the soldier and vote for him, for he is first to be considered. It makes no difference to me who is pleased or who is displeased. Are we responsible for the well-being of the soldier or not? You can not shake off the reins of responsibility and get behind a lot of telegrams and letters sent to you by somebody who has no responsibility whatever in the matter.

It is well enough to say that you want to please your constituents. Every Senator wants to do that. I want to please my constituents. But I am never going to sacrifice my sense of duty to please anyone, I do not care who it is. I am going to do just exactly as I think is right. I have pursued that course for a long time and I have never yet been called to account for doing it, even by those who had been against me and whose requests I was compelled to deny. No man here in the Senate or in the House, which passed this bill by such an overwhelming majority, has higher respect for the church or for the influence of the women of the country.

I know that the women are the great corrective principle in human society, and without them and their influence we would become a lot of savages. I have been a soldier; I have been in mining camps; I have been amongst sailors, and wherever woman is excluded the man rises very little above the brute. I understand all that, and I understand that women, with their strong subjective minds, very rarely make a mistake on moral questions. They do not reason, as men do, to an end. The emotions all belong to the subjective mind, and it is the objective mind that reasons from given facts to certain conclusions that must control. You will find that painters, musicians, orators, the great architects, all classes of genius who get their inspiration from the subjective mind, from the emotions, have led very irregular lives. History teaches us that. The objective mind is not strong enough in its reasoning faculties to control the appetites or the suggestions of the subjective mind.

Mr. President, I shall have something more to say about this bill before we get through with it, but this is one of the amendments of the committee to which I can give my hearty concurrence. From the bottom of my soul I believe, if it is stricken out and the bill remains as sent here by the other House, I would—I will not say what I was about to say, as it might be considered disrespectful to that honorable body; but I say if we strike this out, in my opinion, we shall very soon be regretting it, and while you have heard from a great many to-day in favor of this thing, you will hear from ten times as many in five or six years if you do not vote for it.

Mr. GALLINGER. Mr. President, I shall occupy the time of the Senate but a very few minutes in the further discussion of this amendment.

It was not necessary for the amiable and distinguished Senator from Mississippi [Mr. MONEY] to tell the Senate that he is entirely sincere in the advocacy of the amendment; neither is it necessary for us on the other side of the question to assure the Senate that we are equally sincere. It was not necessary for the Senator from Mississippi to even suggest that those of us who are opposed to this amendment are being influenced by outside parties or outside considerations, and that——

Mr. MONEY. Will the Senator permit me?

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from New Hampshire yield to the Senator from Mississippi?

Mr. GALLINGER. Certainly.

Mr. MONEY. I hope the Senator has not so poor an opinion of me as to suppose that I intended to reflect upon the sincerity of the Senators who take the other side of this question.

Mr. GALLINGER. Of course, I know the Senator would not intentionally have done so, and I very gladly acquit him of any such purpose; and yet when the Senator reads his remarks in the RECORD, I feel sure he will observe that I had entire warrant in calling the attention of the Senate to some utterances that fell from his lips.

Mr. MONEY. Mr. President, of course in what I said I only intended to say that some of my friends had told me that they were yielding to public sentiment at home upon this question.

Mr. GALLINGER. Then we meet on common ground so far as the matter of sincerity is concerned. We are discussing a great question upon a ground upon which all honest and right-minded men can stand, whatever their convictions or opinions may be.

Two or three matters have been mentioned in the debate to which I shall very briefly call attention. In the first place, it has been asserted vehemently, and with apparent authority, that since the canteen was established desertions in the Army have been 40 per cent less than they were previous to that time, and that the number of soldiers treated in hospitals has been 40 per cent less than previous to that time. I will in a moment call attention to the fallacy of that reasoning.

The Senator from New Jersey [Mr. SEWELL] said that American soldiers should not be put in a reformatory, that young Americans would not volunteer under such conditions. Well, Mr. President, that is precisely the condition that exists in the Navy to-day; and, in answer to the distinguished Senator from Mississippi, when he says that sailors can not step off the ship on the ocean to go to a grogshop and get drink, I want to say that our ships are in port

a much larger portion of the time than they are sailing on the broad seas. So that argument has not very much force.

I was interrogated about this naval order and was not at the time very well prepared to answer. I have now the data. It was during the civil war that the time-honored grog ration of the Navy was abolished. The custom of serving drink to sailors and of issuing extra grog rations before battle is as old as the naval history of the Anglo-Saxon race, but in July, 1862, Congress passed a law abolishing that custom in the American Navy. The language of the act was:

That from and after the 1st day of September, 1862, the spirit ration in the Navy of the United States shall forever cease, and thereafter no distilled spirituous liquors shall be admitted on board of vessels of war except as medical stores and upon the order and under the control of the medical officers of such vessels, and to be used only for medical purposes.

From and after the 1st day of September next there shall be allowed and paid to each person in the Navy now entitled to the spirit ration 5 cents per day in commutation and lieu thereof, which shall be in addition to the present pay.

A very wise provision; and if we give our soldiers 5 cents per day in addition to their present pay, as is given to the sailors under this law, it seems to me that it would make up the profits that they are now getting from the sale of spirituous liquors in the canteens.

In addition to this, Secretary Long, who is a well-known temperance man, under date of February 3, 1899, issued General Orders, No. 508, which reads:

GENERAL ORDERS, No. 508.

NAVY DEPARTMENT, *Washington, February 3, 1899.*

After mature deliberation the Department has decided that it is for the best interest of the service that the sale or issue to enlisted men of malt or other alcoholic liquors on board ships of the Navy, or within the limits of naval stations, be prohibited.

Therefore, after the receipt of this order, commanding officers and commandants are forbidden to allow any malt or other alcoholic liquor to be sold to, or issued to, enlisted men, either on board ship, or within the limits of navy-yards, naval stations, or marine barracks, except in the medical department.

JOHN D. LONG, *Secretary.*

Mr. President, it seems to me that no trouble has come from this prohibition. There has been no difficulty about enlistments in the Navy so far as I know, and it seems to me that what is good for the sailor may be good for the soldier.

There is a good deal of testimony that might be cited on the part of prominent naval officers in favor of total abstinence in the Navy. Rear-Admiral Sampson is on record as saying:

I think there is but one opinion among officers of the Navy about grog, and it is that alcoholic liquors have no place in the Navy of the United States except as a medicine. Intoxicating liquors of all sorts should be abolished.

Commodore Gibbs gives very emphatic testimony. He says:

In my opinion there can be no question that the public good would be greatly enhanced by the exclusion of alcoholic drink, as a beverage, from both Army and Navy circles. The man who needs the stimulus of alcoholic liquor to enable him to perform his duty is not to be trusted in any capacity. In my experience of nearly fifty years as an officer in the United States Navy I think I can safely say that 90 per cent of all punishments inflicted on board ship that have come under my observation can be traced directly to rum.

Rear-Admiral Kimberly, a very distinguished naval officer, says:

I should say, as a naval man, that alcoholic liquor could be dispensed with with advantage, except for medical purposes.

In the Navy the grog ration has been abolished for years and coffee substituted in the early morning before any work is done. I look upon alcoholic drinks as medicine, and they should only be used as such.

The Senator from Connecticut [Mr. HAWLEY] quoted Colonel Patrick, of the Dayton Soldiers' Home, who, he says, is a strong prohibitionist, but who, notwithstanding, believes in the canteen. Mr. President, whenever I hear of a strong prohibitionist who believes in liquor selling it reminds me of that old man down in Maine who said he was "for a prohibitory law, but agin its enforcement." That seems to be about the situation that Colonel Patrick is in. He is a prohibitionist who does not believe in the sale or use of intoxicating drinks, but believes in the canteen, where intoxicating liquors are sold. His testimony is not very important.

Mr. President, great stress has been laid upon certain so-called statistics in the discussion of this question by the Senator from New Jersey [Mr. SEWELL], the Senator from Connecticut [Mr. HAWLEY], and the Senator from Mississippi [Mr. MONEY]. It has been asserted over and over again that crime has decreased 40 per cent since the canteen was established and that the number of persons in hospital has decreased 40 per cent. I turn to the hearings before the Committee on Military Affairs, from which copious extracts have been made, and on page 40 I find the table the Senator from Connecticut used to illustrate what he said were facts, and what do I find? Let it be borne in mind that the canteen was established in 1890. I turn to this table, and I find under one caption, "Total number of trials and convictions in the Army," that in 1886 there were 1,640; in 1887, 1,730; in 1888, 1,999; in 1889, 1,752; making a total of 7,121 trials and convictions in the Army during the four years previous to the establishment of the canteen. Now, we take 1890, and there were 1,907; in 1891, 2,000; in 1892, 2,198; in 1893, 2,189, or a total of 8,294.

So that there was an increase of "trials and convictions" during the first four years after the canteen was established of 1,173, being an increase of about 16 per cent in the "trials and convictions" during the four years that the canteen was established, as compared with the four years prior to its establishment, instead of a decrease of 40 per cent.

It is true that under the head of "number of trials and convictions for drunkenness and conditions arising therefrom," a very elastic suggestion, there was a slight decrease. In 1886 there were 342; in 1887, 289; in 1888, 357, and in 1889, 423, while in 1890 there were 407; in 1891, 417; in 1892, 228, and in 1893, 163. The first table shows a total of 1,411 and the second table of 1,215, showing that there was an increase of about 15 per cent of "trials and convictions for drunkenness and conditions arising therefrom," while there was an increase of the total number of "trials and convictions in the Army."

I submit, Mr. President, that this does not sustain the contention that there was a decrease of 40 per cent after the canteen had been established, there being an increase of the total number of "trials and convictions" and a slight decrease in the "trials and convictions for drunkenness and conditions arising therefrom."

I think, Mr. President, that is all I care to say about this matter. There are some other points that might well be considered, but other Senators will doubtless take them up. I wish to say, however, that I am extremely gratified that this debate is proceeding along the lines it is. I am glad that Senators are thoughtfully addressing themselves to this question, whether they agree with me or not.

The debate will go out to the country; it will be read by the men and women of this nation, who are thoughtful people, whether they are moved by sentiment or by conviction, and it will have an educating effect upon them. It will lead them to investigate this matter for themselves; and I trust it may direct their attention to the physiological, economic, and scientific aspects of the case, and that they may the better prepare themselves for good citizenship by carefully scanning the expressions of Senators who have given some little thought to this question.

Whatever the outcome may be, Mr. President, I shall have no regrets that it was my privilege to participate in the discussion, and that I have had an opportunity once more in the Senate of the United States of putting myself on record as against the sale and use of intoxicating drinks in all forms.

Mr. HANSBROUGH. Mr. President, I do not suppose that any amount of discussion on this subject would result in the change of a single vote one way or the other. Men's minds are pretty well made up on propositions of this kind, and I do not regard a lengthy debate here as necessary in reaching a final conclusion. It does seem to me, however, as if there should be some slight reference made to the legislative history of this case.

Two years ago, or nearly so, this question came up in the House of Representatives, and a provision was inserted in the Army bill of 1898 prohibiting what is known as the canteen. The bill came to the Senate and was referred in regular order to the Committee on Military Affairs, where, after due consideration, the House provision was stricken out. When the bill was reported to the Senate I had the honor to offer as an amendment the House provision, with some slight changes, and it was adopted by the Senate without discussion or division.

When the present measure came up in the other House last month the same anti-canteen clause, with a few changes intended to meet the objections that were found by the Attorney-General to the original anti-canteen legislation, was proposed, and was there adopted by a very large majority. The bill then came to the Senate, and the Senate Committee on Military Affairs has reported an amendment which admits of the sale of beer, which, of course, puts continued life into the institution known as the canteen. So much for the legislative history of the matter.

Something has been said here in regard to the vital statistics in the Army as influenced by the liquor that is allowed to be sold to the soldier. I have here some figures which, it seems to me, should go into this debate, because they are both pertinent and important. These statistics show that from May 1, 1898, to June 30, 1899, the average military strength of the regular soldiers in the Army was 56,218, and the average military strength of the volunteers was 112,041, there being nearly twice as many volunteers as regulars.

I refer to this by way of illustrating the fact, as it seems to me, that the volunteers, being drawn from the homes throughout the country and being under the influence of the reforms that are practiced in those homes, are not perhaps as susceptible to disease, insanity, etc., as are the regulars in the Army who are under the constant influence of the canteen. I think that is the logical conclusion to be drawn from these figures.

Between the above dates—that is, between May 1, 1898, and June 30, 1899—among the regulars 1 officer and 32 enlisted men committed suicide; and among the volunteers, with more than double the number, 1 officer and 20 enlisted men committed sui-

cide. Among 56,000 regulars 26 soldiers died from murder or homicide, and among the 112,000 volunteers the same number, 26, died from murder or homicide. Among the regulars 924 men were dishonorably discharged by sentence of general court-martial, and 508 amongst twice as many volunteers. Amongst 56,218 regulars, in the above period, 3,036 deserted, while out of twice as many volunteers only 2,736 deserted.

Reference has been made here this afternoon to the position taken by various army officers on this subject, and it has been alleged that the Adjutant-General of the Army has been both for and against the institution of the canteen. That, I believe, is not denied; but it is alleged that the Adjutant-General was against the canteen prior to its inauguration as an institution in the Army, and that he is now in favor of it after having seen the workings thereof. I think it well that General Corbin should be accurately quoted on that point.

The canteen existed in 1892, and was at that time rapidly succeeding what was known as the trader's store of the army post. Every Western Senator understands what the post trader's store was in the army posts of the West. The post trader's store, or some building that was attached thereto, coming within the supervision of the post trader, it is well understood was merely a liquor saloon, where liquor was dispensed freely and without restraint. I have been in those Western military posts, and know whereof I speak.

The canteen succeeded the military post trader's liquor saloon of the early days. I have no doubt that it was an improvement over the post trader's store, perhaps a considerable improvement, but certainly the Adjutant-General of the Army knew of the influence and effect of the post trader's store when he spoke in 1892 of the canteen and said:

> A cause of restlessness (in the Army) is traced to the excesses of the exchange, the saloon feature of which is not productive of good and should be done away with without further experiment. The sale of beer superintended by a commissioned officer and served by noncommissioned officers and soldiers is not conducive to discipline, nor is it a picture that can be submitted to the people for their approval. The men who drink spend the greater portion of their money for beer. The credit system brings them to the pay table with little or no money due. This takes all heart out of them and makes them quite ready to ask their discharge and try some other calling.

This was the evidence of the present Adjutant-General in 1892, and I am informed that he held to that opinion up to about the time that the unfortunate construction placed upon the law of 1898 was issued, when he is said to have changed and to have come over to a belief in the canteen system.

Mr. President, I want to call attention to the fact—and not in a spirit of criticism—that the Committee on Military Affairs, in their report to this body, has placed in that report about everything that came before that committee in favor of this amendment; in other words, in favor of the sale of beer or in favor of the canteen; but I find very little material in the report of the committee on the side of those who do not believe in the canteen.

It is a somewhat remarkable fact, it seems to me, that in Report No. 1771 we find the evidence of the Secretary of War, the letter of the Adjutant-General, and the testimony of various commanding officers in the Philippine Islands in favor of the canteen, but we do not find in the same report anything from those who declared against the canteen; and, on this account, I was led to believe that perhaps all the Army officers had come over to the side of liquor.

It was such a remarkable condition of things that I looked it up, and I find upon investigation that quite a number of Army officers reported to the Secretary of War against the canteen, but their statements were not put in the report of the Committee on Military Affairs. I do not think it was exactly fair to the Senate, and for that reason I propose to insert in my remarks and to read from many of the statements made by Army officers who are opposed to the canteen.

Mr. TELLER. I should like to ask the Senator a question?

Mr. HANSBROUGH. Certainly.

Mr. TELLER. Were any of the officers who reported against the canteen heard before the committee?

Mr. HANSBROUGH. I do not know as to that.

Mr. HAWLEY. May I make a remark?

Mr. HANSBROUGH. Certainly.

Mr. HAWLEY. All the talk about the canteen is in one pamphlet. The Senator will find on page 37 of the pamphlet a list of officers who favor it.

Mr. HANSBROUGH. There are two reports, it seems, from the Military Committee, one of them embracing the hearings on the canteen question, and that report contains the testimony on both sides of the question. The other report, the one to which I called attention a while ago, Report No. 1771, does not contain anything derogatory to the canteen, but does embrace about everything there is in favor of it. That is what I referred to. I do not criticise the committee. I am referring to it as a fact, and it makes it rather awkward for Senators who desire to read both sides of the question.

Mr. BUTLER. The Senator certainly must be satisfied with the large amount of the committee report that is devoted to the canteen. About nine-tenths of it is on the canteen question. I suppose the Senator's objection is that they did not give more on the canteen question.

Mr. HANSBROUGH. My objection is that in the regular report of the committee everything that is there on the canteen question is in favor of it.

Mr. BUTLER. That is nine times as much as there is about anything else.

Mr. HANSBROUGH. I make no objection to the amount on the subject that may be found in the report.

Mr. BUTLER. The Senator, then, would not object to having these hearings, that give both sides, printed, together with the other part of the hearings, so that persons who want to read both sides can get it when they write to us?

Mr. HANSBROUGH. You would be obliged to get both reports to do that.

Mr. BUTLER. The Senator knows the trouble of furnishing them when they are not printed together, and especially when one is not printed as a Senate document. If the Senator will not object, at this point I should like to offer a concurrent resolution, to be printed and lie on the table, to be called up in the morning, providing for the printing of them together.

The PRESIDING OFFICER. Does the Senator ask to have it read?

Mr. BUTLER. Yes; let it be read.

Mr. HANSBROUGH. I yield for that purpose.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed as a Senate document 15,000 copies of the hearings before the Committee on Military Affairs on Army bill (S. 4300), of which 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House of Representatives.

Mr. ALLISON. That covers the whole thing?

Mr. BUTLER. That is all there is.

Mr. ALLISON. It is not.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Printing.

Mr. BUTLER. It is part of the hearing, is it not? The resolution calls for the printing in one document of the hearings before the committee.

Mr. GALLINGER. If it is a concurrent resolution, I suggest to the Senator that he add the hearings before the House committee, if they had any.

Mr. BUTLER. I do not object to that.

Mr. GALLINGER. The resolution will go to the House.

Mr. BUTLER. I should be glad to have it amended.

Mr. GALLINGER. I suggest that amendment, if it is a concurrent resolution.

Mr. BUTLER. I accept the amendment.

Mr. GALLINGER. Say before the committees of both Houses of Congress.

Mr. BUTLER. I will amend the resolution so as to call for the printing in one document of all the hearings before the Senate committee and all the hearings before the House committee on this subject.

Mr. HANSBROUGH. I hope this discussion will not proceed at great length. I desire to finish.

The PRESIDING OFFICER. The Senator from North Dakota is entitled to the floor. The Chair understood him to yield for this purpose.

Mr. HANSBROUGH. Do I understand that the Senator from North Carolina has concluded?

Mr. BUTLER. The clerks are perfecting the resolution.

The PRESIDING OFFICER. The Senator from North Carolina wishes to have the resolution modified. As modified it will be read.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed as a Senate document 15,000 copies of the hearings before the Committee on Military Affairs of the Senate and the House on Army bill (S. 4300), of which 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House of Representatives.

Mr. BUTLER. I think the resolution is plain enough, but I wish to have it understood that it calls for the printing in one document of the hearings before both committees, the committee of the House and the committee of the Senate.

The PRESIDING OFFICER. The resolution will be printed and referred to the Committee on Printing.

Mr. BUTLER. If the Senator does not object, I will ask for unanimous consent that it may be passed now.

Mr. HANSBROUGH. I think it had better go to the Committee on Printing.

The PRESIDING OFFICER. Without objection, it will be referred to the Committee on Printing.

Mr. HAWLEY. I offered a resolution, by instruction of the committee, to have 3,000 copies of the report printed. I think I

ought to move to reconsider the vote by which that resolution was passed, because you are proposing to print everything in one volume. Is that it?

Mr. BUTLER. Yes.

Mr. ALLISON. Let that motion rest.

Mr. HAWLEY. Let that motion rest.

Mr. HANSBROUGH. Mr. President, I was calling attention to the scattered condition of the testimony that has been given on this subject. I desire to say, however, that the testimony is not all one-sided. What I shall now read is taken from the report of the Secretary of War for 1899, and in answer to the question, "What, in your opinion, would be the effect of an absolute prohibition of the sale of beer in the Army? Are you in favor of such prohibition, or are you in favor of the exchange as conducted at present?"

I will say that this interrogatory was sent out by the Secretary of War after the canteen had become a very live topic of debate in this country, after the passage of the act of 1898. I suppose that all the Army officers to whom this inquiry was sent replied. I find quite a number of the replies in the report of the Committee on Military Affairs, and I find a great number of replies in the report of the Secretary of War. I propose to read briefly from some of those replies, and I will ask that they be inserted in full in my remarks. The first of these replies is from Capt. William F. Stewart, commanding Battery E, and he says:

Beneficial. I am in favor of abolishing the exchange.

The next is from First Lieut. Ira A. Haynes, commanding Battery G. He says:

There would probably be more trials for absence without leave, and more deserting for a while, but I believe on the whole the effect would be good. No man can predict with certainty. I am in favor of giving such prohibition a fair trial. I have served three terms (each of several months) as exchange officer, two at Washington, D. C., and one at Fort McPherson, Ga. I have also served for several years in posts where canteens were in existence.

Suitable buildings should, I think, be erected and kept in thorough repair by the Government. The steward should be paid sufficient salary to procure the services of a thoroughly good man. This also applies in some degree to the attendants, but is especially important in the case of the steward. The matter of dividend to the organizations sharing in the exchange should not be considered. I believe that the ration should be made such as to obviate the necessity for this means of increasing the company fund.

Mr. President, much stress has been laid upon the fact that the chief purpose of the canteen is to raise a fund out of which the soldiers might purchase the necessary luxuries of their Army life, and which are not issued as rations. In one instance, I believe, referred to by the Senator from New Jersey, it is shown that something like $1,800 was raised as the result of the operation of the canteen or post exchange.

I think this was at the Military Academy. Of course, if it is a question of luxuries for the soldiers, the luxuries can be measured only by the amount of beer they may drink. I have no doubt if the canteen should succeed, if it should receive sufficient encouragement, that after a while the soldiers might be taught to drink a sufficient amount of beer to pay the entire expenses of their sustenance.

Mr. GALLINGER. If they did not spend their money for beer, they could buy the luxuries.

Mr. HANSBROUGH. It seemed to me that that would be the inference. I thought it unnecessary to refer to it directly. Senators can see for themselves that if the soldiers saved their money instead of spending it for beer they might buy something more than the necessary luxuries. They might be able to send a little of the money they earn back to their parents or to their poor relatives.

Then we have the testimony of Second Lieut. Edward Kimmel, commanding Battery G. He says:

To a certain considerable extent would lessen the use of beverage and to that extent the effect would be beneficial. Am in favor of the prohibition. In my opinion, there is no good to be derived from the use of beer. On the other hand, it has a degrading influence on the soldier physically, intellectually, and morally. The soldier may obtain beer in some other way, but the Government should not counteract its own efforts toward the making of a good soldier by supplying that which will impair his efficiency.

It seems to me that the argument of those who advocate the prohibition of the canteen is contained in a nutshell in that statement.

Capt. E. H. Catlin, commanding Battery I, says:

I have been stationed at posts where canteens existed for ten years. It seems to me contrary to good morals to give official sanction to the sale of alcoholic drinks to soldiers, especially to recruits, some of whom in the canteen acquire the taste for drink that ruins them, a taste that they would not acquire elsewhere. The fact that it is considered inexpedient for soldiers to sell beer is enough to condemn its sale by civilians. To myself personally it is repugnant to have any connection with the management of the beer feature of the exchange, which is a catering to men's lower tendencies.

Then there is the statement of Capt. William Stanton, commanding Troop C, to the same effect:

There would be less drunkenness at the post, and, I think, no more in the town or other places near the post. I am in favor of such prohibition. The canteen at a post is a temptation to many who would not take the trouble to go outside the post for a drink. This is especially the case with young men who have not formed the habit of drinking; even men of intemperate habits might often be prevented from getting drunk if intoxicants were not so conveniently placed within their reach.

The plea that you can limit the amount of beer sold to a man in the canteen is fallacious. The bartender who will refuse a man beer when he thinks he has had enough will, I suspect, be hard to find. I believe that the exchange without the canteen can not be maintained, and in consequence the profit now enjoyed by the companies must cease, and it is to this fact I attribute much of the support which the canteen receives from officers of the Army.

Here is the statement of Capt. F. Wheeler, commanding Troop E. He says:

I have observed the workings of the canteen feature of the exchange system while serving as canteen officer for six months and on canteen council frequently, being in the service and on duty at post all but nine months since canteen was started in 1890. I have no objection to the moderate use of liquor, but its sale by the Government is not, in my opinion, advantageous to the discipline or morals of a command, particularly when sold on credit. The detail of soldiers in the post exchange is demoralizing to them. Many men who would not pay cash for liquor will take that or anything else on credit.

In the statement of Capt. G. H. Paddock, commanding Troop F, I find the following:

A good effect, especially in this hot climate, where drinking is so injurious. The only excuse, in my opinion, for the canteen was to improve the mess. Now that the ration is good and sufficient, I am in favor of the total prohibition of the sale of intoxicants of all kinds. Have observed for several years the workings of the canteen at several different posts. I have been a successful exchange officer at several posts, as the records will show, and I have done everything in the power of an officer to make the system a success. Yet it is my deliberate opinion that the ease with which intoxicants can be obtained at a post exchange has a tendency to make men, especially young soldiers, drink who would not do so otherwise.

In the best-managed exchanges the part where beer is sold is frequented and occupied by the "old soaks" of the command, whose blear eyes and profane ribald jests have nothing but an injurious effect upon the decent (always the large) element of a regular command. When no exchange is at a station, none but the worst element of a troop will frequent the public saloons, or, if they do, will do so very seldom; but the exchange saloon or portion of the exchange where beer is sold, being authorized by law and to that extent made respectable, is more frequented. The argument usually made that men will have their drink is absurd. Our men join us quite young, and if no liquor is in sight they do not think of it. The few old soaks of the Army are of more use in the guardhouse than in line. I do not think that their appetite for liquor should be considered.

Also:

In my opinion the effect of absolute prohibition of the sale of beer in the Army can not be otherwise than salutary and beneficial to all, especially to the younger men. I am in favor of absolute prohibition of the sale of all intoxicants of every nature upon any military post.

W. A. MARYE,
Lieutenant-Colonel of Ordnance.

U. S. ARSENAL, *Fort Monroe, Va., May 19, 1899.*

Lieut. Col. H. W. Wessells, jr., commanding regiment: It would help the decency of the service. I am unalterably opposed to saloons and saloon keepers. I never can or will believe in saloons or saloon keepers, call them by what euphemistic names you please.

Then we have the statement of Capt. Luigi Lomia, commanding Battery H. He says:

I think it would be a good thing. I am in favor of the post exchange with the canteen feature in it eliminated. Billiards, coffee, soda water, ice cream, lunches, etc., might be sold the men with profit. I have observed the workings of the canteen feature of the exchange more especially since promoted to captain (1894, February 3).

As battery commander I have been informed many times that many of the young men who come in the service would let beer and all other intoxicants alone were it not for the fear of being considered "mean"—that is, the old soldier in some way or other gets the younger soldier to spend money on them, although "treating" is prohibited. Thus young men acquire the taste for drink that if the opportunity were not afforded might never acquire such a taste. In my opinion drink in ninety cases out of one hundred is at the bottom of all of a soldier's trouble.

Also:

Capt. W. C. Brown, commanding Troop E: The number of cases of men being violently drunk would probably be increased somewhat, particularly in localities where there are rum shops immediately outside the limits of military reservations. The prohibition of the sale of beer would not be regretted by me, although I am just now opening the canteen at the post and selling beer in the evenings under restrictions. As to whether more harm than good is done thereby is problematical.

I have observed the workings of the canteen feature of the exchange system during about seven years' service at posts of Forts Assinniboine, Grant, San Carlos, Sill, Washakie; and camps at Lakeland, Fla., and Chickamauga, Ga. While fully realizing the fact that the canteen tends to reduce drunkenness in this, that a drinking place is established in the garrison under restrictions which certainly lessen the desire of men to go outside for stronger intoxicants, such as whisky, rum, etc., yet the fact remains that when the War Department goes into the saloon business it can not but detract, in the mind of the soldier, from those high conceptions of the functions of the Government which he should constantly have before him.

The recruit, upon arrival at his post and finding a beer saloon (canteen) in operation under the auspices of the Government, which he is told by the advocates of the canteen is established to improve the morals of the enlisted man, is certainly tempted to improve (?) his own morals by patronizing it; and yet if he but take a glass too much (and there are few men capable of accurately gauging their capacities in such matters), he is court-martialed for patronizing too liberally a Government institution. There seems something incongruous in all this, and years of experience at posts where canteens have been in operation have not served to eradicate the impression.

It may be said that all this is mere sentiment, but sentiment plays so important a part in human affairs, both in the Army and out of it, that it is not to be lightly disregarded. In my experience the most difficult thing in the management of the canteen is to enforce orders restricting men to proper limits in beer drinking. On May 23 I caused the canteen (which had been closed for about six weeks) to be opened, hoping in that way to prevent the introduction of whisky, which had been smuggled into the post. The canteen was ordered kept open from after supper until 9 p. m., and stringent

orders given that no man should have more than one bottle of bottled beer or, in lieu thereof, three glasses of draft beer.

The first two evenings twice this quantity was sold, and men became drunk, though there was whisky in the post at the same time which assisted to cause the trouble mentioned in the accompanying press dispatch, which, though inaccurate, is unfortunately truthful in this respect—that the canteen was opened on the night in question and several men evidently secured there more beer than my instructions authorized, and became drunk.

[Press dispatch referred to.]

TRIED TO KILL HIS CAPTAIN—SOLDIER AT FORT WASHAKIE CRAZED WITH LIQUOR—FILLED UP ON CANTEEN BEER AND THEN SOUGHT TO AVENGE HIMSELF FOR SOME IMAGINARY WRONG.

"LANDERS, WYO., *May 24.*

"Last evening James E. Workman, a private belonging to Troop E, First Cavalry, stationed at Fort Washakie, made an attempt to kill his commanding officer, Captain Brown. The post canteen, which had been closed for a time, was opened yesterday, and Workman filled himself up on beer, and for some imaginary grievance made the attack. He was discovered by the guard and disarmed and put in the guardhouse. He has been suffering today from an attack of the delirium tremens."

Capt. Clarence Deems, commanding Battery C: Highly beneficial to the health and discipline of the Army. Am in favor of such prohibition.

Capt. George E. Sage, commanding Battery E: Benefit the moral tone of the men and improve the discipline of the service. I am in favor of such prohibition.

Capt. J. A. Lundeen, commanding Battery A: I think the ultimate effect would be beneficial to the service. It would be very difficult to prevent men that crave stimulants from obtaining them. I am in favor of prohibition where it really prohibits the men from getting intoxicants.

It would result in much improvement in the tone of the Army. The authorizing of the sale of an intoxicant by the Army is looked upon as a licensing of this evil by enlisted men. The absolute prohibition of the sale of intoxicants within 1 or 2 miles of a post or camp would, in my opinion, result in much benefit to the service, along with strict regulations against inebriety. Less encouragement to post exchanges and more to post libraries would, in my opinion, tend to increase the moral tone and afford a means of counter attraction.

STUART G. GIBBANEY,
Hospital Steward, U. S. A.

MATANZAS, CUBA, *June 14, 1899.*

Gradually the tone of morality would become stronger among the enlisted men.

LUTHER THOMPSON,
Hospital Steward, U. S. A.

FORT KEOGH, MONT., *June 15, 1899.*

A benefit to all concerned.

EDWARD A. BROWN,
Post Quartermaster-Sergeant, U. S. A.

FORT BAYARD, N. MEX., *June 14, 1899.*

Better morals, better discipline, better soldiers. It would take off the so-called respectability. As it is now said, the United States Government fosters the traffic, and thereby a curse to all mankind is made respectable.

SAMUEL A. TRASK,
Post Quartermaster Sergeant, U. S. A.

FORT MEADE, S. DAK., *June 12, 1899.*

Capt. James T. Kerr, commanding Company K: "Much discontent on account of loss to revenue of messes. Prohibition, if provision is made for replacing the revenue lost thereby to messes, say 1½ cents per man per day. It is not the use of beer, but its abuse, that is objectionable. I have never yet seen a canteen that a self-respecting soldier could find pleasure in entering for a few days after pay day, as there are always men who drink more than is good for them. In the rush and jam of pay day it is impracticable to single out these and prevent them from getting more, and the only way to regulate in such case is to close the canteen, whose raison d'etre is that the use of beer may be really regulated."

The natural tendency of the canteen is to encourage the drinking of beer, especially since the profits go to the improvement of the mess, and in these days of short enlistments, comparatively few reenlistments, and generally young recruits the disadvantages of the canteen seem to me to outweigh the advantages. A sort of local option in the matter, leaving it to the regimental commander to decide, he being responsible for the discipline of his command, would perhaps be better than prohibition. If Congress does put on a prohibition, it should at least provide a fund of 1½ cents per man per day in cash for improvement of mess.

I firmly believe, although not classing myself a total abstainer, and admitting that I indulge occasionally in a glass of beer, but never in liquor, that the absolute prohibition of the sale of beer in the Army would be a benefit to the soldiers and would improve the efficiency of the Army, both from a standpoint of morality and discipline.

ROBERT VON DER GOLTZ,
Post Quartermaster-Sergeant, U. S. A.

FORT THOMAS, KY., *June 12, 1899.*

Organization messes would not live so highly, so far as table fare is concerned, but the ordinary enlisted man would be benefited otherwise.

EDGAR C. GRAHAM,
Post Quartermaster-Sergeant, U. S. A.

BENICIA BARRACKS, CAL., *June 15, 1899.*

Capt. A. R. Paxton, commanding Company I: Good, if supplemented by a careful recruiting service.

I believe it would be beneficial to the greatest number.

HOWARD IRVING,
Post Quartermaster-Sergeant, U. S. A.

FORT APACHE, ARIZ., *June 18, 1899.*

In the main, it would have a beneficial effect.

PHILIP ROTH,
Commissary-Sergeant, U. S. A.

FORT YELLOWSTONE, WYO., *June 16, 1899.*

If the question is meant to imply within the military reservation or camps, I think the effect would be for the better.

MARTIN DAHL,
Ordnance-Sergeant, U. S. A.

FORT MORGAN, ALA., *June 14, 1899.*

Those who are addicted to the drinking habit will seek it wherever it can be got. It would restrain a great many from its use, especially among recruits and young soldiers.

THOMAS CONNOLLY,
Post Quartermaster-Sergeant, U. S. A.

FORT SCHUYLER, N. Y.

Excellent.

R. O. R. BERGATH,
Ordnance Sergeant, U. S. A.

FORT PORTER, N. Y., *June 12, 1899.*

In my opinion the effect would be good.

AUGUST KURLMANN,
Post Quartermaster-Sergeant, U. S. A.

FORT MOTT, N. J., *June 17, 1899.*

Capt. W. H. W. James, commanding Company C: In my opinion the effect of an absolute prohibition of the sale of beer in the Army would be a wonderful benefit and advantage to the Army. I am most emphatically in favor of an absolute prohibition of the sale of beer in the Army. I have commanded a company where an exchange was in operation for about three years. In my opinion the way for a man to keep from drinking immoderately is for him not to drink intoxicating liquors at all. By not drinking intoxicating liquors at all a man does not cultivate a taste and liking for intoxicating liquors.

If a man drinks at all, he is, in my opinion, liable to form a taste and liking for it, the taste and liking for which may be the cause of his ruin. In my opinion, very often the moderate drinker becomes a drunkard. I have seen a statement in print to the following effect, that Sir Garnet Wolseley, the commander in chief of the British army, stated that two young officers of the army starting out, supposing them to be equal in all respects except that one was a total abstainer from the use of intoxicating liquor and the other was a moderate drinker, that the total abstainer had a great advantage over the other officer, a moderate drinker of intoxicating liquors.

I believe his statement is true, and I believe that the same will apply to two soldiers, supposing them to be equal in all respects except that one is a total abstainer from the use of intoxicating drinks and the other a moderate drinker of intoxicating liquor. I believe that the one who is a total abstainer from the use of intoxicating liquor has a wonderful advantage over the one who is a moderate drinker. I believe the argument in favor of the sale of beer in the exchange is that it is the lesser of two evils—that is, that if not sold in the exchange more intoxicating and worse intoxicating liquor would be obtained outside of the post or camp.

I say, why take either evil? I am myself a total abstainer from the use of intoxicating liquor except when necessary as a medicine, which is exceedingly seldom. I believe it is wonderfully better for me to be a total abstainer from the use of intoxicating liquor except when necessary as a medicine, and I believe it would be wonderfully better for the enlisted man to be a total abstainer from the use of intoxicating liquor. I believe the sale of beer in the exchange, under official sanction, is likely to produce the impression in the mind of the soldier that as it is sold with official sanction that it is not so bad, after all, to drink beer.

In my opinion the effect would be good.

JOHN NOEL,
Ordnance Sergeant, U. S. A.

FORT MOTT, N. J., *June 17, 1899.*

Mr. President, there is other testimony which it seems to me belongs to this debate. Here is an article from the Denver Evening Post on the work of the canteen. It refers to an officer of the Army whose unfortunate fate caused many a pang among his friends. The article is as follows:

[Denver Evening Post, September 15, 1899.]

The suicide of poor Harry McDowell, of Company M, took place last December. Repeated attempts have been made to conceal the real facts. A stigma was put upon the memory of this man to which he was not entitled. McDowell had been out of the hospital only two days. He was homesick. He got drunk on liquor bought in the regimental saloon on credit, and had not the canteen records been burned they would prove it. He was thrown into the guardhouse. This consisted of two rooms aggregating 16 by 32 feet in size, with a low ceiling, and situated on the ground floor, a part of a Manila house that no Filipino will sleep in because of the deadly fever.

This guardhouse had one small window and one door, which was kept closed by McCoy's (McCoy was colonel of the regiment) express orders. The thermometer was then nearly 100° in the shade every day, and the days and nights were rendered terrible by the odors and mosquitoes in the prison. There were 23 men there the day McDowell died. He had passed a sleepless night; he was in the condition any man just from the hospital and sick from intoxication would be in, and he reported to Major Kemble for relief. Because McDowell took no bottle to the dispensary he got no medicine. He returned to the guardhouse. The door still being shut, he tried to get relief by using a small fan. About noon he remarked: "I can't stand this any longer," and taking a knife cut his throat. After this the guardhouse door was kept open. There is blood on the canteen profits and its promoters.

Mr. President, I have here an article from a Habana newspaper, the Habana Post, dated July 6, 1900.

Mr. GALLINGER. I read that.

Mr. HANSBROUGH. The Senator from New Hampshire advises me that he read it and had it inserted in his remarks this morning. Therefore I shall not read it. I shall ask, however, that it may be inserted in what I have said on this subject.

[From the Habana Post, July 6, 1900.]

A DISGRACED OCCASION.

It was a source of genuine disappointment to the large assemblage of American citizens who gathered to witness the Vedado field sports of the soldiers belonging to the batteries stationed there that a feature not down on the programme, but made one of the most notable of the day, should have been brought prominently to their attention. The permitting of the Army canteen on the ground to the right and in front of the grand stand gave the visitors, American and Cuban, an enforced opportunity of witnessing the disgraceful spectacle of perhaps a hundred drunken soldiers, many of whom were violently disorderly, even to engaging in fist fights and general brawls in the presence and ostensibly under the supervision of the officers of the batteries.

It is doubtful if such a disgusting and disgraceful spectacle has ever before been offered the people of Cuba upon the occasion of a public celebration. Certainly not within the experience of a large proportion of the civilian visitors who went to the exercises expecting to see high-class sports conducted in an orderly and truly American manner has there ever been witnessed such scenes of drunkenness, disorderliness, and general confusion.

The Fourth of July was disgraced by the debauchery which prevailed, but it was even worse prostituted by officers who gave their consent to the

establishing of a drinking tent in the place of public amusement, to which the public had been invited and whose money was taken for what was supposed to be a respectably conducted exercise. So noticeable was the debauchery for a time that some one in authority closed the place for at least two hours, giving the boys this much time in which to sober up, but it was reopened at 1 o'clock and from that hour until the exercises were over was the rendezvous for all the Army toughs the batteries and visiting companies contained, fight after fight following as men lost their heads under the influence of liquor, in the rays of a broiling tropical sun. It was a repulsive sight for the ladies, hundreds of whom were forced to view it from their grandstand seats, and equally disgusting to the sterner sex, who love their natal day and would have been glad to have seen it observed in decency and order.

Some one is to blame for the disgrace which was brought to the United States and its flag Wednesday. How can we consistently censure ill-tempered Spaniards and Cubans from displaying it upside down when we admit to our public places of amusement disorderly conducted canteens to turn our soldiers upside down, make them lose their self-control, and indulge in rowdyism that belonged to the Bowery of other days. The canteen did not locate itself in a conspicuous part of the grounds, nor did it license itself to sell liquor to soldiers in all stages of intoxication. If it was thought necessary for the pleasure of the boys in blue that they should have their beer upon such an occasion, the canteen should have at least been put under guard, and at the worst have been conducted decently.

Furthermore, it should have been located where visitors would not have been made to see its rowdyism and debauchery. Every self-respecting American must have felt like hiding his head in shame over the disgusting exhibition given him at the Vedado field sports on Wednesday. Small wonder is it that the Cuban ladies who were present, to whom such scenes are altogether unknown, should have shown the revulsion of feeling that many of them manifested, and small wonder is it that American ladies in the grand stand blushed with mortification at the indecencies of the day. The Fourth of July was sorely disgraced in our own house.

The purport of the article is that in some sort of a fiesta in Habana, only a few months ago, the canteen was established on the fair grounds, or wherever the celebration was being held, and it there became the principal object of attraction, much to the disgust of our Cuban friends, who criticised the liquor system of the United States in some respects almost unmercifully. If we are going abroad to civilize other people, it seems to me that we want to take there the best morals we have, and keep at home those institutions that are not proper. Therefore I am opposed to sending the institution of the saloon into the Philippines. I prefer to keep it at home, if it is to continue to survive.

Mr. BUTLER. Do I understand the Senator to say that the article from the Habana Post is to the effect that the canteen system increased the consumption of intoxicating liquors in Cuba?

Mr. HANSBROUGH. No; the Senator did not understand me thoroughly. I said the purport of the article was that the canteen was established on the fair grounds, where the celebration was held, and many of the soldiers and private citizens came under the influence of liquor as a result of the canteen's presence there. I said nothing about the increased sale of liquor in Cuba.

Mr. BUTLER. The canteen sold only beer and light wines. Did the canteen sell whisky?

Mr. GALLINGER. They got gloriously drunk, according to the report.

Mr. HANSBROUGH. I think it is a notorious fact that people get drunk on beer. It is not necessary to drink whisky in order to become intoxicated.

Mr. BUTLER. The Cubans drink very freely of light wines. They do not drink whisky much. In the Philippines and in Cuba we taught them to drink whisky, but they did not drink it much before we went there. The canteen proposes to furnish the soldiers with about the kind of drinks that those simple natives indulged in, more or less harmlessly, before we went there, as I understand it. So I was a little curious to know just what effect the establishment of the canteen that sold only beer and light wines would have on a people who confined their drink almost exclusively to light wines before we carried civilization to them.

Mr. HANSBROUGH. I can speak only for myself when I say that I do not believe the introduction of liquor of any character, whether it be beer, whisky, or wine, into any community is conducive to civilization. That is my own personal opinion. I think it is an opinion entirely aside from party politics. It is held by a great many good Democrats and good Populists, and a very large number of good Republicans.

Mr. BUTLER. That statement is very sound.

Mr. HANSBROUGH. On this subject I wish to read briefly from the official record of the deaths in the Army and Navy from April 7, 1898, to February 20, 1899, during the war with Spain, because it furnishes an exposition of the methods of the War Department that can not be answered by investigating commissions or courts of inquiry. In that time in the Army there were killed in action 329 men; died of wounds, 125; died of diseases, 5,277. That was in the Army, when the canteen was in vogue and was encouraged, where light wines and beer and perhaps much stronger liquor were sold or dispensed freely. As to the Navy, here are the facts: In the same time there were killed in action in the Navy, 17; died of wounds, 1; died of diseases, 0. I will say that in the Navy the canteen has found no place, and if it ever did, it has been abolished. I wish to furnish the testimony of the present Secretary of the Navy as to that phase of the question. Secretary Long was accused by the press of having allowed his Department to be dictated to by outsiders, and in an interview in Boston, February 19, 1898, he said:

It is not true that any society outside the service caused the issuing of the order.

That was the order against the sale of beer or any other kind of liquor in the Navy.

It was done at the solicitation of naval officers themselves, who were actuated by a sense of duty to the service. The sale of beer on shipboard was regarded by many of them as an evil, and they sought to abate it. * * * The matter was first suggested to the Department by Captain Folger, of the cruiser *New Orleans*. After his return from the war he wrote a letter in which he fully explained the evils which, in his judgment, resulted from permitting the sale of liquor on shipboard.

This letter I referred to a number of other captains. Among them were Captains Barker, Higginson, Crowninshield, and Bradford. After a careful consideration of the matter they reported, the majority of them favoring the absolute prohibition of beer and liquor on board. Then it was that the order was issued. The Department felt that its duty to the boys and men in the service required such an order.

And there is no canteen in the Navy.

Mr. President, it seems to me that the protests against this proposed liquor legislation, the respectful protests that are made by hundreds of thousands of good people in this country, are deserving of some consideration, and that the dignified petitions of numerous temperance organizations should be heeded here and now.

We should not turn, it seems to me, a deaf ear to the prayerful supplications of the parents of the young men who are serving in the Army of the United States, especially to the mothers of those boys. Whatever we may think of the private individual who engages in the liquor business, who opens a saloon and sells these poisonous concoctions to his fellow-men, I think there can be but one mind as to whether it is morally right for the Government of the United States to engage in the saloon business.

So, Mr. President, it seems to me that at the beginning of this the twentieth century the American Congress can honor itself and add new glory to our republican institutions by wiping out the official saloon. For these reasons I hope, Mr. President, that the amendment reported by the Committee on Military Affairs will be defeated.

AGREEMENT WITH THE CHEROKEES.

Mr. THURSTON. Mr. President, there are two House bills on the table which I ask to have laid before the Senate in order that conferees may be appointed.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11820) to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. THURSTON. I move that the Senate insist upon its amendments and grant the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. THURSTON, Mr. PLATT of Connecticut, and Mr. JONES of Arkansas were appointed.

AGREEMENT WITH CREEK INDIANS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11821) to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. THURSTON. I move that the Senate insist upon its amendments and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. THURSTON, Mr. PLATT of Connecticut, and Mr. JONES of Arkansas were appointed.

GEORGE G. KEMP.

Mr. GALLINGER. Mr. President, I submit a concurrent resolution, and as it will take but a moment to pass it, I ask for its immediate consideration. It is to recall a bill from the hands of the President that it is important to come back to the Senate.

The concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill of the Senate No. 1226, granting an increase of pension to George G. Kemp.

THOMAS WHITE.

Mr. GALLINGER. Mr. President, as no Senator has taken the floor on the Army bill, I ask leave to report a House pension bill that an absent Senator is very desirous of having passed.

The PRESIDENT pro tempore. Is there objection to receiving the report at this time? The Chair hears none.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 10785) granting a pension to Thomas White, to report it without amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Thomas White, late sergeant of Company F, Ninetieth Regiment Illinois Volunteer Infantry, and of the Signal Corps, United States Army, and to pay him a pension at the rate of $24 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE K. BOWEN.

Mr. PENROSE. I ask unanimous consent for the present consideration of the bill (S. 4208) for the relief of George K. Bowen. There will be no opposition to it. I ask that it be read. There is an amendment reported by the committee.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed and authorized to revoke the order dismissing George K. Bowen from the service as lieutenant-colonel, who was assigned to the command of the One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry. (Said regiment was attached to the Eighteenth Army Corps.) Said applicant while in command of said regiment above cited and on the march to enter Richmond, Va., received an order from the War Department dismissing him from the service. Said officer was ignorant of charges having been preferred, and had no opportunity to refute said charges.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PLATT of Connecticut. I should like to hear the committee amendment read. It may improve the bill somewhat.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. The Committee on Military Affairs report to add to the bill the following proviso:

Provided, That no pay or allowance shall accrue by reason of the passage of this act.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HOAR. I must object if it is proposed to pass the bill in its present form, reciting certain history, making facts that occurred in the country the law of the land.

Mr. SEWELL. Will the Senator allow me?

The PRESIDENT pro tempore. Objection is made.

Mr. SEWELL. I beg pardon.

Mr. PENROSE. The Senator from New Jersey [Mr. SEWELL] reported the bill.

Mr. HOAR. The bill can be amended.

Mr. SEWELL. The report was made by me, and I thoroughly investigated the matter. The bill is a very meritorious measure.

Mr. PLATT of Connecticut. The bill ought to be changed in its form.

Mr. ALLISON. Let it lie over.

Mr. HOAR. I do not object to its consideration if the narrative part of the bill is stricken out.

Mr. SPOONER. Why was the officer dismissed?

Mr. SEWELL. He was dismissed by reason of the fact that his command, which contained a lot of new troops which had been assigned to the regiment, got loose at Norfolk and there was some drunkenness among them. The officer was not to blame for it. I investigated the case thoroughly and I have submitted the report, which is here. I think anyone who will read the report will be satisfied that the bill is correct.

Mr. SPOONER. It seems that he was dismissed because somebody else got drunk.

Mr. HOAR. I make no objection to the bill. I merely want to have the narrative part of it stricken out.

Mr. DANIEL. Let the report be read.

Mr. PENROSE. I move to strike out the narrative part of the bill, and I ask for a vote on it as amended.

The PRESIDENT pro tempore. The Chair desires to know whether the Senate consents to the consideration of the bill. Is there objection?

Mr. ALLISON. I suggest that the bill be withdrawn for the present, so that there may be leisure to make the necessary amendment. It can be called up again.

Mr. PENROSE. Does the Senator from Iowa mean that it can be called up this afternoon?

Mr. ALLISON. I shall have no objection to calling it up at any time.

The PRESIDENT pro tempore. Objection is made.

THE MILITARY ESTABLISHMENT.

Mr. ALLISON. I infer from the situation of the Army bill that the Senate is not prepared to go on with it any further this evening, and I ask unanimous consent to call up the legislative, executive, and judicial appropriation bill, so that the Senate may make some progress with the bill this evening. There will be no controverted questions raised during the evening.

Mr. HAWLEY. Will the Senator kindly permit me to finish what I began this morning?

Mr. ALLISON. I yield to the Senator from Connecticut.

Mr. HAWLEY. I move to reconsider the vote by which a resolution for printing 3,000 copies of the committee hearing on the Army bill was passed, because another resolution, which provides for printing 15,000 copies, is pending and has gone to the Committee on Printing. I should therefore like to recall the resolution which proposes to print 3,000 copies.

The PRESIDENT pro tempore. The Senator from Connecticut moves to reconsider the vote by which the Senate agreed to the resolution offered by him this morning to print 3,000 copies of the report of the hearings before the Committee on Military Affairs. Is there objection? The Chair hears none, and it is so ordered.

Mr. SEWELL. If the Senator from Iowa will allow me, I was out of the Chamber for a few moments. I do not know what has been done since I left. I wish to secure a vote on the canteen matter.

Mr. ALLISON. I understood that the Senator from Connecticut did not propose to go on any further with the bill this afternoon.

Mr. SEWELL. If the Senator from Connecticut will allow me, I should like to have a vote on that question. The most important thing before the country to-day is this Army bill.

Mr. ALLISON. Very well; I withdraw my suggestion.

Mr. SEWELL. I should like to have unanimous consent that the Senate shall vote on the canteen question to-morrow at 2 o'clock.

Mr. TELLER. Mr. President, I will object to that.

The PRESIDENT pro tempore. Objection is made.

Mr. TELLER. I wish to say that, as far as I am concerned, I do not intend to delay a vote on the canteen question or anything else connected with the bill, but I object to putting it down for to-morrow at a fixed hour.

Mr. SEWELL. I will say to the Senator from Colorado that he must certainly recognize the necessity of passing the Army bill immediately, and we can not do it if we are going to spend our time on side issues like the canteen question. Can you not agree to a time when we shall take a vote on the canteen amendment?

Mr. TELLER. I know that several Senators want to say something on the canteen question, and a good many of them are away. The attendance in the Senate is rather light just now. There has not been any disposition here to delay the bill at all.

Mr. SEWELL. That would indefinitely postpone the consideration of the bill itself.

Mr. TELLER. What would?

Mr. SEWELL. To postpone a vote on the canteen amendment.

Mr. TELLER. I do not ask you to postpone the canteen amendment.

Mr. SEWELL. I do not ask for a vote on the bill. I ask for a vote on the canteen amendment to-morrow at 2 o'clock.

Mr. TELLER. I have stated to the Senator that I object to that. The Senator has no right to infer that because I object to it I want any delay on this bill. I think it is an infamous bill, but I expect that it will pass. I have no objection to its being voted on. I object to its passage, but I do not object to its being voted on.

Mr. SEWELL. Will the Senator not agree to fix a time for a vote——

Mr. TELLER. I realize that if the bill is to be passed it ought to be passed at an early date. I agree to that.

Mr. SEWELL. Will the Senator not agree to fix a time for a vote on the canteen amendment?

Mr. TELLER. I have not any right to do that. I want to make some remarks on the subject, and I know some other Senators do. I will agree, so far as my remarks are concerned, that they shall be brief, and they are not intended for delay; but at this hour I am not willing that an agreement shall be made.

GEORGE K. BOWEN.

Mr. PENROSE. Mr. President, I have stricken out the narrative part of the bill (S. 4208) for the relief of George K. Bowen, and I ask the Senate to consider it and put it on its passage.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks for the present consideration of a bill which will be read.

Mr. GALLINGER. The Senator moves to amend it.

Mr. SPOONER. When the bill was presented to the Senate the Senator from Connecticut [Mr. PLATT] objected. He is not present now. I do not know what the ground of his objection was, or whether it is eliminated by the amendment or not. I think, perhaps, the Senator ought not to call it up in his absence under the circumstances.

Mr. PENROSE. I understood that the Senator's objection was to the narration of facts in the body of the bill.

Mr. SPOONER. I do not know what objection the Senator from Connecticut had to it. He made the objection.

The PRESIDENT pro tempore. Objection is made to the request of the Senator from Pennsylvania.

Mr. HAWLEY. It was not I who made any objection. The bill has been before the Military Committee and has been reported favorably.

Mr. SEWELL. It has been reported favorably. I myself made the report.

Mr. HAWLEY. I recollect it. I know the committee very cheerfully voted for it.

Mr. PENROSE. I ask that the bill be read as I have proposed to amend it.

Mr. SPOONER. I do not wish to be understood as objecting to it. I merely made the suggestion.

The PRESIDENT pro tempore. The bill will be read in the form it will be providing the amendment which is now offered by the Senator from Pennsylvania is agreed to by the Senate.

The Secretary read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to revoke the order dismissing George K. Bowen from the service as lieutenant-colonel, who was assigned to the command of the One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry: *Provided*, That no pay or allowances shall accrue by reason of the passage of this act.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The Senator from Pennsylvania offers an amendment, which will be read.

The SECRETARY. Strike out after the word "Infantry," in line 7, the words:

Said regiment was attached to the Eighteenth Army Corps. Said applicant, while in command of said regiment above cited and on the march to enter Richmond, Va., received an order from the War Department dismissing him from the service. Said officer was ignorant of charges having been preferred, and had no opportunity to refute said charges.

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to. There is another amendment, a committee amendment, which will be read.

The SECRETARY. It is proposed to add to the bill the following proviso:

Provided, That no pay or allowances shall accrue by reason of the passage of this act.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SPOONER. The last provision is in twice, is it not?

Mr. COCKRELL. I wish to suggest to the Senator in charge of the bill that as it now reads it does not do what he desires to accomplish. What the Senator wants to do, evidently, is to authorize the President of the United States to revoke and set aside the special order dismissing this officer and then to issue to him an honorable discharge, neither of which is done in the bill.

Mr. SEWELL. I think the bill in its present form will cover the whole thing. This officer was discharged summarily by the Secretary of War.

Mr. COCKRELL. Oh, no; by the President. Your own report shows it.

Mr. SEWELL. It was done by the Secretary of War, practically, on a report from Fortress Monroe in relation to the action of a certain body of troops under Colonel Bowen's command.

Mr. COCKRELL. It was Special Order 147.

Mr. SEWELL. He was discharged without a hearing by a court-martial. All he desires is to be reinstated in his position honorably, in the sense that he is not to be dismissed. He asks for nothing. The bill provides that he shall get nothing. Therefore I see no objection to it.

Mr. DANIEL. I ask that the report be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report submitted by Mr. SEWELL June 1, 1900; which is as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 4206) for the relief of George K. Bowen, beg to submit the following statement from the Record and Pension Office of the War Department, followed by this officer's personal statement as to the matter stated in the bill:

Case of George K. Bowen, late lieutenant-colonel One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry.

It is shown by the records that George K. Bowen was enrolled April 18, 1861, as a private in Company F, First Regiment Pennsylvania Artillery Volunteers (the designation of which was changed to Company F, Seventeenth Pennsylvania Infantry Volunteers), to serve three months, and that he was mustered out with the company as a private August 3, 1861.

He was again mustered into service for the term of three years November 13, 1862, at Philadelphia, as captain of a company in Roberts's Independent Battalion Pennsylvania Volunteers, the designation of which became in November or December, 1862, Company C, Independent Battalion Pennsylvania Artillery, and in March or April, 1863, Company C, Third Regiment Pennsylvania Heavy Artillery. This regiment appears to have been organized for garrison duty at Fort Monroe, Va. There, early in 1864, he took part in the organization of a new regiment, the One hundred and eighty-eighth Pennsylvania Infantry, composed principally of surplus recruits for the Third Pennsylvania Heavy Artillery, and was mustered in as lieutenant-colonel One hundred and eighty-eighth Pennsylvania, to date April 1, 1864.

From April 1, 1864, to March 27, 1865, he was the senior officer of the regiment, and for most of the time in command of it, during which period it served in the Army of the James in the operations along the James River and before Petersburg, first in the Eighteenth Corps, and later, upon the reorganization of the Army of the James, as a part of the Third Brigade, commanded by Col. S. H. Roberts, Third Division, Twenty-fourth Corps.

In August, 1864, he was sent to hospital at Fort Monroe, where a leave of absence for twenty days was granted him about September 18, with permission to visit his home at Germantown, Pa. By reason of his having overstayed this leave, on account of prolonged illness, an order was issued from the War Department, Adjutant-General's Office, November 2, 1864, honorably discharging him on account of physical disability. Meantime he had reported for duty on October 31, and on his application, supported by the recommendation of his superior officers, another order was issued from the Adjutant-General's Office on November 12, 1864, revoking the order discharging him, whereupon he resumed command of his regiment.

A military commission, appointed November 5, 1864, to examine into the cause and authority of his prolonged absence, reported on the 11th of that month that a sufficient cause existed for his absence from his regiment for a longer period than was granted in his original leave of absence.

He was arraigned and tried before a general court-martial of which Brig. Gen. George H. Gordon was president, convened at Fort Monroe, Va., in December, 1864, on the charge of conduct prejudicial to good order and military discipline, conduct unbecoming an officer and a gentleman, and absence without leave, and found "not guilty" on each of the charges and specifications and acquitted and restored to duty.

About March 5, 1865, Col. S. H. Roberts, commanding the Third Brigade, under special instructions from General Grant, set out from Fort Harrison, Va., with a picked force, including the One hundred and eighty-eighth Pennsylvania, under Lieutenant-Colonel Bowen, on an expedition up the Rappahannock River to Fredericksburg, Va., via Fort Monroe, for the purpose of breaking up illicit trade, principally in tobacco, and destroying the Fredericksburg Railroad. The force returned from the expedition to Fort Monroe on the evening of March 8, with a large quantity of tobacco and other articles contraband of war. From Fort Monroe it appears the One hundred and eighty-eighth Pennsylvania, under Lieutenant-Colonel Bowen, was, on the afternoon of March 9, 1865, sent over to Portsmouth on the steam transport *Matilda* for the purpose of coaling, where, the regiment having disembarked, a disturbance occurred, in which its members took part, and which resulted in Lieutenant-Colonel Bowen's dismissal from service, the circumstances of which will appear from the following correspondence:

HEADQUARTERS NORFOLK, PORTSMOUTH, AND DEFENSES,
Portsmouth, Va., March 12, 1865.

MAJOR: I herewith submit reports of the conduct of the One hundred and eighty-eighth Pennsylvania Volunteers. In addition, I would state that at 1 p. m. I left for Suffolk and returned to Portsmouth at 9.15 p. m. On my arrival I found the city virtually in the hands of an armed mob. On sending for the commanding officer of the One hundred and eighty-eighth he could not be found, and my aid reported that there was only one officer with the troops. I directed immediately after the concentration of all disposable forces in order to put down the riot, which, in my opinion, might soon be converted into a mutiny. The arrival of these troops was not reported to me.

No permission was given them to land. They were allowed to wander about the streets, with arms—were drunk and endangering the safety of the town, and all Government supplies stored here. When the colonel did at length repair to my quarters, I perceived that he had been drinking to intoxication. As far as I can learn, but little or no effort was made to preserve order or discipline. The crew of the vessel was permitted to leave her, so that when she was required to be brought to the dock to embark the troops she could not be moved.

The statement of James Wingate shows that, so far from the officers endeavoring to control their men, one of them took forcible possession of private property, liquor, and served it out to his men.

Colonel Bowen was not only intoxicated, but was evidently grossly ignorant of his duty. He did not appear to be aware that it was his duty to report his arrival at headquarters. He thought that the order of the quartermaster at Fort Monroe, or the master of the vessel, was all that was necessary for his being brought into dock and the troops landed. The master of the vessel permitted his crew to leave the vessel without authority. I think that an example should be made of Colonel Bowen and the master of the vessel for their gross neglect of duty.

I was given to understand that the troops constituted a part of an expedition on foot. I did not detain the vessel long enough to thoroughly investigate the case so far as to report the names of the officers drunk. I learned from Colonel Bowen that the man creating the principal riot is Sergeant Beatty. All of his comrades that came under my own inspection did not manifest the least disposition to stop him, but, on the contrary, gave tokens of their willingness to aid and abet him.

I am, Major, very respectfully, your obedient servant,

J. VOGDES, *Brigadier-General.*

Maj. WICKHAM HOFFMAN,
Assistant Adjutant-General.

(The recommendation of General Vogdes is based in part on the reports of several of the subordinate officers on duty at Portsmouth and the statement of one James Wingate, a citizen of that place.)

HEADQUARTERS DISTRICT OF EASTERN VIRGINIA,
Norfolk, Va., March 14, 1865.

COLONEL: I have the honor to forward the inclosed reports for the consideration of the commanding general.

I have the honor to recommend that Lieutenant-Colonel Bowen, commanding the One hundred and eighty-eighth Pennsylvania Volunteers, be summarily dismissed the service for intoxication, gross ignorance of his duty, and allowing a total want of discipline to exist in his regiment.

I would also recommend that a board of inquiry be ordered to investigate and report the names of the officers who neglected their duty and to inquire into and report the facts, with reference especially to the two who, according to the testimony of Wingate, were fighting with each other.

This board should also report upon the conduct of that officer who refused to arrest any but his own men, of all who were prominent in the mutiny, or who neglected their manifest duty to put it down.

I am, Colonel, most respectfully, your obedient servant,

GEO. H. GORDON,
Brigadier-General, Commanding.

Lieut. Col. ED. W. SMITH,
Acting Adjutant-General, Department of Virginia.

[Indorsement.]

HEADQUARTERS DEPARTMENT OF VIRGINIA,
March 18, 1865.

This officer has been before a court-martial on a former occasion for similar offenses and escaped only through a belief that there was a disposition to give him credit for nothing, so it is privately stated by the president of the court. I recommend that he be dismissed the service, or if so authorized will dismiss him and forward the order for approval.

E. O. C. ORD,
Major-General, Commanding.

ADJUTANT-GENERAL UNITED STATES ARMY.

The recommendation of General Ord was approved, and Lieutenant-Colonel Bowen dismissed in Special Orders, No. 147, paragraph 57, War Department, Adjutant-General's Office, dated March 27, 1865, the text of which is as follows:

"By direction of the President, Lieut. Col. George K. Bowen, One hundred and eighty-eighth Pennsylvania Volunteers, is hereby dishonorably dismissed the service of the United States for intoxication, gross ignorance of his duties, and allowing a total want of discipline to exist in his regiment."

Upon the return of the One hundred and eighty-eighth Pennsylvania from Fort Monroe after the disturbance at Portsmouth it took part, under Lieutenant-Colonel Bowen's command, in several other expeditions from that point, and about the 25th of March returned to its former camp at Harrison, Va., from whence, on April 3, 1865, about the time the officer received notice of his dismissal, it moved to occupy Richmond, being at the time a part of the Third Brigade, Third Division, Twenty-fourth Corps.

Immediately upon receipt by Lieutenant-Colonel Bowen of the discharge order a petition, signed by the major and 12 other officers of the regiment, was, on April 3, 1865, prepared and forwarded to the War Department, urging his reinstatement, the text of the petition being as follows:

"We, the undersigned commissioned officers of the One hundred and eighty-eighth Pennsylvania Volunteers, having learned with regret that Lieut. Col. George K. Bowen, of this regiment, has been dishonorably discharged the United States service, do respectfully request that the sentence of dismissal be changed so as to accept his resignation.

"In our opinion the much to be regretted proceedings at Portsmouth were not attributable to any delinquency on the part of Colonel Bowen, nor do we consider that he was at all intoxicated or disqualified for performing his duties.

"Colonel Bowen has been with us through all the campaign of last summer, and in several engagements has shown both his courage and efficiency, and after a faithful service of now nearly three years is well entitled to an honorable discharge."

On April 5 the following petition, signed by the respective commanders of the Fifty-eighth Pennsylvania, Second New Hampshire, Twenty-first Connecticut, Fortieth Massachusetts, and One hundred and eighty-eighth Pennsylvania, was also forwarded:

"We, the undersigned, the field officers of regiments composing the Third Brigade, Third Division, Twenty-fourth Army Corps, have heard with regret the severe sentence pronounced on Lieut. Col. George K. Bowen, of the One hundred and eighty-eighth Pennsylvania Volunteers, and are of the opinion that an investigation of his conduct would have led to more lenient treatment, since from our previous knowledge of this officer we can testify to his good conduct in action as well as in the ordinary routine of camp duty. The charge of intoxication we conceive to have been made under an imperfect knowledge of all circumstances of the case.

"The discipline maintained by Lieutenant-Colonel Bowen has been good, and the disturbance on which the allegation of want of discipline was founded was a temporary matter, occasioned mostly by 300 men, unassigned recruits of the Third Pennsylvania Heavy Artillery, unwillingly assigned to the One hundred and eighty-eighth Pennsylvania Infantry for duty. We have no doubt Lieutenant-Colonel Bowen used all the means at his disposal to suppress anything like insubordination.

"We think Lieutenant-Colonel Bowen's knowledge of his duties fully equal to that of many more fortunate officers now in the service, and we therefore most respectfully ask that his resignation may be accepted, or that if he be considered unworthy of his position as an officer a proper investigation of his conduct may be had."

Under date of May 2, 1865, Mr. Bowen addressed General Ord a lengthy statement in explanation and extenuation of the affair at Portsmouth, which statement was forwarded to the War Department, with a copy of the order of discharge, indorsed as follows:

HEADQUARTERS DEPARTMENT,
Richmond, Va., May 9, 1865.

Respectfully forwarded for the consideration of the Secretary of War.

When this order was issued there was necessity for several prompt dismissals and changes, and Colonel Bowen's case came up indorsed by General Gordon and reported by General Vogdes as one calling for the immediate and summary action which it received. I had my doubts as to the propriety of acting on General Vogdes's report, but think the dismissal had a good effect on the command, even if it were not deserved. Colonel Bowen's report is in good taste—bears the evidence of an officer who had a good reputation—and now that the service can afford to be kind and considerate, which it could not then, to officers negligent or unsuccessful, I recommend that this order be rescinded, and, if the vacancy has been filled, Colonel Bowen be allowed to resign.

E. O. C. ORD,
Major-General, Commanding.

On May 24, 1865, the late officer applied to the Secretary of War for reinstatement in a letter, the text of which is as follows:

"I beg respectfully to lay before you the following facts which led to charges against me and the sentence of a dishonorable dismissal from the military service of the United States, promulgated in Special Orders, No. 147, paragraph 57, March 27, 1865, Adjutant-General's Office.

"On the 9th of March, after returning from an expedition to Fredericksburg, Va., in which the brigade to which my regiment was attached had been engaged, I was ordered by Brig. Gen. S. H. Roberts, commanding the expedition, to proceed to Portsmouth to obtain coal for the transport on which we were embarked, and also to cook rations.

"I was not aware that the headquarters of the brigadier-general commanding were at Portsmouth, so did not report immediately on arrival, and the captain of the transport being in haste to coal, which could not conveniently be done with the troops on board, I landed them in a large inclosed coal yard, taking all the precautions I deemed requisite to retain them there, and provided fuel from the Quartermaster's Department for cooking, in accordance with the orders received from Brevet Brigadier-General Roberts, against which I had received no contrary orders whatever.

"During a short absence to the provost-marshal's office, rendered necessary by a slight disturbance which had previously occurred, a large quatity of liquor was smuggled into the yard by inhabitants of the town in exchange for tobacco, of which the men had a large supply, captured and distributed to them at Fredericksburg.

"About 35 or 40 men became intoxicated and, eluding the guards, escaped into the town and produced the disorder charged.

"I had in my regiment 500 unassigned recruits of the Third Pennsylvania Artillery, whose discontent and insubordination had been frequently reported to your office.

"These were the men who on this occasion created all the disturbance.

"Both the men and officers of my old regiment assisted by all means in their power to preserve order, as, indeed, did many of the recruits, but one exception to the contrary occurring. Captain Jackson, of Company E of the regiment, became intoxicated and attempted to interfere with the guards posted, on which he was immediatedly arrested and removed under guard to the boat, and on our return to camp, on a renewal of misconduct, was recommended for dismissal, which was lately carried into effect.

"I was not under the influence of liquor, nor have I ever been addicted to intemperance, as is certified by the inclosed letter. I would also refer for my general good conduct and the discipline of my regiment to Brig. Gen. Charles Devins, commanding Third Division, Twenty-fourth Army Corps, and to Bvt. Brig. Gen. S. H. Roberts, commanding Third Brigade, Third Division, Twenty-fourth Army Corps; also to the inclosed petitions of my former comrades.

"Upon the first call for troops by our late lamented President, I served in the ninety-days volunteers, with two of my brothers, one of which, subsequently a lieutenant of the Seventy-fifth Pennsylvania Volunteers, fell mortally wounded in the second battle of Bull Run. The other is now major of the One hundred and fourteenth Pennsylvania Volunteers.

"In October of 1862 I was appointed a captain in the Roberts Independent Battalion of Heavy Artillery, afterwards the Third Artillery, and through my personal influence and exertions raised the only full battery of 147 men that left the State for that organization. In March, 1864, I obtained leave to raise a regiment of infantry from the surplus men of the Third Pennsylvania Artillery.

"Entirely by my own influence and character as an officer I led out from Fort Monroe nearly 900 men, most of whom were old members of the Third Artillery and comfortably located on garrison duty.

"With that regiment, in the same brigade and division, I have served through the entire campaign, now so successfully ended, and participated in every action, excepting only Fort Harrison, from which I was absent, ill of disease contracted in the pits before Petersburg.

"In view of these facts I pray that the sentence of dishonorable dismissal, together with the charge of intoxication, remaining as a blot and stigma upon my character, may be removed and an honorable discharge granted to me."

This application and the other papers in the case were referred to the Bureau of Military Justice for review and recommendation, and that Bureau reported adversely under date of June 7, 1865, concluding as follows:

"The conclusion is arrived at in this case that no sufficient grounds have as yet been shown for revoking the action heretofore taken by the War Department upon the positive and convincing testimony of General Vogdes and other officers.

"If Lieutenant-Colonel Bowen deems himself to have been, in the language of the act of March 3, 1865,' wrongfully and unjustly dismissed,' it is open to him, upon presenting his affidavit to that effect, to obtain a trial by court-martial on the charges upon which his dismissal was founded.

"In view of the character of the witnesses and of their testimony, it is believed that this case is not one in which the clemency of the pardoning power can properly—especially at this early date—be invoked, and the opinion is therefore entertained that he should be remitted to his statute remedy as the only one which may suitably be pursued by him under the circumstances."

Thereupon, by direction of the Secretary of War, Lieutenant-Colonel Bowen was informed by letter, dated June 12, 1865, that no sufficient grounds were perceived to warrant interference in his behalf.

Respectfully submitted.

F. C. AINSWORTH,
Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, May 2, 1900.

The SECRETARY OF WAR.

Statement of George K. Bowen, late lieutenant-colonel, commanding One hundred and eighty-eighth Pennsylvania Volunteers.

I entered the service of the United States Volunteers at the beginning of the civil war, in April, 1861, as a private, enlisting in Company F, Seventeenth Pennsylvania Infantry, and served during the three months' campaign, at the end of which I was honorably discharged.

During the year 1862 I accepted a commission as captain in the Third Pennsylvania Heavy Artillery, and recruited two batteries for that regiment, and was mustered in as captain of Company C and stationed at Fort Monroe.

The Third Pennsylvania Artillery overrecruited, and, at Gen. B. F. Butler's request, I took command of this surplus (on their volunteering for active service) as lieutenant-colonel of the One hundred and eighty-eighth Pennsylvania Volunteers. A colonel was commissoned by Governor Curtin, of Pennsylvania. Before the colonel could join the regiment we were reduced in action at Drewrys Bluff and Cold Harbor below the number required to muster a colonel.

Soon after the battle of Cold Harbor I received a commission as colonel of the One hundred and eighty-eighth Pennsylvania Volunteers, unsolicited by me. I was not mustered in on that commission for want of sufficient number of men.

During the campaign in front of Petersburg my regiment was further reduced to 300 enlisted men, with hardly officers to command them. I also received another draft of 700 overplus recruits from the Third Pennsylvania Heavy Artillery, who were sent to me from Fort Monroe without their consent having been obtained. I also received orders to carry them as unassigned recruits. These men were dissatisfied and restless, both at being forced into active service and at being carried as unassigned recruits.

Upon returning from Whitehouse with General Sheridan's command, my regiment was placed on a transport and ordered to Portsmouth, Va., to coal as rapidly as possible and follow the rest of the brigade up the James River. The men had plenty of money, and the 700 unassigned recruits, while in a Government inclosure at Portsmouth, unloaded to allow the coaling of the vessel.

During my temporary absence by order of general commanding at Portsmouth they obtained liquor, got drunk, and raised a row. My 300 men of the One hundred and eighty-eighth remained firm, and with their aid order was soon restored, the men reloaded on the transport, and we proceeded up the James River.

Shortly after, while riding at the head of my regiment entering Richmond, I was handed an order of the War Department dishonorably dismissing me from the service for "gross intoxication, total ignorance of duties, and total absence of discipline in regiment."

No trial by court-martial was had and no opportunity given to defend

myself or explain the circumstances of the trouble. I was crushed and utterly disheartened, and at once left the Army.

I received an intimation that the total ignorance of duty was in not haivng applied for permission to remove my men to the shore at Portsmouth. I had supposed this to have been arranged with my orders to proceed to Portsmouth to coal. My orders were rush orders; 1,000 men crowded the transport, and the captain of the vessel declared he could not coal with the men on board.

I was not intoxicated then, nor at any other time during my service in the Army.

The facts as stated in the above documents appeal strongly to the sense of justice which, in military as well as civil law, should temper the enforcement of discipline or punishment to its true and proper end. Hasty legal decisions based on evidence which the accused is not allowed to hear, or summary dismissals without even an opportunity given to the accused to defend himself (which privilege is as old as human government) can only be justified during military operations by the commission of an offense, so heinous in character as to demand immediate conviction, without trial, for the best interests of the service. That such a case is here presented is extremely doubtful. This officer, with a regiment consisting of 300 members and 700 recruits whose assignment to it was very unsatisfactory to them, is placed on a transport ordered to Portsmouth, Va., to coal; on the arrival there of the transport it was found necessary to unload these men, as, otherwise, coal could not have been put in this vessel.

The unloading of these men this officer understood to be a part of the orders he had already received, but his doing so is construed as a total ignorance of duty, because he failed to apply for permission to the brigade commander, whose headquarters were at Portsmouth and of which he was unaware. These men were placed in a Government inclosure at this point and the requisite precautions taken to keep them in order. During this officer's absence liquor was smuggled to them by the citizens of the place, and a number of the men, becoming intoxicated, eluded the guard and created a disturbance, which was suppressed by the old members of the regiment, which is evidently true, as the men were soon reloaded on the transport and proceeded up the James River. It is difficult to see where a total want of discipline occurs, which is another of the charges on which this officer was dismissed. The remaining charge, that of intoxication, is denied.

So highly was this officer esteemed by his comrades that a petition was forwarded by the officers of his regiment for the revocation of the order of dismissal; also a petition of a similar character from the field officers of his brigade. Attention is specially called to the indorsement of Major-General Ord, forwarding these petitions, that he had doubts as to the propriety of acting on General Vodges's report, etc.

It is respectfully submitted that while there may have been ground for censure or even the punishment of this officer for his conduct on this occasion, the facts as presented did not warrant a summary dismissal, but that he should have been granted a trial by court-martial, in order that he might defend himself; that the failure to do this constituted a great injustice, which, taken into consideration with his long and faithful service and good character, as sustained by the indorsement of his comrades in the field, in the opinion of your committee justifies the passage of this bill, which is respectfully recommended with the following amendment:

"That no pay or allowances shall accrue by reason of the passage of this act."

During the reading of the report,

Mr. SEWELL. The report is quite long, and I should like to have read now the summary of the committee. I understand the Senator from Missouri [Mr. COCKRELL] has an amendment to offer to the bill.

Mr. CARTER. I suggest that the further reading of the report be dispensed with.

Mr. SEWELL. Very well; let it be printed in the RECORD without further reading.

The PRESIDENT pro tempore. Without objection, the further reading of the report will be dispensed with.

Mr. COCKRELL. I move to amend the bill by striking out all after the enacting clause and inserting what I send to the desk, which will make the bill conform to all the precedents which have been followed by the Committee on Military Affairs for many years.

The PRESIDING OFFICER. The amendment submitted by the Senator from Missouri will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

That the President be, and hereby is, authorized and empowered to revoke and set aside Special Orders, No. 147, paragraph 57, War Department, Adjutant-General's Office, dated March 27, 1865, dismissing George K. Bowen, lieutenant-colonel One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, and to cause to be issued to him an honorable discharge as of date March 27, 1865: *Provided*, That no bounty, pay, or allowance shall accrue by virtue hereof.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed as a substitute by the Senator from Missouri [Mr. COCKRELL].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ALLISON. Mr. President, I had intended to ask the Senate to consider for a brief time the legislative, executive, and judicial appropriation bill, but so much time has been occupied by this other matter that I will not do so this afternoon. I wish to give notice, however, that at every opportunity possible I shall ask the Senate to consider that bill, interfering at no time with the consideration of the Army bill, when it is ready for consideration. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 13 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 9, 1901, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 8, 1901.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

HENRY O. MORSE.

The SPEAKER announced his signature to the bill (H. R. 163) for the relief of Henry O. Morse.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CUMMINGS, indefinitely, on account of a broken leg.

EIGHTH DISTRICT OF ALABAMA.

The SPEAKER. The Chair desires to have read the following communication from the Sergeant-at-Arms.

The Clerk read as follows:

OFFICE OF SERGEANT-AT-ARMS,
UNITED STATES HOUSE OF REPRESENTATIVES,
Washington, D. C., January 5, 1901.

SIR: A question has arisen in regard to the payment of Hon. WILLIAM RICHARDSON, member from the Eighth district of Alabama, who was elected on August 6, 1900, to succeed Hon. Joseph Wheeler. As I am informed, Mr. Wheeler has notified you, under date of August 17, 1900, that he resigned, the resignation to take effect August 6, 1900, while the governor of Alabama has certified to you that the resignation of Mr. Wheeler, bearing date April 20, 1900, was received on April 23 at the executive department of Alabama, and unconditionally accepted on that date. Mr. Wheeler has not demanded or received pay since March 4, 1899, the date of the beginning of the Fifty-sixth Congress.

The question which arises is as to the date at which the compensation of Mr. RICHARDSON should begin.

In view of the somewhat complicated legal question involved, I should like to have further advice before making the payment.

Respectfully,

HENRY CASSON,
Sergeant-at-Arms, House of Representatives.

Hon. DAVID B. HENDERSON,
Speaker of the House of Representatives.

The SPEAKER. The Chair desires to state that inasmuch as this involves, as the Chair thinks, an entirely new question, for which no precedent can be found, and a large sum of money is involved, the Chair, without objection, will refer this communication to the Committee on the Judiciary, with authority on the part of that committee to report back at any time on the facts and the law. The Chair hears no objection, and this reference will be made.

Mr. HOPKINS. Mr. Speaker, I now call up the bill H. R. 12740.

Mr. SHERMAN. I hope the gentleman will withdraw that for a moment.

Mr. HOPKINS. I withdraw the demand for a moment, and yield to the gentleman from New York.

HOUSE BILLS WITH SENATE AMENDMENTS.

Mr. SHERMAN. Mr. Speaker, I would like to move on the bills H. R. 11280 and 11281, which are on the Speaker's table, with Senate amendments, that the Senate amendments be nonconcurred in and that a conference be asked.

The SPEAKER. The request of the gentleman from New York is in respect to bills which the Clerk will report by their titles.

The Clerk read as follows:

A bill (H. R. 11820) to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes.

A bill (H. R. 11821) to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes.

The SPEAKER. The question is on nonconcurrence in the Senate amendments to both bills.

The Senate amendments were nonconcurred in.

The SPEAKER. The Chair announces the following conferees on the part of the House on each bill: Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE.

REAPPORTIONMENT.

The SPEAKER. The gentleman from Illinois calls up the regular order, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12740) making an apportionment of Representatives in Congress among the several States under the Twelfth Census.

Mr. HOPKINS. Mr. Speaker, I now yield to the gentleman from Pennsylvania [Mr. DALZELL] one hour.

Mr. DALZELL. Mr. Speaker, the Constitution of the United States provides that Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. In order to arrive at the constitutional population, a further provision is made that at the end of each decennial period a census shall be taken of the inhabitants. Given such a census, the first question is, How shall the apportionment be made; in accordance with what rule?

It seems that from the inception of the Government down to 1840 the method of proceeding was to start with an arbitrary ratio, to divide this ratio into the constitutional population, and

obtain as a result the number of Representatives to be apportioned among the various States. Since 1840, however, a period of sixty years, another method has been pursued; and that is to assume, arbitrarily in the first place, a number of Representatives; to divide this number of Representatives into the constitutional population, and obtain as a result a given ratio, which, applied to the various States in their turn, will give the number of Representatives to which, respectively, they are entitled.

There are pending before this House now two bills, each of which, it is claimed, has been drawn in accordance with this second method; that is to say, by the selection in the first place of an arbitrary number of Representatives, a division of that number into the constitutional population, obtaining a ratio for the distribution of Representatives in accordance therewith throughout the various States. The first bill, the bill of the majority, started with 357 Representatives, and, taking the figures reported by the Director of the Census, made a report apportioning the Representatives in the various States, recognizing in that apportionment certain fractions and disregarding others.

That is to say, it was found in this case, as it has been found in other cases, that the ratio assumed will not divide evenly into the constitutional population; that necessarily there will be fractions; and it was determined sixty years ago that the proper method of disposing of those fractions was to give to each majority fraction a Representative. That rule the majority bill follows until it arrives at 357 Representatives, and it then ceases to recognize this majority fraction. That leaves a majority fraction in the case of Florida, of Colorado, and of North Dakota.

In my judgment the majority bill would be as near a perfect bill as could be framed if there were added to it 3 more Representatives, making 360 in all, and apportioning those 3 Representatives, 1 each, to Florida, North Dakota, and Colorado. The minority bill, on the other hand, starts with 384 Representatives, and, taking the tables returned by the Director of the Census, it finds that after 384 are provided for there will be two majority fractions, one representing Nebraska and the other representing Virginia. The minority bill, therefore, adds to 384, with which it originally started, these 2, making 386 in all.

Now, it will be perfectly apparent to anyone who undertakes to examine the figures, that upon either basis exact justice has not been done and can not be done to all the States in their relation to each other. The gentleman from Maine [Mr. LITTLEFIELD] who addressed the House on Saturday last, put into the RECORD a table, of which I avail myself. It is on page 659 of the RECORD, and shows the difference between the lowest ratio of apportionment and the highest ratio of apportionment in the majority bill, and the lowest ratio of apportionment and the highest ratio in the minority bill. It will be observed that in the one case there is a difference of 34,000 and in the other a difference of over 97,000. But not content with that analysis, for my own satisfaction I undertook to make an analysis of the figures of the majority bill. That bill gives to Maine 4 Representatives, and I refer to Maine, not because I have any antipathy to Maine or to any citizen of Maine, but simply because her case furnishes the best basis upon which to make an analysis of this bill.

Upon the population of Maine, giving her 4 Representatives, the ratio appears to be 173,616. That is to say, for every 173,616 of her inhabitants a member of Congress is given. If, now, this Maine ratio be applied to the various States in their turn, it will be found that the following States have been fairly dealt with: Colorado, Connecticut, Florida, Kansas, Mississippi, Nebraska, New Hampshire, North Dakota, Oregon, Rhode Island, South Dakota, Vermont, Washington, and Wisconsin; in all, with Maine, 15 States.

It will be found, however, that the following States have not been fairly dealt with upon that basis. Instead of having 9 Representatives Alabama should have 11. Instead of having 7 Representatives Arkansas should have 8. Instead of 8 Representatives California should have 9. Instead of 11 Representatives Georgia should have 13. Instead of having 25 Representatives Illinois should have 28, and so on down.

Mr. FITZGERALD of Massachusetts. How many Representatives should Massachusetts have?

Mr. DALZELL. I will go through the entire list, because it is apparent that every gentleman is interested in his own State. Instead of having 13 Representatives Indiana should have 14. Instead of having 11 Representatives Iowa should have 13. Instead of having 11 Representatives Kentucky should have 12. Instead of 7 Louisiana should have 8. Instead of 6 Maryland should have 7. Instead of 14 Representatives Massachusetts should have 16. Instead of 12 Representatives Michigan should have 14. Instead of 9 Representatives Minnesota should have 10. Instead of 16 Representatives Missouri should have 18. Instead of 10 Representatives New Jersey should have 11. Instead of 37 Representatives New York should have 41. Instead of 10 Representatives North Carolina should have 11. Instead of 21 Representatives Ohio should have 24. Instead of 32 Representatives Pennsylvania should have 36. Instead of 7 Representatives South Carolina should have 8. Instead of 10 Representatives Tennessee should have 12. Instead of 16 Representatives Texas should have 18. Instead of 1 Representative Utah should have 2. Instead of 10 Representatives Virginia should have 11. Instead of 5 Representatives West Virginia should have 6.

Mr. LACEY. What is the total increase?

Mr. DALZELL. Twenty-four States have lost according to this apportionment, upon the basis of the other 15 States, 49 Representatives, which added, as they ought to be, to the minority bill would make the representation in this House 429. The deprivation in the 24 States of the representation to which they are entitled upon the basis of the minority bill disfranchises in the 45 States of the United States 7,465,488 persons.

Mr. LONG. Will the gentleman yield for a question?

Mr. DALZELL. Certainly.

Mr. LONG. Has the gentleman made a computation on the same basis to find out what it would be under the majority bill?

Mr. DALZELL. I will come to that. I do not propose to do an injustice to either bill.

Mr. LONG. Very well.

Mr. DALZELL. Now, it is manifest that equal and exact justice can not be done under this bill to the various States in the Union, and that a large proportion of the citizens of the United States are virtually disfranchised. Going to the other bill, for I say to my friend from Kansas I have no desire to do injustice to either, nor to advocate the cause of one bill as against the other by ignoring the inaccuracies, inequalities, or injustices of either, I would say that I undertook to make an analysis of the majority bill upon the same basis that I made the analysis of the minority bill.

I did not follow that analysis to its conclusion, because I found that so far as this matter was concerned there was very little, if any, difference between the two bills; and I came to the conclusion, as I think every gentleman will who gives any examination at all to this subject, that upon neither of the methods suggested by the Director of the Census can equal and exact justice be done to all the States of this Union in their relation to each other.

It does seem to me, however, that with the addition I have made to the majority bill—the recognition of all the majority fractions, the inclusion of the States of Florida, North Dakota, and Colorado—justice will be attained by the majority bill as nearly as justice can be attained in the making of an apportionment by any of the methods available to us under the Constitution.

The result, however, at which I have arrived is, as I have said, that justice can not be done to all the States by either of these methods; and therefore it seems to me wise to abandon figures and come to what is the only real question in this case; and that question is, not whether this House should be increased in numbers, but whether it is not already large enough, if not too large.

Mr. LONG. Will the gentleman allow me a question?

Mr. DALZELL. Certainly.

Mr. LONG. The gentleman heard the objections made to the minority bill on the ground that it included representation for majority fractions for the States of Nebraska and Virginia, making a House of 386. It was claimed that that would do injustice to the States of New York and Pennsylvania, because on the basis of 386 the States I have mentioned would get a Representative each. Now, if the majority bill be amended by providing representation for the three fractions unrepresented under the table of 357, would not injustice be done on the same theory to the State of Massachusetts, which on a computation of 360 gets a member, while, under the addition proposed by the gentleman, North Dakota would get the member that really belongs to Massachusetts? I do not present that as my theory, but as the theory of those who have been supporting the bill of the majority without amendment.

Mr. MOODY of Massachusetts. That is the result.

Mr. LONG. It is.

Mr. DALZELL. That is undoubtedly true.

Mr. LONG. So that the objection made by the gentleman from Illinois to our computation is not correct, in the judgment of the gentleman from Pennsylvania?

Mr. DALZELL. Well, I pass no judgment at all upon the position of the gentleman from Illinois. But what the gentleman from Kansas has just stated is entirely in accordance with what I have already stated—that I can not conceive of any method that has been suggested, or any method that has ever been followed, by which exact justice, upon the basis of figures, can be done to all the States of this Union in their relation to each other. And therefore I repeat, let us abandon the question of figures altogether; let us take the best we can take as bearing upon a certain principle, and that principle is involved in the question that I have suggested as the main question in this debate—not whether or not the membership of this House shall be increased, but whether this House is not already large enough, if not too large.

Mr. LONG. Will the gentleman pardon me again? I only

made my suggestion in order to show that the gentleman from Pennsylvania is in accord with us in the position we have taken in this case, even though he disagrees with us as to the size of the House. We welcome his support to our theory.

Mr. DALZELL. "The gentleman from Pennsylvania" is in accord partly with the minority and partly with the majority on minor questions; but nevertheless he repeats that, in his judgment, the real question involved is as to the size of the House.

Now, before I come to discuss existing conditions, I wish to submit some observations upon this subject made by so great an authority as Alexander Hamilton. In his speech on Saturday last the gentleman from Maine [Mr. LITTLEFIELD] cited Alexander Hamilton, and sought to convey the impression to this House that, according to the philosophy and the rules laid down by Alexander Hamilton, he would favor an increase. I wish to show to the House, out of the writings of Alexander Hamilton, that if he were here to-day he would, to be consistent, be arguing against an increase in the membership of this House.

What was the question involved? The Constitution as it came from the Convention provided for a representation of 65 members—1 for every 30,000 inhabitants. Objection was made to that. I read from the Federalist, No. 64:

That so small a number of Representatives will be an unsafe depository of the public interests; secondly, that they will not possess a proper knowledge of the local circumstances of their numerous constituents; thirdly, that they will be taken from that class of citizens which will sympathize least with the feelings of the mass of the people and be most likely to aim at a permanent elevation of the few on the depression of the many; fourthly, that defective as the number will be in the first instance, it will be more and more disproportionate by the increase of the people and the obstacles which will prevent a correspondent increase of the Representatives.

Now, it will be observed that Mr. Hamilton is undertaking to answer these four objections in support of the proposition that the House was large enough. The House was then constituted of 65 members, one to every 30,000 inhabitants. Let us see what his reasons were, because they are as applicable to-day as they were then. He said:

In general it may be remarked on this subject that no political problem is less susceptible of a precise solution than that which relates to the number most convenient for a representative legislature. Nor is there any point on which the policy of the several States is more at variance, whether we compare their legislative assemblies directly with each other, or consider the proportions which they respectively bear to the number of their constituents.

Then he goes on and points out the difference in the proportion of Representatives in the State of Delaware as compared with those in Massachusetts and Pennsylvania, and so on, and then he follows with this additional general remark:

Another general remark to be made is that the ratio between the Representatives and the people ought not to be the same where the latter are very numerous as where they are very few. Were the Representatives in Virginia to be regulated by the standard in Rhode Island, they would at this time amount to between four and five hundred, and twenty or thirty years hence to a thousand, and so on. The truth is—

He says:

that in all cases a certain number, at least, seems to be necessary to secure—

Mark you—

the benefits of free consultation and discussion, and to guard against too easy a combination for improper purposes; as on the other hand the number ought at most to be kept within a certain limit in order to avoid the confusion and intemperance of a multitude. In all very numerous assemblies of whatever character composed passion never fails to wrest the scepter from reason. Had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob.

And the observations that Mr. Hamilton made in that connection are as applicable to-day as they were when made, and have never found a more emphatic proof and illustration than they find in the history and the present condition of this House.

Now, let us advance to the other reasons assigned. He says:

The true question to be decided, then, is whether the smallness of the number as a temporary regulation be dangerous to the public liberty, whether 65 members for a few years and 100 or 200 for a few more be a safe depository for the limited and well-guarded power of legislating for the United States.

And then he goes on to show, reasoning from the character of the American citizen as he existed then, that the liberties of the people were perfectly safe in the keeping of those 65 Representatives. And, reasoning upon the same basis to-day, he would be a bold man who would deny in this House that the liberties of the people of the United States are not quite as safe in the custody of 357 members that now constitute the membership of this body.

The second charge—

He said—

against the House of Representatives is that it will be too small to possess a due knowledge of the interests of its constituents.

It is a sound and important principle that the Representative ought to be acquainted with the interests and circumstances of his constituents. But this principle can extend no further than to those circumstances and interests to which the authority and care of the Representative relate. An ignorance of a variety of minute and particular objects which do not lie within the compass of legislation is consistent with every attribute necessary to a due performance of the legislative trust. In determining the extent of information required in the exercise of a particular authority, recourse then must be had to the objects within the purview of that authority. What are to be the objects of Federal legislation? Those which are of most importance and which seem most to require local knowledge are commerce, taxation, and the militia.

And substantially the same analysis might be made to-day. And then Mr. Hamilton goes on to say with respect to these subjects of Federal legislation about which the Representatives should have knowledge:

Divide the largest State into ten or twelve districts, and it will be found that there will be no peculiar local interests in either which will not be within the knowledge of the Representative of the district.

Now, leaving that and going to the third charge, that is one upon which we need make no comment at this time—that is to say, that the House of Representatives will be taken from that class of citizens which will have lost sympathy with the mass of the people. Because our history has demonstrated that that prophecy was to be unfulfilled. But lastly and most important in this connection—

The remaining charge against the House of Representatives which I am to examine is grounded on a supposition that the number of members will not be augmented from time to time as the progress of population may demand.

Then Mr. Hamilton proceeds to show in his inimitable way how that matter has been safeguarded by the provisions of the Constitution, and then, addressing himself to the evil that he clearly foresaw, and which I say faces us to-day, the evil of too great an increase, he makes some observations that I want to press home to the conscience and the intelligence of every member of this body. He says:

One observation, however, I must be permitted to add on this subject as claiming, in my judgment, a very serious attention. It is that in all legislative assemblies the greater the number—

Mark you—

the greater the number composing them may be the fewer will be the men who will in fact direct their proceedings. In the first place, the more numerous an assembly may be, of whatever characters composed, the greater is known to be the ascendency of passion over reason. In the next place, the larger the number the greater will be the proportion of members of limited information and of weak capacities. Now, it is precisely on characters of this description that the eloquence and address of the few are known to act with all their force.

In the ancient republics, where the whole body of the people assembled in person, a single orator or an artful statesman was generally seen to rule with as complete a sway as if a scepter had been placed in his single hand. On the same principle, the more multitudinous a representative assembly may be rendered the more it will partake of the infirmities incident to collective meetings of the people. Ignorance will be the dupe of cunning and passion the slave of sophistry and declamation.

Now, mark you again:

The people can never err more than in supposing that by multiplying their Representatives beyond a certain limit they strengthen the barrier against the government of a few. Experience will forever admonish them that, on the contrary, after securing a sufficient number for the purposes of safety, of local information, and of diffusive sympathy with the whole society, they will counteract their own views by every addition to their Representatives. The countenance of the Government may become more democratic, but the soul that animates it will be more oligarchic. The machine will be enlarged, but the fewer and often the more secret will be the springs by which its motions are directed.

Here, from the greatest statesman of our history, speaking over a period of a hundred years, come the three tests to measure an effective legislative assembly; that assembly whose numbers are sufficient for the purposes of safety, for the purposes of local information, and for the purpose of securing that diffusive sympathy which is necessary in the whole society.

Is there any man on this floor to-day who will declare in his place that the public safety, the interests, the liberty of the people of the United States can not be protected, safeguarded, and defended by a House of Representatives consisting of 357 members?

Is there any man here who will declare upon his responsibility as a Representative that Maine will suffer in her liberties, in her public safety, by having 3 Representatives instead of 4? Will any man contend that the people of Pennsylvania will be more secure in their liberties with 32 Representatives upon this floor instead of 30? Will any man declare in these days of rapid transit, telegraphs, telephones, and a public press that the local information necessary to care for the interests of Maine will not be as thoroughly possessed by 3 Representatives as by 4?

And the same argument will apply to each and every State in its turn.

Mr. WM. ALDEN SMITH. Yes, but what about her strength in the electoral college?

Mr. DALZELL. We all suffer alike in that.

Mr. WM. ALDEN SMITH. I do not think so.

Mr. DALZELL. All suffer alike in that. There is no more reason why the electoral college should be increased in numbers than there is why the House of Representatives should be increased in numbers. And I submit to every fair-minded man within the sound of my voice that 357 members respond fully to the tests that are laid down by Alexander Hamilton for the constitution of an efficient and perfect legislative assembly.

Now, Mr. Speaker, leaving the domain of theory and approaching that which we ourselves know, I advance the proposition that this House is habitually turbulent and noisy and at times almost uncontrollable, and that it has reached that point where, in very

many cases, the individuality of the Representative counts for absolutely nothing. Why, years ago, when this House consisted of less than 300 members, according to the testimony of distinguished statesmen now on record, it had already arrived at a point where it was disorderly, turbulent, and largely incapable of control. The gentleman from Maine [Mr. LITTLEFIELD] on Saturday last quoted from authorities which he supposed were authorities for him. I submit that the authorities are altogether against him. Sixty years ago a distinguished member of this House said:

> Never since he had held a seat in this House had it been so inefficient a body as it was at this moment. The deterioration had been constant, as well in the dispatch of business as in the manner and the matter of its debate, owing, as he believed, to its overgrown size.

That was not the expression of an outsider. That was the expression of a distinguished Representative, an actor on the scene, a participator in debate, his deliberate judgment that at that time a House of less than 300 members had already become inefficient, had degenerated in dispatch of business and in manner and matter of debate.

Mr. JONES of Washington. Will the gentleman allow an interruption?

Mr. DALZELL. Yes.

Mr. JONES of Washington. Are you willing to reduce the membership to 300? Are you in favor of that?

Mr. DALZELL. Certainly, I am.

> Mr. Johnson said the Senate had stigmatized the House as a bear garden, and contended, for that reason, that its number must be reduced. Mr. Pickens, in making an answer to some suggestions to the gentleman from Massachusetts, Mr. Adams, said that instead of meeting here for consultation and legitimate discussion, if the House was increased in size, it would be a body thrown into confusion, and from its very numbers it would be imbecile for all the purposes laid down in the Constitution.

And even at a later day Mr. Herbert, twenty years ago, said that we all know that gentlemen now sit here for a whole Congress and do not know all of their fellow-members even by sight. Men sent here to deliberate and discuss, men sent here to consult with each other upon grave questions relating to their constituents, and sent here in such numbers that during a period of two years it is impossible that they should become personally acquainted with each other! And Mr. Morrill, a name prominent in American history—American parliamentary history—Mr. Morrill, speaking of a period forty years ago:

> Now the Speaker has to stand up all the time and speak in a stentorian voice and constantly be rapping on his desk to maintain order in a little circle round about the Chair; and it is a fact that very few members are able to participate understandingly in the transaction of business.

Now, that is only a slight exaggeration. The only exaggeration is that the Speaker is standing up all the time. If he had said he had to rap with his gavel almost all the time to prevent confusion, he would have pictured the House as it existed yesterday, as it exists to-day, and as it will exist, only in a far worse degree, when you have added to its membership 29 or 30 more.

Now, it seems like a waste of time to be arguing this proposition in a House where there is present before us at all times an object lesson.

Mr. MOODY of Massachusetts. Mr. Speaker, will the gentleman permit an interruption? It does seem to me that we do have an object lesson this morning. Here are many gentlemen desiring to hear the gentleman from Pennsylvania, gathered about him listening attentively. On the other side of the Chamber and in their seats in the House there are gentlemen sitting at their desks writing letters or reading newspapers or consulting with each other. Does not that show that it is time to take away temptation—to take away the desks from the Chamber [loud applause]—so that it may be used wholly for deliberative proceedings, for those who desire to speak and for those who desire to listen?

Mr. GAINES. And it is no worse on this than on that side of the House.

Mr. MOODY of Massachusetts. Precisely; I meant no special reference.

The SPEAKER. The Chair will state that if anyone desires to interrupt the member who is speaking he must rise and address the Chair, and get permission. The gentleman from Pennsylvania will proceed.

Mr. MOODY of Massachusetts. Mr. Speaker, I supposed I addressed the Chair and received the consent of the gentleman from Pennsylvania.

Mr. DALZELL. Certainly; I agreed.

The SPEAKER. The Chair did not hear that.

Mr. MOODY of Massachusetts. I turned to the Speaker and then asked permission.

The SPEAKER. Then the gentleman was not at all in fault.

Mr. DALZELL. What the gentleman says is largely so. I have no doubt that the remedy for the evil should be determined in advance if this House is to be increased in number, which I think is inexpedient from any point of view. If it is determined to increase the number, I have no doubt the remedy suggested by the gentleman from Massachusetts would afford some relief; but it would nevertheless simply amount to this: It would amount to the introduction into the House of Representatives of the United States of the absenteeism that prevails in the English House of Commons.

The result would be not that gentlemen would be here to vote, because even with this great number they perform that slight duty. Not that gentlemen would be here to vote, but that gentlemen unwilling to listen would habitually be absent from the Chamber, and what Mr. Hamilton predicted would become true. The House would be absolutely under the control of the few men who attend daily to their duties.

Now, then, I must hasten on. There are facts within the knowledge of gentlemen who have served in two or three Congresses that go to show that the truth of the position that I am arguing has been recognized in this House, and that the evil has been sought to be avoided through a long course of years by the adoption of various expedients. For example, it has been a subject of deliberation in three or four Congresses by the Committee on Rules as to whether or not the rule that admits to the privileges of the floor ought to be so changed as to exclude ex-members, it being considered that in the confusion that here prevails the exclusion even of the few gentlemen who see fit to return from time to time to the scenes of their triumphs or their defeats might add something to the order of the House.

The rules provide that the heads of Departments—the gentlemen with whom we are brought in contact in order to receive the information necessary in the performance of our legislative duties—shall have access to the floor of the House; and yet in Congress after Congress the petition of the Commissioners of the District of Columbia for admission to this House has been denied, because it was conceived that not even three more men ought to be added to the number already upon the floor. Even so small a matter as the presence of the Secretary of the Smithsonian Institute, who probably came here but seldom, was taken into account and some Congresses ago his name was stricken from the roll. It was thought that the absence even of one man might contribute something to the order that ought to be maintained on this floor. We have denied time and again access to this floor to the assistant sergeant-at-arms and assistant doorkeeper of the Senate.

Why, if any member has a constituent who calls upon him as a matter of courtesy or for business purposes he must meet him in one of the halls surrounding this House of Representatives, because the lobby is too small to accommodate 357 members of the House. For that reason visitors have been excluded from it, newspaper reporters, and others, while at the other end of the Capitol Senators have a place to receive their constituents, their families, and all who may see fit to call on them in the performance of their public duties, a privilege that every public servant ought to have, and that any properly constituted House would provide.

Mr. WM. ALDEN SMITH. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Michigan?

Mr. DALZELL. I do.

Mr. WM. ALDEN SMITH. The gentleman suggests that much of the confusion that is had here might result if the membership was increased, and he says, citing the English House of Commons——

Mr. DALZELL. I did not cite the English House of Commons on the question of confusion.

Mr. WM. ALDEN SMITH. Well, the question of attendance. That attendance, or lack of attendance, at the English House of Commons is ascribed to the fact that the members are paid nothing, and they do not feel bound to attend, as they do here. I do not think that analogy holds good.

Mr. DALZELL. I will say to the gentleman from Michigan that he has anticipated what I was going to say. Gentlemen on this floor cite to us the House of Commons and the French Chamber of Deputies. There is no proper analogy between those houses and this House. In the discussion over the first apportionment bill some gentleman said, what has been repeated at every similar discussion since, that the House of Commons had so many and the French Chamber of Deputies had so many members, and a distinguished gentleman of that day said, and I adopt his ejaculation, "God forbid that this House should be brought into comparison with either the House of Commons or the French Chamber of Deputies."

The House of Commons is made up of representatives many of whom know nothing about the constituency that they are supposed to represent. A man is chosen from some place in England to represent some borough in Scotland where he has never been and about which he cares nothing. Members receive no emolument. I have been in the House of Commons half a dozen times and I never have seen 100 members in it. Theirs is a parliamentary Government and this is a Congressional Government. There is no proper analogy between them.

As to the French Chamber of Deputies, if there is a more disorderly, and at times disgraceful, assembly on the face of the earth,

so far as parliamentary procedure is concerned, I would like to know where it is. Why, the speaker of the French Assembly is clothed with the power of, at his own sweet will as to time and occasion, adjourning the assembly by ringing a bell. [Laughter.] And times without number, if the newspapers are to be believed, within the last few years, the French Assembly has been adjourned at the bell of the speaker to avoid possible bloodshed on its floor.

As to this Chamber, we have even removed the pages that used to come at beck and call and were seated on the floor of the House; we removed them into a half-lighted room, without air or ventilation, filled with tobacco smoke, in order to get rid even of their presence on the floor of the House. All these matters are matters relating to the presence of persons on the floor. They are of small importance in comparison with other measures that have had to be taken in order to transact even as well as we do the business of the House. There was a time when there was no limitation on debate in this House.

Now there is a limitation on debate, and, however much we may regret it, there is no gentleman here who does not know that it exists as an absolute necessity; who does not know that out of the 357 members that constitute this House 300 of them have never been heard upon the floor and never can be heard under ordinary circumstances. Why, if a gentleman is asked by his constituents to present a bill in this House relating to some measure of great public importance he can not rise in his place and present that bill. He must deposit it in a box, and nobody, save the studious man who reads the RECORD and the committee to whom it is referred, unless it be reported, ever knows of its existence.

When I became a member of this House, not many years ago, there was a day when gentlemen arose in their places and presented bills sent them by their constituents, and when every man who saw fit to be in his seat knew at the end of the day just what legislation was proposed. The same method exists to-day in the Chamber at the other end of the Capitol, and it is a method that ought to exist everywhere in a legislative body sitting for the purpose of legislating, if it be possible. The great right of petition, for which that grand old President and statesman, John Quincy Adams, so heroically and successfully battled, what is it to-day? A mere farce.

A petition signed by thousands of your constituents relating to measures considered by them of the gravest importance, and which under the Constitution they have a right to present to this House, can not be presented to the House itself. It goes into a box and is referred to a committee, and, unless called for by the committee, is never seen by anyone save the man who presents it.

Mr. WM. ALDEN SMITH. What is the remedy for it?

Mr. DALZELL. The remedy that existed when the House was small and when bills and petitions were presented in this House as they are on the floor of the Senate.

Mr. WM. ALDEN SMITH. Does that fulfill the constitutional function to give the people their right of representation?

Mr. DALZELL. That is one aspect of the question we are debating.

Mr. GAINES. Mr. Speaker, I would like to ask the gentleman from Pennsylvania a question.

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Tennessee?

Mr. DALZELL. Yes.

Mr. GAINES. Did not the gentleman from Pennsylvania vote for the present rules?

Mr. DALZELL. Yes, and I would vote for them again, and again, and again. And if that side of the House were to come into power, they would have to take them because they would find, as they did find in the Fifty-second and Fifty-third Congresses, that this House can not be governed except under such rules.

Mr. GAINES. I never have and I never will.

Mr. DALZELL. Why, sir, the reports of committees which used to be presented openly in this House, and ought to be so presented, are disposed of now in the same way as bills introduced. And then even, as to the Committee of the Whole on the state of the Union, it was found that this House, with 357 members, could not go into the Committee of the Whole on the state of the Union and successfully transact business; so that it was finally agreed, both sides of the House consenting, that a quorum in the Committee of the Whole should be reduced to 100 members.

Mr. LONG. May I ask the gentleman a question?

Mr. DALZELL. Certainly.

Mr. LONG. Is there any material difference between the rules as we have them now, with a House of 357 members, and the rules as we had them in the Fifty-first Congress, with a House of 325 members?

Mr. DALZELL. Not at all.

Mr. LONG. Then what difference would there be between a House of 386 members and a House of 357 members in regard to the points that the gentleman makes?

Mr. DALZELL. Just the same difference that there is between 357 and 325. It is harder to control this House and transact business efficiently under any rules with 357 members than it was in the Fifty-first Congress with 325. And the difficulty will be increased with every accession to the membership of this House.

Now, I must hasten on. Mr. Speaker, how much time have I remaining?

The SPEAKER. Ten minutes.

Mr. SMITH of Kentucky rose.

Mr. DALZELL. I hope the gentleman will not interrupt me; I have only ten minutes left.

Mr. SMITH of Kentucky. Just a moment. I have listened very attentively to what the gentleman has been saying about the restrictions on debate in this House. Now, I ask, is that due to the increased membership of the House or to the tendency of either party that may dominate the House to cut off debate on the opposite side?

Mr. DALZELL. I think it is due to the increased membership.

Mr. SMITH of Kentucky. I differ with the gentleman.

Mr. DALZELL. It is due to the impossibility of furnishing an opportunity for every member to join in debate.

Mr. Speaker, there are on the roster of this House—I have not counted them, but I venture the assertion there are fifteen useless committees, committees that never meet, that have no business to perform, to which a bill is never referred, and which exist as committees only in name. Why? Because the Speaker has to find a place on committee for every one of the 357 members. Not only that, but every main committee of this House, every committee charged with important business in this House, has had its numbers so increased that it is absolutely impossible to stow away another man in the committee room. Yet you propose to find committee places for 29 additional members.

Mr. Speaker, I have not time to dwell further on this aspect of the case. I come now to my last proposition. I deny the affirmation that even under the rules as we have them this is an efficient House. I say it is an inefficient House; and let the record show it. In the Fifty-fourth Congress there were presented in the House and the Senate 14,114 bills and 470 resolutions—a total of 14,584. Of those bills and resolutions of more or less importance there were reported in this House the beggarly number of 2,815; and there were passed and became law the still more beggarly number of 984—984 out of a total of 14,584. But that is not all or the worst of it. The Senate of the United States, with no cloture, with no previous question, with unlimited debate, passed 1,682 bills to 948 passed by the House of Representatives; and the difference between the Senate and the House of Representatives is the difference between 90 men without rules and 357 men held to the performance of their duties by the strictest of rules.

In the Fifty-fifth Congress there were introduced in the House 10,547 bills and in the Senate 5,855, or a total of 16,402; and there were reported in this House the beggarly number of 2,112, and passed, 1,461.

Mr. HILL. Will the gentleman pardon me a moment? Does he bear in mind the fact that the English House of Commons, with a quorum of only 40, passed only 299 bills last year?

Mr. DALZELL. I have said that there is no analogy between the House of Commons and this representative body.

Mr. HILL. There is in size and working force.

Mr. DALZELL. Not at all. That is an executive body; this is a legislative body. That is a Parliamentary body; this is a Congressional body. Their Government is a Parliamentary Government; our Government is a Congressional Government. The difference is so vast that it is impossible to make any comparison between them.

Only one word more. In the present Congress, according to the RECORD, there were introduced up to last Saturday night 13,300 bills in this House and 5,414 in the Senate—a total of 18,714; and we have managed to have reported up to this time 2,100 of those bills.

Mr. BINGHAM. Let me ask the gentleman one question covering, I think, this whole proposition. May not the determination of a bill which the committee determines not to report to the House be just as wise a legislative policy as reporting a bill? Is not the gentleman going upon the assumption that all legislation proposed by bills introduced is wise legislation?

Mr. DALZELL. I am glad the gentleman called my attention to that, because I had omitted to say that in the Fifty-fifth Congress, counting what the gentleman speaks of, bills that were reported adversely, and resolutions reported adversely, and all matters of legislation passed upon, the Senate disposed of 2,114 as against 1,461 in the House.

Mr. HEMENWAY. How many of them were passed by Senatorial courtesy which never should have passed?

Mr. FITZGERALD of Massachusetts. Does the gentleman from Pennsylvania think that the wisdom of the rules of the House was vindicated when the House refused to pass a lot of

those bills that came over here from the Senate, considering the manner in which those bills are gotten through the Senate?

Mr. DALZELL. Yes; I think anything done by the rules of the House is all right. [Laughter.]

Mr. LONG. May I ask the gentleman a question?

Mr. DALZELL. Really, I must either quit or——

The SPEAKER. The Chair has already stated that the consent of the Chair must be obtained before a gentleman is interrupted.

Mr. DALZELL. I assume that my time has about concluded.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MOODY of Massachusetts. I ask unanimous consent that the time of the gentleman be extended fifteen minutes. It is in the interest of the members of the House.

Mr. DALZELL. Mr. Speaker, I decline that for the reason that other gentlemen are to follow me.

The SPEAKER. Objection is made by the gentleman from Pennsylvania.

Mr. DALZELL. I am very much obliged to the gentleman, but other gentlemen are to follow me, and I am not willing to take any portion of their time. [Applause.]

Mr. BURLEIGH. I yield ten minutes to the gentleman from Pennsylvania [Mr. BINGHAM].

[Mr. BINGHAM addressed the House. See Appendix.]

Mr. HOPKINS. I yield twenty minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I will take up the subject of Pennsylvania at the point where the gentleman laid it down. For twenty years, with the political power in the hands of the party to which the gentleman has belonged, they have seen fit to ignore the apportionment made by Congress.

Mr. BINGHAM. Did the gentleman say twenty years?

Mr. GROSVENOR. Twenty years.

Mr. BINGHAM. Permit me to correct the gentleman.

Mr. GROSVENOR. I think it has been twenty years.

Mr. BINGHAM. The last apportionment was made in 1887.

Mr. GROSVENOR. Very well, then, for thirteen years. At that time did you have all of your Congressmen?

Mr. BINGHAM. You mean twenty years?

Mr. GROSVENOR. Oh, yes.

Mr. BINGHAM. Then you reaffirm your statement.

Mr. GROSVENOR. I know what I am talking about. For thirteen years, according to the gentleman's own statement, this same magnificent county of Philadelphia has gone without her proportion of representative force in the House of Representatives, while they have elected two members at large throughout the State. Now, under the recent census the State of Pennsylvania increased her population by something over a million.

Mr. BINGHAM. One million and forty-four thousand.

Mr. GROSVENOR. And of that number 246,000 were in the county of Philadelphia and 223,000 were in the county of Allegheny, making nearly half a million of people. Now, the proposition is to reapportion the State, or else my friend's appeal is in vain, by giving to those cities the just measure of their deserts that they have been powerless to obtain for all these years.

Mr. BINGHAM. We can not do this ourselves.

Mr. GROSVENOR. You did not have any legislatures in session?

Mr. BINGHAM. We do not have this legislature.

Mr. GROSVENOR. Then there is something peculiar about this legislature that has not been about other legislatures. I think there is no special peculiarity about this legislature.

Why, Mr. Speaker, there is the whole trouble. Take my own State of Ohio, where we made a splendid gain of 485,229—almost half a million. Five counties of that State made almost 300,000 of that gain—Hamilton County, Cuyahoga County, Lucas County, Franklin County, and Montgomery County. Now, the smaller you make the ratio the more power, relatively, you put into those counties and the fractional parts thereof. So, under the Burleigh bill we find, instead of four Representatives from the great cities of Ohio, we shall have nearly two and a half ratios in Cuyahoga, two and forty-odd thousand in Hamilton County, almost a ratio in Franklin, and almost a ratio in Lucas County, while all the balance of the State will have the pleasure of dividing up about 15 members of the House of Representatives.

Mr. BINGHAM. Will the gentleman allow an interruption there? Is not that whole matter of the division of the State a function of the State legislature?

Mr. GROSVENOR. Oh, very well——

Mr. BINGHAM. This House has nothing to do with it.

Mr. GROSVENOR. Apparently it has had a great deal to do with it. Now, with reference to New York, the Burleigh bill proposes to add three members from the State of New York. Where will they be located? That portion of the State above the Harlem River has not gained in population except in a single county materially, and the whole three of these members is simply a peace offering which is now proposed to be tendered to the political power dominating below the Harlem, Tammany Hall.

Now, Mr. Speaker, I have no interest or feeling in regard to this bill. I would not vote to keep any man out or to bring any man in. I have one general idea in regard to the power of the people of a State over its representation in Congress. I do not believe in this country it is necessary that Congress shall legislate and affect the whole of the country by its legislation in order that some one or two or three particular gentlemen shall be kept in Congress or that any particular State shall be protected beyond its deserts, for while I believe my friend from Pennsylvania is right in saying the legislature of the State has power over its Congressional districts, I am right in saying that the people of a State have power over the election of their Representatives; and it will not occur shortly that any action of Congress will keep any distinguished man out of Congress and send a less valuable one in his place.

I put my support of this bill on the ground that it is a smaller number of Representatives than any other bill. I would cheerfully and gladly vote for a scheme of 300 members of the House. I have listened to this discussion about the French Chamber of Deputies and the British House of Commons. Why, Mr. Speaker, the members of the British House of Commons are not in any sense such representative men of their constituencies as we are. It is a rare thing in an ordinary session of the House of Commons to find above a hundred members present and therefore it is that they have cut down the quorum of their House to 40, in order that about 40 members can go there and transact business.

The average member of the House of Commons in England is a gentleman who has wealth enough and is powerful enough to go to London to live, is wealthy enough to live without salary, and to be within telephonic or telegraphic reach in case of a political division in the House, so that he may go in and ascertain his duty as an individual, then vote, and leave immediately.

And the same is true of the representative assembly of the people of France. There is no comparison. The English member of the House of Commons has no necessity for a desk. He has nothing to do with the rules of the house, he does not have to have a digest, and has nothing to do with the list of members. He does not care anything about that; he does not need a directory. Nine out of ten of them have no great business connection with their constituents at home. I have heard this talk about taking the desks out of this House. I do not believe that it will ever be done.

The gentleman from Pennsylvania [Mr. BINGHAM], if he desires to make the effort, will have an opportunity when the sundry civil bill comes here to move to strike out the appropriation for the improvement of the Hall that is now contemplated and substituting the removal of the desks, and I venture to say that he will not get 10 votes in this House in favor of his project. It never had any support, except here and there an American gentleman journeying to London who thought he saw something rather attractive by looking down from the gallery, where he was able to get a seat that some member of Parliament did not occupy—for more than one-third of them have to sit in the gallery, if they ever come there, as they do occasionally on festal occasions—and thought he saw something nice in a man sitting on a bench with his hat on his head, something that looked perfectly unique and unusual, and rushed back to America and spoke or wrote it up in our magazines for publication.

We are business representatives of active, stirring constituents, and one-half of our practical efficiency comes from the presence of the desks and the uses that we make of them. Therefore I would vote for the smaller rather than the larger House. Two million and a half dollars added to the expense of a decade of the House of Representatives is a matter of some moment and importance. The argument that some Eastern State—and it is very strange that it is necessary for us to pass this bill in order to give to Maine her present representation, when by doing so we shall give to Connecticut, another New England State, an increase, a Democratic increase, beyond all possibility of the surveying of lines.

Now, what are we to do in the future? It appears that we are following precedents, going back as far as Hamilton. To-day we propose that we will not allow any State to lose a Representative except Nebraska. I do not see any method of saving Nebraska unless we take in about 400. I should like to know why not Nebraska? Why do we not take in Nebraska? Why legislate against Nebraska, a growing, splendid State, with the chances of the future enhanced 1,000 per cent within the last three months? [Laughter.] Why not? Why should we leave Nebraska out and yet proclaim our purpose to leave nobody out? Let us see what we are coming to.

We can not hope that all the States can maintain their proportion of population always. Some States will naturally fall off. That must be so. Fourteen counties of Indiana shrunk in their population under this census. More than that number in Ohio shrunk in their population in this census. Westward as you go

the population increases more rapidly, so that Iowa did not fall off in a single county in that State. Here is the logic, here is the force of all that. If the criterion is to be in the East, and the Western State is to be maintained, necessarily, under all the circumstances, what will be the size of this body twenty years from now?

I read in a newspaper to-day that it was absurd to talk about the size of this Hall. Possibly that may be. It may be true that this country is rich enough to build a new Capitol and a new Hall of Representatives, but this Congress can not legislate to increase the power of the voice of the Speaker, nor swell the momentum of power of the voice of every member on this floor, and I do not know but that it is about as important that the size of the Hall shall conduce to the voice of the State being heard by a few Representatives as it is that the voice of the State shall be heard by the mere vote of a Representative, when his voice can not be heard, unless we adopt a system of megaphone communication between the Chair and the members of the House. [Laughter.]

Mr. SIMS. Mr. Speaker, may I ask the gentleman a question?

Mr. GROSVENOR. Certainly.

Mr. SIMS. The gentleman thinks the people ought to be heard by the voice of their Representatives?

Mr. GROSVENOR. I do.

Mr. SIMS. And yet we are running under a lot of rules that shut the mouths of more than one-half of the House on almost every bill.

Mr. GROSVENOR. I think the country is not suffering in that direction. [Laughter.] The gentleman is misapprehending the rules of the House. He could not make a better set of rules if he should try. The only great modification of the rules were made in the Fifty-first Congress, and were subsequently adopted by the Democrats in the Fifty-third, when they found it was indispensable to do so. I differ with my distinguished friend from Iowa [Mr. HEPBURN], and I want to compliment him, as he did me, by saying that he is a man of distinguished power, and learning, and knowledge, but, in my judgment, he is just slightly affected with a special prejudice against the rules of the House. [Laughter.]

I deny that it is impossible to pass legislation in this House. I make the statement without any purpose of bluster. I state over again what the gentleman from Iowa [Mr. HEPBURN] says he has heard me say—if I have behind me an assured majority of a quorum of this House, I can pass any bill on the Calendar of this House, with or without the action and friendly cooperation of the Speaker.

Mr. CLARK of Missouri. Will the gentleman allow me a question?

Mr. GROSVENOR. Yes, sir.

Mr. CLARK of Missouri. As I understand, there is but one species of machinery under our rules by which the gentleman can do that, and that is by a conspiracy or agreement among the chairmen of all the committees that upon a call of the committees each one of them will drop out and say that he has no business to call up. Is not that the only course open to the gentleman?

Mr. GROSVENOR. That is one way. That applies only to one character of business. There is only one character of business that can be brought up in that sort of way.

Mr. HEPBURN. May I ask the gentleman a question?

Mr. GROSVENOR. Certainly.

Mr. HEPBURN. I wish to ask my friend from Ohio to state the process by which he would accomplish the object he has stated. I am afraid my friend has something up his sleeve that he has not let the rest of us know about. I would be glad if he would enlighten the House by showing how, with his majority back of him and without the friendly aid of the Speaker, he can pass any proposition in this House. I say he can not.

Mr. GROSVENOR. Yes, I know; and I guess that is as far as we shall get in this controversy to-day. Mr. Speaker, I illustrated to the House and the country once what could be done here, after the scheme was practically abandoned by everybody else.

Mr. CLARK of Missouri. That was on the Hawaiian bill?

Mr. GROSVENOR. Yes, sir; when the Hawaiian bill was brought up. That is one thing. When I am brought up for a civil-service examination I will tell the balance, but not until then. [Laughter.]

Mr. CLARK of Missouri. We want to know how the rest of us can get our bills passed.

Mr. GROSVENOR. I want to speak a moment or two more on this question.

I believe it will be discovered that if the Burleigh bill passes—and I very much fear it will—we shall have turned over 25 per cent of the power of the Fifty-eighth Congress to the cities of this country; we shall have stripped the entire rural districts of the country of their just measure of power in this body; we shall have turned over to the great centers of population the power to control the legislation of Congress. I can show that; and I will try to do so in extending my remarks.

I want to say a few words now on what is known here as the Crumpacker proposition. I am opposed to the disfranchisement of the colored men of the South, and I have placed myself upon the records of the country in a magazine article giving fully my reasons; and my position on that question does not apply to the question, Which is the stronger, or which shall have the greater political power in the future?

Mr. OTEY rose.

The SPEAKER. Does the gentleman from Ohio [Mr. GROSVENOR] yield to the gentleman from Virginia [Mr. OTEY]?

Mr. OTEY. I make the point that the gentleman's time has expired.

Mr. GROSVENOR. Well, the gentleman from Virginia is not in order.

The SPEAKER. The time of the gentleman from Ohio has expired. [Laughter.]

Mr. GROSVENOR. I hope I may have five minutes more.

Mr. HOPKINS. Very well; I give the gentleman five minutes more.

Mr. GROSVENOR. I am delighted that my friend from Virginia is watching the clock and aiding the Speaker in administering the rules of the House.

Mr. OTEY. I do not object to the gentleman occupying fifteen or twenty minutes more, if he does not take it out of my time, and that is what he is doing.

Mr. GROSVENOR. I will not take anything out of the gentleman's time.

Mr. OTEY. You are doing so.

Mr. GROSVENOR. The gentleman is taking from the time of both of us now. I am willing that the gentleman shall have all the time he wants as soon as I have occupied my five minutes.

Mr. OTEY. It was agreed that I should have thirty minutes; but now it appears that I am to be cut down to five.

Mr. GROSVENOR. Very well; the gentleman can say more in five minutes than the average member of Congress can in twenty minutes. [Laughter.]

Mr. OTEY. If it be agreed that I shall have twenty minutes, I will move to extend the gentleman's time for half an hour.

Mr. GROSVENOR. I have five minutes, and I would like to go on.

My opposition—I would rather say hostility, for that is the better term—to the disfranchisement of the colored man is because I sympathize with, and feel a great interest in, the people of the South. I have no prejudice on this question; and the gentleman from Mississippi the other day in his very eloquent appeal on this subject fired over my head. I would act here with just as much energy in behalf of a measure for the benefit of the eleven States of the South with which I was at enmity as I would for any State of the North.

My votes have spoken upon that question. My position is that in a free government dependent upon the will of the people there can be no disfranchisement without absolute injury to the Commonwealth in which the disfranchised persons reside. I know that sometimes some benefit may appear to flow from such disfranchisement, but I point out the fact that long ago—during all of the last thirty years—the white people of the South have built up their civilization, their intelligence, their patriotism, their education, against the ignorant and whatever else pertains to the colored man's character, and some white men also; yet during all those thirty years, with the exception of the brief period following the war, the white man with his intelligence has controlled the Government, and to-day there is in this House of Representatives but a single colored man from all that vast population, and he, I presume, will be the last of his race for many years to come.

By this policy of disfranchisement you make enemies of a race that want to be your friends. You put into the body politic a great body or class of pariahs. You brand them with a condition little short of slavery. I know that the educational systems of the South are to-day liberal to the colored men. Will they always be so? Will they continue? Let us see what you are doing. You demand the disfranchisement of the colored man. Then you say that you do it because he is ignorant, because he might vote against the best interests of the white people.

Are you sure that when you have accomplished that you will not go a step further and deprive him of the educational facilities that are rapidly bringing him up to the standard which you yourselves have set? Take the case of North Carolina, with almost two colored children attending the schools of the State where there is one white child, in proportion to the relative strength of the two races there. Are you quite sure, my friend, that the next aggressive step will not be legislation that will tend to keep in this condition of unfitness, as you call it, these very people whom you are now legislating against? That is my objection. I care nothing about this question of representation in Congress in comparison.

If the people of the North and the East and the West and the rapidly growing sentiment of the South, educated as it is by the

wealth and intelligence of this country, can not protect ourselves against the political power of the South, I am willing to go down in the political vortex that is coming. But what I say to you is that the danger exists that you are transforming a class of friends into a class of registered enemies—enemies of record. I fear that you will have trouble in that direction. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. BURLEIGH. I yield to the gentleman from Washington [Mr. JONES].

Mr. JONES of Washington. Mr. Speaker, that government wherein all the people meet together to enact laws and select persons to execute them is the ideal "government of the people, by the people, and for the people."

This, however, is impracticable in a country of any considerable number of people. Hence it is that, in addition to delegating the execution of law to certain individuals, the people delegate the power to make laws to certain representatives; hence republican government. The right to participate in the selection of the Representatives who are to make the laws is one of the dearest, if not the dearest, right of the American citizen. In its defense he will sacrifice his money, his property, and even his life, if need be.

We are proud of our Government. We claim to be a nation of sovereigns. Yet how thin is the toga of representative government in which we so proudly envelop ourselves.

One coordinate branch of our Government is the Supreme Court of the United States. With the selection of this court the people have nothing to do directly. Its members are appointed by the President of the United States, and when once appointed hold for life or during good behavior. The people directly have no say whatever as to the members of this august tribunal, whose decision finally determines what the law is, and whose fiat may overturn the express act of the other coordinate branches of the Government. They are not responsible to the people, and when once appointed are absolutely independent of the appointing power.

The President is selected by the people, and yet here the people vote by States through the electoral college and not directly. He is the head of the executive department of the Government, and he, and not the people, appoints the real executors of the people's will.

The other coordinate branch of the Government and, primarily, the lawmaking power is Congress, composed of the Senate and the House of Representatives. This is supposed to be the citadel of our republican Government. Through this we exercise our sovereignty. With the selection of the Senate, however, we have nothing to do directly. Its members are selected by the legislatures of the different States and are supposed to represent the States themselves.

This leaves us the House of Representatives. Here we find the direct agents of the people. The members of the House represent directly the will of the people of this great country. The people vote directly for them and against them. To them they write, telling all their troubles. Through them they speak and through them they act. They are not only the representatives of the people, but they are the servants and errand boys of the people. Hence it is that a bill looking toward the apportionment of these Representatives to the different States of the Union is one fraught with the greatest importance. It determines for the next ten years the degree in which each citizen shall be represented in his Government and in the enactment of laws by which his rights shall be determined and protected. It also determines for the next ten years the votes that each State shall have in selecting the Chief Magistrate of our country and the head of its executive department. These measures always have been justly considered of vast importance.

The bill reported by the committee has all the importance of previous bills of a similar character, but it is more important for another reason. It contemplates limiting and fixing the number of members that shall constitute the House of Representatives. It not only determines the degree in which each citizen of this country shall be represented in the lawmaking power of the Government now, but it also says that hereafter the House of Representatives shall consist of no greater number than is prescribed in this bill. It does not say this in so many words, but that is the idea of the bill and of the committee.

So it is that at the very threshold of the consideration of this bill we are confronted with a question of transcendent importance. It seems to me that this is one of the most important questions we have ever considered, and it is one that should be determined at the very outset in the consideration of this bill. It is a question that affects every Representative here and every citizen in this Union. You can not say: "The representation of my State is not changed by either bill; therefore we are not interested." You and your people are interested in future representation which is directly affected by this bill. Furthermore, you are interested in seeing justice done as nearly as possible to every citizen of this Republic as well as to those of your own State. Only a short time ago the whole country was aflame over a bill affecting the people of Porto Rico. Many who are indifferent as to these two bills were frantic at legislation which they considered as striking at the liberties of a distant people. That was beneficent legislation. This means the direct curtailment of the highest privilege of every citizen of this Republic.

From the foundation of this Government to the present every apportionment bill has taken into consideration the growth of the country and has increased the representation of the people, with the possible exception of the apportionment bill under the Sixth Census, in 1843, when the number was fixed at 223, a reduction of 17. This reduction was not made, however, with the idea that the House was large enough or too large. At the very next census, however, 1853, an increase was made to 233, and from that time to the present there has been a steady increase. The census of 1863 made an increase over the preceding census of 10; in 1873, of 50; in 1883, of 32, and in 1893, of 31, so that the number fixed at the Eleventh Census was 356, which has been increased by the admission of another State to 357. Even with this constant increase the power of individual citizenship has been decreasing. The substance is gradually becoming shadow. In the First Congress there was 1 Representative for every 30,000 people. To-day there is 1 for every 173,901. One citizen then had almost as much influence as 6 have now.

Under the bill of the committee there will be 1 Representative to every 208,868, while under the bill of the minority it will be 1 to every 194,182. Is not this a sufficient decrease in the representation of the individual citizen? Shall we, the representatives of the people, say now that this representative body shall cease to grow? That, though we have 10,000,000 more people than we had in 1890, they shall have no more Representatives? That, though in 1910 we may have 85,000,000 people, they shall have no more Representatives than when their number amounted to 62,000,000? I can not think so. The nineteenth century has been a most wonderful century for us. Our growth and development have been marvelous. They have surpassed the wildest dreams of the most visionary. In territory, population, commerce, manufactures, agriculture, mining, invention, science, art, education, culture, literature, and in all that makes civilization and a great nation we have rivaled the fables of antiquity.

We enter the twentieth century with a boundless hope and possibilities foreshadowed by the accomplishments of the nineteenth. Shall we mark our legislative advent into the twentieth century with an act pointing to the downfall of representative government? I believe in our Government and in our people. I have no fears of tyranny or empire in this country; but I do say, that, in my judgment, when this nation does go the way of all nations of the past, the beginning of the end will be when the growth of the representative branch of the Government ceases. The further the representatives get away from the people, from the individual citizen, the more insecure our liberties and the more liable our Government to decay. The nearer they stay to the people, the closer they are in touch with the individual citizen, the more stable will be our Government, and the more secure our liberties.

But it is said the House is too large now, and while we will not decrease it, it must not be made larger. Is this true? How does it compare with other representative bodies? Great Britain, with a population of 37,731,410, has 670 members in the House of Commons; France, with a population of 38,343,192, has 584 members of the Chamber of Deputies; Germany, with a population of 49,428,470, has 397 members in the Reichstag; Italy, with a population of 30,535,848, has 508 members in the Chamber of Deputies; Spain, with a population of 17,565,632, has 431 members in Congress, the representative body of the Cortes; Austria-Hungary has a population of 42,762,886 and has two parliaments.

The representative part in Austria has 353 members and in Hungary 453. In other words, the representative branch of every great government in the world to-day is larger than ours, and we have to-day proportionately the smallest representative body in the world. What will our citizens think when they consider that the citizen of England, Germany, France, Spain, Italy, and Austria is more nearly represented than they? What will they think of Representatives who boast of the greatness of our country and the beauties of our Government and then by their votes say our people shall have fewer Representatives than any other great nation of the world to-day? It seems to me that this fact alone should condemn the proposition.

Why would a slight increase in the present membership hinder the dispatch of business in this House? Every member knows that the business of the House is very largely done in committees, and that these committees expedite business rather than the House itself. The increase of even one member on each committee would not hinder nor delay the enactment of legislation. As a matter of fact, it is an open question whether or not there is not too much business done here, rather than too little. It would be probably far better for the country if a great deal of the legislation which is enacted were not consummated. One thing is assured, and that

is that the increase of 10, 20, or 30 members in this body will not unreasonably delay or hinder the passage of any measure of importance to the people.

There is no question but that a great part of the business of this House is done with only a small proportion of its membership present. During this Congress there have been only a few measures that have called forth the entire strength or the greatest membership of the House. It is also true that measures deserving of the consideration of all the members of the House and in which the whole country is interested are given consideration by the entire membership, and, as a usual thing, the full body of the House is recorded upon such measures.

Such was true in the noted Roberts case; such was true in the Porto Rican legislation, and such will also be the case in matters in which the whole people of this country consider themselves vitally interested.

Is it thought that with 30 more members there would have been less dispatch in the Roberts case or there would have been less ready action in the Porto Rican matter than with the 357? I think not. It may be true that there might be a little more independent action upon the part of members of this House if the membership were somewhat increased. As everyone knows, the business of this House is practically controlled by not exceeding a dozen members in this body. They say what legislation shall be considered. They say when it shall be considered. They say whether or not it shall be passed. And especially matters that partake to a certain extent of partisanship are considered in such a way as to almost compel members to vote against their honest judgment.

If an increase in the membership would bring a little more independence of thought and action, it might be much better for the people. The Speaker of the House would have just as much power with an increased number as he has now, and it rests very largely with him to say what legislation shall be considered, when it shall be considered, and whether or not it shall be passed. We have a membership now of 357, the Senate has a membership of 90, and yet in the dispatch of business, in consideration and passage of important measures, the House will certainly favorably compare with the Senate.

It is true that with an increased membership there would also be an increased expense, and yet in a matter that involves the rights of the people and the right of participating in the Government this is a question that should not and will not have any weight with the people. Every man would be willing to pay a little more in order to retain more of that inviolable right of self-government. Furthermore, each Representative in this House now represents about 173,000 people. With 357 members, with the present population, he would represent about 208,000 people. This is as much as any man can reasonably represent and do justice to his constituents, especially where he has a diversity of interests in his district. If you make no increase in the membership, then you will find each member getting further and further away from his people and his constituency, doing less for each one of them, and becoming less and less a representative of the people.

With a gradual increase of membership we keep closer to the people. We know more of their wants and have more time to look after their necessities. It may be that some of the members from some of the districts of this country have but very little to do that directly affects their constituency. They can give their attention to matters of general legislation, but it is different with me. The constituency I represent are directly interested in almost every matter of national legislation coming before Congress.

Is there a River and Harbor Committee? Our people are directly interested in appropriations made by that committee. Is there an Interstate Commerce Committee? We are directly interested in its business, work, and legislation in the way of commerce, lighthouses, life-saving stations, etc. Is there a Military Committee? We have our Army posts and fortifications to look after. Is there a Naval Committee? We have battle ships to build and navy-yards to maintain. We have public lands, arid lands, Indian affairs, forest reserves, and claims of all kinds. We have great mining interests, manufacturing interests, fishing interests, lumber interests, and almost every industry in which the people of any section of this country are interested.

Some say that our Hall is not large enough. If that be true, we must make it larger. Representation in this country can not be restricted by wooden walls. If this room can not be made large enough, the people will say and demand that we shall build another that is large enough. Shall we say that our legislative body and the Government of which we are so proud shall be less than that of the Monarchies of Europe? Shall we say that the participation of the citizen of this country in the administration of its Government shall be less than in the Governments of the Old World? Will we be justified in saying that the citizen of this country shall have less to say in the enactment of legislation for his Government than a citizen of those countries?

When the number 356 was adopted in 1890 there was no thought then in the minds of the members of the House of Representatives that there should be no further increase except by the admission of new States. There were some, it is true, who thought that the House was large enough, and yet they were very few. Mr. Frank, of Missouri, stated, "But as long as Congress indulges in special class legislation in private bills instead of confining itself to general and national legislation, it is absolutely indispensable that the number of Representatives be increased."

And Representative Taylor said, "And if you will look over the increase in representation made from decade to decade, you will find that we have had to the present membership almost precisely the average number in the increase made from time to time during the last hundred years."

Mr. Tillman, of South Carolina, said, referring to the size of the House and its increase: "It is so in England, from whom we inherit every institution that is worth preserving or worthy of praise," and he was in favor of making the House a body composed of 600 members and the Senate of 300.

What is the object and purpose of an apportionment bill? The Constitution says Representatives shall be apportioned among the several States according to their respective numbers, etc. The object of every bill, of course, is to carry out this provision of the Constitution, and, leaving out now the question as to whether or not the membership shall stay as it is and taking the position that it should be increased and arguing in favor of the bill reported by the minority, let us see which measure comes nearer to carrying out the intention of the Constitution.

The only real question to be considered is that this apportionment shall be made according to population. The power of the State, the wealth of the State, the manufactures of the State have no bearing upon this proposition. The State that has the people is the State entitled to representation, whether it has the material wealth or not.

It has been endeavored in the past to apportion these Representatives by some mathematical system, and the majority of the committee reported in favor of making this apportionment according to the system which they say has been used in the past. That is, to first determine the membership of which the House shall be composed and then apply that number successively to the population of the different States; then again to apply it to the fractions, giving representation to every major fraction and the number determined upon as reached, and then stop.

An examination of the debates in connection with the apportionments in the past and an examination of the tables submitted in the report of the committee show that no system has ever yet been devised that has carried out the provision of the Constitution. It seems to me, from the very nature of things, that it is absolutely impossible to devise a mathematical system by which injustice will not be done. The population of the various States is not based upon any mathematical system. Each one has to be considered independently of the other, and from this naturally results the fact that no mathematical system can be applied to them in this apportionment.

Furthermore, the argument of this question proceeds apparently upon the theory that the people composing these fractions are not represented at all. This is not the case. The Representatives are not apportioned to the districts, but to the States, which are divided into districts so that all the people of the State are represented; and it seems to me that the real difficulty is to secure an apportionment of the Representatives to the State in such a way that when the State is divided into districts there will be as little difference among all the various districts of the State and the nation as possible. In other words, if we could so apportion the Representatives that each district would have exactly the number that could be represented by one member, this would be in exact accord with the requirements of the Constitution. As it is impossible to do this, then it seems to me that we should get as near to it as possible. If we have to do violence to any mathematical system in order to do it, it is but our plain duty to see that it is done, as justice should be placed above mathematics in such a matter.

Now, let us compare the two bills presented to the House. Under the bill represented by the committee the district with the least population would be in Vermont, with a population of 171,820, and the district with the highest population would be in Colorado, with 269,551. Thus the variation between the lowest and highest district would be 97,731 people. By this you see that a Congressman in Vermont represents 171,820 people, while a Congressman in Colorado represents 269,551 people. In the State of Colorado there are 92,451 and in the State of Washington there are 85,966 more people in the district than in Vermont.

Under the bill submitted by the minority the lowest district has 171,820 people, the same as in the majority and in the State of Vermont, and the largest district would be in Rhode Island, with 214,278 people, or a variation between the lowest and highest of only 42,458. Leaving out States with but two Congressmen, the variation in the committee bill is 191,760 for the lowest, West Virginia, and the highest, 231,488, in Maine, or a difference of 39,728;

while under the minority bill the lowest is 173,080, in Arkansas, and the highest is 203,188, in Alabama, or a difference of 30,000. Now, it seems to me that under the minority bill, with so much difference in the variations, the Representatives are more nearly apportioned to the different States in accordance with the spirit of the Constitution than in the majority bill. While it is true that the principle adopted by the majority has been used in the past, yet it never has been used in the way now applied by the majority.

There were two reasons given in 1890 for the selection of the number 356, and they were considered as the main reasons, first, because, taking the number 356 and applying it as a rule which required that no State with a fraction greater than a major fraction should be left without representation for that major fraction. This is not true under the committee bill. In fact, there are three States with a majority fraction for which they get no representation, and the injustice of applying this ironclad rule is manifest when we see that Colorado, with a fraction of 121,367, is given no representation, while Michigan, with a fraction of 123,434, is given an additional Representative.

In other words, 2,067 people in Michigan gives Michigan an additional Representative. It would be much more just and equitable to give to Colorado an additional Representative instead of Michigan, and it would make each citizen of Colorado and Michigan more nearly represented according to the spirit of the Constitution than under the bill of the committee. As it is, it takes 269,551 people in Colorado for 1 Representative, while in Michigan it only takes 201,748 for 1 Representative. As a matter of fact, the rule adopted by the majority, if applied at all, should give increased representation to the smaller States having the majority fraction, first, because their fraction will be divided among fewer Representatives than in the larger States, and in this way the relative influence of each citizen in the conduct of the Government would be more nearly equalized.

The apportionment in the minority bill is made in accordance with the rule of the majority, except that, in order to take care of two major fractions, the bill arbitrarily gives 2 Representatives to two different States. This has been in the interest of justice. Of course, according to the majority's theory, this does an injustice to other States, and this arises from the argument that a major fraction is not represented at all if no Representative is allowed for it. But when we go to divide the States into districts in accordance with the bill of the minority we find that the districts are more nearly of a uniform size than under the bill of the majority.

The unreliability of this so-called system is glaringly illustrated in the fact that if the membership of the House should be fixed at 356, or less, Colorado would gain a member; if fixed at 357 she would not gain a member, and if fixed at 358, or more, she would gain 1 member.

The honorable chairman of this committee, in order to show the injustice of the Burleigh bill, took 173,617, the number of persons to which 1 Representative is accorded under the Burleigh bill in Maine, and applied it to the States of New York, Pennsylvania, Illinois, Massachusetts, Minnesota, Ohio, Texas, and Iowa, and by computation showed that if each of these States were given a Representative for each 173,617, they would be entitled to more Representatives than are given each of them by the Burleigh bill. He claimed that this was very unjust and appealed to them for their votes on behalf of his bill by reason of this alleged injustice. He refused to make any comparison with the number of people that his bill requires in the State of Washington to make 1 Representative, to wit, 257,786. He refused to show that by applying this ratio to each of these States they would be really entitled to a much smaller number of Representatives than are given by his bill.

But let us take exactly the same method of argument upon his bill that he took upon the Burleigh bill and see whether or not he has acted fairly by these large States according to his own argument. Under his bill Vermont has 1 Representative for every 171,820 people. Now, let us apply that same ratio to each of these other States, because if Vermont is entitled to 1 Representative for each 171,820 people, should not each of these other States be entitled to 1 for that number? They should according to his argument.

How does his bill treat them? Applying this ratio to New York it would be entitled to 42 Representatives; he gives it only 35. Pennsylvania would be entitled to 36, and that without counting fractions; he gives it only 30. Illinois would be entitled to 28; she gets 23. Iowa would be entitled to 12; she gets 11. Minnesota would be entitled to 10; she gets 8. Massachusetts would be entitled to 16; she gets 13. Texas would be entitled to 17; she gets 15; and carrying it further, Missouri would get 17; she gets 15. Wisconsin would get 12; she gets 10. California would get 8, with a large fraction; she gets 7. Michigan would get 14, while she gets 12. Indiana would get 14; she gets 12. Colorado 3, with a large fraction, but she gets 2. Florida 3, and she gets 2. The States of North Dakota, Montana, Maine, and Connecticut with their population would be entitled to 12; they get 9. Colorado, Florida, and Washington would be entitled to 10, giving 1 for the major fraction; they get 6.

If the Burleigh bill is in the frying pan the Hopkins bill is in the fire.

It seems to me that the proper method to make this apportionment is by determining the ratio of population for each Representative and apply this ratio to each State, taking the number resulting therefrom and add to it 1 Representative for each major fraction. This is a simple rule. It is a just rule. It is easy of application. It involves no paradoxes and does substantial justice to all as nearly as can be, and is constitutional, as stated by Mr. Webster.

If you take 194,000 as the ratio for each Representative, then giving one Representative for each 194,000 and major fraction would give a membership of 387 and would leave no State with a major fraction for which no Representative is given. Under such an apportionment the representation would be just as it is in the Burleigh bill with the exception of Iowa, which would have 12. Under this apportionment the State with the largest number of people to each Representative would be Rhode Island, with 214,278, or a variation of 20,278 above the ratio. The State with the fewest number of people to one Representative is North Dakota, with one Representative for 157,217, or a variation below the ratio of 36,773. Total variation between the highest and lowest districts, 57,051. Under the Hopkins bill the highest number of people to one district is in Colorado, with 269,551, or a variation above the ratio of 60,633, while the State with the lowest district is Vermont, with 171,820 people, or a variation below the ratio of 37,048, or a total variation between the highest and lowest districts of 97,681.

Leaving out the small States with 4 Representatives and under, we find the following extreme variation under this method of apportionment:

Alabama has 1 Representative for 203,188, or a variation of 9,188 above the ratio, while Nebraska, with 178,089 people to 1 Representative, or a variation below the ratio of 15,911, or a total variation between the highest and lowest of only 25,099. Under the Hopkins bill South Carolina has 1 Representative to every 223,386, or a variation of 14,518 above the ratio, while West Virginia has 1 Representative to every 191,760, or a variation below the ratio of 19,108, or a total variation between the highest and lowest districts of 33,626.

If you give 1 Representative for every 194,000 and major fraction you have a House of 387 members, and give full representation to 151,770 more people than under the Burleigh bill. And you violate no mathematical system in so doing. By adding 1 more member to the Burleigh bill for the large fraction belonging to Iowa you accomplish the same thing so far as representation is concerned, except that still you give full representation apparently to 55,919 less people than by the above method. In fact, however, you give each State exactly the same representation, and therefore the result is exactly the same. In the one case the result is brought about entirely by a mathematical system. In the other you follow the mathematical system a certain length, drop it, and then add the other Representatives arbitrarily, but in the interest of justice.

If you apportion the Representatives by giving 1 for every 210,500 and each major fraction, you will have a House of 358 members and give full representation to 344,474 more people than by the Hopkins bill. Does not that come nearer to giving substantial justice? No State is left with a major fraction unrepresented nor is any mathematical system violated. Why did not the majority of the committee take this method, and provide for a House of 358 members rather than of 357? Were you afraid to increase the House by one more member? Did you think he would add very much to the uproar of which you so much complain? Would he cause the Speaker much more trouble? Would he bind more tightly the rules of this House about the gentleman from Iowa? Would it not have been more just, would it not have been more scientific, if the committee had framed its bill in this way? It seems to me so.

Now, Mr. Speaker, even if I were opposed to the further increase in the membership of this House, I could not support the Hopkins bill. In my judgment this bill is not only unjust, unfair, and paradoxical, but it is also unconstitutional. The committee, in their report, state that their method was favored by Daniel Webster, and have quoted from a report made by him. It seems to me that Mr. Webster is practically against the position of this committee. They have left out three States with major fractions. Mr. Webster said that this was unconstitutional.

In this report which they quote he used this language:

> And the exact proportion of the State, being thus decimally expressed, will also show to a mathematical certainty what integral number comes nearest to such exact proportion.

Clearly stating that each State is entitled to that representation which comes nearest to this decimal fraction. He further said, as shown by the report of this committee:

> The rule adopted by the committee says out of the whole number of the Congress that number shall be apportioned to each State which comes nearest to its exact right according to its number of people.

This bill does not conform to that rule. It does not give to Colorado, Florida, and North Dakota the number of Representatives which comes nearest to the exact right of each one of these States, and therefore it is unconstitutional. Mr. Webster stated in his report the following, which is not contained in the report of this committee and which clearly explains his position:

The rule has been frequently stated. It may be clearly expressed in either of two ways. Let the rule be that the whole number of the proposed House shall be apportioned among the several States according to their respective numbers, giving to each State that number of members which comes nearest to her exact mathematical part or proportion; or let the rule be that the population of each State shall be divided by a common divisor, and that, in addition to the number of members resulting from such division, a member shall be allowed to each State whose fraction exceeds a moiety of the division.

The exact proportion of Missouri, in a general representation of 240, is 2.6—that is to say, it comes nearer to three members than to two, yet it is confined to two. But why is not Missouri entitled to that number of Representatives which comes nearest to her exact proportion? Is the Constitution fulfilled as to her while that number is withheld, and while, at the same time, in another State not only is that nearest number given, but an additional member given also? Is it an answer with which the people of Missouri ought to be satisfied when it is said that this obvious injustice is the necessary result of the process adopted by the bill? May they not say with propriety that since three is the nearest whole number to their exact right, to that number they are entitled, and the process which deprives them of it must be a wrong process?

It is true that there may be some numbers assumed for the composition of the House of Representatives to which, if the rule were applied, the result might give a member to the House more than was proposed. But it will always be easy to correct this by altering the proposed number by adding one to it or taking one from it, so that this can be considered no objection to the rule.

When the bill that made the present apportionment was before the Senate in 1891 this same matter was under discussion. That great Senator from Minnesota, a statesman and a Constitutional lawyer, respected and honored by this whole country and now gone beyond the river, in discussing this same question argued for justice rather than mathematical precision. He even held that States with larger minor fractions should be represented. To his mind justice was far more important than the carrying out of the mathematical system. He stated his opinion clearly as to what rule should be followed in the following language, to wit:

Mr. President, I hold the true rule to be (of course, keeping always within the bounds of a proper number of Representatives for an excess, and an unwieldy number can not be thought of for a moment) to consider that number which will leave, or approximately leave, the largest unrepresented fraction after everything has been taken up, absorbed, and accounted for. And the very fact that pausing at 356 leaves three great States in the position which I have indicated is, in my judgment, a sufficient, ample, and convincing reason to sacrifice the process to the constitutional end to be attained, instead of sacrificing the constitutional end to the integrity and symmetry of the process.

In discussing the constitutional matter, and no question can be made as to his authority as a constitutional lawyer, he further stated:

Otherwise stated, Mr. President, if it is constitutional to award to one State or to several States membership on account of a fractional remainder of a moiety or more of the ratio, it is unconstitutional in any instance or upon any pretext to deprive another State having such a moiety or more, but less than the favored State, for no other reason than that the process does not, to use a homely phrase, furnish enough to go around. In such a case representation is apparently apportioned according to numbers as to certain States, and is unquestionably not apportioned according to numbers as to the State that is thus deprived.

The Congress of 1872 went much further than the Burleigh bill asks this House to go, and was in harmony with the idea of Senator Davis in giving representation even to minority fractions.

Under the act of February 2, 1872, no State lost a member except the States of New Hampshire and Vermont, and in the report upon the supplemental of March, 1872, the committee said:

The recent action of Congress in increasing the size of the House to 283 in order to save 8 States from a diminution in the number of their Representatives has induced the committee to recommend a further increase of 9 members, making the whole number 292, which is believed to be the smallest number that upon an equitable and constitutional apportionment will leave each State with at least its present representation. New Hampshire and Florida each had less than a moiety fraction, but the committee stated, "the committee assigned 1 to New Hampshire and 1 to Florida, making in all a House of 292." The reason for this is that greater injustice will be done these States by not giving it the additional Representative than to the other States by giving it.

This bill became a law.

For these reasons, Mr. Speaker, I am opposed to the Hopkins bill. It is unfair, it is unjust, it is paradoxical, and it is unconstitutional. The Burleigh bill is fair, it is just, and it is according to the spirit of the Constitution. [Loud applause.]

Mr. BURLEIGH. I yield the balance of my time to the gentleman from Indiana [Mr. GRIFFITH].

Mr. GRIFFITH. Mr. Speaker, I yield ten minutes of the time to the gentleman from Virginia [Mr. OTEY].

Mr. OTEY. Mr. Speaker, I had not intended to say anything on the subject of the resolution introduced by the gentleman from Pennsylvania [Mr. OLMSTED], but in his explanation of his action, which action tended to degrade and humiliate the people of the South, whom I in part represent on this floor, he said apologetically in effect if not the exact words, and in extenuation of his action, and to show that he bore no malice against the South, that he had married a Southern woman and that the blood of his infant sons was at least half Southern.

Having mentioned his family himself, I may be pardoned for saying that it must have chilled the pure blue Southern blood that flowed in the veins of that portion of his family when it was known that he was the first man to rise in this House and reopen sectional strife. I venture to say that when he has had more experience with the South he will have the feeling which would stay the hand that to-day would strike down a chivalrous and a noble people; and he is not too old to live long enough to wish that the resolution he introduced should be expunged from the records of this House.

The logical end of all such agitations is negro domination in the South, which is hell on earth to the white men on the one hand or a race war on the other. It means the reinstallation of the carpetbagger; it means the reinstallation of that bastard son of an abortion that was produced by a great revolution—a despicable, loathsome, putrid agent of the demon of darkness and corruption. It means the coming of a buzzard gluttoned with carrion, the descendants of those who, thirty-five years ago, fastened their talons in the prostrate body of the South, like those pitiless birds that fed upon the vitals of Prometheus when his helpless form was chained to his rock.

Yes, it means the return of those buzzards, gluttoned with carrion, that are to-day following the calling of their diabolical daddies in Cuba, the Philippine Islands, and in Porto Rico, who exude such an odor that a mosquito shuns them. Yes, they are so mean that the yellow-fever germs die in their presence. [Laughter.] They are so loathsome that the smallpox microbes fly from them, and if a snake bites one of them it kills the snake. [Laughter.]

This is the picture that I would avoid. This is the picture that the Olmsted resolution would draw. If the gentleman from Pennsylvania believed it, I know he would withdraw the resolution. Their financial acumen consists in Rathbonizing freedmen's funds without detection, in Neelyfying negroes' wages without being caught. That is the condition of things that we must expect to find when we pass such resolutions.

As for the Shattuc resolution, it seems that neither that nor the Olmsted resolution will pass. They will not pass until the fish worm swallows the whale; not until the hare is outrun by the snail; not until Dutchmen stop drinking beer, and not until the billy goat butts from the rear. [Laughter.] My friend SHATTUC; yes, he introduced these resolutions, but I am surprised that they should come from him, because such resolutions do not come generally from a chivalrous soldier.

Usually such resolutions emanate from a man who has never heard the rattle of musketry or the shriek of shell. The gentleman from Ohio [Mr. SHATTUC] and I shot at each other from 1861 to 1865—figuratively speaking, anyhow. When an old Confederate soldier has an ounce or two of Federal lead in his body, as I have the honor to have, and when a Federal soldier has his gravity increased by an ounce or so of Confederate metal, as I assume his gravity is, then it warms their hearts to each other, and neither would degrade the other if he could. So I was surprised at the gentleman introducing this resolution, because such things are left generally to camp followers and bombproof experts.

But it seems that his resolution ran into the resolution of the gentleman from Pennsylvania, and it seems that the Pennsylvania resolution ran into his, and so it was that a paroxysm of pain occurred to both, as the éclat expected by each was smashed. It reminds me of the two bicycle riders who were going along Pennsylvania avenue a short time ago. Both were cross-eyed and did not know exactly what they were going to strike. Like these two bicycle riders in this House, they came up smash against each other. One fell one way and one fell the other. The first one said, "Why the hell didn't you look where you were going?" The other one got up and said, "Why the hell didn't you go where you were looking?" [Laughter.]

I want to say to this House now that solemnly they got up here and bound themselves to give me thirty minutes, yet here I am cut off with a paltry twelve. Who can enlighten this House in twelve minutes? [Laughter.] Here, sir, I have been waiting to enlighten this body. Now, Mr. Speaker, I want to say that I was entitled to the time of a committeeman, one hour, and I called the attention of the gentleman to it who had the division of the time; but, I said, "I will only use forty minutes of it." He said, "Sir, I will guarantee you thirty minutes." When the time came I did not rest entirely on that, but I got up and told the chairman that I would object to any arrangement unless he would give me thirty minutes. He said, "You will be taken care of."

The action of that committee and the action of that gentleman who controls the time on this side and the action of Mr. HOPKINS bound this House to give the "gentleman from Virginia" thirty minutes. Now, are you going back on it? If you do, let any man rise in his place and say so. I wait for a reply. There is none. [Laughter.] Therefore I have thirty minutes. Now, having thirty minutes, I will proceed to discuss the bill. [Laughter.]

The SPEAKER. The time of the gentleman from Virginia has expired. [Laughter.]

Mr. OTEY. Mr. Speaker, have I not the unanimous consent of the House for thirty minutes?

The SPEAKER. The gentleman's request has not been submitted.

Mr. OTEY. I ask unanimous consent, then, for twenty minutes and that the time for taking the vote be extended until half past 3. This House has not heard me on this bill, and members do not know what they are missing. [Laughter.]

The SPEAKER. The gentleman from Virginia asks unanimous consent that the time for debate be extended until half past 3, he to have fifteen minutes of the time. Is there objection?

Mr. HOPKINS. Mr. Speaker, I am very sorry that the conditions are such that I shall be compelled to object. When the arrangement was made the time was equally divided, and my understanding was that the gentleman stated that the other side would give him thirty minutes.

Mr. OTEY. No, sir; you told me that I should have it.

The SPEAKER. Objection is made.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD of Massachusetts. I ask the gentleman from Illinois what is the special haste about getting a vote on this bill to-day?

The SPEAKER. That is not a parliamentary inquiry.

Mr. OTEY. When framing any law due regard should be paid to the paramount natural law. Legislate in violation of the natural law and you attempt a miracle. There is no power outside of the limitations of natural law.

Race prejudice or antagonism is a natural law, and as unchangeable as the law of gravitation. Its purpose was to preserve the integrity of the species by placing in the breast of every distinct creation antipathy to all the rest. Without this safeguard human races would long since have degenerated into a conglomerate race of mongrels; deteriorating till extinction would have purged the world of such monstrosities. No one knows this better than the gentleman from North Carolina [Mr. PEARSON]. If not so, why does a white man or woman not marry the negro?

The theory is occasionally advanced that the antagonism between the races is due to the prejudice based upon the negro's former condition of slavery. In refutation we cite the fact that all white communities entertain a deep feeling of sympathy for the negro while he resides elsewhere, but send him to his friends in sufficiently large numbers to make his presence felt and the same natural aversion and discrimination soon develop. The former free States of the Union worked themselves into a state of fine frenzy on account of the wrongs committed upon their brother in ebony in the former slave States. We sent him to them.

The more we send the less we hear of Southern atrocities, and, strange to say, there is occasionally wafted to us intimations of race riots and lynchings north of Mason and Dixon's line. Have the morals of our former mentors become more lax since the time when their publicists and editors wasted their ink and exposed their ignorance? Or, does a fellow-feeling make us wondrous kind?

Is there no solution of the problem consistent with political equality and absolute justice? None whatever.

Justice itself is merely relative. It can exist between equals. It can exist among homogeneous people. Among unequals—among heterogeneous people—it never has and, in the very nature of things, it never will obtain. It can exist among lions, but between lions and lambs, never. If justice were absolute, lions must of necessity perish. Open his ponderous jaws and find the strong teeth which God has made expressly to chew lamb's flesh! When the Society for the Prevention of Cruelty to Animals shall have overcome this difficulty, men may hope to settle the race question along sentimental lines—not sooner. So much for the negro.

These thoughts on the negro are from the pen, in the main, of one who has studied the negro question, and it was after I heard the gentleman from North Carolina, and after the introduction of the Crumpacker bill, that they occurred to me peculiarly appropriate.

Now, as to the bill under discussion.

Mr. Speaker, since Mr. Lincoln uttered those striking words, we have been wont to repeat that ours is a "Government by the people, of the people, and for the people," and any casual observer, without considering the details of the matter, would at least infer that the people of this great and free nation had more to do directly with the administration of affairs of government than the people of any other enlightened country on the globe.

It is a notable fact, however, that of the hundreds of thousands of officials who do administer the functions of government in this great Republic, the only single one for whom the people can directly vote is their Representative in the House of Representatives—their member of Congress.

He may, indeed must, delegate to another all right of which he may be possessed to vote for President and Vice-President, but he has no voice as to who shall hold the powerful positions in the Cabinet, none as to who shall be the Chief Justice and associate justices of the Supreme Court, or United States judges of circuit or district courts; ambassadors, ministers, or consuls abroad; Senators of the United States, collectors, customs officers, marshals, postal and other minor officials—not even indirectly a voice as to who shall be a fourth-class postmaster, except he has the right of petition, which is accorded criminals.

It seems strange that such conditions should exist in our Republic, and this Hopkins bill—I call it Hop bill for short—proposes to further curtail the rights and abridge the power conceded the people without any good and sufficient reason why this wrong should be inflicted. Answers to such an inquiry come—

First. Expense. I was not a little surprised, coming from the source reported—this side of the Chamber—that the question of expense had been raised, that the addition proposed in the substitute bill would largely increase the burdens of the taxpayer. I would pass this by without comment except for the very narrowness of the contention.

The increase of 29 members under the Burleigh bill is an increase of eight-tenths of 1 per cent of the membership, and would entail the monumental burden of two-tenths of 1 cent per capita of the constituencies of this country, and I hardly think such "straining at a nickle gnat and swallowing a $2,000,000 camel" worthy of further notice. Like a narrow-necked bottle, the less there is in it the more fuss it makes in getting it out.

To my Democratic friend I would say that—

Second. It is urged that 357, provided for in the Hopkins bill, will leave the electoral college practically as it now stands, while 386, as in the substitute bill, will give the Republicans a net gain of 10 over that which now obtains. This may have a tendency to make some of them favor the Hopkins bill. It is clear that both suggestions assume that such States as New York, New Jersey, Connecticut, Indiana, West Virginia, Kansas, South Dakota, and perhaps others are to remain forever, or at least ten years, Republican.

If this be so, then Democrats are no worse off with 387 than with 357; for as the electoral college now stands, what hope can Democracy have with the above States, or even half of them, Republican?

It is, however, wonderfully strange that the Republican leaders in this House have been unable to perceive this great advantage to be gained under the 386, or substitute bill. If 386 is to give their party an irrevocable deed to the electoral votes of certain States that will give them a permanent gain of 10, does anyone for a moment suppose that they would be so blind as not to see, so deaf as not to hear?

No one accuses them of any want of political sagacity and of that unselfish devotion to abstractions that would make them forgetful of practical politics. They are not so steeped in the wealth of patriotism as to permit their party fealty to be ruthlessly ravished. They know the difference between a bone and a banquet.

Third. It is contended that this Chamber is too small to admit of 386 membership. Can it be possible that statesmen fail to recognize that a new life begins with every second, and with it new and greater responsibilities; and must it be said that men of broad minds propose to measure these increasing and momentous responsibilities so as to make them conform to the number of square feet in a room?

It is not the size of the human body that measures the soul within; it may be domiciled in the frame of a giant and yet be so small as to rattle in a mustard seed; and yet the big soul and broad mind may be crowded in the body of a pigmy and still possess the divine fire of Him in whose image it was created.

You forget that the cramped space and damp-stained walls of the attic are sacred to the memory of noble names, and, as I remember to have read, that Haydn grew up in one; Addison and Goldsmith plied their pens in such lofty abodes; Dickens was no stranger to them; Hans Andersen dreamed his fancies beneath their sloping roofs, and Burns, Hogarth, and Watt made garrets nurseries of genius. They counted not on square feet.

Fourth. We are told that the loss of representation is not hurtful and is nothing uncommon. We are referred to the fact that Massachusetts once had 20 members of Congress and was cut down to 10, that Virginia had 23 and was abridged to 9, and that the plan suggested by a majority (of one) in the committee has the sanction of sixty years ago. But I may be permitted to remark that the past is gone from us forever. It is "gathered and garnered."

It is the glamour of the past that makes antiquated beings prate so much of the days when they were young, and it is the mirror of long ago that reflects the images of the impossible and impracticable. The world is pictured as getting worse and worse since it was created and as a most delightful abode when it was thrown open to the public. I shall expect to hear the venerable chairman of the Census Committee yet proclaim that sixty years ago the moon was like a drunkard, always full, and, like a diamond, shone brightly three hundred and sixty-five nights in the year. However, it should be remembered that in every apportionment made since 1793 increased representation has been accorded by this

House, and we are not even following precedent, and the Hopkins bill has not the sanction even of sixty years, as claimed.

But the past belongs to us no more, and we are not now moving in the plane of threescore years ago. If so, let us discard the advances made in steam, heat, light, and electricity, and resume the stagecoach and rowboat, the sickle and wooden plow; destroy the locomotive and steamship, the reaper and binder and the cotton gin, the telegraph and telephone, and forget that we produced a Franklin, Fulton, and Eli Whitney, a McCormick and Morse, Edison and Bell, a Maury, Peabody, and Goodyear, with scores of others who together formed the most brilliant galaxy of the nineteenth century. Sixty years ago, indeed! Ever since Adam's sixty-first birthday the cry has been, "Give us back the good old days of sixty years ago."

Common sense is our best guide, and in these times of great progress there should be no retrograde movement, out of respect for the loose-robed fathers of the past, who lived in "sun-kissed tents amid lowing herds, while the earth was not yet laden with trouble and wrong," and before there was a free people. No valid or substantial reason has been given or can be adduced for forcing the loss of a single Representative on any State, and this sixty years cry has less of force in it than any attempted. If there was good cause for 10 Representatives ten years ago, there is more cogent reason for it now.

Where it so happens that a State has so increased in population as to warrant an increase in representation, the substitute bill accords it, and no injustice can be done them by not reducing representation in a State whose population has not decreased.

We profess to be nearer the people, and to be the most liberal to them (and as I said in the outset, a Government of the people, by the people, and for the people), and when we find that empires, kingdoms, and monarchies give more liberal representation than we do, it is in order to inquire what can justify such abridgment of the people's rights as is provided for in the Hopkins bill.

Glancing at the tables which I read, it is seen that every one of the great powers of Europe gives more liberal representation than we do. Every one of them is more densely populated than we are. Every district has a smaller area than our districts have, thus rendering the labors of a representative in a marked degree less burdensome and easier to be performed.

These tables show that under the substitute bill our ratio will be 60,000 more than the largest in Europe; under the Hopkins bill our ratio will be 76,000 more than the largest in Europe; under the substitute bill our ratio will be 153,000 more than the smallest in Europe; under the Hopkins bill our ratio will be 167,000 more than the smallest in Europe.

The chairman says that 395 is the only number that will do equal and exact justice to all. Now, if this be so, why not make it 395? Who will be hurt by it? Talk of the House becoming a mob because of increasing it 38! Will he accept an amendment to this effect?

And then all this scientific figuring! Everybody knows that it is proven with mathematical exactness by figures, that the asymptotes of the hyperbola gets nearer and nearer it constantly, and yet never reaches it, which in practice is absurd.

Country or nation.	Population (discarding fractions).	Number of representatives in lower house.	Number of population to each representative.	Population per square mile.	Number of square miles to each representative.
Great Britain	40,500,000	670	61,000	318	180
France	38,500,000	584	66,000	188	349
Italy	32,800,000	508	63,000	287	220
Hungary	18,900,000	453	41,000	140	320
Prussia	31,800,000	433	74,000	237	310
Spain	17,500,000	431	41,000	88	450
Austria	28,000,000	425	52,000	206	273
German Empire	52,000,000	397	132,000	250	527
United States:					
Now	75,500,000	357	208,000	21	a 8,000
As proposed	75,500,000	387	194,000	21	a 7,600
Now, including Alaska	75,500,000	357	208,000	21	9,770
As proposed	75,500,000	387	194,000	21	9,040

a Not including Alaska and Indian Territory.

Number of square miles represented by each member of the lower house in each nation.

Great Britain	180
Italy	220
Austria	273
Prussia	310
Hungary	320
France	349
Spain	459
German Empire	527
United States:	
Not including Alaska and Indian Territory—	
At 357, present number	8,000
At 387, proposed number	7,600
Including Alaska and Indian Territory—	
At 357	9,770
At 387	9,040

The chairman says those States that lose are the ones making all the opposition to the Hopkins bill. Well, how about those who gain under the fermenting influence of the Hopkins bill—for short, the Hop bill.

It is well known that members have more than they can now efficiently attend to. If we had a membership that would justify each member being on only one committee, who doubts that the work before committees would be greatly expedited. Then, too, why should not Congress meet on the 4th of March—the day their pay begins—and attend to public business, and not wait till December and have a short session, when nothing beyond appropriation bills can be attended to.

This table shows the States affected by the apportionment bills, the figures opposite each showing the present voting strength in the House:

State.	Present membership.	Under Hopkins bill.		Under substitute bill.	
		Gain.	Loss.	Gain.	Loss.
Arkansas	6			1	
California	7			1	
Colorado	2			1	
Connecticut	4			1	
Florida	2			1	
Illinois	22	1		3	
Indiana	13		1		
Kansas	8		1		
Kentucky	11		1		
Louisiana	6	1		1	
Maine	4		1		
Massachusetts	13			1	
Minnesota	7	1		2	
Mississippi	7			1	
Missouri	15			1	
Nebraska	6		1		
New Jersey	8	1		2	
New York	34	1		3	
North Carolina	9			1	
North Dakota	1			1	
Ohio	21		1		
Pennsylvania	30			2	
South Carolina	7		1		
Texas	13	2		3	
Virginia	10		1		
Washington	2			1	
West Virginia	4	1		1	
Wisconsin	10			1	
Total	282	8	8	29	

States which neither gain nor lose by either bill.

	No. of members.		No. of members.
Alabama	9	Oregon	2
Delaware	1	Rhode Island	2
Georgia	11	South Dakota	2
Idaho	1	Tennessee	10
Iowa	11	Utah	1
Maryland	6	Vermont	2
Michigan	12	Wyoming	1
Montana	1		
Nevada	1	Total	65
New Hampshire	2		

This country may be likened to a great corporation having been organized for certain specific purposes, with 15,000,000 stockholders. Unlike most corporations, it is a pauper, except that by the vote of the stockholders it may collect money out of their pockets for said purposes, and it has no right to acquire money in any other way. In order that these stockholders may have an eye to their own weal, they periodically assemble and a president, vice-president, and board of directors are selected, who in turn select the officials to administer the affairs of the corporation. It has a constitution and laws limiting the powers of officials. So every four years we elect a President and Vice-President, and every two years a board of directors (which we call the House of Representatives), and this board, together with a select board (which we call the Senate), constitute the board of managers.

Each stockholder (or voter) holds exactly the same amount of stock, and it is a criminal offense for him to sell, transfer, or in any way to part with it. He has the same power in selecting the board of directors as any other stockholder, but this power is circumscribed and confined to the selection of only one member of the board. That is to say, he can vote for only one, but still he has an equal power with others in determining as to how much money must be taken out of his pockets to maintain the corporation and as to how it is to be expended.

The man that sweeps the streets has as much legal power therefore as a Rockefeller, and the hod carrier can neutralize the power of a Vanderbilt in this respect. Why, then, should he be shorn of an atom of this one single right? If it was as it is in Great Britain, he would have three and one-half fold more; as in France, threefold; as in Germany, one and one-half fold.

But it seems that such concessions are not to be given him, but on the contrary, "that which he hath" is to be taken away. The

Hopkins bill, read between the lines, in effect says of the individual stockholder or voter:

First. He has too many privileges now and he must be deprived in part of that modicum of the distributive fluid called power now possessed by him, it being to subtle for his limited intelligence.

Second. That in fact he does not understand its use, and since this has been made manifest the less he has of it the better.

Third. That the personal comfort of members of Congress must be provided for before his rights are considered, and the sanctity of this august Chamber must not be encroached upon by any larger numbers.

Fourth. That the present dimensions and the fragrance of the foul air pervading it are to be maintained, notwithstanding artificial means have to be resorted to in order to pump the pure air of heaven into its recesses, in the midst of which not a ray of the sun ever penetrates.

Fifth. That business will be impeded if we accord him the full measure of his rights (but what business the deponent sayeth not).

Sixth. His burdens of taxation will be increased if any other bill or the substitute bill prevails (I may reiterate 2 mills per head of constituencies), forgetting that no taxation can be imposed without the consent of Representatives, and the more liberal the representation the more guarded the immunity from wrong.

Seventh. That complaint will proceed only from denizens of attics, tenements, and those who follow the plow, wield the pick, ax, hammer, and saw—the emblems of poverty, but the implements of the acquisition of wealth—and it does not matter if they are abridged in power.

Eighth. Paraphrasing Vanderbilt, it virtually says, the "common people be damned;" who cares whether or not to them "life be worth living?"

Carry out such a theory as the Hop bill provides to its legitimate end, and to what will it come? Not only to the abridgment of power now lodged in the people, but to a centralization of power in the hands of the few, which was the dream of Hamilton, and which found in Jefferson its most formidable antagonist and implacable foe.

It will not be long when its influence will percolate into State autonomy and the power of governors and legislatures therein will be a memory. Why have any at all? Why not a privy council, county lieutenants, a few messengers, which together would perform governmental functions?

I know, of course, that Congress has nothing to do with such things now, but go on diminishing the power placed in the hands of the people (who form the bone and sinew of the land) when it is our duty to enlarge and extend it, and how long will it be when we will have a "government only of the few, by the few, for the few."

The unit of local self-government in the North, especially in New England, is the rural township, governed directly by the voters who assemble annually (or oftener, if necessary) and legislate on local affairs, levy taxes, make appropriations, appoint and instruct selectmen, clerks, school committees, etc. Townships are grouped to form counties, each with a commissioner and other paid officials.

In the South counties are generally the units, though subdivided for educational and other specific purposes, and certain officials have additional functions, such as the care of the poor, superintendence of schools, etc.

In the Middle and Western States the two systems are blended, the public lands in the West having been divided into townships 6 miles square.

Why keep up all this expensive machinery?

We now have the advantage of the full distribution of power in State governments, which is the sheet anchor of our liberties. Home rule and local self-government in the States are assured as long as this distribution of power is not diminished. The Hopkins bill does not, and under the Constitution can not, deal directly with this subject except so far as the State is interested in its representation in Congress. It strikes a blow at this, and if the insidious want of principle which underlies this bill is to become all-pervading, how long will it be when county and State lines will be obliterated and any apportionment no longer necessary?

God forbid that this day will ever come; but the more you abridge the power of the people, which the Hop bill does, the nearer such a day approaches. Let us hope that, like the comet that has passed its perihelion, it is off on its hyperbolic orbit, continually approaching its aphelion, but like the asymptote which never reaches the curve, though constantly nearing it, it may follow its example.

But coming back to a comparison with other nations, I observe that in Great Britain one-sixth of her population vote; with us one-fifth of ours perform this function. Now, if we should adopt the ratio which Great Britain accords her people with one-sixth voting population, we would have to-day 1,246 Representatives in this body, where we have only 357 under our ratio.

But if Great Britain should adopt our ratio with our one-fifth voting population, she would have 192 in the House of Commons, where she now has 670.

Each representative in Great Britain covers an area averaging 178 square miles, while each member of Congress covers an area in his representative capacity (not including Alaska) averaging 7,600 square miles.

Area and density of population seem to be entirely lost sight of in the Hop bill. A Representative of the people in the United States not only represents more people than the representative of any other enlightened nation on earth, but he has to get over more square miles to attend to the wants of his people, and hence has to undergo more labor to properly represent them than any other.

He represents now 112,000 more people than a representative in Great Britain does, and under the Hop bill he will represent 147,000 more; he represents now 107,000 more people than a representative in France does, and under the Hop bill he will represent 142,000 more; he represents now 110,000 more people than a representative in Italy does, and under the Hop bill he will represent 145,000 more; he represents now 132,000 more people than a representative in Hungary does, and under the Hop bill he will represent 167,000 more; he represents now 99,000 more people than a representative in Prussia does, and under the Hop bill he will represent 134,000 more; he represents now 132,000 more people than a representative in Spain does, and under the Hop bill he will represent 167,000 more; he represents now 121,000 more people than a representative in Austria does, and under the Hop bill he will represent 156,000 more; he represents now 41,000 more people than a representative in the German Empire does (I mean in the popular branch of the legislative body of the Empire), and under the Hop bill he will represent 76,000 more.

As to density of population, compare only the two great English-speaking nations. England and Wales have 495 of the 670 members of the House of Commons. The urban population (1890) was 70 per cent, while in the United States it was 29 per cent (census of 1890 is used, as England's census of 1900 is not before me). In England and Wales 22 per cent lived in cities of 250,000 and upward; 9 per cent lived in cities of 100,000 up to 250,000; 9.6 per cent lived in cities of 50,000 up to 100,000; 12.6 per cent lived in cities of 20,000 up to 50,000; 8.3 per cent lived in cities of 10,000 up to 20,000; 8.9 per cent lived in cities of 3,000 up to 10,000.

That is to say, the rural population in England and Wales is 30 per cent and the urban population is 70 per cent, while in the United States the rural population is 71 per cent and the urban population is 29 per cent—conditions almost exactly reversed. In England and Wales there are 358 towns of over 10,000 population; in the United States there are 448 towns of over 8,000 population.

Thirty-two large towns in England and Wales, not including London, have a population of 7,588,536, with an area of 543 square miles—13,900 people per square mile—with 123 members in the House of Commons. New York, with about the same population now, with an area of 48,000 square miles—126 people per square mile—has 34 members in this House.

I do not hesitate to affirm that 34 Representatives could more effectively attend to the wants of 7,500,000 people in an area of 543 square miles than 123 could in an area of 48,000 square miles, yet the conditions are reversed and will be accentuated under the Hopkins bill.

Examine, if you please, some grouping of States, and compare results with England and Wales.

No. 1.—Maryland, North Carolina, South Carolina, Georgia, Florida, and Virginia: Population, 7,900,000; area, 242,000 square miles; population per square mile, 32; number of representatives, 45.

England and Wales: Population, 7,900,000; area, 58,000 square miles; population per square mile, 497; number of representatives, 123—over three-fourths less area, 465 more people per square mile, 78 more representatives.

Take the most densely populated portion of the United States:

No. 2.—Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, New York, New Jersey, and Pennsylvania: Population, 17,000,000; area, 162,000 square miles; population per square mile, 107; number of representatives, 100.

Great Britain, with 38,000,000 population, 120,000 square miles, and 313 persons per square mile—a little over twice the population of group 2, one-third of the area, and three-fold more people per square mile—has over six times the number of representatives.

I am aware that it will be contended that area has nothing to do with the merits of the measure, and that density of population is equally as foreign to the subject. Theoretically, this may be so, but Sir Isaac Newton said that when theory comes in contact with fact theory had to go. And so we find it here.

It is a fact, the more Representatives allotted to an area of territory, the more efficiently will the people be served. And in large areas sparsely settled, it is still more essential to have sufficient representation, that they may be served promptly; and the Hopkins bill overlooks the fact that we are servants, and not rulers, and that it is the serving business, and not the ruling business, in which we are engaged.

I am not unmindful of the fact that our Constitution and laws provide for an apportionment by population, but there is nothing in either that forbids, in fact the spirit of both encourages, giving to large areas of rural territory the largest and most efficient representation practicable in this body. Large rural population scattered over extensive areas of territory ought to have the largest measure of distributive power, that power which is the safety valve of the Republic, and though much gas is let off by reason of it, yet as long as it remains in the hands of the many instead of the few, the people can not complain and will not suffer.

Do you wish to increase the ratio of representation because you think too much power now resides in 173,000 people or in 194,000? Do you not know that the ratio proposed in the Hop bill curtails and abridges this power just one-fifth? If the voter is a whole man now, this bill proposes to make him a four-fifth man. What will he say? He will see that his ratio is raised 35,000, and yet less than twice 35,000 in monarchial England adds one whole representative to the House of Commons.

In other words, the Hop bill allots for every 208,000 people 1 Representative. Yet for every 208,000 people Great Britain has 3.4 representatives; France, 3.1; Italy, 3.3; Hungary, 5; Prussia, 2.8; Austria, 4; Spain, 5; German Empire, 1.7.

The individual voter will wonder why you are so jealous of your own comfort, why so much solicitude about the size of the Chamber, why so much anxiety about the electoral college, why so suddenly struck with a fit of economy, why so much reverence for three-score years of the past and so little for the present.

Talk about delay in business! If we had as many members as now constitute the House of Commons—yes, 670—aye, if we had a hundred million people and a ratio of 100,000, which would make this House 1,000 in membership, and would apply improved methods, such as Americans apply in their own business, we could and would do more business than we now do with 354, and still be closer to the people. As paradoxical as it may appear and yet as everyone admits, there is more and more to do every year, and yet it is proposed to have fewer people to do it.

I do not hesitate to say that the application of electrical devices in this House, such as would enable us to vote "aye" and "no" rapidly, as called for in a resolution introduced by me, would save much time and kill the last lingering nerve of filibustering.

Again, enlarging this Chamber would not only facilitate business, but it would give good and pure ventilation and tend to stop the mortality of members, largely due to the foul air we breathe and to the volume of carbonic acid gas which pours down upon us from 12 m. to 5 p. m., and from the poisonous effects of which there is no escape except to the cloakroom or the grave.

These things ought to be considered, and if time is given I am sure remedial measures will be taken which will afford relief, when provision will no doubt be made for a much larger number of Representatives than even the substitute bill calls for.

The larger the number of Representatives the more thoroughly will the people be served. I do not blame the President and the Administration for the abuse of power placed in the hands of Rathbone and Neely; but had this been in a Congressional district and a Congressman been called on by the President to indorse them it might have been different. You do not find such cases where the Representative of the people is called on. He has to keep watch over his district, and seldom it happens that fraud and embezzlement and robbery is the outcome of the recommendation of a member of Congress.

How melancholy one of you would feel had you been Rathboned by one of your constituents, honored by your confidence. But here are Rathbone and Neely, responsible to no member for good behavior. Did not they swim?

Such doings are not apt to occur under the watchful eye of a member of Congress. He is very careful as to whom he recommends for places that are subject to be embezzled and looted.

Personally I want to enter my appeal for Virginia. I appeal for no increase, but for no decrease.

Beginning with the First Census, in 1790, with 13 States and 4 Territories, Virginia lead with 747,610 population; in 1800, with 16 States and 4 Territories, Virginia lead with 880,200; in 1810, with 17 States and 7 Territories, Virginia lead with 974,600; in 1820, with 23 States and 3 Territories, New York lead with 1,372,111; in 1830, with 24 States and 3 Territories, New York lead with 1,918,698; in 1840, with 26 States and 3 Territories, New York lead with 2,428,921; in 1850, with 30 States and 5 Territories, New York lead with 3,097,394; in 1860, with 33 States and 8 Territories, New York lead with 3,880,735; in 1870, with 37 States and 9 Territories, New York lead with 4,382,759; in 1880, with 38 States and 8 Territories, New York lead with 5,082,871; in 1890, with 44 States and 4 Territories, New York lead with 5,997,853; in 1900, with 45 States and 3 Territories, New York lead with 7,268,012.

This old Commonwealth donated to the nation the great Northwest Territory, embracing what is now the States of Ohio, Indiana, Illinois, parts of Michigan, and Wisconsin.

It was in Virginia that the first representative assembly was convened, in 1618. It consisted of the council and a body of representatives, two from each of the eleven plantations into which the colony was divided. This assembly imposed taxes, considered petitions, and passed laws for the government of the colony. Thus Virginia led, and though nominally dependent on the King and company, had an independent government of its own at this early period.

A State with such a record, I submit, should not at this late day be cut down in its representation in the Congress of the United States. Then, again, she was despoiled of her territory, violently cut in twain, without authority of law, yet by ravages of war—and I might add that she would have kept pace with the general increase in population but for the fact that her good people were so much "kneaded" to furnish the "leaven" for the successful rising of the loaves of progress in other States that it has constantly drained her, and but for Virginians many States would not have the representative force they have to-day.

Indeed, they pride themselves on Virginia ancestry. But for Virginians many now occupying seats on this floor would not be here. Not infrequently, when introduced to a new member as from Virginia, I am at once told that his ancestors were Virginians and he is proud of it.

Again I appeal to this House for the substitute bill because of the injustice done sparsely settled rural or agricultural districts by the Hopkins bill. There are nearly twice as many people engaged in farming as in manufacturing. The area occupied by the one is of necessity much larger than that of the other. It is with much more ease and facility, with much less labor, that the Representative of the densely populated and smaller area can administer to the wants of his people than when conditions are reversed.

It is an easy job for a member of Congress in an area of 6 miles square, or 36 square miles, to serve 173,000 people as compared with one who has to serve 173,000 in an area of 20,000 square miles. The one in a compact city like New York, Chicago, or Philadelphia can be in touch with his constituents by 'phone, telegraph, mail, or in person at any hour, but the other, with an area of 7,600 square miles (the average in the United States, not including Alaska) has to be almost a "perpetual motion." The Hop bill increases all the difficulties now encountered, adds prominence to the obstacles which should be removed.

In Virginia it not only adds to the number of people to be served, but in each district it increases the area 445 square miles.

The Hop bill overlooks the great advance and progress making in mining, lumber, coal, iron, forestry, manufactures, fisheries, commerce, shipping and navigation, internal commerce, foreign trade, rivers and harbors, utilization of the billion acres of public lands, of our insular possessions, of science, literature, and art, and ignores the power of taxation and appropriations, all of which must of necessity be of great interest to the people, and all of which demand the very largest degree of representation for them possible.

You need constant accretions to your stock of wisdom, and any curtailment of this is to be greatly deplored. One member of this House for every 100,000 people would be 760 members, and would add greatly to the wisdom under this mighty Dome.

Rules can and will be made, room can and will be provided, more business can and will be done, and done more expeditiously and satisfactorily, just as necessity demands. It is well known that under 357 membership this House has done more business, and done it more effectively and thoroughly, than under any former apportionment giving a less number.

Stephenson astonished England when he stated that his engine would draw a train at the rate of 10 miles an hour. Now a train running at 60 and 70 miles per hour passes by unobserved.

There are always mossbacks, and from all such "good Lord deliver us." They believe in the past, for they live in it. Retrogression to them means progress. When they look back over the long road traversed in the past they see no rugged rocks, no dangerous quags, no sharp stones, no shattered columns, no broken shafts, but they live on the memory of the fragrance of "the roses left by the wayside, and the gentle tendrils waving in the wind." The present is full of briers and the future to them is to be a crumbling ruin.

I protest against them and their creed. I protest against any retrograde movement. To deprive a State of a single Representative is to go backward. Let us keep abreast with the steady march of progress which in this nation has been without a parallel, and in which in the future it must be without a peer.

You who view with alarm the continued distribution of power among the people, stop and ask yourselves what will they think of it when they realize what you have done. They are not fools, and they know that if 100,000 of them may choose a Representative to Congress, and you change it so that 200,000 may do so, it will not take much time for them to see that you have voluntarily abridged their power just one-half. To them you will have to render your account.

Now, Mr. Speaker, I complain of no member on account of his position on this question. I accord to everyone that rectitude of

purpose and sincerity of action which I claim for myself, and, while self-interest must govern us all in a greater or less degree, I concede nothing less than patriotic motive to each and every member of this body.

It may be that I am zealous in opposition to the Hop bill because my State will lose a member under its operation. It may be that others are ardently in favor of it because their States gain members.

No man coming into this House without some knowledge of its membership, approximately, could guess within 100 of the number of which it is constituted, and it is well known that on an aye-and-no vote a record of 250 is seldom disclosed.

One class, then, think 357 just enough, but I know of none such whose State loses a Representative by the 208,000 ratio.

Another class will favor 357 because the ratio reached has the sanction of the dust of sixty years ago, but most of them hail from a Commonwealth that either does not lose or does gain.

Still another class favor 357 because this ratio leaves the electoral college practically in its present shape, though causing loss to some States—while assuming that politics will be forever stationary and the electoral college unchangeable—but no loss of representation to them.

Then 357 is urged by others because in their States no rearrangement of districts will disturb present incumbents. Some are for 357 because the Chamber is too small, and say nothing about loss or gain. But of such I have heard of none that lose. Some oppose any increase in membership that will not give their State increased representation. Some oppose it because, although their State loses no representation, still, while getting no increase, its relative power or influence is diminished as compared with the whole without considering the party strength.

I might add other classes, and file reasons as varied as the ratios are numerous. I assume, however, that the purpose of all classes is to better the condition of their respective States.

I do not, however, believe that patriots exist only when advantage is to be gained, and hence I appeal to Republicans and to Democrats alike to lay aside party feelings and banish the electoral college ghost and to ask themselves what they would do if no question of party advantage had been raised. Then ask themselves, is there really anything in that question of party advantage to be gained to the Republicans in the apportionment which gives 386 members.

I want to ask members of that committee who oppose 386, or the substitute bill, would they not have voted for 386 except for the fact that the electoral college bugbear was thrust before them?

Then I appeal to you to vote—

First, that no State shall lose a Representative;

Second, that every State shall have the full benefit of the majority fraction—remembering that the functions of Congress are growing in importance every day, and that there should be greater representation in proportion as great interests are enlarging hour by hour.

In conclusion, Mr. Speaker, I want to say that the fundamental idea of popular government is the distribution of power. From the battle of Hastings our ancestors have been fighting to maintain this principle and wrest power from the hands of the few and lodge it in the hands of the many; and it was consummated in our national fabric and sealed with the blood of patriots when, in 1781, the proud crest of England went down in disgrace and despair at Yorktown, and the flag of freedom was hoisted, never to be lowered.

To maintain the principles thus established and to continue and to enlarge this distributive power among the people should be the aim of the Republic and of the popular branch of Congress, at least. Of nothing should the people be so jealous as the encroachment on, or abridgment of, this great boon. No right or privilege possessed by them should be watched so incessantly, preserved so carefully, and guarded so aggressively as the one right in the fullest measure to select the only official for whom, under the Constitution, they can vote, viz, the man to represent them in the House of Representatives of the Congress of the United States of America. [Loud applause.]

I desire to append the striking letter of Mr. Frank Abial Flower, of Washington, D. C. I invite especial attention to it:

WASHINGTON, D. C., *January 8, 1901.*

MY DEAR JUDGE: Yours of November 6 was duly received, but not until now has it been possible to reply to your inquiries concerning the apportionment. You ask:

1. "Is there any substantial warrant for reducing the representation from any State because such State disfranchises some of its citizens for other reasons than rebellion or crime?"

2. "Is there a mathematical and legal way of so apportioning Representatives among the States as to do exact and equal justice to each and all?"

First. If there were such warrant, Congress did not authorize or require the Director of the Census to gather facts on which to base such a reduction. You can not tell where or how to begin.

Second. Yes; there are several; but I lost many a night's sleep before finding the controlling principle which underlies all of them, although it is simple enough now that it has been found.

Heretofore the process by which the apportionments have been computed have not produced results that were legally or mathematically correct, or politically just, because they included the necessity of assigning (or rejecting) an entire Representative for a bare major fraction of the accepted ratio, which gave to some States over and to other States under representation.

The possibilities for injustice under this practice are very great, and can never be eliminated. For instance, North and South Dakota may have within one of equal populations. The former, with a minor fraction of 100,000 above the ratio, would receive 1 Representative, while the latter, with a major fraction of 100,001 above the ratio, would receive 2 Representatives.

This additional person in South Dakota may have been a child born a day or an hour prior to taking the enumeration. Thus the representation of a State would be doubled, and also doubled over the representation of a sister State by the numerical value of a single one-day-old babe.

What is worse, if this child should die on the day following the enumeration, thus reducing the population of the two States to an exact equality, South Dakota nevertheless would continue for ten years to enjoy double the representation of North Dakota.

This is an extreme but not impossible case, and vividly illustrates apportionment features which have occurred frequently in actual practice, and must continue under this process forever.

However, the fact that these irritating forms of injustice have never been eliminated, nor even ameliorated, does not mean that it is impossible to give to each State its mathematically exact strength in the House of Representatives and the electoral college, but that a way of doing so has not been devised or adopted.

A fundamental error has been committed hitherto in assuming that representation means physical persons or integers.

If such were really the case, a one-armed or one-legged person might not be considered a complete or lawful Representative.

Representation does not mean a certain number any more than it means a certain weight of persons.

It means simply choosing and putting forward a vehicle or instrument for giving, and which can and does give adequate expression and effect to the popular will or ascertained voting strength of a given community.

One person as well as 4 or 40 or 400 persons can represent a community in a representative body, if he be properly clothed with authority to do so.

This fact has received actual illustration times without number by popular conventions giving one vote to two persons, or two votes to three persons, or by instructing or authorizing one person to cast the vote of an entire county or State delegation, or of an entire convention.

If this old and undisputed principle be applied in creating and defining the strength of the House of Representatives and the electoral college, all over and under representation—the basic element of injustice and irritation—at once disappears, except in the case of States having populations less than the unit or ratio of apportionment.

There are three or more ways in which this principle may be applied. For the first illustration let it be applied as follows:

1. Assume 1 vote in the House of Representatives for every 205,500 persons.
2. Divide the representative population of each State by this number.
3. The result will be 8.898 votes for Alabama, 12.245 votes for Indiana, 14.835 votes for Texas, 20.231 votes for Ohio, 35.344 votes for New York, and so on.
4. These votes, which represent with mathematical exactness the proportionate strength of each State to the aggregate strength of all the States (Wyoming, Idaho, Nevada, and Delaware excepted), will come into Congress in the form of as many persons as there are votes and fractions of votes assigned to the several States.
5. Thus Alabama will send 9 persons, 8 with full votes and 1 with 0.898 of a vote; Texas will send 15 persons, 14 with full votes and 1 with 0.835 of a vote; Ohio will send 21 persons, 20 with full votes and 1 with 0.231 of a vote, and so on through the list (Wyoming, Idaho, Nevada, and Delaware excepted), the complete result being as follows, apportioned by the ratio of 205,500, according to the Twelfth Census:

State.	Present House.	Proposed House.		Voting strength.	Gain in voting strength.	Loss in voting strength.
		Number.	Gain.			
Alabama	9	9	.....	8.898	.....	0.102
Arkansas	6	7	1	6.382	0.382	.....
California	7	8	1	7.218	.218	.....
Colorado	2	3	1	2.623	.623	.....
Connecticut	4	5	1	4.420	.420	.....
Delaware	1	1	.....	1	.....	.....
Florida	2	3	1	2.571	.571	.....
Georgia	11	12	1	10.785	.....	.215
Idaho	1	1	.....	1.000	.....	.....
Illinois	22	24	2	23.462	1.462	.....
Indiana	13	13	.....	12.245	.....	.755
Iowa	11	11	.....	10.860	.....	.140
Kansas	8	8	.....	7.155	.....	.845
Kentucky	11	11	.....	10.448	.....	.552
Louisiana	6	7	1	6.723	.723	.....
Maine	4	4	.....	3.379	.....	.621
Maryland	6	6	.....	5.790	.....	.210
Massachusetts	13	14	1	13.651	.651	.....
Michigan	12	12	.....	11.780	.....	.220
Minnesota	7	9	2	8.513	1.513	.....
Mississippi	7	8	1	7.548	.548	.....
Missouri	15	16	1	15.117	.117	.....
Montana	1	2	1	1.131	.131	.....
Nebraska	6	6	.....	5.199	.....	.801
Nevada	1	1	.....	1.000	.....	.....
New Hampshire	2	2	.....	2.002	.....	.....
New Jersey	8	10	2	9.166	1.166	.....
New York	34	36	2	35.344	1.344	.....
North Carolina	9	10	1	9.215	.215	.....
North Dakota	1	2	1	1.530	.530	.....
Ohio	21	21	.....	20.231	.....	.769
Oregon	2	3	1	2.012	.012	.....
Pennsylvania	30	31	1	30.667	.667	.....
Rhode Island	2	3	1	2.085	.085	.....
South Carolina	7	7	.....	6.522	.....	.478
South Dakota	2	2	.....	1.900	.....	.100
Tennessee	10	10	.....	9.832	.....	.168
Texas	13	15	2	14.835	1.835	.....
Utah	1	2	1	1.339	.339	.....
Vermont	2	2	.....	1.672	.672	.....
Virginia	10	10	.....	9.022	.....	.978
Washington	2	3	1	2.508	.508	.....
West Virginia	4	5	1	4.665	.665	.....
Wisconsin	10	11	1	10.060	.060	.....
Wyoming	1	1	.....	1	.....	.....
Total	357	387	30	.....	.....	.....

No State loses a person, but several lose a percentage of voting strength.

In order to carry an apportionment formulated as above stated into actual practice, Alabama will elect 8 physical Representatives, 1 each from eight compact districts of uniform population and contiguous territory and 1 to represent the fraction from the State at large; Texas will elect 14 physical Representatives, one each from as many lawful districts and one at large, and so on appropriately through the entire list of States, except that Wyoming, Idaho, Delaware, and Nevada, which, respectively, do not contain sufficient population to equal the ratio unit, but which, by Article I, sec. 2, of the Constitution, are nevertheless entitled to one full Representative each, must elect their Representatives at large.

The number 205,500 is taken as the unit of apportionment because it gives to the lowest States the same number of personal Representatives that they now enjoy.

To accomplish this result the voting strength of the House is enlarged to about 395, and the personal membership to 387, both, however, readjusted and equalized within the limits of the law, political justice, and mathematical correctness, except as to Delaware, Idaho, Nevada, and Wyoming.

Even this method can not give absolutely just results so long as States are admitted into the Union with populations less than the accepted unit of apportionment, and the Constitution declares that each State shall have at least one Representative.

But this form of malrepresentation also, fundamental as it is, may be eliminated by using, as section 2 of Article I of the Constitution permits, 30,000 as the unit of representation.

This plan involves assigning to each physical integer or representative person the power and right to give expression and effect in Congress to a certain fixed representative value or strength in the form of votes.

In order to permit each State to retain in Congress its present number of representative persons, each such person may be empowered to cast 6.8 votes or units of representation, or such fraction thereof as any State remainder or the population of any of the four small States may determine.

To make the actual apportionment as thus indicated, divide the representative population of each of the forty-five States by 30,000, which will give the number of votes in the House and the electoral college to which such State is entitled; then divide each number or quotient thus found by 6.8, and that will give the smallest number of persons required to represent these votes and fractions of votes in the House.

The result will be in each State a certain number of persons empowered to cast 6.8 representative votes each, and a person entitled to cast the fractional remainder for that State.

To find the value in representative votes of these remainders (in other words, the number of votes the fractional Representatives are entitled to cast), multiply each, if they be in decimal form, by 6.8. Each full Representative is given the power to cast 6.8 votes, because that is a number which does not reduce the present number of members from any State. Any other number may be taken without destroying the accuracy of the process, leaving the House at its present size or otherwise.

Such an apportionment results as follows:

State.	Abstract voting strength.	Persons.	Number in proposed House.	Number in present House.	Gain in persons.	Voting strength of fractional Representatives.
Alabama	60,956	8,964	9	9	.....	3,555
Arkansas	43,718	6,429	7	6	1	2,917
California	49,450	7,272	8	7	1	1,849
Colorado	17,970	2,643	3	2	1	4,272
Connecticut	30,278	4,453	5	4	1	3,080
Delaware	6,157	905	1	1	.....	6,154
Florida	17,618	2,591	3	2	1	4,018
Georgia	73,877	10,865	11	11	.....	5,882
Idaho	5,315	782	1	1	.....	5,317
Illinois	160,718	23,635	24	22	2	4,318
Indiana	83,882	12,338	13	13	.....	2,298
Iowa	74,395	10,940	11	11	.....	6,392
Kansas	49,016	7,209	8	8	.....	1,421
Kentucky	71,572	10,526	11	11	.....	3,566
Louisiana	46,054	6,773	7	6	1	5,256
Maine	23,148	3,404	4	4	.....	2,747
Maryland	39,068	5,834	6	6	.....	5,671
Massachusetts	93,511	13,752	14	13	1	5,113
Michican	80,099	11,867	12	12	.....	5,895
Minnesota	58,320	8,577	9	7	2	3,923
Mississippi	51,709	7,605	8	7	1	4,114
Missouri	103,555	15,230	16	15	1	1,564
Montana	7,752	1,140	2	1	1	952
Nebraska	35,617	5,238	6	6	.....	1,618
Nevada	1,355	199	1	1	.....	1,353
New Hampshire	13,719	2,018	3	2	1	122
New Jersey	62,788	9,234	10	8	2	1,591
New York	242,110	35,610	36	34	2	4,148
North Carolina	63,127	9,283	10	9	1	1,182
North Dakota	10,481	1,541	2	1	1	3,678
Ohio	138,584	20,380	21	21	.....	2,584
Oregon	13,784	2,027	3	2	1	1,183
Pennsylvania	210,970	30,893	31	30	1	6,072
Rhode Island	14,285	2,101	3	2	1	686
South Carolina	44,677	6,570	7	7	.....	3,876
South Dakota	13,021	1,915	2	2	.....	6,222
Tennessee	67,353	9,905	10	10	.....	6,154
Texas	101,623	14,944	15	13	2	6,419
Utah	9,175	1,349	2	1	1	2,373
Vermont	11,454	1,684	2	2	.....	4,051
Virginia	61,806	9,090	10	10	.....	612
Washington	17,185	2,527	3	2	1	3,583
West Virginia	31,960	4,700	5	4	1	4,760
Wisconsin	68,912	10,134	11	10	1	911
Wyoming	3,084	453	1	1	.....	3,080
Total	.....	.....	387	357	30	.....

Representatives so apportioned will be elected as stated hereinbefore—those clothed with 6.8 votes by compact and equal districts, and the one in each State having less than 6.8 votes (representing the fraction, or, respectively, the States of Delaware, Idaho, Nevada, and Wyoming) will be elected by the State at large.

The person so elected by any State at large will enjoy all the privileges, honors, power, and pay of other Representatives, but his vote in Congress will be fractional only, as heretofore indicated. This places the small States of Delaware, Idaho, Nevada, and Wyoming on an exact equality with all the other States.

If deemed advisable, the fractional vote or votes to which any State may be entitled may be divided equally among the entire number of Representatives assigned to that State, thus avoiding the election of one person at large, except in the case of Delaware, Idaho, Nevada, and Wyoming, which can not avoid electing their Representatives on the general State ticket.

I have had no time to make an actual apportionment on that basis, but perhaps will be able to do so later, if you desire.

Very truly, yours,

FRANK ABIAL FLOWER.

Hon. JOHN J. JENKINS, M. C.

P. S.—A larger number than 6.8 (say 6.85) will reduce the size of the House without cutting down the present personal representation from any State; it would merely wipe out such small fractions as those attached to New Hampshire and Oregon. The process is perfect for any conceivable size at which the House of Representatives may be fixed.

Mr. GRIFFITH. Mr. Speaker, I yield ten minutes to the gentleman from Colorado [Mr. BELL].

Mr. BELL. Mr. Speaker, the majority and minority are very nearly equally divided numerically and politically. Each report a plan for our adoption.

We should carefully analyze each of these plans and adopt the one or the other or reject both and formulate our own plans, as our best judgment shall dictate.

Let us first see what the majority presents. It makes the present number, 357, the telling virtue of its plan, and makes everything, whether it carries justice or injustice in its train, yield to the idea that the number of Representatives shall not be increased beyond 357.

Secondly, it proposes taking the 357 Representatives now provided for here and to so redistribute them as to take certain members from States where small gains in population have been made and hand them over to such States as have made larger increases.

In this distribution 1 is taken from Maine, though its population increased 33,300, and is given to Illinois, where the increase is greater; 1 is taken from Indiana, though it increased its population 324,058, and is consigned to Louisiana, because it had increased more rapidly; 1 is taken from Kansas, though this State gained 43,399, and is given to Minnesota, that made a greater increase; it takes 1 from Nebraska, though it gained 9,629, and turns it over to New Jersey, that has made a greater gain; takes 1 from Ohio, though it gained 485,229—enough to give it 2 additional members under present ratio—and gives it to New York, which has made a greater gain; takes 1 from South Carolina, that has increased 189,167, and gives it to West Virginia, because the latter had a greater increase; takes 1 from Virginia, which has gained 198,204, and gives it to Texas, because it has gained more; takes 1 from Kentucky, though it has gained 288,539—more than enough to give it an additional member under present ratio—and hands it over to Texas, which has made a greater gain.

What is the result? You take from each of eight of the noted States of this Union an existing Representative, based on the apportionment of ten years ago, notwithstanding some of these States have increased enough in population to entitle them to two new Representatives under the present apportionment, and all have made a vigorous, healthy growth. You unnecessarily humiliate the people of these proud and honored States, disorganize their Congressional districts, and greatly diminish the efficiency of their representation in Congress, while the evolution of government here is constantly augmenting national powers and duties. What do we gain by this innovation, this humiliation and irreparable injury to eight great States in the Union?

We are told that we save the expense of additional members. Such a reply is specious, insipid. There is not a month that some questionable appropriation does not pass here involving more than the increase proposed by the minority without a whisper of protest from any member of this committee. Such a plea should be beneath the serious consideration of the American people. But, say they, an increase of 29 members will unduly crowd the House. The Architect's plan completely refutes that charge. They say the House will be unwieldy.

Every leading deliberative legislative branch of the people in Europe refutes this. It would take a century to make this as large as the House of Commons at the pace set by the minority. But we are told that these large representative bodies are only common to monarchies. The large representative bodies have always been yielded on the clamoring demands of the masses of the people, and such acquisitions celebrated as bulwarks of the people's rights and liberties. Those desiring to block legislation for the masses of the people always concentrate their efforts on the smaller legislative branch as the easier to convince and handle.

Now, let us examine the premises of the minority. The ratio of 173,901 was fixed for each Representative in 1891. Our population was then 62,622,250. The present population is 74,565,906; an increase of 11,943,656, and the minority have added to the number of persons for each Representative 20,274 more than the ratio upon which we were elected, and this leaves the Representatives

of each State intact, which is in fair harmony with the general increase in population. What is the result of the minority plan?

It increases the House but 29 members and leaves the delegations in each State intact, does not humiliate the people of any State or injure it in the eyes of the public, and includes all majority fractions and has no "paradoxes." The minority follows the old precedents and tries to correct all inequalities so far as possible, while the majority has centered all of its force around the single, immaterial point, "do not increase the membership of the House."

It is willing to arbitrarily strip such time-honored States as Maine, Virginia, Indiana, Ohio, Nebraska, Kansas, Kentucky, and South Carolina of a part of their present representation and give them to the more lucky States, and thereby humiliate the people of these great States and do them irreparable and material injury.

It would have been most difficult for the members of this committee to have devised a plan by which they might strike a more fatal blow to the good name and credit of these States than to advertise to the world that they have gone into decay and ruin.

The general run of the people will never learn that it was a mere shortsighted policy and that these States have no blight. Take the flings of the chairman at the State of Nebraska, and his intimation that Nebraska had been the subject of a Populist blight, as evidenced by this loss of a part of her representation, and what must be expected of the busy investors and home seekers?

The mere fact that such insinuation was utterly false and malicious does not make it less damaging. They will never learn that the majority took 173,901, the ratio for the last Congress, and added 34,957, equaling 208,868, as the ratio for this, which deprived each of these 8 States of 1 Representative and advertised to the investing and home-seeking world that they are deteriorating. Now, the minority adds 20,274 to the present ratio of 173,901, making the minority ratio of 194,182, an increase in harmony with the general increase of population, and saves all existing Representatives, and does not ignominiously advertise any State as stagnant or deteriorating.

Now, there is a third innovation in this majority report, and that is this: That mathematicians, from the time the system was adopted, have admitted that it now and then developed an atrocity which they have elected to call a "paradox."

In 1881 Mr. Seaton, the chief clerk, said, in making these calculations:

> I met with the so-called Alabama paradox, where Alabama was allotted 8 out of a total of 299, receiving but 7 when the total became 300.

But, be it said, to the credit of the committee and of Congress, they never failed to hurry in the bill a correction of all the palpable defects developed in the faults of the system; but the Alabama paradox, the Maine paradox, and all other paradoxes shrink into insignificance when the shadow of the Colorado "paradox" appears.

And I want everyone here to look this squarely in the face. Colorado gains 1 on every set of figures from a House of 350 to one of 400, or in 49 times it comes in and goes out on the majority bill. Now, I have no kind of suspicion that any member of the committee was influenced in fixing this number at 357 because it caught Colorado at this point. Colorado came in at all other places, whether you increased or decreased the number in the House, but the glaring fault in the system developed at that point, a missing cog was found, or the machine slipped a cog at this point.

This is a double-headed "paradox" of Colorado.

In the Alabama case the paradox consisted in giving Alabama 8 with a total House of 299 and only giving it 7 with a House of 300, when from a true mathematical or scientific standpoint her number, if changed at all on an increasing ratio, must have increased. The paradox is complicated in the Colorado case by a falling out of line both ways, or to say that from 350 up to 357 Colorado gains 1, loses at 357, gains at 358, and holds it continually up to 400; or, in these figures, on both sides of 357 Colorado gains 49 times and falls out 1, showing that this system is not scientific, as this freak presents a mathematical impossibility.

There are inequalities developing on every side of this "hocus-pocus" system.

Take, for instance, the State of North Dakota, that has a majority fraction for which it gets no member. North Dakota, under this bill, gets a member for 314,454 persons, while New York, the largest State in the Union, gets 35 members on a ratio of 207,522, less than the real ratio, because she gets one on a majority fraction, and it takes 131,735 persons more for North Dakota to get a member, than it does for New York to get each of its 35 members.

Florida has a majority fraction for which it gets no member and gets its two members on a population each of 264,271, while New York gets each of her 35 members on a ratio of 207,522, so it takes 137,120 more persons for each member of this little State than it does for each of New York's 35 members.

The State of Colorado under the majority bill gets one member for a population of 268,557, while New York pays only 207,522 for each of her members, or it takes in Colorado 61,035½ persons more for each of her two members of Congress than it costs New York for each of her 35 members, and so it works as between the small and the large States, always to the advantage of the large States after the ratio of population is reached in the State.

This comes in this wise.

Colorado has but 2 members and has a majority fraction of 121,367, which must be divided between 2 members of Congress, making each of her members stand a ratio of 268,557½ persons in lieu of 208,868, but if New York had this majority fraction of 121,367, instead of Colorado, instead of having to divide this up between 2 members, as Colorado must, it divides it among its 35 members, making each of them cost New York 212,335 instead of 268,557½, as it costs Colorado, per member, or giving Colorado, for illustration, and New York each the same majority fraction that Colorado now has, 121,367, and each of Colorado's members will cost her 56,520½ persons more than New York's members will cost that great State, and to as far as possible equalize this great advantage of the large States over the smaller ones, every Congress heretofore has taken care of the major fractions, and sometimes of minor fractions where the injustice was too flagrant, and I have no doubt that Congress will take care of the Colorado "paradox" as it did with the Alabama "paradox," and with the major fractions of North Dakota and Florida as it has always done heretofore; and I now propose and will offer at the proper time an amendment making the number 560 instead of 357, taking in Colorado, Florida, and North Dakota.

This fault, in my judgment, is constitutional. The unit used for determining the apportionment should have been based on well-defined and limited Congressional districts, instead of making the States a unit. With the States as a unit, and adding the fractions of all the Congressional districts, give the largest State a decided percentage over all smaller States, as above shown, after they pass the ratio adopted.

I now offer an amendment, which I propose to offer before the committee, and I ask now that it be considered as pending, permitting Colorado, North Dakota, and Florida each to have an additional member.

> In line 5, page 1, strike out the word "fifty-seven" and insert "sixty," and whenever "fifty-seven" occurs thereafter strike out "fifty-seven" and insert "sixty" in its place. In line 8, page 1, strike out the word "two," after the words "Colorado" and "Florida," and insert "three" after "Colorado" and after "Florida;" and after the words "North Dakota," in line 5, page 2, strike out the word "one" and insert the word "two" in lieu thereof.

The SPEAKER. The time of the gentleman has expired.

Mr. GRIFFITH. Mr. Speaker, I now yield to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. Mr. Speaker, American citizens of the twentieth century are ruled by a system of government transmitted, through generations, from the early fathers. A century of time has wrought but few changes in that Constitution which was the ideal of the patriots, whose ambition was the equality and enfranchisement of man—a government by the people for the people.

The century closed has witnessed our institutions of government made the models for the republics of the world.

The strength of our Government is that it dwells in the hearts of the people. Thus was it transmitted unimpaired to us, and we owe a like duty to posterity.

The measure under discussion is most important. It binds Congress and legislatures for ten years, and, fixing an apportionment, as it does, concerns fundamentally our system of government.

Believing that the Hopkins measure restricts too much the rights of just representation that should be lodged in the people, I shall favor an enlargement of the membership of the House to 386, as proposed by the Burleigh bill, and, convinced of its justness, I shall state the grounds of my belief.

Keeping in mind the intent of the framers of our Constitution, and that which has moved statesmen from that time, the investment of the greatest power in the people, we find that the bill before us runs counter to that theory in that it limits the membership of the House of Representatives to 357, thus enlarging the number of people represented by each member here from 173,901, as fixed by the last apportionment, to 208,868, an increase of people to be represented by each member, in round numbers, of 35,000. In other words, the 357 members fixed ten years ago as the proper representative body for 62,622,250 of population shall stand representative for 74,565,868, the present population; and not only this, but represent the increase of population for ten years to come, which can not be less than 14,000,000 more.

If the Hopkins bill becomes a law, at the end of its life each member of the House, then, will be representing 248,000 people.

The House of Representatives, as originally designed, was to be the popular branch of the American Congress, and the members were to be directly and intimately responsible to their constituents. This was provided by the term and the mode of election.

The constitutional ratio was one member to not less than 30,000 people.

However strong our plan of government, weaknesses may be found in the quality of popular representation and responsibility. If popular sentiment counts for proof, these defects are not found in a too close responsibility to the people of two of its branches.

The President is not accountable directly to the people for four years after his first election, and not at all after his second election. Through that branch the people are unable to change a policy for four years, however unjust it may appear to them.

The Supreme Court judges are appointed for life by the President and confirmed by the Senate. They cease to be members of the court only on removal, by impeachment, by resignation, and by death. Surely there is an immunity from popular sentiment in this branch of the Government. Many people have made free to criticise the Supreme Court for some decisions on constitutional questions, charging that they were out of line with popular legal opinion and public sentiment.

The Senate, removed so far from the people by the method of selection and term of service, can not be said to be in close touch with them; and in multiplied instances the method of choosing Senators has led to the turning aside of the public will, the result of sinister means and fraudulent and corrupt practice, made easy by their selection by a comparatively small legislative body.

Many States have been absolutely disfranchised from tie-ups and deadlocks, the natural and legitimate fruit of practices made easy by the mode that removes so far from the people the selection of their Senators.

With these conditions it can not be claimed that the Senate is as truly representative of the people or responsible to them as some body should be to insure their safety and protection.

So long as the Senate is not elected by direct vote of the people, so long must the House of Representatives be a large and truly representative body.

The reform of electing the Senators by the people must come from sentiment created through State legislatures and the House of Representatives.

Other reforms known to members, and which I shall not take the time to enumerate, must be accomplished through a body like this, strongly representative of the masses.

So long as the House is large and representative, so long will it respond to the sentiment of the people, and the people can be trusted.

We have heard it much said in late years that the House was not a representative body. Mr. Speaker, we have a code of rules here that seems to have given rise to that general impression.

This popular impression—and I am not concerned in disputing its correctness—this evil in the House, does not come from an enlarged number of Representatives, but rather from a concentration of power in the hands of a limited number of the members and the invocation of the rules to enforce policies. The abuse rather lies in the drastic enforcement of the rules through the Rules Committee than in the rules themselves. Happily the rules are seldom invoked, save to enforce political policies.

It may, with some show of reason, be claimed that political policies, sanctioned by public sentiment, should be enforced by drastic rules. However that may be, it will be found that such action will only be positively dangerous, when the personal responsibility of members to their constituents is lessened to such an extent that motives other than patriotic ones will move the rank and file of the House to follow leaders into such policies.

It will be found that servility in following leadership will be lessened as the electorate to which the member is responsible is smaller, thus enabling him to draw his inspiration from the hearts of his people. Motives are difficult to ascribe; but it will not be out of line with human nature to find that those whose constituents have kept them long here, and who have won places on committee and leadership in Congress, and who perform a major part of its work, are willing to limit the responsibility of members and represent a larger constituency, thus enlarging their relative power under the Hopkins bill. I may lie under a charge of arraigning class against class in the House, but it is a condition with us, and we might as well confront it.

Sir, the very strength of the House of Representatives, as an institution of popular government, is its nearness to the people.

While the great leaders here, who have won their places by long service, are entitled to the best consideration and the respect of members of less service, yet the great body of this House who are not leaders represent the great body of the country. Though in management and leadership they may not rank with the others, yet they are here to pass upon great public questions, and their votes are potent, sacred, and enduring.

The great leaders and managers are mighty in debate, powerful in management, and potent in committee, but when it comes to registering votes on public questions the humblest member rises to a level with the greatest, and votes are the recorded sentiments of constituencies.

After all, the sentiment of the people is voiced in roll calls and on votes. In the very nature of things a large number of members can not speak fully on many public questions.

We become specialists tn legislation, at least so far as offering in debate views on questions.

Under our system of government and mode of selecting members of Congress it will be found that our constituents judge and measure a member by his record and votes on questions before the House. We are the custodians of the sentiments of our districts and recorders of their will—a jury selected from the neighborhood, delegated by the people to represent them truly.

We should know our people and they should have the opportunity of knowing us; and then, from personal knowledge of and acquaintance with their member, they would feel free to inform, instruct, and criticise.

This, it will be seen, can more readily be done, in consonance with our form of government, by smaller constituencies, which will bring the member in closer touch with his people.

It has been said that in years gone by, special interests have elected members, who thus owing their seats, became special pleaders for a special cause, to the detriment of the public good.

Not having proof, I will not assert, but knowing of methods used to control nominations and elections, knowing the forces that can be exerted by special interests, such powers will have the surest means to operate when the membership of the House is less.

A larger membership insures more independence against class interest and class power, and gives a House which wealth and influence can not so easily corrupt.

In this age of concentration of power and elements and influence, the safest method of preserving the House of Representatives, as a body representative of the people, is not secured by an increase of the number to be represented.

The power of individual members, dissociated from all considerations save the power of voting, is not to be underestimated. Members of independence and feelings of responsibility can call for record votes, and many instances can be recalled when not only the votes of individuals but the vote of the House sitting in committee has been changed when the light of public scrutiny, through a roll call, is turned on the votes of members. Smaller constituencies and its concomitant, closer responsibility, secures such results.

We are here not to receive honor and distinction, save as it comes from a true representation of the sentiments of our districts.

As there is wisdom in a multitude of counsellors, so is it true that Representatives are better able to serve the people by being in close touch with them.

Napoleon subjected easily the House of Ancients, a comparatively small body of representatives. The House of Deputies in France stood out till the end against his tyranny; remained in session to oppose him till he drove them out of the doors and the windows at the point of the bayonet. Later, Napoleon, taught by the lesson of experience, cut down the number of Deputies and controlled them.

A large Parliament withstood the tyranny of Charles the First and drove him to execution. A rump Parliament of a hundred yielded to a Cromwell.

The words "compact and contiguous" in the bill are designed to enable the Representative to more readily get acquainted with his people, but it will not be found possible, within the scope of a lifetime, to get on any degree of intimate terms with 209,000 people.

We all know the manifold duties incumbent upon members in the varied interests of the country. We know the requisitions that are made upon us by constituents, under the custom long in vogue, and properly made, requiring a vast amount of time and industry to perform. We all know the faithfulness with which members perform these duties, know their value to constituents, and we know how much our constituents appreciate these services.

In fact, there are Departments where it is absolutely necessary that members intercede to secure prompt returns to the wants of our people. This is a service that there is no immediate prospect will be dispensed with.

Yet, with this condition staring the majority of the committee in the face, they say, in effect, that 14,000,000 more people in the ten years to come shall be added to the districts of the present membership.

In their report some stress is laid upon the reapportionment of 1842, after the Sixth Census, when a reduction was made in the number of Representatives. That result grew out of the peculiar condition at that time, and it had no precedent for its justification at the time, and it has never been considered as a precedent from that time till now.

The reduction in the apportionment of 1842 was the result of the political contest and abnormal conditions of 1840. The political and industrial conditions preceding the election and the apportionment were not calculated to mold a safe policy. The country had been enormously burdened by high taxation, and the

accumulated surplus had been made the object of greed and extravagance. There had been an excessive inflation of the currency by the issue of an irredeemable paper currency. The recoil from such conditions produced ruin and industrial distress on every hand.

The alleged reform, then, which is followed now, grew out of these unnatural conditions, and the precedent created is not safe.

With the exception of 1842, in the apportionment of members the rule always has obtained to increase the number of members to keep pace with the increase of population.

The majority of the committee has departed from the practically universal rule and adopts a new rule and policy, the direct effect of which is the lessening of the representative character of the House.

The Constitution fixed the ratio at 1 member to 30,000 people. This gave a membership of 65. The First Census increased it to 105; the Second to 141; the Third to 181; the Fourth to 213; the Fifth to 240. The Sixth Census reduced it to 223. The Seventh increased it to 233; the Eighth to 241; the Ninth to 283; the Tenth to 325; the Eleventh to 356.

As shedding some light upon the subject it will be interesting to note the views taken by the Committee on the Census of ten years ago, as shown in their report and the debates on the bill for the apportionment of members then. Mr. Durnell, chairman of the committee, said:

> The committee discovered in the House a decided unwillingness, almost universally entertained and very largely expressed, to consent to any reduction of the present number of members assigned to any State. This bill, therefore, provides that no State shall suffer a decrease in its present representation. This was the object sought in the apportionment which has been made.

He had previously said:

> The committee finally decided to accept and adopt 356. I shall be asked why this number rather than any other was selected. I reply that it was selected because it was found to be the number first reached between 332 and 375 that would secure each State its present representation.

These remarks reflected the general tenor of the report.

Again he said:

> There were those on the committee who desired to retain the present number, but it was found that that could not be used without contravening what seemed the universal sentiment of the House, because very many States would lose 1 from their present representation. There were 10 States that would lose 1 member each. Letting these facts guide us, it was found that there was no other number that we could reasonably make use of than 356, and no other ratio than 173,901.

These views, it seems to me, are just, and the sentiments are appropriate here, and should bear greater weight than the unprecedented and false standard of 1842.

The report presented adopts a ratio that causes a number of large and progressive States of the Union to lose a member of Congress, and by the same operation other large and progressive States fail to secure a new member, to which they seem to be entitled under former rules of apportionment. And now let us see what reasons are urged by the majority of the committee for this departure from precedent for this increase in the number to be represented.

We look over the report vainly for reasons other than that "economy and dispatch of business" require it. Economy is a word much used and much abused in public affairs. It is used in the latter sense in the report. Such a policy is false economy. Where is the economy? Twenty-nine additional members will draw in salaries $145,000; outside of salaries the additional cost will be $46,000; in all, $191,000 to be appropriated, in addition to the usual estimated annual appropriation of $743,000,000 for 1902. Put the figures together and you can not tell them apart, the amount in comparison is so inconsequential, and I have given all the additional expense sought to be saved in the name of economy and at the expense of the people. The theory of economy falls hopelessly to the ground.

The next reason urged is "dispatch of business." Mr. Speaker, in the light of the record of this House this session, with the record for the dispatch of business under the rules in the last decade, aside from the solemn form in which this point is asserted in this report it would not seem to have been seriously made.

When I reflect upon the thorough knowledge that the majority of the committee had of the operation of the Reed rules and see this report, I am tempted to say as Cicero did—he said he could not see how two fortune tellers could look each other in the face without laughing, and I can not see how two members of that committee, asserting "that business can not be dispatched," etc., I can not see how they can look each other in the face without laughing.

In great party questions no difficulty has ever been experienced by the party leaders in enforcing party polices through the invocation of the rules, and no procrastination or filibustering tactics have ever won against the determined efforts on the part of the party leaders opposing it.

This session, when business of the greatest magnitude has been taken care of with celerity without invoking the rules, shows that no expedient that lessens the power of the people should be resorted to "for the dispatch of business."

The States of Massachusetts and New Hampshire have assemblies larger than this. There may be others. They seem to be thoroughly representative.

As instances of representative bodies much larger in numbers than the House of Representatives may be cited the German Reichstag, 397; the French Chamber of Deputies, 584; the House of Commons, 670; the Hungarian House, 453; the Italian Parliament of Deputies, 508; the Austrian Reichsrath, 425.

Certainly no one can be found who would let weigh, in this great public question, the mechanical rearrangement of this Hall. If it were possible to adopt some plan that would secure the recasting and remodeling of this Hall, it ought to secure the support of every member on acoustic and hygienic grounds.

Both were unknown or unconsulted by the architect that designed it, and troubles in comfort and health have resulted. A change that will get us nearer the light of heaven, and the outside breath of life will lessen the confusion and add to our lives, not to speak of the other points that will tend to make the House a deliberative body.

Then, again, these desks can be dispensed with and be supplemented with a few tables in the rear, that will secure much comfort and relief. Desks are not known in many of the other great assemblies of the world, notably the English and the French.

If we desire to save more time adopt a scheme of government for the District of Columbia that will enable its people to be American citizens, with the right to vote, and thus save at least one-tenth of our time for legislation which is wasted when we sit as a common council for the District of Columbia.

Another reform for time saving is easy. Save the time consumed in roll calls by adopting the electric method of voting. There is no impediment to its adoption.

It is a reflection on the inventive genius of the age that we must listen for a half hour to the humdrum of roll calls. Invention has made it possible to distinguish the voice of your friend as he speaks to you across the continent. At the deft touch of fingers and to the music of the clicking machine, it adds up figures by the thousands with a speed and accuracy beyond the dexterity or mentality of man. These are instances of improvement to lead us on, not to mention the dream of the destroyers, who hope to sail from continent to continent, under the ocean, and destroy fleets and navies on the other shore. This improvement in the House would be but a small dot in the great plot of the improvements of the age. There are hundreds of such, and they show we languish here.

If we must continue the old system, it will be found that 29 members in addition will add but little to the waste of time. It is not easy to do equal and exact justice to all in framing an apportionment bill, but a careful study of the Burleigh measure convinces me that as near as human foresight can it adopts a correct standard and conclusions. If we look for injustice in the Hopkins bill, we can readily find it outside of the feature that deprives States of Representatives.

Under the provisions of the Constitution a small State has an advantage and a greater relative power.

The Hopkins bill fixes the ratio at 1 for 208,868, yet the little State of Nevada, that would never have been heard of if there had not been a volcanic upheavel, and, I might add, if it had not been for the distinguished gentleman who so ably represents it upon this floor [Mr. NEWLANDS], the people there sleep quietly, on the slopes, in their hillside homes, deeply conscious of their worth in that one member is given them for 42,335 people. Wyoming gets a member with 92,531 population, yet Oklahoma, to which the world rushed a few years ago, and toward which the center of population is fast advancing—Oklahoma, with its 398,245 people, is not represented by a member of Congress, however well she is represented as a Territory by her distinguished Delegate [Mr. FLYNN], who sheds a grace here by his presence and his learning. Oklahoma should in justice and by equality have her statehood, then our friend would shed a luster at the other end of the Capitol, in the Senate.

Under the Hopkins bill Vermont, with a population of 343,641, gets two members, while North Dakota, with a population of 319,000, gets but one. According to the North Dakota standard, Vermont gets a member for 24,000 people, and according to the Oklahoma standard she ought to have 53,000 more people and get no member. These flagrant inequalities, so far as possible, the Burleigh bill corrects.

If the position I take is correct, from the point of statesmanship, no refutation of it comes from entering the field of politics or political advantage.

The causes that lead to political results are so multitudinous, so versatile, and withal so inestimable that no standard based upon present or past conditions political can weigh a feather in what should be done in the future.

Many States fixed in politics in the past give no assurance of the

future on either side in the panoramic change of political questions and shades and turns of political principles.

Especially is this so when the margin of change in the electoral college is, as it must needs be in the present estimates, so exceedingly small. Again, such a basis being predicated upon a group of States assumed to be certain, vacillating as some of them must be, and built, as it must be, upon unsubstantial assumptions, wholly leaves out of consideration States classed as doubtful, any one of which, changing its political status, would break the whole slate upon which calculation was made.

States and groups of States have been known to change on questions. The money question can be cited as an instance. The Chinese question had such effect. The Japanese and oriental labor may have a like effect, not to mention an inundation of Filipino fellow-citizens to our country.

These thoughts are thrown out only for the consideration of those who figure political advantage or political expediency in this legislation, based upon the vote in the electoral college or on the Representatives in this House, if any such there be.

Mr. Speaker, every time you increase the number to be represented by each member then you lessen, so far, full representation, and this should be done only when exigency and urgency demand.

I favor the Burleigh minority bill of apportionment, because the more I dwell upon it the more I am convinced that it represents truer Republicanism, truer Democracy than the Hopkins bill. [Loud applause.]

Mr. GRIFFITH. Mr. Speaker, I now yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES. Mr. Speaker, a great deal has been said here touching the supposed "unfortunate condition of the negro in the South." I exceedingly regret that I have not time to give some of the interesting history of his condition. But I submit that those who profess to be his friends in the North, East, and West deny him the same things that we in the South deny him. This indisputable fact you blindly overlook in your mad advocacy of negro equality in all things.

Why, gentlemen, do you Republicans ever even appoint—not elect, but appoint—him on the supreme bench of your States to administer to you the law? Do you Republicans ever put him on the Supreme Bench of the United States to administer the law to you and each of you and your people? No, indeed! But you would have him do so in the South, and the laws so framed as to force him on us. Do you ever nominate him for President or Vice-President when you well know the Republican party has repeatedly elected Republican Presidents since the civil war? Do you ever put him in the Cabinet? You dare not, but you could "appoint" him there, and he would receive you in due course socially and officially. You do not, but you would have him given unlimited suffrage in the South that such association might grow.

Yet, Mr. Speaker, when the South, as she has a right to do under the law of the land, undertakes to protect herself from these very things, and legally, we have it flaunted in our faces that we oppress and outrage the negro.

Mr. Speaker, suffrage is a State right, a State gift, and must be so exercised as to maintain a republican form of government, and the State to do so regulates her gift and has the right under the Federal Constitution to do so, giving the same legal right or legal opportunity to exercise this suffrage to the black as she does the white.

Treat in the law both alike and the court is satisfied. This was done in Mississippi, and the Supreme Court so held in the Williams Case (170 U. S. Reports), and Justice Brewer so held in a Kansas case found in 7 Kansas State Reports, and so Paine on Elections declares the law.

In the Williams case Justice McKenna for the whole court said:

> Besides, the operation of the Constitution and laws is not limited by their language or effect to any one race. They reach weak and vicious white men as well as weak and vicious black men, and whatever is sinister in their intention, if anything, can be prevented by both races by the exertion of that duty which voluntarily pays taxes and refrains from crime. (Williams *vs.* Mississippi, 170 U. S., 222.)

In holding the fourteenth amendment did not apply, the court, in concluding its opinion, said:

> This comment (on fourteenth amendment) is not applicable to the constitution of Mississippi and its statutes. They do not on their face discriminate between races, and it has not been shown that their actual administration was evil, only that evil was made possible under them. (170 U. S. Report, p. 223.)

The fourteenth amendment does not confer the right of suffrage. (43 Cal., 43, Valkenburg *vs.* Brown; 21 Wall., 162, Minor *vs.* Hoppersett, 10 Am. and Enc., p. 572.)

Mr. Payne says (Payne on Elections, pp. 55, 56):

> The fifteenth amendment guaranteed the right of suffrage on equal terms with the white and colored races.
>
> * * * * * * *
>
> It imposes but a single restriction upon the exclusive power of the States to prescribe the qualifications of voters, namely, that all qualifications shall be the same for the white and colored races.

Here we find that Mississippi gives to the white and black an equal chance to vote and compels neither to vote or not vote; and this high court—a Republican court—so declares; and yet the South is condemned as disfranchising the negro by this law.

Again, it is fashioned after the constitutions of Massachusetts, Connecticut, Wyoming—all Republican States. Massachusetts requires that to vote the person shall not only "read" her constitution, but read it "in English." So in Connecticut, so in Wyoming, and the courts uphold the law. A case in point is to be found in 50 Pacific Reporter.

The Australian ballot system has been held constitutional in the following (if not more) States: California, Colorado, Florida, Illinois, Iowa, Massachusetts, Michigan, Mississippi, Montana, New Jersey, New York, Pennsylvania, Tennessee, Virginia, Wyoming, Wisconsin, Kansas, Kentucky, Louisiana, Rhode Island, and cases cited are 58 Pa. Stat., 338; 60 Pa. Stat., 54; 105 Pa. Stat., 488; 136 Pa. Stat., 459; 10 Am. and Enc. Law, 579 and 586.

Now, Mr. Speaker, there is not a single State in this Union, and I believe not a single Territory, that has not so legislated in every instance as to place the executive, judicial, and legislative power of this country alone in the hands of educated white officials. The gentleman from Ohio [Mr. GROSVENOR] to-day raises his voice here as the champion and friend of the colored man and says this is all wrong, and yet out of the thousands and thousands of negroes in Ohio, and, indeed, in Pennsylvania and Massachusetts and Kansas, is there ever elected a single negro to the Congress, as governor, or judge in those States, or any State?

Nay, more, do these communities ever place any colored man in any single solitary case in a position where he will be called upon to administer the law—not where he shall administer a mere clerkship, but where it shall be his duty to administer the supreme law of the land, State or Federal? Not one. "And they never will," said the gentleman from North Carolina [Mr. LINNEY] here Saturday. And yet the South must be condemned because she says we will legally do the same thing in self-defense.

Mr. Speaker, I am the friend of the colored man. I have been such since my childhood. I shall so continue. I hold in my pocket a letter from a man whom, I dare say, cast his vote against me, a negro from my own city, thanking me for getting him a position as a servant, where he can work in the day and go to school at night and finish his education, there being no night colored schools in Nashville, though blessed with many and of the very best schools in the land. But I shall never agree to put the executive, judicial, or legislative branches of this Government in the hands of the negro, and in doing this South we know it is best for him and best for us, and you in the East, North, and West have not and will not do more than this for the negro nor less for yourselves, and your past record proves this.

Mr. Speaker, a few days ago in my own city there assembled a crowd of negro ministers to celebrate emancipation day; and here is the language of the chief orator of that occasion—a distinguished negro divine:

> The South is the place for us to achieve our success. In the North almost every door is shut against the negro; in the South he is offered free and unlimited activity in all trades. Your emancipation means that we shall contend for our rights in the labor market of the South.

In proof of this the negro remains South, regardless of everything enticing, so to speak, elsewhere.

I hold in my hand a Pittsburg Republican paper stating that last week negro delegates from a Southern labor union had been excluded, because negroes, from a white labor union of Pittsburg, Pa., the State of the gentleman [Mr. OLMSTED] who would have Congress to investigate Southern outrages on negro suffrage South. In the South the unions deny this equality. Do you ever send him on the high missions to Europe, where, as a great minister, he would receive you and your people and mine? No, no, indeed!

Mr. GRIFFITH. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. JONES].

The SPEAKER. The gentleman from Virginia [Mr. JONES] has two minutes, the remaining time on that side.

[Mr. JONES of Virginia addressed the House. See Appendix.]

Mr. HOPKINS obtained the floor.

The SPEAKER. The gentleman from Illinois [Mr. HOPKINS] has fifty-two minutes.

Mr. HOPKINS. Mr. Speaker, during the time allotted to me in this debate I shall undertake to answer some of the objections which have been made by gentlemen of the committee and other gentlemen who have addressed the House to the bill reported by the committee. I shall endeavor to show that this bill is a fairer bill to the people of this country than the one submitted by the minority.

It is unnecessary for me to call the attention of the members of the House to the fact that in this legislation we are performing a great constitutional duty. It is unnecessary, too, I think, for me to say that this legislation that is to be enacted here to-day is to affect the popular representation of 45 States for the next ten

years. Hence it is important to the interest of every man's constituency that passion and prejudice should be laid aside; that members of this House should look at the facts and the figures presented here to-day and determine this question, as I have intimated before, not from a sectional standpoint, not from the standpoint of any State or district, but from the standpoint of "the greatest good to the greatest number."

The gentleman from Virginia who has just addressed the House [Mr. JONES] made some reflection upon the chairman of this committee because this bill is reported by a gentleman who happens to represent a district of Illinois, a part of the territory that once belonged to the grand old State of Virginia. Why, Mr. Speaker, nothing is farther from my mind than to do an injustice to any State or any locality or any member on this floor. As chairman of the committee I have sought to examine the great questions involved here and by the light presented to me to bring the best results for the consideration of this House.

Mr. OTEY rose.

The SPEAKER. Does the gentleman from Illinois [Mr. HOPKINS] yield to the gentleman from Virginia [Mr. OTEY]?

Mr. OTEY. I simply want to ask a question.

Mr. HOPKINS. I will yield.

Mr. OTEY. Does not the gentleman think it is doing Virginia a great injustice not to give her Representatives the time that it was agreed they might occupy on this bill?

Mr. HOPKINS. Why, Mr. Speaker, after listening to the gentleman I confess that if he had occupied all the time it would have been much better for the country.

Mr. OTEY. That does not answer my question.

Mr. HOPKINS. I can not take up any further time with that matter. I desire, however, to call the attention of the gentleman from Virginia to the fact that this is not the first time that that great State has had her representation on this floor reduced. The time was, as I now remember, under the Fifth Census when Virginia had a representation of 23 members. To-day she has a representation of 10. But it is unnecessary to say to the gentleman, or any intelligent man either on this floor or in the country, that Virginia's relative influence in the councils of the country is as great to-day as it was when she had 23 members on this floor.

Virginia's position on all of the great questions is felt as powerfully as it would be if her representation on a proper ratio should be increased to 30 members. Now, as I said, Mr. Speaker, I have no apologies to make for the bill that has been offered here by the majority of the Committee on the Census. We have followed the beaten path that has been marked out for us by the great men who have preceded us in the councils of the nation. We have taken the course that has been adopted by the best scientists and the great statisticians of the country in order to present a bill that had the least inequalities and the least injustice to any of the States in the great Republic.

We must remember, Mr. Speaker, that with a confederated Republic such as we have, composed of 45 independent sovereign States, those States having different geographical boundaries and different numbers in population, it is utterly impossible for us to arrive at any ratio that will mete out exact and equal justice to every member of the Federal Republic. The most that we can do is to approximate to what is just and fair.

Mr. BOUTELL of Illinois. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois yield to his colleague?

Mr. HOPKINS. I yield to my colleague.

Mr. BOUTELL of Illinois. Just one word. It has not yet been stated in this debate, and I should like to know if the gentleman can state, what ratio of representation leaves the smallest sum of minority fractions unrepresented.

Mr. HOPKINS. I will get to that later. I think the majority bill does that. I will call the gentleman's attention to that.

Mr. BOUTELL of Illinois. The gentleman does not catch my inquiry. There must be some divisor, some ratio of representation, which provides for all majority fractions and leaves mathematically the smallest possible sum of minorities unrepresented. That divisor has not yet been given in this debate.

Mr. LONG. I should like to inquire, by permission of the gentleman from Illinois, do you mean under these two bills or under any bill?

Mr. BOUTELL of Illinois. I mean under any bill or under any system of computation. It is a simple question: What divisor applied to population leaves the smallest possible sum of minority fractions unrepresented?

Mr. HOPKINS. I will say to the gentleman frankly that I have not the figures on that basis from the Director of the Census. I have some figures which I will insert in my remarks, running them out by percentages and showing that, in accordance with the population of the various States, the majority bill is more nearly fair to all of the States that are represented in the Federal Republic than the minority; but I have not the figures to meet the inquiry of my colleague.

Now, Mr. Speaker, some gentlemen have made complaint because these fractions differ when they are applied to the different States and when the ratio is changed. But anybody who is familiar with mathematics at all ought to understand that with a different divisor you get a different quotient every time, and it is because in running through these figures from 350 to 400 we take a different divisor 50 different times that produces the paradoxes that have been spoken of by the gentleman from Colorado this afternoon.

But, now, Mr. Speaker, this bill is not a sectional bill. It is not a bill to protect the interests of one State at the expense of another. It is a bill to provide for the best interests of the nation itself. In the discussion that has been had here so far it has been made apparent, I think, to the members of the House that the chairman of the Committee on the Census and those members who have been with him in reporting this majority bill have had no selfish and no State interest to subserve.

I charge, Mr. Speaker, that the minority bill has not been prepared on these national grounds. I charge that the minority bill has been prepared to protect the interests of certain individual States regardless of the interest of others, and that was clearly and forcibly demonstrated by my colleague from Pennsylvania [Mr. DALZELL] when he showed that it benefited 15 States and injured 24 different States. To show to you, Mr. Speaker, how this is I desire to call to the attention of the members of the House the names of the gentlemen who signed the minority report.

The first member is Mr. BURLEIGH, the author of the minority bill. He is to take care of Maine, which, under the majority bill, loses a member. The next member is Mr. RUSSELL of Connecticut, one of the ablest and best men upon this floor, but he has been led astray by the fact that under the Burleigh bill an additional member is given to the State of Connecticut that is denied to her under the majority bill.

The next is Mr. HEATWOLE of Minnesota, who has joined in this report, and his State is given an additional member over what it is given in the majority bill. The next two members are Mr. CRUMPACKER and Mr. GRIFFITH, of Indiana, both men protesting that Indiana, under the majority bill, shall not lose a member, as is provided in that bill. The next is Mr. WILSON of South Carolina, who stands equally in the position of the other gentlemen.

The members of the minority undertake to say here to the members of this House that they have prepared the Burleigh bill so as to take care of major fractions. That matter has been discussed by me in a limited way prior to this time, but I desire again to call the attention of the members of this House to some features of that bill wherein it is distinct and separate from the bill presented by the majority of the committee.

We have stated that we predicate our bill upon a report that is given to us by the Director of the Census, where we take the arbitrary number of 357 to constitute the membership of this House, and then using that as a divisor, taking the constitutional population of the United States, we get a ratio to determine the membership in this House from the several States.

By doing that we apply that ratio, obtained as already stated, to every State in the Union and then take care of the fractions in the manner that I have indicated, giving to the State with the largest fraction a member, and so on, until these additional members are allotted. My learned friend here at my right [Mr. LONG] in his argument yesterday undertook to lead the House to believe that this is an invention of recent date. His idea is that the theory that all major fractions should not be provided for by a member is an invention to support the present majority bill, and that it was advocated in some way first by Mr. Walker, Superintendent of the Ninth and Tenth censuses. I contended the other day and I contend now that that principle was first announced by Mr. Webster, of Massachusetts, in 1832, and that it has been followed since the census of 1840.

Now, gentlemen, why do I make that statement? I acknowledged at the start that in 1832, under the bill that was presented by Mr. Webster, every majority fraction was cared for, but the great contention at that time was not so much as to whether all major fractions should be cared for as it was that fractions should be represented in the apportionment of the States. Up to that time, as gentlemen well understand, the allotment had been made upon a basis where no representation whatever had been given to fractions, and the House, under the leadership of Mr. Polk, of Tennessee, prepared a bill of that character and it passed the House.

When it went to the Senate Mr. Webster, noting the inequalities and the injustice done to several States, evolved the principle of having fractions represented. When his plan was sent to the House it was rejected, but in 1840 the House adopted it, and not only adopted that, but adopted the principle of disposing of the major fractions in the manner contended for by the majority of the Committee on Census.

I call the attention of the members of this House to the report made by Mr. Everett, chairman of the Committee on the Census in

1842, wherein this principle was advocated. In it he uses this language:

The two modes—

Speaking of the different modes that had been suggested—

are as follows: The first, to ascertain the ratio by dividing the aggregate Federal numbers of the United States by the number of Representatives proposed, and to apportion them among the States by dividing the Federal numbers of each State by the ratio thus found and assigning a Representative to the highest fractions until the proposed number of Representatives are assigned.

Exactly the plan that was followed by the majority of the committee in the preparation of the bill that they present to you. He says further:

The principle was adopted by the Senate in the amendment to the apportionment bill of 1832, but was rejected by the House. On that occasion elaborate reports were made in the Senate by Mr. Webster and in the House by Mr. Polk, containing, it is believed, a full argument on both sides of the question; and, as the question in some form may again come before the House, they have been annexed to these reports.

That was in 1842. That was the principle adopted in 1850, when the men who were in control of national affairs were charged with the duty of preparing a bill, as our committee were charged. They resorted to the principle announced by Mr. Everett in his report in 1842, and they went still further than that. They insisted, as many of the members do on this floor to-day, that the House had become too large and that some provision should be made that in the increase of population the constituencies of members should be increased and the membership of the House should remain practically as it was at that time.

The membership was made 233, and if any gentleman will look at the statutes of the United States passed May 23, 1850, he will find a law fixing the representation of this House at 233 members. It was proposed to make the membership of the House permanently 233, and when the census should be taken the next succeeding ten years, and so on, that the Secretary of the Interior after the official count had been made and he had obtained the constitutional population of the United States, should make his apportionment in accordance with that law of 1850, keeping the membership of the House at 233.

I say to my fellow-members upon the floor that our bill is in accordance with the principles that are enunciated in this law that was to be the permanent guide of the members of the House. I call their attention to this proviso in that law:

Provided, That the loss in members caused by fractions remaining to the several States in the division of the population thereof shall be compensated for by assigning to so many States having the largest fractions one additional member each for its fraction as may be necessary to make the whole number of Representatives 233.

Clearly, fully, and conclusively showing that in 1850 they had recognized the principle that had been advocated in previous censuses, and that they proposed not only to keep the membership of this House down to 233 men, but they proposed to give that representation upon this floor precisely in the manner that has been proposed by the majority of the Committee upon the Census.

Mr. LONG. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. HOPKINS. I yield to the gentleman.

Mr. LONG. Is not that the first time the rule was followed?

Mr. HOPKINS. Why, Mr. Speaker, I am not now speaking of that. I am speaking of the permanent statute that was placed upon the statute book by the men who had this in charge, when they proposed to fix a rule that would guide all subsequent Congresses upon that subject.

Mr. LONG. Will the gentleman permit——

Mr. HOPKINS. I can not permit the gentleman to interrupt me further.

The SPEAKER. The gentleman declines to yield further.

Mr. HOPKINS. Mr. Speaker, if during any of those times a combination was made by States so that a variation had to be made, that simply shows that combinations can entirely destroy and strike down the great principle that should govern and control the action of this House.

I simply refer to this law to show that the way has been blazed for us by the great men who have preceded us on this floor, and also to the fact that they recognized then that the House, under the then membership, was growing too large for the dispatch of business with orderly procedure in the House.

Now, this bill that has been offered by the minority of the committee is, in the language of the street, what would be regarded as a "mongrel." Part of the representation in this House is based on the figures given to us by the Director of the Census, and when they have taken care of Kansas, Nebraska, Virginia, and Maine, they deliberately add the other States that they want to take into their combination, and say that the apportionment shall be 386, and then come to this House and try to make intelligent men believe that they are representing all the major fractions.

Why, Mr. Speaker, is it that they take the number 384? They take it because by using the major fraction they can take care of Connecticut and give her an additional member; they can take care of Kansas by a majority fraction and give her an additional Representative; they can take care of Maine, and, on a majority fraction, give her an additional member; they can take care of Nebraska, and they can take care of Virginia. Now, mark you, these are the States that are largely interested in the report of the minority committee, and these are the States whose members have been upon this floor denouncing the bill and report of the majority of the committee in unstinted terms.

Mr. LONG. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. HOPKINS. I do.

Mr. LONG. Did we not take care of Illinois on a majority fraction also under that computation?

Mr. HOPKINS. Mr. Speaker, they did not take care of Illinois; and, as I showed at the opening of the debate on this question, Illinois is entitled, under the representation of 386, to 28 members. But whether they had taken care of Illinois or not, that would not have influenced me in the least.

Mr. LONG. Did we not, under the computation?

Mr. HOPKINS. Under the computation. My criticism, Mr. Speaker, is not that Illinois has not been taken care of, because I believe it is my duty as a member of this House not to try to give Illinois any political advantage over her sister States. Illinois, with her magnificent population and her representation upon this floor, can care for her interests whether that representation be 20 or 28. My contention is that these gentlemen in preparing the minority report and bill presented here have made a combination of States to secure political representation and influence in the House to which they are not entitled under a fair apportionment. If their bill be adopted, it has denied to 24 other States their share of representation.

When they say, Mr. Speaker, that they take care of the major fractions we find that while they do with a 384 membership, the moment they make that number 386 they have left the States of Iowa, Massachusetts, Michigan, New York, Ohio, Pennsylvania with major fractions without giving them any representation whatever for such major fractions. If a majority fraction of 102,664 is good for Nebraska, why is not a majority fraction of 102,882 proper for the State of Michigan? If Maine is entitled to an additional member with 114,941, then I want to know why it is that New York, with a majority fraction of 115,826, is not also entitled to a member? Why not Pennsylvania, with a majority fraction of 120,515? Why not the great State of Ohio, with a majority fraction of 100,870? And the grand old Repubilcan State of Iowa, with 106,928?

And yet my friend the gentleman from Kansas [Mr. LONG] undertook in his speech yesterday to say that they had cared for the majority fractions. When they make a membership of 386, it matters not by what process, it is the result we look to, and when we look at the result of 386 members we find they leave six great States that I have named, with major fractions, unrepresented for those major fractions. Is the State of Virginia or the State of Nebraska entitled to a Representative for a major fraction any more than any one of these States? Now, Mr. Speaker, they can not avoid the logic of this situation by simply saying they must stop somewhere.

Mr. LONG. Mr. Speaker, may I interrupt the gentleman?

Mr. HOPKINS. I can not be interrupted now, because my time is passing too rapidly. That is the trouble, Mr. Speaker, with the bill that has been presented here by the minority of the committee. If they want to deal fairly with all of these States, why did they stop at the number 386? Why did they leave these six States out? Why did not they increase the membership? Why did not they go to 395, where no State will lose any member?

I call this to the attention of the members of the House to show that in the combination that is represented by the minority of the committee they are seeking here to gain a political advantage for the States they represent, regardless of the interests of the other States in the Republic, whereas in the bill presented by the majority the committee have taken the figures presented to us by the Director of the Census and have followed them as indicated by previous laws, and, as I have stated, given to us by all statisticians and scientists who have given any attention to this subject.

And yet, Mr. Speaker, I am sorry to say that the gentleman insists that the majority of the committee are attempting to injure some of the States. On Saturday last one of the Representatives from the State of Maine [Mr. LITTLEFIELD] had the floor here for a couple of hours and made an address upon this subject, in which he made this charge against the majority of the committee. He said that the bill we proposed "might well be entitled an act to cripple the State of Maine in her representation on the floor of this House and incidentally to apportion Representatives in accordance with the numbers of the people elsewhere."

Now, Mr. Speaker, I want to state that the majority of the committee had no State and no individual in view in presenting this bill. It is true that under the majority bill Maine is entitled to

only three Representatives, and, if Dame Rumor is to be credited, the seat of the gentleman who addressed the House on Saturday last is the one in danger. In making this statement he takes a modest way to tell the House and the country how dependent the State of Maine is upon him. How delightfully encouraging it must be to his colleagues of that State to know the esteem in which they are held by him.

Maine crippled! Maine, the State of Hannibal Hamlin, of William Pitt Fessenden, of James G. Blaine, of Senators HALE and FRYE, of the great Tom Reed, of the honored and loved Nelson Dingley! That great State crippled by the loss of LITTLEFIELD! Why, Mr. Speaker, if the gentleman's statement be true that Maine is to be crippled by this loss, then I can see much force in the prayer he uttered here when he said, "God help the State of Maine." [Laughter.]

Mr. Speaker, the State of Maine, under this bill that we propose, is as fairly and equitably dealt with as the State of Illinois or any other State mentioned in the bill. It may be her misfortune that the majority fraction is not considered, but under the system that has prevailed for years in this House relatively she loses nothing. As was stated here yesterday, it is not the number of members from any State which constitutes its power and influence in this House. I can remember when Thomas B. Reed was a member of this House, with Nelson Dingley, and that they exerted an influence upon the legislation of this country that was not equaled by the members from any other State in the Republic.

And if Maine desires to hold the high and honored position in the councils of the nation that she has in the past, she must look to the quality of the men she sends, and not the number. And what I say of the State of Maine is equally true of Illinois and of every other State. It is not the number of the men, but it is the character of the men that come here; and, as has been stated again and again, the larger the number the less responsibility there is among the members.

Lessen the membership of the House, and you will find a body in ability and deportment and in the dispatch of business that will rival the Senate of the United States. The scenes which have been enacted here to-day again and again—the Speaker attempting to get order so that the members could be heard—are a good illustration of the fact that a halt should be called in the increase of the representation on this floor.

Mr. Speaker, this question, as I have stated, is one that was considered in 1840 and in 1842 and in 1850. I find that under the Fifth Census the representation in this House was limited to 240 members. That was in 1833. In 1842 the membership was decreased; and for thirty years the membership of the House increased but 3 members. In 1833 we had but 240 members, and in 1863, 243. The population of the United States in 1830 was 12,866,020. When we had increased the number of Representatives on this floor only 3 our population had increased to 31,443,321. So that gentlemen will see that if we do not increase the membership of the House now, we are simply following the precedent that was given to us in the early days by men who had known the troubles that have been experienced by members who have been Representatives on this floor for three or four Congresses.

Now, Mr. Speaker, before I go on to other branches of the case I desire to note some of the objections that were made by the gentleman from Maine on Saturday last to the propositions that were advocated by me the day previous. Among other things, Mr. Speaker, I had occasion to call the attention of the House to the fact that the State of Maine had increased in population less than 10 per cent during the last forty years; but I attributed that to the fact that many of the sons and daughters of Maine had gone to the great West to populate those new and growing States.

The gentleman in following me upon the succeeding day adopted the suggestion I had made, and called attention to the fact that while Maine had not increased the population within her territorial limits as some States had, her sons and daughters were found throughout the great West and had exerted a powerful influence in all of the great States in that section of our common country. And he referred particularly to Chief Justice Fuller of the Supreme Court of the United States, and the debt of gratitude that Illinois owes to the Pine Tree State.

Mr. Speaker, Illinois is quick to respond to a call of that kind. She acknowledges the debt that she owes not only to the great State of Maine, but to New England as well. Their sons and daughters have come to our State and have been welcomed among us and have become some of our best citizens in all the walks of life. They have helped to build up Illinois until she has passed all of her sister States in the West and to-day stands in the front rank of the great States of the Republic.

We are proud of those citizens, and they are proud of their adopted State. The broad prairies of Illinois, the rich soil, and the inviting climate have attracted people from New York, from Pennsylvania, from Ohio, and the Southern States as well. From whatever section of our common country they have come they have received a generous welcome in Illinois, and many of them, like Chief Justice Fuller, have been honored with high places in the State and the nation.

But, Mr. Speaker, were my knowledge of the people of the State of Maine limited to Chief Justice Fuller and the gentleman who addressed this House on Saturday last—when I contemplate the scholarly attainments, the polished manners, the uniform courtesy and fairness of Chief Justice Fuller, I am constrained to say that the sons who have left the State of Maine and have gone to Illinois and other States belong to a different type of men from those who remain at home and run for Congress. [Laughter.]

Mr. Speaker, the gentleman from Maine, in order to show that I had made some kind of a statement which, as he insisted, could not be properly defended, quoted this language from my remarks:

> Now, it would not be in accordance with the requirements of the Constitution to give a greater representation to the fractions than to the integral numbers.

He then went on to say:

> Now, then, if that is a sound constitutional legal statement, it means simply this, that if you give 208,868 a Representative it would not be constitutional to give any less number a Representative. That is the gentleman's own statement. I quote it from the RECORD in order that he may follow it if he likes. Now, take this statement and analyze the gentleman's bill upon that basis, that no bill will be constitutional that gives a Representative in substance to a less number than the whole number. That is his proposition. How does his bill stand upon it? Well, he gives to Arkansas a Representative on the basis of 157,753.

Then, further on, after quoting again my language as I have just read it, he continued:

> You state that as a proposition of law, and it is entirely true that your whole argument gives to that legal proposition an absolute contradiction, or, as some people say, the lie.

Now, taking his statement as he gave it, it would seem that he undertook to convey the idea that I was giving a larger representation on general principles to the fraction than to the integral number. But when you read the quotation in the context it shows my position to be entirely clear and my interpretation of the Constitution to be in accordance with established principles.

After describing how we had arrived at 335 members and that there were 22 members left—4 to be apportioned to States that would have only one Representative and 18 to those with major fractions—I used this language:

> Now, what was the most equitable and just way to dispose of these fractions? The four million and odd thousands that I have mentioned would be entitled only to 22 members, on the ratio that we have already divided among the other States. That aggregation of fractions would not be entitled to 25 members, but only to 22. Now, it would not be in accordance with the requirements of the Constitution to give a greater representation to a fraction than to the integral numbers. It would not be just and proper to take this population that is represented by these various fractions and give them an increased representation. Then what is the most equitable and just way to dispose of the 22 members that represent the fractional numbers?

Then I explained how that is done. Now, Mr. Speaker, the line of argument that the gentleman indulged in, in order to get a seeming inconsistency in my statements, is the same kind of argument that the scoffer indulged in when he said the Bible was a book of blasphemy and he would prove it by reading from the Bible the words "There is no God." When the book was examined it was found that the entire sentence read, "The fool hath said in his heart, there is no God."

The other statements that have been made in regard to my attitude upon this bill are too numerous for me to follow, but I challenge the attention of the House to the fact that no statement was made by me that is not supported by the figures upon which the bill is predicated, and no statement has been made by me that is not fully carried out by precedents that extend over a period of sixty years of our national history.

When the gentleman came to argue against the increased representation upon this floor, he said that time of the members is taken up with other things, and in order not to do him injustice I will quote his exact language:

> How is the time of the members of this House occupied? Is it occupied in legislating upon this floor, or is it occupied from early morning in reading over the last mail that reaches every member voicing the wants of his constituents, 99 per cent of whose demands are aside from any legislation upon this floor?

Then, after stating another reason, he says:

> Or is it because members are obliged to look out for needy constituents who desire to be injected into office, and who, once injected, desire to be promoted or to have their salaries increased, and are not willing to rest upon a letter written to a head of a Department asking him to increase the salary or promote the needy applicant, but must insist upon a member making a personal visit to the head of the Department and pressing the claims of his constituent? [Applause.]

Is that the gentleman's conception of the duties of a member of Congress? Is that the reason that we find him so eager to have Maine given four members of Congress, instead of three, as it is given in the majority bill in this case? Is it his idea that a member should become an office broker here and beg for office and then for promotion from the heads of the different Departments? If so, I can say to the gentleman that his conception of the duties of members of this body is entirely at variance with those of his predecessor. I can say to him, what he already knows, that the civil-service law was enacted in this country years ago, and has

been kept in force from that time to this, in order to keep members from doing that very thing.

What is the duty of a member? To come here and legislate. Then how is he to do it? Not by increasing the number of the members; but if it is necessary to take time and answer letters 99 per cent of which have no bearing upon legislation, let his $1,200 clerk do that. If it is necessary to get additional help, the country would support the members of this House in getting necessary assistance; but I say that when men are selected by the various districts in the States of the Union to come here they are elected to attend to their legislative duties. But, as I pointed out the other day and the gentleman himself admitted, bill after bill is passed in this House without any due consideration. Measure after measure is brought here and the members implicitly follow the lead of the committee without having that intelligent knowledge of the matter that would enable them to exercise their influence upon proposed legislation.

I see, Mr. Speaker, that my time has nearly expired. I desire again to call to the attention of the members of the House the fact that this is a national and not a State measure. We should look to the precedents of our fathers. Suppose the great men who assembled in Philadelphia to frame the Constitution under which we are acting had carried out sectional and State views to the extent the gentlemen who represent the minority have done. The American Republic would still be a dream. Had the people of the various colonies, when that Constitution was presented to them, been actuated by selfish motives such as we find represented in the minority report, that great document would never have been adopted which unites the 45 States into one grand Republic.

But now, Mr. Speaker, without taking further time, I trust that every member of this House will try by his vote to see not what will benefit his district, not what will benefit his State, but what will be the greatest good to the greatest number, and insure the best legislation to the people of the whole country in the future. [Applause.]

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. COUSINS, indefinitely, on account of sickness.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11213. An act for the relief of occupants of lands included in the Algodones grant, in Arizona;

H. R. 11588. An act permitting the building of a dam across the Osage River at the city of Warsaw, Benton County, Mo.;

H. R. 4099. An act for the relief of the Macon Trust Company, administrator of the estate of Samuel Milliken, deceased;

H. R. 6344. An act to remove the charges of desertion from the records of the War Department against Frederick Mehring;

H. R. 2955. An act providing for the resurvey of township No. 8, of range No. 30, west of the sixth meridian, in Frontier County, State of Nebraska; and

H. R. 12447. An act to amend an act approved June 1, 1900, entitled "An act to create the southern division in the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein."

REAPPORTIONMENT.

The SPEAKER. The Clerk will proceed to read the first section of the pending bill.

The Clerk read as follows:

Be it enacted, etc., That after the 3d of March, 1903, the House of Representatives shall be composed of 357 members, to be apportioned among the several States as follows:

Alabama, 9; Arkansas, 6; California, 7; Colorado, 2; Connecticut, 4; Delaware, 1; Florida, 2; Georgia, 11; Idaho, 1; Illinois, 23; Indiana, 12; Iowa, 11; Kansas, 7; Kentucky, 10; Louisiana, 7; Maine, 3; Maryland, 6; Massachusetts, 13; Michigan, 12; Minnesota, 8; Mississippi, 7; Missouri, 15; Montana, 1; Nebraska, 5; Nevada, 1; New Hampshire, 2; New Jersey, 9; New York, 35; North Carolina, 9; North Dakota, 1; Ohio, 20; Oregon, 2; Pennsylvania, 30; Rhode Island, 2; South Carolina, 6; South Dakota, 2; Tennessee, 10; Texas, 15; Utah, 1; Vermont, 2; Virginia, 9; Washington, 2; West Virginia, 5; Wisconsin, 10; Wyoming, 1.

Mr. BURLEIGH. Mr. Speaker, I desire to offer an amendment.

The amendment was read, as follows:

Strike out all of section 1 after line 2, page 1, and insert the following:

"That after the 3d day of March, 1903, the House of Representatives shall be composed of 386 members, to be apportioned among the several States as follows: Alabama, 9; Arkansas, 7; California, 8; Colorado, 3; Connecticut, 5; Delaware, 1; Florida, 3; Georgia, 11; Idaho, 1; Illinois, 25; Indiana, 13; Iowa, 11; Kansas, 8; Kentucky, 11; Louisiana, 7; Maine, 4; Maryland, 6; Massachusetts, 14; Michigan, 12; Minnesota, 9; Mississippi, 8; Missouri, 16; Montana, 1; Nebraska, 6; Nevada, 1; New Hampshire, 2; New Jersey, 10; New York, 37; North Carolina, 10; North Dakota, 2; Ohio, 21; Oregon, 2; Pennsylvania, 32; Rhode Island, 2; South Carolina, 7; South Dakota, 2; Tennessee, 10; Texas, 16; Utah, 1; Vermont, 2; Virginia, 10; Washington, 3; West Virginia, 5; Wisconsin, 11, and Wyoming, 1.

Mr. BURLEIGH. Mr. Speaker, this amendment is the first section of what is known as the Burleigh bill, found on page 117 of the report of the committee.

Mr. CLARK of Missouri. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. CLARK of Missouri. I rise for the purpose of offering an amendment.

The SPEAKER. The gentleman is not yet in order. The gentleman from Maine [Mr. BURLEIGH] has the floor. The Chair will state that the gentleman from Maine has offered an amendment to strike out and insert section 1. This will leave the House, however, the privilege of perfecting the first section before the substitute of the gentleman from Maine is voted upon; but the gentleman from Maine, on his amendment, has the floor if he desires to occupy it at this time.

Mr. BURLEIGH. I desire to say, Mr. Speaker, if it was not fully understood before, that the amendment I have proposed is the first section of the Burleigh bill, found on page 117 of the report of the Committee on the Census.

Mr. WHEELER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WHEELER. Would it not be in order to offer a substitute for the pending amendment?

The SPEAKER. This is a substitute now pending.

Mr. WHEELER. I understood the gentleman from Maine to offer an amendment to the first section.

The SPEAKER. It is an amendment in the nature of a substitute.

Mr. WHEELER. Mr. Speaker, is the substitute subject to amendment?

The SPEAKER. Undoubtedly, when it is reached for that purpose. The first thing is the perfection of the text of the original section, after which the Burleigh amendment will be in order, to be perfected and then voted upon.

Mr. SPALDING. Mr. Speaker, I desire to offer an amendment to the first section of the bill of the majority, for the purpose of perfecting it.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend in line 5, page 1, by striking out the word "fifty-seven" and inserting in lieu thereof the word "sixty."

In line 8, page 1, after the word "Colorado," strike out the word "two" and insert in lieu thereof the word "three;" and after the word "Florida" strike out "two" and insert in lieu thereof the word "three;" and in line 3, page 2, after the words "North Dakota," strike out the word "one" and insert in lieu thereof "two."

Mr. SPALDING. Mr. Speaker, it will be observed that the effect of this amendment is to increase the representation of the three States having, under the bill of the majority, a major fraction each of the basis of representation, namely, the States of Colorado, Florida, and North Dakota. The advocates of the minority or Burleigh bill charge that injustice is done these States by the majority or Hopkins bill, and some at least of the advocates of the Hopkins bill concede that if these additional Representatives were given these States as nearly exact justice would be done as can be done in any bill which may pass this House.

The proposed amendment will place the Hopkins or majority bill in such shape that if it does pass it may right the wrong proposed by the bill as introduced and reported by the committee. Permit me to call attention to this fact, that the State of North Dakota, by the census of 1900, has a population of 319,146, and a constitutional population, that is, a total less Indians not taxed, of 314,454. This is the largest number of people represented by any one member from any State or district under the Hopkins bill. It is said that anything can be proven by figures, and we had a remarkable illustration of the correctness of that saying in the discussion of this measure.

I do not contend that exact and equal justice can be done every State by any measure; but, in my judgment, the most nearly we can hope to approach it is to fix our basis of representation, and then give each State a member on that basis and an additional one for a major fraction. This is the method pursued in nearly all the States in fixing the basis of representation in Congressional, State, and other conventions. The line must be drawn somewhere, and it is drawn at the dividing line between the major and minor fraction. This applies to any House, either large or small. But in the light of figures, see for a moment what is disclosed by an analysis of the measure now before the House.

Pennsylvania is given a member for each 210,070 of its population: North Carolina, 1 for 210,423; Oregon, 1 for each 206,768; Mississippi, 1 for 221,610; New York, a member for each 207,554; South Dakota, 1 for each 195,319; New Hampshire, 1 for each 205,794; Vermont, 1 for each 107,821; Florida, 1 for 264,271, without this amendment; Colorado, 1 for 269,551, likewise before amendment, and Maine, a member for each 231,469, while North Dakota is only given 1 member for a population of 314,454. If Maine has ground for complaint what can be expected of the people of the State of North Dakota on this basis of representation? But apply a few figures in another direction. Of course from a

legal standpoint this may have no effect, but the conclusion is certainly warranted that the condition of affairs in the Southern States ought to be the subject of careful investigation.

At the recent Presidential election for the leading candidates for President and Vice-President there were cast in the State of Georgia approximately 1 vote for each 19 of its population; in Louisiana, 1 vote for every 22; in Mississippi, 1 vote to 27, while in the country at large the average is about 1 to every 5 of the population, and in my State, owing to the large number of miners, about 1 to 5¼. One of two conclusions must be correct. Either a large part of the population in the Southern States is in some way prevented from exercising the right of suffrage or the people take too little interest and are too unpatriotic to do so.

Several gentlemen upon the other side attempt to explain by saying that their elections are practically settled or determined at the primaries which place their candidates in nomination, but the figures which I have used are for the election of President and Vice-President, and whatever may be the effect of primary elections upon local candidates, they certainly have no such effect upon Presidential votes.

Mr. Speaker, the solemn duty of every member of this House and his oath of office require an investigation of the conditions in those States where so small a percentage of the population makes itself heard in electing persons to the highest office in the land. It matters not how patriotic their Representatives may be, nor how their great hearts may throb in unison with the hearts of the patriotic North, the fact remains that the rights of citizenship are not exercised in those States.

But, Mr. Speaker, members of this House are well aware that usages exist not sanctioned by law, but nevertheless usages which have become so well established as to have the force of law among the members of this House and their constituents. Under such usages each member has duties to perform for his constituents outside the halls of Congress and outside his committee rooms. We are required to look after the needs of our constituents in the various Departments.

We are expected to take charge of all the post-offices in our respective districts or States, make recommendations for the appointment of proper persons, investigate applications for the establishment of new offices and increase of mail facilities, expedite applications for pensions, secure the appointment of constituents to civil offices, and a thousand and one other things. These, I doubt not, each member is ready, willing, and pleased to consider in the interests of his constituents, yet, nevertheless, all detract from his time and take his attention from the legitimate business of legislation, and necessarily in many instances to such an extent as to deprive him of the power to act intelligently on bills of great national importance.

Why, sir, the Representative from the State of North Dakota has on his list more than 650 post-offices. At least once in four years a change is asked, and in a majority of cases a contest waged. He is expected to decide on the merits of the respective applicants, and settle all the difficulties. One of his greatest burdens is to investigate and make recommendations with reference to new offices in a rapidly growing and thinly settled State, and I submit that there is not a man on this floor who, either unaided or aided by a clerk of large executive ability, can attend to these multifarious duties and have time or strength left to give any consideration whatever to matters of legislation, which should be of first importance. I submit that no member from any State in the Union has any such number of offices under his supervision as has the member from the State of North Dakota. In this respect city members have a great advantage over those from country districts. They are able to devote their energies to legislation.

Will not the members of this House give relief to the State of North Dakota, giving it such representation as a majority fraction is entitled to? This will divide the burdens incident to a new country and a new State in half. Mr. Speaker, these are not the only considerations involved in this amendment. As I have stated, the population of North Dakota is 319,146. That is an increase during ten years of 75 per cent, the largest percentage increase of any State except one. Very much the larger portion of that increase has occurred during the last five years, and it is safe to say that while the average has been 13,500, more than 20,000 has been the average increase during the past five years.

If this continues for another decade, you can very readily see, Mr. Speaker, that at the end of that period the population will be more than half a million, much of which will be represented by one member during all that time. This increase will continue. The productive Government lands are occupied in other States, and the business of the United States land offices in that State during the past year surpassed all records. The total number of acres in farms in 1900 was over 11,000,000. The number of acres under cultivation in 1890 was about 3,000,000. This acreage had increased in 1900 to more than six and one-half million.

Population, age, and everything considered, no State compares with it. Its soil is the most productive on the face of this continent, its summers the most sunny, and its winters the most exhilarating. But, Mr. Speaker, it contains other and more important elements than cereals, stock, and farms. It contains a population composed of the most thrifty, intelligent, and energetic races of the Old World, and immigrants from the rock-ribbed hills of New England and the prairies of the middle West. I suppose one-third of its population is foreign born—natives of Norway, Sweden, Germany, Russia, Great Britain, and Canada—while one-third are natives of New England, Ohio, Illinois, Iowa, Wisconsin, and Minnesota.

Pursuing very largely a common vocation and enduring common hardships, they have developed that hardihood, industry, and thrift and those other elements of good citizenship which characterized the early settlers of the Atlantic colonies. They take an interest in the affairs of government, and with them the right of free speech is never abridged. They gather at the schoolhouses, the country stores, and post-offices and discuss questions of national importance, exchange their views, and go to their homes the wiser and better prepared to cast their ballots intelligently.

With 96,000 children of school age they expend over $1,275,000 annually for school purposes. The elementary principles of civil government are taught, and from every public school float the Stars and Stripes. Love of country is the first lesson implanted in the schoolboy's breast, and his duties and obligations as an American citizen are his topic as he delivers his valedictory.

Mr. Speaker, these are some of the reasons why I predict a steady growth in population during the next decade in that State, and say that, considering this and the fact that we already have a major fraction on the basis fixed by this bill, we ought not to be cut off with 1 Representative. I therefore appeal to the advocates of both these bills to not oppose this amendment.

By adopting it the inequalities and injustice of which both sides now complain will be remedied and it will become simply a question of increase in the membership of the House. By voting for this amendment you will only conform your acts to your admissions in argument and do justice to intelligent, loyal, and patriotic sections of our great country. [Applause.]

Mr. WILSON of South Carolina. Mr. Speaker, I regret to say that I shall have to oppose the amendment offered by the gentleman from North Dakota. North Dakota, along with Colorado and Florida, will be taken care of in the minority report, and I can not consent, when their right is preserved by that minority report, that they should make terms with the enemy after battle is joined.

Again, Mr. Speaker, it would destroy the perfect symmetry which has characterized the system adopted by the chairman of the committee, and which he has adorned by his argument upon this floor, to allow those 3 States to the extent of 3 exceed his 22, which, according to his statement, already have been exhausted, as to add 3 more States to his 22, by increasing the number from 357 to 360, would destroy the two magnificent arguments with which the House has been regaled. My friend must wait until the Burleigh bill is voted upon, and I think we can assure him that North Dakota will be taken care of.

Mr. SHACKLEFORD. Mr. Speaker, I desire to offer a substitute for the amendment offered by the gentleman from North Dakota, which I send to the desk.

The SPEAKER. The Chair will state to the gentleman from Missouri that this amendment appears to be a substitute, something after the form of the Burleigh substitute, and having the same purpose. It clearly can not be entertained at this time, or until the Burleigh substitute is disposed of.

Mr. SHACKLEFORD. Can not I offer it as a substitute for the amendment offered by the gentleman from North Dakota?

The SPEAKER. It would not be germane to that amendment.

Mr. SHACKLEFORD. Can I have it considered as an amendment pending, as the Burleigh substitute is?

The SPEAKER. The Chair can not say that, It is not germane to the amendment offered, and it has the same appearance as the Burleigh amendment.

Mr. SHACKLEFORD. May I have the amendment read in my time?

The SPEAKER. The gentleman can have that done. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 1 by striking out all after the word "composed," in line 4, and inserting in lieu thereof the following:

"Of 400 members, to be apportioned among the several States as follows: "Alabama, 10; Arkansas, 7; California, 8; Colorado, 3; Connecticut, 5; Delaware, 1; Florida, 3; Georgia, 12; Idaho, 1; Illinois, 23; Indiana, 13; Iowa, 12; Kansas, 8; Kentucky, 12; Louisiana, 7; Maine, 4; Maryland, 6; Massachusetts, 15; Michigan, 13; Minnesota, 9; Mississippi, 8; Missouri, 17; Montana, 1; Nebraska, 6; Nevada, 1; New Hampshire, 2; New Jersey, 10; New York, 39; North Carolina, 10; North Dakota, 2; Ohio, 22; Oregon, 2; Pennsylvania, 34; Rhode Island, 2; South Carolina, 7; South Dakota, 2; Tennessee, 11; Texas, 16; Utah, 1; Vermont, 2; Virginia, 10; Washington, 3; West Virginia, 5; Wisconsin, 11; Wyoming, 1."

Mr. SHACKLEFORD. Now, Mr. Speaker, the proposition is

to make the number of Representatives 400, and I believe that the majority of this House will agree with me that that is not too many. I am a Democrat, and one of those Democrats known as the organized Democracy, and that does not need to be reorganized.

I believe in the distribution of the Representatives among the people, and the more representation is disseminated amongst the people the more nearly we approach a republican form of government. Believing that, I shall always argue that we ought to have a large representation in Congress. If the rules, as has been complained of, do not permit deliberation, I shall live in hope that some day they may be changed so that they will afford the people better opportunities to be heard through their Representatives. I am therefore in favor of a large representation, as widely distributed among the people as possible. Having that view, I will again offer this amendment when it shall be in order.

Mr. McLAIN. Mr. Speaker, in reading over the findings of the Select Committee on the Twelfth Census, to whom was referred the question of an apportionment among the several States under that census, as provided by Article XIV, section 2, of the Constitution of the United States, we find three reports. The majority report recommends that after the 3d day of March, 1903, the House of Representatives shall be composed of 357 members, the same as the present representation. Under this, Mississippi is assigned 7 members, that being her present number. The minority report, which is signed by 6 members of the committee, recommends a House consisting of 386 members, and under this apportionment Mississippi is assigned 8 members.

As to the relative merits or demerits of these two respective reports I shall not for the present discuss, but will say in passing that I shall support the minority bill known as the Burleigh bill. Under either of these two Mississippi is treated equitably and fairly. The only question involved in these two reports is at what number shall the House of Representatives be fixed. All States under either of these two propositions receive their just quota of members. But, Mr. Speaker, there is a third report, in which I am greatly interested and to which I desire to pay my respects. That report is the one made by the gentleman from Indiana [Mr. CRUMPACKER]. Out of the 13 members composing that committee he is the only one that favored it, and it is prepared and signed by him only.

In it he recommends that the size of the House be fixed at 374, and he further proposes to reduce the representation of the States of Louisiana, Mississippi, North Carolina, and South Carolina three each, for alleged disfranchisement of citizens. This being a direct blow at my State, in common with some others I feel that I should enter my protest. On yesterday he presented his views at length to this House. I am sorry, indeed, he has thrust this question upon this House. It comes unwelcome and unbidden. The committee before whom it was referred refused to indorse it. I am told that it does not meet with the views of his own party, and I am quite sure the sentiment of the country is against it.

Regardless of all this he drags it before this House, having received but little, if any, encouragement of a substantial nature from any source. I trust he is in some measure satisfied. The matter seems to lie heavily upon the gentleman's conscience, and he seems to feel it is his heaven-imposed duty to draw a special indictment against my State and some others, charging us with being lynchers and suppressers of the franchise, and upon this he asks a verdict of guilty as charged at the hands of this House, and that the sentence be that we be robbed of a portion of our constitutional representation in Congress.

The gentleman has been pressing this matter for several sessions of Congress. He is honest and sincere in his demands, but I take it he is an enthusiast, and like all extreme enthusiasts he is governed more by sentiment than by reason. Doubtless his investigations of this subject have been laborious, but chiefly from one standpoint. All men investigating a question under these conditions are liable to blunder, because they do not weigh and square things up in their true proportion and just relations to other things.

The discussion of this matter, injected in here by this amendment of the gentleman from Indiana, can not be productive of any good results, but, on the contrary, I can see where evil fruit may flow from its consideration. Handling it as temperately and prudently as possible, it will have a tendency to revive the old sectional question. For this reason I would not make any remarks on the proposition if the gentleman had not embodied in his printed report and in his speech before this House on yesterday, which is now a part of the record of this House, such a bitter denunciation of my section.

If there is any question that has or will ever come before Congress which should be disarmed of all passion it is this amendment now pending before us, for it brings up in an indirect way as to how a certain section of the South can keep the Constitution of the United States inviolate and at the same time preserve their own safety and good government. Speaking for my State, what we did to restrict suffrage was not done to degrade, oppress, or impede any class of her citizens, but in the interest of good morals and clean government.

On this line he says, in speaking of the negro:

> He has no rights that the white man is bound to respect, and he may be shot down, hanged, or burned at the stake, without regard to legal procedure or sanction, with absolute impunity. The perpetrators of these crimes against civilization do not make the poor excuse that the penal machinery is inadequate. And the most appalling aspect of the situation is that in some of the most atrocious instances of mob execution the work is done in broad daylight and no effort is made on the part of the perpetrators to conceal their identity. No prosecutions ever follow. No victim of the most frenzied religious bigotry in ages past ever received more shockingly brutal treatment. The torture is indescribable. The Federal Government is powerless to prevent these outrageous crimes and the local authorities will not.

Such are some of the accusations he brings against the Southern people. "He has no rights that the white man is bound to respect," says the gentleman. This, sir, I deny. We are not outlaws banded together to plunder and rob a poor and helpless race. Speaking for my State, I assert that there is not a State in this Union more generous and liberal to this people than Mississippi. We are just and kind to him. He finds employment the year through at remunerative prices. If there is to-day an unemployed negro in my State, it is from choice or laziness. No laboring class beneath the sky extracts more real joy and pleasure, contentment, and happiness out of life than the negro of Mississippi. "He may be shot down, hanged, or burned at the stake with absolute impunity," says the gentleman from Indiana.

This is pretty strong language. It is as unkind as it is undeserved. From this language one would judge that we go out, on the slightest provocation, and shoot them down like a lot of worthless cats, or that he may be mobbed for political reasons, or from any other cause, whenever it suits our fancy. This, sir, is not true. Occasionally lynching does occur in the South, as it does in other sections of the country, not for political causes or some petty crime, but for the commission of some atrocious crime, principally rape. It has been my observation that in most any section of this Union, if some notorious defier of the law commits some flagrant crime that stirs from center to circumference the community in which it is committed, it is hard to restrain mob violence.

If some brute outrages a good and pure woman, her family and neighbors usually get aroused sufficiently to take their guns and shoot him like they would a mad dog passing through their midst. This is all wrong, but nevertheless it occurs in all parts of this Union. The mob who thus acts is aroused to desperation over the outrage on womanhood, and when it pauses to consider, shall the law deal with the wretch, it is still further bewildered, confounded, and infuriated at the thought. If this course is pursued, the outraged woman must not only face the public, a court, and jury, and there relate the unspeakable wrongs so cruelly inflicted upon her, but must also relate it in the presence of the brute who has destroyed her life.

Mob violence knows no geography when certain conditions are pressed to the front. I do not say it is right. It is to be deplored. When the gentleman makes this charge of crime against the Southern section alone, it occurs to me this is an issue he can not well afford to challenge. I do not like to be critical. As a rule, when an accusation is made against my section, I hate to answer the accuser with a counter charge on his section, or, as it is sometimes expressed, "You are another!"

But the opportunity here is too good to let the chance slip by without calling the gentleman's attention to just a little of the history and "devilment" of his own State, and in doing so I want to say to the people of that great State that I do not do this to cast any unnecessary reflections upon her good name; but one of her Representatives on the floor of this House has invited this line of argument. As he has done this, I wish to show to him, by way of comparison, that Mississippi is just as law abiding as his State—one of the foremost and most progressive States of this Union.

Are Mississippians and the people of the South generally less civilized than the people of Indiana? I think not. I do not think I can be accused of extravagance when I say the world has never known a truer and better people than the white people of the South. They are brave and hospitable, chivalric and patriotic. They are true to home and family, true to friend and themselves, true to country and to God. In what respect are the Southern people more lawless than the people of Indiana? In the light of their respective histories let them be judged.

When you turn the great searchlight of truth upon Indiana's record on this line you will find there has been as much, or more, lynchings there within the last few years than in Mississippi or any other Southern State; and as to crimes committed by "White Caps," heretofore laid at their door by the press of the country, such as whippings and other outrages, they are too numerous to mention. These lawless "White Caps" could jerk up and whip vagabonds in Indiana in great numbers and it scarcely attracted attention, but a less grav crime committed in the South on a similar class of people is solemnly accepted as proof, by the gentleman from Indiana and some others, that the negro race is being lynched, hanged,

or burned at the stake. The gentleman "can see the mote in the eye" of his Southern brother, but he "can't see the gin-house in his own."

Indeed, as to lawlessness the gentleman's State easily occupies high rank. I say this in all kindness to the gentleman from Indiana and to the people of his State. Just as good people there as ever trod the green carpet of God's earth. Just as good as you will find anywhere—indeed, the great mass of her people are respecters of the law—but the people there are just like people elsewhere, that, under certain abnormal conditions, they may be provoked to violence. Human nature is the same all over the world. But before I pursue this question of lynchings and crimes in Indiana any further, I want to first show by the written history of this State, the home of the author of this bill, that she has always looked upon the negro as an inferior race, and justly so, and has discriminated against him in her laws and in her State constitution.

Let me briefly present the facts on this line. Her first constitution, adopted in 1816, contained a provision that only whites were allowed to vote and only whites could be in the militia. As time rolled on did this feeling or prejudice against the negro grow less or greater? In answer to this let the statute of 1831 speak (see revision of 1831, p. 375):

An act concerning free negroes and mulattoes, servants and slaves. (Approved February 10, 1831.)

SECTION 1. *Be it enacted by the general assembly of the State of Indiana*, That from and after the 1st day of September next no black or mulatto person coming or brought into this State shall be permitted to reside therein unless bond, with good and sufficient security, be given on behalf of such person of color, to be approved of by the overseers of the poor of some township in this State, payable to the State of Indiana, in the penal sum of $500, conditioned that such person shall not at any time become a charge to the said county in which said bond shall be given, nor to any other county in this State, as also for such person's good behavior; which bond shall be filed in the clerk's office of the county where the same may be taken. And a conviction of such negro or mulatto of any crime or misdemeanor against the penal laws of this State shall amount to a forfeiture of the condition of such bond: *Provided*, That on any suit brought upon such bond for the penalty thereof a less sum than the penalty may, in the discretion of the jury trying such action, be assessed against any defendant or defendants by way of damages.

SEC. 2. If any negro or mulatto coming into this State as aforesaid shall fail to comply with the provisions of the first section of this act, it shall be, and is hereby, made the duty of the overseers of the poor, in any township where such negro or mulatto may be found, to summon him, her, or them to appear before some justice of the peace, to show cause why he, she, or they shall not comply with the provisions of this act, which summons shall be issued by a justice of the peace on the application of any overseer of the poor in this State, and shall be executed by the proper constable. And if such negro or mulatto shall still fail to give the bond and security required by the first section of this act, after being brought before such justice as aforesaid, it shall be the duty of the overseers of the poor of such township to hire out such negro or mulatto for six months, for the best price in cash that can be had. The proceeds arising from such hiring shall be paid into the county treasury of the proper county, for the use of such negro or mulatto, in such manner as shall be directed by the overseers of the poor aforesaid: *Provided, however*, That it shall be lawful for the overseers of the poor to remove such negro or mulatto without the jurisdiction of this State, in the same manner and under the same rules and regulations as are pointed out in the act for the relief of the poor, instead of hiring such negro or mulatto out, at the discretion of said overseers.

SEC. 3. Any sheriff or jailer who shall hereafter commit or suffer to be committed to prison any negro or mulatto without a lawful mittimus or being otherwise authorized by law for that purpose, or under the provisions of this act, shall be fined, upon presentment or indictment, in any sum not less than one hundred nor more than five hundred dollars.

SEC. 4. Should any person or persons knowingly engage or hire or harbor such negro or mulatto, hereafter coming or being brought into this State, without such colored person first complying with the provisions of this act, such person or persons so offending shall pay a fine of not less than five nor more than one hundred dollars, to be recovered by presentment or indictment.

SEC. 5. That the right of any person or persons to pass through this State with his, her, or their negroes or mulattoes, servant or servants, when emigrating or traveling to any other State or Territory or country, making no unnecessary delay, is hereby declared and secured.

On March 4, 1852 (see Special Laws of Indiana, 1852, p. 175), the general assembly of Indiana passed "A joint resolution on the subject of the slave trade, and for the purpose of colonization," and in the advocacy of this plan used, among other things, this forcible language:

And that it is the duty of the Congress of the United States and of the legislatures of each of the States of this Union to enact such laws, in harmony of each other, as would promote a general system of colonization, not only for the purpose of suppressing the African slave trade, but also to separate, as far as possible, the white and the black race upon this continent by sending off, where they might consent to it, all colored persons in the United States, except those who may be held in service, to such colonial states without cost, and providing for their comfort there for a reasonable period afterwards; thus making some compensation to an injured race for the wrongs and the oppressions for ages, and relieving ourselves from a population which, although amongst, can never be of us in social or political rights, and for that cause are at all times liable to become a source of public charge and of public annoyance in each State where they may reside, and of causing irritation and bad neighborhood in the feelings of the States themselves.

You will note that this resolution expressly emphasizes the fact that this course of colonization will be of great benefit in "relieving ourselves from a population which, although amongst, can never be of us in social or political rights, and for that cause are at all times liable to become a source of public charge and of public annoyance in each State where they may reside." But I must pass on. I will next call your attention to the constitution of 1851 of Indiana:

ARTICLE II.

SUFFRAGE AND ELECTION.

SEC. 5. No negro or mulatto shall have the right of suffrage.

ARTICLE XIII.

NEGROES AND MULATTOES.

SECTION 1. No negro or mulatto shall come into or settle in the State after the adoption of this constitution.

SEC. 2. All contracts made with any negro or mulatto coming into the State contrary to the provisions of the foregoing section shall be void, and any person who shall employ such negro or mulatto, or otherwise encourage him to remain in the State, shall be fined in any sum not less than $10 nor more than $500.

SEC. 3. All fines that may be collected for violation of the provisions of this article, or any law which may hereafter be passed for the purpose of carrying the same into execution, shall be set aside and appropriated for the colonization of such negroes and mulattoes, and their descendants, as may be in the State at the adoption of this constitution and may be willing to emigrate.

SEC. 4. The general assembly shall pass laws to carry out the provisions of this article.

This constitution was adopted by the people in 1852, and the general assembly of the State on June 18, 1852 (see Indiana Revised Statutes, 1852, p. 375), passed an act to enforce and carry out the provisions of the above article of the constitution.

Did the people of Indiana pursue this question any further? Let me read from the statute of Indiana (see Laws of Indiana, 1853), which speaks for itself:

Be it enacted by the general assembly of the State of Indiana: No Indian, or person having one-eighth or more of negro blood, shall be permitted to testify as a witness in any cause in which any white person is a party in interest.

The supreme court of Indiana (see 7 Indiana Reports, p. 389) in the case of Barkshire *vs.* The State, in passing upon the thirteenth article of the constitution and the act of 1852 to enforce its provisions, says:

The thirteenth article of the constitution, in inaugurating this policy, was separately submitted to a vote of the people, under the title of "Exclusion and colonization of negroes." It is a matter of history how emphatically it was approved by the popular voice. A constitutional policy so decisively adopted, and so clearly conducive to the separation and ultimate good of both races, should be rigidly enforced.

This decision was rendered in 1856. After the civil war the supreme court of Indiana (see Smith *vs.* Moody et al., 26 Indiana Reports, p. 299), in 1866, held that the thirteenth article of the constitution of Indiana and the act of June 18, 1852, enforcing the provisions of the same, are repugnant to the Constitution of the United States.

Such in brief, Mr. Speaker, is the legislative history of Indiana on this negro question. Of course, all legislation of this character, in this and all other States, has been swept away by the amendments to the Constitution of the United States. But has this brushed away that racial distinction and feeling that gave birth to these now obsolete statutes? These laws passed in her early history clearly show that she did not regard the negro as a safe and fit person to be armed with suffrage, and this is my chief reason in pointing out these laws, and not with the view of attempting to cast any aspersion upon the great Commonwealth of Indiana.

Has these changed conditions in the law obliterated all race feeling in that State? Let us see. Here within the last month pandemonium, so to speak, broke loose in the towns of Rockport, Boonville, and Cementville. The mob killed two negroes in the town of Brookville and one in Rockport, and from the facts connected with this lawless and bloody scene it seems, quoting the language of the gentleman from Indiana, "he has no rights that the white man is bound to respect, and he may be shot down, hanged, or burned at the stake, without regard to legal procedure or sanction, with absolute impunity." "And the most appalling aspect of the situation is" that this most atrocious exhibition of mob execution "is done in broad daylight and no effort is made on the part of the perpetrators to conceal their identity."

Remember this bloody tragedy occurred in the very heart of the towns of Rockport and Boonville, having a population of 2,822 and 2,037, respectively. But for all this would you denounce the people of Indiana as criminals? Would you denounce the people of these towns as outlaws? I think not. Again I repeat, human nature is the same the world over. The race feeling and the lynching of negroes, when certain conditions materialize, occurs as freely in Indiana as it does in any part of the South. How and why this recent lynching occurred can be better told by the following clipping from the Courier-Journal of December 19, 1900:

SHORT WORK MADE OF TWO NEGROES BY INDIANA MOB—WENT AFTER A THIRD, BUT WERE DEFIED BY HIS EMPLOYER—WHITE BARBER MURDERED—WAYLAID AND ROBBED AS HE RETURNED FROM HIS WORK—BLOODHOUNDS ON THE TRAIL—QUICKLY TOOK THE SCENT AND CARRIED IT TO WHERE THEY WERE IN JAIL—EVERYTHING OPENLY DONE.

[Special.]

ROCKPORT, IND., *December 18.*

The murder of a white barber at an early hour this morning was followed by the lynching to-night of two negroes, James Henderson and Bud Rowland. On Saturday night about 1 o'clock H. S. Simons, a barber, was waylaid and

murdered on his way home from his shop. His body was not discovered till about 5 o'clock this morning, and at once Henderson and Rowland were suspected of the crime. Sheriff Anderson arrested both of them at 9 o'clock and put them in jail. Henderson lives in North Rockport and Rowland was at Henderson's home when the arrests were made.

The people were thoroughly enraged and determined to avenge the brutal murder of Simons as soon as it could be definitely determined who the murderers were.

BLOODHOUNDS TOOK THE SCENT.

A telegram to Morganfield, Ky., resulted in a bloodhound being on the spot where the crime was committed in a few hours. The dog went direct from where Simons's body was found to Henderson's home, and then from there to the cell in the jail where Henderson had been placed some seven or eight hours before.

There was no restraining the enraged people longer. Everybody knew there was going to be a lynching. Sheriff Anderson sent his family away from the jail residence to the Veranda Hotel.

THE MOB FORMS.

As soon as dark began to gather over the little city signs of the organizing mob were easily discernible. Hundreds of men began to move toward the jail, and by 7 o'clock 500 people had surrounded the jail and made a demand for Henderson and Rowland. Jailer Anderson refused to surrender them, and the mob attacked the jail. They overpowered him to get possession of the keys, and he told them he had sent the keys away.

JAIL DOORS BATTERED DOWN.

The mob then attacked the jail doors with axes and sledges. It required nearly three-quarters of an hour to batter down the doors and get on the inside. Henderson was in a cell in the lower tier and Rowland in the upper. The door to Rowland's cell soon gave way, but the door to Henderson's cell was more strongly built and successfully resisted the attack.

ANOTHER NEGRO ACCUSED.

Growing impatient the mob fired about 20 shots into Henderson's cell and into his body. Rowland was taken out and before he was strung up made a confession. He said that he and Henderson and another negro named Joe Rolla, night porter at the Veranda Hotel, committed the crime, and the motive was robbery. He said that Rolla held Simons while he beat him over the head with an iron bar and Henderson with a billet of wood.

BOTH BODIES STRUNG UP.

Rowland was strung up, and by this time Henderson's body had been gotten out of the cell, and it was strung up beside Rowland. The mob then riddled the bodies with bullets, over 500 shots being fired.

THE MOB DEFIED.

Then the enraged crowd made a rush for the Veranda Hotel to secure Rolla, implicated by Rowland in his confession. Mr. C. R. de Bruler, proprietor of the hotel, had already heard of Rowland's confession, and knowing it to be false as to Rolla, took his stand at the door to Rolla's room, and, with drawn pistols told the mob that Rolla was innocent, and they would have to kill him before they could get Rolla.

Two or three cooler heads in the mob insisted that Mr. De Bruler, who was an honorable citizen, be given an opportunity to prove the innocence of Rolla. Mr. De Bruler then mounted a counter and made a speech to the mob. He said he knew personally that Rolla was not away from the hotel Saturday night, and he called other witnesses, by whom he substantiated the fact, and the mob dispersed.

Rolla then left the city as quickly as he could get away.

ROBBERIES HAD BEEN COMMON.

The feeling in Rockport to avenge the murder of Simons was intensified by the fact that within the past two weeks about a dozen houses have been robbed, and Henderson and Rowland were suspected. Other negroes are also suspected, and unless the robberies cease there may be other lynchings.

The mob was a determined one, but it went quietly and coolly about its business. The members would have brooked no resistance, and had Sheriff Anderson undertaken to protect the negroes with a guard there might have been a bloody battle.

COMPOSED OF BEST PEOPLE.

The mob was composed of the best people of Rockport. They wore no masks, and they did not make any effort at all to conceal their identity. They were orderly, and only 15 or 20 shots were fired in the air to keep bystanders from crowding up.

Within one hour after the mob attacked the jail they had finished their work.

VICTIM A MARRIED MAN.

Simons was a young man 29 years of age. He was married, and left a wife and one child. He came to Rockport from Winslow, Ind., about two years ago. He was an honest, industrious young man, and was highly respected.

The wounds upon his head presented a shocking sight. There were twelve distinct cuts on the head and face. His head was beat into a jelly, the left eye was knocked out, and the brains oozed out of his skull. The weapons used were a bar of iron about 2 feet long and an oak standard from a wagon sideboard.

EXODUS OF NEGROES.

Eight other negroes were arrested as suspects, but they were able to establish alibis. It has created such intense fear that several negroes have disappeared from Rockport to-night, and those remaining in the city are staying off the streets.

After the mob dispersed many went to their homes, while hundreds crowded around the hotels and other public places to discuss the lynching; and the declaration was boldly made that every time a future robbery occurred in Rockport the people were going to ferret out the robbers and string them up; that robbery had become so common and so bold that safety to the people demanded that stringent measures be resorted to in order to check it.

Theodore Evans, brother-in-law of Simons, and also his partner in business, is prostrated as the result of Simons's murder, and the attending physicians say his life is in danger.

THE CRIME MOST BRUTAL—NEGROES FRIGHTENED AWAY BEFORE THEY COULD ROB THEIR VICTIM.

[Special.]

ROCKPORT, IND., *December 16.*

The place where Simons met his fate was an ideal place for such murderous work. It was near the corner of Fifth and Elm streets. A high board fence faces the pavement for about 40 feet, and terminates in an alleyway. When he reached this place, he was struck by one of the negroes with a long club, which had a nail in the end of it, crushing his skull. The nail entered his forehead and came out through the eye.

The indications show that a fierce and desperate struggle followed, as the ground had been trampled down and was covered with blood for a distance of about 15 feet up and down the edge of the road.

Simons's cries and groans soon brought Frank Jones and Billy Stateler, two country boys, who were returning home, to the scene, but it was too dark to see anything. They then lit a match, and one of the robbers, who was hiding behind the fence, threw the tail gate of a wagon at them to frighten them away, as the robbers had not had sufficient time to search their victim after committing their nefarious crime.

The gate struck Stateler on the leg and severely wounded him, and he is now confined to his bed on account of it. The robbers then made good their escape, as the two boys who so bravely came to the rescue stayed by the victim and lustily called for help.

A small crowd soon collected, and after a futile search for the criminals they carried the murdered man to the home of his brother-in-law, where he lingered until 4 o'clock, but never regained consciousness.

Simons's head was crushed and beaten into a pulp, while his face was bruised and cut in a number of places.

The nail had entered the head six times, making terrible wounds.

A PREMONITION OF DANGER.

The two negroes were familiar with the fact that Simons always carried the money belonging to the firm, and they were seen on Main street as late as 1 a. m. watching for their victim. Saturday night Simons suggested to his partner that something might happen and requested him to take half of the money, seeming to have a premonition that danger was lurking in the near future for him. For the past three years he had been treasurer, and this was the first time the rule was broken. He had $42.50 in a shot bag on the inside of his overcoat pocket, but the footpads failed to get anything, as they were compelled to run away to avoid being recognized and probably captured.

From early morning a large crowd of citizens congregated at the place of the crime and continued to grow larger, and when evening came there was a gathering of about 2,000 citizens, and all eager to see the culprits caught and mobbed. The citizens organized a vigilance league in the morning and raised a large fund for the purpose of apprehending the murderers and ferreting out all kinds of crime. The past week there have been four cases of housebreaking, besides a number of smaller stealing offenses. This work has been carried on extensively for the past two months, and when this additional piece of crookedness was added to the already crowded calendar of crime almost every citizen in the town was willing that some desperate method should be practiced, as life and property were getting to be valued too cheaply by the criminals here.

ONE MORE VICTIM OF BLOODTHIRSTY ROCKPORT MOB.

[Special.]

BOONVILLE, IND., *December 17.*

The negro known as "Whistling Joe" Rolla, an alleged accomplice in the murder of H. F. Simons at Rockport early Sunday morning, met his death at the hands of a mob from Spencer County, which came to Boonville this afternoon for that purpose. The mob numbered about 75 people, was orderly and went about its business with the precision of soldiers under orders.

The Spencer County authorities failed to locate "Crowfoot," who is known as "Whistling Joe," after the mob had made away with Henderson and Rowland Sunday night. It appears that Crowfoot had been secreted in the Veranda Hotel by the manager under a bed occupied by a commercial traveler, and he remained there in mortal dread until early this morning.

After the lynching, as told in to-day's Courier-Journal, the mob went to the hotel where Rolla was employed and made a search of all the vacant rooms and left satisfied that the accused man was not there. Sheriff Anderson got word that Rolla was secreted in the house and arrested him.

PROTECTED BY SHERIFF ANDERSON.

The sheriff immediately threw a guard around the house, and as soon as the fact of the arrest was made known, a great crowd gathered about the hotel. Angry threats were made, but the sheriff told the mob that the man insisted on his innocence and that he had ordered the guards to defend the prisoner with their lives. At this the crowd became more orderly, and a guard of citizens was thrown around the hotel to prevent the escape of the man. Just before noon the sheriff got the negro into a closed carriage and drove in hot haste for Boonville, his intention being to take the negro to Evansville for safe-keeping.

MOB QUICKLY FOLLOWED.

The sheriff had an hour's start of a mob that was quickly gathered and put on horseback to follow him. The mob divided into two parts, taking different roads to Boonville, which is 20 miles away. The sheriff beat the mob to Boonville some hours and placed the negro in jail here. A telephone message from Rockport warned the sheriff that the mob was en route, and he then attempted to get possession of the prisoner in order to make an overland drive to Evansville. Sheriff Anderson was refused admittance to the jail and gave up any further attempt to succor the black man.

WAITED UNTIL NIGHTFALL.

The mob, finding that it had been outwitted and not caring to enter the city in daylight, awaited until nightfall and entered the town on a brisk run on horseback. It made straight for the jail. Entrance was demanded and refused. The jail keys were also demanded and refused, and the same tactics that were carried out at Rockport were resorted to.

JAIL WALL BATTERED DOWN.

A telephone pole was secured and made into a battering-ram, and the walls of the jail were battered down in a few minutes. The jail is a weak affair of ancient construction, and offered slight resistance to the fury of the mob. Once inside, it was but the work of a few minutes to get into his cell.

While the mob was at work on the outside "Whistling Joe's" screams for mercy could be heard above the din. He cried that he was innocent of the crime; that he had been lied upon, and called upon the Almighty to give him strength to combat his pursuers.

PROTESTED INNOCENCE TO THE LAST.

Reaching the cell of the accused man, the door was soon battered in and a rope quickly tied about his neck. The mob then made a rush for the northwest corner of the court-house grounds; a tall tree with a convenient limb was selected, and "Whistling Joe" was given an opportunity to make his peace with God. He spent his time, however, in protesting his innocence, and the mob growing tired of this, the order was given to haul him up.

This was done, the rope being tied to the tree trunk and the body left dangling in the night air. It was announced that the body would be permitted to hang until to-morrow afternoon before it would be cut down.

NO HAND TO STAY THE MOB.

During the time the mob was in the city there was no attempt to thwart its work of revenge. The streets were crowded with men, women, and children, but not a hand was raised to stay the sentence of Judge Lynch. The mob wore no masks, and did its work with promptness as the commands were given. The order was given to "Keep your guns in your pockets,"

which, no doubt, was a matter of precaution, since two innocent bystanders had been wounded at Rockport during the lynching on Sunday night.

Governor Mount ordered out the Evansville militia company this evening to meet the train from Boonville, no doubt hoping the sheriff of Spencer would be able to bring his prisoner to this city. An order for them to return to their armory was received after the company had reached the depot and was about to board a special train to come to Boonville.

Mr. Speaker, I could go on and on, submitting other newspaper reports of lawlessness, but I will not further occupy the time of the House on this point. Only on last Christmas Day, just a few days ago, a most disgraceful race riot occurred in the town of Cementville, the facts of which, I take it, are familiar to you all, as they have been freely published in the press of the country. A few days ago I saw from the press that the bondsmen of the sheriff of Ripley County, Ind., have settled the suit for damages brought by the widow of one of the five men who were lynched in that county some years ago, by paying the sum of $4,000. With this lawless record lying at the door of this State, may I not with perfect justness say to the gentleman from Indiana, "Physician, heal thyself?" But I have said enough along this line.

The gentleman severely criticises Mississippi's franchise law. Before we begin the discussion of this subject let us first surround ourselves with the facts. In 1890 the people of Mississippi did call a convention of her people with the view of revising her fundamental law. Upon the suffrage question that convention did declare in substance that—

every male inhabitant of this State, except idiots, insane persons, and Indians not taxed, who is a citizen of the United States, 21 years old and upward, who has resided in this State two years and one year in the election district or city, town, or village in which he offers to vote, and who is able to read any section of the constitution of the State, or, if unable to read the same, who is able to understand the same when read to him, or give a reasonable interpretation thereof, and who shall have been duly registered as an elector by an officer of this State under the laws thereof, and who has never been convicted of bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement, or bigamy, and who has paid all taxes which have been legally required of him, and of which he has had an opportunity to pay according to law, for the two preceding years, and who shall produce to the officers holding the election satisfactory evidence that he has paid such taxes on or before the 1st day of February of the year in which he shall offer to vote, shall be a qualified elector in and for the election district, or city, town, or village of his residence, and shall be entitled to vote at any election held not less than four months after his registration; but any minister of the gospel, in charge of any organized church, shall be entitled to vote after six months residence in the election district, city, town, or village, if otherwise qualified." (Mississippi Code, 1892, section 3031.)

No one has ever seriously contended that our franchise laws violated any provision of the Federal Constitution. They merely attempt to suppress by lawful means those who do not pay taxes and her ignorant and criminal class from exercising the right of suffrage. The supreme court of Mississippi in passing upon these laws held we had a right to do so, and the Supreme Court of the United States held they were not violative of the Constitution of the United States, and that they do not, on their face, discriminate between the white and negro races, and do not amount to a denial of the equal protection of the law secured by the fourteenth amendment to the Constitution. This whole matter is fully discussed in the case of Williams *vs.* Mississippi in the United States Reports, volume 170.

It is well known that the reasons and causes that led to this action on the part of Mississippi was the vast and ignorant negro population with which she was surrounded. I believed then, and I believe now, that it was to the interest, the growth, and the happiness of our State that she should use every constitutional means in her gift to lodge the power of the State government in the hands of the intelligence of the State. It was to the interest of both races. In doing this her laws looking to that end fall with equal weight upon the white and the black man, and if either does not possess the qualifications for a voter as laid down in our law, he can not vote. Thousands of both races fail to qualify themselves as voters.

Strange as it may appear, the clause of our law under which 90 per cent of this class are disfranchised, in my opinion, is that part of the law requiring one before he votes to be duly registered and to have paid all taxes which have been legally required of him for the two preceding years of the year he offers to vote. Remember we have a poll tax of $2, and that tax is a lien only upon taxable property. No criminal proceedings are allowed to enforce the collection of the poll tax. It might be said this section of the law is an invitation, or at least a temptation, to some who own no property, or to some who own no property in excess of that which is exempt from taxation, not to pay their poll tax.

This is the law under which so many of our people are disfranchised. Some do it from choice, some from indifference and neglect, and some from inability to pay. Right here I wish to read an article published in the New Orleans Picayune several weeks ago, from its regular correspondent at Jackson, Miss., showing certain developments upon an investigation of the vote of Hinds County, Miss., the largest and wealthiest county in our State:

A registered voter is not necessarily a qualified elector. A man may register, and default afterwards for poll tax, and his name still remain on the poll book as a registered voter for years. This was shown in Hinds County last year, when the board of supervisors found 1,185 names improperly on the poll books when they were considering a petition for a local-option election. Nine-tenths of these were poll-tax delinquencies, and 90 per cent of them were of white men. In this matter Hinds County was not singular. The Democratic press of the State has shown like conditions in other counties, and today the press of Mississippi is urging the white men of the State to pay their poll tax in order that they may vote.

Mr. Speaker, I might go on and relate to this House the details of our law in reference to our election machinery, but I have not the time. So I will pass on.

The gentleman further criticises the following section of our constitution:

On and after the 1st day of January, 1892, every elector, in addition to the foregoing qualifications, shall be able to read any section of the constitution of this State, or shall be able to understand the same when read to him, or give a reasonable interpretation thereof.

The gentleman says, "The most difficult and technical section of the constitution is made the test." I presume persons in Mississippi have qualified under this section, but I have never known or heard of one doing so. Many may have done so, but my opinion is few, if any, have qualified under it. But be that as it may, I want to say that this much-abused section is not understood by those who criticise it. It is a section to aid illiterates. If a person can read, the section does not apply to him. If he can not read, then he has a chance to qualify under it.

It might occur to some to ask, What would it profit one to qualify under this section? For if he can not read, how could he vote under your ballot system? The answer is that our law has made special provisions for such by providing that a voter who declares to the managers of the election that by reason of inability to read he is unable to mark his ballot, if the same be true, shall, upon request, have the assistance of a manager in the marking thereof.

He further complains that too much power is placed in the hands of the registrar. Under our law if the registrar refuses to register anyone, that party, if he feels himself aggrieved, can appeal to the election commissioners. Should they decide adversely to him, he can appeal to the circuit court.

Again, the gentleman says:

In order to make the dominion of the white man complete, all opportunity for education must be taken from the negro. The policy is to deprive him of the right to vote and then withdraw from him the means of education, so he will have no ambition to contest for supremacy with the white man in any of the fields of usefulness.

Mr. Speaker, standing here speaking for my State, I say, sir, the charge is absolutely without foundation, but, on the contrary, the facts are abundant to show the reverse. The very constitution of our State that he saw fit to assail so freely on the floor of this House on yesterday provides, in substance, that it shall be the duty of the legislature to encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement by establishing a uniform system of free schools, by taxation or otherwise, for all children between the ages of 5 and 21 years, and when practicable to establish schools of higher grade.

It further provides, in substance, that a public school shall be maintained in each school district in the county at least four months during each scholastic year. Mr. Speaker, this is the fundamental law of our State. Have we lived up to its provisions? Has the legislature of our State put it into full and complete operation? Yes; it has done so most liberally and upon a most magnificent scale. No State in this Union, in accordance to the wealth of our people, has done more. The last legislature of our State appropriated for public education for the year of 1900 $1,000,000 for common schools and $272,534 for our State colleges (white and black), and a like sum for the year 1901.

This fund is distributed pro rata, regardless of race, to the different counties, and the colored educable children being about 100,000 more than the white, they, of course, receive the largest share of this fund. Is this all we do? Not by any means. In addition to this, nearly every village, town, and city in our State supplements this amount received from the State fund by an amount sufficient to run the public schools in their respective localities from seven to ten months in the year. The negro receives his pro rata share of this also. Under this system every child in our State has an opportunity to attend a public school from four to ten months in the year.

What has she done and what is she doing for higher education in our midst? Let the facts speak. She maintains and owns three as great colleges as exist in the South for the education of the white youth of the land. Nor has she on this line neglected the negro, for she has also one magnificent college for the education of the youth of the negro race. She also contributes liberally to two other institutions run in the interest of higher education of the negro. I am reliably informed that, from the best data obtainable, the proportion of taxes paid by the two races is 93 per cent for the white and 7 per cent for the negro.

In the face of these facts I respectfully submit, does not this record of my State refute the charge that we are unlawfully denying the ballot, or that we are withdrawing the means of education

from any class of our people "on account of race, color, or previous condition of servitude?" It shows that the nonvoter and the poor and helpless receive the protection and blessings of our government as freely as the rich and the strong.

Does it not show, further, that we realize that our public-school system and our great institutions of learning are the chief allies and guardians of good morals and good citizenship, and that they materially aid in purifying the moral atmosphere to flow pure and healthful in and through our great Commonwealth? And does it not further show that we have poured out our money without stint to further the ends of this great school system of ours? I think so.

I think this magnificent record does all this. It does more. It certifies that we are striving to be "a land rejoicing and people blest." Just a few words more, Mr. Speaker, and I will have finished. I am not going to discuss the proposition of the gentleman from Indiana any further. The other features of his proposition, in fact, every feature of it, have been thoroughly discussed by others. I trust it will be promptly voted down. I feel sure it will be.

The twentieth century is upon us. The nineteenth has passed into history. Our future as a nation seems bright. It is glorious, and I hope, with the birth of the new century, all ill feeling between the North and South will be buried. I hope the following utterance of that great and independent paper, the Washington Post, will prove true:

This nation is not going into the new century with a revival of sectional animosity; the second McKinley Administration is not going to be a new era of ill feeling between the North and the South. The South will not be further punished by Congress for the fateful mistake of the fifteenth amendment.

Mr. WHITE. Mr. Speaker, I have sought diligently on both sides of this House to get an opportunity to be heard during general debate on this measure. I believed it was due me, inasmuch as I am the sole representative of one-eighth of the entire population of the United States, and that entire percentage has been so grossly misrepresented and maligned by three gentlemen, representing three separate States, upon this floor.

I am glad to state, however, that those three gentlemen are all young men, and as an extenuating circumstance for their vile words against my people I apply to them the statute of youth. They will know better when they get older. [Laughter and applause.] Some time in the near future, when the committee to which I am assigned has a bill under consideration, I will take occasion to endeavor, perhaps as a valedictory of the negro in this House, to answer some of the charges made by the gentleman from Alabama, the gentleman from South Carolina, and my colleague from North Carolina.

They have spoken of my people as a thing to be managed. They have said to the North and the East and the West, "Let alone the negroes; we can manage them." Can they manage us like oxen? I want them to understand that, removed as we are thirty-five years from slavery, we are to-day as you are, men, and claim the right of the American citizen and the right to vote. [Applause.] I will not refer to the matter under consideration now. It is not my purpose to do so at this time.

I did think, and I thought it rather strange, that the gentlemen managing the two sides of this question, the majority and the minority, after my people had been so slandered, might have accorded me an opportunity to defend them, as only two or three gentlemen have taken the opportunity to do. God bless them. God bless Judge CRUMPACKER, who has taken occasion to stand up in his place as a man, and has said a word in defense of these people who have made it possible for some of these young gentlemen to be filling seats here, and who since their emancipation have served their country faithfully by allying themselves with those principles that tend to the upbuilding of this the greatest nation on God's green earth. [Applause.]

Mr. SIMS. Mr. Speaker, I desired to have something to say about this bill in the time allowed for general debate, but I was unable to get the opportunity to do so. I sought time from the gentleman whose bill I intended to vote for, the chairman of the committee [Mr. HOPKINS], and asked him for the beggarly amount of ten minutes, and he promised it, if he could. I wanted to give the House the reason I was going to vote for his bill, which does not altogether suit me. I asked for time to-day, cutting it down to five minutes, and he again promised me that he would give it to me if he could. He did not do it yesterday and he did not do it to-day, and I must conclude, therefore, that he could not do it.

Now, if there is anything on earth I despise and hate it is a machinized House of Representatives. The argument that has been made here that the House had become unwieldy was one made in support of the majority bill. They did not want to make if further unwieldy. I think that is true if the present régime is to be perpetuated, if this House is to continue machinized. I quote with approval what the distinguished gentleman from Iowa [Mr. HEPBURN] said in his speech yesterday as to the rules of this House:

Mr. Speaker, I think that the whole question involved here is one of expediency. What is the better size? What number of Representatives can best perform the duties that devolve upon them in a deliberative body? Not this body, for I am willing to confess here that it presents none of the features of a deliberative body [laughter], but that deliberative body that we ought to have. The fathers gave us their opinion with regard to this matter. When they provided for 26 Senators they provided for 65 Representatives. That was their idea. They thought that the political power of a member of the Senate should be two and a half times greater than the political power of a Representative.

* * * * * * *

Gentlemen tell us now, who are advocates for enlarging this House, on other occasions that the fact of an enlarged House justifies a system of government in the House that is destructive to the individuality of members, and absolutely destructive of the representative power that the Constitution gives us and that our people fondly think we enjoy.

When you attack the system of rules that we have, that is vicious in every degree, that is harmful to the individual character of the member, that is harmful to the deliberative character of this body, that absolutely destroys it, and puts it beyond the power of any individual to participate in legislation or to bring to the consideration of this House any measure, no matter how important it may be to him or his people, without he gets the consent of another person, another Representative—when you attack that vicious system, you are told that it is because the House is a mob, because it has been so enlarged that individual responsibility does not weigh upon the members; because there is no possibility in the confusion of the vast number to secure that deliberation that is necessary to the proper discharge of public business. On those occasions the House is too large. I believe it is wiser, I believe it would be better for the people, and it would be better for the individual membership, to decrease, rather than increase, the number of Representatives.

Mr. Speaker, I want this House to have the largest number of persons that it can to discharge the business that it has to transact; but I do not want its number to be so augmented as will furnish an argument for the binding of the hands of the individual members of the House. And I know, and every one of you know, that it will be urged, and that it will have its effect upon certain members who have to vote upon a question of the rules before they have had an opportunity to chafe under the restraints and tyrannies of those rules.

And I know that when the placid gentleman now occupying the chair, the leader upon this side, my venerable friend on my right, and a corresponding number of gentlemen occupying corresponding positions on that side of the House, in the early days of the session, when the neophyte is here and has not been hazed [laughter], he sees them standing up as advocates of a retention of the rules without change, he naturally says to himself, "This must be all right, or such leaders, who have the confidence of the American people, would not be their advocates," forgetting, or never knowing in his innocence, that these gentlemen belong to the charmed circle [laughter]; that these gentlemen, because of their great eminence, because of their marked and recognized superiority, have a power in this House that is above rule, or that compels the amelioration of the rule in their behalf whenever they propose to invoke it.

Mr. Speaker, I heard a gentleman in this debate, in support of this enlarged number, say that this House could do whatever it chose. I want to deny that statement. I make the assertion here that there is no proposition that affects the people of my State or of any one of the States that an individual member can secure even consideration of without he first addresses himself to another Representative and gets the consent of that Representative. [Applause.] I remember of hearing my friend on my right once say that under the rules of this House the House could do whatever it chose. I would yield to him a moment for the purpose of asking him if, after reflection, he would contradict the statement that I have here so deliberately made?

Mr. GROSVENOR. After the very high compliment that the gentleman from Iowa has seen fit to bestow on me I would not contradict anything that he would say. [Laughter.]

Mr. HEPBURN. Thank you. I now appreciate the value of compliments, and I shall henceforth use them in the place of arguments. [Laughter.] Mr. Speaker, the statement that I have made is a grave one. It ought not to be made without deliberation. I ought not to say to the American people that the whole scheme and plan of the Constitution with regard to this House of Representatives is subverted, destroyed, annihilated by the rules of this House without it was true.

And I will ask any gentleman, and I will yield to him if he will undertake to tell us, how any proposition can be brought before this House without it receives the assent of the Speaker of the House. And even then, with reference to a great majority of propositions, how can it be brought to the House after it once has gone into the bosom of a committee and that committee does not see fit to report it?

Every member upon this floor, 356 of us, may be anxious for the adoption of a proposition, and it can not be brought to the consideration of the House by any possible means known to the law without the consent of that gentleman into whose hands you and I have surrendered the political power of our constituents.

Now, Mr. Speaker, what is the excuse for this? Mind you, I am not criticising the old Speakers or the new. I have no complaint to make of the manner in which they administer their power. I am quarreling with ourselves, and we will be asked to continue this robbery of ourselves, this wrong to our constituents, this surrender of their political power—for it is theirs, gentlemen, and not yours or mine—we will be asked to continue this. Why? Because the House is so large, because it is so unwieldly, because the confusion is so great, that business can not be transacted without it. Therefore from time to time the surrender is made.

I want that we shall act on this bill so that we will not give added force to declarations that are made in that behalf in the near future. I think that even with the number that we have there is confusion. My friend called attention to it to-day when the important matter was being settled as to when we should reach a vote upon this question. Time and again the gentleman from Tennessee [Mr. RICHARDSON] was compelled to rise in his place and insist that although important business was being transacted publicly here upon the floor he could not hear a word that was said. He could not tell whether to object or not, and the efforts which the Speaker vigorously exerted time and again were necessary in order to get that slight measure of order that would permit even the gentleman, seated where he is, to hear what was going on in the House.

I hope gentlemen who object to this tyranny when the time comes will vote against these rules. Now, I want to know why we should be limited in discussion to three or four days on a bill that only comes before us once every ten years, and when it gets to

the other end of this Capitol if they want to discuss it three weeks they do it. Gentlemen, why should not we have the same opportunity to discuss a measure which is being enacted into law as they have? The President can not sign the bill until they pass upon it.

If the gentlemen who support the Burleigh bill will convince me that they will quit lying down and voting for these tyrannous rules and give each member on the floor an opportunity to say why he votes as he does, I will vote for that measure. But if an enlarged House is going to serve as an excuse for the continuation of these rules I shall vote against enlarging the House.

I have no objection to a reasonable limitation of debate, but I most assuredly object to unjust discrimination as to who shall participate in that debate. What right has the gentleman from Illinois to say that I shall not give to the House the reasons for the faith that is in me, and that my constituents must depend upon his argument for the reasons of my vote? What right had the gentleman to get up from his seat and ask that the gentleman from Maine [Mr. LITTLEFIELD] be allowed to proceed to the conclusion of his remarks, when the gentleman from Maine was doing everything he could to annihilate the bill of the gentleman from Illinois?

That was magnanimous; I approve of the spirit that led him to do it, but why did not he ask sufficient time for general debate in the House for each member to have the paltry amount of five or ten minutes to express himself? Why, we had better sit here all summer, prolong the length of the session if necessary, in order to give sufficient time for debate and discussion. We had better have it all summer, all the fall, and all winter than to stifle the voice of the representatives of the people on the floor as is done at the present time. I will vote to reduce the membership of the House to 250 if necessary in order to get out from under our present tyranny. [Applause.]

I am ready to admit that if each member of this House should speak on a measure that the same length of time could not be accorded to each member that can be to each Senator. But why should ten hours of debate be accorded to a bill in the Senate, where there are only 90 members, and only two hours be given for debate on the same measure in this House, where there are 357 members? I have not stated an extreme case. In the extra session in 1897 the House was limited to ten days for debate on the Dingley tariff bill, and the Senate debated the same measure for nearly four months.

We hear a great deal said in here about the dispatch of business and a great array of the number of bills introduced in the House and in the Senate by the gentleman from Pennsylvania [Mr. DALZELL], showing that a great many more bills had been introduced in the House in a given time than in the Senate, as though the House and Senate were in a race to see which body could introduce and pass the greater number of bills, and that the House had far exceeded the Senate, due to the rules of the House in expediting the public business, when everybody knows that the Senate must consider and pass all the bills of the House before they become laws.

Mr. Speaker, what good is it to the country to pass a thousand bills in the House during a session when we know the Senate will not consider and pass half that number? The boast of the dispatch of business is rather in appearance than in fact. There is absolutely no sense in the House passing a greater number of bills than the Senate will consider and pass in the same length of time.

This cry for the dispatch of business is used to cover up the real purpose of these infernal rules. The real purpose of these rules is to machinize this House; to create a one-man power; to magnify the machine and minimize the member.

If measures were more thoroughly discussed here, it would not require so much time for discussion in the Senate. By acting as we do we dwarf the influence and power of the individual members of this House and correspondingly increase and magnify the power of the individual Senator.

Members of this House have become disgusted and do not try to get time by begging for it from another member, who by the laws and Constitution has no higher or greater rights than himself. Modesty and merit usually go together, and many members who are very able and learned and who could shed much light upon subjects under discussion are too modest to push themselves onto another member who has control of the time.

Those who belong to the charmed inner circle get all the time they wish, and when one of these great members of the inner circle has had his full hour and has not finished his speech another member of the charmed inner circle jumps to his feet and asks unanimous consent that the gentleman be permitted to conclude his remarks. Of course the inner circle will not object, and it would be suicidal for any member on the outside to object. Immediately the great member thanks the House for the courtesy and continues his speech as long as it suits his sweet will to do so.

The new member or modest member, be his merits what they may, must sit here and chafe under this character of outrage for years. But one of these great lights often, to show his magnanimity and his consideration for those members who by his selfishness have been deprived of an opportunity to say one word, arises and asks that unanimous consent be given to all members to print remarks in the RECORD on the pending bill, provided he does so in a limited time.

If a member is in possession of information common to all the members of the House, but not generally possessed by his constituents, I see no impropriety in his printing the same in the RECORD and sending it to his constituents, but if he has information, or can make an argument that might affect the judgment of members of this House, he ought to have time given him to address the members of the House, and not be forced to print a still-born speech in the RECORD and send it home to fool his constituents.

I want to strongly commend to all the great members of this House the conduct of the gentleman from Pennsylvania [Mr. DALZELL] here to day. The gentleman from Pennsylvania was not a member of the Committee on Census, but being a member of the inner circle and a gentleman of great ability and learning, as well as long service, the chairman gave him one hour. After a very able speech of an hour, some gentleman arose in his seat and asked that further time be given Mr. DALZELL, and the House granted the request, but the gentleman from Pennsylvania refused to take it, out of consideration to other gentlemen who had not had any time, who felt as much interest in this bill as did the distinguished gentleman from Pennsylvania.

Such commendable conduct is not often witnessed in this House, and I assure you, Mr. Speaker, that it was very refreshing. More than three hours was given certain gentlemen to advocate what is called the Crumpacker bill, designed to reduce the representation of certain Southern States on account of the alleged suppression of the negro vote. Living as I do in that section of our country and having that knowledge that comes by actual residence among the negroes of the South, I wished to give it to gentlemen from the North who do not have the same opportunity that I have for informing themselves on this grave and threatening question, but I must be denied, at least I was denied, the privilege of doing so.

Mr. Speaker, what good will it do these members from the North to print this information and send it home to my constituents, who know as much about it as I do? Will that enable them to vote intelligently on the Crumpacker bill?

I can see many good reasons why the popular branch of Congress should be a numerous body and grow with the growth of population, but if an increased House is to be used to further gag and muzzle the members of this House, I must content myself with voting against the enlargement of this House, if I am denied the privilege of giving my reasons for it more fully than I have herein.

Mr. MOODY of Massachusetts. Mr. Speaker, I rise in support of the amendment offered by the gentleman from Maine [Mr. BURLEIGH]. When I heard the speech of the gentleman from Illinois on Friday last, and his analysis of the so-called Burleigh bill, it disclosed so many inequalities in its operation that it seemed to me to be impossible for any fair-minded man to vote for it.

When I read the speech of the gentleman from Maine [Mr. LITTLEFIELD] delivered on the following day, I found that, applying the same course of argument, he had disclosed the same inequalities under the operation of the bill proposed by the majority. I discovered upon a very little reflection what is admitted now on all sides, that, by applying the method of reasoning adopted by the gentleman from Illinois and the gentleman from Maine, any possible apportionment bill would disclose the same inequalities and that the doing of exact justice between all the States is impossible from the very nature of the case itself. And so I agree with the gentleman from Pennsylvania [Mr. DALZELL], who, with his accustomed logical instinct, has brought this debate to its real question and presented to us the real problem which is before us for solution.

The increase of the population of this country has compelled us to do one of two things—either to increase the size of the constituency or to increase the number of Representatives; and that choice is presented to us here to-day. Each course presents its own evils. The evils of adding 42,000 to each Congressional district, as is proposed by the bill of the majority, are manifold and manifest. Every man understands that from his daily experience; it is not necessary for me to dwell upon it. On the other hand, it is claimed that the increased size of the House tends to destroy the individuality of the Representative, his power of initiative, and to centralize the power of the House in the hands of the Speaker; that it tends to decrease the relative power of the House compared with the power of the Senate; that it destroys this Chamber as a forum for debate and deliberation.

I should like, if I had time, to spend a few moments on those claims. But what I have to say at this moment—and perhaps it

is all that I can say—is that every one of those consequences predicted as the result of the passage of the Burleigh bill is here to-day. Those conditions will not be created by the passage of that bill. In my judgment they will not even be intensified by it. The power of the House under a natural development which brought the system of cabinet government in England into existence has taken the power of the Representatives and concentrated it in the hands of the Speaker and his immediate advisers. We might as well recognize the truth.

Mr. HOPKINS. Will the gentleman allow me——

Mr. MOODY of Massachusetts. I have only five minutes, but I will yield for a question.

Mr. HOPKINS. The gentleman speaks of the concentration of power in England in the hands of a cabinet. Does he desire to see that condition of affairs in America?

Mr. MOODY of Massachusetts. I am not speaking of the desirability of the thing; I am speaking of the facts, which we understand and know.

The gentleman from Pennsylvania gave us some figures with regard to the amount of business which the House of Representatives of the Fifty-fourth Congress and the Fifty-fifth Congress did in comparison with the body on the other side of the Capitol. I remember the Fifty-fourth Congress. I remember that when the Speaker of that Congress was selected in caucus, he stood by the side of that desk and said to us, "The Fifty-first Congress gained credit for what it did; the Fifty-fourth Congress will gain credit for what it does not do." And the first step in carrying out that programme was to debate for ten days an amendment offered to the pension appropriation bill, which was subject to a point of order and at the end of those ten days went out on the point of order, as everyone understood it would.

I remember that during the extra session of the Fifty-fifth Congress we adjourned for three days at a time, week after week. We had the time, we had the opportunity, to do the business of the country; but I say that the Speaker and his advisers decided wisely and well, and in accordance with the judgment of the majority, when they declined to pass all the bills which came over here from the other end of the Capitol.

I say, then, that the evils which are present here, and which will not be intensified by the Burleigh bill, are evils that do not grow out of the numbers of this House. Say what you will, the House of Commons, with its membership of 670, has demonstrated that numbers do not prohibit an orderly conduct of public business. Who cares for a speech made in the House of Lords? A speech made in the House of Commons goes the world over. What is forbidding the orderly conduct of business on this floor? What is denying the right of each member to be effectively heard on this floor? What is preventing the deliberation——

The SPEAKER. The time of the gentleman from Massachusetts [Mr. MOODY] has expired.

Mr. MOODY of Massachusetts. May I have five minutes more?

Mr. HOPKINS. I ask unanimous consent that the gentleman from Massachusetts be allowed five minutes more.

There was no objection.

Mr. HOPKINS. Now, will the gentleman answer a question?

Mr. MOODY of Massachusetts. Certainly.

Mr. HOPKINS. There are no roll calls in the British House of Commons such as we have here, are there?

Mr. MOODY of Massachusetts. I do not understand that there are. There are divisions.

Mr. HOPKINS. Now, is it not a fact that a large part of the time is taken up here by roll calls whenever there is any question that divides the members, either politically or sectionally?

Mr. MOODY of Massachusetts. Yes, sir.

Mr. HOPKINS. And is not that one of the conditions that operate against the British House of Commons being a precedent for us?

Mr. MOODY of Massachusetts. Yes.

Mr. HOPKINS. One other question. Is it not a fact that in the British House of Commons 40 members constitute a quorum for the transaction of public business——

Mr. MOODY of Massachusetts. Yes.

Mr. HOPKINS. And 20 for private business?

Mr. MOODY of Massachusetts. That I am not so sure about. If the gentleman so states, no doubt he is right.

Mr. HOPKINS. And here, under our constitutional form of government, is it not a fact that there must be a majority of the members-elect present on every roll call for the transaction of business, if so demanded, whether it be public or private business?

Mr. MOODY of Massachusetts. That, Mr. Speaker, is the statement of an unquestionable fact; but in spite of all those things every man here knows I tell the truth when I say that there is no session of Congress when we do not waste time day after day.

Mr. GROSVENOR. I should like to ask the gentleman a question.

Mr. MOODY of Massachusetts. Certainly.

Mr. GROSVENOR. The gentleman from Massachusetts has spoken of the importance of speeches made in the House of Commons.

Mr. MOODY of Massachusetts. Yes.

Mr. GROSVENOR. In the gentleman's judgment, how many members of the House of Commons in England speak upon the public questions of the day during an entire session of that body?

Mr. MOODY of Massachusetts. I suppose comparatively few members, Mr. Speaker.

Mr. GROSVENOR. Does not the gentleman think that twenty or twenty-five would limit the number of almost all the participants in debate in that body?

Mr. MOODY of Massachusetts. I can say that that statement would be true, both of the English House of Commons and the American House of Representatives. I believe that there are not more than 25 members who take an effective part in the debate here to-day under present conditions. I am not speaking of mere speeches, but of the debate which influences the judgment and action of the House.

Mr. MADDOX. Will the gentleman from Massachusetts allow a question?

Mr. HOPKINS. Will the gentleman from Massachusetts yield for a question?

Mr. MOODY of Massachusetts. I will yield in a moment or two. Mr. Speaker, I was saying that all these evils—the denial of the right of individual action, the disorder which occurs in the House, the facts which make this a forum ill adapted to debate and deliberation—all come from other causes, and not because of members.

We can apply the remedy any day we choose. Let us close up, or at least contract, these pestilence-breeding galleries that exhaust the atmosphere and send us home every day the nearer to our death because we have worked in the Chamber. Let us contract the size of this Hall. Let us take out these desks. Why, Mr. Speaker, there are never at any one time more than 50 or 100 members interested in the discussion of a given question.

Mr. WM. ALDEN SMITH. There are more than 200 now.

Mr. MOODY of Massachusetts. There are men in the English House of Commons, in the lobbies, ready to come in to vote, but very few present, I agree, in the ordinary deliberations, and that would be the fact here. If we adopt the remedy which I have proposed, and which has been discussed so many times, these evils would disappear.

Mr. STEWART of New Jersey. Will the gentleman yield for a question?

Mr. MOODY of Massachusetts. In a single moment. If we do that, I say, these evils will disappear, and one of the reasons why I support the Burleigh bill, and support it earnestly, is because I believe its adoption will bring us nearer to the day of our deliverance. Now I yield, first to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. I want to ask if in your comparison of the British Parliament to the Congress of the United States you have stopped to consider the fact that we have 45 State legislatures and 3 Territorial legislatures that are doing nine-tenths of the legislative business for the United States?

Mr. MOODY of Massachusetts. Yes, I have considered that fact. I did not refer to it. Of course, otherwise we could not do the business of the country.

Mr. HOPKINS. The question I was going to propound to my friend is this: Is it not a fact that in the English House of Commons all legislation is proposed by the Government?

Mr. MOODY of Massachusetts. It is. But, Mr. Speaker, it is equally a fact—and let us face things as we find them—it is equally a fact that our important legislation is proposed by the committees that guide this House. I do not find any fault with it. I believe it is the right system. I believe it is the only system. I believe it is as much evolved out of our conditions as cabinet government has been evolved out of the conditions in England.

[Here the hammer fell.]

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I regret exceedingly to differ with my colleague from Massachusetts upon this important question. An important matter of this kind, it seems to me, should be free from partisanship or selfish interest, and I can not see any valid reason why the majority bill should not be accepted by the House.

Under the provisions of this bill, Indiana, Kansas, Kentucky, Maine, Nebraska, Ohio, South Carolina, and Virginia lose a Representative, while Illinois, Louisiana, Minnesota, New Jersey, and New York gain 1 and Texas 2 Representatives.

If any member of this House can show any political advantage to either party in this arrangement, I would like to see it pointed out. The apportionment is based upon the census figures of the present year, and makes the present membership of the House as the basis upon which the figuring is done.

The result shows that some States have increased their population more than others, and therefore get better results. This is to

be expected, and if certain sections of this country do not keep up with the pace the country is setting they must expect to fall behind, not only in the matter of representation in this House, but in all worldly affairs.

I regret to see the spirit in which this great question is approached by many members of this body. I have been solicited by a great many members to vote for the Burleigh bill, not because it was a good bill for the country at large, but because it favored their particular State or locality. It is a species of logrolling that I regret to see taking place in this body. I think the House of Representatives of the United States ought to approach this great question with an eye to the general welfare of the country rather than with a view to favor any particular section of the country.

We ought to be above the small and narrow policies that govern legislative bodies where selfish interests prevail, and consider this proposition in a broad, intelligent, and honest public spirit. If this course is pursued, I think the wisdom and good sense of the House will defeat the proposition to increase the membership of the House 29 members, as provided in the Burleigh bill.

I listened with a great deal of interest to my colleague's attack upon the Rules of the House. He cited all manner of abuses, and I agree with him in every detail. Does he think, however, that these abuses can be remedied by increasing the membership of this body? Will not the 29 new members which are added, if the proposition which he advocates goes through, make it harder to obtain the ear of the House than it is at the present time?

Every member of this House knows that under the present rules and practice of this body debate upon many measures is farcical. I have known questions of the greatest importance to the people of this country to be shut off with one hour's debate in this Chamber. No matter how important the matter may be that is up for discussion, it is very seldom that more than two days is given for its consideration. How can 357 men discuss intelligently a proposition that remains before them but ten hours? I have witnessed time and time again since I have been a member of this body men pleading and urging for two, three, and five minutes' time to discuss a matter of interest to their constituency and this country. The majority are too arbitrary. More time could be given to public discussion of great matters if the spirit of fair play animated the other side of the House.

If my colleague complains of the abuses that exist, why not remedy them in a proper manner. He is a member of the majority. He voted for the rules that make possible these abuses. Why not display the old spirit that dominated the men from Massachusetts in the days gone by and force your party to give fair play and honorable treatment to the people's Representatives in this great branch of the public service. [Applause on the Democratic side.] The remedy lies in the radical revision of the rules of this House and not in an increased membership.

An addition of 29 members to this body means added confusion and an increased expense to the Government of $200,000, at least. It means the additional trouble of providing committee places for these men, in face of the fact that as Mr. Dalzell of Pennsylvania said this morning, 15 committees had been organized, not for the purpose of doing business, because they never met, but in order to furnish a proper share of committee appointments for each member of the House.

Under the Burleigh bill, Maine gets 4 Representatives for her population of 694,466, an average of 173,616 for each Representative. Massachusetts, with a population of 2,805,346, gets but 14 Representatives under the Burleigh bill when she is entitled to, using 173,616 as a basis of population for each Representative, 16 Representatives. How can my colleagues from Massachusetts vote for a proposition so manifestly unfair to that State? Why are not 173,616 people in Massachusetts entitled to a Representative in the House as well as a similar number in the State of Maine? Under the Burleigh bill Massachusetts has a fraction of 100,896, more than one-half of the number entitling her to an additional Representative. Major fractions do not seem to count in her case, however. The same is true of Iowa, Michigan, New York, Ohio, and Pennsylvania, all of which have these fractions and none of which receive any consideration on that account in the Burleigh bill. This bill, to be just and fair to all the States, should include another Representative for each of these States.

I call these matters to the attention of the House because those advocating the enactment of the Burleigh bill have stated that one of the reasons for the enlargement of the House was to take care of the States with the majority fractions, which receive no consideration in the Hopkins bill.

I understand that the great Republican bosses of the country have taken a hand in this matter and have given orders that the Burleigh bill must pass. Senators HANNA, PLATT, Quay, LODGE, and FAIRBANKS, I understand, have instructed the members from their respective States to vote for the Burleigh bill, and it will be interesting to watch the vote on that account.

Members of the present Congress, as well as those of the former Congresses, since clerks have been authorized for the members of the House, do not do near the personal work that has been done by members of Congress in former days. During the past four Congresses, I believe, an appropriation of $100 per month has been made from the public Treasury for a clerk for each member of the House. This takes a tremendous load and responsibility from every member, and it must be admitted by every member of this body that most of the work done at the Departments, and practically all the correspondence formerly attended to by the members of Congress themselves, is now performed by these clerks.

For this reason it seems to me that members of Congress are better able to attend to the interests of 200,000 persons now than they were years ago, when the average constituency consisted of about half that number. Some members here have advanced the argument that the public business is increasing to such an extent that more members are required to look after it. How do the men who advance this argument harmonize it with the fact that 2 Senators look out for practically the same amount of public business as 10, 20, and in some cases 30 members of Congress? The same matters are considered in both branches.

I think, Mr. Speaker, on the whole, that the House of Representatives has as large a membership at the present time as is consistent with the prompt and orderly dispatch of the public business. I think the people of the United States ought not to be compelled to submit to the additional tax levied upon them by this increase in membership just to further the political ambition of a few men. The time has come, it seems to me, when the members of this Congress should look upon the question from a broad, public-spirited standpoint, and if this is done the House will indorse the bill which has been submitted by the majority of the committee.

Before taking my seat I wish to refer to another matter that has been discussed upon this floor in connection with the apportionment bill. The question of the disfranchisement of the negro vote in certain of the Southern States has given rise to some heated discussions upon this subject. I do not intend to discuss the question at this time, other than to say that I am absolutely opposed to any discrimination on account of race, color, or religion, and also to add that the gentlemen who have stated upon the floor of this House that the Massachusetts statute relating to the qualifications of voters had been copied and was analogous to the statutes in the Southern States where the negroes were disfranchised is not true. I will quote the language of the Massachusetts statute on this question:

> Every male citizen 21 years of age or upward, not being a pauper or person under guardianship, who is able to read the constitution of the Commonwealth in the English language and to write his name, and who has resided within the Commonwealth one year and within the city or town in which he claims the right to vote six calendar months next preceding a State, city, or town election, may have his name entered upon the list of voters in such city or town and shall have the right to vote therein at any such election.

The rest of the section is merely explanatory, and as I have only a moment's time I will not occupy it by quoting further in the section. I might add that a further provision of this section makes an exception of persons who are prevented from reading and writing by physical disability or who had the right to vote on the 1st day of May in the year 1857.

During the debate upon this question in the past two days I have seen the statement quoted repeatedly as coming from members of this House that the statutes of the Southern States followed the lines of the Massachusetts statute, and I take this opportunity of informing the House that the election laws of Massachusetts apply to all classes of citizens alike, and make no distinction between black and white or in favor of or against those of any race or religious belief. Every man, except paupers and insane persons, in Massachusetts is placed upon an equality in this matter and can only enjoy suffrage when he complies with the general law.

In the South, as I understand the law, men who are not able to read and write, but whose father or grandfather voted in 1867, and in some States ancestors more remote than these, are allowed to vote. This is a clear distinction made against the negro, because every intelligent person in the United States knows that no negroes in the South were eligible to vote in 1867.

I am proud to say upon the floor of this House that the laws of Massachusetts in this respect are fair and just to all the inhabitants of the Commonwealth; that the black man is entitled and receives the same consideration that the white man does, and that the people of that State would not tolerate for one moment any law upon the statute books which would make any distinction against the men of any race or extend favors to any particular class of people.

Mr. Speaker, I ask unanimous consent that I may proceed with my remarks.

The SPEAKER. Is there objection? The Chair hears none, and the gentleman from Massachusetts is recognized.

Mr. KLUTTZ. Are not those paupers excepted who have served in the Army in the Massachusetts law?

Mr. FITZGERALD of Massachusetts. Any person who has served in the Army or Navy and becomes a pauper is excepted.

Mr. KLUTTZ. Then all are not entitled to vote?

Mr. FITZGERALD of Massachusetts. Paupers and the insane are not entitled to vote.

Mr. KLUTTZ. I say if they have served in the Army.

Mr. FITZGERALD of Massachusetts. Paupers, if they have served in the Army or Navy, are entitled to vote, as I understand the law.

Mr. KLUTTZ. Why did you not read it all?

Mr. FITZGERALD of Massachusetts. I read as far as I could. I did not have time to read further. That is why I am arguing against increasing the size of the House. We should have more time in order to explain things. If we increase the House 29 members now, ten years from now as many more will be added. Now, we can not lengthen the session so as to sit here all year. The members of Congress will not stay in Washington in the summer time; and ten years from now, when the House consists of 415 members, what is now bedlam will be chaos and bedlam combined.

In conclusion let me say, Mr. Speaker, that I have never sympathized with the great hue and cry that is raised in a great many sections of the country against the black man. He has a soul, a heart, and a conscience. I have observed them under many conditions in my native State, as well as here in Washington, and taking them all in all I have found them a faithful and deserving people.

They stand ready to fight our battles. They are willing and anxious to deserve the good opinion of the white people of this country.

We are all proud of the record of the black regiments in the Spanish-American war, and if the white soldier boys whose lives were saved on San Juan Hill and at El Caney by the heroic and dare-devil work of the black-skinned men who, with gleaming eyeballs and shining teeth, rushed to the assistance of the Rough Riders were here to speak I think they would protest with mighty vigor against the disfranchisement of a race that produced such brave and noble souls. [Loud applause.]

Mr. WM. ALDEN SMITH. Mr. Speaker, I desire to offer an amendment to the substitute offered by the gentleman from Maine.

The Clerk read as follows:

Amend the amendment offered by Mr. BURLEIGH as follows:
In lines 2 and 3 strike out "86" and insert "95;" also, after "Alabama" strike out "9" and insert "10;" after "Georgia" strike out "11" and insert "12;" after "Iowa" strike out "11" and insert "12;" after "Massachusetts" strike out "14" and insert "15;" after "Michigan" strike out "12" and insert "13;" after "New York" strike out "37" and insert "38;" after "Ohio" strike out "21" and insert "22;" after "Pennsylvania" strike out "32" and insert "33;" after "Tennessee" strike out "10" and insert "11."

Mr. WM. ALDEN SMITH. Mr. Speaker, the plan proposed by me and offered as an amendment to the amendment proposed by the gentleman from Maine [Mr. BURLEIGH] fixes the membership of the House at 395, thus increasing the membership 38. This additional number gives to the States additional representation in proportion to their growth and population. Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Iowa, Louisiana, Michigan, Mississippi, Missouri, North Carolina, North Dakota, Ohio, Tennessee, Washington, West Virginia, Wisconsin, each gaining 1 Representative, while Massachusetts, Minnesota, and New Jersey each gain 2 Representatives. Illinois, Pennsylvania, and Texas each gain 3 Representatives, and New York makes a gain of 4 Representatives. This is fair and just to all sections of our country.

It is not based upon party advantage, but gives the States named the advantage to which they are fairly and justly entitled. In fact, Mr. Speaker, this is the only equitable apportionment that I can suggest within reason; while the report of the minority is conceived in selfishness, based upon expediency, and will be sustained, if at all, by the votes of members actuated by personal friendship for the sitting members, who would be more or less affected by the adoption of the majority report and reduced representation.

Mr. Speaker, we are performing a solemn constitutional function to-day, and I am firmly of the opinion that it ought to be along such lines as are fair and just to all sections of the country. We boast of our vast increase of population, and of the numerical strength of our country. Why not let the measure of representation in this great popular assembly, where the rights of the people are safeguarded, go hand in hand with the growth and accumulating strength of the nation? In my judgment it was not contemplated by the fathers of the Republic that one Representative should do the work at this Capitol of a constituency composed in many cases of 250,000 people.

In fact, I do not believe that it is either proper or right to thus limit the people, who can only be heard in a representative capacity. Some of the districts in the State of Michigan are empires in resources, territory, and population. It is impossible for a member of Congress representing a large district to keep in touch with his people, to study their needs, and to perform the service required of him daily in a satisfactory manner. This is not representative government. This is not the plan originally intended.

Mr. WHEELER. I would like to interrupt the gentleman if he will permit me.

Mr. WM. ALDEN SMITH. I must decline to yield, as I have only five minutes. I would make the representation in this body as close to the people and as direct as possible. There is no good argument that can be advanced against increasing the membership of this House. I do not see a single difficulty attending a fair increase of membership. That does not exist to-day. When I first came here I thought that the rules were oppressive. I did not believe that they were necessary.

After six years of service I do no know how the business of the country can be transacted unless each member is willing to yield some of his rights as a member in the interests of the nation, and give right of way to the more important measures affecting the nation as a whole, and I have not a criticism to make upon the present administration of the rules, although I feel at times that they are not quite as elastic as the conditions of the situation demand.

But, sir, I do not feel that we have met the present emergency broadly and fairly if we do not recognize those sections of our country whose growth and importance fairly entitle them to increased representation. The State of Michigan, which I have the honor to represent in part, has increased during the last decade from 1,602,474 to 2,420,000 under the census just completed, an increase of 817,526. This, Mr. Speaker, is a tribute to our strength and attractiveness as a State. This record fairly entitles the State of Michigan to increased representation in this body and in the electoral college when the destiny of our country is so often at stake. Before Maine is entitled to 4 Representatives upon this floor, Michigan is entitled to 13 members upon this floor, even upon the basis proposed by the minority report, and upon the united request of the delegation from the State of Michigan I protest against this inequality and injustice, and urge the House to go one step further, fixing the membership at 395—the only just and fair increase that can properly be made.

The country will approve a just solution of this question, and they will stamp with their condemnation any course, born of mere expediency, which deals out Congressional representation according favor.

Mr. HOPKINS. Before the gentleman takes his seat, I desire to know if this amendment is on the same ratio and on the same proportion as the Burleigh bill, and provides that no State shall lose its Representative?

Mr. WM. ALDEN SMITH. My amendment provides for all the States, and that no State shall lose any of its Representatives; and gives additional representation to those States that have grown in population and strength which entitles them to favor under the last census.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I rise for the purpose of reenforcing, as far as I may in a few minutes, the manifest justice of the amendment now before the House, offered by the gentleman from North Dakota, an amendment for the purpose of giving an additional Representative to the State of Florida, one to the State of North Dakota, and one to the State of Colorado. I think, Mr. Speaker, it comes with bad grace from the gentleman from South Carolina, who is one of the signers of the minority report now before the House, to oppose the amendment offered by the gentleman from North Dakota, because I find this written in the minority report, signed by that gentleman, together with his colleagues:

The anomalous character of this proposed apportionment, as well as its obvious injustice, is clearly demonstrated by the fact that it is necessarily based, in part, upon majority fractions, and yet Colorado with a majority fraction of 121,367, Florida with a majority fraction of 110,807, and North Dakota with a majority fraction of 105,586 do not receive a Representative based upon such majority fraction, while every other State with a majority fraction receives a Representative for such majority fraction.

Now, Mr. Speaker, I do not know what bill will pass the House; but if the Hopkins bill does become law, then it would be a law of manifest injustice, unless these three States each had a Representative to represent its majority fraction, because all the other States with a majority fraction have each a Representative.

Mr. Speaker, the confusion of ideas manifested in the discussion grows out of the fact that gentlemen take the present membership of the House as the permanent or ultimate divisor. It is not right. The present membership, 357, ought to be taken as a trial divisor, for the purpose of arriving at the true divisor, and the true divisor is the number of people which it takes to make a Representative upon the floor.

Now, when you divide the true divisor into the population of each State—and of course it is the people of each State which is represented and not the people of the United States at large—then you get an answer, and that answer is the number of Representatives to which that State is entitled. But there is always

left over a fraction, and you must approximate the true representation by representing the fraction or not representing it. It has been universally agreed that the best approximation to actual and true justice is to let the fraction under one-half go unrepresented and the fraction over one-half go represented.

So that in taking your trial divisor—the present number of the House, or any other number you please—you do not use the true membership of the House; you merely try it and you always get as the true membership something a little over the trial divisor which you use. And so in this case, you would finally arrive at the true membership of 360 upon the basis of the number of Representatives, two hundred and eight thousand eight hundred and something, which you require for each Representative.

Now, Mr. Speaker, that is all I desire to say, but before I sit down I want to thank the gentleman from Massachusetts [Mr. FITZGERALD] for having read the Massachusetts constitution—that part of it from which we copied in Mississippi the provision which now stands as it does in our constitution. He read it for the purpose of showing that it was not analogous, but his reading proved that it was identical.

Mr. FITZGERALD of Massachusetts. Let me say to the gentleman from Mississippi——

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Massachusetts?

Mr. WILLIAMS of Mississippi. Yes.

Mr. FITZGERALD of Massachusetts. In what part of the Massachusetts constitution or laws is the phrase which makes an exception of those whose father or grandfather was entitled to vote in 1867?

Mr. WILLIAMS of Mississippi. No part of it at all. Nor is there any such provision in the constitution of Mississippi. I said the part of the Massachusetts constitution that you read was copied into the Mississippi constitution. I did not say there was not anything in the Mississippi constitution except what you had up there; of course not. [Laughter.]

Mr. FITZGERALD of Massachusetts. I am glad to have the gentleman make that admission. I am certain that he does not wish to give the impression that the laws of Massachusetts in the matter of voting create any distinction between blacks and whites. It is not true, and I wish the House and the country to know that the election laws of Massachusetts apply with equal force to all classes of citizens.

The illiterate white, except those who voted previous to 1857, and they number very, very few at the present time, has no more right to vote than the illiterate black.

Mr. GILLETT of Massachusetts. Mr. Speaker, I find with much regret that on this bill I differ with my colleagues, with whom I ordinarily act in concert, and as I can not convince myself that I am wrong, I wish to state my reasons for voting against the Burleigh bill. If it were merely a question of gratifying the sensibilities or pride of the State of Maine, or of doing a favor to the most able men who represent her now, no man would go further to do it than I, although it does seem to me that just now that State is in a rare condition to accept gracefully that reduction of representation which is always likely to come to any of the older States, because to-day Maine is practically represented here by three men, and last fall one of her districts, by a very unique and extraordinary exhibition of gratitude for faithful and distinguished service, which I am sure we all admire, nominated and elected a hopeless invalid, so that, for at least three sessions, Maine would have had only three members on this floor, if we had not relieved her by a special bill for that most deserving statesman, though in doing it we all felt we were setting a very vicious precedent.

But kindness or even fairness to the State of Maine or to any other particular State is not the issue. It has been abundantly proved that mathematics can not determine any apportionment which shall be universally fair and equal. Some must fare better than others, and I wish I could vote as the Burleigh bill provides, that no State should fare better than the State of Maine. But there is one question which to my mind is controlling, and that is, is not the membership of this House already so large that any increase will reduce the individual influence and usefulness of the members, and also reduce the influence of this branch of Congress? I am very thoroughly convinced that this House is already quite as large as it should be. This objection was obvious to the defenders of the Burleigh bill, but they have met it by arguments quite inconsistent with each other.

The gentleman from Maine [Mr. LITTLEFIELD] argued that the House was not too large now for the orderly transaction of business, and he said a plan had been prepared for putting 30 new seats in this Chamber, so that it would be just as convenient as to-day. I think he is mistaken. I have not drawn a seat in the back row three Congresses out of four without learning that there are many seats where it is impossible to either hear or engage in debate.

My colleague [Mr. MOODY] differs from Mr. LITTLEFIELD, although supporting his bill, and he says the House is too big already, in which I agree with him; but he develops the extraordinary argument that this House is too big to-day, that some remedy is necessary, but that the members do not yet recognize the need of a remedy, and therefore to drive them to that remedy he would make the House bigger yet.

Mr. MOODY of Massachusetts. Mr. Speaker, I know that my colleague does not intend to misrepresent me.

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from Massachusetts?

Mr. GILLETT of Massachusetts. Certainly.

Mr. MOODY of Massachusetts. My position was not that the House was too large, but too large under the present conditions.

Mr. GILLETT of Massachusetts. Certainly. I did not express myself clearly, because I used the word House both for this Chamber and for the body. My colleague argues that in this Chamber the present membership can not properly conduct business. Then the gentleman from Maine, arguing on the same side, entirely disagrees with him. But what does my colleague suggest as a remedy? He says, increase the membership of this body. Then conditions here will be so bad that some change will have to be made, and he hopes that then a majority will agree with him that this Chamber should be greatly reduced, and that we should imitate the English House of Commons.

There are two objections to my colleague's argument. In the first place we have no assurance that what he considers the panacea—a reduction of the size of the Chamber—would ever be adopted, and if it were not, conditions would be vastly worse; the present confusion would be "worse confounded." Our most forceful Speaker in the last Congress attempted to have the experiment tried, but even his autocratic influence could not succeed; and I am afraid that the increment of 30 more seats would not drive the members to abandon their desks. But I do not think my colleague was happy in his comparison to the House of Commons. I think the conditions there are just what we want to avoid, and illustrate clearly the danger in any material increase of membership.

There the whole business of the House is in the hands of a very few men. A large part of the members take no part in the proceedings, seldom appear except to hear an exciting debate or vote in an important division, have no individual sense of responsibility, but trust to the party whip. I think that would be the necessary tendency here if the membership were increased, and that is just what we ought to aim to avoid. Why, in the House of Commons a whole political party of nearly a hundred is absenting itself by concerted action. Do we want such a sense of duty to exist here?

There is already a tendency here, which has occasioned much restiveness, to concentrate the power in a few hands; to allow a small number of leaders to manage business. Do we want that increased? I think not. Yet an increase of numbers must surely increase it.

The philosophical statement of Hamilton, quoted by the gentleman from Maine [Mr. LITTLEFIELD], that the larger an assembly the fewer men will guide it, is still true, and if we increase membership we must still more centralize power and influence. I think true progress is in the opposite direction. I think we should increase the size of the constituencies rather than of Congress. And I think in that way we shall maintain not only the individual influence of the members but the influence of this body. One of the most striking and mischievous tendencies to-day is the increasing power of the Senate compared with the House, and just so much as we increase and dilute our membership so do we decrease our relative influence. For these reasons, although the Burleigh bill benefits my section, although there are personal associations which make it unpleasant for me to oppose it, yet I have been unable to combat my deep conviction that this House is already quite large enough and ought not to be increased. [Applause.]

Mr. HOPKINS. Mr. Speaker, I ask for a vote on the first proposition.

The SPEAKER. The parliamentary situation is as follows: The gentleman from Maine [Mr. BURLEIGH] offers a substitute for the first section. The gentleman from Michigan [Mr. WM. ALDEN SMITH] offers an amendment to the Burleigh substitute. The gentleman from North Dakota [Mr. SPALDING] offers an amendment to the first section, and the first question will be on the amendment offered by the gentleman from North Dakota, which seeks to perfect the first section of the bill.

The question is on agreeing to the amendment offered by the gentleman from North Dakota [Mr. SPALDING].

Mr. BINGHAM. Let it be read.

The SPEAKER. The amendment will be again read, if there be no objection.

The Clerk again read the amendment.

The question being taken, the amendment was agreed to.

The SPEAKER. If there are no other amendments to the first section, the question will now be upon the amendment offered to "the Burleigh bill"—the amendment offered by the gentleman from Michigan [Mr. WM. ALDEN SMITH]. Without objection, that amendment will again be reported for the information of the House.

The amendment was again read.

The question being taken, there were, on a division (called for by Mr. CORLISS)—ayes 85, noes 136.

So the amendment was rejected.

The SPEAKER. The question is now on agreeing to the substitute offered by the gentleman from Maine [Mr. BURLEIGH].

The question having been put,

The SPEAKER said: The Chair is in doubt.

Mr. BURLEIGH and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 166, nays 102, answered "present" 10, not voting 77; as follows:

YEAS—166.

Adams,	Dinsmore,	Levy,	Shafroth,
Aldrich,	Dougherty,	Little,	Shattuc,
Alexander,	Dovener,	Littlefield,	Shaw,
Allen, Ky.	Driscoll,	Lloyd,	Sheppard,
Allen, Me.	Eddy,	Long,	Sibley,
Allen, Miss.	Elliott,	McCall,	Slayden,
Atwater,	Esch,	McCleary,	Small,
Bailey, Kans.	Faris,	McCulloch,	Smith, Ky.
Barham,	Finley,	McLain,	Southard,
Bell,	Fitzpatrick,	McRae,	Spalding,
Bellamy,	Fletcher,	Mann,	Sparkman,
Benton,	Foss,	Metcalf,	Sperry,
Bingham,	Fox,	Miller,	Spight,
Boreing,	Gaston,	Minor,	Sprague,
Boutell, Ill.	Gilbert,	Moody, Mass.	Steele,
Bowersock,	Gill,	Moody, Oreg.	Stevens, Minn.
Bromwell,	Gillet, N. Y.	Morgan,	Stewart, N. Y.
Brundidge,	Graham,	Morrell,	Stokes,
Burke, Tex.	Green, Pa.	Morris,	Sulzer,
Burkett,	Greene, Mass.	Naphen,	Sutherland,
Burleigh,	Griffith,	Needham,	Talbert,
Burleson,	Grout,	O'Grady,	Tayler, Ohio
Calderhead,	Hay,	Otey,	Thayer,
Caldwell,	Hemenway,	Overstreet,	Thomas, N. C.
Capron,	Henry, Miss.	Pearre,	Thropp,
Catchings,	Henry, Tex.	Pearson,	Tompkins,
Clark, Mo.	Hill,	Phillips,	Vandiver,
Cochran, Mo.	Jack,	Polk,	Vreeland,
Cochrane, N. Y.	Jenkins,	Pugh,	Wadsworth,
Cooper, Tex.	Jett,	Quarles,	Waters,
Cowherd,	Johnston,	Ray, N. Y.	Wheeler,
Cromer,	Jones, Va.	Reeder,	White,
Crowley,	Jones, Wash.	Rhea, Ky.	Williams, J. R.
Crumpacker,	Kahn,	Rhea, Va.	Williams, W. E.
Curtis,	Kerr, Md.	Ridgely,	Williams, Miss.
Cushman,	Kleberg,	Rixey,	Wilson, S. C.
Davey,	Knox,	Robb,	Woods,
Davidson,	Lamb,	Roberts,	Wright,
Davis,	Landis,	Robinson, Ind.	Young,
De Armond,	Lanham,	Rucker,	Zenor.
De Graffenreid,	Lassiter,	Russell,	
Denny,	Latimer,	Shackleford,	

NAYS—102.

Acheson,	Fordney,	Lester,	Ryan, N. Y.
Adamson,	Gaines,	Lewis,	Ryan, Pa.
Babcock,	Gardner, Mich.	Littauer,	Scudder,
Ball,	Gardner, N. J.	Livingston,	Shelden,
Barber,	Gillett, Mass.	Loud,	Sherman,
Bartholdt,	Glynn,	Loudenslager,	Showalter,
Bartlett,	Gordon,	Lovering,	Sims,
Berry,	Graff,	Lybrand,	Smith, Samuel W.
Bishop,	Griggs,	McAleer,	Smith, Wm. Alden
Breazeale,	Grosvenor,	McClellan,	Snodgrass,
Brenner,	Grow,	McDowell,	Stark,
Broussard,	Hall,	Maddox,	Stewart, N. J.
Brownlow,	Hamilton,	May,	Taylor, Ala.
Burnett,	Haugen,	Meekison,	Thomas, Iowa
Burton,	Hedge,	Mondell,	Tongue,
Clayton, Ala.	Henry, Conn.	Moon,	Turner,
Conner,	Hepburn,	Mudd,	Underhill,
Cooper, Wis.	Hopkins,	Muller,	Underwood,
Corliss,	Howard,	Norton, Ohio	Van Voorhis,
Dalzell,	Joy,	Packer, Pa.	Wachter,
Davenport, S. A.	Kerr, Ohio	Parker, N. J.	Weaver,
Davenport, S. W.	Ketcham,	Ransdell,	Weeks,
Emerson,	King,	Richardson, Ala.	Wilson, Idaho
Fitzgerald, Mass.	Kitchin,	Richardson, Tenn.	Wilson, N. Y.
Fitzgerald, N. Y.	Kluttz,	Rodenberg,	
Fleming,	Lacey,	Ruppert,	

ANSWERED "PRESENT"—10.

Gibson,	Meyer, La.	Salmon,	Tate.
Lane,	Olmsted,	Stephens, Tex.	
Mahon,	Powers,	Stewart, Wis.	

NOT VOTING—77.

Bailey, Tex.	Brosius,	Clarke, N. H.	Dahle,
Baker,	Brown,	Clayton, N. Y.	Dayton,
Bankhead,	Bull,	Connell,	Dick,
Barney,	Burke, S. Dak.	Cooney,	Driggs,
Boutelle, Me.	Butler,	Cousins,	Foster,
Bradley,	Campbell,	Cox,	Fowler,
Brantley,	Cannon,	Crump,	Freer,
Brewer,	Carmack,	Cummings,	Gamble,
Brick,	Chanler,	Cusack,	Gayle,
Hawley,	Marsh,	Pierce, Tenn.	Swanson,
Heatwole,	Mercer,	Prince,	Tawney,
Hitt,	Mesick,	Reeves,	Terry,
Hoffecker,	Miers, Ind.	Riordan,	Wanger,
Howell,	Neville,	Robertson, La.	Warner,
Hull,	Newlands,	Robinson, Nebr.	Watson,
Lawrence,	Noonan,	Smith, Ill.	Weymouth,
Lentz,	Norton, S. C.	Smith, Iowa	Ziegler.
Linney,	Otjen,	Smith, H. C.	
Lorimer,	Payne,	Stallings,	
McDermott,	Pearce, Mo.	Sulloway,	

So the amendment of Mr. BURLEIGH was agreed to.

Mr. POWERS. Mr. Speaker, I find that I am paired with the gentleman from Alabama, Mr. BANKHEAD. I therefore desire to withdraw my vote and be marked "present." I would say that if Mr. BANKHEAD were present he would vote for the Hopkins bill and I should vote for the Burleigh bill.

The SPEAKER. That last statement is not in order.

The name of Mr. POWERS was again called, and he answered "present."

The following pairs were announced:

Until further notice:

Mr. BULL with Mr. CUSACK.

Mr. FREER with Mr. STALLINGS.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. MAHON with Mr. NEVILLE.

Mr. WATSON with Mr. NOONAN.

Mr. MARSH with Mr. GAYLE.

Mr. MESICK with Mr. LENTZ.

Mr. HITT with Mr. CHANLER.

Mr. HOFFECKER (who would vote for the Burleigh bill) with Mr. STEPHENS of Texas (who would vote for the Hopkins bill).

Mr. TAWNEY with Mr. CLAYTON of New York.

Mr. WANGER with Mr. ROBERTSON of Louisiana.

Mr. STEWART of Wisconsin with Mr. NORTON of South Carolina.

Mr. WARNER with Mr. COONEY.

Mr. BARNEY with Mr. COX.

Mr. GAMBLE with Mr. CAMPBELL.

Mr. CLARKE of New Hampshire with Mr. PIERCE of Tennessee.

Mr. SULLOWAY with Mr. CARMACK.

Mr. BURKE of South Dakota with Mr. DRIGGS.

Mr. SMITH of Illinois with Mr. FOSTER.

Mr. BROWN with Mr. RIORDAN.

Mr. REEVES with Mr. CUMMINGS.

Mr. MERCER with Mr. BRANTLEY.

Mr. PAYNE with Mr. SWANSON.

Mr. CRUMP with Mr. ROBINSON of Nebraska.

Mr. SMITH of Iowa with Mr. MCDERMOTT.

Mr. FOWLER with Mr. BAILEY of Texas.

Mr. HOWELL with Mr. SALMON.

For this day:

Mr. POWERS with Mr. BANKHEAD.

Mr. BUTLER with Mr. BRADLEY of New York.

Mr. WEYMOUTH and Mr. NEWLANDS.

Mr. DICK (who would vote for the Burleigh bill) with Mr. BREWER (who would vote against it).

On this bill:

Mr. BROSIUS with Mr. CONNELL.

Mr. HULL with Mr. BRICK.

Mr. CANNON with Mr. TERRY.

Mr. COUSINS with Mr. OTJEN.

Mr. HEATWOLE with Mr. TATE.

Mr. LANE with Mr. BAKER.

Until January 9:

Mr. GIBSON with Mr. MIERS of Indiana.

Mr. MEYER of Louisiana. I am paired with the gentleman from West Virginia [Mr. DAYTON], and therefore I desire to withdraw my vote.

The Clerk called the name of Mr. MEYER of Louisiana, and he answered "present."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next section of the bill.

The Clerk read as follows:

SEC. 2. That whenever a new State is admitted to the Union the Representative or Representatives assigned to it shall be in addition to the number 357.

Mr. CLARK of Missouri. Mr. Speaker, I have an amendment that I want to offer to that section.

Mr. HOPKINS. Before that is offered, I will ask my friend from Missouri to yield for a moment, until the gentleman from Kansas [Mr. LONG] can offer an amendment to make this section conform to the preceding section.

Mr. CLARK of Missouri. I will withdraw it, but I do not want to lose my place.

Mr. HOPKINS. You shall have it.

The SPEAKER. The chairman of the committee desires the gentleman from Kansas to offer the amendment?

Mr. HOPKINS. Yes.

Mr. LONG. I move to strike out "fifty-seven," at the close of the section, and insert "eighty-six," so as to conform to the first section of the bill as amended.

The Clerk read as follows:

On page 2, section 2, lines 11 and 12, strike out "fifty-seven" and insert "eighty-six."

The SPEAKER. This makes it conform to the action just taken by the House?

Mr. LONG. It does.

Mr. HOPKINS. Yes.

The amendment was agreed to.

Mr. CLARK of Missouri. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend the amendment by adding the following words:

"That the District of Columbia is hereby created a Territory by the name of the Territory of Columbia.

"SEC. 2. That all male citizens of said Territory over 21 years of age who have not been convicted of a felony and who have resided within said District one whole year prior to the first Tuesday after the first Monday of November, A. D. 1902, are qualified electors to vote for all Territorial officers and upon all Territorial questions.

"SEC. 3. That the existing District government shall continue until January 1, 1903, and the laws now in force shall continue in force until changed or repealed by the Territorial legislature.

"SEC. 4. That prior to January 1, 1903, the President of the United States shall appoint a governor, secretary, and marshal for said Territory from among the qualified voters thereof, who shall hold their offices for a term of four years from said 1st day of January, A. D. 1903, unless sooner removed for good and sufficient cause.

"SEC. 5. That the legislature of said Territory shall consist of a senate and house of representatives. The senate shall be composed of 11 members, who shall be qualified voters of said Territory at least 30 years of age, whose term shall be four years. The house shall be composed of 22 members, who shall be qualified voters at least 25 years old, and whose term shall be two years.

"SEC. 6. That the said Territory shall be entitled to a Delegate to the House of Representatives in the Congress of the United States.

"SEC. 7. That it shall be the duty of the present Commissioners of the District forthwith to divide the said Territory into 11 legislative districts, as nearly equal in population as possible, each of which shall be entitled to 1 senator and 2 representatives in the Territorial legislature.

"SEC. 8. That on the first Tuesday after the first Monday in November, 1902, an election shall be held within said Territory for the purpose of electing senators and representatives in said Territorial legislature and a Delegate to the Congress of the United States.

"SEC. 9. That it is hereby made the duty of said Commissioners to provide polling booths, poll books, tally sheets, printed ballots, and other appliances necessary for said election, and to appoint judges and clerks for the same in such numbers as to them shall seem best: *Provided, however*, That not more than one-half of such judges and clerks shall be appointed from one political party.

"SEC. 10. That election returns shall be certified to said Commissioners, and they shall canvass the same and issue certificates of election to those elected.

"SEC. 11. That each house of said legislature shall be the sole judge of the election and qualification of its members.

"SEC. 12. That at high noon, January 1, 1903, both houses of said legislature shall meet at places prepared by said Commissioners and shall organize for business by electing such officers as shall be necessary, and may continue in session for ninety days, and no more.

"SEC. 13. That senators and representatives in said legislature shall receive $10 per day during the session, to be paid out of the revenues of said Territory.

"SEC. 14. That said legislature shall have power to enact all necessary laws, to levy taxes, to disburse the revenues, to do all things usually done by Territorial legislatures, and to provide for the election and appointment of all subordinate officers, and to fix their compensation."

During the reading of the foregoing,

Mr. HOPKINS said: Mr. Speaker, enough of that has been read to indicate that it is clearly objectionable. I make the point of order against it that it is not germane to this bill.

The SPEAKER. The point of order is sustained.

Mr. CLARK of Missouri. I have the right to have that read in my time.

The SPEAKER. The point of order is sustained; but the Chair will recognize the gentleman from Missouri if he desires.

Mr. CLARK of Missouri. I want to have that read in my time. I believe I am entitled to five minutes.

The SPEAKER. It can not be done now except by unanimous consent. It is out of order.

Mr. CLARK of Missouri. I will ask the House, then, that the amendment be published in the RECORD, and I desire to state the substance of it.

The SPEAKER. The gentleman from Missouri asks unanimous consent that this amendment be published in the RECORD. Is there objection?

There was no objection.

Mr. CLARK of Missouri. Now, I want five minutes.

The SPEAKER. The gentleman from Missouri is recognized for five minutes, if there be no objection.

There was no objection.

Mr. CLARK of Missouri. Mr. Speaker, the part of that amendment that is pertinent to this bill is to give the District of Columbia a Delegate to sit in this House. Ever since I came here I have been in favor of that proposition, and all I have witnessed confirms me in that opinion.

It is a disgrace and reproach to the American Republic that right here under the shadow of the Dome of this Capitol 300,000 people, white, black, yellow, and copper-colored, are absolutely disfranchised and have no more voice in their own Government than if they were so many Digger Indians. The only objection that I have ever heard to my proposition was the statement of some fine-haired solar-walk citizens of this city that "if the right of franchise were restored to these people the poor whites and damned niggers would vote them into bankruptcy." That is a very strange statement to be made in this city—the finest capital in the world.

You can not walk 300 yards in this city without seeing the effigy of either Andrew Jackson or of Abraham Lincoln. To say that poor whites are dangerous voters in this country, which holds up those two illustrious men, sprung from the poorest of poor whites, as exemplars of American manhood is absolutely preposterous. A wag out in Missouri told me that when Andrew Johnson was sworn in as Vice-President, in looking up at the Senate diplomatic gallery, he happened to catch sight of the representatives of the foreign governments up there, and, shaking his fist at them, said: "You aristocratic cockadoodles, go back to your royal masters and tell them that in the land of the setting sun you saw a tailor and a rail splitter climb to the apex of human power." [Laughter.] That is a gorgeous sentence—a patriotic sentiment.

Whether he ever said it I do not know. However that may be, it was worthy to be said, because in that idea is the genius of our institutions. And I want to say, Mr. Speaker, that if a "nigger" is good enough to vote against me in the Ninth Congressional district of Missouri, he is good enough to elect a Representative for the city of Washington to sit on this floor. [Applause.]

We have always professed that we are in favor of "home rule." Our desire to see the Cubans have home rule lay at the root of the Spanish war. We are all in favor of home rule for Ireland, and a vast majority of the American people, irrespective of party affiliations, wish to see the brave, heroic Boers win in their unparalleled fight for home rule. Yet, with persistency which is amazing and inconsistency which is enigmatical, we refuse to grant the precious boon of home rule to our own fellow-citizens at our very doors. It is not only an anomaly in our system of government; it is an anomaly in human nature.

I do not believe that the people of this District are unfit for self-government. They have a fine opportunity for educating themselves in that difficult art. They hear more politics and talk more politics than the people of any other portion of the Republic. Things are always happening here to incite their patriotic fervor. The monuments of our achievements and our greatness are all about them. The visible evidences of our power are forever before their eyes. The glorious traditions and fascinating legends of American worthies who have passed into history are familiar to their ears. The numberless blessings of our free institutions are known to them. To say that they are unfit to govern themselves is to confess that our experiment in representative government is a colossal failure.

Mr. Speaker, you may rule this bill out of order now, but if I sit in this House long enough, I intend to bring this bill here in a way that it will have ample discussion, and whenever it does I will drive the Republican majority of this House into taking the position openly on this floor that the negroes are not fit to vote at all, because that is the idea that they have in disfranchising the people of the District of Columbia, though, for political reasons, they dare not avow it. And in this connection I have only one wish, and that is to be in this city on the day that they elect the first Delegate to sit in the American Congress.

There would be 500 candidates at the least calculation. It would be a battle royal, to witness which would be worth ten years of peaceful life; and it is the saddest commentary ever made on free government that we sit here and refuse to these people the right to govern themselves—to indulge in the luxury of voting and being voted for. A gentleman said to me the other day that this was the best governed city on the continent, when I was talking to him about this bill. Suppose it is. Every city has a right to govern itself as it pleases. If it wants to let the hoodlums run it, all well. The only reason that the hoodlums run any town on the American continent is that the fine-haired people, the self-styled "better classes," think they are better than other people. They are unwilling to be jostled by a hoodlum on the day of election.

Mr. KLUTTZ. The mugwumps?

Mr. CLARK of Missouri. Yes, the mugwumps, or jugwumps, as Sam Jones calls them. These fine-haired people are too good to discharge their political duties. They stay at home in idleness, clothed in his mantle of self-righteousness, while the hoodlum discharges not only his own political duty, but also the political duty of the fine-haired citizen. I repeat it, Mr. Speaker, and it is the last I have to say about it at present, that you can rule this amendment out of order now, but the day will come when this bill will be, must be, considered here. [Applause.]

The SPEAKER. The time of the gentleman from Missouri has expired. The Clerk will proceed with the reading.

The Clerk read as follows:

SEC. 3. That in each State entitled under this apportionment, the number to which such State may be entitled in the Fifty-eighth and each subsequent Congress shall be elected by districts composed of contiguous territory and containing as nearly as practicable an equal number of inhabitants. The said districts shall be equal to the number of the Representatives to which such State may be entitled in Congress, no one district electing more than one Representative.

The following committee amendment was read:

In line 16, after the word "contiguous," insert the words "and compact."

The SPEAKER. This is a committee amendment.

Mr. TAYLER of Ohio. Mr. Speaker, I demand to be heard.

The SPEAKER. Does the gentleman offer an amendment?

Mr. TAYLER of Ohio. I move to strike out the last word.

Mr. HOPKINS. There is a committee amendment pending.

Mr. TAYLER of Ohio. I understand that there is a committee amendment pending, and I merely offer the formal amendment for the purpose of making an opportunity to record my objection to this kind of legislation on apportionment bills. The only power the House has is to fix the apportionment and the number of Representatives to which the several States are entitled. Congress has no power to say how the districts shall be laid off, whether in contiguous territory or of as nearly equal population as practicable; that duty rests upon the States, and upon them alone.

The right to declare that Congressional districts shall be laid off out of contiguous territory and of as nearly equal population as practicable implies, of course, the power to revise any infraction of the law; and the power to revise implies the power to initiate, and would give to Congress the right to lay off into districts all the States of the Union. This, it seems to me, is too monstrous a doctrine to be for a moment tolerable.

I know that for fifty years such provisions as these have been incorporated in apportionment bills, but no State has ever permitted itself to be bound by them.

Since such legislation has always been nugatory, I attach no especial importance to this effort, and it is hardly worth while wasting the time of the House at this late hour in endeavoring to convince it of the invalidity of these sections.

Having, however, recorded my objections to them as unconstitutional and void, I withdraw the amendment.

Mr. SPIGHT. Mr. Speaker, I had hoped that in this era of good feeling and in the first month of the new century the passions and prejudices engendered by the civil war, now happily more than a third of a century behind us, had been forever buried. I had hoped that no legislation would be suggested or proposed in this House that would even tend to revive that feeling of bitterness or to reopen those old wounds. I had hoped that the spirit of harmony and good will between the North and the South, so earnestly advocated by President McKinley on several notable occasions, would be permitted to flow on without interruption, "yielding the peaceable fruits of righteousness."

I am glad of the assurance that the President, in the kindness of his heart and the generous disposition which animates him, is now opposed to any such punitive legislation as that embodied in what is known as the "Crumpacker bill," proposing to arbitrarily strike down a part of the representation on this floor of four sovereign States of the Union because those States are unwilling that the pure, honest, intelligent administration of their local government shall be again jeopardized by the rule of vice, corruption, and ignorance.

Having drunk to its dregs this bitter cup during the dark days of the reconstruction period, we never intend to swallow it again, and there is no power on earth that can make us do it. Our brethren of the North do not understand the conditions which confront us, nor can they have any reasonable conception of the horrors of carpetbag rule as it existed in Mississippi and other Southern States from 1869 to 1876. Big-brained, big-hearted old Horace Greeley, from his tripod in the Tribune office, could not believe that the half that was told was true until he visited the South and satisfied himself; and when he returned home he wrote the historic words, "I found the carpetbagger a mournful fact."

Many other conservative Republicans, some of whom I am glad to find occupying seats upon this floor and in the other end of the Capitol, have, like Horace Greeley, investigated for themselves, and now freely admit that in several of the Southern States the overshadowing and impending peril is negro supremacy, which means a destruction of all the highest and best interests of the people of those States; and I have confidence that when the test is applied they will have the courage of their convictions, rise above passion and prejudice, and, instead of viewing the matter from the standpoint of mere partisan advantage, look at it in the light of broad statesmanship and justice to a long-suffering people who are to-day as loyal to the flag of a reunited country as those of any State in this great Republic.

I come from a proud State. I love her people and all their interests. I love her hills and her valleys, her murmuring rills and her rolling rivers, and her mighty "Father of Waters," upon whose majestic bosom is borne the commerce of half a continent. No braver men nor fairer women dwell beneath the shining sun than are to be found in Mississippi. During the fateful days from 1861 to 1865 her sons illustrated their heroism upon a hundred bloody fields, and the devotion of her women in those perilous times has never been surpassed in the annals of history. But when the war was ended we accepted in good faith the arbitrament of arms, and if anything was wanting to prove the loyalty of the Southern people, I need only to refer to what has passed into history during the last two years.

Men who wore the gray so proudly and valiantly in 1861 have been found fighting under the flag of the Union. Sons of the men who wrote the brightest pages in the martial history of the world freely enlisted under the banner of a reunited country, ready to dare, to do, and to die for the honor and glory of the great Republic; and some of the richest blood of the South has been poured out upon the decks of our battle ships and upon sanguinary fields, and to-day wherever our armies are found confronting an enemy there sons of the South vie with their Northern brothers in deeds of heroism and patriotic duty.

We of the South have a problem to solve, the gravest that ever confronted a proud-spirited people, and all that we ask is to be let alone in our efforts to work it out, and in God's own time, guided by enlightened statesmanship and the spirit of the Divine Master, we will solve it to the mutual advantage and satisfaction of both races. The Crumpacker bill proposes to take from the State of Louisiana 2 of her present Representatives in Congress, reducing her from 6 to 4; from Mississippi 3, reducing her from 7 to 4; from North Carolina 4, reducing her from 9 to 5, and from South Carolina 3, reducing her from 7 to 4, and at the same time increasing the representation of other States so as to make the membership of the House 365 instead of 357, as now constituted.

And why is it sought to thus degrade and dishonor these four proscribed Southern States? Solely because they have, by constitutional amendments, endeavored to protect themselves against the possible danger of a return to power of the vicious and ignorant elements in our midst and open the door to another flock of foul birds of prey like those which feasted and fattened upon the substance of our people in the reconstruction period.

In the further discussion of this subject, Mr. Speaker, I shall confine myself to the conditions in Mississippi, and to showing the fallacies of the arguments which have been employed by gentlemen who favor this repressive legislation. Some of these are so manifestly without solid foundation that I can only believe they are the result of want of information. I do not charge them with intentional unfairness, but whether with deliberate purpose or from want of information, the effect is the same if allowed to go unchallenged.

These gentlemen have made the Congressional vote in 1898 the basis of a charge that an enormous percentage of our people are disfranchised and a test of the number of qualified voters in the State of Mississippi. If gentlemen had taken the pains to inform themselves, they must have learned that they reasoned from absurdly false premises. They would have learned that several causes combined to record so small a vote in that year. In the first place, in Mississippi we have a primary-election law under which most nominations are made, and after this has been done, there being practically no opposition in the general election, there is no inducement to a full vote; and this applies to all our elections, whether State or Federal.

In the second place, we have quadrennial elections for all State, district, and county officers, and these elections are wholly divorced from Federal elections and never occur in the same year, so that every four years we have an election for members of Congress alone. This was the case in 1898, and there was nothing to call out a full vote. As a matter of fact, only about one-sixth of the registered vote was polled. As an illustration, which will hold good throughout the State, the registration books showed in the district which I have the honor to represent that in the 9 counties composing that district, as I get it from the report of the secretary of state made to the legislature in 1897, there were 18,450 registered voters, whereas in the Congressional election of 1898 there were polled only 3,174.

Therefore it is not only untrue but utterly without foundation in fact that this light vote has any bearing upon the question of disfranchisement, when there were more than 15,000 registered voters in the district who did not avail themselves of the right to vote. How many failed to register for reasons similar to those which prompted the 15,000 who were registered to decline to vote we have no means of ascertaining, but undoubtedly a large number. It does not cost a man anything to register in Mississippi, except the time it takes to go to his voting place and meet the county registrar, who is required by law to attend at such place on appointed and published days for the purpose of adding the names of those who desire to register.

Then again, Mr. Speaker, the vote for different candidates at the same election varies. For instance, in the Presidential year of 1896 the vote for electors was 69,513, while the Congressional vote on the same day was only 66,285.

In 1900 the Presidential vote was a little more than 59,000, while the Congressional vote, by districts, was only 51,238, a difference of nearly 8,000 votes on the same day.

In 1892 the first Presidential election after the adoption of our present constitution, which has been so vigorously and unfairly assailed upon this floor, was held, and the vote for electors was only 52,809, and four years later, in 1896, as I have before stated, it was 69,513, an increase of nearly 13,000 votes.

To show again the fallacy of the arguments of these gentlemen, I will present some figures on our State elections for a number of years.

In the last State election before the beginning of the reconstruction period, which was held in 1865, Gen. B. G. Humphries, a gallant, maimed ex-Confederate soldier whom everybody loved, was the Democratic candidate for governor, and there was only a total of 41,880 votes polled. In 1869, when the first election was held after the enfranchisment of the negro, Gen. James L. Alcorn, a "home Republican," and a man of decided ability and some conservatism, was the candidate of the Republican party, and Louis Dent, a brother-in-law of General Grant, was the candidate adopted by the Democrats. In this election there was a total of 114,784 votes polled. In 1873, General Ames, late of the United States Army, who had been sent there as military governor and decided to remain and dip his oar into the murky pool of politics, was the nominee of the carpetbag fraternity, of which he was then a most conspicuous member, while Governor Alcorn, who had become thoroughly disgusted with carpetbag methods, was a candidate for reelection and was supported by most of the Democrats and a few conservative Republicans.

In this election there were polled 110,857 votes, a loss, as compared with the election of 1869, of nearly 4,000. Alcorn was defeated by about 19,000 votes. I will stop here to say that this fight of Governor Alcorn against Ames and his carpetbag lieutenants was the entering wedge toward the destruction of the power of the gang of robbers who were holding high carnival in offices in which many of them were not fit to serve as janitors. Governor Alcorn retired to his plantation, but in 1890 was called by the people of his county to serve in the convention which framed our present constitution and supported and voted for it as it stands to-day.

With the election of Ames in 1873 there was inaugurated the darkest period of two years that Mississippi ever knew. Flushed with victory, mad with power, and with an overwhelming majority in the legislature composed of ignorant negroes, unscrupulous carpetbaggers, and a sprinkling of "scallawags"—a name applied to native white Republicans who joined hands with this detestable conglomeration—they reveled in excesses and burdensome legislation as if determined to reduce the white property owners and taxpayers to a condition of pauperism, and at the same time impose upon them terms so humiliating that no proud people in any State in this Union would have borne them. I happened to be one of the few Democrats in that legislature of 1874–75 and I know whereof I speak.

We not only knew that we were being systematically and persistently robbed, but we were compelled to look on, powerless and helpless, while it was being done, and to see the house our fathers built desecrated and befouled by as filthy a flock of vultures as ever gathered around a carcass. It is a significant fact, so far as my information extends, that not one of those carpetbaggers who returned home after 1875, or any of their kith or kin, or even any bearing the same name, have ever, by the choice of the people of any Northern State or community, been clothed with any office of honor, or trust, or emolument. This must be due to the fact that where they were best known they were regarded as unworthy.

Now, if you, my Republican friends, could bring yourselves to a realization of what we of the South had to endure in those times, you could understand why we were driven to desperation and in defense of our little property, our homes, our lives, and our honor were compelled to resort to methods in elections the necessity for which we regretted, but which was better than violence and bloodshed. I must not be understood as apologizing for Mississippi. She has nothing to apologize for. She needs no apologist.

In 1875, when "forbearance had ceased to be a virtue," and we realized that a change must be made in the administration of the government or ruin would be the inevitable result, the law-abiding, taxpaying citizens of the State determined that this unholy and degrading state of affairs should end. What I have described as occurring in the State legislature was repeated, only on a smaller scale, in every county in the State having a negro majority.

Gen. J. Z. George, one of the noblest, ablest, and purest men that ever represented Mississippi in the Senate of the United States, as chairman of the Democratic State executive committee led the fight for the election of a Democratic legislature in 1875. His great power of organization and splendid executive ability, reenforced by a corps of able and patriotic assistants, and grim determination on the part of the people won the victory, and in January, 1876, there assembled at the seat of government the most distinguished body of legislators that ever served the State.

Generals, ex-judges, eminent lawyers, wealthy planters, men of all professions and vocations, and all of the highest character, had laid aside more profitable private business and accepted seats in the legislature with one object only in view, and that to "cleanse the Augean stables," drive out the thieves and corruptionists, and restore the government to the people who paid the taxes. With the exception of two, every State officer, from governor down, was either impeached or resigned to avoid impeachment, and left the State followed by a horde of other carpetbaggers from every county, with pockets well filled with ill-gotten gains. It is worthy of remark that one of the two State officers who were found worthy to serve out their terms and to whose door no corruption could be traced, was the secretary of state, a native negro, who had been educated and trained by a former "young mistress."

Since 1875 elections in Mississippi have been as fair as in any State in the Union.

After the removal of Ames in 1876 John M. Stone, the president of the senate, became governor by operation of the constitution, and the administration of this high officer was so pure, able, and patriotic that in 1877 he was elected governor without opposition, receiving nearly 98,000 votes.

In 1881 Gen. Robert Lowry was nominated by the Democrats. He was opposed by a "home" man who claimed to be an "Independent Democrat," and who was supported by a part of the negroes and a large and respectable farmers' organization, which was the forerunner of the Populist movement in Mississippi. Lowry was elected by a majority of about 40,000 in a total vote of 129,511—the largest vote ever polled in the State, either before or since.

In 1885 Lowry was reelected without opposition, receiving a vote of nearly 90,000, which was a loss of nearly 40,000 as compared with that of 1881.

In 1889 Stone was again elected without opposition by a vote of 84,945.

It is proper to state here that the carpetbagger and professed friends of the negroes had industriously instilled into the minds of the too credulous negroes the belief that if the Democratic party ever got into power again they would be returned to slavery, and that, like the man into whom eight devils returned after one had been cast out, their "last state would be worse than the first." But in 1885 a Democrat was inaugurated President of the United States, and we had been blessed with nearly ten years of Democratic State administration, and the negro had learned that his freedom was an accomplished fact, and that he was just as safe under Democratic as under Republican rule, and as a result he commenced to take less interest in politics, especially as he was no longer under the baleful influence of the carpetbagger.

In 1895 the first State election was held under our present constitution, in which there were polled 64,339 votes, a loss of about 20,000, as compared with the election of 1889, the constitution of 1890 having extended the terms of all State officers two years.

In 1873, when the vote was 110,000, the population, as shown by the census of 1870, was about 830,000. Calculating on the basis of one-fifth of this number being males 21 years of age and over, would show a total of more than 165,000, and also that there were 55,000 who did not vote, in the absence of any restriction upon the suffrage.

In 1881, when the unprecedented vote of nearly 130,000 was polled, the population, as shown by the census of 1880, had increased to 1,131,597 which, on a basis of 1 in 5, would have given as the number of males 21 years old, 226,319, showing that nearly 100,000 did not vote.

The registered vote in the State is now about 130,000, and I have shown that not more than half, and frequently less than half, of that number avail themselves of their right to vote. So it will be seen that neither the number of males 21 years old, nor the number who are registered, nor the number who vote can be relied on as a test of the extent of disqualification under our constitution.

I will not stop to answer the charges of the gentleman from Indiana [Mr. CRUMPACKER] about lynchings in the South. It comes with poor grace from him in view of the fact that less than a month ago, in his own State, three negroes were run down with bloodhounds and lynched for killing a white barber; and it is said by newspapers that the mob consisted of the best citizens of a town of 2,000 or 3,000 inhabitants. Most of the lynchings in the South are for rape and attempts to commit rape. While I do not want to be understood as advocating mob law, I will say that just as long as negroes, or white men either, commit rape

upon white women, just so long will lynchings continue. The honor of our women is dearer to us than everything else in this life, and dearer than life itself, and when one of these brutes lays his hand upon one of them swift and certain death will follow without waiting for court, judge, or jury.

Now, as to the merits of the bill under consideration, I say that our representation can not be reduced with any degree of intelligence or fairness, because neither the Census Committee of the House nor the Census Bureau has the necessary information upon which to base such action, nor can it be obtained. In the absence of such information a reduction of our representation would be arbitrary and in violation of the very clause of the fourteenth amendment to the Federal Constitution which gentlemen profess to be so anxious to obey.

The Director of the Census was not required, nor has he undertaken, to furnish the number of voting or nonvoting citizens; the number of disqualified citizens; the number in each disqualified class; the number who voluntarily refused or neglected to vote; the number who, through absence from home or from sickness, failed to register or vote; the number who are disqualified for being unable to read or understand any section of the Constitution when read to them; the number who are disqualified on account of crime, etc. These are facts which must be presented to the House before any intelligent action can be had, and there is no way under the Heavens by which this necessary information can now be obtained.

I say, therefore, that Congress can not, without injustice and disregard of the spirit of the Federal Constitution, enact any law along the lines proposed by the Crumpacker bill or any similar measure. If it should become the fixed purpose of Congress to reduce our representation, it must, when providing for the taking of the next census, require the Director to obtain the information which would enable Congress to act intelligently. In no other way can it be done. It would not do to undertake that now as a supplemental work to the Twelfth Census, because the Constitution provides only for one census every ten years, and that has been taken. Even if this were permissible, just think what a herculean and costly job it would be! There are about 50,000 election precincts in the United States, and an army of 50,000 expert agents would be required for this work, at an enormous cost to the Government.

The Mississippi constitution, largely the product of the masterful intellect of United States Senator J. Z. George, who was a member of the convention, and one of the ablest, noblest, and purest men, as well as one of the most profound constitutional lawyers of his generation, has stood the test of all the courts, State and Federal, and it is now universally conceded that it is in no sense an infraction of the Constitution of the United States.

In addition to the educational tests and the payment of all taxes the franchise clause of our constitution specifies the following crimes, conviction of any one of which disqualifies from registration and voting, viz: "Bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement, and bigamy." This feature is fully authorized by the fourteenth amendment, which declares, in effect, that any State may disfranchise such as have been convicted of any crime without suffering the penalty of having representation reduced on account of such disfranchisement. This will not be denied by anyone.

Now, there are several crimes in this list to which the negro is peculiarly addicted. There are many honest, worthy, law-abiding negroes, and what I may say in this connection is in no sense a reflection upon them; and all such have the respect and confidence of the white people and receive from them the fullest encouragement, the gentleman from Indiana [Mr. CRUMPACKER] to the contrary notwithstanding.

Every man who is at all familiar with the character of the negro knows how prone he is to steal anything from a watermelon or a chicken to a bale of cotton or a horse. It will be observed that the Constitution does not limit the disqualification to grand larceny, but applies to the stealing of anything of any value, whether great or small, and thousands of negroes and some white men are disfranchised for this crime alone. Perjury is another crime of most frequent occurrence, as it is well known that most negroes who come into the courts as witnesses, and some white men, have no conception of the sanctity of an oath. Everyone who knows anything of negro habits and characteristics knows also that, as a rule, they have but little regard for the sacredness of their marital vows, and do not wait until they are "off with the old before they are on with the new."

The other crimes which disfranchise are also of frequent occurrence. Now, I ask, how can any member of this House say how many males 21 years of age and over are disfranchised because of crime? There are a thousand in our State penitentiary and other thousands who have paid the penalty of the law and are at liberty, but with the disqualification clinging to them. Every year hundreds are being added to this list from the courts all over the State.

I lay down this incontrovertible proposition, that education, frugality, and honesty are the remedies for the negro as well as for the white man, and they furnish the key which unlocks the door to the elective franchise.

It has been intimated by gentlemen in the course of this discussion that Mississippi is not doing her duty in the way of common-school education. I deny it most emphatically. It is true that we do not appropriate as much for this purpose as is available in States whose people have had none of our bitter experiences. The great destruction of our property—not counting the emancipation of our slaves—during the civil war left us poor indeed, and the unblushing robbery of our people under carpetbag government well-nigh completed our impoverishment. But, according to financial ability, we are doing as much for the cause of education as our more highly favored sister States of the Union.

The last report of the State superintendent of education shows that about the sum of $1,500,000 is annually appropriated for common schools, and in addition to this, large appropriations for colleges and other institutions of learning, some of which are for the exclusive education of negro boys and girls in the higher branches. In addition to all this, the State law authorizes the counties and separate school districts to levy and collect taxes for an additional school fund, and many of them avail themselves of this power.

In every neighborhood in the State there are open free public schools from four to eight months in the year for children, white and colored, between the ages of 5 and 21 years; and the money that pays the expenses of these schools is furnished almost entirely by the white taxpayers of the State; and, although the number of negro children in these schools largely exceeds the number of white children, the negro pays less than one-tenth of the taxes. During the scholastic year of 1898–99, as shown by the last report of the State superintendent of education, the enrollment of white children in the free schools was 167,178 and the colored enrollment was 192,368.

The increase of interest in education amongst whites and blacks is very marked. You can scarcely find a young white man now in Mississippi who has not sufficient education to enable him to read and write, and very many of them are not content with this, but reach out for higher education. This is measurably true of the young negroes, and they are taking more interest by far than their race has ever before manifested.

There are thousands of negroes in Mississippi who could qualify as voters, but fail to do so because of want of interest, and prefer to devote themselves to the improvement of their condition along more profitable lines rather than dabble in politics; and I venture the assertion that when the report of the Twelfth Census is made public it will be found that the percentage of illiteracy in Mississippi has been largely decreased as compared with the census of 1890; and under present conditions this percentage of illiteracy will continue to rapidly decrease. If you undertake this business of reducing Southern representation on account of the educational test you will have to practice on a sliding scale and that an ascending one.

As to the condition of the negro in Mississippi, it is the judgment of every thoughtful, observant man familiar with the situation that, out of politics, the negro is far happier and more prosperous than ever before and fewer loafers are found around the towns.

In conclusion, Mr. Speaker, I repeat what I said before, let us alone, and we will work out our destiny profitably and honorably to the white people and satisfactorily to the negro; but if Congress should, in its mistaken zeal for the advancement of the negro and the humiliation of the white people of the proscribed Southern States, do what I don't believe this House intends to do—impose upon us this punitive legislation—let me sound a note of warning—not a threat—that in doing so you may "kill the goose that lays the golden egg" for the negro.

Beware that when you thus dishonor us you do not drive our people to retaliation and cause them to withdraw the white man's money from the black man's children. If we are to be sorely stricken by you on one cheek over the shoulder of the negro, you need not be surprised if we are lacking in that Christian grace which would prompt us to turn the other. And if, by your misguided policy, you should bring this affliction upon the negro, you may live to hear curses loud and deep from the unfortunate people whom you profess to befriend. Already in some quarters mutterings are heard that the "white man's burden" is too great, and that the negro should educate his own children. Unwise and repressive legislation by the Republican majority in Congress would, beyond doubt, intensify this feeling, and by such course you may let loose a storm that will prove disastrous to the educational interests of the negro.

That we will retain our constitutional restriction upon the right of suffrage you need not entertain a doubt. We are determined never again to allow ignorance and venality to control the administration of our State affairs. You have the political power, by force of numbers, to take from us a part of our representation

upon this floor by applying to us a rule different from that applied to other and older States of the North having constitutions which disfranchise a part of their citizenship, but you can not compel us to tear down that which stands and shall ever stand as a breakwater between our property holding, taxpaying classes and the ruin which always attends the domination of vice and ignorance. [Applause.]

Mr. HOPKINS. I ask for a vote on the committee amendment.

Mr. KITCHIN. I hope the gentleman will not do that at this time.

The SPEAKER. The Chair recognizes a member of the committee, the gentleman from North Carolina [Mr. KLUTTZ], in opposition to the committee amendment.

Mr. KLUTTZ. Mr. Speaker, I believe the question before the House is the adoption of the committee amendment to insert the words "and compact?"

The SPEAKER. The gentleman is correct.

Mr. KLUTTZ. I want to say, sir, that while I signed that report I indicated to the gentleman from Virginia [Mr. RIXEY], when I addressed the House on the bill, I then doubted seriously the propriety of the insertion of the words. Further reflection has convinced me of the fact, as stated by the gentleman from Ohio [Mr. TAYLER], that it is unconstitutional and beyond the power of Congress to so impinge upon the power of the State.

In the next place, I believe that it is unadvisable to do so, because it would raise unnecessary and troublesome questions hereafter in cases of contest. While I do not believe Congress would have the right to determine whether the districts were or not compact, I believe a partisan majority, whatever party might be in predomination here, would assume that right and deprive the duly elected Representatives of their seats.

I hope, therefore, that this amendment will not prevail.

Mr. ROBINSON of Indiana. I would like to ask the gentleman a question.

The SPEAKER. The question is on the adoption of the amendment.

Mr. HOPKINS. I ask for a vote.

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Indiana?

Mr. KLUTTZ. Yes.

Mr. ROBINSON of Indiana. I simply desire to correct a statement. I think it was a misapprehension. The gentleman from North Carolina, in response to the gentleman from Virginia, stated that the Burleigh bill did not contain this provision. The provision is in the Burleigh bill.

Mr. KLUTTZ. I corrected that afterwards.

The SPEAKER. The question is on the committee amendment.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. HOPKINS. Division, Mr. Speaker.

The House divided; and there were—ayes 109, noes 98.

Mr. RICHARDSON of Tennessee. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 132, nays 109, answered "present" 6, not voting 108; as follows:

YEAS—132.

Acheson,	Driscoll,	Long,	Ryan, N. Y.
Adams,	Eddy,	Loud,	Ryan, Pa.
Aldrich,	Emerson,	Loudenslager,	Scudder,
Alexander,	Esch,	Lovering,	Shaw,
Allen, Me.	Fitzgerald, Mass.	Lybrand,	Sherman,
Allen, Miss.	Fitzgerald, N. Y.	McAleer,	Showalter,
Babcock,	Fletcher,	McCleary,	Sibley,
Bailey, Kans.	Foss,	McClellan,	Smith, Samuel W.
Barber,	Gardner, N. J.	Mahon,	Southard,
Barham,	Gaston,	Mann,	Spalding,
Bartholdt,	Gill,	Meckison,	Sperry,
Bingham,	Glynn,	Metcalf,	Stark,
Boreing,	Gordon,	Morgan,	Steele,
Boutell, Ill.	Graff,	Morrell,	Stevens, Minn.
Bowersock,	Graham,	Morris,	Stewart, N. Y.
Brenner,	Green, Pa.	Mudd,	Sulzer,
Bromwell,	Griffith,	Muller,	Sutherland,
Brownlow,	Grosvenor,	Naphen,	Thayer,
Bull,	Grout,	Needham,	Thomas, Iowa
Burkett,	Grow,	Norton, Ohio	Tompkins,
Calderhead,	Hepburn,	O'Grady,	Turner,
Caldwell,	Hill,	Olmsted,	Van Voorhis,
Capron,	Hopkins,	Packer, Pa.	Vreeland,
Cochrane, N. Y.	Jack,	Pearson,	Wadsworth,
Conner,	Jett,	Pearre,	Weaver,
Corliss,	Joy,	Phillips,	Weeks,
Cromer,	Kerr, Md.	Pugh,	White,
Crumpacker,	Kerr, Ohio	Ray, N. Y.	Williams, J. R.
Curtis,	Ketcham,	Reeder,	Williams, W. E.
Dalzell,	Lacey,	Robinson, Ind.	Wilson, N. Y.
Davenport, S. A.	Levy,	Rodenberg,	Woods,
Davidson,	Linney,	Ruppert,	Young,
Dovener,	Littauer,	Russell,	Zenor.

NAYS—109.

Adamson,	Bell,	Brundidge,	Clark, Mo.
Allen, Ky.	Bellamy,	Burke, Tex.	Clayton, Ala.
Atwater,	Benton,	Burleson,	Cochran, Mo.
Ball,	Bishop,	Burnett,	Cooper, Tex.
Bartlett,	Breazeale	Catchings,	Cooper, Wis.
Cowherd,	Henry, Tex.	McRae,	Sims,
Crowley,	Howard,	Maddox,	Slayden,
Cushman,	Jenkins,	Moody, Mass.	Small,
Davenport, S. W.	Johnston,	Moody, Oreg.	Smith, Ky.
Davey,	Jones, Va.	Moon,	Smith, Wm. Alden
Davis,	Jones, Wash.	Otey,	Snodgrass,
De Armond,	Kahn,	Parker, N. J.	Spight,
De Graffenreid,	King,	Quarles,	Sprague,
Dinsmore,	Kitchin,	Ransdell,	Stewart, N. J.
Dougherty,	Kleberg,	Rhea, Ky.	Stokes,
Elliott,	Kluttz,	Rhea, Va.	Talbert,
Finley,	Knox,	Richardson, Ala.	Taylor, Ala.
Fleming,	Lamb,	Richardson, Tenn.	Thomas, N. C.
Fordney,	Lanham,	Ridgely,	Tongue,
Fox,	Latimer,	Rixey,	Underhill,
Gaines,	Lester,	Robb,	Underwood,
Gilbert,	Little,	Roberts,	Vandiver,
Gillett, Mass.	Livingston,	Rucker,	Wheeler,
Greene, Mass.	Lloyd,	Shackleford,	Williams, Miss.
Griggs,	McCall,	Shafroth,	Wright.
Hamilton,	McCulloch,	Shattuc,	
Hay,	McDowell,	Shelden,	
Henry, Miss.	McLain,	Sheppard,	

ANSWERED "PRESENT"—6.

Denny,	Miller,	Stewart, Wis.	Tate.
Gibson,	Stephens, Tex.		

NOT VOTING—108.

Bailey, Tex.	Crump,	Landis,	Powers,
Baker,	Cummings,	Lane,	Prince,
Bankhead,	Cusack,	Lassiter,	Reeves,
Barney,	Dahle,	Lawrence,	Riordan,
Berry,	Dayton,	Lentz,	Robertson, La.
Boutelle, Me.	Dick,	Lewis,	Robinson, Nebr.
Bradley,	Driggs,	Littlefield,	Salmon,
Brantley,	Faris,	Lorimer,	Smith, Ill.
Brewer,	Fitzpatrick,	McDermott,	Smith, Iowa
Brick,	Foster,	Marsh,	Smith, H. C.
Brosius,	Fowler,	May,	Sparkman,
Broussard,	Freer,	Mercer,	Stallings,
Brown,	Gamble,	Mesick,	Sulloway,
Burke, S. Dak.	Gardner, Mich.	Meyer, La.	Swanson,
Burleigh,	Gayle,	Miers, Ind.	Tawney,
Burton,	Gillet, N. Y.	Minor,	Tayler, Ohio
Butler,	Hall,	Mondell,	Terry,
Campbell,	Haugen,	Neville,	Thropp,
Cannon,	Hawley,	Newlands,	Wachter,
Carmack,	Heatwole,	Noonan,	Wanger,
Chanler,	Hedge,	Norton, S. C.	Warner,
Clarke, N. H.	Hemenway,	Otjen,	Waters,
Clayton, N. Y.	Henry, Conn.	Overstreet,	Watson,
Connell,	Hitt,	Payne,	Weymouth,
Cooney,	Hoffecker,	Pearce, Mo.	Wilson, Idaho
Cousins,	Howell,	Pierce, Tenn.	Wilson, S. C.
Cox,	Hull,	Polk,	Ziegler.

So the amendment was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. BURTON with Mr. SPARKMAN.

Mr. LORIMER with Mr. NEVILLE.

Mr. DAHLE with Mr. LASSITER.

On this vote:

Mr. LANDIS with Mr. MILLER of Kansas.

Mr. BURLEIGH with Mr. BROUSSARD.

For the rest of the day:

Mr. WACHTER with Mr. DENNY.

The result of the vote was then announced, as above recorded.

The Clerk proceeded and completed the reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

Mr. CRUMPACKER. Mr. Speaker, I submit a motion in writing to recommit the bill with instructions.

The SPEAKER. The gentleman from Indiana moves to recommit the bill with instructions, which the Clerk will report.

The Clerk read as follows:

Mr. CRUMPACKER. I move to recommit the bill H. R. 12740 to the Committee on Census, with instructions to ascertain whether any of the States have denied or abridged the right of male inhabitants 21 years of age, who are citizens of the United States, to vote for electors for President and Vice-President, Representatives in Congress, executive and judicial officers of the State, or members of the legislature thereof, in such a manner and to such an extent that the basis of representation should be reduced under the provisions of section 2 of Article XIV of the Federal Constitution; and if such is found to be the case, said committee be further instructed to report, at as early a date as is practicable, an apportionment bill taking such reductions into account, as provided by said section of the Constitution.

Mr. HOPKINS. Mr. Speaker, I demand the previous question upon that motion.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the motion of the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. CRUMPACKER) there were—ayes 94, noes 136.

Mr. STEWART of New Jersey. Mr. Speaker, I ask for the yeas and nays.

The question was taken; and the yeas and nays were refused.

The SPEAKER. The question now is on the passage of the bill.

The question was taken; and the bill was passed.

On motion of Mr. HOPKINS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PAYMENT OF MESSENGERS WITH ELECTORAL VOTE.

Mr. BINGHAM. Mr. Speaker, I am instructed by the Committee on Appropriations to present the following bill and ask for its immediate consideration:

The SPEAKER. The gentleman from Pennsylvania, by authority of the Committee on Appropriations, asks immediate consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13394) providing for the payment of electoral messengers.

Be it enacted, etc., That for the payment of the respective States for conveying to the seat of goverment the votes of the electors of said States for President and Vice-President of the United States, at the rate of 25 cents for every mile of the estimated distance for the most usual road traveled from the place of the meeting of the electors to the seat of government of the United States, computing for one distance only, the sum of $12,700 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. BINGHAM. I want to state to the House that this is in the language and is consistent with all preceding legislation on the subject. It is required by statute, and this bill simply appropriates the amount necessary for the mileage.

Mr. FITZGERALD of Massachusetts. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD of Massachusetts. Do I understand that this bill provides for 25 cents per mile?

Mr. BINGHAM. Yes; that is the statute.

Mr. FITZGERALD of Massachusetts. I think the statute ought to be amended. Railroad transportation has been so much reduced in late years that it seems ridiculous to vote 25 cents a mile for railroad transportation.

Mr. WILLIAMS of Mississippi. That is all the pay they get.

The SPEAKER. Without objection the bill will be considered.

There was no objection.

The bill was ordered to be engrossed and read a third time; and being read the third time, was passed.

On motion of Mr. BINGHAM, a motion to reconsider the last vote was laid on the table.

Mr. HOPKINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for enlarging the Military Academy—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for a new boiler plant in the Federal building at Baltimore—to the Committee on Appropriations, and ordered to be printed.

A letter from the secretary of Porto Rico, inclosing copies of franchises granted to the Port America Company and to Ramon Valdes—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for repairs on the marine-hospital building at Chicago—to the Committee on Appropriations, and and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for new elevators in certain public buildings—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for water supply at the Military Academy—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Postmaster-General, transmitting report of an investigation into the pneumatic-tube service for the transmission of mail—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12665) supplementary to an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, and fixing the compensation of commissioners in such cases, reported the same without amendment, accompanied by a report (No. 2156); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOUD, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 13374) to authorize the Postmaster-General to lease suitable premises for use of the Post-Office Department, reported the same without amendment, accompanied by a report (No. 2158); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 17) to authorize the restatement, readjustment, settlement, and payment of dues to Army officers in certain cases, reported the same with amendment, accompanied by a report (No. 2159); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARHAM, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10922) to establish a light and fog station at Point Dume, Los Angeles County, Cal., reported the same with amendment, accompanied by a report (No. 2175); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 1289) to provide for the construction of an additional light-ship for use on the coast of California, Oregon, Washington, or Alaska, as exigencies may determine, reported the same without amendment, accompanied by a report (No. 2176); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 5612) for the relief of William Dugdale, postmaster at Noroton Heights, Conn., reported the same without amendment, accompanied by a report (No. 2157); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 11481) for the relief of the legal representatives of Paul Curtis, deceased, reported the same without amendment, accompanied by a report (No. 2160); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12104) for the relief of George T. Sampson, surviving partner of the firm of A. & G. T. Sampson, reported the same with amendment, accompanied by a report (No. 2161); which said bill and report were referred to the Private Calendar.

Mr. HENRY of Mississippi, from the Committee on War Claims, to which was referred the bill of the House, H. R. 12477, reported in lieu thereof a resolution (H. Res. 335) for the relief of Charlotte G. Robertson, reported the same, accompanied by a report (No. 2162); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House, H. R. 12478, reported in lieu thereof a resolution (H. Res. 336) for the relief of Waldo W. Putnam, reported the same, accompanied by a report (No. 2163); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House, H. R. 11983, reported in lieu thereof a resolution (H. Res. 337) for the relief of Joseph C. Ferriday, reported the same, accompanied by a report (No. 2164); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House, H. R. 12990, reported in lieu thereof a resolution (H. Res. 338) for the relief of Nancy Maria Minter, reported the same, accompanied by a report (No. 2165); which said resolution and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 11615) for the relief of Curtis & Tilden, reported the same without amendment, accompanied by a report (No. 2166); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the House (H. R. 12041) for the relief of the legal representatives of Neafie & Levy, reported the same without amendment, accompanied by a report (No. 2167); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12951) for the relief of the legal representatives of Jeremiah Simonson, deceased, reported the same without amendment, accompanied by a report (No. 2168); which said bill and report were referred to the Private Calendar.

Mr. HENRY of Mississippi, from the Committee on War Claims, to which was referred the bill of the House (H. R. 12746) for the relief of J. C. Williams, administrator of Haller Nutt, deceased, reported the same without amendment, accompanied by a report (No. 2169); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 12176) for the relief of the legal representatives of Pusey, Jones & Co., reported the same without amendment, accompanied by a report (No. 2170); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12418) for the relief of Anna M. Mershon, administratrix of Daniel S. Mershon, deceased, reported the same without amendment, accompanied by a report (No. 2171); which said bill and report were referred to the Private Calender.

He also, from the same committee, to which was referred the bill of the House (H. R. 3773) for the relief of Edward P. Bliss, reported the same without amendment, accompanied by a report (No. 2172); which said bill and report were referred to the Private Calender.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 11974) granting an honorable discharge to Samuel Welch, reported the same with amendment, accompanied by a report (No. 2173); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 9832) to pension the Nebraska Territorial Militia—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 13316) to restore to the pension rolls the name of Andrew C. Smith—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13173) granting a pension to Ellen Pratt—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. OVERSTREET: A bill (H. R. 13369) to maintain the parity of the money of the United States—to the Committee on Banking and Currency.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 13370) relating to extra pay of officers and enlisted men in the Army in the war with Spain—to the Committee on Military Affairs.

By Mr. BABCOCK: A bill (H. R. 13371) to authorize advances from the Treasury of the United States for the support of the government of the District of Columbia—to the Committee on the District of Columbia.

By Mr. KNOX: A bill (H. R. 13372) to provide for subports of entry and delivery in the Territory of Hawaii—to the Committee on the Territories.

By Mr. LITTLE: A bill (H. R. 13373) for improving and arching Hot Springs Creek, in city of Hot Springs, Ark.—to the Committee on Appropriations.

By Mr. HAMILTON: A bill (H. R. 13374) authorizing the Indiana, Illinois and Iowa Railroad Company to construct and maintain a bridge across St. Joseph River, at or near the city of St. Joseph, Mich.—to the Committee on Interstate and Foreign Commerce.

By Mr. PEARRE: A bill (H. R. 13375) for the extension of Wyoming avenue, Prescott place, and Twenty-third street—to the Committee on the District of Columbia.

Also, a bill (H. R. 13390) relating to the Washington Gaslight Company, and for other purposes—to the Committee on the District of Columbia.

By Mr. KING: A bill (H. R. 13391) ceding arid lands to the States and Territories—to the Committee on the Public Lands.

By Mr. WACHTER: A bill (H. R. 13392) to amend section 4472 of the Revised Statutes—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDERHEAD: A bill (H. R. 13393) authorizing the Secretary of the Treasury to remit duties on certain seed wheat imported—to the Committee on Ways and Means.

By Mr. HENRY C. SMITH: A joint resolution (H. J. Res. 290) proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BINGHAM: A resolution (H. Res. 339) in relation to the flag presented to the House of Representatives by the Women's Silk Culture Association of the United States—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BAILEY of Kansas: A bill (H. R. 13376) for the relief of William T. Edgeman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13377) for the relief of Robert White—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE (by request): A bill (H. R. 13378) for the relief of certain occupants and owners of land in Monroe County, Ark.—to the Committee on Claims.

By Mr. EMERSON: A bill (H. R. 13379) granting an increase of pension to Frederick Hart—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 13380) granting an increase of pension to John Tibbetts—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 13381) granting an increase of pension to William S. Hosack—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 13382) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes—to the Committee on War Claims.

By Mr. HEPBURN: A bill (H. R. 13383) to pension George W. Sheeks—to the Committee on Invalid Pensions.

By Mr. NAPHEN: A bill (H. R. 13384) to place on the pension roll the name of Charles E. Miller—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13385) for the relief of the trustees of Harmony Methodist Church—to the Committee on War Claims.

By Mr. RYAN of New York: A bill (H. R. 13386) granting a pension to Martin Uehlein—to the Committee on Invalid Pensions.

By Mr. SNODGRASS: A bill (H. R. 13387) increasing pension of August Schill, alias Silville—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 13388) granting an increase of pension to Ellen Pratt—to the Committee on Pensions.

Also, a bill (H. R. 13389) granting an increase of pension to Mary Ann Deline—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of the First Presbyterian Church of Coraopolis, Pa., for the exclusion of spirituous liquors from portions of Africa, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Allegheny County Grand Army of the Republic Association, Pittsburg, Pa., in opposition to the passage of House bill No. 12905, to establish a Soldiers' Home at Huntsville, Ala.—to the Committee on Military Affairs.

By Mr. ADAMS: Resolutions of the Thirty-fourth National Encampment, Grand Army of the Republic, commending the work already accomplished on the National Military Park at Gettysburg, and asking that continued aid be given thereto—to the Committee on Appropriations.

By Mr. BARTLETT: Resolutions of the city council of Savannah, Ga., relative to making appropriations for the harbor at Savannah—to the Committee on Rivers and Harbors.

Also, petition of T. D. Tinsley, members of the bar, and other citizens of Macon, Ga., relative to the increase of the salaries of Federal judges—to the Committee on the Judiciary.

Also, resolutions of the city council of Savannah, Ga., favoring an appropriation in behalf of the Southern States and West Indian Exposition at Charleston, S. C.—to the Committee on Appropriations.

Also, resolutions of the Chamber of Commerce of Atlanta, Ga., in opposition to the amendment of an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. BELLAMY: Petition of John L. Watts, keeper, and

J. E. Price and other surfmen of the Cape Fear life-saving station, favoring bill to promote efficiency of Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

By Mr. BRUNDIDGE: Papers to accompany House bill for the relief of certain owners and occupants of lands in Monroe County, Ala.—to the Committee on Claims.

Also, papers to accompany House bill No. 11886, relating to the claim of Howard & Spivey—to the Committee on War Claims.

By Mr. CALDERHEAD: Petition of the National Association of Agricultural Implement and Vehicle Manufacturers, favoring legislation in regard to irrigation—to the Committee on Irrigation of Arid Lands.

Also, petition of Street & Smith, New York, relative to mailable matter of the second class—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of good-roads convention held in Chicago, Ill., asking for an appropriation of $150,000 for the office of public road inquiry—to the Committee on Agriculture.

By Mr. COUSINS: Petitions of Mrs. Levi Howick and other citizens of Marion, Iowa, to ratify treaty between civilized nations relative to alcoholic trade in Africa—to the Committee on Alcoholic Liquor Traffic.

By Mr. ELLIOTT: Resolutions of the city council of Spartanburg, S. C., favoring the passage of the bill to aid the South Carolina Interstate and West Indian Exposition—to the Committee on Appropriations.

By Mr. ESCH: Resolutions of the Chamber of Commerce of New York, in favor of the passage of a bill relating to a session of the International Congress of Navigation, to be held at Washington, D. C.—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chamber of Commerce of New York, urging the passage of the Pacific cable bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the twenty-sixth annual meeting of the Wholesale Druggists' Association, protesting against the free distribution of blackleg vaccine—to the Committee on Agriculture.

By Mr. EMERSON: Papers to accompany House bill granting an increase of pension to Frederick Hart—to the Committee on Invalid Pensions.

By Mr. FLETCHER: Petition of citizens of Minneapolis, Minn., urging the passage of a certain bill for the construction of a dam on the Gila River, in Arizona—to the Committee on Rivers and Harbors.

Also, resolutions of the Minneapolis Chamber of Commerce, protesting against the passage of the so-called Cullom bill, entitled "An act to promote commerce"—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES: Petition of Clarksville (Tenn.) Tobacco Board of Trade for appropriation for soil survey—to the Committee on Agriculture.

Also, petition of Murray Dibrell & Co., of Nashville, Tenn., for the repeal of the tax of 15 per cent ad valorem on imported hides—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of Charles H. Cramp, of Philadelphia, Pa., favoring Senate bill No. 727, known as the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the National Wholesale Druggists' Association, opposing the free distribution of medicinal remedies—to the Committee on Agriculture.

Also, petition of 200 citizens of Avalon, Pa., and the Eighth United Presbyterian Church of Allegheny, Pa., favoring the exclusion of the liquor traffic in Africa, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. GRIFFITH: Papers to accompany House bill granting an increase of pension to John Tibbetts, of Dillsboro, Ind.—to the Committee on Invalid Pensions.

Also, petition of gaugers and storekeepers in the internal-revenue service of the Sixth district of Indiana for sufficient appropriation to provide for them vacations without loss of pay—to the Committee on Appropriations.

By Mr. HAY: Petition of heirs of Thomas Clevenger, deceased, late of Frederick County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. McCALL: Petition of the internal-revenue gaugers, storekeepers, etc., of the collection district of Massachusetts, for sufficient appropriation to provide for their vacation without loss of pay—to the Committee on Appropriations.

By Mr. RICHARDSON of Alabama: Papers to accompany House bill for the relief of trustees of Harmony Methodist Church, Limestone County, Ala.—to the Committee on War Claims.

By Mr. STEWART of New York: Petition of Friends' Monthly Meeting, Otsego County, N. Y., in favor of an amendment to the Constitution against polygamy, and various other reform measures—to the Committee on the Judiciary.

By Mr. WRIGHT: Petition of 19 voters of the Fifteenth Congressional district of Pennsylvania, in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petitions of the Ladies' Missionary and Foreign Society and Woman's Christian Temperance Union, of Montrose, Pa., for the protection of native races in our islands against intoxicants and opium—to the Committee on Insular Affairs.

By Mr. YOUNG: Petition of the Baldwin Locomotive Works, Philadelphia, Pa., favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

Also, resolution of the Thirty-fourth National Encampment, Grand Army of the Republic, commending the work accomplished by the Gettysburg National Park Commission, and asking for further appropriation to complete the work—to the Committee on Appropriations.

Also, resolutions of the Chamber of Commerce of New York, urging the passage of the Pacific cable bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chamber of Commerce of New York, favoring the passage of a bill relating to a session of the International Congress of Navigation to be held at Washington, D. C.—to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *January 9, 1901.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

ELECTORAL VOTES OF WISCONSIN.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a certified copy of the final ascertainment of the electors for the President and Vice-President appointed in the State of Wisconsin at the election held therein on the 6th day of November, 1900; which, with the accompanying papers, was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 12740) making an apportionment of Representatives in Congress among the several States under the Twelfth Census; and

A bill (H. R. 13394) providing for the payment of electoral messengers.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 2955) providing for the resurvey of township No. 8 of range No. 30 west of the sixth principal meridian, in Frontier County, State of Nebraska;

A bill (H. R. 4099) for the relief of the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased;

A bill (H. R. 6344) to remove the charge of desertion from the records of the War Department against Frederick Mehring;

A bill (H. R. 11213) for the relief of occupants of lands included in the Algodones grant in Arizona;

A bill (H. R. 11588) permitting the building of a dam across the Osage River at the city of Warsaw, Benton County, Missouri; and

A bill (H. R. 12447) to amend an act approved June 1, 1900, entitled "An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein."

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Waiters' Alliance, of Buffalo, N. Y., praying for the enactment of legislation to regulate the hours of daily work of laborers and mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented petitions of S. O. Rusly, of Barryville; of the congregations of the Methodist Episcopal Church of Branchport, of the Methodist Episcopal Church of Wellsville, and the Methodist Episcopal Church of Clifton Springs, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

He also presented petitions of South Harmony Grange, No. 525, Patrons of Husbandry, of Watts Flats; of Empire Grange, No. 804, Patrons of Husbandry, of Oxford; of sundry citizens of Delaware County and Allegheny County; of Joseph Cooper, of Perry Center; M. B. Pratt, of Jamestown; A. B. Carter, of Jamestown,

and G. F. Sisson, of Collins; of Local Grange No. 576, Patrons of Husbandry, of East Schuyler; and of Local Grange No. 698, Patrons of Husbandry, of Amenia, all in the State of New York, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of Dudley & Co., of Fairport, N. Y., praying for the adoption of certain amendments to the pure-food bill relative to the manufacture of baking powder; which was referred to the Committee on Finance.

Mr. DOLLIVER presented a petition of sundry citizens of Lansing, Iowa, and the petition of E. L. Combs and sundry other citizens of Winthrop, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which were referred to the Committee on Foreign Relations.

Mr. LODGE. I present the petition of Laurus Loomis and 37 other manufacturers of cotton in the Southern States, expressing their approval of the action of the United States in the protection of American interests in China, known as the "open-door" policy. The petition is very brief, but important, and I move that it be printed as a document with the names and referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. HOAR presented a petition of the Boston Paper Trade Association, of Boston, Mass., praying for the enactment of legislation tending to promote trade with the Dominion of Canada; which was referred to the Committee on Foreign Relations.

He also presented the petition of Mary E. Taylor and 17 other members of the Daughters of the Revolution, of Haverhill, Mass., praying that an appropriation be made for the purchase of the Valley Forge camp ground to be used as a national park and military reservation; which was referred to the Committee on Military Affairs.

He also presented the petition of J. J. Eagan and 39 other citizens of Holyoke, Mass., praying for the repeal of the duty on tea; which was referred to the Committee of Finance.

He also presented a petition of the Woman's Christian Temperance Union of Taunton, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

He also presented the petition of C. E. Mooday and 14 other citizens of Natick, Mass., and the petition of Martin Sears and 25 other citizens of Rockland, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented the petition of Joseph F. King and 14 other citizens of Massachusetts, and the petition of John A. Balam and 157 other citizens of Massachusetts, praying for the enactment of legislation to regulate the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

He also presented petitions of M. R. Sampson, keeper, and 7 members of the crew of the life-saving station at Manomet Point; of Charles A. Bearse, keeper, and 7 other members of the crew of the life-saving station at Gap Cow; of Augustus B. Rogers, keeper, and 7 other members of the crew of the life-saving station at Gurnet; of Darius Wiekes, keeper, and 7 other members of the crew of the life-saving station at Cuttyhunk, and of Daniel Cole, keeper, and 7 other members of the crew of the life-saving station at Cahoons Hollow, all in the State of Massachusetts, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service, and to encourage the saving of life from shipwreck; which were referred to the Committee on Commerce.

He also presented the petition of J. H. Burgess, of Wareham, and 25 other citizens of Massachusetts, praying that an appropriation be made for a survey of Onset Bay at that place; which was referred to the Committee on Commerce.

Mr. TOWNE presented the petition of the Spring Lake Cooperative Creamery Company, of Spring Lake, Minn., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of olemargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. MASON presented a petition of Federal Labor Union No. 8321, of Marine; of Post-Office Clerks' Union No. 8703, of Chicago, and of Local Union No. 8165, American Federation of Labor, of O'Fallon, all in the State of Illinois, praying for the enactment of legislation to regulate the hours of daily work of laborers and mechanics, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

Mr. ELKINS presented a petition of sundry citizens of Parkersburg, W. Va., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of the Sunday school of the Presbyterian Church, the Sunday school of the Methodist Episcopal Church, and the Sunday school of the Methodist Episcopal Church and of the congregation of the Methodist Episcopal Church South, all of Ravenswood, in the State of West Virginia, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

Mr. GALLINGER presented a petition of the Wentworth Creamery Company, of Wentworth; of F. Parnell, of Manchester, and of Horace Marshall, of Manchester, all in the State of New Hampshire, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. SEWELL presented a petition of sundry citizens of Plainfield, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Union of Broadway; of the congregation of the Methodist Episcopal Church of Farmingdale, and of the congregation of the Methodist Episcopal Church of Trenton, all in the State of New Jersey, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

Mr. PENROSE presented petitions of Federal Labor Union, No. 8139, American Federation of Labor, of McSherrystown, of Rock Men's Union No. 8728, of Pittston, and of 138 citizens of Potter County, all in the State of Pennsylvania, praying for the enactment of legislation to limit the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

He also presented petitions of the congregation of the United Presbyterian Church of New Alexendria, Pa.; of the Presbytery of Chartiers, Pa.; of the congregation of the United Presbyterian Church of North America; of the Westchester Friends' Temperance association of Pennsylvania, and of 33 citizens of Philadelphia, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which were ordered to lie on the table.

He also presented a petition of the keeper and crew of the life-saving station at Turtle Gut, Pa., praying for the enactment of legislation providing for the retirement and pensioning of those filling positions in the Life-Saving Service; which was referred to the Committee on Commerce.

He also presented sundry petitions of citizens of Canton, Carlisle, Lavonia, Fannettsburg, Newcastle, Pittsburg, Carnegie, Stevens Point, Crafton, Rushville, Allegheny, Brandt, and Canonsburg; of the Home Missionary Society of Hermon Church of Frankford, Philadelphia, the congregations of the Presbyterian and Methodist Episcopal churches, the Woman's Home and Foreign Missionary Society and the Woman's Christian Temperance Union of Honeybrook, and the Home Missionary Society of the Allegheny and Pittsburg Presbyteries, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented sundry petitions of citizens of Tioga, Erie, Butler, Crawford, Clarion, Cumberland, Susquehanna, Bradford, Lackawanna, Columbia, and Warren counties; of Grange No. 1070, Patrons of Husbandry, of Mahanoy City; of the Farmers' Union of Geigers Mills; of Ackley Grange, No. 870, Patrons of Husbandry, and of Edinboro Grange, No. 947, Patrons of Husbandry, all in the State of Pennsylvania, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the T-Square Club, of Philadelphia, Pa., remonstrating against certain improvements being made in the White House, unless recommended by a commission of architects to be appointed by the President, and praying that no appropriation be made for such improvements unless recommended by a commission so appointed; which was referred to the Committee on Public Buildings and Grounds.

Mr. THURSTON presented sundry petitions of citizens and business firms of Nebraska, praying for the repeal of the revenue tax on grain; which were referred to the Committee on Finance.

He also presented a memorial of the National Wholesale Druggists' Association, of Chicago, Ill., remonstrating against the free distribution of blackleg vaccine by the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Sioux City Seed and Nursery Company and the Griswold Seed Company, both in the State of Nebraska, praying for the enactment of legislation to discontinue the free distribution of common seeds by the Government; which were referred to the Committee on Agriculture and Forestry.

Mr. MORGAN presented sundry papers to accompany the bill (S. 5149) for the relief of H. C. Armistead; which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 4080) granting a pension to James E. Arvin, Teresa Arvin, and Anna Arvin, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 10570) granting an increase of pension to John Kinsey, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 5174) authorizing the construction of a bridge across Rock River, in the State of Illinois, reported it with amendments.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 10725) granting a pension to Mae Pearman, reported it without amendment, and submitted a report thereon.

Mr. LODGE, from the Committee on Foreign Relations, reported an amendment, accompanied by a report, proposing to appropriate $2,000 to pay, out of humane consideration and without reference to the question of liability therefor, to the Mexican Government as full indemnity to the heirs of its citizen, Florentino Suaste, who was taken from jail and lynched in Lasalle County, Tex., on October 5, 1895, intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

REPORTS ON FOREIGN RELATIONS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the resolution submitted by the Senator from Massachusetts [Mr. LODGE], to report it favorably without amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read, as follows:

Resolved, That there be printed of the Compilation of Reports of the Committee on Foreign Relations of the United States Senate from 1789 to 1900, prepared under the direction of the Committee on Foreign Relations, as authorized by the act approved June 6, 1900, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes," 500 copies, of which number 35 copies shall be for the use of the committee.

Mr. COCKRELL. What is to be done with the other number? Ought not the resolution to specify how they are to be divided? There is no law fixing any given distribution. It is a valuable document, and a sufficient number ought to be printed for the use of Congress.

Mr. LODGE. I call the attention of the Senator from Missouri to the fact that this is a Senate resolution. All the copies will go to the Senate.

Mr. COCKRELL. They will all go to the Senate if it is a Senate resolution.

Mr. LODGE. It is a Senate resolution. They are the reports of the Senate Committee on Foreign Relations.

Mr. COCKRELL. I understand exactly what they are, and I want to have them printed, but I thought if it was a concurrent resolution there ought to be a division.

Mr. LODGE. No; it is a Senate resolution, and that is the reason why no division is made.

Mr. COCKRELL. The cost will not reach over the prescribed amount. I think it ought to be printed. It is a valuable document.

Mr. LODGE. I ask the Senator from New Hampshire [Mr. GALLINGER] if a reference is necessary to the Committee on Contingent Expenses in a case like this?

Mr. GALLINGER. I think not.

Mr. COCKRELL. I do not think it is.

Mr. GALLINGER. I think the law provides that the Committee on Printing shall consider it.

Mr. LODGE. The Committee on Printing has considered it, and considered it favorably. I will state to the Senate that this is an extremely valuable publication, and I trust the resolution will be adopted. I do not think there is any action necessary further than what is proposed to be taken.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 5488) for the relief of Sophie Kosack; which was read twice by its title, and referred to the Committee on Claims.

Mr. SEWELL introduced a bill (S. 5489) granting an increase of pension to James R. Husted; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 5490) granting an increase of pension to Eva H. McColley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5491) granting an increase of pension to Thomas H. Ballard (with an accompanying paper);

A bill (S. 5492) granting an increase of pension to Mary Morely (with accompanying papers); and

A bill (S. 5493) granting a pension to Merit C. Welsh (with an accompanying paper).

Mr. CULBERSON introduced a bill (S. 5494) granting an increase of pension to John S. Mitchell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 5495) to authorize and regulate the transaction of business in the Indian Territory by trust companies organized under the laws of the State of Missouri; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5496) for the relief of the heirs of Henry Ware;

A bill (S. 5497) for the relief of Leonara Carnahan; and

A bill (S. 5498) for the relief of George H. Green and Mrs. Alice M. Barker, administrators of George W. Green, deceased.

Mr. LODGE introduced a bill (S. 5499) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. ELKINS introduced a bill (S. 5500) granting a pension to Andrew C. Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5501) for the relief of the heirs of Henry A. Shadel, deceased; and

A bill (S. 5502) for the relief of the estate of George W. Chapman.

Mr. FRYE introduced a bill (S. 5503) granting an increase of pension to William M. Hall; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5504) granting an increase of pension to William H. Hotham (with accompanying papers);

A bill (S. 5505) granting a pension to Kate M. Scott;

A bill (S. 5506) granting a pension to Mary Fryer, now Gardner;

A bill (S. 5507) granting a pension to Mary Priscilla Allen, now Barry;

A bill (S. 5508) granting an increase of pension to Benjamin K. Spangler; and

A bill (S. 5509) granting a pension to Sallie J. Cochran.

Mr. PENROSE introduced a bill (S. 5510) to correct the military record of Franklin Heckler; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CAFFERY (by request) introduced a bill (S. 5511) for the relief of the heirs of Mrs. Gabriel Le Breton Deschapelles; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McCOMAS introduced a bill (S. 5512) for the relief of the legal representatives of J. J. Abrahams, deceased; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment proposing to appropriate $45,000 for improving Warroad Harbor and Warroad River, in the State of Minnesota, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. ELKINS submitted an amendment proposing to increase the salary of the microscopist in the office of the Surgeon-General of the Army from $1,800 to $2,400, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TALIAFERRO (for Mr. KENNEY) submitted an amendment proposing to appropriate $20,000 for improving St. Jones River, Delaware, intended to be proposed by Mr. KENNEY to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also (for Mr. KENNEY) submitted an amendment providing for the improvement of Little Creek River, Delaware, and for the improvement of Leipsic River, Delaware, intended to be proposed by Mr. KENNEY to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also (for Mr. KENNEY) submitted an amendment proposing

to increase the appropriation for improving the Mispillion River, Delaware, from $2,000 to $25,000, intended to be proposed by Mr. KENNEY to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CARTER submitted an amendment proposing to appropriate $4,350 to pay to the board of county commissioners of Custer County, Mont., in full settlement of all demands of that county against the United States for the construction of a steel bridge across the Tongue River, in part for the accommodation of the Fort Keogh Military Reservation, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

FLAGSHIP NIAGARA.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (S. 5148) to provide for raising and preserving the hull of the *Niagara*, the flagship of Commodore Perry in the battle of Lake Erie; which was referred to the Committee on Naval Affairs, and ordered to be printed.

THE MILITARY ESTABLISHMENT.

Mr. MONEY submitted an amendment intended to be proposed by him to the bill (S. 4360) to increase the efficiency of the military establishment of the United States; which was ordered to lie on the table, and be printed.

PROSPECTIVE ALLOTMENTS.

On motion of Mr. THURSTON, it was

Ordered, That the bill (S. 5161) to authorize the Secretary of the Interior to make rules and regulations governing the selection and renting of prospective allotments, under the act of Congress approved June 28, 1898, be recommitted to the Committee on Indian Affairs.

WASHINGTON TELEPHONE COMPANY.

On motion of Mr. GALLINGER, it was

Ordered, That the amendments submitted on March 28, 1900, intended to be proposed by him to the bill (H. R. 9047) to incorporate the Washington Telephone Company and to permit it to install, maintain, and operate a telephone plant and exchanges in the District of Columbia be reprinted.

REPORT ON PLANTS POISONOUS TO STOCK.

Mr. CARTER submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies additional to the usual number of the report of Dr. V. K. Chestnut and Dr. E. V. Wilcox of their investigation of plants poisonous to stock in Montana, of which 1,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 6,000 copies for the use of the Department of Agriculture.

HYDROGRAPHIC BRANCH OF GEOLOGICAL SURVEY.

Mr. CARTER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and hereby is, directed to transmit to the Senate an abstract of the petitions, memorials, requests, and estimates relating to the operations of the hydrographic branch of the United States Geological Survey.

B. R. HENRY AND OTHERS.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interest, to furnish for the use of the Senate copies of all papers and correspondence filed or received in the Department of State subsequent to July 1, 1897, relating to the action taken by that Department to obtain an adjustment of the claims of B. R. Henry and other American citizens against the Government of Great Britain, in regard to certain lands in the Fiji Islands.

Resolved, That the President is hereby requested, if not incompatible with the public interest, to inform the Senate if any action has been taken, and to what extent, in pursuance of the report and resolution from the Committee on Foreign Relations adopted by the Senate June 4, 1896.

SOLDIERS' ROLL OF THE SENATE.

Mr. DEBOE submitted the following resolution as an amendment to Senate resolution No. 386; which was referred to the Committee on Rules, and ordered to be printed:

Resolved, That the Sergeant-at-Arms of the Senate is hereby directed to place on a special messenger roll the names of all messengers now employed, or who were so employed habitually about the Senate Chamber on April 1, 1900, during the session of the Senate, whose Army record, wounds and disabilities, and service in the Senate justly entitle them to favorable consideration, to be known and designated as "The soldiers' roll of the Senate," and to continue such persons in such positions and employment until cause for their removal shall have been reported to and approved by the Senate and their removal directed.

MOBILE BAY IMPROVEMENT.

Mr. PETTUS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War is directed to send to the Senate the report of Major Rossell, of the United States Engineers, of the survey and estimate for opening the outer bar at Mobile Bay, together with his recommendation thereon.

HOUSE BILL REFERRED.

The bill (H. R. 12740) making an apportionment of Representatives in Congress among the several States under the Twelfth Census was read twice by its title, and referred to the Committee on the Census.

PAYMENT OF ELECTORAL MESSENGERS.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 13394) providing for the payment of electoral messengers, which was read the first time by its title.

Mr. ALLISON. The bill provides for the payment of compensation to messengers who carry here the electoral vote. It is the usual bill.

Mr. COCKRELL. Let it be read in full.

Mr. ALLISON. I ask unanimous consent that after it shall have been read it may be given present consideration.

Mr. COCKRELL. Let it be read in full.

The bill was read the second time at length, as follows:

Be it enacted, etc., That for the payment of the messengers of the respective States for conveying to the seat of government the votes of the electors of said States for President and Vice-President of the United States, at the rate of 25 cents for every mile of the estimated distance by the most usual roads traveled from the place of meeting of the electors to the seat of government of the United States, computed for one distance only, the sum of $12,700 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 144) to fill a vacancy in the Board of Regents of the Smithsonian Institution.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 1734) granting a pension to Mary A. Whitmore;

A bill (H. R. 2752) granting an increase of pension to Edmund P. Tierney;

A bill (H. R. 5117) granting a pension to Roland Burnett;

A bill (H. R. 5655) granting a pension to Lurinda Laughlin;

A bill (H. R. 9108) granting a pension to Maria H. Hixon; and

A bill (H. R. 10062) granting an increase of pension to Harriet Crotsenberg.

The message further announced that the House had passed a bill (H. R. 13274) to authorize the Postmaster-General to lease suitable premises for use of the Post-Office Department; in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

The bill (H. R. 13274) to authorize the Postmaster-General to lease suitable premises for use of the Post-Office Department was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

REGULAR OFFICERS AS OFFICERS OF VOLUNTEERS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTIGREW, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate with the names of all officers of the Regular Army who were appointed to be officers of volunteers since May 1, 1898, the rank said officers held in the Regular Army when so appointed, the rank to which appointed in the volunteers, and the rank now held in the volunteers; whether any regular officers so appointed to volunteer regiments have been assigned to duty other than that of duty in the field with their regiments, the names of officers so detailed, with the date of the detail, the special duty to which assigned, and where such special duty has been and is now being performed.

Mr. CARTER. I move that the resolution be referred to the Committee on Military Affairs.

Mr. HAWLEY. Personally I have no objection to it——

The PRESIDENT pro tempore. The Senator from Montana moves the reference of the resolution to the Committee on Military Affairs.

The motion was agreed to.

Mr. PETTIGREW. I think the Senator from Connecticut rose to speak to the question. I should like to hear what he has to say before the resolution is disposed of.

Mr. HAWLEY. No; I did not rise to speak to the resolution, which calls for a lot of appointments and details. I was about to say that I have no objection to its being adopted now. I have been looking at it and thinking about it. Is the resolution before the Senate?

The PRESIDENT pro tempore. It has been referred to the Committee on Military Affairs.

THE MILITARY ESTABLISHMENT.

Mr. HAWLEY. Then I ask unanimous consent that the Senate proceed to the consideration of the Army bill.

Mr. PETTIGREW. Do I understand that it is necessary, before 1 o'clock, to ask unanimous consent? Is not a motion proper to take up the bill?

The PRESIDENT pro tempore. A motion is in order. Is there objection to the request of the Senator from Connecticut?

There being no objection, the Senate resumed the consideration of the bill (S. 4300) to increase the efficiency of the military establishment of the United States, the pending question being on the amendment of the Committee on Military Affairs, in line 4, page 43, section 34, before the word "wine," to strike out "beer;" and in line 5, after the words "or any," to strike out "intoxicating liquors" and insert "distilled spirits;" so as to make the section read:

The sale of or dealing in wine or any distilled spirits by any person in any post exchange or canteen or Army transport or upon any premises used for military purposes by the United States is hereby prohibited. The Secretary of War is hereby directed to carry the provisions of this section into full force and effect.

Mr. McCUMBER. Mr. President, it is probably true that long ere this stage of the discussion Senators have individually formed definite opinions, and hence any further argument can have little effect in either fixing or unsettling their respective views.

On a question so important as this it is due not only to the individual, but probably to the body itself, that the reasons for supporting or antagonizing the amendment offered by the committee should be given.

He who, in the face of all the testimony of the officers of the Army favorable to the sale of beer in the post exchanges, can see nothing to support their contention must be either blinded by prejudice or blindly self-opinionated. There is no evil that does not produce some good results, and no good that does not bring forth some evil effects. The only proper course, therefore, is to adopt that which will give the greatest benefits with the least injuries.

It has been assumed that because the Army officers are almost a unit in favor of the committee's amendment their conclusions should have governing force with us who have but slight personal acquaintance with the subject.

But, Mr. President, I look to the expert not so much for his conclusions as for the facts, and when he has put me in possession of the facts upon which he bases his opinions he has placed me upon an equal footing, and I may draw my own conclusions, which must be paramount with me.

Now, I do not presume there is a single Senator or an Army officer but will admit not only that the use of beer is detrimental, even to the extent consumed in the post exchange, but that total abstinence would be a godsend to the Army. But their contention, in a nutshell, is this, and we will see whether it will bear close analysis: They say, and everyone knows it to be a fact, that in the cities and surrounding the Army posts are saloons, or dives, more properly called, where the vilest of all liquors are sold, and where every alluring vice, from the gambling room to the thrice-dangerous brothel, abounds; that the unvarying monotony of the life of a private soldier, without some attraction in the post, impels him first to the saloon, where in almost reckless abandonment he imbibes not a glass of beer, but the worst drug concoction imaginable, which at once unchecks the rein of judgment and lets loose his unbridled passions, carrying moral and physical wreck in their train.

And I might add, what is an equally known fact, that a large percentage, if not a large majority, of the privates in the Regular Army have strong convictions that there is no moral wrong in taking a glass of liquor, but that in depriving them of that right you are depriving them of their just liberty—the right as intelligent beings to determine for themselves their drink as their diet; and, so feeling, they are restive under this restraint, and that spirit intensifies their desire to assert what they consider their personal privilege, and excess in drink when outside is the result.

And they tell us that the post exchange, with its beer and light wines, its luxuries in food, its gymnasium, its games, and reading matter—in fact, the private soldiers' club—creates a counter attraction which keeps the soldier away from these surrounding physical and moral death traps.

It is probably equally true that if the young men of the country understand that a soldier's life is equivalent to a term in the penitentiary—is a reform school, where he surrenders both liberty and individuality—you would find it extremely difficult to recruit a standing army of intelligent, patriotic privates. And when I have said this I have placed their contention in its strongest bearing. Now, I believe, and I think the record will bear out the assertions of the officers of the Army and the supporters of the amendment, that since we have inaugurated the post exchange as it now exists crime, desertions, and the thousand evils that flow from the excessive use of intoxicating liquors have vastly decreased.

But here comes the question, What feature of the post exchange should be credited with all these good results? What is it that contributes to these great benefits?

Is it the beer and light wines, or is it the club, the reading, the gymnasium, the games, the social opportunities? The Senator from Mississippi [Mr. MONEY] says he will vote for the committee's amendment because it promotes sobriety. What is it that promotes the sobriety? Is it the drinking of an intoxicant that promotes sobriety, or is it the other pleasures and diversions that satisfies and prevents the desire for an unnatural and artificial stimulant?

Suppose you retain all the good features of the post exchange—that you sell everything you sell now except two articles, beer and light wine—would that destroy its utility and beneficial effects?

If a soldier wishes a glass of beer, he desires it for its effect, and that effect is its intoxication. To what extent does beer add to the enjoyment? Just to the extent that it intoxicates, and no more.

If it is taken simply for its refreshment, then there are hundreds of soft drinks equally refreshing, equally inviting to the taste, and without deleterious effect.

Your position is that in allowing a half drunk you satisfy the individual desire and at the same time prevent a full drunk. I do not believe that is good logic. On the contrary, it is a physiological as well as a psychological fact that the partially satisfied desire for intoxicating stimulus only intensifies the desire for greater intoxication. Shut off from all the diverting and self-satisfying social and business relations of civil life, this insidious tantalizer, slight intoxication, necessarily brings most disastrous results. It creates a desire for greater intoxication. It creates it under circumstances that would not surround the individual except in Army life.

Mr. President, it was suggested here yesterday that only about 450 soldiers and sailors were lost by wounds or by being killed directly in battle during the war with Spain. During that time about 5,000 died of disease. It is safe to say that, in any ordinary war, while one individual is killed by the bullet of the enemy at least ten times that number die of some disease.

It is equally well established, at least to my satisfaction, that the great majority of the deaths in the Army, if not directly due to the use of intoxicating liquors, are certainly indirectly due to that habit, and that by their use they so debilitate the individual that he is unable to withstand the changes of climate and the conditions unnatural to him into which he has been forced by the Army discipline.

While we are expending millions upon millions of dollars for the protection of the individual against any character of injury from the enemy, while all of our tactics are directed toward the preservation of human life in open engagement while at the same time it may inflict the greatest injury to the opponent, but comparatively little attention is given to the protection of the life of the individual while in the post.

Mr. President, considering the great comparisons in the matter of the death rate in actual engagement and out of engagement, remembering also that whilst we have one year of actual warfare we have from twenty-five to thirty years of peace, in which there is no stimulus to the soldier to take any part in active exercises at the post, the natural tendency of our young men is to become dissatisfied. That tendency leads them to the use of drink, and that produces the most extraordinary and deleterious effects upon the Army.

If we give one-half of our attention to the protection of the individual against this one article, which produces more deaths, directly or indirectly, than any other one thing, it seems to me that we shall have done our duty, and when we have done less than that we have failed to fulfill our requirements as persons having in charge the real welfare of the Army.

Mr. President, it has been suggested all along here that the real benefits were due entirely to the use of light wines and beers in the exchange. Very little has been said about the other things—the games and the many things that are in the post that tend to make the life of the private soldier more agreeable, which, I believe, have had ten times the effect in lessening the death rate and in lessening the number of desertions by making life more agreeable. Everyone, it seems to me, knows and fully comprehends that the life of a private in the Army, in time of peace—at least until within the last twenty years—has not been a life that would be desired by many of your young men. It seems to me that our duty is to guard them in time of peace, and that duty means that we should give attention to everything that will make life agreeable and pleasant to the privates. When we have done that, we have taken away the great temptation for strong drink.

I can not agree with that philosophy which says that the soldier who from an inherent taste desires strong liquors will be willing to stop with a glass of beer at the exchange. If his desire is so strong that it becomes a necessity, overruling his better judgment, notwithstanding the exchange, notwithstanding the light liquors sold at the exchange, he will find his way to the city, and he will find his way to those vile resorts surrounding every Army post, and will suffer the same results as though no intoxicating or but slightly intoxicating liquors were allowed to be sold to the soldiers in the post itself.

So, Mr. President, it seems to me that we gain but very little in allowing light drinks to be used there, while nothing more heavy

is sold. At least, whatever may be the opinion of Senators, I believe that we are entitled to have a fair, honest trial of the canteen or the post exchange without the sale of intoxicating liquors. I do not know how this would affect, or is expected to affect the sale of intoxicating liquors in prohibition States, but I believe you will find that if you will place an army in the State of North Dakota, or any other prohibition State, that there will be just as few desertions from the Army at that place as there will be in places where soldiers can receive their beer at the post or elsewhere.

So, for my own part, I believe that nothing short of justice would require that I cast my vote in favor of a fair trial of the canteen without the sale of intoxicating liquors.

Mr. TELLER. Mr. President, the canteen ought to be distinguished from the post exchange. It is not necessary in order to have the post exchange that we shall have the canteen system. So far as I am aware and know, nobody proposes to make any attack upon the post exchange. I have no doubt that the Army has derived benefit from that system. What is objected to is the sale of intoxicating drinks inside of the posts. In 1899 Congress passed the following act on the 2d of March:

SEC. 17. That no officer or private soldier shall be detailed to sell intoxicating drinks, as a bartender or otherwise, in any post exchange or canteen, nor shall any other person be required or allowed to sell such liquors in any encampment or fort or on any premises used for military purposes by the United States; and the Secretary of War is hereby directed to issue such general order as may be necessary to carry the provisions of this section into full force and effect.

Mr. President, the canteen system was not established by law. It was established by a military order. This provision of the law, which was intended to compel the abandonment of the canteen system, was a direction to the military department of the Government. If it had not been passed, the power existed to destroy the canteen at any time the Commander in Chief of the Army—that is, the President of the United States—or the Secretary of War desired.

But I want to call the attention of the Senate, and, Mr. President, I want to call the attention of the country as well, to the fact that it was not necessary for the purpose of destroying the canteen that Congress should act or pass any law, unless the executive department of the Government declined to act. The executive department of the Government having put this canteen system in force, there was objection to it made throughout the country, and an appeal was made to Congress to destroy it.

We passed what, I think, is a clear, well-defined prohibition. As a lawyer, I have no hesitation in saying that it is clear and unequivocal, but in order to destroy its effect the Department of Justice, in construing the law, changed the character of the law. It is well understood that the punctuation of a bill is as much a part of the bill as the wording of it. The Department of Justice changed the punctuation of the law; it put into two paragraphs what is practically in one; and then, arguing upon the second branch of the paragraph, which is part of the first, declared that we could not have intended to destroy the canteen system, and the system thus survived.

Mr. President, I do not intend to go into a discussion of the merits of the Attorney-General's decision. I simply say that, submitted to me, I could not have construed it in that way. He could not have construed it that way if he had not put a semicolon where there was a comma. I do not mean to say that he changed the text of the law, because he did not, but when he wrote his opinion, where there was a comma, he put a semicolon, and then proceeded to argue upon false premises, and so came to a false conclusion.

It is proposed by the House of Representatives, in the provision which they insert in the bill, that we shall get rid of the canteen. For myself I have listened with a great deal of interest and a great deal of attention to the statements made here by Army officers, and especially by those who were formerly against the canteen and are now for it, who say that their experience has changed their views. Yet I am not convinced that the canteen system is a wise and a proper one. On the contrary, I believe that it is vicious; and so, I think, believe the great body of the American people who are concerned in promoting temperance, morality, and virtue. I think it is a sort of shock to the moral sentiment of this country that the Government of the United States shall put back of liquor selling its great force and character.

Mr. President, the Senator who sits next to me [Mr. HAWLEY] says "not liquor." It has been attempted here, and attempted by some of these Army officers, to make it appear that wine is not an intoxicating drink.

Mr. HAWLEY. We exclude wine.

Mr. TELLER. I meant beer. In my judgment, if you have to take either wine or beer, you had better take light wine, for it is not, as has been repeatedly demonstrated, as deleterious as beer. No man need stand here and say to us that beer is not an intoxicating drink. We have seen hundreds of men go down to drunkards' graves as beer drinkers in the section of country in which I live, and no doubt the same is the case in other sections. There is not any worse form of drunkenness in the United States than that occasioned by beer drinking. It is not only detrimental to morals, but it is detrimental to health. It may be that drinking beer in moderate quantities probably does not hurt; and a moderate drink of whisky may not hurt a good healthy man. I have never tried it. I do not use either whisky or beer, and never have done so; but I know from observation that men can get as stupidly and as blindly drunk on beer as on anything else, and every other Senator in this body knows that to be a fact. So you are selling intoxicating drinks in the canteen if you permit the selling of beer.

Mr. President, I do not intend to go into any discussion as to the evil influences of the use of beer or wine or of strong drinks generally. The public understand that matter; but the best element of American society all over the country have come here ever since the canteen was opened and entered loud and strong protests against it. The attempt which has been made of late to make it appear that the saloon interests of the country were back of this movement is simply so absurd that it is not worth while to talk about it.

Mr. HAWLEY. But it is true nevertheless.

Mr. TELLER. It is not true, even if the chairman of the committee does say so. I challenge him to say that it is true. The saloon interest is not back of this movement, and the Senator can not prove that it is. The saloon interests at the posts may be for it; but the great fight which has been made against the canteen, the Senator from Connecticut knows, is not made by the saloon interests; and it is unfair for him to say in this body that it is. He knows that the fight is made by the church people, the temperance people, the moral people, and the decent people of the United States; and it is made against the rum-drinking and the rum-selling elements in this country. The great brewery combinations are on his side; all the great, wicked elements interested in the sale of intoxicating drinks in the country are on his side; and he need not say to us that we represent the saloon element, for it is not true.

Mr. President, we have the right to exclude intoxicating liquor from our soldiers, and it is our duty to exclude it. I say that you have no right to put such a temptation in a place or in juxtaposition to it, where a soldier has a right to go, where he might find it his pleasure to go, and where he ought to find it his pleasure to go, because there he ought to find newspapers and magazines and social relations which he ought to have—you have no right to put by the side of it or in it, as in many places you have done, the temptation to an American boy, who goes from an honest American home where liquor, whether beer or wine, is not used, to drink it at his own impulse or at the request of somebody else. Every American father and every American mother who send out their boy into the Army, or allow him to go, has the right to insist that the Government of the United States shall not put such temptation in front of him.

Mr. President, no executive officer can escape the duty he owes to the country to take hold of this question. If he believes, of course, that the canteen is a blessing, a good thing, and that the soldier has a right to it, then it becomes probably his duty to sustain it; but he should not do that under the pretense that we did not provide a law which compelled him to do it when he had the power all the time—as the canteen existed by virtue of an Executive order—by a stroke of the pen to have destroyed it.

We have now in another part of the world ten or twelve million people not addicted to the use of strong drink. The President of the United States as Commander in Chief of the Army, now represented by a commission of five men, has absolute authority to deal with this question, and if we are to believe the testimony of the best men who have been to Manila—representatives of this Government, not only in the civil service, so far as there is any civil representation there, but military officers—if we may believe the representations of the church people who have gone there, of the missionary bishops of one of the greatest churches in this land, of a number of other missionaries, we are cursing that people with such a curse as they were never cursed with under Spanish domination—a curse that will in the end be as vicious and as vile and as dangerous to those people as all the oppressions of Spain and Spanish greed and avarice have ever been. It is within the power of the Executive, or within the power of this body acting with the other, to shut out from those people the temptation we are allowing to be put in front of them simply that we may make commerce with those islands.

I have seen recently a statement of the vast increase of our commerce; but if you will examine as to what it consists of, you will find the increase of commerce is very largely in the increase of the sale of intoxicating drinks.

Mr. President, I promised yesterday the Senator who seems to be concerned as to this matter that I would not delay this bill by any lengthy discussion of the canteen question. I regard the question of infinite importance to the American people; I regard it as of infinite importance to the morale of the Army of the United States; but I do not believe it is as great a question as some other

questions which are before us for consideration. I think I shall discharge my duty when I enter my protest—a decided protest—against the Government of the United States making beer selling and beer drinking respectable. I do not set myself up to say that a man may or may not drink if he chooses, but I do say that the Government of the United States has no right to put this temptation in front of the American soldier. If he will, as it is said he will, go out and hunt liquor somewhere else, that is his business and not ours. We should restrain him as far as possible in that respect, so far as is consistent with liberty.

I wish to call attention to and to put in the RECORD a few statements to which my attention has been called as to the condition in the Philippine Islands. It is said that when we went there there were 4,000 saloons; that we have destroyed them, and that they have been decreased now to 700. I have heard that repeatedly stated in order to justify our conduct over there. Now, I want to read a statement from Mr. Edwards, who was our consul there for many years and for many years a resident of the islands. I shall not read it all. He says:

During my long residence in the Philippines I rarely saw a drunken native or Spaniard. Certainly not more than two or three in a year. In crowds of 10,000 people not one would be seen or heard. To call a Spaniard a drunkard was a much greater insult than to call him a liar. The natives drank "tuba," the juice extracted from the cocoa palm, which Mr. Dean C. Worcester, of the two Philippine commissions, thus described: "The unfermented 'tuba dulce' is a pleasant and nourishing drink, often recommended for those who are recovering from severe illness, on account of its flesh-producing properties. The fermented product is a mild intoxicant."

The principal drink was "tuba," and the "gin shaks"—

This is a quotation and this is what we have been calling them—

mentioned by Chaplain Pierce (up to 1888, when I last saw Manila) sold little else than this harmless beverage. The great point is that from 1852 to 1888, the range of my personal knowledge of the islands, drunkenness was practically unknown among the natives or Spaniards.

The Spanish cafés sold mostly Spanish wines, and men would sit an hour chatting over a glass or two of wine, and smoking in front or in them, with never a sign of intoxication. Nothing like the American saloon was ever known in Manila while I lived there; and I heartily indorse the remark of President Schurman, the chairman of the Philippine Commission, as quoted by you from the Independent, and in his address to the Liberal Club of Buffalo.

This is what Mr. Schurman said:

I regret that the Americans allowed the saloon to get a foothold on the islands. That has hurt the Americans more than anything else, and the spectacle of Americans drunk awakens disgust in the Filipinos. We suppressed the cock fights there and permitted the taverns to flourish.

No one in this country believes that cock fighting is as degrading and as demoralizing as the free use of intoxicants in a tropical climate. Cock fighting may not be the most elevating thing, but yet, beyond the mischief which is inflicted on two cocks, it would not hurt anybody very much.

One emphasized the Filipino frailty and the other the American vice.

That is well stated, too.

I have never seen a Filipino drunkard. The Filipinos have some excellent virtues. They are exceedingly cleanly and also exceedingly temperate. Even the members of this Liberal Club would shock them by the amount of wine most of you have consumed this evening.

Mr. President, there is an article in Leslie's Weekly, by Mr. H. Irving Hancock, their Manila correspondent, which I call to the attention of the Senate, so that it may go into the RECORD. I want to do it for two reasons. I want to do it because the people of the United States do not understand generally, I think, the character of the Filipino. I want also to show what a demoralizing influence in this beginning of the twentieth century, nineteen hundred years after the birth of Christ, this great Christian nation is exhibiting there.

The Filipinos of Manila are rather slow to take to drink. They have always heretofore been an abstemious people. Yet slowly but surely the natives are veering around to the temptation to be found in the saloon. Five years more of the present saloon reign in Manila will see a sad demoralization of the natives.

At present the nondrinking majority of the Filipinos feel only contempt for the American whom they see lurchingly walking the streets or crouching in silly semistupor in the cabs on their way to office, home, or barracks.

There is nowhere in the world such an excessive amount of drinking per capita as among the few thousand Americans at present living in Manila. Nor does this mean that we have sent the worst dregs of Americans there. Far from it; some of the best American blood is represented in Manila, men of brains and attainments, who would nobly hold up our name were not the saloon at every step. Gamblers and depraved women—in both classes the very dregs of this and other countries—have followed and work hand in hand with their natural ally. These people are fast teaching the natives the depths of Caucasian wickedness, and the natives imagine this is Americanism.

We tried to civilize the Indian and incidentally wiped whole tribes off the earth by permitting disreputable white traders to supply him with ardent liquors. Are we to repeat this disgrace, tenfold, as we at present seem fair to do in the Philippines?

The following testimony is from Capt. Everard E. Hatch, Eighteenth United States Infantry:

The great source of evil has come from the liquor interests. The first followers of an army are the saloons, with disreputable women a close second. To repress their pernicious influence taxes the efforts of those in authority. One shipload of liquor was in Manila Harbor before the city was taken by the Americans. The agent of the company was with the Army, wearing a military uniform, under the guise of a "volunteer aid." The city taken, the "volunteer aid" cast aside his uniform, located a depot, and proceeded to establish saloons. In a few weeks the principal streets were transformed. The one brand of whisky and beer handled by the firm received a great boom, and in a way got a great start of competitors. It was not for long. In a few weeks every brand of beer and whisky in America was represented, and the different agents vied for business and supremacy.

I call the attention of the Senate to his conclusion. He says:

The saloons were directly responsible for more of the friction, disturbances, and estrangements with the natives than all other causes combined.

Now, Mr. President, here is the testimony of an American Methodist bishop, a man whose province it is to take charge of the Christianizing of these and other races. Nobody will doubt his word; nobody will say that he talks for political effect. This was written in April, 1899:

Every alternate place of business seems to be a liquor shop of some kind—

This is in Manila—

and the soldier has temptation before his eyes whichever way he may turn. * * * Drunken soldiers meet me everywhere, and it is painful in the extreme to remember that many of them have come from Christian homes and that they have been thrust into the very jaws of temptation from which only a strong man can be expected to escape.

This is by Bishop Thoburn, who is known at least by a good many members of this Senate.

Here is a quotation from an address delivered at the Young Men's Christian Association rooms in the city of Manila by Chaplain Cephas C. Bateman, of the United States Army. He said:

The degradation of Manila means the degradation of Luzon, and the degradation of Luzon would result in the degradation of the whole archipelago, and the city of Manila would be a reproach and disgrace to the whole American nation. Every man should have pride that he is a representative of occidental thought and progress, and he ought to be ashamed to give himself over to sin.

A mestizo of repute said the common people of the islands never saw a drunken man until the Americans came. That may not be so, but I never saw a drunken Filipino or Chinaman. The people have reason to believe that the United States is a nation of drunkards. All the men should take this to heart. What have we come to these islands for? To establish a peace-loving people. Shall we leave them worse than we found them?

Mr. LODGE. If it would not interrupt the Senator from Colorado, I should like to ask him a question.

Mr. TELLER. Certainly.

Mr. LODGE. He is reading what I have read, the gravity of which I appreciate, relative to the saloons that have been established by Americans in Manila.

Mr. TELLER. Yes.

Mr. LODGE. It does not touch the canteen question, except indirectly.

Mr. TELLER. It does not touch the canteen question.

Mr. LODGE. No; and the stoppage of the sale of beer at the canteen would not affect it.

Mr. TELLER. Not in the slightest.

Mr. LODGE. I want to say, and I am glad the Senator has brought it out, that there is an evil of the worst kind—the establishment of American barrooms in Manila in the wake of our army; and if there is any way to have them closed, I should be glad to see it done.

Mr. TELLER. The Senator was not here when I commenced?

Mr. LODGE. No.

Mr. TELLER. It is in the power of the President to close every one of them as quick as a telegram can reach Manila. If the President declines to do it, it is within the power of this body and the House to compel it to be done. Will anybody say, in view of what I have read and mean to read, that it is not our duty to act promptly?

Mr. GALLINGER. If it will not interrupt the Senator from Colorado——

Mr. TELLER. Not at all.

Mr. GALLINGER. I will say that this morning an officer, whose name I will not give, but who stands in the forefront of American generals, deplored this condition, in conversation with me, saying he had knowledge of the existence of four or five hundred American saloons, and that they were licensed by an officer who some time ago was in charge of military affairs in the archipelago. He said they of course could be very readily abolished if a military order to that effect should be issued.

Mr. LODGE. I should like to ask the Senator from Colorado a question.

Mr. TELLER. Certainly.

Mr. LODGE. It is whether he knows of any statement that has been made in regard to that, as to why this condition exists?

Mr. TELLER. I do not know whether there has or not. I talked with an American officer, a regular officer, whom I have known for thirty-odd years, who emphasized to me this condition there, and I felt humiliated to have him say that it existed only where we had power and were exerting it, and that in that section of the country where our power had not been felt the old condition existed.

Mr. LODGE. Will the Senator excuse me for trespassing on his time?

Mr. TELLER. I do not mind it.

Mr. LODGE. I do not know the reason for this condition of things in Manila, but I do know that under American orders and

under the command of General Ludlow that thing was absolutely stopped in the city of Habana. I refer to the opening of barrooms and saloons by Americans following in the wake of the Army. I know that was done. I had a long talk last spring with General Ludlow about it. It was entirely abolished.

Mr. TELLER. When in Cuba last spring I never heard of any complaint of anything of that kind in Cuba, but I do know from the public press, I know it from conversations with men who have returned from there, both civilians and officers, that this condition of affairs existed. I want to read what an officer of the United States, Sergeant Wherry, says:

> The soldier's greatest enemy here—
>
> Manila—
>
> is strong drink. When we took possession of the city there was scarcely an open saloon to be seen, but in a few days they marred every prominent place in the city. Beer by shiploads began to arrive. When the first pay was given, the soldiers in the town almost went wild. The saloon keepers, human vultures who had followed the Army in most cases, began to rake in the soldiers' money, and have kept it up ever since. When the Army entered the city there was hardly a case of sickness in any of the companies, but in a short time the sick list began to lengthen, and the cause in fully half the cases was drink. At the present time the saloons are doing a rushing business, and will probably continue to do so. A full page of the newspapers is taken up each day by an advertisement for a certain brand of American beer. Almost every case of disturbance is the direct result of drinking. The inmates of the guardhouse in nearly every case found their way there through the neck of the bottle. A few months spent here should make an uncompromising temperence advocate of any American who desires to see his country's greatness advanced and her moral and religious standard upheld. We boast of our civilization, but it is a poor example that the American has set to the new ward of the United States—the Filipino. There is something radically wrong somewhere.

Mr. President, a great deal more of this character might be read. I wish to read, in answer to the statement so often made that there are less saloons now in Manila than when we took the city, what Mr. Harold Martin, Associated Press representative in Manila, said June 28 in the Independent:

> Before the arrival of the American soldier in Manila there was very little heavy drinking here, and this because both Spaniards and Filipinos are temperate people; they do not drink to excess. Anyone who has been in Spain, or who has seen the Spanish soldiers in Cuba, in Porto Rico, and the Philippines, will admit they are not addicted to heavy drinking, and I do not think this point needs any further support. And the Filipino is as temperate as the Spaniard. I have been in these islands for one year, and I have yet to see an intoxicated native. * * *
>
> Hence, given the incontrovertible facts that both Spaniards and Filipinos are not addicted to drink, we can understand how Manila got on before we came here with three saloons licensed for the sale of liquors, such as brandy, whisky, and other strong drink, while to-day, May 10, there are 170 licensed saloons in the city and 53 licenses for the wholesale distribution of liquor.
>
> Before we came here there were in and about Manila some 4,000 native wine rooms licensed for the sale of Spanish wines and the native bino. Bino is a fiery drink distilled from grain, generally rice, and flavored with anise seed. It is very strong, and when taken in excess by our men renders them temporarily crazy and utterly irresponsible. * * * When we first came to Manila the American soldiers very quickly discovered where bino could be had, and owing to their excessive use thereof the authorities were forced to close many of these wine rooms. Formerly those places were frequented by the natives, by the Spanish soldiers, and by the Chinamen of the city. Since the Spaniards have gone the demand for Spanish wines has dropped, and to-day about 700 of these native wine rooms are doing business. * * * Their licenses are much more costly now than formerly, and this fact and the departure of the Spanish troops accounts for the very considerable decrease in their numbers. These 4,000 wine rooms can not be considered saloons. They were, with very few exceptions, quiet and orderly places where Spaniards and natives went for their wine. Such wine rooms are distinctly a product of wine-drinking countries, such as France, Italy, and Spain, and I believe that one well-patronized saloon, here or at home, is accountable for as much drunkenness and disorder as were 1,000 of these wine rooms in Manila. * * *

I want to read that again to those people who are saying that the American domination over there has reduced the number of saloons:

> I believe that one well-patronized saloon here or at home is accountable for as much drunkenness and disorder as were 1,000 of these wine rooms in Manila.

Mr. President, that is not all of it, but I will not weary the Senate by reading more. However, I will read an extract from the report of the general secretary of the Young Men's Christian Association:

> The Filipinos, while pagan and semicivilized, are moral and sober. They first learn of Christianity from the profane sailor, and when they see immense numbers of drunken, profane, and immoral soldiers representing this country they have little respect for the religion they profess. "If that is your religion," they say, "we prefer our own."

Mr. McCOMAS. Will the Senator permit me to make an inquiry? Is not the Senator describing a situation in existence prior to the order of the Taft Commission abolishing the saloons on the Escholta and plazas in Manila and prohibiting the sale of vino and other native spirituous drinks in the saloons and anywhere to a soldier?

Mr. TELLER. Does the Senator say the saloons have been abolished?

Mr. McCOMAS. I asked him if he is not aware of the fact that the sale has been abolished in those places in Manila and very much restricted otherwise by the Taft Commission?

Mr. TELLER. The Senator does not mean to say they do not sell liquor in Manila?

Mr. McCOMAS. I mean to ask the Senator if he has not been made aware, as is stated on page 35——

Mr. TELLER. I have been describing a condition which existed in Manila two months ago.

Mr. McCOMAS. I am asking the Senator whether or not that condition has not been very much abated by the action of the Taft Commission?

Mr. TELLER. If the Senator will produce any evidence on that point, I will be delighted.

Mr. McCOMAS. I will read, if the Senator will permit me, what I find on page 35 of this document.

Mr. TELLER. In a moment. The last statement made from there was that the Taft Commission was controlling it, and, I believe, had increased the amount of license; and that was within the last ten days.

Mr. McCOMAS. If the Senator will permit me, I will read it.

Mr. TELLER. I will let the Senator read it.

Mr. McCOMAS. I read from page 35. Chaplain Miller says:

> Under the recent order of Judge Taft, president of the commission in the Philippines, all the saloons are banished from the Escholta and plazas in Manila, a much higher license imposed on those that remain, and the sale of vino and other native spirituous drinks prohibited in the saloons and anywhere to a soldier. This puts Manila, in temperance and morals, ahead of most of the cities of our home land, and I do not believe I was ever in a city where law and order are so well established or where punishment so quickly follows crime.

If the Senator will allow me, I should be very glad if out of his experience and with his skill he would draft an amendment to this bill—I should like to vote for it—still further enforcing the suppression of American saloons and the sale of poisonous native distillations.

Mr. LODGE. Will the Senator from Colorado permit me?

Mr. TELLER. Certainly.

Mr. LODGE. I think there is no doubt that the Taft Commission has improved the situation in Manila, but I do believe that something could be done by legislation to improve it still further; and I think there is nothing we could do that would be more beneficial than to prevent the possibility of the recurrence of the evils about which the Senator has been reading and of which I read with a great deal of pain.

Mr. TELLER. The other day in executive session the Senator, I believe, procured the passage of a treaty intended to secure the protection of the dark races in Africa and other places from the use of intoxicating drinks, and I think there is nobody better qualified to prepare such an amendment to this bill than the Senator from Massachusetts, and I wish he would do it. I should be delighted to vote for it.

Mr. LODGE. The treaty the Senator refers to was made public, and it was passed as the Senator states.

Mr. TELLER. Yes.

Mr. LODGE. And the Senate also agreed to a resolution expressing its opinion that it was desirable to prevent the introduction of spirituous liquors into such regions as these for sale to the aboriginal inhabitants. With that I am wholly in sympathy.

Mr. TELLER. The Senator from Massachusetts introduced it.

Mr. LODGE. I introduced it, and the Senate agreed to it unanimously.

Mr. TELLER. I voted for it, and I should be very much delighted if he would draft an amendment to fit this case. He belongs to the party in power, and I think it would be a little wiser, perhaps, for it to come from him than from me. In answer to the Senator from Maryland, that I may not appear to be reading ancient history, I will call his attention to an article in the London National Review for September. This is from the pen of John Foreman. He is an English engineer who went to that country and spent about eleven years as an engineer and some eight or ten years more living in the country attending to business. He was before our commission. He wrote the most interesting book on the islands that has ever been published, in my opinion. He has a full and thorough acquaintance with those people. I wish to say to the Senator from Maryland that I have not brought this up in a way to attack anybody or to gain any political advantage or anything else, but in the interest of what I believe to be justice and right.

> The conduct of the boisterous, undisciplined individuals who formed a large percentage of the first volunteer contingent sent to Manila has had an ineffaceably demoralizing effect on the proletariat and has inspired a feeling of horror and loathful contempt in the affluent and educated classes who guide Philippine public opinion. From the outset it was a mistake to treat the Christian Philippine population like savages ignorant of Western civilization, considering that there are thousands of Filipinos mentally equal to the invading forces, and comparable, in intellectual training, with the average middle-class European. I would point out that the Philippine Christian population includes not only those of pure Malay descent, but a large admixture of sagacious Spanish and Chinese half-castes, educated in the university and colleges of Manila, in Hongkong, Europe, and other places.
>
> Within a fortnight after the capitulation of Manila the drinking saloons had increased fourfold. According to the latest advices there are at least twenty to one existing in the time of the Spaniards. Drunkenness, with its consequent evils, is rife all over the city among the new white population. The orgies of the newcomers, the incessant street brawls, the insults offered with impunity to natives of both sexes, the entry with violence into private houses by the soldiery, who maltreat the inmates and lay hands on what they choose, were hardly calculated to arouse in the natives admiration for their new masters. Brothels were absolutely prohibited under Spanish rule, but since the evacuation there has been a great influx of women of ill fame.

There is some more than that which might be read. There is a

chapter that might be read of the condition in the Sulu Island, which is enough to make any man ashamed who has any idea of decency.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). Does the Senator from Colorado yield to the Senator from Ohio?

Mr. TELLER. Certainly.

Mr. FORAKER. I wish to make a statement. On account of another duty I am compelled to be absent from the Chamber during the rest of the day's session. I am sorry for it, because I wanted to be here to vote upon this proposition. Inasmuch as I will perhaps not be here when it is voted on, I simply wish to announce the reason why I am absent, and that if here I should vote to abolish the canteen. I should vote against the Senate amendment.

Mr. TELLER. I hope the Senator will pair with some one.

Mr. FORAKER. I am paired. I am much obliged to the Senator.

Mr. TELLER. I should like to put into the RECORD a statement made by the Rev. F. H. Morgan, a missionary of the Methodist Episcopal board in Singapore. I think I will read it. He is vouched for by the Rev. Dr. Leonard, secretary of the Methodist Episcopal board, as a worthy and reliable man. Some of the Senators know Dr. Leonard.

The colonial expansion which has taken place in our country has brought in its train certain evils which we have never met hitherto. Great Britain and the continental powers have set the pace in many things which are not altogether acceptable to Christian sentiment at home or abroad, and one of the evils which they have fostered, but from which we have hitherto been free, is the pandering to the vice of soldiers. It is a fact that is not probably known at home that the iniquitous "contagious-diseases acts," formerly openly, and at the present time, it is claimed, secretly, enforced in the cantonments of India, are now in effect in our new possessions. The subject was brought to my attention a few weeks ago, but, unwilling to jump at conclusions, I have waited until I could confirm the statements then made that in Sulu, and if there, doubtless in other places, there is a quarter set off by the commanding officer, General Kobbé, as the recognized resort of prostitutes—

That is what I referred to, not intending then to read it—

that these women, mostly Japanese, are brought there with the knowledge and consent, if not the approval, of the authorities; that they are segregated and only soldiers allowed to consort with them; that sentries are posted at the entrance to keep peace and order and prevent the entrance of natives or the escape of the women, and that it is a recognized institution of our military occupation. The officers have full knowledge of it, but have yielded to the sophistry so common among military men that you "can't prevent the men doing such things, hence it is better to safeguard them as much as possible."

That is the argument used in reference to the canteen.

Do our Christian people at home realize what this means—that their sons are taken from Christian homes in Christian America and brought to the Tropics, with all the seductive influences prevalent there, and under the sanction of their officers find everything made as easy as possible for them to live lives of impurity and vice; that our Christian Government, through its representatives, provides every facility for such sin, and says, by actions, if not by words, that it is necessary, and that a young man can not be continent and pure away from home and mother? The canteen is evil, but this is infinitely worse. Ought not the matter to be investigated and the seal of disapproval set upon it by the united Christian sentiment of our land? We want pure men to guard these outposts and to set the native races an example. The reports which came to my ears were confirmed by the Sultan of Sulu himself in an interview which I recently had with him.

Mr. President, I will ask permission to put in, without reading, a statement by Miss Alice B. Condict, a doctor and missionary of the Methodist Episcopal Church in Manila:

Several missionaries here have recently received letters from the home land inquiring as to the truth of accounts published in the United States of the licensing of houses of prostitution for the benefit of our United States soldiers. I have accordingly been making inquiries and find to my chagrin that these shocking reports are only too true facts. I am forced to write it. Our United States Government officers have established here regular houses for prostitute women, examining them every week and giving each a certificate, with her own photograph on it, to securely identify the girl who holds it. The reports are that after election is over in the United States the military authorities think of having this system of prevention of disease more systematically carried out here.

This, of course, is simply the iniquitous plan of men who regard the Army simply as so much fighting material. The idea of right or wrong has not been considered at all; therefore the dark deeds have become the military law. It therefore behooves Christian America to rise and assert herself. Especially is it the province of Christian women to come to the front, and I fully expect and believe they will be found fully equal (with God as their leader) to rise and put an end to this horrible evil.

I have gone a little beyond the canteen, because I wanted to attract the attention of the Senate to the fact that these questions are under the control of the Government of the United States without any legislation. The President of the United States can close every grog shop in Manila in an hour. He is responsible to nobody. A power that can sit there and collect taxes and can appropriate the taxes when collected as it sees fit, can not be restrained from enacting rules to close up these dens of vice, whether they be in Manila or whether they be in Sulu. We will not escape the responsibility that falls upon us, if the President fails to do this, if we do not compel, by words which can not be frittered away by an ingenious Attorney-General, to close them up and to maintain temperance and decency wherever the American flag floats over land where, whatever may be said of our relations to those people, we are now the dominant power and are denying every other power on earth the right to be heard. We have taken away from the people of Manila the right to legislate for themselves, and if they desire to close up these shops they are impotent to do it. Therefore we ought to do it, and if we do not do it, we ought to receive the condign contempt of the American people.

Mr. President, I do not belong to the party that is in power in the Senate, and I know very well, and I have seen it demonstrated here again and again, it has been the experience that if you desire to seek legislation of this character you must call upon the friends who have the majority in the Chamber to initiate it and support it.

Mr. LODGE. I do not wish to interrupt the Senator. I am perfectly willing to wait.

Mr. TELLER. I will be through in a moment.

Mr. LODGE. I wish to offer an amendment.

Mr. TELLER. I wish the Senator would offer it. I should like to hear it.

Mr. LODGE. I do not believe the canteen has done any great amount of harm in Manila. I think that the evil that we get rid of there is comparatively trifling. But I do believe, and I have believed for a long time, that the people who followed the Army and opened saloons in Manila have done immense harm, and there is nothing that this commission has done better, in my judgment, than the restrictions which they have placed upon the liquor traffic, in a way in which I believe they are gradually limiting it. But I think it is a thing important enough to regulate by law. No man is better in the Tropics for drinking distilled spirits. I suggest this amendment: On page 43, line 7, after the words "United States," strike out the word "is" and insert—

And the importation of distilled spirits into the Philippine Islands or their dependencies, except for medicinal purposes, under regulations to be prescribed by the commissioners of the United States, are.

The PRESIDING OFFICER. The amendment will be printed.

Mr. TELLER. Mr. President, I do not care to continue this discussion. I wish to say, however, one word about the use of intoxicating drinks in the Tropics. It is well known to everyone who has ever given any attention to it that in the Tropics it is quite impossible for men to indulge in the use of intoxicating drinks as they do in the Temperate Zone. It is equally true that in the higher altitudes of this country men can not do that. On high mountains the excessive use of liquors is exceedingly dangerous to life. It is equally dangerous to life in the Tropics. That has been the history of the English occupation of India and of every other tropical country. People do not take to it as we do in the North, and they never have done so. The vice of intemperance is not a vice which is usual in tropical countries, partly, perhaps, because of the domination of one great religious organization—the Mohammedans—who do not use liquor, who, according to their faith, must not use either wine, beer, or strong drink, and because of the fact that everywhere they recognize the danger of its use. So we shall do no harm to our soldiers there, we shall not invade any of their privileges that will be dear to them, if we cut off the use of intoxicating liquors of all kinds in the Philippines, and on every foot of it.

Mr. McCOMAS. I did not clearly understand the Senator from Colorado. Did I understand him to say that he would favor the amendment offered by the Senator from Massachusetts, or an amendment of like import?

Mr. TELLER. I have not had an opportunity to see whether that amendment goes as far as it ought, but as far as it goes I am certainly in favor of it. If it does not go far enough, I shall try to amend it.

Mr. McCOMAS. If I understand the Senator's position, he does not have any serious scruples about the prohibition as to taxes, duties, and imposts being uniform throughout the United States. He is not troubled by the Constitution being a camp follower.

Mr. TELLER. I do not understand the point the Senator is making.

Mr. McCOMAS. I mean to say you are not troubled by the question which is now being discussed in the Porto Rican case, by a want of uniformity in duties upon distilled spirits in the ports of the United States and in the ports of the Philippine Islands?

Mr. TELLER. Mr. President, this seems to me to be a very pressing measure, and I am not going into that question. I am waiting to hear what the Supreme Court says on that subject.

Mr. McCOMAS. I wish to say that I shall favor and that I will have no trouble about voting for the amendment proposed. I heartily favor the restriction on the traffic by that drastic means.

Mr. GALLINGER. Mr. President, I rose to appeal to the Senator from Massachusetts to offer his amendment as a separate section to the bill. There is now a contest between the friends of the present canteen and those who are opposed to it, and it is very desirable that the issue should be squarely decided.

The Senator from Massachusetts will recognize the fact that if his amendment to the provision prevails, it will put the question into conference and that the Senate will be, as it frequently finds itself, not in the hands of a majority of this body, but in the hands of three men who are the conferees. For that reason I trust the

Senator will withdraw his proposed amendment and submit it as a separate section.

Mr. LODGE. I am perfectly willing to submit it as a separate section.

Mr. ALLISON. I suggest to the Senator to withdraw it for the time being.

Mr. LODGE. I will withdraw it for the time being and submit it as a separate section.

The PRESIDING OFFICER. The amendment suggested by the Senator from Massachusetts will be withdrawn.

Mr. COCKRELL. Let the amendment be read.

Mr. GALLINGER. While I am on my feet——

The PRESIDING OFFICER. Does the Senator from Missouri call for a reading of the amendment?

Mr. COCKRELL. I hope the amendment of the Senator from Massachusetts will be read and offered now, so that we will know it is pending.

The PRESIDING OFFICER. It was offered and is withdrawn by that Senator for correction.

Mr. LODGE. I will say to the Senator from Missouri that I will put it in the shape of a new section as soon as possible.

The PRESIDING OFFICER. The Senator from New Hampshire will proceed.

Mr. GALLINGER. Mr. President, I offer an amendment on this question, which I may or may not desire to have acted upon. I have drawn it very hurriedly and it is doubtless very imperfect. I offer the amendment to lie on the table. It need not be printed.

The PRESIDING OFFICER. The proposed amendment will be read.

The SECRETARY. It is proposed to add as a new section:

That all licenses heretofore granted or that may be granted prior to the approval of this act for the establishment of American saloons in the Philippine Archipelago are hereby revoked and annulled, and hereafter no such licenses shall be issued.

Mr. GALLINGER. Let it lie on the table.

The PRESIDING OFFICER. The amendment will lie on the table.

Mr. GALLINGER. I desire, Mr. President, simply to have inserted in the RECORD by consent, if I can obtain it, the testimony of General Miles, which is found on pages 44 and 45 of the hearings before the Committee on Military Affairs, and also——

Mr. PETTIGREW. Let it be read.

Mr. GALLINGER. The Senator from South Dakota asks that it be read. I shall be pleased to have it read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

TUESDAY, *December 11, 1900.*

Lieut. Gen. Nelson A. Miles, U. S. A., commanding the Army, appeared before the committee.

Senator SEWELL. I want to ask you if you approve of the canteen as it is, and whether it has been a good thing in the Army?

General MILES. I think it was on my recommendation that the sale of alcoholic liquors was prohibited in the Army. That was done several years ago. I recommended it to President Hayes, and I have the pen now with which he wrote the order prohibiting the sale of rum, gin, brandy, and whisky. It did not prohibit the sale of light wines and beers. That was a step I thought at that time desirable; that was as far as I was ready to go in that direction, and that order, I think, has been of benefit to the service.

Senator SEWELL. You think that has proved to be a good thing for discipline and satisfies the men, and as a result there is less intemperance than under the old system?

The CHAIRMAN. Fewer offenses and more money saved?

General MILES. The old way was very bad, because the sutler's store was demoralizing, and I asked President Hayes to make that order and he did it, and I have the pen now with which he wrote it. Then, at the commencement of the Spanish war I called attention even to the sale of beer and wine, urging that the department commanders would reduce the use of it as much as possible, particularly in the Tropics, in a general order issued, and that was done. Having it under their absolute control now, they can stop the sale of beer and wine or restrict it.

Senator BURROWS. Who can, General?

General MILES. The department commanders and the Army commanders.

Senator BURROWS. They can abolish the canteen if they see fit?

General MILES. Yes; or they can prohibit the sale of more than one drink in a day if they want to. In fact, I called attention to that in an order I issued at the commencement of the Spanish war. As to whether it would now be advisable to prohibit everything of that kind is a matter you can judge as well as I can.

The CHAIRMAN. Would you say that the establishment of the post exchange as it is now has had a good effect on the Army?

General MILES. I think it is far better than it was before.

Mr. GALLINGER. I now desire to have read General Orders, No. 87, Headquarters of the Army, Adjutant-General's Office, Washington, July 2, 1898, which was issued by command of Major-General Miles at that date.

The PRESIDING OFFICER. The Senator asks to have it read?

Mr. GALLINGER. Yes, sir.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

GENERAL ORDERS, No. 87.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, July 2, 1898.*

The Army is engaged in active service under climatic conditions which it has not before experienced.

In order that it may perform its most difficult and laborious duties with the least practicable loss from sickness, the utmost care consistent with prompt and efficient service must be exercised by all, especially by officers.

The history of other armies has demonstrated that in a hot climate abstinence from the use of intoxicating drink is essential to continued health and efficiency.

Commanding officers of all grades and officers of the medical staff will carefully note the effect of the use of such light beverages—wines and beer—as are permitted to be sold at the post and camp exchanges, and the commanders of all independent commands are enjoined to restrict, or to entirely prohibit, the sale of such beverages if the welfare of the troops or the interests of the service require such action.

In this most important hour of the nation's history it is due the Government from all those in its service that they should not only render the most earnest efforts for its honor and welfare, but that their full physical and intellectual force should be given to their public duties, uncontaminated by any indulgences that shall dim, stultify, weaken, or impair their faculties and strength in any particular.

Officers of every grade, by example as well as by authority, will contribute to the enforcement of the order.

By command of Major-General Miles:

H. C. CORBIN, *Adjutant-General.*

Mr. GALLINGER. Mr. President——

Mr. LODGE. Will the Senator permit me to put the amendment in before he goes on?

Mr. GALLINGER. Certainly.

Mr. LODGE. I now offer the amendment as a new section, section 41, to follow after the canteen section.

The PRESIDING OFFICER. The amendment will be printed.

Mr. COCKRELL. Let it be read.

Mr. PETTIGREW. I should like to have it read.

The PRESIDING OFFICER. It will be read.

The Secretary read as follows:

Add a new section, to stand as section 37, and to read as follows:

"SEC. 37. The importation or sale of distilled spirits into the Philippine Islands or their dependencies, except for medicinal purposes or for use in the arts under regulations to be prescribed by the commissioners of the United States, is hereby prohibited."

Mr. PERKINS. I also desire to offer an amendment. I ask that it may be read and take the same course.

The PRESIDING OFFICER. The proposed amendment will be read.

The SECRETARY. It is proposed to amend the bill by adding as a new section, to stand as section 38, the following:

SEC. 38. That when any enlisted man of the Army (regular or volunteer), serving in the Philippine Islands, who may, on or before July 1, 1901, be entitled to his discharge and transportation home, reenlists for three years, he shall be paid $100 in lieu of the cost of his transportation to the United States and return of a soldier and the amount of pay and allowances during that period. On the expiration of his second enlistment he shall be entitled to the transportation and allowances to the place of his present enlistment as now provided for by law.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. GALLINGER. Mr. President, I am aware of the fact that General Miles, in common with all the other high officers of our Army, whether they approve or disapprove of this canteen question, are averse especially to having their names made prominent in this debate. At least I assume that to be the fact; and yet, as attention has been called to the attitude of some of these great generals, I felt it incumbent upon me to put in the RECORD the testimony that General Miles gave before the committee. It has been said that he is in favor of the so-called post exchange as it is now conducted. General Miles said nothing of the kind in his testimony. He called attention to a reform that had been wrought at his suggestion—a very important reform—and then he said to the committee, practically, "Gentlemen, the question is up to you; let Congress dispose of it as Congress thinks best."

General Miles, for the most admirable order that he issued at the beginning of the Spanish-American war, is entitled to the thanks of every temperance man and woman in this country. In it he called attention to a fact that is well known to the medical profession, that the use of intoxicating drinks in tropical climates is especially injurious to health, and he very pointedly suggested to his officers that they should exercise great discretion in permitting the use even of light wines and beers, and that if they observed that any harm came from them to prohibit the use entirely.

General Miles is known to some of us as a man who believes in temperance in all things. More than twenty years ago General Miles called attention to the fact that there was not a great manufacturing or railroad corporation or any other corporation in this country that permitted the sale of beer or intoxicants of any kind to its employees on its premises, and for that reason at that time he did not see the necessity of it being sold to a regiment of soldiers. I quite sympathize with that feeling. The Amoskeag corporation in my State employs about 9,000 men in the city of Manchester, and if anybody who is connected with that great corporation should suggest that they could not get men to work for them or that it would be for the benefit of the health of those men to have a beer saloon in that great establishment he would be hooted at.

The great Pennsylvania Railroad, the Boston and Maine Railroad, and all the other great railroads of this country, employing

tens of thousands of men, have never thought it necessary to establish saloons in connection with their corporation. And I, for the life of me, can not understand why the boys we send out from New England and other parts of the country to fight our battles should be tempted in this way, and that it should be argued that it is necessary to their comfort and to prevent them from deserting and to encourage their enlistment that we should establish these places where they can procure intoxicating drinks, even of the mildest kind.

Mr. President, I do not wish to detain the Senate a moment longer.

Mr. BUTLER. I call the Senator's attention to section 17 of the Army reorganization act passed in 1890, which reads as follows:

SEC. 17. That no officer or private soldier shall be detailed to sell intoxicating drinks, as a bartender or otherwise, in any post exchange or canteen, nor shall any other person be required or allowed to sell such liquors in any encampment or fort or on any premises used for military purposes by the United States; and the Secretary of War is hereby directed to issue such general order as may be necessary to carry the provisions of this section into full force and effect.

I should like to ask the Senator if he knows what construction has been put by the Department upon that section?

Mr. GALLINGER. In the observations I made yesterday on this bill, while I did not discuss that matter at length, not caring to do so, I said that the Attorney-General had made a remarkable discovery, and that discovery was that that section did not mean what it said it means.

Mr. President, that amendment was submitted to me before it was offered. I read it carefully, desiring to prohibit the sale of intoxicating liquors in our Army. I approved of the amendment, believing it would accomplish that result if it was passed. It was passed and became a law, and the Attorney-General, the Senator from Colorado this morning said, by putting a semicolon in a place where Congress put a comma, and dividing the section into two parts, proceeded to render an opinion that it did not mean what we intended it should mean, and so the post exchange has continued without regard to that statute.

I will say to the Senator that I have no sympathy whatever with the construction which was put upon that section by the Department of Justice. It certainly was not what the friends of the section intended.

Mr. HANSBROUGH. It nullified the law.

Mr. GALLINGER. It nullified the law absolutely and as I think very unjustly.

Mr. BUTLER. I should like to ask the Senator if he can conceive of any language that we could use which would be plainer than this?

Mr. GALLINGER. I have said in print, and I have said in certainly one public address, that I do not believe that there is an American citizen capable of writing any plainer language or language more easily understood than that section, and I was astounded at the time and I am equally so now, that any different construction could have been put upon it than that I put upon it at the time I read it.

Mr. BUTLER. What hope does the Senator then see in any legislation which we may enact?

Mr. GALLINGER. Perhaps the commas will be all right this time and the sentence may not be susceptible of a different punctuation.

Mr. BUTLER. We had better punctuate this seventeenth section of the law and reenact it.

Mr. HANSBROUGH. Mr. President, I simply desire to say for the information of the Senator from North Carolina that the section now known as the anti-canteen section has been drawn with an idea to overcome the objections that were contained in the decision or the judgment that was passed upon the former section by the Attorney-General, and competent lawyers have agreed, at least those to whom I have talked, that it will pass muster.

Mr. BUTLER. That it will be impossible to construe it away?

Mr. HANSBROUGH. That it will be impossible to construe it so as to nullify it.

The PRESIDING OFFICER (Mr. THURSTON in the chair). The question is on agreeing to the amendment of the Committee on Military Affairs.

Mr. PETTIGREW. Mr. President, I have been somewhat surprised at the debate which has occurred upon this bill. The committee have reported a bill to increase the Army of the United States to 100,000 men, undertaking to disguise their purpose by a provision by which the President can reduce the number of privates and corporals to a less number, but the bill provides the officers for 100,000 men. No necessity has been stated by the committee for this increase in the Army. Information is withheld, and the committee make a report which contains nothing of value, except it be a justification for the sale of intoxicating liquors to the Army of the United States. There is nothing else in their report. Page after page is devoted to showing that the sale of liquors to our soldiers is a good thing, and a majority of the committee are willing to come before the Senate and the country with this sort of a document to justify increasing the Army to a hundred thousand men, to justify having more men to place under the influences of the Army canteen and there sell liquor to them.

I supposed there was a minority of this committee. Their voices are silenced; we hear nothing from them. How the minority should have been silenced I know not. Commissions have been abundant in the Army, and the volunteer service finds many relatives of prominent men among their number. The majority of the committee seems to have been engaged principally in trying to defend the President of the United States for violating an act of Congress.

There is no necessity for this legislation prohibiting the Army canteen. We have passed a law upon that subject. It is clear and distinct. There is no possible chance to misunderstand its language. And yet the President of the United States refuses to enforce the law. Pursuing that course, with the same disregard for the law and a disregard for the Constitution, he sets up his authority as superior to everybody's, and withholds from this body the information in his possession necessary to an intelligent discharge of our duties as legislators.

The act of Congress which we passed before, prohibiting the sale of liquor in Army canteens, was not necessary. The power of the President was abundant. An order from him as the Commander in Chief of the Army could have prevented the sale of intoxicating liquors upon the ground occupied by the Army and in every Army canteen throughout the United States. And yet he refused to issue the order, and not only refused, but has since refused to execute the law we passed. To justify this act on his part, the majority of the committee devoted their entire attention to a defense of his action.

What is more, Mr. President, in the hearings before the committee not an Army officer has been subpœnaed to testify to the injurious effects of the sale of liquor to soldiers. Only those were selected who would justify the course of the President, and yet many Army officers have stated to the contrary, as was shown by the Senator from North Dakota [Mr. HANSBROUGH] yesterday. But in this document there is not a line from any officer of the Government except those in favor of selling liquor to our soldiers. Why this special plea? What peculiar purpose influenced the majority of the committee to make this special plea to defend and shelter their President, who has violated his duty?

Mr. President, the report of the Committee on Military Affairs, which embraces 10 printed pages, contains the following as a reason why the Army should be increased:

It is impossible to suppose that any intelligent citizens would pretend that an army of 29,000 is sufficient to meet existing requirements. Sixty-nine thousand soldiers must be discharged before July 1, 1901. The work has necessarily commenced already. Invalid soldiers are brought home first. A ship is now on the way with its complement, and ships are to leave twice a month until all are brought home except those who desire to remain in our island possessions as citizens.

If no legislation shall interfere, on the 30th of June the men who enlisted in the Regular Army for three years will have to be mustered out before their time.

To fail now to preserve the Army substantially at its present strength would be to plunge our present position into chaos and to let loose all shames and crimes.

That is all there is on the subject. The remainder of this report, except some tables covering less than a page in relation to the number of men provided by the bill and the number of the Regular Army under existing law, is devoted to the Army canteen. Here is page after page to show why liquor should be continued to be sold in Army posts.

Now, I am not opposed to the canteen; I am simply opposed to the sale of liquor in the Army canteen. Beer is an intoxicant, as any other liquor, if men drink enough of it, and, generally, when men commence and learn to drink the milder intoxicants they follow it up ultimately with the stronger intoxicants. If beer is sold to the boys who enlist, if it is authorized by the Government, if it is declared by Congress to be wholesome and proper, if it is kept where the men all must assemble to have any amusement, the boy who has been taught by his mother that temperance is better for him, and that the use of intoxicants will undermine his health, will conclude that he will do as others do, and thus the canteen becomes a nursery for drunkards and a kindergarten for the crimes that follow the use of more strong intoxicants.

It is said that the canteen keeps the men from the grogshops. Why, Mr. President, the grogshops exist on the borders of the reservation, and the numbers who patronize them will be recruited and increased if you provide that they shall be schooled in intemperance upon the reservation and within the military post itself.

I have heard of no argument, I have seen no evidence, which shows that the use of intoxicating liquors is of advantage to the men. When I asked the chairman of the committee [Mr. HAWLEY] yesterday if there was any testimony that the use of beer was a good thing for the men and conducive to their health, he declined to answer my question. I have looked through the testimony, and

there is not a line anywhere which indicates that it would be of advantage to the health of the men. The only argument presented is that intemperance was reduced in the Soldiers' Homes by having beer sold within their walls or upon the premises; but a rule which would apply to the Soldiers' Homes would not apply to the Army.

The men in the Soldiers' Homes are, as a rule, men on an average of over 55 years of age, and their habits are fixed. They are either intemperate or they are not. The influence of the presence of liquor would not induce a man to drink who had been temperate until he had reached such an age, but it is different with the Army. The Army is composed of boys, boys from 17 to 25 years of age; boys who have largely not yet come in contact with the world; boys fresh from their homes, many of them trained and brought up in temperance, taught that it is an evil and an injury to them to indulge in intemperance; and yet this class are to be taught that, with the approval of the President and the approval of Congress, it is their license to commence a course of intemperance by the use of beer in the Army canteen.

As I understand it, the Army canteen is a place where the boys may go and amuse themselves, where they may go to buy extra articles of food. The Senator from North Dakota says that is the post exchange. The Army canteen and the post exchange, as I understand, are synonymous terms, and the same person conducts both; they are together. In the rooms adjoining the post exchange there are tables where the boys may play games and engage in amusements which are entirely harmless. Now, it is proposed by act of Congress to add to that the sale of intoxicating liquors; and a great committee of this body devote their entire time to a justification of this course. They have devoted nearly two days—all of yesterday at least—to a debate to show why this policy of the President should be continued in the future. I have here the law which was passed upon this subject March 2, 1899, a law which remains unenforced, and a law which the President refuses to execute.

SEC. 17. That no officer or private soldier shall be detailed to sell intoxicating drinks, as a bartender or otherwise, in any post exchange or canteen, nor shall any other person be required or allowed to sell such liquors in any encampment or fort or on any premises used for military purposes by the United States; and the Secretary of War is hereby directed to issue such general order as may be necessary to carry the provisions of this section into full force and effect.

I have also the opinion of the Attorney-General upon this subject, which furnished the excuse that the President found for refusing to enforce this law. As I said before, the law was unnecessary. An Executive order could have been issued without the law. Refusing to issue the Executive order, the President had his Attorney-General write an opinion, upon which he based his evasion of the law and refused to execute it.

Mr. SPOONER. Why does the Senator say that the President had his Attorney-General write an opinion against the law?

Mr. PETTIGREW. I think he would have gone on and enforced the law according to its clear and specific terms if he had not an Attorney-General to write an excuse.

Mr. SPOONER. Then the Senator should quarrel with the construction placed by the Attorney-General upon the law. Does he suppose that the President directs the Attorney-General to render an opinion construing the law in a certain way?

Mr. PETTIGREW. I do not know whether he does or not.

Mr. SPOONER. Then I would not say so.

Mr. PETTIGREW. The Attorney-General, addressing the Secretary of War, says:

You request my opinion as to whether the statute above quoted prohibits the continuance of the sale of beer by the Government in the canteen sections of the post exchanges, which are organized and maintained at the various Army posts and encampments throughout the United States. I presume that by "beer" you mean a particular kind of intoxicating drink, and what I shall have to say will refer to that as well as to other "intoxicating drinks," that being the phrase used by the act in question.

In practice the Government commissary stores constituting the regulation ration allowed for the soldiers in each company are required by the War Department to be issued by the commissary officer to the commander of the company, and the commander of the company is (by the same authority) required to have prepared for the mess table of the soldiers only such portion of the same as is found to be necessary at the time, and to sell the remainder and thereby constitute a "company fund" from which to supply the soldiers' mess table with desirable food not contained in the commissary stores drawn by him as regulation rations from the commissary officer, as above stated.

At every post where it is practicable the War Department requires the post commander to institute a post exchange, the capital stock of which is to be made up of contributions from the said funds arising out of the said sales of commissary stores and held by the company commanders, as above stated, and known as company funds. The post exchange is an establishment in which all articles are sold such as soldiers usually buy with the money they spend from their pay, and the establishment is divided up into the following sections:

"(*a*) A well-stocked general store in which such goods are kept as are usually required at military posts, and as extensive in number and variety as conditions will justify; (*b*) a well-kept lunch counter supplied with as great a variety of viands as circumstances permit, such as tea, coffee, cocoa, nonalcoholic drinks, soup, fish, cooked and canned meats, sandwiches, pastries, etc; (*c*) a canteen at which, under the conditions hereinafter set forth, beer and light wines by the drink, and tobacco, may be sold; (*d*) reading and recreation rooms, supplied with books, periodicals, and other reading matter; billiard and pool tables, bowling alley, and facilities for other proper indoor games, as well as apparatus for outdoor sports and exercises, such as cricket, football, baseball, tennis, etc.; a well-equipped gymnasium, possessing also the requisite paraphernalia for outdoor athletics. At small posts it may be impracticable to maintain all of these sections, but at every exchange there should be no less than two departments—the refreshment, embracing store, lunch counter, and canteen; and the recreation, which includes all the other branches."

The net profits arising from the whole business go to the company funds from which the capital stock was contributed, as above stated, and then are used with the rest of the funds, of course, to improve the soldiers' mess table. All of these transactions are carried on by the Government through the War Department under a branch of the Army Regulations promulgated as Post Exchange Regulations. Under these regulations it becomes the official duty of certain officers at the post to attend to the general direction of the business affairs of the post exchange, including all its sections, and the post commander and other officers are, of course, officially responsible to the Government for the management, discipline, and order of the whole matter. Also the Post Exchange Regulations provided for enlisted men to be detailed, under certain circumstances, as salesmen, etc., in all sections of the post exchange, including the canteen section.

Officers in command of camps, forts, reservations, or other premises used for military purposes have usually exercised the authority (when people desired to sell to soldiers) to allow them to come on the premises to do so, or to refuse to allow them such privileges, in their discretion, and also to dictate or determine what those should or should not sell who were permitted to come on the premises.

The post exchange thus organized and conducted is, in effect, a voluntary association, similar to an unincorporated club, the officers and men composing the garrison constituting the members thereof, and the rules and conduct of the exchange being under the regulation and supervision of the War Department.

The section of the statute referred to consists of three parts or clauses, namely:

1. That no officer or private soldier shall be detailed to sell intoxicating drinks, as a bartender or otherwise, in any post exchange or canteen;

2. Nor shall any other person be required or allowed to sell such liquors in any encampment or fort or on any premises used for military purposes by the United States;

3. And the Secretary of War is hereby directed to issue such general order as may be necessary to carry the provisions of this section into full force and effect.

The question to be decided is whether this enactment absolutely prohibits the sale of intoxicating drinks in any manner or by any person in any post exchange or canteen, or whether its effect is merely to modify and regulate sales of intoxicating drinks in those places by discontinuance of the custom heretofore followed of detailing enlisted men as salesmen in the canteens.

Then the Attorney-General quotes from many authorities and gives his own opinion as to the construction of the statute.

Mr. BUTLER. May I ask the Senator if he is reading from the opinion of the Attorney-General?

Mr. PETTIGREW. I am reading from the opinion of the Attorney-General.

Mr. BUTLER. Construing away section 17 of the act of March 2, 1899?

Mr. PETTIGREW. Yes; construing away section 17 of that act. Then he continues:

But the sale of intoxicating drinks in post exchanges and canteens is not the only method in which those commodities are supplied upon premises used for military purposes. As is stated above, officers in command of encampments, forts, reservations, and other premises have usually exercised the authority to allow persons to come upon the premises and sell intoxicating drinks to soldiers, or have exercised the discretion of refusing such privilege. The second clause would seem to relate particularly to this class of persons and to this custom. Given its full effect, it forbids any such license or permission to be granted hereafter by any military officer. I do not think that the second clause of the section is intended to modify or affect in any way the sale of intoxicating drinks in the post exchanges or canteens.

Now let us see what the second clause is:

Nor shall any other person be required or allowed to sell such liquors in any encampment or fort or on any premises used for military purposes by the United States.

The Attorney-General says that language is not "intended to modify or affect in any way the sale of intoxicating drinks in the post exchanges or canteens."

It seems to me that a President would hardly need the advice of anybody who could put such a construction upon language used on this or any other subject, unless he was desirous of securing an opinion as an excuse for violating an act of Congress.

Then the Attorney-General says:

Strength is given to this proposition by the third clause, which directs the Secretary of War to issue such general order as may be necessary to carry the provisions of this section into full force and effect. If the section was intended to be an absolute prohibitory act, preventing the sale of intoxicating drinks on all Government premises occupied for military purposes, then it would execute itself and would require no general order from the Secretary of War or from anyone else. In the face of a general prohibitory section of that kind such sales would be unlawful and the order of the Secretary would not in any way enhance their illegality. If, however, that interpretation be adopted which separates the first and second clauses and makes the second refer only to sales by persons not connected with post exchanges or canteens, then the third clause of the section becomes intelligible and appropriate and applies to the future sales in post exchanges or canteens. The act having forbidden the employment of soldiers as bartenders or salesmen of intoxicating drinks, it would be lawful and appropriate for the managers of the post exchanges to employ civilians for that purpose. Of course, employment is a matter of contract and not of requirement or permission.

That is the language he uses to evade these words:

Nor shall any other person be required or allowed to sell such liquors in any encampment or fort or on any premises used for military purposes by the United States.

The Attorney-General says:

Of course, employment is a matter of contract and not of requirement or permission. The regulation of the post exchanges and canteens being within the power of the Secretary of War, the act means that he shall by order modify the regulations upon that subject so as to make them consistent with

the provisions of this act. To that end it will be requisite that he shall determine the question of the persons who may be employed in the post exchanges, and such other conditions and requirements in connection therewith as his good judgment may dictate.

The result of these reflections is, then—

He calls these "reflections"—

that this section does not prohibit the continuance of the sale of intoxicating drinks through the canteen sections of the post exchanges as heretofore organized and carried on, except that, of course, no officer or soldier can be put on duty in the canteen section to do the selling, either directly or indirectly. This latter the law clearly prohibits.

Mr. MALLORY. Will the Senator allow me to interrupt him a moment?

Mr. PETTIGREW. Certainly.

Mr. MALLORY. I understand from that decision that the ground on which the Attorney-General held that the law did not prohibit the sale of liquor was because the money which was expended in the purchase of the liquor went back to the soldiers and was reinvested; that it was like a club unincorporated. I should like to know if I am correct in my understanding of that point of the decision, because, if I am correct, I should like to know what is the difference in that situation and that which is presented by the amendment which is now before the Senate? In other words, it is the same condition exactly. I do not see any distinction between them; and I do not see how the Attorney-General, if the matter were submitted to him again, could avoid rendering the same decision regarding this proposed legislation.

Mr. PETTIGREW. Mr. President, I do not understand from the opinion that the Attorney-General puts it on the ground that the post exchange is a club. He puts it on the ground of the construction of the language of the second section of the law—he having divided it into sections. However, I do think that the Attorney-General can, with equal propriety, override the law which we are now about to enact, after having overruled the previous one, and that he can find, "after due reflection," not reason, but words, to express his opinion that the law should not be obeyed.

Mr. MALLORY. The present proposed legislation contains the third paragraph, which was in the other law which the Attorney-General construed, namely, that—

The Secretary of War is hereby directed to issue such general order as may be necessary to carry the provisions of this section into full force and effect.

It is almost identical with his issuing a general order to carry it into full force and effect.

Mr. PETTIGREW. No; as I understand it, the Attorney-General first declares that no officer or private soldier shall be detailed to sell intoxicating drinks. He says the law is clear on that subject. Then he says these words: "Nor shall any other person," etc., do not mean what they say; and he divides the law into three paragraphs. Under the head of "second," he says the language "Nor shall any other person be required or allowed to sell such liquors" applies to soldiers, civilians, and everybody else "in any encampment or fort or on any premises used for military purposes by the United States."

It covers everything, and yet the Attorney-General says, "Of course employment is a matter of contract and not of requirement or permission"—not required or allowed, but a contract to sell, and therefore they may sell. Under that construction of the law the President of the United States refused to enforce the act of Congress, and now we are called upon to pass another act. The same Attorney-General may be called upon to render another decision to nullify that, and there will be just as much reason for it, just as much sense for it, and just as much justification for it. If the committee had said, "We already have a law upon this subject and therefore another is not necessary," the report could have been shorter, this debate shorter, and we could have come down to a discussion squarely of the question.

I have examined these hearings, Mr. President. There are two books or pamphlets containing them, I think. The one I hold in my hand relates to the "sale of intoxicating liquors at the Army canteens." It is entirely devoted to that subject. It contains the testimony of many philanthropic people, people who have studied this question, and who came before the committee voluntarily to express their sentiments upon it. It contains the statement of Rev. E. C. Dinwiddie, legislative superintendent of the American Anti-Saloon League; the statement of Mrs. Cornelia B. Forbes, of Connecticut; the statement of Mrs. Ella A. Boole, representing a constituency in the State of New York, having a membership of 22,149 women, opposing the sale of intoxicating liquors in the Army canteen; the statement of Mary H. Hunt, representing the mothers of the United States; the statement of Mrs. Margaret Dye Ellis, of the Northwestern Christian Temperance Union, superintendent of legislation in favor of abolishing the sale of liquor in the Army canteens; the statement of Miss Leitch; the statement of Rev. W. F. Crafts; the statement of Mrs. Ella M. Thatcher, of Florence, N. J.; the statement of Mrs. Katherine Lente Stevenson; the statement of Mrs. M. Kells, president of the Mississippi Woman's Christian Temperance Union; the statement of Mrs. Ingalls, of Missouri, and the statement of Miss Belle Kearney, of Mississippi.

I shall not read the testimony of these people, because I think it is unnecessary, although the committee did not furnish this testimony until after the debate upon this bill had commenced and there has been little opportunity to examine it. These statements are all in favor of abolishing the sale of liquor in the canteen.

Then follow the statements of Rev. Oliver C. Miller, chaplain, voluntarily attached to the Fourth United States Cavalry, and of Army officers, all in favor of continuing the present practice except the statement of General Miles, which, while he does not express an opinion, clearly indicates that he believes, having abolished the use of alcoholic liquors in the canteens, the time has now come to abolish the sale of wine and beer. Although many Army officers have made statements showing the injurious effect of the sale of beer and wine, the Committee on Military Affairs did not choose to subpœna any of these officers or take their statements or their testimony. They seem to have been especially desirous of making a case to justify the course of their President.

I do not know that I care to discuss this question further, except to say that this legislation is unnecessary. The power is ample to deal with this question, both by act of Congress and by the power lodged in the President as commander of the Army. I do not think it is necessary to adopt the amendment offered by the Senator from Massachusetts, as I do not believe we should legislate with regard to the people in the Philippines, and as we have no authority there; but in consequence of the war power and as martial law has been declared in Manila, the President can abolish every saloon in that city. He can prevent the importation of alcoholic liquors and their sale, and, although I shall vote for the House provision in the bill prohibiting the sale of beer in Army canteens, I shall feel that I am voting for unnecessary legislation, if the officers of the Government would enforce existing laws and exercise the power which they now possess.

As long as they refuse to do that they advertise to the American people and to the world that if the boys enlist they are to be subjected to the almost forced habit of using intoxicating liquors, for no boy who visits the Army canteen and enjoys its amusements can avoid, without great mental discomfort to himself, the following of that practice set by older members of the Army. So long as this practice continues, the President of the United States says to the mothers of the United States, "We will subject your boys to the pressure, not alone the temptation, of becoming drunkards, and we will furnish the school and the opportunity."

Mr. GALLINGER. Mr. President, as I recall the matter the Senator from Florida interrogated the Senator from South Dakota as to whether or not if we passed this bill as it came from the House of Representatives the Attorney-General would not nullify the law on the same ground that he did the provision that was in the last military appropriation bill. I will say in reference to that point that I have been informed that the present provision in the bill is drawn in the precise language used by the Attorney-General in his decision when he suggested the form in which the amendment should have been drawn to have made it operative. So there is no danger on that score.

Mr. President, as this matter of the opinion of the Attorney-General has been discussed, and I have received a good many letters first and last concerning it, I simply desire to have incorporated in the RECORD without reading first a promulgation by the Adjutant-General, under date of March 2, calling attention to the provision in the last Army appropriation act; then a letter to the Attorney-General by George D. Meiklejohn, the Assistant Secretary of War, asking for his interpretation of the law; next the opinion of the Attorney-General, and next the General Order, No. 69, of the Adjutant-General, conveying to the Army the opinion of the Attorney-General or its substance. The papers will be found on pages 86, 87, 88, 89, 90, 91, and 92 of the Annual Report of the War Department for the fiscal year ending June 30, 1899, and I ask that they may be put in the RECORD.

Mr. PETTIGREW. I should like to have them read if they are not long.

Mr. GALLINGER. They are very long, occupying 5 pages. The Senator read a part of the papers.

Mr. PETTIGREW. Very well.

The PRESIDENT pro tempore. The papers will be printed in the RECORD.

The papers referred to are as follows:

On the 2d of March, 1899, the same being section 17 of the act entitled "An act for increasing the efficiency of the Army of the United States, and for other purposes," Congress enacted the following provision:

"SEC. 17. That no officer or private soldier shall be detailed to sell intoxicating drinks, as a bartender or otherwise, in any post exchange or canteen, nor shall any other person be required or allowed to sell such liquors in any encampment or fort or on any premises used for military purposes by the United States; and the Secretary of War is hereby directed to issue such general order as may be necessary to carry the provisions of this section into full force and effect."

In accordance with the concluding sentence of the above-mentioned act,

the following was published to the Army under date of March 10, 1899 (General Orders, No. 38):

GENERAL ORDERS, No. 38.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 10, 1899.

* * * * * * *

II. By direction of the Secretary of War, the following extract from an act of Congress is published for the information and government of all concerned:

"An act for increasing the efficiency of the Army of the United States, and for other purposes.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.*

* * * * * * *

"SEC. 17. That no officer or private soldier shall be detailed to sell intoxicating drinks, as a bartender or otherwise, in any post exchange or canteen, nor shall any other person be required or allowed to sell such liquors in any encampment or fort or on any premises used for military purposes by the United States; and the Secretary of War is hereby directed to issue such general order as may be necessary to carry the provisions of this section into full force and effect.

"Approved, March 2, 1899."

By command of Major-General Miles:

H. C. CORBIN, *Adjutant-General.*

As a consequence of this publication, a large number of inquiries reached this office asking for an interpretation of the act in question; whether or not the sale of beer is absolutely prohibited; whether the Department will entertain exceptions; whether the rule applied to military camps where canteens were conducted and where there was no post exchange, and, among others, from the Board of Commissioners of the National Homes for Disabled Volunteer Soldiers as to whether the War Department construed the act in question as prohibiting the sale of beer at such Homes. For the purpose of determining the question, and in accordance with provisions of law (sections 356 and 357, Revised Statutes) which authorize the Secretary of War to require the opinion of the Attorney-General whenever a question of law arises in the administration of the Department of War the cognizance of which is not given by statute to some other officer from whom the head of the Department may require advice, the following letter was addressed to the Attorney-General:

WAR DEPARTMENT, *Washington, March 24, 1899.*

SIR: In practice the Government commissary stores constituting the regulation ration allowed for the soldiers in each company are required by the War Department to be issued by the commissary officer to the commander of the company, and the commander of the company is (by the same authority) required to have prepared for the mess table of the soldiers only such portion of the same as is found to be necessary at the time, and to sell the remainder and thereby constitute a "company fund" from which to supply the soldiers' mess table with desirable food not contained in the commissary stores drawn by him as regulation rations from the commissary officer, as above stated.

At every post where it is practicable the War Department required the post commander to institute a post exchange, the capital stock of which to be made up of contributions from the said funds arising out of the said sales of commissary stores and held by the company commanders, as above stated, and known as company funds. The post exchange is an establishment in which all articles are sold such as soldiers usually buy with the money they spend from their pay, and the establishment is divided up into the following sections:

"(*a*) A well-stocked general store, in which such goods are kept as are usually required at military posts, and as extensive in number and variety as conditions will justify; (*b*) a well-kept lunch counter, supplied with as great a variety of viands as circumstances permit, such as tea, coffee, cocoa, nonalcoholic drinks, soup, fish, cooked and canned meats, sandwiches, pastries, etc.; (*c*) a canteen at which, under the conditions hereinafter set forth, beer and light wines by the drink, and tobacco, may be sold; (*d*) reading and recreation rooms, supplied with books, periodicals, and other reading matter, billiard and pool tables, bowling alley, and facilities for other proper indoor games, as well as apparatus for outdoor sports and exercises, such as cricket, football, baseball, tennis, etc., a well-equipped gymnasium, possessing also the requisite paraphernalia for outdoor athletics. At small posts it may be impracticable to maintain all of these sections, but at every exchange there should be no less than two departments—the refreshment, embracing store, lunch counter, and canteen; and the recreation, which includes all the other branches."

The net profits arising from the whole business go to the company funds from which the capital stock was contributed, as above stated, and then are used with the rest of the funds, of course, to improve the soldiers' mess table. All of these transactions are carried on by the Government through the War Department under a branch of the Army Regulations promulgated as Post Exchange Regulations. Under these regulations it becomes the official duty of certain officers at the post to attend to the general direction of the business affairs of the post exchange, including all its sections, and the post commander and other officers are, of course, officially responsible to the Government for the management, discipline, and order of the whole matter. Also, the Post Exchange Regulations provided for enlisted men to be detailed, under certain circumstances, as salesmen, etc., in all sections of the post exchange, in cluding the canteen section.

Officers in command of camps, forts, reservations, or other premises used for military purposes have usually exercised the authority (when people desired to sell to soldiers) to allow them to come on the premises to do so, or to refuse to allow them such privileges, in their discretion, and also to dictate or determine what those should or should not sell who were permitted to come on the premises.

Your attention is invited to section 17 of the act entitled "An act for increasing the efficiency of the Army of the United States, and for other purposes," approved March 2, 1899. It is as follows:

"That no officer or private soldier shall be detailed to sell intoxicating drinks, as a bartender or otherwise, in any post exchange or canteen, nor shall any other person be required or allowed to sell such liquors in any encampment or fort or on any premises used for military purposes by the United States; and the Secretary of War is hereby directed to issue such general order as may be necessary to carry the provisions of this section into full force and effect."

You are respectfully requested to render an opinion as to whether this statute prohibits the continuance of the sale of beer by the Government in the canteen sections of the post exchanges as described above, except, of course, that no officer or soldier can be put on duty in the canteen section to do the selling, either directly or indirectly, for it is clear that the law prohibits this.

Very respectfully,

G. D. MEIKLEJOHN,
Acting Secretary of War.

The ATTORNEY-GENERAL.

To which he made the following reply:

DEPARTMENT OF JUSTICE,
Washington, D. C., April 3, 1899.

The SECRETARY OF WAR.

SIR: Section 17 of the act entitled "An act for increasing the efficiency of the Army of the United States, and for other purposes," approved March 2, 1899, provides as follows:

"That no officer or private soldier shall be detailed to sell intoxicating drinks, as a bartender or otherwise, in any post exchange or canteen, nor shall any other person be required or allowed to sell such liquors in any encampment or fort or on any premises used for military purposes by the United States; and the Secretary of War is hereby directed to issue such general order as may be necessary to carry the provisions of this section into full force and effect."

You request my opinion as to whether the statute above quoted prohibits the continuance of the sale of beer by the Government in the canteen sections of the post exchanges, which are organized and maintained at the various Army posts and encampments throughout the United States. I presume that by "beer" you mean a particular kind of intoxicating drink, and what I shall have to say will refer to that as well as to other "intoxicating drinks," that being the phrase used by the act in question.

In practice the Government commissary stores constituting the regulation ration allowed for the soldiers in each company are required by the War Department to be issued by the commissary officer to the commander of the company, and the commander of the company is (by the same authority) required to have prepared for the mess table of the soldiers only such portion of the same as is found to be necessary at the time, and to sell the remainder and thereby constitute a "company fund" from which to supply the soldiers' mess table with desirable food not contained in the commissary stores drawn by him as regulation rations from the commissary officer, as above stated.

At every post where it is practicable the War Department requires the post commander to institute a post exchange, the capital stock of which is to be made up of contributions from the said funds arising out of the said sales of commissary stores and held by the company commanders, as above stated, and known as company funds. The post exchange is an establishment in which all articles are sold such as soldiers usually buy with the money they spend from their pay, and the establishment is divided up into the following sections:

"(*a*) A well-stocked general store in which such goods are kept as are usually required at military posts, and as extensive in number and variety as conditions will justify; (*b*) a well-kept lunch counter supplied with as great a variety of viands as circumstances permit, such as tea, coffee, cocoa, nonalcoholic drinks, soup, fish, cooked and canned meats, sandwiches, pastries, etc.; (*c*) a canteen at which, under the conditions hereinafter set forth, beer and light wines by the drink, and tobacco, may be sold; (*d*) reading and recreation rooms, supplied with books, periodicals, and other reading matter; billiard and pool tables, bowling alley, and facilities for other proper indoor games, as well as apparatus for outdoor sports and exercises, such as cricket, football, baseball, tennis, etc.; a well-equipped gymnasium, possessing also the requisite paraphernalia for outdoor athletics. At small posts it may be impracticable to maintain all of these sections, but at every exchange there should be no less than two departments—the refreshment, embracing store, lunch counter, and canteen; and the recreation, which includes all the other branches."

The net profits arising from the whole business go to the company funds from which the capital stock was contributed, as above stated, and then are used with the rest of the funds, of course, to improve the soldiers' mess table. All of these transactions are carried on by the Government through the War Department under a branch of the Army Regulations promulgated as post-exchange regulations. Under these regulations it becomes the official duty of certain officers at the post to attend to the general direction of the business affairs of the post exchange, including all its sections, and the post commander and other officers are, of course, officially responsible to the Government for the management, discipline, and order of the whole matter. Also, the post exchange regulations provided for enlisted men to be detailed, under certain circumstances, as salesmen, etc., in all sections of the post exchange, including the canteen section.

Officers in command of camps, forts, reservations, or other premises used for military purposes have usually exercised the authority (when people desired to sell to soldiers) to allow them to come on the premises to do so, or to refuse to allow them such privileges in their discretion, and also to dictate or determine what those should or should not sell who were permitted to come on the premises.

The post exchange thus organized and conducted is, in effect, a voluntary association, similar to an unincorporated club, the officers and men composing the garrison constituting the members thereof, and the rules and conduct of the exchange being under the regulation and supervision of the War Department.

The section of the statute referred to consists of three parts or clauses, namely:

1. That no officer or private soldier shall be detailed to sell intoxicating drinks, as a bartender or otherwise, in any post exchange or canteen;

2. Nor shall any other person be required or allowed to sell such liquors in any encampment or fort or on any premises used for military purposes by the United States.

3. And the Secretary of War is hereby directed to issue such general order as may be necessary to carry the provisions of this section into full force and effect.

The question to be decided is whether this enactment absolutely prohibits the sale of intoxicating drinks in any manner or by any person in any post exchange or canteen, or whether its effect is merely to modify and regulate sales of intoxicating drinks in those places by discontinuance of the custom heretofore followed of detailing enlisted men as salesmen in the canteens.

In order to solve this question and determine which is the proper construction, it is not permissible to resort to the debates in Congress, nor to refer to any particular remarks made by members of Congress at the time this provision was before that body for action. It is a rule of construction that what may be called the parliamentary history of an enactment is wisely inadmissible to explain its meaning. Its language can be regarded only as the language of the three branches of the legislative establishment, namely, the House of Representatives, the Senate, and the President, and the meaning attached to it by its framers or by the members of either House can not control the construction of it. The opinion held or expressed by one or more members of Congress may or may not have been those entertained by the more than 400 members who gave no such expression. The declaration of some and the assumed acquiescence of others therein can not be adopted as a true interpretation of the statute. (Endlich on the Interpretation of Statutes, p. 41.)

This doctrine of construction has frequently been stated and applied by the Supreme Court of the United States. See United States *vs.* Freight Association (166 U. S., 290, 318), where the earlier cases in that court are cited, and the following language is used by Mr. Justice Peckham:

"Debates in Congress are not appropriate sources of information from which to discover the meaning of the language of a statute passed by that

body. The reason is that it is impossible to determine with certainty what construction was put upon an act by the members of a legislative body that passed it by resorting to the speeches of individual members thereof. Those who did not speak may not have agreed with those who did, and those who spoke might differ from each other, the result being that the only proper way to construe a legislative act is from the language used in the act, and, upon occasion, by a resort to the history of the times when it was passed."

Another rule of interpretation that must be applied in the construction of this statute is that no part of an act shall be regarded as meaningless or superfluous if a construction can be legitimately found which will preserve it and make it effectual. A construction of a statute which would leave without effect any part of the language should not be made, unless it is otherwise impossible to give a reasonable and consistent construction of the act. It is to be presumed that in enacting a law the legislature means precisely what it says, and the effort of the interpreter should be to give force and effect to every word, paragraph, and section of the act. (Endlich on the Interpretation of Statutes, p. 29.)

If this act was intended to be entirely prohibitory of the sale of intoxicating drinks in post exchanges or canteens, as well as in encampments, forts, and other premises used for military purposes, then, to say the least, Congress used a very circuitous route to reach that point and employed many superfluous words to enact a simple provision which could have been stated in a single sentence declaring that hereafter no intoxicating drinks should be dealt in or sold in any post exchange or canteen or any premises used for military purposes by the United States. The act does not make any such declaration. On the contrary, the first clause merely forbids the detail of an officer or private soldier to act as a bartender or otherwise in the sale of intoxicating drinks in any post exchange or canteen. Why specify officers and private soldiers as forbidden if it was intended to forbid the traffic by all other persons?

The designation of one class of individuals as forbidden to do a certain thing raises a just inference that all other classes not mentioned are not forbidden. A declaration that soldiers shall not be detailed to sell intoxicating drinks in post exchanges necessarily implies that such sale is not unlawful when conducted by others than soldiers. If a statute were to provide that no liquors should be sold to minors in any saloon, would not everyone infer that the enactment was predicated upon a state of law which, as to others than minors, allowed the sale of liquor in saloons? As all parts of the act must be given effect according to their natural sense and meaning, if possible, it becomes necessary to attach to this first clause, therefore, a signification which implies that the sale of liquor in post exchanges is not unlawful when conducted by others than soldiers. Certainly, standing by itself, it can receive no other or broader meaning than that officers or private soldiers are not to be detailed to sell intoxicating drinks.

But the sale of intoxicating drinks in post exchanges and canteens is not the only method in which those commodities are supplied upon premises used for military purposes. As is stated above, officers in command of encampments, forts, reservations, and other premises have usually exercised the authority to allow persons to come upon the premises and sell intoxicating drinks to soldiers, or have exercised the discretion of refusing such privilege. The second clause would seem to relate particularly to this class of persons and to this custom. Given its full effect, it forbids any such license or permission to be granted hereafter by any military officer. I do not think that the second clause of the section is intended to modify or affect in any way the sale of intoxicating drinks in the post exchanges or canteens. That is dealt with and covered by the first clause. The second clause relates entirely to a different matter.

Strength is given to this proposition by the third clause, which directs the Secretary of War to issue such general order as may be necessary to carry the provisions of this section into full force and effect. If the section was intended to be an absolute prohibitory act, preventing the sale of intoxicating drinks on all Government premises occupied for military purposes, then it would execute itself and would require no general order from the Secretary of War or from anyone else. In the face of a general prohibitory section of that kind such sales would be unlawful, and the order of the Secretary would not in any way enhance their illegality. If, however, that interpretation be adopted which separates the first and second clauses and makes the second refer only to sales by persons not connected with post exchanges or canteens, then the third clause of the section becomes intelligible and appropriate, and applies to the future sales in post exchanges or canteens. The act having forbidden the employment of soldiers as bartenders or salesmen of intoxicating drinks, it would be lawful and appropriate for the managers of the post exchanges to employ civilians for that purpose.

Of course, employment is a matter of contract and not of requirement or permission. The regulation of the post exchanges and canteens being within the power of the Secretary of War, the act means that he shall by order modify the regulations upon that subject so as to make them consistent with the provisions of this act. To that end it will be requisite that he shall determine the question of the persons who may be employed in the post exchanges and such other conditions and requirements in connection therewith as his good judgment may dictate.

The result of these reflections is, then, that this section does not prohibit the continuance of the sale of intoxicating drinks through the canteen sections of the post exchanges as heretofore organized and carried on, except that, of course, no officer or soldier can be put on duty in the canteen section to do the selling, either directly or indirectly. This latter the law clearly prohibits.

Very respectfully, JOHN W. GRIGGS,
Attorney-General.

In accordance with this opinion, an order was published to the Army quoting the opinion of the Attorney-General as above cited and concluding as follows:

GENERAL ORDERS, No. 69. HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, April 12, 1899.*

1. The following opinion of the Attorney-General, and orders of the Secretary of War based thereon, are published for the information and guidance of all concerned:

* * * * * * *

2. The provision of paragraph 3 of the post-exchange regulations (General Orders, No. 46, 1895, from this office), to the effect that "in establishing a new exchange, and at posts where the business is small, the steward and attendants may be enlisted men," is revoked so far as the canteen section is concerned, so that the said paragraph will hereafter be authority for the employment of civilians only in the canteen.

So much of paragraph 10 of the said exchange regulations as requires that "the canteen must be in a room used for no other purpose, and, when practicable, in a building apart from that in which the recreation and reading rooms are located; the sale of beer must be limited to week days, and the beer consumed upon the premises;" and that "the practice known as 'treating' will not be permitted," is amended by the additions thereto of the provisions that *no officer shall be assigned, nor any private soldier detailed, to sell intoxicating drinks, as a bartender or otherwise, in any post exchange, or canteen*, and that *such sales shall be made only by civilians employed for that purpose;* and the requirements of said paragraph 10 of the exchange regulations, to the effect that "*the sale or use of ardent spirits in any branch of the exchange is strictly prohibited*," is emphasized, and also extended so as to apply to any encampment or fort or premises used for military purposes.

3. No person shall be required, permitted, or allowed to sell liquors of any kind, character, or description in any encampment or fort or any premises used for military purposes by the United States; and commanding officers are especially enjoined to see that this prohibition is strictly enforced, and that the sales of liquors in the canteens are confined to the sales of beer and light wines by civilians employed in the canteen for the purpose by the proper Government authorities.

By command of Major-General Miles:

H. C. CORBIN, *Adjutant-General.*

Mr. PETTIGREW. I desire to have read, as part of my remarks, a pamphlet which I hold in my hand upon this subject. It seems to me to outline an ideal canteen, and I should like to have it read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

As the question is being asked, "What can we offer to take the place of the Army canteen?" we beg to offer the following proposition, which was presented at a hearing before the Senate Committee on Military Affairs December 7, 1900.

PROPOSITION TO THE UNITED STATES WAR DEPARTMENT.

[By Sergt. Francis H. Buzzacot, of Chicago, Ill.]

WASHINGTON, D. C., *November 20, 1899.*

SIR: I have the honor to respectfully tender my services and such an amount as is necessary, not to exceed $5,000, to be expended by me or under my direction, for the purpose of erecting and establishing a model Army temperance canteen, to be conducted under military regulations, for the recreation, benefit, and modern advantages of such United States volunteer troops as are now serving in the Philippines.

In this temperance canteen there will be sold, on a scale lower than prevailing market prices, all such articles and comforts that troops in tropical camps require; to supply many of such articles as books, literature, games, all free of cost (in short, to provide anything that is right and proper), except liquors or intoxicants; absolutely nothing of this nature to be permitted or disposed of in its vicinity.

This temperance canteen will be capable of accommodating 1,000 men under its portable canvas roof. It will be floored, ventilated, and equipped with a general store for the disbursement of such goods as are approved of by the War Department. It will be provided with reading and writing tables, recreation tables, benches, music, pictorial magazines, and will be absolutely free to our soldier boys for their comfort, entertainment, and accommodation at all such times as they have for recreation when off duty. Neat and tasty lunch counters will be erected and maintained for the serving of hot tea, coffee, chocolate, fresh milk, iced tea, lemonade, and such drinks as will be beneficial to troops instead of hurtful to them. The serving of light lunches of a nature to relieve the monotonous effect of the Army ration will be encouraged.

Athletic games will be furnished, baseball and football outfits provided and loaned to the troops on all proper occasions, when time permits, and thus supplied to the men free.

In this temperance canteen and its establishment and equipment I proffer my services until its erection and complete organization; whereupon I shall make full and complete presentation of same to the Government, through such commanding officer as the Honorable Secretary of War directs, absolutely free of debt or any expense whatever to the Government or troops, asking only that upon its successful existence that the United States Government will so maintain it, as a strictly temperance canteen, wherever it can be of service to bodies of troops who remain in the camp or field.

It is to be understood also that all profits arising from the sale of everything will be strictly accounted for (less a reasonable percentage for running expenses), and the entire balance to be used for the purpose and issue to the troops or commands who patronize this canteen in such a way as will relieve the monotony of camp fare and rations and best add to the comfort, benefit, health, and moral advancement of the troops abroad. Lastly, that a small percentage be set aside for the sole purpose of extending the movement and reestablishing other temperance canteens elsewhere, thus letting the good work go on.

Religious or song services could also be held here, and what more fitting place could be found for a regiment and its music than in a temperance canteen amidst the heart of a camp of our soldier boys?

It is to be hoped that the Secretary of War will, with other Departments, look well into this offer. There should be unison in one fair effort to establish a model Army temperance canteen, which would be a source of comfort and convenience to the boys and a credit to those who indorse such a movement.

Surely it will be appreciated by the men, for is it not a twofold benefit and a credit to them? In conclusion, I beg in support of my offer to state that an experience of over ten years in the Regular and Volunteer armies (both in peace and war) acquaints me with the actual requirements of soldiers in the field, and I trust will in a small measure contribute to the success of the temperance canteen.

For your information I may add that during the Spanish-American war I presented to my regiment, the Third Illinois Infantry, a complete temperance canteen on the lines herein indicated, and the records will show that in several months' existence it grew to be the largest temperance canteen ever established, capable of accommodating an entire regiment and band for church service. Its profits cleared its original cost and amounted in all to $5,000 (in but a few months' time), all of which was turned over to my regiment and distributed and used by its various companies during its campaign in the Tropics.

At this camp 20,000 troopers visited and patronized it. I refer with pride to these facts simply to indicate what can be done by a soldier alone. With its recognition and cooperation by the Secretary of War and other Departments, I will strive to repeat and extend its influences with a credit to every man and soldier concerned, and I will cheerfully pay every dollar necessary for its establishment.

I believe such a movement will be indorsed by every Christian temperance association in the United States. Mothers, sisters, and men have long since urged reform in Army canteens.

There is a way to do away with the beer canteen. Put in its place something better, something so vastly superior and elevating that will make American soldier boys proud of their own institution. Let there be a respectable, honorable temperance canteen and it will reflect both on the service and men and honor those who sanction and aid the movement. I feel, sir, that I have said enough. What is most needed is to go to work.

I respectfully urge the indorsement of this offer by the honorable Secretary of War, the generals commanding the various departments, and whosoever is for a model Army temperance canteen. If this offer is accepted, I will personally establish it at any point in the Philippines, where a large body of troops is stationed. Then let the results accomplished speak for themselves.

I have the honor to be, with great respect,

FRANCIS H. BUZZACOT,

Late Fifth United States Cavalry, late Fifteenth United States Infantry, Sergeant, United States Volunteer Infantry, Porto Rico Campaign.

The Honorable SECRETARY OF WAR,
(Through the Adjutant-General U. S. Army, Washington, D. C.)

Mr. BUTLER. Mr. President, I thought this question was settled when we voted on the Army bill which was enacted March 2, 1899; but we have had a most remarkable decision by the chief law officer of the Government to the effect that Congress did not know what it wanted when it enacted that. As technical as many of the sections of the bill are and as plain as that section is, it is very strange that it is the only section which it was thought necessary by the War Department to call upon the Attorney-General to construe, and his construction was a wonderful intellectual feat. On account of his decision, which nullified the law, we have the whole question up again. It was considered important enough by the committee which reported the present bill to devote nearly all of their report to the canteen question, and to have many copies of the hearings on that question printed separately for distribution, on the ground, as explained by the Senator from Michigan [Mr. BURROWS], that it was thought that the public was not interested in any other part of the bill, but that the country was intensely interested about this section. In fact, it was considered so important by the Administration that an eminent bishop, I understand, was brought down to Washington to be conferred with about it, and he has furnished an opinion in favor of the canteen as one of the greatest civilizers known to the religious world. That opinion is published in the report. In fact, the opinion occupies nearly all of the last half of the report, and it is all a special plea for the humanizing, civilizing, Christianizing effect of beer.

There are many other good people in this country, equally as good as those the Archbishop speaks of, and probably more numerous, who do not agree with him. They have diametrically opposite views. Some of them appeared before the committee, and some of their testimony is in the report of the hearings. The representative of the Anti-Saloon League, who is stationed in Washington, was before the committee, and it seems that after a brief hearing he was requested or permitted to add to his testimony and file it with the committee for publication in the hearing. As I understand it, he sent the matter that he wished to present, representing his people, in two installments, and the first installment got into the hearing, and the latter installment, arriving probably a little too late, delayed a day or two, was not printed. Therefore the case as presented by those opposed to the canteen and by the official representative of the Anti-Saloon League is not given in the hearing in full.

Inasmuch as this section has been made the most important part of the bill, it seems to me entirely proper, as well as just to the people interested, that the case as made out by those opposed to the canteen should be fully put before the Senate. I have had furnished to me by the representative of the Anti-Saloon League the remainder of the matter that he intended to go into the hearing.

Mr. HAWLEY. I wish to ask a question for information. Does the Senator propose to add all that to the hearing in addition to the testimony given?

Mr. BUTLER. We have had put before us everything on the other side, it seems, that the Government could get, and the report is devoted almost entirely to the canteen.

Mr. HAWLEY. We have had more evidence against the canteen than for it. A very large body of good women came here and had a hearing, and many of them made very good speeches. The committee excluded nobody who wanted to testify.

Mr. BUTLER. I had not charged that, because I did not know it was so, but I stated the facts as I understand them. The representatives of the Anti-Saloon League had a conference in Washington I think on the 19th of December, and had representatives here who represented probably eight to ten million people. That is what they claim.

Mr. HAWLEY. What body is that?

Mr. BUTLER. The Anti-Saloon League. They had a conference here in December last. They appointed a representative to appear before the committee and present their reasons. They wanted to offer a kind of section to the bill that they thought would not be construed away by the Attorney-General. In fact, they were shrewd and intelligent enough and diligent enough to pick out from the Attorney-General's opinion the words which he himself suggested could not be construed away. In that opinion he stated that if section 17 in the bill that we passed last year had employed certain words he could not have construed it away. He practically stated that. And so they selected just those words and got them incorporated in the bill in the House.

Their representative put a great deal of valuable information before the committee, and it seems that the committee asked him, after a brief hearing, to file with the committee his brief. The representative sent it in in two installments. The first installment reached the committee, it seems, in time and was published. The latter installment, as I have already stated, reached the committee a few days later, but was not printed. Probably it was too late; probably the matter had been sent to the printer. We have, therefore, only a small part of their argument in the hearing. I have the remainder of it here. It seems to me that they represent enough people to be entitled to a hearing about a matter that has been made the most important part of the bill, and surely the time of the Senate would not be wasted——

Mr. HAWLEY. Will the Senator please let me make an inquiry of him? Is the agent of the Anti-Saloon League that he refers to Mr. Dinwiddie?

Mr. BUTLER. Yes.

Mr. HAWLEY. He has seven pages of testimony in the book. He appeared before the committee. He was very welcome. He talked until he was tired or as long as he wanted to.

Mr. BUTLER. I have already stated—the Senator probably did not hear me—that I have been informed by him that he was given permission or was requested, probably, by the committee, after a brief hearing, to file with the committee a statement of facts and arguments which the Anti-Saloon League wanted to put before the committee in support of the anti-canteen amendment.

Mr. HAWLEY. Perhaps this is what the Senator refers to. Somebody did ask to put in some more testimony, and was given notice that it must be in by Saturday, because the testimony was to be printed; it could not wait, and it did not come. I do not know when it did come.

Mr. BUTLER. That conforms with what he informed me. He sent it by mail, I think. At any rate, he thought himself that probably he was to blame for being a day late, but still he did not want his people not represented, and he did not want the report which is now before us to be the only hearing that they would have, it being only a partial statement of the case.

Mr. HAWLEY. I remarked that he has seven pages here. He made a very good speech.

Mr. BUTLER. Yes; I think myself it is very good, as far as it goes.

Mr. HAWLEY. And then he failed to come to time on some other papers that we know nothing about.

Mr. BUTLER. There is the trouble. The distinguished Senator who is chairman of the committee is in ignorance of part of the argument and facts that the Anti-Saloon League want to put before him. It is their misfortune, and his misfortune probably, and the misfortune of the country, as far as the temperance question goes, that they did not get it in this report, so many copies of which have been called for and distributed over the country. Now, it is to remedy that misfortune as far as possible that I wish to get the matter together.

Mr. HAWLEY. I think I will be in duty bound to object to this very late addition of a large mass of matter when the man might have given it all when he had his hearing. I do object to making a bulky book when it is not needed, because we should get down to the grain. The chaff has been abundantly thrashed over and over.

Mr. BUTLER. Congress has expressed itself on this important question, and its expression is now a statute. It has been construed away by an executive officer, and now we are here legislating on this important question again, and it is attempted to pass legislation that can not be construed away. The distinguished Senator who is chairman of the committee brings in a report here advising Congress to reverse itself and to be convinced that the Attorney-General was right when he told us in his opinion that we did not know what we wanted or what the country wanted, and now he seems to be impatient that anybody should want to present any further argument or reasons why we should adhere to the law that we passed before and try to put it in such shape as will be satisfactory to the Attorney-General. The amendment that is pending is in the words practically recommended by the Attorney-General or which he stated would have been sufficient to prevent him from construing it away.

I do not understand what the Senator means when he says that he objects to my furnishing this information. I have not made any request up to date, but I am going to make one, and that is that this matter be put altogether before the Senate. What is in the report now is short. This [exhibiting] follows it. In fact, the first sentence in the new matter begins by discussing the last paragraph in the matter that is in the report. It is not at all intelligible separate. I ask the Secretary to read the brief part which is in the report, and I wish to take up and discuss this matter to follow it, so that it will be altogether in the RECORD. I do not see how we can well put it altogether in this report without reprinting it, and it would be after the bill has passed probably before we would get it. Of course they would be very glad to have it altogether in this report, but the easiest way to get it altogether

is to get it in the RECORD, and that is the quickest way. I ask the Secretary to read Mr. Dinwiddie's statement as far as it is printed in the report, beginning on page 26, down to the marked place on page 31, where the new matter will come in to follow it.

The PRESIDENT pro tempore. The Secretary will read as requested.

Mr. ALLISON. Mr. President, will the Senator allow me to interrupt him a moment?

Mr. BUTLER. Certainly.

Mr. ALLISON. If I understand the view of the Senator, it is that in the printed report a part of a statement made by the gentleman who represented a large body of people is printed and another part of it is not printed.

Mr. BUTLER. Yes.

Mr. ALLISON. Now, would it not satisfy the Senator and the Senate to allow the part which is not printed to be appended to what is printed and incorporate it in the document or in the RECORD?

Mr. HANSBROUGH. I understand that that is what the Senator wants.

Mr. ALLISON. I understand him now to ask that several pages be read, and then——

Mr. BUTLER. And then a part of this matter to follow.

Mr. GALLINGER. Let those pages be incorporated without reading likewise.

Mr. BUTLER. I have just explained, as it will appear, that the matter is so connected that where the new matter begins it discusses the matter that is now in the report.

Mr. ALLISON. And my suggestion is that the matter which is now in the report shall be incorporated, and that the new matter shall follow it in the RECORD. That would cover the idea, it seems to me.

Mr. HAWLEY. Mr. President——

Mr. BUTLER. The Senator speaks in a very indefinite way about these people, somebody he supposes I am speaking of. Does not the Senator know of the Anti-Saloon League and the eminent gentlemen who are at the head of it?

Mr. ALLISON. Undoubtedly; I heard the Senator's statement as to who these people are.

Mr. BUTLER. A distinguished gentleman from the Senator's own State is the president of this league, an ex-Congressman, a man who was Indian Commissioner under President Harrison.

Mr. ALLISON. I was endeavoring to promote what the Senator desires to do. I am in favor of doing just what I understand him to propose, namely, to get this whole matter in a connected form in the RECORD. I want to promote his wish in that regard, but I did hope that it might be done without occupying any great length of time. We can all read it in the RECORD in the morning. But I will not make that suggestion now.

Mr. HAWLEY. I wish to offer a solution of this question. I propose a reprint of all we have printed, and then to put in addition to it, "The following is matter intended by the committee, but it arrived too late." I suggest that it be printed with that heading, that it is additional matter intended by the committee, but it failed to reach it.

Mr. BUTLER. The Senator has now before his committee this very matter that I have here, or most of it. I have all of it. I regret very much that he did not have it printed with that heading, if it came too late, and furnish it to us. He considered that it was not worth printing after getting it. It may have been one day late, but it is lying now in the committee room in a pigeonhole somewhere. It has not been used; it has not been put before us.

Mr. HAWLEY. The clerk of the committee thinks it has been taken away; that it was not left there.

Mr. BUTLER. If it was taken away, it was taken away after the representatives of the Anti-Saloon League were informed that it would not be printed or incorporated in the report.

Mr. HAWLEY. I offer to let it be printed now. That will suit the Senator. But I want to have him tell the truth about it and say that it is additional matter, that it goes in by unanimous consent, having failed to reach the committee in time.

Mr. BUTLER. Well, I think that is the fact.

Mr. HAWLEY. It is fair to do that.

Mr. BUTLER. I think probably that it reached the committee later than the day named by them. I stated that twice.

Mr. HAWLEY. Will you put that in the heading of this additional matter?

Mr. BUTLER. I would be very glad to have it printed that way if it were practicable, but the trouble is, as I have stated twice, that the part which is published in the RECORD is unfinished; it breaks right off. It was sent in two installments.

Mr. HAWLEY. Add these pages to it, only saying it was matter intended by the committee, but failed to reach it.

Mr. BUTLER. The first sentence of the new matter begins by discussing where the last sentence of the other stops off, and you will have it disconnected. I was trying to get it in the RECORD as the best solution of the question, so that we would have the matter all together.

Mr. HAWLEY. It will not be independent of what was sent abroad.

Mr. BUTLER. I intended to ask (I did not suppose the Senator would object) to have it printed as a supplement later, to go out with all this matter; but I want the RECORD to contain it all. We shall probably have a vote on this question this afternoon, and I have never seen the propriety of closing the stable door when the horse is out. If the matter is worth anything at all, it is worth something now, as far as practical value is concerned, on this vote. It may not be worth anything to-morrow, after we have voted, except for the information of the country. It will not then be worth anything for the information of the Senate as far as it affects anyone's vote.

Mr. HAWLEY. It will go out, of course, with the 15,000 copies of the whole body of testimony?

Mr. BUTLER. It is desirable it should. I think it ought. I think these people are entitled to have it go out.

Mr. HAWLEY. I do not object to that. I ask only one condition, that it shall be put on as an appendix and say that it is matter intended by the committee which unfortunately failed to reach them in time.

Mr. BUTLER. Mr. President, if that is the fact, and of course these people were informed that that was fact by the committee, that it came to them too late, then I think the committee ought to publish it as a supplement and let it go along with the report; and in any reprint it ought to be embodied in the proper place, which could be done.

Mr. TOWNE. With a footnote.

Mr. BUTLER. Yes; with a footnote, as the Senator from Minnesota [Mr. TOWNE] suggests, stating the facts. I will state what I understood to be the facts. The Senator knows, and he is the proper person to state those facts. I think it is due to the large number of people in this country who are deeply interested in this question that it should be printed. For the purposes of this vote, however, that will not answer, because this matter ought to be before us before we vote. Therefore I ask the Secretary to read it.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Secretary will read as requested.

Mr. HANSBROUGH. What is it?

Mr. HAWLEY. Some belated testimony of the Anti-Saloon League.

Mr. HANSBROUGH. What does the Senator from North Carolina desire to have read?

The PRESIDING OFFICER. The Senator from North Carolina will state.

Mr. BUTLER. I desire to have read that part of the testimony, a small part of it, by Mr. Dinwiddie, representing the Anti-Saloon League, which is now in the report, and then this matter to follow it, because the first sentence in the new matter begins by discussing extracts and facts set forth above, and that is the only way we can have it placed before us intelligently.

Mr. HANSBROUGH. I suggest to the Senator that he request that it be inserted in the RECORD consecutively, allowing the unprinted portion of Mr. Dinwiddie's statement to be published following that portion which has been printed. Will it not satisfy the Senator to have it published in the RECORD and also to have it published after that in the 15,000 copies of the hearings?

Mr. BUTLER. The chairman of the committee has already agreed to do that, which I am very glad that he suggested, but, Mr. President, we should not trifle with a great question and with the millions of people who are interested in this subject. We simply want to get something in the RECORD to send out to our constituents and let them see it there and know that we had it before us, not to stick it in without reading. Here is a question that we are going to vote on. These people hope to appeal to our hearts and consciences by certain facts and data. Now, we are about to vote. It is treating this great question lightly and improperly and it is not becoming the dignity of the Senate to just push the matter into the RECORD, so that to-morrow morning, if we want, after we vote, we may read it. We are now about to vote. Here is something in the nature of a petition from 10,000,000 people—for this league represents that many, I understand—and millions of other people who agree with them, and is it said that what they want to put before us should not be heard by us before we vote? The Senator surely would not treat their petition in that way.

Mr. HAWLEY. I do not wish to see a mass of matter that I know nothing about put in now as testimony before the committee, when we never heard it in committee, and without an answer. There may be things in it that ought to be commented upon, and that would have been commented upon in the committee room if the papers had reached there in time.

Mr. BUTLER. Mr. President, that is unfortunate. We will not stop to discuss who is to blame for the matter not getting there in time.

Mr. HAWLEY. I am not blaming anybody; it might have been an accident through missing a train or something of that

sort; but I simply wish it stated there that this addendum is composed of matter intended for the committee, but it failed to reach here in time to be read by the committee.

Mr. BUTLER. The statement of the chairman will go into the RECORD. He has just made it and it will be a part of the permanent record of the Government, and that is sufficient, it seems to me, to set the committee right and everybody else. I ask the Secretary to read.

The PRESIDING OFFICER. The Secretary will read what the Senator from North Carolina has requested shall be read.

The Secretary read as follows:

Statement of Rev. E. C. Dinwiddie, national superintendent of the legislative department of the American Anti-Saloon League.

Mr. Chairman and gentlemen of the committee, there are several Senators here this morning who were not present yesterday, and I think for the purpose of making our object clear we should state to you just what is before the committee.

The amendment to the Army bill, section 40, which is really before you for consideration, is as follows:

"SEC. 40. The sale of or dealing in beer, wine, or intoxicating liquors by any person in any post exchange, or canteen, or Army transport, or upon any premises used for military purposes by the United States, is hereby prohibited. The Secretary of War is hereby directed to carry the provisions of this section into full force and effect."

This is designed to correct the difficulty which has existed almost two years past in an amendment to the Army reorganization bill, approved March 2, 1899, in which it was intended to cover this point and prohibit absolutely the sale of liquors in the military establishment. The language, it seems, did not cover the case. It was simply held by the Attorney-General that no officer or private soldier should be detailed, as a barkeeper or otherwise, to sell intoxicating liquors, and that no other person should be required or allowed to sell such liquors. It was, as I have said, to correct any real or supposed defect in language in the act of March 2, 1899, that this amendment passed the House on Thursday, when the Army bill was up for consideration, and which I have already read in your hearing. This is not new. It was before the Fifty-fifth Congress, when a unanimous report was made by the Committee on Alcoholic Liquor Traffic. It was finally passed as an amendment to the present Army law of March 2, 1899, but rendered inoperative by the opinion of the Attorney-General already referred to. In the Fifty-sixth Congress a similar measure was introduced by Mr. BOWERSOCK, of Kansas, and on the 24th of May the Committee on Military Affairs returned a report, a portion of which I will add hereto, in which they recommended the passage of this bill.

"The bill was referred to the War Department, and a very voluminous report was returned to the committee against the passage of the bill, but the committee believes that, in view of the legislation of the last Congress, when it was intended by Congress to abolish the canteen, but on account of faulty language did not accomplish it, the present bill should pass. The expressions received from all parts of the United States go to the point that even if the canteen results in the decreased consumption of liquor by the Army, the United States Government should not in any sense be connected with the liquor traffic, but let private parties conduct it under the laws of the different States."

I want to get distinctly before you one or two points with reference to our advocacy of the inhibition of liquor selling in the Army.

The advocates of the present canteen system have to some extent, at least, befogged the issue. Our position is rational and common sense, and despite a mass of ex parte testimony for the system is supported both by reason and observation. First, we do not oppose the post-exchange system. We believe in it and are willing to see it extended and improved. We are opposed to the sale of intoxicating liquors in the canteen, and such prohibition need not militate against the successful operation of the post exchange in its other and valuable features. That this is true is apparent from the fact that no class of people have a higher regard for the soldier than the petitioners for this legislation, and I call attention to the fact that our interest is not sordid or commercial; we have no profitable market we are attempting to preserve by stopping governmental liquor selling to the soldiers, as is the case in so many instances on the other side. Also, we indorse the proposition of Sergeant Buzzacott, well known in Army circles the country over, to establish temperance canteens, one of which proved so valuable and profitable in 1898. (See proposition accompanying, marked Exhibit A.)

Second. The Littlefield amendment does not extend to Soldiers' Homes, but only to the military establishment, seeking only what the people intelligently asked for and Congress intended to grant in the act approved March 2, 1899.

Third. The charge that the suppression of liquor selling in the canteen will compel drinking on the outside is answered by the statement, which we can prove beyond a peradventure, that the soldiers—not all, but those who desire to do so—do this now. Experience in many places shows this conclusively, and it is reasonable as well. Cases like Trooper Davis (see Exhibit A) at Fort Myer, almost within the shadow of the War Office, within the year, and the cashiering and dismissal by General Otis of four high officers in the service in the Philippines for drunkenness and unbecoming conduct consequent thereupon, and the condition at the Columbus Barracks, where the aid of the police department of the city was invoked by the commandant to keep the soldiers out of down-town saloons and resorts, and where the records show frequent arrests of soldiers for drunkenness and disorder, either prove that men can and do get drunk on liquors sold in the canteen or else, notwithstanding the canteen, drink outside, or, what is probably true, both. In either of which cases this argument for the canteen is destroyed.

Our contention is that it is quite as important, from every point of view, to provide good environment in the hope of preventing the creation of appetite in abstaining recruits as it is to pander by governmental sanction to the liquor habits of some in the service who still would drink.

Fourth. A second argument for the canteen is, in our judgment, a strong condemnation of the system, namely, that the profits of liquor selling go to improve the mess and hospital service. The Government is amply able to provide for all the needs of the officers and enlisted men, and it should not permit the resort to the menacing inducement to drink by such a system, for few men are liable to share with comfort regularly the profits of a fund they do not help to create. Again, the opponents of the present system are charged with trying to regulate the habits of men in regard to drink, but the canteen defenders are not only guilty of the same charge, but they seek both to prescribe what a man shall drink and where he shall drink it, insisting, if the regulation were carried out, which it is not, that only beer and wines be drunk by the soldier, and then in the canteen. However, this is not an unusual thing in military life. We prescribe what kind of food a soldier shall eat in the Army, and how much of it, and discipline says to him if he grumbles and is recalcitrant because it does not please him, "Go to the guardhouse."

We are not theorists. We do not claim this bill will reform or revolutionize the Army. We believe the trend is in the right direction, and in harmony with General Ludlow's wise suggestions (Major-General Miles's report, 1899, vol. 1, pp. 226-227) when he said: "The weight of authority and precept in this department is on the side of total abstinence. It is believed by this department that prohibition is imperative," and "it is particularly important, where a large proportion of the troops are recruits, that nothing be done officially to create in them the habit of drinking." Seventy-five per cent of our Army are recruits to-day. This suggestion is in line with the successful attempts of the British war department to promote temperance. Wolseley, Roberts, White, Kitchener, Gatacre, Methuen, Kelly-Kenny, and the best leaders in the British service lend their aid in this direction, and the Government encourages the British Army Temperance Association by granting an annual stipend thereto.

The beneficent results are shown in the table, which I give from the records of the British army in India for the year 1898:

	Members Army Temperance Association.	Non-members.
Number soldiers included in return	18,663	48,842
Convictions by court-martial	77	1,777
Convictions by court-martial per 1,000	4.12	36.38
Summary punishments for insubordination	741	4,509
Summary punishments for insubordination per 1,000	39.70	92.32
Admissions to hospital	3,891	14,827
Admissions to hospital per 1,000	209	302

We are not clamoring for or asking impossibilities. We ask the Department to use its influence and its discipline on the right side, and a steady upward trend will result.

There is another misconception I desire to correct. The Army testimony was collected after the will of the Department had been made known in favor of the canteen. Anyone familiar with Army life knows how difficult it is under such circumstances to get an uncolored and unbiased opinion. But notwithstanding the unusual requirement of courage under such conditions, 35 reporting officers declared the canteen to be detrimental to the morality of the men; 40 said it was prejudicial to discipline; 20 say it has increased drunkenness, and 36 declare in favor of its abolition. The high generals, like Miles, Shafter, Wheeler, Ludlow, Wilcox, Robertson, Boynton, Carlin, and others, are on record against it, and the chaplains, those best qualified to speak about the morals of the men, were not invited to express their opinions. The reason is obvious, though a few have volunteered their help in sustaining the Department against the will of the people, though many more, through other channels, have declared against the canteen.

I desire to say, Mr. Chairman and gentlemen of the committee, that the constituency which we represent does not malign the soldier. We have the profoundest respect for him and the greatest interest in his welfare. We recognize him as not simply the hireling of the Department, but as typifying the will and might of our people, and we have the right to demand from him the clearest brain, the steadiest nerve, and the best American manhood. If we get these in the Regular—if he keeps in condition to meet emergencies as they arise—it will be well; but if, as many of the officers defending the canteen attempt but fail to have us believe, he will desert if he can't have beer, that he would be low and drunken and unfit for service without the canteen, then we shall needs depend upon the soldier who has never failed us, who always responds in the nation's need and peril, who represents at least the average of our people, the American Volunteer.

The Adjutant-General, in his report for 1899, practically admits the charge of bad results of liquor selling in canteens among Volunteers (p. 39), with an intended inference that it operated well with Regulars in some way or by some means. That the Volunteers do not suffer by comparison, and that some causes were at work to the comparative disadvantage of the Regulars, is evidenced by the following facts taken from tables facing pages 10 and 16 of the Adjutant-General's report just referred to: In round numbers the average monthly strength of Regulars from May 1, 1898, to June 30, 1899, was 56,000; of Volunteers, 112,000—almost 2 to 1.

During that period, among the Regulars, 1 officer and 32 men committed suicide; among twice as many Volunteers, 1 officer and 20 men; 26 Regulars died from murder or homicide; among twice as many Volunteers, 26; 924 Regulars were dishonorably discharged by sentence of general court-martial; among twice as many Volunteers, only 508; 3,036 Regulars deserted out of 56,000—1 out of every 19; 2,736 Volunteers deserted out of 112,000—1 out of every 41.

I shall not take the time of the committee to read the official action of the large and influential church bodies and temperance organizations throughout the country condemning the liquor canteen and urging its prohibition in the establishment, very many of which are on file at our national headquarters in this city. The following are but indicative of similar action by Presbyterians, Congregationalists, Evangelical Lutherans, Friends, United Presbyterians, United Brethren, and the other branches of the church. The general conference of the Methodist Episcopal Church declared in May, 1900:

"We deeply regret that after the enactment of a law prohibiting the sale of intoxicating beverages at Army posts and in forts, camps, and reservations used for military purposes, a law plainly intended to effectuate this result, and so understood by its friends and foes in and out of Congress and by the Chief Magistrate who signed it, by a construction which seems to us forced and unnatural, placed upon the law by the Attorney-General, its plain intent was defeated, and the Government of the United States, amid the exultation of all sympathizers with the liquor traffic, resumed the practice of selling intoxicating beverages to its soldiers. Aroused and indignant at the aggressiveness of the liquor power, at the inexcusable miscarriage of the anti-canteen law, and at the new perils in which the nation is involved in its new possessions, the church will summon and pledge all her ministers and people to a more determined struggle against this enormous evil and urge each to contribute thereto, according to his judgment, his testimony, his example, and his ballot."

The Columbia Association of Baptist Churches, November 21, 1900, adopted the following resolution against the canteen:

"That this association unites its voice with that which we hear coming up from all parts of the land in earnest protest against the perpetuation of the official saloon for our soldiers, known as the canteen. No amount of testimony is convincing that making it easy to get drink will reduce drunkenness, or that the substitution of beer for the stronger drinks of soldiers who already have formed the drink habit will, for any considerable length of time, compensate for the creation and cultivation of this enslaving appetite in those numerous recruits who are not yet slaves to drink when they enlist."

The great temperance organizations of the country, the Anti-Saloon League, W. C. T. U., Good Templars, Sons of Temperance, Rechabites, Royal Templars, as well as the young people's societies, like the Y. P. S. C. E., Epworth League, B. Y. P. U., and others are petitioners for this legislation by Congress,

and, gentlemen, when it is intimated that we must defer to the superior knowledge of men in the service we reply, "Yes, in matters of military tactics and skill and strategy, but not of necessity upon moral propositions." It is not necessary to own a saloon or tend bar to become familiar with the evils of the liquor traffic. It is not necessary to be in the service to learn the evils of the canteen system of to-day.

But we have read the testimony, which was solicited, after the pro-canteen policy of the Department was well known, from certain officers and responded to by about 1,000 (one-half of them noncommissioned, sergeants and corporals) out of over 2,000 in the regular establishment, and over 8,000 in our whole Army at the present time, including the classes of officers to which the inquiries were addressed, and I submit, Mr. Chairman and gentlemen, that a candid review of the pro-canteen testimony in the Secretary of War's report for 1899 forces the convictions: First, that the testimony is ex parte, many of the officers stating that they have been or are in charge of canteens, and are therefore not likely to testify against the system and, per consequence, themselves. Second, that after the Department had so openly signified its pro-canteen sympathies it would require commendable courage for any considerable number of men in the humbler positions to stand out against it. (This I have from officers of the Army themselves.) Third, many of those testifying for the canteen plainly show by the language employed that they have no sympathy with the temperance side and are opposed, to total abstinence and temperance reform, either in or out of the Army. Many of these sneer at the opponents of the present system as being "meddlers," "long-haired men," "short-haired women," scorn the Woman's Christian Temperance Union and other agencies for good, and criticise even the State and local legislation which the sovereign people in these States in their wisdom saw fit to enact. Fourth, that these pro-canteen officers have, in these reports, said more to convict the Army of excessive drinking and drunkenness and lack of self-control than all the temperance people have done or have attempted to do in all the discussion. Fifth, that it would be surprising if our Army should be abstemious when a few of the Department or bureau heads become agitators for the Government saloon, and large numbers of the officers defend liquor drinking and favor liquor selling to the men under governmental auspices. Sixth, that under all these conditions the wonder is we have the magnificent establishment in its personnel that we have to-day. The reason probably lies in the facts behind the statement of Maj. C. A. P. Hatfield, Eighth Cavalry (Secretary of War's Report, p. 127):

"Excellent. [Referring to effect of legislation we seek.] In favor of prohibition. The reforms in morality, temperance, and good behavior which have swept over the United States (particularly the thickly settled Eastern portion) have had a direct and indirect effect for good in the Army. Twenty years ago the average recruit was already a drunkard before joining his company, or with all his inclinations that way; now four out of five recruits are young men brought up in practices of temperance, sobriety, and morality, and with some idea of Christianity. If to take proper care of this good material, develop it, and turn the men out, on discharge, a credit to the Army, to their officers, and to themselves is aided by introducing the recruit to a wine and beer room, where he is taught that it is the proper and loyal thing to patronize the canteen, and beer especially, then my deductions are certainly at fault."

Mr. BUTLER. The part of the statement of the Anti-Saloon League that is not printed in the hearings should come in at this point. I will not ask that it all be read, but that a goodly part of it be read. I am willing that the remainder shall go into the RECORD without reading, but the part which I send to the Secretary's desk I desire to have read.

Mr. HAWLEY. I might interpose something of a protest here. I find that this reverend gentleman puts in words which imply that he was addressing the committee. The committee did not see him at all in that matter and did not hear a word of what has been read. There are some statements there as to which he certainly would have been criticised if he had made them while I was in the chair.

Mr. BUTLER. I will say to the chairman of the committee that the language he is referring to is a part of the hearings.

Mr. GALLINGER. It is a part of the Senator's own report.

Mr. BUTLER. It is a part of the report of the Senator's committee. There has been nothing read so far except what is in the report submitted by him.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Besides these facts the testimony is not all on one side, as witness the following, taken from the report of Secretary of War for the year 1899, and in answer to the questions, "What, in your opinion, would be the effect of an absolute prohibition of the sale of beer in the Army? Are you in favor of such prohibition, or are you in favor of the exchange as conducted at present," etc., these officers said:

Capt. G. H. Paddock, commanding Troop F: "A good effect, especially in this hot climate, where drinking is so injurious. The only excuse, in my opinion, for the canteen was to improve the mess. Now that the ration is good and sufficient, I am in favor of the total prohibition of the sale of intoxicants of all kinds. Have observed for several years the workings of the canteen at several different posts. I have been a successful exchange officer at several posts, as the records will show, and I have done everything in the power of an officer to make the system a success. Yet it is my deliberate opinion that the ease with which intoxicants can be obtained at a post exchange has a tendency to make men, especially young soldiers, drink who would not do so otherwise. In the best-managed exchanges the part where beer is sold is frequented and occupied by the 'old soaks' of the command, whose blear eyes and ribald jests have nothing but an injurious effect upon the decent (always the large) element of a regular command. When no exchange is at a station, none but the worst element of a troop will frequent the public saloons, or, if they do, will do so very seldom, but the exchange saloon, or portion of the exchange where beer is sold, being authorized by law and to that extent made respectable, is more frequented. The argument usually made that men will have their drink is absurd. Our men join us quite young, and if no liquor is in sight they do not think of it. The few old soaks of the Army are of more use in the guardhouse than in line. I do not think that their appetite for liquor should be considered" (p. 120).

Capt. Clarence Deems, commanding Battery C: "Highly beneficial to the health and discipline of the Army. Am in favor of such prohibition" (p. 153).

Capt. Luigi Lomia, commanding Battery H: "I think it would be a good thing. I am in favor of the post exchange with the canteen feature in it eliminated. Billiards, coffee, soda water, ice cream, lunches, etc., might be sold to the men with profit. I have observed the workings of the canteen feature of the exchange more especially since promoted to captain, 1894, February 3. As battery commander I have been informed many times that many of the young men who come into the service would let beer and all other intoxicants alone were it not for the fear of being considered "mean"—that is, the old soldiers in some way or other get the younger soldiers to spend money on them, although "treating" is prohibited. Thus young men acquire the taste for drink that, if the opportunity were not afforded, might never acquire such a taste. In my opinion drink in ninety cases out of one hundred is at the bottom of all a soldier's troubles" (p. 151).

Capt. George E. Sage, commanding Battery E: "Benefit the moral tone of the men and improve the discipline of the service. I am in favor of such prohibition" (p. 153).

Capt. Thomas H. Wilson, commanding Company L: "A very wise proceeding, with beneficial effect. Yes; I am in favor of such prohibition, especially in Cuba. The exchange, so far as I can see, simply affords men a chance to tipple. In this country I think it wise to keep the men from drink as much as possible. The exchange gives them no chance to save money, as the temptation to drink seems very strong here. A well-regulated canteen in the States I consider a necessity. A man who drinks to excess occasionally has, I believe, a much better chance here (Cuba) than the man who takes regular drinks, and this the canteen encourages" (p. 161).

Capt. A. R. Paxton, commanding Company I: "Good, if supplemented by a careful recruiting service" (p. 187).

Lieut. Col. H. W. Wessells, jr., commanding regiment: "It would help the decency of the service. I am unalterably opposed to saloons and saloon keepers. I never can or will believe in saloons or saloon keepers, call them by what euphemistic names you please." (Secretary of War, 1899, p. 112.)

First Lieut. Alonzo Gray, commanding Troop H: "It can not be done except on paper. I am in favor of neither. Stationed ten years where a canteen has been in operation. If the exchange is a cooperative clubhouse for enlisted men, it should be managed by a board composed of enlisted men only, subject to the approval of the commanding officer. Either the canteen is a club or a beer saloon. My position requires me to be a gentleman, and, as such, I object to managing a beer saloon, and do not think any officer ought to be required to do so" (p. 120).

Capt. William Stanton, commanding Troop C: "There would be less drunkenness at the post and, I think, no more in the town or other places near the post. I am in favor of such prohibition. The canteen at the post is a temptation to many who would not take the trouble to go outside the post for a drink. This is especially the case with young men who have not formed the habit of drinking. Even men of intemperate habits might often be prevented from getting drunk if intoxicants were not placed so conveniently within their reach. The plea that you limit the amount of beer sold to a man in the canteen is fallacious. The man who will refuse a man beer when he thinks he has had enough will, I suspect, be hard to find. I believe that the exchange without the canteen can not be maintained, and in consequence the profit now enjoyed by the companies must cease, and it is to this fact I attribute much of the support which the canteen receives from the officers of the Army" (p. 122).

Robert von der Goltz, post quartermaster-sergeant, U. S. A.: "I firmly believe, although not classing myself as a total abstainer and admitting that I indulge occasionally in a glass of beer, but never in liquor, that the absolute prohibition of the sale of beer in the Army would be a benefit to the soldiers and would improve the efficiency of the Army, both from a standpoint of morality and discipline" (p. 210).

Capt. W. H. W. James, commanding Company C: "In my opinion the effect of an absolute prohibition of the sale of beer in the Army would be a wonderful benefit and advantage to the Army. I am most emphatically in favor of an absolute prohibition of the sale of beer in the Army. I have commanded a company where an exchange was in operation for about three years. In my opinion the way for a man to keep from drinking immoderately is for him not to drink intoxicating liquors at all. By not drinking intoxicating liquors at all a man does not cultivate a taste and liking for intoxicating liquors. If a man drinks at all he is, in my opinion, liable to form a taste and liking for it, the taste and liking for which may be the cause of his ruin. In my opinion, very often the moderate drinker becomes a drunkard. I have seen a statement in print to the following effect: That Sir Garnet Wolseley, the commander in chief of the British army, stated that two young officers of the army starting out, supposing them to be equal in all respects except that one was a total abstainer from the use of intoxicating liquor and the other was a moderate drinker, that the total abstainer had a great advantage over the other officer, a moderate drinker of intoxicating liquors.

"I believe his statement is true, and I believe the same will apply to two soldiers, supposing them to be equal in all respects except that one is a total abstainer from the use of intoxicating drinks and the other a moderate drinker of intoxicating liquor. I believe that the one who is a total abstainer from the use of intoxicating liquor has a wonderful advantage over the one who is a moderate drinker. I believe the argument in favor of the sale of beer in the exchange is that it is the lesser of two evils—that is, that if not sold in the exchange more intoxicating and worse intoxicating liquor would be obtained outside of the post or camp. I say, why take either evil? I am, myself, a total abstainer from the use of intoxicating liquor, except when used as a medicine, which is exceedingly seldom. I believe it is wonderfully better for me to be a total abstainer from the use of intoxicating liquor, except when used as a medicine, and I believe it would be wonderfully better for the enlisted man to be a total abstainer from the use of intoxicating liquor. I believe the sale of beer in the exchange under official sanction is likely to produce the impression in the mind of the soldier that as it is sold with official sanction that it is not so bad after all to drink beer" (p. 201).

Edward A. Brown, post quartermaster-sergeant, U. S. A.: "A benefit to all concerned." Fort Bayard, N. Mex., June 14, 1899 (p. 206).

Edwin F. Ambrose, commissary-sergeant, U. S. A.: "Would save many young men from acquiring the drink habit. Much of the money now squandered for drink would be saved. General efficiency of the Army would be improved" (p. 233).

Henry Chapman, commissary-sergeant, U. S. A.: "It would remove temptation from the young soldiers, and also from the older men who can not resist the temptation to drink to excess when it can be had so conveniently" (p. 234).

Philip Roth, commissary-sergeant, U. S. A.: "In the main it would have a beneficial effect" (p. 245).

John Noel, ordnance-sergeant, U. S. A.: "In my opinion, the effect would be good" (p. 227).

Charles Cooper Young, hospital steward, United States Army: "An improvement in the morals. In my opinion the sale of intoxicants of any kind in the Army, no matter how restrictive, is not conducive to the health or morals of the soldiers" (p. 273).

Stuart G. Gibbaney, hospital steward, United States Army: "It would result in much improvement in the tone of the Army. The authorizing of the sale of an intoxicant by the Army is looked upon as a licensing of this evil by enlisted men. The absolute prohibition of the sale of intoxicants within

one or two miles of a post or camp would, in my opinion, result in much benefit to the service, along with strict regulations against inebriety. Less encouragement to post exchanges and more to post libraries would, in my opinion, tend to increase the moral tone and afford a means of counter attraction" (p. 255).

Maj. Charles A. P. Hatfield: "Excellent. In favor of prohibition. The reforms in temperance, morality, and good behavior which have swept over the United States (particularly the thickly settled eastern portion) have had a direct and indirect effect for good in the Army. Twenty years ago the average recruit was already a drunkard before joining his company, or with all his inclinations that way; now four out of five recruits are young men brought up in practices of temperance, sobriety, and morality, and with some idea of Christianity. If to take proper care of this good material, develop it, and turn the men out on discharge a credit to the Army, to their officers, and to themselves is aided by introducing the recruit to a wine and beer room, where he is taught that it is the proper and loyal thing to patronize the canteen, and beer especially, then my deductions are certainly at fault." (Secretary of War's Report, 1899, p. 127.)

Capt. E. H. Catlin, commanding Battery I: "Yes. Good. I have been stationed at posts where canteens existed for ten years. It seems to me contrary to good morals to give official sanction to the sale of alcoholic drinks to soldiers, especially to recruits, some of whom in the canteen acquire the taste for drink that they would not acquire elsewhere. The fact that it is considered inexpedient for soldiers to sell beer is enough to condemn its sale by civilians. To myself personally it is repugnant to have any connection with the management of the beer feature of the exchange, which is catering to men's lower tendencies" (p. 142).

Second Lieut. Edward Kimmel, commanding Battery G: "To a certain considerable extent would lessen the use of the beverage, and to that extent the effect would be beneficial. Am in favor of the prohibition. In my opinion, there is no good to be derived from the use of beer; on the other hand, it has a degrading influence on the soldier, physically, intellectually, and morally. The soldier may obtain beer in some other way, but the Government should not counteract its own efforts toward the making of a good soldier by supplying that which will impair his efficiency" (p. 145).

Edgar C. Graham, post quartermaster-sergeant, U. S. A.: "Benicia Barracks, Cal., June 15, 1899. Organization messes would not live so highly so far as table fare is concerned, but the ordinary enlisted man would be benefited otherwise" (p. 210).

Howard Irving, post quartermaster-sergeant, U. S. A.: "Fort Apache, Ariz. I believe it would be beneficial to the greatest number" (p. 212).

August Kurlmann, post quartermaster-sergeant, U. S. A.: "Fort Mott, N. J. In my opinion the effect would be good" (p. 213).

Samuel A. Trask, post quartermaster-sergeant, U. S. A.: "Pinar del Rio, Cuba, June 17, 1899. Better morals, better discipline, better soldiers. It would take off the so-called respectability. As it is now said, the United States Government fosters the traffic, and thereby a curse to all mankind is made respectable" (p. 216).

R. O. R. Bergath, ordnance sergeant, U. S. A.: "Excellent" (p. 219).

Martin Dahl, ordnance sergeant, U. S. A.: "If the question is meant to imply within the military reservations or camps, I think the effect would be for the better" (p. 221).

Figures are produced to show that desertions have decreased in the Army, but none have shown that the liquor-selling feature of the canteen is responsible for the fact. On the other hand, it is a matter of general knowledge that the character of the recruits has materially improved during the past years. This was mentioned in the first report I read from an officer in your hearing, and Adjutant-General Corbin himself says (1899 Report, p. 40): "For various reasons a better class of men are now entering the service." Besides, it is more difficult each year to desert, because the means of detection and capture are greater. Formerly it was not so hard to escape; now the means of communication make it more difficult. It would be a poor commentary upon our Army if we could believe what the Adjutant-General would have us believe, by implication, at least, that our soldiers' fidelity to duty and the flag is measured by their ability to get "booze" in a canteen. We believe nothing of the sort.

Much stress has been laid upon the law-abiding character of the post-exchange saloons. In many of these places the stronger liquors, forbidden by the regulations, are sold. At Camp Meade, Pa., soldiers were detailed to sell contrary to section 17 of the present law, even as liberally construed by the Attorney-General, as a reference to the canteen case will prove, reported in 22 Penna. C. C. R., 387, June, 1899.

But, while these things are true and the arguments for the present system have been more than answered, even upon the low plane which has been set for them, we plead for a higher standard and an upward trend in our Army life. General Corbin was right when he said in 1892, when he ranked as Assistant Adjutant-General:

"A cause of restlessness (in the Army) is traced to the excesses of the exchange, the saloon feature of which is not productive of good, and should be done away with without further experiment. The sale of beer, superintended by a commissioned officer and served by noncommissioned officers and soldiers, is not conducive to discipline, nor is it a picture that can be submitted to the people for their approval. The men who drink spend the greater portion of their money for beer. The credit system brings them to the pay table with little or no money due. This takes all heart out of them and makes them quite ready to ask their discharge and try some other calling. The exchange, with an open saloon, would be a first-rate thing to recommend for adoption in the army of the enemy." He reiterated these sentences by direct reference to two different friends of my own, separately, during the pendency of the Army bill in February, 1899, after nine years' trial of the present system. Why he changed his opinion so suddenly I do not undertake to say.

Before I conclude I want to call attention to a practical difficulty and danger. With the present system there is constant danger of scandal in the service. There is great competition in the brewing trade. Who shall determine what brand shall be sold in a given canteen, and what inducements will not be offered by anxious competitors for coveted trade? This is a serious phase, as it concerns the officer of lower rank, and we can conceive of its reaching to the higher grades in the service, with the temptation, at least.

I desire to say that the statement that the friends of this amendment are hand in glove with the saloon interests is almost beneath notice, but, as it has been made by officers in the reports referred to, and gratuitiously by the Adjutant-General, I wish to say, from personal examination, that the liquor press, from the Washington Sentinel down, and from New York to Cincinnati and Chicago, have opposed and do oppose this amendment, and commend the pro-canteen attitude assumed by the War Department against the people's will.

We ask as fair a trial of no liquor selling in the canteen as the sale has had, with the executive branch, of which the Army is a part, by precept and discipline aiding in the enforcement of its spirit and letter. Our position is well stated in the House Report by the Committee on Military Affairs referred to and the following editorial in Harper's Bazaar, June 9, 1900:

"At present 85 per cent of the United States Army is in the Tropics. Moreover, this is the keynote of the whole question, as General Ludlow puts it: 'It is particularly important, where a large proportion of the troops are recruits, that nothing be officially done to create in them the habit of using intoxicants.' Recruits form 75 per cent of the strength of the Army. These men have left home, family, business, all minor duties, to serve their country in time of war. Shall this country repay them by officially establishing in their midst a temptation threatening them, and the loved ones to whom they will return, with the horror of the vice of drinking?

"If, as General Corbin says, these men, in the absence of post canteens, drink native liquors in the Tropics worse in effect than the beer or light wine the canteen would furnish, it is deplorable—a hideous individual sacrifice in the cause of civilization which the United States has undertaken in the Philippine Islands. But for such consequences of individual human frailty, amid surroundings tempting to vice, the Government is not officially responsible. It doubtless is morally responsible so long as it sustains war in the Philippines, but the volunteer who, having served his country three years in the Tropics and come home diseased, debauched by drink, can not accuse anyone but himself if he sought his doom outside the post to which the Government assigned him. If, however, by official act the Government tempted him to drink, he shall say in bitterness of heart which is a curse upon patriotism, 'I answered the call of my country at the risk of all my earthly interests and it called me to this—dishonor, depravity.'

"To abolish the canteen will not regenerate the Army. But the words of General Ludlow should be the text for Congressional action: 'Nothing should be done officially to create in volunteer troops the habit of using intoxicants.'" (Major-General Miles's Report, 1899, vol. 2, pp. 226, 227.)

By the committee's courtesy I shall append to my statement a number of exhibits on various features of the discussion without comment.

I assure the committee that the friends of this amendment will be glad to assist in every practicable way to provide for the men in our military service. None helped in many ways more heartily and loyally during the late war than many who join us in this petition to you, and I may be pardoned if I say I am specially hopeful that you will recommend the adoption of section 40 as it has come from the House, and then that the Department will accept Mr. Buzzacot's generous and patriotic and practical offer (see Exhibit A). Give what we ask a fair chance, and we believe much good will result and the blessings of thousands of our people who break up homes and part with loved ones at the nation's call will be upon you.

Mr. DINWIDDIE. Mr. Chairman and gentlemen of the committee, there is a gentleman present, at the request of the Secretary of War, who desires to represent the defenders of the present system, and I have no desire to run over the present time. If you will permit me to file with the committee, for, I trust, their careful consideration, a proposition from Francis H. Buzzacot, of Chicago, I will simply call attention to that now. This is a proposition which has been on file for months past in the War Department, thus far without definite answer. Mr. Buzzacot is a man who has conducted temperance canteens, which have been expatiated upon in the reports of the Department, and which canteen during the Cuban war netted a profit to the regiment of $5,000. He offers to do the same thing at a good point in the Philippines and carry it on from place to place if the Government will give him the opportunity to do so, and without the Government expending any money in its initiation. It is a marvelous proposition, gentlemen, and I wish to call your attention to it in the course of the papers which I shall file, with the courtesy of the committee, with the stenographer, in order to reach you more fully, so that you may give it your attention.

Mr. SEWELL. Where does that letter or article come from? From whom is it?

Mr. BUTLER. It is from the Anti-Saloon League.

Mr. SEWELL. I do not wish to interrupt the Senator——

Mr. BUTLER. The distinguished Senator certainly knows of such an organization.

Mr. SEWELL. But will the Senator now let us have a vote on this question?

Mr. BUTLER. I have no objection to that, but I am not quite through.

Mr. SEWELL. I beg pardon.

Mr. BUTLER. I hope the Senator will wait a moment.

Mr. SEWELL. It is not so important about the canteen as to get to the passage of the bill at some reasonable time.

Mr. BUTLER. I judged from the committee's report that the canteen was the only important part of the bill.

Mr. SEWELL. Ah, the Senator is inclined to be a little sarcastic.

Mr. HAWLEY. The Senator can not read.

Mr. BUTLER. The Senator can, but he can not read like the Attorney-General can. Has the Secretary read down to Exhibit A? Is that the next matter sent up?

The PRESIDING OFFICER. The Chair is informed that the Secretary has read to that point.

Mr. BUTLER. There are certain exhibits composing the remainder of this matter, and I will ask that they may be inserted in the RECORD, following what the Secretary has read.

The matter referred to is as follows:

EXHIBIT A.

WASHINGTON, D. C., *November 20, 1899.*

The SECRETARY OF WAR.
(Through the Adjutant-General United States Army, Washington, D. C.)

SIR: I have the honor to respectfully tender my services and such an amount as is necessary, not to exceed $5,000, to be expended by me or under my direction for the purpose of erecting and establishing a model Army temperance canteen to be conducted under military regulations for the recreation, benefit, and modern advantages of such United States volunteer troops as are now serving in the Philippines.

In this temperance canteen there will be sold on a scale lower than prevailing market prices all such articles and comforts that troops in tropical camps require—to supply many of such articles as books, literature, games, all free of cost (in short, to provide anything that is right and proper), except liquor or intoxicants; absolutely nothing of this nature to be permitted or disposed of in its vicinity.

This temperance canteen will be capable of accommodating 1,000 men under its portable canvas roof. It will be floored, ventilated, and equipped with a general store for the disbursement of such goods as are approved of by the War Department. It will be provided with reading and writing tables, recreation tables, benches, music, pictorial magazines, and will be absolutely

free to our soldier boys for their comfort, entertainment, and accommodation, at such times as they have for recreation when off duty. Neat and tasty lunch counters will be erected and maintained for the serving of hot tea, coffee, chocolate, fresh milk, iced tea, lemonade, and such drinks as will be beneficial to troops instead of hurtful to them. The serving of light lunches will be encouraged, of a nature to relieve the monotonous effect of the Army ration.

Athletic games will be furnished, baseball and football outfits provided and loaned to the troops on all proper occasions, when time permits, and thus supplied to the men free.

In this temperance canteen and its establishment and equipment I proffer my services until its erection and complete organization, whereupon I shall make full and complete presentation of same to the Government, through such commanding officers as the honorable Secretary of War directs, absolutely free of debt or any expense whatever to the Government or troops, asking only that upon its successful existence the United States Government will so maintain it, as a strictly temperance canteen, wherever it can be of service to bodies of troops who remain in the camp or field.

It is to be understood also that all profits arising from the sale of everything will be strictly accounted for (less a reasonable percentage for running expenses), and the entire balance to be used for the purpose of issues to the troops or commands who patronize this canteen, in such a way as will relieve the monotony of camp fare and rations, and best add to the comfort, benefit, health, and moral advancement of the troops abroad. Lastly, that a small percentage be set aside for the sole purpose of extending the movement and establishing other temperance canteens elsewhere, thus letting the good work go on.

Religious or song services could also be held here, and what more fitting place could be found for a regiment and its music than a temperance canteen in the midst of a camp of our soldier boys?

It is to be hoped that the Secretary of War will, with other departments, look well into this offer. There should be unison in one fair effort to establish a model Army temperance canteen, which would be a source of comfort and convenience to the boys, and a credit to those who indorse such a movement.

Surely it will be appreciated by the men, for is not it a twofold benefit and a credit to them? In conclusion, I beg in support of my offer to state that an experience of over ten years in the Regular and Volunteer Armies (both in peace and war) acquaints me with the actual requirements of soldiers in the field, and I trust will, in a small measure, contribute to the success of the temperance canteen. For your information I may add that during the Spanish-American war I presented to my regiment, the Third Illinois Infantry, a complete temperance canteen on the lines herein indicated, and the records will show that in several months' existence it grew to be the largest temperance canteen ever established, capable of accommodating an entire regiment and band for church service. Its profits cleared its original cost, and amounted in all to $5,000 (in but a few months' time), all of which was turned over to my regiment, distributed, and used by its various companies during its campaign in the Tropics.

At this camp 20,000 troopers visited and patronized it. I refer with pride to these facts simply to indicate what can be done by a soldier alone. With its recognition and cooperation by the Secretary of War and other departments I will strive to repeat and extend its influences with a credit to every man and soldier concerned, and I will cheerfully pay every dollar necessary for its establishment.

I believe such a movement will be indorsed by every Christian or temperance association in the United States. Mothers, sisters, and men have long since urged reform in Army canteens.

There is a way to do away with the beer canteen; put in its place something better, something so vastly superior and elevating that will make American soldier boys proud of their own institution. Let there be a respectable, honorable, temperance canteen and it will reflect both on the service and men, and honor those who sanction and aid the movement. I feel, sir, that I have said enough; what is most needed is to go to work.

I respectfully urge the indorsement of this offer by the honorable Secretary of War, the generals commanding the various departments, and whosoever is for a model Army temperance canteen. If this offer is accepted, I will personally establish it at any point in the Philippines where a large body of troops is stationed. Then let the results accomplished speak for themselves.

I have the honor to be, with great respect.

FRANCIS H. BUZZACOT,
Late Fifth U. S. Cavalry, late Fifteenth U. S. Infantry,
Sergeant, U. S. Volunteer Infantry, Porto Rico Campaign.

EXHIBIT B.

[Washington Post, December —, 1899.]

SOLDIER CRAZED BY DRINK—HOLDS FORT MYER GARRISON AT BAY FOR SEVERAL HOURS.

Nicholas Davis, a member of Troop B, Third United States Cavalry, created considerable excitement Thursday afternoon at Fort Myer, and for several hours held the entire garrison at bay. Davis is said to have been drinking to excess the fore part of the week, and the effect of the liquor was to lead him to the belief that the fort was being stormed by an enemy and it was his duty to defend it. Every man who appeared in sight was made a target by the infuriated man, and in order to prevent any accidents all of the roads leading through the reservation were guarded.

Davis entered the troop quarters, and with a Krag-Jörgensen rifle kept a watch on all sides. There was plenty of ammunition at hand for him and he was free in his shots. The fortifications were almost impregnable against attack except with danger of loss of life attending the capture. All efforts to entice him out were unavailing, and he held the fort in spite of the various subterfuges employed in the endeavor to get him to surrender. The soldiers of the garrison, acting upon orders from Captain Broughton, commanding Troop B, attempted to smoke him out, but this plan failed.

Several soldiers who were well acquainted with Davis, including his "bunkie," started to walk up the stairs to the place where he was holding forth, but he refused to recognize them and menacingly thrust the muzzle of his rifle in their direction, causing a general scamper to cover. Captain Broughton himself attempted to conciliate him, but he could do nothing. After all endeavors to dislodge him from his position, and the waste of several hours of time, it is said, it was decided to shoot him. The sergeant of the guard was instructed to secure a detail for this purpose. The guard secured a point of vantage and waited for Davis to appear at one of the windows of the company house. He was very shrewd, and only showed the top of his head when taking aim. A chance was finally offered, and two soldiers fired at him. He was seen to disappear, and for the time it was thought he had been shot through the head. Some of the men started up the stairs after him, when they were alarmed by his heavy footsteps as he paced the floor above.

Captain Broughton finally entered the room and fearlessly ordered Davis to come downstairs and receive attention from the doctor. Edging his way, he finally managed to grasp the rifle, and in a short time Davis was subdued. He had not been struck when fired upon. The bullet, however, struck the stock of his rifle and splintered it, some of the flying particles of wood being embedded in his face. It required the combined efforts of four men to take him to the hospital. It is possible he will be sent to the Government Hospital for the Insane if his condition does not improve.

EXHIBIT C.

[Denver Evening Post, September 15, 1899.]

CANTEEN'S WORK.

The suicide of poor Harry McDowell, of Company M, took place last December. Repeated attempts have been made to conceal the real facts. A stigma was put upon the memory of this man to which he was not entitled. McDowell had been out of the hospital only two days. He was homesick; he got drunk on liquor bought in the regimental saloon on credit, and had not the canteen records been burned they would prove it. He was thrown into the guardhouse. This consisted of two rooms aggregating 16 by 32 feet in size, with a low ceiling, and situated on the ground floor—a part of a Manila house that no Filipino will sleep in because of the deadly fevers.

This guardhouse had one small window and one door, which was kept closed by McCoy's (McCoy was colonel of the regiment) express orders. The thermometer was then nearly 100 degrees in the shade every day, and the days and nights were rendered terrible by the odors and mosquitoes in the prison. There were 23 men there the day McDowell died. He had passed a sleepless night; he was in the condition any man just from the hospital and sick from intoxication would be in, and he reported to Major Kemble for relief. Because McDowell took no bottle to the dispensary he got no medicine. He returned to the guardhouse. The door still being shut, he tried to get relief by using a small fan. About noon he remarked, "I can't stand this any longer," and, taking a knife from his haversack, cut his throat. After this the guardhouse door was kept open. There is blood on the canteen profits and its promoters.

EXHIBIT D.

[Habana Post, July 6, 1900.]

A DISGRACED OCCASION.

It was a source of genuine disappointment to the large assemblage of American citizens who gathered to witness the Vedado field sports of the soldiers belonging to the batteries stationed there that a feature not down on the programme, but made one of the most notable of the day, should have been brought prominently to their attention. The permitting of the Army canteen on the ground to the right and in front of the grand stand gave the visitors, American and Cuban, an enforced opportunity of witnessing the disgraceful spectacle of perhaps a hundred drunken soldiers, many of whom were violently disorderly, even to engaging in fist fights and general brawls, in the presence and ostensibly under the supervision of the officers of the batteries. It is doubtful if such a disgusting and disgraceful spectacle has ever before been offered the people of Cuba upon the occasion of a public celebration. Certainly not within the experience of a large proportion of the civilian visitors who went to the exercises, expecting to see high-class sports, conducted in an orderly and truly American manner, has there ever been witnessed such scenes of drunkenness, disorderliness, and general confusion.

The Fourth of July was disgraced by the debauchery which prevailed, but it was even worse prostituted by officers who gave their consent to the establishing of a drinking tent in a place of public amusement to which the public had been invited and whose money was taken for what was supposed to be a respectably conducted exercise. So noticeable was the debauchery for a time that some one in authority actually closed the place for at least two hours, giving the boys this much time in which to sober up, but it was reopened at 1 o'clock, and from that hour until the exercises were over was the rendezvous for all the Army toughs the batteries and visiting companies contain; fight after fight following as men lost their heads under the influence of liquor in the rays of a broiling tropical sun. It was a repulsive sight for the ladies, hundreds of whom were forced to view it from their grandstand seats, and equally disgusting to the sterner sex, who love their natal day and would have been glad to have seen it observed in decency and order.

Some one is to blame for the disgrace which was brought to the United States and its flag Wednesday. How can we consistently censure ill-tempered Spaniards and Cubans for displaying it upside down when we admit to our public places of amusement disorderly conducted canteens to turn our soldiers upside down, make them lose their self-control, and indulge in rowdyism that belonged to the Bowery of other days. The canteen did not locate itself in a conspicuous part of the grounds, nor did it license itself to sell liquor to soldiers in all stages of intoxication. If it was thought necessary for the pleasure of the boys in blue that they should have their beer upon such an occasion the canteen should have at least been put under guard and at the worst have been conducted decently. Furthermore, it should have been located where visitors would not have been made to see its rowdyism and debauchery. Every self-respecting American must have felt like hiding his head in shame over the disgusting exhibition given him at the Vedado field sports on Wednesday. Small wonder is it that the Cuban ladies who were present, to whom such scenes are altogether unknown, should have shown the revulsion of feeling that many of them manifested, and small wonder it is that American ladies in the grand stand blushed with mortification at the indecencies of the day. The Fourth of July was sorely disgraced in our own house.

EXHIBIT E.

COLUMBUS, OHIO, *December 7, 1900.*

DEAR SIR: I was in and around St. Paul and Minneapolis great part of May, June, and July, 1898, and also during the month of April, 1899, engaged in temperance work. I was frequently at Fort Snelling and the Soldiers' Home, being a civil war veteran myself, and interested in these localities for historic reasons, as well as for purposes related to my work. I made a careful study of the canteen in Fort Snelling as to whether it kept soldiers from going outside for intoxicating drink. I was unable to see that it had any appreciable good effect in this regard. Soldiers came and went freely to the saloons a couple of hundred yards away at the end of the high bridge across the Mississippi. I saw dozens of them in the barroom of the restaurant and hotel where I lodged, at the end of the bridge, and other throngs were coming and going all the time to and from another saloon just across the street.

The trade in the saloons at the end of the bridge was enormous, the beer kegs being stacked in the streets in great ricks, the patronage being almost exclusively that from Fort Snelling. I saw the soldiers in Mendota at the saloons there. I saw them in large numbers in the saloons of Minnehaha Park Station, near, and in the saloons of Minneapolis and St. Paul, to which there is access in a few minutes by street railway from Fort Snelling.

The situation, in short, was that if a soldier did not get all the beer he wanted in Fort Snelling he went outside a little way and easily procured all he desired, while many who did not care enough for it to go outside, yet drank from the canteen in the fort because it was handy.

The Fort Snelling canteen seemed to me only one more opportunity to drink, and one more source of temptation, of which there were already too many in the region.

Very respectfully,

J. C. JACKSON,
Editor American Issue.

Hon. JOSEPH R. HAWLEY,
Chairman Committee on Military Affairs,
United States Senate, Washington, D. C.

EXHIBIT F.

[From the Philadelphia Record.]

FOR THE CONSIDERATION OF SECRETARY ROOT.

Secretary Root's annual report of the business of the War Department reopens the vexed question as to the advisability of maintaining post exchanges. The Secretary, who defends Army canteens, says:

"The practical question to be considered is not whether soldiers should drink or not drink, but whether they should be permitted to drink beer in the camp, surrounded by the restraining influences of discipline and good association, or whether they should be driven to drink bad whisky in the vile resorts which cluster around the limits of every military post and camp, and especially around those in which prohibition is maintained."

Many people had cherished the belief that the post exchange would tend to repress the annoying exuberance of soldiers who indulge in intoxicants; but the experience of residents in the vicinity of Camp Meade, when 30,000 Spanish war volunteers were mobilized there, convinced them of their mistake. While the canteen was in daily operation Harrisburg and the neighboring towns were overrun by drinking soldiers, and the speak-easies in the vicinity found patrons by the hundred.

EXHIBIT G.

CINCINNATI, OHIO, *December 3, 1900.*

MY DEAR MR. DINWIDDIE: In reference to the subject of the canteen at Fort Thomas, Ky. (just across from Cincinnati), you can say that while the canteen in the camp is in operation there has grown up at the entrance a row of saloons which have no local patronage except from the soldiers.

The sight of soldiers about the saloons of this city is common, and on some occasions that I have known of at the time their conduct on the cars going back has been offensive, to say the least.

Very truly, yours,

MELVILLE RITCHIE,
420 Elm street.

EXHIBIT H.

[Cleveland Plain Dealer, December —, 1900.]

REV. E. G. SAUNDERSON OBJECTS TO ARCHBISHOP IRELAND'S ATTITUDE ON CANTEEN.

Rev. E. G. Saunderson, formerly of St. Paul and Minneapolis, is in Cleveland, and yesterday his attention was called to the statement made by Archbishop Ireland, of St. Paul, concerning the canteen. He made the following statement concerning it in reply to what Archbishop Ireland has said:

"My attention has been called to the report from Washington that Archbishop Ireland has spoken in favor of the Army canteen before the Senate Committee on Military Affairs, and referring to observations at Fort Snelling. Knowing the Archbishop to be an ardent temperance man, I am sure he would not advocate a course he believed would conduce to evil. The chaplain at Fort Snelling is one of the Archbishop's priests, and no doubt his efforts have been steady and strong for the good of the men under his care.

"Fort Snelling is just outside the corporate limits of St. Paul, but the part of the city now in the Eleventh Ward is prohibition territory by charter, having been in the old city of Hamline, since united with St. Paul. But this fact, added to the presence of beer in the canteen on the reservation, does not prevent the existence of resorts of the worst sort just off the reservation. Neither does the canteen prevent soldiers from coming down town and patronising the saloons and other places of evil resort.

"Fort Snelling would seem an ideal place to prove the efficiency of the canteen system, as the Soldiers' Club has a beautiful situation, pleasant surroundings of fine barrack and shade, well conducted school, faithful chaplain interested in the good of his men, and all this surrounded by a belt of prohibition territory. It ought to be easy to keep within the guard lines all not strong enough to go down town and come back sober. But, as a matter of personal observation, soldiers, as soon as relieved from duty, in large numbers hurry past the canteen to the street cars, and spend their evenings down town as they choose.

"The condition of Fort Snelling, to my mind, proves nothing for or against the canteen, except as it is easy to get beer there any time, while beer and worse are to be had clandestinely across the bridge, and anything St. Paul offers at the end of thirty minutes ride down town. The principal argument for the canteen, that the soldiers will stay away from more dangerous drinks and resorts if afforded beer in the canteen, is not more true of soldiers than of other men. No one advocates wine and beer shops in residence districts of cities to aid in keeping young men from going down town nights.

"The only possible argument for the canteen is that it is a concession to the habits of the men which may be made without danger to discipline or efficiency. Discipline should keep the soldier from any danger outside. If experience proves that such of the soldiers as bring with them into the service a thirst for beer, may have that thirst supplied, the Government may assume to permit them to obtain beer through military channels. But it should not be done by the canteen as now conducted, when every man who enjoys the financial advantages of the profits of the canteen feels in honor bound to contribute to the profits by paying for beer.

"Efficiency is the first thing in the Army. In view of the recent testimony from prominent officers as to the effects of strong drink on the soldier in the field, it would be well for the United States authorities to put a premium on sobriety and encourage the enlistment of men who do not bring with them a love of drink, and deliver them from the dangers of drink in the soldier's club, the canteen.

"In the interests of efficiency the Army Regulations prescribe what a soldier shall wear, what he shall eat, and where he shall eat it. Everything must bend to efficiency. No one claims beer is essential to efficiency. All that anyone claims is that it may be permitted to a degree without serious danger to efficiency. But the overwhelming weight of testimony is that it is always a menace to efficiency, and in some cases a positive hindrance.

"The canteen system is principally under the charge of regimental officers. If any such officers are themselves fond of beer, and if brewers think it worth while to subsidize them with free cases, the reason for some favorites for the saloon may be discerned. The Regular Army ought not to be the last resort for bums and toughs and loafers. It ought to be as honorable a calling as any in the country. Archbishop Ireland proclaims himself an abstainer. If total abstinence is good for the Archbishop, it is also good for the soldier."

[From the Washington Post, December 15, 1900.]

EXHIBIT I.

TAFT COMMISSION DIVIDED—MANILA LIQUOR LAW THE SUBJECT OF SHARP CONTROVERSY.

MANILA, *December 14.*

The liquor-license law has passed the Taft Commission, but the commission is radically divided on its most distinctive feature, namely, the banishment of saloons from the Escolta and several other crowded streets and plazas. Commissioner Wright offered an amendment leaving the authority for the removal of saloons in the districts in question to the provost marshal. The amendment received only the votes of Commissioners Wright and Ide. An amendment by Judge Taft excepting certain streets and adding others was adopted, Commissioners Wright and Ide voting in the negative. On the passage of the bill Commissioner Ide voted "no" and Commissioner Wright voted with the majority. If there had been a seconder, Commissioner Wright would have offered an amendment forbidding the sale of liquor to soldiers.

An amendment was added extending the time for the removal of saloons from three to six months, namely, on July 2. One of the sections, increasing the cost of licenses, goes into effect January 1, when the licenses expire.

During the arguments of Commissioners Wright, Ide, Worcester, and Taft in favor of closing the saloons they cited the liquor laws of Tennessee and Massachusetts as effective precedents for confining the sale of liquor to prescribed localities. They also said the native police are ineffective to cope with the situation when soldiers visit Manila and become hilarious.

Heavy rain has fallen for several days. This deters war operations, especially on the part of the cavalry.

EXHIBIT J.

FIGURES THAT SPEAK VOLUMES.

The official record of deaths in the Army and Navy from April 7, 1898, to February 28, 1899, during the war with Spain, furnishes an indictment of the War Department that can not be answered by investigating commissions or courts of inquiry:

THE ARMY.		THE NAVY.	
Killed in action	329	Killed in action	17
Died of wounds	125	Died of wounds	1
Died of diseases	5,277	Died of diseases	0

Mr. HAWLEY. Mr. President, I desired to make a few remarks in answer to some of the unjust criticisms made, but the Senate is very thin. I am afraid we can not get a very satisfactory vote or I should be very glad to take it now.

Mr. GALLINGER. Let us take it now.

Mr. HANSBROUGH. We are ready for a vote.

Mr. HAWLEY. I think I ought to have a call of the Senate. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Connecticut suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Culberson,	Hoar,	Perkins,
Allison,	Daniel,	Jones, Ark.	Pettus,
Bacon,	Debee,	Lodge,	Platt, Conn.
Bard,	Dolliver,	McComas,	Platt, N. Y.
Bate,	Elkins,	McCumber,	Proctor,
Berry,	Fairbanks,	McLaurin,	Sewell,
Burrows,	Foster,	McMillan,	Shoup,
Butler,	Frye,	Mallory,	Simon,
Caffery,	Gallinger,	Martin,	Stewart,
Carter,	Hale,	Mason,	Teller,
Chilton,	Hanna,	Money,	Thurston,
Clark,	Hansbrough,	Morgan,	Turley,
Clay,	Hawley,	Nelson,	Wellington.
Cockrell,	Heitfeld,	Penrose,	

The PRESIDENT pro tempore. In answer to the roll call 55 Senators have responded. There is a quorum present. The question before the Senate is on agreeing to an amendment reported by the committee, which will be stated.

The SECRETARY. On page 43, section 34, line 4, strike out the word "beer," and in line 5, strike out the words "intoxicating liquors" and insert in lieu thereof "distilled spirits;" so as to read:

SEC. 34. The sale of or dealing in wine or any distilled spirits by any person in any post exchange or canteen or army transport or upon any premises used for military purposes by the United States, is hereby prohibited. The Secretary of War is hereby directed to carry the provisions of this section into full force and effect.

Mr. GALLINGER. I move to lay the proposed amendment on the table.

The PRESIDENT pro tempore. The Senator from New Hampshire moves to lay the committee amendment on the table.

Mr. BACON. The committee amendment, Mr. President?

Mr. SEWELL. I wish to make a parliamentary inquiry, Mr. President. What effect would that have on the House section? Will it leave it in force?

The PRESIDENT pro tempore. It would leave it in force.

Mr. SEWELL. I think the Senator had better allow us to have a direct vote on the committee amendment. I ask him to withdraw his motion.

Mr. GALLINGER. I think we can get a direct vote, and we get the affirmative of it. I insist on my motion.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New Hampshire, to lay on the table the amendment of the committee which has been stated.

Mr. HAWLEY and Mr. SEWELL demanded the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. SEWELL. Let us have a fair vote.

Mr. CLARK (when his name was called). I have a general pair with the Senator from Kansas [Mr. HARRIS]. Not seeing him in the Chamber and not knowing how he would vote, I withhold my vote.

Mr. TURLEY. I was authorized by the Senator from Kansas to state that on this question he would vote in favor of the committee amendment, if he were present.

Mr. CLARK. With that understanding, and upon the statement made by the Senator from Tennessee, I vote "nay."

Mr. CULBERSON (when his name was called). I have a general pair with the junior Senator from Wisconsin [Mr. QUARLES]. If he were present I should vote "yea."

Mr. GALLINGER (when Mr. FORAKER'S name was called). The Senator from Ohio is absent, and is paired with the Senator from Montana [Mr. CARTER]. The Senator from Ohio would vote "yea" if here.

Mr. CARTER (after having voted in the negative). Since voting I have been requested by the Senator from New Hampshire to stand paired with the absent Senator from Ohio [Mr. FORAKER], and in view of his request, to which I accede, I withdraw my vote.

Mr. HANNA (when his name was called). I have a general pair with the Senator from Utah [Mr. RAWLINS]. He not being present, I withhold my vote.

Mr. TURLEY (when the name of Mr. HARRIS was called). I repeat the statement that I was authorized by the Senator from Kansas to state that if he were present he would vote "nay."

Mr. SEWELL (when Mr. KEAN'S name was called). I desire to announce that my colleague is paired with the Senator from Vermont [Mr. DILLINGHAM].

Mr. MCMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. LINDSAY].

Mr. MALLORY (when his name was called). On this subject I am paired with the junior Senator from Vermont [Mr. DILLINGHAM]. If he were present, I should vote "nay" and he would vote "yea."

Mr. MARTIN (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. CULLOM]. Not knowing how he would vote, I withhold my vote. If he were present, I should vote "yea."

Mr. MASON (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. SULLIVAN]. He is absent. Not knowing how he would vote, I withhold my vote.

Mr. MONEY (when his name was called). I am paired with the senior Senator from Oregon [Mr. MCBRIDE]. I have telegraphed him to know how he stands, but can not get a delivery of the message. Therefore I can not vote. If he were present, I should vote "nay." I do not know how he would vote.

Mr. PENROSE (when his name was called). I have a general pair with the Senator from Delaware [Mr. KENNEY], who is absent. Were he present, I should vote "yea."

Mr. THURSTON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. Not knowing how he would vote, I will refrain from voting. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). I am paired with the Senator from Washington (Mr. TURNER).

The roll call was concluded.

Mr. MALLORY. I have been informed that the junior Senator from Vermont [Mr. DILLINGHAM] is paired on this question with the junior Senator from New Jersey [Mr. KEAN]. That leaves me at liberty to vote, and I vote "nay."

Mr. SPOONER. I desire to announce that my colleague [Mr. QUARLES] is detained from the Chamber to-day by sickness.

Mr. HANSBROUGH. I am authorized to state that the senior Senator from Rhode Island [Mr. ALDRICH], if present, would vote "nay."

Mr. GALLINGER. I rise to announce that my colleague [Mr. CHANDLER], who is absent from the city, is paired with the Senator from Louisiana [Mr. MCENERY].

Mr. BACON (after having voted in the affirmative). I inquire whether the junior Senator from Rhode Island [Mr. WETMORE] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. BACON. I have a general pair with that Senator, and under the circumstances am compelled to withdraw my vote.

The result was announced—yeas 34, nays 15; as follows:

YEAS—34.

Allen,	Clay,	Hansbrough,	Platt, Conn.
Allison,	Daniel,	Hoar,	Platt, N. Y.
Bard,	Deboe,	Jones, Ark.	Simon,
Bate,	Dolliver,	Lodge,	Teller,
Berry,	Fairbanks,	McComas,	Towne,
Beveridge,	Foster,	McCumber,	Turley,
Burrows,	Frye,	Nelson,	Wellington,
Butler,	Gallinger,	Perkins,	
Chilton,	Hale,	Pettigrew,	

NAYS—15.

Caffery,	Hawley,	Morgan,	Shoup,
Clark,	Heitfeld,	Pettus,	Spooner,
Cockrell,	McLaurin,	Pritchard,	Stewart.
Elkins,	Mallory,	Sewell,	

NOT VOTING—37.

Aldrich,	Hanna,	Martin,	Thurston,
Bacon,	Harris,	Mason,	Tillman,
Baker,	Jones, Nev.	Money,	Turner,
Carter,	Kean,	Penrose,	Vest,
Chandler,	Kenney,	Proctor,	Warren,
Culberson,	Kyle,	Quarles,	Wetmore,
Cullom,	Lindsay,	Rawlins,	Wolcott.
Depew,	McBride,	Scott,	
Dillingham,	McEnery,	Sullivan,	
Foraker,	McMillan,	Taliaferro,	

So the committee amendment was laid on the table.

The PRESIDENT pro tempore. Are there further committee amendments?

Mr. PROCTOR. On behalf of the committee I submitted an amendment to section 24, which is in the hands of the Secretary.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 36, line 16, strike out all of section 24 after the words "Military Academy" and insert the following:

Persons not over 40 years of age who have served as volunteers subsequent to April 21, 1898, may be ordered before boards of officers for such examination as may be prescribed by the Secretary of War, and who may establish their fitness before these examining boards, may be appointed to the grades of first or second lieutenant in the Regular Army, taking rank in the respective grades according to seniority as determined by length of prior commissioned service; but no officer appointed under the provisions of this section shall be placed above another in the same grade with longer commissioned service, and nothing herein contained shall change the relative rank of officers heretofore commissioned in the Regular Army.

Enlisted men of volunteers may be appointed second lieutenants in the Regular Army under the same conditions now authorized by law for enlisted men of the Regular Army.

Mr. HOAR. I am not familiar with the legislation on this subject, but does the clause—

But no officer appointed under the provisions of this section shall be placed above another in the same grade with longer commissioned service—

deprive the President of any general discretion?

Mr. BACON. Senators are standing so close to each other that they do not raise their voices so that those who sit on this side can hear them.

Mr. PROCTOR. I do not hear the Senator from Georgia.

Mr. HOAR. The Senator from Georgia is not heard on this side of the Chamber.

The PRESIDENT pro tempore. The Senate will please be in order.

Mr. PROCTOR. The amendment is printed, and was distributed yesterday. It does not affect in the slightest degree the discretion of the President. In answer to the question of the Senator from Massachusetts, I will say that it merely preserves the present relative rank of officers now in the Army. The amendment, I may state, changes the original measure in this respect: The first word in line 16, page 36, is "officers." That is changed to "persons," so that it opens the door to anyone who has served in the volunteers since April 21, 1898, the outbreak of the Spanish war. It allows them to be ordered by designation of the President, of course, before boards for examination, and to be appointed first and second lieutenants. The last clause in the amendment in reference to enlisted men reads as follows:

Enlisted men of volunteers may be appointed second lieutenants in the Regular Army under the same conditions now authorized by law for enlisted men of the Regular Army.

It gives enlisted men this additional opportunity. The first part of the section would only allow those enlisted men of volunteers who were designated for examination by the President to be appointed. This second clause gives the right; and this I call to the attention of the senior Senator from Iowa especially, because I noticed he was under a misapprehension the other day. The original law in regard to promoting enlisted men of the Regular Army to second lieutenants was confined to noncommissioned officers, who were designated by their captains and recommended. By an additional law, passed I think in 1892, the right was given to any enlisted man on his own motion, without the recommendation of the captain, to come before those boards for examination, and this final clause gives enlisted men of volunteers that same right after two years' service either in the volunteers or in the Regular Army. That right has been extended already by the Department this summer. In the case of those who have served for two years, their volunteer service has been counted, and 65 have been appointed under this clause. That opens it to volunteers to come in for examination on their own motion.

Mr. CULBERSON. I should like to have the amendment read again.

The PRESIDENT pro tempore. The amendment will again be stated.

The Secretary again read the amendment proposed by Mr. Proctor.

Mr. DANIEL. I should like to make an inquiry. I observe in the concluding part of the amendment offered by the Senator from Vermont it is stated that—

Enlisted men of volunteers may be appointed second lieutenants in the Regular Army under the same conditions now authorized by law for enlisted men of the Regular Army.

As I understand it, an enlisted man in the Regular Army is required to serve two years before he can ask for an examination by a board. If this is a mere extension of that privilege to Volunteers, the great mass of volunteers who served in the Spanish war would not be included in it at all. I ask the Senator if that is his understanding of the amendment?

Mr. PROCTOR. The Senator from Virginia will notice that the first part of the section gives enlisted men, by designation of the President, the right to appointment as first or second lieutenants, regardless of the time they have served. It would be impracticable, the Senator will see, to give the right to all who have served as enlisted men in any of our wars, for no matter how short a time, to come before these boards, for the number would be so very great that it would be impossible to execute the law. But it gives the right to those who are designated for examination to come before the board without reference to the time they have served. Any who have served in the Volunteer Army, officers or enlisted men, since the outbreak of the Spanish war can be designated for examination before the board.

I wish before taking my seat to call the attention of the Senator from Minnesota [Mr. NELSON] to this provision, as he had some point to make upon it when it was introduced.

Mr. NELSON. Mr. President, I think the amendment as it is now framed carries out the provisions that ought to be provided in this law, according to my notion. Volunteers, whether they were commissioned officers or not, who have served in the Army since the commencement of the Spanish war can, under the first paragraph of the provision, be examined and, if they pass, they may be appointed first or second lieutenants in the Army.

The last part of the provision, and that is entirely independent of the other and supplemental to it, provides that a Volunteer enlisted man can come in and be examined as enlisted men are examined for second lieutenants in the Regular Army, and I understand that their service of two years in the Volunteer Army will be credited to them in like manner as though they had served two years in the Regular Army. I believe that is the understanding and that that is the rule.

The provision, so far as it relates to volunteers, is of a double kind. They can come in under the first paragraph and be examined under that, and be a first or second lieutenant; or they can come in under the last paragraph and be examined, and become second lieutenants.

Mr. TELLER. Mr. President, I wish to ask the Senator who has this matter in charge what is the object of putting it in the past tense—

Persons not over 40 years of age who have served.

It seems to me that might admit of a construction that it does not apply to future volunteers. I wish the Senator would allow me to move to amend it by inserting after the word "served" the words "or shall hereafter serve."

Mr. PLATT of Connecticut. How would it then read?

Mr. TELLER. "Who have served or shall hereafter serve." I understand it is intended to take in some who are out of the service now. A man who is serving has served, of course, but any man who has served heretofore and gone out of the service could not under this provision be eligible, as I understand it. What I want to secure is that the volunteer in the future shall have an opportunity of preferment.

Mr. HOAR. I suggest to the Senator if he puts the word "shall" before the word "have," that will apply to the time of examination. If his amendment is adopted, then a man who to-day has served eight months would be included, because he has served heretofore, and he will not have served hereafter for two years.

Mr. TELLER. I think that will hardly hold good. What I want to do is to get this provision in such a shape that in the future the young man who enters the Army of the United States will know that he has an opportunity, if he distinguishes himself, to be promoted to an office in the Regular Army. I think if this great Army is to be recruited you have got to offer some inducement to the people of the United States to enter the Army. I am told on what I regard as good authority that the enlistments, with all the effort the Government can make, are so very small that it would take a long time to fill up the Army. I believe, and I think I am not mistaken, that last month's enlistments, with the inducements which have been made heretofore, were only about 1,600. At that rate it will take a long time to fill up the Army so as to have men to take the place of those who are to be discharged on the 1st of July.

I want to get the provision in such a shape that it will be unmistakable that every young man who goes into the volunteer force will understand that every place in the Army is open to him, first by appointment, and subsequently by promotion. Now, I do not care just how that is done. I am willing that the Senator who has it in charge shall make the change.

Mr. NELSON. Will the Senator allow me to interrupt him and to call attention to the last three lines on page 2? I think that is a continuing provision and will apply in the future as well as in the past.

Mr. TELLER. I want to make dead sure of this provision. We have had some trouble with the construction of statutes in the Departments.

Mr. PROCTOR. Will the Senator allow me?

Mr. TELLER. Certainly; if the Senator wants to tell how he can accomplish this end, I shall be glad to hear him.

Mr. PROCTOR. It is not thought necessary to insert anything of that kind for the reason that the army provided for by this measure takes the place of volunteers, and the provision in regard to the Regular Army is one that has stood. It was adopted many years ago. It was largely liberalized about seven or eight years ago, so that any man in the Regular Army, after two years' service, might of his own motion go before the board of examination. That is continued, and his volunteer service will be counted.

I would say that after the Spanish war there were quite a good many volunteers who wanted to know whether if they went into the Regular Army their service as volunteers would be counted on the two years, and they were assured that it would be done. That system has been adopted, and some of them have been appointed as second lieutenants. That provision is continued.

Mr. PLATT of Connecticut. Mr. President, I should like to inquire of the Senator from Vermont, so that I may understand this matter, whether the first portion of the amendment, namely, "persons not over 40 years of age who have served as volunteers subsequent to April 21, 1898, may be ordered before boards of officers" for examination, and on establishing their fitness "may be appointed to the grade of first or second lieutenant in the Regular Army," will allow a person who served as a private in the Volunteer Army to be designated for examination, although he did not serve two years.

Mr. PROCTOR. It does not matter how short the time he served.

Mr. PLATT of Connecticut. Then I think that is wrong. A private enlisted in the Regular Army can only be designated for examination, as I understand it, after he shall have served two years. I do not think there ought to be such a discrimination as that made in favor of a volunteer. I think that he should be put on the same basis with a person who has served as a private in the Regular Army, but to say that a volunteer who served thirty days in the Spanish war as a private may be examined and appointed a first or second lieutenant when the man who has served a year and eleven months in the Regular Army as a private can not be, I think is an improper discrimination.

Mr. DANIEL. As I understand it, the President can appoint from the Regular Army if he chooses to do so.

Mr. PROCTOR. I will say in reply to the Senator from Connecticut that they are not put on the same footing. Volunteers who have served a short time may be designated by the President for examination. Those who have served two years may of their own motion as a right go before the board. It is not required that they shall be recommended by their commanding officers or be designated by the President or Secretary of War; they have that right.

Mr. TELLER. I still insist that there should be some amendment.

Persons not over 40 years of age who have served.

Now, that means who have served up to this time. We are enlisting men every day now, I understand, who will serve as volunteers under the act of 1899.

Mr. PROCTOR. No.

Mr. TELLER. I have been told so. There is the authority to enlist, and whether that is done or not I do not know. But certainly there is an authority to enlist, and it surely can not embarrass the bill to put in words so as to make it certain that if there is any soldier serving between this and the 1st of July he can come in.

But, Mr. President, in addition to that, this is a general Army bill. If we should have occasion to muster a great big army, which we may have if the suggestion from the chairman the other day was true that there were some possibilities of a foreign war, for I notice that he said something that is being construed into that by the newspapers——

Mr. HAWLEY. I wish to correct the Senator.

Mr. TELLER. I noticed that the newspapers said that.

Mr. HAWLEY. I said in the most general way that we are not out of sight of the possibilities of war.

Mr. TELLER. With some European power?

Mr. HAWLEY. No; I do not think I said European power.

Mr. TELLER. Yes, you did. I have got it right here. This is

the RECORD. This is what the Senator said, if the RECORD is correct, and that is my memory, too. But it is not a material point. It does not make any particular difference whether there is a possibility of war. The Senator was not refering to the Philippine war, of course. He said:

We are not altogether out of sight of some possibility of war yet with some European power. We do not know. They are in a great deal of trouble there, and I understand they look with very great jealousy upon our talk of a Danish island and our talk about acquiring other territory.

Now, the newspapers are insisting that the Senator from Connecticut has some knowledge about foreign affairs which is withheld from the rest of us, and that we are in great danger of having a foreign war. I do not think the Senator intended to convey any such impression.

Mr. HAWLEY. The newspaper man who wrote that was under the necessity of making it as interesting as he could.

Mr. TELLER. I am going to make a motion to amend the amendment. After the word "served," in line 3, I move to insert "or shall hereafter serve."

Mr. PROCTOR. Will the Senator from Colorado allow me to interrupt him a moment to make a suggestion?

Mr. TELLER. I shall be glad to hear the Senator's suggestion.

Mr. PROCTOR. There is no objection whatever to modifying the amendment so that it shall apply to anyone who enlists in the Volunteer Army between now and the 30th of June, when the Volunteer Army goes out of existence. I do not understand that any men are being or will be enlisted. It would be a very unwise policy. Enlistments are going on, but I understand they are recruits for the Regular Army. I do not think it would be wise to put in a provision that this shall apply to volunteers who may be hereafter authorized. That could be done when there is any legislation authorizing the raising of volunteers. They might be raised for thirty days or three months, and Senators can see that it would be unjust in such a case to have a general law on the statute book that any volunteer hereafter, no matter how short his services, shall be entitled to an examination for promotion.

Mr. TELLER. This provision is that he may be ordered. By whom? By the President. Of course it is not on his motion that he goes. I move to insert, after the word "served," the words "or shall hereafter serve."

Mr. PROCTOR. Previous to June 30?

Mr. TELLER. No; I will not make it previous to June 30, because I want it a general provision of law with reference to a volunteer. If the Senator objects to that, I shall take a vote on it.

The PRESIDENT pro tempore. Does the Senator from Colorado desire to offer his amendment now?

Mr. TELLER. I offer this amendment to the amendment because the amendment is up, and I understand this is the proper time to offer it.

The PRESIDENT pro tempore. But under the unanimous-consent agreement, after the committee amendments have been acted upon, favorably or unfavorably, everything is to be open to amendment.

Mr. TELLER. Then I will let it go and offer it hereafter, when the bill shall be perfected, and when there will be plenty of time. I wish to say that if the Senator who has this in charge insists upon his objection to it, I am then going to submit a few remarks to show why I think this change ought to be made.

Mr. ALLISON. Mr. President, before the amendment proposed by the Senator from Vermont is agreed to, I should like to inquire of that Senator how many volunteers will be open to the lieutenancy provided for in the last three lines? I understand that it applies only to volunteers now in the service:

Enlisted men of volunteers may be appointed second lieutenants.

Now, we passed a law on the 2d of March, 1899, providing for these volunteers, and I think very few of them were enlisted before the 1st of July of that year. I do not think this holds out a very great opportunity for enlisted men who are now serving in the Philippines or elsewhere to become second lieutenants, because they can not make application unless they have served two years. So I think this is a very small boon to those soldiers of the 35,000 men who enlisted for the term of two years and three months, or whatever the term was.

Mr. PROCTOR. Mr. President, I had intended to make it clear before that any volunteer now in the service or who has served any time, no matter how long or how short, since the 21st of April, 1898, is eligible for appointment as first or second lieutenant on the designation of the President.

Mr. ALLISON. I understand that. That is the first part of the section.

Mr. PROCTOR. That is the first part of it. The second part of it will cover a great many cases, and some have already come in under it, where men served a few months in the volunteers and then enlisted in the regulars. They are being appointed all the time, as I said. Sixty-five officers were appointed this last year to second lieutenancies, and they are eligible to come in at any time when their entire service, volunteer and regular, amounts to two years.

Mr. ALLISON. Is that by law? This seems to provide that if they have served for two years in the volunteer service they shall be entitled to the same privilege as an enlisted man who served in the Regular Army for two years. Now, the Senator I think very well said that they should count the volunteer service. That certainly can not be counted unless it is a part of some statute. I do not know whether it is or not. In the face of this law, that service can not be counted unless it is provided for in the law itself.

Mr. PROCTOR. The law as it stands has been interpreted by the Department to include the volunteer service. They have been acting upon it. There would be no objection to adding to this that their service in the volunteers shall be counted as a part of the required two years; but that interpretation has already been made and acted upon by the Department, and appointments have been made under it.

Mr. ALLISON. I merely call attention to it. Now, there is one other inquiry that I wish to make in respect to the amendment. What is the purpose and effect of the following clauses?

But no officer appointed under the provisions of this section shall be placed above another in the same grade with longer commissioned service.

I understand that to mean a longer commission in the Volunteer Army. It is the last clause I wish to call attention to:

And nothing herein contained shall change the relative rank of officers heretofore commissioned in the Regular Army.

Mr. SPOONER. How?

Mr. ALLISON. I do not know how it could do it, except I can see that possibly an officer might be appointed under the first provision to a first lieutenancy and take grade above an officer, for instance, who graduated at Westpoint who is now only a second lieutenant. What is the construction given to that clause? I do not think that would be right.

Mr. PROCTOR. Mr. President, I do not understand that it has any such effect. It merely preserves those heretofore commissioned; their relative rank between each other shall not be disturbed by this enactment.

Mr. ALLISON. But suppose a graduate at Westpoint was commissioned second lieutenant in 1899 or in 1898 and is still a second lieutenant in the Regular Army. This amendment provides that persons may be appointed either to the grade of first or second lieutenant. Now, suppose one of these persons should be appointed a first lieutenant, would he not take grade above the second lieutenant in the Regular Army, the graduate of Westpoint, say, of the class of 1898? I do not know but that it ought to be so. However, it does not quite seem to me that that ought to be the case.

Mr. PROCTOR. If appointed first lieutenant he would take rank above all the second lieutenants.

Mr. ALLISON. Very well.

Mr. PROCTOR. That, I understand, is what the Senator thinks ought to be the case.

Mr. ALLISON. No; I do not think it ought to be the case. I think that graduates at Westpoint who were graduated, say, in 1898, and who may have served as second lieutenants and have not been promoted ought to have an opportunity for promotion in the Regular Army, whatever that may be. But if the President of the United States shall fill up all the vacant places or places that may be created by this law by appointing these persons to the rank of first lieutenant it will relegate, of course, a body of young men to a second lieutenancy for a great number of years. It does not seem to me that that is quite right, but if the committee have looked into it and believe it ought to be done, I shall not criticise it.

Mr. PROCTOR. Mr. President, I do not disagree substantially with the views of the Senator from Iowa. The action of the committee when the bill was first brought before the Senate limited these appointments to the second lieutenancies.

Mr. ALLISON. So I understand.

Mr. PROCTOR. That was the opinion of the committee; but it seemed, as near as we could judge, that the sentiment of the Senate was to open the grade of first lieutenant, and this proposition does it.

The point the Senator makes is well taken, that the recent graduates would be jumped if the President made appointments to the grade of first lieutenant. The clause in regard to relative rank, I understand, merely preserves the rank now existing to those heretofore commissioned; that is, that nothing shall be done to put an appointee of 1900 over one appointed the yeaf previous who is already on the Register.

Mr. TELLER. Mr. President, the fact stated by the Senator from Vermont is of no consequence whatever if it be the policy of this bill to make provision for first lieutenants. It seems to me, if we open the door at all to first and second lieutenants, we had better leave that matter to the President of the United States to appoint when there is a vacancy. If the President thinks that

some volunteer officer or soldier is entitled to rank some West-point officer, he ought to have the power to exercise that judgment. That power will hardly be abused in the United States, for it is certain that the policy of our Government has not been to encourage volunteers so far as giving them commissions. There has been very little encouragement for the promotion of the actual enlisted man under our system. There is probably no government in the world which has been more conservative, notwithstanding all our boasts of equality, than the United States Government in maintaining that the common enlisted man should not be promoted.

Of course, there must be some system of putting proper men into the Army; but I think there is no danger of abuse in this respect, and that we may leave to the Commander in Chief of the Army, the President of the United States, the right to make these appointments. I believe that under certain conditions a man who performs heroic service, and who is a second lieutenant, ought not to be debarred from being made a captain without going through the other grade of first lieutenant. There ought to be the power to make him a major, or a colonel, or anything else which the Commander in Chief of the Army thought him entitled to. It was a source of great strength to old Bonaparte that whenever a meritorious officer, no matter what his rank, displayed great ability he was promoted. He could make a field marshal anywhere, on any day; he could make a field marshal from a private. He did a great many of those things which incited the French army to deeds of heroism which otherwise they would not have performed.

Mr. SEWELL. Will the Senator allow me to make a suggestion there?

Mr. TELLER. Yes.

Mr. SEWELL. I will state to the Senator that at the close of the civil war all the grades were thrown open. The present Lieutenant-General Commanding, from a volunteer officer, was appointed a colonel in the Regular Army, as were many others.

This bill was not originally framed on that basis; but at the suggestion of the Senator from Colorado [Mr. TELLER], the Senator from Minnesota [Mr. NELSON], and some others, and it seeming to be the sentiment of the Senate that the committee ought to liberalize the provision more than we had done, we put in first lieutenants. My own opinion is that a great many of the second lieutenants will go up to first lieutenants. There will not be many vacancies, but there will be some. I think it is fair to leave it to the President, who will not do any injustice in the matter.

Mr. TELLER. I am quite willing to leave it to the President. As was suggested by the Senator from New Jersey, at the close of the civil war appointments were made from the volunteer forces to the regular force of a large number of people, some of whom had served and some of whom had held very high rank in the volunteer forces, and had rendered very distinguished service. We took those gentlemen and put them into the Regular Army at a very much lower grade. We had to do that, because the higher-grade officers of the Regular Army had been doing their duty and we could not very well jump them. I believe—I do not know certainly as to that—that the General Commanding the Army was made a lieutenant-colonel, and possibly a colonel, in the Regular Army.

Mr. SEWELL. A colonel.

Mr. TELLER. A colonel; and from that he has come up to his present position. I know a great many very good officers, who had held high rank in the volunteers, who were made captains in the Regular Army, because, I suppose, there was no higher place in which to put them, and some of them have since become colonels and some have become generals. What I want is elasticity—an opportunity for the soldier.

The Senator from Vermont [Mr. PROCTOR] thinks that we are never going to have any more volunteer soldiers. Why, Mr. President, if we should have a war with a foreign power—which I pray we may not have—we would have a volunteer service at once. We could not do otherwise.

Mr. PROCTOR. Will the Senator allow me?

Mr. TELLER. Certainly.

Mr. PROCTOR. I did not intend to say, and I think I did not say, that we should never want any more volunteers if we should have a great war. I said there was no provision for any more volunteers after June 30 of this year, when the present law expires. If we should become involved in a great war, it would be proper to put a volunteer force in the field. In such a case we might need volunteers but for a very short time.

Mr. TELLER. If the volunteers were needed for but a short time and did not render service of the proper character, they would not get any positions in the Regular Army at all. If they did render meritorious service, no matter whether their service was long or short, they ought to have that reward which is the great incentive to military men.

Mr. HALE. Mr. President, this matter opens a very important question and, to some of us, an entirely new question. I should like the opportunity to examine the amendment, so as to find what its effect will be, how far it will reach, and whether graduates of the Military Academy may be overslaughed by it. Therefore I suggest to the Senator in charge of the bill that, as it is late, we let the matter go over to-night, and that we take it up in the morning. If this is agreeable, I will move that the Senate proceed to the consideration of executive business.

Mr. GALLINGER. I ask the Senator from Maine to yield to me a moment in which to pass a pension bill for a soldier who is very near death.

Mr. HALE. I will withhold my motion for that purpose.

Mr. MORGAN. With the permission of the Senator who has the floor, I desire to offer an amendment to the pending bill, which I ask to have printed.

The PRESIDENT pro tempore. The amendment intended to be proposed by the Senator from Alabama will be received and ordered to be printed.

HIRAM I. HOYT.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 5360) granting an increase of pension to Hiram I. Hoyt.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Hiram I. Hoyt, late of Company H, Tenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID M'MURTRIE GREGG.

Mr. HALE and Mr. PENROSE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Pennsylvania?

Mr. HALE. I yield for routine business.

Mr. PENROSE. I want to call up a bill.

Mr. HALE. I will yield to the Senator.

Mr. PENROSE. I ask unanimous consent for the present consideration of the bill (S. 3210) authorizing the appointment and retirement of David McMurtrie Gregg as a captain in the United States Army.

The PRESIDENT pro tempore. The bill will be read for information, subject to objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That in view of the long and faithful services of David McMurtrie Gregg, brevet major-general of United States Volunteers, before and during the late war of the rebellion, especially for gallant conduct at the battle of Gettysburg, and his participation and gallant conduct in forty or more battles and engagements, as shown by the records of the War Department, the President be, and he is hereby, authorized to nominate and, by and with the consent of the Senate, to appoint the said David McMurtrie Gregg, late a captain in the United States Army and a brevet major-general of volunteers, to the position of captain in the Army of the United States, and to place him on the retired list as of that grade, the retired list being hereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That from and after the passage of this act no pension shall be paid to the said David McMurtrie Gregg, nor shall any compensation be paid him for any period prior to his appointment under this act.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HOAR. I should like to have that bill explained a little. Is it simply to retire a captain of the civil war or a captain in the late war with Spain?

Mr. PENROSE. This bill relates to General Gregg, one of the most distinguished cavalry officers during the civil war. The bill is to permit the President to appoint him and retire him.

Mr. HOAR. Has he any rank in the service now as a volunteer?

Mr. PENROSE. No.

Mr. HOAR. I do not wish to interfere with what is the proper policy in such a matter, especially where it is intended to pay an honor to a gallant soldier, but if the policy is to be adopted that a famous and gallant soldier who served in the civil war is now to be taken from civil life as a mode for providing for his old age, or doing him honor, if he is to be singled out and appointed to a place on the retired list—which, of course, is substantially a pension, with a certain special honor—I know of some soldiers in my own region who were as gallant officers as ever tied a sash about their belts, who are living lives of great frugality, not to say of hardship, whose names I want to present to the Committee on Military Affairs for a like distinction. If the committee have some policy or principle on which they are going to act on this case, which will govern and control all like cases, I should like to have that policy or purpose stated.

Mr. PENROSE. This bill has already twice passed the Senate. The chairman of the Committee on Military Affairs can explain

better than I whether it is in strict accord with the policy of the committee.

There was no more distinguished soldier of the late war than General Gregg. I understand he was a major-general of volunteers. He resigned for sundry reasons from the position of captain in the Regular Army; and this, in the few remaining years that are left to him, is simply an act of justice on the part of the Government.

Mr. JONES of Arkansas. If there is a report from the Committee on Military Affairs, I think it ought to be read for the benefit of the Senate.

Mr. HAWLEY. There is a report.

The PRESIDENT pro tempore. The report will be read.

Mr. HALE. Does this bill retire General Gregg only with the actual rank he held?

Mr. PENROSE. Yes.

Mr. HALE. Not the volunteer rank?

Mr. PENROSE. No; his regular rank.

Mr. HALE. His regular rank as captain, without pension or back pay?

Mr. PENROSE. Yes.

Mr. HOAR. The Senator did not state that in the answer he before made to me. He stated simply that this was a gallant volunteer soldier who has been in civil life for many years, and that it was proposed now to give him a place on the retired list of the Regular Army. Now, I understand that he has been an officer of the Regular Army, that for some reason he was retired, and he is to be restored to the rank in the Regular Army he had previously held. That is altogether a different case from the one before stated by the Senator.

Mr. PENROSE. Then I did not make myself clear enough.

Mr. HOAR. So far as I am concerned, I do not propose to discuss that matter, and I am willing to follow the committee.

The PRESIDENT pro tempore. Does the Senator from Arkansas demand the reading of the report?

Mr. JONES of Arkansas. I should like to have the report read.

Mr. HAWLEY. This bill gives General Gregg the rank he had in the Regular Army before the war. It is rather a delicate matter to speak of, but I understand he is very poor.

The PRESIDENT pro tempore. The Secretary will read the report of the committee.

Mr. BUTLER. It is too late an hour to begin the reading of that report.

Mr. HAWLEY. It is not very long.

Mr. BUTLER. Let the bill go over.

Mr. HAWLEY. Let this poor old soldier have a chance.

The PRESIDENT pro tempore. The report will be read.

Mr. BUTLER. Mr. President, I asked to have the bill go over. It will take some time to have the report read and to consider the bill.

The PRESIDENT pro tempore. The reading of the report has been demanded, and it is the right of a Senator to have it read.

Mr. ALLISON. If that report is to be read, I hope, pending the consideration of this matter, the Senator from Maine [Mr. HALE] will renew his motion.

Mr. HOAR. I did not ask for the reading of the report.

The PRESIDENT pro tempore. It was the Senator from Arkansas who asked for the reading.

Mr. HALE. I do not want to interfere with the Senator from Pennsylvania, who has his bill up, but, of course, if the reading of the report is insisted upon it will take a half hour's time. I should hope the Senator from Arkansas would be content with a statement of the case and of exactly what is proposed. I at first thought that it was a proposition to retire General Gregg upon the rank which he held in the volunteer force as major-general.

Mr. HAWLEY. We never do that.

Mr. HALE. There is no precedent for that, but this is really a different case, where it is only proposed to retire this man upon the rank he held in the Regular Army after the civil war was over, and not the volunteer rank. That we have done in several cases. We have done it in the Navy and we have done it in the Army.

Mr. HAWLEY. I may mention an instance—that of General Pleasonton.

Mr. HALE. I do not see any objection to the bill. Undoubtedly General Gregg was a very great soldier. During the civil war we heard from him almost every morning.

Mr. SEWELL. If the Senator will allow me, I will state that General Gregg was one of the best soldiers we ever had in the service. There is no doubt about that.

Mr. HALE. He was, undoubtedly.

Mr. SEWELL. But I think the bill had better go over until to-morrow.

Mr. PENROSE. I will not press the bill further now, Mr. President.

EXECUTIVE SESSION.

Mr. HALE. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 34 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 10, 1901, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 9, 1901.

CONSUL-GENERAL.

Oscar F. Williams, of New York, to be consul-general of the United States at Singapore, Straits Settlements.

CONSUL.

Frank R. Mowrer, of Ohio, to be consul of the United States at Antigua, West Indies.

MARSHAL.

Clinton D. MacDougall, of New York, to be marshal of the United States for the northern district of New York.

UNITED STATES ATTORNEY.

William G. Whipple, of Arkansas, to be attorney of the United States for the eastern district of Arkansas.

DISTRICT JUDGES.

Jacob Trieber, of Arkansas, to be United States district judge for the eastern district of Arkansas.

James Edmund Boyd, of North Carolina, to be United States district judge for the western district of North Carolina.

PROMOTIONS IN THE NAVY.

Commander John J. Hunker, to be a captain in the Navy, from the 11th day of December, 1900.

Lieut. Commander Clinton K. Curtis, to be a commander in the Navy, from the 11th day of December, 1900.

Lieut. John G. Quinby, to be a lieutenant-commander in the Navy, from the 11th day of December, 1900.

Surg. Walter A. McClurg, to be a medical inspector in the Navy, from the 19th day of November, 1900.

PROMOTIONS IN THE MARINE CORPS.

First Lieut. Henry C. Davis, to be a captain in the United States Marine Corps, from the 23d day of July, 1900.

Second Lieuts. Leof M. Harding, Richard M. Cutts, Harold C. Snyder, Olof H. Rask, Julius S. Turrill, George Herbert Mather, Henry L. Roosevelt, Jay M. Salladay, Macker Babb, and Harold C. Reisinger, to be first lieutenants in the United States Marine Corps, from the 23d day of July, 1900, to fill vacancies existing in that grade.

APPOINTMENTS IN THE NAVY.

Herbert Orlando Shiffert, a citizen of Pennsylvania, to be an assistant surgeon in the Navy, from the 26th day of December, 1900.

John F. Hatch, a citizen of Vermont, to be an assistant paymaster in the Navy, from the 2d day of January, 1901.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 9, 1901.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

LEASE OF PREMISES FOR POST-OFFICE DEPARTMENT.

Mr. LOUD. I ask unanimous consent for the immediate consideration of the bill which I send to the Clerk's desk.

The bill (H. R. 13274) to authorize the Postmaster-General to lease suitable premises for use of the Post-Office Department was read, as follows:

Be it enacted, etc., That the Postmaster-General be empowered to lease suitable premises in the city of Washington for the purposes of the rural free-delivery system, at a cost not to exceed $4,000 per annum, payable out of the appropriation for that service.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I do not know anything about this matter, but I presume the Committee on the Post-Office and Post-Roads has unanimously recommended the bill. Is that true?

Mr. LOUD. It has been reported unanimously by that committee and is recommended by the Postmaster-General.

Mr. RICHARDSON of Tennessee. Is it a fact that the new Post-Office building is not of sufficient capacity to accommodate the business of the Department?

Mr. LOUD. That seems, unfortunately, to be the condition which confronts us. This matter was presented to the Appropriations Committee and to our committee some time ago; and it occurred to us—when I say "us" I mean the gentleman from

Illinois [Mr. CANNON] and myself—it occurred to us that there ought to be room enough in that building for all these various purposes of the Department. But I have been to the building and made examinations, and I find the space to be all occupied. While it is true there are some rooms in which it might be possible to put one or two more clerks, yet the Postmaster-General says that in view of the character of this work and the necessity that the clerks should have within reach the files with which they have to deal, it would be impracticab'e to meet the wants of this rural free delivery by putting one or two clerks here and there in various rooms. This service, as the gentleman knows, is growing; I might say, perhaps, abnormally.

Mr. RICHARDSON of Tennessee. Is it true that the Department is also occupying the old departmental building?

Mr. LOUD. It is not.

Mr. RICHARDSON of Tennessee. They have given up all that?

Mr. LOUD. The Interior Department has been in there for some time.

Mr. RICHARDSON of Tennessee. Then all of the old building is now used by the Interior Department?

Mr. LOUD. The Interior Department is occupying all of the old Post-Office Department building; and also the leased quarters formerly used by that Department have been surrendered by the Post-Office Department.

Mr. RICHARDSON of Tennessee. Well, it seems to me unfortunate that this new building is not large enough to accommodate the business of the Government.

Mr. LOUD. It is unfortunate, but the Auditor's department is in the Post-Office Department building, I believe very improperly. I believe that the Post-Office Department and the Auditor's department should be as far apart as possible. But the Auditor's department has been put in there, and has absorbed all the space that was not required by the Post-Office Department.

Mr. RICHARDSON of Tennessee. As this matter is now before the House, I would like to ask one other question—whether this rural free-delivery service is growing and whether it requires more room now than heretofore?

Mr. LOUD. I will say that for the fiscal year ending June 30, 1900, the appropriation for this service was some $300,000; for the fiscal year ending June 30, 1901, the appropriation was $1,750,000. There is estimated for the next fiscal year an appropriation of $3,500,000; and a great many of the "brethren" around here are insisting on having $5,000,000, and I have no doubt they will secure it before we get through.

Mr. RICHARDSON of Tennessee. I have been unable to get this rural free-delivery service extended to my district, although I have made frequent requests and submitted frequent recommendations to that effect. But I am not complaining of that.

Mr. LOUD. The more you get of this service the worse off you will be.

Mr. RICHARDSON of Tennessee. How much space is contemplated as necessary for occupation by the rural free-delivery service?

Mr. LOUD. This bill proposes to lease one floor of the Star Building, which is opposite the Post-Office Department. I called in the aid of the Assistant Architect of the Capitol, who is regarded as an expert in these matters, and he considered the limit of amount provided in this bill as a very reasonable rental for one floor of that building. There are a little over 2,700 square feet, exclusive of corridors.

Mr. RICHARDSON of Tennessee. How many rooms do you get?

Mr. LOUD. Twelve, I believe. I counted them yesterday, but I can not state the number with certainty.

Mr. RICHARDSON of Tennessee. Then 12 rooms are required now to accommodate this rural free delivery?

Mr. LOUD. There are about 75 clerks or employees now engaged in this service, and probably there will be 150 before the end of the year.

Mr. MOODY of Massachusetts. Mr. Speaker, in connection with the gentleman from Illinois [Mr. CANNON], I have been a great deal interested in the allotment of space for the Post-Office Department, and when the matter was under consideration we supposed that for many years to come there would be sufficient room in that building for all postal purposes. I understand the gentleman from California now to say that he has consulted with the gentleman from Illinois.

Mr. LOUD. We consulted several times. I will not say that the gentleman from Illinois advocated this proposition; but he said he would give it up, and would like to have the Post-Office Committee take charge of it.

Mr. RICHARDSON of Tennessee. If the gentleman from Massachusetts would indulge me, I would like to put one further inquiry to the gentleman from California, and then I shall be through. Did I understand that gentleman to say that if the force of the auditing department was removed from the Post-Office building there would be room enough for the rural free-delivery service?

Mr. LOUD. There is no doubt of that. There are about 1,500 clerks of the Auditor's department in the Post-Office Department building.

Mr. MOODY of Massachusetts. I would like to inquire how necessary it is to pass this bill this morning?

Mr. LOUD. Well, Mr. Speaker, the rooms are now overcrowded. Let me say that in rooms now devoted to the rural free-delivery service—or rooms which are now used jointly—there are, in a room the size of one of our committee rooms, 15 to 20 clerks; and the demands of the service require additional force, which can not be put on unless we provide this additional space. They are now more crowded than they should be.

Mr. BROMWELL. May I add to what the gentleman has said, that the superintendent of the free delivery, who has charge of this branch of the service, tells me that there are two or three clerks now on leave, sick or otherwise, and when they return it will be absolutely impossible to find seating room in the space now occupied by their force.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LOUD, a motion to reconsider the vote by which the bill was passed was laid on the table.

BOARD OF REGENTS, SMITHSONIAN INSTITUTION.

Mr. ADAMS. Mr. Speaker, I ask unanimous consent that the Committee on the Library be discharged from the further consideration of the Senate joint resolution 144, and for its immediate consideration. I would state for the information of the House that this is perfectly agreeable to the chairman of the Committee on the Library.

The SPEAKER. The gentleman from Pennsylvania moves that the Committee on the Library be discharged from the further consideration of the Senate joint resolution 144 and that the same be now taken up for consideration. The Clerk will report the joint resolution.

The Clerk read as follows:

Senate joint resolution 144.

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than members of Congress, caused by the death of William Lyne Wilson, of Virginia, shall be filled by the appointment of George Gray, a resident of Delaware.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. ADAMS, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

HOUSE BILLS WITH SENATE AMENDMENTS CONCURRED IN.

The SPEAKER laid before the House the following House bills passed by the Senate with amendments. The amendments were severally read and concurred in:

A bill (H. R. 1734) granting a pension to Mary A. Whitmore;

A bill (H. R. 9108) granting a pension to Maria H. Hixon;

A bill (H. R. 5117) granting a pension to Roland Burnett;

A bill (H. R. 2752) granting an increase of pension to Edmund P. Tierney;

A bill (H. R. 10032) granting an increase of pension to Harriet Crotsenburg; and

A bill (H. R. 5555) granting a pension to Lurinda Laughlin.

On motion of Mr. GIBSON, a motion to reconsider the several votes by which the Senate amendments were concurred in was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. THOMAS of North Carolina for ten days, on account of important business.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON. Mr. Speaker, I desire to call up for consideration the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. Before the motion is presented to the House to go into the Committee of the Whole, I would like to ascertain whether we can agree as to the amount of time for general debate.

The SPEAKER. The Chair will state the motion. The gentleman from Ohio moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13189, being the river and harbor appropriation bill, and pending that seeks to make an arrangement to limit general debate.

Mr. BURTON. I suggest, Mr. Speaker, from the few requests that have been made for time, that three hours would be required

for general debate. Three gentlemen who desire to propose amendments looking toward a rather different policy in the appropriations to be made by the bill have each requested twenty minutes, and that would consume one hour.

Mr. McRAE. I have not indicated to the gentleman that I desire time, but I do desire to discuss the bill; and twenty minutes will be enough for me; and if any arrangement is made, I hope it will include my having twenty minutes.

Mr. CORLISS. Will the gentleman inform us whether there are any members of the committee who oppose this measure?

Mr. BURTON. There are not.

Mr. CORLISS. Then, Mr. Speaker, I ask the right of being recognized in opposition to this bill.

Mr. BURTON. I suggest, Mr. Speaker, that we first agree on the time to be consumed in general debate, and then that can be arranged.

Mr. CORLISS. If it can be equitably divided I have no objection.

Mr. BURTON. After it is determined what length of time shall be consumed in general debate, then it can be arranged as to how the time shall be controlled.

Mr. CORLISS. Mr. Speaker, I think that three hours is hardly enough for this important measure. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CORLISS. Is it not the right of a member——

Mr. BURTON. We are trying to reach an equitable agreement for time for general debate.

Mr. CUSHMAN. Mr. Speaker, there are a number of members on this floor who desire to oppose the bill, and it seems to me that three hours' debate is not enough for a bill that carries $60,000,000. That leaves about three minutes to a million dollars. Now, there are several of us on the floor who do not agree with the provisions of the bill, and who desire to be heard, and when the gentleman said that three gentlemen had asked him for time, and they have agreed to take twenty minutes each, I desire to say I was not included in that category. I was told by the gentleman that I could, perhaps, have twenty minutes. Twenty minutes was not what I indicated. That is not all that I expected to obtain. I do not think three hours' debate is sufficient for any of the members who rise in opposition to this bill to make the remarks they desire to make on the bill. I know that twenty minutes will not cover the time I desire in addressing myself to the bill.

Mr. BOREING. I desire to offer an amendment to this bill, and I would like to be heard at least twenty minutes.

Mr. HOPKINS. I would like to ask my friend from Washington if he voted to increase the membership of the House so as to have more time for debate?

Mr. CUSHMAN. Yes, sir; I did.

The SPEAKER. As there is evidently no agreement in sight, the Chair will put the motion of the gentleman from Ohio.

Mr. CORLISS. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURTON. I do not give up the hope that we can agree upon a time. I want to suggest that general debate be limited to three hours.

Mr. CUSHMAN. I object.

The SPEAKER. Objection is made. The gentleman from Michigan has a parliamentary inquiry.

Mr. CORLISS. Mr. Speaker, if the House resolves itself into Committee of the Whole House on the state of the Union upon the motion of the gentleman from Ohio, will he not have absolute control of the time upon the floor in the Committee of the Whole?

The SPEAKER. Not at all; only an hour. He controls an hour, and will have general control of the bill.

Mr. CORLISS. Will a member opposing the measure have control of the time in opposition?

The SPEAKER. The gentleman is asking a parliamentary inquiry that pertains to the Committee of the Whole. Nobody can control all the time. These are matters which will be controlled in the committee, and the Speaker has no power to say what shall be done there. We are now in the House, and that is a matter for the action of the Committee of the Whole.

Mr. BURTON. Mr. Speaker, I renew my motion that the House resolve itself into Committee of the Whole House on the state of the Union.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Ohio.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HOPKINS in the chair.

The CHAIRMAN. The Committee of the Whole House on the state of the Union is now in session pursuance to the direction of the House for the purpose of considering House bill 13189, and the Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Unanimous consent is asked that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. BURTON. Now, Mr. Chairman, I desire to ascertain if gentlemen opposed to the bill can agree upon some one who will control the time of those in opposition to the bill.

Mr. CORLISS. I did not hear what the gentleman from Ohio said.

Mr. BURTON. I asked if gentlemen opposed to the bill could agree upon some one who would control the time of those in opposition to the bill.

Mr. CORLISS. I being the member of the House who asked recognition for that purpose, and assuring those who desire to oppose the bill all the time they want, if I can obtain it, I ask that I be recognized in opposition to it.

Mr. CUSHMAN. Mr. Chairman, I move that the gentleman from Michigan be recognized as controlling the time of those in opposition to the bill.

The CHAIRMAN. The Chair will state to the gentleman from Washington that that requires unanimous consent.

Mr. CUSHMAN. Then I ask unanimous consent, Mr. Chairman.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Michigan [Mr. CORLISS] be permitted to control the time in opposition to the bill. Is there objection?

Mr. McRAE. I object to that, Mr. Chairman; the gentleman from Michigan can be recognized for an hour.

The CHAIRMAN. Objection is made.

Mr. BURTON. Mr. Chairman, the Committee on Rivers and Harbors present this bill with the confidence that no measure before Congress confers greater benefit upon the country. Nothing has contributed more to make the nineteenth century the greatest of all the centuries than improvements in transportation. These improvements have not only brought nations and States nearer together, but they have made possible the enjoyment of a far greater share of the necessities, comforts, and luxuries of life. Increased facilities for transportation have greatly increased production and consumption, because, except for these improvements, a large share of that which is now annually consumed could not be brought within the reach of the consumer. Thus, increase of production and transportation must go hand in hand.

But for the improvements in distributive energy, a very large share of that which is now produced and consumed could not reach the consumer.

The late Mr. Mulhall, in 1896, made the estimate that in the preceding fifty years distributive energy had increased three times faster than production proper. The same statistician used the illustration that it now costs less to carry a bushel of wheat from St. Paul to Liverpool, a distance of 4,831 statute miles, than it cost in the days of Miltiades and Themistocles to carry the same bushel of wheat from Athens to Marathon, a distance of 20 miles by wagon road.

No country has gained greater benefits from these improvements in transportation than our own. They have afforded a stimulus to our industry; they have made possible the development of our mines, our forests, and our farms, and made available the enormous supplies which can be used for consumption all over the globe. We must, in order to continue this progress, improve our facilities for transportation by land and water as well. Not to continue these improvements is to fall backward. The distinctive feature of this bill is the provision made for deeper waterways and larger harbors, where already large traffic exists, and increased facilities are made necessary by the deeper draft and larger size of boats and the large number of boats frequenting them. This was also the distinctive feature of the bill of 1899.

Next to appropriations made for the Mississippi River, which we regard as in accordance with the settled policy of the Government, the largest project to which this bill commits us is that for Boston Harbor. An appropriation is made of $600,000 and authority is given for the additional expenditure of $3,000,000 to secure a channel 35 feet deep and respectively 1,200 and 1,500 feet wide from the wharves in the inner harbor to the sea. The total cost of these improvements when completed will be nearly $8,000,000. In the bill of 1899 we made provision, by the appropriation or authorization of $4,000,000, for a channel 40 feet deep and 2,000 feet wide from New York to the sea.

In this bill by the appropriation or authorization of eighteen hundred thousand dollars we have provided for the deepening of Buttermilk Channel, a subsidiary channel in New York, enabling vessels to reach that portion of Brooklyn where exist the largest and greatest number of warehouses. This channel also facilitates the movement of boats from New York Bay to the East River.

We have also made provision by an appropriation of $100,000 and an authorization of $596,000 additional for deepening and improving the channel between Staten Island and New Jersey.

This channel has an enormous traffic and is subsidiary to the commerce centering at New York City.

We have also made provision for the improvement of the Passaic River, so as to give the city of Newark, which already has a very large traffic, increased facilities.

We have made appropriations and authorizations with a view to deepening the Delaware River to a depth of 30 feet from Philadelphia to the sea.

In prior bills provision has been made for deepening the Patapsco River to a depth of 30 feet and a suitable width from the city of Baltimore to deep water in Chesapeake Bay.

We have provided in this bill for additional harbor room at Baltimore by improving Spring Garden Harbor, as it is called, at an expense of a little over $300,000.

At an expense of $225,000 we have provided for a channel 30 feet in depth from the open sea to Newport News, the most rapidly growing port on the Atlantic coast.

Together with sums already on hand, we have authorized the expenditure of a million of dollars for the improvement of the channel from Savannah to the sea. This port is the most important in its tonnage of all the ports on the Atlantic and Gulf coast between the mouth of the James River and the mouth of the Mississippi.

We have provided for the improvement of the St. Johns River from Jacksonville to the ocean.

We have provided amply for prosecuting the improvement of the Southwest Pass of the Mississippi, with a view to a navigable depth of 35 feet, in order to afford an outlet for the various products of the Mississippi Valley.

We have provided for increased harbor facilities for the city of Buffalo.

We have provided at the city of Cleveland for the improvement of the entrance to the breakwater already existing, and the extension of the breakwater eastward so as to afford a better harbor of refuge and give additional and needed harbor room.

We have provided for the improvement of the Detroit River, appropriating or authorizing the expenditure of $1,750,000 with a view to providing a channel 600 feet in width sufficient for the great traffic along that waterway.

We have appropriated $330,000 for the improvement, by doubling the channel, of the St. Clair Flats Canal. This canal was opened to traffic in 1870, or perhaps a year or two earlier, and the traffic there has outgrown the facilities afforded. The grounding of a single boat would stop the traffic of the Lakes, and there is urgent call for immediate improvement.

By an appropriation or authorization of four and a half millions we have provided for the improvement of the connecting waters between Lake Superior and Lake Huron, giving an alternative channel, so as to afford an up and a down route. The total estimate for this improvement is $5,750,000. We have limited the appropriation or authorization to four and a half millions in the hope that possibly this may finish the project, but with the view, at any rate, to providing ample funds for the rapid prosecution of this very important work.

In the bill of 1899 we authorized the expenditure of a million and a half for the improvement of the mouth of the Calumet River, at South Chicago, a portion of the harbor of Chicago in which more and more the heavy freights are handled, and where there exist very extensive furnaces and manufactories of iron and steel.

We have authorized or appropriated a million and a half dollars to repair damage caused to the jetties at Galveston by the great storm of last autumn. It seemed absolutely necessary to provide for the reparation of these jetties in order to preserve the port. It is probable that this expense will make the jetties somewhat more complete than they were before the storm; but if an additional amount is required it is an economical expenditure of money.

We have provided for the improvement of San Diego Harbor, in the southerly part of California. A small authorization is made for the harbor of San Francisco. This great harbor probably needs less artificial aid than any harbor in the country. It seemed but due to provide a small amount for the blowing out of a rock which, while it merely impedes local traffic across the bay, is a menace to safe navigation.

We have provided for the improvement of the mouth of the Columbia River. The improvement in this locality has been quite unsatisfactory. It has been found necessary to extend the jetties into the sea to a depth of 40 feet—a depth made necessary by the fact that the heavy waves make it difficult for large ocean ships to enter at a less depth of water.

The minor harbors of the country and the rivers and the creeks which afford facilities for inland navigation have not been neglected.

This bill carries approximately in appropriation for the next fiscal year $22,800,000. It authorizes contracts to be made in the future, for which appropriations are to be carried on future sundry civil bills, approximating $37,150,000—in all, nearly $60,000,000.

The amount authorized or appropriated for the ensuing fiscal year is larger, with one exception, than that in any prior bill. The amount carried in the bill of 1890 for the fiscal year ending June 30, 1891, was larger by $2,300,000. The bill for 1888 was only less by about $400,000. The total of appropriations and authorizations, however, is less by $12,000,000 than those carried in the bill of June, 1896.

A comparison of the appropriations for the last twenty years shows that the river and harbor appropriations have not increased as rapidly as those for fortifications, for pensions, for the Army, or for the Navy. The committee feels justified in bringing in a bill for this amount. This bill looks toward peace and the commercial development of the country's commerce. The task has been one of great difficulty, because we have had before us estimates officially made the total amount of which is more than $300,000,000, and it has been found necessary to eliminate, at least for the present, as much as four-fifths of the amount required for the completion of improvements for which there are estimates.

This bill, I will further say, has not increased in its appropriations for the last twenty years more rapidly than the expenses of conducting the Post-Office Department, that Department of the country which is most in touch with the commercial growth of the country, and which most reflects the demand for increased facilities. It seems not unreasonable to ask that each year twenty-five to thirty million dollars shall be expended for river and harbor improvements; and whether this amount shall continue, whether it shall increase or decrease, will depend upon certain general consideration as to policy.

There are four questions which will arise which I wish to take up in their order.

Mr. HEPBURN. Will the gentleman permit me to ask him if he can state to the committee the probable amount of river and harbor appropriations that will be carried in the sundry civil bill for the next fiscal year?

Mr. BURTON. A little over $8,000,000 for the next fiscal year, making in all, this year, $31,000,000.

The first question will be whether the improvements on the Mississippi River must be continued at the present rate of expense or whether completed results will be attained at an early day. The appropriations for that portion below Cairo have averaged for a number of years between two million and two million five hundred thousand dollars per annum; those for the upper portion above Cairo over half this amount.

The second question—and it is one to which I ask the attention of the House—is the policy that shall be pursued in regard to the construction of locks and dams in navigable streams. We have a great many of those projects before us. While not wishing to criticise previous river and harbor bills, it is evident a policy has been pursued which looks only to very remote results. Rivers like the Tennessee, the Coosa, the Cumberland, and others have been improved by locks and dams in detached portions of those respective rivers without any connection between them. The committee have thought it best to adopt a policy under which each river shall be improved from its mouth toward its source, save under exceptional conditions.

Unless a depth of 6 feet can be obtained in thickly settled portions of the country it is doubtful whether this class of improvements can profitably be pursued. When you fall below that depth, unless it be in a sparsely settled country, railroad transportation can be made available at cheaper rates.

We have not included in this bill any new projects for locks and dams, except in Trinity River, in the State of Texas, where we have appropriated or authorized $750,000, part for general improvements and part for the construction of locks and dams.

I am frank to say to the committee that on first examining this project I did not think favorably of it, but I gave it a good deal of consideration. The committee called before them the engineer having the improvement in charge, and it seemed to us that an expenditure of this amount was justified. The river is easily capable of improvement. It has stable banks, and the construction of locks and dams is a comparatively easy problem. There is a great amount of traffic in prospect, both from the source to the mouth and from the mouth toward the source. In this particular it differs from many other rivers, where the bulk of the traffic must necessarily be one way. Great quantities of cotton and grain will be carried toward the mouth, and from the mouth toward the source timber and building material for the large expanse of prairie tributary to Dallas toward the north.

We have also made a provision of $360,000 and an authorization of $400,000 for the improvement of the Black Warrior, Warrior, and Tombigbee rivers. This project has been under way for a long time. It affords great possibilities in the way of carrying supplies of coal from above Tuscaloosa to Mobile and the Gulf, where coal must be obtained by shipment for a long distance. It also affords the possibility of carrying, at cheaper rates, iron from

Birmingham, which has already become an important factor in the export trade of the United States.

We have also made provisions for four locks on the Ohio River. The improvement of this river is different from that of those I have mentioned. The object of the locks and dams is merely to provide a uniform stage of the water so that it shall not fall below 6 feet in depth and prevent the river from going out of use at low stages. In the other rivers it is necessary to overcome obstacles afforded by shoals and rapids.

The third question which will, in part, determine whether the appropriations carried in this bill shall be increased or decreased will arise from the policy as to confining this bill to navigation proper. Very large amounts have been appropriated in past years for what is called rectification of banks. If the uniform policy is adopted of protecting the banks of alluvial streams against erosion, in time these amounts, if we pursue a logical policy, will come almost to equal those made for the legitimate improvement of rivers and harbors.

Another feature of this appropriation has been that they have largely been expended at places where there is little or no navigation. Without intending to call invidious attention to any locality, I will mention that portion of the Upper Missouri River for a few miles above and below Bismarck and Mandan, in North Dakota. There is a project there for rectification of banks at an expense of nearly $750,000, about $145 for each inhabitant of the two towns. The total navigation for a stretch of 1,600 miles, from Sioux City to Fort Benton, is a little over 20,000 tons. The committee desired to call the attention of the Committee of the Whole and of the House to this incongruity in appropriations, and desire a full discussion of the subject, whether upon this bill shall be carried appropriations for rectification and protection of the banks of alluvial streams where practically no navigation exists.

There has also been an effort in recent years to place upon this bill appropriations for utilization of so-called arid lands. Two years ago an amendment was placed upon this bill appropriating $250,000, I believe, for the construction of reservoirs in the upper waters of the Missouri River, more than 9,000 feet above the level of the sea, remote by hundreds of miles from any navigation or use of any boat, unless it be a birch canoe.

Members of the House are familiar with the fact that this body stood for the exclusion of that item, and before the bill became a law it was excluded.

A fourth question arises, the decision of which will have its influence upon the future amount of these appropriations, namely, the fixing of a proper boundary line between improvements to be made by the Federal Government and those to be made by municipalities or private parties. An examination of the projects submitted to us shows that if we seek for a uniform rule in this regard we shall find only hopeless confusion. In many cases the General Government has carried its improvements merely to the mouth of the harbor, while in others this improvement has been carried to the wharves and up small streams tributary. On the Great Lakes there is a good illustration, where most of their harbors are afforded by rivers flowing into the lake. In the great majority of them the whole improvement of the harbors on the rivers where boats reach the wharves has been undertaken by municipalities and private parties. In a few, however, the General Government has gone inside of these harbors and done dredging and made improvements which in the other places are made by the municipalities.

While not attempting to enforce any hard-and-fast rule, the committee have sought to make one which shall create some boundary line between the municipalities and the General Government. We have tried, however, to judge each case according to its merit. In some cases there is no opportunity for an outer harbor, and there must be an improvement of the inner harbor. In that case it makes a strong showing for an appropriation within, which otherwise would not exist.

A criticism has been made on this bill, of which I speak with some hesitancy, because my own interest has been identified with that locality ever since I first came to Congress. The statement has been made that undue proportion of the amounts in this bill is appropriated for the Great Lakes. On examination of the subject this criticism will be found to be utterly without foundation. It may be a surprise to some of you to know that 4 of the 8 ports in this country having the largest tonnage are located on the Great Lakes. I must concede some lack of confidence in the official statistics available, owing to the fact that at the ocean-going ports the actual tonnage reported by the collector of customs is restricted to foreign-going vessels, while other statistics are furnished by boards of trade and commercial bodies.

In the statistics before us I fear that injustice may be done to the city of Boston, the figures concerning which are not satisfactory as presented to us. It should be said in this connection that at any rate, whether its tonnage be large or small, it is of a very valuable quality, and that in the sum total of the value of its exports and imports it is second only to New York City. It should also be stated that there are other tests of the importance of improving a port besides its tonnage, namely, the value of the exports and imports, the necessity of precautions to save human life, the existence of rival ports which could carry merchandise as well as the one improved, or the possession of an exclusive field by the one which asks appropriations.

But after making all these concessions it still remains true that tonnage is the most important test, because it determines the number of boats entering a harbor, the probable size and draft of those frequenting it, and the dangers from collision arising from large traffic.

The eight largest ports in the country, as given by the official statistics contained in the reports of the Chief of Engineers, are, in their order, New York, Philadelphia, Chicago, Buffalo, Pittsburg, which, perhaps, you can hardly call a port, being located on the head waters of the Ohio; Baltimore, Cleveland, and Duluth-Superior. It thus appears that four of these ports are located upon the Great Lakes.

There is another fact: On the exterior coast of the United States there are numerous bays affording ample space for anchorage within, and there are numerous good-sized rivers flowing into the sea, up which there is ample space for wharves. With three exceptions, upon the Great Lakes these facilities are lacking. These three exceptions are in the harbor of Duluth-Superior, where there are two magnificent inner bays, the harbor of Erie, in which a large bay or interior body of water is nearly surrounded by a long and curving peninsula, and the harbor of Sandusky, Ohio, which is within Sandusky Bay.

In this last harbor, however, the benefits obtained by the protection of headlands are neutralized by the low draft which can be carried to the wharves, or by the shallow depths of water. But in most localities on the lakes it is necessary to create a harbor on what is nearly a straight stretch of the shore. It is obtained either by utilizing a small river or creek which runs into the lake or by building breakwaters on the outside. These differences which I have pointed out emphasize the necessity for more ample provisions for harbors upon the lakes.

Now, let us take up the channels on the lakes and see if there is anything that looks like discrimination there. The distinctive feature of the Great Lake traffic is that the difficulty in navigation between terminal points is in the connecting waters. The lakes themselves for the most part have a depth and size as ample as that afforded by the ocean itself; but in the connecting waters between Lakes Superior and Huron, between Lakes Huron and Erie, through the two rivers, St. Clair and Detroit, and Lake St. Clair there are serious obstacles. There is an almost insuperable barrier between Lake Erie and Lake Ontario.

Now, let us make a few comparisons. We have provided for a channel 2,000 feet wide from New York Harbor to the sea. We are making provision in this bill for the prosecution of a project for channels respectively 1,200 and 1,500 feet wide from Boston to the sea, but in the Hay Lake Channel, between Superior and Huron, the channel is only 300 feet wide. In the Detroit River, in the lower portion, the channel is only 440 feet wide. This, however, is only part of the facts. In the last two channels mentioned boats must turn at sharp angles, guided by range lights and marks, which in thick or dark weather are very hard to descry.

In the single season of 1899, by collisions and groundings in the Hay Lake Channel, a direct damage was incurred amounting to $370,118, according to an official report contained in Senate Document No. 80, Fifty-sixth Congress, first session. And the engineers who made the report stated that $675,000 would be a conservative estimate, taking into account consequential damages in the way of delays and damage to other vessels. So I submit to the committee and to the House that by increasing this channel by providing an alternative one 300 feet up as well as 300 feet down, by widening the Detroit River Channel to 600 feet and by improving the harbors on the lakes, we do not furnish any ground for the criticism that the Great Lakes receive undue attention in this bill. In the connecting waters between Lake Superior and Lake Huron there is a larger traffic than that which goes in and out of any harbor in the country. In the Detroit River there is a still larger traffic, greater than that which goes through any other river in the world.

Mr. Chairman, I have detained the House much longer than I had anticipated. There are, however, several features of this bill of which I wish to speak somewhat further. On full consideration by the committee, it did not seem best to continue the Missouri River Commission or the large appropriations made for that stream. The report gives some comparisons which I should like to have each member of the committee read, showing that we have expended nearly $11,000,000 on this stream with very trivial development of navigation. The navigation is less than it was thirty years ago, when only small amounts were appropriated.

The question arises, would it not be better for the navigation of the stream if we went back to the former policy of small appropriations? These large amounts have been largely diverted,

as I have said, to the rectification of banks. We mean no reflection on the Missouri River Commission. It is no doubt made up of men of ability and integrity, but they are proceeding on a plan under which it would cost $30,000,000 to improve this river in the single part between its mouth and Kansas City. So long as there are other streams where improvements can be made much more economically and profitably, we do not feel justified in recommending to the House that these large appropriations should continue.

Mr. CLARK of Missouri. Mr. Chairman, I should like to ask the gentleman a question in connection with the Missouri River.

Mr. BURTON. Certainly.

Mr. CLARK of Missouri. The committee practically declares that no more money shall be appropriated for the preservation of the banks of the Missouri, and practically abandons the river. Now, the question I want to ask is this: Will the chairman of the committee or the committee itself antagonize an amendment which will permit the riparian owners on the Missouri River to construct dikes or wing dams or whatever is necessary at their own expense to protect their own lands?

Mr. BURTON. Speaking for myself, I should say not for an instant.

Mr. CLARK of Missouri. Well, I will take great pleasure in offering that amendment.

Mr. CATCHINGS. Provided they are approved by the Secretary of War.

Mr. BURTON. Of course there must be some regard to the effect on the navigation of the river.

Mr. CLARK of Missouri. And subject to the approval of the engineers.

Mr. BURTON. With that reservation, I do not think there would be any objection on the part of any member of the committee.

Mr. CLARK of Missouri. My district straddles the Missouri. Several times the owners of very rich lands on the banks of the river have undertaken to build some kind of a thing out in the river—a dike, or whatever you call it—to protect their lands, and were perfectly willing to pay for it, but every time they did it the Engineer Department jumped them, because it was interfering with the navigation of the river. If there is no navigation, they ought to be allowed to protect their own lands.

Mr. BURTON. I want to say to the gentleman that I believe that plan would be altogether better for the people on the Missouri River than the plan we have pursued. I believe they could judge more judiciously of what is needed and that the expenditure would not be wasted. If you leave this matter to be determined by private interests, no one is going to throw money away or act under favoritism. It is going to be expended where it will do good.

Now, I want to say, further, that in order to do complete justice to that locality we have recommended in our bill $300,000 for the portion of the river below Sioux City and $40,000 above. Possibly our action might have had more character, I may say, if we had stricken out those appropriations entirely, in view of the statement made in the report and our opinion in regard to the matter; but we did not wish to discriminate against that locality and wanted to make provision for finishing works in progress, so that they may not entirely be neglected, and for all legitimate claims of navigation upon the river.

Mr. HEPBURN. If the gentleman will yield to me, I should like to ask him if he does not understand that the appropriation, as it is made, could be used for the very purpose suggested by the gentleman from Missouri [Mr. CLARK]?

Mr. BURTON. The wording of the bill is in this language:

> Improving Missouri River below Sioux City: Continuing improvement, $300,000, which shall be expended in the improvement of such portions of said river as the Secretary of War may designate; and such portions of said appropriation as he may deem necessary may be expended for the improvement of tributary streams of said river heretofore under improvement under the direction of the Missouri River Commission.

Now, that leaves it in the discretion of the Secretary of War. It is expected, however, that this amount will be confined to improvements that bear with some directness on increase of navigation or facilities for navigation. Now, there may be a dike partly under way where to complete it would result in serious damage. We desire to leave with the Secretary of War a large measure of discretion with reference to that; but I have no hesitation in saying to the gentleman from Iowa that the idea the committee had in mind was ultimately to restrict these appropriations absolutely to improvements of navigation. I think I should say that in frankness to the gentleman and to the House.

Mr. HEPBURN. Would you consent to an amendment that would give to the Secretary of War jurisdiction to use this appropriation for the purpose of confining the river within its present limits, for instance?

Mr. BURTON. I should hesitate about that, because I would regard that policy as impracticable. This is a very long stream. To confine it within its present limits is a stupendous proposition.

Mr. HEPBURN. Of course that could not be done through its entire length; but it might be done so far as the appropriation would go.

Mr. BURTON. The trouble about that is that it would repeat the erroneous policy which it seems to me has already been pursued. That policy has been to limit the improvements in a given case to a stretch of 40, 30, or 20 miles—taking, for instance, Jefferson City, and making an improvement there on the theory that the whole river, at an expense of tens of millions of dollars, is going to be improved in the same way. That has been the vital error in the course thus far pursued. While I do not undertake to answer the gentleman's question offhand, I should fear that his suggestion would lead to results in the same direction.

Mr. HEPBURN. Of course the expenditure would have to be confined to a certain locality—to some given point; and there might be different points at great distances apart.

Mr. BURTON. One trouble about that is the scramble—for that is the right word—for appropriations in different localities along the river. Contests would arise between different locations as to where the money should be expended; and this amount, $300,000, is notoriously inadequate to accomplish any general results in the way of confining the river within its present limits. I should think it would be better to leave absolute discretion in this matter with the Secretary of War.

Mr. BARTHOLDT. Has the committee made any calculation as to the amount of money which will be saved by the policy which they now advocate, of dispensing with the Missouri River Commission?

Mr. BURTON. In salaries, not a very large amount, but in the abandonment of a policy which we think erroneous, a very considerable sum.

Mr. BARTHOLDT. As I understand, the members of the Missouri River Commission are also members of the Mississippi River Commission.

Mr. BURTON. That is not the case.

Mr. BARTHOLDT. Most of them are.

Mr. BURTON. Some of them.

Mr. CATCHINGS. The commissions are separate.

Mr. BARTHOLDT. Even under the policy which the gentleman advocates, it would be necessary to have offices somewhere, to employ clerks, etc., and in my judgment you would save absolutely nothing by abolishing the commission. The officers now engaged are gentlemen who have devoted many years to this work and who consequently are better posted than any new engineers who might be put in charge of it.

Mr. BURTON. It did not seem best to the committee to continue the bureau unless the bureau has something to do. We saw no need for officials unless certain duties are assigned to them. But I would say further that these subordinates of the commission who are no doubt competent would, if fit for their places, be very likely to be employed by the Engineer Department when it assumes control. As to the military officers—the engineers—their positions are of course secure. They will merely be assigned to some other work, or possibly this same work. I should not be at all surprised if Colonel Stickney would be continued on the Missouri River. He no doubt understands it better than anybody else. I have no criticism of him to make, but only of the line of policy that has been pursued. Perhaps you may say that Congress has been at fault in making appropriations for continuing classes of improvements which have been enormously expensive and have brought no good.

Mr. BARTHOLDT. My point is that if what the chairman of the committee says be true, you do not save any money by abolishing the commission.

Mr. BURTON. But it certainly would be a very peculiar policy to deprive those officers of anything to do and yet continue them as officials. That, it seems to me, would certainly not commend itself to the House or be justified by sound principles of economy or business.

Mr. WILSON of Idaho. At the last session of this Congress a law was passed providing for a survey and estimates of cost for constructing a system of canals and lakes at The Dalles, Oregon, and at Celilo Falls, Washington. Some years prior to that Congress passed a law providing for the construction of a boat railway at The Dalles and appropriated a large amount of money for that purpose, of which there is yet available some $220,000.

I notice by section 7 of this bill you repeal that item entirely. That is the bulk of your repealing clause. I believe the total is about $270,000, and $220,000 of that is for the boat railway at The Dalles. Now, this Congress at the last session authorized the survey for making another improvement, an improvement looking to the construction of a canal and locks, and that survey has been made and the report submitted to your committee. It seems to me that it is not right to pass this bill making this repeal and ignoring the improvement contemplated in this report. It leaves this improvement between heaven and earth, and I would like to know something about it.

Mr. BURTON. I would state to the gentleman that the same repealing clause was contained in the river and harbor bill as it passed the last House, but it was stricken out in the Senate. There was some little discussion about the matter. The committee thought this boat railway—the idea of taking a boat out of the water and carrying it 8 miles on a track or tracks 40 or 50 feet wide, and to put it down in the water on a level 82 feet lower—was much more worthy of Jules Verne than of a sober engineer's report. [Laughter.]

Mr. WILSON of Idaho. But Congress had already authorized it.

Mr. BURTON. It is true that Congress had authorized it, but I trust the gentleman, while I do not wish to criticise, will not hold this present committee responsible for some things that have heretofore been authorized by Congress. Now, as to the repeal covering this appropriation into the Treasury, it is true other improvements are contemplated there, but it did not seem to the committee that this amount—something over $200,000—should be held as a leverage for another improvement. We felt that any other project ought to come up as an independent question. When we come to that we will settle the question of recommending a portage railroad or canal, and try to do justice to all parties.

We found this amount of money remaining, and it is dribbling away a few thousands a year, and we did not think it a business proposition to leave that there so that an amendment might be put on that would commit us to a larger project. It is true that a report was made, and I will say that it is a splendid thing on paper. It was granted a quasi approval of some very eminent engineers, perhaps the full approval of several of them. But we, on full consideration, did not think the boat railway a good or an economical method for the improvement of the navigation of the Columbia.

Mr. HEPBURN. I think the gentleman has before him page 75 of the bill. Would you consent to an amendment by inserting after the word "river," in line 20, the words "and in maintaining the stability of its banks," so that it shall read "which shall be expended for the improvement of such portions of said river and in maintaining the stability of its banks as the Secretary of War may designate?" That would put it entirely in the discretion of the Secretary and remove all the difficulties that the gentleman suggested.

Mr. BURTON. Mr. Chairman, I could not consent to that amendment. It is only a continuation of the method of expenditure there which I think we ought to abandon as rapidly as possible.

Mr. HEPBURN. That is all for the improvement of the river.

Mr. BURTON. There is a little navigation, in addition to a considerable quantity of sand, thirty or forty thousand tons, I believe, and possibilities of future improvement. Now, I yield to the gentleman from Tennessee.

Mr. SIMS. Mr. Chairman, I notice that the appropriation for the Tennessee from Riverton to the mouth is only $25,000. I would ask the chairman why it is not larger?

Mr. BURTON. I would say to the gentleman that the last bill carried an amount for this purpose, which is the improvement of the Tennessee from Riverton to the mouth, the portion comparatively on a level and easily susceptible of improvement, of which there was still available on the 30th of November $33,000, and there was $29,000 remaining at the end of the month of December. The committee thought that the $29,000 remaining, with the $25,000 appropriated, would be sufficient to prosecute the work there with a reasonable degree of vigor. I think my friend will find his constituents satisfied. Now I yield to the gentleman from Iowa.

Mr. THOMAS of Iowa. I desire to ask a question in relation to this part of the bill. It seems that the bill provides for an appropriation of $40,000 above Sioux City and $300,000 below Sioux City. Now, heretofore a considerable appropriation has been made for the improvement of the banks and wharves at Sioux City, and these improvements are in progress. They are not yet completed, and it seems that this bill excludes anything from being expended at Sioux City.

Mr. BURTON. I would not think so; the dividing line is at Sioux City. It is a mere matter of phraseology. A question has been raised as to the work done above and below Sioux City. I am informed that there has been a ruling by the Attorney-General which seems to create some doubt, and I would be willing for the gentleman to offer an amendment when we reach that part of the bill.

Mr. THOMAS of Iowa. The appropriations in the river and harbor bill carries an appropriation of $70,000 above Sioux City. The Secretary of War in making the allotment allotted $30,000 to be expended at Sioux City. Objections were made to that allotment, and the question has been submitted to the Attorney-General, and he held——

Mr. BURTON. I am perfectly willing to have any phraseology you name there to cure the ambiguity, if it is an ambiguity.

Mr. THOMAS of Iowa. I would just make the statement now. At and below Sioux City——

Mr. BURTON. The gentleman can call attention to that when we reach it in the consideration of the bill. Now I yield to the gentleman from Pennsylvania.

Mr. DALZELL. I notice a matter for the improvement of the Allegheny River. I will ask the gentleman whether that has relation to the improvements already under way or in contemplation.

Mr. BURTON. It pertains to the general improvement of the Allegheny River. There is an item of $244,000, I think it is, which will be carried in the sundry civil bill for building locks and dams there——

Mr. DALZELL. In addition to those appropriated for?

Mr. BURTON. No; to be expended on those heretofore authorized.

Mr. DALZELL. There is no appropriation for providing additional locks and dams?

Mr. BURTON. No, we had so many locks and dams in that neighborhood to provide for that we felt we had gone to the limit of what we could do. I want to say to the gentleman further, although I do not want to say anything which shall have the semblance of a promise for the future, that we regard that improvement of the Allegheny as of importance, and that it will undoubtedly have consideration.

Mr. DALZELL. One other question. I notice an appropriation here for the purchase of land and locks where necessary on the Monongahela River. I would like to know whether that is land adjoining the locks 1 and 2?

Mr. BURTON. It is. This is the fact: boats come up, sometimes in great numbers—the gentleman probably is more familiar with it than I am—and in waiting to be locked through they have to rest against the side of the banks. Private owners own the banks along where they happen to anchor and charge them a fee for it, and in order that there might be ample room for them to moor while waiting to be locked through, this provision was inserted in the bill.

Mr. WILSON of Idaho. I would like to ask the chairman of the committee why there was no action taken by the committee on Captain Hart's report for a system of locks at The Dalles?

Mr. BURTON. The gentleman from Idaho asks why there was no action taken by the committee on Captain Hart's report for a system of locks at The Dalles. I will say that it would cost $4,000,000. I say candidly to the gentleman that if we had done that, together with other improvements between the mouth of the Columbia River, where we authorized $2,000,000, it would have been only proper to change the title of this bill to this: "A bill for the development of the Columbia River." We can not take up a project in one part of the country and give it standing in a class to which it does not belong to the detriment of others.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio be allowed to conclude his remarks.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Ohio be allowed to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. RICHARDSON of Tennessee. I desire to ask the gentleman from Ohio a question. I have been urging this committee to make an appropriation for a beautiful stream that flows through the district I have the honor to represent.

Mr. BURTON. The Elk River?

Mr. RICHARDSON of Tennessee. Yes. I do not find any appropriation in this bill for that purpose, and I would like to inquire why the committee did not deem it wise to give us some relief.

Mr. BURTON. I want to say to the gentleman that it would have afforded us the utmost pleasure to accommodate the gentleman from Tennessee. We recognize his long service in this House, and that while he has not heretofore asked the committee for river and harbor appropriations, he has repeatedly urged us to do something for the Elk River. But the fact is that here is a project for improvement costing $880,000, the whole of which must be expended or it will do no good. As remarked to me by an engineer who is familiar with the locality, when this country becomes as thickly populated as Holland, and like that country furnished with numerous canals and other improvements, it would seem fit to improve the Elk River at this expense of nearly $900,000.

But I think we ought to advance a few stages in population before that improvement would be justifiable. We have inserted a provision, I will say to the gentleman from Tennessee, providing for a survey up to Estill Springs. The fact is the Elk River has this characteristic—that it goes down hill—and that is true of it in a more marked degree than it is of a great many other streams. It goes down rather rapidly, and it would be necessary to improve

it by locks and dams at rather short intervals, in order to utilize it for navigation.

Mr. RICHARDSON of Tennessee. The gentleman is satisfied that it flows through a great country?

Mr. BURTON. Oh, no doubt about that.

Mr. RICHARDSON of Tennessee. And that there is considerable commerce on its banks?

Mr. BURTON. Yes; and no doubt commerce would be stimulated if these improvements are made. I think, however, that it would afford a simple solution of the question and would be more economical for the Government to build a railroad paralleling it. [Laughter.]

Mr. NEWLANDS. Mr. Chairman, I would like to ask the gentleman from Ohio a question. On page 70, line 10, the following item appears: "Reservoirs at the head waters of the Mississippi River, continuing improvement $300,000." Will the gentleman explain about that?

Mr. BURTON. These reservoirs are a legacy from a preceding Congress. I speak only for myself, but if that question was to arise to-day I do not think we would recommend that item. There were several reservoirs located up there with the idea that they would affect the water on the Upper Mississippi. They were built at great expense, and they are out of repair. They are in danger of going to pieces and submerging the surrounding country. It is probable that they do raise the water at Minneapolis a little. The question is whether an appropriation is justifiable. This amount is justifiable because it is necessary to put them in condition, so that they may not be dangerous to the surrounding property.

Mr, NEWLANDS. Was the appropriation originally intended to promote navigation or utilize the power on that river?

Mr. BURTON. I do not know. I was not a member at the time it was originally projected and placed in the bill, but I understand it was alleged that it would aid navigation. The gentleman himself is familiar with the fact that there are a great many men in the country, including some engineers, who have an idea that the building of a reservoir well toward the North Pole will affect the level of water even on the Lower Mississippi. It is probable that their views at some time have prevailed with Congress and induced the insertion of items which I think would be more carefully considered now. [Laughter.]

Mr. NEWLANDS. One further question. I understand that the River and Harbor Committee has refused to insert in this bill any provision relating to the improvement of rivers in the arid regions for the purpose of meeting the demands of irrigation as contradistinguished from navigation. Do I understand that to be the case?

Mr. BURTON. The committee has taken this stand: That we ought to confine our improvements to navigation—to rivers and harbors; that the providing of irrigation for arid lands is a widely distinct problem with which we ought to have nothing to do. In the first place, it opens up a subject as broad almost as the improvement of the rivers and harbors of the country, and in the second place it would put something on this bill which we do not think belongs to it.

Mr. NEWLANDS. The gentleman will recognize the fact that the rules provide that all bills relating to the improvement of rivers are to go to the Committee on Rivers and Harbors. Is not that true?

Mr. BURTON. If there is no rule that our appropriations shall be restricted to navigation, we thought it right to make one of our own.

Mr. NEWLANDS. Then it is a rule made by the committee, not by the House?

Mr. BURTON. We do not understand the rule of the House as meaning that we as a committee are to have jurisdiction of water all through the country. We understand the intent of the rule to accord with our interpretation of it.

Mr. NEWLANDS. The title of this bill is "A bill making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other improvements."

Mr. BURTON. "For other purposes."

Mr. NEWLANDS. Now, I ask whether an improvement to promote the use of water for irrigation would not come within that bill under its title?

Mr. BURTON. I do not think it would.

Mr. SHAFROTH rose.

Mr. BURTON. I yield to the other gentleman [Mr. SHAFROTH] interested in arid lands.

Mr. SHAFROTH. Has not the committee on previous occasions allowed an appropriation for the construction of a dam in Minnesota?

Mr. BURTON. What dam does the gentleman refer to?

Mr. SHAFROTH. One at the mouth of the Mississippi somewhere. I do not know exactly. Was there not such an item in the appropriation bill of last year?

Mr. BURTON. That was in pursuance of the plan in regard to which a question has already been asked.

Mr. JONES of Washington. I notice there is no appropriation in this bill for the project entitled "The improvement of Grays Harbor and Chehalis River."

Mr. BURTON. That is carried on the sundry civil bill.

Mr. JONES of Washington. That is at the bar entrance. But this project might be said to be divided into three projects. One is at the bar entrance, which is now under continuing contract; then there is the improvement of the inner harbor, which is called the improvement of Grays Harbor and Chehalis River; and there is the project for the improvement of Chehalis River. Under the act of 1892, $50,000, and under the act of 1894, $25,000 was appropriated for this improvement; and in the annual report for 1896 the engineers state that unless the appropriation be made for the improvement of this inner harbor, the value of the improvement of the outer harbor will be very largely diminished. The difficulty is that the harbor next to the outer bar entrance is separated from the inner harbor by two shoals or dams, one below the town of Hoquiam and the other above the town of Aberdeen.

Mr. BURTON. I prefer that the gentleman should raise that point after we come to the debate under the five-minute rule. But I will say to him now, briefly, that it would seem to be the best policy to finish the main improvements first. I am occupying now more time than I had intended, and I would prefer that all questions that may be addressed to me should be limited hereafter to matters of general policy.

Mr. JONES of Washington. Just one further question. The engineer also reports that in order to maintain the improvements already made at the inner harbor there ought to be an appropriation of $18,500. I called that matter to the attention of the committee. Was it considered?

Mr. BURTON. It was briefly considered.

Mr. JONES of Washington. I will endeavor to bring this matter up under the five-minute rule.

Mr. CUSHMAN. I would like to ask whether in the framing of this bill the committee has endeavored to make always appropriations where the Engineer Department has made a recommendation.

Mr. BURTON. The committee has pursued no rule about that. On the one hand we have avoided being mere clerks to write down the recommendations of the Engineer Department, and on the other hand we have endeavored to give careful and close attention to their reports. We have pursued no hard-and-fast rule about that matter; we could not do so; it would have been out of the question. We have omitted a great many where the engineers made recommendations. If we had put them all in it would have been necessary to bring in a bill for at least $120,000,000.

Mr. CUSHMAN. Have you not also put in somewhere there was no recommendation from the engineers?

Mr. BURTON. No, we have not; certainly not within my knowledge.

Mr. CUSHMAN. Was there a recommendation from the Chief of Engineers in reference to your own improvement at Cleveland?

Mr. BURTON. Most certainly, and a very elaborate one.

Mr. CUSHMAN. Was that an estimate or was it a recommendation?

Mr. BURTON. It was both a recommendation and an estimate.

Mr. CUSHMAN. I differ with the gentleman.

Mr. FITZGERALD of Massachusetts. Will the gentleman yield for a question?

Mr. BURTON. Yes.

Mr. FITZGERALD of Massachusetts. The gentleman in his figures a few moments ago, in giving the eight cities having the largest tonnage in the United States, did not include Boston.

Mr. BURTON. I stated, I believe, that I was fearful of doing Boston an injustice in that respect. I gave the figures as given in the Engineers' Report, and I will say to the gentleman that for fear I have made them inaccurate I have written to Boston, and, I believe, have telegraphed, asking them to furnish the figures if possible.

Mr. FITZGERALD of Massachusetts. The reason I ask the question is that we supposed that Boston was the second port in the country, and we believe it to be so.

Mr. BURTON. I will agree to anything the gentleman says as to the importance of the port of Boston. [Laughter.] I want to say to the gentleman that the claim has frequently been made before us on behalf of four ports that each is next to New York, namely, Philadelphia, Boston, Baltimore, and New Orleans. As a diversion I once prepared some figures showing that in some important particular each was second to New York, and I will be glad to give the figures to the gentleman. [Laughter.]

Mr. RIDGELY. Will the gentleman from Ohio yield for a question?

Mr. BURTON. Certainly.

Mr. RIDGELY. My question is intended to have a bearing on the general policy of this committee, and I will preface it by

saying that we all in Kansas, so long as we have to depend upon competition in freight rates, are materially interested in maintaining some degree of navigation on the Missouri River as well as the Arkansas. Now, in the preservation of the banks from erosion we contend that you preserve and assist the navigation of the rivers. Does not the committee recognize the fact that if you protect the river banks from erosion you are preserving and aiding the navigation of the river?

Mr. BURTON. That is, if there is any navigation on it, and if the cost is commensurate with the benefits. Of course you can not answer that question by yes or no. Undoubtedly the erosion of banks is a proper subject for expenditure where it prevents cut-offs, prevents the stream from going off somewhere, so that the channel which has been previously followed will be dry. It is proper, I think, to protect landings where there is considerable traffic, but to go in and protect banks against erosion merely because they are on a stream, even if it is a navigable stream, is opening up a field that is limitless.

I will say to the gentleman that ever since I have been a member of the bar I have had charge as trustee of a piece of land containing 45 acres on a navigable river. Almost every year the storms make a change of an acre or two in the ownership on the two sides of the stream. I should not think of coming to Congress to ask an appropriation so that these banks might be rectified. We should regard that as a matter for private expense, although the stream is a navigable one and the land very valuable.

Mr. RIDGELY. Certainly not, but as a general policy. I am not interested in the immediate property on the banks of any of these streams, but I am interested in preserving the navigation so long as we have to depend on competition for our freight rates.

Mr. BURTON. The gentleman will find that carrying the principle that he advocates to its logical conclusion will go away beyond and outside of anything that has the remotest effect on freight rates.

Mr. RIDGELY. But we are alarmed at the attitude of the committee, because you clearly indicate that you are going to abandon these rivers, so far as being worthy of Government appropriation and improvement is concerned.

Mr. BURTON. I do not think the gentleman quite understands our recommendation. We have appropriated an amount which we regarded as ample for navigation.

Mr. RIDGELY. Yes, but you abolish the Missouri River Commission, and in your remarks you cite particularly the small tonnage of freight upon these streams, and say it is a question as to how far the Government should go, and clearly indicate, as I take the tone of your remarks and the tone of your committee report, that you as a committee are looking to the abandonment of those two streams, so far as Government appropriations are concerned.

Mr. BURTON. Not as far as improvements to navigation are concerned.

Mr. RIDGELY. I am glad to have that assurance.

Mr. RICHARDSON of Alabama. Will the gentleman allow a question?

Mr. BURTON. Certainly.

Mr. RICHARDSON of Alabama. I heard the gentleman from Tennessee ask you a question about Elk River, and I want to ask you a question now about something which is below the mouth of Elk River, namely, Colbert Shoals. It is found in lines 12, 13, and 14 of page 59 of the bill:

> And the Secretary of War is authorized and directed to prepare an estimate of cost of improving said river at the Colbert Shoals by locks and dams.

Mr. BURTON. What is the question?

Mr. RICHARDSON of Alabama. Are you willing to allow an amendment to your bill based upon an accurate estimate of the cost of locks and dams by the chief engineer in charge of the Tennessee River, on the 2d day of August, 1899?

Mr. BURTON. We could not do that, because, in the first place, it is not officially before us.

Mr. RICHARDSON of Alabama. Now, is it not a fact that if the Secretary of War has prepared an estimate for locks and dams at Colbert Shoals, in preference to the lateral canal plan, that you would be in favor of a generous and liberal appropriation for the removal of obstacles at Colbert Shoals?

Mr. BURTON. I could not go as far as that. Speaking for myself, and I think for the committee, I am unwilling to embark on an improvement that will cost $6,000,000.

Mr. RICHARDSON of Alabama. One further question. I want to vote for the river and harbor bill and I intend to vote for it. That is my purpose. But is it not a fact that there was an elaborate and an accurate estimate of the lock and dam system in preference to the lateral canal system at Colbert Shoals, made by a competent, certified engineer on the 2d of August, 1899, and was not that before the committee?

Mr. BURTON. There may have been some such estimate made, but it has never come before us officially. We can not take into account reports that are lodged in the engineer's office.

Mr. RICHARDSON of Alabama. Was it not filed in the office of the Chief of Engineers?

Mr. BURTON. That, however, does not bring it before us, even if it were. I telegraphed the Chief of Engineers and asked for it, and he said it had never been published.

Mr. CROWLEY. I see an appropriation on page 68, section 6, for the improvement of the Wabash River, $35,000. I should like to have an explanation at about what point on the Wabash River this improvement is expected to be made, and what the character of the improvement is to be?

Mr. BURTON. That is at a place called New Harmony Cutoff. The situation is very similar to that created at Vicksburg, Miss., by the water cutting a channel across a bend, the one which General Grant sought to make as a military measure and which nature accomplished afterwards.

Mr. CROWLEY. Do you have to construct a dam at any point?

Mr. BURTON. We have to construct a dam to fill in the cut through which the water goes, because that is filled with rocks and shoals, and navigation through there is absolutely prevented. The aim of this dam is to carry the river around in its natural course, more circuitous, but susceptible of navigation.

Mr. CROWLEY. One more short question.

Mr. BURTON. Certainly.

Mr. CROWLEY. Does this appropriation include anything in the way of constructing a dam or adding to the dam already constructed at Mount Carmel, Ill.?

Mr. BURTON. It does not.

Mr. CUSHMAN. I should like to ask the gentleman a question.

Mr. BURTON. I greatly desire to conclude my remarks, if the gentleman will kindly excuse me. There are several general provisions in this bill. One of the most important is that which pertains to the creation of a board of review of five members, to be constituted by appointment by the Chief of Engineers. Such a measure as this we have found absolutely necessary. Pressure has been brought upon us through members of the House and from all parts of the country for the insertion in our bill of items which would either appropriate or commit us to the early appropriation of $300,000,000.

It is evident that local engineers in the different parts of the country have very different standards. One will take a project of a certain degree of importance that costs $200,000 and send in a glowing report recommending it. Another will take a project four times as important, that costs only $50,000, and he will send in a report saying it is not advisable. Now, we think the function of the local engineer should, measurably at least, be restricted to furnishing facts and figures, and that this board of review should, with all projects before them, make recommendations to Congress. It would make the recommendations somewhat similar to those pertaining to light-houses.

They are graded as desirable, necessary, and indispensable. Let us have more facts before us. We have been sitting here for weeks, holding daily sessions, with almost every member of the committee present. And I want to say to the House that if we have erred it has not been for lack of attention to this bill or study upon it, but with all the reports before us, bringing in engineers in many cases, I feel a great measure of doubt as to the desirability of some items included here, while probably some have been left out which perhaps ought to go in. But we have tried to do the best we could.

Mr. PUGH. Will the gentleman explain to us why the committee of which he is the distinguished chairman refused any aid whatever in furtherance of the project that has been for twenty-two years under way to give us slack-water navigation of the Big Sandy River and its tributaries in Kentucky and West Virginia?

Mr. BURTON. I will state that the committee thought where you have a main stream only partially improved, where great expense will be necessary, it is good business policy to finish that main stream before you go out and expend three, four, or five million dollars in improving a branch of it.

Another thing: The locating of a dam just below the mouth of the Big Sandy might render several of these dams absolutely unnecessary. The committee feel that they are entitled to credit for their course in that matter, and for their policy, as far as possible, of seeking not to scatter appropriations all over this country; improving the top of a stream before the bottom of it is improved, locating a dozen locks and dams scattered along a river where they can do no good; but we thought it best to adopt the policy of taking up those that are more important and finishing them. That is certainly the way an ordinary business concern would do, and we think this is only a business concern on a large scale, that should pursue a businesslike policy.

Mr. PUGH. Does not the gentleman know that the committee even refused the $50,000 additional appropriation for the two locks and dams for which the committee on March 3, 1899, had on an erroneous estimate made an appropriation of $450,000?

Mr. BURTON. That provision for one lock and dam was made under great pressure in this House; but another, however, was added in the Senate. Now I yield to the gentleman from Louisiana.

Mr. BREAZEALE. I find on page 55, $100,000 for the improvement of the Red River in Arkansas and Indian Territory, continuing improvement. Is not that a decrease of the usual appropriation of $150,000 per year heretofore made, and was not $150,000 recommended by the engineer in charge?

Mr. BURTON. One hundred and thirty-five thousand was called for by the Chief of Engineers. One hundred thousand dollars was the amount last appropriated. This is exactly the same amount as the last appropriation—at least that is the sum shown in our Estimate Book.

Mr. BREAZEALE. Was not that increased in the Senate?

Mr. BURTON. If it was increased in the Senate, $100,000 was the amount as it finally became law. We have appropriated the same sum.

Mr. BREAZEALE. One hundred and fifty thousand was the amount, the Chief of Engineers writes me.

Mr. BURTON. Now, I think the Chief of Engineers must be in error, because this Estimate Book is made up largely in his office. The amount last appropriated was $100,000. The amount called for by the Chief of Engineers was $135,000. I should like to see the letter if the gentleman has it in his possession. I think there is an error.

Mr. BREAZEALE. Very well.

Mr. PUGH. I notice that you refused the $50,000 additional to complete the two locks between Louisa and the mouth of the Big Sandy River, although it has been recommended by the local engineer in charge and by Captain Hodges.

Mr. BURTON. And very much pressed by the member from that locality.

Mr. PUGH (continuing). Also recommended by Colonel Roberts, of the Engineer Corps, and by the Chief of Engineers, General Wilson himself.

Mr. BURTON. I do not think the gentleman has understood what I have already said on these projects. We have projects before us recommended by local engineers and by the division engineers aggregating $300,000,000. Does not the gentleman see that, as a mere matter of computation, it is necessary to diminish that amount very materially? And he certainly can not expect that because a matter is recommended by the engineers it will go into this bill.

Mr. PUGH. What is there lacking in this matter to commend it to the favorable recommendation of this committee, if all the engineers in charge of this project clearly show that as a business proposition, with a view to the best interests of the public, the aid necessary to the completion of this project should be given?

Mr. BURTON. Because there are other projects four, six, or ten times more important than it, and certainly the committee could not take into favorable consideration all their projects.

Mr. PUGH. By no means. But I should like to ask the gentleman what there is lacking in this matter to commend it to equal consideration with other improvements, even in my own State?

Mr. BURTON. I think I must decline to yield further.

Mr. PUGH. I do not wish to get the gentleman into deep water, but rather would I invite his fair, equitable, and impartial consideration of the vast interests involved in this slack-water navigation matter.

Mr. BURTON. I do not think the gentleman can say anything that will get the committee into deep water or slack water. He is simply coming here and asking this committee to do an impossible and unjust thing—a thing that would be unjust to the House. If I could I would——

Mr. PUGH. I think a business House and business committees, when they look into the matter, would know that opening up the most valuable and extensive coal fields on the face of the globe would be a matter in which at least every citizen in each State bordering on the waters of the Ohio and the Mississippi below the mouth of Big Sandy River is deeply concerned.

Mr. BURTON. I am glad if the gentleman is through. The fact that he has continued as long as he has is an illustration of the difficulties under which this committee has labored during all this session. No man who had a project recommended by the engineers, whether it has behind it speculators, promoters not deserving of consideration, or whatever its merits, but has come to us with the idea that we must put his pet project into the bill.

Mr. PUGH. I want to say——

Mr. BURTON. I can not yield. The committee can judge some of the difficulties under which we have labored by what the gentleman says now.

Mr. PUGH. I desire to say that the gentleman knows——

Mr. BURTON. I decline to yield further. The committee will know something of the difficulties, with $300,000,000 of projects, with persistent importuning, sometimes amounting to personal recrimination, we have had in framing this bill. I do not say that this bill is free from defects. There are items in it that do not meet my individual approval; some of them are there because we are pursuing a policy that has been under way for years; some of them because we do not want to put the items entirely off the list that are near to completion, but we have certainly given close attention to these details.

We have tried to make our standard not what would make it equal between the different States of the Union or what would please members, but what would promote the commerce of this country, by selecting out great harbors and great and small rivers alike, with a view to stimulating the growing wealth and increasing the prosperity of the United States. [Applause.] We invite the fullest criticism. If there are items on this bill that any man regards as objectionable, let him rise in his seat. It is possible that in some cases, even with all the reports before us, we have not been able to form a correct judgment. But with its imperfections we submit this bill to the House, confident that it is a measure beneficial to all the people of the United States, one which will bring to them greater prosperity and aid in all the elements that give us greatness as a nation. [Applause.]

Mr. TONGUE. Mr. Chairman, I now yield twenty minutes of my time to the gentleman from Wyoming [Mr. MONDELL], and I reserve the balance of my time.

Mr. MONDELL. Mr. Chairman, in the limited time which has elapsed since the bill under discussion was reported to the House it has been impossible for members not on the committee to form an intelligent opinion as to the necessity for, or comparative importance of, the many projects provided for. I believe, however, that the committee, guided in its deliberations by its able chairman, has given careful, intelligent, and conscientious attention to the projects which have been presented to them, and I am inclined to accept the judgment of the committee with regard to the relative importance of the items contained in the bill.

My criticism of the committee in making up the bill is a criticism for acts of omission rather than of commission, and I am rather inclined to the opinion that failure on the part of the committee to act favorably in regard to certain matters in which the people of my section of the country are interested is due rather to a lack of knowledge of the importance of the great questions involved than from any disposition to ignore the proper claims of a great interest.

I appeared before the Committee on Rivers and Harbors when the bill now under consideration was being considered by them and requested the insertion in the bill of two items; one providing for the construction of reservoirs at the head of one of the tributaries of the Missouri River; the other containing provisions for surveys of reservoir sites in the arid and semi-arid States and Territories and reports thereon. The items are as follows:

Reservoirs at the head waters of the Missouri River: For construction along Piney Creek, Wyoming, of three reservoirs, in accordance with the recommendations submitted in House Document No. 141, Fifty-fifth Congress, second session, $50,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such work and materials as may be necessary for the completion of such reservoirs, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $165,000 exclusive of the amount herein appropriated: *Provided further*, That these reservoirs shall be emptied, as near as may be, each year between June 30 and September 30, the discharge of stored water to be under the direction of the State engineer or other State officer especially designated for the purpose by the State wherein such reservoirs are located; and beneficial use shall be the basis, the measure, and the limit of any right sought to be obtained to the use of any water so discharged.

The Secretary of War is hereby directed to cause preliminary surveys or examinations to be made of one or more reservoir sites in each arid and semi-arid State, and report upon the cost, practicability, and desirability of constructing such reservoirs and other works necessary for the storage and utilization of water to prevent floods, overflows, and erosion of river banks and levees, and for the reenforcement of the flow of streams and raising the water line therein during drought and low water, and to utilize the water so stored where practicable for irrigation, mining, or domestic purposes while it is in transit to replenish the streams during the season of low water, and the sum of $50,000 is hereby appropriated to carry out the purposes of this section.

Mr. Chairman, I do not find these items in the bill as reported by the committee. I have been unable to learn just why they were not inserted, though in a somewhat indirect and unofficial manner I have been informed that some of the members of the committee did not consider the items germane to a river and harbor appropriation bill. If this constitutes the ground on which these items were ignored, then the committee must have overlooked the fact that there is abundant precedent for these items on a river and harbor appropriation bill, as similar items have heretofore had place on bills of this character, notably the bills of 1880, 1881, 1882, 1884, 1886, 1888, 1890, 1892, 1894, 1896, and 1899, which in the aggregate appropriated $1,115,500 for reservoirs on the Upper Mississippi River, and the bill now under consideration contains an item of $300,000 for the repair and renewal of these reservoirs.

As for the second item, a similar provision was contained in the river and harbor bill of 1896, and under this provision the reservoirs for which we now propose an appropriation were surveyed and exhaustively reported upon by Capt. H. M. Chittenden,

of the Corps of Engineers. So it seems that there is ample precedent for both of these items on a river and harbor bill.

Mr. KING. Will the gentleman from Wyoming allow me an interruption?

Mr. MONDELL. Certainly.

Mr. KING. Does the experience of the Government with respect to these reservoirs which he says have been constructed warrant appropriations for them?

Mr. MONDELL. I believe it does, Mr. Chairman. Engineers of the Government have reported that the construction of these reservoirs has resulted in increasing the navigable depth of the river 18 inches in time of low water for hundreds of miles below the reservoirs, and the gentleman will appreciate what a vast benefit to navigation that is.

There certainly could nave been no valid objection to the items on the part of the committee on the ground that the expenditure would not result in accomplishing the objects sought, for no one will claim that these reservoirs would not serve highly beneficial public purposes.

Mr. Chairman, in the last twenty years the United States Government has spent approximately $52,000,000 for the improvement of the Missouri and Mississippi rivers, and the bill now before us adds nearly $12,000,000 to this sum. In the same period of time the various riparian States have expended for levee construction on the Lower Mississippi about $20,000,000. Of the fifty-two millions which the Government has spent on these rivers, over fifteen millions have been for levee construction, making a total for levee construction alone in the past twenty years on the Lower Mississippi of upward of $35,000,000. This in addition to the vast sums which were expended by the levee organizations of the various States bordering the Mississippi prior to 1882, an expenditure which amounted to many millions.

Of all this vast expenditure by the States and by the nation, amounting to over $72,000,000 in less than twenty years, to be augmented if this bill becomes a law to eighty-four millions, the major portion has been expended to minimize and repair destruction by floods, to remove flood-formed obstructions to navigation, and to guard against flood inundations. The jetties themselves were built to remove the silt which the river brought down in its spring flood, to deposit where the mighty volume of the Gulf checked the onward rush of its turbid waters.

Each year vast expenditures were required to remove flood-built bars and shoals and flood-deposited snags, while the expenditure for levees is neither more nor less than an enormous outlay by the General Government for the protection of private property, for instead of permanently improving navigation, their effect is quite the contrary, as they confine the silt-laden waters within parallel banks, compelling the deposit of all solids within those narrow confines instead of allowing it to be deposited over the surrounding country as the waters spread.

A greater portion of this expenditure is not only ineffectual as a permanent remedy, but, in the case of dredging of flood-built bars, it must, under the present system, go on annually forever, and the building of levees, as is well understood, simply aggravates the situation, for as the flood-borne silt, held in its narrow channel, is annually deposited in the stream bed, the levees must, year after year, rise higher and higher in order to control the floods, postponing, but making more certain and terrible, the inevitable disasters of that fatal day when the mighty stream shall break the walls of its built-up channel and carry death and destruction in its wild rush to the sea.

Now, Mr. Chairman, I am not here to criticise the appropriations which have been made for the improvement of navigation or for the protection of private lands from inundation along the Mississippi and Missouri rivers, but rather for the purpose of calling the attention of this House to the fact that the appropriation which I have asked strikes at the root of the flood evil and tends to remove the cause, whereas the many millions which have already been spent have sought only to minimize the evil effects of the floods. While making these vast expenditures in an almost fruitless attempt to control the floods and repair their effects, why should not this Government, in the interest of navigation and in order to minimize flood destruction, hold back, at the sources and along the courses of the tributaries of the Mississippi and the Missouri, a portion, at least, of the waters that now go to swell these streams in time of flood?

The appropriation proposed is for certain reservoirs at the head waters of one of the tributaries of the Missouri, and this location is selected for the beginning of this important work owing to the fact that the proposed reservoirs have already been, in accordance with a provision in the river and harbor bill of 1896, surveyed and pronounced feasible by an officer of the Government, and their cost, as estimated by him, would be very low, considering the amount of water impounded. But it is proposed by the second item of the appropriation to have other surveys made and thereby provide for the storage of flood waters on other branches of these mighty rivers and on other streams.

Mr. Chairman, the present system of handling flood-built obstructions and protecting private property from inundation on the Mississippi and others of our navigable rivers is to a considerable extent confessedly but a makeshift, if not an aggravation of the evil. It seems to me, therefore, that it is high time that the River and Harbor Committee of this House and the House itself give some heed to a plan which gives promise of some permanent relief. That plan is the construction of reservoirs to hold back the flood waters—a plan which, it must be conceded, will, so far as it is carried out, be effective; for no man can deny that, to the extent of the waters impounded, the reservoiring of flood waters is a permanent and complete preventive of flood destruction.

It has come to me in a roundabout way that one objection made to the insertion of the items which I proposed in the river and harbor bill was on the ground that the waters impounded might be used for the purposes of irrigation. If such an objection should be offered in any quarter, it is scarcely necessary for me to say how wholly trifling and puerile and unworthy of a statesmanlike view of this great question such an objection would be. On the assumption that the water which it is proposed to reservoir shall be used in whole or in part for the purposes of irrigation, that fact, instead of being an objection, is one of the best reasons for the construction of these reservoirs in the arid regions, for there the reservoirs could be successively filled and discharged during the flood period and the discharged waters spread over the lands for irrigation purposes, from which they would slowly percolate into the streams, thus largely augmenting the volume of water stored.

If, in addition to serving the purposes of flood protection and providing a continuous flow of water during the dry season for navigation, the waters thus impounded could, at great cost and infinite labor on the part of the people themselves and without cost to the Government, be carried out upon the deserts to fructify them, to make the waste places blossom, the valleys and hillsides, now barren, beautiful and fruitful, make possible the founding of homes, replace the howling of the coyote with the laughter of children and the music of the village bells, is there anyone so narrow, so biased, and churlish that he would withhold a Federal appropriation which will, beyond all question and cavil, serve the interests of navigation, simply because in the accomplishment of those objects these other and manifold blessings shall follow?

If there ever was a time when objections might reasonably be urged to appropriations of this character on the ground that the waters stored would be available for irrigation purposes, such an objection certainly is not valid at this time, if the party platforms count for anything, for each of the two great parties represented on this floor is pledged, in its last national platform, to promote the cause of irrigation.

The clause in the Republican platform is as follows:

In further pursuance of the constant policy of the Republican party to provide free homes on the public domain, we recommend adequate national legislation to reclaim the arid lands of the United States, reserving control of the distribution of water for irrigation to the respective States and Territories.

Our friends on the other side of the House also appreciated the importance of the question of irrigation, and in their national platform pronounce as follows:

We believe the National Government should lend every aid, encouragement, and assistance toward the reclamation of the arid lands of the United States, and to that end we are in favor of a comprehensive survey thereof and an immediate ascertainment of the water supply available for such reclamation, and we believe it to be the duty of the General Government to provide for the construction of storage reservoirs and irrigation works, so that the water supply of the arid region may be utilized to the greatest possible extent in the interests of the people while preserving all rights of the State.

We of the arid West now confidently expect that the members of both parties shall make good the declarations of their platforms by supporting appropriations for storage reservoirs in the arid region, particularly where the construction of such reservoirs comes within the legitimate scope of river and harbor appropriations for the control of flood waters and in the aid of navigation, and where, as in the appropriation which I propose, the aid to irrigation simply follows as an incident and as a valuable adjunct to the system of storage in aid of navigation.

I have understood that some hesitate on embarking in construction of the character proposed on the ground that it would be but the beginning of expenditures, the ultimate aggregate and limit of which they believe may not be accurately foreseen or calculated, but which, without giving the subject any particular study or investigation, they imagine may ultimately lead to the expenditure of enormous sums.

These fears, in my opinion, are not well grounded, and they arise largely from a misconception of the extent and character of the works which it is proposed the Government shall undertake. As an official announcement with regard to these matters, I quote the resolutions adopted by the National Irrigation Congress, which convened in Chicago last month, and which are as follows:

We hail with satisfaction the fact that both the great political parties of the nation in the last campaign declared in favor of the reclamation of arid

America in order that settlers might build homes on the public domain, and to that end we urge upon Congress that national appropriations commensurate with the magnitude of the problem should be made for the preservation of the forests and the reforestation of denuded areas as national storage reservoirs, and for the construction by the National Government as part of its policy of internal improvement of storage reservoirs and other works for flood protection, and to save for use in aid of navigation and irrigation the waters which now run to waste, and for the development of artesian and subterranean sources of water supply.

The water of all streams should forever remain subject to public control, and the right of use of water for irrigation should inhere in the land irrigated, and beneficial use be the basis of measure and limit of the right.

There have been widely divergent views held in the past by the people of the arid West relative to the scope and extent of works which the National Government should be asked to undertake, directly or indirectly, in the aid of irrigation, but this declaration of the Irrigation Congress represents the crystallized thought and opinion of the majority of those who have most carefully studied the subject.

Let it be clearly understood, then, that there is no general disposition to have the National Government embark in the enterprise of irrigating arid lands. Even those who believe that such a policy would be wise and beneficial, but who have given the subject careful study, appreciate the fact that Congress will authorize the inauguration of no such policy, and even if it were inclined to do so, there are grave doubts whether such a policy would be practicable or satisfactory for many reasons, but particularly owing to the divergent water laws and customs of the various States.

What we ask is that the National Government shall undertake the truly national work of storing and controlling flood waters by the construction of storage reservoirs, and in some instances by the diversion of the larger streams in the arid regions from their natural channels where such diversion would effect a conservation of the flood flow and the work is too stupendous to be undertaken by private capital. While asking that the Government shall store the floods, now an element of waste and destruction, we contend that it is no valid objection to this proper and effective expenditure by the General Government to say that after the waters have been discharged from the Government reservoirs and returned to the stream beds the people of the West may, at infinite labor and expense, divert these waters to the arid valleys and uplands, to make the desert fruitful and the waste places glad.

Keeping in mind, then, the fact that the work that the nation should undertake in the arid regions should be confined to enterprises of a public character and which can not properly be undertaken by the States or associations of individuals, the inauguration of such work by the National Government would open up no such wide avenue of expenditures as is popularly supposed. The number of eligible reservoir sites is unfortunately comparatively limited, and no one need be terrified with visions of large appropriations running into the indefinite future for this class of work.

On the other hand, consider the benefits which would flow from such expenditure in addition to the permanent aid to navigation and the lessening of destruction by floods.

If in the next twenty years we were to expend in the construction of storage reservoirs in the arid region the amount which has been spent in the past twenty years by the United States alone for levees on the Lower Mississippi and for the removal of flood-built obstructions to navigation on that stream and the Missouri River, we could build a comprehensive reservoir system at the head of every tributary of the Missouri and Mississippi in the arid and semiarid region.

We would thereby, to the extent of the waters reservoired and conserved, permanently and appreciably aid navigation and lessen flood destruction, and while thus accomplishing more permanent benefit than has resulted from the outlay I have referred to, in addition thereto, without the expenditure of a single additional dollar by the National Government, would make possible and certain, through the utilization of the impounded waters by private enterprise after it had served its public purpose and been released from the reservoirs, the reclamation by irrigation of millions of acres of lands now arid and barren; the development and growth of regions now comparatively undeveloped and desolate; the addition of millions to our population and of hundreds of millions to our wealth, affording an opportunity for the securing of homes by the rapidly accumulating homeless and landless among our citizens, and assuring an ever-growing and expanding market for our trade and our manufactures.

I am aware that certain interests in our country are short-sighted and narrow enough to oppose these appropriations for the very reason that the proposed work would, in addition to its benefits which lie within the aim and scope of the river and harbor appropriation, open new lands to settlement and cultivation and bring the products of these lands possibly into competition with the products of lands now under cultivation.

Objections of this class are entitled to as much weight as the objections of the citizens of a seaport town already having 25 feet of water on their bar to appropriations in aid of a feasible project to provide the same depth of water at another harbor on the ground that such a project might deprive them of a part of their commerce would be; furthermore, the fears of this class of people are entirely unfounded. No matter what the Government may do; no matter how earnestly and energetically individual enterprise may go on developing irrigation projects and supplementing national expenditure, the additions to our arable lands in the future through reclamation by irrigation must, in comparison with the enormous additions by settlement in our humid region since the civil war, ever be lamentably insignificant.

We are now a nation of 76,000,000 souls, demanding to keep pace with our growth in population the addition of large areas to our arable lands yearly, but the National Government has not to-day, outside of some limited timber tracts, a single compact 160 acres in all its 500,000,000 acres of public lands upon which may be produced with reasonable certainty each year a good crop of wheat, corn, or cotton without artificial irrigation. The Eastern farmer need have no fear that the development of the arid West will be to his disadvantage by reason of the increased competition. With every possible agency at work we can not from now on increase our acreage of arable land by irrigation reclamation fast enough to keep pace with the increased consumption of our own population.

The prevention of flood-wrought obstructions to navigation and the increase and maintenance of a uniform depth of water in our navigable streams have always been important subjects for consideration in connection with a river and harbor bill. We now link with these subjects the important one of irrigation and insist that appropriations for the former purposes shall not be denied because they indirectly serve to aid in the accomplishment of the latter object, to the consummation of which both great parties stand solemnly pledged.

The irrigation of our arid domain is to-day the most important question of internal policy before the American people, and whatever their views may be as to the advisability of extending our control over lands beyond our continental borders, there can be no division of opinion as to the duty and responsibility of annexing arid America—one-third of our imperial domain on this continent—by assisting in the conquest of her irrigable deserts, making them fit for the uses of civilization, and thereby furnishing homes for the increasing millions of our population and an ever-expanding market for our manufactures.

I shall append hereto, as a part of my remarks, the very clear and forcible statement as to the necessity and advantages of Government aid in the construction of storage reservoirs, contained in the letter of Lieut. Gen. Nelson A. Miles to the Irrigation Congress held at Chicago last November:

My interest in the subject of irrigation began some three decades ago when, in the performance of official duty, I had occasion to explore more or less thoroughly that vast extent of sparsely settled or unoccupied land bounded on the east by the one-hundredth meridian, on the north by the forty-ninth parallel, on the south by the Rio Grande, and extending to the Sierra Nevada and Cascade ranges on the west.

The thought often occurred to me then, and the thought has grown into a conviction as the years have gone by, that it was not a part of the economy of nature to have this enormous expanse of land lie inert and waste. Millions of acres were apparently desert, where the coyote starved and only the cactus and sage brush could live; yet the soil held within itself the elements of productiveness, the air was pure as heaven, scenery as inspiring as a beautiful picture, the application of the vivifying water being the only thing lacking to arouse its rich potential energies.

Since those early days I have from time to time, with voice and pen, done what I could to advocate the conservation of the water supply of our arid lands and the preservation of the trees, which are the guardians of the fountains at the waters' source. Ten years ago I responded to an invitation to express my views in public print on the subject of our unwatered empire. I would refer you to those views now, as I have had no reason to materially alter them.

Since the foundation of our Government the center of population has been steadily moving westward, the pioneer spirit of the East seeking homes and independence far away from the stifling atmosphere of the large overcrowded cities. This united desire of our people to own a home rather than to rent one—to be their own landlord rather than some landlord's tenants—assured the vitality of the great American Republic. The American is so sovereign to-day, and the dignity and independence engendered by his free environment, the healthfulness of his mind and body resulting from the pure air he breathes, the love of country which home owning stimulates, make him the preserver of those beneficial institutions under which we live.

It would be a sad day, full of evil portent to the Republic, if home building should become unpopular, if gravitation toward the cities should overcome the outward march into the expansive country, if tenantry in an overcrowded alley should be chosen in preference to a free quarter-section in valley or upland. Therefore, I say, the devising means whereby the public domain is made available for home seekers and the arid lands are made habitable and productive is now one of the most important lines of American endeavor. I reiterate the saying of the keen satirist and wise philosopher: "That whoever could make two ears of corn or two blades of grass to grow upon a spot of ground where only one grew before would deserve better of mankind and do more essential service to his country than the whole race of politicians put together."

The utility of irrigation ceased to be questioned thousands of years ago, and we have the records of successful methods which are as old as the first pages of written history itself. We have evidence that the aborigines of the Southwest had perfected a system of irrigation, and the natives of New Mexico and Arizona, who brought their methods from Mexico and Spain, handed down their skill to posterity. These methods are at once simple, inexpensive, and effective, and can easily be adapted to the needs of a large proportion of our great arid country.

I am not optimistic enough to believe that the ingenuity of men can encompass the redemption of the 600,000,000 acres which comprise the nation's vacant public lands; but if, as has been claimed, there is water enough for the irrigation of 100,000,000 acres, providing the supply is economically used,

I can easily imagine 10,000,000 good citizens finding homes on farms which are self-supporting. In the State of Texas there are still many millions of acres of unclaimed areas which would lend themselves readily to irrigation methods and become valuable to settlers.

The area of this great State may be appreciated by remembering the fact that if it were populated as densely as the State of Massachusetts there would be over ninety millions of souls within its borders. But it is the immense tracts that embrace a large part of Arizona, New Mexico, Utah, and Nevada, much of Wyoming, Colorado, California, and Oregon, and the basin of the Columbia in interior Washington, which comprise mainly the public domain the reclamation of which you are strenuously advocating. Whether this great work is to be left to private or corporate enterprise, whether it shall be turned over to the States in which the land is situated, for such treatment as is thought best by those most interested, or whether the National Government, the owner of this vast arid region, should perform the duty of reclamation, are questions which you are no doubt now ably discussing.

It appears that private or corporate enterprise can not be trusted to control the improvement with justice and equality for all concerned. The States themselves are, as yet, not financially strong enough to undertake the task. It seems to me, therefore, that the plan proposed by one of the members of your association is the most feasible and just. It is: "Let the Government build the storage reservoirs and the main-line canals, and the settlers provide the smaller distributing system by banding themselves together in cooperative organizations."

I believe that Congress is awakening to a sense of the importance and propriety of lending national aid to the movement. Already considerable sums have been appropriated for the purpose of investigating hydrographic conditions, measuring streams, making reservoir surveys, etc., and I believe that before long the policy of national aid in the building of storage reservoirs will be established.

The Government has spent over $11,000,000 in improving the navigation of the Missouri River, and as its middle course is through an arid or semiarid region, and as the necessity for water transportation increases in direct ratio to the productiveness of the land through which the river flows, it seems logical and right that the attention of the Federal authority should now be given to the conservation, for irrigation purposes, of its surplus flood, which does such great damage along its lower course when, swelled by melting snows, its mighty volume bursts through its expensive confines.

The National Government has appropriated to June 30, 1900, for expenditure by the Mississippi River Commission $37,647,780.17, of which $15,403,901.57 was expended for levees. There must be added to this latter item over $15,000,000 contributed by the States, making thirty and a half millions expended in efforts to confine the surplus wealth of vitalizing fluid contributed by mountains until it is lost in the great ocean. Think of the thousands of farms that could be made productive by the judicious expenditure of only a part of this great sum. There are able engineers who even question the wisdom of constructing artificial banks, claiming that sooner or later the resistless flood will break through, and when it does the damage will be a thousandfold greater than it would were the waters allowed to spread as nature permitted.

But there is no question as to the utility of storing up a portion of the flow of water that runs away in nonirrigation seasons, that it may be available for use during the growing periods. As a distinguished United States engineer, referring to the arid regions of the West, reports: "In no other part of the United States, nor anywhere else in the world, are there such potent and conclusive reasons of a public as well as a private nature for the construction of a comprehensive reservoir system."

I also present, as a most clear and forcible statement on the subject of Government aid in the construction of storage reservoirs, the address delivered by Capt. Hiram M. Chittenden, United States Corps of Engineers, before the Irrigation Congress held in Chicago last November.

The industrial growth of any country and its capacity for high civilization depend in an eminent degree upon its agricultural development. In the western portion of the United States this development is limited by the amount of running water available for irrigation. In the natural condition of the streams only a portion of their flow is so available, and it is imperative that another portion be held back in times of high water, in order that all may be used. The storage of the waste flow of its streams thus becomes an indispensable condition to the highest development of the Western country.

While public opinion, guided by an intelligent understanding of the conditions, is certain to be agreed upon this point, there will be less unanimity of opinion as to what is the proper agency for accomplishing the work. But the logic of the situation is steadily enforcing the conclusion that there is only one agency broad enough and powerful enough to handle so large a proposition in the way it should be handled. The benefits that flow from the storage of water cover a wide and diversified range. They extend to different communities and even to different States. They are interstate in character, and fall in the same category with those arising from works in aid of interstate commerce. The great cost of developing a comprehensive storage system, and the impossibility of controlling its benefits so as to derive a direct and tangible revenue from them, exclude private agencies, and even the individual States, from undertaking the work. The function clearly pertains to the General Government, that sovereignty which covers all the country and embraces the streams from their sources to the sea.

The truth has long been recognized by the National Irrigation Congress, and, thanks to its active and intelligent propaganda, as well as to that of the National Irrigation Association, it has now also been recognized by the two great parties in our national politics. Undoubtedly a campaign of education must yet be carried on before so important a policy becomes finally established, but all the arguments upon which it rests are thoroughly understood, and it seems unnecessary to go over them again here. In opening this discussion, therefore, I shall spend no time in considering propositions which we accept as already definitely settled, but shall take up a few of the practical questions that relate to the matter of inducing the Government to undertake these works.

As in the first stages of every new movement, there will be encountered in this the inertia of conservatism on the part of Congress. It was so in the early days of the Government in regard to works in aid of interstate commerce, and it will be so now. It is natural and right that Congress should insist on being convinced that the step is a proper one before it is taken. The difficulty will not be in demonstrating the necessity or importance of the works in themselves, but that the Government is the proper agency to undertake them. Now that both political parties are committed to this policy, it would seem that the battle is as good as won, provided that it be found practicable for the Government to undertake the work, and that it do not entail a burden of excessive magnitude nor inaugurate a policy which is contrary to the genius of our institutions.

As to the burden involved, if the work be limited strictly to reservoirs it will be a comparatively light one—a mere bagatelle compared with the cost of other river works now being carried on. The possible expansion of the reservoir system of the West is in reality very limited—far more so, unfortunately, than one might wish it to be. The lack of good reservoir sites and the existence of other natural difficulties are going to restrict the work more than anyone can appreciate who has not traveled extensively through the Western country. One or two million dollars a year will carry on the work as fast as it will ever be needed, and after it is well under way its benefits will practically pay for what remains to be done. Congress, we may rest assured, will never reject a meritorious project so long as it involves no greater burden than that.

"But," some one will say, "even if the project is limited to reservoirs, there will be no end to applications for Government expenditure. Every community in the West will think that it must have a reservoir, and every creek and river in the mountains will demand attention." That is entirely true, but, after all, it is more of a bugaboo than a serious danger. If every demand had to be complied with, if every reservoir asked for had to be built, then indeed the Government would be in a bad way. But this matter will be treated exactly as a similar condition is treated in the river and harbor bill. When these projects come into Congress, as they now do in great numbers, preliminary examinations are ordered, and a separate provision is made for them in the bill. They are conducted at trifling expense and are reported upon at the ensuing session of Congress, so that no time is lost in securing consideration of them. It will surprise many to learn to what a great extent these preliminary examinations give the quietus to unworthy projects.

Out of a total of 1,230 examinations under the river and harbor bill down to 1897, only 570 were reported favorably, and of these only 407, or less than one-third, were reported favorably upon further survey. An adverse report ordinarily kills such a measure at the start. When a project is favorably reported it is in line for direct appropriation for construction. If it be of such magnitude or importance as to require detailed surveys and estimates before construction is begun, then an appropriation is first made for these surveys. When construction is ordered it has been usual in later years to provide an allowance which shall insure the completion of the work within a specified time.

This system of inaugurating and constructing public works is founded upon business principles and is the outgrowth of long experience. I believe it to be as well designed to protect the public from imposture and to secure a just return for their money as it is possible to devise. Its drawbacks are of a character which can not be avoided, for they arise from the nature of our Government and the power which rightly reposes in the hands of the people, whereby it will occasionally happen that local influence will force through measures against the reports based upon official investigation. In the case of reservoir construction, however, the liability to take up ill-advised projects will be even less than in the case of river and harbor works. I doubt if there is any other class of works in which the data for deciding the question of merit are of a character so definite and easily determined. So long as these projects have to pass the scrutiny of independent and nonpolitical investigation the public need have no fear that any very flagrant instance of unworthy expenditure will occur

The crucial question upon which this matter will turn relates to the probable consequences of so radical a departure. If the Government takes up the construction of reservoirs in the arid regions, will it not commit itself to a general policy of reclaiming the arid lands, with the multitudinous details and the unlimited outlay which such a policy will entail? There will be a deep distrust of the movement, lest it drag the Government into the construction of irrigation works as such, and the establishment of laws and regulations governing the use of stored water. It is the dreaded ramification of such a system and the unseen lengths to which it may lead that will cause Congress to hesitate when asked to act upon this matter.

Now, there can be, in my judgment, no doubt in the minds of thinking men who carefully study the question that it would be exceedingly unwise for the Government to enter upon the business of irrigation, even on the unsettled public domain of the West. Consider what such a policy would mean. While the storage of water is essentially a thing of general concern, pertaining to streams that flow from one State to another, the irrigation ditch is essentially a local concern, pertaining to the land, and naturally subject to local State regulations. On this principle the irrigation system of the West has grown up. It is absolutely in the hands of the States. The irrigation laws differ materially in the different States, but under each vested rights have become established, judicial construction has crystallized into a powerful body of law, administrative regulations have reached a high state of perfection, and the whole business has developed into an elaborate and satisfactory system. There is no complaint in any quarter that it does not meet fairly well the necessities of the situation.

To permit or require the General Government to enter this same field would result in endless confusion and complication. It is not a practical proposition at this stage of irrigation development. Existing systems are too well established and vested rights too thoroughly intrenched to permit of it. Moreover, it would not be desirable, even if practicable. It is contrary to the theory and spirit of our institutions for the General Government to take control of matters which are essentially local in character. It would involve the Government in the multitudinous and complex details of a vast industrial system where these details can be managed more satisfactorily by the local authorities. So far does the business of irrigation enter the very life of the Western people, and so large a part of the local law relates to this subject that if the General Government were to enter the field, it would virtually replace local government over a vast portion of the national domain.

That these are certain to be the views of Congress when the question again comes up for consideration may be seen in the expressions which have already emanated from that body. Let those who would get at the pith of this matter study the CONGRESSIONAL RECORD for the latter part of the third session of the Fifty-fifth Congress, when the debate took place in the Senate upon the Warren amendment to the river and harbor bill providing for the construction of two reservoirs in the arid regions. This debate makes it very clear that it is not the principle of Government construction of reservoirs, nor even the cost of the work, that will find opposition in Congress, but the fear that such a policy will lead to the inauguration of a Government system of irrigation works in the West and to an interference with existing systems established by the States.

Senator STEWART, of Nevada, who favored the amendment, insisted that it must be so drawn that the proposed works should not interfere with the State system. Otherwise the proposed law, he said, "would be utterly destructive" and impossible of administration.

Mr. RAWLINS, of Utah, was also favorably disposed to the proposition, but with this reservation: "If these moneys are expended by the Government, it must be with the distinct understanding that the reservoirs are to be created, first, subject to all the rights to the use of the water already accrued, and, secondly, to the control of the States themselves in respect to the management and disposition of the waters thus impounded."

Senator TELLER said: "I do not know whether it is a wise thing to do or not. If the General Government should attempt at any time to assert control over the water, I should say it was an exceedingly unwise thing. I am sure that the State which I in part represent, if called upon to grant the Government the right to build a reservoir on its soil, would insist that the Government should not control the water in the slightest degree; that while

it may impound the water for a time, it should certainly let the water loose when the time comes for irrigating use in the State."

Among the Eastern members who discussed the measure, Senator SPOONER, of Wisconsin, gave it the most thorough and searching examination. The burden of his remarks was that he feared that the policy of building storage reservoirs would be a stepping stone to that of building ditches and other irrigation works, and that he considered it not only wrong in principle, but contrary to the Constitution. He said in part:

"If this were the end of the proposition, even if it involved a vastly larger sum, I should not object to it; but I believe it is only the beginning. I can see no reason why this appropriation should be made to construct a reservoir for irrigation purposes in one State and not made from time to time in all the States, and in all the places in all the States where irrigation may require the construction of similar reservoirs. What I dread about this business is that it is the committal of the Government to a principle which I believe to be paternalistic and wrong, and which will involve the expenditure of countless millions of dollars before we are through with it."

It is evident from these expressions that Congress will not be unfavorably disposed toward the Government construction of reservoirs, but will be absolutely opposed to going into the irrigation business. Here, then, is one rock which we should try to avoid lest it cause us shipwreck. The reservoir question must be divorced from the irrigation question so far as active aid from the General Government is concerned. But is it possible to do this? Entirely so.

The reservoir question is a question by itself. The conservation of the waste flow of our streams does not pertain exclusively to irrigation, but to all the uses that are made of running water and to the dangers that arise from floods. Their purpose is to regulate the flow of streams so that they may more fully serve the purposes of man. There is no obligation whatever that the builders should follow the course of these streams and see that the water is used thus and so. Forests are being preserved by the Government in part because of their supposed influence in regulating stream flow, but does that give the Government any right to control the local use of the waters that flow from them? Several years ago there was a great craze on the subject of rain making, and many unstable minds actually believed that some alchemic formula would be discovered to extract from the atmosphere the golden moisture that was not there.

But suppose that this impossible scheme had succeeded and that the Government had gone into the shower business on a large scale, would that have justified it in attempting to control the local uses of the increased flow of the streams? Now, the case of the reservoir is exactly the same. Its purpose is to give the streams more water at certain seasons than they had before—to enlarge the resources of nature. It is not in any way incumbent upon the Government to regulate the use of this water after it leaves the reservoir. The laws, regulations, and administration which were good enough for the stream in its natural condition will be good enough for it in its enlarged condition.

To show how this principle could be given practical effect, suppose that the Government were to build a reservoir somewhere in the arid regions. It would require title and jurisdiction to all the land in any way essential to its construction and maintenance, and such other rights as were necessary or important. Having constructed the work, it would control its management under regulations designed to make the stored waters serve the greatest good to the community at large; that is, it would regulate the overflow as nearly as possible to meet the natural demand for the water. This would be an easy matter to determine, and there should never be any difficulty about it.

There would, in my opinion, be no necessity for even consulting the local State authorities, for all the data are well known and the Government could have no object in controlling the water otherwise than for the general good. The moment the released waters leave the Government property, they should pass absolutely to the same local control which governs the stream in its natural condition. All questions relating to the use of this water should remain exactly as at present. In this way the Government would avoid all interference in irrigation matters and all the complications and burdens which would result from such interference.

In thus making the waters of the reservoir free to the people, as are those of the stream in its natural state, a difficulty arises in the minds of many persons who can not get rid of the idea that the Government should collect a toll or tax for the water stored. Accustomed as they are to pay such a tax for the use of the waters stored by other agencies, they have come to look upon the levy as an inherent condition in the construction of such works, and can not understand how the Government can get its money back in any other way. If it makes no charge, then its work looks like a free gift—an expenditure of so much of the people's money for the gratuitous benefit of particular localities.

This is an entirely erroneous view, and until it is thoroughly eradicated the true scope and character of Government works can not be understood. When a farmer lays out a sum of money to dig a well on his farm, he does not charge himself so much a pailful for all the water he draws from it. That would be simply taking money out of one pocket and putting it into another. But he gets a return for his outlay none the less surely in the greater facility with which his business is carried on and in the resulting increase in the value of his property.

So it is with Government work. Take the great lock at Sault Ste. Marie, through which there now passes a commerce whose magnitude the mind can hardly comprehend. Would the Government be any better off if it should charge a toll on this commerce, and go into the always vexatious and troublesome business of collecting it? Does not it already derive a greater revenue in a far less expensive and disagreeable way? The reduction in freights, which this canal makes possible, reduces the cost of living and increases the general wealth all over the United States. The Government, whose revenue comes from various taxes upon articles of daily life, finds this revenue increased in proportion with the increase of wealth, and everything which it can do to augment the wealth of its people will operate to augment its own income.

Of no class of public works will this be more certainly true than of reservoirs. The uses of the impounded waters reach so far and affect so many interests that their benefits to the Government would be far greater than any revenue which it could derive from a tax on the use of the water.

Let these two principles, then, be given corporate form in the resolutions which this congress may present to the National Congress in asking for Government aid in the construction of storage reservoirs:

1. That the water so stored shall be for the free use of the people, subject only to such laws and regulations as may be in force in the States through which they flow; and

2. That, in thus advocating the construction of reservoirs by the Federal Government to conserve the waste waters of the arid regions, this Congress disclaims any purpose of drawing the Government into a policy of constructing irrigation works, or of enacting legislation for the control of the waters used in irrigation, as in its judgment such matters should be left exclusively to the States as at present.

And in proposing a law for the appropriation of money to build any reservoir, particularly the first which may be built, it should contain the following provisions:

1. That the waters so stored shall be for the free use of the people and shall be released under regulations to be established by the Secretary of War (or the Interior, as the case may be).

2. That the waters so released shall, after flowing off the Government reservoir property, become a part of the stream in its natural condition, and be subject to the laws and regulations of the State or States through which they flow.

3. That the construction of this reservoir, or of any other that may hereafter be built, shall not in any way commit the Government to a policy of constructing irrigation works, nor of controlling the distribution of the waters which flow from such reservoirs.

With a clear understanding upon the foregoing points, I do not believe that there will be any insuperable obstacle in the way of securing appropriations from Congress. The question of the lack of constitutional authority to build these works was most effectually disposed of by Senator GALLINGER in the debate on the Warren amendment. His remarks were so pertinent, and so full of hope and encouragement to the movement which this congress and association represent, that they will justify repetition here. He said:

"Mr. President, the people of the great West, where the rainfall is deficient, come here and in this river and harbor bill ask for a very small appropriation to make an experiment in the matter of building reservoirs, which they contend are primarily for the promotion of commerce, but which, to my mind, are very much in the same position that the reservoirs are at the head waters of the Mississippi and the levees that line the banks of that stream. We are solicitous sometimes about the Constitution, and we are not solicitous about it at other times. I think we have transgressed the letter of that instrument, and perhaps the spirit of it, over and over again, and it may be that we are trenching upon it somewhat in adopting these amendments.

"But, Mr. President, it has been the tenet of my faith since I have been a member of this body to vote for almost every proposition that those great Western States have asked at the hands of Congress. I do not think they share in the benefactions of this Government in the same degree that the Eastern and Middle States share them, and for my part I am willing to take a little chance regarding the constitutionality of any measure that the Senators representing those States ask for at our hands, and I am willing to take that chance to-day.

"I rose, Mr. President, simply to say that this is certainly no greater transgression of the Constitution than when we are voting away the people's money to build along the Mississippi and Missouri rivers what are called harbor improvements. That money is voted simply for the purpose of protecting the towns and railroads that lie on the banks of the river, and for no other purpose on earth. We say it is designed to improve commerce, but as a matter of fact it is designed to protect the property of the citizens, which, if we did not make these appropriations, would be swept away, and they would be reduced to the condition of abject poverty and of suffering. I vote for these appropriations. I vote for them cheerfully, and upon the same line of argument I shall give what little influence I have and my vote in support of these amendments."

That is the whole question of constitutionality in a nutshell. The reservoirs at the head waters of the Mississippi would never have been built if the improvement of the navigation of that river had been the real motive behind them. More powerful than the interests of navigation were those of the logging business of northern Minnesota and of the great water powers at St. Anthony Falls. The levees of the Mississippi would never be built if they were being built for navigation. The primary, if not the only, purpose of levee construction is the protection of private property from floods.

The works now being constructed along the Missouri River from its mouth to its source are primarily for the protection of private property, whatever the official statement of their purpose may be. All these motives are worthy, and the works justifiable, but the interests of navigation are in every case a secondary or incidental consideration. Congress understands this perfectly well, but it still does not come out directly and support these measures on their merits. It disguises the true purpose under a purpose which is not the true one, and in so doing deals unfairly with the public.

As Senator Gray said in the debate already quoted from: "We ought not in legislation play tricks upon our own understandings;" and it would be a more frank and open course for Congress to specify the true purpose of these expenditures. If they are constitutional, then the storage of water for the primary purpose of irrigation is constitutional. There is nothing in the Constitution or out of it that will justify the storing of water for the mills at St. Anthony Falls or the building of levees to protect the Mississippi bottoms that will not justify the construction of reservoirs in the arid regions whereby the barren desert may be made productive and homes be provided where are now only cactus and sagebrush.

In citing the class of expenditures commonly called the river and harbor bill the purpose is to call attention to the results of experience in a system of public works which has itself evolved the greatest artificial reservoir system in the world, and which furnishes us the best guide we now have in regard to future works of this character. It is a public measure which receives its full share of ridicule, and yet no public measure has a more persistent lease of life. It has no official propaganda, for the Department in whose charge it rests holds absolutely aloof from advocacy of any of its measures.

It rests with the people, originates with them, and is in the fullest sense a popular measure. The slurs often cast upon it arise mainly from the fact that many people draw their conclusions from trifles instead of essentials. The vast sums spent on the great harbors and other important works they readily admit to be properly spent there, but they condemn the bill because it wastes a thousand or two on this or that waterless stream out West somewhere.

In other words, they anathematize a great measure simply because it contains a few unworthy projects. Now, this same difficulty will be encountered whenever the reservoir project is taken up. There will be some unworthy measures without question. It is part of the price which we have to pay in a popular Government for the support of other measures which are truly of great importance.

It is no more than justice to those States which receive no portion of the public expenditures on rivers and harbors, yet contribute to pay for them, that some consideration should be given to the streams in their own section. The carrying of a boat or raft is not the only public use to which a stream may be put, and many of the streams of the far West will yet be turned to as much account as are to-day the navigable waters of the Ohio and the Mississippi.

In the two years 1866 and 1867 there was appropriated for the improvement of rivers and harbors the sum of nearly $40,000,000, most of it for important work, but some, no doubt, for work of questionable importance. This expenditure was well distributed throughout the country, extending even to Alaska and Hawaii, and including every State and Territory except Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming. It is not intended to assert that a general distribution of the expenditures under this bill is in itself a desirable thing, but merely to call attention to a fact. So far as this distribution arises from the practice of "logrolling" in Congress, not much can be said for it.

But this is so far from being the sole motive. Apart from the value of a work in itself after completion—that is, apart from the ultimate purpose for which it is undertaken—there is always an important local advantage arising

from the progress of the work during construction and from its presence in a locality after it is constructed. What community but would be proud to boast the presence of a work like the great lock at Sault Ste. Marie, or a great reservoir dam such as will yet be built in the West? Not only is it a perpetual source of gratification and local pride, but it is a source of income as well, on account of the expenditures required for its maintenance. Again, in works of great magnitude the expenditure during construction is often such as to develop important industries for a number of years and yield great benefit to the communities where they occur.

There are thus ample reasons why the people view a general distribution of public expenditures as no more than a matter of justice. If, as often alleged, members of Congress occasionally recommend unworthy measures simply to enhance their popularity among their constituents, that fact should not be permitted to discredit the entire system. The desideratum in all such matters is, not that the distribution of expenditures be more restricted, but that their character be raised by eliminating those that are unworthy.

If, for example, Montana must have a slice of the river and harbor bill as the price of her support of important public works outside of her limits, how much better it would be to use that slice in constructing reservoirs on the tributaries of the Missouri than in improving the stream for a navigation which has almost entirely passed away. If the committees of Congress upon rivers and harbors would devote more of their energies to a thorough consideration of these obvious improvements in a great public measure and less to phantom fears of the possible consequences of doing something out of the ordinary line, they would render a greater service to their country.

The CHAIRMAN. The gentleman from Florida [Mr. SPARKMAN] is recognized.

Mr. SPARKMAN. I yield twenty minutes to the gentleman from Colorado [Mr. BELL].

Mr. BELL. Mr. Chairman, I desire to offer an amendment, to be considered as pending subject to a point of order, which amendment I ask the Clerk to read.

The CHAIRMAN. The gentleman from Colorado offers the following amendment, to be considered as pending:

The Clerk read as follows:

Add after the word "dollars," at the end of line 11, at page 70, the following words: "And $300,000 for the building of reservoirs near the head waters of the Platte and Arkansas rivers, in the State of Colorado, and for channels diverting the high spring flows into the same, and for holding the same for the purpose of relieving the banks during the spring freshet of the Missouri and the Mississippi rivers; and that the navigable waters of said last-named streams may be increased during low water."

Mr. BELL. Mr. Chairman, during the recent conventions of both political parties the representatives of the Western States went before them and the Republican party declared that it would enter upon a policy of reclaiming the arid domain of the United States, as follows:

REPUBLICAN PLATFORM.

In further pursuance of the constant policy of the Republican party to provide free homes on the public domain, we recommend adequate national legislation to reclaim the arid lands of the United States, reserving control of the distribution of water for irrigation to the respective States and Territories.

Representatives of the same States went before the Democratic convention, and it announced in its platform that it would enter upon the reclamation by the Government of the arid domain if put into power.

DEMOCRATIC PLATFORM.

We favor an intelligent system of improving the arid lands of the West, storing the waters for purposes of irrigation, and the holding of such lands for actual settlers.

In the campaign in all the arid States the Republican speakers and the Democratic speakers vied with one another, read and reread their platforms, each insisting that if their candidate should be elected they would more vigorously enter upon the performance of this promise than the other. In the State of Colorado, Senator WOLCOTT, on every stump, declared to the people that if Mr. McKinley and a legislature for his return should be elected they would enter upon this reclamation at once. Now, I say both parties have pledged themselves to enter upon the reclamation of the arid domain. Now, seeing this is true, as evidenced by both platforms, I want to state some conditions of the country through which these streams run.

Early in the spring, when the snows melt, the Platte River and the Arkansas River are flooding the entire country near their head waters, and flow into the Missouri and into the Mississippi, and the Government is spending untold millions every year to hold those waters within the banks of the Missouri and the Mississippi. Now, what we ask in this case is, that instead of spending all of this money for the purpose of holding the waters within the banks of the Missouri and the Mississippi, the Government enter upon the reservoir sites selected by it and set apart and expend some of this money in diverting the spring flow into these great reservoirs and holding it back to the relief of the streams below. And when they are holding it back from the Missouri and the Mississippi during the high tide they can well permit the farmer to use it there. It will percolate back to the streams by the time the water becomes low; then it will serve the purpose of raising the water during the low water.

Not only this, but it reclaims the public domain, permits the Government to sell it, puts it upon the market, and makes homes for the people of the United States. The arid-land States are perfectly willing that the price of the public domain with water may be increased. We do not ask the Government to run these reservoirs. We do not ask the Government to operate our system of irrigation. All we want the Government to do is to reclaim its own lands. And while reclaiming its own lands on streams like the Arkansas and like the Platte and like the Rio Grande it will not cost it a dollar, because it is putting the same money on levees below for the purpose of holding these waters, during freshets, within their banks.

Little do the people of the East know of the great possibilities of the great arid domain. Colorado last year produced in live stock and produce upon the farm more than $75,000,000 in values. The minerals in these mountain waters and the earth brought down in the muddy water acts as a daily fertilizer. The glaring light and the almost unbroken sunshine gives a flavor to fruits, melons, and many cereals not found in the humid climates. The saccharine matter in the sugar beet ranges from 17 to 23 per cent.

The great San Luis Valley, as large as the State of Massachusetts, and almost as level as a billiard table and as fertile as the valley of the Nile, is dependent on the Rio Grande, and the cultivation but fringes its margin, because the crop must be gauged by the supply of water in the low flow of August and September. Under these adverse conditions this great valley produces from a million to a million and a half bushels of wheat, and other crops in proportion. Enough water flows away unused in May and June to water every acre in the valley. Great basins are there, which would hold it till August and September if the outlet was closed, and this would enlarge the production of this great valley to from three to five million bushels of wheat and other crops in proportion and would relieve the overflow of the Rio Grande below.

The luscious fruits of the Uncompahgre, Gunnison, and Grand valleys have a national reputation. By taking the water from the Gunnison and Grand rivers and spreading it over these dry, parched valleys we would not only reclaim hundreds of thousands of acres of valuable public domain and make ideal homes for many of our homeless people choked up in the great cities, but would relieve the banks of the sluggish streams down near the Gulf at the same time.

The broad alfalfa fields and sugar production of the matchless Arkansas Valley would be more than quadrupled by storing the Arkansas, and the levees of the Missouri and Mississippi would be relieved, and the Government would sell hundreds of thousands of acres of land. Thousands of new American homes would be established in this fertile valley as an auxiliary to our great scheme of self-government.

The arid region of the West is unquestionably the greatest piece of territory on the American continent. There is nothing else like it, in my judgment, in this country. When I was going home a few months ago I found myself in the car with Booth Tucker going out to Colorado for the purpose of planting a colony from the State of New York. I said to him, "Why do you go from the State of New York? Why do you go from a country that is renowned the world over for its agricultural and horticultural possibilities to the dry, thirsty lands of the arid West to plant a colony?" He said, "I spent many of my early years in India. I found in India, from actual experience, that 1 acre of irrigable land with plenty of water was worth 4 to 5 acres of land in the humid climate with your chance rainfall." He added, "My object is to plant a colony where the individuals can be kept close together; that they can have common schools; they can have common halls; they can have their irrigating water in common. I can concentrate them better in Colorado under an irrigation system than I can in any spot in America where you depend upon haphazard rainfall." He told me of his plan. He told me at that time he was going to that colony for the purpose of giving them, or selling to them, 100 milch cows. He said, "We do not give them one cent. We sell to them; we give them an opportunity to work out their own salvation. We take them to these agricultural colonies that their families may not be separated, and we propose to make them self-sustaining, and we thereby relieve the overpopulated cities." I went last fall to Amity Colony, Colo., where they have abundance of water, and found numbers of these men there from the poverty-stricken districts of New York City, at that time owning 10 and 20 acres; some of them out of debt, with from 15 to 20 acres of land with a water right, that is worth at least $50 per acre. They have planted trees; they have planted gardens; they have planted fruit patches, and they are becoming absolutely independent. From the Arkansas to-day there is a little narrow strip of ground on both sides, only large enough to consume the water in the low flows; they can not afford to plant any more, and this among the richest grounds in America. I was there last year when they were building two sugar plants, and they produced over a million and a quarter dollars' worth of sugar in the first year. I was at Rocky Ford while these sugar plants were running an average of 1,000 tons of sugar beets every day. Around Rocky Ford is grown every year 7,500 acres of cantaloupes and watermelons. The Rocky Ford melon is known in London, the Greeley potato is known in London, Colorado apples are known across the water, the Colorado peach is known all over the United States, and we can grow everything in great

abundance on this soil wherever water can be obtained. But I wish to say that the individual can not reclaim it. He can only plant on the river banks at such places as the water during the low flow will supply. But if the Government had these reservoirs, instead of selling the public land on the river banks, it would sell it all over the arid domain. We would sell it everywhere; we could, if need be, sell it for a higher price than it now brings. I do not care if you double it, if you think that justice would be done, so long as you reclaim this soil. It is worthless as it is. This is a part of the great scheme of handling this water. It will cost the Government but little; it will relieve the banks of the Mississippi; it will relieve the levees, and it will reclaim arid America.

Now, I say both parties have agreed to this in their national platforms. You Republicans pledged the people of the arid States that if you got their votes, you would enter upon this reclamation, and your orators from the East—because you were there, or the best of you [laughter]—and your orators of the West said on every stump in Colorado, "If McKinley is elected, we will enter upon the reclamation of the arid lands." Every Democrat that came to that State read the Democratic platform and said, "Bryan is a better reclamation man than McKinley, and if you vote for Bryan and he is elected, he will insist upon entering upon a systematic reclamation of the public domain."

I ask both parties to keep that pledge, and you can keep it. Now, so far as the Arkansas River and the Platte rivers are concerned, that proposition would not cost us a dollar, as what we put on the reservoirs above we would save from the expense of the levees below. We have the reservoirs surveyed at public expense. We have them set apart at public expense. We own the ground. All we ask of you is to build the channels, establish and strengthen the reservoirs, all of which can be done at a comparatively small expense, and we will reclaim our own soil and make homes for the homeless in this country, and we will add more to the wealth of the United States than we can do in any other possible way.

Mr. HILL. Will the gentleman from Colorado allow me a question?

Mr. BELL. Certainly.

Mr. HILL. Does not the gentleman think that it would be better for the United States Government to give the States the arid lands and let them do what they please with them?

Mr. BELL. We do not want them.

Mr. HILL. Why not?

Mr. BELL. Because whenever you turn the lands over to the poor States now struggling to raise money for ordinary expenses they will not be able to do anything with them in the way of irrigation.

Mr. HILL. But the gentleman says it is not going to cost anything; that the returns will be far greater than the outlay.

Mr. BELL. The States are not taking care of the Mississippi or the Missouri River.

Mr. HILL. Oh, no; but this is a speculation on a large scale to improve arid lands and make them tillable; and if it is going to be a profitable speculation, why not let the States make the money out of it instead of the Federal Government?

Mr. BELL. The trouble is, the States are too poor to do it.

Mr. HILL. But they will get rich under this speculation, according to the gentleman's argument.

Mr. BELL. Will the gentleman from Connecticut wait until I get through? In the second place, the people of these new States are not willing to have the public domain of these States put into the local legislature, and put into politics in the different States. They want one grand system of reclaiming the arid lands, and let it be common to every part of the United States, and let the Government manage it as it has managed the improvement of rivers and harbors.

Mr. HILL. I do not want to interrupt the gentleman, but does the gentleman mean to say that he can not trust the legislature of his own State and the legislatures of other States? Does he mean to say that they can not be trusted to handle the arid lands?

Mr. BELL. I mean to say this: That whenever you leave this to the States you will not be sure of the improvements being carried out. Here is Wyoming, that is not able to build a ditch; Colorado is not in a situation financially to advance the money. Then, again, you will have one land system in Wyoming, another in Colorado, a different one in Utah, a different one in Arizona, and there will be no harmony about it. Besides, if it is the governmental function to look out for the rivers and harbors of Connecticut and of the Mississippi Valley, to save it from overflows where they have a superabundance of water, it is a governmental function to look after the dry and thirsty soil of the great arid domain that is perishing for the want of water.

Mr. HILL. If the gentleman will excuse me for again interrupting, would not the same argument lead the United States Government to go into Connecticut and rake off the cobblestones from the farm lands?

Mr. BELL. No, sir; not by any means. Here is a Government that owns a majority of the land in these arid-land States. In Spain, China, India, France, Italy, Egypt, and all over the arid regions of Europe, and I do not know of a case in history where any great government having such arid lands has failed to take up the irrigation of such lands or aid in the construction of canals, and many of these canals costing millions of dollars; and then they reaped the benefit from the thrift and the success of their citizens through the common use of that water.

Not only that, but your party promised to reclaim the arid lands. You claim now, and insist on your party avoiding its promise by turning the lands over to the different States. Is that your idea?

Mr. HILL. I asked the question as a matter of information. If this is going to be a profitable enterprise for the United States Government, if the Government can make money out of this by reclaiming these lands and selling them at an increased price, why can not the States themselves do it? I think the gentleman from Colorado is mistaken in regard to irrigation in foreign countries. Irrigation in Egypt and Italy is by private enterprise. It is a joint-stock enterprise and not a government enterprise. I know of no country where they have taken up the irrigation of arid land by the government.

Mr. BELL. Some places may be by private enterprise, but the most of them have had government aid.

Mr. HILL. There is a law passed by Congress three or four years ago allowing joint-stock companies to organize under certain conditions to irrigate arid lands.

Mr. BELL. Yes; the Casey law permitted the States to reclaim a million acres; but the land will never be reclaimed under that law.

Mr. HILL. I think the gentleman from Colorado voted for it.

Mr. BELL. Well, I would vote for anything that will reclaim or tend to reclaim these arid lands. The trouble is, the gentleman from Connecticut does not understand the situation and the Eastern people do not understand the conditions or importance of the subject. I hope, however, that the Democrats and Republicans on this floor will read their respective platforms and that the Democrats will read Mr. Bryan's letter of acceptance before they cast a vote against this amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GARDNER of New Jersey having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 10785) granting a pension to Thomas White.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 11820) to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. THURSTON, Mr. PLATT of Connecticut, and Mr. JONES of Arkansas as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 11821) to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. THURSTON, Mr. PLATT of Connecticut, and Mr. JONES of Arkansas as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4208. An act for the relief of George K. Bowen; and

S. R. 149. Joint resolution providing for the distribution of compiled statutes of the District of Columbia to judges of United States courts.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 89.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to furnish Congress with a report showing the present condition of the breakwater at Burlington, Vt., with an estimate of cost for its proper repair and completion.

Senate concurrent resolution 90.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill of the Senate No. 1226, granting an increase of pension to George G. Kemp.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

Mr. SPARKMAN. Mr. Chairman, I now yield to the gentleman from Arkansas [Mr. MCRAE] thirty minutes, and I reserve the balance of my time.

Mr. McRAE. Mr. Chairman, I do not rise to oppose the passage of this bill. I am in favor of river and harbor improvement, and if I have criticism for the committee it is not for what it has recommended, but for its failure to adopt at least one important and meritorious project that I think should be in the bill. I refer to the Ouachita River and tributaries. I shall at the proper time offer the following amendment, and hope that it will be adopted:

Insert between lines 21 and 22, on page 58, the following:
"Improving Ouachita and Black rivers, Arkansas and Louisiana: For the construction of two locks and dams, one below Monroe, La., and the other below Camden, Ark., according to the project, plans, and specifications submitted in Part IV of the Report of the Chief of Engineers, printed in House Document No. 2, second session Fifty-sixth Congress, to complete said locks and dams, $550,000; and the Secretary of War shall construct said locks and dams at two of such of the sites selected by said plan as will in his judgment most effectually lengthen the navigation of said rivers, and he may have said work performed by contract or otherwise, as in his judgment may be most economical and advantageous to the Government."

Mr. Chairman, Ouachita River flows for 500 miles in a southeasterly direction through Arkansas and Louisiana until joined by Tensas and Little rivers at Trinity, La. Below this for 60 miles it is called Black River, and enters Red River 35 miles above its mouth. The tributaries are Little River, which enters on the west at Trinity; Tensas and Macon, which unite and enter above Trinity, giving 250 miles of high-water navigation; Bœuf River, which enters from the east at Stafford Point and gives a high-water navigation of about 150 miles; Bayou d'Arbonne, which enters from the west above Monroe and gives a high-water navigation for 40 miles; Bayou Bartholomew, which enters from the east, 25 miles above Monroe, and gives navigation at high-water stages for 125 miles; Saline River, which enters from the same side, about 100 miles below Camden, is navigable at high-water stages for nearly 50 miles.

The main river and its tributaries combined afford over 1,000 miles of navigation at high-water stages, which exist on an average for six months in the year.

The people of the valley earnestly desire that the main river and its tributaries be so improved by a system of locks and dams as to continue this half-year navigation all the year.

CAN IT BE DONE?

Thirty years ago an examination of the Ouachita River was made and a project submitted for temporary improvement by the removal of snags and dredging the worst bars, and this work was commenced in 1871.

Since then a number of examinations and surveys have been made to ascertain the feasibility of improving the navigation upon some comprehensive plan.

In 1872 the engineer in charge recommended the improvement of it by locks and dams from Camden, Ark., to Trinity, La. This examination was made in less than three months, and the plan reported contemplated five locks and dams, 49 by 250 feet, with an average lift of 14 feet, at a cost of $1,163,083. In 1873 the maps and notes of the survey were reviewed by a board of engineers appointed for that purpose, and upon a full examination it was deemed necessary to resurvey the river to determine definitely certain questionable points that had not been sufficiently considered in the hurried examination.

The second survey was made in about six weeks, under explicit instructions to search for and connect with marks of the first and to utilize all of it that was found to be good.

In 1874 Captain Benyaurd reported that the plan of improvement by locks and dams was the only one that would give permanent and uninterrupted navigation throughout the entire year, but that the project as approved by the Department required revision on account of faulty location of dams, and because, if completed, it would only accommodate the very smallest of boats. For these good reasons the project for locks and dams was abandoned in 1874, and since then appropriations have been made only for removing wrecks, logs, snags, and at Catahoula Shoals a small amount of dredging has been done.

The river and harbor act of 1894 directed the Secretary of War to submit plans and estimates for the improvement of these rivers by locks and dams, to give slack-water navigation as far above the mouth of the river as, in his judgment, such improvement is practicable. Maj. J. H. Willard, the engineer in charge at that time, reported that, with the small amount of available funds on hand for that purpose, an exhaustive and correct survey of the river and the valley could not be made, and asked for $120,000 additional appropriation, making in all $150,000, to complete it. This was made, the project for further survey was approved, and since then the work has been prosecuted on an extensive scientific scale, that embraces all the features necessary to a clear understanding of every phase, considered from an engineering standpoint, such as a traverse line, precise levels, ordinary levels, topography, hydrography, temporary and permanent gauges, discharge measurements, overflow, sediment observations, and profiles.

Although not completed, the work has progressed so far as to convince the engineer in charge, Major Casey, that the work is entirely feasible, and he has furnished us a plan for the canalization of the beds of said rivers and tributaries at times of low water by the construction of 13 locks and movable dams, each lock to have 5.6 feet lift, with guard of 3.2 feet, and to be 49.3 feet wide and 394 feet long between quoins, and to cost per lock and dam, including site, lock house, miscellaneous and contingent expenses, $275,000, or a total for the whole river and tributaries of $3,575,000; and he adds "that any revision of the estimate will be in the direction to lessen cost." The water supply is four times greater than the greatest demand.

Captain Marshall, in his report on the physical condition of the Ouachita, says:

The fall from Camden, Ark., to mouth of Black River at time of low water, 73.8 feet, gives a gentle average slope for the 350 miles, of course not uniform, being steeper in the upper and flatter in the lower part; besides that, it is more or less concentrated at the shoals, with depths as small as 0.6 foot, and long, almost level pools, with depths as great as 65 feet; the depth generally averages from 6.5 feet in the upper end to 16 feet in the lower; the width at low water varies from 65 feet to 541 feet, and bed measured between top banks from 295 feet to 820 feet; the width at canal water line would be from 262 feet to 656 feet; the banks are low in some localities, but generally they are above overflow, except when flooded by water from the Mississippi; they are usually composed of clay, and do not cave; the water carries from 21 to 150 grains of sediment in a million grains of water, being usually very clear; the material en train is sand and gravel on the shoals and mud in the pools; some of the shoals are rocky; these are almost ideal features for a canalized river.

I risk nothing in saying that the Government has undertaken no public improvement that has been more thoroughly considered than this one. The engineer who made the first survey in 1871, the board of engineers that reviewed the work, Captain Benyaurd, who made the resurvey; Major Willard, who seven years ago commenced the last survey; Major Casey, who now has the work in charge, and the Chief of Engineers all agree that the river can be made continuously navigable by locks and dams.

The time and money spent in making the plans and estimates and the ability, character, and standing of the engineers who have worked them out leave no doubt as to the practicability of the project, and so we answer upon the authority of these distinguished engineers that the improvement can be made.

From the standpoint of benefits to accrue to the commerce of the valley, let us see if

THE IMPROVEMENT SHOULD BE MADE.

This beautiful and ideal river and its tributaries affect 10 counties in South Arkansas and 11 parishes in North Louisiana, with an area of nearly 16,000 square miles, an extent of territory nearly twice as large as Massachusetts, and upon which there is a population of nearly 400,000. With less than one-tenth of the and in cultivation, the farmers residing there produced last year 200,000,000 pounds of cotton for export and 400,000,000 pounds of cotton seed, nearly all of which must be hauled to railroads and then shipped at low-water railroad rates.

It is estimated that in cotton and cotton seed the shippers of that valley pay annually $550,000 for outgoing freight—more than they would have to pay with the proposed improvement completed. This valley is indeed one of the richest cotton-growing countries in the world. It produces the longest staple cotton of which we have any knowledge, except the sea island, and is eagerly sought after by the New England and other spinners for the manufacture of fine goods.

There are located on these rivers and in the counties affected by this improvement about 50 of the most progressive, thoroughgoing towns of from 1,000 to 5,000 population, with an aggregate active business capital of over $7,000,000, and of an annual commercial business of over $20,000,000, to carry on which business the incoming freight charges are estimated to be over $1,700,000. With this improvement these charges would be reduced at least one-third.

The engineer's report shows that there are 36 steamboats, with tonnages from 665 tons down and with drafts when loaded from 5 to 2 feet, plying said river, which for five years past have carried an annual commerce of over $5,000,000.

This commerce consists of merchandise coming in from New York, Boston, Philadelphia, Baltimore, and New Orleans, and of cotton and lumber going out.

We are not asking for the improvement of rivers not navigable and upon which there is no commerce.

I am prepared to demonstrate by difference in railroad freight charges during low and high water periods the advantages to the shippers of that great valley.

I present here a table made up from freight bills actually paid last year at Camden, showing this difference and the saving per hundredweight when the river is navigable.

Comparative table of railroad and water rates.

Point of shipping.	Kind of goods.	Destination.	Railroad rates.	Water rates.	Saved by water transport.
South Ashburnham, Mass.	Fur	Camden, Ark	*$1.65	*$0.65	$1.00
Boston, Mass	Shoes	do	*2.02	*.79	1.23
Baltimore, Md	Cotton overalls	do	*1.56	*.79	.77
New Orleans, La	Domestics	do	*1.18	*.51	.67
Do	Staple groceries	do	*.70	*.30	.40
Do	Sugar, molasses, and rice	do	*.70	*.25	.45
Do	General dry goods	do	*1.15	*.50	.65
New York, N. Y	Rope and binders' twine	do	*1.10	*.50	.60
New Orleans, La	Cotton goods	do	†3.70	†1.00	2.70
Camden, Ark	Cotton	New Orleans	†3.10	†1.50	1.60
St. Louis, Mo	Flour	Camden, Ark	‡.75	‡.35	.40

*Per hundredweight. †Per bale. ‡Per barrel.

It shows that the saving by water per hundredweight from Boston to Camden on shoes is $1.23; from Baltimore on cotton goods, 77 cents; from New York on rope and twine, 60 cents; from New Orleans on cotton goods, $2.70, and from St. Louis on flour, 40 cents per barrel.

It also shows that the freight charges on cotton from Camden to New Orleans, our natural cotton market, by water is less than half of the railroad charges, or a saving of $1.60 per bale when the river is low.

When the river is navigable the railroads meet the water rates and the people get the benefits that come from low rates whether the commerce is by water or rail.

The manufacturers of yellow pine and hard woods in this valley, about equally divided between natives and those who have come from Northern States, shipped out last year 800,000,000 feet of manufactured lumber at a cost to the consumer of at least $800,000 more than it would cost if they had permanent navigation on these rivers. There is no section of our great and growing country where there are more progressive, wideawake, intelligent, and deserving people than the lumbermen of Ouachita Valley, and no part of the country with greater possibilities.

It is known that in these 21 counties and parishes there yet remains to be cut over 40,000,000,000 feet of the very choicest timber. Give us this improvement and thus enable the manufacturers to ship down these rivers to the Mississippi and then up that great river and its tributaries, and lumber will be reduced at least $1 per thousand in every lumber yard in the great Central West.

Nay, more, if you will permanently open these waterways to the sea they will undersell all other foreign countries in every country to the south of us or that can be reached by water, now or when the Nicaragua Canal has been completed. I have only spoken briefly of what has been done in a country that at the close of the civil war was absolutely bankrupt in purse, broken in spirit, with want, widowhood, and orphanage around every fireside, and yet the development and progress made even under these adverse conditions show that the savings that would come to the people even now residing there in freight charges for two years would complete the proposed improvement.

But, Mr. Chairman, we have not the one-fifth of the people or business that we will have before this enterprise can be completed, even if commenced at once and pushed as fast as we could expect.

Since locking and damming was first recommended for the Ouachita River this valley has doubled its population and quadrupled its business. Then it had no lumber mills except for the small local trade; now it has more than any territory of the same size in the United States.

While the Government has been investigating whether this great work should be undertaken private capital has built, at many times the cost of this improvement, two north-and-south railroads, one on either side of the river; and three east-and-west roads, one crossing at Arkadelphia, one at Camden, and the other at Monroe; and there are others in course of construction. And yet the hearings before the committee show that the railroads can not move the present tonnage in the valley.

On this river there are mountains of building stone and inexhaustible fields of coal and clay, as valuable as any known in the world.

I call attention to an analysis of the coal made by the United States Geological Survey.

TECHNICAL ANALYSIS.

In order to ascertain the gas-producing qualities of the Camden coal a quantity of it was shipped to the Pittsburg Testing Laboratory, Limited, of Pittsburg, Pa., for testing.

The test was run under the direction of a man familiar with practical gas manufacture.

The quantity of gas obtained per ton of 2,000 pounds of coal was 11,386 cubic feet of 22.3 candlepower.

The following table enables a comparison to be made between the Camden coal and other standard gas coals. The first six coals in the table were tested by the same apparatus under similar conditions, and the results are, therefore, strictly comparable:

No.	Character of coal.	Source of coal.	Cubic feet of gas per ton of coal.	Candlepower of gas.
1	Lignite	Camden, Ark	11,386	22.3
2	Bituminous	Washington County, Pa	9,880	16.9
3	do	do	9,920	16.1
4	do	do	10,120	18.36
5	Cannel	Beaver County, Pa	10,160	22.5
6	do	Kentucky	12,540	30.53
7	Bituminous	Upper Monongahela River (Pittsburg Gas Co.).	9,500-10,000	16
*8	do	Silkstone Seam, Yorkshire, England	10,000-10,000	15-17
*9	do	Newcastle, England (average 3 typical coals).	10,760	16.2
*10	do	South Yorkshire, England	11,000	17
*11	do	Derbyshire, England	10,500	15
*12	Cannel	Scotch cannel	12,350	31

*Thorpe Dictionary of Applied Chemistry, Vol. II.

It will be seen from this table that the Camden lignite is superior, both in yield and candlepower of gas, to the standard bituminous coals of Pennsylvania and England, and is inferior as a gas producer only to the best cannel coals.

These vast beds of coal and clay lying in juxtaposition are owned by capitalists from New Jersey, New York, and Pennsylvania, who are waiting for this improvement to begin extensive operations in the mining of coal and the manufacture of ornamental and vitrified brick.

Give them this improvement and they can reduce the price of coal and gas in every city on the Mississippi River or its tributaries.

So, Mr. Chairman, upon this showing of present and prospective commerce, I answer that it would be a good investment for the Government, and that the improvement should be made.

The proposition involved in my amendment does not appropriate for the whole improvement, nor does it commit the Government to the completion of the work, but is in line with the suggestion of the engineer in charge when he says:

> There would seem at least little to be urged against the construction of a few of the dams and locks, which would extend the low-water navigation some distance above its present upper limit in the river and afford a satisfactory test of the ultimate benefits to be derived.

In behalf of every waterways convention for seven years past, every commercial and legislative body of this great valley, I appeal to this committee to adopt this amendment and begin an improvement that, when completed, will free the farmers, merchants, miners, and manufacturers of a deserving section of our country from the extortion of railroads that they must submit to under present conditions. [Loud applause.]

Mr. CORLISS addressed the Chair.

The CHAIRMAN. The gentleman from Michigan [Mr. CORLISS] is recognized in his own right for one hour.

Mr. CORLISS. Mr. Chairman, I represent a district that is more deeply interested in the navigation of the Great Lakes and other points on the coast than any other district in this country; yet we have no part of the "animal" embraced in the provisions of this great bill. Nature has supplied us with our necessities, and we can therefore look upon this subject from the standpoint of the impartial legislator, working for the best interests of the country.

It was not intended by our forefathers that the money belonging to the people, derived from taxation, should be distributed for the benefit of local interests. Any appropriation made for the advancement of commerce—beneficial to the people of the country—is wise and justifiable; but when you attempt, as has been done in this bill, and as has been done repeatedly in measures of this character for many years, to appropriate large sums of money for the upbuilding of some local interest, it is wrong, and such a system or method should stop.

As a neophyte on this floor, when I first observed these measures and regarded the wisdom that seemed to be displayed by the committee in charge thereof and the leaders upon the floor, I voted for such measures; and when I became convinced that the methods by which they were appropriating money was wrong and the distribution thereof unwisely made, I hesitated to take the stand I now do because my colleagues and the State that I have the honor in part to represent are deeply interested in this measure. No State in this Union has been benefited more than Michigan by such appropriation measures. They have enabled the commerce of the Great Lakes to be developed until the Detroit River carries the greatest tonnage that passes at any point of navigation in the world.

What I complain of, Mr. Chairman, is that instead of legislating and appropriating for the benefit of the commerce of our country exclusively you attempt in this measure to benefit local interests.

As the chairman of the committee said, the committee has evidently taken into consideration all of the local interests in distributing the appropriations made in the measure. In looking it over, it seems to me that this bill, aside from some great appropriations which are necessary, ought to be called "the liver and light bill," because I find more livers and lights exhibited than any other part of the animal.

Mr. Chairman, when an appropriation is made from the funds belonging to the people, it should be for the benefit of the people. I want to call attention to some of the items of this bill to illustrate the idea I wish to present and the criticism I desire to make. I wish to make no invidious distinctions; and I will call attention to the item of appropriation for the benefit of the Erie Basin at Buffalo—a purely local matter, of no benefit to the great commerce of the country. The people around that little basin will derive the entire benefit from the appropriation.

Two years ago $50,000 was appropriated to make a survey of the Erie basin at Buffalo. The survey was made and an estimate submitted showing the probable expense of making the improvement desired by the local interests in this basin. The estimate was less than $200,000. I have the estimate before me. The money was appropriated—the entire amount mentioned in the estimate of the engineer. Now, we must assume that the engineers making these estimates in the first instance knew what they were doing. But I find in this bill, on page 12, an additional appropriation of $200,000 and an authorization of a continuing contract for $614,643 in addition, carrying altogether nearly a million dollars for a local improvement for the express benefit of local interests.

That is one of the "important" improvements. Some members here, probably the members of the committee, regard that improvement as beneficial to the country because it is located at the end of navigation; but I desire to call attention to the fact that the harbor of Buffalo is amply sufficient outside of this basin for the great navigation and navigating interests of the lakes and rivers.

Permit me also to call attention to another item of this bill—an item found on page 10—for what is called the Buttermilk Channel, adjacent to New York City. We all know the vast sums of money that have been appropriated from time to time for improvements in that locality. Until New York Harbor is capable of taking care of the interests of our navigation at that great point, I would not object to our appropriating anything that contained a little cream for the people; but when it gets down to buttermilk it seems to me it is time to call a halt.

Now, what is Buttermilk Channel, as it is called in the bill? Mr. Chairman, this improvement is for the benefit of the property holders along the water front of Brooklyn, for the express benefit of their interests, and of no interest to the people at large in this country.

These are large items. It is better to take them for illustration and argument than to pick out some little appropriation for some little river that will not become a navigable stream during the life of this nation.

A few years ago, Mr. Chairman, looking to the interests of our country, Congress wisely passed a measure authorizing the President of the United States to appoint a commission of engineers to survey the Great Lakes and waterways from Duluth to New York, and a very large sum of money was appropriated for that purpose. Three of the most eminent engineers in this country were appointed to perform that work. Their reports are a part of the records of Congress, and it will appear, by an examination of them and of the act by which they were appointed, that the President was given power to secure, by diplomatic agreement, the right to establish the level of the water upon Lake Erie and tributary waters.

The Deep Waterway Commission, at the request of the Secretary of War, filed a preliminary report, which I have in my hand, which is Document No. 200, Fifty-sixth Congress, first session. In that they reported that in order to maintain the level of Lake Erie and tributary waters and secure a sufficient depth for navigation a regulating dam should be placed at the foot of Lake Erie. They submitted maps and estimates showing the cost thereof and the importance to navigation. It will appear upon an examination of these maps and estimates that the entire cost of this regulating dam will not exceed $1,000,000. It can be constructed within a year. It will not interefere in the slightest degree with the navigation above or below the dam. There is very little, if any, navigation below the proposed dam. The commissioners show conclusively that at least $1,000,000 of the money already appropriated by Congress would be saved to the people if the dam was built. Notwithstanding this report, disregarding the economy that might be secured thereby, the River and Harbor Committee, at the last session, appropriated additional money for the purpose of digging out the highway of commerce through the lakes, Lake Erie and its harbors, and the Detroit River.

Mr. Chairman, you can not raise the level of water by excavating from the bottom of the basin. That has been going on for many years, and at each excavation the natural level of the water has been lowered, until any engineer of ability who is familiar with the subject will admit that the only economical way to maintain the level of Lake Erie and assist navigation in the future is to raise the level by damming the water. If that is done, $1,000,000 appropriated in this bill is unnecessary. Why waste the money of the people in excavating where it is absolutely unnecessary when you adopt the regulating dam that is necessary to maintain the proper level for navigation in the future?

The committee have inserted, at page 84 of the bill, a paragraph to which I desire to call special attention. It is very short. I will read it.

SEC. 4. That the President of the United States is authorized, by diplomatic negotiation or otherwise, to enter into such agreements as will secure as far as possible the maintenance of suitable levels in the Great Lakes and connecting waters between the United States and Canada.

What does that mean? I should like to have the chairman of the Committee on Rivers and Harbors [Mr. BURTON] enlighten us. Does he not know that that law was passed by this Congress more than three years ago in the bill creating the Deep Waterways Commission? Does he not know that this provision is mere claptrap and does not amount to anything, and will not authorize the President to accomplish the object desired?

Can he secure an agreement with Canada by diplomatic correspondence that will affect the level of the great waterways of this country? If the chairman of the committee or the committee itself were sincere in desiring to carry out the wishes of these great engineers and the demands of commerce, they would put a provision in the bill that would authorize the President of the United States to call engineers to his aid and cooperate with like engineers of Canada, who are ready and anxious to secure a level that will benefit them as well as us in Lake Erie and the rivers tributary thereto. If you will raise the level of Lake Erie as is proposed by these engineers, one-half the appropriation now made in this bill for the harbor of Cleveland will be saved to the public purse. I can not understand such methods. Why will this committee go on and appropriate money to excavate where it is inevitable, if we can rely upon the testimony of the best engineers of the country, that such excavations will become unnecessary when a dam is erected?

Permit me again to call attention to the Detroit River, the fairest stream in the world, upon the banks of which I reside. The people of Detroit are deeply interested in navigation. Just below the city of Detroit, running across the bottom of the river, is a ledge of limestone rock, which makes what is known as the Limekiln Crossing, and a very large sum of money has been expended in excavating there. Yet the channel is only about 400 feet wide and very crooked. It ought to be widened, and an appropriation has been made to widen it; but if this dam is constructed, further excavations in the river at the Limekiln Crossing will be unnecessary. The water at that dangerous crossing will be raised 2 feet, and the necessary depth will be given to serve the interests of navigation. Every year we have harbored about the city of Detroit the great transportation steamers that traverse the lakes, which wait there because they can not cross the Limekiln Crossing in consequence of the fluctuation of the water from the effect of the winds. This regulating dam at the foot of Lake Erie will do away with that without any injury to anybody, and will save a million dollars already appropriated for the proposed improvement of this river.

Mr. HENRY C. SMITH. Will the gentleman permit a question?

Mr. CORLISS. Yes.

Mr. HENRY C. SMITH. How much will your proposed dam raise the water at Wyandotte and Trenton?

Mr. CORLISS. The water at Wyandotte would be raised about 18 inches above low-water mark, but would not be raised a particle above high-water mark.

Mr. HENRY C. SMITH. That would flood much of that territory there, would it not?

Mr. CORLISS. The gentleman did not understand my proposition. The opinion of these engineers can not be questioned either by the gentleman or myself, and their statement is that this dam will raise the mean level of the water 2 feet above low-water mark and maintain it there without raising high-water mark an inch. Consequently the high-water mark at Wyandotte after the construction of the dam will not be one particle higher than it is now without the dam.

Mr. HENRY C. SMITH. Is it not a fact that at high-water mark a good deal of that country is under water?

Mr. CORLISS. At high-water mark some portions of the land along the Detroit River and on Lake Erie are under water. But that condition of affairs has existed ever since white men have lived on the shores of those waters, and that condition of affairs will continue for all time. It is proposed by this dam so to regulate it as not to allow the water to overflow any more than it now does at high water, but the mean level would be maintained 2 feet higher than low-water mark now.

Mr. HENRY C. SMITH. Do you not think that all the riparian owners between Buffalo and Chicago would have a claim against the Government for flooding their property?

Mr. CORLISS. On the contrary, if the water is not raised above what it now is at high water, how can they make any claim? And the engineers state, and give reasons that are absolutely conclusive to any man who will read them, that they will not raise the high-water mark a particle upon any of the waters that they propose to affect. I understand, Mr. Chairman, how it appears to a man who has not studied the question. It seems probable that if you raise the mean level of a body of water you would affect its high-water mark; but when you understand the proposition made by these eminent engineers, which no man with a knowledge of the subject has ever dared to question, you will understand that high-water mark will not be raised a particle. Therefore it does not affect the riparian interest in the slightest degree.

Mr. HENRY C. SMITH. Will the gentleman permit another question?

Mr. CORLISS. Certainly.

Mr. HENRY C. SMITH. As a legal proposition, do you not think that the riparian owner has the right to have the low-water mark maintained during the season of low water?

Mr. CORLISS. I think not, where for a century it has been a well-known fact that these fluctuations have been going on, and the rights of the riparian owner have been acquired since the course of nature was established. A man has no legal right to demand the control of nature, and this does not propose to affect that in the slighest degree.

Mr. HENRY C. SMITH. Is not the legal proposition this, that a man's riparian rights follow the advancing shore?

Mr. CORLISS. The gentleman is trying to discuss a proposition which is not involved in this question, and he either does not understand the position taken by the engineers or does not wish to comprehend the proposition that I have made.

Mr. BISHOP. I should like to ask the gentleman a question.

Mr. CORLISS. Let me answer my colleague [Mr. HENRY C. SMITH] first. I have simply stated that the regulating dam proposed will raise the level of the water on Lake Erie 2 feet above low-water mark and maintain that depth for navigable purposes. It will affect Lake Erie and the harbors of the Detroit River and Lake Huron and Lake Michigan in proportion to the stemming of the tide that flows down and the volume of the water that is necessary to regulate its height. It will not affect any property interests, because it will not raise the water at its highest period in the year in the slightest degree. Now I will yield to my colleague [Mr. BISHOP].

Mr. BISHOP. To what height do you propose to raise the water? I understand you to say 2 feet.

Mr. CORLISS. The engineers have recommended that an increase of 2 feet above low-water mark could be very wisely established for the benefit of navigation without interfering with riparian or other rights.

Mr. BISHOP. That would raise the entire surface of Lake Erie, would it not?

Mr. CORLISS. It would raise it, but not up to high-water mark. Lake Erie and the Detroit River at high-water mark are deep enough now, and this appropriation would be unnecessary if the depth of the water at the Limekiln crossing was always maintained at high-water mark.

Mr. BISHOP. Do you mean to be understood by the House as advocating a plan to raise the level of Lake Erie 2 feet?

Mr. CORLISS. Above low-water mark.

Mr. BISHOP. Above low-water mark, and maintain it there during the time of flood without raising it beyond that mark?

Mr. CORLISS. My dear man, if they have regulating dams they do not maintain it when the natural volume of water is great enough to raise it without artificial assistance.

Mr. BISHOP. Does not the gentleman understand it will take at least thirty days to reduce the head water in Lake Erie, in spite of his waste dams, during the time of high water?

Mr. CORLISS. I am surprised that a gentleman occupying the position he does on the Committee of Rivers and Harbors has not evidently read the voluminous reports that have been filed by the Deep Waterway Commission and the hearings that have been had before his own committee. He would not ask that question if he did understand the proposition made by the engineers.

Mr. BISHOP. If the gentleman wishes to get off on that point, all right. I can assure him that I have spent more time in reading that report than he has, and have heard all the arguments.

Mr. CORLISS. Possibly; and if you deemed it of the great importance that the best engineers of this country and navigable interests do, you would be advocating some provision in this bill that would give the navigable interests of the lakes an opportunity to secure an international agreement that would enable us to maintain the level of the lakes, and thereby advance the interests of commerce. But instead of that you appropriate money to still dig out from the harbor and the river that are rendered unnecessary, and would be absolutely unnecessary if this regulating dam was erected.

At the proper time, Mr. Chairman, I shall offer an amendment that will authorize the President of the United States to secure by international agreement some definite understanding by which the level of these waters can be established, and give him authority to use the information that has been acquired and confer with the engineers of Canada and our own engineers, so as to arrive at a definite conclusion and permit this great public work to go on.

Now, Mr. Chairman, permit me to call attention to one or two other items in this bill. I find on page 92 authority granted for the engineers to survey a part of the Hudson River—I assume for the purpose of advancing the commerce of our country. It does not explain or give any details or appropriate any money. It simply authorizes the expenditure of an unlimited amount, in the discretion of the Department, for this survey. The Hudson River at the point described has already been surveyed by the Deep Waterway Commission, and it is now before Congress as a document, showing just exactly what is asked for or can possibly be secured by this legislation.

This is simply a duplication of work already done by the Deep Waterway Commission. It is a scheme on the part of some one to ask the Government of the United States to assume a burden that is now being carried by the State of New York in her Erie Canal. It is an entering wedge that will finally end in fabulous appropriations by the Government for the benefit of local interests that are now controlled by the State of New York. It ought not to be permitted. Why? First, because the project is not of a national character, purely local; and second, the information desired is here for the examination of this body, by more eminent engineers than belong to the Army (and this is no disrespect to them), because this survey was made by Mr. Noble, of Chicago, Mr. Raymond, of the War Department, and Mr. Wisner, who has probably had greater experience with reference to the water of the lakes than any other civil engineer living. Their opinions can not be questioned and will not be questioned by any man who knows the subject. Therefore I say that item is wrong. It is a duplication, it is local in its character, and it ought not to be made.

I find another ingenious provision on page 69, where an appr - priation is made of $200,000 for the purpose of making surveys or investigations to determine the feasibility of improving the navigable water to the depth of 14 feet from Lockport, Ill., to the mouth of the Illinois River. Another entering wedge into the public Treasury for the benefit of a local interest, in which the people can never become interested, because you can never improve that highway so as to make it of any advantage to the commerce of this country; and when built, if it ever is, all of the products that would go down that narrow shallow way could be transported by rail for the interest upon the original cost of the enterprise.

It is wrong, because it attempts to impose upon the Government a private enterprise, not public in its character, of no earthly benefit to the general public, and, when once adopted, surveys come in, other appropriations are made, and millions of dollars—yes, hundreds of millions—would be necessary to make that project a success. Therefore I say, Mr. Chairman, these are a few of the glaring and more prominent mistakes in this measure. I do not expect that my remarks will have any effect. The liver and the lights have been properly distributed; Michigan, my Michigan, has got her part. Thank God for that! I really think that she has part of the ham, and hardly any of it is not wise from the standpoint of a Representative of Michigan.

I have tried to locate the different interests as I have read this measure, and I have endeavored not to point out any little appropriation that is simply permitted for the gratification of the member without benefiting the public, because I do not wish to make any invidious distinction, and I have located the point at Buffalo in which my friend here is interested because it is a large enterprise and he can justify it upon the ground of the Pan-American Exposition; that is some justification for the expenditure of this money. I have referred to the Buttermilk Channel because I know the great power of the Representatives of that State in reference thereto, and it will have no effect.

Mr. Chairman, there are other points I desire to make. No other country in this world appropriates from the public funds money for the benefit of local interests. Take England as an example. We all know of the Manchester Canal, where it is located, and that it cost $75,000,000. Not one dollar was appropriated out of the general fund of England. It was all paid by the local taxation upon the city of Manchester and her people. Take the river Clyde, which was a narrow stream, like many we are improving, and is now excavated at an enormous expense, so as to permit of the great freighters entering the city of Glasgow. Not one dollar of it was contributed by the Government. Every cent of it came from local assessment and taxation. How long will the people permit this pernicious system to go on?

Now, one other point. I find here a very wise provision appropriating a considerable sum of money for the improvement of the Sault Ste. Marie River. I think the appropriation and authorization by contract amounts to about $4,500,000. The chairman of this committee knows that the estimate made necessary to improve that river amounts to nearly $9,000,000; and it is important to the great public interests of this nation that it be made, that the improvement go forward, and that the improvement be made speedily. Why bite the cherry in two?

Mr. BURTON. Will the gentleman from Michigan permit an interruption?

Mr. CORLISS. Yes, sir.

Mr. BURTON. Has the gentleman any information whatever as to how long it will require to complete that improvement?

Mr. CORLISS. Not positively.

Mr. BURTON. Has he investigated the subject of the time required to complete the contemplated improvement?

Mr. CORLISS. Somewhat.

Mr. BURTON. Would the gentleman favor carrying on the bill an appropriation or authorization beyond that which can be expended in four years?

Mr. CORLISS. I would appropriate in this bill and authorize whatever may be necessary to complete the enterprise by one contract, and thereby save a million dollars to the taxpayers. The chairman of this committee, if he will pardon me, knows that large sums of money are lost to the public because the contracts are not made covering the entire project at once.

Mr. BURTON. Does the gentleman think that if $4,500,000 is available for this work economical results can not be obtained?

Mr. CORLISS. I think the $4,500,000 might be economically expended, but it will not complete the work, and in order to do it you must pay a premium for additional contracts to complete it.

Mr. BURTON. Does the gentleman know that the War Department has expressly commended this course of not including the whole amount, in order that necessary modifications may be made when the contract is partly done, if on considering that part of the work it is thought desirable?

Mr. CORLISS. I know that the engineers of the Department have peculiar methods, some of which are most bitterly condemned by the best engineers of the country.

Mr. BURTON. In brief, is not the gentleman from Michigan speaking of something about which he is not very well posted?

Mr. CORLISS. If the chairman of the committee wishes to criticise the statement I am making, I am willing that he should. I am stating this as a general proposition, that when you have a public work involving the appropriation of millions of dollars, which will take two or three years to perform, it is wise to authorize the contract for the entire completion of that work based upon the estimate made.

Mr. BURTON. Is not the gentleman aware that he is in error in stating that these improvements will cost $9,000,000, when the fact is that the estimate amounts to only $5,750,000?

Mr. CORLISS. I have before me a communication signed by Colonel Lydecker, and I want to read the last paragraph, in order to show to my friend where I got my information:

> Summarizing the above, it appears that the total cost of securing such safe and convenient channel as is indicated by Congress will be in the neighborhood of $9,000,000, according to either of the projects herein suggested, and it is believed that no less radical improvement will meet the demands of the St. Marys River commerce. The estimated cost is to be taken as a maximum, and it is not unlikely that it may be materially reduced by further study of the complicated questions involved in the best final solution of the problem.

Mr. BURTON. Does not the gentleman from Michigan know that that involves a new lock at the Soo and the improvements of the channel above the Soo?

Mr. CORLISS. It does include a lock, which ought never to be built, because we have sufficient lock facilities, and by agreement with Canada we can use hers. I think there are expenses included there that ought not to go in.

Mr. BURTON. Then the gentleman from Michigan should revise his estimate of the total cost if he says there is included there something which ought not to be.

Mr. CORLISS. But the estimate is $5,750,000 for this improvement alone. Why leave a million dollars and more for some future time when this is one of the greatest improvements that could possibly be suggested for the advancement of the commerce of the country?

I call attention to these items because we are interested in advancing that character of legislation which benefits the State and the nation. It is not local in its character. It is national, and I submit that when legislation of that character is proposed you should not go halfway. You should appropriate for the entire project under one contract and thereby get the advantage of competition for the entire project.

Mr. Chairman, I have referred to this measure as the liver and lights bill with no intention of wounding the feelings of any member. I have not attempted to condemn any member's piece of liver, but think that some of them are salted unjustly and unwisely with the funds paid into the Treasury by the people. I have called attention to the glaring defects in the method, because I believe the time has come when we should change them.

Mr. Chairman, I will reserve the balance of my time.

Mr. BISHOP obtained the floor and said: Mr. Chairman, after occupying a few minutes I will reserve the remainder of my time.

Mr. Chairman, I did not intend and did not think it necessary for me to say anything in regard to this bill, thinking that the bill was so wise in its provisions that it would need no defense, particularly from a Michigan member. But since the gentleman representing the Detroit district [Mr. CORLISS] has seen fit upon this floor to attack the bill as well as to attack the motives of the gentlemen who framed it, it seems to me that it demands at least from a Michigan man a few words in reply.

It has seemed to me that among all the Michigan members or among all the members on this floor he should be the last to rise in his place and criticise this bill or criticise even the methods of creating it. I wish to say that while I have been on the Committee on Rivers and Harbors we have never sought at any time to favor any section or any State or any private enterprise. The only object and purpose of that committee from the very first has been to do absolute justice to the commerce of the country—nothing else.

Mr. CORLISS. Will the gentleman permit a question?

Mr. BISHOP. Yes, sir.

Mr. CORLISS. Do you think that the improvement of a small river—an inland stream having, perhaps, a depth of 5 or 10 feet, that might possibly be raised to 14 feet in order to reach an inland town—is a benefit to the public at large?

Mr. BISHOP. State your proposition.

Mr. CORLISS. Answer the question.

Mr. BISHOP. Name some particular stream where we have done that particular kind of work.

Mr. CORLISS. I am not particularizing.

Mr. BISHOP. The gentleman can not particularize.

Mr. CORLISS. I am asking a hypothetical question.

Mr. BISHOP. It is easy for a member on this floor to get up and scold, when he has his motives in the failure to get something in the bill that he may have wanted; but when the gentleman will come down and particularize as regarding some particular stream where we have been unjust to him or to any locality, or have made an appropriation which we ought not to have made, then we shall have an opportunity of correcting it, but not when he makes a general statement or puts a hypothetical question.

Mr. CORLISS. Will the gentleman permit another question?

Mr. BISHOP. Yes; certainly.

Mr. CORLISS. Have I suggested any appropriation for my district?

Mr. BISHOP. The gentleman has not asked for an appropriation for his district, because he has no navigable stream within it; but he has one of the finest streams in the United States running by it, which has done more than any other one thing to build up the city of Detroit.

Mr. CORLISS. That is right.

Mr. BISHOP. It has done more than any other one thing to add to her industries and her wealth, and the gentleman should be on the floor defending the bill rather than criticising it. He does not represent the interests of Detroit in saying what he has said about it. I do not believe the good people of Detroit will commend his action or commend his words. I know that there are great shipping interests in Detroit, and the people of that city are proud that Michigan stands among the foremost to-day in the great industries of this country and foremost in the great commerce that is now carried on her lakes, and I believe he is the only gentleman from Michigan who seeks to criticise the bill or will vote against it.

The animus, as I said a moment ago, undoubtedly comes from the fact that he has failed to get something in the bill that was a pet scheme of his; and judging from his remarks I should say it is the lake levels. Now, Mr. Chairman, it is true that a proposition of that kind was made to the committee, and fairly made. It was carefully considered, but it did not come to us in such a shape that an appropriation could be made in the present bill. As a matter of fact, when the question was considered by the committee, it was ascertained that by raising the waters of Lake Erie 2 feet very much of the adjacent country would be flooded; and there is not a lawyer or layman upon this floor who does not know that by so doing we would render the United States subject to damage suits to an extent almost unheard of. And until that matter can be disposed of we thought it not wise for the Committee on Rivers and Harbors to put the United States Government in the position of a defendant.

Mr. CORLISS. Will the gentleman permit another interruption?

Mr. BISHOP. Oh, certainly.

Mr. CORLISS. Why, then, did you not insert in this bill some provision that would give the President the right and clothe him

with the authority to secure a diplomatic agreement, and not put in the bill just what has already been passed by Congress before, without giving him authority to act?

Mr. BISHOP. We think section 4 of the bill gives ample power to the President to appoint any such commission as he may desire.

Mr. CORLISS. Do you not know that the same thing is in the act passed three years ago creating the Deep Waterways Commission?

Mr. BISHOP. If the gentleman is not satisfied with the provision in section 4, let him prepare his amendment and let the committee vote upon it. The Committee on Rivers and Harbors have acted toward him in good faith. They have sought to carry out his wishes, and if they have failed he can appeal to the members of this House to correct the committee.

There is another thing in the gentleman's remarks that strikes me as very harsh. The gentleman calls it facetiousness. Now, that may be a very kindly thought of his, and very courteous to the committee, when he talks about liver and pork. I hardly think it necessary for me to attempt to defend the Committee on Rivers and Harbors before this House. Members of this House know the make-up of that committee, and so I do not feel called upon to say a word in defense of the committee against a slur of that kind. This bill is not made up in the way the gentleman seems to intimate. It is not made up on the idea of favoritism either to the members of the committee or to any section of the country.

The gentleman can go outside in the lobby and find the figures there presented by some other member of the House attempting to cast reflections on the committee, first by showing that the States represented by membership on that committee have received more of the appropriations than other States; but there is no member of the House who does not know that the Speaker in making up this committee selected its membership from the great States that are largely interested in commerce and transportation. That being true, it is quite necessary that we should make appropriations to the States that have the commerce. That is true of the great State of New York, with the harbors of New York and Buffalo, and the great rivers of that State. It is true of Michigan, with more than 1,500 miles of lake coast and more than 30 great ports. It is true of Michigan, because those lakes carry a commerce greater than that of any three of the great ports of Europe. We, of course, must take care of that commerce, and we have taken care of it only by making reasonable appropriations. Although the gentleman may seek to reflect upon that committee, the membership of this House will understand that we make appropriations where commerce is, and not where commerce is not.

Now, Mr. Chairman, it hardly seems to me as though it was necessary for me to speak regarding the level of Lake Erie, of which the gentleman from the Detroit district [Mr. CORLISS] has so bitterly complained. He proposes to raise the level of Lake Erie 2 feet. He thinks that will raise the water on the Limekiln Crossing, and thereby avoid the necessity of digging the channel deeper. The question asked by my colleague [Mr. HENRY C. SMITH] was very pertinent and to the point. Many of the great industries along the Detroit River would be flooded by any such action as the building of that dam. But the gentleman from the Detroit district [Mr. CORLISS] would have an automatic dam. There is to be plenty of water when you need it and less water when you do not need it. That is the gentleman's idea.

The gentleman should understand that if we build restraining works and raise the level of the lake we can not dispose of that water in a brief period of time. It will take a month to lower the level of Lake Erie with all the gates in the dam open. In the meantime a flood may come and do untold injury to the people living along the flat shores of the lake, and great industries whose plants are situated just outside of the First Congressional district and which are in the district of my friend to the south of him [Mr. HENRY C. SMITH] may be destroyed.

Mr. CORLISS. Will the gentleman permit a question?

Mr. BISHOP. Yes; certainly.

Mr. CORLISS. Is it not true that the engineers to whom I have referred, one of whom, at least, appeared before the committee, stated that their plan of raising the lake level would not raise the high-water-mark level?

Mr. BISHOP. It would raise the water.

Mr. CORLISS. Did not the engineers so state—that the high-water mark would not be affected—and have they not so reported to your committee?

Mr. BISHOP. There was one engineer, a gentleman whose ability I greatly respect, who thought that restraining dams could be built in such a way that when they wanted less water they could let it out and that when they wanted high water they could raise it, but that was criticised by other engineers equally able. And if it were possible as an engineering project, what will you do with the damages to the land that would be overflowed by such raising of the lake? Until that is cared for this committee, at least in the present bill, could make no appropriation, and the gentleman knows enough to know it.

Mr. CORLISS. Will the gentleman permit another question?

Mr. BISHOP. Certainly.

Mr. CORLISS. You admit that the engineers stated emphatically that their plan of damming Lake Erie would not raise the high-water level. Now, if it will not raise the high-water mark how on earth can it flood any land that is not now flooded at high-water mark?

Mr. BISHOP. If they raise it up to high-water mark, and the floods come in the Detroit River, before you can dispose of that water you have an overflow inevitably, and it will take at least thirty days to dispose of that water in Lake Erie. Further, the gentleman knows perfectly well that there is no project before the committee at this time upon which an appropriation could be made, and therefore his criticism is ill timed.

Mr. HENRY C. SMITH. Mr. Chairman, I am anxious to join the harmony among the members from Michigan. [Laughter.] The real fact is that by reason of this kind of harmony or the want of it among the members from Michigan, as I apprehend, there is an item in this bill which should not be there and which, when the time comes, I shall move to strike out. It is found on page 65 of the bill, and provides for an appropriation of $500,000 for the construction of Plan A, referred to in House Document No. 712.

Now, there are three channels in the Detroit River opposite Ecorse, Wyandotte, and Trenton. One is the Canadian channel, which is classed in this report as Plan A. This is the channel on the Canadian side. That is what I object to. I object to the American Congress spending more money to construct, to enlarge, and to maintain a ship channel on the borders of Canada. In the early days the channel was along the American side, extending from Trenton clear up to the city of Detroit. But, for certain reasons which I can not fathom, of late the money has been appropriated for and the channel has been changed over to the Canadian side, where the bottom is all rock, where it has to be blasted out at large expense, and where boats get across the channel and impede navigation.

And I ask gentlemen to read report 712, in which it will be seen that the engineer has made his estimates, wherein he claims it will only take about $2,000,000 more to complete, according to this plan, the channel on the Canadian side. It will cost about $10,000,000, according to his statement, to complete the central channel between the two, and he estimates that it will take $13,000,000 to complete the American channel and make it what it should be. But I respectfully call attention to the fact that these are only estimates. They are stated to be estimates, and I am unable to find that any survey or any soundings have ever been made as a basis upon which this estimate is made.

And I want to say, further, that the engineer or the assistant engineer who makes this report, Mr. Dickinson, as I am informed, lives in Amherstburg, Canada, right across the river from Wyandotte. His property is there, and my constituents in Wyandotte advise me that they have never had an opportunity to have any conference with him or opportunity to make any statements to him. Before the Canadian channel was opened there were three shipyards in Trenton at the south end of the island. When the Canadian channel was built up these shipyards perished. Within the last three years a shipyard of considerable importance has been built up at Wyandotte. This engineer made no report in favor of any assistance to the harbor at Wyandotte, but I will say in behalf of the committee, all the members of which have been very courteous to me, that they have not neglected that matter.

I want to say further that those who know Colonel BISHOP know that he needs no defense as to his honor, his ability, or his integrity on the floor of this House. I went to the committee, and when I explained to them the conditions they authorized an appropriation, which is in this bill, which is satisfactory and which will assist the harbor at Wyandotte so that the shipyard may be used. But I want to submit this: It has been stated here that 35,000,000 tons of freight pass through the Detroit River every year; that six times as great a tonnage passes through that river as through the Suez Canal. I will not be outdone by my brother from the First district [Mr. CORLISS] in my praise and my love for my beloved State of Michigan, but I do want to submit that the facts show that the city of Wyandotte, in the district which I have the honor to represent, is the third city in the State of Michigan in the amount of freight handled, the cities in their relative importance as to the amount of freight handled being Detroit, Grand Rapids, and Wyandotte.

In the latter city there originates every year more than one million and a half tons of freight, or about one-thirtieth as much as passes through the entire Detroit River. And I want to say that there is no boat of any kind which ever stops at Wyandotte to get one ton of that freight. This $20,000,000 spent on our Great Lakes is spent for the benefit of four cities—Chicago, Duluth,

Cleveland, and Buffalo. Now, I submit that if we are legislating for the general good of the greatest number, some provision should be made whereby boats might touch the wharves at Wyandotte; that could gather up the million and a half tons of freight that originates there every year.

There is no competition there either. There is the Michigan Central Railroad, and what they call the Lima Northern, a little road 80 miles long, which starts nowhere and ends nowhere as an independent line, something like the railroad spoken of by the chairman of this committee as one of Jules Verne's dreams. Having been one of the promoters of the Detroit and Lima Northern Railroad, I do not want to give it a black eye, but it is said that its initials D. & L. N. stand for "Dead and Left Nothing." [Laughter.] While it has done somewhat to relieve the shippers of our district it has not accomplished the purpose indicated in the report of the engineer, who had under investigation the conditions of the Detroit River at these points.

But really it affords no real, substantial competition. I only speak of it because this report says my constituents have ample shipping facilities and full competition with the Lima Northern and the Michigan Central railroads. I know that the Michigan Central is a great system, and by the courtesy of the committee, when it went through the Wyandotte Channel, I was invited to be its guest, and with that committee was the general attorney of the Michigan Central Railroad. For what purpose? It was not a day that he went for pleasure in the rain; but he was there with the committee. I asked one of the members of the committee why he was there, and he said he did not know. [Laughter.] What I am submitting is this: My constituents are left absolutely at the mercy of the Michigan Central Railroad.

Mr. KLUTTZ. May I interrupt the gentleman one moment?

Mr. HENRY C. SMITH. Yes, sir.

Mr. KLUTTZ. I desire to ask him if it is one of the legitimate purposes of this bill to furnish competition to the shipping interests of the large cities of the country?

Mr. HENRY C. SMITH. I supposed it was for the general interest of the shipping. If I am wrong I should be glad to be put right. I did not suppose it was for the benefit of the great ship owners and boat owners of this country. I will admit, however, that those great boats have pretty nearly driven the small boats from the lakes up in my country.

Now, I have not, Mr. Chairman, attained that advance in science where I can contemplate the science of the dam proposed by the able Representative of the First district of Michigan. I can not conceive how a dam can be constructed or a breakwater, at Buffalo, which will raise the water 18 inches at Wyandotte when the water is low and will not raise it at all when the water is high. [Laughter.] That is one of those paradoxes that is only equaled by the result of the bill we passed yesterday concerning Colorado. It is a paradox, if any such thing could exist. Let me submit this: In Wyandotte we have one concern that makes 300 tons of its product and ships it every day. It burns 500 tons of coal and 200 tons of coke every day. There are 57 salt wells there, too. These salt wells yield, on an average, 300 barrels of salt every day. If the water at high-water mark or low-water mark were raised 18 inches it would destroy them, and if we should pass a law which destroyed that property, as a legal proposition, I submit we would be bound to pay for it.

In addition to that, if you raise the water by a dam of this kind it would not only flood a great part of my district, but a large part of the low country between Buffalo and the city of Detroit, about Toledo and all those cities, filling up the sewers, flooding the streets, filling the wells, and the damage could not be estimated. So thus far I am in harmony with the committee in this proposition. Mr. Chairman, I yield back the rest of my time.

Mr. BALL. Will the gentleman from Michigan, before he takes his seat, give the balance of the committee a certificate of character as well as Colonel BISHOP?

Mr. HENRY C. SMITH. Every man in Michigan is all right, except one who lived in Texas once. [Laughter.]

Mr. BALL. I mean the balance of the River and Harbor Committee.

Mr. HENRY C. SMITH. Oh, yes; certainly. I have done so already.

[Mr. SCUDDER addressed the committee. See Appendix.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ADAMS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 13394) providing for the payment of electoral messengers.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The gentleman from Nevada is recognized for twenty-five minutes.

[Mr. NEWLANDS addressed the committee. See Appendix.]

Mr. RICHARDSON of Alabama. Mr. Chairman, I do not rise for the purpose of opposing the bill of the committee, but simply to indicate an amendment that I will offer at the proper time. I now ask unanimous consent that my amendment be sent to the Clerk's desk and be read.

The CHAIRMAN. The amendment will be read in the gentleman's time.

Mr. RICHARDSON of Alabama. Yes; read in my time.

The Clerk read as follows:

Strike out lines 12, 13, and 14 and substitute therefor the following:

"Improving Tennessee River at Colbert Shoals: Continuing improvement, $300,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete Lock and Dam No. 1, and to construct Lock and Dam No. 2, at Colbert Shoals, to be paid for as appropriations may, from time to time, be made by law, not to exceed in the aggregate $1,000,000, exclusive of the amount herein and heretofore appropriated."

Mr. RICHARDSON of Alabama. I am very grateful to the distinguished chairman of the committee [Mr. BURTON] for his courtesy and kindness in allowing me fifteen minutes to speak on this subject. I am to speak on the Tennessee River, which is fifteen hundred miles long, and as I have fifteen minutes, that allows me one minute to each hundred miles. Hence it becomes very necessary for me to concentrate my views and my remarks upon one single point of that river—Colbert Shoals—which my amendment discloses.

I was especially gratified, Mr. Chairman, when the war-revenue bill was under discussion before this House before the recess, to hear the distinguished gentleman from Ohio [Mr. GROSVENOR] state that he favored a liberal and generous appropriation to Colbert Shoals on the Tennessee River. It was a broad, liberal, patriotic, and national spirit that prompted that remark, because the gentleman knew the importance of that place in our river. And I hope, Mr. Chairman, that that distinguished gentleman believes with me this evening, that now is the accepted time to render his aid and his help in our behalf.

There is no question, Mr. Chairman, and no subject that can probably arise before this House in which the people whom I have the honor to represent on this floor are more interested and more concerned than they are in the improvements of the Tennessee River. Every county in the district that I represent borders on the one side or the other of this great stream—more than 200 hundred miles in distance—embracing what is known as the fertile and beautiful valley of the Tennessee, a valley that Commodore Maury, years ago, said would yet be, in the course of years, the most densely populated section of the American Union, outside of the great centers of population. He said: "Why, the Tennessee River will be made navigable, and then you will be tapped in this valley by railroads from all directions, and enterprises will dot the sides of the river from the eastern boundary of Alabama to its western boundary."

And I am glad, Mr. Chairman, to say to-day that the prophecy of that wonderful man is in part realized in that valley, and we only await now the generous hand of the Government to reap all of the fruits of the prophecy.

The amendment that I propose to offer at the proper time is intended to carry out what I believe to be the purposes of the River and Harbor Committee in the near future as to what they will do in the matter of appropriations for Colbert Shoals. I do not say that from any personal information that has been given me by any member of that committee, but I base the statement upon the incontestable facts of record that I propose to submit for the consideration of this committee.

Now, Mr. Chairman, that part of the river and harbor bill which I propose to amend recites that "the Secretary of War is authorized and directed to prepare an estimate of cost of improving said river at Colbert Shoals by locks and dams." On the 2d day of August, 1899, a report was made and filed in the War Department by one of the ablest engineers in this country, the chief engineer in charge of the improvements of the Tennessee River. He made an elaborate survey, estimate, and investigation of the cost and expense that would enter into the matter of improving the Tennessee River at Colbert Shoals by locks and dams.

That report was filed on the 2d of August, 1899. What was that estimate? It was that the lock and dam system, by practical use of the improvements that have already been made at the lower lock on Colbert Shoals, would cost $1,433,850. That is the testimony of an able, experienced, skillful man, who ranks high as an engineer. What we ask, Mr. Chairman, was the estimate of cost and expense that he made in this report for the lateral-canal system at Colbert Shoals. The estimate of cost, in which he included the cost of the canal of earth embankment, was $2,748,722. The other estimate, relating to the lateral-canal system, which was for rock or masonry for the wall of the canal, was $3,017,122.

Thus I present, Mr. Chairman, the actual ascertained and established difference in the matter of expense or cost between the plan

of improving the Tennessee River at Colbert Shoals by locks and dams and the plan of a lateral canal, the former indorsed and recommended by the chief engineer who is now and has been for years past in charge of the improvements of the Tennessee River, the latter plan—the lateral canal—indorsed and recommended by two competent engineers, appointed, together with the chief engineer in charge, to inquire into that matter.

What is the difference that the engineer in charge of the improvements of the Tennessee River makes between the lock-and-dam system and the lateral canal? In the one, that of earth embankment, it is $1,300,000 difference; in the other, the rock-wall system, it is $1,600,000 difference. There is the matter presented in a nutshell—that is to say, if the committee adopts the lock-and-dam plan it will effect a saving to the Government of either $1,300,000 or $1,600,000. Why, I ask, and I ask it in all seriousness, with the report of the chief engineer in charge of the river making this difference in favor of the lock-and-dam system over the lateral-canal plan, was the lock-and-dam plan not accepted?

Why, Mr. Chairman, two years ago this very same question came up, and Colbert Shoals was told that it must stand aside and wait, because there was a difference between the engineers on the lateral-canal system and the lock-and-dam system. We were asked to wait, and we patiently have done so; and to-day, in this report of the committee, we are confronted with the same thing. We are asked to wait two years longer, until the Rivers and Harbors Committee can have another survey and estimate made for locks and dams at Colbert Shoals.

Now, Mr. Chairman, I am not complaining of the River and Harbor Committee. I imagine that it is just as difficult to arrange a river and harbor bill as to arrange an apportionment bill between the States. But these are the facts before us. I am not here contending, nor have I contended, nor have the friends of the Tennessee River contended, for either one plan or the other. All that we have asked is that an appropriation commensurate with the importance of Colbert Shoals be made on the one plan or the other. It is proper for me to say I have in my hands and I read, Mr. Chairman, from the Annual Report on the Improvement of the Tennessee River and its Tributaries for the year 1900, made by Maj. Dan C. Kingman, chief engineer in charge of the improvements of the Tennessee River:

On the 2d of August, 1899, I submitted a report suggesting a modification of the plan of improvement adopted for Colbert Shoals. It is a modification or substitution of a slack-water system for the lateral canal system, utilizing the work already done and employing two closed dams across the river instead of a canal.

The proposed modification was submitted to a board of engineers composed of Major Kingman and two others, and the decision of this board was that it was best to adhere to the lateral canal system.

I propound this question to the distinguished chairman of the River and Harbor Committee: Which plan does his committee indorse? Surely it has rejected the lateral canal plan, because in its bill it directs the Secretary of War to prepare estimates for a lock and dam system; and no reasonable, sane man can think for a moment that if the Secretary of War prepares or has prepared the items of cost and expense for a lock and dam system that (unless the committee in its personnel should entirely change in the next two years) it would make a generous appropriation to Colbert Shoals and place it where its importance requires—on the continuing-contract system. Then, if they do that, and there is literally no other rational conclusion to be reached, why can not they allow this amendment, Mr. Chairman, to be made right now and relieve us of unnecessary delay?

I say, Mr. Chairman, with entire respect, that it appears to me that the attitude of the Committee on Rivers and Harbors toward Colbert Shoals is that of procrastination. The lateral canal plan recommended by a majority of the board of engineers is rejected by the committee and they decline to act on the careful, exhaustive, and elaborate estimate of the cost of the lock and dam system submitted by Major Kingman, the chief engineer in charge of the Tennessee River. It is then manifest in the face of this seeming conflict the only hope for immediate relief that the friends of Colbert Shoals have is in Congress. The distinguished chairman, Judge BURTON, in reply to a question that I propounded to him during this debate, said in reference to the report of the chief engineer in charge of the Tennessee River:

There may have been some such estimate made, but it has never come before us officially. We can not take into account reports that are lodged in the Engineer's Office.

Mr. RICHARDSON of Alabama. Was it not filed in the office of the Chief Engineer?

Mr. BURTON. That, however, does not bring it before us even if it were. I telegraphed the Chief of Engineers and asked for it, and he said it had never been published.

The report, Mr. Chairman, was very accessible. It was on file in the War Department and was kindly handed me at my request. The same report is referred to in the "Annual report upon the improvement of Tennessee River and its tributaries, in charge of Dan C. Kingman, major, Corps of Engineers, United States Army, for 1900."

The improvement of a river or a portion of a river by means of locks and fixed dams is no new thing in this country or in Europe. The fact is that our best and most successful improvements on fresh-water rivers have been accomplished by locks and fixed dams. In reading the history of the Tennessee River I find that the lock and dam system was adopted many years since as the most efficient for the improvement of Colbert Shoals. On this subject I ask permission to read from the report of the chief engineer in charge of Tennessee River, made on August 2, 1899, to Brig. Gen. John M. Wilson, Chief of Engineers, United States Army, Washington, D. C.:

The act of Congress of March 2, 1837, made the first appropriation for a survey of Colbert Shoals, and following this efforts were made to secure the improvement of these shoals, first, by sluicing, so called, and second, by the construction of a lateral canal. But actual work upon these shoals was put aside in order that the proposed improvements might be continued at Mercer Shoals, and it was not until 1888 that a definite plan for the radical improvement of Colberts and Bee Tree shoals was formulated. This was the plan prepared by Lieutenant Waterman, under the immediate direction of Colonel Barlow, for the improvement of Colberts and Bee Tree shoals by the method of locks and dams.

This project was never approved, and there is no record that it was ever formally disapproved, but it was changed by Colonel Barlow to a project consisting of locks and longitudinal dams in the bed of the river itself. The board of engineers heretofore referred to in considering the question of improvement of Colbert and Bee Tree shoals appeared to give but little consideration to the method of improvement by cross dams and locks. The subject was dismissed in a paragraph with the statement that it was "inexpedient to interfere with the free and unobstructed navigation of the open river, which is practicable during a large portion of the year."

The board stated, however, that "if a slack-water improvement of the main channel of the river was decided practicable and advisable its cost would undoubtedly be much less than the cost of the proposed canal." This statement of the board as regards the cost is undoubtedly correct, and for this reason alone I was first led to give careful consideration to the subject of the slack-water improvement. The lower lock, which has already been constructed, might, with very slight modification, be used as well in connection with the slack-water improvement as with the lateral canal, so that all of the work actually done would now be available for either project, but it is not practicable to proceed any further with the work of construction without having finally fixed upon one plan or the other.

Mr. Chairman, nearly three-quarters of a century have passed since the attention of our Government was first given to the improvement of Colbert Shoals, and yet in the face of this fact we are now asked by the Rivers and Harbors Committee "to wait yet a while" and possess our souls in patience, for sooner or later our hopes and expectations may be realized. The total amount expended on the Tennessee River to June 30, 1899, as shown by the annual report heretofore referred to, is $4,650,057.94. Out of this large amount $3,181,736.50 has been expended in the completion of Big Muscle Shoals and Elk River canals and their approaches. The total amount expended on Colbert Shoals is $652,731.35. With permission, Mr. Chairman, I will now read an extract on page 2914 of the annual report upon the improvement of the Tennessee River, heretofore referred to:

3. Decatur, Ala., to Florence, Ala. (50 miles).

The principal obstructions upon this section of the river are the Mercer Shoals, extending from deep water at Browns Ferry to deep water at Florence (38 miles), and embracing Elk River Shoals, Big Muscle Shoals, and Little Muscle Shoals. Only 8 miles of this distance of 38 miles is navigable in its natural condition. The Elk River Canal, a mile and one-half long, having two locks, with lifts of 12 feet, and from 8 to 11 feet, respectively, overcomes the obstruction at Elk River Shoals. The Big Muscle Shoals Canal, originally built for the United States by the State of Alabama, which was completed in 1836 and practically abandoned in 1837, overcame the obstruction of the Big Mercer Shoals.

This canal was subsequently repaired by the United States, its locks remodeled, enlarged, and given increased lifts, whereby their number was diminished and the whole completed in 1890. An attempt was made to overcome the difficulty of navigation on Little Mercer Shoals by channel work, but the fall is too great, and the limit of the improvement was reached without satisfactory results. The project has since provided for the construction of a canal 15,000 feet long, with a guard lock at the head and a lift lock at the foot having a lift of 12 feet, to overcome this obstruction.

The Big Muscle Shoals and the Elk River Shoals divisions of the canal permit navigation through them at all stages of the water. Between these two canals there is a stretch of water about 8 miles long, which still offers a number of obstructions to navigation. A good deal of work has been done here, but in their present condition these obstructions are sufficient to stop navigation between the two divisions of the canal, even before extreme low water is reached.

I am anxious, Mr. Chairman, to see all of the obstructions at Muscle Shoals and elsewhere on the river speedily removed, but it is manifest that it will take years to accomplish this. What we are asking for now, and what we want and need, is an appropriation sufficient to produce immediate results. If Congress will give us enough money to remove the obstructions at Colbert Shoals, a wonderful impulse will at once be given to trade progress and development in that section, which will be most gratifying to all the people of the country. The great misfortune, I think, is that the work was not commenced and the money expended on the lower part of the river and continuing upstream.

I do not wish to be understood as saying that no commercial benefits or results have been realized from the appropriations heretofore made for the improvement of the river. But I do say that if the amount asked for in my amendment is appropriated, in two years we will see a tenfold increase in the commercial results compared with what have already taken place. Mr. Chairman, we have large iron industries located at Sheffield and Florence, with two or more of the largest cotton factories in the South

at the latter place. These cities are 8 miles below the Muscle Shoals and 22 miles above Colberts Shoals and are two of the most prosperous cities of our State.

On the repeated promises that have been made to us for years past of sufficient appropriations for the removal of obstructions at Colbert Shoals, I personally know that millions of dollars have been invested in the localities I refer to above. I say, and say it with earnestness, that it is not fair and just to these enterprising, energetic, and thrifty people, who have invested their money on these expectations and promises created and made by Government engineers and Congressmen, to postpone this matter of relief for two years longer, to await the myth of another survey and estimate of cost.

Why, Mr. Chairman, all the surveys that can be conjured or concocted will never change or alter the indisputable fact that the improvement of Colbert Shoals is of paramount necessity. Another survey is simply a useless expense and an unnecessary consumption of time. I am not able to present a real picture of what I believe the increased prosperity would be as the result of the opening of Colbert Shoals. A distinguished friend of mine, Maj. A. W. Wills, of Nashville, Tenn., who for years has given his hand, his heart, and his indomitable energy to this great work, very aptly said in the remarks that he was permitted to make recently on this subject before the Rivers and Harbors Committee:

Again, the number of additional manufactures of every conceivable kind that would be attracted to that section and, in fact, all along the line of the river should not be lost sight of. New Orleans is the natural point along the entire Alantic coast for exporting iron, because of the tramp steamers in which pig iron is principally exported. Now, permit me, please, to emphasize the most important items in a commercial or financial sense in connection with the matter being considered. Iron can be barged from Sheffield and Florence to New Orleans at $1 per ton against an all-rail rate of $3 per ton, taking the capacity of the present six furnaces (1,200 tons daily), a saving in freight alone of $2,400 per day. It might be asked why iron is not barged to New Orleans at present.

I answer because of the condition of the Colbert Shoals. Even in high water it is dangerous to load more than 300 tons on a barge, and in this quantity it would not pay to barge iron such a distance. We have at times barged iron over the shoals for shipment to Chicago and Western points from Brooklyn on the Ohio River via the Illinois Central Road, but only in small barge loads, because of the dangers cited above. To make the work profitable we must have continuous navigation whereby we can use large barges and have them made specially for the trade. I have referred above to iron and other articles barged to New Orleans for export. Of course, if our river is improved the same rule holds good for shipment of iron, coal, etc., down the Tennessee and distributed to all Western and other points via the Ohio, Mississippi, and other rivers.

Let the Colbert Shoals obstructions be removed and you will find millions of tons of coal from the great Warrior coal fields finding its way to the Gulf and to the South American countries. You will find new furnaces, rolling mills, and all conceivable kinds of manufactories taking root along the Tennessee. The immense timber, cotton, agricultural, phosphate, and other interests of that great section will come to the front. The Tennessee River will be found dotted from its source to its mouth with all kinds of transports and water craft, and peace and prosperity will reign supreme.

The above are the views of one of the brainiest and most prominent Republicans of the South—a man who has identified himself with the commercial development of the South. I have no hesitancy, Mr. Chairman, in stating that no section of the South to-day presents a more inviting field for profitable investment and is receiving greater accessions to its population than the valley of the Tennessee from Stevenson to Cherokee, Ala. Industries and enterprises of all kinds are coming to us and locating among us from one end of the valley to the other. In the city of Huntsville, where I have the pleasure of residing, we have recently located the seventh cotton factory, and other factories have been located at Scottsboro, Athens, Florence, and one or more other places.

Our people are not repining over the past, recent or remote, but they are buoyant and hopeful of the future. Thousands of most excellent and worthy people from the North and the West are making their homes with us, attracted by our healthy climate, our fertile and cheap lands, and the generous cordiality and welcome of our people. And I say now if Congress will "add unto us" the free navigation of the Tennessee River, our joy will be complete and our prosperity will be assured.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON of Alabama. I would like, Mr. Chairman, to have the consent of the House to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. RICHARDSON of Alabama. And to include the report of the engineer that I have been speaking of.

Mr. BURTON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having assumed the chair as Speaker pro tempore, Mr. HOPKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13189, and had come to no resolution thereon.

RECALL OF BILL FROM PRESIDENT.

The SPEAKER pro tempore. The Chair desires to lay before the House the following resolution.

The Clerk read as follows:

Resolved, That the President be requested to return to the Senate the bill of the Senate 1296, granting an increase of pension to George G. Kemp.

The SPEAKER pro tempore. Without objection, the resolution will be considered as agreed to.

There was no objection, and it was so ordered.

SENATE BILL AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bill and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4208. An act for the relief of George K. Bowen—to the Committee on Military Affairs.

S. R. 149. Joint resolution providing for the distribution of compiled statutes of the District of Columbia to judges of United States courts—to the Committee on the Judiciary.

Senate concurrent resolution 89:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to furnish Congress with a report showing the present condition of the breakwater at Burlington, Vt., with an estimate of cost for its proper repair and completion—

to the Committee on Rivers and Harbors.

LEAVE TO PRINT.

Mr. BURTON. Mr. Speaker, I ask unanimous consent that members who address the committee on this bill may have leave to extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that members addressing the House on the pending measure have leave to extend their remarks in the RECORD.

Mr. STEELE. Confining their remarks to the subject under consideration, otherwise I object.

Mr. BURTON. I will modify my request so that it shall be that they confine their remarks to the subject under consideration.

The SPEAKER pro tempore. Provided that their remarks be confined to the subject under consideration. Is there objection? [After a pause.] The Chair hears none.

Mr. BURTON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate of appropriation for rent of building in the District of Columbia—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of James Taylor against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Isaac G. Whitworth against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Jacob M., John Q., and Mary L. Adams, executors of the estate of Henry Adams, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting a communication from the British ambassador relating to relief of Messrs. Ralli Brothers—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Secretary of State, communications relating to the construction by the Dominion of Canada of a dam from Canadian to United States territory—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Quartermaster-General of the Army relating to the necessity of appropriation for military roads and bridges in Alaska, an opinion of the Comptroller of the Treasury relating to such appropriation—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting letters in relation to the claim of Frank Goodwin and calling attention thereto—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BROSIUS, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 12333) to provide for the extension of the charters of national banks, reported the same with amendment, accompanied by a report (No. 2205); which said bill and report were referred to the House Calendar.

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 13073) providing for the construction of a steam revenue cutter for service in the harbor of Boston, Mass., reported the same without amendment, accompanied by a report (No. 2207); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 13371) to authorize advances from the Treasury of the United States for the support of the government of the District of Columbia, reported the same with amendment, accompanied by a report (No. 2208); which said bill and report were referred to the House Calendar.

Mr. JOY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House H. R. 12553, reported in lieu thereof a bill (H. R. 13399) for the establishment of a beacon light on Hambrook Bar, Choptank River, Maryland, and for other purposes, accompanied by a report (No. 2174); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the Senate (S. 428) for the relief of Laura S. Gillingwaters, widow of J. E. Gillingwaters, reported the same without amendment, accompanied by a report (No. 2177); which said bill and report were referred to the Private Calendar.

Mr. HENRY of Mississippi, from the Committee on War Claims, to which was referred the bills of the House H. R. 2260, H. R. 12712, H. R. 12714, H. R. 12717, H. R. 12933, and H. R. 12934, reported in lieu thereof a resolution (H. Res. 340) for the relief of Newton Woodgard and others, accompanied by a report (No. 2178); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House, H. R. 12983, reported in lieu thereof a resolution (H. Res. 341) for the relief of the estate of Rebecca E. Sexton, deceased, accompanied by a report (No. 2179); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House, H. R. 6927, reported in lieu thereof a resolution (H. Res. 342) for the relief of Thomas Caldwell, accompanied by a report (No. 2180); which said resolution and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4209) granting a pension to Mary Sanders, reported the same without amendment, accompanied by a report (No. 2181); which said bill and report were referred to the Private Calendar.

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2886) granting an increase of pension to Thomas T. Phillips, reported the same without amendment, accompanied by a report (No. 2182); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12606) granting an increase of pension to Marcellus A. Lothrop, reported the same without amendment, accompanied by a report (No. 2183); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11144) granting a pension to Samuel McKamey, reported the same with amendment, accompanied by a report (No. 2184); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4556) granting an increase of pension to William Fox, reported the same without amendment, accompanied by a report (No. 2185); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5235) granting a pension to Mary R. Pike, reported the same without amendment, accompanied by a report (No. 2186); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12620) granting an increase of pension to John P. C. Shanks, reported the same with amendment, accompanied by a report (No. 2187); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5259) granting an increase of pension to William Gordon, reported the same without amendment, accompanied by a report (No. 2188); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4073) granting an increase of pension to Robert A. Edwards, jr., reported the same without amendment, accompanied by a report (No. 2189); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5015) granting a pension to Betsey L. Woodman, reported the same without amendment, accompanied by a report (No. 2190); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12526) granting an increase of pension to Alexander C. Scott, reported the same with amendment, accompanied by a report (No. 2191); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5140) granting a pension to Mary C. Coombs, reported the same without amendment, accompanied by a report (No. 2192); which said bill and report were referred to the Private Calendar.

Mr. SHAW, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5017) granting a pension to George H. Shapley, reported the same without amendment, accompanied by a report (No. 2193); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5016) granting an increase of pension to Francis H. Buffum, reported the same without amendment, accompanied by a report (No. 2194); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13086) granting an increase of pension to Eunice Henry, reported the same without amendment, accompanied by a report (No. 2195); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4418) granting an increase of pension to Andrew J. Woodman, reported the same without amendment, accompanied by a report (No. 2196); which said bill and report were referred to the Private Calendar.

Mr. SHAW, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12434) granting a pension to Marie Barton Greene, reported the same with amendment, accompanied by a report (No. 2197); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5091) granting a pension to Hannah L. Palmer, reported the same without amendment, accompanied by a report (No. 2198); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11303) granting a pension to Elizabeth M. Killen, reported the same with amendment, accompanied by a report (No. 2199); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5090) granting a pension to Minerva McClernand, reported the same without amendment, accompanied by a report (No. 2200); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12801) to pension Willis Brady, reported the same with amendment, accompanied by a report (No. 2201); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10718) granting an increase of pension to J. W. Gatton, reported the same with amendment, accompanied by a report (No. 2202); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13154) granting a pension to Ernestine Lavigne, reported the same with amendment,

accompanied by a report (No. 2203); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5524) to pension R. P. Mitchell, reported the same with amendment, accompanied by a report (No. 2204); which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5107) to remove the charge of desertion from the military record of Anton Ernst, reported the same with amendment, accompanied by a report (No. 2206); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RAY of New York: A bill (H. R. 13395) providing that section 15 of the act approved May 28, 1896, relative to the employment of clerical assistance by United States attorneys, shall apply to the district of Alaska—to the Committee on the Judiciary.

Also, a bill (H. R. 13396) to amend section 5546 of the Revised Statutes—to the Committee on the Judiciary.

By Mr. KAHN: A bill (H. R. 13397) to provide an American register for the barkentine *J. C. Pfluger*, of San Francisco, Cal.—to the Committee on Merchant Marine and Fisheries.

By Mr. JENKINS: A bill (H. R. 13398) to provide for the purchase of a site and the erection of a public building thereon at Superior, in the State of Wisconsin—to the Committee on Public Buildings and Grounds.

By Mr. JOY, from the Committee on Interstate and Foreign Commerce: A bill (H. R. 13399) for the establishment of a beacon light on Hambrook Bar, Choptank River, Maryland, and for other purposes—to the Union Calendar.

By Mr. BARTHOLDT: A bill (H. R. 13422) to authorize and regulate the transaction of business in the Indian Territory by trust companies organized under the laws of Missouri—to the Committee on Indian Affairs.

By Mr. LOUD: A bill (H. R. 13423) to revise and codify the laws relating to the Post-Office Department and postal service, and for other purposes—to the Committee on the Post-Office and Post-Roads.

By Mr. LIVINGSTON: A joint resolution (H. J. Res. 291) to continue copyists in the General Land Office—to the Committee on Appropriations.

By Mr. HENRY of Connecticut: A joint resolution (H. J. Res. 292) providing for reprint of Bulletin No. 80, entitled "The Agricultural Experiment Stations of the United States"—to the Committee on Printing.

By Mr. ALLEN of Maine: A resolution (H. Res. 343) directing the Clerk of the House to pay Joel Grayson, jr., $270.50 for services as a page—to the Committee on Accounts.

By Mr. PACKER of Pennsylvania: A resolution (H. Res. 344) authorizing the payment from the contingent fund to O. A. Harvey of the difference between the salary of a folder and that of a messenger and doorkeeper—to the Committee on Accounts.

By Mr. McCALL: A resolution (H. Res. 345) authorizing the binding of certain bills, documents, and original papers for the files of the House, and providing for the preparation of the same—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. COWHERD: A bill (H. R. 13400) to remove the charge of desertion against Thomas Dignan—to the Committee on Military Affairs.

By Mr. CONNER: A bill (H. R. 13401) granting a pension to Joseph H. Woodruff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13402) granting a pension to William W. Plank—to the Committee on Invalid Pensions.

By Mr. COCHRANE of New York: A bill (H. R. 13403) granting an increase of pension to John W. Thompson—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 13404) granting a pension to Thomas M. Harris—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 13405) granting an increase of pension to Samuel Dorwin—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 13406) granting a pension to S. Josie Hill—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 13407) granting a pension to William Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13408) granting a pension to George Owens—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 13409) to amend the military record of John O'M. Hurley—to the Committee on Military Affairs.

By Mr. NORTON of Ohio: A bill (H. R. 13410) granting a pension to Hannah Lynch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13411) granting a pension to Charles E. Chapman—to the Committee on Invalid Pensions.

By Mr. O'GRADY: A bill (H. R. 13412) granting a pension to Jerome J. Garrett—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 13413) for the relief of the heirs of Robert Green—to the Committee on War Claims.

By Mr. SHATTUC: A bill (H. R. 13414) to correct the military record of Eli Norris and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. HENRY C. SMITH: A bill (H. R. 13415) granting an increase of pension to Libbie D. Lowrey—to the Committee on Invalid Pensions.

By Mr. TURNER: A bill (H. R. 13416) for the relief of Lafayette L. Griffith—to the Committee on Pensions.

Also, a bill (H. R. 13417) granting an increase of pension to George Kerr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13418) granting a pension to Helena Brondt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13419) granting an increase of pension to William H. Hudson—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 13420) granting a pension to Benjamin F. Hazen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13421) to remove the charge of desertion from the military record of Halsey Lindsey—to the Committee on Military Affairs.

By Mr. HALL: A bill (H. R. 13424) granting an increase of pension to Henry S. Comer—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 13425) granting a pension to Martha M. Stephens—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 13426) for the relief of Charles R. Hooper—to the Committee on Claims.

By Mr. STEELE: A bill (H. R. 13427) to increase the pension of Zachariah R. Saunders—to the Committee on Pensions.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 13428) granting increase of pension to John B. Tucker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13429) granting a pension to Lucy B. Bevis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13430) to increase the pension of Abraham Stine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13431) to increase the pension of Lucius C. Moss—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of J. C. Heckert and 25 other citizens of Eagle Grove, Iowa, in favor of the passage of a service pension bill—to the Committee on Invalid Pensions.

By Mr. ACHESON: Resolution of the Engineers' Society of Western Pennsylvania, in opposition to the passage of a bill to change the spans and heights of bridges across the Ohio, Allegheny, and Monongahela rivers—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of West Alexander, Pa., for the exclusion of spirituous liquors from portions of Africa, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. ADAMS: Resolutions of Farragut Association, No. 1, Naval Veteran Association, of the port of Philadelphia, Pa., for the passage of Senate bill No. 3422—to the Committee on Naval Affairs.

By Mr. BELLAMY: Resolutions of the Produce Exchange of Wilmington, N. C., for the establishment of a national forest reserve in the mountains of Virginia, North Carolina, South Carolina, Georgia, and Tennessee—to the Committee on Appropriations.

Also, resolutions of the Produce Exchange of Wilmington, N. C., asking for an appropriation to enable the Geological Survey to obtain more accurate data concerning the artesian water supply in the malarial regions on the Atlantic and Gulf coasts—to the Committee on Appropriations.

Also, resolutions of the Produce Exchange of Wilmington, N. C., favoring the enlargement of the work of the Geological Survey so as to include mapping of forest regions in Southern and Eastern portions of the country—to the Committee on Appropriations.

Also, resolutions of the Produce Exchange of Wilmington, N. C.,

favoring the appropriation asked for by the Secretary of Agriculture to enable him to cooperate with the various States in examining into the best modes of securing permanent road building—to the Committee on Agriculture.

By Mr. BOWERSOCK: Resolutions of the National Wholesale Druggists' Association, opposing the free distribution of medicinal remedies—to the Committee on Agriculture.

Also, resolution of Jewel Post, No. 3, Grand Army of the Republic, of Pleasanton, Kans., indorsing House bill No. 5779, relating to appointments in the Government service—to the Committee on Reform in the Civil Service.

By Mr. BULL: Protest of W. E. Barrett Company, of Providence, R. I., against an appropriation for the distribution of seeds—to the Committee on Agriculture.

By Mr. BURKETT: Resolutions of the National Wholesale Druggists' Association, opposing the free distribution of medicinal remedies—to the Committee on Agriculture.

By Mr. COCHRANE of New York: Papers to accompany House bill granting an increase of pension to John W. Thompson—to the Committee on Invalid Pensions.

By Mr. CORLISS: Petition of the National Association of Master Plumbers, urging a change in the method of making contracts in the erection of public buildings—to the Committee on Public Buildings and Grounds.

By Mr. COWHERD: Papers to accompany House bill to remove the charge of desertion from the military record of Thomas Dignan—to the Committee on Military Affairs.

By Mr. CROWLEY: Papers to accompany House bill No. 1575, granting a pension to Nancy Hawkins—to the Committee on Invalid Pensions.

By Mr. DAVIS: Petition of trustees of Florida Agricultural College, certified by Hon. J. D. Callaway, secretary, favoring Senate bill No. 3982, establishing mining schools in connection with agricultural colleges—to the Committee on Mines and Mining.

By Mr. GRAHAM: Resolutions of the Thirty-fourth National Encampment, Grand Army of the Republic, commending the work already accomplished on the National Military Park at Gettysburg, and asking that continued aid be given thereto—to the Committee on Appropriations.

Also, petition adopted at a meeting in Allegheny, Pa., A. R. Van Fossen, chairman, to ratify treaty between civilized nations relative to alcoholic trade in Africa—to the Committee on Alcoholic Liquor Traffic.

Also, resolutions of the Engineers' Society of Western Pennsylvania, remonstrating against any change in existing laws relating to the spans and bridges across the Ohio, Allegheny, and Monongahela rivers—to the Committee on Interstate and Foreign Commerce.

Also, letter of F. B. Thurber, of the United States Export Association, relating to certain features in Senate bill No. 727, known as the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Thirty-fourth National Encampment, Grand Army of the Republic, commending the work accomplished by the Gettysburg National Park Commission, and asking for further appropriation to complete the work—to the Committee on Appropriations.

By Mr. HALL: Resolutions of the First Presbyterian Church of Clarion, Pa., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. HEDGE: Petition of officers of the various national and savings banks of Mount Pleasant, Iowa, for the repeal of stamp tax on checks, drafts, etc.—to the Committee on Ways and Means.

By Mr. HOWELL: Petitions of citizens of Freehold and Plainfield, N. J., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. MAHON: Petition of P. W. Shearer and other citizens of Livonia, Pa., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. MORRELL: Three petitions of citizens of Germantown, Philadelphia, Pa., favoring the exclusion of the liquor traffic in our new possessions—to the Committee on Insular Affairs.

By Mr. NAPHEN: Resolutions of the National Wholesale Druggists' Association, opposing the free distribution of medicinal remedies—to the Committee on Agriculture.

By Mr. NORTON of Ohio: Papers to accompany House bill granting an increase of pension to Charles E. Chapman—to the Committee on Invalid pensions.

By Mr. OTEY: Petition of J. T. Cowan and other citizens of Radford, Va., for the improvement of the channel of New River, Virginia—to the Committee on Rivers and Harbors.

By Mr. OTJEN: Petition of employees of Bureau of Animal Industry at Milwaukee, Wis., for the restoration of certain salary conditions—to the Committee on Agriculture.

Also, petition of keeper and surfmen of Milwaukee station, Wisconsin, favoring bill to promote efficiency of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. RAY of New York: Petition of members of the Grand Army of the Republic of Cooperstown, N. Y., to accompany House bill granting a pension to Anna M. Lasher—to the Committee on Invalid Pensions.

Also, petition of 300 citizens of Waverly, N. Y., favoring the exclusion of the liquor traffic in Africa, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. RIXEY (by request): Paper to accompany House bill for the relief of David McGee—to the Committee on Invalid Pensions.

Also, petition of the heirs of Alfred Rector, deceased, late of Fauquier County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Jenneatt D. Jeter, for the heirs of Mrs. Agnes B. Jeter, of King George County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of the internal-revenue gaugers, storekeepers, etc., of the sixth collection district of Indiana, for sufficient appropriation to provide for their vacation without loss of pay—to the Committee on Appropriations.

By Mr. SCUDDER: Petitions of Home Temperance Mission and Independent Order of Good Templars, No. 366, of Islip, Suffolk County, N. Y., in favor of an amendment to the Constitution against polygamy and various other reform measures—to the Committee on the Judiciary.

By Mr. SHERMAN: Petition of S. E. Barton and other citizens of Holland Patent, N. Y., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. SMITH of Kentucky: Paper to accompany House bill to place the name of William D. Rabern on the pension roll—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: Papers to accompany House bill for the relief of H. P. Macloon—to the Committee on Invalid Pensions.

By Mr. JAMES R. WILLIAMS: Paper to accompany House bill granting an increase of pension to John B. Tucker—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Milla Williams—to the Committee on Pensions.

SENATE.

THURSDAY, *January 10, 1901.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

AGRICULTURAL AND MECHANICAL COLLEGES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the disbursements for the fiscal year ending June 30, 1901, made in the States and Territories of the appropriation in aid of colleges of agriculture and the mechanic arts; which, with the accompanying paper, was ordered to lie on the table and be printed.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact and of law filed under the act of January 20, 1885, in the French spoliation claims relating to the vessel snow *Jenny*, Hugh Lyle, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

PERSONAL EXPLANATION—VOTE TO TABLE AMENDMENT.

Mr. VEST. Mr. President, I wish to make a personal statement, with the consent of the Senate. I was called out of the Chamber yesterday and was unavoidably detained when the vote was taken upon the amendment of the committee to the Army bill called the canteen amendment. If I had been present, I should have voted in the negative and to sustain the action of the committee. That is all I desire to say.

Mr. RAWLINS. Mr. President, I desire also to state that I was absent yesterday when the vote in question was taken upon the canteen amendment. Had I been present, I should have voted to sustain the action of the committee.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the resolution of the Senate requesting the President to return to the Senate the bill of the Senate (S. 1296) granting an increase of pension to George G. Kemp.

PETITIONS AND MEMORIALS.

Mr. ALLISON presented the petition of John T. Faulds and 72 other citizens of Ottumwa, Iowa, praying for the enactment of legislation to regulate the hours of daily labor of workmen and

mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented a petition of the Retail Grocers' Association of Marshalltown, Iowa, remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Iowa Academy of Sciences, of Des Moines, Iowa, praying for the establishment of a national standardizing bureau; which was referred to the Committee on Commerce.

He also presented petitions of the Farmers' Institute of Muscatine County, of Ray A. Clark and 23 other citizens of Poweshiek County, and of Jones Mill Grange, No. 917, Patrons of Husbandry, of Delaware County, all in the State of Iowa, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented the petitions of S. Choat and 11 other citizens of Bassett, of James C. Mills and 8 other citizens of Dickens, of D. Ross and 5 other citizens of Akron, of J. M. Roe and 15 other citizens of Carpenter, of D. H. Thurston and 54 other citizens of Plymouth, of W. B. Dawes and 10 other citizens of Lime Springs, of S. J. Clausen and 16 other citizens of Clear Lake, of W. H. Johnson and 13 other citizens of Hartley, of C. A. Hoppock and 5 other citizens of Boyden, of W. F. Lehman and 18 other citizens of Sexton, of J. H. McCarthy and 33 other citizens of Elma, of F. R. Wilder and 2 other citizens of Otranto, of I. C. Scofield and 16 other citizens of Charles City, of A. T. Mackie and 10 other citizens of Hull, of A. Ellsworth and 10 other citizens of Emmetsburg, of Fred Reeck and 49 other citizens of Grafton, of George H. Ray and 28 other citizens of La Crosse, of A. Johnson and 3 other citizens of Everly, and of John B. Hemphill and 20 other citizens of Rudd, all in the State of Iowa, praying for the repeal of the stamp tax on wheat, oats, corn, rye, and farm produce; which were referred to the Committee on Finance.

He also presented a petition of the National Association of Agricultural Implement and Vehicle Manufacturers, of Chicago, Ill., praying that an appropriation of $100,000 be made for an irrigation investigation by the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the National Good Roads Association of Chicago, Ill., praying that an appropriation of $150,000 be made to be applied to the uses of the Office of Public Road Inquiry; which was referred to the Committee on Agriculture and Forestry.

Mr. PROCTOR presented a petition of John A. Logan Post, No. 88, Grand Army of the Republic, Department of Vermont, and a petition of W. J. Fulton Post, No. 52, Grand Army of the Republic, Department of Vermont, Dorset, Vt., praying for the enactment of legislation giving preference to veterans in the public service; which was referred to the Committee on Civil Service and Retrenchment.

Mr. SPOONER presented a petition of the Milwaukee Clearing House Association, of Milwaukee, Wis., praying for the repeal of the revenue tax on certificates of deposit, notes, drafts, telegrams, express receipts, etc.; which was referred to the Committee on Finance.

Mr. KEAN presented a petition of sundry citizens of Newton, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

He also presented a petition of the keeper and crew of the life-saving station at Bayhead, N. J., praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which was referred to the Committee on Commerce.

He also presented sundry petitions of citizens of Plainfield, Jacobstown, Summit, and Orange, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a memorial of the board of street and water commissioners of Newark, N. J., remonstrating against the enactment of legislation granting relief to the widow of Isaiah Smith Hyatt; which was referred to the Committee on Patents.

Mr. COCKRELL presented a petition of the Kansas City Life Underwriters' Association, of Kansas City, Mo., praying for the repeal of the revenue tax on life-insurance policies; which was referred to the Committee on Finance.

He also presented a petition of Local Council No. 3, Liquor Dealers' Benevolent Association of Missouri, of Kansas City, Mo., praying for the repeal of the revenue tax on beer; which was referred to the Committee on Finance.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Diego, Cal., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. CLAY. I present a joint resolution of the legislature of Georgia in favor of an appropriation for deepening the river and for the improvement of the harbor at Savannah. I ask that it be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the joint resolution was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Joint resolution by Mr. Hitch, of Chatham County.

Whereas the city of Savannah, an important seaport of this State, through its city council, its various commercial and trade organizations, and its citizens generally, is making a strong and earnest effort to secure an appropriation from the Congress of the United States for the deepening of the river and harbor at that place from 26 to 28 feet at mean high tide; and

Whereas the success of such a movement and the deepening of the river and harbor at Savannah in the manner contemplated would naturally result in greatly increasing the commerce of that port and in benefiting largely, not only the people of Savannah, but also the people generally of the entire southeastern section of our country: Therefore, be it

Resolved by the house of representatives of the State of Georgia (the senate concurring), That the movement to secure said appropriation for the purpose of deepening the river and harbor at Savannah, Ga., from 26 to 28 feet at mean high tide, be, and the same is hereby, most earnestly indorsed and approved, and the Senators and Congressmen from this State are respectfully requested to lend their active assistance to this worthy undertaking.

Passed house December 8, 1900.

JNO. T. BOIFEUILLET,
Clerk of House of Representatives.

Passed senate December 12, 1900.

CHAS. S. NORTHEN,
Secretary of Senate.

Approved, December 15, 1900.

Mr. CLAY presented a petition of sundry citizens of Bibb County, Ga., praying for the enactment of legislation providing for an increase in the salaries of the Federal judges; which was referred to the Committee on the Judiciary.

He also presented a petition of the mayor and aldermen of Savannah, Ga., praying that an appropriation be made providing for the South Carolina and West Indian Exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of the mayor and aldermen of Savannah, Ga., praying that an appropriation be made to continue the improvement of the harbor at that city; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Atlanta, Ga., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. HALE presented sundry petitions of citizens of Maine, praying for the enactment of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented the petitions of H. Boynton and sundry other citizens of Biddeford, of Henry Farrington and sundry other citizens of Gardiner, and of N. T. Palmer and sundry other citizens of Brunswick, all in the State of Maine, praying for the repeal of the revenue tax on bank checks; which were referred to the Committee on Finance.

Mr. FRYE presented the petition of J. W. Doughty and 10 other citizens of Windhaven, Me., and the petition of H. F. Wood and 25 other citizens of Maine, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented the petitions of C. S. Cotton and 32 other citizens of Richmond, of George S. Wilson and 8 other citizens of Fairfield, of George E. Webber and 34 other citizens of Auburn, of A. E. Burleigh and 40 other citizens of Houlton, of C. M. Sawyear and 23 other citizens of Dexter, of William S. Shorey and 55 other citizens of Bath, and of H. Fairfield and 45 other citizens of Saco, all in the State of Maine, praying for the repeal of the stamp tax on bank checks; which were referred to the Committee on Finance.

He also presented the petition of George W. North and sundry other citizens of Darby, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which was referred to the Committee on Foreign Relations.

MINTS OF THE UNITED STATES.

Mr. ALLISON. I present sundry letters from the Secretary of the Treasury, relative to the deficiencies in the appropriations for the mints at San Francisco, Philadelphia, New Orleans, and Carson City, and also in the accounts of the branch mints operated prior to April 1, 1861, at Charlotte, N. C., and Dahlonega, Ga. I move that the letters be printed as a document and referred to the Committee on Appropriations.

The motion was agreed to.

PETITION OF FILIPINOS.

Mr. TELLER. Mr. President, there has been handed to me a petition signed by 2,000 inhabitants of the Philippine Islands. I have examined the petition, and I think I can say it bears the evidence of being a bona fide, properly signed petition. It is couched in respectful language to the Congress of the United

States. It involves a question of immense interest not only to the people who signed it, but to the people of the United States. It is a representative document, I think, of the people of Manila and that immediate region.

These people are not in hostility to the United States. They can not be called insurgents or bandits or rebels. They have submitted to the jurisdiction of the Government of the United States. They enter their dissent from the condition existing in those islands, and, as I said, in a respectful way and in a way that I believe will give the people of the United States a better opinion of the character of the people of those islands than they have hitherto had.

It is not a very long document. I know what I am going to ask is an unusual request, and yet, Mr. President, I think it is one that we may properly grant, and that is the privilege of having the whole petition read to the Senate. I have heard it carefully read, as have two or three other Senators, and I think they will all agree with me that there is nothing offensive in it, and I believe it would be a wise thing to read it.

Therefore I ask the unanimous consent of the Senate that the body of the petition may be read. Of course I do not expect that the names will be read, although I have had them copied, and I have them here so that anyone can see the names not in script.

Mr. SPOONER. Why do you have to ask unanimous consent?

Mr. TELLER. The Senator asks me why I have to ask unanimous consent. Under the rule I do not understand that we have a right to have a petition read.

Mr. ALLISON. The substance is to be stated.

Mr. TELLER. The substance is to be stated. But, Mr. President, I am not capable, nor is any other man, of making a synopsis of the petition that will do justice to those people.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent that the petition presented to the Senate by him may be read. Is there objection? The Chair hears none, and it is so ordered. The Secretary will read the petition.

Mr. TELLER. I ask that the Clerk will read the petition with some care, and I ask the careful attention of the Senate to the reading.

Mr. HAWLEY. I ask, for information, is debate on this matter allowable?

The PRESIDENT pro tempore. Debate is not in order.

Mr. HAWLEY. I am glad to hear it.

Mr. TELLER. Before the Clerk commences, I wish to state, as is suggested to me by the Senator from Massachusetts [Mr. HOAR], that the petition is signed by the leading people of that section of the country—lawyers and bankers and professional men generally—and it is not a picked-up thing where somebody has secured a lot of uninterested signers. It, I believe, represents the sentiment of the best element of that community. Now let the Clerk read it.

Mr. BURROWS. May I ask the Senator how many signatures are attached to it?

Mr. TELLER. There are 2,006 signatures by actual count. As I said before, I believe they are true signatures, each man signing for himself.

Mr. HALE. This is the original petition?

Mr. TELLER. It is the original petition which I have sent to the desk. I have a copy of the names here in order that they might be a little more legible.

Mr. HALE. But the original signatures are attached?

Mr. TELLER. They are attached to the petition.

Mr. HALE. They are a part of the petition?

Mr. TELLER. They are a part of the petition.

The PRESIDENT pro tempore. The Secretary will read the petition.

The Secretary proceeded to read the petition, and read as follows:

To the Congress of the United States:

The undersigned, Filipinos and peaceful inhabitants of this city, in their own name and in the name of the misnamed "irreconcilables," respectfully present themselves and submit to the worthy consideration of the Congress of the United States of America the following

APPEAL.

The people of the Philippine Islands, in view of their calamitous condition, demand in the name of her sons, in the name of all races, in the name of humanity, that an end be put to the misfortunes which afflict them which, while they distress and agonize her, compel her to struggle for the rights that are hers, and for the maintenance whereof she must, if necessary, continue to pour out her blood as she has so constantly and generously done on battlefields, in the woods, on the mountains in the city, everywhere! The blood which has been shed and that is still being shed, and which will continue to be shed until she has secured her rights, is not shed because of the intrigues of a few who, according to misinformed persons, desire to exploit the people and enrich themselves at the cost of their brother's blood. It has, gentlemen, sprung from the hearts of the people, who alone are the real strength of nations, the sovereign king of races, the producers of the arts, of science, of commerce, of wealth, of agriculture, of civilization, of progress, and of all the productions of human labor and intelligence, in all of which the people of the Philippine Islands had made great progress.

The Filipinos were not sunk in lethargy, as some untruthfully assert. They suffered, but the hour to break their chains came to them in August, 1896, and they proclaimed to the world their emancipation.

The revolution which broke out in August, 1896, was the work of the whole people, prepared with solemn oaths signed in the blood of the conjurors, drawn from each man's left arm, to be free or die. And amid cries of "Fatherland!" they hailed the "Supreme and Sacred Association of the Sons of the Country" (Kataastaasavag't Kagalangalang na Katipunan ng mga Anak ng Bayan). That work was eminently great; it was a present example for all time, and a fitting apopee for poet and historian, though it has as yet failed to achieve the result due to it; its grandeur and abnegation, though insulated from the rest of the civilized world, have instilled an unconquerable will into the once despondent people and an energetic life to sustain the rights of the new nation. The sons of the Philippines, some of the people barefooted, almost naked, without money, without a morsel of rice to appease their hunger, without other arms than their fists or at most a rusty knife, resolute as martyrs, launched themselves on the batteries of their enemies and, with banners flying, rushed literally into the mouth of cannon vomiting red destruction upon their ranks. They cried: "Assassinate us, drink our blood and eat our flesh, but we will be free!"

Hunger, cold, the sun's heat, mud, rain, and all the privations and sufferings of a merciless war, an almost certain death in campaigns undertaken without weapons, served but to stimulate their heroic hearts. The tears of mothers, wives, and children served only to spread throughout the people of the archipelago the unanimous cry, "Independence or death!"

It has been untruly said, but perhaps only ignorantly on the part of some, that when the revolution of 1896 broke out the country was not asking for independence. Those who say this, if they are honest in so saying, are simply without knowledge of the great association of the Katipunan and are ignorant of its noble principles and high aims.

The Katipunan is the worthy and legitimate creation of the unfortunate Andres Bonifacio. It was founded in his house, Sagunto street, Tondo, between 6 and 7 o'clock in the evening of the 7th day of July, 1892. Andres Bonifacio assembled his best friends, Teodoro Plata, Valenyin Diaz, Ladislao Diwa, Deodato Arellano, and Ildefonso Laurel, and proposed to them the creation of a supreme association of the sons of the country, whose only object was to be the independence of the country under the protectorate of Spain, or of Japan in the event of the failure of the former. The idea met with approval and enthusiasm, and immediately the propaganda thereof was commenced.

The people who felt their hearts throb with the resolve to be free joyfully allied themselves to the Katipunan, and thus in all the suburbs of the capital, in all the provinces, in all the towns and villages of the archipelago, hundreds were initiated daily, so that in four years it had 40,000 members, all of whom, absolutely all, belonged to the genuine Philippine populace, from its founders to the last member who joined before the insurrection. Bonifacio was a warehouse clerk in a firm; Plata, Diwa, and Diaz were humble officials in the law offices; Arellano was a clerk in one of the offices of the State, and Laurel was a retail merchant.

Toward the middle of 1894 they went on an exploring expedition in the mountains of San Mateo and Montalban. The party was composed of Andres Bonifacio, Aurello Tolentino, Emilio Jacinto, Francisco del Castillo, Faustino Manalak, Valeriano Dalida, Pedro Zabala, Restituto Javier, and Nicomedes Carrein. They visited the caves of Makarok and Pamitinan. In the latter they initiated the leader of all the "remontadoe" in San Mateo Mountains and in the province of Morong. They advanced to the inner part of the cave, and there inside, where the air is rare, where the flames of their bamboo torches gave no more light than a live coal in the darkness, where the smoke was suffocating, there was frantically given the first cry for the Filipine emancipation. Had the moisture and time respected the hardships of those explorers, the words "Viva la independencia Filipina," with the date, written with charcoal in the handwriting of Señor Tolentino, would to this time exist on the dark walls of the cave. Ah, it seems as if it were only yesterday!

Who now will dare to affirm that independence was not contemplated when the revolution broke out?

Aguinaldo, the most prominent figure in the revolution, is the idol of the people, the constant object of their blessings and affectionate regards because he understands the aspirations of the country; he strives unceasingly for her independence, he represents her highest ideals. Nevertheless, if this great man were to go out of the path the people have traced for him, if he should ever show weakness in the arduous labors he has undertaken, if his energies should ever fail him in the present difficulties, he would undoubtedly lose the nation's love, and the blessings now showered upon him would be transferred to whomsoever would realize better the nation's aspirations and further the work which Rizal and his worthy companions have begun.

In mentioning all these facts we want it to be understood that nothing but the noble desire of bringing the truth to the illustrious Congress has moved us. We want to lay before her these antecedents that she may bear them in mind and consider whether they deserve to be placed among the many data which she is collecting. It is not merely for the sake of the alleged facts published in annexation papers, but to tell the truth about the principles, means, and ends of the revolution; we want as parties directly interested in the question, to contribute to the work of solving the serious difficulty which weighs upon the country; we want not only a greater moral and material guarantee for America, but a stable, permanent, worthy, and honorable peace for the Philippines, our beloved country. We want, finally, to strengthen the bonds of friendship with those with whom we have shed our blood during the Spanish-American war, and who helped us to throw off the sovereignty of a mother, affectionate indeed, but weak and ruled by mercenary hands which oppressed us in a scandalous manner.

Well, since facts are required for the solution of the present problem, we will give some of those which are in our possession.

1. On the night of February 4, 1899, hostilities began between the Filipinos and Americans. Those who knew nothing of our people thought that with the capture of the general headquarters at Polo the Filipinos would lay down their arms. The place was taken, but no arms were surrendered.

Then it was said, if Malolos, the birthplace of the newly born Philippine Republic, was captured the Filipinos would realize the weakness of their army and would soon surrender. Malolos was captured, but there was no thought of surrender.

Then it was affirmed that the Filipinos did not surrender because they thought that the Americans would perish in the Rio Grande of Pampanga Province. The river was crossed, but they waited in vain for the surrender.

It was believed that if San Isidro should happen to fall into the hands of the Americans the Filipinos would see that the revolution was being pursued, not only on the railway line but also on other sides, and that this would compel them to surrender. San Isidro was taken, and what happened? Nothing!

It was contended that the capture of the northern provinces of Luzon would cause the revolutionists to despair. The said provinces were captured and the revolutionists, instead of surrendering, prepared themselves for an indefinite war. The Republic was suspended; the army was divided into guerrilla bands; Aguinaldo, whose whereabouts nobody knows, seems to command and direct everybody on the mountains and towns of all the Philippine regions.

2. In May, 1899, Señor Tolentino, who was commissioned by the junta of prominent Filipinos of this city and by the American Civil Commission, under the presidency of Mr. Schurman, to establish a means for a mutual understanding between the American Government and the Filipino government went to San Isidro, Nueva Ecija, with the consent of General Otis and th

verbal instruction of the latter and of the said commission. He obtained several formal interviews with Señor Aguinaldo, Señor Mabini, and other prominent men of the revolution, and spoke to them according to the instructions he had received. He stated that the Americans did not come to the Philippines to wage war on us, but to protect us, further our welfare, and defend our interests against unexpected and serious things which might befall the country; but in order to accomplish this, the surrender of the arms of the Philippine army was first necessary, without which the American arms would be compelled to annihilate everything relating to the Philippine republic. To this everyone, without exception, replied that they preferred death to surrendering their arms, because, they said, they were striving for the independence of the country. Señor Aguinaldo, on his part, replied that he did not want to have war with anybody, and still less with the Americans, but that he did want and would always want the Philippine nation to be recognized as such, even at the cost of drenching the land with its people's blood. He further said that in view of the inferiority of his weapons, as compared with those of the Americans, it might happen that some day he would lose the hope of victory, but he would never lose the hope of dying for the independence of his country.

3. Since the revolution began until now the peaceful people who are engaged in their ordinary vocations have liberally supported in private the national soldiers, and they seem to be disposed to support them all the time so long as the war lasts.

4. It has been said that the continuous vicissitudes of a poor and toilsome campaign as that of the Philippine nationalists would in itself kill the revolution, compelling the former to find the living of their family in the labors which peaceful people always offer to those who desire them. Without considering that the revolutionists are inured to these vicissitudes, we would say that perhaps they are right; but if 2 get tired there would be 4 who would take their places in the battlefield; and if 100 retire, 1,000 would take their places, as it happened during the insurrection against the Spaniards and still happens now all over the archipelago. On the other side, it is evident that misery, death, desolation in the towns, and all the horrors with which every war is attended only dissuade the self-sufficient and the rich, whilst we notice a contrary effect on the people, arousing in them spite, revenge, in some perhaps despair, which darkens the future toward which they look with eagerness and hope.

5. It has also been said that there would be a day when the revolution would not have even a grain of powder, and this would be a sufficient cause for it to die by itself. We dispute this, not for the reason that it would be possible to smuggle arms in a place which might not be watched, but because the facts show that with "bolos" the nationalist soldiers have provided and still provide themselves not only with ammunition, but also with arms, from the enemy itself. That it is also necessary to destroy the bolos. Yes; it is necessary, but it seems, nevertheless, to be an impossible necessity, because if with 10 bolos they can get 1 rifle, with 10 bolos and 1 rifle they could get 3 rifles; that makes already 10 bolos and 4 rifles, with which they could lay an ambush, and thus, alas, peace would only be an illusion.

6. It has been said that no political aspiration is at the bottom of the revolution, but that it is only a pretext employed by the generals, leaders, and officers in order to enrich themselves by means of theft. This is disproved by the fact that, though violations and robberies are common in all the revolutions of the world, in the Philippine revolution the very few Filipinos who committed d ls of this kind have all been summarily dealt with and given exemplary punishment as a warning to the rest. Moreover, in order to belie calumnies so unjust, it must be borne in mind that there are many, a great many, people who before taking to the battlefield had very large fortunes, but who afterwards came back without home, without clothing, and without a penny with which to feed their children. It is consequently unquestionable that the revolution is pursuing a highly political ideal. Let its aspirations be satisfied, and we shall see if there will be a single insurgent in those forests which recall such sad recollections to our afflicted minds.

7. The hostile attitude of the nationalist soldiers reveals itself in a conclusive way, in that they are ready to support the arms of the revolution, even at the cost of long and mortal sacrifice to be offered at the altar of the Philippine independence. The people, on their part, share this attitude morally and materially by lamenting their defeats, by celebrating their victories, and by giving their support in every possible way, in attending the wounded, when the least possible military advantage has been gained, and in defending the new positions occupied.

8. All the islands of the archipelago are supporting the arms of the revolution while they are waiting for the attitude which Luzon shall take, as they consider that on the decision of the latter hangs the ultimate destiny of the Filipino people.

9. The Filipino government and congress, provisionally suspended, are the synthesis of all that the country thinks. Even the Moros of Mindanao, Sulu, and other islands desire and demand the independence of the country, convinced that this alone could satisfy the necessities and aspirations of the people they represent. This is unquestionable, inasmuch as the constitution of the Philippine republic has been celebrated with the greatest enthusiasm in all the forests, mountains, barrios, towns, and cities of the archipelago.

For these reasons and for thousands of others, which would be too long to relate, we think it to be urgent to seek the remedies which our beloved country demands in the name of humanity, and so relieve her from the terrible situation into which she has been led by long and bloody misfortunes. We have not hesitated, therefore, to present this appeal to the United States Congress, trusting that the latter may better understand the real aims and aspirations of our people. Therefore the Philippine Nation, bearing in mind not only the heroic history of America, but also her sacred traditions, her humanitarian doctrines, and her democratic institutions, asks of America to cease her persecution of men struggling to be free against greater odds and greater wrongs than those which inspired the fathers of the American Republic. We ask this of Americans in the name of Washington, in the name of Jefferson, in the name of Lincoln, in the name of justice, and in the name of God Eternal, Judge of the world.

We have said that the Filipinos desire a solution that would satisfy their aspirations, but which would at the same time guarantee, morally and materially, the sacrifices which have been made by America. Let us see what this solution is.

The annexation of the Philippines to America as one of her States can in no way be admissible in the present difficulties. First, because the Filipinos see in the difference of races great impediments to political unity. Secondly, because we are 7,000 miles away from her shores. Thirdly, because the people think that they should live by themselves.

The difference of race brings with it the difference of its traditions, language, manners, policy, necessities, aspirations, and ways of thinking. This difference is causing and will cause disagreement in everything that concerns the life of both races. It will cause deceit in their relations, since between the two there is no real sincerity possible. It will cause a constant difference, if not direct opposition, in their opinions regarding the past, the present, and the future. It will cause continuous and permanent discord in Filipino-American societies. And, worst of all, it will cause a a tenacious and unavoidable distrust of the people in the administration of a mother who imposes herself by means of force.

The great distance which separates the Philippines from America will render direct communication between the two difficult and the burden of the political and military expenditure of the Philippine State heavier, to the disadvantage of the country and the indefinite condemnation of the people who do not make the laws which they are called on to obey. All these things together are causing and will always cause the perversion of the truth regarding public matters in order to favor private conveniences. Man is weak. It will mean ruin to all the productions of the country, for the exports must cease when the price of our products is raised beyond their real value, which will necessarily be the case, because the pay of workmen and officials will have to be raised and the commercial and industrial taxes increased to meet the Filipino political and military expenditures, occasioned by the expense of paying soldiers from across the ocean. What is more lamentable still, is that only those who have money would be able to go to America to learn the American laws and language, and thus the people would remain deaf and mute, and "between the sword and the wall," ready to step forward when they are told to step back and to step back when they are told to step forward.

The ideal which the country has conceived to lead an independent life will compel her, even at the cost of cruel sacrifices, to threaten, to provoke, and attack in all occasions any hindrance to her aspirations. She sees in these aspirations a sacred purpose, and this makes her constant in what she pursues, because she shall never forget the generous blood which has been shed by her illustrious sons, from Burgos, Zamora, and Gomez, to those who are still struggling on the battlefields. There have been occasions when seeing so much bloodshed, so many corpses, so much horror, and unable to refrain herself, she has given utterance to the desperate cry: "Let us all die there where our brothers died."

We have seen, therefore, in an unquestionable way that the annexation of the Philippines to America as a state would not be acceptable to the Philippine people.

An ample autonomy similar to that of Canada or Australia would not be acceptable either, since it is not in accordance with the aspirations of the people as it has already been proven.

The people established the "katipunan" in order to proclaim their independence. They were prodigal in all kinds of sacrifices, they knew that their undertaking would cost them dear, but they persevered and are persevering in their ideal, and, what is more striking, the long train of bitter misfortunes neither brings them matter for reproach nor clouds the sky of their cherished hopes.

Even supposing that America should force us to submit, and after many years of war the country should submit, as the lesser evil, to the proclamation of an ample autonomy, that autonomy would not produce a sincere bond of friendship between the two people, because, having sacrificed herself for her independence, the country could not look with affection upon those who would be the only obstacle to her happiness. She would always retain her aspirations, so that autonomy would be a short "interregnum," which the country would necessarily take advantage of to regain new strength to be used in the attainment of her high political ideals, happen what may, and perhaps in some hour of peril strike a fatal blow at a hated oppressor.

The PRESIDENT pro tempore. The petition will be referred to the Committee on the Philippines.

Mr. TELLER. Mr. President, I wish to ask the unanimous consent of the Senate that the petition may be printed as a document.

Mr. HAWLEY. I object. It is a treasonable denunciation of the Government and an attack upon all our soldiers.

Mr. HOAR. Is there to be debate? I thought the Senator was delighted that we were to be dumb; but if he is going to speak——

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. No debate is in order. The Senator from Colorado asks unanimous consent that the petition be printed as a document. Is there objection?

Mr. HAWLEY. I do object.

The PRESIDENT pro tempore. Objection is made. It will be referred to the Committee on the Philippines.

Mr. BACON. I am informed that the reading was not completed.

The PRESIDENT pro tempore. The Chair supposed that it had been completed.

Mr. TELLER. I supposed it had been concluded.

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the petition.

The Secretary resumed and concluded the reading of the petition, as follows:

No! Autonomy would not bring the desired peace. There might be a relative tranquillity, but this would be simulated and temporary. The greater the tranquillity the more reason there would be for fear; like a volcano, which smothers in its breast numberless destructive elements, concealing by the appearance of its crater the incessant rage of its infernal bosom, so that when it lets loose its passions the shock is more powerful, everything that it contains being belched forth far and wide as if to lay waste whatever it meets in its terrible passage.

In giving this warning we do not forget the good Americans whom we sincerely respect; we are mindful of the rupture of our good relations with the United States; we are mindful of the blood which will again run on the soil of our country. We see in that autonomy a new and sorrowful page in the history of the Philippines, and therefore we can not but look upon it with horror. Our people have had enough of suffering.

It has already been demonstrated that autonomy could not bring anything but serious grievances to America and the Philippines alike. Let us see if independence could produce mutual benefits for both countries.

We have already shown that independence has been our motto, and, in order to secure this independence, the people swore to sacrifice their whole existence, if necessary. They have appealed to humanity, asking to have recognized what by rights belongs to them. They steadfastly believe that their independence is their only salvation. Should they obtain it, they would be forever grateful to whomsoever shall have helped them in their undertaking; they would consider him as their redeemer, and his name will be engraved with bright letters in the national history, that all the generations to come may read it with sublime veneration.

America, consistent with her tradition, is the only one which could play that great rôle in the present and future of the Philippines. If she recognizes their independence, they could offer her a part of the revenues of the Philippine state, according to the treaty which shall be stipulated; the protection in the country of the merchandise of the United States, and a moral and material guarantee for American capital all over the archipelago; finally, whatever may bring greater prosperity to America and progress to the

country will, we doubt not, be taken into account in the treaty which shall be celebrated.

That the independence of the country will be attended with anarchy is asserted only by those who, offending the truth and forgetting their dignity, represent the Filipinos under horrible colors, comparing them to beasts. Their assertions are backed by isolated acts of pillage and robbery. What revolution of the world was free from such deeds? At this epoch passions are unrestrained; vengeance finds opportunity to satisfy itself; private ambitions are often favored by the occasion. Could such criminal deeds be avoided? Pythagoras said: "If you like to see monsters, travel through a country during a revolution."

Are the Filipinos not fit to govern themselves? It has been sufficiently proven that they are since the constitution of the Philippine republic down to this time, in which the government is compelled to seek refuge in the mountains It has always recommended itself on the Filipino character; it has always been respected by the people with reverence, and it has always been the protector of life and property and of all that which has come under its jurisdiction.

The constitution of the Philippine republic has proven in a conclusive way that the Filipinos are fitted for an independent government of the archipelago. It is true that on certain occasions there have been a few slight interruptions to the normal progress of the government. But these were unavoidable, since the attention of its prominent men not only could not exclusively be turned to their civil duties, being engaged by the American military operations; for with war, incendiarism, and the continual movement of entire towns and provinces the wisest government in the world could not make regular progress. Furthermore, the future of the country was uncertain, and this caused, in spite of the good and united will of the rulers and the government, further irregularities.

On the other hand, it must be remembered that there were and are Filipinos eminent in politics, military affairs, letters, fine arts, law, medicine, commerce, agriculture, and all that relates to the moral and material culture of man. The most ignorant Filipino reveals a refined quality in his civil life, an unusual submission to authority, a sublime patriotism which is not noticeable in everyone; and what is more remarkable is the fact that in spite of the religious corporations having declared war against Philippine instruction, there are only 20 per cent of the people who can not write and read, and their eagerness for education and improvement is incomparable.

This is no doubt the reason that made honest Americans to realize that the Filipinos are more capable of self-government than the Cubans.

In order to end our appeal we will say, with the learned lawyer, Señor Mabini: "To govern is to study the wants and interpret the aspirations of the people, in order to remedy the former and satisfy the latter." If the natives who know the wants, customs, and aspirations of the people are not fit to govern them, would the Americans, who have had but little to do with the Filipinos, be more capable to govern the latter?

We have, therefore, already proven—

1. That the revolution was the exclusive work of the public;
2. That in preparing it they were moved by a great ideal, the ideal of independence;
3. That they are ready to sacrifice their whole existence in order to realize their just aspirations;
4. That in spite of the serious difficulties through which they are passing, they still expect from America that she will consider them with impartiality and justice, and will recognize what by right belongs to them, and thus give them an opportunity to show their boundless gratitude;
5. That the annexation of the Philippines to America is not feasible;
6. That the American sovereignty is not favored by the Philippine people;
7. That an ample autonomy can not be imposed without violating the Filipino will;
8. That the Filipinos are firm for self-government.

From this it results that the only admissible solution for the present difficulties is the recognition by America of the independence of the Filipinos. In saying this we do not consider either the nullity or the legality of the Paris treaty on our country, but the well-known doctrine of the immortal Washington, and of the sons of the United States of America, worthy champions of oppressed people.

Therefore we, in the name of justice and with all the energies of our souls, demand—

1. That the independence of the Filipinos be recognized;
2. That all the necessary information regarding the events which are taking place, concerning the peaceful towns and places which are supporting the arms of the revolution, be obtained from Filipinos who, by their antecedents and by their actual conduct, deserve the respect and confidence of the Filipino people.

MANILA, *July 15, 1900.*

The PRESIDENT pro tempore. The petition will be referred to the Committee on the Philippines.

Mr. TELLER. I want to renew the request I made that it be printed as a document.

Mr. HAWLEY. And I shall renew the objection.

The PRESIDENT pro tempore. Objection is made.

Mr. TELLER. Mr. President, I rise to a question of order.

The PRESIDENT pro tempore. Petitions and memorials are still in order.

Mr. TELLER. Mr. President, I addressed the Chair.

The PRESIDENT pro tempore. The Senator from Colorado.

Mr. TELLER. I want to make an inquiry of the Chair. This petition has been read. Will the names which follow appear in the RECORD?

The PRESIDENT pro tempore. They will not.

Mr. TELLER. Then I will ask permission to have them put in.

Mr. HAWLEY. I object. I object to putting treason in the RECORD.

The PRESIDENT pro tempore. Objection is made. The Chair will state that there was an order passed at a former session of the Senate directing that no names should be printed wherever the body of a petition was authorized to be printed.

Mr. TELLER. Do I understand that to be the rule of the Senate?

The PRESIDENT pro tempore. Yes.

Mr. VEST. I want to make a parliamentary inquiry. Can not the Senator from Colorado or any other Senator move to have this paper printed as a public document with the names?

The PRESIDENT pro tempore. The Chair is inclined to the opinion that such a motion might not be in order just now, but there are times when such a motion would be in order. Under the rule, however, if the motion were made, the Chair would be obliged to send it to the Committee on Printing, unless the Senate should otherwise determine. The regular order now is the reception of morning business.

Mr. TELLER. I did not make the motion to have the entire petition printed because I thought it ought not to be made in the morning hour, but I intend to make it later.

Mr. HOAR (to Mr. TELLER). Put it in the form of an ordinary resolution, and then it will come up properly in the morning hour.

The PRESIDENT pro tempore. If there are no further petitions or memorials, reports of committees are now in order.

REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 5404) to extend the privileges provided by an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, as amended, reported it without amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 5365) to extend the privileges provided by an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, as amended, reported it with amendments, and submitted a report thereon.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (S. 5350) for the establishment of a subport of entry at Douglas, Ariz., reported it with an amendment, and submitted a report thereon.

Mr. HANNA, from the Committee on Commerce, to whom was referred the bill (S. 5331) to provide an American register for the barkentine *J. C. Pfluger*, of San Francisco, Cal., reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 5364) to establish a light and fog station at Point Dume, Los Angeles County, Cal., reported it with an amendment, and submitted a report thereon.

Mr. THURSTON, from the Committee on the Judiciary, to whom was referred the bill (S. 3852) providing for an additional district judge in the districts of Minnesota and Nebraska, reported it with an amendment, and submitted a report thereon.

STEAM REVENUE CUTTER FOR BOSTON HARBOR.

Mr. MASON. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 5337) providing for the construction of a steam revenue cutter for service in the harbor of Boston, Mass., to report it favorably without amendment.

Mr. LODGE. I ask unanimous consent for the present consideration of that bill.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent for the present consideration of the bill which has just been reported. It will be read to the Senate in full for its information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized to purchase or build a suitable vessel to be used as a revenue cutter of the third class at the port of Boston, Mass.: *Provided*, That the cost of said vessel shall not exceed the sum of $50,000.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. Let the report be read.

Mr. MASON. I will say to the Senator that the substance of the report is the letter of the Secretary of the Treasury.

Mr. PETTIGREW. I should like to have it read.

Mr. LODGE. Let the letter of the Secretary of the Treasury be read, which is the report.

The PRESIDENT pro tempore. The Secretary will read the report.

The Secretary read the report, as follows:

The Committee on Commerce, to whom was referred the bill (S. 5337, providing for the construction of a steam revenue cutter for service in the harbor of Boston, Mass., having considered the same, report with recommendation that the bill pass. The reasons for this conclusion will appear in the letter of the Secretary of the Treasury, to whom the bill was referred, which is appended and made a part of this report:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, January 5, 1901.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant, inclosing bill S. 5337, Fifty-sixth Congress, second session, providing for the construction of a steam revenue cutter for service in the harbor at Boston, Mass., and requesting me to furnish your committee with such suggestions as I may deem proper touching the merits of the bill and the propriety of its passage.

The revenue cutter *Chandler*, now employed on harbor service at Boston, Mass., has been worn out in service. It has been actively on duty for the past thirty-five years. It did duty in the civil war, and was transferred to the Revenue-Cutter Service in 1865, at an original cost of $6,500, and it has cost nearly $35,000 to keep this vessel in order since. It is a wooden vessel, a very small tug, very slow, and not at all adapted to the work.

Believing that this vessel should be replaced by a suitable one as soon as practicable, I recommend the passage of the bill herewith returned.

Respectfully,

L. J. GAGE, *Secretary.*

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULAR OFFICERS AS OFFICERS OF VOLUNTEERS.

Mr. HAWLEY. I report favorably from the Committee on Military Affairs a resolution calling for certain statements relating to the Army.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution submitted by Mr. PETTIGREW January 8, 1901, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate with the names of all officers of the Regular Army who were appointed to be officers of volunteers since May 1, 1898, the rank said officers held in the Regular Army when so appointed, the rank to which appointed in the volunteers, and the rank now held in the volunteers; whether any regular officers so appointed to volunteer regiments have been assigned to duty other than that of duty in the field with their regiments, the names of officers so detailed, with the date of the detail, the special duty to which assigned, and where such special duty has been and is now being performed.

The PRESIDENT pro tempore. The resolution will be placed on the Calendar.

Mr. HAWLEY. I think if that information is to be obtained, the quicker we obtain it the better. So I ask for immediate action on the resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

HEARINGS BEFORE COMMITTEE ON MILITARY AFFAIRS.

Mr. PLATT of New York. I report favorably from the Committee on Printing a concurrent resolution submitted by the Senator from North Carolina [Mr. BUTLER] for the printing of hearings before the Committee on Military Affairs, for which I ask immediate consideration.

The concurrent resolution submitted by Mr. BUTLER January 8, 1901, was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed as a Senate document 15,000 copies of the hearings before the Committee on Military Affairs of the Senate and the House on Army bill (S. 4300), of which 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House of Representatives.

BILLS INTRODUCED.

Mr. MCENERY introduced a bill (S. 5513) for the relief of Rosemond Le Blanc; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 5514) granting a pension to William Y. Turner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 5515) granting an increase of pension to John Williams; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TOWNE introduced a bill (S. 5516) granting an increase of pension to John Frett, jr.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 5517) granting a pension to Benjamin F. Freeman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5518) for the purchase of a national forest reserve in the Southern Appalachian Mountains; which was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

Mr. JONES of Arkansas introduced a bill (S. 5519) for the relief of certain owners and occupants of land in Monroe County, Ark.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. RAWLINS introduced a bill (S. 5520) to establish a fish-hatching and fish station in the State of Utah; which was read twice by its title, and referred to the Committee on Fisheries.

He also introduced a bill (S. 5521) for the establishment of an assay office at Provo City, Utah; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. CARTER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5522) granting a pension to John J. Zimmerman; and

A bill (S. 5523) granting a pension to Elizabeth K. Freeman.

Mr. CARTER introduced a bill (S. 5524) for the relief of Dr. Charles B. Miller; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 5525) granting an increase of pension to Warren Damon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHOUP (by request) introduced a bill (S. 5526) for the relief of Maj. James Rockwell, jr.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 5527) for the relief of Marion McKibben; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 5528) for the relief of Thomas M. Steep; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DANIEL (by request) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5529) for the relief of John J. Mitchell.

A bill (S. 5530) for the relief of Lucy B. Legrande, Catharine Jameson, Elizabeth H. Lester, Shirley B. Shackelford, Edwin A. Gibson, and the heirs of Henry Shackelford, deceased; and

A bill (S. 5531) for the relief of Richard K. Hughlett.

Mr. PERKINS introduced a bill (S. 5532) to amend section 3 of an act entitled "An act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes," approved March 3, 1875, as amended by an act approved March 3, 1887; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO BILLS.

Mr. TURLEY submitted an amendment intended to be proposed by him to the bill (H. R. 12394) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder; which was referred to the Committee on Finance, and ordered to be printed.

Mr. HOAR submitted an amendment increasing the salaries of the judges of the Supreme Court of the United States and of the circuit and district courts of the United States, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MONEY submitted an amendment providing for the establishment in the Department of the Interior of a psychophysical laboratory, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Education and Labor, and ordered to be printed.

Mr. BUTLER submitted an amendment authorizing the Secretary of War to appoint a board of engineers to make an additional survey of an inland water route from Norfolk, Va., to Beaufort Inlet, N. C., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PETTIGREW submitted an amendment proposing to confer full jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Sisseton and Wahpeton bands of Dakota or Sioux Indians for the annuities provided by the treaty with said bands on July 23, 1851, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $125,000 to authorize the Commissioners of the District of Columbia to acquire by purchase from the owners, Analostan Island, in the Potomac River, near the city of Washington, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

CHEROKEE ENROLLMENT.

Mr. JONES of Arkansas. Mr. President, I desire to present to the Senate, and by that means to the public, two letters which I have in my possession, which I think the ends of justice require shall be made public. They are very short, and I will read them. The first letter is dated Maysville, Ark., December 10, 1900. It is addressed to me, and is in the following language:

Will you please inform me if there is an agreement made with the Committee on Indian Affairs with Mr. M. M. Edmiston, of Vinita, Ind. T., to allow 125 families to be enrolled as Cherokees? I am a claimant myself and have paid Mr. Edmiston a good deal of money to attend to it and get it all righted up for me. Now, I understand that there is no contract to that effect, and if it is not so, Mr. E. has obtained money under false pretense, as he has informed us that he had a contract to that effect with you.

Please give me all the information you can concerning the claimants' right in the Territory. Please let me hear from you as early as possible and oblige, etc.

Some other gentleman in the Indian Territory has sent me a copy of a letter written by this man Edmiston to one of those people. It is proper for me to explain to the Senate that there are thousands of people in the Indian Territory who are claiming the right to be enrolled as Cherokees, and there are some men claiming to be attorneys who are pretending that they can by some means, by some sort of influence which they can bring to bear, have those people enrolled as Cherokees. This means is adopted for the purpose of robbing hundreds of poor people of their hard-earned money, when the men who are getting the money know perfectly

well that they can render them no service whatever, and they do not expect to render them any service. It is simply a means of obtaining money by fraudulent pretenses. Here is the letter of Mr. Edmiston, referred to in the letter which I have just now read:

VINITA, IND. T., *August 3, 1900.*

DEAR SIR: Pressing business, after five months' absence in Washington, has caused delay in writing claimants as to present conditions. The fight was persistent before the committees. Our efforts from the first were to have an investigation of the works of the Dawes Commission. We won our contention by securing the removal of Mr. McKennon, who presented matters for legislation in favor of the Indians, as a paid attorney would be expected to do. His removal was a victory, as much interest exhibited by our opponents was lost when Mr. McKennon stepped down.

We were promised by the Senate committee that our amendment would go on the treaty. The subcommittee of the House, acting independently, introduced the treaty bill without our amendment. When Senator JONES asked for consent to introduce the same bill in the Senate, Senator STEWART, whom we had won to our side, objected on the proposition of right, that our amendment should go on the treaty. This prevented the bill then introduced in the Senate from passing. Later Senator JONES agreed that a modified amendment made or suggested by himself should go on the bill. The amendment is as follows:

"That claimants having Masters reports showing Indian blood, not to exceed 125 families, to be named, shall be enrolled by the Secretary on proof of residence on April 1, 1900."

This was agreed to by members of the House committee who had opposed our claim. The following day Senator JONES arose to introduce the treaty with our amendment, when Senator MCLAURIN had the bill go over to December, that the lease provision might be discussed. It is understood that the lease clause will be compromised and the treaty with our amendment will pass early in the next session.

The Indians can not afford to accept the Curtis bill, and they will ratify the treaty with our amendment, which will admit about 500 or 600 people.

Of course, the amendment cuts out those who have moved out of the Territory with intent to remain away. We could not take chances in the loss to those who have remained.

It is important that I return to Washington to see that no slip is made and that the promises made us will be fulfilled.

A very few claimants advanced the extra money to keep me in the capital so long, some of them paying more than $75. There is to be a cash expenditure of probably $500 to insure enrollment, besides my expenses. The claimants now in the Territory to the stated number have every assurance of enrollment. The men who have advanced the money suggest that a list of 105 families be made on the conditions that $10 be paid me by each family, which amount will be deducted from the contract fee of 15 per cent.

My clients will not number more than 105 families. I wish to place them first on the list. As there may be families represented by other attorneys who may apply to me, it is important that my clients who desire to join this list do so at once. I will name the families in the order I receive them to the number of 105. If there are others, they will be left out under the amendment. I desire the names and ages of each member of your family who is a claimant. This letter is intended for all claimants.

I gave up my office for five months, and I will succeed, as I have always stated; but success will only come to those who do their part, which is small compared to my loss of time. You are at home conducting your business. A few dollars is nothing to you compared to my loss of time from family and business. Trusting you will see the importance of acting early,

I am, very truly,

W. M. EDMISTON.

Mr. President, the statements of alleged fact in this letter of this man, intending to induce hundreds of applicants for enrollment to send him money, are absolutely false in every single respect so far as they relate to the Indian Committee or to any member of it, so far as I know and believe.

All the claim on his part that he had Mr. McKennon removed from the Dawes Commission is the veriest nonsense. Mr. McKennon saw the Secretary of the Interior and told him that on account of private arrangements he wanted to resign. It was a matter strictly confidential between Mr. McKennon and the Secretary. Neither my colleague [Mr. BERRY] nor I, who have known Mr. McKennon almost from boyhood, knew that he had any idea of resigning. We were told of it only at the time the Secretary was ready to fill Mr. McKennon's place. He resigned because he wanted to go into other business; and yet this man Edmiston unblushingly publishes in a letter—it was not published in the newspapers, but sent broadcast throughout the country—that he had Mr. McKennon removed. He had nothing on the face of the earth to do with it. Mr. McKennon's resignation was voluntary. There has never been a charge made against his good name, so far as I know or have ever heard, except in this letter.

The claim of this man Edmiston that he is attorney for 105 families and that he has some private arrangements with the Committee on Indian Affairs by which he can have these people enrolled is nothing but nonsense.

Mr. TELLER. What is the name?

Mr. JONES of Arkansas. M. M. Edmiston. He lives at Vinita, Ind. T.

He comes here occasionally, and wanted to come before the committee, claiming to represent somebody. The whole purpose of all this business is to induce a lot of people there to believe that he has some influence here, and that by paying him ten, or fifteen, or twenty dollars, or fifty dollars, he will be able to do them some good, when everybody in the Senate and everybody who knows anything about the proceedings here knows there is not the slightest possibility of his doing so. I simply present these matters so that they may be made public and so that they can go to every one of these poor people who have been hoodwinked and deluded and robbed by these scoundrels, so that they may know what the facts are.

Mr. STEWART. I wish to say only a word. So far as my knowledge extends, every material part of that letter is false. Mr. Edmiston came before the committee and we heard him there. We were willing to correct any mistakes and to listen to what he had to say and to what others had to say in regard to the matter. No intimation of what we would do was made by me or anybody else, as I am very certain, and the whole substance of the letter is therefore absolutely false.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Arkansas request that the letters be printed as a document, or simply in the RECORD?

Mr. JONES of Arkansas. I care nothing about it. I read them, and I suppose they will go into the RECORD and thereby become public. I do not care anything about it.

PAYMENT OF STENOGRAPHERS.

Mr. PRITCHARD submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearing before the Committee on Patents on the bill (S. 5089) for the relief of the widow of Isaiah Smith Hyatt be paid from the contingent fund of the Senate.

Mr. PROCTOR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearings before the Committee on Agriculture and Forestry upon House bill 3717, known as the oleomargarine bill, be paid from the contingent fund of the Senate.

THE MILITARY ESTABLISHMENT.

Mr. MONEY. I ask leave to withdraw the amendment of which I gave notice, intended to be submitted to the bill (S. 4300) to increase the efficiency of the military establishment of the United States, and to present in its place, in order to correct verbal errors, another amendment, which I ask to have printed in the RECORD.

The PRESIDING OFFICER. The Senator asks that the present proposed amendment be inserted in the RECORD?

Mr. MONEY. Yes, sir.

The PRESIDING OFFICER. Without objection, the former amendment will be withdrawn and the amendment now submitted by the Senator from Mississippi will be printed in the RECORD, and lie on the table.

The amendment referred to is as follows:

And provided also, That each and every provision of this act shall continue in force until July 1, 1903, and on and after that date all the general, staff, and line officers appointed to the Army under this act shall be discharged, and the numbers restored in each grade to those existing at the passage of this act, and the enlisted force of the line of the Army shall be reduced to the number as provided for by law prior to April 1, 1898, exclusive of such additions as have been or may be made under this act to the artillery, and except the cadets provided for by this act who may be appointed prior to July 1, 1903: *And provided further*, That no officer who has been or may be promoted under existing law or under the rules of seniority shall be disturbed in his rank.

PETITION OF FILIPINOS.

Mr. TELLER. I ask for the adoption of the order which I send to the desk.

The PRESIDING OFFICER. The Senator from Colorado presents an order, which will be read.

The Secretary read as follows:

Ordered, That the petition of certain inhabitants of the Philippine Islands, which has to-day been read in the Senate, be printed as a document, together with the names of the signers.

The PRESIDING OFFICER. Has the Senator from Colorado ascertained the probable cost of printing this document?

Mr. LODGE. It will be much less than $500. It is a very short petition to be printed, I think. The names, I understand, have all been taken off.

Mr. TELLER. The names have all been put in type, so there will be no trouble in agreeing to the order.

Mr. HAWLEY. Mr. President, I just want to enter my protest against this violently treasonable document, an attack upon the United States, upon its power, upon its troops, a passionate appeal to continue to kill our men. If Jefferson Davis brought along a similar paper after the battle of Gettysburg I do not think it would have been read and printed as a document to be circulated among the people of the United States, and it would have been a mild crime in comparison with this.

Mr. TELLER. I ask for the adoption of the order. I do not understand that the Senator from Connecticut objects.

Mr. HAWLEY. I object.

The PRESIDING OFFICER. If the Senator objects, it will go over for one day under the rule.

Mr. HAWLEY. I object.

Mr. TELLER. Then let it go over until to-morrow.

The PRESIDING OFFICER. The order will go over.

MEMORIAL ADDRESSES ON THE LATE SENATOR GEAR.

Mr. ALLISON. Mr. President, I desire to give notice that on Saturday, the 19th of January, after the routine morning business, I shall submit resolutions commemorative of the life and services of the Hon. JOHN HENRY GEAR, late a Senator from the State of Iowa.

THE MILITARY ESTABLISHMENT.

Mr. HAWLEY. I ask unanimous consent that the Senate proceed to the consideration of the Army bill.

There being no objection, the Senate resumed the consideration of the bill (S. 4300) to increase the efficiency of the military establishment of the United States.

Mr. HAWLEY. I believe the amendment offered by the Senator from Vermont [Mr. PROCTOR] is pending.

The PRESIDING OFFICER. The amendment proposed by the Senator from Vermont will be read.

The SECRETARY. An amendment by Mr. PROCTOR, on page 36, line 16, to strike out all of section 24 after the words "Military Academy" and insert the following:

Persons not over 40 years of age who have served as volunteers subsequent to April 21, 1898, may be ordered before boards of officers for such examination as may be prescribed by the Secretary of War, and who may establish their fitness before these examining boards, may be appointed to the grades of first or second lieutenant in the Regular Army, taking rank in the respective grades according to seniority as determined by length of prior commissioned service; but no officer appointed under the provisions of this section shall be placed above another in the same grade with longer commissioned service, and nothing herein contained shall change the relative rank of officers heretofore commissioned in the Regular Army.

Enlisted men of volunteers may be appointed second lieutenants in the Regular Army under the same conditions now authorized by law for enlisted men of the Regular Army.

Mr. SPOONER. We had some discussion the other day as to the construction of this amendment. I understood the Senator from Vermont to agree that there should be inserted there the words "at any time," the point being to exclude the construction that it required a continuous service.

Mr. PROCTOR. I accept that. Let it read "shall have served."

Mr. SPOONER. I do not think that does it. I suggest that the words "shall have at any time served" will cover it.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Vermont.

Mr. SPOONER. The Senator from Vermont, if I am not mistaken in the signs, is willing to accept my suggestion and is writing it into the amendment.

Mr. PROCTOR. Certainly. In line 3 of the amendment I move to modify it by inserting after the word "who" the word "shall," and after the word "have" the words "at any time," so as to read "who shall have at any time served as volunteers."

The PRESIDING OFFICER. The Senator proposes to modify his amendment in that way?

Mr. PROCTOR. Yes.

The PRESIDING OFFICER. The amendment will be considered as modified to that extent.

Mr. DANIEL. I desire to offer a substitute for the entire amendment offered by the Senator from Vermont.

The PRESIDING OFFICER. The substitute will be read.

Mr. PROCTOR. I suggest the point whether the substitute is in order. It was understood that after the committee amendments had been adopted any amendments might be considered, and it was my impression that amendments to amendments were not to be considered at this stage.

The PRESIDING OFFICER. The Chair is of opinion that under the unanimous-consent agreement the Senator from Vermont is correct.

Mr. PROCTOR. It will be in order after the committee amendments are considered.

Mr. SPOONER. Let the amendment be read.

The PRESIDING OFFICER. The substitute will be read for information.

The SECRETARY. An amendment by Mr. DANIEL to insert, in lieu of the amendment proposed by the Senator from Vermont, the following:

An officer or enlisted man of volunteers who has at any time been, or who may hereafter be, mustered into the service of the United States, and who may possess an honorable record, shall be eligible to appointment by the President, subject to confirmation by the Senate, to any office in the Regular Army of the United States.

The PRESIDING OFFICER. Under the unanimous-consent agreement the proposed substitute can not now be considered, but it will be in order at a subsequent time. The question is on agreeing to the amendment submitted by the Senator from Vermont.

Mr. DANIEL. Is not this amendment in order now as a substitute for the amendment of the Senator from Vermont?

The PRESIDING OFFICER. The Chair would suggest to the Senator from Virginia that as the present occupant of the chair understands the matter there was a unanimous-consent agreement entered into that amendments submitted by the committee should be first considered, but that afterwards it should be in order for any Senator to move to amend them, or to substitute any matter for them.

Mr. DANIEL. Of course, if this is thought to be a breach of the unanimous-consent agreement, I shall not insist upon it now. Do I understand that the Senator from Vermont looks at it in that way?

Mr. PROCTOR. I understood the agreement and purpose to be that the bill should be perfected as the committee recommended, and that then any amendments would be in order, but not before that time.

Mr. HOAR. The unanimous-consent agreement, as I understood it, went a little further than the Chair has stated it, because if committee amendments were to be first in order, of course it would be in order to amend them or to offer substitutes for them. The unanimous-consent agreement was that thereafter all amendments, even to those committee amendments or otherwise, should be in order. It was intended first to get the bill in the shape in which the committee wanted it, as if it were reported. So I understand the substitute for the committee amendment now proposed by the Senator from Virginia will be in order later under the agreement, although it would not be without the agreement.

The PRESIDING OFFICER. The statement made by the Senator from Massachusetts is undoubtedly correct. The Chair did not think it necessary to state that fact.

Mr. DANIEL. I think every Senator here who knows me knows that I would not trench upon a unanimous-consent agreement. I have not the words of the agreement before me, but as I understood the agreement it was that gentlemen who had independent amendments to the bill to offer would not be precluded from offering them by passing by amendments now, and would be heard after the bill was perfected by considering amendments offered by the committee. I did not know or apprehend that there was any agreement that would cut off any member of the Senate from perfecting or offering a substitute for a proposition of the committee to amend the bill. I did not so understand it. If that is the understanding of the Senate, of course I have not another word to say.

Mr. ALLISON. The Senator from Virginia is not cut off. As I understand the effect of the agreement, it is that the amendments of the committee should be considered, and that those amendments should be open to amendment as though they were a part of the original text. So it is perfectly proper under the agreement at a later stage to move to strike out this amendment.

Mr. DANIEL. Is it not proper now?

Mr. ALLISON. I understand the Chair to think not.

Mr. DANIEL. If the Chair thinks, and I submit this matter entirely to the judgment of the Chair, that it is not within the purview of the unanimous-consent agreement that this substitute shall be offered now, I shall not offer it.

The PRESIDING OFFICER. The Chair regrets to say to the Senator from Virginia that it does so hold.

Mr. DANIEL. I understand.

Mr. BATE. Do I understand that no amendment can be presented as a substitute for a committee amendment?

The PRESIDING OFFICER. The opinion of the Chair is that under the unanimous-consent agreement it can not be done at the present time, but it may be at some subsequent period.

Mr. BATE. I suppose after we have passed upon the amendments which the committee have recommended.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Vermont as modified.

The amendment as modified was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The SECRETARY. An amendment proposed by Mr. HAWLEY, from the Committee on Military Affairs, on page 31, line 9, after "two hundred" to insert "and fifty."

Mr. PETTIGREW. I should like to know how the paragraph will then read.

Mr. BATE. Do I understand that is the amendment relating to the Signal Corps, providing an addition of 50?

Mr. HAWLEY. The amendment relates to the Signal Corps, and has been approved by the committee. It adds 50 privates to the force of that corps, who are absolutely needed, in the judgment of the officers there.

Mr. BATE. I had a substitute that I proposed to offer for that, but under the ruling of the Chair it will go over. I do not object to this amendment, but I do not think it is large enough, and I shall offer an amendment calling for a larger number.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported from the Committee on Military Affairs.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The SECRETARY. On page 39 the committee proposes to strike out section 37 and insert as new section 31 the following:

SEC. 31. That any officer of the Army now on the active list below the grade of brigadier-general, who served during the civil war, shall, when retired, be retired with the rank and pay of the next higher grade, except such officers as may be retired under section 29 of this act. This section shall apply to officers who have been retired on or since the 11th day of August, 1898, but shall not apply to any officer whose service on the active list does not exceed thirty-five years.

Mr. COCKRELL. There ought to be more than that.

Mr. HAWLEY. There is an amendment to the amendment in line 10.

The SECRETARY. Committee amendments have been agreed to in line 10, after the word "whose," to insert "active;" in line 11 the words "on the active list" were stricken out and the words "in the Army, exclusive of service as a cadet at the United States Military Academy," were inserted; so that the last part of the section reads as follows:

This section shall apply to officers who have been retired on or since the 11th day of August, 1888, but shall not apply to any person whose active service in the Army, exclusive of service as a cadet at the United States Military Academy, does not exceed thirty-five years.

Mr. CULBERSON. Mr. President——

Mr. PROCTOR. I wish the Senator would allow me a moment. There was an amendment made, I think, in line 5, by inserting the words "prior to April 9, 1865."

The PRESIDING OFFICER. The Chair understands that, after the word "war," in line 5, the words "prior to April 9, 1865," were agreed to.

Mr. CULBERSON. I desire to ask the Senator from Vermont if the amendment has yet been adopted striking out section 37?

Mr. PROCTOR. In response to the question of the Senator from Texas I will state that the committee considered that a provision of this kind could not be properly matured and considered in connection with this bill, and that it could come up at any time as a separate measure. There is no immediate action proposed under it, and it was thought better not to incorporate it in this bill. There was no adverse action upon it in committee, but it was thought better to defer affirmative action.

Mr. CULBERSON. I will ask the Senator from Vermont if he will not pass for the present the Senate committee amendment striking out section 37? I am looking into the matter and am not prepared at this moment, as my attention has just been called to it, and I should like to inquire into it a little further.

Mr. PROCTOR. There is no objection to that course.

Mr. TELLER. I ask the Senator to allow section 31 to stand over. I have an amendment which I wish to offer. I might offer it now, I suppose.

Mr. PLATT of Connecticut. What page?

Mr. TELLER. Page 40. It is quite impossible to say what the Senator's amendment is from hearing it read, or how the section will stand. If after the section is perfected and printed I shall have the same right that I now have I shall not insist upon proceeding now.

The PRESIDING OFFICER. The Senator's rights will be protected.

Mr. TELLER. There is an amendment, which I have offered, to strike out the whole section.

Mr. ALLISON. Section 31?

Mr. TELLER. Section 31, and to insert one which I have prepared. I have prepared that with reference to some of the officers who have retired under the thirty-years act.

Mr. ALLISON. Has it been printed?

Mr. TELLER. It has been printed.

Mr. COCKRELL. Has section 31 been passed over?

The PRESIDING OFFICER. The amendments proposed by the committee have been agreed to, as the Chair is informed.

Mr. COCKRELL. My understanding is that the committee authorized the offering of another amendment, and I now offer it, to come in at the end of the amendment already agreed to.

But this act shall not apply to any officer who has been placed on the retired list by virtue of any special act of Congress.

Mr. ALLISON. Is that to be inserted at the end of section 31?

Mr. COCKRELL. I want it to come in at the end of section 31.

The PRESIDING OFFICER. The amendment submitted from the committee will be reported.

The SECRETARY. On page 40, line 7, after the words "thirty-five years," it is proposed to insert the following:

But this act shall not apply to any officer who has been placed on the retired list by virtue of any special act of Congress.

The PRESIDING OFFICER. Without objection, the amendment to the amendment will be agreed to.

Mr. TELLER. I should like to have that section read as the committee want it perfected.

The PRESIDING OFFICER. The section will be read as amended.

The Secretary read as follows:

SEC. 31. That any officer of the Army now on the active list below the grade of brigadier-general who served during the civil war prior to April 9, 1865, shall, when retired, be retired with the rank and pay of the next higher grade, except such officers as may be retired under section 29 of this act. This section shall apply to officers who have been retired on or since the 11th day of August, 1888, but shall not apply to any officer whose active service in the Army, exclusive of service as a cadet at the United States Military Academy, does not exceed thirty-five years. But this act shall not apply to any officer who has been placed on the retired list by virtue of any special act of Congress.

Mr. PROCTOR. I wish to call the attention of the Senator from Missouri to one point. I think there is a little addition to his amendment. It was not in my charge, and I speak only from memory. I think there was a further provision that it should not apply to any officer who had received an additional grade on his retirement.

Mr. COCKRELL. That is right. Offer it now.

Mr. PROCTOR. Will the Senator put that in?

Mr. COCKRELL. Let the Senator offer it at the end of the amendment.

Mr. SPOONER. What do you mean by that?

Mr. COCKRELL. There are a number of officers on the retired list who have already received this grade.

Mr. TELLER. Certainly.

Mr. COCKRELL. And if they have, they ought not to have it again.

Mr. TELLER. There are a great many who have not received it who ought to receive it under this bill.

Mr. BACON. I judge by the very numerous limitations that this provision is designed to meet the requirements of certain individuals—I may be in error about that—or, if not certain individuals, of a certain particular class. Doubtless the Military Committee are correct in what they propose to do, but they know what the effect of it will be; we do not; and I think it is due to us that the committee should with perfect frankness disclose to us how many will be benefited by this provision; whether it is so framed that it will cover a general class, meritorious, or whether it will be so limited as to be enjoyed by a very few.

Mr. PROCTOR. Mr. President, this provision applies to 268 officers. It is——

Mr. BACON. I will state to the Senator that so far as I am concerned that statement is sufficient for me. I do not know about others.

The PRESIDING OFFICER. The Senator from Missouri proposes to amend the amendment just adopted. The Secretary will read the proposed amendment.

The Secretary read as follows:

But this act shall not apply to any officer who has been placed on the retired list by virtue of any special act of Congress or to any officer who has already received such higher grade.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

Mr. TELLER. Mr. President, I wish to secure, if I can, in this amendment a provision that it shall apply to those who served thirty years. I wish to know whether the committee are going to allow that to come in or whether they are going to object to it. If they are going to object to it, I wish to present my amendment, and I am prepared to present some reasons why I think this is a very invidious distinction that they are making.

Mr. PROCTOR. The committee deemed that it would be unwise to extend the amendment any further at this time. An officer retires at thirty years only at his own request. It is not compulsory retirement. He retires because he wishes to engage in business or because for some reason he thinks it is to his advantage to retire. There is no compulsory retirement after thirty years of service. After forty years of service he may be retired by the President without his consent, and at 64 years of age he is retired by operation of law.

The committee deemed that it was unwise to extend the provision any further. We know just how many officers are affected by it. It covers those who had service in the civil war and in the late wars. While, of course, the committee individually recognize that there are a good many worthy officers who do not come within the provision, it seemed that this was quite as far as we ought to go at this time certainly.

Mr. TELLER. Mr. President, this provision is drawn ex industria for the purpose of taking care of certain men and certain men only, and it is an act of great injustice that men who have served a limited time and who have been retired should get this advantage and men who have served a long time and been retired under other conditions should not get it.

What the Senator says about retirement under the thirty-years act may be technically true, but he knows very well that a large number of officers have retired under the thirty-years act who could have retired under the disability act. There was no distinction made between a retirement under the disability act and a retirement under the thirty-years act. A retirement under the thirty-years act could be readily accomplished. Under the other act you must call a board and there must be consideration by the board and much delay, and frequently some expense to the party.

Mr. President, I have in my hand a memorandum of one officer at least who sat down and wrote to the Department that he was entitled to return under the disability act. He entered the civil war at the very commencement and had gone through the civil war as a volunteer. He had then been put in the Regular Army. He had served for years on the frontier, and his total service was over thirty years. He stated to the Department that he was so incapacitated by rheumatism, which had followed him for several years, that he could no longer render the service the Government had a right to expect of him, and he ought to be retired under that act. If he told the truth in the letter which was written at that time he was entitled then to be retired under the act. He was retired under the thirty years' act as a consequence. He gets nothing but a colonel's pay, while men who entered the Academy

at Westpoint after he had served ten or a dozen years in the United States Army come in under the provisions of this proposed act and secure the pay of the additional grade.

Mr. President, I am going to read a memorandum. I do not care about bringing in these officers' names. They are all sensitive about those things. I happen to know this gentleman very well.

It is suggested to me that a man might serve during the whole civil war and be on the active list going from the Volunteer Army into the Regular Army, and still not fall within this provision. That is the fact, and I am going to show it before I get through.

Appointed from civil life first lieutenant, Fifteenth United States Infantry, and made regimental quartermaster; served during civil war in various capacities with regiment in Army of the Cumberland, and on staff duty as provost-marshal Chattanooga, Tenn.; acting assistant adjutant-general, inspector of District of Etowah, and at close of war inspector of the Department of Georgia, from which he was relieved in December, 1865, to join his company and regiment. Served until fall of 1870 during reconstruction times in the Southern States, commanding at different times the posts at Atlanta, Ga., Augusta, Ga., Fort Morgan, Ala., and being stationed at other posts. Stationed at Davids Island, New York Harbor, from fall of 1870 till spring of 1872, when he went in command of his company to the Yellowstone River (marching from Fort Rice, on Missouri River), during which time he was in a number of interesting little skirmishes with Sitting Bull. Served at Fort D. A. Russell, Wyo., and Camp Sternburgh until July, 1874, when he went with regiment to Arizona, where, off and on, he served about eight years, and where he performed very arduous service. After four years in Arizona, he was two years in San Francisco on recruiting service; then back to Arizona; then to Fort Pembina, in Dakota, for four years, where the temperature each winter was 45° below zero; then back to Arizona, with 115° in the shade. He finally wound up as colonel Nineteenth Infantry, at Fort Wayne, Mich., but his health had been so impaired by hard work on the frontier that he was no longer fit for service in the field, and therefore applied for retirement under section 1243, Revised Statutes.

I have here on my desk a certified copy of this officer's letter that he wrote detailing to the Department why he wanted to retire from the Army. He stated that he had spent some time at the Hot Springs and had received some relief there, but he felt that he could no longer endure the hardships of military life. This man was brevetted a major for gallant and meritorious service in the battle of Missionary Ridge, Tennessee. He was brevetted lieutenant-colonel for gallant services in action against the Indians in Arizona on various occasions. He has a record that is as good as anybody's, and this man, who is incapacitated for active service on account of his health, is shut out by this provision which the Military Committee, without any reason under the heavens that I can see, insist shall not be amended so as to give him an opportunity as it would give to certain others, I admit.

Mr. SPOONER. When was he transferred to the Regular Army?

Mr. TELLER. He was transferred to the Regular Army after the war. I do not know whether the date is shown here or not. I am told that most of these people came to the Regular Army about 1866.

Mr. President, I have another case here to which I wish to call attention. A soldier entered the Army from Michigan June 10, 1861, and was discharged August 16, 1862, for a severe wound in the head received at Malvern Hill. As soon as he recovered he reenlisted. He might have stayed out of the Army, but he returned to the Army as sergeant-major. He returned September 6, 1862, having been discharged August 16, 1862. He was a sergeant-major September 6, 1862, captain November 21, 1862, and was honorably mustered out of the Army October 12, 1865. He was a captain, United States Army, July 28, 1866, on the recommendation of Generals Sheridan, Hancock, Franklin, Custer, Stedman, and others. He was retired in 1868 for disabilities from wound in line of duty, brevetted major, United States Army, for gallant and meritorious services in the assault at Port Hudson, June 14, 1863, nearly a year after he had been almost mortally wounded at Malvern Hill.

Mr. SPOONER. How long was he on the active list of the Regular Army?

Mr. TELLER. He was only two years on the active list. He would like to have stayed on the active list, if he had been capacitated, but he said he could not stay because of his disability. Any person who is acquainted with this officer and his record will, I believe, say without any hesitation that there are few men on the Army roll, no matter what their service may have been, who are better entitled to be considered under this generous provision of the Government toward the old soldiers than that major.

I have another statement here that I wish to read. It is a memorandum made by an officer. I do not know whether he cares about having his name mentioned. I know him; Senators know him. I believe he would not get any benefit from this act as it is. He gives a reason why this provision should be changed.

Between January 1, 1861, and August 1, 1866, the number of general officers, exclusive of staff departments and corps, of the Regular Army was increased from 1 major-general and 3 brigadier-generals to 1 general, 1 lieutenant-general, 5 major-generals, and 10 brigadier-generals—this is a Regular Army officer and he always has served in the regulars—an increase of 1 general, 1 lieutenant-general, 4 major-generals, and 7 brigadier-generals, constituting 13 original vacancies. During the period the major-generals and brigadier-generals who left the active list led to casual vacancies, which were increased by the appointment of some of the remaining general officers to higher grades. All of the appointments were given to distinguished officers who, after appointment, served for a considerable time. As a result promotion was relatively slow—he is a Westpoint man—and numerous regular officers who had been major-generals and brigadier-generals of volunteers during the civil war of four years had to stand in the regular establishment as colonels and lieutenant-colonels, and several as majors. Thus was the subject rested. Some of the officers subsequently became generals; others died without promotion, and others stand to-day on the retired lists as colonels and in lower grades.

In May, 1897, prior to the Spanish war of a few months—insignificant when compared with the momentous civil war of four years—a new method, coupled with good intention, was observed as to the appointment of general officers. Vacancies, through retirements, happened in the grade of major-general. Two brigadier-generals were appointed major-generals, and within eight days both of them were retired, at their own requests, without having been assigned to duty. In June two colonels were appointed brigadier-generals and similarly retired.

After the commencement of the Spanish-American war the method of using vacancies, caused by retirements, for several promotions was continued, with the result that 13 officers were appointed brigadier-generals, and, without assignment to duty, all of them were retired very soon after their appointments.

Mr. President, I do not mean to complain of that, and I do not know that anyone does; but I do think that when we could go to the extent of making colonels brigadiers for the express purpose, and the only purpose, and the admitted purpose of giving them an increased rank upon which to retire, we ought to do justice to some of these men who have been on the retired list at the low rank of captain and major and lieutenant-colonel for many years, who had quite as much service as those whom we thus signally promoted, and in some instances very much more.

The effect of such appointments has been to disturb the equipoise of the retired list, in that juniors in rank, service, and age have been placed on the retired list and made seniors in rank to officers of the civil war who had been previously retired. Of the juniors so placed not one was a brigadier-general of volunteers during the civil war; three were brigadier-generals of volunteers by brevet. Among the colonels thus made juniors the 1900 Army Register lists many colonels, in their order of retirement, with periods of service ranging from forty-three to sixty-two years, against periods of service of forty-two years or less for their former juniors. And, moreover, the class of colonels, as cited, had gained in the majority of cases the "highest assignable rank" by brevet of major-general, brigadier-general, or colonel in the Regular Army during the civil war; and in addition many of them during that war held the rank of major-general, brigadier-general, or colonel of volunteers; and the Department made juniors of some people who did not serve in the civil war at all. At least there can be found one or two instances of that kind, I know.

Striking instances are apparent in the cases of Col. John G. Parke, who died recently, as you will recollect, who was a brigadier-general and major-general of volunteers, commanded an army corps, and in 1865 brevetted major-general, United States Army; Col. Wager Swayne, who was brigadier-general and major-general of volunteers, and after the war colonel Forty-fifth United States Infantry, and major-general, by brevet, United States Army. He lost his right leg in battle.

If we pass to the list of retired brigadier-generals, we have the prominent cases of Horatio G. Wright and David S. Stanley. Both had commanded army corps and have brilliant records. Getty, Stanley, Abbott, and there may have been others, endeavored to get Congress to legislate them higher rank, but failed. They went upon the retired list with the rank they then held in the Regular Army. Since then we have superseded them with men who had not seen any such service or rendered any such service to the Government as they rendered.

Mr. President, I want to stop here a moment and say that this Army bill was drawn in the Army office, and it was drawn to take care of the pets of the Army. It has no intention, in my judgment (if it has, it absolutely fails), to do justice to the men who are entitled to justice here, if any men are. The crippled soldiers who were retired at an early day because of their disabilities, who would have rather continued in the service, and if they had continued in the service would have received higher

rank and higher pay—in other words, Mr. President, the men who took their lives in their hands in the desperate fight and went to the front and were wounded and disabled are put below the men who either by fortune or otherwise escaped unhurt.

I have on my table here a letter from a man who was nine times wounded, and brevetted on various occasions for his service in the Army, who was retired as a captain, and who will remain as a captain under this bill, while men who never saw an hour's service in the civil war were promoted from time to time and became colonels and are receiving colonel's retired pay.

Mr. President, if this bill passes it ought to pass so as to do justice not to a few men selected by somebody at the War Department, but to do justice to the men who are entitled to it by virtue of their service; and if occasionally you should give to some man who is not entitled to it, it is better to do that than that you should deny it to the great body of the men who were retired in the early days for disability and who are entitled to it.

The disturbance of the equipoise is not confined to the brigadiers and colonels. It involves the lieutenant-colonels, majors, and lieutenants—many wounded in line of duty, and a number losing legs, arms, or feet—because promotion on the active list, due to the promotions of major-generals and brigadier-generals, under the recent and well-intended method, as recited, have advanced some officers on the active list, and that advancement will pass to their advantage when they shall have reached retirement.

The unintentional injustice done to the retired officers of the civil war, as indicated by the foregoing, should be remedied; and liberal action of the Congress should be extended to that end.

And then the writer adds:

The amendment proposed will, if adopted by the Congress, extend in part the desired relief.

He then referred to the amendment offered by the President pro tempore of the Senate [Mr. FRYE], which was then pending. It was not complete in all respects, because it did not do justice to the men who had been retired under the thirty years' provision.

Mr. President, I wish to read one or two memoranda that I have here. Where a gentleman has written and sent his name I do not feel any hesitation in reading it:

DEAR SIR: Section 31 of the House bill for the reorganization of the Army, as amended by the Senate committee, among other things, provides—

This is a letter dated at Salt Lake City, Utah, December 31, 1900—

"This section shall apply to officers retired on or since the 11th day of August, 1891, but shall not apply to any officer whose service on the active list does not extend thirty-five years." This proviso as to length of service on the active list precludes me from the benefit of the act and does me what I consider an injustice. In support of this assertion I beg to submit the following facts, viz:

As a native of Virginia, and while still a very young man, I entered the Union Army as first lieutenant, Third West Virginia Cavalry, in 1862, and was regularly promoted and served in every grade up to lieutenant-colonel, being brevetted colonel and brigadier-general for gallant and meritorious services during the Shenandoah campaign of 1864 and the final campaign around Richmond and Petersburg in 1865 (see pages 220 and 356, Army Register, 1900); was honorably mustered out of the service June 30, 1865.

August 30, 1880, President Hayes, of his own volition, appointed me major and paymaster, United States Army. I accepted and served faithfully as such until September 8, 1899, the date of my retirement on account of disability incident to the service, a period of nineteen years.

During this entire time I held the rank of major, while numbers of officers who were captains when I reentered the service in 1880 were regularly promoted to the grades of brigadier and major general. At the date of my retirement, September 8, 1899, I ranked every major in the Army except two paymasters.

Notwithstanding these facts and the further fact that numbers of officers have been recently promoted to the rank of major, colonel, and brigadier-general, and immediately retired, who had not reached the retiring age, and who were in the enjoyment of good health.

And it is now proposed, as shown by the list of officers furnished by the Secretary of War to the Senate Committee on Military Affairs, that 280 more officers on the active list are to be promoted on their retirement under the bill in its present shape, 73 of this number being colonels who will thus be made brigadier-generals, who the record shows only served on an average some five years as majors and three to four years as lieutenant-colonels, though it is true that their promotion up to this time had been slow.

Notwithstanding under the provisions of the bill in its present shape myself and other officers similarly situated are excluded from its benefits.

These being the facts, as can be verified by the official records—

Mr. President, I have verified this—

and having honestly and faithfull served my Government as an officer on the active list in time of war and peace for over twenty-one years, and my record during this long service being without stain or blemish, I confidently appeal to your sense of justice and right to see to it that the clause in section 31 of the bill which reads "That the benefit of the act shall not apply to an officer on the retired list unless he shall have served thirty-five years on the active list," be stricken out or amended so as to give me the rank and pay of lieutenant-colonel on the retired list, which I have most justly earned.

He says:

In making the above statement as to my case I do not wish to be understood as advocating the passage of the Army bill now under consideration. I simply desire that I be not unjustly discriminated against should the same be enacted into law.

I am, sir, with great respect, your obedient servant,

J. S. WITCHER,
Major, U. S. A., Retired, Brevet Brigadier-General, U. S. V.

Mr. PROCTOR. A paymaster?

Mr. TELLER. A paymaster, but he had service. Under this act there will be some men retired who have not served in the civil war. I have a memorandum which was handed me by a retired Army officer, in which he says:

There are now on the retired list 153 officers, who retired with increased grades, who did not serve in the civil war; 15 majors, 52 captains, and 37 first lieutenants who entered the Army after the close of the civil war.

I have gone over the Army Register, and I find men retired with this increased grade who entered the Academy at Westpoint after the civil war had closed.

Mr. COCKRELL. Your amendment would include them?

Mr. TELLER. My amendment would not interfere with the people who are on the retired list, but would take in many who are now cut out by this particular provision of the law.

Mr. PROCTOR. Will the Senator allow me a moment?

Mr. TELLER. Certainly.

Mr. PROCTOR. I understood the Senator to say that the provision of the committee included men who did not serve in the civil war.

Mr. TELLER. I think it might include them.

Mr. PROCTOR. The language is intended to be specific, and to apply to those who served during the civil war.

Mr. TELLER. I believe that is now so. What I had in view was that, at the time the Senator first introduced the amendment, those officers might have been only perfunctorily performing service, because they might have entered after the war actually ended; but if the Senator takes that out the difficulty is obviated.

There are two or three other matters I wish to refer to. I want to call attention to the fact that the Army Register is full of the names of men who entered the civil war, who went through the civil war, held high commands in the Army during the civil war, and then went into the Regular Army and were retired for disability or retired after thirty years' service, who are not promoted to this additional bounty, while men who were not then in the Army, who had not had four years' service, who had not yet entered the Military Academy at Westpoint, afterwards going there and coming out, are now on the retired list with a grade above that of these men, and besides an additional grade. I have a letter from a retired officer on the list who has the service that he claims, for I have looked up his record in the Army Register. He says:

I may view the situation from the standpoint of personal interest, but can see no good reason why officers whose good fortune it was to escape the effects of shot and shell during the civil war, so that they could serve in the war with Spain, should be retired with increased rank, and the officers whose disabilities resulting from wounds received in the prior and much greater war, that compelled their earlier retirement, should not be treated with the same consideration.

I was wounded nine times, and received six brevets for gallant and meritorious conduct in battle, and believe myself entitled to as much reward as any officer who escaped all injury during the war of the rebellion and lived in health and strength to serve in the war with Spain.

Very truly, yours,

SAM'L K. SCHWENK,
Captain and Brevet Lieutenant-Colonel, U. S. A., Brevet Brigadier-General of Volunteers.

Mr. President, there is one other thing I think I ought to state. The retired Army officers of the civil war are naturally older men than those who have retired since—those who entered the Military Academy at Westpoint, as I said, after these men had their four years' service and sometimes have had ten years' service either in the volunteer or the regular force. These old men are disappearing much more rapidly from the rolls than the new men.

I have here some memoranda furnished me by an officer who is a retired captain. He was a volunteer private. He became a regular after the civil war, and was retired because he did not have the good fortune to get at the head of the list.

A large number of captains who reached the head of the list, who got there by accident, who got there by the deaths of others on the list, were promoted when other men who served much longer and were retired practically at the same time, but not standing at the head of the list, were retired only with the rank in which they then served, while the men who succeeded in getting to the head of the list—which is no indication of superior merit or superior service—were retired with a higher grade.

Mr. PROCTOR. With the permission of the Senator, I will suggest to him that his amendment would give this additional grade to certain men who have already received an additional grade.

Mr. TELLER. The Senator can amend it in any way to prevent that. It was not intended to do that.

Mr. PROCTOR. Those who have got to the head of the list and on examination are considered fit to take the higher grade will not be excluded.

Mr. TELLER. Very well. If the Senator will accept my amendment, he can make that amendment to it.

Mr. PROCTOR. I merely wanted to call the Senator's attention to it.

Mr. TELLER. I did not, of course, intend to give anybody an increased grade who had it; but it is intended, if I can succeed in having the amendment adopted, to give to these people what I think is justice, and to prevent what I think would be a scandalous favoritism by enabling one man, who has rendered no more

efficient service, to be their superior in rank and their superior in pay.

A retired officer sent the memoranda to me which I am going to read. I happen to know him and to know something of his record. He says:

In the ordinary course of events the old soldier is fast passing away. The officers who served during the war between the States are nearly all on the shady side of 58, most of whom are far beyond that, and many of whom are supporting large families and eking out a precarious existence on the pittance received by them on the retired list of the Army.

I want to say that this officer retired as a captain, and retired as a captain simply because in doing his duty as an officer he had received wounds which incapacitated him for longer remaining in the Army. There is no demerit, Mr. President, in an officer being retired when he is incapacitated from longer staying in the Army. There is no special merit in an officer who, escaping the shot and shell in battle and who has not been broken down by arduous labor, can longer remain. There is nothing in the mere length of service which ought to entitle such an officer to rank over the man who was disabled and disqualified, and not only disabled and disqualified from staying in the Army, but disabled and disqualified from following the ordinary pursuits of life, as many of these officers have been.

As to what inroads death is making among them the following comparative statement of the deaths among them and those on the active list will show; and it should be remembered that the retired list is carrying a large number of young officers, and that a large proportion of the deaths occur among those officers who served from 1861 to 1865.

The proportionate rate of deaths among those on the active list and those on the retired list will appear by the following list taken from the Army Register for the years 1890 to 1897, the number on both the active and retired lists being given:

Year.	Active list.			Retired list.		
	Number of men.	Number of deaths.	Deaths per 1,000.	Number of men.	Number of deaths.	Deaths per 100.
1890	2,170	20	11	501	26	5
1891	2,169	38	18	548	31	6¼
1892	2,159	14	7	582	33	6¼
1893	2,156	22	11	665	28	6¼
1894	2,159	17	9	665	32	5¼
1895	2,145	23	11	624	25	4
1896	2,148	23	11	653	40	6¼
1897	2,164	18	8¼	663	46	7¼

This list shows the average death rate of those on the retired list to be 6 to 100, while the death rate on the active list shows an average of less than 2 to the 100, and in the nature of human events the death rate is much greater among the older officers who served during the war of the rebellion.

At the same rate of mortality, if no more retirements were made, the entire retired list, so far as relates to this class of officers, would become extinct in about fourteen years. It will not be a great while before all those officers who saw service during the rebellion will have passed beyond the river. These veteran officers are now stricken in years, with increased responsibilities and diminished ability to provide for themselves and families. Many of them have been retired without promotion when within a very few numbers of the head of the list, when a year or two more service would have brought promotion, with increased rank and pay on retirement.

By reference to the Army Register it will be observed that there are 15 majors, 52 captains, and 37 first lieutenants who entered the Army after the close of the war between the States and who never saw field service, but who have been retired, many of whom were promoted over the heads of the gallant officers who served during that war.

That an injustice has been done to these officers and that they are deserving of some relief is admitted on all sides. The Adjutant-General, in his letter of January 25, 1898, speaking on this subject, says:

The officers now in service who might reasonably expect some consideration are those who, notwithstanding long, faithful, and meritorious service, including that rendered in the late war, have not reached a grade higher than that of captain. Congress seems to have recognized such claims by the passage of a number of special bills for the benefit of officers of meritorious service so circumstanced, and many bills for this purpose have been introduced from time to time for the benefit of various officers that have not received favorable consideration. Equity would seem to require that some consideration should be extended to meritorious officers who served during the war and since who, notwithstanding a long active service, have reached only the grade of captain or lieutenant. Some of these have been retired and others are closely verging on retirement, either through disability contracted in the service or on account of the age limit. Some of these officers have received but scant promotion for their merit and length of service and would seem entitled to some consideration above that enjoyed by those of their comrades who have joined the Army since the close of the great contest between the States. Much might be said in favor of so distinguishing and rewarding those having meritorious service during the war and since. Such action would be in line with the custom of most European countries of adding one grade to the rank of an officer of long and distinguished service upon his transfer from the active to the inactive list, which is apt to be a painful transition. I think a bill drawn to reward the captains and lieutenants who are now on the retired list after prolonged active service, including that rendered during the late war through disability contracted in the service, or through retirement on account of age after long, meritorious, and substantially continuous service commencing in the war, might fairly claim some consideration from Congress.

That is an extract from a letter of the Adjutant-General with reference to another bill, not to this bill. That bill provides for something different.

The principle involved in such legislation has received the unqualified indorsement of General Grant, General Sherman, General Sheridan, General Hancock, General Doubleday, General Upton, General Smith, General Gibbon, Secretary of War Ramsey, and others.

It should be borne in mind that the proposed legislation will not increase the number on the retired list. It will only benefit the officers who served during the war between the States who are now on the retired list, and those on the active list who so served when retired.

The number of deaths during the year 1898 up to December — is as follows:

Active list 72
Retired list 25

There were 2,164 officers on the active list at the beginning of the present year, the percentage of deaths being a little in excess of 3 to the 100, while the retired list, which contains 660, shows the percentage of deaths to be about 4 to the 100, thus showing the percentage of deaths to be greater among retired officers, notwithstanding the fact that the active list has just passed through a war of several months.

Should this measure become a law? There are now on the retired list 162 captains, 61 first lieutenants, and 8 second lieutenants who would be benefited by its provisions, less the number of deaths which have occurred during the past year, and it would require an appropriation of about $125,000 for the first year. This amount, according to the percentage of deaths among retired officers, will decrease about 12 per cent during the next year, and the percentage will be much larger each succeeding year as the officers grow older, and it will be but a very few years at most when the appropriation would lapse for the want of beneficiaries.

Mr. ALLISON. I should be glad to have the Senator read again the number of officers that would be affected by his amendment and not included by the amendment of the Committee on Military Affairs, and the amount that would be paid to them for the first year.

Mr. TELLER. This was handed to me, as I stated, by an officer whom I know very well, who, after a good many years of arduous service both in the Regular Army and in the Volunteers during the civil war, was retired, and who is receiving now the magnificent sum of $1,800 a year from the United States, while men with no greater service and no greater claim upon the Government are receiving the pay of a brigadier-general, because they were influential enough or had enough influential friends to promote them to that high office before the time came at which they were compelled to retire. This officer says:

Should this measure—

I suppose he means my amendment, for he was then considering another amendment which is practically the same as mine, except that I have included in mine the thirty years' service provision.

Should this measure become a law, there are now on the retired list 162 captains, 61 first lieutenants, and 8 second lieutenants who would be benefited by its provisions, less the number of deaths which have occurred during the past year, and it would require an appropriation of about $125,000 for the first year.

Then he says that that, of course, would be a decreasing sum every year. He then says:

It would seem but just and equitable that the action of the Government should be uniform and impartial in the application of general principles to all officers of the Army, and especially so in the case of those officers who served from 1861 to 1865.

It may be added that the number of deaths among officers on the retired list who served during the civil war, during the year 1899, was 37, while the number of deaths among officers on that list who did not serve during that war was only 2, thus showing much greater mortality among those who served during that period than among those who did not so serve.

It may be further added that there are now on the retired list 153 officers who were retired with an increased grade, but who did not serve during the civil war.

Now, Mr. President, I want to know whether this committee are going to stand here and say that the men who have rendered distinguished service and who have held high commands, and because of their disabilities were compelled to get out of office, shall not be provided for, and that those who went as cadets to Westpoint after the war closed and have come in nearly ten years afterwards shall be placed on the retired list with this increased bounty of the Government. If there ever was a just proposition presented to the Senate, it is that these men shall be put upon an equality. If there is anything that is disgraceful to this nation, it is the attempt to give to one class of its soldiers a preference and advantage which their public services and merits do not require, do not demand, and do not justify.

Mr. SEWELL. Will the Senator allow me a moment as to the statement he has just made that there were 158 officers——

Mr. TELLER. One hundred and fifty-three.

Mr. SEWELL. One hundred and fifty-three officers who were not in the civil war who have been retired at an advanced grade?

Mr. TELLER. Yes, with advanced grade; and I have two statements made by two different officers to the same effect.

Mr. SEWELL. I should like to have that statement verified, because I do not know of it. I am sure it does not come from the War Department.

Mr. TELLER. If any man stood at the head of the list of captains and he had not been in the service more than six weeks—that, perhaps, is not probable—but if he had not been more than six weeks at the head of the list of captains he got an additional grade.

Mr. SEWELL. I know the Senator has made that statement, and of course it is honestly made, but where it comes from I do not know—that there were 153 officers who were not in the civil war and who have been retired with higher grade under the operation of law.

Mr. PROCTOR. Will the Senator allow me to answer the question?

Mr. TELLER. Certainly.

Mr. PROCTOR. I know of no class of officers who were retired with this increased grade except under a general law passed some ten years ago, when promotion was exceedingly slow, and when there were first lieutenants who had served over twenty-five years as lieutenants before reaching their captaincies. A law was passed that when a man reached the head of the list and was entitled by his rank to the next promotion, but upon examination it was found that he was physically disqualified for that promotion, he was retired at the advanced grade which he would have received in due course of promotion except for his physical disqualification.

Mr. SEWELL. Then, those men were retired for disability?

Mr. PROCTOR. It was retirement for disability, but I would not suppose that the number could be nearly so large as stated, because I know during my experience it was not often the case.

Mr. TELLER. I will insist that that statement is correct. If the Senator wants to verify it, he can verify it. I have made that statement on the authority of two officers who, distinct from each other, have gone over the record and who are interested in the matter.

Mr. PROCTOR. That is retirement for disability?

Mr. TELLER. It is retirement for disability, of course; but there are men who have had larger service, longer service, and more arduous service, who did not succeed in getting to the head of the list, though they were the superiors in service of the men who secured the advanced grade. One man might get to be a captain in his regiment while another might remain a lieutenant for years.

Mr. SEWELL. I suppose the Senator does not mean to charge that there is any favoritism about that?

Mr. TELLER. Oh, no; I do not mean to charge the committee with any favoritism.

Mr. SEWELL. Or the Department.

Mr. TELLER. I regret that the committee does not see that this is a fair and just thing to do, and does not allow it. It seems to me that there are not two sides to this question.

Mr. President, I want to show how unjust this bill was as it originally came to us, and, if it is changed, it must be by amendment here.

I have here a brief military history of Col. Daniel W. Benham, of the United States Army. He was born in Ohio in 1837 and enlisted early in 1861 to subdue the rebellion. He was honorably discharged after ninety days' service and reenlisted. He was appointed lieutenant, October 18, 1861, and served during the civil war in numerous battles. He entered the Regular Army early in the civil war. He served during that war and after that war. He also served in the Spanish war, and was commended by his officers for excellent service. He likewise served on the frontier. I have here a list of the very numerous battles in which he was engaged. He retired July 23, 1898, and retired just at a time when this bill, after all that service from 1861 to 1898—I do not know whether purposely or not—leaves him out.

A gentleman has sent me this:

> Some officers of my acquaintance retired after thirty years' service (section 1243 R. S.), because the hard service they had performed, together with the unhealthy climates where they had been stationed, had impaired their health and made them unable to perform field duty. They could have gone before a board and been retired for disability, when they would have received the benefits of the amendment, but they supposed it to be as honorable to retire under one law as another.

That does not come from the gentleman whose case I have particularly mentioned who had such arduous service on the frontier.

Mr. President, I know something about these Army officers on the frontier. Amongst my acquaintances is an officer who is a captain yet. I do not know how long it will be before he will be anything more than a captain—at least, I have not heard of his being promoted. He will be promoted whenever his major dies or whenever his major gets out of the Army, and he will not be promoted until that occurs. This officer has served in all the Indian wars for thirty years. He has served from the very extreme northern part of the United States to the extreme southern part, and I have had occasion to know of his service in the West for many years. When he retires he will undoubtedly retire as a captain, because he is unfortunate enough to have a long-lived officer ahead of him, which prevents his promotion.

Mr. President, I am going to call the attention of the Senate to certain cases, because I am afraid if I do not the Senator from Vermont will rather question some of my suggestions that you have some young men on the retired list. I do not mean to say that they ought not to be there, but they ought not to be there ahead of other people. On page 217 of the Army Register amongst those retired from active service I find John O. Skinner, who entered the Army in 1874. You will find by going down the line a gentleman who entered as cadet July 1, 1860, and so of course did not see much of the civil war, coming out in 1864, and who is on the retired list as a major. If you go down to the bottom of the list, you will find a gentleman there who entered the Army in 1861, served until 1865, then went to Westpoint and was graduated there, and has been retired as a major. He did not have anybody who could secure his nomination as a lieutenant-colonel or colonel and then as a brigadier.

Mr. President, you will find on page 216 of the Register the name of Robert Craig, who entered Westpoint in July, 1862, and of course did not graduate until after the war was over. He retired as a lieutenant-colonel.

Mr. SEWELL. How many years did he serve?

Mr. TELLER. I am not finding any fault with it, but what I am complaining of is the inequality, that men who served longer than he did are retired at a lower rank and are denied this additional rank.

Mr. SEWELL. It has often occurred that there have been casualties in the artillery or the infantry or the cavalry branch during our Indian wars by which certain officers got ahead considerably faster.

Mr. TELLER. We all know that promotion is almost an accident. One man drops out and another one immediately succeeds him. Sometimes the vacancy is caused by death and sometimes by resignation, sometimes by sickness, sometimes by the fate of battle.

Mr. SEWELL. That is absolutely so.

Mr. TELLER. It is not a question of favoritism in promotion. There is not any there except when you reach the line of colonel. When 13 men were taken and put into the position of brigadier-general for the express purpose of being given the increased grade, I voted for the confirmation of every one of them, and was glad to do it. There were more than that—15.

Mr. SEWELL. I will say to the Senator that that was done, as he knows very well, because they were the oldest colonels in the service, and they were incapacitated as colonels practically by reason of their age. They were just going out, and they were given a chance of retirement to allow younger men to come into the commands.

Mr. TELLER. As I said to the Senator, I make no complaint. It was a wise and just thing to do.

Mr. SEWELL. It was done by the deliberate action of the Senate.

Mr. TELLER. Certainly; and thereby we said we want to reward these people. Now, I say you should not confine your reward to the colonels. The captain who would have been a colonel if he had not been disabled by the shot and shell of the enemy ought to be just as much under our care as the men who secured safety from the enemy and rose gradually, not to a place higher than he deserved, and perhaps not so high, and became a colonel. You take special care of him and have no care about the captain or lieutenant. That is what I complain of. In my judgment, this bill works an injustice upon very meritorious men. It is not an equitable bill in that particular, and this feature of it ought to be amended so that it shall take in these other people. I do not believe the American people will complain or criticise anybody who votes to put upon the Government of the United States an additional tax of $125,000 or $150,000 a year to do justice to these men.

Everybody knows that the civil war, unlike the last war with Spain, was a continuous war. There were men in the Army who fought every day, day by day, day by day, longer than the whole Spanish war lasted. Every day they were under fire and every night they were sleeping on the battlefield. There was in the history of the world no such war. For courage, for endurance, the world presented no parallel, simply because it was a fight between the great, vigorous Anglo-Saxons. It was a fight at home among our own people. You can not in modern times show battles like we fought during the civil war, both sides contending, not surrendering when fifteen or twenty of the regiment were killed, surrendering only when the great majority in many instances went down. There are instances in the war on both sides where a regiment was practically decimated and destroyed, rendered incapable almost of organization. I read the other day of a North Carolina regiment where practically every man in one of the companies, which held an important point, was either killed or wounded. That is the kind of men who were fighting in that war, and you are going to take care of the men who served a few days in the Spanish war and forget the men who fought during the great civil war, and demonstrated, as it had never been demonstrated before, the fighting character of the American race.

Mr. President, we are asking nothing but justice at the hands of the Government of the United States for these men, and we are asking it with full confidence, as I believe, that the American people will approve of what we will do in this particular. I do hope that the committee will not compel us to call the roll upon this, but will generously say that this amendment may be made and these worthy and deserving men may be taken care of in their old age.

Mr. PROCTOR. Mr. President, I do not propose to reply or to undertake to reply to what I consider the very unjust aspersion of the Senator from Colorado upon the War Department in regard to the preparation of this bill. It has not been prepared by the

War Department any more than every such bill must be. We have looked to them for the facts. The committee took the bill that came to us from the House as a substitute or an amendment in that form for our bill of last winter. That is what they worked upon, and not the War Department bill. I wish to say for the work of the War Department that it has not been in the least respect one that favored any class, but that it has been conspicuously and remarkably impartial, not favoring any class, not favoring any staff department at the expense of another, but seeking to do, as no bill in my knowledge of War Department matters ever has, equal and impartial justice, giving each class as near as possible an equal opportunity for promotion.

Now, in regard to this measure, I have received many letters of the same tenor, some of them identical with those read by the Senator, from the same parties, and, without committing the members of the committee, I presume individually they would be glad to see all promotion given to those officers who served in the civil war that could be consistently given. Most of the members of the committee served in the civil war on one side or the other. I wish to have the Senate understand what they are doing by this. They are practically giving this increased grade to all officers who served in the civil war and who have been discharged for any reason.

The Senator gave the number on the retired list. There are two retired lists, the limited and the unlimited. I think he must have given only the limited list. I have not been able to get the figures, but in the Army Register the two lists occupy 81 pages and a fraction, and in running it over as carefully as I could I should think there must be 10 names on each page, and nearly all of them, except those who have already been retired with the rank of brigadier-general or with an increased grade, would come under this bill. I think it would add at least five or six hundred to the retired list. It would practically wipe out the limited list and put them all on the unlimited list.

What the Senator from Colorado said is very true—that there are a great many individuals who deserve this. I should be glad to have them have it. It is impossible to frame a general law of this kind that will not, unless we include everybody, exclude some whom we would be glad to include. The provision as reported by the Senate committee had been rejected from the House bill on the floor of the House. I think it is proper to state that fact. The Senate committee felt as though this was as far it was judicious to go at this time, but if the Senate choose to go further, I personally have no objection to make. I simply wish to have the Senate see how far they are going.

Mr. TELLER. I desire to say to the Senator that I am not mistaken about the retired list. When you take out the people who have already received this bounty, the list will be practically as I have stated.

Mr. COCKRELL. How many?

Mr. TELLER. I read it. I looked it over with the gentleman.

Mr. SEWELL. I will say to the Senator from Vermont, if he will allow me, with the permission of the Senator from Colorado, that while I was ordered to report this adversely, I have not done so, because I wanted to hear his argument on the subject. I am perfectly willing to-day, so far as I am individually concerned, if the remainder of the committee will consider it, to let the matter go over until to-morrow and until we get more information from the Department as to this list.

Mr. TELLER. Let it go over until to-morrow.

Mr. COCKRELL. I hope the committee will get the statement of the War Department.

Mr. ALLISON. If this is going over until to-morrow, I hope that somebody connected with the committee will give us an accurate statement, or as nearly accurate as possible, as respects how many officers this will embrace, so as to verify what has already been stated by the Senator from Colorado. I find that the appropriation for retired pay of officers of the Army for last year was $1,273,000.

Mr. COCKRELL. Yes; and it will be very much larger.

Mr. ALLISON. So this involves in the neighborhood of a very considerable sum.

Mr. COCKRELL. It will soon be nearly as large as the active list.

Mr. ALLISON. I wish to ascertain, before I vote for this amendment, what it will require in the way of payment. Without discussing the question now, I think there is as much justice in the Senator's amendment as there is in the provision as it stands here.

Mr. PENROSE. I desire to offer an amendment to the bill as an original section or to be inserted where it may be more properly placed.

The PRESIDENT pro tempore. The Senator from Pennsylvania offers an amendment. Does he desire to have it read?

Mr. PENROSE. Yes.

The PRESIDENT pro tempore. It will be read.

Mr. PENROSE. I asked for its present consideration.

The PRESIDENT pro tempore. That can not be done. It will be read, printed, and lie on the table. That is all that can be done.

Mr. PLATT of Connecticut. It has been printed.

Mr. PENROSE. I ask unanimous consent to have it considered now. I do not think there will be any objection to it. I have to leave the city this afternoon to be gone for several days. I ask to have it read and, if there is no objection, to have it considered.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent for the present consideration of an amendment which he has offered to the bill.

Mr. PROCTOR. Let it be read.

Mr. PENROSE. My recollection is that it is an amendment which has been printed.

The PRESIDENT pro tempore. It has been printed. It will be read to the Senate for its information.

The SECRETARY. After section 41 it is proposed to insert:

SEC. 42. That the distinctive badges adopted by military societies of men "who served in the armies and navies of the United States during the Spanish-American war and the incident insurrection in the Philippines" may be worn upon all occasions of ceremony by officers and men of the Army and Navy of the United States who are members of said organizations in their own right.

Mr. PLATT of Connecticut. I should like to inquire whether there is any law against it now.

Mr. PENROSE. The purpose is to remove the discrimination which now exists in favor of the officers of the Regular Army, by giving official recognition to the wearing of such decorations by volunteer officers. I may be wrong, but that is the information given to me when I was requested to introduce the amendment.

Mr. HAWLEY. I see no harm in it, but I do not see any absolute necessity for it. It seems to me those who are now out of the military service can wear the badges they please.

Mr. ALLISON. What is the rule as to those who served in the civil war?

Mr. HAWLEY. Societies?

Mr. ALLISON. Yes.

Mr. HAWLEY. They are so authorized.

Mr. ALLISON. By law?

Mr. HAWLEY. I think so.

Mr. PENROSE. This is simply to remove an unfair discrimination against volunteer officers. It is an amendment requested by every volunteer in the recent Spanish-American war.

The PRESIDENT pro tempore. Is there objection to its consideration now? The Chair hears none, and the amendment is before the Senate.

Mr. ALLISON. I desire to ask the Senator from Pennsylvania whether the soldiers of the civil war are now authorized by law to wear such badges? If they are, we ought to apply the same rule to these soldiers. If they are not, I do not see any occasion for the amendment.

Mr. PENROSE. I am under the impression that the soldiers of the civil war are so permitted, but I could not answer the Senator positively on that point. I know, however, that the soldiers of the Regular Army are so permitted, and their decorations are recognized by law, and if the veterans of the civil war are not so officially recognized, I will cheerfully permit an amendment to extend the scope of this amendment to them.

Mr. ALLISON. It ought to be.

Mr. HAWLEY. The members of the Military Order of the Loyal Legion, composed of officers, are authorized to wear badges.

Mr. ALLISON. By law?

Mr. HAWLEY. By law, I think.

Mr. PROCTOR. And the Grand Army of the Republic?

Mr. HAWLEY. And the Grand Army of the Republic. It is protected by existing law.

Mr. ALLISON. All right.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. PENROSE. Now I ask the same favor of the Senate, as I have to leave the city in an hour. I ask consideration for the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert as an additional section, the following:

That the Secretary of War is hereby authorized and directed to have suitable medals of honor struck, to be presented to the volunteers, regulars, sailors, and marines who voluntarily remained on duty in the Philippines after their terms of service had expired, and for this purpose a sum sufficient is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. PENROSE. I offer the amendment in accordance with the message of the President recommending this legislation.

The PRESIDENT pro tempore. Is there objection to considering the amendment now?

Mr. PROCTOR. I should like the amendment to lie over.

The PRESIDENT pro tempore. There is objection.

Mr. HAWLEY. The Committee on Military Affairs will have a meeting in the morning, and we can settle it very easily.

Mr. PENROSE. All right. I only asked for its consideration because I shall not be present. If the chairman of the committee will see that it is brought up, I shall not press it now.

Mr. HAWLEY. We will have it considered.

Mr. PENROSE. I offer another amendment.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Pennsylvania will be stated.

The SECRETARY. It is proposed to insert as additional sections the following:

SEC. —. That any person or persons or employee of any corporation or company who shall in any manner place upon or attach to, or cause to be in any manner placed upon or attached to, the flag or coat of arms of the United States, or any imitation or representation thereof, any advertisement, trade-mark, label, inscription, words, design, or device, or any representation of any person or thing, or who shall exhibit, or display, or sell, or cause to be exhibited, displayed, or sold, or who shall hold in possession for exhibition, display, or sale, the flag or coat of arms of the United States, or any imitation or representation thereof whereon is placed, or to which is attached, any such advertisement, trade-mark, label, inscription, words, design, or device, or any representation of any person or thing, shall be deemed guilty of a misdemeanor: *Provided*, That a national or State regiment or Grand Army post shall have the right to put upon the flag the name and number of such regiment or post.

SEC. —. Any person or persons, or employees of any corporation, or company, who shall imitate or represent, or cause to be imitated or represented, the flag or coat of arms of the United States as an advertisement, trade-mark, label, or device for exclusive or personal advantage, gain, or profit upon any material, article, goods, or merchandise, or who shall exhibit, display, or sell, or cause to be exhibited, displayed, or sold, or who shall hold in possession for exhibition, display, or sale, any material, article, goods, or merchandise, bearing, in any manner, any imitation or representation of the flag or coat of arms of the United States as an advertisement, trade-mark, label, or device for exclusive or personal advantage, gain, or profit, shall be deemed guilty of a misdemeanor: *Provided, however*, That the devices now attached to the representation of the flag of the United States and used by the Grand Army of the Republic as the badge of their order may continue to be so used by them: *Provided further*, That any person, persons, or corporations now holding a copyright or trade-mark issued by the Librarian of Congress or Patent Commissioner upon which is the national flag shall cease using the same, and may have a new trade-mark in its place, of same design without said flag, or a new one in its stead, free of Government fee.

SEC. —. Any person or persons who shall tear down, trample upon, or treat with indignity, wantonly deface, or destroy the flag or coat of arms of the United States, or any imitation or representation thereof, shall be deemed guilty of a misdemeanor.

SEC. —. That any person or the employees of any corporation or company violating any provisions of sections — — — of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $100 for the first offense and $500 for each subsequent offense.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. Is there objection to the present consideration of the amendment?

Mr. PLATT of Connecticut. I rose for the purpose of making an objection, and I should like to state the reasons why I make it. That subject has nothing to do with the Army reorganization. It is entirely an independent matter. It is a matter which has given rise to a good deal of discussion as to the proper bill which should be passed to prevent what is called the desecration of the flag. It has to be very carefully considered. I do not think there is any proper time for it to be considered now, nor do I think it is in order on this bill. Therefore I object.

Mr. PENROSE. If I may be permitted by unanimous consent, I will state that there are several bills to this effect pending in the Senate. Congress has been about fifteen years holding under consideration the subject of flag legislation and has accomplished nothing practical. According to military regulations every private and every officer is compelled to salute the American flag. It is part of the military regulations. It seems to me it is pertinent to this measure that it should be protected from desecration and from being used for commercial and advertising purposes.

I know that this legislation is overwhelmingly demanded by the patriotic sentiment of this country and is particularly demanded by the soldiers of the late Spanish-American war. If there is any bill at all in which it can be properly inserted, it is the present measure. It is unpopular in some sections of the country, and to insert this item, instead of hurting the bill, in my opinion would greatly strengthen it. It would be an assertion before the whole country that this army is for the usual purposes of patriotic national defense, not for the sordid purposes which have been attributed to it by those opposed to the creation of a standing army of this size. It seems to me that the wisest thing the Senate could do would be to insert this amendment.

As to the details of the amendment, I have taken the bills introduced by the senior Senator from North Dakota [Mr. HANSBROUGH] and the junior Senator from Wisconsin [Mr. QUARLES], and I have carefully compiled the amendment from those two bills, one of the bills containing certain provisions which the other omitted. So I believe that it is a well-considered and a carefully worded piece of legislation. I hope the Senate will adopt it.

The PRESIDENT pro tempore. Objection being made, the amendment is not now before the Senate. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The Chair is informed that that is the end of the committee amendments.

Mr. PENROSE. I offer an amendment to the pending bill, which I ask to have printed and referred to the Committee on Military Affairs.

The PRESIDENT pro tempore. The amendment will be printed and referred as requested.

Mr. ALLISON. What was the amendment just agreed to?

The PRESIDENT pro tempore. Section 31 as amended.

Mr. ALLISON. That does not preclude other amendments?

Mr. COCKRELL. It was passed over until to-morrow.

Mr. ALLISON. I thought it was to go over until to-morrow.

The PRESIDENT pro tempore. The present occupant of the chair was not present when any such agreement was made.

Mr. ALLISON. The Senator from Colorado, or, I believe, the Senator from New Jersey, asked that the amendment might go over until to-morrow to secure some additional information.

Mr. SEWELL. Yes; in order to get information from the Department, which I have sent for.

The PRESIDENT pro tempore. The committee desired it to go over?

Mr. ALLISON. That was my understanding.

The PRESIDENT pro tempore. Then it will go over.

Mr. SEWELL. I ask, then, what other amendments are pending?

The PRESIDENT pro tempore. There is no other committee amendment apparently. The Chair lays before the Senate an amendment offered by the Senator from New Jersey [Mr. SEWELL], which will be read.

The SECRETARY. Amendment intended to be proposed by Mr. SEWELL. On page 40, after line 11, insert:

That the President is hereby authorized to select from the retired list of the Army an officer not above the rank of brigadier-general who may have distinguished himself during the war with Spain, in command of a separate army, and to appoint, by and with the advice and consent of the Senate, the officer so selected to be major-general, United States Army, with the pay and allowances established by law for officers of that grade on the retired list.

Mr. SEWELL. I ask the Senator from Virginia [Mr. DANIEL] if he has offered his amendment?

Mr. DANIEL. I beg leave to state that my amendment is on the Clerk's desk. It was offered with the understanding that it would be brought up at the proper time, and I will call it up now.

Mr. SEWELL. I think that should be done.

The PRESIDENT pro tempore. The Chair was laying the amendments before the Senate in the order in which they were offered in the Senate, in order to prevent confusion.

Mr. DANIEL. I will offer my amendment, then, as an amendment to this amendment. I move to amend the amendment offered by the Senator from New Jersey by adding what will be read.

Mr. SEWELL. I intended to offer my amendment as an amendment to the amendment of the Senator from Virginia.

Mr. DANIEL. I will then offer mine to come before the words the Senator has proposed. It will be the same in effect.

The PRESIDENT pro tempore. The Senator from Virginia offers an amendment to the amendment proposed by the Senator from New Jersey.

The SECRETARY. Insert, to precede the amendment offered by Mr. SEWELL, the following:

Any officer or enlisted man of volunteers——

Mr. DANIEL. That is a mistake, if you please. The Clerk is reading the wrong amendment. It was an amendment offered about three days ago, and it was printed.

Mr. SEWELL. I have a copy of the amendment here.

Mr. DANIEL. Will the Senator kindly send it to the desk?

The SECRETARY. On page 40, after line 11, insert:

The President of the United States is hereby authorized to select from the brigadier-generals of volunteers two volunteer officers, without regard to age, and appoint them brigadier-generals, United States Army, for the purpose of placing them on the retired list.

Mr. PETTIGREW. I should like to know what the purpose of the amendment is. Will the Senator explain it?

Mr. DANIEL. I beg leave to state that this amendment was offered on consultation with a number of members of this body with a view to giving an opportunity to the President of the United States to appoint General Wilson and Gen. Fitzhugh Lee brigadier-generals in the Regular Army.

Mr. PLATT of Connecticut. And to retire them?

Mr. DANIEL. And to retire them. They are the two persons the friends of the amendment have in view, but of course it leaves it in the power of the President to appoint any two he pleases.

Mr. PETTIGREW. What battles were these generals in?

Mr. DANIEL. The Senator can read the Spanish war history for himself. I am not here to give general information that is in the possession of everybody.

Mr. PETTIGREW. If I should read it, my question would not be answered.

Mr. DANIEL. I think that is the reason why the Senator asked it. It is obvious that he asked it on that account.

Mr. SEWELL. I will state that as far as one of these officers is concerned he was in the battles of the civil war and was one

of the most distinguished cavalry officers we had. The other you all know, a man who bore his saber on the other side, but who did immense service to this country while serving in Cuba as a civil officer, and who was practically selected to command and lead the attack on Habana when it should come about. I do not know of anything more meritorious than the services of Fitzhugh Lee in connection with the Spanish war, and as far as General Wilson is concerned there was no finer soldier in the service.

Now, Mr. President, I move to amend by adding to the amendment of the Senator from Virginia the amendment offered by me.

The PRESIDENT pro tempore. This was offered by the Senator from Virginia as an amendment to the one which was pending offered by the Senator from New Jersey.

Mr. SEWELL. I thought it was the reverse.

The PRESIDENT pro tempore. The language would have to be changed a little perhaps. This is the present one: "The President is hereby authorized," etc., and the amendment of the Senator from New Jersey is "that the President is hereby authorized." I suppose it should read "and the President is also hereby authorized."

Mr. SEWELL. Let it read "and the President is also hereby authorized."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Virginia [Mr. DANIEL].

Mr. BATE. Let the amendment be read.

The PRESIDENT pro tempore. It will be again read.

The Secretary read as follows:

The President of the United States is hereby authorized to select from the brigadier-generals of volunteers two volunteer officers, without regard to age, and appoint them brigadier-generals, United States Army, for the purpose of placing them on the retired list.

Mr. PETTIGREW. Mr. President, as I can not find anything in the history of the Spanish war which shows that these generals were in any battle, and therefore can not secure an answer to my question in that way, I should like to make a still further inquiry. I should like to know why promotions can not be made without a special act of Congress?

Mr. DANIEL. I will explain that to the Senator. Both of these generals are above the age for appointment in the Regular Army. It is on account of age that a special act is asked.

Mr. PETTIGREW. Suppose they were within the age, could they still be appointed?

Mr. DANIEL. They could then be appointed brigadier-generals in the Regular Army.

Mr. PETTIGREW. And there is no statute which makes any difficulty in that direction? How is it with regard to promotions? I notice that whenever an effort is made to promote a soldier who has not been in any battle they come here; and Congress never promotes anyone except those who have not done any fighting. That has been the case during the Spanish war, at least. I think we have had three promotions by act of Congress of three men who were in no battle.

I suppose promotions can be had, if a man was in battle, for meritorious service, even over the heads of the others; but if that man has not been in any fighting I understand he can not under existing law be promoted over the heads of those who have served longer.

Mr. SEWELL. Will the Senator allow me to call his attention to the case of General Wheeler, a man who, utterly used up physically, got in an ambulance to go to the front at the battle of San Juan?

Mr. PETTIGREW. I was referring to promotions in the Regular Army.

Mr. SEWELL. He has been promoted. He was one of this class. Wheeler, Fitzhugh Lee, Wilson, and myself were appointed major-generals. I, unfortunately, did not go, for reasons known to the Senate, but the other three were the distinguished men on both sides, North and South, who were selected and who did go and who did do everything that it was possible for men to do under the circumstances.

Mr. PROCTOR. Mr. President, I had an opportunity to see one of these officers, General Lee, at the critical time just before the outbreak of the Spanish war. He was serving as consul-general in Habana, and in my opinion was in as much danger every day as he would have been in the ordinary battles of a war. He stood up manfully, a good, strong American, and I think he richly deserves, if he had not served at all, for his services there this promotion, for he is a true, good soldier. When he was in the service, I presume for good reasons he was not given the command over the city of Habana, where he had been, where he was well known and knew the people. Naturally he would have been disappointed, but he took service outside, and there was never one word of fault-finding on his part; but he took pride in his command and he bore the disappointment like a true soldier. I think he richly deserves this promotion.

Mr. PETTIGREW. Mr. President, I do not wish to be understood as throwing any slight whatever upon General Lee or General Wilson. I think they are excellent generals; but it does seem to me that these positions ought to go to the men who see service, and by that I mean who have won their right to the promotion by the danger they have run on the field of battle, and that the practice is a pernicious one for Congress to step in and interfere and place those who did not do the fighting over the heads of those who did.

Mr. TELLER. I wish to ask what is the difficulty that is to be met by the amendment of the Senator from New Jersey. Is it because there is no major-general who can be appointed?

Mr. SEWELL. I wish to say to the Senator from Colorado that the amendment introduced by me covers the case of the most deserving soldier we know of.

Mr. TELLER. I did not ask who it was; I thought I knew. But there is no vacancy.

Mr. SEWELL. He is the man who in a few days conquered the Spanish nation, the man who has even not had a brevet, the man who above all others in this country ought to be rewarded. They are all gallant people. The American soldier is gallant under any and all circumstances, and so is the sailor.

Mr. TELLER. The Senator does not understand my inquiry.

Mr. SEWELL. I beg pardon.

Mr. TELLER. I did not ask who it was; I thought I knew. What I wanted to know is the difficulty. Is there no vacancy he can be put in? That is what I mean.

Mr. SEWELL. He is retired now as a brigadier-general. I want to have him made a major-general on the retired list.

Mr. TELLER. He is retired already as a brigadier-general?

Mr. SEWELL. Yes; as a brigadier. He is a major-general of volunteers, to be mustered out on the 30th of June, but he is retired from the Regular Army.

Mr. TELLER. This proposition is to create a major-generalship and put him in it?

Mr. SEWELL. On the retired list.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Virginia [Mr. DANIEL].

The amendment was agreed to.

The PRESIDENT pro tempore. The Senator from New Jersey [Mr. SEWELL] offers an amendment to follow the amendment of the Senator from Virginia, which will be read.

The Secretary read as follows:

And the President is also authorized to select from the retired list of the Army an officer not above the rank of brigadier-general who may have distinguished himself during the war with Spain, in command of a separate army, and to appoint, by and with the advice and consent of the Senate, the officer so selected to be major-general, United States Army, with the pay and allowances established by law for officers of that grade on the retired list.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from New Jersey, which has just been read.

Mr. PETTIGREW. Mr. President, as I understand it, this is for the purpose of promoting General Shafter, an officer of the Regular Army, and therefore the same reason can not be urged that was urged in favor of the other two officers. I suppose this is done because of the fact that he was in command at Santiago, and I am sure there is nothing I can find in the history of that contest which justifies Congress in making an exception in this case.

Therefore I am opposed to the amendment. I am opposed to this method of promoting people. We are quite liable to take people who have not done any fighting and promote them, or to promote people and give them credit for that fighting which was done by somebody else. This would be a case of the latter, because at Santiago the fighting was not done by Shafter. It was done by Wheeler. It was done by other officers in spite of Shafter, as I understand it. It seems to me to promote him over the other officers of the Army, and to have Congress do it, and confer special distinction for honor that was not won and service that was not rendered is a pernicious practice. It is a practice of favoritism, and it ought not to be adopted. No such further precedent should be established.

I am well aware it is not pleasant to urge these objections; but if I read the history of the Santiago campaign correctly, there is nothing in it that entitles General Shafter to promotion.

Mr. WELLINGTON. Will the Senator from South Dakota allow me a question?

Mr. PETTIGREW. Certainly.

Mr. WELLINGTON. Was not about the only action worthy of note in the campaign at Santiago the naval battle fought in the bay?

Mr. PETTIGREW. I have here an account of the battle of Santiago which, it seems to me, discloses to whose credit it is due, and it certainly is not to General Shafter. The battle fought by the Navy in the bay was a brilliant affair. The conduct of our troops at Santiago was as fine as the conduct of American troops always is, and the charge that they made is a brilliant one and sustains the reputation of the American soldier as unsurpassed

by any other soldier in the world. But there is not one line that I can find which would give Shafter a particle of credit. It seems to me to be a bare matter of favoritism that this sort of thing is allowed and we permit this amendment to be adopted.

I ask the Secretary to read the most authentic history of the battle of Santiago extant.

Mr. GALLINGER. Who is the author of the book?

Mr. BACON. Will the Senator please state by whom it is written?

Mr. PETTIGREW. It is Senator LODGE'S account of the battle of Santiago.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

But these reflections did not help matters at El Caney that July morning; and the feeble battery, the slow fire, and the target smoke soon disposed of the pleasant headquarters plan of taking the village in the course of an hour. There was nine hours' savage work ahead before the desired consummation could be reached. The Spaniards, although without artillery or siege guns, numbered about 800 men; were entirely protected and under cover in a stone fort, rifle pits, and strong blockhouses; knew perfectly and accurately all the ranges; could not retreat without rushing on destruction after our troops surrounded them—a sharp incentive to desperate resistance. So, while the slow artillery fire went on, the infantry began to suffer seriously from the deadly Spanish fire. They worked their way forward, creeping from point to point, but it was very slow and equally costly. At half past 1 the situation looked badly. The Americans were holding their own, but losing far more heavily than the Spaniards. An order from General Shafter at this moment to neglect El Caney and move to the assistance of the troops at San Juan must have seemed like a grim satire, and was disregarded.

But the evil hour had really passed. The artillery fire was quickened, and the fort began at last to go rapidly to pieces under the steady pounding. Colonel Miles's brigade joined General Ludlow in pressing the attack on the south; and then at last General Chaffee, whose men had been enduring the brunt of the fight, gave the order to storm, and the Twelfth Regiment sprang forward at the word, eager for the charge. Up the ravine they went to the east side, then swung to the right, broke through the wire fences, rushed upward to the top of the hill, and the fort was theirs. The enemy who had fought so stubbornly at rifle range could not stand the American rush; they had no desire to be taken "by the bare hands." The price paid had been heavy, but the dearly bought fort, in the words of an eyewitness, was "floored with dead Spaniards;" a grewsome sight. Yet, even as the wild cheers went up, it was seen that they were still exposed, and a heavy fire came from the blockhouses. Lining up in the fort the Americans poured volley after volley into these other strongholds, and the other brigades pressing home their charge the Spanish gave way, even retreat seeming less hopeless now than resistance, and fled from the village, dropping fast as they went under the shots of Ludlow's men. By 4 o'clock the firing had died away, and El Caney, at a cost which proper artillery would have greatly reduced, had been won by the unyielding, patient gallantry of the American regular infantry.

The Spaniards had less than a thousand men at El Caney, but they were under cover, strongly fortified, and knew the ranges. Shut in, desperate, and almost surrounded as they were, they appeared at their best, and fought with a stubborn courage and an indifference to danger which recall the defense of Saragossa and Gerona. Worthless as the Spanish soldiers have too often shown themselves to be, behind defenses and penned in by enemies, they have displayed a fortitude worthy of the days, three centuries ago, when the infantry of Spain was thought the finest in Europe. Of this tradition El Caney offered a fresh and brilliant illustration. The Spaniards lost nearly 500 men in killed, wounded, and prisoners, much more than half their number, and among the killed was the commander, General Vara del Rey, his brother, and two of his sons. On the American side the killed numbered 4 officers and 84 men; the wounded 24 officers and 332 men—the loss falling chiefly on Ludlow's and Chaffee's brigades, comprising the 4,000 men who were actively engaged throughout the day.

The force was composed entirely of regulars, with the exception of the Second Massachusetts Regiment, in Ludlow's brigade. These volunteers, never in action before, behaved extremely well, coming up steadily under fire and taking their place in the firing line. But the moment they opened with their archaic Springfields and black powder, which they owed to the narrow parsimony of Congress and to the lack of energy and efficiency in the system of the War Department, they became not only an easy mark for the Spanish Mausers, but made the position of more peril to all the other troops. In consequence of this they had to be withdrawn from the firing line, but not until they had suffered severely and displayed an excellent courage. The lack of artillery and the black powder made the assault on El Caney a work to which infantry should not have been forced. Yet they were forced to it, and supported by only four guns, but, splendidly led by Lawton, Chaffee, and Ludlow, they carried the position at heavy cost by sheer courage, discipline, and good fighting, manifesting these great qualities in a high degree, and one worthy of very lasting honor and remembrance.

Lawton and Chaffee and Ludlow had gone to El Caney with a well-defined purpose; but it is difficult, even after the most careful study and repeated reading of the official reports, to detect any plan whatever in the movements of the rest of the army. The troops had been moved up the narrow trail the night before, and at 7 in the morning Captain Grimes's battery opened from El Pozo Hill. Black powder again, and a magnificent target, so that the Cubans in the farmhouse, Rough Riders in the yard, and the First and Tenth Cavalry, all thoughtfully massed by some one in the immediate neighborhood of the battery, where they could be most easily hit, began to suffer severely. Then the two brigades of the cavalry division under General Sumner—the First, commanded by Colonel (now General) Wood, leading—moved down the road to Santiago. When the Rough Riders reached the ford of the San Juan they crossed and deployed in good order. Then a captive observation balloon was brought along and anchored at the ford where the troops were crossing and were massed in the road. As one reads the official statement of this fact comment and criticism alike fail. That such a thing should have been done seems incredible. The balloon simply served to give the Spaniards a perfect mark and draw all the rifle and artillery fire to the precise point where our men were densely crowded in a narrow road.

Fortunately the balloon was quickly destroyed by the enemy's fire; but it had given the place and the range, and there the troops remained for nearly an hour, exposed to heavy fire from the forts and blockhouse, and from guerrillas in trees, who here and elsewhere devoted themselves especially to picking off surgeons, wounded men, and Red Cross nurses. There the men stayed, dropping under the shots of the Spaniards, able to do nothing, waiting orders. No orders from headquarters came; the situation was intolerable; retreat meant not only defeat but useless and continual exposure to a slaughtering fire. No other resource remained except to take rifle in hand and, with infantry alone, carry strong intrenchments and blockhouses defended by well-covered regulars supported by artillery. Still no orders, and at last the division, brigade, and regimental commanders acted and ordered for themselves. Colonel Roosevelt led his Rough Riders forward from the woods, and asking the men of the Ninth to let him pass through, the regiment of regulars rose and followed him, and then the whole cavalry division went out and on up the first hill, where there was a red-roofed farm house, whence they drove the enemy.

A pause here, a taking breath, exposed all the time to a heavy fire from the strong main intrenchments now in plain view. Again Colonel Roosevelt calls on his men, starts, comes back because they had not heard, and off they go again over the long, open space, more than half a mile, which separates them from the Spanish post. The line of blue figures looks very thin and very sparse to those who are watching it. It seems to move very slowly. But it is moving all the time. Men stagger and drop, but the line goes on and up. It nears the top, the Spaniards break and run, and the cavalry division—six regiments—all mingled now, finds itself with the heights carried and the intrenchments on the right in its firm but tired grasp. With it has gone the Gatling battery under Captain Parker, who, in really splendid fashion, has kept his guns right at the front—a powerful ally and support in these trying moments. Colonel Roosevelt, who rode at first, has left his horse at a wire fence, and now finds himself the senior officer present and in command of all that is left of the six gallant regiments, having led dauntlessly and unhurt one of the most brilliant charges in our history.

Mr. CARTER. Mr. President, I desire to ask the Senator from South Dakota if it is his intention to have this book printed as a document after having it read?

Mr. PETTIGREW. I will yield to a motion to that effect by the Senator from Montana if he desires to make it.

Mr. SPOONER. Would not that violate the copyright? [Laughter.]

Mr. PETTIGREW. Of course, if the Senator from Montana wants it in that form, I have no objection at all. It is a very good book, I want to say. I should like to have the remainder of the chapter read. It is not much longer. I want to have read the comments of the Senator from Massachusetts on the battle, which come later.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). If there be no objection, the Secretary will continue the reading.

The Secretary resumed and concluded the reading, as follows:

Meantime over on the left the regular infantry are repeating against the fort of San Juan—the strongest of all the Spanish positions, and on a larger scale—the splendid work of the dismounted cavalry. This division, consisting of eight regiments of regulars and one of volunteers, was admirably commanded and led by General Kent. They moved up the road on the afternoon of June 30, and started again early on the next morning as soon as Captain Grimes's battery opened at El Pozo, with the First Brigade, under General Hawkins, in the lead. Their orders were to keep their right on the main road to Santiago. They, too, were held back by the crowd in the narrow trail, and still further delayed by waiting for the passage of the cavalry division, who were given the right of way. As they began at last to advance slowly they, too, came under the Spanish fire; they, too, received the punishment brought upon the army by the luckless balloon, and thus crowded together, at a halt almost, suffered severely.

The enemy's fire steadily increased; the shrapnel poured in where the balloon had marked the position, and the sharpshooters in the trees busied themselves, as they were doing already with the cavalry division. General Kent attempted to send the Seventy-first New York through a bypath, so as to bring them out in their proper position with the First Brigade, but when they came under the heavy fire of the enemy the first battalion broke, and were only held from a panic by the exertions of General Kent's staff officers. The other two battalions remained steady, for the regiment was of first-rate material, and the trouble arose from their being badly officered, and besides being endowed with a colonel who apparently did not come onto the field of action. In the end they rallied, and many went forward in the final charge with the regulars, notably the company under the gallant lead of Captain Rafferty. But at the moment the confusion in the New York regiment still further checked the already impeded advance. The First Brigade had gone on without the volunteers, and the Third Regiment was hurried forward by General Kent into the blocked road, and finally pushed through the New York regiment. As they came out and crossed the lower ford, Colonel Wikoff was killed, and two lieutenant-colonels who succeeded him in command of the brigade were quickly shot down—all in the course of ten minutes. Yet nothing could shake the nerve or break the discipline of this splendid brigade.

Following orders, making all the formations, operating in companies, battalions, and regiments, on they went through the heavy undergrowth, waist deep through the streams, and across barbed-wire defenses. Nothing could break them as they went steadily and fiercely onward. The Second Brigade finally, led by Colonel Pearson, was pushed through in the same way beneath a galling fire, out of a narrow trail and across the ford. Two regiments of Pearson's men went to the support of the Third Brigade, one to that of the First. Meantime the Third Brigade, connecting with the First on the right and sweeping round through a heavy fire, turned the enemy's right, and shared with the First in the assault. On they went up a steep hill 125 feet above the level, tangled with barbed wires, and crowned with deep trenches and the strong brick fort of San Juan. No artillery to help them. Regular infantry, rifle in hand, were going to take this high and heavily fortified position. Steadily and quickly they went at it, General Hawkins, a noble figure, white-haired, and with all the fire of youth in his gallant heart, leading a charge at the head of his two regiments. To those who watched it seemed to take a long time; but it was twenty minutes past 12 when the Third Brigade followed the First out of the death trap in the woods, and at half past 1 the steady, strong moving mass of infantry had cleared an outlying knoll, crossed the valley, scaled the rough, steep hill, and with Hawkins at their head and the men of the Third Brigade sweeping up on the left, stood triumphant on the crest, where they fell to intrenching themselves, and sent the Thirteenth Infantry off to support the cavalry division, while the Twenty-first Regiment pushed on 800 yards farther and took an advanced position. Altogether a very splendid feat of arms, very perfectly performed.

One other movement was made on July 1 on the extreme left. General Duffield was ordered to move along the railroad by the coast and make a demonstration at Aguadores, in order to keep the Spaniards engaged at that point and prevent their attacking our left. General Shafter especially ordered General Duffield not to sacrifice his men, but to "worry the enemy." When he reached the river at the point of crossing, he found that the bridge had been in part destroyed. The river also was deep and, according to General Duffield's estimate 600 to 700 feet wide. He therefore made no attempt to cross, but kept the enemy under fire until 3 o'clock, engaging them again the next day, and carrying out in this way his orders to the entire satisfaction of General Shafter, who recommended him for gallantry and good conduct at Aguadores. The total loss in their skirmishes, when the Thirty-third Michigan behaved very well, was 2 killed and 15 wounded.

The battle of San Juan, as it is called, consisted really of two detached attacks on the hill of that name and the separate action of El Caney. There were 6,464 officers and men at El Caney and 7,919 engaged at San Juan, apart from the small brigade (323 all told) of light artillery. There were among them 3 regiments of volunteers, but the Second Massachusetts, after suffering severely, had to be withdrawn from the firing line, on account of its black powder, and the Seventy-first New York was only partially engaged.

Deducting these two regiments, there were 12,507 officers and men engaged, including of volunteers only the Rough Riders, who, like the regulars, were armed with modern magazine rifles, and who showed themselves on that day the equal of any regulars in desperate fighting; but they numbered only 583 of the more than 12,000 men brought into action. The battle of San Juan, therefore, was preeminently the battle of the American regulars, of the flower of the American standing Army. With scarcely any artillery support, armed only with rifles, they were set to take heights and a village strongly held by regular soldiers and defended by forts, intrenchments, batteries, and a tangle of barbed-wire fences. This is something which the best military critics would declare well-nigh impossible and not to be attempted. The American Army did it. That is enough to say. They lost heavily, largely through the awkward manner in which they were crowded and delayed at the start. There were 21 officers and 220 men killed, and 93 officers and 1,280 men wounded, the percentage of the officers being remarkably high, except at Aguadores, where none were injured. On the Spanish side it is almost impossible to get any figures of the slightest value, even their official reports being filled with obvious falsehoods and contradictions.

General Wheeler gives the number at El Caney as 460; the official Spanish report puts it at 520, of whom only 80 returned unwounded. Capt. Arthur Lee, of the British army, who has written by far the best account of El Caney, says there were somewhat less than 1,000 Spaniards in the works and that at least half were killed and wounded. As his estimate of the losses agrees with the Spanish report, I have accepted it. The Spanish statement of their numbers at El Caney is so absurd, on their own report of losses, that Captain Lee's dispassionate estimate of the total force must also be accepted.

The case at San Juan is much more difficult. According to Lieut. Muller y Tejeiro, quoting what professes to be official reports, there were only 3,000 men defending Santiago, including the sailors, and only 250 men at San Juan Heights. This was so grotesquely false that it is easy to throw it aside, but it is not easy to reach the truth. Muller gives 520 men at El Caney and 250 at San Juan, and in one place gives the total killed and wounded as 593 and in another as 469, both manifestly absurd losses for 770 men. The Spaniards said at different times that they had as few as 1,400 and as many as 2,500 at Las Guasimas, which hardly coincides with the statement that there were only 3,000 men in the city.

Deducting Escario's force, which came in on July 2, there were 13,000 rifles, Mausers and Remingtons, surrendered in Santiago City when it capitulated, which indicates a total force of that number, unless we assume that each of Lieutenant Muller's 3,000 soldiers carried 4 rifles. As a matter of fact, the Spaniards had ultimately 12,000 to 13,000 men in Santiago; they had over 9,000 along the line of defenses on the east side confronting the Americans; and the works at San Juan were strongly held by at least 4,000 men, as stated by Mr. Ramsdem, the British consul, a thoroughly trustworthy witness. Their actual losses it is not easy to detect through the clouds of falsehood in the official reports; but as we know that they were heavier than the American at El Caney, and also at Las Guasimas, we may safely assume that the case was nearly the same at San Juan, although they had all the advantage of cover and position. It is certain that when the city surrendered they had more men in the hospital than the Americans. The Spaniards stood their ground bravely, fired heavily in volleys, and bore their punishment unflinchingly, but no where did they face the American rush and onset when they came close upon them. It was a hard fought battle, and both sides suffered severely, but the steady and irresistible American advance won.

After the victorious charge there was still no rest for the men who had climbed the steep sides of San Juan. Worn and weary as they were, they went to work to make intrenchments, and with scant food—Colonel Roosevelt's men feeding on what the Spaniards had left behind—they all toiled on through the night. At daylight the Spaniards attacked, opening a fire which continued all day. Yet, despite the fire and the drenching rain, the men worked on, and the new intrenchments, now frowning down toward the city, grew and lengthened. At 9 o'clock in the evening another attack by long-range firing was made by the Spaniards, and repulsed. The losses on the American side during this fighting on the 2d were not severe, as they were protected by breastworks, and the Spaniards were utterly unable to take the hill they could not hold from the men who had driven them from it when they had every advantage of position. Nevertheless, the situation was undoubtedly grave.

With 3,000 men only on the extreme ridge at first, we were confronted by 9,000 Spaniards. Our men were exhausted by battle, marching, and digging. They were badly fed. Transportation was slow and supplies scarce, and they were at first unsheltered. Under these conditions some officers thought about and urged withdrawal, while General Wheeler, backed strongly by many of the younger officers, and later by Lawton and Sumner, opposed any such movement. The spirit which carried the heights of San Juan held them; but to General Shafter, away from the front and the firing line, the voices of doubt and alarm came with effective force. During the day he fluctuated from doubt to confidence. He wanted Sampson to try at once and at all hazards to break in, and he proposed to General Wheeler to move against the entrance forts of the harbor, thus giving a tardy adhesion to the wise plan of Sampson and Miles, which he had abandoned.

Early on the morning of July 3 there came a dispatch from him, written under the first depressing influences, to the War Department, saying that he had Santiago well invested, but that our line was thin, the city strongly defended, and not to be taken without heavy loss; that he needed reenforcements, and was considering withdrawal to a position which an examination of the map showed to mean a retreat to the coast. This news—the first received in twenty-four hours—came upon those in authority at Washington with a depressing shock. General Shafter was urged to hold San Juan Heights, and in a confused hurry every effort was made to get together more transports—none having been brought back from Santiago—and to drive forward the departure of troops. It was the one really dark day of the war, and the long, hot hours of that memorable Sunday were heavy with doubt, apprehension, and anxiety.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

Mr. PETTIGREW. Mr. President, I wish to make some comments upon the history of this battle.

It appears from this description that General Shafter refused to adopt the plans suggested by General Miles and Admiral Sampson to attack along the seacoast and have the support of our Navy in taking Santiago. He preferred to have the glory all to himself; and therefore he sent our troops into the interior without artillery, through thick brush, through narrow lanes, crowded together, to attack hills armed by batteries and men sheltered by intrenchments and covered with barbed wire fences. In other words, he did not send his artillery to clear the way; and the eminent historian says that hardly any commander of men would undertake such an experiment contrary to the lessons of history. Artillery should have been sent; but Shafter did not send it, and, according to this account, sacrificed the lives of many American soldiers because he did not send artillery and because the way was not cleared in advance by artillery.

Finally, when the hills were taken, Shafter wanted to retreat, and would have withdrawn if it had not been for the men at the front, who refused to withdraw. It will appear from this history that the only order Shafter made during the battle was disregarded. I read:

An order from General Shafter at this moment to neglect El Caney and move to the assistance of the troops at San Juan must have seemed like a grim satire, and was disregarded.

And that is the only order he made during the battle. He remained miles in the rear, in perfect safety, and gave one order, which would have been "a grim satire," and must have so seemed to the men in the front, who disregarded it, and who won the battle in spite of the commanding general. For this the commanding general is to be promoted by a special act of Congress over the men who actually did the fighting!

The lack of artillery and the black powder made the assault on El Caney a work to which infantry should not have been forced. Yet they were forced to it, and supported by only four guns; but, splendidly led by Lawton, Chaffee, and Ludlow, they carried the position at heavy cost by sheer courage, discipline, and good fighting, manifesting these great qualities in a high degree, and one worthy of very lasting honor and remembrance.

Lawton and Chaffee and Ludlow had gone to El Caney with a well-defined purpose, but it is difficult, even after the most careful study and repeated reading of the official reports, to detect any plan whatever in the movements of the rest of the Army.

And this is the man we propose to especially honor by a special act of Congress! Of course, if it is done, there ought to be some reason given to overcome this damaging testimony of the most eminent historian in this body.

There the men stayed, dropping under the shots of the Spaniards, able to do nothing, waiting orders. No orders from headquarters came; the situation was intolerable; retreat meant not only defeat, but useless and continual exposure to a slaughtering fire. No other resource remained except to take rifle in hand and, with infantry alone, carry strong intrenchments and blockhouses, defended by well-covered regulars supported by artillery. Still no orders, and at last the division, brigade, and regimental commanders acted and ordered for themselves.

And for this the man in command, Shafter, is to be especially selected for special honors by Congress itself! If this history is correct, his friends must certainly have been ignorant of it, or they would not have brought his name in here to have this record placed before the country.

The historian further says:

The American Army did it. That is enough to say. They lost heavily, largely through the awkward manner in which they were crowded and delayed at the start.

* * * * * * *

The spirit which carried the heights of San Juan held them, but to General Shafter, away from the front and the firing line, the voices of doubt and alarm came with effective force. During the day he fluctuated from doubt to confidence. He wanted Sampson to try at once and at all hazards to break in, and he proposed to General Wheeler to move against the entrance forts of the harbor, thus giving a tardy adhesion to the wise plan of Sampson and Miles which he had abandoned. Early on the morning of July 3 there came a dispatch from him, written under the first depressing influences, to the War Department, saying that he had Santiago well invested, but that our line was thin, the city strongly defended, and not to be taken without heavy loss; that he needed reenforcements, and was considering withdrawal to a position which an examination of the map showed to mean a retreat to the coast.

Shafter wanted to get under the guns of Sampson, where he could be safe and remain out of fire and out of range. He sent his men, without artillery, to take a hill by charging it. They had done all this, and held the hill, and yet Shafter wanted to retire so as to get under the guns of the fleet!

I remember well when the dispatch came, and I remember the feeling of the American people. It is fortunate that there was some one else at Santiago than Shafter. We had Lawton and Ludlow and Kent and Chaffee and Wheeler, who won the victory in spite of Shafter; and now it is proposed to especially promote Shafter for this blundering incapacity and inefficiency almost unparalleled in the history of a battle that was won.

It seems to me, unless these things can be answered and overcome, there is no reason, unless honors have become cheap and we have them to throw away, why we should select a man who so inefficiently sacrificed our troops on that occasion. It seems to me, if Congress has any honors especially to bestow, we had better stop bestowing them upon men who do not fight and give them to the men who do.

We have already promoted Corbin by act of Congress, though he remained in Washington during the whole war; and by act of Congress since the Spanish war commenced we have promoted Ainsworth, who kept the records and performed the duties of a clerk; and now it is proposed to put Shafter on the list, to emphasize the fact that Congress never promotes anyone by special act unless it is sure that he has not done any fighting.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from South Carolina?

Mr. PETTIGREW. Certainly.

Mr. TILLMAN. Before the Senator takes his seat, I should like to ask him whether the book from which he has read was written by a gentleman on the ground—a man who knows. Is it not unfair to General Shafter to have this statement uncorroborated by official documents?

Mr. SPOONER. I do not think the Senator ought to make that observation.

Mr. PETTIGREW. The eminence of the author of the book is a sufficient answer to the question, and if there is any official record that contradicts its statements, the friends of Shafter had better bring it in. I have no doubt that the eminent historian who wrote this book thoroughly examined the records and took the testimony of innumerable people, and that the statements can be reasonably relied upon as accurate and correct.

Mr. TILLMAN. Has the whole record come out, however?

Mr. PETTIGREW. That I do not know. I should like to have the Senator, if he wishes more accurate information on this subject, address his questions to the author of the book.

Mr. TILLMAN. The Senator seems to know so much about it and is so fully informed that I thought he would give us some information as to the remainder of the disclosures that might be brought out.

Mr. PETTIGREW. Perhaps the Senator can inform me on the subject.

Mr. TILLMAN. I do not feel warranted in doing that in the presence of the historian himself.

Mr. PETTIGREW. Perhaps, then, he had better ask the historian.

Mr. SEWELL. Mr. President, it is unfortunate that the Senator from South Dakota never says anything good of anybody. He merely abuses everybody. His mind runs in that direction. I suppose he can not help it. Shafter was appointed in command of the Army, which consisted of about 18,000 men, selected as one of the best soldiers we had, the man who had settled up the whole of the Southwest. He had conquered the Comanche and all the surrounding Indians. He was the fighting man of the period from the civil war until the Spanish war, or until he had settled the Indian question in the territory which came under his control. I have known Ord to say, when in command of that department, that to Shafter was due the credit that was given him as commanding officer.

My admiration for Shafter is on account of the genius that he displayed in the Santiago campaign. Many of the men with whom I served during the civil war would have sat down at the landing at Guantanamo and other points and waited until the time when in that sickly country the men would have been used up; but he did not do this. He knew the danger of waiting. He knew that he could not even wait to build a road to get guns up. He knew the valor of his men. He even left the horses by the seashore. I consider that he is entitled to great credit.

The idea which he carried out, that he could fight better to-day than to-morrow or two weeks or a month from that time, gave us an early victory over the Spanish army and the Spanish nation, and to him is due the credit for the conception of that idea and for its execution.

The idea of keeping away from battle line! It is not a general's place to be on the battle line. It is to be at some convenient point where he can direct. There was never a question in his mind of retreat. It was advance, advance; go through the sand and everything else to strike the enemy, which he did. General Shafter made one of the greatest successes that we have in our history—the conquering, practically, of a great nation, with the help of the Navy afterwards, in a very short period of time, closing the war within a hundred days, and demonstrating to the Spanish infantry at Santiago that notwithstanding what they had, notwithstanding their defenses and their barbed wires, our men, with their usual gallantry, would carry something to cut the defenses and then rush on the enemy.

Mr. President, General Shafter has never asked for anything. By reason of the grumbles in the Navy about who should have reward, there has been nothing done in connection with the Army on account of the Santiago campaign. He has gone to his work without any promotion. He has faithfully served his country on the Pacific coast, and all the officers who were his lieutenants have had their reward in regular promotions to brigadier-generals; but General Shafter remains there to-day on duty, retired as a brigadier-general, entitled to what I ask for him and what the country owes him, and, I trust, will give to him.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. SEWELL].

Mr. TILLMAN. Let us have the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MONEY (when his name was called). I am paired with the Senator from Oregon [Mr. MCBRIDE]. I do not know how he would vote, and I therefore withhold my vote. If he were here, I should vote "nay."

Mr. PENROSE (when his name was called). I have a general pair with the Senator from Delaware [Mr. KENNEY.] If he were present, I should vote "yea."

Mr. SPOONER (when the name of Mr. QUARLES was called). My colleague is paired, but I do not know with whom. I wish to say that he is detained from the Senate to-day by illness.

Mr. VEST (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. CULBERSON (after having voted in the negative). I have a general pair with the junior Senator from Wisconsin [Mr. QUARLES]. He being absent, I withdraw my vote.

Mr. HEITFELD. I am paired with the senior Senator from New York [Mr. PLATT], and therefore withhold my vote.

Mr. HANNA (after having voted in the affirmative). I am paired with the Senator from Utah [Mr. RAWLINS]. I desire to inquire whether he has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. HANNA. I have a general pair with him, and therefore withdraw my vote.

Mr. ELKINS. I am paired with the Senator from Texas [Mr. CHILTON]. If he were present, I should vote "yea."

The result was announced—yeas 41, nays 11; as follows:

YEAS—41.

Allen,	Foraker,	McCumber,	Shoup,
Allison,	Frye,	McEnery,	Simon,
Bacon,	Gallinger,	McMillan,	Spooner,
Bard,	Hale,	Morgan,	Stewart,
Carter,	Hansbrough,	Nelson,	Taliaferro,
Clark,	Harris,	Perkins,	Thurston,
Daniel,	Hawley,	Pettus,	Warren,
Deboe,	Hoar,	Platt, Conn.	Wetmore.
Dillingham,	Kean,	Proctor,	
Dolliver,	Lodge,	Scott,	
Fairbanks,	McComas,	Sewell,	

NAYS—11.

Bate,	Clay,	Pettigrew,	Towne,
Berry,	Jones, Ark.	Teller,	Turley.
Butler,	Mallory,	Tillman,	

NOT VOTING—34.

Aldrich,	Cullom,	Lindsay,	Quarles,
Baker,	Depew,	McBride,	Rawlins,
Beveridge,	Elkins,	McLaurin,	Sullivan,
Burrows,	Foster,	Martin,	Turner,
Caffery,	Hanna,	Mason,	Vest,
Chandler,	Heitfeld,	Money,	Wellington,
Chilton,	Jones, Nev.	Penrose,	Wolcott.
Cockrell,	Kenney,	Platt, N. Y.	
Culberson,	Kyle,	Pritchard,	

So the amendment was agreed to.

The PRESIDENT pro tempore. The Chair lays before the Senate an amendment, which will be stated.

The SECRETARY. An amendment by Mr. PETTIGREW, to strike out all provisions in this bill which place an age limit against the appointment of meritorious volunteers to positions in the staff and line of the Regular Army, and add the following at end of bill:

It is further provided, That one-third of the original vacancies created by this act, in all grades, from colonel down to second lieutenant, in both staff and line, shall be filled by selection from the officers of volunteers who have been commissioned in their respective staff corps or arm of service since April 21, 1898. The remaining two-thirds of original vacancies created by this act to be filled by selection from the officers of the Regular Army.

Mr. PROCTOR. In the absence of the chairman of the Committee on Military Affairs, I move that the amendment be laid on the table.

Mr. DANIEL. There was so much noise in the Chamber that we could not hear what the amendment is. I ask that it may be again stated.

The PRESIDENT pro tempore. The amendment will again be stated.

The Secretary again stated the amendment.

Mr. DANIEL. May I inquire who offered the amendment?

Mr. PETTIGREW. I did.

The PRESIDENT pro tempore. The Senator from South Dakota [Mr. PETTIGREW]. The Senator from Vermont moves to lay the amendment on the table.

Mr. PETTIGREW. That is an unusual motion, I think—at least, until the author of the amendment has an opportunity to state his reasons for offering it. I hope, therefore, the Senator from Vermont will withdraw his motion to lay on the table, and thus allow me to discuss it before it is voted upon, rather than afterwards.

Mr. PROCTOR. Very well. We will hear from the Senator briefly.

The PRESIDENT pro tempore. The Senator from Vermont withdraws his motion.

Mr. McCOMAS. I ask the Senator from South Dakota to yield to me to offer an amendment.

Mr. PETTIGREW. I yield.

Mr. McCOMAS. I desire to move, on page 21, line 7, to strike out all after the word "That" down to the end of line 10 and to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 21, line 7, after the words "*Provided*, That," it is proposed to strike out:

All vacancies created or caused by this section shall be filled, as far as possible, by promotion according to seniority of officers of the Inspector-General's Department.

And in lieu thereof insert:

Promotions to vacancies above the grade of major created or caused by this act shall be made, according to the rules of seniority, from officers now holding commissions in the Inspector-General's Department. Vacancies created or caused by this act in the grade of major may be filled by appointment of officers who have held commissions as inspector-general of volunteers since April 21, 1898.

The PRESIDENT pro tempore. The amendment will be printed.

Mr. PETTIGREW. Mr. President, the amendment which I offer provides:

That one-third of the original vacancies created by this act, in all grades, from colonel down to second lieutenant, in both staff and line, shall be filled by selection from officers of volunteers who have been commissioned in their respective staff corps or arm of service since April 21, 1898.

A little over one-third of the Army employed to-day are volunteers. This leaves all the places above colonel to be filled by those who are graduates of Westpoint, or from the Regular Army. It seems to me that it is no more than just and fair and right that one-third of the places from colonel down shall go to the men who have seen actual service in the field. Not only that, Mr. President, but this embraces the volunteers who served in the Spanish war, and not alone those who are now in the service and did not serve in the Spanish war, but have served in the Philippines, but that large number of men who served in Cuba and in the Philippines previous to the passage of the last Army bill. So the number of officers provided for is out of all proportion to the number of men from whom the selections are to be made, for under this provision two-thirds of the officers will come from the regulars, besides all of the positions above colonels of regiments.

Therefore it seems to me that it is no more than just and fair to the volunteer service that this amendment should be adopted. The provision which we have made is inadequate and unfair and unjust. If it is left to the Regular Army, of course the volunteers will receive as scant consideration as it is possible to bestow upon them. If it is left to examination, only those volunteers will get through who can answer the technical questions which will be propounded for the purpose of limiting their number to the smallest possible degree.

I ask to have the amendment which I have offered separated, and I offer first the latter part of it, which I will send to the desk.

The PRESIDENT pro tempore. The Senator from South Dakota modifies his amendment, and it will be stated as modified.

The SECRETARY. It is proposed to insert the following additional proviso:

It is further provided, That one-third of the original vacancies created by this act, in all grades, from colonel down to second lieutenant, in both staff and line, shall be filled by selection from the officers of volunteers who have been commissioned in their respective staff corps or arm of service since April 21, 1898. The remaining two-thirds of original vacancies created by this act to be filled by selection from the officers of the Regular Army.

Mr. PROCTOR. This amendment would compel the President to appoint one-third of the officers in all the positions up to and including the grade of colonel from those who had served perhaps one or at most two years over officers of the Regular Army who have served thirty-five or forty years. I do not think the amendment is worthy of any consideration, and therefore I move to lay it on the table.

Mr. DANIEL. I rise to a point of order. I do not think it is in order to make a speech and then to move to lay the amendment on the table.

The PRESIDENT pro tempore. The point of order is overruled. The question is on agreeing to the motion of the Senator from Vermont, to lay on the table the amendment offered by the Senator from South Dakota.

Mr. PETTIGREW. On that I ask for the yeas and nays.

Mr. SPOONER. Does the Senator from Virginia wish to address the Senate?

Mr. DANIEL. Yes, sir; I wish to speak on this subject.

Mr. PROCTOR. I did not so understand.

Mr. DANIEL. I want to make a few observations on the amendment of the Senator from South Dakota.

Mr. PROCTOR. On the amendment as divided—on the volunteer part of it?

Mr. DANIEL. I desire to make a remark or two on the amendment before the Senate.

Mr. PROCTOR. Very well, then; I will oblige the Senator.

Mr. DANIEL. We can seek an opportunity hereafter, if it is inconvenient now.

Mr. PROCTOR. I withdraw the motion.

The PRESIDENT pro tempore. The Senator from Vermont withdraws his motion.

Mr. DANIEL. Mr. President, I am in favor of the amendment which has just been offered or some amendment of like nature. I do not think the Senate ought to engage in so strenuous an effort to deny to the citizen soldiery of this country, who came to the front to serve it in time of war, an opportunity to hold such offices as they may be fitted by experience and talent to hold, confirmed by the judgment of the President and of the Senate. I am a believer, Mr. President, in the freest kind of free institutions, and I believe that the Constitution of the United States has left this matter exactly where Congress would be wise to leave it also. It does not follow that because an officer has served as a volunteer the President will see fit to appoint him. Neither does it follow as matter of course that should the President make an inadvisable appointment the Senate would confirm it. But I consider that it is the right of every free citizen of this country to fight for his country, and I do not think that anything ought to be done by law to abridge the exercise of that right in such place and in such manner as his character, intelligence, service, and patriotism may befit.

The view which the committee seems to take of the volunteers now is very different from that which Congress took of the volunteers after the civil war. I can appreciate that there is some difference, because the last war was nothing like so severe a one, but it seems to me that the Military Committee has gone too far in fixing it so that no volunteer, however distinguished, however fitted, however appropriate his selection may be, shall receive a commission in the Regular Army higher than that of first lieutenant.

I have before me Public Act No. 181, approved July 20, 1866. It is entitled "An act to increase and fix the military peace establishment of the United States." In that act there is a provision that the military peace establishment shall consist of 5 regiments of artillery, 10 regiments of cavalry, 45 regiments of infantry, and the professors and cadets at Westpoint, and so on. Now, as to the 4 regiments of cavalry to be added to the 6 then existing, to make the 10, it is provided:

The original vacancies in the grades of first and second lieutenants shall be filled by selection from among the officers and soldiers of volunteer cavalry, and two-thirds of the original vacancies in each of the grades above that of first lieutenant shall be filled by selection from among the officers of volunteer cavalry, and one-third from officers of the Regular Army, all of whom shall have served two years in the field during the war and have been distinguished for capacity and good conduct.

In reference to the infantry it was provided:

And all the original vacancies in the grades of first and second lieutenant shall be filled by selection from among the officers and soldiers of volunteers, and one-half the original vacancies in each of the grades above that of first lieutenant shall be filled by selection from among the officers of volunteers, and the remainder from officers of the Regular Army, all of whom shall have served two years during the war, and have been distinguished for capacity and good conduct in the field.

Respecting the Quartermaster's Department, it was provided:

And the vacancies hereby created in the grade of assistant quartermaster shall be filled by selection from among the persons who have rendered meritorious service as assistant quartermasters of volunteers during two years of the war.

So, Mr. President, it will be observed from this act, which was the organic act of the Regular Army in 1866, that Congress took particular pains to open the Regular Army to the entrance of meritorious volunteers who had served for two years. There were a great many more volunteers in the late war than there were regulars. There were over 200,000 volunteers. There were many more than had opportunity to distinguish themselves in battle.

But the present volunteer force of the United States, some 30,000 strong, has every enlisted man of it in the Philippine Islands to-day in the presence of the enemy. They have fought in those islands in over a thousand battles and skirmishes, the names of which are mentioned in the report of the Adjutant-General. There are many officers belonging to the Regular Army, which has 38,000 men in the Philippines, who are here in the United States, and there are some volunteer officers in the United States; but there are no volunteer enlisted men—not a company, not a squad—here in the United States. The whole volunteer service of this country to-day that we are engaged in fencing off from the honors of war are absent 7,000 miles from home in the presence of the enemy, and their representatives are engaged, while they are in the face of the enemy, in legislating to deny to them the fitting honors of war——

Mr. GALLINGER. Mr. President——

Mr. DANIEL. And so to proscribe them in this military bill that although this body may consider and although the President of the United States may consider that they are the fittest men to command companies and battalions, to see to it that not one of these shall get such a commission.

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from New Hampshire?

Mr. DANIEL. I will yield for a question.

Mr. GALLINGER. I am not very familiar with this bill and especially not familiar with military matters. I wanted to ask the Senator from Virginia if I correctly understood him to say that no man now in the volunteer service, whatever his rank, can be appointed under this bill in the Regular Army at a higher rank than first lieutenant.

Mr. DANIEL. I so understand it.

Mr. GALLINGER. Whatever his rank may be, if he is a general——

Mr. DANIEL. He may be a general, colonel, major, captain, or what not, it is proscriptive against the whole volunteer force of the United States, denying to the President and to the Senate the right to give them any commission whatever above that of first lieutenant.

Mr. GALLINGER. I will ask the Senator further, does the amendment proposed by the Senator from South Dakota reach this point and cure this apparent defect?

Mr. DANIEL. To a degree. It prescribes that one-third of the commissions shall be given to the volunteers. I doubt if that is the best way to get at it.

Mr. BATE. Then, as I understand it, if the Senator from Virginia will allow me, the bill provided for second lieutenants only until it was amended the other day to meet the difficulty.

Mr. DANIEL. I will call attention to the fact just here that the public documents on this subject do not indicate, at least with such perusal as I have been able to give them, the origin and authorship of these proscriptive disfranchising measures.

It is said in one of the reports—I can not turn to it at this moment—that care has been taken to provide for the volunteers. What was meant by care in that expression was that the rear end of the Army, the lowest rank, had been opened for the possibility of their entering into it in the rank of second lieutenant. I have the report before me now. It is on page 2. It reads:

> Care has been taken to give deserving officers of volunteers who are to be mustered out an opportunity for entering the Regular Army.

That care, Mr. President, consists in this case in authorizing, under certain restrictions and conditions and after giving a great many preferences, their examination for the office of second lieutenant. The Secretary of War, the President of the United States, have not seen fit to recommend to Congress this disfranchisement of our volunteer forces who are out of the country engaged in its defense, and who have no men here to look after their interests and to beset members of Congress with their proposals of plans for organizing the Army of the United States.

Neither has the committee in its report given indication of any other sentiments toward the volunteers save of the great care that they feel for giving deserving officers or volunteers an opportunity of being mustered into the Regular Army of the United States.

Mr. HAWLEY. Mr. President——

Mr. DANIEL. But we find, Mr. President——

Mr. HAWLEY. I beg pardon; I should like to have a little matter of business transacted which would be for the convenience of the Senate, I am sure. The copies of the pending bill are so marred with amendments made and printing that it is vexatious to try to find anything. I ask an order to print it to-night for to-morrow morning, as far as possible, with all the amendments given to date.

Mr. DANIEL. I am very glad that the chairman of the Military Committee has asked that the bill may be printed for use to-morrow after such amendments as have been adopted by the Senate have been ingrafted upon it.

The PRESIDENT pro tempore. Will the Senate consent to the order? Without objection, the order is made. The Senator from Virginia will proceed.

Mr. DANIEL. I will discontinue my remarks, Mr. President, until we get a printed copy of the bill, with just one suggestion about it.

It seems to me that when a large force of volunteers has responded to the call of Congress and entered upon a task which is dangerous and far away from home, every member of the body to whose call they have so patriotically responded should feel in their absence that he should scrutinize the bill and see that it does them no injustice.

I do not desire, Mr. President, to press consideration for the volunteer soldier beyond a due regard to the regular soldier, for both are entitled to high consideration, and in commending the one I would not disparage the other. But it is true, Mr. President, that if ever this country gets into war of any magnitude it is the volunteer we have got to rely upon to defend it. The very moment that the war, which is now over with Spain, broke out, the President and the Congress and the people at once turned to the volunteer.

It was said correctly a few days ago by the Senator from Connecticut [Mr. HAWLEY] that we are not out of sight of war. He might have added that we are not only in sight of war, but we are in war, and he might also have reflected that whether that be a war which is recognized according to international law as between nations or a de facto nation on one side and a recognized nation on the other, it is a war which has to-day in the field in the Philippine Islands 68,000 men, and nearly one-half of them are volunteers. I will present the statistics to-morrow upon this subject, and they will show that the volunteers have fought in the Philippine Islands more battles than the regulars have and have suffered greater casualties in blood. While I would not exalt them beyond their due and equitable share of military honor, surely the men who have gone upon the field together and spilt their blood in the same channel ought not either of them to try to exclude the other from the just and proper recognition by their countrymen of their merits.

I hope to-morrow, Mr. President, before this bill shall go to the other House for concurrence, that the Senate will turn its attention to the just and proper recognition of the volunteer. If you make the bill restrictive on one side by requiring that so many positions shall be given to the regulars, it will then be necessary for those who wish to see justice done to the volunteer to seek for some corresponding restriction upon the other side, such as that proposed by the Senator from South Dakota; but it would be better, in my judgment, to trust the President of the United States and the Senate of the United States, which are the constitutional officials of a free country, to judge of the fitness of men to hold office and to select them for that office without too many restrictions put upon the places to be filled by law.

I believe you injure the service of the country and injure the growth of free ideas whenever you put incumbrances and restrictions around official position. The men who have the right to select these officers are not going to select improper persons simply because their choice is unrestricted by law. They will then more keenly feel that the responsibility of selecting the right man is upon them; that responsibility will be daily impressed upon their minds by the exercise of it and by the pursuit of the inquiries necessary to proper selections. Wherever a law attempts to define and describe a certain particular few, it relieves the Executive and the Senate of their responsibility for the selection, and the whole official coterie of the country is consolidated together under partial and discriminating laws. Instead of such a condition we should leave a fair field and open competition to the great body of the people, which is the very genius of true republicanism and true democracy.

PREFERENCE TO VETERANS.

The PRESIDENT pro tempore. The junior Senator from Maine asks for the present consideration of an order which will be read to the Senate.

The order was read and agreed to, as follows:

> *Ordered*, That the Committee on Military Affairs be discharged from the further consideration of all petitions praying the passage of H. R. 5779 (the veteran preference measure) and that they be referred to the Committee on Civil Service and Retrenchment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. H. L. OVERSTREET, one of its clerks, announced to the Senate the intelligence of the death of Hon. FRANK G. CLARKE, late a Representative from the State of New Hampshire, and transmitted resolutions of the House thereon.

The message also announced that the Speaker of the House had appointed Mr. SULLOWAY, Mr. HILL, Mr. KNOX, Mr. CAPRON, Mr. HOWELL, Mr. LANE, Mr. ALLEN of Maine, Mr. LANDIS, Mr. LITTLEFIELD, Mr. WEAVER, Mr. FITZGERALD of Massachusetts, Mr. GRIGGS, Mr. GAINES, Mr. ROBINSON of Indiana, Mr. NAPHEN, and Mr. KING members of the committee on the part of the House to attend the funeral of the late Hon. FRANK G. CLARKE.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

A bill (H. R. 1734) granting a pension to Mary A. Whitmore;

A bill (H. R. 2752) granting an increase of pension to Edmund P. Tierney;

A bill (H. R. 5117) granting a pension to Roland Burnett;

A bill (H. R. 5655) granting a pension to Lurinda Laughlin;

A bill (H. R. 9108) granting a pension to Maria H. Hixson;

A bill (H. R. 10062) granting an increase of pension to Harriet Crotsenburg;

A bill (H. R. 10785) granting a pension to Thomas White;

A bill (H. R. 13394) providing for the payment of electoral messengers; and

A joint resolution (S. R. 144) to fill a vacancy in the Board of Regents of the Smithsonian Institution.

DEATH OF REPRESENTATIVE CLARKE, OF NEW HAMPSHIRE.

Mr. GALLINGER. Mr. President, I ask that the resolutions just received from the House be laid before the Senate.

The President pro tempore laid before the Senate the following resolutions from the House of Representatives; which were read:

IN THE HOUSE OF REPRESENTATIVES, *January 10, 1901.*

Resolved, That the House has heard with deep regret and profound sorrow of the death of the Hon. FRANK G. CLARKE, late a Representative from the State of New Hampshire.

Resolved, That a committee of 16 members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral at Peterboro, N. H., and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate these resolutions to the Senate, and transmit a copy thereof to the family of the deceased.

Mr. GALLINGER. Mr. President, I submit the resolutions I send to the desk, for which I ask present consideration.

The PRESIDENT pro tempore. The resolutions will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. FRANK G. CLARKE, late a Representative from the State of New Hampshire.

Resolved, That a committee of six Senators be appointed by the presiding officer to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Mr. GALLINGER. I ask for the adoption of the resolutions.

The resolutions were unanimously agreed to; and the President pro tempore appointed as the committee on the part of the Senate, under the second resolution, Mr. CHANDLER, Mr. GALLINGER, Mr. DEBOE, Mr. SCOTT, Mr. MCLAURIN, and Mr. HEITFELD.

Mr. GALLINGER. Mr. President, as a further mark of respect to the memory of the deceased, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Friday, January 11, 1901, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 10, 1901.*

The House met at 12 o'clock m. Prayer was offered by the Rev. JOHN COLEMAN ADAMS, D. D., of New York City, as follows:

Let us pray, Almighty God, our Heavenly Father, before the beginning of this day's work, to ask Thy blessing and Thy gracious favor upon these Thy servants assembled here. Guide and direct them, we beseech Thee, in all that they shall do. Help them to be ever mindful of their responsibility unto Thee, whose throne is the highest of all tribunals, and their obligation unto that law of the Lord which is the chief and supreme code. Lead them, we pray Thee, in all they shall do here that nothing may be done to hinder, but all things to help, that blessed day when the kingdoms of this earth shall be the kingdoms of the Lord.

We remember tenderly, O Thou Almighty God, that the shadow of death has swept this Chamber, and that one has been called from his labors here to enter upon the tasks of the invisible God. Cherish and comfort, we beseech Thee, the family and friends of him who hath gone, and give us all a sense of how brief our time is, and help us to work while it is day, for the night cometh when no man can work. And these things we ask and beseech for Thy name's sake, in the spirit of the blessed Master, Jesus Christ. Amen.

The Journal of yesterday's proceedings was read and approved.

CODIFICATION OF POSTAL LAWS.

Mr. LOUD. Mr. Speaker, I desire to ask unanimous consent that after the conclusion of the river and harbor bill House bill 13423 be made the special order. I will say to the House that it is a bill to revise and codify the postal laws. It contains no change of law, but simply incorporates into statute the changes that have taken place since 1873 and repeals such statutes as have become obsolete.

Mr. RICHARDSON of Tennessee. Is it recommended by the committee?

Mr. LOUD. Yes.

The SPEAKER. The gentleman from California asks unanimous consent that House bill 13423, a bill to revise the postal laws of the United States, may be made the special order after the disposition of the river and harbor bill.

Mr. RICHARDSON of Tennessee. I want to ask the gentleman from California if this is the unanimous recommendation of the committee?

Mr. LOUD. I will state, Mr. Speaker, that it is the unanimous recommendation of the committee. The criminal laws are such as were revised by the Commission to Revise and Codify the Laws, of which our late member, Judge Culberson, was a member. This bill has been carefully gone over by Judge BURKE, of Texas, the Assistant Attorney-General, and Representative MCPHERSON, of Iowa.

Mr. MCRAE. This is a codification bill, and not to authorize the codification?

Mr. LOUD. It is a codification.

Mr. MCRAE. It calls for no change of postal rates in any class of matter?

Mr. LOUD. None whatever.

Mr. GIBSON. Mr. Speaker, to-morrow being Friday, is it pension day under the rule?

Mr. LOUD. I will say, Mr. Speaker, that I will incorporate into my request that it shall not interfere with pension day.

Mr. GIBSON. Then I have no objection.

The SPEAKER. The Chair hears no objection, and it is so ordered.

EULOGIES ON THE LATE SENATOR CUSHMAN K. DAVIS.

Mr. EDDY. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The Clerk read as follows:

Resolved, That Saturday, February 2, 1901, at 3 o'clock p. m., be assigned for the consideration of resolutions of respect to the memory of the late CUSHMAN K. DAVIS, a distinguished member of the United States Senate from the State of Minnesota.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

EULOGIES ON THE LATE REPRESENTATIVE RICHARD A. WISE.

Mr. JONES of Virginia. Mr. Speaker, some time since I gave notice that I would ask the House to fix a day when those who desired to do so might present eulogies on my late colleague, RICHARD A. WISE, of Virginia. I now ask unanimous consent that Saturday, February 9, at 4 o'clock, shall be set aside for that purpose.

The SPEAKER. The gentleman from Virginia asks unanimous consent that Saturday, February 9, at 4 o'clock p. m., be set apart for eulogies upon the life and character of the late Representative RICHARD A. WISE. Is there objection? [After a pause.] The Chair hears none, and that order is made.

EULOGIES ON THE LATE SENATOR JOHN H. GEAR.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that Saturday, January 26, at 4 o'clock in the afternoon, be set aside to pay tributes of respect to the late Senator JOHN H. GEAR, from the State of Iowa.

The SPEAKER. The gentleman from Iowa asks unanimous consent that Saturday, January 26, at 4 o'clock p. m., be set aside for tributes of respect to the late Senator GEAR, of Iowa. Is there objection? [After a pause.] The Chair hears none, and that order is made.

EULOGIES ON THE LATE REPRESENTATIVE JOHN H. HOFFECKER.

Mr. BINGHAM. Mr. Speaker, I move that February the 16th, at 4 o'clock p. m., be set aside for eulogies and tributes of respect to the late JOHN H. HOFFECKER, a member of this House from the State of Delaware.

The SPEAKER. The gentleman from Pennsylvania moves that February 16, at 4 o'clock, p. m., be set apart for eulogies on the late JOHN H. HOFFECKER, from the State of Delaware. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

RIVER AND HARBOR BILL.

Mr. BURTON. Before making the motion that the House go into the Committee of the Whole on the river and harbor bill, I desire to ascertain whether we can agree upon any limitation of general debate. I ask unanimous consent that general debate terminate at 3 o'clock to-day.

Mr. CUSHMAN. I object.

Mr. BURTON. I move that the House now resolve itself into Committee of the Whole for the further consideration of House bill 13189—the river and harbor bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HOPKINS in the chair) and resumed the consideration of the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The Chair will recognize the gentleman from Missouri [Mr. SHACKLEFORD] for five minutes.

Mr. SHACKLEFORD. Mr. Chairman, I ask the Clerk to read for information an amendment which at the proper time I desire to offer to this bill.

The Clerk read as follows:

Amend by striking out in line 18, page 75, the word "three" and inserting in lieu thereof the word "six."

[Mr. SHACKLEFORD addressed the committee. See Appendix.]

The CHAIRMAN. The gentleman from Ohio is recognized for twenty-five minutes.

Mr. GROSVENOR. Mr. Chairman, I do not crave the pleasure of disturbing the harmony that seemed to exist yesterday in the

matter of the irrigation of arid lands, and yet I feel the duty pressing upon me to make known a few suggestions that may be of ultimate value, or may not, as the predisposition of Congressmen now appear. I recognize the mighty importance of the subject. I recognize in the fullest extent how grand is the picture of 600,000,000 acres of land, now practically a barren waste, and which it appears can be made available for homes and for the development of the country and the disposition of the crowded overflow of population which we anticipate in the future. I have no doubt that the coming Congresses of the United States will take hold of this question, for it is quite apparent that the organization in favor of some action of a national character is complete and perfect, and yet I fear that it will be my duty hereafter, as well as now, to make suggestions that will not be promotive of the possibility of national action in this behalf.

I wish to discuss the question very briefly from two standpoints. One, the question of legality, and about that I shall say but very few words; the other the question of propriety, or expediency, or justice, as you may divide up the question. Under what power of this Government is this measure sought to be promoted? What jurisdiction has the Committee on Rivers and Harbors to consider, report, and act upon a proposition looking to the fertilization of waste farming lands, lands available for farming purposes, but by reason of their character originally or by reason of something which has occurred since, more latterly, they are no longer fit for agricultural purposes. What is the power of Congress, and from whence derived, to appropriate money looking to the fertilization of those lands? I deny that there is any power and deny that it is any part of the province of the Federal Government to in any way, by any system whatever, either by direct appropriation, under the right name, or by other device that reaches the same results by a different route or travel, I deny that Congress has any such power.

I will not quote the language of our Democratic brethren upon cognate questions; but we all understand that the fathers of the Constitution, and the great statesmen that followed its adoption, not only condemned by their utterances action of this character, but they denied the power of Congress to legislate for the improvement of rivers and harbors, and over and over again the Democratic platforms of the country, under the inspiration of the very men who grew up with the development of the Constitution, denied the power of Congress to dredge a river or a harbor of the country. Since I have been a member of this House, and while a member of the Committee on Rivers and Harbors, over and over again aged Democrats, Democrats of great experience, Democrats of wisdom, when they came before the committee for their States always reiterated—I have in my mind one of them, and I am looking at my friend from Mississippi, who has heard it—always reiterated his latent denunciation of the proposition that Congress had any right to legislate for the improvement of rivers and harbors, and always said that in the interest of his constituents he would waive his constitutional objection.

Mr. CLARK. Will the gentleman permit a question?

Mr. GROSVENOR. Yes, sir.

Mr. CLARK. Do you not know that so great a logician as Calhoun admitted the constitutional right of Congress to improve the great waterways?

Mr. GROSVENOR. At what date?

Mr. CLARK. It does not matter what date. Did not he do it?

Mr. GROSVENOR. If my friend will allow me, I will share his information with mine.

Mr. CLARK. And I want to ask you another question.

Mr. GROSVENOR. Wait until I answer this. Some time about 1845 Mr. Calhoun was converted. He was converted on a great many other questions, too.

Mr. CLARK. Suppose he was?

Mr. GROSVENOR. But he was especially converted to the doctrine that Congress has the power to improve rivers and harbors; and I will tell you when it came, how it came, and why it came. He was a protectionist, a high-tariff man. He was converted when the magnificent interest in Southern cotton grew up, and when there grew to be a necessity for deep water and better harbors; and that corrected the erroneous ideas of the distinguished gentleman to whom my friend has referred.

Mr. CLARK. Well, let me ask you another thing. Is there not a good deal of difference in argument against a thing as an original proposition, and then, when it has become the settled policy of the Government to do that thing, to accept the theory?

Mr. GROSVENOR. I think that is quite a fair statement.

Mr. CLARK. Now, another thing. Did not Calhoun and Webster just simply swap places on the tariff question?

Mr. GROSVENOR. Well, there has been a good deal of swapping, until it would seem that there is nothing left to swap.

Mr. CLARK. Do you read the Philadelphia North American Review?

Mr. GROSVENOR. Sometimes.

Mr. CLARK. It is advocating cutting down the tariff on account of the extortions of the plate-glass trust.

Mr. GROSVENOR. I was going to say, and insist upon it, that we have just come out of a mighty Presidential campaign, when great men have appeared before the public; and while I did not hear every speech made, nor did I read every one of the editorials written, I did not hear, nor do I hear, of any man making any speech on free trade or against the present protective tariff.

Mr. CLARK. That simply grew out of the fact that there was a multiplicity of other issues.

Mr. GROSVENOR. You have had your chance. I therefore consider that question foreclosed; and when the gentlemen who are to perform the reorganization of the Democratic party, if they have any consistency, when the next pronunciamento shall be issued the Democratic platform will contain a high-protection proposition and the assertion that the party has always been in favor of it. [Laughter.] After a while it came to be admitted, or, in other words, the Democratic party ceased to oppose appropriations for rivers and harbors, and having been so long out of the business they became about as vigorous advocates of appropriations as anybody I have ever met in Congress. [Laughter.]

Upon what ground is that? Upon the ground that Congress has the right to legislate for the navigation of the waters of the country in the interest of commerce, the great subject that is placed exclusively in the hands of Congress, the right to control commerce both among the States and with foreign nations, and the right to do all the incidental things that relate to the movement of the products of the land. But when you get to fertilizing real estate you have got beyond the dream of the most optimistic constructionist of the Constitution when he casts his eye over the sentence "to promote the general welfare."

Why, Mr. Chairman, what is the difference in legal principle between the proposition to irrigate the arid lands of the West and another proposition which would be of the highest value, a proposition to fertilize the lands of abandoned farms in some of the Eastern States?

Mr. KING. Will the gentleman permit an inquiry?

Mr. GROSVENOR. Yes.

Mr. KING. Does not my friend see a wide distinction between the fertilization of private land and the Government taking care of and rendering more profitable and valuable its own land?

Mr. GROSVENOR. I think not; when the land is intended, as it is now, for the occupation of actual settlers, or for sale under the public-land act of this country exclusively for settlers, I can see no distinction. I deny that the Government of the United States has any power to tax me in order to enhance the value of the public domain of the country. I meet the gentleman's question fairly. Now, I have gone far enough upon the question of law. I do not believe, I do not yield the point, I deny the power of Congress by a much stronger reason, the duty of Congress.

Now let me go very briefly to another side of the question. It is unjust, and will not become the policy of the American people. We have gone far enough in legislation for special interests in the United States.

Mr. FITZGERALD of New York. Will the gentleman permit a question?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from New York?

Mr. GROSVENOR. Yes.

Mr. FITZGERALD of New York. What is the difference, in the gentleman's opinion, between appropriating money to irrigate arid lands and granting bounties in the way of subsidies to shipbuilding companies?

Mr. GROSVENOR. As wide as the difference between the levying of a tariff and the supplying of agricultural implements. I do not know anybody that disputes the legal right of the Government to subsidize the ships of this country in the foreign or domestic trade. We have always, from 1789, subsidized the American ships in the coastwise trade of the United States. We are doing it to-day. We do it by protecting them from foreign competition.

Mr. FITZGERALD of New York. The gentleman said a moment ago that he objected to being taxed to improve the public domain. Is he willing to be taxed to enrich a private monopoly?

Mr. GROSVENOR. I am not, and nobody else is. There is not any such thing in the shipping business in the world as a private monopoly. While the timber grows, while the iron is produced, while labor exists, and money is in the country, and the ocean spreads itself out, there will never be a monopoly in the shipbuilding business. There never can be a monopoly, and the gentleman must not possess himself of such a doctrine as that. The ocean and the interest of the carrying trade is duplicated in principle by the right of the Government to build and construct the Pacific Railroad, as was done in the time of the rebellion, when we subsidized the Pacific Railroad line, one first and then others later, in order that we might connect the various parts of our system by iron and steel bands with the Pacific coast and give us access to the Pacific Ocean. But I am not going to be led aside to discuss the subsidy question now. I will meet my friend in due time, ready for any fray he may engage in.

Now, then, let us see how this stands. Here are these great agricultural interests in this country. They extend from the Atlantic to the Pacific. There are abandoned lands. There are the worn-out lands of some of the Eastern States. There are rich and fertile lands in a number of the States. Then you pass over the Missouri River, across a great belt of magnificent land and come to these arid lands. All these lands are the foundation upon which is built the agricultural system of the country. Land in the State of Ohio, much of it, is worth $100, $125, to $150 an acre for agricultural purposes. It brings $10, $15, to $20 per acre net rental, ex taxes. That lower rate is often paid in the county where I live per acre for land for purely agricultural purposes. What makes it thus valuable? In one respect its quality, and in another respect its location. It is nearer the world's markets, it is nearer the great markets of the country, and another thing is its great value inherent in the soil itself.

Mr. BROWN. And it is located in Ohio.

Mr. GROSVENOR. Yes; that is one thing that helps it very much. But go farther into the Wabash country, into the White River country, go everywhere into the Middle West and into that great country we call the Northwest, and the soil is magnificent and the facilities for agriculture are not surpassed in the world. Now, we are paying taxes, we are upholding our State governments, our municipal governments, our educational systems, and incidentally we are paying our taxes for the upholding of the Federal Government and putting the money into the Treasury that it is proposed now shall be used for—what? For the fertilization of the lands of the West and Northwest. I deny the propriety of it from the standpoint of equal, exact justice to all the people of the country.

Mr. KING. Will the gentleman allow a question?

Mr. GROSVENOR. Certainly.

Mr. KING. As I remember, in the platform of the party to which my distinguished friend belongs there is a declaration in favor of the reclamation of the arid lands of the West.

Mr. GROSVENOR. That is all right, if it is so.

Mr. KING. How does my friend suppose that reclamation can be effected unless the parent Government makes appropriations for the purposes indicated?

Mr. GROSVENOR. Several times in the course of my brief career on this floor I have had occasion to say that some of these ornamental propositions in the national platform have never been approved by me, because I did not know that they were there. I always take the platform as representing two or three great things, and the declarations I pay but very little attention to; but there is this distinction: We own the land, and one of the things which are the duty of the General Government is to survey it, and while my friend the gentleman from Iowa [Mr. LACEY], chairman of the Committee on the Public Lands, doubtless has all the precedents right at his tongue's end, I do not know how much beyond that in the way of fertilization the Government has ever gone in the matter of these lands. But I do know that the principle upon which you would take the money of my constituent and pay it out for the building up of any competitive power against my constituent is not just legislation.

That is what I have to say, and that the farmer of the Scioto Valley, the farmer of the Hocking Valley, the farmer of the Miami Valley, and the farmer of the lateral streams crossing the country away west of there shall not be put in the position of paying taxes for the purpose of benefiting the landowner of the Northwest, and, secondly, indirectly obliterating the advantage which God has given him in the location of his farm. Every new tillable and rich farm becomes a competitor of every other; and while I shall glory in seeing these arid lands coming into use, and shall rejoice in the growth of a population thrifty and happy, as much as any man can, I deny that any system ought to be inaugurated by which the money of the East shall be taken to build up competition against their best interests by improving the arid lands of the West.

I am willing to vote for all the experiments that will give information to the people of the country and the world about these public lands. I am willing to do anything that will bring these lands into the market and under the notice of the teeming thousands that I hope will go there; but I am unwilling that this system of fertilization shall be carried on until the arid lands of New Hampshire and of Maine (which is now apparently becoming a keystone or pivotal State of the Union) shall also have the benefit of phosphorescent improvement of their agricultural lands. What is the difference? My friend from Utah suggests that the difference is in the fact that the farmer of Maine owns his land, while these lands which are sought to be reclaimed are Government lands. Now, very well. Has the Government, therefore, a right to improve its lands in soil by taxing the land that is already held by the citizens of the country? I deny it. Let us develop these lands as far along the line as possible. We have experimental stations in the agricultural States of the country, and we devote our money sometimes to experiments that the Government can make and which private individuals can not make.

Now, apropos of that and in consonance with that, I would be willing to see a test made; I would be willing to see a great reservoir upon some tract of arid land completed and experimented with for the purpose of pointing out to the people who might come and settle upon those lands the possibility of what might be done. And I would gladly and cheerfully vote to turn over those lands to any State that desires them; but I am unwilling that without protest a great scheme shall be put in motion here to-day looking too the enormous expenditures that must come when, in my judgment, it is first unconstitutional and illegal, and second, unjust and unfair to the whole mass of the people of the country.

Mr. HEPBURN rose.

The CHAIRMAN. The Chair will state to the gentleman from Iowa that he will first recognize the gentleman from Washington [Mr. JONES], and then will recognize the gentleman from Iowa.

Mr. JONES of Washington. Mr. Chairman, at the proper stage in the proceedings on this bill I propose to offer an amendment for the improvement of Grays Harbor and Chehalis River, and I propose briefly to explain the reasons why I intend to offer this amendment. I think it is an improvement in which every member of this House is interested, for this reason: This House has heretofore provided for the improvement of the bar entrance to this harbor at an expenditure of a million dollars, and unless this project is carried out and completed the benefits that the Government was to derive from that improvement will be very largely lost.

Hence, it seems to me that this is a matter in which every member of this House is interested. I think also that this is a proposition which, while I called it to their attention, did not receive the consideration at the hands of the committee that they probably would have given it had they fully understood the situation. I understand how it is, with the great number of claims and demands made upon the committee that they might have overlooked it somewhat. So I desire especially the attention of the members of this committee to this proposition.

Now, there are three improvements which are similar in name. One is called the improvement of Grays Harbor and the bar entrance. This is the construction of the jetty at the entrance to the ocean. The other is the improvement of Grays Harbor and Chehalis River. This is the one for which I desire an appropriation and covers the natural harbor as far as large vessels ascend. The third is the improvement of Chehalis River. This is the improvement of the river itself. In name they are very similar, but the improvements are entirely different. A description of each project is found in Report of Engineers of 1896, pages 3333 to 3344.

Grays Harbor is about 17 miles long. At the entrance of the harbor there is a great work being conducted by the Government now, which was authorized by the act, I think, of 1896, at a total cost of $1,000,000. They are putting in a jetty in order to confine the waters and increase the depth of the channel connecting it with the ocean. The results have been more than the engineers and officers of the Government expected. In the report of the engineers for 1900 the statement is made that the depth of this channel has been increased from 14 to 18 feet, or an increase of 4 feet in the last two years. The depth expected is from 20 to 24 feet. The Grays Harbor and Chehalis River improvement that I have mentioned is an improvement within the harbor, several miles above the bar entrance. Coming up from the ocean the first city that we strike is the city of Hoquiam. Below that, between the city and the bar entrance, there is a shoal which at low water has only a depth of 8 to 12 feet.

Now, vessels coming in through the bar entrance, where we expect to get a depth of 20 feet, can not pass that shoal unless some improvement is made without waiting from day to day on the tides. In other words, unless this amendment is made the improvement at the bar entrance is almost useless. A million-dollar improvement there that the Government has made will be almost useless. Hoquiam is the first town to be reached. Then above Hoquiam we get to Aberdeen, the largest town on the harbor, and between these two cities there is another shoal where the depth of the water is only about 7 feet and vessels have to wait from day to day on tides in order to get out to sea. So you can see unless these two shoals are made deeper by dredging a channel the entrance improvement will be almost valueless. This is the improvement covered by my amendment and termed Grays Harbor and Chehalis River.

The project that I am talking about now was adopted prior to the bar entrance project. It was estimated to cost $150,000. Seventy-five thousand dollars were appropriated; $65,000 and over have been expended. A depth of 2 or 3 feet additional was secured by washing, but it was hoped that by confining the water to a channel it would wash out the channel to the required depth, 16 or 18 feet. It was found, however, that the soil was of a very different character from what they expected in the first place, and the engineer says it is of such a refractory nature that it will require dredging in order to do it. Now, I want to call your attention to what the engineer says in the report of 1896, prior to the

beginning of this bar entrance work. Here is what he says as to the bar entrance work and proposed improvement:

The proposed improvement at the entrance to the harbor, calling for a channel 20 feet in depth at low water over the bar, will probably be started at an early date. A plan for this improvement was submitted on March 20, 1895, and authority for the commencement of the improvement under this plan was given by the river and harbor act of June 3, 1896.

At present the deep water of the lower harbor is separated from the deep water of the upper harbor by two bars. One is below Hoquiam, commonly known as the Lower Shoal, having a low-water depth of very nearly 12 feet, and the other above Hoquiam and below Aberdeen, commonly known as Cow Point Bar, having a low-water depth of only 8 feet.

The character of these shoals is a refractory material, and if removed, will have to be by dredging, aided, perhaps, by a deflecting dike from the westerly end of Rennies Island.

Unless the channel to the upper inner harbor is deep enough to permit shipping which may be enabled to enter the lower harbor to reach the harbor towns and mills which are located on the upper inner harbor, the value of the improvement of the outer bar will be greatly diminished.

I repeat that the value of this improvement that Congress has provided for will be very greatly diminished if this Government refuses to make a small appropriation for this inner harbor in order to allow vessels that can enter the outer harbor to reach the town and business of the harbor. In other words, the Government is in this position: It is like a man with a magnificent mansion, constructed with beautiful rooms, nice hall ways, and doors, without any stairway to get from one floor to the other. The question is whether this Congress will refuse to make the necessary appropriations to get the full benefit of this million-dollar improvement. The engineer says this can be done at a reasonable expense. His language is as follows:

It is practicable to obtain a channel 18 feet at mean lower low water at a reasonable cost over these troublesome shoals, and it is believed that such a channel would be permanent when once obtained, and that it is all that will be required for several years.

The estimated cost of a channel 100 feet wide at the bottom and 18 feet deep at mean lower low water is $107,500.

Now, sir, will the Government allow an appropriation of $1,000,000 to be practically lost when $107,500 will save it? Furthermore, $65,000 have been expended in the construction of dikes; and yet this engineer states:

To even maintain the depth which has already been obtained, it will be necessary to make quite extensive repairs to the dikes heretofore constructed. The cost of these repairs as the dikes are at present is estimated at $18,500. The longer before repairs are made, the more will be the cost.

It seems to me, sir, that this Congress ought to appropriate at least enough to maintain the improvements which have already been made, and that we should appropriate something to enable us to derive the proper benefit from an appropriation of $1,000,000 at the entrance of this harbor.

Now, that is the condition. I propose to tell this committee—and I believe that they will see the justice of it when they look into it—that we should have appropriations not only for continuing this inner improvement, but for making the repairs.

I propose to put in my remarks a statement from the commercial bodies relative to the business done in that locality, and also the detailed recommendations of the engineer. I will at this time simply call attention to a brief statement of that business and how it has increased within the last four years.

The following table shows the exports and imports for each calendar year since and including 1896:

Year.	Tons.	Value.
1896	110,748	$939,677
1897	150,906	1,071,747
1898	168,468	1,252,089
1899	265,918	1,979,998

This is the business of the harbor as distinguished from the business of the Chehalis River, which is about 3,000 tons.

I wish to say that this is one of the greatest harbors on the Pacific coast. It has tributary to it probably the most magnificent lumber region that there is in the United States. About 60,000,000,000 feet of lumber is tributary to this harbor. Trees two and three hundred feet high and eight and ten feet in diameter of the finest kind of lumber. A million feet of lumber are manufactured on this harbor every dry. And there are ships being built there; two or three years ago there were two built; in the past year three or four; and to-day there are four or five in course of construction at these towns.

I am asking this appropriation not alone for the benefit of Grays Harbor—not alone for the State of Washington—but for the benefit of the United States, and for the utilization of a million dollars already expended there, or that will be expended there within one year. I ask this committee in justice to the interests of this Government that they propose to look after, that we authorize this additional improvement.

The following are the detailed recommendations of the engineers as to repairs:

RECOMMENDATIONS.

I respectfully recommend the following for future improvements in Grays Harbor and Chehalis River, based on my study during the last three years:

Chehalis River Dikes.—The brush filling of these several dikes, the length of which aggregate 1,476 feet, has settled considerably. I estimate the top of this filling to stand at an elevation of about 4 feet below the level desired to be maintained. Some of the timberwork is broken and will need to be replaced. To make these repairs, it is estimated the following quantities of materials will be required, at about the following cost:

[In place.]

250 cords brush, at $2.50	$625
5,000 feet B. M. lumber, at $12	60
500 pounds spikes, at 3 cents	15
500 tons stone, at 70 cents	350
Total	1,050

Cow Point Dike.—The total length of this structure is 8,486 feet, of which 1,000 feet is a mattress sill without timberwork. It is estimated that this dike will require a general refilling of from 1½ to 2 feet for its entire length, and that the timberwork will have been destroyed in places owing to the heavy drift which is ever present in the vicinity of this dike. To make the repairs, it is estimated that materials in the following quantities will be required:

[In place.]

400 cords brush, at $2.50	$1,000
15,000 feet B. M. lumber, at $12	180
1,500 pounds spikes, 6 and 8 inch, at 3 cents	45
600 tons stone, at 70 cents	420
100 bolts, at 20 cents	20
Total	1,665

Middle Channel Dike.—The physical condition of this structure is such that I do not believe it would be safe to repair it along the lines of the old specifications and plan. I am inclined to think that better results and a greater insurance of permanency would be obtained by filling the lower side of this dike with stone to about the level of low water and then filling the remainder of the dike with brush. Based on this plan, material in about the following quantities will be required:

[In place.]

10,000 tons stone, at 70 cents	$7,000
500 cords brush, at $2.50	1,250
10,000 feet B. M. lumber, at $12	120
1,000 pounds spikes, at 3 cents	30
100 bolts, at 20 cents	20
Total	8,420

New work (3,500 feet protection sill).—For the construction of this work, which would be in two parts, 2,000 feet at the south end of the Middle Channel Dike across the flats, and 1,500 feet at the east end of the present protection sill along the ship channel, materials in about the following quantities will be required:

[In place.]

2,100 linear feet piles, at 8 cents	$728
1,200 cords brush, at $2.50	3,000
2,500 tons stone, at 70 cents	1,750
11,000 feet B. M. lumber, at $12	132
1,100 pounds spikes, at 3 cents	33
Total	5,643

DREDGING.

Chehalis River.—The improvement of the Chehalis River in accordance with the approved plan calls for dredging a channel 16 feet at half tide through four shoals below Montesano, so that coasting vessels can reach that town. At the time this project for improvement was formulated there was a sawmill located at Montesano, which town was the terminus of the Grays Harbor branch of the Northern Pacific Railroad.

Small, shallow-draft, steam coasting vessels, the extreme draft of which did not exceed 10 feet, occasionally went as far as Montesano, and I am informed that two flat-bottomed schooners have lain at the mill wharf. Since this time the sawmill has burned down, and for the past three years neither steam nor sail coasting vessels have been farther up the river than Cosmopolis, which is 12 miles below Montesano. The Northern Pacific Railway Company has extended its line as far as Aberdeen and Ocosta. A line of shallow draft stern-wheel boats make two trips daily between Montesano and the lower harbor towns. These steamers experience but little difficulty at the shoals, the greatest trouble being on account of snags, which after each freshet lodge at different points along the river.

In view of the foregoing facts and the heavy and refractory nature of the material composing the shoals which would be expensive to remove by dredging, it was recommended by Captain Symons that this project be reconsidered and the dredging of these shoals be abandoned.

Cow Point Bar.—It was supposed at the time the plan for improvement of inner Grays Harbor was outlined that this bar was composed of sand, and that by the construction of the dike partly closing the south channel the increased tidal flow over the bar would scour it away. Borings made on this bar in July and August, 1895, show it to consist of tough clay, which will not wash or scour. As a consequence, in order to obtain the desired depth of 16 feet at half tide, as outlined by the approved plan of improvement, dredging will have to be resorted to.

The commerce of Grays Harbor is constantly increasing. During the last year nearly 300 cargoes of lumber left Grays Harbor, of which about half that number crossed this shoal. Considerable delay is experienced in getting ships to sea, owing to Cow Point Bar, it requiring two tides to get them out.

Lower Shoal.—The prospective improvement at the entrance of the harbor calling for a channel 20 feet deep at low water over the bar will necessitate the deepening of the channel in the inner harbor to a corresponding depth in order that shipping entering the harbor can reach the towns and mills located on the upper inner harbor.

The appearance of rock at Cow Point at a depth of about 18 feet below mean lower low water makes this depth the maximum to which the channel can be improved, except by the costly removal of submerged rock.

About 2 miles below Hoquiam there is a middle ground in the north channel. At present the bulk of the flood tide passes to the north of this middle ground, whereas the bulk of the ebb passes to the south of it, the results of which are two shallow channels, neither of which appears to occupy the most favorable position.

The velocity of the ebb tide in this vicinity is about one and one-half times that of the flood tide.

To improve either channel which runs north or south of the middle ground at the expense of the other would necessitate the construction of a deflecting dike near the mouth of the Hoquiam River, which would interfere with the established harbor lines and form a menace to navigation.

It seems to me that the establishment of a new channel through the middle ground, following as nearly as possible the general direction of the ebb tide and at the same time in prolongation of the general direction of the flood tide, would provide a channel in a more direct line, and one whose depth would be maintained by the action of both the flood and ebb tides.

The total cost of the repairs to dikes already constructed is about as follows:

Repairs to Chehalis River dikes	$1,050
Repairs to Cow Point Dike	1,665
Repairs to Middle Channel Dike	8,420
Construction of protection sill across Mud Flats	5,643
	16,778
Engineering, contingencies, etc	1,722
Total	18,500

I submit the following from the chambers of commerce named:

To the Congress of the United States of America:

Your memorialists, the Chamber of Commerce of the city of Aberdeen, the Commercial Club of the city of Hoquiam, the Business Men's Club of the city of Montesano, the Improvement Club of the city of Cosmopolis, the Merchants' Club of the city of Elma, the Commercial Club of the city of Ocosta, the Board of Trade of the city of Westport, all of Chehalis County, southwestern Washington, respectfully present to your honorable body the urgent need of deepening the inner channels of Grays Harbor, as recommended in the Annual Report of the Chief of Engineers, United States Army, to the Secretary of War for the year 1896, Part V, Appendix U U, report of Captain Taylor, pages 3336 and 3337. The amount therein recommended for improvements needed is $125,000.

We beg to call your attention to the following facts respecting tributary country, present industries, commerce, and benefits to shipping; also the increase in wealth of the nation that will result from such improvements, and to the shortened ocean route such improvements will give to the deep-draft commerce of the North Pacific Ocean:

First. The area drained into Grays Harbor is about 4,140 square miles, nearly equal to the area of the State of Connecticut, which has an area of 4,845 square miles.

Second. The area of the "Olympic Peninsula," set off from Puget Sound by high mountain ranges and accessible to Grays Harbor as its only shipping port, is 2,866 square miles; nearly equal to the area of Rhode Island and Delaware, which have an area of 3,045 square miles.

Third. The entire area looking to Grays Harbor as its proper shipping port is then nearly equal to the States of Connecticut, Rhode Island, and Delaware combined, now sustaining a population of 1,521,291 inhabitants.

Fourth. This area is estimated to contain one-third of the timber of the State of Washington, or about 100,000,000,000 feet.

Fifth. The best markets for this timber are Asia, Africa, Australia, the Islands, South America, and Europe, from which it is only excluded by the depth of water at the entrance, now under improvement, and inner channels of Grays Harbor, which exclude suitable vessels for long voyages.

Sixth. We estimate the value of this timber for foreign shipment to be at least $1 per thousand more than for coastwise or Eastern shipment; therefore that the improvement of the entrance to Grays Harbor, now under rapid construction, and the deepening of inner channels, the subject of this memorial, would add $100,000,000 to the wealth of the nation from this one source.

Seventh. This area is largely fertile land; many rivers fall from adjacent mountains and offer fine water powers for manufacturing purposes. The value of the proposed improvement to the immense population this area will some day sustain, therefore to the wealth of the nation, can not be estimated.

Eighth. This area is rich in minerals, coal, iron, and choice clays predominating.

Ninth. The improvement of these channels, in connection with improvements now in progress at the entrance of our harbor, would shorten the route of travel and commerce from the State of Washington to California and Mexico over 200 miles; avoid navigation in stormy latitudes; also the long and expensive tow incident to Puget Sound ports.

Tenth. In face of present inadequate depth of entrance and of inner channels our coastwise exports have grown from nothing in 1881 to be fourth in importance on the Pacific coast in 1900, the ports of San Francisco, Puget Sound, and Columbia River only being greater.

Eleventh. The improvement of our channels would offer stimulus to manufacture, agriculture, and mining, increase the commerce of this port, therefore increase the commerce and wealth of our nation.

Twelfth. Number of vessels leaving Grays Harbor in the year ending December 31, 1899, was 286, carrying coastwise 82,000,000 and foreign nearly 14,000,000 feet of lumber, and other products to the total of nearly 164,000 tons. Report of Chief of Engineers, Appendix U U, 1899.

The number of cars of lumber and shingles leaving our county by rail during the year 1899 is estimated at 5,000, or 75,000 tons. (Statistics, Northern Pacific Railway freight department.)

We also respectfully refer, for information concerning commerce, resources, and proposed improvement of the inner channels of Grays Harbor, to report of United States Engineer Maj. Thomas W. Symons for the year 1895, and to that of his successor, Capt. Harry Taylor, for the years 1896, 1897, 1898, and 1899; to the report for the State of Washington, by Henry Gannett, Chief of the Division of Forestry, United States Agricultural Department, published at the Government Printing Office in the year 1900, giving areas and estimates of timber tributary to Grays Harbor; to special consular reports entitled "American Lumber in Foreign Markets," Volume XI, giving the value of our lumber and its use in the markets of the world; to the various surveys of Grays Harbor by the different departments of the Government, showing the depth of water in our channels and at our entrance, and the improved condition at the entrance brought about by the appropriations already expended.

Thirteenth. In view of the facts herein stated, your memorialists urge upon your honorable body the immediate necessity of an appropriation adequate to the expeditious carrying forward of the improvements estimated and recommended by the Chief of Engineers' Report, 1896. This expenditure is a part of your original plan for the improvement of Grays Harbor, as is fully set forth in said report. The appropriation asked for by your memorialists is the amount recommended, $125,000.

That you may appropriate the requisite funds your memorialists will ever pray.

Dated Chehalis County, Wash., this 19th day of December, A. D. 1900.

Chamber of Commerce of the City of Aberdeen, A. J. West, president; by Phil S. Locke, secretary. Commercial Club of the City of Hoquiam, W. L. Adams, president; by T. C. Frary, secretary. Business Men's Club of the City of Montesano, F. L. Carr, president; by L. H. Brewer, secretary. Improvement Club of the City of Cosmopolis, N. D. Gaylord, president; by L. M. Roser, secretary. Merchants' Club of the City of Elma, J. Will Anderson, president; by J. R. O'Donnell, secretary. Commercial Club of the City of Ocosta, W. H. Smith, president; by Alfred Beaulieu, secretary. Board of Trade of the City of Westport, A. K. Bush, president; by Geo. L. Raymond, secretary.

The CHAIRMAN. The gentleman from Iowa [Mr. HEPBURN] is recognized for one hour.

Mr. HEPBURN. Mr. Chairman, for nearly twenty years I have thought that I discovered in the river and harbor bill evidences of the wasteful expenditure of the public money. When I first made that discovery the bill appropriated $19,000,000. The country at that time was, I might almost say, horrified at so vast an expenditure. Yet this bill carries $60,000,000; and another bill which will be before us shortly, to provide for carrying on works of improvement that have been already authorized, will carry an expenditure of eight or ten millions more.

I recognize the fact that many of the improvements authorized are wise and judicious. I think that perhaps this bill has as few meretricious propositions in it as any one; and I will say here, Mr. Chairman, that I would be content to allow the present chairman of the Rivers and Harbors Committee to prepare a bill, satisfied that it would represent nothing but material interest. But the chairman can not do that; he has 16 colleagues, and all of those gentlemen have their special interests which they feel compelled to advocate.

I think this policy is a mistake. I do not believe that gentlemen strengthen themselves by this wanton, this reckless, expenditure of money. I remember an instance. There was a gentleman here from the State of Oregon—a gentleman beloved by all his colleagues—who devoted himself to securing appropriations for his State. They were colossal in amount, and yet they were not sufficient to meet the constantly growing appetite of his people—contractors and interested persons—and when the time came that he had reached the limit, they struck him down because he could not continue these extraordinary appropriations.

I see seated before me now a gentleman who has done more to secure appropriations for the Mississippi River Commission and for that enterprise than any other gentleman in this House. In season and out of season he has labored until more than $41,000,000 has been thrown away in abortive attempts to improve the navigation of the Mississippi River. Each year commerce on that stream has dwindled.

I can remember a time when there were many lines of magnificent steamers plying the length of that river. Where are they now? You do not find them. There are scarcely as many tugboats on the river to-day as there were magnificent palatial steamers forty years ago. Last night, to my astonishment, I found in my mail an unsigned letter calling my attention to a newspaper article which I would receive in that mail. To my surprise, I found that it was an assault on my friend from Mississippi who has done so much for his people because he had not done more. It contained a speech of PATRICK HENRY—I do not know whether it was the shade of the Revolutionary orator or some one in being—an assault on my friend because he had secured only a beggarly $2,000,000 and more for the purpose of building levees in that State. The charge was made that he had not secured for the rivers of that State—and I undertake to say that there is no gentleman here who could name three of the dozen rivers named—as large appropriations as some predecessor of his had, although those appropriations amounted to two hundred and more thousand dollars. The complaint was that four of the rivers, after years of appropriation, had disappeared from the river and harbor bill.

Ah, gentlemen, this thing is perennial. It never does to complete a work of this kind. It never does to put it in such a situation that it may be dropped, with its attendant hundreds of thousands of dollars, from the river and harbor bill. The work must go on and on and on; and unless you are able to secure these sums which are demanded, I warn you, gentlemen, you are not helping yourselves in the end by these extraordinary appropriations.

Why, think of it—you gentlemen who have been colleagues of General CATCHINGS—that any man should charge him with dereliction of duty in not securing ample appropriations to build up the levees of his State and protect the plantations of the State from the inundating waters of the Mississippi!

Democrat as he is, strict constructionist as he is, he has gone infinitely further than my friend on my right who spoke a moment ago. He finds constitutional warrant for keeping water away from private lands, while my friend can not find constitutional warrant for putting water on Government lands. [Laughter.] And right here I might say that this is one of the evidences of progressive Democracy. The gentleman from Missouri asked a question of the gentleman from Ohio a little while ago. I can remind him when it was for the first time a prominent Democrat in the United States took the position that a river, an interior river, could properly be the subject of improvement by the Government of the United States.

It was when Mr. Calhoun made his speech in the city of Memphis, in 1845, at a river-improvement convention held there at the time. He then said that the original Democrats had believed that a harbor, if upon the sea, might be a subject of improvement. Later they progressed, and took the position that if it was upon tide water it was a proper subject of improvement; but now he was willing to say that if the stream crossed the border of a

State line it was thereby nationalized and made a subject of improvement; and there for the first time the Democratic party got itself upon this doctrine that the gentleman from Mississippi has so expanded as that under the general-welfare clause we can now protect the plantation of a Mississippi planter from the invading waters of the Mississippi River by building a levee all around it.

Mr. Chairman, gentlemen have said here that this bill brought its blessings to all parts of the country and to all constituencies alike. I deny it. It is not true. I have in my hand an executive document, I presume published under the sanction of the Committee on Rivers and Harbors. It is a statement in detail of the appropriations that have been made, amounting to more than $330,000,000, for this class of improvements. There is a table, a recapitulation by States, the last table in the volume.

Mr. VANDIVER. May I ask the gentleman how far back it goes?

Mr. HEPBURN. I think it is from the early times up to 1867. Here is the statement. Recapitulation of total appropriations by States. The total is $330,863,642.14. Remember the cents, gentlemen. I am not sure that it is accurate, but it is a committee's publication, I assume. I find that the total for the State of Iowa, the appropriations are represented to be $2,500; the State of Michigan, $21,891,000. Now, gentlemen, the State of Michigan and the State of Iowa alike are beneficiaries so far as interstate commerce is concerned. They stand alike. That serves the purpose of the Iowa farmer. It is the means many of them utilize in getting grain to market; but there is a local advantage; that is, a local advantage to the man in Michigan, because it enables him to use these waterways for that traffic that is State, not interstate. It does away with the necessity of so many miles of railway; it gives him cheaper and easier transportation for his local traffic; and, in addition to that, it gives him the great benefit of the expenditures in Michigan, to the people of Michigan, because these expenditures are largely items of labor.

Mr. WM. ALDEN SMITH. Mr. Chairman, may I ask the gentleman a question?

Mr. HEPBURN. Certainly.

Mr. WM. ALDEN SMITH. The gentleman from Iowa certainly would not claim that there is any analogy whatever between the location of his State and the location of Michigan.

Mr. HEPBURN. Oh, thank God, not.

Mr. WM. ALDEN SMITH. Perhaps we can say, "Oh, thank God, not," on our side. Our State is wave washed and surrounded by water; it is a peninsula.

Mr. HEPBURN. Are you making this speech? I thought you were going to ask me a question.

Mr. WM. ALDEN SMITH. I am going to ask you a question. Does not the Federal Government exercise jurisdiction over every harbor and in every navigable water; and is it not right that it assume the responsibility thereof and keep them in proper condition to subserve their natural purposes?

Mr. HEPBURN. It assumes the responsibility, but its jurisdiction is not exercised except for the benefit of your people only; but because it exercises this jurisdiction, are you going to base upon that a demand that all the other people shall make contribution?

Mr. WM. ALDEN SMITH. Is not St. Marys River a great international waterway, and does it not serve every State in the West, as well as the State of Michigan?

Mr. HEPBURN. I say that it does; and if the gentleman had listened to what I have said he would have known that I did say in regard to interstate commerce we had the same interest with Michigan, but with regard to the commerce that is local to Michigan—State commerce—you have advantages we do not have, and in addition you have the benefit coming from the expenditure in your midst. This money goes into the pockets of the people of Michigan; so that I say there are two advantages that you have that we in Iowa do not have, disproving the proposition that the benefits of this river and harbor bill fall equally upon all the people.

Mr. WM. ALDEN SMITH. If the gentleman from Iowa will permit me again. We have the same internal facilities of transportation that Iowa has, we have the railroads, but we have the necessity confronting us of keeping our harbors in proper condition. The gentleman would not drive a vessel the whole length of Lake Michigan to get a harbor in Wisconsin when there was a nearer harbor in Michigan. We must keep up the improvements and keep these waterways in condition, or allow the harbors to fill up and imperil the lives of those engaged in commerce upon the lakes.

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. HEPBURN. I supposed I was yielding to a question. I did not know I was yielding to a speech. I have no doubt it will be a better one.

Mr. WM. ALDEN SMITH. I do not admit that. The gentleman from Iowa is recognized among his associates here as the best debater on this floor and I have no disposition to trouble him further.

Mr. HEPBURN. Mr. Chairman, the gentleman says we are driven to take care of her harbors. You are driven to coerce the Government of the United States to take care of the harbors for your local traffic.

Mr. WM. ALDEN SMITH. That is a most narrow view to take of it.

Mr. HEPBURN. It is the correct view. You have precisely the same advantage for your interstate commerce that we have in Iowa. Then you have the sole advantage for your local commerce that we do not have. Then you have the sole advantage of the expenditure of the money going into your pockets that we do not have. Therefore I say that there is a special advantage, and there is some reason for the extraordinary industry and zeal that is manifested on this placard that we have here in the Hall.

And right here let me say that there are gentlemen, I understand, who are taking exception because some gentleman has seen fit to make a public statement of what they have done. What are you angry about, gentlemen? About the notoriety given to the act or the act itself? [Laughter.] I am not here to quarrel. I take it that an explanation that was made here is perhaps entirely proper. Naturally those great States that have a water front and that have water communication are interested, and naturally their Representatives would seek places on that committee. That is right and proper. But I do not think that any one of these gentlemen has a right to regard himself as insulted, treated with indignity, simply because somebody has seen fit in a public way to show by contrast what has been done.

Mr. MOODY of Massachusetts. Will the gentleman permit an interruption?

Mr. HEPBURN. Certainly.

Mr. MOODY of Massachusetts. I would like to ask the gentleman from Iowa if he has ever investigated the question whether in other countries where these improvements are made, a part of the cost of them is ever assessed upon the locality in which they are made?

Mr. HEPBURN. I had supposed that in many instances it was all assessed on the locality.

Mr. MOODY of Massachusetts. I do not know myself, and I ask simply for information.

Mr. HEPBURN. I have never given careful attention to that matter, but I have supposed that many of the greatest works of that character have been conducted to completion by localities, just as the city of Chicago has, unaided by the Government, completed the most magnificent improvement in connection with hydraulics in this country. Now, Mr. Chairman, I say that in order to make this bill a fair one there ought to be some provision by which these States that can not in the nature of things be beneficiaries under this law should have a corresponding appropriation at least equal to that which would represent the local value to the State, the use of these waterways for State commerce. I take it that the gentleman from Michigan does not desire and insist that the Federal Government shall aid in any way any transportation of the local merchandise of the State of Michigan. Surely he would not. And yet when these waterways are provided they are provided for all purposes, the same for the State as for national purposes, and he does get that benefit. Now, I say that justice and fairness require that the other States should have in some way or other an equivalent for that peculiar advantage.

Mr. WEEKS. May I ask the gentleman a question?

Mr. HEPBURN. Yes.

Mr. WEEKS. I would like to have the gentleman state how the appropriation should be made for the benefit of the State that has no rivers and harbors.

Mr. HEPBURN. I am not prepared to say just how it should be made, but I might suggest to the gentleman that, take these Western States, with the rich, deep loam that has no limestone base that is accessible, that can not have the good roads that you have in Pennsylvania and in many other States, aid could be given in that direction. We do not have the sandy soil that you have in very many parts of Michigan. There are States where the road problem is one of terrible significance. There are months in the year in the region of country where I live that the highways are practically impassable, and there is an embargo on travel, and often from farm to farm. We have no stone, we have no sand, we have the rich, deep soil that when the frost comes out in the spring, or when the rains are unusual, make it into mud so deep that the wagon will sink almost out of sight.

Mr. WEEKS. Would the gentleman have that appropriation for roads in the States that have no rivers and harbors, made in the river and harbor bill?

Mr. HEPBURN. I am not talking about where it should be made; I am trying to get into the mind of the gentleman, if I can, some slight conception of the justice there ought to be in appropriations of this kind.

Mr. Chairman, there is another measure that I wish to speak about and in regard to which I think the committee is making a great mistake. In the last appropriation bill they started upon a

new departure that will have no end, gentlemen, no end. I refer to the harbor of New York upon which millions of dollars have been spent; a harbor that was supposed to be in perfect condition. One would have supposed it no longer needed the care of this bill. But the newspapers announced that upon the stocks, in some shipyard in Glasgow, there was a vessel that would draw 34 feet. No such vessel had ever been built, no such vessel had ever appeared, but straightway the Representatives from that great State came to the River and Harbor Committee with the proposition that New York Harbor must be fitted for the advent of that vessel, if, perchance, that vessel ever should come to American waters. And at once there was a proposition engrafted upon the bill to widen and deepen the channel, giving them a depth of 35 feet, 2,000 feet wide, from the point of the island out beyond the bar.

Mr. FITZGERALD of Massachusetts. Forty feet.

Mr. HEPBURN. The gentleman from Massachusetts corrects me by saying the depth was to be 40 feet. I think that was the proposition originally, but it was modified, as I understand, to 35 feet. Two thousand feet wide! It has been developed in this debate that in the Detroit River, where more commerce passes during the twelve months of the year than at any other spot on earth, the channel is but 300 feet wide, and the committee proposes in this bill to double its width. In that fast moving stream, with many sharp angles, 600 feet is deemed a sufficient width of channel for the passage of the greatest volume of commerce that is congregated at any one point in the whole surface of the earth, yet at New York the proposition is to give a breadth of channel of more than three times what is proposed for the channel of the Detroit River and more than six times the width that has served the uses of commerce in the Detroit River all these years.

Mr. FITZGERALD of New York rose.

Mr. HEPBURN. I will yield to the gentleman for a question.

Mr. FITZGERALD of New York. I would like to ask the gentleman whether he knows that there is a line of steamers drawing 34 feet of water running from Liverpool to an Australian port, and that the owners of that line applied in New York for wharfage in order to run such a line to New York?

Mr. HEPBURN. I did not know it. I remember reading some years ago the statement in regard to this vessel being upon the stocks, accompanied with the statement that it was the only vessel in the world drawing more than 30 feet. My information is based upon that statement. If the gentleman has other information, I shall be glad to be corrected.

Mr. FITZGERALD of New York. I will say to the gentleman that within the last six months application was made in New York Harbor for wharfage facilities for vessels of 34 feet draft.

Mr. HEPBURN. Mr. Chairman, that raises the pertinent inquiry, Are we to adapt our entire harbor system to the depth of a few vessels, or by establishing our own water depth are we going to compel the conformation of vessels to that? Shall we expend millions upon millions because some shipbuilder sees fit occasionally to give this greater draft to his vessels, or shall we say to him, "If you want the trade of our ports, you must conform your vessels to our 30-foot standard."

Now, Mr. Chairman, if this appropriation of six or eight or ten million dollars—whatever it may be—for New York Harbor were the last—if that were all, it would not so much matter. But here comes the city of Boston insisting that Boston must not be discriminated against. Boston was "the cradle of liberty." Boston has Bunker Hill Monument. Only a few miles from Boston Lexington and Concord furnished battlefields of great renown, and therefore Boston must not be discriminated against. And the complaisant River and Harbor Committee, probably in order to hold the Massachusetts delegation to the support of this bill, is compelled (I am satisfied against the will of the chairman) to authorize an appropriation for this purpose. And next year will come Philadelphia, where the Declaration of Independence was signed. [Laughter.] And a little while after that will come Baltimore, the home of the man who wrote the "Star-Spangled Banner." [Laughter.]

And a little later will come Charleston, S. C., which has the site of old Fort Moultrie, where was exhibited such heroic valor a century and a quarter ago. What a blessing it is to some people that they have ancestors. [Laughter.] Charleston must have her 35 feet. And then New Orleans. They are after it now. They want the improvement of the Southwest Passage. A few years ago, when they were clamoring for the expenditure of many millions to accomplish the jetty system, they told us here that the method to be adopted for the proper control of the Mississippi River was the policy of concentration—to concentrate all the waters in one exit—to get the rush of the current and scour out the bottom. That was the theory then. Now, in order to get this 35 feet depth they have changed all their theories of engineering, and to-day the policy and the demand is dispersion. "Let us have as many mouths as possible to the Mississippi River; let us have the Southwest Pass improved, the South Pass, the Southeast Pass," and then after a while we may possibly be met with the proposition (although I can not speak for New Orleans) that the Atchafalaya must be opened in order to give some further benefits perhaps to the State of Texas.

Mr. McDERMOTT. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from New Jersey?

Mr. HEPBURN. If his question is a pertinent one in connection with what I am discussing.

Mr. McDERMOTT. As I understand, under the present system of taxation the money can be provided to meet the $60,000,000 of expenditure that the gentleman is talking of without creating a deficit in the Treasury. That being so, if the $60,000,000 is not subtracted from the United States Treasury by these expenditures, more or less for State or national benefit, how are you to get $60,000,000 out of the Treasury and distribute it among the people?

Mr. HEPBURN. Well, I do not know that that money has been accumulated for the purpose of distribution among the people. That seems to be the idea of the river and harbor bill, but it has never been my idea.

Mr. McDERMOTT. What method do you propose for getting it out?

Mr. HEPBURN. I propose none. I am not discussing that question. We will cross that bridge when we get to it.

Mr. FITZGERALD of Massachusetts. I should like to ask the gentleman from Iowa, if the great percentage of the foreign commerce of the world is being done at the present time by vessels drawing 30 feet of water—and I think the statistics will show that practically all the tonnage that is being built at the present time for ocean traffic is being built with that draft—whether it is not as essential for the protection and advancement of American commerce to expend the money appropriated in this bill for the widening and deepening of harbors to admit these vessels as it is to expend the $150,000,000 of the people's money for the construction of the Nicaragua Canal, which has for its purpose the advancement of American commerce, and a project which we all believe in?

Mr. HEPBURN. I think there is a very great difference. The great work to which the gentleman refers is in its very essence and of necessity national in character. It will benefit the commerce of all States alike, or the people thereof. There is no local advantage secured by anyone. All the commerce that will pass through that canal will be interstate and international commerce. It will not be the commerce of a single State.

Mr. FITZGERALD of Massachusetts. Will the gentleman permit another question?

Mr. HEPBURN. Well, I would rather not. I do not see that that question was especially pertinent to my argument one way or the other. But the gentleman is always full of what are supposed to be catches or traps. He has always "got one up his sleeve" which, with a bland smile and a mellifluous brogue, he thrusts into the debate. [Laughter.]

Mr. FITZGERALD of Massachusetts. I should like to have the gentleman answer my question in his own Western brogue. I have not heard the answer yet.

Mr. HEPBURN. No; and you will not hear an answer. I can not answer and be polite.

Mr. FITZGERALD of Massachusetts. I hope the gentleman will continue to be a gentleman on the floor of the House.

Mr. HEPBURN. Yes, I hope so; and perhaps that is not beyond the domain of hope in my case. [Laughter.]

Mr. FITZGERALD of Massachusetts. Well, I trust not.

Mr. HEPBURN. Mr. Chairman, I want to speak with reference to the one matter in this bill that affects my people locally. One county in my district borders upon the Missouri River. The Missouri River has received the attention of the river and harbor bill for a long time and very many millions of dollars have been expended upon it with a view to improving its navigation. Now, there may be some stretches of that river in the extreme upper regions of it or near its mouth where there is some commerce, but in this portion of the river upon which my district abuts I am informed that one steamboat passed up the river last summer—the first steamboat attempting to do that in ten years.

Mr. GROSVENOR. Did they ever get it down again?

Mr. HEPBURN. It is not intended that it should come down. Away up near Fort Benton there is a stretch of the river, a few hundred miles it may be, because the Missouri is a very long stream, up above the mouth of the Yellowstone, where the slope of the river is but little, where there is some steamboat navigation, and there are three or four boats on that stretch of the river. As they are not built there and usually are built at Pittsburg, they have to use the lower river in getting to the seat of their industry.

Mr. CORLISS. During high water.

Mr. HEPBURN. Now, the great trouble is this: It is utterly impossible to navigate that river cheaply, the slope of the river

is so great. It is a foot and one one-hundredth of a foot per mile from Sioux City to its mouth—more than double the slope of the Mississippi River from St. Louis to Cairo; three times the slope of the river from Cairo to Vicksburg; six times the slope of the river from Vicksburg to the Gulf.

So that if it were possible to straighten the river and remove the sand bars the velocity would be so great that it could not be cheaply navigated. The vessels would be like the fast liners that cross the Atlantic. All their space would be taken up by powerful machinery and by coal bunkers and there would be no room left for freight. No one except the engineers, the contractors, and the Representatives who have a false idea that appropriations strengthen them at home have ever advocated an attempt to improve the navigation of the Missouri River. Those are the three classes of people. Now, that river, where it affects Iowa, flows through a magnificent valley almost as level as a billiard table, from 5 to 25 miles in width. There is a soil from 10 to 20 feet in depth. Below that soil there is a stratum of sand. When the river is low and its surface is opposite this stratum of sand it eats in, constantly undermining, and I have seen stretches of it half as wide as this room and half a mile long drop into the river at once. That vast amount of matter is taken up in solution, that rich soil is carried on down, aiding to give the muddy and the turbid appearance that the waters of the river have.

It is in time deposited lower down and forms an obstruction in the shape of a sandbar. What I think ought to be done even to improve the navigation of the Lower Mississippi is to prevent this vast volume of drift, as we call it, composed of vegetable matter, some sand, some lime, and some clay, from being dropped into the river. If by means of small and inexpensive dikes the Secretary of War was authorized to divert the current from these washing places where it is in contact with the bank, infinite good could be done. An appropriation of $600,000, in my judgment, would do that. It would start a current across the river, it is true. It would strike 2 or 3 miles below on the opposite bank, but one of these barriers made of mattresses formed of willows and of wire and weighted with rock an angle of 30° from the bank would soon have behind it a solid bank, and that would protect the river in its whole length where it is now making the dangerous and expensive incursions.

When I went into the region of country where I live, thirty-four years ago, the town of Hamburg was our port of entry, so to speak. We had no railways. There were then a few boats making occasional visits up the river. I remember hauling shingles from there thirty-four years ago. The town was upon the bank of the river. To-day it is 8 miles from the river. The river has wandered off toward the Nebraskans, and has destroyed the greater portion of that region between its old location and the present one. Now, it may be said that this improvement, of which I have spoken, is not in the interest of navigation—that it is for the protection of the Iowa farmer. May I not suggest that the committee are estopped from making that statement, for they have appropriated $41,000,000 already for the protection of the Southern farmer. But it will be said, "We have only spent $15,000,000 in building levees in the last twenty years."

I undertake to say that the other twenty-six million would never have been demanded if it had not been the desire to get the fifteen million; for I want to make the statement now, in the presence of the champion of these improvements, the gentleman from Mississippi [Mr. CATCHINGS], who has done so much to secure them, and who, perhaps, is sometimes now saying to himself, "How sharper than a serpent's tooth it is to have a thankless child." I want to say in his presence that there has been no substantial improvement in the navigation of the Mississippi River in the last twenty-two years. I am ready to stand by that statement and to submit it to the dispassionate judgment of any man on earth except one interested in the river and harbor bill and an engineer of the United States Army.

I remember the President of the United States, Mr. Cleveland, in a message to Congress, referred to this matter, and while he was a great friend of the gentleman from Mississippi [Mr. CATCHINGS], I acquit that gentleman from any suspicion of inspiring the suggestion of the message. President Cleveland said that after the expenditure of—I have forgotten how many millions, probably twenty-nine millions or something like that—they had secured an improvement to the extent of 5 inches on the New Madrid reach, I think, and 7 inches of depth on the Plum Point reach. If I am wrong in my figures—I am not about the inches—if I am wrong in any of my figures, the gentleman from Mississippi will correct me.

Now, Mr. Chairman, if we can make these appropriations for the protection of the plantations in Mississippi, Louisiana, Arkansas, and Tennessee, can we not do the same thing for the protection of the farmers in Missouri, Kansas, Nebraska, and Dakota?

You gentlemen do not appreciate how serious this matter is. A farmer goes to bed at night the owner of 160 acres of as prolific land as there is under the sun. He gets up in the morning and sees that a current is setting across the Iowa side of the river. The river is low and he sees that the bank has broken away and that he has a strip a rod or two wide and half a mile long less than he had when he went to bed. So it goes on and on until in three months' time that splendid farm has absolutely disappeared. Towns have been so treated. East Nebraska City was once a flourishing town on the eastern bank of the Missouri River. To-day the Missouri River is some distance east of the most easterly building in that town. St. Marys, in Mills County, was once a flourishing town. It has absolutely disappeared, and its site is 2 miles over in the State of Nebraska.

I think this matter is one of national importance, because all of you gentlemen are interested in the preservation of the corn belt. You must remember that there is but little of it in the world. That region of country that produces corn in its best condition is limited to six degrees of latitude and extends from Ohio only a couple of hundred miles west of the Missouri River. That is substantially all the corn land—I mean where corn is produced in greatest quantities and cheapest—that there is in the world. All are interested in these lands. Therefore I hope that when the time comes and the gentleman from the Eleventh Iowa district moves his amendment, asking an increase of this appropriation and that it may be used in maintaining the stability of the banks of the river, that all of you fair-minded men who want to disburse the blessings of the river and harbor bill so that they will fall, like the dews of heaven, upon the heads of all will vote for it with absolute content.

Mr. Chairman, I once said that I expected to live long enough to see a river and harbor bill carry $100,000,000. That was only a few years ago. We have got up to 60 per cent of my expectation. I expect to live, if you go on as you are going, if the gentleman from Ohio [Mr. BURTON] can not assert himself, if we do not see a change in our rules, so the Committee on Rivers and Harbors may consist of one person, and that the gentleman from Ohio, I expect to see the time when we will have more than a hundred million dollars appropriated and authorized.

Right here let me suggest to you this method of authorization is subtle and perilous. Would the gentleman from Ohio, would he have permitted this bill to bear his name if the appropriation was for $60,000,000 direct and the $8,000,000 that will be borne by the sundry civil bill—$68,000,000? I take it he would not; and I take it that he would have been able to go farther in the direction that he did go.

I do not suppose that I am telling any secrets—in fact it did not come to me as a secret—but that he did compel cutting off of $20,000,000 from this bill as it was originally drafted. The country should thank him for that. I say seriously, if we could put the responsibility on that gentleman I would be perfectly content to do it. We would have a river and harbor bill then that did not contain fads; we would have a river and harbor bill that was not filled with experiments; we would have a river and harbor bill that did not minister to the greed of localities and of individuals. It would be national in its character, and would represent only those works that were of national character and that did give equality of blessings to all who contribute to the expense.

But I see another danger looming up. Here are industrious young men from the far West. They are now at the head waters of those great streams. They can not ask for improvements for navigation, for they lack both navigation and commerce, and often even river way; but that does not necessarily put a limitation on desire, and they come to us with the plea that we must—we must—reclaim the arid lands. A little while ago they came with the proposition that we should give them the arid land. Many gentlemen thoughtlessly were willing to do it. But see what it would come to. Years ago the Congress of the United States gave the swamp lands and overflowed lands lying within the borders of the States to such States.

Shortly after that a gentleman from Mississippi—not the one that I have before me now, but another one—in conjunction with other gentlemen from Louisiana and from Arkansas and from those States to whom those lands had been given on the condition that they would reclaim them and add them to the arable acres of the United States. That was the plea—that that would be a benefit to them; that they were to be covered with corn, cotton, rice, and sugar. So they were given to the States. I think Louisiana nominally had about 10,000,000 acres, and I think Arkansas had—on paper, at least—6,000,000. I do not remember what the other States had; but after they had got the title to the lands, then they came up to us in a river and harbor bill for improving the Mississippi River, with a scheme so comprehensive that it would include the reclamation of those lands, saving them from that duty and expense upon which as a condition the lands were given to their States.

Mr. MONDELL. Will the gentleman allow me to ask him a question?

Mr. HEPBURN. Yes, sir.

Mr. MONDELL. I wish to ask the gentleman from Iowa if he considers it fair—in view of the fact that he has just stated that the Government gave certain Southern States their lands with the understanding that they would reclaim them, and then appropriated for the construction of levees to protect them—is it now fair that this Congress should refuse to give Western States their arid land and at the same time refuse to extend aid in the reclamation of them.

Mr. HEPBURN. Why, certainly it is entirely fair to refuse to do that. Because a Congress has made a great mistake, because two Congresses or many Congresses have, where all men can see now that a mistake has been made, is it wise to go on in the light of experience, still blundering and still frittering away the public domain? I do not hesitate to say to the gentleman that I have another reason for that, a selfish one it is true, but I have it, and it is strong with me. When the time comes for the reclamation of this land and there is an agricultural necessity for it, when the product of the farm is insufficient for the food supply, then let the generation to be affected make these changes. To-day we have a surplus of farm products of hundreds of millions, a surplus that we have to send abroad in order to realize upon it at all.

Sending it abroad as a surplus we permit the consumer abroad to fix the price. That foreign price fixes the price of the product at home. There will be substantially no more farms until the arid-region lands are reclaimed. The available lands are now occupied. Every new one is a competitor in this overcrowded market with the farms that now exist. When we have such a population as will consume all we produce, which will probably be in twenty years, when thirty more million people will greet 1920, and we will consume the product that is our present surplus, then is the time; then is the hoped-for time for the Iowa farmer. Then he can fix his price in justice. [Loud applause.]

[Here the hammer fell.]

Mr. CUSHMAN. Mr. Chairman, before beginning my remarks I would like to have brought into this Hall for display and inspection a chart to which I expect to refer as a part of my remarks and for illustration pertaining thereto.

The CHAIRMAN. The committee have heard the request of the gentleman from Washington. Is there objection? [After a pause.] The Chair hears none.

Mr. CUSHMAN. Mr. Chairman, I had not intended to make any remarks on the pending measure. I would not do so now if I felt that I could honorably sit still and keep still while this bill is being considered.

Paraphrasing a Democratic term, I have in this bill a "paramount" interest. Representing in part on the floor of this House the great State of Washington, a State filled with vast and varied productions, both agricultural and manufactured; a State that fronts upon the Pacific and looks out toward the East, and through whose maritime gateways is now flowing the increased and ever increasing commerce of the Orient, I must, in the very nature of affairs, have a very great interest in this bill.

My interest in this bill was so great that I arose from a sick bed in order to interview the members of the River and Harbor Committee with reference to this all-important measure. I now propose to submit to this House a few general observations on this bill that fell unheeded on the cold ears of that committee.

In the first place, let it be understood that I have no feeling of hostility whatsoever toward the work of improving by artificial means the splendid maritime highways of the nation. That is a great and good work that has my full sympathy. Indeed, it is my feeling in favor of the meritorious maritime needs of this nation, and not my hostility thereto that causes me to utter my feeble protest against the pending measure.

Here is a great appropriation bill—one of the greatest appropriation bills that this body is ever called upon to consider or pass; a bill that, in its provisions, carries millions of dollars; a bill that is seldom passed oftener than once in two years. Therefore, the man whose loyal constituency is victimized by the provisions of this bill, and who sits still on the floor of this House while it is passed, his mouth will be closed to utter any protest on this subject for two long years. Therefore, now is the appointed time.

A FAIR DIVISION.

It must be remembered that this bill is, or at least it ought to be, an appropriation bill for the rivers and harbors of the United States. I will endeavor to prove, by indisputable facts and figures, that this is an appropriation bill for the members of the River and Harbor Committee. In order to prove this, it is necessary for me, to some extent, to review very briefly the entire bill, because it is only by a review of the whole and a comparison of the parts that its unfairness may be shown. If a member of the River and Harbor Committee gets a million of dollars in this bill for his State, and another State, with an equally meritorious project, is turned down, it is no answer to the charge of unfairness to say that the first proposition was worthy, or was important, or was necessary. The question is, was it more worthy, more important, or more necessary than the other proposition which was turned down. All things in this world are relative, and their relation to each other is measured by comparisons one with the other.

THE DIVISION OF THE SANDWICH.

A few years ago I, in company with a few more young adventurers, climbed to the snowy summit of one of the grandest mountain peaks on the Western Hemisphere. The cold and hardship of that trip is a theme that beggars description. On our return from the summit in a semifrozen and starved condition we met an ascending mountaineer with a single sandwich. We wildly importuned for a division; but he sat calmly down in full view and devoured the entire biscuit, and excused himself by telling us how hungry he was. If in the future that man should ever be elected to Congress I bespeak for him a place on the River and Harbor Committee. [Laughter.]

A COWARDLY AND COMPLACENT PHILOSOPHY.

One member of the River and Harbor Committee—one of the direct beneficiaries of this unfair bill—has urged me not to make an attack upon this bill, because, forsooth, he said, that at some time in the future I might desire to secure appropriations for my State, and that I ought not to incur the hostility of the committee. That is a cowardly and complacent philosophy that finds no lodgment in my anatomy. I trust I shall always so demean myself as to retain the personal friendship of the gentlemen of that committee. I believe I have their friendship now, but they have not provided for my State in this bill. What warrant have I for supposing, if I refrain from an attack on this bill, that in the next bill the committee will do what they have failed to do in this one? According to the philosophy of my friend on the committee, if I attack the bill I get nothing, and if I refrain from attack I surely get nothing. Another case of "pay your money and take your choice."

Mr. McCULLOCH. What member of the committee said that to the gentleman?

Mr. CUSHMAN. I have no personal objection to giving the gentleman's name.

Mr. McCULLOCH. Give it.

Mr. CUSHMAN. I do not know whether it would be fair to the gentleman or not. I have no desire——

Mr. WHEELER (to Mr. CUSHMAN). I would not do it unless the gentleman consented.

Mr. BISHOP. Allow me to say that if any member of the committee made a suggestion of that kind it does not reflect the sentiment of the committee.

Mr. BALL. We would like to have the name, so as to know whether it is a fact or not.

Mr. CUSHMAN. I am not aware that the gentleman has any reason to doubt that it is a fact. If the gentleman concerned is willing, perhaps at a later stage in this debate I may give his name. It is continually stated here that the committee have reported unanimously in favor of this bill.

As I understand the duties of any of the great committees of this House, they are appointed to assist the House in legislation, and not to control it; to advise the House, and not to boss it. If we have reached the stage in this body where 17 men, however good and worthy they may be, can by simply giving their judgment on any matter in question control the vote and strangle the judgment of the 340 remaining members—I say if we have reached this point in Congressional legislation, I for one want to be definitely informed of the fact.

The honorable chairman of the Rivers and Harbors Committee has called particular attention to the fact that this bill has the unanimous support of the committee. To the new and uninitiated member on the floor of this House the one incomprehensible feature of Congressional legislation is the more than holy sanctity that surrounds and permeates that thing known as "the committee report." The superstitious never looked upon his fetich, nor the heathen gazed upon his idol, with one-half the holy awe that in this Chamber is accorded to that thing called "the committee report." There are members on the floor of this House that have violated the Ten Commandments and forgotten the lines of the doxology, but who expect to be saved from the hot hereafter because, forsooth, they have always voted with the committee! [Laughter.]

Perhaps I am wasting my time and trespassing upon the patience of this House by combating that which has received the sanction of the committee. Now, then, if this bill is fair and equitable in its provisions, it does not gain any additional sanctity by reason of having a committee report back of it; and if it is unfair and inequitable, then all the committee reports on earth will not justify

it. Then permit me to demonstrate to you beyond all doubt that it is not a fair and equitable bill. As I proceed with the discussion, it will become apparent that there are abundant personal reasons why the committee should be unanimously in favor of this bill; but the question will gradually form in your mind, to use a slang expression, "Where do the rest of us get off?"

I wish during the course of my remarks to refer to two charts or tables of figures that I have compiled and prepared for the purpose of more forcibly calling to the attention of the members of this House the unfair and inequitable character of this bill.

I now call your attention to the large chart displayed before the Speaker's desk, marked "Chart A."

CUSHMAN'S CHART A.

Seventeen States with members on the River and Harbor Committee.

States.	Amount appropriated.	Amount authorized.	Total.
Ohio	$1,814,300.00	$4,242,000.00	$6,056,300.00
Illinois	450,000.00	245,000.00	695,000.00
West Virginia*			
Michigan	2,153,000.00	5,515,000.00	7,668,000.00
Pennsylvania	953,000.00	2,836,913.57	3,789,913.57
Minnesota	210,000.00	235,000.00	445,000.00
New York	1,854,859.50	2,114,643.00	3,969,502.50
Oregon	830,500.00	1,500,000.00	2,330,500.00
Massachusetts	1,486,201.00	3,319,495.37	4,805,696.37
Wisconsin	599,200.00	178,000.00	777,200.00
Mississippi	94,000.00		94,000.00
Georgia	450,700.00	1,174,845.00	1,625,545.00
Alabama	790,000.00	400,000.00	1,190,000.00
Arkansas	434,000.00		434,000.00
Kentucky	130,000.00	207,000.00	337,000.00
Florida	468,500.00	590,000.00	1,418,500.00
Texas	1,520,000.00	1,900,000.00	3,420,000.00
Total	14,238,260.50	24,457,896.94	38,955,657.44
Items not properly chargeable to any State:			
Mississippi River		$11,905,000.00	
Missouri River		340,000.00	
Examinations and surveys		200,000.00	
			12,445,000.00
Total			51,400,657.44

Twenty-eight States and three Territories with no member on the River and Harbor Committee.

States.	Amount appropriated.	Amount authorized.	Total.
Maine	$155,000.00		$155,000.00
New Hampshire	50,000.00		50,000.00
Vermont	43,000.00		43,000.00
Rhode Island	165,700.00		165,700.00
Connecticut	188,000.00	$120,000.00	308,000.00
New Jersey	348,000.00	817,000.00	1,165,000.00
Delaware	12,000.00		12,000.00
Maryland	147,350.00	221,000.00	368,350.00
Virginia	343,600.00	398,957.08	742,557.08
North Carolina	223,900.00		223,900.00
South Carolina	155,000.00		155,000.00
Louisiana	728,000.00	2,959,000.00	3,687,000.00
Tennessee	477,500.00		477,500.00
Indiana	50,000.00		50,000.00
Missouri	20,000.00		20,000.00
California	133,000.00	217,850.00	350,850.00
Washington	130,000.00		130,000.00
Total	3,368,050.00	4,724,807.08	8,095,357.08

Total appropriated and authorized in this bill for the 28 States and 3 Territories not represented on committee $8,095,357.08

The following 11 States and 3 Territories received no appropriation under this bill: Colorado, Idaho, Iowa, Kansas, Nebraska, Nevada, North Dakota, South Dakota, Utah, Wyoming, Montana, Arizona, Oklahoma, New Mexico.

Total amount carried by this bill	$59,935,415.32
Amount appropriated in above 17 States (including 3 items not chargeable to any separate State)	51,400,657.44
The amount remaining to be divided between 28 States and 4 Territories not represented with membership on River and Harbor Committee	8,534,757.88

*Amounts included under head of Ohio River.

The slightest glance at that chart will show you that it has taken a vast deal of labor and study to go through this great bill and tabulate these figures. Here is a bill carrying nearly $60,000,000, divided between 408 different projects, and scattered from one end of the country to the other. It has been an enormous task to go through this monster bill and dig out these figures. I state this fact not in order to magnify my own labors, but to excuse a few errors which are contained in the chart. It is practically impossible to deal with such a vast mass of figures and not have a few errors creep into the compilation. I have discovered a few small ones since the chart was completed, and it may be that there are a few more that have escaped my attention. This much I state in order to be perfectly fair with the members of the House in the presentation of this matter.

But, having admitted this much, I will now say that the chart before you is substantially correct, and that no man can point out a sufficient number of errors to change in any material degree the facts and conclusions arrived at by a glance at this chart. It was not with any desire to criticise the members of the River and Harbor Committee that I began the compilation of these figures, but merely to ascertain the facts in relation to this bill.

Gentlemen will observe that this chart is prepared for the purpose of making a comparison—a rather startling comparison it proved to be—between the share of this bill which the members of the River and Harbor Committee have appropriated to their own States and the share which they have bestowed upon the rest of the country. You will notice that in the first column are named the 17 States, each one of which States has one member on the River and Harbor Committee—Ohio, Illinois, West Virginia, Michigan, Pennsylvania, Minnesota, New York, Oregon, Massachusetts, Wisconsin, Mississippi, Georgia, Alabama, Arkansas, Kentucky, Florida, and Texas.

Now, this bill contains two different kinds or items of appropriations. First, cash items, that are immediately available; second, certain sums or amounts pledged or authorized for the continuance in the future of the projects contained in this bill. The amounts which are authorized are in every sense appropriations, just as much as the cash items. The amounts which we authorize in this bill we are bound in honor to appropriate in future bills as the sum shall be needed. Now, in the first column, opposite the name of the State, I have placed the total of the cash items which this bill appropriates to that State; in the second column, opposite each State, I have placed the total of all the items which this bill authorizes for that State. Thus the two sums opposite the State of Ohio added together show the total sum appropriated and authorized which this bill provides for projects in Ohio, to-wit, $6,056,300.

The next State, being Illinois, shows a cash appropriation of $450,000, and $245,000 authorized, making the total amount appropriated in this bill for Illinois $695,000. The third State is West Virginia. There are no appropriations in this bill to be expended within the State of West Virginia, but there are a number along the Ohio River where West Virginia borders on that river. As all the appropriations for the Ohio River are included in my chart under the head of "The State of Ohio," it was not proper to include the same amounts a second time opposite the name of West Virginia; hence the blank opposite this State.

Now, so much for a general explanation of the nature of this chart. Permit me to call your attention specifically to some of the enormous amounts which some of these States have received in this bill. First, there is the State of Ohio, which receives under this bill the enormous amount of $6,056,300; the entire bill carries practically $60,000,000, therefore the State of Ohio receives more than one-tenth of the entire amount in this bill. There is the State of Michigan, which receives the largest amount of any State, a total of $7,668,000, or more than one-tenth of the entire amount carried by this bill. The State of Oregon receives $2,330,500, and the State of Massachusetts the sum of $4,805,696.37. You will observe that these States to which I have called your attention, as well as others in this column of States too numerous to mention, have received far more than their fair share of this $60,000,000.

In order to show you exactly how much more than their share they have received, let me pass to the bottom of the chart, to the total, where you will observe that these 17 States receive under this bill a total of $38,955,657.44. The three items, the "Mississippi River," the "Missouri River," and "Examinations and surveys," are not properly chargeable to any separate State. The total of these three items is $12,445,000. Add this item to the $38,955,657.44, and it produces the sum of $51,400,657.44. Now, if you subtract this last amount from the whole amount carried by this bill—$59,935,415.32—the remainder is $8,534,757.88, which is the amount left to be divided among all the remaining States!

Now, then, to get down to the meat in the cocoanut, in substance what do these figures show? They show that the members of this committee have appropriated to their own States nearly $39,000,000, and given to the other 28 States $8,500,000. Can any man look those figures in the face and justify this action?

Mr. BROMWELL. May I ask the gentleman a question?

Mr. CUSHMAN. Certainly.

Mr. BROMWELL. I see that the gentleman, in this chart, has a large amount charged up to the State of Ohio—charged, I presume, to the district represented by the chairman of the committee. I would like to inquire what items the gentleman has included in that amount. Does he include the amounts appropriated for the various dams and other improvements on the Ohio River?

Mr. CUSHMAN. Yes, sir.

Mr. BROMWELL. Does the gentleman mean to say that the chairman of this committee is directly interested in any of the dams on the Ohio River when he represents a Cleveland district, situated on the lake, while the city of Cincinnati profits more perhaps than any other city unless it be Louisville——

Mr. CUSHMAN. If the gentleman has a question to ask, let him ask it.

Mr. BROMWELL. I am asking a question. I ask whether you can charge those improvements to the chairman of this committee when the States of Ohio, Indiana, Illinois, Kentucky, Tennessee, Mississippi, and every other State along the Ohio and Mississippi rivers get the benefit of those improvements? Is it fair to charge those to the chairman of the committee?

Mr. CUSHMAN. Look at the chart. I have not charged them to the chairman of the committee, but to the State of Ohio.

Mr. BROMWELL. Well, is it fair to charge them to the State of Ohio when all these other States get the benefit of them?

Mr. CUSHMAN. I will say to the gentleman that this printed slip or statement which I now hold in my hand was issued by the River and Harbor Committee. I got this statement from that committee; and in this statement these improvements were placed under the head of "Ohio."

Mr. BROMWELL. The Ohio River?

Mr. CUSHMAN. Oh, no; under the head of the State of Ohio. And if the committee had not placed these sums under the head of the State of Ohio I would have segregated that sum, as I did in the case of the Mississippi and the Missouri rivers. This committee by its own action is estopped from blaming me for charging the Ohio River improvements to the State of Ohio, for it was their own statement that caused me so to do. Now, then, does any man on this floor think that the State of Ohio is entitled to over one-tenth of this whole bill?

Mr. MANN. Can the gentleman inform us how much of those $6,000,000 is for the Ohio River?

Mr. CUSHMAN. Yes, sir. About $600,000 for the Ohio River.

Mr. MANN. I think the gentleman is mistaken in his figures.

Mr. CUSHMAN. I have simply added together the items, and I believe they are absolutely correct—certainly very nearly so, at any rate.

Mr. BROMWELL. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield?

Mr. BROMWELL. I shall not make any speech.

Mr. CUSHMAN. With that happy understanding, I yield to the gentleman.

Mr. BROMWELL. In making up these figures, did the gentleman think it was fair to charge those amounts which are for the improvement of the Ohio River entirely to the State of Ohio, ignoring the fact that the State of Kentucky, on the other side of the river——

Mr. CUSHMAN. I know which side of the river Kentucky is on. [Laughter.]

Mr. BROMWELL. I say, does the gentleman think it is fair to charge those amounts which are for the improvement of the Ohio River entirely to the State of Ohio, ignoring the fact that Kentucky, the State of West Virginia, and the State of Pennsylvania all three participate in the benefits of this improvement of the Ohio River? Is it fair to say to the State of Ohio that the amounts which you have there should be charged solely to that State?

Mr. CUSHMAN. Before answering the gentleman, I would say that I am perfectly willing to answer any and all questions in this discussion that I can; but if my time is consumed in answering too many questions I may be obliged to ask the House for the courtesy of more time. Now, then, I answered that question for the gentleman just a moment ago. I said that the statement of these amounts are simply the figures which the River and Harbor Committee gave me, and in their statement they had them charged to the State of Ohio. I did not do that. I took my statement from what I got from the committee. I hold their statement in my hand now, and the appropriations for the Ohio River are included in this statement under the head of the State of Ohio. My figures in this chart are predicated on the figures put forth by the committee. I do not care to change my figures till they change theirs. However, I will say that nothing would please me better than to have the committee change the figures of this entire bill.

Mr. WHEELER. Will the gentleman permit just one interruption?

Mr. CUSHMAN. With pleasure.

Mr. WHEELER. Supplementing the gentleman's statement, I desire to say that the lock and dam improvements on the Ohio River above the city of Cincinnati inure practically to the State of Ohio and not to the State of Kentucky, and he is right in charging those amounts to the State of Ohio, because Kentucky receives practically no benefit from any improvement above the city of Cincinnati. It is not the wish of the people of Kentucky that it should be so improved.

Mr. CUSHMAN. Exactly. I thank the gentleman from Kentucky for additional testimony tending to show that this chart is fair.

Now, I should like to call the attention of this House to the State of Michigan, a State for which appropriations are made in this bill amounting to $2,153,000, and amounts authorized for over five and a half millions of dollars, making a total of $7,668,000 for the State of Michigan in this bill.

Mr. BISHOP. May I ask the gentleman a question?

Mr. CUSHMAN. Certainly.

Mr. BISHOP. Have you studied the figures to ascertain that more than $6,000,000 of that was for the great waterway between Lake Superior and Lake Erie, that is not chargeable to Michigan any more than to the rest of the Northwestern States?

Mr. CUSHMAN. Yes, sir; I have. And I have also studied the reports of this committee relating to the improvement of harbors in my own State that are at one end of a "great waterway" between the East and the West—improvements that are for the benefit of the mighty commerce between the Occident and the Orient—and I find that your committee has overlooked them like a "white check." [Great laughter.] That is a slang expression, the meaning of which I am not familiar with. I am glad to note, however, that its meaning does not seem to be lost on this great legislative body. [Laughter.]

Mr. BISHOP. We have not overlooked a single item regarding the State of Washington, and I wish to say that this very appropriation for Michigan carries with it the improvement of a waterway that opens up a pathway for commerce from the Pacific to the Atlantic Ocean, over which your commerce goes, as well as that of Michigan. [Applause.]

Mr. CUSHMAN. I know that the gentleman from Michigan is one of the greatest beneficiaries of this bill, and therefore one of its most eloquent advocates. Perhaps if my State drew seven and a half million dollars instead of one hundred and thirty thousand, then I might become selfishly eloquent for this bill, too. I call the attention of the members of this House to one significant fact: Every time a criticism is made of the enormous amount received by Michigan the gentleman begins to explain that the bulk of these appropriations are for a "great national waterway."

I will show the gentleman in a few minutes a map of the State of Michigan, to which he can call attention if he desires. It shows his own Congressional district, with six counties bordering on the lake front, none of which lie along that "great waterway." And the gentleman has got one appropriation in this bill for every county in his district that fronts on the lake. [Laughter and applause.] I appreciate the fact that the State of Michigan does lie along one of the great highways of commerce, but the trouble with you gentlemen is that you are trying to throw sand in the eyes of this House. Every time a man rises and criticises any feature of this bill you leap to your feet and claim that it is for the improvement of a great maritime highway. Do you think the only maritime highway on earth is located in the neighborhood of Michigan?

Mr. BISHOP. You asked me a question, and I claim the right to answer it. Take the harbor of Ludington, in my district. It has 2,400,000 tonnage. Nine-tenths of that tonnage comes from the great Northwest, and crosses Lake Michigan, and passes on to the East. It is no more for the benefit of Ludington than it is for the State of Iowa or the State of Minnesota, and much of that commerce is from your own State of Washington in carrying grain to the East.

Mr. CUSHMAN. That does not answer my question. The gentleman says that his city has a tonnage of about two and a half million, and it gets a large appropriation in this bill. I represent cities on Puget Sound having a tonnage of about 6,000,000, and they get the "measly" sum of $130,000.

Mr. BISHOP. There is not a port in your State that has that amount of tonnage, and the gentleman ought to know it.

Mr. CUSHMAN. I have here among my papers statistics which I will attach to my remarks showing that Puget Sound, of which Tacoma, Wash., is the greatest shipping point, is to-day the tenth seaport district in the United States, measured by exports and imports. And, by the way, while I was looking over this volume of commercial statistics I did not find the village of Ludington mentioned at all. [Laughter.] Tacoma is to-day the most distinctively American port of any ocean port in the United States. It carries the largest percentage of its foreign trade in American ships.

It has grown more rapidly than any other American port. The

exports of Puget Sound have increased from $3,184,000 in the year 1885 to $15,200,000 in 1899. During this time the exports of the port of San Francisco have decreased from $38,155,000 to $30,214,000, and the exports from Huron, Mich.—Michigan, the State located along the great national waterway—has decreased since 1890 from $10,447,000 to $7,099,000. The exports from Cuyahoga, Ohio, in 1899 were only $2,175,000, or about one-fifth the amount exported from Tacoma in the same year. Talk to me about this Committee on Rivers and Harbors being guided solely by the amount of commerce a port possesses in the amount of appropriation they make for it! With the exception of New York and Boston harbors, there is not a dollar appropriated in this bill for any other seaport city as important in amount or growth in trade or the limitless possibilities of the future as the harbor of Tacoma and the entire Puget Sound region. [Applause.]

Mr. BISHOP. Is not the gentleman's city of Tacoma receiving money from the River and Harbor Committee now for the improvement of Tacoma's harbor?

Mr. CUSHMAN. Oh, yes. In this bill, Mr. Chairman, a bill that carries $60,000,000, a bill that improves the creeks and sloughs and frog ponds of the nation, some of which can not be found on the latest and largest edition of the Rand-McNally Atlas, and my State, one of the great maritime States of the nation, gets the ridiculous sum of $130,000! If you think my vote can be bought for that price in support of a bill carrying $60,000,000, you are away off your base. I come from a State filled with thoroughbreds! [Laughter and applause.]

Mr. BISHOP. I understand fully what the gentleman's price is, and the House will understand that.

Mr. CUSHMAN. There can be no mistake about what your price was, because that is written in black and white in this bill.

Mr. BISHOP. I desire to say——

Mr. CUSHMAN. If you have anything you "desire to say," get a little of your own time in which to "say" it. The gentleman was making his speech yesterday, and I call the attention of this House now to the fact that three times I arose to ask him a question, but he was so busy talking about "beloved Michigan" and her "great waterway" that he could not see me. Now he wants me to continually recognize him. If you want to make a speech, get a little time of your own. [Laughter.]

Now, Mr. Chairman, I desire to refer once more to this chart (Chart A) and to the appropriations shown by it. Perhaps I had better pass from the total appropriation made for these 17 States having a membership on the River and Harbor Committee to the 28 States and 4 Territories not represented on that committee—and that is passing from the gigantic to the diminutive, from the colossal to the microscopic, from the proud to the pathetic! [Laughter.] Now, then, out of this gigantic sum of $60,000,000 carried by this bill the States and Territories which are unrepresented on this committee get the pitiful sum of $8,000,000 to be spread and splattered over 28 States and 4 Territories of this Union. Does any man on earth think that is fair?

Now, these are the figures. If these figures are false, I invite any or all the members of the River and Harbor Committee to point out the error. [A pause.] Now, then, if these figures are correct, then the River and Harbor Committee stands convicted of gross selfishness toward their own particular interests and gross unfairness toward the interests of the rest of the United States.

Now, then, that I have shown this fact substantiated by these figures, no member on this floor can vote for this bill and excuse himself by saying that its unfairness was not pointed out. It has been pointed out. The only question now remaining is whether after it has been pointed out the members of this House will carelessly ignore it, or willfully become parties to a measure so unfair that it borders closely on fraud.

If we first by our silence and second by our votes sanction this measure which gives four-fifths of the appropriations of the entire bill to the committee, in the next bill they will be encouraged to take it all. The only difference between this bill and a bill for the sole benefit of the committee is a difference not in principle, but in degree, and a very small degree at that.

The gentleman rose in his seat on yesterday and claimed that I was endeavoring to malign the committee. Ah, Mr. Chairman, I am not endeavoring to malign the committee or impugn the integrity of its members. The gentleman's conscience must have been hurting him when he said that by the compilation of these figures the committee was being maligned. Those are not my figures. They are yours. I did not create those figures. I merely compiled them. Neither am I responsible for the result at the bottom of the chart. I am not responsible for the mathematical fact that 2 and 2 makes 4. I merely added together the items which your committee created, and if there is anything in the result that hurts your conscience, that is your misfortune and not my fault. The thing that seems to be worrying some of the members of this committee is not that they have done something wrong or unfair—but that they have been found out.

Mr. Chairman, I invite this House to critically examine that chart. This chart is what I term a composite photograph of the 17 friends that I have on the River and Harbor Committee. [Laughter.] If the members of this House will look at this likeness closely, they will notice that the bump of selfishness is abnormally developed and that the line of generosity is completely obliterated. [Laughter.] Nineteen centuries ago imperial Cæsar said that "All Gaul was divided into three parts." He was an ancient, provincial, untutored ignoramus! If he could have lived to witness the dawn of the twentieth century and gazed upon the handiwork of the members of the River and Harbor Committee of the Fifty-sixth Congress, he would have amended that statement on his own motion and subdivided "all gall" into parts enough so that there would have been at least one fragment for each of the gentlemen on the River and Harbor Committee. [Great laughter.]

Mr. MONDELL. Will the gentleman allow a question?

Mr. CUSHMAN. Certainly.

Mr. MONDELL. The gentleman has called attention to the fact that the States represented by the members on the River and Harbor Committee receive a very large proportion of the appropriations made by the committee. May it not be possible that the members of the committee are from the larger and more important coast and river and harbor towns and cities, and from the localities which have the best claim upon the Government for appropriations in the river and harbor bill?

A MEMBER. That is a fact.

Mr. CUSHMAN. I am very glad the gentleman from Wyoming asked that question. It will enable me to knock the pins out from under the only defense that yet remains for the River and Harbor Committee. Every time a criticism is made of any of the provisions of the river and harbor bill some beneficiary of the bill leaps to his feet and says that he represents some great maritime district entitled to more than ordinary consideration. Now, then, there is one test that is supreme and final, and that no man can say is unfair—that is the recommendation of the Chief of Engineers of the United States Army. All of these improvements are made directly under his supervision and direction and with his recommendation.

Whenever the Chief of Engineers of the Army is by act or joint resolution of Congress ordered to make a survey, estimate, and report on any proposed improvement, in his report on the project he includes not only the estimated cost of the project, but makes a review of the commerce of the locality intended to be improved, and makes that a part of the basis of his report. Now, then, if we were to take the recommendation of the Chief of Engineers for this year, covering every proposition in the United States, we would have a right to expect that the River and Harbor Committee would appropriate a certain proportion of what he recommended, and that that proportion of what he recommended would be uniform throughout the United States. That is, if in their own States they appropriated for themselves 75 per cent of what the Chief of Engineers recommended and gave to the rest of the United States only 50 per cent, that would be unimpeachable evidence either of selfishness or fraud. Neither would it be any answer to that charge for any man to say that his district was a great maritime district, because the Chief of Engineers took that, as well as other matters, into consideration when making the report.

I took the last report of the Chief of Engineers of the Army, and at the expense of a great deal of hard labor went over it from start to finish to find out the amount he had recommended should be appropriated in every State in the Union this year. And another object I had in going over his report was to find out what per cent of his recommendations the members of this committee had taken for their own States, and also what per cent of his recommendations they had given us, the other 28 States not represented on their committee.

I now call your attention to Chart B, which is now displayed before the Speaker's desk.

There, Mr. Chairman, is the X-ray turned on this river and harbor bill, and the result is anything but flattering to the members of that committee.

This second chart is somewhat similar to the first one in that it is divided into two sides, one side representing these 17 States, and the other side representing the rest of the United States. But Chart A shows the amounts appropriated and authorized in the several States. This chart (B) is designed to make a comparison between the amounts appropriated and the amounts not authorized but recommended by the Chief of Engineers. For instance, I have taken the 17 States represented by membership on the River and Harbor Committee and placed them in the first column. In the second column opposite each State is written the amount of cash appropriation this bill carries for that State. In the third column is written the amount of cash which the Chief of Engineers recommended should be appropriated for all the various projects in that State in this bill.

CUSHMAN'S CHART B.

Seventeen States with members on River and Harbor Committee.

States.	Amount appropriated.	Amount recommended.
Ohio	$1,814,300.00	$1,484,600.00
Illinois	450,000.00	1,502,000.00
West Virginia*	.....	.....
Michigan	2,153,000.00	1,490,200.00
Pennsylvania	953,000.00	397,000.00
Minnesota	210,000.00	.....
New York	1,854,859.50	2,461,500.00
Oregon	830,500.00	1,163,500.00
Massachusetts	1,486,201.00	1,552,720.00
Wisconsin	599,200.00	455,900.00
Mississippi	94,000.00	663,000.00
Georgia	450,700.00	323,500.00
Alabama	790,000.00	873,676.00
Arkansas	434,000.00	177,000.00
Kentucky	130,000.00	281,000.00
Florida	468,500.00	1,224,200.00
Texas	1,530,000.00	1,280,000.00
Total	14,238,260.50	15,309,796.00

Items recommended in three of above States which are not segregated:

Florida and Alabama	$38,000.00
Georgia and Alabama	565,000.00
Georgia and Florida	422,500.00
	1,025,500.00
	15,309,796.00
	1,025,500.00
Total amount recommended in 17 States	16,335,296.00
Total amount appropriated in 17 States	14,238,260.50

In these 17 States the amount appropriated is equal to 0.864 per cent of the amount which was recommended to be appropriated. Seventeen States receive 0.864 per cent.

*Amounts included under head of Ohio River.

Twenty-eight States and three Territories with no members on the River and Harbor Committee.

States.	Amount appropriated.	Amount recommended.
Maine	$155,500.00	$237,000.00
New Hampshire	50,000.00	50,000.00
Vermont	43,000.00	47,300.00
Rhode Island	165,700.00	555,484.00
Connecticut	188,000.00	302,178.50
New Jersey	348,000.00	199,000.00
Delaware	12,000.00	295,300.00
Maryland	147,350.00	662,452.00
Virginia	343,600.00	598,570.00
North Carolina	223,900.00	314,000.00
South Carolina	155,200.00	714,000.00
Louisiana	728,000.00	433,500.00
Tennessee	477,500.00	1,879,500.00
Indiana	50,000.00	63,000.00
Missouri	20,000.00	15,000.00
California	133,000.00	486,000.00
Washington	190,000.00	668,000.00
Montana	.....	2,000.00
Total	3,390,750.00	7,532,284.00

Total amount recommended to be appropriated in the 28 States and 3 Territories not having members on River and Harbor Committee $7,532,284.00
Total amount appropriated in said States 3,390,750.00

In these 28 States and 4 Territories the amount appropriated is equal to 0.467 per cent of the amount which was recommended to be appropriated. Twenty-eight States and 3 Territories receive 0.467 per cent.
Eleven States and 3 Territories receive no appropriation whatever.

The size of every appropriation bill is such that there can never be in all instances the full amount appropriated that is recommended. It is necessary always to reduce the amount appropriated below what was recommended. Now, then, look at this chart. First, there is Ohio; the amount appropriated, $1,814,300, is about $330,000 more than was recommended. Michigan, you will observe, got nearly a million dollars more than was recommended. Wisconsin receives about $140,000 more than was recommended. Arkansas gets about $257,000 more than was recommended; while all the remainder of the 17 States receive a very large proportion of the amount recommended. By taking the total at the bottom I find that the total amount which the Engineer recommended for expenditure in these 17 States was $16,335,296, and that the amount which this bill has appropriated in cash on these recommendations is $14,238,260.50; or in other words, they appropriated for themselves about 86½ per cent; and by consulting the other half of this Chart B you will observe that the States which were not represented on this committee only received about 46½ per cent of the amount which was recommended for them.

Now, then, Mr. Chairman, I wish to say in reference to my Chart A that it only proved a presumptive case of fraud or selfishness; but there is no way of getting around the facts disclosed by this Chart B. There is no way of justifying this unfair discrimination between these two localities. The equities and the claims of each locality were weighed carefully by the Engineer, and there can be no lame logic evolved from any muddy mind that will justify this wide discrimination between the States represented and those unrepresented. Can any man look that chart in the face and then tell me that this bill was framed solely with the idea of meeting the commercial and maritime needs of the nation? I tell you that this bill was not framed so much with a view to meeting the commercial and maritime needs of this nation as it was to meeting the personal and political needs of the members of the River and Harbor Committee. I invite the members of that committee to go up against the frozen face of that chart and then tell me—— [Great laughter.] Chart B forms an indictment that is not open to demurrer!

Mr. TONGUE. Will the gentleman permit me to ask him a question?

Mr. CUSHMAN. Certainly.

Mr. TONGUE. I see the gentleman has Oregon down for a recommendation of an appropriation by the Chief of Engineers of $830,000, and that the cash appropriation is over a million of dollars.

Mr. CUSHMAN. Ah, you have got the figures wrong. The gentleman from Oregon is not quite as handy with his eye as with his tongue. [Great laughter and applause.] Mr. Chairman, in this matter I have no desire to create any fun. It may be a laughing matter to some, but it is no laughing matter to the people which I, in part, represent on this floor. There is no man on this committee or on the floor of this House who can look those figures in the face and then arise in his place and attempt to tell this House that this committee was not influenced by some other motives than those shown upon the surface. It is a very significant fact that, taking all of the States represented by membership on this committee, they get 86½ per cent of what was recommended and the rest of us get 46½ per cent of what was recommended.

Mr. TONGUE. Now, the gentleman has got through with his laugh at my expense, I would like him to kindly answer my question.

Mr. CUSHMAN. Yes, sir.

Mr. TONGUE. I asked you to state what appropriations there were for the State of Oregon.

Mr. CUSHMAN. The cash appropriation in this bill for the State of Oregon is $830,000. There is also a million and a half authorized in addition to this cash appropriation.

Mr. TONGUE. For what improvements?

Mr. CUSHMAN. Mostly, my friend, for the mouth of the Columbia River.

Mr. TONGUE. I will ask if that river is not the boundary line between the States of Washington and Oregon?

Mr. CUSHMAN. Oh, if the gentleman will content himself for a moment I will show you a separate chart of that region, and explain it very thoroughly and his connection with it.

Mr. TONGUE. If the gentleman will kindly answer my question I will content myself.

Mr. CUSHMAN. I will answer that in a moment. I have another chart for your especial benefit [Laughter.] Now, then, before I leave Chart B for something else, I want to say that I fully realized that some gentleman might be able to pick flaws in Chart A because by reason of its very nature it could not be conclusive of unfairness, as there was no way of showing by Chart A which localities were deserving of the greatest consideration. The first chart, therefore, is not nearly so conclusive as the second one.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield for a question?

Mr. CUSHMAN. Certainly, with pleasure.

Mr. MANN. I supposed the gentleman's statement in reference to Illinois and the amount of the recommendation, $1,502,000, had been taken from the Chief of Engineers' report.

Mr. CUSHMAN. Yes, sir.

Mr. MANN. There was a report of the Chief of Engineers recommending $10,000,000, and that probably is the case in many other instances.

Mr. CUSHMAN. Ah, I will answer the gentleman: I hold in

my hand the annual report of the Chief of Engineers. That $10,000,000 recommendation is not contained in this volume. I went down to the office of the Chief of Engineers, having this volume in my hand, and asked the Chief of Engineers to be shown any subsequent recommendations made by his office. He showed me some, but there was no $10,000,000 item for Illinois. I failed to find the item the gentleman speaks of.

Mr. MANN. I have no doubt the gentleman failed to find it, because I have no doubt if he had found it he would have incorporated it in his report. The truth about it is the Engineer did make a report covering a recommendation of $10,000,000.

Mr. CUSHMAN. Not desiring to impugn the gentleman's veracity, for he is a warm friend of mine, I will say that I believe that he is mistaken. The trouble is that many gentlemen confuse the two terms "estimate" and "recommendation." The Chief of Engineers frequently makes an estimate of what a proposition will cost, but makes no recommendation one way or the other. In this connection permit me to call the attention of this House to the fact that on yesterday I arose in my seat when the chairman of this great committee was addressing this House and asked him whether or not the Chief of Engineers of the United States Army had made a recommendation for the expenditure of $600,000 for the harbor of Cleveland, Ohio. That gentleman very suavely informed me that the Chief of Engineers had so recommended, and



passed me a report. When I read it I found it was one I had read before, and that it did not contain the recommendation of the Chief of Engineers. I then telegraphed to the Chief of Engineers to find out whether he had recommended it or not, and found out that he had not. Is my statement denied?

Mr. BISHOP. Now, then, I have no doubt the gentleman wants to be entirely fair, and therefore would be pleased to have me suggest any errors in his figures.

Mr. CUSHMAN. Yes; it may be that in my haste I have not included all the items that Michigan received. [Laughter.]

Mr. BISHOP. Take the State of Michigan, and you have the cash appropriation as $2,153,000 and the amount recommended by the Chief of Engineers as $1,490,200. I wish to say to the gentleman that there was recommended by the Chief of Engineers, I think, in the neighborhood of $6,000,000, and for Limekiln Crossing alone $3,000,000, making $9,000,000 recommended by the Chief of Engineers that is not on that chart.

Mr. CUSHMAN. I am indebted to the gentleman from Michigan for calling this to my attention. A few moments ago, when I referred to the great appropriation received by the State of

Michigan, the gentleman objected to that entire amount being charged to Michigan, because, he said, it was not for the benefit of Michigan, but for the benefit of a great national maritime highway. Now, then, that there is an opportunity for him to make a point by changing his position, he rises and objects because I have not incorporated in my table under the head of Michigan some other amounts recommended by the Chief of Engineers. By the gentleman's own statement a moment ago, in the hearing of this entire House, I ought not to have charged it to Michigan, because the gentleman said it was for the improvement of a great national maritime highway, and ought not to be charged to the State. That is what you said a moment ago. You had better go and get yourself straightened out till you know "where you are at." [Laughter.]

Mr. BISHOP. The gentleman can not by his wit nor the force of his voice drown the fact before this committee that his figures as to what was recommended by the Chief of Engineers is more than $10,000,000 less than what was recommended. Therefore the figures are wrong from beginning to end.

Mr. CUSHMAN. I call the attention of the members of this House that there is now contained in the record of this debate the language of my friend from Michigan in which he objected a few moments ago to my charging the State of Michigan with the appropriations which were made in that State because he said they were properly chargeable to this great maritime highway. Now he wants me to include in my chart, under the head of Michigan, all the amounts the engineer recommended for this same highway, because this would leave his case in a better condition. The gentleman can not be first on one side of the fence and then on the other.

Mr. BISHOP. Either the gentleman from Washington must change the figures in his first column, the amount appropriated, or else he must add nine millions in the other.

Mr. CUSHMAN. Now, when the gentleman gets himself firmly located either on one side or the other of that maritime highway I will come back and discuss the matter with him. At present I must move on in this debate.

Now, then, I want to call the attention of the members to the map of the State of Ohio. [See page 838.]

I am willing to concede that the State of Ohio is a great and an important State; but I am not willing to concede that the commerce and the rivers and harbors of the State of Ohio entitle her to one-tenth of the amount of this entire bill.

When I was a child, Mr. Chairman, I was taught by my teachers that the great maritime and shipping States of this nation lay along the seacoast and not in the center of the continent. [Laughter.]

Since I have examined the items of appropriation contained in this bill I am convinced of the error of my early training. The farther a State lies from the coast line or from salt water the greater is the appropriation contained in this bill.

Look at that map. Is the State of Ohio so located and so situated with reference to shipping interests that it deserves to receive over $6,000,000, or over one-tenth of the entire river and harbor bill? A river and harbor bill that was prepared for 45 great States, bounded by salt water on three sides and by the lakes on the north, and yet one-tenth of the bill is expended on the State of Ohio—a little, inland, cornfield State with 200 miles of lake front and one navigable river!

Yes, my early geographical training was certainly at fault. In view of the enormous appropriations made in this bill for this "seaboard" State of Ohio, if I were called upon now to give the boundaries of that cornfield Commonwealth I would say:

The State of Ohio: Bounded on the east by the Atlantic Ocean; bounded on the west by the Pacific Ocean; bounded on the south by the Gulf of Mexico; bounded on the north by the Great Lakes and the chairman of the River and Harbor Committee.

[Great laughter.]

I call the attention of the members of this House to the fact that when the chairman of this committee [Mr. BURTON] was addressing the House the gentleman from Idaho [Mr. WILSON] asked him if the Committee on Rivers and Harbors followed the recommendation of the Chief of Engineers as nearly as they could in various cases, and particularly in the case of the project of building a ship railway along the Columbia River at The Dalles, Oregon, and in which we are interested. "Oh, no," the chairman said, "after he had read the report of the engineer it sounded to him like one of the dreams of Jules Verne."

Now, when we object to some of the appropriations in Ohio they rise up in holy horror and say, "Why, this is recommended by the Chief of Engineers of the United States Army." And when we call their attention to a favorable recommendation by the same Engineer's office to a project in our State, they say, "Oh, that sounds like one of the dreams of Jules Verne." [Laughter.] Now, the question I want to ask the worthy chairman of this committee is, At what particular geographical point between his State and my State does the report of the Chief of Engineers lose its reliability? [Laughter and applause.]

[For map of Michigan see page 1094.]

Now, then, we are getting around toward home base. [Laughter.] Here we have the map of Michigan—"beloved Michigan"—that is represented on the River and Harbor Committee, and out of a total of $60,000,000 she draws over seven and a half millions. The gentleman from Michigan [Mr. BISHOP] has been talking to us a great deal about that great maritime national highway "that runs between the two lakes." I want to call your attention to the fact that here is the map of his own Congressional district. It is not located anywhere near that great highway. There are six counties in his district bordering on the lake front, and he has got a river and harbor appropriation for every one of them in this bill. [Laughter.]

Mr. BISHOP. But the harbors are all there.

Mr. CUSHMAN. Exactly. The gentleman says "the harbors are all there." Did the gentleman ever examine the map of the State of Washington? "The harbors are there," too! [Great laughter and applause.]

Mr. BISHOP. There is more commerce in that one district alone, passing across that State, than there is in the entire State of Washington.

Mr. CUSHMAN. If the gentleman has never been outside of Michigan but a few times I can not blame him for that statement. A few moments ago the gentleman stated that Ludington, the port of Ludington, furnished an outlet for a large portion of the grain from the State of Washington. Mr. Chairman, from the window of my home I can look out over that matchless inland sea, Puget Sound, where I have seen gathered the flags of all nations, and from whose gateway goes forth the great ships to Hongkong, Hawaii, Melbourne, Balarat, Bombay, Alaska, the coast of Russia, Liverpool, London, and every other seaport on earth, carrying the mighty products of that State.

Now, do you see that flyspeck on the map of Michigan? That represents the maritime village of Ludington. Does any sane man on earth suppose that that lake port is of any great importance to my State or the Northwest? The gentleman has, unintentionally no doubt, magnified the commerce of the place. But I call attention further to the fact that in that one Congressional district, which is not located on this maritime highway, is appropriated $437,000, or three times as much as for the entire State of Washington. When anyone rises to criticise any of these propositions they immediately say it is "meritorious." When I looked in the dictionary for the definition of that term I did not find that its meaning was limited to the State of Michigan. That word applies to the entire universe; and there are rivers and harbors in other localities that are just as "meritorious" as those of Michigan.

Now, the same thing is true regarding the State of Florida. In one Congressional district in that State there are fifteen propositions for river and harbor improvements, each one of which receives an appropriation under this bill, and there is at least one river appropriated for that can not be found on the latest and largest edition of the Rand-McNally Atlas. Oh, yes; this bill makes appropriations for Peace Creek, and Raccoon Creek, and Buttermilk Channel, but it ignores many of the great maritime highways of the United States.

Now, I desire to exhibit to this House another map, and I ask not only the attention of the entire House, but particularly the attention of the gentleman from Oregon. [See page 841.]

The amounts in dollars set in the middle of each State is the amount which each of these States receives under this appropriation bill. One of these four States has a member on the River and Harbor Committee. Gentlemen, if you were called upon to hazard a guess as to which one of these States is represented on this committee, which one would you guess? [Laughter.]

A MEMBER. I would guess Idaho!

Mr. CUSHMAN. Yes; almost anybody would! Here are the Pacific coast States—California, $350,000; Idaho, nothing; Washington, $130,000, and Oregon with $2,330,500. The State of Oregon has a member on this committee, and I have no doubt that the propositions in that State are considered by the gentleman interested to be particularly "meritorious." But I want to call your attention now particularly to the Columbia River.

Mr. Chairman, this map shows "Where rolls the mighty Oregon and hears no sound save the expenditure of appropriations at his mouth." That is not the exact language of the poet of old, but it is vastly more expressive of the present condition in this locality.

Perhaps the most important proposed improvement in the entire United States which comes within the domain of the river and harbor bill is the proposed construction of a portage road on the Upper Columbia River around the rapids near The Dalles and Celilo.

When the daring navigator of the Pacific first anchored his craft in the mouth of the Columbia he knew from the mighty vol-

ume of water that poured forth that that stream found its source in the heart of the continent. No stream in the United States outside the Mississippi Valley system reaches such a vast area of country.

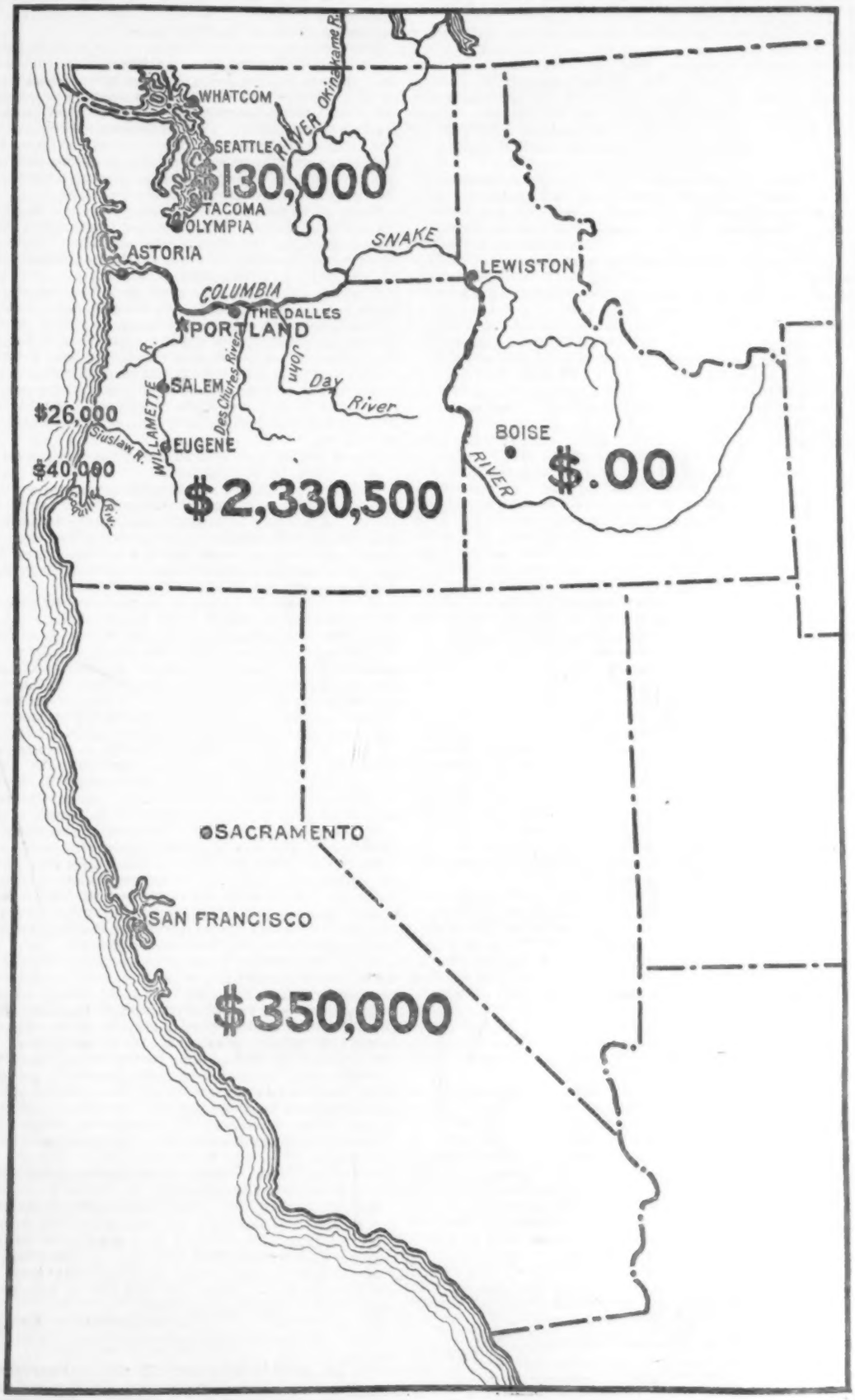
You can see by consulting this map that this stream flows directly through the great wheat region of the State of Washington, the fields that this year produced 25,000,000 bushels of wheat. The Columbia River, with its sister streams, the Snake, the Clearwater, and the Okanogan, reach the vast region of agricultural and mineral wealth that lies in eastern Washington, eastern Oregon, and Idaho.

For fifty years it has been the dream of the farmers of that region to be able to ship their wheat by water transportation (the cheapest in the world) to market. At present, by reason of certain impassable rapids on this river at The Dalles, they have been unable to do so. For the past twenty-five years every oily-tongued politician and demagogue who has gone into that country hunting for votes has proclaimed to those people that the next Republican



Congress was going to make them an appropriation to remove or circumvent those rapids.

Then, after the campaign was over, nothing was done till the next campaign, and then the same delusive song was sung to an industrious and trusting people. I made that promise in the last campaign, and God knows I believed I had ample ground on which to make it. When next I campaign over that region I will not furnish those people with any select assortment of sugar-coated political fibs about why that appropriation was not made. I will give them the blunt, unvarnished truth—that the Republican majority of the River and Harbor Committee of the Fifty-sixth Congress appropriated $60,000,000, some of it for streams that can not be found on the latest edition of the largest atlas, and turned down a proposition for the improvement of the mighty Columbia,


WHATCOM
SEATTLE
$130,000
TACOMA
OLYMPIA
ASTORIA
COLUMBIA
THE DALLES
PORTLAND
SALEM
EUGENE
$26,000
$40,000
$2,330,500
SNAKE
LEWISTON
BOISE
$.00
Day
River
SACRAMENTO
SAN FRANCISCO
$350,000

whose waves water an inland empire and whose banks divide a continent! That is what I will tell them. [Applause.]

At the present time the farmers of this region are just as far from market, for all practicable purposes, as if they had no market between them and Chicago. The only way they can now move their wheat is by rail. The railroad companies charge nearly as much to haul a bushel of wheat 300 miles west to the Pacific as they charge to haul it 2,000 miles east to Chicago. When the Columbia River shall be opened to navigation it will add 10 cents a bushel to the value of every bushel of wheat tributary to this mighty river.

Now, then, there was a balance of $220,000 appropriated and available for the construction of a ship canal at The Dalles. If a ship canal or a ship railway is not feasible, then we can build a portage road. There is no "Jules Verne dream" about that.

Now, then, this committee not only refuse to make any additional appropriation for the improvement of the rapids at The Dalles, but they repeal and take away from us the $220,000 which we now have and which might be used for some good purpose at this point.

Years and years ago I found in the Good Book a sentence which read: "From him who hath not shall be taken even that which he hath." For thirty years I have marveled as to just what that sentence meant. I never understood until I read this bill exactly how you could take something away from a person who had nothing. Since reading this bill the mystic meaning of that sentence has been fully revealed to me. [Laughter.]

The appropriations on the Columbia River have always been made up to the present time at the mouth of the river—between the city of Portland and the mouth. The chief appropriations, I say, have been made there. Now, I wish to call the attention of this House to one or two items of appropriation that have been made on the Columbia River. In the first place there has been expended between the city of Portland and the mouth of the Columbia River (on the Willamette and the Columbia) at one time $160,000; $155,000 at another time; and this bill increases the former appropriations by a cash appropriation of $830,000.

I will attach to my remarks a table showing the amount of appropriations made at various times for the Willamette River between Portland and the Columbia, and from their junction for improvements on the Columbia to the sea. This table will show that the amounts heretofore appropriated for the mouth of the Columbia River equals $2,225,680. The increased amount proposed in this bill for the mouth of the Columbia is $1,900,000, which will make $4,125,680 for the mouth of the Columbia; besides this gigantic sum, $1,330,365 in addition thereto has been spent on the rivers Willamette and Columbia between Portland and the mouth of the Columbia. This makes a total, including amount proposed in this bill, of $5,456,045, that has been, and will be, expended merely for the benefit of one city—the city of Portland. The city of Portland has 100,000 inhabitants. That makes $54.50 for every man, woman, and baby in the entire city, that has been expended trying to keep a channel from salt water up to that town. It would be cheaper for the Government to move the town and the people to salt water. [Laughter.]

The Chief of Engineers of the United States Army has made some statements regarding the expenditures at the mouth of the Columbia. When they started in spending money at the mouth of the Columbia River they had 31 feet of water. After they had spent three-quarters of a million dollars they took another sounding and then they had 28 feet of water. Then they spent a million and three-quarters more, and now they have 24 feet of water. The question now resolves itself into one of arithmetical proportion. If we have spent over $5,000,000 between the city of Portland and the sea to produce a deep channel and we have 7 feet less water now than we had when we started, how much water will we have when we have spent $5,000,000 more?

The gentleman from Oregon said to me that the reason Oregon received so much in this bill and the State of Washington so little was that the State of Washington had been well taken care of with appropriations on the river and harbor bill in the past. I looked this matter up and I find that up to the present time all the appropriations made for the State of Washington make the sum of $1,823,350, and the State of Oregon, that has been neglected in the past, got $9,558,435! [Laughter.] I will append to my remarks a little table showing that the same States which are the chief beneficiaries of this bill are the same States that in times past have received the greatest appropriations.

The total appropriations received by the State of Oregon for rivers and harbors to date is $9,558,350. But of this vast sum the only items that have been expended for the benefit of the Upper Columbia at and above The Dalles are as follows:

Total improvement of Upper Columbia and Snake rivers to date	$289,279
Total expenditure at The Dalles Rapids	28,000
Total appropriation for Clearwater, Idaho	50,000
Total	367,279

That is what they have spent on the Upper Columbia, Mr. Chairman, and the entire balance of that $9,558,435 has been expended in other parts of the State.

The total expenditure to date on the locks and canal at the Cascades on the Columbia River has been $3,748,000. But, Mr. Speaker, that project is only about 50 miles below these impassable rapids at The Dalles, Oreg. This Government never intended to spend three and three-fourths millions of dollars to make 50 miles of that river navigable. This improvement at The Dalles was one of the links in the chain and the canal at the Cascades was another link, and when they abandon the proposition at The Dalles, as they are trying to do, they render useless and worthless, almost, the vast expenditure of money at the Cascades.

Now, all over the State of Oregon we find appropriations made for various places. The Coquille River and Tillamook Harbor, The Long Tom, the Coos River, and the Clatskanie, and a lot of other appropriations for creeks and sloughs that were never heard of before by any man outside of Oregon. For instance the Coquille gets $40,000, $10,000 more than Tacoma, one of the greatest ports on the Pacific Ocean. This is only a sample of the remainder.

Gentlemen have said they must be guided to a certain extent by the recommendation made by the Chief of Engineers. I make the statement on the floor of this House that in one locality in the State of Oregon they got 140 per cent of what was recommended. [Laughter.] I am perfectly willing to have anybody deny that statement if it is not true. [A pause.] I will attach to my remarks a table of figures showing this fact as well as others relating to Oregon.

Mr. MONDELL. Will the gentleman allow me a question?

Mr. CUSHMAN. Certainly.

Mr. MONDELL. I understood there was a project which was recommended by a former Congress and an appropriation provided which would have made possible the navigation of the Snake and the Upper Columbia, thereby giving the people of Idaho, Washington, and the adjacent States some benefit of the great appropriations that have been made at the mouth of the river. What did the committee do with that project?

Mr. CUSHMAN. That is the very project that I spoke about a few minutes ago, which is the improvement we have for twenty-five years been trying to get around the rapids at The Dalles, Oreg., that is between Washington and Oregon. Up to the present time practically all this money has been spent between Portland and the sea, and benefits Portland only, because the river above Portland is absolutely impassable. The people who reside above these rapids have to ship their grain down to Portland by rail. Knowing that this improvement at The Dalles had been recommended by the Chief of Engineers and also recommended by a former Congress and appropriated for, I had supposed that this committee would take care of the project in this bill, but when we come on the floor of this House the chairman of the committee says it sounds like one of the dreams of Jules Verne.

Mr. GROSVENOR. Will the gentleman allow me?

Mr. CUSHMAN. With very great pleasure. [Laughter.]

Mr. GROSVENOR. If the gentleman will go a little further back into the record of the appropriations made by Congress, I think he will modify his statement in regard to the failure to make any appropriations for the Columbia River above the city of Portland, or not above the city of Portland, which is not on the Columbia, but on the Willamette River.

Mr. CUSHMAN. Perhaps I spoke more broadly than I intended when I said that little or no appropriations had been made above Portland on the Columbia. What I meant to say was that no appropriations of any decent amounts had been made for the Upper Columbia; and by the Upper Columbia we mean that portion of the Columbia above the rapids at The Dalles.

Mr. GROSVENOR. And furthermore, I think the gentleman will find quite large appropriations made on the Willamette River to promote the navigation up into the very valley about which the gentleman has been talking, and as high up perhaps as the Salem, in the State of Oregon. Furthermore, the gentleman will find large appropriations which were expended, with what result I can not state——

Mr. CUSHMAN. Now, I would advise you to print that speech in the RECORD. [Laughter.]

Mr. GROSVENOR. I have some pride in the former history of this committee, and I am trying to suggest to you——

Mr. CUSHMAN. Well, I have some pride in this speech I am making, and you are destroying it. [Great laughter.]

Mr. GROSVENOR. You will find very large appropriations for The Dalles. I guess they did not do any good, but a large amount of money was expended.

Mr. CUSHMAN. The Chairman has advised me that I have only two or three minutes yet remaining. Now, I wish to say in conclusion——

Mr. CLARK of Missouri. If the gentleman wants any more time I ask unanimous consent that he have half an hour.

Mr. CUSHMAN. I do not think I need consume that amount of time.

Mr. CLARK of Missouri. As much time as you want.

Mr. CUSHMAN. This House has been very indulgent with me, and I do not wish to tire them or tire myself, for that matter. I have not been long out of the sick bed, and I am very tired myself. I think I can conclude within a moment or two.

I have simply called attention to these various matters because it seemed to me that this bill was unfair. I have not intended during the course of these hasty and disconnected remarks to say aught that would in any way reflect upon the honor or integrity of any member of this great committee. They are seventeen honorable gentlemen, and I am proud to call them all my friends. Not one of them has in this matter been in any degree dishonest, or intended so to be. Indeed, I do not believe they have intended to be unfair. They have, in common with us all, that spirit of undying loyalty to the interests of their own homes and their own constituencies. They have seen with clearer vision the necessity for the improvements in their own particular States than they have the projects that lie in States outside their own.

Now, in the State of Washington—and I only refer to that because I am more familiar with the projects there—the people have been trying for years and years to procure the building of a ship canal joining the waters of Puget Sound with Lakes Union and Washington. This project was thoroughly examined and surveyed. It received the recommendation of the engineers of the United States Army, and Congress made one appropriation of $175,000 for the commencement of this great work. But heretofore no work could be done and none of this money spent because the right of way had not been secured. This right of way has just been secured and the title perfected by the people of Seattle and King County, and by them deeded to the Federal Government and the grant accepted by the Government. Those people have put in five or six years of time and expended a great deal of money procuring that right of way.

They are now ready to begin work in earnest. We ask that this bill provide an appropriation for that great project, the Seattle Ship Canal. I was informed by some of the gentlemen on this committee that they did not deem it advisable to make additional appropriations for the Seattle Ship Canal because there was $170,000 available for that project that has not yet been expended. How far will $170,000 go on a project the estimates of which run to $3,000,000? Now, if it is not the policy of this committee to make additional appropriations where a certain amount of money remains unexpended I want to inquire why this bill appropriates for the mouth of the Columbia River $400,000 when there is a fund of $256,000 to the credit of that project and now unexpended?

Why is it in Florida, on the Anclote River, they appropriate $9,000 when there is already $2,415 on hand?

Mr. LANDIS. What river is that?

Mr. CUSHMAN. The "Anclote" River. I never heard of it before, and I do not blame the gentleman if he never heard of it. I have in my hand a list of a dozen or more projects, showing where this committee has made additional appropriations in cases where money was still on hand to the credit of the projects which could be expended. I will add that list to my remarks. It made no difference to this committee when they desired to appropriate money that there was an unexpended appropriation on hand; but when they do not want to appropriate money they hold up their hands and say, "Why, you already have money to the credit of this project which you have not expended." I have noticed throughout this entire bill that the course pursued by the committee is not regulated by any fixed set of rules, but regulated, apparently, by the locality of the project under consideration.

We also want an appropriation for the inner channel at Grays Harbor, in my State, and will present an amendment asking for that. We want an increase over the amount now contained in this bill for Tacoma Harbor. We want an appropriation for the Seattle Ship Canal. We want an appropriation for the Olympia and Grays Harbor project. We want the clause of this bill which repeals and turns back into the United States Treasury the $220,000 at The Dalles stricken out and an additional appropriation made there, so navigation can circumvent those rapids. We want a larger sum for the Whatcom Creek waterway. All these things and more, too numerous to mention, we want. And if they were all conceded to us we would not then have our just share of this great bill, carrying as it does $60,000,000.

Mr. Chairman, I have not intended to present this matter in a selfish light in voicing the needs of my own State. I have only referred to that because it is a matter that comes nearer home to me than anything else in the bill. That is only natural. As long as I remain a member of this body and retain a seat on this floor there will never be framed a river and harbor bill that will have my voice and vote that carries $60,000,000 and gives to my State $130,000.

THE STATE OF WASHINGTON.

I have devoted a portion of my remarks to showing the unfair treatment of the State of Washington in this bill. The State of Washington, whose shores are washed by 3,000 miles of salt sea, indented with the most matchless harbors on earth; the State of Washington, peopled with the best and bravest branch of the Anglo-Saxon race; the people who braved the terrors of the savage and the wilderness and blazed the pathway of Christian civilization across the continent; the people who have erected splendid cities where once was naught but a wigwam in a wilderness; who have builded up a mighty Commonwealth out of the chaos of nature; the people who set the flag of our nation on the farthest outpost of the continent, where across the wide Pacific it waves "the greetings of the morning and the good-byes of the night" to the same blessed banner that floats above our boys in blue in the far-off islands of the sea; the people of the State of Washington that in the hour of war contributed what has been acknowledged to be the best and bravest regiment that set foot in the Philippines. And they watered its sands with their blood and they enriched its soil with their bones.

In all the splendid arts of peace, in all the sublime and heroic sacrifices of war, the people of the State of Washington have discharged every obligation due from a great and loyal State to a mighty and splendid nation. They have deserved better of their nation than their treatment in this bill. [Loud and continued applause.]

APPENDIX.

River and harbor bill.

States.	Amount appropriated.	Amount authorized.	Total.
Maine	$155,500.00		$155,500.00
New Hampshire	50,000.00		50,000.00
Vermont	43,000.00		43,000.00
Massachusetts	1,486,201.00	$3,319,495.37	4,805,696.37
Rhode Island	165,700.00		165,700.00
Connecticut	188,000.00	120,000.00	308,000.00
New York	1,854,859.50	2,114,643.00	3,969,502.50
New Jersey	348,000.00	817,000.00	1,165,000.00
Pennsylvania	953,000.00	2,836,913.57	3,789,913.57
Delaware	12,000.00		12,000.00
Maryland	147,350.00	221,000.00	368,350.00
Washington, D. C	75,000.00		75,000.00
Virginia	343,600.00	398,957.08	742,557.08
North Carolina	223,900.00		223,900.00
South Carolina	155,200.00		155,200.00
Georgia	450,700.00	1,174,845.00	1,625,545.00
Florida	468,500.00	950,000.00	1,418,500.00
Alabama	790,000.00	400,000.00	1,190,000.00
Mississippi (State)	94,000.00		94,000.00
Louisiana	728,000.00	2,950,000.00	3,678,000.00
Arkansas	434,000.00		434,000.00
Texas	1,520,000.00	1,900,000.00	3,420,000.00
Tennessee	477,500.00		477,500.00
Kentucky	130,000.00	207,000.00	337,000.00
Ohio	1,814,300.00	4,242,000.00	6,056,300.00
Michigan	2,153,000.00	5,515,000.00	7,668,000.00
Wisconsin	599,200.00	178,000.00	777,200.00
Minnesota	210,000.00	235,000.00	445,000.00
Indiana	50,000.00		50,000.00
Illinois	450,000.00	245,000.00	695,000.00
Missouri (State)	20,000.00		20,000.00
California	133,000.00	217,850.00	350,850.00
Oregon	830,500.00	1,500,000.00	2,330,500.00
Washington (State)	130,000.00		130,000.00
Total	17,684,010.50	29,542,704.02	47,226,714.52
Mississippi River	4,405,000.00	7,600,000.00	11,905,000.00
Examinations and surveys	200,000.00		200,000.00
			59,331,714.52

Appropriations for the mouth of the Columbia River.

1884	$100,000
1886	187,500
1888	500,000
1890 (two acts)	550,000
1892	350,000
1894	338,180
Total	2,025,860
Transferred to Tongue Point, June 3, 1896	50,000
	1,975,680
Act June 6, 1900	250,000
Total	2,225,680
Amount proposed to appropriate by this bill	1,900,000
Total	4,125,680

Appropriations for Willamette and Columbia rivers between Portland and the mouth.

Lower Willamette, from 1866 to 1872	$160,365
Lower Willamette, from Portland to the sea, from 1873 to 1879	155,000
Lower Willamette and Columbia, from Portland to the sea, including bar at mouth of Columbia, from 1880 to 1882	190,000
Columbia and Lower Willamette, below Portland, from 1884 to 1899	825,000
Total	1,330,365
Mouth of Columbia, appropriated and proposed	4,125,680
Total	5,456,045

Recommendations of the Chief of Engineers for river and harbor improvements in Oregon for fiscal year ending June 30, 1902, as compared to amounts inserted in river and harbor bill by the House committee.

Project.	Engineer's recommendation.	Cash amount appropriated.
Mouth of Columbia	$600,000	$400,000
Willamette and Columbia below Portland	325,000	225,000
Columbia between Vancouver and mouth of Willamette	8,000	8,000
Canal at Cascades	150,000	30,000
Upper Columbia and Snake	10,000	10,000
Willamette above Portland, and Yamhill	50,000	*32,500
Revetment below Independence	.....	*25,000
Revetment opposite Corvallis	.....	*12,500
Coquille below Coquille City	75,000	40,000
Tillamook Harbor	27,000	27,000
Siuslaw	51,000	26,000
Long Tom	1,500	1,000
Coos River	1,500	1,500
Clatskanie	1,500	1,000
Lewis	10,900	500
Cowlitz	7,000	2,000
Gauging Columbia	1,000	1,000
Dalles boat railway	220,291	(†)

*140 per cent of amount recommended. †0.713 per cent.

Where appropriations have been made when balances were on hand unexpended.

Place.	Balance on hand.	Amount appropriated.
Mouth Columbia River	$256,926.86	$400,000.00
Anclote River, Florida	2,415.63	9,000.00
Choctawhatchee River, Florida	9,868.98	16,000.00
Black River, Lorain Harbor, Ohio	155,271.16	20,000.00
Huron Harbor, Ohio	24,941.45	25,000.00
Sandusky, Ohio	39,222.03	100,000.00
Charlevoix, Mich	6,682.25	20,000.00
Frankfort, Mich	6,301.37	54,500.00

Total river and harbor appropriations to 1900.

Ohio	$7,426,174	Mississippi	$1,922,800
Illinois	7,594,204	Georgia	9,906,672
West Virginia	5,075,355	Alabama	5,917,692
Michigan	22,125,433	Arkansas	3,006,690
Pennsylvania	8,734,513	Kentucky	3,263,052
Minnesota	2,361,808	Florida	4,828,052
New York	25,785,930	Texas	19,192,733
Massachusetts	7,872,111	Oregon	9,558,435
Wisconsin	9,904,961	Washington	1,823,350

FOREIGN COMMERCE OF THE UNITED STATES—PERCENTAGE OF TOTAL VALUE OF IMPORTS AND EXPORTS OF MERCHANDISE, 1896-1899.

The following is a list of the ports and their percentage, showing that the Tacoma port has the largest percentage of foreign trade for which an appropriation has been made, with the exception of New York and Boston:

Order of magnitude of total imports and export, 1899.	Customs districts and ports.	Per cent of—											
		Total imports and exports.				Imports.				Exports.			
		1896.	1897.	1898.	1899.	1896.	1897.	1898.	1899.	1896.	1897.	1898.	1899.
1	New York, N. Y	51.40	48.04	45.89	48.07	64.12	62.85	65.30	66.78	40.14	37.27	36.17	37.44
2	Boston and Charlestown, Mass	10.53	10.52	9.15	9.36	10.16	11.80	8.36	7.47	10.86	9.60	9.55	10.43
3	Baltimore, Md	4.80	5.35	6.91	6.04	1.73	1.49	1.45	1.31	7.52	8.15	9.65	8.73
4	Philadelphia, Pa	5.02	5.25	4.74	5.31	5.62	6.29	5.10	5.91	4.48	4.50	4.57	4.97
5	New Orleans, La	5.68	6.51	6.63	5.19	1.74	2.17	1.57	1.71	9.17	9.66	9.16	7.17
6	Galveston, Tex	2.23	3.25	3.77	4.23	.08	.10	.18	.42	4.12	5.54	5.56	6.40
7	San Francisco, Cal	4.39	4.08	4.55	3.43	5.31	4.50	6.96	5.13	3.57	3.77	3.35	2.46
8	Newport News, Va	.96	1.28	1.70	1.53	.15	.15	.17	.19	1.68	2.10	2.46	2.30
9	Savannah, Ga	1.30	1.31	1.59	1.27	.03	.06	.06	.06	2.43	2.23	2.35	1.96
10	Puget Sound, Wash	.74	1.04	1.24	1.17	.70	.92	.82	1.04	.78	1.13	1.45	1.24
11	Chicago, Ill	1.01	.76	.95	1.03	1.99	1.51	1.66	1.74	.15	.22	.61	.62
12	Detroit, Mich	.85	.79	.84	.82	.44	.42	.36	.31	1.21	1.05	1.08	1.11
13	Pensacola, Fla	.23	.47	.45	.74	.01	.07	.03	.01	.42	.76	.67	1.16
14	Norfolk and Portsmouth, Va	.42	1.03	.77	.73	.03	.02	.03	.03	.77	1.77	1.14	1.13
15	Oswegatchie, N. Y	.53	.52	.54	.65	.80	.76	.83	1.25	.29	.35	.40	.30
16	Buffalo Creek, N. Y	.46	.49	.59	.61	.42	.52	.59	.53	.50	.48	.60	.65
17	Mobile, Ala	.48	.60	.58	.54	.12	.11	.18	.23	.79	.96	.78	.72
18	Brunswick, Ga	.31	.41	.57	.54	.....	.....	.....	.01	.59	.70	.86	.85
19	Willamette, Oreg	.34	.43	.83	.54	.13	.17	.23	.21	.53	.63	1.13	.73
20	Portland and Falmouth, Me	.25	.26	.37	.54	.06	.08	.07	.09	.41	.29	.50	.79
21	Vermont, Vt	.92	.86	.57	.53	.94	.86	.44	.34	.92	.85	.63	.63
22	Champlain, N. Y	.59	.52	.48	.50	.70	.63	.46	.40	.48	.44	.49	.56
23	Huron, Mich	.60	.52	.50	.48	.38	.36	.40	.30	.79	.64	.56	.58
24	Charleston, S. C	.54	.65	.69	.47	.06	.13	.21	.14	.97	1.03	.93	.66
25	Niagara, N. Y	.54	.49	.49	.45	.34	.42	.28	.26	.72	.55	.59	.57
26	Superior, Mich	.33	.27	.20	.44	.03	.06	.05	.06	.60	.42	.28	.65
27	Wilmington, N. C	.38	.46	.54	.40	.01	.02	.03	.02	.71	.78	.79	.62
28	Corpus Christi, Tex	.31	.34	.29	.38	.13	.11	.17	.16	.48	.50	.36	.51
29	North and South Dakota	.13	.14	.29	.37	.07	.07	.13	.10	.19	.19	.37	.52
30	Paso del Norte, Tex	.31	.43	.31	.32	.15	.22	.24	.15	.44	.58	.33	.41
31	Duluth, Minn	.32	.28	.31	.30	.21	.17	.30	.19	.42	.36	.32	.37
32	Memphremagog, Vt	.....	.....	.18	.22	.....	.....	.22	.20	.....	.....	.15	.18
33	Bangor, Me	.16	.13	.14	.22	.14	.14	.12	.11	.17	.12	.16	.28
34	Delaware	.28	.27	.23	.21	.02	.01	.04	.03	.51	.45	.32	.32
35	Saluria, Tex	.14	.11	.16	.20	.09	.08	.11	.13	.19	.14	.18	.23
36	Cuyahoga, Ohio	.19	.17	.15	.18	.25	.21	.16	.17	.14	.14	.15	.18
37	St. Louis, Mo	.18	.15	.14	.16	.39	.35	.41	.43	.....	.....	.....	.....
38	Arizona	.09	.10	.16	.16	.07	.10	.28	.21	.11	.10	.09	.12
39	Fernandina, Fla	.09	.09	.10	.13	.....	.....	.....	.....	.16	.14	.15	.20
40	Oswego, N. Y	.16	.14	.13	.12	.10	.12	.10	.07	.20	.16	.14	.15
41	Key West, Fla	.10	.06	.05	.11	.10	.08	.07	.04	.11	.05	.04	.14
42	San Diego, Cal	.03	.02	.04	.09	.04	.03	.03	.06	.02	.02	.04	.12
43	Pearl River, Miss	.08	.09	.07	.09	.....	.....	.....	.....	.17	.16	.11	.14
44	Tampa, Fla	.14	.08	.06	.09	.22	.08	.08	.10	.07	.08	.04	.08
45	Genesee, N. Y	.08	.08	.08	.08	.09	.08	.09	.09	.08	.08	.07	.08
46	Minnesota, Minn	.10	.07	.04	.08	.19	.14	.11	.18	.02	.01	.01	.02
47	Perth Amboy, N. J	.04	.05	.06	.07	.04	.....	.03	.03	.04	.09	.08	.09
48	Newark, N. J	.05	.05	.08	.06	.02	.02	.09	.05	.08	.06	.08	.06
49	Miami, Ohio	.08	.06	.07	.06	.06	.05	.01	.02	.10	.07	.10	.07
50	Cincinnati, Ohio	.07	.07	.05	.06	.16	.16	.14	.18	.....	.....	.....	.....
51	Beaufort, S. C	.22	.19	.13	.05	.01	.01	.01	.01	.42	.31	.19	.08
52	Passamaquoddy, Me	.06	.05	.05	.05	.08	.07	.07	.05	.03	.03	.04	.04
53	Providence, R. I	.06	.05	.04	.04	.12	.12	.11	.12	.....	.....	.....	.....
54	Pittsburg, Pa	.06	.05	.04	.04	.12	.12	.11	.12	.....	.....	.....	.....
55	Los Angeles, Cal	.04	.03	.03	.04	.09	.07	.08	.11	.01	.....	.01	.....
56	Omaha, Nebr	.02	.01	.02	.03	.03	.03	.05	.05	.....	.....	.....	.02
57	Milwaukee, Wis	.05	.03	.04	.03	.11	.07	.11	.09	.....	.....	.....	.....
58	Cape Vincent, N. Y	.02	.02	.03	.02	.03	.03	.03	.03	.01	.01	.02	.02
59	Apalachicola, Fla	.02	.02	.02	.02	.....	.....	.....	.....	.02	.03	.03	.03
60	Fairfield, Conn	.02	.01	.01	.02	.05	.03	.04	.05	.....	.....	.....	.....
61	Indianapolis, Ind	.03	.02	.02	.02	.06	.04	.05	.04	.....	.....	.....	.....
62	Michigan, Mich	.02	.03	.02	.01	.03	.04	.05	.04	.01	.01	.....	.....
63	Louisville, Ky	.02	.02	.01	.01	.04	.05	.04	.04	.....	.....	.....	.....
64	Brazos de Santiago, Tex	.03	.02	.02	.01	.02	.02	.03	.01	.04	.02	.02	.02
65	Kansas City, Mo	.03	.02	.01	.01	.06	.05	.04	.04	.....	.....	.....	.....
66	St. Johns, Fla	.02	.01	.01	.01	.01	.....	.....	.01	.01	.01	.01	.01
67	Hartford, Conn	.03	.04	.02	.01	.07	.09	.04	.03	.....	.....	.....	.....
68	Oregon, Oreg	.05	.04	.02	.01	.02	.04	.02	.....	.07	.04	.02	.02
69	New Haven, Conn	.02	.01	.01	.01	.04	.03	.03	.02	.....	.....	.....	.....
	All other customs districts	.22	.19	.13	.19	.37	.40	.34	.40	.08	.07	.06	.06
	Total	100	100	100	100	100	100	100	100	100	100	100	100

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bill and resolution of the following titles; in which the concurrence of the House was requested:

S. 5360. An act granting an increase of pension to Hiram I. Hoyt; and

Senate concurrent resolution 91:

Resolved by the Senate (the House of Representatives concurring), That there be printed as a Senate document 15,000 copies of the hearings before the Senate and House Committees on Military Affairs on the Army bill (S. 4300), of which 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House of Representatives.

SENATE BILL AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 5360. An act granting an increase of pension to Hiram I. Hoyt—to the Committee on Invalid Pensions.

Senate concurrent resolution 91:

Resolved by the Senate (the House of Representatives concurring), That there be printed as a Senate document 15,000 copies of the hearings before the Senate and House Committees on Military Affairs on the Army bill (S. 4300), of which 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House of Representatives—

to the Committee on Printing.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The gentleman from New York [Mr. ALEXANDER] is recognized in his own right for one hour.

Mr. ALEXANDER. Mr. Chairman, the River and Harbor Committee has never been accused of allowing politics to enter into its deliberations, but it seems that we are guilty of sectionalism; that certain parts of the country directly represented by the committee are taken care of with great fidelity and other portions are avoided with care.

I do not know on what theory the Speaker selected members of the River and Harbor Committee, or why they are taken from certain States. Many changes have occurred in its personnel during the past four years, but few or no changes in the States represented. I recall that the gentleman from Minnesota [Mr. MORRIS] took the place of Mr. TOWNE, of Minnesota, when the latter retired at the end of the Fifty-fourth Congress; that Mr. Barrett, of Massachusetts, was succeeded by Mr. LAWRENCE, of the same State; that Mr. Hermann, of Oregon, gave way to the present Representative from that State [Mr. TONGUE]; that when Judge Hooker, of New York, resigned as chairman of the committee, the present member from New York was appointed in his place; that Mr. Stevenson, of Michigan, was succeeded by Mr. BISHOP, of that State; and that when the gentleman from Wisconsin [Mr. COOPER] was appointed chairman of a great and an important committee of this House, his place on this committee was taken by Mr. DAVIDSON, of the same State.

Has it been mere accident that these 17 States have continued to be represented on the River and Harbor Committee? I never made inquiry of the Speaker. I know nothing of his reasons for making these appointments, but it is a coincidence worthy of notice that these States represent the great bulk of the commerce of this country. Of our 159 harbors, 123 belong to these States, and a majority of the great rivers, the commerce bearers to ocean and Gulf. The greatest harbors of the country, with three exceptions, are represented upon this committee, viz: Boston, New York, Philadelphia, Savannah, Brunswick, Mobile, Galveston, Duluth, Chicago, Cleveland, and Buffalo, leaving only Baltimore, New Orleans, and San Francisco unrepresented.

Likewise the great rivers are represented; the Arkansas, the Ohio, the Upper Mississippi, the Lower Mississippi, the Warrior, the Trinity of Texas, and the great waterways flowing through Georgia and Alabama to the Atlantic and to the Gulf.

COMMITTEE STATES HAVE THREE-FOURTHS OF THE COMMERCE.

After the exhibit prepared by the gentleman from Washington was made public yesterday afternoon, I attempted to ascertain what proportion of the commerce of the country belonged to these 17 States.

The value of all exports and imports during the ten months ending October 31, 1900, amounted to $1,889,737,066. Of this amount, $1,445,414,000, or nearly 80 per cent, passed through the ports of the States represented by the members of the River and Harbor Committee. The total vessel tonnage, both steam and sail, engaged in the foreign trade of the United States during the year ending June 30, 1899, amounted to 52,376,792 tons.

Of this sum, only 15,000,000, or about 29 per cent, enter and clear from ports of the 28 States not represented on the River and Harbor Committee, while nearly 75 per cent of the tonnage of the country passed in and out of ports represented on the River and Harbor Committee. More than 80 per cent of all customs duties are paid at ports in these States. The total number of vessels, both steam and sail, engaged in foreign commerce and entering and clearing from the ports of the United States during the year ending June 30, 1899, was 64,202. Of this number, only 17,000, or 26 per cent, entered and cleared from ports within the States not represented upon this committee.

Thus it will be observed that an average of about 75 per cent of the commerce of the United States belongs to the States represented on this committee and that only about 25 per cent goes to the remaining 28 States.

Mr. Chairman, if you will now refer to the exhibit prepared by the gentleman from Washington, which sets up the appropriations given the 17 committee States on one side and those allotted to the 28 noncommittee States on the other, you will discover that they bear the ratio of about 75 to 25.

That is to say, the 17 committee States, which contain 75 per cent of the harbors and commerce-bearing rivers and control 75 per cent of the commerce, receive under this bill about 75 per cent of the total appropriation, while the 28 noncommittee States, which contain one-fourth of the harbors and control about one-fourth of the commerce, receive about one-fourth of the appropriations under this bill. I do not mean to say that the committee intended any such division. I do not know that anyone thought of it. The committee sought simply to do justice to and deal generously with each section of the country, having regard only to the demands of commerce; but it is certainly an approving coincidence that this bill should appropriate money so nearly in proportion to the actual commerce of the country.

I believe, Mr. Chairman, if the 17 members of this committee were selected from 17 of the 28 States not now represented on the committee, they would be compelled to make appropriations similar to those in the pending bill. It is not a question of individual preference. Where commerce is, where harbors are, where the great commerce-bearing rivers flow, there the money must be spent on improvements.

BUTTERMILK CHANNEL.

The gentleman from Washington [Mr. CUSHMAN] good-naturedly and facetiously referred to Buttermilk Channel. The gentleman from Michigan did likewise, but in criticism of the committee's alleged methods of helping out local improvements. Buttermilk Channel will connect with the great water highway provided for New York Harbor in the last river and harbor bill. It passes in front of the wharves of Brooklyn from Gowanus Bay to Brooklyn Bridge. Here are the docks and elevators that assist in taking care of the tremendous volume of commerce entering Greater New York.

Of what use would be the proposed new channel, 2,000 feet wide and 40 feet deep, if vessels were unable to reach wharves after entering the bay? If a new outer channel is needed to admit the great boats—twelve, thirteen, and fifteen thousand tons burden—other interior channels are needed to take them through the upper harbor.

During the ten months ending October 31, 1900, the value of New York's exports and imports amounted to $893,176,394, much of which goes through Buttermilk Channel, while the total value of the tonnage of the 28 States not represented on this committee amounts to $444,321,738, or less than one-half, and yet the committee is criticised for appropriating $1,800,000 to deepen so important an arm of commerce as Buttermilk Channel.

OHIO'S APPROPRIATION.

Mr. Chairman, it is charged that the State of Ohio, the home of the chairman of the Rivers and Harbors Committee, receives an undue proportion of the total appropriation carried by this bill. It appears at the head of the exhibit prepared by the gentleman from Washington, and seeks to carry the impression that Ohio is getting more than $6,000,000 of the $60,000,000 carried by the bill.

The questions asked the gentleman from the State of Washington have already punctured that bubble. The appropriations for Ohio, in fact and in truth, amount to little over $3,000,000. Where does the rest of it go? The Ohio River has $400,000, the dam at Culloms Ripple $1,050,000, and locks Nos. 8, 11, and 14, on the Upper Ohio represent $900,000, aggregating $2,350,000, which belong as much to West Virginia, Kentucky, Indiana, Illinois, and to every State bordering the Ohio and Lower Mississippi, as it belongs to Ohio.

Mr. BROMWELL. Will the gentleman allow me an interruption?

Mr. ALEXANDER. Certainly.

Mr. BROMWELL. The gentleman speaks of an appropriation for Culloms Ripple as something over a million dollars. As a matter of fact this bill only appropriates $100,000 for acquiring the site.

Mr. ALEXANDER. Yes; $100,000 is appropriated in the bill, and the deferred payments are $950,000.

Mr. BROMWELL. But the amount actually appropriated in this bill is only $100,000?

Mr. ALEXANDER. Yes.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from New York a question.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. ALEXANDER. Certainly.

Mr. MANN. I asked the gentleman from Washington during his speech how much of the $6,000,000 which he scheduled as belonging to Ohio was chargeable to the Ohio River, and I understood him to say about $600,000. I would like to ask the gentleman from New York, in view of that statement, whether he is accurate about the figures he has given, and whether he will state how much of the $6,000,000 is chargeable to the Ohio River.

Mr. ALEXANDER. Two million three hundred and fifty thousand dollars is chargeable to the Ohio River, as follows: $400,000 cash to the Lower Ohio; $100,000 cash to the dam at Culloms Ripple, and $950,000 deferred payment; $150,000 cash at locks 8, 11, 14, and $750,000 deferred; making a total of $2,350,000.

Mr. MANN. May I ask the gentleman another question? Is this a matter about which there can be any difficulty in ascertaining the facts from the reading of the bill?

Mr. ALEXANDER. No difficulty whatever. All it requires is the reading of the bill.

Mr. MANN. There seems to be quite a difference of opinion between the gentleman from New York and the gentleman from Washington; one says $600,000 and the other says $2,350,000. I wonder if all the statements are in equal proportion.

Mr. ALEXANDER. The exhibit of the gentleman from Washington indicated as much.

Mr. GROSVENOR. I would like to ask the gentleman from New York whether it is not a fact that there is more commerce on the Ohio River than upon the Mississippi and Missouri rivers and their tributaries above the mouth of the Ohio River and all the rivers northwest of there to the Pacific Ocean?

Mr. ALEXANDER. I think that is true.

Mr. SHACKLEFORD. I would like to know if the proportion of commerce carried on the Ohio River, compared with the Missouri and the Mississippi, is not due to the fact that Congress has given the Ohio more attention?

Mr. ALEXANDER. Well, that goes too far back in history; but I should say no. The Lower Mississippi has had more money expended on it, I should say, than any other stream in the United States. The gentleman from Mississippi [Mr. CATCHINGS] can answer that; he is an authority on that subject.

Mr. SHACKLEFORD. I speak especially of the Missouri. Speaking about the committee, I would like to ask if there is any member of the committee from any portion of the territory on the Missouri River?

Mr. ALEXANDER. I believe not. There is not much commerce on the Missouri, especially above Kansas City, while the commerce on the Ohio River runs up into millions of tons.

Mr. SHACKLEFORD. Yes; and if you did the same thing for the Missouri River, the same would be true of that stream.

Mr. ALEXANDER. I dare say you might improve it, but the commerce of the Ohio grows out of the great coal fields reached by it. These do not exist in the country watered by the Missouri River.

Mr. SHACKLEFORD. Corn and hogs and cattle have to be transported.

Mr. ALEXANDER. Yes; that is true.

CLEVELAND'S BREAKWATER.

Mr. Chairman, I invite the attention of the committee for a moment to the breakwater at Cleveland, which makes up $2,800,000 of the appropriations for Ohio. No work on the Great Lakes is more necessary. It is demanded by the shipping interests of all the lakes as a harbor of refuge, if for nothing else. It is a matter of surprise that it has not been constructed before. If longer delayed, other members of the committee representing the Great Lake States would have been justified in insisting upon it, because a harbor of refuge at that point is absolutely essential.

Its importance has not been questioned by the committee, nor, so far as I have heard, by any member of this House. The chairman of this committee, who happens to hail from Cleveland, would be the last man to take advantage of his position to build up the interests of his home city. If censured at all, it ought to be on the ground of not asking for the breakwater before. He has been a member of this committee several terms. This is his second term as chairman, yet Cleveland has been the last to receive what all admit it has long needed. Such unselfishness is above the criticism of the gentleman from Michigan.

MICHIGAN'S SHARE.

Mr. Chairman, the gentleman's exhibit seeks to show that Michigan is given a larger share of the $60,000,000 than it would have obtained had that State been without a member on the committee; but Michigan and Ohio are alike in having charged up to them large appropriations for the general good. Michigan's harbors get less than $1,000,000—$986,000. The balance goes to the Detroit River, $500,000 cash and $1,250,000 deferred; $330,000 to the St. Clair Flats Canal; $500,000 cash and $4,000,000 deferred to the West Neebish Channel, between lakes Superior and Huron. There is not a sea captain, a vessel owner, an insurance man, in a word, no one interested in the commerce of the Great Lakes, who does not demand that these improvements be made. They help Michigan no more than New York. Every State is benefited because commerce is benefited.

Mr. BROMWELL. May I ask the gentleman a question?

Mr. ALEXANDER. Yes, sir.

Mr. BROMWELL. It was stated by the gentleman from Kentucky [Mr. WHEELER] that his State got no benefit from any of these dams which are being constructed in the Ohio River. I wish to ask the gentleman from New York whether it is not a fact, which the gentleman from Kentucky ought to have known, if he does not know, that the north bank of the Ohio River to low-water mark belongs to the State of Kentucky, and that every dollar appropriated for the dams on the Ohio River is practically an appropriation which ought to be charged to the State of Kentucky instead of the State of Ohio. Is not that a fact?

Mr. ALEXANDER. I think nobody seriously questions that every dollar put into the Ohio River benefits Kentucky, West Virginia, Pennsylvania, Indiana, and Illinois just as much as it does Ohio. It is folly to quibble about that.

Mr. FITZGERALD of Massachusetts. Will the gentleman allow me a moment?

Mr. ALEXANDER. Yes, sir.

Mr. FITZGERALD of Massachusetts. The gentleman from Washington [Mr. CUSHMAN] a few moments ago, in giving his figures from the estimates of the Chief of Engineers, quoted as the estimate for Massachusetts the figures which appear on the chart in front of us—$1,552,720. The other map calls for an appropriation of something over $4,000,000 for Massachusetts. Now, is it not a fact that the survey for the improvement of Boston Harbor, which makes up a great part of the money appropriated for Massachusetts, did not reach the committee until after Congress had assembled, so that it was impossible to have that estimate included in the present report of the Chief of Engineers?

Mr. ALEXANDER. That is right. The printed reports of the new projects did not reach the committee until they had been in session for at least two weeks; and some of them did not reach us until the bill was nearly completed.

Mr. FITZGERALD of Massachusetts. That being true, would it not greatly reduce the percentage of the amounts recommended by the Chief of Engineers and reported favorably by the River and Harbor Committee; and may not that explain the discrepancies in the exhibit before us?

Mr. ALEXANDER. Certainly.

Mr. FITZGERALD of Massachusetts. I thought I would venture this matter because I noticed the discrepancy, and I thought it only fair that the attention of the House should be called to it.

Mr. BISHOP. I would like to ask a question. Is it not true that in column 2 of this exhibit, where $15,309,000 is stated as the amount recommended by the Chief of Engineers, that amount is more than $15,000,000 out of the way, because it leaves out the recommendation for Boston Harbor, the recommendation for Limekiln Crossing, the recommendation for St. Clair Flats, and the recommendation for West Neebish Channel, all of them new projects and making the sum total of $15,000,000.

Mr. ALEXANDER. Yes, that is right.

Mr. BISHOP. So that the figures of the gentleman from Washington are more than 100 per cent out of the way?

Mr. ALEXANDER. That is correct.

Mr. WHEELER. I did not hear the statement of the gentleman from New York [Mr. ALEXANDER] in reply to what I said about the improvement of the Ohio River above Cincinnati. I have been informed that the gentleman said it was folly to assert that Kentucky reaped no benefit from that improvement.

Mr. ALEXANDER. I yield to the gentleman. I did not go into the matter.

Mr. WHEELER. I want to put myself right on the record. I had no idea of conveying the impression that Kentucky reaped no benefit from this improvement. But I want to direct the gentleman's attention very briefly to three things which the River and Harbor Committee has been doing in reference to the improvement of Western waters. You have improved the Ohio River above Cincinnati, so that freight can go into Cincinnati; but it can not get out of there by the river; so that shippers are at the mercy of the railroads.

You have improved the Cumberland River above Nashville so that freight can go into Nashville but can not get out of it, being deadlocked by the Louisville and Nashville Railroad. You have improved the Tennessee River above Riverton so that freight can go through the mouth of the river. Every dollar that the River and Harbor Committee has expended upon those three rivers has

been for all practical purposes thrown away—has been uselessly expended. This view, I will say to the gentleman, is held by the best informed river men on those three rivers.

Mr. ALEXANDER. You rose to ask a question, and you are making a speech.

Mr. WHEELER. Yes.

Mr. ALEXANDER. I am perfectly willing to give you opportunity to ask a question, but not to make a speech.

Mr. WHEELER. I admit that I am trespassing upon the courtesy of the gentleman, but I was sure I could do so with impunity. I simply made the remark I did in order to repel the suggestion that Kentucky or any other State tributary to these rivers reaped any considerable benefit from improvements beginning at the sources of these rivers and not commencing at their mouths.

Mr. BROMWELL. If the gentleman from New York will allow me, in reply to the gentleman from Kentucky, I wish to say the gentleman must surely know that the improvements of the Ohio River at the present time do not extend below Dam No. 6.

Mr. WHEELER. Yes.

Mr. BROMWELL. And that is away up in the neighborhood of Pittsburg.

Mr. WHEELER. Yes; I understand that, but you must expend hundreds of thousands of dollars——

Mr. BROMWELL. Let me finish my sentence. The contemplated improvements of the Ohio River when ultimately concluded will provide for the navigation of that river at all times of the year, with a 6-foot stage of water from the city of Pittsburg to the city of Cairo. To-day Louisville and the other cities of your State are getting just as much benefit from the improvements in the Upper Ohio River as the city of Cincinnati is. Only 25 per cent of the coal that comes down the Ohio stops at Cincinnati. It goes to Louisville and on down the river, so that Cincinnati gets no benefit of these improvements that is not shared by other cities.

Mr. ALEXANDER. Mr. Chairman, I decline to yield further.

Mr. WHEELER. I hope my friend will permit me to make one other suggestion in reply to that.

Mr. ALEXANDER. I yield just for a moment.

Mr. WHEELER. I want to say to the gentleman that the engineer in charge of the Ohio River is responsible for the statement that it will be between fifty and seventy-five years before this scheme of improvement under contemplation can be carried to the mouth of the Ohio River, and he is also responsible for the statement that an expenditure of $150,000 between Cairo, Ill., and the mouth of the Tennessee River will open the Ohio River for navigation by the largest boats up to Evansville, Ind., 200 miles. Why should not that expenditure be made?

Mr. BROMWELL. I am not on the committee.

ERIE BASIN AT BUFFALO.

Mr. ALEXANDER. I think we have given sufficient attention to the Ohio River. I want now to go to Buffalo. In the remarks of the gentleman from Michigan [Mr. CORLISS] yesterday he said:

> Two years ago $50,000 was appropriated to make a survey of the Erie basin at Buffalo. The survey was made and an estimate submitted showing the probable expense of making the improvement desired by the local interests in this basin. The estimate was less than $200,000. I have the estimate before me. The money was appropriated—the entire amount mentioned in the estimate of the engineer.
>
> Now, we must assume that the engineers making these estimates in the first instance knew what they were doing. But I find in this bill, on page 12, an additional appropriation of $200,000 and an authorization of a continuing contract for $614,643 in addition, carrying altogether nearly a million dollars for a local improvement for the express benefit of local interests.

There is one grain of truth and three grains of error in that statement. First, $50,000 was not appropriated to make a survey of the Erie Basin at Buffalo. It was made under the general provisions for a survey and was so paid for; second, there was no estimate made last year; third, he did not have such an estimate before him. The gentleman has confused the north breakwater with Erie Basin and Black Rock Harbor. An appropriation of $248,000 was made to build that breakwater, but it had nothing whatever to do with Erie Basin. The grain of truth in his statement is that an appropriation of $200,000 cash and a continuing contract for $614,643 are made in this bill for the improvement of the channel entering Erie Basin and Black Rock Harbor.

BUFFALO VS. DETROIT.

I can well understand why the gentleman from Michigan might think this an unnecessary improvement and that Buffalo Harbor was sufficient without it. While he lives in a great, beautiful city, full of wealth, of energy, and of great resources, it is not a port of large water commerce. The October Summary of Commerce and Finance, prepared in the Bureau of Statistics, pages 930 to 933, shows that during the present navigation season Detroit shipped and received only 329,038 tons of freight, with 539,404 bushels of grain and 52,599,000 feet of lumber.

Buffalo gets more lumber every three weeks, more tons of freight every two weeks, and more grain every day in the week. The good people of Detroit see boats passing up and down their river in long processions, carrying freight to Cleveland and Buffalo in the East and to Chicago and other points in the West, but very little of it stops at the city of the gentleman from Michigan. Little harbor room, therefore, is needed. He can not understand the wants of a congested harbor. If one-quarter of the vessels that pass through the river were compelled to stop at Detroit and discharge and receive freight, the need of harbor facilities would be so manifest that the construction of wharfs and harbors would become for a time the great industry of that city.

But having no such home needs, the gentleman is unable to appreciate the necessities of a great and busy harbor.

BUFFALO'S GREAT HARBOR.

Mr. Chairman, Buffalo is the second port in extent of water commerce in the United States, and the fifth in the world. Greater New York is first; Buffalo is second. In the commerce of the world London is first, New York second, Liverpool third, Hamburg fourth, and Buffalo fifth. During the seven months of open navigation ending October 31 last its water commerce exceeded 4,000,000 tons, besides 116,000,000 bushels of grain and 371,000,000 feet of lumber. On an average, 30 steamers a day go in and out of its harbor.

It is not an uncommon sight to see a procession of seven, eight, or ten great vessels starting on their voyage up the lake and as many coming back. The harbor is everywhere and always congested. More room is absolutely necessary, and wherever wharf and elevator facilities can be secured, with sufficient depth of water to reach them, it is essential to the interests of its vast and ever-increasing commerce that the Government open up the necessary channels.

Erie Basin and Black Rock Harbor are in the very center of Buffalo's water front. At present the channel leading to this basin is from 14 to 22 feet deep and to Black Rock Harbor from 12 to 18 feet deep. It is proposed to deepen this channel to admit boats of 18 and 19 feet draft. The day of larger ships has come to the Great Lakes as well as to the ocean, and it is absolutely essential that channels from 21 to 23 feet should be afforded. This is the purpose of the proposed improvement of which the gentleman from Michigan complains. It is not a "local improvement" for "local interests."

It is not for the benefit of Buffalo, but for the accommodation of the commerce of the Great Lakes, in which every city and every State to the west of Buffalo is deeply interested. As well charge the enlargement of West Neebish Channel to Michigan, or the improvement of the Ohio River to the State bearing its name, as to charge that this channel is solely for Buffalo's benefit and "local interests."

The gentlemen from Michigan [Mr. CORLISS] and from Washington [Mr. CUSHMAN] should study the needs, the purposes, and the character of the improvements provided for in this bill before assuming the rôle of critic. Ignorance is, perhaps, pardonable, but public criticism of great public improvements based upon ignorance is reprehensible.

THE NIAGARA RIVER DAM.

The gentleman from Michigan wants to dam the Niagara, although it may overflow a portion of his colleague's [Mr. HENRY C. SMITH'S] district, and he attacks this bill because provision is not made to carry out the visionary scheme.

It may be that such a project will find favor in the far-off future, but not until it has been thoroughly considered by the greatest engineers of this Government and of Canada and pronounced to be without fault or blemish will it continue to command the serious attention of this committee. Section 4 of this bill authorizes the President, by diplomatic negotiations or otherwise, to enter into such agreements as will secure, as far as possible, the maintenance of suitable levels in the Great Lakes and connecting waters between the United States and Canada.

This does not refer especially to the scheme of the gentleman from Michigan. There are other waste waterways than the Niagara. But under this section all can be done and done wisely that there is any immediate need of accomplishing, and though the gentleman from Michigan may fret and criticise, the waters of the beautiful Niagara will continue to flow on unvexed by dams, bearing upon its bosom the commerce of the Tonawandas while speeding its way to its famous leap into the rapids and whirlpool below.

BUFFALO VS. CHICAGO.

Mr. MANN. May I ask the gentleman a question?

Mr. ALEXANDER. Yes.

Mr. MANN. I notice that the gentleman places the port of Buffalo as the second port in the country, and I have so much respect for the accuracy of the gentleman's figures that I wish to ask him a further question in regard to it. In my innocence I had always supposed that Chicago was the second port in the country, and I notice that by the last bulletin just issued by the Bureau of Statistics the entrances of vessels at Buffalo are placed at 3,684 and

that at Chicago at 7,099 for the eleven months ending June 30 last. For that reason I ask the gentleman more particularly in reference to his figures concerning Buffalo.

Mr. ALEXANDER. If you will examine the last statement of the Treasury Department for the season ending December 31, 1900, you will see that Cleveland received 4,041,881 tons of freight in addition to its grain and its lumber. Chicago received 4,167,950 tons of freight additional to its grain and its lumber. Buffalo received 4,549,201 tons of freight additional to its grain and its lumber. Chicago has 478,000,000 feet of lumber, Cleveland 386,000,000 feet of lumber, Buffalo 371,000,000 feet of lumber. The time was when Buffalo was a larger lumber market than Chicago; but what it loses in lumber it more than makes up in grain.

Mr. MANN. Now, if the gentleman will pardon me——

Mr. ALEXANDER. Let me finish my answer.

Mr. MANN. I beg the gentleman's pardon.

Mr. ALEXANDER. Buffalo received 116,257,939 bushels of grain, Cleveland 3,476,905, and Chicago 67,841,992, or little more than one-half the amount of Buffalo.

The following table shows Buffalo's preeminence:

	Tons.	Bushels.	Feet of lumber.
Buffalo	4,549,201	116,257,939	317,107,000
Cleveland	4,041,881	3,476,905	386,588,000
Chicago	4,167,950	67,841,992	478,314,000

Mr. MANN. May I ask the gentleman a further question? You spoke of receipts; do you also include shipments?

Mr. ALEXANDER. Shipments and receipts.

Mr. MANN. I do not know where the gentleman got his figures in reference to Chicago, but they are incorrect.

Mr. ALEXANDER. They are taken from the October Summary of Commerce and Finance of the United States, prepared by the Bureau of Statistics. The gentleman can get it. It is found on pages 929 to 933.

Mr. MANN. The total tonnage and the vessels are very much the same between Buffalo and Chicago, and the vessels clearing Chicago are nearly twice as many as the gentleman says.

Mr. ALEXANDER. You have 10,464 vessels and Buffalo 5,754, according to the authority already cited.

Mr. MANN. We have twice as many vessels and the vessels are the same.

Mr. ALEXANDER. You have not twice as many.

Mr. MANN. Nearly twice as many.

Mr. ALEXANDER. No.

Mr. MANN. I will give the gentleman the figures for that. The entrances from Buffalo are 36,084, and Chicago 7,099.

Mr. ALEXANDER. You have got them wrong.

Mr. MANN. The gentleman will find himself mistaken and still leave Buffalo the third port of the country.

Mr. ALEXANDER. You will find the figures correct as I give them. I have cited my authority. Buffalo is the second port in the United States.

Mr. Charles H. Keep, the secretary of the Buffalo Board of Trade, advises me that the latest available statistics respecting the commerce of Buffalo show that the registered vessels entering and clearing the port of Buffalo during the present season of navigation aggregate 11,825,000 tons, and that the freight received and shipped during the same time aggregates 12,115,000 tons. Owing to the prolonged anthracite coal strike, he adds, coal shipments have fallen off fully 1,000,000 tons below normal.

Mr. OTEY. Mr. Chairman, I do not rise to make any objection to this bill. I have no objection to the improvement of Buttermilk Channel, Contentnea Creek, Winyah Bay, nor Wappoo Cut. I have no objection to the improvement of those familiar harbors of Ahnapee, Saugatuck, Menominee, Manitowoc, Kewaunee, and Tillamook. None whatever. They are familiar to every member of this Congress. I have no objection to the improvement of Powow River, Murderkill River, Tickfaw, and Big Sunflower. [Laughter.] But in looking over this bill I find that an important river—New River, Virginia—is not included. [Applause.]

I come before this House (while the appropriation has not been put in the bill and was not recommended by the engineer) to ask for the modest sum of $500,000 for that river; but, like the man and his wife who quarreled whether they should have canvasback duck or terrapin for dinner and compromised on cabbage, I will compromise on $5,000. [Laughter and applause.] This is a very important matter to the people of my district; and since the River and Harbor Committee have met, I bid them be of good cheer on their bill. I intend to vote for those 17 States that are represented on the River and Harbor Committee as well as the 28 States that are not, and especially for the appropriation to those States that get none. I come with a petition signed by some of the most distinguished gentlemen of the State of Virginia, among whom is the governor of the State, asking for this small sum of $5,000.

I am called away on account of sickness in my family, and therefore I will not be here to present the amendment myself, but I wish to call your attention to the importance of this measure. It is not, understand, any money for any additional improvement. It is simply to clean out and to repair the channel that has already been made, on which $112,000 has been already expended. There is a balance of $2,800 unexpended, and this means an appropriation of only $2,200. The amendment will be in the words as follows:

For cleaning out and repairing the deep channel made by the United States Government in New River, Virginia, $5,000.

In my absence that amendment will be presented by another gentleman; and I ask that such fair consideration be given to him as you have always so generously accorded to me. [Applause.]

Mr. BURTON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13189, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 5117. An act granting a pension to Roland Burnett;

H. R. 10785. An act granting a pension to Thomas White;

H. R. 2752. An act granting an increase of pension to Edmund P. Tierney;

H. R. 13394. An act providing for the payment of electoral messengers;

H. R. 1734. An act granting a pension to Mary A. Whitmore;

H. R. 9108. An act granting a pension to Maria H. Hixson;

H. R. 5655. An act granting a pension to Lurinda Laughlin; and

H. R. 10062. An act granting an increase of pension to Harriet Crotsenberger.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. R. 144. Joint resolution to fill a vacancy in the Board of Regents of Smithsonian Institution.

DEATH OF HON. FRANK G. CLARKE.

Mr. HILL. Mr. Speaker, the members of this House were startled this morning on taking up the daily paper to find the public announcement of the death, the sudden death, of another of its members. In the absence of his colleague it becomes my duty to make formal announcement to this House of the death of the Hon. FRANK G. CLARKE, a Representative from the Second district of the State of New Hampshire. His death occurred last evening at his own home in Peterboro, in that State.

Mr. Speaker, as a mark of our respect to his memory, I offer the following resolutions.

The SPEAKER. The gentleman from Connecticut offers the following resolutions, which the Clerk will report.

The Clerk read as follows:

Resolved, That the House has heard with deep regret and profound sorrow of the death of the Hon. FRANK G. CLARKE, late a Representative from the State of New Hampshire.

Resolved, That a committee of 16 members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral at Peterboro, N. H., and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to.

The SPEAKER. The Chair announces the following committee, provided for in the resolutions: Mr. SULLOWAY, Mr. HILL, Mr. KNOX, Mr. CAPRON, Mr. HOWELL, Mr. LANE, Mr. ALLEN of Maine, Mr. LANDIS, Mr. LITTLEFIELD, Mr. WEAVER, Mr. FITZGERALD of Massachusetts, Mr. GRIGGS, Mr. GAINES, Mr. ROBINSON of Indiana, Mr. NAPHEN, and Mr. KING.

Mr. HILL. Mr. Speaker, as a further mark of respect to our deceased colleague, I move that the House do now adjourn.

The motion was unanimously agreed to.

And accordingly (at 4 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for deficiencies in appropriation for Department of the Interior—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of R. B. Rucker, administrator of estate of John Raney, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for credit to accounts of Capt. William E. Craighill—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for repairs on Federal building at New Orleans, La.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for heating apparatus at the old marine hospital building at Cleveland, Ohio—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the case of the vessel *Jenny*, Hugh Lyle, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Interior, making a report of the disbursements to colleges of agriculture and mechanics under the act of August 30, 1890—to the Committee on Education, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. EDDY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 5258) to allow the commutation of homestead entries in certain cases, reported the same without amendment, accompanied by a report (No. 2210); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the joint resolution of the House (H. J. Res. 287) authorizing the Secretary of War to grant permit to the committee on inaugural ceremonies for use of reservation or public spaces in city of Washington on the occasion of the inauguration of the President-elect, on March 4, 1901, etc., reported the same with amendment, accompanied by a report (No. 2211); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House H. R. 12633, reported in lieu thereof a resolution (H. Res. 346) for the relief of James G. James and William J. Thomas, surviving executors of Edward Thomas, accompanied by a report (No. 2209); which said resolution and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MUDD: A bill (H. R. 13432) granting thirty days' leave of absence with pay to the employees of the Government Printing Office and the Bureau of Engraving and Printing—to the Committee on Printing.

By Mr. CUMMINGS: A bill (H. R. 13433) authorizing the Secretary of the Navy to purchase the Langston mooring device—to the Committee on Naval Affairs.

By Mr. CONNER: A bill (H. R. 13434) for relief of purchasers and locators of swamp and overflowed lands—to the Committee on the Public Lands.

By Mr. SHOWALTER: A bill (H. R. 13435) to further promote the study of military science and tactics at institutions of learning—to the Committee on Military Affairs.

By Mr. DALZELL: A bill (H. R. 13436) to authorize the Charleroi and Monessen Bridge Company to construct and maintain a bridge across the Monongahela River—to the Committee on Interstate and Foreign Commerce.

By Mr. FOX: A bill (H. R. 13437) providing for the construction of a bridge across the Yalobusha River in Grenada County, State of Mississippi—to the Committee on Interstate and Foreign Commerce.

By Mr. GARDNER of New Jersey: A bill (H. R. 13438) to authorize the United New Jersey Railroad and Canal Company and the Philadelphia and Trenton Railroad Company, or their successors, to construct and maintain a bridge across the Delaware River—to the Committee on Commerce.

By Mr. MUDD: A bill (H. R. 13453) to widen the Anacostia road, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GROUT: A bill (H. R. 13454) extending the provisions of the agricultural college grant, approved August 30, 1890, to the District of Columbia—to the Committee on Agriculture.

By Mr. UNDERWOOD: A resolution (H. Res. 347) to pay George E. F. Evers and James F. English additional compensation from the contingent fund of the House—to the Committee on Accounts.

By Mr. COCHRANE of New York: A resolution (H. Res. 348) to pay H. A. Dumont the sum of $379.09 for services as a folder in the folding room—to the Committee on Accounts.

By Mr. CAPRON: A resolution (H. Res. 350) to pay William L. Stiles for services as messenger to the Committee on Accounts—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BREAZEALE: A bill (H. R. 13439) for the relief of St. James Episcopal Church, of Rapides Parish, La.—to the Committee on War Claims.

By Mr. CAPRON: A bill (H. R. 13440) granting an increase of pension to Isaac Blanchard—to the Committee on Invalid Pensions.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 13441) granting a pension to Julia McCarthy—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 13442) granting land patents to Henry C. Jones and others—to the Committee on Indian Affairs.

By Mr. HENRY of Connecticut: A bill (H. R. 13443) granting an increase of pension to Michael S. Dougherty—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 13444) to remove the charge of desertion from the military record of Benjamin F. Virgin—to the Committee on Military Affairs.

Also, a bill (H. R. 13445) to remove the charge of desertion from the military record of Charles F. Allen—to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 13446) for the relief of Thomas B. Burgess—to the Committee on War Claims.

By Mr. McDOWELL: A bill (H. R. 13447) granting an increase of pension to Benjamin Eason—to the Committee on Invalid Pensions.

By Mr. RUPPERT: A bill (H. R. 13448) granting an increase of pension to Paul Fuchs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13449) to grant an honorable discharge to Jacob M. Taylor, alias John Travers—to the Committee on Military Affairs.

By Mr. SMITH of Kentucky: A bill (H. R. 13450) for the relief of James S. Iglehort—to the Committee on War Claims.

By Mr. SHOWALTER: A bill (H. R. 13451) to correct the military record of Emil Bott—to the Committee on Military Affairs.

By Mr. WILSON of New York: A bill (H. R. 13452) granting a pension to Catherine Lyons—to the Committee on Invalid Pensions.

By Mr. RAY of New York: A bill (H. R. 13455) granting an increase of pension to Isaac Van Valkenburgh—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 13456) for the relief of the legal representatives of J. J. Abrahams, deceased—to the Committee on War Claims.

By Mr. GRAHAM: A bill (H. R. 13457) granting an increase of pension to William Matthews—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of citizens of Canonsburg, Pa., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of Shadyside Presbyterian Church, Pittsburg, Pa., for the ratification of treaty between civilized nations relative to alcoholic trade in Africa—to the Committee on Foreign Affairs.

Also, petitions of the Home Missionary Society of the Presbyterian Church of Milton, Pa., and missionary societies of Pittsburg and Allegheny, Pa., for the protection of native races in our islands against intoxicants and opium—to the Committee on Insular Affairs.

By Mr. BABCOCK: Papers to accompany House bill No. 12405, granting an increase of pension to Samuel Briscoe—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: Petition of the Brown Shoe Company and 16 other shoe and leather companies of St. Louis, Mo., praying for the removal of the duty on hides—to the Committee on Ways and Means.

By Mr. BREAZEALE: Petition of citizens of Rapides Parish, La., to accompany House bill relating to the claim of St. James Church, Rapides Parish, La.—to the Committee on War Claims.

By Mr. CAPRON: Protest of W. E. Barrett Company, of Providence, R. I., against the annual distribution of seeds—to the Committee on Agriculture.

Also, petition of Ellen L. Fitz and 3 others, of Harrisville, R. I., for the ratification of the treaty between civilized nations relative to alcoholic trade in Africa—to the Committee on Foreign Affairs.

By Mr. CONNER: Petition of 89 citizens of Fort Dodge, Iowa, in favor of restraint in liquor traffic—to the Committee on Insular Affairs.

By Mr. DALZELL: Resolutions of the Chamber of Commerce of Pittsburg, Pa., in favor of reduction of postage on first-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIOTT: Resolutions of the Chamber of Commerce of Charleston, S. C., favoring the establishment of a national forest reserve in the mountains of Virginia, North Carolina, South Carolina, Georgia, and Tennessee—to the Committee on the Public Lands.

Also, resolutions of the Chamber of Commerce of Charleston, S. C., asking for an appropriation to enable the Geological Survey to obtain more accurate data concerning the artesian water supply in the malarial regions on the Atlantic and Gulf coasts—to the Committee on the Public Lands.

Also, resolutions of the Chamber of Commerce of Charleston, S. C., favoring the enlargement of the work of the Geological Survey so as to include mapping of forest regions in Southern and Eastern portions of the country—to the Committee on the Public Lands.

Also, resolutions of the Chamber of Commerce of Charleston, S. C., favoring the appropriation asked for by the Secretary of Agriculture to enable him to cooperate with the various States in examining into the best modes of securing permanent road building—to the Committee on Agriculture.

By Mr. FITZGERALD of Massachusetts: Resolutions of the National Wholesale Druggists' Association, opposing the free distribution of medicinal remedies—to the Committee on Agriculture.

Also, resolutions of the Thirty-fourth Annual Encampment, Department of Pennsylvania, Grand Army of the Republic, commending the work already accomplished on the National Military Park at Gettysburg, and asking that continued aid be given thereto—to the Committee on Appropriations.

Also, paper to accompany House bill granting a pension to Julia McCarthy—to the Committee on Invalid Pensions.

Also, resolutions of the Chamber of Commerce of New York, urging the passage of the Pacific cable bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chamber of Commerce of New York, favoring the passage of a bill relating to a session of the International Congress of Navigation to be held at Washington, D. C.—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Boston Paper Trade Association, favoring reciprocal trade between United States and Canada—to the Committee on Ways and Means.

By Mr. GARDNER of New Jersey: Petition of numerous citizens of Burlington County, N. J., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. GRAHAM: Petition of H. K. Mulford Company, of Philadelphia, Pa., favoring Senate bill No. 727, known as the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of wine importers and dealers, for the repeal of the stamp tax on domestic and foreign wines—to the Committee on Ways and Means.

Also, papers to accompany House bill granting an increase of pension to William Matthews, of Tarentum, Pa.—to the Committee on Invalid Pensions.

By Mr. HITT: Petition of Mrs. Arthur W. Glessner and 23 other citizens of Galena, Ill., for the ratification of a treaty between civilized nations relative to alcoholic trade in Africa, and to prevent the sale of opium, intoxicants, etc., to undeveloped and childlike races—to the Committee on Alcoholic Liquor Traffic.

By Mr. LITTLEFIELD: Petition of W. W. Woodbridge and 18 other citizens of North Newcastle, Me., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. LASSITER: Petition of the heirs of Mary F. Stanbury, late of Prince Edward County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. McRAE: Papers to accompany House bill No. 13151, for the relief of the estate of L. M. Epperson—to the Committee on War Claims.

By Mr. NEEDHAM: Resolutions of the Chamber of Commerce of Los Angeles, Cal., favoring an appropriation for the establishment of an Indian school at Riverside, Cal.—to the Committee on Indian Affairs.

By Mr. SHOWALTER: Paper to accompany House bill for the relief of Emil Bott, of Rochester, Pa.—to the Committee on Military Affairs.

Also, petition of ladies of Newcastle, Pa., representing various literary and religious societies of the city, favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. SMITH of Kentucky: Papers relating to the claim of James S. Igleheart—to the Committee on War Claims.

By Mr. WACHTER: Resolutions of the Naval Veterans of Maryland for the passage of Senate bill 3423—to the Committee on Naval Affairs.

By Mr. WILLIAM E. WILLIAMS: Papers to accompany House bill for the relief of Josiah Booker—to the Committee on Military Affairs.

By Mr. WILSON of Idaho: Protest of citizens of Boise, Idaho, against the establishment of the parcels-post system—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *January 11, 1901.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SEWELL, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. If there be no objection, the Journal will stand approved.

PERSONAL EXPLANATION.

Mr. BURROWS. Mr. President, yesterday when the vote was taken upon the amendment looking to the retirement of General Shafter with the rank of major-general I was necessarily detained from the Senate. Had I been present, I should have voted for the amendment.

DECORATIONS BY THE ITALIAN GOVERNMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting certain information relative to the desire of the Italian Government to bestow upon Dr. Eugene Wasdin, of the Marine-Hospital Service, the Cross of Officer of S. S. Maurizio e Lazzaro, and upon Dr. H. D. Geddings, of the Marine-Hospital Service, the Cross of Chevalier of the same order, in recognition of their services in verifying and confirming the Italian studies and discoveries in regard to the nature of yellow fever; which, with the accompanying papers, was referred to the Committee on Foreign Relations.

LEGATION AT PEKIN.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a copy of a dispatch from the minister of the United States in China, Hon. E. H. Conger, on the proposed extension of the legation grounds at Pekin; which, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed.

ADAMS ISLAND DAM.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Secretary of State, together with a note from the British ambassador, touching the proposed construction by the government of the Dominion of Canada of a dam from Adams Island, in Canadian territory, to Les Galops Island, in United States territory, etc.; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

MOBILE BAY IMPROVEMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 9th instant, the report of Major Rossell, United States Engineers, on the survey and estimate for opening the outer bar at Mobile Bay; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

DISBURSEMENT OF PUBLIC MONEYS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Commissary-General of Subsistence, United States

Army, relative to the adoption of an amendment of section 285, Revised Statutes, which requires that every disbursement of public moneys or disposal of public stores made by disbursing officers pursuant to an order of any commanding officer of the Navy be allowed by the proper accounting officer of the Treasury, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

CONSULATE AT BEIRUT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a copy of dispatch No. 69, of November 26, 1900, from the consul at Beirut, relative to an increase in the compensation of the clerk in the consulate at that place; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

ABNER D. LEWIS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting certified copies of the findings filed by the court in the cause of Abner D. Lewis *vs.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

ENROLLED BILLS SIGNED.

The PRESIDENT pro tempore announced his signature to the following enrolled bills and a joint resolution; which had previously been signed by the Speaker of the House of Representatives:

A bill (H. R. 1734) granting a pension to Mary A. Whitmore;

A bill (H. R. 2752) granting an increase of pension to Edmund P. Tierney;

A bill (H. R. 5117) granting a pension to Roland Burnett;

A bill (H. R. 5655) granting a pension to Lurinda Laughlin;

A bill (H. R. 9108) granting a pension to Maria H. Hixson;

A bill (H. R. 10062) granting an increase of pension to Harriet Crotsenburg;

A bill (H. R. 10785) granting a pension to Thomas White;

A bill (H. R. 13394) providing for the payment of electoral messengers; and

A joint resolution (S. R. 144) to fill a vacancy in the Board of Regents of the Smithsonian Institution.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented the petition of Rev. W. V. Louderbough and 200 other members of the Presbyterian Church of Salem, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which was referred to the Committee on Foreign Relations.

He also presented sundry petitions of citizens of Plainfield, Tennet, Elizabeth, Summit, and Haddonfield, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of sundry citizens of Jackson County, Minn., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented three petitions of citizens of Owatonna, Minn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

Mr. SIMON presented a petition of sundry citizens of Nehalem Bay, Oreg., praying that an appropriation be made for the improvement of the entrance to the Nehalem Bay and Harbor; which was referred to the Committee on Commerce.

Mr. McMILLAN presented a petition of the Central Trades Council of Bay City, Mich., praying for the enactment of legislation to regulate the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented sundry petitions of citizens of Petoskey, Mich., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the house of representatives of the State of Michigan, favoring the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. BURROWS presented the petition of George G. Smith and 48 other citizens of Washington, D. C., praying for the enactment of legislation to abolish the present system of street-car fenders used on cars in the city of Washington and in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. FAIRBANKS presented a petition of A. Cohen, S. F. Lancaster, and of the De Vend-Haya Shoe Company, all of Jeffersonville, in the State of Indiana, praying for the repeal of the duty on hides; which was referred to the Committee on Finance.

He also presented the petition of D. C. Harter and 103 other citizens of Wabash County, Ind., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. FRYE presented a petition of Meade Post, No. 40, Department of Maine, Grand Army of the Republic, of Eastport, Me., praying for the enactment of legislation giving preference to veterans in the public service; which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of Houghton Brothers and 86 other citizens of Bath, of Ara Cushman and 17 other citizens of Auburn, of George F. Smith and 18 other citizens of Searsport, of John Metcalf and 40 other citizens of Madison, of George Chandler and 34 other citizens of Livermore, and of C. E. Hovey and 13 other citizens of Waldoboro, all in the State of Maine, praying for the repeal of the stamp tax on bank checks; which were referred to the Committee on Finance.

He also presented a petition of the National Manufacturers' Association of the United States, praying for the ratification of the pending reciprocity treaty between the United States and France; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Maritime Association of the Port of New York, of New York City, praying that an appropriation be made for the extension and completion of the breakwater at Point Judith, Rhode Island; which was referred to the Committee on Commerce.

He also presented a resolution adopted by the legislature of the State of California, praying for the passage of House bill No. 96, providing rules for governing the importation of trees, etc., and also for the inspection of trees, etc., which become subjects of commerce; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Local Union No. 68, Coopers' International Union, American Federation of Labor, of Rochester, N. Y., remonstrating against the enactment of legislation to prohibit the issuance of revenue stamps for eighths and sixths barrels of beer; which was referred to the Committee on Finance.

NAVAL STATION IN SOUTH CAROLINA.

Mr. HALE. I present a communication from the Secretary of the Navy, inclosing a copy of the report of the board of which Rear-Admiral Frederick Rodgers, United States Navy, was president, appointed June 29, 1900, pursuant to the provision contained in the naval appropriation act of June 7, 1900, for the purpose of examining into the expediency of changing the location of the naval station now at Port Royal, S. C., to some point in the State of South Carolina at or near the city of Charleston. I move that the communication and accompanying report be printed as a document, and referred to the Committee on Naval Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 5230) for the suppression of train robbery in the Territories of the United States and elsewhere, and for other purposes, reported it with amendments.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 10th instant proposing to appropriate $125,000 to authorize the Commissioners of the District of Columbia to purchase Analostan Island, in the Potomac River, near the city of Washington, intended to be proposed by him to the District of Columbia appropriation bill, reported it favorably without amendment, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the Committee on Pensions, to whom was referred the bill (S. 5119) granting a pension to Jessie A. Bruner, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5172) granting a pension to Elizabeth Bughman, reported it without amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on the Judiciary, to whom was referred the bill (H. R. 953) to divide the State of West Virginia into two judicial districts, reported it without amendment.

APPORTIONMENT OF REPRESENTATIVES.

Mr. CARTER. I am directed by the Committee on the Census, to whom was referred the bill (H. R. 12740) making an apportionment of Representatives in Congress among the several States under the Twelfth Census, to report it favorably without amendment.

In view of the urgent nature of this measure, I ask that it be read for the information of the Senate, and I desire unanimous consent for its present consideration.

The PRESIDENT pro tempore. The bill will be read in full to the Senate for its information.

The Secretary proceeded to read the bill.

Mr. HAWLEY. Mr. President, will the Chair kindly hear me

a moment? I thought the bill was being read for information. I am told it is read to be acted upon.

The PRESIDENT pro tempore. It is being read for information.

Mr. HAWLEY. I am told that it is likely to give rise to some considerable debate. I therefore think I must object.

Mr. HALE. I do not think it will give rise to any debate whatever. We are all helping the Senator to pass his Army bill, and a measure of this kind, so important, the Senate certainly ought to have an opportunity to pass.

Mr. HAWLEY. Let it be read for information then.

The PRESIDENT pro tempore. The Secretary will continue the reading.

Mr. TELLER. I do not believe anyone in the Chamber knew what was going on. I suggest that the Secretary start anew and read from the beginning. It will take but a few moments.

The PRESIDENT pro tempore. The Senator from Montana, from the Committee on the Census, reported favorably the House apportionment bill and asks for its present consideration, and it was being read for the information of the Senate. The Secretary will again commence the reading of the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That after the 3d day of March, 1903, the House of Representatives shall be composed of 386 members, to be apportioned among the several States as follows: Alabama, 9; Arkansas, 7; California, 8; Colorado, 3; Connecticut, 5; Delaware, 1; Florida, 3; Georgia, 11; Idaho, 1; Illinois, 25; Indiana, 13; Iowa, 11; Kansas, 8; Kentucky, 11; Louisiana, 7; Maine, 4; Maryland, 6; Massachusetts, 14; Michigan, 12; Minnesota, 9; Mississippi, 8; Missouri, 16; Montana, 1; Nebraska, 6; Nevada, 1; New Hampshire, 2; New Jersey, 10; New York, 37; North Carolina, 10; North Dakota, 2; Ohio, 21; Oregon, 2; Pennsylvania, 32; Rhode Island, 2; South Carolina, 7; South Dakota, 2; Tennessee, 10; Texas, 16; Utah, 1; Vermont, 2; Virginia, 10; Washington, 3; West Virginia, 5; Wisconsin, 11; and Wyoming, 1.

SEC. 2. That whenever a new State is admitted to the Union the Representative or Representatives assigned to it shall be in addition to the number 386.

SEC. 3. That in each State entitled under this apportionment, the number to which such State may be entitled in the Fifty-eighth and each subsequent Congress shall be elected by districts composed of contiguous and compact territory and containing as nearly as practicable an equal number of inhabitants. The said districts shall be equal to the number of the Representatives to which such State may be entitled in Congress, no one district electing more than one Representative.

SEC. 4. That in case of an increase in the number of Representatives which may be given to any State under this apportionment, such additional Representative or Representatives shall be elected by the State at large, and the other Representatives by the districts now prescribed by law until the legislature of such State, in the manner herein prescribed, shall redistrict such State; and if there be no increase in the number of Representatives from a State the Representatives thereof shall be elected from the districts now prescribed by law until such State be redistricted as herein prescribed by the legislature of said State; and if the number hereby provided for shall in any State be less than it was before the change hereby made, then the whole number to such State hereby provided for shall be elected at large, unless the legislatures of said States have provided or shall otherwise provide before the time fixed by law for the next election of Representatives therein.

SEC. 5. That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. PETTUS. Mr. President, it seems to me that the bill had better go over in order that Senators may have an opportunity to look at it.

The PRESIDENT pro tempore. The Senator from Alabama objects to the present consideration of the bill. It will go to the Calendar.

COURTS IN ARKANSAS.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 12395) to provide for the holding of the circuit and district courts of the United States for the eastern district of Arkansas, to report it favorably without amendment, and I ask for its present consideration. It is a bill of but two or three lines and changes the place of holding courts. I call the attention of the Senators from Arkansas to the bill.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN FAULDS.

Mr. PROCTOR. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 3047) to remove charge of desertion from military record of John Faulds, of Company G, Thirty-first Wisconsin Infantry, to report it favorably, without amendment, and I ask for its present consideration. It consists of only a few lines, and is a House bill to correct a military record.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BUTLER (by request) introduced a bill (S. 5533) for the relief of William C. Staples; which was read twice by its title, and referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 5534) for the relief of Azor H. Nickerson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SEWELL introduced a bill (S. 5535) to amend the act entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States," approved March 3, 1885; which was read twice by its title, and referred to the Committee on Claims.

Mr. FAIRBANKS introduced a bill (S. 5536) granting an increase of pension to Thomas A. Owen; which read twice by its title, and referred to the Committee on Pensions.

Mr. CLAY (by request) introduced a bill (S. 5537) for the relief of Mrs. M. Emma Poche; which was read twice by its title and referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 5538) granting an increase of pension to Mrs. R. A. Bradshaw; which was read twice by its title and referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 5539) for the relief of Sophronia Atwood Paige; which was read twice by its title and referred to the Committee on Claims.

Mr. MARTIN introduced a bill (S. 5540) for the relief of Alexander Perry; which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5541) providing for the erection of a public building in the city of Charlottesville, Va.; which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SCOTT submitted an amendment proposing to appropriate $6,000 for paving Fourth street east from U street north to W street, intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. FOSTER submitted an amendment providing for the protection of Mount Rainier National Park by authorizing a detail of troops for the purpose of guarding the same, and proposing to appropriate $20,000 for the improvement of said park, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

EVA BURRELL.

Mr. MCMILLAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Eva Burrell, widow of Henry Burrell, deceased, late a laborer in the employ of the Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

PETITION OF FILIPINOS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. TELLER, as follows:

Ordered, That the petition of certain inhabitants of the Philippine Islands, which has to-day been read in the Senate, be printed as a document, together with the names of the signers.

Mr. SPOONER. Has the Senator from Colorado any objection to the resolution going over until Monday? Some of us did not hear read the communication which it is proposed shall be printed, and for one I should like to read it.

Mr. TELLER. I have no objection to the resolution going over until Monday, if any Senator thinks it ought to go over, if it will come up in regular order on Monday, as it does to-day.

Mr. HALE. Retaining its place?

Mr. TELLER. Retaining its place, of course.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent that the resolution shall go over until a later day, retaining its place on the table—or retaining its present position?

Mr. TELLER. Its present position is what I want it to retain.

The PRESIDENT pro tempore. Does the Senator wish it to go over subject to call, or to go over until next Monday?

Mr. TELLER. I want it to come up as the regular order of business on Monday next.

Mr. HALE. As morning business?

Mr. TELLER. As morning business.

The PRESIDENT pro tempore. The Chair so understands. It is so ordered.

STATIONERY ROOM OF THE SENATE.

Mr. MORGAN. Are resolutions in order?

The PRESIDENT pro tempore. No, the order has been passed.

Mr. MORGAN. I ask leave, then, to offer a resolution.

The PRESIDENT pro tempore. If there be no objection, the Chair will receive the Senator's resolution.

Mr. MORGAN submitted the following resolution; which was read:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate shall have the control of the officers of the stationery room of the Senate so as to inquire into and, from time to time, to report upon the conduct thereof.

Mr. MORGAN. I ask for the present consideration of the resolution.

Mr. GALLINGER. I ask the Senator from Alabama if this matter does not belong to the Committee on Rules rather than the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. MORGAN. The Committee on Rules is merely, I think, a philosophical, academic body. The Committee to Audit and Control the Contingent Expenses of the Senate is known for its laborious service to the Senate, and so I prefer that committee.

Mr. HOAR. I did not hear the Senator. I think the Senator was paying some very high compliment to the Committee on Rules, and I wanted to hear it. I think he said it was a very philanthropic committee.

Mr. MORGAN. I was trying to compliment the Committee on Contingent Expenses over the shoulders of the Committee on Rules. That is what I am trying to do, but perhaps I failed to do it.

Mr. HALE. Let the resolution be read again.

The resolution was again read.

Mr. SPOONER. Let it go over until the next day.

The PRESIDENT pro tempore. Objection being made, the resolution goes over under the rule. Morning business is concluded.

THE MILITARY ESTABLISHMENT.

Mr. HAWLEY. I ask unanimous consent that the Senate proceed to the consideration of the Army bill.

There being no objection, the Senate resumed the consideration of the bill (S. 4300) to increase the efficiency of the military establishment of the United States.

Mr. HAWLEY. I am given to understand that section 31, page 43, is under consideration, an amendment proposed by the Committee on Military Affairs. I am instructed to withdraw that amendment.

Mr. HOAR. What section?

Mr. HAWLEY. Section 31, page 43. It relates to retiring officers on a higher grade and that sort of thing.

Mr. HOAR. In my copy page 43 begins with section 40.

Mr. HAWLEY. There is a new print.

The PRESIDENT pro tempore. Senators had better have the new print before them. The new print came in this morning.

Mr. HAWLEY. It is page 43, section 31, beginning in line 9. I am given to understand that the reprint has not been distributed.

Mr. TELLER. It is page 40 of the old print.

Mr. HAWLEY. There is no harm in looking at the old print, and Senators may see that particular section on page 40. In the reprint it is on page 43.

The PRESIDENT pro tempore. It is impossible to hear the Senator.

Mr. HAWLEY. What is it, please?

The PRESIDENT pro tempore. It is impossible to hear what the Senator requests.

Mr. HAWLEY. I said that the amendment in question can be found on page 40 of the original print, but we have had a reprint for convenience, and in the reprint it comes on page 43, beginning in line 9.

Mr. ALLISON. It is section 31 in all the prints.

Mr. HAWLEY. It is section 31, proposing to give additional grade upon retirement to certain classes of officers.

Mr. HALE. What does the Senator propose to do with the section?

Mr. HAWLEY. I am instructed by the committee to withdraw it.

Mr. ALLISON. Let it be voted down.

Mr. HALE. The Senator asks the Senate to agree to the section as in the original print of the bill?

Mr. HAWLEY. No; the section is an amendment.

Mr. HALE. The section is withdrawn?

Mr. HAWLEY. The section is withdrawn as the pending amendment, and that, I am authorized, I think, to say, also drops the pending amendment offered by the Senator from Colorado [Mr. TELLER], which was an amendment to section 31. He understands that that drops on withdrawing section 31.

Mr. HALE. How does it leave the provision?

Mr. SEWELL. There is nothing left in it whatever. It stands on the present law.

Mr. TELLER. I understand when that is withdrawn the amendment to it drops, as a matter of course.

The PRESIDENT pro tempore. It can not be withdrawn. The Senator from Connecticut asks unanimous consent that the vote by which this section was agreed to may be reconsidered.

Mr. HAWLEY. Very good; I make that request.

The PRESIDENT pro tempore. Is there objection to the reconsideration of the vote?

Mr. ALLISON. The section has not been agreed to.

Mr. TELLER. No; it has not been agreed to.

Mr. PROCTOR. It was passed over.

Mr. ALLISON. It was passed over. Therefore I suggest that it be rejected. That is the only proper way to act on it.

The PRESIDENT pro tempore. The Chair is informed that it was not agreed to, but that it was passed over.

Mr. HAWLEY. I supposed that it was in a condition to be withdrawn.

Mr. COCKRELL. Let it be stricken out.

Mr. SEWELL. It was passed over at my suggestion last evening.

Mr. HAWLEY. Let it be rejected.

Mr. COCKRELL. It should be stricken out.

The PRESIDENT pro tempore. If it is an amendment offered by the committee, and it was not considered and agreed to, it can be withdrawn by the committee.

Mr. SEWELL. That is the situation.

Mr. PROCTOR. That is the situation, as the committee understands it.

The PRESIDENT pro tempore. The committee withdraws the amendment?

Mr. HAWLEY. Yes.

Mr. HALE. Section 31 goes out.

Mr. HAWLEY. Section 31 goes out.

The PRESIDENT pro tempore. Then the Senator from Colorado withdraws his amendment?

Mr. TELLER. I do if the section goes out, of course.

The PRESIDENT pro tempore. The section is out.

Mr. HAWLEY. There is nothing for it to hang on now.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendment offered by the Senator from Massachusetts [Mr. HOAR], which will be read.

The SECRETARY. It is proposed to add, at the end of the amendment, the following proviso:

Provided, That no further military force shall be used in the Philippine Islands, except such as may be necessary to keep order in places there now actually under the peaceable control of the United States and to protect persons or property to whom, in the judgment of the President, protection may be due from the United States, until the President shall have first proclaimed an amnesty for all political offenses committed against the United States in the Philippine Islands, and shall have, if in his power, agreed upon an armistice with persons now in hostility to the United States, and shall have invited such number, not less than ten, as he shall think desirable, of the leaders or representatives of the persons now hostile to the United States there to come to the United States and state their wishes and the condition, character, and wishes of the people of the Philippine Islands to the Executive and Congress, and shall have offered to secure to them safe conduct to come, abide, and return, and shall have provided at the public charge for the expenses of their transportation both ways and their stay in this country for a reasonable and sufficient time for such purpose.

Mr. CARTER. Mr. President, I move to lay the amendment on the table.

Mr. HOAR. On that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HAWLEY. The Committee on Military Affairs decided unfavorably upon this amendment.

The PRESIDENT pro tempore. The question is on the motion to lay the amendment on the table, upon which the yeas and nays have been ordered.

Mr. ELKINS. Let the amendment be read.

Mr. CULBERSON. I ask that the amendment be read again for information.

The PRESIDENT pro tempore. The amendment will be again read.

The Secretary again read Mr. HOAR'S amendment.

The PRESIDENT pro tempore. The Secretary will call the roll on the motion to lay the amendment on the table.

The Secretary proceeded to call the roll.

Mr. CULBERSON (when Mr. CHILTON'S name was called). My colleague [Mr. CHILTON] has a general pair with the senior Senator from West Virginia [Mr. ELKINS].

Mr. CULBERSON (when his name was called). I have a general pair with the junior Senator from Wisconsin [Mr. QUARLES]. In his absence I withhold my vote.

Mr. PROCTOR (when Mr. DILLINGHAM'S name was called). On this question my colleague [Mr. DILLINGHAM] is paired with the Senator from South Carolina [Mr. TILLMAN].

Mr. HEITFELD (when his name was called). I have a general pair with the senior Senator from New York [Mr. PLATT]. In his absence I withhold my vote.

Mr. MCMILLAN (when his name was called). I have a general pair with the Senator from Kentucky [Mr. LINDSAY], but I transfer that pair to the Senator from Rhode Island [Mr. ALDRICH], and vote "yea."

Mr. MONEY (when his name was called). I am paired with the Senator from Oregon [Mr. MCBRIDE] who is absent. I do not know how he would vote if present, and therefore I withhold my vote. If he were present, I should vote "nay."

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. MCLAURIN]. If he were present, I should vote "yea."

Mr. TILLMAN (when his name was called). On this vote I am paired with the Senator from Vermont [Mr. DILLINGHAM]. If he were here, I should vote "nay."

Mr. VEST (when his name was called). I am paired with the

Senator from Rhode Island [Mr. ALDRICH]. If he were present, I should vote "nay."

Mr. WARREN (when his name was called). I am paired with the Senator from Washington [Mr. TURNER]. As I do not know how he would vote if present, I withhold my vote.

The roll call was concluded.

Mr. MCMILLAN (after having voted in the affirmative). I find that the Senator from Rhode Island [Mr. ALDRICH] is paired with the Senator from Missouri [Mr. VEST]. So I will transfer my pair with the Senator from Kentucky [Mr. LINDSAY] to the Senator from Indiana [Mr. BEVERIDGE], and let my vote stand.

Mr. MASON (after having voted in the negative). I have a general pair with the junior Senator from Mississippi [Mr. SULLIVAN]. I am informed that he is not present. I therefore withdraw my vote.

Mr. VEST. Mr. President, I have been informed since I announced my pair with the Senator from Rhode Island [Mr. ALDRICH] that a pair has been announced between him and the Senator from Kentucky [Mr. LINDSAY]. I do not understand that, because the Senator from Rhode Island called on me the day before yesterday, stating that he was called away by unavoidable necessity, and asked me to pair with him for a week, which I agreed to do.

The PRESIDENT pro tempore. The Senator from Michigan [Mr. MCMILLAN] has just corrected that, and another pair has been announced.

Mr. VEST. Then, as I understand, my pair with the Senator from Rhode Island stands.

The PRESIDENT pro tempore. That is correct.

Mr. BACON (after having voted in the negative). I understand that the junior Senator from Rhode Island [Mr. WETMORE], with whom I am paired, is not present. I therefore withdraw my vote, as I have a general pair with that Senator.

Mr. SPOONER. I wish to announce that my colleague [Mr. QUARLES] is detained from the Senate by illness.

Mr. BURROWS. I inquire if the senior Senator from Louisiana [Mr. CAFFERY] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. BURROWS. I am paired with that Senator, and will withhold my vote.

Mr. PROCTOR. I suggest that the Senator from Louisiana [Mr. CAFFERY] might stand paired with the Senator from Pennsylvania [Mr. PENROSE], who requested me to pair him on this matter, and the Senator from Michigan will be at liberty to vote.

Mr. BURROWS. I adopt that suggestion, and vote "yea."

The result was announced—yeas 32, nays 19; as follows:

YEAS—32.

Allison,	Foraker,	Lodge,	Proctor,
Bard,	Foster,	McComas,	Scott,
Burrows,	Frye,	McCumber,	Sewell,
Carter,	Gallinger,	McMillan,	Shoup,
Clark,	Hanna,	Morgan,	Simon,
Deboe,	Hansbrough,	Nelson,	Spooner,
Dolliver,	Hawley,	Perkins,	Stewart,
Fairbanks,	Kean,	Platt, Conn.	Thurston.

NAYS—19.

Allen,	Cockrell,	Jones, Ark.	Teller,
Bate,	Daniel,	Mallory,	Towne,
Berry,	Hale,	Pettigrew,	Turley,
Butler,	Harris,	Pettus,	Wellington.
Clay,	Hoar,	Rawlins,	

NOT VOTING—35.

Aldrich,	Depew,	McEnery,	Sullivan,
Bacon,	Dillingham,	McLaurin,	Taliaferro,
Baker,	Elkins,	Martin,	Tillman,
Beveridge,	Heitfeld,	Mason,	Turner,
Caffery,	Jones, Nev.	Money,	Vest,
Chandler,	Kenney,	Penrose,	Warren,
Chilton,	Kyle,	Platt, N. Y.	Wetmore,
Culberson,	Lindsay,	Pritchard,	Wolcott.
Cullom,	McBride,	Quarles,	

So Mr. HOAR'S amendment was laid on the table.

The PRESIDENT pro tempore. The amendment under consideration last night was misplaced in the list handed to the Chair. The Chair now lays it before the Senate. The Chair is of the impression that there was an amendment offered to the amendment by the Senator from South Dakota [Mr. PETTIGREW], the first part of which was withdrawn.

Mr. PLATT of Connecticut. What is the amendment?

The PRESIDENT pro tempore. It leaves before the Senate as the amendment stands what will be read to the Senate by the Secretary.

The Secretary read the amendment proposed by Mr. PETTIGREW, which was at the end of the bill to insert the following:

It is further provided, That one-third of the original vacancies created by this act, in all grades, from colonel down to second lieutenant, in both staff and line, shall be filled by selection from the officers of volunteers who have been commissioned in their respective staff corps or arm of service since April 21, 1898. The remaining two-thirds of original vacancies created by this act to be filled by selection from the officers of the Regular Army.

The PRESIDENT pro tempore. On this amendment the Senator from Virginia [Mr. DANIEL] was last evening occupying the floor.

Mr. MCCUMBER. I ask leave to offer an amendment to the pending bill, which I ask may lie upon the table for the present.

The PRESIDENT pro tempore. The amendment intended to be proposed by the Senator from North Dakota will be received and laid upon the table. The question is, Will the Senate agree to the amendment offered by the Senator from South Dakota [Mr. PETTIGREW]?

Mr. PETTIGREW. I ask for the yeas and nays.

Mr. PROCTOR. Mr. President, it is well to consider for just one moment what that amendment would authorize. It provides that one-third of the vacancies in the line and staff shall be filled from the volunteers. It would authorize the appointment of colonels in the Engineer Corps, in the Adjutant-General's Corps, and in every other corps, of men who have only had a year or two years' service. It would also make a very strange mixing up if appointments were made, for instance, from the volunteers who held commissions in the Regular Army. There are lieutenants in the Regular Army serving as majors of volunteers, and if appointed, as they would expect to be under this provision, and have a right to ask to be appointed, they might come back into the Regular Army ranking hundreds of those who are now properly above them, and ought to remain so, and who have been in the service the same as they have. So it would result in endless confusion and the greatest possible injustice.

Mr. SEWELL. I will just add to what has been said by the Senator from Vermont [Mr. PROCTOR] that our whole time in committee for weeks was given to carefully considering this bill and the disposition of the officers of the different classes. If you are to make a lump of the whole thing, you would do away with all our work and we should have to do it over again.

The PRESIDENT pro tempore. The Senator from South Dakota [Mr. PETTIGREW] has asked for the yeas and nays on the adoption of the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I again announce my pair with the junior Senator from Rhode Island [Mr. WETMORE], and withhold my vote on account of his absence.

Mr. BURROWS (when his name was called). I am paired with the Senator from Louisiana [Mr. CAFFERY].

Mr. PROCTOR (when Mr. DILLINGHAM'S name was called). My colleague [Mr. DILLINGHAM] is paired with the Senator from South Carolina [Mr. TILLMAN].

Mr. PRITCHARD (when his name was called). I again announce my pair with the Senator from South Carolina [Mr. MCLAURIN], and withhold my vote.

Mr. TILLMAN (when his name was called). I am paired with the Senator from Vermont [Mr. DILLINGHAM]. If he were present, I should vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). I again announce my pair with the Senator from Washington [Mr. TURNER]. If at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. HEITFELD. I again announce my pair with the Senator from New York [Mr. PLATT].

Mr. CULBERSON. I am paired with the junior Senator from Wisconsin [Mr. QUARLES], and therefore withhold my vote.

Mr. BATE. I inquire whether the Senator from Kentucky [Mr. DEBOE] has voted?

The PRESIDENT pro tempore. The Chair is informed that the Senator from Kentucky has not voted.

Mr. BATE. Then I will not vote, as I am paired with that Senator and do not know how he would vote if present.

Mr. MONEY. I am paired with the Senator from Oregon [Mr. MCBRIDE]. I do not know how he would vote if present, and therefore I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. WARREN. I will state that by arrangement the Senator from Pennsylvania [Mr. PENROSE] has been paired with the Senator from Washington [Mr. TURNER], with whom I have a general pair. That leaves me at liberty to vote, and so I will let my vote in the negative stand.

Mr. MCMILLAN. Under the arrangement announced on the last vote of the transfer of my pair with the Senator from Kentucky [Mr. LINDSAY] I am at liberty to vote, and I vote "nay."

Mr. WARREN. I am informed that the Senator from Delaware [Mr. KENNEY] desires to stand paired with the Senator from Pennsylvania [Mr. PENROSE], so I will make a change in the pair, and transfer my pair with the Senator from Washington [Mr. TURNER] to the Senator from New York [Mr. DEPEW], and let my vote stand.

The result was announced—yeas 16, nays 33; as follows:

YEAS—16.

Allen,	Clay,	Mallory,	Teller,
Berry,	Daniel,	Pettigrew,	Towne,
Butler,	Harris,	Rawlins,	Turley,
Clark,	Jones, Ark.	Taliaferro,	Wellington.

NAYS—33.

Allison,	Hale,	McMillan,	Shoup,
Bard,	Hanna,	Morgan,	Simon,
Carter,	Hansbrough,	Nelson,	Spooner,
Dolliver,	Hawley,	Perkins,	Stewart,
Fairbanks,	Hoar,	Pettus,	Thurston,
Foraker,	Kean,	Platt, Conn.	Warren.
Foster,	Lodge,	Proctor,	
Frye,	McComas,	Scott,	
Gallinger,	McCumber,	Sewell,	

NOT VOTING—37.

Aldrich,	Culberson,	Lindsay,	Quarles,
Bacon,	Cullom,	McBride,	Sullivan,
Baker,	Deboe,	McEnery,	Tillman,
Bate,	Depew,	McLaurin,	Turner,
Beveridge,	Dillingham,	Martin,	Vest,
Burrows,	Elkins,	Mason,	Wetmore,
Caffery,	Heitfeld,	Money,	Wolcott.
Chandler,	Jones, Nev.	Penrose,	
Chilton,	Kenney,	Platt, N. Y.	
Cockrell,	Kyle,	Pritchard,	

So the amendment of Mr. PETTIGREW was rejected.

Mr. SCOTT. Mr. President, I want to explain my vote on the previous roll call. I have a pair with the junior Senator from Florida [Mr. TALIAFERRO] and did not know that he was absent and had not voted when I cast my vote. I wish to have the RECORD corrected, so that it may appear that I voted inadvertently, not knowing that the Senator from Florida had not voted.

The PRESIDENT pro tempore. The Chair now lays before the Senate the amendment proposed by the Senator from Mississippi [Mr. MONEY]; which will be stated.

The SECRETARY. On page 38, line 1, after the word "direct," it is proposed to insert the words "not exceeding the period of three years."

Mr. MONEY. I withdraw that amendment, Mr. President.

The PRESIDENT pro tempore. The amendment is withdrawn.

Mr. DANIEL. On page 38, line 23, of the last edition of the bill, I move to amend after the words "grade of," by inserting the words "captain or."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 38, line 23, after the words "grade of," it is proposed to insert "captain or;" so as to read:

Volunteer officers who establish their fitness before these examining boards may be appointed to the grade of captain or first or second lieutenant in the Regular Army.

Mr. DANIEL. Mr. President, I appreciate the difficulty of defining the line of exact justice which should lie between appointments of volunteers and appointments of regular officers to positions in the Regular Army. I am well aware that there are such embarrassments in all directions on this subject that one may well respect the opinions of another, although he can not entirely coincide with them; but it seems to me that the amendment which I have suggested is a just and equitable one, and that, if no other changes were made, it would perhaps leave the matter in practically as just an attitude as we are able to place it.

I have scanned the departmental documents which have been submitted to us on this subject, and I find no recommendation from the Secretary of War and none from the President, but there is one from the Lieutenant-General Commanding the Army, a letter of his addressed to the Secretary of War, submitting the draft of a proposed bill for the reorganization of the Army, dated November 15, 1900. In that proposed scheme of regular organization, section 8 provides:

That all vacancies created or caused by the provisions of this act above the grade of captain in the line of the Army shall be filled by promotion according to seniority in the several arms.

So, I take it, Mr. President, that the amendment which I have offered would place this bill upon that plan which is favored by the present commanding officer of the Army, himself a regular officer of many years' standing, although he came into the Army through the volunteer service.

The PRESIDENT pro tempore. If the Senator will pardon the Chair, the Chair desires to call his attention to the fact that that portion of the section where he proposes to offer the amendment has been stricken from the bill. The Chair calls the Senator's attention to page 39, where he thinks the Senator would desire to offer his amendment.

Mr. DANIEL. Mr. President, I presumed that I had the last edition of this bill in my hand.

The PRESIDENT pro tempore. The Senator has, but if the Senator will notice——

Mr. DANIEL. It is not noted as stricken out of the bill.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator to the large bracket in line 18, on page 38, and the bracket in line 18, on page 39. That entire portion has been stricken out.

Mr. DANIEL. I perceive the point now, sir, where the amendment should come in.

I now move to insert the word "captain" before the words "first or second lieutenant," in line 24, on page 39, of the last published edition of the bill.

The PRESIDENT pro tempore. That is right.

Mr. HARRIS. Will the Senator allow me to suggest that he will have to strike out the words "and captain" in line 12, on page 38?

Mr. DANIEL. There are several consequential amendments which would have to follow if this were adopted.

Mr. HARRIS. The language there is:

That vacancies in the grade of field officers and captain, created by this act, in the cavalry, artillery, and infantry shall be filled by promotion according to seniority in each branch, respectively.

Mr. DANIEL. I have noted that.

Mr. HARRIS. I think if the Senator would move to strike out the word "captain" there, it would cover the case.

Mr. DANIEL. I have noted—and that would follow as a consequential amendment—the words "and captain" in line 12, on page 38. I will make that motion, as it comes first and seems to be more precisely in line with the recommendation of the Lieutenant-General. I move to strike out the words "and captain" in line 12 of renumbered section 24, on page 38, and insert the words "captain or" in line 24, on page 39.

This, Mr. President, would give a reasonable opportunity for distinguished volunteer officers who have shown their fitness for command to have a commission in the Regular Army reasonably responsive to their merits.

I have but little to say on this subject, but I will call attention to what have been the services of the volunteers in the late war with Spain and in the Philippine imbroglio which resulted therefrom. On the 21st of April, 1898, there were 28,183 men in the Regular Army. On May 31 of that year no less than 125,000 volunteers had been mustered into the service—nearly five times as many volunteers as there were, just before that, of regulars. In August of that year the Regular Army had been increased to 56,365 men, and the Volunteer Army had been increased to 207,244. So in August of that year there were about four times as many volunteers as there were regulars.

The volunteer forces of that date were subsequently mustered out of the service. There was a new call for volunteers, which was also promptly responded to, and the Army of the United States now, as given by the Adjutant-General in his recent report, is composed of 2,535 regular officers, 63,861 enlisted men in the Regular Army, and 1,548 officers and 31,079 enlisted men in the Volunteer Army. I will ask permission to insert this statement of the Adjutant-General in my remarks without reading it to the Senate more fully.

[From annual report of the Adjutant-General of October 20, 1900.]

REGULAR ARMY.

	Officers.	Enlisted men.	Total.	Officers holding commissions in volunteers.
General officers	8		8	1
Adjutant-General's Department	15		15	2
Inspector-General's Department	9		9	1
Judge-Advocate-General's Departm't.	8		8	1
Quartermaster's Department	58	105	163	19
Subsistence Department	22	173	195	3
Medical Department	180	4,360	4,540	25
Pay Department	26		26	
Corps of Engineers	126	687	813	1
Ordnance Department	61	664	725	
Signal Corps	11	748	759	6
Chaplains	30		30	
Record and Pension Office	2		2	
Military Academy		279	279	
Electrician sergeants		42	42	
Total	556	7,058	7,614	59
Ten regiments of cavalry	472	12,083	12,555	67
Seven regiments of artillery	351	10,978	11,329	29
Twenty-five regiments of infantry	1,156	35,428	36,584	78
Indian scouts and recruits		2,674	2,674	
Grand total	2,535	63,861	66,396	233

UNITED STATES VOLUNTEERS.

	Officers.	Enlisted men.	Total.	Officers holding commissions in Regular Army.
General officers and staff corps	263		263	102
One regiment of cavalry	50	1,025	1,075	5
Squadron Philippine cavalry	15	451	466	3
Twenty-four regiments of infantry	1,189	28,724	29,913	118
Porto Rico regiment	31	879	910	5
Total	1,548	31,079	32,627	233

RECAPITULATION.

Regular Army	66,396	
United States Volunteers	32,627	
		99,023
		233
Grand total		98,790

The Hospital Corps is not included in the effective strength of the Army, nor counted as a part of the enlisted force provided by law.

The number of officers in the Regular Army holding volunteer commissions is deducted from aggregate strength to avoid counting twice.

Mr. President, let us see what has been the recent service of these two forces that constitute the military arm of the United States. As to their services in Cuba and in Porto Rico, it is not necessary to go into any detail. Enough to say that the volunteers at the battle of San Juan showed themselves to be good soldiers.

I might observe in this connection that nearly all the commanders of both regulars and volunteers in the late war or in the disturbances that have been consequent upon that war have been men who entered the Regular Army from the volunteer service of the United States. Miles and Brooke in Porto Rico, Shafter in Cuba, Otis and MacArthur in the Philippines, are all officers of the Regular Army who were educated in the best possible school of war; that is, on the battlefield.

Mr. MONEY. Major-General Swan, too.

Mr. DANIEL. Yes, sir; and many others might be mentioned.

Mr. MONEY. Lawton.

Mr. DANIEL. Yes; and I might observe, too, that of the most distinguished officers who have recently fallen in battle—Lawton, in the Philippines, and Liscum, in China—one of them went into the Regular Army from the Ninth Indiana Volunteers and the other from the First Vermont Volunteers; and whether you scan the conduct of the commanding officers who have led our troops in the late war or of the enlisted men upon the field, this at least, must be said of both classes, that the officers educated in the volunteer ranks of our forces and the men serving in the volunteer ranks of our forces have shown themselves to be in no respect inferior to those who have had the advantage of regular military education and who went through all grades in the Regular Army of the United States.

It is claimed that the regular officer has a prior lien upon vacancies arising in an increase of the Regular Army. To a certain degree it seems to me that the Regular Army officer is entitled to fair and full consideration. I would not in any respect disparage him, for it may be honestly and sincerely said of the Regular Army officers of this country that, as a rule and with rare exceptions, they are soldiers and gentlemen, well worthy to wear its uniform and to be trusted with its defense, and the good will of all citizens and of all legislators should attend them.

At the same time it must not be forgotten as to the Westpointers that they have from the beginning to the end of their distinctive military careers many advantages which should be accredited to their account. If you take a young man at 17 or 18 years of age and give him an education at Westpoint, he comes from that institution well prepared not only for military service, but for the combat of life in any way, shape, or form that it may assume. The fact that he has accepted an education at the hands of the Government, in which all of his expenses have been paid and peculiar advantages accorded to him, does not give him a high claim upon the Government in the race for any further advantages which may arise in the development of our national affairs. He has already been well paid for the time he consumes in preparing himself for its service.

At the end of his career, too, Mr. President, he has an advantage which does not come to the volunteer and one that only comes to a rare number of our countrymen. He has the knowledge in his mind throughout his service that when old age has crept on the Government will relieve him from duty before he has spent his length of days in the service and provide for him an easy method of retirement with a competence for the remainder of his life.

Now, in the interim, while he should receive such just promotions and acknowledgments of his services as may befit his ability and his distinction, he does not deserve to exclude from a fair share in the honors of military life those who have educated themselves upon the battlefield of the country, at the best school that war has ever had in any generation of men.

While I do not seek in this bill and would oppose any unjust discrimination against regular officers, so will I oppose any unjust discrimination against volunteer officers. And let it be said of the great mass of those who have enlisted in the volunteer service or have been commissioned in it that they have themselves contributed largely to the promotion and distinction of the regular officers. For of the twenty-five hundred and odd regular officers that we have upon the roll of the Regular Army, 233 are now holding volunteer commissions, the associates in volunteer regiments of the colonels, majors, captains, and lieutenants and men who are serving there. So the volunteer service has itself been an assistance to the regular service, even as the regular service has been a substantial educational assistance to it.

I have in my hand, Mr. President, an extract from the report of the Adjutant-General, made at the close of last year. The report is dated October 20, 1900, and the extract covers pages 35 to 63 thereof. It is a chronological list of actions and of losses in the Philippines from February 4, 1899, to June 30, 1900, inclusive. I shall not occupy the time of the Senate in reading the long list of battles, skirmishes, affairs, actions, combats, or whatever you may be pleased to call them, but I shall ask that it may be printed as an appendix to the remarks which I am now making, that the RECORD may bear upon its face some testimony of the value of our American volunteers to their flag and country.

The PRESIDING OFFICER. Without objection, that order will be made.

Mr. DANIEL. Mr. President, a brief synopsis of this statement of battles or actions in the Philippine Islands will show that in the period of seventeen months comprehended in that statement, and up to June 30, 1900, there were twelve hundred and thirteen actions fought. In some of them there were no casualties on our side. It does not follow from that fact that they were not important, that they were not dangerous, or that there were not casualties upon the other side. Some of the great battles of history have been fought with few casualties on the side of the winner. At San Jacinto, which won Texas from Mexico, but one man was killed; and at New Orleans, where the British were decimated, not a dozen Americans were killed.

Let us see what was the part taken in these actions by the volunteers. The number of actions in the Philippines from February 4, 1899, to June 30, 1900, was 1,213. Six hundred and sixteen of them were fought solely by volunteers. One hundred and ninety-nine of them were fought by both volunteers and regulars. Three hundred and ninety-eight were fought by regulars alone. In other words, the volunteers fought in 33 per cent more actions alone than the regulars fought in alone.

The volunteers fought in over 800 of the 1,200 actions, and in 616 of them they had no reenforcement or assistance from the regulars. The regulars fought in 597 actions altogether, and in only 398 without the aid of volunteers. The volunteers fought in 219 more actions than the regulars. I do not think that men who have furnished the forces to fight by themselves 616 actions for the United States, or 1 action for every day and 105 actions over, ought to be told, as they are coming back home from victorious fields that they have won, that there is not a man amongst them whom the Congress of the United States is willing to intrust with a commission in the Regular Army as high even as the rank of captain.

What are soldiers, Mr. President?

> They are but ambition's tools
> To hew a way to her unlawful ends;
> And when they are old and hacked and hewn with service,
> Cast away to rust in peace and rot in hospitals.

That is what a caustic poet said. But if this bill passes in the present form it will be the most painful, practical, matter-of-fact historical illustration of those lines that we can see anywhere in human history. I am not appropriating to this topic that line about "ambition's tools," which attributes "unlawful ends" to the military service in which our soldiers have been employed. I only quoted that line inasmuch as it was in the verse, and I am not now animadverting in any respect upon the character of our war in the Philippine Islands, nor do I intend to intermix any question as to the organization of our Army with the policies which should govern us in making war. But "to rust in peace" now is the doom of the volunteer in this bill after the hospital and battlefield experience of the Philippines is over.

Mr. SPOONER. Will the Senator from Virginia allow me to ask him a question?

Mr. DANIEL. Certainly.

Mr. SPOONER. What the Senator says about the volunteer officers is, of course, true; no one can gainsay it; but could a volunteer officer be appointed a captain without being put ahead for all time, or at least as long as he lives or until he retires, of every first lieutenant in the Regular Army?

Mr. DANIEL. Of course not.

Mr. SPOONER. There can be but one answer to that.

Mr. DANIEL. That is true.

Mr. SPOONER. I presume there are in the Regular Army a great many first lieutenants fighting, and fighting with the utmost gallantry and skill, in the Philippines.

Mr. DANIEL. Undoubtedly there are.

Mr. SPOONER. Now, would it be a fair thing to take a volunteer officer as against all those first lieutenants and put him, as long as he lives, ahead of them in opportunity for promotion to a captaincy?

Mr. DANIEL. Let me put another case to the Senator, and when he answers my question I will answer his question, and frankly. If you take a first lieutenant in the Regular Army and promote him now because he has shown particular gallantry in battle, does he not stand above all the other first lieutenants in the Army?

Mr. SPOONER. They are taken by seniority.

Mr. DANIEL. I do not think you ought to do that. I am going to attack that also. I do not think seniority ought to be made the invariable rule.

Mr. SPOONER. Then you open the door——

Mr. DANIEL. You open the door for brave men and distinguished men to walk in.

Mr. SPOONER. Not only that, but you open the door for political and personal and social influence.

Mr. DANIEL. When you get the good you are bound to take

the bad with it. They are inseparable in nature. "There is none perfect. No; not one."

Mr. SPOONER. But do you not take more bad than good?

Mr. DANIEL. When you have a bad Administration you do, but when you have a good Administration you get more good than bad. If you have a bad Administration you get more bad than good. I am not reflecting on this Administration at all; I am only trying to answer according to the fact, for this Administration has a great deal of good in it, but I think also it is human. What Administration is not?

Mr. SPOONER. The President would find it difficult to resist a Senator if he had a good case.

Mr. DANIEL. No doubt he would do the best he could.

I think there can be good, honest Senators here, and men who seek nothing in their place but their country's good, and if it were not for the modesty of my learned friend I would say I believe I am addressing one at the present time. I believe, also, in the truth and honesty and patriotism of the great majority of my colleagues of public life. I do not believe that many men are here to serve their country with improper motives.

If a Senator wants to recommend a man for appointment in the Army, he has a right to do it, and I take it for granted that as a rule—he will make mistakes, as everybody else makes mistakes; but in the main and for the most part he will act rightly about it, and I want to give an opportunity to act rightly in behalf of men who have rendered particular service. You have dishonest judges, you have dishonest officers, you have dishonest representatives now and then, but I believe that the great bulk of the world is honest in the performance of its tasks, and if it were not so that we would have gone to pieces and to somewhere else long ago.

Now, the question is whether we must give up absolutely to an ironbound rule, which will destroy the ambition of men to excel in battle and leave their fellows, and make longevity, the mere eking out of existence, the great object to a Regular Army officer in order to get promotion, or to make distinguished valor and distinguished service a thing that has an opportunity to win a star. Every people of military spirit in the world are bound when they go into action to recognize distinguished merit, and no army and no people ought ever to submit to any other rule, by self-accusation that they are not honest enough to observe it without partiality.

Men will always be more or less partial. It has been the rule of the world ever since the world began, but you can not elevate human nature by destroying its good traits in order that you may also destroy its bad traits. You must take the good and the bad together, always striving to give the good the advantage, and in the long run and in most cases it will be a winner. If that were not so, there would be no difference between good and evil, or good in achievement would fall behind the bad.

Mr. President, I was just showing here with reference to the Philippine Islands that more than half of our war there had been conducted and won solely by American volunteers. And while not disparaging the regulars, I only claim for the volunteer that he ought to have some equitable share in those promotions which are consequent upon that war in which he has taken so noble and worthy a part.

Let me further answer the very pertinent question of the distinguished Senator who has just queried me. It is hard for any first lieutenant in the Regular Army to see a volunteer officer step to a higher grade than he possesses. I admit that. But it is also hard for a volunteer, who has served in battles as captain, major, or colonel, turned out wholly, with regular lieutenants taking all the high places. And let it be remembered about the Regular Army, Mr. President, that in this war its numbers have been more than doubled, and that all the officers of the Regular Army have already had, and will in the further increase of the Army have, for a second time, a peculiar opportunity for advancement. There are 400 more regular officers now than there were at the beginning of the Spanish-American war. That means that 400 higher places have been filled by promotions of those who were beneath them, and in a very rapid manner.

Furthermore, it was stated by the chairman of the Military Committee only a day or two ago that the reorganization of the Regular Army would probably find no second lieutenants in it. I know of young men who graduated at Westpoint after the Spanish-American war began who have participated in battles in the Philippine Islands as first lieutenants in the Regular Army. There was one of them from my own State, a gallant young officer from Westpoint, who was wounded at Santiago as soon as he got there, was quickly promoted to the rank of first lieutenant, and who recently died in the Philippines—young Meade, of Clark County, Va. A little later young Bentley, a volunteer captain from my State, was killed there in battle. And many other States of the Union have a like record.

Now, I do not want to, and I will not, disparage officers of either class. My sympathy is with them, and not only with the volunteer, but my sympathy is with every regular officer who is ambitious for promotion and honor in his profession. His is a case that peculiarly appeals to the best sentiments of our hearts for human sympathy; but here, too, is a contest between the two classes of men—the comrades of battle, of wounds, of death—and both of these classes of men are highly deserving, and what I seek to do is, without disparagement of either class, to give to each class an opportunity of fair representation.

Now, you take the men who are majors and colonels of volunteers in the Philippine Islands. A great many of them are men who went there expecting a very short service. When that short service showed that it had not reached its expected result, they were content still to remain. Some of them have been there or elsewhere in the service for two years. They have given up their business and cut themselves off from their former business connections. They will be left as high and dry, so far as business relations are concerned, when they get back to the United States at the end of two years or more of service, as the regular officer would be if he were dismissed from his place in the Regular Army.

Some of them it may be will not desire to go into the Regular Army; probably the majority will not, but some of them have been educated at military schools, just as Westpointers have been. Some of them have been long looking forward to an opportunity of military life and distinction, and when they have seized that opportunity and given up the safety, and the attractions, and the opportunities, and the advantages of wealth that lie in civil life and have gone 7,000 miles away from home to a tropical climate and exposed themselves for two years in front of the enemy, all that I claim is that they ought to have as generous consideration as the Senate is able to give them without trenching unduly upon the appropriate rights of recognition of the officers of the Regular Army.

This, Mr. President, is about all I have to say upon the subject, but I wish that the Senate could have the aid of the distinguished soldiers on the Military Committee, men who are also largely experienced in civil affairs, and in those of the volunteer service, to open up some door here that would not be arbitrary and would not be too wide open to give to our volunteer officers a fair show in the reorganization of the Army.

It is stated by the chairman, I believe, of the Military Committee that as we are not out of sight of war we may anticipate that this is an establishment that will long endure. In my judgment, Mr. President, this country will be fortunate indeed if it shall extricate itself honorably and fairly from the complications which we have gotten into in the Orient without wanting many more men than the hundred thousand that are here provided for in this bill.

I wish that here and now we could recur to the old volunteer system of the United States. I believe it to have been the best system of national defense that the wit of man has ever devised, and I have regretted in the Spanish war, and regret now, any departure from it in any new schemes of military organization.

According to the old system of volunteers, the Federal Government called upon all the States to render to the Federal Government their appropriate proportionate number of men and officers. The States then organized the companies and the battalions, and furnished not only the men, but furnished also the company and regimental officers. The President appointed the general officers, and I believe in many cases the staff officers. With the National Guards at home, with but little expense to the Government, we would under the development of that volunteer system have an inexpensive army in reserve at all times, ready at the tap of a drum to come to the front and be organized, under generals appointed by the Federal President, for the national defense.

Now, Mr. President, there was not only the advantage in that system of a ready and almost instant organization, but there were great advantages of it to the soldiers. When the volunteers came from distinctive communities of our country, each of them had a quartermaster's establishment and a commissariat, with a line of approach to the military camp from the homes of the people.

The people were being constantly advised in their communities of the conditions of the Army, and supplies for the Army from home were constantly reenforcing the supplies furnished by the Government. Home was always in contact with the Army, that was striking for the honor and safety of the country. But when you take volunteers indiscriminately from here and there without social, without domestic, and without local connections, you sever them from the most conservative and the best influences that can follow the soldier in his career, and you cut the soldier off from many adjuncts of military life which would be a strength and a comfort and a solace to him in camp.

In the late war with Spain we organized our volunteers for the first time in American history by conferring upon the President power, or by the assumption of power by the Federal Government, to appoint all the company and all the regimental officers. There was a rush then to the Federal Government from every State in the Union, from California to Texas and from Maine to Florida, and there could not be on the part of the Federal Government that knowledge of the candidates for these positions that exists in local authorities and in influential quarters in the States and cities and counties from whence they came.

Mr. President, if I had authority I would fill this gap that we

now need to be filled according to the dictate of present conditions by calling for American volunteers. I do not believe that they would be lacking. I do not believe that there is any occasion that could arise in the history of our country in which the President would say, "I want 30,000 or 40,000 volunteers," in which the patriotism of the American people would not instantly respond in every State of this Union. I believe it would be better for them to respond with volunteers, and to let the volunteer know that the country always had him in mind and in eye as its natural and prompt defender than to relegate him thus unceremoniously to the rear from battlefields upon which he has evinced his spirit of self-sacrifice and honor and courage, and replace him, officers and men, by those mustered into the regular service of the United States.

Mr. HAWLEY. Will the Senator from Virginia allow me just one remark?

Mr. DANIEL. With pleasure.

Mr. HAWLEY. Is he not aware that every single, solitary soldier down to drummer, both regular and volunteer, is a volunteer now? Every man in the Regular Army is a volunteer.

Mr. DANIEL. That just construes everything away. Of course I know that there has been no conscription in this country. But what does the Senator mean when he makes a report here recommending that the volunteers may be first lieutenants and the regulars may be colonels, if they are all volunteers? If they are all volunteers, then let us put all of our volunteers on the same footing. Why does the Senator so discriminate against one set of volunteers in favor of another set of volunteers? He is discriminating against the volunteers who have fought the battles in favor of volunteers who have not fought so many battles.

Now, Mr. President, as I see I can not have my way as to the reorganization of the Army, I shall only insist upon such reasonable and just changes as seem not only to be compatible with equity, but to be commanded by equity. Let me say further, that when we open a door which makes it possible for some volunteer officers and some volunteer men to remain in the Army of the country which they have served so honorably and well for the last two years, we do not, by any means, determine that they shall hold many, and certainly not all, the places which they are thus made eligible for. Every man in the United States who is 30 years of age and has a home in any State is eligible for the office of Senator, but there is a great deal of difference between being eligible for the office and being selected to fill it, for but 90 after all, at one time, can fill it.

I would not require that the President should appoint one class or another of these officers to many of these places, but I would simply leave it to his wisdom and discretion. I know he will be assailed with political influence. I know that in some cases political influence will procure appointments which it is difficult for the President to resist and which it is difficult for him to be well informed about before he makes them. That is to a degree an evil; but can any system of human concern be devised or recommended that does not bring some evil along with it? Is a Regular Army for life, with retirement and pay of its officers in their latter days, itself an unadulterated good? Do we not know that certain faults arise with all systems, and that republican government itself is full of faults which monarchy would readily alleviate?

We can not devise any system, Mr. President, which has not got all sorts of human faults in it; but the question is, Which system is the most advantageous and which is with the least faults? I believe a system which will keep the Army of the country constantly refreshed with new material from the woods and fields and workshops and countingrooms of the United States is a better system than the structure of a military class which soon becomes inoculated with and saturated with the ideas of militarism.

Take 100 or 200 of the very best men who were ever born upon this earth, isolate them from the rest of the community and put them in a profession, be it military, legal, medical, scientific, or what not, unless their body is constantly refreshed by new material, bringing into it the new ideas which percolate throughout the country, and the popular ideas that obtain with the people, it will be an exclusive class, with little sympathy with other classes of their countrymen. We have seen this in the church in human history; we have seen it in the army in human history; we have seen it upon the bench in human history; we have seen it in legislative bodies in human history, and it manifests itself in all human concerns.

Now, the best compromise of this matter, in my judgment, is to open the door to volunteer appointments, and let the President of the United States make such discriminations in favor of regular officers which their merit and which their service, distinguished by valor or by time or by fidelity, as sound judgment may direct.

If this can not be done, then I hope this amendment at least may be voted for, Mr. President, and that the recommendation of the Lieutenant-General Commanding the Army may be taken. It is a tempering of the wind to the shorn lamb; and as all volunteer officers above the rank of first lieutenant are inevitably, under this bill, to be dropped out of the service without further notice from the Government, it is just, I think, to let the President have the power to appoint some of them, here and there at least, to the command of a company.

APPENDIX.

K.—*Chronological list of actions, with losses, in the Philippine Islands from February 4, 1899, to June 30, 1900, inclusive.*

Date.	Place.	Troops engaged.	Killed.		Wounded.		Names of officers killed or wounded.
			Officers.	Men.	Officers.	Men.	
1899.							
Feb. 4	Manila	1st Colo.; 20th Kan.; 1st Nebr.; C, F, H, I, K, L, M, 1st Mont.; D, E, H, K, 10th Pa.; A, F, G, H, I, K, L, M, 1st S. Dak.; Utah Art.; G, H, K, L, 3d Art.		1	1	5	1st Lieut. C. S. Haughwout, 1st Colo., wounded.
Feb. 5	Chinese hospital	C, F, G, H, I, K, L, 1st Mont.; C, D, E, H, I, K, 10th Pa.; G, H, K, L, 3d Art.				6	
Do	La Loma Church	20th Kans.; 1st S. Dak.; C, D, E, H, I, K, 10th Pa.; B, Utah Art.; G, H, K, L, 3d Art.		10	2	39	Maj. Everhart Bierer, 10th Pa., and 2d Lieut. R. S. Abernethy, 3d Art., wounded.
Do	Pasay	C, E, G, K, L, 4th Cav.; A, C, D, E, F, G, I, K, L, M, 14th Inf.; B, C, D, G, H, K, 1st N. Dak.; A, C, E, F, 1st Tenn.		10	1	34	1st Lieut. James Mitchell, 14th Inf., wounded.
Do	San Juan Hill	1st Nebr.; D, I, 1st Colo.; B, D, L, M, 1st Tenn.; A, B, Utah Art.		4		16	
Do	Santa Ana	1st Cal.; 1st Idaho; 1st Wash.; 1st Wyo.; D, 6th Art.	1	14	4	73	Maj. Edward McConville, 1st Idaho, killed; Capt. Albert H. Otis, 1st Lieut. Edward K. Erwin, 2d Lieut. Joe Smith, 1st Wash., and 1st Lieut. Chas. J. Hogan, 1st Cal., wounded.
Do	Santa Mesa	B, E, F, G, K, L, 1st Colo.; A, Utah Art		4		5	
Do	Singalon	I, 4th Cav.; I, 1st N. Dak					
Feb. 6	Pumping station	1st Nebr.; D, I, 1st Colo.; C, G, K, 2d Oreg.; B, D, L, M, 1st Tenn.; B, I, K, M, 23d Inf.; A, Utah Art.		2		2	
Do	San Pedro Macati	1st Idaho; 1st Cal				2	
Do	Santa Ana	1st Idaho; 1st Wash					
Feb. 7	Caloocan	1st Mont				1	
Do	Near Manila	C, 1st Cal.; B, C, E, I, 20th Kans.; G, H, K, L, 3d Art.	1	2		8	1st Lieut. A. C. Alvord, 20th Kans., killed.
Do	Mariquina	B, I, K, M, 23d Inf.; 1st Nebr.; 2d Oreg					
Feb. 9	Near Manila	G, 1st N. Dak.; B, Utah Art				2	
Do	Pateros	1st Wash.; C, H, 1st Cal					
Do	San Roque	B, C, E, G, I, K, L, M, 51st Iowa; A, D, Cal. Art.; A, Nev. Cav.					
Feb. 10	Caloocan	C, E, G, 4th Cav.; B, I, K, M, 23d Inf.; 1st Idaho; 20th Kans.; 13th Minn.; A, B, D, F, G, I, K, L, M, 1st Mont.; A, B, Utah Art.; D, 6th Art.; G, H, K, L, 3d Art.		5	4	41	Lieut. Col. R. B. Wallace, Capt. W. L. Hill, 2d Lieut. W. C. Gardenshire, 1st Mont., and Capt. C. M. Christy, 20th Kans., wounded.
Feb. 11	do	20th Kans.; D, 13th Minn				6	
Do	Iloilo	G, 6th Art.; 2d Battn., 18th Inf.; 1st Battn., 1st Tenn					
Do	Malabon	1st Idaho			1	1	Capt. T. R. Hamer, 1st Idaho, wounded.
Do	Near Manila	C, F, 14th Inf.; B, Utah Art				3	
Do	Paranaque	K, L, 4th Cav					
Feb. 12	Caloocan	1st Mont.; 20th Kans				2	
Do	Jaro	1st Tenn.; A, B, C, E, H, I, K, L, 18th Inf.; G, 6th Art			1	3	2d Lieut. F. C. Bolles, 18th Inf., wounded.
Do	Malabon	1st Idaho					
Feb. 13	Caloocan	20th Kans				2	
Do	Guadaloupe	D, G, L, M, 1st Cal.; A, B, Utah Art			1		2d Lieut. G. A. Seaman, Utah Art., wounded.
Do	Jolo bridge	B, D, L, M, 1st Tenn.; det. 18th Inf.; G, 6th Art					

Chronological list of actions, with losses, in the Philippine Islands from February 4, 1899, to June 30, 1900, inclusive—Continued.

Date.	Place.	Troops engaged.	Killed.		Wounded.		Names of officers killed or wounded.
			Officers.	Men.	Officers.	Men.	
1899.							
Feb. 14	Jaro	A, 18th Inf		1		1	
Do...	Pateros	C, H, 1st Cal.; 1st Wash				7	
Do...	San Pedro Macati	1st Wash				1	
Feb. 15	Guadaloupe	1st Idaho, Utah Art					
Do...	Mariquina	H, 1st Nebr				1	
Do...	Jolo	B, L, 1st Tenn.; G, 6th Art					
Do...	Parañaque	I, K, 4th Cav				1	
Do...	Pateros	C, D, F, H, 1st Cal					
Do...	San Pedro Macati	1st Wash				1	
Feb. 16	Near Pateros	C, D, F, I, 1st Cal					
Do...	San Pedro Macati	1st Wash				1	
Feb. 17	Caloocan	20th Kans				1	
Do...	Guadaloupe	G, I, L, M, 1st Cal					
Do...	Mariquina road	A, C, E, F, G, I, 1st Nebr			2	6	Capt. A. H. Hollingsworth and 2d Lieut. B. D. Wheadon, 1st Nebr., wounded.
Feb. 19	Aravila	A, B, D, F, L, M, 1st Tenn.; G, 6th Art					
Do...	San Pedro Macati	1st Wash				1	
Feb. 20	Guadaloupe church	K, M, 1st Wash		2			
Do...	San Pedro Macati	L, M, 1st Cal				5	
Feb. 21	....do	K, 1st Cal		1		1	
Feb. 22	Guadaloupe church	E, H, 1st Wash.; H, 2d Oreg		2		4	
Do...	Pumping station	1st Wyo.; D, F, H, K, L, 1st Nebr				3	
Do...	Santalon	....do					
Do...	Tondo	A, E, M, 2d Oreg.; C, D, G, L, M, 13th Minn				3	
Feb. 23	Caloocan	G, H, K, L, 3d Art.; A, Utah Art.; 1st Colo.; 20th Kans.; 1st Mont.; 10th Pa.; 1st S. Dak.	1	3	1	25	2d Lieut. E. S. French, 1st Mont., killed; 2d Lieut. Philip Greenan, 1st Mont., wounded.
Do...	Tondo	G, K, M, 23d Inf.; C, M, 13th Minn.; L, 1st Mont.; E, M, 2d Oreg.		1	1	9	Capt. Noyes C. Robinson, 13th Minn., wounded.
Feb. 24	Caloocan	G, H, K, L, 3d Art.; 20th Kans.; 1st Mont			1	5	1st Lieut. W. A. Callahan, 20th Kans., wounded.
Do...	Cruznaligas	A, Utah Art.; C, G, K, 2d Oreg.; A, 1st Nebr				1	
Do...	La Paz	G, H, I, K, 1st Tenn.; G, 6th Art					
Do...	San Pedro Macati	C, D, F, H, 1st Idaho				1	
Feb. 25	Caloocan	20th Kans				1	
Do...	Manduriao	G, H, I, K, 1st Tenn.; G, 6th Art					
Feb. 26	Caloocan	H, 13th Minn.; 20th Kans.; 1st Mont.; 10th Pa				4	
Feb. 27	Near Caloocan	1st S. Dak				2	
Do...	San Pedro Macati	1st Cal				1	
Feb. 28	Caloocan	20th Kans., 1st Mont	1			3	Capt. D. S. Elliott, 20th Kans., killed.
Do...	San Pedro Macati	K, F, 1st Cal				2	
Mar. 1	Jaro	A, B, C, E, H, I, K, L, 18th Inf.; G, 6th Art		1			
Mar. 2	Caloocan	1st Mont				1	
Do...	San Roque	A, Cal. Art.; Wyo. Lt. Batty.; det. 51st Iowa				1	
Mar. 3	La Paz	1st Tenn.; G, 6th Art					
Do...	San Pedro Macati	1st Wash.; A, B, Utah Art				3	
Mar. 4	Laguna de Bay	G, 3d Art		1		1	
Do...	San Pedro Macati	E, L, 23d Inf.; G, L, 1st Cal				3	
Mar. 5	Mariquina road	B, E, H, 1st Nebr.; C, E, G, K, 2d Oreg					
Mar. 6	Manila	Hosp. Corps				1	
Do...	Mariquina road	A, Utah Art.; A, D, F, I, 1st Nebr.; C, E, G, K, 2d Oreg				5	
Do...	Pumping station	A, Utah Art.; K, L, M, 1st Nebr.; Hosp. Corps				1	
Do...	San Pedro Macati	1st Wash.; D, 6th Art				2	
Mar. 7	Pumping station	A, Utah Art.; A, H, I, M, 20th Inf.; B, E, G, H, I, K, M, 1st Nebr.; 1st Wyo.		2	2	6	Capt. Claude H. Ough, 1st Nebr., and Capt. J. D. O'Brien, 1st Wyo., wounded.
Do...	San Pedro Macati	1st Wash		1		1	
Do...	San Juan del Monte	1st Wyo.; A, Utah Art					
Mar. 10	Caloocan	20th Kans		1		1	
Do...	San Pedro Macati	C, D, F, H, 1st Idaho			1		Capt. Edward Smith, 1st Idaho, wounded.
Mar. 11	....do	B, C, H, L, 22d Inf				1	
Mar. 12	Caloocan	C, 20th Kans				1	
Do...	San Pedro Macati	A, B, C, D, E, G, K, M, 2d Oreg					
Do...	Caloocan	20th Kans		1			
Mar. 13	Guadaloupe church	E, I, K, 4th Cav.; D, 6th Art.; A, Utah Art.; 20th Inf.; A, B, D, E, G, I, L, M, 2d Oreg.; C, D, E, G, H, K, L, M, 1st Wash.; 22d Inf.		3		20	
Mar. 14	Guadaloupe	A, B, Utah Art.; D, K, 20th Inf.; E, I, 2d Oreg					
Do...	Pasig	A, B, Utah Art.; A, B, C, E, G, I, L, M, 2d Oreg				4	
Do...	Pateros	E, I, K, 4th Cav.; D, 6th Art.; C, D, E, L, 1st Wash		1	1	4	Capt. Fred. Wheeler, 4th Cav., wounded.
Mar. 15	Caloocan	1st Mont		1			
Do...	Pasig	E, I, K, 4th Cav.; D, 6th Art.; A, B, Utah Art.; 20th Inf.; B, D, E, I, L, M, 2d Oreg.		1		3	
Do...	Taguig	C, D, E, G, K, L, 1st Wash.; D, 6th Art					
Mar. 16	Cainta	C, F, G, L, 20th Inf		3		13	
Do...	Jaro bridge	G, 6th Art.; A, B, C, E, H, I, K, L, 18th Inf.; L, 1st Cal.; B, C, L, M, 1st Tenn.		1		15	
Do...	Mariquina	B, I, K, 1st Colo			1	3	Maj. C. H. Anderson, 1st Colo., wounded.
Do...	San Pedro Macati	C, D, F, H, 1st Idaho				1	
Mar. 17	La Loma church	Det. 10th Pa.; A, Utah Art					
Mar. 18	Taguig	G, H, 1st Wash.; D, E, G, M, 22d Inf		3	1	16	Capt. F. B. Jones, 22d Inf., wounded.
Mar. 19	Laguna de Bay	2d Oreg		1		1	
Do...	Taguig	C, D, H, K, M, 1st Wash.; D, E, G, M, 22d Inf				5	
Mar. 20	Binangonan	A, Utah Art					
Mar. 21	Mariquina road	E, 1st Colo				1	
Mar. 23	Caloocan	20th Kans		1		1	
Mar. 24	....do	....do				3	
Mar. 25	Bacza	E, I, K, 4th Cav				1	
Do...	Bonloc	Hdqrs. 3d Brig., 2d Div., 8th A. C., and scouts			1		Capt. C. D. Clay, 17th Inf., A. A. G., wounded.
Do...	Caloocan	22d Inf.; 20th Kans.; Hosp. Corps		2	2	27	Capt. A. G. Clark, 20th Kans., and Lieut. H. L. Jackson, 22d Inf., wounded.
Do...	La Loma church	E, I, K, 4th Cav.; G, H, K, L, 3d Art.; A, Utah Art., 1st Mont.		8	2	50	2d Lieut. W. S. Overton, 3d Art., and 2d Lieut. Myles Kelly, 1st Mont., wounded.
Do...	Malabon	E, I, K, 4th Cav.; E, F, G, M, 3d Inf.; 22d Inf.; 1st Mont.; 2d Oreg.; Hosp. Corps.		11	2	56	Capt. H. L. Wells and 1st Lieut. A. J. Brazee, 2d Oreg., wounded.
Do...	Mariquina road	4th Inf.; 13th Minn.; A, E, M, 1st Colo.; A, Utah Art	1			17	Capt. J. S. Stewart, 1st Colo., killed.
Do...	San Francisco del Monte	G, H, K, L, 3d Art.; D, 6th Art.; A, B, Utah Art.; 20th Kans.; 1st Nebr.; 10th Pa.; 1st S. Dak.		2	3	19	Capt. Lee Forby, Capt. W. C. Taylor, 1st Lieut. J. A. Storch, 1st Nebr., wounded.
Mar. 26	Caloocan	G, 13th Minn				1	
Do...	Malabon	A, 1st Idaho				1	
Do...	Melinto	G, H, K, L, 3d Art.; B, D, E, L, 23d Inf.; 22d Inf.; 2d Oreg	1	2		13	Col. H. C. Egbert, 22d Inf., killed.
Do...	Meycauayan	E, I, K, 4th Cav.; D, 6th Art.; 20th Kans.; 1st Mont.; 1st Nebr.; 10th Pa.; 1st S. Dak.	1	2	3	23	1st Lieut. M. G. Krayenbuhl, 3d Art., killed; Brig. Gen. Irving Hale, U. S. V., Maj. Surg. F. J. Adams, 1st Mont., and Capt. C. H. Engleshy, 1st S. Dak., wounded.

now need to be filled according to the dictate of present conditions by calling for American volunteers. I do not believe that they would be lacking. I do not believe that there is any occasion that could arise in the history of our country in which the President would say, "I want 30,000 or 40,000 volunteers," in which the patriotism of the American people would not instantly respond in every State of this Union. I believe it would be better for them to respond with volunteers, and to let the volunteer know that the country always had him in mind and in eye as its natural and prompt defender than to relegate him thus unceremoniously to the rear from battlefields upon which he has evinced his spirit of self-sacrifice and honor and courage, and replace him, officers and men, by those mustered into the regular service of the United States.

Mr. HAWLEY. Will the Senator from Virginia allow me just one remark?

Mr. DANIEL. With pleasure.

Mr. HAWLEY. Is he not aware that every single, solitary soldier down to drummer, both regular and volunteer, is a volunteer now? Every man in the Regular Army is a volunteer.

Mr. DANIEL. That just construes everything away. Of course I know that there has been no conscription in this country. But what does the Senator mean when he makes a report here recommending that the volunteers may be first lieutenants and the regulars may be colonels, if they are all volunteers? If they are all volunteers, then let us put all of our volunteers on the same footing. Why does the Senator so discriminate against one set of volunteers in favor of another set of volunteers? He is discriminating against the volunteers who have fought the battles in favor of volunteers who have not fought so many battles.

Now, Mr. President, as I see I can not have my way as to the reorganization of the Army, I shall only insist upon such reasonable and just changes as seem not only to be compatible with equity, but to be commanded by equity. Let me say further, that when we open a door which makes it possible for some volunteer officers and some volunteer men to remain in the Army of the country which they have served so honorably and well for the last two years, we do not, by any means, determine that they shall hold many, and certainly not all, the places which they are thus made eligible for. Every man in the United States who is 30 years of age and has a home in any State is eligible for the office of Senator, but there is a great deal of difference between being eligible for the office and being selected to fill it, for but 90 after all, at one time, can fill it.

I would not require that the President should appoint one class or another of these officers to many of these places, but I would simply leave it to his wisdom and discretion. I know he will be assailed with political influence. I know that in some cases political influence will procure appointments which it is difficult for the President to resist and which it is difficult for him to be well informed about before he makes them. That is to a degree an evil; but can any system of human concern be devised or recommended that does not bring some evil along with it? Is a Regular Army for life, with retirement and pay of its officers in their latter days, itself an unadulterated good? Do we not know that certain faults arise with all systems, and that republican government itself is full of faults which monarchy would readily alleviate?

We can not devise any system, Mr. President, which has not got all sorts of human faults in it; but the question is, Which system is the most advantageous and which is with the least faults? I believe a system which will keep the Army of the country constantly refreshed with new material from the woods and fields and workshops and countingrooms of the United States is a better system than the structure of a military class which soon becomes inoculated with and saturated with the ideas of militarism.

Take 100 or 200 of the very best men who were ever born upon this earth, isolate them from the rest of the community and put them in a profession, be it military, legal, medical, scientific, or what not, unless their body is constantly refreshed by new material, bringing into it the new ideas which percolate throughout the country, and the popular ideas that obtain with the people, it will be an exclusive class, with little sympathy with other classes of their countrymen. We have seen this in the church in human history; we have seen it in the army in human history; we have seen it upon the bench in human history; we have seen it in legislative bodies in human history, and it manifests itself in all human concerns.

Now, the best compromise of this matter, in my judgment, is to open the door to volunteer appointments, and let the President of the United States make such discriminations in favor of regular officers which their merit and which their service, distinguished by valor or by time or by fidelity, as sound judgment may direct.

If this can not be done, then I hope this amendment at least may be voted for, Mr. President, and that the recommendation of the Lieutenant-General Commanding the Army may be taken. It is a tempering of the wind to the shorn lamb; and as all volunteer officers above the rank of first lieutenant are inevitably, under this bill, to be dropped out of the service without further notice from the Government, it is just, I think, to let the President have the power to appoint some of them, here and there at least, to the command of a company.

APPENDIX.

K.—*Chronological list of actions, with losses, in the Philippine Islands from February 4, 1899, to June 30, 1900, inclusive.*

Date.	Place.	Troops engaged.	Killed.		Wounded.		Names of officers killed or wounded.
			Officers.	Men.	Officers.	Men.	
1899.							
Feb. 4	Manila	1st Colo.; 20th Kan.; 1st Nebr.; C, F, H, I, K, L, M, 1st Mont.; D, E, H, K, 10th Pa.; A, F, G, H, I, K, L, M, 1st S. Dak.; Utah Art.; G, H, K, L, 3d Art.	.....	1	1	5	1st Lieut. C. S. Haughwout, 1st Colo., wounded.
Feb. 5	Chinese hospital	C, F, G, H, I, K, L, 1st Mont.; C, D, E, H, I, K, 10th Pa.; G, H, K, L, 3d Art.	.....	.....	.....	6	
Do	La Loma Church	20th Kans.; 1st S. Dak.; C, D, E, H, I, K, 10th Pa.; B, Utah Art.; G, H, K, L, 3d Art.	.....	10	2	39	Maj. Everhart Bierer, 10th Pa., and 2d Lieut. R. S. Abernethy, 3d Art., wounded.
Do	Pasay	C, E, G, K, L, 4th Cav.; A, C, D, E, F, G, I, K, L, M, 14th Inf.; B, C, D, G, H, K, 1st N. Dak.; A, C, E, F, 1st Tenn.	.....	10	1	34	1st Lieut. James Mitchell, 14th Inf., wounded.
Do	San Juan Hill	1st Nebr.; D, I, 1st Colo.; B, D, L, M, 1st Tenn.; A, B, Utah Art.	.....	4	.....	16	
Do	Santa Ana	1st Cal.; 1st Idaho; 1st Wash.; 1st Wyo.; D, 6th Art.	1	14	4	73	Maj. Edward McConville, 1st Idaho, killed; Capt. Albert H. Otis, 1st Lieut. Edward K. Erwin, 2d Lieut. Joe Smith, 1st Wash., and 1st Lieut. Chas. J. Hogan, 1st Cal., wounded.
Do	Santa Mesa	B, E, F, G, K, L, 1st Colo.; A, Utah Art.	.....	4	.....	5	
Do	Singalon	I, 4th Cav.; I, 1st N. Dak.	.....	.....	.....	.....	
Feb. 6	Pumping station	1st Nebr.; D, I, 1st Colo.; C, G, K, 2d Oreg.; B, D, L, M, 1st Tenn.; B, I, K, M, 23d Inf.; A, Utah Art.	.....	2	.....	2	
Do	San Pedro Macati	1st Idaho; 1st Cal	.....	.....	.....	2	
Do	Santa Ana	1st Idaho; 1st Wash.	.....	.....	.....	.....	
Feb. 7	Caloocan	1st Mont	.....	.....	.....	1	
Do	Near Manila	C, 1st Cal.; B, C, E, I, 20th Kans.; G, H, K, L, 3d Art.	1	2	.....	8	1st Lieut. A. C. Alvord, 20th Kans., killed.
Do	Mariquina	B, I, K, M, 23d Inf.; 1st Nebr.; 2d Oreg	.....	.....	.....	.....	
Feb. 9	Near Manila	G, 1st N. Dak.; B, Utah Art	.....	.....	.....	2	
Do	Pateros	1st Wash.; C, H, 1st Cal	.....	.....	.....	.....	
Do	San Roque	B, C, E, G, I, K, L, M, 51st Iowa; A, D, Cal. Art.; A, Nev. Cav.	.....	.....	.....	.....	
Feb. 10	Caloocan	C, E, G, 4th Cav.; B, I, K, M, 23d Inf.; 1st Idaho; 20th Kans.; 13th Minn.; A, B, D, F, G, I, K, L, M, 1st Mont.; A, B, Utah Art.; D, 6th Art.; G, H, K, L, 3d Art.	.....	5	4	41	Lieut. Col. R. B. Wallace, Capt. W. L. Hill, 2d Lieut. W. C. Gardenshire, 1st Mont., and Capt. C. M. Christy, 20th Kans., wounded.
Feb. 11	do	20th Kans.; D, 13th Minn	.....	.....	.....	6	
Do	Iloilo	G, 6th Art.; 2d Battn., 18th Inf.; 1st Battn., 1st Tenn	.....	.....	.....	.....	
Do	Malabon	1st Idaho	.....	.....	1	1	Capt. T. R. Hamer, 1st Idaho, wounded.
Do	Near Manila	C, F, 14th Inf.; B, Utah Art	.....	.....	.....	3	
Do	Paranaque	K, L, 4th Cav	.....	.....	.....	.....	
Feb. 12	Caloocan	1st Mont.; 20th Kans	.....	.....	.....	2	
Do	Jaro	1st Tenn.; A, B, C, E, H, I, K, L, 18th Inf.; G, 6th Art	.....	.....	1	3	2d Lieut. F. C. Bolles, 18th Inf., wounded.
Do	Malabon	1st Idaho	.....	.....	.....	.....	
Feb. 13	Caloocan	20th Kans	.....	.....	.....	2	
Do	Guadaloupe	D, G, L, M, 1st Cal.; A, B, Utah Art	.....	.....	1	.....	2d Lieut. G. A. Seaman, Utah Art., wounded.
Do	Jolo bridge	B, D, L, M, 1st Tenn.; det. 18th Inf.; G, 6th Art	.....	.....	.....	.....	

Chronological list of actions, with losses, in the Philippine Islands from February 4, 1899, to June 30, 1900, inclusive—Continued.

Date.	Place.	Troops engaged.	Killed.		Wounded.		Names of officers killed or wounded.
			Officers.	Men.	Officers.	Men.	
1899.							
Feb. 14	Jaro	A, 18th Inf		1		1	
Do	Pateros	C, H, 1st Cal.; 1st Wash				7	
Do	San Pedro Macati	1st Wash				1	
Feb. 15	Guadaloupe	1st Idaho, Utah Art					
Do	Mariquina	H, 1st Nebr				1	
Do	Jolo	B, L, 1st Tenn.; G, 6th Art					
Do	Paranaque	I, K, 4th Cav				1	
Do	Pateros	C, D, F, H, 1st Cal					
Do	San Pedro Macati	1st Wash				1	
Feb. 16	Near Pateros	C, D, F, I, 1st Cal					
Do	San Pedro Macati	1st Wash				1	
Feb. 17	Caloocan	20th Kans				1	
Do	Guadaloupe	G, I, L, M, 1st Cal					
Do	Mariquina road	A, C, E, F, G, I, 1st Nebr			2	6	Capt. A. H. Hollingsworth and 2d Lieut. B. D. Wheadon, 1st Nebr., wounded.
Feb. 19	Aravila	A, B, D, F, L, M, 1st Tenn.; G, 6th Art					
Do	San Pedro Macati	1st Wash				1	
Feb. 20	Guadaloupe church	K, M, 1st Wash		2			
Do	San Pedro Macati	L, M, 1st Cal				5	
Feb. 21	do	K, 1st Cal		1		1	
Feb. 22	Guadaloupe church	E, H, 1st Wash.; H, 2d Oreg		2		4	
Do	Pumping station	1st Wyo.; D, F, H, K, L, 1st Nebr				3	
Do	Santalon	do					
Do	Tondo	A, E, M, 2d Oreg.; C, D, G, L, M, 13th Minn				3	
Feb. 23	Caloocan	G, H, K, L, 3d Art.; A, Utah Art.; 1st Colo.; 20th Kans.; 1st Mont.; 10th Pa.; 1st S. Dak.	1	3	1	23	2d Lieut. E. S. French, 1st Mont., killed; 2d Lieut. Philip Greenan, 1st Mont., wounded.
Do	Tondo	G, K, M, 23d Inf.; C, M, 13th Minn.; L, 1st Mont.; E, M, 2d Oreg.		1	1	9	Capt. Noyes C. Robinson, 13th Minn., wounded.
Feb. 24	Caloocan	G, H, K, L, 3d Art.; 20th Kans.; 1st Mont			1	5	1st Lieut. W. A. Callahan, 20th Kans., wounded.
Do	Cruznaligas	A, Utah Art.; C, G, K, 2d Oreg.; A, 1st Nebr				1	
Do	La Paz	G, H, I, K, 1st Tenn.; G, 6th Art					
Do	San Pedro Macati	C, D, F, H, 1st Idaho				1	
Feb. 25	Caloocan	20th Kans				1	
Do	Manduriao	G, H, I, K, 1st Tenn.; G, 6th Art					
Feb. 26	Caloocan	H, 13th Minn.; 20th Kans.; 1st Mont.; 10th Pa				4	
Feb. 27	Near Caloocan	1st S. Dak				2	
Do	San Pedro Macati	1st Cal				1	
Feb. 28	Caloocan	20th Kans., 1st Mont	1			3	Capt. D. S. Elliott, 20th Kans., killed.
Do	San Pedro Macati	K, F, 1st Cal				2	
Mar. 1	Jaro	A, B, C, E, H, I, K, L, 18th Inf.; G, 6th Art		1			
Mar. 2	Caloocan	1st Mont				1	
Do	San Roque	A, Cal. Art.; Wyo. Lt. Batty.; det. 51st Iowa				1	
Mar. 3	La Paz	1st Tenn.; G, 6th Art					
Do	San Pedro Macati	1st Wash.; A, B, Utah Art				3	
Mar. 4	Laguna de Bay	G, 3d Art		1		1	
Do	San Pedro Macati	E, L, 23d Inf.; G, L, 1st Cal				3	
Mar. 5	Mariquina road	B, E, H, 1st Nebr.; C, E, G, K, 2d Oreg					
Mar. 6	Manila	Hosp. Corps				1	
Do	Mariquina road	A, Utah Art.; A, D, F, I, 1st Nebr.; C, E, G, K, 2d Oreg				5	
Do	Pumping station	A, Utah Art.; K, L, M, 1st Nebr.; Hosp. Corps				1	
Do	San Pedro Macati	1st Wash.; D, 6th Art				2	
Mar. 7	Pumping station	A, Utah Art.; A, H, I, M, 20th Inf.; B, E, G, H, I, K, M, 1st Nebr.; 1st Wyo.		2	2	6	Capt. Claude H. Ough, 1st Nebr., and Capt. J. D. O'Brien, 1st Wyo., wounded.
Do	San Pedro Macati	1st Wash		1		1	
Do	San Juan del Monte	1st Wyo.; A, Utah Art					
Mar. 10	Caloocan	20th Kans		1		1	
Do	San Pedro Macati	C, D, F, H, 1st Idaho			1		Capt. Edward Smith, 1st Idaho, wounded.
Mar. 11	do	B, C, H, L, 22d Inf				1	
Mar. 12	Caloocan	C, 20th Kans				1	
Do	San Pedro Macati	A, B, C, D, E, G, K, M, 2d Oreg					
Do	Caloocan	20th Kans		1			
Mar. 13	Guadaloupe church	E, I, K, 4th Cav.; D, 6th Art.; A, Utah Art.; 20th Inf.; A, B, D, E, G, I, L, M, 2d Oreg.; C, D, E, G, H, K, L, M, 1st Wash.; 22d Inf.		3		20	
Mar. 14	Guadaloupe	A, B, Utah Art.; D, K, 20th Inf.; E, I, 2d Oreg					
Do	Pasig	A, B, Utah Art.; A, B, C, E, G, I, L, M, 2d Oreg				4	
Do	Pateros	E, I, K, 4th Cav.; D, 6th Art.; C, D, E, L, 1st Wash		1	1	4	Capt. Fred. Wheeler, 4th Cav., wounded.
Mar. 15	Caloocan	1st Mont		1			
Do	Pasig	E, I, K, 4th Cav.; D, 6th Art.; A, B, Utah Art.; 20th Inf.; B, D, E, I, L, M, 2d Oreg.		1		3	
Do	Taguig	C, D, E, G, K, L, 1st Wash.; D, 6th Art					
Mar. 16	Cainta	C, F, G, L, 20th Inf		2		13	
Do	Jaro bridge	G, 6th Art.; A, B, C, E, H, I, K, L, 18th Inf.; L, 1st Cal.; B, C, L, M, 1st Tenn.		1		15	
Do	Mariquina	B, I, K, 1st Colo			1	3	Maj. C. H. Anderson, 1st Colo., wounded.
Do	San Pedro Macati	C, D, F, H, 1st Idaho				1	
Mar. 17	La Loma church	Det. 10th Pa.; A, Utah Art					
Mar. 18	Taguig	G, H, 1st Wash.; D, E, G, M, 22d Inf		3	1	16	Capt. F. B. Jones, 22d Inf., wounded.
Mar. 19	Laguna de Bay	2d Oreg		1		1	
Do	Taguig	C, D, H, K, M, 1st Wash.; D, E, G, M, 22d Inf				5	
Mar. 20	Binangonan	A, Utah Art					
Mar. 21	Mariquina road	E, 1st Colo				1	
Mar. 23	Caloocan	20th Kans		1		1	
Mar. 24	do	do				3	
Mar. 25	Bacza	E, I, K, 4th Cav				1	
Do	Bonloc	Hdqrs. 3d Brig., 2d Div., 8th A. C., and scouts			1		Capt. C. D. Clay, 17th Inf., A. A. G., wounded.
Do	Caloocan	22d Inf.; 20th Kans.; Hosp. Corps		2	2	27	Capt. A. G. Clark, 20th Kans., and Lieut. H. L. Jackson, 22d Inf., wounded.
Do	La Loma church	E, I, K, 4th Cav.; G, H, K, L, 3d Art.; A, Utah Art., 1st Mont.		8	2	50	2d Lieut. W. S. Overton, 3d Art., and 2d Lieut. Myles Kelly, 1st Mont., wounded.
Do	Malabon	E, I, K, 4th Cav.; E, F, G, M, 3d Inf.; 22d Inf.; 1st Mont.; 2d Oreg.; Hosp. Corps.		11	2	56	Capt. H. L. Wells and 1st Lieut. A. J. Brazee, 2d Oreg., wounded.
Do	Mariquina road	4th Inf.; 13th Minn.; A, E, M, 1st Colo.; A, Utah Art	1			17	Capt. J. S. Stewart, 1st Colo., killed.
Do	San Francisco del Monte	G, H, K, L, 3d Art.; D, 6th Art.; A, B, Utah Art.; 20th Kans.; 1st Nebr.; 10th Pa.; 1st S. Dak.		2	3	19	Capt. Lee Forby, Capt. W. C. Taylor, 1st Lieut. J. A. Storch, 1st Nebr., wounded.
Mar. 26	Caloocan	G, 13th Minn				1	
Do	Malabon	A, 1st Idaho				1	
Do	Melinto	G, H, K, L, 3d Art.; B, D, E, L, 23d Inf.; 22d Inf.; 2d Oreg.	1	2		13	Col. H. C. Egbert, 22d Inf., killed.
Do	Meycauayan	E, I, K, 4th Cav.; D, 6th Art.; 20th Kans.; 1st Mont.; 1st Nebr.; 10th Pa.; 1st S. Dak.	1	2	3	23	1st Lieut. M. G. Krayenbuhl, 3d Art., killed; Brig. Gen. Irving Hale, U. S. V., Maj. Surg. F. J. Adams, 1st Mont., and Capt. C. H. Englesby, 1st S. Dak., wounded.

Chronological list of actions, with losses, in the Philippine Islands from February 4, 1899, to June 30, 1900, inclusive—Continued.

Date.	Place.	Troops engaged.	Killed.		Wounded.		Names of officers killed or wounded.
			Officers.	Men.	Officers.	Men.	
1899.							
Mar. 26	Pasig	1st Wash.; A, Utah Art	1	1		6	Capt. G. H. Fortson, 1st Wash., killed.
Mar. 27	Marilao River	E, I, K, 4th Cav.; G, H, K, L, 3d Art.; D, 6th Art.; A, B, Utah Art.; H, 1st Colo.; 22d Inf.; 20th Kans.; 1st Mont.; 1st Nebr.; 10th Pa.		5	2	98	Capt. C. W. Jens, 10th Pa., and 2d Lieut. L. England, 3d Art., wounded.
Mar. 28	Marilao	1st Nebr., 10th Pa., 1st S. Dak	3	6	1	24	1st Lieut. J. H. Lien, 1st Lieut. F. H. Adams, and 2d Lieut. S. E. Morrison, 1st S. Dak., killed; Lieut. P. D. McClelland, 1st S. Dak., wounded.
Mar. 29	Guiguinto	E, I, K, 4th Cav.; G, H, L, 3d Art.; D, 6th Art.; B, Utah Art.; 22d Inf.; 20th Kans.; 1st Mont.; 1st Nebr.; 1st Colo.		5	3	55	Maj. W. S. Metcalf, Capt. W. J. Watson, 20th Kans., and 1st Lieut. F. L. Perry, 1st Colo., wounded.
Do	Melinto	2d Oreg., 10th Pa., 1st S. Dak		2	2	25	Col. A. L. Hawkins and 1st Lieut. Blaine Aiken, 10th Pa., wounded.
Mar. 30	Malolos	E, I, K, 4th Cav.; G, H, K, L, 3d Art.; D, 6th Art.; Utah Art.; B, 3d Inf.; 22d Inf.; 23d Inf.; 20th Kans.; 1st Mont.; 1st Nebr.; 10th Pa.; 1st S. Dak.		4		25	
Do	Mariquina road	E, 1st Colo				1	
Mar. 31	Malolos	E, I, K, 4th Cav.; G, H, K, L, 3d Art.; D, 6th Art.; Utah Art.; 3d Inf.; A, B, F, G, H, I, K, M, 22d Inf.; 23d Inf.; 20th Kans.; 1st Mont.; 1st Nebr.; 10th Pa.; 1st S. Dak.		1	1	18	2d Lieut. C. B. Humphrey, 3d Inf., wounded.
Do	Mariquina Valley	Utah Art.; 4th Inf.; C, D, E, L, 23d Inf.; C, D, E, G, 1st Colo.	1			17	1st Lieut. J. C. Gregg, 4th Inf., killed.
Do	Taytay	A, Utah Art					
Apr. 1	Melinto	C, G, K, 2d Oreg					
Do	San Nicolas	A, D, 1st N. Dak			1	2	2d Lieut. D. Baldwin, jr., 1st N. Dak. wounded.
Apr. 4	Calumpit	1st Mont					
Do	Near Malolos	do		1		3	
Apr. 7	Santa Maria	L, 2d Oreg.; B, Utah Art					
Apr. 9	Malolos	20th Kans					
Do	Santa Cruz	C, G, L, 4th Cav.; D, 6th Art.; A, C, D, E, G, I, K, L, 14th Inf.; A, C, D, F, 1st Idaho; C, D, I, K, 1st N. Dak.; det. 1st Wash.			1	4	1st Lieut E. E. Southern, 1st Wash. wounded.
Do	Taguig	D, H, 1st Wash				1	
Apr. 10	Binan	Hospital Corps				1	
Do	Guiguinto	13th Minn		1		1	
Do	Paete	C, G, L, 4th Cav.; D, 6th Art.; A, C, D, E, G, I, K, L, 14th Inf.; C, D, I, K, 1st N. Dak.; dets. 1st Idaho and 1st Wash.					
Do	Santa Cruz	C, G, L, 4th Cav.; 14th Inf			1	3	2d Lieut. Le Roy Eltinge, 4th Cav. wounded.
Apr. 11	Guiguinto	13th Minn		1	1	10	1st Lieut. C. N. Clark, 13th Minn., wounded.
Do	Marilao	A, L, M, 2d Oreg		3		2	
Do	Pagsajan	C, D, G, I, K, 1st N. Dak.; B, Utah Art					
Do	San Pedro Macati	H, 1st N. Dak				1	
Do	Santa Cruz	14th Inf				3	
Apr. 12	Paete	C, D, I, K, 1st N. Dak		5		2	
Do	Santa Maria	13th Minn.; A, B, C, D, E, F, I, K, L, 2d Oreg				1	
Apr. 13	Malolos	G, H, K, L, 3d Art.; B, 1st Mont		2	1	5	2d Lieut. C. H. Lanza, 3d Art., wounded.
Apr. 15	Marilao	2d Oreg			1		2d Lieut. J. A. Young, 2d Oreg., wounded
Apr. 20	Guiguinto	A, 13th Minn.; D, H, 1st Wash				4	
Apr. 21	Near Guiguinto	F, 13th Minn				1	
Apr. 22	Novaliches	C, G, L, 4th Cav.; D, 6th Art.; Utah Art.; A, C, F, G, H, K, L, M, 3d Inf.; 22d Inf.; 1st N. Dak.				1	
Do	San Bartolome	1st N. Dak					
Apr. 23	Quingua	I, K, 4th Cav.; D, E, G, I, K, L, 51st Iowa; 1st Nebr	2	5	2	43	Col. J. M. Stotzenburg and 2d Lieut. L. E. Sisson, 1st Nebr., killed; 1st Lieut. A. S. Wadsworth and 1st Lieut. W. K. Moore, 1st Nebr., wounded.
Apr. 24	Bagbag River	20th Kans.; 1st Mont.; 1st Nebr.; Hosp. Corps		1			
Do	Lagundi	20th Kans.; 1st Mont.; 1st Nebr.; 1st S. Dak				1	
Do	Norzagaray	I, 4th Cav.; B, Utah Art.; C, D, E, G, H, K, L, M, 13th Minn.; A, B, F, G, I, K, L, 2d Oreg.				3	
Do	Pulilan	E, K, 4th Cav.; A, Utah Art.; 51st Iowa; 1st Nebr.; 1st S. Dak.		5	3	12	Maj. W. J. Duggan, 51st Iowa, Capt. E. A. Wedgwood, Utah Art., and 2d Lieut. W. G. Duncan, 1st Nebr., wounded.
Apr. 25	Angat	B, Utah Art.; 1st N. Dak.; C, D, E, G, H, K, L, M, 13th Minn.; A, B, C, D, E, G, I, K, L, M, 2d Oreg.				1	
Do	Bagbag River	A, B, Utah Art.; 20th Kans.; 1st Mont				5	
Do	Calumpit	E, K, 4th Cav.; D, 6th Art.; B, Utah Art.; 51st Iowa; 1st Nebr.; 1st S. Dak.; Hosp. Corps.		5	2	32	Maj. F. D. Eager, 1st Nebr., and 2d Lieut. W. S. Doolittle, 1st S. Dak., wounded.
Do	Norzagaray	I, 4th Cav.; B, Utah Art.; C, D, E, G, H, K, L, M, 13th Minn.; A, B, F, G, I, K, L, 2d Oreg.			1	1	Maj. Surg. W. H. Ellis, 2d Oreg., wounded.
Apr. 26	Angat	13th Minn.; 1st N. Dak.; B, F, K, M, 2d Oreg					
Do	Near Calumpit	A, B, Utah Art.; 20th Kans.; 1st Mont.; Hosp. Corps		4	1	10	2d Lieut. C. H. Ball, 20th Kans., wounded.
Do	Calumpit	1st Nebr				1	
Apr. 27	Apalit	A, B, Utah Art.; 20th Kans.; 1st Mont		1	3	10	Maj. J. R. Miller, Capt. Andrew Jensen, 1st Mont., and Capt. W. H. Bishop, 20th Kans., wounded.
Do	Marunco	Det. 13th Minn					
Do	Pampanga River	A, Utah Art				1	
Do	Taguig	D, F, G, H, L, 1st Wash		2	1	14	1st Lieut. C. A. Booker, 1st Wash., wounded.
Apr. 29	San Rafael	C, G, L, 4th Cav.; D, 6th Art.; A, B, Utah Art.; A, C, F, G, H, K, L, M, 3d Inf.; C, D, E, G, H, K, L, M, 13th Minn.; A, B, F, G, I, K, L, 2d Oreg.; 1st N. Dak.			1	3	2d Lieut. C. C. Todd, 3d Inf., wounded.
May 1	do	C, G, I, L, 4th Cav.; D, 6th Art.; B, Utah Art.; A, C, F, G, H, K, L, M, 3d Inf.; C, D, E, G, H, K, L, M, 13th Minn.; A, B, C, F, G, I, K, L, M, 2d Oreg.; 1st N. Dak.; 22d Inf.		1		4	
May 2	Baliuag	C, G, I, L, 4th Cav.; G, H, K, L, 3d Art.; D, 6th Art.; B, Utah Art.; A, C, F, G, H, K, L, M, 3d Inf.; 22d Inf.; 13th Minn.; 1st N. Dak.; A, B, F, G, I, K, L, 2d Oreg.				2	
Do	Bustos	D, 6th Art.; 22d Inf.; 1st N. Dak.; A, B, F, G, H, I, K, L, 2d Oreg.				1	
Do	Pulilan	E, 4th Cav				1	
May 4	Maasin	C, G, I, L, 4th Cav.; G, H, K, L, 3d Art.; D, 6th Art.; Utah Art.; A, C, F, G, H, K, L, M, 3d Inf.; C, D, E, G, H, K, L, 13th Minn.; 2d Oreg.			1	2	Capt. H. L. Heath, 2d Oreg., wounded.
Do	Santo Tomas	G, H, K, L, 3d Art.; B, Utah Art.; 51st Iowa; 20th Kans.; 1st Mont.; 1st Nebr.; 1st S. Dak.	1	4	3	22	2d Lieut. W. A. Taggart, 20th Kans., killed. Col. F. Funston, Capt. W. S. Albright, 20th Kans., and Capt. T. S. Dillon, 1st Mont., wounded.
May 5	San Fernando	51st Iowa				1	
Do	San Miguel	A, B, I, L, 2d Oreg					
May 8	Maasin	K, 13th Minn			1		Maj. A. M. Diggles, 13th Minn., wounded.
Do	San Fernando	B, C, D, H, I, M, 20th Kans.; 1 Mont				1	

Chronological list of actions, with losses, in the Philippine Islands from February 4, 1899, to June 30, 1900, inclusive—Continued.

Date.	Place.	Troops engaged.	Killed.		Wounded.		Names of officers killed or wounded.
			Officers.	Men.	Officers.	Men.	
1899.							
May 8	San Ildefonso	K, 13th Minn.; F, 2d Oreg				1	
May 10	Santa Cruz	A, Utah Art					
May 12	San Idefonso	H, 13th Minn.; F, G, K, 2d Oreg.; 1st N. Dak				1	
May 13	San Miguel	H, 13th Minn.; A, B, F, G, I, K, L, 2d Oreg				1	
May 14	Mariquina Road	E, 21st Inf				1	
Do	San Luis	A, B, Utah Art		1			
May 15	Salacot	13th Minn.; C, D, E, G, H, K, L, M, 2d Oreg				1	
May 16	Near San Isidro	C, D, E, G, H, K, L, M, 2d Oreg		1			
May 17	San Isidro	C, G, I, L, 4th Cav.; D, 6th Art.; B, Utah Art.; A, C, F, G, H, K, L, M, 3d Inf.; A, B, C, F, H, I, K, L, 22d Inf.; C, D, E, G, H, K, L, M, 13th Minn.; A, B, F, G, I, K, L, 2d Oreg.; 1st N. Dak.				2	
Do	San Luis	E, 1st Art.; G, 3d Art.; A, D, H, I, 9th Inf.; 17th Inf				1	
May 18	Cabiao	1st N. Dak					
Do	San Fernando	D, 6th Art.; 1st N. Dak.; A, B, C, F, H, I, K, L, 22d Inf				5	
May 19	Cabiao	A, B, C, F, H, I, K, L, 22d Inf					
Do	Near Taguig	A, D, F, H, I, 1st Wash					
May 20	San Antonio	13th Minn.; det. 2d Oreg					
Do	Cavite	D, Cal. Art				1	
May 21	Angat	13th Minn					
May 22	San Pedro Macati	G, 1st Idaho		1			
May 23	Maasin	A, C, E, F, G, H, I, K, L, M, 3d Inf					
Do	Mariquina	C, 1st Colo		1			
Do	San Fernando	E, 4th Cav.; B, Utah Art					
Do	San Ildefonso	A, C, E, F, G, H, I, K, L, M, 3d Inf		2	1	13	1st Lieut. J. C. McArthur, 3d Inf., wounded.
Do	Santa Rita	E, K, 4th Cav.; A, Utah Art				3	
May 24	San Fernando	G, H, K, L, 3d Art.; B, Utah Art.; A, B, E, G, K, L, M, 20th Kans.; 1st Mont.		1	1	10	2d Lieut. R. S. Parker, 20th Kans., wounded.
May 25	do	A, B, Utah Art.; 17th Inf.; 51st Iowa; 20th Kans.; 1st S. Dak.		1		7	
Do	Santa Rita	D, H, I, 20th Kans.; 1st Mont					
May 26	Near Baliuag	C, 3d Inf				2	
Do	San Fernando	51st Iowa; 1st S. Dak.; B, F, L, 20th Kans				1	
May 27	Escalante	19th Vol. Signal Co	1				Capt. G. H. Tilly, U. S. V. Sig. Corps, killed.
May 29	Sagay	M, 18th Inf					
May 31	San Fernando	51st Iowa				3	
June 3	Antipolo	C, G, I, L, 4th Cav		2		4	
Do	Cainta	A, Utah Art.; E, G, 9th Inf.; E, G, H, I, 12th Inf.; A, B, C, D, G, I, K, L, M, 1st Wash.; 1st N. Dak.					
Do	Mariquina	4th Inf.; 2d Oreg.; A, C, F, G, K, L, 1st Colo		1		5	
Do	Morong	E, 1st Art.; E, G, H, 9th Inf					
Do	Pumping station	C, G, I, L, 4th Cav.; 2d Oreg					
Do	San Fernando	C, 1st Mont				1	
Do	Taytay	1st N. Dak.; E, G, H, 9th Inf.; E, G, H, I, 12th Inf.; A, B, C, D, G, I, K, L, M, 1st Wash.		2			
June 4	Antipolo	E, G, H, 9th Inf.; A, C, F, G, K, L, 1st Colo.; 2d Oreg				1	
Do	Morong	E, 1st Art.; A, Utah Art.; E, G, H, 9th Inf.; A, B, C, D, G, I, K, L, M, 1st Wash.; 2d Oreg.					
Do	Near Pasay	A, E, 4th Inf				1	
June 5	Morong	A, B, C, D, G, I, K, L, M, 1st Wash		1			
June 6	Near Morong	do				1	
Do	Near Pasay	1st Idaho				1	
June 9	Guadaloupe	B, D, E, F, I, M, 1st Colo					
Do	Morong	H, 1st N. Dak		1			
June 10	Bacolor	D, L, 1st Mont				2	
Do	Guadaloupe	B, C, D, E, I, K, L, M, 9th Inf.; 13th Inf.; A, D, E, F, G, I, K, L, M, 14th Inf.; B, D, E, F, I, M, 1st Colo.		1	1	17	Lieut. Col. C. M. Moses, 1st Colo., wounded.
Do	Las Pinas	I, 4th Cav.; 9th Inf.; 12th Inf.; 14th Inf		1	1	10	1st Lieut. H. G. Learnard, 14th Inf., wounded.
Do	Paranaque	B, C, D, F, H, I, K, L, 21st Inf				3	
June 13	Bacoor	do		2	2	11	Lieut. Patrick A. Connolly and Lieut. J. L. Donovan, 21st Inf., wounded.
Do	Zapote River	E, 1st Art.; D, 6th Art.; B, C, D, E, I, K, L, M, 9th Inf.; L, M, 12th Inf.; 14th Inf.; 21st Inf.; A, 51st Iowa.		8	3	34	Lieut. J. P. Harbeson, 12th Inf.; Lieut. M. C. Keith, 23d Inf., and Lieut. H. S. Avery, 14th Inf., wounded.
June 15	Rosario	A, D, Cal. Art					
June 16	Morong	H, 1st N. Dak				1	
Do	Novaleta	A, D, 1st Cav.; A, B, C, K, 10th Pa					
Do	San Fernando	A, B, Utah Art.; 17th Inf.; 51st Iowa; 20th Kans.; 1st Mont.		1		13	
June 19	Dasmarinas	4th Inf		2		16	
Do	Imus	do		2		5	
June 20	Dasmarinas	4th Inf.; det. 9th Inf.; A, D, E, F, I, L, 14th Inf				2	
June 21	Bacoor	A, B, C, K, 10th Pa					
June 22	San Fernando	A, Utah Art.; H, 9th Inf.; 17th Inf.; 20th Kans				2	
June 26	Muntinlupa	C, G, L, 4th Cav		1			
June 30	San Fernando	17th Inf.; 51st Iowa; F, 12th Inf		1		3	
July 1	Bulong	Det. E, 1st Cal		1		1	
July 4	San Fernando	17th Inf.; 51st Iowa				1	
July 5	Pililla	C, G, L, 4th Cav				1	
July 11	Near Muntinlupa	do				2	
Do	San Fernando	17th Inf			1		1st Lieut. I. L. Reeves, 17th Inf., wounded.
July 12	Near Baliuag	K, 4th Cav					
Do	Teresa	21st Inf					
July 17	Mavitac	C, 21st Inf				1	
July 19	Bonbong	Dets. H, K, M, 6th Inf		1		1	
Do	Canlaon	Det. 6th Inf					
Do	Near San Luis	K, 9th Inf		1			
July 20	Near Tolon	F, G, 6th Inf					
July 24	Acan	Det. K, 23d Inf		1			
July 26	Calamba	C, G, L, 4th Cav.; C, D, E, H, I, K, 21st Inf.; C, D, F, H, I, K, 1st Wash.; E, 1st Art.		4		12	
July 27	do	do				3	
Do	Valdez	E, 6th Inf					
Do	Bacolor	L, 3d Art				1	
July 28	Near Baliuag	K, 4th Cav					
Do	Calamba	C, G, L, 4th Cav.; C, D, E, H, I, K, 21st Inf.; C, D, F, H, I, K, 1st Wash.; E, 1st Art.					
July 29	do	do					
July 30	do	do		2	1	5	2d Lieut. J. M. Love, jr., 21st Inf., wounded.
Do	Silay	Det. K, 6th Inf		2			
Aug. 9	Bacolor	36th Inf		2	2	5	Maj. J. Q. A. Braden and Capt. R. S. Abernethy, 36th Inf., wounded.
Do	Calulut	G, 3d Art.; E, 1st Art.; 17th Inf.; B, C, H, L, 22d Inf.; A, B, C, D, E, G, H, I, L, M, 51st Iowa.		1	1	17	2d Lieut. L. A. Williams, 51st Iowa, wounded.
Do	Sindalon	9th Inf.; 12th Inf		3		9	

Chronological list of actions, with losses, in the Philippine Islands from February 4, 1899, to June 30, 1900, inclusive—Continued.

Date.	Place.	Troops engaged.	Killed.		Wounded.		Names of officers killed or wounded.
			Officers.	Men.	Officers.	Men.	
1900.							
Aug. 9	Near Calulut	Det. 51st Iowa					
Aug. 10	Porac	A, B, D, F, 12th Inf					
Do	Near Angeles	C, E, F, M, 17th Inf.; E, 1st Art				1	
Do	Santa Rita	C, D, G, H, 36th Inf					
Aug. 11	Near Angeles	Det. 51st Iowa				1	
Do	Near Novaleta	Det. 4th Inf		1			
Aug. 12	San Luis	D, M, 23d Inf		1		1	
Do	Santa Rita	B, C, E, I, 9th Inf				2	
Do	San Mateo	A, B, F, 4th Cav.; B, E, G, L, 21st Inf.; E, G, 24th Inf.; F, H, L, 25th Inf.		4	1	13	2d Lieut. M. M. Weeks, 21st Inf., wounded.
Aug. 13	Near Angeles	A, B, G, I, 17th Inf.; E, 1st Art				1	
Do	Near Quingua	B, D, 3d Inf				1	
Aug. 14	do	K, 4th Cav.; G, 3d Art.; C, E, F, G, 3d Inf		1			
Aug. 15	Near La Paz	E, F, G, I, 1st Tenn					
Do	Near Bacolor	Dets. A, K, L, M, 36th Inf					
Aug. 16	Guagua	E, and dets. A, K, L, M, 36th Inf					
Do	Dolores	K, 12th Inf				1	
Do	Angeles	E, 1st Art.; B, C, D, E, F, G, H, I, L, M, 12th Inf		3	1	13	1st Lieut. W. H. Williams, 12th Inf., wounded.
Aug. 17	Near Porac	Det. 4th Cav					
Do	Angeles	E, 1st Art.; B, 12th Inf				2	
Aug. 18	do	E, 1st Art.; det. 12th Inf.; B, Engrs				2	
Do	Near Tabuan	M, 6th Inf				3	
Aug. 19	do	Dets. B, M, 6th Inf					
Do	Near Angeles	E, 1st Art.; E, G, H, I, 12th Inf	1		1		1st Lieut. A. W. Drew, 12th Inf., killed; 1st Lieut. W. Uline, 12th Inf., wounded.
Aug. 23	El Pardo	Det. M, 23d Inf			1		1st Lieut. H. S. Howland, 23d Inf., wounded.
Aug. 25	Near Cebu	4 men, Co. M, 23d Inf		3		1	
Aug. 30	Argogula	H, and det. K, 6th Inf					
Sept. 1	Dolores	D, E, 17th Inf					
Sept. 3	Near Porac	Det. A, 36th Inf		1		1	
Sept. 9	Near Imus	F, 5th Art.					
Do	Near Porac	36th Inf					
Do	Near Arayat	C, F, 17th Inf					
Sept. 11	Near Calulut	B, I, 17th Inf					
Sept. 13	Acan Valley	K, 23d Inf					
Sept. 15	Near Calamba	Det. E, 21st Inf					
Do	Guagua	Det. L, 36th Inf					
Do	Near La Paz	E, F, 1st Tenn		1			
Sept. 16	Isabela	L, 6th Inf				1	
Sept. 17	Near Moalboal	Dets. A, C, 6th Inf.; A, 23d Inf.; H, 1st Tenn		2		2	
Sept. 19	Casaibos	Det. F, 17th Inf					
Sept. 22	Near Cebu	G, 6th Art.; Dets. A, C, 6th Inf.; H, I, K, M, 19th Inf.; Dets. A, I, K, 23d Inf.; B, D, E, F, G, I, L, M, 1st Tenn.		1		4	
Do	Gondos	G, M, 17th Inf					
Sept. 23	Near Angeles	Lowe's Scouts; Hosp. Corps; employees Q. M. Dept		1	1	4	Capt. A. W. Perry (9th Cav.), A. Q. M. Vols., wounded.
Do	Near Cebu	K, 23d Inf					
Sept. 27	Near Mexico	Dets. F, K, 24th Inf					
Sept. 28	Porac	E, 4th Cav.; K, 3d Art.; 9th Inf.; 36th Inf				8	
Do	Near Porac	A, H, K, L, 17th Inf					
Sept. 29	Near Imus	B, D, K, L, 4th Inf.; F, 5th Art				4	
Do	Near Los Banos	A, 21st Inf				1	
Sept. 30	Imus	4th Inf					
Oct. 1	Near Tabuan	Det. 6th Inf.; Hosp. Corps		1		1	3 Lieut. Hayden Y. Grubbs, 6th Inf., killed; Capt. P. Shillock, asst. surg., wounded.
Do	Near Arayat	I, G, 23d Inf					
Oct. 2	Near Imus	F, 5th Art.; E, Sig. Corps; B, E, H, 14th Inf.; A, D, I, 4th Inf.	1	2		7	Capt. B. Eldridge, 14th Inf., killed.
Oct. 3	do	F, 5th Art.; B, K, G, 4th Inf.; E, H, I, 14th Inf			1	1	Lieut. L. R. Burgess, 5th Art., wounded.
Do	Near Santa Ana	B, 4th Cav					
Do	Calamba	F, 5th Art.; B, D, K, L, 21st Inf		2		7	
Do	Near Santa Cruz	Det. A, 4th Cav		1			
Do	Near Calulut	Dets. E, M, 17th Inf					
Do	Guagua	9th Inf		2			
Oct. 4	Arayat	E, F, K, 22d Inf				1	
Oct. 5	Binacayan	B, C, D, E, H, K, L, 4th Inf				1	
Oct. 6	do	F, 5th Art.; B, C, D, E, H, K, L, 4th Inf.; H, 14th Inf				1	
Do	Imus	F, 5th Art.; A, E, F, G, 4th Inf				2	
Do	Polo	K, 16th Inf					
Do	Santa Ana	K, 24th Inf					
Oct. 7	Sagnjon River	Det. B, 6th Inf					
Do	St. Augustin	A, F, K, 24th Inf				2	
Oct. 8	Near San Nicolas	A, E, F, G, 4th Inf.; Hosp. Corps				3	
Do	Novaleta	F, 5th Art.; G, 4th Cav.; E, G, 14th Inf.; 13th Inf	1		1	10	Capt. M. B. Saffold, 13th Inf., killed; Capt H. J. McGrath, 4th Cav., wounded.
Do	Near San Mateo	Det. L, 14th Inf				1	
Do	La Loma	1 man, F, 4th Art. (resisting capture by insurgents)		1			
Oct. 9	Florida Blanca	Det. 36th Inf					
Do	Near San Mateo	L, 14th Inf.; Det. F, 19th Inf					
Do	Meycauayan	Det. D, 16th Inf					
Do	Near Caloocan	Band, A, 16th Inf					
Do	La Looma	F, 4th Art.; 25th Inf				1	
Oct. 10	San Mateo	L, 14th Inf					
Do	Near San Francisco de Malabon.	F, 5th Art.; 13th Inf			1	2	Capt. W. Geary, 13th Inf., wounded.
Do	Santa Cruz	A, Engineers				1	
Oct. 11	Angeles	9th Inf.; 12th Inf.; 17th Inf				5	
Oct. 12	Near Muntinlupa	A, B, D, 37th Inf.; Hosp. Corps		3		2	
Do	Arayat	B, C, F, 4th Cav.; A, C, E, F, G, H, I, K, 24th Inf.; G, H, 37th Inf.				2	
Do	Bagbag Bridge	H, 16th Inf					
Oct. 13	Angeles	9th Inf				1	
Do	Near San Roque	C, D, H, 4th Cav				2	
Oct. 15	Near Guiguinto	Dets. F, I, 16th Inf					
Oct. 16	Angeles	9th Inf.; 12th Inf.; 17th Inf.; Hosp. Corps		1	1	8	A. A. Surg. H. E. Stafford, wounded.
Oct. 17	Near Dolores	36th Inf		1		1	
Do	Marilao Bridge	Det. D, 16th Inf					
Oct. 18	Near Guiguinto	F, 16th Inf				2	
Oct. 19	Baog	Det. L, 6th Inf					
Do	Lulas Mountains	I, K, 19th Inf					
Do	Jaro	Det. M, 18th Inf					
Do	San Isidro	A, B, F, 4th Cav.; A, F, I, K, 22d Inf.; G, H, 37th Inf.; Hosp. Corps.		1		4	
Do	Cabiao	L, 4th Cav					
Oct. 20	Calamba	F, 5th Art.; 21st Inf.; A, B, D, 37th Inf					
Oct. 21	Near Isabela	Det. L, 6th Inf					
Do	Near San Carlos	Det. I, 6th Inf					

Chronological list of actions, with losses, in the Philippine Islands from February 4, 1899, to June 30, 1900, inclusive.—Continued.

Date.	Place.	Troops engaged.	Killed.		Wounded.		Names of officers killed or wounded.
			Officers.	Men.	Officers.	Men.	
1899.							
Oct. 22	Rio Grande River	Scouts, 34th Inf., Q. M. Dept	1				Maj. Guy Howard, Q. M. V., killed.
Do	Near Castellana	K, 6th Inf					
Do	Near Lubao	Scouts, 36th Inf					
Oct. 23	Calamba	F, 5th Art.; B, D, I, 21st Inf.; A, B, C, 37th Inf		1		4	
Do	Santa Rosa	B, 4th Cav					
Oct. 25	Sudlon Mountain	H, I, K, 9th Inf				2	
Do	Near Calatrava	Det. I, 6th Inf					
Oct. 27	Toboatin River	A, F, I, K, 22d Inf.; G, H, 37th Inf.; Lowe's Scouts		2		1	
Do	Hacienda Carmie	H, 6th Inf					
Do	Near Isabela	Det. L, 6th Inf					
Oct. 28	Boyes	K, 6th Inf					
Oct. 29	Lubao	Det. 36th Inf.; Hosp. Corps		1	2	6	Capt. C. French and Lieut. A. M. Ferguson, 36th Inf., wounded.
Nov. 2	Near Aliaga	Macabebe Scouts	1				2d Lieut. H. M. Boutelle, 3d Art., killed.
Do	Near Lubao	C, D, G, H, 36th Inf					
Do	Porac	E, K, 4th Cav.; A, B, E, F, I, K, L, M, 36th Inf		1		2	
Do	Near Aliaga	H, M, 4th Cav				1	
Nov. 3	Near Talavera	L, 4th Cav					
Do	Near Porac	Det. 36th Inf			1		Lieut. Col. W. R. Grove, 36th Inf., wounded.
Nov. 4	do	do					
Nov. 5	Magalang	E, 1st Art.; K, 3d Art.; A, Engrs.; E, K, 4th Cav.; 17th Inf.; 32d Inf.; Hosp. Corps.			1	10	A. A. Surg. R. A. Edmonston, wounded.
Do	Cabanatuan	E, 4th Cav.; Lowe's Scouts					
Nov. 6	Near Magalang	K, 4th Cav				1	
Nov. 7	Mabalacat	E, K, 4th Cav.; E, 1st Art.; K, 3d Art.; 36th Inf					
Do	Talavera	A, D, L, 4th Cav					
Do	San Fabian	13th Inf.; 33d Inf				1	
Nov. 8	Mabalacat	4th Cav., 36th Inf					
Do	San Jacinto	I, K, L, M, 13th Inf					
Nov. 9	Near Bamban	Det. E, 4th Cav.; Det. 36th Inf					
Nov. 10	San Isidro	G, 6th Art.; C, 26th Inf				1	
Do	Jibuan	A, B, C, D, E, F, G, H, 18th Inf				1	
Do	Masapinit	A, C, 17th Inf				3	
Do	Byoo	Det. D, 6th Inf					
Do	Near San Fabian	Det. 33d Inf					
Nov. 11	Humingan	F, 3d Cav					
Do	Bamban	E, K, 4th Cav.; E, 1st Art.; A, Engrs.; 9th Inf.; 12th Inf.; 36th Inf.	1			1	2d Lieut. J. L. Davis, 36th Inf., killed.
Do	Iloilo	L, 26th Inf				1	
Do	Near San Mateo	Det. K, 16th Inf				1	
Do	Near Santa Rita	E, K, 4th Cav.; 17th Inf		2		1	
Do	Tayug	C, M, 3d Cav					
Do	San Jacinto	33d Inf.; Hosp. Corps	1	6	1	15	Maj. J. A. Logan, 33d Inf., killed; Capt. J. F. Green, 33d Inf., wounded.
Nov. 12	Near San Blas	A, C, 19th Inf					
Do	Bongabong	D, 3d Cav					
Do	Asingan	A, C, 3d Cav					
Nov. 13	Near Tarlac	Det. E, 36th Inf					
Do	Near San Nicolas	Det. M, 3d Cav				1	
Do	Calamba	F, 5th Art.; A, B, C, 37th Inf					
Nov. 14	Near Alimodian	C, 19th Inf				1	
Do	Rabon River	13th Inf				4	
Do	Near Mandoag	D, K, 3d Cav					
Do	Near Calamba	F, 5th Art.; L, 21st Inf					
Nov. 15	Pozorrubio	A, K, 3d Cav					
Nov. 17	Valle Hermoso	Det. I, 6th Inf					
Do	Near San Nicolas	C, E, L, 3d Cav					
Nov. 18	O'Donnell	B, E, K, 25th Inf					
Do	Jaro River	A, B, C, D, I, K, L, M, 26th Inf				1	
Do	Near Imus	C, I, F, 11th Cav.; F, 5th Art; C, D, L, M, 4th Inf				7	
Do	Near Los Banos	H, 21st Inf		1			
Nov. 19	Near San Nicolas	A, K, 3d Cav		1			
Do	Near Santo Tomas	do				7	
Do	Near Aringay	D, 3d Cav					
Nov. 20	San Blas	G, 6th Art.; Det. 18th Inf.; F, H, 26th Inf.; A, B, C, D, E, F, G, L, 19th Inf.				4	
Do	San Fernando de Union	D, 3d Cav					
Do	Near Imus	F, 5th Art.; Dets. B, H, I, K, 4th Inf				2	
Nov. 21	Balangtang	L, 6th Inf.; A, C, D, I, L, M, 26th Inf				6	
Do	Near Illaya	G, 6th Art.; A, B, C, D, E, F, G, H, 18th Inf		4	2	19	2d Lieut. R. B. Calvert and 2d Lieut. C. M. Smith, 18th Inf., wounded.
Do	Obando	Det. K, 16th Inf					
Nov. 22	Near San Mateo	Dets. A, C, K, 16th Inf.; Macabebe Scouts				3	
Do	Santa Barbara	G, 6th Art.; A, B, C, D, E, F, G, H, 18th Inf					
Nov. 24	Manichen	B, 35th Inf					
Do	Toboatin Bridge	E, 35th Inf		1			
Do	Near San Mateo	I, L, 27th Inf				1	
Do	San Ildefonso	G, 3d Art.; I, K, L, 3d Inf	1			1	2d Lieut. Maxwell Keyes, 3d Inf., killed.
Do	Near Carranglan	Det. L, 4th Cav					
Nov. 25	Imus	F, 5th Art.; 4th Inf				3	
Do	Mangatarem	Det. 33d Inf					
Do	Banati	L, 6th Inf					
Nov. 26	Barrio Bocola	Det. 32d Inf					
Do	Passi	G, 6th Art.; I, K, L, M, 18th Inf.; A, B, C, D, E, F, G, L, 19th Inf.	1	1			Capt. O. B. Warwick, 18th Inf., killed.
Nov. 27	Near Tarlac	Det. G, 9th Inf					
Nov. 28	Near Mangatarem	A, C, D, G, H, K, L, M, 36th Inf					
Do	Near Mabalacat	Macabebe Scouts			1		1st Lieut. M. A. Batson, 4th Cav., wounded
Nov. 29	Near San Miguel	Det. H, 35th Inf					
Nov. 30	Near Carmen	F, 35th Inf					
Dec. 1	Delcarmen	do				3	
Dec. 2	Tila Pass	E, F, G, H, 33d Inf		2		9	
Do	Barrio Santol	G, 33d Inf					
Dec. 3	San Luis	Dets. A, F, H, K, 24th Inf				1	
Do	Near Arayat	Det. I, 35th Inf				1	
Dec. 4	Tangadan Mountain	A, D, K, 3d Cav.; F, G, H, 34th Inf.; 100 men, 33d Inf		1		12	
Do	Imus River	D, 28th Inf				1	
Do	Near Arayat	Dets. D, I, 35th Inf					
Do	San Ildefonso	G, H, L, 3d Art.; A, B, C, 3d Inf.; det. 16th Inf				4	
Do	Vigan	Det. 33d Inf				3	
Do	Dinalupijan	L, 3d Art.; E, F, G, H, 3d Inf.; D, G, 33d Inf		8			
Dec. 5	Near San Ildefonso	G, H, L, 3d Art.; A, B, C, 3d Inf.; det. 16th Inf					
Do	Orani	E, F, G, H, 3d Inf.; D, E, H, M, 32d Inf					
Do	Near San Miguel	L, 3d Art					
Dec. 6	Near San Felipe	A, 27th Inf				1	
Do	Maasin	G, H, L, 3d Art.; A, B, C, 3d Inf.; det. 16th Inf					
Do	Balanga	E, F, G, H, 3d Inf					

Chronological list of actions, with losses, in the Philippine Islands from February 4, 1899, to June 30, 1900, inclusive—Continued.

Date.	Place.	Troops engaged.	Killed.		Wounded.		Names of officers killed or wounded.
			Officers.	Men.	Officers.	Men.	
1899.							
Dec. 6	Imus River	Det. C, 4th Inf				1	
Do	Calamba	F, 5th Art.: A, B, C, 37th Inf				4	
Dec. 7	Naguilan	A, F, H, 24th Inf				2	
Do	La Granja	Det. M, 6th Inf	1			1	1st Lieut. A. C. Ledyard, 6th Inf., killed.
Do	San Fernando de Rivera	F, H, I, M, 25th Inf				2	
Dec. 8	Olongapo	G, 32d Inf.: det. 3d Inf				1	
Do	Botolan	F, H, I, M, 25th Inf				1	
Do	Dingras	F, G, H, 34th Inf					
Do	Ginigaran	Det. D, 6th Inf				2	
Dec. 9	Iba	F, H, I, M, 25th Inf				1	
Do	Near Dingras	F, G, H, 34th Inf					
Dec. 10	San Ildefonso	A, B, C, 3d Inf					
Do	Sibul Trail	A, B, D, F, G, H, 4th Cav				2	
Do	Subig Bay	E, H, 3d Inf.; G, 32d Inf					
Do	Solsona	F, G, H, 34th Inf				1	
Dec. 11	Near San Miguel	A, B, C, 3d Inf.; 35th Inf					
Do	Near Biacao	A, B, D, F, G, H, 4th Cav					
Do	San Ildefonso	G, H, L, 3d Art.; A, B, C, 3d Inf.; det. 16th Inf					
Do	San Agustin	Det. I, 32d Inf					
Do	Near Carranglan	E, 34th Inf					
Do	Barrio Oranda	D, H, 6th Inf					
Dec. 12	Castel Jose	32d Inf. scouts					
Do	Tuwedteelted Mountains	A, K, 3d Cav		2		1	
Do	Near Biacao	A, B, D, F, G, H, 4th Cav					
Dec. 13	Near Subig	Det. G, 32d Inf					
Do	Near San Miguel	A, B, D, F, G, 4th Cav					
Dec. 16	Romblon	C, D, 18th Inf		1			
Do	Mariveles	G, 32d Inf					
Do	Barrio Cabog	Dets. D, K, 6th Inf				1	
Do	Near Dingras	F, G, H, 34th Inf.; det. 33d Inf					
Dec. 17	Cabaruan	B, E, 17th Inf			1		2d Lieut. L. N. Bushfield, 17th Inf., wounded.
Do	Morong	E, M, 32d Inf					
Dec. 18	Cameva	F, 35th Inf					
Do	Iba	I, 25th Inf				1	
Do	Capintalan	E, 34th Inf					
Dec. 19	San Mateo	I, 4th Cav.; C, D, F, G, H, I, K, M, 11th Cav.; A, B, C, M, 27th Inf.; E, F, G, H, 29th Inf.	1		3	10	Maj. Gen. H. W. Lawton, U. S. V., killed. Capt. O. T. Kenan, 29th Inf.; 1st Lieut. W. V. Cotchett, 11th Cav.; and 2d Lieut. E. L. D. Breckinridge, 7th Inf. (A. D. C.), wounded.
Do	do	A, 27th Inf		1			
Do	Sual	Det. 36th Inf					
Do	Hacienda Tongal	Det. D, 6th Inf					
Do	Balanga	M, 32d Inf					
Do	Samponong	Det. D, 26th Inf					
Dec. 20	Cantapang	F, 17th Inf					
Do	Balincaguing	36th Inf					
Do	Near Carranglan	B, 22d Inf		1			
Dec. 21	Near Alos	36th Inf			1		1st Lieut. W. C. Read, 36th Inf., wounded.
Do	Near Orani	G, 32d Inf					
Dec. 22	Near Dinalupijan	D, 32d Inf				1	
Do	Sara	D, 26th Inf				1	
Dec. 23	Near Aritos	E, 34th Inf					
Dec. 24	Near Subig	Det. 32d Inf			1	1	1st Lieut. C. C. Smith, 32d Inf., wounded.
Do	Near Calamba	E, C, 21st Inf.; A, B, C, 37th Inf					
Do	Near Topaz	L, 19th Inf					
Dec. 27	Montalban	E, 6th Art.; A, B, C, D, E, F, I, L, M, 11th Cav.; M, 27th Inf.; A, D, I, L, 29th Inf.; A, B, C, L, 45th Inf.			1	3	1st Lieut. R. S. Enslow, 11th Cav., wounded.
Do	Near Baliuag	Det. E, 35th Inf					
Do	San Mateo Mountains	B, C, D, I, K, L, M, 40th Inf				3	
Dec. 28	Talavera road	Det. G, 24th Inf					
Dec. 29	Bongabong	G, 24th Inf				2	
Dec. 31	Paniqui	12th Inf		1			
1900.							
Jan. 1	Iba	M, 25th Inf					
Do	San Cristobal	F, 5th Art.; E, F, G, H, K, M, 39th Inf					
Do	Near Calamba	A, B, C, D, 39th Inf					
Do	Manaling	L, 39th Inf					
Do	San Cristobal River	E, F, G, H, I, L, M, 39th Inf				5	
Do	Cabanatuan	A, 34th Inf					
Jan. 2	San Ramon	M, 3d Cav				1	
Do	Near Bacoor	C, 28th Inf					
Do	Near Maricabon	1 man (messenger), C, 28th Inf				1	
Do	Near Dinalupijan	Det. D, 32d Inf				1	
Do	Near Florida Blanca	Det. 3d Inf					
Do	Binan	F, 5th Art.; E, F, G, H, I, K, L, M, 39th Inf					
Jan. 3	Carmona	I, L, 39th Inf					
Do	Lechina Hill	I, 37th Inf					
Do	Near Dinalupijan	Det. E, 32d Inf					
Do	Iba	F, 25th Inf		1			
Jan. 5	Comansi	B, K, L, 25th Inf		1		2	
Do	Near Balanga	E, 32d Inf					
Do	Iba	F, M, 25th Inf					
Do	Mount Arayat	9th Inf.; 12th Inf. (prisoners in hands of insurgents)		2		3	
Jan. 6	Near Binan	E, 6th Art.; A, B, C, D, I, 4th Cav.; C, F, I, M, 11th Cav.; I, K, L, M, 46th Inf.; 30th Inf.		1		3	
Do	Mabalacat	L, 25th Inf					
Do	Iba	M, 25th Inf					
Do	Sudlon Mountain	D, 19th Inf				1	
Do	Bautista	1 man, A, 17th Inf., ambushed		1			
Jan. 7	Near Indang	A, B, C, D, I, 4th Cav.; C, F, I, M, 11th Cav		1		1	
Do	Puente Julien	C and scouts, 4th Inf	1	2		1	1st Lieut. Ward Cheney, 4th Inf., killed.
Do	Near Binan	Macabebe Scouts			1		1st Lieut. W. C. Geiger, 14th Inf., wounded
Do	Barrio Lumbaro	E, F, G, H, I, K, L, M, 28th Inf		1		6	
Do	Barrio Putol	F, 5th Art.; A, B, C, D, 28th Inf				9	
Jan. 8	Sudlon Mountain	G, 6th Art.; D, I, M, 19th Inf.; M, 23d Inf.; I, K, M, 44th Inf				5	
Jan. 9	Naic	A, B, C, D, I, 4th Cav.; C, F, I, M, 11th Cav		1		2	
Do	Santo Tomas	F, 5th Art.; A, B, C, 37th Inf.; A, B, C, D, E, F, G, H, 39th Inf.		1	2	1	Capt. H. C. Baker and 1st Lieut. A. M Petite, 39th Inf., wounded.
Jan. 10	Near Baboulaz	Det. 3d Inf					
Do	Bintog	Det. D, 35th Inf					
Do	Near Magallanes	K, L, 30th Inf					
Jan. 11	Near Panitan	11 men 18th Inf		1			
Do	Near Binan	Det. L, 46th Inf					
Do	Near Santo Tomas	F, 5th Art.; E, 39th Inf.; A, B, C, 37th Inf		1			

Chronological list of actions, with losses, in the Philippine Islands from February 4, 1899, to June 30, 1900, inclusive—Continued.

Date.	Place.	Troops engaged.	Killed.		Wounded.		Names of officers killed or wounded.
			Officers.	Men.	Officers.	Men.	
1900.							
Jan. 11	Talisay	38th Inf					
Do.	Pulanlay	F, G, 3d Inf					
Do.	Quiangan	E, 33d Inf		1			
Jan. 12	Near Santo Tomas	Det. G, 39th Inf					
Do.	Near Sedupin	C, 3d Cav		2		3	
Jan. 13	Near Lipa	F, 5th Art.; 38th Inf., 39th Inf		1		2	
Do.	Sapian	L, 18th Inf					
Do.	Near Porac	Det. K, 32d Inf					
Jan. 14	Caraballos Pass	Det. 34th Inf		1		2	
Do.	Bimmanya	E, 3d Cav		1			
Do.	Near San Pablo	B, C, D, I, 4th Cav.; C, F, I, M, 11th Cav.; A, B, C, 37th Inf				1	
Do.	Humingan	A, 17th Inf					
Do.	Near San Jose	Det. G, 39th Inf					
Jan. 15	Tiaon	B, C, D, I, 4th Cav.; C, F, I, M, 11th Cav			1		1st Lieut. O. P. M. Hazzard, 11th Cav., wounded.
Do.	San Ildefonso	A, 17th Inf					
Do.	Mount Arayat	Det. M, 34th Inf					
Do.	Near Ibaan	G, M, 39th Inf					
Do.	Near Lipa	I, K, L, 30th Inf		1			
Jan. 16	Batangas	A, B, C, D, I, 4th Cav.; A, B, C, D, 38th Inf.; H, 39th Inf					
Do.	Malasiqui	Det. E, 17th Inf					
Do.	Near Lipa	F, 4th Art				1	
Jan. 17	Near Rosario	F, 5th Art.; E, F, G, H, 39th Inf		1		1	
Do.	Dumandan	F, G, 3d Inf				1	
Do.	Near Humingan	A, 17th Inf					
Do.	Near Abucay	Det. 32d Inf					
Do.	Near Munoz	K, 34th Inf					
Jan. 18	Near Porac	Det. 3d Inf					
Do.	Near Alaminos	Det. 30th Inf		2		7	
Do.	Near Lemery	F, G, H, 46th Inf		1		3	
Do.	Antique	E, 6th Art.; A, C, E, L, 19th Inf				1	
Jan. 19	Taal	A, B, C, D, 38th Inf				7	
Do.	Rosario	G, M, 39th Inf					
Do.	Near Concepcion	D, 30th Inf				2	
Do.	Near Magallanes	A, E, G, L, 11th Cav.; E, F, G, H, 45th Inf				2	
Do.	Near Mangatarem	3 men, 36th Inf., ambushed		1			
Do.	Sariago	C, F, I, M, 11th Cav		2		4	
Do.	Palasi Pass	C, 3d Cav				1	
Jan. 21	Near San Pablo	E, 6th Art.; A, B, C, D, E, F, G, H, M, 30th Inf.; A, B, C, D, 37th Inf.; A, B, C, D, E, G, H, 39th Inf.		1		10	
Do.	Sariago	I, L, 38th Inf				3	
Jan. 22	Balincaguing	Dets. D, G, 36th Inf				3	
Do.	Tubur	Det. E, 17th Inf					
Do.	Donsol	A, D, 47th Inf					
Jan. 33	Near Moncada	Det. M, 17th Inf					
Do.	Legaspi	C, E, F, G, H, 47th Inf			1	2	Capt. J. J. Bradley, A. Q. M. V., wounded.
Do.	Majayjay	A, 4th Cav.; A, B, C, F, G, H, 39th Inf					
Jan. 24	Doninglay	Det. 33d Inf				1	
Do.	Near Magallanes	A, B, E, G, L, 11th Cav.; I, K, L, M, 45th Inf				1	
Jan. 25	Near Tanay	E, H, 27th Inf		1		1	
Do.	Dasol	Dets. C, D, G, 36th Inf		1			
Do.	Near Lipa	F, H, 38th Inf					
Do.	Darago	F, H, 47th Inf		1		2	
Do.	Bulacan	Macabebe Scouts			1		2d Lieut. D. P. Quinlan, 11th Cav., wounded.
Jan. 26	Calbayog	E, F, G, H, 43d Inf					
Do.	Donsol	F, H, 47th Inf					
Do.	Near Santa Cruz	Dets. F, I, 36th Inf					
Jan. 27	San Luis	B, C, D, 38th Inf			1	2	Maj. C. H. Muir, 38th Inf., wounded.
Do.	Cavitan	A, C, 19th Inf				4	
Do.	Catbalogan	I, K, L, M, 43d Inf		1		2	
Jan. 28	Barrio Putol	F, 5th Art.; A, B, C, D, 28th Inf					
Do.	Mandagore	B, G, 19th Inf					
Do.	Cavinti	L, M, 37th Inf					
Do.	Buenavista	A, B, D, 47th Inf					
Do.	Tayabas	A, B, C, D, 30th Inf			1	1	2d Lieut. G. A. Boyle, 30th Inf., wounded.
Jan. 29	Donsol	A, D, 47th Inf					
Do.	Sampaloc	C, D, 37th Inf.; E, 39th Inf				1	
Do.	Near Castellejos	Dets. B, K, L, 25th Inf	1	3		5	1st Lieut. W. T. Schenck, 25th Inf., killed.
Do.	Sogod	B, G, 19th Inf					
Do.	Near Catbalogan	I, K, L, M, 43d Inf					
Do.	Taui Taui Island	5 men, Co. H, 23d Inf., ambushed		2		2	
Jan. 30	Donsol	A, D, 47th Inf					
Do.	Albay	Det. 47th Inf				1	
Do.	Madelay	Dets. F, G, H, 44th Inf				1	
Jan. 31	Donsol	A, D, 47th Inf					
Do.	Near San Isidro	Det. B, 34th Inf		1			
Do.	Albay	F, G, H, 47th Inf				1	
Feb. 1	Near Cavinti	F, K, L, M, 37th Inf					
Do.	Sulipa	Det. A, 12th Inf					
Feb. 2	Near Mabalacat	6 men, B, 41st Inf., ambushed		1			
Do.	Near Lake Bombon	Det. K, 39th Inf		1		1	
Do.	Barrio Talumpoc	A, B, C, D, 38th Inf					
Do.	Near San Jose	G, H, 38th Inf					
Do.	Legaspi	E, 47th Inf		1		4	
Do.	Near Lucena	Det. M, 30th Inf					
Do.	Murcia	I, 9th Inf					
Feb. 3	Near Najpore	Det. H, 43d Inf				1	
Do.	Lanot	E, H, 30th Inf					
Feb. 4	Near Sampoloc	Dets. E, H, 30th Inf				2	
Do.	Fort Amia	Det. G, 19th Inf			1		Capt. E. D. Smith, 19th Inf., wounded.
Do.	Near Pagsajan	C, G, 42d Inf				2	
Do.	Taal	L, 6th Inf		1			
Feb. 5	Near Consolacion	K, 19th Inf				1	
Do.	Near Llanahermosa	Det. G, 32d Inf		6			
Do.	Cautero	Det. K, 18th Inf				2	
Do.	Paquil	Dets. D, E, F, H, 42d Inf			1	1	Capt. E. Du Bois, 42d Inf., wounded.
Do.	Tiaon	Dets. B, C, D, 39th Inf					
Do.	Talambang	K, 19th Inf					
Do.	Near Mandoag	C, 13th Inf					
Do.	Near Tayabas	Det. M, 30th Inf					
Do.	Near Lake Taal	Dets. I, K, 39th Inf					
Feb. 6	Albay	F, G, H, 47th Inf			2	3	Capt. G. H. Bentley and 2d Lieut. W. R. Harrison, 47th Inf., wounded.
Do.	Darago	F, H, 47th Inf		2		3	
Do.	Patnongon	C, 19th Inf		1			

Chronological list of actions, with losses, in the Philippine Islands from February 4, 1899, to June 30, 1900, inclusive—Continued.

Date.	Place.	Troops engaged.	Killed.		Wounded.		Names of officers killed or wounded.
			Officers.	Men.	Officers.	Men.	
1900.							
Feb. 6	Near Candelaria	Dets. B, C, D, 39th Inf					
Feb. 7	Dasol	E, K, 4th Cav.; det. 36th Inf					
Do	Near Cabanatuan	L, 34th Inf					
Do	Paquil	Dets. D, E, F, H, 42d Inf					
Do	Near Magdalena	Det. A, 4th Cav.; det. 11th Cav.; det. 37th Inf				3	
Feb. 8	Darago	F, 3d Art.; F, 40th Inf.; dets. F, H, 47th Inf				1	
Feb. 9	Subig	B, K, L, 25th Inf					
Do	Tabaco	F, 3d Art.; L, 47th Inf					
Do	Near Bauan	I, 38th Inf					
Do	Near Legaspi	G, 40th Inf					
Do	Bong Bong	L, 6th Inf				1	
Do	Sapong Maragui	G, 9th Inf					
Do	Near Dasol	E, K, 4th Cav.; Det. 36th Inf					
Feb. 11	Near Santa Cruz	Det. C, 4th Cav				1	
Do	Near Tayabas	B, 30th Inf					
Do	Near Aliaga	I, 24th Inf					
Do	Near Angono	M, 27th Inf					
Feb. 12	Santa Clara	I, K, L, M, 30th Inf			1	2	1st Lieut. P. L. Smith, 39th Inf., wounded.
Do	Near Albay	Dets. G, H, 40th Inf				1	
Feb. 13	Barrio Bartolome	Dets. I, K, L, M, 27th Inf					
Do	Lumbang	Dets. D, F, H, 42d Inf					
Do	Near Madalag	A, 6th Inf					
Do	Niagao	M, 26th Inf					
Do	Tabaco	Det. 47th Inf				1	
Feb. 14	Darago	E, F, H, 40th Inf.; K, 47th Inf		1			
Do	Near Barotoc	Det. 44th Inf					
Do	Tinuba	G, 9th Inf					
Feb. 15	Pagsajan	G, 42d Inf		2			
Do	Near Alcala	B, 17th Inf					
Do	Near Tanay	H, 27th Inf					
Do	Patnongon	G, 6th Art.; A, C, L, 19th Inf		1			
Do	Barangban	E, 19th Inf				1	
Do	Cavitan	G, 6th Art.; A, C, L, 19th Inf				3	
Feb. 16	Near Magdalena	Dets. A, B, C, D, 37th Inf				1	
Do	Near Pozorrubio	Det. B, 13th Inf					
Do	Near Cavitan	Det. 18th Inf				1	
Feb. 17	Barangban	E, 19th Inf				2	
Do	Tagudin	H, 29th Inf		1			
Do	Near Pozorrubio	Det. B, 13th Inf					
Do	Near Castellana	D, 44th Inf					
Do	Cavitan	L, 6th Inf					
Feb. 18	Antipolino	L, M, 30th Inf					
Do	Botolan	Det. H, 25th Inf				2	
Do	Near San Juan	Det. M, 3d Cav					
Do	Dingle	1 man, B, 26th Inf., ambushed		1			
Feb. 19	Lucban	G, H, 30th Inf					
Do	Near Paquil	Dets. E, F, 42d Inf					
Feb. 20	Calabanga	E, F, G, H, 45th Inf		1			
Do	Near Mandilla	K, 22d Inf					
Do	Libmanan	G, 37th Inf.; A, B, C, D, 40th Inf			1	8	1st Lieut. J. B. Galleher, 40th Inf., wounded.
Feb. 21	Donsol River	Dets. A, D, 47th Inf		1			
Do	Calinog	A, B, C, 26th Inf					
Feb. 22	Near Botolan	Det. M, 25th Inf					
Do	Palasi Pass	C, M, 3d Cav.; H, 29th Inf.; E, G, 33d Inf		1		1	
Do	Camalig	F, 3d Art.; E, F, G, H, 40th Inf				1	
Do	Barrio Aguilar	Dets. B, E, 36th Inf					
Do	Darago	E, F, G, 40th Inf.; det. 47th Inf					
Do	Comogisongalan	Det. 36th Inf					
Feb. 23	Majayjay	D, 37th inf				1	
Do	Near Paete	Dets. E, H, 42d Inf					
Do	Calinog	F, 26th Inf		3			
Do	Guinobatan	F, 3d Art.; E, F, G, H, 4th Inf					
Feb. 24	Near Tangalan	C, 6th Inf			1	3	1st Lieut. F. C. Bolles, 6th Inf., wounded.
Do	Sevilla	D, 30th Inf		1			
Do	Barrio Tamboilan	Det. 44th Inf					
Do	Near Urdaneta	Det. G, 13th Inf					
Do	Near Lemery	D, 28th Inf					
Feb. 25	Alaminos	D, G, 36th Inf					
Do	Near Andangan	A, C, D, I, K, M, 45th Inf					
Feb. 26	Near San Juan	D, 3d Cav		1			
Feb. 27	Barrio Guimball	Det. B, 19th Inf				2	
Do	Near Tignon	C, D, 40th Inf		1		3	
Do	Near San Jose	I, 38th Inf					
Feb. 28	Near Magdalena	Dets. A, B, 37th Inf			1		Capt. S. Van Leer, 37th Inf., wounded.
Do	Somocat	L, M, 37th Inf				1	
Do	Tagun	C, 16th Inf		1		2	
Do	Near Iligan	Det. E, 16th Inf		1			
Mar. 1	Near La Lud	A, B, 40th Inf		2		1	
Do	Linao	B, 16th Inf.; Hosp. Corps		2	1	5	Maj. H. C. Ward, 16th Inf., wounded.
Mar. 2	Pagsajan	Det. E, I, 37th Inf				1	
Do	Barrio Antipolo	A, 45th Inf					
Do	Libog	E, 40th Inf					
Mar. 3	San Francisco	C, 3d Cav		2		1	
Do	Near Atimonan	Det. K, 30th Inf					
Mar. 4	Near Luisiana	G, 30th Inf					
Do	Near Atimonan	H, 30th Inf					
Do	Paete	E, 42d Inf				1	
Do	Barrio Tinuba	H, K, 9th Inf	1				1st Lieut. E. F. Koehler, 9th Inf., killed.
Mar. 5	Cabugao	Det. L, 33d Inf				1	
Do	Near Tayabas	Det. I, 30th Inf					A. A. Surg. W. C. Chidester, wounded.
Mar. 6	Penaranda	Det. I, 34th Inf.; Hosp. Corps			1		
Do	Near Sariago	C, 30th Inf					
Do	Dasol	Macabebe Scouts			1		1st Lieut. Frank T. McNarney, 36th Inf., wounded.
Mar. 7	Near Magdalena	Det. L, 37th Inf				1	
Do	Near Bangued	D, 33d Inf		1		1	
Do	Near Paquil	Dets. E, H, 42d Inf					
Do	Near Cabu	Det. L, 34th Inf					
Do	Near Pagsajan	Dets. D, E, 37th Inf					
Mar. 8	Near Matuguinao	Det. H, 43d Inf		1	1	4	1st Lieut. J. T. Sweeney, 43d Inf., wounded.
Do	Paquil	Dets. H, E, 42d Inf					
Do	Malabog	H, 40th Inf					
Do	Near La Paz	Det. A, 43d Inf		1			
Mar. 9	Near Badoc	Det. L, 33d Inf		1		1	
Do	Near Atimonan	I, K, 30th Inf					
Do	Bugason	H, 18th Inf					

Chronological list of actions, with losses, in the Philippine Islands from February 4, 1899, to June 30, 1900, inclusive—Continued.

Date.	Place.	Troops engaged.	Killed.		Wounded.		Names of officers killed or wounded.
			Officers.	Men.	Officers.	Men.	
1900.							
Mar. 10	Near Bay	Dets. F, G, 39th Inf				4	
Do	Igburi	A, C, E, L, 19th Inf				1	
Do	Near Atimonan	Det. K, 30th Inf					
Do	Valderrama	A, C, E, L, 19th Inf.; I, L, 44th Inf				1	
Mar. 11	Paranas	Det. M, 43d Inf				3	
Do	Malabog	F, 40th Inf					
Do	Dagami	3 men, A, 43d Inf., ambushed		1			
Do	Bugason	H, 18th Inf					
Do	Lanan	I, 43d Inf		1			
Mar. 12	Hilongos	Det. C, 43d Inf				1	
Mar. 13	Barrio Ibus	B, 41st Inf					
Do	Near Bardoc	Det. H, 34th Inf					
Do	Puerta Rivas	Det. 32d Inf; Macabebe Scouts					
Do	Near Bugason	A, C, 19th Inf					
Mar. 14	Near Magdalena	Dets. A, B, C, D, 37th Inf				2	
Do	Near San Manuel	Det. H, 13th Inf					
Do	Guinobatan	E, F, G, H, M, 40th Inf.; I, F, H, 47th Inf				2	
Do	Taisan	L, 38th Inf				1	
Do	Bagnotan	Det. D, 3d Cav		1		1	
Mar. 14	Near Balanga	Det. E., 32d Inf					
Do	Near Bugason	H, 18th Inf.; E, L, 19th Inf					
Mar. 15	Guisijan	H, 18th Inf.; A, C, E, L, 19th Inf					
Do	Atimonan	I, K, 30th Inf					
Do	Cuenca	I, 38th Inf				2	
Mar. 16	Nagcarlang	Det. B, C, 39th Inf				1	
Do	Barrio Nana	Det. D, 32d Inf					
Do	Near Jaro	Det. B, 43d Inf					
Do	San Diego Hill	A, C, 39th Inf		1			
Mar. 17	Pampanga River	G, 4th Cav.; Det. 34th Inf.; 32d Inf. Scouts; Macabebe Scouts.					
Do	Barrio Balabago	Det. 41st Inf					
Do	Sampaloc	E, F, L, M, 30th Inf					
Do	Cabang Cunjua	Det. D, 44th Inf					
Mar. 18	Manauan	C, E, 16th Inf			1		2d Lieut. C. M. Gordon, jr., 16th Inf. wounded.
Do	Near Aliaga	Det. C, 12th Inf					
Do	Cabug Cabug	L, 18th Inf					
Do	Polanqui	G, 37th Inf.; A, D, E, K, M, 45th Inf				1	
Do	Near Tagudin	Dets. E, G, 33d Inf				1	
Do	Near Sampaloc	Det. C, 37th Inf					
Do	Polumgubat	Det. 3d Inf					
Mar. 19	Near Atimonan	Det. H, 30th Inf					
Do	Legoa Pass	G, 37th Inf					
Mar. 20	Near Camalig	G, 37th Inf.; A, D, E, K, M, 45th Inf		1		1	
Do	Mapotas	E, 18th Inf					
Do	Darago	G, 37th Inf.; A, D, E, K, M, 45th Inf					
Mar. 21	Paete	E, 42d Inf					
Do	La Granja	Det. E, 43d Inf				1	
Do	Pozorrubio	Det. B, 13th Inf					
Mar. 22	Cabug Cabug	L, 18th Inf		1		2	
Do	Near Cavinti	K, 37th Inf					
Do	Near Sexmoan	Macabebe Scouts					
Mar. 23	Camalig	G, 37th Inf.; A, D, E, K, M, 45th Inf					
Do	Near Sariaga	Det. F, 30th Inf					
Do	Near Caratan	E, 18th Inf					
Do	Guadeloupe River	I, 23d Inf					
Do	Ticona	L, 18th Inf					
Mar. 24	Near Hiaboug	Det. I, L, 43d Inf				2	
Do	Near Malolos	I, K, L, M, 30th Inf				1	
Do	Penaranda River	G, 4th Cav.; Scouts 3d Brig., 2d Div			1	1	1st Lieut. O. R. Wolfe, 22d Inf., wounded.
Mar. 25	Guisijan	A, C, E, 19th Inf					
Do	Near Batangas	G, 38th Inf		1			
Do	Near Bugason	C, E, 19th Inf					
Mar. 26	Calbayog	E, F, G, H, 43d Inf		1		3	
Mar. 27	San Jose de Buenavista	H, 18th Inf				1	
Do	Gandara	Det. 43d Inf					
Mar. 28	Mabalacat	K, 9th Inf					
Mar. 29	Malitbloc	Det. 43d Inf				1	
Do	Near Paete	Dets. E, L, 42d Inf					
Mar. 30	Barboza	E, 18th Inf.; A, C, E, 19th Inf					
Do	Near Baruso	Det. B, 43d Inf				1	
Mar. 31	Near Dagami	43d Inf. Scouts				1	
Do	Near San Jose	I, 43d Inf				2	
Do	Batauan	E, 18th Inf.; A, C, E, 19th Inf		1			
Do	Near Mabalacat	Det. K, 9th Inf		1			
Do	Near Colasi	E, 18th Inf.; A, C, E, 19th Inf				1	
Do	Near Balamban	Dets. K, L, M, 44th Inf					
Apr. 1	Guisijan	A, 19th Inf				1	
Apr. 2	Near San Nicholas	L, 47th Inf					
Do	Batac	A, 3d Cav					
Apr. 3	Cavitan	A, L, 19th Inf					
Do	Near Apalit	3 men, K, 3d Inf., ambushed		3			
Do	Near Bugason	E, 18th Inf					
Apr. 4	Bicol River	Det. E, 45th Inf					
Do	Near San Vicente	Det. F, 13th Inf.; det. 24th Inf					
Apr. 5	Near Lambunao	G, 26th Inf					
Apr. 6	Near Balioang	C, 3d Cav					
Do	Barrio Ayson	A, 12th Inf		1			
Do	Barrio Cabalitocan	Det. D, 3d Cav					
Do	Near Lapo	Det. L, 33d Inf					
Do	Barrio Bartolome	Det. C, D, 27th Inf					
Apr. 7	Cagayan	I, K, L, M, 40th Inf		3	1	10	Capt. W. J. Watson, 40th Inf., wounded.
Do	Near Mayantoc	L, 4th Cav.; A, D, E, I, L, M, 17th Inf			1		1st Lieut. F. J. Morrow, 17th Inf., wounded
Do	Santa Marguerita	Det. G, 43d Inf					
Apr. 8	Nueva Caceres	K, 45th Inf		1			
Do	Balanga	D, E, 32d Inf					
Apr. 14 to Apr. 19	Catubig	H and Det. F, 43d Inf		18		5	
Apr. 14	Barrio Carasucan	Dets. E, F, H, 13th Inf					
Do	Near Paquil	Det. L, 42d Inf					
Do	Near San Augustin	Det. 12th Inf					
Do	Malitbog	Det. 43d Inf				2	
Do	Near Donsol	A, 47th Inf					
Do	Baler	Det. D, 34th Inf					

Chronological list of actions, with losses, in the Philippine Islands from February 4, 1899, to June 30, 1900, inclusive—Continued.

Date.	Place.	Troops engaged.	Killed.		Wounded.		Names of officers killed or wounded.
			Officers.	Men.	Officers.	Men.	
1900.							
Apr. 15	Cullebeng	F, 3d Cav				1	
Do	Near Pasacao	Det. H, 45th Inf				2	
Do	Vintar	Det. F, H, 34th Inf					
Do	Jaro	B, 43d Inf					
Do	Barrio Naghuguel	H, 33d Inf					
Apr. 9	Near Donsol	Det. D, 47th Inf					
Do	Near San Jacinto	Det. B, 13th Inf					
Do	Near San Manuel	Det. 13th Inf				1	
Apr. 10	Malabog	F, H, 47th Inf					
Do	Lavezares	E, 43d Inf					
Do	Guinobatan	F, H, 47th Inf					
Apr. 11	Near Guinobatan	do				1	
Do	Near Orion	Det. B, C, 32d Inf		2			
Do	Asingan	F, 13th Inf					
Apr. 12	Near Ligao	F, H, 47th Inf				1	
Do	Asingan	F, 13th Inf					
Do	Anatora	F, 44th Inf					
Do	Currimaoa	Det. G, 34th Inf					
Do	Near Nippero	Det. E, G, 43d Inf			1		1st Lieut. H. J. Stewart, 43d Inf., wounded.
Apr. 13	San Augustin	12th Inf. Scouts					
Do	Barrio Sanchez	F, 13th Inf					
Do	Guinobatan	F, H, 47th Inf					
Do	Mount Agsarab	H, 26th Inf					
Apr. 16	Batac	A, L, 3d Cav.; B, G, 34th Inf		2		3	
Do	Bacon	Det. K, M, 47th Inf					
Do	Colasi	C, E, 19th Inf					
Do	Near Pasacao	Det. H, 45th Inf					
Do	Near Orion	Det. B, 32d Inf					
Do	San Manuel	H, 13th Inf					
Do	Near Ondong	Det. 48th Inf					
Do	Salcedo	E, 33d Inf					
Do	Taisan	Det. C, 38th Inf				1	
Do	Near Vintar	Det. H, 34th Inf					
Apr. 17	Laoag	A, 3d Cav.; F, H, 34th Inf					
Do	Near Agsarab	G, H, 26th Inf				4	
Do	Near Pulilan	Det. M, 35th Inf		1		1	
Do	San Luis	L, 22d Inf					
Do	Colasi	C, E, 19th Inf					
Do	Near San Manuel	H, 13th Inf					
Do	Barrio Capat	Det. B, 32d Inf.; Macabebe Scouts					
Do	San Miguel	Det. H, 35th Inf					
Apr. 18	Near Orion	Macabebe Scouts			1		2d Lieut. J. P. Hasson, 35th Inf., wounded.
Do	Near San Miguel	Det. H, 35th Inf					
Do	Colasi	C, E, 19th Inf					
Do	Near Nabua	Det. E, 45th Inf					
Do	Near San Miguel	1 man, B, 35th Inf				1	
Apr. 19	Near Salcedo	Dets. E, G, 33d Inf				1	
Do	Barrio Mabaleng	A, 3d Cav		1			
Do	Near Barcelona	L, 47th Inf					
Do	Colasi	C, E, 19th Inf					
Do	Penaranda	G, 4th Cav					
Do	San Jancinto	D, 13th Inf					
Do	Near San Fernando	Det. M, 45th Inf					
Apr. 20	Near Camalig	I, 47th Inf				2	
Do	Macton	Band, 44th Inf					
Do	Tanay	Det. F, 42d Inf					
Do	Near Pilar	Det. B, 33d Inf					
Apr. 21	San Nicolas	A, 3d Cav					
Do	Near Paete	Det. L, 42d Inf					
Do	Bantiyan	Det. E, G, 47th Inf					
Do	Batac	G, 34th Inf					
Apr. 22	Candaba	B, D, L, 35th Inf					
Do	Mabaleng	F, 3d Cav					
Apr. 23	Near Castro	Det. F, 48th Inf					
Do	Near San Antonio	G, 4th Cav					
Do	Near Bangar	Det. H, 48th Inf					
Do	Near Salcedo	G, 33d Inf					
Apr. 24	do	E, G, 33d Inf				1	
Apr. 25	Batac River	F, 3d Cav				1	
Do	Bulusan	Det. 47th Inf				1	
Do	Bato	Det. E, 45th Inf					
Do	Calbayog	H, 43d Inf					
Do	Near Paquil	Det. E, L, 42d Inf					
Apr. 26	La Paz	I, K, 23d Inf.; C, K, 43d Inf		2		13	
Do	Near Buranen	K, 43d Inf				1	
Do	La Paz	Det. 43d Inf.; A, D, 44th Inf				4	
Do	Tacloban	1 man, A, 43d Inf., ambushed				1	
Do	Bantiyan	Det. E, G, 47th Inf					
Do	Cagayan	K, 40th Inf		1			
Apr. 27	Legaspi	H, 47th Inf				1	
Do	Daet	B, 45th Inf					
Do	Near Orion	Det. B, 32d Inf					
Do	Near Mount Samal	Dets. B, C, 32d Inf					
Apr. 28	Patnongon	F, G, H, 44th Inf		2	1	1	2d Lieut. G. F. Schlachter, 44th Inf., wounded.
Do	San Vicente	Det. 22d Inf					
Do	Sibalon	A, 19th Inf					
Do	Muntinlupa	A, C, 21st Inf					
Do	Near Batac River	F, 3d Cav					
Apr. 29	Near Tinagaya	Dets. G, H, 26th Inf				1	
Do	Alang Alang	B, 43d Inf					
Do	Tamorang	F, 48th Inf					
Do	Malabon	Det. H, 31st Inf					
Do	Barrio Balaon	Dets. I, H, 35th Inf		1			
Apr. 30	Near Manaoag	H, 4th Cav					
Do	Near Salcedo	Det. G, 33d Inf				2	
May 1	Catarman	F, 43d Inf					
Do	Malabog	I, 47th Inf					
Do	Barrio Cabaritan	Native scouts					
Do	Cadanglovan	E, 3d Cav					
May 2	Jimenez	D, 40th Inf					
Do	Palanoz	B, C, D, 29th Inf					
Do	Near Daet	B, 45th Inf					
May 3	Near Santa Cruz	Det. F, 44th Inf		1		1	
Do	Near Dablain	Det. A, 48th Inf					

Chronological list of actions, with losses, in the Philippine Islands from February 4, 1899, to June 30, 1900, inclusive—Continued.

Date.	Place.	Troops engaged.	Killed.		Wounded.		Names of officers killed or wounded.
			Officers.	Men.	Officers.	Men.	
1900.							
May 3	Jaen	G, 4th Cav					
May 4	Bonanguran	Det. 47th Inf				3	
Do	Near Candon	Det. G, 33d Inf					
Do	Naic	F, 11th Cav				1	
Do	Batayan	Det. E, G, 47th Inf					
May 5	Polo	Det. 43d Inf			1		Capt. L. E. Polk, 43d Inf., wounded.
Do	Near Canayan	Det. I, 49th Inf					
Do	San Vincente	A, D, 47th Inf					
Do	Barrio San Antonio	Det. 41st Inf					
Do	Near San Quentin	K, 24th Inf				1	
May 6	Near San Manuel	Det. H, 13th Inf		1			
Do	Dongon Pass	Det. K, 48th Inf.; Macabebe Scouts				4	
Do	Hilongos	I, K, 23d Inf.; C, K, 43d Inf				4	
Do	Near Pambujan	Dets. E, F, H, 43d Inf				1	
Do	Candelaria	Dets. E, F, H, 25th Inf					
Do	Villasis	Det. F, 13th Inf.; Macabebe Scouts					
Do	Barbarit	Det. A, 48th Inf					
Do	Near San Juan de Guimba.	Det. K, 34th Inf					
Do	Near Donsol	Det. 47th Inf					
May 7	Pamplona	M, 45th Inf		1		1	
Do	Mount Samal	Det. E, 32d Inf					
Do	Quiem	Det. G, 34th Inf				1	
Do	Near Rosario	B, det. K, 48th Inf.; det. M, 3d Cav					
May 8	Calbayog	E, F, H, 43d Inf				1	
Do	Barrio Abass	Det. D, 33d Inf					
Do	Panaga	Det. C, 13th Inf					
Do	Near Orion	Dets. B, C, 32d Inf					
May 9	Taytay	Det. C, 42d Inf					
Do	Angono	do					
Do	Santa Barbara	Det. I, 22d Inf					
Do	Near Mexico	Det. E, 41st Inf					
May 10	Calabanga	Det. 45th Inf				1	
May 11	Near Matignao	I, 23d Inf.; A, C, E, K, 43d Inf	1	2		4	1st Lieut. J. H. Evens, 43d Inf., killed.
Do	Valderrama	H, 18th Inf					
Do	Near Magaan	Det. A, D, 47th Inf					
May 12	Dulag	A, 44th Inf					
Do	Near San Manuel	Det. H, 13th Inf					
Do	Near Pozorrubio	1 man, Co. B, 13th Inf., ambushed		1			
Do	Paransas	Det. I, 43d Inf				1	
Do	Alwayan	F, 48th Inf					
May 13	Near Tangadan	Det. E, 34th Inf					
Do	Near Lumbai	Det. B, 33d Inf					
Do	Palanig	Det. 25th Inf				1	
May 14	Near Camalig	B, 11th Cav				1	
Do	Agusan	I, K, 40th Inf		2		3	
Do	San Miguel	Det. G, 33d Inf					
Do	Loculan	C, F, 40th Inf		7		4	
May 15	Near Alfonso	Dets. E, F, G, H, 28th Inf					
Do	Amontoc	Det. E, 48th Inf				1	
Do	Toboatin River	G, 4th Cav					
Do	Near Vintar	Det. E, 34th Inf					
May 16	Near Abucay	Dets. D, E, F, 32d Inf					
Do	Near Balioang	Det. F, 48th Inf					
Do	Near Donsol	A, D, 47th Inf					
Do	Paransas	Det. 43d Inf				1	
May 17	Alian	Det. F, 47th Inf				2	
Do	Simali	A, 23d Inf					
May 18	Paransas	Det. I, 43d Inf				1	
May 19	Boljoon	A, 23d Inf					
Do	Near Nomong	Det. G, 33d Inf					
Do	Near San Quinton	Native scouts					
May 20	Tuguegarao	K, 49th Inf					
Do	Barrio Santa Cruz	D, 38th Inf					
May 21	Boljoon Mountains	A, 23d Inf				1	
Do	Malitcong	C, D, 33d Inf					
Do	Libmanan	Det. 45th Inf				2	
May 22	Pasigay	L, M, 43d Inf				2	
Do	Near Lipa	Det. H, 38th Inf			1		2d Lieut. Fred Bury, 38th Inf., wounded.
Do	Tabaco	Det. E, 47th Inf				1	
May 23	Pindangan	Det. B, 13th Inf					
May 24	Near San Miguel	G, 4th Cav					
Do	Barrio Brabscal	F, 35th Inf					
Do	Barrio Bayambayana	5 men, B, 27th Inf., ambushed		1			
Do	Near Lipicat	L, K, 45th Inf					
May 25	Abucay	F, 32d Inf					
Do	Near Similoan	L, 37th Inf					
May 26	Candaba	K, M, 22d Inf		1			
Do	Near Labo	Det. B, 45th Inf					
Do	San Miguel	L, 35th Inf					
May 28	Labo	Det. B, 45th Inf		3	1	8	Capt. A. Steinhauser, 45th Inf., wounded.
Do	Near Sugod	Det. K, M, 47th Inf					
May 29	Cabagan Nuevo	F, 49th Inf					
Do	Near San Luis	Det. I, 35th Inf		3		2	
Do	Santa Lucia	Det. 33d Inf				1	
Do	Santa Ana	F, 41st Inf					
Do	Laoag	Det. E, 28th Inf					
Do	Polo	Det. 43d Inf				1	
Do	Magdalena	K, 37th Inf					
Do	Near Badoc	Det. G, 12th Inf					
Do	Barrio Uggula	Det. F, 49th Inf				1	
May 30	Near Jalang	Band and det. M, 46th Inf		3			
Do	Siniloan	Det. F, 42d Inf		1			
Do	Near Labo	Det. B, 45th Inf					
Do	Near Balamban	Det. M, 44th Inf					
Do	Santo Tomas	Det. K, 34th Inf					
May 31	Near Gapan	G, 4th Cav					
Do	Near Manaoag	C, 13th Inf				1	
Do	Balungas	Det. I, 12th Inf				1	
Do	Lambunao	Det. L, 18th Inf				2	
June 1	Near Biac-na-bato	Det. C, 35th Inf				1	
Do	Barrio Isabong	Det. F, 30th Inf					
Do	Talisay	Det. I, K, 39th Inf					
June 2	Barrio Mabaling	Det. G, 34th Inf					
June 3	Catbalogan	L, 43d Inf					

Chronological list of actions, with losses, in the Philippine Islands from February 4, 1899, to June 30, 1900, inclusive—Continued.

Date.	Place.	Troops engaged.	Killed.		Wounded.		Names of officers killed or wounded.
			Officers.	Men.	Officers.	Men.	
1900.							
June 3	Bulacan Mountain	A, 22d Inf.; C, 34th Inf	1	1			Capt. G. J. Godfrey, 22d Inf., killed.
Do	Malunu	Det. H, 16th Inf				2	
Do	Near Bustos	Det. A, 35th Inf					
Do	Near San Victor	Det. A, 43d Inf					
Do	Nagbrecan	G, 34th Inf					
Do	Barotac Nuevo	C, 26th Inf				3	
Do	Near Magdalena	Det. E, 11th Cav					
June 4	Near Biac-na-bato	Det. C, 35th Inf				1	
Do	Barrio Lauco	G, 3d Inf.; E, 35th Inf		1		5	
Do	Near San Manuel	Det. H, 13th Inf					
Do	Balubad	C, D, I, K, L, 35th Inf			1	3	1st Lieut. Grover Flint, 35th Inf., wounded.
June 5	Near Barotac	C, 26th Inf					
Do	Papaya	Det. A, B, 28th Inf			1	1	Capt. F. F. Crenshaw, 28th Inf., wounded.
June 6	Mina	1 officer, 1 man, G, 26th Inf., ambushed			1		Capt. J. Bordman, jr., 26th Inf., wounded.
June 7	Donsol	A, D, 47th Inf					
Do	Boa River	Dets. A, B, M, 37th Inf				1	
Do	Dumangas	Dets. A, B, C, D, 26th Inf		1		1	
Do	Biaan Valley	Det. A, 32d Inf					
June 8	Calbayog	E, G, 43d Inf					
Do	Donsol	A, D, 47th Inf					
Do	Near Talisay	Det. K, 39th Inf					
Do	Near Sibul	C, 34th Inf					
Do	Near San Miguel de Mayumo	Det. H, 4th Cav.; L, M, 34th Inf					
Do	Near Teres	Det. L, 47th Inf					
June 9	Cabatuan	H, 26th Inf					
Do	Barauen River	Det. C, 43d Inf					
Do	Near Echague	Det. M, 16th Inf		1			
June 10	Anilao	Det. D, 26th Inf		1			
Do	San Isidro	A, B, 22d Inf					
Do	Near Tingalon	Det. H, 44th Inf					
Do	Tanauan	A, 43d Inf					
Do	Masin	H, 18th Inf					
June 11	Balubad	H, 4th Cav.; E, 1st Art.; E, F, G, H, 3d Inf.; C, D, E, F, G, H, I, 22d Inf.; B, C, D, I, K, L, 35th Inf.; I, L, M, 34th Inf.					
Do	Balodan	L, 34th Inf					
Do	Near San Miguel	H and scouts, 41st Inf					
Do	Santa Cruz	E, L, 11th Cav.; E, 33d Inf				2	
Do	Sibul Mountains	C, 34th Inf					
June 12	Near Caranim	Det. E, G, 43d Inf					
Do	Layog	H, 18th Inf					
Do	Guinobatan	Det. D, 11th Cav					
Do	Near Lambong	Det. G, 11th Cav					
Do	Near Calbayog	Det. E, 43d Inf					
June 13	Mexico	E, 41st Inf					
Do	Catbalogan	L, 43d Inf					
Do	San Antonio	Det. I, 22d Inf					
Do	Near Prenca	Det. E, 28th Inf					
Do	Dagami	C, 43d Inf					
Do	Marora	Det. B, 11th Cav					
June 14	Near Tagatay	E, F, G, H, 47th Inf		1		1	
Do	San Domingo	Det. G, 32d Inf		1		1	
Do	Near Santa Rosa	Det. 22d Inf					
Do	Papaya	G, 4th Cav.; C, I, 34th Inf		1		1	
Do	Near Cagayan	H, I, K, L, M, 40th Inf		9	2	8	Capts. T. Millar and W. B. Elliott, 40th Inf., wounded.
Do	Near Dumangas	Det. 18th Inf		1			
Do	Near Cagayan	Det. K, 40th Inf				2	
June 15	Near Barbasa	C, 19th Inf					
Do	Near Nalupa Nuevo	E, 19th Inf					
Do	Monte Maradudon	E, 3d Cav.; det. L, 33d Inf				1	
Do	Near Guinagaan	Dets. A, D, 47th Inf					
Do	Mainit	B, 40th Inf					
June 16	Barbasa	F, 44th Inf.; C, E, 19th Inf				1	
Do	Pagsajan	Dets. A, G, 11th Cav				1	
June 17	Calbayog	E, G, 43d Inf					
Do	Near Ligao	Det. I, 47th Inf					
June 18	Dumangas	Dets. C, L, 26th Inf		1			
Do	Calibabagan	Det. E, 16th Inf					
Do	Near Layog	H, 26th Inf.; det. G, 6th Art					
Do	Near Guinobatan	Det. B, 11th Cav				1	
Do	Near Leon	Det. I, 26th Inf					
June 19	Antique	L, 19th Inf					
Do	Manguirin	Det. K, 11th Cav					
Do	Near Durago	Det. B, 11th Cav					
Do	Calivo	A, 6th Inf				1	
June 20	Near Camarines	F, K, 11th Cav					
Do	Antique	A, L, 19th Inf					
Do	Anisloe	Det. F, 47th Inf				1	
Do	Minglenilla	Det. M, 19th Inf				2	
Do	Near Camalig	Det. I, 47th Inf					
June 21	Catbalogan	L, 43d Inf					
Do	Monte Paruyan	E, 3d Cav.; G, 12th Inf		1		1	
Do	Malaboga	B, 11th Cav					
Do	Near Caranim	Dets. E, G, 43d Inf					
Do	Malaboquin	B, D, 11th Cav				1	
June 22	Near Dumangas	F, 18th Inf					
June 23	Bangued	A, B, C, D, 33d Inf					
Do	Gomain River	Det. I, 33d Inf				1	
Do	Abra River	Dets. A, B, C, D, 33d Inf					
Do	Near Luisiana	L, 11th Cav.; H, 37th Inf					
Do	Near Lucban	B, 37th Inf					
June 24	Hilongos	A, 44th Inf		2			
Do	Catbalogan	L, 43d Inf					
Do	Near Luisiana	M, 37th Inf					
Do	Bulusan	Det. L, 47th Inf					
Do	Dumangas	Det. L, 26th Inf				1	
Do	Near Ligao	Det. I, 47th Inf				1	
Do	Sapao	F, 18th Inf					
Do	Near Boao	Det. A, 45th Inf					
Do	Barrio Holang	Det. G, 35th Inf					
Do	Lagonoy	D, 45th Inf					
June 25	Santa Ana	F, 41st Inf					
June 26	Catbalogan	L, 43d Inf					

Chronological list of actions, with losses, in the Philippine Islands from February 1, 1899, to June 30, 1900, inclusive—Continued.

Date.	Place.	Troops engaged.	Killed.		Wounded.		Names of officers killed or wounded.
			Officers.	Men.	Officers.	Men.	
1900.							
June 26	San Quintin	Det. B, D, 33d Inf					
Do	Near Camalig	Det. I, 47th Inf					
Do	Sibalon	L, 19th Inf					
Do	Bangued	A, B, C, D, 33d Inf					
Do	Near San Antonio	Dets. A, E, G, L, 11th Cav.; H, 37th Inf					
June 27	Camalig	Det. I, 47th Inf				1	
Do	Mount Bingain	Det. L, 41st Inf					
Do	Near Balanga	Dets. C, D, G, 32d Inf					
Do	Near Barabo	Det. K, 11th Cav					
Do	Sapao River	E, F, 26th Inf				1	
Do	Near Sorsogon	Dets. K, M, 47th Inf					
Do	Lagonoy	Det. 45th Inf					
June 28	Near Bangued	Det. B, 33d Inf					
Do	Canayan	Det. H, 47th Inf					
Do	Payato	Det. K, 11th Cav					
Do	Hilongos	A, 44th Inf					
Do	Catbalogan	L, 43d Inf					
June 30	Bolong	K, 26th Inf				1	
Do	Sinfrozo de la Cruz	Det. E, 35th Inf					
Do	Near Indan	Det. E, 46th Inf					
Do	Near San Blas	3 men, I, 26th Inf., ambushed		1		2	
Do	Nainil	B, 40th Inf					
Do	Conowal	Det. 23d Inf					
Do	Magaan	Det. 47th Inf					
Do	Near Guinobatan	Det. B, 11th Cav		1			
	Total		33	476	a147	2,076	

a Includes 3 acting assistant surgeons wounded.

ADJUTANT-GENERAL'S OFFICE, *Washington, D. C., October 1, 1900.*

H. C. CORBIN, *Adjutant-General.*

Mr. PROCTOR. Mr. President, I suppose every Senator on the floor has personal friends in the volunteers, friends in whose welfare he is greatly interested. I have, and I presume every Senator has; men who have done well in their service in the Philippines, and whom we would like to have secure good places in the regulars. I might mention several cases in which I have an interest. I have two friends who are majors of volunteers. One of them was selected quite recently to lead the principal column which took what was said by the papers to be the strongest Filipino fortress in the islands. Over a thousand men were selected to make the attack, and his battalion was selected to lead the principal column. He would, of course, be glad of a position as captain and glad of one as first lieutenant.

But, Mr. President, it seems to me it would be a very great injustice to appoint these men who have had but short service—arduous, gallant, I admit, but very brief. The great number of battles the Senator from Virginia has alluded to were quite different in character from those in which the Senator himself won such great renown.

Now, Mr. President, the appointment of captains of volunteers to the regulars involves the jumping of 764 first lieutenants, to say nothing of over 400 second lieutenants, making a little upward of 1,200 in all. They have been serving right along with the volunteers, and had six, eight, and ten years' previous service. Many of them were engaged in that battle of the regulars, the great battle of the Spanish war, at San Juan and El Caney, in which very few volunteers took part. Those were especially engagements of the regulars.

Now, the injustice of this is so manifest that it does not seem to me necessary to say anything about it. One point all will see. Regulars are now serving in the volunteers with increased rank. Several first lieutenants of regulars are serving in the Philippines as majors. The amendment would authorize their reappointment in the regulars with increased rank, jumping over their fellow regulars, a large number of them. There is so much wrong in it that I trust it will not be seriously considered.

Mr. McCOMAS. Will the Senator from Vermont let me ask him a question?

Mr. PROCTOR. Certainly.

Mr. McCOMAS. He has spoken of the very gallant volunteer major who jumped a great many fine young lieutenants and led a thousand men and took a place deemed impregnable. He did it gallantly. The country was benefited and glorified. Does the Senator think that the public service was hurt much that that volunteer jumped juniors in time of battle to perform that achievement? Does it not show that metal of that sort ought not to be lost from the Army? If that major were made captain of regulars it might be an infusion which would help the bureaucratic system of the Regular Army.

Mr. PROCTOR. Unfortunately we have no system by which individuals can be selected and rewarded by promotion for special service.

Mr. McCOMAS. If the Senator will allow me, the amendment of the Senator from Virginia would permit the selection of that captain who had been a volunteer major, and, perhaps, very much for the benefit of the whole Army.

Mr. PROCTOR. Mr. President, it would open these places to a very large number, and there is no certainty that the specially deserving might be selected. I think it would be unjust to select any in this case for so high promotion. One of the great difficulties the committee has met with—the Senator from Missouri [Mr. COCKRELL] will indorse me in that, I am sure—is the claims from all quarters for changes in the measure to hit particular cases. The committee have considered it very carefully, so as to do justice as far as possible to all and the least possible injustice to any.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from South Carolina?

Mr. PROCTOR. Certainly.

Mr. TILLMAN. It is very strange to me that the Senator from Vermont should be unwilling to trust the President to be discreet in the selection of these men for the appointment of captain; but if he is afraid of the political influences which are always at work to embarrass the Executive, could he not put some limitation on the appointment to captain, confining it, for instance, to those who have been mentioned for distinguished gallantry by their superiors, or something like that? Limit the President—in other words, defend the President from the importunities of politicians—by simply providing that only such officers as have distinguished themselves shall be appointed captains. Why not make some provision like that?

Mr. PROCTOR. I believe, Mr. President, we have not succeeded so far, since the Government was established, in freeing the President from the importunities of politicians, and I do not believe he can be relieved from that. These volunteers are largely appointed by the favor of friends. We have all of us taken our part in it. They are fighting by the side of regulars, who are not represented here and who never asked for these personal favors.

Mr. TILLMAN. Let us grant that—that the volunteers are nearly all or entirely appointed upon the recommendation and solicitation of public men. Does that imply that those who have been unworthily appointed could be promoted or appointed in this way after they were examined by a board, as is provided for here? Is not the Senator willing to trust the President and this board to winnow out any unworthy appointments that by accident might be made?

Of course I believe that the President will do the very best he can and not saddle off on the Army any improper person, but when you shut the door absolutely in his face and in the face of these officers, who have shown by their service that they are worthy of this honor, is it not a discrimination that is calculated to discourage even applications from ambitious men, and is it not a slap to those who have won their spurs, so to speak?

Mr. PROCTOR. Has the Senator concluded his question?

Mr. TILLMAN. Well, it was not exactly a question; it was a sort of interchange of views on the subject.

Mr. PROCTOR. I think it is our duty to frame this bill as we think is right. It is for us to determine what is right and what

is wrong, and not turn off upon the President any discretion that we should properly exercise here.

Mr. SEWELL. Will the Senator from Vermont allow me to make a suggestion?

Mr. PROCTOR. Certainly.

Mr. SEWELL. While I sympathize very much with the Senator from Virginia in his presentation of the case in relation to volunteers—and I belong to that class—at the same time you ought to draw the line and make a distinction between the volunteer, so called, of to-day and the volunteer of 1861. The latter were State troops organized entirely as volunteers, commissioned by the State. Those that are now in existence were organized by the United States Government.

Mr. TILLMAN. If the Senator will permit me, were they not almost entirely commissioned from those who had volunteered for the Spanish war? Are there a dozen of the present officers of the 35 regiments who were not officers among the volunteers who responded to the call of the President to fight the Spanish war under conditions similar to those of 1861?

Mr. SEWELL. In answer to that question, I say no. The colonels were colonels of the Regular Army, lieutenants, captains, majors, and they are to-day. The field officers were young officers of the Regular Army. It was a Regular Army organization, and while there are some who to-day occupy field officers' positions by reason of the fact that the Department pursued the course of filling vacancies by promotion in the regiments, at the same time it is to all intents and purposes a Regular Army organization, and it is entirely different from that of 1861. So the officers whom you intend to provide for by this amendment are, as a rule, regular officers to-day, lieutenants, captains, majors, who on the mustering out of these troops go back to their regiments. I make the suggestion that the situation is entirely different from what has been supposed.

The committee had this matter under consideration, and, without any eulogy upon the Committee on Military Affairs, I will state that we are all men who have had experience. We all want to do justice. Under the circumstances, these field officers of the present force being largely regulars, and the term of service having been so short, we thought we would do great injustice to the officers of the Regular Army, those who have graduated, those who are now in the field holding higher commissions, by making the appointments to any greater rank than first lieutenant—and some of those first lieutenancies will do injustice to men who have commanded in these very volunteers, or so-called volunteers, in higher grades. They will go back and have some volunteer appointed over them.

Mr. HAWLEY. Mr. President, after what was said about dealing unkindly and unjustly and partially with common men, the private soldier, I will just put in one single example; I can find others similar in the Army Register.

Charles W. Farber became, in 1879, a private. Then he became a sergeant, and then a first sergeant. Then he was in the general mounted service a private, corporal, sergeant, and first sergeant in Troop H, Eighth Cavalry. He is now a first lieutenant after twenty-one years' service. In the meantime he improved his opportunities. He is a graduate of the infantry and cavalry school. If that is not an illustration of the democracy of our Army, I do not know what is. Now it is proposed that a man shall be picked up—I will not say anything offensive, however; he might be and might not—but selected as a captain and put in over this man who started as a private and has had twenty-one years of service.

Mr. President, just one word more incidentally, and purely as a matter of justice. I noticed in one of our excellent papers in town an intimation that certain regular officers were haunting the corridors and said to be lobbying. Well, there has not been one of them here in any such capacity. There is one, who is familiar with every provision of the whole organization and construction of the Army, who has been here considerably. He came in here but once, but he was in the building by the special invitation and request of the Military Committee, because it was only necessary to ask him a question to get an answer on almost anything relating to the discipline and construction of the Army.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Virginia [Mr. DANIEL].

Mr. HAWLEY. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HEITFELD (when his name was called). I again announce my pair with the senior Senator from New York [Mr. PLATT].

Mr. MCMILLAN (when his name was called). Under the same arrangement as to change of pairs heretofore announced by me, I am at liberty to vote, and I vote "nay."

Mr. MONEY (when his name was called). I am paired with the Senator from Oregon [Mr. MCBRIDE]. Not knowing how he would vote, I withhold my vote. If he were present, I should vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. WARREN (when his name was called). I am paired with the Senator from Washington [Mr. TURNER]. Were he present, I should vote "nay."

The roll call was concluded.

Mr. BURROWS. I am paired with the Senator from Louisiana [Mr. CAFFERY].

Mr. MARTIN. I have a general pair with the Senator from Illinois [Mr. CULLOM]. In his absence I withhold my vote. If I had the right to vote, I should vote "yea."

Mr. SPOONER. I rise to announce that my colleague [Mr. QUARLES] has a general pair with the Senator from Texas [Mr. CULBERSON].

Mr. BACON (after having voted in the affirmative). In the absence of the junior Senator from Rhode Island [Mr. WETMORE], I withdraw my vote, as I am paired with that Senator.

Mr. MONEY. I wish to state now for the remainder of this bill that my colleague [Mr. SULLIVAN] is absent, and that he is paired with the Senator from Illinois [Mr. MASON].

Mr. PETTUS. I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "yea."

The result was announced—yeas 24, nays 22; as follows:

YEAS—24.

Allen,	Daniel,	McCumber,	Rawlins,
Bate,	Fairbanks,	Mallory,	Taliaferro,
Berry,	Foraker,	Morgan,	Teller,
Butler,	Harris,	Nelson,	Tillman,
Clark,	Jones, Ark.	Perkins,	Turley,
Clay,	McComas,	Pettigrew,	Wellington.

NAYS—22.

Allison,	Gallinger,	McMillan,	Simon,
Bard,	Hale,	Platt, Conn.	Spooner,
Carter,	Hanna,	Proctor,	Stewart,
Dolliver,	Hawley,	Scott,	Thurston.
Elkins,	Kean,	Sewell,	
Frye,	Lodge,	Shoup,	

NOT VOTING—40.

Aldrich,	Cullom,	Kyle,	Platt, N. Y.
Bacon,	Deboe,	Lindsay,	Pritchard,
Baker,	Depew,	McBride,	Quarles,
Beveridge,	Dillingham,	McEnery,	Sullivan,
Burrows,	Foster,	McLaurin,	Towne,
Caffery,	Hansbrough,	Martin,	Turner,
Chandler,	Heitfeld,	Mason,	Vest,
Chilton,	Hoar,	Money,	Warren,
Cockrell,	Jones, Nev.	Penrose,	Wetmore,
Culberson,	Kenney,	Pettus,	Wolcott.

So the amendment of Mr. DANIEL was agreed to.

The PRESIDENT pro tempore. The Chair lays before the Senate the next amendment in order.

Mr. PETTIGREW. I have an amendment I should like to offer, as it relates to this same subject.

The PRESIDENT pro tempore. The Senator from South Dakota offers an amendment, which will be stated.

Mr. PETTIGREW. I offer the amendment which I send to the desk.

The Secretary read the amendment, as follows:

Strike out all provisions in this bill which place an age limit against the appointment of meritorious volunteers to positions in the staff and line of the Regular Army.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from South Dakota. [Putting the question.] By the sound, the "noes" have it.

Mr. PETTIGREW. I demand the yeas and nays.

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The amendment is rejected.

Mr. MONEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator rise to offer an amendment?

Mr. MONEY. I rise to offer an amendment.

The PRESIDENT pro tempore. The next amendment in order is one offered by the Senator from Tennessee [Mr. BATE].

Mr. BATE. Which one is that?

The PRESIDENT pro tempore. The Chair supposes that there is nothing in the unanimous-consent agreement which prevents the Senator from Mississippi [Mr. MONEY] from offering his amendment now, but in the opinion of the Chair it would be more regular to proceed in the order the amendments were received and laid on the table.

Mr. MONEY. I have not a printed amendment, but I should like to move to strike out some words in a paragraph of the bill.

The PRESIDENT pro tempore. The amendment will be received.

Mr. MONEY. I move to strike out, on page 30, in the newly numbered section 17 of the amendment of the Senate committee, so as to restore the text of the House amendment. I have not heard any reason given here why these changes should be made.

The PRESIDENT pro tempore. The Secretary will read the

words proposed to be stricken out by the amendment of the Senate committee.

The SECRETARY. On page 30, in the newly numbered section 17, in line 11, before the word "paymaster," the Committee on Military Affairs propose to strike out the word "four" and insert "three;" in the same line, after the word "colonel," to strike out "and assistant paymaster-general, five" and insert "four;" in line 13, after the word "lieutenant-colonel," to strike out "and deputy paymaster-general, twenty" and insert "nine;" in line 14, before the word "paymasters," to strike out "twenty-five" and insert "twenty-seven;" in line 15, after the word "captain," to insert "mounted;" in line 21, after the word "below," to strike out "twenty" and insert "nine;" in line 24, after the word "paymaster," to insert "and whose age at the date of appointment shall not exceed 40 years;" on page 31, line 1, after the word "section," to insert "and the persons so appointed to the grade of captain shall be promoted according to seniority to vacancies in the grade of major occurring after the number of majors has been reduced to nine."

So as to make the section read:

SEC. 17. That the Pay Department shall consist of 1 Paymaster-General with the rank of brigadier-general, 3 paymasters with the rank of colonel, 4 paymasters with the rank of lieutenant-colonel, 9 paymasters with the rank of major, and 27 paymasters with the rank of captain, mounted: *Provided*, That all vacancies in the grade of colonel and lieutenant-colonel created or caused by this section shall be filled by promotion according to seniority, as now prescribed by law, and no more appointments to the grade of major and paymaster shall be made until the number of majors and paymasters is reduced below 9: *And provided*, That persons who have served in the Volunteer Army since April 21, 1898, as additional paymasters, and whose age at the date of appointment shall not exceed 40 years, may be appointed to positions in the grade of captain, created by this section, and the persons so appointed to the grade of captain shall be promoted according to seniority to vacancies in the grade of major occurring after the number of majors has been reduced to 9. So long as there remain surplus majors an equal number of vacancies shall be held in the grade of captain, so that the total number of paymasters authorized by this section shall not be exceeded at any time.

Mr. MONEY. Mr. President, I intended to confine my amendment to the words in brackets in regard to the number of paymasters, the assistant paymaster-general, and the deputy paymaster-general; in other words, I want to restore the number as fixed by the House of Representatives. I do not propose to amend the text of the Senate committee any further than as to the number of the Paymaster's Corps.

I have not heard anything said in the debate about the reasons for decreasing the number of paymasters; and it seems to me there are very substantial and sound reasons why the number should not be decreased.

Mr. President, I will withdraw my amendment for the present, and let the Senator from Tennessee [Mr. BATE], who has mistaken my purpose, secure action upon his amendment.

The PRESIDENT pro tempore. The amendment of the Senator from Mississippi is withdrawn for the present.

Mr. BATE. I now ask the Chair to lay before the Senate the amendment proposed by me.

The PRESIDENT pro tempore. The Chair lays before the Senate an amendment proposed by the Senator from Tennessee [Mr. BATE], which will be stated.

The SECRETARY. On page 40, after line 9, it is proposed to insert:

And those volunteer officers, not over 30 years of age, who held commissions during the war with Spain and are now serving in the Regular Army.

Mr. BATE. Mr. President, I understand the Senator from Wyoming [Mr. WARREN] has offered a similar amendment that has been acted upon by the Senate, and he asked that this amendment may be passed over temporarily until we can decide as to that matter. It is a very meritorious amendment, but I think it had better stand until the Senator from Wyoming and I can agree about it.

The PRESIDENT pro tempore. Does the Senator desire this amendment to be passed by for the present?

Mr. BATE. I suppose so. It may be included in another amendment, and, if so, we had better look into the matter and ascertain as to that. It is a meritorious amendment, but I have no objection to its being laid aside for the present. I now ask to have the next amendment I offered laid before the Senate.

The PRESIDENT pro tempore. The Senator had better examine the new print of the bill and see exactly where he desires this amendment to come in.

Mr. BATE. I will, sir.

The PRESIDENT pro tempore. The Chair does not think the place indicated in the printed amendment is the proper place for it.

Mr. BATE. It was the proper place in the first print of the bill, but I do not know where it should be inserted in the last print. The next amendment I offered is the one I wish to have acted upon now.

The PRESIDENT pro tempore. The amendment of the Senator from Tennessee which has been read will be passed by for the present. The Chair lays before the Senate the next amendment offered by the Senator from Tennessee [Mr. BATE], which will be stated.

The SECRETARY. On page 32, section 20, strike out all after the word "colonel," in line 13, down to and including the words "and 10 cooks," in line 18, and insert in lieu thereof the following:

Two lieutenant-colonels, 5 majors, 19 captains, and 19 first lieutenants. The enlisted force of the Signal Corps shall consist of 10 companies, whose status of service shall be the same as companies of the Corps of Engineers. Each company shall consist of 9 first-class sergeants, 18 sergeants, 18 corporals, 45 privates (who may be either of the first or second class), and 1 cook.

Mr. BATE. Mr. President, this is an amendment that adds a small increase, I am frank to say, in the number of commissioned officers and noncommissioned officers in the Signal Corps of the Army.

I ask the attention of the Senate to the fact that there is a marked distinction between that and other corps or departments of the Army. The Signal Corps is comparatively a new one. It is a growing corps. It has been nursed by the Government to an extent, and it has been thus far very successful. Now it is desired by some few Senators on the committee along with myself that that corps shall be perfected as far as possible in order to secure the best results in the operations now going on in the Philippines and elsewhere.

I propose to show what the commander of the army there, General MacArthur, has said in regard to this matter, and I propose to repeat in substance what has been stated to me by General Greely, the head of this corps.

I think, if we differentiate this from some other propositions to increase the Army, that the Senate will certainly adopt the amendment. I believe that it is for the interests of the Army and for the interests of the country that this should be done.

At the outset I beg to say that we are not asking for an enlargement of a large corps or for the creation of a new corps. This amendment will add no new corps, as has been intimated. It simply provides for an increase in a small corps which is now in active work and rendering very efficient service.

It is known, it has been stated here, and it is a fact that there are more than 400 Army posts in the Philippines. Most of those posts require an expert to be there, one who can telegraph and look over matters of that nature, and attend to the correspondence in that line. We have not half enough officers and men for that purpose. So says the general in command in the Philippines, and so says the head of this corps. Therefore I say it is practical and good judgment for us to give him what is necessary or what he believes to be necessary.

Besides, Mr. President, these are scientific men. It is not like getting enlisted men here and there of every character and description. The men of this corps have to be of peculiar capacity. They have to be men of fine intelligence and education. They should be well skilled in the art of taking observations and performing other things that are necessary in the conduct of this corps.

Under those circumstances men can not be detailed from the Army. It has been said, by way of reply to this proposed increase, that the men ought to be taken from the Army; but, Mr. President, that can not be done, for the reason that there is not generally found in the Army the kind of men that ought to be selected for this service. It is necessary to have among them some men who are electricians and others who are experts in telegraphy. That is the class of men the Signal Corps must have.

We should make an exception in this case, and I ask the attention of the Senate, especially of the Military Committee, of which I am a member, and which failed to report this amendment. I think the necessity is such that I am justified, as a member of the committee, in disagreeing with the majority, and in presenting the facts to the Senate.

This bill discriminates against the Signal Corps in this way: It fails to give it a sufficient number of commissioned officers to properly and practically conduct its business; and while it fails to do that, it gives a full complement to all the other corps, and grants, I believe, whatever their chiefs say is necessary for the conduct of those corps. I say there has been an invidious discrimination made against this corps that ought not to be made. I am for the restoration in this bill of what was placed in it in the House, because I think it just, proper, and necessary for the success of the Signal Corps; and this corps is essential for the success of the Army that is now organized and operating in the Philippines.

The committee concede—and I ask the attention of the Senate to this—the fact that there is a necessity for an increase in this corps, because they allow 20 more lieutenants than the original draft of the bill did; but then they limit their official life. They allow 10 first and 10 second lieutenants, making 20; and they also allow an increase of 50 first-class privates, thus conceding the necessity for an increase in the corps. But the bill says these additional men can only stay there for one year. That is improper, because, as I have said, these are experts, they are scientific men, and they have to be in the corps permanently, and therefore should not be limited as to duration of commission.

Not only that, but we are told by officers interested in this matter that you can not enlist men for so short a time as that proposed; and therefore it is necessary to put them in the Regular Army, with the hope of future preferment. The number I have named in this amendment is certainly not excessive.

Mr. SPOONER. Will the Senator allow me to ask him a question for information only?

Mr. BATE. Yes, sir.

Mr. SPOONER. Was the amendment referred to the War Department?

Mr. BATE. I think so; but I do not know the attitude of the War Department in regard to this amendment. I think, however, the Secretary of War is against it. I know that General Greely, the Chief of the Corps, advocates it.

Mr. SPOONER. What officer except General Greely recommends it?

Mr. BATE. I do not know of any. I do not know that it has been submitted to any other officer to recommend it. It comes directly from General Greely to me, and I have presented the amendment in the form it bears——

Mr. SEWELL. I will state to the Senator that I had a talk with General Greely on this same subject. He would like to increase his corps, as a matter of course. I went to see the Secretary of War, and I can state that he is opposed to the amendment. He wants the corps to stay as it is. He says, while General Greely may not have everything he wants, he will give him sufficient details wherever necessary to cover his work.

Mr. BATE. Then it stands in this way: The Secretary of War, I believe, is against the amendment, and he is for his own scheme; that is, he does not want to go outside of the beaten track which has been laid down in the bill. But I propose to do it independently, because I think it is proper it should be done. I am as liberal upon these propositions as anybody can be, and I am against an increase of the Regular Army to a larger number than is absolutely necessary; but this is an increase which I think is justifiable and one which is called for by the commanding general in the Philippines, General MacArthur, as well as by General Greely.

Mr. FORAKER. May I interrupt the Senator at that point?

Mr. BATE. Yes, sir.

Mr. FORAKER. I only wish to say that I had a talk with General Miles in regard to this amendment the other day when he was in the Senate Chamber, and he favored it most strongly.

Mr. BATE. I did not know that.

Mr. FORAKER. He said it ought by all means to be adopted; and he spoke of the efficient services rendered by the Signal Corps and of the necessities of the corps as proposed by this amendment.

Mr. BATE. I am glad of the suggestion, and I thank the Senator for it. I did not know of it. I had not seen the General of the Army in regard to it, but I am glad to know that he favors it, because it is just, proper, right, and absolutely necessary, and no one has a better opportunity to know what ought to be done than he or would more frankly assert it.

I invite the attention of the Senate to a statement I am about to read from the man who is in command in the Philippines, General MacArthur, in regard to the Signal Corps in the Philippines, its efficiency and necessity. He says in his September report:

> I respectfully inclose an extract from a former report as the quickest way of expressing my views of the importance of the Signal Corps. I desire to add that all subsequent experience has confirmed the convictions expressed therein, and to renew the recommendation then submitted for the enlargement and perfection of the Signal Corps of the regular establishment. The splendid service of this corps makes it a matter of regret that in operations in these islands we have not had as much force from that body as is necessary. As it is, their wire service is simply indispensable.

He then adds:

> It is not too much to say that in absence of this efficient service it would be impossible to hold this archipelago with less than 150,000 men, which is now well and efficiently performed by 60,000.

It shows that this Signal Corps is equal to 60,000 men or more, and that he wants to perfect it, and that it is necessary to perfect it, in order that he may have success there in the control and management of this army.

Now, then, if the general who is there in command says that this corps, if properly officered and put into efficient form, is equal to 60,000 or 75,000 men—as he does say in this report—and that he can do all that is necessary in those islands with 60,000, but needs its services to do it, is it not economy, I ask the Senate, for it to be done? Is it not right and proper to be done, and do we not know it is perfectly practical?

We are all, Mr. President, natural men on the committee, and we as a committee are often embarrassed and can not do that which some of us would like to do, for the reason that there are several Army corps or departments which I might name, but it is unnecessary, all of which are exceedingly solicitous for advancement, and they desire an increase of the number of commissioned officers, but the committee can not give it, because they can not give it to one without doing seeming injustice to others.

So they declined to increase this corps—whether on that principle or for other reasons I do not know. I do not attribute improper motives to anyone. But human nature is the same whether in or out of the committee room. This increase is shown to be absolutely essential by the commanding officer of the army in the Philippines, and are we to override his recommendation in this regard, and that of the Lieutenant-General commanding the entire Army, in order to adopt the bill in its entirety? This is a case of that kind. The committee might well have acted and put it upon a par with the other corps, but, as I have suggested, it should be differentiated because of the necessities of the case. General MacArthur says:

> It would be impossible to hold this archipelago with less than 150,000 men, which is now well and efficiently performed by 60,000. We need wires, instruments, and operators everywhere—the more the better—it simplifies everything, makes unity of action possible, and insures concentration of troops on threatened points, and altogether it is of such importance that it is impossible to say too much in behalf of its indefinite extension to the limit of possible usefulness.

And, further, he says in regard to it:

> If the principle of extending this corps is admitted, the proper limit for the organization must be determined by investigation in the War Department. So far as the commissioned personnel is concerned, it would seem to me that it ought to be doubled at once, perhaps trebled.

If the general in command in the Philippines says that, can we deny to him that which he asks for in such plain terms? If we stand upon the idea that this would be overriding this scheme or deviating from the path which has been blazed out for us by the Secretary of War, if we stand upon a delicacy of that kind, we will give no increase; but if we look to the interests of the country and to the interests of the Army, if we heed the chief of this corps, who has spoken to us in this positive and unmistakable language, it seems to me we will give at once what he calls for.

Mr. President, I am not asking the Senate to create a new corps. Do not let us be alarmed about that, because some of us do not wish it done. We do not want to extend the power of the Regular Army, either. But this proposition does not involve that. This is different. It is not a new corps. It is an old corps, of very small proportions at that, and one which has not a large force connected with it. Right here let me show the organization of this small but useful—aye, essential—corps.

Organization of present corps, regulars and volunteers.

	Regulars.	Volunteers.
Brigadier-general	1	
Colonel	1	
Lieutenant-colonel	1	
Majors	1	4
Captains	5	9
First lieutenants	2	19
Second lieutenants		15
Total	11	47
Subtract 6 volunteers who are also in regular establishment		6
Total number of volunteer officers at present		41

Proposed establishment.

	Senate.	House.
Brigadier-general	1	1
Colonel	1	1
Lieutenant-colonels	1	2
Majors	3	5
Captains	9	19
First lieutenants	9	19
	24	47
0 first lieutenants and 10 second lieutenants of volunteers until June 30, 1902	20	
Total	44	

Subtracting the 11 officers of the present regular establishment from the 24 proposed by the Senate will leave only 13 original vacancies to be filled from the 41 present officers of volunteers. This will leave 28 volunteers, 20 of whom can be given temporary appointments until June 30, 1902, leaving the other 8 to be discharged.

Now, all that there are in the Regular Army of this corps, doing, as General MacArthur says, service which amounts to that of 60,000 men, are 11 commissioned officers in the regular service. The volunteers have 47, but 6 off in the regular corps, leaving 42.

All that I ask—and I wish the Senate's attention to that—is simply to hold those volunteers that we now have in the service. That is it, in substance, and that is the House bill. It is what we have agreed to heretofore. I see no reason at this time for withdrawing that force which we have heretofore given, and which has been declared necessary by the chief of corps and the General Commanding. Therefore there are but 11 of those and 42 of the volunteers. The proposed establishment by the Senate now in this bill is 24.

The House has 47, but 42 really. Ten first lieutenants and 10 second lieutenants of volunteers are to go out July 30, 1902. The

committee in the bill propose to retain 20 for one year. They admit by this the necessity for the increase, and I think the committee are estopped from denying the necessity for this increase, because they, in their report here in their bill, have put on an amendment which says that 10 of the first lieutenants and 10 of the second lieutenants are necessary to carry on this work, and therefore they put them on and retain them for a year longer without giving them any regular commissions.

There is another question which I wish to suggest. Why is it that they do that to this corps, extend only one year, when in all the other corps and departments of the Army they act differently, by putting those needed in the Regular Army? With one or two exceptions not a single volunteer can be found in the bill that has not been taken care of when belonging to other departments. Then why should you make fish of one and flesh of the other?

Look at this small corps which is struggling and which has met the approval of all associated with it. It has done efficient service ever since its organization, and it is now declared by the General to be indispensable. Why make this invidious distinction against it?

Mr. President, what has the Signal Corps done and what is it doing? I have shown you its dimensions, and that it is necessary to have these others. We want one thing; that is, retain the House bill as it came to us and let not the knife of retrenchment go too deeply when a necessity exists, as its does, for its retention.

This invidious distinction is unjust and ought not to be made. The work of this corps in the Philippine Islands is of such a character that it can not be dispensed with, and the general himself says it ought to be increased—doubled and trebled is the phrase he uses here. If we can not respect his wishes in this matter, whose should we respect? I repeat, if we can not follow the recommendation of the general in command where the service is being rendered, General MacArthur, to whom can we look? Whose arm should we strengthen in this exigency but his, and he says it is necessary.

Mr. FORAKER. Before the Senator from Tennessee concludes I should like to ask him a question. I have been unable to get a copy of his proposition. Will he please explain just what the effect of it is? Is it to restore the House provision?

Mr. BATE. Yes, sir.

Mr. FORAKER. Simply that?

Mr. BATE. Yes, sir; and that corresponds to the volunteer organization as they now have it, with a very slight difference.

Mr. FORAKER. Then you strike out the proviso at the end of the section?

Mr. BATE. Which is that?

Mr. FORAKER. On page 33. If you restore the House text, you can strike out the provision about continuing a certain number of officers for one year.

Mr. BATE. Yes.

Mr. FORAKER. This supersedes it?

Mr. BATE. This supersedes it. Those are the 20 lieutenants. I have spoken of that. There are but 10 first and 10 second lieutenants. That clause will be taken out, of course.

This corps, as I said, has a history. What is its history in brief? It might not be uninteresting to state some facts in regard to it, for I have been identified with it almost ever since I have been in the Senate. This service and the Weather Bureau originally existed together, and they were divided in 1890. The Weather Bureau went to the Department of Agriculture, and this was retained in the War Department. It so happened that I was the author of the bill that divided and reorganized this corps and that of the Weather Bureau.

If I understand its history correctly, about 1860 the first step was taken for an organization of this kind by Dr. Myer, for whom the fort over here across the river was named, as Senators will remember. Dr. Myer got up a system and commenced organizing out on the Western plains. Gen. Horace Porter and other lieutenants were with him, and General Alexander, of our Army in the South, was also with him as a lieutenant. They worked up this system. It was done principally by Dr. Myer. They aided him.

Afterwards, the war breaking out soon thereafter, in 1861, between the States, this was adopted. It was perfected. It became a sign language which was used by both armies. General Alexander established it in the Confederate army before it was adopted by the Federal Army. Horace Porter became a general in the Regular Army. Mr. Myer established this fort and kept it up and organized it more thoroughly. In our army we got the benefit of it through General Alexander, who was a lieutenant at the time with Dr. Myer.

They brought about this perfection of the system—this sign language, so to speak. Then it became organized and was divided, as I tell you, in 1890 between the Weather Department, which took one branch of it, and the Signal Corps, which took the other, and it has been going on since, with a slight increase. They had but 9 officers and 50 sergeants to start with. The history of this corps has been such that it has established a reputation, and, Mr. President, to-day, even in Germany and France and England and all the European countries, the plan of this corps has been adopted, with few changes.

Look at Pekin. During the China war, what was the first information we got from there? Sir, we got it from this very corps eight days ahead of all other sources of information. We got information of the entrance of the army into Pekin eight days before it was known by any others, and no other corps or army corps went there and aided in this thing except the Americans for that length of time. They pushed themselves aggressively. We ask now that it shall be perfected in its form. They pushed themselves aggressively, and gave us the first information that came to us from Pekin.

Not only so, but other instances occurred which are historic. It was this corps which enabled us to capture Geronimo on the plains. They had this language there by sunlight, this sun talk or sun language. That was used there from peak to peak on the mountains surrounding the plains where the Apache chief was. It was difficult to force him to surrender or to capture him, but by the use of the heliograph and flash pan he became alarmed, and his superstition was excited as it would communicate from peak to peak and send its vivid flashes over the plains. They had him surrounded by these lights that were engaged in "sun talk," and he surrendered, and to-day is in prison, and now is restrained in Fort Pickens. It has been shown that this corps is absolutely necessary under certain circumstances; I say, the necessity is beyond compare at this particular time, and therefore it is that I differentiate it from any other proposition in regard to any other corps.

I am not asking that you create a new corps, but here is a necessity which arises, and the practical sense and the good common sense of the Senate, it seems to me, should seize hold of it and do that which General MacArthur himself says is worth 60,000 men to him. Just think of it. All that is necessary to perfect it is to follow what I have done in this amendment, which comes from General Greely. We have seen the work which the corps has done, and it is in its infancy as yet. It is going on. It is one of those progressive things. It is composed of scientific men, of electricians, and telegraphers. There is difficulty, as I said, in enlisting men for it, because we are confined to that particular class.

That is all I have to say about this matter. I do not propose to trouble the Senate further in regard to it. I have no personal feeling whatever, but one for the good of the service and in obedience to a suggestion of the general commanding the army in the Philippines. As suggested by the chief of this corps, it is a small corps and a rising one, and it has demonstrated its utility everywhere in all the cases, and is now in condition to be of greater utility than ever before. In view of these facts, sir, I think that the amendment ought to be adopted.

Mr. SEWELL. Mr. President, the Committee on Military Affairs deal with the recognized head of the War Department in respect to information and advice. Everything centers there. We gave the matter of the organization of the Signal Corps the fairest kind of consideration, on the advice of the Secretary of War; but the general commanding that corps comes to us, through one member of the committee, claiming that he has not enough.

As I said a few moments ago, I consulted with the Secretary of War, and he is satisfied that we can get along. This is the only corps, let me say, outside of the Medical Corps, which we have allowed 20 volunteer officers in addition to the regular officers, who remain in it for a period of two or three years, or whatever it may be. I want to have read at the desk a statement just dictated by the Secretary of War.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

Before complying with the request of the Military Committees of the Senate and House of Representatives to furnish them with such a bill for the reorganization of the Army as the War Department deemed adequate, the Secretary called upon the general officers of the Army and all the heads of the staff and supply departments and corps for an expression of their views. The head of each department and corps naturally asked for provisions in the bill which would increase the relative prominence and standing of its own department or corps and give the greatest possible opportunity for promotion to its officers.

In view of all the requests, the Secretary made up what he considered to be a fair, consistent, and harmonious general scheme for the arrangement of the different staff departments and corps, and all the different grades of office, with a view to giving to all as nearly as possible the same opportunities for promotion and giving to each its due weight in the service. None of the different departments had assigned to it in this scheme all that it asked. When the subject came before the Military Committees, all the arguments and statements of the heads of departments upon the subject were transmitted to the several committees, and, after full consideration of the subject as a whole, the Military Committee of the House came to the same conclusion as the Secretary, and reported accordingly.

On the floor of the House some changes were made in the brief and hurried consideration of the bill. When the subject came up before the Military Committee of the Senate, that committee took into consideration all the written communications of the staff departments and gave oral hearings to the head of each department. Having then under consideration the whole subject, the Military Committee of the Senate came to the same conclusion as the Military Committee of the House and has reported the same general scheme.

Every authority, therefore, which stands indifferent as between the different departments and has had an opportunity to study and consider the subject as a whole has reached the same conclusion. It is much to be desired that this well-balanced scheme of organization shall not be disturbed by the giving of special advantages to any particular department or corps. Nothing can be done of that kind without unfairness to the other departments and corps, without disturbing the due equilibrium and balance of organization. If the scheme upon which both Military Committees have determined is unsatisfactory, it should be revised as a whole; it should not be unbalanced by sporadic changes in particular points. This is particularly true of the effort now being made to secure a change in the scheme for the benefit of the Signal Corps.

Mr. SEWELL. I will say that within the last day or two we had the matter in relation to the Signal Corps under further consideration, and we did recommend—and it is a part of the bill—50 additional first-class privates for this corps. They are first-class men. They are mechanics. This is a high-grade corps all through. To allow this increase to this corps, after the protest of the Secretary of War, after we have made up everything else on the basis that has been approved by the War Department, would do great injustice to the other departments.

I will say that probably the Chief of the Signal Corps himself does not know what is to be the future of his line of telegraph and cables. The Secretary of War, under the direction of the President, has under consideration to-day the doing away with the work in Cuba and turning it over to commercial enterprise. This may be done very soon. So in Alaska and somewhat in the Philippines. There is no occasion to increase this corps to the extent suggested by the Senator from Tennessee.

Mr. BATE. Mr. President, I have a very high opinion of the Secretary of War, but the very suggestion he makes in the paper which has been read shows the animus of this. It shows that you must not disturb the scheme. What is the scheme? It is this bill as it is. Did you not disturb it here this morning? Did you not knock out section 31 this morning? That was done by the committee, and the Senator from New Jersey was one of the parties who presented it here. Then you have already disturbed the scheme. Why? Because in the sentiment of the Senate they believed it was right to do it when the Teller amendment came up yesterday.

So, Mr. President, they have stricken out the whole of section 31. If it already has been disturbed, and we are to do that which is right for this corps, regardless of what the "scheme" may be, let us look to the practical sense of the thing and see what the necessities are in the Philippine Islands and dare do what is right.

But this does not extend only to that. Sir, it goes further. Look at Cuba, a network of wires put up by these men. They go with the Army, and the idea prevails that they are noncombatants and their duty nonhazardous. Anything but that, if you please. Look at the history of this corps in the Philippines and see its daring and its doing. I have the report here of the officer. They have lost a remarkable percentage. How? By their aggressive, go-ahead spirit, as they went into Pekin and were the first there by eight days to give you information. This corps has pushed itself ahead and gone as pioneers to the front.

They have lost a greater percentage—and here is the report to show it—than any other branch of the Army. They have lost 5.7 per cent in what are called Army losses—"killed, wounded, and captured." Here it is in the report. It is not necessary for me to read it, but I can do it in a moment. I believe I will, just to defend this corps. Let us see if they are noncombatants:

The Signal Corps is called a noncombatant corps, and service therein is frequently spoken of as nonhazardous. That it is extra hazardous, when the Signal Corps is efficiently handled in the field, is shown by records of the past year in the Philippines, where its percentage of strictly war casualties, "killed, wounded, and captured," far exceeds that of the Army as a whole. With an average force of only 362 men, there have been killed, wounded, and captured in active operations 12 men, or 4 per cent of the entire force. Five others have been wounded under conditions not yet reported, thus making the entire percentage of killed, wounded, and captured 5.7 per cent.

It surpasses that of the Army as a whole or of any other corps. Therefore I say they should have our sympathy in this regard. See them in Cuba, where they are extending their work, where they have pushed to the front during the war and when the fighting was going on, under the successful guidance of Colonel Dunwoody. What is their mode of doing it? They have a reel, and they have their wire upon it, and they carry their instruments with them, and they go in the front rank with the skirmishers, if necessary, with the pioneers, if necessary, and then they telephone back or telegraph back the condition of things. In doing that these men have been killed and wounded until they have a greater percentage than any other corps.

Yet because this is a small corps and because this will disturb the scheme of the Secretary of War we are asked to throttle it. It is not just to the corps. Neither is it proper for the interests of the Army, in my opinion. You have them in Alaska. You have them down in Porto Rico. You have them on the coast, both the Pacific and the Atlantic, wherever they are required. How many has this corps now? They have 800, which I forgot to say before. That is the corps now. That is their force. Many of them are sergeants and corporals. They have first sergeants, and then sergeants proper, and then corporals, grading them according to their capacity in this scientific work as electricians, telegraphers, and men of that class.

Then they keep along with the Army, and they push into the front and give the first information. In addition to that they can stand on a peak in that southern and eastern archipelago, where the sun is bright and the air is thin and light, and cast a flash of sunlight with the heliograph and see it and read its sun talk for 50 miles. You see at once the advantage. Hence the truth in the statement of General MacArthur that "I can with 60,000 men hold this country equal to 150,000 if I have an efficient corps of this kind." He says it ought to be doubled and trebled. Do you want to override that information?

Then, again, they have their captive balloon, which rises up beyond any rifle shot. It is attached to the ground, and they have their little wires running down, so they can communicate and give you the situation in the locality all around. General Sherman made an interesting statement in his report on his North Georgia campaign. General Sherman said the Signal Corps saved that part of his army which was in Altoona on his march to the sea.

I say, with emphasis, this corps is not only essential, but indispensable and should be fully organized and equipped. We ought to regard it as sensible and as practical men, representing the interests of the country and of the Army. We ought to give the little increase that is asked for. They have reduced it down now from 800 to 750. Then we gave 50 more yesterday to it. We want a hundred privates. Now, give it what this amendment calls for.

It will make it complete and perfect in its form and organization. It will have ten companies, and a captain for each company, for no one man can communicate with the service in Alaska, and Cuba, and Porto Rico, and the Philippines without having a perfect organization. General Greely said in his report that he was constrained to organize the corps into companies without warrant of law. Now he asks for the warrant of law to do it. Look at these facts. It seems to me that we ought to differentiate it from other organizations for the reasons stated, and we ought to take it out of the scheme and show that we intend to do that which the General of the Army here and in Manila and the Chief of the Corps recommend us to do.

Mr. CARTER. Mr. President, I trust that Senators will give their attention to this amendment for a few moments. The Senator from Tennessee refers to the scheme of the Secretary of War in the framing of this bill. The scheme, so far as any scheme exists, consists in a determined effort upon the part of those best advised to preserve symmetrical proportions between the different branches of the service.

Mr. BATE. Will the Senator allow me to make a suggestion? I used the word "scheme" as the Secretary of War uses it, as read from the paper which was sent to the desk. He himself calls it a scheme.

Mr. SPOONER. A plan?

Mr. BATE. Yes.

Mr. CARTER. That is all there is to the scheme. It is obviously undesirable to have the cavalry arm of the service out of all proportions to the necessity for the cavalry arm. It is equally undesirable to have the Medical Corps out of all proportions to the needs of that branch of the service. It would be clearly unwise to have the infantry branch of the service entirely out of proportion, as it would the Engineer Corps, or any other subdivision going to make up the Army as a whole.

In the consideration of this bill the committee, consulting the Secretary of War, and the Secretary of War in turn consulting the staff and other officers having to do with the details of the Army, reached the conclusion, after very mature deliberation, that the respective proportions represented in the Senate bill would present to the country an Army in no sense out of proportion in any of its parts.

Again, the scheme of organization constitutes, in some measure, a factor going to the efficiency of the Army.

The amendment of the Senator from Tennessee not only proposes a radical increase over the number of officers and men allowed by the bill as reported by the committee, but it also interjects a new form of organization into the Signal Corps, which, I submit, upon the slightest reflection will be found to be utterly incompatible with efficient service in that branch of the Army.

It will be perceived that the bill as reported by the committee, relating to the various subdivisions of men in this branch of the service, reads as follows:

One brigadier-general, who is the chief or head of the service; 1 colonel. The committee could not perceive where 2 colonels could be advantageously used. One lieutenant-colonel was reported instead of 2 lieutenant-colonels, because we could not understand where, at headquarters or elsewhere, 2 lieutenant-colonels would be necessary. Then 3 majors, 9 captains, 9 first lieutenants, 80 first-class sergeants, 120 sergeants, 150 corporals, 250 first-class privates, 150 second-class privates, and 10 cooks. This constitutes

the available force of the Signal Corps in the Regular Army which will exist under this bill.

These officers and men, from the very nature of the service they perform, must be detailed to work here and there, not in companies, but frequently individuals acting at headquarters as telegraph operators and otherwise, belonging to the Signal Corps, but having no company formation whatever. This amendment proposes a company formation which will consist of 91 persons, all told, in each of the 10 companies provided. Now, will anyone suggest the need of company organization in the Signal Corps of the Army? Where will you ever find a situation where 91 men will be required to act under a captain? They do not go into battle in battle array, nor in company formation. Here is a telegraph operator out on the firing line, and there is a detachment of men spreading wire, digging holes, setting up poles, and arranging communication with the rear and front. Company formation interjected in the midst of this kind of an organization would be demoralizing and would detract very seriously from the efficiency of the corps.

Mr. President, realizing the exact condition to which the Senator so aptly refers in the Philippine Islands, the necessity for an extra force for the time being has been recognized by the bill as reported by the committee, and with the amendment suggested by the Senate committee the Senator's amendment does not deal. This provision was added by the committee:

That the President is authorized to continue in service during the present emergency, for duty in the Philippine Islands, 10 volunteer signal officers with the rank of first lieutenant and 10 volunteer signal officers with the rank of second lieutenant. This authority shall extend only for the period when their services may be absolutely necessary; not beyond July 1, 1902.

We thus provide 20 additional officers, and by amendment upon the floor of the Senate 50 additional men were provided. I think these additional provisions are desirable at the present time, but to establish these additional persons as a part of a permanent corps is clearly unnecessary, I assume.

For the last year the Signal Corps has been engaged in constructing telegraph lines, laying cables, establishing stations and lines of communication between the different islands of the Philippine Archipelago and between different points on the respective islands. This work is now in progress. An additional force has been necessary in order to execute the work. But the work will be completed at some time, Mr. President.

If the bill goes through as it is, with the additional force provided as a temporary force, we will, when peace returns and this extra work shall have been disposed of, be possessed of an establishment which can be regularly employed, whereas if we at this time, upon a permanent basis, expand the Signal Corps beyond the necessities of the service, except in an emergency, we will have a useless pay roll. We will have men in the service who are not needed there, because while this frontier is spoken of by the Senator as engrossing the attention of so many of the Signal Office people I doubt whether there is now, outside of Alaska, a single solitary day's work for a signal officer in stretching a telegraph line on this continent.

It is true that in the district of Alaska some work is to be done. In an appropriation bill, passed I think a year or so ago, we made provision for the construction of a telegraph line from Valdez Inlet, on Prince William Sound, to Fort Egbert, on the westerly bank of the Yukon River, and thence to Fort Yukon, and still continuing down the river to Fort Gibbons, and thence to St. Michael. That line is in process of construction. That being completed, the main work in Alaska will have disappeared. Now, I pray, after the Philippine Islands work shall have been completed and the Alaskan telegraph line shall have been stretched, what will remain to be done in time of peace by the elaborate Signal Corps which it is desired here to build up?

Mr. SPOONER. Will the Senator allow me to ask him a question for information?

Mr. CARTER. Certainly.

Mr. SPOONER. Is there anything in the law which will prevent, if the bill shall pass, the temporary detail of officers by the War Department for service in this corps?

Mr. CARTER. That is a very apt and pertinent question, Mr. President. There is nothing in the law which prohibits it. The law permits the detail of all necessary officers and men to aid in the signal work. Officers and men are detailed to-day in the Philippine Islands from the line of the Army to assist the Signal Corps officers where assistance from the outside is necessary.

Mr. BATE. I think the Senator is mistaken. I am pretty well up on the history of this matter, and I do not know myself where any officers have been detailed and assigned to this corps. It requires a peculiar officer as well as man. He must have a scientific knowledge of this particular branch. I do not know that they have done that. I can not say whether it is true or not, but I know they have been pushed for force; that there are but one or two of them here in Washington City; that they are all out on the frontier now, every one of them, and we have not got enough. That is very evident, Mr. President.

Mr. CARTER. I wish to call the Senator's attention to the fact that 20 officers are now on detail from the line of the Army to render service in the Signal Corps.

Mr. BATE. You mean the 20 the committee recommend here?

Mr. CARTER. They are to be continued.

Mr. BATE. That is what I mean.

Mr. CARTER. They are now in the signal-service work.

Mr. BATE. Of course they are, and they have been there for a year or two; and I say those men ought to be continued there. They ought to be kept there, because they are familiar with the duties. You have given only 20 men; that is, 10 first lieutenants and 10 second lieutenants for all this work, when the general in command over there says you ought to double or treble the number of men you have.

I think there can be no trouble about this matter, Mr. President, if we look at it practically. The Senator has said that as time goes on these men perhaps will have nothing to do. That is a very remarkable statement by him, when he knows that the country is improving and telegraphic wires are going up everywhere. These men are at the head of that kind of work. We have telephones and all character of improvements going on. We have a vast country, with Cuba and Porto Rico, the Atlantic and Pacific coasts, Alaska, and any islands you may get over yonder. All that comes in under the surveillance of these men, and they have got to play their part in that machinery also. It will take scientific men.

Mr. CARTER. Before the Senator from Tennessee resumes his seat I should like to have him state what he has to say in justification of company organization for the Signal Corps.

Mr. BATE. I thank you, sir. I will state, Mr. President, that the man who knows more about it than anyone else, who has organized it from the beginning and who has grown up with it and controls it, says that the necessity was so great in the late war that he was forced, without warrant of law, to organize it into companies. I want no better evidence than that.

Mr. ALLISON. Mr. President, my sympathies have been with the Senator from Tennessee [Mr. BATE] for an enlargement, somewhat, of the Signal Corps from some information I have had, but I am rather inclined to change my mind after hearing the Senator from Montana [Mr. CARTER]. However, I can not understand why the committee propose to discharge these necessary officers at a particular time. If the 20 lieutenants are engaged in the Philippine Islands and are necessary there at this time, it seems to me we had better leave the question as to when their services can be dispensed with to the Secretary of War as the proper authority and not strike them down at a particular moment by legislation. Therefore I suggest to the Committee on Military Affairs that they modify their amendment by omitting the words at the end of the section.

Mr. CARTER. "Not beyond July 1, 1902."

Mr. BATE. Omitting what words?

Mr. CARTER. Omitting the words "not beyond July 1, 1902," at the end of line 11, on page 33.

Mr. ALLISON. I was led to suppose from some things I have heard about the Signal Corps that there is now a large number of officers in the corps. The House provided for 19 captains and 19 first lieutenants instead of 9 of each, as proposed now by the Senate committee. I should be glad to have some member of the committee inform me whether the 19 captains proposed in the House bill are now performing service in the Signal Corps. Our regular force is now to be equal to the force of the Regular Army as at present constituted and the 35,000 volunteers.

Now, we propose to increase the Regular Army to a maximum of 100,000 men, with a minimum. So it seems to me that the Senate committee have made too great a reduction as proposed in the amendment suggested to the House bill. If it is true that these officers now employed in the Signal Corps are not signal officers, but that they are officers detailed from other places in the Army, I think we had better continue the present organization as near as we can until the emergency which seems to be recognized all through the bill shall have passed.

So I suggest in the first place that by agreement we strike out the last clause in the amendment suggested by the committee. Then I should be in favor of moderately increasing the number of signal officers here.

But I can not conceive how it is important that the Signal Corps shall be divided into companies. If the companies are necessary, they certainly can assemble them without a specific direction and order providing that the privates shall be organized in several companies with a captain, first lieutenant, second lieutenant, and so forth.

Mr. BATE. May I make a suggestion?

Mr. ALLISON. I make that suggestion in order that the Senator may answer it.

Mr. BATE. How is it with the Engineer Corps? They are in companies and regiments. They have their colonels, majors, captains, and lieutenants. They do the same kind of service. The

engineers are scattered everywhere. How could they be without company formation? They have it. This is nothing new. This provides for nearly the same number of men. The Engineer Corps has a thousand or eleven hundred, and for this corps the number is to be 900. They have now 800. It is simply modeled after the Engineer Corps, and the language used is just that which applies to the Engineer Corps.

Mr. ALLISON. I understood the Senator from Montana to say that this corps is not now organized into companies.

Mr. BATE. It is not organized into companies. That is correct.

Mr. CARTER. They are not organized in companies.

Mr. BATE. Yes; that is correct.

Mr. CARTER. They are just a corps.

Mr. BATE. They are not now organized, but they ask to be put on a footing with the Engineer Corps, and in the nature of their work they are on all fours with the Engineer Corps. If the Engineer Corps has been a success in its organization by companies and by regiments why should not this corps be?

Mr. PROCTOR. The regular Signal Corps is increased by the committee's recommendation in this way. The present corps is 1 major. We gave 3, adding 2.

Mr. ELKINS. What page do you read from?

Mr. FORAKER. Page 32.

Mr. PROCTOR. There are 4 captains at present. We make the number 9, adding 5. There are 3 first lieutenants at present. We make 9, adding 6, besides the temporary addition of 20—10 first and 10 second lieutenants—which was limited to July 1, 1902, but I understand the committee will accept the amendment of the Senator from Iowa striking out the limitation of time.

Mr. President, I have not heard the statement of the Secretary of War referred to, who, in his testimony before the committee, said that a large number of the lines which have been established by the Signal Corps may now be given up; that they are not needed for military purposes but are merely commercial. Those, of course, are in Cuba and Porto Rico, and there are some in this country. There is little danger of any kind that the War Department will not ask for men enough in every staff corps. This corps is like all the others. The chief was before us, and the chiefs of every corps were before us, and every one of them asked for an increase, and of course they bring pressure to bear.

One other point——

Mr. BATE. Pardon me. Will the Senator allow me to interrupt him there? Do I understand him to say that they have accomplished what is necessary in the Philippines? They have four hundred and odd posts there. Does the Senator say that there is at any post a sufficient number or any number whatever of this corps?

Mr. PROCTOR. I said nothing whatever about the Philippines.

Mr. BATE. I understood you to say it.

Mr. PROCTOR. I was speaking of other lines.

Mr. BATE. Very well; I was mistaken.

Mr. PROCTOR. I was speaking of Porto Rico and Cuba and some in this country.

Mr. FORAKER. Will the Senator from Vermont allow me to ask him a question for information?

Mr. PROCTOR. In just a moment. The Senate committee heard all the chiefs of corps, and the original report was precisely the same as the report of the committee in the House. The increase as it appears in the bill as it came from the House was made on the floor of the House. Our report is precisely the same in numbers as the report of the committee in the House. We have, since the report was made, added 50 first-class privates. Now I yield to the Senator from Ohio.

Mr. FORAKER. What I wanted to ask the Senator, and will ask him before he concludes, if he will allow me, is whether or not the provision here made exceeds the present organization, the present number of officers and men in the service connected with the Signal Corps. The Senator spoke about increasing the corps. I do not understand that there is any increase proposed by this measure, but the corps as at present organized has all the officers and all the men.

Mr. CARTER. Mr. President, that is not correct. The brigadier-general remains as at present provided by law. There is one colonel provided by the House and two lieutenant-colonels.

Mr. FORAKER. How many lieutenant-colonels have they now?

Mr. CARTER. But one.

Mr. ELKINS. One lieutenant-colonel and 3 majors.

Mr. CARTER. At the present time there is but 1 major. We provide 3 majors by the bill. At the present time there are but 4 captains. We provide 9 captains by the bill.

Mr. FORAKER. Are there any additional captains in the Volunteer Signal Corps?

Mr. CARTER. No, sir; there are first and second lieutenants in the volunteer force. We have at present 3 first lieutenants, and we provide by the bill for 9 first lieutenants. I believe that the increase in this corps is quite as emphatic as in any other branch, and more, indeed, in proportion than in any other branch of the service.

Mr. FORAKER. Now, if the Senator will explain one other point to me, it will be made very clear, perhaps. At the end of the section as reported by the Military Committee there is a provision that 10 volunteer signal officers with the rank of first lieutenant and 10 volunteer signal officers with the rank of second lieutenant shall be continued during the present emergency. They are in the Signal Service already?

Mr. SEWELL. They are in already, and in addition to these.

Mr. FORAKER. So when you speak of increasing the number of captains or the number of lieutenants, you mean in the regular service, not an increase beyond the number already in the corps?

Mr. BATE. Mr. President, it is no creation or organization of a corps, but rather the old organization. Every grade of officer and of noncommissioned officer and of men that is called for in this amendment exists now. It is only the question of a slight increase, such as I have indicated. They have majors there now and they have eight or nine hundred men. Why not let it conform to your Army organization? You have three majors in every infantry regiment, one for each battalion. They do not ask to be organized into battalions or anything like that, but we should take the organization, as I suggested, of the Engineer Corps simply by companies, with a colonel.

Mr. ELKINS. Mr. President, I agree with the Senator from Tennessee as to his amendment. The Signal Corps made a great record in the late war. It is evident to everyone who has given any thought to this subject that it has become a necessary arm of the service, and it ought to be encouraged. It has as many men in it as the Engineer Corps, and it should be officered equally in order to bring up the corps to the highest state of efficiency. I believe in giving the increase provided in the amendment of the Senator from Tennessee.

Mr. CARTER. Mr. President, there are but 760 men in the Signal Corps outside of the officers, and for the 760 men we provide 3 majors. There would be only 2 in the line of the Army; that is, in the cavalry. We provide 9 captains for 760 men; we provide 9 first lieutenants; and I challenge any Senator to go through the bill and find a more highly officered body in the service at present or in contemplation than the Signal Corps.

The Senator from Tennessee would increase the number of men to 910. The 910 men, according to his amendment, would be controlled by 1 general, 2 colonels, 2 lieutenant-colonels, 5 majors, 19 captains, and 19 first lieutenants. I can not conceive of anything more nearly approaching a load of hay than that in the line of officers. Mr. President, it really becomes ridiculous, unless you want to have all the work of the Signal Corps performed by officers.

Mr. BATE. If the Senator wants to run this into ridicule, he does it at the expense of the sentiment expressed here by the General Commanding the Army and at the expense of General MacArthur, who is commanding where the Signal Corps is most needed. General MacArthur says these officers are necessary, and he asks that the number be doubled and trebled.

Mr. CARTER. But, Mr. President, we double and treble——

Mr. BATE. I say it is a very small increase that is asked. You say you give them three majors.

Mr. CARTER. In place of one.

Mr. BATE. Mr. President, those majors belong to it now by virtue of the volunteer organization. The bill does not give them to it; they belong to it, as do all these field officers, except two, I believe.

Mr. ELKINS. It is plain that the Signal Service needs more officers. I will say in reply to the Senator from Montana [Mr. CARTER] that it is a distinct part of the Army and that the increase asked for is needed. In carrying out that kind of service more officers are required than in any other branch of the Army—the engineers, the artillery, the cavalry, or the infantry—and so the point of the Senator is not well taken. The necessity for this increase is known and, as the Senator from Tennessee says, it is recommended and has the emphatic indorsement of the general commanding the Army and the head of the corps. It requires more intelligent men than do other branches of the Army.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Tennessee [Mr. BATE].

The amendment was rejected.

The PRESIDENT pro tempore. The Chair does not understand whether the committee agreed to the insertion of the amendment proposed by the Senator from Iowa [Mr. ALLISON], striking out certain words.

Mr. ALLISON. I move to strike out, on page 33, line 11, the words "not beyond July 1, 1902."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 33, newly numbered section 20, line 11, after the word "necessary," it is proposed to strike out "not beyond July 1, 1902."

The amendment was agreed to.

The PRESIDING OFFICER (Mr. LODGE in the chair). The amendment proposed by the Senator from Georgia [Mr. BACON] is next in order, and will be stated.

The SECRETARY. In section 2, on page 12, beginning in line 17, it is proposed to strike out:

Provided, That the President, in his discretion, may increase the number of corporals in any troop of cavalry to 8, and the number of privates to 76.

Mr. BACON. Mr. President, that is one of three amendments all to a similar effect, and each having the same design. There is a similar amendment as to each branch of the service—the artillery, the cavalry, and the infantry—and it is to meet the feature in the bill which gives the President the arbitrary power to increase the Army.

I think that this matter at this point ought to have the careful attention of the committee, to see whether or not there is now clearly expressed that which seemed to be in doubt, at least in the minds of some Senators, on the first day that we had this discussion.

The Senate will remember that questions were asked as to what was the effect of the phraseology of this bill; first, as to the right of the President to reduce the Army; and whether, after having so reduced the Army, the power, as originally suggested by the Senator from Vermont [Mr. PROCTOR] was exhausted, or whether, after having reduced it, the President could again increase it, or whether there was any power in him at all to reduce it. The Senator from Connecticut [Mr. HAWLEY], if I recollect correctly, called the attention of the Senate to that inquiry, and I do not think it was satisfactorily answered. Thereupon the senior Senator from Massachusetts [Mr. HOAR] asked the committee to point out where was the particular phraseology in the bill which would empower the President to reduce the Army.

These particular amendments, acted upon by themselves, probably will not effect the purpose I have in view. I should be very glad if, before these amendments are acted upon, the Senators in charge of the bill would clear up the questions which seemed to be, as I have said, in doubt, at least in the minds of some Senators, and let us know clearly what is the power of the President under the present phraseology of the bill with reference to the power to reduce, in the first place, and with reference thereafter to the power to increase, and whether that is a continuing power which will enable the President, so long as this act remains on the statute books, to reduce, in his discretion, the Army, in round numbers, from 100,000 to some fifty-odd thousand; and again, in his discretion and without any further authorization from Congress, to increase it from fifty-odd thousand to 100,000 men?

I think, Mr. President, the propriety of a clear exposition of the bill in this regard will be recognized by everyone at this time.

Mr. PROCTOR. Mr. President, there can be no doubt whatever, I think, that this increase is limited to the present exigencies. If the Senator would like to have stricken out the words he has referred to, which were under discussion and which read something like this: "or until Congress shall otherwise direct," I am sure there will be no objection.

Mr. BACON. I do not think that that cures the difficulty or meets the inquiry.

Mr. SPOONER. Will the Senator allow me to ask him a question, not by way of antagonizing at all the amendment?

Mr. BACON. Certainly.

Mr. SPOONER. There is a minimum and a maximum limit provided by this bill for the different organizations or branches of the Army. The minimum would make an Army of fifty-odd thousand and the maximum an Army of 100,000, if you please. Of course, if there is to be any flexibility at all in the organization, there should be a maximum and a minimum limit, and that limit is found in the language which the Senator's amendment proposes to eliminate. If the Senator will turn again to section 26, on page 37, if this language does not plainly authorize the President——

Mr. BACON. The Senator must have a different print from what I have.

Mr. SPOONER. It is the section renumbered 26, the old number of which was 32.

Mr. BACON. All right; I have that.

Mr. SPOONER. I agree with the Senator that it should be made plain—for that is the evident intention of the bill—that the President shall have the power to reduce the Army; and it seems to me that the language of the section is susceptible of no other interpretation. It reads:

That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this act during the present exigencies of the service.

Now, does it not inevitably and logically follow from that language that when, in the opinion of the President, the present exigencies of the service have passed, he is not authorized to maintain the Army at its maximum limit, and therefore he is authorized to reduce it? I have not been able to give effect to that language unless it carries clear authority to the President to reduce the Army from the maximum to the minimum.

Mr. BACON. I will ask the Senator if he does not think that, in a matter so grave as this, the purpose ought to be plainly expressed in the statute and not be left to inference as to the power of the President?

Mr. SPOONER. I think it is plainly expressed; but if the Senator can make that language plainer, I shall be in favor of voting with him, and I suppose every Senator here is in favor of that. Unless it should be construed as an authorization of the President to reduce the Army when the emergency shall have passed, there is no flexibility in it.

Mr. BACON. The question I want to suggest to the Senator is this: The particular amendment which is under consideration is one that looks not to the question of reduction, but to the question of the power of the President to increase the Army from fifty-odd thousand to 100,000.

It will be conceded, Mr. President, that the language of the section just read by the distinguished Senator from Wisconsin [Mr. SPOONER] is such that the President, independently of any other provision of the bill, would be authorized to enlist an army of 100,000 men; and if, under what the Senator says is the plain meaning of this section, the President would be further authorized—in fact, be under the duty and obligation—to decrease it to the minimum in case of the disappearance of this emergency. But, after the particular language which I am asking the Senate to strike out is eliminated, will the President have the right, in his discretion, at any time to increase the Army again to the maximum?

Mr. SPOONER. I should think not.

Mr. BACON. That is the sole purpose of the amendment now before the Senate.

Mr. SPOONER. Your amendment?

Mr. BACON. I understand from the language in the twenty-sixth section that, independent of the power expressed in the language which my amendment seeks to strike out, the President would have the right to enlist 100,000 men. I think the Senator will agree with me in that.

Mr. SPOONER. Yes.

Mr. BACON. Therefore, independently of the power of the President, in his discretion, to increase the Army to 100,000 men, these portions are not necessary, for the President now has 100,000 men; but they will empower him, if I construe the bill correctly, hereafter, at any time while this act stands upon the statute book, to increase the Army to 100,000.

Mr. SPOONER. There should be a maximum in each branch of the service, as to each cavalry company, each artillery company, and each infantry company.

Mr. BACON. I will grant that.

Mr. SPOONER. There should be a maximum limit prescribed. As I understand this section, I am disposed to agree with the Senator that if the words "until such time as Congress may otherwise hereafter direct" be stricken out and the present emergency passes it seems to me clear that the President would be authorized to reduce the Army. I am not sure that the section is as it ought to be, because in vacation it might happen that when the present exigencies have passed there might be—I can see no reason to suppose there would be—but there might be an apparent approaching exigency, which would render it, in the interest of the country, improper for the President to be compulsorily required to immediately reduce the Army to the minimum. There ought to be some flexibility in the law, because the purpose is plain, and the limit is a perfectly plain one. But the President ought to be at liberty, I think, to protect the interests of the country in the event of another emergency.

Mr. FORAKER. If the Senator will allow me, by section 26 of the bill as renumbered, the President is authorized to maintain the Army at its maximum strength during the existing emergency. Then, if the emergency passes away, the implication is, so far as this section is concerned, that he is to reduce it, because his authority is limited to this exigency.

When you go back to a previous section of the bill you find that it is provided that as to the artillery, the cavalry, the infantry, and the engineers, as to each branch of the service, the President may, in his discretion, increase the number from the minimum to the maximum.

For instance, he may need more cavalry than the minimum strength of that service as provided by this bill, and not need any additional infantry, or any additional artillery, or any additional force in the Engineer Corps. So that the bill has flexibility not only as to the Army as a whole during the present exigency, but as to each and every branch of the service, at the discretion of the President, in view of the exigencies that may hereafter arise. If we should be met with another emergency after the existing one passes away, the President could increase to the full limit of 100,000 men by increasing each and every branch of the service.

Mr. BACON. That is exactly the power I want to deny to the President or to any other man.

Mr. FORAKER. That is a power which I think it is very desirable to have lodged somewhere.

Mr. SPOONER. That is a power which I very much doubt he would possess under this bill as it stands.

Mr. BACON. If the Senator from Wisconsin will pardon me, I want to suggest to him, in order that the Senate may pass judgment upon the matter, whether or not if it is the sole purpose of these particular portions of the bill to which my amendment is directed to indicate the maximum the language ought not to be changed? Now, instead of striking out particular portions of the bill it might be sufficient to change it so as to read "the maximum numbers shall be the numbers fixed in these particular branches." That would answer the suggestion of the Senator from Wisconsin.

The Senator from Wisconsin suggested, as I understood him, that, while section 26 authorizes the President to enlist to the maximum, perhaps there is no other place, except in this particular place, where the maximum is mentioned, if I correctly state the Senator's position. So, instead of these particular portions specifically authorizing the President to increase to that number, the authority to enlist to the maximum being elsewhere, it will meet all the necessities at this particular place to specify what shall be the maximum.

Mr. SPOONER. If the amendment were adopted, there would be no maximum fixed by law.

Mr. BACON. With the permission of the Senate, I will ask that the amendment which I have suggested may be passed over, in order that I may frame an amendment to meet the suggestion of the Senator from Wisconsin.

Mr. FORAKER. I do not know whether I correctly understood the Senator from Georgia, but if I did, I want to say that in each of these places to which I have referred—that is, as to the infantry, the artillery, the cavalry, etc.—the minimum and maximum are specified, and the aggregate minimum of these branches of the service is proposed to be 58,000.

Mr. BACON. If the Senator will pardon me, I wish he would refer to page 12, where one of these clauses ought to be stricken out. The Senator will find this language as to the cavalry arm in line 11:

> Each troop of cavalry shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 quartermaster-sergeant, 6 sergeants, 6 corporals, 2 cooks, 2 farriers and blacksmiths, 1 saddler, 1 wagoner, 2 trumpeters, and 43 privates.

Mr. FORAKER. That is the minimum.

Mr. BACON. Hold on a moment. The maximum is not expressed in the same language. It is stated that the maximum shall be the number thereinafter expressed; and in addition to expressing what the maximum shall be, it gives authority to the President to raise to the maximum. The authority to enlist the full number is given in section 26, so that the retention of the authority in this particular paragraph is not needed; and the only thing necessary to meet the suggestion of the Senator from Wisconsin is that that particular paragraph shall be so changed in phraseology as to correspond with the preceding clause and, as the minimum is expressed in the preceding clause, to go on in this clause and express what shall be the maximum.

Mr. FORAKER. It would necessarily follow that when the limitation making the increase is expressed as to the maximum, we can not increase beyond that.

Mr. BACON. That would be the maximum.

Mr. FORAKER. That is the maximum.

Mr. BACON. Necessarily so.

Mr. FORAKER. That is in the body of the bill. The section which the Senator read provides for a certain number of enlisted men, a certain number of privates, as the minimum. Then in the proviso it says:

> *Provided*, That the President, in his discretion, may increase the number of corporals in any troop of cavalry to 8, and the number of privates to 76, but the total number of enlisted men authorized for the whole Army shall not at any time be exceeded.

That is to say, he may increase each and every arm of the service, except that in the aggregate there shall not be more than the total number fixed for the Army.

Mr. BACON. I will ask the Senator in charge of the bill to insert the provision which is found in section 26, so that it will read:

> *Provided*, That the President during the present emergencies of the service, in his discretion, etc.

In other words, it would limit the power to increase during the present emergency, so that the President may enlist the Army up to the maximum, and it would not be a continuing power thereafter, existing so long as this act remains upon the statute book.

Mr. PLATT of Connecticut. Mr. President, I have not occupied the time of the Senate in the discussion of this bill. So far as the organization of the Army is concerned, very much of it is technical, and, unless a person is more familiar with it than I am, it is not easily understood; but one thing, I think, I can understand, and would be glad to say a word about.

I have none of the fear, none of the doubt, none of the trouble which is suggested with relation to an increase of the Army or the maintenance of the Army at 100,000 men. I can not help thinking that all this talk about a great standing army, which is limited in any event and in any emergency to 100,000 men, is uncalled for and is not based upon any sound principle. If I understand this bill, it provides for an organization of the Army which, at least, shall amount to some fifty-odd thousand men—54,000, perhaps—and that is the standing army which is authorized by the bill, with the power given to the President, in his discretion, to increase it to 100,000, or 98,000, perhaps.

Mr. President, that could not do this country any harm. That is not a menace to our liberties.

Mr. BERRY. Will the Senator permit me to ask him a question?

Mr. PLATT of Connecticut. Yes.

Mr. BERRY. Do I understand the Senator to state that the meaning of the bill is that when the present emergency shall have passed and the Army is reduced to a minimum, thereafter the President can again increase it to 100,000 men without further legislation by Congress?

Mr. PLATT of Connecticut. I fear, Mr. President, that that is not the provision of the bill. I think it ought to be the provision in this bill that at any time——

Mr. BERRY. You think it is not so now?

Mr. PLATT of Connecticut. I fear it is not.

Mr. BERRY. Then it ought to be made plain.

Mr. PLATT of Connecticut. I think this bill ought to provide that the President may at any time, in his discretion, increase this Army by directing enlistments up to 100,000 men. Fifty-four thousand men are not more than are required for what may be called police duty in the United States, for manning our posts, our garrisons, our coast defenses, and preserving order in our new possessions. I do not think that 54,000 men are sufficient for that purpose.

What harm can come from having the power given to the President to increase the Army above 54,000 men, up to a point which in his judgment the interests of this country, its best interests and its welfare, require?

Mr. PETTIGREW. Five hundred thousand men, if necessary?

Mr. PLATT of Connecticut. One hundred thousand men.

I am astonished that Senators express their fears here that the President of the United States would exercise that power, if given to him, for any purpose except for the best interests and the best welfare of the United States. I do not wish, Mr. President, to see the time—I probably shall not live to see it—I do not wish to see the time when we shall be both unprepared to meet any emergency and there shall be no power to make that preparation.

I am not going into the question of probabilities as to whether we shall have additional wars, as to whether we shall have outbreaks which we can not now foresee in our own territories that will require an addition to our Army above 54,000 men; but I think the time will come, and it seems to me that the power to provide for such an emergency can be safely lodged in the hands of the President of the United States. If it can be, it ought to be provided for. This Government ought not to be crippled in its power to preserve order, or meet attacks, or meet any emergency, unless for the gravest reasons. I think 100,000 men is a limit which may properly be fixed upon; but to say that when this present exigency has passed—nobody knows what that means—there shall only be men enough in the Regular Army to man our coast defenses and our garrisons I think is very short-sighted policy.

Does any Senator believe that any President, the present Executive or any President who may be elected, would use this power to destroy the liberties of the people? Mr. President, any such suggestion seems to me to be little better than the expression of a delusion. We need, as was said by the Senator from Massachusetts now in the chair [Mr. LODGE], to be always prepared for emergencies. It is not only a very costly thing for the Government to be unprepared, not only very costly in dollars and cents, but it is very costly in many other ways.

I do not for a moment yield to any man in my admiration for a volunteer force; but when the Government is called upon to meet an emergency and has only men enough in the Regular Army to do post duty and garrison duty and to man our coast defenses and our Army posts, and is obliged to resort to volunteers, it is not only a most expensive proceeding at first, but it will very often place the country in peril. You can not call for and organize a volunteer army in a minute. It takes time. When organized, when properly drilled, when made efficient, it becomes the best army in the world. But there is always a time between the happening of an emergency or the prospect of an emergency and the time when that volunteer army can be made efficient when we are at the mercy of any power that may attack us.

Now, the wisest policy, the soundest judgment, and the best interests of the United States require, in my judgment, that while our Army is maintained by law at a number which will enable us to meet the requirements of the most peaceful times, there should be an opportunity to enlarge that Army if danger threatens the

United States; and that power may be safely lodged in the hands of the President of the United States.

Mr. President, we have never had a President in the United States who could be open to the suspicion of increasing the Army for his own aggrandizement or for any purpose except for the best interests of the United States; and we shall never have such a President. When a President is elected and is installed who wants to destroy the liberties of this people, statutes will not prevent it; but we shall never have such a President. Senators may safely trust the present Executive, and any Executive to whom this power shall be intrusted, to use it wisely, to use it judiciously, to use it patriotically.

I much prefer that that power shall be lodged in the hands of the President than to run the risk that at some future and unforeseen time this country will be caught in a position where it will have nobody to fight its battles and will be obliged to rely upon volunteers, which are to be called for, slowly recruited, slowly organized, and only efficient when the great injury has been done.

I had very much rather strike out the words "during the present exigencies of the service" than to strike out the words "or until such time as Congress shall hereafter direct." What do those words mean? What are the present exigencies of the service? When are they to cease? Are they wholly to cease or partially to cease? Can the President maintain the strength of the Army at a hundred thousand men, or thereabouts, until he thinks that the present exigencies have ceased? How is he to construe those words? Under what circumstances is he to suppose and determine that the present exigencies continue? What are the present exigencies of the service?

You say, perhaps, until peace is restored in the Philippines. But how restored? How completely restored? Do these words authorize the President to maintain the organization of the Army above 54,000 men if soldiers are only required in the Philippines and in Porto Rico and elsewhere as a peace force, as a police force? If the enemy lay down its arms, can we safely withdraw all of our men from the Philippines? Do the words "the present exigencies of the service" mean that when there is no longer armed and active resistance to the United States the troops are to be withdrawn from the Philippine Islands? Is that the meaning of those words? Will the President after that have no power and no authority to maintain our Army at a higher rate than 54,000 when fully that number is required at home?

The enlistments in the Army are, as I understand, for three years, and practically one-third of the Army goes out by operation of law at the end of each year. One-third of the enlisted men disappear from the Army at the end of each year by reason of the expiration of their terms of service. If the Army is maintained for the present at 100,000 or thereabouts, it will be reduced in that way to 66,666 men within a year by the operation of law.

Now, do Senators wish a bill passed here which, within twelve months from this time, no matter what the exigencies may be, is to prevent the President from having more than 66,000 available men. It seems to me that this matter may well be left to Congress. Congress always appropriates for the pay of that number of enlisted men and officers which it deems important to keep in the Army at the time the appropriation is made. The legal limit of the Army now is 30,000, or was for many years previous to the Spanish war. I think the legal Army was established in 1872 as 30,000.

Mr. ALLISON. Eighteen hundred and seventy.

Mr. PLATT of Connecticut. In 1870 at 30,000. We have nearly doubled our population since that time. I do not know but that we have quite doubled it. If we were to provide absolutely for an army of 60,000 men more, we should provide no more proportionately and for not so much of an army proportionately, considering the new circumstances which surround us, as Congress provided for thirty years ago.

Since that time we have acquired new possessions; we have felt curselves obliged to provide elaborate coast defenses; we have greater use for an Army now in proportion to our population, with no war, with no fighting, than we had thirty years ago, when we established the legal limit of the Army at 30,000, and yet Congress has not appropriated for the whole 30,000 men. I do not know just the number that Congress appropriated for prior to the breaking out of the Spanish war, but I do know——

Mr. COCKRELL. Twenty-five thousand from the Forty-fourth Congress up.

Mr. PLATT of Connecticut. Twenty-five thousand. I am obliged to the Senator from Missouri, who gives me the dates. From the Forty-fourth Congress up to the time of the breaking out of the Spanish war Congress appropriated for only 25,000 men.

Now, leave the discretion in the hands of the President. Just have a little confidence in the President. Believe he is an honest man and a patriotic man, and that he is not going to use any power that may be given him for any dishonest or unpatriotic purposes. Leave the power in the hands of the President of the United States to increase the Army as any exigency may require, and then leave it to Congress not to appropriate for more men than are required at any particular time.

It seems to me that that is the wisest thing to do, Mr. President. If we could just eliminate politics and arguments for political effect from this Chamber for one day I think there would be a unanimous agreement upon the proposition that we ought to have some flexibility to our Army, that we ought not to limit it to the barest requirements of peace, with no possibility of enlarging it when trouble comes upon us, and when the exigencies of a threatened war require its enlargement in order to defend and protect the country.

Mr. BACON. Mr. President, I quite agree with the Senator from Connecticut [Mr. PLATT] that the words "during the present exigencies" ought not to be in this bill. In other words, I do not think that the question as to whether the Army should be a large or a small army should be in the determination of the President, nor do I think that the question of the increase of the Army or the decrease of the Army should be in the discretion of the President. I think that is the duty of Congress. I think it is proper that we should do now as we did two years ago, ourselves judge of the probable duration of the emergency.

Two years ago we were confronted by the requirement for a large army in the Philippine Islands. Congress provided that army, and Congress properly judged for itself as to the duration of the emergency, and raised an army for two years. It may have been a mistake as to the time, but it is the duty of Congress to provide the Army, and it is the duty of Congress to exercise its best judgment in determining for what length of time this increased Army shall continue to exist.

Mr. President, I think we have fallen upon an evil day when a Senator can rise in his place in this Chamber and say that he thinks objections to giving to the President of the United States the power to raise armies at his pleasure are uncalled for. I think that was the language of the Senator. I think we have fallen upon an evil day when the Senator not only says that himself, but when he reflects the opinion of the dominant party of the country, because I think if there is anything that should be cherished by any liberty-loving people, it is the principle and the practice of having the representatives of the people determine what shall be the size of the army and when it shall be increased and when it shall be decreased.

Mr. President, if what the Senator from Connecticut says is true, why do we have all the restrictions that are found in the Constitution of the United States as to the exercise of power, either by the President or by the Congress? Is it to be assumed that when the Constitution makers were engaged in framing the Constitution they had more reason to distrust the fidelity and patriotism of the men to whom the new Government was to be committed than we have to distrust those men to-day; or, on the contrary, was it true that they recognized the fact that laws should be made not as related to those who should be intrusted with power being altogether good men, but should be made so that even if a bad man got into power he could not abuse it?

Mr. President, if it were possible to have a man who should be all-wise as a ruler, if it should be possible to have a man who would be absolutely honest, absolutely capable, absolutely faithful, the best of all governments would be an autocracy, because that man would do the best, he would do no wrong, and no machinery of government which could be provided would possibly be an improvement upon what he could do. But as men are frail, as they are imperfect, as they are not all-wise, as sometimes bad men get into power, it is found necessary that restrictions shall be thrown around the power of those who may be placed in position.

Mr. President, when the framers of the Constitution got together they had but recently rid themselves of one-man power, and throughout the Constitution there is evidence of the fact that the controlling, dominant wish was that there should be no exercise of one-man power in this country. If you will look through the Constitution you will find that almost all powers of government are intrusted not to the Executive, but to Congress, and among all the powers which the history of our race in its struggles showed the greatest necessity of controlling were the powers to raise armies, the powers of making war. Where does the Senator find anywhere in the framework of the Constitution anything which looks to the exercise of power by the Executive of the Government to raise armies and to determine what shall be the size of the armies?

Mr. President, we are engaged in the details of this bill. Of course, all desire, if it shall pass, that it shall be made as perfect as possible, but we do not lose sight of the fact that however perfect in its details, this bill, in its passage, will mark an epoch in the history of the United States. Senators may scoff at it, but it is none the less true that the passage of a bill by which there shall be authorized a standing army of 100,000 men, and by which the President of the United States shall, in his own judgment, and

without control, be allowed to determine within a range of 50,000 men what shall be the size of that Army, is a march to empire.

Mr. President, it is a great revolution that is proposed. I did not expect to go into a discussion of this matter, but the Senator from Connecticut, in what he said, makes it necessary. It is a great revolution which will be effected when this bill is put upon the statute books. If there is one thing above all others which has distinguished the peculiar spirit of this Government, it has been that which has rested the military power of this Government upon the volunteer system, and which has discountenanced anything like a large standing army.

I do not wish anything I say to be considered as unfavorable to our standing army as we have had it, because we have had no large standing army. It has been a small Army. It has been one which has been regarded with favor and with pride by the American people. It has never been large enough to be a burden. It has never been large enough to threaten us with militarism. It has simply been an Army which has been regarded the type for the emulation of our volunteer troops, an Army which should be a nucleus around which should rally that great host of volunteers whenever the necessity called for the defense of the country. But the evident purpose of this bill is to eliminate for all time the volunteer system from the military organization of this country and to establish in lieu of it a great regular army.

Mr. President, the Senator from Vermont [Mr. PROCTOR], I think it was, on the first day of this discussion spoke of the volunteer system, which we had been accustomed to rely upon in the past, and which we had endeavored to make of use in the American-Spanish war, and he spoke of it as a mistake which we would never repeat. In other words, that for the future we should rely upon regular troops and not upon volunteer troops. The Senator from Massachusetts [Mr. LODGE] on a subsequent day spoke of the necessity, as the Senator from Connecticut [Mr. PLATT] has to-day, of an elastic system of Regular Army, by which I suppose is meant that when a military force is needed, it will not be necessary to call upon the volunteers, but that the Regular Army can be so expanded as to meet the necessities of the case.

I repeat, Mr. President, that whenever the system in this country is changed from the volunteer system of republican government, as we have had it, to the regular system which obtains in the continental governments of Europe, it will mark a great epoch in the history of this country. It is but one step. It is not the last step. If it be true, as Senators have said here, that the Regular Army is so much more to be desired, if it be true that the employment of volunteers is a mistake, then we are to have an utter change, and in the place of this reserve army of volunteers we are to have the framework of a Regular Army which is to be expanded as necessity may require. While these voluntary organizations—the National Guard, as they are called—are still to keep up their organization, they are to have no more to do with the actual service in war than the little boys who parade the streets in paper caps and with wooden guns.

But without going into that, Mr. President, we are going back to the distinct question raised here to-day, whether or not it is the proper policy of this Government that when troops are needed Congress should be assembled and should authorize the raising of troops, or whether, on the contrary, the system shall be adopted by which the President of the United States shall at his discretion and in his will determine within a range of fifty-odd thousand men what shall be the size of the American Army.

Mr. HARRIS. And the necessity for it.

Mr. BACON. And the necessity for it, as is suggested by the Senator from Kansas.

The Senator from Connecticut says it is a mere matter of politics. Is it a mere matter of politics to insist that according to the spirit and theory of our Government it is a question which ought to be determined by Congress and ought not to be left to any man? Mr. President, the Senator asked whether or not we distrust the President. I do not put it upon that ground at all. When the Constitution of the United States was framed it was known who was going to be the first President. It was known that Washington was going to be the President—the idol of the people, the Father of the Country, as he was even then called; and yet all these restrictions were thrown around him. Would the Senator say that that was distrusting Washington, or would he say that the framers of the Constitution were endeavoring to embed in our system of government and in our organic law those principles which were found necessary for the preservation of the liberties of the people and of the free institutions which they had won at so great a sacrifice?

Mr. President, the issue is not to be evaded—shall it be in the future the province of the President of the United States to raise armies without the command and authority of Congress, or shall it be in the future, as it has been in the past, whenever there has been a necessity of this kind, the province of Congress to determine it? We are not on the eve of any political contest, that any question of this kind should be raised as a matter of politics. If the Senator thinks it is a mere matter of politics to object to a great standing army, he is mistaken.

If he thinks it is a mere matter of politics to desire that the spirit of our Government shall be maintained in this law to the extent that the Executive, I care not who he may be or how pure he may be, shall not have the power to determine as to when an army shall be raised and what shall be the size of it, he is mistaken. There is such a thing as honesty in the expression of one's opinion of a principle, outside of a mere political exigency. There is such a thing as adherence to that principle by one honestly, and not simply as a matter of political advantage.

I wish to say to the Senator that for myself I would rather see the party to which I belong condemned to universal and never-ending banishment from political power than to see ingrafted upon the statutes of the country the principle that the President of the United States shall be allowed to determine when the Army shall be raised and what shall be the size of it. And it is no sufficient answer to say that he must in reason always have some power in the enlistment of men when the number drops below that which is authorized. It is no sufficient answer to say that that establishes the principle. While it might be a small matter and no infraction of principle in the case of a thousand men, it is a large matter and an infraction of principle when it comes to 50,000 men, because the number of 1,000 men may necessarily be fluctuating to some extent.

It is impossible to have it otherwise. It is in the necessities of the case that there should be those fluctuations around and about the point of maximum. But when it comes to 50,000 men there is no such necessity, and consequently the principle which does not attach in the one case does attach in the other. If it be true that the question of numbers cuts no figure; if it be true that it makes no difference, so far as the principle is concerned, whether the fluctuation is 300 men or 50,000 men, then we could very easily rid ourselves of all trouble by making the maximum 1,000,000 men and by saying that the President may, in his judgment and in his discretion, enlist just such a number, short of that maximum, as he shall see fit.

Mr. President, I wish to repeat here (I may not have the opportunity to do it again), I do not oppose this Army because of the size of it so far as the same may be shown to be at present needed, and for the reasons I have already stated in this debate, I am ready to vote now, as I did two years ago, for an Army of 100,000 men to be used by the President, as the Commander in Chief of the Army. But I am not willing to go further. While this Army may be needed now, and while I am ready to vote for it for two or even three years on account of the present emergency, I am not willing to say it shall be increased to 100,000 not for two or for three years, but for all time.

Mr. President, it is with reference to this particular issue that the amendments have been introduced. The Senators on the other side themselves differ as to whether, when the number has once been reduced, the President has the power to increase the Army to the maximum. Some say that as often as it is reduced he will have the power to increase. Others say that when once reduced the power is gone.

I do not think it is necessary, in view of section 26, that these sections should remain, and it is for the purpose of denying to the President (not because of the present occupant of that office, but regardless of who may occupy that office) the exercise of the great power of determining when an army shall be raised and what shall be its numbers that I offer these amendments.

Mr. HOAR. Mr. President, I should like to say a word on this matter, because it seems to me that the Senator from Georgia [Mr. BACON] overlooks the great constitutional security we have in regard to the dealings with the Army by the Executive and forgets a very recent and most pregnant instance of the effect of that security.

I suppose that the policy of this bill is in accordance with the previous policy of the country. Everybody knows, I suppose, and, if anyone does not, I have taken great pains to make it known, that I am opposed to the purpose to which it is proposed to put the Army of the United States when organized under the bill, and I do not expect to vote for the bill, but I do not find the difficulty with it which troubles the honorable Senator from Georgia, as he does not seem to be troubled by the difficulty which troubles me.

He says that it has been hitherto the policy of the United States to have the Army kept at a small number, where it can not be increased without the authority of Congress to any considerable extent, and where, from its small size—25,000 or 30,000 men—it is no menace to public liberty. That, I think, will be the condition of things, as far as that is concerned, after this bill goes into effect.

There is a careful limit established beyond which it is impossible that there should be any injury or danger to our domestic liberties by this force. Our Army of 100,000 men, if it be raised, will not, in my judgment, make the Executive more formidable than the Army of 25,000 men made him when that number was

fixed. We have doubled or trebled our population, but we have still more largely increased the territory to be covered, the necessity for defense of a vast coast, and the outlying positions. I do not speak now of the Philippines at all, but the outlying positions to be defended; and a foreign enemy is five times nearer us for all practical purposes. The distance has been diminished five times in the progress of events since we had the Army established at 25,000 men.

Practically, I regard this measure as not an authority to the President to increase a Regular Army beyond the number fixed by Congress. It is practically a fixing by Congress of a point far within the limit of domestic safety to liberty at home and far within that limit authorizing the President to reduce it still further. So if that were the only difficulty in the bill, it is a difficulty that would not trouble me at all.

Now, in addition to that, which is security enough, we have our constitutional security, on which the practice of Congress has improved. The Constitution says that there shall be no appropriation for an army which shall extend beyond two years; and the practice long established (I suppose established from the beginning, though I am not sure about that) is to make no appropriation which extends above twelve months. So the purpose to which an army can be used is also within the power of the two Houses of Congress, and the Executive can never put an army for a period of more than twelve months to a purpose which either House of Congress disapproves, because his appropriation will be cut off.

We have had a memorable instance of the effect of that constitutional provision in this country. I did not like what happened at all, but I thought the Executive did just right; and I not only thought he did just right, but so far as my humble influence went I urged him that he ought to do, and that it was his sworn constitutional duty to do, exactly what he did.

President Hayes was inaugurated in the President's chair on the 4th day of March, 1877. There had been a hostile House of Representatives for the past two years, and a hostile House of Representatives had been elected for the next two years. President Grant lawfully and constitutionally, as I think, used the military power of the Government to uphold the Republican governors in Louisiana and South Carolina, whom the Republican party claimed, and I believe truly, to be the lawful governors of those States.

Mr. BACON. What does the Senator mean by a hostile House of Representatives?

Mr. HOAR. I mean a House of Representatives of a different political party; that is, an unfriendly party—another party.

Mr. TILLMAN. Were they not constitutionally elected, and did they not represent, or were they not supposed to represent, the people?

Mr. HOAR. If the Senator will listen to the point I make, he will see nothing in the least to suggest those questions, as I will show before I get through.

There was a House of Representatives which did not believe that Mr. Packard, in Louisiana, and Mr. Chamberlain, in South Carolina, were lawful governors, and they did not believe there was any right on the part of the Executive to put them in power by the military arm against the contention of their opponents in those States. Now, two days or thereabouts before the President was inaugurated the Army appropriation bill came up in the House of Representatives and was defeated, and it is notorious that the House of Representatives defeated that bill because a majority did not mean that use of the troops should be made any longer.

Now, when President Hayes came into power I believed, and I think I know that he believed religiously, that Chamberlain and Packard were the lawful governors of those States, that they had been honestly elected, and that the objection to them was not the objection of a majority of the people, although the opponents were persons who had the organized force and power to do what they wanted there. He refused, refused for a sound constitutional reason, to continue the policy of keeping those governors in by military force, and his course was fully approved by President Grant, his predecessor. It was a subject of bitter attack on the part of men of his own party.

Mr. President, that operated to secure the right of the House of Representatives, just fresh from the people, to determine that the Government of the United States should not use that power for any purpose they did not approve. Mr. Hayes, of course, if he had seen fit, could have kept up that little exercise of power till the 30th day of the next June, but, instead of that, he preferred to bow to the inevitable and withdraw his military force, with the consequence which everybody remembers.

Now, I suppose the same thing will be true hereafter. If the cloud shall fall from the eyes of my honorable friend from Connecticut [Mr. PLATT], as I hope and pray, and he shall see the utter wrong and folly of this Philippine business, and carry Senators enough with him to see it, when an Army bill comes up hereafter, to make a majority, and if the same thing shall happen to the House of Representatives, then this business will stop; and so in regard to any other use of military power, foreign or domestic. I want to have that expression now, and propose to vote for it now, but I am afraid my honorable friend from Georgia will not stand by me in that attempt.

Mr. BACON. What is that?

Mr. HOAR. On the contrary, he says he wishes to give all the power that is necessary to put down these Philippine people.

Mr. BACON. No.

Mr. HOAR. He is in favor of putting them down, as I understand.

Mr. BACON. No; the Senator is mistaken.

Mr. HOAR. If they would only give the force for a limited time, one year or two years, he would vote for an army of 100,000, or any other number.

Mr. BACON. The Senator is mistaken. I hope he will let me correct him, as he has misstated me.

Mr. HOAR. Then I misunderstood the Senator.

Mr. BACON. I will state what my proposition is, and I do not think any other Senator in the Chamber misunderstands me, even if the Senator from Massachusetts does. I have announced as emphatically as I could, not only in this debate, but in previous debates, that I am utterly opposed to the policy which has brought on the war in the Philippine Islands and the policy which continues the war in the Philippine Islands. I have announced that I would stop it, and stop it promptly, if I had the power to do it.

But I have said this, and I stand by it (and I think the Senator from Massachusetts ought to occupy the same position), that when a policy has been adopted by the Government, although I opposed it and disapprove of it, which has put an American army on the other side of the globe, which must either maintain itself or fall the prey of those who are fighting against the American arms, however much we may disapprove of that policy, however much we may condemn that policy, however much we may deplore the end sought to be accomplished by that policy, as Senators of the United States we can not sit here and say that that army shall be left a prey to the foe and that we will not send a reenforcement to them.

Mr. HOAR. I agree entirely to that, if that is all the Senator said.

Mr. BACON. That is all.

Mr. HOAR. I thought he went further and said if there was not any danger of the American Army falling a prey to the other side, if they could be peacefully and quietly withdrawn or could stay in absolute safety and security and comfort in the places they were holding, he was still in favor of giving this force——

Mr. BACON. No, Mr. President.

Mr. HOAR. Even if that policy continued.

Mr. BACON. I voted to-day for the amendment offered by the Senator from Massachusetts for a cessation of all that fighting.

Mr. HOAR. But that was a passing remark. I do not want to be diverted. My main proposition is that our liberties and the constitutional power of Congress over such matters are not endangered by this bill. The Constitution has safeguards in it, as far as they are concerned; but in my judgment the one place where the Constitution meant that the House or Senate should record their opinions as to the proper use of the military force by the Executive was when they came to vote on the Army bill, either the Army appropriation bill or such a bill as this. That is what I meant to say. If the Senator from Georgia agrees with me as far as I have stated my views, very well; so much the better.

Therefore I do not oppose this bill myself because it raises a force of 100,000 men, which it authorizes the President to reduce if he thinks fit, or because it has a skeleton of officers ready for an emergency. On the contrary, I agree with my colleague that there is a good deal of danger, that there is a good deal of frown in the attitude of events which may be expected in the future toward this country, without regard to the Philippine Islands, and I put my opposition to this bill solely on that one ground, and I should vote for it but for that.

Mr. HALE. Mr. President, I do not suppose the Senator from Connecticut in charge of the bill expects that it can be finished to-night, or that perhaps any vote can be taken, and in view of that——

Mr. CARTER. I presume the Senator contemplates a motion to adjourn or to go into executive session?

Mr. HALE. There are matters that ought to be attended to in executive session, as there will be no executive session to-morrow.

APPORTIONMENT OF REPRESENTATIVES.

Mr. CARTER. Mr. President, in view of the fact that there will be no session to-morrow and——

Mr. HALE. I yield to the Senator from Montana.

Mr. CARTER. In view of the further fact that it is desirable to pass the apportionment bill, to which I believe there is at present no objection, I renew my request for unanimous consent that

the Senate now proceed to the consideration of the bill (H. R. 12740) making an apportionment of Representatives in Congress among the several States under the Twelfth Census.

The PRESIDENT pro tempore. The Senator from Montana, from the Committee on the Census, asks unanimous consent for the present consideration of the bill known as the apportionment bill, which has already been read in full to the Senate.

Mr. PETTUS. It was agreed that that bill should go over until morning.

Mr. HALE. I take it, the reason why the Senator from Montana has asked to take it up now is that it has been found since that there will be no session for any business to-morrow. To-morrow is to be taken up by the eulogies upon the late Senator from Minnesota.

Mr. PETTUS. I think the bill had better go over until morning, Mr. President.

Mr. HOAR. That carries it over until Monday.

The PRESIDENT pro tempore. Objection is made.

Mr. SHOUP. I ask unanimous consent to call up Senate joint resolution No. 134, relating to leaves of absence granted officers of the Army, reported by the Committee on Military Affairs.

Mr. PETTUS. Mr. President, under the advice of my associates I will withdraw any objection that I have made.

The PRESIDENT pro tempore. The Senator from Alabama withdraws his objection to the request of the Senator from Montana.

Mr. CLAY. I desire to ask the Senator from Montana if he intends to press the bill to passage this evening.

Mr. CARTER. I desire to state, in reply to the Senator from Georgia, that it is very important that the bill should pass at an early date. The legislatures of many of the States are now in session, and will be called upon to redistrict States under the provisions of the bill.

I would not ask present consideration for the bill if it were not for the fact that this emergency exists, or that at least there is a need of haste, and the further fact that all the provisions of the bill have been very thoroughly discussed. It will be recalled by Senators that the debate in the other branch of Congress has been quite prolonged, and that the merits of the various propositions presented were very thoroughly discussed. The bill which is now pending was——

Mr. CLAY. With the Senator's permission, I will state that I am willing to have the bill taken up. I desired to confer with the Representatives from my State before it was passed upon, but I think I can do so this evening. I am willing that it shall be taken up now.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEAVES OF ABSENCE TO ARMY OFFICERS.

Mr. SHOUP. I ask unanimous consent for the present consideration of the joint resolution (S. R. 134) relating to leaves of absence granted officers of the Army.

The Secretary read the joint resolution, as follows:

Resolved, etc., That leaves of absence which may be granted officers of the Regular or Volunteer Army serving in the Territory of Alaska or the islands of Cuba or Porto Rico or the Philippine Islands, for the purpose of returning thereto, or which may have been granted such officers for such purpose since the 13th day of October, 1898, shall be regarded as taking effect on the date such officers reached or may have reached the United States, respectively, and as terminating, or as having terminated, on the respective dates of their departure from the United States in returning to their commands, as authorized by an order of the Secretary of War, dated October 13, 1898.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. HOAR. I should like to have it explained.

Mr. SHOUP. There is an amendment reported by the committee.

Mr. HOAR. I should like to reserve the right to object until an explanation has been made.

Mr. HAWLEY. I will explain the joint resolution in a very few words. When you give to an officer in the Philippines, for instance, leave for a month to come to the United States, it takes him a month to get here. You had better let him have his leave begin, if he is to have any good of it at all, when he gets to San Francisco, and not have it begin when he leaves Manila.

Mr. BURROWS. That is all there is of the joint resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. PETTIGREW. I object.

The PRESIDENT pro tempore. The Senator from South Dakota objects.

JOHN S. MOSBY.

Mr. DANIEL. I ask unanimous consent for the present consideration of the bill (S. 3305) to refer the claim of John S. Mosby against the United States, for the value of certain tobacco, to the Court of Claims. I will make a brief explanation of it.

Mr. HALE. As it is getting late, after that I shall insist on my motion that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The Senator from Virginia asks unanimous consent for the present consideration of a bill the title of which he has stated, which will be read in full for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That the claim of John S. Mosby for the value of 7,900 pounds, more or less, of tobacco mentioned in an official paper dated at Rocketts Landing, Richmond, Va., July 27, 1865, signed W. H. D. Cochran, major, depot quartermaster, and purporting to give a "list of captured tobacco marked in the name of Col. J. S. Mosby, transferred to Col. J. S. Loomis, Treasury agent, June 7, 1865," be, and the same is hereby, referred to the Court of Claims of the United States, with full jurisdiction to try and adjudicate said claim and render judgment against the United States in such sum as may be found just by said court, without the interposition in behalf of the Government of any bar arising from the existing statutes of limitations. Right of appeal to the Supreme Court of the United States is expressly reserved to the Government and to the claimant.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. Is there a report accompanying the bill?

Mr. DANIEL. There is.

The PRESIDENT pro tempore. There is a report. Does the Senator desire to have it read?

Mr. PETTIGREW. I desire to have it read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. MARTIN April 12, 1900, as follows:

The Committee on Claims, to whom was referred the bill (S. 3305) to refer the claim of John S. Mosby against the United States, for the value of certain tobacco, to the Court of Claims, have carefully considered the same and recommend that it do pass, with an amendment.

The original receipt given on the 27th day of July, 1865, by the depot quartermaster, at Richmond, Va., after the war had ended, and when Colonel Mosby was a paroled soldier, is appended hereto as a part of this report. We recommend that the bill be amended by adding at the end thereof the words: "But it is provided that any portions of such sum representing tobacco beneficially belonging to the father, sister, or other relatives of said Mosby shall be held by him in trust accordingly."

OFFICE DEPOT QUARTERMASTER, ROCKETTS LANDING,
Richmond, Va., July 27, 1865.

List of captured tobacco, marked in name of Col. J. S. Mosby, transferred to Col. J. S. Loomis, Treasury agent, June 7, 1865.

	Pounds.
5½ boxes May Apples	484
14½ boxes Bill Brandon	1,440
4½ boxes Grant and Nelson	381
2½ boxes Sutherlin	209
1½ boxes Sutherlin	[1] 107
2½ boxes Monticello	[1] 190
1½ boxes Chism	[1] 100
7 cases smoking tobacco	2,100
12 cases smoking tobacco	2,850

WM. H. D. COCHRAN,
Major, Division Quartermaster.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ALLISON. I should like to have the Senator from Virginia explain to us how this tobacco was taken by the United States?

Mr. DANIEL. This tobacco, as I understand, was taken at the depot in Richmond, where it bore the name of Colonel Mosby, on June 7, 1865. Colonel Mosby was well known during the war and is well known now. He was a colonel in the Confederate army and had conducted partisan operations in northern Virginia, and for a little while after it was a question with him as to how he might be treated; but receiving assurances that he would be paroled on the same basis as the soldiers of the Army of Northern Virginia he came in, surrendered, and accepted his parole.

As I understand, Mr. President—and I hope I do not extend the matter by any too favorable interpretation, and, if I do, Senators will correct me—the parole of the Confederate soldiers declared that they took an obligation on their part that they would go home and obey the laws of the United States, and, on the part of the Government, that they should remain unmolested or undisturbed. I believe that implied that they would not be molested in their personal property or by any procedure of war against them.

I think that was their then status. I have in favor of that interpretation the conduct of General Grant, which I think was extremely honorable to him, and I always mention it with pleasure and satisfaction. After General Lee had surrendered there was a movement on the part of the Administration to have him brought before the civil tribunals of the country. General Grant, as history relates, went up to the White House and stated that if any procedure was taken against General Lee he would tender his resignation to the Government as an officer of its Army, regarding

[1] R. T. Scott, care Colonel Mosby.

any molestation of General Lee as a violation of the parole which he had given him upon the field of battle.

I believe that that parole applies to the property of the soldiers who surrendered in good faith. While I am not seeking—on the contrary, I am avoiding saying anything that might possibly wound the sensibilities of anyone, I believe that good faith on the part of the Government requires that they should respect the obligation that had just been entered into by the soldiers who had arms in their hands and laid them down, and that it was not proper after that to take away from them, by the action of the United States Government, anything that they possessed, unless under due process of law.

Mr. HOAR. Will the Senator be kind enough to state once more what actually was done affecting this soldier after his parole was accepted?

Mr. DANIEL. His tobacco was taken from him.

Mr. HOAR. Taken from him personally?

Mr. DANIEL. I do not suppose he had it on him, because a man would find it very difficult——

Mr. HOAR. I did not speak of having it on him personally; but was the tobacco taken whilst in his possession?

Mr. DANIEL. I can not state about that, because I do not know.

Mr. PLATT of Connecticut. The bill speaks of it as "captured tobacco."

Mr. DANIEL. I know that. The Government was still capturing things then.

Mr. HOAR. I put my question with a certain point in view, which I will state if the Senator from Virginia is willing I should do so now.

Mr. DANIEL. Certainly; I want the Senator to do so.

Mr. HOAR. I suppose the policy was, when General Lee and the troops under him surrendered, that they were paroled, as the Senator has stated, but the war was not over. The general hostile operations against that territory—capturing cotton, taking strong places, and moving armies across the country, which might trample down a man's field or destroy his house, if it were necessary—did not stop until something like an armistice was declared. If a soldier had anything done to him because of his personal character or quality as a soldier—for instance, if General Lee had been arrested after that parole, General Grant, in his indignation, would have been well warranted in doing what the Senator has stated.

Mr. DANIEL. I think so.

Mr. HOAR. But suppose an army crossing the country had captured a lot of General Lee's cotton, captured abandoned cotton, captured some of his tobacco, or injured his fields, his parole as a soldier would not have given him a right to recover what the inhabitants generally of the territory—still deemed hostile territory under the laws of war—were suffering, and which he suffered as one of them. So, if this man had been stripped of his clothing, of the horse he was riding, or his musket taken from him on the ground that he was a Confederate soldier, it would have been a violation of his parole; but if he suffered from just what other people of his State or region were suffering, he could not have any peculiar title to redress because of that parole. That is the proposition I wish to submit to the Senator.

Mr. DANIEL. I am a very poor judge for the Senator to submit any proposition of that sort to me, for, of course, my sympathy is with the people who were in trouble and distress at that time, and I would not like to be called upon to be a judge.

I know that the war was over. Technically it may not have been, for it did not end, I believe, by proclamation technically until a long time afterwards, but it was over so far as Colonel Mosby was concerned, and it ought to have been over so far as the Government of the United States was concerned. They had settled the business.

I will state as to Colonel Mosby that it was very much desired by the Federal Government to dispose of him and his command. He had the command of a few hundred men, who had rendered very active and very efficient service to the Confederate side, and he deliberated for some weeks, perhaps for a month or two, as to what he should do. On receiving assurances from officers representing the Government that he would be respected as a soldier, he came in and surrendered; and I think that after that time, so far as his soldiership of the Confederacy was concerned, the matter was settled forever. The United States Army was, of course, occupying different places in Virginia, but it had been in the possession of Richmond long before the surrender of Colonel Mosby and some time before the surrender of the Army of Northern Virginia. The United States was not taking generally the property of everybody at that time.

I do not know intimately all the circumstances about this case. I know that the property was taken on the 7th of June, 1865, which was two months after the surrender and some time after Colonel Mosby had handed in his sword.

The Government has got his tobacco, and it seems to me that no Government should desire to be oppressive. When it does extreme acts in war it does them regretfully. No man of honorable feeling likes to do them. He can only do them under the compulsion of some great passion or some great necessity which actuates him to do things against which his better nature recoils.

Even if the Senator were correct in his technical reasoning—I might almost say his hair-splitting views of the law—I believe that his generosity would incline him to wipe them out without refining them too much. There is no old Confederate who has got much out of this Government since the war. They are not a class of people upon whom we ought to draw the reins too severely, anyway.

I hope the Senator will give a little rein to his natural generosity of disposition and let Colonel Mosby have an opportunity to try his right in court. That is all he asks. If, as the Senator says, there are propositions about the matter that may becloud his title or refute his title, all he asks is that the court may pass upon them.

Mr. HOAR. I ask that the bill be read once more, if the Senator is through.

The PRESIDENT pro tempore. The bill will be again read. Has the Senator from Virginia yielded the floor?

Mr. DANIEL. Certainly, for that purpose, Mr. President.

Mr. PETTIGREW. Mr. President, I am going to move that the Senate adjourn, if I can get the floor so that I can make the motion.

Mr. DANIEL. I hope the Senator will not interrupt this bill for a moment longer.

Mr. HOAR. I withdraw the request I made for the reading of the bill.

Mr. DANIEL. I want to say that Colonel Mosby would have had authority under the laws of the United States to have brought his suit but for a peculiar circumstance. A court of Southern Claims was established by Congress, and suits for the recovery of property taken by the Government were authorized to be brought in it. In the law it was provided that no suitor should be heard unless he could take an oath that he had not sympathized with the Confederacy during the war. Of course Colonel Mosby could not do that, and hence he could not sue, but after the time when he might have sued had expired the Supreme Court of the United States held that that clause in the act was unconstitutional.

So he appeared to be barred, and would, in fact, have been barred by the court by an unconstitutional provision. The whole object of this bill is to relieve him from that bar of the statute of limitations. The bill does not decide or undertake to determine the legal questions which the Senator from Massachusetts [Mr. HOAR] has presented, but simply to remove the bar of the statute of limitations, which was put on Colonel Mosby in such a way that he could hardly get over it.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. I move that the Senate adjourn.

Mr. SPOONER. Let me ask the Senator from South Dakota if he will not change his motion to a motion that the Senate proceed to the consideration of executive business?

Mr. HALE. I had a motion pending to go into executive session.

The PRESIDENT pro tempore. The motion could hardly be pending.

Mr. HALE. There will be no session to-morrow, I will say to the Senator from South Dakota, except for eulogies, and there are some things that ought to be attended to in executive session to-night. I hope the Senator will withdraw his motion to adjourn, or change it to a motion to go into executive session.

Mr. PETTIGREW. I have been waiting for some one to move to go into executive session. I have no particular interest in an executive session, but I will withdraw the motion to adjourn if the Senate wishes to go into executive session.

EXECUTIVE SESSION.

Mr. HALE. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 12, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 11, 1901.

COLLECTOR OF INTERNAL REVENUE.

James Denton, of Kentucky, to be collector of internal revenue for the eighth district of Kentucky, to succeed John W. Yerkes, resigned.

UNITED STATES ATTORNEY.

William G. Wheeler, of Wisconsin, to be attorney of the United States for the western district of Wisconsin, vice David F. Jones, deceased.

CONFIRMATIONS.

Executive nomination confirmed by the Senate December 20, 1900.

APPOINTMENT IN THE MARINE-HOSPITAL SERVICE.

Benjamin S. Warren, of Alabama, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Executive nominations confirmed by the Senate January 11, 1901.

UNITED STATES ATTORNEY.

William G. Wheeler, of Wisconsin, to be attorney of the United States for the western district of Wisconsin.

POSTMASTER.

David B. Rigdon, to be postmaster at Statesboro, Bulloch County, Ga.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 11, 1901.*

The House met at 12 o'clock m. The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

O Lord, we approach Thee in the sacred attitude of prayer because we believe in Thee, that Thou art a God hearing and God answering prayer. Hear us, we beseech Thee, when we commiend to Thee for Thy care all the members of this House who are sick and afflicted with the prevalent disease of the season; and especially, Heavenly Father, we pray Thee to let Thy blessing rest upon the member from Nebraska who for days has been near death's door. We thank Thee for the hope of his recovery and we pray Thee, if it be Thy will, that he may be restored to health; that he may go in and out with us as before. Watch over us this day that we make no mistakes, and Thine be the praise through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 5337. An act providing for the construction of a steam revenue cutter for service in the harbor of Boston, Mass.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. FRANK G. CLARKE, late a Representative from the State of New Hampshire.

Resolved, That a committee of six Senators be appointed by the presiding officer to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

And that, in compliance with the foregoing, the Presinent pro tempore had appointed as said committee Mr. CHANDLER, Mr. GALLINGER, Mr. DEBOE, Mr. SCOTT, Mr. MCLAURIN, and Mr. HEITFELD.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 12395. An act to provide for the holding of the circuit and district courts of the United States for the eastern district of Arkansas; and

H. R. 3047. An act to remove charge of desertion from military record of John Faulds, Company G, Thirty-first Wisconsin Infantry.

EULOGIES ON THE LATE REPRESENTATIVE W. D. DALY.

Mr. SALMON. Mr. Speaker, I ask unanimous consent that February 9, at 2 o'clock in the afternoon, be set aside for tributes of respect to the memory of the late W. D. DALY, a Representative from New Jersey.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that February 9, at 2 o'clock in the afternoon, be set apart for eulogies on the late Representative DALY, from New Jersey. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

LOUISIANA PURCHASE CENTENNIAL.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent that the bill (H. R. 9829) to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of the arts, industries, manufactures, and the products of the soil, mine, forest, and sea, in the city of St. Louis, in the State of Missouri, on the Union Calendar, be referred back to the Special Committee on the Centennial of the Louisiana Purchase.

The SPEAKER. The gentleman from Minnesota, the chairman of the Special Committee on the Celebration of the Louisiana Purchase, asks unanimous consent that House bill No. 9829, on the Union Calendar, be referred back to that committee. Is there objection? [After a pause.] The Chair hears none.

ACCOUNTS OF MARSHALS AND CLERKS OF DISTRICT COURTS IN THE TERRITORY OF UTAH.

Mr. KING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5231) relating to the accounts of United States marshals and clerks of the district courts of the Territory of Utah.

The SPEAKER. The gentleman from Utah asks unanimous consent for the present consideration of the bill S. 5231, which is on the Speaker's table.

The Clerk read as follows:

Be it enacted, etc., That the United States marshals and the clerks of the district courts of the Territory of Utah prior to its admission to the Union as a State shall be held accountable only for fees earned in United States cases, in accordance with a decision of the Attorney-General dated December 2, 1891, and all unclosed accounts of such officers shall be settled and closed accordingly.

Mr. DALZELL. Reserving the right to object, Mr. Speaker, I would like to hear some explanation from the gentleman.

Mr. KING. Mr. Speaker, during the first session of this Congress this bill, under a different number, was introduced both in the House and Senate. It was unanimously reported by the Judiciary Committee in the Senate and came to the House. In the House Judiciary Committee the Senate bill took the place of the House bill and was unanimously reported by that committee, the distinguished member from New Jersey [Mr. PARKER] submitting the report. It went to the President of the United States for his approval. Fearing that it might not receive Executive approval, because the Attorney-General thought the language of the bill was somewhat too comprehensive, a resolution was passed recalling it from the President. It was returned to the Senate by the President and referred to the Judiciary Committee. That committee then reported the bill in its present form, which, as I understand, is approved by the proper department of the Government. It eliminates the objectionable words. In its present form, with a slight amendment, it was prepared in the Department of Justice.

In brief, the facts are these: The clerks and marshals of the Territory of Utah made their reports to the Government according to the law as interpreted by the Department of Justice. In the decisions of this Department the clerks and marshals were not required to make returns of fees earned in civil cases. These accounts so submitted were settled and approved, and were, as stated, conformable to the decisions of Attorney-General Miller and Attorney-General Garland.

Since this the Solicitor of the Treasury has construed the law differently, and held that the law required them to include in the emoluments returned fees earned in civil cases. This decision is contrary to the rulings of the past and the construction of the Department; but, in accordance with this ruling, it is impossible for the Treasury officials to approve and settle certain of the accounts of the clerks and marshals of Utah. For the purpose of permitting the Department to close up these accounts the passage of this bill is desired.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. KING, a motion to reconsider the vote whereby the bill was passed was laid on the table.

USE OF RESERVATIONS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I desire to call up Senate joint resolution 145, now on the Speaker's table, authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect on March 4, 1901, etc. I ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Wisconsin calls up Senate joint resolution 145 and asks unanimous consent for its present consideration, and the Clerk will report the resolution.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized to grant permits to the committee on inaugural ceremonies for the use of any reservations or other public spaces in the city of Washington on the occasion of the inauguration of the President-elect, on the 4th day of March, 1901, which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces or statuary thereon; and the Commissioners of the District of Columbia may designate, for such and other purposes on the occasion aforesaid, such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: *Provided, however*, That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said inaugural committee and in accordance with plans and designs to be approved by the Architect of the Capitol, the commissioner of public buildings and grounds, and the building inspector of the District of Columbia.

SEC. 2. That the Commissioners of the District of Columbia are hereby

authorized to permit the committee on illumination of the citizens' inaugural committee for the inaugural ceremonies, March, 1901, to stretch suitable overhead conductors, with sufficient supports, wherever necessary and in the nearest practicable connection with the present supply of light, for the purpose of effecting the said illumination: *Provided*, That the said conductors shall not be used for the conveying of electrical currents after March 6, 1901, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before March 15, 1901: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced, that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *Provided further*, That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia: *Provided further*, That for the purposes of this act the construction of additional underground conduits is specifically prohibited.

SEC. 3. That $10,000, or as much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from the 28th of February to the 9th of March, 1901, both inclusive. Said Commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property and fixing fares by public conveyance during said period. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed $100 in the police court of said district, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than sixty days.

SEC. 4. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the committee on inaugural ceremonies such ensigns, flags, etc. (except battle flags), that are not now in use and may be suitable and proper for decoration and may be spared without detriment to the public service, such flags to be used by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion and the interior of the reception hall: *Provided*, That the said committee shall indemnify the said Departments, or either of them, for any loss or damage to such flags not necessarily incident to such use.

SEC. 5. That the Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Company to extend overhead wires into the Pension building and to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within ten days after the conclusion of the ceremonies on the 4th day of March, A. D. 1901.

SEC. 6. That the Commissioners of the District of Columbia are hereby authorized to issue to steam railroad companies in said District permits to temporarily occupy additional parts of streets for the purpose of accommodating the traveling public attending the inaugural ceremonies in March, 1901: *Provided*, That such temporary occupation shall not exceed the period of fifteen days, and shall be subject to conditions prescribed by said Commissioners.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RICHARDSON of Tennessee. I would like to ask the gentleman from Wisconsin [Mr. BABCOCK] whether this resolution follows the form of those usually adopted for inaugural occasions, or whether there is anything else whatever in it?

Mr. BABCOCK. In answer to the gentleman from Tennessee, I will say that this is an exact duplicate of several resolutions adopted in January and February four years ago, with this difference: Four years ago the appropriation was $8,200; this year it is $10,000. Four years ago the resolutions permitted the Western Union Telegraph Company only to carry its lines into the Pension building; this year the Postal Telegraph is permitted entrance there as well as the Western Union. There is further provision that no temporary tracks shall be laid upon or over any of the parks of the city. With these differences, this resolution is an exact duplicate of those passed four years ago.

Mr. BELL. Is the Government of the United States to pay this entire appropriation of $10,000?

Mr. BABCOCK. No, sir; one half is to be paid by the District and the other half by the General Government.

Mr. BELL. I do not want to object to this bill, but I would like about ten minutes in which to make a few observations on it.

Mr. BABCOCK. The matter of time, I presume, will be entirely in the hands of the Speaker.

Mr. BELL. Will the gentleman object to my request?

Mr. BABCOCK. No, sir; I will not.

Mr. BELL. With the understanding that we can have a little discussion, I will not object.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

Mr. DALZELL. Will the gentleman from Wisconsin yield for a question?

Mr. BABCOCK. Certainly.

Mr. DALZELL. As I understand, this resolution provides for no other committees than those committees of citizens specially created in connection with the inauguration ceremonies. It has no reference to any committee of either House?

Mr. BABCOCK. Not at all. As I have stated, it is a duplicate of resolutions passed four years ago, with the exception that this resolution appropriates $1,800 more than the resolution which was then adopted.

Mr. BOUTELL of Illinois. Will the gentleman from Wisconsin allow me a suggestion?

Mr. BABCOCK. Certainly.

Mr. BOUTELL of Illinois. It occurs to me that in the clause with reference to indemnities for injuries which may happen to flags or banners of which the Departments have custody and which it is proposed that they loan for this occasion, the six words "not necessarily incident to such use" should be stricken out. It seems to me that whatever injury may happen to these flags and banners would undoubtedly happen in their necessary use, and the Departments should be indemnified for all injuries that might result, for instance, from inclemency of the weather or similar causes.

Mr. BABCOCK. In answer to the gentleman from Illinois, I will say that the committee of 60 representative citizens of Washington represent simply the Government in this celebration; they will simply act for the Government. I see no point or object which would be obtained by making them specifically responsible for something that they could not replace. If an old flag—a relic in the possession of the Government—should be lost, this committee would be powerless to replace it. I repeat, that this resolution is an exact duplicate of the resolutions under which the committees have heretofore worked.

Mr. BELL addressed the Chair.

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Colorado?

Mr. BABCOCK. Yes; I yield to the gentleman for ten minutes.

Mr. BELL. Mr. Speaker, I remember very distinctly that four years ago we made a similar appropriation and adopted similar provisions to those which it is proposed to make to-day. Four years ago—I might say also eight years ago, and probably for a quarter of a century—the people of Washington have made the inauguration of Presidents great business enterprises for the people of the District of Columbia. I do not object to that. I am glad to see the people of the District of Columbia making this a great occasion. But it seems to me that they ought to pay the expenses connected with it, outside of the necessary expenses of providing the place, etc.

I notice that among the different governors who are being inaugurated in the different States many of them are glorying in the fact that they are having simple ceremonies, that are costing the people nothing. One governor of a Western State a few years ago—a rich man—boasted that it had only cost the people $5 for his inauguration. On the occasion of the inauguration of the governor of New Hampshire the other day the papers of that State boasted that the people had gone back to the time-honored custom of a simple ceremony in connection with the induction of the highest officer of the State into his official position.

In Washington four years ago we had a grand ball in connection with the inauguration. People came here from all parts of the country. Many of them paid from $1 to $2.50 for seats in our parks in order to witness the parade, and $5 to walk through their Pension Office, called an inauguration ball; and, according to my remembrance, when the inauguration ceremonies were over the committee of citizens of the District of Columbia had a large surplus arising from the different means they had adopted to meet the expenses, and largely through the free use of Government property.

The citizens contributed $50,000. They got it all back. They had gotten a splendid fund in addition; the hotels, the business men, and everybody else had been greatly benefited, and the Government contributed a large portion of the expense that it never expected to get back. Now, I want to say that four years ago the inauguration of a President of the United States cost us probably from $150,000 to $200,000, including use of public property, cleaning up, repairs, stopping work, etc.

Mr. BABCOCK. Does the gentleman from Colorado understand what this appropriation is for?

Mr. BELL. Yes; I understand it thoroughly. I know what it is for; I can not afford to have my time taken up now. I am going to talk upon it generally, and am not going to oppose your bill in particular. But what I want to state is that after the inauguration were over four years ago even the Republican papers of this District were astounded at the way in which the Government submitted its interests to the interests of the speculators around the city of Washington. My remembrance is that it was in the Evening Star. Its representative went over to the Pension Office and said to the Commissioner of Pensions, "I want to know what it costs the Government of the United States for you to give up the Pension Office for ten days for decoration for the inaugural ball. What did it cost the Government of the United States to have the inaugural ball?" Mr. Murphy said: "I can not give you the exact figures," but over his own signature the Commissioner of Pensions said: "I can give you the statement that the salaries of the employees of the Pension Office alone, while they were thrown out of employment and in idleness to allow the committee to decorate the Pension Office, cost this Government $70,000."

You can find that by looking back in the columns of one of the papers here, I think the Star, over the signature of the Commissioner of Pensions. It cost the Government $70,000 for the salaries of these men kept in idleness while the great Pension Office

was being decorated. Probably the other expenses were a quarter more for cleaning, repairs, and getting reorganized. The same thing may be repeated at this inauguration. I am in favor of giving the Executive a decent, a moderate, a becoming inauguration; but I am not in favor of giving up these parks, giving up the Pension Office, putting these employees out of the office and leaving them in idleness for nine or ten days while the Pension Office is being decorated, and then allow the citizens here to charge the people who come here to see this inauguration from a dollar to two dollars and a half each for a seat on these public parks and $5 to walk through our Pension Office, called the grand ball, and create a great surplus fund, and help the people of this District make untold dollars out of the visitors here and the Government pay the expenses—I am opposed to it.

Mr. GAINES. How much did it cost to inaugurate Thomas Jefferson?

Mr. BELL. It cost the price of a boy to hold his horse, etc.

Mr. MADDOX. He hitched his horse to a tree.

Mr. BELL. The cost was very little. I want to say that the inducting of Governor Adams, a rich man, into the gubernatorial chair of Colorado a few years ago was announced to have cost the people just $5. Every newspaper in the State and throughout the West commended that. They would commend such an act here, if they had a chance. Now, I am not in favor of cutting down any necessary expenses, but I want to say I was here in Washington at an inauguration before I was elected to Congress. I had been here for a week or two at a leading hotel.

I remember well that they made every guest in that hotel move out of his room for three days or pay double price. Four of us were put in one room, paying the same price that we had paid for a week or more before when we each had a separate room. It is made a business proposition in this city from beginning to end. I am willing that that should be, but I say if they want this royal, this regal display for the purpose of collecting people from the outside in order that it may benefit the hotels and merchants, the people of the District of Columbia, the merchants and this association ought to pay the expenses. And I warn you now that the Pension Office this year will probably be dismantled, will probably have its employees idle for ten days, as it did four years ago, and will cost this Government $70,000 for their salaries, as Mr. Murphy says it did four years ago, and other like expenses will be made, not connected with a direct appropriation.

Mr. FITZGERALD of Massachusetts. Mr. Speaker——

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Massachusetts?

Mr. BABCOCK. For what purpose?

Mr. FITZGERALD of Massachusetts. I should like to make some remarks at this time. I am to go away to-day with a committee of the House, and I would like time now to correct some misstatements that have been made about Boston's commerce during the debate on the river and harbor bill.

Mr. BABCOCK. I yield to the gentleman from Massachusetts.

[Mr. FITZGERALD of Massachusetts addressed the House. See Appendix.]

Mr. GAINES. Will the gentleman from Wisconsin yield to me for a question?

Mr. BABCOCK. Yes.

Mr. GAINES. The tickets to this reception or ball at the Pension Office—how are they obtained, and who has the legal right to them, if there are any legal rights about it?

Mr. BABCOCK. As I understand, Mr. Speaker, the issuing of tickets is entirely in the hands of the citizens' committee. What their regulations are or whether they have been adopted at this time I do not know.

Mr. GAINES. Have not the members of Congress any legal right at all to tickets?

Mr. BABCOCK. They have tickets to the Capitol.

Mr. GAINES. Is not this money that we are appropriating to help pay the expenses of this thing?

Mr. BABCOCK. It is simply for police protection.

Mr. GAINES. And we have no legal right at all and no admission to the floor because we are members of Congress, nor our families or friends?

Mr. BABCOCK. It is usual for each Member and Senator to have tickets to the exercises at the Capitol, but we have no exclusive right.

Mr. GAINES. I am trying to get a little information, and I am getting it, as to how the people are to get into this "magnificent ball" that is to be held.

Mr. BERRY. Anybody can get in by paying $5.

The SPEAKER. Does the gentleman from Wisconsin yield further?

Mr. BABCOCK. I yielded for a question.

The SPEAKER. The question is on the third reading of the joint resolution.

Mr. GAINES. Mr. Speaker, I am not quite through.

The SPEAKER. Does the gentleman from Wisconsin yield?

Mr. GAINES. The gentleman has yielded, and I was asking him a question for information.

Mr. BABCOCK. I yielded to the gentleman from Tennessee for a question.

Mr. GAINES. I have asked the gentleman a question and now I will ask another. [Cries of "Louder!"]

I want to ask the gentleman from Wisconsin if he thinks it right for Congress to appropriate money for these ceremonies and members of Congress not have any legal right to the floor where those ceremonies are had? Now, that is the substance of my question. I want to get information; this is not so much for myself as some of my people, and several who are not, and have written me.

Mr. BABCOCK. What floor does the gentleman speak of?

Mr. GAINES. I want to get in on the ground floor as you do. [Laughter.] I want to get in on the ground floor on the ground, and I want to face the gentleman on that happy occasion.

Mr. BABCOCK. I do not know where the ground floor is on this occasion.

Mr. GAINES. Then I have entirely misread the history of the gentleman from Wisconsin. I had an idea that he got in on the ground floor on everything.

Mr. BABCOCK. The Government is making no appropriation whatever for any ceremonies. The appropriation, $10,000, carried in this bill is for additional police protection and the necessary expenses incident thereto for the ten days of the celebration.

Mr. GAINES. We turn it over to the District.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

Mr. BABCOCK. Mr. Speaker, I ask that House joint resolution 287, a duplicate of the Senate joint resolution, and now on the Calendar, be laid on the table.

The SPEAKER. The gentleman from Wisconsin asks that the House resolution of similar purport be laid on the table. Without objection, this order will be made.

There was no objection.

CHANGES OF REFERENCE.

The SPEAKER. The Chair announces the change of reference of two bills, the bill S. R. 138 and the bill H. R. 13107, from the District of Columbia to the Committee on Appropriations, on the request of the chairman of the Committee on the District of Columbia. The Clerk will report the bills by their titles.

The Clerk read as follows:

A bill (H. R. 13107) providing for improvements in the office of the assessor of the District of Columbia.

Joint resolution (S. R. 138) providing for the paving of certain streets in the city of Washington.

The SPEAKER. Without objection, these changes will be made.

There was no objection.

PRIVATE CALENDAR.

Mr. GIBSON. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole for the consideration of private bills under the special order.

The SPEAKER. The gentleman from Tennessee moves that the House resolve itself into Committee of the Whole for the consideration of private bills under the special order for that purpose.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. TALBERT. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 133, noes 9.

Mr. TALBERT. I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count.

Pending the count,

Mr. TALBERT. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. The gentleman withdraws the point of order. The ayes have it, and accordingly the House resolves itself into Committee of the Whole.

The House accordingly resolved itself into Committee of the Whole, Mr. LACEY in the chair.

The CHAIRMAN. The Clerk will report the rule.

The Clerk read as follows:

Resolved, That during the remainder of this Congress the second and fourth Friday in each month, after the disposal of such business on the Speaker's table as requires reference only, shall be set apart for the consideration of private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion. The provision herein made shall be in lieu of the evening session provided for by section 2 of Rule XXVI, and section 6 of Rule XXVI and section 1 of Rule XXVI are hereby modified to conform herewith.

OLIVIA DONATHY.

The first business on the Private Calendar was the bill (H. R. 8106) granting a pension to Olivia Donathy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Olivia Donathy, the helpless child of James A. Donathy, deceased, late of Company K, Fifty-ninth Illinois Infantry, and pay her a pension of $12 per month.

The amendment recommended by the Committee was read, as follows:

In line 4 strike out all after the word "place" and all of lines 5, 6, and 7 and insert in lieu thereof the following: "On the pension roll, subject to the provisions and limitations of the pension laws, the name of Olivia Donathy, the helpless and dependent daughter of James A. Donathy, late of Company K, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month."

The CHAIRMAN. The question is on the amendment.

Mr. TALBERT. Mr. Chairman, I would like to have the report read.

Mr. GIBSON. I hope the gentleman will not call for the reading of the report, but will permit a short statement to be made.

Mr. TALBERT. I will be satisfied with a statement.

Mr. GIBSON. This is a helpless child of an old soldier, and this gives her $12 a month.

Mr. TALBERT. All right. I think a statement should be made or the report read.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HORACE L. STILES.

The next business on the Private Calendar was the bill (H. R. 9165) to increase the pension of Horace L. Stiles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace L. Stiles, late of the Third Independent Battery of New York Light Artillery Volunteers, and pay him a pension at the rate of fifty dollars a month in lieu of that he is now receiving.

The amendments recommended by the Committee were read, as follows:

In line 6, after the word "Battery," strike out the word "of."

In line 7 strike out the word "Volunteers;" and in the same line, after the words "New York," insert the word "Volunteer."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "seventeen;" in the same line strike out the word "a" and insert in lieu thereof of the word "per."

Amend the title so as to read: "A bill granting an increase of pension to Horace L. Stiles."

Mr. CALDERHEAD. Mr. Chairman, I want to say a word in reference to the amendments recommended by the committee. The bill was reported by the committee without the consideration of some testimony filed in the case at the time. If that testimony had been under consideration at the time, the bill would have been reported at $50 a month. My colleague upon the committee [Mr. MIERS] reported the bill in my absence, and I have been giving special attention to the examination of the case. Since the time the bill was reported the soldier has become entirely helpless from paralysis, so that he requires the constant care and attention of another person, and he will during the remainder of his days.

I want to say that at the time the bill was under consideration he was then suffering a disability, which I believed from the evidence on file in the Pension Bureau to be the result of his service. Two doctors are operating upon him once every week or two weeks for dropsy, and at the time the bill was under consideration 54 ounces of water within one week were taken from him by an operation upon his chest. Now, this soldier has a remarkable record as a soldier. He had four years of excellent service; served until the close of the war; was injured in the chest in time of action, and that injury I believe to be the cause of the disability which he suffers and for which he asks pension. The Pension Bureau itself was not clearly satisfied that the disease of heart was the result of that injury, and yet I think upon a fair examination of the testimony it shows it to be the result of his service. If that testimony had been accepted the Department would have given him $50 a month without question.

I have now here the evidence showing, since the time the bill was reported, that he has been stricken with paralysis, which appears to be the result of disease of the heart, so that he requires and will require during the remainder of his days the constant care and attendance of another person. I therefore oppose the amendment of the committee, and I think I have the support of all the members of the committee who have learned of the case since the report was made. I ask that the amendment be voted down.

Mr. CRUMPACKER. Will the gentleman from Kansas insert the evidence in the RECORD as a part of his remarks?

Mr. CALDERHEAD. I am perfectly willing.

Mr. GIBSON. I suggest to the gentleman from Kansas that he modify his request and move to amend by striking out the word "seventeen" and inserting "fifty;" so as to let the balance of the amendment, which goes to the form of the bill, prevail.

Mr. CALDERHEAD. I thank the gentleman from Tennessee, and will comply with his suggestion. The other amendments suggested by the committee are proper, and I therefore move to amend the amendment by striking out the word "seventeen" and inserting the word "fifty."

Mr. GIBSON. Mr. Chairman, I desire to say to the committee that at the time this bill was before the Invalid Pensions Committee important proof was not on file, and, as a consequence, the committee has inadvertently done an injustice to this man. I am of the opinion that the amendment to the amendment should prevail. This man was totally helpless. He was in the city last summer and I had a chance to see him, and I know of my own personal knowledge that the man is absolutely helpless. In fact, he was reported dead while he was here, but afterwards the report was found to be untrue, and, as I say, the committee has done the man an injustice on account of the proof not being on file when the committee had the case before it for action.

The CHAIRMAN. The Chair would suggest that the better way would be to first take a vote upon all the amendments except the one referred to by the gentleman from Kansas.

The question was taken, and the amendments were agreed to.

The CHAIRMAN. The question now is on agreeing to the committee amendment striking out the word "fifty" and inserting "seventeen."

The question was taken, and the amendment was not agreed to.

The bill as amended was then laid aside to be reported to the House with a favorable recommendation.

RICHARD MYERS.

The next business on the Private Calendar was the bill (H. R. 11680) granting a pension to Richard Myers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard Myers, son of George W. Myers, late of the Second Connecticut Light Battery, and pay him a pension at the rate of $30 a month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8, and insert in lieu thereof the following: "of Isabela Myers, widow of George W. Myers, late of the Second Battery, Connecticut Volunteer Light Artillery, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided, however*, That in case of the death of the helpless child, Richard E. Myers, on whose account the pension of Isabela Myers is increased, the pension of said Isabela Myers shall continue only at the rate of $12 per month from and after the date of death of said helpless child."

Amend the title so as to read: "A bill granting an increase of pension to Isabela Myers."

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOHN R. ROBINSON.

The next business on the Private Calendar was the bill (H. R. 10021) granting an increase of pension to John R. Robinson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Robinson, late of Company D, One hundred and Thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOEL H. HALLOWELL.

The next business on the Private Calendar was the bill (H. R. 1604) for the benefit of Joel H. Hallowell, of Covington, Ky.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Joel H. Hallowell, a private in Company D, Sixth Pennsylvania Cavalry Volunteers, in the war of the rebellion, now residing at Covington, Ky., at the rate of $25 per month.

The amendments recommended by the committee were as follows:

In line 4 strike out all after the word "place," and all of lines 5, 6, 7, and 8, and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joel H. Hallowell, late of Company D, Sixth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Joel H. Hallowell."

The amendments recommended by the committee were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

ELAM KIRK.

The next business on the Private Calendar was the bill (S. 2954) granting an increase of pension to Elam Kirk.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name Elam Kirk, late of Company G, One hundred and twenty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOHN COOMBS.

The next business on the Private Calendar was the bill (S. 4105) granting an increase of pension to John Coombs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Coombs, late of Company H, Second Regiment Illinois Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOHN R. M'COY.

The next business on the Private Calendar was the bill (S. 2110) restoring the pension of John R. McCoy.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. McCoy, late of Company H, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

Mr. TONGUE. Mr. Chairman, what is the vote asked upon?

The CHAIRMAN. On laying the bill aside with a favorable recommendation.

Mr. TONGUE. Is not a vote to be taken on the amendment recommended by the committee?

The CHAIRMAN. There is no amendment.

Mr. GIBSON. The committee simply recommends the passage of the bill as it came from the Senate.

The bill was laid aside to be reported to the House with a favorable recommendation.

DAVID H. MOREY.

The next business on the Private Calendar was the bill (S. 2753) granting an increase of pension to David H. Morey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David H. Morey, late of Company F, Seventeenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

HENRY VAN GELDER.

The next business was the bill (S. 2819) granting an increase of pension to Henry Van Gelder.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Van Gelder, late of Company G, Sixty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

AMERICUS V. RICE.

The next business was the bill (S. 3890) granting an increase of pension to Americus V. Rice.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Americus V. Rice, late colonel Fifty-seventh Regiment Ohio Volunteer Infantry, and brigadier-general, United States Volunteers, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

Mr. NORTON of Ohio. Mr. Chairman, I desire to call the attention of the House to this bill and earnestly request that members give it close attention. It is my purpose to offer an amendment. I requested permission to do so from the committee, and it was readily granted. At the time this bill was before the Senate committee the full facts were not in the possession of that committee. I call for the reading of the Senate report, which I hope will receive the close attention of every member of the House; and then I propose to offer an amendment to the bill striking out $60 as the amount of the proposed pension and inserting $100.

The Clerk read as follows:

This bill as amended proposes to increase from $36 to $60 per month the pension of Americus V. Rice, of Washington, D. C., late colonel Fifty-seventh Regiment Ohio Volunteer Infantry, and brigadier-general, United States Volunteers.

General Rice, at the first call for volunteers in April, 1861, enlisted in the three months' service. He was mustered in as captain Company E, Twenty-first Ohio Volunteers, April 27, 1861, and was discharged August 12, 1861. He then began recruiting for the service, which he reentered September 2, 1861, as captain Company A, Fifty-seventh Ohio Volunteers. He was promoted lieutenant-colonel, same regiment, February 3, 1862, and was mustered in as colonel February 19, 1864, to date May 24, 1863. He was appointed brigadier-general, United States Volunteers, May 31, 1865, which appointment he accepted June 18, 1865, and was honorably mustered out of service January 15, 1866.

A complete statement of his military service, furnished by the War Department, is as follows:

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, May 7, 1900.

SIR: In response to your request for the military and medical record of Americus V. Rice, late brigadier-general of volunteers, for use in connection with Senate bill 3890, I have the honor to inform you as follows:

It is shown by the records that Americus V. Rice was mustered into service April 27, 1861, as captain of Company E, Twenty-first Regiment Ohio Volunteer Infantry (three months' organization), and that he was mustered out with his company, as captain, August 12, 1861.

He was again mustered into service September 2, 1861, as captain of Company A, Fifty-seventh Ohio Volunteer Infantry, to serve three years; was promoted to lieutenant-colonel, same regiment, about February 8, 1862, and was mustered in as colonel, same regiment, February 19, 1864, to date May 24, 1863; was appointed brigadier-general of volunteers May 31, 1865, which appointment he accepted June 18, 1865, and was honorably mustered out of service as brigadier-general of volunteers, in General Orders, No. 168, War Department, Adjutant-General's Office, dated December 28, 1865, to take effect January 15, 1866.

From the date of his muster in as captain in the Fifty-seventh Ohio to May 22, 1863, when disabled at Vicksburg, Miss., he is shown to have been continuously on duty with his regiment, which formed a part of Gen. W. T. Sherman's command and participated in the western campaign, including the battle of Shiloh, the siege of Corinth, the battles of Chickasaw Bayou and Arkansas Post, and the siege of Vicksburg.

At Vicksburg he led his regiment in the assault on the enemy's works on May 22, 1863, when he was severely wounded below the knee and in the thigh of the right leg. On account of this wound he was absent thereafter until the spring of 1864, when he resumed command of his regiment. He led his regiment in an assault on the enemy's works at Kenesaw Mountain, Georgia, June 27, 1864, where he was again badly disabled, sustaining a wound of the left ankle and fractures of the shin bone and the thigh of the right leg, necessitating the amputation of the right leg above the knee. On account of this wound he was again absent until about April, 1865. Meanwhile, on December 14, 1864, by reason of physical disability from wounds received in action, a special order was issued from the War Department honorably discharging him from the service as colonel of the Fifty-seventh Ohio, but on the request of Colonel Rice and the governor of Ohio, supported by the earnest recommendation of General Sherman, this order was revoked and he was restored to his command by a special order from the Department, dated March 29, 1865, whereupon he rejoined his regiment.

Upon his promotion to brigadier-general of volunteers, he was, on June 17, 1865, assigned to the command of the Third Brigade, Second Division, Fifteenth Corps, on which duty he continued until August 19, 1865, after which date, his services being no longer required, he was at his home in Ohio on waiting orders to the date of his discharge.

This officer is informally mentioned in the reports of his superiors for skill and gallantry in the different actions in which he took part, and he was several times recommended for promotion to brigadier-general. In repeating the recommendation under date of May 28, 1865, General Sherman said:

"I have heretofore recommended for promotion to brigadier-general of volunteers Col. A. V. Rice, Fifty-seventh Ohio Infantry, for special gallantry at Vicksburg and Kenesaw, at which latter place he was wounded terribly.

"I again renew my recommendation and state that Colonel Rice is one of those young officers who have served with me all through the time since Shiloh and enabled me to do the service I did. I know his capacity and fitness, and know that the promotion is more than deserved. It is fairly due to put him on a par with his fellows who have already been properly promoted."

Very respectfully,
F. C. AINSWORTH,
Chief Record and Pension Office.

The CHAIRMAN OF THE COMMITTEE ON PENSIONS,
United States Senate.

General Rice was severely wounded below the knee and in the thigh of the right leg in the assault on the enemy's works at Vicksburg, Miss., May 22, 1863, and still carries in his body the bullet with which he was then wounded. At Kenesaw Mountain, Georgia, June 27, 1864, he was badly disabled, sustaining a wound of the left ankle and fractures of the shin bone and thigh of the right leg, necessitating the amputation of the right leg above the knee. The leg was taken off in the field hospital, and many pieces of bone came out of the left foot. He was supplied with an artificial leg, and after a time returned to the front and joined General Sherman in his march to the sea, serving with the wooden leg until his discharge in January, 1866, having served nearly five years.

General Rice was pensioned for the loss of his right leg, and is now receiving $36 per month. For a time after the war he was able to wear an artificial leg, but the loss of the right leg brought an additional burden on the left foot, which was wounded and crippled, and caused great pain and suffering in addition to that caused by the condition of the stump and the pressure of the artificial leg. The condition of the leg and foot grew worse, and the suffering increased from these injuries, and also the wound made by the encysted bullet, until it became unendurable.

In December, 1893, he was operated on in Chicago, and the sciatic nerve was found to be in such condition that it was necessary to lay it bare for about a foot, and to dissect and cut off several inches of it. During this operation the bullet in his thigh was located, but it was found near an artery, and the surgeons considered its removal dangerous. Since 1893 he has been unable to use an artificial limb of any kind, and has been obliged to use two crutches. Extra work is thus put upon the left foot, which is weak and continually painful, especially in the latter part of the day.

Many nights the suffering from this foot and the leg is such that he is unable to sleep, and often he requires treatment and attendance three or four nights each week. He has been obliged to spend frequently, since 1866, large sums of money for physicians, surgeons, nurses, and attendants in doctoring and caring for the disabilities received in the service.

General Rice is unable to receive an increase of pension under the general law, and there is no relief for him except by special act of Congress. Though several times wounded, he has been pensioned only for the one which necessitated the amputation of the leg, the general pension laws not allowing the compounding of rates. For the wounds of foot and thigh the bullet remain-

ing therein, he would undoubtedly be entitled to a pension of $30 per month (total of his rank as colonel), and because of his inability to wear an artificial limb, owing to the condition of the stump, he is in all fairness and equity entitled to $45 per month. The circumstances of his case are exceptional and peculiar and merit recognition by Congress.

General Rice's military services were distinguished and honorable, and he was no less distinguished in civil life. He was a member of the House of Representatives in the Forty-fourth and Forty-fifth Congresses, and was chairman of the Committee on Invalid Pensions. He was a brave and gallant soldier, and your committee are of the opinion that his pension should be increased.

The bill is therefore reported back favorably with a recommendation that it pass.

Mr. NORTON of Ohio. I now offer the amendment I have already indicated—to strike out "$60" and insert "$100."

The CHAIRMAN. The question is upon the amendment of the gentleman from Ohio.

Mr. STEELE. Let us hear the reasons why this should be done.

Mr. GROSVENOR. The reasons have been very fully stated in the report just read.

Mr. STEELE. I will not ask that it be read again.

Mr. NORTON of Ohio. Mr. Chairman, I believe that an explanation is due to this House. I desire to say that no soldier of the civil war—I care not from whence he came—ever made a better record than did General Rice. Entering the service in 1861 at the first call for the three months' service, he remained in service until the close of the war and beyond—till 1866. Five consecutive times he was shot and severely wounded. After losing a leg at Kennesaw, he came home, obtained a wooden leg, and returned to the service. But the loss of that leg, with the accompanying shock, was not the only or principal injury. At Vicksburg he was again severely wounded, the ball never having been extracted. The foot of his remaining leg was crushed, and from it some 30 or 40 pieces of bone have been extracted.

We have now the additional evidence that he was not able to procure—when this matter was before the Senate committee—the affidavit of the surgeon who treated him and of the surgeon who made the amputation in Chicago.

General Rice was a man of means; he was comfortably situated and took no thought of the morrow. While earning a comfortable living, he asked nothing from the Government, although he had given it almost his life. But later, adversity overtook him, for which he was in no way responsible, and to-day he is dependent, with a family upon his hands. In absolute justice he deserves this pension of $100 per month. My colleague from Ohio [Mr. GROSVENOR], who knows General Rice intimately, will confirm every word that I utter in honor and praise of General Rice's services. I hope there will be no objection to my amendment. If it is desired that the affidavits which I have mentioned be read, I will send them to the Clerk's desk.

Mr. SIMS. Were not those affidavits before the Committee on Invalid Pensions of the House?

Mr. NORTON of Ohio. No; they were not received in time; and on my request to be permitted to make this statement, they came into my hands.

Mr. SIMS. Why was not the committee allowed to have the benefit of that evidence?

Mr. NORTON of Ohio. Simply because it could not be secured in time for the committee's action; the parties could not be found.

Mr. GROSVENOR. Mr. Chairman, I know General Rice, and have known him ever since the war. At that time he was a young, bright, capable, and accomplished man, full of patriotism and ambition. He received wounds more than equivalent, so far as suffering was concerned, to the loss of both his legs. One leg was shot off entirely. After the loss of that leg, in the early days of the war, the characteristics of the man were shown in the fact that after obtaining a wooden leg he returned to the service and was one of those who rode with Sherman to the sea.

He is a man of modest characteristics—never complains; but I happen to know from the very best of evidence—far better than anybody else can give—I speak of the witness who has given me her statement on this subject—that the suffering which has been endured by General Rice has been something beyond human description. And it is all the time—causing scores of sleepless nights and agonizing days. I think that if it was ever just that the Government should pay this sort of a pension, Americus V. Rice ought to receive it. I do not know what his financial condition is, but I know that he has sought and obtained some small matters of public employment, in which he has been faithful, upright, and honorable. He was twice elected to the House of Representatives as a Democratic member from Ohio, and I take great pleasure in testifying to his high character, and especially to the great sacrifice that he has made on behalf of his country.

Mr. ROBINSON of Indiana. Mr. Chairman, I share in the general belief of this House that there are but few cases where pensions should be increased to a large extent, but it seems to me that this is one of the cases where there should be a generous pension granted to the soldier. I rise now more particularly to call the attention of the House to some precedents for the action here, and that would warrant the House in passing this amendment. The widow of General Grant receives a pension of $5,000 a year, the widow of General Hancock a pension of $2,000 a year, the widow of General Logan a pension of $2,000, the widow of General Blair $2,000, the widow of Rear-Admiral Nicholson $1,200, the widow of General Crook $2,000, the widow of Gen. John C. Fremont $2,000, showing ample precedent for the action of this House for granting, in this apparently meritorious case, the relief that is proposed by this amendment.

Mr. SIMS. I do not rise to controvert one word that has been said by either of the distinguished gentlemen as to the merits of this case, but I want to call attention to the course that is being pursued, which I think is worthy of some consideration. I have done so in other cases. I think that when we have a Committee on Pensions as liberal as the present Committee on Invalid Pensions, all evidence bearing on the merits of a case ought to be submitted to the committee, and let them, as they will, take into consideration the facts and circumstances connected with it and give it the weight that is due it. Now, I have seen cases of the same sort before come in that I thought less meritorious. It is natural to suppose that the friend who introduces a bill puts it up to the full amount that he thinks the party is entitled to, and usually a great deal more. Evidence is submitted to the committee and an argument is made in favor of a liberal pension.

But some evidence is withheld or not presented before the committee, and afterwards the member comes into the House and submits the further evidence, with a speech in the nature of an appeal, and then we go above the figure limited by the committee. It rather encourages this way of amending these bills and increasing the amount above that allowed by the committee. It seems to me bills of this character ought to be recommitted to the committee, to let them hear this additional evidence upon which the increase is asked. To that extent I protest against this manner of amending these bills and getting, upon evidence brought in since, an amount over and above what the very generous and liberal committee have allowed, which amount was supported by the evidence before them. Now, if the evidence did not exist when the committee considered the bill, then it would be very proper for us to consider it here; but if the evidence was within the knowledge of the member, or within the knowledge of the party seeking the increase, I think it ought to have been submitted to the committee and considered by them.

Mr. GROSVENOR. Mr. Chairman, the criticism of the gentleman from Tennessee may be right, or it may be wrong. I do not know very much about it, but I am sure the House has not often heard me make appeals for special pensions in special cases. I am sure that here is the strongest case upon its own merits, and wholly independent of the rank of the gentleman who is the claimant, that I have ever heard presented in the House of Representatives, and I have been here a long time. I do not believe that any man who would acquire, by personal contact with General Rice, one-half the knowledge of his case that I have, would hesitate to give him this pension. Now, he could not, if he should come before the committee himself, communicate all that is true of a case like that. Considering his capacity in the discharge of his duty, considering the fact that he has suffered the loss of all that was worth anything, from a physical point of view, in life, and that he carries constantly the burden of suffering that he does, it seems to me this case ought to be acted upon promptly, so that it can go back to the Senate and be acted upon there.

Mr. SIMS. I want to ask a question.

Mr. GROSVENOR. Certainly.

Mr. SIMS. I want to ask why you did not go before the committee and give the committee the benefit of the evidence which has been presented here in the House?

Mr. NORTON of Ohio. I will answer that question. General A. V. Rice never sought an increase of his pension as long as he had a dollar on earth to expend in his own maintenance. He was compelled to go to Chicago and have this stump reamputated. He only got $30 a month, because the stump measured a fraction longer than the length required to give him $50. He went to Chicago and the reamputation was performed. Afterwards he sought to get the certificate of the surgeon who made the amputation, and got his affidavit. He got the affidavit of the assistant surgeon and of the whole office. These papers were intended to be presented to the Senate committee, but were mislaid and could not be found, and so the Senate committee did not get the benefit of them. Afterwards they were discovered in Ottawa, Ohio, his former home, and forwarded to me, but I did not receive them in time to present them to the committee when the bill was considered by the committee.

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

SUSAN DANIELS.

The next business was the bill (S. 2486) granting an increase of pension to Susan Daniels.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Daniels, widow of William Daniels, late of Company A, Eleventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

CHARLES A. PERKINS.

The next business was the bill (S. 1246) granting an increase of pension to Charles A. Perkins.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Perkins, late of U. S. S. *Antona* and *Carrabassett*, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

SAMUEL DORNON.

The next business was the bill (S. 3342) granting a pension to Samuel Dornon.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Dornon, late of Company I, Fifty-fourth Regiment Pennsylvania Emergency Militia, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In lines 8 and 9 strike out the words "in lieu of that he is now receiving."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

HENRY K. DAVIS.

The next business was the bill (S. 3624) granting a pension to Henry K. Davis.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry K. Davis, late of Capt. Edward Fitzki's battery, Pennsylvania Emergency Militia, and pay him a pension at the rate of $24 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

LUNSFORD ELLIS.

The next business was the bill (S. 3137) granting an increase of pension to Lunsford Ellis.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lunsford Ellis, late of Companies C and L, Eighth Regiment Provisional Enrolled Missouri Militia Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ALFRED HERING.

The next business was the bill (S. 1280) granting an increase of pension to Alfred Hering.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Hering, late of Company C, Fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

THOMAS G. HUFF.

The next business was the bill (S. 1282) granting an increase of pension to Thomas G. Huff.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas G. Huff, late of Company H, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and Company I, One hundred and eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

STEPHEN JOHNSON.

The next business was the bill (S. 946) granting a pension to Stephen Johnson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen Johnson, late of Company C, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of the pension he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZA D. PENNYPACKER.

The next business was the bill (S. 2305) granting a pension to Eliza D. Pennypacker.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza D. Pennypacker, widow of Nathan A. Pennypacker, late captain Company K, Fourth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JASPER PITTS.

The next business was the bill (S. 1463) granting an increase of pension to Jasper Pitts.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jasper Pitts, late a private in Company K, Twelfth Regiment Kansas Volunteer Infantry, at the rate of $30 per month in lieu of the pension now received by him.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

FRANCIS M. PORTER.

The next business was the bill (S. 952) granting an increase of pension to Francis M. Porter.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. Porter, late of Company L, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

CORNELIUS SHRODER.

The next business was the bill (S. 2827) granting an increase of pension to Cornelius Shroder.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelius Shroder, late of Company H First Regiment California Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL NICHOLS.

The next business was the bill (S. 1240) granting a pension to Samuel Nichols.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Nichols, late of Company E, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EBEN E. PUSHOR.

The next business was the bill (S. 3522) granting an increase of pension to Eben E. Pushor.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eben E. Pushor, late of Company D, Fourth Regiment Maine Volunteer Infantry, and Ninth Unassigned Company Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

AUGUSTUS R. ROLLINS.

The next business was the bill (S. 3642) restoring the pension of Augustus R. Rollins, alias Rhenault A. Rollins.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augustus R. Rollins, alias Rhenault A. Rollins, late of Company K, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $14 per month.

The bill was ordered to be laid aside with a favorable recommendation.

SUSAN SIDENBENDER.

The next business was the bill (H. R. 9745) granting a pension to Susan Sidenbender, of Medix Run, Pa.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Sidenbender,

widow of J. F. Hamaker, late of Company F, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The following amendment recommended by the Committee on Invalid Pensions was read:

In line 6 strike out all after the word "Sidenbender" and all of lines 7, 8, and 9, and insert in lieu thereof the words, "formerly the widow of Jacob F. Hamaker, late captain Company F, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE T. BOULDING.

The next business was the bill (H. R. 11508) granting a pension to George T. Boulding.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George T. Boulding, late of Company F, Eleventh Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES A. D. WISWELL.

The next business was the bill (S. 2166) granting a pension to Charles A. D. Wiswell.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. D. Wiswell, of Ainsworth, Nebr., and to pay the said Charles A. D. Wiswell a pension of $72 per month from the date of the passage of this act in lieu of the pension he is now receiving.

The following amendment recommended by the committee was read:

In line 6 strike out all after the word "Wiswell," and all of lines 7, 8, and 9, and insert in lieu thereof the following: "late of Company F, Twenty-fifth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE B. HAYDEN.

The next business was the bill (S. 1627) granting an increase of pension to George B. Hayden.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George B. Hayden, late of Company E, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES IRVINE.

The next business was the bill (S. 4420) granting an increase of pension to James Irvine.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Irvine, late of Company G, Forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZABETH BROOKS.

The next business was the bill (S. 4288) granting an increase of pension to Elizabeth Brooks.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Brooks, widow of Samuel S. Brooks, late second assistant engineer United States gunboat *Caroudelet*, United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM OLIVER.

The next business was the bill (S. 3079) granting an increase of pension to William Oliver.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Oliver, late of Company G, First Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

BRICE DAVIS.

The next business was the bill (S. 823) granting an increase of pension to Brice Davis.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Brice Davis, late of Company I, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES OSBORN.

The next business was the bill (S. 2333) granting an increase of pension to James Osborn.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Osborn, late of Company E, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

NELLIE L. PARSONS.

The next business was the bill (S. 2767) granting a pension to Nellie L. Parsons.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nellie L. Parsons, widow of H. Chester Parsons, late captain Company L, First Regiment Vermont Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The bill was ordered to be laid aside with a favorable recommendation.

CAROLINE Z. REPETTI.

The next business was the bill (S. 3954) granting an increase of pension to Caroline Z. Repetti.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline Z. Repetti, widow of Alexander Repetti, late lieutenant-colonel Thirty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SYLVESTER SOLOMON.

The next business on the Private Calendar was the bill (S. 3991) granting an increase of pension to Sylvester Solomon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sylvester Solomon, late of Company D, Fourth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOHN WALKER.

The next business on the Private Calendar was the bill (H. R. 11768) granting an increase of pension to John Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Walker, late of Company B, Twenty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

NETTIE L. BLISS.

The next business on the Private Calendar was the bill (H. R. 11452) to restore the name of Nettie L. Bliss to the pension roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension roll the name of Nettie L. Bliss, widow of Edwin H. Bliss, late of Company C, Fifty-first Massachusetts Infantry.

The amendments reported by the committee were as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nettie L. Bliss, formerly the widow of Edwin H. Bliss, late of Company C, Fifty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Nettie L. Bliss."

The amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

JAMES E. BATES.

The next business on the Private Calendar was the bill (H. R. 4962) granting a pension to James E. Bates.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of James E.

Bates, of Company C, Thirty-eighth Massachusetts Infantry Volunteers, at the rate of $12 per month, subject to the limitations of the pension laws.

The amendment reported by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Bates, late of Company C, Thirty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $12 per month."

The committee amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

SAMUEL N. HASKINS.

The next business on the Private Calendar was the bill (H. R. 7580) granting a pension to Samuel N. Haskins, of Providence, R. I.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Samuel N. Haskins, of Providence, R. I., late a member of Company D, Twenty-ninth Regiment Massachusetts Infantry, on the pension roll and pay him a pension of $12 per month, subject to the provisions and limitations of the pension laws.

The amendments reported by the committee were read, as follows:

In line 4 strike out all after the word "place," and all of lines 5, 6, 7, and 8, and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel N. Haskins, late of Company D, Twenty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Samuel N. Haskins."

The amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

REBECCA G. IRWIN.

The next business on the Private Calendar was the bill (H. R. 3512) to pension Rebecca G. Irwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Rebecca G. Irwin, widow of James G. Irwin, late sergeant, Company A, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension of $12 a month.

The amendments recommended by the committee were read, as follows:

In line 4 strike out all after the word "roll," and all of lines 5, 6, 7, and 8, and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Rebecca G. Irwin, widow of James G. Irwin, late of Company A, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $8 per month."

Amend the title so as to read: "A bill granting a pension to Rebecca G. Irwin."

The amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

EMILY ALDER.

The next business on the Private Calendar was the bill (H. R. 4651) granting a pension to Mrs. Emily Alder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to put upon the pension roll the name of Mrs. Emily Alder, of Clarion, Iowa, late a nurse with the Thirteenth Regiment Wisconsin Veteran Volunteer Infantry, at the rate of $12 per month.

The committee recommended the following amendments; which were read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily Alder, late a nurse in the medical department, United States Volunteers, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Emily Alder."

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

LYMAN A. SAYLES.

The next business on the Private Calendar was the bill (H. R. 8771) granting an increase of pension to Lyman A. Sayles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $30 per month, subject to the provisions and limitations of the pension laws, the name of Lyman A. Sayles, late of Company H, Third Regiment Michigan Volunteer Infantry, the pension hereby granted to be in lieu of that which he is now receiving.

The committee amendment was read, as follows:

In line 4 strike out all after the word "roll" and all of lines 5, 6, 7, 8, and 9 and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Lyman A. Sayles, late of Company H, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The committee amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

JAMES G. M'CLURE.

The next business on the Private Calendar was the bill (H. R. 2405) granting an increase of pension to James G. McClure.

The bill was read at length.

Mr. GIBSON. Mr. Chairman, I move that the bill be laid aside to be reported to the House with the recommendation that it lie on the table, the claimant having died since the bill was reported.

The motion was agreed to.

ELIZABETH DINNON.

The next business on the Private Calendar was the bill (H. R. 4018) granting a pension to Mrs. Elizabeth Dinnon, widow of the late John Dinnon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll of the United States the name of Mrs. Elizabeth Dinnon, widow of the late John Dinnon, Company H, Fourth Regiment Kentucky Volunteer Cavalry, at the rate of $12 per month.

The committee recommended the following amendments; which were read:

In line 4 strike out all after the word "roll" and all of lines 5, 6, and 7 and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Elizabeth Dinnon, widow of John Dinnon, late of Company H, Fourth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Elizabeth Dinnon."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

PATTIE D. M'COWN.

The next business on the Private Calendar was the bill (H. R. 10482) granting a pension to Pattie D. McCown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subect to the provisions and limitations of the pension laws, the name of Pattie D. McCown, widow of John Buford, late brigadier-general, United States Army, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "widow," insert the words "formerly the;" in the same line strike out the word "brigadier-general" and insert in lieu thereof the word "major-general."

In line 7 strike out the word "Army" and insert in lieu thereof the word "Volunteers."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

CHARLES E. CHURCHILL.

The next business was the bill (H. R. 4963) granting an increase of pension to Capt. Charles E. Churchill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of Capt. Charles E. Churchill, late a captain in the Fifty-ninth Regiment Massachusetts Volunteers, from $20, the amount now received by said Churchill under pension certificate No. 58433, to $72 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the enacting clause and insert in lieu thereof as follows:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Churchill, late captain Company D, Fifty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Charles E. Churchill."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

PRUDENCE REAMER.

The next business was the bill (S. 3729) granting a pension to Prudence Reamer.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Prudence Reamer, former widow of John D. Tinney, late of Battery E, West Virginia Volunteer Artillery, and pay her a pension at the rate of $12 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOHN ROOP.

The next business was the bill (S. 415) granting an increase of pension to John Roop.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Roop, late first

assistant engineer, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

GEORGE W. HARRISON.

The next business was the bill (S. 3440) granting an increase of pension to George W. Harrison.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Harrison, late captain and assistant quartermaster and brevet lieutenant-colonel, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

ADAM VELTEN.

The next business was the bill (S. 3517) granting an increase of pension to Adam Velten.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam Velten, late of Company B, Fifty-second Regiment New York Volunteer Infantry, and Company A, Seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

STEPHEN LONGFELLOW.

The next business was the bill (S. 4555) granting an increase of pension to Stephen Longfellow.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen Longfellow, late of Company H, Twentieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

EDYTH M. MUCK.

The next business was the bill (S. 4212) granting an increase of pension to Edyth M. Muck.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edyth M. Muck, widow of Anthony Muck, late captain Company I, Forty-fourth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of James M. Muck, the blind and dependent son of said Anthony Muck, the additional pension herein granted shall cease and determine.

The bill was laid aside to be reported to the House with a favorable recommendation.

J. J. GROFF.

The next business was the bill (S. 91) granting a pension to J. J. Groff.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. J. Groff, late scout and guide in the United States Army, and pay him a pension at the rate of $20 per month.

The following amendment, recommended by the Committee on Pensions, was read:

Strike out of lines 7 and 8 the words "at the rate of $20 per month" and insert in lieu thereof the words "at such rate as his disability from wound of neck and head may entitle him to."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ERIE E. FARMER.

The next business was the bill (S. 1413) granting a pension to Erie E. Farmer.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Erie E. Farmer, widow of Henry Farmer, late of Captain Chile's company, Second Regiment Tennessee Volunteer Mounted Infantry, Cherokee Indian war, and pay her a pension at the rate of $12 per month.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 9 strike out "twelve" and insert "eight."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

HENRY MILLER.

The next business was the bill (H. R. 8190) granting a pension to Henry Miller.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Henry Miller, late of detachment general service recruit, United States Army, and pay him a pension at the rate of $15 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "roll," insert "subject to the provisions and limitations of the pension laws."

In line 5 strike out "of detachment" and substitute "private;" and in same line strike out the word "recruit."

In line 7 strike out "fifteen" and substitute therefor the word "twelve."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

AMBROSE BRISETT.

The next business was the bill (H. R. 11091) granting a pension to Ambrose Brisett.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ambrose Brisett, late of the United States Marine Corps in the war with Mexico, and allow him a pension at the rate of $8 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

REBECCA TOLSON.

The next business was the bill (H. R. 7617) granting an increase of pension to Rebecca Tolson, of Clifton, Va.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, instructed and directed to place on the pension roll the name of Rebecca Tolson, widow of Douglas Tolson, deceased, of District of Columbia and Maryland Volunteers in Mexican war, at the rate of $30 per month in lieu of any pension she may now be receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Amend the title so as to read: "A bill granting an increase of pension to Rebecca Tolson."

In lines 3 and 4 strike out "instructed" and insert "authorized."

In line 4, after the word "roll," insert "subject to the provisions and limitations of the pension laws."

Strike out all in the bill after the words "Douglas Tolson," in line 5, and substitute therefor the words: "late of a battalion of District of Columbia and Maryland Volunteers in the war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

EDITH LOCKWOOD STURDY.

The next business was the bill (S. 2400) granting an increase of pension to Edith Lockwood Sturdy.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edith Lockwood Sturdy, widow of Edward William Sturdy, late lieutenant-commander, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 8 strike out "fifty" and insert "twenty-five."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN T. KNOX.

The next business was the bill (H. R. 10792) to increase the pension of John T. Knox.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Knox, late private in Capt. W. J. Stephenson's company, Col. John Ewing's regiment, Black Hawk war, and pay him a pension of $20 per month in lieu of that he now receives.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Change the title so as to read: "A bill granting an increase of pension to John T. Knox."

In line 8 strike out "of twenty" and insert in lieu thereof "at the rate of twelve."

In line 9 strike out "now receives" and insert "is now receiving."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

W. C. GRIFFIN.

The next business was the bill (H. R. 2595) granting a pension to W. C. Griffin.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of W. C. Griffin, a soldier in the Creek Indian war, from 1836 to 1837, on the pension roll at the rate of $30 per

month from the passage of this act, subject to the provisions and limitations of the pension laws, and to continue said pension so long as said Griffin shall live.

The following amendments, recommended by the Committee on Pensions, were read:

Change the title so as to read: "A bill granting an increase of pension to William C. Griffin."

In line 4, after the word "place," insert "on the pension roll, subject to the provisions and limitations of the pension laws;" and in the same line change the initial "W" in claimant's Christian name to "William;" also in the same line strike out "a" after the word "Griffin," and also strike out "soldier in the Creek," in line 5, and insert in lieu thereof the words "late of Capt. Thomas M. Likin's company, Alabama Volunteers, Cherokee."

In lines 5, 6, and 7 strike out "from 1836 to 1837, on the pension roll," and substitute therefor "and pay him a pension."

In line 7 strike out "thirty" and insert "twenty."

Strike out all in the bill after the word "month," in line 7, and substitute therefor the words "in lieu of that he is now receiving."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

THOMAS CLAIBORNE.

The next business was the bill (H. R. 10548) for the relief of Thomas Claiborne.

Mr. LOUDENSLAGER. Mr. Chairman, in that case I ask unanimous consent to substitute the Senate bill, which has been favorably reported by the House committee.

The CHAIRMAN. Unanimous consent is asked to substitute the Senate bill. Is there objection?

There was no objection.

The Senate bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Claiborne, late first lieutenant of Company D, United States Mounted Rifles, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The following amendment, recommended by the Committee on Pensions, was read:

In line 10 strike out "twenty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

On motion of Mr. LOUDENSLAGER, the bill H. R. 10548 was ordered to be reported to the House with the recommendation that it lie on the table.

B. H. RANDALL.

The next business was the bill (S. 667) granting a pension to B. H. Randall.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of B. H. Randall, late sutler at Fort Ridgely, Minnesota, during the Sioux Indian outbreak, and pay him a pension at the rate of $12 per month.

The following amendment, recommended by the Committee on Pensions, was read:

In line 8 strike out "twelve" and insert "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

SARAH T. BREWER.

The next business was the bill (H. R. 10069) granting a pension to Sarah T. Brewer.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll Mrs. Sarah T. Brewer, of Boyle County, Ky., who is the grandmother and only heir of John C. Brewer, Company M, Sixth United States Cavalry, who was recently killed in the Philippine Islands, and who was the support of said grandmother, and to pay her a pension at the rate of $12 per month.

The following amendments, recommended by the Committee on Pensions, were read:

In line 4 strike out "Mrs." and insert in lieu thereof "subject to the provisions and limitations of the pension laws, the name of."

In lines 5 and 6 strike out "of Boyle County, Ky., who is the grandmother and only heir" and substitute therefor the words "foster mother."

In line 6, after the word "Brewer," insert "late of."

Strike out of lines 7, 8, and 9 the words "who was recently killed in the Philippine Islands, and who was the support of said grandmother" and substitute therefor the words "war with Spain."

In line 9 strike out "to."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZA L. REESE.

The next business was the bill (S. 2729) granting a pension to Eliza L. Reese.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza L. Reese, widow of James T. Reese, late of Capt. William Butt's company, Creek Indian war of 1836, and pay her a pension at the rate of $20 per month.

The following amendment, recommended by the Committee on Pensions, was read:

In line 9 strike out the word "twenty" and insert in lieu thereof the word "eight."

Mr. GLYNN. I have a petition and some resolutions which I desire to have put in the RECORD. If the gentlemen of the House will consent to that I will refrain from making a speech on this bill.

Mr. UNDERWOOD. I ask unanimous consent that the gentleman be allowed to print the statement in the RECORD. It will save that much time.

The CHAIRMAN. Unanimous consent is asked that the papers referred to by the gentleman be printed as a part of his remarks. Is there objection?

There was no objection.

The papers referred to are as follows;

A PETITION.

SALT LAKE CITY, *December 28, 1900.*

To the honorable Committee on Public Buildings and Grounds, House of Representatives, Washington, D. C.

GENTLEMEN: Your petitioners—merchants, bankers, and business men of Salt Lake City, Utah—respectfully represent that in compliance with "An act to provide for the purchase of a site and for the erection of a public building thereon at Salt Lake City, the capital of the State of Utah," approved March 2, 1899, advertisements were inserted in the Salt Lake Tribune for such site, requiring, among other things, that the Government building be located on "a corner lot, approximating 180 feet front by 180 feet in dimensions, is preferred. If not a corner lot, the property must approximate 180 feet by 220 feet in dimensions, the 220 feet to be street frontage." The act referred to requires, among other things, after the said advertisement is made, "that thereafter the Secretary of the Treasury shall cause examination to be made of the said bids and the said proposed sites, and shall cause statements, maps, and plats thereof to be taken and submitted to him."

Your petitioners therefore allege:

First. That no examination, such as is required by the act referred to, has ever been made.

Second. That they are informed and believe that the site was selected by one H. A. Taylor, who had visited Salt Lake City but three times and at dates long prior to 1899, and hence was not qualified at the date said site was selected to make a proper or suitable selection without personal examination.

Third. That it is south of all the business portion of the city and not in the direction of the city's growth.

Fourth. That it is on low ground, only 1½ blocks above the line of the gravity sewer. It is on ground similar to that on which the city and county building is located, the foundation of which is estimated to have cost from $40,000 to $50,000 more than if located on solid ground in the center or upper portion of the city.

Fifth. The advertisement fixed the size of the site 180 feet square if located at a street intersection. Streets in the business portion of Salt Lake City are 132 feet wide. The site selected is located on the corner of East Temple and Market streets. Market street is a private street, one block in length, half the width of the regular streets, hence it does not comply with the terms or intention of said advertisement.

Sixth. Your petitioners believe that the capital of the State of Utah should receive more consideration in the selection of a site for a public building.

That no proper consideration was given to the other numerous sites offered.

That if proper examination had been made the site which was situate on lowest ground and which would require the greatest expenditure for foundation would not have been selected.

Seventh. Your petitioners request that a committee be appointed to make a proper examination and select a site in the business district of the city, where it will be centrally located as regards population, in the direction of the city's growth, and where it will be convenient to all residents, and at the same time present an imposing and dignified appearance. They also request that all persons may be awarded an impartial hearing to present the merits of their respective locations.

And your petitioners will ever pray.

Lewis S. Mills, president Deseret National Bank; Heber J. Grant, president State Bank of Utah; John E. Dooly, banker; The Brigham Young Trust Company, by N. W. Clayton, chairman executive committee; Cooperative Wagon and Machine Company, Geo. T. Odell, general manager; Spencer Clawson & Co., wholesale dry goods; McCormick & Co., bankers; Henry Dinwoody, Dinwoody Furniture Company; Wm. R. Wallace, property owner; Hooper Building, by Jos. E. Caine, agent; Continental Market Company, J. E. Caine, president; W. F. Armstrong, president of Utah Commercial and Savings Bank; Thomas W. Jennings; Mary H. Jennings, by Thos. W. Jennings; P. W. Madsen; Utah Stove and Hardware Company, P. W. Madsen, president; Western Loan and Savings Company; J. B. Toronto, vice-president Western Loan and Savings Co.; Thomas G. Webber, merchant; Home Fire Insurance Company of Utah, by Heber J. Grant, president; Salt Lake Theater Company; Consolidated Implement Company, by Geo. A. Snow, president and general manager; The Deseret News, H. G. Whitney, business manager.

RESOLUTIONS ON THE ABOVE PETITION.

Whereas merchants, bankers, and business men of Salt Lake City have filed with the Committee on Public Buildings and Grounds a petition in protest against the proposed site for the Federal building to be erected in that municipality in conformity with an act entitled "An act to provide for the purchase of a site and for the erection of a public building thereon at Salt Lake City, the capital of the State of Utah," approved March 2, 1899; and

Whereas these merchants, bankers, and business men assert that the proposed site is the most undesirable one offered and guarantee to furnish the United States Government, free of charge, any site to be selected in the most desirable business section of the city; and

Whereas these merchants, bankers, and business men contend that the Assistant Secretary of the Treasury, having this matter in charge, made the selection of the proposed site in violation of the provisions of the bill approved March 2, 1899, and without having the customary examination made in the usual manner, and without giving the merits of the other offered sites due hearing and consideration; and

Whereas these merchants, bankers, and business men in their petition practically charge the Assistant Secretary of the Treasury, having the matter

in charge, with dereliction of duty in the selection of a proposed site in Salt Lake City: Therefore, be it

Resolved, That a committee of three be appointed, authorized, and instructed to investigate the methods followed and the procedure adopted by this Assistant Secretary of the Treasury in the selection of this proposed site, to investigate fully, by hearings and otherwise, into the merits of the different sites available at Salt Lake City, and to report back to this House the one found to be most desirable and most feasible;

And be it further resolved, That the Assistant Secretary of the Treasury, having this matter in charge, be directed to furnish the House of Representatives with all the papers, maps, communications, and documents relating to the selection of a site for the Federal building to be erected at Salt Lake City.

MARY BLACK.

The next business was the bill (H. R. 5853) granting a pension to Mary Black, widow of Samuel C. Black.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Mary Black, widow of Samuel C. Black, late soldier in Creek Indian war, 1836 and 1837, and that he pay her a pension of $8 per month.

The following amendments, recommended by the Committee on Pensions, were read:

Strike out of the title the words "widow of Samuel C. Black."

In line 5 strike out the word "otherwise."

In line 7 strike out the words "soldier in" and insert in lieu thereof the words "of Captain Allen's company of Georgia Volunteers."

Strike out of lines 7 and 8 the words "eighteen hundred and thirty-six and eighteen hundred and thirty-seven."

Strike out of line 8 the words "that he."

In line 9, after the word "pension," insert the words "at the rate."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM LYMAN CHITTENDEN.

The next business was the bill (S. 1400) granting a pension to William Lyman Chittenden.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Lyman Chittenden, late of Capt. L. J. Powell's company Minute Men Oregon Volunteers of 1856, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

LAURA ANN SMITH.

The next business was the bill (S. 3457) granting an increase of pension to Laura Ann Smith.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laura Ann Smith, widow of Abram R. Smith, late of Company G, First Regiment Georgia Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The following amendment, recommended by the Committee on Pensions, was read:

In line 8 strike out "twenty" and insert "sixteen."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES H. COVENTON.

The next business was the bill (S. 349) granting an increase of pension to James H. Coventon.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Coventon, late of Company F, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JANE WOMACK.

The next business was the bill (H. R. 2085) for the relief of Jane Womack.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Womack, of Richmond, Va., a daughter of Herbert Womack, a soldier of the war of 1812, and pay her a pension of $12 per month.

The following amendments, recommended by the Committee on Pensions, were read:

Change the title so as to read: "A bill granting a pension to Jane A. E. Womack."

In line 6 insert the initials "A. E." in claimant's Christian name, after the word "Jane," and in same line strike out "of Richmond, Virginia, a" and substitute therefor "totally blind and helpless."

In line 7 strike out "Herbert" and insert "Hubbard," and in same line strike out "a soldier of the" and insert "late of the Sixty-second Regiment of Virginia Volunteers."

In line 8, after the word "pension," insert "at the rate."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARTHA G. D. LYSTER.

The next business was the bill (S. 292) granting an increase of pension to Martha G. D. Lyster.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha G. D. Lyster, widow of the late W. G. Lyster, colonel Ninth Regiment United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES A. THOMAS.

The next business was the bill (S. 2432) granting an increase of pension to James A. Thomas.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Thomas, late of Company B, Palmetto Regiment South Carolina Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The following amendment, recommended by the Committee on Pensions, was read:

In line 8, after the words "rate of," strike out "forty-five" and insert in lieu thereof "thirty-five."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

AGNES RYDER.

The next business was the bill (H. R. 7757) for the relief of Agnes Ryder, minor child of the late Thomas P. Ryder, brigade quartermaster's clerk of the Third Brigade, Third Division, First Army Corps, Spanish-American war.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Agnes Ryder, of Wilkesbarre, Pa., minor child of the late Thomas P. Ryder, brigade quartermaster's clerk of the Third Brigade, Third Division, First Army Corps, Spanish-American war, and pay her a pension at the rate of $16 per month.

The following amendments, recommended by the Committee on Pensions, were read:

In line 4, after the word "roll," insert "subject to the provisions and limitations of the pension laws."

In line 5 strike out "of Wilkesbarre, Pa."

In lines 7 and 8 strike out "Spanish-American war" and substitute therefor "war with Spain."

In line 8 strike out the word "sixteen" and substitute therefor the word "twelve."

Add to the bill, after the word "month," in line 9, the words "until she shall have reached the age of 16 years."

Amend the title so as to read: "A bill granting a pension to Agnes Ryder."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELLEN HARDIN WALWORTH.

The next business was the bill (H. R. 3545) granting a pension to Mrs. Ellen Hardin Walworth.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Ellen Hardin Walworth, dependent mother of Reubena H. Walworth, deceased, a volunteer nurse in the war with Spain, and pay her a pension at the rate of $30 a month.

The following amendments, recommended by the Committee on Pensions, were read:

In lines 4 and 5, after the words "place on the pension roll," insert the following words: "subject to the provisions and limitations of the pension laws."

In line 8, after the words "at the rate of," strike out the word "thirty" and insert the word "twenty-five."

Amend the title so as to read: "A bill granting a pension to Ellen Hardin Walworth."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN M'DONALD.

The next business was the bill (H. R. 6323) for the relief of John McDonald, alias John Shannon.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of John McDonald, alias John Shannon now of Plum City, Wis., late a member of Company B, Ninetieth Regiment of Illinois Infantry, and grant him an honorable discharge from the 20th day of August, 1865.

The following amendment, recommended by the Committee on Military Affairs, was read:

Add to the bill the words:

"*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. TALBERT. Mr. Chairman, I ask that the report in that case be read.

The report (by Mr. ESCH) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6323) for the relief of John McDonald, alias John Shannon, report the same back to the House with the recommendation that it do pass with an amendment.

It is shown by the records of the War Department that John Shannon was enrolled August 16 and mustered into service August 22, 1862, as a private in Company B, Ninetieth Illinois Infantry Volunteers, to serve three years. He was present with his company until November 25, 1863, when he was wounded in action. The medical records report him as follows:

"Received a severe gunshot wound in the groin at the battle of Missionary Ridge, November 25, 1863, and was transferred December 21, 1863. He was admitted to a general field hospital, Army of the Cumberland, Bridgeport, Ala., December 23, 1863, with gunshot wound of the left hip, and was transferred December 25, 1863."

On certificates of the proper medical authorities he was excused from reporting to his regiment for duty, owing to his feeble condition resulting from his wound, until March, 1864, when he returned to his regiment and served therewith until he was again severely wounded at the battle near Atlanta July 28, 1864. He was admitted to a general field hospital, Fifteenth Army Corps, Marietta, Ga., and was furloughed August 14, 1864, to September 12, 1864. He never thereafter returned either to the hospital or to his command, or reported his whereabouts, and in consequence was reported as having deserted September 13, 1864, his regiment having remained in the service until June 6, 1865.

In support of an application to remove the charge of desertion affidavits were filed setting forth the feeble and unfit condition of claimant from and after August, 1864, as follows:

Morris Mulhorn testified:

"I first saw John McDonald about the 1st of June, 1865, at Eau Galle, Dunn County, Wis.; he was doing chores for Mr. Carson, of said place; know that he was wounded; saw his wound several times; known him ever since."

The claimant, August 24, 1889, testified:

"After I left the hospital I reported to First Lieut. Thomas Grady every twenty days. I believe four times Dr. Fowler gave me the extension for furlough. My mother took care of me during that time. After my mother's death I moved to Eau Galle, Wis., and was cared for by Mrs. Maria Rayburn, of said place. Dr. Crocker attended me, knowing that I could not do any duty nor even could help myself. I afterwards failed to call for any further extensions for furloughs."

W. S. Smith, of Eau Galla, Wis., testified—

"That he has been well acquainted with John McDonald, alias John Shannon, since June, 1864, up to the present time, and that from said acquaintance he knows of his own knowledge that from November, 1864, to June, 1865, claimant was suffering from gunshot wounds received while he was in said United States service, and to such an extent as to render him entirely unfit to travel away from his residence; and further say that since said last-mentioned period said claimant has been unable to do more than one-quarter of the labor of a sound man on account of effects of said disability."

George Delong, of Eau Galla, Wis., testified—

"That claimant was suffering from a gunshot wound in left hip to such an extent as to entirely incapacitate and unfit him to travel the least distance from home."

Wallace J. Smith, of Rock Elm, Wis., testified—

"That claimant's wound was so bad that he could not move himself only as he was assisted by others to move him, and this entire helplessness continued during all the time as above stated; saw the wound; claimant had not been home more than ten or twenty days before said wound broke out and became a running sore, discharging pus and a number of small pieces of bone."

From the above evidence the committee is of the opinion that claimant was wholly incapacitated for further military service after receiving his second wound, and that he used reasonable diligence in trying to secure extensions of his furlough until the time when actual hostilities ceased. That claimant had no intention of deserting, but his entire record shows him to have been a brave and faithful soldier.

Therefore the committee recommends that the bill do pass with the following amendment:

"*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. TALBERT. Mr. Chairman, I want to say that I do not think these cases for the removal of the charges of desertion ought to be considered here in preference to other bills, but as that is an extraordinary case I have no objection to it.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

SILAS NICHOLSON.

The next business was the bill (H. R. 7243) to remove the charge of desertion from the military record of Silas Nicholson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to cause the records of the War Department to be so amended as to remove from the military record of Silas Nicholson, late a private in Company F, Fifty-fourth Regiment Pennsylvania Volunteers, the charge of desertion, and to grant the said Silas Nicholson an honorable discharge.

The amendment set forth in the report and recommended by the Committee on Military Affairs was read.

Mr. TALBERT. I ask for the reading of the report in that case.

The report (by Mr. STEVENS of Minnesota) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 7243) to remove the charge of desertion from the military record of Silas Nicholson, report the same back to the House with the recommendation that it do pass with the following amendment: "*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

It is shown by the records of the War Department that Sylas Nicholson, also borne on the rolls as Silas Nicholson, was enrolled March 3, 1862, as a private in Company H, Eighty-fifth Pennsylvania Infantry Volunteers, to serve three years. He was transferred to Company H, Fifty-fourth Pennsylvania Infantry Volunteers, in July or August, 1862. He reenlisted as a veteran volunteer March 12, 1864, and is reported on the company muster roll, dated June 30, 1864, absent, sick in hospital, at Newmarket, Va.

On the roll dated December 31, 1864, he is reported absent sick, and on the roll dated February 28, 1865, his name is not borne. The roll of Company F, to which he was transferred by consolidation, dated April 30, 1865, shows him absent sick, and his name is dropped from subsequent rolls, including the company muster-out roll, dated July 15, 1865. Nothing has been found on the medical records to show that he received any treatment, nor has anything been found of record to show that he was captured by the enemy on June 18, 1864.

The War Department report further shows that in an application for removal of the charge of desertion Nicholson testified, April 30, 1890, that early in 1862 he enlisted as a private in Company H, Eighty-fifth Regiment Pennsylvania Infantry Volunteers, when he was a boy 17 years old; that he reenlisted as a veteran volunteer in the spring of 1864, upon promise of a furlough and a bounty of $300, neither of which he ever received. Before reenlisting he was with McClellan's army "and took part in the battles of Yorktown, Williamsburg, Fair Oaks, and the balance of those fights to Harrisons Landing." After reenlisting in 1864 "we went with Seigel up the valley, and when Hunter superseded him we went with him. At New Market I was taken with erysipelas in both legs, and was sent to hospital in an old church at New Market. Hunter moved down the valley, and he was hardly out of sight when the rebels came in and captured the hospital and took us to Mount Jackson. We stayed there about a week, and were then moved to Luray. Here we were kept a week or ten days, and one afternoon they gave us three days' rations and said we would start for Richmond in the morning. During the night two of us pulled out and took to the North Mountain, and in the course of two weeks reached our lines on the Baltimore and Ohio Railroad at Cherry Run. I had the erysipelas in my legs so badly that we went very slowly. From there I went to my home in Pennsylvania. This was some time late in the fall of 1864."

He stayed at home about a month and got medicine from a doctor in Centerville, Pa., but does not know his name. Instead of returning to his regiment, he went to an uncle of his in Ohio, but was unable to do any work until about May, 1865, when he went to work on a farm, and in the fall of 1865 he married. That from the time he escaped from the rebels until Lee's surrender he was, on account of the disease in his legs, unfit for military duty. He regrets the mistake he made in not reporting to his regiment. He has 12 children, and on this account, he says, he desires his military record corrected.

The above affidavit was, on the 30th day of September, 1899, supplemented by another affidavit of the soldier and filed in the War Department. The facts set forth in this latter affidavit are similar to those set out in the former, with the additional declarations that he was not cured of his disease until long after the war was ended; that he was never a deserter, and is entitled to his discharge for faithful services he rendered his country until he was taken sick and captured.

W. H. Sanner, of Somerset County, Pa., in an affidavit filed in the War Department, testified, September 14, 1899, that in 1862 he was on recruiting service and enlisted Silas Nicholson. He met him frequently while in the service, and knows him to be the identical person he represents himself to be; that at the battle of New Market, Va., the 15th of May, 1864, Nicholson was reported among the casualties by his officers as "missing."

The affidavits of Fredrick Krebs, Francis May, Peter Nicholson, and Jacob Nicholson, all on file in the War Department, corroborate the statement of the soldier, that he returned to his home in Pennsylvania with erysipelas in his legs in the fall of 1864, and on account of the disease was unfit for labor until after the war was ended.

From the time of his enlistment in the spring of 1862 to his return home in the fall of 1864 this soldier did faithful service to his country, and your committee, in consideration thereof, his youth, and the circumstances under which he was separated from the Army, recommend the passage of the bill with the amendment aforesaid.

Mr. TALBERT. Mr. Chairman, it appears from the reading of this report that this man enlisted several different times in several different commands. It is easy to assume that he must have received a bounty every time he enlisted; and it does seem to me from the reading of the report that there is very little merit in the case. I therefore move that this bill be laid aside with an unfavorable report.

Mr. GROSVENOR. Mr. Chairman, the gentleman who introduced the bill is not present, and I suggest to the gentleman if it would not be fair to him to allow it to be passed over for the present without prejudice.

Mr. TALBERT. I have no objection to that.

Subsequently,

Mr. ROBB. Mr. Chairman, I desire to ask that we go back to the bill H. R. 7243, which was passed over without prejudice. I ask that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question will first be upon the amendment. The Clerk will report the bill by its title.

The Clerk read as follows:

A bill (H. R. 7243) to remove the charge of desertion from the military record of Silas Nicholson.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MRS. ADDIE L. POTTER.

The next business was the bill (H. R. 7053) for the relief of Mrs. Addie L. Potter.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll subject to the provisions and limitations of the pension laws, the name of Addie L. Potter, widow of the late John Wesley Potter, late of Company B, Twenty-ninth New Jersey Volunteers, at the rate of $8 a month.

The bill was ordered to be laid aside with a favorable recommendation.

BENJAMIN E. STYLES.

The next business was the bill (H. R. 8091) granting a pension to Benjamin E. Styles.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Benjamin E. Styles, late first

sergeant Company I, Fiftieth Regiment Ohio Infantry Volunteers, on the pension roll at the rate of $12 per month.

The following amendment, recommended by the committee, was read:

In line 4 strike all after the word "place" and all of lines 5, 6, and 7 and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin E. Styles, late of Company I, Fiftieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELLEN H. PHILLIPS.

The next business was the bill (H. H. 8794) to place on the pension roll the name of Ellen H. Phillips.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen H. Phillips, widow of the late Capt. Morton L. Phillips, and pay her a pension at the rate of $50 a month.

The following amendments, recommended by the committee, were read:

In line 6 strike out the words "the late captain."

In line 7, after the word "Phillips," insert the words "late captain, United States Revenue-Cutter Service;" in the same line strike out the word "fifty" and insert in lieu thereof the word "twenty;" in the same line strike out the word "a" and insert in lieu thereof the word "per."

In line 8, after the word "month," insert the following: "in lieu of that she is now receiving."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZABETH DICKERSON.

The next business was the bill (H. R. 11927) granting a pension to Elizabeth Dickerson, formerly widow of James Bohler.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Dickerson, formerly widow of James Bohler, late of Company L, Second Regiment Iowa Cavalry, and pay her a pension at the rate of $12 a month.

The following amendments, recommended by the committee, were read:

In line 6, after the word "formerly," insert the word "the;" in the same line strike out the word "Bohler" and insert in lieu thereof the word "Boller."

In line 7, before the word "Cavalry," insert the word "Volunteer."

In line 8, before the word "month," strike out the word "a" and insert in lieu thereof the word "per."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN ABEL.

The next business was the bill (H. R. 3436) for the relief of John Abel.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of John Abel, late of Company K, Eighteenth Missouri Infantry Volunteers, and pay him a pension at the rate of $30 per month in lieu of the pension he is now receiving.

The following amendment, recommended by the committee, was read:

In line 4 strike out all after the word "roll" and all of lines 5, 6, 7, and 8 and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of John Abel, late of Company K, Eighteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JEROME W. ROWLEY.

The next business on the Private Calendar was the bill (H. R. 11583) granting an increase of pension to Jerome R. Rowley.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerome R. Rowley, late of Company F, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. WEAVER. Mr. Chairman, I move to amend the bill by striking out "fifty," in line 8, and inserting "seventy;" and in connection with that motion I ask for the reading of the report.

The Clerk read the amendment, as follows:

In line 8 strike out "fifty" and insert "seventy."

The report by Mr. GASTON was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11583) granting an increase of pension to Jerome W. Rowley, submit the following report:

This beneficiary, now 57 years of age, served as a corporal in Company F, Sixty-fifth Ohio Volunteers, from November 22, 1861, to June 6, 1864, when he was discharged on surgeon's certificate of disability, by reason of a gunshot wound of right arm, received in battle at Chickamauga, September 19, 1863, making amputation necessary 3 inches below the shoulder; and the files of the Pension Bureau show that he was pensioned at $8 per month from discharge; $15 from June 6, 1866; at $18 from August 5, 1872; at $24 from June 4, 1874; at $30 from March 3, 1883, and at $45 from August 4, 1886.

Claims for increase of pension, filed May 2, 1895, and August 30, 1897, in which rheumatism and blood poisoning were alleged as results of the amputation, were rejected September 7, 1895, and December 14, 1898, respectively, upon the ground that the beneficiary was receiving the specific rating allowed by law for the amputation of an arm so near the shoulder joint as to prevent the use of an artificial arm; that blood poisoning was not shown, and that the rheumatism could not be accepted as a result of the wound.

Medical and other testimony filed by the beneficiary in his claim for increase of pension shows that the beneficiary has almost completely lost the power of motion; that he is unable to get up or sit down, stand or walk, get into bed or out of it by himself, and that he requires aid and attendance all the time; that this condition is due to arthritis rheumatica deformans.

The last certificate of examination, made November 19, 1898, describes his condition as follows:

"General emaciation of the whole body; loss of right arm in close proximity to shoulder joint; tenderness along the entire course of the spinal column; anchylosis of hips, knee, and ankle joints; motion in such joints entirely lost; knee joints enlarged and tendons contracted; anchylosis of left shoulder, elbow, and wrist joints; forearm flexed at angle of 45°; contraction of tendons of fingers and thumb of left hand, with usefulness of this hand and arm entirely lost. He requires the constant aid and attendance of another person, and on retiring or rising the assistance of two or more persons; and the surgeon who examined him stated that in his opinion the condition of the applicant was due to blood poisoning and gangrene from the wound."

While it is not shown as a fact that the rheumatism which causes the helplessness of this soldier is due to his military service, your committee, in view of the fact that the soldier lost an arm in the service, for which he is receiving the rate provided by law, namely, $45 per month, and that he is now in a helpless condition and requires the aid and attendance of another person, and that the rheumatism may probably be of service origin, believes that the increase sought for in the bill—an increase of $5 per month—is warranted under the circumstances, and reports the bill back with the recommendation that it pass.

Mr. WEAVER. Mr. Chairman, the reading of this report shows that this soldier is perfectly and absolutely helpless. That he was a gallant soldier is evidenced by the fact that he lost his arm in battle. He served his country for nearly three years. There is a dispute between the medical authorities as to whether or not his present helpless condition is due entirely to the gunshot wound or not; at all events, it appears he is entirely helpless. His right arm was amputated so close to the shoulder that an artificial arm could not be used. His left shoulder, elbow, wrist, and even his fingers are wholly paralyzed, and he can not walk, stand, or sit without aid or assistance of another person putting him in position. Every joint of his body is helpless, and he needs the care and attention to-day of at least one, and frequently of two, persons to assist him.

Mr. GAINES. How much does your bill provide?

Mr. WEAVER. The bill calls for $50 a month. He is drawing $45 now. The bill calls for $50, the amount that was fixed in the bill as introduced; and in connection with that I desire to state, Mr. Chairman, that through a mistake in drawing the bill fifty was written instead of seventy.

Mr. MIERS of Indiana. Mr. Chairman, will the gentleman allow me a suggestion?

Mr. WEAVER. Certainly.

Mr. MIERS of Indiana. I desire to say that the committee realized the difficulty and thought the man was entitled to more than $50 at the time, but as the bill only called for $50 the committee accepted the amount in the bill.

Mr. WEAVER. That is true.

Mr. MIERS of Indiana. I think the gentleman's motion ought to prevail. The gentleman does not overstate the facts.

Mr. GAINES. Is there any difference now in the judgment of the physicians as to this man's present condition?

Mr. WEAVER. Mr. Chairman, I will answer the gentleman from Tennessee that the pension office refused to increase the pension because the medical authorities there were not satisfied that this present condition was owing to the gunshot wound. The rating that he is receiving now is in accordance with the provision for amputation of the arm. But the examining surgeons examining him at the time he made the application for the increase have reported, as was read by the Clerk in the report, that they believed that the condition arose from a gunshot wound.

Mr. GAINES. Who was the examining physician?

Mr. WEAVER. A local board of examining surgeons.

Mr. GAINES. Where?

Mr. WEAVER. At Springfield, Ohio. I am personally acquainted with the case, and I know the man well. I know absolutely of his perfectly helpless condition and his dire distress and poverty.

Mr. TALBERT. I would like to ask the gentleman a question.

Mr. WEAVER. I will yield to the gentleman from South Carolina.

Mr. TALBERT. I have no doubt the statements of the gentleman from Ohio are correct and true; but I would like to ask him if these facts were stated to the Pension Department; and if so, why couldn't they make the increase?

Mr. WEAVER. Because the medical officers of the Pension

Bureau could not trace the connection between the rheumatism and stiffening of these joints to the result of the gunshot wound.

Mr. TALBERT. It was not traceable to service origin?

Mr. WEAVER. They could not trace it to service origin.

Mr. TALBERT. In view of the fact that the Pension Department refused it, you come here as a court of appeal to get justice?

Mr. WEAVER. The gentleman from South Carolina could not have heard what I said at the opening. The local board of examining surgeons, to whom was referred the claim, thought it was due to the gunshot wound, but when it came to the board of review in the Pension Office they did not approve the report. The committee find that it is probably due to service origin. I am willing to give the claimant the benefit of the doubt to the extent which the amendment provides.

Mr. TALBERT. Now, if the gentleman from Ohio will allow me, I want to submit a remark or two.

Mr. WEAVER. I will yield to the gentleman.

Mr. TALBERT. Mr. Chairman, it is a fact that this House is willing to take the report of the Committee on Invalid Pensions. It seems like they have been going along voting for these bills without having the reports read, or anything of the kind. Here is a bill that the committee brings in and recommends $50 a month. The gentleman from Ohio [Mr. WEAVER] rises on the floor and moves to amend by making it $70; and a member of the committee gets up and says, "We thought he ought to have more, but we did not give it to him. I think the motion ought to prevail." It seems to me that puts the committee in rather a strange predicament here. We are going along, or being led along, supporting these measures because the committee has recommended them. Well, now, if that is the case, they may be above and they may be below the high-water mark. A member of the committee gets up and says he thought the claimant ought to have more, but they brought in a bill for $50 a month. If the committee thought he ought to have $70 a month, it seems to me they ought to have so reported. We are left in the dark without the help of the committee, and that is the way they propose to deal with these questions.

Mr. ROBINSON of Indiana. If the gentleman from South Carolina will allow me, "to err is human, to forgive divine." [Laughter.]

Mr. TALBERT. Oh, I have forgiven them long ago. [Laughter.]

Mr. GIBSON. Let me say to the gentleman from South Carolina that the committee did not feel justified in allowing more than the bill called for. If the bill had called for $70 a month the committee would have allowed, probably, the $70; but the rule of the committee is not to exceed what the bill calls for. It appears in this case that the draftsman made a mistake. This is manifestly a $72 case.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Ohio [Mr. WEAVER].

The question was taken; and on a division (called for by Mr. TALBERT) there were—52 ayes and 2 noes.

So the amendment was agreed to.

The bill, as amended, was laid aside to be reported to the House with a favorable recommendation.

HESTER A. PHILLIPS.

The next business on the Private Calendar was the bill (S. 4128) granting a pension to Hester A. Phillips.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hester A. Phillips, widow of Benjamin B. Phillips, late of Company K, Sixth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

EDWIN S. ANDERSON.

The next business on the Private Calendar was the bill (S. 993) granting an increase of pension to Edwin S. Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin S. Anderson, late of Company A, Eighty seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

WILLIAM R. M'MASTER.

The next business on the Private Calendar was the bill (S. 3223) granting an increase of pension to William R. McMaster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. McMaster, late of Company F, Eighth Regiment Iowa Volunteer Infantry, and Company I, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

DAVID K. REYNOLDS.

The next business on the Private Calendar was the bill (H. R. 425) for the relief of David K. Reynolds.

The bill was read, as follows:

Be it enacted, etc., That the charge of desertion standing against David K. Reynolds, late a member of Company K, Sixty-first Ohio, be, and the same is hereby, removed.

The committee amendment was read, as follows:

Add at the end of the bill the following: "*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The committee amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

HENRY COOK.

The next business on the Private Calendar was the bill (H. R. 417) for the relief of Henry Cook.

The bill was read at length.

Mr. TALBERT. I should like to have the report read in this case.

The Clerk proceeded to read the report, but before the reading was concluded

Mr. TALBERT said: I ask that this bill be passed over without prejudice.

The CHAIRMAN. In the absence of objection that order will be made.

There was no objection.

GUSTAVUS ADOLPHUS THOMPSON.

The next business was the bill (H. R. 8474) to remove the charge of desertion from the military record of Gustavus Adolphus Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Gustavus Adolphus Thompson, late private in Company B, Ninth Regiment Indiana Volunteer Infantry, and to issue to said Thompson an honorable discharge from said service to be dated July 12, 1865.

The amendment reported by the Committee on Military Affairs was read, as follows:

At the end of the bill add the following:

"*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. TALBERT. I ask that this bill be passed over without prejudice.

Mr. CRUMPACKER. I desire that the bill be considered. I am familiar with the facts of the case; and I think that after I have made an explanation the gentleman from South Carolina will not object.

Mr. TALBERT. Very well; I withdraw the motion.

Mr. CRUMPACKER. Does the gentleman desire to hear an explanation?

Mr. TALBERT. Yes, sir.

Mr. CRUMPACKER. The history of this case is about as follows: On the 14th of August, 1861, Gustavus Adolphus Thompson enlisted as a private in Company D, Ninth Regiment Indiana Infantry Volunteers. When his first term of service had expired he reenlisted and continued in the service until the 12th of July, 1865. He participated in all the engagements in which that regiment took part during the entire civil war. At the time of his original enlistment no bounties were being offered. In 1862 he was seriously wounded and was in the hospital several weeks.

Early in July, 1865, while his regiment was stationed at Nashville, Tenn., he had some difficulty with his captain. In consequence, as I believe, of a "spree" that several members of the company got on, he was put under arrest. Shortly afterwards the regiment was ordered to Texas for duty in connection with certain complications down in Mexico. When the regiment reached New Orleans, he heard from home that his wife was sick. Being under arrest, he conferred with the lieutenant-colonel of his regiment in regard to going home. That officer told him to go home. This man says—and I think the evidence shows it and the report recites it—that the lieutenant-colonel furnished him with money with which to go home. Accordingly, he went to his home in Indiana. When he had been there about three weeks, his regiment returned to Indianapolis and was mustered out. He was not there. He was reported as a deserter. Under the general law, if a soldier was not under charges at the time he abandoned the service, his record can be readily corrected.

General Shuman, the brigade commander, and also the lieutenant-colonel of the Ninth Regiment, who was acting brigade commander at the time of the alleged desertion, have stated the facts fully. The testimony is that this man was as brave a soldier as there was in the regiment. He did not abandon his regiment until after the war was over. General Shuman has said that the

charges against him were trivial, and that he intended to relieve him from arrest when the regiment reached Texas.

This man has suffered for thirty-five years the stigma and humiliation of the charge of desertion. On this account he has been kept out of Grand Army posts. It occurs to me that he has been sufficiently punished. He asks now that the Government in its generosity forgive this one mistake and grant him an honorable discharge.

The question being taken, the amendment reported by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE F. WHITE.

The next business was the bill (H. R. 5898) granting an increase of pension to George F. White.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of George F. White, late of Company I, Third Wisconsin Volunteer Cavalry, at the rate of $24 per month, said pension to be in lieu of the one he now receives.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George F. White, late of Company I, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GERTRUDE B. WILKINSON.

The next business was the bill (S. 4441) granting an increase of pension to Gertrude B. Wilkinson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gertrude B. Wilkinson, widow of Melville C. Wilkinson, late captain, Third Regiment United States Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 8 strike out "forty" and insert "thirty."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

SARAH HERRIMAN.

The next business was the bill (H. R. 7024) granting a pension to Sarah Herriman.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Herriman, widow of Hezekiah Herriman, late sergeant of Company E, First United States Dragoons, war with Mexico, and pay her a pension of $12 per month, the same to be in lieu of that she now receives.

The following amendments, recommended by the Committee on Pensions, were read:

In line 6, after the words "Hezekiah Herriman," insert "alias Charles Clifford."

In line 8, after the word "pension," insert "at the rate."

In line 9 strike out "the same to be," and in the same line strike out "now receives" and insert "is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Sarah Herriman."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JESSE F. GATES.

The next business was the bill (H. R. 8415) granting an increase of pension to Jesse F. Gates.

Mr. LOUDENSLAGER. I ask unanimous consent that Senate bill 4742, which is similar in its nature, be substituted for this bill.

The CHAIRMAN. Unanimous consent is asked that Senate bill 4742 be substituted for the House bill. Is there objection?

There was no objection.

The bill S. 4742 was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse F. Gates, late of Battery A, Second Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. LOUDENSLAGER. I move that the bill H. R. 8415 be ordered to be laid aside to be reported to the House with a recommendation that it lie on the table.

The motion was agreed to.

ANNIE C. COLLIER.

The next business was the bill (H. R. 2816) granting a pension to Annie C. Collier.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie C. Collier, as widow of Thomas S. Collier, late of the United States Navy.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out "as."

In lines 6 and 7 strike out "of the" and insert "boatswain."

Add to the end of the bill the words "and pay her a pension at the rate of $12 per month."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

LUKE P. ALLPHIN.

The next business was the bill (H. R. 9177) to grant an increase of pension to Luke P. Allphin.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Luke P. Allphin, late first sergeant Company E, First Illinois Volunteers, in the Mexican war, at the rate of $24 per month in lieu of the rate he is now receiving.

The following amendments, recommended by the Committee on Pensions, were read:

Change the title so as to read: "A bill granting an increase of pension to Luke P. Allphin."

After the word "war," in line 7, insert "and pay him a pension."

In lines 7 and 8 strike out "twenty-four" and insert "twelve."

In line 9 strike out "the rate" and insert "that."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ANN E. CLUKE.

The next business was the bill (S. 2834) granting an increase of pension to Ann E. Cluke.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann E. Cluke, widow of James W. Cluke, late of Company I, Second Regiment Kentucky Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

HENRY B. SHELL.

The next business was the bill (H. R. 9903) granting an increase of pension to Henry Shell.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Shell, late of company—in the war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following amendments, recommended by the Committee on Pensions, were read:

In line 6, before the word "company," insert "Captain James F. Preston's," and fill the blank space in that line with the words "First Virginia Volunteers."

In line 7 strike out "thirty" and insert "sixteen."

Change the claimant's name where it appears in the title and the body of the bill to "Henry B. Shell."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ADELLA M. ANTHONY.

The next business was the bill (H. R. 9382) granting a pension to Adella M. Anthony.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adella M. Anthony, widow of William Anthony, late sergeant-major, United States Marine Corps, formerly attached to the United States steamship *Maine*, and pay her pension at the rate of $10 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY C. WILLIAMS.

The next business was the bill (S. 2430) granting a pension to Mary C. Williams.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Williams, widow of Thomas G. Williams, late first lieutenant, First Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ANNA F. JOHNSON.

The next business was the bill (H. R. 9874) granting an increase of pension to Anna F. Johnson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna F. Johnson, widow of the late Col. Amory K. Johnson, formerly lieutenant-colonel of the Fourteenth Illinois Infantry Volunteers and colonel of the Twenty-eighth Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The following amendment, recommended by the Committee on Pensions, was read:

Strike out all after the words "widow of," in line 6, and insert "Amory K. Johnson, private of Company F, Fourth Illinois Volunteers, war with Mexico, and lieutenant-colonel Fourteenth Illinois Infantry Volunteers, and colonel Twenty-eighth Illinois Infantry Volunteers, in the civil war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CHARLOTTE W. DREW.

The next business was the bill (H. R. 10521) granting a pension to Charlotte W. Drew.

Mr. LOUDENSLAGER. Mr. Chairman, I ask unanimous consent that the corresponding Senate bill (S. 5093) be substituted for the House bill.

The CHAIRMAN. Unanimous consent is asked that the corresponding Senate bill (S. 5093) be substituted for the House bill. Is there objection?

There was no objection.

The bill S. 5093 was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charlotte W. Drew, widow of Alfred W. Drew, late first lieutenant Company I, Twelfth Regiment United States Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The following amendment recommended by the Committee on Pensions was read:

In line 8 strike out "forty" and insert "twenty-five."

Mr. HAWLEY. Mr. Chairman, just a moment. This is a bill which has just passed the Senate, to pay Mrs. Charlotte W. Drew, widow of Charles Drew, who was lately killed while commanding his company in a battle in the island of Luzon, a pension of $40 a month. The Senate has generously accorded her a pension of $40 a month, and I request that the amendment be disagreed to, and that the bill as it passed the Senate be adopted by this committee.

Mr. LOUDENSLAGER. I want to say that this widow is now drawing $17 a month. The amendment of the Committee on Pensions increases that to $25 a month, which is an increase of over 50 per cent on that which the regular law allows. There was no testimony before the committee as to any unusual conditions which would appeal exceptionally to the committee in this case. It has been the rule of the committee in cases of this kind not to exceed the maximum amount of $25, so that the Committee on Pensions have given to the widow of this lieutenant the maximum amount that they allow in such cases. I do not see any extraordinary condition which could be given as a reason why this rule of the Committee on Pensions, and practically the rule of this House in acting on the recommendations of that committee, should be departed from in this instance.

Mr. HAWLEY. May I ask the indulgence of the committee for a moment?

The CHAIRMAN. The gentleman from Texas.

Mr. HAWLEY. This soldier who sacrificed his life for his country was a first lieutenant in the Regular Army, but he died as a captain. That is, he was commanding his company, and as far as I know there has never been an instance in this House where a soldier died the heroic death which this man died where the pension has not been advanced to a higher figure than that prescribed by the rule of the committee which the gentleman represents.

Mr. LOUDENSLAGER. The gentleman is not possessed of full information on that subject, then.

Mr. HAWLEY. I appeal to the gentleman to know if there have not been many instances in which the rule has been disregarded, and where a higher pension has been granted? This case is peculiar in the fact that the widow is without any other means of support whatever, and the sum of $40 a month will go a very little way toward supporting her and raising the two children dependent on her for support.

I desire to lay particular stress on the fact that Lieutenant Drew had been advanced to the command of his company, and under the orders of his commander in chief was then acting in that capacity, and not in the capacity of a first lieutenant, to which alone the rule applies. I hope the committee will consent to the same sum which the Senate accorded.

The Senate amendment was read, as follows:

In line 8, strike out "forty" and insert "twenty-five."

The question was taken; and on a division (demanded by Mr. HAWLEY) there were—ayes 19, noes 7.

Accordingly, the amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

HENRY COOK.

Mr. CORLISS. Mr. Chairman, House bill 417, Calendar No. 1262, was laid aside at the request of a member. I ask now to return to that number and take up that bill.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Henry Cook, late of Company G, Thirty-fifth Regiment of New York Volunteer Infantry, and of Company C, Twentieth Regiment of Volunteer New York Cavalry, and to grant him an honorable discharge from the service first above named.

The following amendment recommended by the committee was read:

Add at the end of the bill the following:

"*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZABETH W. ELDRIDGE.

The next business was the bill (S. 4054) granting an increase of pension to Elizabeth W. Eldridge.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth W. Eldridge, widow of Bogardus Eldridge, late captain, Fourteenth Regiment United States Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, with an additional allowance of $2 per month on account of each of the three minor children of said Bogardus Eldridge.

The following amendment recommended by the committee was read:

In line 8 strike out "forty" and insert "thirty," so as to read "thirty dollars."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. LOUDENSLAGER. Mr. Chairman, I move that House bill corresponding with the bill just passed be laid on the table.

The CHAIRMAN. Without objection the bill (H. R. 10521) will be reported to the House with the recommendation that it lie on the table.

There was no objection.

MARY J. D. M'GLENSEY.

The next business was the bill (H. R. 9672) to increase the pension of Mrs. M. McGlensey, widow of Capt. John F. McGlensey, of the United States Navy.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. M. McGlensey, widow of Capt. John F. McGlensey, of the United States Navy, at the rate of $50 per month in lieu of $30 per month, the rate she is now receiving.

The following amendments, recommended by the committee, were read:

In line 4, after the word "roll," insert "subject to the provisions and limitations of the pension laws."

In line 5 strike out "Mrs. M." and substitute therefor "Mary J. D."

Strike out all in the bill after the word "Navy," in line 6, and substitute therefor the words "and pay her a pension at the rate of $35 per month in lieu of that she is now receiving."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MRS. MATTIE OTIS DICKINSON.

The next business was the bill (H. R. 296) granting an increase of pension to Mrs. Mattie Otis Dickinson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mattie Otis Dickinson, widow of Capt. Walter Mason Dickinson, late of the Seventeeth Regiment of Infantry, United States Army, who died near Santiago de Cuba, July 2, 1898, from wounds received at El Caney the previous day, and pay her a pension from and after the passage of this act at the rate of $50 a month in lieu of her present pension.

The following amendments, recommended by the committee, were read:

Strike out of lines 8, 9, and 10 the words "who died near Santiago de Cuba July 2, 1898, from wounds received at El Caney the previous day."

In line 11 strike out "from and after the passage of this act;" and in the same line strike out "fifty" and insert "thirty."

In line 12 strike out "her present pension" and insert "in lieu of that she is now receiving."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

LAURA P. LEE.

The next business was the bill (H. R. 191) granting a pension to Laura P. Lee.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Laura P. Lee, widow of George Lee, late major and assistant adjutant-general of volunteers and brevet lieutenant-colonel, upon the pension roll at the rate of $25 per month.

The following amendments, recommended by the Committee, were read:

In line 4, after the word "place," insert "on the pension roll, subject to the provisions and limitations of the pension laws."

Strike out all in the bill after the word "Lee," in line 5, and insert in lieu thereof "late first lieutenant of Company K, Twenty-first Regiment United States Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

EDWARD M'DUFFEY.

The next business was the bill (H. R. 2399) granting an increase of pension to Edward McDuffey.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Edward McDuffey, late a coppersmith in the United States Navy, on the steamer *Marion*, and pay him a pension of $50 per month in lieu of that he now receives.

The following amendments, recommended by the committee, were read:

In line 4, after the word "roll," insert "subject to the provisions and limitations of the pension laws."

In line 6, after the word "pension," insert "at the rate," and in the same line strike out "fifty" and insert "thirty."

In line 7 strike out "now receives" and insert "is now receiving."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY EMILY WILCOX.

The next business was the bill (S. 4574) granting an increase of pension to Mary Emily Wilcox.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Emily Wilcox, widow of John A. Wilcox, late lieutenant-colonel Second Regiment Mississippi Volunteers, war with Mexico, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The following amendment, recommended by the committee, was read:

In line 8 strike out "fifteen" and insert "twelve."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CHARLES E. HOFMANN.

The next business was the bill (H. R. 10423) granting an honorable discharge to Charles E. Hofmann, late first lieutenant in Company H, Sixtieth Regiment of United States Colored Infantry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to revoke and set aside the provision in Special Orders, No. 110, Headquarters Department of Arkansas, dated Little Rock, Ark., May 8, 1865, dishonorably discharging from the military service of the United States Charles E. Hofmann, first lieutenant of Company H, Sixtieth Regiment of United States Colored Infantry, and to order and cause to be issued to him an honorable discharge as of date May 8, 1865: *Provided*, That no pay, bounty, or other allowance shall become due or payable by reason of the passage of this act.

Mr. TALBERT. Mr. Chairman, I make the point of order that that does not properly come before this committee.

The CHAIRMAN. The point of order is sustained.

CHARLES SCHAUPP.

The next business was the bill (H. R. 9271) to remove the charge of desertion against Charles Schaupp, alias Phillip Schaupp, and authorizing his honorable discharge.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to remove the charge of desertion against Charles Schaupp, alias Phillip Schaupp, late a private soldier in Company E, of the First New York Cavalry, and to issue to said soldier an honorable discharge.

The amendment recommended by the committee was read, as follows:

Add the following at the end of the bill: "*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. TALBERT. Mr. Chairman, I move that that bill be passed over without prejudice.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

WILLIAM BURKE.

The next business was the bill (H. R. 4020) for the relief of William Burke.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against the name of William Burke, late of Company K, Ninety-sixth Regiment Pennsylvania Volunteer Infantry, and issue to him an honorable discharge.

The amendment recommended by the committee was read, as follows:

Add the following at the end of the bill: "*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES DONAHUE.

The next business was the bill (H. R. 6492) to correct the military record of James Donahue.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion against James Donahue, late a private in Company G, First Nebraska Volunteer Regiment, who also served under the name of James Cullen in Company A, Ninety-ninth Illinois Volunteer Infantry, and received an honorable discharge.

Mr. TALBERT. Mr. Chairman, I ask unanimous consent that that bill be passed over without prejudice.

There was no objection, and it was so ordered.

NICHOLAS SWINGLE.

The next business was the bill (H. R. 2464) to remove the charge of desertion from the military record of Nicholas Swingle.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Nicholas Swingle, late of Company E, Seventy-eighth Ohio Volunteer Infantry, and that an honorable discharge be issued in lieu thereof, to date September 15, 1864.

The amendment recommended by the committee was read, as follows:

Add at the end of the bill the following: "*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. TALBERT. Mr. Chairman, I ask if the gentleman who introduced that bill is present? If not, I ask unanimous consent that the bill be passed over without prejudice.

Mr. VAN VOORHIS. I ask the gentleman to withdraw his request and let the report be read. This is a meritorious case.

The CHAIRMAN. The question is on the amendment.

Mr. TALBERT. I did not hear that statement. I gave way for the gentleman to make a statement.

Mr. VAN VOORHIS. I have asked that the report be read, Mr. Chairman.

The report (by Mr. ESCH) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2464) to remove the charge of desertion from the military record of Nicholas Swingle, report the same back to the House with the recommendation that it do pass with the following amendment: By adding, after line 8, a proviso as follows: "*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

A bill for the same purpose as the one under consideration was reported favorably in the first session of the Fifty-fourth Congress by Mr. BISHOP, from the Committee on Military Affairs, and said report sets forth fully the record and evidence in this case, which is hereto appended and made a part of this report.

Mr. TALBERT (during the reading of the report). Mr. Chairman, I ask that the further reading be dispensed with. I have examined that report at the suggestion of the gentleman, and have no further objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM LAPOINT.

The next business on the Private Calendar was the bill (S. 3148) to correct the military record of William Lapoint.

The Clerk read the bill.

Mr. TALBERT. Mr. Chairman, I ask that that be passed over without prejudice.

The CHAIRMAN. The gentleman from South Carolina asks that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

HENRY S. TOPPING.

The next business on the Private Calendar was the bill (H. R. 12061) granting an increase of pension to Henry S. Topping.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry S. Topping, late of Company M, Twenty-first Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

FREDERICK A. NOELLER.

The next business on the Private Calendar was the bill (H. R. 3825) to grant an honorable discharge to Frederick A. Noeller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Frederick A. Noeller, late a private in Company K, One hundredth New York Infantry Volunteers, and grant him an honorable discharge to date as of the 31st day of October, 1863.

The amendment recommended by the Committee on Military Affairs was read, as follows:

Add the following at the end of the bill:

"*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. TALBERT. Mr. Chairman, I ask that that bill be passed over without prejudice.

The CHAIRMAN. The gentleman from South Carolina asks that the bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

COLUMBUS S. WHITAKER.

The next business on the Private Calendar was the bill (H. R. 11795) granting a pension to Columbus S. Whitaker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Columbus S. Whitaker, late of Company A, First Arkansas Regiment Volunteer Infantry, and pay him a pension at the rate of — dollars per month.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In lines 6 and 7 strike out the words "of Company A, First Arkansas Regiment Volunteer Infantry" and insert in lieu thereof the words "acting assistant surgeon, United States Army."

In line 8, before the word "dollars," insert the word "twelve."

The amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

LUCY E. DANILSON.

The next business on the Private Calendar was the bill (S. 9557) granting an increase of pension to Lucy E. Danilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy E. Danilson, widow of William H. Danilson, late major One hundred and twenty-eighth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

PETER ANDERSON.

The next business on the Private Calendar was the bill (H. R. 6810) granting an increase of pension to Peter Anderson, of Strong City, Kans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Peter Anderson, of Strong City, Kans., late of Company C, Sixtieth United States Colored Infantry, and pay him a pension of $50 per month in lieu of the pension now received by him, said increase of pension to be paid subject to the provisions and limitations of the pension laws.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Anderson, late of Company C, Sixtieth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Peter Anderson."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

ANDREW J. ARNETT.

The next business on the Private Calendar was the bill (S. 1775) granting an increase of pension to Andrew J. Arnett.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Arnett, late of Company B, Sixth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

WILLIAM J. WORTHINGTON.

The next business on the Private Calendar was the bill (H. R. 3871) granting a pension to W. J. Worthington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of W. J. Worthington, of Greenup County, Ky., late lieutenant-colonel of Company B, Twenty-second Regiment of Kentucky Volunteer Infantry, upon the pension roll of the United States, and pay to him a pension of $30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Worthington, late lieutenant-colonel Twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to William J. Worthington."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

WILLIAM T. GRATTON.

The next business on the Private Calendar was the bill (S. 4241) granting an increase of pension to William T. Gratton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Gratton, late of Company I, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

MATTHEW M'DONALD.

The next business on the Private Calendar was the bill (H. R. 2395) granting an increase of pension to Matthew McDonald.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mathew McDonald, late of Company L, Eighty-third Regiment New York Volunteer Infantry, and pay him a pension of $50 per month in lieu of that he now receives.

The following amendments, recommended by the committee, were read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matthew McDonald, late of Company L, Eighty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Matthew McDonald."

Mr. TALBERT. I would like to have the report read in the case unless some gentleman is present to make a statement about it.

The Clerk read the report, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2395) granting an increase of pension to Matthew McDonald, submit the following report:

This bill proposes to increase the pension of this soldier from $24 to $50 per month.

The records of the War Department show that this soldier served as a private in Company L, Eighty-third New York Infantry, from September 4, 1861, to November 17, 1862, when he was discharged on surgeon's certificate of disability by reason of partial anchylosis of the left elbow joint, with atrophy of the muscles, existing, in some degree, before enlistment. His claim for pension under the general law, based on malarial poisoning and disease of eyes, and filed August 19, 1882, was allowed in March, 1885, at the rate of $10 per month from August 19, 1882, and $14 per month from April 3, 1884, on account of malarial poisoning and disease of eyes, with total loss of sight of right and partial loss of sight of left eye, and this rating was increased to $24 per month from January 19, 1887.

His claim for increase of pension, in which nervous debility and disease of lungs were alleged as resulting causes, and filed September 24, 1897, was rejected October 19, 1898, upon the ground that the disability from the pensioned causes did not warrant a rating in excess of $24 per month, and that nervous debility and disease of lungs could not be accepted as results. Subsequent to the rejection of this claim the beneficiary filed the testimony of Dr. Ferguson, of Manchester, N. H., to the effect that from an extended personal and professional observation, covering a period of over twenty-five years as a family physician of the soldier, he was satisfied and entirely safe in asserting that the nervous debility and disease of lungs from which the soldier was suffering was a direct result of malarial poisoning; that the patient suffered from malarial toxæmia of long duration and subject to oft recurring attacks, manifesting strong symptoms of poisoning; and where this condition extends over a long period of years there is unquestionably produced as a result of the weakening and debilitating cause structural and organic changes taking place sooner or later and ending in incurable disease; that this is the soldier's case, and that he is now so affected that he is obliged to confine himself to the house and requires partial care and attendance; that deponent can assign no other cause for this condition than the malaria permeating his system.

This affidavit was considered by the Pension Bureau on January 24, 1899, and the result of such consideration was that that Bureau held that the same could not be taken to controvert the certificate of medical examination of the board of surgeons at Manchester on June 15, 1898; that this certificate shows no disease of lungs whatever and but very little evidence of malarial poisoning; and that the existing disease of the nervous system and paralysis agitans could not be accepted as a result of malarial poisoning, malaria never being

accepted as a causative factor in producing paralysis agitans; that it is the province of the Pension Bureau to determine the pathological or nonpathological relation between pensioned causes and alleged results; and that if such relation was not accepted, the Bureau was not required to assign or suggest the cause of such disabilities.

Mr. GIBSON. I hope the gentleman from South Carolina will not require the balance of the report read. The man is blind and paralyzed in both hands and has the consumption. This is a $72 case.

Mr. TALBERT. I will not ask for the further reading of the report.

The bill was laid aside to be reported to the House with a favorable recommendation.

FRANCES M. CELLAR.

The next business was the bill (S. 4261) granting a pension to Frances M. Cellar.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances M. Cellar, widow of James D. Cellar, late of Company C, Fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

WILLIAM EVERETT.

The next business was the bill (H. R. 11936) granting a pension to William Everett.

Mr. GIBSON. I move that this bill be laid aside to be reported to the House with a recommendation that it lie on the table. Since the bill was reported the claimant has died.

The motion of Mr. GIBSON was agreed to.

ISAAC N. CISSNA.

The next business was the bill (S. 2755) granting an increase of pension to Isaac N. Cissna.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac N. Cissna, late of Company E, Twentieth Regiment of Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOSEPHINE H. WHITEHEAD.

The next business was the bill (H. R. 6997) to increase the pension of Mrs. Josephine H. Whitehead.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Josephine H. Whitehead, widow of Rev. H. L. Whitehead, late lieutenant, Company D, One hundred and thirty-third Ohio Volunteer Infantry, on the pension roll, and pay her a pension of $17 per month in lieu of the pension she is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine H. Whitehead, widow of Henry L. Whitehead, late first lieutenant Company D, One hundred and thirty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Josephine H. Whitehead."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES DONAHUE.

Mr. FLETCHER. I desire to call up the bill (H. R. 6492) to correct the military record of James Donahue. This bill, I understand, was passed upon a few minutes ago.

The CHAIRMAN. The bill was laid aside without prejudice.

Mr. FLETCHER. I hope it will be acted on favorably.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion against James Donahue, late a private in Company G, First Nebraska Volunteer Regiment, who also served under the name of James Cullen in Company A, Ninety-ninth Illinois Volunteer Infantry, and received an honorable discharge.

The amendment reported by the Committee on Military Affairs was read, as follows:

At the end of the bill add the following: "*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to, and the bill as amended was laid aside to be reported to the House with a favorable recommendation.

MARION M. STONE.

The next business was the bill (H. R. 9787) granting a pension to Marion M. Stone.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marion M. Stone, widow of Bartlett D. Runnells, late of Company F, One hundred and fifty-ninth Regiment Pennsylvania Volunteers, and pay her a pension at the rate of $12 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6, before the word "widow," insert the words "formerly the."

In line 7 strike out the word "fifty-ninth" and insert in lieu thereof the word "sixty-ninth."

In line 8 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

FORDYCE M. KEITH.

The next business was the bill (S. 1456) granting an increase of pension to Fordyce M. Keith.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fordyce M. Keith, jr., late captain, First United States Heavy Artillery (colored), formerly First Ohio Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

LOUIS SNYDER.

The next business was the bill (H. R. 11196) granting an increase of pension to Louis Snyder.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis Snyder, late of Company F, Seventy-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

JAMES BEISTLE.

The next business was the bill (H. R. 2178) granting a pension to James Beistle.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause the name of James Beistle, late member of Company H, One hundred and twenty-fourth Ohio Volunteer Infantry, to be placed on the pension roll, subject to the provisions and limitations of the pension laws, and pay him a pension of $12 a month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Beistle, late of Company H, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to James Beistle."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

BENJAMIN RIPPLEMAN.

The next business was the bill (S. 4553) granting an increase of pension to Benjamin Rippleman.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Rippleman, late of Company F, Fifteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

ELIZABETH HENDRICKS.

The next business was the bill (H. R. 9404) granting a pension to Elizabeth Hendricks, of Dubois, Pa.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Hendricks, widow of Isaac Hendricks, late of Company I, Sixty-second Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

Amend the title so as to read: "A bill granting a pension to Elizabeth Hendricks."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOSEPH SMITH.

The next business was the bill (S. 4552) granting an increase of pension to Joseph Smith.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Smith, late of Company C, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

KATE E. DUFFY.

The next business was the bill (H. R. 10617) granting an increase of pension to Kate E. Duffy.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate E. Duffy, widow of Thomas Duffy, late of Company I, Fourteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided, however*, That in the case of death of the blind daughter of said soldier, Susan I., on whose account the pension of Kate E. Duffy is increased, the pension of said Kate E. Duffy shall continue only at the rate of $8 per month from and after the date of death of said blind daughter.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

SAMUEL SCHUTZ.

The next business was the bill (S. 3512) granting an increase of pension to Samuel Schutz.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Schutz, late of Company K, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JULIA VAN WICKLEN.

The next business was the bill (S. 3574) granting a pension to Julia Van Wicklen.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia Van Wicklen, widow of Daniel Van Wicklen, late of Company K, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

PALMER G. PERCY.

The next business was the bill (H. R. 7602) to correct the military record of Palmer G. Percy.

The Clerk read the bill, as follows:

Be it enacted, etc., That the charge of desertion now standing against Palmer G. Percy, late of Company H, Second New York Volunteer Cavalry, on the records of the War Department be, and the same is, removed, and the Secretary of War is hereby directed to issue to said Palmer G. Percy an honorable discharge, the same to date from the muster out of the said Second New York Volunteer Cavalry: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MADISON M'COLLISTER.

The next business was the bill (H. R. 2092) granting an increase of pension to Madison McCollister.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Madison McCollister, late private of Company K, Ninety-fourth Ohio Volunteer Infantry, at the rate of $36 per month in lieu of the pension he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 6 strike out all after the word "late" and all of lines 7 and 8 and insert in lieu thereof the words "of Company K, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CHAUNCEY SHELDON.

The next business was the bill (H. R. 8679) granting an increase of pension to Chauncey Sheldon.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Chauncey Sheldon, late of Company F, One hundred and forty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

EDWIN A. WILSON.

The next business was the bill (H. R. 6787) to pension Edwin A. Wilson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Edwin A. Wilson, late of Company C, First United States Sharpshooters, and pay him a pension at the rate of $24 a month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin A. Wilson, late of Company C, First United States Sharpshooters, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Edwin A. Wilson."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

FLORA MOORE.

The next business was the bill (H. R. 10706) to pension Miss Flora Moore, of Williamsburg, Ky.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Miss Flora Moore, dependent daughter of late Matteson A. Moore, Company G, Forty-ninth Kentucky Regiment Volunteer Infantry, and pay her a pension of $25 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Flora Moore, dependent and blind daughter of Materson A. Moore, late of Company G, Forty-ninth Regiment Kentucky Volnnteer Infantry, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Flora Moore."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

BENJAMIN T. THOMAS.

The next business was the bill (H. R. 12079) granting an increase of pension to Benjamin T. Thomas.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin T. Thomas, late of Company E, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

CAROLINE M. H. SEARING.

The next business was the bill (H. R. 3546) granting a pension to Caroline M. H. Searing.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline M. H. Searing, widow of William M. Searing, late colonel Thirtieth Regiment New York Volunteers, and pay her a pension at the rate of $50 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZABETH B. M'CLELLAN.

The next business was the bill (H. R. 5610) granting a pension to Mrs. Elizabeth B. McClellan.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $30 per month, the name of Elizabeth B. McClellan, widow of James McClellan, late of Company F, One hundred and ninety-fifth Regiment of Ohio Infantry Volunteers.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4 strike out all after the word "roll" and all of lines 5, 6, 7, and 8 and insert in lieu thereof the following: "subject to the provisions and lim-

itations of the pension laws, the name of Elizabeth B. McClellan, the former widow of James McClellan, late of Company F, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Elizabeth B. McClellan."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

BENJAMIN F. TRAPP.

The next business was the bill (S. 2777) granting a pension to Benjamin F. Trapp.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Trapp, late of Company K, Fourteenth Regiment Missouri Home Guards, and pay him a pension at the rate of $20 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

HENRY C. BROOKS.

The next business was the bill (H. R. 11985) granting an increase of pension to Henry C. Brooks.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Brooks, late of Company C, Thirtieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM S. SWANEY.

The next business was the bill (H. R. 5336) granting an increase of pension to William S. Swaney.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of William S. Swaney, late of Company C, One hundred and tenth Pennsylvania Volunteer Infantry, and pay him a pension of $50 per month in lieu of the pension now received by him; said increase of pension to be paid subject to the provisions and limitations of the pension laws.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Swaney, late of Company C, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM H. PALMER.

The next business was the bill (H. R. 11574) granting a pension to William H. Palmer.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Palmer, late of Company I, Fifty-seventh and Fifty-ninth Regiments Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY L. TWEDDLE.

The next business was the bill (H. R. 10567) granting a pension to Mary L. Tweddle.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Tweddle, widow of William Tweddle, late captain Company K, Tenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

HENRY A. JORDAN.

The next business was the bill (H. R. 12245) granting a pension to Henry A. Jordan.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry A. Jordan, of Dubuque, Iowa, late of Company H, First Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out the words "Dubuque, Iowa."

In line 8 strike out the words "twenty-five" and insert in lieu thereof the words "twenty-four."

Amend title so as to read: "A bill granting an increase of pension to Henry A. Jordan."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MATILDA RAPP.

The next business was the bill (H. R. 8594) granting a pension to Matilda Rapp.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda Rapp, of Newport, R. I., widow of William Rapp, late of Company C, Fifty-second Regiment New York Volunteer Infantry, and pay her a pension of $30 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out the words "of Newport, Rhode Island."

In line 8, after the word "pension," insert the words "at the rate."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "eight."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

FREDERICK O. LATHROP.

The next business was the bill (H. R. 1995) granting an increase of pension to Frederick O. Lathrop.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase to the sum of $16 per month the pension of Frederick O. Lathrop, late private in Sixth Connecticut Volunteers and in Fourteenth United States Infantry.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick O. Lathrop, late of Company G, First Battalion, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ANNA E. LITTLEFIELD.

The next business was the bill (S. 4191) granting a pension to Anna E. Littlefield.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna E. Littlefield, widow of Milton S. Littlefield, late colonel Twenty-first Regiment United States Colored Volunteer Infantry, and brevet brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

THOMAS H. ROBERTS.

The next business was the bill (H. R. 11910) granting an increase of pension to Thomas H. Roberts.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas H. Roberts, late of Company K, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

NANCY L. DONALDSON.

The next business was the bill (H. R. 7152) for the relief of Nancy L. Donaldson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Nancy L. Donaldson, an Army nurse during the civil war, on the pension roll at the rate of $30 per month.

The following amendment, recommended by the committee, was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of Nancy L. Donaldson, late a nurse in

the Medical Department, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MICHAEL DIGNON.

The next business was the bill (H. R. 4217) granting an increase of pension to Michael Diguon.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Michael Diguon, late of Company K, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension of $50 per month in lieu of the pension now received by him; said increase of pension to be paid subject to the provisions and limitations of the pension laws.

The following amendment, recommended by the committee, was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Dignon, late of Company K, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ALBERT M. BENNETT.

The next business was the bill (H. R. 236) granting an increase of pension to Albert M. Bennett, of Providence, R. I.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant an increase of pension to Albert M. Bennett, late a member of Battery E, First Regiment Rhode Island Light Artillery, at the rate of $30 per month in lieu of the pension he is now receiving.

The following amendment, recommended by the committee, was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert M. Bennett, late of Company E, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

FRANCES E. CHILDS.

The next business was the bill (S. 4296) granting an increase of pension to Frances E. Childs.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances E. Childs, widow of Jonathan W. Childs, late colonel Fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DAVID BRIGGS.

The next business was the bill (H. R. 2527) granting an increase of pension to David Briggs.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Briggs, late a private of Twelfth Battery of Indiana Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of the pension he now receives: *Provided*, That the pension herein provided for shall be paid to said David Briggs from the date of the passage of this act without being subject to any deduction therefrom on account of any payments heretofore made to said Briggs under any pension heretofore allowed him.

The following amendment, recommended by the committee, was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Briggs, late of the Twelfth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $12 per month, the same to be paid to him under the rules of the Pension Bureau, as to mode and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE MOWRY.

The next business was the bill (H. R. 3247) for the relief of George Mowry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to George Mowry, of Wyanet, Bureau County, Ill., late of Company D, Seventh Kansas Volunteer Cavalry, a pension at the rate of $30 per month from and after the passage of this act, in lieu of any and all other pensions.

The following amendment, recommended by the committee, was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Mowry, late of Company D, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. MIERS of Indiana. Mr. Chairman, I would like to call the attention of this House to a bill while the Clerk is getting another bill ready for action—Calender No. 1498. It is a bill that will evidently not be reached in the regular order. It is in favor of Col. J. P. C. Shanks, of Indiana. The bill was introduced by Mr. CROMER, of Indiana. The Colonel is drawing $30 a month now, and this is only an increase to $50. He is one of Indiana's honored citizens, a former member of this House. He served with ability in this House, and his country with distinction as colonel of the Seventh Indiana. He has a long and honorable service; is now old and dependent, paralyzed, confined to his room, and requires constant attention. I ask as a special favor of the committee that this bill be considered at this time. It would be an act of justice to an honored citizen and brave soldier.

The CHAIRMAN. What is the number of the bill?

Mr. MIERS of Indiana. The number of the bill is H. R. 498.

Mr. GIBSON. Mr. Chairman, I will be obliged to object to changing the order on the Calendar. Another gentleman has been to me for the same purpose, and I have had to decline to accede to his request.

Mr. MIERS of Indiana. I will renew the request a little later. I very much desire it to pass at this meeting.

EVA CLARK.

The next business was the bill (S. 1588) granting a pension to Eva Clark.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eva Clark, former widow of Joseph L. C. Hill, late of Company C, Thirtieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN R. JOY.

The next business was the bill (H. R. 429) to increase the pension of John R. Joy, Company H, Thirty-ninth Iowa Infantry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place the name of John R. Joy, late of Company H, Thirty-ninth Iowa Infantry, on the pension roll of the United States at the rate of $50 per month, subject to the regulations of the Pension Office, said pension to be in lieu of the pension he is now drawing.

The following amendment, recommended by the committee, was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Joy, late of Company H, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

LINSAY C. JONES.

The next business was the bill (H. R. 3784) granting an increase of pension to Linsay C. Jones.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension roll the name of Linsay C. Jones, of Company K, Thirtieth Regiment of Illinois Infantry, and pay him a pension at the rate of $30 per month, the same to be in lieu of any pension he is now receiving.

The following amendment, recommended by the committee, was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Linsay C. Jones, late of Company K, Thirtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ALBERT A. ROBERTS.

The next business was the bill (S. 4548) granting an increase of pension to Albert A. Roberts.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert A. Roberts, late of Company C, Twenty-third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DANIEL SMITH.

The next business was the bill (H. R. 5224) for the relief of Daniel Smith, of Fentress County, Tenn.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Daniel Smith on pension roll as a member of Company C, Seventh Regiment Tennessee Volunteer Infantry, in the war of the rebellion, subject to rules and limitations of pension laws, and to pay him at the rate of $25 per month from the 6th day of October, 1862, to the 6th day of October, 1866, for loss of one eye, total, and serious defect in the other eye, which was caused by measles contracted in prison in Richmond, Va., and to pay him at the rate of $50 per month from the 6th day of October, 1866, to the 6th day of October, 1878, for total blindness in both eyes, and to pay him at the rate of $72 per month from the 6th day of October, 1878, to so long as he may live and remain totally blind and helpless.

The following amendment, recommended by the committee, was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Smith, late of Company C, Seventh Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

SUSAN A. MILLER.

The next business was the bill (H. R. 11361) granting a pension to Susan A. Miller.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Susan A. Miller, widow of Francis M. Miller, late private in Company C, Seventh Regiment Rhode Island Infantry Volunteers, and pay her a pension of $12 per month.

The following amendment, recommended by the committee, was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan A. Miller, formerly the widow of Francis M. Miller, late of Company C, Seventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $12 per month."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GILBERT F. COLBY.

The next business on the Private Calendar was the bill (S. 4771) granting an increase of pension to Gilbert F. Colby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gilbert F. Colby, late of Company L, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

NANCY MARSHALL.

The next business on the Private Calendar was the bill (H. R. 9106) granting a pension to Nancy Marshall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Marshall, widow of John Marshall, deceased, late of Company K, Twelfth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $17 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read, as follows:

In line 6 strike out the word "deceased."

In line 7 strike out the word "Twelfth" and insert in lieu thereof the word "Twentieth."

In line 8 strike out the word "seventeen" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

H. S. REED.

The next business on the Private Calendar was the bill (H. R. 9928) granting an increase of pension to H. S. Reed, alias Daniel Hull.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of H. S. Reed, alias Daniel Hull, now a pensioner by virtue of pension certificate No. 22817, issued June 19, 1895, and pay him a pension at the rate of $12 per month in lieu of the pension he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6 strike out all after the word "Hull" and all of lines 7, 8, 9, 10, and 11 and insert in lieu thereof the following: "late seaman, U. S. steamships *Cricket* and *Mound City*, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

THOMAS WHITE.

The next business on the Private Calendar was the bill (S. 4178) granting a pension to Thomas White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas White, late of Company F, Ninetieth Regiment Illinois Volunteer Infantry, and United States Signal Corps, and pay him a pension at the rate of $20 per month.

Mr. GIBSON. Mr. Chairman, I move that this bill be laid aside and reported to the House with the recommendation that it lie on the table. The Senate has passed the House bill on the same subject.

The motion was agreed to.

MARTIN SHERWOOD.

The next business on the Private Calendar was the bill (H. R. 9985) granting an increase of pension to Martin Sherwood, late of Company C, Thirty-sixth Regiment Wisconsin Volunteer Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin Sherwood, late of Company C, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Martin Sherwood."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

SILAS HOWARD.

The next business on the Private Calendar was the bill (H. R. 11335) granting a pension to Silas Howard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas Howard, late private in Company H, Eleventh Maine Volunteer Infantry, and pay him a pension of $25 per month in lieu of the pension he is now drawing.

The following amendments, recommended by the Committee on Invalid Pensions, were read, as follows:

In line 6 strike out all after the word "late" and all of lines 7 and 8 and insert in lieu thereof the following: "of Company H, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving."

Amend title so as to read: "A bill granting an increase of pension to Silas Howard."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

Mr. GIBSON. Mr. Chairman, I move that the committee now rise and report the bills to the House——

Mr. MIERS of Indiana. I wish the gentleman from Tennessee would withhold his motion.

Mr. GIBSON. I will do so, Mr. Chairman.

Mr. MIERS of Indiana. I ask that the bill (H. R. 12620) granting an increase of pension to John P. C. Shanks be taken up and considered.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that House bill 12620, granting an increase of pension to John P. C. Shanks, be considered by the committee. Is there objection? [After a pause.] The Chair hears none.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. C. Shanks, colonel

of the Seventh Indiana Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. MIERS of Indiana. Mr. Chairman, I ask that the report in the case be printed in the RECORD. I will not ask to have it read at this time. I desire to thank the House for this courtesy; it is an act of justice to an old and meritorious citizen who can not live long to enjoy the bounty of a just Government.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the report be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12630) granting an increase of pension to John P. C. Shanks, submit the following report:

This bill proposes to increase the pension of John P. C. Shanks, late colonel of the Seventh Indiana Cavalry, from $30 to $50 per month.

This officer, now 75 years of age, is shown by the records of the War Department to have served as colonel and additional aid-de-camp on the staff of General Fremont from March 31, 1862, to October, 1863, and to have been mustered in as colonel of the Seventh Indiana Cavalry October 9, 1863; to have been brevetted brigadier-general of United States Volunteers, and to have been mustered out September 19, 1865. And these records further show that he was granted a leave of absence for twenty days in August, 1864, on surgeon's certificate, on account of remittent fever and emphysema of the lungs; that he was again granted leave of absence in June, 1865, on account of enfeebled condition of the system, the result of an attack of bilious remittent fever, and that this leave of absence was extended upon surgeon's certificate of disability dated July 13, 1865, which showed him to be suffering from chronic torpidity of the liver and general debility.

He first applied for pension on December 28, 1887, and was pensioned in 1889 under the general law at $15 per month, commencing December 28, 1887, on account of paralysis of the legs and disease of stomach; and this rating was increased to $30 per month from May 22, 1889, and he is now in receipt of that pension, claims for increase of pension filed in 1890, 1898, and 1900 having been rejected, the last one on October 12, 1900, upon the ground that a rating of $30 per month was fully commensurate with the degree of disability arising from the pensioned causes.

In his last application for increase of pension, filed May 31, 1900, he alleged that he is confined to his bed most of the time; that the paralysis of the legs has extended to the hips, and that he requires the periodical aid and attendance of another person; and in support of that claim filed the testimony of Dr. George W. Shepard, of Red Key, Ind., who testified as follows:

"I have carefully examined John P. C. Shanks, and find him afflicted with paralysis of both legs, which keeps him in bed nearly all of the time, and of necessity requires some one almost all the time to attend him. Once in a great while he attempts to get out of bed without assistance, and frequently falls as the result of his efforts. I also find limbs very much atrophied and extremely weak. Find heart's action very feeble and sluggish. There is tenderness of spine and at base of brain, and I find the least excitement overcomes him and affects him very much. I further find tenderness over region of stomach and transverse colon; also of right and left iliac regions, with marked tenderness over the region of liver and spine. I find claimant so severely afflicted that he requires some one to attend him almost all the time."

Certificate of medical examination of November 30, 1898, rated him $25 for the paralysis of legs, $25 for disease of stomach; and the board of surgeons then stated that by reason of such paralysis and disease of stomach the claimant requires the frequent and periodical aid and attendance of another person, and was entitled to $50 per month.

The last certificate of medical examination, made on July 6, 1900, rated him $30 for paralysis of legs, $8 for disease of stomach, $6 for disease of rectum, and $8 for disease of urinary organs; and that certificate further states as follows:

"Claimant is not confined to his bed or house at all times, but some of the time, from loss of energy. Needs assistance only in the way of waiting on him and keeping him in constant surveillance, to assist him if he gets into trouble. He is entirely incapacitated for any kind of labor; is gradually and steadily losing strength and weight, and these disabilities are permanent and will probably grow worse, as, in my opinion, he has locomotor ataxia."

And the paralysis of the legs is described in said certificate as follows:

"Slight anæsthesia of the skin of both legs from disease of hips; limbs symmetrical, but small; slight atrophy of muscles. Loss of coordination of muscles of legs in walking at all times; exaggerated when walking with eyes closed. Halts, staggers, and wabbles, and inclines to the left, with the eyes closed. Has loss of memory. Has attacks of vertigo. Three times in the last year has lost consciousness for from thirty minutes to several hours. Muscular movements feeble. Becomes tired greatly. If he starts to fall, can not catch himself."

It appears to your committee that this officer's disabilities of accepted service origin are such that periodical aid and attendance of another person must be essential, and hence adopts the recommendation made by the board of examining surgeons at Portland, Ind., of November 30, 1898, which recommended a rating of $50 per month, and reports the bill back with the recommendation that it pass after the same shall have been amended as follows:

In line 6, before the word "colonel," insert the word "late."

In the same line strike out the words "of the."

In the same line, before the word "Indiana," insert the word "Regiment."

In the same line, after the word "Indiana," insert the word "Volunteer."

The amendments recommended by the Committee on Invalid Pensions were agreed to.

The bill as amended was then laid aside to be reported to the House with a favorable recommendation.

Mr. GIBSON. Mr. Chairman, I move that the committee do now rise and report the several bills to the House with a favorable recommendation.

The motion was agreed to; and accordingly the committee rose, and the Speaker pro tempore [Mr. HEPBURN] having taken the chair, Mr. LACEY, Chairman of the Committee of the Whole House on the Private Calendar, reported that that committee had had under consideration sundry private bills and had directed him to report the same back to the House, some with amendments and some without amendments, and with a favorable recommendation.

Mr. GIBSON. Mr. Chairman, I move the previous question on each and all of the several bills and amendments to their final passage.

The SPEAKER pro tempore. The gentleman from Tennessee moves the previous question on each and all the several bills and amendments to their final passage. Is there objection? [After a pause.] The Chair hears none.

BILLS PASSED.

House bills of the following titles, favorably reported from the Committee of the Whole House, without amendment, were severally considered, ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 10021. A bill granting an increase of pension to John R. Robinson;

H. R. 11508. A bill granting a pension to George T. Boulding;

H. R. 11768. A bill granting an increase of pension to John Walker;

H. R. 11091. A bill granting a pension to Ambrose Brisett;

H. R. 9382. A bill granting a pension to Adella M. Anthony;

H. R. 12061. A bill granting an increase of pension to Henry S. Topping;

H. R. 11196. A bill granting an increase of pension to Louis Snyder;

H. R. 10617. A bill granting an increase of pension to Kate E. Duffy;

H. R. 8679. A bill granting an increase of pension to Chauncey Sheldon;

H. R. 12079. A bill granting an increase of pension to Benjamin T. Thomas;

H. R. 11574. A bill granting a pension to William H. Palmer; and

H. R. 10567. A bill granting a pension to Mary L. Tweddle.

House bills of the following titles, reported from the Committee of the Whole House, with amendments, were severally considered, the amendments agreed to, the bills as amended ordered to be engrossed and read the third time; and they were accordingly read the third time and passed:

H. R. 8106. A bill granting a pension to Olivia Donathy;

H. R. 9165. A bill to increase the pension of Horace L. Stiles (title amended);

H. R. 11680. A bill granting a pension to Richard Myers;

H. R. 1604. A bill for the benefit of Joel H. Hallowell, of Covington, Ky.;

H. R. 9745. A bill granting a pension to Susan Sidenbender, of Medix Run, Pa. (title amended);

H. R. 11452. A bill to restore the name of Nellie L. Bliss to the pension roll (title amended);

H. R. 4962. A bill granting a pension to James E. Bates;

H. R. 7580. A bill granting a pension to Samuel N. Haskins, of Providence, R. I. (title amended);

H. R. 3512. A bill to pension Rebecca G. Irwin (title amended);

H. R. 4651. A bill granting a pension to Mrs. Emily Alder (title amended);

H. R. 8771. A bill granting an increase of pension to Lyman A. Sayles;

H. R. 4018. A bill granting a pension to Mrs. Elizabeth Dinnon, widow of the late John Dinnon (title amended);

H. R. 10482. A bill granting a pension to Pattie D. McCown.

H. R. 4963. A bill granting an increase of pension to Capt. Charles E. Churchill (title amended);

H. R. 8190. A bill granting a pension to Henry Miller;

H. R. 7617. A bill granting an increase of pension to Rebecca Tolson, of Clifton, Va. (title amended);

H. R. 10792. A bill to increase the pension of John T. Knox (title amended);

H. R. 2595. A bill granting a pension to W. C. Griffin (title amended);

H. R. 10069. A bill granting a pension to Sarah T. Brewer;

H. R. 5853. A bill granting a pension to Mary Black, widow of Samuel C. Black (title amended);

H. R. 2085. A bill for the relief of Jane Womack (title amended);

H. R. 7757. A bill for the relief of Agnes Ryder, minor child of the late Thomas P. Ryder, brigade quartermaster's clerk of Third Brigade, Third Division, First Army Corps, Spanish-American war (title amended);

H. R. 3545. A bill granting a pension to Mrs. Ellen Hardin Wawlorth (title amended);

H. R. 6323. A bill for the relief of John McDonald, alias John Shannon;

H. R. 7243. A bill to remove the charge of desertion from the military record of Silas Nicholson;

H. R. 7053. A bill for the relief of Mrs. Addie L. Potter (title amended);

H. R. 8091. A bill granting a pension to Benjamin E. Styles;

H. R. 8794. A bill to place on the pension roll the name of Ellen H. Phillips (title amended);

H. R. 11927. A bill granting a pension to Elizabeth Dickerson, formerly widow of James Bohler (title amended);

H. R. 3436. A bill for the relief of John Abel (title amended);

H. R. 11583. A bill granting an increase of pension to Jerome R. Rowley;
H. R. 425. A bill for the relief of David K. Reynolds;
H. R. 417. A bill for the relief of Henry Cook;
H. R. 8474. A bill to remove the charge of desertion from the military record of Gustavus Adolphus Thompson;
H. R. 5898. A bill granting an increase of pension to George F. White;
H. R. 7024. A bill granting a pension to Sarah Herriman (title amended);
H. R. 2816. A bill granting a pension to Annie C. Collier;
H. R. 9177. A bill granting an increase of pension to Luke P. Allphin (title amended);
H. R. 9903. A bill granting an increase of pension to Henry Shell (title amended);
H. R. 9874. A bill granting an increase of pension to Anna F. Johnson;
H. R. 9672. A bill to increase the pension of Mrs. M. McGlensey, widow of Capt. John F. McGlensey, of the United States Navy (title amended);
H. R. 296. A bill granting an increase of pension to Mrs. Mattie Otis Dickinson (title amended);
H. R. 191. A bill granting a pension to Laura P. Lee (title amended);
H. R. 2399. A bill granting an increase of pension to Edward McDuffey;
H. R. 4020. A bill for the relief of William Burke;
H. R. 2464. A bill to remove the charge of desertion from the military record of Nicholas Swingle;
H. R. 6492. A bill to correct the military record of James Donahue;
H. R. 11795. A bill granting a pension to Columbus S. Whitaker (title amended);
H. R. 6810. A bill granting an increase of pension to Peter Anderson, of Strong City, Kans. (title amended);
H. R. 3871. A bill granting a pension to W. J. Worthington (title amended);
H. R. 2395. A bill granting an increase of pension to Mathew McDonald (title amended);
H. R. 6997. A bill to increase pension of Mrs. Josephine H. Whitehead;
H. R. 9787. A bill granting a pension to Marion M. Stone;
H. R. 2178. A bill granting a pension to James Beistle (title amended);
H. R. 9404. A bill granting a pension to Elizabeth Hendricks, of Dubois, Pa. (title amended);
H. R. 7602. A bill to correct the military record of Palmer G. Percy;
H. R. 2092. A bill granting an increase of pension to Madison McCollister;
H. R. 6787. A bill to pension Edwin A. Wilson (title amended);
H. R. 10706. A bill to pension Miss Flora Moore, of Williamsburg, Ky. (title amended);
H. R. 3546. A bill granting a pension to Caroline M. H. Searing;
H. R. 5610. A bill granting a pension to Mrs. Elizabeth B. McClellan (title amended);
H. R. 11985. A bill granting an increase of pension to Henry C. Brooks;
H. R. 5336. A bill granting an increase of pension to William S. Swaney;
H. R. 12245. A bill granting a pension to Henry A. Jordan (title amended);
H. R. 8594. A bill granting a pension to Matilda Rapp;
H. R. 1995. A bill granting an increase of pension to Frederick O. Lathrop;
H. R. 11910. A bill granting an increase of pension to Thomas H. Roberts;
H. R. 7152. A bill for the relief of Nancy L. Donaldson (title amended);
H. R. 4217. A bill granting an increase of pension to Michael Dignon (title amended);
H. R. 236. A bill granting an increase of pension to Albert M. Bennett, of Providence, R. I. (title amended);
H. R. 2527. A bill granting an increase of pension to David Briggs;
H. R. 3247. A bill for the relief of George Mowry;
H. R. 429. A bill to increase the pension of John R. Joy, Company H, Thirty-ninth Iowa Infantry.
H. R. 3784. A bill granting an increase of pension to Linsay C. Jones;
H. R. 5224. A bill for the relief of Daniel Smith, of Fentress County, Tenn.;
H. R. 11361. A bill granting a pension to Susan A. Miller;
H. R. 9106. A bill granting a pension to Nancy Marshall;
H. R. 9928. A bill granting an increase of pension to H. S. Reed, alias Daniel Hull;
H. R. 9985. A bill granting an increase of pension to Martin Sherwood, late of Company C, Thirty-sixth Regiment Wisconsin Volunteer Infantry;
H. R. 11335. A bill granting a pension to Silas Howard;
H. R. 12620. A bill granting an increase of pension to John P. C. Shanks;

Senate bills of the following titles, favorably reported from the Committee of the Whole without amendment, were severally considered, ordered to a third reading, read a third time, and passed:

S. 2954. An act granting an increase of pension to Elam Kirk;
S. 4105. An act granting an increase of pension to John Coombs;
S. 2110. An act restoring the pension of John R. McCoy;
S. 2753. An act granting an increase of pension to David H. Morey;
S. 2819. An act granting an increase of pension to Harry Van Gelder;
S. 2486. An act granting an increase of pension to Susan Daniels;
S. 1246. An act granting an increase of pension to Charles A. Perkins;
S. 3624. An act granting a pension to Henry K. Davis;
S. 3137. An act granting an increase of pension to Lunsford Ellis;
S. 1280. An act granting an increase of pension to Alfred Hering;
S. 1282. An act granting an increase of pension to Thomas G. Huff;
S. 946. An act granting an increase of pension to Stephen Johnson;
S. 2305. An act granting a pension to Eliza Pennypacker;
S. 1463. An act granting an increase of pension to Jasper Pitts;
S. 952. An act granting an increase of pension to Francis M. Porter;
S. 2827. An act granting an increase of pension to Cornelius Shroder;
S. 1240. An act granting a pension to Samuel Nichols;
S. 3522. An act granting an increase of pension to Eben E. Pushor;
S. 1627. An act granting an increase of pension to George B. Hayden;
S. 4420. An act granting an increase of pension to James Irvine;
S. 4288. An act granting an increase of pension to Elizabeth Brooks;
S. 3079. An act granting an increase of pension to William Oliver;
S. 823. An act granting an increase of pension to Brice Davis;
S. 2333. An act granting an increase of pension to James Osborn;
S. 2767. An act granting a pension to Nellie L. Parsons;
S. 3954. An act granting an increase of pension to Caroline Z. Repetti;
S. 3991. An act granting an increase of pension to Sylvester Solomon;
S. 3729. An act granting a pension to Prudence Reamer;
S. 415. An act granting an increase of pension to John Roop;
S. 3440. An act granting an increase of pension to George W. Harrison;
S. 3517. An act granting an increase of pension to Adam Velten;
S. 4555. An act granting an increase of pension to Stephen Longfellow;
S. 4212. An act granting an increase of pension to Edyth M. Muck;
S. 4128. An act granting a pension to Hester A. Phillips;
S. 993. An act granting an increase of pension to Edwin S. Anderson;
S. 3223. An act granting an increase of pension to William R. McMaster;
S. 4742. An act granting an increase of pension to Jesse F. Gates;
S. 2834. An act granting an increase of pension to Ann E. Cluke;
S. 4557. An act granting an increase of pension to Lucy E. Danilson;
S. 1775. An act granting an increase of pension to Andrew J. Arnett;
S. 4241. An act granting an increase of pension to William T. Gratton;
S. 4261. An act granting a pension to Frances M. Cellar;
S. 2755. An act granting an increase of pension to Isaac N. Cissna;
S. 1456. An act granting an increase of pension to Fordyce M. Keith;
S. 4553. An act granting an increase of pension to Benjamin Rippleman;
S. 4552. An act granting an increase of pension to Joseph Smith;
S. 3512. An act granting an increase of pension to Samuel Schutz;
S. 3574. An act granting a pension to Julia Van Wicklen;
S. 2777. An act granting a pension to Benjamin F. Trapp;
S. 4191. An act granting a pension to Annie E. Littlefield;
S. 4296. An act granting an increase of pension to Frances E. Childs;
S. 1588. An act granting a pension to Eva Clark;

S. 4548. An act granting an increase of pension to Albert A. Roberts; and

S. 4771. An act granting an increase of pension to Gilbert F. Colby.

Senate bills of the following titles, reported from the Committee of the Whole House with amendments, were severally considered, the amendments agreed to, the bills as amended ordered to a third reading, read a third time, and passed:

S. 3890. An act granting an increase of pension to Americus V. Rice;

S. 3342. An act granting a pension to Samuel Dornon;

S. 3642. An act restoring the pension of August R. Rollins, alias Rhenault A. Rollins;

S. 2166. An act granting a pension to Charles A. D. Wiswell;

S. 91. An act granting a pension to J. J. Groff;

S. 1413. An act granting a pension to Erie E. Farmer;

S. 2400. An act granting an increase of pension to Edith Lockwood Sturdy;

S. 4575. An act granting an increase of pension to Thomas Claiborne.

S. 667. An act granting a pension to B. H. Randall;

S. 2729. An act granting a pension to Eliza L. Reese;

S. 1400. An act granting a pension to William Lyman Chittenden;

S. 3457. An act granting an increase of pension to Laura Ann Smith;

S. 349. An act granting an increase of pension to James H. Coventon;

S. 292. An act granting an increase of pension to Martha G. D. Lyster;

S. 2432. An act granting an increase of pension to James A. Thomas;

S. 4441. An act granting an increase of pension to Gertrude B. Wilkinson;

S. 5093. An act granting an increase of pension to Charlotte W. Drew;

S. 4054. An act granting an increase of pension to Elizabeth W. Eldridge; and

S. 4574. An act granting an increase of pension to Mary Emily Wilcox.

Bills of the following titles, reported from the Committee of the Whole House with the recommendation that they lie on the table, were severally considered, and ordered to lie on the table:

H. R. 10521. A bill granting a pension to Charlotte W. Drew;

H. R. 2405. A bill granting an increase of pension to James G. McClure;

H. R. 10548. A bill for the relief of Thomas Claiborne;

H. R. 8415. A bill granting an increase of pension to Jesse F. Gates;

H. R. 11936. A bill granting an increase of pension to William Everett;

S. 4178. An act granting a pension to Thomas White; and

S. 2430. An act granting a pension to Mary C. Williams.

On motion of Mr. GIBSON, by unanimous consent, a motion to reconsider the various votes by which bills reported from the Committee of the Whole House were passed was laid on the table.

ASHEL C. AULICK.

Mr. BERRY. I ask unanimous consent for the present consideration of the bill (H. R. 12233) granting a pension to Ashel C. Aulick. This is the case of a soldier of the Spanish war who is now lying very sick—paralyzed. The bill has been reported favorably by the Committee on Pensions. The proposed pension is only $15 a month. I have seen this man lying sick at his home.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place upon the United States pension roll the name of Ashel C. Aulick, Company H, Third Ohio Infantry, Spanish war, at the rate of $20 per month, subject to the restrictions and limitations of the United States general pension laws.

There being no objection, the House proceeded to the consideration of the bill.

The following amendments reported by the Committee on Pensions were read and agreed to:

In line 3, after the word "Interior," insert "be, and he."

In line 4, after the word "roll," insert "subject to the provisions and limitations of the pension laws;" and in same line strike out "United States."

Strike out all in the bill after line 5 and insert in lieu thereof the words "war with Spain, and pay him a pension at the rate of $15 per month."

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

WITHDRAWAL OF PAPERS.

Mr. GARDNER of Michigan, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of William H. Smith, Fifty-fifth Congress, no adverse report having been made.

And then, on motion of Mr. DALZELL (at 4 o'clock and 55 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Chief of the Bureau of Engraving and Printing submitting an estimate of appropriation for office rent—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for repairs to the Treasury building—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of James C. Mundlen, administrator of estate of Mahala J. Parks, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of W. T. Smallman, administrator of estate of David Smallman, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Commissary-General of the Army, recommendation that section 285 of the Revised Statutes, relating to disbursements by officers of the Navy, be so amended as to apply to the Army—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, with statements of the accounting officers, statements of delinquencies in accounts—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate of appropriations for repairs of school buildings—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8160) locating certain land scrip in the name of Antonie La Pierre and others, reported the same without amendment, accompanied by a report (No. 2271); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOUD, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 13423) to revise and codify the laws relating to the Post-Office Department and postal service, and for other purposes, reported the same without amendment, accompanied by a report (No. 2272); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLYNN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc., reported the same with amendment, accompanied by a report (No. 2274); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12204) granting an increase of pension to Mary A. Tunis, reported the same with amendment, accompanied by a report (No. 2212); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5360) granting an increase of pension to Hiram I. Hoyt, reported the same without amendment, accompanied by a report (No. 2213); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13214) granting an increase of pension to Jacob C. Hansel, reported the same with amendment, accompanied by a report (No. 2214); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which

was referred the bill of the House (H. R. 12442) granting an increase of pension to Mary E. Starr, reported the same with amendment, accompanied by a report (No. 2215); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8973) granting an increase of pension to David I. Coon, reported the same with amendment, accompanied by a report (No. 2216); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6409) granting a pension to M. E. Hamill, reported the same with amendment, accompanied by a report (No. 2217); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3375) granting an increase of pension to Martha M. Bedell, reported the same without amendment, accompanied by a report (No. 2218); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12778) granting a pension to Adoniram J. Holmes, reported the same with amendment, accompanied by a report (No. 2219); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12997) granting an increase of pension to Thomas J. Young, reported the same without amendment, accompanied by a report (No. 2220); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3376) granting an increase of pension to James McFry, reported the same without amendment, accompanied by a report (No. 2221); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7315) granting a pension to William W. King, reported the same with amendment, accompanied by a report (No. 2222); which said bill and report were referred to the Private Calendar.

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9218) granting an increase of pension to George W. Hissey, reported the same with amendment, accompanied by a report (No. 2223); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12180) granting a pension to Gilbert L. Pierce, reported the same with amendment, accompanied by a report (No. 2224); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1204) granting a pension to William Gaddis, reported the same without amendment, accompanied by a report (No. 2225); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3078) granting a pension to Amanda W. Clancy, widow of Col. C. W. Clancy, late Fifty-second Ohio, reported the same with amendment, accompanied by a report (No. 2226); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4193) to pension Levi C. Mann, reported the same with amendment, accompanied by a report (No. 2227); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5614) granting a pension to Virginia R. Friedeborn, reported the same with amendment, accompanied by a report (No. 2228); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2624) granting a pension to Mary M. Kean, reported the same without amendment, accompanied by a report (No. 2229); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4813) granting a pension to Taylor Hux, reported the same with amendment, accompanied by a report (No. 2230); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6417) granting a pension to Eliza C. Johnson, reported the same with amendment, accompanied by a report (No. 2231); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4232) granting an increase of pension to Philip Volkner, Company C, Twenty-ninth Michigan Infantry, reported the same with amendment, accompanied by a report (No. 2232); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3224) granting a pension to Amos L. Hood, reported the same without amendment, accompanied by a report (No. 2233); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4357) granting a pension to Jakobina Halbertsma, reported the same with amendment, accompanied by a report (No. 2234); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4856) granting an increase of pension to William F. Cloud, reported the same without amendment, accompanied by a report (No. 2235); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12304) granting a pension to Mrs. Mary B. Whiteley, reported the same with amendment, accompanied by a report (No. 2236); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10046) to pension Rosa Cox, reported the same with amendment, accompanied by a report (No. 2237); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4836) granting an increase of pension to Phebe E. Babcock, reported the same without amendment, accompanied by a report (No. 2238); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9066) granting an increase of pension to Joseph N. Loving, reported the same with amendment, accompanied by a report (No. 2239); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11453) granting a pension to Charles E. Binns, reported the same with amendment, accompanied by a report (No. 2240); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11812) granting an increase of pension to Daniel E. Turner, reported the same with amendment, accompanied by a report (No. 2241); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3501) granting an increase of pension to Kate Harbaugh, reported the same without amendment, accompanied by a report (No. 2242); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12250) granting an increase of pension to Patrick Brennan, reported the same with amendment, accompanied by a report (No. 2243); which said bill and report were referred to the Private Calendar.

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12184) for the relief of Thomas Jefferson Holmes, reported the same with amendment, accompanied by a report (No. 2244); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2107) granting an increase of pension to James Brown, reported the same without amendment, accompanied by a report (No. 2245); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12491) granting an increase of pension to Robert H. Metcalf, reported the same with amendment, accompanied by a report (No. 2246); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2907) granting a pension to Henrietta Parrott, reported the same without amendment, accompanied by a report (No. 2247); which said bill and report were referred to the Private Calendar.

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12775) granting a pension to Sarah Miller, reported the same without amendment, accompanied by a report (No. 2248); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3758) granting an increase of pension to William I. Miller, reported the same without

amendment, accompanied by a report (No. 2249); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3883) granting an increase of pension to W. H. Ransom, reported the same with amendment, accompanied by a report (No. 2250); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4277) granting a pension to Albert Wetzel, reported the same without amendment, accompanied by a report (No. 2251); which said bill and report were referred to the Private Calendar.

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11723) granting an increase of pension to William K. Grayson, reported the same with amendment, accompanied by a report (No. 2252); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9503) granting an increase of pension to Samuel Baughman, reported the same with amendment, accompanied by a report (No. 2253); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12826) granting an increase of pension to Charles H. Knapp, reported the same with amendment, accompanied by a report (No. 2254); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2319) granting an increase of pension to Charles C. Bunty, reported the same without amendment, accompanied by a report (No. 2255); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4022) granting a pension to William B. Caldwell, reported the same without amendment, accompanied by a report (No. 2256); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1044) granting an increase of pension to Rachel M. Worley, reported the same without amendment, accompanied by a report (No. 2257); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3680) granting a pension to Mary Elizabeth Moore, reported the same without amendment, accompanied by a report (No. 2258); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5005) granting an increase of pension to Frederick Vogel, reported the same without amendment, accompanied by a report (No. 2259); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5126) granting an increase of pension to John D. Thompson, reported the same without amendment, accompanied by a report (No. 2260); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1604) granting an increase of pension to Harvey Graham, reported the same without amendment, accompanied by a report (No. 2261); which said bill and report were referred to the Private Calendar.

Mr. SHAW, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5045) granting a pension to Eliza N. Lord, reported the same without amendment, accompanied by a report (No. 2262); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2879) granting a pension to Mary E. Griffiths, reported the same without amendment, accompanied by a report (No. 2263); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 13382) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes, reported the same with amendment, accompanied by a report (No. 2264); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 5093) granting an increase of pension to Charlotte W. Drew, reported the same with amendment, accompanied by a report (No. 2265); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4575) granting an increase of pension to Thomas Claiborne, reported the same with amendment, accompanied by a report (No. 2266); which said bill and report were referred to the Private Calendar.

Mr. WEEKS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8380) granting increase of pension to R. G. Morris, reported the same with amendment, accompanied by a report (No. 2267); which said bill and report were referred to the Private Calendar.

Mr. STANLEY W. DAVENPORT, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12441) granting an increase of pension to Aaron R. Rohrbach, reported the same with amendment, accompanied by a report (No. 2268); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1792) granting a pension to Martha C. M. Fisher, reported the same with amendment, accompanied by a report (No. 2269); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1872) granting an increase of pension to Hiram J. Reamer, reported the same with amendment, accompanied by a report (No. 2270); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 11630) to remove charge of desertion from military record of George W. Moore, alias George W. More, reported the same with amendment, accompanied by a report (No. 2273); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 4625) granting a pension to James M. Long—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13091) granting a pension to Sarah A. Tubbs—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5569) for the relief of certain Government employees at Fort Leavenworth, Kans., and for other purposes—Committee on War Claims discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FLYNN: A bill (H. R. 13458) to divide the Indian Territory into counties and to establish the county seats thereof, and for other purposes—to the Committee on Indian Affairs.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 13459) granting additional pay to soldiers engaged in the Spanish-American war—to the Committee on War Claims.

By Mr. GROSVENOR: A bill (H. R. 13460) to amend an act entitled "An act to adopt regulations for preventing collisions at sea," approved August 19, 1890—to the Committee on the Merchant Marine and Fisheries.

By Mr. PEARCE of Missouri: A bill (H. R. 13461) to punish frauds at elections for Representatives and Delegates in Congress, and for other purposes—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. SHEPPARD: A bill (H. R. 13462) to regulate the issuance of writs from the district and circuit courts—to the Committee on the Judiciary.

Also (by request), a bill (H. R. 13463) to prevent intruders, citizens by marriage, and reservators from sharing in the lands and annuities of the Cherokee Nation—to the Committee on Indian Affairs.

By Mr. BURLESON: A bill (H. R. 13464) making an appropriation for the improvement of the Brazos River, from its mouth to Old Washington, Tex.—to the Committee on Rivers and Harbors.

By Mr. BULL: A bill (H. R. 13497) for the erection of an addition to the post-office and custom-house in the city of Newport, R. I.—to the Committee on Public Buildings and Grounds.

By Mr. MONDELL: A resolution (H. Res. 351) to pay $379.09 to John Iredale for services as folder in folding room—to the Committee on Accounts.

By Mr. GREENE of Massachusetts: A resolution (H. Res. 352) for the appointment of a messenger in the file room, Clerk's office—to the Committee on Accounts.

By Mr. HEMENWAY: A resolution (H. Res. 353) authorizing the Clerk of the House of Representatives to pay the widow of J. R. Whitacre, late a messenger on the soldiers' roll, a sum equal

to six months' salary, and funeral expenses not to exceed $250—to the Committee on Accounts.

By Mr. WEAVER: A resolution (H. Res. 354) to pay Guy Underwood for librarian services in the Hall Library—to the Committee on Accounts.

By Mr. ESCH: A resolution (H. Res. 355) to increase salary of H. D. Norton—to the Committee on Accounts.

By Mr. HENDERSON: A resolution of the legislature of California, favoring the passage of the Wadsworth bill (H. R. 96)—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENTON (by request): A bill (H. R. 13465) for relief of John Wadsworth—to the Committee on Claims.

By Mr. CONNER: A bill (H. R. 13466) granting a pension to Ellen A. Plumley—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 13467) granting an increase of pension to Laura L. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13468) granting an increase of pension to Sanford Weaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13469) granting a pension to Perry Abbett—to the Committee on Pensions.

Also, a bill (H. R. 13470) granting a pension to Thomas Edens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13471) granting a pension to John Moore—to the Committee on Pensions.

Also, a bill (H. R. 13472) for the relief of Charles Artzt—to the Committee on War Claims.

By Mr. DAVIS: A bill (H. R. 13473) for the relief of J. A. McDonald, Edwin Nelson, E. L. White, Z. T. Merritt, and W. A. Filer—to the Committee on Claims.

By Mr. DE ARMOND: A bill (H. R. 13474) granting an increase of pension to William H. Leavell—to the Committee on Invalid Pensions.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 13475) to remove the charge of desertion from the military service of Michael Clifford, alias Kelleher—to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 13476) granting a pension to Rachael Curreston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13477) granting a pension to Martha J. Chapell—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 13478) referring the claim of the legal representatives of William T. Duvall, deceased, against the United States to the Court of Claims—to the Committee on Claims.

By Mr. LITTAUER: A bill (H. R. 13479) granting an increase of pension to Walter Barbery—to the Committee on Invalid Pensions.

By Mr. LANE: A bill (H. R. 13480) for the relief of John Albright—to the Committee on Military Affairs.

Also, a bill (H. R. 13481) granting a pension to G. J. Shaffer, of Clinton, Iowa—to the Committee on Invalid Pensions.

By Mr. RUPPERT: A bill (H. R. 13482) to correct the military record of Joseph F. Simpson—to the Committee on Military Affairs.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 13483) for the relief of Nora Stokes—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13484) for the relief of William B. Olive—to the Committee on War Claims.

Also, a bill (H. R. 13485) for the relief of John C. Thomas—to the Committee on War Claims.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 13486) granting an increase of pension to Charles W Jerome—to the Committee on Invalid Pensions.

By Mr. HENRY. C. SMITH: A bill (H. R. 13487) granting an increase of pension to Dewit C. Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13488) granting a pension to Mary E. Conner—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 13489) granting an increase of Pension to James A. Edmonds—to the Committee on Invalid Pensions.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 13490) granting a pension to Joseph Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13491) authorizing the Mount Carmel Development Company to draw water from Wabash River at Grand Rapids, Wabash County, Ill.—to the Committee on Rivers and Harbors.

By Mr. DOUGHERTY: A bill (H. R. 13492) granting a pension to Benjamin M. Prentiss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13493) granting a pension to Jacob Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13494) granting a pension to Henry F. Peery—to the Committee on Invalid Pensions.

By Mr. JONES of Virginia: A bill (H. R. 13495) for relief of Sarah Ann Collins and Lauretta Turlington—to the Committee on Pensions.

By Mr. SHAFROTH: A bill (H. R. 13496) granting a pension to S. H. Williamson—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 13498) granting a pension to James G. Head—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13499) granting a pension to Mrs. Elizabeth Seifert—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARHAM: Petition of Theodore Conick, keeper, and surfmen of Pains Reyes life-saving station, favoring bill to promote efficiency of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKETT: Papers to accompany House bill No. 9832, to restore the status of the Nebraska Territorial militia—to the Committee on Military Affairs.

By Mr. BURTON: Petition of banks and bankers of the State of Ohio for the enactment of laws allowing national banks to loan on real estate—to the Committee on Banking and Currency.

By Mr. CONNER: Petition of 50 citizens of Algona, Iowa, in favor of the restriction of the liquor traffic in Africa—to the Committee on Foreign Affairs.

By Mr. COOPER of Wisconsin: Petition of members of the municipal councils of Carolina and De Guayama, P. R., to amend section 3 of the act of Congress to provide for the administration of civil affairs in Porto Rico pending the appointment of civil officers—to the Committee on the Judiciary.

By Mr. COUSINS: Resolutions of the Retail Grocers' Association of Marshalltown, Iowa, against the parcel-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Clarence, Cedar County, Iowa, for the ratification of the treaty between civilized nations relative to alcoholic trade in Africa—to the Committee on Foreign Affairs.

By Mr. DALZELL: Resolutions of the American Institute of Electrical Engineers of New York City, favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of Charles R. Bright Post, No. 360, Department of Pennsylvania, Grand Army of the Republic, in favor of House bill for the relief of D. I. Coon—to the Committee on Invalid Pensions.

Also, petition of sundry citizens of Pittsburg, Pa., in favor of House bill for the relief of Francis Reilly—to the Committee on Military Affairs.

By Mr. DOUGHERTY: Petition of Henry F. Peery, of Jamesport, Mo., for increase of pension—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Gen. B. M. Prentiss—to the Committee on Invalid Pensions.

By Mr. ESCH: Resolution of the faculty of the College of Engineering of the University of Wisconsin, favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of the Ohio Valley Improvement Association, urging the improvement of the Ohio River at various points—to the Committee on Rivers and Harbors.

By Mr. FITZGERALD of New York: Resolution of the Thirty-fourth Annual Encampment of the Grand Army of the Republic, commending the work accomplished by the Gettysburg National Park Commission, and asking for further appropriation to complete the work—to the Committee on Appropriations.

Also, resolutions of the Chamber of Commerce of New York, urging the passage of the Pacific cable bill and indorsing the general principles embodied in House bill No. 2980—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the National Wholesale Druggists' Association, opposing the free distribution of medicinal remedies—to the Committee on Agriculture.

Also, resolutions of the Maritime Association of the port of New York for such legislation as will strengthen our maritime position—to the Committee on the Merchant Marine and Fisheries.

Also, petition of John P. Fairlee and 36 other citizens of the city of New York, N. Y., in favor of an amendment to the Constitution against polygamy, and other reform measures—to the Committee on the Judiciary.

Also, resolutions of the Chamber of Commerce of New York favoring the passage of a bill authorizing the President to invite the International Congress of Navigation to hold its next meeting in the city of Washington, D. C.—to the Committee on Foreign Affairs.

By Mr. FOWLER: Petition of W. P. Ball and other citizens of Irvington, N. J., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. GARDNER of New Jersey: Petitions of C. D. Thompson and others, John J. Marshall and others, keepers and surfmen of life-saving stations, favoring bill to promote efficiency of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Resolutions of the Sixth Annual Convention of the Ohio Valley Improvement Association, for the improvement of the Ohio River and the construction of locks and dams at various points—to the Committee on Rivers and Harbors.

Also, petition of the National Association of Railway Postal Clerks, favoring the bill for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, petition of the National Association of Chiefs of Police of the United States and Canada, for the establishment of a national bureau of identification in Washington—to the Committee on the Judiciary.

By Mr. JACK: Resolutions of Charles S. Whitworth Post, No. 89, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill No. 5779, giving veterans preferment in public service—to the Committee on Reform in the Civil Service.

By Mr. JONES of Virginia: Petition of the heirs of Christopher Armat, of Spottsylvania County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MANN: Petition of Smith-Wallace Shoe Company and other firms of Chicago, Ill., praying for the removal of the duty on hides—to the Committee on Ways and Means.

Also, petition of the Saloonkeepers' Association of Blue Island, Ill., for the repeal of the war tax of $1 per barrel on beer in the war-revenue act—to the Committee on Ways and Means.

By Mr. MORRELL: Petition of A. R. Barrett and other citizens of the Fifth Congressional district of Pennsylvania, in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. RUSSELL: Petition of citizens of Preston, Conn., for legislation to prohibit the sale of intoxicants in the Philippines and island possessions of the United States; for international treaty to prohibit liquor sales in Africa and the islands of the Pacific, and to prohibit liquor sales at Army posts, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petition of American Federation of Labor, Union No. 8198, of Norwich, Conn., favoring the passage of House bill No. 7427, known as the eight-hour bill—to the Committee on Labor.

By Mr. SHATTUC: Petition of Sons of the American Revolution, for the purchase of Revolutionary battlefields and the establishment of same as national parks—to the Committee on Military Affairs.

By Mr. STARK: Petition of Louis Heimrod and 11 others, gaugers and storekeepers in the Internal-Revenue Service, in the State of Nebraska, for sufficient appropriation to provide for them vacations without loss of pay—to the Committee on Appropriations.

By Mr. STEVENS of Minnesota: Protest of the board of water commissioners of St. Paul, Minn., against the passage of the bill for the relief of the widow of Isaiah Smith Hyatt—to the Committee on Patents.

By Mr. JAMES R. WILLIAMS: Papers to accompany House bill for the relief of Joseph Sullivan, late private, Company F, Fortieth Regiment Illinois Volunteer Infantry—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *January 12, 1901.*

The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

We bless Thee, our Father, that through the growing influence of Thy Son and of Thy Holy Spirit the sentiment of brotherly kindness among men has grown and is increasing, and finds itself with emphatic expression in this the highest political body of the nation. And now, as we come about the lately open grave of the late eminent senior Senator from Minnesota to pay the tribute of respect and affection to his memory, may all the best and noblest traits of his character come out, and may we respond to them with genuine and affectionate admiration and appreciation.

Let Thy blessing rest upon all the Senators, those who are detained at home by infirmity and indisposition, those who are here and to be present, and may this be a memorable day in the history of the Senate as it engraves the name and recollection of our departed friend and brother high among the statesmen of the nation. We humbly pray, through Jesus Christ, our Savior. Amen.

NAMING A PRESIDING OFFICER.

Mr. PERKINS called the Senate to order and said: The Secretary will read a communication from the President pro tempore of the Senate.

The Secretary (Mr. CHARLES G. BENNETT) read as follows:

UNITED STATES SENATE,
Washington, D. C., January 11, 1901.

I hereby name Mr. PERKINS, senior Senator from California, to perform the duties of the Chair during my absence Saturday, the 12th day of January instant.

WILLIAM P. FRYE,
President pro tempore.

Mr. PERKINS thereupon took the chair as Presiding Officer for to-day.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

INTERNATIONAL COPYRIGHT ACT.

The PRESIDING OFFICER (Mr. PERKINS) laid before the Senate a communication from the Commissioner of Labor, transmitting, in response to a resolution of January 23, 1900, a report on the effect of the international copyright law of the United States; which, with the accompanying papers, was referred to the Committee on Patents, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed the following bills and joint resolution:

A bill (S. 415) granting an increase of pension to John Roop;
A bill (S. 823) granting an increase of pension to Brice Davis;
A bill (S. 946) granting an increase of pension to Stephen Johnson;
A bill (S. 952) granting an increase of pension to Francis M. Porter;
A bill (S. 993) granting an increase of pension to Edwin S. Anderson;
A bill (S. 1240) granting a pension to Samuel Nichols;
A bill (S. 1246) granting an increase of pension to Charles A. Perkins;
A bill (S. 1280) granting an increase of pension to Alfred Hering;
A bill (S. 1282) granting an increase of pension to Thomas G. Huff;
A bill (S. 1456) granting an increase of pension to Fordyce M. Keitle;
A bill (S. 1463) granting an increase of pension to Jasper Pitts;
A bill (S. 1588) granting a pension to Eva Clark;
A bill (S. 1627) granting an increase of pension to George B. Hayden;
A bill (S. 1775) granting an increase of pension to Andrew J. Arnett;
A bill (S. 2110) restoring the pension of John R. McCoy;
A bill (S. 2305) granting a pension to Eliza D. Pennypacker;
A bill (S. 2333) granting an increase of pension to James Osborn;
A bill (S. 2486) granting an increase of pension to Susan Daniels;
A bill (S. 2753) granting an increase of pension to David H. Morey;
A bill (S. 2755) granting an increase of pension to Isaac N. Cissna;
A bill (S. 2767) granting a pension to Nellie L. Parsons;
A bill (S. 2777) granting a pension to Benjamin F. Trapp;
A bill (S. 2819) granting an increase of pension to Henry Van Gelder;
A bill (S. 2827) granting an increase of pension to Cornelius Shroder;
A bill (S. 2834) granting an increase of pension to Ann E. Cluke;
A bill (S. 2954) granting an increase of pension to Elam Kirk;
A bill (S. 3079) granting an increase of pension to William Oliver;
A bill (S. 3137) granting an increase of pension to Lunsford Ellis;
A bill (S. 3223) granting an increase of pension to William R. McMaster;
A bill (S. 3440) granting an increase of pension to George W. Harrison;
A bill (S. 3512) granting an increase of pension to Samuel Schutz;
A bill (S. 3517) granting an increase of pension to Adam Velten;
A bill (S. 3522) granting an increase of pension to Eben E. Pushor;
A bill (S. 3574) granting a pension to Julia Van Wicklen;
A bill (S. 3624) granting a pension to Henry K. Davis;
A bill (S. 3729) granting a pension to Prudence Reamer;
A bill (S. 3954) granting an increase of pension to Caroline Z. Repetti;
A bill (S. 3991) granting an increase of pension to Sylvester Solomon;
A bill (S. 4105) granting an increase of pension to John Coombs;
A bill (S. 4128) granting a pension to Hester A. Phillips;

A bill (S. 4191) granting a pension to Anna E. Littlefield;
A bill (S. 4212) granting an increase of pension to Edyth M. Muck;
A bill (S. 4241) granting an increase of pension to William T. Gratton;
A bill (S. 4261) granting a pension to Frances M. Cellar;
A bill (S. 4288) granting an increase of pension to Elizabeth Brooks;
A bill (S. 4296) granting an increase of pension to Frances E. Childs;
A bill (S. 4420) granting an increase of pension to James Irvine;
A bill (S. 4548) granting an increase of pension to Albert A. Roberts;
A bill (S. 4552) granting an increase of pension to Joseph Smith;
A bill (S. 4553) granting an increase of pension to Benjamin Rippleman;
A bill (S. 4555) granting an increase of pension to Stephen Longfellow;
A bill (S. 4557) granting an increase of pension to Lucy E. Danilson;
A bill (S. 4742) granting an increase of pension to Jesse F. Gates;
A bill (S. 4771) granting an increase of pension to Gilbert F. Colby;
A bill (S. 5231) relating to the accounts of United States marshals and clerks of the district courts of the Territory of Utah; and
A joint resolution (S. R. 145) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect, on March 4, 1901, etc.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER laid before the Senate the following telegraphic memorial from the legislature of the State of California; which was read, and referred to the Committee on Agriculture and Forestry:

[Telegram.]

STATE CAPITOL, *Sacramento, Cal., January 10, 1901.*

WILLIAM P. FRYE,
President of the Senate, Washington, D. C.:

I am directed by the senate of the State of California to transmit to you by telegraph the following joint resolution, No. 1, which was adopted by both houses of the California legislature on Tuesday, January 8, 1901. Kindly present same to your honorable body.

Senate joint resolution No. 1.

Whereas the quarantine which this State has maintained against the introduction of insects, pests, and plant disease had been of immeasurable benefit to our horticultural and agricultural interests; and

Whereas there is now before Congress a bill, which was introduced by Hon. Mr. WADSWORTH, and entitled "H. R. bill No. 96," and which bill provides for a national quarantine against such pests and plant diseases; and

Whereas the operation of this bill would be very beneficial to the horticultural interests, and especially to the citrus fruit industry: Therefore, be it

Resolved by the senate and assembly of the State of California jointly, That we respectfully but urgently request the Congress of the United States to enact said bill H. R. No. 96 at its present session, thereby securing to our horticultural interests immunity from further insect enemies, and to the citrus fruit growers freedom from the introduction of the orange fruit maggot.

Resolved, That the secretary of the senate be directed to immediately telegraph these resolutions to the honorable President of the Senate and the honorable Speaker of the House of Representatives of the United States.

Faithfully, yours,

FRANK J. BRANDON,
Secretary of State.

The PRESIDING OFFICER presented the petition of Hon. George K. Nash, governor of Ohio, and of the Historical and Philosophical Society of Ohio, praying Congress to have copied and printed for distribution certain documents now in the archives of France, at Paris, relating to the territory acquired by the United States by the purchase of 1803, known as the Louisiana purchase; which was referred to the Committee on the Library.

Mr. ALLEN presented a petition of sundry citizens of Aurora, Nebr., praying that an appropriation be made for the extension of free rural mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the board of trustees of South Sioux City, Nebr., praying that an appropriation be made for the improvement of the navigation of the Missouri River at and immediately above that city; which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of University Place and Valentine and of the Woman's Christian Temperance Union of Nebraska City, all in the State of Nebraska, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

He also presented a petition of sundry citizens of University Place, Nebr., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which was referred to the Committee on Foreign Relations.

He also presented sundry petitions of citizens of Cuming County, York, and Greeley, all in the State of Nebraska, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. NELSON presented a petition of sundry citizens of Stanton, Minn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Freeborn County, Minn., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. McLAURIN presented a petition of the Chamber of Commerce of Charleston, S. C., praying that an appropriation be made to enlarge the scope of the Geological Survey, so as to include in its operations the forests of South Carolina and the Eastern States; which was referred to the Committee on the Geological Survey.

He also presented a petition of the Chamber of Commerce of Charleston, S. C., praying for the establishment of a national forest reserve; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. TELLER presented a petition of the congregation of the First Baptist Church of Pueblo, Colo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and institutions under Government control; which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. McCOMAS presented the petition of Wilbur B. Mallalieu, of Baltimore, Md., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa, in Army canteens, in the Philippines, and in the Territory of Alaska, etc.; which was referred to the Committee on Foreign Relations.

He also presented a petition of Cloakmakers' Union No. 1, of Baltimore, Md., praying for the enactment of legislation to regulate the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented a petition of the keeper and crew of the life-saving station at North Beach, Maryland, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which was referred to the Committee on Commerce.

He also presented the petition of Daniel P. Zimmerman and sundry other citizens of Frederick County, Md., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens and of the Woman's Baptist Home Mission Society, all of Baltimore, in the State of Maryland, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented the memorial of W. H. Thompson, jr., president of the National Live Stock Exchange, remonstrating against the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

REPORT OF A COMMITTEE.

Mr. McMILLAN, from the Committee on the District of Columbia, reported an amendment proposing an appropriation of $50,000, to be expended under the direction of the Commissioners of the District of Columbia, for the erection and equipment of a power house and nurses' home to be erected at Providence Hospital, intended to be proposed to the District of Columbia appropriation bill, accompanied by a report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

PRESBYTERIAN CHURCH OF DARDANELLE, ARK.

Mr. MARTIN. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 827) for the relief of the trustees of the Presbyterian Church of Dardanelle, Yell County, Ark., to report it favorably without amendment, adopting the House report thereon.

Mr. JONES of Arkansas. Mr. President, if there is no objection, I ask the unanimous consent of the Senate that the bill may be considered at this time.

Mr. KEAN. Let the bill be read.

The PRESIDING OFFICER. It will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the circumstances, character, and extent of the damages by United States troops during the late war to the church building and grounds of the Presbyterian Church of Dardanelle, Yell County, Ark., and the actual value of the material taken from the building and grounds, and to find and award and to certify to the Secretary of the Treasury what amount, if any, is equitably due to the trustees of said church from the United States as the reasonable value of the material taken and used; and the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to said trustees, or their successors, out of any money in the Treasury not otherwise appropriated, the amount, if any, so found to be due

from the United States, and not to exceed $2,000; and the acceptance by said trustees of any sum paid under the provisions hereof shall be in full satisfaction of all claim, of every name and nature, for occupation and damage, or in any manner arising or growing out of the same.

Mr. SCOTT. I should like to have the report of the committee read, so as to show upon what recommendation the bill is to be passed.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report submitted by Mr. HENRY of Mississippi from the Committee on War Claims of the House of Representatives January 30, 1900, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 827) for the relief of the trustees of the Presbyterian Church of Dardanelle, Yell County, Ark., beg leave to submit the following report, and recommend that said bill do pass without amendment.

The evidence submitted shows that the church building was taken possession of by United States troops in 1864 and 1865, the building torn down, taken away, and used for military and army purposes.

In accordance with precedent, it seems to be the policy of Congress and the War Department to place churches in the same condition as when they were taken possession of by the United States, natural wear and tear excepted, or allow a reasonable amount in money in lieu of such repairs, but the committee is not willing that the value of such use and occupation shall be fixed by ex parte affidavits and without investigation by the proper department of the Government.

The committee therefore report the bill, referring the claim to the War Department for investigation, and recommend its passage.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was ordered to a third reading, read the third time, and passed.

JULIA CRENSHAW.

Mr. CLAY. I ask that the bill (S. 5019) granting an increase of pension to Julia Crenshaw be taken up and passed. It will not take exceeding half a minute.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "seventy-five" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia Crenshaw, widow of Frank F. Crenshaw, late captain of Company A, Twenty-eighth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REV. WILLIAM T. M'ELROY.

Mr. LINDSAY. I ask unanimous consent for the present consideration of the bill (H. R. 3020) for the relief of Rev. William T. McElroy.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Rev. William T. McElroy, late of Louisville, Ky., $265.20, being for rent of ground at Louisville, Ky., during the late war for the suppression of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FAIRBANKS. I ask unanimous consent for the present consideration of the bill (S. 5350) for the establishment of a subport of entry at Douglas, Ariz.

Mr. PETTIGREW. Mr. President, I demand the regular order.

The PRESIDING OFFICER. The Senator from South Dakota objects and demands the regular order, which is the introduction of bills and joint resolutions.

BILLS INTRODUCED.

Mr. FOSTER introduced a bill (S. 5542) to provide an American register for the steamship *Manauense* and the ships *Antiope* and *Balclutha;* which was read twice by its title, and referred to the Committee on Commerce.

Mr. SCOTT introduced a bill (S. 5543) for the relief of the estate of R. McChesney, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5544) for the relief of the estate of J. H. McChesney, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McLAURIN introduced a bill (S. 5545) for the relief of the estate of Christopher W. Dudley, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5546) for the relief of the estate of François Lagleize, deceased;

A bill (S. 5547) for the relief of the estate of Peter and Margaret Turner, deceased; and

A bill (S. 5548) for the relief of Mrs. M. L. H. Blanchard.

Mr. NELSON introduced a bill (S. 5549) granting an increase of pension to Horatio N. Davis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCOMAS introduced a bill (S. 5550) granting an increase of pension to Henry B. Schroeder; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5551) to waive and release all claims of the United States by way of escheat to the real estate in the District of Columbia of which Patrick Kavanagh or his sons, Charles W. Kavanagh and William Kavanagh, died seized; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5552) for the relief of Mrs. Mary Shannon, widow of Joseph R. Shannon, deceased, and administratrix of his estate (with an accompanying paper);

A bill (S. 5553) for the relief of Thomas N. Gott (with an accompaning paper); and

A bill (S. 5554) for the relief of Eugene L. Derr, administrator the estate of John Derr, deceased.

Mr. WARREN introduced a bill (S. 5555) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900; which was read twice by its title.

The PRESIDING OFFICER. The bill will be referred to the Committee on Territories.

Mr. PLATT of Connecticut. No; the original bill came from the Committee on Foreign Relations. I should think it should be referred to the Committee on Pacific Islands and Porto Rico.

The PRESIDING OFFICER. To what committee does the Senator from Wyoming desire to have the bill referred?

Mr. WARREN. I assumed that the Chair would know what committee would properly have charge of the matter. I had thought the Committee on Territories, as Hawaii is a Territory; but I have no preference.

Mr. LODGE. It should be referred to the Committee on Pacific Islands and Porto Rico.

The PRESIDING OFFICER. The Committee on Territories would naturally be the proper committee, but there was created, as the Senator is aware, a special committee upon Pacific Islands and Porto Rico.

Mr. WARREN. Let the bill go to that committee, then.

The PRESIDING OFFICER. It will be so referred, unless otherwise directed by the Senate. It is so ordered.

Mr. STEWART. I ask the unanimous consent of the Senate to have considered a very important bill.

Mr. PETTIGREW. I insist on the regular order, Mr. President. I shall object.

Mr. STEWART. I understand that the Calendar is in order, as we have gotten through with the morning business.

Mr. PETTIGREW. The morning business is not closed, and I insist on the regular order.

The PRESIDING OFFICER. The regular order is demanded. If there are no further bills or joint resolutions, concurrent or other resolutions are next in order.

AMENDMENTS TO BILLS.

Mr. MALLORY submitted an amendment providing for the improvement of the Cypress Top River north of the Choctawhatchee River, Florida, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HARRIS submitted an amendment intended to be proposed by him to the bill (H. R. 3369) to put in force in the Indian Territory certain provisions of the laws of Arkansas relating to corporations, and to make said provisions applicable to said Territory; which was referred to the Committee on Indian Affairs, and ordered to be printed.

STATIONERY ROOM OF THE SENATE.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. MORGAN, as follows:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate shall have the control of the officers of the stationery room of the Senate so as to inquire into and, from time to time, to report upon the conduct thereof.

Mr. HALE. As the Senator from Alabama is not present, I ask that the resolution may go over, retaining its place, until Monday.

The PRESIDING OFFICER. If there be no objection such will be taken as the sense of the Senate. The resolution will go over, retaining its place, until Monday.

Mr. NELSON. Is the morning business disposed of?

The PRESIDING OFFICER. The Chair will inquire if there

is any further morning business? There being none, the Senator from Minnesota is recognized for the purpose of proceeding with the special order.

MEMORIAL ADDRESSES ON THE LATE SENATOR DAVIS.

Mr. NELSON. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDING OFFICER. The Secretary will read the resolutions.

The Secretary read the resolutions, as follows:

Resolved, That it is with deep regret and profound sorrow that the Senate hears the announcement of the death of Hon. CUSHMAN KELLOGG DAVIS, late a Senator from the State of Minnesota.

Resolved, That the Senate extends to his family and to the people of the State of Minnesota sincere condolence in their bereavement.

Resolved, That, as a mark of respect to the memory of the deceased, the business of the Senate be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Secretary transmit to the family of the deceased and to the governor of the State of Minnesota a copy of these resolutions, with the action of the Senate thereon.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That, as an additional mark of respect, at the conclusion of these exercises the Senate do adjourn.

Mr. NELSON. Mr. President, Senator CUSHMAN KELLOGG DAVIS, of Minnesota, died in the sixty-third year of his age, at his home in St. Paul, on the 27th day of November, A. D. 1900, after a lingering sickness of more than two months. He died in the public service, in the full maturity of his great mental vigor, at a time when he was better equipped than ever to serve his country, and at a time when his country stood in need of his sound judgment, profound wisdom, and vast experience in public affairs.

He was born at Henderson, Jefferson County, N. Y., on the 16th day of June, A. D. 1838. On his maternal side he was a direct descendant of Mary Allerton, the last survivor of that heroic band that landed from the *Mayflower*, and his paternal ancestry was also of good Puritan stock. When he was 2 months old his parents moved to the neighborhood of Waukesha, Wis., where his father engaged in the pursuit of farming for the next fifteen years, during which period he led the usual life of a farmer's son on the farm.

He was an intellectual and highly gifted youth, and his vigorous mental faculties were trained and developed in the district school, in Carroll College, and in Michigan University, from whence he graduated in 1857. He immediately thereafter took up and followed the study of the law, became a member of the Waukesha bar in 1859, and remained in active practice till 1862, when he entered the Army as first lieutenant of Company B, of the Twenty-eighth Wisconsin Regiment, in the civil war. He served with distinction in the Army until 1864, when, on account of poor health, he was compelled to resign.

In 1865 he moved to St. Paul, Minn., and took up the practice of the law, and soon became noted as one of the ablest, most prominent, and most eloquent members of the bar, with a large and lucrative practice.

He was a member of the legislature in 1867, United States attorney for Minnesota from 1868 until 1873, and governor of the State in 1874 and 1875. He was one of the regents of the State University from 1882 till 1898, and in 1887 was elected United States Senator, and reelected in 1893 and 1899. He was chairman of the Committee on Foreign Relations in the United States Senate from March, 1897, till his death, and was one of the commissioners who negotiated the treaty of Paris with Spain.

This, in brief, is the mere outer shell of his extensive public career, and gives us but a scant clew to his greatness and worth. To trace his life, the development of his vigorous mind, and its wonderful resources from youth to manhood, from a great lawyer to a profound statesman and leader, is to scan a human epic, marvelous and inspiring in its progress and grand and enduring in its results and outcome. He was equipped with a mind of the first order, eager, thirsty, and searching. In his youth he was a most ardent and omnivorous student, to whom his lessons were but the doorsteps to the great sanctuary of knowledge, which he was ever exploring. He became a devouring student of history, philosophy, and poetry at a time when most youths are tethered to their arithmetic, their grammar, and their geography. And so it came to pass that when he finally parted with his alma mater he carried away with him a much richer and a much greater wealth of human knowledge than that embraced in the college curriculum.

The trend of his mind and its comprehensive development inevitably turned him to the legal profession, and it was in this field that he first made his mark and first scored his great victories. He was a most profound lawyer, who mastered the great fundamental principles of the law that govern human affairs, and he had the intuitive faculty to correctly apply these to the manifold transactions of an ever-expanding civilization. In practice he was always ready and always a complete master of the evidence, the facts, and the law of his case, and his eloquence was of a character to instruct, impress, and convince both court and jury, and he was equally at home and equally strong both in a nisi prius and in an appellate court. I can truthfully bear witness to these facts, for it has been my privilege to contend with him at the bar and to hear him while I was sitting as one of the judges in a court of impeachment.

When he was first elected to the Senate he was easily and without dispute the foremost member of the bar in Minnesota. And though he was a most busy lawyer, he never allowed the law to congeal the innate kindness of his noble and sympathetic heart. He was always kind and helpful to the young and struggling practitioner, and he never turned away a penniless client who had a meritorious case. He loved the profession, and he was beloved and admired by his associates, young and old. Few lawyers can point to a grander, a more successful, or a nobler career at the bar.

Though absorbed in his profession and ever a busy lawyer, he nevertheless always kept in touch with public affairs, and was always ready to lead and to guide the impulse and heart of our people in their aspirations for relief and reform. I well remember when, in the early seventies, there was a great uprising among the people of the Northwest against the exactions of the railroads, how he became the acknowledged leader of the movement and how, in his great speech, entitled "Modern feudalism," he voiced in most eloquent and convincing terms the grievances complained of and the reforms desired by the masses of the people. That speech, which he delivered in many places, and his attitude on those great questions of public concern led him into the governor's chair, came near sending him to the United States Senate at that time, and forever endeared him to all our people, who from that day never ceased to have confidence in his integrity, his wisdom, and his honesty of purpose. While the movement which he thus led did not result in all the relief and reforms he and the masses hoped for, yet it resulted in establishing the fact, which had been in dispute, that railroad corporations are the servants of the public and are amenable to public control.

After one term in the executive chair he again resumed his calling as a lawyer, with more success and greater vigor than ever before. And in the meanwhile, though not in office, he remained one of the acknowledged leaders of the Republican party in the State, and was always ready and active to battle for the cause and for the best interests of the people.

In 1887, in obedience to a universal and pressing demand of our people, the legislature elected him to the United States Senate. And he came here, in the maturity of his great power and vast experience, better equipped and better fitted for the great work before him than most men who enter the Senate. He came here in middle life, with a most vigorous mind, an accomplished lawyer, a profound student, and a learned scholar, well versed in public affairs. He at once became prominent and one of the leaders of the Senate, but it was not until he became chairman of the Committee on Foreign Relations and our controversy with Spain became acute that his true forum was found and his great abilities were given that field of statesmanship and diplomacy for which he was so well gifted and equipped. In that place and in that field he was easily the first and our recognized leader and guide. No one was better versed than he in the diplomatic history of our country, and no one had studied more deeply and was more familiar than he with all the complicated and varied relations of our country with foreign nations.

His speeches and his reports on our relations with England, with Spain, on our war with Spain, and on the treaty of Paris were epics of wisdom and eloquence scarcely ever excelled. He exhausted and rendered clear and lucid the most profound and most intricate problems of diplomacy and statecraft. When he had spoken there was little, if anything, more to be said on the subject. While he seemed listless and indifferent to the mere routine work of the Senate, yet when great questions were at stake and great problems were to be solved, he was always vigilant and always on the alert. He studied and passed upon public affairs, both at home and abroad, with the instinct and purpose of a statesman, and never in the spirit of a mere timeserver or politician. His entire heart and his whole soul were wrapped up in his great work, and he was so absorbed by it that he seemed at times oblivious to all else. He was an orator of the highest and best type, clothing the most profound thoughts in the most choice and most chaste of rhetoric. His speeches, unlike most orators', were even more impressive, more captivating, and more convincing in the reading of them than in the delivery. In his case the hearing served to whet the appetite for the reading of his speeches, and the reader always discovered beauties of thought and diction that had escaped him in the delivery. His oratory was classic, but of a modern type, fraught with facts and arguments of the most convincing and exhaustive character.

While his work at the bar and in the public service absorbed most of his time and attention, yet he always devoted a share of his time to the pursuit and study of literature and history. He was a profound Shakespearean scholar, thoroughly familiar with

the life and all the works of that great genius. His book entitled The Law in Shakespeare shows how thoroughly he entered into the spirit and how fully he mastered and understood the broad and profound range of human knowledge and human wisdom possessed by that great high priest of tragedy, comedy, and song. He not only discovered the "law" in Shakespeare, but he also fathomed that profound analysis of the motives and mainsprings of human action so preeminent in the great poet.

He himself of an heroic turn of mind, he naturally and irresistibly became attracted to that most wonderful and most startling of modern heroes, Napoleon. He was one of the most thorough and most profound students of the life, the mission, and the work of this great man—familiar with every phase of it so far as known to human vision. There was scarcely a book upon Napoleon, in English or in French, that he did not have in his library and had not read and mastered. The study of the life of the great hero in all its varied phases charmed him, chastened him, and buoyed his spirit in the somber and perplexing moments of his life. There are trying and tempestuous moments in the lives of men when the music of the hurricane is a solace, a relief, and a rest. To him Napoleon was the spirit in that mighty whirlwind that crushed the feudalism of ages and paved the way to the democracy of modern times. He dearly loved a good novel, not so much for the mere story as for the insight it afforded him of mental and moral evolutions, and especially for the great relief and rest it gave him from the study of the difficult and profound problems entailed upon him as a lawyer, a legislator, and a statesman. Many a long and weary night, when he was too tired to sleep, he bathed his aching brows and found relief in Dickens, Thackeray, Bryant, Elliott, Cooper, Irving, Scott, and other great novelists. These were a sweet lullaby to his weary but restless spirit.

In the field of history he was a profound student and a great explorer, with a tenacious memory and a discriminating and analytic judgment. He was versed in the history of all the leading nations of ancient and modern times, and he was especially familiar with and at home in the history of our own country, of England, and of France. His great knowledge in this field was a supplement to his training as a lawyer, and it was because he was thus doubly equipped that he was so thorough, exhaustive, and effective in diplomacy and all that pertained to our foreign affairs.

The society that charmed him most and to which he was most devoted was his fine and extensive collection of books in his own library. Here he felt thoroughly at home and was never lonesome. His books were a part of his life, and his dear associates. Here, more than anywhere else, he loved to meet his friends, to converse with them on literature, history, and affairs of State, and to introduce them to his mute companions. Here he seemed possessed of an inspiration that made him more charming and nearer and dearer to his friends than anywhere else. It was his holy of holies, sacred to him, and, because of that fact, sacred to those who communed with him there.

His patriotism was of the loftiest and purest kind. He loved his country, not as a heathen loves his idol, but as a parent loves his child. He loved his country because it is noble and just and because it is the home of liberty, tempered with law, wholesome, blessed, and untarnished. He abhorred all show and sham, and scorned all posing and display. There was nothing trifling nor fictitious in his nature. He was sincere, conscientious, and fearless, both in private and public life, and while he was most kind and approachable to all, yet he was choice and deliberate in his friendships. He looked for loyalty and good faith, and once assured of that he yielded his whole heart and his whole soul, under all emergencies, to his friends. To me he was on all occasions most kind and helpful.

I feel his loss most deeply. His death has left a void in my heart which none can fill. We all miss him in the Senate—miss him for his goodness, kindness, and great worth; miss him for his wisdom, his eloquence, and noble example. His death was a great bereavement, not only to his friends and to his associates, but to the entire country. There are some gaps in the line of battle that can be easily filled, but that gap in the line of battle he held when he passed away no one can fill as completely and as truly as he did. No public man had a warmer place in the hearts of the people than he had. I have never seen a larger funeral than his. It was attended in large numbers by young and old, in all walks of life, from all parts of the State. They came in no perfunctory mood, but in a spirit of heaviness, grief, and sorrow, as though each had been bereaved of his dearest and most beloved of friends. There were many beautiful flowers placed as tokens of grief and affection over his remains, but the most impressive and most inspiring tokens were the silent tears that trickled on the cheeks of so many sad faces on that day. His mortal remains have been laid away in their final resting place, but the spirit of his life, his mission, and the great work he wrought will remain with us as a token, as an example, and as an inspiration for all time to come.

When can his glory fade?
Oh, the brave charge he made.

Mr. HOAR. Mr. President, there is no Senator who would not be glad to lay a wreath of honor and affection on the monument of CUSHMAN K. DAVIS. That, however, is more especially the right of his colleague and his successor and the members of the great committee where he won so much of his fame. I ought to say but a few words.

The Senate, as its name implies, has been from the beginning, with few exceptions, an assembly of old men. In the course of nature many of its members die in office. That has been true of thirty-eight Senators since I came to the Capitol. Others, a yet larger number, die soon after they leave office. Of the men with whom I have served in this Chamber fifty-eight more are now dead, making in all ninety-six, enough and to spare to organize another Senate elsewhere. To that number has been added every Vice-President but two. Upon those who have died in office eulogies have been pronounced in this Chamber and in the House. The speakers have obeyed the rule demanded by the decencies of funeral occasions—nil de mortuis nisi bonum—if not the command born of a tenderer pity for human frailty—jam parce sepulto. But in general, with scarcely an exception, the portraitures have been true and faithful. They prove that the people of the American States, speaking through their legislative assemblies, are not likely to select men to represent them in this august assembly who are lacking in high qualities either of intellect or of character. However that may be, it is surely true of Mr. DAVIS that whatever has been or will be said of him to-day, or was said of him when the news of his death first shocked the country, is just what would have been said when he was alive by any man who knew him. I have served with him here nearly fourteen years. I have agreed with him and I have differed from him in regard to matters of great pith and moment which deeply stirred the feelings of the people, as they did mine, and doubtless did his own. I never heard any man speak of him but with respect and kindness.

Of course, Mr. President, in this great century which is just over, when our Republic—this infant Hercules—has been growing from its cradle to its still youthful manhood, the greatest place for a live man has been that of a soldier in time of war and that of a statesman in time of peace. CUSHMAN K. DAVIS was both. He did a man's full duty in both. No man values more than I do the function of the man of letters. No man reveres more than I do the man of genius who in a loving and reverent way writes the history of a great people, or the poet from whose lyre comes the inspiration which induces heroic action in war and peace. But I do not admit that the title of the historian or that of the poet to the gratitude and affection of mankind is greater than that of the soldier who saves nations, or that of the statesman who creates or preserves them, or who makes them great. I have no patience when I read that famous speech of Gladstone, he and Tennyson being together on a journey, when he modestly puts Mr. Tennyson's title to the gratitude of mankind far above his own. Gladstone, then prime minister, declared that Tennyson would be remembered long after he was forgotten. That may be true. But whether a man be remembered or whether he be forgotten; whether his work be appreciated or no; whether his work be known or unknown at the time it is accomplished, is not the test of its greatness or its value to mankind. The man who keeps this moral being, or helps to keep this moral being we call a State in the paths of justice and righteousness and happiness, the direct effect of whose action is felt in the comfort and happiness and moral life of millions upon millions of human lives, who opens and constructs great highways of commerce, who makes schools and universities not only possible but plenty, who brings to pass great policies that allure men from misery, and poverty, and oppression, and serfdom in one world, to free, contented, happy, prosperous homes in another, is a great benefactor to mankind, whether his work be accomplished with sounding of trumpets, or stamping of feet, or clapping of hands, or the roar and tumult of popular applause, or whether it be done in the silence of some committee room, and no man know it but by its results.

I am not ready to admit that even Shakespeare worked on a higher plane, or was a greater power on earth, than King Alfred or George Washington, even if it be that he will survive them both in the memory of man. The name of every man but one who fought with Leonidas at Thermopylæ is forgotten. But is Æschylus greater than Leonidas, or Miltiades, or Themistocles? The literature of Athens preserves to immortality the fame of its great authors. But it was Solon, and Pericles, and Miltiades that created and saved and made great the city, without which the poets could not have existed. Mr. Tennyson himself came nearer the truth than his friend Mr. Gladstone when he said:

He
That, through the channels of the state,
Conveys the people's wish, is great;
His name is pure, his fame is free.

There have been soldiers whose courage saved the day in great decisive battles when the fate of nations hung in the scale, yet

whose most enduring monument was the column of smoke which rose when their death shot was fired. There have been statesmen whose silent influence has decided the issue when the country was at the parting of the ways, of whose service history takes no heed. The great Ohio Territory, now six imperial States, was twice saved to freedom by the almost unnoticed action of a single man. With all respect for the man of letters, we are not yet quite ready to admit that the trumpeter is better than the soldier, or the painter greater than the lion.

There is no need of many words to sum up the life and character of CUSHMAN DAVIS. His life was in the daylight. Minnesota knew him. His country knew him and loved him. He was a good soldier in his youth, and a great Senator in his maturer manhood. What can be said more, or what can be said better, to sum up the life of an American citizen? He offered his life for his country when life was all before him, and his State and his country rewarded him with their highest honor. The great orator and philosopher of Rome declared in his youth, and repeated in his age, that death could not come prematurely to a man who had been consul. This man surely might be accounted ready to die. He had discharged honorably life's highest duty, and his cup of honor and of glory was full.

We are thinking to-day of something more than a public sorrow. We are mourning the loss of a close and delightful companionship, a companionship which lightened public care and gave infinite pleasure to private intercourse. If he had never held office, if his name had never been heard even beyond the boundaries of a single municipality, he would have been almost anywhere a favorite and foremost citizen. He was, in the first place, always a gentleman, and a true gentleman always gives tone to any company in which he is found, whether it be among the rulers of States or the humblest gathering of friendly neighbors. Lord Erskine said on a great occasion:

> It is impossible to define in terms the proper feelings of a gentleman; but their existence has supported this country for many ages, and she might perish if they were lost.

Certainly our friend had this quality. He was everywhere a gentleman. He met every occasion in life with a simple and quiet courtesy. There was not much of deference in it. There was no yielding or supplication or timidity in it. I do not think he ever asked favors, though no man was more willing to grant them. But there is something more than this in the temper of which I am speaking. The man who possesses it gives unconsciously to himself or to his associates tone to every circle, as I just said, in which he is found. So, wherever he was, his manner of behavior prevailed, whatever might have happened to the same men if they had been left alone.

Senator DAVIS was a man who kept well his own counsel. He was a man to whom it was safe for other men to trust their counsel. His conversation, to which it was always a delight to listen, had no gossip in it. Still less had it ever anything of ill nature or sarcasm. He liked to share with a friend the pleasure he took in finding some flower or gem of literature which, for long ages till he found it in some out-of-the-way nook, had—

> Blushed unseen,
> And wasted its sweetness on the desert air.

He had what Jeremy Taylor calls "the great endearment of prudent and temperate speech."

His conversation was sparkling and witty and full of variety, but no spark from him was ever a cinder in the eye of his friend.

He had a learning rare among public men, and, for its variety, rare, I think, among scholars. He would bring out bits of history, full of interest and instruction, from the most obscure sources, in common conversation. He was an excellent Latin scholar. He had read and mastered Tacitus, and a man who has mastered Tacitus has had the best gymnastic training of the intellect, both in vigor and style, which the resources of all literature can supply.

One secret of his great popularity with his companions here—a popularity I think unexcelled; indeed, I incline to think, unequaled by that of any other man with whom I have served—is that to which the late Justin Morrill owed so much. He never debated. He rarely answered other men's arguments, never with warmth or heat. But he was exceedingly tenacious of his own opinion. He was, in the things he stood for, as unyielding as flint and true as steel. But his flint or steel never struck out a spark by collision with any other. He spoke very rarely in debate, in general only when his official place on his committee, or something which concerned his own constituents especially, made speaking absolutely imperative. Then he gave his opinion as a judge gives it, or as a delegate to some great international council might be supposed to give it; responsible for it himself, but undertaking no responsibility for other men's opinion or conduct; never assuming that it was his duty or within his power to convert, or change, or instruct them, still less to chastise them. Whether that way be the best way for usefulness in a deliberative body, especially in a legislative body of a great popular government, I will not undertake now to say. Certainly it is not the common way here or elsewhere. It is very rare, indeed, that any man possessing the great literary and oratorical power of Mr. DAVIS, especially a man to whom nobody ever thought of imputing timidity or undue desire to enjoy public favor, or want of absolute confidence in his own opinions, will be found to refrain from employing these qualities to persuade or convince other men.

He had a wonderful judgment as to what the Senate would do. He was never afraid of his convictions or unwilling to make them known. But he did not like to butt his head against walls. He sought to find and to accomplish the best thing that the people would bear, and to accomplish their best aspiration and desire. He liked to put in his work at the turning point of a measure and not to waste his force either against the inevitable or in advocating that the success of which was already assured.

He had a rare and exquisite gift which, if he had been a man of letters and not a man engaged in a strenuous public life, would have brought him great fame. Once in a while he said something in private, and more rarely, though once or twice, in a public speech, which reminded you of the delicate touch of Hawthorne. His likening President Cleveland and Mr. Blount, looking upon the late royalty of the Sandwich Islands with so much seriousness, to Don Quixote and Sancho Panza taking in great earnest the spectacle of a theatrical representation at a country fair and eager to rescue the distressed damsel, was one of the most exquisite felicities of the literature of the Senate.

He had great pride in his ancestry, and was a great lover of the history of New England and Plymouth, from which they came, though he never gave himself airs on account of it. He was a descendant of Robert Cushman, the preacher of the Pilgrims, whose service was in a thousand ways of such value to the little colony at Plymouth. Yet it had never happened to him to visit the scenes with which the feet of his ancestors had been so familiar, until a few years ago he did me the honor to be my guest in Massachusetts, and spent a few days in visiting her historic places. He gazed upon Boston and Plymouth and Concord reverently as ever Moslem gazed upon Mecca or the feet of palmer stood by the holy sepulcher. That week to him was crowded with a delight with which few other hours in his life could compare. I had hoped that it might be my fortune and his that he might visit Massachusetts again, that her people might gather in her cities to do him honor, and might learn to know him better, and might listen to the sincere eloquence of his voice. But it was ordered otherwise.

There are other things his country had hoped for him. She had hoped a longer and higher service, perhaps the highest service of all. But the fatal and inexorable shaft has stricken him down in the full vigor of a yet strenuous manhood. The great transactions in which he had borne so large a part still remain incomplete and their event is still uncertain.

There is a painting which a great Italian master left unfinished. The work was taken up and completed by a disciple. The finished picture bears this inscription: "What Titian left unfinished, Palma reverently completed and dedicated to God." So may our beloved Republic find always, when one servant leaves his work unfinished, another who will take it up and dedicate it to the country and to God.

Mr. MORGAN. Mr. President, if the purpose of these obsequies was only to eulogize the friend who so well deserved the esteem of his colleagues and so moved the Senate at all times with regard and affection for his generous and amiable traits, I would accomplish my part of this melancholy duty by repeating in your hearing the simple call of recognition, "The Senator from Minnesota," which never failed to attract the attention of the Senate or to give us pleasure.

If CUSHMAN K. DAVIS were here to-day to receive that recognition from the Chair, in this important time of serious counsel and debate, the Senate would feel stronger and safer in forming the new lines of public policy and duty upon which we must enter, so that we shall not fall short of the demands that have fallen upon us to try the strength of our courage, our fidelity to our country, and our confidence in the plan and principles of republican government.

His absence from the Senate is keenly felt at this time because the conditions for which we are now engaged in providing were, in a large part, created by measures in which he had a leading influence.

It is, perhaps, as just a tribute to his abilities and acquirements as could be stated to say of him that he was fully equipped for the questions that have arisen from the war with Spain, questions that are new to us and now excite anxious inquiry.

The Senator from Minnesota always remembered the dignity, honor, and restraining influence of that high official title.

It has a singular place of distinguished honor among the titles that have been bestowed by governments upon public servants who have been intrusted with powers of great magnitude.

The Roman senators, with all their power and glory, and the

French senators for life, in the wide scope of their power and influence, have not been representatives of great sovereignties in a grand council of States, such as the Senate of the United States, which sits as a high court of final jurisdiction on all questions of impeachment, and is coordinate with the Chief Executive in the treaty-making power, and has a voice that can not be stifled in the enactment of all the laws for the government of this grand Union of equal States.

The history of the American Senate includes in its list of Senators who have passed away many illustrious names that are not darkened by comparison with any lawmakers who have ever lived.

But it is not the illustrious men who have occupied this great forum that have given to the Senate its real or entire value in the estimation of the world. That estimate is due to the character of the labors of the great body of Americans who have held commissions in this high council of sovereign States, which opened with the establishment of the Government of the United States and has continued in uninterrupted organization, without one moment of interregnum.

The Senate is the only permanent controlling body in the Government of the United States. There is always a quorum of qualified Senators in commission, and the transfer of the executive power from the hands of one President to another, and of the political power from one Congress to another, by elections, has no effect upon the Senate to suspend its powers under the Constitution, but only in some cases to suspend their full exercise, to await the concurrent action of other departments of the Government.

In this sense the Senate is the custodian of the vital and continuing power of the Federal Republic, while the States, as perfect civil governments, are the repositories of the sovereignty of the people.

In this great function the Senate is endowed by the Constitution with a power and majesty that no other tribunal has ever worn, and in comparison with which the mythical power derived from a strain of royal blood or the prerogatives of an imperial scepter are only a deceptive refuge of nations that have no faith in themselves. The Senator who appreciates the honor of a commission in this body, and is sensible of the duties it enjoins and of the wide opportunity it offers for bestowing blessings on his country and the world, will sedately reckon with himself upon the fitness of his conduct and the pure impartiality and justice of his utterances and his votes upon all occasions and with reference to all questions that arise. He will not set his personal success, or renown, as a star in the heaven of his ambitious aspirations, to which he will direct the course of his journey. He will be content to do the duty that falls to him faithfully, according to his ability, and leave the reward, that never fails, to the judgment of his colleagues and the approval of the people.

Of the many great and worthy men who have held commissions in the Senate only a few have reached the zenith of fame.

When we turn over the leaves of our statute books and examine the vast number of laws whose real authors are forgotten, and see the care and wisdom bestowed in their enactment and the history they record, and the strength, harmony, and justice of this wonderful system of statutory jurisprudence, we bow with reverence to the memory of these great but silent artificers of a true and noble temple of justice, in which wisdom, truth, and virtue preside. The stars differ in magnitude, but every star that is set in the firmament adds its ineffable light to the heavens, though no human hand can place them in their true position on a map.

Mr. DAVIS won a high place in the Senatorial galaxy, which is distinctly marked with the imperishable legend of "plain duty honestly performed with laborious care," and is crowned with the light of brilliant endowments.

He left nothing to chance and never omitted to dig the foundations of his structures to what he believed was the solid rock of truth. He was among the toilers of the Senate to whose industry in research the country owes a safe deliverance from many unseen dangers and an honest debt of gratitude. We are paying only a part of that debt in these obsequies. The people will pay the balance in ample rewards of fame.

A standard has been established by the growth of opinion in the Senate and the country, the advanced line of which is at least as high as any nation has established for the highest rank in statesmanship and forensic eloquence. Three great Senators have occupied that line without dissent, and others who have passed away are noted by our country for places on that line.

It is not expected that any will surpass Clay, Webster, and Calhoun, and it is not within the scope of the true Senatorial aspiration to reach sublimer heights than these immortals occupy, but their example stands as an invitation to all who fully value the honor, and dutifully toil to reach this supreme distinction to which they have attained.

This door is closed to any man whose motive is mere self-assertion, and who prefers notoriety to renown. The brilliant Senator, whose early death we deplore, may have had very high aspirations, for he had great abilities, but he sought his honors through toil, fidelity, and holy love of his native land.

Perhaps his strongest sentiment, with reference to his conduct as a Senator, was a dutiful regard for the dignity and reputation of this great tribunal. He sank himself in his character of Senator.

In his associations in the Senate and on committees his deference to the rights and opinions of his colleagues was sincere, courteous, and graceful. I do not recall an incident in all his career in which he was discourteous or brusque toward an opponent. Not that he avoided any stress of earnest contention in debate, nor that he yielded his convictions to the opposing views of anyone, however highly thought of as authority, but because he felt that the freedom of discussions, which he always approved, is an illusion when it is cramped by the weight of high authority and is sometimes destroyed by the use of epithets, censoriousness, irritating criticism, and grosser forms of detraction.

Mr. DAVIS never so far forgot the high office he held as to use his powers, which were ample, as a learned and able man, to force an opponent to the wall or to subject him to ridicule. When a Senator is thus assailed, if he is in the line of duty, the blow falls upon a sovereign State. Such a blow he would never wantonly inflict.

When he was placed at the head of the Committee on Foreign Relations he reached a field of opportunity in which his abilities would find their highest development in the service of the country.

He was a careful and deeply interested student of the history of our diplomatic relations with foreign countries. His tastes for eloquent literature and his legal acumen in the analysis of statutes and treaties, worded with the highest skill to cover or else to leave open debatable ground, led him into profound studies of the history and art of diplomacy.

He took a proud interest in the history of the single century of American diplomatic correspondence, and traced with enthusiasm the ground over which our infant Republic led the ancient empires of the earth as a pioneer in new lines of progress that led, without faltering, up to the highest planes of Christian civilization that have yet been occupied.

When he took that chairmanship he had unusual wealth of preparation for the discharge of its duties, and he soon made a record of such high value in his reports that the Senate relied upon his judgment and accepted his advice with unusual confidence. While he was chairman of that committee he was invited by the President of the United States, in company with two of his Senatorial colleagues and other distinguished persons, to negotiate a treaty of peace with Spain.

I will not attempt to present the history of that remarkable negotiation, in which the highest skill and learning were employed, and the most anxious and trying appeals to international forbearance and sensibility were addressed to our commissioners. It was not an effort to repress the wrath of contending nations, verging to the point of armed collision, but the demanding of justice for the stronger, at the close of an armistice that followed the most sudden and complete overthrow of sovereign power in lost possessions that had occurred in modern times.

The proud Empire that had held all Europe obedient to her pleasure and other continents and archipelagoes as feudatories was yielding her last possessions in the East and West Indies to a Republic that was younger by a century than any vice-royalty she had established in the Western Hemisphere. This advance from despotism to liberty was on the ground of her inability to do the justice to her dependencies that is required by the advance in human liberty now demanded by the code and creed of all Christendom, and the Unided States were constrained to lead it.

It was an occasion to move the sympathies of the European nations to their greatest depths, and they looked on with scrutinizing jealousy while the diplomatic contest continued at Paris.

In that noble body of American commissioners Mr. DAVIS was conspicuous for his learning, his tact, and his fearless advocacy of the right. It was a contest so notable that it will stand for a high precedent in later ages, and so satisfactory in the argument and the results that it has silenced criticism and has excited the admiration and invoked the good will of all the nations.

It was a task of self-denial that was never before presented to a conquering power—that we claim nothing for war indemnity, while paying for all the public property surrendered, and for all the devastations of a long civil war that Spain had inflicted upon our own people.

This task was assumed and this expenditure of more than $200,000,000 was made for no other reason—besides the preservation of our domestic peace—than to give the people of the Spanish islands the relief from despotism that can only be found in a government republican in form, one of whose cardinal principles is the divorce of church and state.

This great task was assumed by our commissioners in the treaty of Paris, and we are now engaged in working it out by the repression of a rebellious oligarchy among some of the people whom we undertook to redeem from the iron heel of the Spanish Empire.

Then, as now, the motive is the same, the high resolve is unchanged, and the decree is final, that the spirit of Republican constitutional liberty, which has driven out monarchy will also expel the curse of political brigandage and of sectarian and class rule from these islands, thereby providing that the people shall, indeed, be free and self-governing.

Doubtless this was the triumph that the noble American Senator had hoped to share with his colleagues in the accomplishment of this work that caused him to express, with tears, on his dying bed the pathetic words: "Oh, that I could live for three years to serve my country!"

He did not live, but "his works do follow him."

Two great and novel alternatives were presented to our commissioners in the negotiations at Paris as to Porto Rico and the Philippines, alike. They were whether we should annex those islands or whether we should abandon them to Spain.

The choice of annexation was inevitable, yet it was a great trial. Spain claimed the Philippines with the anxiety of a lion deprived of its prey, and we resisted that claim with the firmness that had already inscribed on our banners "Deliverance to the oppressed."

On that commission and afterwards in the Senate Mr. DAVIS and his Senatorial colleagues stood by this great purpose, and it became the supreme law of the land.

The fame that is thus interwoven with these events will grow brighter as time grows longer and nations grow greater and divine truth spreads its dominion over the nations now in darkness. That it taxes us with new duties that may be perilous is the just result and the honorable compensation, the true recompense of reward, for the wonderful increase of power that has been almost suddenly bestowed upon us.

"To whomsoever much is given, of him shall much be required," is as true of nations as it is of men.

The treaty of Paris places upon this Republic its first crucial test, its real trial of strength. In war we won our liberties from the proudest nation in the world. In war we settled a new basis of those liberties upon broader foundations. In war we have expanded our territories half around the world and have defended the freedom of religion in the heart of pagan China. In war we have prospered as no other nation has prospered, even in peace. Yet our mission is peace; our people love peace, and in all our wars we have only conquered peace for our own country and our own people, until the treaty of Paris made us the almoners of this blessing to other oppressed people. The real burden that this great trust imposes upon our Republic in the treaty of Paris is to provide peace and prosperity to the people that it incorporated with the people of the United States.

Mr. DAVIS assumed his share of this national duty with alacrity and without any misgivings as to the future. He felt the common impulse of the American people, that obedience to duty will not permit us to shrink from this noble task. It has required war, which vicious combinations may protract; but a war that ends in firmly established peace and secures constitutional liberty and the freedom of religion to the people realizes the highest duty of Christian benevolence. Rich argosies, ladened with the wealth of the earth and the oceans, will come and go between the East and the West, and the breath of peace will fill their ample sails.

The nations that were strangers and enemies will become neighbors, and friendship will unite them in fellowship as they exchange the bounties of all productive industry.

In their memories honored names will be familiar as the friends of humanity.

Among these none will be more beloved than our commissioners who concluded the treaty of Paris, and among these no name will be revered above that of CUSHMAN K. DAVIS.

Mr. CLARK. Mr. President, truly there is "a prince and a great man fallen this day in Israel."

When the news was flashed along the wires that CUSHMAN K. DAVIS had reached the end of his earthly labors and had entered into God's rest, we could hardly realize that our honored and beloved colleague had passed forever from our mortal fellowship. In the meridian of his life, in the full enjoyment of his wonderful mental faculties, at a time when his country so greatly needed his services, it seemed that "his sun had set while it was yet day." His passing seemed so premature that it was difficult for us to believe, as we had been taught, that "the judgments of the Lord are true and righteous altogether."

The life of CUSHMAN K. DAVIS, Mr. President, from young manhood to the end, is strongly interwoven with the history of his State and nation. Reared and educated in the new West, he early acquired that breadth of mind and honesty of purpose which are so often produced in a virgin country, and he escaped the narrowing influences and real provincialism that often are found in older communities and more densely settled sections. To his naturally elastic mind his earlier environments gave an ever broadening horizon. It was most natural that he should, in the time of his country's peril, offer himself as a defender of her integrity, for he had a sublime belief in the great American Republic; and this confidence in his nation and her future increased from year to year until his death. It is no wonder that in war he should have served her with gallantry and distinction. It was his nature, and he could not have done otherwise. From youth to death his highest ambition was for the honor, the integrity, and the glory of his country.

Mr. President, my first acquaintance with Senator DAVIS dates back but for a decade, but at the very threshold of our acquaintance I was struck, as all of us must have been, with his wonderful fund of information, political and general, his accuracy of mind and statement, his grasp upon great questions of state, and his unbending and unyielding Americanism. He was one of the gentlest and most unassuming of men, tolerant of the opinion of others and yet confident in his own judgment. Day by day compelled to meet and grapple with the difficult and knotty problems of the present, almost his sole recreation was in delving into the history, the philosophy, and the romance of the past. He was a master of ancient as well as of modern literature. To sit at his fireside, political life and legal problems being brushed for the time aside, and to hear from his lips the gathered treasures of his reading was of itself a liberal education; quiet and modest, assuming nothing to himself, I think it will be the opinion of all that no member of this body had a greater fund of general information than he. A student in the true sense of the term, nothing seemed to escape his observation and inquiry.

Of his career at the bar I shall say nothing, except to observe that none in all the great Northwest was more honored and successful than he. He loved his chosen profession, and she richly rewarded his devotion. From the trial court to that of last resort he deserved and received the highest respect, not only for his great legal attainments, but for his unswerving honesty of purpose as well, and this esteem and respect of bench and bar is a far higher reward to the true lawyer than money, emoluments, and fees, no matter how high they may be heaped. But it is of his work as Senator during the last three years I desire especially at this time to speak. During that time he has been chairman of the great Committee on Foreign Relations of this Senate, and he gave to the affairs and duties of that committee his unremitting attention and labors. It will never be told or known how closely his duties pressed upon him, but the country well knows and will always enjoy the fruits of his careful and continual labors. He was a Senator whose voice was too seldom heard in this Chamber, and yet he was a master of constitutional and international law. We who listened to his great speech in executive session on the war resolution of 1898 and the report accompanying it will never forget it, and a great regret ever since has been that, because of the peculiar rules and procedure of this body, such a clear exposition, both as to law and fact, of that great question with which this nation then had to deal should have been lost to the country.

As chairman of his committee his work was continuous, eager, and efficient. I do not think it too much to say that in all the deliberations of that committee during the past three years, in all the important and delicate questions arising, he was not only the chairman, but the guiding spirit. His intense Americanism, his patriotism, his belief in his country were always to the fore and seemed a propelling force, not only of that committee, but of this Senate, as well in the troublesome days from the beginning of the Spanish war until its close. His work as a member of the peace commission at Paris was a fitting close to his labors during the war. He and his distinguished colleagues taught the world a new diplomacy and proved its strength—the diplomacy unknown before that war, a diplomacy of honest, open, frank, and truthful statement; and the result of their labors placed our nation, in the eyes of the world, where she rightfully belonged—in the van of nations.

Mr. President, I regret that I am unable to do justice to the life and services of Senator DAVIS. What I have said has been because of my love for him and of my admiration and appreciation of his public services. England's cynic poet said, in speaking of eulogies and epitaphs:

> When all is done, upon the tomb is seen,
> Not what he was, but what he should have been.

Such is not the truth with respect to our tributes to our departed friend, because in his ardent love of country, his devotion to public duty, his services in this body, what he should have been, that he was. He quietly rests in his beautiful home city, the lamented son of his State and the Republic he loved. He gloried in his nation's past, and he looked forward with hope and confidence to her future. May his hope be justified, and may he rest in peace.

Mr. LODGE. Mr. President, "death," said one of the wisest of men, "hath this also: that it openeth the gate to good fame, and extinguisheth envy." Bacon, I conceive, meant more by envy than the mere jealousy of one man toward another. He intended, we may suppose, that general lack of just appreciation from which every man of distinction, especially in public service, often suffers in his lifetime. And he rightly says that death openeth the gate

to good fame, which is but another way of declaring that it is the first attempt to do justice to a man's career and services. It is a common error that eulogies, especially those spoken in the freshness of grief, are necessarily as little to be believed as the epitaph held by Lord Byron to be typical of falsehood. This error springs from another equally common, that criticism means fault-finding, whereas true criticism, which alone is of value, consists quite as much in pointing out beauties as in enumerating defects. Therefore it follows that the eulogy fulfills the kindly function of criticism, the other having been already amply performed during the lifetime of him whose virtues are celebrated in a funeral oration. Thus the balance is made even, and in the two combined, History, looking down long hence with calm and patient eyes, will find the man and do him justice. If in the first burst of sorrow eulogy is overstrained, history can be trusted to set it right. At the worst, excess of praise is a good fault, for the chances are very great that the living man in his public life got less praise than he was entitled to and far more of misunderstanding than anyone deserves. Even if he did not endure in his public service the worst forms of calumny and detraction, he is certain to have suffered by comparisons made with a past which never existed, whose trailing clouds of glory are often conjured up by the envy of which Bacon speaks in order to make the living man of the moment look small and earthy. So it may be said that men act wisely to speak well of the newly dead, for thereby they do more than testify to their sorrow, inasmuch as they in some degree help to set the balance straight and thus give their mite toward the advancement of the final truth.

I have been moved to make these imperfect suggestions because as I have thought of Senator DAVIS, whose untimely death has brought so much sorrow to those who knew him, I have felt that he was a man who failed to receive in life a full appreciation. I do not mean by this that he was not amply honored, admired, and beloved by the great State which sent him here, or that he failed of understanding and appreciation in this Chamber, where his best work was done. Still less would I suggest that he did not receive, in due measure, the recognition which is witnessed by election to great public place, for I have known no one who held the office of Senator more highly than he, or who had a more exalted conception of the dignity and power of the Senate. Least of all do I mean that he suffered peculiarly from unfair criticism and ignoble aspersion of motive or conduct. On the contrary, I should think that he was exceptionally fortunate in these respects, and had it been otherwise, he was a man who knew that life was a battle, who did not fear blows, and who never complained or whimpered over the chances of war. When I say that he did not receive in his lifetime a just and full appreciation, in proportion to his ability and his achievement, I mean that he did not receive it from the country at large, and I say this because I know both the achievement and the ability and rate them very highly.

Others here and elsewhere will trace his career and tell of the offices he held and the honors he won far better than I could hope to do. Of his more intimate and personal qualities as a friend and an associate I shall not trust myself to speak. I desire only to explain why I think he was not fully appreciated as a public man and why I rate so highly his achievement. The first question is easily answered. Senator DAVIS lacked his due meed of appreciation in life for two reasons, one general and one particular. He suffered from the conventional tendency to belittle men of the present because they can not, without thought and trouble, be brought for judgment into proper perspective with the past and because there are many minds to which the belittling process is agreeable. He also suffered from a defect in himself. In an age when the art of advertisement of both men and wares has been carried to the highest pitch of noise and color he had neither the desire nor the faculty of advertising himself, either by lusty shouting or by stealthy suggestion. He was essentially modest, and shrank from even speaking in public except when it was a duty or a necessity.

A proper estimate of his ability and his achievement can not be so briefly given and supported as the explanation of their imperfect recognition. Indeed, it is not easy to analyze mind and character within the limits which this occasion requires. Yet, without an attempt, at least, in this direction I should fail entirely in what I most wish to say.

My friendship with Senator DAVIS began when I entered the Senate, nearly eight years ago. I soon came to know him well, and the knowledge bred affection, for he was a very lovable man, a loyal friend, a delightful companion, full of humor, sense, and originality. Our views on the public matters upon which we were engaged were usually in accord, and we had many other subjects upon which we sympathized, so that I came to pass many hours in his company and to talk with him about many topics.

I desire to speak of him now in the two aspects from which I learned to know best his unusual mental powers and one of which will give him place in the history of our time. I wish to speak of him as a statesman and man of letters—high titles, indeed, but he deserved them both.

First, then, as a man of letters. He was not a writer of books. A life given to war, to the law, and to politics left him no opportunity to enter upon a field where I am sure he might have won a distinction which he would have valued above all others. A lecture upon Hamlet, an address upon Madame Roland, a little volume upon the Law of Shakespeare, was all that he found time for in this direction. It is also true that he made no pretense to profound scholarship, to which, indeed, no man can lay claim unless he has devoted his life to its pursuit. Yet was he none the less a man of letters—was so by his wide reading, his cultivation, and his love of learning for its own sake. He had received a liberal education in the days when those words meant simply a classical education, and, what is far more uncommon, he had retained its teachings. I do not know whether he had kept up his Greek or not, but he never let go his Latin; and after leaving college he had taught himself French and Italian so that he read both with absolute ease and fluency—no small feat to be performed by a boy who went from the college to the camp and then fought his way up at the bar and in politics amid the sharp competition of a young and growing State. I remember a summer afternoon, when the Senate was engaged in one of those contests where physical persistence counted more than intelligence, passing by his desk and seeing there two books lying open face down with which he had been beguiling what, without impropriety, I may call the tedium of the occasion. I had the curiosity and took the liberty to look at the books in order to see what they were. One was an Italian work on international law; the other was Juvenal. As I put them down I wondered how many of the glib writers, or of the superior persons who in paragraph and speech utter the conventional sneer about the ignorance of American Senators and Congressmen, would wear away hot and weary hours by reading for instruction an Italian law book, and for pleasure the fierce and virile verses of the great Roman satirist. And be it remembered, it was all done for love and not for show, for I never knew a man of equal attainments who paraded them less. He was widely read in the literature of France and Italy, and still more widely in the ample and subtle speech which was his own heritage. He read thoroughly, and had a memory of iron grasp. Again and again I have been astonished at his sudden and apt quotations from writers little read and seldom quoted.

Like all men of broad cultivation, he had particular fields and special subjects in which he was peculiarly interested and upon which he was more deeply read than elsewhere. One of these was history, and more especially the period of the French Revolution—Napoleon and the Napoleonic wars. He had made a very complete collection of books relating to Napoleon, and everything he bought he read. On this subject he was an authority and an expert, not for any particular purpose, but because the man and the time fascinated him and from sheer love of historical research. He delighted, as all men of thought and imagination must delight, in the great pageant of human history, but in the sensual pleasure of the music and the banners and the glittering arms he never forgot to ask whither the columns were marching and what their movements meant.

His other specialty was Shakespeare. He studied and loved him, knew him through and through, and drew from him that intense delight which comes to all lovers of the greatest genius which has appeared among men. A little instance will show at once his knowledge and his devotion to the mighty poet. Senator DAVIS once defended a judge in an impeachment case. The point involved was the power of the court to punish for contempt, and DAVIS cited in support of his position the splendid lines in Henry IV, where the chief justice defends his action in punishing the Prince of Wales for contempt of the judicial office and authority. He said the quotation produced a great effect, as well it might. Senator DAVIS also wrote, as I have said, a little book, called the Law of Shakespeare, a very learned and interesting study, which never gained the notice and reputation it merited, because it was printed and bound like a law book, when it was really literary and historical.

But that which more than all else makes me speak of Senator DAVIS as a man of letters is that he loved literature for its own sake. A man may be well informed in many ways; he may have read many books and on his own subjects be learned, and yet he may have no literature, to borrow Dr. Johnson's phrase. Books are not necessarily literature any more than the application of paint and colors is necessarily the work of an artist. Painting a fence and painting the Sistine Chapel are both painting, but one is useful, everyday trade, and the other is a great art, the work of a towering genius. A census report is a book, and it is valuable, but it is not literature. In its highest expression literature is the greatest art of which the human race has shown itself capable. As Mr. Barrett Wendell so well puts it, "It is the lasting expression in words of the meaning of life." It must combine thought, wit, humor, fancy—all that can appeal to the heart, the senses, and the imagination—and it must go forth clothed in all the beauties which style and form can give it. It must exist for its own sake and be its own all-sufficient excuse for being. This

was the literature which Senator DAVIS knew and rejoiced in and admired. This was what he read so widely in all languages, and especially in his own. This was what he loved purely for its own sake. And from this it follows that what he read most was poetry—that which is supreme in literature. In poetry he loved most what was greatest and best, and so he came to find what was good in all and judge aright the whole scale.

Despite the fact that he wrote little or nothing, I have dwelt upon him as a student and a man of letters for several reasons. His tastes and acquirements in this direction show the quality of his mind; such knowledge and love of literature are ennobling qualities worthy of remembrance, and such accomplishments in a distinguished public man are honorable to American public life. Senator DAVIS also illustrates the fact that although there are few, comparatively, who can rival him in extent of reading or breadth of cultivation, there are many, very many men in the public service who share his love of learning and of literature, in which they find the same pleasure and instruction that he found in the hours stolen from the engrossing cares of a life of action.

His generous learning and wide reading helped Senator DAVIS as a statesman, that other aspect of his life of which I wish to speak briefly. That he was a statesman in the best acceptance of that term can not be gainsaid. He dealt with large questions in a large way. He looked before and after, not to sigh for what is not, but that he might deal successfully with the present and prepare wisely for the future. Like most men learned in the law, his tendencies were conservative, but he did not shrink from innovation, nor was he the slave of precedent. The past, which he had studied so faithfully, was to him a wise teacher, not an unbending tyrant. He was not one of those who hide dislike of the present and distrust of the future under the guise of loyalty to the past. Although a man of strong will and masterful temper, he was ever open to new ideas. Above all, he had the two attributes essential to the highest statesmanship—sentiment and imagination. Without these gifts a man may be most successful, he may rise to the head of the state, he may do fine and enduring work, but he will never meet the greatest questions in the greatest way; and he may encounter a situation in which, despite his powers, he will fail solely from this deficiency in two qualities which are not practical, but which are none the less essential. Sir Robert Walpole was one of England's greatest ministers. He was the man for the time; he did the work England needed; his splendid good sense, his steady courage, his knowledge of men, and his executive capacity can not be overpraised. Yet Walpole could never have climbed to the heights which the elder Pitt scaled so easily, for he lacked the fervid sentiment and the soaring imagination of his great successor. These qualities of sentiment and imagination, combined with his learning, his long training at the bar, and his experience in public affairs, and supported as they were by an intellect which was singularly quick and resourceful, enabled Senator DAVIS to do his remarkable work of the last few years. When he came to the head of the Committee on Foreign Relations the country was just entering upon a new epoch; a period of change was beginning of which the end is still far distant. In the hurrying events which have crowded so fast upon us in the last four years Senator DAVIS played an important part. It is too soon to tell in detail or rightly to estimate what that part was in all the incidents which led to the Spanish war, in the making of peace, and in the solution of the problems which war and peace and our own strides toward economic supremacy have brought upon us.

In all that he did in shaping our policy he was helped by his knowledge and his studies, by much careful thought, and by an imagination which enabled him to project his vision into the future. But that which was his surest guide was a sentiment embodied in a profound patriotism and an intense Americanism. I do not mean that he was peculiarly American because he held certain opinions on certain public questions, or that he was more patriotic than others who differed with him radically upon those same questions. What I mean is that he had a faith in his people and their destiny which nothing could shake, and that he never had a shadow of doubt or distrust as to their entire ability to meet any responsibility and any question bravely, justly, and victoriously. He had proved his patriotism, like many other brave men, on the field of battle, and he hardly ever referred to it. But his love of country and everything connected with its history was with him a passion. He took a deep satisfaction in his direct descent from one of the Plymouth Pilgrims, and he was prouder of the name of Robert Cushman signed to the compact of the *Mayflower* than if it had been inscribed among those of William's knights on the walls of Battle Abbey. His thoughts were always upon the great questions now before the United States, and in the last hours his country and her fortunes were uppermost in his mind as the shadows closed about him. He was not a man who cried his own virtues and proclaimed his own deeds in the market place, but he did his work—great work, as the time demanded—strongly and well. He will find his place and his reward in the pages of history, when the story of these momentous years is told. That monument is for other hands than ours to build. We can only bear imperfect witness to what he was to us who knew him, and then leave his memory to—

> The silent melody of thought that sings
> A ceaseless requiem to the sainted dead.

Mr. DANIEL. It is a privilege which I appreciate, sad indeed, Mr. President, but all the more in consonance with the feelings which I bring to this mournful hour, to pay my respects to the memory of our dead friend and colleague, CUSHMAN KELLOGG DAVIS, of Minnesota.

He stood in the front rank of the lawyers and publicists of this country. He was an ornament of this body, as he was one of its most useful, able, and respected members. He was beloved here as he was beloved at home, and while the nation and the State alike deplore the loss of a noble and faithful public servant, those who had the privilege of association with him in his daily tasks mourn for him as a delightful companion and as a trusted friend whom they will know no more on earth forever.

The eminence which he had won was attained by the application of brilliant natural faculties to studious pursuits, and was the fitting reward of just and honorable labors. He was well equipped for public life. Before he came here he had been a legislator in his own State and had become its governor. He long practiced law in Minnesota, had achieved great success in his profession, and enjoyed a high reputation for learning, integrity, and sound judgment. As an advocate and as a counselor alike he had few equals. His mind was filled with technical lore, but, as well, with the large and equitable spirit of that jurisprudence which is gathered from the wisdom of the world and is applied in the affairs of men in all nations. There was no case of legal controversy, whether in the nisi prius or the appellate courts, or in an international tribunal, in which he would not have been the peer of any antagonist who could possibly have been arrayed against him.

He was a lover and a student of literature as well as of the law. His mind had been enriched and ripened by his familiarity with its masters, and he was the profounder and abler lawyer because of his accomplishments in letters.

The subjects to which he addressed his attention in his career as a Senator here he studied to their depths, and when he spoke upon them he was sure to develop them in their bearings with perspicuity, and to render a worthy and valuable contribution to their consideration. Erudite, analytical, logical, trenchant, always chivalrous, and often brilliant as he was, he never spoke without attracting deep, interested attention; and while he did not speak often, he always spoke with power, and frequently with rare and engaging eloquence.

As an adviser on public matters he was patient, painstaking, wise, prudent, and considerate. His character possessed the elements which befit the statesman. He looked upon all sides of a question and weighed the "pros" and "cons" with judicial discernment and discretion. While his mind worked quickly and with instinctive justice, he was too experienced and too wise to let loose mere impulsive apprehensions; and his conclusions on any subject were apt to be in consonance with the best possible, practicable attainment.

He was never extreme and never erratic; he was always courteous and always independent and manly. He had a high and honorable sense of conviction and of responsibility, with a certain reserve that modestly emphasized rather than diminished the dignity and weight of his opinions. The play of fine fancy sometimes fringed his serious discourses with phosphorescent fire, but never an unseemly word or misplaced levity marred or belittled his utterances.

A few years ago Mr. DAVIS delivered a short series of four lectures on international law before the faculty and students of the University of Minnesota. They are couched in that clear and sententious language which few could use so well; and they sum up the leading questions of international law which have arisen in our national history. No better brief of them could be produced, and I know of no source which contains so much apt learning for the American student so compactly stated.

His facility as an orator, his wisdom as a thinker, and his knowledge of affairs I once had agreeable opportunity to note at the Military Academy, Westpoint, when I had the honor to be associated with him as one of the Board of Visitors appointed by the President of the Senate. After we reached the Academy he was called on to make an address before the graduating class, with but few hours for preparation. To the "occasion sudden" he was fully equal. In that short time he wrote and delivered a polished and well-considered address which bore no mark of its hasty conning and which was filled with the worthy reflections and the fine spirit which well became such an occasion.

"Our gentle master," Shakespeare, had for him that magnetic attraction which has brought the world to his feet and which he will ever possess without a peer for all spirits "touched to fine

issues." He calls him "the first of men;" and we may well say of Mr. DAVIS, as was said of Lord Chief Justice Campbell, that "he has the glory of placing a stone on the lofty cairn of our immortal bard," for he has written of him in a work which will lose nothing in comparison with that of the great English jurist and author on the same subject. Indeed, it is far more complete in illustration of the law in Shakespeare, and abounds in fine passages of historical and literary criticism.

It was written as the work of winter evenings and as an incident to the study of the works of him "who converted the elements which awaited his command into entertainments," and the members of that profession of which he was a shining light can not turn to its pages without feeling that he has made princely payment of the debt which, it has been said, every lawyer owes to his calling.

Those who have amused themselves in reading the curious books of the iconoclasts, which make laborious effort to show that Francis Bacon wrote the Shakespearian plays, as well as those who find in the master's work inherent evidence of his identity, will sympathize with Mr. DAVIS's sharp rebuke of their heresy where he says:

> And now comes some one and says that here is proof that Shakespeare is a mere alias for Francis Bacon. It is difficult to touch or let alone this vagary with any patience.
>
> One is inclined simply to protest in the words of Shakespeare's epitaph:
>
> "Good frend for Iesus sake forbeare
> To digg the dust encloased heare,"
>
> and pass on, deeming all secure against a desecration worse than that which the poet cursed.

Respecting his good taste in the fitting application of the fine thoughts of others, which, indeed, he seldom needed, so ready were his own, I may use his own language in reference to another and say:

> These emblems of his industry are woven into his style like the bees into the imperial purple of Napoleon's coronation robes.

How beautiful does he speak of the comparison between the first edition of Hamlet, in 1603, and the final revision of 1623, as showing how the hand of the master wrought upon his work.

"It is," said he, "as if some sculptor with an enchanter's power had wrought upon an unadorned Milan cathedral in one night, so that the morning showed thousands of carvings and statues where the day before were only walls of unadorned simplicity."

On the 2d of July, 1897, Mr. DAVIS delivered an address on the battlefield of Gettysburg, at the unveiling of the statue erected by the State of Minnesota in honor of the First Regiment of Minnesota Volunteers.

It was the thirty-fourth anniversary of that mighty conflict in which the regiment from the State which our friend represented had done a deed of splendid valor and paid the martyr's tribute, suffering more than any other command of either side in killed and wounded—more, indeed, than any command in any battle of the civil war. Two hundred and fifteen out of 262 fell in that awful cataclysm. Yet, as he said, "Only 47 were unhurt, but they stood in line, and not one man was missing." Not one of all the brave battalions of the North and South that threw themselves against the walls of fire on that dreadful day won greater honor than the First Regiment of Minnesota; and I may say of him who then spoke for them that their orator spoke as nobly as they fought, and like a knightly champion of a reunited people.

I wish, indeed, Mr. President, it were fitting for me to read all of that speech here. It is the rich, fragrant, mellow, sun-colored fruit of a tree deeply rooted in generous soil. It would better fill my brief time upon this floor than anything I could say. It was a message of peace and honor in the outstretched hand of true fraternity. It was the sage, the seer, the patriot, the honest man that spoke. No vainglorious outburst was there, and no condescension. But forbearance, toleration, moderation, self-restraint, patriotism—broad as the lines of the great Republic, warm as its firesides, vital in every part—honoring all men according to St. Paul's injunction.

May I be permitted, Mr President, to read a few passages from that noble utterance? Said he:

> Nearly 160,000 men fronted each other here. Neither waged a war of foreign invasion. They were brothers, deeply angered. But that brotherhood was an assurance of fraternal reunion at some time when war should cease and the resistless forces of reconciliation should assert themselves, as they have done, thanks be to Him who has guided and protected this nation.

Again, he said:

> Neither army was fighting for a monarchy, or to establish one. Each was pouring out its blood for its own constitutional government—for the right of man to govern himself in a republic. This fact is ever to be remembered in considering the philosophy of that great war. The irritating cause which produced it never for a moment seduced the men of either side from allegiance to the constitutional conception of their forefathers that governments exist only by the consent of the governed, and that this right can be most efficaciously established and preserved by an elective republic.

And yet, again:

> And it was this transcendental fealty which so soon reunited us in one family by the combined efforts of men in whom hostility had been appeased, and closed that awful chasm which our evil-wishers abroad predicted would always divide us by a fixed and impassable gulf. The same earthquake force which opened that abyss closed it again, and we stand now, here and everywhere, upon solid ground—holy ground here, because it is a tomb where the hosts of valor and patriotism have "set up their everlasting rest." It is also a field of resurrection whence has arisen the Genius of a restored Union.

He who thus spoke over the dust of his fallen comrades presents himself to my mind as the highest type of the American citizen; and as we contemplate him there on the heights, where angered brethren imbued the field in each other's blood, and hear the sweet small voice of love rise from a whisper to a bugle call in his utterances, we seem—

> * * to see our flag unfurled,
> Our champion waiting in his place
> For the last battle of the world—
> The Armageddon of the race.

Mr. President, he, too, has passed to the tabernacles of everlasting rest, followed by honest tears, which flow as did his own noble speech from the purest fountain of our being—dews which rise upon the mountain top, descended from the heavens.

> Dead! While his voice was living yet
> In echoes round the pillared dome.
> Dead! While his blotted page lay wet
> With themes of state and love of home.

"When I die," said little Nell, "put something near me that loved the light and had the sky above it always." "Crown me with flowers," said Mirabeau in his last hour.

Innocent childhood, mature manhood, and the world-weary old man go alike as equals to the tomb, and yet with the same ever rising yearning spirit. Gaudy monuments there seem a sacrilege. Fulsome praise is repellant. The uppermost thought that comes to me as I say "farewell" to our dead friend is that throughout his service here, and in all his public life, he held all his countrymen in his heart, and spoke no word that leaves a thorn in any bosom. May I not lay this fact as a flower that bloomed forth from his own being upon his tomb? The virtue which he possessed and of which it is the token has had the sky above it always.

Mr. SPOONER. Mr. President, painfully conscious that I can utter on this occasion no adequate tribute to the character and career of our departed colleague, I yet must speak here some earnest and tender words of my long-time friend. My memory of him carries me back to a time anterior to his removal from Wisconsin to Minnesota, when he was connected with the supreme court of Wisconsin, and availing himself of the great law library of that State in preparing for the practice of his chosen profession. I see him now as I saw him then, and I remember that he was considered one of the ablest, most brilliant, and promising young men in the State of Wisconsin. The judges of the court, all distinguished jurists, were especially fond of him, regarded him as singularly gifted and able, and confidently predicted for him a great career.

In 1870, when I removed to the northern border of Wisconsin, less than 20 miles from his home, he had already achieved eminence in the profession and was accounted one of the leaders of a brilliant and learned bar. He had first won distinction as a lawyer by the audacity, skill, and eloquence with which he had conducted the defense in a famous murder case, and, after the lapse of over thirty years, the ability and resourcefulness which upon that trial attracted the attention of Minnesota to his brilliancy and capacity is still a theme of conversation among the lawyers and laymen of that day.

As a lawyer he was remarkably well grounded in legal principles. He had not only studied the science of the law, but he had explored and mastered the history of the law. There are lawyers who know more of decisions and what is called "case law," but there are not many who have more thoroughly mastered the science of the law or are more familiar with its fundamental principles and the philosophy and reasons underlying them.

He possessed a rare faculty of generalization, and also of analysis, without the narrowness and tendency to technicality which sometimes characterize the analytical mind.

He was not as a lawyer in any sense a specialist, and I do not remember a man who had greater professional versatility. There seemed to be no branch of the law in which he was not at home. It is quite impossible to say that he was stronger in one phase of the practice than in another.

His arguments in the courts of last resort were luminous and weighty. In the examination and cross-examination of witnesses he was an artist, and in the argument of a cause to a jury he was powerful and persuasive. From the beginning of his career he was distinguished for a choice and abundant vocabulary, which was always subject to his command.

I have heard from him arguments addressed to the court upon questions of law and to juries upon questions of fact which I thought then, and think now, could not be excelled by anyone for strength, learning, and eloquence. There was a quality in his voice, a charm in his manner, and a beauty in his diction which was peculiar to him.

No man was ever more devoted to the interests intrusted to his care or more assiduous in the preparation necessary to the completest discharge of professional duty.

He seemed to have been born with a passion for reading. In

the early years, when his professional duties and burdens were most exacting and pressing, I doubt if there was a night when his library was accessible in which he did not, laying aside all thought of law and courts and clients, seek and find recreation and refreshment in some volume of the classics, or of history, or in the pages of Shakespeare, or in the poems of the Bible. He could say with Gibbon:

> My early and invincible love of reading I * * * would not exchange for the treasure of India.

Never since I first knew him would he willingly exchange an hour with his books in the quiet of his library for any social function or assembly.

He read with great discrimination and with fine appreciation of the literary quality of the author and of his thought, however subtle. And he read to good purpose, for his capacious and retentive memory was an inexhaustible storehouse, in which there was no rubbish and from which at his will came jewels of rare beauty to enrich his speech at the bar, in the Senate, on the hustings, and in the daily intercourse with his fellows.

He had rare felicity in the use of language. Every word he used fitted in its place, and was chosen to give precise expression to the thought which he intended to convey. This seemed in him a gift. It characterized him in his early life, and I doubt if he ever uttered even a short speech in which there was not some sentence which challenged admiration for its perfection and fastened itself in the memory of the listener as a model. This was as true of his unpremeditated utterances as it was of those which were carefully prepared. While his style was classic and never commonplace, there was an utter absence of apparent word study.

While his well-earned fame at the bar for learning, ability, and eloquence was established, it was circumscribed, and the larger fame which he won and which will live in the history of the nation was achieved in the domain of statesmanship after he took his seat in this body. Few men ever came here with better natural endowment and preliminary training for the distinguished discharge of the high duties pertaining to this place than did he.

He never seemed to me in the Senate quite the man in physical strength and health he was when I had known him at the bar. His voice had lost something of the ringing and resonant quality which had impressed me in earlier years, and he seemed less aggressive and less inclined to contest and to speech. He came to prefer the study of great questions in the line of his inclination and special duty, and to speak only when it seemed absolutely necessary. He was a great constitutional lawyer, and he made of himself here a great international lawyer. I have not known one in public life who knew more accurately, in general and in detail, the great transactions of this Government, from the beginning, in its international relations. He was content, having expressed fully his views and the reasoning by which he reached his conclusions upon a measure of which he was in charge, or in support of a policy which he proposed, to leave it without further special advocacy to the arbitrament of the Senate.

He made some great speeches in this body worthy of any period in its history, which will stand for accuracy, wealth of learning, beauty of diction, and strength of argumentation as models. Some of the best speeches I ever heard him deliver were upon topics involving our foreign relations, which, though of remarkable beauty of expression, evidencing complete mastery of the subject, listened to by a full Senate with rapt attention, are lost to the world because in the public interest they were spoken in the secrecy of executive session. I recall several such which would have added to his fame, and which it is a pity were not preserved.

His was a daring mind. He had no time for inconsequential thought. Mentally "he walked the mountain ranges." No problem in the domain of international law or diplomacy was too complicated or monumental for his mental grasp. There was about him nothing of mental or moral timidity. He shrank from no responsibility; no specter or phantom danger had terror for him. Once convinced of the true course, he would guide the craft whose rudder was in his hands through any sea with unshaken nerves and will as firm as adamant.

His Americanism was intense, and his faith in the grandeur of our national future was absolute and implicit. He was not unmindful of perils, but he was undaunted by them. An idealist, he was also an eminently practical statesman. A lover of liberty and constitutional government, he realized that each is a development, and that "in the corrupted currents of this world" it can sometimes, alas, only be attained through training and struggle and sacrifice, and too often only through the shedding of blood.

Inexorable in maintaining the rights of his country and safeguarding its interests, he was scrupulous in insisting upon that courtesy and justice in the conduct of our foreign relations which are as essential to peace and good will between governments as they are among men. He knew that among nations, as among men, calmness and dignity of action best befit strength and power, and he was insistent upon the punctilious observance by his own Government in all cases of the etiquette usual in international intercourse, and in this more than once, in my judgment, he served the country better than its people know.

This man, sometimes imperious in his intercourse with equals, was always considerate, even tender, with the lowly and the humble.

He had unfaltering faith in the stability of this Government. It was based upon an unfaltering faith in the people.

He was a sincere friend of labor, but he insisted always upon the observance, by every class, of those laws and principles which are essential to the preservation of public security and good government.

I shall not forget, as the funeral cortège proceeded, on a bleak and wintry day, from the home which he loved to the grave in which he rests, how, as it passed the works of a great corporation, the men who toil there, quitting the furnace, the forge, and the bench, stood in line, with bowed, bared heads, with sorrow in each face, a touching tribute to the dead statesman who, they knew, had been in life their true and thoughtful friend.

He was loyal to the point of devotion in his friendships, and just and tolerant to every fair foe.

I noted in him many years ago, when brought for a time into contact with him in the city of his home, his love for children and their love for him. He answered a remark by me once upon the subject with this quotation:

> Better to be driven out from among men than to be disliked by children.

He was a politician, Mr. President, in the lofty sense, in the honorable sense, in that sense which is requisite to the best statesmanship. He despised political intrigue and backbiting.

He was a religious man in his convictions. I know from conversation with him long ago that he had had, as many of us have had, more or less of skepticism. It long ago disappeared, and I was not surprised, but confirmed, in my understanding of his attitude by reading recently this utterance of his upon the subject to Rev. Dr. Samuel G. Smith, of St. Paul, his friend:

> It is a great deal better to have these things discussed by the friends of the church rather than by her enemies, but it is not new—Voltaire had much to say on the subject. The heart of the question is not in any debate about the history of the books of the Bible. I am very familiar with the Bible. Job is the noblest poem ever written, and there is much of the loftiest eloquence in the Prophets. Nor is it in the literature of the Bible that the problem of faith rests. I know human history, and I know that in the first century something happened that destroyed the old world and gave birth to the new. The resurrection of Jesus would account for that change, and I do not know of any other adequate solution that has ever been proposed.

I read this as evidence of his faith, and as an example of that generalization, broad and strong, which was characteristic of him.

He loved the duties of the Senate, and he delighted in the companionship of the Senate. After he was stricken with the illness from which he died, and a few days before the election, I called upon him. He had suffered intensely, and his nerves were shaken. As I bade him good-bye I sought to cheer him, and prophesied his certain presence at the opening of the session of the Senate. In a low voice he said to me, "It is a great body, a great body; good-bye." To me these were his last words.

It is said that in the delirium which preceded his release from pain and his entering into rest he constantly talked of the Senate and of the great affairs here, which were, in a measure, committed to his charge, and expressed a wish to live a few years longer, that he might help to work out some of the half-solved problems which press upon us, and to which he had given anxious and laborious thought. It was not to be.

We have missed him; we will miss him; and those of us who served with him here will remember him with admiration for his learning and his genius, and with affection for his kindliness and the charm of his comradeship. Truly, Mr. President, he was a man of "great and shining parts"—student, soldier, lawyer, orator, scholar, statesman—in each of these excelling.

Happily, Mr. President, no man is indispensable to any State or country. Minnesota, who loved and honored him and who was by him loved and honored in return, will be represented in this Chamber by strong, able, patriotic, and eloquent men; but, depreciating no one, it will not be strange if she shall not be able, taking him all in all, to send here another CUSHMAN K. DAVIS.

Mr. PETTIGREW. Mr. President, Senator DAVIS belonged to the Northwest, though claimed by the State which honored itself in honoring him. We of the Northwest looked to him as a leader devoted to its interests and fully comprehending and sympathizing with its wants. In a larger sense he belonged to the nation as one of the nation's distinguished servants.

Yet he was distinctively a product of the newer portion of our realm, emerging from childhood, through the intervening years of youth, into the maturity of manhood surrounded by those progressive people who subdued a wilderness and impressed the vigor of their constructive capabilities upon expanding minds.

Born in Henderson, in the State of New York, on the 16th of June, 1838, Mr. DAVIS was taken by his parents from his native State to the Territory of Wisconsin when but a few months old, and there his family enrolled themselves among the pioneers who

created a State that has already furnished the country with many noble examples of patriotic ability.

During that period in life when the mind receives its lasting impressions Mr. DAVIS imbibed the rudiments of that knowledge which in its fullness made him a masterful leader among men. His adopted State was at that time the abode of an unusual proportion of rising representatives of statecraft, endowed with conspicuous mental capacity. Growing to manhood in the midst of influences thrown off from the discussions of men of strong intellectuality, during the formative years of a new Commonwealth, Mr. DAVIS's receptive mentality absorbed the teachings of the conspicuous men of the times, and these furnished the foundation for that broader knowledge, acquired through a habit of industrious research, which formed, in the maturity of his years, the eminent scholar and profound statesman to whose memory we are to-day bestowing the affectionate tribute of sincere words.

Senator DAVIS's education was begun in the common schools of the young State of Wisconsin, and from these he passed to a local college in Waukesha, his home town. From this college he entered the University of Michigan, graduating therefrom in 1857.

Fresh from the honors of university life, he became a student in the law office of Alexander Randall, afterwards governor of the State. A few years of studious application to legal research fitted Mr. DAVIS for the profession of a lawyer, and he opened an office and entered upon the career that made him conspicuous among the leading men of the nation.

When the storm of the civil war broke upon the country Mr. DAVIS abandoned the avocations of peace and became one of that vast army which the North sent forth to grapple in titanic struggle with their brethren of the South. Broken in health, he was compelled to abandon military life in 1864, retiring from the Army as a lieutenant in the Twenty-eighth Wisconsin Infantry.

After abandoning the profession of arms Mr. DAVIS resumed the practice of law at St. Paul, Minn., which city remained his home up to the time of his lamented death. In the succeeding years he filled many public positions of responsibility, being a State legislator, United States district attorney, governor of his State; and finally his constituency elevated him to a seat in this body, and twice affirmed their confidence in his representative ability. During thirteen important years in our history Senator DAVIS honored this Chamber with his presence, and so strongly had he endeared himself to his associates that when he was summoned hence to enter another life he left within the scene of his national successes a profound sense of irreparable loss.

During the sixty-two years which marked the span of his useful career the gravest national questions have arisen and the most serious perils have beset the life of the Republic. Since reaching man's estate Mr. DAVIS has been an active factor in the solution of these public problems, either upon the field of war's strife or in the peaceful councils of the people. Death found him in the midst of the crowning achievements of his public life, and that he was loath to go and leave his work unfinished is attested by those who ministered to his sufferings and watched in sorrow while the soul separated itself from the tenement we have loved and honored as the personification of rare mental gifts and true worth in man.

I am a mourner at the shrine of a friendship that has existed during many years and reaches beyond the barrier of death. Having known Mr. DAVIS intimately in the public and private walks of life—in the forum, in the home and social circle, and in the seclusion of confidential intimacy, I bear testimony to the greatness of his mind and the goodness of his heart, to his unswerving integrity, to his fidelity to principle, to the presence of mental endowments that elevated him to a conspicuous position among the statesmen and philosophers of our advanced era. Sincerely do I hope that the example of his public and private life may remain among and with us as we bear the burdens of earthly pilgrimage and sanctify the hour when we stand again in the presence of the departed.

Mr. McCUMBER. Mr. President, while those qualities which make the soldier or the patriot, the scholar or the statesman, instinctively command our admiration and honor, they are not always the ones which most deeply impress or enshrine a noble character in the affections of his associates or engender the deepest reverence and esteem.

These great qualities of soul and brain manifested in the life of CUSHMAN KELLOGG DAVIS were happily combined with the gentle and tender impulses of a sympathetic heart to an extent seldom equaled in any one individual—the elements of a sage counselor and a generous friend.

While I have watched with pride and honor the public career of this star of my native State whose lustrous character shone over all this great nation, my close personal acquaintance has been limited to a few years only. That short period, however, has been sufficient to know the man, for the character of every individual is like a divinely builded palace, whose majestic proportions and harmonious form, reflecting the beauty and sublimity of the soul of the architect, may be comprehended in a single glance; or like the finished work of some grand artist, which, while it reflects upon the canvas lofty ideals which speak like angels of sympathy to the souls of men, yet shows the labored touch of every stroke of the magic brush.

So was the real life of Senator DAVIS known to all who had the honor of his acquaintance, the privilege of his personal friendship, the more delicate details ever traceable in the grander structure of the whole.

Though firm and strong, his firmness was so blended with gentleness that, while his whole character stood out grand and imposing, it was softened like some great mountain peak half veiled in morning mists.

His generosity was not of the latent quality which required an exciting stimulus to develop its activity, but was ever alert and active, and responded as naturally and as surely as the magnet to the pole. In his kindness and gentleness you felt the glow and fire of sincerity, which inspired absolute confidence.

With a patriotism unbounded, his youthful vigor and manhood's prime, the best of his life and thought, were dedicated to his country's good. That same devotion to nation manifested in his enlistment and service through the civil war was characteristic of his whole life.

The associates of Senator DAVIS in the last session of Congress know how unremittingly were his labors in the very face of the enemy of life. The advent of an insidious disease, to which his physical health was rapidly yielding and which was soon to claim him for its own, seemed rather to intensify than diminish his zeal. One thought with him was supreme—his country needed his service.

The words of the poet might well have been dedicated to him:

> Oh, think how to his latest day,
> When death just hovering claimed his prey,
> With Palinure's unaltered mood,
> Firm at his dangerous post he stood.
> Each call for needful rest repelled,
> With dying hand the rudder held.

But his love of country was not a blind devotion. He admired the true, generous, and brave in all countries, and held his own as rigidly to his ideal of national honor and duty as he did the highest or lowest nation of the world.

His great success in the field of politics was not the result of that tact, skill, and diplomacy, by so many understood to be an essential to successful political advancement.

His tact was the ardor of his convictions of right and unswerving loyalty to those convictions; his diplomacy the directness and simplicity of his utterances; his skill was his scholarly attainments and thorough knowledge of all the great political questions of the day.

As a jurist he ever interpreted law by the standard of justice—the soul which should permeate every human code—and never deflected that standard except toward the side of mercy. His arguments, like his character, were seldom aggressive, but ever clear and persuasive.

As a young man he gave his youthful vigor and strength of manhood in war that no star should be lost to the firmament of American nationality. In his later years he gave that counsel to his country which broadened its national horizon and raised it to a higher, broader, and nobler position among the powers of the world.

The tribute of Sir Walter Scott to Fox, in his last resting place, most fittingly portrays the noble nature of CUSHMAN KELLOGG DAVIS and his country's loss in this era of great national changes:

> For talents mourn, untimely lost,
> When best employed, and wanted most;
> Mourn genius high, and lore profound,
> And wit that loved to play, not wound;
> And all the reasoning powers divine,
> To penetrate, resolve, combine;
> And feelings keen, and fancy's glow—
> They sleep with him who sleeps below.

Mr. FOSTER. Mr. President, Senator DAVIS was my near neighbor for twenty-five years, and, while it is impossible for me to add to the eloquent and just tributes already spoken in his memory, I feel constrained to contribute a few neighborly remarks bearing witness to his many sterling attributes of mind and heart.

Over a quarter of a century ago, when I first met him, he was a rising and ambitious young lawyer, who was attracting friends as well as attention. That he was a confiding and tenacious friend those who know him best gladly testify; but of all his notable qualities his strict integrity first challenged my admiration.

His briefs were perfect, and his thoroughness as a lawyer was, in my humble opinion, the substantial foundation of his success at the bar. His intellect was ever clear and vigorous. He had the power to grasp great intellectual problems, and his prophetic solution of delicate and grave international questions in his riper years stirred the pride of his former neighbors, who predicted a brilliant career for him when he was yet burning the midnight

lamp during and before his achievements as United States district attorney of Minnesota—nearly thirty years ago.

And yet Senator DAVIS did not reach the pinnacle of his power by sudden flights, but rather by steady, persistent plodding and continued application. Day by day, year by year, his abilities and knowledge increased until he developed into a great lawyer—a foremost statesman. He was a notable advocate of the rights of good citizenship and early gained and held the confidence of a large circle of friends. This priceless confidence of his friends continued to the end, consoling him on his bed of sickness and spreading flowers on his tomb.

While this worthy son of a great Commonwealth was a profound scholar, he was a most affable and genial companion and neighbor. In his infrequent moments of leisure his genial spirit and generous hospitality warmed the hearts of his friends and had the pleasing effect of placing the most humble and timid on a level of most charming equality. His friendships were so strong that the severest tests and rudest shocks could not break them. Only the settled conviction that a flagrantly unworthy act had been committed caused him to withdraw the abiding confidence reposed by him in his friends.

His library was stored with choice volumes, and the young men who have had the opportunity of enjoying and profiting by his varied knowledge of men and affairs may well count themselves fortunate. Those partaking of the feast of reason spread by him for his friends will ever remember his remarkable familiarity with the thoughts and writings of men of profound learning of all ages—as well as his interesting conceptions of the teachings of nature. At one time, during an interesting discussion, he would make use of a plain illustration of the common people, next a simile evolved from his own extended experience, and then a classical surprise, pertinent and ever pleasing. His reasoning was clear and concise, his position absolute and definite. Gradually interest in his literary attainments and legal ability spread beyond the middle West and throughout the country in general, until he was known everywhere for his bright intellect, his patriotism, and conscientious performance of public duty.

He was considerate of every man's opinion, and, as a friend and lawyer, this made him an agreeable associate. He was tenacious and unyielding, after reaching conclusions, and in many notable instances time has demonstrated the correctness of his opinions and the soundness of his mature judgment. With Senator DAVIS convictions were sacred, and that he had the courage of his convictions his public acts and deeds amply testify. In expressing his convictions he was fearless, forcible, and courageous.

The fidelity with which Senator DAVIS discharged his public duties is the subject of frequent and earnest commendation among his admirers, but as a former neighbor I deem it an honor to bear witness to his attention to small things. In the little courtesies of life he was thoughtful and considerate. He displayed a disposition to help and perform those slight acts of kindness that cement and firmly hold our friendships. When news reached him, for instance, of an old friend living in a far distant part of the country having been chosen to a seat in this Chamber, he found time, although burdened with grave responsibilities of far-reaching importance, to write full particulars touching upon the duties of a newly elected Senator.

His career has been ended abruptly, at a time when his splendid talents were most keenly appreciated and could least be spared. That his death should occur at this particular time is, indeed, peculiarly sad.

As an eminent authority on constitutional and international law and diplomacy, his services to his country were of inestimable value during the uncertain and eventful days before and during the late war with Spain, and as these last services to his country are yet fresh in the minds of a grateful people, the generous appreciation now manifested adds to the crowning patriotic achievements of his public life.

Mr. TOWNE. Mr. President, the language of eulogy has many times awakened the echoes of these august walls. Often in this place have affection, gratitude, and admiration paid their unstinted tribute to great talents, exalted character, valiant deeds, and useful service. Here whatever is high in purpose or excellent in performance has again and again been celebrated by all that is noble in thought and eloquent in speech.

To-day, with whatsoever humbleness a voice may raise itself to mingle with these mighty memories, there is that in the subject of this observance which vindicates propriety by transforming presumption into duty. His countrymen at large had hardly reached a just appreciation of the native genius and the vast and varied acquirements of CUSHMAN KELLOGG DAVIS when envious death obscured the light whose radiance had but begun to shine in its peculiar sphere and with its own original luster. The people of his Commonwealth, among whom he lived his simple, unostentatious, busy life in a familiar association of more than thirty years, had come to know him well.

His name is a household word throughout the State of Minnesota. His varied endowments, his wide and accurate scholarship, his versatile capacity, were common knowledge, and when he was called, as his fellow-citizens knew he some time must be, to a large opportunity upon the theater of the national history they looked confidently forward to a career that should leave all his countrymen as well assured as they themselves already were of his right to a place in the pantheon of American greatness.

In everyday life Mr. DAVIS was democratic and unconventional, genial and approachable, though never without that unobtrusive suggestion of dignity which almost seems to be the peculiar property of the true American gentleman. His simplicity was as unaffected as his self-respect was unmistakable. He had withal a lively sense of humor which, playing above an illimitable expanse of miscellaneous information, lighted up his conversation like sunshine upon a diversified landscape.

At the bar he early attained to eminence. Always a student in whatever interested him, he had an extensive acquaintance with the literature of jurisprudence, although the structure of his mind inclined him toward the exposition of principles rather than the mere aggregation of cases. His arguments to courts were models of legal reasoning and logical method; while in addresses to juries his intimate knowledge of human nature, his faculty of illustration, and his felicity of speech made him an opponent to be dreaded. As a trial lawyer he excelled in the arrangement of the order of his proofs, in his command of the rules of evidence, and in the art of examining witnesses, exhibiting with other merits in this last department that rare discretion which knows how to resist allurements toward excessive cross-examination.

Senator DAVIS was a conspicuous example of the scholar in politics. His reading, both in history and in general literature, was comprehensive and minute; but in this respect, as in others, he followed the instinct of his own taste and preference rather than any hard and fast programme of study. His library was his most congenial habitat. Thither with unerring certainty he might be traced in the intervals of professional engagements or public business. His books had gathered about him in answer to the call of his mind for companionship and counsel. He bought no volumes by job lot to fill shelf room and make a brave appearance. He knew each one of them like a friend. He handled them lovingly. He felt at home among them. Could they be marshaled in the order in which they came to him, their character and sequence would be at once an index to his many-sided capacities and a history of his growth.

His early love for the classics abided with him from his college days to the last. Ovid, and Livy, and Horace, and Virgil were customary relaxations; and I recall an occasion when, in selecting the contents of his valise for a journey, even a box of his favorite brand of cigars was compelled to give place to a copy of Sallust and a volume of Pliny's Letters. On his return from Paris two years ago he brought with him, as a trophy prized scarcely less than the famous treaty itself, a French edition of the entire extant Latin literature. Many Senators will, no doubt, remember his remarkably happy and ready rendering of a passage in one of Juvenal's satires which he made impromptu during the Hawaiian debate in the Fifty-third Congress. Having quoted as follows:

> Sed quo cecidit sub crimine; quisnam
> Delator? quibus judiciis; quo teste probavit?
> Nil horum; verbosa et grandis epistola venit
> A Capreis. Bene habet; nul plus interrogo.

He thus proceeded:

> My friend from Massachusetts [Mr. HOAR] requests me to translate that. He does not need it, of course. But another Senator [Mr. Washburn] suggests that some of the rest of us do. I will not attempt to give a literal translation, but I will give an accurate paraphrase, which will show its application: "Into what crime has he fallen? By what informer has he been accused? What judge has passed upon him? What witness has testified against him? Not one or any of these. A verbose and turgid message has come over from Capri. That settles it. I will interrogate no further."

Those who have not forgotten the circumstances under which this speech was made will understand that this passage is a good witness to much more than a familiarity with a Latin classic.

With all his various and wide excursions in the domain of general literature, there were some spots he specially loved to visit, a few nooks he made almost his own. A boyhood enthusiasm for Napoleon stimulated an interest in that wonderful man and all that concerned him, and led to the collection of many rare portraits of the great Corsican and of several hundred volumes dealing with his life and times.

It is probable that no other private library in this country can show so large a Napoleonic bibliography as that left by Senator DAVIS; and I question whether any living American other than Professor Sloane has at his instant command such a rich fund of accurate information concerning the first Emperor of the French as that which so often charmed and astonished the friends who were fortunate enough to be in the Senator's company when this absorbing topic was introduced and his mood was fertile.

It is doubtful whether Mr. DAVIS found in any other author

quite so keen a delight as in Shakespeare. Himself gifted with a vivid, yet sane imagination, exquisitely sensitive to the music and rhythm of perfect verse, prone to comprehensive generalization, and profoundly studious of the psychology of human character, the atmosphere of the incomparable poet-dramatist was most congenial to him. In his early manhood the study of Shakespeare was, as he has told us in a published essay, habitual. This study was not only con amore, it was critical, comparative, and exhaustive. Its results in one department of criticism he made known in a volume called The Law in Shakespeare, which remains, I believe, the best and most thorough exposition of this branch of Shakespearean learning. One passage from the "introduction" of this volume I will quote as an example of Senator DAVIS's literary style and of his method of thought:

> There was everything in that romantic age to stir the imagination. There was a spirit of chivalry abroad which marched in quest of something more substantial than moldy relics, and fulfilled vows sworn to something grander than the achievement of pious absurdities. Frobisher had sailed northward into the silence of the eternal seas of ice. El Dorado lifted against the western skies its shafts and domes of gold. The Armada had vanished like a portentous phantom, smitten by the valor of Englishmen, and chased far off into the Hebridean fogs by the waves of the exasperated sea, which fought for its island nursling. Hawkins, pirate and admiral, had thrown his fortune into the pit which threatened to swallow up his country, and had died under the displeasure of his stingy yet magnificent queen. Raleigh, having seen his dreams of the New World die out, lay in the Tower writing his history, doubtless smoking the consoling weed while awaiting the end of so much bravery, so much rashness, and so many cares, in the summons of "eloquent, just, and mighty Death."
>
> Drake had spoiled the seas and the cities thereof. Capt. John Smith had told of great empires in the West and their swarthy emperors. Mary, Queen of Scots, that changeful enchantress, as we see her now—at one time the French lily, all sweet, and pure, and fragrant, and again the Scottish thistle, spinous and cruel to all who touched her—had woven the cords of love into the chains of empire, and had pressed the cup of her sorceries to the lips of many men, until her own glorious head bowed to "the long divorce of steel."

Little argument is needed to show that the author of this paragraph might have entered upon almost any department of literature, whether creative, critical, or historical, with absolute assurance of distinction.

Senator DAVIS's facility in modern languages was very unusual for an American public man. He had for literary purposes a practical mastery of French, a knowledge of Italian only slightly less, and a very serviceable use of Spanish. One of the most valued sets of books in his collection was a complete and uniform edition of the Italian poets, through which in leisure hours he wandered, ever with senses alive to each peculiar beauty, from Dante and Petrarch to Leopardi. Contrary to the general impression, even among his friends, he knew and read the German language; but his admiration for its literature was confined to its poetry, chiefly the folk-songs, Heine, and the lyrics of Schiller.

One of the favorite subjects of his youthful investigation was destined to afford Mr. DAVIS his chief avenue of distinction in public life. I think it probably true that no contemporary statesman excelled him in acquaintance with the literature of international law, or in the ability to state its principles and to argue their application. All the elementary works on the subject in English, French, and Italian were familiar to him, and he was profoundly versed in diplomatic precedents and history. His conceded preeminence as an international lawyer in this body, where several of his colleagues were justly ranked high in the same branch of learning, is the strongest certificate to his abilities and attainments. These qualifications were recognized early in his Senatorial service, and it is well known that many successive Secretaries of State availed themselves of his great store of knowledge, always courteously at their command.

He himself has told me of one occasion whereon Secretary Blaine, by producing at a Cabinet meeting the particulars of a certain diplomatic precedent upon which Mr. DAVIS had happened while reading a French authority, was able at a critical moment to secure the adoption of a procedure that, in all probability, avoided the extremity of war with a South American State. The reports which, as member and as chairman of the Committee on Foreign Relations, he has submitted to the Senate during the last ten years form a very valuable literature on many important topics in international law.

Only those in the very highest places of responsibility can testify how intimate and constant a reliance had been placed on Senator DAVIS from the first mutterings premonitory of the Spanish-American war down to almost the very day of his death. Credible report has attributed to him the greater part of that masterly polemic in diplomacy whereby our peace commissioners at Paris, in a long series of interchanged notes with some of the ablest and astutest international lawyers in Europe, achieved a result which, even by those of us who do not approve the policy, must be admitted to constitute a signal triumph of dialectic skill.

Death found CUSHMAN K. DAVIS at the zenith of his powers and at the summit of his opportunities. He stood at the head of the committee which at the present critical juncture in our history is the most prominent committee of the highest governmental body in the world. If the policy on which his party has entered is to be pursued, the unexpired portion of his current term, comprising the next four years, must be all important in the shaping and adjustment of that policy as related to numerous and complicated international interests. This was a situation calculated to appeal to his highest ambition, to stimulate his greatest potencies, to spread before his mental vision the most satisfying prospect of worthy and enduring fame.

Yet here, on the threshold of the consummation of his career, at the very entrance to that fair field for whose delights and glories all his past seemed to have been a designed preparation, inscrutable fate had ordained that he should pause. No one realized the tragic pathos of the catastrophe more fully than did he; yet he bore the sorrow of it with a moral heroism equal to the physical courage which he opposed to the stoutest assaults of pain. He might wince, but he would not cry out; he could express regret, but he did not complain. And when his feet touched the waters of the river beyond which lies "that undiscovered country," the glance that sought inquiringly the farther shore was a glance that felt no shade of fear.

As a young man he had for a time yielded to the influence of that irreligious skepticism which was often the too hasty refuge of minds strongly impressed by the wonderful development of the physical sciences shortly after the middle of the nineteenth century. But as he grew older, and as his reading broadened and his habit of introspection strengthened, the thought that all the preparation of the centuries is purposeless and that the end of innumerable universes is mere nothingness gave no comfort to his soul and found no justification in his reason.

Familiar with the ancient philosophies and with the general principles of recent science, he found in both of them that which, while it yielded no exclusive basis for a particular creed, yet gave ample support to the sweet assurances of the Christian religion respecting the future life. The Grecian thinkers had reached conclusions summarized in the well-known lines of Addison's Cato:

> It must be so.—Plato, thou reasonest well!
> Else whence this pleasing hope, this fond desire,
> This longing after immortality?
> Or whence this secret dread and inward horror
> Of falling into naught? Why shrinks the soul
> Back on herself, and startles at destruction?
> 'Tis the divinity that stirs within us;
> 'Tis Heaven itself that points out an hereafter,
> And intimates eternity to man.

Modern cosmogony, in sweeping away the ancient fond delusion that the sun, the moon, and the unnumbered stars, "still quiring to the young-eyed cherubims," circle obediently about the earth, the central home of specially created man, merely to give him light and to serve as pleasing objects of his æsthetic contemplation, has substituted a doctrine infinitely more flattering to his consequence and in itself strongly probative of his immortality. It shows the human drama to have begun in the primordial chaos among the whirling atoms of diffused universes, the raw material of unborn worlds.

By the operation of forces of which the finite mind can not begin to grasp either the subtlety or the power, through reaches of time for which even the strongest symbols of our speech are weak as aids to the faltering imagination, the laws of the Eternal Beneficence evolved the order of celestial systems and the mysterious phenomena of life. At the culmination of the long ascent of being stands man, the consummate product of a creative process that began before "the morning stars sang together." Every resource and agency of nature is tributary to him—first, to develop the body, next to nurture the mind, and finally to culture the soul and fortify it for its career through the yet unsounded spaces of spiritual progress.

In his primitive condition man's whole anxiety was to procure the means of mere physical existence and security. By and by the chief concern of this very existence and security came to be the higher things of the mind. Now we are beginning dimly to realize that the spiritual life is the highest of all, the goal toward which the vital principle has been climbing through all the æons gone. There is not an analogy in nature that does not justify the belief that the perfection of this spiritual life is the very flower and purpose of creation. This fact crowns existence. This is the master key to what otherwise is a maze of unintelligible phenomena. This, indeed, "vindicates the ways of God to man."

With such inferences the teachings of the Prophet of Nazareth are in full accord. To know God is, he declared, to have eternal life. When man entered upon the pursuit of this knowledge he began the final stage of his destiny. The founding of Christianity was incomparably the most significant event since the very beginning of things. Said Senator DAVIS, not long before his death, in language which has already been quoted by the Senator from Wisconsin [Mr. SPOONER]:

> I know human history, and I know that in the first century something happened that destroyed the old world and gave birth to the new. The resurrection of Jesus would account for that change, and I do not know of any other adequate solution that has ever been proposed.

Thus, it seems to me, the conclusions of philosophy, the rationale

of science, and the teachings of revealed religion point unerringly to immortality. In this supreme conviction our great friend departed. Though we may mourn the loss of his companionship, let us find more than consolation in the thought that the soul whose labors seemed so untimely interrupted here is still serenely following, in a more congenial environment, its divinely appointed part in the eternal harmony.

Mr. President, I respectfully ask for the adoption of the resolutions.

The resolutions were unanimously agreed to; and (at 3 o'clock and 38 minutes p. m.) the Senate adjourned until Monday, January 14, 1901, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 12, 1901.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read, corrected, and approved.

UNITED STATES COURT, EASTERN DISTRICT OF TENNESSEE.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill (H. R. 12546) to change and fix the time for holding the district and circuit courts of the United States for the northeastern division of the eastern district of Tennessee was read, as follows:

Be it enacted, etc., That the terms of the circuit and district courts of the United States for the northeastern division of the eastern district of Tennessee, held at Greeneville, Tenn., shall commence on the second Monday in November and May of each year, instead of the fourth Monday in August and February, as is now provided by law, and each of said terms shall continue as long as the presiding judge may deem necessary.

SEC. 2. That no action, suit, proceeding, information, indictment, recognizance, bail bond, or other process in either of said courts shall abate or be rendered invalid by reason of the change of time in the holding of the terms of said courts, but the same shall be deemed to be returnable to, pending, and triable at the terms herein provided for.

SEC. 3. That all laws and parts of laws conflicting with this act be, and are hereby, repealed.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON of Tennessee. I desire to ask the gentleman if this bill is asked for by the Representatives of that judicial district on this floor?

Mr. JENKINS. I did not hear the remark of the gentleman.

Mr. RICHARDSON of Tennessee. I know nothing about the bill myself. It relates to the eastern district of the State, and I was inquiring if the members on this floor who represent the eastern district are satisfied with it. I see they are both on the floor now.

Mr. JENKINS. I will say to the gentleman from Tennessee that the bill was presented at the request of the judge of that circuit, and it has the indorsement of the Representatives of that district here.

Mr. RICHARDSON of Tennessee. I see these gentlemen are present, and I have nothing further to say.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

JAMES L. PROCTOR.

Mr. FITZGERALD of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5599) to correct the military record of James L. Proctor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of James L. Proctor, of the county of Kings, State of New York, late a private in Company F, Ninetieth Regiment of New York Veteran Volunteers.

The following amendments, recommended by the Committee on Military Affairs, were read:

In line 4, after the word "to," strike out the words "remove the charge of desertion from the military record of" and insert in lieu thereof the words "grant an honorable discharge in lieu of the dishonorable discharge heretofore granted to."

In line 9, after the word "Volunteers," insert "*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

By unanimous consent, the title was amended so as to read: "A bill granting an honorable discharge to James L. Proctor."

On motion of Mr. FITZGERALD of New York, a motion to reconsider the vote by which the bill was passed was ordered to lie on the table.

CERTAIN INDIANS IN THE INDIAN TERRITORY.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill as amended. I ask that the amended bill be read.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of the bill which the Clerk will report.

Mr. LACEY. As amended.

The SPEAKER. The Clerk will read it as amended, that being the request of the gentleman from Iowa.

The bill (H. R. 8966) for the relief of certain Indians in the Indian Territory who desire to sell their lands and improvements and emigrate elsewhere was read, as follows:

Be it enacted, etc., That when at any time 300 or more Indians of the Indian Territory shall request, by petition or through authorized representatives, of the Secretary of the Interior permission to sell or otherwise dispose of their lands and improvements, or any interest therein, in the Indian Territory, or to obtain their distributive share of any money held for them by the Government of the United States which such petitioners may desire to use for the purpose of buying lands elsewhere, the Secretary of the Interior is hereby authorized in his discretion to ascertain their proportionate share of lands and funds, and allot and set aside the same to them, or such part thereof as he may deem proper, and to assist such Indians to sell or dispose of such lands and improvements, or any interest therein, in whole or in part, in the discretion of said Secretary, as may be or may have been allotted and set apart for them, and to give deeds and patents in fee, or execute papers for the United States Government to carry out the desires of said Indians: and he shall see that their rights are protected or secured by the payment to them in full or in part, in the discretion of the Secretary of the Interior, of the moneys due them for such lands, or that good and ample bonds or securities for the payment of such lands be secured to said Indians: *Provided, however*, That such moneys or bonds shall be held by the Secretary of the Interior, in his discretion, so long as may be necessary to protect and preserve the rights of such Indians after such transfer, a portion to be paid for such lands as are selected by said Indians, a portion to be used in moving to and improving said lands, and if any is left thereafter, to be paid out as instructed by a majority of the entire band, tribe, or organization so emigrating at any one time, subject to the discretion of the said Secretary: *Provided, however*, That if any such Indians emigrate or move to a foreign country, the Secretary of the Interior be authorized, and is hereby instructed, to approve of such terms or agreement with such foreign government as will best promote the interest, wishes, and desires of such Indians: *And provided further, however*, That said Indians so emigrating or separating themselves from the others of their nation or tribe shall not lose any of their rights to participate in any other claims, property, or funds belonging to the nation or tribe of which they are a part which have not been already set aside; and the pro rata share of said property or funds shall, when determined, from time to time be turned over to the Secretary of the Interior, and set apart for them, subject to their order; and that after emigrating from the territory of the United States all reliance and support of said Indians of and by the United States Government shall cease: *And provided also*, That the Secretary may furnish money for the purposes of this act out of the funds due such Indians, and which he may set apart for that purpose without making sale of their lands, if the Secretary may deem it for the best interest of such Indians so to do. It is expressly declared and understood that the United States in the execution of the provisions of this act incurs no liability whatever.

Mr. RICHARDSON of Tennessee. Mr. Speaker——

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. I want to hear from the gentleman from Iowa before consent is given. It strikes me this bill is very far-reaching and very important, and not that class of bills that ought to come up by unanimous consent. Reserving the right to object, I would like to have a very full explanation from the gentleman from Iowa.

Mr. LACEY. Mr. Speaker, I hope we will have order in the House, so that an explanation of the bill may be heard.

Mr. RICHARDSON of Tennessee. It takes away all the right of the Indians.

Mr. LACEY. This is a very important bill, as suggested by the gentleman from Tennessee. It comes before the House with a unanimous report from the Committee on Indian Affairs, after a careful examination. There are some Indians in the Indian Territory who wish to move to Mexico, and some to other parts of the grazing lands in the West. The bill, as introduced, asked Congress for a direct and specific authority to make the removal. The committee did not deem this proper, because the committee could not ascertain all the facts—could not investigate adequately—and therefore concluded that the proper thing to do was to give the Secretary of the Interior such discretion as might enable him, in his discretion, in any proper case to make this transfer. This desire for a transfer grows out of the fact that some 200 Kickapoos—kicking Kickapoos, I believe—emigrated to Mexico, and they have so increased in that climate in twenty years that there are now about 500 of them.

Those of the tribe who remained in the Indian Territory have diminished in number. There are some of the Indians in that Territory who are very subject to pulmonary disease, and they desire a transfer; and for that reason it is believed by the committee that if power were lodged with the Secretary of the Interior to authorize transfers where it was proper, that that should be

done instead of coming here to Congress and asking power to transfer each lot of Indians. This being a large body, Congress would find it impossible to make the transfer and properly protect the Indians in making the transfer.

Mr. RICHARDSON of Tennessee. Does it require 300 Indians to ask it at a time?

Mr. LACEY. It is not less than 300 at a time; so as to make a sufficient body, and justify the taking care of them. As a matter of fact, there are a good many hundreds who have made the petition; but it was deemed proper that 300 or more should join, and that the matter should be left to the discretion of the Secretary of the Interior to look up the lands and investigate the whole matter; and if he deemed it best for their interest under all the circumstances that they should be transferred to authorize it.

Mr. RICHARDSON of Tennessee. Under this bill, then, when a body of 300 Indians make this request for transfer the Secretary of the Interior shall investigate that particular case and ascertain whether it is best for the interests of the Indians.

Mr. LACEY. This places it in his discretion; and if he thinks it best for their interests he may authorize the transfer.

Mr. RICHARDSON of Tennessee. Is it obligatory to make this investigation each time?

Mr. LACEY. It is discretionary; so that it is entirely left with him. The committee leave it in a shape so that if the Indians want to make a transfer they would be permitted to do so if it was deemed to be to their interest.

Mr. RICHARDSON of Tennessee. Perhaps I have not made myself clear to the gentleman. What I wanted to know was if the Secretary must pass upon each application as it comes up?

Mr. LACEY. He has to pass on each, so that each transaction of this kind would have to stand on its own individual merits.

Mr. RICHARDSON of Tennessee. That is what I am asking. The gentleman is sure of that?

Mr. LACEY. That has been very carefully considered and guarded. The original bill authorized the direct transfer, but the committee thought it was not the best way. The committee thought the direct authority should not be given by Congress, but that it was best to lodge the discretion with the Secretary of the Interior.

Mr. MADDOX. Is it not a fact that a number of Indians have become dissatisfied on account of the allotments of land in the Territory?

Mr. LACEY. There are two classes of Indians——

Mr. MADDOX. Is it not a fact that they are encouraged in that dissatisfaction by certain white men who want to get possession of their lands?

Mr. LACEY. There is not a foot of Indian land anywhere that some white man does not want. But let me explain right in that connection. There are two classes of Indians whose desire to move ought to be considered. One class, who are especially adapted to pastoral life, who have not shown themselves adapted to agriculture. Those could be transferred to the short-grass country to their own benefit. There is another class, those who have been sent there from the far North and from the extreme South, and where there has been a radical change of climate, and the climate of the Indian Territory has proved injurious to some of those, the transfer has made them subject to malarial and pulmonary diseases. Those ought to be transferred, or at least ought to have some opportunity for doing so. That is the judgment of the committee. There is another class of Indians, those who do not want to settle down to farming, who take to it slowly, and out of each hundred in a tribe a few could be selected who desired to change; let the discontented element go, and this, no doubt, would very much help the solution of the civilization of the Indian Territory.

At least the Department of the Interior should be empowered to consider and act upon the suggestion.

Mr. MADDOX. This is the preliminary step to get rid of all the Indians in that country?

Mr. LACEY. Not at all; this is merely an opportunity by which some of them can go. Now any individual Indian, after his allotment, and after the time of probation on an allotment has expired, may sell and go where he wants to. Some Indians ought to have that privilege now. Others that are not civilized or advanced enough to go ought not to have it. By this sort of selection it was thought by the committee that there would be no difficulty in solving the question where there is immediate, urgent necessity for action.

Mr. MADDOX. It seems to me that your bill is contrary to the public policy; that is, the policy that has been practiced in this country up to this date. The Indians are the wards of the nation, and you get this consent, which is very easily obtained, as they are ignorant and do not know how to transact their business; certain white men get possession of their territory, and it is the greatest evil that seems to be prevalent down there to-day. Is not this a direct effort on the part of the people to get rid of the Indians to get possession of the property? And in the end will not the Indians become paupers and dependent on the nation?

Mr. LACEY. That is carefully guarded against in this proposition. The wardship of the nation still extends over them and protects them.

Mr. RICHARDSON of Tennessee. Does this bill apply to all the tribes of Indians in the Indian Territory?

Mr. LACEY. Yes; there are only a few Indians who will avail themselves of it. There are a few that urge this permission, and they sought to have a bill drawn to fit their case. We felt that we could not carefully frame such a bill, and we thought it best to frame one so that each case might be investigated.

Mr. RICHARDSON of Tennessee. I would be glad if the gentleman would read that part of the bill which shows that each request must be passed upon under the special observation of the Secretary of the Interior. I have been unable to get a copy of the bill.

Mr. LACEY. That is in the first part of the bill. I will read it:

That when at any time 300 or more Indians of the Indian Territory shall request, by petition or through authorized representatives, of the Secretary of the Interior permission to sell or otherwise dispose of their lands and improvements, or any interest therein, in the Indian Territory, or to obtain their distributive share of any money held for them by the Government of the United States which such petitioners may desire to use for the purpose of buying lands elsewhere, the Secretary of the Interior is hereby authorized, in his discretion, to ascertain their proportionate share of lands and funds, and allot and set aside the same to them, etc.

It is entirely tentative and permissive. It is not mandatory in any sense of the word. It is a power that ought to have been granted long ago, and would have worked for the benefit of the Indian. I will say to my friend from Georgia [Mr. MADDOX] that it does not contemplate any such transaction as occurred years ago in the State of Georgia, where the Indians were rounded up and driven from the State. Nothing of that kind is contemplated. We have got way beyond the period when there was actual hostility to the Indians on the part of the whites.

Mr. MADDOX. I want to say to the gentleman that when the Indians were rounded up in Georgia and Alabama, if ever a nation entered into a solemn compact to protect their rights in the new acquisition it was in that treaty, and we bound ourselves to keep it in good faith as long as water runs down hill and grass grows.

Mr. LACEY. That is true, and this proposition absolutely carries that out in the utmost good faith. Nothing is done, except upon their own petition, as long as water runs down hill and grass grows. They ought to have the permission, if they can better themselves and their condition, to do so. The gentleman from Georgia must remember that they are in a different condition from what they were when they left Georgia. Many of these men rival in intelligence the gentlemen on the floor of the House. Many are educated——

Mr. MADDOX. The gentleman from Iowa will understand that they were the most intelligent Indians in the United States at the time they left Georgia.

Mr. LACEY. Undoubtedly; they were descended largely from the Georgia people. [Laughter.]

Mr. MADDOX. They were bound to be. [Laughter.] I do not want to be captious in making objections, but I do want to investigate the bill, which is a very important one.

Mr. LACEY. The bill was unanimously reported by the committee. The bill was called up the other day and read in full, but was laid over because it was private bill day. It was called up the last session and laid over "because the Coeur d'Alene testimony had not been printed." So this is the third time that the bill has been explained to this House.

Mr. MADDOX. Suppose the gentleman lets it lie over until Monday next.

Mr. LACEY. This is the third time it has been explained, and the bill has been printed in full in the RECORD. The gentleman from Georgia [Mr. LEWIS] joined with the committee in the unanimous report of the bill. I am sorry the gentleman from Georgia [Mr. MADDOX] was not on the committee.

Mr. MADDOX. I will say to the gentleman that I served four years on that committee and I happen to know something about this business, and that is the reason I am talking about it now. For that reason I would like to look into the bill. I have been watching this thing for some time.

Mr. LACEY. This is an entirely new proposition in its present form; and I call the attention of the gentleman to the fact that it is purely tentative.

If the bill be passed, I will agree to make no motion to reconsider and lay on the table; the bill may lie over subject to a motion for reconsideration. That will give my friend ample opportunity to examine the matter. Or, upon the passage of the bill, he may enter a motion to reconsider and afterwards press that motion or not, as he may decide after examination.

Mr. MADDOX. That is a rather poor method of proceeding.

Mr. LACEY. The gentleman will be perfectly safe, because the motion to reconsider is privileged.

Mr. MADDOX. I am perfectly safe now, but by the course suggested I would have all the advantages against me. I again suggest that the gentleman postpone this matter until Monday, so that we may look the matter over together.

Mr. LACEY. I may not get recognition on Monday. This is the third time the bill has been read and explained in the House. I am sorry my friend was not here before.

The SPEAKER. Is there objection?

Mr. MADDOX. I shall have to object.

FRANK B. CASE.

Mr. COWHERD. I ask unanimous consent for the present consideration of the bill (H. R. 11590) for the relief of Frank B. Case.

The bill was read, as follows:

Be it enacted, etc., That the President be, and is hereby, authorized to appoint Frank B. Case, of Missouri, a line officer in the Navy, to take rank at the foot of his original class and next after Simon Cook, and said Case shall thereafter be carried as additional to the numbers of each grade to which he is appointed or thereafter at any time promoted, and he shall perform shore duty or such duty at sea as the physical disability for which he was retired will permit, and the provisions of section 1494 of the Revised Statutes are hereby made applicable to his case: *Provided*, That the said Case shall establish to the satisfaction of the Secretary of the Navy by examination, pursuant to law, his mental, moral, professional, and physical fitness to perform the shore duties of a lieutenant or of the grade to which he may be appointed

The SPEAKER. Is there objection?

Mr. HOPKINS. I shall be compelled to object for the present.

Mr. COWHERD. I hope the gentleman will allow me to explain the matter.

Mr. HOPKINS. I want to know whether this is going to interfere with some young men in the Navy in whom I have an interest.

Mr. COWHERD. If the gentleman will allow me to explain I think he will see that the bill can not have any such effect. I trust he will withhold his objection for the present.

Mr. HOPKINS. Very well; reserving the right to object, I am willing to listen to the gentleman's explanation.

Mr. COWHERD. Mr. Speaker, this is one of the few cases in the history of the Navy. I believe there are one or two others of similar nature. There are certainly not more than two or three cases where an officer has been wholly retired from the service on account of a physical disability when there was no question touching his moral conduct or character. This case, however, goes further than that. If absolute justice were done, this gentleman, instead of being retired from the Navy, would have gone on the retired list with pay in accordance with the compensation given to officers retired for disability incurred in service.

The facts are these: Mr. Case was appointed a cadet and passed all the examinations to which cadets entering that Academy are subjected. He went through the full course and graduated. On his second trip, he was sent as one of the force on the relief expedition in search of the *Jeannette*. The navigating officer of the ship was taken sick, so that during almost that entire voyage he had to occupy the position of navigating officer, and was compelled to be on deck and keep watch. When he returned from that voyage, he was immediately summoned to take an examination for promotion. The doctors then found that he was suffering from color-blindness. Mark you, he had passed at least three examinations prior to this time, and no color-blindness had been found. This, I think, was the first case where upon such an examination a man had been found to be color-blind and relieved for that cause. The physicians then held that color-blindness was congenital; that no man could acquire color-blindness by reason of his service. Therefore they held that this man ought never to have been received in the Navy, and that he ought to be wholly retired, instead of being placed on the retired list.

It is now, however, recognized by medical authorities that color-blindness may be either congenital or acquired, and among the things given by the authorities as most likely to cause color-blindness is exposure to the glare of the sunlight from ice fields and from large territories covered with snow. The authorities cite cases of color-blindness caused by exactly such circumstances as those to which Mr. Case was subjected on the trip taken just before his examination.

He was totally retired—a proceeding unprecedented practically in the Navy—when there was not anything against the efficiency of his service or against his character. When the Spanish war broke out he offered his services to the Government. He was sent down to be examined, and was passed. Of course he was asked whether he had ever seen service, and the history of his case was given to the examining board. He was given another examination, and two of the three doctors passed him again. Then, at the earnest solicitation of the other physician, he was given a third examination and was rejected, although the color-blindness which appeared was at that time very slight.

This gentleman is fully qualified to perform all the duties of an officer. He stands high. He is at present engaged in the Department on civilian work. As I have said, if justice had been done him he would either be on the regular force or be wholly retired with full compensation. Now, all we ask is that he be allowed to reenter the service and stand at the foot of his class (I think that before his retirement he stood about the center), and that he be carried on the roster as an additional officer, so that he will not interfere with the rights of anyone else.

Mr. HOPKINS. How long has he been out of the service?

Mr. COWHERD. I think the report will show that he has been out about ten years or more. Upon reflection, I think he was retired about 1883.

Mr. HOPKINS. And this proposition is to put him into active service again?

Mr. COWHERD. Yes, to put him into active service—such service as he is competent to perform; and he is competent to perform any except where color-blindness may interfere.

Mr. HOPKINS. The only object in putting him back there would be to put him on the retired list.

Mr. COWHERD. Oh, no.

Mr. HOPKINS. He can not have active service because of his color-blindness.

Mr. COWHERD. He can. He can perform any service, except where this defect interferes. In fact, he is now performing service in the Department as a civilian employee. A bill was introduced to put him on the retired list, and this bill was drawn up at the suggestion of the committee and following a precedent that has been established in a former case, recommended, as I understand, in the former case, by the Secretary of the Navy.

Mr. HOPKINS. I desire to look into the matter, and, for the present, I will object.

Mr. COWHERD. If justice was done him, he would go on the retired list; but he does not want that. He is a young man and is capable of serving.

Mr. HOPKINS. I will look into the matter.

CERTAIN INDIANS IN THE INDIAN TERRITORY.

Mr. LACEY. Mr. Speaker——

The SPEAKER. Does the gentleman from Georgia withdraw his objection to the request presented some time ago by the gentleman from Iowa [Mr. LACEY] for the present consideration of a bill?

Mr. MADDOX. Subject to the adoption of certain amendments.

The SPEAKER. Is there objection to the consideration of the bill of the gentleman from Iowa [Mr. LACEY]?

Mr. FINLEY. I should like to ask the gentleman a question. I should like to ask whether these Indians, who are now by the provisions of this bill to sell their lands and buy lands elsewhere in the United States, will hold the lands which they buy elsewhere under like limitations and restrictions as their lands are now held by them in the Indian Territory?

Mr. LACEY. That matter is placed in the discretion of the Secretary, and with the proposed amendment of the gentleman from Georgia [Mr. MADDOX] will require the approval of the President as well. He thinks there should be an additional restriction, but we do not object to any restriction that will protect the Indians in this matter. The committee endeavored to insert all that they thought necessary to protect them.

Mr. FINLEY. Will the gentleman agree to an amendment that they shall hold the lands bought elsewhere in the United States under like limitations and restrictions as the lands that they now hold in the Indian Territory are held?

The gentleman from Iowa has stated here that some of these Indians have not yet reached that point of civilization that entitles them to deal with their lands with entire freedom. Now, if that is true in all such cases, should not the Secretary of the Interior look after the interests of those Indians when lands are being purchased elsewhere?

Mr. LACEY. I shall not object to an amendment of that kind, if the gentleman will prepare it. It can be added as a proviso at the end of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendments.

Mr. MADDOX. Mr. Speaker——

The SPEAKER. Let the committee amendments be disposed of first.

The committee amendments were agreed to.

Mr. LACEY. The gentleman from Georgia [Mr. MADDOX] has some amendments which he desires to offer.

Mr. MADDOX. I want to have the bill amended in line 11 by inserting "with the approval of the President" after the word authorize."

The Clerk read the proposed amendment, as follows:

After the word "authorize," in line 11, page 1, insert the words "with the approval of the President."

The amendment was agreed to.

Mr. MADDOX. In line 6, page 2, after the word "Secretary," I move to insert "with the approval of the President."

The amendment was read, as follows:

In line 6, page 2, after the word "Secretary," insert "with the approval of the President."

The amendment was agreed to.

Mr. MADDOX. In line 12, page 2, after the word "Interior," I move to insert "with the approval of the President."

The amendment was read, as follows:

On page 2, line 12, after the word "Interior," insert "with the approval of the President."

The amendment was agreed to.

Mr. MADDOX. In line 16, after the word "Interior," I move to insert "with the approval of the President."

The amendment was read, as follows:

In line 16, page 2, after the word "Interior," insert "with the approval of the President."

The amendment was agreed to.

Mr. MADDOX. On page 2, line 25, after the word "Interior," I move to insert "with the approval of the President."

The amendment was read, as follows:

On page 2, line 25, after the word "Interior," insert "with the approval of the President."

The amendment was agreed to.

Mr. MADDOX. In line 18, page 3, after the word "Secretary," I move to insert "with the approval of the President."

The amendment was read, as follows:

In line 18, page 3, after the word "Secretary," insert "with the approval of the President."

The amendment was agreed to.

Mr. FINLEY. I offer the amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from South Carolina offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Provided, That the lands so repurchased in the United States shall be held by the purchasers under like limitations as those held at present.

The SPEAKER. Where does this come in?

Mr. FINLEY. At the end of the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

GRAND PORTAGE INDIAN RESERVATION.

Mr. MORRIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill (H. R. 10664) granting permission to the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, to cut and dispose of the timber on their several allotments on said reservation, was read, as follows:

Be it enacted, etc., That the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, shall be, and they are hereby, permitted to cut and dispose of the timber on their several allotments, under such rules and regulations as may be prescribed by the Secretary of the Interior.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McRAE. I should like to have the bill reported again. My attention was diverted at the time of the reading.

The bill was again read.

Mr. UNDERWOOD. Mr. Speaker, I reserve the right to object, if the gentleman wants to say anything. It looks as though this bill was intended to allow the Indians to sell their timber lands without any restriction, and I do not think it is the kind of a bill that ought to pass. My friend and I have had some experience with timber lands in that part of the country, and, as a rule, the man that they sell to gets it all and the Indian gets nothing.

Mr. MORRIS. If the gentleman will allow me to make an explanation.

Mr. UNDERWOOD. Certainly. I reserve the right to object.

Mr. MORRIS. I think I can make it clear to my friend. You will notice that the language of this bill is to permit the Indians of this little reservation not to dispose of their lands at all, but to cut and dispose of the timber on their allotments. Now, this is a little reservation in the northeast corner of the State of Minnesota. The lands which have been allotted to the Indians are not valuable for merchantable timber in the ordinary acceptation of that term. They are, to some extent, valuable for the cedar posts and paving blocks which are on these allotments. The object of this bill is to give these Indians the right to cut and dispose of this kind of timber in order that they may have some occupation in winter, and also to piece out the meager annuities which they receive from the Government.

I will say to the gentleman from Alabama [Mr. UNDERWOOD] that since I have been in this House I have been obliged to make application to the Commissioner of Indian Affairs to furnish supplies to these Indians in the winter time in order to keep them from starvation. The idea of this bill is simply to provide that they may be able to dispose of this timber so as to give them something to do, and also to piece out their annuities which they receive from the Government. I will further say to the gentleman from Alabama that I took up this matter with the present Commissioner of Indian Affairs, who is perhaps as particular about the disposal of any timber lands of the Indians as any Commissioner of Indian Affairs has ever been.

I went over this matter thoroughly with him, and he, with a full knowledge of the facts, said he thought it would be not only advisable but the very best thing that could be done that such a bill as this should be passed, but that this timber should be cut and disposed of under such regulations as the Indian Department should prescribe. In conformity with his suggestion I prepared the bill as it is now presented, and there is a report here, from the Commissioner of Indian Affairs or from the Secretary of the Interior, favoring the passage of the bill.

Mr. UNDERWOOD. I should like to hear the report of the Commissioner of Indian Affairs.

Mr. MORRIS. The report is on the Clerk's desk. It comes in the shape of a communication from the Secretary of the Interior, but it went through the Commissioner of Indian Affairs.

The SPEAKER. The Clerk will read the communication.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 26, 1900.

SIR: The office is in receipt, by Department reference of April 23, 1900, for report, of a letter dated April 20, 1900, from Hon. J. S. Sherman, chairman of the House Committee on Indian Affairs, transmitting H. R. 10664, entitled "A bill granting permission to the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, to cut and dispose of the timber on their several allotments on said reservation."

The bill is as follows:

"*Be it enacted by the Senate and House of Representatives of America in Congress assembled*, That the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, shall be, and they are hereby, permitted to cut and dispose of the timber on their several allotments under such rules and regulations as may be prescribed by the Secretary of the Interior."

The Chippewa Commission, appointed and acting under the provisions of the act of Congress approved January 14, 1889 (25 Stats., 642), has allotted 24,191.31 acres of land on the Grand Portage Reservation to 304 Indians of said reservation. Said commission completed its work and made its report September 12, 1896. Said report was approved by this office November 4, 1896, and by the Department November 9, 1896.

As the bill under consideration vests in the Department entire control of the cutting and disposition of the timber on the allotments on the Grand Portage Reservation, as most of the land is unfit for agricultural purposes, as there is but little timber upon it, and as the annuities of the Grand Portage Indians are small, the office is of the opinion that the bill should be enacted into law, and recommends that the honorable Chairman of the House Committee on Indian Affairs be so advised.

Very respectfully, your obedient servant,

A. C. TONNER,
Acting Commissioner.

THE SECRETARY OF THE INTERIOR.

Mr. UNDERWOOD. I see from the report of the Commissioner of Indian Affairs that there is very little timber on that reservation, and for that reason I will not object. My experience has been that where the Indians have occupied timber lands and have been allowed to dispose of timber the contractor gets all and the Indian gets nothing. In this case it seems that there is very little there.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and, was accordingly read the third time, and passed.

On motion of Mr. MORRIS, the motion to reconsider the last vote was laid on the table.

ARIZONA WATER COMPANY.

Mr. WILSON of Arizona. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 10667) to authorize the Arizona Water Company to construct power plant on Pima Indian Reservation in Maricopa County, Ariz.

Be it enacted, etc., That the Arizona Water Company, its successors and assigns, be, and it hereby is, authorized to erect, construct, maintain, and operate a water-power plant at the place on the Indian reservation set apart for the Pima and Maricopa Indians by Executive order dated June 14, 1879, in the county of Maricopa, Territory of Arizona, where the Arizona Canal, by means of a crosscut canal, drops a portion of the water back into the Salt River theretofore taken out by its dam and head gate. Said Arizona Water Company, its successors or assigns, is also authorized to erect, construct, and maintain the necessary poles and wires for the purpose of transmitting across said reservation, at the most practicable and convenient route, the electricity to be generated by such power plant: *Provided, however*, That said Arizona Water Company, its successors or assigns, shall at all times save and protect all persons on said Indian reservation from any and all damages which may be caused by the erection and maintenance of said power plant, pole line, and wires used in connection therewith.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. KLEBERG, a motion to reconsider the vote by which the bill was passed was laid on the table.

DAM AT OR NEAR KNOXVILLE, TENN.

Mr. GIBSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 12099) to grant the Knoxville Power Company the right to dam the Tennessee River, at or near Knoxville, Tenn.

Be it enacted, etc., That the Knoxville Power Company, of Konxville, Tenn., be, and is hereby, authorized to construct a lock and dam across the Tennessee River at or near Knoxville, for the purpose of furnishing power for lighting, manufacturing, and other purposes.

SEC. 2. That said company, in the construction and operation of said lock and dam, shall conform to all the conditions and requirements that may be made by the Secretary of War.

SEC. 3. That before beginning the work the Knoxville Power Company shall file with the Secretary of War the plans, drawings, specifications, etc., to be used in connection with the construction of said lock and dam, and shall have his approval thereof, and until such approval is given the structure shall not be commenced.

SEC. 4. That the work of construction of said lock and dam shall be carried on in such a manner as not to unnecessarily interrupt or impede navigation while it is in progress; and when constructed the lock and dam shall be operated at the cost and expense of the said Knoxville Power Company: *Provided*, That the works shall be so constructed and operated as not to interfere in any way with the regular flow of water in the river, and any ponding up or storing the water during certain periods so as to use it more rapidly during other periods is hereby prohibited: *Provided further*, That the said company shall be responsible for any damage or injury inflicted upon navigation interests by said works or by reason of the failure of the said company to comply with any conditions or requirements made by the Secretary of War in respect thereto, and the said company shall also be responsible for any damage to private property resulting from overflow, and any litigation arising from any of these causes may be tried in the courts of the United States for the district in which the said works are situated: *Provided further*, That should the works at any time and for any cause whatever become an unreasonable obstruction to navigation, the Secretary of War shall have authority to direct and compel the Knoxville Power Company to make such changes as may be necessary to obviate such obstruction at the expense of the said Knoxville Power Company.

SEC. 5. That this act shall be null and void if actual construction of the works be not commenced within two years and completed within five years from the date hereof.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. I will reserve the right to object if the gentleman wishes to say anything.

Mr. GIBSON. I will say to the gentleman from Alabama that this bill was reported by the Committee on Interstate and Foreign Commerce in lieu of the one I introduced on the same subject, and is, in effect, recommended by the Secretary of War, by General Wilson, and by Major Kingman. It will improve the navigation of the Tennessee River without any cost to the Government. The whole matter will be under the charge of the War Department. The expenses of operating the locks are all borne by the company. The United States is put to no expense. It is an improvement of the navigation of the river at a cost of over $400,000, and possibly a half million of dollars. Major Kingman says it is the very sort of improvement that the Tennessee River needs, and therefore it is recommended by the engineering department of the Government.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I desire to ask the gentleman if this river is navigable at this place at this time?

Mr. GIBSON. It is navigable in ordinary water. This improves the navigation for a distance of 20 miles above Knoxville.

Mr. UNDERWOOD. How many months of the year is the river navigable at present?

Mr. GIBSON. Eight months, and often all the year round, for light-draft boats.

Mr. UNDERWOOD. And you propose to put a dam there to improve the navigation?

Mr. GIBSON. To improve the navigation above Knoxville. But the dam is to be so constructed that boats can pass it by means of a lock.

Mr. UNDERWOOD. Is there anything in this bill that prevents the company charging lockage?

Mr. GIBSON. Locks are provided for, all at the expense of the company, and under the control of the War Department.

Mr. UNDERWOOD. Is there anything in this bill that prohibits the company charging the commerce of the river lockage?

Mr. GIBSON. Yes; all lockage is done free.

Mr. UNDERWOOD. Does the bill state that?

Mr. GIBSON. It expressly provides it in the bill. A similar bill is also before the Senate, and the Senate Committee on Commerce has added two small amendments, which I propose to add, that the lock and dam shall be operated free of cost or charge to all vessels passing through the same, and at the cost and expense of the Knoxville Power Company.

Mr. UNDERWOOD. I will state to the gentleman from Tennessee that the people of my State are largely interested in the Tennessee River. The bill may be a very good one, but it is the first time I have heard of it, and I am not willing to have it go through by unanimous consent, without looking into it to satisfy myself that it is all right, because it evidently surrenders the whole control of that river to a private corporation. I object for the present.

EDWARD EVERETT HAYDEN.

Mr. MEYER of Louisiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

An act (S. 2384) for the relief of Edward Everett Hayden, an ensign on the retired list of the Navy.

Whereas Ensign Edward Everett Hayden, United States Navy, was placed upon the retired list of the Navy by reason of the loss of a leg, resulting from an accident incurred in the line of duty; and

Whereas sections 1493 and 1494 of the Revised Statutes of the United States permit an officer of the Navy who has been wounded in the line of duty to remain upon the active list while capable of performing other than sea duty; and

Whereas several other officers of the Navy suffering from similar disability for sea duty have been, and are now, retained on the active list, in accordance with the above-mentioned sections of the Revised Statutes; and

Whereas the said Edward Everett Hayden has been, since his retirement, engaged in scientific study and work of value to and under the direction of the Navy Department, including service during the war with Spain, when he volunteered for active duty and served creditably and longer than any other retired officer of the Navy: Therefore, that justice may be done the said Edward Everett Hayden and that the Navy Department may be enabled to command his services during peace as well as war, in accordance with the above-mentioned sections of the Revised Statutes,

Be it enacted, etc., That the provisions of law regulating appointments in the Navy by promotion in the line and limiting the number of lieutenants to be appointed in the United States naval service are hereby suspended for the purpose of this act only, and only so far as they affect Edward Everett Hayden; and the President of the United States is hereby authorized, in the exercise of his discretion and judgment, to nominate and, by and with the advice and consent of the Senate, to appoint said Edward Everett Hayden, now an ensign on the retired list of the Navy of the United States, to the grade and rank of lieutenant on the active list of the Navy, as of the date of May 1, 1895, and to place his name in the Register of the Navy next after that of his classmate John Hood: *Provided*, That the said Hayden shall establish to the satisfaction of the Secretary of the Navy, upon examination by a board of officers convened pursuant to the provisions of section 1496 of the Revised Statutes, his mental, moral, and professional fitness to perform the shore duties of a lieutenant, and before a medical board, pursuant to the provisions of sections 1493 and 1494 of said statutes, that his existing physical disqualification was occasioned by wounds received in the line of his duty, and that such wounds do not incapacitate him for duties other than sea duty in the grade of lieutenant: *And provided further*, That he shall receive no pay or emoluments by reason of such reappointment to the active list of the Navy except from the date of such reappointment, and that he shall be additional to the number of officers prescribed by law for the grade of lieutenant in the Navy, and in any grade to which he may hereafter be advanced.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MEYER of Louisiana, a motion to reconsider the vote by which the bill was passed was laid on the table.

BEACON LIGHT ON HAMBROOK BAR, CHOPTANK RIVER, MARYLAND.

Mr. KERR of Maryland. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 13399) for the establishment of a beacon light on Hambrook Bar, Choptank River, Maryland, and for other purposes.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to have established a beacon light on Hambrook Bar, Choptank River, Maryland, and beacon range lights to guide into the harbor of Cambridge, Md., at a cost not to exceed $10,000.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. KERR of Maryland, a motion to reconsider the vote by which the bill passed was laid on the table.

BRIDGE ACROSS MISSISSIPPI RIVER AT OR NEAR CAPE GIRARDEAU.

Mr. VANDIVER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 10846) to authorize the construction of a bridge across the Mississippi River at or near Cape Girardeau, Missouri.

The Clerk proceeded to read the bill.

Mr. VANDIVER. To save time, I ask that the reading of the bill be dispensed with.

The SPEAKER. This is a bridge bill, and the gentleman asks unanimous consent to dispense with the further reading of the bill. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. VANDIVER, a motion to reconsider the vote by which the bill was passed was laid on the table.

EDWARD B. HOWARD.

Mr. STEELE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3135) to correct the military record of Lieut. Edward B. Howard.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the bill which the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to amend the military record of Lieut. Edward B. Howard, Company G, Fourteenth New Hampshire Volunteers, and grant him an honorable discharge.

With the following amendment, recommended by the Committee on Military Affairs:

Add at the end of the bill the following:

"*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEELE, a motion to reconsider the last vote was laid on the table.

RIVERS AND HARBORS.

Mr. BURTON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 13189, the river and harbor bill.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HOPKINS in the chair.

The CHAIRMAN. The Committee of the Whole House on the state of the Union is now in session pursuant to the direction of the House, and the Clerk will report the bill.

The Clerk read the title to the bill, as follows:

A bill making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. CATCHINGS. Mr. Chairman, if I did not feel that a public duty rested upon me to do so, I should not trespass upon the time of the committee this morning, for I am extremely unwell; but in view of the very ferocious and savage attack which was made by my good and honored friend from Iowa [Mr. HEPBURN], in accordance with his usual custom, upon that feature of the pending bill in which my constituents are most deeply concerned, I do not feel that I ought to remain silent.

I listened, Mr. Chairman, with great admiration to the performance of my friend. I admired his superb diction, his attractive delivery, his great intellectual activity, and his commanding presence, and in this I think I reflect the sentiments of all who listened to him. It has always been a pleasure to me to hear him speak. I have always acquired from him a great deal of information, and at times, Mr. Chairman, a vast amount of misinformation. [Laughter.]

I have listened to him also with great regret; a regret that his splendid abilities were mercilessly turned against what I regard as the most important and beneficent feature of this bill. I have always cherished the hope that at some time before I retired from Congress I would enjoy the pleasure of seeing his magnificent powers enlisted in behalf of this cause which I have so much at heart. His speech on the day before yesterday warned me, however, that that hope, which I have so long hugged to my breast, must take its place in the limbo of the wreckage of other disappointments which have come to me in my life.

I regret that I have not had the opportunity to read in print what he said in that speech, for I was much disturbed while he was addressing the committee, and therefore fear that I did not catch all of his observations. But it will be my effort, in part at least, to clear away some of the mist and vapor with which he surrounded his topic.

In the first place, I wish to correct his statement that all commerce on the Mississippi River has practically disappeared. As against that I will place the statement which was recently made to me by a friend of mine, an honorable and upright gentleman, and particularly informed as to all matters pertaining to the navigation and commerce upon that river. That statement was to the effect that never at any time in its history has so large and valuable a commerce floated upon the bosom of that mighty stream. The character of the commerce has changed, and because its character changed my good and honored friend has fallen into the delusion that the commerce itself has substantially disappeared. There was a time when there were no railroads, Mr. Chairman, penetrating that valley, either from the North or the South, the East or the West. And in those days the great through traffic from the West necessarily found its way to the southern communities along that river by means of steamboats.

Unquestionably since the advent of these railroads there has been a great falling off in this through commerce. But the cities and towns in that valley have become so greatly augmented in importance, there are so many more people dwelling within its limits, there are so many more commercial communities there engaged in business that even with this through commerce considerably eliminated there remains a quantity vaster and more valuable than in the early days, when the large and costly steamboats made so conspicuous and ostentatious a display.

But the great through traffic that comes down the railways which penetrate the valley along the sides of this noble stream is discharged at points of distribution such as Cairo, Memphis, Greenville, Vicksburg, Baton Rouge, New Orleans, and numerous other ports, and from them it is distributed to the dwellers of the valley, and that distribution takes place by local steamers which constantly arrive and depart. So the change is merely in the character of the commerce, and not in the aggregate amount of it.

Undoubtedly but for the construction of these railways the traffic upon the river would be greater still, for it would then have comprised not only this distribution from local points which I have described, but also the through traffic which now goes by rail.

I believe I have said enough on this point. I will, however, add that if my friend be correct—if the value of that stream as a commercial artery has entirely or substantially ceased to exist—the business men of the city of St. Louis, which lies at the head of navigation of the lower river, are greatly in error. I hold in my hand a memorial to the Congress of the United States, which is signed by every business association in that city, asking and pleading that liberal and extensive appropriations be made in order that they may better utilize this stream in conducting its commerce.

Before discussing questions relating to the work upon the river I will take up another error into which my good friend has fallen. In his great desire to find something upon which to launch his criticism and invective he made reference to the improvement which is in contemplation at the Southwest Pass of the Mississippi River, which pertains to and properly constitutes part of the harbor of the city of New Orleans. He stated that when the work of improving the South Pass began, in 1875, it was founded upon what he designates as the principle of contraction, by which he meant such concentration of the water that it would scour out a channel sufficient to enable vessels to enter and depart. He avers that in the improvement of the great Southwest Pass, for which this bill provides, the principle of contraction has been abandoned and that of diffusion, as he calls it, substituted.

Mr. Chairman, my friend was mistaken in both statements. The principle of concentration was applied, it is true, to a considerable degree in the construction of what are known as the Eads jetties, which began in 1875. The Mississippi River makes its exit to the Gulf through three mouths. The center one is called the South Pass; the one to the east is called the Southeast Pass, and the one to the west is called the Southwest Pass. About 93 per cent of all the water of the Mississippi River goes out, and substantially that quantity has always gone out, through the Southwest and the Southeast passes. There does not go to-day through the South Pass, according to the testimony, more than 7 per cent of the total volume of the Mississippi River. That pass at no time has carried more than 10 or 11 per cent.

Thus it will be seen that my good friend is entirely mistaken in his declaration that when the Eads jetties were undertaken the plan was to force all the water of the river to find its exit through a single one of the Passes. If he had given sufficient attention to the physical conditions at the mouth of the river he would have seen how utterly impossible it is to apply, to the extent stated by him, what he calls the principle of concentration. If members of the committee will turn to a map portraying the physical features there existing they will find that the sediment which has been brought down by the river during the centuries has been spread over an extensive area having very much the shape of a fan, and that the three Passes into which the river is there divided work their way through this formation to the Gulf, having banks so narrow that a stone may almost be cast across them. Being composed of extremely friable soil, these banks are so fragile that if there were any extensive concentration of water between them they would be rent asunder and wholly destroyed. If the banks of these Passes were firm and stable, there would be no substantial difficulty, by suitable concentration works, in securing any depth desired through the bar at the mouth of the river.

When Mr. Eads proposed his enterprise to the Congress of the United States he was compelled, against his wishes, to take the South Pass, which is the most inferior of the three, upon which to make his experiment. It proved to be extremely difficult by concentration works to secure just the quantity of water needed to scour out the Pass to the required dimensions, and the channel has been maintained by means of dredging in connection with

the jetties, which has been carried on with more or less constancy. It is largely through dredging operations that we expect to secure and maintain a 35-foot channel through the magnificent Southwest Pass.

And the money which the Government proposes to expend for that purpose will be returned many fold. I had in my possession, but unfortunately have mislaid it, a clipping which I took a few days since from the New York Tribune, giving figures as to the commerce now passing through the mouth of the river. Those figures absolutely startled me. The statement was that last year one hundred and forty-five millions of exports went out from the city of New Orleans, and that her imports had also largely increased, thus showing that New Orleans is treading fast upon the heels of Boston as the second commercial port in the United States. New Orleans to-day is, and for many years has been, the second city so far as exports are concerned. And this one hundred and forty-five millions, Mr. Chairman, was made up largely from the contributions of the people of the great valley in whose behalf I propose to speak to-day. They are not mendicants; they are not paupers; they are enterprising, substantial, brave, and courageous people, who are contributing their full share to swell the magnificent industries and commerce of this country.

Mr. Chairman, there has never been so much misrepresentation, so much misunderstanding, so much perversion and distortion of the truth regarding anything on this earth as is invariably manifested whenever there comes to be a discussion of the improvement of the Lower Mississippi River. My good friend [Mr. HEPBURN], in the course of his speech the other day, made the statement that while only about fifteen or sixteen million dollars had been actually expended by the Government for levee construction, yet that the balance of the appropriations which have been made for the improvement of the lower river, something like twenty-five millions, must also be charged up to levee construction. He reached this conclusion by the disingenuous assertion that there was never any real purpose to improve the river, and that but for the pressure for aid in levee construction these twenty-five millions would never have been expended.

A gentleman who makes it his specialty to assault upon all occasions the progress of this great work ought at least to have informed himself of its origin. I say to him now and to members of the committee here that this great enterprise was not inaugurated at the instance of those who are concerned in cultivating the plantations in the Mississippi Valley. It did not have its genesis in any aspiration or desire upon their part to have the Government construct the levees necessary to protect them from the tremendous floods which annually work their way down to the Gulf. It came, I might almost say, as the legitimate offspring of the great success which had come to Mr. Eads in the splendid works constructed by him at the mouth of the river. As if by magic, the idea seemed at once to permeate the atmosphere that by the principle of concentration this great river could be improved, that the sand bars could be cut away, and that a channel might be opened sufficient, as some enthusiasts said, to allow even ocean-going vessels to ascend to the city of St. Louis.

And so, in the midst of the enthusiasm resulting from the success of Captain Eads's great work, the Mississippi River Commission was created. It came at the behest and urgency of the citizens of the great cities of St. Louis and New Orleans. It had its genesis, I repeat, solely, absolutely, and entirely in the belief and expectations of those great cities that the river might thus be so treated that it could be utilized to its greatest and fullest extent.

Now, Mr. Chairman, there naturally came about, as one of the features of that improvement, because of the impulse which caused its inauguration, the notion that the floods should be confined so as to effect the desired concentration of the water. It was believed by many of our able engineers that the confinement of the floods by means of levees would aid in scouring the channel and clearing the path for the vehicles of commerce.

Mr. MONDELL. Mr. Chairman, will the gentleman allow an interruption?

Mr. CATCHINGS. Certainly.

Mr. MONDELL. Is it not a fact that the people of riparian States along the Mississippi expended a very great deal of money in levee construction before the Mississippi River Commission began its operations?

Mr. CATCHINGS. Yes; it is a fact. I am coming to that presently.

Mr. MONDELL. Is it not also a fact that the riparian States have expended something like $20,000,000 in levee construction in the last twenty years?

Mr. CATCHINGS. Well, yes, it is true. They have expended very much more than that altogether.

Mr. MONDELL. Will the gentleman allow me another question?

Mr. CATCHINGS. Yes.

Mr. MONDELL. Is it the opinion of the gentleman that the levees do, as a matter of fact, aid the navigation of the Mississippi River?

Mr. CATCHINGS. I will come to that presently. I am going to discuss all features of the work before I finish.

Now, Mr. Chairman, when this work began it was the belief of those who constituted the Mississippi River Commission, and Captain Eads himself in those days was a member, that this great work might be accomplished for a sum far less than experience has shown to be necessary. Some engineers believed that confinement of the floods would so deepen the river that in time levees of comparatively insignificant dimensions would suffice to prevent overflows. In 1882, three years after the creation of the commission, it made its first contribution to levee building. Nobody at that time knew, and nobody could tell, to what extent the flood line would be elevated by the confinement of the floods which had theretofore roamed largely at will over the greater part of the valley. Those who have been engaged in the work have had much to learn, for at the beginning there was no lamp of experience to guide them. No work comparable to it either in character or magnitude had been anywhere prosecuted. And so it is not to be wondered at that distinguished engineers may in some details have been at fault in their early prognostications.

As participation by the Government in levee building progressed it became necessary as a matter of course that the people themselves should make greater and greater expenditures. It is the fact that since levee building began the people of the lower valley have expended something like $34,000,000 of their own means, as against about $16,000,000 expended by the Government. So it will be seen by gentlemen of the committee that they have done their full duty. It is also true that, to meet the higher flood level which was caused by the operations of the Government in given localities, some districts have been obliged to strain their resources to the utmost.

The whole valley of the Mississippi was built up by sediment brought down and deposited by the river itself. Away back in the countless ages of the past the Mississippi River broke through the foothills of the Ozark Mountains, which cross it a few miles above Commerce, which is not a great distance above the city of Cairo.

It is believed that at that time there was an arm of the sea extending to that point and that the Mississippi in tumbling into the sea formed a waterfall something like 500 feet in height. As the detritus from the Mississippi and the Ohio rivers and the Arkansas and the St. Francis and others which also emptied into this arm of the sea, I say as the detritus from all these great streams came pouring in there gradually began the formation of what we know to-day as the alluvial plains of the Mississippi delta. The ocean was gradually pushed back farther and farther by this huge mass of sediment until finally we have it as it is to-day. The result of this process is that the Mississippi River, as is true, indeed, of all great alluvial streams, flows through a bed of its own creation. Its banks and its bed are constituted of the same soil which you find throughout the whole valley.

The banks of the Mississippi, like those of all silt-bearing streams which are overtopped by floods, are always higher than the lands farther back. This comes from the very simple proposition that when such rivers get in flood, with the water overflowing their banks, whereby a lateral current is created, the heaviest portions of the sediment being transported are dropped first, the lighter particles next, and so on, so that some distance back the water is practically denuded of its sediment. Take the Mississippi River, for instance, as an illustration. The land slopes back some 5 or 6 feet to the mile. The same condition prevails in greater or less degree as to all the interior streams. The early settlers sought the high lands on the banks of the Mississippi River and of the interior streams, and in those days I think I may safely affirm it had not entered the mind of any man that within this or the next or the next or the next generation any serious attempt would be made to occupy and cultivate the low back lands of the valley. It was then a comparatively easy matter for the settlers to substantially protect themselves from overflow.

It was quite sufficient to construct an inexpensive and small levee along the high bank and then a cross levee going back to the lowlands. That was the whole of it. The remainder of the great valley, containing 32,000 square miles, in times of flood was a vast reservoir filled up with water. Not being confined, the water did not rise to so great a height, and so they were safe and protected. If it had not been for the existence of slavery it may well be doubted whether for many generations any extensive occupancy, even of the high lands I have described, would have been attempted. But having full command of the labor of their slaves, and attracted by the extraordinary fertility of the soil, the planters gradually entered the valley and settled upon the high lands bordering upon the Mississippi River and upon the interior streams. By using their slave labor at times when it could be spared they threw up the small embankments described, which were measurably sufficient for their protection. As the population increased

the levee line was correspondingly lengthened, and as the water was thus more and more confined the flood level was gradually heightened and levees were made higher and stronger. It thus became necessary to organize levee districts to do the work. Thus it went on until 1882, when the Government made its first contribution.

There was then a very considerable system of levees, but nothing to be compared with what we have to-day, either in height or in width or in costliness. While ineffective against great floods they nevertheless sufficed, under conditions then prevailing, to afford considerable protection to those who dwelt behind them. So I say to you now, what seems not to be generally understood, that the settlement of the low back lands which were formerly regarded as worthless, is entirely because of the enormous impetus given to levee building because of the contributions which have come from the Federal Treasury. Prior to the interposition of the Government the planters, burdensome and hazardous as their condition was, had accepted it as inevitable, and were doing the best they could through their levee organizations. The river commission was not created at their instance, but through the commercial influences of the great cities of New Orleans and St. Louis. But when the Government began its experiments in levee building it became necessary that these levee districts should actively cooperate in building the levees higher and stronger, and this cooperation was heartily rendered, for the hope thus came to them that full and complete safety might thereby be secured. From that time the work has gone on and on, and in the doing of it the citizens have imposed taxes upon themselves, never, I believe, elsewhere equaled.

My friend from Iowa, who must be familiar with all that I have stated, should not have been so ungenerous as to demand that the people who are interested in the problems of flood protection should be held responsible for the twenty-five millions, of which not a dollar has been received by them.

Not more, I believe, than one-third of the Mississippi Valley, taken as an entirety, is now being cultivated; yet the splendid exports of the city of New Orleans, to which I have alluded, afford an ample test of its magnificent productivity. I believe the Mississippi Valley is capable of producing more cotton than the American people now consume. I believe it is capable of producing the major portion of the sugar needed by them. I believe it is capable of producing as much rice as they consume. I believe that its supplies of hardwood are such as would meet their wants for generations. It is thus easy to foresee the vast profit which will come to them from its full and complete development and protection.

Mr. Chairman, as this work has progressed sundry theories have been exploited which have tended to confuse the public mind, and greatly obstruct and embarrass the efforts of those who have befriended it.

For instance I invite attention to the notorious plan for avoiding floods by affording near its mouth an additional outlet for the waters of the river.

To one who has given no thought to the hydraulics of silt-bearing streams the plan seems simple and has therefore had some adherents. Its chief feature was the digging a canal somewhere near the city of New Orleans so as to divert a large part of the water into Lake Borgne, and thence by a shorter route to the Gulf of Mexico. It is said that it would immediately lower the flood line all the way up the river to Cairo, and that there never could be an overflow again.

The contention has been disapproved by every engineer who has ever investigated it; the absolute and obtuse fallacy of the proposition has been time and time again demonstrated; yet, like the fisherman's cork, it is forever bobbing up. It must not be forgotten that at one time the Mississippi had this very connection with the Gulf through Lake Borgne which it is proposed to give it, because formerly the waters of the Gulf covered the whole valley. By perfectly natural and easily understood processes the river severed this connection of its own volition, and built up its bank so as to shut off all communication with Lake Borgne. If the proposed canal should be now dug, the same processes would fill it up, and in a few years the Mississippi waters would all pursue their present course to the sea. If, however, such an outlet could be permanently maintained, there would simply be two rivers where now there is but one, and the two together would not be so effective as the one now is. This is because of the well-established law of silt-bearing streams which flow through a bed of their own making, that they can only make or maintain a bed commensurate with their volume.

If there should be permanently withdrawn from the Mississippi River one-half of its volume, but a few years would elapse before its bed would be diminished one-half. If its volume could be permanently increased, there would soon be a corresponding increase in the size of its bed. If, therefore, a permanent outlet should be established, the bed of the river below it would become smaller and smaller, until it was only sufficient for the diminished volume flowing through it. When this had come about the smaller bed thus created below the outlet would no more be able to carry off the excess of water which would seek it in times of flood than the whole river is now able to accommodate the excess of water which pours down it in times of flood. The consequence would be that overflows would come as frequently as before the outlet was made. Moreover, actual experience has shown that such an outlet would have no appreciable value in lowering the flood level above it. In 1890 a crevasse occurred at Nita, a short distance above New Orelans, which carried off 400,000 cubic feet of water per second, which was about one-third of the whole volume of the river. Yet only 60 miles above it not the slightest effect from it could be observed.

Other theorists insist that the great bends should be cut through and the river straightened, so that the water might go unimpeded to the ocean. Those who champion this plan overlook the fact that the great bars of the river are necessary to its salvation if it is to be used for commercial purposes. They constitute dams which hold back the water, and are absolutely essential to the river if it is to be maintained for commercial uses. If the river could be straightened, these bars would be destroyed, the river would empty itself, and there would be nothing left. The engineering purpose has been not to destroy the bars, but merely to secure through them a sufficient channel through which water craft could pass, leaving the greater part of them intact to perform their proper function of damming the water and holding it back.

Those who advocate this method ought also to keep in mind the history of this river and the laws that govern its currents, which will persist, in spite of the efforts of man to change them. When a great bend 15 or 20 miles around is suddenly cut through at its base, the slope through the cut is so extreme that the water rushes through with prodigious force. It immediately undertakes to recover its natural and gentler slope. It can only do this by regaining the length lost by the cut through the bend, and to do this it must attack its banks, and by tearing them down prolong the bends above and below. Thus tremendous caving is precipitated by such a cut-off, which goes on until the river has regained its natural slope, and this can not be until it has recovered its lost length. From all this it results that not many years elapse after such a cut-off has been made before the river is as long as ever, and again sweeping on in majestic curves. Mark Twain, in his most interesting book describing life on the Mississippi in the early days, gives the cut-offs made from time to time between New Orleans and St. Louis, and the apparent shortening of the river thereby, and shows that if the river was really curtailed in length the city of New Orleans was brought so close to St. Louis as almost to be one of its suburbs. As a matter of fact, notwithstanding the many cut-offs of the past, the river measures as many miles to-day as it ever did.

Then, Mr. Chairman, we have had the reservoir plan, and it is perfectly astonishing how that has lingered in the minds of men. The idea of constructing reservoirs sufficient to hold back the gigantic floods that sweep to the ocean! In 1897 there passed the city of Cairo, which is at the junction of the Ohio and the Mississippi rivers, the almost incredible quantity of 1,500,000 cubic feet of water per second. Can you conceive of reservoirs which would hold back that or any material part of it? But that is not all. The floods which bring destruction to the dwellers of the lower valley do not come from the head waters of the Missouri. They do not come from the head waters of the Mississippi. This has been demonstrated over and over again. In 1897 by actual measurement 76 per cent of the 1,500,000 cubic feet of water which flowed by the city of Cairo came out of the Ohio River alone. That is the source of the floods which give so much trouble and bring so much destruction and devastation.

The floods that come out of the Missouri River have no appreciable effect on the flood situation of the lower valley; they come at a time when the danger of overflow has gone. They usually appear in May or June, when what is regarded as the overflow season is over. So it is with the flood waters of the Upper Mississippi. They have no effect except at times to prolong somewhat the flood condition produced by the waters of the Ohio.

I have in my hand a page taken from a paper called the National Advocate, which is headed "Heavy Government appropriations," which I will read:

Millions and millions of dollars have been appropriated by the Federal Government for the building of these levees and other constructions intended to protect the surrounding country from floods, and millions more must be appropriated by every Congress to come unless other steps are taken to prevent these floods. These measures of the Government are merely palliative; they do not go to the root of the evil. The report of Capt. Hiram Chittenden, of the Government Engineer Corps, however, shows that there is a way to strike at the trouble itself and largely prevent the floods instead of trying to inclose them between banks after they have become such.

He shows in his official reports that by the building of a series of great storage reservoirs at the head waters of the Missouri floods can be prevented through the diverting of the excess of waters into these artificial lakes. Surely this is something for Congress to give its attention to. Here is a practical plan. An ounce of prevention is worth a pound of cure. Congress will go ahead

appropriating millions every session for flood prevention without a question, but it will not appropriate the same amount for a plan which, according to the Government's own engineers, promises far greater results. Of course the damming of these natural reservoir sites would mean the reclamation of large tracts of land to irrigation, but this need not worry Congress, even its Eastern members, for the Eastern merchants are already alive to the situation and realize that the reclamation of the arid West would open to them the finest market in the world.

I will take occasion to say that I do not believe that Captain Chittenden ever made such a statement. I do not believe that Captain Chittenden or any other student of the subject, has ever stated, or ever will state, that the people of the Mississippi Valley would be protected from overflows if the Missouri River could be literally blotted from the map, much less if its head waters should be stored.

Mr. MONDELL. Will the gentleman from Mississippi allow an interruption?

Mr. CATCHINGS. Certainly.

Mr. MONDELL. I asked the gentleman a moment ago if, in his opinion, the levees were a permanent aid to navigation.

Mr. CATCHINGS. I am coming to that question; I am not going to evade it.

Mr. MONDELL. Will the gentleman allow a further question?

Mr. CATCHINGS. Yes.

Mr. MONDELL. Does the gentleman consider the construction of the levees as a permanent protection against floods? As a matter of fact, as the levees are built higher and higher, does not the building of them necessitate the further raising of them?

Mr. CATCHINGS. I suppose I might as well come to that now. I assure my friend that it had been my purpose to discuss all these questions.

Mr. MONDELL. I do not wish to hurry the gentleman.

Mr. CATCHINGS. That leads me to take up another proposition, which has also flown all over the continent and found lodgment, I may say, to some extent everywhere; that is, that the construction of levees has had the effect of raising the bed of the Mississippi River. The contention is that as levees are built the bed of the river rises, and that as the same quantity of water must pass through the channel in order to accommodate it and prevent floods, the levees must be made higher and higher. Do I correctly interpret the thought of my good friend?

Mr. MONDELL. You do.

Mr. CATCHINGS. This proposition has been investigated, examined, and reported upon many times. The Mississippi River Commission is composed of very distinguished and eminent men, all of whom, I am happy to believe, are my personal friends. The president is Gen. George L. Gillespie. Another member is Col. Amos Stickney; another, Maj. Thomas H. Handbury. These three are among the most accomplished engineers of the Army. Mr. H. L. Marinden, of the Coast and Geodetic Survey, is another member. Maj. B. M. Harrod, of New Orleans, who ranks among the eminent engineers of the country, is another. Still another is Mr. J. A. Ockerson, of St. Louis, who has been connected with the work of the commission since its organization, and has recently been appointed to it. His professional ability is universally admitted. Last, but by no means least, there is Hon. R. S. Taylor, of Indiana, one of the ablest men I ever met, and who, in my judgment, is of the very salt of the earth.

These gentlemen have made the most elaborate inquiry. They have had cross-section measurements made of all parts of the river, and have recently testified that there is not the slightest evidence that levee building has produced a raising of the river beds. Professional opinion is that the levees produce a contrary effect. For instance, one of the members of the commission, in February, 1898, made this statement to the subcommittee of the Senate Committee on Commerce which was appointed to investigate the works upon the river:

> If you complete your levee system so as to confine your flood discharge to the channel you get a more effective agency in the work of scour. The river at its flood makes a bigger path for itself than it would if it were not restrained. A considerable deposit of sediment in the river is avoided, and the channel keeps larger and keeps open better.

Again he stated:

> The plan of the commission originally reported to Congress contemplated the restraint of the floods as one of the means for improving the channel for navigation. It was considered that as the Mississippi River makes its own channel and must always continue to make it, and as it makes it by the sole agency of scour, it would do that work most effectively by being concentrated in the highest possible degree. The power of the river to scour its channel increases with its velocity, and it was considered to be as necessary for the final improvement of the channel to control the high-water discharge as to control the low-water discharge; and this, it was thought, could be done in no other way than by the extension of the levee system.

He further said:

> Through all the changes of its membership it was always the judgment of a majority of its members that the restraint of the floods was essential to a complete improvement of the channel for navigation.

Mr. MONDELL. Will the gentleman allow me a moment?

Mr. CATCHINGS. Certainly.

Mr. MONDELL. A moment ago the gentleman referred to the fact that the construction of the levees by the Government had necessitated further and increased construction by the riparian States, and I understood him to say that this was necessitated by the increases in the flood height——

Mr. CATCHINGS. That is true—certainly.

Mr. MONDELL. The increase of the flood height brought about by the construction of Government levees.

Mr. CATCHINGS. Yes, sir; together with construction by the people in cooperation with the Government.

Mr. MONDELL. Was not that an admission on the part of the gentleman that the levees, as a matter of fact, have raised the flood height; and inasmuch as the levees confine the stream instead of allowing it to spread over the country, depositing its silt as it spreads, what becomes of the silt that the river carries and must necessarily deposit if it is not deposited in the narrowed channel?

Mr. CATCHINGS. My friend must understand that there is a great difference between what is called the flood level and the low-water level. Of course if you confine the water and prevent its spreading over the great valley you increase the flood level—the height to which the water rises. But the low-water level remains exactly the same. There is an increase of the flood level without any rising whatever of the bed of the river.

Now, the gentleman asks what becomes of the sediment. Let me state to my friend that the disposal by the river of its detritus is one of the wonders of the world. When these times of great overflow come and there are no levees to confine the floods, they loiter and linger and saunter along like a lazy man, so that a wave-crest will take weeks to pass from Cairo to the Gulf; whereas it will go down in ten days if the spur is put to it and it is compelled to travel through a decent and civilized path created by confining the waters.

My friend also knows it to be a principle of hydraulics that the capacity of a stream to support and carry sediment depends entirely upon its velocity. When its velocity is increased, its ability to transport its sediment is also increased. When, therefore, the floods are confined, they take off tons and tons and tons of sediment which they would drop if not confined.

As to the amount of sediment which the river carries, let me make a statement—and this is one of the great difficulties with which we have to contend—for I do not propose to do now what I have never done here before. I do not propose to withhold anything bearing legitimately upon the discussion of this question. I believe my friend from Iowa [Mr. HEPBURN] will do me the credit of saying that I have always endeavored as best I could to discuss every suggestion or proposition, whether adverse or not, which could be advanced in connection with this subject. I shrink from nothing. Because it is my duty to do so, I am ready to meet in debate all who may take part in it, though knowing that at all times I run a serious risk of being unhorsed.

Mr. HEPBURN. The gentleman will allow me to say that the first departure of the gentleman from his almost universal rule I have noticed this morning. In his argument in opposition to the statement I made that concentration was the rule first adopted in the treatment of this river he has said nothing of the rectification of the banks in the interest of concentration. I ask the gentleman whether, as a matter of fact, the plan of the commission did not propose a uniform width of 4,000 feet for the river, and whether they did not spend many millions of dollars in the construction of a false bank for the purpose of concentrating the waters in conjunction with the levees that were being built?

Mr. CATCHINGS. I will answer my good friend by saying that my criticism of what he had said related to his remarks concerning the improvement which was made by Captain Eads at the South Pass of the Mississippi River. I understood my friend to say that the policy was then to close the other mouths of the river and force all the water to go through the South Pass. I undertook to tell him that. As a matter of fact no such effort was ever made; nor was it ever expected that by any construction that might be made more than 10 per cent of the volume of the river would be compelled to go through the South Pass. I endeavored to show him that it was impossible to force a larger volume through that mouth without destroying the works themselves.

It is true, as my friend has suggested, that in the early days of this work there was an effort to revet the banks of the Mississippi River; but this revetment was no part of a concentration policy. Its object was to prevent the enormous caving constantly occurring, thus increasing the sediment which the river must transport, and which when dropped occasions the great bars which make so much trouble to navigation. The idea of the commission was that if the banks could be held in place by revetment and the river by that means compelled at all stages to travel over the same path, under the principle that in time water will wear away a rock, the river would be forced to scour out and lower its bed. That was the whole policy of the revetment system, which was quite largely entered into at the inception of this work. And it is true to-day as an engineering proposition, it is absolutely correct, and I have no criticism whatever to pass upon the Mississippi River Commission in this respect.

I say now that their engineering theory was absolutely sound; that if the banks of that river could be made permanent, and by that means it could be compelled from one end of the year to the other to travel over precisely the same path, there would be a wearing away of the bottom which would eventually so lower it as largely to dispense with the necessity for levees and make overflows practically impossible.

They have computed that 9½ acres, 66 feet deep, for every mile of the Mississippi River are annually destroyed by caving between Cairo and Donaldsonville. Under another method of computation that amounts to 10 square miles, 86 feet deep, each year. Such is the load which the river has to pack. It was hoped by revetting the banks and preventing this enormous caving the river could be relieved of this prodigious burden, which fatigues even that giant stream and sometimes causes it to lay its load down in despair. That was the purpose of the revetment work.

Associated with it was the purpose to narrow the river where its width is excessive to about 3,000 feet, which is regarded as its natural width. That was to be done not by revetment, but by contraction works, known as "permeable dams," which, while admitting the passage of the water, yet sufficiently checked its velocity to compel it to drop its sediment and thus build up new or artificial banks. These contraction works were entirely successful in this respect, but, unfortunately, when the river was thus taken by the throat and held up, so to speak, by these protection works on one side, it immediately avenged itself by tearing down its banks on the opposite side. It thus became necessary to revet the opposite bank in order to maintain the conditions established by the contraction works. But it became manifest after some years of experiment that this class of work was too costly, that the Government could not afford to do it, and that even if it could it was not likely to do it. I believe the estimate was that it would cost something like $134,000,000 to effect this kind of bank protection as far down as the mouth of the Red River. I may be in error as to the amount, but it was something enormous. What I am now discussing is the system of permanent improvement originally entered upon.

Now, the commission have abandoned that, not because from an engineering standpoint it was in the least degree incorrect, but because of its great costliness. Moreover, commerce, which was crying out loudly for relief, was not content in any view of the question to await the inevitably slow progress of this permanent improvement. Therefore revetment as a principal feature of the work has been discarded. It is now employed to a limited extent for the purpose of protecting commercial centers, such as New Orleans, Memphis, Greeneville, Natchez, Helena, and other similar places where it is essential that there should be some permanency; and to prevent the making of cut-offs, which, as I have hitherto explained, work so much destruction both above and below them; and to protect important levees, as, for instance, at Lake Bolivar, Lake Providence, and Kempe Landing, which if destroyed by caving could only be replaced at enormous cost. At such points it is manifest wisdom to preserve existing levees by revetment.

With these exceptions it may be fairly said that revetment no longer constitute a part of the ordinary plans of the Mississippi River Commission. For the purpose of annually giving temporary relief to low-water navigation they now make extensive use of hydraulic dredges. These hydraulic dredges are one of the marvels of the century, and the Mississippi River Commission to a very great extent have been pioneers in their construction and operation upon a comprehensive and extended scale. Every dollar which the Government has expended in connection with their whole work would have been well spent if they had done nothing more than demonstrate by their experiments the marvelous capability of the hydraulic dredge.

They sent the drawings and designs of some of their dredges to the Paris Exposition, which took the gold premium, or whatever the first premium was called. There they were examined and studied by professional men from everywhere. Mr. Lynden Bates, who constructed their first great hydraulic dredge, has recently built one for the Russian Government for use on the river Volga, which is the largest in the world and has the capacity to remove something like 5,000 cubic yards per hour. These dredges are used in the low-water season for the purpose of cutting out a channel through the bars. The work is temporary, of course. These channels are destroyed when the high water comes, when they are filled up with silt, but they are easily renewed; so that the expense which, as I say, hitherto attended this work will very largely decrease. The revetment work having been largely abandoned, the contraction work being used now to a very limited extent, and there being nothing except the maintenance of the levee system for the control of floods, the construction and operation of hydraulic dredges to ameliorate conditions in times of low water, and the protection of a limited number of localities, the ultimate cost of the work of improvement will be greatly less than originally estimated.

Mr. Chairman, the work of levee building has not been done in the dark. My friend from Iowa [Mr. HEPBURN], who always assails this project, will persist in overlooking the very language of the law under which the work is progressing. He will insist and persist from morning until noon, from noon till night, and I suppose he insists and persists in his dreams, so that it is the first thing that enters that active and marvelous brain of his when he arises in the morning that there is no necessity for improvement of the navigation of the river in times of flood, because there is ample water. Now, the very language of the law requires that the Mississippi River Commission shall prepare and prescribe such plans as shall best improve the navigation and promote the interests of commerce at all stages of the river. My friend shuts his eyes when he comes to those words and always endeavors to confine the debate to the narrow point of the capacity of the river in times of flood to float a steamboat.

Well, now, Mr. Chairman, does it not promote the interests of commerce to construct these levees and preserve that magnificent domain from the floods, and is the benefit thereby conferred merely local? While those who own the plantations in the Mississippi Valley are primarily benefited by this levee construction, ultimately many others are benefited as well. Proverbially, like all planters, they save no great sum over and above their ordinary necessities and comforts, and in my district the people, God bless them, are generous and free-hearted, and what they earn is not put away in a miser's hoard, but speedily finds its way into the marts of commerce. There is not a city in this country, from Boston to the Gulf or to San Francisco, which does not find many of its most valuable purchasers in this great valley. The cities of Cairo, Memphis, Vicksburg, Helena, Greenville, Natchez, Baton Rouge, and the great cities of St. Louis and New Orleans are all extensively engaged in traffic with its inhabitants.

These inhabitants produce little else than raw material. What they produce and sell constitutes a very large part of the exports of this country and helps to maintain the balance of trade. They make cotton and sugar and rice for sale, and practically nothing else. Their storehouses are kept in the West. They buy their mules and horses from those who raise them in the great Western States, their harness, plows, wagons, gin stands, and farming implements generally, their clothing, and all that they wear and consume. All of these things, for which they pay millions of dollars, they buy from the great cities all over this country.

Mr. Chairman, is it not a fact that every man who finds for what he has to sell a purchaser in the Mississippi Valley is interested in its protection?

Mr. RIDGELY. Will the gentleman permit a question?

Mr. CATCHINGS. Yes; certainly.

Mr. RIDGELY. Are not these arguments of yours and these facts, in which I agree with the gentleman, equally applicable to the people of the Missouri River Valley or any other stream whose inhabitants must be protected from overflows and destruction of their property? If that is a proper matter for public appropriation, would it not apply to the people similarly situated upon any stream?

Mr. CATCHINGS. I do not wish to discuss the Missouri River question, but assuming what I believe to be the case, that the gentleman has in mind the protection of property on that river from caving, I will say that the people in the Mississippi Valley have never asked or expected the Government to expend one dollar of money for the purpose of preventing their plantations and property from caving into the river. Caving goes on constantly at the enormous rate which I have hitherto described, but it has not occurred to the people of that valley, and I think it never will occur to them, that the Government ought to take money out of its Treasury and revet its banks for the purpose of keeping their plantations from caving in.

Mr. RUCKER. May I ask the gentleman a question?

Mr. CATCHINGS. Yes, sir.

Mr. RUCKER. Have not the riparious owners on the Missouri River as much right to have their property prevented from caving by protecting its banks as the people on the Mississippi to have their property protected from overflow by means of levees?

Mr. CATCHINGS. Mr. Chairman, I have not said that the Government has appropriated money to be used in the construction of levees for the purpose of protecting property from the losses occasioned by overflow. On the contrary, I affirm that the expenditure has been made for the purpose of aiding the navigability of the river, and especially at high-water stages, when otherwise a great portion of the valley would be inundated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTON. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi may have time in which to conclude his remarks.

Mr. CATCHINGS. I want to say further, Mr. Chairman, in response to the gentleman from Missouri, that I do not want to be put in the attitude of now criticising the plans of my good friends along the Missouri River. There are 32,000 square miles

of fertile lands in the Mississippi Valley subject to inundation. In a period of overflow it is converted into a vast sea 40 to 60 miles wide, and all commerce and traffic with other sections of the country is for the time absolutely terminated. The great coal fleets which come out of the Ohio, bearing millions of tons for consumers, must be held back, because they can not go down in safety, and can find no place in which they can be unloaded, and no persons to whom the coal can be sold.

Every steamboat is tied to the banks, and there is an absolute dearth of business throughout the valley. So that when we protect it from overflow by means of levees we promote the interests of commerce, we help to create and maintain it, and we provide safety and facilities for the vehicles by which it is carried on. That valley is traversed by great railroads engaged in interstate commerce. Hundreds of millions of tons of freight from all parts of the country going to all parts of the country pass through and across it by means of these great interstate railways. When the floods come, this important and necessary traffic is seriously interrupted. Is it not worth while, by affording protection, to encourage the use for the purposes of interstate commerce of this great natural route for railways? The president of the Illinois Central Railroad has stated that his road going down through this valley was interrupted by the floods in 1897 for nearly two months, and that it sustained damages exceeding half a million dollars.

I mention that as but one illustration out of many which I might have hunted up and produced.

So, Mr. Chairman, gentlemen may talk of this work as they please. I say there is no money which this Government has expended, and none that it is likely to expend, which will create and maintain a greater volume of commerce. I say that there is no other purpose for which money can be expended which would bring so much of joy and comfort to such a multitude of our citizens.

The people of my district—and when I speak of them I describe all the dwellers in the valley—are like that splendid body of men we know as the pioneers of the West. They have been accustomed to contend with the great and mighty forces of nature. They are of true heroic mold. They have been ever dauntless and courageous in the presence of the perpetual menace to their welfare and safety. This high courage and resolution, I am proud to say, have descended from father to son. When the Spanish war came upon us, although in my Congressional district there are fewer white men than in any other, and with no idle classes to draw from, nearly five full companies of splendid young men immediately sped to the front. It was not their destiny to participate in combat with the foe; but if it had been so ordered they would have given abundant proof that, in the language of Prince Bismarck, one of the most stupendous figures of modern times, "they fear God and nothing else." It is in behalf of such people, sir, that I make my plea.

Mr. MONDELL. Will the gentleman permit me an interruption?

Mr. CATCHINGS. Certainly.

Mr. MONDELL. I am in full sympathy with the gentleman from Mississippi in this matter. I believe that the building of the levees along the Lower Mississippi by the General Government is entirely proper, even though the construction of the levees protect private property and perform no other service; and I shall vote for the bill when it comes to a vote, partially because it contains this item and because it protects the land of the constituents of the gentleman from Mississippi. But I wish to ask the gentleman if, when an amendment is offered which will perform partly the same service for my constituents which are performed here for his indirectly, when by an amendment we aid navigation and at the same time aid indirectly irrigation, he will not vote with us on that proposition?

Mr. CATCHINGS. If my friend can satisfy me that there are rivers in the arid region which are capable of bearing commerce, and which are likely to bear commerce; that steamboat lines are likely to be established for transporting commerce upon them, I should not object, unquestionably, to furnishing them a supply of water by means of reservoirs. But my friend must not misunderstand me. I want to be frank. If he proposes to secure the storage of water to use for irrigation I could not vote for it, because it would not be germane to this bill.

Mr. MONDELL. The amendment which I propose and which I have in mind is primarily in the interest of navigation, but indirectly it will enable the people of that region to irrigate the arid land.

Mr. CATCHINGS. If my friend could satisfy me of that I have no objection to it; but I should want to carefully consider whether any stream to be used in irrigating arid lands would be capable of bearing commerce.

Mr. Chairman, I have already too long trespassed on the time of the committee, I am sure, but before I take my seat I feel it to be incumbent upon me to take some notice of an attack that was made upon me by a carefully prepared article published on the 6th day of July, 1898, in a newspaper called the Vicksburg Dispatch, by a gentleman who has since been elected my successor.

I take notice of this because my friend from Iowa [Mr. HEPBURN] made such use of it in his speech that I can not remain silent. He quoted from it the charge that, because of dereliction of duty on my part, only about $2,000,000 of the sum appropriated by Congress had at that date been set apart to levee construction in my district since I became a Representative; and the further charge that, because of similar dereliction on my part, certain rivers in my State, which I shall name later on, had been neglected. These charges against me have thus been repeated in the presence of my colleagues here, and have been perpetuated in the CONGRESSIONAL RECORD. No just man can complain if I defend myself in the same presence and likewise perpetuate my defense in the CONGRESSIONAL RECORD.

Before making specific reply, and in order that my defense may be better understood, I desire to invite attention to the fact that all appropriations that have been made for the Lower Mississippi have been granted in general terms and with full latitude to the Mississippi River Commission to disburse and expend them as they might deem best, having in view the purpose of Congress in making them. Some of the money thus placed at their disposal they have expended in constructing revetments and other channel works at Plum Point and elsewhere. Some of it has been expended in the construction and operation of dredge boats. Some of it has gone into the construction of levees; some has gone for other purposes. On page 4550 of volume 7 of the Report of the Chief of Engineers for 1900 will be found a consolidated statement of all their expenditures. As to all expenditures they have full latitude.

Now, I have always entertained the opinion that I had discharged my full duty when I had taken my part in securing these general appropriations from Congress. I have always attended the meetings of the Mississippi River Commission because I have acquired much information and benefit and profit from my intercourse with its members, but I never, either in public meeting or private conversation, requested them to allot a single dollar of this money for my district. I have had such high regard for these distinguished officers that I have felt that it would be both idle and improper for me to attempt, by solicitation or otherwise, to control their action in the matter of disbursements to be made by them.

This publication, which was designed to array the people of my district against me, makes the statement that at its date the Congressional district which I have the honor to represent had received at the hands of the Mississippi River Commission since I became a Representative only $1,824,433.22. As I propose to dispute this statement, I shall publish with my remarks the whole article, so that its author may have the same detailed hearing before this magnificent tribunal that I propose to have myself. This is just to both him and me. Now, while I have not, for the reasons already given, solicited the Mississippi River Commission to make specific allotments for my district, I propose to show how grossly inaccurate the figures of my assailant are. I dispute the statement which my friend from Iowa put into the RECORD for the purpose, in part, of vindicating the Mississippi River Commission itself from what would otherwise have seemed to be a very gross discrimination against the citizens of my district.

Now, there were actually expended by the United States from 1882 to April 30, 1900, as is shown by the report of the Mississippi River Commission, on page 4536 of the report of the Chief of Engineers for 1900, which I have on my desk, and which bears date June 30, 1900, the sum of $15,193,050.21, distributed as follows:

Upper St. Francis district	$19,091.22
Lower St. Francis district	610,393.95
White River district	1,121,257.08
Upper Yazoo district	1,055,105.93
Lower Yazoo district	2,792,834.95
Upper Tensas district	3,946,710.56
Lower Tensas district	2,295,583.84
Atchafalaya district	1,290,643.08
Lafourche district	487,070.91
Barataria district	311,660.04
Pontchartrain district	992,583.08
Lake Borgne district	269,515.57
Total	15,193,050.21

From the appropriation of two millions and a quarter carried by the sundry civil bill of June 6, 1900, which have been largely thought not wholly expended (I refer to page 4526 of the same report), $1,065,500 were allotted to be expended for levees, as follows:

Upper St. Francis district	$20,000
Lower St. Francis district	114,500
White River district	50,000
Upper Yazoo district	94,000
Lower Yazoo district	150,000
Upper Tensas district	300,000
Lower Tensas district	110,000
Atchafalaya district	55,000
Lafourche district	28,000
Barataria district	14,000
Pontchartrain district	50,000
Lake Borgne district	80,000
Total	1,065,500

This makes the amounts expended and allotted as follows:

Upper St. Francis district	$39,691.22
Lower St. Francis district	724,893.95
White River district	1,171,257.08
Upper Yazoo district	1,149,105.93
Lower Yazoo district	2,942,834.95
Upper Tensas district	4,246,710.56
Lower Tensas district	2,405,583.84
Atchafalaya district	1,345,643.08
Lafourche district	515,070.91
Barataria district	325,660.04
Pontchartrain district	1,042,583.08
Lake Borgne district	349,515.57
Total	16,258,550.21

These figures show that the levee commissioners of my district have received the sum of $4,091,940.88.

The said attack upon me states that $445,825.45 had been given them before my service here began. Deduct this from the aggregate above stated and there remains the sum of $3,646,115.43 received by them from the United States since my first term began.

The attack upon me, which bears date July 6, 1898, charges that at that time the total sum expended by the United States on Mississippi levees since I became a member of this House was $1,824,433.22. If this be true, then, between July 6, 1898, and June 30, 1900, the date to which I have computed levee expenditures and allotments, the Mississippi River Commission must have set apart to Mississippi levees the difference between that sum and $3,646,115.43, or, say, $1,821,682.21, and this every man in the district knows is preposterous. This shows the gross inaccuracy of the figures used in the attack upon me.

But this is not all. The commission have expended $145,000 in revetting the bank at Lake Bolivar for the purpose of saving the large and costly levee at that point, which was about to cave into the river. If it had not done so, the levee line would have had to go around the lake at an enormous cost. So the commission have prevented by revetment at a cost of $449,269.40 the threatened cut-off at Ashbrook Neck, on the Arkansas side, between Arkansas City and Greenville. In their report of June 30, 1900, they say:

> At Ashbrook Neck a cut-off has been prevented which, if allowed, would have so changed the course of the river in the vicinity that two other cut-offs would have inevitably followed, together with an increase of caving and the destruction of a considerable part of the levee system of the Yazoo and Tensas basins.

At least one-half of this sum—say $224,634.70—should be added to the expenditures made by the United States to the levee builders in my district. Add this and the Lake Bolivar expenditure and we have altogether contributed for levee purposes in my district since I entered Congress $4,015,750.13.

There is still another item which must be considered in ascertaining how much assistance for levee purposes my district has received.

The Report of the Chief of Engineers for 1900, page 4825, shows that since my service began $843,418.02 have been expended in protecting the banks in the Greenville Bend. The Mississippi River Commission, in their report of July 1, 1899, say:

> It has for its object the rectification of the banks to prevent the encroachment of the river upon the town of Greenville, Miss., and also to prevent the destruction of the controlling levee line which protects the Yazoo Basin from overflow.

Let us see, now, how the case stands if the basis of mileage be adopted. I allude to this because the author of this attack attempts to take up the question from the standpoint of mileage.

The commission, in their report of June 30, 1900, say that the levees, as they now stand, are "over 1,300 miles long." The Mississippi levees are 310 miles long, or less than one-fourth of the whole. The total expenditures and allotments for levees, as already shown, amount to $16,258,550.21. Of this Mississippi has received for levee building $4,091,940.88, or more than one-fourth of the sum expended and allotted for the entire river.

If the mileage basis be adopted as to those expenditures and allotments only which have been made since I became a Representative, it will stand thus: I have shown that $16,258,550.21 have been expended and allotted for the whole river. The article attacking me says that $1,778,695.36 had been expended before my entrance here. Deduct that and we have left $14,479,854.85. One-fourth of this is $3,619,963.71. The Mississippi levees are less than one-fourth of the whole in length, and yet they have received $3,646,115.43, or more than one-fourth of the aggregate expended for levees since my service here began.

These figures, which are taken from the last report of the commission, show how easily simple facts, plainly stated, can put down an unwarranted and unprovoked attack.

But, Mr. Chairman, since, in justice to the gentleman who made this attack I give him the full benefit of his argument, which was evidently prepared with great care and elaboration, by publishing it in the RECORD, it becomes necessary that I should make reply to other charges contained therein than those specifically adverted to by the gentleman from Iowa. They will be read by my associates here and wherever the CONGRESSIONAL RECORD goes, and if I should fail to meet them here and now my silence might, and most likely would, be construed into a confession that they are justified. My distinguished friend from Iowa [Mr. HEPBURN] was kind enough to say that I have done more for the cause of the Mississippi River and in securing levee contributions from the Government than any other gentleman in the House, and he also stated that in season and out of season I have devoted myself to this work. I am quoting him from memory, but I have given, I think, the substance of what he said. I greatly value his kind and complimentary expressions, but it becomes my duty to inform him that he has been laboring under a delusion; that I have been a "truant;" that I have had no part whatever in upholding the work; that I have done nothing toward securing appropriations, and that the Senators and other Representatives from the valley States have likewise done nothing in this regard.

Mr. HEPBURN. Will the gentleman from Mississippi allow an interruption?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Iowa?

Mr. CATCHINGS. Certainly.

Mr. HEPBURN. I hope the gentleman from Mississippi did not suppose that I was endeavoring to aid in any attack that had been made upon him.

Mr. CATCHINGS. I understand that, but I am none the less called upon, I think, to meet the attack from which my distinguished friend quoted. Having stated to my friend that neither myself nor any other Representative in Congress has been of influence in securing these appropriations, I will explain to him how they came to be made by reading further from this attack upon me.

The article says:

> When speaking to you [meaning thereby the people of my Congressional district] on the subject of appropriations for levees and the Mississippi River, I have divided the periods before and after 1890. It was that year the great and disastrous flood caused all the country to stop and fix their attention on our needs. It was that year all commercial bodies and organized associations passed resolutions calling on the Government to give us aid. It was that year the river interests held a convention in Vicksburg and sent a delegation to Washington to lobby for an appropriation for levees, and that year marks the beginning of the increase in money for the levees, and yet General CATCHINGS had already been a member of Congress six years.
>
> It was the united efforts of allied interests, railroads, etc., that made the expenditure for levees thereafter more than twice what it was before. General CATCHINGS did not bring about the increase, and if his friends claim that he did, it lies with them to show why he shall not be held responsible for the Government policy which has piled up debts on his district, and that you all know is a fact.

So my friend [Mr. HEPBURN] will see that he has all these long years been laboring under a gross delusion, and that my learned colleagues from Arkansas and Louisiana and Mississippi and Tennessee, and myself and the Senators at the other end of this Capitol have had nothing to do with it, but that these appropriations have all been secured through the efforts of the railroads and "allied interests," whatever they are.

This chipper assertion that outside influences have secured these appropriations brings to my mind a cognate assertion from another source, with regard to the sundry civil bill of June 6, 1900, which carried an appropriation for the Lower Mississippi River of $2,250,000. A gentleman from my district, Mr. Fred. Clark, who is a fine lawyer and a most excellent citizen, came on here while that bill was pending in the Senate to urge that an appropriation be added to it. It was added, and when the bill came back here the House agreed to it. This was all done in pursuance of the plans of the Congressional friends of the river, which had been formed long before he came here.

Yet I am reliably advised that there are persons in my district who are silly enough to believe or malicious enough to say that the $2,250,000 were appropriated as the result of influence exerted by Mr. Clark. Now, there is not a gentleman here who does not know that Mr. Clark's influence was no more felt than a fly would be on the tusk of an elephant. If the time shall ever come when the people of the Mississippi Valley are driven to rely upon such so-called outside influence to secure assistance from the Government, they will find that their great cause has already received its deathblow.

A further perusal of the article from which my friend from Iowa quoted, and which he has since placed in my hands, will show that the attack upon me is far more radical than a mere criticism of me for not procuring what its author seems to think he could have obtained and what I ought to have obtained in the way of levee contributions from the Mississippi River Commission, for in another paragraph he says:

> And I will tell you that I do not believe any man knows what a completo levee system from Cairo to the Gulf would cost.

That statement is made in the teeth of the averment by the members of the Mississippi River Commission, which I know to be concurred in by all engineers who have ever investigated the subject, that such a system can be completed for $20,000,000. I am but a layman myself, Mr. Chairman. I am but an humble groper in the dark. I simply follow, in my plain and modest way,

when I undertake to discuss the engineering problems involved, the path which has been blazoned out by the distinguished officials placed by the Government in charge of this work, and what they advocate I advocate, and what they condemn I condemn. But while this is so, if I really believed that they are wrong, and that no man knows what a levee system would cost, I should not feel justified in asking for further appropriations.

But this is not all. The article proceeds:

> And it is not to your interest for the Government to attempt to build it at this time unless it will finish your part first.

Suppose that I could have brought myself to the advocacy of so extraordinary a proposition and that when we came to deal with the Mississippi River in the River and Harbor Committee room I had said to the members of the committee: "I want you to put a proviso on this appropriation requiring the Mississippi River Commission first to complete the levees on the Mississippi side before it expends a dollar in the States of Missouri, Arkansas, Louisiana, or Tennessee." And suppose that the River and Harbor Committee, through some inconceivable process of reasoning, had sanctioned the suggestion and reported its bill to the House with such a proviso. Does not every gentleman here know that all of my good and honored friends from those States whose alluvial lands are just as much entitled to protection as those in Mississippi would have leaped upon my back like a pack of wild-cats and torn me to pieces in the hundredth part of a second? Does not every gentleman here know that such a proposition would be rejected by this House by a unanimous vote? The whole assault upon me, and this suggestion in particular, ignores the fact that the object of these appropriations has largely been to effect the general improvement of the river in the interests of commerce and proceeds wholly upon the idea that they have been made solely for the prevention of overflows.

The Mississippi River Commission was neither expected nor required by Congress to make an equal division of money among the several levee districts, and upon such a theory no appropriations at all could have been obtained.

The attack proceeds as follows:

> But they—
>
> Meaning my friends—
>
> say send him back to Congress and let him finish it. Finish what? The mortgaging and destruction of the Yazoo Delta? I think it is time to change the plan and policy of the Government aid.

So you see, my friend from Iowa, that the attack is radical and far-reaching. Gentlemen will perceive that this is not merely a criticism of my supposed dereliction in getting allotments of money for my district from the Mississippi River Commission, but that an assault is made upon the whole method and policy which I have thought it wise to pursue. A change of plan and policy is demanded, which of course can only be effected by legislation. What legislation should be enacted to accomplish this change is not stated, but of course Congress will be advised of this in time. But we know that it is to be radical enough to overthrow the plan and policy which have hitherto been pursued.

The article proceeds:

> General CATCHINGS is in Congress to-day without a party to which he can claim to belong, to which he can turn to ask for aid in that matter, and he is estopped from calling on the Government to right the wrong done by a policy he has been advocating.

I have been laboring under the impression that I am a Democrat. [Laughter.] I know that I am not a Republican, and I do not think that my good friends, the Populists, claim me as belonging to their band; but here I am informed, and you are informed for the first time, that I belong to no political party.

For a political orphan I have done fairly well, for I have received uniform courtesy and generous consideration from substantially the entire membership of the House, and I now beg to express my grateful acknowledgments therefor.

The assault upon me is continued, as follows:

> But I must invite your attention to the record of appropriations for rivers within the Third Congressional district. It is shown by the reports of the Chief of Engineers that at the time General CATCHINGS went to Congress the following rivers were being improved: Yazoo, Big Sunflower, Tallahatchie, Coldwater, Yalobusha, Tchula Lake, and Steeles Bayou, and that $262,500 had been appropriated in eleven years preceding. Since he went to Congress all improvement has stopped on the four last, and in the fourteen years $232,000 was appropriated. Yet the amount expended for river and harbor works has increased enormously. Neither can he take refuge behind the engineers in this by claiming adverse recommendation, because the full amount of money asked for has almost never been given, and in the report for 1898, page 1363, the engineers asked for $6,000 for Yalobusha and never have gotten 1 cent. In the report for page —— he asked for a survey of Big Sunflower and the Yazoo systems, so as to make a plan for locks and dams, saying the river never had had enough money spent on it; yet no money has ever been given.

As to the Yalobusha River. This river is a matter of no earthly consequence to the people of my district, and not one of them have ever mentioned it to me. In the report of the Chief of Engineers for 1885, page 1520, the sum of $5,000 was asked for it, although more than the original estimate had then been exceeded. In 1886, page 1474, Report Chief of Engineers, $6,000 was asked for. The same sum was asked for in the Chief's report for 1887-88, page 1474. It was stated that five or six months' navigation was already secured, but that "no steamboats ply in this stream at present and the commerce amounts to little or nothing." The same report was made in 1888. The Committee on Rivers and Harbors did not regard the stream as worthy of further improvement, as it had no commerce. I so stated to Senator Walthall, whose home county was chiefly concerned, and he fully concurred in that opinion, and at his suggestion I allowed it to go by without objection. Further appropriations under conditions as they were then reported to be would have been wholly unjustifiable. Tchula Lake and Steeles Bayou were appropriated for until the estimates for them were exhausted. As to Coldwater, the report was adverse. On page 1519, Chief's report for 1885, it is said:

> No further appropriation is asked for this improvement. The river is only navigable during the highest stages of water in the Yazoo and Tallahatchie rivers, and then navigation is good and about as safe as that of the latter. To secure safe navigation at lower stages would require a greater expenditure than the commerce of the country would warrant.

The Yazoo, the Big Sunflower, and the Tallahatchie have received the customary percentage of the estimates for them.

As to the criticism that I have not secured an appropriation of $50,000 for a survey of the Big Sunflower and Yazoo systems, I will say that the author of this attack talks about it as if it were a mere bagatelle that a child might get for the asking. I do not know what my good friend the honored chairman of my committee [Mr. BURTON] would say if I should suggest that he allow me $50,000 simply for the purpose of making an experimental survey of these streams, to ascertain if they could be improved, perchance, by a costly system of locks and dams. The author of this attack will, of course, in due time make up for my dereliction in this matter by securing the $50,000 needed for the survey.

Now, the older members of this committee will remember—my friend from Iowa [Mr. HEPBURN] I know will, because he assailed me quite vigorously in connection with it—that I secured in the bill of 1896 a provision placing under what we call the continuing-contract system the work for the diversion of the mouth of the Yazoo River in order to restore the Vicksburg Harbor. I do not just now recall the cost of the project, but it was something over a million dollars. That work was held up by the Secretary of War, along with other contract works in that bill, for some considerable time. I only got it released, so to speak, on the 2d day of February, 1898. That is, on that day I got the permission of the Secretary of War for the engineer in charge to proceed. From some cause, as to which I have no information, the engineer in charge did not advertise for proposals until about June, 1899, nearly eighteen months after he had permission to proceed. Now, the author of this attack charges me with having the work delayed for the purpose of inducing my constituents to believe that it was essential that I should be returned to Congress in order to secure its prosecution. He says:

> He has simply held back this work as a club to beat you into returning him to Congress.

I am quite sure that it is not necessary for me to say to Representatives here who have served with me and who are familiar with the manner in which I discharge my public duties that I am incapable of so scurvy a trick. As a matter of fact, I never approached the engineer in charge with a view to hastening his action, because I had enough regard for him to feel that he would have resented it just as I would resent any interference by an engineer with my official work. I supposed that in his good time, when he had prepared his plans and got them ready, he would proceed with the work. That is the whole of it, so far as I am concerned. It is obvious, however, that I could not have delayed the work without the unscrupulous cooperation of the Secretary of War, the Chief of Engineers, or the engineer in charge, or all of them.

The attack upon me continues:

> But in truth, if he had attended to this contract and had the work done as he should, he would have been left without any excuse for asking the free silver people of Warren County to send a pinchbeck gold bug to Congress. He has simply held back this work as a club to beat you into returning him to Congress. There is only one other explanation that can be offered—he is utterly without influence in Washington City.

I do not know that it is a thing to pride myself upon at all, but I had thought that I was a gold bug of the pure and unadulterated sort; yet it seems that in this respect, as in all others, I am merely pinchbeck. I am not only charged with having for selfish, political purposes delayed the work after it had been authorized, but I am denied any credit whatever for its adoption by Congress. After some preliminary remarks, intended to show how the idea of the project originated, the attack proceeds:

> Major Willard—
>
> Meaning the local engineer—
>
> and Hon. L. W. Magruder went to Washington City in February, 1892, and explained the real status of affairs to the River and Harbor Committee, and for these reasons the river and harbor act approved July 13, 1892, appropriated $75,000 for purchase and clearing right of way.

This was the beginning of a project to cost over a million dollars. Major Willard and Hon. L. W. Magruder explained it, "and for these reasons" it was adopted. Gentlemen here can get a valuable "pointer" from this. They have, I am sure, had the impression that a great deal of patient and persistent work was required at their hands to secure the adoption of such a costly project as this. They are now assured that they are mistaken in this, and that it is only necessary to bring on the local engineer and one of their citizens to explain things to the River and Harbor Committee and the matter is accomplished in the twinkling of an eye. And, of course, it was because Major Willard and Hon. L. W. Magruder explained things to them that in 1894 $225,000 was appropriated, and that in 1896 the project was placed among the most favored ones under the continuing-contract system, with authority for the expenditure of $860,000 more. The attack will be published with my remarks in full, and I trust that all gentlemen here will read it.

Mr. Chairman, I have already detained the committee far longer than I had any idea of doing. I thank them very much for the kind attention they have given me. If I have spoken at undue length, it has been for two reasons: First, I have had the work which has been my theme very much at heart; and, second, this is the last opportunity that I shall ever have to address such an audience as this in its behalf. I go out of Congress, as my good friends all know, on the 4th of March, and I felt that I could not deny myself the pleasure, for it is a pleasure, to raise my voice once more in behalf of the good people of my district, whose hearts are bound up in this great work. I now repeat that it is my honest judgment that this Government can do no work which will bring so much joy, so much blessing, so much benefit to so many people, and at the same time bring so much profit to the Government itself. [Loud applause.]

The attack commented upon is as follows:

LEVEE FACTS AND FIGURES—HON. PATRICK HENRY PROVES THAT CLAIMS MADE FOR CATCHINGS ARE FALSE.

I have appeared before you at various times and places within the last sixty days and have stated the facts concerning the much-vaunted services of your present Representative in Congress. I notified him by publication where and when I would show up his record, offering to divide time, but he has only appeared by proxy to enter his defense. Each time that a Goldbug has answered in his name and offered you glittering generalities I have pinned him down with the figures and scorched him with the fire of truth so not one has essayed a second fight.

When speaking to you on the subject of appropriations for levees and the Mississippi River, I have divided the periods before and after 1890. It was that year the great and disastrous flood caused all the country to stop and fix their attention on our needs. It was that year all commercial bodies and organized associations passed resolutions calling on the Government to give us aid. It was that year the river interests held a convention in Vicksburg and sent a delegation to Washington to lobby for an appropriation for levees, and that year marks the beginning of the increase in money for the levees, and yet General CATCHINGS had already been a member of Congress six years. It was the united effort of allied interests, railroads, etc., that made the expenditure for levees thereafter more than twice what it was before. General CATCHINGS did not bring about the increase, and if his friends claim he did it lies with them to show why he shall not be held responsible for the Government policy which has piled up debts on his district; and that you all know is a fact.

The only other champion who has offered to defend the truant is the Vicksburg Herald. Instead of sending a reporter to take down my words, if it desired to reply, it has tried to create the impression that it was answering me by talking about one thing when I said something about another. It has offered a lot of figures which it says were gotten together by great labor, and from the way they are mixed I think it was. It doubts if I have learned enough in so short a time as to be able to tell why they are wrong. I am not called on to set the Herald straight every time it wanders astray politically or otherwise, but as soon as I quit accepting what it said about levees or other matters it was not hard for me to learn the facts. This it can easily do if it will accept the official reports and quit trying to fit the figures to its own ends.

I am free to confess, though, that I was perfectly astonished at the cheek of General CATCHINGS's followers in proclaiming his championship of the river interests. You must understand that his reputation is based on his supposed knowledge of the river problem, as it is called, and he has made speeches upholding the plans of the Mississippi River Commission for revetting the banks and building levees to scour the river bed. The bank revetment has been declared a failure by the commission itself, after spending about $17,000,000, and the Herald of Sunday, July 3, says the bed doesn't scour, and that it is now known that it will yet cost more to finish the system than it was believed it would before any money was spent. And I will tell you that I don't believe any man knows what a complete levee system from Cairo to the Gulf would cost, and it is not to your interest for the Government to attempt to build it at this time unless it will finish your part first.

The report of the secretary of the Mississippi River Commission each year since 1885 gives a detailed account of all the expenditures from the beginning to date. I have taken the following from the report of the Chief of Engineers of the Army for 1885, pages 2932 and 2933, as the amounts expended for levees from March 3, 1881, to June 30, 1885:

Long Lake, Arkansas	$15,000.00
Yazoo Front, Mississippi	80,950.00
Opossum Fork, Arkansas	25,000.00
Yazoo Front, Mississippi	364,875.45
Tensas Front, Arkansas and Louisiana	411,107.74
Tensas Front, Louisiana	548,258.24
Atchafalaya Front, Louisiana	133,503.93
Total	1,778,695.36
The total appropriations for the Mississippi River	8,483,548.56

The above amount for levees had been spent before General CATCHINGS entered Congress. He was elected in 1884 and took his seat in December, 1885, and of that there had been spent in Mississippi $445,825.45, or a little over 25 per cent, or one-fourth of the whole.

In the report for 1897, which is the last that has been published, on page 3529 et seq., I find expended for levees to June 30, 1897—

Lower St. Francis district, Arkansas	$354,697.34
White River district, Arkansas	902,757.35
Upper Yazoo district, Mississippi	811,619.92
Upper Tensas district, Arkansas and Louisiana	3,088,731.78
Lower Yazoo district, Mississippi	1,458,678.75
Lower Tensas district, Louisiana	1,664,912.01
Atchafalaya and four other districts, Louisiana	2,620,078.62
Total	10,901,235.77

There were some items, probably engineering and administration, not included in the above, for on page 3534 the total for levees is given, $11,059,216.02, and the total for the river, $33,653,027.

Out of the above the Mississippi levees, it is seen, got $2,270,158.67, and, deducting the money spent previous to 1885, there is left $1,824,433.22, received since General CATCHINGS went to Congress, or a little over 20 per cent or one-fifth of the amount spent on levees. Before General CATCHINGS went to Congress the whole appropriations were at the rate of $2,120,887 per annum, and your district got one-fourth of the levee money; since he went the whole appropriations have been at the rate of $2,097,456 per annum, and your district has gotten one-fifth of the levee money.

But it is the dirt put in the levees, after all, that the people want, and on page 3518, etc., of the report for 1897 is a detailed account of the levees, except the per cent built by the United States in lower Louisiana, which is on page 3787.

I find by calculating the amount built by the United States, from the total and the per cent stated, that the various levee districts now contain as follows:

	Miles.	Total.	Built by United States.	
			Per cent.	Amount.
		Cubic yds.		
Lower St. Francis, Missouri and Arkansas	115	5,260,570	53	$2,788,102
White River, Arkansas	64	5,889,044	84	4,946,797
Upper Tensas, Arkansas and Louisiana	173	21,996,612	70	15,395,220
Lower Tensas, Louisiana	131	12,766,527	63	8,042,912
Atchafalaya and 4 others, Louisiana	468	36,066,863	63	22,772,123
Upper Yazoo, Mississippi	124	12,793,495	34	4,349,788
Lower Yazoo, Mississippi	186	22,174,392	31	6,962,600

Total built by the United States in Missouri, Arkansas, and Louisiana	cubic yards..	53,945,154
Total built by the United States in Mississippi	do....	11,312,288

More levee has been built by the United States in the 64 miles of the White River district than the 124 miles of the Upper Mississippi levee district and nearly two and a half times as much in the Upper Tensas as in the Lower Mississippi, although the latter has 13 miles the longer line.

The Upper and Lower Tensas in Arkansas and Louisiana have together 306 miles of levees, the Upper and Lower Yazoo 310, yet the United States have in round numbers built 23,000,000 cubic yards for them and 11,000,000 for you.

For every yard of dirt the Government has put up for you, you have put up 2 for yourselves; just across the river for each yard the Government built the people have put up only half a one. If the same ratio of help had been extended you, you would have gotten four times as much as you have received, and the Government has no right to build levees on the other side to force you to mortgage yourselves to build levees on this.

What, am I opposed to Government aid to levees? No! Distinctly I am in favor of it! But it must give aid equally, or make sure that in helping one it shall do no injury to another. You have not had help even in proportion to the length of your levees. The other side has 950 miles, you have 310; they got 13,000,000 yards, you got 11,000,000; their line is three times as long as yours, and they have had five times as much earth put up for them.

Since the new era of Government levee building began the debt of the Upper Mississippi levee district has trebled and that of the lower quadrupled, and to-day the former owes more than a million and a half, the latter over a million and a quarter. General CATCHINGS can not claim the credit of a policy without shouldering the responsibility for its results. He can not even claim that he had no evidence of the outcome of his policy. Many of the engineers gave warning. General Comstock pointed out the fallacy of it. Captain Townsend showed what was to be expected. Major Dabney has said it was a fight between the levees on the two sides and only a question of which would get broken, only in the dim future could they hope to hold it all. Mr. Coppee describes the result in these words: "The rapid closure or protection of many thousands of acres of comparatively worthless land by levees has produced a very pronounced and elevating effect on the flood level in the long-established levee districts. Large reservoirs have been closed, not by degrees, but immediately, giving the river no possible chance to accommodate itself to the change, except by an extensive rise in the flood plane, which in 1897 was decidedly disastrous to the levees protecting one of the richest and most highly developed agricultural countries in the world, with all the growing crops, mills, and manufacturing plants, towns, and cities, quite a network of railroads and rivers navigable during a large portion of the year."

But they say, "Send him back to Congress and let him finish it." Finish what? The mortgaging and destruction of the Yazoo Delta? I think it is time to change the plan and policy of the Government aid. Build the levees for the purpose of improving the river, but build so they shall not ruin our land. General CATCHINGS is in Congress to-day without a party to which he can claim to belong, to which he can turn to ask for aid in this matter, and he is estopped from calling on the Government to right the wrong done by a policy he has been advocating.

But I must invite your attention to the record of appropriations for rivers within the Third Congressional district. It is shown by the reports of the Chief of Engineers that at the time General CATCHINGS went to Congress the following rivers were being improved: Yazoo, Big Sunflower, Tallahatchie, Cold Water, Yalobusha, Tchula Lake, and Steeles Bayou, and that $202,500 had been appropriated in eleven years preceding. Since he went to Congress all improvement has stopped on the four last, and in the fourteen years $232,500 was appropriated. Yet the amount expended for river and harbor works has increased enormously. Neither can he take refuge behind the engineers in this by claiming adverse recommendation, because the full amount of money asked for has almost never been given, and in the report for 1888, page 1363, the engineer asked for $5,000 for Yalobusha and never has gotten one cent. In the report for page —— he asked for $50,000 for a survey of Big Sunflower and the Yazoo system, so as to make a plan for locks and dams, saying the river never had had enough money spent on it, yet no money has ever been given.

Now, I want to tell you about the Vicksburg Harbor and the Yazoo Canal. As you all know, the cut-off took place in 1876, and the city authorities and prominent citizens had a survey made the next year by Maj. Thomas G. Dabney, the able engineer whom we are all proud to claim as a fellow-townsman. He submitted a plan to the Government engineer board to hold the Delta Point, dredge the harbor, and bring the Yazoo River through from Old River. The board approved the Delta Point work and the harbor dredging, but said the Yazoo could not keep its own mouth washed out and it could not be expected to keep the lake clear. They fixed the cost so high that it killed all hope of getting the Yazoo through. Congress made appropriations and the work went on at Delta and in the harbor until in 1883, when the dredges took out 350,000 cubic yards and the river filled in 1,250,000. Then Capt. William L. Marshall threw up the job and said it would cost $2,600,000 and the whole town was only worth about $2,400,000, or less by $200,000 than the cost. This put an end to all work except at Delta Point for several years, until the city had another survey made by Mr. H. St. L. Coppee. He proposed a slack-water basin to be surrounded by dams to keep out the muddy water, and the Government engineers indorsed the plan. Congress again made appropriations, and dredging went on for several years, till it became apparent that the bottom of the canal raised up as fast as it was dredged down.

Then our energetic and wide-awake chairman of the harbor committee, Capt. E. C. Carroll, stirred things up and a survey was ordered by the river and harbor bill of 1890 for the mouth of Yazoo River.

The survey was made, under Maj. J. H. Willard, by Mr. H. M. Marshall, and he showed that the present mouth of the Yazoo is stopped up every year by the Mississippi because it comes in on the shallow side of the Mississippi, but at Kleinston it would come in on the deep side. This survey also showed that the cost would not be as great as had been estimated. Then Major Willard justified the cost of the work by pointing out that it would give access all the year to the Yazoo and its tributaries—a system of rivers covering 800 miles of navigable waters.

Major Willard and Hon. L. W. Magruder went to Washington City in February, 1892, and explained the new status of affairs to the River and Harbor Committee, and for these reasons the river and harbor act approved July 13, 1892, appropriated $75,000 for purchase and clearing right of way.

The act approved August 18, 1894, appropriated $225,000 to continue the work and also $40,000 for the Vicksburg Harbor.

The act passed June 3, 1896, authorized the Secretary of War to make a contract to complete the work, to be paid for with the balance on hand and out of any money "as appropriations may from time to time be made by law, not to exceed in the aggregate $860,000, exclusive of the amount heretofore appropriated."

This also limited the amount to be paid by the Government to $400,000 in any one year.

The effect of this was to permit an appropriation to be made for this work in the next sundry civil bill.

This was done, and the sundry civil act of June 4, 1897, appropriated $350,000.

Right here I want to state one of my reasons for not opposing General CATCHINGS for Congress in 1896. The money for this work, in which we are all so vitally interested, was not available, except the small balance on hand, and no contract could be let with advantage to the United States until an appropriation should be made by the sundry civil bill. Many prominent citizens talked to me and expressed the opinion that the work would be jeopardized if a new man should be sent to Congress. This had weight with me, but I want to say right now that reason no longer exists.

I have explained that the river and harbor bill of 1896 authorized the letting of the contract to be paid for as the money may be appropriated, and that $50,000 was appropriated in June, 1897, which, with the money on hand, gives about half a million dollars now available. This would permit a contractor to do the work and be certain of a large part of his pay without delay. The Attorney-General of the United States has given his opinion in regard to these contracts, and he says that Congress ordered them and they must be let, and when they are finished, if the money is not already appropriated, they become a valid claim against the Government. The report of the engineers for 1896, page 4111, shows there were 36 of these contracts authorized, and the report for 1897 shows that work is going on now and has been for nearly a year on 31 of them. On 3 the engineers are figuring how to do the work for the money, and for a poor little bay on the coast of Oregon contract has been let, because no money was provided for it in the sundry civil bill, and the commerce, which was only 18,000 tons a year, is falling off at the rate of 7,000 tons per annum.

Yes, 31 and 3 and 1 only make 35, and I said there were 36 contracts. Well, we all know about that other one, and it will not bear talking about except among General CATCHINGS's friends, and they will not talk so much, now that the truth is made known about those other contracts.

But, in truth, if he had attended to this contract, and had the work done as he should, he would have been left without any excuse for asking the free-silver people of Warren County to send a pinchbeck gold bug to Congress. He has simply held back this work as a club to beat you into returning him to Congress.

There is only one other explanation that can be offered—he is utterly without influence in Washington City.

Respectfully, PATRICK HENRY.

STATE OF MISSISSIPPI, *County of Warren:*

This day personally appeared before me, the undersigned, justice of the peace in and for the county and State aforesaid, W. L. Polk, who, being by me first duly sworn, deposeth and says that he has examined and compared the figures contained in the above letter of Hon. PATRICK HENRY and find they are correct and agree with those in the published reports of the Chief of Engineers for 1885, pages 2932 and 2933, and for 1887, pages 3529, 3518, and 3787.

Witness my signature this 5th day of July, 1897.

W. L. POLK.

Sworn and subscribed to this 5th day of July, A. D. 1897.

JOHN GROOME,
Justice of the Peace.

The CHAIRMAN. The gentleman from Illinois is recognized for thirty minutes.

[Mr. MANN addressed the committee. See Appendix.]

[Mr. DOVENER addressed the committee. See Appendix.]

Mr. BOREING. Mr. Chairman, I send to the Clerk's desk and ask to have read an amendment which I propose to offer to the pending bill at the proper time.

The CHAIRMAN. The Clerk will read the proposed amendment in the time of the gentleman.

The Clerk read as follows:

In line 3, page 50, insert the following: "For the construction of lock and dam No. 21, Kentucky, $100,000."

Mr. BOREING. Mr. Chairman, the appropriation of public money for the improvement of rivers and harbors, like the protection of American industries, is a doctrine inherited from the Whigs and developed by the Republican party. The old Democratic doctrine opposed all Federal aid to internal improvements for the reason that it tended to paternalism and greed. In more recent years the trend of public sentiment and thought and legislation has been in the direction of liberal appropriations for internal improvements, until it has come to be the settled policy of the Republic to improve our rivers and harbors at the expense of the General Government.

It is natural that the Republican States, represented in the House and in the United States Senate by Republicans, would be the first to take advantage of these opportunities to improve their navigation by the improvement of their rivers and harbors. The region of the Great Lakes and the rivers in the Northern States have not only reaped a rich harvest from this source of revenue, but they have laid broad and deep the foundations upon which to demand more. The committee now comes, after having provided bountifully for this section of the country, and declares a policy. And what is it? "To him that hath shall be given, and from that hath not shall be withheld," until the time when the rivers and harbors that have had appropriations shall have been improved to their full capacity. But upon that theory of distribution of improvements there can be no end to appropriations, because they propose to distribute according to tonnage; and those streams which were first favored have the advantage in tonnage, and they will ever keep it, and these appropriations must be eternal. My objection, therefore, lies to the bill, to their policy, and to their theory.

In the remarks I make I want it to be understood that I do not mean to disparage the interest of any community or to reflect upon any member of this or any other Congress. I suppose the Committee on Rivers and Harbors has been as fair as any other number of men would have been under the same circumstances; and there are no two members upon this floor for whom I have a higher personal regard than for the chairman of the Committee on Rivers and Harbors and my distinguished colleague from the Sixth district of Kentucky, who represents our State on that committee.

But, Mr. Chairman, the report from the Committee on Rivers and Harbors discloses certain facts. I beg leave to refer to those facts. In the first place, the city of Cleveland is very well provided for in appropriations, amounting to $2,925,000; the city of Cincinnati has not been overlooked, because she has an appropriation of $1,050,000; and the mouth of the Licking River, that little stream that flows into the Ohio River opposite Cincinnati, has an appropriation of $307,000. I do not know, or did not know until the other day, how Licking River got its name. A distinguished gentleman who lives near the head of the stream, and close to its mouth also, said that it took its name from the fact that an ordinary thirsty dog could lick it dry during one night at its highest tide. [Laughter.]

Now, I do not know whether that is true or not, but I will say, Mr. Chairman, that if you will take Licking River, Big Sandy, and Salt River and put them into the Cumberland River at the head of its channel, by the time it would flow through the Eleventh district, in the Cumberland River, this additional volume of water would not raise a riffle on the shoals, and yet Upper Cumberland River, in Kentucky, has not had one dollar appropriated to it. I desire in this connection to read the report of the Chief of Engineers, on page 2900:

Lock No. 21 (in Kentucky, 296.25 miles above Nashville and 28.75 miles below Burnside, Ky.).—By act of June 3, 1896, $20,000 were made specifically applicable to Locks Nos. 21 and 22, and the sites for those locks and abutments of dams have been acquired by the United States. There is no single lock, and perhaps it may be said no two or three locks in this system, the completion and operation of which would do as much for the commerce of the Upper Cumberland River as the completion and operation of Lock No. 21. This lock may be likened to Lock A of the lower river system, in that it would afford a 3-foot stage at Burnside, Ky., the same as Lock A will give at Nashville.

But, necessarily, this will only produce another lake-like reach of navigable water, as would Lock A on the lower river improvement, until provided with an outlet.

There is a balance of $17,035.39 remaining of the above that is expected to be applied in getting out stone for Lock 21.

That $17,035.39 remains to our credit. The same engineer, writing on page 2901, says:

For continuing operations at Locks 21 and 22, $300,000.

Now, what I complain of, Mr. Chairman, is, notwithstanding the Cumberland River has been surveyed and declared navigable to Burnside, Ky., notwithstanding it is navigable for small boats six months out of the year, notwithstanding it is in the plan of improvements, notwithstanding the engineers have reported in favor of the expenditure of $300,000 at Locks Nos. 21 and 22, we

have been entirely ignored, and, so far as I know, all the appropriations, or nearly all, that have come to Kentucky have been applied or proposed to be applied at Cincinnati.

I know it is said that one-half of the improvements of the Ohio at Cincinnati are chargeable to Kentucky; but anyone at all acquainted with the situation must know, and does know, that all these appropriations, including the amount appropriated for the improvement of the mouth of Licking River, are intended to create a volume of water between Cincinnati and her Kentucky suburbs, because it is well known, and will not be denied, that the people of Covington and Newport do business and spend their money in Cincinnati; and I presume it will not be denied that this $1,357,000 to be expended there will not tend to develop or subserve any of the material interests of the State of Kentucky.

Mr. Chairman, it will not put into the market one dollar's worth of the products of the farm, the forest, or the mines of Kentucky, and that is the reason that I have come to this House asking that it give to the Upper Cumberland in Kentucky one-third of the amount that the engineer has recommended to be expended there.

We see in this bill, further, that for the State of Ohio and the States of Michigan and Wisconsin in the region of the Great Lakes there is an appropriation to the amount of over $16,000,000. And it has developed during this discussion that they are actually forcing upon the Detroit River, over the protest of the member of Congress who lives on that stream, nearly seventeen hundred thousand dollars. I appeal to the members of this House to say whether this is fair or not. I am satisfied that my distinguished colleague here will admit that this appropriation ought to be made to the Upper Cumberland, and that he will vote for it. I am not complaining of what is done for Cincinnati and the Licking River, but I am complaining of what has not been done for the Upper Cumberland.

Mr. Chairman, the Cumberland River flows 300 miles on an air line through the Eleventh district, and much farther by its meandering. Much of the Upper Cumberland is undeveloped. We have a valley of farming land as rich as the valley of the Nile. The 19 counties that compose the Eleventh district, 14 of which lie upon the Cumberland and its tributaries, have immense forests, covered by the growth that is usually found in that section. We have an inexhaustible coal field of the finest quality. That territory is inhabited by 258,000, according to the late census, of as loyal people to this Government as ever breathed upon this continent. I come to you in the name and upon the behalf of these people and I ask this appropriation.

I might have said that only 5 counties of the 19 are touched by a railroad. We only lack transportation for our products in order to make us one of the richest sections of this nation. I may say, Mr. Chairman, that the whole South is destined to be a great country. I am a Southern man by birth, by education, by residence, by interest, and by choice, and I stand for my people and my section. The South embraces a vast area of territory, reaching from Delaware to California. We have advantages in climate, in soil, and in resources; and when we have built the Nicaragua Canal, with our open-door policy in the Orient, the South will blossom like a rose. We come and ask at your hand but sheer justice when we ask for this appropriation.

Now, bear in mind, Mr. Chairman, that we are not asking for a new project. We are only asking that this committee follow out the line of their own policy, taking up the work where it has been started and continue it. If the Cumberland River was either an inlet or outlet of one of the Great Lakes it would to-day be locked and dammed from head to mouth. The great steamers of the ocean would be bearing the products of our forests and our coal mines to the constantly increasing demand of foreign markets.

Now, it may be said that when we propose to commence at Burnside and improve the river down, it is not in harmony with the present policy. But it is too late, Mr. Chairman, to make that plea, because it has dropped out in the discussion of this question that the whole system of improvement of the Ohio River is based upon the same theory. They commence at Bismarck and improve the river down, and promise now that it will go downward until it reaches the Mississippi. Moreover, this committee recognizes and continues by their appropriations the plan that began at Nashville and improved the Cumberland River both ways from that point.

The gentleman from New York [Mr. ALEXANDER] and the gentleman from Massachusetts [Mr. LAWRENCE] lay great stress upon the importance of having sufficient depth of water in the Buttermilk Channel and the Boston Harbor to allow the largest vessels that come into our ports to load to their full capacity with American products and to sail to foreign markets. I desire to call attention to the fact that the wealth of this country is hidden away in the mountains and mostly on the smaller streams, and it is as important that we develop this wealth and bring it down the smaller to the larger streams until it reaches the harbors on the great ocean as it is to provide for the shipment of these products from what they are pleased to call our great national harbors.

One error that I believe the committee has fallen into, to the detriment of fair legislation to all sections of the country, is their attempt to legislate and make appropriations upon their personal knowledge rather than to avail themselves of the information and recommendations of the engineers of the War Department, the appointed agents of the Government, who have been trained and educated for the work assigned them, and who have made the investigations and surveys of these streams and made impartial reports, suggestions, and recommendations as to the amounts that should be expended on the different projects under consideration.

It will be observed, Mr. Chairman, that this committee has not condemned the project commenced by a former Congress to improve the Upper Cumberland from Burnside toward its mouth, and the fact is, as I have learned from the chairman of the committee, they have not had time to visit the Upper Cumberland and inform themselves by actual observation of its capacity for improvement and the interests that its improvement would subserve. And I will further point out the fact that neither the chairman, in his speech on the apportionment bill, nor any member of the committee has dared to discuss with me the comparative importance to the State of Kentucky of the improvement of the Upper Cumberland as recommended by the engineers, with the improvement of the mouth of the Licking River as provided for in this bill.

The gentleman from Iowa [Mr. LACEY] said the other day, "Wherever you find an Ohio man, you find him with his face turned toward the national capital," and, in my opinion, he might have added, "and with his hand stretched toward the National Treasury." This is not at all discreditable to the Ohio people, because it shows that they are an enterprising and progressive people, and progress has no mercy on beliefs and creeds, political or religious. I do not blame Cincinnati for availing herself of all the appropriations charged to Kentucky, but the Representatives from Kentucky are to blame if they allow it to be done without entering their protest against such action. I am not blaming the great cities of the country for grabbing the lion's share of the $60,000,000 appropriated by this bill for the rivers and harbors, but the men who represent rural districts are to blame if they do not stand up for their rights and demand an equal recognition for the improvement of the navigable streams available for carrying into market the products of our farms, our factories, our forests, and our mines.

I realize, Mr. Chairman, how easy it is for one of the great committees of this House, with the National Treasury behind it, to take care of enough interests to insure the easy passage through Congress of almost any bill that it may propose. But I would remind the Republican members of this body that there will come a time when the people of the United States will sit in judgment and pass upon all of our official acts. And I would further remind my Republican colleagues that our Administration will need the Fifty-eighth as much as it will need the Fifty-seventh Congress, and if the Republican party maintains itself in power it must be just and fair to all sections of the country in the enactment as well as the administration of the law.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HEPBURN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 827. An act for the relief of the trustees of the Presbyterian Church of Dardanelle, Yell County, Ark.;

H. R. 3020. An act for the relief of Rev. William T. McElroy; and

H. R. 12740. An act making an apportionment of Representatives in Congress among the several States under the Twelfth Census.

The message also announced that the Senate had passed the following resolutions:

Resolved, That it is with deep regret and profound sorrow that the Senate hears the announcement of the death of Hon. CUSHMAN KELLOGG DAVIS, late a Senator from the State of Minnesota.

Resolved, That the Senate extends to his family and to the people of the State of Minnesota sincere condolence in their bereavement.

Resolved, That as a mark of respect to the memory of the deceased, the business of the Senate be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Secretary transmit to the family of the deceased and to the governor of the State of Minnesota a copy of these resolutions with the action of the Senate thereon.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

[Mr. MADDOX addressed the committee. See Appendix.]

Mr. SMALL. Mr. Chairman, judging from the character of this debate, an unusual condition is presented by the House upon this bill. Out of the 357 members of this House it would appear that at least 340 of them are opposed to the bill which has been reported by the committee, and that there are only 17 in favor of it,

these 17 constituting the members of the committee. I do not rise for the purpose of giving notice of any amendment which I intend to offer, or to make any specific complaint against the bill.

Many objections have been urged against it. Members have complained that their particular district or State has been discriminated against or that waterways and harbors within their respective sections have been neglected by this committee. It was left to the gentleman from Kentucky who has just spoken [Mr. BORELING] to cap the climax of criticism by stating, as I recall his language, that $70,000 is included in this bill for a waterway against the protest of the member within whose district that waterway is situated.

The gentleman from Washington [Mr. CUSHMAN] presented an elaborate table of figures to which he referred in addressing the House and by which he contrasted the volume of appropriations made in those States which are represented by membership on the committee with the remaining 28 States not so represented, and attempted to show that the committee had prepared this bill from a sectional and partial standpoint.

The distinguished gentleman from Iowa [Mr. HEPBURN], in his usual forceful manner, made a general attack, not only upon the bill, but generally on appropriations for river and harbor improvement. There was one feature of the gentleman's argument with which I was particularly impressed. He contended that the provisions of a river and harbor bill should not include appropriations for any waterway which did not affect commerce interstate in its character. This proposition seems plausible on its face, but I am of the opinion that difficulties would arise in making the application.

There are to-day various waterways and harbors upon which are carried hundreds of thousands of tons of commerce between the different States, but which were comparatively insignificant and local in their importance until the National Government began to make appropriation for improvement in recent years. As our country develops and traffic and the demand for transportation increases, new waterways, which seem at the time insignificant and yet contain possibilities of future growth and commerce, will demand the attention of the National Government.

I assume that the aid which the Government has for years been extending to internal improvements of this character will continue indefinitely as the policy of the Government. I can not conceive that any of these complaints which have been made against the present bill are well founded in fact. I have been one of the persistent and importunate members who have continuously waited upon the River and Harbor Committee seeking to have improvements and appropriations included in this bill.

I have not received recognition to the extent I desired nor, as I believe, to the extent of the needs of my district, but I realize the fact that if the demands of every member had been met and all the recommendations of the engineers had received appropriations, that the aggregate amount contained in the bill would have staggered even the liberality of this House and would have subjected the committee to merited criticism. I think I appreciate some of the difficulties which confronted the committee.

While the committee may have sought to set up certain standards and tests to judge of the worthiness of improvements, yet they found it impossible to rigidly adhere to them, and such has been the experience of all committees in the past. The one supreme test is the amount of tonnage to be affected by the improvement and not the location of the waterway nor the persistence of the interests involved.

The distinguished gentleman from Ohio [Mr. BURTON], who is chairman of the committee, has had too long and honorable service in this House to be affected by criticisms intended for home consumption. I believe that he and the entire membership of the committee in the preparation of this bill have endeavored to discharge their duty to this House and the country with fidelity and impartiality, and that sectional considerations have not entered into their deliberations. However, Mr. Chairman, I did not rise for the purpose of defending the committee, but it did occur to me that some member of this body having no official connection with the committee should give expression to these sentiments of justice, and which everyone knows express the truth.

Mr. Chairman, my object in seeking recognition was to address the committee briefly concerning a great inland waterway which is not subject to any of the objections which have been urged against other improvements, and which is national in its character. At the last session of the Congress I had the honor to introduce a bill for the survey of an inland waterway 16 feet in depth from the southern terminus of the Dismal Swamp Canal, at South Mills, Pasquotank County, N. C., thence extending down Pasquotank River to Albemarle Sound, thence across Albemarle Sound, Croatan Sound, Pamlico Sound, and Core Sound, with an outlet to the ocean, with the depth of 18 feet, through Ocracoke Inlet and Beaufort Inlet, North Carolina.

This bill was included within the provision of the emergency river and harbor bill of June 1900. The survey was made during the last summer and fall, and the report of same submitted to Congress, but it was not printed in time for the consideration of the River and Harbor Committee in connection with the pending bill. I have fortunately just secured an advance copy of the printed report, which is of exceeding interest in connection with this great project.

The report recommends that Beaufort Inlet be chosen as the outlet to the ocean rather than Ocracoke Inlet for several reasons, but chiefly because the dangerous navigation around Cape Lookout will thereby be avoided. It appears from the report that the distance from the southern terminus of the Dismal Swamp Canal on Pasquotank River to Beaufort Inlet is 211½ miles. It further appears that the cost of this projected interior waterway would not exceed $5,532,893.

I may say without fear of contradiction that it is one of the most important projects connected with the coastwise navigation of the United States. It was the dream of the early founders of the Republic to connect by a capacious canal the magnificent waters of Chesapeake Bay with those beautiful inland sounds in eastern North Carolina which I have mentioned. Ever since Sir Walter Raleigh's fleet entered the inlet on the coast of North Carolina and planted the first English colony on our Atlantic coast the dangers of Cape Hatteras and of Diamond Shoal have been known to the mariners on our coast.

Thousands of ships have foundered in its treacherous waters, and thousands of lives have found an unknown grave in the hungry vortex of its angry waves, and countless tons of produce have been scattered upon its shores. It stands as a menace to our coastwise shipping, and modern science and skill have failed materially to reduce the losses which annually occur along this perilous highway. It has been estimated that 10 per cent of our coastwise shipping is annually lost by shipwreck, and the great bulk of this is lost upon the bleak and dangerous coast of North Carolina.

How to avoid this dangerous coast and this menace to our shipping has been an ever-recurring problem. George Washington originally, it is said, formulated the scheme for the construction of what is now known as the Dismal Swamp Canal. This canal was constructed many years ago, but for some time was permitted to remain out of repair, until several years ago a company was organized and purchased the same, and they have recently reconstructed this important highway, so that the canal now has a depth of 8 feet, which it is proposed to maintain, and which is about the limit of depth which can be carried at all points across the North Carolina sounds.

This canal is an important factor in the development of commerce between the harbor of Baltimore and all points on Chesapeake Bay and the harbor of Norfolk and the various ports in eastern North Carolina.

There is also another canal which connects Chesapeake Bay and Norfolk Harbor with the waters of Currituck Sound and thence into Albemarle Sound, which is known as the Albemarle and Chesapeake Canal. This canal has also been in operation for many years and is owned by a company of enterprising and able men and has an efficient and zealous president, devoted to the development of the tide-water section of Virginia and North Carolina.

This canal also maintains a depth of 8 feet, and enjoys a large traffic with steamers and barges engaged in our coastwise commerce. The report of the district engineers, together with the division engineer and the Chief of Engineers, to which I have adverted, emphasizes the importance of this improved waterway; but they recommend that other and additional surveys be made of the route via the Albemarle and Chesapeake Canal and of all other existing routes between Norfolk Harbor and Beaufort Inlet in order to intelligently determine the respective availability of each. The report further states, as a conclusion, that before the National Government should embark in the construction of this waterway it should own one or more of the intervening canals and make the same a part of this great highway, to be maintained by the Government and kept open freely to all shipping. I concur most heartily in these recommendations of the engineers.

I now ask the indulgence of the committee to further call attention to some of the facts which go to make up and emphasize the importance of this inland route. From a commercial standpoint, its importance can not be magnified. One of the modern innovations in water traffic has been the construction of freight barges, a number of which are towed by a powerful tug and which are capable of carrying immense quantities of produce.

It is to the further development of this class of shipping that this waterway would be particularly valuable. The estimated value of the coastwise commerce to be immediately affected by this route has been conservatively fixed at $200,000,000, and the quantity of traffic to be affected is estimated to be at least 10,000,000 tons.

This water route would result in a large saving in tariff rates as compared with the present rates between the North and the South by railroad, and the annual saving to be thus effected is estimated to be between $750,000 and $1,000,000 annually. The annual saving of this sum to the coastwise commerce of the country

would be 5 per cent on $20,000,000, which is four times the estimated cost of this waterway exclusive of the cost of the purchase of one of the canals referred to.

Another distinct advantage resulting from this route would be the reduction in insurance rates both on cargo and shipping. This can easily be calculated by adverting to the difference between marine insurance on cargoes by sailing vessels which navigate our coast around Cape Hatteras and the rate on cargoes shipped by barges through the present insufficient waterway and canal.

Again, the construction of this waterway could be utilized as an additional means of defense in time of war. Upon this point I quote from the report of the engineer:

> The inland waterway would afford an interior line of communication in time of war for transportation of supplies and for naval operations by light-draft vessels, such as torpedo boats and destroyers. Its value for such purpose can hardly be estimated, being similar to that of seacoast fortifications, which are rarely actually needed, but when the need arises it is most acute.

This waterway would afford a line of communication with our navy-yard at Portsmouth, Va., and with Fortress Monroe, and our Navy in Hampton Roads. The importance of this proposition has been recognized by engineers who have reported upon this matter in the past and by other eminent men engaged in the service.

I shall not consume the time of the House in discussing in detail the importance of this waterway in connection with local development of the eastern section through which it would pass, although it is by no means the least important of the results to flow from this beneficent enterprise.

The thrifty and progressive towns in eastern North Carolina, such as Elizabeth City, Edenton, Plymouth, Washington, and Newbern, would feel the impulse of this new artery of commerce, and the people of all the tide-water section of North Carolina and of other States thereby affected would be brought in touch with the commerce of our country.

In conclusion, Mr. Chairman, I wish to refer to the national character of this interior waterway. Not only is the section concerned which is tributary to the Chesapeake Bay and the sounds of North Carolina, but every State upon our Atlantic Coast, including even those which border upon the Great Lakes, must feel an interest in this great project. If this waterway shall be established, it will only be one link in a chain which shall connect the city of Boston with Beaufort Inlet, North Carolina.

To make this clear it is only necessary to point to the geography of our Atlantic coast north of the Chesapeake Bay. Going north via Chesapeake Bay, we traverse an ample waterway until we reach a point near the city of Philadelphia, and thence via the Delaware and Chesapeake Canal we reach the Delaware River. Upon this ample stream is located the city of Philadelphia. By going up the Delaware River to Bordenton, N. J., we can cross by a canal to New Brunswick, N. J., on the Raritan River.

From this point there is fine inland navigation to the harbor of New York. From thence by Long Island Sound we reach Buzzards Bay, and the construction of a short canal from this point, which has already been begun, will complete the interior waterway, and thence the route is to Cape Cod and Boston. It will only be necessary for the Government to own and improve these intervening canals to open up this magnificent waterway from the New England States to the South.

But not only would this proposed waterway afford communication along our Atlantic coast States, but it would give them access to the Great Lakes and to the States and cities adjacent thereto. After reaching New York Harbor the magnificent Hudson River leads to the Erie Canal, thus bringing the Great Lakes within easy and cheap communication with all of our Atlantic seaboard.

If the members of this House will study this project in the light of its importance to the country, I believe it will impress itself upon them as a project of national and paramount importance, which is not exceeded by any other that is now under the consideration of Congress, and I ask them to join with me in pressing this improvement upon the attention of the Congress and of the commercial interests of the country.

It is not local in its character, and therefore escapes the criticism which has been directed against other projects. It discriminates against no one, because its benefits extend to every part of the country. It is along the line of the trend of the present thought of the country which seeks to evolve a plan for the easy and cheap transportation of our crude products on the one hand and our bulky manufactured products on the other between the different sections of our country.

It would promote the transportation of lumber and agricultural products from the South, and would give increased facilities for the transportation of coal and other products of the mines and bulky manufactured products from the North and the West.

Upon many of these articles at present the tariff rates are prohibitory, but by opening up this great artery of domestic commerce the interest of all sections of our country would be promoted, our domestic commerce would be increased, and the peoples of our common country would be bound closer together by the bonds of commerce, which, after all, will afford the surest guaranty of concord and fraternity. [Applause.]

Mr. THOMAS of Iowa. Mr. Chairman, the Committee on Rivers and Harbors, in preparing the bill now before the House, practically ignores the claims of all those interested in the improvement of the Missouri River. The Missouri is one of the great rivers of this country, and within its basin is comprehended a large and intelligent population.

This great river has heretofore been recognized as navigable up as far as Fort Benton, a distance of 1,660 miles above Sioux City, where it strikes the line of the State of Iowa. And for this long reach of river, with its treacherous waters and yielding and crumbling banks, the pending bill carries an appropriation of only $40,000, to be used in maintenance of improvements already made and in protecting the bank and snagging the river for the facilitation of navigation and commerce—barely enough to provide a snagging boat and send it one trip up and down the river.

While the committee assumes to have found ample justification for making many appropriations for improvements of creeks and duck ponds that have never been considered of sufficient importance to find a place on the maps of the United States, they were not able to see any justification in the appropriation of any considerable amount for the Missouri River.

It may be true that the people interested in the Missouri River ought to be thankful for what is appropriated by this bill, like the old mail carrier of many years ago in northwestern Iowa before the advent of railroads, when that whole country was a bleak, unbroken prairie, storm swept in the winter time.

The old mail carrier was making his trip across prairies with his mail pouch from Fort Dodge to Sioux City, rigged out with a sled with board runners on which was placed an old store goods box, drawn by an old horse with rope gear and line, when out on the prairie, 20 miles from home, in a northwestern blizzard, such as was prevalent in that country at that early day, he met an old friend who accosted him by saying: "Hello, my old friend; how goes it with you out here in this blinding storm?" The old mail carrier, without stopping, answered: "Hard enough, hard enough. But thank the Lord it is as well with me as it is." So it is with those who happen to live on the Upper Missouri; they can thank the Lord and the Committee on Rivers and Harbors that it is as well with them as it is; that that stretch of river is deemed of sufficient importance to be thought worthy of an appropriation of $40,000.

It is not my purpose to attempt a criticism of the intentions or motives of the Committee on Rivers and Harbors, but to show that it is pursuing an inconsistent policy.

When urged to increase the appropriation for the Missouri River, we are met by the statement that the commerce on that river is not of sufficient importance or magnitude to justify the Government in prosecuting a system of improvements, and that whatever appropriations are made are not in the interest of commerce or navigation, but in the interest of property owners along the banks of the river. If that be true, and the policy of the Government is to limit appropriations solely to the improvement of our lines of commerce, why make any appropriations for this river? Why not limit the appropriations to improvements in the interest of navigation and commerce? Let the committee report a bill carrying appropriations for the improvements of such rivers and harbors only in whose commerce the people generally are interested and that are not confined to the interest of particular localities, and I for one will be ready to support it.

While we are told that appropriations ought not to be made for the improvement of the Missouri River because such appropriations are not in the interests of commerce, but for the benefit of particular localities and individual property owners, yet it is a fact that is not attempted to be denied that the pending bill, as well as every appropriation bill that has been reported by the Committee on Rivers and Harbors for a number of years, carries large appropriations for the special interests of particular localities and individual property owners. This has been the recognized policy of the committee, and that policy is recognized by the pending bill.

I am not standing here urging or justifying or condemning this policy. What I do criticise is the policy, recently adopted, of abandoning the improvements of the Missouri River because it is claimed that that river is not of sufficient commercial importance to warrant appropriations for its improvement, and at the same time maintaining the system of making appropriations at other places for the same purpose that are discarded here.

Mr. Chairman, I am not prepared to advocate the general policy of appropriating money by Congress for the exclusive benefit of particular localities or individuals. I believe such a policy is vicious and ought not to be adopted; but there is a justice in equal distribution of privileges and benefits when they result from the appropriations of public moneys.

Many of the appropriations carried by this bill are for the improvement of small rivers and harbors that pertain only to local

interests, that do not in any manner affect navigation or commerce outside of the immediate locality or State where they are situated. They are a benefit to the people of the State or locality where situated in furnishing convenient and cheaper transportation of local products, just as the building of a railroad or a public highway within a State benefits the people where located by furnishing better and cheaper means of transportation. The same reason that may be urged for the appropriation of public moneys for the benefit of the one may be urged with equal force in favor of the other. If this House find sufficient reason to support these provisions of the bill carrying appropriations for such purposes, then it ought on the same ground support a provision making an appropriation for the Missouri River, as has been done in a small measure in the past.

It has heretofore been the policy of the Government to make appropriations for the Missouri River.

At Sioux City, Iowa, in a distance of several miles, there has already been expended about $230,000. A plan for a complete system of dikes and revetments has been made by the Government engineers. Under this plan the work has been carried on, but not completed. In its uncompleted condition the work already done is liable to be destroyed by the action of the water and the expenditure already made rendered useless thereby.

The bill now pending proposes to abandon this point, as it is held up between the lower division and upper division of the Missouri River, without recognition anywhere. But suppose it should be included in the upper division, where it has been placed by the engineers or Missouri River Commission, it is still practically left to its fate, because the small appropriation of $40,000 for the upper division of the river, when distributed over a reach of more than 1,600 miles, will be entirely inadequate for maintenance or protection of the work already done.

The engineer in charge of this part of the work, in his report to the Secretary of War has submitted estimate for maintenance and for continuing the work already commenced.

The engineer says that "for the purpose of economical work in * * * the Sioux City reach, an estimate of $70,000 ($50,000 on the Iowa side and $20,000 on the Nebraska)" is submitted; and for maintenance for the fiscal year ending June 30, 1902, he estimates that there will be required $2,000 at South Sioux City and $50,000 at Sioux City.

Sioux City is one of the prosperous and growing cities of Iowa, having a population of more than 33,000. The city stands down close to the river banks. At the time that the improvements of the river front at this point were commenced the current was strongly thrown against the banks and was making rapid inroads toward the business parts of the city.

This has been checked by the dikes and revetments that have been built by the Government, and it does seem that to withhold appropriations and abandon these improvements now in their unfinished condition would be false economy, and would inevitably result in their being washed out and carried away by the swift current of the water in a few years. This is the only protection offered valuable property in the city lying near the river from the swift currents constantly threatening its banks.

At the proper time I shall offer an amendment to the bill making an appropriation for maintenance and protection of the banks of the river and improvement of the harbor at Sioux City, and also an amendment increasing the appropriation for improvements above Sioux City.

Mr. Chairman, there is still another feature of the bill to which I desire to call the attention of the House.

The shore line of the Missouri River lying contiguous to the district which I have the honor to represent is about 70 miles in length. In that distance the course of the river is very crooked and the current quite rapid. Owing to the short bends in the river the current, in some places, is thrown with great force against the banks. Along the river, on the Iowa side, the bottom is from 5 to 25 miles wide. The soil is a deep sandy loam, and is as productive of all the cereals capable of being produced in this climate as any land in the United States. The whole bottom along the river consists of well-improved farms occupied by an intelligent, industrious people.

For the purpose of ascertaining the condition of the river along this line I examined these localities some time ago and found places where whole farms had been cut away by the current. One farmer who owned as fine a farm as could be found in the State had moved his residence and farm buildings three times within the last eighteen months to keep them from going into the river, and still the current kept biting away the land so as to again endanger his buildings. While I was there I saw a large strip of the land give way to the encroachments of the current and drop into the river and was carried away to form a bar somewhere lower down. I have been informed of one quarter section of land of 160 acres on which there was a mortgage. The mortgage remaining unpaid, the mortgagee brought an action to foreclose, and while the suit was pending the river, with its rapid current, stole away seven-eighths of the land and left but 20 acres.

In some instances these ravages could be stopped by a rectification of the banks and course of the stream without great expense; in others by booms and mattresses erected to break the force of the current or change its course. Many of the farmers were pioneers in this country and have endured all the privations and hardships of pioneer life. They are more deeply interested in the protection of their property and will be more directly affected by improvements and rectification of the river at these points than are the people living in the localities where some of the appropriations provided for by this bill are to be expended. And the improvements here pointed out are just as essentially a public improvement as the latter.

The Missouri River is and always has been recognized as a navigable stream, and as such is subject to the navigation laws of the United States. Individuals have no right to go into this river without the consent of the Government and put down booms, mattresses, dikes, or revetments, so as to rectify the course of the stream or change its course. Yet the bill before the House offers nothing for the protection of this property.

When the bill is considered by sections, at the proper time I shall offer an amendment raising the appropriation for improving the Missouri River below Sioux City to $600,000, which I shall follow by another amendment making the appropriation also available for a rectification of the course of the river and the reenforcement of its banks.

If we adopt the view of the committee that the appropriation for the improvements of the Missouri River is not made in the interests of commerce, but for the protection of property located along the banks, then it is certainly true that in justice to all a portion of this appropriation, under the discretion of the Secretary of War, ought to be devoted to the purpose designated by such proposed amendment. I appeal to the members of this House to do justice to these people. If the policy adopted by the Committee on Rivers and Harbors and outlined by this bill is sustained, then carry out its provisions by doing equity to all persons and communities where at least it may be done, if such a thing as equity or right is to be found in the bill; and if it can not be found there, then give it a show of equity by equalizing as far as possible the benefits to accrue from it.

If the appropriation carried by the bill for the Lower Missouri is not for the facilitation of navigation or the promotion of commerce, but for the protection of property along the line of the river, then let the authority be vested in the Secretary of War, under whose supervision the expenditure is to be made, to apply it where, in his judgment, it is most needed. Let the bill be so re-formed that the appropriation, or a part of it, may be used to rectify the course of the river and reenforce and strengthen its banks.

The bill now pending seems to confine the appropriation to "continuing improvements" that have already been commenced, "as the Secretary of War may designate."

The proposed amendment, if adopted, will vest in the Secretary of War the authority to use the appropriation on other portions of the river as well, if in his judgment it is practicable to do so.

The appropriation is not large, but what there is of it should be applied at such places along the river where it is most needed, and that it may be properly applied the question of designation is proposed to be left to the discretion of the Secretary of War. [Loud applause.]

Mr. RUCKER. Mr. Chairman, I hope the amendment to this bill which my colleague [Mr. SHACKLEFORD] will offer at the proper time will be accepted and adopted. I trust the honorable gentlemen composing the Committee on Rivers and Harbors will not antagonize it; but if they do, with due respect to the committee, I appeal to the members present each to discharge his duty. I believe that the supreme obligation of each member on this floor is to act in accordance with his own convictions of right, and that he owes no duty to follow the wishes or recommendations of a committee unless they are sustained by sound reason and founded upon principles of justice and equality.

For one, I propose to represent my constituents and voice their sentiments in voting for this amendment.

The fact that the 17 States represented on the Committee on Rivers and Harbors have been well cared for—indeed, that a very large part of the colossal sum appropriated and authorized by this bill goes to those States—has been severely criticised on this floor. These criticisms have gone abroad to the country. Whether they are just or unjust, the people will determine, regardless of the action of this House. That millions upon millions of dollars have been appropriated in response to the demands of certain localities, and that urgent and more modest requests which reached this committee from other localities—less favored, perhaps—have been summarily refused, has practically been admitted in the course of this debate.

This bill carries a direct appropriation of $22,792,711.30 and authorizes the making of contracts to the amount of $37,142,704

more. If the action of the committee in devoting so large a part of this direct appropriation to the States represented on the committee furnishes just provocation for criticism or occasion for surprise, then, in my judgment, its action in distributing the benefits which are to flow from the expenditure of the sum authorized to be used is sufficient cause for alarm. The $22,792,711.30 directly appropriated is not distributed as equitably as it should be, but still 35 States and the District of Columbia share it. But of the larger sum authorized by this bill to be expended the sum of $29,541,853 will be expended within 20 States, 14 States represented on this committee receiving $24,817,896 of this sum.

The committee has passed judgment, as it were, on its powers and duties, construed them strictly, and determined that it can or will recommend appropriations for the improvement of rivers and harbors in those cases only where there is great or considerable traffic by boat. It seems to have overlooked the fact that many of the navigable rivers to-day were unnavigable, wholly so, until after the expenditure of vast sums of money. Even where millions have been spent millions more are demanded and often required.

We appealed to this committee for a reasonable appropriation for one of the great rivers of the country—one that has been a great highway of commerce, and would be to-day if not neglected—and we are told the tonnage of freight carried on the Missouri River is too small to justify the appropriation of a sum sufficient to do the work, and as a kind of consolation they offer the beggarly sum of $340,000 to improve a river nearly 3,000 miles in length, upon the banks of which preside some dozen of the proud cities of the West, and whose waters flow through or lash the shores of a group of splendid States that constitutes the great producing section of this Union.

If the proposed amendment is adopted, much can be done toward reclaiming this river and building up a traffic upon it; and incidentally, by confining the river to its usual and proper channel, the magnificent homes of the sturdy farmers who reside along its shores, representing as they do in many instances the toil, hardships, and accumulations of a lifetime, would be protected.

Will this House, so lavish in other matters, deal in a niggardly spirit with the noble people who have erected their homes along this mighty river, who have done so much toward the material development of the great West and Northwest, and who are as justly entitled to the bounty of the Government, nay, more entitled than many of the beneficiaries of this bill? This Congress has appropriated millions for the benefit of great corporations; millions more are induced by a sentiment to beautify the national capital; is prodigal in its appropriations for Government buildings, but seems to hesitate in a matter affecting the interests and welfare of a great mass of people who inhabit the region to which I have referred.

Against the recommendations of this committee I array the reports of former Committees on Rivers and Harbors and the action of this House upon those reports.

Conscious that a just and intelligent constituency will suffer irreparable loss and damage if this river is abandoned, and confident that I reflect their wishes, I shall vote to amend the committee bill so as to make the appropriation for the Missouri River between Sioux City and its mouth $600,000 instead of $300,000, and to strike out the part of the bill that proposes to abolish the Missouri River Commission.

The CHAIRMAN. The gentleman from Missouri is recognized for fifteen minutes.

Mr. BARTHOLDT. Mr. Chairman, in the short time allotted to me I desire to call the attention of the committee to what must be termed a new policy recommended in this bill with regard to the Missouri River. It is the policy of the unnatural mother who does not kill the child outright, but permits it to die of the slower process of starvation. Since the creation of the Missouri River Commission, in 1884, the annual appropriation for that great river amounted to from $700,000 to $800,000.

The last appropriation under the jurisdiction of the present Committee on Rivers and Harbors was—how much do you suppose? Not one dollar. In the other House $250,000 were inserted, and the conference committee finally acquiesced in this concession. This year $340,000 are proposed to be appropriated. This means that the system of permanent improvement is to be abandoned, for it can be easily shown that this amount will not permit of any new work, it being barely sufficient to properly protect the actual improvements already made.

And if a further proof were necessary that it is really the purpose of the committee to abandon the river, it would be found on page 76 of the bill, where it is proposed to abolish the Missouri River Commission; in other words, to dispense with the services of men who have made the peculiarities of that river a life study, and, after sixteen years of experience, are ready to demonstrate to the satisfaction of all who take a real interest in the Missouri, that its systematic improvement is not only possible, but practicable, and at a cost not exceeding similar improvements of other river courses. And the proposition just referred to is seriously made in the face of the fact that the existence of the Missouri River Commission causes very little additional expense, because most of its members are simultaneously serving on the Mississippi River Commission, so that at present the Government really has the benefit of two services for only one salary.

In the light of these facts the proposition of the committee permits, as I said before, of only one explanation. The Missouri River is to be abandoned. The policy wisely and bravely inaugurated in 1884, by which notice is served on the civilized world that American engineering skill is equal to the most difficult tasks, is to be changed into one of meek surrender. We are asked to join the committee in a declaration that our previous policy was all a mistake; that we thought we were as equal to the emergency of overcoming the obstacles of nature as former generations have been, but that we have recently been seized by a degree of impotency which compels us to confine our exertions to the improvement of creeks and the dredging of harbors. But the Missouri? No, that is too large a proposition for a generation of pygmies such as we are!

Such is the report of the committee. And what are the reasons assigned for this change of policy? The tonnage is too small, it is said. The freight carried in 1899 amounted to only 286,000 tons. Why, there are some creeks in the East, they say—I can not pronounce their names—which carry a larger tonnage than the Missouri River. Possibly so, Mr. Chairman. But I should like to know whether you, or the Committee on Rivers and Harbors, or anyone else, would undertake to run a railroad train before the roadbed is constructed and the rails are laid? The reason why there is little or no traffic on the Missouri is because the river has not yet had the benefit of systematic improvement. It is because from the time of the discovery of America up to nearly 1880 no improvement was attempted.

This was excusable in the early periods of our history, but after the Republic had been securely established against outside interference, after internal improvements had become so pressing that they became part of a national policy supported by both parties, after American skill and enterprise had seized upon our great waterways as the cheapest means of transportation, after the supreme necessity of their improvement had been recognized by appropriation after appropriation, after all that, to seriously propose that we relapse into barbarism, that we make a sacrifice of the ten millions already expended, that we refuse to pave that way for the commerce of the great West and Northwest which nature has already provided—that, gentlemen, would be a beginning of the new century of which we ought to be heartily ashamed.

The committee says there is now no traffic on the Missouri River, and in the same breath it decrees that there shall be none in the future by denying us the only means of securing it.

It is difficult, perhaps, to correctly estimate the amount saved to the farmers and producers of the West by the policy and the determination of former Congresses to improve the Missouri River. That it exceeds by far the sums expended for such improvement is reasonably certain. The very minute you decide here to abandon the river will surely mark the time of a general increase of railroad freight rates all along the line. This phase of the question was lucidly presented to the committee by a member of this House. It is strange, indeed, that this argument alone should not have been sufficient to deter the committee from the course it has decided upon.

But there is still another very important consideration. In a statement given out, upon the solicitation of a St. Louis newspaper, by the president of the Missouri River Commission, Col. Amos Stickney, part of which I shall incorporate in my remarks, I find the following:

> In a distance of only 18 miles in the vicinity of Jefferson City, Mo., the area of new land formed by the rectification works amounted to 5,500 acres, and the area of land protected was 12,800 acres. Computing this at a fair price of $50 per acre, the sum of $915,000 was added to the wealth of the country, as incidental to the improvement of navigation.

This is on the stretch of the river where the commission had started to carry out its plans for permanent improvement, between Jefferson City and the mouth. The money expended here proved a splendid investment for the country, technically as well as financially, and it was not spent for the protection of private property in land, but solely for navigation purposes.

It seems the commission is being blamed for the policy of protecting the banks, for which, it is true, large sums have been expended. But in reality whose fault was it? The commission and especially President Stickney, that most excellent river engineer, has always protested against the diversion of the general appropriation to special points, but without avail. Congress simply ordered the commission to dozens of different points without regard to the continuity of the work, and as a result the amounts

which should have been devoted to purposes of systematic and permanent improvement were frittered away to do piecemeal work here, there, and elsewhere. The policy which the committee complains of is the fault of Congress and not of the commission, yet it is proposed to punish the commission for what Congress has done.

Here the question presents itself: Is the policy of protecting lands incidental to the improvement of navigation a mistaken policy? The committee, in endeavoring to answer the question, say:

While not assuming to decide whether such expenditures are proper subjects for appropriation by the Federal Government, the members of the committee are clearly of the opinion that such expenditures do not properly belong to a committee whose province is to recommend appropriations for the improvement of rivers and harbors.

But if this be true, why does the same committee authorize appropriations for the construction of levees and the protection of lands on the Lower Mississippi? Mind you, I am not opposed to these appropriations; but why this discrimination? If it is right and proper to protect the land of the Southern planter, why should it not also be right and proper to protect the land of the Missouri farmer? In my own district the town of New Haven, or at least the lower portion of it, is in immediate danger of being swept away.

I presented the case to the committee as best I knew how, but the answer is that the committee has no jurisdiction, while at the same time it provides very liberally against just such contingencies on the Lower Mississippi. Is not this just a little inconsistent? The Committee on Rivers and Harbors has assumed jurisdiction over all the cases of levee appropriations, although there is a committee of this House, of which I have the honor to be a member, especially created for that purpose. If that jurisdiction is doubtful, either from a parliamentary or constitutional point of view, in all cases which involve the protection of lands, why is it that the committee is claiming and exercising it in one case and denying it in the other, although they are parallel cases?

In conclusion, let me suggest, Mr. Chairman, that a bill carrying over $20,000,000 of immediate appropriations for rivers and harbors, without at the same time properly providing for the largest river of the country, will be justly regarded as an anomaly by the American people. If the great Missouri, with its thousands of miles of length and with sufficient water, if properly cared for, to carry the largest boats from the Northwestern grain fields to the Gulf, is not deserving of the attention of the National Government, surely no other river is, and I say not a dollar of expenditure for the rivers of the country is justifiable if the improvement of the Missouri should be deemed unwarranted.

Half a dozen States and many millions of people are interested in this question, and when they learn what it is proposed to do here a hurricane of protests will sweep down upon this House. We know that the Missouri can not be improved in one generation, but this is surely no reason why we should give up the task after sixteen years of practical work has demonstrated the feasibility of the improvement beyond the shadow of a doubt. If those living to-day can not finish the job, those living to-morrow will take it up where we left off; and, in my judgment, it is the bounden duty of each generation to contribute its share toward the final consummation of the great object. The above-mentioned statement of Col. Amos Stickney, the president of the Missouri River Commission, is in part as follows:

The first works undertaken by the Government on the Missouri River below the mouth of the Yellowstone were at Nebraska City and at St. Joseph, under small appropriations made in 1876. Subsequently other appropriations were made for these and other localities, until in 1881 there were fourteen separate localities where work had been ordered, scattered from St. Charles to Vermilion, over a distance of 830 miles.

In 1881 a plan for the systematic improvement of the river from the mouth to Sioux City was submitted by Major (now Colonel) Suter, and in 1882 Congress appropriated $850,000 for the general improvement of the river, and a large plant for the work was prepared. In 1884 the Missouri River Commission was created to take charge of the work, and $640,000 was appropriated.

INSUFFICIENT APPROPRIATIONS.

In the first report made by the commission, in December, 1884, a general plan was outlined. It was now hoped that a thorough improvement of the river had been inaugurated and would be vigorously prosecuted. The commission concentrated their efforts as much as possible upon the reach of river in the vicinity of Kansas City, and urgently recommended in their reports that not less than $1,000,000 per year should be appropriated for continuous work from Kansas City down. The recommendations of the commission, however, were not carried out. In the appropriation years of 1884, 1886, 1888, $2,015,000 was appropriated, of which less than $800,000 could be expended on the continuous work—that is, for the six years from 1884 to 1890, less than one-tenth of the amount asked by the commission was provided for the systematic work.

In the act of 1890 Congress directed that the appropriation of $800,000 made that year should, with certain specified exceptions, be expended in the systematic improvement of the river from its mouth up, in reaches, to be designated by the commission and approved by the Secretary of War. Under this act the river from its mouth to Sioux City was divided into six reaches. The first reach extended from the mouth of the river to the mouth of the Osage, about 142 miles. By the terms of the act it became necessary to suspend operations, commenced in the vicinity of Kansas City, and at large expense move all of the plant several hundred miles down river to begin over again the work of systematic improvement at the head of the first reach. In 1891 the new start was made, though a considerable portion of the appropriation of 1890 was necessarily reserved to prevent destruction of work previously started up the river.

HOW IMPROVEMENT IS PROFITABLE.

In 1892 the appropriations were made continuous for four years, amounting in the aggregate during the four years to $2,710,000, of which about three-fourths was applicable to the systematic work. With this provision work was carried on vigorously with a large plant, operating on a continuous stretch of 45½ miles of river, extending from a point about 14 miles above the mouth of the Osage down to the mouth of the Gasconade. This was, perhaps, one of the worst stretches on the river. The success of the work was marked. A deep navigable channel was formed and the banks aligned and built up. In a distance of only 18 miles in the vicinity of Jefferson City the area of new land formed by the rectification works amounted to 5,500 acres, and the area of land protected was 12,800 acres.

Computing this at a fair price of $50 per acre, the sum of $915,000 was added to the wealth of the country, as incidental to the improvement of navigation. The cost of this work was about $44,500 per mile, about the same per mile as is estimated for the improvement of the Mississippi from St. Louis to Cairo. A continuation of the work would undoubtedly have developed a lessening of cost per mile.

In the river and harbor act of 1896 the appropriation for the Missouri River below Sioux City was cut down to $300,000 and provisos added calling for work at nine different localities other than that at which the systematic work was in progress. This was the beginning of a virtual abandonment by Congress of the purpose to make an effective, general improvement of the river for navigation. In 1897, 1898, 1899 the appropriations were $300,000 per year, and in 1900 $250,000. In the five appropriation acts 1896 to 1900 seventeen detached localities were named where work was to be performed, one of which was in the Kaw River.

DETACHED WORK NOT PERMANENT.

The effect of this large reduction of appropriations and scattering of the small amounts available to points from Omaha to Pelican Bend, a distance of 650 miles, was, of course, disastrous to effective work for improvement of the river, and very embarrassing to the commission and the officers charged with the execution of the work. The systematic work on the first reach came to a complete stop. The unit cost of the various kinds of work was largely increased on account of the necessity for moving steamboats, barges, pile drivers, and various other items of plant over long distances, and returning them again to the boat yard at Gasconade, or making expensive provision for their care at other points during the winter season. The working plant became depleted, there being no funds available for renewals. The frequent disorganizing and reorganizing of working forces, in taking up separate pieces of work, was also very expensive. The work done at these localities was largely detached work—that is, not connected with any other work or with fixed points—and subject to destruction by changes in the flow of the river above and about them.

What is absolutely necessary for a proper control of the river and for the permanency of works is that the regulation should be continuous downstream, so that works once placed shall not be destroyed or rendered useless by changes in the approach of the flow from above. On account of the soft material of its bed and banks and its great flood velocities, the control and regulation of the Missouri River is as difficult, perhaps, as that of any river in the country, excepting possibly the Lower Mississippi, where the forces to contend with are greater. The difficulty consists almost entirely in making the works stand on such an unstable foundation, and many devices have been tried in their construction. That works can be made to stand and that the river can be fully controlled and regulated has been abundantly proven by the work done by the commission, and at a cost that is not excessive when compared with other river improvements.

NEED OF SUSTAINED INTEREST.

The work done in the systematic and continuous general improvement on the first reach, in accordance with the Congressional act of 1890, covered 45½ miles of river, from just above Jefferson City down to the mouth of the Gasconade River. The work was entirely successful, in accordance with the adopted plan, and covered nearly one-third of the reach, when, in 1896, interest in the work seemed to subside and appropriations were cut down, on the ground that there was no considerable commerce. It was a well-known fact, before commencement of work, that boats could not be profitably employed on the river in its natural state, and that was the principal reason for improving. It came to be an admitted fact, also, that a continuous improvement must be made to be effective. As the principal part of the expected commerce on the lower part of the river must pass the mouth of the river into, or out of, the Mississippi, it is not clear what commerce could have been expected before the opening of the river to its mouth. Let us suppose that a railroad were projected, over which, when it should be completed, a large through traffic was assured; the building of a few miles of the road, unconnected with its outlet, would hardly be expected to produce returns commensurate with its cost.

It has not been considered the province of the Missouri River Commission to urge the appropriation of money for the improvement of the river. It is our duty to furnish information and to carry on to the best of our ability the work for which Congress sees fit to provide. The general improvement of the river, opening it to commerce and carrying with it as an incident the complete protection and great enhancement in value of all property along its banks, is a matter to be urged by the people of the Missouri Valley, whose interests are involved, if it is to be urged by anyone. Congress and its committees, having consideration of national improvements, certainly can not be expected to provide means for improvements for which there is no pressing demand by those who might be expected to be interested.

The present chairman of the River and Harbor Committee of the House, as well as his predecessor, informed me that while many appeared before the committee asking for appropriations for the Missouri River, it was a rare thing for anyone to ask for the general improvement of the river. Requests were confined to asking for protection of various points, and the committee was decidedly of the opinion that mere protection of land or other property, unless incidental to the general improvement of the river for commerce, was inadmissible.

APPROPRIATIONS LOCALIZED.

Amidst the general apathy concerning the systematic work on the river, there have been intermittent efforts by a few to carry it on, and the commission has constantly urged that the effective improvement by continuous work should not be defeated by the dispersion of funds to various scattered localities.

The efforts to localize appropriations during the past few years have, however, prevailed to such an extent as to completely paralyze the general work. As a natural consequence, the effective improvement of the river will probably be postponed until such time as there will be an awakening of public sentiment to the desirability of its accomplishment. That the work will be done some time I think hardly admits of a doubt. In the meantime, probably

Congress will be forced to yield to demands for fragmentary, disconnected works which, in the aggregate, will cost more than a complete improvement, and still there will be no commerce on the river.

With regard to prospect of making permanent improvements which will assure a deep navigable channel, I answer unhesitatingly that such improvements can be made to not only give ample channels at the lowest stages of the river, but to add millions of dollars to the value of property in the valley. As to the prospect of making them, however, I can only reply that it lies with the people of the Missouri Valley.

Mr. BURTON. Mr. Chairman, I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13189, and had come to no resolution thereon.

Mr. BURTON. Mr. Speaker, I ask unanimous consent that general debate upon the bill which has just been considered by the committee (H. R. 13189) come to a close at 2 o'clock on Monday, or on the next legislative day on which this bill is before the House.

The SPEAKER. The gentleman from Ohio asks unanimous consent that general debate upon the bill that has just been considered in Committee of the Whole House on the state of the Union be closed at 2 o'clock on Monday next, or the next legislative day. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

DEATH OF HON. FRANK G. CLARKE.

The SPEAKER. The Chair submits the following letter for the information of the House:

STATE OF NEW HAMPSHIRE, EXECUTIVE DEPARTMENT,
Concord, January 10, 1901.

SIR: It is my painful duty to inform you of the death of the Hon. FRANK G. CLARKE, Representative from the Second district of New Hampshire in the Fifty-fifth and Fifty-sixth Congresses of the United States, which occurred at his home in Peterboro on January 9.

Congressman CLARKE was held in high esteem by the people of his district and of the State. His public career as speaker of the New Hampshire house of representatives, member of the State senate, and Representative in Congress has been alike creditable to him and to our State, and his private life has been such as to win for him universal respect. His death is mourned by all classes of our citizens.

Yours, very sincerely, CHESTER B. JORDAN,
Governor.

Hon. DAVID B. HENDERSON,
Speaker of the House of Representatives,
Washington, D. C.

The SPEAKER. This communication will be duly noted in the Journal.

Mr. BURTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an additional estimate of appropriation for armament of fortifications—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an additional estimate of appropriation for buildings at Governors Island—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Bettie A. Aldrich, administratrix of estate of Thomas W. Wilson, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of C. T. Wilson, administrator of estate of Philip Mathews, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George N. Small against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, with accompanying documents, recommendation that Henry C. Claiborne, light keeper, be reimbursed for losses—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Navy, recommending the establishment of a light-house at Cape Romano, Florida—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. OTEY, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3205) for the relocation of certain tracks of street railways in the District of Columbia, reported the same without amendment, accompanied by a report (No. 2275); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 11648) to provide for the closing of part of an alley in square 169, in the city of Washington, D. C., and for the sale thereof to the Young Men's Christian Association of the city of Washington, reported the same without amendment, accompanied by a report (No. 2276); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13039) authorizing the Dewey Hotel Company to construct and maintain an electric and steam conduit on Stanton alley, reported the same with amendment, accompanied by a report (No. 2277); which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 122) to amend the act entitled "An act to amend the criminal laws of the District of Columbia," approved July 8, 1898, reported the same without amendment, accompanied by a report (No. 2278); which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 12284) authorizing construction of bridge, reported the same with amendment, accompanied by a report (No. 2279); which said bill and report were referred to the House Calendar.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 11881) to amend an act entitled "An act for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons, in the District of Columbia," reported the same without amendment, accompanied by a report (No. 2280); which said bill and report were referred to the House Calendar.

Mr. PEARRE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 13067) to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes, reported the same with amendment, accompanied by a report (No. 2281); which said bill and report were referred to the House Calendar.

Mr. MUDD, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 13279) to enable the directors of Providence Hospital to increase the accommodations of that institution, reported the same without amendment, accompanied by a report (No. 2282); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 13469) granting a pension to Perry Abbett, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ALDRICH: A bill (H. R. 13500) to develop the interstate and foreign commerce of the Mississippi Valley—to the Committee on Interstate and Foreign Commerce.

By Mr. OTEY: A bill (H. R. 13501) for the relief of gaugers, storekeeper gaugers, and storekeepers—to the Committee on Ways and Means.

By Mr. PEARSON: A bill (H. R. 13502) for the purchase of a national forest reserve in the Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. LITTAUER: A bill (H. R. 13503) relating to compensation of fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. LAMB: A joint resolution (H. J. Res. 293) directing a suitable shaft to be placed at the grave of George Wythe—to the Committee on the Library.

By Mr. HEDGE: A resolution (H. Res. 356) directing the Clerk of the House to pay out of the contingent fund of the House a certain sum of money to Daniel M. Reiter for services—to the Committee on Accounts.

By Mr. GLYNN: A resolution (H. Res. 357) setting forth the protests of merchants, bankers, and business men of Salt Lake City against the proposed site of the Federal building in that city, and asking for a committee to investigate the different sites—to the Committee on Public Buildings and Grounds.

By Mr. GILLET of New York: A resolution (H. Res. 358) to pay Oscar Hill and Harrison Crane the difference between the pay of a folder and that of messenger during the present Congress—to the Committee on Accounts.

By Mr. BULL: A resolution (H. Res. 359) to pay Joseph H. Johnson the sum of $64.10—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 13504) for the relief of Catherine Pflueger—to the Committee on Pensions.

By Mr. BERRY: A bill (H. R. 13505) for the relief of certain officers and men who served as volunteers during Kirby Smith raid—to the Committee on Military Affairs.

By Mr. BRUNDIDGE: A bill (H. R. 13506) granting a pension to Alfred M. Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13507) granting a pension to Silas R. Harris—to the Committee on Invalid Pensions.

By Mr. COONEY: A bill (H. R. 13508) granting a pension to Tim Clifford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13509) granting a pension to William Ridge—to the Committee on Invalid Pensions.

By Mr. CROWLEY: A bill (H. R. 13510) granting a pension to Robert Bryant—to the Committee on Invalid Pensions.

By Mr. STANLEY W. DAVENPORT: A bill (H. R. 13511) for the relief of Abram G. Hoyt—to the Committee on Claims.

By Mr. FARIS: A bill (H. R. 13512) to increase the pension of Benjamin F. Bolen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13513) granting an increase of pension to George Burton—to the Committee on Invalid Pensions.

By Mr. GASTON: A bill (H. R. 13514) granting an increase of pension to George E. J. Hasson—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 13515) granting an increase of pension to William Clark—to the Committee on Invalid Pensions.

By Mr. HOFFECKER: A bill (H. R. 13516) to remove the charge of desertion from the military service of John Gilsenen—to the Committee on Military Affairs.

By Mr. KETCHAM: A bill (H. R. 13517) to remove the charge of desertion from the record of John Roberts, Company E, Thirtieth Regiment New York Infantry Volunteers—to the Committee on Military Affairs.

By Mr. McCALL: A bill (H. R. 13518) to correct the military record of Seth Bonney—to the Committee on Military Affairs.

By Mr. MIERS of Indiana: A bill (H. R. 13519) granting an increase of pension to William M. Guy—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 13520) granting an increase of pension to Cornelia Hays—to the Committee on Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13521) for the relief of the estate of Alfred Hambrick—to the Committee on War Claims.

Also, a bill (H. R. 13522) for the relief of the estate of Bradford Hambrick—to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 13523) granting a pension to Mary A. Brown—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 13524) for the relief of John W. Brooks—to the Committee on War Claims.

Also, a bill (H. R. 13525) granting an increase of pension to Capt. John B. Calhoun—to the Committee on Pensions.

By Mr. SMALL: A bill (H. R. 13526) for the relief of the estate of Solomon N. Adams and James W. Adams—to the Committee on War Claims.

By Mr. VANDIVER: A bill (H. R. 13527) granting a pension to Michael Scherer—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 13528) granting a pension to John W. Eichelberger—to the Committee on Pensions.

By Mr. VREELAND: A bill (H. R. 13529) granting a pension to Polly M. Johnson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMSON: Resolutions of the city council of Columbus, Ga., favoring an appropriation in behalf of the Southern States and West Indian Exposition at Charleston, S. C.—to the Committee on Appropriations.

Also, petition of C. L. Shaffer and other railway postal clerks of the State of Illinois favoring the bill for the reclassification of the railway mail service—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER: Petition of citizens of Buffalo and the Christian Endeavor Society of Emanuel Baptist Church, of Buffalo, N. Y., urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. BABCOCK: Resolution of University of Wisconsin College of Engineering, favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

By Mr. BARTHOLDT: Resolution of the Bar Association of St. Louis, Mo., in relation to the jurisdiction of district and circuit courts of the United States—to the Committee on the Judiciary.

By Mr. BERRY: Petition of J. P. Hunt, of Covington, Ky., in relation to the military service of the Forty-first Regiment Kentucky Volunteer Militia—to the Committee on Military Affairs.

By Mr. BRICK: Petition of the internal-revenue gaugers, storekeepers, etc., of the Sixth collection district of Indiana, for sufficient appropriation to provide for their vacation without loss of pay—to the Committee on Appropriations.

By Mr. BRUNDIDGE: Papers to accompany House bill granting a pension to Silas R. Harris—to the Committee on Invalid Pensions.

Also, statement to accompany House bill granting an increase of pension to Alfred M. Wheeler—to the Committee on Invalid Pensions.

By Mr. BURKE: Resolutions of the South Dakota School of Mines and the University of South Dakota, favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of Sergeant Britton Garrison, No. 174, of Fort Meade, S. Dak., relating to the admission of soldiers and sailors in Soldiers' Homes—to the Committee on Military Affairs.

By Mr. CROWLEY: Papers to accompany House bill granting an increase of pension to Robert Bryant—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to John B. Calhoun, of the National Soldiers' Home, Hampton, Va.—to the Committee on Pensions.

By Mr. GLYNN: Protest of merchants, bankers, and citizens of Salt Lake City, Utah, against the proposed site for the Federal building in that city—to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM: Petition and affidavits to accompany House bill granting an increase of pension to William S. Hosack, of Company G, Seventy-eighth Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. HOFFECKER: Papers to accompany House bill to remove the charge of desertion from the military record of John Gilsinen—to the Committee on Military Affairs.

By Mr. JOY: Memorial of the Bar Association of St. Louis, Mo., in relation to the celebration of "John Marshall Day"—to the Committee on the Judiciary.

By Mr. KETCHAM: Petition of C. W. Penny and 17 other citizens of Patterson, N. Y., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. MIERS of Indiana: Papers to accompany House bill granting an increase of pension to William M. Guy, of Washington, Ind.—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Resolutions of the California Water and Forest Association, for the creation of the Stony Creek forest reserve—to the Committee on the Public Lands.

By Mr. SALMON: Petition of citizens of the Fourth Congressional district of New Jersey, favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. SHACKLEFORD: Petition of John W. Brooks, son and heir of Isaac Brooks, deceased, late of the State of Missouri, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. SIMS: Resolutions of the Central Labor Union of Knoxville, Tenn., in opposition to Senate bill No. 727, known as the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. VANDIVER: Petition of Michael Scherer, to accompany House bill to place his name on the pension roll—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *January 14, 1901.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

ELECTORAL VOTES OF MISSOURI AND IOWA.

The PRESIDENT pro tempore laid before the Senate two communications from the Secretary of State, transmitting certified copies of the final ascertainment of the electors for President and Vice-President appointed in the States of Missouri and Iowa; which, with the accompanying papers, were ordered to lie on the table.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims relating to the vessel sloop *Rainbow*, Joseph Howland, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims relating to the vessel ship *Fox*, Coffin Whippey, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Postmaster-General; which will be read.

The Secretary read as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 12, 1901.

SIR: Referring to the communication sent you under date of May 29, 1900, accompanied by reports from the various Bureaus of this Department giving detailed statements of useless papers which it was desired to have disposed of, in accordance with the provisions of the act of Congress approved February 16, 1889, being "An act to authorize and provide for the disposition of useless papers in the Executive Departments," I have the honor to transmit herewith, at the request of the chairman of the joint committee, supplemental reports containing certain specific information omitted from the former reports.

Very respectfully, CHARLES EMORY SMITH,
Postmaster-General.

The PRESIDENT OF THE SENATE.

The PRESIDENT pro tempore. The Chair calls the attention of the Senate to the fact that several communications have been received from heads of Departments touching useless papers and their disposition. I think one was referred to the Committee on Military Affairs, another to the Committee on the Library, and another to the Committee on Civil Service and Retrenchment. Allusion is made here to a joint committee on this subject. The Chair has not been able to get information as to whether there is a joint committee having entire jurisdiction of the subject.

Mr. COCKRELL. Under a law passed in 1888 or 1889 for the disposition of useless and valueless papers in the different Departments, each Department is required to submit to Congress a written report giving a list of the documents to be disposed of, stating that they are no longer useful for historical purposes or for current business. The report is to be made to Congress, and thereupon the President of the Senate appoints one Senator and the Speaker of the House appoints one member of the House, and they constitute a committee to examine the papers and submit a report to the Senate and House.

The PRESIDENT pro tempore. Was there such a committee created?

Mr. COCKRELL. I do not know whether it has been created or not. It is not a permanent committee. It has to be appointed each time a report is made.

I will state the reason for passing the act. There were many documents in the Departments, and it was not believed at that time that it would be safe or judicious for Congress to authorize the head of a Department alone to determine whether the papers in his office were useful for historical purposes or for current business, and if not so useful to destroy them. It was thought best that Congress should retain some power over them, and for that reason the law required the head of the Department to make a report stating what the documents were, and then one Senator was appointed and one member of the House, to examine and see whether the papers ought to be destroyed or not; and, if so, to authorize the Department to do it.

Mr. HALE. This is, of course, new to many of us. Let me ask the Senator if that provision of the statute has ever been carried out by the appointment of two members, one from each House?

Mr. COCKRELL. Oh, time and again.

Mr. HALE. And upon the report of this joint committee useless documents have been destroyed?

Mr. COCKRELL. Yes.

Mr. HALE. Is that going on now, from year to year?

Mr. COCKRELL. Only when a committee is appointed. The Department can not destroy the papers until a committee has been appointed and reports, and they are required to send a list of the documents to be destroyed.

Mr. HALE. My question is whether that committee has been appointed every year, from year to year.

Mr. COCKRELL. It is appointed every time there are any documents to be destroyed. It is only appointed for the given emergency. It is not a standing committee, or anything of that kind, but it is a committee to be appointed by the Speaker of the House and the President of the Senate when a report comes in.

Mr. HALE. Does the Chair know when the last committee was appointed?

Mr. COCKRELL. I have served once or twice upon it.

The PRESIDENT pro tempore. The Chair is hardly able to understand how there could be so many joint committees having jurisdiction of practically the same subject. There was one on the part of the Post-Office Department, of which Mr. PENROSE was chairman. There was one on the Library. One of these communications has been referred to the Committee on Civil Service and Retrenchment, another to the Committee on Military Affairs.

Mr. COCKRELL. They ought all to go to one committee.

The PRESIDENT pro tempore. That is what occurred to the Chair.

Mr. COCKRELL. There is no question about that.

The PRESIDENT pro tempore. All should go to one committee, but is there any such committee?

Mr. COCKRELL. Unless the Chair has appointed one, there is not. There is no permanent committee by law. The committee is constituted for the specific purpose of determining whether the papers reported are to be destroyed or not.

Mr. HALE. How does the matter come here now?

The PRESIDENT pro tempore. There is one communication from the Secretary of War and another communication from the Postmaster-General.

Mr. HALE. Relating to documents and papers that are said to be useless?

The PRESIDENT pro tempore. They are said to be useless.

Mr. HALE. I suggest that the communication for the present lie on the table.

Mr. COCKRELL. I will furnish the President of the Senate with a copy of the law in a few moments.

Mr. HALE. Then the Senator can furnish the Chair with a copy of the law and the procedure, so that a committee can be appointed.

The PRESIDENT pro tempore. The Chair would like to know, if the committee is to be appointed, how long its life continues and whether there is to be one committee or whether there will be half a dozen committees, as there have been heretofore.

Mr. COCKRELL. There never has been, unless at this session, more than one committee.

The PRESIDENT pro tempore. The Chair will let the matter lie on the table for the present——

Mr. COCKRELL. Yes; I will hunt the matter up.

The PRESIDENT pro tempore. Until the Senator may have time, or some one will have time, to look it up and see what should be done.

Mr. COCKRELL. I will look it up.

The PRESIDENT pro tempore. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of Laborers' Protective Union No. 7458, of Utica, N. Y., praying for the enactment of legislation regulating the hours of daily labor of mechanics and workmen, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented a petition of the keeper and crew of the life-saving station at Rockaway, New York, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of New York City; of Warren & Osgood, of Verona; and of sundry citizens of Westernville, Kennedy, Knowelhurst, Whallonsburg, Fillmore, Prattsville, and Willet, and of Local Grange No. 1, Patrons of Husbandry, of Fredonia, all in the State of New York, praying

for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. McMILLAN presented a petition of sundry citizens of Pentwater, Mich.. praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which was referred to the Committee on Commerce.

He also presented a petition of the Federal Labor Union, of Port Huron, Mich., praying for the enactment of legislation to regulate the hours of daily work of laborers and mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented sundry petitions of citizens of Kalamazoo and Sanilac counties, in the State of Michigan, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. FOSTER presented a petition of sundry citizens of the coal-mining districts of the State of Washington, praying for the enactment of legislation to regulate the hours of daily work of laborers and mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

Mr. QUARLES presented a petition of the Federated Trades Council, of Milwaukee, Wis., praying for the enactment of legislation to limit the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented a petition of the keeper and life-saving crew at Kewaunee Station, Wis., praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which was referred to the Committee on Commerce.

He also presented a petition of the faculty of the College of Engineering of the University of Wisconsin, praying for the enactment of legislation providing for the establishment of a national standardizing bureau; which was referred to the Committee on Commerce.

He also presented petitions of 11 citizens of Portage County, 45 citizens of Troy, and of 133 citizens, all in the State of Wisconsin, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. NELSON presented a petition of the Chamber of Commerce of Minneapolis, Minn., praying for the repeal of the revenue stamp tax on checks, telegrams, contracts of sales, express receipts, etc.; which was referred to the Committee on Finance.

Mr. BURROWS presented memorials of sundry citizens of Ann Arbor, Mich., remonstrating against the alleged granting of permits to houses of ill fame in Manila; which was referred to the Committee on the Philippines.

Mr. HALE presented the petition of F. N. Palmer and sundry other citizens of Monroe, Me., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Bangor, Portland, Houlton, Bath, Gardiner, Presque Isle, Camden, Belfast, Guilford, Rumford Falls, Dover, and Foxcroft, all in the State of Maine, praying for the repeal of the revenue tax on bank checks; which were referred to the Committee on Finance.

Mr. DOLLIVER presented the petition of B. A. Lockwood and sundry other grain dealers of Des Moines, Iowa, praying for the repeal of the war-revenue tax on grain; which was referred to the Committee on Finance.

He also presented a petition of sundry boiler makers and iron shipbuilders of Sioux City, Iowa, and a petition of the United Brotherhood of Leather Workers, of Boone, Iowa, praying for the enactment of legislation regulating the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Algona, Iowa, and a petition of sundry citizens of Fort Dodge, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors to the native races in Africa; which were referred to the Committee on Foreign Relations.

He also presented sundry petitions of citizens of Royal, Knoxville, Washta, Luana, Hobart, and Oneida, all in the State of Iowa, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. KEAN presented sundry petitions of citizens of New Jersey, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented sundry petitions of citizens of New Jersey, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

Mr. McLAURIN presented a petition of the Merchants' Exchange of Charleston, S. C., praying that the operations of the United States Geological Survey be extended so as to include the forests of South Carolina and the Eastern States; which was referred to the Committee on the Geological Survey.

He also presented a petition of the Merchants' Exchange of Charleston, S. C., praying for the establishment of a national forest reserve; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Merchants' Exchange of Charleston, S. C., praying that an appropriation be made for the improvement of the public roads of the country; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Merchants' Exchange of Charleston, S. C., praying that an appropriation be made to carry on the work of the Geological Survey relative to the water power of the country for manufacturing and other purposes; which was referred to the Committee on the Geological Survey.

Mr. KYLE presented a petition of the congregation of the Fire-steel Church, of Davison County, S. Dak., praying for the enactment of legislation to prohibit the sale of intoxicating liquors at any post exchange, transport, or canteen, or upon any premises used for military purposes by the United States; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Walworth County, S. Dak., praying that an appropriation be made for the construction and maintenance of an Indian industrial school at Evarts, in that State; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Young People's Society of Christian Endeavor of Elk Point, S. Dak., praying for the enactment of legislation to prohibit the importation of intoxicating liquors into uncivilized countries; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Live Stock Exchange of South St. Joseph, Mo., remonstrating against the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Lars Berglund and 16 other citizens of Day County, S. Dak., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE presented the petition of A. C. Stoddard and 22 other citizens of North Brookfield, Mass., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Suffrage League of Natick, Mass., and a petition of the Woman's Christian Temperance Union of Natick, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented sundry petitions of citizens of Brunswick, Gaston, Parkes, New Trenton, Martinsburg, and Warrick County, all in the State of Indiana, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Fort Wayne, Poe, and Hoagland, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. SPOONER presented a petition of the faculty of the College of Engineering of the University of Wisconsin, praying for the establishment of a national standardizing bureau; which was referred to the Committee on Commerce.

He also presented the petition of Nelson Craite, keeper, and 6 other members of the life-saving station of Kewaunee, Wis., praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which was referred to the Committee on Commerce.

Mr. BUTLER presented a petition of the Produce Exchange of Wilmington, N. C., and a petition of the Board of Trade of Asheville, N. C., praying for the establishment of a national forest reserve so as to include the forests of North Carolina and the Eastern States; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Board of Trade of Asheville, N. C., and a petition of the Produce Exchange of Wilmington, N. C., praying for the enactment of legislation providing for the

enlargement of the work of the Geological Survey so as to include the mapping of the forest regions in the southern and eastern portions of the United States; which were referred to the Committee on the Geological Survey.

He also presented a petition of the Produce Exchange of Wilmington, N. C., praying that an appropriation be made to enable the Geological Survey to secure certain data concerning the depth and extent of artesian water supply in the malarial regions bordering on the Atlantic and Gulf coasts; which was referred to the Committee on the Geological Survey.

He also presented a petition of the Board of Trade of Asheville, N. C., praying that an appropriation be made to enable the Geological Survey to make a thorough examination of the surface streams of the Piedmont Plateau and the mountain regions of the Eastern States and of the artesian water supply in the South Atlantic and Gulf States; which was referred to the Committee on the Geological Survey.

He also presented a petition of the Produce Exchange of Wilmington, N. C., and a petition of the Board of Trade of Asheville, N. C., praying that an appropriation be made to enable the Secretary of Agriculture to examine into the question of the improvement of the public highways; which were referred to the Committee on Agriculture and Forestry.

He also presented the petitions of Hodges M. Gallop, keeper, and 7 other members of the life-saving crew of Whales Head; of Thomas J. Tillett, keeper, and 7 other members of the life-saving crew of Currituck Inlet; of Dunbar Davis, keeper, and 7 other members of the life-saving crew of Oak Island; of Jim E. Ward, keeper, and 7 other members of the life-saving crew of Devil Hills; of James W. Howard, keeper, and 7 other members of the life-saving crew of Ocracoke; of Van Buren Etheridge, keeper, and 7 other members of the life-saving crew of Nags Head; of H. W. Stryan, keeper, and 7 other members of the life-saving crew of Creeds Hill; of D. M. Pugh, keeper, and 7 other members of the life-saving crew of Gull Shoal; of W. M. Etheridge, keeper, and 7 other members of the life-saving crew of Oregon Inlet; of William H. Gaskill, keeper, and 8 other members of the life-saving crew of Cape Lookout, and of John L. Watts, keeper, and 8 other members of the life-saving crew of Cape Fear, all in the State of North Carolina, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which were referred to the Committee on Commerce.

He also presented petitions of 19 citizens of North Carolina, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the National Live-Stock Exchange, remonstrating against the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. COCKRELL. I present a joint resolution of the general assembly of Missouri, in favor of an appropriation for the repair and improvement of Galveston Harbor. I ask that it be read and referred to the Committee on Commerce.

The joint resolution was read and referred to the Committee on Commerce, as follows:

STATE OF MISSOURI, SENATE CHAMBER,
City of Jefferson, January 11, 1901.

DEAR SIR: The senate of the Forty-first general assembly of Missouri on the 11th day of January, 1901, took up and adopted the following resolution:

"Joint resolution requesting our Senators and Representatives in Congress to cooperate with the Texas delegation in securing appropriations for the repair and improvement of Galveston Harbor.

"Whereas the city and port of Galveston in our sister State of Texas met with an appalling disaster in the storm and flood of September 8, 1900, resulting in loss of many thousands of lives and properties of the value of many millions of dollars; and

"Whereas the people of Missouri and of the Southwest and of the entire Union are deeply interested in the maintenance of the deep-water port on the Gulf of Mexico at Galveston: Therefore, be it

"*Resolved by the house of representatives (the senate concurring therein)*, That our Senators and Representatives in the Congress of the United States be requested to cooperate with the Texas Senators and Representatives in securing at the present session appropriations in the river and harbor bill for the repair and improvement of Galveston Harbor.

"*Resolved further*, That the clerk of the house transmit a copy of these resolutions to each Missouri Senator and Representative in Congress."

Respectfully submitted,

C. ROACH,
Secretary of the Missouri Senate.

Hon. FRANCIS M. COCKRELL,
Washington, D. C.

Mr. FRYE presented a petition of Shipwrights' Local Assembly No. 514, Knights of Labor, of Brooklyn, N. Y., praying for the passage of the so-called ship-subsidy bill; which was ordered to lie on the table.

He also presented a petition of the Texas Division of the American Travelers' Protective Association, of Houston, Tex., praying for the establishment of a department of commerce and industries; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Wilton, Me., and the petition of T. E. Barton and 9 other citizens of Bethel, Me., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

He also presented petitions of F. L. Palmer and 38 other citizens of Monroe, J. Albert Jones and 29 other citizens of South China, and of Charles F. Johnson and 7 other citizens of South Bridgton, all in the State of Maine, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of J. C. Hohnan and 26 other citizens of Farmington, Joel Wilbur and 21 other citizens of Phillips, Charles E. Hyde and 34 other citizens of Bath, E. G. Hodgdon and 59 other citizens of Waterville, E. R. Spear and 46 other citizens of Rockland, Louis B. Goodall and 17 other citizens of Sanford, and of H. D. Bates and 47 other citizens of Waterville, all in the State of Maine, praying for the repeal of the revenue-stamp tax on bank checks; which were referred to the Committee on Finance.

IRRIGATION FOR THE PIMA INDIANS.

Mr. PLATT of Connecticut. I have a letter addressed to me from the Secretary of the Interior, inclosing a copy of that part of the report of Indian Inspector Walter H. Graves which relates to irrigation for the Pima Indians. I move that the letter and accompanying report be printed as a document.

The motion was agreed to.

CLERICAL ASSISTANCE FOR COURTS IN ALASKA.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 5346) making provision for the employment of clerical assistance in the district of Alaska, to report it favorably without amendment, and I ask that it be now considered. It is very short.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the provisions of section 15 of the act approved May 28, 1896, relative to the employment of clerical assistance by United States attorneys, shall hereafter apply to the district of Alaska; and any clerical assistant or assistants employed by the district attorney for any division of the district of Alaska since June 30, 1900, may be paid upon the approval of the Attorney-General.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. LUTIE M. NOWLIN.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 11008) authorizing the Solicitor of the Treasury to quitclaim and release certain title and interest of the United States to Mrs. Lutie M. Nowlin, to report it with an amendment, and also to ask for its present consideration.

Mr. MORGAN. Let the bill go to the Calendar.

The PRESIDENT pro tempore. The Senator from Alabama objects.

Mr. HOAR. Will the Senator from Alabama allow me to state in thirty seconds——

Mr. MORGAN. At any proper time I will not object to calling up the bill from the Calendar, but I do object to its consideration in this way.

Mr. HOAR. It will take less time, if the Senator will allow me to make a brief statement now.

Mr. MORGAN. Very well.

Mr. HOAR. It is a case where the United States got a judgment for a thousand dollars and levied on the property of a wife down in Texas for the debt against her husband. The Solicitor-General is satisfied that the property is the wife's and that the Government can not hold it. It makes a cloud on the woman's title, and the bill simply authorizes the Solicitor-General, if in his discretion he thinks fit, to release it.

I suppose if this were any corporation, a bank or a railroad, and such a thing came up, the directors would say, "We refer that to the Solicitor, with power to act," and that is what we have done in this bill. That is the whole of it.

Mr. MORGAN. What I object to is the practice that committees of this body have got into here of making reports and asking immediate consideration. They have the floor for that purpose, of course, and it is not right to the rest of us that they should do it.

Mr. HOAR. There is hardly any other way in the closing hours of a session. This is a House bill, and the poor woman will lose her remedy unless we can get this little favor through right off. It is a bill which was drawn in the Department, and it was unanimously approved by the committee. Of course, if the Senator insists on his objection, I will not press it. I hope the Senator, under the circumstances, will allow it to go through.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the Committee on the Judiciary was, on page 2, line 4, to strike out the word "directed" and insert "in his discretion, if he thinks fit;" so as to make the bill read:

Be it enacted, etc., That the Solicitor of the Treasury be, and he is hereby, authorized, and in his discretion, if he thinks fit, to quitclaim and release to the said Mrs. Lutie M. Nowlin all right, title, and interest of the United States in and to the aforesaid lot and premises and the appurtenances and improvements thereunto belonging: *Provided*, That the aforesaid levy and sale shall not be taken or held to have operated as a satisfaction, in whole or in part, of said judgment, but said judgment shall stand as if the aforesaid levy and sale had not been made.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The preamble was agreed to.

REPORT ON ISTHMIAN CANAL.

Mr. MORGAN. I am instructed by the Committee on Interoceanic Canals to make an additional report and present a statement from Prof. Emory R. Johnson, of the Isthmian Canal Commission, on the commercial features of the canal. The report has been delayed in order to get the statement. It is a very important statement, one that interests every Senator on this floor, and I ask that it may be printed and lie on the table. I ask also that it may be printed in the RECORD as well as a document, because the country at large will have a universal interest in the statement made by Professor Johnson, who, I suppose, has no superior in point of authority in this country on subjects of a commercial character.

The PRESIDENT pro tempore. Does the Senator's request include the report of the committee?

Mr. MORGAN. Yes, sir.

The PRESIDENT pro tempore. The Senator from Alabama reports from the Committee on Interoceanic Canals certain papers submitted by him to the Senate, which he asks unanimous consent may be printed as a document.

Mr. MORGAN. And also in the RECORD.

The PRESIDENT pro tempore. And also in the RECORD. Is there objection to the request? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[Senate Report No. 1337, part 5, Fifty-sixth Congress, second session.]

The committee has delayed its report on the commercial features of the Nicaragua Canal in order to present the special statement of Mr. Emory R. Johnson, a member of the Isthmian Canal Commission, which is herewith submitted. The thorough researches of this acknowledged authority on commercial subjects are presented succinctly in this paper, with conclusions that are demonstrated with great force and precision.

This statement of the traffic resources of the canal and its effects upon the commerce and industries of the United States removes many doubts that have embarrassed the estimates of anxious but less informed inquirers, and presents in a clear, authentic, and reliable form the actual basis of correct calculation, and proves conclusively that as an investment the Nicaragua Canal will earn a highly remunerative profit on a cost of even $200,500,000, which is the extreme estimate of cost presented by the Isthmian Canal Commission.

DEPARTMENT OF STATE, ISTHMIAN CANAL COMMISSION,
Washington, D. C., January 11, 1901.

DEAR SIR: I have the honor to inclose herewith a reply to the questions asked me in your letter of the 7th instant. The final report of the Isthmian Canal Commission will contain a full discussion of these and the other subjects connected with an adequate treatment of the value of the proposed waterway to the commerce and industries of the United States and other countries.

One of the questions you asked was concerning my academic position. I became a member of the faculty of the University of Pennsylvania in 1893, and since 1895 have held the position of assistant professor of transportation and commerce in that institution.

Very respectfully, yours,

EMORY R. JOHNSON,
Chairman Committee on Value of Canal.

Senator JOHN T. MORGAN,
Chairman Committee on Interoceanic Canals,
United States Senate, Washington, D. C.

Reply submitted by Emory R. Johnson to questions asked by Senator JOHN T. MORGAN, concerning the traffic of an isthmian canal and of the Suez Canal and of the industrial effects which will result from the opening of an American interoceanic canal.

1. At what amount of tonnage do you estimate the vessels that will pass through the canal during the first year after it is completed and opened to traffic, and by what measurement do you ascertain the tonnage?

2. What increase of tonnage do you expect will pass through the canal in the tenth year after its completion?

3. Please give such data as you rely upon in reaching the conclusions you have stated, giving separately the countries from which the traffic will be derived.

4. In estimating the gross receipts of this canal, do you include any and what part of the traffic that has heretofore passed through the Suez Canal?

A partial reply to questions 1, 2, 3, and 4 is contained in certain paragraphs of the Preliminary Report of the Isthmian Canal Commission, submitted to the President on the 30th of November last. The paragraphs are as follows:

"To determine the amount of tonnage that would use a canal were it now in existence two distinct statistical investigations have been made. In one of these the exports and imports of the United States and of the leading commercial nations of Europe were studied for the purpose of ascertaining how many tons of cargo, or how much freight, those countries would now contribute to the traffic through an American interoceanic canal. The statistics of exports and imports of all countries being given either in values or quantities, it was necessary to convert these into their tonnage equivalents. This change having been made for each commodity, it was found that 3,420,752 cargo tons of the maritime commerce of the United States during the year ending June 30, 1899, could have used the canal to advantage. During the calendar year 1898 the trade of Europe with the west coast of South and Central America and British Columbia amounted to 3,346,377 cargo tons. The sum of these two amounts, 6,773,129 cargo or freight tons, does not include any of the trade between Europe and the Orient, a part of which would have used the American canal had it been in existence. The figures, moreover, apply to the commerce of the past carried on under the conditions then prevailing.

"The statistics of entrances and clearances show that the net register tonnage of the American and foreign shipping that would have passed through a canal had it existed during the year 1898-99 was 4,582,128 tons, in addition to a part of the commerce between Europe and the Orient. The opening of the American isthmian canal will accentuate the present tendency of traffic to follow round-the-world lines, and not less than one-fourth of the present traffic of Europe with Eastern countries may be expected to use this route. One-fourth of the vessel tonnage employed in the European-Oriental commerce during the calendar year 1898 amounted to 1,154,328 tons net, and this added to 4,582,128 gives a total of 5,736,456, the number of tons of shipping that would have used a canal had it been in existence in 1898-99.

"Records of vessel movements kept by the New Panama Canal Company show that the commerce between the east and west coasts of the American continent, and between Europe and the American west coast, would have caused an isthmian canal to be used by 3,848,577 tons, net, of shipping in 1899. This sum plus one-fourth of the vessel tonnage of the commerce between Europe and the East gives 5,126,890 tons net register for the traffic available in 1899. The difference between the result of the investigation made by the French company and that conducted by this commission is 609,536 tons. However, two-fifths of this difference is accounted for by the fact that the French statisticians did not include any tonnage for the trade carried on between the eastern half of the United States and foreign Pacific countries by way of our Pacific ports. The difference between the two totals may also be partly due to their not covering identical periods. The United States statistics of entrances and clearances studies by this commission were for the fiscal year ending June 30, 1899, whereas the French record of vessel movements was for the calendar year 1899. The similarity in the results of the two investigations is evidence of the essential accuracy of both.

"The increase during the decade preceding 1899 in the tonnage of the vessels that would have used the canal was 22.55 per cent. Upon the safe assumption that this rate of increase per decade will continue, the available canal tonnage of 1898, as calculated by the French statisticians, will have become 6,127,112 in 1908 and 6,922,166, or, in round numbers, 7,000,000, tons net register in 1914; that is, at the end of sixteen years. If the tonnage of the entrances and clearances of the available canal traffic of the year 1898-99, as determined by this commission's investigation (5,736,456 tons net register), be taken as the basis of estimate, an increase of 22.55 per cent per decade would make the figures for 1909 7,030,627 tons and for 1914 7,782,240 tons net register."

The conclusion reached by the traffic investigations conducted by the Isthmian Canal Commission is that about seven and a half million tons of traffic will be available for the canal in 1914 if the rate of increase for the past ten years be continued until that date. After the canal has been opened the traffic that will find the use of the canal desirable will increase much more rapidly than it is now growing. The tonnage of the Suez Canal increased 46 per cent from 1889 to 1899, and there are strong reasons for believing that the growth in the traffic of an American interoceanic canal during the first decade of its use will be fully as rapid as has been the case with the Suez Canal during the past decade. Everything points to a large increase in the commerce of the west coast of South America as the result of the opening of the canal, and also in the trade of the United States with her Pacific possessions and with Oceania and oriental countries. An increase of 50 per cent in the traffic of 1914 may safely be expected to take place during the ten years following that date. That would make the traffic of the isthmian canal 11,250,000 tons in 1924. I regard this as a conservative estimate.

5. What rate of toll per ton do you adopt as a maximum in estimating the gross income of the canal, and why do you adopt that rate?

In investigating the tonnage of the vessels that the existing commerce of the world would cause to pass through a canal it was not deemed necessary to adopt a rate of toll. A careful study has, however, been made of the effect which tolls would have upon the volume of business, and the general conclusion reached is that any toll greater than $1 per vessel ton, net register, would cause the greater part of the tonnage of the west coast of South America to pass through the Straits of Magellan instead of through an isthmian canal. This west-coast South American trade comprises, under present conditions, nearly one-third of the traffic available for the isthmian waterway. A toll that would divert this commerce from the canal would doubtless yield a lower gross revenue than would a toll of a dollar per ton, besides greatly restricting the industrial and commercial advantages of an interoceanic waterway.

6. What is the rate per ton that is charged upon vessels passing through the Suez Canal, say, in the years 1899 or 1900? What is the nominal rate; and if the actual rate is higher, by what method of measurement is that rate increased?

The tolls of the Suez Canal are 9 francs per ton on the net register of the vessel and 10 francs per passenger. The net register of the vessel is determined by rules peculiar to the Suez Canal, and as determined by those rules the net register of a ship is about one-seventh more than the registry would be if measured according to the rules followed by Great Britain and the United States. The present Suez Canal tolls would be equivalent to nearly $2 per net register ton as measured by British or American rules. Ships in ballast are charged 2½ francs per ton less than laden vessels, and certain other minor variations from the tariff are made for sailing vessels and tugs. The rules controlling the use of the Suez Canal are printed in full as Appendix M to the last report of the United States Commissioner of Navigation.

7. Please state the gross receipts of the Suez Canal each year since it was opened for traffic, and the countries from which the larger parts of the traffic have come that created such gross receipts.

The number of vessels that have passed through the Suez Canal each year since its opening, the gross and net tonnage, the average net tonnage per vessel, and the amount received in tolls are shown by the following table, No. 1, which is taken from a publication of the British Government, entitled "Tables Showing the Progress of Merchant Shipping," printed June 19, 1900. A table is also appended showing the division of this traffic among the vessels

of the various nations of the world whose ships pass the waterway. The following tables and analysis of Table No. 1, in regard to the traffic and toll receipts, show several interesting facts.

SUEZ CANAL TRAFFIC.

TABLE I.—*Statement showing the number and tonnage of vessels that passed through the Suez Canal in each year from 1870 to 1899, inclusive, together with the transit receipts.*

[Extracted from the Returns of Shipping and Tonnage of the Suez Canal as furnished by the British directors, Cd. 99 of 1900.]

Years.	Number of vessels	Gross tonnage.	Net tonnage.	Mean net tonnage per vessel.	Transit receipts.	Receipts.
					*Francs.**	
1870	486	654,915	436,609	898	5,159,327	
1871	765	1,142,200	761,467	995	8,993,733	
1872	1,082	1,744,481	1,160,743	1,071	16,407,591	
1873	1,173	2,085,073	1,367,768	1,166	22,897,319	
1874	1,264	2,423,672	1,631,650	1,290	24,859,383	$4,797,861
1875	1,494	2,940,708	2,009,984	1,345	28,886,302	
1876	1,457	3,072,107	2,096,772	1,439	29,974,999	
1877	1,663	3,418,950	2,355,448	1,416	32,774,344	
1878	1,593	3,291,535	2,269,678	1,425	31,098,229	
1879	1,477	3,236,942	2,263,332	1,532	29,686,061	5,629,410
1880	2,026	4,344,520	3,057,422	1,509	39,840,488	
1881	2,727	5,794,491	4,136,780	1,517	51,274,353	
1882	3,198	7,122,126	5,074,809	1,586	60,545,882	
1883	3,307	8,051,307	5,775,862	1,746	65,847,812	
1884	3,284	8,319,967	5,871,501	1,787	62,378,116	12,038,976
1885	3,624	8,985,412	6,335,753	1,748	62,207,439	
1886	3,100	8,183,313	5,767,656	1,860	56,527,391	
1887	3,137	8,430,043	5,903,024	1,881	57,802,371	
1888	3,440	9,437,957	6,640,834	1,930	64,832,273	
1889	3,425	9,605,745	6,783,187	1,951	66,167,579	12,770,343
1890	3,389	9,749,129	6,890,094	2,033	66,984,000	
1891	4,207	12,217,986	8,698,777	2,067	83,422,101	
1892	3,559	10,866,401	7,712,029	2,167	74,452,436	
1893	3,341	10,753,798	7,659,068	2,292	70,667,361	
1894	3,352	11,283,855	8,039,175	2,398	73,776,828	14,238,928
1895	3,434	11,833,637	8,448,383	2,460	78,103,718	15,074,008
1896	3,409	12,039,859	8,560,284	2,511	79,569,994	15,357,009
1897	2,986	11,123,403	7,899,374	2,645	72,830,545	14,056,295
1898	3,503	12,962,632	9,238,603	2,637	85,294,770	16,461,891
1899	3,607	13,815,992	9,895,630	2,743	91,318,772	17,624,553

*1 franc = $0.193.

NOTE.—The above figures include not only merchant vessels and mail steamers, but also war ships and transports as well as Government chartered vessels.

TABLE II.—*Statement showing the number and tonnage of vessels which passed through the Suez Canal in each year from 1887 to 1899, distinguishing the principal nationalities.*

[Extracted from the Yearly Returns of Shipping and Tonnage of the Suez Canal, which are issued by the British directors.]

Nationality.	1887.		1888.		1889.		1890.	
	No.	Gross tonnage.	No.	Gross tonnage.	No.	Gross tonnage.	No.	Gross tonnage.
British	2,330	6,372,586	2,625	7,335,063	2,611	7,478,370	2,522	7,438,682
German	159	394,215	163	393,319	194	463,226	275	731,888
French	185	567,065	187	576,993	168	547,602	169	555,941
Dutch	123	300,944	121	295,719	146	359,722	144	341,828
Italian	138	379,062	146	395,025	103	279,332	87	217,480
Austro-Hungarian	82	197,675	59	173,212	54	168,708	55	177,941
Other nationalities	120	248,496	140	268,026	149	308,785	137	285,369
Total	3,137	8,430,043	3,440	9,437,957	3,425	9,605,745	3,389	9,749,129

Nationality.	1891.		1892.		1893.	
	No.	Gross tonnage.	No.	Gross tonnage.	No.	Gross tonnage.
British	3,217	9,484,609	2,581	8,101,904	2,405	7,977,728
German	318	870,548	292	809,014	272	798,929
French	171	616,904	174	635,585	190	702,634
Dutch	147	360,347	177	433,543	178	443,148
Italian	116	275,861	74	198,206	67	183,492
Austro-Hungarian	51	169,399	61	191,145	71	251,468
Other nationalities	187	431,258	200	497,004	158	306,399
Total	4,207	12,217,986	3,559	10,866,401	3,341	10,753,798

Nationality.	1894.		1895.		1896.	
	No.	Gross tonnage.	No.	Gross tonnage.	No.	Gross tonnage.
British	2,386	8,326,826	2,318	8,282,075	2,162	8,057,706
German	296	887,363	314	977,029	322	1,120,581
French	185	710,990	278	1,005,051	218	819,919
Dutch	191	484,570	192	497,903	200	520,994
Italian	63	181,149	78	224,358	230	594,179
Austro-Hungarian	78	278,792	72	248,985	71	233,922
Other nationalities	153	414,165	182	498,236	206	662,558
Total	3,352	11,283,855	3,434	11,833,637	3,409	12,039,859

TABLE II.—*Statement showing the number and tonnage of vessels, etc.*—Cont'd.

Nationality.	1897.		1898.		1899.	
	No.	Gross tonnage.	No.	Gross tonnage.	No.	Gross tonnage.
British	1,905	7,389,237	2,295	8,691,093	2,410	9,046,031
German	325	1,194,106	356	1,353,161	387	1,492,675
French	202	807,995	221	891,642	226	940,125
Dutch	206	532,272	193	526,478	206	583,011
Italian	71	198,161	74	208,418	69	200,625
Austro-Hungarian	78	295,231	85	300,251	101	371,364
Other nationalities	199	736,401	279	991,589	308	1,182,179
Total	2,986	11,123,403	3,503	12,962,632	3,607	13,815,992

NOTE.—The above figures include not only merchant vessels and mail steamers, but also war ships and transports, as well as Government chartered vessels.

Since 1885 there has been practically no increase in the number of vessels passing the canal. The large development of tonnage during that period has been the result of the increase in the average size of vessels, and not in the number of ships. The mean net register of the vessels using the Suez Canal will very soon reach 3,000 tons. Should the present rate of increase continue until 1914, the vessels will then average 3,600 tons net, and it is probable that the larger dimensions about to be given the Suez Canal will result in a more rapid increase in the size of vessels than is now taking place.

A comparison of the growth of tonnage by five-year periods, beginning with 1874, by which time the traffic through the waterway had grown to considerable proportions, shows that, as compared with the five-year period ending in 1878, the subsequent quinquennial period showed an increase of 96 per cent. For the five years 1884 to 1888, inclusive, the tonnage was 294 per cent; the quinquennial period ending in 1893 had an aggregate tonnage of 363 per cent, and the five-year period ending in 1898 an aggregate traffic of 409 per cent of that which passed the canal during the five-year period ending in 1878. That is to say, during twenty years the traffic increased fourfold.

A study of the growth of receipts from tolls shows that the receipts of 1881 were more than double those of 1874, and those of 1891 were three times those of 1874, and those of 1899 were 3.7 times those twenty-five years earlier. Table II shows in detail the division of the traffic among the shipping of the various countries. It will be seen from this table that 75 per cent of the total Suez Canal shipping in 1892 was under the British flag. By 1898 this had fallen to 66 per cent, and in 1899 it was 64 per cent.

The growth in the tonnage using the Suez Canal and the growth in the size of ships is graphically shown by the following diagrams [omitted] taken from a printed address delivered by Sir Charles Hartley on the history of the engineering works of the Suez Canal before the Institution of Civil Engineers, London, March 13, 1900. This table has been brought down to date by the addition of the figures for 1899.

The larger share of the traffic through the Suez Canal is that carried on by Great Britain, Germany, and the Netherlands with India, the East Indies, and the Orient. The statistics of the Suez Canal traffic are not given in such a way as to enable one to determine accurately the distribution of the traffic of this waterway among the various nations whose trade passes through the canal. All the commercial nations of the North Atlantic, including our own country, trade by way of the canal with Australia, Oceanica, and southern and eastern Asia.

8. In any statement you make as to the extent of your researches, please to name the manufacturing, mining, and larger shipping centers you have visited, and state any facts that will tend to show the present and prospective commercial importance of those places.

The industrial and commercial investigations conducted by the committee on the value of the canal have consisted in part of a study of the commercial statistics of the United States and foreign countries, and in part of a careful investigation of the industries and trade of the different sections of the United States and the more important foreign countries that would make use of the canal. In securing information regarding foreign countries the State Department assisted us by sending a letter of inquiry to American consuls, and another letter to American ministers resident in those countries whose trade it was thought desirable to study. To secure data in regard to the business interests of different parts of the United States, an extensive correspondence has been conducted with business men in all parts of the country.

The commercial organizations in all the larger cities have been requested to make special reports to the Isthmian Canal Commission, giving information in regard to the industries and foreign trade of their respective cities, and the use which their members would make of the proposed waterway. Personal visits have been made by one or more members of the committee on the value of the canal to 27 large commercial and industrial cities. The larger seaboard cities of the Atlantic and Gulf have been visited, also such centers of the iron and steel industries as Pittsburg, Cleveland, Chattanooga, and Birmingham. Visits were also made to the industrial cities of Atlanta, Memphis, Louisville, St. Louis, Indianapolis, Cincinnati, Chicago, Milwaukee, and Detroit. Wherever the committee went the business organizations manifested a very keen interest in the early construction of the canal. The commercial organizations and the business men have shown their interest in the canal project by giving the committee on the value of the canal all the assistance that lay within their power.

Wherever the committee went it was impressed by the ability of American manufacturers to produce economically and on a large scale. The efforts to secure foreign trade are being put forth quite as much by the people of the inland industrial centers as by those at or near the seaboard. Possibly the keenest interest in the interoceanic canal is felt in such sections as the Pittsburg (Pa.) and the Birmingham (Ala.) districts, where the mining of coal and the manufacture of iron and steel products for export have already acquired large proportions. No one can visit these and the other great industrial sections of the United States without realizing that such a reduction in the costs of reaching foreign markets as will be accomplished by the isthmian canal will effect a large increase in our foreign trade.

9. Please to state whether or not, in your opinion, a ship canal through the Isthmus of Darien would increase the population and develop the industries of the States on or near the Pacific coast of the United States, and whether it would benefit or depress the traffic of the railways that have terminals on that coast.

The final report which is now being prepared will contain a section discussing the relation of the canal to the industries of the Pacific coast States. Some of the conclusions that have been reached may be stated as follows: The Pacific coast States are the most geographically isolated portion of our country. The chief markets of this section in the past have been the countries of the North Atlantic, and such will for a long time continue to be the case.

The existing means of transportation by rail across the continent, or by water around South America, are the great hindrances to the development of that trade. Moreover, there are other sections of the world that are becoming increasingly strong competitors with our west coast in the production of grain, fruits, and wine. The most general statement that can be made of the effect which the isthmian canal will have on the Pacific coast is that the waterway will enable that section to meet more easily and successfully the growing competition of those countries whose similar productions make them commercial rivals of our Western States. Without an isthmian canal our west coast will have difficulty in meeting the competition of these rival sections, but with the waterway our Pacific States will easily hold their own in the international industrial struggle.

A careful study of the probable effect which the isthmian canal will have upon the business of American railways, and the information received by numerous interviews with railway officials having intimate knowledge of traffic affairs, leads to the general conclusion that the proximate effect of the isthmian canal in compelling a reduction and readjustment of the rates on that share of the trans-continental railway business that will be subject to the competition of the new water route will be more than offset by the ultimate and not distant expansion of the through and local traffic that must necessarily be handled by rail. The increase in the population of the country and the growth in our home and foreign trade will early demonstrate the need of the transportation services of both the canal and the railways.

10. Please state whether or not the opening of the Suez Canal has benefited the commerce of the Western Hemisphere or of the world, and, approximately, the extent thereof:

The benefit which the Suez Canal has been to the commerce of the Eastern Hemisphere is in part indicated by the large volume of traffic that now uses the waterway. Only a small part of this consists of traffic originating or terminating in the Western Hemisphere. The development of the great trade which Europe has with India, the East Indies, and the Orient has largely been made possible by the Suez Canal. It is questionable whether the Suez Canal has been a benefit to the Western Hemisphere. It has given Europe a decided advantage over the United States for securing the large and growing commerce of the Pacific countries. The presence of the Suez Canal without the existence of an American isthmian waterway places the United States and other countries of the Western Hemisphere in a disadvantageous position as contrasted with Europe.

COURTS IN MISSOURI.

Mr. THURSTON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 10498) to create a new division in the western judicial district of the State of Missouri, to report it with amendments.

I call the attention of the Senator from Missouri [Mr. COCKRELL] to the bill.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

PAYMENT OF STENOGRAPHERS.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PRITCHARD on the 10th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearing before the Committee on Patents on the bill (S. 5089) for the relief of the widow of Isaiah Smith Hyatt be paid from the contingent fund of the Senate.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PROCTOR on the 10th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearings before the Committee on Agriculture and Forestry upon House bill 3717, known as the oleomargarine bill, be paid from the contingent fund of the Senate.

BRANDY DISTILLED FROM CHERRIES.

Mr. ALLISON. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 12281) to amend section 3255 of the Revised Statutes of the United States, concerning the distilling of brandy from fruits, to report it with an amendment. As it is a brief bill and proposes only a single amendment of the law, I ask that it may be considered. It will take but a moment.

The PRESIDENT pro tempore. The bill will be read in full to the Senate for its information.

The Secretary read the bill, which had been reported from the Committee on Finance with an amendment, in line 10, after the word "prunes," to insert the word "figs," so as to make the bill read:

Be it enacted, etc., That section 3255 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 3255. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, grapes, pears, pineapples, oranges, apricots, berries, prunes, figs, or cherries from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so."

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. I should like to hear the report read.

Mr. ALLISON. There is no report submitted. I will say to the Senator that this is the exact law now, except that the bill as it came from the other House provides for cherries, and the Senate Committee on Finance proposes to insert in addition to that amendment the word "figs." It is a matter relating to fruits in California. I hope the Senator will not object to the bill.

Mr. PETTIGREW. I should like to hear from the Senator from California on the subject.

Mr. ALLISON. The Senator from California will, I have no doubt, make a very satisfactory explanation of the measure.

Mr. PERKINS. The distinguished Senator from Iowa, from the Committee on Finance, has explained the bill, I am sure, satisfactorily to my friend from South Dakota. The bill simply gives the horticulturists of California an opportunity to make a temperance drink from the syrup of figs.

Mr. PETTIGREW. I should like also to know the effect of the other amendment. I do not know that they grow cherries in California or in Iowa.

Mr. PERKINS. Cherries grow in California in great profusion. It is the first State in the Union, I think, in producing the best quality of cherries. The same argument applies that can be used in favor of figs. It was unanimously reported favorably by the committee in the other House, who carefully considered the subject-matter; and knowing what Cherry Pectoral, which is also useful in certain diseases, is, the bill was unanimously reported favorably. I am sure my friend from South Dakota will not object to it when he understands that we will give him cuttings from our cherry and fig trees, that they may be planted in South Dakota.

Mr. PETTIGREW. Mr. President, I shall have to object to the consideration of the bill, because there is no proof that these are temperance drinks.

The PRESIDENT pro tempore. The Senator from South Dakota objects. The bill goes to the Calendar.

BILLS INTRODUCED.

Mr. PETTIGREW introduced a bill (S. 5556) authorizing and directing the Secretary of War to purchase 2,000 copies of Ups and Downs of an Army Officer, by Col. George A. Armes, United States Army, retired; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FAIRBANKS introduced a bill (S. 5557) to remove the charge of desertion from the record of Edward Whelan; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5558) for the relief of Jackson Foster; which was read twice by its title, and referred to the Committee on Claims.

Mr. KYLE introduced a bill (S. 5559) granting an increase of pension to Adolphus Richardson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5560) granting an increase of pension to J. W. Harden; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KYLE (for Mr. ALLEN) introduced a bill (S. 5561) for the relief of Florine A. Albright; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 5562) granting an increase of pension to Mary Taylor; which was read twice by its title.

Mr. COCKRELL. To accompany that bill I present the petition of Mrs. Mary Taylor, widow of Lewis Taylor, captain Company G, Forty-fifth Regiment, Ohio Volunteer Infantry, and the affidavits of Robert I. Stickney, John H. White, and Drs. George D. Coe and E. J. Burch. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 5563) granting an increase of pension to Samuel J. Boyer; which was read twice by its title.

Mr. COCKRELL. To accompany that bill I present the petition of Samuel J. Boyer, Company G, Nineteenth Regiment United States Infantry, and the affidavits of William M. Russell and Lewis Schmidt. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. McENERY introduced a bill (S. 5564) for the relief of Robert Norris; which was read twice by its title, and referred to the Committee on Claims.

Mr. BAKER introduced a bill (S. 5565) to apportion the lands and funds of the Osage tribe of Indians, in the Territory of Oklahoma, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. TELLER introduced a bill (S. 5566) granting a pension to Eliza B. Gamble; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 5567) for the relief of E. H. Abercrombie; which was read twice by its title, and referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 5568) to authorize the restatement, readjustment, settlement, and payment of dues to Army officers in certain cases; which was read twice by its title, and referred to the Committee on Claims.

Mr. HALE introduced a bill (S. 5569) granting an increase of pension to George W. Taylor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCOMAS introduced a bill (S. 5570) granting a pension to Henry Miller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 5571) for the relief of John A. Lockwood; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. THURSTON introduced a bill (S. 5572) providing for an additional circuit judge in the Eighth judicial circuit; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SHOUP introduced a bill (S. 5573) to amend section 203 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes;" which was read twice by its title, and referred to the Committee on the Territories.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HOAR submitted an amendment proposing to increase the salaries of the Chief Justice and associate justices of the Supreme Court of the United States, of the circuit judges of the United States, of the district judges of the United States, and of the judges of the Court of Claims of the United States, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. HOAR subsequently, from the Committee on the Judiciary, reported the above amendment favorably, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. TURNER submitted an amendment proposing to appropriate $402.26 to pay the interest on the adjudicated claim of Patrick Henry Winston, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MALLORY submitted an amendment proposing to appropriate $150,000 for the construction of a seagoing suction dredge to be used in improving the harbors of Pensacola, Carrabelle, and Apalachicola, Fla., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for continuing improvement of the Choctawhatchee River, Florida, from $15,000 to $25,000, and providing that $10,000 of said amount shall be used for dredging a channel of 10 feet at the Cypress Top outlet of the said river, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. ELKINS submitted an amendment proposing to increase the salaries of the clerk to the Secretary of the Treasury, clerk to the Secretary of War, and private secretary to the Postmaster-General from $2,250 each per annum to $2,400, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to increase the salaries of the private secretary to the Secretary of State, the clerk to the Secretary of the Navy, the private secretary to the Secretary of the Interior, and the private secretary to the Attorney-General from $2,250 each per annum to $2,400, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LODGE submitted an amendment providing for a preliminary survey of Little Harbor, Woods Hole, Mass., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment conferring jurisdiction upon the Court of Claims to examine and adjudicate all claims of citizens of the United States against Spain, in accordance with the terms of the seventh article of the treaty concluded between the United States and Spain on the 10th day of December, 1898, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. THURSTON submitted an amendment proposing to appropriate $5,000 for repairing the bridges and approaches of the Winnebago Indian Agency, in the State of Nebraska, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. McCOMAS submitted an amendment proposing that hereafter the salary of the Chief Justice of the Supreme Court shall be $15,500 per year, and that of each of the associate justices thereof shall be $15,000 per year; to each of the circuit judges $9,000; to each of the district judges $7,500; to the chief justice of the court of appeals of the District of Columbia $8,500 a year; to each of the associate justices thereof $8,000 a year; to the chief justice and each of the associate justices of the supreme court of the District of Columbia $7,500 per year, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TOWNE submitted an amendment proposing to appropriate $132,590.67 to reimburse the city of Duluth, Minn., for moneys expended in and about the construction, repair, and preservation of certain public works on the harbor of Duluth in 1870, 1871, and 1872, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

EXTENSION OF VERMONT AVENUE.

Mr. MONEY submitted an amendment intended to be proposed by him to the bill (S. 2265) for the extension of Vermont avenue; which was referred to the Committee on the District of Columbia, and ordered to be printed.

IRRIGATION INVESTIGATION IN CALIFORNIA.

Mr. PERKINS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of Agriculture be, and hereby is, directed to transmit to the Senate the results of the cooperative irrigation investigations made in the State of California by the Department of Agriculture and the California Water and Forestry Association.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the following acts:

An act (S. 92) granting a pension to William M. Ferry;

An act (S. 244) granting a pension to Mary Jane McLaughlin;

An act (S. 712) granting a pension to Nellie L. Groshon;

An act (S. 1245) granting a pension to Oliver Domon;

An act (S. 173) granting an increase of pension to John H. Morrison;

An act (S. 218) granting an increase of pension to Sarah E. Tate;

An act (S. 262) granting an increase of pension to Charles H. Irvin;

An act (S. 751) granting an increase of pension to Mathew T. Jones;

An act (S. 1347) granting an increase of pension to Marie Sharpe; and

An act (S. 1348) granting an increase of pension to Eliza M. Stillman.

COURTS IN WEST VIRGINIA.

Mr. SPOONER. I ask the unanimous consent of the Senate for the present consideration of the bill (H. R. 953) to divide the State of West Virginia into two judicial districts.

Mr. JONES of Arkansas. Mr. President, I am unwilling that the bill shall be considered at the present time. I object to it now. I want time to look into it.

The PRESIDENT pro tempore. Objection is made, and the bill will retain its place on the Calendar.

EDWARD W. NORTONI.

Mr. COCKRELL. I move that the Committee on Pensions be discharged from the further consideration of the bill (S. 478) to increase the pension of Edward W. Nortoni, and that it be indefinitely postponed, because the beneficiary is dead.

The motion was agreed to.

THOMAS J. REID.

Mr. COCKRELL. I also move that the Committee on Pensions be discharged from the further consideration of the bill (S. 520) granting a pension to Thomas J. Reid, and that it be indefinitely postponed, he also having deceased.

The motion was agreed to.

W. W. WHEELER.

Mr. COCKRELL. I also move that the Committee on Claims be discharged from the further consideration of the bill (S. 448) to permit W. W. Wheeler to prosecute a claim. It is not the bill that was intended for consideration, but the bill (S. 553) to authorize W. W. Wheeler to prosecute a claim is the proper bill to be considered.

The motion was agreed to.

Mr. COCKRELL. I move that the bill be indefinitely postponed.

The motion was agreed to.

REPORT OF POSTAL COMMISSION.

Mr. WOLCOTT. Mr. President, I desire to present, on behalf of the commission appointed by Congress to investigate certain questions of the postal service, including railway mail pay, the report of the commission, which consists of a main report with three or four additional reports by individual members of the commission, all included in one document, which I file.

I shall ask that the report may lie on the table and that an order

may be made for the printing of a certain number of copies of the report, of which a certain number shall be for the use of the Senate and the others for the use of the House. This I will present later.

In submitting the report I will state to the Senate that under the law it was to have been filed upon the 1st of January, and that it was ready to be filed at that time, but illness has prevented its being earlier presented to this body.

Mr. BUTLER. My attention was diverted at the moment the Senator began his remarks. May I ask if this is the report of the Postal Commission?

Mr. WOLCOTT. Yes.

Mr. BUTLER. It is the final report?

Mr. WOLCOTT. Yes.

Mr. BUTLER. And the Senator now asks to have it all printed together? It has been printed in installments, I believe.

Mr. WOLCOTT. The evidence was printed under the law long ago.

Mr. BUTLER. This is the report?

Mr. WOLCOTT. This is the report.

Mr. BUTLER. The evidence was printed in detached volumes. Has it all been put together?

Mr. WOLCOTT. Everything has been done. I offer the following resolution:

Resolved, That there shall be printed 2,000 copies of the report of the Railway Mail Pay Commission.

I am informed a similar resolution has been offered in the House and that the House will provide for its own printing of the document. I suggest 2,000 copies of the report for the Senate.

Mr. HALE. Does the Senator think that that is a large enough number? There will be great demand all over the country for the document. I should think that the number ought to be 3,000.

Mr. WOLCOTT. I will amend the resolution by increasing the number to 3,000 copies.

The PRESIDENT pro tempore. The report will be received, and at the request of the Senator from Colorado it will lie on the table. The Senator from Colorado offers a resolution, which will be read.

The resolution was read, as follows:

Resolved, That there shall be printed 3,000 copies of the report of the Railway Mail Pay Commission.

Mr. WOLCOTT. I wish to state further to the Senate that in the meetings of the commission we have been deprived of the presence of one member of the commission, the Senator from New Hampshire [Mr. CHANDLER]; and I desire to say, though without authority to do so, that it is very possible that that Senator may find it his duty to file later some further report or some individual views upon this subject, which may be presented to the Senate in due course.

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the following bills:

A bill (S. 91) granting a pension to J. J. Groff;

A bill (S. 292) granting an increase of pension to Martha G. D. Lyster;

A bill (S. 349) granting an increase of pension to James H. Coventon;

A bill (S. 667) granting a pension to B. H. Randall;

A bill (S. 1400) granting a pension to William Lyman Chittenden;

A bill (S. 1413) granting a pension to Erie E. Farmer;

A bill (S. 2166) granting a pension to Charles A. D. Wiswell;

A bill (S. 2400) granting an increase of pension to Edith Lockwood Sturdy;

A bill (S. 2432) granting an increase of pension to James A. Thomas;

A bill (S. 2729) granting a pension to Eliza L. Reese;

A bill (S. 3342) granting a pension to Samuel Dornon;

A bill (S. 3457) granting an increase of pension to Laura Ann Smith;

A bill (S. 3642) restoring the pension of Augustus R. Rollins, alias Rhenault A. Rollins;

A bill (S. 3890) granting an increase of pension to Americus V. Rice;

A bill (S. 4054) granting an increase of pension to Elizabeth W. Eldridge;

A bill (S. 4441) granting an increase of pension to Gertrude B. Wilkinson;

A bill (S. 4574) granting an increase of pension to Mary Emily Wilcox;

A bill (S. 4575) granting an increase of pension to Thomas Claiborne; and

A bill (S. 5093) granting an increase of pension to Charlotte W. Drew.

The message also announced that the House had passed the bill (S. 2884) for the relief of Edward Everett Hayden, an ensign on the retired list of the Navy.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 191) granting an increase of pension to Laura P. Lee;

A bill (H. R. 236) granting an increase of pension to Albert M. Bennett;

A bill (H. R. 296) granting an increase of pension to Mattie Otis Dickinson;

A bill (H. R. 417) for the relief of Henry Cook;

A bill (H. R. 425) for the relief of David K. Reynolds;

A bill (H. R. 429) granting an increase of pension to John R. Joy;

A bill (H. R. 1604) granting an increase of pension to Joel H. Hallowell;

A bill (H. R. 1995) granting an increase of pension to Frederick O. Lathrop;

A bill (H. R. 2085) granting a pension to Jane A. E. Womack;

A bill (H. R. 2092) granting an increase of pension to Madison McCollister;

A bill (H. R. 2178) granting an increase of pension to James Beistle;

A bill (H. R. 2395) granting an increase of pension to Matthew McDonald;

A bill (H. R. 2399) granting an increase of pension to Edward McDuffey;

A bill (H. R. 2464) to remove the charge of desertion from the military record of Nicholas Swingle;

A bill (H. R. 2527) granting a pension to David Briggs;

A bill (H. R. 2595) granting an increase of pension to William C. Griffin;

A bill (H. R. 2816) granting a pension to Annie C. Collier;

A bill (H. R. 3135) to correct the military record of Lieut. Edward B. Howard;

A bill (H. R. 3247) granting an increase of pension to George Mowry;

A bill (H. R. 3436) granting an increase of pension to John Abel;

A bill (H. R. 3512) granting a pension to Rebecca G. Irwin;

A bill (H. R. 3545) granting a pension to Ellen Hardin Walworth;

A bill (H. R. 3546) granting a pension to Caroline M. H. Searing;

A bill (H. R. 3784) granting an increase of pension to Linsay C. Jones;

A bill (H. R. 3871) granting a pension to William J. Worthington;

A bill (H. R. 4018) granting a pension to Elizabeth Dinnon;

A bill (H. R. 4020) for the relief of William Burke;

A bill (H. R. 4217) granting an increase of pension to Michael Dignon;

A bill (H. R. 4651) granting a pension to Emily Alder;

A bill (H. R. 4962) granting a pension to James E. Bates;

A bill (H. R. 4963) granting an increase of pension to Charles E. Churchill;

A bill (H. R. 5224) granting an increase of pension to Daniel Smith;

A bill (H. R. 5336) granting an increase of pension to William S. Swaney;

A bill (H. R. 5599) granting an honorable discharge to James L. Proctor;

A bill (H. R. 5610) granting a pension to Elizabeth B. McClellan;

A bill (H. R. 5853) granting a pension to Mary Black;

A bill (H. R. 5898) granting an increase of pension to George F. White;

A bill (H. R. 6323) for the relief of John McDonald, alias John Shannon;

A bill (H. R. 6492) to correct the military record of James Donahue;

A bill (H. R. 6787) granting an increase of pension to Edwin A. Wilson;

A bill (H. R. 6810) granting an increase of pension to Peter Anderson;

A bill (H. R. 6997) granting an increase of pension to Josephine H. Whitehead;

A bill (H. R. 7024) granting an increase of pension to Sarah Herriman;

A bill (H. R. 7053) granting a pension to Addie S. Potter;

A bill (H. R. 7152) granting an increase of pension to Nancy L. Donaldson;

A bill (H. R. 7243) to remove the charge of desertion from the military record of Silas Nicholson;

A bill (H. R. 7580) granting a pension to Samuel N. Haskins;

A bill (H. R. 7602) to correct the military record of Palmer G. Percy;
A bill (H. R. 7617) granting an increase of pension to Rebecca Tolson;
A bill (H. R. 7757) granting a pension to Agnes Ryder;
A bill (H. R. 8091) granting a pension to Benjamin E. Styles;
A bill (H. R. 8106) granting a pension to Olivia Donathy;
A bill (H. R. 8190) granting a pension to Henry Miller;
A bill (H. R. 8474) to remove the charge of desertion from the military record of Gustavus Adolphus Thompson;
A bill (H. R. 8594) granting a pension to Matilda Rapp;
A bill (H. R. 8679) granting an increase of pension to Chauncey Sheldon;
A bill (H. R. 8771) granting an increase of pension to Lyman A. Sayles;
A bill (H. R. 8794) granting an increase of pension to Ellen H. Phillips;
A bill (H. R. 8966) for the relief of certain Indians in the Indian Territory who desire to sell their lands and improvements and emigrate elsewhere;
A bill (H. R. 9106) granting a pension to Nancy Marshall;
A bill (H. R. 9165) granting an increase of pension to Horace L. Stiles;
A bill (H. R. 9177) granting an increase of pension to Luke P. Allphin;
A bill (H. R. 9382) granting a pension to Adella M. Anthony;
A bill (H. R. 9404) granting a pension to Elizabeth Hendricks;
A bill (H. R. 9672) granting an increase of pension to Mary J. D. McGlensey;
A bill (H. R. 9745) granting a pension to Susan Sidenbender;
A bill (H. R. 9787) granting a pension to Marion M. Stone;
A bill (H. R. 9874) granting an increase of pension to Anna F. Johnson;
A bill (H. R. 9903) granting an increase of pension to Henry B. Shell;
A bill (H. R. 9928) granting an increase of pension to H. S. Reed, alias Daniel Hull;
A bill (H. R. 9985) granting an increase of pension to Martin Sherwood;
A bill (H. R. 10021) granting an increase of pension to John R. Robinson;
A bill (H. R. 10069) granting a pension to Sarah T. Brewer;
A bill (H. R. 10482) granting a pension to Pattie D. McCown;
A bill (H. R. 10567) granting a pension to Mary L. Tweddle;
A bill (H. R. 10617) granting an increase of pension to Kate E. Duffy;
A bill (H. R. 10664) granting permission to the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, to cut and dispose of the timber on their several allotments on said reservation;
A bill (H. R. 10706) granting a pension to Flora Moore;
A bill (H. R. 10792) granting an increase of pension to John T. Knox;
A bill (H. R. 10846) to authorize the construction of a bridge across the Mississippi River at or near Cape Girardeau, Mo.;
A bill (H. R. 10967) to authorize Arizona Water Company to construct power plant on Pima Indian Reservation, in Maricopa County, Ariz.;
A bill (H. R. 11091) granting a pension to Ambrose Brisett;
A bill (H. R. 11196) granting an increase of pension to Louis Snyder;
A bill (H. R. 11335) granting an increase of pension to Silas Howard;
A bill (H. R. 11361) granting a pension to Susan A. Miller;
A bill (H. R. 11452) granting a pension to Nettie L. Bliss;
A bill (H. R. 11508) granting a pension to George T. Boulding;
A bill (H. R. 11574) granting a pension to William H. Palmer;
A bill (H. R. 11583) granting an increase of pension to Jerome R. Rowley;
A bill (H. R. 11680) granting an increase of pension to Isabela Myers;
A bill (H. R. 11768) granting an increase of pension to John Walker;
A bill (H. R. 11795) granting a pension to Columbus S. Whitaker;
A bill (H. R. 11910) granting an increase of pension to Thomas H. Roberts;
A bill (H. R. 11927) granting a pension to Elizabeth Dickerson;
A bill (H. R. 11985) granting an increase of pension to Henry C. Brooks;
A bill (H. R. 12061) granting an increase of pension to Henry S. Topping;
A bill (H. R. 12079) granting an increase of pension to Benjamin T. Thomas;
A bill (H R. 12233) granting a pension to Ashel C. Aulick;
A bill (H. R. 12245) granting an increase of pension to Henry A. Jordan;
A bill (H. R. 12546) to change and fix the time for holding the district and circuit courts of the United States for the northeastern division of the eastern district of Tennessee;
A bill (H. R. 12620) granting an increase of pension to John P. C. Shanks; and
A bill (H. R. 13399) for the establishment of a beacon light on Hambrook Bar, Choptank River, Maryland, and for other purposes.

PETITION OF FILIPINOS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read the resolution submitted by Mr. TELLER on the 10th instant, as follows:

Ordered, That the petition of certain inhabitants of the Philippine Islands, which has to-day been read in the Senate, be printed as a document, together with the names of the signers.

Mr. HAWLEY. On consultation with my colleague and neighbor, he kindly agrees that the resolution may go over, holding its place.

Mr. TELLER. The chairman of the Committee on Military Affairs has asked me if I would allow him to have the resolution passed over to-day, retaining its place on the table, and I have assented to that course.

The PRESIDENT pro tempore. Is there objection to the request made that the resolution be passed over for the present, retaining its place? The Chair hears none, and that order is made.

STATIONERY ROOM OF THE SENATE.

The PRESIDENT pro tempore laid before the Senate the resolution submitted by Mr. MORGAN on the 11th instant; which was read, as follows:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate shall have the control of the officers of the stationery room of the Senate so as to inquire into and, from time to time, to report upon the conduct thereof.

Mr. SPOONER. I move the reference of the resolution to the Committee on Rules.

Mr. MORGAN. That is right. I have no objection to the reference.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Wisconsin [Mr. SPOONER] that the resolution be referred to the Committee on Rules.

The motion was agreed to.

THE MILITARY ESTABLISHMENT.

Mr. HAWLEY. I ask unanimous consent that the Senate proceed to the consideration of the Army bill.

There being no objection, the Senate resumed the consideration of the bill (S. 4300) to increase the efficiency of the military establishment of the United States, the pending question being on the amendment submitted by Mr. BACON, on page 12, section 2, line 17, after the word "authorized" to strike out:

Provided, That the President, in his discretion, may increase the number of corporals in any troop of cavalry to 8, and the number of privates to 76.

Mr. BACON. Mr. President, there are three amendments offered by myself, identical in terms, each designed to accomplish the same purpose, and each relating to different branches of the subject—one to the cavalry, one to the artillery, and one to the infantry. If consistent with the views of the Chair, I will suggest that possibly the three amendments may be acted upon at the same time.

Mr. HAWLEY. I am extremely anxious to hear what the Senator is saying, but I can not hear him, either because his voice is insufficient or the noise in the Chamber is so great.

Mr. BACON. I will repeat that there are three amendments offered by me, one of which has been read, each of the three designed to accomplish the same purpose, but each relating to a different branch of the service—one to the artillery, one to the cavalry, and one to the infantry. My suggestion was that possibly, in the interest of time, it might be, though not strictly in accordance with the ordinary procedure, that the three might be acted upon at once.

Mr. HAWLEY. I have yet to learn what the purpose or the motive of the Senator is, or what is the necessity for his amendment.

Mr. BACON. Mr. President, I have no objection if the Senator prefers to proceed in detail. I simply proposed to act upon the three amendments at the same time, as they are all identical.

Mr. HAWLEY. Why act upon them at all? That is my question.

Mr. BACON. I did not understand the inquiry of the Senator.

Mr. President, I endeavored on Friday, when this matter was last before the Senate, to indicate the ground of my objection. My objection is that it is not necessary that this amendment of the committee should be in the bill in order that the President should have the authority to enlist the maximum number. The objection that I have to this portion of the bill, as I endeavored

to state a little more in detail on Friday last than I feel justified in now repeating, is that I am opposed to that feature of the bill which puts it in the power of the President of the United States, in his own discretion, at any time when he might think proper, by his simple order to add 50,000 men to the Army of the United States. I say, Mr. President, that is utterly opposed to the spirit of our institutions, that it is an invasion of the prerogatives of the Congress of the United States, and that it should never be voluntarily enacted by Congress as law.

Mr. President, I do not desire to repeat what I have already said. I presume the Senator from Connecticut [Mr. HAWLEY] was in the Chamber on Friday last, when I addressed the Senate upon this subject; but I will add one word. The history of the decadence of legislative power, the history of the increase of executive power, is generally the history found in usurpations by the executive, and is rarely found in the history of the voluntary surrender by a legislative body of the power which it possesses.

I assert, Mr. President—and if I am in error I think it is a matter of sufficient importance to challenge the attention of Senators and to evoke from them suggestions which may show the incorrectness of my position—I assert that not only the letter of the Constitution, but the spirit of the Constitution and the intention of the Constitution is that the question of the size of the Army shall be determined by the Congress of the United States, and not by the Executive. I say from the foundation of the Government to the present time that has been the spirit of our law, the genius of our institutions, and it would be the most radical departure from the practice and the principles of a hundred years if we should turn the matter over to the Executive and say it shall be within his discretion and within his power, without any suggestion or without any further authority from the Congress of the United States, at any time to add 50,000 men to the number of the Army of the United States.

Mr. HAWLEY. Will the Senator just take a few off that number of 50,000—say, 49,000?

Mr. BACON. I will if it will be any gratification to the Senator; but I do not see how that suggestion rises to the dignity of this occasion. I do not see how a suggestion so frivolous as that comports with the gravity of the issue we are met with to-day. It is no light question, Mr. President; but I will say to the Senator it is a question that is not going to be decided by the passage of this bill. I presume there is a determination on the part of the majority to pass this bill. They have the power to do it in this House and in the other House; and I presume from what has been said and done that it is the intention to surrender this power which the Constitution puts in Congress, and to confer it upon the Executive.

There is a greater question in it than the mere question of the relative power of the legislative and of the executive departments of the Government. It is a question which relates to the preservation of that which has been won by our race in hundreds of years of conflict and of sacrifice, and if Senators think that the passage of this bill is going to work this revolution in the institutions of this country and that no more is to be heard from it they are mistaken.

Mr. President, the people have not yet waked up to and do not realize the enormity of this proposition, but they will do it; and I do not believe that the American people, whenever they come to realize and to appreciate the fact that the proposition is to put it in the power of the Executive to say whether or not 50,000 men shall be added to the size of the Army, will ever indorse it or that they will ever sustain such legislation.

Mr. BERRY. Will the Senator permit me a question?

Mr. BACON. Certainly.

Mr. BERRY. Do I understand the Senator to say that, unless his amendment is adopted, under this bill hereafter, in case the Army should be reduced to a minimum, when the emergency is passed the President would have the power, without authority from Congress, to raise that number of the Army to a greater number?

Mr. BACON. I mean to say, in response to the inquiry of the Senator from Arkansas, that the language is susceptible of that construction, and that the party in power has announced on the floor of the Senate that that is the construction they put upon it.

Mr. BERRY. One other question. Will the amendment offered by the Senator from Georgia make it clear that that can not be done?

Mr. BACON. I think it will, and that is the purpose of the amendment.

Mr. BERRY. I hope the Senator will so frame his amendment that there will be no doubt upon the subject. I understood the Senator from Connecticut [Mr. PLATT] on Friday to say that the bill did not confer that power, or that he was afraid it did not, but would be glad if it did. It seems to me that the Senator from Georgia should make his amendment so clear and so specific that all the world would understand that the President has no such power, because certainly such power ought not to be granted to any President of the United States.

Mr. BACON. I agree with the Senator.

Mr. HAWLEY. I will say only a word, and then I will leave the matter to the Senate. This bill has been most laboriously perfected by the aid of the best soldiers in the Army, and it was supposed to be as good as it could be made. I do not like to see these small amendments adopted; but I am not afraid of 4 or 5 corporals in the cavalry, a few more men in the artillery, and a few more enlisted men in the infantry.

Mr. BACON. The Senator well knows that this particular clause is the clause by which, in the exercise of this power by the President of the United States, the aggregate number of the Army will be raised from the minimum of fifty-odd thousand to the maximum of 98,000; and he talks about 3 or 4 corporals and a few dozen men.

Mr. TELLER. One hundred and eight thousand men.

Mr. BACON. One hundred and eight thousand men.

Mr. TELLER. I want to say that I think a careful examination will show at least 100,000 men, or about 108,000.

Mr. BACON. That being the case, it is not such a trivial proposition as the Senator from Connecticut [Mr. HAWLEY] would have us understand. It is not a question of the addition of a few men.

Mr. FORAKER. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. BACON. With pleasure.

Mr. FORAKER. There must be some mistake, or, if not, I do not understand this bill. I do not know where it is found that the bill provides for a maximum of 108,000. There is an express provision in one of the last clauses to the effect that it shall not exceed 100,000.

Mr. TELLER. Where?

Mr. FORAKER. On page 44 of the print I have in my hand, at the close of the first paragraph on that page, this is the language of the bill:

> The total number of enlisted men in said native organizations shall not exceed 12,000, and the total enlisted force of the line of the Army, together with such native force, shall not exceed at any one time 100,000.

Mr. TELLER. There is such a provision there, but it is contrary to other provisions. If the President should carry out the power that is given to him, you would find on examination that the Army would exceed 100,000.

Mr. FORAKER. I have not made any computation, but I rely upon——

Mr. TELLER. It is possible that the last provision might govern the former.

Mr. FORAKER. Will the Senator from Georgia allow me to interrupt him for just a moment further?

Mr. BACON. Certainly.

Mr. FORAKER. It seems to me the effect of the Senator's amendment, if adopted, would be to make the maximum of the Army 54,000 or 58,000, whichever number is the aggregate computation. I have not made any computation, but rely simply upon the statements of others as to what the computation shows. There would be no power anywhere, either now or hereafter, except only that of Congress, to increase the Army. We would have a fixed provision as to the size of the Army, both as to its maximum and its minimum, and there would be no elasticity or flexibility in it whatever.

Mr. BACON. The Senator from Ohio is quite correct. The matter was brought to the attention of the Senate on Friday last to the same effect he now states, and it was then suggested by me that if this section were stricken out—and the Senator from Wisconsin [Mr. SPOONER] will remember that he raised the same point on Friday that was suggested by me—the friends of the measure who favored a maximum of 98,000 could very easily insert a clause following the clause immediately preceding, which would fix the maximum in the same way as the clause preceding it would fix the minimum. That is not inconsistent with the striking out of this clause.

Mr. FORAKER. If the Senator will allow me to ask him another question, I will not interrupt him again, because they all go together.

Mr. BACON. I yield to the Senator with pleasure.

Mr. FORAKER. Would not the effect of the amendment of the Senator, if adopted, be not only to destroy the maximum, but to make the minimum the maximum? Would not the maximum fixed by this bill be also destroyed by the effect of the provision, if adopted, on page 40, line 15, section 26 as renumbered, which reads as follows:

> That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this act during the present exigencies of the service or until such time as Congress may hereafter direct.

I do not intend to vote for any of the amendments offered by the Senator. I think the flexible feature of this bill is one of its

best features. It enables us to maintain a minimum in time of peace and a maximum when there is a necessity for it; and it enables us to increase or decrease one or the other arm of the service as there may be, or not, occasion for one or the other to be increased or decreased. But if the amendment should be adopted at all, I call the Senator's attention to the fact that it ought also to remain as to that part of the bill providing that the maximum shall be 100,000; and there ought to be some amendment to section 26. In other words, the amendment would be entirely inconsistent with the rest of the bill.

Mr. BACON. Mr. President——

Mr. PROCTOR. Will the Senator allow me a word?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Vermont?

Mr. BACON. Certainly.

Mr. PROCTOR. Section 26, if language means anything, in my view plainly covers every one of these organizations and limits the power of the President to increase to the maximum every one of these separate organizations "during the present exigencies of the service." The language limits his power to maintain the enlisted force of the several arms of the service, and that means the cavalry, the infantry, and the artillery, of course.

Mr. BACON. If Senators on the other side of the Chamber agree with the Senator from Vermont, I will withdraw the amendment, because, while I do not favor the proposition that it shall be within the discretion of the President to increase the Army, I recognize the fact that under the present emergency the number which would be enlisted promptly would be the maximum number, and if the view taken by the Senator from Vermont is correct, that, when maximum has once been reached and has thereafter been decreased to the minimum, the power to increase would be exhausted. If that is the view of the Senator, and if other Senators agree with it, that would be satisfactory so far as that provision is concerned.

But I am not in favor of the maximum number except for temporary purposes. At the same time there would be no reason to move to strike out those provisions. So if the Senator will secure from his side of the Chamber support of an amendment which will distinctly and expressly negative the power of the President when this Army has once been decreased to its minimum, thereafter, in his discretion, to increase it, I will not press my amendment. But if the Senator from Vermont has not the concurrence of his colleagues on the other side of the Chamber in that proposition, then there comes up what is to me the great enormity of the bill, which is not the view taken of it by the Senator from Vermont, that this is a power given to the President not to be exercised only once during this emergency, but that, according to the suggestions and contentions of his colleagues on the other side of the Chamber, it is a power to remain, and to be a continuing power so long as this act remains upon the statute books, which will enable the President at any time, in his judgment, in his discretion, without limitation, without question, without control from anyone, to increase the Army from 50,000 to 98,000, if you please. I do not know whether either the Senator from Ohio [Mr. FORAKER] or the Senator from Colorado [Mr. TELLER] is correct in his computation as to what is the maximum, but 98,000 is sufficient for the purposes of this argument.

Mr. BURROWS. May I ask the Senator a question?

Mr. BACON. Certainly.

Mr. BURROWS. How is it possible to convert the expression "during the present exigencies" into "any exigency?"

Mr. BACON. The Senator is quite correct; and if that were the only section there would be no doubt about it; but when these three other clauses, against which my amendments are directed, give the unlimited power, and when Senators, and numbers of them, on the other side of the Chamber say that this is to be a continuing power, are we to leave that in doubt?

Let the Senators who say that support the amendment offered—and I think they should if they do not offer it themselves—support an amendment distinctly negativing the power of the President to increase the Army after the present emergency, and I will not press these amendments.

But one of two things ought to be done, Mr. President. Either these three clauses in the bill which confer absolute, unlimited power, so far as they are concerned, upon the President ought to be taken out of the bill, or else the question raised by Senators should be settled by a distinct provision negativing the continuance of that power.

Mr. PROCTOR. Mr. President, on the first day this bill was up for discussion the Senator from Arkansas and other Senators, and I think the Senator from Georgia, objected to the last clause of the first sentence of section 26, "or until such time as Congress may hereafter direct." That was intended as a limitation; but if Senators understand it otherwise, there is no objection to striking it out.

Mr. BACON. No; striking that out does not meet the question with me.

Mr. PROCTOR. The Senator from Arkansas, I recollect, for one understands it differently from that.

Mr. BACON. That may remove one objection; but it would not remove the particular objection to which I have referred.

Mr. PROCTOR. I do not see how language can be any plainer than this is in the limitation of the enlisted force of the several organizations in the Army to their maximum strength "during the present exigencies of the service." I should like to ask if it would help the Senator if the words were inserted in each one of these several provisions, "during the present exigencies of the service." Would that satisfy him?

Mr. BACON. Mr. President, the Senator now puts the question in language to which I would not be willing to give my unlimited consent as to whether that would be satisfactory or not. I will say, though, that the bill would then be relieved of the feature of greatest objection to me, which is, as I understand, the continuing power of the President, and it would make it unnecessary that I should ask any vote upon these amendments. If the Senator will offer those amendments, or permit those amendments, inserting in each of those three places the same words found in section 26, while of course I do not yield the proposition that the power ought never to be given to the President, still that is the theory of this bill, and if it is properly guarded I shall not make any further effort to strike out those provisions.

Mr. PROCTOR. The Senator will see that it is necessary to have these three provisions under each of these heads in each of the corps of the service, for the reason that it may be consistent to reduce one of them. The infantry might be reduced, while the cavalry would be required to be at the maximum for a longer term. So the Senator can see there is a very good reason for inserting this provision.

Mr. BACON. If I may have the attention of the Senator from Vermont for a moment——

Mr. PROCTOR. The chairman of the committee [Mr. HAWLEY] agrees with me that there is no objection to inserting the words suggested in the places referred to.

Mr. BACON. In lieu of my amendments, then, which I have pending, I will ask that in line 14, on page 16, after the word "discretion," there may be inserted the same words as are found on page 40, section 16, "during the present exigencies of the service," so as to read:

That the President, in his discretion, during the present exigencies of the service, may increase, etc.

Mr. President, I offer that amendment to come in in each one of the sections to which I have referred. Of course, in offering it the Senate will not understand me as giving up the proposition that the President ought not to have the power to increase the Army at all, but to relieve that particular feature of the objection against which my amendment is directed I offer these amendments in the place of the others.

The PRESIDENT pro tempore. Does the Senator from Georgia withdraw the amendment pending and offer another?

Mr. BACON. Yes, sir.

The PRESIDENT pro tempore. The amendment now submitted by the Senator from Georgia will be stated.

The SECRETARY. In lieu of the former amendment offered by Mr. BACON it is proposed to amend, in line 17, on page 12, after the word "President," by inserting the words "during the present exigencies of the service;" so as to read:

Provided, That the President during the present exigencies of the service, in his discretion, may increase the number of corporals in any troop of cavalry to eight, etc.

Mr. CAFFERY. Mr. President, I desire to ask the Senator from Georgia a question. As I understand from the amendment to which the Senator has last consented, he now considers that there is an emergency for the increase of the Army to the maximum?

Mr. BACON. Nothing that I have said or that I could possibly say could be construed into any consent by me to an increase of the Regular Army to the maximum proposed. On the contrary, everything I have said has been to protest against it. While, of course, we are endeavoring to assist in relieving the bill of the features which are objectionable, so far as we can, in no manner am I committed to consent to the suggestion of the inquiry made by the Senator from Louisiana [Mr. CAFFERY].

I think that the standing army ought not be increased to 100,000 men. I think that the utmost limit of it ought to be the standing army that existed prior to a few years ago, with the addition of 5,000 men, which are deemed to be necessary to properly man the seacoast defenses, which was passed upon by the Senate at the last session in the enactment of the original bill for the reorganization of the Army. To that extent I am willing to go, but no further.

I think, so far as the present emergency is concerned, it ought to be met in one of two ways. It might be met by the organization of an army especially designed for that foreign service, which

should be an army separate from our permanent military establishment. I should very much prefer to see that plan adopted. That might not in any manner threaten a change in the regular practice, the recognized practice and principles of this Government for a hundred years, which has limited the Regular Army of the United States to a small number. If we had this colonial army, if you might please to term it that for convenience, when the emergency had passed it could disappear, it could be withdrawn from service, or mustered out of service, without any dislocation of that connection which otherwise it would have with the Regular Army of the United States, and the Regular Army of the United States be maintained according to the domestic needs and requirements of the country.

We could have this foreign army, if you might so term it, or an army in foreign parts or in colonial parts, use it only when needed, and disband it when not needed. Another way in which it might be done is by a repetition of what we did two years ago, by an increase of this Army, either in its regular capacity or by addition to it of volunteers in such numbers as the emergency required to call forth for a limited time, for two years, and after that time our regular military establishment would assume its normal proportions. In one of these two ways, I think, it would be proper to have it done. Whilst I should prefer the former, I am ready to vote for the latter, but under no possible circumstances will I vote for any bill which increases the Regular Army of the United States to 100,000 men. I do not know whether I make myself clear to the distinguished Senator from Louisiana, but I have endeavored to do so.

Mr. CAFFERY. The point of my question is simply this (the Senator will pardon me if I put a wrong construction upon his language): As I understand, he limits the scope of his amendment to what may be termed the present emergency, and in further answer he says that the emergency might be met either by the simple organization of a foreign army for foreign purposes, or by such a provision as that inserted two years ago into the bill for the increase of the Army temporarily. What I desire to get at is, whether, in the opinion of the Senator, we could constitutionally and properly permit any abnormal increase of the Army now to meet any emergency at present existing.

Mr. MALLORY. Will the Senator from Louisiana permit me to ask him a question? The term used is "exigency," I believe.

Mr. CAFFERY. Yes, sir.

Mr. MALLORY. Has the Senator from Louisiana any understanding of what that present exigency is?

Mr. CAFFERY. My understanding of the exigency is the Presidential idea of carrying on war in the Philippines. Carrying on a war of subjugation in the islands of the archipelago. That is my idea of the exigency. The question I propounded to the Senator from Georgia was whether in his opinion that exigency demanded, if there is such a thing as an exigency in that particular, so abnormal an increase of the Army as is proposed in this bill.

Mr. MALLORY. It strikes me that the term "present exigency" is somewhat vague and inexplicit, and while it may be construed, as the Senator from Louisiana construes it, to apply solely to the disturbance now existing in the Philippine Islands, it might, it seems to me, also be construed to apply to other conditions which exist in other portions of our acquisitions or proposed acquisitions. We may possibly have an exigency—I do not know that it is imminent at all, but we may have one within a reasonable time—in the island of Cuba.

Mr. SPOONER. That is not an acquisition of ours.

Mr. CAFFERY. The exigency seems to comprehend and embrace all future possibilities of war. I was very much entertained the other day by a debate in which the junior Senator from Massachusetts took a conspicuous part, wherein he stated that one of the exigencies might be—probably was—the defense of the future canal to be constructed across the Isthmus of Darien. Now, what other exigency gentlemen of a warlike disposition may conjure up in the future I can not tell. I see no present exigency, using the term as it has been used by Senators in debate, except——

Mr. ALLEN. I should like, with the consent of the Senator, to put to him a question.

Mr. CAFFERY. Just let me finish the sentence—except the present war going on in the Philippine Islands between the United States military forces and what are termed the rebellious forces of the people of those islands. Now I will listen to the Senator from Nebraska.

Mr. ALLEN. I wanted to ask the Senator from Louisiana what he understands by the expression "the present exigencies of the service?" What is meant by that?

Mr. CAFFERY. I have attempted to explain what I understand by it. Now we had a peace establishment of, say, 30,000 men. This bill allows an increase of 70,000 men to form a permanent standing army. The ground mainly urged for this as a proper increase is the success of our arms in the Philippine Islands. These other exigencies I consider purely conjectural and would not form the basis or ought not to form the basis of any increase in the Army.

Mr. ALLEN. Then I should like to ask the Senator——

Mr. CAFFERY. I can understand the imperialistic policy——

Mr. ALLEN. I should like to ask the Senator another question, if he is disposed to answer it. Would not the insertion of the amendment of the distinguished Senator from Georgia—"during the present exigency"—be a legal recognition of some exigency that it is constitutional and proper to meet; and would not that be a recognition of the existing condition between the United States and the Filipinos?

Mr. CAFFERY. I do not want to pass any opinion.

Mr. ALLEN. I address myself now to the legal judgment of the Senator from Louisiana.

Mr. CAFFERY. I will candidly state to my friend that in my opinion the position assumed by the Senator from Georgia would legalize and bring within the constitutional scope the present war in the Philippine Islands. That is what I think. I can not see any other conclusion to be derived from the statement that he limits the proposed increase to the present exigency. Now, as there is no other exigency except this war, he therefore would recognize the validity of the war.

Mr. ALLEN. The effect, then, is to recognize the legality of the proceedings in the Philippine Islands.

Mr. CAFFERY. Not all of the proceedings.

Mr. ALLEN. The war proceedings?

Mr. CAFFERY. The war proceedings. Yes, sir; I think so. The Senator from Georgia has disclaimed in emphatic terms that he is in favor of any increase of the Army for a permanent organization, and limits his consent to an increase to what he calls the present exigency.

Mr. BACON. Oh, I do not consent to it at all.

Mr. CAFFERY. Well, it is an implied consent.

Mr. BACON. Not at all.

Mr. CAFFERY. Not an expressed one.

Mr. BACON. On the contrary, I distinctly repudiate it and deny it.

Mr. CAFFERY. The Senator from Georgia, of course, must pardon other Senators if they draw the construction from his language which is natural and which flows from his language, and, I think, is a natural consequence. His postulate is that he is opposed to a permanent increase of the Army. He modifies and qualifies that statement—he does not exactly favor, but he will permit, so far as he is concerned, an increase of the Army to meet the present exigency.

Mr. ALLEN. Will the Senator permit one other question? I will not unnecessarily interrupt him. Does not the use of the expression "during the present exigency" recognize a condition in the Philippine Islands wherein it is perfectly lawful and proper for the United States to increase its Army, and by fighting overcome or conquer it?

Mr. CAFFERY. I think so.

Mr. FORAKER obtained the floor.

Mr. BACON. The Senator from Louisiana——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Ohio yield to the Senator from Georgia?

Mr. FORAKER. Certainly.

Mr. BACON. The Senator from Ohio will pardon me for a moment. The Senator from Louisiana asked a question, and proceeded to answer it himself and had the Senator from Nebraska answer it, and I would rather answer it for myself. It is a very remarkable proposition that the Senator from Louisiana should ask me a question and that then he and other Senators should proceed to discuss the question which was asked of me.

Mr. President, the Senator is entirely mistaken as to my attitude. I do not think any Senator here misconstrues my attitude, and I think that the Senators, upon reflection, will see that they are mistaken. I do not give my assent to this amendment as it will be amended. I am opposed to the amendment after the amendment which I propose has been adopted. My amendment, if adopted, is an amendment of limitation, not an amendment conferring power. There are three clauses, and each of them as they stand in the bill gives the President the unlimited power at any time in the future to increase the number of the Army about 50,000 men, in three branches of the service.

The amendment which I propose is one which limits it to the present time. It does not confer the power—I am not in favor of giving him the power—for the present time; but, as I know that the Senators on the other side of the Chamber have the power to pass the bill, I want to eradicate from it, as far as I can, the objectionable features, and the most objectionable feature in the bill, to my mind, is the feature which I am striking at, which would give the President, for all time, as long as the statute stood upon the books, the power to increase the Army.

This amendment limits it to this time; not that I am in favor of his having the power to do it, but I am doing the best that I can, and as I can not defeat the bill, I want to extract from it this

poison, which I think is a most serious matter and the most serious feature of the bill—that which would confer upon the President for all time this objectionable power. This amendment limits him to this time, not because I am in favor of his exercising the power at this time, but because, as I can not defeat it, I want at least to cut off the future exercise of it.

Mr. FORAKER. Mr. President, I wish briefly to answer the suggestions of the Senator from Georgia. We have before us a bill which provides for the reorganization of the Regular Army. It is a bill which provides that we shall have at its minimum force an Army of 54,000 or 58,000, whichever computation is correct. I have not made any computation, but it has been stated by those who have at both numbers. But whichever may be the correct computation, that is the provision as to our Army; that is its normal size; that is its regular size, so to speak. It is to be kept at that size except only when the President, in the exercise of his discretion, may see fit, according to the provisions of this measure, to increase it. That is not a large Army under existing circumstances. We have heretofore in time of peace kept our Regular Army at about 30,000, speaking in round numbers.

Mr. BACON. Twenty-five thousand.

Mr. FORAKER. I think it was nearer 30,000.

Mr. SPOONER. Thirty thousand by law.

Mr. FORAKER. The legal maximum was 30,000, at which it might have been kept all the time. Its actual force was perhaps only 25,000, as the Senator from Georgia suggests. But with changed conditions, with our insular acquisitions, with the trouble we have been having in them, with what we have been proposing to do with respect to an interoceanic canal, and the necessity for increased forces on that account, it is not an unreasonable increase of the Army to make it 58,000 men, to be maintained at that figure at all times in peace. So far, then, as the minimum is concerned, the measure is entirely conservative.

But the bill has other features to which the Senator from Georgia objects. Those are the features now under consideration. His objection is that it gives to the President of the United States power, in his discretion, to increase the Army, and he told us this morning, in a very eloquent discussion, that this is unprecedented in the history of legislation upon this subject; that it is violative of the Constitution and a departure from anything ever heretofore known in the history of legislation with respect to our Army.

I wish to say to the Senator that it is not only not a departure, but it is in strict accord with a number of precedents on this subject. If he will take the trouble to examine the Statutes at Large, he will find that repeatedly the Congress of the United States has intrusted to the President of the United States a discretion with respect to the increase of the Army. I call his attention to a provision found in the First Statutes at Large, enacted in 1799, page 725. That act commences in this way:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be lawful for the President of the United States, in case war shall break out between the United States and a foreign European power, or in case imminent danger of invasion of their territory by any such power shall, in his opinion, be discovered to exist, to organize and cause to be raised, in addition to the other military force of the United States, 24 regiments of infantry—

And so on to the end as to each arm of the service, enumerating what the forces shall be by which the Army of the United States in a contingency shall be increased.

Then it is provided in section 5 of this act:

That it shall be lawful for the President of the United States, at his discretion, to discharge the whole or any part of the troops which may be raised by virtue of this act, whensoever he shall think fit.

Now, it is true that that legislation was had in contemplation of apprehended war with France, and there was a threat, a menace of danger. The Congress of the United States, instead of raising an army and providing for its organization, simply provided that the Army might be raised, consisting of an organization it prescribed, whenever the President of the United States in his opinion should see fit to take such action, and then it provided that the Army so raised by the President under the power delegated to him should continue until the President saw fit to reduce it, and he should be the judge of the extent to which it should be reduced. He might reduce it in whole or in part. That is the provision of that statute.

Now, I have before me also volume 3 of the Statutes at Large, and at page 224 is found the act of March 3, 1815. I read the first section of that act, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the military peace establishment of the United States shall consist of such proportions of artillery, infantry, and riflemen, not exceeding in the whole 10,000 men, as the President of the United States shall judge proper, and that the Corps of Engineers, as at present established, be retained.

In other words, the discretion is left to the President to determine in what proportion the various arms of the service shall be to the total aggregate of the Army as prescribed and authorized by Congress.

I have before me also, Mr. President, the ninth volume of the Statutes at Large, and at page 11 of this volume I find the act of May 13, 1846, and this is the provision:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and is hereby, authorized by voluntary enlistment to increase the number of privates in each or any of the companies of the existing regiments of dragoons, artillery, and infantry to any number not exceeding 100 whenever, in his opinion, the exigencies of the public service may require the same, and to reduce the same to 64 when the exigencies requiring the present increase shall cease: *Provided*, That said enlistments shall be for the term of five years, and no longer, unless sooner disbanded by the President.

In other words, by this last act to which I have called attention there was absolute and unqualified discretion given to the President as to the increase of the Army within the maximum limit which Congress had seen fit to provide by law.

Now, what is it that Congress proposes to give to the President here? In the first place, we propose to create an army that shall have a minimum force of 58,000—if those are the correct figures. Then we are to have such an increased force, within a maximum named, as the President, in the exercise of the discretion conferred upon him, may see fit to employ. Now, what is that discretion? In the first place, by renumbered section 26 of the bill under consideration, the President is authorized as follows:

That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this act during the present exigencies of the service, or until such time as Congress may hereafter direct.

In other words, having reference to existing conditions and the fact that we already have a difficulty to contend with, the President is authorized to maintain the Army at the maximum force fixed by this bill, if it become a statute, until that emergency shall pass away. In another provision the maximum is fixed at 100,000.

Now, if the Senator's amendment should carry, as I pointed out to him a while ago, these provisions, to which I understand him to say he has no objection, namely, keeping the Army at 100,000 until the emergency passes, would be rendered ineffective—I understand the Senator to say that he has no objection to 100,000 men until the existing emergency ceases. They would be negatived by the force of the amendment which he offers. And why? Let us turn back to the bill and see what is provided.

Mr. BACON. The Senator has evidently not kept up with the progress of the proceedings this morning.

Mr. FORAKER. I have observed that the Senator has been traveling about from place to place rather rapidly in this discussion, but I think I have kept pretty close track of him.

Mr. BACON. I think not, and I think when I have pointed it out, the facetious remark of the Senator will be found to be quite incorrect. The amendments to which he is now directing his attention with so much energy have been distinctly withdrawn by me and other amendments offered in their place.

Mr. FORAKER. What is the amendment that is now offered?

Mr. BACON. The amendments which I offered are amendments which I was told by the committee would be agreeable to them. They provide simply for the insertion in each of the clauses, after the word "President," beginning on the sixteenth page, of the words "during the present exigencies of the service."

Mr. FORAKER. Ah!

Mr. BACON. In other words, using the same language which is found in section 26.

Mr. FORAKER. I was not unmindful of the fact that such a suggestion had been made by the Senator, and that there had been on the part of some Senators an expressed intention or willingness to comply with it. I am opposed to that. I do not want any such words inserted in the bill, and I shall oppose the amendment whether it comes from the Senator from Georgia or the Senator from Vermont or the chairman of the Military Affairs Committee, for it does not seem to me that it can be properly put in this bill without doing violence to the most attractive feature of this measure to me. Now, what is it?

Mr. HAWLEY. Will the Senator kindly specify this matter to which he is objecting?

Mr. FORAKER. I am alluding to the matter referred to by the Senator from Georgia. The Senator from Georgia has offered certain amendments to the bill. They are amendments which do away with or affect the flexibility of the Army bill as to the different organizations. Now, when I am discussing that, before I have had time to urge the point that the Senator now precipitates, I am told by him that he has withdrawn those amendments, in view of the willingness of the chairman of the Military Affairs Committee to insert the word "exigencies" in these several provisions, and it is about that that I desire to speak. I was not unmindful of what had been suggested and what had been intimated would be accepted, but I have not yet reached that point.

Mr. HAWLEY. I will yield to nothing that will take away the flexibility of the Army.

Mr. FORAKER. I am glad of that.

Mr. HAWLEY. If the President should find, because of some

great disaster by sea or on land, that his forces—say the artillery or some especially necessary branch of the service—had been reduced 4,000, I shall insist that he shall have the power to fill it up again.

Mr. FORAKER. Certainly.

Mr. HAWLEY. And have the Army vibrate anywhere between the minimum and 100,000.

Mr. FORAKER. I was sure the Senator would have exactly that opinion about it.

Mr. HAWLEY. I do not want anything else.

Mr. FORAKER. For fear there might be some question with others on that point, I took the floor as I have in order that I might say something in regard to it. I was only approaching it. I was speaking of the amendments of the Senator from Georgia as he offered them. I intended to come presently to the amendment of his amendments.

Mr. President, I have spoken of the flexibility of the Army during these existing emergencies as provided by section 26. I want to speak now of the other provisions for flexibility found in this bill. What are they? The President is authorized, under each of these provisions with respect to the different arms of the service, to increase that particular arm in his discretion to a maximum that is named. What is meant by that?

Just as the Senator from Connecticut, the chairman of the Military Committee, has now suggested, it means that if some emergency arises which induces the President to think that he ought to have more cavalry, for instance, than he has, or an emergency which calls for more artillery than the minimum named, or an emergency that calls for an increase of the Engineer Corps, the President shall have the authority to increase that particular branch of the service within certain limitations. In other words, he may increase the one for which he has the necessity instead of being compelled to increase them all alike.

So we have, with respect to this matter of flexibility, first, in the order in which I have called attention to them, a provision providing for the general increase of the whole Army during the existing emergency. I do not think anybody will pretend, in the light of what has been said here on this floor during this debate, that we should have a less Army than the maximum provided for by this bill until the existing exigency shall have passed away. I think we are all agreed about that, and that is a general provision applied to the whole Army, each and every branch of the service. He can increase it up to the maximum. Then, when that emergency shall have passed away and that flexibility will have passed away with it, there will remain—and this is what I want to call the attention of Senators to—a power in the President to increase the cavalry arm, or the infantry arm, or the artillery arm, or the Engineer Corps, if there should arise, in his opinion, a necessity for it.

Mr. President, is that a dangerous power to intrust to the President of the United States? The Senator from Georgia argues that it is. He argues that it is not only dangerous, but unprecedented. I have already pointed out that similar legislation to this has been heretofore enacted. I ought to have called attention in that connection to the fact that the law now in force—the act of 1898—provides for this same flexibility and intrusts it to the President of the United States, and certainly no harm has come from it. But consider what it is we are conferring upon the President. Is it dangerous as compared with his other powers with respect to the Army?

The President is the Commander in Chief. He can send the troops out of the country or keep them in the country. He can concentrate the Army or distribute it. He can send them to one section or the other, as in his judgment the exigencies may require. That is not accounted a dangerous power, and yet it might be made a dangerous power in the hands of an unscrupulous and designing President. But it is one of those powers which of necessity must be intrusted to some one, and, of course, necessarily to the Commander in Chief, who is the President of the United States.

Now, we have trusted all our Presidents with that kind of power, and necessarily, for a hundred years, and without injury or bad result in any respect. We can, in my judgment, safely continue to intrust that power to the President, and can continue to intrust it for all time to come, so long as our present institutions of Government continue, at least; and if such a power as that—other illustrations equally potent might be given—can be safely intrusted to him, surely we can safely intrust to him also the power to say whether or not in a contingency not now foreseen, but of which he shall be the judge, the cavalry shall be increased slightly, not the number of regiments, but simply the number of men in each regiment that shall belong to those regiments; whether they shall be increased from the minimum to the maximum or to any less degree that he may see fit to increase them.

Is it not safe, in other words, to intrust to our Commander in Chief, who has the entire disposition of our Army in sending it here, there, or elsewhere as he may see fit, the power also to increase it if in his judgment there is an emergency?

A mistake may be made as to the increase by some President we may have. I do not believe any serious mistake would have been made by any President we have ever yet had. I do not believe any serious mistake of that kind ever has been made. I do not believe the present President would make any serious mistake. I do not believe any President the people of the country are likely to choose will ever make any serious mistake in the matter of increasing any particular arm of the service under such provisions as we have in this bill.

This provision for flexibility is to me, as I said before in this debate, one of the best features of this bill. It is one of the best features because it enables us to keep the Army, when we have no real need of the Army, on a minimum basis, at the minimum figure, the least expensive and least burdensome figure at which it can be maintained. And it enables us the very moment danger is threatened to have it increased, increased throughout, by ordering each and every arm to be increased, or increased as to the artillery if we are threatened where that would be effective in resistance, or increased in any other arm of the service—in one arm or all the arms of the service.

Therefore it is that I hope the Senators in charge of this bill will not yield to the suggestion of the Senator from Georgia. I think we should enact it exactly as it is framed in that respect, and give to the President, because it is safe to do so, the power to increase the Army, as may be necessary, to the limit stated.

Mr. BACON. I call the attention of the Senator from Ohio to the fact that the Senator from Vermont [Mr. PROCTOR] and the Senator from Michigan [Mr. BURROWS], both of whom are members of the Committee on Military Affairs, expressed the opinion that the proposed statute as it now stands would not give the power to the President which the Senator from Ohio says is the chief excellence of the bill. It was only because of the fact that there is a difference between the Senators of the dominant party on that question that I ventured to draw this amendment in order to put at rest what they now differ upon themselves in construing the bill.

Mr. FORAKER. I think if the Senator from Vermont and the Senator from Michigan made that statement—I did hear it made——

Mr. BACON. They certainly did make it.

Mr. FORAKER. If they made the statement, and the Senator from Georgia says they did, they must have made it without having first looked at the bill, or they must have made it when they had the other provision upon which I first commented in mind. There are two provisions. One authorizes the flexibility on account of the present exigencies. The minimum is to be gone back to the moment this exigency passes. The other provisions of flexibility have reference to the various arms, the cavalry, infantry, etc., and there is nothing said there about exigencies, but simply about the opinion of the President. He shall have power to increase the Army from the minimum to the maximum as to each branch of the service in his discretion. This is the language of the bill:

Provided, That the President, in his discretion, may increase the number of corporals in any troop of cavalry to 8, and the number of privates to 76, but the total number of enlisted men authorized for the whole Army shall not at any time be exceeded.

There is a similar provision as to the infantry, the artillery, and the Engineer Corps.

It seems to me that that does authorize the President of the United States, without regard to any exigency which now exists or any exigency which is in this bill described, to increase that particular branch of the Army whenever he, in his opinion, may think it ought to be increased. This provision is clear. I do not see how there can be any room for doubt, although it is doubtless to be assumed that the President will order an increase only when there is an occasion for it.

Mr. PLATT of Connecticut. May I call the attention of the Senator from Ohio to another feature which is not alluded to in his very excellent presentation of this subject? If it were possible to suppose that the President at any time should authorize enlistments above the minimum to an extent which Congress thought was improper, at the very next session of Congress the whole matter is in the hands of Congress not to appropriate for them. It seems to me that this distrust is as much a distrust of Congress as it is a distrust of the President.

Mr. FORAKER. I am very much obliged to the Senator from Connecticut for calling my attention to that point. I had intended to advert to it, but I spoke without any thought before I took the floor of what I would say, except in the most general manner, and that escaped me.

It is true, as the Senator from Connecticut says, that the distrust which is expressed here with respect to some President we may have in the future, or the present President, if you want to apply it to him, is at the same time a distrust, impliedly at least, as to the Congress of the United States, for what we are giving to the President a discretion about is a discretion to be exercised under this bill

which Congress can correct, and would correct, as every Senator knows, the moment there would be any violation of the spirit or the language of the provision.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia [Mr. BACON].

Mr. FORAKER. Let it be read as it now stands.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 12, section 2, line 17, after the word "President," insert the words:

during the present exigencies of the service.

Mr. FORAKER. I wish to say to the Senator that I understood him only to say "in certain exigencies," but it appears that he here has adopted precisely the same language that is found in section 26.

Mr. BACON. Certainly, and the reason why I used that language is because it is the language used by the bill in another place conferring similar power.

Mr. President, I do not think that the contention of the learned Senator can possibly be maintained, that the present scheme of the bill is in harmony either with the institutions of our Government or with the practice of the Government. The Senator has read, in support of his contention, various statutes which have been enacted by Congress. The first one is the act of 1799, which, as he very correctly admitted, was an act passed in view of the urgent apprehension of war with France.

Mr. President, the conditions at that time must be taken into consideration in judging as to what was the view of Congress in the enactment of such a law. There were then no railroads and no telegraphs, and it took weeks even to communicate with the different parts of the country, as limited as it then was. It would necessarily take a long time for Congress to be assembled. Another thing is to be considered, and that is that the first intimation we had of war might be when the enemy appeared on our coast, because we had no submarine telegraph then to inform us of what occurred in Europe. Therefore it was recognized that there was a necessity that the President should be in a position to act promptly to meet an emergency when it would be impossible for him promptly to summon Congress to itself direct him what to do.

There is nothing, Mr. President, in the act of 1799 which in the remotest degree contemplates the conferring upon the President of the United States of a continuing power to increase and decrease the Army of the United States, according as he might judge there should be such increase or such decrease. There is not a line or a letter of it that can be construed in support of such a proposition. It simply authorizes him to proceed in case of an invasion, and, while the general terms were used, it simply meant if France should make war with America you are authorized to go ahead in the most energetic way within the limits expressed here to raise an army to meet it.

It was an absolute necessity that such should be the case for the safety of the country. One of the sections provides that if this emergency should arise and Congress should not be in session the President should proceed to commission the officers of it without waiting for the advice and consent of the Senate, showing the intention which was in the mind of Congress at the time.

In the same way, Mr. President, was the act of 1815. I ought to remark, before passing from that, that not only was the act of 1799 not intended as a continuing power. There was not a word in it which indicated that it was the purpose to make a permanent system under which the President of the United States would be authorized to increase or to decrease the Army at his will, but so soon as the emergency passed even that law was repealed.

Mr. President, it is not in contemplation here that the repeal of this law shall take place after the passing of any emergency. There is not a Senator on the floor who favors the bill who would say that he understands the purpose of the bill to be limited to the present exigency. On the contrary, they propose to provide an elasticity by which the President, not Congress, may in the future adapt the size of the Army to what he may consider to be the needs of the country. This is not designed as a temporary law; it is designed as a permanent law. The act of 1799 was designed as a temporary law to meet an emergency, and as soon as the emergency passed it was promptly repealed.

Now, Mr. President, as to the act of 1815, that gave no power to the President to increase or decrease an army. It simply gave the power to the President to raise an army of 10,000 men, that, and that only. There is no suggestion of any power to the President of the United States, as there was not in the other, that he should in his discretion increase or decrease the Army within a large range.

Mr. FORAKER. Will the Senator allow me a moment?

Mr. BACON. Certainly.

Mr. FORAKER. Are the constitutional requirements different in time of war from what they are in time of peace? The Senator is admitting now, and that is what I call attention to, that certain acts have been passed by Congress to the constitutionality of which he makes no exception, and nobody else ever took exception to them in any other respect. But he says they applied only in time of war. The burden of his speech this morning, so far as I took exception to it, which was practical and immediate, was that this measure is unauthorized by the Constitution and contemplates——

Mr. BACON. The Senator from Ohio entirely misunderstands the presentation as I endeavored to make it. My contention is that in the statutes which he has read, there was a distinct power given to the President to raise a particular army for a particular purpose, and that there is in no one of these statutes the feature which I say is unconstitutional, which is the continuing feature, at his will and in his discretion, to raise or decrease the size of the Army.

Mr. FORAKER. I merely wanted to understand the Senator. I was apprehensive that I did not, and I see I did not. The Senator must admit that the statute cited—I think it is in the statute of 1846—does provide as explicitly as this bill for flexibility; that the President may increase the number, for instance, of privates in a cavalry company to a named number, and then he may decrease to a minimum number. Now, there was no war at that time.

Mr. BACON. There was one imminent.

Mr. FORAKER. There was one imminent, I know.

Mr. BACON. And it immediately followed.

Mr. FORAKER. But nobody knew certainly that it would come; and even if it did come, the President was to have that power in war. I want to know if this power of flexibility is confined to war; and if so, what there is in the Constitution that places such a limitation upon it?

Mr. BACON. Mr. President, when the Congress of the United States passes a law with reference to a particular occasion and sets the limits, it is controlling so far as it is possible within the statute to control it; but when it absolutely abdicates its powers and puts a permanent statute upon the books to the effect that the President of the United States shall have the power in peace and in war and for all time, because there is no limitation——

Mr. SPOONER. If the Senator will permit me, does he observe the force of the language, "or until Congress shall otherwise direct?" Does the Senator make the proposition that Congress is shackling itself a particle by this bill, if it shall become a law, as to any power which by the Constitution is conferred upon Congress for the raising of an army?

Mr. BACON. I say undoubtedly Congress is abdicating its power.

Mr. SPOONER. In what respect?

Mr. BACON. If the Senator will permit me, I will endeavor to come to that point a little later. If I do not, I hope the Senator will remind me before I take my seat, because I want to say something on that subject.

Mr. SPOONER. I certainly will.

Mr. BACON. I say, Mr. President, replying first to the Senator from Ohio, that there is a vast difference between a case where Congress passes a law in view of an imminent war which says that the President of the United States may raise a certain number of troops, and if the emergency passes he must discharge them, and a case where it is proposed to put upon the statute books a permanent law.

Mr. FORAKER. Is that a constitutional provision?

Mr. BACON. If the Senator will pardon me, I got this far before and the Senator from Wisconsin stopped me. I want to complete it, please.

Mr. FORAKER. I beg the Senator's pardon.

Mr. BACON. I say there is a vast difference between that and a permanent law by which the Congress of the United States says that hereafter whenever, in the judgment of the President of the United States, it is important or deemed wise by him to add 50,000 men to the Army he can do it, either in peace or in war, and without reference to any emergency which is now in the contemplation of Congress. I say there is a difference, and a wide difference.

Now, Mr. President, in reply to the Senator from Wisconsin [Mr. SPOONER] as to whether or not it is abdication by Congress of its power to pass such a law as this, the Senator asks whether the reservation in this law "until Congress shall otherwise provide"—that I understand to be the meaning of his question—is not such a reservation as would exclude the idea that it was intended as a permanent grant of power. Am I correct?

Mr. SPOONER. I think the Senator is partly correct, and partly the Senator misunderstands me.

Mr. BACON. Very well; that is the reason why I asked the question. I want to be sure.

Mr. SPOONER. I asked the Senator how he could call that a permanent law which provided that it shall continue in force only until Congress shall otherwise direct. In other words, is there any law which we pass which continues in force any longer than Congress otherwise directs? If it be a law it continues within the power of Congress. I do not know of any law which can be passed by Congress in regard to the Army that is not always subject to the control of Congress. Does the Senator know of any such law?

Mr. BACON. Mr. President, the Senator evidently intended exactly what I said before, that the expression——

Mr. SPOONER. It requires no reservation by Congress in order to enable Congress to act upon this subject whenever it chooses.

Mr. BACON. Undoubtedly.

Mr. SPOONER. The only point of the provision is, as I understand it, that it gives the President some elasticity or power as to his judgment of exigencies, which I think it ought to do, until Congress shall act; that is all.

Mr. BACON. No; until Congress shall otherwise direct. Is not that the language?

Mr. SPOONER. It is the same thing as "until Congress shall otherwise direct," because his power would not be interrupted at all if Congress reenacted the same provision. That is what I understand that to mean.

Mr. BACON. Very well. Now, I am coming to the point that the Senator's inquiry makes necessary. I trust I may have the attention of the Senator from Wisconsin. I say those words are words that are entirely surplusage; that every act of Congress might be expressed, "This is the law until Congress provides otherwise," and it is that way without the words or with the words, and the words may as well not be there. They do not mean anything, because every statute means that without the words. Every statute is the law until Congress provides otherwise, and it is not necessary to express in the statute that it shall be the law until Congress provides otherwise.

Mr. SPOONER. The Senator misunderstands me in part. I did not mean to say, nor do I think I did say, that those words were efficacious at all so far as they related to the power of Congress; but I think with the disjunctive they are effective so far as the power of the President is concerned, as I think they ought to be. I do not know what construction would be put upon the words "present exigency." Possibly some one might contend, and I presume many Senators would contend, that it is limited to a surrender in the Philippines. That might not be at all adequate to the interest of the country or the protection of the Army.

If there were peace in the Philippines to-day it might be that pending the establishment of a government of the people there it would not be safe to withdraw the forces, perhaps, down to 10,000 men. We have had a notification read within a week, signed by 2,000 men in the Philippines, that if peace shall come there it will be a temporary peace, and that under cover of it preparations will be made for another insurrection.

Although strictly construing the words "the present exigency," that is, the exigency dated from to-day, there might still be, in the opinion of the President, necessity for maintaining a force there for police purposes and for the protection of the people and all that.

I construe the phrase "or until Congress shall otherwise direct" to authorize the President, if in his judgment the public interest requires it, to maintain that force in the Philippines until Congress shall otherwise direct. That is the only effect I can see to that phrase in section 26. Of course, it has no effect whatever upon the power of Congress. I never intimated that it did.

Mr. BACON. Now, Mr. President, to return to the question as to whether this is an abdication of the powers of Congress—because I think that is the vital question here—whenever a statute is put upon the books it means that it is the law until Congress otherwise directs, whether it is so expressed or not. Whenever a statute is put upon the books it is put there with the idea that it shall always be the law unless Congress shall change its mind.

In other words, so long as conditions remain as they are at the time of the enactment of the law, the presumption is that it is a wise law. That is a very violent presumption sometimes I think, especially in the present instance, but it is the presumption in the case of every enactment that it is the proper thing to be done, and Congress does it because Congress believes it to be the proper thing to be done. Therefore, in the enactment of the law Congress contemplates a law which will be permanent.

Now, Mr. President, that is the contemplation of this proposed law. The contemplation of this proposed law is that it shall be a permanent law, and there is not a Senator on the other side of the Chamber who will rise in his place and say that he contemplates this as a temporary law.

Mr. HAWLEY. I say so. The Senator knows this enactment can not last; that the lifting of the finger of Congress will sponge it out.

Mr. BACON. Oh, undoubtedly.

Mr. HAWLEY. The Senator knows that perfectly well. There is no permanent law. There is not even a permanent Constitution, for the Constitution contains the elements of its own destruction.

Mr. BACON. Unfortunately, under the influence of certain political powers, there is a very great danger that there is to be no permanent Constitution. It is the great trouble and the great evil and the great menace and the great danger to the people of this country that certain parties have made up their minds that it shall not be permanent.

Mr. HAWLEY. Name them.

Mr. BACON. Well, the Senator hardly means that.

Mr. HAWLEY. Name one.

The PRESIDING OFFICER. Senators must address the Chair——

Mr. BACON. I decline, if that will satisfy the Senator.

The PRESIDING OFFICER. And must not interrupt the Senator who has the floor without his consent.

Mr. BACON. The danger is not that they will meet on the steps of the Capitol and declare that the Constitution is abrogated, because the people would not sustain them and it would not be permitted, but the danger is that little by little the foundations are to be removed until after a while it will topple and fall.

It has gotten so now, Mr. President, that when one in this Chamber endeavors to maintain a proposition by measuring it to the requirements of the Constitution, what he says is disregarded and often laughed at by some people in private if not in public.

But I come back to the proposition, because I have been led away from it several times, as to whether this is an abdication of the powers of Congress. I repeat what I said this morning, that while it is bad enough for history to repeat itself by the aggressions by which, without the consent of the legislative body, its powers are taken away from it, it is a thousand times worse when that body itself abdicates those powers.

Now, is this an abdication? This is intended as a permanent law—Senators have avowed it here—so that it may adjust itself to the needs of the future. It is intended that permanent power shall be in the hands of the President to increase or to decrease the Army of the United States. If that is a power which, under the Constitution, properly belongs to the legislative body, and we delegate it to the President and say we will not hereafter pass laws which shall say when the Army shall be increased or decreased, but the President of the United States shall be clothed with the power, then, I repeat, we have abdicated our proper powers, and our powers in one of the most important features incident to and belonging to a free government.

Mr. President, I know it is perfectly common now for Senators and others to put aside the suggestion that there may be any danger to our institutions in anything, that there may be any danger in the surrender of any of the restrictions which our fathers thought it necessary to throw around those who were invested with power, but it is with governments and institutions as it is with people. No man thinks he is going to die. Each man thinks that the time for his death is going to be postponed in his case to the utmost limit. And yet we hear of men dying around us every day. The history of the world is in the decay of institutions and in the death of governments. I repeat, it is not done in a day, but everything which weakens the foundations of the structure hastens the time when it will come.

For one, Mr. President, I appreciate the dignity and the powers of the legislative department of this Government. It was the design of the framers of the Constitution that these great powers of government should be exercised by the legislative body, and in the enumeration of powers almost every power of government is conferred upon the Congress of the United States, meaning thereby the lawmaking power. For one, I do not intend by any act of mine to surrender any jot or tittle of that power, whether the Executive who is to receive the benefit of it be a man who belongs to my party or one who is opposed to it.

I will say, Mr. President, that one of the first speeches I ever made in this body was in the assertion of the powers of the legislative department as against the encroachments of the Executive at a time when the Executive chair was filled by a man who had been elected by Democrats. I care not, Mr. President, if the Executive chair were filled by the man who stood nearest to me personally as well as politically, I would never, under any possible influences or for any possible purpose, surrender the least particle of power which I think properly belongs to the legislative department of the Government.

Now, Mr. President, if Senators will pardon me for going a little further into this matter than I had intended, it was suggested in the debate last week, and has been repeated here to-day, that Congress still retains in its hands the power to control this question, owing to the fact that it retains the power to appropriate money or to reduce the appropriation of money. That, of course, is an answer to a certain extent, but it is not a complete answer where there is no limit put upon the discretion of the President.

There is nothing done by which the Congress can say to him, "You abuse that discretion." If the President of the United States, supposing the Army had been decreased to the minimum, should, upon the adjournment of Congress on the 4th of March, increase the Army 50,000 men and keep it at that maximum figure for nine months, until the next Congress should convene, and should send in his message here saying that he had done it, is there any Senator here, I care not whether he belongs to the party

of the Executive or is opposed to the party of the Executive, who would refuse to appropriate money for the purpose of paying the expenses of the Army for the nine months when increased 50,000 men?

It is true, Mr. President, that ordinarily the expenses of the Army are estimated for and are provided for in a bill which we pass here in advance. The Senators will easily remark that in the case contemplated by this bill it is an impossibility for Congress to estimate what will be the military expenses. It is an impossibility for Congress in an appropriation bill, under the terms of this bill, with any accuracy to determine what amount of money should be appropriated for the succeeding fiscal year. It is in the contemplation of law that in these nine months there is going to be or may be unexpected increases. Here is an unexpected increase.

Right here this brings up an objection to this bill which had not occurred to me before, but which is a most serious one; and that is, that under the terms of this bill and under the practical operation of it, as I have just suggested, not only would the President of the United States have the power to determine upon an increase of the Army to the extent of 50,000 men, without any suggestion or warrant of authority from Congress, but it puts it in the power of the Executive to practically appropriate that much money, increasing the expenditures of the Government without any act of Congress, because we put in his hands a power, in the exercise of which in his own discretion he would incur an expenditure that no legislator, I care not what may be his attitude toward the Executive, could possibly deny the appropriation of money to defray.

So, Mr. President, it is not simply a question of increasing the Army; it is not simply a question of the legislative branch of this Government abdicating its power to determine what shall be the size of the Army; it is not simply a question of putting it into the power of the President of the United States to increase the Army 50,000 men whenever he sees proper to do so, but it is a question of putting it into the power of the Executive to increase the expenditures from thirty to fifty million dollars in the course of one year, and compelling Congress to appropriate without any suggestion from Congress in the way of the initiation of that expenditure.

Mr. CAFFERY. Will the Senator allow me?

Mr. BACON. Certainly.

Mr. CAFFERY. I wish to ask the Senator whether the incorporation in the bill of the provision to which I have referred would be sufficient to render it constitutional from his standpoint? Would it meet his view to provide that the increase of the Army in this bill authorized—it may be an Army of 98,000 or 100,000 men—to the maximum provided shall be and is for the purpose of carrying on the war in the Philippine Islands to a successful conclusion? I ask the Senator whether he thinks the mention of the purpose of the increase of the Army would relieve the bill of its unconstitutional features?

Mr. BACON. I do not think the question of constitutionality, which I am now discussing, if the Senator from Louisiana will pardon me, is the question of the exercise by the Executive power of the right to increase or decrease the Army and to determine what shall be the size of the Army. I do not desire to evade the Senator's question in any way, and I will answer briefly what he says, although I desire to continue somewhat further on the line I was pursuing.

The Senator asks as to the constitutionality, as I understand it, of the Army being used in the Philippine Islands. Am I correct in that?

Mr. CAFFERY. I asked the Senator whether, if the purpose of allowing the President to increase the Army to the maximum was clearly set out in the bill—the present purpose I take it would be, and it is not denied, for the subjugation of the Philippine insurgents—I asked the Senator whether, if the purpose for which the Army is to be increased be put in the bill, it would be relieved of its unconstitutional features.

Mr. BACON. Mr. President, the objectionable feature of the bill is the fact that it does not limit the power to any occasion; but if the Senator from Ohio [Mr. FORAKER] is correct, it for all time in the future, so long as this law shall remain upon the statute books, puts it in the power of the President to increase the Army. That is what I say is the unconstitutional feature of it; that is what I say is the abdication of power by the Congress of the United States.

Possibly the interruption of the Senator from Louisiana [Mr. CAFFERY] was fortunate, as I might have pursued this line of thought longer than was consistent with my duty to the Senate that I should not unduly occupy its time, and therefore I break off on that question; but I want to say this——

Mr. CAFFERY. I am sorry I have diverted the Senator.

Mr. BACON. Oh, no, that is all right; and I was congratulating myself on that fact.

What I want to say, however, is this: In endeavoring to strike at the root of the matter I offered three amendments which took away the power of the President to increase each of these three branches of the service. Under the suggestion of the Senator from Vermont [Mr. PROCTOR] I withdrew those amendments, because I understood that it would be agreeable to those who are in charge of the bill that the same language should be used as to these three several branches as is used in section 26, limiting the exercise of the power to the exigencies of the service. If the Senate is content with that, while, of course, I do not favor the section, even with that amendment, it is a limitation which would remove from it the most serious objection to it, and I will not press the other amendments.

Mr. FORAKER. The Senator is aware that it is unnecessary, so far as these three provisions are concerned, that he should repeat that language, because the end is already accomplished by the provision of section 26, that the President is expressly authorized to maintain the Army at its maximum as hereinbefore provided "during the present exigencies of the service." Now, if you amend the section as proposed by the Senator from Georgia, you take away the maximum provision, and there will be no maximum, unless it be a maximum of 54,000.

Mr. BACON. Not by the insertion of the word "maximum."

Mr. FORAKER. No; if you will change it so as to insert that word, it would not; but as the Senator offered to amend the provision, it would take that away. If the Senator proposes to leave the maximum, it is unnecessary to amend this provision, because it is already covered by the provision of section 26. The reason I favor this is because I want this power to remain after the exigency has passed.

Mr. BACON. Does the Senator understand when the exigency has passed that the President will not again have the right to increase the Army?

Mr. FORAKER. Certainly. I understand the bill in this way: Under section 26 the President will be authorized to maintain the Army at the maximum, according to the organization provided for, until these exigencies shall have passed. Then when the exigencies have passed the President will reduce the Army, if there be no other exigencies, to the minimum. The power is left to him under the provisions of the bill to increase to the maximum again any branch of the service if, in his opinion, it be proper to do so.

Mr. BACON. It is for the exact purpose of correcting that latter provision that I offered the amendments.

Mr. FORAKER. It is such a wise provision that I favor it.

Mr. PROCTOR. If the Senator will allow me, I myself have no objection to these amendments, and, on a hasty word with the chairman of the committee, he did not see any objection to them. My opinion is that that is a fair construction of the bill; and I was for the moment led to assent to the amendments, hoping that that might end this discussion. However, it seems the more the Senator talks the more dangerous things he sees here. I can see plainly that any assent would not have the effect I hoped it might have. The Senator now sees the bugbear that it would give the President the power of appropriating money; and what will come next I can not say.

Mr. BACON. Only a word in that connection.

Mr. PROCTOR. I myself think I shall have to retract any seeming assent, and say that the only safe ground is to oppose this amendment and the various other amendments which the Senator has foreshadowed.

Mr. BACON. Before the Senator takes his seat, I should like to ask him a question. The Senator speaks of my suggestion that the provision would give to the President practically the power to appropriate money. I wish to ask the Senator if, during the recess of Congress, without any other authority than that which is expressed in this bill, and without there ever having been any appropriation of money to meet the expenses, the President should increase the size of the Army 50,000 men, when the Congress reassembled could the Senator imagine any possible circumstances under which he would refuse to vote for the appropriation of the money made necessary by that act of the President?

Mr. PROCTOR. When there is any amendment or any provision that touches that question I shall be ready to discuss it.

Mr. BACON. I have no doubt of that.

Mr. PROCTOR. But there is not any such question now pending, and I think there is no occasion to answer the Senator's suggestion.

Mr. ALLEN. If the Senator will permit me to interrupt him a moment, I wish an explanation of the phrase "during the present exigencies." What does the Senator from Vermont understand by the phrase "present exigencies?"

Mr. PROCTOR. I understand it refers principally to the situation in the Philippines and the necessity for our maintaining a large army there. I think the fair construction is not that when peace is sustained for a day or a week or a month the President is obliged to withdraw or reduce the Army under this bill, but when he is satisfied that there is a permanent cessation of trouble.

Mr. ALLEN. I wish to ask the Senator another question. I understand that legally a state of peace has existed between the United States and China for a great many years, but de facto we are in a state of war. Now, does the condition in China come under this expression "during the present exigencies of the service?"

Mr. PROCTOR. Well, Mr. President, that is a question which I think it is hardly necessary to discuss; besides it appears that the exigencies of the Government in China are about terminated; but perhaps just now the exigency exists in a small measure.

Mr. ALLEN. Perhaps the Senator will answer another question. Who is to determine when the exigency shall have passed away?

Mr. PROCTOR. The President of the United States, as I understand.

Mr. ALLEN. The Government of the United States is divided into three departments—legislative, executive, and judicial. That constitutes the United States Government. What particular branch of the Government is to determine when the exigencies are removed?

Mr. PROCTOR. I did not catch the Senator's question.

Mr. ALLEN. I ask what particular branch or branches of the Government of the United States are to determine when the exigencies referred to by the Senator from Georgia shall have been removed?

Mr. PROCTOR. The President of the United States "until," as the provision in the bill is worded, "such time as Congress may hereafter direct."

Mr. ALLEN. Are the people, the courts, the Congress, or the President to decide?

Mr. PROCTOR. I thought I answered the Senator's question that the President of the United States is to decide.

Mr. ALLEN. I did not hear that. I beg the Senator's pardon.

Mr. PROCTOR. The President of the United States is to decide, unless Congress directs otherwise. It is all the time under the direction of Congress.

Mr. ALLEN. Do I understand it to be true that the Army will continue at its maximum strength, at about 108,000, indefinitely, until some President of the United States proclaims officially that the exigencies have been removed? That is correct, is it not?

Mr. PROCTOR. The Senator will notice that the bill expressly limits the possible number of the Army to 100,000.

Mr. ALLEN. That may be so, but my understanding is that the bill permits the Army to be increased to about 108,000.

Mr. PROCTOR. That is impossible under the bill.

Mr. ALLEN. Very well, make it a hundred thousand. Then I put this question: Under the bill making the Army 100,000——

Mr. PROCTOR. The Senator from Colorado [Mr. TELLER] made that suggestion, but he now says that he was mistaken, and that the maximum number is 100,000.

Mr. TELLER. I had figured on the first clause, but I think the last clause is undoubtedly the controlling clause.

Mr. ALLEN. That is a mere bagatelle. The real question is, that it is really within the discretion of the President to determine when the exigencies are removed. Then, suppose that this thing continues for, say, five, ten, fifteen, or twenty-five years, and there is no proclamation or no official action on the part of the President of the United States saying that the exigencies have been removed, will the increased Army continue that long?

Mr. PROCTOR. Unless Congress shall otherwise direct.

Mr. ALLEN. Unless Congress shall repeal this law?

Mr. PROCTOR. Or fail to appropriate for the Army.

Mr. ALLEN. Or fail to appropriate for the Army. Of course Congress can not appropriate to sustain the Army for more than two years at any one time. Then Congress will be forced, if it disagrees with the Executive, to fail to appropriate the necessary money to maintain this Army and by that means drive it out of existence. Is that correct?

Mr. ALLISON. I should like to suggest to the Senator from Nebraska an answer to that question. This Army of ours under existing law, and under the law as it will stand if this bill shall pass, consists of soldiers enlisted for a term of three years. Therefore, this Army will be constantly changing in its personnel.

The whole question must, in the nature of things, be within the discretion and the power of Congress. We have over and over again, in our statutes making appropriations for the Army, provided that the appropriation for the enlistment of recruits and their transportation should not be used for an Army beyond a certain number, and, though this bill provides for a maximum of 100,000, Congress can in any appropriation bill, at any time, as we have done year after year, say that the appropriation for recruiting and the transportation of recruits shall not be used for an Army exceeding 80,000 men or 75,000 men. To my mind no minimum should be fixed. Such a provision would lead to confusion. That minimum was probably put in because we wanted to increase the number of regiments and wanted to have a skeleton army of a larger number than 54,000 men, which, when an appropriation was made, could be used as a basis for 100,000.

So, Mr. President, when we adjourn on the 4th of March and come here in December the whole control as to the maximum number of men who shall be used in the Army will be within the competence of the Congress to say whether it shall continue at 100,000 or 85,000 or at any other number. Therefore the statement that we are fixing an Army here of 100,000 men which will not be within the control and supervision of Congress is, to my mind, an immaterial suggestion. Of course, this Army will consist of 100,000 men if next year we shall appropriate for 100,000 men, and also appropriate money to enable the President of the United States to recruit one-third of this Army during that year. It can not be done otherwise, because when the terms of enlistment expire the Army is pro tanto reduced, and it can not be increased without an appropriation providing for recruits from year to year.

I am not troubled at all about these provisions of the bill, which are simply provisions which place in the power of the President a flexibility which, in the nature of things, he must use within the appropriations of money given from year to year by the Congress; and if he had a purpose to use it improperly, contrary to law and the judgment of Congress, the very next session of Congress would check that judgment and limit the appropriation. So there is no abdication of the power of Congress here, and there is no limitation upon the power of Congress, except that limitation which we have fixed in our statutes hitherto, but never before, so far as I know, bringing the Army down to a minimum. This bill, however, for the purpose of providing for this flexibility, fixes a minimum number and a maximum number; but that is of no moment. We can make the minimum less than 50,000 hereafter if we so decide in Congress. It is a perfectly legitimate thing upon the Army appropriation bill to limit the appropriation for recruits for the Army.

Mr. President, this bill, if it is passed as it now stands, gives no greater additional power to the President of the United States than he now has, or any power which he is likely to exercise unduly, or that any President, whether this year or four years or ten years from now, will be likely to so exercise.

Now, I should like to ask the Senator from Nebraska whether he does not think it will be within the competence of Congress next session, or two years from now, if we think that 100,000 men are not necessary, to say that the Army shall not be recruited beyond 85,000 or 75,000, as the exigencies of that period may require? So there is no danger, and there can be no danger, in the provisions of this bill, as I understand them, respecting the size of the Army from year to year.

Mr. ALLEN. I should dislike very much to put the Senator and his party in Congress at cross purposes with the Chief Executive. I want to see the utmost harmony prevail in Republican circles between Congress and the Executive.

Mr. ALLISON. I am very glad to know that.

Mr. ALLEN. Wait a moment. I can well understand how Senators of the long service and distinguished ability of my friend from Iowa can rest content under a bill expressed in this language; but for one of limited experience, perhaps I might say, parenthetically, somewhat of a stranger, I can see difficulties ahead.

Here is a provision that I doubt is to be found in any bill or in any act of Congress in the whole history of this Government. It is abnormal; it is unusual; it is the work of a mere moment, without reflection; and that is, that the President of the United States, without any restraint whatever from any source, can increase the Regular Army from a minimum of 50,000, or practically so, to 100,000, and retain it at that figure so long as certain exigencies, which are not mentioned, shall exist. What are those exigencies? The Senator from Iowa [Mr. ALLISON] may say that the condition of the Philippine Islands is one of the exigencies; the Senator from Georgia [Mr. BACON] may say the condition in China is an exigency; my distinguished friend the senior Senator from Tennessee [Mr. BATE] may say some other condition is an exigency. Who is to determine these things? Who is to determine what the exigency is? Why not mention it? Why not say it is the condition existing in the Philippine Islands or in China that constitutes these exigencies?

Now, who is to determine when these exigencies are removed? We are told the President of the United States, of course, being the Chief Executive of the nation and the Commander in Chief of the Army and Navy, both in time of war and in time of peace. In him, and in him alone, is vested this singular power of determining when these exigencies are removed, and in him, and in him alone, rests the power of determining what these exigencies are.

Then the Senator says that these things can be met in one of two ways. That is quite true. In the first place, the Constitution limits the power of appropriation to two years, which you could never, if you follow the Constitution—I do not know whether you follow it or not, but I sometimes doubt whether it has been

followed in many of its provisions—but if the Constitution is to be followed, you can limit the appropriation to two years. You can not exceed that, and by this means you can starve out this army. Does the Senator from Iowa contemplate a time when, in his opinion, the relations between the Chief Executive of this nation and Congress will be so strained that Congress will starve out an Army that the Executive of this nation thinks is necessary to meet an exigency?

Mr. ALLISON. The Senator wholly misunderstands me. We never have appropriated for an army for a period exceeding one year, and then we have appropriated for just such an army as Congress thought was necessary to provide for an exigency. Of course the President under this act can exercise this flexible power, but he can exercise it only when he has the support from year to year of the Congress of the United States as to the number of men that we think are necessary for the conduct of the Army from year to year and from time to time. Therefore that power, although lodged in the President by this bill, is always subordinated to the action of Congress when it shall come to provide for the appropriations necessary to maintain the Army. There is not the slightest difficulty about it.

Mr. ALLEN. I am not saying what Congress has done. It has done many things which it ought not to have done, and perhaps left undone many things which it ought to have done. I am talking about what it can do. It can make an appropriation not exceeding two years for the maintenance of the Army. That is the constitutional provision. Suppose we see fit to do so. Having done that, and the President of the United States says these exigencies still continue, does the Senator from Iowa say that Congress will not make an appropriation upon a suggestion of that kind for another two years, and go on unconstitutionally for an indefinite period of time?

Mr. ALLISON. Mr. President, suppose that Congress believes that next year, or two years from this time, an army of 75,000 men is enough——

Mr. ALLEN. And the President says it is not enough.

Mr. ALLISON. Very well. If Congress disagrees with him, it makes an appropriation for a less number, and, if it agrees with him, it will appropriate for the number of men that he thinks is necessary, and not otherwise.

We have not appropriated here from year to year in any appropriation bill, so far as I know, in exact accordance with the recommendations of the heads of Departments or the President. We exercise the power here in this body after it is exercised by the House of Representatives, they holding in their hands first the purse strings of this nation, and no appropriation can be made, according to the decisions and long usage of Congress, until it is first provided for in the House of Representatives. The two Houses must act upon the Army appropriation bill as they act upon the river and harbor bill and upon other appropriations that come to us from year to year, and they fix the amount of the appropriation, which necessarily limits the expenditure.

Mr. HAWLEY. Will the Senator allow me to ask him a question? Can not the same Congress revoke the appropriation at any time?

Mr. ALLISON. Certainly.

Mr. HAWLEY. It has just as much control over the application as the giving?

Mr. ALLISON. Certainly. There is no doubt about it. If it has not been expended, they can revoke it. But the Senator now apprehends a danger in the distant future that some Congress will come here and will make an appropriation for two years, and that therefore after that Congress adjourns the President can exercise this power for a year or more. That is the implication of his argument.

I venture the statement that no Congress will ever propose an appropriation for the Army or the Navy or for any other purpose, giving a discretion to the Departments for a longer period than one year, unless it be a case where the expenditure can not be made within a year. So there is no danger from the suggestion made by the Senator from Nebraska that we will appropriate money, extending beyond a year, at any time, for the Army or the Navy. These matters are constantly within the supervision and control of Congress, and no President will or can exercise a power contrary thereto.

Mr. ALLEN. The Senator from Iowa has taken up a mere incident of what I have said as the principal item.

Mr. ALLISON. If so, I beg pardon.

Mr. ALLEN. But now suppose, when you come next year to the appropriation for the Army, the President says "the exigencies of this war still exist;" does the Senator contemplate that it is probable that the word of the President of the United States would not be taken by Congress, and the appropriation made?

Mr. ALLISON. I will ask the Senator, he having a part of the responsibility, whether he would not exercise his judgment, having all the facts and the surroundings and the situation before him, and, if necessary, say to the President in the appropriation: "We think you have made the maximum limit too high. We think you can get along with 95,000 men instead of 100,000." Would we not exercise that discretion and that power here? We always have done it.

Mr. ALLEN. Then the Senator from Vermont [Mr. PROCTOR] is wrong.

Mr. ALLISON. I am sorry if he is wrong, for he is scarcely ever wrong.

Mr. ALLEN. He is.

Mr. ALLISON. I did not understand him to take any other view of the subject.

Mr. ALLEN. The Senator from Vermont said that the sole power to determine whether the exigencies were removed was with the President of the United States.

Mr. BURROWS. In the first instance.

Mr. ALLISON. That is true for a limited period. If we provide here for a hundred thousand men and follow it with an appropriation for a hundred thousand men, then the President has that discretion, and he will exercise it, of course. But suppose we come here next year and the Military Affairs Committee, instead of appropriating for a hundred thousand men, appropriate for 90,000 men; then can the President increase it beyond 90,000 men?

Mr. ALLEN. What I was coming to was——

Mr. PROCTOR. Will the Senator allow me? The Senator from Vermont qualified that statement by adding "until Congress shall otherwise direct."

Mr. ALLEN. I did not hear that part of it. I stand corrected, of course. But what I particularly desire to refer to is that it is not reasonably probable that the time will ever come, at least for a great many years, if the Republican party remains in power a great many years, and I have no doubt it will, when Congress will fail to follow out the recommendation of the President with an appropriation for the Army; and if the President of the United States intimates to his party associates, who are dominant in both branches of Congress, that the exigencies mentioned in this bill still continue, so long as he does that, his party will give him an appropriation to keep the Army at its maximum. So, after all, practically speaking, the time will never come in the history of this kind of legislation, until the President himself says the exigencies are entirely removed, when the Army will be reduced to its minimum. If he fails to do it, the Army will stand at a hundred thousand twenty-five years from to-day as well as now. So, as a matter of fact, we have a permanent standing army of a hundred thousand men saddled upon us in time of peace.

Mr. CAFFERY. Mr. President, the Senator from Iowa [Mr. ALLISON] with his usual skill has suggested a method whereby the Congress can declare that the exigency does not exist for an increase of the Army. It goes without saying that whenever Congress votes to place so much confidence in a President of the United States, the Commander in Chief of the Army and Navy, as to give him the power to increase an army, it is to meet an exigency. If Congress thinks that the Regular Army ought, to be a hundred thousand men or a hundred and fifty thousand men, it has no need to say that that should only be so in case of an exigency. Congress is as capable of deciding what an exigency is as is the President of the United States, and perhaps more so, or equally as much so.

Mr. ALLISON. Is the Senator now arguing that all these provisions about exigencies should be struck from the bill?

Mr. CAFFERY. I have not reached that point of the argument at all.

Mr. ALLISON. That is the implication.

Mr. CAFFERY. When Congress increases an army from a peace establishment of 30,000 men, or allows the President to do so, to an establishment of a hundred thousand men, even without stating any emergency, it would be presumed that one existed to justify such an increase.

Mr. President, the method suggested by the Senator from Iowa is conspicuously a legal method to signify a dissent upon the part of Congress to the action of the President if he has swelled the Army to the maximum. The expedient is to fail to appropriate for the maximum. It is perfectly competent and within the power of Congress to do so. But the pertinent inquiry of the Senator from Nebraska comes in, "Why not let Congress declare what the exigency is that authorizes this increase up to a hundred thousand men from 30,000?" We all know what the exigency is. The people of the United States know what that exigency is. There is no use to confuse the matter by vague conjectures as to a possibility of conflict with England on the Isthmus, or as to any possible complication with China, or with the powers of the world that are seeking to divide and partition that ancient Kingdom or Empire. It is hardly within the remotest possibility that we will ever have a conflict with England in regard to our action respecting the Nicaraguan Canal.

But we have a present, glaring exigency. It is the war in the Philippines. That exigency may be covered, and I doubt not constitutionally, without mentioning it, as was the case in the Mexican

war, when the Army was authorized to be raised to meet an exigency. That exigency was known to all men at that period, and war was imminent. But we not only have a war that can be immediately forced upon us, but we have a war. Why not make the issue direct and plain, and say in this bill that, pending the disturbances in the Philippine Islands, the President of the United States is hereby authorized to increase the Army to a hundred thousand men and to maintain it at that maximum until the Filipinos are permanently subjugated. That is the point of the whole controversy. It may be met by giving to the President the power to raise this Army up to the maximum, but I take it that this increase is for that purpose, and not agreeing with the majority here or the President that the war should be waged for that purpose, I can not give my consent to this bill.

I see no constitutional objection, in my own mind, to giving the President the power to increase an army up to a certain point. Congress always has it within its power, even without any such expression as is contained in the bill—"until otherwise ordered by Congress"—through the method pointed out by the Senator from Iowa, to reduce the Army by failing to appropriate but for just so many men. That is evident. But when we are voting for an army of this kind, when it is proposed that an army of this sort should be raised, it occurs to me that candor requires that we ought to express upon the face of the bill the purpose for which the army is required.

My friend the Senator from Iowa, and other gentlemen on the other side of the Chamber who advocate the continuance of the war in the Philippines until the Filipinos are finally subjugated, know just as well as I do that this increase is not of a permanent character, and it is not designed for all future time to give the President of the United States the power to raise the Army up to the maximum of a hundred thousand men, or any other number to which he may choose to raise it.

Mr. HAWLEY. Mr. President, I think there is nobody in the United States who has the least fear whatever of the abuse of a President's power. I do not think we have ever since the days of George Washington, as a people, felt such fear, because the expenditure of the money and the conduct of the war are just as much under the control of the people as the winding of their watches. You need not talk about giving the President discretion, because the Constitution of the United States makes him Commander in Chief of the Army. He has the discretion already, in advance, conferred upon him.

But what troubles me is not a theory, not a wild misapprehension or pretension of misapprehension; I do not think anybody worries about that; the discussion is academic, as the phrase is. What troubles me is that we have to release about 30,000 of our soldiers and bring them a month's journey across the Pacific and send somebody in their places. The emergency is one that is coming very closely and very painfully upon us. Thirty-five thousand volunteers are to be sent across the Pacific. Thirty-five thousand are to go over. Seventy thousand ought to cross the Pacific before the 1st of July; and here are men discussing worn-out theses, things settled in the time of the Constitution, settled over and over again, and in fact they have been so thoroughly settled that the people had forgotten them but for this debate.

A very distinguished friend of mine, a doctor of divinity and at the same time really a statesman, was listening to a debate a good deal like this one day, and some one said, "What would you do if the President should do so and so?" He said, "Send a constable after him." That is what he would do—send a United States marshal after the President, summon him to a trial of impeachment, and turn him out dishonorably and disgracefully. The American people are strong enough for that, but they will never have occasion for it.

Fellow-Senators, I beg you to let this bill proceed and go through. I look with impatience on useless debate.

Mr. BACON. Mr. President——

Mr. HAWLEY. No, thank you. You have occupied half the time this morning, and more. You are capable of occupying the rest.

Mr. BACON. I beg pardon.

Mr. HAWLEY. I want to see the bill passed, and the work of raising troops to relieve the poor boys in the Philippines go on with rapidity. The War Department has begun to bring them over. They began, I think, with a vessel on the 15th of December. There are one or two vessels to come soon, one on the 1st and one on the 15th, as fast as possible, and they are relying upon us here to give them the means of supplying the deficiencies. We shall soon be where we can not bring even the sick boys back.

The earlier ships were filled with men utterly broken down or so nearly broken down that it was not worth while to keep them in the service. Charitably and gently and kindly the Government is picking them out to send them home. We can bring great distress upon this country very easily. We have nothing to do but to talk for a few months, and that we can all do, we know. That is all we have to do. Take the defense of our rights and our duties, our trusteeship of a wild and savage people and make it a farce and then see what a chapter you will have written in history. I care nothing about these questions. I want the money and I want the order to raise the troops to supply the deficiencies and put down our enemies and keep our flag where it is and maintain our honor.

Mr. SPOONER. Mr. President, a very few words on this proposition. I confess I do not see very much of gravity in any of the questions which have been discussed here in relation to this bill which seem to oppress my friend the Senator from Georgia [Mr. BACON], nor am I at all disquieted by any of those fears which seem to disquiet him. I have no fear, for one, that the Constitution is losing, anywhere or with anyone, its hold upon the people of this country. I think there has never been a time when there was more universal devotion to it than there is to-day, and the Senator from Georgia must not think—and I do not think he does—that those of us who favor this bill are willing to fasten upon the people the burden and expense of an unnecessary standing army.

I do not remember a time when there have not been patriotic men and able men and worthy men who did not see in some direction evidence of the destruction of our Constitution and our liberties. That apprehended evil has not come and it will not come. We may differ about the Constitution. We do differ about it. We all take the same oath to support it, however, and labor here for a common purpose; but when the limitations upon the Constitution and our differences of construction are settled by the tribunal which is created by the Constitution for that purpose, we all of us yield adherence to it and acquiesce in it.

The framers of the Constitution knew what dangers and burdens are involved in a large standing army. They knew what it had been in the country from which they came, and they did not intend that the people of the United States should be unnecessarily burdened in that way. They placed a restriction in the Constitution—not upon the President. They had no reference to George Washington or any succeeding President. They entertained no doubt as to the President, apparently. But they did entertain some doubt about the wisdom of Congress in the years to come.

They did not seem to think Congress would be the highest possible safeguard, under all circumstances, in respect of the Army, because the restriction which they placed in the Constitution upon that subject is a restriction upon Congress. They gave to Congress the power to raise and support armies, but lest Congress might put upon the country an unnecessary standing army they restricted the power of Congress in this wise: They provided that "no appropriation of money to that use shall continue for a longer period than two years."

Every two years the people elect a House of Representatives, in which these bills in practice originate. Every two years the people pass upon the fidelity and the judgment of their Representatives, and every two years the Congress, fresh from the people, is confronted with the question as to how large the Army shall be and how large the appropriation shall be. So, under the Constitution, the question as to an army is with the people, and there never can be under it for a period longer than two years a larger Army than the people consider necessary and desirable.

The Senator said the people were not awakened on this subject. The question of militarism was much discussed during the last campaign, and discussed upon the basis, also, of a recommendation by the President of the United States heretofore for a Regular Army of a hundred thousand men, and if ever there was evidence that the people—I do not take it as controlling at all—would not regard a hundred thousand men as excessive in the circumstances of to-day, we have had it as the result of the last election.

But, Mr. President, it is strange to me that Senators assert that Congress abdicates its function to the President, violates the Constitution, by fixing a maximum and a minimum for the Regular Army, with authority in the President to enlarge or decrease *within the legal limits*. We say it shall not be below fifty-two or fifty-three thousand; it shall not be above a hundred thousand.

There is flexibility in it. It is designed to meet emergencies, and there are emergencies which Congress does not foresee. None of us thought when Congress adjourned that it would become necessary for the President to send quickly two regiments of troops and a battery of artillery to China to protect the flag of the United States there from actual assault and the men who represent this Government there and their wives and their children from destruction. Exigencies will come. If we could foresee them always it would be well, but we can not.

The notion that nothing of discretion should be committed to the President has not, in my judgment, a sound foundation. There has been upon the statute book since 1795 a law giving large discretion to the President of the United States as to the militia. (Rev. Stat., sec. 1642.) The framers of the Constitution did not intend to leave it to an arbitrary determination by Congress each time as to what forces should be called into the field to protect the United

States or to maintain and enforce the sovereignty of the United States within its own limits. They gave to the Congress the power "to *provide for calling forth* the militia to execute the laws of the Union, suppress insurrections, and repel invasions."

In the exercise and discharge of that power Congress provided that the President should have power to call out the militia to repel invasions and to suppress insurrections; and within ten days after we adjourned on the 4th day of March, under that law which has been in existence almost as long as the Government has been in existence, the President can call a million men into the Army, volunteers, militia, compelling Congress when it met to pay for its services during those nine months, and to him alone it is left to determine the exigency and the number of men necessary to meet that exigency.

I agree entirely with the Senator from Georgia [Mr. BACON] that if the President, under the provisions of this bill, if it shall become a law shall raise the Army to the maximum, even though when Congress met we disagree with him as to the necessity, we would be obliged to pay the men called into the service, and so we would be obliged, under this old law, to pay the million men called for nine months into the service, even though when Congress met we were of the opinion that there was no exigency at all or that 50,000 men would have met completely the exigency. This power never has been abused in the history of this country. It never will be, I think it is safe to assume.

But it is not an unpatriotic or an unwise thing for us, legislating for a Regular Army, to keep in mind—that is all there is of it—that such exigencies may arise in the vacation calling for immediate action upon the part of the President and demanding the immediate use, in defense of the United States and its honor or for the maintenance of its laws and its sovereignty, of troops not already mustered under authority of Congress. During the Spanish-American war I think it will be agreed that as rapidly as possible men not needed were mustered out of the service, and so I think it will be hereafter.

Now, under this bill we are not providing that the President may raise such a Regular Army as he chooses. We are not leaving it to him to determine, without discretion or limit, the number of men who shall be brought into the Regular Army. We are placing that limit upon the Regular Army ourselves. We are fixing the size of the Regular Army. The President has not the power, nor is he given by this bill discretion, to add one man to the Regular Army above the limitation which we fix for the Regular Army. The only discretionary power that is given to him, and that is limited under the bill, in my judgment, is to meet an exigency which suddenly arises or to maintain the maximum until the present exigencies shall have passed away.

Mr. President, the minimum and maximum limit provided for in the bill I think of very great value, for we will have under it an educated and accomplished staff not too large for the minimum or too small for the maximum.

It is wise, in the public interest, and it is safe to leave some discretion in the President of the United States. I care not whether he belongs to my party or to some other party. He is chosen by the people. He rests under a solemn obligation, as we do, and I never yet have legislated upon the assumption or upon the theory that he may abuse a discretion, or that he will abuse a discretion which we confer upon him, for this Army, whether it is the minimum or the maximum, is an Army raised by the Congress and limited by the Congress.

The Senator would prefer, and I can understand easily the argument by which he would support that proposition, a temporary provision for present exigencies. I think that would be extremely unwise. That would be an attempt on the part of Congress practically to express the legislative opinion that an insurrection in the Philippines, if you please, would last a year or it would last two years. It would tend to incite their resistance and a prolongation of it, in my judgment. Moreover, under a temporary provision we might find ourselves again, as to troops for the Philippines, in the unfortunate situation which now embarrasses us.

I may be mistaken about it, but it might at least have that effect. I think it is wise for its moral effect as well wise in itself that we should provide, in creating a reorganization of the Regular Army, for a permanent plan, flexible in its character, enabling the Government, it always being in the hand of Congress, to bring it to the minimum or to increase it to the maximum as the public exigency demands it.

I have not heard it said here that the minimum is excessive. I have not heard my friend from Georgia, who is a patriotic and able man, intimate, so far as I remember, that the minimum is excessive.

Mr. BACON. I think it is.

Mr. SPOONER. Very well. I think it is not.

Mr. BACON. I will give my reasons afterwards if I have an opportunity.

Mr. SPOONER. The Senator will undoubtedly have an opportunity. I wish to call attention for a moment to what the President says upon that subject. It has not been read in the debate and it is brief:

The present strength of the Army is 100,000 men—65,000 regulars and 35,000 volunteers. Under the act of March 2, 1899, on the 30th of June next the present volunteer force will be discharged and the Regular Army will be reduced to 2,447 officers and 29,025 enlisted men.

That makes some action from two standpoints necessary. Everyone will admit that.

In 1888 a board of officers convened by President Cleveland adopted a comprehensive scheme of coast-defense fortifications which involved the outlay of something over $100,000,000.

Mr. ALLISON. One hundred and twenty-six million dollars.

Mr. SPOONER. My friend from Iowa says $126,000,000.

This plan received the approval of the Congress, and since then regular appropriations have been made and the work of fortification has steadily progressed.

Mr. BACON. On what page does the Senator read?

Mr. SPOONER. I read from page 37 of the President's annual message.

More than $60,000,000 have been invested in a great number of forts and guns, with all the complicated and scientific machinery and electrical appliances necessary for their use. The proper care of this defensive machinery requires men trained in its use.

And I suppose the people of the United States desire this artillery and these fortifications preserved and cared for just as other public works and property in which their money has been expended throughout the country.

Mr. CAFFERY. What number would the Army have to be increased to make that force efficient?

Mr. SPOONER. I will get to that in a moment.

The number of men necessary to perform this duty alone is ascertained by the War Department, at a minimum allowance, to be 18,420.

There are 58 or more military posts in the United States other than the coast-defense fortifications.

The number of these posts is being constantly increased by the Congress.

There has been great pressure, and there will be pressure, from time to time, in different parts of the country, notably from the far West, for Army posts.

More than $22,000,000—

The President says—

have been expended in building and equipment, and they can only be cared for by the Regular Army. The posts now in existence and others to be built provide for accommodations for, and if fully garrisoned require, 25,000 troops. Many of these posts are along our frontier or at important strategic points the occupation of which is necessary.

We have in Cuba between 5,000 and 6,000 troops. For the present our troops in that island can not be withdrawn or materially diminished, and certainly not until the conclusion of the labors of the constitutional convention now in session and a government provided by the new constitution shall have been established and its stability assured.

In Porto Rico we have reduced the garrisons to 1,636, which includes 879 native troops. There is no room for further reduction here.

Then the President says:

We will be required to keep a considerable force in the Philippine Islands for some time to come. From the best information obtainable we will need there for the immediate future from 45,000 to 60,000 men. I am sure the number may be reduced as the insurgents shall come to acknowledge the authority of the United States, of which there are assuring indications.

Leaving out the forces required for the Philippines, the men required would be 51,056.

Mr. TELLER. How many? Twenty-six and eighteen?

Mr. SPOONER. Twenty-six and eighteen added to 5,000 in Cuba, and I add the 1,636 in Porto Rico.

Mr. TELLER. That is outside.

Mr. SPOONER. I am adding everything except what is required in the Philippines. I do not think my figures are inaccurate, but possibly they may be.

Now, Mr. President, with this minimum and maximum limit it will be in the power of the President to reduce the Army below the maximum.

Mr. ALLEN. Will the Senator permit me to ask him a question?

Mr. SPOONER. Certainly.

Mr. ALLEN. The Philippine Commission, through Judge Taft, I believe, reported in October that by the 1st of January instant the insurrection, or whatever it may be called, would be practically at an end, and there would be scarcely any troops needed after that time.

Mr. SPOONER. I do not know that. I do not remember to have seen such a dispatch. The insurrection is undoubtedly not what it was. I have very good reasons for the belief that it is now not much more in many places than a conspiracy to plunder and murder.

Mr. ALLEN. I suppose it will be scarcely denied that such a dispatch was sent, because it was published as official.

Mr. SPOONER. I do not know whether it was sent or not, for I did not see it, and I do not care whether it was sent or not. I apprehend that no man in the present situation there would be willing to withdraw the great body of our troops and leave 10,000 or 15,000 there, possibly to be overwhelmed or destroyed. I think it a clear proposition also that in the Philippines, when the insurrection shall have ended, it will require a large number of soldiers

to safeguard the interests of that people as well as our own, standing in the relation to that people as we do, until there shall have been formed there a stable government and an arrangement shall have been made there for the native enforcement of the law and the protection of life and liberty and property.

Mr. ALLEN. Will the Senator——

Mr. SPOONER. Mr. President, I do not intend to become involved, in the few words which I wish to say, in any discussion of the Philippine question.

Mr. ALLEN. Of course, I will not insist upon putting my question to the Senator if he objects.

Mr. SPOONER. I do not object to the question, but it is apart from this subject.

Mr. ALLEN. I ask the Senator if he has any information in his possession which permits a forecast of the probable time when the insurrection will end?

Mr. SPOONER. Mr. President, I think that is a wise question, probably, but one who attempted to answer it would be guilty of supreme folly. It is in the very nature of things impossible from my standpoint for any man definitely to forecast it.

Mr. ALLEN. How long does the Senator think it will last?

Mr. SPOONER. I do not know how long it will last, and therefore I will not undertake to say. It may last a year; it may last longer; I do not know. I am not in the confidence of the insurgents there. I do not know what their plans are.

Mr. ALLEN. Mr. President——

Mr. SPOONER. I only know this, Mr. President, that until it shall have ended, and so long as our troops are there, or any portion of our troops are there, we should have an adequate force to protect them and to enable them to protect the people in the archipelago.

Mr. ALLEN. What prompted my question was this: I understood the Senator to say a moment ago that he had reason to believe that the insurrection was practically collapsing at this time, and therefore I took it for granted that he could forecast that it would collapse within a reasonable time.

Mr. SPOONER. I am not in the forecasting business, Mr. President, about matters with which I have no personal or definite knowledge or information. I think the insurrection has very largely been disintegrated; but I think all through that archipelago are bands of armed men intent upon plunder. I think it is as necessary to maintain the force there now as it has been at any time. I should very much fear that if the Army were cut down there, even though there were apparently little insurrection, it might break out anew, and especially in view of the information which has been given to the Senate within the last two days from that country. I believe what the President said in his annual message as to the necessity for troops in the Philippines.

Mr. CAFFERY. Will the Senator permit me to ask him whether the insurrection has not been put down, and that the only persons engaged are organized marauders against the Filipinos themselves? Does he not think that under those conditions the Filipinos would put down any marauders without any assistance from our troops?

Mr. SPOONER. I do not know that they would. They have not been organized yet for that purpose. There is a proposition in this bill to organize twelve native regiments. I think it can be done. I think it is wise to do it. I object to the provision in the bill in regard to their compensation, which it is proposed shall be one-half of the pay of the soldiers of the United States who are serving there now. I intend when the proper time comes to strike out the words "one-half," so that those men may have the same pay and allowances as enlisted men in our regiments there.

Mr. CAFFERY. Will the Senator permit me to ask him whether he shares in the opinion which I have heard expressed by many, that the whole Filipino race is savage and practically a cruel race and pursues inhuman methods of warfare? Does he share in that opinion?

Mr. SPOONER. I have seen some evidences that a portion of the Filipinos pursue cruel and inhuman methods of warfare. I have distinctly more than once from my place in the Senate declared that I did not place the estimate upon the Filipino people as a whole which the Senator indicates.

Mr. CAFFERY. There are a good many of them of the character, however, which has been given to them here of savagery and inhumanity, are there not, in your opinion?

Mr. SPOONER. I did not understand the Senator.

Mr. CAFFERY. There are a great many who possess this character of savagery and inhumanity, according to your opinion?

Mr. SPOONER. Undoubtedly, some of them. I do not know how many.

Mr. CAFFERY. Then I would ask the Senator whether he thinks it is humane to employ such inhuman agents as these Filipinos even to put down the Filipinos themselves?

Mr. SPOONER I do not believe that savages will be enlisted in our regiments. I suppose the natives who are enlisted will be men approved by the officers over there, who know them and who select them.

Mr. CAFFERY. It is pretty hard to get these gentle Filipinos.

Mr. SPOONER. The Senator can not put words in my mouth, and I do not think he endeavored to do so.

Mr. CAFFERY. Oh, not at all.

Mr. SPOONER. I refer to the statement that the Filipinos as a whole are savage and inhuman people. I have distinctly announced an opinion otherwise hitherto more than once.

Mr. MONEY. Will the Senator from Wisconsin permit me to ask him a question?

Mr. SPOONER. Certainly.

Mr. MONEY. The Senator was a moment ago stating his opinion of the necessity of a large number of troops being stationed in the islands. I ask him if he agrees with General MacArthur, who is now in command there and who is supposed to be the best judge of the number of troops required, his estimate being 100,000 as necessary, I believe; does the Senator agree with the General in that respect?

Mr. SPOONER. I take the recommendation of the War Department and the President upon that subject.

Mr. MONEY. You do not agree, then, with General MacArthur, who is in command there?

Mr. SPOONER. I have no personal knowledge on the subject upon which to base an opinion. I know that the War Department is in a position to investigate the subject carefully, to test the accuracy of General MacArthur's opinion by the opinion of other officers serving there, and I am prepared to accept as nearly correct as it can well be, under the circumstances, the opinion of the War Department and the opinion of the President upon the subject.

Mr. TELLER. Will the Senator from Wisconsin allow me to ask him a question?

Mr. SPOONER. Certainly. I do not want to take so much time, however.

Mr. TELLER. I wish to know if the Senator knows how many soldiers we have got out there now?

Mr. SPOONER. I do not.

Mr. TELLER. I want to know if he thinks we have got any too many out there?

Mr. SPOONER. I doubt if we have.

Mr. TELLER. If he will allow me, I will state to him that the Secretary of War said that we have 71,000 men there.

Mr. BURROWS. We have 71,000 there now.

Mr. SPOONER. Well, a great many of them are on their way back. I want to give to the President the troops that are necessary, and I think the American people want us to give to the President the troops that are necessary to meet the exigency there and to meet any exigency which may confront this country.

Mr. President, nothing is clearer to my mind—I know Senators differ with me upon that subject—than that in fixing a minimum and a maximum, leaving the President to exercise his judgment between the extremes as to what the interest of the country demands, we are simply doing a plain duty. I have no fear that the power will be abused or the discretion will be exercised except in the public interest; and, as has been said so many times here, we have it always in our hands and under our control, not simply in the appropriation bills, but we have the power to pass an amendment to this law at any time we choose declaring that the maximum of the Army shall be 50,000 men, and requiring the mustering out of the service of the excess.

It is absolutely impossible for Congress to disable itself upon this subject. It is not one of those statutes under which there can be any vested rights. It is entirely under our control, and it s not any more a question, therefore, whether we can safely trust the President as it is a question whether we can safely trust ourselves.

Mr. MONEY. That is exactly what I am afraid of.

Mr. SPOONER. I have no fear, Mr. President, that we can not safely trust ourselves, and I hope the people will have no occasion for fearing that they can not safely trust us. One thing is certain, that the body which originates these bills comes every two years fresh from the people.

Mr. ALLEN. But it did not originate the pending bill.

Mr. SPOONER. I know, but in practice from the beginning it has originated the Army appropriation bill, and that will continue to be so.

Mr. ALLEN. There is no constitutional objection to the Senate originating it.

Mr. SPOONER. Perhaps not, but I apprehend that during the life of the country the rule that has been acquiesced in by the Senate will hardly be changed.

Mr. ALLEN. Does the Senator think that if the President desired a continuance of the Army at a maximum Congress should reduce it?

Mr. SPOONER. Mr. President, if the President of the United States desired the continuance of the Army at a maximum, giving,

as he would, his reasons for that recommendation, I do not suppose for one moment that the Senate and the House of Representatives would blindly yield to that recommendation.

Mr. ALLEN. But suppose an exigency arose?

Mr. SPOONER. I suppose if the Senator were here and there was a Democratic President——

Mr. ALLEN. I am not a Democrat.

Mr. SPOONER. Well, a Populistic President——

Mr. ALLEN. That is correct.

Mr. SPOONER. Who recommended that the Army be kept at its maximum, the Senator would examine the President's reasons and he would determine for himself whether they were sufficient or not.

Mr. ALLEN. I should dislike to trust myself under the circumstances.

Mr. SPOONER. I would be willing to trust the Senator as I would be willing to trust all the Senators, and as I would be willing to trust this body. I can not believe it possible that the Congress of the United States will ever, in matters of legislation as to the Army or any other subject, become blindly subservient to any President.

Mr. ALLEN. Has the Senator known of a case since the days of Andrew Johnson where the President's party was in power in Congress and refused to follow his wishes?

Mr. SPOONER. I do not know that I can file any bill of particulars, but I am certain——

Mr. ALLEN. Here is my distinguished friend from Iowa [Mr. ALLISON], who was in Congress at that time. Perhaps he can enlighten us on the subject. What I mean to assert is that no President since the days of Andrew Johnson has ever suggested to his party a policy involving legislation that that party did not follow.

Mr. SPOONER. I have a faint recollection that while Mr. Cleveland was President of the United States he made a suggestion to his party on the financial question which his party, which was in control of both Houses, did not follow.

Mr. MONEY. They did follow him then, but afterwards repudiated him.

Mr. SPOONER. They followed him as to the repeal of the purchasing clause of the Sherman Act, with the assistance of the Republican Senators who had voted for it.

Mr. ALLEN. My friend will not trifle with me; I do not want to be unnecessarily interrupted. Whenever, in the course of politics, the same party being dominant in both branches of Congress and dominant in the executive department, the Executive makes a suggestion of policy to be pursued by the enactment of a given law, and Congress yields to his wishes, does it not, for practical purposes, put the whole question in the hands of the Executive?

Mr. SPOONER. Mr. President, the assumption is a discreditable one to Congress. If the time ever comes when Congress will abdicate its functions, when the Senate and House of Representatives, in regard to the Army bill or any other important matter, refuse to think and become absolutely subject to the domination of a President, it will be a sorry day for this country.

Mr. ALLEN. I admit that. But is it not true that the Congress of the dominant party does follow the policy of the President?

Mr. SPOONER. No; it is not true; and many, many times the President has recommended legislation——

Mr. MONEY. I do not want to interrupt the Senator, but——

Mr. SPOONER. Let me finish my sentence.

Mr. MONEY. Very well.

Mr. SPOONER. Many times within my recollection the President has recommended legislation which Congress did not enact. We are all here as representatives of the people in one way or another. The President has his functions, and we have ours. Under the Constitution the President does not enact laws, and there will never be a one-man power in this country, as to any matter within the domain of legislation, until this Government has become an absolute failure, and until the great body of members of both Houses have forgotten their oaths.

Mr. ALLEN. The Senator gets away from the question.

Mr. SPOONER. I do not get away from it. The Senator seems to fear this bill being enacted into law for the reason that he assumes that, if once enacted into law, it never will be changed, even if it ought to be changed, by Congress, if the President wants it to remain as it is. I repudiate that.

Mr. ALLEN. The Senator gets away from the question. I hope he will let me recall it to him. I am speaking now of practical politics. I am not talking about constitutional powers.

Mr. SPOONER. This is not a town meeting or a political meeting.

Mr. ALLEN. Sometimes it very nearly turns itself into both. Can the Senator recall any instances in a Republican Administration since the days of Andrew Johnson when a Congress dominant with the President has refused to carry out any policy he suggested?

Mr. SPOONER. If that be true, I suppose it has been because they agreed with the President.

Mr. ALLEN. Very well. So they have, on many questions regarding the repeal of certain laws which involved a change of policy, followed the President in his course.

Mr. SPOONER. Not when they disagreed with his views, so far as I remember. I disagree entirely with that. Are we not here confronted with this question every time we meet, and have we not every time thrust in our faces the question as to the size of the Army? We can not escape it; and every two years the question is carried to the people.

Mr. BUTLER. If the Senator will pardon me, here seems to be an illustration of the point at issue. Congress in 1878, in passing the Army bill, put in section 15, prohibiting the President of the United States from using the Army as a posse comitatus. When President Cleveland violated this express statute by sending the Army out to Chicago, what did Congress do?

Mr. SCOTT. He never violated it.

Mr. SPOONER. Does the Senator from North Carolina adopt the suggestion of the Senator from Nebraska and assume that hereafter, so long as there is a Republican President and a Republican majority in both Houses, whatever a President wishes will be done, whether Congress thinks it wise or not?

Mr. BUTLER. Mr. President, I should regret very much to believe that, and I should hesitate to admit it if I did believe it, because it would be a repudiation practically, or an expression of a loss of faith in our Government. We are met, however, with certain facts which we can not shut our eyes to. One of them, to which I was about to refer, was when Congress legislated to prohibit the President of the United States from using the Army except for Army purposes. Then, when President Cleveland, in violation, or what seems to me to be a plain violation, of the letter of the law, sent the Army to Chicago, and was criticised by the press, what did this body do?

A distinguished member of his own party, who voted for this very law, feeling that the President was criticised justly, and had no doubt violated the law, arose in this body and offered a resolution indorsing the course of President Cleveland, and this body passed the resolution. Now, the Senator, feeling that Congress had repealed that law by the adoption of the resolution, and that Congress, in indorsing the action of President Cleveland, had winked at a violation of the law, has offered as an amendment to this bill the same provision which is already on the statute book. That seems to me to be apropos and to be an illustration in point. I hope he will look at it as an exception and not as a rule, but yet it is the fact.

Does not the Senator recognize the distinction and the difference between enacting a law and repealing a law? Is Congress not freer, at least, in acting on a suggestion of the Executive in enacting a law than in repealing one? Then, is it not easier? When you go to repeal a law, you must have all three branches of the Government agree. We may have on the statute book an undesirable law, a law of which a majority of the American people disapprove, a law which two branches of the Government disapprove, and yet one branch of the Government can keep it on the statute book.

Is it not better to keep ourselves in a position where we can act affirmatively, where we can act with our reason, and not where one branch of the Government, the House or the Senate, or the President, when the other branches are probably overwhelmingly in favor of it, can put a veto upon it? The Senate might side with the President, or the House and the Senate might decide, but the President could veto the action of Congress.

So we are changing the precedents; we are changing the rules, and we are changing what seems to be——

Mr. SPOONER. I thought the Senator rose to ask me a question.

Mr. BUTLER. I will not interrupt any further.

Mr. SPOONER. I will allow the Senator to finish his sentence.

Mr. BUTLER. I ask the Senator's pardon for making some remarks after asking the question.

Mr. SPOONER. The resolution to which the Senator refers was not legislation, but it was an expression of opinion by the Senate.

Mr. BUTLER. That is true.

Mr. SPOONER. As to the propriety of the use made of troops by the President Cleveland, I believe there was not much difference of opinion between the parties in the Senate. I do not remember. I was not a member of the Senate at that time.

Mr. BUTLER. I will say that there seems to have been some logrolling on it, and there was an effort to have no yea-and-nay vote. When a yea-and-nay vote was called for by, I think, the Senator from New Hampshire [Mr. GALLINGER], he was appealed to, if I remember correctly, not to do that, as there seemed to be some general understanding not to go on record; they wanted to support the President, but nobody wanted to have the yeas and nays called.

Mr. SPOONER. It was a mere opinion of the Senate, I understand, upon an act of the President, and if I had been here I should have voted for the resolution.

Mr. MONEY. If the Senator will allow me to answer the question, I should be glad to do it, but I do not want to interrupt him.

Mr. SPOONER. In a moment. I rose to speak but a few minutes, and I do not want to take up too much time.

Mr. MONEY. All right.

Mr. SPOONER. I decline for one—other Senators, of course, will do as they choose—to base my action upon the bill upon the assumption that hereafter, if I happen to be a member of this body and think a law ought to be repealed, I will be such a subservient tool and such a moral coward and so utterly faithless to the people whom I represent here as not to be able to vote for its repeal.

I assume—and that is the only assumption in harmony with the dignity and decency of Congress—that if we enact laws which we deem wise from the standpoint of to-day, and later we think they should be repealed, Congress will have the intelligence and the courage to repeal them. I will not base any action of mine upon this bill or any other bill upon the assumption that Congress is ever to become a mere register of the decrees or the will of another department.

This bill, as I read it, without the amendments proposed by the Senator from Georgia, means this: A bill, of course, when it becomes a law, is in its construction to be considered as a whole; one part of it will not be considered independently of the other parts. My understanding of the bill is that this power of the President to increase from the minimum to the maximum the artillery, the cavalry, and the infantry is entirely controlled, as the Senator from Ohio [Mr. FORAKER] insisted it is, by the general provision of the statute authorizing the President to maintain the Army at the maximum during the present exigency or until Congress shall otherwise direct.

I think another thing. I think as the bill is drawn, if the words "or until Congress shall otherwise direct" be stricken out, that when the President shall have reduced the Army, the present emergency having passed and no other quickly succeeding it, he will not have the power to again raise it to the maximum without Congressional authority; and I am not sure that that limitation is a wise one. I think we may safely trust any President when the exigency demands it—and of course he must be the judge—to raise the Army from the minimum to the maximum, or approximating the maximum, so far as he thinks the public necessity may require it.

Anyway, this bill gives the President the power if the Philippine emergency shall have passed, if Cuba shall have established her government and become independent, if native troops are adequate in Porto Rico, if nothing threatens the country, to reduce the Army to the minimum; and I have no doubt that any President would be prompt to exercise that power and reduce the Army to the minimum.

Mr. BACON. I ask for information. Where does the Senator find that power to reduce?

Mr. SPOONER. I find that power in section 26.

Mr. BACON. Inferentially.

Mr. SPOONER. I think when Congress says the President is authorized to maintain the Army at the maximum until the present emergency shall have passed, that is a sufficiently plain declaration that when the present emergency shall have passed the Army shall be reduced to the minimum. That could possibly be made plainer, of course, but I do not think it need be plainer. I doubt if that limitation should be in there at all, because of the uncertainty as to the exigencies which may arise, the matter being all the time within the control of Congress, and the President presumably desiring to save expense to the people as much as we.

I am not ready to believe—I may be too much of an optimist; I think I am not—that we shall have a President who will be willing at any time to fasten upon the people the burden of expense involved in maintaining 50,000 unnecessary soldiers. No man in this Chamber would do it if he were President, and I think no President would do it.

So far as I am concerned, Mr. President, I believe the minimum required is a reasonable one. I think the maximum leaves an Army flexible and elastic to meet emergencies. Some Senators seem to think that if there were an emergency Congress should be called immediately together. It was not the opinion—and I wish to bring the attention of Senators to the fact—of the early statesmen of the country that that would be an adequate resource in case of necessity.

That might have been said against the act which in 1795 was passed, giving the President the power immediately, without limit as to the number, to call into the Army, to be paid out of the Treasury, the militia for nine months. It was thought then—and there is infinitely more danger of it now than there was then—that invasion or insurrection might be so sudden that prompt and immediate action upon the part of the President might be necessary in order to safeguard the interests of this people.

I find nothing of constitutional objection in the bill; I find nothing of bad policy in it; I find nothing of dangerous precedent in it, and, certainly, I find in that portion of it which leaves some discretion to the President, within the limits fixed by Congress, nothing objectionable.

Mr. BUTLER. Before the Senator takes his seat, I should like to inquire why we would not accomplish everything that the present emergency requires, and overcome every objection which has been raised to having an army for one, two, or three years, and thus, as has been claimed, encourage the Filipinos to fight, by simply providing that the President should have an army of 100,000 soldiers until the Philippine insurrection is suppressed. What is the objection to that? Why would not that meet every requirement?

Mr. SPOONER. That is very indefinite. I see no improvement in that suggestion over the provisions contained in the bill. I believe myself that a maximum of 100,000 men, who can be called into service by the President, is not too large an army for this country. I think it will be kept at this minimum whenever peace prevails; I think it will be raised to the maximum only when necessary.

Mr. BUTLER. Still, in time of peace we will have an army of 100,000 men.

Mr. SPOONER. I think in times of peace we will have the minimum. I think if there should arise a sudden emergency, which demanded more than the minimum, it would be well to have the power upon the statute book quickly to raise it to the maximum.

Mr. BUTLER. But we have no emergency now but the Philippine question, and Congress can certainly legislate for future emergencies.

Mr. SPOONER. I am not talking about the present emergency; but when other emergencies arise.

Mr. BUTLER. We legislate always when they do arise.

Mr. SPOONER. You do not always legislate when they do arise. When war arose in China Congress was not in session; and other emergencies may arise when we are not in session.

Mr. BUTLER. The Senator would agree to keep an army of 100,000 men?

Mr. SPOONER. I do not say that. We are not providing for a compulsory Army of 100,000 men; we are providing for an elastic Army; we are placing a minimum and a maximum limit, and we are allowing the President, subject to our power at every session to change it, in the exercise of his judgment as to the necessities of the country, to raise it from the minimum to the maximum.

Mr. BUTLER. Then why not limit the maximum to simply the continuance of the Philippine trouble, and then let the Army go back to the minimum until Congress can legislate? Why not state that specifically?

Mr. SPOONER. With the words "or until Congress shall otherwise direct" I think it does sufficiently limit it.

Mr. BUTLER. Other Senators think to the contrary.

Mr. SPOONER. No; I have heard no expression to the contrary.

Mr. BUTLER. I will say that the Senator is the only Senator on that side whom I have heard express that opinion.

Mr. SPOONER. I have expressed that opinion a half dozen times.

Mr. MALLORY. Mr. President, I have not trespassed upon the Senate's time or attention with reference to this measure, and I do not now intend to consume more than a sufficient time to briefly state my position in regard to this bill and my reasons for that position.

After the ratification of the treaty whereby the Philippine Islands were annexed as a portion of the territory of the United States, I recognized the fact that it behooved this Government to establish and maintain its sovereignty over every portion of those islands; and I hold it now to be my duty as a member of this body to do all I can conscientiously toward the realization of that end.

While I deplore the necessity which has brought about the situation that now exists, I nevertheless recognize the obligation on me at least to do all that my intelligence indicates I ought to do to bring about a condition of things in that territory whereby the sovereignty of the Government of the United States will be undisputed. Therefore, Mr. President, I have no hesitation in saying that I am willing to give my vote for the purpose of assembling a force in those islands adequate to the purpose of suppressing opposition to the power of the United States Government, whatever that force may be. I do not myself undertake to fix the number, but as nearly two years ago 100,000 men were thought a sufficiency for that purpose, so again, if 100,000 men are a sufficiency, I am willing to vote for that 100,000 men, or if a larger number of men is necessary for the accomplishment of the purpose, I am willing to vote even for a larger number of men.

But, Mr. President, while I am willing to do that, I can not support this bill. I do not see in the exigency which is now

presented to us any excuse or any reason for the people of the United States to turn their backs upon the traditions of the past and to take the tremendous, the unprecedented step which is contemplated by this piece of legislation.

There are some grounds of grave constitutional objections to the principle embodied in this bill presented to thoughtful men, because the Constitution has vested in Congress, and in Congress alone, the power to raise and support armies, and it has been careful to even put a limitation upon Congress itself to prevent it from establishing and undertaking to maintain an army for a greater period than two years; but under the provisions of this bill it is proposed, at the least, to nearly double the Regular Army of the United States. That of itself is a long stride; it is a longer stride than has ever before been made in the history of this country.

But, in addition to that, the bill proposes to vest in the President of the United States the discretionary power, in one instance entirely untrammeled, and in the other qualified by the provision that it shall endure so long as the present exigencies exist—it proposes to confer upon the President that untrammeled power to increase the Army of the United States from the figure of 50,000 men, to put it in round numbers, to 100,000 men.

I took the infantry provision in this bill and figured as to what change could be wrought in the condition of the Army if the President chose to avail himself of the discretion that is vested in him by the section covering that portion of the Army. Under the minimum provision each company of infantry shall consist of "1 first sergeant, 1 quartermaster-sergeant, 4 sergeants, 6 corporals, 2 cooks, 2 musicians, 1 artificer, and 48 privates," but the President, in his discretion, without any qualification as to what that discretion shall be gauged by, "may increase the number of sergeants in any company of infantry to 6, the number of corporals to 10, and the number of privates to 127, but the total number of enlisted men authorized for the whole Army shall not at any time be exceeded."

I figured as to what was the meaning of this provision when put in practical operation, and I find that under the minimum rule the infantry, consisting of 30 regiments, will amount to 23,400 men, and, when raised to its maximum, in the discretion of the President, it will be composed of 53,280. That single arm of the service will be increased considerably more than twofold at the President's discretion.

In view of the constitutional provision which gives Congress, and Congress alone, the power to raise and support armies, does it not seem that this is a long stride in opposition to the principle embodied in that provision? If the raising of the number of the Army from twenty-three thousand and odd to fifty-three thousand and odd is not equivalent to the raising of an additional army, I fail to understand what an additional army is.

But, Mr. President, passing aside from the details of the measure, I would ask those gentlemen who favor, and favor so earnestly, its enactment to give us one good reason why the standing Regular Army should be increased to a hundred thousand men. I have listened with a great deal of interest to the arguments that have been put forth here and to the reasons which have been assigned as a justification for this tremendous increase in the fighting force of the country.

One gentleman has declared that it is eminently desirable that the standing Army should be increased, because if we repeat that which we did on March 2, 1899, by simply providing for a temporary increase of the Army, it will give aid and comfort to the Filipinos and will impress them with the idea that the United States is not seriously intending to suppress the insurrection in those islands. I take it, in view of the fact that Congress at its best can make appropriations for the maintainence of the Army for only two years in advance, that the apprehension that our raising an army, which of itself is to endure for two years but which Congress can continue from time to time, as in its discretion seems best, would not be any more of an incentive to hope on the part of our Filipino insurrectionists than would be the calling of their attention to the fact that Congress is without power to make an appropriation for an army for a longer period than two years.

Another very eminent member of this body has assigned as a reason why we should branch forth upon this new military career that we are expanding in a most phenomenal way, that our trade and commerce are reaching forth to the utmost ends of the earth, and that no one can tell at what moment some exigency may arise which will require the United States to exert its full power in order to protect our commerce and trade. That may be, Mr. President, but the mere suspicion or the mere assertion of such a suspicion fails to carry any weight with me.

I take it, Mr. President, that it is not the purpose or intent of the people of the United States to use a standing army for the purpose of enlarging their commercial sphere of action. I take it that the United States has too often observed the calamitous results of such efforts on the part of other nations; and if we wanted an object lesson of the wrong and the injustice which can be done under such a pretext, we could not have a better one than is presented to us to-day by what is transpiring in South Africa.

If ever there was a commercial war, if ever there was war inspired and brought about and which has been conducted on purely commercial principles, it is that war which England is now waging with such terrible ferocity against the unhappy Boers. I trust, Mr. President, the people of the United States will never consent to use their Army, Regular or Volunteer, for such a purpose as that for which the English army is being employed by the Government of Great Britain in South Africa to-day.

As a specimen of the way in which that commercial propaganda is being carried on, I will read an extract from a letter from one of the Canadian volunteers which I found published in a Washington paper a few days ago. It is a letter from Belfast, South Africa. Lieutenant Morrison, of Ottawa, editor of the Ottawa Citizen, who was with the Canadian artillery there and has been recently mentioned in the dispatches for gallant conduct in action, describes the march through Steilpoort Valley, North of Belfast. He says, among other things, in describing the destruction of a settlement:

> First there was an ominous bluish haze over the town, and then the smoke rolled up in volumes that could be seen for 50 miles away. The Boers on the hills seemed paralyzed by the sight and stopped shooting. When the lull came General Smith-Dorien invited the artillery officers to go down into the place with him on a sort of official appearance—"just tell them that you saw me" style of thing. The town was very quiet save for the roaring and crackle of the flames. On the steps of the church a group of women and children were huddled. The women's faces were very white, but some of them had spots of red on either cheek and their eyes were blazing.
>
> The troops were systematically looking the place over, and as they got quite through with each house they burned it. Our Canadian boys helped the women to get their furniture out with much the same concern as they would exhibit at a village fire at home. If they saw anything, however, they particularly fancied they would likely appropriate it ("muzzle not the ox that treadeth out the corn"), but they had not the callous nerve to take the people's stuff before their eyes. But you should have seen the Royal Irish on the loot. They helped the people out with their stuff by heaving bureaus bodily through the windows, putting pickaxes through melodeons, and such like wantonness. I heard one yell: "Begorry, Tim, here's a nice carpet. Oi think O'll take it home for the ould woman. Lind a hand here." R-r-r-rip! Up came a handsome pile carpet in strips. And so the work went on, the officers standing by laughing at the costly fun their men were having.
>
> As I stood looking, a woman, the owner of a very pretty little cottage standing in a rose garden on a side street which was being destroyed, turned to me and pathetically exclaimed, "Oh, how can you be so cruel?" I sympathized with her and explained that it was an order and had to be obeyed. But all the same it was an intensely sad sight to see the little homes burning and the rose bushes withering up in the pretty gardens, and the pathetic groups of homeless and distressed women and little children weeping in their abject misery and despair among the smoking ruins as we rode away.

That, Mr. President, is not an exaggerated picture of the scenes of a commercial war that are constantly occurring on that stage. I should certainly deprecate any tendency on the part of our people, merely for the purpose of spreading their avenues of commercial influence and trade, to undertake to compel by force of arms the submission of an unwilling people to a reception of their goods.

The same authority who has urged as a reason why we should have this unusually large standing Army also assigns as a cause the fact that we will ere long possibly be engaged in constructing a canal across the Central American Isthmus, and that it will be necessary for us to have troops enough to police the line of the proposed canal. It strikes me that a moment's reflection ought to convince anyone that that is hardly a sufficient reason for the United States to turn its back upon the past and to take this very important step. At the best, if a few thousand men were necessary for the purpose of policing the route of a proposed canal, a thing which heretofore has not been deemed necessary, I believe, either in the case of Panama or in the case of the Suez Canal, there would be no difficulty at the proper time in Congress providing an adequate force for that purpose.

Those are, I think, Mr. President, all the reasons that have been assigned by the very earnest and able advocates of the measure on this floor for the increase of the Regular Army. There has been no effort on the part of the committee in their report to give any reason at all other than their bald declaration that it is desirable; and as has been pointed out already by a Senator upon this floor, they devote by far the major portion of their report to the consideration of the question whether beer should or should not be sold at the Army posts of the land, failing to say one word why we should advance the Army from thirty thousand to a hundred thousand men and vest the President with an absolute discretion to make that advance at any time when he sees proper.

I have heard several very able and learned gentlemen, for whose opinions I have very much respect, express an opinion as to what is an adequate standing army for the United States. One Senator here, for whose judgment we all have a very high respect, has given it as his opinion that one soldier for every thousand inhabitants is about the correct thing; and I think the opinions of others that it should be one to about that number is the opinion that probably prevails in this body to-day. I do not think anyone can take an arbitrary basis for a judgment of that kind. What

is the use of a standing army in this country? Why should the figure of one man to a thousand of the inhabitants be selected rather than one to two thousand or one to five hundred? It is purely arbitrary, unless we contemplate the object and purpose and reason of being of the Regular Army.

I take it there is no apprehension in the breast of any intelligent man in this country to-day that we have any reason to fear an invasion from any foreign power. We have no idea that Canada on the north or Mexico on the south presents any menace to the peace and dignity of the United States. And unless we have some apprehension from nations and people that are contiguous to our boundaries, what reason have we to apprehend that there will be an invasion of this country?

It would be a physical impossibility for any of the European nations to invade this country. When we reflect as to the time and the effort and the expense that would be necessary even to land an army of a hundred thousand men upon our shores, the suggestion that it is necessary for us to keep an army of that size in order to resist any possible invasion seems to me to be absurd. Consequently in the condition and situation of things as they are now I have failed to see any reason why there should be an increase of the standing Army to a hundred thousand men.

The opinions of gentlemen of the present day are undoubtedly entitled to consideration, but in investigating the matter to satisfy myself I ran across the opinion of one who lived in the days of the framers of the Constitution and who looked at the subject of standing armies for republics from the point of view at which stood the men who founded our institutions. I read, Mr. President, from the eighth number of the Federalist upon this point:

> There is a wide difference, also, between military establishments in a country seldom exposed by its situation to internal invasions and in one which is often subject to them and always apprehensive of them. The rulers of the former can have no good pretext, if they are even so inclined, to keep on foot armies so numerous as must of necessity be maintained in the latter.

In other words, the writer regards the necessity for a large or a small army as being entirely dependent upon the surrounding circumstances and the environments of that army. Again:

> In a country in the predicament last described the contrary of all this happens. The perpetual menacings of danger oblige the government to be always prepared to repel it; its armies must be numerous enough for instant defense. The continual necessity for their services enhances the importance of the soldier, and proportionably degrades the condition of the citizen. The military state becomes elevated above the civil. The inhabitants of territories often the theater of war are unavoidably subjected to frequent infringements on their rights which serve to weaken their sense of those rights, and by degrees the people are brought to consider the soldiery not only as their protectors, but as their superiors.
>
> The transition from this disposition to that of considering them as masters is neither remote nor difficult; but it is very difficult to prevail upon a people under such impressions to make a bold or effectual resistance to usurpations supported by the military power.

To anyone who has visited Germany, or, in fact, almost any of the continental nations, in recent years the truth of these objections and criticisms would seem to be almost prophetic. The writer, referring to Great Britain, says:

> The Kingdom of Great Britain falls within the first description. An insular situation and a powerful marine, guarding it in a great measure against the possibility of foreign invasion, supersede the necessity of a numerous army within the Kingdom. A sufficient force to make head against a sudden descent till the militia could have time to rally and embody is all that has been deemed requisite. No motive of national policy has demanded, nor would public opinion have tolerated, a larger number of troops upon its domestic establishment. There has been for a long time past little room for the operation of the other causes which have been enumerated as the consequences of internal war. This peculiar felicity of situation has in a great degree contributed to preserve the liberty which that country to this day enjoys in spite of the prevalent venality and corruption.

Again, applying this reasoning to our own position, he says:

> If we are wise enough to preserve the Union we may for ages enjoy an advantage similar to that of an insulated situation. Europe is at a great distance from us. Her colonies in our vicinity will be likely to continue too much disproportioned in strength to be able to give us any dangerous annoyance. Extensive military establishments can not, in this position, be necessary to our security.

It has been said that this proposed increase does not make a large army. For Germany it would not be a large army, for France it would not be a large army, for Russia it would not be a large army; but, gauging it by the necessity which exists in the United States to-day, it is a large regular standing army, and I submit that there is no occasion for it. If it is necessary for us to subdue those who are in arms against the power and the authority of the Government of the United States, we can do it as we did two years ago, and make ample provision for the vindication of the honor and dignity of our country; but, sir, that does not necessarily involve the abandonment of principles which we have adhered to in the past and the turning of our backs upon the principles which we have inherited from the fathers, and adhesion to which has resulted in building up the glory and the honor of our great Republic.

Mr. BACON. Mr. President, the Senator from Connecticut [Mr. HAWLEY] made an appeal to Senators to permit this bill to pass, and the nature of that appeal was rather an intimation than an accusation that its passage was being unduly obstructed. I desire to say for myself—and I am quite sure I represent the feelings and intentions of others as well as myself—that there has been not the slightest disposition to obstruct the bill. On the contrary, I will say for myself that I have purposely avoided bringing before the Senate a matter in which I feel a very deep interest because of my indisposition to throw any matter into the consideration of the Senate which would delay the action of this body upon the pending bill at the earliest practicable moment.

I desired to say that to the Senator from Connecticut at the time, and it was for that purpose that I attempted to interrupt him; but he exercised his right to decline to be interrupted, and of course I did not press the matter at that time; but I take this opportunity to say that there is no word uttered by me, nor do I believe there is by anybody else, for the purpose of delay. We do think that this is a very important bill and that its provisions should be very thoroughly discussed. I have very little more to say. I do desire to say something in reply to some remarks which have been made this afternoon, somewhat directed toward the positions which I have taken. I understand, however, that it is the desire of Senators on the other side probably to take up the District bill for a short time this afternoon.

Mr. PLATT of Connecticut. To take up what?

Mr. BACON. I think it is the District bill. So I was told. I may be mistaken about the bill. It is a bill which it will require a good while to read.

Mr. BERRY. Is it the legislative appropriation bill?

Mr. STEWART. The District code.

Mr. BACON. The District code; that is it. Possibly the time might be utilized in that way, and if so I have no disposition to go on now. I shall not occupy much time in the morning. That is a very important matter, I presume, which ought to be taken up at some time, and we are obliged to take some fragmentary time to do it. I wish to accommodate myself to whatever may be the wish of the Senate in the matter.

Mr. MCCOMAS. Will the Senator from Georgia permit me to present an amendment?

Mr. BACON. Certainly.

Mr. MCCOMAS. I present an amendment to the pending bill, which I ask to have printed.

The PRESIDENT pro tempore. The amendment will be received, printed, and lie on the table.

Mr. BERRY. I offer an amendment to the pending bill, and ask that it may be read and then printed.

The PRESIDENT pro tempore. The Secretary will read the amendment presented by the Senator from Arkansas.

The SECRETARY. It is proposed to insert after the last section of the bill the following:

> SEC. —. That within ten days after the bill shall become a law the President of the United States shall issue his proclamation declaring that the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over the Philippine Islands except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the islands to its people.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 10846) to authorize the construction of a bridge across the Mississippi River at or near Cape Girardeau, Mo.; and

A bill (H. R. 13399) for the establishment of a beacon light on Hambrook Bar, Choptank River, Maryland, and for other purposes.

The following bills were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. 8966) for the relief of certain Indians in the Indian Territory who desire to sell their lands and improvements and emigrate elsewhere; and

A bill (H. R. 10967) to authorize Arizona Water Company to construct power plant on Pima Indian Reservation in Maricopa County, Ariz.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 417) for the relief of Henry Cook;

A bill (H. R. 425) for the relief of David K. Reynolds;

A bill (H. R. 2464) to remove the charge of desertion from the military record of Nicholas Swingle;

A bill (H. R. 3135) to correct the military record of Lieut. Edward B. Howard;

A bill (H. R. 4020) for the relief of William Burke;

A bill (H. R. 5599) granting an honorable discharge to James L. Proctor;

A bill (H. R. 6323) for the relief of John McDonald, alias John Shannon;

A bill (H. R. 6492) to correct the military record of James Donahue;

A bill (H. R. 7243) to remove the charge of desertion from the military record of Silas Nicholson;

A bill (H. R. 7602) to correct the military record of Palmer G. Percy; and

A bill (H. R. 8474) to remove the charge of desertion from the military record of Gustavus Adolphus Thompson.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 191) granting an increase of pension to Laura P. Lee;

A bill (H. R. 236) granting an increase of pension to Albert M. Bennett;

A bill (H. R. 296) granting an increase of pension to Mattie Otis Dickinson;

A bill (H. R. 429) granting an increase of pension to John R. Joy;

A bill (H. R. 1604) granting an increase of pension to Joel H. Hallowell;

A bill (H. R. 1995) granting an increase of pension to Frederick O. Lathrop;

A bill (H. R. 2085) granting a pension to Jane A. E. Womack;

A bill (H. R. 2092) granting an increase of pension to Madison McCollister;

A bill (H. R. 2178) granting an increase of pension to James Beistle;

A bill (H. R. 2395) granting an increase of pension to Matthew McDonald;

A bill (H. R. 2399) granting an increase of pension to Edward McDuffey;

A bill (H. R. 2527) granting a pension to David Briggs;

A bill (H. R. 2595) granting an increase of pension to William C. Griffin;

A bill (H. R. 2816) granting a pension to Annie C. Collier;

A bill (H. R. 3247) granting an increase of pension to George Mowry;

A bill (H. R. 3436) granting an increase of pension to John Abel;

A bill (H. R. 3512) granting a pension to Rebecca G. Irwin;

A bill (H. R. 3545) granting a pension to Ellen Hardin Walworth;

A bill (H. R. 3546) granting a pension to Caroline M. H. Searing;

A bill (H. R. 3784) granting an increase of pension to Linsay C. Jones;

A bill (H. R. 3871) granting a pension to William J. Worthington;

A bill (H. R. 4018) granting a pension to Elizabeth Dinnon;

A bill (H. R. 4217) granting an increase of pension to Michael Dignon;

A bill (H. R. 4651) granting a pension to Emily Alder;

A bill (H. R. 4962) granting a pension to James E. Bates;

A bill (H. R. 4963) granting an increase of pension to Charles E. Churchill;

A bill (H. R. 5224) granting an increase of pension to Daniel Smith;

A bill (H. R. 5336) granting an increase of pension to William S. Swaney;

A bill (H. R. 5610) granting a pension to Elizabeth B. McClellan;

A bill (H. R. 5853) granting a pension to Mary Black;

A bill (H. R. 5898) granting an increase of pension to George F. White;

A bill (H. R. 6787) granting an increase of pension to Edwin A. Wilson;

A bill (H. R. 6810) granting an increase of pension to Peter Anderson;

A bill (H. R. 6997) granting an increase of pension to Josephine H. Whitehead;

A bill (H. R. 7024) granting an increase of pension to Sarah Herriman;

A bill (H. R. 7053) granting a pension to Addie S. Potter;

A bill (H. R. 7152) granting an increase of pension to Nancy L. Donaldson;

A bill (H. R. 7580) granting a pension to Samuel N. Haskins;

A bill (H. R. 7617) granting an increase of pension to Rebecca Tolson;

A bill (H. R. 7757) granting a pension to Agnes Ryder;

A bill (H. R. 8091) granting a pension to Benjamin E. Styles;

A bill (H. R. 8106) granting a pension to Olivia Donathy;

A bill (H. R. 8190) granting a pension to Henry Miller;

A bill (H. R. 8594) granting a pension to Matilda Rapp;

A bill (H. R. 8679) granting an increase of pension to Chauncey Sheldon;

A bill (H. R. 8771) granting an increase of pension to Lyman A. Sayles;

A bill (H. R. 8794) granting an increase of pension to Ellen H. Phillips;

A bill (H. R. 9106) granting a pension to Nancy Marshall;

A bill (H. R. 9165) granting an increase of pension to Horace L. Stiles;

A bill (H. R. 9177) granting an increase of pension to Luke P. Allphin;

A bill (H. R. 9382) granting a pension to Adella M. Anthony;

A bill (H. R. 9404) granting a pension to Elizabeth Hendricks;

A bill (H. R. 9672) granting an increase of pension to Mary J. D. McGlensey;

A bill (H. R. 9745) granting a pension to Susan Sidenbender;

A bill (H. R. 9787) granting a pension to Marion M. Stone;

A bill (H. R. 9874) granting an increase of pension to Anna F. Johnson;

A bill (H. R. 9903) granting an increase of pension to Henry B. Shell;

A bill (H. R. 9928) granting an increase of pension to H. S. Reed, alias Daniel Hull;

A bill (H. R. 9985) granting an increase of pension to Martin Sherwood;

A bill (H. R. 10021) granting an increase of pension to John R. Robinson;

A bill (H. R. 10069) granting a pension to Sarah T. Brewer;

A bill (H. R. 10482) granting a pension to Pattie D. McCown;

A bill (H. R. 10567) granting a pension to Mary L. Tweddle;

A bill (H. R. 10617) granting an increase of pension to Kate E. Duffy;

A bill (H. R. 10706) granting a pension to Flora Moore;

A bill (H. R. 10792) granting an increase of pension to John T. Knox;

A bill (H. R. 11031) granting a pension to Ambrose Brisett;

A bill (H. R. 11196) granting an increase of pension to Louis Snyder;

A bill (H. R. 11335) granting an increase of pension to Silas Howard;

A bill (H. R. 11361) granting a pension to Susan A. Miller;

A bill (H. R. 11452) granting a pension to Nettie L. Bliss;

A bill (H. R. 11508) granting a pension to George T. Boulding;

A bill (H. R. 11574) granting a pension to William H. Palmer;

A bill (H. R. 11583) granting an increase of pension to Jerome R. Rowley;

A bill (H. R. 11680) granting an increase of pension to Isabela Myers;

A bill (H. R. 11768) granting an increase of pension to John Walker;

A bill (H. R. 11795) granting a pension to Columbus S. Whitaker;

A bill (H. R. 11910) granting an increase of pension to Thomas H. Roberts;

A bill (H. R. 11927) granting a pension to Elizabeth Dickerson;

A bill (H. R. 11985) granting an increase of pension to Henry C. Brooks;

A bill (H. R. 12061) granting an increase of pension to Henry S. Topping;

A bill (H. R. 12079) granting an increase of pension to Benjamin T. Thomas;

A bill (H. R. 12233) granting a pension to Ashel C. Aulick;

A bill (H. R. 12245) granting an increase of pension to Henry A. Jordan; and

A bill (H. R. 12620) granting an increase of pension to John P. C. Shanks.

The bill (H. R. 10664) granting permission to the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, to cut and dispose of the timber on their several allotments on said reservation was read twice by its title.

Mr. NELSON. There is a similar Senate bill on the Calendar, reported from the Committee on Indian Affairs favorably. I ask that the House bill be substituted for the Senate bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota, that this bill shall take the place of the Senate bill now on the Calendar? The Chair hears none, and it is so ordered. The Senate bill will be indefinitely postponed.

COURTS IN TENNESSEE.

The bill (H. R. 12546) to change and fix the time for holding the district and circuit courts of the United States for the northeastern division of the eastern district of Tennessee was read the first time by its title.

Mr. PETTUS. I ask unanimous consent to be allowed to make a report on that bill, as I have been ordered to do by the Judiciary Committee. This is merely a local bill, changing the time of holding court in the eastern district of Tennessee. The grand jurors are about to be selected, and it merely changes the time of holding that court.

The PRESIDENT pro tempore. Does the Senator report upon the same bill?

Mr. PETTUS. Yes, sir; and I ask the unanimous consent of the Senate that the bill may be considered now. All that it does is to change the time of holding the court.

The PRESIDENT pro tempore. The bill will be read at length.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the terms of the circuit and district courts of the United States for the northeastern division of the eastern district of Tennessee,

held at Greeneville, Tenn., shall commence on the second Monday in November and May of each year, instead of the fourth Monday in August and February, as is now provided by law; and each of said terms shall continue as long as the presiding judge may deem necessary.

SEC. 2. That no action, suit, proceeding, information, indictment, recognizance, bail bond, or other process in either of said courts shall abate or be rendered invalid by reason of the change of time in the holding of the terms of said courts, but the same shall be deemed to be returnable to, pending, and triable at the terms herein provided for.

SEC. 3. That all laws and parts of laws conflicting with this act be, and are hereby, repealed.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was ordered to a third reading, read the third time, and passed.

THE MILITARY ESTABLISHMENT.

The Senate resumed the consideration of the bill (S. 4300) to increase the efficiency of the military establishment of the United States.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Georgia [Mr. BACON].

Mr. HAWLEY. I move to lay the amendment on the table.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. The Senator from Connecticut moves to lay the amendment on the table.

Mr. TELLER. Let it be read.

Mr. BACON. I understood that I had the floor. I simply suspended for routine matters.

Mr. HAWLEY. I leave that to the Chair.

Mr. BACON. If the Senator from Connecticut, under my statement that I have not concluded, desires to move to lay the amendment on the table, I shall not ask him to do otherwise. He can pursue his own course about that.

Mr. HAWLEY. I was not present. I withdraw my motion.

The PRESIDENT pro tempore. The Senator from Connecticut was not present when the Senator from Georgia made his statement. The Senator from Connecticut withdraws his motion?

Mr. HAWLEY. I do for the present.

Mr. ALLEN. I should like to ask the Senator from Georgia if he desires to proceed this evening?

Mr. BACON. I was going to say that I shall not occupy much more of the time of the Senate. I would not occupy any time except that certain things which have been stated especially in reply to what I said to the Senate require that I should do so. I would prefer, if possible, not to go on this afternoon. I have been here on a constant strain since 12 o'clock without going to lunch, and I am fatigued, as is the Senate, I know. It is about 5 o'clock, and I hope the amendment will go over until to-morrow morning.

Mr. ALDRICH. I see no objection to the Senator's amendment going over, provided we can go on with other amendments. I believe there are quite a number of other amendments to be acted upon.

Mr. BACON. I have no objection, of course, to that.

Mr. ALDRICH. I make the request for the personal convenience of the Senator.

The PRESIDENT pro tempore. Is there objection to the amendment offered by the Senator from Georgia being postponed until to-morrow morning? The Chair hears none.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Dolliver,	McComas,	Scott,
Allen,	Elkins,	McCumber,	Sewell,
Allison,	Foraker,	McMillan,	Shoup,
Bacon,	Foster,	Martin,	Simon,
Bard,	Frye,	Money,	Stewart,
Bate,	Gallinger,	Morgan,	Taliaferro,
Berry,	Hale,	Nelson,	Teller,
Burrows,	Hawley,	Perkins,	Thurston,
Caffery,	Heitfeld,	Pettigrew,	Towne,
Carter,	Jones, Ark.	Pettus,	Turley,
Chilton,	Kean,	Platt, Conn.	Warren.
Clark,	Kyle,	Pritchard,	
Cockrell,	Lindsay,	Proctor,	
Culberson,	Lodge,	Quarles,	

The PRESIDENT pro tempore. In answer to the roll call 53 Senators have responded. There is a quorum present. The Secretary will state the next amendment.

The SECRETARY. Amendment by Mr. TELLER. Amend section 29, page 41, by striking out the words "has been" in line 21 and inserting "shall be hereafter;" so as to read:

SEC. 29. That when in the opinion of the President the interests of the service will be benefited thereby he is empowered to place upon the retired list, by Executive order, any officer who shall be hereafter suspended from duty, either by sentence of court-martial or by virtue of an Executive order in mitigation of such sentence, for a period extending to or within one year of the time of his compulsory retirement for age

Mr. TELLER. Mr. President, the other day I made some remarks upon the bill which seemed to stir up certain members of the committee who reported it, and I was charged with doing injustice to the War Department. I said that the bill was drawn, in my opinion, with reference to taking care of certain pets of the Department. Now, I am going to add that in my opinion it was also drawn so that it could take care of, and that it was intended to take care of, the late General Eagan, whatever his rank might have been. The section reads as follows:

SEC. 29. That when in the opinion of the President the interests of the service will be benefited thereby, he is empowered to place upon the retired list, by Executive order, any officer who has been suspended from duty, either by sentence of court-martial or by virtue of an Executive order in mitigation of such sentence, for a period extending to or within one year of the time of his compulsory retirement for age.

Now, Mr. President, that has a retroactive effect and allows the President to do what he can not do unless this law passes. I have been told, and I do not suppose there is any secrecy about it, that this provision was put in here that the President might retire General Eagan. The President took another method of retiring him, and, therefore, there is not any particular reason why this section should remain. I have asked the committee to make this provision simply a future rule of conduct, which they are not willing to do. As they are not, I propose to discuss it at some length. My amendment leaves the President with the same power by striking out the words "has been," in line 21, and inserting "shall be hereafter" before the word "suspended."

Mr. President, I need not say to a body of lawyers like this that retroactive laws are vicious, and that, unless there is some very good reason for it, they never ought to be passed. The reasons which seemed to justify the committee have passed away, unless there was a further purpose of retiring an officer who falls within this provision as it now stands, and that is Maj. J. W. Wham, paymaster of the United States Army.

Mr. President, I am quite tempted, although the hour is late, to discuss this provision with reference to the purpose for which it was originally put in, and then to discuss it with reference to the purpose for which it is now maintained and insisted that it shall remain. It can have no other effect whatever now, except as special legislation to retire one single officer, for I do not believe there is now more than one officer who would fall within its provisions. There were undoubtedly two a short time since.

I have not any desire to say anything unpleasant or vicious about anybody nor to criticise the Executive unduly, and if I do so, Mr. President, it is simply because the committee have brought here the most remarkable provision that ever was put in a statute or attempted to be put into a statute since I have been in public life—at least, that attracted my attention.

There was, early in the war with Spain, a great deal of scandal growing out of the use of beef that was usually termed "embalmed" beef. I believe it was beef boiled and canned, and some of it was of very ancient lineage. Some of it had made a trip to Europe and back, had been condemned there and found unfit for use, and was sent back and purchased by the Government of the United States and served out to the volunteer and regular forces of the United States in our Army.

The General of the Army, as it was his duty and his privilege, called the attention of the country to it after his attention had been called to it in a way that he could not avoid it, and an officer of the United States made an exhibition of himself (and I will not attempt to go into the details of it), showing that, while the boast is often made that the Army of the United States is always officered by gentlemen, it was officered to this extent by a miserable blackguard. His language with reference to the Commanding General of the Army was brutal and low, and such as no gentleman would have ever used, no matter what the provocation was.

It was so bad that it could not be overlooked, although there was evidently a very great anxiety to overlook it in the Army; that is, in certain branches of the Army, with certain parties. A proper finding suspended this man, or rather found him guilty of conduct unbecoming an officer, which rendered him unfit to remain in the Army; and the President of the United States furnished the most disgraceful episode that has occurred in the Army since I can remember. The proceeding by the President shocked the moral sense and, I may say, the respect for decency of the American people. The President suspended him on full pay. The President said to him in substance, "You are guilty of conduct unbecoming a gentleman and you may now lie off for four or five years; you need not render any service to the Government, but you shall have your full pay."

Mr. President, that was a decoration and not a suspension, and there are a great many people in the United States who believe it was intended as a decoration, who believe it was a reward for a vile and miserable attack on the General of the Army. This provision was put in the bill here for the purpose of enabling the President to retire General Eagan, so that the President might appoint the man who had been doing the service on half pay, as should have been the case, to the place that would be made vacant by this man's retirement.

I do not want to comment further upon this matter. I know

that it was not a very edifying thing to do. I know it was not a very attractive thing for the young men coming into the Army to see a blackguard of this character decorated with permission to retire and to take his ease, while the Government gave him full pay, when other men who have by slight infractions of the regulations and not by the commission of such indecencies as those to which I have referred been suspended without pay or with partial pay. I thought when there was no longer any necessity for it the committee would see the propriety of getting rid of it, but the committee have not done so.

I believe I shall not commit any breach of etiquette or propriety if I say that the provision is maintained in this bill for the purpose of retiring a man who has had a controversy for some time with certain members of the Army. So, if I said the bill was to take care of the pets, I will now add that the bill apparently seems to be for the purpose of getting rid of an offensive Army officer, who can not be gotten rid of under the law, and ought not to be gotten rid of under any circumstances whatever.

Mr. KEAN. What is his position now?

Mr. TELLER. He is suspended.

Mr. KEAN. I thought he was retired.

Mr. TELLER. On July 8, 1898, Congress passed this law:

An act to authorize the President to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, his former rank, and status in the United States Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized to revoke the order of the President approving the proceedings of the general court-martial which sentenced Maj. J. W. Wham, paymaster, United States Army, to be dismissed the service, and mitigating the sentence to suspension on half pay from rank, duty, and all privileges until January 18, 1904, his name to be placed at the foot of the lists of majors in the Pay Department, and to disapprove the sentence of dismissal of Maj. Joseph W. Wham, paymaster, United States Army, and to restore him to duty, previous rank, and status in the United States Army, and full pay from and after the passage of this act.

Mr. President, that act passed both branches of Congress and became a law. Major Wham has not been reinstated. I will admit that this act does not compel the President of the United States to reinstate him, but I believe this act passed practically with the unanimous approval of both branches of Congress.

Mr. COCKRELL. Will the Senator permit me one word, as I happen to be familiar with the case?

Mr. TELLER. Certainly.

Mr. COCKRELL. The act referred to left it entirely in the discretion of the President to do just as he saw proper.

Mr. TELLER. If the Senator had been listening to what I said, he would have noted that I said the same thing. I did not claim that the President was obliged to put Major Wham in the Army, but I do claim that the passage of that law was a moral reversal of the sentence of the court-martial; and I do claim that after putting this man Eagan in a place it is an indecent thing for Congress to pass a law by which Major Wham may be deprived of what we have declared he is entitled to.

I know the President of the United States does not necessarily have to put this gentleman back in the Army, but I know why he does not put him back, and that is because certain Army officers get the ear of the President. I understand the President never said he would not put him back, but he has simply not put him back. I want to leave him where he is, if I can not do any better. I should like to see him put back, and I believe those who have examined into the matter would like to see that done.

Mr. KEAN. Why would not the Senator do the same with General Eagan?

Mr. TELLER. Because Major Wham did not commit any such crime as Eagan did, and there is nothing in the record which shows that he is the same character of man as the record shows the other to be—a record that he never could dispute, a record that nothing could set aside—his own vile language, his lack of propriety, his lack of decency, and his lack of the first principles of gentility; and yet he is retired on three-quarters pay.

Mr. PLATT of Connecticut. What did Major Wham do?

Mr. TELLER. I have got the report here which shows, but I do not want to try Wham's case here. What I insist upon—and I insist that this is an elementary principle of justice and decency—is that this body has no right, without a full knowledge of all the facts, to come in here and interfere with this thing now after it has pronounced its judgment that this man was improperly treated, that justice required that he should be reinstated, and after the committee of the House of Representatives and a committee of this body reported in his favor and Congress passed the bill.

It can not be said that Congress did not understand the matter. After Congress passed that bill two years ago, I say it is not the right thing for the pending bill to contain a provision, when only a few men know what is intended by it, to do so serious a thing as that. That is why I have asked to strike out the provision or to amend it so that it shall have no retroactive effect.

Mr. President, I said that I did not want to try this man's case here. I do not want to try it. It is not the right thing to try such a case here, and it would take a longer time than ought to be consumed during the consideration of this bill.

I have here the report of the Committee on Military Affairs of the House of Representatives, made February 10, 1898:

Mr. McDonald, from the Committee on Military Affairs, submitted the following report:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4237) to enable the President to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, his former rank and status in the United States Army, submit the following report:

Maj. Joseph W. Wham, paymaster, United States Army, was court-martialed and dismissed the service, but was unanimously recommended for clemency by the court. The President commuted the sentence to suspension on half pay until 1904, date of retirement. The facts, culled from the voluminous record, are as follows:

Nearly seventeen years ago Maj. Joseph W. Wham, paymaster, United States Army, was president, and D. C. Holcomb general manager, of a mining company, in which Major Wham had invested $17,000. The company needed funds to meet an indebtedness to one Atchinson. President Wham and General Manager Holcomb joined in their personal note to the Laramie National Bank for $1,000, obtained that amount, and paid it to Atchinson in liquidation of the mining company's debt.

At about the time of the maturity of this note Holcomb, in his unsupported and contradictory deposition, claims that he sent the money to meet this note to Hon. Otto Gramm, State treasurer of Wyoming, and also treasurer of the mining company, to deliver to President Wham. Gramm squarely contradicts Holcomb as to this, and testifies that no such transaction occurred. Hon. M. C. Jahren, secretary of the company and city attorney at Laramie, Wyo., also testifies in denial of the assertion of Holcomb that he sent the $1,000 or any sum to the treasurer for such purpose, or for any purpose, at any time, and that it would have been impossible for such a transaction to occur and the books of the company not show it.

Both Treasurer Gramm and Secretary Jahren testify that neither said $1,000 nor any sum was ever paid to Major Wham, and that Major Wham is not now and never was indebted to said company in that or any other sum. Both these officers of the company squarely deny in their testimony that any such sum was ever paid as stated, and President Wham also testifies that he never received any such sum or any sum at any time or any place. Holcomb's claim, which was not made for nearly ten years after the alleged transaction, is therefore unsupported except by his own contradictory deposition, and opposed to this are the denials of State Treasurer Gramm, Hon. M. C. Jahren, secretary of the company, and President Wham, all of whom are corroborated by the books of the company.

Holcomb asserts that he has lost certain letters from Treasurer Gramm and President Wham, which would show that they received the $1,000, as he claims. Holcomb's testimony upon this point, that he sent this money from Peoria, Ill., to Gramm, at Laramie, Wyo., having been definitely and squarely denied by the treasurer, the secretary, and the president of the mining company, and verified by the books, could easily have been corroborated, if it were true, by producing the books of the express company, the express company's receipt, or the receipt for the registered letter, or the stub of the check, or the check itself, which would necessarily bear Major Wham's indorsement.

Mind you, none of these things were presented.

The complaint on which the judgment was rendered in the civil suit set up that the claim on which the judgment was based was an accommodation note which Holcomb had had to pay for Major Wham, whereas Holcomb, in his unsupported and contradictory deposition, claims that it was for $1,000 of corporate money. It is hardly necessary to add that any court of justice on appeal would have reversed this judgment.

The case had been pending for a long time, and at last hurried to trial, when Major Wham was at Tucson, Ariz., almost across the continent. Major Wham, according to his own testimony, received no notification whatever of the date of trial of the civil suit in New York. But granting that the claim of the prosecution is true, i. e., that a telegram was sent two days prior to trial, when it required five days to get to New York, thus leaving Major Wham three days less time than was absolutely necessary in which to reach that city. Major Wham could therefore not be present, and made no defense—

Remember that Major Wham says he did not know there was any trial going on—

owing to a controversy with his attorney relative to the attorney's demand for the payment of what Major Wham deemed an exorbitant bill, rendered before trial, for nearly 60 per cent of the amount involved.

The report clearly shows that if the complainant, Holcomb, had caused execution to issue and proper civil effort to be made, instead of delaying for months and then asking the War Department to enforce the payment of a questionable civil claim, he could easily have enforced payment. The judgment was obtained in June, 1890. Had he levied upon Major Wham's property at any time during that year, he could have secured his money. It is in evidence, and not rebutted or denied, that from 1890 to February, 1891, when the Arizona floods wiped out Major Wham's property, there was plenty of available assets upon which to make this judgment; after which, by the act of Providence, the property of Major Wham was swept away and he was left with nothing but his Army pay, nearly 90 per cent of which went to creditors.

Finally, to pile Pelion on Ossa. Put on one end of the scales of justice the complainant's wholly unsupported and contradictory testimony, and on the other the testimony of Hon. Otto Gramm, State treasurer of Wyoming and lessee of the Laramie rolling mills, a most reliable and responsible business man, and the testimony of Hon. M. C. Jahren, city attorney of Laramie, Wyo., and Major Wham, who had correctly accounted for millions of public funds. Now, add to this the abrogation on both trials of the rule of law requiring a fact to be proven by the best evidence, which, in this case, is the express receipt or record, registered receipt or letter, or check, which would necessarily bear Major Wham's indorsement, and we are unable to see how any earthly power could make Major Wham's vindication clearer. It certainly has been axiomatically proven if not demonstrated that Major Wham did not owe this money.

Major Whan was suspended because he did not pay this debt.

That this fearful injustice to a gallant soldier of the great Republic may be speedily corrected and a great wrong righted, the committee concur in the recommendation of the Secretary of War for the passage of the bill. The Secretary's report, hereto attached, after stating that he had "devoted considerable time to the consideration of the case," concludes as follows:

"It is true that the unexpired portion of the sentence could be remitted by the President and he could be restored to duty, but, in my opinion, this would not be a full measure of relief to him, and I therefore recommend legislation for his relief."

The Secretary of War in his report also says that Major Wham's "record

during the war was a brilliant one," and, judging from the following testimonials, his record as a paymaster has been no less brilliant:

"Major Wham, while serving under me in the Department of the Atlantic, performed his duties in a courteous and satisfactory manner, promptly and most excellently. There were none better.

"Very truly, yours,

"DANIEL McCLURE,
"*Colonel, Retired.*"

"During the period of Major Wham's service under my command in the Department of Arizona he performed his duties in a prompt, courteous, and saisfactory manner.

"ALEXANDER McDOWELL McCOOK,
"*Major-General, Retired.*"

"Major Wham, paymaster, United States Army, while stationed at my headquarters in 1892, attended promptly, courteously, and satisfactorily to his duties.

"W. P. CARLIN,
"*Brigadier-General and Brevet Major-General, U. S. A., Retired.*"

Brig. Gen. E. S. Otis, now commanding Department of Colorado, and the last department commander under whom Major Wham served, at the conclusion of an extended letter, says: "His (Major Wham's) services were discharged promptly and satisfactorily."

Attached is a recommendation for the Congressional medal of honor on two distinct occasions, by Major-General Kimball, Major Wham's division commander during the war, and by Maj. Gen. D. S. Stanley, United States Army, for bounding over the works at Franklin and going to the rescue of a fallen comrade, and a few days later at Nashville, Tenn., planting the colors of Grant's old regiment first on Montgomery Hill, the apex of the Confederate position; also a recommendation for promotion to Paymaster-General, signed by the entire Illinois delegation, irrespective of party, and C. T. Christiansen, manager Drexel, Morgan & Co.; Rev. William Hays Ward, editor of the Iudependent, and Gen. Horace Porter.

Mr. President, if this was the place for the trial of this matter all these proofs could be brought up, but there is no reason on the face of the earth why Major Wham should be put on trial here, and there is no reason under the sun which can be given why there should be any attempt here to legislate him out of the present condition in which he stands, which is unfortunate enough, God knows, for a brave and generous soldier.

WAR DEPARTMENT, *Washington, January 19, 1898.*

SIR: I have the honor to return H. R. 4237—

That is the bill which became a law—

"To enable the President to restore Maj. Joseph W. Wham, paymaster United States Army, to duty, his former rank and status in the United States Army."

Major Wham was tried by general court-martial and sentenced to be dismissed the service, which sentence was mitigated by the President to suspension on half pay from rank, duty, and all privileges until January 18, 1904, his name to be placed at the foot of majors in the Pay Department. I inclose a copy of the report of the Judge-Advocate-General made to me on the 26th of August, 1897, in which he reviews the proceedings in the case.

The charge against Major Wham, upon which he was tried, grew out of a transaction in relation to a mining company which involved the payment of a note amounting to $1,000. It was entirely a private transaction between individuals, and had no relation to any matters connected with the military service, except as it affected his conduct as an officer of the Army.

I have devoted considerable time to the consideration of this case, and am not convinced from the testimony that Major Wham was so culpable as to warrant his dismissal from the service or even his punishment in the degree to which it was mitigated by the President. He was careless and negligent of his own interests in not submitting a defense to the charge against him, the case going to a verdict upon the testimony of the prosecution.

We know from Major Wham's statement—and there is no proof that is worthy of any consideration to the contrary—that this officer did not know that the case was to be tried until after judgment had been rendered.

Mr. SPOONER. Where was the case tried?

Mr. TELLER. In New York.

Mr. SPOONER. Was he represented by counsel?

Mr. TELLER. He must have been, or else there would not have been any judgment to the contrary. He had an attorney with whom he had a quarrel, and the attorney did not attend to the case. That is the fact about it, as I understand.

From papers filed by Major Wham it appears that he lost considerable money in ventures in which he engaged, especially as to two ranches which he attempted to make productive or profitable, and was without means to meet his indebtedness. His record in the Army during the war was a brilliant one.

It is true that the unexpired portion of the sentence could be remitted by the President and he could be restored to duty; but, in my opinion, this would not be a full measure of relief to him, and I therefore recommend legislation for his relief.

Very respectfully,

R. A. ALGER,
Secretary of War.

That is addressed to the Hon. JOHN A. T. HULL, chairman of the Committee on Military Affairs of the House of Representatives, and it is the report of that committee, which was a unanimous report, that I am reading.

Mr. President, this section, if it is allowed, will enable the influences at the Department that are opposed to the Major and hostile to him to put another indignity upon him, which he does not want and which his friends do not want. I did not expect that this matter was to come up. The junior Senator from Illinois had it in charge and not myself, and he is specially interested in it. When I get through I am going to ask that this go over until to-morrow. I did not ask that before because I did not want to delay.

Mr. PETTIGREW. Will the Senator yield to a motion to adjourn?

Mr. TELLER. I will, of course.

Mr. PROCTOR. Let the Senator from Colorado finish.

Mr. TELLER. Or I will finish the reading of this, but I do not want it acted upon and I do not intend that it shall be acted upon to-night. Now I wish to read a letter from Nathan Kimball:

OGDEN, UTAH, *October 24, 1893.*

SIR: I had the honor to command the First Division, Fourth Army Corps, Army of the Cumberland, at the battle of Nashville, on the 15th and 16th days of December, 1864, and in the capture of Montgomery Hill on the 15th, containing 12 Napoleon guns—the apex of the rebel position. The Twenty-first Illinois Veteran Volunteer Infantry was in the rear line of battle when the charge was ordered.

That it was in the front line when the hill was captured; that during the charge the color-bearer of that regiment was severely wounded, and that Sergt. J. W. Wham took the colors, carried them forward, and planted them upon the works; if not absolutely the first to be planted, they were certainly very nearly so. And I earnestly recommend that for this gallant act he be awarded the Congressional medal of honor.

Very respectfully,

NATHAN KIMBALL,
Late Brigadier and Brevet Major-General,
Commanding First Division, Fourth Corps, Army of the Cumberland.

Hon. SECRETARY OF WAR,
Washington, D. C.

Here is another by the same officer:

OGDEN, UTAH, *October 24, 1893.*

SIR: I had the honor to command the First Division, Fourth Army Corps, Army of the Cumberland, in the battle at Franklin, Tenn., on the 30th day of November, 1864. The Twenty-first Regiment Illinois Veteran Volunteer Infantry was in my division and took a prominent part in that battle. The regiment was noted for its daring gallantry.

My attention is called to the daring and gallant act of Sergt. Joseph W. Wham, afterwards first lieutenant of Company G, Twenty-first Illinois Infantry, who, at the risk of his own life and in the face of a close and direct fire from the enemy at short range, jumped over the breastworks to the rescue of his comrade, James Hillham, who had been shot and fell outside of our lines. Sergeant Wham lifted him up and carried him inside of our lines.

For this daring and successful act in going to his comrade's rescue I with pleasure do earnestly commend him to the favorable consideration of the Secretary of War, and recommend that a medal of honor be granted him.

Very respectfully,

NATHAN KIMBALL,
Late Brigadier and Brevet Major-General,
Commanding First Division, Fourth Corps, Army of the Cumberland.

The SECRETARY OF WAR,
Washington, D. C.

Mr. PLATT of Connecticut. May I ask the Senator from Colorado a question?

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. I understood him to say that the sentence of the court-martial was that Major Wham should be suspended, until the time of his retirement, on half pay.

Mr. PROCTOR. He was sentenced to be dismissed.

Mr. TELLER. But the court unanimously recommended him to the mercy of the President. Then the President mitigated it in that way.

Mr. PLATT of Connecticut. If the President should retire him he would get three-fourths pay.

Mr. TELLER. He does not care whether he gets three-fourths pay or full pay. He feels that there has been an injustice done him, and so do his friends. It is not a question with Major Wham of dollars and cents. He is not putting his character and his honor up for sale in that way. All he wants is that he shall be let alone; and if the President of the United States does not see fit to reinstate him, he wants to stand upon this record that he made here. He does not believe, nor do I believe, nor do any of his friends believe, that that indignity ought to be put upon him, as we believe it would be if this bill passes. Otherwise this particular provision of the bill would not be insisted upon as it is being insisted upon.

GOVERNOR'S OFFICE, UNITED STATES SOLDIERS' HOME.
Washington, D. C., November 1, 1893.

I certify that I know Capt. Harrison Black, and also know Capt. James W. Duncan, late of Twenty-first Illinois Volunteers, and that I am intimately acquainted with Nathan Kimball, late brigadier-general, brevet major-general of volunteers, and I have the fullest confidence in their statements of the bravery and gallantry of Sergeant Wham, now Major Wham, at the battles of Franklin and Nashville, and I do hereby recommend him for the medal of honor.

D. K. STANLEY,
Brigadier-General and Brevet Major-General, U. S. A.

I wish to say that if the senior Senator from Illinois [Mr. CULLOM] were here he would relieve me of any of this duty, and probably the junior Senator from Illinois [Mr. MASON] would also, although I might have said something in defense of the Major on my own behalf, because I have a very strong feeling that he has been badly treated and is being badly treated, and is liable to continue to be badly treated.

I am not going to read all of what follows, but here is a petition from people in Illinois. It is signed by a large number of members of Congress and members of the legislature and State officials to the extent, I should say, of thirty or forty. I wish to read what it says. I will not undertake to read the names, but I will say that there are the names of a great many members of Congress whom I have known. Some of them are still in the public service and some of them are out. HOPKINS is here, CANNON is

here, MASON was a member and is now a Senator, CULLOM is in this body. They signed this petition:

SPRINGFIELD, ILL., *January —, 1890.*

To the PRESIDENT:

We most earnestly ask the appointment of Maj. J. W. Wham, paymaster, U. S. A., as Paymaster-General of the Army. He was a soldier in Grant's old regiment, and participated with that regiment in thirteen battles.

Years after, when the young and stalwart soldier had reached mature manhood, and had been intrusted with many responsibilities by his old colonel, who, meantime, had won the highest honor of earth (President of the great Republic), was, finally, March 3, 1877, honored by him with the appointment of paymaster, which was probably the last official act of the great commander's illustrious career.

Immediately after the battle of Stone River a Department order was issued requiring five privates to be selected "who were most distinguished for bravery, enterprise, endurance, soldierly conduct, and skill in the use of arms." Private Wham was one of the men selected. At Franklin he bounded over the works and, amidst the most terrible battle of modern times, went to the assistance of a fallen comrade. At Nashville, a few days later, in the charge on Montgomery Hill, his regiment started in the rear line of battle, swept to the front, and its colors were the first planted on the apex of the rebel position, placed by him, though not of the color guard; and recently among the lonely mountains of Arizona when attacked by banditti he defended his trust until his little escort had sustained the heaviest casualty list ever historically reported, every soldier but one who remained with him in the vicinity of the treasure box being wounded.

I desire to say that some of his enemies around the War Department have attempted to make it appear that in this action this man, who rendered such service in the war, showed the white feather; but it is not true.

Mr. SPOONER. Will the Senator allow me to say a word?

Mr. TELLER. Certainly.

Mr. SPOONER. I was chairman of the Committee on Claims when the bill was introduced to reimburse Major Wham for the money he lost on that occasion. He was overwhelmed. I gave the whole transaction very careful investigation and reported in favor of the bill, and it passed both Houses of Congress.

Mr. TELLER. Did the Senator find anything discreditable?

Mr. SPOONER. On the contrary, we found that he did everything that could be expected of a brave man having in charge funds of the Government.

Mr. TELLER. I am very glad the Senator has said that, because it saves my taking up that phase of the case. The case was examined by the proper committee, and it was found that he was not to blame, and, as was said, we paid the money. I will not waste any time on that point.

It was such yeoman service as this which kept our flag in the air and our nation on the map of the world.

There can be no just comparison of such service with that rendered in the safe and comfortable seclusion of an office located far from the sound of battle.

Every cent of the vast amount intrusted to him for disbursement has been properly accounted for.

That is signed by the adjutant-general of Illinois, captains, colonels, members of the House, members of the Senate, or those who are now members; and I think that makes a case. I will say nothing more until I have heard from the committee. If the committee have any defense for this proceeding I want to hear it.

Mr. PROCTOR. I move that the Senate adjourn.

Mr. CARTER. I trust the Senator will withhold that motion for a moment.

The PRESIDENT pro tempore. Does the Senator from Vermont withhold his motion?

Mr. PROCTOR. I do.

Mr. CARTER. Mr. President, it is manifest that this bill, with all pending amendments, can be now disposed of within some reasonable time. The debate has gone along from day to day with considerable indulgence and with very little method. It does not appear that any Senator desires to address himself formally to the provisions of the bill. Some criticisms are being made from time to time with reference to certain provisions and amendments proposed, but I do not know of any Senator who is preparing a speech which he desires to deliver at some future time. I think it must be obvious to all Senators that it is the duty of this body to dispose of the bill at the earliest practical date.

We have, I think, in the Pacific eight well-fitted transports for troops. Those transports, if started at an early date in the work of transporting to the Philippines the troops which we hope to have raised under the bill, according to its provisions, and then in bringing back volunteers, may, without the employment of special transports under contract, complete the work of substituting new recruits for our army in the Philippines before the 1st of July. If, on the other hand, we delay the passage of this bill, it is quite probable that we will be compelled, in order to have substitutes for the volunteers and regulars entitled to discharge on the 1st of July, to employ special transports.

It is not in the per diem allowed for the special transports that so much expense will be incurred, although each transport usually costs a large sum per day, but in the fitting up of the transports to carry the men and their provisions great expense will be incurred. I do not believe it is overstating the mark to say that each day's delay in the passage of the pending bill will involve an additional expense upon the Government of at least $500,000.

Mr. COCKRELL. That would have a great deal of influence if said right at the beginning of the session of the Senate, when everybody could hear it, but when only a few are here I am afraid it will not have its weight.

Mr. CARTER. I trust it will have its weight with those who are here, although the suggestion of the Senator from Missouri is very pertinent, there being but a few Senators present. My idea was at this time to ask unanimous consent for the fixing of an hour or a day when a vote shall be taken.

Mr. PLATT of Connecticut (to Mr. CARTER). Ask it to-morrow morning.

Mr. CARTER. But in view of the suggestion of the Senator from Missouri, I will defer making the request until to-morrow morning.

Mr. TELLER. I want to say a word about fixing a time. I will not agree, so far as I am concerned, to fixing a time. If the Senator wants to meet here at 11 o'clock or 10 o'clock, or to stay at night, I will be with him; I will not make any fuss.

Mr. PLATT of Connecticut. Let us adjourn until 11 o'clock.

Mr. TELLER. I do not care what you do about that.

Mr. ALDRICH. Let us adjourn till 11.

Mr. TELLER. I am opposed, on a bill of this kind, to putting the time for voting down to a day certain. If this is a pressing case, let the party that controls the Senate fix the time for the debate and let the debate go on.

Mr. CARTER. If the Senator desires to put it upon a purely partisan basis, the party in the Senate is in charge of the Senator from Colorado if he desires to obstruct the passage of the bill.

Mr. TELLER. That is a gratuitous insult on the part of the Senator. He knows I do not intend to obstruct this bill.

Mr. CARTER. I merely suggested that the Senator's remark——

Mr. TELLER. I said I am willing to come here.

Mr. CARTER. I merely suggested that the Senator's remark as to its being a party measure ought not to have been made.

Mr. TELLER. It is a party measure, Mr. President.

Mr. CARTER. It is a national measure, Mr. President.

Mr. SCOTT. It is a patriotic measure.

Mr. CARTER. It is reported here by the unanimous report of a committee composed of members of both political parties.

Mr. TELLER. I do not care how it is reported.

Mr. CARTER. I care how it is reported. It is the best effort that could be made upon a scientific basis to present a bill for the reorganization of the Army of the United States; and if the Senator from Colorado desires to make of this bill a partisan measure pure and simple, and to discuss it from that basis, he will, I think, have difficulty in getting a following in this Chamber.

Mr. TELLER. I have not discussed it for a single moment from a partisan standpoint; but if the party in power here feel that this is so urgent, then let them change the hour of our meeting. That is all I said. I will not retort to the Senator from Montana——

Mr. CARTER. There is nothing to retort to.

Mr. TELLER. I will simply say that I have spent not a minute, nor has anybody else on our side who is opposed to the bill, on the reorganization. We have yielded that. What we have been complaining about and what we object to is the great Army that you are creating. I have said nothing about the reorganization. The two things are different, and because this is a good bill for reorganization the Senator is not going to close my mouth. He is not going to frighten me by saying it will cost $500,000 a day or $5,000,000 or any other sum.

If we adopt this policy, it will cost millions and millions when I am dead and gone, and when he is, and our children and grandchildren are dead and gone. I propose to debate it not from a political standpoint, as the Senator says, and my reference to partisanship was simply that his party have the power, they can fix the time, and if they think there is unnecessary delay, which they have no right to say, because there has not been. To-day your side has taken as much time as the other side, surely. They may fix the time to come here at 9 o'clock in the morning, if they want to, for all I care.

Mr. CARTER. In conformity with the suggestion of the Senator, I move that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow morning.

Mr. PETTIGREW. I move that the Senate adjourn.

The PRESIDENT pro tempore. The Chair desires to lay before the Senate certain bills from the House. Will the Senator from South Dakota withdraw his motion?

Mr. PETTIGREW. I withdraw it for that purpose.

AUGUSTUS R. ROLLINS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3642) restoring the pension of Augustus R. Rollins, alias Rhenault A. Rollins, which was to amend the title so as to read "An act granting a pension to Augustus R. Rollins, alias Rhenault A. Rollins."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

SAMUEL DORNON.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3342) granting a pension to Samuel Dornon, which was in line 8, to strike out all after "month" down to and including "receiving" in line 9.

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

ELIZA L. REESE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2729) granting a pension to Eliza L. Reese.

Mr. GALLINGER. I move that the Senate nonconcur in the amendment and request a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. SHOUP, and Mr. TALIAFERRO were appointed.

JAMES A. THOMAS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2432) granting an increase of pension to James A. Thomas.

Mr. GALLINGER. I move that the Senate nonconcur in the amendment and request a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. SHOUP, and Mr. TALIAFERRO were appointed.

AMERICUS V. RICE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3890) granting an increase of pension to Americus V. Rice.

Mr. GALLINGER. I move that the Senate nonconcur in the amendment and request a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. QUARLES, and Mr. KENNEY were appointed.

GEORGE G. KEMP.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Pensions:

To the Senate of the United States:

In compliance with a resolution of the Senate of the 8th instant (the House of Representatives concurring), I return herewith the bill of the Senate No. 1226, entitled "An act granting an increase of pension to George G. Kemp."

WILLIAM McKINLEY.

EXECUTIVE MANSION, *January 14, 1901.*

Mr. PROCTOR. I move that the Senate adjourn.

The PRESIDENT pro tempore. The Chair recognizes the Senator from South Dakota.

Mr. PETTIGREW. I withdraw my motion.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Vermont, that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 15, 1901, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 14, 1901.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

REPRINT OF PUBLIC ACTS.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent that there be a reprint of public act No. 185 and public act No. 4—5,000 copies.

The SPEAKER. The Clerk will read these two numbers by their titles, so the House may know what it is.

The Clerk read as follows:

Public No. 184 (July 6, 1900), an act to ratify an agreement with the Indians of the Fort Hall Reservation, in Idaho, and making appropriations to carry the same into effect.

Public No. 4 (January 4, 1901), an act making appropriation to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for other purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the order is accordingly made.

REPORT OF POSTAL COMMISSION.

Mr. LOUD. Mr. Speaker, I desire to present to the House the report of the Joint Postal Commission appointed under act of June 30, 1898, to investigate the question of railway mail pay and the postal service generally. I ask that the same be printed; and further ask unanimous consent that Senator CHANDLER, who is absent, may be permitted to file his views within twenty days, if he so desire.

The SPEAKER. The Chair would ask the gentleman from California if a bill accompanies the report?

Mr. LOUD. There is no bill, Mr. Speaker, accompanying the report.

The SPEAKER. The gentleman from California submits the report of what is known as the Postal Commission, and asks that it be printed, and that Senator CHANDLER have twenty days to file his views. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ORDER OF BUSINESS.

Mr. BURTON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the river and harbor bill.

The SPEAKER. The gentleman from Ohio moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the river and harbor bill.

Mr. BABCOCK. I ask the gentleman from Ohio to withhold that motion for a moment, until I can make some arrangement for District business, this being District day.

Mr. BURTON. I yield to the gentleman's request.

Mr. BABCOCK. The District Committee, Mr. Speaker, does not desire to interfere with the appropriations or the business of the House, and would ask that it may be in order to call up District business next Monday, subject to any matters that may come up under suspension of the rules.

The SPEAKER. Pending the motion of the gentleman from Ohio, the gentleman from Wisconsin, chairman of the Committee on the District of Columbia, asks unanimous consent, this being District of Columbia day, that a week from to-day be set apart for the consideration of matters from the District Committee, subject to matters called up under suspension of the rules. Is there objection? The Chair hears none, and that order is made. The question is on the motion of the gentleman from Ohio, that the House resolve itself into Committee of the Whole.

The motion was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HOPKINS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union, pursuant to the direction of the House, and the Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. LAWRENCE. Mr. Chairman, I protest against appropriations for great national projects which will confer great national benefits being charged to the account of individual States. During the debate upon the pending bill attention has been called to the large appropriations which will go to certain States. It has been said that Massachusetts will receive a large sum by the provisions of this bill. I wish to say that a very large proportion of the amount appropriated for Massachusetts items is for the improvement of Boston Harbor. Does anyone contend that Massachusetts is to be benefited exclusively from such an expenditure? Less than 10 per cent of the cargoes carried from Boston Harbor by our great steamers consists of local shipments from the city of Boston. More than 90 per cent comes from the West and the South. This proposed improvement will aid the producers of the whole country and be a national benefit. It is largely the great increase of our export trade which has brought prosperity to our people and happiness to our homes. We want to increase our export trade. If we are to control the markets of the world we should make every effort to put our goods into those markets at the lowest possible price. Therefore diminution of the cost of transportation becomes a factor of great importance. It is the increase in the size of our steamers which has brought about a decrease in the cost of transportation, and it is because of such increase in size that our harbors must be provided with wider and deeper channels.

Twenty-five years ago steamers sailing from our Atlantic ports were of 2,500 tons weight, from 300 to 400 feet long, and drew from

18 to 20 feet of water. Then the rates of freight were from 16 to 20 cents a bushel for grain and other freight in that proportion.

Ten years passed by and the steamers were of double the size, with a capacity of 5,000 tons weight. Rates of freight were reduced 50 per cent. Instead of 16 to 20 cents a bushel for grain, the rate was from 8 to 10 cents. To-day there are steamers of over 10,000 tons weight, over 600 feet long, and drawing 32 feet of water. As a direct consequence, freight rates were again reduced and are to-day one-quarter of the rate which existed in 1875, so that grain can be shipped to Liverpool at 5 cents per bushel. The producers of cotton in the South pay from 50 cents to $1 per bale instead of from two and one-half to three dollars. The cost of transportation for cattle, provisions, and all kinds of freight has been decreased in proportion. If we have a great surplus of grain, the prices we get for the surplus fixes the price for the whole crop. It needs little argument to show that it is the producer who gets the benefit of a decrease in the cost of transportation. It is in the interest of the whole people that Boston be made a port of the first class. It is 180 miles nearer Liverpool than any of the ports of the South. There are no terminal charges, and freight is taken from the car to the ships as cheaply as it can be done anywhere.

It can not be truthfully said that partiality has been shown to the port of Boston. Since 1825 about $4,000,000 has been appropriated by the General Government, while the State itself has expended nearly $3,000,000 in supplementing that work. The last river and harbor bill carried an authorization of $7,000,000 for New York. Six or seven millions have been expended at Philadelphia, over five millions at Savannah, and over eight millions at Galveston. I do not mention these appropriations because we begrudge them. They were made to aid in the development of the commerce of the whole country, and Massachusetts has shared in the benefit. More than $40,000,000 have been expended upon the Great Lakes. Who can overestimate the benefit the people of this country have received in dollars and cents. The appropriations in the pending bill for the West Nebish Channel and the Detroit River, for the harbors at Cleveland and Buffalo, should not be charged to the account of any locality. Part of those appropriations should be charged to Massachusetts. It is for our advantage that the marvelous tide of commerce now sweeping across the Great Lakes should grow greater and greater, and it is for the interests of that region that Boston should be supplied with the channel facilities of a harbor of the first class.

The amount of this appropriation is not large when the importance of this port is considered and the volume of business transacted. The tonnage is large, and the imports and exports for the year ending June 30, 1900, amounted to $184,500,000, and the amount of revenue collected in that year was $18,871,848. The present depth of the channel in Boston Harbor is but 27 feet. As the steamers are steadily increasing in size and draft, a depth of 35 feet is necessary to afford safe ingress and egress. The resolution in the emergency river and harbor act called for channels 2,000 feet wide. The project has been modified so that the width in the outer harbor shall be 1,500 feet and in the inner harbor only 1,200 feet. This was done because of the great increase in cost caused by the underlying ledges which occur irregularly all over the harbor. Such channels are not as wide as was wished, but it is believed they will make Boston Harbor a port of the first class and enable it to take rank with the great seaports of the world. I ask the House to vote for the appropriation recommended by the committee because it is just and right.

And now a word about some of the other Massachusetts items. There is an appropriation of $200,000 for the harbor of refuge at Sandy Bay, situated at the extremity of Cape Ann, which has been called the Hatteras of the New England coast. Surely it can not be said that this project is for the exclusive benefit of Massachusetts. Seventy thousand boats passed that point in a single year. You remember the ill-fated *Portland*. She went down with every soul on board. The keeper at Thatcher Island light saw the *Portland* off Cape Ann that dreadful night. She could have been saved with the 200 people on board had this harbor been completed. Well do the engineers in their report speak of it as a great national harbor of refuge. There is an appropriation of $150,000 for the harbor at Fall River. Fall River is the largest cotton manufacturing city of the United States. The commerce amounts to over $130,000,000 a year. It certainly is wise legislation and in the interest of all the people to aid the development of so great a commerce. One other appropriation I will mention, that for Gloucester. The Government has started the construction of a breakwater, to complete which would have taken about $600,000. We have authorized the completion of a modified project, at a cost of $302,000. It was necessary that this should be done. Thirty-one boats have been wrecked upon that submerged breakwater. In its present condition it is a constant menace to human life and to property. The committee could do nothing else but order its completion. The other Massachusetts items were carefully considered by the committee. If there is one which can not stand the test of merit, let it go out of the bill. I do not fear the closest scrutiny. I invite it.

The Committee on Rivers and Harbors has striven earnestly and tirelessly to construct a bill which would be fair to all sections and aid in the development of the commerce of the whole country. In our committee room political lines have not been drawn. Sectionalism has had no part. I know Massachusetts would have been treated fairly if the consideration of its items had been left to the Southern Democrats, who represent the minority upon the committee. General CATCHINGS, of Mississippi, who was for two terms its chairman, has made a reputation for fairness. His retirement from Congress is a loss, not alone to his section, but to New England. It has been said that large appropriations go to Ohio. If so, it is because such appropriations are proper and right. I believe with perfect sincerity that the chairman of this committee would turn down a project without merit from his own State more quickly than one from any other part of the country. He has the confidence of his committee for the very reason that he has the confidence of the House, because he is able, because he is patient and thorough and honest and fair. The committee's task was not an easy one. The engineers have recommended projects which call for expenditures of $400,000,000. This bill provides for an expenditure of $60,000,000. The committee has done the best it could. It has tried to be fair. I believe its bill will be indorsed by the House and receive the approval of the country.

The CHAIRMAN. The gentleman from Ohio [Mr. GROSVENOR] is recognized for ten minutes.

Mr. GROSVENOR. Mr. Chairman, I do not rise to discuss the general features of this bill. On one of the days of this debate, during the progress of the speech of the gentleman from Washington [Mr. CUSHMAN], I thought certain language of his could be interpreted to convey a meaning which I felt sure at the time he did not mean to convey, and observing, as I thought, that he was entirely master of the questions that he was debating, I sought to call his attention to what I believed to be a misunderstanding in order that he might correct himself if I was right, for I could not believe that he intended to make the statement which I understood him to make. I have had furnished to me by the official reporter the language of the gentleman to which I refer, and which I will have placed in the RECORD with my present remarks:

Now, I wish to call attention to one or two items of appropriation that have been made on the Columbia River. In the first place, there has been expended between the city of Portland and the Columbia River $160,000 at one time, $155,000 at another time, $190,000 at another time, and the present bill increases the amount to about $850,000. Now, the Chief of Engineers of the United States Army makes some statements regarding the expenditures at the mouth of the Columbia River. In the first place, the former appropriations for the mouth of the Columbia River have been about $2,225,000. When they started in spending money on the mouth of the Columbia River they had 31 feet of water. After they had spent three-quarters of a million of dollars they took another sounding and they then had 28 feet of water. Then they spent three-quarters of a million more, and now they have 24 feet of water. The question now resolves itself into one of arithmetical proportion. If we have spent over $5,000,000 between the city of Portland and the sea to produce a deep channel and we have 7 feet less water now than we had when we started, how much water shall we have when we have spent $5,000,000 more?

Now, all over this State of Oregon you will find appropriations made. Gentlemen have said that they must be guided to a certain extent by the recommendations made by the Chief of Engineers. I make the statement on the floor of this House that in one locality in the State of Oregon they got 140 per cent of what was recommended. [Laughter.] I am perfectly willing to have anybody deny that statement if it is not true.

Mr. MONDELL. Will the gentleman allow me a question?

Mr. CUSHMAN. Certainly.

Mr. MONDELL. I understand there was a project which was recommended by a former Congress and an appropriation provided for it which would have made possible the navigation of the Snake and the Upper Columbia, thereby giving the people of Idaho and Washington and the adjacent States some benefit from the great appropriations that have been made at the mouth of the river. What did the committee do with that project?

Mr. CUSHMAN. Ah, exactly; that is the very proposition that I have been talking about, which is the amendment that we have been trying to get for twenty-five years at The Dalles. *Up to the present time all this money has been expended between Portland and the sea and benefits Portland only, because the river above Portland is absolutely impassable. They have spent $5,400,000 at the present time down here, which makes $5½ for every man, woman, and baby in the city of Portland, Oreg., and the only commerce that benefits is the commerce directly between Portland and the sea. The people who reside up here* [referring to the map] *have to ship their grain by rail down to Portland.* The railroad companies charge them as much, or practically as much, for transporting it from eastern Washington to Portland or the Columbia River as they do for transporting it from this point 2,000 miles east to the city of Chicago. It has been the dream of the farmers of that region for forty years to be permitted to load their wheat on barges in the Columbia River and take it down to market the cheapest way to carry their products to market, and every time any man has gone over into that country *he has promised that the next Congress was going to make an appropriation for the Columbia River, but when we come on the floor of the House the chairman of the committee says it sounds like one of the dreams of Jules Verne.*

Mr. GROSVENOR. If the gentleman from Washington will allow me——

Mr. CUSHMAN. With very great pleasure.

Mr. GROSVENOR. If the gentleman will go a little further back in the record of the appropriations by Congress, I think he will modify his statement in regard to the failure of the appropriations for the Columbia River above the city of Portland; or, in other words, not above the city of Portland, which is not on the Columbia River, but on the Willamette River. And, furthermore, I think the gentleman will find quite large appropriations made on the Willamette River to promote the navigation up into the very valley about which the gentleman has been talking, as high up, perhaps, as Salem, in the State of Oregon. Furthermore, the gentleman will find large appropriations which were expended, with what result I can not state.

Mr. CUSHMAN. Now, I would advise you to print that speech in the RECORD.

Mr. GROSVENOR. Now, my friend, I am only trying to suggest to you—I have some pride in the former history of this committee.

Mr. CUSHMAN. Well, I have some pride in this speech, and you are destroying it.

Mr. GROSVENOR. You will find very large appropriations for The Dalles. I guess they did not do any good, but they were expended there—very large appropriations.

Mr. CUSHMAN. The Chair has advised me that I have only two or three minutes yet remaining. I think I can conclude in a very few minutes.

The portion of the gentleman's speech to which I desired to call his attention at the time, in a spirit of pure friendship and with a view that he might restate his direct purpose in some of the language which he used, is the following:

> Up to the present time all this money has been expended between Portland and the sea, and benefits Portland only, because the river above Portland is absolutely impassable. They have spent $5,400,000 at the present time down here, which makes $54 for every man, woman, and baby in the city of Portland, Oreg., and the only commerce that benefits is the commerce directly between Portland and the sea. The people who reside up here [referring to the map] have to ship their grain by rail down to Portland.

Going forward, the gentleman made some further statements in the same direction, and then he proceeded to say, as I understood him, that candidates for Congress had "promised that the next Congress was going to make an appropriation for the Columbia River; but when we come on the floor of the House the chairman of the committee says it sounds like one of the dreams of Jules Verne."

At that point I sought to interrupt him and he informed me that there was danger that my interruption might spoil his speech, and he declined to be interrupted.

Having been myself for eight years a member of the Committee on Rivers and Harbors, and having studied the special and peculiar nomenclature of the rivers in Washington and some of the other objects of appropriation, I remember very accurately some of the appropriations that we made at that time.

Mr. SHATTUC. May I inquire what century the gentleman is referring to?

Mr. GROSVENOR. It was the century in which my friend had probably better have terminated his political career. [Laughter.]

I addressed a letter to the War Department with the view simply of making a correction, with no idea of any criticism of the gentleman; and I received from the Chief of Engineers, General Wilson, a letter which I will put in the RECORD in connection with my remarks, together with his statement of the amount of money which was expended during the time when I was a member of that committee (with the exception of a single appropriation) upon the stretch of rivers up the Columbia Valley above the mouth of the Willamette.

Now, all members of Congress are supposed to know that the city of Portland is situated on the Willamette River, and not on the Columbia, just a few miles above the mouth of that river; and I asked for the appropriations on the Willamette River above Portland, and for the appropriations on the Columbia River above the mouth of the Willamette. H ere is the report:

	Date of first appropriation.	Amount.
Upper Columbia and Snake rivers, from Celilo to the Snake and up the Snake to Asotin	1872	$284,851.92
Columbia River, at Three-mile Rapids (including $20,000 for survey and construction of boat railway from The Dalles to Celilo Falls)	1892	29,708.51
Columbia River, at the Cascades	1876	3,697,348.26

That is one of the points above the mouth of the Willamette, and is an improvement intended to give the great navigation of the mighty Columbia River to the people of the State of Washington.

Operating and care of canal at the Cascades, Columbia River (allotments)	1896	18,948.26
Columbia River, from Vancouver to the mouth of the Willamette River	1892	94,540.98
Columbia River at The Dalles, Celilo Falls, and Three-mile and Ten-mile rapids (survey)	1888	11,830.51
Columbia River, Rock Island Rapids to Priest Rapids (including appropriation of $10,000 for survey)	1890	61,994.80
Columbia River, Rock Island Rapids to Foster Creek Rapids	1894	8,005.20
Willamette River above Portland and Yamhill River, Oregon	1871	429,781.83
Long Tom River, Oregon (tributary of the Willamette)	1899	3,000.00
Snake River between Seven Devils mining district and Huntington Bridge	1893	40,500.00

Making a total for the two rivers—above the mouth of the Willamette on the Columbia Valley and above Portland on the Willamette Valley—of $4,680,510.27.

All this had been done primarily for the improvement of the navigation of the Columbia River, in the interest of developing the resources of the State of Washington; and I considered it then and I consider it now one of the most important works in the Western country.

And, Mr. Chairman, I have no doubt that, in the coming years, the full appreciation of Congress will be given to the importance of that mighty river, and ample appropriations made for the development of it in the interest of that region of country.

I only wanted to have the opportunity of saying this, as I stated before, because on the former occasion to which I have referred, and when I made an effort to interrupt the gentleman from Washington, I was not permitted to do so. I desire now to put this on record in vindication of the reputation of the Committee on Rivers and Harbors with reference to the appropriations by Congress for this work. [Applause.]

Mr. MORRIS. Mr. Chairman, I desire the attention of the committee for a very few minutes, as I am anxious that the very distinguished and able chairman of the Committee on Rivers and Harbors shall have just as much of the time remaining as possible in which to close the general debate. I take the floor, therefore, only to call the attention of the committee to a few considerations which I think perhaps have escaped the attention of members in this discussion.

The objections to this bill, Mr. Chairman, as I have been able to gather them from the remarks of members on the floor of the House, group themselves into three distinct classes. One set of gentlemen object to the bill on the ground that it is a discrimination in favor of certain States or sections of the country and against others.

Another set of gentlemen criticise the bill on the ground that it is not broad and national enough in its character, and carries too many projects of purely local interest and importance; and still another set of gentlemen criticise it on the further ground that it does not carry certain projects which are of purely local interest and importance.

The last group of criticisms I hope may be considered as justly made. Indeed, I think, and I am glad to be able to say so, it will be found that they are more justly made as to this measure than they have been as to any other river and harbor bill that has been reported to this House for many years.

The other two groups or classes of objections, however, I desire to notice briefly, and the first is to the partiality of the committee in the distribution of these appropriations.

The other day the gentleman from Washington [Mr. CUSHMAN] made a speech here which I thought at the time had two objects in view: First, to attract the attention of the House and command its applause, by giving it amusement and entertainment if not instruction, and, second, to make a speech for home consumption which would increase the gentleman's well-deserved importance and popularity with his own people. Certainly he succeeded in the first of these objects, and nobody hopes more than I do that he will succeed in the second.

But, Mr. Chairman, the gentleman from Washington [Mr. CUSHMAN] called attention particularly to, and used as object lessons for the establishment of the propositions advanced by him, the appropriations made, as he said, for the State of Ohio, and the appropriations made for the State of Michigan.

Now, I desire to take the figures for those two States as they appear in this bill and ask the attention of the committee to them briefly. And I wish to say in this connection that these figures show that the bill, so far from providing for appropriations of local interest and importance, is general in character and is for the improvement of the great waterways and lines of travel and for the benefit of all the great interests of the country.

The gentleman spread before the House a map of the State of Ohio, with large figures displayed upon it, showing that the appropriations carried by this bill for that State exceeded $6,000,000 in amount, and gave it as an evidence of the partiality of the chairman of the committee for his own State.

But, Mr. Chairman, the gentleman failed to notice, or, if he did notice it, failed to call the attention of the Ho use to the fact that of the $6,000,000 so appropriated, as he said, to Ohio—and he will find on examination this to be a fact—$2,350,000 were appropriated for the improvement of the Ohio River alone. Surely no member of the House can claim for a moment that the improvement of the Ohio River is a local improvement or for the benefit alone of the State of Ohio.

If there is a great national highway in this country it is the Ohio River. The appropriations on this river benefit not alone the State of Ohio, but the States of West Virginia, Pennsylvania, Kentucky, Indiana, Illinois, and all those States bordering the Ohio River and the Mississippi River to its mouth.

As to the other appropriations carried for the State of Ohio, with the exception alone of Muskingum River, for which there was the paltry sum of $10,300 appropriated, all were for the improvement of the great harbors along the southern coast of Lake Erie—Cleveland, with its commerce of more than 7,000,000 tons (let any member figure out the number of ships that it will take to carry that enormous tonnage); Ashtabula, with its tonnage of more than 4,500,000 tons; Conneaut, with its tonnage of more than 2,500,000 tons; Fairport, with its tonnage of nearly 2,000,000 tons, and other ports which might be named.

Now, Mr. Chairman, these ports along the southern coast of Lake

Erie are great gathering points for the products which come down from the upper lakes to be distributed as far east as Boston and as far south as West Virginia and Maryland; for let it be known, if it is not already known, that a very large part of the grain which comes down from the upper lakes finds its ocean port at the city of Baltimore, and the iron ore that comes down from the upper lakes finds its use not only in the State of Ohio, but also in the States of Pennsylvania, New Jersey, New York, and West Virginia.

So that these ports can in no sense be considered as local and important only to the State of Ohio. They are national in their character, and the entire country receives the benefit in decreased freight rates and in the decreased cost of the enormous quantities and myriad forms of iron and steel which are used all over the country.

And so with the grain which finds its points of shipments East, after passing over the lakes and connecting channels, at these ports. The benefit of this great waterway can in part be realized when we recollect that a bushel of wheat is carried from Duluth to Buffalo, a distance of about a thousand miles, for about one-third, and sometimes much less, of what it takes to bring a bushel of wheat from Fargo to Duluth (and there are competing railroads between these points), a distance of about 250 miles.

Now, when we come to the State of Michigan, what do we find? The gentleman from Washington exhibits here a map of the State of Michigan, with large figures marked upon it, showing, as he says, appropriations for that State of more than $7,000,000. Let us examine these figures.

If the members of this House will call to mind the map of the United States, they will find along the northern border of Michigan what is known as the St. Marys River, between Michigan and Canada, a natural water highway connecting Lake Superior with Lake Huron. Of the $7,000,000 and over which the gentleman mentioned, four and a half million dollars have been appropriated for this river.

If gentlemen will come a little farther down, they will find the St. Clair Flats Canal, for which in this bill is carried an appropriation of $330,000. If they will come a little farther down they will find the Detroit River, for which is carried in this bill an appropriation, cash and deferred, of $1,750,000.

Besides these appropriations there are two or three small appropriations for certain harbors of refuge in which the State of Michigan is not interested locally at all, but in which the great commerce of the national highway is interested as harbors of refuge for the many vessels which ply along those waters. So we find that of the $7,500,000 which the gentleman charged to the State of Michigan, $6,630,000 are properly chargeable to this great national waterway.

The importance of the St. Marys River can not well be exaggerated, when we consider the country to which it furnishes a means of transportation. All that country which finds its nearest lake shipping port at Duluth and Superior, including all of the States of Minnesota, North Dakota, South Dakota, Montana, Wyoming, Colorado, and even extending as far west as the State of the gentleman from Washington himself, and parts of the States of Wisconsin, Iowa, Kansas, and Nebraska.

All the products coming from this vast territory find their nearest lake shipping port at the harbors of Duluth and Superior. All the grain which comes from the great grainery of the Northwest, and almost all the iron ore from the great mines of Minnesota, Wisconsin, and Michigan, find their line of transportation along that route. And all the heavy freights going West also find their way along this same line.

So that, Mr. Chairman, there goes through this one St. Marys River in seven months of one year—mark the figures—about as much tonnage as goes through the Suez Canal, carrying the commerce of Europe and Asia, in three full years.

A few years ago Senator Davis astonished the country by saying that there was as much tonnage through that river as through the Suez Canal in one year.

Now it has gone to that point where there is as much tonnage there in seven months as goes through the Suez Canal in three years. And when we come down to the Detroit River and the St. Clair Flats Canal, we find in addition all that tonnage which finds its nearest lake shipping port at the great city of Chicago, making with that coming from Lake Superior a tonnage as great in seven months of one year, or nearly as great, as goes through the Suez Canal in five years. If you will mark off a territory fan-shaped and radiating for hundreds of miles from Chicago, you will find a part of the United States as fertile and productive as any country on earth, finding its nearest lake shipping port for its vast productions at Chicago, and contributing to the magnificent tonnage which finds its way to the East along this great waterway. Surely this is a great national commercial highway. And yet the appropriations made for this great line of water communication are charged to the State of Michigan by the gentleman from Washington.

Now, when we come to the East, what States are interested there? All those from the Lakes as far east as Maine, and as far south as Maryland. Why, Mr. Chairman, all the States of this Union are directly and indirectly interested in this magnificent waterway.

Surely, Mr. Chairman, if any figures could be produced to show the policy of this committee, and show it in such light that no man can misunderstand it, these very figures are the ones. Out of appropriations of $6,000,000, which the gentleman from Washington [Mr. CUSHMAN] charges to the State of Ohio, only $10,300 is properly chargeable to that State, even if that may be so charged, and out of $7,500,000 charged by him to the State of Michigan, $6,630,000 is properly chargeable to this great national and international waterway.

Gentlemen will be able to see how a cursory and superficial examination of figures can mislead even a gentleman of the great acuteness of the gentleman from Washington.

Now, there was also exhibited to the House, as showing the partiality of the committee, appropriations for the State of Minnesota amounting to $210,000, and this amount was compared with the $130,000 for the State of Washington.

The gentleman from Washington will perhaps be surprised when I say to him that at the harbor of Duluth and Superior and another harbor within 30 miles of the city of Duluth there goes in and out during the seven months of every year a tonnage more than seven times as great as goes on all the rivers of the State of Washington, leaving out the Columbia River, and on all Puget Sound put together. [Applause.]

There goes in and out at these two harbors more than 16,000,000 tons of freight; there goes out and in at the harbor of Duluth and Superior alone more than 11,500,000 tons of freight; and it is the great waterway which accommodates the commerce which finds its shipping point there and all along the upper lakes and its receiving points along the south shore of Lake Erie which we have sought by these appropriations to improve and render safe.

It seems to me that these considerations would be enough to show the House the policy on which the committee has proceeded. And what is that policy? That this Congress shall make appropriations to improve and develop those great natural highways which will develop and increase the commerce of the country and decrease the freights to the people of the country.

It is true that we did have to put in this bill a number of small streams; but if they are examined they will be found to be feeders, as it were, to the main lines. One, the port of Ludington, in the State of Michigan, has a tonnage greater than all the tonnage of Puget Sound. When they consider these figures, gentlemen will easily see what the character of the bill is. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Oregon is recognized.

Mr. TONGUE. Mr. Chairman, it was not my original purpose to address the House upon the pending bill. I should not do so now but for the strange statements and extraordinary mistakes occurring in the remarks of the gentleman from Washington. I listened to his speech, as I am sure other members of the House did, with great interest and with great enjoyment. My pleasure at the exuberance and brilliancy of its wit was only equaled by my astonishment at the extravagance of its misstatements. As production of fiction, it was certainly unique and amusing. When attempting to deal with sober reality, it was remarkable, chiefly for the great number of facts it contains that are not so.

Had the gentleman laid aside his jesting for a few minutes and condescended to answer plain questions that might have corrected some of his mistakes and explained others; had he devoted one-fourth of the time in the preparation of facts for the information of the House that he had in preparing jests for its entertainment; had he consulted the reports of the engineers with anything like the assiduity he consulted ancient editions of classic joke books, it would not have been necessary for me to reply to his remarks, and I certainly should not have desired to do so. For something like an hour and a quarter the gentleman furnished the House with a great deal of amusement, but with a remarkably small amount of instruction. It was not shown, nor did he attempt to show, that this bill contains a single appropriation for a river or harbor that is not meritorious or which ought not to be made. He has not furnished us with a single fact or reason or argument to show why an appropriation should be made for a single river or harbor not included in this bill. The speech was chiefly a complaint against the plan of the universe and the handiwork of its Creator.

It is a complaint that harbors and the mouths of rivers are located upon the seacoast and the shores of the Great Lakes. It is a complaint that North Dakota was not located upon the Gulf of Mexico or Colorado upon the shores of Lake Michigan, so that they might have rivers and harbors worthy of improvement. To complain that Illinois receives more appropriation under this bill than Iowa is to overlook the fact that the commerce of Iowa is provided for by deepening the harbors of the Great Lakes. The

commerce not only of Illinois but of Iowa, Nebraska, Wyoming, Idaho, Nevada, Colorado, and a large portion of the commerce from that vast territory stretching from Wisconsin to the shores of the Pacific, including the State which the gentleman in part represents, flows outward to find a market through the harbors of the great city of Chicago. When the gentleman would defeat this bill and obstruct those improvements which have been listed under the name of Michigan, he would paralyze the commerce of the entire northern portion of the United States, including that of the State of Washington.

A very large portion of the commerce that traverses the rivers and canals the improvements of which are listed under the State of Michigan passes by Michigan without stopping and is furnished by the two great continental railroads that have their termini in the State of Washington. Hostility to those improvements obstructs access to markets for the production of that vast territory through which runs, with its feeders, the Great Northern Railroad, which terminates at Seattle, in the gentleman's own State, and is doing more to build up the commerce of the city of Seattle and the State of Washington than any other force in existence. Hostility to these improvements is hostility to every settlement through which runs the Northern Pacific Railroad, the great railroad whose chief terminus is the city in which the gentleman resides, the city which owes its birth and growth and present greatness to the fostering care of the Northern Pacific Railroad. The complaint against the appropriation for the city of New York is well answered by the statement of the gentleman from New York [Mr. ALEXANDER], that the exports and imports passing through that great city are more than double the exports and imports of the 28 States that are not represented on the River and Harbor Committee. But these exports and imports are not for New York alone.

The great streams of commerce that pour their treasures into the harbors of New York are formed and filled by rivulets having their sources in every hamlet, in every home, in every camp, in every portion of the land, from the Atlantic to the Pacific, from the Great Lakes to the Gulf of Mexico. It is the commerce of our entire country. There is is not a woodman in any forest, a plowman in any valley, a herder upon any plain who does not with every stroke of the ax, with the turning of every furrow, at every movement of his camp, contribute something to build up the great wealth of commerce that flows through the harbor of this metropolis of the United States. We can not by one stroke, in any one way, better provide for the commerce of the entire land than by suitable appropriations to deepen the harbors of the city of New York. If the 17 States represented on the River and Harbor Committee receive 75 per cent of the appropriations 80 per cent of the commerce of the entire country passes through the rivers and harbors of those States, the improvements of which are provided for in this bill.

But it is not my intention to further pursue this line of remarks. I am concerned most with an endeavor to correct some of the serious mistakes of the gentleman respecting the appropriations in which the State of Oregon and the State of Washington are directly interested. At some trouble and some expense he had prepared a map representing the North Pacific States. Upon the center of the map of Washington was written the sum of $130,000. Upon the center of the map of Oregon was written $2,340,500. Upon the map of the State of Idaho was written $0,000,000. Then the gentleman turns to the House triumphantly and demands to know if it is necessary for him to say which State was represented on the River and Harbor Committee. The gentleman probably intended to convey to the House—the trend of his remarks certainly did convey to the House—the impression that the State of Washington receives through this bill appropriations amounting only to $130,000, while the State of Oregon receives appropriations to the amount of $2,340,500. To show how mistaken such an impression must be I need only to say that, of the sum which the gentleman charges to the State of Oregon $2,174,000 is appropriated for the improvement of the Columbia River, which is more in Washington than in Oregon, and for the improvement of the Snake River, the navigable portion of which is wholly within the States of Washington and Idaho. This leaves only the sum of $166,500 to be expended wholly within the State of Oregon.

Let me call your attention to the fact that the Columbia River forms a part of the boundary between the State of Oregon and the State of Washington; that it is nowhere—even for one foot of its length—wholly within the State of Oregon; that it forms the northern boundary of Oregon five-sevenths of the distance across the State. It then passes entirely within the State of Washington and extends a distance of hundreds of miles. The Snake River, that forms a part of this system of improvement, runs partly through Idaho, then entirely in the State of Washington. There is one navigable river enters the Columbia River from Oregon. Four navigable rivers enter the Columbia River from Washington, all four of which receive appropriations under this bill.

Wherever Oregon is along the south bank of the river Washington is on the north bank. For hundreds of miles Washington is on both banks of the river. There is three times as much of Washington as of Oregon adjacent to the Columbia River, tributary to the Columbia River, and whose products are within easy reach of the Columbia River. It is true—and in this particular the State of Washington is extremely fortunate—it has other outlets for its commerce to the sea, and the products of the northern portion of the State find an outlet through the waters of Puget Sound. But there is still a very large portion of the State, a productive portion of the State, a portion of the State embracing millions of acres of the finest wheat fields in the world, that has no other convenient outlet except down the Columbia River. There is a large portion of territory whose only railroad facilities are railroads that transfer their produce down the Columbia River to the sea.

I have here a picture that may interest the gentleman from Washington, clipped from the leading paper of the Northwest, and which I received yesterday, presenting in a very striking light the interests that some of the constituents of the gentlemen have in the improvement of that river. It represents 70,000 sacks of wheat at Columbus, on the Columbia River, in Klickitat County, within the State of Washington, waiting for transportation upon a ferry to be carried to the railroad on the south side of the river, to be shipped down the river, and find its way out to the sea. This one county of that State sends annually across and down the Columbia River 350,000 bushels of wheat, which has no other way of access to market, by steamboat, railroad, or otherwise. In the southeast portion of the State of Washington, in the vicinity of Lewiston, Idaho, embracing a small portion of Idaho and a very small portion of Oregon, is what is called the "Lewiston country" or "Clearwater country."

I hold a pamphlet issued by the Lewiston Commercial Club, in which it is stated that this country comprises 6,200,000 acres of land; that its only natural, logical, commercial outlet is by way of the Snake and Columbia rivers to the Pacific Ocean; that where 50,000 people now dwell it can furnish homes for 350,000 more; that it is capable of producing 25,000,000 bushels of wheat annually, and that the present wheat production of what it terms the inland empire, tributary to the Columbia, is now 35,000,000 bushels annually. I am told by the Representative from Idaho that practically the whole of the Idaho wheat production, 8,000,000 bushels annually, whenever it finds a market, travels down and out of the Columbia River. I am told by the gentleman's colleague from Washington that that portion of the State of Washington that lies to the south and east of the Columbia River and Snake River, called the "Palouse country," produces annually 20,000,000 bushels of wheat. This is practically double the amount of wheat that is annually shipped out of the State of Washington, except down and out the Columbia River. The gentleman himself states:

> The upper part of the Columbia and its sister streams, the Snake and the Clearwater, drain a rich and mighty inland empire that produced this year something like 30,000,000 bushels of wheat.

In view of these facts, it is very singular to me—it was very unexpected, and I think as unexpected to the gentleman's colleagues as myself—that the gentleman should charge the appropriations for this river as an appropriation wholly for the benefit of the State of Oregon. It was a still greater surprise that the gentleman should so vigorously oppose an appropriation that concerns so deeply so many of his constituents and which will benefit, directly and indirectly, every resident of his State. Cheapen the transportation down the Columbia River for the product of the range and farm of southern Washington, and the railroads will meet the cut for like produce from the northern part of the State. The gentleman's colleagues realize this fact. In this connection it gives me a great deal of pleasure to be able to point to the attitude of two of the gentleman's colleagues, one of whom resides at the same city with the gentleman himself. These men are broad-minded. They realize that the city of Tacoma is not the State of Washington. They are broad enough, liberal enough, to represent the entire State which they have been elected to represent, and to protect the interests of all portions of their constituency.

In response to a letter written by the Portland Chamber of Commerce, asking these gentlemen to assist the delegation from Oregon and the delegation from Idaho in securing appropriations for the improvement of the mouth of the Columbia River, the Senator from Washington [Mr. FOSTER] writes:

> I am in receipt of your favor with reference to an appropriation for the improvement of the mouth of the Columbia River, recommended by the Chief of Engineers. * * * I shall be very glad to continue to give careful attention to this important project, which has to do with one of the great waterways of our country. I have already consulted with General Wilson on the premises, and am quite familiar with his views.

The gentleman's colleague from the House, who resides farther in the eastern section of the State, nearer to the part of the State most benefited by this improvement, writes as follows:

> You may rest assured that the whole delegation is interested in this matter, and will cooperate with Oregon and Idaho in the endeavor to secure the appropriation. Our main reliance in the matter, however, is Mr. TONGUE, who is a member of the committee, and therefore is in a position to insist

upon having the matter taken up and cared for. I have already urged the matter on several different occasions.

The Oregonian, published at Portland, Oreg., and the leading paper of the Northwest, commenting upon the river and harbor bill as reported to Congress, contains the following statement:

Let us give credit where credit is due, but let us also give credit to the Washington and Idaho delegations at Washington for the Snake and Columbia River appropriations. If these rivers flowed through Oregon, we might have less to pat ourselves on the back about.

In the next edition, when the Oregonian shall seek to give credit where credit is due, it will be compelled, I fear, to except the gentleman from Washington, upon whose remarks I am now commenting.

These gentlemen, with the Representative from Idaho, recognize that any sum expended for the improvement of the Columbia River is not a local improvement; it is not an improvement merely for the benefit of the State of Oregon; it is an improvement in the completion of which the whole of the State of Washington, the whole of the State of Oregon, and the whole of the State of Idaho are intensely interested and intensely eager to see prosecuted to completion.

I am not going to underestimate the importance of the improvement of the Columbia River to the State of Oregon. It furnishes the channel through which every pound of Oregon's commerce into other lands must ultimately pass. Its maintenance is essential to the life and commercial supremacy of the city of Portland. But while this is true, its present and continual improvement is absolutely essential to the full developments of the entire north Pacific coast.

But this representation that the improvements of the Columbia River are local to the State of Oregon is not the only serious mistake made by that gentleman. Since he is delaying so long the publication of his remarks in the RECORD, I am not able to quote what he now thinks he ought to have said, but by the aid of the notes of the official stenographer I am able to quote what he actually said. Here is a portion of his remarks:

There has always been a controversy as to where these appropriations should be made on the Columbia River. * * * The appropriations have always been made, up to the present time, on the Columbia River at the mouth of the river, between the city of Portland and the mouth. The chief appropriations, I say, have been made there. Now, I wish to call attention to one or two items of appropriations that have been made on the Columbia River. In the first place, there has been expended between the city of Portland and the Columbia River $160,000 at one time, $155,000 at another time, $190,000 at another time, and the present bill increases the amount to about $830,000.

When it is remembered that the commerce tributary to the Columbia River passes through the city of Portland and does not pass through Tacoma, the city in which the gentleman resides, the reasons for attempting to make this statement are somewhat apparent, but there are no reasons—there can be no reasons—why the gentleman should have made such a serious and great mistake in the presentation of the alleged facts. His statements of the appropriations by the Federal Government for the improvement of the Willamette River are erroneous in every particular. The total appropriations by the Federal Government for the improvement of the Willamette River between the city of Portland and the Columbia River, made separate from other improvements, have aggregated the sum of $160,365, but the city of Portland itself has expended in this improvement, in round numbers, about $800,000.

It is not easy to get the exact amount of appropriations for the Columbia River below the mouth of the Willamette. In most instances they have included appropriations for the improvement of the Willamette for a distance of 12 miles below the city of Portland. Up to the meeting of the present Congress the entire amounts appropriated by the General Government for the improvement of the Willamette River below Portland and the Columbia River below the mouth of the Willamette has been $3,165,680. The commerce along this portion of the river is 1,489,708 tons, and will soon be many times that amount. The number of passengers carried out of the State aggregate annually 262,000. For the same period of time the appropriations by Congress for the improvement of the Columbia River above the mouth of the Willamette, including the improvement of the Snake River, have been $4,412,546.13, while the freight upon that river as yet is exceedingly small compared with the freight on the lower river, and must always remain so.

Out of the lower river will go practically all the commerce of the upper river, the commerce carried on three transcontinental railroads, on the local railroads, and the Willamette River. In other words, Congress has appropriated for the Upper Columbia River, including the Snake River, $1,242,866 more than it has appropriated for the Lower Columbia River, with almost one hundred times the commerce. Congress has appropriated 40 per cent more for the Upper Columbia than for the lower portion, including the Willamette River, with many, many times the commerce. Yet in the face of these facts accessible to the gentleman from Washington, for ignorance of which he has no excuse, he claims that Congress has discriminated against the Upper Columbia in favor of the lower portion of the same river. It requires some hardihood in a member of the House, addressing an audience of 75,000,000 of people, to make such a statement so much at variance with the actual recorded facts.

The gentleman informed us that some two thousand years ago some man by the name of Cæsar Julius, or Julius Cæsar, divided Gaul into three parts, and he indulged in some speculation as to what Cæsar would do had he lived to the beginning of the twentieth century. In the light of the gentleman's speech I can furnish him a fairly accurate answer to that question. If Cæsar had lived to our day, had been a member of this Congress, had beheld the gentleman from Washington, and listened to his speech, he would have concluded that history had much maligned him; in fact, that "gall" had never been divided; that it was still in the original package; that its integrity had been fully preserved, and that the gentleman from Washington was in possession of, not only the real thing, but of the whole thing. [Applause.] In fact, this slander against imperial Cæsar has been so constantly refuted that I am surprised the gentleman should have repeated it. If he had consulted a more modern edition of the story books he would have found that this, as well as the claim that a "Congressman running at large" is dangerous to the peace and safety of the community, have been discarded as long ago having outlived their usefulness.

If the gentleman had devoted one-tenth of the time during the week or ten days that he has spent in the preparation of his speech in the examination of the reports of the engineering officers that he had in the preparation of his jests, he would not have been compelled to draw upon his imagination for his facts while drawing upon his memory for his wit.

But had the greater portion of the improvements been made at the mouth of the Columbia River, and from there to the mouth of the Willamette, a distance of about 80 miles, where the largest portion of the commerce is carried, would it have been unusual? I trust that the gentleman will yet learn that the proper way to begin to improve a river is at its mouth, not at its source, where it enters the ocean or another navigable river rather than where it passes through canyons between snow-capped mountains.

The improvements should first go where the greatest benefits can be derived. It would be of no value to the people along the upper portion of this river to improve it at their doors without improving it at its mouth. It would be useless to give them facilities for getting freight into the river without facilities for getting it out of the river at its junction with the ocean.

But this is not a full catalogue of the singular mistakes of that very singular but amusing speech. When the gentleman finally edits his speech for the RECORD and decides what he wishes he had said, unless he makes many material changes, he should entitle it not "The Mistakes of Moses," but "The Mistakes of CUSHMAN." [Applause.]

I quote again from the stenographic notes of the speech:

Now, the Chief of Engineers of the United States Army makes some statements regarding the expenditures at the mouth of the Columbia River. In the first place, the former appropriations for the mouth of the Columbia River have been about $2,225,000. When they started in spending money on the mouth of the Columbia River they had 31 feet of water. After they had spent three-quarters of a million of dollars, they took another sounding and they then had 28 feet of water. Then they spent three-quarters of a million more, and now they have 24 feet of water. The question now resolves itself into one of arithmetical proportion. If we have spent over $5,000,000 between the city of Portland and the sea to produce a deep channel, and we have 7 feet less water now than we had when we started, how much water shall we have when we have spent $5,000,000 more?

Still venting hostility against the Columbia River. "Still harping upon my daughter." The Columbia River seems to haunt the gentleman in his waking as well as his dreaming hours. He seems to have some peculiar animus against it. I remember a distinguished professor who, endeavoring to impress upon his pupils the evils of eating a hearty supper of mince pie, said that after indulging in a meal of that kind he had a dream, and in his dream the professor was lying flat on his back, with His Satanic Majesty astride his breast thrusting mince pie down his throat with a pitchfork. By the time the gentleman from Washington is through with this bill and retires to peaceful slumbers, in his dreams he will imagine that the waters of the Columbia River are overwhelming him; that its fierce cataracts are endeavoring to force their way through the capacious space between the gentleman's lips, and are washing the foundations from the commercial prosperity of the city of Tacoma. [Applause.]

But, again, to correct these misstatements. I have already shown that the appropriations expended both in the Willamette and the Columbia River below the mouth of the Willamette, including the mouth of the Columbia, have exceeded but little over $3,000,000 instead of $5,000,000, as stated in the gentleman's speech. It now remains to point out the wonderful inaccuracy of the wonderful results produced by the expenditure of that money. If the gentleman should turn to the report of Captain Langfitt

upon the survey of this river, he will find this statement in reference to the improvements at the mouth of the Columbia River:

Active operations began in April, 1885, to construct a jetty, the location of which is shown on plate 1. Work was continued with more or less interruption until October, 1895, when the present jetty was completed. * * * The channel depth in 1885 was 20 feet, and remained so to include 1889. In 1890 its depth was 24 feet; in 1891, 27 feet; in 1892, 23 feet; in 1893 and 1894, 29 feet; in 1895, 31 feet.

This jetty was built at an expense, I think, of about $1,300,000, and was one of the most successful in the history of engineering improvements. It is true that a portion of this jetty, something, I think, near half a mile of it, from defective construction or otherwise, has seriously settled, destroying part of its usefulness, and some 4 or 5 feet of the depth of water originally gained has since been lost. It is this fact that has made the present project necessary to make the improvement permanent and complete. But while the sinking of this jetty has been unfortunate, and while it has caused considerable shoaling of the bar, there is still an increase of depth of some 5 or 6 feet of water, instead of decrease of a depth of 7 feet, according to the statement of the gentleman from Washington.

Now, if the gentleman will turn to another portion of the Report of the Chief of Engineers for 1900, pages 3452 and 4418, volume 6, he will find that the original project for the improvement of the Columbia from the mouth of the Willamette to the mouth of the Columbia only contemplated the giving of 20 feet of water where about 15 and in some places 12 feet previously existed, and that the completion of the project "has resulted in maintaining a fairly good channel from Portland to the mouth of the Columbia River of from 20 to 23 feet deep at low water," and that now "ships drawing from 20 to 24 feet freely ascend that river to the city of Portland." I present the statement of the Report of Engineers as an offset to the statement of the gentleman from Washington, and without further comment upon that subject.

I regret to see the gentleman exhibit this hostile attitude against the improvement of the Columbia River. I regret that unfortunately he has overlooked the fact that Tacoma is not the State of Washington; that the inhabitants of that magnificent young city, one of the most prosperous on the Pacific coast, that has had a marvelous growth in the past, as it will have in the future, do not share the gentleman's hostility to other cities or to the improvement of this great river. I believe the people of that city are firmly convinced that their future growth does not depend upon tearing others down, does not depend upon the effort to thwart the progress of others, and, above all, that it does not depend upon any attempt to injure the commercial opportunities that are being afforded by this bill to a very large section of the State of Washington.

It is useless to profess friendship for the upper river while opposing improvement of the lower. He has indulged in statements about the improvements of the lower river which, if true, furnish abundant reasons why Congress should not appropriate one dollar for the removal of the obstructions at The Dalles and Celilo. He has attempted to strike a fatal blow at the improvement of every portion of that great commercial highway. I hope the gentleman's attitude of hostility to the Columbia River is not caused by any regrets at seeing a large portion of the products of his magnificent young State finding their way to the sea and their access to ocean vessels that transfer them to foreign lands without traversing the city in which he lives. The course of this commerce will not change. Nothing that he can do or that I can neglect to do will change the ordinary course of nature. If I should be allowed to address him in some of his own extravagant language, some of the hyperbole which the gentleman can so skillfully use, I should say to him, "'You may live long enough to mount the sunbeams to the ethereal heavens; you may live to slide back to earth on the Milky Way; you may live to unbuckle the bellyband of the universe,' but you will never live long enough to see the commerce, the products of the rich wheat fields along the banks of and adjacent to the Columbia River, leave their accustomed course down the banks of the Columbia River to the sea in order to climb the summits of the Cascade Mountains to find an outlet upon the waters of Puget Sound."

But I am not yet through with a catalogue of the gentleman's mistakes. I have still another chapter upon "the mistakes of CUSHMAN." He charges that Congress had victimized Washington; that his State has been discriminated against; that there has been unjust favoritism shown to the State of Oregon and against the State of Washington. Let me correct some more of the gentleman's imagination by a statement of facts. The last two river and harbor bills, the one in 1896 and the one in 1899, have carried for the State of Washington, in appropriations and authorized contracts, which will be fully carried out, the sum of $1,763,000. This money has been largely expended. The remainder of it is now being expended entirely within the State of Washington, not upon borders between that and any other State.

There was carried for Grays Harbor alone $1,000,000; for Everett Harbor alone, $392,000. During the same period of time, carried by the same bills, the appropriations and authorizations for the State of Oregon that were approved by the Department, all the appropriations that have been or are being actually expended and to be expended entirely within the State of Oregon, amounted only to the sum of $685,390, a little over one-third as much to be expended entirely within the State of Oregon as was expended entirely within the State of Washington. And yet when those two bills were framed—when the largest one the State of Washington has ever had was framed and passed—Oregon had a member of the River and Harbor Committee in the House, a member of the Committee on Commerce in the Senate, and the State of Washington had neither. When the last bill was passed, the State of Oregon had a member of the Committee on Commerce in the Senate, and Washington had a member of neither committee.

I put these facts, and they are facts that can be found of record, against the claim of the gentleman from Washington that Congress has discriminated in favor of Oregon and against Washington. During the same time the same two bills carried appropriations for the Snake River and the Columbia River above the mouth of the Willamette, which is more in Washington than in Oregon—$333,597. Of this sum $12,000 was wholly in Washington and Idaho; $57,000 between Vancouver and the mouth of the Willamette River, wholly for the State of Washington. There was expended on the Willamette River below Portland and the Columbia below the mouth of the Willamette $371,000, a total for the Columbia and Snake rivers of $704,597.

Now, if the gentleman should indulge his imagination, should charge the sums expended in those two bills upon the Columbia River and Snake River wholly to the State of Oregon, still these appropriations would only aggregate the sum of $1,389,897 during the last five years. During these five years all the sums appropriated and authorized and expended for Oregon in river and harbor improvements, including all the sums appropriated and expended for the Columbia and Snake rivers through river and harbor bills, amount to only a little more than about 60 per cent of the sums expended entirely within the State of Washington. The rivers and harbors within Washington are being well taken care of under existing contracts, while there are no contracts under way in Oregon. I place these facts—the treatment Washington has received from Oregon Senators and Oregon Congressmen—against the gentleman's statements that Congress has discriminated in favor of Oregon and against the State of Washington.

It certainly is not the gentleman's misfortune; it certainly is to the good fortune of his State, that its rivers and harbors have been so well taken care of in previous Congresses that its real wants and necessities are exceedingly few. In the same line and in connection with this I want to call attention to another of the "mistakes of CUSHMAN." In the table that he has placed before the House he has endeavored to show or claim that in the States represented by the members of the River and Harbor Committee a much larger proportion of the recommendations of the engineers had been adopted. In pursuance of this plan, he has alleged that the engineers have recommended appropriations for the State of Washington for $630,000, while they have received but $130,000. I have asked the gentleman for the items which compose this sum, but as yet have not received them. I controvert the statement as to the amount recommended by the Chief of Engineers.

I hold before me the Book of Estimates, which contains the amount which the Chief of Engineers recommends can be appropriated or, rather, that can be profitably used within the State of Washington for the coming fiscal year. The total amount is $246,000, instead of $630,000. In this sum was included $125,000 for a ship canal between the Sound and Lake Washington. There have been appropriated at different times for this project $175,000, but about $5,000 has been expended in four years, leaving on hand something like $170,000. At this rate of expenditure the committee thought further appropriations unnecessary, and made none. Outside of that appropriation, the recommendations were for $121,000.

In recommending this amount the engineers had overlooked $32,719.49 on hand for the improvements of Puget Sound and its tributary waters. This left but $88,280.59, and we have appropriated $130,000. It is possible that in making up the $630,000 the gentleman has included projects reported by the engineers, including the improvement at Tacoma. This might be a fair method if he had followed it in other States; but if he had followed the same method in the State of Oregon, and followed also his method of charging the Columbia and Snake rivers to Oregon, he would have found that the recommendations of the engineers, including the projects that they have heretofore approved and recommended, covered, instead of less than $1,012,000, something over $10,000,000. He would have found that, instead of appropriating the large per cent which I think he claimed, something like 98 per cent, we would have appropriated for Oregon less than 8 per cent. But if he includes the Tacoma project in his estimates, it is not recommended by the engineers, except conditionally.

Captain Langfitt, after stating that the project is for dredging the city waterway from Eleventh street to Fourteenth street, states as follows:

In my opinion the improvement outlined in the report—that is, dredging in the city waterway—is a worthy improvement, and is urgently needed at the present time. Whether this improvement should be made by the Government or by private interests, on account of the conditions surrounding this waterway, as explained in the report, seems uncertain to me, and I have left this question open for higher authority to decide.

It is further stated that the harbor outside of this waterway is of ample depth, needs no improvement, and the contemplated improvement is for the purpose of securing further dockage, and will be of inestimable value to private property. No recommendations were made for any appropriation in the present bill, as recommendations are rarely made in any new project until it has been approved by Congress.

I might point out further mistakes of this remarkable speech of the gentleman. It was very entertaining, it was very amusing. Like other members of the House, I was delighted to hear it. It furnished needed recreation and food for merriment. But I regret exceedingly, as I think some of his best friends from Washington regret, that he should have found it necessary in endeavoring to secure recognition for his own State to assail his neighbors or any other portion of the Union. I have no such animosity to any portion of the State that the gentleman represents. It has no river or harbor the improvement of which I should not rejoice to see. If the gentleman should succeed, by amendment in this House or in the Senate, in securing additional sums for the improvement of any additional harbors or rivers within his State, none will rejoice more than I.

That the appropriations for his State are not larger is attributable to no fault or neglect of mine. After listening to the very able remarks of his colleagues, I am inclined to think that possibly this committee may have overlooked a worthy improvement at Grays Harbor. If the House should concur in this view, there would certainly be no objection from me or any Representative from the State of Oregon. The gentleman will always find, his colleagues will always find, that in any effort to build up his magnificent State—and in present resources and prospect for future development it is one of the grandest and most magnificent States in the Union—he will find the delegation from Oregon, in House and Senate, standing by him, hand in hand, shoulder to shoulder, ready to render him every help within their power. He will find us neighbors and friends, ready to work in friendship in building up—not enemies, laboring in hostility to pull down his State, cripple its progress, or retard its prosperity. [Loud applause.]

During the delivery of the above remarks the time of Mr. TONGUE expired.

Mr. TONGUE. Mr. Chairman, I would like to have five minutes more to answer these statements.

The CHAIRMAN. Unanimous consent is asked by the gentleman from Oregon to continue his remarks for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TONGUE resumed and concluded his remarks.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MAHON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 5019. An act granting an increase of pension to Julia Crenshaw; and

S. 5346. An act making provision for the employment of clerical assistance in the district of Alaska.

The message also announced that the Senate had passed, with amendment, the bill (H. R. 11008) authorizing the Solicitor of the Treasury to quitclaim and release certain title and interest of the United States to Mrs. Lutie M. Nowlin.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

[Mr. SPARKMAN addressed the committee. See Appendix.]

The CHAIRMAN. The gentleman from Louisiana is recognized.

Mr. MEYER of Louisiana. Mr. Chairman, I regard the river and harbor bill as second in importance and value to none of the great appropriation bills of this Government. I know of no bill that for the amount appropriated brings so great a return in benefits to the people, to the farmers and the producing classes, to our commercial interests, and to the public Treasury. Commerce is the great adjunct of civilization, industry, and progress. Nature provides us with the lakes, rivers, harbors—all these arteries and facilities for commerce. They are its necessary agencies and instrumentalities. As the country is cleared and trees are felled and other work of man goes on, streams once deep are filled up, harbors are clogged or grow more shallow, and appliances of science must be invoked to restore the bounty of nature—to correct this deterioration.

This incident of growth would alone necessitate a river and harbor bill, or the action of Government in some form and mode; but there is another reason also the result of man's development in civilization. The vessels necessary for the transportation of products can carry more cheaply in proportion to their enlarged size, and the new competition of trade is leading every day to an increased tonnage, to larger ships, and a demand for a greater draft. The same law applies to ships of war. The safety and defense of nations require bigger ships, greater drafts, and the easiests possible access to the sea.

In Europe vast sums have been expended on such public works. Projects of this sort have received the most liberal bounty of great nations, far exceeding any of our expenditures, the amount of business being considered. Such improvements are the pride and glory of European civilization. Very often they have created in Europe harbors for commerce and refuge where they never existed before. Such wise expenditure no rational man would criticise. Our own great engineers have freely availed themselves of the experience and skill of the hydraulic engineers of the Old World, and as they have other new and greater problems to solve, far greater results to achieve, they need not fear a comparison with their brethren of the Old World when their work commenced to be reviewed. [Applause.]

There has been at some periods and among certain classes in this country a sentiment that would cripple all this wise and beneficent action of the National Government by turning over this whole business of improvement to municipal or State expenditure, with the knowledge that the effect would be to discourage and minimize the work to be performed. Some of these wiseacres will tell you that water transportation is no longer necessary for the interior; that the railroads can haul everything, transport all your freight, and that once relieved from the competition of the water routes they will bring down their charges to a minimum. As for the harbors on the coast, these great outlets for commerce, their programme is to leave everything to the local authorities. How much of private interest, folly, ignorance, and absence of thought has entered into such suggestions it would be hard to compute.

The people of this country have long since settled this whole question. Their own good sense and the necessities of commerce have conducted them to a right conclusion. If the improvement of a particular river be devolved upon a State, how shall we adjust the amount that this State or that should pay for improving the Mississippi, the Red River, the Columbia, the Ohio, or the Potomac? How many States are interested in the improvement of Boston Harbor, of New York Harbor, of Philadelphia's great river, the Delaware, of Baltimore, or the channels between the great waters? It is necessary, therefore, that the work of improvement shall be carried on by the Federal Government.

To secure wise, economical expenditure and a proper choice of objects for the expenditure, the whole subject is committed to the Engineer Bureau of the United States Army. They are to examine the project for improvement, determine whether it is possible, ascertain the commerce of the locality and the value of the proposed work to commerce, and report to Congress. Where will you find a body of more competent, skillful, and trustworthy employees? Their work must be approved by the Chief of Engineers, and then it comes to Congress for an appropriation. You have next the scrutiny of a committee—generally a very able one—and last you have the scrutiny of the House itself and the Senate, the test of debate and of public criticism, including the public press. This does not insure abstract perfection in every item, but where will you find a better system and better securities against mistake, error, or fraud in any of the agencies by which our great appropriation bills are prepared and matured? [Applause.]

There was a time, Mr. Chairman, when the river and harbor bill was more open to criticism than now, and less carefully prepared. I refer to the years that immediately followed the great civil war. It was then a sectional bill. The South was neglected—I believe almost ignored—in the appropriations. But this state of things did not last very long. Justice was done to our section of the country, and for years it was the only bill in which the South was fairly treated. For a number of years the South and the West have been liberally treated in this bill, and for the measure to fail would be to the people of the South a positive calamity as well as a blow to the nation's commerce and purposes.

There was a time when a portion of the press of the Eastern cities was prejudiced against the bill. Articles were written against the bill by persons who knew nothing of the commercial interests involved in this or that appropriation, and in their ignorance they assumed that these appropriations were mere sops or bounties to favored localities. They thought that foreign commerce was everything. They read of appropriations for streams with Indian or other names unknown to them, and at once they inferred that there was no merit in the appropriations for such

